



City of Berkeley

2015-2023 Housing Element

City of Berkeley

2015-2023 Housing Element

Reviewed by the City of Berkeley
Planning, Housing Advisory and Homeless Commissions

Prepared by the City of Berkeley
Departments of Planning and Development
and Health, Housing & Community Services

Eric Angstadt, Planning Director
Jane Micallef, Director of Health, Housing & Community Services Department
Carol Johnson, Planning Manager
Alex Amoroso, Principal Planner
Jordan Harrison, Associate Planner/Project Manager
Leslie Mendez, Associate Planner/Project Manager
Amy Davidson, Senior Management Analyst
Be Tran, Associate Planner
Nicole Montojo, Planning Intern
Nicholas McIlroy, Planning Intern

2015-2023 Berkeley Housing Element

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1 - Introduction

Decent and affordable housing is a basic human right. The 2015-2023 City of Berkeley Housing Element addresses this right and the statewide housing goal of “attaining decent housing and suitable living environments for every California family.” The statutory planning period for this Housing Element is January 31, 2015 to January 31, 2023.

Note to readers: The 2015 Element is an update to the Housing Element adopted by the City of Berkeley in October 2010. The 2009-2014 Housing Element was the result of an extensive two year effort and included a comprehensive revision of the previous (2001-2006) Element. Given the changes adopted in 2010, the 2015 Element represents an update with minor adjustments to address current Census and American Community Survey data, the new Regional Housing Needs Allocation (RHNA), and progress towards achieving Element goals. As such, the changes are presented as highlighted text to orient the reader to new information.

A. Purpose of the Housing Element

The Berkeley Housing Element serves as a policy guide to address the comprehensive housing needs of the City. State Housing Element law requires that local jurisdictions outline the housing needs of their community, the barriers or constraints to providing that housing, and actions proposed to address these concerns over an eight-year planning period. In addition, Housing Element law requires each city and county to accommodate its “fair share” of the region’s projected housing need over the Element planning period. Cities and counties must demonstrate that adequate sites are available to accommodate this need, and that the jurisdiction allows for development of a variety of housing types. This housing need requirement is known as the RHNA and apportions to each jurisdiction its portion of the Bay Area’s projected need.¹

The purpose of the Housing Element is to:

¹ The 8.8-year housing needs projection period (Regional Housing Needs Allocation) is from January 2, 2014 to October 31, 2022. The nine county Bay Area includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma counties. The regional council of governments (COG) for the Bay Area, which administers the RHNA process, is the Association of Bay Area Governments (ABAG).

- Determine the existing and projected housing needs of Berkeley residents;
- Identify adequate parcels via the site inventory process to facilitate the development of housing for various income levels to accommodate Berkeley's share of regional need;
- Establish goals and policies that guide decision-making to address housing needs; and
- Describe programs that will implement the City's housing objectives.

B. Regulatory Framework

California Government Code Title 7, Division 1, Article 10.6 requires that each city and county adopt a Housing Element as one of the seven required elements of the General Plan. The Housing Element is different from the other required elements of the General Plan in that it must be updated regularly and is subject to detailed statutory requirements. The City's previous Housing Element, adopted in 2010, addressed the period 2009 to 2014. Unlike other elements, the Housing Element must be submitted to the California State Department of Housing and Community Development (HCD) for review and certification. A Housing Element is certified by HCD when it is found to be in compliance with all requirements of state Housing Element law.

The main required components of a Housing Element are listed below:

1. Population and demographic trends, including employment and income information and household and housing stock characteristics, to identify community housing needs.
2. Public participation.
3. Assessment of below-market units at-risk of converting to market rate.
4. Assessment of special needs populations, defined as the homeless, elderly, disabled, mentally ill, large families, single parent families.
5. Review of the effectiveness of the previous Housing Element.
6. Analysis of constraints on housing production.
7. Inventory of available sites for housing development.
8. Analysis of capacity for housing on available sites and capacity to accommodate all income levels and a variety of housing types.
9. Programs and policies to address housing need and encourage affordable housing.
10. Quantified objectives for the number of housing units by income level to be constructed, rehabilitated and conserved.

Recent Changes in Housing Element Law

The Housing Element must also address compliance with recent changes to Housing Element law. The changes, and how this Element addresses the requirements, are summarized below:

- Sustainable Communities Strategy and Housing Element timing (Senate Bill 375, 2008) requires that each region plan for future housing needs and complementary land uses with adoption of a Sustainable Communities Strategy (SCS), which in turn must be supported by a transportation investment strategy in the regional transportation plan (RTP). SB 375 revised the element update cycle to every eight years instead of every

five years. This synchronizes the land-use and housing assumptions used in the regional housing needs assessment (RHNA) with those used in the RTP in order to coordinate transportation projects with growth strategies. In the Bay Area, the SCS and RHNA methodology are mutually reinforcing and were developed together to meet the overlapping objectives of SB 375 and Housing Element Law. The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) collaborated to develop Plan Bay Area, the SCS for the bay region.

- Persons with developmental disabilities (SB 812, 2010) requires local governments to include an analysis of the special housing needs of persons with developmental disabilities.
- Provisions for transitional housing, supportive housing, and SRO housing for the homeless (SB 2, 2007) requires local jurisdictions to strengthen provisions for addressing the housing needs of the homeless, including the identification of a zone or zones where emergency shelters are allowed as a 'by-right' permitted use without a conditional use permit; and the regulation of transitional and supportive housing types as residential uses.

Berkeley complied with this law in 2012 by adopting new definitions and designating districts where emergency shelters are permitted as-of-right, as discussed in Chapter 6, *Housing Programs and Quantified Objectives*.

- Housing for Extremely Low Income Households (AB 2634, 2006) requires quantification and analysis of existing and projected housing needs of extremely low income (ELI) households, which are defined as those with incomes lower than 30% of area median income. Elements must also identify zoning to encourage and facilitate supportive housing and single room occupancy (SRO) units.

The Element assesses the needs of Berkeley's homeless population, which are generally ELI, in Chapter 2. Consistent with AB 2634, the projected ELI housing needs based on the RHNA are identified in Chapter 3. That chapter also discusses sites suitable for supportive housing and SRO projects. Chapter 6 describes programs and services to assist the ELI population, including an inventory of emergency shelters, supportive and transitional housing, and zoning to permit emergency shelters as-of-right.

- Water and Sewer Provider Notification (SB 1087, 2005) requires local governments to provide a copy of the adopted housing element to water and sewer providers. In addition, water and sewer providers must grant priority for service allocations to proposed developments that include housing units affordable to lower-income households.

Berkeley will forward the adopted housing element to the East Bay Municipal Utility District upon adoption. Additionally, the City used the draft site inventory and estimate of new housing unit capacity (Chapter 3) in the preparation of a master plan for upgrade of

the City's sewer system.

- Timely Implementation of the Housing Element (AB 1233) applies to jurisdictions that failed to identify or implement adequate sites for their RHNA-projected housing need in their previous element by requiring rezoning to meet this need within one year of update.

The 2001 and 2009 Berkeley Housing Element identified adequate sites; therefore, this provision is not applicable.

- Adequate Sites Analysis (AB 2348, 2004) requires a more detailed inventory of sites to accommodate projected housing needs and provide greater development certainty than previously required.

Berkeley's inventory of suitable sites and realistic development capacity are discussed in Chapter 3 and Appendix A.

- Second-Units (AB 1866, 2002) requires jurisdictions to permit the creation of second-units without discretionary review.

Berkeley adopted a second unit ordinance in 2003, as described in Chapter 6.

- Housing for Persons with Disabilities (SB 520, 2001) requires the Housing Element to address constraints to housing for persons with disabilities.

Berkeley adopted a Reasonable Accommodation Ordinance in 2001, as described in Chapter 6. Berkeley programs addressing fair housing and providing home modifications for accessibility are also discussed in Chapter 6.

C. Organization of the Housing Element

The Berkeley Housing Element consists of six key components that fulfill the State requirements.

- Chapter 1: Introduction, describes Housing Element requirements and the community process to prepare this Housing Element update; an evaluation of the prior Housing Element; and consistency with the General Plan.
- Chapter 2: Community Profile and Housing Needs Assessment, provides a study of the existing housing needs within the community, including population, employment and income statistics; information on extremely low income housing needs; characteristics of the existing housing stock; and special needs populations, including the elderly, disabled, homeless, large families and female headed households.
- Chapter 3: Projected Housing Need and Land Resources, provides a discussion of the inventory of land suitable for residential development to accommodate Berkeley's identified fair share of housing need, a variety of housing types, and housing for low income households.

- Chapter 4: Potential Constraints to Housing Production, includes a discussion of constraints on the development of housing in Berkeley and programs to mitigate those constraints.
- Chapter 5: Objectives, Policies, and Actions, includes the goals and steps Berkeley will take to promote housing opportunities for all Berkeley residents.
- Chapter 6: Housing Programs and Quantified objectives, describes the programs Berkeley will use to meet existing and projected housing needs, including those addressing publicly assisted housing developments that may convert to non-assisted housing (“at-risk” units); opportunities for energy conservation; and a statement of quantified objectives that estimates the number of housing units by income level to be constructed, rehabilitated, and conserved in Berkeley by 2023.
- Appendices: Background and supporting materials for the above chapters, including a detailed opportunity sites inventory, a summary of development standards, zoning and general plan background, and a summary of the public participation process.

D. Community Participation

The inclusion of community stakeholders in the Housing Element public participation process helps to ensure that appropriate housing strategies are evaluated, developed, and implemented. The public outreach process consisted of the following:

- Community Meetings –The Planning Commission oversaw preparation of the 2015-2023 Housing Element, with input from the Homeless Commission and Housing Advisory Commission. From June 2014 to December 2014, the Commissions hosted seven publicly noticed meetings. A list of the meetings and public comments from the meetings are provided in Appendix C.
- Outreach to Berkeley Commissions – In addition to review by three Berkeley commissions, eight other Berkeley commissions were invited to participate in the update process by providing comment on the draft element. The commissions included on the Housing Element update email list are listed below:
 - Commission on Disability
 - Commission on Aging
 - Transportation Commission
 - Energy Commission
 - Mental Health Commission
 - Zoning Adjustments Board
 - Berkeley Rent Stabilization Board
 - Berkeley Housing Authority
- Outreach to stakeholder groups – Using the extensive Housing Element email list prepared for the 2009 element, the City contacted stakeholders directly to solicit input and invite participation in the Housing Element process, including local non-profit and for-profit housing developers and homeless service providers.
- Outreach to lower-income residents - Berkeley included 58 affordable housing locations on the Housing Element distribution list and sent emails inviting participation in the

Housing Element review process. Berkeley made use of the list of interest groups compiled during the previous element update.

- World Wide Web - Berkeley maintained a web page to keep the community informed about the preparation of the 2015-2023 Element. This web page provided links to the previous element, background materials related to Housing Element law, and documents from each community meeting.
- Mail and E-mail Outreach – Berkeley used an email list of 450 groups and individuals and invited them to each public meeting. The City utilized the email distribution lists of the Berkeley commissions listed above to compile a list representing a broad cross section of interested parties. The City also utilized distribution lists from past projects that addressed housing policy issues, such as the density bonus subcommittee list and the commercial corridors interest group. The City included the Berkeley Chamber of Commerce and Downtown Business Association, neighborhood groups, the Berkeley Property Owners Association, homeless services providers, disability services groups, fair housing agencies, and local non-profit and for-profit housing developers. A list of groups included in the distribution lists is provided in Appendix C.

E. Evaluation of the Previous Housing Element

Government Code Section 65588 requires that each local jurisdiction review its past accomplishments as part of their Housing Element update. Specifically, each locality must assess:

- The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal;
- The effectiveness of the housing element in attainment of the community's housing goals and objectives; and
- The progress of the city, county, or city and county in implementing the housing element.

Appropriateness

The State of California's major housing goal is outlined in California planning law:

"The availability of housing is of vital statewide importance and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order."

Berkeley's goals and programs help achieve the state's housing goal by facilitating the development of affordable housing, encouraging quality housing development, promoting repair and improvement of the existing housing stock, and providing housing and services to the homeless and formerly homeless population. Through our goals and programs, Berkeley provides housing opportunities for a range of income levels. Berkeley also provides support to low income residents to help them stay housed and improve the condition of their housing. Berkeley housing goals and programs are consistent with and work to attain the state's housing

goal by focusing on housing unit production, particularly housing affordable to the lowest income households, and on repair of the existing housing stock.

Revisions to the 2009 Housing Element Objectives, Policies and Actions

Throughout the preparation of both the 2009 and 2015-2023 Berkeley Housing Elements, the City evaluated the past performance of goals and programs and assessed their continued applicability. With the 2009 Housing Element update, Berkeley retained the objectives and most policies from the 2001 Housing Element. The 2001 policies were revised to simplify, clarify and update language to reflect current terminology and City activities. The nine objectives of the 2001 Element were reorganized and renamed and three new objectives were added: *Energy Efficiency*, *Adequate Sites*, and *Governmental Constraints*.

Reorganizing, updating and consolidating the actions reduced the number of policies and actions from the 2001 Element. For example, the 2001 Housing Element included separate, parallel recommendations under Special Needs Housing on people with disabilities, people living with HIV/AIDS, and people with alcohol and other drug dependence. Staff combined these to a single consistent policy regarding all people with disabilities.

Because of the extensive review in 2009, the City did not make substantial changes to the 2015-2023 Housing Element objectives, policies and actions.

Effectiveness

The effectiveness of Berkeley's Housing Element can be measured by the level of achievement in the development of new housing and the success of Berkeley's programs for rehabilitation and conservation of existing housing units. The summary that follows of the units constructed, rehabilitated or preserved/conserved since preparation of the previous Housing Element in 2010 demonstrates the effectiveness of Berkeley's programs.

New Unit Construction

One way the effectiveness of the Housing Element can be gauged is by evaluating the effectiveness of the Housing Element goals and programs in encouraging the development of housing for all income groups in the City. As is shown in the following table, Berkeley constructed 51% of the City's "fair share" of housing allocated by ABAG for the 2007-2014 Regional Housing Needs Allocation. The table below summarizes units produced in Berkeley from 2007 to 2014 by income level. The development success occurred in spite of the recent recession and housing market crash. The 2009 California Appellate Court ruling *Palmer/Sixth Street Properties LP v. City of Los Angeles* overturned previous understandings of the validity of inclusionary housing ordinances as applied to market rate rental units, which combined with the housing crash, accounts for the drop in affordable units in 2010. The City responded quickly by adopting an Affordable Housing Mitigation Fee program enabling Berkeley to continue to address the housing needs of all income levels.

Table 1-1: City of Berkeley Housing Unit Production for 2007-2014 Regional Housing Needs Determination

Building Permits by calendar year	Total Units	Very Low Income	Low Income	Moderate Income	Above Moderate Income
2007	258	5	35	5	213
2008	280	23	15	6	236
2009	304	23	23	0	258
2010	5	0	0	0	5
2011	24	10	1	0	13
2012	136	11	10	1	114
2013	39	0	3	7	29
2014	144	4	0	3	137
GRAND TOTAL 2007-2014	1,190	76	87	22	1,005
07-14 Regional Fair Share Goal	2,431	328	424	549	1,130
<i>Percent of Goal Achieved</i>	<i>51%</i>	<i>23%</i>	<i>21%</i>	<i>4%</i>	<i>89%</i>

Source: City of Berkeley Planning Department

Rehabilitation

Berkeley has a number of programs that result in repair or rehabilitation of the existing housing stock (discussed in detail in Chapter 6). These programs result in both minor repairs and more substantial rehabilitation of existing units. The table below summarizes the number of units the City estimates were repaired or rehabilitated based on each program during the prior Housing Element planning period. For some programs, the City does not have available data about the number of units repaired; however they are included in order to illustrate the scope of programs offering assistance with home repairs. The figures are based on the accomplishments reported for each program in Chapter 6.

Table 1-2: Units Repaired or Rehabilitated, 2007 - 2014

Program Name	Number of units Repair or Rehabilitated
Condominium Conversion Ordinance	155 units
CESC Home Repairs*	147 major home repairs
Rebuilding Together*	162 units
Housing Code Enforcement	(unknown)
HTF*	232units
Problem Properties Task Force	(unknown)
Seismic Preparedness Programs	(unknown)
Senior and Disabled Home Loans*	35 units
Total	731 units

* Indicates the program is reserved for moderate or lower income households.

Conservation/Preservation

Berkeley has a number of below-market rate units subject to affordability restrictions. Between 2009 and 2014, 271 units in three properties that were eligible to convert to market rate have

been preserved by extending the income restrictions through a Housing Trust Fund (HTF) regulatory agreement. Berkeley's preservation achievements since 2009, as well as the City's resources for preservation, are discussed in detail in Chapter 6 under "Preserving Restricted Units at Risk of Conversion to Market Rate." The section also discusses why units considered at-risk of conversion in the 2001 Housing Element are not considered at risk for this Element's planning period based on income restrictions that extend past 2024.

Progress

Berkeley's numerous housing programs are described in Chapter 6. Each program description includes an "accomplishments" section which outlines recent progress in program implementation.

Berkeley's programs have proven successful in achieving Berkeley's housing goals and, therefore, have been retained and improved over the years. The 2009 Housing Element update extensively reorganized the *programs* chapter. The reorganized *programs* chapter was updated to reflect program accomplishments and progress since adoption of the 2009 Housing Element.

F. Consistency with the General Plan and Other Planning Documents

State law requires the elements of the General Plan to be consistent. The 2015-2023 Berkeley Housing Element is consistent with all of the other elements of the 2002 General Plan in that it does not require any changes to the other Plan elements, modify or relocate density, or recommend policies or action programs that would create housing at the expense of other goals and policies within the General Plan. The Housing Element goals should be interpreted and implemented consistent with those in other sections of the General Plan. As the General Plan may be amended over time, objectives, policies, and actions in other General Plan elements will be comprehensively reviewed for internal consistency. Various policies in Chapter 5, *Objectives, Policies and Actions*, are cross-referenced with supporting policies in the other elements of the General Plan.

While preparing the Housing Element update staff consulted the City's most recent Consolidated Plan, the EveryOne Home Plan, and the Climate Action Plan. The Housing Element is consistent with the policies and goals of each of these documents.

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2 - Community Profile and Housing Needs Assessment

Purpose

The purpose of this chapter is to identify characteristics of Berkeley's population and housing stock in order to understand the City's housing needs. These include the unmet need of existing residents and future needs resulting from anticipated demographic changes.

This chapter is organized as follows:

- A. Population and Household Characteristics
- B. Housing Stock Characteristics
- C. Income, Employment, and Housing Costs

Summary of Key Findings

- Berkeley's population grew by 9% from 2000 to 2010, to 112,580 people. ABAG projects that the City will grow 24% by 2040, to 140,100.
- Berkeley's age trends continue: the percentage of the population aged 55+ rose from 19% to 23% over the past decade; the percentage aged 18-24 rose from 22% to 27%.
- The largest change to Berkeley's ethnic diversity is that the Black/African-American population decreased by roughly 13% to 10% of the overall population between 2000 and 2010. This is a continuation of a trend reflected in the last decennial census and the region as a whole.
- Overcrowding of housing units is not particularly prevalent in Berkeley according to the American Community Survey, despite the increase in housing costs.
- After a slight dip during the recession, housing costs have been rising since 2011.
- Median rents for studios and one-bedroom units in new developments are roughly 25% higher than in 2010; for two-bedroom units, rents are 37% higher.

Sources

The City used a variety of sources to collect the information that follows, including the U.S. Census Bureau's Decennial Census (referred to as "Census"), the U.S. Census Bureau's American Community Survey (ACS), the California Department of Finance (DOF) population estimates, the State of the Cities Data Systems (SOCDS) Comprehensive Housing Affordability

Strategy (CHAS) reports (which are based on the Decennial Census and the ACS), and data from the California Employment Development Department (EDD).

Some of these sources provide data on the same topic, but because of different methodologies, the resulting data differ. For example, the decennial census and ACS report slightly different estimates for the total population, number of households, number of housing units, and household size. This is in part because ACS provides estimates based on a small survey of the population taken over the course of the whole year.¹ Because of the survey size and seasonal population shifts, some information provided by the ACS is less reliable. Moreover, the 2000 Census was collected in an aberrant year, the very peak of the real estate cycle. For this reason, we urge readers to keep in mind the potential for data errors when drawing conclusions based on the ACS data used in this chapter. The information is included because it provides an indication of possible trends in Berkeley. The analysis in this chapter limits the use of ACS data to subjects that do not have another source, and makes comparisons between ACS data and the decennial census data only when appropriate according to U.S. Census Bureau publications.

A. Population and Household Characteristics

1. Population and Demographic Changes

The City of Berkeley's population grew rapidly up until the middle of the last century and then leveled off for a few decades. Starting in the 1970s the population declined at a rate of just over one percent per year. From 1980-2000 the population was fairly steady at just over 100,000 people. In the ten years following the 2000 Census, the population rose by almost nine percent to 112,580 according to the 2010 Decennial Census.

¹ The American Community Survey is sent to approximately 250,000 addresses in the United States monthly (or 3 million per year). It regularly gathers information previously contained only in the long form of the decennial census. This information is then averaged to create an estimate reflecting a 1, 3, or 5-year reporting period (referred to as a "5-year estimate"). The longer the reporting period, the smaller the margin of error.

Table 2-1: Berkeley Historical Population Growth, 1890-2010			
Year	Total Population	Population Change	Percent Change
1890	5,101	-	-
1900	13,214	8,113	159.0%
1910	40,434	27,220	206.0%
1920	56,036	15,602	38.6%
1930	82,109	26,073	46.5%
1940	85,547	3,438	4.2%
1950	113,805	28,258	33.0%
1960	111,268	-2,537	-2.2%
1970	116,716	5,448	4.9%
1980	103,328	-13,388	-11.5%
1990	102,724	-604	-0.6%
2000	102,743	19	0.0%
2010	112,580	9,837	8.74%

Sources: U.S. Decennial Census

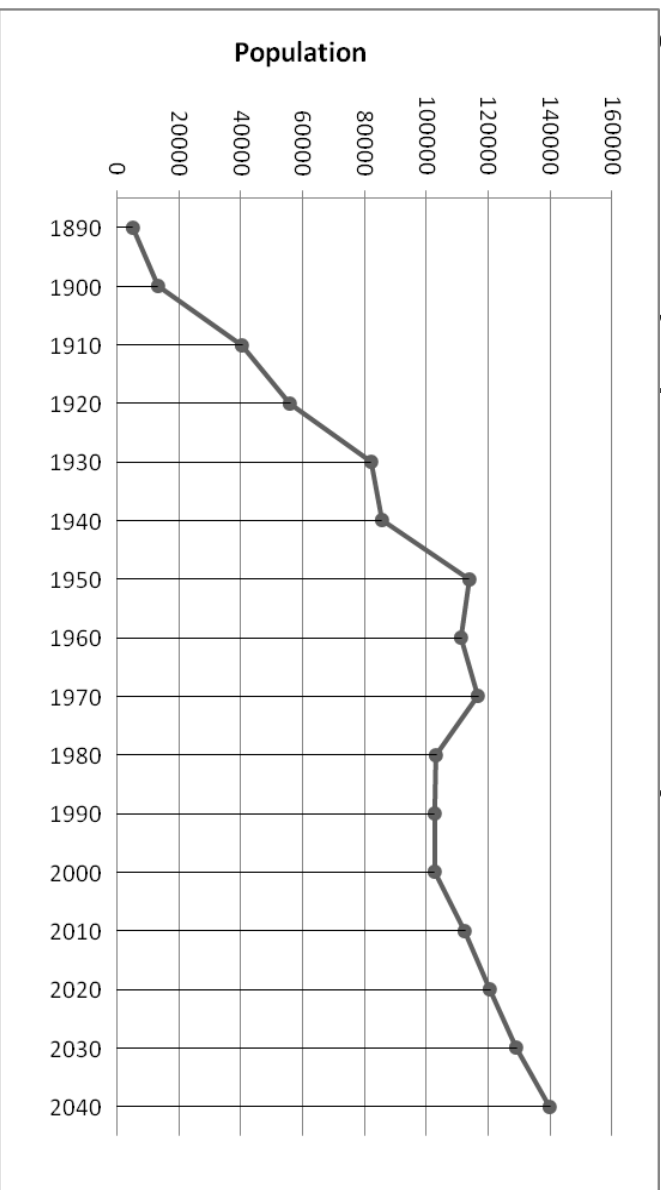
As shown in the following table, compared to other cities, the County, and the State, Berkeley's population growth was at a similar rate as the state between 2000 and 2010, about twice the rate of growth in Alameda County, and was faster than most nearby cities, including San Francisco.

Table 2-2: Population Changes in Berkeley and Neighboring Cities, 1990-2010							
Jurisdiction	1990	2000	Change (1990-2000)		2010	Change (2000-2010)	
			Number	Percent		Number	Percent
California	29,760,021	33,871,648	4,111,627	13.8%	37,253,956	3,382,308	9.08%
Alameda County	1,279,182	1,443,741	164,559	12.9%	1,510,271	66,530	4.41%
Berkeley	102,724	102,743	19	0.0%	112,580	9,837	8.74%
Oakland	372,242	399,484	27,242	7.3%	390,724	-8,760	-2.24%
Fremont	173,339	203,413	30,074	17.3%	214,089	10,676	4.99%
San Francisco	723,959	776,733	52,774	7.3%	805,235	28,502	3.54%
San Leandro	68,223	79,452	11,229	16.5%	84,950	5,498	6.47%
Hayward	111,498	140,030	28,532	25.6%	144,186	4,156	2.88%
Concord	111,348	121,780	10,432	9.4%	122,067	287	0.24%

Sources: U.S. Decennial Census SF1:P1

According to the Association of Bay Area Government (ABAG) 2013 projections, Berkeley's population is projected to grow 24.4% between 2010 and 2040, to about 140,100 people.

Figure 2-1: Berkeley Population Growth and Projections, 1890-2040



Sources: *US Decennial Census, ABAG 2013 Projections*

Age Distribution

People aged 18 to 24 comprise the largest age cohort in Berkeley, largely due to the presence of University of California at Berkeley. From 2000 to 2010, the number of people in this cohort increased by almost 8,000. As of 2010, over one-quarter of the City's population is aged between 18 and 24. The "Baby Boomer" age group, those older than 55, also increased significantly during this period, while those aged in the middle, 25 to 54, decreased slightly.

Table 2-3: Age Distribution in Berkeley, 2000 and 2010					
Age Interval (years)	2000	% of Total Pop.	2010	% of Total Pop.	% Change
Under 18 years	14,513	14.10%	13,872	12.32%	-4.42%
18 to 24 years	22,159	21.60%	30,295	26.91%	36.72%
25 to 34 years	18,360	17.90%	17,697	15.72%	-3.61%
35 to 44 years	14,310	13.90%	12,534	11.13%	-12.41%
45 to 54 years	14,325	13.90%	12,253	10.88%	-14.46%
55 to 64 years	8,592	8.40%	12,753	11.33%	48.43%
65 to 74 years	4,993	4.90%	7,477	6.64%	49.75%
75+ years	5,491	5.30%	5,699	5.06%	3.79%
Total	102,743	100.00%	112,580	100%	0%

Source: *U.S. Decennial Census, SF1: Table PCT12*

Racial/Ethnic Composition

Between 1990 and 2010 the number of African American residents declined by close to 42%, going from almost 20% of the total population in 1990 to just under 10% in 2010 according to the

decennial census. The Hispanic population increased by 42% during this same period, and now comprises almost 11% of the total population. The Asian population also increased, from 14 to 19% of the total population. The White population increased in number, but remained at just under 60% of the total population.

Table 2-4: Race/Ethnicity Composition of Berkeley, 1990-2010							
Race	1990		2000		2010		Percent Change, 1990-2010
	#	%	#	%	#	%	
White	59,865	58.3%	56,691	55.2%	61,539	54.7%	2.8%
Black or African-American	18,700	18.2%	13,707	13.3%	10,896	9.7%	-41.7%
Asian, Native Hawaiian/Pacific Islander	14,755	14.4%	16,861	16.4%	21,669	19.2%	46.9%
Other Races, Including American Indian	815	0.8%	891	0.9%	731	0.6%	-10.3%
Two or more races	n/a	n/a	4,592	4.5%	5,536	4.9%	n/a
Hispanic Latino	8,589	8.4%	10,001	9.7%	12,209	10.8%	42.1%
Total	102,724		102,743		112,580		9.6%

Source: U.S. Decennial Census, SF1: Tables P3, P6

2. Household Size and Composition

Households are defined as occupied housing units. Household growth is therefore a reasonable estimate of housing unit production. Populations can grow and shrink at different rates than households. Household size refers to the number of people per household. Changes to household size reflect a variety of factors, including age of the population, unit sizes, cultural background, and housing costs.

Household Size

Between 1970 and 2000 the number of households remained fairly level but the population declined. Therefore, average household size decreased during this period. Between 2000 and 2010, the total population and the number of households increased, but the average household size remained fairly level at 2.17 persons per household.

The rate of owner-occupancy rose steadily between 1970 and 2000. In 2010, 41% of housing units were owner-occupied, down very slightly from 43% in 2000. Family households are also about 41% of all households in Berkeley according to the Decennial Census.

Table 2-5: Berkeley Household Trends, 1970 to 2010					
	1970	1980	1990	2000	2010
Occupied Housing Units or Households	44,494	44,704	43,453	44,955	46,029
Number of Homeowner Households	15,979	16,883	18,998	19,207	18,846
Number of Tenant Households	28,515	27,821	24,455	25,748	27,183
Average Household Size (Persons per Household)	2.32	2.11	2.10	2.16	2.17
Percent of Units Owner-Occupied	36%	38%	44%	43%	41%

Source: U.S. Decennial Census, SF1: Tables H32, H017A, H18, P27, QT-H3

Households are larger in owner-occupied units, family households, and single-family units, which reflects that family households are usually in owner-occupied, single-family units.

Table 2-6: Berkeley Household Characteristics, 2012	
Household (HH) Type	Percent of All Households
Single person	36.1%
Family, no kids	25.4%
Family with kids	17.9%
Multi-person, nonfamily	20.6%
Total households	44,877
Average Family Size	2.89 persons per HH
Owners Average HH Size	2.49 persons per HH
Renters Average HH Size	2.09 persons per HH

Sources: U.S. Census Bureau, ACS 2008-2012 5-Year Estimates., Tables DP02, DP04, B08201

Based on the 2008 to 2012 American Community Survey (ACS) five year estimate, 86.4% of the households in Berkeley are comprised of three or fewer people, and 13.6% have four or more people. By comparison, in Alameda County, 25.5% of households have four or more people.

Overcrowding

Overcrowding occurs when a household's living area is too small to meet the needs of the household. The U.S. Department of Housing and Urban Development (HUD) defines "overcrowded" units as having more than one person per room (excluding bathrooms and kitchens) and "severely overcrowded" units as having more than two persons per room. Based on this definition, a two-bedroom unit with a living room housing a family of four would be classified as "overcrowded" (1.33 person per room).

The ACS estimates the number of overcrowded households. Based on the 2008-2012 survey, Berkeley did not see a high incidence of overcrowding in 2012. Of the 44,877 occupied housing units estimated in the ACS, 2.6% (1,176 units) met the census definition of overcrowded. Of those, 1.2% were severely overcrowded. Furthermore, Berkeley's overcrowding rates are much lower than those of Alameda County. Alameda County's overcrowded units accounted for 5.6% of all occupied units (3.8% overcrowded, 1.7% severely overcrowded). However, pressure on

the housing stock manifests itself in other ways, such as the use of garage conversions as informal housing.

Table 2-7: Overcrowding in Berkeley and Alameda County, 2012				
Persons per Room	Berkeley		Alameda County	
	HHs	%	HHs	%
Not Overcrowded (1 person per room or less)	43,701	97.4%	509,143	94.4%
Overcrowded (1 to 1.5 persons per room)	651	1.5%	20,635	3.8%
Severely Overcrowded (Over 1.5 persons per room)	525	1.2%	9,401	1.7%
Total	44,877		539,179	
Total Percent Overcrowded	2.6%		5.6%	

Source: U.S. Census Bureau ACS 2008-2012 5-year estimates, Table B25014

Overcrowding in Berkeley is higher among renter households (3.7%) compared to owner-occupied households (1.2%). These are much lower than rates in Alameda County (8.5% and 3.0%, respectively). Based on comparisons to Alameda County, Berkeley does not consider overcrowding to be of significant concern.

Table 2-8: Overcrowding by Tenure, Berkeley and Alameda County, 2012								
	Owner				Renter			
	Berkeley		Alameda County		Berkeley		Alameda County	
	HHs	%	HHs	%	HHs	%	HHs	%
Not Overcrowded (1 person per room or less)	18,953	98.8%	281,000	97.0%	24,748	96.3%	228,143	91.5%
Overcrowded (1 to 1.5 persons per room)	127	0.7%	6,682	2.3%	524	2.0%	13,953	5.6%
Severely Overcrowded (Over 1.5 persons per room)	101	0.5%	2,076	0.7%	424	1.6%	7,325	2.9%
Total	19,181	100%	289,758	100%	25,696	100%	249,421	100%
Percent Overcrowded by Tenure	1.2%		3.0%		3.7%		8.5%	

Source: U.S. Census Bureau, ACS 2008-2012 5- year estimate, Table B25014

Group Quarters

Group quarters are a distinct type of housing unit. In Berkeley, most group quarters are associated with the University in the form of dormitories and other student housing. Other types of group quarters include emergency and transitional housing, skilled nursing facilities, group homes for juveniles or adults, residential treatment centers, correctional institutions, and in-

patient hospice programs. According to the decennial census, the percentage of the total Berkeley population living in group quarters grew between 2000 and 2010 from 5.7 to 11.4 percent. This growth may be a result of undercounting the group quarters population in 2000 and the addition of new residential dorms built by the University.

Vacancy Rates

Vacancy rates in Berkeley were relatively level at around four percent from 1970-2000 and increased to seven percent in 2010 according to the decennial census. Many California cities report an increased vacancy rate from 2000 to 2010. For example, Oakland's rate doubled from 4.3 to 9.4 percent and San Francisco's rate increased from 4.9 to 8.3 percent. There are several possible explanations, such as the timing of the Census count coinciding with new housing units becoming available and with the regional decline in housing demand due to the economic downturn. However, it seems unlikely that this could explain the magnitude of the change, and it is therefore possible that reporting errors may also be a contributing factor.

A vacancy rate of 3.1% is shown for all properties in Berkeley that are included in the realAnswers inventory, a private data vendor, which surveys 1,054 rental units in nine properties. All Berkeley properties in the realAnswers inventory consist of 50 units or more and were constructed between 2001 and 2012. Based on the low vacancy rate in new multifamily developments, which have higher rents than older construction, it is reasonable to conclude the vacancy rate among older units is also lower than that reported by the 2010 Census.

Conventional wisdom is that a "normal" vacancy rate is about two percent for owner-occupied housing, six to seven percent for rental housing, and about five percent overall.² Many ordinances use a five percent long-term vacancy rate as the measure of a healthy rental market.

Table 2-9: Occupied Housing Units and Vacancy Rates, 1970 to 2010					
	1970	1980	1990	2000	2010
Number of Housing Units	46,160	46,334	45,735	46,875	49,454
Occupied Housing Units or Households	44,494	44,704	43,453	44,955	46,029
Vacant Housing Units	1,666	1,630	2,282	1,920	3,425
Vacancy Rate	3.6%	3.5%	5.0%	4.1%	6.9%

Source: U.S. Decennial Census Table QT:H1

3. Special Needs Populations

Populations with special housing needs are defined by the State as the homeless, people with disabilities, the elderly, large families, and single-parent families. State Housing Element law

² Although it is difficult to pinpoint one original source of this conventional wisdom, an internet search of "normal vacancy rate" finds numerous references in real estate reports, housing studies, academic research, and other documents to a "normal" vacancy rate for a housing market in balance as being about five percent overall, two percent for ownership housing, and six or seven percent for rental housing.

requires an assessment of these populations and programs that help address their housing needs. Programs are discussed in Chapter 6.

Homeless

The most comprehensive data currently available on Berkeley's homeless population comes from a 2009 Alameda Countywide Homeless Count.³ The 2013 count did not provide Berkeley-specific data. Overall, the total number of people homeless in Berkeley in a given week has remained fairly steady since 2003. A total of 835 people were counted in 2003, compared to 824 in 2009, and an estimated 688 in 2013. The 2009 count combines statistical analysis of people staying in emergency shelter and transitional housing with surveys of people using various daytime service sites include drop-in centers, meal programs, and food pantries.

The 2009 count found a total of 824 people homeless in Berkeley. This included 680 people who were homeless at that time, and another 144 in certain temporary situations. Specifically, the 2009 count found:

- 680 literally homeless people, meaning people without permanent housing: residing on the streets, places not meant for human habitation, in shelters or in transitional housing programs. This included 526 adults without dependents, and 125 people in families.
- 276 chronically homeless adults in Berkeley, a subset of the literally homeless—adults unaccompanied by children, who have at least one disability and have been homeless for over a year or four or more times in the last year.
- 144 hidden homeless people, meaning people in precarious housing situations: living temporarily with a friend or relative, in a motel, or facing eviction within seven days.

The 2009 count also found that Berkeley's homeless population was more likely to be disabled than homeless people in other parts of the county, which is not surprising since people in Berkeley are more likely to be chronically homeless, and the HUD definition of chronic homelessness includes at least one disability. The following statistics are based on the respondent's self-report, not an assessment⁴:

- 41% of Berkeley's literally homeless were severely mentally ill, compared to 30% countywide.
- 40% of Berkeley's literally homeless were chronic substance abusers, similar to 36% countywide.

³ As a condition of the more than \$22 million in homeless housing and services funding that Alameda County programs receive annually, the U.S. Department of Housing and Urban Development (HUD) requires a countywide homeless count every other year, but does not require city-level data. Although that data is very useful for planning, obtaining it is very resource-intensive and therefore not done at every count.

⁴ 2009 Alameda Countywide Homeless Count and Survey, Table A6-4: Alcohol dependence, drug abuse and dependence, and mental illness by region.

- Half of Berkeley's chronically homeless population had both a mental illness and alcohol or other drug dependence.
- 20% of Berkeley's homeless population is veterans, similar to 17% countywide. Although 23% of veterans did not serve in a war zone, the most commonly reported war zones were Vietnam (46% of veterans), Korea (8%), Europe (7%), and the Persian Gulf (6%). Less than one percent reported Iraq or Afghanistan.

Analysis of changes from the 2003 to 2009 homeless counts found:

- The number of chronically homeless people (a subset of the literally homeless) decreased significantly from 529 in 2003 to 276 in 2009.⁵
- Berkeley's share of the countywide chronically homeless population decreased from 41% in 2003 to 27% in 2009.
- People who are residing on the streets, places not meant for human habitation, in shelters or in transitional housing programs (the "literally homeless") decreased by 17% since 2003, from 821 to 680. The decrease was mainly among adults with no dependents, by 28% from 727 to 526, while individuals in families increased from 94 to 125, or one-third.
- Since 2003, the number of Berkeley's hidden homeless (living temporarily with a friend or relative, in a motel, or facing eviction within seven days) increased from 14 to 144 people (equal to 10 times).
- In Berkeley, the hidden homeless constitute a much smaller proportion of all homeless (17%) than countywide (41%).

The following graphs illustrate changes in Berkeley between 2003 and 2009 counts.

⁵ HUD defines people as being chronically homeless if they have been homeless a long time or frequently, are single, and have at least one disability.

Figure 2-2: Berkeley's Homeless Population

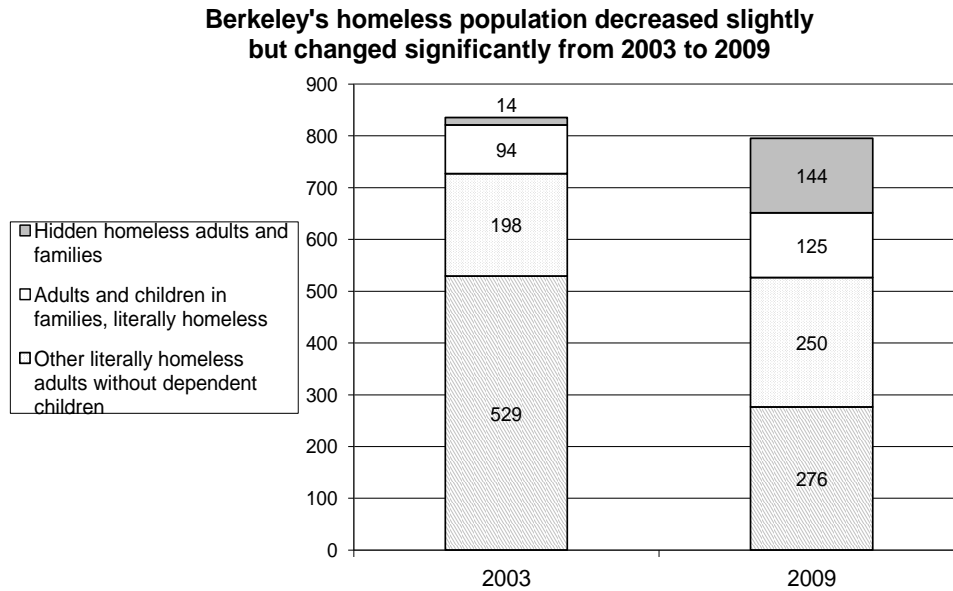
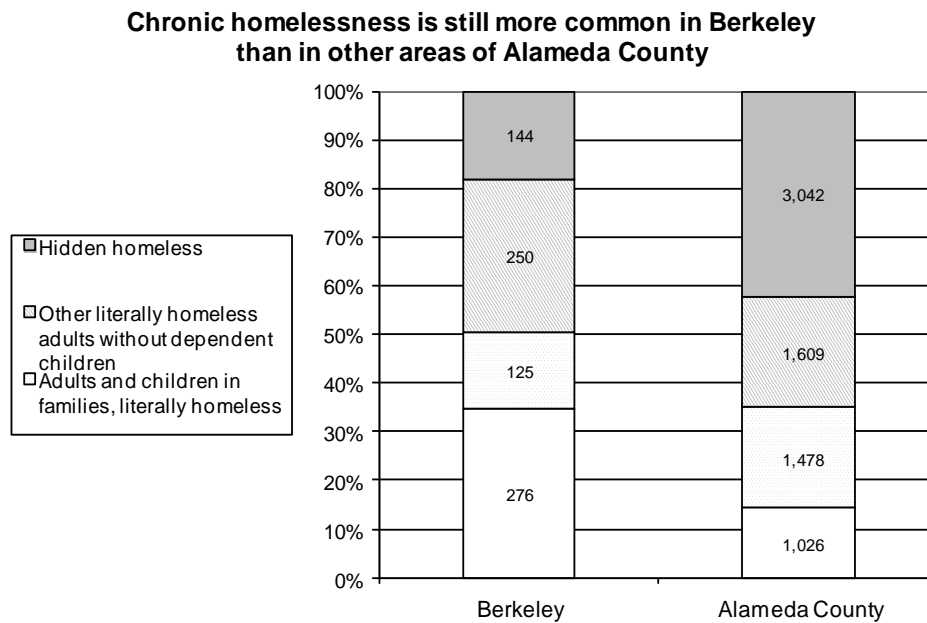


Figure 2-3: Berkeley's Chronic Homelessness



Source: City of Berkeley Housing Department

People with Disabilities

People with disabilities often have special housing requirements due to the need for accessibility, frequently fixed low incomes, and higher health care costs associated with a

disability. According to the 2008-2012 ACS population estimate, 8% of the total Berkeley population had one or more disabilities, compared to 9.2% in Alameda County.⁶

Table 2-10: Berkeley Residents Reporting a Disability by Age Group, 2012				
Age Range	Under 18	18 to 64	65+	Total
Number with disability in age range	316	4,787	3,933	9,036
Total population in age range	14,580	84,402	13,353	112,335
Percent of population with disability	2.2%	5.7%	29.5%	8.0%

Source: American Community Survey 2008-2012 5-Year Estimates Table DP02

Of individuals over 18 with a disability, approximately 2,000 had incomes at or below 50% of the area median income, roughly 2% of Berkeley residents. Many within this population must rely on Supplemental Security Income (SSI) as a sole source of income and thus face difficulties affording housing. In 2013, the monthly California SSI payment for a single person with a disability was \$866.40 while the median rent for a rent-stabilized studio in Berkeley was \$1,000, which means a person who depended on SSI as a sole source of income would not be able to afford to rent a studio apartment in Berkeley. Housing that would be considered affordable to someone on SSI, under the U.S. Department of Housing and Urban Development's standard of 30% of gross income, would cost \$260 per month.

Table 2-11: Types of Disabilities Reported by Berkeley Residents						
Disability Type	Hearing Difficulty	Vision Difficulty	Cognitive Difficulty	Ambulatory Difficulty	Self-Care Difficulty (age 18+)	Independent Living Difficulty (age 18+)
Number of persons	2301	1691	3681	4558	2138	3810
Percent of Total Population	2%	2%	3%	4%	2%	3%

Source: U.S. Census Bureau, ACS 2008-2012 5-Year Estimates, Table S1810

Note: Total tallied disabilities in this chart exceed the total disabled population due to instances in which one person reported more than one disability.

Ambulatory and Self-Care Difficulties

Individuals with disabilities in Berkeley have varied housing needs based on their type of disability. The 2008-2012 American Community Survey estimates that 3,173 non-senior individuals have ambulatory and/or self-care difficulties, which are defined by the Census Bureau as having serious difficulty walking or climbing stairs and having difficulty bathing or

⁶ The percentage of Berkeley residents reporting a disability in the 2008-2012 American Community Survey is significantly lower than that of the 2000 Census, which was reported in the City of Berkeley's 2009-2014 Housing Element. There is evidence of error in the way people responded to the 2000 Census questions about disability, resulting in an overestimate of the population with disabilities. In addition, data from the 2008-2012 ACS include margins of error. Thus, the figures reported here should not be compared to those included in the previous Housing Element.

dressings, respectively. Members of this population frequently require accessibility features within their homes. Since 90% of Berkeley's housing stock was built before 1970, assistance with adaptation of older units is often needed. People with disabilities also need a range of unit sizes. For example, a single adult may need a two-bedroom unit to accommodate a live-in attendant. Other people with disabilities have families or may choose to live with roommates, thus needing larger units.

Cognitive Difficulties

The 2008-2012 American Community Survey reports that 3,681 Berkeley residents have cognitive difficulties, which are defined by the Census Bureau as difficulties remembering, concentrating, or making decisions due to a physical, mental, or emotional problem. Although a cognitive difficulty alone may not result in housing needs related to the physical housing unit, people with cognitive difficulties may need access to mental health and other social services in order to remain in their homes, as well as having the affordable housing needs described above.

Developmental Disabilities

The Developmental Disabilities Board Area 5, the Bay Area's office of the State Council on Developmental Disabilities, recently estimated a need for housing opportunities for 688 people with developmental disabilities, which translates to 232 housing units, in Berkeley from 2015 to 2023.⁷ Although at one time people with developmental disabilities were housed in large institutions, housing types identified by the Developmental Disabilities Board Area 5 range from affordable rental housing in all types of developments and single family housing to tax credit financed special needs housing and housing specially modified for the Medically Fragile (SB 962 Homes). This reflects both current best practices defined by social services, state policy such as the Lanterman Developmental Disabilities Act (AB 846), as well as legal rulings including the federal Olmstead Decision (1999), mandating the "maximum possible integration into the general community." Regardless of the type, affordability is a key issue since an estimated 80% of people with developmental disabilities are unable to earn a substantial income and rely on disability income (SSI), which is not sufficient to afford market rate housing in Berkeley, as outlined in this chapter.

Seniors

The 2008-2012 American Community Survey reports that 12% of Berkeley's population is over 65, and that 21% of all Berkeley households are led by a senior householder. This is equivalent to 9,427 senior-headed households, 73% of which are owner-occupied.

⁷ This estimated housing need factor was developed and provided by the Developmental Disabilities Area Board 5 applying national prevalence statistics from the U.S. Administration on Developmental Disabilities to current U.S. Census population estimates, and assuming that 20 to 50% of the population, depending on age cohort, needs housing. These need assumptions were developed based on the people with developmental disabilities currently receiving services locally.

Some of the main housing issues facing seniors are housing cost and mobility. Of the senior-headed households, 18% had income levels below the federal poverty guidelines. Seniors often have fixed incomes so they have difficulty with increased rental and utility costs or housing maintenance costs. In 2012, an estimated 34.6% of all senior-headed households in Berkeley were extremely low-income (ELI) or very low-income (VLI) households, earning less than 50% of area median income.

Table 2-12: Elderly Households in Berkeley by Income Level, 2012		
Income Level	Number of Elderly HHs	Percentage of all Elderly HHs
Extremely Low Income (0-30% AMI)	2,164	23.0%
Very Low Income (31-50% AMI)	1,095	11.6%
Low Income (51-80% AMI)	1,232	13.1%
Moderate Income (81-120% AMI)	1,493	15.8%
Above Moderate Income (121%+)	3,443	36.5%
Total Elderly Households	9,427	100%

Source: American Community Survey 2008-2012 5-Year Estimates Table S0103

According to the 2008-2012 ACS estimate, in 2012 approximately 73.5% of senior households owned homes, and approximately 26.5% were renters. In terms of housing cost burden, the 2008-2012 American Community Survey estimates that 27.5% of senior homeowner households and 54.7% of senior renter households were overpaying for housing, which is defined as paying more than 30% of their income on housing costs.

The prevalence of disabilities in the population increases as the population ages, with 29.5% of the senior population reporting one or more disability in 2012. Ambulatory and independent living difficulties are most common within the senior population. Between 2008 and 2012, 33.6% of all elderly households had ambulatory and independent living limitations.

As seniors make up a larger segment of Berkeley's population, seniors' housing needs will represent an increasing proportion of all local housing needs. The housing needs and preferences of Berkeley's seniors are as diverse as the population. Both nationally and locally, there is increasing emphasis placed on the preference of many seniors to "age in place": to stay in their existing home and community as they age rather than relocating to housing or a healthcare facility exclusively for seniors. Aging in place may require supportive services, assistance with rehabilitation or accessibility modifications, or financial assistance. Other senior housing needs include affordable housing opportunities, assisted care, and workforce housing for people employed in senior services.

Transition Age Youth

In recent years there has been increasing documentation and public awareness at the local and state level of the great un-met housing and services needs of youth aged 16 to 24, particularly those who have become homeless under the age of 18, who have been in foster care, and/or who have a disability. This population is referred to as "transition age youth." Support during these critical ages can help youth transition successfully to adulthood, affecting their lives for

decades to come. Youth without adequate support, particularly those who have been in foster care and those with a disability, are at increased risk of becoming homeless. Once homeless, youth face multiple barriers to accessing needed supports and transitioning to healthy adulthood.

There is mounting evidence that participation in foster care as a youth is linked to adult homelessness. For example, the 2009 comprehensive countywide homelessness survey found that 1 in 5 homeless adults (20%) in Alameda County was in an institution before age 18, including 14% who had been in foster care. More than a third of homeless adults younger than 30 had been in an institution including foster care as a minor. The 2013 count found 10% of the total homeless population in Alameda County were transition-age youth.

The California Department of Social Services reported that 65% of California youth graduating from foster care in FY 2000-2001 were in need of safe and affordable housing at the time of graduation.⁸ Approximately 220 youth emancipate from foster care in Alameda County every year.⁹ An analysis of California Department of Social Services data found that 63% of foster youth statewide received publicly funded mental health services prior to emancipation.¹⁰

There are many youth under the age of 24 in Berkeley, in large part due to the presence of UC Berkeley. Many youth in college have support from family although they are living independently. It is therefore difficult to assess the youth population with special needs in Berkeley from the Census data. Based on Alameda County and state-level data and information from local service providers, it is clear that transition age youth in Berkeley are in need of affordable housing opportunities with supportive services.

Single Parent Families

Based on the 2012 ACS five year estimate, Berkeley and Alameda County as a whole had similar percentages of single parent families as a percentage of all families (5% and 8.7%, respectively). This represented a decrease in the prevalence of single parent households in Berkeley in 2000 (14%), which may be a reflection of the survey methodology rather than a significant change in household composition. Generally speaking, families need housing units with three or more bedrooms. In particular, Berkeley needs family housing units affordable to lower income households. See also the discussion of household size and overcrowding.

⁸ California Department of Social Services, Independent Living Program Policy Unit, Child and Youth Permanency, *Report on the Survey of the Housing Needs of Emancipated Foster/Probation Youth*, 2002. Cited in Campaign for Safe Transitions: Housing for Former Foster Youth handout, 4/25/2005.

⁹ Amanda Richards, *Housing, Services, and Support: A Comprehensive Housing Continuum for Youth Aging Out of Foster Care in Alameda County*, May 2004, p. 8.

¹⁰ Barbara Needell, Stephanie Cuccaro-Alamin, Alan Brookhart, William Jackman, and Aron Shlonsky, *Youth Emancipating from Foster Care in California: Findings Using Linked Administrative Data*, pp. 27-29, Center for Social Services Research, University of California at Berkeley, May 2002.

Table 2-13: Single Parents, Berkeley and Alameda County, 2012						
	Number of Single Parent Households					
	2000			2012		
	Male	Female	Total	Male	Female	Total
Berkeley	652	1,974	2,626	471	1,788	2,259
Alameda County	10,853	35,482	46,335	11,686	35,300	46,986

Source: Decennial Census and ACS 2008-2012 5 Year Estimate Table DP02

B. Housing Stock Characteristics

Most of Berkeley's buildings were constructed between 1875 and 1940. The story of how Berkeley developed can largely be read by just viewing the urban landscape. Building styles, which are usually quite traceable to particular periods, vary from area to area and often from street to street. In some places, different stages of development are revealed by an occasional remnant Victorian, or by the area's general mixture of later styles. The early transportation hubs can still be detected by the evidence of commercial centers and building clusters from different decades.

Broadly speaking, the areas close to the University and Downtown had their initial construction in the 19th Century, though many of them were later substantially rebuilt. West Berkeley, and the village of Lorin in South Berkeley, also had their start in the 19th Century. The initial pattern was a response to the original transportation system of boats, streetcars, and trains. The areas in between remained largely open for some time then filled in, especially in the 20th Century's first three decades. The expanded suburban development in the hills followed the opening of new streetcar lines, the 1906 earthquake, and ultimately the common use of the automobile.

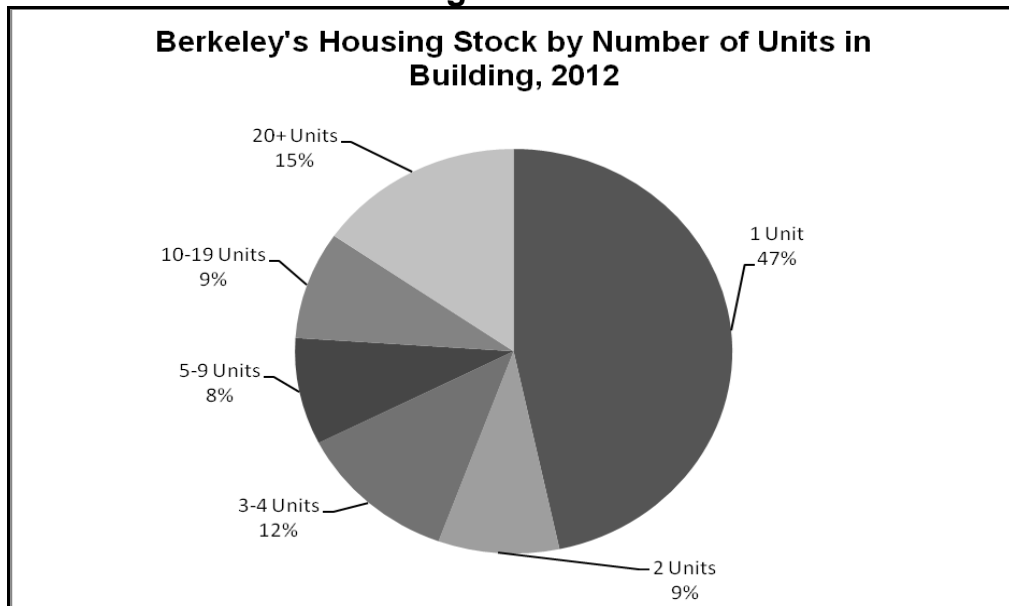
Densities are greatest in the areas close to the University and Downtown, where there are multi-unit apartment buildings and large single-family homes converted to rooming houses or apartments. Density can also be found along the main arterials of the city in both older and new apartment buildings. The majority of the city is characterized by small lots with one to four units.

1. Housing Units

Building Types

In 2012 as in 2000, almost half of all of Berkeley's housing stock was in single-family units. According to the 2008-2012 ACS estimates, roughly 43% of Berkeley's housing units are owner-occupied. Of the multi-family units, an estimated 7,398 units are in buildings with 20 or more units.

Figure 2-4:

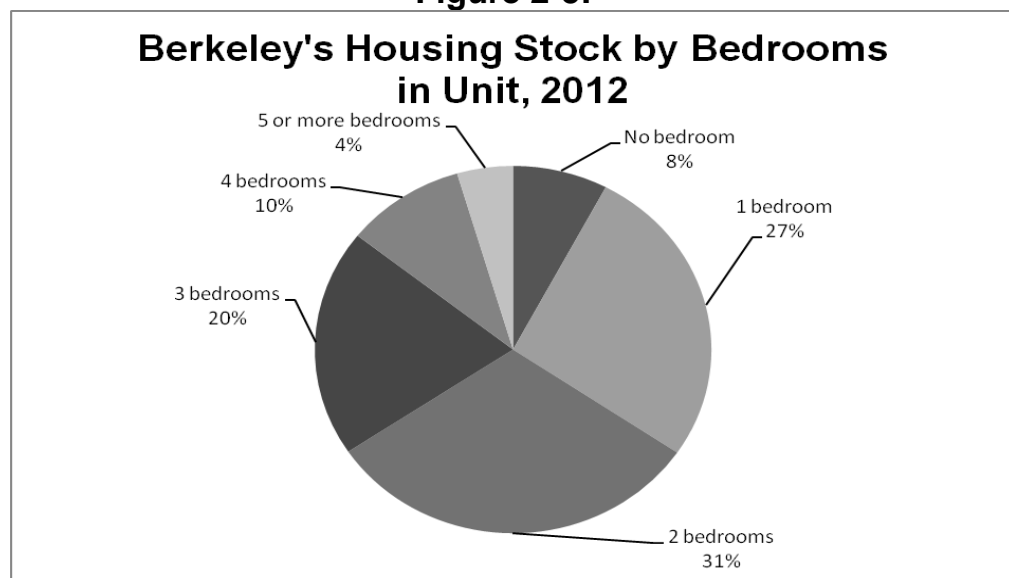


Source: US Census, ACS 2008-2012 5-Year Estimate., Table B25024

Unit Size

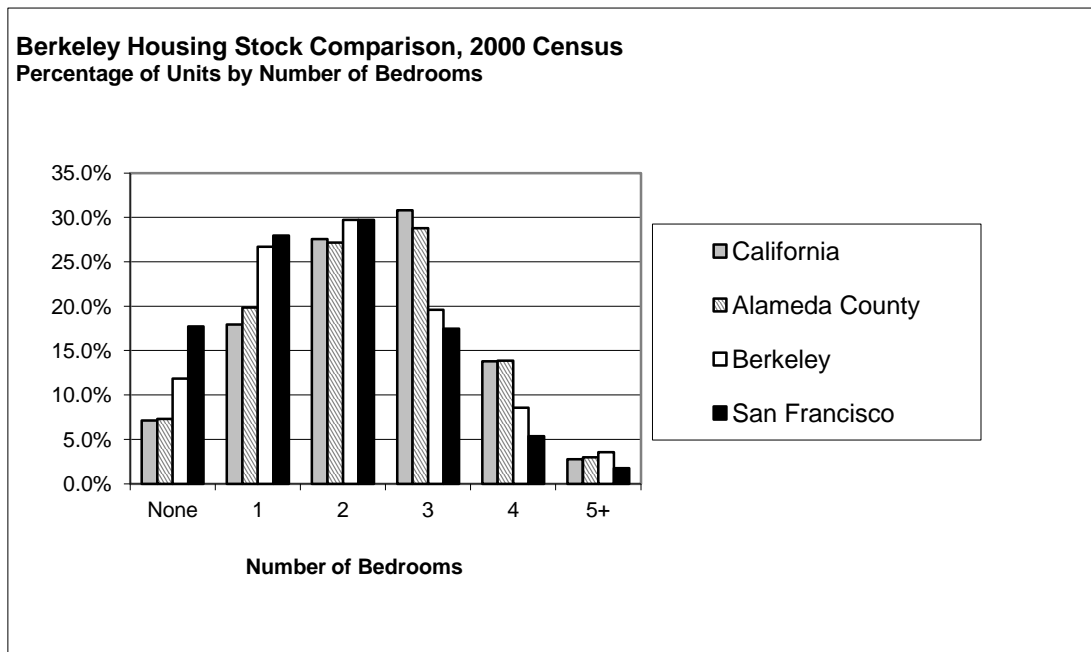
About two-thirds of the housing units in Berkeley are studios, one-bedroom or two-bedroom units. Looking at 2008-2012 ACS data, we see that Berkeley has fewer three and four bedroom units as a percentage of all units than California and Alameda County. Berkeley has a similar percentage of two bedroom units and a higher percentage of studios and one-bedroom units than the state and county, which is similar to the unit composition in San Francisco.

Figure 2-5:



Source: U.S. Census, ACS 2008-2012 5-Year Estimate, Table B25041

Figure 2-6:



Source: U.S. Census Table H41

Larger units are predominantly owner-occupied. According to the ACS, in 2012 just over 50% of renters were in studios or one-bedroom units while 65% of owner-occupied units were three, four, or five bedroom units.

	Owner Occupied	% of Owner Occupied	Renter Occupied	% of Renter Occupied
No bedroom	100	0.52%	3,078	11.98%
1 bedroom	1,046	5.45%	10,532	40.99%
2 bedrooms	5,581	29.10%	8,379	32.61%
3 bedrooms	6,955	36.26%	2,477	9.64%
4 bedrooms	3,903	20.35%	713	2.77%
5 or more bedrooms	1,596	8.32%	517	2.01%
Total	19,181	100.00%	25,696	100.00%

Source: U.S. Census, ACS 2008-2012 5-Year Estimate, Table B25042

Unit sizes are reflected in Berkeley's average household size (2.17) and smaller proportion of family households, especially families with five or more people. This suggests a possible need for larger units in order to add to the diversity of household sizes. Although the City has not collected data on the bedroom composition in new construction, the City estimates most of the units are two bedrooms or fewer.

Age of Housing Stock and Housing Condition

Eighty-three percent of Berkeley's housing stock was built before 1970, compared to 57% in Alameda County and 44% in California. According to city records, approximately 1,500 new units were built after 2000.

Table 2-15: Age of Housing Stock, Berkeley, Alameda County, and California

	Berkeley City		Alameda County		California	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Built 2010 or later	30	0.06%	948	0.16%	26,855	0.20%
Built 2000 to 2009	1,949	4.01%	42,032	7.22%	1,582,291	11.58%
Built 1990 to 1999	1,155	2.38%	48,271	8.30%	1,448,198	10.60%
Built 1980 to 1989	1,788	3.68%	63,985	11.00%	2,098,797	15.36%
Built 1970 to 1979	3,142	6.47%	97,253	16.71%	2,512,508	18.38%
Built 1960 to 1969	4,704	9.68%	80,606	13.85%	1,883,730	13.78%
Built 1950 to 1959	5,864	12.07%	78,516	13.49%	1,917,277	14.03%
Built 1940 to 1949	4,943	10.17%	49,069	8.43%	891,198	6.52%
Built 1939 or earlier	25,008	51.47%	121,179	20.83%	1,306,372	9.56%
Total	48,583	100%	581,859	100%	13,667,226	100%

Source: U.S. Census, ACS 2008-2012 5 Year Estimate, Table B25034

Note: There is a discrepancy between ACS data and the City's records regarding the number of new units built since 2000. However, ACS data is reported here to allow for consistent comparison between Berkeley, Alameda County, and California.

Despite the prevalence of older units in Berkeley, the City's housing stock is in very good condition. This is likely due to the amount of owner-occupied, single family units and high property values.

Table 2-16: Age of Berkeley's Occupied Housing Units by Building Size

Year Built	Units in Building				
	1	2-4	5-19	20+	Other
2000 or later	261	96	120	1305	9
Built 1980 to 1999	903	391	671	824	45
Built 1960 to 1979	4369	1292	2382	2114	124
Built 1940 to 1959	4369	2448	2095	1182	45
Built 1939 or earlier	14107	4926	2158	1364	28
Total	24,009	9,153	7,426	6,789	251

Source: U.S. Census, ACS 2008-2012 5 Year Estimate, Table B25127

Over time the City has implemented a variety of programs to upgrade the quality of housing units in the City, including home rehabilitation loan programs and the Rental Housing Safety Program. Based on the experience with these programs, and the rapid increase in property values in Berkeley over the last decade coupled with availability of home equity loans for home rehab, the City believes a very small number of housing units in Berkeley have significant rehabilitation needs.

2. Units At-risk for Conversion

Affordable housing developments in Berkeley that have subsidies or restrictions expiring in the next ten years and may be at risk for converting to market rate are discussed in Chapter 6, *Housing Programs and Quantified Objectives*, under “Preserving Restricted Units at Risk of Conversion to Market Rate.”

C. Income, Employment and Housing Costs

Income

The U.S. Department of Housing and Urban Development (HUD) and California Planning and Zoning Laws (Government Code Sections 65584(a)(1) and 65584(e)), used by both the Department of Housing and Community Development (HCD) and Association of Bay Area Governments (ABAG) characterize households as “extremely low-income,” “very low-income,” “low-income,” “moderate-income”, or “above-moderate income” based on percentages of the Area Median Income (AMI).¹¹ The income categories are defined below:

- Extremely Low-Income: Up to 30 percent of AMI
- Very Low- Income: 31 percent to 50 percent of AMI
- Low-Income: 51 percent to 80 percent of AMI
- Moderate-Income: 81 percent to 120 percent of AMI
- Above-Moderate Income: More than 120 percent of AMI

As shown in the table below, according to the ACS 5-year estimate, as of 2011 approximately 56% of Berkeley households had incomes above 80% of area median, and are therefore considered to be of moderate and above-moderate income. Twenty-percent of Berkeley households were considered to have extremely low incomes, at or below 30% of the area median. This is a decrease compared to levels measured by the 2000 Decennial Census.

Table 2-17: Household Income Distribution by Tenure and Income Level, 2007-2011						
Household Income Level	Renters		Home Owners		Total	
	HHs	%	HHs	%	HHs	%
Extremely Low Income (0-30% AMI)	7,865	31.0%	1,025	4.0%	8,890	19.8%
Very Low Income (31-50% AMI)	3,650	38.2%	1,270	8.2%	4,920	11.0%
Low Income (51-80% AMI)	4,305	45.0%	1,670	10.7%	5,972	13.3%
Moderate and Upper Income (81%+ AMI)	9,565	37.7%	15,555	61.3%	25,120	55.9%
Total	25,385	100%	25,385	100%	44,905	100%

Source: Comprehensive Housing Affordability Strategy (CHAS), based on 2007-2011 ACS

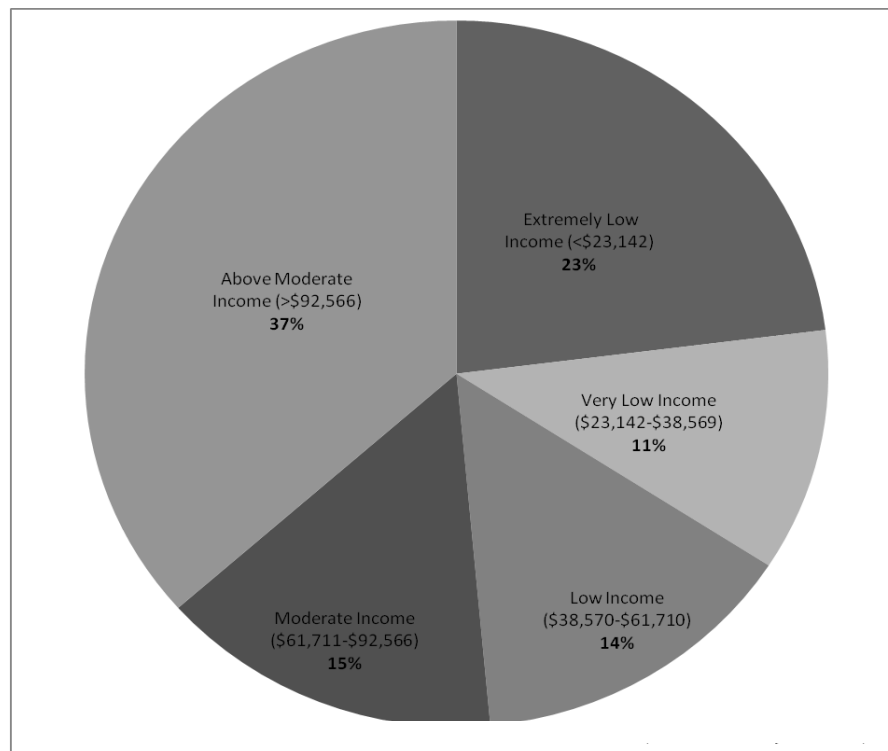
¹¹ The Moderate (80-120% of AMI) and Above Moderate (over 120% of AMI) income categories are not used by HUD.

The 2014 median family income estimate for the Alameda County, according to the U.S. Department of Housing and Urban Development (HUD), is \$88,500 for a family of four. Based on this median income, HUD establishes income limits by family size for program eligibility. The median income is based in part on the survey results of the American Community Survey.

In Berkeley, the median household income in 2012 was \$63,505 according to the ACS 5-year estimate. This includes all household sizes and types. The median income for a family household was \$106,583, which excludes households with more than one person who are not related. The median income for non-family households was \$40,832. The differences in income based on household type are in part a reflection of student residents, who are in non-family households and report low incomes.

The pie chart below illustrates the income breakdown of Berkeley households based on the 2008-2012 American Community Survey.

**Figure 2-7: Household Income Distribution in Berkeley,
ACS 2008-2012 Estimates**



Source: ACS 2008-2012 5-year estimates, Table S1901

Employment

The largest employment sector in Berkeley in 2013 was government and university, with several of the top 10 employers in Berkeley in this sector, dominated by the University of California Berkeley, with 14,800 employees. The second largest sector was health care and social assistance, which includes the Alta Bates Medical Center.

Table 2-18: Top 10 Berkeley Employers, 4th Quarter, 2013			
Employer	Number of Employees	Rank	Percentage of Total City Employment
University of California Berkeley	14,808	1	22.6%
Lawrence Berkeley National Laboratory	3,443	2	5.3%
Alta Bates Medical center	2,393	3	3.6%
City of Berkeley	1,772	4	2.7%
Bayer Corporation	1,574	5	2.4%
Berkeley Unified School district	1,208	6	1.8%
Kaiser Permanente Medical group	585	7	0.9%
Pacific Steel Casting Company	532	8	0.8%
Berkeley Bowl	504	9	0.8%
Andronico's Market	403	10	0.6%
Total	65,575		41.51%

Source: EDD, State of California Employment Development Department, Retrieved 10/2014

*Includes full and part time workers

The table below illustrates how many employees there are in Berkeley by job sector. This is a reflection of the jobs available in Berkeley.

Table 2-19: City of Berkeley Employment by Sector, September 2013		
Sector	Employees	Percent of Total
Government & University	22,197	35.2%
Health Care & Social Assistance	7137	11.3%
Accommodation & Food Services	6714	10.7%
Retail Trade	5763	9.1%
Professional, Scientific, & Technical Services	5114	8.1%
Manufacturing	3379	5.4%
Other Services	2577	4.1%
Educational Services	1854	2.9%
Construction	1462	2.3%
Information	1374	2.2%
Wholesale Trade	1332	2.1%
Admin & Support & Waste Mgmt & Remediation	1048	1.7%
Real Estate & Rental & Leasing	874	1.4%
Arts, Entertainment, & Recreation	863	1.4%
Finance & Insurance	827	1.3%
Management Of Companies And Enterprises	237	0.4%
Non-Classified	168	0.3%
Transportation & Warehousing	103	0.2%
Agriculture, Forestry, Fishing & Hunting	13	0.0%
Total	63,036	100%

Sources: CA Employment Development Department, City of Berkeley Office of Economic Development

The table below provides average annual salary by job type for five of the job sectors that make up most of the Berkeley workforce. This information is based on annual surveys conducted by the CA Employment Development Department. A comparison of the 2013 salaries with the 2008 salaries shows that some of these jobs types have seen wage gains in the past five years, such as registered nurses (from \$93,585 to \$122,458), while others have not, such as office and administrative support workers (from \$37,245 to \$36,696), and retail salespersons (from \$27,236 to \$28,825). Generally speaking, the wage gains are in the higher-skilled job categories.

Table 2-20: Average Annual Salary by Job Type, Oakland, Fremont, Hayward Metro Area, 1st Quarter 2013	
Job Title	Avg. Annual Salary
Health Care	
Physicians and Surgeons, All Other	> \$203,051
Registered Nurses	\$122,458
Physician Assistants	\$107,636
Pharmacy Technicians	\$50,535
Healthcare Support Workers, All Other	\$49,022
Home Health Aides	\$31,802
Higher Education	
Engineering Teachers, Postsecondary	\$111,076
History Teachers, Postsecondary	\$98,592
Social Science Research Assistants	\$54,683
Graduate Teaching Assistants	\$30,028
Local Government	
Urban and Regional Planners	\$85,419
Fire Fighters	\$88,704
Parking Enforcement Workers	\$50,796
Other Office	
Receptionists and Information Clerks	\$35,734
Office and Administrative Support Workers, All Other	\$36,696
Retail and Service	
Waiters and Waitresses	\$22,723
Dishwashers	\$21,372
Retail Salespersons	\$28,825

Source: CA Employment Development Department, Occupational Employment Statistics (OES) Survey Results

As part of the Plan Bay Area planning process, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) projected employment growth and distribution for the Bay Area through 2040. Their analysis concluded that the professional services, health and education, and leisure and hospitality sectors are expected to represent 73 percent of total Bay Area employment added from 2010 to 2040.¹² Job growth in the higher paying high-tech sectors will result in more higher-income residents who will require services,

¹² Plan Bay Area, July 2013, Final Forecast of Jobs, Population and Housing, page 16

such as retail, nursing and child care, education, fire and police, etc. Therefore, lower- and middle-income jobs will also be retained and created.

Most of these new jobs are expected to locate in the region's larger cities (such as San Francisco, Oakland and San Jose) and Priority Development Areas. In Berkeley, job growth of 29% is projected from 2010 to 2040.¹³ The table below reflects the ABAG 2007 projected job growth by sector in Berkeley, and is consistent ABAG's 2013 projections.

Table 2-21: Employment Projections for the City of Berkeley by Industry, Number of Jobs							
Industry	2010	2015	2020	2025	2030	2035	% Increase, 2010-2035
Agriculture and Natural Resources	40	40	40	40	40	40	0.0%
Manufacturing, Wholesale, and Transportation	6,800	6,800	6,800	6,810	6,810	6,870	1.0%
Retail	6,650	6,830	6,920	7,040	7,160	7,260	9.2%
Financial and Professional Service	14,850	15,270	15,580	15,870	16,210	16,450	10.8%
Health, Educational and Recreational Service	41,310	42,970	43,960	45,040	46,320	47,610	15.3%
Other	8,730	8,830	8,850	8,860	8,870	8,920	2.2%
Total Jobs	78,380	80,740	82,150	83,660	85,410	87,150	11.2%

Source: ABAG Projections 2007

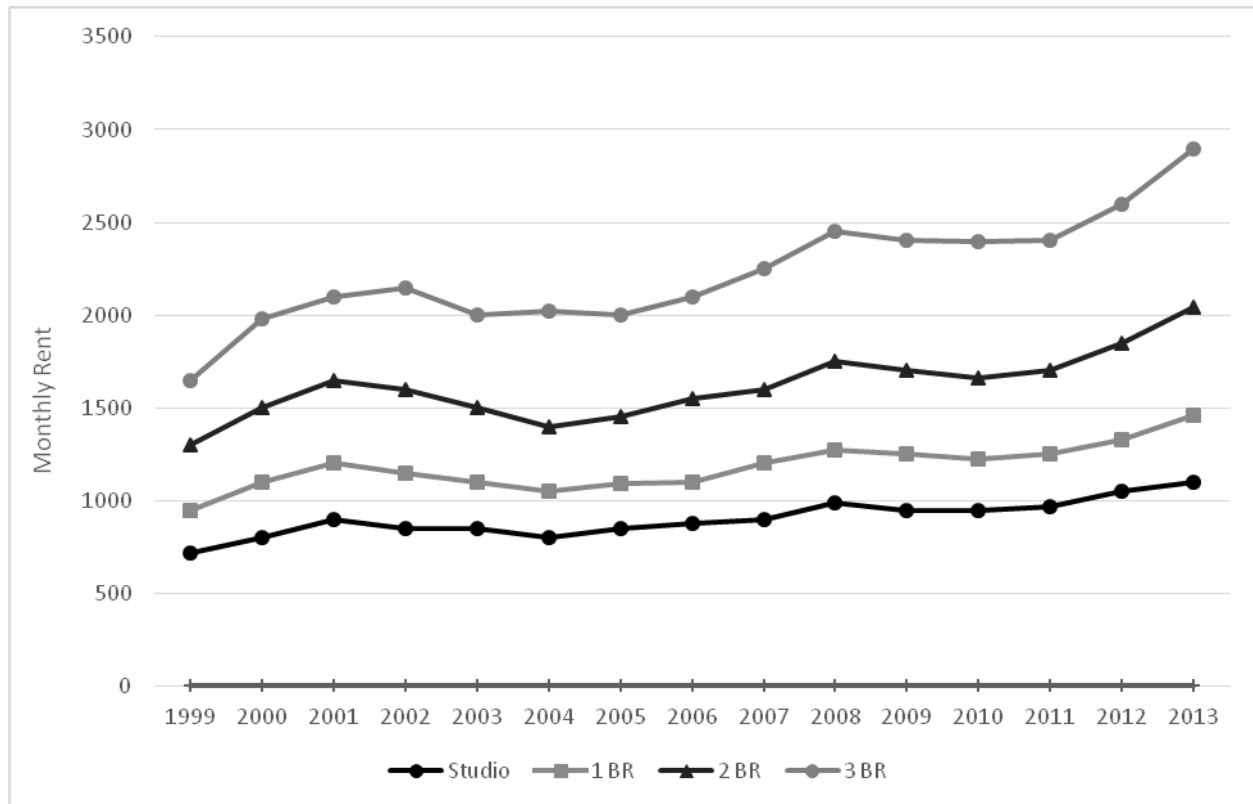
Housing Costs

Rental Units. As discussed the Chapter 6 under "Rent Stabilization and Tenant Protections," the City's Rent Stabilization Ordinance limits annual rental increases for units built before 1980. Since 2005, the annual adjustment for rents has been 65 percent of the percentage increase in the Consumer Price Index for the metropolitan area. In compliance with the 1995 Costa-Hawkins Act, landlords are allowed to establish market rate rents when a unit is vacated and leased to a new tenant in units constructed before enactment of the law (known as "vacancy decontrol").

The following graph illustrates the Rent Board's data for average market rent in new tenancies on an annual basis from 1999 to 2013. This data reflects the average rents for all new tenancies each year for units that are subject to rent stabilization. As a result of the economic downturn, rents dipped slightly in 2008 but began to rise again in 2011.

¹³ Plan Bay Area, July 2013, Final Forecast of Jobs, Population and Housing, Table 8, page 29

Figure 2-8: Berkeley Market Rents, New Tenancies, Units Subject to Rent Stabilization, 1999-2013



As shown in the tables below, monthly rents in new developments (post-1995) are substantially higher than rents in older units (subject to rent stabilization). Due to vacancy decontrol, new tenancies in units subject to rent stabilization reflect market rent in older construction.

Table 2-22: Average Market Rents for New Tenancies in Units Subject to Rent Stabilization (2009 and 2013)

Number of Bedrooms	2009	2013
Studio	\$975	\$1,100
One-Bedroom	\$1,275	\$1,460
Two-Bedroom	\$1,765	\$2,046
Three-Bedroom	\$2,450	\$2,895

Source: Berkeley Rent Stabilization Board

Table 2-23: Average Market Rents for New Multifamily Developments (2010 and 2014)		
Number of Bedrooms	2010 ^(a)	2014 ^(b)
Studio	\$1,819	\$2,239
One-Bedroom	\$1,930	\$2,537
Two-Bedroom	\$2,508	\$3,434
Three-Bedroom	\$3,900	\$4,200

Source: Bay Area Economics, 2010 and 2014

(a) Rents reported for four new rental developments: Acton Courtyard, Library Gardens, Stadium Place, and Hillside Village.

(b) Rents reported for five new rental developments, second quarter 2014: Berkeley Central, Fourth & U, New Californian, Hillside Village, and Library Gardens.

Preliminary analysis of current market rents suggests that rental housing in Berkeley is generally affordable to moderate-income households earning 80-120% of AMI, particularly households that can be accommodated in smaller units.¹⁴ For example, a single-person household would need to earn \$45,564 per year, or 76% of AMI, to afford a studio apartment based on average market rent. However, as shown in the table below, in 2014 average market rents exceed maximum affordable rent for all lower-income households (80% of AMI and below).¹⁵

¹⁴ Housing is considered “affordable” if it costs no more than 30% of the household’s gross income, including utilities.

¹⁵ Bay Area Economics, DRAFT Affordable Housing Nexus Study, 2014..

Table 2-24: Affordability of Market-Rate Rental Housing in Berkeley, 2014

	Household (Unit) Size			
	1 Person (Studio)	2 Person (1 Bedroom)	3 Person (2 Bedrooms)	4 Person (3 Bedrooms)
Average Market-Rate Rent (a)	\$1,105	\$1,529	\$2,171	\$2,914
Utility Costs (b)	\$34	\$48	\$62	\$75
Maximum Affordable Monthly Rent				
Extremely Low Income (up to 30% AMI)				
Household Income at Midpoint of Income Range (c)	\$9,825	\$11,225	\$12,625	\$14,025
Max. Affordable Monthly Rent (d)	\$212	\$233	\$254	\$276
Amount Above (Below) Market Rate Rent	(\$893)	(\$1,297)	(\$1,917)	(\$2,638)
Very Low Income (31-50% AMI)				
Household Income at Midpoint of Income Range (c)	\$26,200	\$29,925	\$33,675	\$37,400
Max. Affordable Monthly Rent (d)	\$621	\$700	\$780	\$860
Amount Above (Below) Market Rate Rent	(\$484)	(\$829)	(\$1,391)	(\$2,054)
Low Income (51-80% AMI)				
Household Income at Midpoint of Income Range (c)	\$40,050	\$45,750	\$51,475	\$57,175
Max. Affordable Monthly Rent (d)	\$967	\$1,096	\$1,225	\$1,354
Amount Above (Below) Market Rate Rent	(\$138)	(\$434)	(\$946)	(\$1,560)
Moderate Income (81-120% AMI)				
Household Income at Midpoint of Income Range (c)	\$62,950	\$71,925	\$80,925	\$89,900
Max. Affordable Monthly Rent (d)	\$1,540	\$1,750	\$1,961	\$2,173
Amount Above (Below) Market Rate Rent	\$435	\$221	(\$210)	(\$741)

Notes:

(a) Based on a weighted average of rents among rent-controlled properties and among newer properties. Average rents for rent-controlled properties are based on rents for new tenancies in the first quarter of 2014, as reported by the Rent Stabilization Board. Average rents for newer properties are based on information reported by realAnswers, which collects data on properties with 50 units or more, including 9 properties with a total of 1,054 units in Berkeley, all of which were built in 2001 or later.

(b) Utility costs based on utility allowance for multifamily dwellings established by the Berkeley Housing Authority in 2014. Utility cost estimates assume that water, sewer, and trash collection costs are included in monthly rental amount.

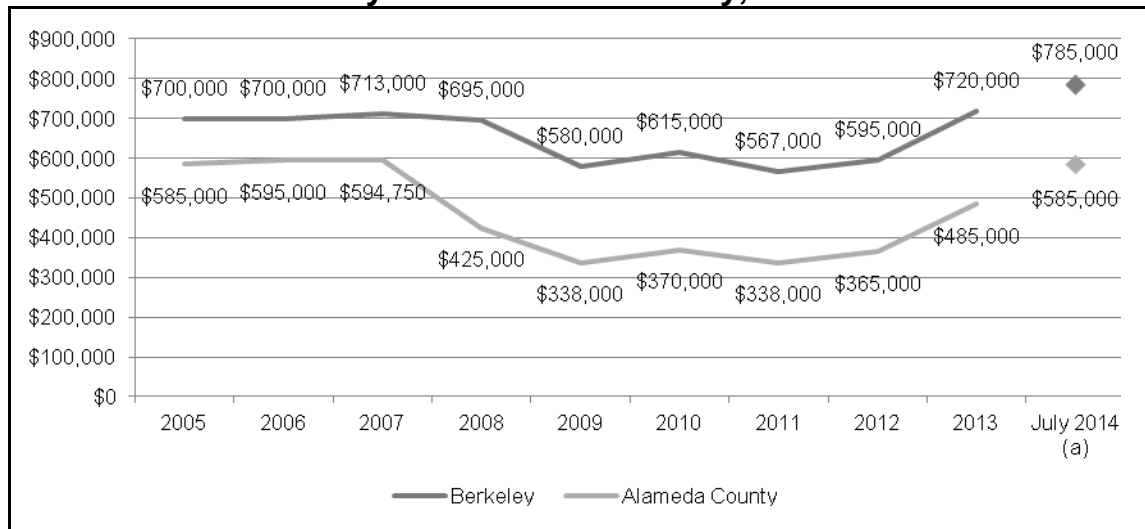
(c) Household income limits published by the California Department of Housing and Community Development for Alameda County, 2014. Shows mid-point of income range.

(d) Assumes 30 percent of income spent on rent and utilities.

Sources: California Department of Housing and Community Development, 2014; Berkeley Housing Authority, 2014; BAE, 2014

For-Sale Units. As shown in the graph below, with the economic downturn there was a decrease in home-sales prices starting in 2008, but with the recovery, prices have returned to pre-downturn levels.

**Figure 2-9: Median Home Sales Prices,
Berkeley and Alameda County, 2005-2014**



Sources: DataQuick, 2014; BAE, 2014.

Note: (a) The July 2014 median sale price is for a single month only and is therefore not directly comparable to the annual medians.

Analysis of the affordability of for-sale housing in 2010 indicates that single-family homes and condominiums in Berkeley were largely unaffordable for low-income households earning less than 80 percent of AMI.¹⁶ Moderate-income households earning up to 120 percent of AMI had substantially greater ability to purchase single-family homes and condominiums in the City.

Recent analysis of the affordability of market rate condominiums indicates that in 2014 fewer condominiums are affordable to moderate and lower income households than were in 2010.¹⁷ Condominium sales prices in Berkeley are largely unaffordable for households with low or moderate incomes based on affordability scenarios for a three-person household, meaning household income needs to exceed 120% of AMI.

¹⁶ Bay Area Economics Affordable Housing Fee Nexus Study, July 2010, Appendix A.

¹⁷ Bay Area Economics Affordable Housing Fee Nexus Study, forthcoming.

Table 2-25: Affordability of Market Rate Housing in Berkeley, 2009-2010

Single-Family Residences			
Income Level	Income Limit (a)	Max. Affordable Sale Price (b)	Percent of 3-BR SFRS sold within Price Range (c)
Extremely Low-Income (Up to 30% AMI)	\$26,800	\$128,700	1.8%
Very Low-Income (Up to 50% AMI)	\$44,650	\$214,400	3.6%
Low-Income (Up to 80% AMI)	\$66,250	\$318,200	14.3%
Moderate Income (Up to 120% AMI)	\$107,150	\$514,600	33.9%
Median Sale Price			\$598,000
Number of Units Sold			56
Condominiums			
Income Level	Income Limit (a)	Max. Affordable Sale Price (b)	Percent of 2-BR+ Condos sold within Price Range (c)
Extremely Low-Income (Up to 30% AMI)	\$26,800	\$81,100	0.0%
Very Low-Income (Up to 50% AMI)	\$44,650	\$168,800	0.0%
Low-Income (Up to 80% AMI)	\$66,250	\$274,900	7.4%
Moderate Income (Up to 120% AMI)	\$107,150	\$475,800	48.1%
Median Sale Price			\$481,000
Number of Units Sold			27
Notes:			
(a) Income limits published by CA Department of Housing and Community Development for four-person household in Alameda County, 2009.			
(b) Assumptions used to calculate affordable sales price:			
Mortgage terms:			
Annual Interest Rate (Fixed)	4.99%	March 25, 2010 Freddie Mac Average Fixed Rate Interest Rate	
Term of mortgage (Years)	30		
Percent of sale price as down payment	20.0%		
Initial property tax (annual)	1.25%		
Mortgage Insurance as percent of loan amount	0.00%		
Annual homeowner's insurance rate as % of sale price		CA Dept. of Insurance website	
Single-Family	0.29%		
Condominium	0.13%		
PITI = Principal, Interest, Taxes, and Insurance			
Percent of household income available for PITI	35.0%		
Homeowners Association Fee	\$300	Estimate based on HOA fees of Berkeley condos on market	
(c) Single-Family Residential analysis based on all full and verified sales between November 1, 2009 and March 23, 2010.			
Single-family residential analysis includes 3-bedroom units only. Condominium analysis based on sales occurring between July 1, 2009 and March 23, 2010. Condominium analysis includes 2-, 3-, and 4-bedroom units due to lower number of sales.			
Sources: Dataquick, 2010; California Department of Housing and Community Development, 2009; Freddie Mac, 2010; California Department of Insurance, 2010; BAE, 2010.			

Table 2-26: Affordability of Market Rate Condominiums in Berkeley, 2014			
Income Level	Income Limit (a)	Max. Affordable Sale Price (b)	Percent of Condos on Market Within Price Range (d)
Extremely Low-Income (Up to 30% AMI)	\$25,250	\$50,145	0.0%
Very Low-Income (Up to 50% AMI)	\$42,100	\$128,020	1.0%
Low-Income (Up to 80% AMI)	\$60,850	\$214,675	5.2%
Median-Income (Up to 100% AMI)	\$84,150	\$322,360	12.4%
Moderate-Income (Up to 120% AMI)	\$101,000	\$400,235	26.8%
Median Sale Price			\$507,000
Number of Units Sold			97

Notes:

(a) Income limits published by California Department of Housing and Community Development for a three-person household in Alameda County, 2014.

(b) Mortgage terms:

Annual Interest Rate (fixed)	4.13%
Term of mortgage (years)	30
Percent of sale price as down payment	20%
Initial property tax (annual)	1.27%
Mortgage Insurance as percent of loan amount	N/A
Annual homeowner's insurance rate as percent of sale price	0.57%
Homeowners Association Fee (monthly, condominiums only)	\$360
Percent of household income available for housing costs	30%

(c) Consists of all full and verified sales of single-family residences in the 95035 between 1/1/2013 and 8/15/2013

(d) Consists of all full and verified sales of condominiums in Berkeley between 7/1/2013 and 7/31/2014.

Sources: DataQuick, 2014; Freddie Mac, 2014; California Department of Insurance, 2014; Alameda County Auditor-Controller, 2014; Condos.com, 2014; Zillow.com, 2014; BAE, 2014.

Overpaying Households. As a result of relatively high housing costs, many people with low, very low, and extremely low incomes meet HUD’s criteria for being housing cost burdened or severely housing cost burdened, meaning paying more than 30% or more than 50% of income for their housing costs. The following table shows rent burden data from the 2007-2011 ACS. Compared to owner households, a greater percentage of renter households are faced with housing cost burdens. Nearly one-third of renter households were paying more than 50% of their income on rent. The lower the household’s income, the more likely it is to be paying a large portion of income for housing. About two-thirds of the extremely low-income renter households were paying more than half their income for housing costs in 2011 (5,406 households).

Table 2-27: Percent of Berkeley Households Overpaying for Housing						
	Renters		Owners		All Households	
	Paying > 30%	Paying > 50%	Paying > 30%	Paying > 50%	Paying > 30%	Paying > 50%
Percentage of Households	54.5%	32.3%	33.1%	15.8%	45.3%	25.2%

Sources: Comprehensive Housing Affordability Strategy (CHAS) 2007-2011, ACS 5-year Estimates

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3 - Projected Housing Need and Land Resources

Purpose

A required component of the Housing Element is a list of sites suitable for residential development that can accommodate the City's "fair share" of housing needs. Every city and county in the state is allocated a certain number of housing units by affordability level that must be accommodated in its Housing Element to help plan to meet its share of projected adequate housing for the state. If a municipality cannot show there is an adequate capacity, it is required to rezone areas to allow for the projected growth. The projected growth is determined by the regional Council of Governments through the Regional Housing Needs Allocation (RHNA) process. Based on this process, Berkeley needs to demonstrate capacity for 2,959 new units for the current planning period.¹ Through the City's Site Inventory and Residential Capacity Analysis process (described in this chapter), the City of Berkeley has shown there is adequate capacity for the RHNA-projected growth with the current zoning regulations. The analysis has shown that the City of Berkeley has a capacity for approximately 5,328 new units on underutilized parcels throughout the City. Further, the City has already issued building permits for 137 units for this current RHNA planning period (since January 1, 2014), which count as progress towards our RHNA goal.

This chapter is organized as follows:

- A. The Regional Housing Needs Allocation (RHNA) process, a description of the Berkeley's projected housing needs.
- B. The Site Inventory and Residential Capacity Analysis, a description of where there is adequate capacity in Berkeley to meet our RHNA.
- C. Other State Requirements, including zoning to accommodate lower income households and a variety of housing types.

¹ The current RHNA is for an 8.8-year period, from January 1, 2014 through October 31, 2022. The 8-year Housing Element planning period is from January 31, 2014 through January 31, 2022.

A. Regional Housing Need Allocation (RHNA)

The RHNA is a state-required process for determining how many housing units, by levels of affordability, each community must plan to accommodate during the RHNA cycle; the current allocation is for January 1, 2014 through October 31, 2022. The California Department of Housing and Community Development (HCD) determines the total housing need for the region, and the Association of Bay Area Governments' (ABAG) distributes this need between the local governments within the nine-county Bay Area. ABAG worked with the local governments, including the City of Berkeley, to develop a methodology to allocate housing units among the different cities and counties.²

As a result of this process, the City of Berkeley has been allocated 2,959 housing units. The units are broken down into income categories to encourage cities to plan for an equitable distribution of low-income housing. The breakdown by income is shown in the table below.

Table 3-1: City of Berkeley RHNA Capacity Requirement 2014-2022			
Income Category	Income Range	No. of units	% of Total
Extremely Low Income (ELI)	Up to 30 % of AMI	266	9%
Very Low Income (VLI)	31% - 50% of AMI	266	9%
Low Income (LI)	51% - 80% of AMI	442	14.9%
Moderate Income (MOD)	81% - 120% of AMI	584	19.7%
Above Moderate Income (Above MOD)	Above 120% of AMI	1,401	47.4%
Total		2,959	100%

Source: Association of Bay Area Governments Regional Housing Needs Allocation. AMI = Area Median Income; for a family of four in Alameda County AMI is \$92,300 (Housing and Urban Development (HUD) Department, 2011).

Actual income limits based on household size.

The City has a RHNA allocation of 532 very low income units inclusive of extremely low income units. Pursuant to CA Government Code Section 65583 (a)(1), the City must project the number of extremely low income housing units needed and may assume 50 percent of the very low income units as extremely low.

1. Current Progress towards meeting RHNA

Recent construction can be applied as progress towards the total number of allocated units, thus reducing the need to plan for future housing. For the City of Berkeley, housing units which have been issued building permits on or after January 1, 2014 may be credited towards the 2014-2022 RHNA. From January 1, 2014 through September 1, 2014, the City has issued building permits for 137 dwelling units. Additionally, between January 1, 2014 and September 1, 2014, Berkeley has approved conditional use permits for an additional 165 housing units. There are another 1,103 dwelling units approved within the City over the past decade that have not yet been exercised (i.e. building permits have not been issued). These are considered "pending projects," and demonstrate that additional units are likely to be built during the RHNA planning period.

² <http://www.abag.ca.gov/planning/housingneeds/methodology.html>

Table 3-2 below lists the housing units approved by affordability level and percentage of RHNA goal achieved. Appendix A lists projects by address with both approved building permits and land use entitlements since January 1, 2014.

Table 3-2: Progress towards 2014-2022 RHNA: Approved Units January 1, 2014 – September 1, 2014					
Building Permit Action Year	Income Level				
	Ext. Low / Very Low	Low Income	Moderate	Above Moderate	Total
2014	4	0	3	59	137
RHNA	532	442	584	1,401	2,959
Percent of Goal Achieved	0.8%	0%	0.5%	4.2%	4.6%
Remaining RHNA Capacity Requirement	528	442	581	1,342	2,822

Source: City of Berkeley Planning Department

B. Site Inventory and Residential Capacity Analysis

Potential for new housing units exists throughout the City. For the purpose of the Site Inventory and Residential Capacity Analysis, the City identified four main areas with the greatest potential for new units and a track record of units being built. These are the downtown, the southside area, the commercial corridors, and vacant lots in the residential districts.

For the southside area, the estimated number of housing units is based on the planning process for the 2011 Southside Plan. For the downtown, the capacity estimate is based on sites identified during the Downtown Area Plan planning process. For the commercial corridors, the City developed a methodology for selecting sites and estimating capacity for the Housing Element analysis. In the residential districts, housing capacity estimates are based on the allowed residential density and the average of past development densities. The methodology for identifying housing opportunity sites and estimating residential capacity for each of the four areas is summarized below and described in more detail in Appendix A. In addition, the University of California provides housing for students, staff and faculty, and plans to build additional housing during the planning period.

Table 3-3 summarizes the results of this analysis by indicating the estimated residential capacity of the four areas. **Map A-1 in Appendix A illustrates the four areas.**

Table 3-3: Summary of Residential Capacity		
Inventory Area	Total Estimated Capacity (Number of Units)	Estimated Capacity towards current RHNA
Commercial Corridors	2,461	1,794
Downtown Plan Area	2,121	997
Southside Plan Area	430	430
Residential Districts	316*	237
Total Unit Capacity Estimate	5,328*	3,458
Remaining RHNA Capacity Requirement (from Table 3-2)		2,822
Estimated Excess Capacity		636

* Does not include sites that are underdeveloped. See discussion under Residential Neighborhood Opportunity Sites and Residential Capacity Analysis below.

1. Downtown Area Plan

In March 2012, the City adopted the Downtown Area Plan (DAP). The DAP is intended to guide development in the downtown area through 2030. The DAP increased the development capacity of the downtown, which provides exceptional opportunity for mixed-use, transit-oriented development.

The DAP process identified a list of sites that provide opportunities for new housing construction. An analysis of these opportunity sites prepared for the Housing Element estimated a capacity of 2,130 units over the twenty-year planning period of the DAP using the adopted Downtown Mixed Use District (C-DMU) zoning. Within the Housing Element's planning period of 2015 to 2023, the City estimates that 860 housing units will be built in the downtown. Appendix A describes the process used to identify the DAP opportunity sites and the assumptions used to estimate housing unit capacity.

2. Southside Plan

The Southside Plan (SSP) was jointly prepared by the City of Berkeley and the University of California, Berkeley to address the area south of the UC campus. The University agreed to work with the City to create the plan, and in turn, use the Southside Plan as a guide for future UC development in the area.

The City adopted the Southside Plan in September 2011. The Southside Plan EIR estimated the planning area (southside) can accommodate 472 new private dwelling units by 2020. By the end of 2020, the City estimates 439 new dwelling units can be

developed in the Southside and count towards this current RHNA cycle.³ Appendix A describes the process used to identify the SSP opportunity sites and the assumptions used to estimate housing unit capacity.

3. Underutilized Sites on Commercial Corridors

Berkeley's commercial corridors have experienced the greatest amount of mixed-use residential development in past years. For this reason, staff estimates the greatest capacity for new units will be on the remaining underutilized sites in the commercial districts.

The commercial zoning districts C-1, C-SA, C-N, C-NS, C-E, C-SO, and C-W are along the City's commercial corridors. The City identified underutilized sites in these zoning districts based on lot size and existing floor area ratio (FAR) using the following thresholds:

- For 10,000 to 20,000 square foot parcels, a maximum existing FAR 0.2
- For 20,000+ square foot parcels, a maximum existing FAR 0.7

The City then estimated the potential number of units that can be built on the underutilized sites. The estimates were based on average densities from development over the past 10 years in each district. To avoid overestimating potential unit yield, the density bonus units were deducted from the average densities of past projects. The resulting densities were applied to each opportunity site on a district-by-district basis. The total estimated capacity for new units on the commercial corridors is 2,461 units. Appendix A describes the process used to identify the commercial corridor opportunity sites and the assumptions used to estimate housing unit capacity.

4. Residential Districts

Most parcels in the City's residential zoning districts are currently developed with housing. There are an estimated 239 remaining vacant parcels that are zoned for residential development. Ninety percent are in the City's hillside district, which generally has reduced development potential due to environmental and physical constraints. Most residentially-zoned lots are already developed with homes; however, some lots have capacity for additional units. Berkeley allows "accessory dwelling units" (ADUs) with ministerial approval ("by-right") in all residential districts on lots that are occupied by one single family dwelling. Furthermore, some parcels have development potential for additional "main" dwelling units, which require use permit approval in most cases. Therefore, staff estimated the potential for new housing units in the residential zoning districts from three sources: (1) remaining vacant lots, (2) additional main dwelling units on already developed lots, and (3) ADUs.

The City estimates capacity for roughly 237 new units in the residential districts from these sources, as summarized below. Appendix A provides an explanation of the

³ The University of California also has plans for significant housing development in the southside. However, this development capacity is not included in the projected growth for the southside.

process used to identify residentially-zoned parcels with potential for new housing units and estimate the capacity of those lots.

- 157 units on vacant lots,
- 24 units from the addition of main units to already-developed lots, and
- 56 accessory dwelling units.

5. University of California Housing Production

The University of California both creates demand for housing in Berkeley and also provides housing for students and faculty. Students living in the City and in University housing are counted in the Census. The RHNA is based in part on Census information about the population and income of Berkeley residents. Thus, the City's overall need and its projected need for housing affordable to lower income households includes housing needs resulting from UC Berkeley's student and faculty population. The RHNA is also based in part on employment in Berkeley, a significant share of which is related to the University. Therefore, the City's RHNA includes the demand for housing caused by University of California students and employees.

In the past, housing provided by the University of California has not been considered towards meeting the City's share of regional housing need. The City of Berkeley has asserted that some consideration should be given for the provision of University housing in the City, including group living accommodations. Although the City generally met its overall housing production goals during the last RHNA cycle, the City would have considerably exceeded those goals if the construction of group living accommodations by the University were considered housing units.

ABAG estimated that 5.7 percent of Berkeley residents lived in group quarters in 2005, while the regional average was 2 percent.⁴ The percentage is derived from ABAG's estimate that there were 5,900 people in group quarters in Berkeley in 2005. This number is much lower than the actual "bed-count" reported by the University of California at Berkeley in its Long Range Development Plan. The University counted 6,004 beds in group quarters in 2003 (counting all dorms, co-ops, fraternities and sororities as beds in group quarters) with an additional 1,110 under construction (and now completed). Because there is a very small vacancy rate for student housing, it seems reasonable to assume that the group quarter population will approximate the number of beds. In addition to the now 7,234 beds in group quarters, there are a number of beds in assisted living facilities of one kind or another in Berkeley. In other words, the number of people in group quarters is almost twice what was estimated for those quarters in 2005 by ABAG. This implies that the proportion of residents in group quarters in Berkeley may be about 10 percent of the population, or five times the regional average.

⁴ ABAG Projections, 2007. The Department of Finance estimated that 6.3% of the Berkeley population lived in group quarters in 2008.

The City of Berkeley's position is that in communities such as Berkeley, which are disproportionately affected by universities and colleges, there should be recognition of the role that universities and colleges play in providing housing. Group quarters house a significant percentage of the population, but are not considered housing units meeting projected need in the RHNA. While the University population results in a higher RHNA allocation, the City receives no credit in the RHNA process for the housing provided by the University.

While group quarters present one special situation, many colleges and universities are now developing apartments and, in many instances, faculty housing. The University has indicated that at least some of the housing it intends to build in the next five years will be apartments (units with kitchens). The City will count apartments and faculty housing built by the University towards our RHNA goals. Depending on whether that housing is income-restricted, the City may also count University-provided housing toward meeting our share of affordable housing needs.

The City holds the position that group quarters should be credited towards meeting the City's RHNA goals. The City will work with HCD to determine how group housing may be better accounted for in the RHNA process.

C. Other State Requirements

In addition to demonstrating adequate capacity for the City's share of regional housing needs, state law requires analysis of the inventory of land suitable for residential development to demonstrate the following:

- Sites on the inventory can accommodate housing for lower income households; and
- Sites on the inventory can provide a variety of housing types.

1. Zoning to Accommodate Housing for Lower-Income Households

State law requires cities to demonstrate that sites in their land inventory can accommodate some portion of their share of units for lower income households. California Government Code Section 65583.2(c) establishes minimum or "default" densities that are deemed appropriate to accommodate housing for lower income households. This is based on the recognition that higher densities provide the potential for lower construction costs through economies of scale and reduced per-unit land cost, which can then lower the rental or sale price of the units. For Berkeley, sites that allow at least 30 units per acre are deemed appropriate to accommodate housing for lower income households [Government Code Section 65583.2(c)(3)(B)(iv)].

Berkeley does not have minimum density standards and most Zoning Districts do not have maximum density standards either. However, as shown in Appendix A, in the past 10 years Berkeley has consistently approved projects with densities that exceed 30 units per acre. Past development has averaged over 100 units-per-acre. Most of these sites are in the commercial districts, which have an estimated capacity of roughly 2,461

units. Additionally, Berkeley has higher-density multifamily residential zoning districts, as discussed below. Therefore, sites identified in Berkeley’s land inventory allow densities that encourage and facilitate the development of housing for lower-income households.

2. Zoning for a Variety of Housing Types

California Government Code Sections 65583(c)(1) and 65583.2(c) require cities to demonstrate that sites within their land inventory can provide for a variety of housing types, including: multifamily rental housing, factory-built housing/mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

Multifamily Residential Housing

Multifamily residential housing is a type of housing in which multiple (two or more) separate households are contained within one building. As shown in Appendix A and discussed in Chapter 4, there have been a number multifamily residential housing projects constructed in Berkeley in the past 10 years.

Multifamily construction is allowed in the R-1A, R-2, R-2A, R-3, R-4, R-5, R-S, and R-SMU residential zoning districts, the mixed-use residential district (MU-R) and all of the City’s commercial zoning districts (C-1, C-E, C-N, C-NS, C-SA, C-SO, C-T, C-W, C-DMU). The only zoning districts where multifamily housing is not allowed are R-1, ES-R, M, MM, and MU-LI.. Appendix A includes a list of vacant sites within the residential zoning districts. There are 21 vacant developable sites in the R-1A, R-2, R-2A, R-3, R-4 combined. Further, there is capacity for additional units to be constructed at already developed sites in these districts. There are 166 opportunity sites that can accommodate multifamily housing in the commercial districts identified in Appendix A.

Factory-Built Housing

The Berkeley zoning ordinance does not treat factory built housing units differently from other housing units. Factory built, manufactured, or “pre-fab,” housing is allowed in all districts residential units are allowed.

The Berkeley zoning ordinance definition relevant to factory built housing is as follows:

Berkeley Municipal Code Section 23F.10

Manufactured Home: A structure, designed or altered to be used as a dwelling unit, which is transportable in one (1) or more sections and is built on a frame or chassis to which wheels may be attached so as to be transported, including mobile homes meeting the standards of the National Manufactured Housing Construction and Safety Act of 1974. If a Manufactured Home is mounted on a permanent foundation and connected to all utilities required for a dwelling unit built on the site, it is considered a dwelling unit.

Agricultural Employees

Agricultural workers can create a seasonal increase in the housing demand and can create strains on the housing supply. Although agriculture is an approved use in the

MM and MU-LI zoning districts, as a built urban environment, the City does not have large tracts of available land for agriculture that would require a seasonal workforce. Therefore, agricultural employees do not require special housing within Berkeley.

Emergency Shelters, Transitional Housing, Supportive Housing

The City of Berkeley currently has about 115 emergency shelter beds available year round and about 170 available in winter months. Pursuant to SB2, in 2013 the City adopted zoning to allow emergency shelters as-of-right. Zoning districts that allow for emergency shelters include the C-DMU (Downtown), C-1 (University and Telegraph Avenues), C-SA (Shattuck and Adeline), C-T (Telegraph commercial district), and R-4 (multifamily residential district located north, west and south of the University of California campus). These districts include 113 housing opportunity sites and a total of 1,404,414 square feet. Under SB2, Berkeley and all other cities in the state received an allotment of shelter beds to be “planned for” in their jurisdiction; in Berkeley that amount is 371 beds. The opportunity sites are adequate to meet Berkeley’s need for 371 shelter beds.

Berkeley also has a number of transitional housing and permanent supportive housing projects and programs serving people who are homeless or with special needs. An inventory of Berkeley’s existing housing for the homeless is provided in Chapter 6, *Housing Programs and Quantified Objectives*, in the Homeless Housing and Service Programs section.

Based on the Berkeley zoning ordinance definitions, transitional or supportive housing would be considered either “dwelling units” or “group living accommodations” depending on the size of the facility and the zoning district in which they are located. Shelters and transitional or supportive housing require approval of a use permit with a public hearing. Dwelling units are allowed in all residential zoning districts. Group living accommodations are allowed in the R-3, R-4, R-5, R-S, and R-SMU residential zoning districts, the mixed-use residential district (MU-R) and all of the City’s commercial zoning districts (C-1, C-E, C-N, C-NS, C-SA, C-SO, C-T, C-W, C-DMU). Just as any other housing project, shelters and transitional or supportive housing facilities are subject to the zoning district development standards in terms of height, density, number of stories, and setbacks.

The Berkeley zoning ordinance definitions are provided below:

Berkeley Municipal Code Section 23F.10

Shelter, Homeless or Women’s: See Transitional Housing.

Transitional Housing: Any dwelling unit or a Group Living Accommodation designed or operated as temporary living quarters or residence for homeless persons or victims of abuse. Such housing includes, but is not limited to, shelters for the homeless, women’s shelters and refuges for battered persons. This does not include any facility licensed as a Community Care Facility by the California State Department of Social Services (SDSS) or defined as such in this Chapter.

Group Living Accommodations: A building or portion of a building designed for or accommodating Residential Use by persons not living together as a Household, but excluding Hospitals, Nursing Homes and Tourist Hotels.

Dwelling Unit: A building or portion of a building designed for, or occupied exclusively by, persons living as one (1) household.

Hotel, Residential: A building which provides rooms for rent for residential purposes, including Single Residential Occupancy (SRO) Hotels. Residential Hotels are a type of Group Living Accommodation.

Single Residential Occupancy (SRO) Room: A room for residential or sleeping purposes in a Residential Hotel which is designed for occupancy of one (1) person only.

Emergency shelters, transitional housing, and supportive housing are currently permitted in certain multi-family residential districts and all commercial zoning districts. The inventory of housing opportunity sites identified 167 underutilized sites in the commercial districts and 7 in the R-3 and R-4 multi-family residential districts. Therefore, the inventory of sites includes sites suitable for development of emergency shelters, transitional housing, and supportive housing.

By-Right Emergency Shelters.

In all districts, a conditional use permit is required for dwelling units or group living accommodations, including shelters and transitional or supportive housing facilities. On December 17, 2013, the City adopted an Emergency Shelter Ordinance pursuant to Government Code section 65583(a), which allows the establishment of emergency shelters without discretionary review in appropriate locations. Emergency shelters are allowed “by right” in the R-4, R-5, R-S, and R-SMU residential districts, and in all commercially zoned districts.

Single Room Occupancy (SRO) Units

SRO units are one-room units intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other. SRO units are also called residential hotels, and are defined as “group living accommodations” in the Berkeley zoning ordinance (see definitions above). Therefore, they are allowed to be built in the in the R-3, R-4, R-5, R-S, and R-SMU residential zoning districts, the mixed-use residential district (MU-R) and all of the City’s commercial zoning districts. They are subject to the development standards of the district in which they are located, and are subject to a use permit.

Conclusion

Through a combination of mixed-use zoning districts and residential infill, the above analysis shows that the City of Berkeley has a capacity for approximately 5,328 new units on underutilized parcels throughout the City. Additionally, the City can take credit for 137 units that have already been issued building permits. As a result, the City of Berkeley has excess capacity for new housing.

The opportunity sites identified for new housing allow housing of a variety of types, including multifamily residential, single family, and second units. The sites allow housing at densities that facilitate the production of housing affordable to lower income households.

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4 - Potential Constraints to Housing Production

This chapter of the Housing Element analyzes potential constraints to housing production in Berkeley. The state government code defines two categories of constraints: governmental and non-governmental. The former category includes local ordinances, policies, and procedures that may make it more difficult or expensive to build housing in the City. The latter category includes a wide variety of factors, such as the cost of land and building materials, availability of financing, physical constraints, and infrastructure limitations. The government code requires that these constraints be analyzed as part of the Housing Element. If constraints are identified, the City is required to take action to remove or address them. To identify potential constraints to housing production, City staff analyzed the specific constraint categories as described in state law and discussed the City's regulations with local developers.

As described in detail below, most constraints are addressed by existing City programs. The development record and densities of approved projects are the best evidence that there are not significant constraints to housing production in Berkeley. Additionally, housing policies have been designed to minimize potential constraints including: consideration of revisions to the accessory dwelling unit and demolition control regulations; identification and consideration of options to reduce potential constraints to existing infill opportunities; and continued improvement to the development review process.

This chapter is organized as follows:

- A. Governmental Constraints
- B. Non-Governmental Constraints

A. Governmental Constraints

Planning and zoning regulations establish rules for how land may be used, thereby limiting the amount of development in a city. Although local ordinances and policies are typically adopted to protect the health, safety, and welfare of residents, they may have the consequence of creating constraints to the development of housing. This consequence may be intentional (as is the case with growth control ordinances) or unintentional (such as with certain zoning requirements or fees).

Potential governmental constraints in Berkeley are discussed below. A description and analysis of each is provided and is followed by a conclusion about whether there is a governmental constraint and, if so, steps the City should consider in order to mitigate the constraint.

General Plan

Analysis:

Several goals from Berkeley's General Plan, adopted in 2001, directly support production and maintenance of housing. In particular, the General Plan calls for increasing the supply of affordable housing, encouraging appropriate residential and mixed-use development downtown and along transit corridors, and taking steps to create a disaster-resistant community that can survive and recover from a natural disaster.

The General Plan land use classifications describe a range of land uses and intensities over relatively large areas, and are not used as standards to determine the maximum allowable density on a specific parcel. This approach gives the City more flexibility in its analysis of specific projects, while also providing consistency with the General Plan. The Land Use Element residential densities described in the following table are typical of other cities in the lower density classifications and are generally similar to or higher than the medium and high density classifications in nearby cities. While Berkeley's General Plan density ranges are not the highest in the area, the numbers below do not include density bonuses for affordable housing provided for in state law.

Table 4-1: Berkeley General Plan Land Use Classifications: Density Ranges	
General Plan Land Use Classification	Density Range (per net acre)
Low Density Residential	1 – 10 dwelling units
Low Medium Density Residential	10 - 20 dwelling units
Medium Density Residential	20 - 40 dwelling units
High Density Residential	40 - 100 dwelling units

Table 4-2: Maximum Allowable Density in Nearby Cities	
City	Maximum Allowable Density Per Zoning or General Plan (du/acre)
Berkeley	100, based on General Plan, however, not used as the standard on a site-specific basis. See discussion below regarding zoning densities.
Oakland	290
Hayward	110
Richmond	54.5
Albany	63
San Leandro	22
Emeryville	135 (includes affordable housing bonus)

Conclusions:

The General Plan is not a governmental constraint to housing development. Policies strongly support provision and maintenance of housing, and allowable densities are high enough to encourage development of multiple-family housing. As demonstrated by Berkeley's development activity, the City typically approves projects on commercial corridors and within the Downtown Mixed-Use District (C-DMU) at densities close to or exceeding 100 units per acre.

Land Use Controls: Development Standards, Density, Parking, Second Residential Units, Demolition Controls, Affordable Housing Incentive Programs

Analysis:

Berkeley's zoning ordinance provides for a diverse array of physical types of housing, from single-family dwellings that are regulated by typical zoning standards to multiple-family buildings constructed at high densities along the City's commercial corridors. Density is a key factor in identifying potential constraints to development of housing. The more cities limit density, the fewer units are constructed and, in general, the more expensive they are on a per-unit basis. Most lots in Berkeley are developed. Therefore, the greatest potential to meet its share of regional housing needs is along commercial and transit corridors where sites are underutilized and higher densities are allowed. Aspects of Berkeley's zoning ordinance that could constrain housing production are described below.

Density and Development Standards: Most of Berkeley's zoning districts allow residential uses. The only districts that do not allow any type of housing are the Mixed Use Light Manufacturing (MU-LI), Manufacturing (M), and Mixed-Manufacturing (MM) Districts. Thus, housing is allowed in most of the City, except portions of West Berkeley that are developed with and planned for manufacturing uses.

The residential and mixed-use development standards contained in the zoning ordinance are summarized in Appendix B. For most zoning districts, residential development standards, such as lot size, setbacks, lot coverage, etc. are similar to standards in other nearby cities. There are not many vacant lots and construction of new single-family dwellings has been limited—between 2009 and 2013, 10 new single-family dwellings were approved or constructed on vacant lots).¹ Single-family development tends to provide above-moderate income housing, so to the extent that this is a constraint, it is not on the development of affordable units.

Berkeley has numerous medium and high density residential zoning districts. There is likely some additional capacity for housing on developed lots in these residential districts. This type of infill development (adding units to developed lots) occurs throughout the City. The Planning Department has begun to keep records of this type of development; the City approved seven new infill dwelling units in the time frame of 2013-2014.

¹ City of Berkeley Planning Department records.

As previously indicated, residential growth has concentrated on commercial corridors, with recent development densities ranging from 69 to 202 dwelling units/acre. The Berkeley zoning ordinance does not rely on per-acre density standards in commercial districts where multiple-family and mixed-use projects are allowed. The densities of larger mixed-use projects approved since 2009 are provided in Table 4-3 to demonstrate that Berkeley's zoning regulations and permit process have not constrained development of high density housing along the City's commercial corridors.

Table 4-3: Density of Approved Mixed-Use Projects, 1999 - 2009		
Address	Total Number of Units	Density (Units/acre)
651 Addison	94	112
2002 Addison	21	137
3222 Adeline	19	65
2116 Allston	91	279
2161 Allston	60	219
1200 Ashby	98	125
2076 Ashby	11	96
2500 Benvenue	12	N/A
2508 Benvenue	6	47
2041 Center	143	266
2525 Channing	30	142
2526 Durant	44	185
2310 Fulton	75	157
1414 Harmon	5	19
711 Harrison	6	N/A
2020 Kittredge	176	119
2175 Kittredge (2020 Oxford)	97	91
2489 MLK	21	105
2909 Ninth (1001 Ashby)	54	117
1910 Oxford	56	230
2517 Sacramento	40	55
1800 San Pablo	51	109
1201 San Pablo	27	90
2577 San Pablo	28	164
2700 San Pablo	30	77
2720 San Pablo	18	81
2747 San Pablo	39	98
2748 San Pablo	27	118
3020 San Pablo	29	139
1797 Shattuck	65	146
1801 Shattuck	29	102
2451 Shattuck	100	169
2701 Shattuck	24	89
2620 Telegraph	20	91
2628 Telegraph	15	94
3075 Telegraph	10	25
700 University	171	100
1122 University	81	134

1392 University	71	139
1535 University	80	127
1698 University	25	109
1719 University	27	125
1885 University	148	147
2004 University	35	199
2119 University	44	146
Total Units	2353	
Average Density		127
Median Density		117

Table 4-4: Density of Approved Mixed-Use Projects, 2010 - 2014				
2323 Shattuck	2011	C-2 ⁽¹⁾	15	69
651 Addison	2012	C-W	94	112
3001 Telegraph	2012	C-1	38	136
2489 Martin Luther King Jr.	2013	C-N	21	105
800 University	2014	C-W	58	202
Total Units			226	
Average Density				125
Median Density				112

(1) Currently zoned C-DMU, project was approved under the previous zoning standards of the C-2 District

Table 4-5: Density of Pending Mixed-Use Projects, 2010 - 2014				
Address	Year Entitled	Zoning District	Total Number of Units	Density (Units/acre)
2600 Shattuck	2011	C-SA, R-2A	155	153
2107 Dwight	2012	C-DMU	99	194
1931-35 Addison	2013	C-DMU	69	208
2201 Dwight	2013	R-S	77	160
2133 University	2013	C-DMU	98	87
2024 Durant	2014	C-DMU	79	152
1808-14 University	2014	C-1	44	278
1974 University	2014	C-DMU	98	185
Total Units			719	
Average Density				177
Median Density				172

The large mixed-use projects have been approved throughout the City under various zoning districts: Commercial Downtown Mixed-Use (formerly Central Commercial C-2), General Commercial District (C-1), West-Berkeley Commercial District (C-W), Neighborhood Commercial District (C-N), South Area Commercial (C-SA) District, and the Residential Southside (R-S) District. There are no density standards in any of these districts;² instead maximum density is determined by setback, height, FAR, parking, and useable open space

² The R-S District has a density standard for persons residing in a Group Living Accommodation (GLA), but not for dwelling units, BMC §23E.48.070.B.

standards. In general, these standards are not a constraint to development – there is no maximum lot coverage standard, height and FAR are generous, and setbacks are generally not required.³ Additionally, in the majority of the commercial districts (C-1, C-N, C-E, C-SA and C-SO Districts), parking and useable open space requirements can be modified by the Zoning Adjustments Board (ZAB) if the modification promotes any of the purposes of the District. In the C-DMU, a project applicant may choose to pay an in-lieu fee for required parking and useable open space. While the flexibility of Berkeley’s zoning ordinance and the lack of specific density standards may be seen as providing less certainty than more traditional zoning, it is clear from the record of development that specific density standards are not needed to produce housing of sufficient density that is financially feasible and attractive to developers.

Parking: As shown in Table 4-5, the City’s residential parking requirements are generally low and are not a constraint to development. The zoning regulations for mixed-use projects also provide flexibility to the parking standards. For example, the City allows parking reductions for projects located in the downtown and along major transit corridors. Many mixed-use projects have been built with less than one parking space per dwelling unit. Some have been approved with no parking for the residential component, and several downtown projects that were allowed a parking reduction have discovered that there is less tenant demand than expected.

In addition, Berkeley was one of the first cities in the country to allow double and triple stack lifts to satisfy the City’s residential parking requirements. This can eliminate the need for expensive below-grade parking and/or leave more leasable ground floor area by minimizing the space needed for parking.

Table 4-6: Parking space requirements for new dwelling units	
Zoning District(s)	Number of Parking Spaces Required
R-1, R-1A, R-2, R-2A	1 space / unit
R-3 and R-4	1 space / unit for multiple dwelling groups of <10 units 1 space / 1,000 square feet for multiple dwelling groups of >10 units
R-5	1 space / unit for multiple dwelling groups of <10 units 1 space / 1,200 square feet for multiple dwelling groups of >10 units under same ownership
R-S	0 in Car-Free Housing Overlay, elsewhere per R-4
R-SMU	0
C-1, C-N, C-E, C-SO, C-NS	Per R-3
C-SA	Per R-4
C-T	0
C-W, MU-R	1 space / unit
C-DMU	1 space / 3 units (can be reduced or waived through in-lieu fee)

Second Residential Units: Provision of small, accessory dwelling units in low density areas can be a good way to add housing units outside of the commercial corridors and higher density residential districts, while also meeting personal or financial needs of property owners. For

³ The two exceptions are the 2-story, 28-foot height limit in the Elmwood Commercial (C-E) and Solano Commercial (C-SO) Districts.

example, a second unit on a single-family property can provide an opportunity for an older owner to remain at home, either with a caretaker in the second unit or by renting the house to a family and the owner moving into the smaller unit.

In July 2003, the City adopted a second unit ordinance allowing ministerial approval of Accessory Dwelling Units (ADUs) subject to certain development standards. New units meeting the specific standards listed below are allowed in all residential zoning districts as of right.

- There is only one unit currently on the lot.
- The ADU is limited to between 300 and 640 square feet, and no larger than 25% of the floor area of the main dwelling on the lot.
- The ADU cannot be converted into a condominium.
- The property owner must occupy either the primary dwelling unit or the accessory unit.
- When the unit is created from a portion of the main building or an addition to the main building, it must have a separate entrance that does not face the street; any addition must be lower than 14 feet in height.
- When the unit is created in a new or existing detached accessory building, the lot must be at least 4,500 square feet, the building may not exceed 12 feet in height, and the building is subject to the setback requirements applicable to the main building, which range from 15-20 feet for the front and rear setback and are 4 feet for side-yard setbacks.
- One off-street parking space is required.

An ADU that does not meet certain requirements may be permitted with approval of an AUP, a discretionary permit reviewed and approved by the Zoning Officer.

Increasing the supply of ADUs could help meet the City's housing needs. It is not uncommon for property owners considering an ADU to not pursue projects because they cannot meet the by-right standards. In some cases, the relaxation of certain restrictions provided with an AUP does not address the constraints on their property. In other cases the property owner does not want to pursue a project requiring discretionary review. Staff does not track how often this occurs, however, more permissive standards such as changing the minimum lot size or other development standards would increase the number of ADUs in the City

On April 30, 2013 the City Council referred to the Planning Commission a set of 10 recommendations intended to reduce barriers to the development of residential Accessory Dwelling Units. Planning Department staff analyzed the referral and presented options for zoning amendments to the Planning Commission at two meetings in 2014. The Planning Commission recommended a package of zoning changes to the City Council on June 4, 2014. The changes included:

- Lowering the minimum lot size,
- Allowing larger ADUs,
- Reducing required setbacks, and
- Waiving parking when the new ADU is close to transit.

The City Council considered the changes on September 16, 2014 and continued the item to a workshop on March 24, 2015 to discuss the changes in more detail.

Demolition Controls: The City regulates demolition of dwelling units to protect the affordable housing supply and existing tenants. In general, the Zoning Adjustments Board (ZAB) may approve a use permit to demolish dwelling units only if the units are replaced by new construction or if the structure is hazardous, unusable or infeasible to repair. However, if elimination of a rent-controlled unit is proposed, the requirements are more stringent. In particular, the use permit may only be approved if the dwelling unit to be eliminated is neither occupied nor has a rent set at a level that is affordable to a very low, low, or moderate income household; if its elimination will not adversely affect the supply of housing; and if the applicant cannot make a fair return on investment by maintaining the dwelling unit. There is an exception to allow elimination of a controlled rental unit if all of the following apply: (1) the dwelling unit is in a building that is seriously deteriorated beyond the conditions which might reasonably be expected due to normal use in the written determination of the Building Official and will be rehabilitated to meet City housing code requirements; (2) the replacement unit will be provided to a very-low or lower-income household; (3) the elimination of the dwelling unit will not cause displacement of any tenant against that tenant's will; and (4) a statement supporting the application is filed and signed by all of the tenants whose units will be physically modified and from all tenants who may be required to move temporarily. The issue is further complicated by interpretation of other ordinances, including the Rent Stabilization and Eviction for Good Cause Ordinance, the Relocation Ordinance, and the Ellis Ordinance. Due to the restrictive nature of these exceptions and their interaction with other City ordinances, the controls on demolition of rent-controlled units can be a constraint to development. Housing Policy H-34.D proposes that the City consider revisions to the demolition controls that would provide better coordination designed to protect tenants and continue to meet affordable housing needs. A subcommittee of the City Council is currently working on revisions.

Affordable Housing Incentive Programs:

Inclusionary housing was originally adopted as City policy as part of the Neighborhood Preservation Ordinance in 1973. The inclusionary housing requirements ("Inclusionary Ordinance") are codified in Chapter 23C.12 of the zoning ordinance, which took effect in February 1987. In 2009, the *Palmer/Sixth Street Properties vs. City of Los Angeles* court ruling found that inclusionary housing requirements on rental developments violate the Costa-Hawkins Rental Act of 1995, thereby invalidating the City's inclusionary requirements for rental housing. In order to continue to provide income-restricted units in Berkeley, Council adopted an affordable housing mitigation fee on new market-rate rental units (Ordinance 7,192-N.S.) on June 28, 2011. The fee was established by an impact fee nexus study, which quantified the need for affordable housing created by the development of new market rate rental housing.

In response to current market conditions and the 2013 *Sterling Park, L.P. v. City of Palo Alto* ruling, the City is currently updating the nexus study to include potential affordable housing mitigation fees for ownership housing.

The affordable housing impact fee (Fee) is deposited in the City's Housing Trust Fund. The fee applies to new rental housing projects of 5 or more dwelling units.^{4,5} An applicant for a development project that is subject to the Fee may elect to avoid the Fee by providing, for the life of the project, a number of units equal to 10% of the market rate units in the project at rental rates affordable to very low-income households.⁶

Conclusions:

Between 2009 and July 31, 2014, the City issued building permits for 9 projects that included dedicated BMR units. These nine projects represent a total of 533 units, including 37 low-income (>50% - 80% AMI) and 48 very low-income (\leq 50% AMI) units. Five of these projects included a density bonus.

During this time frame, the City entitled (i.e. use permit) nine additional projects (building permit issuance is pending), that represent a total of 828 units, 87 of which are dedicated as very low-income. Five of these projects include density bonus units.

As demonstrated by development activity in Berkeley, the zoning standards, including density, parking and affordable housing requirements, have not constrained approval of housing projects or development of affordable units. The residential zoning standards are appropriate for residential areas, and flexibility is provided for high density projects on commercial corridors. The affordable housing mitigation fee (AHMF), or provision of on-site units available to very low-income households, has not deterred new residential development, as can be seen with the number of applications the City has received and the continued interest in new multi-family construction. The fee per unit is roughly equivalent to the cost of providing the income restricted units on site, and unlike the fee formula under the Inclusionary Ordinance, the fee is a known variable that housing developers can calculate in a project's pro forma. The 2010 nexus study found the AHMF would bring the fees charged per unit in Berkeley within comparable range of other East Bay cities such as Oakland and Hayward.⁷ The requirement for payment of the AHMF or provision of very low-income units on site is, therefore, not considered a constraint on housing development in Berkeley.

⁴ For group living accommodations the equivalency rate is one new rental unit per two bedrooms, such that one-half the adopted fee shall be imposed on each bedroom.

⁵ The following projects are exempt from the fee: cooperative student housing developed by the Berkeley Student Cooperative; units built to replace units destroyed through no fault of the applicant, provided the applicant files a complete permit application within two years; and rehabilitated rental units unless they have been vacant more than two years before the applicant files a complete permit application;

⁶ An applicant may provide less than 10% of market rate units as very low-income units and pay a proportionately reduced Fee at a rate of $[(A-B) \times \text{Fee}] - [(B/((A-B) \times 10\%)) \times ((A-B) \times \text{Fee})]$ where A = Total number of units in the project and B= Number of very low-income units provided in the project.

⁷ *Affordable Housing Fee Nexus Study*, prepared by Bay Area Economics, October 2010

Berkeley’s demolition regulations are not a constraint to housing development, as demolition of units is permissible upon replacement of at least the same number of dwelling units as the demolished structure.⁸

While the City’s accessory dwelling unit requirements meet state law, they may be a constraint to development of additional units; therefore, the Housing Element includes a housing program to evaluate the regulations and consider changes to development standards for ADUs — a process that is currently underway. Additionally, while the zoning ordinance includes five multi-family zoning districts and the City has seen a number of multi-family development projects, Housing Policy H-34 encourages the review of infill development regulations in residential districts to identify and change possible constraints.

Processing and Permit Procedures

Analysis:

The majority of new residential development in Berkeley requires discretionary approval, either with an administrative use permit – with public notice, action by the Zoning Officer, and potential appeal to the Zoning Adjustment Board (ZAB) – or a use permit, which requires notice, public hearing, action by the ZAB, and potential appeal to the City Council. Projects permitted “by right” include mixed-use developments with less than 5,000 square feet in the South-Shattuck Area Commercial District (C-SA) and accessory dwelling units (ADUs) that meet zoning standards.

When discretionary approval is required, findings must be made that the project conforms with zoning standards and that the proposed development will not cause detriment to the “health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.” In a mostly built-out city where almost every project will have an impact on a neighbor, and where the zoning ordinance establishes very broad standards, discretion is often needed to ensure that projects can be adjusted to minimize detrimental impacts on neighbors.

The Neighborhood Preservation Ordinance (NPO), adopted in 1973, limits the City’s ability to approve projects “by-right” because it was adopted by initiative. In particular, the Neighborhood Preservation Ordinance established the requirement for most new residential construction to obtain a use permit, as well as required the “non-detriment” finding for approval. Because most new housing is subject to a use permit, proposals are often scrutinized for their impacts on the surrounding neighborhood. The use permit process requires additional time which can impose some additional project development costs.

⁸ Additionally, demolition of a controlled rental unit is permissible only if the replacement dwelling unit is available for occupancy to low-income or very low-income households.

However, the discretionary review process also protects neighbors, which is particularly important in a built-out city and in a city which values community participation. In addition, the permit process ensures that neighborhoods do not decline as a result of bad development, thus protecting the quality of the housing stock.

In response to concerns that the permit process was a constraint, the City initiated a process to identify the constraints and mitigations. A “Mayor’s Task Force on the Permit Process” resulted in a variety of actions. As described below, the City has taken many steps to improve the development review process with the specific intent to provide more direction and certainty to applicants.

- To provide early feedback to applicants, the City implemented the following changes:
 - Applicants are required to meet with neighbors prior to submittal of a use permit application for projects in residential districts and large-scale development projects located in commercial districts. This early consultation helps the applicant by providing an opportunity to air issues and minimize future conflict.
 - Applicants are required to post a yellow informational sign in front of the project location prior to submitting their application. The sign must be maintained throughout the project review process and must include basic project facts, public meeting dates, major decisions, and contact information.
 - Pre-application meetings with staff are available.
 - The City offers applicants “pre-application review,” an opportunity to present their project to the ZAB informally prior to submittal of an application. This preview process provides valuable feedback to applicants directly from the ZAB and allows them to adjust projects prior to submittal.
 - City staff hold a “roundtable” meeting with various departments that make recommendations on applications. Various City departments identify issues and address code compliance early in the design process. This also provides improved coordination and communication between the departments. The Planning Department recently began inviting applicants to the meetings, which has also improved identification of issues and communication.
- To provide faster processing of Use Permits, an applicant can request and pay for expedited processing. This allows staff resources to be allocated fairly while also providing an opportunity for faster review.
- To improve communication and provide clear, consistent information to applicants, the City took the following steps:
 - Planning Department staff undertook extensive public outreach between 2005 and 2008. In particular, presentations were made to three working groups: remodeling contractors, developers, and commercial leasing agents and realtors. Detailed information and flow charts of the zoning and building permit process were provided in binders for attendees.
 - The Planning Department’s website was improved and now includes more detailed information about the permit process, forms, and pending applications.

- Applicants are encouraged to request zoning research letters to get definitive answers to complex questions; this provides better information than can be received over-the-counter.
- The Planning Department developed density bonus guidelines to assist with the determination of the “base project” for the purpose of computing a project’s density bonus award. This allows more transparency in the process, which helps both the public and the applicants better understand the City’s analysis and outcomes.

Design Review: Design review ensures high quality buildings that fit into their neighborhood. The design review process provides an opportunity for neighbors to communicate with the developer and influence the design of the project. Redesign of the interface between a new building and the adjacent neighbors can mitigate land use conflicts inherent in the transition between medium-density residential neighborhoods and high-density mixed-use buildings. For this reason, the City believes design review is essential in a nearly built-out city with a strong sense of community character and citizen participation. Development within all commercial, manufacturing, mixed use and all other non-residential Districts; all commercial and mixed use projects in the R-4 District; all commercial, mixed use and community and institutional projects in the R-SMU and R-S Districts; and all mixed use and community and institutional projects in the R-3 District within the boundaries of the Southside Plan are subject to design review. Design review is conducted by the Design Review Committee (DRC) if the project is subject to ZAB approval, or by staff if only administrative approval is needed. The DRC is advisory to the ZAB; the DRC does not approve or deny the project, but recommends design for approval or conditional approval. Design review is based on City-wide design guidelines, which provide direction to project applicants and define the scope of review by the DRC.

The Committee level design review process is comprised of two phases: preliminary design review and final design review. Generally, preliminary review takes two to three meetings depending on the size of the project. The result of preliminary review is a recommended project design to the ZAB and in some cases conditions to be met during final design review. The final design review stage generally takes one meeting and involves review of more detailed plans to confirm the design conditions have been met.

Potential Constraints & Mitigation.

Costs – In order to give appropriate feedback to a developer, the preliminary design review phase requires project plans at a greater level of detail than might otherwise be required for a use permit entitlement. The City’s design review submittal requirements do not differ significantly from other communities’ requirements for design review plans. Preparation of plans at this level of detail will generally require a higher level of initial investment in design drawings than might otherwise be required for a Use Permit. However, the level of plan detail is required for any project that a developer intends to ultimately build. For this reason, and because of the benefits gained from early review and high quality design, the City does not consider the up-front cost of preparing design review plans to be a constraint on development.

Timing - In order to avoid delay resulting from the design review process, the Planning Department administers the design review and land use review processes concurrently. In most

cases, preliminary design review requires two to three meetings for larger, more complex projects. This is typically completed with the time frame of Use Permit preparation and review process (from complete application to action by the ZAB). Cases with lengthy design review are rare, and are generally caused by project applicants who are unresponsive to direction from the DRC. Concurrent review processes enable a more streamlined Zoning Adjustments Board (ZAB) review that typically takes one or two meetings. Additionally, preparation of construction documents for building permit review is generally done concurrent with final design review. By running these reviews concurrently, the design review process does not delay the project review process and therefore is not a constraint on development of new multi-family housing.

Certainty - The DRC is advisory to the ZAB, and the review is not a discretionary process; therefore, design review does not impact project certainty. Design guidelines, staff advice, and the ZAB preview all increase project certainty for applicants and enable them to prepare a design proposal that will meet the expectations of the community, DRC and ZAB. Additionally, the City plans to develop area-specific design guidelines for San Pablo Avenue and the downtown. The guidelines would make the review process more consistent and timely for those areas, both of which have a number of housing opportunity sites identified in the site inventory.

In summary, the Berkeley Planning Department uses the following procedures to mitigate the potential impact of the design review process:

- The design review process is administered concurrently with the land use and building permit entitlement process, and generally can be accomplished within the standard time frames. Specifically, the preliminary design review process is concurrent to the use permit (UP) or administrative use permit (AUP) process and the construction documents are usually prepared concurrent with the final design review process.
- To provide more certainty to applicants and to focus issues subject to DRC discretion, the ZAB often provides direction early in the process on the bulk and massing of a project prior to design review. This “preview” process is generally used for large projects, especially if the project exceeds the development envelope allowed by the zoning ordinance as part of a density bonus concession.
- To facilitate development in the downtown core, the City is considering preparing a “fast-track” review process.
- The City is considering the development of area-specific design guidelines to provide better direction to applicants, including San Pablo Avenue and the downtown area.

Historic Preservation: The City first adopted a Landmarks Preservation Ordinance (LPO) in 1974. The LPO establishes the duties of the Landmarks Preservation Commission (LPC). The LPO gives the LPC authority to make landmark, structure of merit, and historic district designations, subject to appeal to the City Council. The LPC also reviews permit applications for alteration, construction, or demolition of landmarks, structures of merit, and structures in historic districts, also subject to Council appeal.

The 1974 ordinance remained in effect with little change until December 2006 when a revised ordinance was adopted by the City Council. That revised ordinance was subject to referendum and repealed by the voters in the November 4, 2008 General Municipal Election.

Preservation Designations. Proposals for designation can be initiated by private application or petition, by the LPC itself, or by the City Council, Planning Commission, or Civic Arts Commission. Under the LPO, 50 signatures are needed for a member of the public to initiate a site or structure for designation. From the time a site is initiated, the LPC has 70 days to open the public hearing and 180 days to act after the public hearing is closed. The criteria for site designation are briefly summarized below.

BMC Chapter 3.24.110 Landmarks, historic districts and structures of merit –
Designation – Criteria for consideration:

1. Landmarks and historic districts:
 - Architectural merit
 - Cultural value
 - Educational value
 - Historic value
2. Structures of merit (SOM): General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.

Structural Alteration Permits. Once a site is designated as a landmark or structure of merit, or as part of historic district, alterations to the exterior of the building are subject to a structural alteration permit from the LPC. The LPC uses the Secretary of the Interior standards as criteria for alteration permits. The scope of the alteration permit is limited to the historic attributes on the exterior of the building that are identified in the site designation. The provisions of the designation, such as particular design features of the structure, are specified in the designation action by the LPC.

Potential Constraints & Mitigation: In cases where the site subject to initiation is also a site with a pending application for a residential development project, the landmark review process may delay the development project review process. This could prevent the City from reviewing a project within the required timeline of the Permit Streamlining Act (PSA). Additionally, if the result of the initiation is to designate the site a historic resource, an applicant would be subject to unanticipated environmental review for potential impacts to a historic resource. As a result, initiation of a site with a pending project as a historic resource could potentially constrain development of housing on that site due to uncertainty about the historic status and delay in the project review process. In order to mitigate the uncertainty and delay resulting from unanticipated initiation of a site as a historic resource, the Berkeley Planning Department uses

the following procedures to identify potential historic resources early in the project review process:

- Notify the LPC of all pending projects. The Zoning Ordinance was modified in 2006 to require notification of the LPC of all pending permits and placement of all properties on the LPC agenda for potential initiation by the Commission. Specifically, BMC Section 23B.24.030.B states: “A list of all pending applications for Permits shall be provided to the Landmarks Preservation Commission at every regular meeting thereof. Each property that is the subject of an application included in that list shall be placed on the agenda for potential initiation...”
- All applications to demolish a structure located in a non-residential district that is more than 40 years old are referred to the LPC for comment prior to consideration of the permit to demolish. BMC Section 23C.08.050 states: “the LPC may initiate a landmark or structure-of-merit designation or may choose solely to forward to the Board its comments on the application.” It is Department policy to refer demolitions applications with basic background information on the property as early as possible in the permit review process.
- For sites subject to initiation, staff make every effort to facilitate the designation review process as quickly as possible.
- Periodic training of the landmarks commissioners. In May 2008 the LPC and interested community members received training in historic preservation from the local historic preservation firm Architectural Resources Group. The training included federal, state and local criteria for evaluation of historic resources, the Secretary of the Interior’s standards, CEQA, and the role of the LPC in the decision-making process.
- Hiring of staff to the Landmarks Commission with significant background in historic resources. Starting in 2007 the City staffed the LPC with a professional historic preservation planner. The planner provides the Commission with detailed recommendations on historic resource initiations and review of structural alteration permits.

Conclusions:

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 its previous 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.

Fees and Exactions

Analysis:

Like all cities, Berkeley collects development fees to recover the costs of providing services and processing applications. When fees are adopted by the City Council, an analysis is provided to

demonstrate that they do not exceed the reasonable cost of providing the service. Berkeley's fees to process use permits and other land use permits only cover approximately 50% of the actual cost.

Unlike many cities, housing projects are not charged impact fees for transportation, parks, schools, or other capital improvements. In the downtown, the Streetscape and Open Space Improvement Plan (SOSIP) fee is charged of new developments. As discussed above, the City also charges an affordable housing mitigation fee of new rental development projects on a per-unit basis to fund permanently affordable housing units in the community. The only local infrastructure fee that applies to all projects is for sewer connection and service. The East Bay Municipal Water District (EBMUD) and Pacific Gas & Electric also collect fees for their services.

Estimated planning and construction fees are shown below for a new 2,500 square foot single-family dwelling and for a 78-unit multi-family project, with 780 square foot units. Environmental review costs were not included because infill housing is often exempt from CEQA. The total per-unit building permit, planning review, and sewer connection fees total \$28,398 for the single-family dwelling and \$10,518 per unit for the multiple-family dwelling. The impact fees applicable to the mixed-use project include the Affordable Housing Mitigation Fee of \$20,000 per unit and the Streetscape and the Open Space Improvement Fee (SOSIP; downtown projects only) of \$2,010 per unit, for a total cost of \$32,527 per unit in the multi-family building.

The City Council has the authority to grant building permit fee deferrals or waivers for projects with at least 25% low or moderate-income housing. The Housing Programs Section of this Housing Element provides a detailed description of this program.

Because fees cover the cost of service and a waiver of fees would place that burden on other projects, fees are not waived unless funding is provided from another source, such as the General Fund. However, it is not uncommon for fees to be deferred, which assists applicants by postponing the expense until occupancy. Since 2000, the City has deferred at least \$2 million in permit fees for 12 to 15 residential projects.

Table 4-7: Estimated Planning, Building, and Impact Fees		
Assumptions	Single Family Residential	Multi-family Residential
Sq Ft/unit	2,500	780
Units	1	79
Value per sq ft	\$160	\$123
Value per unit	\$400,000	\$148,061
Full value	\$400,000	\$11,704,700
Full sq ft (incl. parking)	2,500	95,066
BUILDING PERMIT FEES		
Permit Fee	\$8,834	\$257,554
Plan Check Fee	\$5,742	\$167,403
Filing Fee	\$22	\$22
Title 24: Energy Fee ¹	\$1,060	\$30,905
Title 24: Disabled Access Fee ¹	\$1,060	\$30,905
Fire and Life Safety Fee	\$618	\$18,028
California SMIP Fee ¹	\$52	\$1,521
Technology Fee	\$442	\$12,877
Sustained Development Fee	\$530	\$15,453
State Building Standards Fee ¹	\$16	\$469
Community Planning Fee	\$442	\$12,877
<i>Subtotal</i>	<i>\$18,819</i>	<i>\$548,005</i>
PLANNING FEES		
Use Permit	\$6,043	\$25,851
Design Review	-	\$10,147
CEQA - Mit Neg Dec	-	-
<i>Subtotal</i>	<i>\$6,043</i>	<i>\$35,998</i>
IMPACT FEES		
Art	N/A	N/A
Childcare	N/A	N/A
Affordable Housing – Commercial	N/A	N/A
Affordable Housing – Residential ²		\$1,580,000
SOSIP (Downtown only)	N/A	\$158,760
Transportation	N/A	N/A
Schools	N/A	N/A
Sewer Connection Fee	\$3,536	\$246,881
<i>Subtotal</i>	<i>\$3,536</i>	<i>\$1,985,641</i>
Total Cost	\$28,398	\$2,569,644
Per Unit	\$28,398	\$32,527

(1) State of California fees.

(2) The Affordable Housing Mitigation fee was adopted in 2011 in response to the inability to require inclusionary rental units after the *Palmer* court decision. See discussion above.

Conclusions:

Fees are not generally a significant part of construction costs, are not excessive in Berkeley, and are not a constraint to housing production. The fee deferral program will continue and no further mitigation is required. Building and Use Permit fees did not increase significantly from 2010 to 2014. Impact fees did increase, including the Affordable Housing Mitigation Fee. This fee is in-lieu of inclusionary housing and is commensurate with the cost of providing inclusionary below-market units. The Streetscape and Open Space Improvement Fee (SOSIP) is a new

impact fee for the downtown area only. As discussed in the SOSIP Nexus Study, the fee is proportionate to the increased demand created by new downtown occupants and was introduced to provide needed open space amenities for the increased residential density allowed with the 2012 Downtown Area Plan.

On and Off-Site Improvement Requirements and Infrastructure Constraints – Road, Water, and Sewer

Analysis:

Most housing opportunity sites in Berkeley are infill sites that already have infrastructure and services in place and are located along fully developed streets. On and off-site improvement requirements can include frontage improvements to streets and sidewalks if needed, and sanitary and storm water sewer connections. In addition, the City's sewer lateral program, developed to reduce the amount of water flowing into the sewer system, applies to property sales and remodeling, but would not be a constraint to new development, which would need to develop new sewer laterals.

In general, as documented in the 2001 General Plan Environmental Impact Report and the 2009 Downtown Area Plan Environmental Impact Report, the City's sewer and storm water collection systems, EBMUD's treatment and disposal facilities, and water supplies are adequate and are not a constraint to development of housing. To the extent that infrastructure must be enlarged or repaired as a result of new residential construction, the City requires developers to pay costs directly associated with improving infrastructure. Increased water demand from new construction under current zoning regulations have been anticipated in the EBMUD water demand projections, as published in the Districts' 2005 Urban Water Management Plan. As discussed in Chapter 3 and Appendix A, the City's current zoning regulations provide adequate capacity for Berkeley's projected housing needs in the RHNA. Therefore, there is sufficient water capacity to support the City's RHNA units.

The 2001 General Plan EIR identified future water needs as a potential impact to be addressed by implementation of a recycled water ordinance upon notification by the EBMUD of availability of recycled water in Berkeley. The EBMUD East Bayshore Recycled water project will eventually serve portions of Berkeley near I-80, at which time the City will adopt an ordinance to route recycled water to industrial and landscaping uses in the service area. In addition, the City recently adopted a water efficient landscape ordinance consistent with State law, which will reduce demand for potable water used for landscaping on developed lots and with new construction.

The EBMUD treatment plant has adequate capacity to accommodate additional development. In particular, the plant can provide secondary treatment up to a maximum flow of 168 MGD (with additional peak capacity via storage basins), and the average daily dry-weather flow is currently approximately 80 MGD, leaving an available capacity of 88 MGD. The City's on-going efforts to reduce infiltration (including the sewer lateral program) reduces the peak wet weather flows and

would, therefore, also reduce potential impacts to the overall wastewater collection system associated with development.

Panoramic Hill is the only geographic area in Berkeley that has significant infrastructure constraints and which is particularly vulnerable to natural disasters because of its extremely poor emergency access, location in a very high fire hazard zone, proximity to the Hayward fault, and substandard water resources for fire suppression. On June 17, 2008 the City Council adopted an urgency ordinance imposing a moratorium on most development in the Panoramic Hill area. There are 14 legally-established vacant lots in the Panoramic Hill area, most of which do not meet minimum lot size.

The purpose of the moratorium is to provide time to identify, formulate, and begin to implement a series of actions to address the serious threats to public safety that exist in the Panoramic Hill neighborhood. The scope of the initiative includes actions that the City can take in the near term as well as developing a strategy for undertaking long-range planning for Panoramic Hill to address the area's underlying infrastructure and safety deficiencies. Near-term actions include modifications to the zoning ordinance, which may limit any development with potential for increasing the number of Panoramic Hill residents at risk until the severe existing infrastructure problems are resolved.

Conclusions:

With the exception of the Panoramic Hill area, all Berkeley parcels where housing opportunities are possible can be served by the City's water, sewer, and road systems. While the sewer, water, and road infrastructure issues in the Panoramic Hill area are a constraint to the production of housing, the purpose of the moratorium is to develop a plan to overcome these constraints and very few properties are affected.

Codes and Enforcement

Analysis:

The building regulations are the California Building Code, based on the International Building Code as amended and adopted by the City of Berkeley. Local amendments that could apply to residential construction include:

- Live-work occupancies regulations codifying existing practice in applying state code standards to these occupancies that are not defined in the state code
- Restrictions in the Fire Zones enacting additional fire protection measures for buildings in Berkeley's hillside areas threatened by wildland fire
- Wood Burning Appliances amendment to reduce the health risks caused by wood smoke in Berkeley's climatic conditions

Except for the fire protection requirements, the local building code amendments do not adversely impact the cost of construction or constrain housing production. These requirements address basic health and safety considerations for residences in the areas with the highest fire danger.

As described further below, new buildings are required to meet all disabled access requirements. No restrictions are in place that would constrain the development of housing for persons with disabilities.

Building code enforcement is handled primarily on a complaint-basis by building inspectors; neighborhood complaints are handled by the City's Code Enforcement staff. In addition, housing inspectors respond to housing code complaints initiated by Berkeley tenants or by other City programs; however, if substandard conditions pose an immediate threat to the health and safety of the tenant, they are referred to the City's Building Official for immediate follow up. City policy is to resolve residential code violations without displacing residents whenever possible; however, when tenants must move, the City has an ordinance that requires the owner to provide relocation assistance.

Conclusions:

Neither the building code nor code enforcement create constraints to the production of housing. Both ensure compliance with Housing Element policies for construction and maintenance of housing to protect public health, safety and welfare.

Housing for Persons with Disabilities

Analysis: Housing Element law requires cities to analyze constraints to the development of housing for persons with disabilities and to demonstrate efforts to remove such constraints. The City actively enforces California Building Standards Code provisions that regulate the access and adaptability of buildings to accommodate persons with disabilities. Government Code Section 12955.1 provides standards for multi-family buildings regarding adaptable design features; access to the primary entry, all rooms on the primary entry level, common use areas, and parking; and provision of at least one bathroom on the primary entry level.

In 2001 the Berkeley zoning ordinance was amended to include a "Reasonable Accommodation" chapter (23B.52), which outlines a process for addressing requests for modification of aspects of zoning or subdivision law that may act as barriers to fair housing opportunities due to a resident's disability. Regulations can be modified by the Zoning Officer, the Zoning Adjustments Board, or the Planning Commission, depending on who has responsibility for permit approval. No fees are charged for requests for reasonable accommodation. (See Chapter 6, *Housing Programs and Quantified Objectives* for a description of the ordinance).

Community care facilities are an allowed use in all residential districts subject to the same discretionary review standards as a single family home. Specifically, conversion of an existing dwelling unit to a community care facility, regardless of the number of residents, is allowed by-right. Construction of a new community care facility is subject to a Use Permit. This is the same requirement applicable to construction of a new single family home. The Zoning Ordinance's definition of community care facility is included below.

The definition of family and household does not require occupants to be related to one another, and therefore does not present an obstacle to group housing for special needs populations. In addition, the zoning ordinance does not include any siting, separation or minimum distance requirements for community care facilities or other types of special needs housing. The definitions of family and household are shown below.

Community Care Facility: Any facility, place or building where non-medical care and supervision of children, adolescents, adults or elderly persons is conducted under license from the California State Department of Social Services (SDSS), but not including medical care institutions, skilled nursing facilities, nursing homes, foster homes, family day care homes, child care facilities or transitional housing.

Family: See Household.

Household: One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the Household and other similar characteristics indicative of a single Household.

The City's Housing Trust Fund provided funding for the University Neighborhood Apartments, one of the first apartments in the country that was designed with seniors and people with disabilities in mind. The City also provides financial assistance to agencies and non-profits serving local people with disabilities including, but not limited to Ed Roberts Center, Center for Independent Living, and Easy Does It Emergency Services. For more discussion of City programs for accessible and fair housing assistance, see Chapter 6, *Housing Programs and Quantified Objectives*.

Conclusions:

Berkeley's zoning and land use ordinances do not impede the development of housing for people with disabilities. Potential constraints to the development of housing for persons with disabilities have been addressed through multiple City programs and through the regulations described above. Although further mitigation is not required, Policies H-23, Fair Housing; H-24, Americans with Disabilities Act; and H-25, Accessible Housing provide direction for the City to continue to improve accessibility, including by identifying and removing any regulatory barriers to rehabilitation of existing housing for accessibility.

B. Non Governmental Constraints

Physical and Environmental Constraints

Analysis:

The City does not have large tracts of vacant land available for residential construction. The only large undeveloped area of Berkeley is the waterfront area west of Interstate 80, which the City has designated for open space and low-density waterfront-oriented commercial

development. Housing development is not environmentally feasible in this area due to a combination of environmental sensitivity and seismic/soil stability problems in an area composed mostly of landfill materials.

Flooding is not an environmental constraint that affects production of housing because the areas that are within the 100-year floodplain area (the waterfront and near Codornices Creek) are not zoned for high-density residential housing. The City updated the Flood Zone Development Ordinance (BMC Chapter 17.12) in 2009 to conform with FEMA flood plain management requirements.

Toxics contamination is an environmental constraint on some sites. The City's Toxics Management Division, which is part of the Planning and Development Department, participates in the development review process and thereby assists with early identification of toxics issues. Standard processes and conditions ensure that contamination is remediated to allow redevelopment.

The only geographic area in Berkeley with significant physical constraints is Panoramic Hill, or the Environmental Safety-Residential District (ES-R). After a two-year moratorium on construction, in 2010 the City passed an ordinance prohibiting any new residential units in this district until the City Council has adopted a specific plan in compliance with all applicable law that shows the proposed distribution, location, and extent of land uses in the ES-R zone and the location and extent of the public facilities and services required to serve the land uses described in the Panoramic Hill Specific Plan (the Plan). There is no specified timeline for development of the Plan.

Conclusions:

In general, physical and environmental constraints are not constraints to the production of housing. Adequate sites without environmental constraints are available to meet development needs and toxics issues are addressed during project review. While no new residential units are permitted in Panoramic Hill, only 14 vacant lots are affected – a negligible percentage of citywide housing production opportunities. For the purpose of the Housing Element analysis of constraints to the production of housing, no mitigation is required.

Seismic Hazards

Analysis:

Geologists warn repeatedly of the high risk of a major earthquake in the San Francisco Bay Area, including the northern section of the Hayward Fault that runs through the Berkeley Hills east of the University of California. The effects of a strong earthquake along any portion of the Hayward fault would devastate the area. The Association of Bay Area Governments (ABAG) estimates that about 13,000 units would be uninhabitable following a major earthquake. As described in Chapter 6, under "Seismic Preparedness Programs," Berkeley has policies and programs to mitigate the risk to existing units. In addition, the zoning ordinance allows certain residential structures destroyed by an involuntary cause such as fire, flood, or earthquake to be rebuilt with a zoning certificate.

Seismic constraints are not perceived to be a significant factor limiting the City's ability to produce housing. The Berkeley Hillside area is the most seismically vulnerable and most vulnerable to landslides. Since only single-family dwellings are allowed in this area and the amount of vacant land is limited, such hazards are not a significant constraint to new development. Similarly, lands subject to liquefaction are located in West Berkeley, where housing options are generally limited by zoning and nearby industrial uses.

Conclusions:

Seismic constraints are not considered a significant constraint. The building code requires seismically-resistant construction practices.

Cost of Development

Analysis:

The cost of developing residential housing has escalated significantly in recent years due to the increasing cost of land, building materials, labor, and other items such as remediation and construction defects liability insurance. Research conducted for the City by AECOM in July 2014 showed that sales prices for downtown land averaged \$200 per square foot mid-block and \$250 per square foot on corner lots.

Construction costs vary depending on project size, construction type (wood frame vs. steel), the number of funding sources involved, and the level of amenities or services provided in the project. The 2011 AECOM Development Feasibility Study included the following information about construction costs (the update to that study prepared in 2014 assumed an 8.6% increase in development costs):

Table 4-8: Residential Construction Costs (Condo) – Gross square foot¹		
Building Height	2011	2014 (est. 8.6% increase)
60 feet	\$237	\$257
120 feet	\$253	\$275
–180 feet	\$259	\$281
Source: Downtown Berkeley Development Feasibility Study, AECOM, 2011		
(1) Excludes parking construction costs.		

Construction financing issues are no different in Berkeley than in other California cities. The City has no control over financial feasibility of a project, however, it is anticipated that demand for housing will continue and thus financing should similarly be available to meet market demand.

Availability of Financing:

The availability of financing affects a person's ability to purchase or improve a home. The cost of borrowing money for residential development affects the financial viability of new development. Interest rates are determined by national policies and economic conditions, and there is very little a local government can do to affect these rates. Jurisdictions can offer down

payment assistance programs for first-time homebuyers, a program which the City of Berkeley has previously participated in.

In the early 2000s, the country as a whole experienced historically low interest rates and an increase in unconventional mortgages, which contributed to the rise in housing costs by fueling supply. Beginning in 2006, housing prices declined and interest rates rose, resulting in an increased number of foreclosures, particularly for sub-prime loans and loans with variable rates that converted to higher fixed-rates. The crisis has significantly lessened, foreclosures are no longer as common, and interest rates are again very low. As a result of the mortgage crisis, the federal government has updated mortgage lending rule, aiming to end some of the worst mortgage lending abuses of the past. With stricter underwriting stipulations, mortgage financing options have been reduced, and processing times have increased in recent years.

Conclusions:

While the cost of development is generally a constraint in Berkeley as it is throughout California, state density bonus provisions and local regulations that allow high densities on commercial corridors mitigate the impact as much as possible. In addition, the City's Housing Trust Fund provides assistance for affordable housing projects. See Chapter 6 for a discussion of programs in Berkeley that mitigate the cost of developing affordable housing.

5 - Objectives, Policies and Actions

Purpose

This chapter presents the City's housing goals in the form of ten main objectives, policies that enact those objectives, and actions to implement those policies. The objectives and policies guide decision-making to address the housing needs identified in Chapters 2, 3 and 4. The actions are achieved through implementation of the programs described in Chapter 6.

A. Objectives

1. Housing Affordability

Berkeley residents should have access to quality housing at a range of prices and rents. Housing is least affordable for people at the lowest income levels, and City resources should focus on this area of need.

2. Maintenance of Existing Housing

Existing housing should be maintained and improved. Improvements that will prepare buildings for a major seismic event should be encouraged.

3. Expansion of the Housing Supply

New housing should be developed to expand housing opportunities in Berkeley to meet the needs of all income groups.

4. Special Needs Housing and Homelessness Prevention

Berkeley should expand the supply of housing for special needs groups, including housing affordable to households and individuals with extremely low incomes.

5. Relationship with Other Institutions

The City should continue working with the Berkeley Housing Authority and the University of California to address affordable housing needs.

6. Fair and Accessible Housing

The City should continue to enforce fair housing laws and encourage housing that is universally accessible.

7. Public Participation

Berkeley should continue to improve the role of neighborhood residents and community organizations in housing and community development decision-making.

8. Energy Efficiency

The City should promote energy efficiency in new and existing residential buildings in order to improve building comfort and safety, reduce energy costs, provide quality housing, and reduce Greenhouse Gas Emissions.

9. Adequate Sites

Berkeley should retain adequate housing opportunity sites to meet its future housing needs.

10. Governmental Constraints

Berkeley should identify and mitigate barriers to the construction of new housing of all types.

B. Policies and Actions

The following policies and actions are grouped by the ten objectives described above.

1. Housing Affordability

Policy H-1 Extremely Low, Very Low, Low and Moderate-Income Housing

Increase the number of housing units affordable to Berkeley residents with lower income levels.
(Also see *Land Use Policies LU-18 and LU-25*)

Actions:

- A. Continue to support and implement programs to encourage below-market-rate housing with incentives for affordable housing development including, but not limited to, density bonuses under state law, fee deferrals, and below-market-rate development loans.
- B. Amend the zoning ordinance to allow increases in density to promote the production of below market rate housing consistent with state density bonus law.
- C. Use existing City programs, such as the Housing Trust Fund, to provide housing to households at the lowest income levels, including extremely low-income households, and units that are deeply affordable housing for people with disabilities, the homeless, the elderly, and very low-income families.

- D. Ensure that below-market-rate housing is distributed as evenly as possible throughout the community.
- E. Advocate for the California legislature to restore cities' abilities to require below-market-rate rental and ownership units in new housing developments. Consider all available options to provide alternatives to inclusionary housing (see Policy H-2).

Policy H-2 Funding Sources

Aggressively search out, advocate for, and develop additional sources of funds for permanently affordable housing, including housing for people with extremely low incomes and special needs. (Also see *Land Use Policy LU-28*.)

Actions:

- A. Look for all available funding sources, including but not limited to local bond financing and local, state and federal tax sources, such as a special tax and/or the real property transfer tax, to generate additional resources for the Housing Trust Fund and other housing programs.
- B. Continue to utilize the existing housing mitigation fee applicable to commercial projects. Consider revisions to the fee, including but not limited to updating the fee and applying it to new hotel or conference center uses.
- C. Continue to charge housing mitigation fees applicable to residential projects and update periodically as the housing market shifts.
- D. Work to ensure that local funding is planned and administered in a way that allows project sponsors to maximize their leveraged funding and meet the requirements of other funding sources while accomplishing local goals.
- E. Support increased funding at the federal and state levels to support the production and operation of permanent, affordable housing.
- F. Continue to use condominium conversion mitigation fees to support the development, preservation, and maintenance of affordable housing.

Policy H-3 Permanent Affordability

Ensure that below market rate rental housing remains affordable for the longest period that is economically and legally feasible.

Actions:

- A. Prioritize the use of City resources to assist nonprofits with preserving existing affordable housing in the event that rental restrictions and/or rental subsidy contracts, such as project-based Section 8, expire.
- B. Monitor units funded by the Housing Trust Fund or that were created by the Inclusionary Ordinance to ensure long-term health, safety, and affordability of these units.
- C. Encourage the preservation and rehabilitation of residential hotel rooms and single room occupancy units that currently house very low-income tenants to continue providing housing for this population.

- D. Maintain continued affordability of below-market-rate units to the maximum extent possible.
- E. Maintain and publicize a consolidated list of below-market-rate units within the City to serve as a resource for lower-income households.

Policy H-4 Economic Diversity

Encourage inclusion of households with a range of incomes in housing developments through both regulatory requirements and incentives.

Policy H-5 Rent Stabilization

Protect tenants from large rent increases, arbitrary evictions, hardship from relocation, and the loss of their homes.

Actions:

- A. Support the Rent Stabilization Program and enforcement of the Rent Stabilization and Eviction for Good Cause Ordinance in order to protect tenants from large rent increases and loss of their homes.
- B. Continue to oppose measures that weaken the City's autonomy to stabilize rents and support measures that increase the City's autonomy to stabilize rents.
- C. Support state legislation consistent with the original language of the Ellis Act promoting rental housing conservation.

Policy H-6 Rental Housing Conservation and Condominium Conversion

Preserve existing rental housing by limiting conversion of rental properties to condominiums.

Actions:

- A. Continue applying a 100-unit per year cap on condominium conversions and evaluate the cap regularly, along with other aspects of condominium conversion ordinance regulations.
- B. Continue tenant protections contained in the condominium conversion ordinance.
- C. Continue mitigation fee policies of the condominium conversion ordinance and evaluate their performance regularly.

Policy H-7 Low-Income Homebuyers

Support efforts that provide opportunities for successful home ownership for residents and workers in the City of Berkeley.

Actions:

- A. Continue the City's participation in Alameda County's mortgage certificate program, providing subsidies for limited equity co-operatives, deed-restricted condominiums and other forms of ensuring continued affordability, evaluating homebuyer programs for extremely low and very low-income households, and improving educational materials on how to take advantage of these programs.

- B. Require pre-purchase homebuyer counseling and encourage post-purchase counseling for any new homebuyer programs that include City funding.
- C. Work with limited equity co-operatives and land trusts to develop a set of best practices for purchasing and operating homeownership communities.
- D. Develop partnerships with certified counseling agencies that provide assistance with foreclosure prevention and mortgage workout strategies.
- E. Explore the feasibility of encouraging limited equity co-operatives.

2. Maintenance of Existing Housing

Policy H-8 Maintain Housing

Maintain and preserve the existing supply of housing in the City.

Policy H-9 Code Requirements and the Rental Housing Safety Program

Enforce code requirements to ensure that existing housing meets health and safety standards.

Actions:

- A. Continue to provide information and outreach to property owners and tenants regarding applicable regulations.
- B. Continue and improve the City's program of periodic inspection of rental units for health and safety code compliance.

Policy H-10 Deterioration, Blight and Deferred Maintenance

Prevent blight and the deterioration of housing units resulting from deferred maintenance.

Actions:

- A. Continue interdepartmental coordination to address problem properties.
- B. Pursue all legal and administrative remedies to require owners of problem-plagued residential properties to repair and return their properties to active use in the housing market.
- C. Develop programs and identify funding to assist low-income homeowners with maintenance costs and assist property owners with maintenance of low-income rental properties.
- D. Encourage preservation of historic residential structures by helping property owners obtain financial assistance for rehabilitation, such as Mills Act funding.
- E. Continue to assist low-income homeowners with rehabilitation through the Senior and Disabled Home Rehabilitation Program and weatherization programs.

Policy H-11 Seismic Reinforcement

Maintain housing supply and reduce the loss of life and property caused by earthquakes by requiring structural strengthening and hazard mitigation in Berkeley housing. (*Also see Disaster Preparedness and Safety Policies S-15, 17, 18, and 20.*)

Actions:

- A. Continue to encourage retrofitting of seismically unsafe buildings, such as unreinforced masonry buildings and soft-story buildings through incentive programs and requirements.
- B. Reduce the seismic threat to Berkeley's housing stock without necessitating substantial rent increases by identifying ways to minimize the financial impact of retrofits, such as offering fee deferrals, waivers for certain zoning regulations, and special funding programs.
- C. Seek grant funding for post-disaster recovery planning.
- D. Establish specific findings and procedures that can be used to expeditiously and efficiently approve reconstruction of preexisting, legal, non-conforming residential structures after a major natural disaster.

3. Expansion of the Housing Supply

Policy H-12 Transit-Oriented New Construction

Encourage construction of new medium and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan. *(Also see Land Use Policies LU-18, 23, 25 and Transportation Policy T-16.)*

Actions:

- A. Consistent with the Climate Action Plan, encourage new residential development that promotes modes of transportation other than privately-owned cars and trucks, including walking, biking, car share, and public transportation, thereby reducing the need for parking and reducing the overall cost of providing housing.
- B. Consider a variety of incentives, such as a waiver or partial waiver of parking requirements, in exchange for investment in transportation demand management measures, such as increased bicycle parking or other bike amenities, parking for alternative fuel vehicles, Eco-Passes for residents, or car share parking.
- C. Continue to encourage developers to separate the actual costs for renting or purchasing parking from the costs of new rental housing for the tenants in market-rate projects.
- D. Consider implementing parking maximums.
- E. Consider adjusting zoning to allow for greater residential density and specified commercial uses along certain transit corridors and in proximity to the Downtown Berkeley, Ashby, and North Berkeley BART stations.

Policy H-13 Second Units

Encourage and facilitate addition of second and small “in-law” units on properties with single-family homes, but not in areas with limited parking and vehicular access or that are especially vulnerable to natural disaster. *(Also see Disaster Preparedness and Safety Policy S-16.)*

Actions:

- A. Evaluate the accessory dwelling unit (ADU) regulations to identify and remove possible constraints to new ADUs.
- B. Consider adjusting zoning to allow for more ADUs and second units, particularly in areas well-served by public transit.

4. Special Needs Housing and Homelessness Prevention

Policy H-14 Homelessness and Crisis Prevention

Support programs and actions that prevent homelessness and other housing crises by making appropriate services available.

Actions:

- A. Support the increase of enrollment of eligible individuals in SSI, Medi-Cal, SNAP, and other benefits programs. Full use of benefits will help stabilize eligible households and can prevent homelessness and other housing crises.
- B. Increase availability of age-appropriate services for youth exiting state or local care, including basic life skills development, job training, services, coordination, legal representation and advocacy, mental health and substance use treatment, and access to medical care.
- C. Continue to support the Housing Retention Program, which helps low-income people retain their housing and avoid homelessness.
- D. Maintain City funding for anti-poverty programs, including employment services, childcare, healthcare, and nutrition that serve very low-income residents to enable them to increase self-sufficiency and remain housed.
- E. Encourage and support eviction prevention and other fair housing outreach programs, and continue enforcement of the Rent Stabilization Ordinance to avoid evictions that could lead to homelessness.

Policy H-15 Homeless Housing

Seek solutions to the problems of individuals and families who are homeless, with the goal of first providing them with permanently affordable housing.

Actions:

- A. Increase availability of supportive housing units in Berkeley that are affordable to households whose incomes do not exceed 30 percent of the Area Median Income (AMI) and serve people who are formerly homeless or have severe disabilities by creating 20 to 30 units per year (with an overall goal of 350 units over 15 years).
- B. Continue existing rent subsidy programs such as the Public Commons for Everyone Initiative Square One program and Shelter Plus Care, and seek out new sources of funding to expand or create new programs to maximize permanent housing opportunities for the homeless. Programs may provide deep or shallow subsidies, and may be linked to affordable housing developments, as in Project-Based Section 8 vouchers and the Mental Health Services Act Housing Program, or be available for private market rentals like Tenant-Based Section 8 vouchers.

- C. Ensure that Berkeley's allocation of Mental Health Services Act Housing Program funding, administered by the California Housing Finance Agency in conjunction with the California Department of Mental Health, is fully utilized for housing development.
- D. Ensure that affordable housing units can well serve homeless and special needs populations by linking their housing with flexible and appropriate supportive services.
- E. Analyze successful, innovative and supportive housing models in other communities in order to determine whether they can be implemented in Berkeley.
- F. Coordinate with service providers to ensure that up-to-date information about affordable housing and permanent supportive housing opportunities is widely accessible.

Policy H-16 Family Housing

Support and encourage housing projects that include units affordable and suitable for households with children and large families.

Actions:

- A. Identify obstacles to and incentives for development of housing suitable for families with children or family member(s) requiring assistance and multi-generational families.
- B. Consider incentives for construction of housing suitable for families with adequate amenities such as access to outdoor space, transit, and access to neighborhood goods and services.
- C. Encourage the development of childcare opportunities by supporting the provision of childcare centers in residential neighborhoods and in new residential projects. Consider offering incentives for inclusion of childcare in appropriate projects.

Policy H-17 Housing for Seniors

Support housing programs that increase the ability of senior households to remain in their homes or neighborhoods, and if necessary, to locate other suitable affordable housing to rent or purchase.

Actions:

- A. Continue the Senior and Disabled Home Rehabilitation Program.
- B. Develop incentives for a range of senior housing types including, but not limited to, second units or ADUs to help seniors age in their homes, in a universally-accessible ADU on their property, or to provide on-site housing for caregivers.
- C. Continue to provide, and expand as possible, funding for a range of senior housing and service types.

Policy H-18 Housing for People with Disabilities

Encourage provision of an adequate supply of suitable housing to meet the needs of people with disabilities, including developmental, behavioral health (mental health as well as alcohol and other drug dependence), and physical (including HIV/AIDS) disabilities. *(See also policies and actions under Fair and Accessible Housing and under Homeless Housing.)*

Policy H-19 Emergency Shelters and Transitional Housing

Recognizing that the City's priority for new homeless housing opportunities is for permanent housing, to the extent feasible and until they can access permanent housing, provide emergency shelter and transitional housing to homeless individuals and families, including people with mental, physical, and developmental disabilities, victims of domestic violence, youth, and seniors.

Actions:

- A. As required by SB2, maintain zoning districts where emergency shelters shall be allowed as of right, including a year-round emergency shelter.

5. Relationship with Other Institutions and Regional Cooperation

Policy H-20 Berkeley Housing Authority

Continue working with the Housing Authority to make quality affordable housing opportunities available to Berkeley residents.

Actions:

- A. Encourage the BHA to continue posting information regarding availability of Section 8 voucher units on the BHA website and to coordinate with countywide housing-information services, such as "2-1-1".
- B. Assist the BHA with distribution of information.
- C. Collaborate with the BHA and affordable housing developers in applying for an additional allocation of Project-Based Section 8 funding for use in connection with the development of new affordable housing units throughout the City.
- D. Encourage the Berkeley Housing Authority and other owners of publicly subsidized rental housing work with tenants to maintain a high quality living environment.
- E. Partner with BHA to plan and provide financial support through general funds and other mechanisms.

Policy H-21 University of California

Urge the University of California to maximize the supply of appropriately located, affordable housing for its students and also to expand housing opportunities for faculty and staff. (*Also see Land Use Policies LU-37 and 38 Action A.*)

Actions:

- A. Encourage and promote construction of additional housing for students, staff and faculty, particularly family housing, within walking distance of campus, and work with the University, private developers and nonprofits to increase the supply of affordable housing for faculty and staff. Encourage the University to undertake private-public partnerships such that this housing pays its fair share of taxes towards meeting City service needs.
- B. Encourage development of satellite housing near transit more distant from the campus (including other municipalities).

- C. Work with other jurisdictions to advocate for changes in state legislation that would:
1) require the University of California to provide adequate housing for students and minimize housing impacts in the area from the University; and 2) count University-provided beds towards our regional housing needs assessment.
- D. Encourage the University and other institutions to maintain residential uses in residential buildings, convert back to residential use residential buildings that have been converted to non-residential use when appropriate, and convert to residential use any unused buildings and underutilized sites where appropriate.

Policy H-22 Inter-Jurisdictional Coordination

Pursue opportunities to work with other jurisdictions to address issues of mutual interest and priority.

Actions:

- A. Develop and coordinate multi-agency, regional, and cross-jurisdictional approaches to reducing homelessness and sustain participation in EveryOne Home, the county-wide initiative to end homelessness.
- B. Form alliances with other jurisdictions to advocate for actions and resources from all levels of government (regional, county, state, and federal) that will address housing needs in Berkeley and the Bay Area.
- C. Advocate regional integration of housing planning with planning for open space and environmental protection.
- D. Advocate regional cooperation and coordination to encourage more efficient use of land and increased construction of affordable housing in job-rich and transit-rich communities in the Bay Area.

Policy H-23 Partnerships with Non-Profits

Continue to pursue opportunities to partner with non-profit housing agencies to rehabilitate, preserve, and build below-market-rate housing units.

6. Fair and Accessible Housing

Policy H-24 Fair Housing

Ensure compliance with federal, state, and local Fair Housing and anti-discrimination laws and ordinances. Federal, state, and local Fair Housing laws make it illegal to discriminate against any person because of race, color, religion, gender, disability, familial status, national origin, ancestry, marital status, sexual orientation, source of income, or age in the rental or sale, financing, advertising, appraisal, provision of real estate brokerage services, etc., and land-use practices.

Actions:

- A. Continue to provide Fair Housing education, outreach, testing, mediation, and referral services, making information available in English, Spanish, and Chinese.
- B. Continue to support the provision of related legal services.

Policy H-25 Americans with Disabilities Act (ADA) and CA Title 24 Disabled Access Regulations

Exceed California Title 24 Disabled Access Regulations to increase the proportion of housing throughout Berkeley that is accessible or adaptable for use by Berkeley citizens with physical disabilities.

Actions:

- A. Continue outreach activities to inform the community about Fair Housing laws and rights, the Americans with Disabilities Act (ADA), and California Title 24 Disabled Access Regulations, such as workshops for builders, architects and developers.
- B. Educate additional City staff in the land use planning and building divisions on California Title 24 Disabled Access Regulations, ADA requirements and universal design features.

Policy H-26 Accessible Housing

Exceed the accessibility requirements of the ADA and California Title 24 Disabled Access Regulations by encouraging incorporation into new construction and rehabilitation the use of technologies and design features that create universal accessibility.

Actions:

- A. Identify suitable universal accessibility standards for multi-family housing projects and study potential for applying them in Berkeley.
- B. Develop incentives to encourage construction of a variety of housing types suitable for people with disabilities, including residents with developmental disabilities and housing suitable for families or larger households with a disabled member.
- C. Encourage housing types that are environmentally and chemically safe.
- D. Continue and expand programs that help modify homes for accessibility to support people with disabilities to remain in their homes, such as the Center for Independent Living's program, Rebuilding Together's Safe Home Project, and the City's Senior and Disabled Home Rehabilitation Program.
- E. Identify and remove regulatory barriers to the rehabilitation of existing housing for accessibility.

Policy H-27 Affordable Accessible Housing

Encourage new construction and rehabilitation of accessible housing units that are permanently affordable, in particular to extremely low-income households.

7. Public Participation and Future Housing Element Revisions

Policy H-28 Neighborhood Planning

Encourage and facilitate opportunities for housing developers and neighborhood residents and organizations to collaborate on affordable housing projects that address neighborhood concerns. *(Also see Land Use policy LU-5, Urban Design and Preservation Policy UD-22, and Citizen Participation Policies CP-5, 6, 7 and 8.)*

Actions:

- A. Continue to strengthen opportunities for constructive participation by neighborhood organizations in planning and development decisions that affect their constituencies through use of the City's website and other outreach efforts.

Policy H-29 Public Participation

Use public participation to seek attainment of common housing goals and for sharing information about community needs in general.

Actions:

- A. Encourage community support of affordable housing and special needs housing by explaining advantages of affordable and special needs housing through active community outreach and education.
- B. Follow guidance provided in the General Plan Citizen Participation Element and the Citizen Participation Plan contained in the City's Consolidated Plan for Housing and Community Development.

Policy H-30 Housing Element Revisions

The City should maintain an up-to-date Housing Element by conducting a public review and update of the Housing Element consistent with state law to examine whether major changes in policies may be necessary in order to achieve General Plan goals.

8. Energy Efficiency

Policy H-31 Energy Efficiency and Waste Reduction

Implement provisions of Berkeley's Climate Action Plan to improve building comfort and safety, reduce energy costs, provide quality housing, and reduce Greenhouse Gas Emissions. (*Also see Environmental Management Policies EM-3, 38, 39 and Urban Design and Preservation Policy UD-33.*)

Actions:

- A. Improve local energy and green building standards for new residential construction and renovations.
- B. Continue to support energy efficiency practices in new construction and renovations through consultation, education, incentives and outreach services.
- C. Develop then phase in programs to encourage owners of existing single and multi-family residential buildings to reduce energy use by providing incentives and developing energy services, such as comprehensive energy audits, energy efficiency upgrades, and education.
- D. Continue and expand weatherization programs that assist low-income homeowners and renters to reduce their energy use.
- E. Continue and expand residential recycling and composting in single and multi-family dwellings through improved assistance and education services, with emphasis on outreach to tenants in multi-family dwellings.

- F. Continue and expand recycling of building materials and construction and demolition debris resulting from both new construction and renovations through improved assistance and education services.

9. Adequate Sites

Policy H-32 Publicly Owned Sites

Encourage use of publicly owned or controlled sites for affordable housing and/or mixed-use residential projects with a substantial portion of affordable units consistent with the provisions of Measure L. *(Also see Land Use Policy LU-32.)*

Policy H-33 Regional Housing Needs

Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

Policy H-34 High-Density Zoning

Maintain sufficient land zoned for high and medium-density residential development to allow sufficient new construction to meet Berkeley's fair share of regional housing needs.

Actions:

- A. Continue to require that developers and City staff work with neighborhood groups to ensure adequate notification of proposals and steps to address concerns.
- B. Ensure that development on dense, transit-served corridors transitions well into adjacent lower-density residential zones in order to minimize impacts on the character of interior neighborhoods.

10. Governmental Constraints

Policy H-35 Mitigate Governmental Constraints

Ensure that potential governmental constraints are identified and mitigated.

Actions:

- A. Continue to improve and streamline the project review process.
- B. Regularly evaluate City regulations and ordinances to identify and reduce unnecessary impediments to housing development and affordable housing projects.
- C. Identify and consider options to reduce potential constraints to existing infill opportunities in residential districts, consistent with residential densities specified in the Zoning Ordinance, as a way to provide housing with a neighborhood feel.
- D. Consider changes to the demolition ordinance contained in the Zoning Ordinance and related regulations to establish consistent and reasonable criteria for demolition and replacement of residential units.

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6 - Housing Programs and Quantified Objectives

Purpose

Berkeley has numerous housing-related programs that implement the community's objectives, policies, and actions as outlined in Chapter 5, *Objectives, Policies and Actions*. The State of California requires Housing Elements to illustrate how cities achieve their community goals through programs. The state also requires cities to address specific housing needs with programs.

In Berkeley, our programs address both our community goals and state requirements. This chapter identifies Berkeley programs that address state requirements and community goals, describes the programs, outlines recent accomplishments, and identifies future actions. The program descriptions identify agencies responsible for implementation, actions that will be taken, and the timeframes under which they will proceed.

This chapter is organized as follows:

- A. Programs Addressing State Law Requirements
- B. Programs Addressing Berkeley Objectives
- C. Summary of Quantified Objectives
- D. Program Descriptions

A. Programs Addressing State Law Requirements

California Government Code Section 65583(c) requires municipalities to comply with housing program requirements in several areas and to provide a summary of these programs. These requirements include:

- Providing adequate sites (Government Code §65583(c)(1));
- Assisting in the development of adequate housing to meet the needs of low and moderate income households (Government Code §65583(c)(2));
- Addressing and, where appropriate and legally possible, removing governmental constraints (Government Code §65583(c)(3)), such as land use controls, building codes, site improvement requirements, fees and exactions, processing and permit

procedures, and providing reasonable accommodation for housing designed for persons with disabilities;

- Conserving and improving the condition of the existing affordable housing stock (Government Code §65583(c)(4));
- Identifying programs promoting equal housing opportunities (Government Code §65583(c)(5)); and
- Preserving affordable housing units that are at risk of converting to market rates (Government Code §65583(c)(6)).

Berkeley programs addressing these state requirements are listed below under each requirement.

1. *Provide adequate sites (65583(c)(1)):*

Chapter 3, *Projected Housing Need and Land Resources*, concludes the City has adequate capacity to accommodate our regional housing need. The chapter provides a discussion of the City's inventory of housing opportunity sites and indicates the City has capacity both to accommodate our regional need and to facilitate and encourage a variety of housing types for all income levels, including, emergency shelters and transitional and supportive housing. In addition, the inventory of housing opportunity sites is published on the City's website:

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=37820>

Rezoning for compliance with Government Code Section 65583(a)(4) / SB 2: In 2007 the California legislature adopted changes to state planning law requiring jurisdictions to modify their local regulations to identify zones allowing emergency shelters without discretionary review. The program named "Emergency Shelters / Compliance with SB2" describes these requirements and how Berkeley meets them, including adequate opportunity sites within zones that allow emergency shelters as-of-right.

2. *Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households (65583(c)(2)):*

Berkeley has long assisted and encouraged development of housing for low- and moderate-income households. In addition, Berkeley provides numerous services to low-income residents that help them remain housed. Berkeley considers those service programs integral to the provision of affordable housing, and therefore lists those programs as contributing to provision of adequate housing to meet the needs of extremely low, very low, low and moderate-income households. The major programs Berkeley uses to develop adequate affordable housing include:

a. Housing Trust Fund

Sources for Berkeley's Housing Trust Fund Include:

- Federal HOME Partnership for Investment Program (HOME Program) allocations.
- Allocated Community Development Block Grant (CDBG) funds.

- Housing fees provided by commercial and residential development projects and for condominium conversions.
 - b. Inclusionary Housing Ordinance and State Density Bonus Law Implementation
 - c. Housing Mitigation Fees Charged to Non-Residential Development
 - d. Second Units (Accessory Dwelling Units)
 - e. Berkeley Housing Authority (Section 8 Housing Assistance Programs)
 - f. Mortgage Credit Certificate Program (for first time homebuyers)
 - g. Permit Fee Deferrals for Affordable Housing (BMC Chapter 19.62)
 - h. Homeless Housing and Service Programs
3. *Address governmental constraints and provide reasonable accommodation (65583(c)(3)):*

Please see Chapter 4, *Potential Constraints to Housing Production*, for a detailed discussion of possible governmental constraints and the City programs that mitigate them. Berkeley has a number of Planning and Development Department programs to assist projects through the land use entitlement and code compliance process, including the programs listed below. *Programs a. - d. are discussed in Chapter 4.*

- a. Zoning Project Roundtable
- b. Expedited Project Services
- c. Pre-application Review
- d. Building Permits 101 training
- e. Project Review Outreach Efforts
- f. Permit Fee Deferrals for Affordable Housing (BMC Chapter 19.62)
- g. Second Unit (Accessory Dwelling Units)
- h. Mitigating Governmental Constraints

The state requires programs to remove constraints to, and provide reasonable accommodation for, housing designed for persons with disabilities. Chapter 4, *Potential Constraints to Housing Production*, discusses the actions Berkeley has taken to remove constraints and assist with the provision of housing and services for persons with disabilities. In addition, Berkeley has the following programs:

- a. Reasonable Accommodation Ordinance, (BMC Chapter 23B.52)
 - b. Senior and Disabled Home Improvement Loan Program
 - c. Home Modifications for Accessibility (Center for Independent Living and Rebuilding Together)
4. *Conserve and improve the condition of the existing affordable housing stock (65583(c)(4))*

The City of Berkeley considers conservation of affordable housing to have two dimensions: physical conservation, meaning protection and rehabilitation of actual buildings facing deterioration or dilapidation; and conservation of the *price* at which housing is traded in the marketplace (in other words, affordable rents and home prices). The City of Berkeley operates a number of programs to conserve the existing affordable housing stock, including:

- a. Rent Stabilization and Tenant Protections
- b. Residential Seismic Preparedness Programs
- c. Housing Trust Fund
- d. Priority Properties Team
- e. Housing Code Enforcement and Rental Housing Safety Program
- f. Senior and Disabled Home Improvement Loan Program
- g. Home Modifications for Accessibility and Safety (Center for Independent Living and Rebuilding Together)
- h. Energy Conservation Opportunities and Programs
- i. Lead Poisoning Prevention Program
- j. Berkeley Tool Lending Library
- k. Demolition Controls and Replacement Requirement
- l. Condominium Conversion Ordinance

5. *Program to promote equal housing opportunities (65583(c)(5))*

Fair housing laws prohibit discrimination in the sale, rental, or financing of dwellings because of race, color, national origin, religion, sex, familial status (families with children under the age of 18) or handicap (disability). In addition to the fair housing laws established at the federal and state levels, Berkeley Municipal Code (Chapter 13.24) prohibits discrimination against families with children and student households including illegal acts such as eviction, harassment, surcharges or unreasonable rules, based upon the presence of children. Berkeley Municipal Code (Chapter 13.28.040) prohibits discrimination based on sexual orientation. Berkeley Municipal Code (Chapter 13.30.050) prohibits discrimination based on the fact of having AIDS or associated conditions. Berkeley has a number of programs that actively further fair housing practices, including:

- a. Addressing Impediments To Fair Housing
- b. Fair Housing Assistance, Education, and Outreach (East Bay Community Law Center)
- c. Home Modifications for Accessibility and Safety (Center for Independent Living and Rebuilding Together)
- d. Reasonable Accommodation Ordinance, (BMC Chapter 23B.52)
- e. Permit Fee Deferrals for Affordable Housing (BMC Chapter 19.62)
- f. Senior and Disabled Home Improvement Loan Program
- g. Homeless Housing and Service Programs

6. *Preserve lower income units at-risk of conversion to market rate (65583(c)(6)(d))*

Affordable housing is provided using a variety of funding mechanisms, most of which involve restricted housing prices for a limited period of time. When those affordable rates time out, the units are at risk of converting to market rate housing, thus reducing the supply of affordable housing and jeopardizing the ability of current tenants to remain in their homes or communities. State law requires cities, through their Housing Elements, to take stock of the risk of affordable units converting to market rate and develop mitigation strategies to avoid the loss of below-market-rate housing.

- a. Preserving Restricted Units at Risk of Conversion to Market Rate

B. Programs Addressing Berkeley Objectives

All of the programs discussed in Section A of this chapter assist Berkeley in the implementation of our community housing objectives as well as address state requirements. Some programs address community goals but are not directly related to state requirements. These programs implement our community housing objectives related to coordination with other agencies and public participation. To illustrate the connection between Berkeley's community goals and Berkeley's programs, the programs are grouped below with the most relevant Objective from Chapter 5 of the Housing Element, *Objectives, Policies and Actions*.

1. Housing Affordability

Berkeley residents should have access to quality housing at a range of prices and rents. Housing is least affordable for people at the lowest income levels, and City resources should focus on this area of need.

- a. Berkeley Housing Authority (Section 8 Housing Assistance Program)
- b. Condominium Conversion Ordinance
- c. Homeless Housing and Service Programs
- d. Housing Mitigation Fees Charged to Non-Residential Development
- e. Housing Trust Fund
- f. Inclusionary Housing Ordinance and State Density Bonus Law Implementation
- g. Second Units (Accessory Dwelling Units)
- h. Mortgage Credit Certificate Program
- i. Permit Fee Deferrals for Affordable Housing
- j. Preserving Restricted Units at Risk of Conversion to Market Rate

2. Maintenance of Existing Housing

Existing housing should be maintained and improved. Improvements that will prepare buildings for a major seismic event should be encouraged.

- a. Demolition Controls and Unit Replacement Requirement
- b. Energy Conservation Opportunities and Programs
- c. Home Modifications for Accessibility (Center for Independent Living and Rebuilding Together)
- d. Housing Code Enforcement and the Rental Housing Safety Program
- e. Lead Poisoning Prevention Program
- f. Priority Properties Team
- g. Residential Seismic Preparedness Programs
- h. Senior and Disabled Home Improvement Loan Programs
- i. Tool Lending Library

3. Expansion of the Housing Supply

New housing should be developed to expand housing opportunities in Berkeley to meet the needs of all income groups.

- a. Housing Mitigation Fees Charged to Non-Residential Development
- b. Housing Trust Fund
- c. Inclusionary Housing Ordinance and State Density Bonus Law Implementation
- d. Second Units (Accessory Dwelling Units)
- e. Homeless Housing and Service Programs

Additionally, the City maintains adequate sites to accommodate our RHNA, as discussed in Chapter 3, which enables the expansion of the housing supply.

4. *Special Needs Housing and Homelessness Prevention*

Berkeley should expand the supply of housing for special needs groups, including housing affordable to households and individuals with extremely low incomes.

- a. Berkeley Housing Authority (Section 8 Housing Assistance Program)
- b. Homeless Housing and Service Programs
- c. Inclusionary Housing Ordinance and State Density Bonus Law Implementation
- d. Housing Trust Fund

5. *Relationship with Other Institutions*

The City should continue working with the Berkeley Housing Authority and the University of California to address affordable housing needs.

- a. Berkeley Housing Authority (Section 8 Housing Assistance Program)
- b. Priority Development Area Program
- c. Area planning coordination with UC Berkeley

6. *Fair and Accessible Housing*

The City should continue to enforce fair housing laws and encourage housing that is universally accessible.

- a. Fair Housing Assistance, Outreach and Education
- b. Home Modification for Accessibility (Center for Independent Living and Rebuilding Together)
- c. Addressing Impediments to Fair Housing
- d. Reasonable Accommodation Ordinance
- e. Rent Stabilization and Tenant Protections

7. *Public Participation*

Berkeley should continue to improve the role of neighborhood residents and community organizations in housing and community development decision-making.

- a. Area planning coordination with UC Berkeley
- b. Boards and Commissions
- c. Project review outreach efforts

8. *Energy Efficiency*

The City should promote energy efficiency in new and existing residential buildings in order to improve building comfort and safety, reduce energy costs, provide quality housing, and reduce Greenhouse Gas Emissions.

- a. Energy Conservation Opportunities and Programs

9. *Adequate Sites*

Berkeley should retain adequate housing opportunity sites to meet our future housing needs.

Please see Chapter 3, *Projected Housing Need and Land Resources*, for a discussion of the inventory of housing opportunity sites to accommodate our regional need and analysis of site capacity to facilitate and encourage a variety of housing types for all income levels, including, emergency shelters and transitional and supportive housing.

10. *Governmental Constraints*

Berkeley should identify and mitigate barriers to the construction of new housing of all types.

- a. Zoning Project Roundtable
- b. Expedited Project Services
- c. Pre-application Review
- d. Building Permits 101 Training
- e. Project Review Outreach Efforts
- f. Permit Fee Deferrals for Affordable Housing (BMC Chapter 19.62)
- g. Second Units (Accessory Dwelling Units)
- h. Mitigating Governmental Constraints

C. Summary of Quantified Objectives

The table below illustrates the quantified objectives for the City of Berkeley. These figures are an estimate of the number of units likely to be constructed, rehabilitated or conserved/preserved by income level during the planning period.

Table 6-1: Quantified Objectives, 2015-2023			
Income Category	New Construction	Rehabilitation	Conservation/ Retention
Extremely Low	266	56	-
Very-Low Income	266	128	354
Low	442	408	-
Moderate	584	29	-
Above Moderate	1401	42	-
Totals	2,959	663	354

The sources of information for Table 6-1 are as follows:

New Construction. The “new construction” objectives are specified by the Association of Bay Area Governments (ABAG) during their regional housing needs allocation process. ABAG has designated a total of 2,959 units of housing as the City’s areas “fair share” of housing within the nine county Bay Area region. (For more information about the ABAG housing allocation, see Chapter 3, *Projected Housing Need and Land Resources*.) The City anticipates a combination of Housing Trust Fund (HTF)-funded construction and income-restricted units in density bonus projects will facilitate the construction of these below-market-rate units.

Berkeley generally met its overall housing production goals for the past RHNA periods. Like other Cities, Berkeley has not met all of the low, very low, and extremely low-income production goals. Part of the reason for this is that recent changes to state law severely limit the tools available to produce income-restricted units.

The State of California Court of Appeals decision in *Palmer/Sixth Street Properties v. City of Los Angeles* (2009) 175 Cal. App. 4th 1396 reduces the City’s ability to produce permanently affordable rental housing by limiting the City’s ability to restrict rents in new construction. The California Supreme Court decision in *Sterling Park, L.P. v. City of Palo Alto* (2013), had the same effect on ownership development projects, limiting the City’s ability to require inclusionary for-sale units under local ordinance. The three main tools that remain are the Housing Trust Fund (HTF), Affordable Housing Mitigation Fee, and State Density Bonus law. Both programs are described in this chapter. Berkeley is committed to identifying new funding sources for the HTF and improving the implementation of density bonus law in order to produce as many lower-income units as possible.

Rehabilitation. The rehabilitation goals for the eight-year planning period based on the HTF guidelines and the number of rehabilitated units funded by the HTF in the past are as follows:

- ELI – 56 units (7 units/year)
- VLI – 128 units (16 units/year)
- LI – 40 units (5 units/year)

Additionally, rehabilitation goals based on the past performance of Berkeley rehabilitation programs are listed below. The condominium conversions are assumed to be in the above

moderate-income category. The Senior and Disabled Home Loans are in the moderate-income category. All others are assumed to rehabilitate housing for low- income households.¹

- Condominium Conversion Ordinance: 42 units (6 units/year)
- CESC Major Home Repairs: 200 units (25 units/year)
- Rebuilding Together: 168 units (21 units/year)
- Senior and Disabled Home Loans: 28 units (5.6 units /year)

Conservation/Retention. The conservation objectives reflect the 354 units of affordable housing at risk of conversion to market rate due to annual renewal of project-based Section 8 subsidies. “Preserving Restricted Units at Risk of Conversion to Market Rate,” in Chapter 6, discusses the at-risk units and Berkeley’s resources for preservation of the units.

¹ Rebuilding Together and CESC assist households with incomes up to 80% of AMI, however, typically the majority households are below 50% of AMI.

D. Program Descriptions

The City of Berkeley has numerous programs for attaining our community housing goals as well as addressing the requirements of state housing law. **Detailed descriptions of each program are provided on the following pages.**

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Area Planning Coordination with UC Berkeley

Update: Staff from UC Berkeley and the City of Berkeley continue to meet on a monthly basis to monitor implementation of the Downtown Area Plan and Southside Area Plan and to keep each other informed of proposed and pending development projects.

The City of Berkeley has worked with UC Berkeley on two area plans covering the geographic areas close to the UC campus: Southside and Downtown. A description of recent activities and development in these plan areas are described below.

Downtown Area Plan

Development is occurring in the Downtown Plan area as a result of the implemented Plan. Recent development include private market housing designed for students, a new Target store marketing to student needs and a number of new eating establishments to attract students and faculty to Downtown.

Southside Plan

In 2014, the City implemented zoning changes in the Telegraph Avenue Commercial District (C-T) to support the development of office uses above the first floor, as well as increased Floor Area Ratios (FARs). These two changes combine to support the need for office and additional housing in proximity to the CAL campus.

Accomplishments

The noted zoning changes and development in the Plans area can be seen as accomplishments of the City and University coordination.

Looking Ahead

The City will continue to coordinate long-range planning for areas adjacent to the UC Berkeley campus with the University.

Anticipated new development of a hotel, completion of the University Art Museum and changes to the Shattuck corridor further the implementation of the Downtown Area Plan. These projects are in various stages of readiness to completion. Each project better connects the City and the University.

Timeframe

Ongoing

Responsible agency

City of Berkeley Planning Department
UC Berkeley planning staff

Funding sources

General Fund
Funding from UC

Berkeley Housing Authority (Section 8 Housing Assistance Program)

The Berkeley Housing Authority (BHA), established in 1966, operates the Section 8 Housing Choice Voucher program, the Section 8 Project-Based Voucher program, Single Room Occupancy program, and Moderate Rehabilitation program (Mod Rehab). The programs are administered by the U.S. Department of Housing and Urban Development (HUD). They provide rental assistance for low-income families, the elderly, people with disabilities, and others.

Until July 1, 2007, BHA was a division of the City of Berkeley, but it has since become an independent entity with its own Board, appointed by the Mayor. While structurally a separate entity, the City of Berkeley provides the BHA with IT support.

Housing Choice Voucher Program

Berkeley Housing Authority currently provides rental assistance to approximately 1,935 households through HUD's Section 8 Housing Choice Voucher program. During the past year BHA awarded new assistance vouchers to more than 65 households that had been on both the Section 8 Housing Choice Voucher wait list and the Section 8 Project-Based Voucher wait list. The vast majority of vouchers provide a tenant-based subsidy, meaning program participants can use the vouchers to rent privately owned housing and take the vouchers with them when they move to a different property.

Households generally pay between 30-40% of adjusted monthly income for rent unless they are over-housed. BHA pays the difference directly to the landlord. The Housing Authority establishes a payment standard, which is the maximum subsidy amount the Housing Authority will pay, based on the unit size. HUD allows housing authorities to set the payment standard between 90% and 110% of the region's "fair market rent" (FMR) by bedroom size. The BHA sets the payment standard at 110% of the FMR. The FMR is adjusted annually to keep pace with the increasing cost of rent and utilities.

The contract rents for individual units in the Section 8 program are generally capped at the payment standard for the particular bedroom size. To avoid artificially inflating rental costs, the approved rent for any contract must first be determined "reasonable" in comparison to similar, unassisted units. After the first year there is no HUD imposed cap, but there are triggers of the local Rent Control Ordinance if the rent exceeds the payment standard for the unit size.

The current Payment Standards for units of different sizes are shown in Table 6-2.

Table 6-2: BHA Payment Standards, November 2014	
Number of Bedrooms	Payment Standard
0 Bedrooms	\$1,142
1 Bedroom	\$1,386
2 Bedrooms	\$1,743
3 Bedrooms	\$2,434
4 Bedrooms	\$2,987

Source: Berkeley Housing Authority

To be eligible, an applicant's income must be at or below 50 percent of AMI (area median income). A minimum of 75% of BHAs admissions must have income below 30% AMI; the remaining 25% of admissions can have income up to 50% AMI. Other assets (savings, investments, retirement funds, etc.) are also evaluated. A family or individual issued a voucher is responsible for finding a suitable rental unit that meets minimum Housing Quality Standards (HUD's inspections standards for units being rented with Section 8 subsidy). When the participant locates a unit to rent with a landlord that is willing to participate, the owner executes a Request for Tenancy Approval which is submitted to BHA. BHA inspects the dwelling, and when the inspection passes, and the owner and family execute a lease, BHA and the owner enter into a Housing Assistance Payment (HAP) agreement. BHA then pays a rental subsidy directly to the landlord and the tenant pays the difference between the actual rent charged and the subsidy amount, typically 30 percent of adjusted household income (less the applicable utility allowance).

Waiting List

In 2010, BHA successfully completed an intake process for the Section 8 Housing Choice Voucher (Tenant-Based) and Project-Based wait lists from March 1 to 5. During this five day period, BHA received over 37,000 applications; this speaks to the tremendous demand for rental assistance for low-income families in the Bay Area. 1,500 applicants were randomly selected on March 22, 2010 and placed on the Section 8 Tenant-Based Voucher wait list. An additional 1,500 names were randomly selected and placed on the Section 8 Project-Based Voucher wait list. In accordance with HUD regulations, preferences are identified in BHA's administrative plan, which are used to weigh all applicants for their eligibility and ranking on the waiting list. The BHA plans to allow on-line applications when the wait list is opened.

Additionally, BHA opened the Project-Based wait list in 2012 for the following categories: seniors 62 or older (637 applications received); youth emancipated from the foster care system (627 applications received); those with HIV or AIDS (282 applications received); families qualifying for 3 bedroom units (1,100 applications received); and families qualifying for 4 bedroom units (224 applications received).

Lease-up Rate

The lease-up rate is the percentage of the available vouchers actually under contract. In August 2002, the lease-up rate was 1,410 out of 1,841 allocated units (77%). As of May 2009, the lease-up rate was 92% and climbing, 1,683 out of 1,841 allocated units. The current lease-up rate as of October 2014 is 1791 (93%). BHA remains concerned and alarmed by the current

rental market condition in Berkeley, which makes it difficult to compete for units in the open market. The success rate of new voucher holders is 43%; this is due in large part to the high rent demands, and the increased competition for rental units from UC students and commuters to San Francisco, who can meet the owner rent demands without Section 8 assistance. The success of the Section 8 Voucher program is critical to the City's ability to retain a diversified population. BHA remains committed to strategies designed to retain and expand owner participation.

Project-Based Section 8 Units

In 1999, BHA began "project-basing" a portion of the vouchers by allocating vouchers to selected development projects to ensure that units in rehabilitated or new construction buildings are affordable to people at extremely low incomes. Under HUD rules, BHA can project base up to 20% of the allocated vouchers. With Project-Based Section 8 units, the Housing Authority enters a master HAP contract with a landlord that guarantees Section 8 rents for a period of 15 years. Project-Based vouchers have effectively assisted in the creation of 187 new, and 114 rehabilitated rental units in senior, disabled, family and mixed-use developments. These awards remain a critical element in financial feasibility of the creation and substantial rehabilitation of affordable housing activity. Families are selected from the Project-Based waitlist (managed by BHA), and those that choose to reside at the property may request transfer to the Tenant-Based Voucher and move off site with rental assistance after the first year. At the end of the fifteen-year period, the landlord may choose to continue renting to families with Tenant-Based Vouchers individually, or convert the units to market rate, or BHA may offer to have the master contract extended for some or all of the Project-Based units for an additional 1 to 15 years.

BHA currently has 201 units of Section 8 Project-Based assistance under contract and 100 units committed, including units at the former low-income public housing scattered sites, once owned by BHA but now transitioned to the Project-Based program, and Strawberry Creek Lodge, both of which are currently undergoing rehabilitation.

Moderate Rehabilitation Program

Berkeley Housing Authority provides subsidy for 98 units of Single Room Occupancy (SRO) housing in Berkeley via HUD's Moderate Rehabilitation Housing Program. The units offer safe, decent, housing plus on site services for the formerly homeless population, including disabled individuals.

Accomplishments

- The Housing Authority has been a Certified "High" performer under SEMAP (Section 8 Management Assessment Program) since 2010.
- The disposition deal for the 75 former units of Low Income Public Housing was realized, and the units are currently undergoing a major rehabilitation under the Project-Based Program.
- In an effort to streamline payment of landlords, BHA has moved to a direct deposit program for HAP funds.

Looking Ahead

The Housing Authority will be working to attract new properties to the Tenant-based Section 8 Program, by reaching out to existing owners and potential new owners, including those with Below Market Rent (BMR) commitments. We are contemplating the possibility of going to a higher Payment Standard of 115% or 120% of the FMR. Additionally, BHA is considering a program to help the formerly homeless individuals living in the Moderate Rehabilitation units transition to permanent mainstreamed housing. Lastly, BHA is beginning to conceptualize implementation of the Family Self-sufficiency (FSS) Program, as BHA's waiver (from operating the FSS program) from HUD expires in early 2016. BHA will be exploring expanded scoring criteria for evaluating proposals for project based voucher in the Administrative Plan which may include preferences for rehabilitation and new construction of fully accessible units.

Implementation Steps

- Continue to provide rental assistance to households with incomes lower than 50% of AMI during the planning period.

Timeframe:

Ongoing

Responsible Agency:

Berkeley Housing Authority

Funding Source:

HUD - Section 8

Boards and Commissions

Berkeley's government is characterized in part by a strong commitment to citizen input into City decisions. The City accomplishes this task by having over 40 citizen advisory commissions dealing with a wide variety of issues. The main commissions that address housing-related issues are:

- Commission on Aging
- Commission on Disability
- Homeless Commission
- Housing Advisory Commission
- Human Welfare & Community Action Commission
- Mental Health Commission
- Planning Commission
- Zoning Adjustments Board

Implementation Steps

- Continue facilitating community input through Berkeley's boards and commissions.

Timeframe

Ongoing

Responsible agency

City of Berkeley Planning Department, Health, Housing & Community Services Department

Funding sources

General Fund

Condominium Conversion Ordinance

The City's condominium conversion ordinance (CCO) (BMC Chapter 21.28) governs conversion of rental apartments and "tenancy in common" (TIC) buildings to condominiums, community apartments, and other types of mutual or cooperative housing. The CCO allows condominium conversion of TIC and rental units up to a 100 unit annual maximum. The CCO also protects the rights of sitting tenants and mitigates the loss of rental units through an affordable housing mitigation fee. This fee is put into the City of Berkeley Housing Trust Fund (HTF) to fund various affordable housing projects (see HTF program description).

From 1980 to 1992 the City of Berkeley did not permit conversion from rental housing units to condominiums. Condominium conversion removes rental units from the market and reduces affordability, both directly by increasing the monthly cost of converted units, and indirectly by increasing the cost of other rental units through reduced supply relative to demand. However, conversion adds some affordable ownership units to the market.

Despite the condominium ban, conversion to owner-occupancy continued through TICs, which allow people to use joint ownership of multi-unit buildings to become owner-occupants without actually subdividing the property. In TICs, people share ownership of a property with multiple units and agree among themselves on each part-owners' right to occupy one unit. Being part of a TIC is legally and financially different from owning a condominium. As part of a TIC, all owners are responsible if a part-owner defaults on their loan. Condominiums are separate and divided interests in a property, with each buyer purchasing a unit free and clear of the others. As an owner of a condominium, individual owners are not responsible if someone in the same building defaults on their loan.

In 1992, the City simultaneously started to permit very limited conversion from rental housing units to condominiums while prohibiting creation of new TICs in properties over three units. The ban came about due to the loss of an estimated 1,000 to 1,500 rental housing units to TIC conversions in the late 1980s and early 1990's and the legal and financial difficulties the TIC owners encountered.

In mid 2005, the prohibition against TICs was repealed in response to a 2004 California Court of Appeal decision in which a similar regulation in San Francisco was declared unconstitutional. At the same time, the City enacted regulations to allow quota-limited condominium conversion as an alternative to creation of TICs. Through payment of a mitigation fee and limited to 100 units per year, the City aims to slow the rate of conversion and mitigate the loss of the more affordable rental units by using the mitigation fees to create permanent affordable rental

housing. The City expects that the benefits of condominium conversion will lead property owners to convert to a condo rather than a TIC.

The CCO was amended several times between 2005 and 2007 and most recently amended in early 2009 following a two-year planning process that included over 20 public meetings with the Housing Advisory Commission, the Rent Stabilization Board and the City Council. The most recent amendments removed the previous quota exemption for 2-4 unit condominium conversions, changed the mitigation fee structure, and clarified administration of the ordinance and inspection process.

Under the current ordinance, there is:

- A maximum of 100 conversions a year.
- A mitigation fee to offset the loss of affordable rental housing. If converters agree to limit future rent increases for the life of the property to any resident tenant at the time of conversion to no more than 65% of the increase in the Consumer Price Index for all Bay Area Consumers, the fee is capped at 4% of the sale price if there are two units and at 8% if there are three or more units. Reductions are given if the owner has lived in the unit for at least five consecutive years or if the fee is paid at the time of conversion.
- Conditions to protect tenants that discourage displacement and offer the exclusive right to purchase the rental unit after it becomes a condominium for the period of one year.
- A requirement that at the time of conversion, the housing unit must correct all Life and Safety code violations.

Accomplishments

Under the previous ordinance, the City approved over 1,100 units for conversion but only three units were required to pay the mitigation fee for a total of \$47,072.33. By contrast, since implementation of the new CCO in 2009, the City has approved the conversion of 142 units to condominiums, and has received a total of \$1,489,085 associated affordable housing mitigation fees from a total of 59 units: 26 units paid at the time of application approval, 15 at the time of refinance, and 18 at the time of sale.

Table 6-3 below summarizes by calendar year overall condominium conversions in Berkeley since 2009.

Table 6-3: Summary of Berkeley Condominium Conversions, 2009-2014*	
Year	Units Approved for Conversion
2009	66
2010	19
2011	11
2012	20
2013	15
2014*	11
Total	142

Source: City of Berkeley Planning and Development Department.

**Data from January 1, 2009 through July 31, 2014.*

Looking Ahead

With the upturn in the economy and availability of financing for residential condominiums, the City expects the program to process a greater volume of unit conversions in the upcoming years. Additionally, as the majority of approved units deferred payment of the affordable housing mitigation fee until either refinance or sale, the City projects a robust Affordable Housing Mitigation Fee Fund into the near future.

Implementation Steps

- Continue to permit up to 100 condominium conversions annually and collect conversion fees for production of permanently affordable housing.

Timeframe

Ongoing

Responsible agency

City of Berkeley Planning and Development Department

City of Berkeley Health, Housing & Community Services Department

Funding sources

Condominium Conversion Ordinance Fees

General Fund

Demolition Controls and Unit Replacement Requirement

The City's Demolition and Dwelling Unit Controls (BMC Chapter 23C.08) limits the ability of property owners to demolish or eliminate existing housing units and requires one-to-one replacement of removed units. It also disallows removal of rent-controlled units. The provisions of this section are summarized below.

Berkeley's zoning ordinance restricts the demolition of housing units by limiting demolitions to cases where:

- The structure is either "hazardous, unusable or infeasible to repair", as determined by our Building Official, or
- The demolition is necessary to permit construction of at least as many units as will be demolished.

Elimination of units through the process of converting the building to a use other than residential is also restricted to cases where:

- The residential density of the lot exceeds allowable density of the district; or
- The conversion will create common space in a co-housing community; or
- The change will not result in a reduction of housing supply essential to the City or neighborhood; or
- The units are situated in an environment unsuitable for residential occupancy and suitable housing will be made available to the present occupants.

Units subject to rent control require specific findings to be eliminated in addition to the findings summarized above. In sum, a controlled rental unit cannot be eliminated if a low income family occupies the unit or if tenants will be displaced against their will. Also, the owner must demonstrate a fair return on investment is not possible, the dwelling must be seriously deteriorated and replacement units must be available for lower income households. .

Removal of residential hotel rooms is only permitted if they are replaced with a common area for the tenants or are being removed for seismic or ADA upgrades. Replacement rooms for the existing tenant of comparable size, quality, and cost to tenant must be found, or payment made to the City's HTF in an amount sufficient to replace the rooms.

Implementation Steps

- Maintain existing number of housing units in Berkeley.
- Consider changes to the zoning ordinance to establish consistent and reasonable criteria for demolition and replacement of controlled rental residential units.

Timeframe

Ongoing

Responsible agency

City of Berkeley Planning Department

Funding sources

General Fund

Energy Conservation Opportunities and Programs

The City of Berkeley has various requirements and services to promote energy conservation and energy efficiency in new and existing residential buildings.

Climate Action Plan

In June 2009, the City adopted the Climate Action Plan (CAP), a community-wide plan to reduce Berkeley's greenhouse gas (GHG) emissions. The Climate Action Plan calls for reducing overall GHG emissions by 80% by 2050 and an interim goal of reducing GHG by 33% by 2020. The Land Use and Transportation and Building Energy Use strategies are the main policy initiatives of the CAP that relate to residential energy conservation opportunities.

Land Use and Transportation Chapter

As of 2012, gasoline and diesel vehicle trips in the City of Berkeley accounted for approximately 53% of Berkeley's total GHG emissions. The CAP aims to reduce this by 33 % by 2020, in large part by reducing vehicle miles traveled (VMT). Many of the CAP policies promote alternative transportation, including: encouraging better bus service, car sharing, enhanced bike and pedestrian amenities, improved parking management, and compact development near transit.

Building Energy Use Chapter

As of 2012, residential electricity and natural gas consumption accounted for approximately 20% of Berkeley's GHG emissions. Natural gas accounted for 80% of total residential energy consumption. The main sources of residential natural gas consumption are water heating and space heating. The CAP has set a goal to reduce the emissions that result from building energy use (both residential and non-residential buildings) by 33% by 2020. The CAP includes policies to set minimum energy standards, remove barriers to green building, and develop incentives promoting energy efficiency and other green building measures in new and existing buildings. Cost effective energy improvements include sealing air leaks, insulating the attic and walls, upgrading lighting and appliances, and reducing losses from phantom energy loads (i.e., appliances and electronic devices that consume energy even when turned off).

Green Building and Building Energy Use

Green buildings provide healthy, comfortable building interiors that maximize savings through the efficient use of energy and water and limit construction impacts on the natural environment. Berkeley started the Best Builders Program in 2001 by providing resources to promote green building. In addition, Berkeley has supplemental green building policies that ensure that buildings are built and maintained sustainably, that construction waste is diverted from landfills, and energy and water are used efficiently in buildings.

The main components of the City's current green building and energy conservation programs are as follows:

- **Green Building for Downtown Projects:** New buildings and additions in the downtown are required to achieve a Leadership in Energy and Environmental Design (LEED) Gold certification (or equivalent).
- **Green Building Consultation:** The Planning Department offers free, voluntary green building consultations to applicants in order to encourage green building practices in the design, siting, construction and operation of buildings.
- **Green Building Checklist:** Large-scale development projects (10,000 square feet or more) and new buildings with one or more dwelling units are required to complete a "green building checklist" (either LEED or GreenPoint Rated) and update it throughout the project.
- **Construction Waste Reduction:** Projects must divert construction and demolition debris away from the landfill through reuse and compost.
- **Residential Energy Conservation Ordinance (RECO):** RECO, adopted in 1980, requires that every home or apartment building sold or transferred in Berkeley or undergoing renovations with a total value of \$50,000 or more must meet a prescriptive list of energy and water efficiency requirements for a range of building systems and features, including: toilets, showerheads, water heaters, attic insulation, exterior door weather stripping and common area lighting (for multi-unit buildings). This ordinance is in the process of being updated. As of this writing, the replacement draft ordinance, entitled Building Energy Saving Ordinance (BESO), is under consideration by the City Council.
- **Weatherization Program:** In 2011 the City discontinued the weatherization program. See Program *HHSP: Energy Bill Payment Assistance* for a discussion of this change.

- **Money for Energy Efficiency (ME2) Program:** In July 2010, the City offered cash incentives through the Money for Energy Efficiency (ME2) Program to individuals who were interested in increasing the energy efficiency of their home. The ME2 program was funded by federal stimulus money awarded to Berkeley from the U.S. Department of Energy. This was a pilot program that served as a model for the statewide Energy Upgrade California program.
- **Energy Upgrade California:** Berkeley participates in the statewide rebate program for energy upgrades for homes. It incentivizes homeowners to make their homes more energy efficient.
- **Multifamily Green:** Multifamily Green, a program of Energy Upgrade California for multifamily properties, offers energy efficiency rebates and free technical assistance to multifamily property owners. Reduced energy use lowers operating costs for property owners and increases comfort and affordability for tenants.
- **Green House Calls:** Rising Sun Energy Center, a local nonprofit, administers the California Youth Energy Services (CYES) program that trains and employs local youth in the summer to make free energy assessments and install energy-saving devices in homes through their Green House Call service.

Solar Energy

Increasing the amount of clean renewable energy is a critical component of Berkeley community efforts to reduce greenhouse gases and grow the green economy. Berkeley has innovative programs to encourage solar and solar/thermal systems.

- **Smart Solar:** The Smart Solar program, administered by local nonprofit Community Energy Services Corporation (CESC), provides free, independent guidance and resources to help property owners understand their solar options. Smart Solar advises on homeowners' solar potential, bid comparisons, permitting and financing.
- **Berkeley FIRST (Financing Initiative for Renewable and Solar Technology):** In 2008, the City of Berkeley launched the Berkeley FIRST pilot program to promote solar photovoltaic (PV) installations using a pioneering financing mechanism. The now concluded pilot program served as a model for Property Assessed Clean Energy (PACE) programs across the country. Berkeley FIRST enabled property owners to pay for solar installations through an annual assessment on their property tax bill. The program is no longer in operation, but these services are offered by California FIRST.
- **PACE (Property Assessed Clean Energy) Financing:** Building on the success of Berkeley FIRST, PACE funding is now available through California FIRST and HERO programs. PACE loans provide financing for renewable energy installations, energy and water efficiency improvement and electric vehicle charging infrastructure on private properties. Property owners repay the cost of the financing on their property tax bills. Residential PACE loans in Berkeley were suspended due to actions of the Federal Housing Finance Agency (FHFA). A new State loan-loss-reserve program will enable the resumption of PACE loans in the community. Berkeley is participating in PACE programs through partnerships with California FIRST and HERO programs.

Solar Map: In April 2009 the City launched an online Solar Map. The interactive web tool allows anyone to view the locations of existing solar installations throughout Berkeley.

Community Energy Services Corporation

CESC is a not-for-profit 501(c)(3) organization established in 1985 by the Berkeley City Council with a mission to “support, facilitate and participate in efforts involving the use of energy and physical resources.”

Berkeley Home Safety and Repair Program is a program of Community Energy Services Corporation (CESC) which provides low-income Berkeley homeowners with free minor home repairs and mobility access improvements.”

Accomplishments

- *Green Buildings:* As of the end of 2013, 20 buildings in Berkeley are LEED certified by the U.S. Green Building Council, 8 are GreenPoint Rated, and 2 projects were built as Enterprise Green Communities Developments. Within the last three years the number of LEED buildings more than doubled (from 9 buildings in 2010 to 20 in 2013).
- *Residential Energy Use:* While the number of households in Berkeley increased approximately 2.3% between 2000 and 2012, total residential sector energy consumption (electricity and natural gas combined) decreased 13% in that same time period.
- *Solar Installations:* As of 2013, 1253 solar PV systems and 88 solar thermal systems have been installed in Berkeley.

The following table reports on the major and minor home repairs completed by CESC from FY 2009 to FY 2014.

Table 6-4: Community Energy Services Corporation Home Repairs Completed, FY 2009 – FY 2014			
Fiscal Year	Major home repairs	Minor home repairs	Clients
FY 2014	15	140	88
FY 2013	27	241	122
FY 2012	33	254	137
FY 2011	N/A	N/A	354
FY 2010	N/A	N/A	179
FY 2009	23	252	229
Total	98	887	1,109

Sources: City of Berkeley Planning Department, CESC contract monitor via email March 2009; City of Berkeley Health, Housing and Community Services; Health, Housing & Community Services Department July 2009 and October 2014

Looking Ahead

- *Updating Residential Energy Conservation Ordinance Update (RECO)*: RECO serves as Berkeley's minimum requirements for energy efficiency in existing homes and businesses. In September 2013 City Council directed staff to update the ordinance and to incorporate energy information disclosure as a market mechanism to accelerate energy improvements. The replacement draft ordinance, entitled Building Energy Saving Ordinance (BESO), BESO is scheduled to go to City Council in late 2014. BESO will affect all existing buildings in Berkeley. It is designed to be user-friendly, consistent with Title 24 California Energy Code, have measurable outcomes, create transparent disclosure tools to better understand building energy information, and be affordable.
- *Property Assessed Clean Energy (PACE)*: A new State loan-loss-reserve program will enable the resumption of PACE loans in the community. Berkeley is participating in PACE programs through partnerships with California FIRST and HERO programs.
- *Community Choice Aggregation (CCA)*: The success of the Marin Clean Energy program has generated more interest in acquiring cleaner electrical energy through CCA. The Alameda County Board of Supervisors will be considering a resolution to explore CCA and it may be possible for Berkeley and other communities to participate in the process. Staff continues to look for opportunities for a CCA that would minimize the City's financial exposure and provide the community with access to cleaner electricity sources.
- *Climate Adaptation and Resiliency*: The Rockefeller Foundation named Berkeley as a grantee of the 100 Resilient Cities. As part of the 100 Resilient Cities Network, Berkeley will receive access to tools, technical support, and resources for implementing a comprehensive resilience plan and further the City's work on ensuring that residents and our local infrastructure are prepared for emergencies and the effects of climate change.

Implementation Steps

- Implement CAP policies and track performance indicators
- Continue green building services and remove barriers to green building
- Develop energy efficiency standards.
- Develop local, clean, decentralized renewable energy supply to meet a larger portion of community's needs

Timeframe

Ongoing

Responsible agency

City of Berkeley Planning Department

City of Berkeley Office of Energy and Sustainable Development

Community Energy Services Corporation

City of Berkeley Health, Housing & Community Services Department

Funding sources

General fund

Community Development Block Grants (CDBG)

American Reinvestment and Recovery Act of 2009 (ARRA)

Federal/California Low Income Home Energy Assistance Program (LIHEAP)
California Low-Income Energy Efficiency (LIEE)

Fair Housing Assistance, Outreach and Education

The City contracts with the East Bay Community Law Center to provide fair housing services, including education and outreach, investigation and resolution of complaints, and legal services.

²

East Bay Community Law Center (EBCLC)

The City has contracted with EBCLC since July 2011. This non-profit legal services agency provides the following services:

- *Outreach:* EBCLC staff present and provide written information in English, Spanish and Chinese. EBCLC also ensures that outreach staff has the capacity to provide information in languages other than English, particularly Spanish, Cantonese and Mandarin.
- *Educational Trainings:* EBCLC provides trainings on fair housing issues for realtors and lending institutions, property managers and owners, and for community-based organizations. EBCLC prioritizes trainings to agencies that serve Berkeley residents whose primary language is Spanish or Chinese.
- *Fair Housing Counseling:* EBCLC provides fair housing counseling services within 48 business hours of residents request for information, to Berkeley households. Counseling services include an assessment of the situation, identification of issues, determination if issue is covered by law/regulation, discussion of options with client and determination of next steps. Counseling sessions and outcomes will be documented in client files.
- *Investigation of Fair Housing Complaints:* EBCLC conducts housing discrimination complaint investigations. Investigations include research on property, interviewing witnesses and/or initiating testing, analysis of owner practices and resident documents. EBCLC discusses the analysis and options with the client and determines next steps including assistance with filing a complaint with Housing and Urban Development Office of Fair Housing and Equal Opportunity, Department of Fair Housing and Employment or referral to related legal services. Investigation activities, documents and outcomes will to be documented in client file.
- *Tenant/Landlord Mediation:* EBCLC provides mediation sessions to resolve conflicts between landlords and tenants.
- *Audits/Testing:* EBCLC conducts audits each year. If it is determined that discrimination is occurring, EBCLC will provide training and follow-up to non-compliant property owners and/or property managers. Audit information, analysis, results and follow up are documented and provided to the City as part of the quarterly reporting schedule.

² Prior to FY2012, the City contracted with Housing Rights, Inc. until this non-profit went out of business in June 2011.

Accomplishments

The following table lists Housing Rights Inc.'s annual accomplishments by fiscal year for FY 2012 through FY 2014.

Table 6-5: EBCLC Accomplishments by Fiscal Year, FY 2012- FY 2014	
Year	Accomplishments
FY 2012	<ul style="list-style-type: none"> • A total of 76 people were served: 81% had fair housing issues related to disability, 2% to familial status, 3% to gender, 2% to marital status, 3% to national origin, 6% to race, and 3% to source of income (SSI,SSDI). • 76 people received fair housing counseling <ul style="list-style-type: none"> • 33 fair housing issues were investigated. Of those, 22 merited mediation and 17 matters were successfully mediated. • Four trainings were conducted and outreach to 303 stakeholders was made (community based agency staff, Berkeley Housing Authority, property owners and property managers). • Three audits testing for discrimination on the basis of race and disability were conducted.
FY 2013	<ul style="list-style-type: none"> • A total of 56 people were served; 70% had fair housing issues related to disability, 9% age, 4% gender, 2% marital status, 7% national origin, 5% race, 2% sexual orientation and 2% source of income (SSI, SSDI). • 56 people received fair housing counseling • 27 cases were mediated and 19 fair housing issues were investigated. • Staff provided four trainings and conducted outreach to 167 stakeholders (community based agency staff, Berkeley Housing Authority, property owners and property managers). • One test for gender discrimination was conducted.
FY 2014	<ul style="list-style-type: none"> • 49 Berkeley residents were served. 73% had fair housing issues related to disability, 6% age, 12% national origin, 6% race, and 2% source of income. • All 49 received fair housing counseling • 25 fair housing issues were investigated and 14 cases were mediated • Staff provided four trainings and conducted outreach to 45 stakeholders (community based agency staff, Berkeley Housing Authority, property owners and property managers). • Staff conducted 3 tests for race discrimination.

Looking Ahead

EBCLC's City funding allocation for FY 2015 is \$35,544. The scope of work will include investigation of 20 housing complaints; providing general housing counseling to another 60 households, and outreach to agencies that serve low- and very low-income adults and families, such as childcare agencies, shelters, non-profit housing, and City programs.

Implementation Steps

- Continue to provide fair housing services as required as a condition of federal funding and as local priorities indicate.

- Continue funding for legal resources for the resolution of fair housing complaints.

Timeframe

Ongoing

Responsible agency

City of Berkeley Health, Housing & Community Services Department

Funding sources

General Funds

Federal Community Development Block Grant (CDBG)

Addressing Impediments to Fair Housing

Maintaining the diversity of Berkeley's population is a primary planning goal. The City actively promotes reducing impediments to fair housing and discourages housing discrimination as a means to protecting this diversity. The City's primary programs addressing fair housing are provided through contracts with the East Bay Community Law Center, which are described in more detail under *Fair Housing Assistance, Outreach, and Education*.

City activities to further fair housing include:

- Continue to refine the City's Analysis of Impediments to Fair Housing as needed.
- Assist in creation/maintenance of affordable housing.
- Provide rental eviction assistance through the East Bay Community Law Center.
- Provide Rent Board funding to tenant/landlord mediation and organizing efforts.
- Hold workshop(s) with agencies so that staff are more knowledgeable of the 1988 ADA law and sensitive to problems faced by those with disabilities.

Analysis of Impediments to Fair Housing in Berkeley

The Department of Housing and Urban Development (HUD) requires the City to affirmatively further fair housing in order to eliminate discriminatory practices in housing. As required by HUD of all jurisdictions it funds, Berkeley developed an *Analysis of Impediments to Fair Housing Choice* in the City that was included in the 2010 Consolidated Plan.

The City prepared an updated Analysis of Impediments to Fair Housing Choice in the 2010 Consolidated Plan. Per HUD guidelines, the analysis reviewed City laws, policies, regulations, and procedures that directly or indirectly relate to fair housing, as well as assessed both public and private conditions in the City that affect fair access to housing, including market factors. It assessed how laws and other factors affect the location, availability, and accessibility of housing. The fair housing plan set out the City of Berkeley's strategies for overcoming identified impediments and developing of a monitoring system to record activities undertaken to reduce or overcome the identified impediments. The plan is available online at:

<http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=12160>

HUD defines Impediments to Fair Housing Choice as:

- Any actions, omissions or decisions taken because of race, color, religion, sex, disability, familial status or national origin which restrict housing choices or the availability of housing choices; or
- Any actions, omissions or decisions that have the effect of restricting housing choices on the basis of race, color, religion, sex, disability, familial status or national origin.

Federal law defines a 'disability' or 'handicap' as being:

- A physical or mental impairment which substantially limits one or more of such person's major life activities;
- A record of having such an impairment; or;
- Being regarded as having such an impairment.

Title VIII of the Civil Rights Act of 1968 prohibits housing discrimination based on race, color, national origin or ancestry, sex, or religion. The 1988 Fair Housing Amendments Act added familial status and mental and physical handicap as protected classes. California law (Rumford Housing Act) prohibits housing discrimination toward all classes protected under Title VIII, and adds marital status as a protected class. The Unruh Civil Rights Act prohibits discrimination in all business establishments, including housing, based on any arbitrary reason.

Accomplishments

The following factors are impediments to fair housing choice that the City has identified and created programs to address. The City's actions in response are listed with each impediment below.

Fair housing services

Impediment: Tenants, homebuyers, property owners and sellers may not be aware of all fair housing laws and their resulting rights and responsibilities.

City's actions: The City has funded the East Bay Community Law Center to provide outreach, information and referral, mediation, and advocacy related to fair housing issues, as detailed in *Fair Housing Assistance, Outreach, And Education*.

Shortage of affordable housing

Impediment: The Bay Area is one of the most expensive housing markets in the country. Berkeley's housing costs rose steadily for more than a decade, and despite the recession, they remain high. As a result, the most significant barrier to fair housing is the lack of affordable housing. Because national data shows that minorities are more likely than non-minorities to have a low income, and people with disabilities are more likely than people without disabilities to have a low income, the housing problems of low-income people are most acutely experienced by minority and disabled households. While the City of Berkeley has historically placed a priority on funding affordable housing, the needs continue to outstrip available resources.

City's Actions: Berkeley has multiple programs addressing housing affordability. These include (profiled in this section):

- Housing Trust Fund
- Five Shelter Plus Care grants

- Public Commons for Everyone Square One supportive housing rental subsidy program
- Inclusionary Ordinance which has made a great variety of housing accessible to Section 8 voucher holders
- Senior and Disabled Home Rehabilitation Loan program, which enables seniors and people with disabilities to stay in their homes by making repairs for health and safety as well as accessibility adaptations
- Funding the Center for Independent Living's Residential Access Project, Rebuilding Together, and the Community Energy Services Corporation.
- Collaboration with the Berkeley Housing Authority.

In addition, the City will work with other jurisdictions through EveryOne Home to provide unified and comprehensive sources of information regarding housing resources. Service providers working with classes protected under fair housing laws have repeatedly identified a lack of information about affordable and accessible housing options as an impediment. The countywide 211 program allows people to call toll-free for information about housing available, and has been funded by the City of Berkeley along with other jurisdictions.

Shortage of physically accessible units

Impediment: New construction in Berkeley complies with the Americans with Disabilities Act. However, older units may not be accessible, and renters and homeowners with disabilities may benefit from a variety of adaptations.

City's Actions: The City has operated the Senior and Disabled Home Rehabilitation program continuously since 2001. The City has continued to fund the Center for Independent Living's Residential Access Project and Rebuilding Together to provide accessibility modifications for people with disabilities. Universal design was added to the HTF guidelines in a 2009 update. These guidelines encourage developers to exceed the minimum accessibility requirements.

Shortage of supportive services that help seniors and people with disabilities live independently

Impediment. The federal Olmstead Decision supported the right of people with disabilities to live in the most independent setting possible, integrated into their community. For many people with developmental and behavioral health disabilities, supportive services can be the key to living independently in the community. Services needed range from transportation assistance to case management to intensive behavioral health treatment. For some, the limited availability of support services limits their housing choices to more institutional or congregate settings, and in some cases results in cycling between homelessness and hospitalization.

City's Actions: The City funds a wide variety of support services for a diverse population of Berkeley residents through its General Fund, Community Development Block Grant (CDBG), and Community Services Block Grant (CSBG) funds. For FY 2015, the City funded programs serving people with disabilities at \$1,294,491. In addition, the City funded community agency programs for seniors at \$29,063, and operates an Aging Services division of the Health, Housing & Community Services Department that includes three daytime senior service centers.

Finally, the City funded permanent supportive housing services for formerly homeless people at \$284,763.

Mortgage lending practices

Impediment: Although a recent analysis of Home Mortgage Disclosure Act (HMDA) data specifically for Berkeley is not available, it is reasonable to assume that national and state mortgage lending trends apply in Berkeley as well. Multiple evaluations indicate that discrimination in mortgage lending persists. Specifically, African American and Hispanic mortgage applicants consistently have higher denial rates and more expensive loans than white and Asian borrowers. The Federal Reserve Board has identified numerous potential causes for the differences, including measures of credit history, loan-to-value ratios, debt-to-income ratios, differences in choice of loan product, and discrimination.³ Several studies have shown that African American and Hispanic borrowers nationwide received a disproportionate share of subprime mortgage loans, and are therefore disproportionately impacted by the foreclosure crisis.

City's Actions: The City considered Home Mortgage Disclosure Act data and other sources of homeownership data as part of the Analysis of Impediments to Fair Housing Choice in the 2010 Consolidated Plan, and it plans to revisit this data for the 2015 update to the Analysis of Impediments to Fair Housing.

Affirmative Marketing of Vacant Subsidized Units

The City's Housing Trust Fund program and Inclusionary Zoning Ordinance require property owners to commit to affirmative marketing.

When affordable housing developers receive loans through the City's Housing Trust Fund, the loan terms require the developers to market vacant subsidized units in a way that will make the units equally available to the community's diverse population. Developers must submit an affirmative marketing plan that addresses the venue and media through which units will be marketed and the steps they will take in selecting tenants to ensure equal access.

Developers of inclusionary housing units under the City's Inclusionary Zoning Ordinance must sign a regulatory agreement that contains ordinance language requiring the developer to affirmatively market units to low-income households on an equal opportunity basis.

Staff monitoring efforts have to date disclosed no discriminatory practices among the owners of City-subsidized housing units.

Looking Ahead

The City prepared an Analysis of Impediments to Fair Housing Choice in May 2010 for the 2010 Consolidated Plan. The next five-year Analysis of Impediments to Fair Housing Choice will be produced in FY2015.

³ <http://www.cbanet.org/files/FileDownloads/BankAlerts/HMDA2.pdf>

Implementation Steps

- Continued analysis and mitigation of impediments to fair housing.
- New 2015-2020 Analysis of Impediments.
- Continued monitoring of the marketing of affordable subsidized units.

Timeframe

2015-2020

Responsible Agency

City of Berkeley Health, Housing & Community Services Department

Funding Sources

General Funds

Federal Community Development Block Grant (CDBG)

Home Modifications for Accessibility and Safety (Center for Independent Living and Rebuilding Together)

The City provides funding to two nonprofit organizations that assist with the remodeling of existing housing to be suitable for people with disabilities.

Center for Independent Living's Housing/Residential Access Program

Berkeley continues to contract with the Center for Independent Living (CIL) to operate the Residential Access for Disabled Persons Program (RADP), which increases residential access for people with disabilities by providing minor interior and exterior modifications (such as grab bars, hand railings, bedrails, and widened doorways) as well as disabled access ramps, wheelchair lifts, and other accessibility improvements at the homes of disabled Berkeley residents. This program is funded using Community Development Block Grant (CDBG) funds. The program serves those with incomes below 80% of the area median.

Rebuilding Together's Safe Home Project

Rebuilding Together is a national organization that brings volunteers and communities together to improve the homes and lives of low-income homeowners by providing free repair services for low-income homeowners. Rebuilding Together East Bay-North is an independent nonprofit 501(c)(3) organization that is part of a network of approximately 250 Rebuilding Together affiliates across the country. Utilizing volunteer labor, Rebuilding Together's Safe Home Project makes health and safety improvements that allow families, seniors, and people with disabilities to remain safely at home.

Accomplishments

Center for Independent Living. From FY 2009 through FY 2014, the Center for Independent Living provided a total of 167 minor interior and exterior home rehabilitations as well as installed 38 ramps and lifts.

Table 6-6: Center for Independent Living's Residential Access for Disabled Persons Program, FY 2009 – FY 2014			
Year	Interior/ exterior modifications	Ramps	Total Households
FY 2014	30	4	30
FY 2013	27	6	31
FY 2012	30	8	28
FY 2011	27	6	33
FY 2010	26	8	34
FY 2009	27	6	34
Total	167	38	*

Source: Center for Independent Living

*A multiyear unduplicated client count is not available.

Rebuilding Together. From FY 2009 through FY 2014, Rebuilding Together repaired 125 homes in Berkeley using volunteer labor.

Table 6-7: Units Repaired by Rebuilding Together's Safe Home Project, FY 2009 – FY 2014	
Fiscal Year	Homes Repaired
FY 2014	18
FY 2013	21
FY 2012	18
FY 2011	23
FY 2010	19
FY 2009	26
Total	125

Looking Ahead

The City awards Community Development Block Grant to community agencies on a competitive basis annually. The Center for Independent Living and Rebuilding Together have competed successfully for this funding in the past. In FY 2014, CDBG funding for CIL's program was \$140,219. Rebuilding Together's funding for FY 2014 was \$98,279.

Implementation Steps

- Continue to support housing modifications for accessibility and home repair services as funding allows.

Timeframe

Ongoing

Responsible agency

City of Berkeley Health, Housing & Community Services Department

Funding sources

Federal Community Development Block Grant (CDBG)

Homeless Housing and Service Programs (HHSP)

The City of Berkeley has several programs providing services to homeless individuals and families. A list of these programs is provided below, followed by a description of each program:

- EveryOne Home Plan: Berkeley's Homeless Policy Framework
- Community Agency Contracting
- Homeless Housing Locations
- By-Right Emergency Shelters/Compliance with SB2
- Centralized Shelter Bed Reservation System
- Housing Retention Program
- Priority Home Partnership (PHP)
- Homeless Prevention and Rapid Rehousing Program
- Relocation Services
- Shelter Plus Care
- Square One Supportive Housing
- Mental Health Services Act (MHSA) Housing Program

HHSP: The *EveryOne Home Plan*, Berkeley's Homeless Policy Framework

The City of Berkeley adopted the EveryOne Home Plan in May 2006 with Resolution No. 63,301-N.S., which directed the City Manager to use the Plan as a guide for allocating resources within programs assisting those who are homeless or living with a serious mental illness or HIV/AIDS. The resolution established the following goals:

1. To increase the amount and range of affordable housing opportunities in Berkeley for extremely low-income and disabled residents;
2. Strengthen the continuum of services the City provides to ensure that residents can be successful in their housing;
3. Inform relevant advisory commissions of Council's intent that the Plan be used to guide City policy; and
4. Broaden the City's approach to services and housing to allow for better outcomes among people with long-term homeless histories and severe disabling conditions.

The Plan

The EveryOne Home Plan was initiated in 2004 when three systems of care—homeless services, mental health, and HIV/AIDS—came together to develop a joint housing plan, in recognition that each served a population with similar challenges and frequently the same people.

The EveryOne Home Plan envisions a housing and services system that partners with consumers, families and advocates; provides appropriate services in a timely fashion to all who need them; and ensures that individuals and families are safely, supportively and permanently housed. To achieve those objectives, the plan is structured around five major goals that outline multi-faceted solutions for a multi-dimensional problem:

- **Prevent homelessness and other housing crises.** The most effective way to end homelessness is to prevent it in the first place by making appropriate services accessible at the time they are needed. In particular, people leaving institutions such as foster care, hospitals, jails and prisons need interventions and planning that will prevent them from exiting into homelessness.
- **Increase housing opportunities for the plan's target populations.** Increasing affordable and supportive housing opportunities requires creative use of existing resources, developing new resources and using effective models of housing and services. This plan identifies a need for 15,000 units of housing for people who are homeless or living with HIV/AIDS or mental illness over the next 15 years.
- **Deliver flexible services to support stability and independence.** Culturally competent, coordinated support services must accompany housing. Direct service providers in all systems throughout the county must have a degree of knowledge about and access to a range of housing resources and supportive services.
- **Measure success and report outcomes.** Evaluating outcomes will allow systems and agencies to identify successful programs and target resources toward best practices.
- **Develop long-term leadership and build political will.** The goals of EveryOne Home will only be achieved by developing a long-term leadership structure that can sustain systems change activities. Implementation of this plan will also require building and sustaining political and community support for its vision and activities.

By June 2009, the Plan had been adopted by thirteen cities in Alameda County and endorsed by numerous community and County agencies. The full plan is available online at www.everyonehome.org.

In addition to the broad policy goals outlined above, Everyone Home has established specific system-wide objectives to achieve by working in collaboration countywide by 2020. These objectives include:

1. Obtained permanent housing for 15,000 homeless households
2. Reduction of the average length of time between a household's initial disclosure of homelessness and placement in permanent housing from months or even years to weeks.
3. Maintained permanent housing for at least one year by 85% of those that obtain it and for at least three years by 65%.

While adoption of the plan does not obligate the City to any specific implementation actions, the City did adopt the plan as a policy framework for future actions related to homelessness and housing for people with serious mental illness or living with HIV/AIDS.

The Organization

In January 2008, EveryOne Home became a community-based organization under the fiscal sponsorship of the Tides Foundation with the charge of coordinating implementation of the EveryOne Home Plan countywide. EveryOne Home currently consists of two staff people who work in the office space of the Alameda County Housing and Community Development. The organization's activities are guided by a Leadership Board, which includes permanent seats for Berkeley's Health, Housing & Community Services Department, as well as elected seats. Currently two Berkeley-based community based organizations participate on the Board, along with one formerly homeless resident of Berkeley.

EveryOne Home acts as a central coordinating point for a variety of committees and initiatives geared toward implementing the plan.

Implementation Steps

- Utilize the adopted EveryOne Home Plan goals to guide the allocation of resources within Berkeley programs.
- Participate in EveryOne Home's Leadership Board.
- Collaborate with other jurisdictions and community stakeholders to achieve the Plan's goals.

Timeframe

Through 2020

Responsible agency:

City of Berkeley Health, Housing & Community Services Department
EveryOne Home

Funding sources:

The City of Berkeley supports EveryOne Home as an organization annually with General Funds. The City of Berkeley supports Everyone Home Plan implementation activities with a variety of funding sources, as applicable (including General Funds, Community Development Block Grant, and Emergency Solutions Grant).

The City of Berkeley provides the following programs and services to address homeless and special needs housing. While many were established prior to the adoption of the EveryOne Home Plan, and most are shaped by restrictions of one or more funding sources, with the adoption of EveryOne Home, the following programs can be considered activities implementing EveryOne Home.

HHSP: Community Agency Contracting

The City of Berkeley has a long history of funding community agencies to provide a wide variety of housing and service programs for Berkeley's diverse population and has invested deeply in providing a comprehensive array of social services using City General Funds. Since consolidating the community agency contracting process in 2003, the City releases a request for

proposals (RFP) for all available funding sources annually. Funds available include Community Development Block Grant, Emergency Solutions Grant, Community Services Block Grant, and City General Funds. Berkeley engages the participation of multiple citizen Commissions—including the Housing Advisory Commission, the Homeless Commission, the Human Welfare and Community Action Commission, and the Children, Youth & Recreation Commission—to review proposals and make recommendations on the allocation of funding.

Accomplishments

The total level of funding available to community agencies has increased steadily over time. In FY 2015, the City had \$7.8 million in contracts with 67 community organizations, including \$2.8 million for homeless programs at 19 organizations. Funding is awarded every two years through a competitive funding process that includes an RFP, reviews by staff and multiple Commissions, public hearings, and City Council action.

The City categorizes programs for reporting purposes, but it has not allocated funds to specific targeted areas. Some community services address homeless needs specifically and are included under the category Homeless. Other services support Berkeley's diverse population in remaining stably housed by addressing a wide range of social services needs. Categories of programs serving special needs populations and/or the City's housing stock include at a minimum:

- *Childcare: funds* affordable childcare programs.
- *Community facilities improvements:* includes repairs and upgrades for community service facilities as allowed in the federal Community Development Block Grant program
- *Disability programs:* includes services for people with disabilities, notably emergency transportation services for the seriously disabled. Other programs include independent living skills for the blind and daytime services for people who have a serious mental illness and co-occurring substance abuse, as well as the Center for Independent Living's Residential Access for the Disabled program, profiled separately in this Housing Element.
- *Employment training:* includes employment training and job placement programs.
- *Housing development and rehabilitation:* includes the Community Energy Services Corporation and Rebuilding Together programs profiled elsewhere in this report.
- *Health:* includes primary care programs for low-income Berkeley residents, such as the Berkeley Free Clinic, elder care at the Over 60 Clinic, and the hypertension program.
- *Legal and advocacy:* includes fair housing services, housing advocacy, and a criminal record clean slate clinic.
- *Seniors:* includes daytime services for seniors.

The table below shows the City's contracts with community agencies in FY 2015, by area of focus and by funding source.

Table 6-8: Community Agency Contracts, FY 2015				
Program Category	General Funds	Federal Funds	Other Funds	All Sources
Childcare	\$518,991	-	-	\$518,991
Community Facilities Improvements	-	\$102,108	-	\$102,108
Disability Programs	\$140,868	\$140,219	\$1,013,404	\$1,294,491
Employment Training	\$207,595	\$50,852	-	\$258,447
Health	\$276,609	-	-	\$276,609
Homeless	\$2,221,941	\$536,763	\$20,000	\$2,778,704
Housing Dev & Rehab	\$14,819	\$380,613	-	\$395,432
Legal/ Advocacy	\$48,078	\$34,932	-	\$83,010
Seniors	\$29,063	-	-	\$29,063
TOTAL	\$3,457,964	\$1,245,487	\$1,033,404	\$5,736,855

As part of EveryOne Home plan implementation, City staff analyzed funding for the Homeless category of funded programs by segment of the homeless service system.

In FY 2015, \$1.7 million in City funding went to emergency assistance programs for homeless individuals and families, including \$760,546 for the operation of emergency shelter and \$861,648 for daytime drop in centers. Other emergency assistance provided was through meal programs. Another \$670,000 went into intensive, targeted homeless programs, including \$165,452 for the operation of transitional housing, and \$241,839 for addiction recovery programs for homeless adults. Other intensive services were SSI advocacy and job training and placement for homeless adults. Finally, another \$600,000 went into permanent housing services, including services in the Public Commons for Everyone program (profiled later in this section), other supportive services in permanent housing, and administration of Shelter Plus Care services by community agencies.

Looking Ahead

Implementation Steps Related to Homeless Services

The Health, Housing & Community Services Department hired consultants in April 2014 to help facilitate a process to design a more coordinated homeless system that is more efficient for consumers and more effectively targets resources to those who need it most. This kind of Coordinated Access System (CAS) is a Federal requirement for all homeless Continuums of Care (CoC), established by the U.S. Department of Housing and Urban Development (HUD) as part of the 2009 HEARTH Act.

The system envisions a single point of entry called the Housing Crisis Resolution Center, where clients are triaged based on housing situation. There are two primary goals of the Housing Crisis Resolution Center. The first is to “divert” people who are not actually homeless from

entering shelter and other traditional homeless services by assisting them to resolve issues that are causing them to need to leave their current housing situation and to provide limited financial assistance to keep their housing. The second goal is to assess clients who are actually homeless and offer services matched to their need, prioritizing services for those with the highest need. The Housing Crisis Resolution Center acts as the access point into emergency shelter and transitional housing, and provides housing search assistance and other housing supports. Referrals are also made through this front door to other existing services in the community.

The next RFP for community agency funding, including homeless funding, will be issued in December 2014. The RFP would allow competitors to submit proposals to provide services as part of a new CAS.

Timeframe

Ongoing

Responsible agency

City of Berkeley Health, Housing & Community Services Department

Funding sources

Community Development Block Grant (CDBG)

Emergency Solutions Grant

Community Services Block Grant

City General Funds

HHSP: Homeless Housing Locations

As a result of Berkeley's historic investment in homeless housing programs, Berkeley has a variety of emergency shelter, transitional housing, and permanent supportive housing programs serving people who are homeless and people with special needs.

Table 6-9: Current Inventory of Emergency Shelters							
Provider Name	Address	Facility Name	Population	Family Beds	Individual Beds	Year Round	Seasonal Only
Berkeley Food & Housing Project (BFHP)	1931 Center St	Men's Overnight Assistance	Single M	0	36	36	0
Berkeley Food & Housing Project (BFHP)	2140 Dwight Way	Dwight Way Shelter for Women & Children	Single F & Families	5	24	29	0
Building Opportunities for Self-Sufficiency (BOSS)	711 Harrison St	Harrison House	Single M&F	0	50	50	0
Dorothy Day House	St Mark's Episcopal Church 2300 Bancroft Way	Emergency Storm Shelter	Single M&F	0	0	0	65
City of Berkeley Winter Voucher Program	Hotel vouchers	Winter Voucher	Singles and Families	0	0	0	30
Youth Emergency Assistance Hostels	Lutheran Church of the Cross 1744 University Ave.	YEAH!	Youth	0	0	0	40
Totals				5	110	115	170

Source: City of Berkeley Health, Housing & Community Services Department

Table 6-10: Current Inventory of Transitional Housing							
Provider Name	Address	Facility Name	Population	Units	Family Beds	Individual Beds	Year Round
Berkeley Food & Housing Project (BFHP)	2140 Dwight Way	Transitional House	Single F & Families		7	16	23
Berkeley Food & Housing Project (BFHP)	1931 Center St	Men's Overnight Assistance	Veterans	0	0	12	12
Bonita House, Inc.	1410 Bonita Street	Bonita House	Single M&F	0	0	15	15
Building Opportunities for Self Sufficiency (BOSS)	2111 McKinley Street	McKinley Family Transitional House	Families	7	24	0	24
Building Opportunities for Self Sufficiency (BOSS)	711 Harrison Street	Harrison House	Families	9	26	0	26
Building Opportunities for Self Sufficiency (BOSS)	701 Harrison Street	Ursula Sherman Village - Sankofa House	Families	4	30	0	30
Fred Finch Youth Center	3404 King Street	Turning Point	Youth M&F	0	0	18	18
Resources for Community Development (RCD)	1621 Ashby Ave.	Ashby House	Single Veterans	0	0	10	10
Women's Daytime Drop-In Center	2218 Acton St.	Bridget House	Families	4	12	0	12
Totals				24	99	75	158

Source: City of Berkeley Health, Housing & Community Services Department

Table 6-11: Current Inventory of Permanent Housing for People Who Are Currently or Formerly Homeless					
Provider Name	Address	Facility Name	Population	Units	Beds/ Rooms
Affordable Housing Associates	2350 Woolsey Street	Peter Babcock House	Single M&F	-	5
Berkeley Food and Housing Project (BFHP)	1741 Russell Street	Russell Street Residence	Single M&F	-	17
Berkeley Food and Housing Project (BFHP)	1743 Russell Street	Russell Street Annex	Single M&F	-	4
Bonita House, Inc.	1843 Channing Way	Channing Way Apts	Single M&F	-	4
Bonita House, Inc.	2937 Martin Luther King Jr Way	SIL: Martin Luther King House	Single M&F	-	7
Bonita House, Inc.	1910 - 12 Hearst	SIL: Hearst Apartments	Single M&F	-	12
City of Berkeley	Tenant-based rental assistance	Public Commons for Everyone (PCEI) Square One	Single M&F	15	-
City of Berkeley (one grant in partnership with Alameda County)	Tenant-based rental assistance	Shelter Plus Care Tenant-based Rental Assistance	Singles and Families*	225	-
Northern California Land Trust (operated by Rubicon Programs)	2207 Haste St.	Haste House	Single M&F	-	7
Resources for Community Development (RCD)	2942-2944 Martin Luther King Jr Way	MLK Way House	Single M&F	-	10
Resources for Community Development (RCD)	1330 University Ave.	Erna P. Harris Court	Single M&F	35	-
Resources for Community Development (RCD)	2175 Kittredge	Oxford Plaza - Mental Health Services Act units	Single M&F	4	-
Resources for Community Development (RCD)	1040 University Ave.	U.A. Homes	Single M&F	-	74
Totals				279	140

Source: City of Berkeley Health, Housing & Community Services Department

Notes: Affordable rental housing is listed by the number of units. Developments providing congregate (shared kitchens, baths) housing are listed by the number of beds/rooms.

There are other permanent housing developments in Berkeley that may be affordable to people who are homeless and offer some level of social services to residents which are not listed here. This table lists only developments/programs specifically targeted toward people who are homeless at entry.

* Shelter Plus Care tenant-based subsidies served 190 single adults and 35 families as of FY 2014.

Accomplishments

The City continues to allocate funding to rehabilitate emergency shelter, transitional housing, and permanent housing through its community agency competitive capital funding process, in addition to funding made available through the Housing Trust Fund. Many of the rehabilitation projects involve accessibility improvements. The table below lists housing facilities funded through this process, the HUD program year of the federal funds allocated, with the type and total of funds allocated.

Table 6-12: Rehabilitation of Emergency and Transitional Housing Facilities by HUD Program Year of Federal Funds Allocated		
	Federal Fund Source	Funding Allocated
2009		\$59,440
BOSS - McKinley House	CDBG	\$15,769
BOSS – McKinley House	ESG	\$43,671
2010		\$45,297
Berkeley Food And Housing Project Women's Shelter	CDBG	\$5,297
Berkeley Food And Housing Project Women's Shelter	ESG	\$40,000
2011		\$63,703
Berkeley Food And Housing Project Women's Shelter	CDBG	\$20,000
Berkeley Food And Housing Project Women's Shelter	ESG	\$3,703
Women's Daytime Drop-In Center	CDBG	\$40,000
2012		\$133,228
Berkeley Food And Housing Project Shelter	CDBG	92,406
BOSS - McKinley House	ESG	\$30,582
Fred Finch Youth Transitional Housing – ADA Bathroom	CDBG	\$10,240
2013		\$64,500
Fred Finch Youth Transitional Housing		\$24,500
Berkeley Food And Housing Project Women's Shelter	CDBG	\$40,000
Total PY 2009 - 2013		\$366,168

Source: City of Berkeley Health, Housing & Community Services Department

Note: HUD Program Year is numbered one year earlier than the City's fiscal year (July 1, 2014 to June 30, 2015 is City Fiscal Year 2015 and HUD Program Year 2014).

Looking Ahead

Consistent with goals outlined in the Everyone Home Plan, the City's objective is to sustain existing housing opportunities for people who are homeless or have special needs. The City also invests most of its Emergency Solutions Grant each year in rental assistance to rapidly re-house homeless individuals and families as part of its Priority Home Partnership Program, described in more depth later in this chapter.

The City will also work to increase other permanent housing opportunities. In 2009, the City Council adopted updated Housing Trust Fund guidelines, which, among other changes, explicitly call out the need to review service plans and the qualifications of supportive housing service and property management providers in order to ensure that future supportive housing is well-planned. The guidelines also now state that the City of Berkeley "will give preference to

projects that address chronic homelessness and/or housing for extremely low-income households, or households whose income does not exceed 30% AMI as described above.”

The City has taken several other steps to increase the permanent housing available for people who are homeless, and it will continue to do so as opportunities are identified. City actions profiled elsewhere in this chapter include:

- The Public Commons for Everyone Square One program, and
- Mental Health Services Act funds for housing development

Implementation Steps

- Continue to make funding available to develop, rehabilitate, and operate homeless housing.

Timeframe:

Ongoing

Responsible agency:

City of Berkeley Health, Housing & Community Services Department

Funding sources:

General Fund

Federal Community Development Block Grant (CDBG)

Federal/State of California Community Services Block Grant (CSBG)

Emergency Solutions Grant

Other funds as available

HHSP: Emergency Shelters / Compliance with SB 2

Changes to Government code section 65583(a), adopted in 2007 with Senate Bill 2 (SB 2), require the City to identify at least one zoning district where *emergency shelters* (see definition below) are allowed as of right, meaning without a conditional or discretionary permit. This includes allowing at least one year-round shelter. The law specifies that the City must amend the zoning ordinance to be consistent with these requirements within one year of adoption of the Housing Element, or prior to adoption of the next Housing Element update.

Senate Bill 2 also requires cities to define and treat *transitional* and *supportive housing* (see definitions below) as a residential uses subject to the same restrictions and regulations of other residential uses in the zoning district. Such uses may be subject to discretionary review if other residential uses are.

On December 3, 2013, the City Council adopted a package of zoning amendments for emergency homeless shelters that included:

1. Year-round emergency homeless shelters allowed as-of-right in all commercial zoning districts except Neighborhood Commercial (C-N);

2. Facility standards and operations requirements for new emergency shelters;
3. Revised definitions of transitional housing, supportive housing, and emergency shelters; and
4. Winter season only shelters allowed in high-density residential districts.

Transitional housing and supportive housing units are allowed in Berkeley with a conditional use permit. Based on the revised zoning ordinance definitions, transitional or supportive housing are considered either “dwelling units” or “group living accommodations” depending on the size of the facility and the development standards of the zoning district. Dwelling units are allowed in all residential zoning districts. Group living accommodations are allowed in the R-3, R-4, and R-5 residential zoning districts, the mixed-use residential district (MU-R) and all of the City’s commercial zoning districts (C-1, C-2, C-N, C-NS, C-SA, C-SO, C-T, C-W).

Just as any other housing project, transitional or supportive housing facilities are subject to the development standards of the zoning district in which they are located in terms of height, density, number of stories, and setbacks. Therefore, the Berkeley zoning ordinance is consistent with SB 2 with regard to transitional and supportive housing.

Berkeley Zoning Ordinance Definitions, Section 23F.10

Group Living Accommodations: A building or portion of a building designed for or accommodating Residential Use by persons not living together as a Household, but excluding Hospitals, Nursing Homes and Tourist Hotels.

Dwelling Unit: A building or portion of a building designed for, or occupied exclusively by, persons living as one (1) household.

Emergency Shelters (from Health and Safety Code Section 50801(e): Temporary lodging for homeless persons with minimal supportive services that may be limited to occupancy of six months or less.

Supportive Housing (Health and Safety Code 50675.14(b): Any dwelling unit or a Group Living Accommodation, that is occupied by the target population as defined in subdivision (d) of Section 53260 of the CA Health and Safety Code with no limit on length of stay, that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Transitional Housing (from Health and Safety Code Section 50675.2)(h): Any dwelling unit or a Group Living Accommodation configured as a rental housing development, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time.

Accomplishments

The City of Berkeley provides about 115 emergency shelter beds available year round, and about 170 available in winter months. Berkeley also has a number of transitional housing and

permanent supportive housing programs serving people who are homeless or with special needs. An inventory of Berkeley's existing homeless housing is provided above.

In 2013 the City adopted zoning to allow emergency shelters as-of-right. The zoning allows shelters close to support services, such as the community health clinic, the homeless resource center, employment service centers, food banks, and public transportation, which are generally located near or along Shattuck, Adeline, Telegraph, and University Avenues.

Zoning districts that allow for emergency shelters include the C-DMU (Downtown), C-1 (University and Telegraph Avenues), C-SA (Shattuck and Adeline), C-T (Telegraph commercial district), and R-4 (multi-family residential district located north, west and south of the University of California campus). These districts include 113 housing opportunity sites and a total of 1,404,414 square feet, as shown in the opportunity site inventory discussed in Chapter 3 and Appendix A of this Element.

The average lot size of nine emergency shelters and transitional housing currently located within the City is 16,500 square feet. The lots range in size from 5,063 square feet to 45,500 square feet. The larger sites are institutional uses (churches or civic buildings) that also serve as shelters, and are around 20,000 to 40,000 square feet. The smaller sites are usually around 5,000-7,000 square feet, generally are not dual-purpose buildings, and are mostly located in residential areas.

Review of the 113 housing opportunity sites located in the zoning districts listed above illustrates that most of the sites are around 15,000 square feet, with all exceeding 10,000 square feet, and thus would be adequately sized to facilitate an emergency shelter use based on the examples of existing shelters. Under SB 2, Berkeley and all other cities in the state received an allotment of shelter beds to be "planned for" in their jurisdiction; in Berkeley that amount is 371 beds. It is based on the most recent point-in-time survey of homeless persons for which the city has data (2009). As described above, the districts that allow shelters as-of-right include enough geographic area within the city to show that emergency shelters could be established given the right funding and land availability. Based on the Housing Element analysis, there are adequate opportunity sites within most of the city's commercial districts to meet Berkeley's need for 371 shelter beds.

Looking Ahead

The City has adopted zoning compliant with SB 2. The City recently selected a development team to enter into an exclusive negotiating rights agreement for the development of the city-owned Berkeley Way parking lot at 2012 Berkeley Way. The project will include permanent affordable supportive housing and will consider inclusion of an emergency shelter, community space, and supportive services.

Consistent with SB 745 (2014), the City will revise the definitions of "supportive housing" and "transitional housing" to remove obsolete references.

Implementation Steps

- Continue to work with service providers and citizen groups to address shelter need.

Timeframe

Ongoing

Responsible agency

City of Berkeley Planning Department

City of Berkeley Health, Housing & Community Services Department

Funding sources

General Fund

HHSP: Centralized Shelter Bed Reservation System

The Public Commons for Everyone Initiative (PCEI) created a range of programs, four of which specifically address homelessness. The emergency shelter Centralized Bed Reservation System was launched in January 2009. This program allows people seeking shelter in Berkeley to find out about availability and sign up for openings by calling a single number. Previously, people seeking shelter needed to call each shelter individually. If a person had a bed reservation but did not show up, the bed might go empty all night because there wasn't a uniform mechanism for filling beds later in the day.

Accomplishments

The Centralized Shelter Reservation Program has increased shelter occupancy from a low of 77% in 2007, to an occupancy rate of 94% for all year-round Berkeley Shelters in 2013 (the latest period for which data was available). This is primarily due to the fact that shelters began a practice of accepting additional people at a second reservation time in the evening to fill any empty beds.

Looking Ahead

Berkeley plans to continue to provide centralized access to shelter beds through the Coordinated Access System. The system operator will also fully implement available technology to fill beds so that shelter providers and staff making placements have real-time access to bed availability.

Implementation Steps

- Contract with community agencies to provide a centralized shelter bed reservation system to reduce nightly vacancies in Berkeley's emergency shelters.
- Link this system with other homelessness prevention resources through a coordinated access system to provide a more comprehensive response to people experiencing a housing crisis in Berkeley.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Health, Housing & Community Services Department

Funding Sources138

General Fund

HHSP: Housing Retention Program

The EveryOne Home Plan identified homelessness prevention as one of five critical strategies. After its adoption, the City moved to revamp the Homelessness Prevention Program that the City has funded in various forms since 1993. Specifically, changes were made to the program to link it more closely to supportive services, so that the homeless prevention intervention had a more robust result and was not just delaying homelessness for participants. Launched in February 2008, the program is currently operated in partnership with the City's Division on Aging, Berkeley Mental Health's Family Youth and Children Services Division, Public Health Nurses, and five community-based organizations, which both refer applicants and provide other services to promote housing retention. The Housing Retention Program provides up to \$1,500 in assistance with back rent for Berkeley residents experiencing a temporary financial setback in order to prevent homelessness. The City also has an allocation of Emergency Solutions Grant funding which can be used to provide homeless prevention assistance. This program – Priority Home Partnership – is described later.

Accomplishments

The Housing Retention Program served 30 households in FY 2014.

Agency partners include:

- City of Berkeley Aging Services- Senior Centers
- City of Berkeley Health Department, Mental Health Division, Family, Youth and Children Services
- City of Berkeley Public Health
- East Bay Community Law Center
- LifeLong Medical Services
- Rubicon
- Toolworks (Supportive Services at AHA sites)
- Woman's Daytime Drop-in Center

Looking Ahead

The HRP program will likely change in the future as a result of the development of a Coordinated Access System. Recent analysis of data from the Homeless Management Information System indicates that in 2013, about 19% of clients who enter the homeless system are not homeless. A program to provide financial assistance and services to these clients to help them keep their housing would use resources currently available for the HRP for flexible financial assistance.

Implementation Steps

- Continue to provide financial resources and support services to help Berkeley residents keep their housing as part of the Coordinated Access System.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Health, Housing & Community Services Department

Funding Sources:

General Fund

Table 6-13: Housing Retention Program, FY 2014		
Totals		
# of Households Served	30	
# of Grants	30	
Amount of Grants:	\$57,416	
Balance Remaining	\$27,147	
Average Household Grant	\$1,009	
Average per Month	\$2,522	
Demographics		
Age of Applicant	Number	Percentage
18-24	0	0%
25-44	11	37%
45-54	8	27%
55-61	4	13%
62+	7	23%
Unknown	0	0%
Race		
African American	17	57%
Caucasian	3	10%
Latino	3	10%
Asian	0	0%
Other	0	0%
Unknown	7	23%
Gender & Other Characteristics		
Female Head of Household	19	63%
Male Head of Household	11	37%
Income Level		
Poverty	12	41%
Extremely Low (30% of AMI)	6	20%
Low (31-50% of AMI)	7	23%
Moderate (51-80% of AMI)	4	13%
Above Moderate (81% + of AMI)	1	3%
Grant Range	\$150-\$1,500	
# of \$1,500 grants	7	23%

Source: City of Berkeley Health, Housing & Community Services Department

HHSP: Energy Bill Payment Assistance (Discontinued)

The City of Berkeley ended operation of this program as of December 31, 2011.

The City of Berkeley operated an Energy Bill Payment Assistance program and weatherization program to assist low income households since the late 1970s. The program was supported by outside sources in addition to the direct funding from the federal government. For more than 30 years most of the federal funding for weatherization has come from the Low Income Home Energy Assistance Program (LIHEAP), a program of the Department of Health and Human Services, along with a much smaller Weatherization Assistance Program (WAP), a program of the Department of Energy. The funding was passed through to the City by the California Department of Community Services and Development (CSD).

LIHEAP had two components: utility bill payment assistance for low income households and the installation of energy efficiency measures in low income households. WAP is limited to the installation of energy efficiency measures. Until 2008, the total federal funding for both LIHEAP and WAP averaged in the range of \$200,000 to \$225,000.

Although neither program requires a match from the City, the cost of operating the program greatly exceeded the federal grants for the program and the program was heavily subsidized with City of Berkeley General Funds and Community Development Block Grant Funding to a combined total amount of approximately \$500,000 annually.

HC&S made the recommendation to discontinue operating the weatherization program at the end of its contract with the State in 2011. First, throughout the State of California, most weatherization programs are carried out by nonprofit Community Action Agencies which can operate with smaller permanent staffing than the City and which are able to better adjust their staffing to meet irregular or unstable funding situations by taking on temporary workers as needed. The timing associated with hiring City workers makes it difficult to modify our programs with a similar level of expediency. Second, the City's need to plan for program funding on a biennial basis forces HC&S to assure an adequate level of funding well in advance of budget approval by the Council. At this time, all four of the sources for the low income weatherization program (LIHEAP, DOE, City General Funds and Community Development Block Grants) are expected to have reduced funding for the foreseeable future while the cost of running our weatherization program continues to increase. The primary costs for the program are for City personnel and both the salaries and benefits are higher than for similar weatherization programs throughout our area which are run by nonprofit agencies. Finally, the discontinuation of the operation of the program by the City does not mean the elimination of the program for Berkeley's low-income households. CSD transferred the program to Spectrum Community Services, Inc. based in Hayward with an office in Oakland.

HHSP: Priority Home Partnership Program

In February 2013, EveryOne Home partners finalized a county-wide prevention and rapid re-housing program with Emergency Solutions Grant (ESG) funds, modeled on the Homelessness Prevention and Rapid Re-Housing Program (HPRP), that utilizes common assessment tools and policies, is an integral part of the current system of care, is simple for clients to access and provides common outcome data and measurable results. This program is called Priority Home Partnership. Given that the resources provided under ESG are a fraction of that available under HPRP, PHP is a significantly scaled-down system, utilizing existing homeless provider resources and focusing on rapid re-housing and shelter diversion.

Program standards have been developed by a multi-jurisdictional working group with community feedback, based on the Priority Home Partnership (PHP) standards created for HPRP. The standards for the Priority Home Program have been modified to take into account the smaller resources and even greater targeting needed for ESG. These written standards for prevention and rapid re-housing are considered interim for the period until a broader coordinated assessment system and written standards for assistance have been developed and adopted across the Continuum.

The City of Berkeley has encouraged its network of providers of homeless services to focus their efforts on rapidly re-housing their clients. Providers have re-tooled staffing to focus case management efforts on preparing clients for stabilization in housing. City General Funds already support these efforts.

ESG funds have been used since FY 2013 to support homeless prevention and rapid re-housing efforts. These include financial assistance and housing relocation and stabilization services for homeless individuals and families. Of these, approximately 75% are literally homeless, will have sought daytime or nighttime shelter at existing homeless agencies in Berkeley, and ESG funds will be provided to help them become rapidly re-housed. An additional 25% individuals or families, who are at imminent risk of homelessness, seeking shelter, and who do not have a current lease, ownership interest or occupancy agreement, and whose household income is below 30% of Area Median Income, will be provided with financial assistance to prevent them from becoming homeless. Homeless service providers, funded with City General Funds, assist clients with case management and housing search assistance. City of Berkeley staff review and approve applications for assistance, enter client information into HMIS, coordinate and review housing inspections, coordinate rental assistance activities, and hold regular coordination meetings. Berkeley Food and Housing Project staff administer financial assistance for these clients. Tenant-based rental assistance is limited to three months, but exceptions may be granted under limited circumstances.

In FY2014, ESG funds were used to provide assistance to 60 households. Demographics are shown in Table 6-14.

Table 6-14: ESG-Assisted Activity Beneficiary Data FY2014				
Persons Assisted	Homeless Prevention	Rapid-Re-Housing	Shelter	Total All Activities
Adults	5	55	0	60
Children	3	21	0	24
Don't Know/Refused	0	0	0	0
Missing Information	1	4	0	5
Total	9	80	0	89
Gender	Total All Activities	Race/Ethnicity	Total	
Male	30	White/Caucasian	7	
Female	54	African/American/Black	63	
Transgender	0	Asian	0	
Unknown	7	American Indian/Alaskan Native	6	
Total	89	Other Multi-Racial	6	
		Missing Data	7	
		Total	89	
Age	Total All Activities	Hispanic	15	
Under 18	24			
18-24	9			
Over 24	51			
Don't Know / Refused	0			
Missing Information	5			
Total	89			
Special Subpopulations Served	Total Served – Homeless Prevention	Total Served – Rapid Re-Housing	Total Served – Emergency Shelters	Total
Veterans	0	1	0	1
Victims of Domestic Violence	3	10	0	13
Elderly	0	8	0	8
HIV/AIDS	0	0	0	0
Chronically Homeless	0	8	0	8
Persons with Disabilities:				
Severely Mentally Ill	2	17	0	19
Chronic Substance Abuse	0	5	0	5
Other Disability	0	11	0	11

In FY 2014 the PHP program provided the 60 households with \$146,894 in rental assistance including security deposits.

Looking Ahead

Rapid Re-Housing has been prioritized by the Federal Department of Housing and Urban Development (HUD) as an important component of homeless permanent housing options. The City will continue to operate the PHP program to be utilized as a housing resource as part of a new Coordinated Access System. Approximately \$372,000 is projected to be available for the PHP program in FY2015. Implementation Steps

- Evaluate and continue to implement the PHP program.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Health, Housing & Community Services Department

Funding Sources

Emergency Solutions Grant funding

Community Development Block Grant funding

HHSP: Relocation Services

The City monitors compliance with the Federal Uniform Relocation Act, which provides protections for tenants displaced by federally funded programs and administers Section 13.84 of the Berkeley Municipal Code, which provides protections for tenants who must temporarily relocate due to repairs necessary to bring the unit into code compliance. The Relocation Services include:

- Information and referrals for tenants and property owners in Berkeley regarding their rights and responsibilities under the City's Relocation Ordinance;
- Relocation assistance to elderly homeowners who live in blighted properties and whose houses are being repaired through the City's Senior and Disabled Housing Rehabilitation Program.
- Monitoring by Health, Housing & Community Development staff for compliance with HUD relocation requirements in housing development projects that involve acquisition, demolition, or rehabilitation.

Typically, tenants and rental property owners are referred to the Health, Housing & Community Services Department for information about their relocation rights through the Rent Stabilization Board, the Code Enforcement Division, the Building and Safety Division, the Fire Department, and from local community agencies that provide housing counseling and advocacy. In the situations in which temporary relocation is necessary, relocation staff strive to ensure that an appropriate relocation plan is developed and that tenants who may have special needs receive appropriate services and do not experience undue hardship as a result of being temporarily displaced. The City's Relocation Specialist maintains a log to track the number of tenants and

property owners who receive assistance, the address of the property, and the type of assistance provided.

Accomplishments

City staff provided relocation assistance to 66 tenants and 17 property owners, and apprised them of their rights and responsibilities regarding temporary relocation under Section 13.84 of the Berkeley Municipal Code.

In addition, the City Relocation staff completed the following activities:

- Participated in interagency emergency response with Fire Department and the Red Cross and UC Berkeley staff to assist 32 tenants (mostly UC Berkeley students) displaced due to a fire at 2322 Haste Street.
- Worked extensively with the City Attorney's office, City Manager's office and Rent Stabilization Board to resolve a complex relocation issue regarding a landlord who was unable/unwilling to comply with the Relocation Ordinance (2526 Shattuck Avenue).
- Attended HUD's Uniform Relocation Act training.
- Attended inter-departmental meetings to address problem properties, when tenants may be displaced due to City code enforcement action.

Staff engaged in ongoing coordination with the Rent Stabilization Program to respond to landlord/tenant inquiries and mediation to resolve disagreements regarding the terms of relocation.

Looking Ahead

The City's Relocation Program staff will continue to provide relocation services on an as-needed basis and collaborate with other City departments and the Rent Stabilization program.

Implementation Steps

- Continue to provide relocation services on an as-needed basis.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Health, Housing & Community Services Department

Funding Sources

General Funds

Federal Community Development Block Grant (CDBG)

HHSP: Reverse Mortgage Counseling (Discontinued)

The City no longer provides contracts with Eden Council for Hope and Opportunity (ECHO) to provide information and counseling regarding reverse mortgages and other alternatives to low-income senior homeowners.

HHSP: Shelter Plus Care

The City of Berkeley administers six Shelter Plus Care grants, which are a key component of Berkeley's inventory of permanent housing for homeless individuals and families, particularly those with disabilities. The program combines federal funding for rental subsidies with linked supportive services provided by 13 community-based organization partners. Two grants are a sponsor-based subsidy in partnership with community-based organizations that own supportive housing. City staff work closely with private property managers, supportive services providers, and participants to ensure that grant funds are fully utilized and participants remain stably housed.

Accomplishments

The City's first Shelter Plus Care grant was awarded in 1995, and included subsidy for 129 units. The City has been awarded five more grants since then through competitive selection processes, bringing the total up to 212 units of funding. Through careful grant management, the City has been able to use the awarded subsidies to house an even greater number of participants, totaling 255 households in 2014.

During FY 2014, the Shelter Plus Care Program provided housing for a total of 249 households. Housing outcomes are available for the 28 households who exited the program during this period.

- Of those households who exited the program, 100% retained their housing for at least six months; 27 (96%) retained their housing for at least one year; 14 (50%) retained their housing for at least 5 years.
- Of the 28 households exiting the program: 15 left for other permanent housing, one entered shelter; four died; two were in jail; one entered residential treatment; and two were staying with family or friends temporarily.

During FY 2011, the Berkeley Housing Department partnered with the City's Division on Aging to apply for a new Shelter Plus Care grant to create 12 tenant-based subsidies for chronically homeless older adults. Called the Berkeley Housing for Older Adults Project (HOAP), HUD awarded the City \$824,700 to provide 12 housing certificates serving homeless older adults. The program now serves 15 older adults.

Due to its size and proven effectiveness in ending homelessness, the Shelter Plus Care program plays an important role in the City's implementation of the Everyone Home plan.

Table 6-15: Shelter Plus Care Grant History				
Grant	Begin Date	End Date	Award	Grant Units
Tenant-Based Rental Assistance	7/1/1995	5/23/2002	\$5,069,880	129
	5/24/2002	5/23/2003	\$1,372,000	129
	5/24/2003	5/23/2004	\$1,745,160	129
	5/24/2004	5/23/2005	\$1,909,116	129
	5/24/2005	5/23/2006	\$1,909,116	129
	5/24/2006	5/23/2007	\$1,954,452	129
	5/24/2007	5/23/2008	\$1,985,736	129
	5/24/2008	5/23/2009	\$1,936,656	129
	5/24/2009	5/23/2010	\$1,814,400	129
	5/24/2010	5/23/2011	\$1,929,120	129
	5/24/2011	5/23/2012	\$1,952,112	129
	5/24/2012	5/23/2013	\$1,964,016	129
	5/24/2013	5/23/2014	\$1,971,274	129
Sponsor-Based Rental Assistance, Bonita House Pathways Project	6/20/2000	5/31/2006	\$308,280	7
	6/1/2006	5/31/2007	\$115,068	11
	6/1/2007	5/31/2008	\$112,908	11
	6/1/2008	5/31/2009	\$116,244	11
	6/1/2009	5/31/2010	\$114,468	11
	6/1/2010	5/31/2011	\$121,704	11
	6/1/2011	5/31/2012	\$123,192	11
	6/1/2012	5/31/2013	\$123,900	11
Sponsor-Based Rental Assistance, Resources for Community Development	6/1/2013	5/31/2014	\$121,004	11
	5/28/2003	5/27/2008	\$312,840	6
	5/28/2008	5/27/2009	\$119,628	12
	5/28/2009	5/27/2010	\$117,648	12
	5/28/2010	5/27/2011	\$125,088	12
	5/28/2011	5/27/2012	\$126,624	12
	5/28/2012	5/27/2013	\$127,344	12
Tenant-Based Rental Assistance, COACH	5/28/2013	5/27/2014	\$124,291	12
	12/14/2005	12/13/2010	\$1,426,320	21
	12/14/2010	12/13/2011	\$449,784	33
	12/14/2011	12/13/2012	\$455,196	33
	12/14/2012	12/13/2013	\$457,908	33
Tenant-Based Rental Assistance, Subcontract with Alameda County and Alameda County Collaborative	12/14/2013	12/13/2014	\$449,002	33
	2/1/2004	1/31/2005	\$218,088	15
	2/1/2005	1/31/2006	\$218,652	15
	2/1/2006	2/28/2007	\$218,652	15
	3/1/2007	2/29/2008	\$216,394	15
	3/1/2008	2/28/2009	\$216,894	15
	3/1/2009	2/28/2010	\$225,932	15
	3/1/2010	2/28/2011	\$231,672	15
	3/1/2011	2/29/2012	\$234,416	15
	3/1/2012	2/28/2013	\$241,057	15

	3/1/2013	2/28/2014	\$256,222	15
Tenant-Based Rental Assistance, Housing for Older Adults Project (HOAP)	11/1/2010	10/31/2015	\$824,700	12

Source: City of Berkeley Health, Housing & Community Services Department

Note: Shelter Plus Care grant funds are initially awarded in a five-year contract, and subsequently renewed on an annual basis.

Looking Ahead

The City will continue to operate the Shelter Plus Care program to maximize use of this federal resource and to achieve continued high retention outcomes. The City may compete for additional grants as opportunities arise and staffing allows.

Implementation Steps

- Continue administering federal rental subsidies for formerly homeless individuals and families.
- Continue partnering with community based organizations that provide the supportive services match needed to keep participants stably housed.

Timeframe:

Ongoing

Responsible Agency:

City of Berkeley Health, Housing & Community Services Department

Funding Sources:

Federal Shelter Plus Care funds

Matching services may be funded in the Community Agency Funding described above

HHSP: Square One Supportive Housing Program

On November 27, 2007 the Berkeley City Council approved a package of measures referred to as the Public Commons for Everyone Initiative (PCEI), which was designed to improve Berkeley's public areas to make them safer and healthier for everyone. The Council packet is available here:

<http://www.ci.berkeley.ca.us/citycouncil/2007citycouncil/packet/112707/11-27s.htm>

The Public Commons for Everyone Initiative created a range of programs, four of which specifically address homelessness, to be funded from parking meter revenue. The supportive housing program model, called Square One, drew from proven national programs, including Pathways in New York City and Washington DC. The program targets homeless adults who frequently have multiple disabilities and have been homeless for long periods. A key feature of the program is a locally-funded permanent housing rental subsidy, modeled on the U.S. Department of Housing and Urban Development's Shelter Plus Care program. This is the first

locally-funded rental housing subsidy program in Alameda County. Square One also includes outreach from Berkeley Mental Health's Homeless Outreach Team, and intensive services for 10 to 15 people provided by LifeLong Medical.

Accomplishments

As of July 2014, 15 individuals targeted for the Square One Program have been successfully engaged in services and are housed. Three of these individuals also had long-term partners with them while on the streets, and their partners have been included in their households. Of the 15 Square One clients served in FY2014, nine have been housed for four or more years, three have been housed for more than one year and three for six to twelve months. One client was evicted from housing (after having been housed more than 3 years) and is still enrolled in the program. The case manager is continuing to work with the client to attempt to re-house.

Most of the Square One clients were not receiving primary care or mental health services at the time of their enrollment. One of the strengths of the program is that the case management provider, LifeLong Medical Care (LMC), also provides healthcare and mental health services. Consequently, LMC has been able to assure that all of the people enrolled in the program are connected with primary medical care, and ten of the participants are now also receiving mental health services through LMC.

Looking Ahead

Square One is proving to be a successful strategy for ending homelessness for chronically homeless people in Berkeley. The City recognizes the importance of the rental subsidy and supportive services in keeping participants housed. Continuation of the program depends on local parking meter revenue.

Implementation Steps

- Provide permanent supportive housing for 10-15 individuals. Evaluate program outcomes and availability of parking meter revenue to support continued operations.
- Continue operation of program as General Fund availability permits.

Timeframe:

Ongoing

Responsible Agency:

City of Berkeley Health, Housing & Community Services Department
City of Berkeley Health Department Mental Health Division

Funding Sources

General Fund

HHSP: Mental Health Services Act (MHSA) Housing Program

Affordable housing was one of the primary needs for people with serious mental illness identified during the Berkeley/Albany Mental Health Services Act Community Services and

Supports planning process, an extensive process involving many stakeholders. As a result, the City is working to fully utilize the housing resources available through the Mental Health Services Act.

The Mental Health Services Act (MHSA) is California State legislation approved by the voters in November 2004 for the purpose of transforming and expanding public mental health services. This Act placed a 1% tax on personal income over \$1 million. Funds are allocated to local mental health jurisdictions, like the City of Berkeley, according to formulas, for a variety of targeted uses.

Statewide tax revenues received under the MHSA exceeded what was originally projected. As a result, all mental health jurisdictions were awarded “one-time funds” from FY 2005-06. The City of Berkeley’s MHSA Community Services and Supports (CSS) Plan, dated March 14, 2006, allocated \$300,000 of the one-time funds for housing activities. Later, the Department of Health and Human Services Mental Health Division set aside an additional \$200,000 in unspent FY 2006-07 MHSA funds for housing development.

In August 2007, the California Housing Finance Agency (CalHFA) released the application for the California MHSA Housing Program, making available \$115 million statewide for the development and operation of affordable housing for people with serious mental illness who are homeless or at risk of homelessness. Each mental health jurisdiction can submit applications on behalf of non-profit developers up to a designated limit. To be eligible, the units must be connected to that jurisdiction’s MHSA services. Berkeley can submit applications for up to \$1.2 million, which CalHFA will provide in the form of loans directly to nonprofit sponsors.

Accomplishments

The City has collaborated with Alameda County, the countywide mental health jurisdiction, to reach out to local developers and work toward finding related development projects. In December 2007, the City Council approved a local policy for MHSA housing development funds from the City’s local MHSA one-time funds and a Request for Proposals for up to \$500,000 for housing development was released.

Affordable Housing Associates’ Harmon Gardens project, located at 3240 Sacramento Street was selected. The City Council approved submitting an application to CalHFA and DMH for the Harmon Gardens project on July 23, 2009. CalHFA issued a conditional approval in August 2009.

A remaining balance of \$758,600 was used for renovations at University Avenue Homes.

University Avenue Homes (UA Homes) is an existing affordable housing development located at 1040 University Avenue. The development consists of 74 Single Room Occupancy (SRO) units, all of which are available at deeply affordable levels and restricted to individuals who are homeless. Resources for Community Development (RCD) used MHSA and other HUD funding to rehab the building. Seven units have been set aside for mental health consumers served through the Mental Health Services Act (MHSA). On-site service providers, in addition to offering a variety of services at UA Homes, help connect tenants with these many other local

resources. This rehabilitation project will help ensure UA Homes' long-term viability as an affordable housing resource for the community.

The units at UA Homes are reserved for homeless individuals with incomes below 30% of the Area Median Income (30 units) or 50% of the Area Median Income (44 units). Of the 74 units at UA Homes, 73 are part of the Berkeley Housing Authority's Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals. This rental subsidy program allows rents to be fixed at 30% of tenants' incomes, ensuring affordability for the residents.

UA Homes' MHSA units serve adults who are certified by the Berkeley Mental Health Division as severely mentally ill and are certified as homeless. The MHSA units consist of seven (7) SRO apartments and will target households with incomes below 30% of AMI. The Section 8 rental subsidy will ensure affordability for MHSA households by limiting their rental payment to 30% of their income. MHSA tenants at UA Homes are assigned to the Berkeley Mental Health - Full Service Partnership (FSP), which involves intensive, collaborative, wraparound services by a team of licensed clinicians.

Looking Ahead

MHSA funds for capital improvements and technology will be used for upgrades to the Mental Health Clinic for the upcoming cycle; funds will not be used for housing investment.

Implementation Steps:

Continue to utilize any future allocation of Mental Health Services Act Housing Program funding to support housing development.

Timeframe:

Ongoing

Responsible Agency:

City of Berkeley Health Department Mental Health Division
California Housing Finance Agency
California Department of Mental Health

Funding Sources

MHSA Housing Program funds

Housing Code Enforcement and the Rental Housing Safety Program

The Planning and Development Department's Housing Code Enforcement staff is responsible for enforcing the housing code in residential rental housing and for administering the Rental Housing Safety Program (RHSP). Activities to accomplish this are in four program components.

Reactive/Complaint Inspection Program

The reactive/complaint inspection program refers to the state-mandated housing code inspections that are conducted in response to tenant complaints, requests made to other City departments, or referrals from other City departments. The rules governing local application and enforcement of the state housing code are mandated in Health and Safety Code Section 17961, the California Code of Regulations (25 CCR, Article 5: Existing Buildings), and the City's adopted Berkeley Housing Code, BMC Chapter 19.40.

When the Planning and Development Department's Housing Code Enforcement staff receives a complaint, an inspection is scheduled and an inspector completes an investigation of the unit. If any code violations are identified, a notice of required corrections is issued and a re-inspection scheduled within 30 days. If the violation has been corrected at the inspector's return visit, no inspection fees are charged to the owner. However, if the violation has not been corrected, the property owner is charged \$300 for the inspection. Inspections are then repeated on an approximate 30-day schedule until the correction has been completed, with another \$300 fee for the second follow-up inspection and \$400 for each subsequent inspection.

Proactive Inspection Program

The Proactive Inspection Program refers to inspections of rental units that are performed on randomly selected residential rental properties, intended to identify existing housing code violations before they potentially become serious health and safety risks to tenants, increasing the quality and safety of the rental housing stock in Berkeley. This component was incorporated into the overall RHSP program (BMC Chapter 12.48), adopted by City Council on July 24, 2002.

Safety Certification Checklist (Schedule A form)

The City's RHSP Safety Certification Checklist (Schedule A form) (BMC Chapter 12.48) requires owners of residential rental properties to annually inspect their units and certify that specific housing safety standards are being met using the City's RHSP Safety Certification Checklist (Schedule A form). Property owners must supply a copy of the completed checklist to the tenant annually. Additionally, if at any time there is an inspection of a residential rental unit either at the tenant's request or through the proactive inspection program property owners are required to produce a copy of the completed RHSP Safety Certification Checklist (Schedule A form) for the unit(s) scheduled for inspection. Failure to do so may result in the issuance of an Administrative Citation to the property owner that carries a minimum fine of \$200 per unit or room.

This requirement applies to almost all rental housing in Berkeley, currently more than 26,000 apartments and more than 3,000 rooms for rent. Staff activities include advising property owners and tenants of checklist requirements via the Rent Board's newsletter, responding to inquiries from property owners and tenants, preparing and mailing information materials annually, and maintaining information on the City's website regarding program requirements.

Annual per Unit/Room Fee

Owners of all residential rental buildings, and residential hotels and boarding houses with five or more rooms are required to pay an annual fee for each rental unit/room to support outreach, education, enforcement activities and program administration. The Council adopted the current

per unit and per room fee schedule in May 2009, per Resolution No. 64,455-N.S. Late penalty fees were adopted per Resolution No. 62,990-N.S. on July 12, 2005. Annual fees are \$26.00 per apartment and \$13.00 per room for rent. These billing statements are sent out in October of each year by the Finance Department.

Accomplishments

Reactive inspections: Housing Code Enforcement staff responds to all tenant complaints, performing “reactive inspections.” In FY 2009 through FY 2014, the Planning and Development Department’s Housing Code Enforcement staff inspected an average of 194 new cases per year, followed by an average of 587 re-inspections, with an average of 148 cases closed each year.

Proactive inspections: Between FY 2009 and FY 2014, an average of 226 new proactive cases have been opened annually. An average of 237 re-inspections for corrections have been conducted, with an average of 189 cases closed annually.

Safety Certification Checklist (Schedule A form): In the fall of 2009, Housing Code Enforcement staff met with stakeholders to develop, change and update the City’s RHSP Safety Certification Checklist (Schedule A form).

Gas Heating Certification: The Gas Heating Certification Program was repealed by the City Council effective July 2012 with one of the reasons being the new State mandated installation of carbon monoxide devices in all residential properties. This program successfully achieved a 91% compliance rate.

Annual Per Unit/Room Fee: The RHSP annual per unit/room fees were raised in May 2009 to \$26.00 per unit or \$13.00 per room with the City’s goal being for the RHSP to become financial self-supporting. The increase successfully achieved that goal.

Looking Ahead

In July 2013 Housing Code Enforcement was relocated from the Health, Housing & Community Services Department to the Planning & Development Department, and with the hiring of a new inspector in June 2014, is currently fully staffed. The City plans to continue the Rental Housing Safety Program, making both reactive and proactive inspections available. The City is planning to maintain—if not increase—the focus of the RHSP toward proactive rather than reactive inspections.

The City anticipates implementing the issuing of administrative citations for non-compliance with the City’s RHSP Safety Certification Checklist (Schedule A form) requirements within the next 3 years. Currently, Housing Code Enforcement is actively continuing with outreach and education.

Implementation Steps

- Continue to operate the Rental Housing Safety Program.
- Evaluate program changes that will help the program continue to be self-supporting, while still increasing the safety of rental housing in Berkeley.

Timeframe

Ongoing

Responsible agency

City of Berkeley Planning and Development Department

Funding sources

The RHSP annual per unit/room fee, re-inspection fees and citations

Housing Mitigation Fees Charged to Non-Residential Development

The City of Berkeley adopted Ordinance No. 6179 (BMC Chapter 22.20) in 1993 to assure that non-residential development projects mitigate and/or compensate for the increased demand for affordable housing attributable to and generated by such development. These “linkage” policies—updated based on a nexus study prepared by an outside economic consultant and adopted by the City as Resolution No. 66,617-N.S. on June 3, 2014—require developers of non-residential projects (office, retail, industrial and/or other commercial new construction in which the net additional, newly constructed floor area is over 7,500 square feet) either to provide affordable housing directly or pay a mitigation fee to the City’s Housing Trust Fund. In this way, non-residential development mitigates the impacts the project causes with respect to the need for affordable housing generated by new jobs.

The Resolution provides non-residential developers the option of either creating housing units affordable to households with income at or below 30% of the area AMI or paying an in-lieu fee to the City’s Housing Trust Fund. Most applicants pay the in-lieu fee which previously could not exceed \$4.00 per square foot of office or retail floor area or \$2.00 per square foot of industrial floor area. Resolution No. 66,617-N.S., both updated the fees to reflect a use’s actual long-term employment capacity, as well as included non-residential uses that were previously exempt (e.g. restaurants, hotels/lodging, Research and Development (R&D), storage).

Table 6-16: Affordable Housing In-Lieu Impact Fee for Large-Scale Non-Residential Development Projects (as of June 3, 2014)		
Use	Affordable Housing Unit	Fee
Office or Research and Development Space	1 unit / 52, 859 gross square feet	\$4.50 / gross square foot
Retail/Restaurant or Hotel/Lodging Space	1 unit / 52,859 gross square feet	\$4.50 / gross square foot
Industrial/Manufacturing or Warehouse/Storage (except “self-storage”—see below)	1 unit / 105,719 gross square feet	\$2.25 / gross square foot
Self-storage Space classified in NAICS as industry 531130	1 unit / 54,432 gross square feet	\$4.37 / gross square foot

The Ordinance provides that the mitigation and/or fees may be reduced for a variety of reasons, including if the requirement would make the project infeasible or if the project benefits outweigh its burdens in terms of increased demand for affordable housing. If a reduction in the fee is requested by the applicant, the Office of Economic Development analyzes the request and a recommendation is provided to the Zoning Adjustment Board or Zoning Officer.

Accomplishments

Since 2009, the City has approved four commercial and mixed-use projects that will contribute a total of \$346,399 to the Housing Trust Fund:

- 331 Seventh Street: 8,437 new square foot industrial; 28,121 new square foot office
- 740 Heinz: 8,200 new square foot industrial
- North Shattuck Safeway: 17,250 new square foot retail
- Weatherford BMW: 30,456 new square foot retail/showroom

Looking Ahead

The City of Berkeley anticipates commercial development will continue providing housing in-lieu fees to the City's Housing Trust Fund into the foreseeable future.

Implementation Steps

- Continue to collect fees to fund affordable housing development.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Planning and Development Department
City of Berkeley Office of Economic Development

Funding Sources

Commercial development fees

Housing Trust Fund

The City of Berkeley created its Housing Trust Fund (HTF) in 1990 to help achieve the City's General Plan (including the Housing Element) and Consolidated Plan goals of developing and preserving long-term 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. Berkeley established guidelines for the HTF to maximize coordination of affordable housing development and resources and to allocate funds through a consistent request for proposals (RFP) process. The guidelines were most recently revised in 2009 and adopted by City Council on April 21, 2009. Current guidelines are available online at:

<http://www.ci.berkeley.ca.us/uploadedFiles/Housing/CouncilAdopted2009HTFGuidelines.pdf>

Sources of Funding

Funding sources include the following specified in the Housing Trust Fund guidelines:

- **Federal HOME Partnership for Investment Program (HOME Program).** A U.S. Department of Housing and Urban Development-administered program providing grants to participating jurisdictions for low-income housing through rental assistance, housing rehabilitation, and new construction.
- **Allocated Community Development Block Grant (CDBG) funds.** A federal grant program, administered by the U.S. Department of Housing and Urban Development, authorized under Title I of the Housing and Community Development Act of 1974 and administered by state and local governments. CDBG funds may be used in various ways to support community development, including acquisition, construction, rehabilitation, and/or operation of public facilities and housing.
- **Housing mitigation fees provided by commercial development projects.** Berkeley charges housing mitigation fees to commercial projects of a certain size to help offset the demand created for affordable housing. Housing mitigation fees are administered by the Economic Development Department. See program description for *Housing Mitigation Fees charged to Non-Residential Development*.
- **Condominium conversion mitigation fees.** Subject to Berkeley's Condominium Conversion Ordinance, Berkeley charges mitigation fees for rental housing and tenancy in common (TIC) properties that convert to condominiums. See program description for *Condominium Conversion Ordinance*.
- **Affordable housing mitigation fees provided by residential development projects.** Subject to the Inclusionary Ordinance, BMC Chapter 23C.12 and related fee Ordinances, new construction may opt to pay a fee in-lieu of including below-market-rate units in housing projects of five or more dwelling units. This fee money is used to fund affordable housing through the HTF. The fees are administered by Health, Housing & Community Services. See program description for *Inclusionary Housing Ordinance and Density Bonus Implementation*.
- **Funds from other sources authorized by the City Council, the Berkeley Housing Authority, the Rent Stabilization Board, and the voters.** These have included the California Housing Trust Fund Program, which provided matching funds to local housing trust funds, the California HELP Loan Program, which provided funds for site acquisition, and City General Funds, which are otherwise unrestricted City funds.
- **Berkeley Redevelopment Agency Tax Increment Set-Aside Funds.** See program description for *Redevelopment Agency Tax Increment Set-Aside Funds for Housing Activity*.
- **Payments of interest and principal due to the City from borrowers of previous HTF loans.**

The table below shows the cumulative funds received and committed, along with the fund balance, for the Housing Trust Fund from its beginning until June 30, 2014.

Table 6-17: Housing Trust Fund Cumulative Funds Received and Committed as of June 30, 2014			
Source	Cumulative Funds Received Since 7/1/1991	Cumulative Funds Committed	Fund Balance
HUD HOME	\$22,128,899	\$21,657,491	\$471,408
General Fund/ Berkeley Capital Improvement Fund	\$9,936,911	\$9,838,203	\$98,708
HUD Community Development Block Grant (CDBG)	\$5,063,774	\$4,707,739	\$356,035
California HELP	\$3,094,000	\$3,094,000	-
Redevelopment Agency	\$2,445,049	\$2,445,049	-
Housing Mitigation Fees	\$2,079,355	\$1,801,355	\$278,000
California Housing Trust Fund	\$1,000,000	\$1,000,000	-
Inclusionary & Condominium Conversion Fees	\$362,658	\$37,658	\$325,000
Total	\$46,110,646	\$44,581,495	\$1,529,151

Source: City of Berkeley Health, Housing & Community Services Department

Allocation of Funds

Berkeley allocates Housing Trust Funds according to the process established in the Housing Trust Fund guidelines and consistent with federal requirements. When the City Manager determines that sufficient funds are available, the Health, Housing & Community Services Department issues a request for proposals for the amount of funding available. Developers and project sponsors may submit acquisition, rehabilitation, and new construction proposals subject to the terms of the Housing Trust Fund guidelines. Funding is awarded through a competitive process that includes staff review, evaluation by the Housing Advisory Commission (HAC) and other public commissions, and review and action by the City Council, as established in the Housing Trust Fund guidelines.

Development Loans

Funds are made available in the form of a loan accompanied by 55 years of affordability requirements recorded on the property in a Regulatory Agreement. To develop property in a high-cost area like Berkeley and make units affordable to the income levels required in the Housing Trust Fund guidelines is not a profit-generating activity. Therefore, the main goal of the Housing Trust Fund loans is ensuring the long-term affordability of high quality housing, not generating income from the investment.

When the City approves a loan, staff will execute a contract called a "Development Loan Agreement" (DLA) with the borrower, frequently a nonprofit housing developer. The DLA contains the loan terms (usually 55 years at 3% interest), the rent and income restrictions on the rental units funded, a budget for the disbursement of loan proceeds, a promissory note, and other standard City contract language. Clauses also require the borrower to disclose information on tenant incomes, rents, asset management, and financial records to the City for purposes of review and evaluation. This agreement also provides the basis for the City's

monitoring activities. Federal regulations on the funding sources require monitoring activities. Pre-development loans can also be made to a developer to assist in the early stages of the project's development. Loans are typically repaid from a portion of the development's net income once they achieve positive cash flow. These are known as "residual receipts" loans.

Affordable Housing Finance

Typically the HTF loan represents from 12% to 20% of a development's total financing. The remaining 80% to 88% comes from a variety of sources, including:

- The Federal Low Income Housing Tax Credit Program, administered in California by the California Tax Credit Allocation Committee;
- Tax-exempt bond financing administered in California by the California Debt Limit Allocation Committee (CDLAC);
- California programs at the Housing and Community Development Department and at the California Housing Finance Agency (CalHFA);
- The Federal Home Loan Bank;
- The U.S. Department of Housing and Urban Development (HUD) Section 202 and Section 811 programs, which provide capital and operating funding for developments targeting senior and disabled residents, respectively;
- Federal Housing Opportunities for Persons with AIDS (HOPWA) funding, administered locally by Alameda County, and
- Private lenders and foundations.

The Housing Department also administers HUD Section 108 loans, which use City CDBG funds to back loans for commercial space in mixed-use (housing and commercial space) developments. HUD Brownfields Economic Development Initiative (BEDI) grants have been available to developments with Section 108 financing on brownfields. Project-Based Section 8, available through the Berkeley Housing Authority, makes it possible to cover operating costs and obtain more permanent financing while housing extremely low-income tenants by providing an ongoing rental subsidy to dedicated units.

Funding History

Since its creation in 1990, the Housing Trust Fund has:

- Funded 57 housing developments with a total of 1,188 units
- Provided a total of \$45 million in funding for affordable housing developments
- Leveraged more than \$123 million in non-City funds

The following table includes the development projects that were completed from 2010 through 2014, with the level of City financing provided and some notes on special needs populations served.

**Table 6-18: Developments with Housing Trust Fund Financing Completed
2010 – 2014, Total City Financing**

Project	Total City Financing	Notes on Project
Amistad House	\$300,000	Replace windows and other interior improvements to 60 units of affordable senior housing
Erna P Harris Apartments	\$400,000	Rehab of 35 studio and one-bedroom units. Rehab included site drainage and unit improvements, and energy efficiency upgrades.
Harmon Gardens	\$900,000	New construction of 16 units for homeless youth and youth at risk of homelessness, with linked mental health services and California MHSA funding
Regent House	\$90,259	Renovate a 6-unit group permanent housing facility for formerly homeless and disabled single men and women
Savo Island Cooperative Homes	\$435,000	Rehab of 57-unit property, including energy efficiency upgrades, accessibility improvements, and other interior and exterior improvements
U.A. Homes	\$778,816	Refinance and rehab building with 74 single room occupancy units for homeless adults, and 5 commercial spaces.
Total	\$2,904,075	

Source: City of Berkeley Health, Housing & Community Services Department

The next table lists each project completed in from 2010 through 2014 by development type (new construction or acquisition and rehabilitation), with the number of Project-Based Housing Choice Vouchers (Section 8) or other HUD operating subsidy and the number of units restricted by income level. As described earlier, the Berkeley Housing Authority has allocated project-based Section 8 to development projects in Berkeley, which are also funded by the Housing Trust Fund. In all cases, the units with a Project-Based Section 8 subsidy were also funded by the Housing Trust Fund. By providing on-going rental subsidies for units in a development, Project-Based Section 8 makes units affordable to people with extremely low incomes, who otherwise could not afford to pay enough rent even to cover the operating costs.

In addition to the extremely low, very low, low, moderate, and above moderate-income categories used by the State of California for Housing Elements, the City of Berkeley uses a 60% of Area Median Income (AMI) restricted category in its Housing Trust Fund guidelines. Although 60% of Area Median Income could be considered a subset of low-income, for clarity it is listed separately in the chart below, between very low-income and low-income.

Table 6-19: Developments with Housing Trust Fund Financing Completed By Income Level, 2010 – 2014

Project	Total Units	Extremely Low-Income	Very Low-Income	60% AMI	Low-Income	Moderate - Income	Unrestricted (Manager Unit)
New Construction							
Harmon Gardens	16	2	13				1
Acquisition & Rehabilitation							
Amistad House	60			23	36		1
Erna P. Harris Apartments	35	24	10				1
Regent House	6						
Savo Island Cooperative Homes	57	12	23				1
U.A. Homes	74	51	22				1
Total	248	91	68	23	36		5

Source: City of Berkeley Health Housing and Community Services Department

Note: 60% of Area Median Income is an income category created in the City's Housing Trust Fund guidelines. It is treated as a distinct category in this chart.

The table below lists projects with current Housing Trust Fund commitments that are not yet complete.

Table 6-20: HTF Allocations as of November 2014

Project	# of Units	City Funds Committed
Berkeley 75 (acquisition and rehab)	75	\$300,000 to Berkeley Housing Authority for predevelopment \$400,000 to Related California for development
Strawberry Creek Lodge (rehab)	150	\$652,200
University Avenue Cooperative Homes Apartments (rehab)	47	\$1,213,016
William Byron Rumford Sr. Plaza (rehab)	43	\$2,140,000 (loan will also refinance existing City loans)

Source: City of Berkeley Health Housing and Community Services Department

The following table is a complete list of developments that were financed through the Housing Trust Fund since guidelines were initially established in 1990.

Table 6-21: All City of Berkeley Housing Trust Fund Developments 1990 to 2014	
Development Name	Total Units
1133-1139 Hearst Street	32
1314 Haskell	3
1317 Ashby Avenue	6
1320 Haskell Street	5
1340 Blake Street	5
1534 Prince Street	6
1612 Harmon	6
1849 Shattuck	24
1900 Alcatraz Avenue	9
2203-2207 Sixth Street - AHA Scattered Sites	10
2207 Haste Street	7
2425 California Street	6
2500 Hillegass Street	19
834-836 Allston Way - AHA Scattered Sites	2
950 Hearst - AHA Scattered Sites	8
Addison Court Housing Cooperative	10
Adeline Street Apartments	19
Allston House	48
Amistad House	60
Ashby Commons	6
Ashby Courtyard	20
Ashby Lofts	54
Bonita House - 1410 Bonita Street	15
Bonita House - 1843 Channing Way	15
BuiLD, Inc	6
Casa Buenos Amigos Hsg Cooperative	4
Crossroads Village Mutual Housing Assoc.	26
Dwight Way Apartments	16
Emergency Womens Apartments	13
Erna P. Harris Court	35
Fairview House Cooperative	9
Fred Finch Youth House	15
Harmon Gardens	16
Helios Corner	80
Hope Home	4
Idaho Street	1
Lorin Station	14
Mable Howard Apartments	40
Margaret Breland Senior Homes	28
McKinley House	7
MLK House	12
Oxford Plaza & David Brower Center	97

Regent House	6
Rosevine	10
Sacramento Senior Homes	40
Sankofa House	10
Savo Island Cooperative Homes	57
Shattuck Senior Homes	27
U A Housing Cooperative Homes	47
U A Housing/U.C. Hotel/U.A. Homes	74
University Lofts	29
University Neighborhood Apartments	27
William Byron Rumford Plaza	43
TOTAL	1,188

Source: City of Berkeley Health, Housing & Community Services Department

The Housing Trust Fund guidelines, which were revised in early 2009, require that at least 60% of all units in an eligible housing project must have rents as follows:

- Not less than 40% of all units must be affordable to households whose income does not exceed 60% of Area Median Income (AMI); and
- Not less than 20% of all units must be affordable to households whose income does not exceed 30% of AMI.
- Rents on the remaining 40% of the units may be set at market rate.
- The City of Berkeley will give preference to projects that address chronic homelessness and/or housing for extremely low-income households, or households whose income does not exceed 30% AMI as described above.

Monitoring

When a property receives a Housing Trust Fund loan, a regulatory agreement requiring 55 years of affordability is recorded on the property. The City must monitor the developments to ensure they are meeting the regulatory requirements and loan terms. Currently, the City's monitoring portfolio includes 1,188 units.

Accomplishments

The accomplishments of the HTF program are discussed in detail under "Funding History" above.

Looking Ahead

The City anticipates continued use of the Housing Trust Fund and the use of Notices of Funding Available (NOFAs) in subsequent years. The types of projects funded (rehabilitation and preservation versus new construction), are based on funding that is available to affordable housing developers and the feasibility of potential projects. State and federal funding for affordable housing construction has been substantially less available since 2009, compared to the preceding period, which explains why HTF monies have been used to support rehabilitation programs recently. The types of projects funded in the future will be based on the type of funding that is available to affordable housing developers.

Implementation Steps

- Pool monies from different sources to help develop and preserve long-term below-market-rate housing for low, very low, and extremely low-income.
- Provide loans and grants to qualified developers, public entities, groups, and individuals to undertake activities which create, maintain, or expand the City's affordable housing stock.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Health, Housing & Community Services Department

Funding Sources

HUD Home

General Fund/Berkeley Capital Improvement Fund

HUD Community Development Block Group (CDBG)

California HELP

Housing Mitigation Fees

California Housing Trust Fund

Inclusionary & Condominium Conversion Fees

Inclusionary Housing Ordinance and State Density Bonus Law Implementation

Inclusionary housing was originally adopted as City policy as part of the Neighborhood Preservation Ordinance in 1973. The inclusionary housing requirements ("Inclusionary Ordinance") are codified in Chapter 23C.12 of the zoning ordinance, which took effect in February 1987. In 2009, the *Palmer/Sixth Street Properties vs. City of Los Angeles* court ruling found that inclusionary housing requirements on rental developments violate the Costa-Hawkins Rental Act of 1995, thereby invalidating the City's inclusionary requirements for rental housing. To meet the City's RHNA obligation, Council adopted an Affordable Housing Mitigation Fee on new market-rate rental units (Ordinance 7,192-N.S.) on June 28, 2011. The fee was established by an impact fee nexus study, which quantified the need for affordable housing created by the development of new market rate rental housing.

In response to current market conditions and the 2013 the *Sterling Park, L.P. v. City of Palo Alto* ruling, the City is currently updating the nexus study to include potential Hs for ownership housing.

Provisions of the Affordable Housing Mitigation Fee for Rental Housing

The affordable housing impact fee (Fee) is deposited in the City's Housing Trust Fund. The fee applies to new rental housing projects of 5 or more dwelling units.^{4,5} An applicant for a development project that is subject to the Fee may elect to avoid the Fee by providing, for the life of the project, a number of units equal to 10% of the market rate units in the project at rental rates affordable to Very Low- Income Households. An applicant may provide less than 10% of market rate units as Very Low-Income Units and pay a proportionately reduced Fee at a rate of $[(A-B) \times \text{Fee}] - [(B/((A-B) \times 10\%)) \times ((A-B) \times \text{Fee})]$ where A = Total number of units in the project and B= Number of Very-Low Income Units provided in the project.

Provisions of the Inclusionary Ordinance

Currently, the Inclusionary Ordinance is applicable to ownership housing projects of 5 or more dwelling units and when a lot is zoned to allow five or more units, even if only 1 to 4 units are proposed.⁶ The main requirements for inclusionary units are summarized below:

- Twenty percent of the units are required to be Inclusionary Units.
- Inclusionary Ownership Units are required to be affordable to a household whose income is no more than 80% of the area median income and are subject to resale restrictions indefinitely.
 - In-lieu fees are permitted in place of the Inclusionary Units in ownership (condominium) projects. The fees go into the Housing Trust Fund (HTF), which funds affordable housing projects.
- Limited Equity Cooperatives are required to include at least 51% of their units as Inclusionary Units.
 - Units in Limited Equity Cooperatives shall be sold or rented to Households whose gross incomes do not exceed 120% of median income.
- Inclusionary Units must be "reasonably dispersed throughout the project, be of the same size and contain, on average, the same number of bedrooms as the non-Inclusionary Units in the project; and be comparable with the design or use of non-inclusionary units in terms of appearance, materials and finish quality."

Determining and Implementing Affordable Rates.

To determine affordable rental rates and sale prices, the appropriate household size standards used for the federal Section 8 Program are used. Rental rates and sales prices are also adjusted based on the size of the unit. A unit is considered affordable if the cost does not

⁴ For group living accommodations the equivalency rate is one new rental unit per two bedrooms, such that one-half the adopted fee shall be imposed on each bedroom.

⁵ The following projects are exempt from the fee: cooperative student housing developed by the Berkeley Student Cooperative; units built to replace units destroyed through no fault of the applicant, provided the applicant files a complete permit application within two years; and rehabilitated rental units unless they have been vacant more than two years before the applicant files a complete permit application;

⁶ It does not apply to Dormitories, Fraternity and Sorority Houses, Boarding Houses, Residential Hotels, or live/work units.

exceed 30% of a household's gross income. The process for determining affordable rent and sales prices is addressed by City Council Resolution No. 61,497-N.S., adopted in 2002.

Below-market-rate (BMR) rental property owners and buyers of BMR condominiums are required to execute contracts committing them to abide by the requirements of the Inclusionary Ordinance. These contracts, called Regulatory Agreements, are negotiated and executed with property owners prior to the close of escrow on sale units, and prior to occupancy in the case of rentals, and placed in the Alameda County property records as deed restrictions.

Income verification by the BMR unit occupant must be provided prior to occupancy of the unit. Buyers of sale units must qualify prior to seeking a loan to purchase the property, with documentation required by the City prior to the close of escrow, the same time at which the buyer executes the regulatory agreement with the City. The regulatory agreement is then recorded on the title deed, where future title searches (e.g., for new buyers of the property in the future) will disclose the BMR requirements attached to the property.

Implementation State Density Bonus Law and the Inclusionary Ordinance

The State Density Bonus Law (Government Code Section 65915) requires local governments to grant “density bonuses” to projects that provide specified percentage of below-market-rate units. The greater the affordability level and the larger the percentage of affordable units in a project, the higher the density bonus awarded, up to a maximum of 35%. Affordable units that make a project eligible for density bonus units are required to remain affordable for 30 years under state law.

The law defines a “density bonus” as “a density increase over the *otherwise maximum allowable residential density* as of the date of application...” (§ 65915(f)). “Maximum allowable residential density” in turn, means “the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project” (§ 65915(o)(2)).

Thus, in order to calculate the density bonus in any given case, it is necessary to start with the “maximum allowable residential density”.

In Berkeley, most new multi-family housing projects are located in zoning districts that do not have density standards that are applied on a parcel by parcel basis.⁷ Therefore, over the years, the Planning Department has developed and refined procedures for deriving the “maximum allowable density” for any density bonus projects. The basic approach is as follows:

⁷ Although the City's *General Plan* includes land use classifications with density ranges, the Plan states that these classifications “are not intended to be used as standards to determine the maximum allowable density on a specific parcel.” (2002 *General Plan*, page LU-23)

- Step 1: Calculate the “base project,” i.e., the largest project allowed on the project site that is fully consistent⁸ with the lot development, parking and open space standards in the Zoning Ordinance, using the average unit size and other basic characteristics of the proposed project.
- Step 2: Calculate the density bonus based on the number of below market rate (BMR) units in the proposed project and the size of the base project (i.e., the percentage of below market rate units in the base project).
- Step 3: If concessions/incentives are requested, determine whether these are necessary to provide for the project’s affordable housing costs.
- Step 4: Waive or reduce development standards as needed to accommodate the project, with the density bonus and concessions.

Projects that incorporate BMR units at the Very Low Income level may qualify for a density bonus, as well as a reduction of the Affordable Housing Mitigation Fee.⁹

Accomplishments

Between 2009 and July 31, 2014, the City issued building permits for 9 projects that included dedicated BMR units. These nine projects represent a total of 533 units, including 37 Low Income (>50% - 80% AMI) and 48 Very Low Income (≤50% AMI) units. Five of these projects included a density bonus.

During this time frame, the City entitled nine additional projects (building permit issuance pending), that represent a total of 828 units, 87 of which are dedicated as Very Low Income. Five of these projects include density bonus units.

The City of Berkeley reduced administrative complexities associated with State Density Bonus Law by developing procedures for determining the density bonus award. Over a roughly 20 month period, the City met with the Joint Subcommittee on Density Bonus and the Planning Commission. The City developed procedures for implementation of density bonus and considered but did not adopt amendments to the zoning ordinance related to implementation of density bonus law. The procedures have provided consistency in the application of density bonus law providing applicants, decision makers and the public a better understanding of the provisions of both state and local law. The time required to review density bonus projects has been reduced.

Looking Ahead

In the upcoming year (2015), the City will complete the updated nexus study for an affordable housing fee for construction of both rental and ownership units. The City will consider revisions to the Inclusionary Ordinance in light of issues resulting from recent legal cases.

⁸ Many such standards can be modified with an AUP or Use Permit. The “base project” assumes no such modifications.

⁹ The Fee applies to all market rate units inclusive of the density bonus.

In particular, the City will revise the Density Bonus Ordinance (BMC §23C.12.050) to reflect current State law and codify the administrative procedures the City has used to implement the Law.

Implementation Steps

- Amend the Inclusionary Ordinance as necessary to meet the current requirements of State law and to address legal limitations on inclusionary rental units and to maintain permanently affordable housing units.
- As discussed under the program Preserving Units at-risk of Conversion to Market Rate, staff shall compile and maintain a list of all below-market-rate units as a resource of potential tenants seeking affordable housing. This list should include units funded through the HTF, the addition of new income-restricted units created in-lieu of the affordable housing mitigation fee or through the State density bonus program, and other state programs.

Timeframe

Spring 2015

Responsible Agency

City of Berkeley Planning Department

City of Berkeley Health, Housing & Community Services Department

Funding Sources

General Fund

Lead Poisoning Prevention Program

Lead in household products can pose serious health hazards to humans, and is more toxic to babies and children. While lead-based paint was banned in 1978 by the U.S. Consumer Product Safety Commission (CPSC), it is still a significant problem in cities where the housing stock is relatively old and built before the ban. In Berkeley, almost 92 percent of the housing stock was built before 1979.

In 1991, the Alameda Board of Supervisors passed a resolution officially establishing the Alameda County Lead Poisoning Prevention Program (ACLPPP) aimed at preventing childhood lead poisoning and other health-related environmental problems. The resolution allowed cities in the County to participate in and support the Program by assessing an annual \$10 fee on all residential dwellings constructed before 1978. The Cities of Berkeley, Oakland, and Alameda were the first to participate in the program and the City of Emeryville joined in 1992. The program is governed by the Joint Powers Authority (JPA) which is composed of elected officials from each participating city and a community representative.

The City of Berkeley Public Health Division and the Alameda County Healthy Homes Department will work together to increase awareness and knowledge about lead poisoning prevention in Berkeley including providing lead-safe painting classes, in-home consultations, 7

presentations, educational materials, and other services. Rebuilding Together will work with the City of Berkeley and Alameda County Healthy Homes Department 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 6 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 during the 2014-15 year. 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 $\mu\text{g/dL}$ to health education for children with levels between 5-14 $\mu\text{g/dL}$.

Accomplishments

- From 2010 - 2011, a total of **9** cases of children with BLL above 10 $\mu\text{g/dL}$ have been managed.
- From 2010 - 2011, health education for children with BLL below 10 $\mu\text{g/dL}$ has been provided for a total of **1,903** cases.
- From 2008 – 2014, a total of **58** lead poisoning prevention presentations have been made to 785 parents, childcare providers, and teachers
- From July 2008 through June 2014, **230** units in Berkeley have received In-Home Consultations from the Alameda County Healthy Home Department
- From 2009 – 2014, **16** units have been remediated via the Alameda County Healthy Homes Department HUD Lead Hazard Control grant
- From 2008 – 2014, The City of Berkeley Childhood Lead Poisoning Prevention Program has provided health education and outreach at **85** community events, reaching **7,047** individuals

Looking Ahead

The City plans to continue participation in ACLPPP towards preventing childhood lead poisoning and other health-related environmental problems.

Implementation Steps

- Continue to fund services for prevention of childhood lead poisoning and other health-related environmental problems.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Health, Housing & Community Services Department
City of Berkeley Public Health Division

Funding Sources
General Fund

Mitigating Governmental Constraints

As discussed in Chapter 4, governmental constraints can come from different sources. Two main sources of potential constraints in Berkeley are land use controls and the discretionary permit review process. The City has granted land use entitlements for close to 3,500 housing units since 1999. The City believes this track record demonstrates that land use controls and the review process do not pose a significant constraint on the development of new housing. This success is based in part on procedures the City has developed to improve the permit review process. These procedures are described below under “Accomplishments,” and are intended to provide clear direction to project applicants and speed up the application process. By implementing these procedures the City can mitigate some of the uncertainty created by the discretionary approval process.

Policy H-34 commits the City to “ensure that potential governmental constraints are identified and mitigated.” In addition to improving the permit review process, the City is committed to identifying obstacles in City regulations that may impede development of new housing in residential districts.

Accomplishments

- To provide early feedback to applicants, the City implemented the following changes.
 - Applicants are required to meet with neighbors prior to submittal of a use permit application for projects in residential districts and large-scale development projects located in commercial districts. This early consultation helps the applicant by providing an opportunity to air issues and minimize future conflict.
 - Applicants are required to post a yellow informational sign in front of the project location prior to submitting their application. The sign must be maintained throughout the project review process and must include basic project facts, public meeting dates, major decisions, and contact information.
 - Pre-application meetings with staff are available.
 - The City offers applicants “pre-application review”, an opportunity to present their project to the ZAB informally prior to submittal of an application. This preview process provides valuable feedback to applicants directly from the ZAB and allows them to adjust projects prior to submittal.
 - City staff hold a “roundtable” meeting with various departments that make recommendations on applications. Various City departments identify issues and address code compliance early in the design process. This also provides improved coordination and communication between the departments. The Planning Department recently began inviting applicants to the meetings, which has also improved identification of issues and communication.
- To provide faster processing of Administrative Use Permits and Use Permits, an applicant can pay for a consultant or staff overtime and receive expedited processing.

This allows staff resources to be allocated fairly while also providing an opportunity for faster review.

- To improve communication and provide clear, consistent information to applicants, the City took the following steps.
 - Planning Department staff undertook extensive public outreach between 2005 and 2008. In particular, presentations were made to three working groups: remodeling contractors, developers, and commercial leasing agents and realtors. Detailed information and flow charts of the zoning and building permit process were provided in binders for attendees.
 - The Planning Department's website was improved and now includes more detailed information about the permit process, forms, and pending applications.
 - Applicants are encouraged to request zoning research letters to get definitive answers to complex questions; this provides better information than can be received over-the-counter.
- The Planning Department developed density bonus guidelines to assist with the determination of the "base project" for the purpose of computing a project's density bonus award. This allows more transparency in the process, which helps both the public and the applicants better understand the City's analysis and outcomes. The density bonus procedures are described in more detail under *Inclusionary Housing Ordinance and State Density Bonus Law Implementation*.
- As discussed under the *Second Units (Accessory Dwelling Units)* program, the City recently developed and considered a range of zoning modifications to facilitate Accessory Dwelling Units.
- The Planning Department has experienced an increase in the number of applications for small infill projects in the past few years relative to the past decade. This is likely a result of increased housing prices making such projects economically viable. Planning staff are tracking issues that may present obstacles to small infill projects that arise at the zoning counter. The City Council referred to the Planning Commission reconsideration of the R-1A zoning standards, in part due to concern of too much density. Planning staff will evaluate this referral and other issues related to infill with the Planning Commission and advise an approach that balances neighborhood character with the goal of new housing.

Looking Ahead

The Planning Department will continue to improve public outreach and project expediting programs. In addition, the City will identify and mitigate regulatory constraints to residential infill development. The *Second Units (Accessory Dwelling Units)* program, described in this chapter, commits the City to researching obstacles to by-right second units. The Planning Department will also research what obstacles may prevent other types of residential infill, such as building separation requirements, setback requirements, lot coverage, and parking standards. Finally, as discussed in the Chapter 4 of this Element, the Planning Department will continue to provide pre-application review in order to facilitate more streamlined public review, conduct "roundtable" meetings with all relevant departments to vet issues with the project early in the process, and will add project planning staff in order to enable faster permit processing.

Implementation Steps

Processing and Permit Procedures:

- Continue to require applicants to conduct neighbor consultation and install a “pre-application” poster to ensure communication between neighbors and applicants.
- Continue to provide pre-application consultation to applicants to give advice on design and the review process and offer project “preview” at the ZAB.
- Continue to conduct inter-departmental “roundtable” meetings to identify issues with building design early in the review process.
- Continue to offer expedited project services.
- Continue education efforts with the development community about Berkeley’s standards and review processes, such as green building standards, building permits, and use permits.
- Continue to improve access to building and zoning permit information on the web.
- Continue to administer design review concurrently with the land use and building permit entitlement processes.
- Continue to notify the LPC of all pending projects and applications to demolish a structure located in a non-residential district that is more than 40 years old in order to identify potential historical resources early in the review process for new residential development.
- Continue periodic training of the LPC in historical resource designation, preservation and permit processing.
- Continue to prioritize the hiring of staff to the LPC with significant background in historic resources.

Regulatory Changes:

- Identify potential constraints to existing infill opportunities in residential districts, consistent with existing residential densities, by reviewing existing development standards and tracking zoning inquiries related to residential infill. Work with the Planning Commission to develop possible modifications to standards in order to remove obstacles to residential infill development. (Ongoing)
- Consider developing area-specific design guidelines to provide better direction to applicants, including the Adeline Corridor and South Shattuck areas. (Timeframe – January 2015 to December 2017)
- Identify barriers to the development of new condominium units and consider ways to increase the construction of for-sale units as a source of housing affordable to moderate-income households.

Timeframe

Processing and Permit Procedures - Ongoing

Zoning Changes - Five years

Responsible agency

City of Berkeley Planning Department

Funding sources

General Fund

Mortgage Credit Certificate Program

The City of Berkeley participates in the Mortgage Credit Certificate Program (MCC), administered by Alameda County, to support homeownership in Berkeley. The City of Berkeley pays the County an administrative fee annually for the County's operation of the program. 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.

To qualify, homebuyers cannot have owned a principal residence within the last three years. Use of the MCC can enable a first-time homebuyer to qualify for a mortgage more easily, since mortgage interest is rebated to the MCC holder through filing of a federal income tax return. The MCC can be used for up to 15 years. An MCC may be used to purchase new or existing single-family detached homes, mobile homes, condominiums, townhouses, or duplexes. Properties of 3 or more units are not eligible for MCC-assisted mortgages. The assisted owner must live in the house being purchased with help from MCC.

Accomplishments

The City continued to participate in the Alameda County Mortgage Credit Certificate program in PY 2013. In PY 2013, however, no Berkeley residents purchased a home using the MCC Program. One past Berkeley MCC homebuyer refinanced a home, which required reissuance of their certificates (RMCC).

Looking Ahead

The MCC provides a valuable resource for the first time homebuyers who do participate, particularly relative to the public cost of providing the program. The City plans to continue participation.

Implementation Steps

- Continue participation in the MCC program to assist lower income first time homebuyers.

Timeframe

Ongoing

Responsible agency:

City of Berkeley Health, Housing & Community Services Department
Alameda Housing and Community Development

Funding Sources

General Fund

Permit Fee Deferrals for Affordable Housing

Ordinance 5892-N.S. (Chapter 19.62 of the Berkeley Municipal Code) was adopted in 1988 authorizing the City Manager to waive or defer payment of permit fees, and to expedite or prioritize the processing for any permit for any housing project in which at least 25 percent of its units are affordable to low- or moderate-income households provided that affordability is guaranteed by a regulatory or loan agreement. Permit fees that may be deferred or waived include, but are not limited to, zoning, building, plumbing, and electrical permits.

Low-income households are defined in the ordinance as households with incomes at or below 80 percent of the area median income (AMI).¹⁰ Moderate-income households are defined as households with incomes at or below 120 percent of AMI.

Although the City ordinance states that fees can either be waived or deferred, the City Council adopted a policy in 2000 providing that fee waivers would only be granted when substitute funding was authorized by the Council. This policy recognizes that building permit fee revenue to the Permit Service Fund is needed to continue to provide the services that the Fund supports and that such costs should not be shifted to other projects. Fees can be deferred until building permit issuance or certificate of occupancy, depending on the needs of the applicant.

Accomplishments

Since 2009, the City has deferred \$288,000 in permit fees for 3 residential projects).

- Harmon Garden – 3240 Sacramento: Deferral of \$143,000 in 2010 for construction of transitional youth housing;
- UA Homes – 1040 University Avenue: Deferral of \$100,000 in 2012 for construction of a 74-unit single-resident occupancy building;
- Strawberry Creek Lodge – 1320 Addison Street: Deferral of \$45,000 for renovation of an existing 150-7unit affordable senior housing complex

Looking Ahead

The City will continue to provide fee deferrals for affordable housing projects in accordance with the Berkeley Municipal Code and Council policy.

Implementation Steps

- Promote affordable housing by allowing fee deferrals for affordable housing projects.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Planning Department

¹⁰ The 2014 AMI for a family of four in Alameda County is \$93,500. California Department of Housing and Community Development: <http://www.hcd.ca.gov/hpd/hrc/rep/state/incNote.html>

Funding Sources

General Fund

Preserving Restricted Units at Risk of Conversion to Market Rate

California Government Code requires that localities identify and develop a program in their housing elements for the preservation of assisted, affordable multifamily units. In the preservation analysis, localities are required to provide an inventory of assisted, affordable units that are eligible to convert within the next 10 years. As part of the analysis, an estimation of the cost of preserving versus replacing units is to be included.

Over the past several decades, thousands of privately owned affordable rental housing have units been constructed across the state with financing (both loans and grants) from federal, state, and local sources, accompanied by rent affordability and occupancy restrictions that last generally from 30 to 55 years from the time the project is built. In general, once the period of restricted rent/occupancy expires, a property owner may charge market rents for the previously restricted units. There is a risk that low-income occupants may have to find alternative housing if rents rise to market levels.

State legislation requires an analysis of and programs for preserving assisted housing developments eligible to change from low-income housing uses over the next ten-year period due to the termination of subsidy contracts, mortgage prepayments, or the expiration of restrictions on use. Government Code Section 65583 (a)(9) identifies “assisted housing” required in this analysis as multifamily rental housing developments that receive governmental assistance under certain federal programs, state and local revenue bond programs, local redevelopment agency funding, federal CDBG funding, local in-lieu fees or housing trust fund money, and also units built pursuant to a local inclusionary ordinance or to qualify for a density bonus. Some local projects combine multiple sources of funding in addition to qualifying for a density bonus.

Inventory of Restricted Units Potentially at Risk of Conversion to Market Rate, 2014-2024

The following table includes affordable housing developments in Berkeley that have subsidies or restrictions expiring in the next ten years and may be at risk for converting to market rate. All of the developments listed have project-based subsidies from the US Department of Housing and Urban Development that are currently renewable on an annual basis and do not have other known restrictions recorded on the property which would prevent conversion to market rate. These vouchers allow the owner to collect HUD’s Fair Market Rent, and restrict occupancy to lower income residents and assure that the resident will only be responsible for that portion of the rent equal to 30 percent of their income.

Because these vouchers are contingent on annual appropriations from the federal government, the vouchers must be annually renewed. Much of the affordability of these older properties is linked directly to the voucher subsidy, and so technically, the units are constantly “at risk.” Over

time, data and experience have shown that many owners continue to renew their contracts beyond the original expiration date, providing evidence that the link between affordability expiration date and conversion is not inevitable.

In particular, five of the properties on the table below, with 318 restricted units, are owned by organizations with a primary mission of providing affordable housing, and are therefore considered to be at lower risk. One property without other known restrictions is considered to be at higher risk. However, all properties would be at risk in the event of federal policy changes that reduced or eliminated Section 8 subsidies for these properties.

Table 6-22: Units in Projects at Risk of Conversion to Market Rate Housing, 2014-2024				
Development Name and Address	Total Units	Restricted Units	Owner	Subsidy sources
Units at Lower Risk of Conversion				
Bonita House 1910-1912 Hearst St.	2	2	Bonita House Inc	202
Lawrence Moore Manor 1909 Cedar St.	46	46	Satellite Affordable Housing Associates	236(J)(1) and 202
Redwood Gardens 2951 Derby Street	169	169	Cooperative Services Inc.	202
Savo Island Cooperative Homes 2017 Stuart Street	57	57	Savo Island Corp.	213
Stuart Pratt Manor 2020 Durant Ave.	44	44	Satellite Affordable Housing Associates	202
Subtotal, Lower Risk	318	318		
Units at Higher Risk of Conversion				
Rosewood Manor 1615 Russell Street	36	36	South Berkeley Neighborhood Development Corp.	221(D)(3) with Section 8
Subtotal, Higher Risk	36	36		
Total, All Units at Risk	354	354		

Source: City of Berkeley Health, Housing & Community Services Department

Note: All projects listed above have a HUD Section 8 Housing Assistance Payment (HAP) operating subsidy. Through contracts that start on a longer term (10 to 20 years) then go to annual renewals, HUD pays the difference between a qualified tenant's affordable rent and a contract rent level. Section 202 is a HUD program that pays for capital costs and provides for the HAP in developments for seniors (62+). Section 213 and 221(d)(3) are HUD mortgage insurance programs for cooperatives and multifamily housing, respectively. Section 236 subsidizes mortgage interest.

Below is more information about the properties listed on the table above:

Table 6-23: Properties at Risk of Converting to Market Rate by Total Units and Restricted Units, 2014-2024				
Property	Total Units	Restricted/ Subsidized Units	Elderly	Disabled
Bonita House	2	2	0	2
Lawrence Moore Manor	46	46	46	0
Savo Island Homes	57	57	10	0
Stuart Pratt Manor	44	44	44	0
Redwood Gardens	169	169	169	18
Rosewood Manor	36	36	0	0
Total	354	354	269	20

Source: City of Berkeley Health, Housing & Community Services Department

Table 6-24: Properties at Risk of Converting to Market Rate by Size of Units, 2014-2024					
Property	Studio	1-BR	2-BR	3-BR	4-BR
Bonita House	0	0	0	2	0
Lawrence Moore Manor	37	9	0	0	0
Savo Island Homes	0	0	8	22	27
Stuart Pratt Manor	28	16	0	0	0
Redwood Gardens	42	109	0	0	0
Rosewood Manor	0	6	22	8	0
Total	107	140	30	32	27

Source: City of Berkeley Health, Housing, & Community Services Department

Restricted Units Considered at Higher Risk of Converting to Market Rate

The property considered to be at higher risk of converting to market rate is **Rosewood Manor**, located at 1615 Russell Street in Berkeley. According to the City's records, it is owned by the South Berkeley Neighborhood Development Corporation and has 36 units. It was formerly known as the Melrose Apartments and built in 1972. When the former owner defaulted on his Section 221(d)(3) loan, the South Berkeley Neighborhood Development Corporation worked with tenants in cooperation with the City to acquire and rehabilitate the property, taking ownership in 1993. The South Berkeley Neighborhood Development Corporation is a nonprofit organization founded in 1987 as the result of a community planning process. The organization owns and manages two residential properties: this one and Lorin Station. Rosewood Manor was developed using HUD's Section 221(d)(3) mortgage insurance program and has an annual operating subsidy, a Section 8 Housing Assistance Payment. There are no other known sources of financing in the development which restrict its affordability. Therefore the development relies on the Section 8 Housing Assistance Payment to make it affordable. The Housing Assistance Payment is renewable from year to year, and therefore the owner could choose to end the contract at any time. Due to the annual renewals, this property is considered to be at higher risk

of conversion to market rate, although at this point the City has no indication the owner intends to convert the property to market rate.

In the event that South Berkeley Neighborhood Development Corporation indicated an interest in selling the property or converting it to market rate, the City would seek to identify a qualified nonprofit that could acquire the property and keep it as an affordable development. Potential organizations and sources of funding for the acquisition appear later in this section. The City would work with a nonprofit developer in assembling financing for the preservation of this development.

Restricted Units Not Considered at Risk of Converting to Market Rate

There are other properties in Berkeley with subsidies currently renewing on an annual basis and with Low Income Housing Tax Credit use restrictions that have expired or are expiring. However, all have other regulatory restrictions that maintain affordability for at least the next 10 years if not longer. Since the Berkeley Housing Trust Fund (HTF) was created in 1990, development projects receiving a commitment of local funds have been required to record a regulatory agreement with a 55-year affordability period. Similarly, some properties have recorded restrictions associated with Berkeley Redevelopment Agency (BRA) funding.

The first property considered to be at lower risk of conversion is **Bonita House's** Bonita Grove development, located at 1910-1912 Hearst Street. The property has 2 units, but houses more individuals since it is operated as congregate housing. This property was developed early in the history of the Section 202 program, and includes an annual operating Housing Assistance Payment. The owner and operator is Bonita House, Inc., (BHI), a private non-profit mental health agency offering a range of services for adults diagnosed with co-occurring serious psychiatric disabilities and substance use disorders, including intensive residential treatment, supported independent living programs, housing and supported employment, outpatient case management and clinic services. Bonita House has received state and federal recognition for its exemplary work with people with co-occurring disorders and has demonstrated a strong commitment to housing for this population. Although the property has relied on annual renewals of the Housing Assistance Payment since 2003 and does not have other known recorded restrictions on the property, Bonita House's ownership puts this property at lower risk of conversion.

The second property considered to be at lower risk of conversion is the **Lawrence Moore Manor**, located at 1909 Cedar Street. It has 46 units of affordable housing for seniors. It was developed by Satellite Housing Associates in 1972 using HUD's Section 236(J)(1) program, a mortgage insurance program, as well as the Section 202 program, which provides capital funding and an operating subsidy, the Housing Assistance Payment. In 2013, Satellite Housing and Affordable Housing Associates (AHA) combined to become SAHA. Satellite Housing was established in 1966 and AHA was established in 1993 and together they have at least 51 properties in its portfolio. The property is still owned by SAHA, one of the most active nonprofit housing development and management organizations in Berkeley. The organization's mission is to provide affordable, service-enriched housing that promotes healthy and dignified living for people with limited options. Although the property has relied on annual renewals of the Housing

Assistance Payment since 1991 and does not have other known recorded use restrictions, SAHA's ownership puts this property at lower risk of conversion.

The third property considered to be at lower risk of converting to market rate is **Redwood Gardens**, located at 2951 Derby Street in Berkeley. The owner, Cooperative Services Inc.- Derby St. Non Profit Housing (CSI), built the property in 1986. CSI is a nationwide resident/member controlled organization that utilizes a cooperative management system. The property has 169 units for seniors, including 18 units for seniors with disabilities. It was developed using Section 202 financing, a HUD program for senior housing, and related to that has an annual operating subsidy, a Section 8 Housing Assistance Payment. There are no other known sources of financing in the development which restrict its affordability. Therefore the development relies on the Section 8 Housing Assistance Payment to make it affordable. The Housing Assistance Payment has been renewable from year to year since 2006, and therefore the owner could choose to end the contract at any time. Due to the property's ownership structure, conversion to market rate would need to be initiated by the residents. Because conversion would increase each resident's housing costs, it is unlikely that they will seek conversion to market rate; therefore, this property is considered to be at lower risk.

The fourth property considered to be at lower risk of conversion is **Savo Island Cooperative Homes** located at 2017 Stuart Street. Savo Island Cooperative Homes is a limited equity cooperative and consists of 57 units spread over Ward, Stuart, Milvia, and Adeline Streets. The project provides 2-, 3-, and 4-bedroom units of family housing. Ten of these are reserved for seniors. The Cooperative dates to 1980 and was developed using HUD's Section 213 mortgage insurance program and a Section 8 Housing Assistance Payment (HAP) operating contract. The HAP contract has been in annual renewals since 1994. The property does not have other known use restrictions recorded on the property. Since the property is a limited equity cooperative, conversion to market rate would need to be initiated by the residents. Because conversion would increase each resident's housing costs, it is unlikely that they will seek conversion to market rate; therefore, this property is considered to be at lower risk.

The fifth property considered to be at lower risk is the **Stuart Pratt Manor**, located at 2020 Durant Street. Stuart Pratt Manor includes 44 studio and one-bedroom apartment units of affordable housing for seniors. It was built in 1969 using the Section 202 program, which provided capital funding as well as an annual operating Housing Assistance Payment. The property is owned by SAHA, a nonprofit housing development and management organizations in Berkeley. Although the property currently relies on annual renewals of the Housing Assistance Payment, SAHA's participation puts this property at lower risk of conversion.

Other Units That Were Previously at Risk but Are Not Considered At Risk, 2014-2024

In the 2001 Housing Element, the City included all developments with project-based Section 8 contracts and tax credit restrictions that were expiring soon or had expired as at-risk projects. In the 2009 Housing Element, developments that have other documented use restrictions which limit the affordability or occupancy based on income that last past 2019 were excluded. Below is an updated list of properties where owners may choose to end their operating subsidy contracts before 2024 but the use of the property will still be restricted and cannot convert to market rate:

Allston House is located at 2121 Seventh Street. Since the 2001 Housing Element, this property was acquired by Satellite Affordable Housing Associates (SAHA) using the City's Housing Trust Fund, and preserved as affordable housing. The former owner of this property, Ronald Hulme, filed a notice to prepay with HUD September 26, 1996, and then prepaid his HUD mortgage on February 12, 1997. In 2002, the owner elected to opt out of the program in order to bring rents up to market and maximize the resale value of the property. Recognizing that an important supply of affordable housing was at-risk of conversion, SAHA took measures to preserve the affordability of the units and entered into a five-year master lease agreement with purchase option to prevent the property from being sold to a for profit property manager/owner. In 2004, the City provided SAHA a HELP loan to acquire the property and in 2006, the City provided a Housing Trust Fund loan to help fund improvements that were completed in February 2007. With the Housing Trust Fund, a 55-year regulatory agreement restricting the use to affordable housing was recorded on the property. Use restrictions will continue until 2064.

Amistad House, 2050 Delaware Street, was built in 1981 and provides 60 below market rate studio units for seniors. It is subsidized by both Section 202 assistance for senior housing and Section 8 rental assistance, which went to annual renewals starting in 2001. The current owner, the Berkeley Pilgrimage Foundation (BPF), decided it wanted to dispose of the property but was committed to keeping it affordable. In 2007, Satellite Affordable Housing Associates (SAHA), a nonprofit affordable housing developer and manager based in Berkeley, was selected by BPF in a Request for Qualifications process to purchase and manage the building. The City has made a commitment of Community Development Block Grant funds for rehabilitating the property which will carry a 55-year regulatory agreement that is expected to be executed this year and would expire in 2064, therefore the property is not at risk of converting to market rate from 2014 through 2024.

Delaware Street Historic District is a mixed use project built in 1988 at 1800 Sixth Street. The property includes eight rental units for people with disabilities and their families that are subsidized by a Section 8 Housing Assistance Payment that originally expired in 2003 and has been in annual renewals since then. These eight units were included on the at-risk list in the 2001 Housing Element. The development also includes 19 market-rate condominiums and 12 commercial condominiums. In addition to the Housing Assistance Payment, the development includes a ground lease from the Berkeley Redevelopment Agency. This lease includes affordability restrictions and runs until 2042. Therefore the units are not at risk from 2014 to 2024.

Durkee Lofts is located at 800 Heinz Street. It was developed using low income housing tax credits between 1987 and 1989, which meant the affordability restrictions lasted just 15 years. Its tax credit affordability period ended in 2006, which is why the development appeared in the 2001 Housing Element with projects at risk of conversion to market rate. However, in addition to the low income housing tax credits, Durkee Lofts is also subject to an inclusionary agreement through the City's inclusionary zoning ordinance. The inclusionary agreement requires the units remain affordable in perpetuity. Therefore, this development is not at risk of converting to market rate by 2024.

Dwight Way Apartments was constructed in 1998 and is located at 2501 Sacramento Street. The project contains 16 rental units for persons with physical disabilities. It is owned by Dwight Way Housing, Inc. and managed by Resources for Community Development (RCD). The project was developed using Section 811 financing, a HUD program for persons with disabilities, and has, a Project Rental Assistance Contract (PRAC), an annual operating subsidy. The contract has expired but RCD continues to renew annually. The development was also funded with HOPWA and City of Berkeley funds. The loan from the City restricts its use to affordable housing until 2055. Therefore this property is not at risk during 2014 through 2024.

Erna P. Harris Court, at 1330 University Avenue, was called the Belair Motel and was close to demolition until Resources for Community Development, one of Berkeley's most active affordable housing developers and operators, acquired and rehabilitated using HUD's Section 8 Moderate Rehabilitation SRO program in the early 1990s. The development now includes 25 SRO units and 10 one-bedroom units for formerly homeless adults. Berkeley Housing Authority has a contract with Resources for Community Development for the Section 8 Housing Assistance Payment operating subsidy which renews annually, which is why Erna P. Harris Court appeared on the list of units at risk in the 2001 Housing Element. In order to rehabilitate the building, RCD obtained commitments of funding from the City's Housing Trust Fund and the California Multifamily Housing Program which recorded a 55-year affordability restrictions in a regulatory agreement at permanent closing. These new restrictions will run until 2065, so the property is not at risk during 2014 through 2024.

Harriet Tubman Terrace, located at 2870 Adeline Street, provides 90 units of affordable housing for seniors. It was originally developed in 1975 using HUD's Section 236 mortgage interest subsidy program and has Section 8 Housing Assistance Payment operating subsidies. The Housing Assistance Payment has been renewed annually since 1991, which is why it appeared in the list of at-risk properties in the 2001 Housing Element. However, in 2004, the Michaels Development Company, which has one of the largest affordable housing portfolios in the nation, acquired the property from the American Shelter Corporation. To assist with the acquisition, the City of Berkeley held the public hearing for Michaels Development Company's tax-exempt bond financing, and agreed to monitor the development related to the bond financing. As part of the tax exempt bond financing, a regulatory agreement was recorded on the property, which restricts its use to affordable housing until 2059. Therefore this property is not at risk during 2014 through 2024.

Lorin Station, located at 3253-61 Adeline Street, includes 14 units of affordable housing. It is owned by the South Berkeley Neighborhood Housing Development Corporation. The South Berkeley Neighborhood Development Corporation is a nonprofit organization founded in 1987 as the result of a community planning process. The organization owns and manages two residential properties: this one and Rosewood Manor. It was an early low income housing tax credit project; the tax credit use restrictions will expire in 2022, which is why it appeared on a list of projects at risk of conversion in the 2001 Housing Element. In addition to the tax credits, there are loans on the property of City General Funds through the Economic Development department, and a loan from the Redevelopment Agency, which placed affordability restrictions

on the property until 2029. Because of these restrictions, the property is not at risk of conversion to market rate by 2024.

Mable Howard (formerly known as Maggie Kuhn) is located at 1499 Alcatraz Avenue/3250 Sacramento Street. It was constructed in 1997 and provides 40 affordable rental units to seniors. The property is owned by 3250 Sacramento Housing, Inc. and managed by Resources for Community Development (RCD). The project was developed using Section 202 financing, a HUD program for senior housing, and City of Berkeley's Housing Trust Fund. The project also receives an annual operating subsidy through a Project Rental Assistance Contract (PRAC) which will expire by 2022. However, the loan from the City restricts its use to affordable housing until 2052. Therefore, this property is not at risk during 2014 through 2024.

Margaret Breland (formerly known as Jubilee) was constructed in 2006 and is located at 2577 San Pablo Avenue. It provides 27 affordable rental units to seniors plus one manager's unit. The project was developed by RCD and Jubilee Restoration Inc. using Section 202 financing, a HUD program for senior housing, and City of Berkeley's Housing Trust Fund. A California Housing Enabled Local Partnership's Program loan was made by the City of Berkeley to assist with the initial acquisition of the property site. The development relies on a Project Rental Assistance Contract (PRAC) which has expired but is operating on annual renewal. However, the loan from the City restricts its use to affordable housing for 40 years from the date the project was constructed, or 2046. Therefore this property is not at risk during 2014 through 2024.

Oceanview Gardens was built in 1983 and is located at 813 Delaware Street. It provides 62 units of affordable housing for individuals and families, including one-, two-, and three-bedroom units. It was developed using Berkeley Redevelopment Agency financing in addition to a Section 8 Housing Assistance Payment (HAP) operating subsidy. The HAP contract has been in annual renewals since 2003, which is why it was listed as an at-risk property in the 2001 Housing Element. It is owned and operated by AF Evans, a large affordable housing developer and property manager. In 2004, AF Evans rehabilitated the property with low income housing tax credits, tax exempt bonds, and Berkeley Redevelopment Agency participation, which extended regulatory agreements on the property through 2059. With the dissolution of the California redevelopment agencies in 2012, the City of Berkeley as Successor Agency to the Redevelopment Agency transferred all housing assets to the Housing Successor Agency and assumed regulatory agreements and compliance monitoring responsibilities for the projects funded by the former Redevelopment Agency, including Oceanview Gardens. Therefore, Oceanview Gardens is not at risk of converting to market rate during 2014 through 2024.

Rosevine Apartments, located at 1431-33 Oxford Street, is owned and operated by Resources for Community Development (RCD). The property is a shared-housing project for persons with disabilities and contains 10 single-room occupancy (SRO) units in five dwelling units. The owner developed the project in 1997 with a loan from the City and financing from HUD's Section 811 program, which provides capital advances for non-profit developers to finance the construction and rehabilitation of supportive housing for persons with disabilities. The project also receives an annual operating subsidy through a Project Rental Assistance Contract

(PRAC) which will expire by 2021. However, the loan from the City restricts its use to affordable housing until 2052. Therefore this property is not at risk during 2014 through 2024.

Accomplishments

Berkeley has a number of active nonprofit housing developers that both own many of the properties with annual subsidy renewals and participate actively in preserving subsidized properties. Since 2009, 271 units in three properties have been preserved.

The City committed HOME and CDBG funds for renovations to the site which were completed in November 2011.

Strawberry Creek Lodge, located at 1320 Addison Street, was built in 1963 using HUD's Section 202 program which provided capital financing as well as an annual operating subsidy through the Housing Assistance Payment contract. The Strawberry Creek Foundation owns the building which includes 150 studio and one-bedroom units for seniors. A total of 54 units have the Housing Assistance Payment contract subsidy, which has been renewed annually since 1996. The Berkeley Housing Authority recently awarded the property project-based vouchers for 23 units. Satellite Affordable Housing Associates (SAHA) is working with the owner to utilize City of Berkeley Housing Trust Funds, 4% Low Income Housing Tax Credits, and tax exempt bonds for rehabilitation and seismic safety upgrades. New regulatory agreements now run through 2069.

U.A. Homes, located at 1040 University Avenue, was built in 1927 and contains 74 single-room occupancy (SRO) units for formerly homeless adults. RCD rehabilitated the building using HUD's Section 8 Moderate Rehabilitation SRO program in the early 1990s. This program provided both capital funding and a Section 8 Housing Assistance Payment operating subsidy. The Berkeley Housing Authority has the contract with RCD for the Housing Assistance Payment. In 2014, extensive renovation was completed with a Housing Trust Fund loan from the City and Low Income Housing Tax Credit equity. New regulatory agreements now run through 2069.

University Avenue Cooperative Homes Apartments was built in 1982 as a limited equity cooperative. It provides 47 units of affordable housing located on eight parcels on University Avenue, Sacramento Street, and Addison Street. The land is owned by the City of Berkeley and the buildings and property improvements are leased to University Avenue Partnership and have operated as affordable housing since 1982. RCD worked with the Partnership to acquire the property improvements, rehabilitate the structures, and continue the property as a multi-family affordable rental housing project. RCD secured a Housing Trust Fund loan from the City and a 9% tax credit allocation to complete the rehabilitation by the end of 2014. New regulatory agreements now run through 2080.

Looking Ahead

Berkeley's Resources for Preservation

California Government Code Section 65863.10 requires owners of specified federally-assisted projects to provide Notices of Intent to prepay a federally-assisted mortgage, terminate mortgage insurance, or terminate rent subsidies or restrictions at twelve and six months, unless

the projects are exempted. These Notices of Intent must be sent to all affected tenant households and to affected public agencies. Affected public agencies include the city or county where the project is located, the local Public Housing Authority, and the Department of Housing and Community Development (HCD).

Pursuant to California Government Code Section 65863.11, owners of government-assisted projects cannot terminate subsidy contracts, prepay a federally-assisted mortgage, or discontinue use restrictions without first providing an exclusive Notice of Opportunity to Submit an Offer to Purchase. This Notice is required to be sent to Qualified Entities (nonprofit or for profit organizations or individuals that agree to maintain the long-term affordability of projects) at least twelve months prior to sale or termination of use restrictions.

In the event the City received a Notice of Intent, or was contacted by an owner prior to their sending the Notice of Intent, the City would contact the many qualified nonprofit and for profit organizations that develop and/or manage affordable housing in Alameda County which have expressed interest in acquiring assisted rental housing. The organizations listed in the following table are those that have been the most active in Berkeley historically, and which are frequently in communication with Health, Housing & Community Services Department staff.

Table 6-25: Affordable Housing Organizations Interested in Acquiring and Managing At-Risk Rental Housing in the City of Berkeley	
Company	City
Resources for Community Development	Berkeley
Satellite Affordable Housing Associates	Berkeley
The John Stewart Company (property management only)	San Francisco

The City would also refer to the California Department of Housing and Community Development's list of Qualified Entities. At present, the list includes numerous organizations which have expressed interest in acquisitions in Alameda County. The list is maintained by HCD, and is located online: www.hcd.ca.gov/hpd/hrc/tech/presrv/

In the event that funding was needed to acquire and/or rehabilitate these developments in order to preserve their use as affordable housing, multiple sources of federal, state, and local funds could potentially be used depending on the details of the project. Major sources appear on the table below.

Table 6-26: Sources of Funding for Acquiring and Rehabilitating At-Risk Housing in the City of Berkeley	
Source	Administered locally by
Federal	
Community Development Block Grant (CDBG)	City of Berkeley, community agency capital funding RFP
HOME	City of Berkeley, Housing Trust Fund
Housing Opportunities for Persons with AIDS (HOPWA)	Alameda County Housing and Community Development

Low Income Housing Tax Credits	California Tax Credit Allocation Committee (TCAC)
Project-based Section 8	Berkeley Housing Authority
Sections 202 and 811	HUD
Tax exempt bonds	California Debt Limit Allocation Committee (CDLAC)
State	
Mental Health Services Act Housing Program	California Housing Finance Agency
Multifamily Housing Program	California Housing and Community Development
Local	
General Funds	City of Berkeley, Housing Trust Fund
Private	
Affordable Housing Program (AHP)	Federal Home Loan Bank
Nonprofit community development lenders	Local Initiatives Support Corporation (LISC); Corporation for Supportive Housing (CSH); Low Income Investment Fund (LIIF); Northern California Community Loan Fund (NCCLF)
Private bank loans	Multiple banks

Preservation Versus the Cost of Replacement

In addition to identifying units at risk of converting to market rate housing, Government Code Section 85583(a)(9)(B) requires a comparison of costs to replace lost housing units through construction or rehabilitation to the cost of preserving units.

Long-term affordability of low-income units can be secured by transferring ownership of these projects to non-profit affordable housing organizations. In the property transfer, units are eligible for refinancing using a range of affordable housing financing programs, including low-income housing tax credits and tax-exempt mortgage revenue bond that ensure affordability for at least 55 years from the time of funding. Most of these transactions also include rehabilitation of the project to modernize the property and to extend the useful life of the major systems. This is the primary preservation strategy that Berkeley has used in the past.

Upon review of the average costs of recently financed preservation projects that have been acquired and refinanced, adjusting for past cost increases and anticipating some increase during the next five years, the cost of acquiring and rehabilitating units in Berkeley in the next five years is estimated at \$250,000 to \$275,000 per unit depending on the complexity of the project. This does not account for any major relocation costs associated with rehabilitating occupied units, in the event that relocation is required.

The cost of replacing units through new construction, should affordable units be lost to market rate conversion, is higher. Based on the cost of recently financed developments and anticipating future cost increases, the cost of developing replacement units via new construction in Berkeley during the next five years is estimated to be in the range of \$429,400 per unit.

Program for preserving at-risk subsidized units

The City of Berkeley has already implemented a number of recommended practices for preserving at-risk subsidized units:

- **Analyze inventory of at-risk units in the City.** Included in this Housing Element.
- **Identify potential buyers and potential acquisition funds.** Included in this Housing Element.
- **Maintain communications with local HUD office.** City staff actively works with the HUD San Francisco Office's Community Planning and Development staff, and will work with the HUD office on an as-needed basis to preserve units.

In FY2010, the City of Berkeley has increased staffing for the Housing Trust Fund. Increased staff capacity will focus on monitoring activities, which will include some monitoring of at-risk developments without Housing Trust Fund financing.

Implementation Steps

City activities to preserve the inventory of assisted units will include the following:

- City staff will contact owners of at-risk developments regularly to help identify increased risk of conversion to market rate.
- Staff will maintain a record of all below-market-rate properties potentially at-risk, and update the list with any new information that becomes available, such as the presence of additional regulatory agreements that affect the risk of conversion and the addition of new income-restricted units created in-lieu of the affordable housing mitigation fee or through the State density bonus program.
- Staff will work with owners to develop preservation strategies.
- In the event an owner indicates interest in selling a property, the City will work to match the owner with a qualified non-profit affordable housing organization.
- As available and appropriate, the City will provide funding through the Housing Trust Fund for preservation activities in a way that is consistent with the Housing Trust Fund guidelines and any applicable federal regulations. Whenever City Housing Trust Funds are provided for acquisition and rehabilitation, the loan agreement will require another 55 years of affordability to be recorded on the property with a regulatory agreement.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Health, Housing & Community Services Department

Funding Sources

General Fund

Table 6-27: Assisted Developments in Berkeley with HUD Project-Based Subsidies or Low Income Housing Tax Credits from 1987-1989 Without Housing Trust Fund Loans

Name	Units	Subsidy sources	Expiration
Bonita House 1910-1912 Hearst St.	2	202	Annual renewal
Delaware Street Historic District 1800 Sixth St.	8	Berkeley Redevelopment Agency and Section 8	2042
Harriet Tubman Terrace 2870 Adeline St.	91	Tax exempt bonds and Section 8	2059
Lawrence Moore Manor 1909 Cedar St.	46	236(J)(1), 202	Annual renewal
Lorin Station 3253-61 Adeline St.	14	Berkeley Redevelopment Agency and Low Income Housing Tax Credits	2029
Oceanview Gardens 1715-35 5th St.; 1726-32 6th St.; 1816-32 6th St.; 813-15 Hearst St.	62	Berkeley Redevelopment Agency and Section 8	2059
Redwood Gardens 2951 Derby Street	169	202	Annual renewal
Rosewood Manor 1615 Russell Street	36	221(D)(3), HAP	Annual renewal
Strawberry Creek Lodge 1320 Addison St.	150	202	Annual renewal
Stuart Pratt Manor 2020 Durant Ave.	44	202	Annual renewal
William Byron Rumford Plaza 3017 Stanton St.	43	Berkeley Redevelopment Agency	2020
Total	722		

Source: City of Berkeley Health, Housing & Community Services Department

Table 6-28: Inventory of Developments in Berkeley with a Federally-Funded Project-Based Operating Subsidy			
Name	Total Units	Section 8 HAP Units	HAP units for seniors
Projects Reported in the Last Housing Element			
Allston House	48	48	
Amistad House	60	60	60
Bonita House	2	2	
Delaware Street Historic District	8	8	
Erna P Harris Court	35	35	
Harriet Tubman Terrace	91	90	
Lawrence Moore Manor	46	46	46
Oceanview Gardens	62	60	
Redwood Gardens	169	169	169
Rosewood Manor	36	36	36
Savo Island Cooperative Homes	57	57	
Shattuck Senior Homes	27	27	27
Strawberry Creek Lodge	150	54	54
Stuart Pratt Manor	44	44	44
UA Homes	74	74	
University Avenue Cooperative Homes	47	47	
Subtotal	956	857	436
Projects Developed Since 2001			
Adeline Street Apartments	18	17	
Ashby Lofts	54	20	
Harmon Gardens	16	5	
Helios Corner	80	40	40
Oxford Plaza	97	24	
Sacramento Senior Homes	40	39	39
University Neighborhood Apartments	47	17	
Subtotal	336	157	79
Total	1,292	1,014	515

Source: City of Berkeley Housing Department

Priority Development Area Program

In 2007 the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) established a process whereby local jurisdictions can apply to have areas designated “Priority Development Areas” (PDA’s) based on regional smart-growth criteria. Priority Development Areas and Priority Conservation Areas are a part of the “Focusing Our Vision” (aka FOV or FOCUS) program. FOCUS is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. PDAs are locally identified, infill development opportunity areas near transit. More information about the FOCUS and PDA programs is available online: <http://www.bayareavision.org/pda/alameda-county/>

Because infill development tends to be more expensive and more difficult than development in outlying suburbs, and often causes significant community concern, one of ABAG's goals is to encourage the state to provide incentives to jurisdictions who wish to build infill in these PDA's, thereby providing some significant "carrots" to jurisdictions who are willing to implement local policies consistent with regional priorities.

The City's General Plan policies encourage relatively higher residential density along the major transportation corridors, in the downtown, and near the Ashby BART Station, consistent with the PDA criteria. In June 2007 the City successfully applied for PDA status for six areas. They are:

- Downtown
- San Pablo Avenue
- University Avenue (3rd to Martin Luther King)
- Telegraph Avenue (Parker to the City border)
- Adeline Street
- South Shattuck Avenue (Dwight to Ward Street)

Accomplishments

In May 2014 ABAG and MTC awarded the City of Berkeley a grant for \$750,000 for a Specific Plan process in the South Shattuck and Adeline PDAs. The community-led process will identify ways to improve these PDAs and the surrounding neighborhoods as well as accommodate new housing units near the existing BART station and commercial shopping district.

The City has also received grant funding for the Downtown PDA to complete planning processes for intermodal connectivity, the BART station, and bike infrastructure.

Looking Ahead

Looking forward, to the degree that planning and improvement grants continue to be targeted to PDAs in the Bay Area, the City will continue to apply for such grants, ultimately leading to an enhanced environment for potential housing development along some of the City's major mixed-use boulevards and in Downtown, consistent with the City's Land Use and Housing Elements.

Implementation Steps

- Consistent with Berkeley's General Plan policies and regional housing goals, effectively utilize available state funding to promote infill development and improve physical amenities in Berkeley.

Timeframe

Ongoing.

Downtown Area projects are expected to continue through 2017.

Adeline Corridor Specific Plan (January 2015 to December 2017)

Responsible Agency

City of Berkeley Planning Department

Funding Sources

General Fund

Priority Properties Team

During the 1990s, the City of Berkeley adopted the Anti-Blight Ordinance (Ordinance No. 6157 N.S.) and created a taskforce to implement the ordinance. The purpose was to promote, “the health and safety and general welfare of the citizens by requiring a level of maintenance on residential and commercial property which will promote healthy neighborhoods and protect and preserve the livability and appearance of the City.” At that time, blighted residential buildings were usually also vacant or substantially underused. Of 26 properties initially identified in the early 1990s, 21 were rehabbed and returned to the rental market.

The City of Berkeley no longer operates the Problem Properties Taskforce, but the City continues to operate an interdepartmental team with participation from the Police, Fire, Environmental Health, Building and Safety, Code Enforcement, Mental Health, Housing Code, and legal departments with coordination from the City Manager’s office. Properties are referred to Code Enforcement by neighbors, residents, and City staff, when they have conditions having an adverse impact on the neighborhood, such as broken windows, overgrown vegetation, suspected drug activities, illegal and unsafe units inoperable vehicles, or visible structural problems. City staff work with the owner to correct the problems. Often the buildings are vacant and identifying the owner can be a complex task. Using a combination of land use controls, housing and fire code provisions, environmental and public health regulations, and housing rehabilitation loan funds, the City attempts to encourage owners to return their properties to the market as quickly as possible. As necessary, they are cited for violations.

Accomplishments

In 2014, the team developed a coordinated inspection process led by the Code Enforcement Division that combines the inspection efforts of Code Enforcement, Housing Code and Building & Safety divisions. This coordinated effort has addressed roughly 10 properties so far in 2014.

Looking Ahead

The Problem Properties Taskforce is an active and ongoing program that will continue to address safety concerns.

Implementation Steps

- Continue to address vacant or blighted properties using a multi-departmental approach.

Timeframe

Ongoing

Responsible Agency

City of Berkeley City Manager’s Office

Funding Sources

Rental Housing Safety Program fees

General Fund

Project Review Outreach Efforts

The Berkeley community takes an active interest in housing issues, and there is a high level of public participation concerning housing decisions and projects. The City actively solicits input from Berkeley citizens regarding housing projects and policies. The City is guided by the policies of the General Plan *Citizen Participation Element*.

To assure public input on City-funded housing programs, HTF funding allocations are awarded by the HAC after public review and outreach. Additionally, the HTF guidelines were revised with thorough public review along with the HAC. The community agency funding allocation process, the Annual Action Plan, the Consolidated Plan, and the CAPER also includes public notice, mailing and public hearings. The Housing Department regularly prepares a Public Participation Plan for approval by HUD to guide the public outreach process for these federal program planning and funding activities. The most recent Public Participation Plan was adopted in May 2012.

The Planning Department posts application materials and information for all projects on the department website. For controversial projects, project planners meet with neighbors and groups to identify project concerns during the review process. Applicants are required to contact neighbors and introduce their projects prior to submitting an application. For larger projects, the City requires prospective applicants to notice and hold a public meeting to describe the project and to solicit input. The City's project submittal requirements include obtaining signatures from all immediate neighbors in order to assure they are made aware of the proposal. In addition to legal notices required under state law, the City mails notification of discretionary project decisions to all owner and occupants within 300 feet of a project location and to any neighborhood organization that has expressed an interest in a particular area.

Applicants for discretionary review projects are required to post a large proposed development sign at the project site to notify the public prior to application submittal and maintain and update it for the full length of the project review process. The sign includes the project description, contact information, and all public notices. The proposed development sign program has provided neighbors and residents with advanced notice (most times before the City is aware of an application) of proposed development, and has provided an easily-recognizable way for the public to stay informed about proposed changes in their neighborhood.

Accomplishments

In 2011 the Planning Department commenced listing all projects submitted for land use entitlements on the website. The website includes all projects currently under review, projects within the appeal period, and all projects entitled by year.

In 2012, the Planning Department implemented a postcard notice system, which allows faster notification and expanded the capacity to send notices, while saving paper.

Looking Ahead

The City will continue to actively solicit input from residents in the planning process through public notification procedures.

Implementation Steps

- Continue to improve public notification procedures to increase public input in the planning process.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Planning Department

City of Berkeley Health, Housing & Community Services Department

Funding Sources

General Fund

Reasonable Accommodation Ordinance

The City of Berkeley adopted a Reasonable Accommodation Ordinance in December 2001. Under the ordinance, applicants for reasonable accommodation may request modifications of the requirements of Title 21 (Subdivision Ordinance) or Title 23 (Zoning Ordinance) through the City's normal permitting process, however their applications are subject to different findings. Reasonable accommodations findings are used in place of the City's general non-detriment and/or variance findings.

The normal findings for an administrative use permit or use permit are specific to the zoning standard under review. If an applicant cannot meet those findings, there is no process or relief from those requirements other than a variance. The findings for a variance are often difficult to meet because they are limited to situations where there are "exceptional or extraordinary circumstances or conditions" applying to the land or building *and* granting of the variance is needed to allow "enjoyment of substantial property rights." If the findings for an administrative use permit, use permit or variance cannot be met, the request will be denied.

With a reasonable accommodation application, an applicant can obtain relief from ordinance standards and requirements based on the following factors:

1. Need for the requested modification, including alternatives that may provide an equivalent level of benefit;
2. Physical attributes of and any proposed changes to the subject property and structures;
3. Whether the requested modification would impose an undue financial or administrative burden on the City;

4. Whether the requested modification would constitute a fundamental alteration of the City's zoning or subdivision program;
5. Whether the requested accommodation would result in a concentration of uses otherwise not allowed in a residential neighborhood to the substantial detriment of the residential character of that neighborhood;
6. Any other factor that may have a bearing on the request.

The process for a reasonable accommodation request is the same as would otherwise be required for application under the applicable ordinance and the fees are the same. Findings for the reasonable accommodation procedure are applied in a manner to promote housing opportunities for persons with disabilities and do not act as a constraint. For example, the findings "any other factor that may have bearing on the request" is potentially ambiguous and could convey uncertainty in the application process for an exception. This factor would be utilized to allow flexibility and grant requests, not deny requests. This is particularly important given the City's priority to further fair housing opportunities, including for persons with disabilities. As a result, this factor has not and will not present a constraint to development, maintenance and improvements of housing for persons with disabilities. However, the City will monitor application of findings and make adjustments if any findings are found to constrain housing opportunities for persons with disabilities.

Accomplishments

The City adopted the Reasonable Accommodation Ordinance in 2001.

Looking Ahead

The Planning Department will improve implementation of the Reasonable Accommodation Ordinance with the following actions:

Implementation Steps

- Prepare materials explaining the reasonable accommodation application process and a clearer application form.
- Develop administrative guidelines to assist with implementation of the ordinance.
- Train planning staff on use and implementation of the ordinance.
- Monitor findings of approval for reasonable accommodation and make adjustments as appropriate.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Planning Department

Funding Sources

General Fund

The Successor Agency to the Former Redevelopment Agency

As part of the 2011 Budget Act, and in order to protect funding for core public services at the local level, the Legislature approved the dissolution of the state's 400 plus Redevelopment Agencies. After a period of litigation, RDAs were officially dissolved as of February 1, 2012. As a result of the elimination of the RDAs, property tax revenues are now being used to pay required payments on existing bonds, other obligations, and pass-through payments to local governments. The remaining property tax revenues that exceed the enforceable obligations are now being allocated to cities, counties, special districts, and school and community college districts, thereby providing critical resources to preserve core public services.

On January 17, 2012, the City Council adopted Resolution No. 65,574-N.S., electing to serve as the Successor Agency to the Berkeley Redevelopment Agency to take over redevelopment responsibilities in accordance with the Dissolution Act. To help facilitate the winding down process at the local level, Successor Agencies have been established to manage redevelopment projects currently underway, make payments on enforceable obligations, and dispose of redevelopment assets and properties. Each Successor Agency has an oversight board that supervises its work. The oversight board is comprised of representatives of the local agencies that serve the redevelopment project area: the city, county, special districts, and K-14 educational agencies. Oversight Board members have a fiduciary responsibility to holders of enforceable obligations, as well as to the local agencies that would benefit from property tax distributions from the former redevelopment project area.

Low and Moderate Income Housing Fund

HSC Section 34179.5 required each Successor Agency to employ a licensed accountant, approved by the county auditor-controller and with experience and expertise in local government accounting, to conduct a due diligence review to determine the amount of cash and cash equivalents available for distribution to the affected taxing entities.

Pursuant to Health and Safety Code (HSC) section 34179.6 (f), the City of Berkeley Successor Agency (Agency) was ordered by the California Department of Finance (Finance) in January 2013 to remit to the county auditor-controller \$127,978 of unencumbered Low-and-Moderate Income Housing Funds (LMIHF) for distribution to local taxing entities.

Rent Stabilization and Tenant Protections

The Berkeley voters passed the Rent Stabilization and Good Cause for Eviction Ordinance in 1980 (Berkeley Municipal Code, Chapter 13.76). In 1982, the voters passed a Charter Amendment establishing an elected Rent Stabilization Board (Berkeley Charter, Article XVII, section 121). From 1980 to 1998 rents in units built prior to 1980 were controlled permanently, so that the rent did not change when a tenant moved out and new tenants moved in. Since the Costa-Hawkins Rental Housing Act went into full effect in California 1999, landlords have been able to establish initial rents for new tenancies at whatever price the market will bear (Civil Code

sections 1954.50 through 1954.535). Under the law, the initial rent for new tenancies is not controlled but subsequent rent increases are controlled. This system is usually called “vacancy decontrol” although it is really “vacancy decontrol, recontrol.” The law also removed single-unit properties first re-rented after 1996 from rent control, including single-family houses and most condominiums.

The Rent Stabilization and Good Cause for Eviction Ordinance provides a stable housing environment for tenants while assuring that landlords are able to receive a fair return on their investment. It assures tenants in rent stabilized units that once they move in their rents will not drastically increase, a situation similar to that of homeowners who are protected from rapid cost increases by the state property tax limitation and fixed-rate mortgages. Annual rent increases (the Annual General Adjustment or AGA) are set at 65% of the increase in the Consumer Price Index and landlords can apply for individual rent adjustments if the increases they receive through tenant turnover and the AGA are not sufficient to provide them with the legally required rate of return. The ordinance also protects tenants from arbitrary evictions through a system of eviction controls and twelve defined just causes for eviction. Good cause for eviction requirements apply to virtually all rental units, including those built after 1980, condominiums and single-family houses.

Census data from 2010 indicate that Berkeley had approximately 28,600 rental units, all but a handful of which were both renter-occupied and subject to good cause for eviction. About 6,700 of these rental units were exempt from rent stabilization, with 2,700 constructed after 1980 and another 4,000 exempt because they are single-family homes. All units that are subject to rent stabilization and are rented or available for rent are required to register with the Rent Stabilization Program. As of the first quarter of 2014, 19,078 units were registered and another 1,500 were temporarily exempt because their residents received monthly rental assistance through the Section 8 Housing Choice Voucher Program or the Shelter Plus Care Program. There are also approximately 1,400 units in multi-family properties built prior to 1980 that are temporarily not available for rent or owner-occupied. These units would be subject to rent stabilization if their use changes and they were rented out. In total, the rent stabilization portion of the ordinance applies to a maximum of between 20,000 and 21,000 units in Berkeley.

Vacancy decontrol took effect during the “dot.com” boom, which rapidly increased rents and home prices throughout the Bay Area and peaked in 2001. From 2001 to 2004 market rents in Berkeley declined somewhat and then began to rise again. By 2008 the market rents for registered units in Berkeley had increased beyond the 2001 peak levels. After the 2008 financial crisis, market rents decreased slightly and then remained stable through 2011. Recently, rents in Berkeley have increased significantly and market rents in units subject to rent control reached consecutive all time highs in both the 2012 and 2013 calendar years. This trend has continued in 2014, and the Rent Board reports that 2014 market rents have increased by 9.35% from the previous 2013 record levels.

Approximately 85% of registered rental units have had a new tenancy since 1999 while 15% have long-term tenants. The approximately 3,000 tenant households that have remained in place since the beginning of vacancy decontrol are usually paying a rent that is significantly

below current market rates. The table below shows the median rent for both long term tenants and medium term tenants renting since 1998, 2003, and 2009, and compares them with 2013 market rents. While the units are not directly comparable – a large portion of each year’s vacancies are in the areas near the UC Berkeley campus that have a high student population and also have the highest rents – this gives a sense of the discount provided to long-term tenants and the loss of affordability that results from vacancy decontrol.

Table 6-29: 2014 “Market” rent compared to rent for 2006, 2009 and pre-1999 “Controlled” tenancies*

Unit size	Median 2014 Rent for 1998 Tenants	Median 2014 Rent for 2003 Tenants	Median 2014 Rent for 2009 Tenants	Median 2014 Market Rent*
Studio	\$671	\$985	\$1,005	\$1,240
1 BR	\$790	\$1,275	\$1,323	\$1,595
2 BR	\$978	\$1,739	\$1,799	\$2,250
3 BR	\$1,355	\$2,317	\$2,540	\$3,000
All Units	\$814	\$1,333	\$1,386	\$1,695

**The above rental data only includes units that are fully subject to rent control. Rental rates for newly constructed units that are exempt from rent control are significantly higher. The average 2014 market rent for new multi-family developments are: \$2,239 for a studio; \$2,537 for units with one bedroom; \$3,434 for units with two Bedrooms; and \$4,200 for units with three bedrooms. See table 2-23 for more information.*

Source: City of Berkeley Rent Board

While the common perception is that long-term, pre-Costa-Hawkins tenants are the sole beneficiary of savings due to rent stabilization, the dramatic increase to rents over the past few years has created a rental market where even tenants that entered rent controlled units between 2000 and 2013 are experiencing significant savings in the form of more affordable housing. New tenants receive the benefit of a stable rent despite a volatile housing market.

The Rent Board engages in public education about the importance of the rent stabilization and good cause for eviction ordinance and works to educate both tenants and landlords about their respective rights and responsibilities under the law. Rent Board counselors also provide information to landlords and tenants at between 40 to 50 different events each year. These include seminars and workshops on different rental housing issues, monthly drop-in counseling at both the Berkeley Central Library and the Berkeley Senior Centers, weekly counseling for students at the UC Berkeley campus, and local events such as the Solano Stroll and the Berkeley Juneteenth Festival. Over the course of the year Rent Board counselors have more client contacts with property owners than with tenants.

The Rent Board monitors foreclosures to ensure tenants are notified that they do not have to move simply because a financial institution has taken over ownership of the property and works with owners to help them stave off foreclosure by informing the lending institution that they will not be able to simply evict all the tenants and vacate the property but rather will need to take on

the responsibility of property management. The Rent Board monitors all filings by owners evicting tenants on the grounds that they are going out of the rental business to ensure that the owners make the required relocation payments and follow all the notice requirements of state and local laws.

The Rent Board works closely with other City departments to ensure that tenants are protected from retaliation when they complain about code violations and to assist landlords in following the requirements of the law when they need to temporarily relocate tenants in order to make repairs.

The Berkeley Rent Stabilization Board also assists with the enforcement of the Fair Housing Ordinance (BMC Section 13.30.050) by providing funding for the East Bay Community Law Center and the Eviction Defense Center, which provide legal services to the low-income community.

Accomplishments

The Board is committed to a transparent and fully accessible administration of the Rent Stabilization and Eviction for Good Cause Ordinance adopted by the voters. Board meetings are televised, close captioned, broadcast on radio and webcast. Translation services are provided in several languages and, upon request, the newsletters have been translated into Braille. Throughout the year, the Rent Board's homepage is one of the most frequently visited websites in the City.

The Rent Board responds to between 10,000 -12,000 inquiries annually from tenants, owners, realtors and other members of our community. Most contacts are for counseling – several hundred clients contact us each year to resolve disputes through a formal administrative hearing process. Each year, an increasing number of clients have taken advantage of the Rent Board's mediation services as a way to resolve disputes and avoid additional conflicts. Recently mediations have exceeded the number of formal hearings.

The Rent Stabilization Ordinance increases the affordability of Berkeley's rental units. This affordability allows many low-income, elderly, and disabled tenants to continue to live in Berkeley even though they cannot afford the current market rent for their units. Table 6-30 shows the annual number of dollars saved by existing tenants in units subject to rent control.

Table 6-30: Affordability Due to Rent Stabilization					
Initial Tenancy	# of units	Avg. Rent	Avg. 2013 Market Rent*	% of market	2014 Affordability
Pre 1999	\$35,202,600	\$814	\$1,839	44%	\$31,356,072
Pre 2004 (1999-2003)	\$6,533,592	\$1,352	\$1,839	74%	\$5,071,248
Pre 2009 (2004-2008)	\$12,600,252	\$1,398	\$1,839	76%	\$9,485,904
Pre 2013 (2009-2012)	\$33,451,128	\$1,602	\$1,839	87%	\$17,994,240
Total affordability due to Rent Stabilization in 2014 =					\$87,684,540

Source: City of Berkeley Rent Board

* Does not include any of the 6,700 units that are exempt from rent controls.

The Rent Board is committed to maintaining a relevant and streamlined Ordinance and Program capable of assuring stable housing in our diverse community despite dynamic changes in the housing market. For this reason, over the past decade, the Board has proposed that the voters amend the Ordinance on four separate occasions. Since November 2000, the Ordinance has been amended to:

- Increase eviction protections in response to abuses after vacancy decontrol.
- Simplify the method for calculating the Annual General Adjustment.
- Streamline or eliminate several outdated portions of the original Ordinance.
- Improve and simplify the methodology for landlords returning a tenants security deposit interest.
- Provide protections to Section 8 tenants made more vulnerable by changes to federal law.
- Improve the process for replacing Board members that are unable to complete their term.

The Rent Board has used non-registration fee funding to provide relocation assistance to tenants whose units were destroyed in two recent fires, and to provide funds to the Berkeley Food and Housing Project to help prevent the displacement of low-income tenants.

The Board also continues to provide advice, guidance and support to the City Council on issues of affordable housing, homeless prevention and limitations to tenant displacement including recommendations for strengthening the relocation provisions if an Ellis Act eviction is invoked, suggestions for maintaining a balanced Condominium Conversion Ordinance and contributions to the mandatory Soft Story Ordinance revisions, the Tenant Screening Fees Ordinance, and the Smoke Free Housing Ordinance. In 2006 the Board used non-registration fees to assist with the creation of permanently affordable senior, artist and disabled housing.

Looking Ahead

The Rent Board is working with other City departments to ensure that both tenants and owners are fully informed of their rights early on in any process involving code enforcement or land use and building permits. The Rent Board is providing review and assistance with the proposed revisions to the Demolition Ordinance in order to ensure that they are consistent with the requirements of other City ordinances designed to protect tenants and Berkeley's older, more affordable housing stock. The Rent Board continues to advocate for changes in state law that will strengthen the ability of local governments to protect tenants from rent increases beyond those necessary to operate and maintain rental housing and provide a fair return on investment to the owner.

Implementation Steps

- Rent stabilization and good cause for eviction for Berkeley tenants.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Rent Stabilization Board

Funding sources

Fees

Second Units (Accessory Dwelling Units)

In July 2003 the City of Berkeley adopted a second unit ordinance allowing ministerial approval of Accessory Dwelling Units (ADU) subject to certain development standards. New units meeting the specific standards are allowed in all residential zoning districts as of right.

On April 30, 2013 the City Council referred to the Planning Commission a set of 10 recommendations intended to reduce barriers to the development of residential Accessory Dwelling Units. Planning Department staff analyzed the referral and presented options for zoning amendment to the Planning Commission at two meetings in 2014. The Planning Commission recommended a package of zoning changes to the City Council on June 4, 2014. The changes included:

- Lowering the minimum lot size.
- Allowing larger ADUs.
- Reducing required setbacks.
- Waiving parking when the new ADU is close to transit.

The City Council considered the changes on September 16, 2014 and continued the item to a workshop to discuss the changes in more detail on February 26, 2015.

The existing ADU standards are summarized below:

- There is only one unit currently on the lot.
- The ADU is limited to between 300 and 640 square feet, and no larger than 25% of the floor area of the main dwelling on the lot.
- The ADU cannot be converted into a condominium.
- The property owner must occupy either the primary dwelling unit or the accessory unit.
- When the unit is created from a portion of the main building or an addition to the main building, it must have a separate entrance that does not face the street; any addition must be lower than 14 feet in height.
- When the unit is created in a new or existing detached accessory building, the lot must be at least 4,500 square feet, the building may not exceed 12 feet in height, and the building is subject the setback requirements applicable to the main building, which range from 15-20 feet for the front and rear setback and are four feet for side-yard setbacks.
- One off-street parking space is required.

An ADU that does not meet all of the requirements listed above may be permitted based on approval of an administrative use permit (AUP), a discretionary permit decided by the Zoning Officer in the following situations:

- If the required parking space would reduce open space on the lot, an AUP may be obtained to allow tandem parking.
- If provision of the parking space would be detrimental and there is adequate parking in the neighborhood, the required parking space for the ADU may be waived with an AUP.
- If the setbacks applicable to the accessory building cannot be met, an AUP may be obtained to reduce to setbacks to a minimum four-foot side yard setback and 20-foot front yard setback.

Accomplishments

Since 2003, planning staff estimate there have been 30-35 by-right ADUs permitted in the City, about ten of which required an AUP. Planning staff believe that more than 50 by-right ADUs have been built, but the units were not identified during the building permit phase and thus not tracked.

It is not uncommon for property owners considering an ADU to be unable to do so because they cannot meet the by-right standards. In some cases, site characteristic that prevent an ADU cannot be waived through an AUP. In other cases the property owner does not want to pursue a project requiring discretionary review. Staff does not track how often this occurs, however, planning staff believe allowing more permissive standards would increase the number of ADUs in the City.

Looking Ahead

Planning Department plans to research what obstacles may prevent property owners from building ADUs by-right. For example, the following may be potential obstacles:

- Minimum lot size of 4,500 square feet for stand-alone ADUs
- Maximum of 12 feet in average height for stand-alone ADUs

- Maximum size of 640 square feet
- Rear setback requirements of 15-20 feet for stand-alone ADUs
- Parking space requirements

Implementation Steps

- Return to the City Council to consider zoning changes to facilitate the construction of new ADUs.

Timeframe

2015

Responsible Agency

City of Berkeley Planning Department

Funding Sources

General Fund

Seismic Preparedness Programs

Berkeley has initiated a variety of programs to prepare for the effects of a major earthquake on the Hayward fault on the City's housing stock. Berkeley programs include the Seismic Retrofit Permit Fee waiver, Real Property Transfer Tax Seismic Retrofit Rebate, the unreinforced masonry ordinance, and the soft-story building ordinance. Additional disaster mitigation activities and programs in Berkeley are described in the *Disaster Preparation and Safety Element* of the General Plan.

Real Property Transfer Tax Seismic Retrofit Rebate

Berkeley Municipal Code Section 7.52.060, which imposes a 1.5% Real Property Transfer Tax, states that "up to one-third of the tax imposed by the City on the sale of real property, shall be reduced, on a dollar for dollar basis, for all expenses incurred on or after October 17, 1989, to 'seismically retrofit' either any structure which is used exclusively for residential purposes, or any mixed use structure which contains two or more dwelling units." Allowable work can include foundation and subfloor seismic corrections, installation of shear walls, anchoring of water heaters, and/or securing of chimneys, stacks, water heaters, as well as improving seismic safety of all soft story and URM buildings. To be eligible for the reduction, the seismic retrofit work must be completed either prior to the transfer of property or within a maximum of one year after the date of transfer.

Accomplishments

The City of Berkeley gave a total of 712 rebates from January 2009 through November 2014. The average rebate over this time period was worth \$4,146.56.

Table 6-31: Seismic Tax Rebate 2009-2014		
Year	# of Rebates	Amount
2009-2010	150	\$ 592,539.19
2010-2011	157	\$ 593,974.47
2011-2012	166	\$ 623,502.87
2012-2013	152	\$ 739,881.22
2013-2014	87	\$ 402,453.19
Total	712	\$ 2,952,350.94

Unreinforced Masonry Building Ordinance

Unreinforced Masonry buildings (URMs) are buildings constructed of brick, block or tile prior to 1956 that have no or inadequate reinforcement. URMs present a serious danger of collapse in a moderate to severe earthquake, which is a threat to occupants and neighboring properties and could also block roads and emergency access.

In 1991 the City adopted the URM Ordinance, which mandated that all URM properties on the designated list of 587 URM properties be seismically retrofitted to certain 'performance standards' on a schedule determined by the risk category of each building.

In 1995, the City amended the ordinance to extend the deadline for some categories, to require the immediate retrofit of any URM buildings undergoing resale or more than \$50,000 of work, and to provide for a process for hardship extensions.

Accomplishments

The City of Berkeley has achieved 97% compliance with the URM ordinance. As of September 2014, 14 URM properties remain on the URM list.

- 2 are under construction
- 1 needs a final inspection
- 1 is in plan check
- 2 are trying to prove they are not URMs
- 2 are slated for demolition
- 6 are non-responders

Citations have been issued and will continue to be issued to property owners who do not comply with the URM ordinance.

Soft-Story Program

The City of Berkeley requires owners of owners of soft, weak or open front (SWOF) buildings with five or more dwelling units to retrofit their buildings. Per Berkeley Municipal Code Chapter 19.39, owners have until December 31, 2016 to apply for a building permit and two years to complete the work after submitting their permit application. The law took effect January 4, 2014 and applies to wood frame buildings constructed prior to 1978.

SWOF building owners must also post an earthquake warning sign and notify their tenants of the building's potentially hazardous condition. Under the first phase of the soft story program, starting in 2005, SWOF building owners were required to submit an engineering evaluation report identifying their building's weaknesses and ways to remedy those weaknesses.

Accomplishments

Of the 323 buildings identified as SWOF buildings, 129 have been retrofitted and 56 were removed from the inventory for other reasons, because they could prove they did not have five dwelling units or a SWOF condition or because the building was demolished. As of September 2014, 138 SWOF buildings remain on the inventory to be retrofitted.

Looking Ahead

The City will continue the Seismic Retrofit Fee Waiver for URM non-profits. The City also will continue the Real Property Transfer Tax Seismic Retrofit Rebate.

Property owners that are non-compliant with the URM Ordinance have been and will be issued citations or fines.

Additional actions for noncompliance that the City can take include:

- Issue a citation for each violation;
- Perform nuisance abatement, and bill the owner and lien the property for the cost of the work;
- File a lawsuit, and obtain a court order for the owner to act;
- Obtain a court order placing the property into receivership giving a private party authority to receive all income, borrow money and perform the required work.

Implementation Steps

- Continue enforcement of the URM and soft story ordinances.
- Continue to offer the Seismic Retrofit Fee Waiver and Real Property Transfer Tax Seismic Retrofit Rebate.

Timeframe

Ongoing

Responsible Agency

City of Berkeley Planning Department

Funding Sources

General Fund

Senior and Disabled Home Improvement Loan Program

The Health, Housing & Community Services Department administers a Senior and Disabled Home Rehabilitation Loan Program (SDRLP) to preserve the City's housing stock owned by low- and moderate-income senior and disabled homeowners. This program is primarily funded through Community Development Block Grant (CDBG) and CalHOME grants. The program

provides a zero interest deferred loan, secured by a deed of trust on the participant's home. The loan becomes due upon sale or transfer of the property; when the eligible homeowner ceases to occupy the property or at 30 years, whichever comes first. Under CalHOME and CDBG regulations, eligibility must be limited to households whose incomes do not exceed 80% of Area Median Income. The maximum loan amount under the CalHOME program is \$60,000. CDBG funds have no set maximum amount under federal regulations and may be coupled with CalHOME funding. The maximum program loan amount is \$80,000.

Homeowners may leverage additional City funded Home Repair Programs provided by Community Energy Services Corporation, the Center for Independent Living, and Rebuilding Together (formerly Christmas in April). These partnerships allow resources to go farther and complete more repairs.

Accomplishments

Since 2001, the City has received \$2,350,000 in CalHome funds. As of September 2014, the City had assisted 56 low-income homeowners and had \$515,384 remaining in CalHome funds. Between FY2007-2014, the City's SDRLP served 35 low-income home owners utilizing \$1,037,509 in CalHome funds, \$645,062 in CDBG funds and \$101,183 in City of Berkeley General Funds.

Table 6-32: Senior and Disabled Home Rehabilitation Loan Program, FY 2007 – FY 2014		
Fiscal Year	# of Properties	Annual Loan Volume
2007	1	\$20,000
2008	4	\$166,108
2009	4	\$250,715
2010	6	\$277,600
2011	7	\$383,931
2012	1	\$10,000
2013	4	\$205,000
2014	8	\$470,400

Source: City of Berkeley Health, Housing & Community Services Department

Looking Ahead

More outreach on this program will help ensure that low-income senior and disabled homeowners are aware of this affordable option for housing maintenance and improvements. Disseminating information to seniors and to the disabled community about the program's availability is an important aspect to improve. Implementation Steps:

- Continue program operations. Allocate the remainder of CalHOME funds and available CDBG funds.

Timeframe:

Ongoing

CalHOME funds through FY 2015

Responsible Agency:

City of Berkeley Health, Housing & Community Services Department

Funding Sources:

Federal Community Development Block Grant (CDBG)

CalHOME

Tool Lending

Tool Lending Library

Established in 1979 with a federal Community Development Block Grant (CDBG), Berkeley's Tool Lending Library (TLL) has been lending tools for 30 years. The project began with around 500 tools and one full time employee housed in a portable trailer. In 1988, Berkeley voters passed a property-based library tax, which allowed for the inclusion of the TLL in the City of Berkeley Library's operating budget.

Now housed in a permanent structure, the TLL is available to all Berkeley residents and people who own property in Berkeley, and has grown to 2,500+ tools with four part time employees. The TLL is currently at capacity with tools and cannot grow their inventory due to lack of space. The TLL has tools ranging from weed whackers and hedge trimmers to circular saws and sanders. The TLL provides access of specialized tools to those who may not be able to afford them. By allowing low-income residents access to these tools, people can maintain their homes.

Accomplishments

Since 1988, the TLL has been funded by property taxes and will remain part of the Library budget. In addition, the passage of Measure FF in 2008 funded the renovation and expansion the four neighborhood branch libraries, including the TLL.

Looking Ahead

The new South Branch tool library opened in May 2013 with more space for an increased tool inventory.

Implementation Steps

- Provide tools to all Berkeley residents and land owners

Timeframe

Ongoing

Responsible Agency

City of Berkeley Library

Funding Sources

Relief Act of 1988

Measure FF

Appendix A

Site Inventory and Capacity Analysis Background by Area

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Summary

This appendix provides an overview of the methodology used to identify housing opportunity sites and estimate residential capacity on those sites as described in Chapter 3. It includes maps of the opportunity sites and tables showing residential capacity assumptions for each site.

The Berkeley Housing Element identified opportunities for new housing in four main areas:

- Downtown Area Plan area
- Southside Plan area
- Commercial corridors throughout the City
- Residentially-zoned lots

The City identified opportunity sites based on lot sizes, existing development, and existing land uses on the sites. The criteria used to select these opportunity sites are discussed by area in this appendix and summarized below:

- In the Downtown Area Plan and Southside Plan areas: vacant lots, parking lots, one-story buildings, seismically hazardous (Southside) or fire damaged buildings (Downtown), two- and three- story buildings within 100 feet of the downtown BART station.
- In the commercial corridors, lots meeting the following criteria:
 - For 10,000 to 20,000 square foot parcels, a maximum existing building floor area ratio (FAR) of 0.2
 - For 20,001+ square foot parcels, a maximum existing FAR of 0.7

The table below summarizes the number of potential housing units estimated in each area.

Table A-1: Summary of Residential Capacity		
Inventory Area	Total Estimated Capacity (number of units)	Estimated Capacity towards current RHNA cycle
Commercial Corridors	2,461	1,794
Downtown Plan Area	2,121	997
Southside Plan Area	430	430
Residential Districts	316*	237
Total Unit Capacity Estimate	5,328*	3,458
Remaining RHNA Capacity Requirement (From table A-11)		2,822
Estimated Excess Capacity		636

* Does not include sites that are underdeveloped. See discussion under Residential Neighborhood Opportunity Sites and Residential Capacity Analysis below.

Downtown Area Opportunity Sites and Residential Analysis

The downtown area has a broad range of uses including retail, office space, restaurants, and housing. The area serves as a regional transportation hub with numerous Alameda/Contra Costa Transit (AC Transit) busses and a Bay Area Rapid Transit (BART) station. Also within the downtown area is a segment between BART and the University of California with the highest density of foot trips in the East Bay.

In March 2012, Berkeley adopted a Downtown Area Plan (DAP) and associated Downtown Mixed-Use (C-DMU) zoning district for the 110-acre area located at the intersection of two major arterials (Shattuck and University Avenues) and immediately west of the University of California Berkeley campus. The section below describes the capacity analysis for the downtown area.

1. Identifying Opportunity Sites in the Downtown Area

Opportunity sites for residential development identified during the DAP planning process were used to estimate potential development for the DAP environmental impact report (EIR). These sites are the most likely to develop during the DAP's 2012-2030 planning period because they are considered underutilized. The Housing Element makes use of the opportunity sites identified for the DAP planning process to estimate the number of housing units that could be built in the downtown area during the eight year element planning period/RHNA cycle.

Sites were identified through field surveys based on the following indicators of underutilized land and opportunities for transit oriented development:

- Vacant sites;
- Surface parking lots (except where used by existing residential uses);
- One-story non-residential buildings (except where theaters, cinemas and recent construction);
- Two- and three-story buildings within 100 feet of a BART entrance; and
- Two-story buildings that are severely fire damaged.

Opportunity sites that are identified for hotel uses or owned by the University of California were not included for consideration in the Housing Element, and previously identified sites that are or have been designated as City Landmarks have been removed from the list.

2. Downtown Area Housing Capacity

The Downtown Commercial Mixed Use (C-DMU) Zoning District includes various new standards for mixed-use development that have the potential of resulting in higher density than permissible under the previous Central Commercial (C-2) zoning. In order to identify potential impacts for the environmental impact report (EIR) for the Downtown Area Plan (DAP), staff applied the C-DMU standards to prototypical sites to estimate the development potential for the Downtown. Staff applied the estimated yields under the C-DMU zoning regulations to the list of opportunity sites to estimate the potential unit yield within the Downtown.

The results of the capacity analysis on the downtown opportunity sites are described below. The Downtown Area Plan opportunity sites are illustrated in Map A-2 and Map A-3. The estimated unit capacity for each site is shown in Table A-2. **Potential Capacity Under DAP and C-DMU Regulations.** The 2012 Downtown Area Plan has four mixed-use sub-areas: “*Core Area*,” “*Corridor*,” “*Outer Core*,” and “*Buffer*.” Staff applied the new standards of these designations to prototypical sites to estimate the potential building size and number of stories. Staff assumed upper floors of these prototypical buildings would be residential, and calculated a floor area ratio (FAR)¹ for the residential area for each of the three land use designations.

The *Core Area*, *Outer Core*, and *Corridor Sub Areas* have a maximum allowable building height of 60 feet without application of the state density bonus or a use permit for increased heights. This is equivalent to four to five residential stories over first floor commercial uses. The *Buffer* area has a maximum allowable height of 50 feet, which is equivalent to three to four stories of residential over street-level commercial uses. The 2012 DAP contains no maximum density or FAR requirements.

In the *Core Area*, *Outer Core* and *Corridor Sub-Areas*, four stories of residential construction translates into an FAR of 2.6 for residential uses (exclusive of street-level uses), when assuming typical apartment building depths (typically about 65-75 percent of lot depth) and average downtown area development sites (about 100x130 feet, 13,000 square feet).² With regard to the *Buffer* area, three stories of residential construction translate into an FAR of 2.0 for residential uses.³

Staff used the residential FAR estimates to calculate total residential floor area on a prototypical site. In recent years, the gross floor area per residential unit (inclusive of shared circulation and service areas) has been around 850 square feet. Based on this unit size, staff determined the number of units in the prototypical building and used this figure to assign a density value to each DAP land use designation. The assumed residential density for projects in the *Core Area*, *Outer Core*, and *Corridor* sub-areas is approximately 135 dwellings per net acre, and the residential density for projects in the *Buffer* sub-area is approximately 100 dwellings per net acre.⁴

Staff applied the density assumptions for the four Downtown sub-areas of the C-DMU zoning to each remaining opportunity site resulting in an estimated capacity for each site. Staff adjusted the unit yield for opportunity sites that have approved development projects (i.e. Use Permits), but which have not yet been issued building permits to reflect the approved development. Using

¹ Floor area ratio is measured as the ratio of usable floor space in a building to the size of the parcel.

² The 2.6 FAR estimate is based on the following calculations: 65% of 130 foot lot depth is 84.5 feet, 100 feet x 84.5 feet = 8,450 s.f. of built area per floor, 8,450 s.f. x 4 stories of residential = 33,800 s.f. of residential floor area, 33,800 of floor area / 13,000 of lot area = 2.6 FAR.

³ The 2.0 FAR estimate is based on the following calculations: 8,450 s.f. per floor x 3 stories = 25,350 s.f. of residential floor area, 25,350 of floor area / 13,000 of lot area = 1.95 FAR.

⁴ These estimates are conservative and do not take into account the five allowable buildings of exceptional height: within the *Core*, up to three buildings over 120 feet but not more than 180 feet; within the *Core* and *Outer Core*, up to two buildings over 75 feet but not more than 120 feet (BMC §23E.68.070.A).

this methodology, the total number of units estimated for the downtown area based on the C-DMU zoning is 2,121 units, as shown in Table A-2. Estimating units in the downtown area at a rate of 124.7 units per year ($2,121 \text{ units} / 17.5 \text{ remaining years of the 20-year DAP} = 124.7 \text{ units per year}$) results in a total of 997 units on 75 opportunity sites for the remaining eight years of the RHNA cycle.

Conclusion. There is sufficient capacity to accommodate 997 units during the Housing Element planning period within the Downtown Mixed Use District.

Table A-2: Downtown Area Housing Opportunity Site Inventory and Residential Capacity Analysis - 2012 C-DMU Regulations

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address		Sub-Area	Gen. Plan Designation	Existing Use	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/Acre	Unit Yield
1	057 205100300	1908 SHATTUCK		Core	AC	Empty Lot	3,114	0.88	0.08	3,520	135	10
2	057 205100500	1926 SHATTUCK		Core	AC	Optometrist and The Bake Shop	2,842	0.88	0.07	3,241	135	10
3	057 205901200	1933 M L KING JR		Buffer	DT	Flamingo's Cleaners	2,760	0.58	0.11	4,729	100	10
4	057 205901000	1909 UNIVERSITY		Buffer	DT	Utrecht Art Supplies	4,725	0.96	0.11	4,937	100	11
5	057 205900900	1915 UNIVERSITY		Buffer	DT	Hot Tubs	4,673	0.94	0.11	4,950	100	11
6	057 205900800	1921 UNIVERSITY		Buffer	DT	Mittaphab Restaurant	3,015	0.61	0.11	4,950	100	11
7	057 205900700	1929 UNIVERSITY		Buffer	DT	Fred's Market	4,120	0.83	0.11	4,937	100	11
8	057 205900600	1941 UNIVERSITY		Buffer	DT	Wings and Strings Restaurant	7,011	1.42	0.11	4,950	100	11
9	057 205301402	2011 UNIVERSITY		Core	DT	Shrimati's	4,868	1.18	0.09	4,125	135	12
10	057 205301100	2017 UNIVERSITY		Core	DT	Round Table Pizza	4,320	0.45	0.22	9,505	135	29
11	057 205300801	2035 UNIVERSITY		Core	DT	Lhasa Hair Salon	11,816	0.95	0.28	12,388	135	38
12	057 205302201	0 BERKELEY		Core	MDR	City Owned Parking Lot	0	0.00	0.94	40,945	135	126
13	057 205300500	2067 UNIVERSITY		Core	DT	TGI's Sushi	6,914	1.25	0.13	5,520	135	17
14	057 205300402	2071 UNIVERSITY		Core	DT	The Cutting Room, Taiwan Restaurant	4,284	0.68	0.15	6,318	135	19
15	057 205300301	1998 SHATTUCK		Core	DT	McDonald's	12,476	1.55	0.18	8,058	135	24

Table A-2: Downtown Area Housing Opportunity Site Inventory and Residential Capacity Analysis - 2012 C-DMU Regulations

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address		Sub-Area	Gen. Plan Designation	Existing Use	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/Acre	Unit Yield
16	057 205300302	1984 SHATTUCK		Core	DT	The Mediterranean Café	2,869	1.82	0.04	1,575	135	4
17	057 205300200	1974 SHATTUCK		Core	DT	Shattuck Avenue Spats Restaurant	3,850	0.74	0.12	5,200	135	16
18	057 205300100	1950 SHATTUCK		Core	DT	Radstons Office Supply	5,476	0.82	0.15	6,644	135	20
19	057 204600100	2108 BERKELEY		Core	DT	Missing Link Bicycle Coop, Vacuum store	17,247	0.98	0.40	17,580	135	54
20	057 204601100	1987 SHATTUCK		Core	DT	El Sombrero Taqueria, Cutaway, Brazil Café	7,540	0.99	0.17	7,579	135	23
21	057 204601000	2111 UNIVERSITY		Core	DT	Krishna Copy Center	4,820	0.75	0.15	6,467	135	20
22	057 204600300	0 BERKELEY		Buffer	DT	Parking Lot	0	0.00	0.12	5,428	100	12
23	057 204600600	1900 WALNUT		Core	DT	Parking Lot	0	0.00	0.13	5,632	135	17
24	057 202401300	2099 M L KING JR		Buffer	DT	Goodyear Berkeley	4,250	0.34	0.28	12,330	100	28
25	057 202401200	1911 ADDISON		Buffer	DT	English Language Institute of the Bay Area	6,000	0.87	0.16	6,895	100	15
26	057 202401100	1915 ADDISON	C-2	Buffer	DT	Law Offices	6,199	0.89	0.16	7,000	100	69 ^b
27	057 202400700	1931 ADDISON		Buffer	DT	Ed's Best Auto Service	3,600	1.00	0.08	3,600	100	
28	057 202400501	1933 ADDISON		Buffer	DT	Downtown Berkeley SMOG	7,790	0.72	0.25	10,830	100	24
29	057 202400102	1974 UNIVERSITY		Buffer	DT	Firestone Car Service	7,352	0.32	0.52	22,838	135	98 ^b
30	057 202501300	2000 UNIVERSITY		Down-town	DT	Au Coquelet Café	6,590	1.45	0.10	4,539	135	14
31	057 202502300	2009 ADDISON		Core	DT	Berkeley Repertory Theatre	4,200	0.41	0.24	10,352	135	32

Table A-2: Downtown Area Housing Opportunity Site Inventory and Residential Capacity Analysis - 2012 C-DMU Regulations

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address		Sub-Area	Gen. Plan Designation	Existing Use	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/Acre	Unit Yield
32	057 202501900	2058 UNIVERSITY		Down-town	DT	The Goodwill Store	8,375	0.99	0.20	8,502	135	26
33	057 202500100	2000 SHATTUCK		Down-town	DT	Citibank	13,844	1.04	0.31	13,375	135	41
34	057 202500400	2018 SHATTUCK		Core	DT	The Other Change of Hobbit	5,776	0.94	0.14	6,173	135	19
35	057 203401100	2138 UNIVERSITY	C-2	Core	DT	Instant Copying and Laser Printing	5,700	1.08	0.12	5,298	135	16
36	057 202201800	2109 M L KING JR	C-2	Buffer	DT	PGE Center	5,133	0.42	0.28	12,282	100	28
37	057 202201500	1916 ADDISON		Buffer	DT	Parking Lot	0	0.00	0.15	6,750	100	15
38	057 202200301	2108 MILVIA		Down-town	DT	Firestone Car Service	0	0.00	0.16	6,950	135	21
39	057 202301601	0 MILVIA		Core	DT	Parking Lot	80	0.01	0.16	7,181	135	22
40	057 202302500	2072 ADDISON		Core	DT	24 Hour Fitness	10,125	0.99	0.23	10,230	135	31
41	057 202300200	2116 SHATTUCK		Core	DT	Café Firenze	2,600	0.91	0.07	2,860	135	8
42	057 203201700	130 BERKELEY		Core	DT	Little Hunan, Newberry's Gifts	2,675	1.03	0.06	2,597	135	8
43	057 203201800	134 BERKELEY		Core	DT	Little Mandarin, East Bay Photo Lab	2,208	1.02	0.05	2,174	135	6
44	057 203200503	2119 CENTER		Core	DT	Parking Lot	14,765	0.39	0.87	37,739	135	116
45	057 202600412	2068 CENTER		Core	DT	Peking Express Chinese Food	4,001	0.85	0.11	4,681	135	14
46	057 202600405	2190 SHATTUCK		Core	DT	Ross Old Building	54,385	2.72	0.46	19,966	135	61
47	057 203100600	2187 SHATTUCK		Core	DT	Walgreens	11,970	1.13	0.24	10,570	135	32

Table A-2: Downtown Area Housing Opportunity Site Inventory and Residential Capacity Analysis - 2012 C-DMU Regulations

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address		Sub-Area	Gen. Plan Designation	Existing Use	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/Acre	Unit Yield
48	057 203100400	2121 ALLSTON	C-2	Core	DT	Berkeley Central Library	24,632	1.23	0.46	20,070	135	62
49	057 203100101	2128 OXFORD		Core	DT	Starbucks	1,856	0.15	0.29	12,500	135	38
50	057 202700202	2210 HAROLD		Core	DT	Dharma Books & Art, Mangalam Centers	6,490	1.08	0.14	6,000	135	18
51	057 203000100	2108 ALLSTON		Core	DT	Berkeley Wireless Research Center	26,140	1.47	0.41	17,822	135	55
52	057 203001200	2219 SHATTUCK		Core	DT	The Luggage Center	6,854	2.17	0.07	3,154	135	9
53	057 202801300	2000 KITTREDGE		Buffer	DT	Avis Rental Cars	2,968	0.26	0.26	11,263	100	25
54	057 202801200	2235 MILVIA		Down-town	DT	Doggie High Restaurant	1,621	0.63	0.06	2,588	135	8
55	057 202900204	2176 KITTREDGE		Core	DT	Touchless Car Wash	4,676	0.17	0.62	26,842	135	83
56	055 189301600	2301 SHATTUCK		Down-town	DT	The Mechanics Bank	5,766	0.61	0.22	9,430	135	29
57	055 189302000	0 BANCROFT		Down-town	DT	Parking Lot	0	0.00	0.15	6,500	135	20
58	055 189300100	2190 BANCROFT		Down-town	DT	Looney's Smokehouse Bar-B-Que	4,243	0.54	0.18	7,840	135	24
59	055 189301300	2327 SHATTUCK		Down-town	DT	Venus Restaurant	1,000	0.96	0.02	1,041	135	3
60	055 189301200	2333 SHATTUCK		Down-town	DT	Union Bank of California	17,928	1.89	0.22	9,464	135	29
61	055 189301100	2107 DURANT		Down-town	DT	Parking Lot behind Union Bank of California	0	0.00	0.15	6,500	135	20
62	055 189500800	2023 CHANNING	R-4	Buffer	A. HDR	Residential Structure (Unused)	3,160	0.71	0.10	4,420	100	10
63	055 189501900	2025 CHANNING /2024 Durant		Buffer	<u>DT</u>	Empty Parking Lot/ <u>Church</u>	0	0.00	<u>0.215</u> <u>2</u>	<u>9,230</u> <u>22,704</u>	100	<u>2479^{b,c}</u>

Table A-2: Downtown Area Housing Opportunity Site Inventory and Residential Capacity Analysis - 2012 C-DMU Regulations

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address		Sub-Area	Gen. Plan Designation	Existing Use	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/Acre	Unit Yield
64	055 189501805	2352 SHATTUCK		Down-town	DT	Blockbuster Video	26,246	0.56	1.08	47,045	135	132
65	055 189201600	2349 SHATTUCK		Down-town	DT	Pegasus Books	9,360	1.00	0.21	9,360	135	29
66	055 189201500	2367 SHATTUCK		Down-town	DT	Thalassa	4,975	0.81	0.14	6,115	135	18
67	055 189201801	2110 DURANT		Down-town	DT	Toyota of Berkeley Parking Garage	5,200	0.36	0.33	14,300	135	44
68	055 189201102	2113 CHANNING		Down-town	DT	Parking Lot	0	0.00	0.15	6,500	135	20
69	055 189602700	2036 CHANNING		Buffer	DT	Toyota Service Center	10,320	0.96	0.25	10,800	100	24
70	055 189602800	2038 CHANNING		Buffer	DT	Toyota Parking Lot	0	0.00	0.14	6,075	100	13
71	055 189600100	2410 SHATTUCK		Down-town	DT	Toyota of Berkeley	10,025	0.82	0.28	12,200	135	37
72	055 189600200	2414 SHATTUCK		Down-town	DT	Optometry	1,188	1.05	0.03	1,135	135	3
73	055 189600300	2420 SHATTUCK		Down-town	DT	Caffe Giovanni	4,609	0.98	0.11	4,717	135	14
74	055 189600400	2428 SHATTUCK		Down-town	DT	Vacant Retail	3,560	0.79	0.10	4,497	135	13
75	055 189600500	2440 SHATTUCK		Down-town	DT	Dollar Tree	8,400	0.98	0.20	8,592	135	26
76	055 189600600	2041 HASTE		Buffer	DT	Parking Lot behind Dollar Tree	700	0.08	0.19	8,437	100	19
77	055 189101101	2115 HASTE		Down-town	DT	Apartment Building	0	0.00	0.10	4,500	135	13
78	055 189700600	2450 SHATTUCK		Down-town	DT	Laundromat , Tuk Tuk Thai, Starving Musician	12,300	0.78	0.36	15,750	135	48
79	055 189700103	2480 SHATTUCK		Down-town	DT	Tuesday Morning	10,441	1.42	0.17	7,370	135	22

Table A-2: Downtown Area Housing Opportunity Site Inventory and Residential Capacity Analysis - 2012 C-DMU Regulations

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address		Sub-Area	Gen. Plan Designation	Existing Use	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/Acre	Unit Yield
80	055 189802900	2489 MLK		N/A	DT	Empty Lot	0	0.00	0.20	8,590	75 ^b	14
a - C-DMU zoning (BMC 23E.68)									Total Acres	16.30	Total Units	2,121

b - Unit yield updated to reflect number of units approved by the City with a Use Permit

c – This project spans 2025 Channing and 2024 Durant, for a combined parcel total of 22,074 square feet.

1 - Floor Area Ratio

Southside Plan Opportunity Sites and Residential Capacity Analysis

In September 2011, the City adopted the Southside Plan (SSP), which was jointly prepared by the City of Berkeley and the University of California Berkeley. The southside area is composed of over 170 acres of land located immediately south of the University of California Berkeley campus and serves as a major source of housing for those connected to the University. The area also serves the population with student-oriented retail and restaurants. The southside area is served by several major bus routes.

The University owns and uses approximately one-third of the land area in the southside for dormitories and office space; as a state institution, land owned by the University is not subject to local land use regulations. The University agreed to work with the City to create the SSP, and in turn, use it as a guide for future development by the University in the area.

1. Identifying Opportunity Sites in the Southside Area

The following guidelines were used to identify opportunity sites for the SSP environmental impact analysis:

- Sites with surface parking lots.
- Sites with one-story buildings without architectural or historical significance.
- Vacant sites.
- Sites with seismically hazardous buildings that would be expensive to retrofit.

With these guidelines, the SSP identified over 80 different opportunity sites. The EIR recognized that not all of these sites would be developed within the timeframe of the Plan and created a three-tier system based upon the likelihood of development. Only the remaining 23 “Tier 1” sites are included in the Housing Element analysis, as they are the most likely to be developed. These sites are listed in Table A-3 and illustrated in Map A-4 in Appendix A.

2. Southside Area Housing Capacity

The Southside Plan resulted in the rezoning of the majority on the planning area, including the inclusion of two new residential zoning districts (Residential South Side (R-S) and the Residential Southside Mixed Use (R-SMU) Districts). To analyze the residential development capacity of these new standards, the Southside EIR made residential floor area ratio (FAR) assumptions for each zoning district based upon these new standards.⁵ The residential FAR was then multiplied by the lot size of each Tier 1 opportunity site to calculate “total proposed potential residential square feet” for all of the Tier 1 sites. The EIR assumed that only 75% of the total residential square feet would be developed during the planning period of the Southside

⁵ See Attachment 2 of Southside EIR Appendix E.

Plan. A 35% increase in residential floor area was added for state density bonus. The average unit size was assumed to be 800 square feet, so the residential floor area was divided by 800 to estimate the total number of housing units. With these calculations, the Southside Plan EIR estimated 430 potential units on the remaining Tier 1 opportunity sites.

The Southside Plan EIR estimated all these new housing units will be built by the year 2020. Thus for the purpose of the Housing Element, the City estimates the capacity of remaining 23 Tier 1 opportunity sites, or 430 new dwelling units, could be built in the SSP area during the Element planning period.

Table A-3: Southside Area Housing Opportunity Site Inventory and Residential Capacity Analysis

# on Map	Assessor's Parcel Number	Street Address	Zoning District	General Plan Designati on	Existing Use ^a	Building Size		Lot Size		Estimated Capacity	
						Square Feet	FAR ¹	Acres	Square Feet	Units / Acre	Unit Yield
1	055 183800102	2500 Telegraph	C-T	AC	ONE-STORY STORE	12,230	0.94	0.30	12,992	55	16.28
2	055 187500400	2503 Haste	C-T	AC	VACANT COMMERCIAL LAND	0	0.00	0.20	8,800	74	14.92
3	055 183102500	2316 Dwight	R-3R-4	HDR	MEDICAL-DENTAL	2,331	0.33	0.16	7,129	48	7.85
4	055 189001702	2126 Haste	R-SR-4	HDR	MEDICAL-DENTAL	11,770	0.58	0.46	20,250	83	38.44
5	055 183902000	2539 Telegraph	C-T	AC	1 TO 5 STORY OFFICES	8,368	0.50	0.38	16,678	48	18.36
6	055 183700200	2566 Telegraph	C-T	AC	ONE-STORY STORE	8,610	1.15	0.17	7,500	48	8.26
7	055 183700100	2556 Telegraph	C-T	AC	ONE-STORY STORE	10,141	0.99	0.23	10,200	48	11.23
8	055 183002200	2228 Dwight	R-3R-4	HDR	MULTIPLE RESIDENTIAL PROP	5,912	0.44	0.31	13,500	48	14.86
9	055 185000303	2750 Dwight	R-3HR-4	HDR	MULTIPLE RESIDENTIAL PROP	13,614	1.23	0.25	11,050	48	12.17
10	055 187502400	2511 Dwight	C-T	AC	STORE ON FIRST FLOOR	11,380	1.08	0.24	10,500	62	15.02
11	055 187602100	2542 Durant	C-T	AC	MULTIPLE RESIDENTIAL PROP	0	0.00	0.14	6,292	50	7.17
12	055 187602300	2510 Durant	C-T	AC	ONE-STORY STORE	6,080	0.80	0.17	7,600	50	8.66
13	055 188400204	2337 Channing	R-SR-4	HDR	CHURCHES	0	0.00	0.18	7,800	94	16.78
14	055 186800201	2412 Piedmont	R-3HR-4	HDR	FRATERNITIES/SOR ORITIES	10,703	0.68	0.36	15,751	22	8.09
15	055 187601100	2375 Telegraph	C-T	AC	STORE ON FIRST FLOOR	13,823	1.06	0.30	13,000	74	22.05
16	055 187201100	2613 Channing	R-SMUR-4	HDR	HOTEL	0	0.00	0.16	6,970	94	15.00

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17	055 188500201	2315 Durant	R-SMUR-4	HDR	PARKING LOTS	0	0.00	0.30	13,000	184	54.79
18	055 187800501	2433 Durant	C-T	AC	STORE ON FIRST FLOOR	23,907	1.84	0.30	13,000	55	16.29
19	055 187701100	2347 Telegraph	C-T	AC	BANKS	10,295	1.03	0.23	10,000	74	16.96
20	055 188500102	2362 Bancroft	R-SMUR-4	HDR	CHURCHES	0	0.00	0.27	11,700	184	49.31
21	055 188500103	2398 Bancroft	R-4	HDR	CHURCHES	3,172	0.32	0.23	10,000	184	42.15
22	055 187700800	2519 Durant	C-T	AC	ONE-STORY STORE	8,916	0.83	0.25	10,790	74	18.30
23	055 187800100	2300 Telegraph	C-T	AC	ONE-STORY STORE	10,395	1.04	0.23	10,000	74	16.96
24	055 187700100	2590 Bancroft	C-T	AC	STORE ON FIRST FLOOR	13,424	1.02	0.30	13,130	74	22.27
Total Acres								5.91		Total Units	430.0

a

Alameda County Assessor land use records.

Commercial Corridor Opportunity Sites and Residential Capacity Analysis

The City of Berkeley identified the commercial zoning districts as areas with the greatest potential for new units and a track record of units being built. The majority of the commercial districts are located along the four main corridors of University Avenue, San Pablo Avenue, Telegraph Avenue, and Shattuck Avenue/Adeline Street. Each corridor is served by at least three AC Transit lines.

Corridors with identified opportunity sites are located in the following zoning districts: C-1, C-N, C-NS, C-SA, and C-W. The commercial districts within the downtown and southside areas are excluded from the commercial corridor analysis.

1. Identifying Opportunity Sites along the Commercial Corridors

Opportunity sites along the commercial corridors were identified using Alameda County parcel data and a field survey. Parcels with a minimum lot size of 10,000 square feet were included as an opportunity site if they met the following criteria:

- For 10,000 to 20,000 square foot parcels, a maximum existing FAR of 0.2
- For 20,001+ square foot parcels, a maximum existing FAR of 0.7.
- No City-designated Landmarks or Structures of Merit.
- No use considered unlikely to change.⁶

This analysis did not identify all underutilized sites with redevelopment potential; it identified the sites considered most likely to redevelop based on low levels of existing development. Most of the City of Berkeley commercial corridors are developed with one- or two-story commercial structures, while the majority of commercial zoning districts allow from three to five stories. Additionally, the commercial districts allow mixed-use buildings, which generally provide more development potential and revenue than commercial-only buildings. Therefore, many commercial sites are underutilized compared to allowable building sizes and uses. Berkeley staff identified a subset of the underutilized sites most likely to be redeveloped using recent development trends.

The City reviewed a sample of 24 projects with recent land use entitlements for mixed-used multi-family housing projects. These examples were used to develop the criteria for opportunity sites on the commercial corridors. The existing FAR on the 24 sample sites that have been approved for redevelopment had the following characteristics:

- Sites sized 10,000-20,000 sq.ft. - previous FAR ranged from 0.0 to 0.45, averaged 0.17

⁶ Uses considered unlikely to change despite being located on an underutilized site include non-profit organizations, religious institutions, grocery stores, and buildings with obvious recent tenant improvements.

- Sites sized 20,001+ sq.ft. - previous FAR ranged from 0.0 to 1.8, averaged 0.45⁷

Staff then conducted a field survey to verify the parcel size, existing FAR, and existing land use on the sites. Some parcels that do not meet all the qualifications above are included as opportunity sites based on adjacency to sites that do meet the qualifications and are under the same ownership.

The criteria also took into consideration numerous factors, including:

- The age of the properties: the City identified the age of the existing structures on the sites. Most sites were developed before 1970 making the structures roughly 40 years old or older. In general, older buildings are more likely to redevelop than newer structures, however, sites with recent tenant improvements that suggest a disincentive to redevelop were excluded.
- Redevelopment trends: the commercial corridor criteria described above (parcel size and existing FAR) is based on review of existing conditions on a sample of sites with land use entitlements for new mixed-used projects.
- Market conditions: the inner Bay Area is characterized by high land and construction costs combined with a limited supply of vacant, available and developable land, which results in the vast majority of new construction being redevelopment of non-vacant sites.
- Existing land uses: types of uses deemed unlikely to change, such as non-profit organizations, religious uses, and grocery stores, were excluded from the list.
- Historic structures: buildings with a City of Berkeley Landmark or Structure of Merit were excluded from the list.

The FAR assumptions used in the Housing Element are considered conservative because, in general and depending on the type of use, the value of the land will be greater than the value of the buildings on land with low existing FAR. When land values are greater than the value of existing development there is an incentive to redevelop the land with more valuable buildings and uses. A higher maximum FAR for larger sites reflects the assumption that larger sites are more attractive for development; therefore the value of the existing development on the site is less of a constraint on the likelihood of future development than with smaller lots.

⁷ The City selected 0.7 as the FAR threshold for sites over 20,000 sq. ft., rather than the past development average of 0.45, based on the experience of the planning department staff and because the existing FAR range on non-vacant sites in the sample survey includes some sites with an existing FAR much higher than 0.45. The City does not have complete records of the previous built area on redeveloped sites, but based on the experience of project planners, an estimate of 0.7 is considered a reasonable cutoff for identifying sites likely to redevelop in the near future.

However, for a more conservative estimate, the sites with an FAR over 0.4 could be considered “Tier 2” development site. If the City were to use this sorting mechanism, the resulting total unit capacity would be 1,794 units for the Commercial Corridor area, a reduction of 667 “Tier 2” units in the Housing Element planning period..

As a result of this process, staff originally identified 69 opportunity sites along the commercial corridors, 68 of which are still available. The 68 sites have a combined total of 31.88 acres and range from 0.11 acres to 3.21 acres in size. The total estimated capacity of these sites is 2,461 units, as discussed below. These sites are illustrated in Map A-5, Map A-6, Map A-7, Map A-8, Map A-9 and Map A-10 and are listed in Table A-6.

2. Commercial Corridor Housing Capacity

The Berkeley zoning ordinance does not include a density standard (units-per-acre) for mixed use or residential development in the commercial zoning districts. Density is limited by development standards, parking and useable open space requirements. Therefore, staff used the following steps to develop density assumptions for each zoning district:

- Averaged units-per-acre for each zoning district based on construction in those districts over the past 10 years.
- Reduced the average units-per-acre for opportunity sites within the University Area Specific Plan by 24% to account for UASP zoning changes.⁸
- Estimated units-per-acre for the C-N and C-NS districts using a combination of past development and a prototypical site analysis.
- Reduced units-per-acre for all zoning districts by 20% to remove density bonus units.⁹

The resulting density assumptions were applied to the opportunity sites within each zoning district providing a housing capacity assumption for each site. With these calculations, the remaining 68 opportunity sites provide capacity for 2,461 total dwelling units, ranging from 55 to 97 units per acre.

Table A-4 illustrates the estimated capacity for each zoning district. Table A-5 illustrates the actual average densities of projects that received land use entitlements by zoning district from 1999-2009, which were used to calculate the assumed densities.

The City of Berkeley considers it very likely the opportunity sites in the commercial districts will redevelop with a mixed-use building, rather than a commercial-only building, because the majority of recent redevelopment of sites zoned for commercial uses has been construction of new buildings with residential uses above ground floor commercial. This is due to both market conditions and regulations that favor mixed-use over commercial-only buildings in commercial districts. Residential and retail uses command a higher rent than office uses, therefore there is a

⁸ This reduction is based on analysis of the capacity reduction resulting from the UASP zoning changes in the April 28, 2004 Planning Commission staff report.

⁹ There is a strong record of projects using state density bonus law in Berkeley, however, to develop a conservative estimate of residential capacity, the City removed from the actual average densities an allowable percentage of density bonus units. Therefore, future projects could have greater densities than those assumed for this analysis. Not all past projects had density bonus units and in recent years some may have had a density bonus greater than 20 percent. By reducing the overall average density for the district, this provides an approximation of units per acre without density bonus units.

strong economic incentive to build a mixed-use building with residential units over a retail space. Additionally, the Berkeley zoning ordinance favors mixed-use buildings over exclusively residential or commercial buildings in most commercial zoning districts by allowing mixed-use buildings to be slightly larger.

Table A-4: Capacity Estimates by Zoning District Commercial Corridors (2014-2022)				
Zoning District	Number of Sites	Total Acres	Estimated Units/Acre	Total Units³
C-W	36	15.21	82	1,229
C-1	1	0.31	97	30
C-1 (UASP) ¹	10	3.17	71	221
C-SA	13	9.61	79	751
C-NS ²	4	2.36	55	128
C-N ²	4	1.21	87	102
Total	68	31.88		2,461

1 - The UASP amendments reduce housing unit yield in the C-1 district by an estimated 24%.

2 - Based on staff estimates.

3 - Total based on the sum of estimated units on each site from Table A-6.

Table A-5: Summary of Projects 1999-2009 Basis for Density Assumptions					
Zoning District	No. of Past Projects	Acres	Units	Average Units/Acre	-20%, Without Density Bonus
C-W	17	6.87	680	99	82
C-1	13	5.12	598	117	97
C-2	7	4.54	615	136	113
C-SA	8	2.54	244	95	79
C-N	1	0.20	21	105	87

1 - Staff also analyzed the hypothetical density of an opportunity site in the C-N to confirm this density estimate is accurate.

Table A-6: Commercial Corridors Housing Opportunity Site Inventory and Residential Capacity Analysis

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Bldg. Age	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/ Acre	Unit Yield
1	057 210000702	1914 Fifth	C-W	AC	Zentrum Furniture ^b	1980s	13,200	0.36	0.84	36,621	82	68
2	057 210000104	750 Hearst	C-W	AC	Anthropologie, Paper Source ^b	1980s	16,700	0.42	0.92	40,003	82	75
3	057 209601001	833 University	C-W	AC	University Gasoline	1957	1,334	0.12	0.25	10,750	82	20
4	057 208502600	1111 University	C-1 (UASP)	AC	Halmar's Work clothes Center	1950	4,000	0.19	0.39	16,900 ^a	71	27
5	056 197900100	1198 University	C-1 (UASP)	AC	Solar Car Wash	1965	2,000	0.16	0.28	12,330	71	20
6	056 198100101	1248 University	C-1 (UASP)	AC	Shell Gas Station	1964	1,876	0.08	0.52	22,800	71	37
7	057 207200600	1461 University	C-1 (UASP)	MDR	Rodeway Inn	1947	15,378	0.44	0.40	17,400 ^a	71	28
8	057 207200200	1499 University	C-1 (UASP)	AC	76 Gas Station	1963	1,189	0.11	0.25	10,704	71	17
9	056 200301601	1500 University	C-1 (UASP)	AC	Chevron Gas Station	1978	732	0.05	0.31	13,700	71	22
10	056 200302401	1548 University	C-1 (UASP)	AC	Five Star Video ^b	1958	3,600	0.44	0.19	8,260	71	13
11	056 200302500	1556 University	C-1 (UASP)	AC	Five Star Video parking ^b	n/a	0	0.00	0.14	6,210	71	10
12	057 207000300	1699 University	C-1 (UASP)	AC	Mike's Auto	1948	1,287	0.11	0.26	11,500	71	18
13	057 201602702	1840 University	C-1 (UASP)	AC	Valero Gas Station	1983	3,052	0.17	0.42	18,304	71	29
14	053 162901901	2959 San Pablo	C-W	AC	Ace Smog Check Center	1948	1,287	0.11	0.26	11,364	82	21
15	053 166101801	2840 San Pablo	C-W	AC	Parking and vacant building	1925	828	0.07	0.27	11,850	82	22
16	054 176300400	2618 San Pablo	C-W	AC	Roundtree's Night Club ^c (abandoned)	1970	6,398	0.88	0.17	7,290	82	13

Table A-6: Commercial Corridors Housing Opportunity Site Inventory and Residential Capacity Analysis

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Bldg. Age	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/ Acre	Unit Yield
17	054 176300300	2612 San Pablo	C-W	AC	Vacant Lot	n/a	0	0.00	0.25	10,900 ^a	82	20
18	054 176300100	1050 Parker	C-W	M	Vacant Lot	n/a	0	0.00	0.29	12,600 ^a	82	23
19	054 178000801	2546 San Pablo	C-W	M	Bank of America and parking	1983	16,030	0.25	0.60	26,000 ^a	82	48
20	054 178101501	2527 San Pablo	C-W	AC	Babbitt's Brake Service	1963	1,117	0.08	0.31	13,720	82	25
21	056 193200803	2424 San Pablo	C-W	AC	A La Car Automobile, Solar Car Wash	1962	3,576	0.11	0.74	32,212	82	60
22	056 192802701	2407 San Pablo	C-W	AC	Ohmega Salvage	1953	374	0.02	0.35	15,152	82	28
23	056 193200401	2400 San Pablo	C-W	AC	Ohmega Salvage	1925	3,466	0.18	0.45	19,575	82	36
24	056 193302403	2366 San Pablo	C-W	AC	Used Car Lot	1964	1,364	0.09	0.33	14,445	82	27
25	056 193300602	2332 San Pablo	C-W	AC	East Bay Nursery	1951	4,878	0.11	0.74	32,200 ^a	82	60
26	056 198304001	2197 San Pablo	C-W	AC	Jack in the Box	1980s	2,722	0.16	0.37	16,300 ^a	82	30
27	056 197701101	2136 San Pablo	C-W	AC	ACDelco Car Care	1923	9,373	0.40	0.54	23,625	82	44
28	056 197700605	2100 San Pablo	C-W	AC	U-Haul	1951	1,440	0.07	0.50	21,666	82	40
29	056 197800802	2040 San Pablo	C-W	AC	India Fashion, Laundry, Market	1950s	10,584	0.52	0.31	13,500 ^a	82	25
30	057 208502500	1931 San Pablo	C-W	AC	99 Cent Store	1920	21,208	0.44	0.53	23,000 ^a	82	43
31	057 208800400	1900 San Pablo	C-W	AC	Vacant Lot	n/a	0	0.00	0.27	11,800	82	22
32	057 208602903	1819 San Pablo	C-W	AC	Purrfect Auto Service, Karate	1968	2,940	0.17	0.41	17,798	82	33

Table A-6: Commercial Corridors Housing Opportunity Site Inventory and Residential Capacity Analysis

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Bldg. Age	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/ Acre	Unit Yield
33	058 212800301	1620 San Pablo	C-W	AC	Golden Bear Inn, Genki Sushi	1920s	17,684	0.48	0.85	37,000	82	69
34	059 231000205	1500 San Pablo	C-W	AC	Green Motors	1960s	24,021	0.33	1.15	50,000 ^a	82	93
35	060 235300203	1300 San Pablo	C-W	AC	Chevron Gas Station	1978	1,500	0.11	0.31	13,440	82	25
36	060 240502000	1299 San Pablo	C-W	AC	Yen's Auto	1950s	1,485	0.11	0.30	13,000	82	24
37	060 235401200	1031 Gilman	C-W	AC	Parking Lot ^b	n/a	1,032	0.17	0.14	6,169	82	11
38	060 235401100	1041 Gilman	C-W	AC	Happy Doughnuts ^b	1950s	0	0.00	0.20	8,700	82	16
39	060 235401001	1049 Gilman	C-W	AC	Gilman Street Bingo	1940s	18,968	0.64	0.68	29,813	82	56
40	060 235401302	1233 Tenth	C-W	AC	Parking Lot	n/a	0	0.00	0.32	13,750	82	25
41	060 235400200	1200 San Pablo	C-W	AC	Church's Chicken	1980s	1,335	0.10	0.29	12,800	82	24
42	060 239000701	1198 San Pablo	C-W	AC	McDonald's	1980s	3,913	0.15	0.59	25,500	82	47
43	060 241000500	1197 San Pablo	C-W	AC	Gilman Auto ^b	1950s	2,165	0.29	0.17	7,500	82	14
44	060 241000600	1193 San Pablo	C-W	AC	Parking Lot ^b	n/a	0	0.00	0.11	5,000	82	9
45	060 241000700	1187 San Pablo	C-W	AC	General Transmissions ^b	1970s	2,784	0.37	0.17	7,500	82	14
46	052 157800602	2996 Telegraph	C-1	AC	Chevron Gas Station	1986	4,438	0.12	0.85	36,812	97	81
47	055 183600603	2600 Telegraph	C-1	AC	Berkeley Auto Care	1956	1,176	0.09	0.31	13,711	97	30
48	053 159703904	0 Adeline	C-SA	AC	Parking Lot	n/a	0	0.00	3.21	140,000	79	253

Table A-6: Commercial Corridors Housing Opportunity Site Inventory and Residential Capacity Analysis

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Bldg. Age	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/ Acre	Unit Yield
49	053 159500903	3031 Adeline	C-SA	AC	Marmot Mountain Works	1948	18,368	0.68	0.62	26,968	79	48
50	053 159200100	3000 Shattuck	C-SA	NC	US Smog & Gas	1958	2,430	0.22	0.25	10,900	79	19
51	053 158702003	3001 Shattuck	C-SA	NC	Enterprise Car Rental	1948	857	0.08	0.23	10,134	79	18
52	053 159101803	2001 Ashby	C-SA	AC	Cooperative Credit Union	1969	7,080	0.27	0.60	26,067	79	47
53	053 168502001	2821 Shattuck	C-SA	AC	Buggy Bank Car Display	1980s	832	0.04	0.43	18,634	79	33
54	054 172001802	2747 Shattuck	C-SA	AC	Any Mountain	1940	20,974	0.58	0.83	36,057	79	65
55	054 172300100	2700 Shattuck	C-SA	AC	Mc Kevitt Volvo	1926	22,273	0.48	1.07	46,683	79	84
56	055 182601802	2655 Shattuck	C-SA	AC	Reel Video Store	1923	10,330	0.45	0.53	23,100	79	41
57	055 182602000	2627 Shattuck	C-SA	AC	Best Auto Buyers Center	1941	744	0.05	0.36	15,800	79	28
58	055 182502000	2110 Parker	C-SA	AC	Berkeley Honda Car Lot	n/a	0	0.00	0.23	10,125	79	18
59	055 182301101	2104 Dwight	C-SA	AC	Alta Bates Hospital Parking	1955	841	0.02	0.95	41,293	79	74
60	055 182200301	2032 Dwight	C-SA	AC	Alta Bates Hospital Parking	1928	0	0.00	0.29	12,755	79	23
61	058 217801800	1685 Shattuck	C-NS	NC	Commercial Building	1980s	9,480	0.42	0.51	22,425	55	28
62	058 217802401	1607 Shattuck	C-NS	NC	Elephant Pharmacy Building	1930s	17,530	0.59	0.68	29,657	55	37
63	059 226302401	1536 Shattuck	C-NS	MDR	Bank of America Parking	n/a	0	0.00	0.39	16,959	55	21
64	059 226100102	1451 Shattuck	C-NS	NC	Longs Drugs	1980s	17,932	0.53	0.77	33,750	55	42

Table A-6: Commercial Corridors Housing Opportunity Site Inventory and Residential Capacity Analysis

							Building Size		Lot Size		Estimated Capacity	
# on Map	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Bldg. Age	Sq. Feet	FAR ¹	Acres	Sq. Feet	Units/ Acre	Unit Yield
65	053 164100905	901 Ashby	C-W	AC	76 Gas Station	1983	1,872	0.18	0.23	10,200	82	19
66	064 423500804	3009 Ashby	C-N	NC	Coast Gasoline	1950s	1,225	0.08	0.35	15,400	87	30
67	064 423600400	3048 Ashby	C-N	NC	Chevron Gas Station	1978	1,107	0.08	0.31	13,400	87	26
68	060 243503101	1575 Hopkins	C-N	NC	Berkeley Home Real Estate	1930s	1,272	0.12	0.24	10,387	87	20
69	060 243502801	1601 Hopkins	C-N	NC	Revive Salon	1930s	1,722	0.13	0.31	13,498	87	26
							Total Acres		31.88	Total Units		2,461
										"Tier 1" Subtotal		1,794
										"Tier 2" Subtotal ²		667

a - Reduced lot size because of split zoning

b - Included because adjacent to parcel with same owner

c - Included because vacant building located adjacent to vacant lot

1 – Floor Area Ratio

2 – FAR over 0.4

Residential Neighborhood Opportunity Sites and Residential Capacity Analysis

Most parcels in Berkeley’s residentially zoned districts are currently developed with housing. There are an estimated 239 remaining vacant parcels that are zoned for residential development. Ninety percent are in the City’s hillside district, which generally has reduced development potential due to environmental and physical constraints.

Some residentially-zoned lots that are already developed with housing have capacity for additional units. Berkeley allows “accessory dwelling units” (ADUs) in all residential districts on parcels developed with a single-family dwelling. Some lots may have room for additional “main” dwelling units. Therefore, potential for new housing units in the residential zoning districts comes from three sources: (1) the few remaining vacant lots, (2) adding additional “main” units to already developed lots, and (3) adding accessory dwelling units to already developed lots. Table A-9 summarizes the number of units anticipated from each of these sources.

1. Vacant Lots

A list of vacant parcels over 5,000 square feet in size that are zoned for residential use was compiled using Alameda County land use records.¹⁰ Staff confirmed that these parcels are not currently developed and that they have access to a street. Staff identified a total of 239 lots meeting these criteria’ 215 of these sites are located in the single-family district in the hillside overlay (R-1H). This area is characterized by steep slopes, unstable soils, narrow roadways, and unconventional lot shapes. These physical attributes limit the ability to develop the lots. Planning records show that 72 new housing units have been built in the R-1H district over the past 10 years. Therefore, the City assumes construction of new units in the R-1H district will continue at this rate of roughly seven units per year. Over the eight years remaining in the planning period, this would result in an estimated development of 56 units in the R-1H district.

For vacant lots in other residential districts, staff estimated the number of potential units based on either (a) the zoning ordinance density standards (for the R-1, R-1A, R-2, R-2A, and R-2H lots), or (b) average densities of past development for the zoning districts without density standards (the R-3 and R-4). Table A-7 summarizes the density assumptions for these districts.

Table A-8 indicates the number of vacant parcels by zoning district and the estimated residential unit capacity of those parcels, total and those projected to be constructed during this planning period. Table A-10 includes a list of all the vacant residential sites in the City by address and Assessor’s Parcel Number and the estimated residential capacity of each lot. Map A-1 shows the location of all vacant residential lots.

¹⁰ 5,000 square feet is the minimum allowable lot size in Berkeley.

Table A-7: Density Assumptions for Residential Zoning Districts*		
Zoning District	Zoning Ordinance Section	Allowable/Estimated Density
R-1 (R-1H)	23D.16.070	1 unit per lot with 5,000 square foot minimum lot size
R-1A	23D.20.070	2 units maximum with 4,500 square foot min. lot size
R-2 (R-2H)	23D.28.070	1 unit / 2,500 square feet of lot space, plus one unit for remaining 2,000-2,499 square feet of lot space
R-2A	23D.32.070	1 unit / 1,650 square feet of lot space, plus one unit for remaining 1,300-1,649 square feet of lot space
R-3	23D.36.070	28 units / acre based on a sample of past development densities
R-4	23D.40.070	48 units / acre based on a sample of past development densities

* Does not include Residential Districts fully encompassed by the Southside Plan (i.e. R-S and R-SMU).

Table A-8: Vacant Residential Lots and Estimated Residential Capacity			
Zoning District	No. of Lots	Total Est. No. Units	Est. No. Units during current RHNA cycle
R-1	3	3	3
R-1H	215	215	56
R-1A	2	4	4
R-2	4	9	9
R-2A	7	24	24
R-2H	1	4	4
R-3	2	9	9
R-4	5	48	48
Total	239 lots	316 units	157 units

1. Adding Units to Already-Developed Parcels

Other than accessory dwelling units, described below, the Planning Department has only recently begun to track how many housing units have been generated by adding new main dwelling units (non-ADU) to already-developed properties. As shown in Appendix B and table A-7, the City has numerous multi-family zoning districts that allow more than one unit per lot depending on the lot size. The Planning Department does not know how many residential parcels have capacity for additional dwelling units, however, staff estimates that roughly 3-4

such units are built per year. Therefore, as a conservative estimate for purposes of this Housing Element, the City assumes 24 new units will result from adding new main dwelling units to developed lots (three units per year over eight years).

2. Accessory Dwelling Units

An Accessory Dwelling Unit (ADU) is a particular type of housing unit that is limited in size and subject to other specific development standards. If a new ADU meets all required development standards, it is allowed “by-right” (i.e. no discretionary permit is required), otherwise administrative use permit (AUP) approval is required. Since 2003, planning staff estimates there have been roughly 65 ADUs permitted in the City, about one half of which required an AUP. Planning staff believes that more than 35 by-right ADUs have been built, but the units were not identified during the building permit phase and thus not tracked. Therefore, for purposes of estimating the number of ADUs that could be built in the future, staff assumes that 65 ADUs have been built since adoption of the ADU ordinance in 2003, or roughly five ADUs per year. In the beginning of 2015, City Council will consider revisions to the Zoning Ordinance that are intended to ameliorate some of the development standards (e.g. parking and setback requirements) that prove to be barriers to the construction of ADUs. If approved, these changes would take affect by mid-year. Staff estimates that adoption of the new ADU Ordinance will result in construction of an additional two ADUs per year. This rate would result in 56 additional ADUs during the eight year housing element planning period.

Table A-9: Estimate of new units in Residential Districts by Unit Type (2015-2023)	
Residential Unit Type	Estimated Number of New Units
Vacant R-district Lots	157
Additional Main Dwelling Units	24
Accessory Dwelling Units	56
Total	237 Units

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
1	060 243503300	0 MONTEREY AVE	R-1	LDR	VACANT	0.13	5,528	1
2	058 218400700	1624 ARCH ST	R-1	LDR	VACANT	0.15	6,501	1
3	058 218301300	0 VIRGINIA ST	R-1	LDR	VACANT	0.12	5,310	1
4	056 197701800	2125 10TH ST	R-1A	MDR	VACANT	0.12	5,400	2

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
5	057 209300300	0 HEARST AVE	R-1A	MDR	VACANT	0.14	6,000	2
6	062 292300300	400 ARLINGTON AVE	R-1H	LDR	VACANT	0.11	5,000	1
7	062 293602600	0 SAN LUIS RD	R-1H	LDR	VACANT	0.11	5,000	1
8	061 257805200	827 ARLINGTON AVE	R-1H	LDR	VACANT	0.11	5,009	1
9	063 296501200	0 CRESTON RD	R-1H	LDR	VACANT	0.12	5,025	1
10	059 225102400	0 SCENIC AVE	R-1H	LDR	VACANT	0.12	5,034	1
11	063 296701701	0 GRIZZLY PEAK BLVD	R-1H	LDR	VACANT	0.12	5,038	1
12	060 249300600	0 SUMMIT RD	R-1H	LDR	VACANT	0.12	5,070	1
13	060 248400303	0 AVENIDA DR	R-1H	LDR	VACANT	0.12	5,090	1
14	063 298405400	1133 KEELER AVE	R-1H	LDR	VACANT	0.12	5,112	1
15	063 298602200	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.12	5,130	1
16	060 248902100	0 SENIOR AVE	R-1H	LDR	VACANT	0.12	5,132	1
17	063 296903902	0 MILLER AVE	R-1H	LDR	VACANT	0.12	5,160	1
18	059 225002800	0 HAWTHORNE TER	R-1H	LDR	VACANT	0.12	5,200	1
19	061 258001800	0 SAN LUIS RD	R-1H	LDR	VACANT	0.12	5,200	1
20	063 295506200	661 EUCLID AVE	R-1H	LDR	VACANT	0.12	5,200	1
21	063 298805206	0 KEITH AVE	R-1H	LDR	VACANT	0.12	5,200	1
22	063 296903904	1015 MILLER AVE	R-1H	LDR	VACANT	0.12	5,240	1
23	060 248205100	0 CAMPUS DR	R-1H	LDR	VACANT	0.12	5,305	1
24	063 298001900	0 STERLING AVE	R-1H	LDR	VACANT	0.12	5,315	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
25	063 296305200	0 HILLDALE AVE	R-1H	LDR	VACANT	0.12	5,328	1
26	060 249300500	0 SUMMIT RD	R-1H	LDR	VACANT	0.12	5,370	1
27	063 296103900	0 REGAL RD	R-1H	LDR	VACANT	0.12	5,372	1
28	063 298405200	0 KEELER AVE	R-1H	LDR	VACANT	0.12	5,376	1
29	063 298504900	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.12	5,417	1
30	060 248505600	1375 QUEENS RD	R-1H	LDR	VACANT	0.12	5,423	1
31	063 298803001	0 KEITH AVE	R-1H	LDR	VACANT	0.12	5,424	1
32	063 298405300	1139 KEELER AVE	R-1H	LDR	VACANT	0.12	5,430	1
33	060 249306800	0 HILL RD	R-1H	LDR	VACANT	0.13	5,452	1
34	063 297204100	0 EUCLID AVE	R-1H	LDR	VACANT	0.13	5,466	1
35	058 224200800	0 BUENA VISTA WAY	R-1H	LDR	VACANT	0.13	5,471	1
36	060 248206700	0 CAMPUS DR	R-1H	LDR	VACANT	0.13	5,480	1
37	063 295602000	0 EUCLID AVE	R-1H	LDR	VACANT	0.13	5,490	1
38	063 295505802	0 EUCLID AVE	R-1H	LDR	VACANT	0.13	5,500	1
39	063 297603400	1100 CRAGMONT AVE	R-1H	LDR	VACANT	0.13	5,500	1
40	063 298505000	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.13	5,500	1
41	063 295203400	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.13	5,516	1
42	063 311011100	0 WOODMONT AVE	R-1H	LDR	VACANT	0.13	5,517	1
43	060 247902700	0 GLENDALE AVE	R-1H	LDR	VACANT	0.13	5,518	1
44	063 298804400	1150 KEITH AVE	R-1H	LDR	VACANT	0.13	5,520	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
45	062 290704900	400 VINCENTE AVE	R-1H	LDR	VACANT	0.13	5,525	1
46	063 297000400	0 FOREST LN	R-1H	LDR	VACANT	0.13	5,543	1
47	060 249304700	0 GRIZZLY PEAK BLVD	R-1H	LDR	VACANT	0.13	5,564	1
48	060 249306700	0 HILL RD	R-1H	LDR	VACANT	0.13	5,580	1
49	063 296404500	0 MARIN AVE	R-1H	LDR	VACANT	0.13	5,584	1 4
50	060 248506500	0 FAIRLAWN DR	R-1H	LDR	VACANT	0.13	5,600	1
51	058 224200501	0 LA LOMA AVE	R-1H	LDR	VACANT	0.13	5,604	1
52	063 298601200	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.13	5,623	1
53	062 290202100	0 COLUSA AVE	R-1H	LDR	VACANT	0.13	5,700	1
54	060 247802701	0 CAMPUS DR	R-1H	LDR	VACANT	0.13	5,750	1
55	062 294001400	0 BOYNTON AVE	R-1H	LDR	VACANT	0.13	5,788	1
56	060 249001400	0 OLYMPUS AVE	R-1H	LDR	VACANT	0.13	5,792	1
57	063 296905100	0 FOREST LN	R-1H	LDR	VACANT	0.13	5,804	1
58	063 313006600	0 OVERLOOK RD	R-1H	LDR	VACANT	0.13	5,819	1 4
59	060 248901402	0 GRIZZLY PEAK BLVD	R-1H	LDR	VACANT	0.13	5,825	1
60	063 298601300	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.13	5,859	1
61	062 293903201	0 NORTHAMPTON AVE	R-1H	LDR	VACANT	0.13	5,869	1
62	063 298506002	1133 CRAGMONT AVE	R-1H	LDR	VACANT	0.13	5,874	1
63	060 249301902	0 SUMMIT RD	R-1H	LDR	VACANT	0.13	5,876	1
64	063 298800500	0 EUCLID AVE	R-1H	LDR	VACANT	0.14	5,888	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
65	063 295207401	0 SPRUCE ST	R-1H	LDR	VACANT	0.14	5,907	1
66	063 311011300	0 WOODMONT AVE	R-1H	LDR	VACANT	0.14	5,908	1
67	062 290301900	0 VINCENTE AVE	R-1H	LDR	VACANT	0.14	5,975	1
68	060 247801500	1436 CAMPUS DR	R-1H	LDR	VACANT	0.14	5,976	1
69	063 314008700	0 OVERLOOK RD	R-1H	LDR	VACANT	0.14	5,981	1
70	063 298000102	0 STERLING AVE	R-1H	LDR	VACANT	0.14	5,985	1
71	058 224402501	0 LEROY AVE	R-1H	LDR	VACANT	0.14	6,000	1
72	060 249002602	0 SENIOR AVE	R-1H	LDR	VACANT	0.14	6,000	1
73	063 297602500	0 KEELER AVE	R-1H	LDR	VACANT	0.14	6,000	1
74	063 298606900	0 KEITH AVE	R-1H	LDR	VACANT	0.14	6,000	1
75	063 298804900	0 KEITH AVE	R-1H	LDR	VACANT	0.14	6,000	1
76	060 249200300	0 SUMMIT RD	R-1H	LDR	VACANT	0.14	6,006	1
77	061 258102500	0 INDIAN ROCK AVE	R-1H	LDR	VACANT	0.14	6,006	1
78	063 297002700	0 HILLDALE AVE	R-1H	LDR	VACANT	0.14	6,039	1
79	063 310006802	25 ROSEMONT AVE	R-1H	LDR	VACANT	0.14	6,047	1
80	063 297603800	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.14	6,088	1
81	063 298504700	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.14	6,134	1
82	063 297603900	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.14	6,151	1
83	060 248400200	50 AVENIDA DR	R-1H	LDR	VACANT	0.14	6,183	1
84	062 294200500	0 VERMONT AVE	R-1H	LDR	VACANT	0.14	6,188	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
85	060 248301600	0 CAMPUS DR	R-1H	LDR	VACANT	0.14	6,250	1
86	063 296701704	0 GRIZZLY PEAK BLVD	R-1H	LDR	VACANT	0.14	6,284	4
87	063 298504500	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.14	6,288	1
88	063 297403900	1043 KEITH AVE	R-1H	LDR	VACANT	0.14	6,292	4
89	063 297504402	975 EUCLID AVE	R-1H	LDR	VACANT	0.14	6,302	1
90	063 298503300	0 KEELER AVE	R-1H	LDR	VACANT	0.14	6,307	1
91	063 297603300	0 BRET HARTE RD	R-1H	LDR	VACANT	0.15	6,327	1
92	063 298404100	0 KEELER AVE	R-1H	LDR	VACANT	0.15	6,345	1
93	063 295603700	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.15	6,348	1
94	063 314004103	0 WOODSIDE RD	R-1H	LDR	VACANT	0.15	6,366	1
95	063 298501900	0 KEELER AVE	R-1H	LDR	VACANT	0.15	6,403	1
96	063 297205800	969 CRAGMONT AVE	R-1H	LDR	VACANT	0.15	6,406	4
97	063 295503600	725 EUCLID AVE	R-1H	LDR	VACANT	0.15	6,427	1
98	060 246906800	0 SHASTA RD	R-1H	LDR	VACANT	0.15	6,500	1
99	063 298802000	1103 EUCLID AVE	R-1H	LDR	VACANT	0.15	6,541	1
100	063 313008600	0 CRESTON RD	R-1H	LDR	VACANT	0.15	6,563	1
101	063 295504000	0 EUCLID AVE	R-1H	LDR	VACANT	0.15	6,568	1
102	061 255902300	0 MARIPOSA AVE	R-1H	LDR	VACANT	0.15	6,625	1
103	063 314002902	0 THE CRESCENT	R-1H	LDR	VACANT	0.15	6,661	1
104	063 297804200	0 STERLING AVE	R-1H	LDR	VACANT	0.15	6,695	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
105	060 247801100	0 DEL MAR AVE	R-1H	LDR	VACANT	0.15	6,707	1
106	060 248304300	0 CAMPUS DR	R-1H	LDR	VACANT	0.15	6,724	1
107	059 224903002	0 SCENIC AVE	R-1H	LDR	VACANT	0.15	6,750	1
108	059 225000602	0 EUCLID AVE	R-1H	LDR	VACANT	0.15	6,750	1
109	060 246302100	0 EUNICE ST	R-1H	LDR	VACANT	0.15	6,750	1
110	062 293901500	0 MICHIGAN AVE	R-1H	LDR	VACANT	0.15	6,750	1
111	060 248200200	0 QUAIL AVE	R-1H	LDR	VACANT	0.16	6,770	1
112	063 298601400	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.16	6,778	1
113	063 298803401	0 KEITH AVE	R-1H	LDR	VACANT	0.16	6,818	1
114	063 295506100	661 EUCLID AVE	R-1H	LDR	VACANT	0.16	6,823	1
115	058 224204823	0 LA LOMA AVE	R-1H	LDR	VACANT	0.16	6,834	1
116	063 299300802	0 GRIZZLY PEAK BLVD	R-1H	LDR	VACANT	0.16	7,035	1
117	063 297603700	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.16	7,081	1
118	063 298002400	0 STERLING AVE	R-1H	LDR	VACANT	0.16	7,087	1
119	060 248303900	1590 OLYMPUS AVE	R-1H	LDR	VACANT	0.16	7,101	1
120	063 296901102	0 GRIZZLY PEAK BLVD	R-1H	LDR	VACANT	0.17	7,193	1
121	062 290700100	0 VINCENTE AVE	R-1H	LDR	VACANT	0.17	7,200	1
122	063 298601501	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.17	7,200	1
123	063 297804300	0 STERLING AVE	R-1H	LDR	VACANT	0.17	7,210	1
124	061 255102602	0 OAK ST	R-1H	LDR	VACANT	0.17	7,250	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
125	061 258004700	0 SAN LUIS RD	R-1H	LDR	VACANT	0.17	7,290	1
126	061 258205800	0 SANTA BARBARA RD	R-1H	LDR	VACANT	0.17	7,310	1
127	063 298800400	0 EUCLID AVE	R-1H	LDR	VACANT	0.17	7,310	1
128	063 298505600	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.17	7,337	1
129	063 297404000	1039 KEITH AVE	R-1H	LDR	VACANT	0.17	7,348	1
130	063 314000900	0 WILDCAT CANYON RD	R-1H	LDR	VACANT	0.17	7,376	1
131	063 298603002	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.17	7,500	1
132	060 248201800	0 QUEENS RD	R-1H	LDR	VACANT	0.17	7,622	1
133	063 297501100	0 REGAL RD	R-1H	LDR	VACANT	0.18	7,650	1
134	063 298800800	0 EUCLID AVE	R-1H	LDR	VACANT	0.18	7,657	1
135	063 295207600	0 SPRUCE ST	R-1H	LDR	VACANT	0.18	7,702	1
136	063 298505700	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.18	7,854	1
137	063 298504400	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.18	7,918	1
138	063 295904600	0 SPRUCE ST	R-1H	LDR	VACANT	0.18	7,924	1
139	060 248201000	0 QUEENS RD	R-1H	LDR	VACANT	0.18	7,986	1
140	061 258004600	0 SOUTHAMPTON AVE	R-1H	LDR	VACANT	0.18	7,992	1
141	063 312006100	0 CRESTON RD	R-1H	LDR	VACANT	0.18	8,015	1
142	060 247502800	25 DEL MAR AVE	R-1H	LDR	VACANT	0.18	8,032	1
143	063 313003404	0 MIDDLEFIELD RD	R-1H	LDR	VACANT	0.19	8,079	1
144	058 223202100	0 PARNASSUS CT	R-1H	LDR	VACANT	0.19	8,105	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
145	063 298606200	0 KEITH AVE	R-1H	LDR	VACANT	0.19	8,273	1
146	063 297604100	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.19	8,300	1
147	063 297604200	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.19	8,300	1
148	063 297604300	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.19	8,300	1
149	063 298604000	0 SHASTA RD	R-1H	LDR	VACANT	0.19	8,468	1
150	063 295602400	0 EUCLID AVE	R-1H	LDR	VACANT	0.20	8,635	1
151	062 291607600	0 ARLINGTON AVE	R-1H	LDR	VACANT	0.20	8,644	1
152	063 298603900	0 SHASTA RD	R-1H	LDR	VACANT	0.20	8,668	1
153	063 297601700	0 KEELER AVE	R-1H	LDR	VACANT	0.20	8,672	1
154	061 258000500	0 SAN LUIS RD	R-1H	LDR	VACANT	0.20	8,740	1
155	060 247800800	0 DEL MAR AVE	R-1H	LDR	VACANT	0.20	8,744	1
156	063 297601600	0 KEELER AVE	R-1H	LDR	VACANT	0.20	8,761	1
157	063 312002702	0 WOODMONT AVE	R-1H	LDR	VACANT	0.20	8,839	1
158	060 248505400	0 QUEENS RD	R-1H	LDR	VACANT	0.20	8,890	1
159	063 298503203	0 KEELER AVE	R-1H	LDR	VACANT	0.21	8,969	1
160	058 224201622	0 MAYBECK TWIN DR	R-1H	LDR	VACANT	0.21	8,978	1
161	060 246907802	0 NORTHGATE AVE	R-1H	LDR	VACANT	0.21	9,000	1
162	062 291501101	0 SANTA BARBARA RD	R-1H	LDR	VACANT	0.21	9,012	1
163	063 295202300	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.21	9,048	1
164	063 297806900	0 KEELER AVE	R-1H	LDR	VACANT	0.21	9,126	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
165	062 291401700	0 NORTHAMPTON AVE	R-1H	LDR	VACANT	0.21	9,206	1
166	063 297806800	0 KEELER AVE	R-1H	LDR	VACANT	0.21	9,306	1
167	063 315008700	0 WOODSIDE RD	R-1H	LDR	VACANT	0.21	9,359	1
168	060 246300300	0 GLEN AVE	R-1H	LDR	VACANT	0.21	9,360	4
169	063 297604000	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.22	9,390	1
170	063 312006400	64 SUNSET LN	R-1H	LDR	VACANT	0.22	9,394	1
171	063 314001400	0 WOODSIDE RD	R-1H	LDR	VACANT	0.22	9,403	1
172	063 298305000	0 STERLING AVE	R-1H	LDR	VACANT	0.22	9,420	1
173	063 298504300	0 CRAGMONT AVE	R-1H	LDR	VACANT	0.22	9,495	1
174	063 297601503	0 KEELER AVE	R-1H	LDR	VACANT	0.22	9,625	1
175	059 225001600	1550 EUCLID AVE	R-1H	LDR	VACANT	0.22	9,628	1
176	060 248201700	0 QUEENS RD	R-1H	LDR	VACANT	0.22	9,721	1
177	063 298305100	0 STERLING AVE	R-1H	LDR	VACANT	0.22	9,757	1
178	063 295205000	0 ALAMO AVE	R-1H	LDR	VACANT	0.23	9,854	1
179	063 316002202	0 HILL RD	R-1H	LDR	VACANT	0.23	10,062	1
180	063 295903902	0 REGAL RD	R-1H	LDR	VACANT	0.23	10,065	1
181	058 223202000	0 PARNASSUS CT	R-1H	LDR	VACANT	0.24	10,250	1
182	060 248206200	0 CAMPUS DR	R-1H	LDR	VACANT	0.24	10,368	1
183	063 316002000	0 HILL RD	R-1H	LDR	VACANT	0.25	10,673	1
184	060 246604300	0 OXFORD ST	R-1H	LDR	VACANT	0.25	10,720	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
185	060 248202500	0 QUEENS RD	R-1H	LDR	VACANT	0.25	10,750	1
186	063 312003100	0 WOODMONT AVE	R-1H	LDR	VACANT	0.26	11,221	1
187	063 297806500	0 KEELER AVE	R-1H	LDR	VACANT	0.26	11,529	1
188	060 248301402	0 CAMPUS DR	R-1H	LDR	VACANT	0.27	11,625	1
189	063 298000403	0 TWAIN AVE	R-1H	LDR	VACANT	0.27	11,728	1
190	062 291402004	0 SPRUCE ST	R-1H	LDR	VACANT	0.27	11,760	1
191	058 224206800	0 BUENA VISTA WAY	R-1H	LDR	VACANT	0.27	11,856	1
192	058 224207506	0 BUENA VISTA WAY	R-1H	LDR	VACANT	0.28	12,002	1
193	059 224904601	0 BAY VIEW PL	R-1H	LDR	VACANT	0.28	12,194	1
194	060 246900600	0 SHASTA RD	R-1H	LDR	VACANT	0.28	12,255	1
195	063 297806400	0 KEELER AVE	R-1H	LDR	VACANT	0.28	12,270	1
196	063 314000800	0 WILDCAT CANYON RD	R-1H	LDR	VACANT	0.30	12,889	1
197	063 297806300	0 KEELER AVE	R-1H	LDR	VACANT	0.30	13,011	1
198	063 313008800	0 CRESTON RD	R-1H	LDR	VACANT	0.30	13,194	1
199	063 298000500	0 KEELER AVE	R-1H	LDR	VACANT	0.31	13,309	1
200	060 248001600	0 NORTHGATE AVE	R-1H	LDR	VACANT	0.31	13,480	1
201	063 316000100	0 PARK HILLS RD	R-1H	LDR	VACANT	0.31	13,600	1
202	062 289400300	0 SANTA ROSA AVE	R-1H	LDR	VACANT	0.32	13,831	1
203	062 291403800	0 SANTA BARBARA RD	R-1H	LDR	VACANT	0.32	13,875	1
204	061 259804001	0 SOUTHAMPTON AVE	R-1H	LDR	VACANT	0.32	13,992	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
205	062 290100200	0 YOSEMITE RD	R-1H	LDR	VACANT	0.33	14,197	1
206	061 257804600	0 ARLINGTON AVE	R-1H	LDR	VACANT	0.33	14,198	1
207	061 257800601	0 SAN MATEO RD	R-1H	LDR	VACANT	0.33	14,231	1
208	063 311010900	0 VISTAMONT AVE	R-1H	LDR	VACANT	0.33	14,500	1
209	063 314000700	0 WILDCAT CANYON RD	R-1H	LDR	VACANT	0.33	14,555	1
210	063 316001403	30 BAY TREE LN	R-1H	LDR	VACANT	0.34	14,874	1
211	060 247301602	0 SHASTA RD	R-1H	LDR	VACANT	0.36	15,708	1
212	063 312002603	0 WOODMONT AVE	R-1H	LDR	VACANT	0.37	16,074	1
213	062 291605900	1960 SAN ANTONIO AVE	R-1H	LDR	VACANT	0.37	16,216	1
214	063 310000501	0 WOODMONT AVE	R-1H	LDR	VACANT	0.38	16,767	1
215	060 247602200	0 BUENA VISTA WAY	R-1H	LDR	VACANT	0.39	16,830	1
216	060 247301501	0 SHASTA RD	R-1H	LDR	VACANT	0.39	16,929	1
217	060 247901300	1354 CAMPUS DR	R-1H	LDR	VACANT	0.42	18,246	1
218	060 247801300	0 CAMPUS DR	R-1H	LDR	VACANT	0.45	19,438	1
219	060 249301000	0 SUMMIT RD	R-1H	LDR	VACANT	0.50	21,850	1
220	060 249500100	6 AJAX PL	R-1H	LDR	VACANT	0.54	23,349	1
221	060 246900305	0 SHASTA RD	R-1H	LDR	VACANT	0.58	25,180	1
222	063 312003300	0 WOODMONT AVE	R-1H	LDR	VACANT	0.64	27,970	1
223	063 316001402	20 BAY TREE LN	R-1H	LDR	VACANT	0.96	41,671	1
224	063 313009103	0 WOODMONT AVE	R-1H	LDR	VACANT	1.10	47,833	1

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
225	063 313009300	0 WOODMONT AVE	R-1H	LDR	VACANT	1.43	62,200	1
226	058 220801301	0 LA VEREDA RD	R-1H	LDR	VACANT	0.11	5,000	1
227	058 221200104	0 HILGARD AVE	R-1H	LDR	VACANT	0.27	11,826	1
228	060 240200200	1300 CORNELL AVE	R-2	MDR	VACANT	0.11	5,000	2
229	059 227700902	0 EDITH ST	R-2	MDR	VACANT	0.12	5,212	2
230	057 201502401	2127 GRANT ST	R-2	MDR	VACANT	0.15	6,500	3
231	055 184100500	0 HILLEGASS AVE	R-2	MDR	VACANT	0.15	6,380	2
232	055 182901100	0 PARKER ST	R-2A	MDR	VACANT	0.15	6,750	4
233	053 167902000	0 OREGON ST	R-2A	MDR	VACANT	0.12	5,186	3
234	053 159200900	2033 EMERSON ST	R-2A	MDR	VACANT	0.12	5,250	3
235	053 168001800	0 M L KING JR WAY	R-2A	MDR	VACANT	0.12	5,350	3
236	052 152701100	1811 63RD ST	R-2A	MDR	VACANT	0.12	5,400	3
237	053 167901702	0 M L KING JR WAY	R-2A	MDR	VACANT	0.13	5,567	4
238	055 182300500	2135 BLAKE ST	R-2A	MDR	VACANT	0.15	6,750	4
239	058 221101305	0 LA LOMA AVE	R-2H	MDR	VACANT	0.22	9,463	4
240	057 209601201	1925 6TH ST	R-3	HDR	VACANT	0.15	6,720	4
241	057 208801500	1917 10TH ST	R-3	HDR	VACANT	0.20	8,712	5
242	053 161901300	1419 ASHBY AVE	R-3	HDR	VACANT	0.13	5,618	3
243	055 182202200	2016 DWIGHT WAY	R-4	HDR	VACANT	0.22	9,484	10
244	055 188700800	2223 CHANNING WAY	R-4	HDR	VACANT	0.15	6,500	7

Table A-10: Residential Area Housing Opportunity Site Inventory and Residential Capacity Analysis

#	Assessor's Parcel Number	Street Address	Zoning District	Gen. Plan Designation	Existing Use	Lot Size		Estimated Unit Yield
						Acres	Sq. Feet	
245	055 189802900	1940 HASTE ST	R-4	HDR	VACANT	0.15	6,750	7
246	058 218101905	1899 OXFORD ST	R-4	HDR	VACANT	0.39	17,167	18
247	055 181601900	0 M L KING JR WAY	R-4	HDR	VACANT	0.13	5,513	6
Total Acres						47.94	Total Units	316

Progress Towards 2014-2022 RHNA

The table below lists the development projects for which building permits have been issued since January 1, 2014. These units count as credit towards Berkeley's 2014-2022 RHNA.

Table A-11: Progress towards 2014-2022 RHNA: Units approved 2014						
	Building Permit Action Year	Ext. Low / Very Low	Low Income	Moderate	Above Moderate	Total
2411 FIFTH	2014				2	2
2750 SHASTA	2014			1 ^b		1
596 SPRUCE	2014				1	1
2125 A TENTH	2014				1	1
800 UNIVERSITY	2014	4 ^a			54	58
462 VINCENTE	2014			1 ^b		1
2517 VIRGINIA	2014				1	1
2155 WARD	2014			1 ^b		1
Total Units Approved with Building Permits		4	0	3	59	137
RHNA requirements		532	442	584	1401	2,959
Percent of Goal Achieved		0.8%	0%	0.5%	4.2%	4.6%
Remaining RHNA Requirement		528	442	581	1,342	2,822

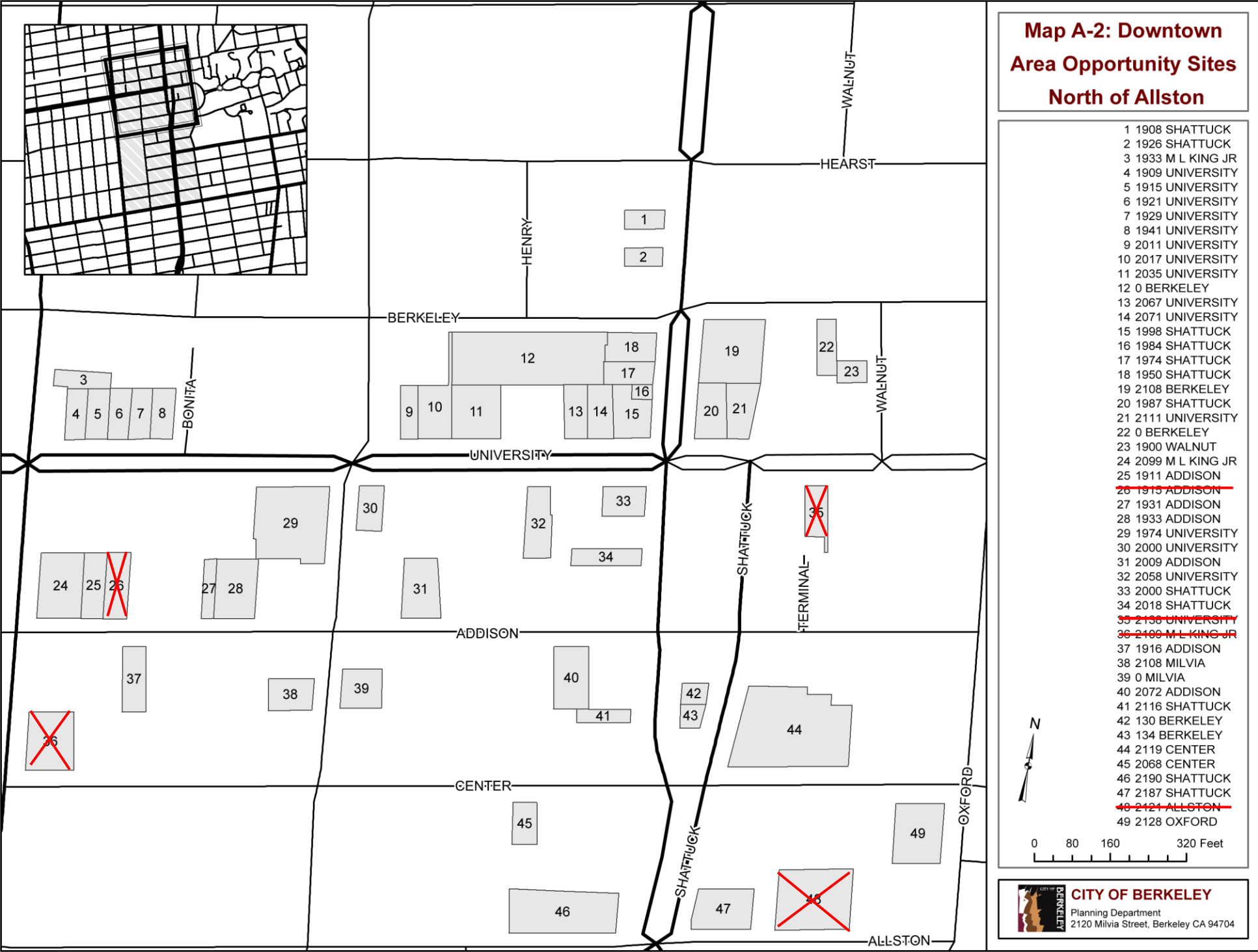
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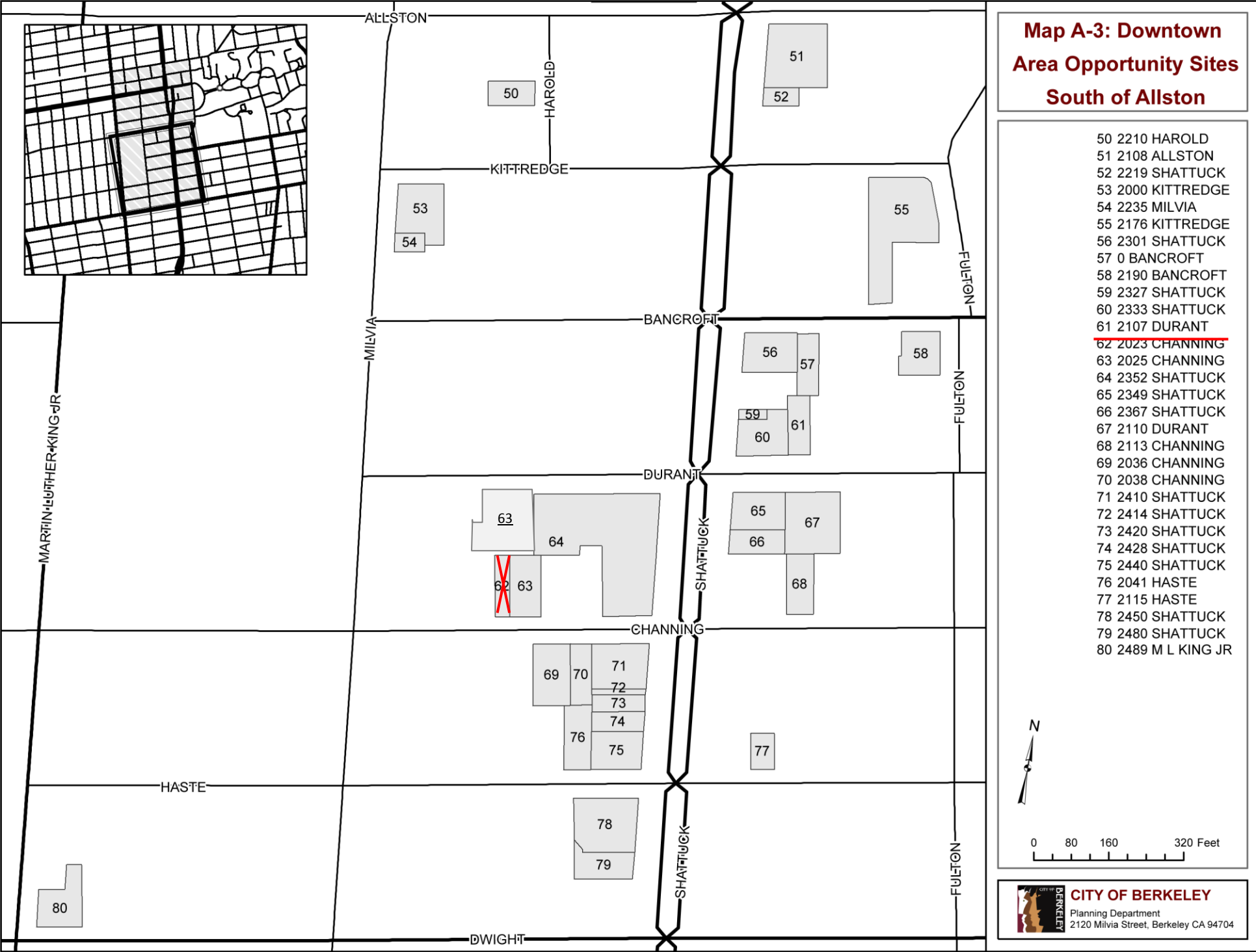
Below market rate (BMR) units shown above are rental units subject to affordability restrictions under the following programs. The sale of these units would result in different BMR unit outcomes.

- State Density Bonus qualifying units affordable for 30 years per CGC Sec. 65915.
- ADUs assumed to be affordable to moderate income households.

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Map A-4: Southside Plan Opportunity Sites

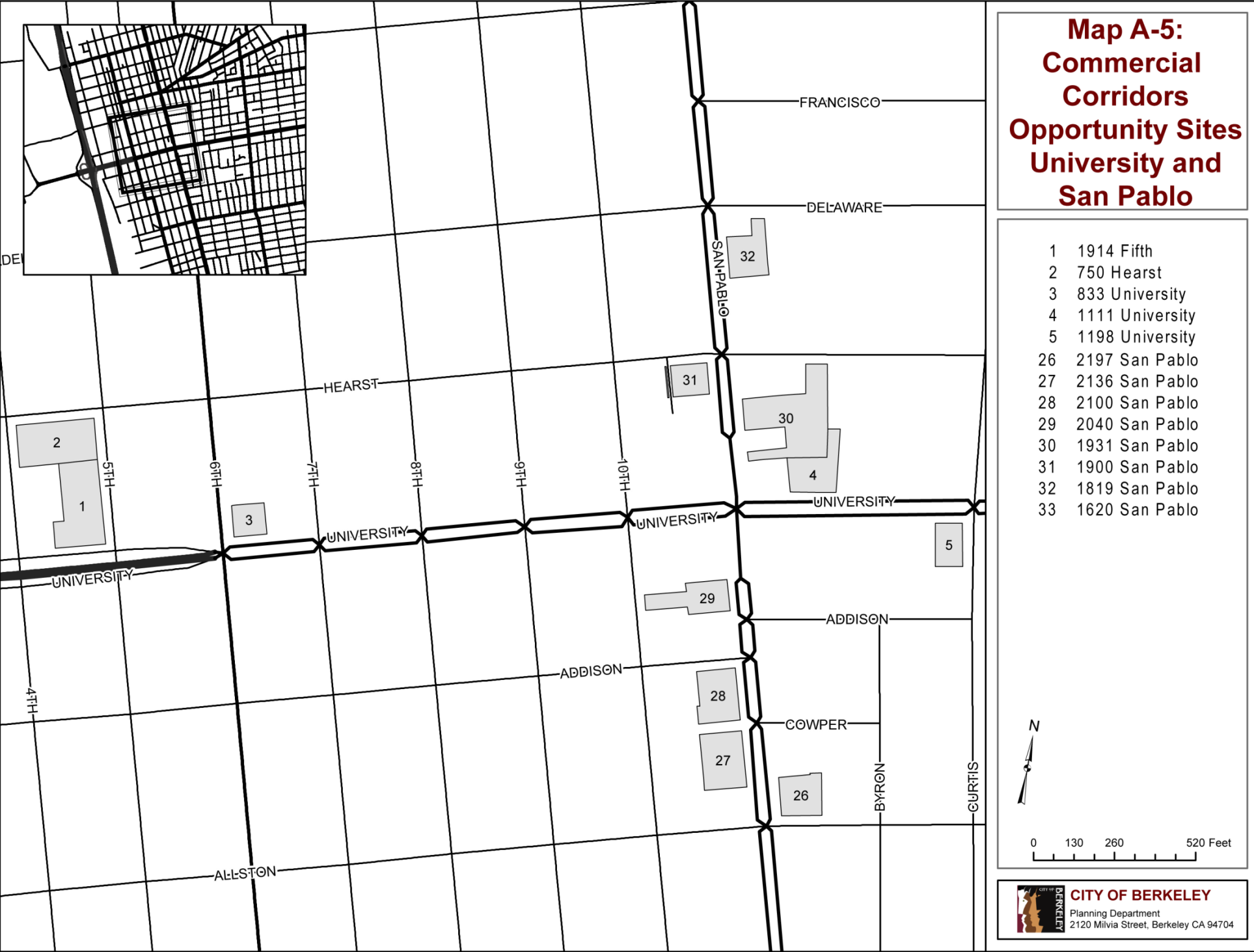
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- 2 2503 Haste
- 3 2316 Dwight
- 4 2126 Haste
- 5 2539 Telegraph
- 6 2566 Telegraph
- 7 2556 Telegraph
- 8 2228 Dwight
- 9 2750 Dwight
- 10 2511 Dwight
- 11 2542 Durant
- 12 2510 Durant
- 13 2337 Channing
- 14 2412 Piedmont
- 15 2375 Telegraph
- 16 2613 Channing
- 17 2315 Durant
- 18 2433 Durant
- 19 2347 Telegraph
- 20 2362 Bancroft
- ~~21 2308 Bancroft~~
- 22 2519 Durant
- 23 2300 Telegraph
- 24 2590 Bancroft

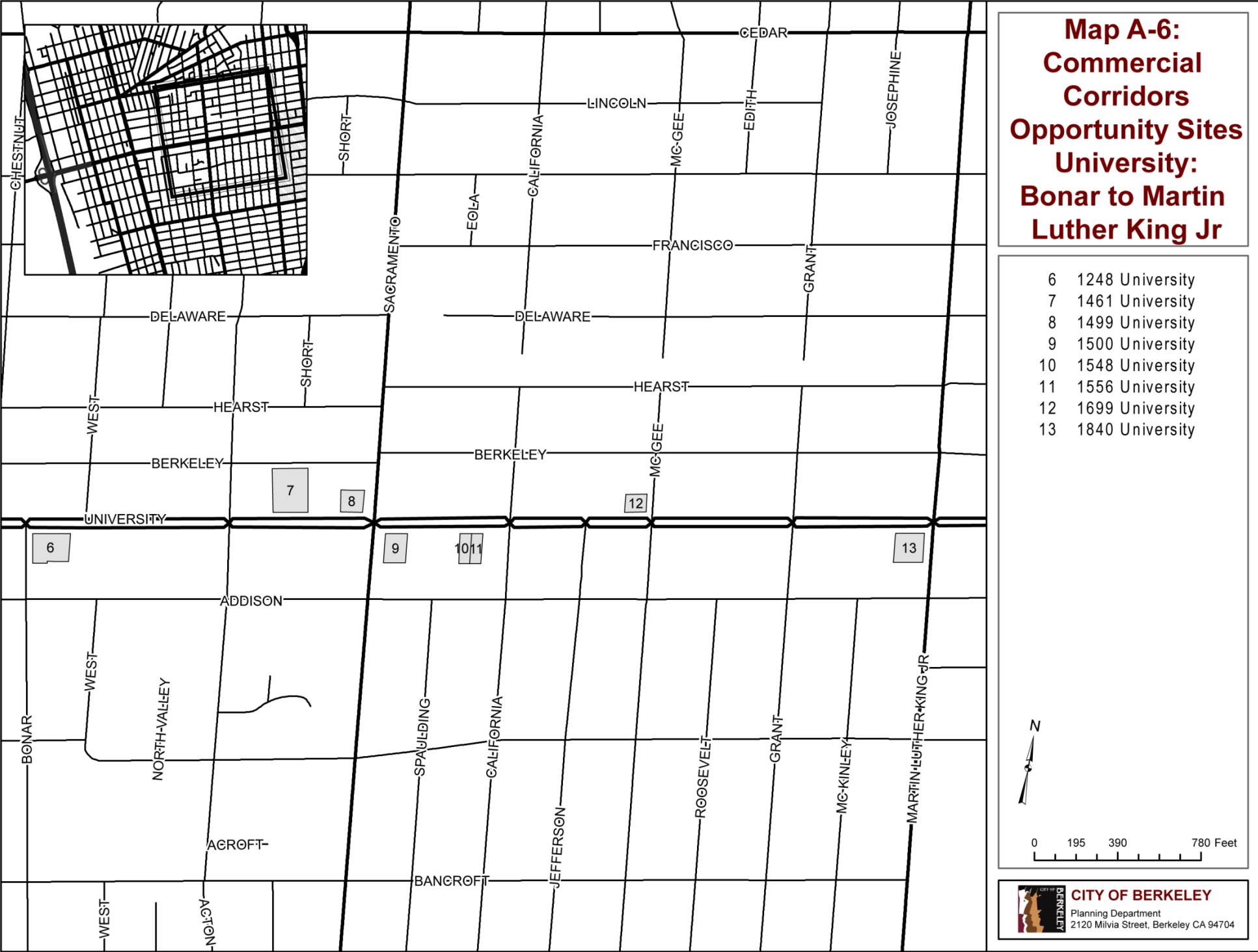


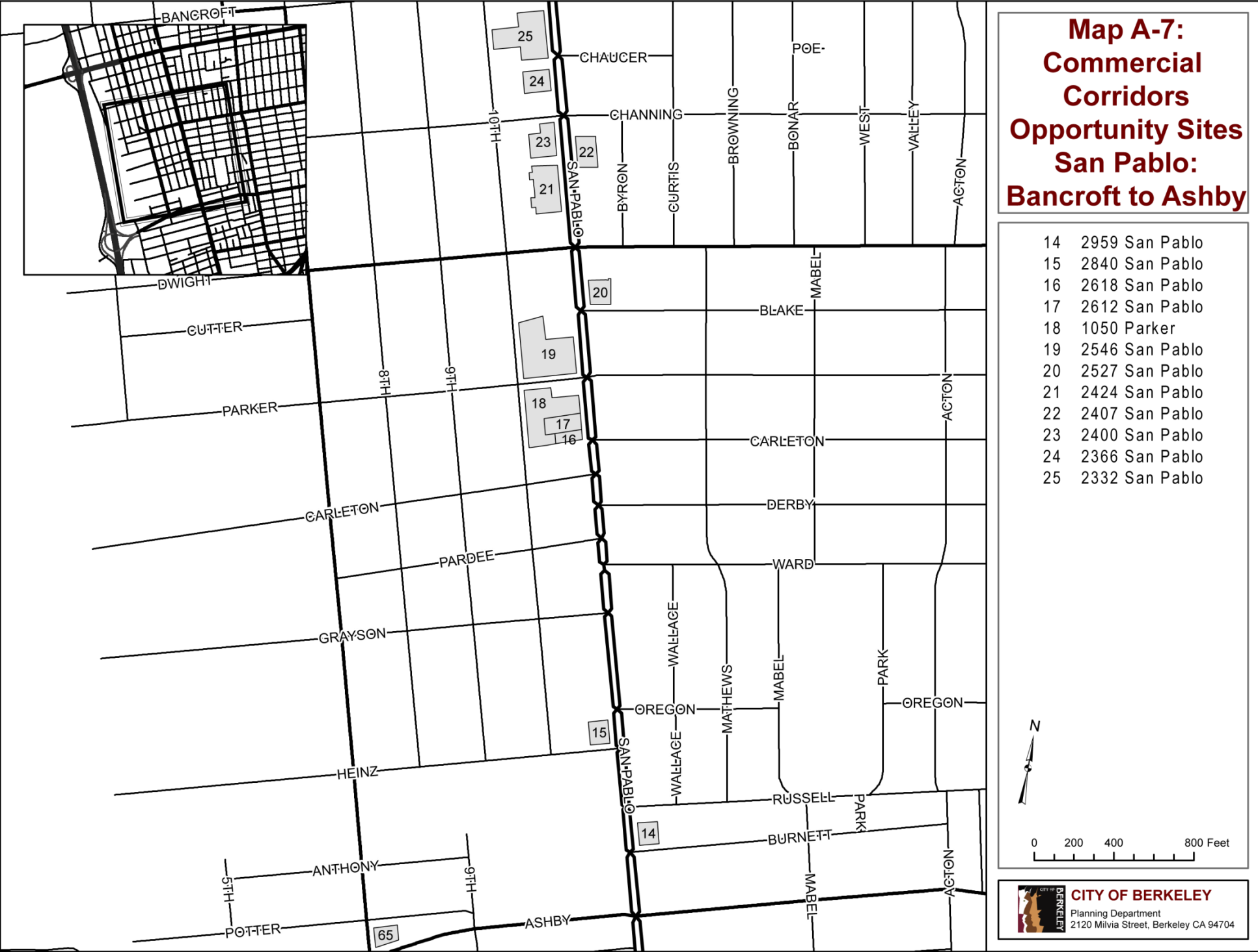
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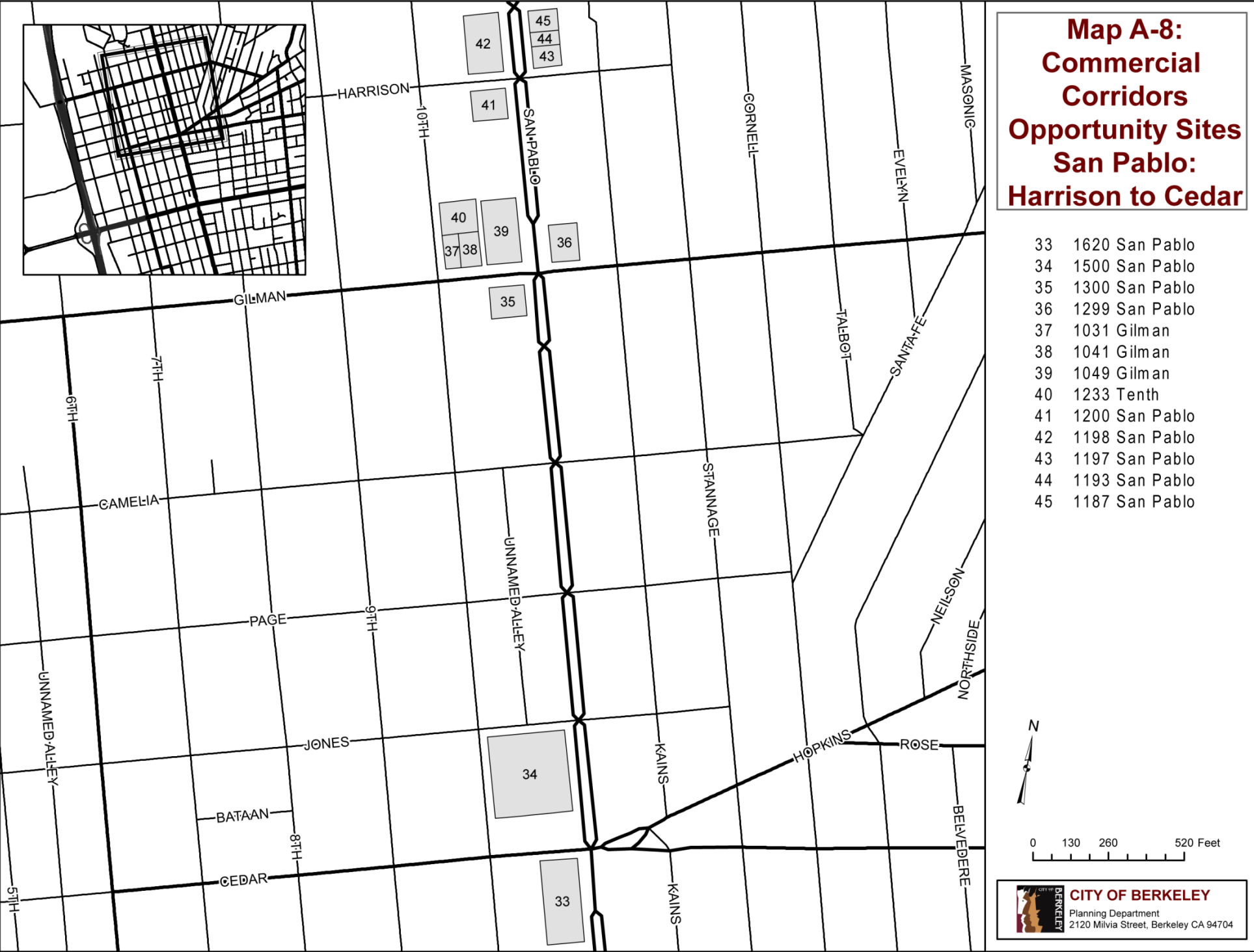


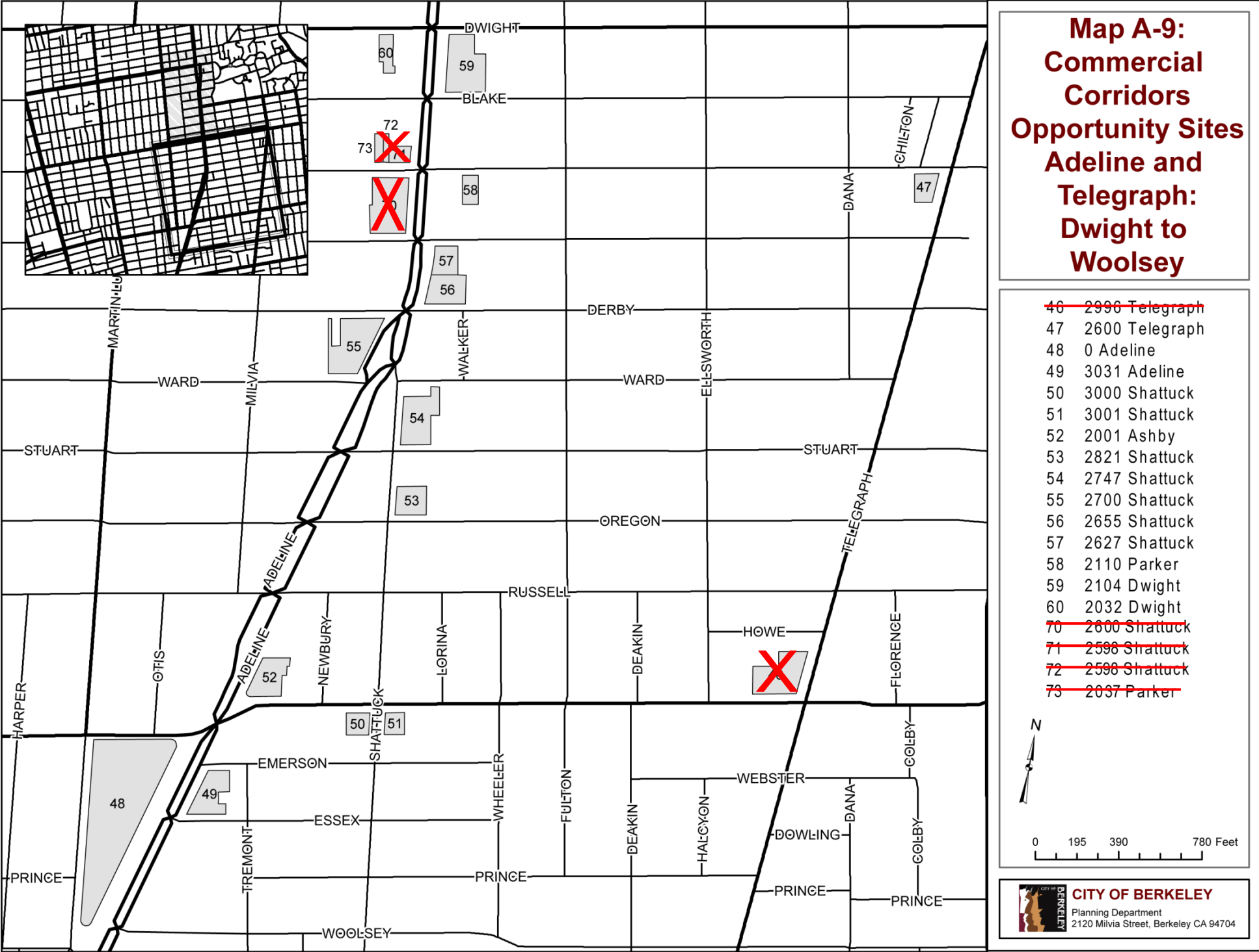
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Planning Department
2120 Milvia Street, Berkeley CA 94704

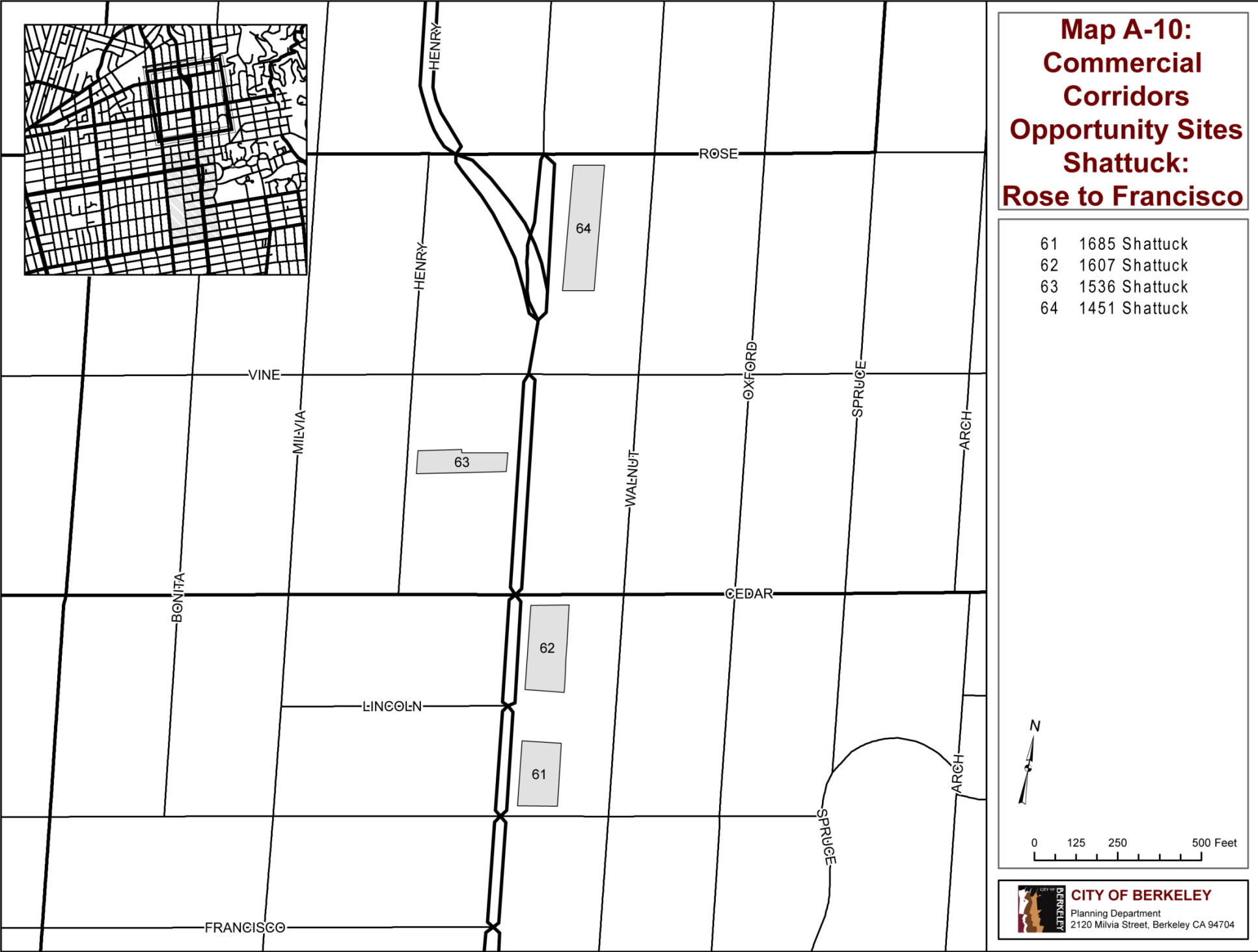












Appendix B

Summary of Development Standards (Residential and Commercial Districts)

Table B-1: Residential District Development Standards

Zoning District	Min Lot Area (sq. ft.)	Density (sq. ft.) Min Lot Area Per Unit	Height Limit			Yard						Maximum Lot Coverage			Usable Open Space Per Unit (sq ft.)
			Avg. Height	Max Ht (H dist)	Stories (#)	Story	Front	Rear	Side	Street Side	Building Separation	Main Building Height (stories)	Interior and Through Lots (%)	Corner Lots (%)	
R-1 Single Family	5,000	5,000	28' ¹	35' ²	3	1 to 3	20'	20' ¹¹	4' ¹²	4' ⁹	--	1 to 3	40	40	400
R-1A Limited Two Family	5,000	— ¹⁴	28' ¹	—	3	1 to 3	20'	20' ^{10 11}	4' ¹²	4' ⁹	--	1 to 3	40	45	400
ES-R Environmental Safety	9,000	9,000	24' ²	35' ²	2	1 to 2	20' ³	20' ³	15' ³	--	30' ³	1 to 2	30	30	400
R-2 Restricted Two Family	5,000	2,500 ⁵	28' ¹	35' ²	3	1	20'	20' ¹³	4' ¹²	10' ⁹	8' ⁷	1	45	50	400
						2	20'	20' ¹³	4' ¹²	10' ⁹	12' ⁷	2	40	45	
						3	20'	20' ¹³	6' ¹⁵	10' ⁹	16' ⁷	3	35	40	
R-2A Restricted Multiple Family	5,000	1,650 ⁶	28' ¹	35' ²	3	1	15'	15' ¹³	4' ¹²	6' ⁹	8' ⁷	1	45	50	300 ⁸
						2	15'	15' ¹³	4' ¹²	8' ⁹	12' ⁷	2	40	45	
						3	15'	15' ¹³	6' ¹⁵	10' ⁹	16' ⁷	3	35	40	
R-3 Multiple Family	5,000	— ⁴	35'	35' ²	3	1	15'	15' ¹³	4'	6'	8' ⁷	1	45	50	200 ¹⁶
						2	15'	15' ¹³	4'	8'	12' ⁷	2	45	50	
						3	15'	15' ¹³	6'	10'	16' ⁷	3	40	45	
R-4 Multiple Family	5,000	— ⁴	35' ¹⁷	35' ²	3 ¹⁷	1	15'	15' ¹³	4'	6'	8' ⁷	1	45	50	200 ¹⁶
						2	15'	15' ¹³	4'	8'	12' ⁷	2	45	50	
						3	15'	15' ¹³	6'	10'	16' ⁷	3	40	45	
						4	15'	17' ¹³	8'	12'	20' ⁷	4	35	40	
						5	15'	19' ¹³	10'	14'	24' ⁷	5	35	40	
R-S Residential Southside	5,000	—	35'	35' ²⁰	3' ²⁰	1	10' ¹³	10'	4'	6'	8' ¹³	1	65	70	50 ¹⁹
						2	10' ¹³	10'	4'	8'	12' ¹³	2	65	70	
						3	10' ¹³	10'	6'	10'	16' ¹³	3	60	65	
						4	10' ¹³	17'	8'	10'	20' ¹³	4	55	60	
						5	10' ¹³	21' ¹³	12'	15'	28' ⁷	6	35	40	
R-SMU Residential Mixed-Use	5,000	—	60' ¹⁷	60' ¹⁷	4' ¹⁷	1	10' ¹³	10' ¹³	4' ¹³	6' ¹³	8' ¹³	1	55' ²¹	60' ²¹	40 ¹⁹
						2	10' ¹³	10' ¹³	4' ¹³	8' ¹³	12' ¹³	2	55' ²¹	60' ²¹	
						3	10' ¹³	10' ¹³	6' ¹³	10' ¹³	16' ¹³	3	50' ²¹	55' ²¹	
						4	10' ¹³	17' ¹³	8' ¹³	10' ¹³	20' ¹³	4	45' ²¹	50' ²¹	
						5	12' ¹³	19' ¹³	10' ¹³	10' ¹³	24' ¹³	5	40' ²¹	45' ²¹	

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1. Up to 35' allowed with an AUP
2. May exceed with an AUP (UP in ES-R)
3. May reduce with a Use Permit and Fire Department review
4. One Group Accommodation room for every 350 sq. ft; additional room allowed for any remaining lot area of more than 200 sq. ft.
5. Additional dwelling unit allowed for any remaining lot area more than 2,000 sq. ft.
6. Additional dwelling unit allowed for any remaining lot area more than 1,300 sq. ft. One Group Accommodation room for every 800 sq. ft; additional room allowed for any remaining lot area of more than 500 sq. ft.
7. For two or more main buildings with dwelling units, separation can be reduced with an AUP.
8. 300 sq. ft. for each dwelling unit, 125 sq. ft. for each person in a Group Accommodation room.
9. If the lot to the rear is not a corner lot, the street side yard shall be 1/2 of the existing or required front yard of the lot to the rear, whichever is smaller. However, if subject lot has a rear yard of 50' or greater, the side yard can be reduced to 4'.
10. Rear and/or side yards on lots west of San Pablo can be reduced to construct a dwelling unit.
11. May reduce to 20% of lot depth when lot depth is less than 100'.
12. May reduce to 10% of lot width, but not less than 3', when width of lot is less than 40'.
13. May reduce with an AUP for two or more main buildings which contain dwelling units.
14. No more than two dwelling units allowed; lot area must be at least 4,500 sq. ft. to establish two dwelling units.
15. No more than two dwelling units allowed; lot area must be at least 4,500sq. Ft. to establish two dwelling units.
16. 200 sq. ft. for each dwelling unit, 90 sq. ft. for each person in a Group Accommodation Room.
17. Main Buildings may exceed 35 ft. and three stories in height, to a height of, but not exceeding, 65 ft. and six stories subject to obtaining a Use Permit
18. Front setbacks may be reduced to 0 feet through an Administrative Use Permit.
19. For each dwelling unit, 20 sq. ft. for each person in a Group Accommodation Room.
20. Main Buildings may exceed 35 ft. and three stories in height, to a height of, but not exceeding, 45 ft. and four stories subject to obtaining a Use Permit, and at least 50% of the total building floor area residential use.
21. Main Buildings may be increased to up to 100% with an Administrative Use Permit with the finding that the increase is appropriate given the setbacks and architectural design of the surrounding buildings.

Table B-2: Commercial District Development Standards for Mixed-Use Buildings*

Zoning District	FAR	Max. Height (ft)	Max. Stories	Parking-Commer. (sq. ft.)	Parking-Resid. (sq. ft.) ¹	Open Space (sq. ft. per unit)	Max. Coverage (%)	Yard Requirements	Main Building Separation	Min. Lot Area (sq. ft.)	density
C-1 (non-UASP)	3	40	3 ^{2 3}	2/1000	per R-3 ⁴	200	0	none	none	none	none
C-N	3	35	3 ²	2/1000	per R-3 ⁴	200	0	per 23E.04.050	none	none	none
C-E	0.8 interior/1 corner	28	2	2/1000	per R-3 ⁴	200'	0	per 23E.04.050 ⁵	none	none	none
C-NS	1	35	3	2/1000	per R-3 ⁴	40	0	per 23E.04.050 ⁶	per R-3	4000	none
C-SA (Durant to Parker)	4	60	5 ²	2/1000 ⁷	per R-4 ⁴	40	35-50 % per R-4	per R-4 ⁸	none	none	none
C-SA (Parker to Ward)	4	50	4 ²	2/1000 ⁷	per R-4 ⁴	40	35-50 % per R-4	per R-4 ⁸	none	none	none
C-SA (all other)	4	36	3 ²	2/1000 ⁷	per R-4 ⁴	40	35-50 % per R-4	per R-4 ⁸	none	none	none
C-T	3	50	4	0	0	40	0	per 23E.04.050 ⁹	none	none	none
C-SO	2	28	2	2/1000	per R-3 ⁴	40	0	per 23E.04.050 ⁵	per R-3	none	none
C-W	3	50	4 ¹⁰	2/1000	1/unit	40	0	per 23E.04.050	none	none	none

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C-DMU (Core Area, Outer Core, and Corridor)	N/A	60 ¹¹	N/A	1.5/1000	1per 3 units	80 ¹²	0	per 23E.04.050 and 23E.68.070.C	none	none	none
		75 (with UP)									
C-DMU (Buffer)	N/A	50	N/A	1.5/1000	1per 3 units	80 ¹²	0	per 23E.04.050 and 23E.68.070.C	none	none	none
MU-R	1 ¹³	35 ¹⁴	3 ¹⁴	depends on use	1/unit	150 per d.u. 40 per l/w	0	5' front yard, 10' adj to R District	none	none	1/1,250 ¹⁵

* All maximum standards are for the base project, some may be increased with a Use Permit.

23E.04.050 Yards Adjacent to Residential District: side 5 ft; rear 10 ft or 10% of lot depth.

1. Over 10 units 1/1000 sf per R-3 and R-4
2. 3rd floor and above residential only
3. 4 stories and 50 feet allowed with a UP
4. 1 per unit when less than 10 units
5. Bay windows excepted
6. Min. 10 foot setback from a room with habitable space
7. First 1,000 sq. ft. waived; may be modified with UP in mixed use buildings
9. 4th Floor 10 feet from Telegraph Avenue

10. 4th floor must be residential or live/work.
11. Within the Core, up to three buildings over 120 feet but not more than 180 feet. Within the Core and Outer Core, up to two buildings over 75 feet but not more than 120 feet.
12. Each square foot of such open space that is provided as Privately-Owned Public Open Space shall be counted as two square feet of required on-site open space for residential uses.
13. FAR 1.5 when 50% of building residential and/or live work
14. When 50% residential or live/work
15. There may be one additional unit for any remaining lot area which may be less than 1,250 square feet but greater than 750 square feet.

Appendix C

Zoning District and General Plan Designation Background

This appendix provides the zoning district purposes from the Berkeley Municipal Code and General Plan Land Use Designations from the 2002 Berkeley General Plan.

General Plan Land Use Designations

Low Density Residential (LDR)

These areas are generally characterized by single-family homes. Appropriate uses for these areas include: residential, community services, schools, home occupations, recreational uses, and open space and institutional facilities. Building intensity will range from one to 10 dwelling units per net acre, not including secondary units, and the population density will generally not exceed 22 persons per acre.

For information purposes, the compatible zoning districts for this classification are: Single Family Residential (R-1), which allows approximately 9 principal dwelling units/acre and Environmental Safety- Residential (ES-R), which allows approximately 5 dwelling units per acre. Height limits in these zoning districts are typically 28 feet with provisions to allow up to 35 feet.

Low Medium Density Residential (LMDR)

These areas are generally characterized by single-family homes and small multi-family structures with two or three units. The same uses appropriate in Low Density Residential are appropriate in Low Medium Density Residential areas. Building intensity will range from 10 to 20 dwelling units per net acre, not including secondary units, and the population density will generally range from 22 to 44 persons per acre.

For information purposes, the compatible zoning districts for this classification are: Limited Two-family Residential (R-1A) and Restricted Two-family Residential (R-2), which allow approximately 17 units per acre. Height limits in these zoning districts are typically 28 feet with provisions to allow up to 35 feet.

Medium Density Residential (MDR)

These areas of Berkeley are generally characterized by a mix of single-family homes and small to medium sized multi-family structures. The same uses appropriate in Low Density Residential are appropriate in Medium Density Residential areas. Building intensity will range from 20 to 40 dwelling units per net acre, and the population density will generally range from 44 to 88 persons per acre.

For information purposes, the compatible zoning districts for this classification are: Restricted Multi-family Residential (R-2A), which allows approximately 17 units per acre, and Multiple-family Residential (R-3), which allows approximately 26 units per acre. Height limits in the R-2A zoning district are typically 28 feet with provisions to allow up to 35 feet, and are 35 feet in the R-3 zoning district.

High Density Residential (HDR)

In Berkeley, these areas are generally characterized by large, multi-family structures conveniently located near transit, the Downtown, the University campus, or BART. Appropriate uses for these areas include: residential, community service, schools, institutional, recreational uses, open space, and in some cases where allowed by zoning, ground-floor commercial and

office. Building intensity will range from 40 to 100 dwelling units per net acre, and the population density will generally range from 88 to 220 persons per net acre.

For information purposes, the compatible zoning districts for this classification are: Multi-Family Residential (R-4), which allows building heights of 35 feet with provisions to allow buildings up to 65 feet, and High Density Residential (R-5), which allows building heights of 40 feet with provisions to allow buildings up to 65 feet.

Neighborhood Commercial (NC)

These areas of the city are generally characterized by pedestrian-oriented, neighborhood-serving commercial development, and multi-family residential structures. These areas are typically located on two-lane streets with on-street parking and transit. Appropriate uses for these areas include: local-serving commercial, residential, office, community service, and institutional. Building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 3. Population density will generally range from 44 to 88 persons per acre.

For information purposes, the compatible zoning districts for this classification are shown below with accompanying development standards.

<u>Zoning District</u>	<u>Maximum FAR</u>	<u>Maximum Height</u>
Neighborhood Commercial (C-N):	3	35 ft
Elmwood Commercial (C-E):	0.8 to 1	28 ft
North Shattuck Commercial (C-NS):	1 (non-res.)	35 ft
Solano Avenue Commercial (C-SO):	2	28 ft
South Area Commercial (C-SA):	4	24-36 ft

Avenue Commercial (AC)

These areas of Berkeley are characterized by pedestrian-oriented commercial development and multi-family residential structures. These areas are typically located on wide, multi-lane avenues served by transit or BART. Appropriate uses for these areas include: local-serving and regional-serving commercial, residential, office, community service, and institutional. Building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 4. Population density will generally range from 44 to 88 persons per acre.

For information purposes, the compatible zoning districts for this classification are shown below with accompanying development standards.

<u>Zoning District</u>	<u>Maximum FAR</u>	<u>Maximum Height</u>
South Area Commercial (C-SA):	4	24 - 36 ft
General Commercial (C-1):	3	35 - 50 ft
Telegraph Avenue Commercial (C-T):	3 - 3.5	50 ft
West Berkeley Commercial (C-W):	3	40 - 50 ft

Downtown (DT)

This area of Berkeley is identified as the Downtown in the Downtown Plan and is characterized by high density commercial, office, arts, culture, entertainment and residential development. The Downtown classification is intended to encourage, promote, and enhance development that will increase the residential population in the Downtown, provide new high density, transit-oriented housing opportunities, and support a vital city center. Uses appropriate for this area include: medium- and high-density housing, regional- and local-serving arts, entertainment, retail, office, cultural, open space, civic uses, and institutional uses and facilities. It is General Plan policy to increase the residential population in the Downtown. Building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 6. Population density will generally range from 88 to 220 persons per net acre.

For information purposes, the compatible Zoning Districts for this classification are: Central Commercial (C-2) and General Commercial (C-1). See pages LU-5 and LU-6 of the Land Use Element above for a description of development standards in the Downtown area.

Institutional (I)

These are areas of Berkeley for institutional, government, educational, recreational, open space, natural habitat, woodlands, and public service uses and facilities, such as the University of California, BART, Berkeley Unified School District, and East Bay Municipal Utility District facilities. It is General Plan policy that public agencies comply with General Plan policies and local zoning standards. Within these areas, building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 4.

Manufacturing (M)

These areas are intended to maintain and preserve areas of Berkeley for manufacturing and industrial uses necessary for a multi-faceted economy and job growth. Appropriate uses for these areas are identified in the West Berkeley Plan. Within these areas, building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 2.

For information purposes, the compatible zoning districts for this classification are: Manufacturing (M), Mixed Manufacturing (MM), and Mixed Use-Light Industrial (MU-LI), which all allow a maximum FAR of 2 and a maximum building height of 45 feet.

Mixed Use-Residential (MU-R)

These areas are intended to maintain and preserve areas of the city for lighter manufacturing and industrial uses and allow for additional uses, including residential, where determined appropriate by zoning, and only if the use will not weaken Berkeley's manufacturing and industrial economy. Appropriate uses for these areas are identified in the West Berkeley Plan. Within these areas, building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 1.5. Population density will generally range from 22 to 44 persons per acre, where housing is allowed.

For information purposes, the compatible zoning district for this classification is Mixed Use-Residential (MU-R), which allows a maximum FAR of 1 to 1.5 and a maximum building height of 28 to 35 feet.

Waterfront/Marina (W)

These areas are intended to maintain and preserve areas of Berkeley adjacent to the Bay for open space, recreational uses, waterfront-related commercial and visitor services, boating, and water transit facilities. Appropriate uses for these areas are identified in the Waterfront Plan. Building intensity will generally range from a Floor Area Ratio (FAR) of 0 to 0.5, as established by the Waterfront Plan and Measure Q.

Open Space and Recreation (OSR)

These areas of the city are appropriate for parks, open space, pathways, recreational facilities, natural habitat, and woodlands. Appropriate uses for these areas include parks, recreational facilities, schoolyards, community services, and facilities necessary for the maintenance of the areas.

Zoning District Purposes

C-1

The purposes of the General Commercial (C-1) Districts are to:

- A. Implement the General Plan's designations for Avenue Commercial areas;
- B. Provide locations for a wide variety of activities along thoroughfares;
- C. Encourage development in underutilized neighborhood and community shopping areas;
and
- D. Promote development compatible with adjacent commercial and residential areas.
- E. Implement permitted use regulations and building development standards for the University Avenue Strategic Plan Overlay area, as stated in the University Avenue Strategic Plan Goals, to:
 - 1. Increase public safety for residents, merchants, and customers.
 - 2. Revitalize the University Avenue corridor through appropriate economic development and housing.
 - 3. Protect and improve neighborhood quality of life.
 - 4. Encourage more pedestrian-oriented development and an appropriate mix of uses to improve neighborhood identity.

5. Enhance University Avenue as a gateway to the City, a series of neighborhoods, and the downtown.
6. Coordinate and enhance public transit systems, pedestrian access, and bicycle circulation.
7. Encourage a concentration of commercial activity at the designated nodes. (Ord. 6830-NS § 2 (part), 2004; Ord. 6478-NS § 4 (part), 1999)

C-N

The purposes of the Neighborhood Commercial (C-N) Districts are to:

- A. Implement the Master Plan's designations for Neighborhood Commercial areas;
- B. Provide locations for uses supplying convenience goods and services for residents of the immediate area;
- C. Provide locations for other activities compatible with these Commercial Uses;
- D. Minimize traffic and parking problems for the adjacent residential areas; and
- E. Promote compatibility between such commercial areas and nearby residential areas. (Ord. 6478-NS § 4 (part), 1999)

C-E

The purposes of the Elmwood Commercial (C-E) Districts are to:

- A. Implement the Master Plan's designation for a community commercial district in this area.
- B. To maintain a scale and balance of retail goods and services in the district to compatibly serve the everyday needs of surrounding neighborhoods by:
 1. Providing locations for retail goods and service establishments to serve surrounding neighborhoods;
 2. Preventing development which exceeds the amount and intensity of use that is compatible with adjacent residential neighborhoods;
 3. Limiting the space occupied by businesses that generate high traffic and/or parking demands;
 4. Controlling the proliferation of establishments which, if not limited, might expand to displace establishments needed to serve surrounding neighborhoods; and
 5. Permitting other uses which serve this objective.
- C. To ensure that new buildings, alterations and additions to existing buildings harmonize with their surroundings. (Ord. 6478-NS § 4 (part), 1999)

C-NS

The purposes of the North Shattuck Commercial (C-NS) Districts are to:

- A. Implement the Master Plan's designations for Community Commercial and Commercial/Residential in this area.
- B. To encourage the maintenance and establishment of retail and service activities that provide goods and services to serve the residents of the adjacent and outlying neighborhoods; but do not generate high traffic volume.
- C. To provide locations for other activities compatible with these commercial activities.
- D. To promote compatibility between such commercial areas and adjacent residential neighborhoods.
- E. To limit the space occupied by businesses that generate high traffic volumes.
- F. To support the retention of types of businesses serving adjacent neighborhoods.
- G. To limit space occupied by Commercial Uses, especially offices, that are more appropriately located in the downtown business District.
- H. To prevent development of commercial spaces exceeding the amount and intensity of use that can be served by available traffic capacity and potential parking supply.
- I. To encourage an adequate commercial and residential mix along Shattuck Avenue.
- J. To ensure that new buildings and additions to existing buildings harmonize with their surroundings. (Ord. 6478-NS § 4 (part), 1999)

C-SA

The purposes of the South Area Commercial (C-SA) Districts are to:

- A. Implement the Master Plan's designations for Community Commercial, and the Commercial/Residential areas, as well as the policies of the South Berkeley Area Plan.
- B. Provide locations for both community-serving and regional-serving businesses, particularly those which reflect the culture of the surrounding area.
- C. Provide an area of neighborhood and lower intensity community Commercial Uses, serving as a transition between the Downtown area and the neighborhood-serving area south of Ashby Avenue.
- D. Encourage the location of a wide variety of community-oriented retail goods and services in South Berkeley.
- E. Encourage residential development for persons who desire both the convenience of location and more open space than is available in the Downtown.

- F. Provide limited locations for other activities such as offices which may be compatible with both retail and Residential Uses.
- G. Encourage development and amenities that support pedestrian-oriented uses.
- H. Encourage appropriate mixed-use development (retail/office/residential) on appropriate sites in the District.
- I. Increase the opportunities for the establishment of businesses which are owned and operated by local residents. (Ord. 6478-NS § 4 (part), 1999)

C-T

The purposes of the Telegraph Avenue Commercial (C-T) Districts are to:

- A. Implement the General Plan's designation of Avenue Commercial for this area.
- B. Implement the Southside Plan's designation for the Telegraph Avenue Commercial Subarea.
- C. Regulate development in the Telegraph Area Commercial District in order to satisfy the needs of the population groups using the District, especially the University population and the surrounding resident population.
- D. Encourage the availability of a variety of goods and services which serve residents in the District and the University population but do not generate a high volume of vehicular traffic.
- E. Allow for uses which maintain the cultural quality of the District giving it its regional appeal without generating substantial vehicular traffic.
- F. Discourage uses which, because of size, the type of the products sold, vehicular traffic generated or other considerations, are more appropriately located elsewhere in the City.
- G. Encourage a mix of goods and services which will preclude the dominance of any one type of use and which will produce variations within the same category of uses.
- H. To encourage the establishment and maintenance of uses which will satisfy the needs of all age groups and attract a range of users and interests.
- I. Encourage the creation of additional housing in the District which is affordable, including housing for those who work or study nearby.
- J. Encourage those uses and structural architecture that reinforce, and discourage those uses and architecture that interrupt, the pedestrian orientation of the District.
- K. Encourage mixed Commercial and Residential Uses.
- L. Encourage the construction of new housing in mixed use development on vacant properties and surface parking lots.

- M. Encourage the redevelopment of single-story structures that are not historically significant resources with housing and mixed use development.
- N. Protect and enhance historically and architecturally significant buildings by ensuring that new development and alterations complement their existing architectural character.
- O. Encourage the establishment and survival of small, locally-owned businesses, thereby contributing to the vitality and diversity of the District.
- P. Discourage the type of Commercial Use whose establishment will contribute to the displacement of businesses that supply neighboring residents with essential goods and services.
- Q. Ensure that new buildings, additions and renovations harmonize with and enhance the unique character of the District.
- R. Provide environmental protection for the residents of mixed residential commercial structures and surrounding residents from such detriments as noise, fumes and litter.
- S. Preserve the ethnic diversity of the resident population and users of the District and of the types of businesses providing ethnically diverse goods and services in the District.
- T. Protect and encourage the development of properties accessible to the disabled for both residential and Commercial Use.
- U. Discourage uses which are widely available in other shopping Districts throughout the Bay Area and detract from the unique type and mix of goods and services available in the District. (Ord. 7210-NS § 19, 2011: Ord. 6478-NS § 4 (part), 1999)

C-SO

The purposes of the Solano Avenue Commercial (C-SO) Districts are to:

- A. Implement the Master Plan's designations for Community Commercial and Commercial Service areas.
- B. Maintain a scale and balance of commercial activity on Solano Avenue that will enhance the surrounding neighborhood and serve its residents, and will operate:
 - 1. To encourage the location of businesses on Solano Avenue that serve the everyday needs of local residents;
 - 2. To discourage the location of businesses on Solano Avenue that serve a larger regional clientele, and should more appropriately be located in the Central Business District;
 - 3. To limit the number of businesses on Solano Avenue that generate traffic or parking demand in excess of commercial parking availability, causing the overflow of traffic circulation and parking onto adjacent residential streets;

4. To encourage location of late night commerce in appropriate areas in Berkeley, such as the downtown area, and allow businesses to address demand for late night service on Solano Avenue by establishing a 11:00 p.m. closing time for businesses on Solano Avenue;

5. To ensure that all construction, alterations, or additions to buildings will be in functional and aesthetic harmony with adjacent buildings and areas.

C. To protect local residents from commercial noise, offensive odors and parking and traffic problems. (Ord. 7191-NS § 15, 2011: Ord. 6478-NS § 4 (part), 1999)

C-W

The purposes of the West Berkeley Commercial (C-W) Districts are to:

A. Implement the West Berkeley Plan's designation of a Commercial District;

B. Provide locations for commercial services which primarily serve area residents and/or businesses;

C. Support the retention and attraction of a balance of both smaller and larger stores and restaurants;

D. Provide appropriate locations, consistent with West Berkeley Plan policies, for commercial services which serve a citywide or broader clientele;

E. To provide a relatively compact, clearly bounded set of commercial areas in West Berkeley, so as to both improve the quality of West Berkeley shopping environments and to prevent commercial overspill into industrial areas;

F. Encourage the intensification of commercial activity at designated nodes to help develop more pedestrian-oriented environments at those locations;

G. Increase the opportunities for development of housing in commercial areas to support local retailing and use of transit lines and opportunities for mixed use projects combining pedestrian-oriented neighborhood-serving uses with mixed income housing in locations abutting residential districts;

H. Encourage appropriately intense development in underutilized portions of commercial streets;

I. Promote development compatible with adjacent commercial, residential and industrial areas;

J. Provide a location for cultural and performing arts activities;

K. To promote environmental protection for the residents and workers both within and adjacent to the District from such detriments as noise, fumes, and other detrimental environmental effects. (Ord. 6478-NS § 4 (part), 1999)

C-DMU

The purpose of this Chapter is to implement the vision and goals of the Downtown Area Plan (adopted 2012), which include: Environmental Sustainability, Land Use, Access, Historic Preservation and Urban Design, Streets and Open Space, Housing and Community Health and Services, and Economic Development. (Ord. 7229-NS § 1 (part), 2012)

R-1

The purposes of the Single Family Residential (R-1) Districts are to:

- A. Recognize and protect the existing pattern of development in the low density, single family residential areas of the City in accordance with the Master Plan;
- B. Make available housing for persons who desire detached housing accommodations and a relatively large amount of Usable Open Space;
- C. Protect adjacent properties from unreasonable obstruction of light and air; and
- D. Permit the construction of community facilities such as places for religious assembly, Schools, parks and libraries which are designed to serve the local population when such will not be detrimental to the immediate neighborhood. (Ord. 6478-NS § 4 (part), 1999)

R-1A

The purposes of the Limited Two-family Residential Districts (R-1A) are to:

- A. Recognize and protect the existing pattern of low medium density residential areas characterized by reasonable open and spacious type of development in accordance with Master Plan Policy;
- B. Protect adjacent properties from unreasonable obstruction of light and air;
- C. Allow flexibility in the use of property for residential purposes by permitting two Dwelling Units on one lot under limited conditions.
- D. In those portions of the District west of San Pablo Avenue, appropriately regulate the rear and side yards for the construction of a Dwelling Unit. (Ord. 6478-NS § 4 (part), 1999)

R-2

The purposes of the Restricted Two-family Residential (R-2) Districts are to:

- A. Implement Master Plan policy by encouraging the development of low medium density residential areas characterized by a reasonably open and spacious type of development with a pattern of housing types ranging from single-family to duplexes and small apartment structures;
- B. Make available housing for persons who desire a range of housing choice with a relatively large amount of open space;

C. Protect adjacent properties from unreasonable obstruction of light and air. (Ord. 6478-NS § 4 (part), 1999)

R-2A

The purposes of the Restricted Multiple-family Residential (R-2A) Districts are to:

- A. Implement Master Plan policy by encouraging the development of medium density residential areas characterized by small multiple-family and garden-type apartment structures with a maximum of open space consistent with this type of development;
- B. Make available housing for persons who desire apartment-type accommodations with a maximum of open space;
- C. Protect adjacent properties from unreasonable obstruction of light and air;
- D. Permit only that intensity of use which will be compatible with existing low density residential structures and will not be detrimental to the immediate neighborhood. (Ord. 6478-NS § 4 (part), 1999)

R-3

The purposes of the Multiple Family Residential (R-3) Districts are to:

- A. Implement Master Plan policy by encouraging development of relatively high density residential areas;
- B. Make available housing for persons who desire both convenience of location and a reasonable amount of Usable Open Space;
- C. Protect adjacent properties from unreasonable obstruction of light and air;
- D. Permit the construction of residential structures, such as dormitories, fraternity and sorority houses, boarding and rooming houses, which will meet the City requirements for this type of housing;
- E. Permit the construction of specialized care and treatment facilities such as Senior Congregate Housing, Nursing Homes and Hospitals when such will not be detrimental to the immediate neighborhood. (Ord. 6478-NS § 4 (part), 1999)

R-4

The purposes of the Multi-family Residential (R-4) Districts are to:

- A. Implement Master Plan policy by encouraging development of relatively high density residential areas;
- B. Make available housing for persons who desire both convenience of location and a reasonable amount of Usable Open Space;

- C. Protect adjacent properties from unreasonable obstruction of light and air;
- D. Permit the construction of residential structures, such as residential hotels, and hotels, which will provide housing opportunities for transient or seasonal residents;
- E. Permit the construction of institutional and office uses when such will not be detrimental to the immediate neighborhood. (Ord. 6478-NS § 4 (part), 1999)

R-5

The purposes of the High Density Residential (R-5) Districts are to:

- A. Foster development of high density, multi-story residential areas close to major shopping, transportation and employment centers, in accordance with the Master Plan;
- B. Make available housing for persons who desire both convenience of location, but who require relatively small amounts of Usable Open Space; yet assure adequate light, air, privacy and Usable Open Space to promote and protect their physical and mental health;
- C. Protect adjacent properties from unreasonable obstruction of light and air;
- D. Permit the construction of residential structures, such as apartments and hotels, which will provide housing opportunities for transient or seasonal residents;
- E. Permit the construction of institutional and office uses when such will not be detrimental to the immediate neighborhood. (Ord. 6478-NS § 4 (part), 1999)

R-S

The purposes of the Residential Southside (R-S) Districts are to:

- A. Implement General Plan and Southside Plan policy by encouraging relatively high and moderate density, multi-story residential development close to major shopping, transportation and employment centers;
- B. Make housing available for persons who desire a convenient location with relatively small amounts of Usable Open Space, yet assure adequate light, air, privacy and Usable Open Space to promote and protect their physical and mental health;
- C. Protect adjacent properties from unreasonable obstruction of light and air;
- D. Permit the construction of residential structures, such as apartments, and hotels, which will provide housing opportunities for transient or seasonal residents;
- E. Encourage the construction of new housing on vacant properties and surface parking lots;
- F. Encourage the redevelopment of single-story structures that are not historically significant resources with more dense housing development; and

G. Protect and enhance historically and architecturally significant buildings by ensuring that new development and alterations complement their existing architectural character. (Ord. 7208-NS § 1 (part), 2011)

R-SMU

A. Implement General Plan and Southside Plan policy by encouraging high density, multi-story residential development close to major shopping, transportation and employment centers;

B. Make housing available for persons who desire a convenient location, but who require relatively small amounts of Usable Open Space; yet assure adequate light, air, privacy and Usable Open Space to promote and protect their physical and mental health;

C. Protect adjacent properties from unreasonable obstruction of light and air;

D. Permit the construction of residential structures, such as apartments and hotels, which will provide housing opportunities for transient or seasonal residents;

E. Permit the construction of institutional, neighborhood serving retail, and office uses when such will not be detrimental to the immediate neighborhood;

F. Provide locations for relocation of office space from other locations in the Southside Plan area;

G. Encourage the construction of new housing and mixed-use development on vacant properties and surface parking lots;

H. Encourage the redevelopment of single-story structures that are not historically significant resources with housing and mixed-use development; and

I. Protect and enhance historically and architecturally significant buildings by ensuring that new development and alterations complement their existing architectural character. (Ord. 7209-NS § 1 (part), 2011)

Appendix D

Community Participation Background

This appendix provides background materials related to the community participation process, including:

1. List of public meetings
2. Compilation of public comments
3. Distribution list of groups and organizations invited to participate in the update process.
Note: this list does not include individuals included on the distribution list, only groups, and does not include contact information.
4. Letters from the public
5. December 3, 2014 memorandum compiling and responding to November comments from the Planning Commission, Housing Advisory Commission, and Homeless Commission
6. February 18, 2015 memorandum responding to February 4 public and Planning Commission comments

1. List of Public Meetings

- | | | |
|----------------------------|---|-------------------------------------|
| 1. June 4, 2014 | : | Planning Commission Meeting |
| 2. September 17, 2014 | : | Planning Commission Meeting |
| 3. October 15, 2014 | : | Planning Commission Meeting |
| 4. November 5, 2015 | : | Planning Commission Meeting |
| 5. November 6, 2014 | : | Housing Advisory Commission Meeting |
| 6. November 12, 2014 | : | Homeless Commission Meeting |
| 7. December 3, 2014 | : | Planning Commission Meeting |
| 8. February 4, 2015 | : | Planning Commission Meeting |
| 9. February 18, 2015 | : | Planning Commission Meeting |
| 10. April 28, 2015 (tent.) | : | City Council Meeting |

The Housing Element website provides staff reports and presentations from these meetings:

<http://www.ci.berkeley.ca.us/housingelement/>

2. Compilation of Public Comments

June 4, 2014, Housing Element Update Kickoff Meeting

There were no public comments on the Housing Element at this meeting.

September 17, 2014: Planning Commission (Chapter 3, Housing Needs)

There were no public comments on the Housing Element at this meeting.

Commissioners discussed the updated site inventory and the need for updates to the city's density bonus ordinance

October 15, 2014: Planning Commission (Chapter 2, Community Profile)

Speaker 1: Edward Moore stated that the information is valuable but more inferences and conclusions are needed in the Community Profile chapter. He referred the Commission to a news article explaining why the market will not address the affordable housing problem in the Bay Area.

Speaker 2: Merrilie Mitchell discussed the Plan Bay Area project.

Speaker 3: Ted (last name inaudible) discussed the disposition of 76 BHA scattered sites and indicated that a for-profit entity should not manage affordable housing.

November 5, 2014: Planning Commission (Chapters 5 & 6, Policies & Programs)

There were no public comments on the Housing Element at this meeting.

Commissioner comments and staff responses are provided in the attached December 3, 2014 memorandum.

November 6, 2014: Housing Advisory Commission (Chapters 5 & 6, Policies & Programs)

There were no public comments on the Housing Element at this meeting.

Commissioner comments and staff responses are provided in the attached December 3, 2014 memorandum.

November 12, 2014: Homeless Commission (Chapters 5 & 6, Policies & Programs)

There were no public comments at the Homeless Commission meeting. The Commissioners discussed the program addressing units at-risk of converting to market rate and expressed concern about the loss of restricted-income units.

December 3, 2014: Planning Commission (Chapter 4, Constraints)

Speaker 1: Dorothy Walker stated that the Housing Element does not go far enough in terms of addressing the need for affordable housing. She stated the City would need to make more effort to reduce the barriers to new housing, and provided suggestions as outlined in the attached letter dated December 3, 2014.

Speaker 2: Merrilie Mitchell expressed concern about the impact of new housing on quality of life in Berkeley and the role of ABAG and the One Bay Area plan in dictating development.

Speaker 3: David Shamza stated that Rent Stabilization Board policies are stifling diversity and affordability in housing by allowing tenants to "hold" a unit after moving out, thus reducing the supply of older, more affordable units.

Speaker 4: Edward Moore stated that the Element addresses many issues constraining new development, but does not address the building permit requirements for accessory buildings.

Speaker 5: (Name not stated) asked to what extent ADUs were playing a role in housing production in Berkeley.

Speaker 6: Darryl DeTienne stated that the City should consider more housing opportunities in West Berkeley.

February 4, 2015: Planning Commission (Public Hearing)

Speaker 1: Michael Diehl stated that the Housing Element should address the issue of homelessness. He stated that there has been a significant increase in homelessness across the country and that not housing people will end up costing the community more.

Speaker 2: Ian Monroe stated that Berkeley could do more to increase the supply of housing as the demand for housing has gotten worse.

Speaker 3: Katherine Harr stated that even with vacancy decontrol, over time rent controlled units provide affordable housing for tenants who could not afford market rents. She stated that the City should monitor existing inclusionary units, provide a wait list and prioritize special needs populations such as seniors, for whom a lot of housing programs have been cut. She also stated that the at-risk section of the Housing Elements does not address the concerns residents at some of the buildings mentioned who do not feel stable in their housing. She stated that many organizations are concerned about the demolition ordinance and that there must be a one-to-one replacement of rent-controlled housing. Finally, she stated that the Rent Board should decide what is rent-controlled, rather than the Zoning Adjustments Board or staff, and that this conflict should be resolved.

Speaker 4: Moni Law stated that social media should be used for outreach and spoke about tenants who have been displaced from Berkeley to outer cities. She stated that more and more owner-move-in evictions are occurring, displaced tenants (including Section 8 voucher holders) cannot afford market rents in non-rent controlled buildings, and Cal students are living two or more to a room in order to afford housing. She stated that the city should maintain a list of BMR units and noted that BMR units have long wait lists while rents have gone up by \$300-1,000 more per month this year.

Speaker 5: Merrilie Mitchell state that the ABAG housing allocation process is unfair because it does not let the city count dorm rooms as housing, and needs of students and low-income residents are in conflict.

February 18, 2015: Planning Commission (Public Hearing)

Speaker 1: Mary Rose Sebastian spoke about the lack of affordable units and long wait lists for Below Market Rate (BMR) housing in Berkeley.

Speaker 2: James Chang spoke on behalf of Berkeley Tenant's Union regarding the demolition of Rent Controlled Units. He asked the Commission to explicitly state that it supports demolition only in extreme cases and only if demolish units are replaced with permanent affordable housing with for current tenants.

Speaker 3: Julia Cato spoke on behalf of the Berkeley Tenant's Union regarding habitability issues in Berkeley such as, mold, mildew, shoddy aging, hazardous wiring, and lack of heat—all issues impacting both safety and health of tenants. She stated that 75% of Berkeley Tenants have indicated their units are in need of repair, but many tenants often do not report these issues due to fear of retaliation from landlords. She stated that tenants should be able to make anonymous complaints and that proactive inspections must be dramatically increased.

- Speaker 4: Kathy Harr spoke on behalf of the Berkeley Tenant's Union regarding the Affordable Housing Mitigation Fee (AHMF). She stated the Commission should recommend to the Council that the AHMF should be set at \$34,000 per unit rather than the current \$20,000. She stated that the goal of maintaining 17 percent of Berkeley's units as affordable for extremely low or very low-income households should be higher, given that 68 percent of renters are extremely low or very low-income.
- Speaker 5: Igor Tregub, Chair of the Housing Advisory Commission, stated that the a majority of Housing Advisory Commissioners believe that the AHMF should be at least \$28,000. He also stated that several HAC members believe that the City of Berkeley should increase the minimum amount of affordable housing that developers must provide onsite to 15 percent of units at 50 percent AMI instead of 10 percent.
- Speaker 6: Maryanne Sluis stated that the City must examine its density bonus standards in order to keep pace with the demand for affordable housing. She stated that entitled projects that were originally density bonus projects should not be allowed to later take an in-lieu fee instead of meeting density bonus requirements.
- Speaker 7: Jude Shelton stated that Berkeley should not allow developers to pay an AHMF and rather require that developers build inclusionary housing. She also stated that building owners should not be allowed to allow their properties to fall into disrepair and later demolish them.
- Speaker 8: Kelly Hammergrin stated that she found it difficult to find and track information on the Housing Element public review process, which presented a challenge to commenting within the designated comment period. She stated her support for inclusionary housing in order to maintain diversity and stop displacement.
- Speaker 9: Peter Eakland stated that Priority Development Area (PDA) boundaries should be revised to include the MUR and R-2A zoning districts. He also submitted his comments in written form.
- Speaker 10: (Name not stated) said that the use of formerly rent-controlled units as short term rentals through AirBnB has created unpredictable and intolerable living conditions, which is a growing problem in Berkeley.
- Speaker 11: (Name not stated) shared that as market rate rents have increased, as a landlord, he has been forced to charge more for rent. He also stated that members of the public should not have to pay for hard copies of City documents like the Housing Element.
- Speaker 12: Tim Frank stated that the city needs far more housing units than specified by the RHNA allocation in order to fully address the housing shortage and meet social, environmental and regional needs.
- Speaker 13: Merrilie Mitchell stated that UC Berkeley dorms should be counted toward Berkeley's efforts to meet its RHNA allocation. She stated that Berkeley needs more open space, parking, and affordable housing for Berkeley taxpayers.
- Speaker 14: Jay Kelekian, executive director of the Berkeley Rent Stabilization Board stated that the Rent Board has provided its input to staff on the Housing Element, which calls for very few changes from the last draft presented to the Commission.
- Speaker 15: Charlene Woodcock stated that the university is relying on private developers to house students, and only one or two development companies are buying up the majority of properties in Berkeley. She stated that as a result, the city is changing rapidly and it will be difficult for children of Berkeley's residents and a diverse population to afford to live in the city.
- Speaker 16: (Name not stated) expressed support for the Berkeley Tenant's Union recommendations to the Commission.

3. Distribution Lists

E mailing List: Groups and Organizations*			
1	A Better Way, Inc	46	Fred Finch Youth center
2	Adeline Apartments	47	Goldin Design
3	ALA Costa Center	48	Gordon Commercial Real Estate Services
4	Alameda County Homeless Action Center	49	Homeless Action Center
5	Alzheimer's Services of the East Bay	50	Hotel Durant
6	Asians for Job Opportunities in the Bay Area	51	Housing Consortium of the East Bay
7	Bananas Child Care Resource	52	Housing Rights
8	Bay Area Community Resources	53	Inter-City Services
9	Bay Area Hispanic Institute for Advancement	54	Japanese American Services of the East Bay
10	Bay Area Outreach and Recreation Program	55	Lifelong Medical Care
11	Berkeley Albany Licensed Daycare Operators	56	Livable Berkeley
12	Berkeley Albany YMCA	57	Lutheran Church of the Cross
13	Berkeley Chamber of Commerce	58	Miller Star Regalia Legal
14	Berkeley Daily Planet	59	Moe's Books
15	Berkeley Ecumenical Ministries	60	Multi-Cultural Institute
16	Berkeley Food & Housing Project	61	Nai House
17	Berkeley Place	62	New Light Senior Center
18	Berkeley Property Owners Association	63	North Shattuck Association
19	Berkeley Student Cooperative	64	Northern California Land Trust
20	Berkeley Unified School District	65	Options Recovery Services
21	Berkeley Youth Alternatives	66	Pacific Center for Human Growth
22	Bicycle Civil Liberties Union	67	Pacific Gas and Electric Company
23	Bonita House	68	Panoramic Interests
24	Building Opportunities for Self Sufficiency	69	Rasputin
25	CDA Strategies	70	Rebuilding Together

* Individuals are omitted for privacy.

26	Center for Accessible Technology	71	Resources for Community Development
27	Center for Education of the Infant Deaf	72	Sick Child Care Program
28	Center for Independent Living	73	SNK Development
29	Coalition for Alternatives In Mental Health	74	Sobriety Through Education and Peer Support
30	Cody's Books	75	Solano Avenue Association
31	Commercial Lessors Inc	76	South Berkeley Community Church
32	De Tienne Associates	77	SRM Associates
33	Diablo Holdings Ltd	78	St. John's Child Care Program
34	DMM and Associates	79	Stiles Hall
35	Dorothy Day House	80	Telegraph Area Association
36	Downtown Berkeley Association	81	Through the Looking Glass
37	East Bay Asian Youth Center	82	Toolworks
38	East Bay Community Law Center	83	United for Health
39	Easy Does It	84	University Press Books
40	Ecology Center	85	Urban Housing Group
41	Eden Council for Hope & Opportunity	86	Wareham Development
42	El Granada Building	87	West Berkeley Artisans and Industrial Companies
43	Elmwood Merchants Association	88	Woman's Employment Resources Corporation
44	Ephesian Children's Center	89	Women's Daytime Drop-In Center
45	Family Violence Law Center		

4. Letters from the Public

1. January 30, 2014: Letter from Housing Consortium of the East Bay (HCEB)
2. September 17, 2014: Letter from John English
3. September 21, 2014: Letter from John English
4. October 15, 2014: Letter from Peter Eakland
5. November 5, 2015: Letter from Peter Eakland
6. November 6, 2014: Email from Peter Eakland
7. December 3, 2014: Email from Tia Ingram, Berkeley Housing Authority
8. December 3, 2014: Letter from Dorothy Walker
9. February 10, 2015: Letter from Berkeley Tenants' Union
10. February 10, 2015: Email from John Selawsky
11. February 10, 2015: Email from Jesse Townley
12. February 13, 2015: Email from Leah Hess
13. February 13, 2015: Email from Katherine Harr
14. February 14, 2015: Email from Phoebe Sorgen
15. February 14, 2015: Email from Eleanor Walden
16. February 14, 2015: Email from Peni Hall
17. February 16, 2015: Email from Pei Wu
18. February 16, 2015: Email from Arlene Merryman
19. February 16, 2015: Email from Charlene Woodcock
20. February 17, 2015: Email from William E. Woodcock
21. February 17, 2015: Email from Josh Pfeffer
22. February 17, 2015: Email from Rob Wrenn
23. February 17, 2015: Email from William Bogert
24. February 18, 2015: Email from Judy Ann Alberti
25. February 18, 2015: Email from Donald Goldmacher
26. February 18, 2015: Email from Kate Harrison
27. February 18, 2015: Email from Margot Smith
28. February 18, 2015: Email from Ben Mahrer
29. February 18, 2015: Letter from Peter Eakland
30. February 18, 2015: Document from Charlene Woodcock
31. February 19, 2015: Email from Karen Chapple, Planning Commissioner
32. February 17, 2015: Letter from Paul McDougall, California Department of Housing and Community Development



January 30, 2014

MEMORANDUM

Re: Housing Element 2015-2023 Updates, Requirements of SB 812 (Chapter 507; Statutes of 2010)

To All Housing Element 2015-2023 Staff/ Consultants, Council Members, and Commissioners:

We are writing in regards to the requirements of the California Senate Bill 812, Chapter 507, Statutes of 2010 (SB 812-Ashburn). Special needs groups spend an exorbitant proportion of their income to find housing and many end up being discriminated due to their circumstances and needs. To address this issue, SB 812 requires that housing elements include an analysis of the disabled with an evaluation of the special housing needs of persons with developmental disabilities. This analysis includes an estimation of the number of people with developmental disabilities in a jurisdiction, an assessment of the housing need and a discussion of potential resources.

Attached to this letter are the following documents:

- A Memorandum from the State of California Department of Housing and Community Development regarding the requirements of SB 812, dated June 21, 2012.
- Housing Need Data For People with Developmental Disabilities 2014-2023
- Letter from Area Board 5 regarding local housing need and methodology

On behalf of the State Council on Developmental Disabilities, Area Board 5, Housing Consortium of the East Bay (HCEB) will be advocating for all jurisdictions in Alameda and Contra Costa Counties to include the requirements of SB 812 in their Housing Element. HCEB creates inclusive communities for individuals with developmental disabilities or other special needs through quality affordable housing in Alameda and Contra Costa Counties.

We ask that you please forward this communication to the appropriate staff and your Housing Element consultant. Also, please inform us of your progress in preparing this update, and provide us with working copies of at least the portion that includes the analysis of housing needs for individuals with developmental disabilities. Please include our Deputy Director, bsteinhauser@hceb.org, on all e-mail and mailing lists as our contact person for your Housing Element update.

We thank your jurisdiction for including people with developmental disabilities in your future Housing Element. Please contact us if you have any questions.

Sincerely,

Darin Lounds
Executive Director

1440 BROADWAY SUITE 700 OAKLAND, CA 94612
Telephone (510) 832-1315 Facsimile (510) 832-1743 www.hceb.org

Creating Inclusive Communities


**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177
FAX (916) 327-2643

**MEMORANDUM**

DATE: June 21, 2012

TO: Planning Directors
Interested Parties



FROM: Glen Campora, Acting Deputy Director
Division of Housing Policy Development

SUBJECT: **Persons with Developmental Disabilities
SB 812 (Ashburn), Chapter 507, Statutes of 2010**

Housing elements must include an analysis of the special housing needs of the disabled including persons with developmental disabilities. Special needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific needs or circumstances. Chapter 507, Statutes of 2010 (SB 812), which took effect January 2011, amended State housing element law to require the analysis of the disabled to include an evaluation of the special housing needs of persons with developmental disabilities. This analysis should include an estimate of the number of persons with developmental disabilities, an assessment of the housing need, and a discussion of potential resources.

A "developmental disability" is defined as a disability that originates before an individual becomes 18 years old, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. This includes Mental Retardation, Cerebral Palsy, Epilepsy, and Autism. The US Census does not have specific information regarding persons with developmental disabilities. However, each nonprofit regional center contracted with the California Department of Developmental Services (DDS) maintains an accounting of the number of persons served by zip code or city. This information can be used to estimate the number of persons residing in the jurisdiction which have developmental disabilities.

The development of affordable and accessible homes is critical to expand opportunities for persons with developmental disabilities to live in integrated community settings. One of the biggest obstacles to living independently in the community is a lack of financial resources. Income is often limited and affordable housing where people can rent homes, apartments, duplexes, or mobile homes is crucial to the long term stability of a person with developmental disabilities. In addition, access to various types of supported living services is critical for persons with developmental disabilities to live as independently as possible.

Timing

In accordance with Government Code Section 65583(e), any draft housing element submitted to the Department after March 31, 2011 will be required to comply with SB 812.

Further Resources

Attachment 1 is the amended statutory language, Attachment 2 includes the definition of developmental disabilities, a list of organizational resources, and a bibliography of relevant publications, and Attachment 3 includes a sample analysis and programs. For more information on the Special Housing Needs requirements including sample analyses, see the Department's *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/HN_SHN_home.php.

A copy of the legislation can be found on the Department's website at www.hcd.ca.gov. Copies of published bills from the 2010 session can be obtained from the Senate's website: www.assembly.ca.gov or the Legislative Bill Room at (916) 445-2323. If you have any questions or would like additional information or technical assistance, please contact Melinda Coy, of our staff, at (916) 445-5307.

ATTACHMENT 1

Changes to State Housing Element Law SB 812 (Chapter 507, Statutes of 2010)

Changes to State Housing Element Law SB 812 (Chapter 507, Statutes of 2010)

(Excerpts, changes indicated in bold and underlines.)

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1-6) *Omitted – Chapter 507 did not have major changes to these subsections*

- (7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, **including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code**; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8-9) *Omitted – Chapter 507 did not have major changes to this subsection.*

(b-h) *Omitted – Chapter 507 did not have major changes to these subsections*

ATTACHMENT 2

Resources

Definition of "Developmental Disability" from the Section 4512 of the Welfare and Institutions Code

4512. As used in this division:

- (a) "Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

List of Organizational Resources

California Department of Developmental Services

DDS is the agency through which the State of California provides services and supports to individuals with developmental disabilities.

P. O. Box 944202

Sacramento, CA 94244-2020

(916) 654-1690

<http://www.dds.ca.gov/>

(Web page includes a list of developmental and regional centers)

Community Placement Plan (CPP) funds

In collaboration with the regional center, DDS uses CPP funds to develop homes as an alternative for individuals with developmental disabilities to reside in the community instead of institutional settings. <http://www.dds.ca.gov/AH/CPP.cfm>

California Department of Rehabilitation

CDR works in partnership with consumers and stakeholders to provide services and advocacy resulting in employment, independent living and equality for individuals with disabilities.

P.O. Box 944222

2000 Evergreen Street

Sacramento, CA 95815

Phone: (916) 263-8981 (VOICE)

(916) 263-7477 (TTY)

www.dor.ca.gov

(Web page includes list of Independent Living Centers)

Disability Rights California

Disability Rights California provides advocacy help for Californians with disabilities.

Ms. Dara Schur

1330 Broadway, Suite 500

Oakland, CA 94612

Phone: (510) 267-1200

<http://www.disabilityrightsca.org>

Mental Health Association in California (MHAC)

Provides advocacy, education, information and other assistance necessary to ensure that all people who require mental health services are able to receive the mental health and other services that they need

1127 11th Street, Suite 830

Sacramento, CA 95814

Phone: (916) 557-1167

<http://www.mhac.org>

California Mental Health Directors Association (CMHDA)

Represents the mental health directors from each of California's counties

2030 'J' Street

Sacramento, CA 95814

Phone: (916) 556-3477

<http://www.cmhda.org>

Association of Regional Centers

Represents the autonomous regional centers

915 L Street, Suite 1440

Sacramento, CA 95814

phone: (916) 446-7961

<http://www.arcanet.org/>

Bibliography of Publications and Reports

The following is a bibliography of publications relating to housing for persons with developmental disabilities.

California State Council on Developmental Disabilities

STATE STRATEGIC PLAN 2011-2016

<http://69.93.208.24/documents/DraftSCDDStatePlan2011-2016.pdf>

California Kern County Regional Center for Developmental Disabilities

Hand in Hand Kern Regional Center Online

Homepage: <http://www.kernrc.org/>

Welcome page for Consumers & Families <http://www.kernrc.org/#/welcome/4509341943>

California Ventura County, Santa Barbara, and San Luis Obispo Tri-Counties Regional Center (TCRC):
Housing Plan

TRI-COUNTIES REGIONAL CENTER 5-YEAR HOUSING BUSINESS PLAN (2008)

The TCRC Housing Plan is a comprehensive roadmap that focuses on: (1) Supporting people with developmental disabilities in their housing requirements, and (2) Increasing the housing stock of affordable housing units within the jurisdiction.

<http://www.tri-counties.org/attachments/article/138/TCRC5YrPlan-final1.pdf>

Adult Residential Care: Regional Centers of California, Residents and Regional Center for the Developmentally Disabled

EDUCATION & UNDERSTANDING Online

http://www.arf35.com/arf_residents_regional_center.html

WEBSITE DATABASES:

Cornell University, Employment and Disability Institute

DISABILITY STATISTICS: ONLINE RESOURCE FOR U.S. DISABILITY STATISTICS

(Select a statistic below to access the disability statistics interactive search tool)

<http://www.ilr.cornell.edu/edi/disabilitystatistics/index.cfm>

OTHER STATES REPORTS:

Alaska State Health and Social Services Department

2010 Disability Policy Seminar – Fact Sheet

HOUSING FOR PEOPLE WITH DISABILITIES: THE CRISIS & THE OPPORTUNITY

http://www.hss.state.ak.us/gcdse/committees/legislative/pdf/2010_factsheet_housing.pdf

Maryland State Department of Housing and Community Development

CONSOLIDATED PLAN 2010-2015: Persons with Special Needs

<http://www.mdhousing.org/Website/About/PublicInfo/Publications/Documents/2010-2015specialneeds2.pdf>

Oregon State Department of Human Services, Seniors and People with Disabilities Division. Oregon Administrative Rules: Chapter 411, Division 315

DEVELOPMENTAL DISABILITIES HOUSING TRUST ACCOUNT

http://www.dhs.state.or.us/policy/spd/rules/411_315.pdf

Washington State Dept. of Social and Health Services, Aging & Disabilities Services Admin

Strategic Plan for Housing Needs Assessment & Trust Fund Utilization for People with Developmental Disabilities

STRATEGIC ELEMENTS FOR FISCAL YEAR 2010-2011 (Economic Considerations, p.6)

<http://www.dshs.wa.gov/pdf/adsa/ddd/2010-11%20Housing%20Strategic%20Plan.pdf>

LIBRARY REPORTS:

Judge David L. Bazelon Center for Mental Health Law

WHAT “FAIR HOUSING” MEANS FOR PEOPLE WITH DISABILITIES

(Revised edition 2011)

[http://www.bazelon.org/News-](http://www.bazelon.org/News-publications/Publications/List/1/CategoryID/17/Level/a/ProductID/19.aspx?SortField=ProductNumber%2cProductNumber)

[publications/Publications/List/1/CategoryID/17/Level/a/ProductID/19.aspx?SortField=ProductNumber%2cProductNumber](http://www.bazelon.org/News-publications/Publications/List/1/CategoryID/17/Level/a/ProductID/19.aspx?SortField=ProductNumber%2cProductNumber)

Call #: H58 4 W53 2011

California State Department of Housing and Community Development
Housing Policy Division

SB 812, Chapter 507, Statutes of 2010

Souza, Maria Teresa

WORST CASE HOUSING NEEDS OF PEOPLE WITH DISABILITIES (2011)

U.S. Dept. of Housing and Urban Development (HUD)

Available for viewing full text via the World Wide Web:

http://www.huduser.org/Publications/pdf/WorstCaseDisabilities03_2011.pdf

Call #: L74 4 R46d 2011

Turner, Margery A., [et al.]

DISCRIMINATION AGAINST PERSONS WITH DISABILITIES (2005)

Prepared for: Office of Policy Development and Research, U.S. Department of Housing and Urban Development

Available for viewing full text via the World Wide Web:

http://www.huduser.org/Publications/pdf/DDS_Barriers.pdf

Call #: H58 2 D57 2005

California. Senate Select Committee on Developmental Disabilities & Mental Health

IMPROVING THE QUALITY OF COMMUNITY-BASED SERVICES AND SUPPORTS IN CALIFORNIA FOR PERSONS WITH DEVELOPMENTAL DISABILITIES (1998)

Collins, Peggy, Editor

Call #: H59 1 I47 1998

FEDERAL DOCUMENTS:

United States House of Representatives; Report 111-678 (H.R. 476)

VETERANS, WOMEN, FAMILIES WITH CHILDREN, AND PERSONS WITH DISABILITIES HOUSING FAIRNESS ACT OF 2010

<http://democrats.financialservices.house.gov/FinancialSvcsDemMedia/file/house%20reports/111-678.pdf>

United States, 111th Congress, 2nd Session – Senate (S. 1481)

FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2010

(The law makes improvements to the Section 811 program and promotes integrated housing opportunities for people with disabilities)

<http://www.gpo.gov/fdsys/pkg/BILLS-111s1481enr/pdf/BILLS-111s1481enr.pdf>

ATTACHMENT 3

Sample Analysis

Sample Developmentally Disabled Analysis for the Housing Element

Developmentally Disabled

According to Section 4512 of the Welfare and Institutions Code a "Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual which includes mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The State Department of Developmental Services (DDS) currently provides community based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The XXX Regional Center is one of 21 regional centers in the State of California that provides point of entry to services for people with developmental disabilities. The center is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

The following information from the XXX Regional Center, charged by the State of California with the care of people with developmental disabilities, defined as those with severe, life-long disabilities attributable to mental and/or physical impairments provides a closer look at the disabled population.

Exhibit T: Developmentally Disabled Residents, by Age, for City XXX

Zip Code Area	0-14 Years	15-22 Years	23-54 Years	55-65 Years	65+ Years	Total
Total						

There are a number of housing types appropriate for people living with a development disability: rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving this need group. Approximately X percent of the City's affordable

housing units and X percent of the County's public housing units are reserved for seniors and disabled persons. Incorporating 'barrier-free' design in all, new multifamily housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for disabled residents. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income.

In order to assist in the housing needs for persons with Developmental Disabilities, the City will implement programs to coordinate housing activities and outreach with the Regional Center and , encourage housing providers to designate a portion of new affordable housing developments for persons with disabilities, especially persons with developmental disabilities, and pursue funding sources designated for persons with special needs and disabilities.

Sample Programs:

Program Sample 1: Work with the XXX regional center to implement an outreach program that informs families within the City on housing and services available for persons with developmental disabilities. The program could include the development of an informational brochure, including information on services on the City's website, and providing housing-related training for individuals/families through workshops.

Responsibility: Community Development Department

Timing: Development of Outreach Program by June, 2014

Program Sample 2: Develop a program to provide rental assistance to fill the gap between income levels and the cost of housing for persons with Developmental Disabilities. The program will include the following steps:

Step One: Work with the regional center to identify the housing needs of the clients and assist in identifying available housing that meets those criteria.

Step Two: Identify the gaps that limit access to housing for persons with developmental disabilities (i.e. financial, accessibility).

Step Three: Develop Guidelines and market program

Responsibility: Community Development Department

Timing: Begin Program Development January, 2013.

Objective: Assist 10 persons with developmental disabilities.

Program Sample 3: Explore models to encourage the creation of housing for persons with developmental disabilities and implement a program by 2015. Such models could include assisting in housing development through the use of set-asides, scattered site acquisition, new construction, and pooled trusts; providing housing services that educate, advocate, inform, and assist people to locate and maintain housing; and models to assist in the maintenance and repair of housing for persons with developmental disabilities. The City shall also seek State and Federal monies for direct support of housing construction and rehabilitation specifically targeted for housing for persons with disabilities.

Responsibility: Community Development Department

California State Department of Housing and Community Development
Housing Policy Division

SB 812, Chapter 507, Statutes of 2010

HOUSING NEED (INDEPENDENT LIVING) FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES 2014-2022

Estimated total number of individuals with developmental disabilities, including RCEB consumers and those unaffiliated with RCEB								Est. # of Housing Units Needed By 2022
ALAMEDA COUNTY								
	Age							
	0-14	15-22	23-54	55-65	65-	Total	Rounded	
Alameda	260	168	302	36	10	776	775	266
Albany	64	32	44	2	4	146	150	49
Berkeley	180	134	288	48	38	688	700	232
Dublin	188	128	174	28	2	520	525	179
Emeryville	14	16	48	14	2	94	100	32
Fremont	860	460	880	200	118	2518	2525	827
Hayward	708	438	1178	342	198	2864	2850	933
Livermore	364	172	316	26	10	888	900	296
Newark	160	78	152	20	12	422	425	140
Oakland	1402	868	1988	260	94	4612	4600	1564
Piedmont	24	26	8	0	0	58	50	22
Pleasanton	328	162	178	20	12	700	700	233
San Leandro	424	268	576	124	28	1420	1425	478
Union City	302	184	576	104	34	1200	1200	402
Sub-Total	5278	3134	6708	1224	562	16906	16925	5653
Ashland	0	0	0	0	0	0	0	
Castro Valley	204	174	174	0	14	566	550	202
Cherryland	0	0	0	0	0	0	0	0
Sunol	0	0	0	0	0	0	0	0
Sub-Total	204	174	174	0	14	566	550	202
Total, County	5482	3308	6882	1224	576	17472	17475	5854

Estimated total number of individuals with developmental disabilities, including RCEB consumers and those unaffiliated with RCEB								Est. # of Housing Units Needed By 2022
CONTRA COSTA COUNTY								
	Age							
	0-14	15-22	23-54	55-65	65-	Total	Rounded	
Antioch	480	474	762	68	54	1838	1825	652
Brentwood	276	154	212	18	8	668	650	226
Clayton	16	26	30	4	0	76	75	29
Danville	134	80	104	12	6	336	350	114
Concord	470	286	810	154	66	1786	1800	596
El Cerrito	52	24	70	2	2	150	150	50
Hercules	104	62	126	14	4	310	300	105
Knightsen	4	2	2	0	0	8	10	3
Lafayette	98	52	88	24	10	272	275	89
Martinez	122	82	172	30	6	412	400	140
Moraga	26	34	32	4	0	96	100	36
Oakley	174	198	276	24	8	680	675	247
Orinda	42	30	24	0	0	96	100	34
Pinole	50	68	110	6	6	240	250	88
Pittsburg	336	170	426	32	22	986	1000	331
Pleasant Hill	84	68	142	38	6	338	350	115
Richmond	392	272	500	76	18	1258	1250	432
San Pablo	166	108	252	42	22	590	600	199
San Ramon	352	170	128	6	16	672	675	223
Walnut Creek	166	92	294	58	16	626	625	208
Total, County	3544	2452	4560	612	270	11438	11460	3915
Total	9026	5760	11442	1836	846	28910	28935	9769

**2008-2014 HE Update, the
2015-2023 HE Letter will be
available by 2/1/2014.**

THE HOUSING NEEDS OF PEOPLE LIVING WITH A DEVELOPMENTAL DISABILITY

BACKGROUND

DEFINITION: A **Developmental Disability** is defined by the State of California as a lifelong disability caused by a mental and/or physical impairment manifested prior to the age of 18 and are expected to be lifelong. The conditions included under this definition include:

- Mental Retardation,
- Epilepsy
- Autism, and/or
- Cerebral Palsy, and
- “Other Conditions needing services similar to a person with mental retardation.”

The term is used most commonly to describe substantial limitations in three or more of these major life areas: **self-care; expressive or receptive language; learning; mobility; capacity for independent living; economic self-sufficiency; and self-direction.**

Many individuals with developmental disabilities are independent and can live in their own apartments or homes with very little support. Other individuals will have more severe disabilities, and may require 24-hour care and assistance in residences that are modified specifically to accommodate their individual needs. For many years people with developmental disabilities were kept in institutions away from the community. We have learned that they can be full participants in their community if given the opportunity.

The bottom line is that people with developmental disabilities are finding it increasingly difficult to find affordable, accessible, and appropriate housing that is inclusive in the local community.

Note: “Aggregating” people with developmental disabilities into an overall “Special Needs” demographic category with mentally ill or mobility-impaired individuals is inaccurate and misrepresents the unique needs of this population.

CURRENT SITUATION:

- **The State of California has assumed responsibilities for the care of people with developmental disabilities who qualify under the above definition.** This duty is implemented through services provided and/or paid for by a local Regional Center, through local approved vendors of services.



- In the past, many people with developmental disabilities were institutionalized in large hospital-like settings, often for life.
- Current practice, as articulated by the Lanterman Act and the Olmstead Decision, now calls for the “maximum possible integration into the general community.” This is realized through the creation of housing, with affordable rents and appropriate supportive services, dedicated to the long-term needs and empowerment of this population.
- 7 out of 10 people with developmental disabilities are unable to earn substantial gainful income and must rely on Supplemental Security Income (SSI) to support themselves. The SSI monthly payment is under \$ 900, and is simply not enough to cover all of life’s expenses such as rent, food, transportation, and clothing.
- HUD defines affordable housing to be a rent level that costs no more than 30% of a person’s monthly income. 30% of a \$900/month income would equate to a rent of \$270/month. Rents so low are virtually impossible to find without rent subsidies and vouchers, and certainly not without aid from local governments.

Lanterman Developmental Disabilities Act – Sections 4400-4906, California Welfare and Institutions Code – “....making available....patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society”.

Olmstead v. L.C. and E.W., United States Supreme Court, 1999 – “Integration Mandate” – “States are required to place persons with mental disabilities in community settings rather than institutionswhen determined to be appropriate.”

NATIONAL OVERVIEW

In a message from Commissioner Patricia A. Morrissey, Commissioner of the U.S. Administration on Developmental Disabilities (ADD), she states, “There are approximately 4.5 million individuals with developmental disabilities in the United States.”

Developmental disabilities, according to the federal definition, are severe, life-long disabilities attributable to mental and/or physical impairments, manifested before age 22. Developmental disabilities result in substantial limitations in three or more areas of major life activities, including: self care, receptive and expressive language; learning; mobility; self-direction; independent living; and economic self-sufficiency.

Based on the ADD estimate of the prevalence of developmental disabilities nationwide (.015 of the total population), and using U.S. Census estimates of the current population of California, there are approximately 450,000 Californians with developmental disabilities, fewer than half of whom meet the narrower state definition for regional center eligibility. Using this method, these are the numbers of individuals with developmental disabilities within the five central Bay Area Counties:

Alameda	21,963
Contra Costa	15,295
Marin	3,721
San Francisco	11,472
San Mateo	10,605
TOTAL	63,056

Commissioner Morrissey goes on to say, “The American dream belongs to everyone.” This belief provides a foundation for the work that the Administration on Developmental Disabilities (ADD) and the State Councils on Developmental Disabilities (SCDD) do on behalf of individuals with

developmental disabilities and their families. The ADD carries out its mandate through the direction given to us in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402). The law states:

“The purpose of this title is to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs authorized under this title.”

One of the largest barriers to community integration for people with developmental disabilities, many of whom live on extremely low fixed income, is the lack of safe, affordable, accessible, and decent housing.

On February 1, 2001, the New Freedom Initiative was announced. This initiative is aimed at eliminating barriers that restrict Americans with disabilities seeking to participate in their communities through its four key components:

1. Increasing access to assistive and universally designed technologies;
2. Expanding educational opportunities for Americans with disabilities;
3. Integrating Americans with disabilities into the workforce; and
4. Promoting full access to community life.

With the signing of Executive Order 13217, on June 18, 2001, there was a mandate for implementation of the U.S. Supreme Court Olmstead Decision in a manner that respects the proper roles of the Federal government and States. The Olmstead Decision affirmed that unnecessary institutional placement for people with disabilities is a form of discrimination. The Executive Order articulated goals to address barriers to full integration, in order to:

- a) Integrate Americans with disabilities into the workforce;
- b) Promote a comprehensive array of community-based services and supports;
- c) Promote safe, decent housing and homeownership;
- d) Promote integration into and sustained participation in the workforce;
- e) Increase access to assistive and universally designed technology;
- f) Expand transportation options; and
- g) Promote full access to community life.

PROJECTED HOUSING NEEDS OF
DEVELOPMENTALLY DISABLED POPULATIONS
(see attached spreadsheet)

The **attached spreadsheet** lists only those developmentally disabled individuals who are formally registered as consumers of the Regional Center of the East Bay (RCEB), and are tabulated by zip codes.

RCEB is the Regional Center for Alameda and Contra Costa Counties.

Developmental Disabilities Area Board 5 is the Bay Area Office of the State Council on Developmental Disabilities with specified oversight responsibilities in reviewing the needs of those with developmental disabilities.

Demographic Trends – see “FACT BOOK”, Tenth Edition – Department of Developmental Services, April 2008

- In the period 1996-2006, the developmentally disabled consumer population registered for services at the State Regional Centers increased 60.5%, while the general population in California rose by 18.3%.
- Consumers are systematically being outplaced from developmental centers – Under the Lanterman Act and Court Decisions (Olmstead), large institutional settings are being closed or downsized.
- Consumers move to a higher level of community integration. Social workers collaborate with clients on devising more independent living strategies.
- Consumers reaching adulthood (18-25) seek integrated living in the community.
- Consumers who are middle aged or elderly are also seeking more integrated, independent lifestyles as their caregivers retire or are unable to continue to support them in more traditional settings.
- Increased need for entire low-to-moderate income family to obtain affordable housing to assist in caring for a disabled family member
- Increases in Autism – Practitioners have documented a 460 % increase in diagnosed autism in children since 1994. (DDS Fact Book)
- Real Estate and financial factors -- Heightened impediments in acquiring affordable housing and operating group homes

RCEB/ Area Board 5 METHODOLOGY

Our methodology seeks to provide each jurisdiction with an estimate of the quantity of housing units which will be required to provide adequate housing to their developmentally disabled population in the 2009-2014 Housing Element cycle.

This estimate is based on demographic data, as well as the professional experience and opinions of family members, social workers, service provider agencies, and senior staff at the Golden Gate Regional Center, Regional Center of the East Bay, and Area Board 5. Back-up data is provided by the Department of Developmental Services, State of California.

The **attached spreadsheet** demonstrates the number of developmentally disabled residents by zip code, broken out by age group. We will assign a simple percentage to each component in this list, representing a “Need Factor”, which takes into account consumer wishes, level of ability and self-sufficiency, support services, and financial ability. We have estimated that for every one consumer affiliated with the regional center, there is one person that is not.

AGES

0-14 / We shall assign a need factor of 25% for this cohort. Many children in this age group will remain living at home or, to a lesser extent, in an institutional setting. However, low-income consumer families need affordable housing to maintain and stabilize their entire household. **(Planners should note the large number of future community-based housing consumers entering adulthood in the next decade.)**

15-22/ Approximately **50%** of this category shall seek housing within the community within the 2009-2014 time period

23-54/ Approximately **35%** of this category shall seek housing within 2009-2014

55-65/ Approximately **25%** of this category shall seek independent housing 2009-2014

65+ / Approximately **20%** of this age group shall seek placement into the community

Multiplying each category count by the applicable Need Factor percentage shall produce the Estimate of Housing Need. Also, where possible, special circumstances will be reviewed in order to modify this number (like imminent closure of a regional institutional facility).

MULTIPLE DISABILITIES

Mental Illness: Upon consultation with caseworkers and senior staff, we provide a conservative estimate of 10% as the portion of people with a developmental disability who are also living with a mental disability.

Mobility Impairment: Staff and service providers report that approximately 10 % of all people with a developmental disability also have a physical disability; their mobility impairment will call for housing that is ADA accessible, or certainly readily adaptable to their needs.

Visual/Hearing Impairment: It is estimated from prior experience that 2-3% of the developmentally disabled population are living with a visual and/or hearing impairment, and require reasonable accommodation to their disability.

Medically Fragile: 2 % of the developmentally disabled population require 24/7 medical care, in housing specifically rehabilitated or constructed to include features like those in hospital settings, with space for care-givers and specialized equipment.

TYPES OF HOUSING OPPORTUNITIES APPROPRIATE FOR PEOPLE LIVING WITH A DEVELOPMENTAL DISABILITY

- Rent-subsidized affordable housing, with services, accessible, close to transit and community
- Licensed and unlicensed Single Family homes, modified, of 3-4 bedrooms
- Inclusionary within larger housing developments serving the general population
- SECTION 8 Apartment/ Housing Choice Voucher
- Home purchase through special programs (first time home buyers, Fannie Mae)
- HUD Section 811/ MHP-SHP developments for disabled populations
- Housing specially modified for the Medically Fragile (SB 962 Homes)

Area Board 5 – office of the State Council on Developmental Disabilities wishes to act as a resource on the housing needs of our consumer population, and is available to all jurisdictions to educate planners and community members as to this topic.

Sincerely,

Rocio de Mateo Smith
Executive Director, Area Board 5

- Prepared by
Barry Benda, Chief, Community Services, Golden Gate Regional Center
Denis Craig, Community Program Specialist, Developmental Disabilities Area Board 5
David Brigode, Senior Project Manager, West Bay Housing Corporation
Darin Lounds, Executive Director, Housing Consortium of the East Bay (HCEB), Brianne Steinhauser (HCEB)

Mendez, Leslie

From: kn_johnenglish@knpanel.com
Sent: Wednesday, September 17, 2014 12:54 AM
To: Amoroso, Alexander
Cc: Mendez, Leslie
Subject: Housing Element Review

September 17, 2014

Planning Commission
Attn.: Planning Commission Secretary
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704

Re: HOUSING ELEMENT REVIEW

Dear Commissioners:

This is to provide various comments of my own (as an individual citizen) on your September 17 agenda packet's materials about the Housing Element review. I hope these remarks will be useful.

GENERAL COMMENTS

Although the staff report's page 3 mentions an "RHNA 2014-2022," its page 4 speaks of an "eight-year RHNA cycle of January 1, 2014-December 31, 2021." Which version is correct? Although footnote 1 on the staff report's page 4 mentions a "planning period from January 31, 2015 to January 31, 2023," Attachment 1's page 1 speaks of an "RHNA planning period (since January 1, 2014" and Attachment 1's page 5 mentions "the Housing Element's planning period of 2014 to 2022." Another sentence of that page even says, "the Housing Element's planning period of 2015 to 2020." Again, which version is right? And in general if there's a conceptual difference between the "RHNA" period and the "planning" period, this should be clarified.

The staff report's page 3 refers to "[t]he recession of 2007-2009," but I believe the Great Recession's duration was quite different.

The staff report's page 4 speaks of Use Permit applications currently under review for high-density mixed-use projects that represent another "590 dwelling units." I suspect this figure either is already outdated or soon will be. It should be carefully checked during finalization of this Housing Element update.

COMMENTS REGARDING THE DOWNTOWN PLAN AREA

In comparing figures on the Downtown plan area's total housing capacity, I've found a very big discrepancy. The staff report's Table 3, Attachment 1's Table 3-3, and Attachment 2's Table A-1 each show the Downtown plan area's relevant total housing capacity as just 860 units. But Attachment 2's detailed Table A-2 actually shows pertinent capacity as totaling 2,007 units. And if the latter total is indeed correct, various of the Housing Element review documents' other figures or statements will or may need revising.

Table A-2 and Map A-2 show deletion of sites 27 (1931 Addison), 28 (1933 Addison), and 29 (1974 University Avenue). But why? Use Permits were approved very recently for a big project on site 29 and fairly recently for a large development spanning sites 27 and 28, though I don't know whether building permits for these projects' construction have yet been issued. In any case I question the deleting of these three sites.

On the other hand, I question counting site 48 (2121 Allston) as a development opportunity site. The building is at least arguably a historic resource, it's presently occupied by the acclaimed Judah L. Magnes Museum, and the site seems quite unlikely to be redeveloped during the planning period.

Site 62 (2023 Channing) probably also should be deleted. Though Table A-2's "Existing Use" column says "Residential Structure (Unused)," that description seems to be quite obsolete. The sizable house there appears to have been fixed up and reoccupied.

Incidentally, site 62 is in the R-3 District rather than C-DMU. So especially if this site continues to be listed as a development opportunity site--but even if it isn't so listed--"C-DMU" should be deleted from Table A-2's title. The Downtown Area Plan extends considerably beyond the C-DMU zone.

Site 26 (1915 Addison) shouldn't be treated as a development opportunity site. In 2012 the LPC designated this property's historic John Boyd House as a Structure of Merit.

Counting site 36 (2109 MLK) as a development opportunity site is very questionable. Here the former PG&E building has been remodeled and is now used as a YMCA teen center. This site's redevelopment within the Housing Element's planning period is quite unlikely.

COMMENTS REGARDING THE SOUTHSIDE PLAN AREA

Site 21 (2398 Bancroft) should no longer be shown as a development opportunity site. Within the last few years, four-story Wesley House has been built there.

Site 2 (2503 Haste) shouldn't be deleted. This is the long-vacant plot (where the Berkeley Inn once stood) at the northeast corner of Telegraph and Haste. Although a Use Permit application for development there has been filed, it's still (slowly) undergoing review.

Though Table A-4's specific rows for sites 2 (2503 Haste) and 5 (2539 Telegraph) show their being deleted, neither of those deletions is reflected in the same table's own "Total Units" cell.

Should an opportunity site be listed at the northeast corner of Fulton and Dwight? I believe that fairly recently a Use Permit was approved for a large housing development on that lot, though I don't know whether or not building permits for it have yet been issued.

Should an opportunity site be listed at the southeast corner of Fulton and Durant? This strategically located parcel now has just a gas station and convenience store.

Attachment 1's page 5 claims that the City adopted the Southside Plan in "September 2012," but I believe that date is wrong. In the same paragraph, the apparent claim that "2020" will be "the termination of the SSP [Southside Plan] planning period" is either very confusing or quite wrong.

COMMENTS REGARDING COMMERCIAL CORRIDORS

Although Attachment 1's page 6 implies that this category includes the "C-T" District, that's quite untrue. The entire C-T zone is instead located within the Southside plan area.

On Attachment 2's page 16, the statement that "[e]ach corridor is served by at least three AC Transit lines" could be read as including even the so-called corridors (a) along Hopkins near Sacramento Street and (b) at and near the Claremont/Ashby intersection. This should be checked, because at least one of those areas seems to be served by just two bus lines.

In that same paragraph, "Adeline Avenue" should instead be "Adeline Street."

Looking now at Attachment 2's Map A-1, the so-called "commercial corridor" along Hopkins is inappropriately shown as extending much farther than does the commercial zone itself there. Looking at this map also makes me wonder why no analysis has been done of the much lengthier corridor of actual commercial zoning along the southern part of Sacramento Street.

Attachment 2 lacks any detailed maps showing the location of Table A-7's sites 66 and 67 (on Ashby at or near Claremont) and sites 68 and 69 (on Hopkins).

There's a serious discrepancy between Map A-9 and Table A-7. The map identifies sites 70 (2600 Shattuck), 71 (2598 Shattuck), 72 (apparently also 2598 Shattuck), and 73 (2037 Parker). But Table A-7 doesn't include any of them (and I presume that relevant tables elsewhere don't reflect them either). All four sites probably are involved in what's called the "Parker Place" development, the current status of which should be checked during this Housing Element update.

The update should also include checking the status of other development proposals--such as the one at 1812 University Avenue, which neither Map A-9 nor Table A-7 shows.

COMMENTS REGARDING RESIDENTIAL AREAS

There's notable inconsistency about capacity within residential areas. The staff report's Table 3, Attachment 1's Table 3-3, and Attachment 2's Table A-1 each show a total of 237 units. But according to Attachment 2's Table A-11, total capacity instead is 316.

Sincerely,

John S. English
2500 Hillegass Avenue, Apt. 3
Berkeley, CA 94704-2937

Mendez, Leslie

From: kn_johnenglish@knpanel.com
Sent: Sunday, September 21, 2014 2:22 AM
To: Amoroso, Alexander
Cc: Mendez, Leslie
Subject: Another comment for Housing Element review

Alex,

I've just now noticed a problem with what draft Chapter 3 and its appendix call site 35, at "2138 University Avenue." The building there (the Ernest Alvah Heron Building) is a designated Landmark. Although the City website's list of designated Landmarks happens to say that the Heron Building is at "2136," it's at the very same location as the site 35 shown by the draft appendix's Map A-2. So the site shouldn't be treated as a development opportunity site.

John

October 15, 2014

To: Berkeley Planning Commission

From: Peter Eakland, Transportation Consultant for Peerless R&D Community

Subject: Comments on Chapters 1 and 2 and Appendix A of Draft Housing Element Update

This memo contains comments that for the most part we have already been made in written or verbal comments related to documents related to land use policies in West Berkeley, including the most recent Housing Element. We are disappointed that the comments have not been addressed. If not addressed, the document for the next eight years will clearly remain inconsistent with the West Berkeley Plan and both State and Regional policies for Sustainable Communities Strategies.

1. In June, 2007, as part of a proposal for State bond affordable housing funds, the Berkeley City Council designated Project Development Areas, as shown in Figure 1, that remain to this day. The Planning Director at that time admitted that the staff recommendations were not based on any analysis or outreach to the general public or stakeholders, and there was no public hearing. The designations have never been mentioned in any City planning document, including the Climate Action Plan adopted one year later. Nevertheless, they form the framework of the City's Sustainable Communities Strategy in Plan Bay Area and are strongly reflected in the most recent and proposed update to the Housing Element. Outside of Downtown, the City for planning purposes has assumed that virtually all new housing will be located on narrow major arterial corridors. Residential units on major arterials outside of Downtown and Southside represent 41% of all opportunity sites in the inventory and 91% of all sites outside of Downtown and Southside.

2. Without any changes, the Housing Element will continue to ignore the adopted West Berkeley Plan that is a part of the City's General Plan for another eight years. That document in several places emphasizes the strong role that the mixed-use residential land use category is intended to play in meeting West Berkeley's share of city-wide residential growth. Here is one example: *"Create a Mixed Residential district as a special mixed use district which will recognize and support the continued evolution of a unique mix of residential, light industrial, and arts and crafts uses, with a particular effort to strengthen residential concentrations existing there"*. Without justification, MU-R is the only zoning category in the City allowing residential units by right that was not included in the inventory of opportunity sites. This category not only allows residential units but multi-family projects with a density of up to 35 units/acre.

3. Policy H-12, Transit-Oriented New Construction, is different from the General Plan Policy for Transit Oriented Development and equally important differs from State and Regional policies and guidelines and the consensus of the land use planning profession. One perhaps can argue that a broad interpretation of this policy is consistent with these sources, but the City has chosen a very narrow interpretation that clearly is in opposition to them.

4. Is the emphasis on residential growth being located on major arterials with high frequency transit service justified? Certainly not. It does not reflect reality or statements by MTC economic

consultants. Over the past five years, there have been no new applications for residential units on any commercial sites on arterials outside of Downtown and Southside areas. This fact is not surprising. The most striking example is San Pablo Avenue, where 1,047 estimated units on 32 opportunity sites are included in the inventory for which only 85 units, or 8%, represent the three vacant parcels and two parking lots. An MTC report in 2013 concluded for this arterial *"While the market for housing exists and infrastructure deficiencies are manageable, the chief constraints are the small and shallow parcels with diverse ownership, which challenge the ability to construct larger and efficient housing developments."* Additionally, with 25,000 daily vehicles it is the most congested arterial in the City and is unsuitable for bicycle traffic and presents considerable walking safety issues. The medians and left-turn prohibitions would create a major increase in U-turns at major intersections that would further increase congestion. It is unrealistic to assume that all or even a major percentage of the opportunity sites will be developed by 2040.

5. Plan Bay Area contains residential targets for 2040 that were developed with input from the City. The problem is that these targets and the proposed update to the Housing Element are irreconcilable, as shown in Figure 2. The targets for the commercial corridor PDAs are relatively consistent with the current opportunity sites. The problem is that the 2040 target can only be met with major increases in growth in Downtown and in non-PDA areas. The Downtown target is almost 1,000 units above the estimate in the Downtown Area Plan of 3,333. For the non-PDA area, it appears eight years will be lost in the need for the City to identify more opportunity sites in non-PDA areas, especially in zoning categories that allow for multi-family projects, including MU-R, R-2A, and R-3. The non-PDA area will have to absorb even more of the housing burden if the targets for commercial arterials are not met, which is likely.

6. The Housing Element is only a planning document. Do its shortcomings have any practical effect on housing development?. Yes. Within the next seven years, there will be considerable State funding made available to support housing in the context of regional Sustainable Communities Strategies. With its current PDA designations and its inventory of opportunity sites, Berkeley will not have the necessary planning in place to successfully compete for funding outside of Downtown. Even now, 70% of Plan Bay Area capital grants must be spent within PDAs.

7. Where is housing actually being developed? In West Berkeley, within 1/4-mile of University Avenue and between Sixth and Second streets, recent projects either completed, under construction, or under review by the City include 733 units. Of the five projects, three have never been listed as opportunity sites, although they represent 508 units and the City certainly is aware of them. It is reasonable to assume that this area is perceived by developers and residents as preferable to sites on San Pablo Avenue. The Housing Element clearly does not reflect reality.

8. State guidelines for the Housing Element require only that the inventory of opportunity sites is adequate to meet RHN A figures for the planning period. No requirement exists that a given number of residential units actually be developed. What this means is that the large number of opportunity sites on major commercial corridors likely will remain largely undeveloped, which will allow them to be carried forward from one planning period to the next without the City updating its inventory. Based on Appendix A in the draft update, the inventory in the 2007-2014 Housing Element

accounted for only 158 units, or 9%, of the 1,678 remaining units that remained for the 2009-2014 planning period. Along the way, the City will have created second class neighborhoods that are unable to compete for needed infrastructure and affordable housing. The City will end up with approved Housing Elements but ultimately fall short of meeting its Plan Bay Area targets for residential development in both PDA and non-PDA categories. Of course, housing will continue to be developed on sites not in the inventory, but this fact will occur in spite of City's land use planning and not because of it.

10. Although not required by State guidelines, the Housing Element needs to include a discussion of the extent to which the City met its RHNA requirements for housing growth during the 2007-2014 planning period. Separate data should be provided for entitlements, building permits, and occupancy permits. Such data ultimately will be required by the County and ABAG so that they can monitor progress toward 2040 housing targets in Plan Bay Area.

9. The staff effort required to address the Housing Element's deficiencies does not require a lot of field work. What it does require is for Planning staff to revisit its out-dated assumptions and policies related to the development of both housing and transportation infrastructure. It appears that the City for whatever reason is unwilling to undertake the effort at this opportune time.



Figure 1. Designated Project Development Areas in Berkeley (since 2007)

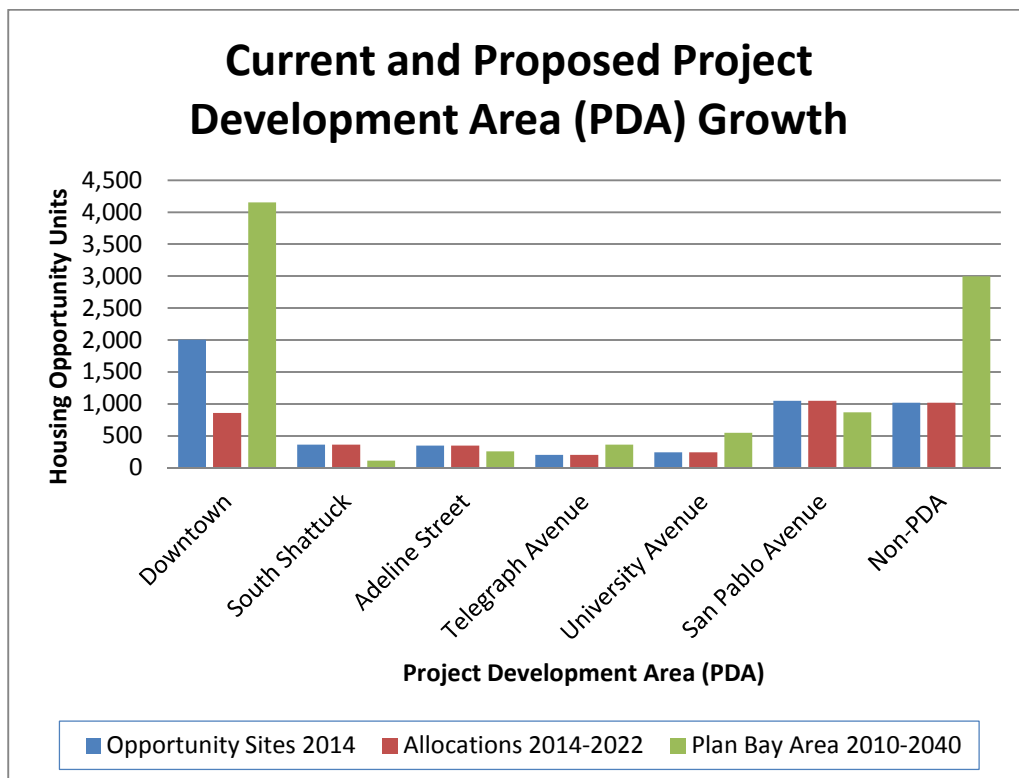


Figure 2. Comparison of Opportunity Sites with Plan Bay Area 2040 Targets

STATEMENT ON 2014-2022 HOUSING ELEMENT UPDATE
NOVEMBER 5, 2014 PLANNING COMMISSION

Good evening, Commissioners. My name is Peter Eakland and I am serving as the transportation consultant for the proposed mixed-use Peerless R&D Community project. It is located on the two blocks between 3rd and Fifth Streets and between Allston Way and Bancroft Way. The City is asking that the most recent update be re-adopted without any significant changes. I believe that this is a mistake for the following reasons:

1. The Housing Element's inventory of opportunity sites is inconsistent with current zoning, the West Berkeley Plan, and recent mixed-use development in West Berkeley.

Within the past five years, there are four projects within one-quarter mile of the AMTRAK rail station either completed, under construction, or under review by the City representing 602 residential units that were never considered as opportunity sites. They include 651 Addison with 94 units, 800 University with 58 units, Grocery Outlet site with 152 units, and Peerless R&D Community with 298 units. 800 University and the Peerless R&D Community site include MU-R meet the City criteria as an opportunity site and contain MU-R parcels.

2. The narrow interpretation of the Housing Element's definition of transit-oriented development, "on major transit corridors", differs significantly from both State and Regional infill development guidelines related to such development. Berkeley's assumption that transit-oriented development can only occur on commercial zoning parcels facing a major arterial is in conflict with SB375 and ABAG guidelines that define transit-oriented boundaries as being up to 1/2 mile of a major transit facility or service, and

3. The Housing Element as written does not consider the Plan Bay Area process that takes into account, and I quote, "overlapping objectives of SB 375 and the California Housing Element law". Plan Bay Area with its 2040 housing and employment targets and forthcoming transportation infrastructure funding is a game changer that deserves attention.

These shortcomings we believe seriously undermine key equity considerations in the Housing Element, such as housing diversity and affordability particularly in West Berkeley.

The practical effect of the proposed Housing Element update is that for the next eight years the City will continue to ignore zoning and the West Berkeley Plan and instead focus on an unrealistic and inequitable scenario for likely residential development. At stake is the ability of the major transit arterials during that time period to successfully compete for literally millions of Federal, State, and Regional funding that will be available to support infrastructure and housing needs within a city's Sustainable Communities Strategy. Even more important is the document's inability to equally serve all Berkeley residents.

I am available to discuss in detail any of the issues that I have raised.

Harrison, Jordan

From: Peter Eakland [p_eakland@msn.com]
Sent: Thursday, November 06, 2014 10:44 AM
To: Harrison, Jordan
Subject: MTC economic report on PDA feasibility and readiness
Attachments: Draft_PBA_PDA_Development_Feasibility_and_Readiness.pdf

Jordan: I enjoyed talking to you briefly last night. Except for a few lapses based on policies for which you have little or no control, the Housing Element is a quality document, as I would expect from you. I have attached an MTC report that you will find interesting regarding economic feasibility of residential development in selected PDAs, one of which is on San Pablo Avenue. A longer version of what I presented last night includes the following paragraph related to San Pablo Avenue.

The statement in the Housing Element that *"the greatest capacity for new units will be on the remaining underutilized sites in the commercial districts"* is untrue and will likely continue to be so. In the last five years, no submittals for mixed-use housing projects on these sites outside of Downtown and Southside have occurred. None. This result actually has been anticipated by a statement for potential development on San Pablo Avenue in an economic report funded by MTC. *"While the market for housing exists and infrastructure deficiencies are manageable, the chief constraints are the small and shallow parcels with diverse ownership, which challenge the ability to construct larger and efficient housing developments."* This arterial by itself with an estimated capacity of 1,047 new residential accounts for 41% of the total for commercial corridors outside of Downtown and Southside. Of the 32 opportunity sites on San Pablo Avenue, only three are vacant, and two are parking lots. The 25,000 daily vehicle count on the arterial makes the street unsuitable for bicycle travel and presents serious safety issues for walking. The renowned land use planner Donald Appleyard makes the argument against placing undue emphasis on residential development on streets with even lower traffic volumes. *"Above the level of about 10,000 a.d.t. (average daily traffic), many problems were experienced as equally severe regardless of volume. The percentages of residents concerned about danger, noise, and air pollution reached 70 or 80 percent; the rest appeared to be a core of people who did not complain or who perhaps preferred the busy street."*

The City needs to anticipate at some point that the capacity for housing units on San Pablo Avenue especially but also on other major transit arterials is overstated. The location of recent development in West Berkeley indicates that developers and residents of multi-family housing are choosing to locate closer to services and away from congestion. The Appleyard quote is from his book "Livable Streets", p. 60. Unfortunately, It is out of print and hard to find.

Peter B. Eakland

Chapter 5 Comments

229 Policy H-15 Homeless Housing

230 Seek solutions to the problems of individuals and families who are homeless, with the goal of

231 first providing them with permanently affordable housing.

232 Actions:

233 A. Increase availability of supportive housing units in Berkeley that are affordable to
234 households whose incomes do not exceed 30 percent of the Area Median Income
235 and serve people who are formerly homeless or have severe disabilities by creating
236 20 to 30 units per year (with an overall goal of 350 units over 15 years).

237 B. Continue existing rent subsidy programs such as the Public Commons for Everyone
238 Initiative Square One program and Shelter Plus Care, and seek out new sources of
239 funding to expand or create new programs to maximize permanent housing
240 opportunities for the homeless. Programs may provide deep or shallow subsidies,
241 and may be linked to affordable housing developments, as in **project-based Section**
242 **8 vouchers** and the Mental Health Services Act Housing Program, or be available for
243 private market rentals like **tenant-based Section 8 vouchers**.

BHA Comments:

BHA, subject to funding and HUD approval, plans to engage in a new homeless housing continuum program whereby stabilized households in the Moderate Rehabilitation Program and Shelter + Care be provided a voucher, vacate a unit with supportive services, and move to a unit in Berkeley with permanent Section 8 assistance.

5. Relationship with Other Institutions

22 The City should continue working with the **Berkeley Housing Authority** and the University of
23 California to address affordable housing needs.

BHA Comments:

Evidence shows that the only way the affordable housing goals will be achieved is via a partnership between the City and BHA that includes collaboration around current and new programs; leveraging of resources; and financial assistance to BHA – critical given HUD's historically low proration of Administrative Fee (as low as 69% in FY 2013, currently 79%). A permanent, Section 8 Voucher is the surest way to ensure housing is affordable to extremely low-income households, those at or below 30% AMI.

Even with a S8 voucher, and a Payment Standard at 110% of HUD published Fair Market Rent, low- and even moderate income households are being priced out of the rental market by professional households commuting to San Francisco. BHA is looking to utilize the ability to project base vouchers to increase the number of permanently affordable rental units. BHA is also exploring opportunities to more effectively link BMR units with households that are extremely low-income, by providing a deeper subsidy that makes the units affordable.

A comprehensive housing strategy must investigate incentives for landlords that would increase the interest in partnering with BHA; for example, the creation or expansion of a low income

tenant rehabilitation loan for private landlords renting to extremely low income families or working with BHA through the Section 8 program

293 **5. Relationship with Other Institutions and Regional Cooperation**

294 **Policy H-20 Berkeley Housing Authority**

295 Continue working with the Housing Authority to make quality affordable housing opportunities

296 available to Berkeley residents.

297 Actions:

298 A. Encourage the BHA to consider posting information regarding availability of
299 affordable housing on the City's website and to coordinate with countywide housing
information services, such as "2-1-1".

BHA Comments:

We suggest striking this language, as the only units we have listed on our website and office doors are for those with S8 Vouchers. BHA would be happy to list BMR units accepting voucher holders on it's "available unit listing" (updated weekly on Thursdays and posted on our website, in our lobby, and on our front door). We would also be happy to do this under contract with owners/developers as a way to market and increase knowledge about the units.

It is important to note the "available unit listing" report, previously included 20-30 units (of varying bedroom sizes) for households to select from. For the past year or more, the list has averaged 6-8 units.

Increased incentives in the affordable housing mitigation programs for long-term participation in the Section 8 program, would increase the supply of housing for extremely-low income households, and strengthen the stability of BHA.

301 B. Assist the BHA with distribution of information.

302 C. Support BHA in their efforts to improve and upgrade the conditions of 71 large family
303 units located on scattered sites throughout the City.

BHA Comments:

We suggest striking this language, as the 75 former units of Public Housing (including 14 state funded units) were transferred to private ownership February 2014, have undergone comprehensive modernization, and have Section 8 Project-based assistance to guarantee affordability at 30%-50% AMI.

304 D. Collaborate with the BHA and affordable housing developers in applying for an
305 additional allocation of Project-based Section 8 funding for use in connection with the
306 development of new affordable housing units throughout the City.

BHA Comments:

HUD does not award funding for project based assistance. BHA has the option of allocating up to 20% of the total allocation of tenant based vouchers to project basing; each voucher project based, reduces the number of tenant based voucher available. With 300 vouchers currently

designated for the project based voucher program (176 expiring in the next five years), BHA has capacity to project base up to an additional 87 vouchers before reaching the maximum program size. There are additional activities/costs incurred in managing project based assistance that are not funded by HUD. Thus, BHA is creating a non-profit affiliate and exploring opportunities to take on a co-developer role in future awards, and other options to cover the cost of administration.

Through the Project-based program, and to the extent possible, BHA will prioritize development or rehabilitation of 1 and 2 bedroom; mixed use developments; and fully accessible units.

BHA will pursue other Federal funding for housing subsidies. BHA will also investigate the feasibility of starting a Tenant Based Rental Assistance (TBRA) in partnership with the City of Berkeley to provide short-term rental assistance.

307 E. Encourage the Berkeley Housing Authority and other owners of publicly subsidized
308 rental housing work with tenants to maintain a high quality living environment.

BHA Comments:

All units with Section 8 rental assistance are safe, decent and sanitary. It is also true that many of the units have deferred maintenance. Many landlords in the Section 8 Program do not have resources to make repairs and provide for preventative maintenance of their properties. Eventually, without such repairs/maintenance/upgrades, the units will become uninhabitable. A grant or low-interest rental property loan program could effectively improve the quality of the units, enhance the neighborhoods, and be an incentive to owners to make scarce rental units available to extremely low-income households.

BHA will be exploring grants and other funding sources as part of a program of enhanced case management services, including workshops, briefings and other interventions to address behavior that detracts from the peaceful enjoyment of the neighborhood.

A city funded/administered program providing 0% loans or grants for modernization of units, with priority consideration for owners participating in BHA's S8 Voucher program, would preserve the quality of the rental housing stock and revitalize distressed neighborhoods.

309 F. Analyze potential impacts that could occur if BHA were unable to continue to operate
310 and the programs were to be transferred to the County or other housing agency, if
311 such a transfer is proposed.

BHA Comments:

The concept of consolidating the BHA into the jurisdiction of Alameda County Housing Authority has been discussed conceptually for many years, and was explored and rejected in 2006. BHA has operated as a "Standard performer" since 2009, and a "High Performer" each year since 2010, under HUD's required Annual Section 8 Management Assessment Program (SEMAP).

Berkeley is now without any low income public housing units in the jurisdiction, and eliminating the single jurisdiction housing authority would further detract from the goal of income and racial diversity in the City. The high rate of BHA issued Voucher holders porting out of the jurisdiction to find affordable housing is an indicator of this growing trend. BHA's operations were

objectively evaluated by Quadel Associates in 2012, with a conclusion that the operations were fully compliant, and the level of service provided exceeded industry standards. A 2014 HUD audit further affirmed that BHA's operational costs were in the mid-range of industry standards.

Rather than discussing BHA becoming obsolete, BHA proposes a more comprehensive partnership between the City and the Housing Authority that would ensure the long-term presence of a single jurisdiction Housing Authority in the City of Berkeley.

Language could read: "Partner with BHA to plan and provide financial support, through general funds, and other mechanisms, an annual grant for programs such as:

- A Housing continuum program whereby those in the moderate rehabilitation program or Shelter + Care are provided special-admittance to the Housing Choice Voucher Program.*
- Housing safety program grants or 0% interest loans for repairs/upgrades of low income units.*
- Expansion of language in the BMR ordinance to include the benefits to landlords of BMR units to renting them to households with a S8 voucher."*

Chapter 6 Comments

178 2. Maintenance of Existing Housing

179 Existing housing should be maintained and improved. Improvements that will prepare
180 buildings for a major seismic event should be encouraged.

181 a. Demolition Controls and Unit Replacement Requirement

182 b. Energy Conservation Opportunities and Programs

183 c. Home Modifications for Accessibility (Center for Independent Living and
184 Rebuilding Together)

185 d. Housing Code Enforcement and the Rental Housing Safety Program

186 e. Lead Poisoning Prevention Program

187 f. Priority Properties Team

188 g. Residential Seismic Preparedness Programs

189 h. Senior and Disabled Home Improvement Load Programs

190 i. Tool Lending Library

BHA Comments:

All units with Section 8 rental assistance are safe, decent and sanitary. It is also true that many of the units have deferred maintenance. Many landlords in the Section 8 Program do not have resources to make repairs and provide for preventative maintenance of their properties. Eventually, without such repairs/maintenance/upgrades, the units will become uninhabitable. A grant or low-interest rental property loan program could effectively improve the quality of the units, enhance the neighborhoods, and be an incentive to owners to make scarce rental units available to extremely low-income households. The annual unit inspection performed by BHA would help ensure the investment is maintained through routine and preventative maintenance

210 5. Relationship with Other Institutions

211 The City should continue working with the Berkeley Housing Authority and the University
212 of California to address affordable housing needs.

213 a. Berkeley Housing Authority (Section 8 Housing Assistance Program)

BHA Comments:

Please see BHA's comment on Pg. 1 above "Relationship with Other Institutions" (Ch. 5).

459 **Berkeley Housing Authority (Section 8 Housing**
460 **Assistance Program)**

461 The Berkeley Housing Authority (BHA), established in 1966, operates the Section 8
462 Housing Choice Voucher program, the Section 8 Project-based voucher program, and
463 the Single Room Occupancy, Moderate Rehabilitation Program (Mod Rehab). The
464 programs are administered by the U.S. Department of Housing and Urban Development
465 (HUD). They provide rental assistance for low-income families, the elderly, people with
466 disabilities, and others.

467 Until July 1, 2007, BHA was a division of the City of Berkeley, but has since become an
468 independent entity with its own Board, appointed by the Mayor. While structurally a
469 separate entity, the City of Berkeley provides IT support.

470 **Housing Choice Voucher Program.**

471 Berkeley Housing Authority currently provides rental assistance to approximately 1,935
472 households through HUD's Section 8 Housing Choice Voucher program. During the past
473 year BHA awarded new assistance (vouchers) to more than 65 households that had
474 been on both the Section 8 Housing Choice Voucher Wait List and the Section 8 Project
475 based Wait List. The vast majority of vouchers provide a tenant-based subsidy, meaning
476 Program Participants can use the voucher to rent privately owned housing and take the
477 vouchers with them when they move to a different property.

478 Households generally pay between 30 - 40% of adjusted monthly income for rent unless
479 they are over-housed. BHA pays the difference directly to the landlord. The Housing
480 Authority establishes a Payment Standard, which is the maximum subsidy amount the
481 Housing Authority will pay, based on the unit and/or Voucher size. HUD allows housing
482 authorities to set the Payment Standard at from 90% to 110% of the region's "fair market
483 rent" (FMR) by bedroom size. The BHA sets the payment standard at 110% of the FMR.
484 The FMR is adjusted annually to keep pace with the increasing cost of rent and utilities.
485 The Contract Rents for individual units in the Section 8 program are generally capped at
486 the Payment Standard for the particular bedroom size. To avoid artificially inflating rental
487 costs, the approved rent for any contract must first be determined "reasonable" in
488 comparison to similar, unassisted units. After the first year there is no HUD imposed cap,
489 but there are triggers of the local Rent Control Ordinance if the rent exceeds the
490 Payment Standard for the unit size.

491 The current Payment Standards for units of different sizes are shown below.

Table 6-2: BHA Payment Standards, December 1, 2013 November 1, 2014

Number of Bedrooms

0 Bedrooms	\$1,139	\$1,142
1 Bedroom	\$1,380	\$1,386
2 Bedrooms	\$1,736	\$1,743
3 Bedrooms	\$2,424	\$2,434
4 Bedrooms	\$2,974	\$2,987

Source: Berkeley Housing Authority

492 To be eligible, an applicant's income must be at or below 50 percent of AMI (area

493 median income). A minimum of 75% of BHAs admissions must have income below 30%
494 AMI; the remaining 25% of admissions can have income up to 50% AMI. Other assets
495 (savings, investments, retirement funds, etc.) are also evaluated. A family or individual
496 issued a voucher is responsible for finding a suitable rental unit that meets minimum
497 Housing Quality Standards (HUD's inspections standards for units being rented with
498 Section 8 subsidy). When the participant locates a unit to rent with a landlord that is
499 willing to participate, the owner executes a Request for Tenancy Approval which is
500 submitted to BHA. BHA inspects the dwelling, and when the inspection passes, and the
501 owner and family execute a lease, BHA and the owner enter into a Housing Assistance
502 Payment (HAP) agreement. BHA then pays a rental subsidy directly to the landlord and
503 subsidy amount,

504 typically 30 percent of adjusted household income (less the applicable utility allowance).
505 *Waiting List.*

506 BHA successfully completed a Wait List intake process for the Section 8 Housing Choice
Voucher Tenant Based, and Project Based Wait Lists March 1-5th
507 , 2010. During this 5-

508 day period, over 37,000 applications were received. This speaks to the tremendous
509 demand for rental assistance for low-income families in the Bay Area. 1,500
510 applicants were randomly selected on March 22, 2010 and placed on the Section 8
511 Tenant Based Voucher Wait List. An additional 1,500 names were randomly selected
512 and placed on the Section 8 Project Based Voucher Wait List. In accordance with HUD
513 regulations, preferences are identified in BHA's administrative plan, which are used to
514 weigh all applicants for their eligibility and ranking on the waiting list. The BHA plans to
515 allow on-line applications when the wait list is opened.

516 Additionally, BHA opened the Project-based Wait List in 2012 for the following
517 categories: seniors 62 or older (637 applications received); youth emancipated from the
518 foster care system (627 applications received); those with HIV or AIDS (282 applications
519 received); families qualifying for 3 bedroom units (1,100 applications received); and
520 families qualifying for 4 bedroom units (224 applications received).

521 *Lease-up Rate.*

522 In August 2002, the lease-up rate was 1,410 out of 1,841 allocated units (77%). As of
523 May 2009, the lease-up rate was 92% and climbing, 1,683 out of 1,841 allocated units.
524 The current lease up rate, October 2014 is 1791 (93%). BHA remains concerned and
525 alarmed by the current rental market condition in Berkeley, making it difficult to compete
526 for units in the open market. The success rate of new voucher holders is 43%; this is
527 due in large part to the high rent demands, and the increased competition for rental units
528 from CAL students, and commuters to San Francisco, who can meet the owner rent
529 demands without S8 assistance. The success of the S8 Voucher program is critical to
530 the City's ability to retain a diversified population. BHA remains committed to strategies
531 designed to retain and expand owner participation.

532 **Project-Based Section 8 Units.**

533 Under HUD rules, BHA can project base up to 20% of the allocated vouchers. In 1999,
534 BHA began "project-basing" a portion of the vouchers by allocating vouchers to selected
535 development projects to ensure that units in rehabilitated or new construction buildings
536 are affordable to people at extremely low incomes. Project Based voucher have
537 effectively assisted in the creation of 187 new, and 114 rehabilitated rental units in
538 senior, disabled, family and mixed use developments. These awards remain a critical
539 element in financial feasibility of the creation and substantial rehabilitation of affordable
540 housing activity. With Project Based Section 8 units, the Housing Authority enters a
541 master HAP contract with a landlord that guarantees Section 8 rents for a period of 15
542 years. Families are selected from the Project Based waitlist (managed by BHA), and
543 those that choose to reside at the property may request transfer to the Tenant Based

544 Voucher and move off site with rental assistance after the first year. At the end of the 15
545 year period the landlord may choose to continue renting to families with tenant based
546 vouchers or convert the units to market rate, or BHA may offer to have the master
547 contract extended for some or all of the Project Based units for an additional 1 to 15
548 years.

549 BHA currently has 201 units of Section 8 Project-Based assistance under contract and
550 100 units committed including at the former Low Income Public Housing scattered sites,
551 once owned by BHA but now transitioned to the Project-based program, and Strawberry
552 Creek Lodge, both of which are currently undergoing rehabilitation.

553 **Moderate Rehabilitation Program.**

554 Berkeley Housing Authority provides subsidy for 98 units of Single Room Occupancy
555 ("SRO") housing in Berkeley, via HUD's Moderate Rehabilitation Housing Program. The
556 units offer safe, decent, housing plus on site services for the formerly homeless
557 population, including disabled individuals.

558 **Accomplishments**

559 □ The Housing Authority has been a "High" performer under SEMAP (Section 8
560 Management Assessment Program) since 2010.

561 □ The disposition deal for the 75 former units of Low Income Public Housing was
562 realized, and the units are currently undergoing a major rehabilitation under the
563 Project-based Program.

564 □ In an effort to streamline payment of landlords, we have moved to a direct
565 deposit program for HAP funds.

566 **Looking Ahead**

567 The Housing Authority will be working to attract new properties to the Tenant-based
568 Section 8 Program, by reaching out to existing owners and potential new owners,
569 including those with Below Market Rent (BMR) commitments. We are contemplating the
570 possibility of going to a higher Payment Standard of 115% or 120% of the FMR.

571 Additionally, BHA is considering a program to help the formerly homeless individuals
572 living in the Mod. Rehab. units transition to permanent mainstreamed housing. Lastly,
573 we are beginning to conceptualize implementation of the Family Self-sufficiency (FSS)
574 Program, as our waiver (from operating the FSS program) from HUD expires in early
575 2016.

576 **Implementation Steps**

577 □ Continue to provide rental assistance to households with incomes lower than
578 50% of AMI during the planning period.

579 Timeframe:

580 Ongoing

581 Responsible Agency:

582 Berkeley Housing Authority

1023 **Shortage of affordable housing.**

1024 *Impediment:* The Bay Area is one of the most expensive housing markets in the country.
1025 Berkeley's housing costs rose steadily for more than a decade, and despite the
1026 recession, remain high. As a result, the most significant barrier to fair housing is the lack
1027 of affordable housing. Because national data shows that minorities are more likely than
1028 non-minorities to have a low income, and people with disabilities are more likely than
1029 people without disabilities to have a low income, the housing problems of low-income
1030 people are most acutely experienced by minority and disabled households. While the
1031 City of Berkeley has historically placed a priority on funding affordable housing, the
1032 needs continue to outstrip available resources.

BHA Comments:

Historically BHA has enjoyed strong support from landlords with units in South and West Berkeley. However, the market has changed as competition from professional households wishing to live in Berkeley (many commuters to San Francisco) has increased.

Historically BHA has maintained a Payment Standard at 110% of the HUD published Fair Market Rent, notwithstanding the fact that there is no corresponding increase in annual funding from HUD or any other source. BHA could appeal to HUD for an exception Payment Standard of 120% but that would further reduce the number of households we could serve. Each 10% increase results in approximately 500 fewer households assisted.

BHA would like to see stronger language/enhanced incentives in the Housing Mitigation program and BMR density bonuses for (a) owners that build 1 and 2 bedroom units; 1 and 2 bedroom wheelchair accessible units; and 1 and 2 bedroom units in mixed family developments, and, (b) language conditioning the enhanced benefit on owner commitments to lease the units to households with Section 8 tenant based rental assistance for a minimum of 15 years. Given the inability to compete on the basis of contract rent, BHA must explore other incentives for landlords to rent to extremely low-income households. A grant or 0% interest rental unit rehabilitation loan program could be one such incentive.

1054 Shortage of physically accessible units.

1055 *Impediment:* New construction in Berkeley complies with the Americans with Disabilities
1056 Act. However, older units may not be accessible, and renters and homeowners with
1057 disabilities may benefit from a variety of adaptations.

1058 *City's Actions:* The City has operated the Senior and Disabled Home Rehabilitation
1059 program continuously since the previous Housing Element was submitted in 2001. The
1060 City has continued to fund the Center for Independent Living's Residential Access
1061 Project and Rebuilding Together to provide accessibility modifications for people with
1062 disabilities. Universal design was added to the HTF guidelines in a 2009 update. These
1063 guidelines encourage developers to exceed the minimum accessibility requirements.

BHA Comments:

BHA will be exploring expanded scoring criteria for evaluating proposals for project based voucher in the Administrative Plan which may include preferences for rehabilitation and new construction of fully accessible units.

1098 Affirmative Marketing of Vacant Subsidized Units.

1099 The City's Housing Trust Fund program and Inclusionary Zoning Ordinance require
1100 property owners to commit to affirmative marketing.

1101 When affordable housing developers receive loans through the City's Housing Trust
1102 Fund, the loan terms required the developers to market vacant subsidized units in a way
1103 that will make the units equally available to the community's diverse population.

1104 Developers must submit an affirmative marketing plan that addresses the venue and
1105 media through which units will be marketed and the steps they will take in selecting
1106 tenants to ensure equal access.

1107 Developers of inclusionary housing units under the City's Inclusionary Zoning Ordinance

1108 must sign a regulatory agreement that contains ordinance language requiring the
1109 developer to affirmatively market units to low-income households on an equal
1110 opportunity basis.

BHA Comments:

BHA welcomes the opportunity to conduct affirmative marketing on behalf of and for any and all landlords/ownership entities that have BMR and inclusionary units in Berkeley, and in the spirit of deeper affordability, suggest a requirement to affirmatively market the units to extremely low (30% AMI) households; a task that is income neutral, if not beneficial for the owner.

Furthermore BHA would like to explore the possibility of providing City of Berkeley fair housing services that include outreach, education, intake, housing discrimination, counseling, hotline services and other pertinent services.

DEC 03 2014

RECEIVED
at Meeting

Dorothy Walker Comments to Planning Commission December 3, 2014

Re: Constraints on Development of Housing in Berkeley

While we are celebrating the huge voter affirmation of our Downtown plan for lots of new housing in taller buildings, we need to be working on a big plan for lots of new housing throughout the rest of Berkeley.

The new draft Housing Element under consideration is a workmanlike response to state and regional requirements but it is not a proactive statement about what the City needs to do. Berkeley has suppressed the development of housing in various ways for about 40 years and this has resulted in low expectations about what the City can do. The biggest constraint on development of housing is the lack of political will to develop a big overall vision and corresponding plan for new housing. If we are serious about new housing we cannot continue the pattern of fighting for housing one building at a time.

Most people in Berkeley value living in a diverse community- diverse in race and ethnicity, diverse in income, diverse in educational attainment, diverse in age, diverse in lifestyle. Because of the lack of an aggressive program for lots of new housing for all kinds of people, Berkeley is losing much of its diversity. To reverse this, the City must have a big, City-wide plan for all kinds of housing and must adopt the means to achieve the plan. This will go far beyond our regional fair share. Such a plan must include all areas of the City and affect all the people in Berkeley. We need the commitment and involvement of the entire community to recapture our diversity. If we are to have a real plan for lots of housing we must have:

- Leadership from the Planning Commission and City Council to spearhead a plan and educate the community about the need for lots of new housing to serve all incomes, to house the homeless, to permit those who work here to live here.
- A shared community understanding and commitment that lots of new housing is the key to keeping Berkeley diverse and this is a community-wide responsibility.

- Zoning throughout the City that promotes and supports new housing. Housing policies and land use controls should be based on a fundamental principle that all parts of the City are potential locations for new housing.

If Berkeley is to have a real city-wide housing plan, for starters I suggest it include:

- Increase General Plan densities and corresponding zoning standards
- Rezone all existing commercial districts to permit a minimum of 5 stories
- Prohibit new one story buildings in all areas zoned for commercial; require any new buildings in commercial districts to have a minimum of 4 stories of housing above the ground floor
- Permit at least one building with residential above the ground floor of up to 120 ft at major intersections/ nodes on arterial streets
- Require Accessory Dwelling Units be included in any new single family dwelling
- Require an Accessory Dwelling Unit on the site if an addition of more than 400 sq ft is proposed to an existing residential building
- Develop PUD plans for intensive development of major sites for housing, including:
 - City Corp yard
 - BART parking lots
 - Any underdeveloped site of at least ½ acre
- Identify all major undeveloped and underdeveloped parcels and surface parking lots throughout the City that have the potential for a significant amount of housing; work with owners on possible development for housing
- Work with the University for more student housing on University-owned lands, including hill areas
- Eliminate all parking requirements for residential uses
- Work with A/C Transit to increase bus frequencies; assess fees on new buildings to support targeted transit improvements

- Work with the University to develop an on demand shared ride/jitney system for lower density areas

There are lots more ideas to consider, but the first step is a commitment to greatly enlarge our vision beyond what is currently contemplated in the draft Housing Element. I urge the Planning Commission to undertake developing that vision.



Planning and Development Department
Land Use Planning Division

MEMORANDUM

DATE: December 3, 2014

TO: Members of the Planning Commission

FROM: Jordan Harrison, Associate Planner
Leslie Mendez, Associate Planner

SUBJECT: Response to Comments on Chapters 5 and 6, Policies and Programs;
Review Housing Element Chapter 4, Constraints

Recommendation

1. Consider Housing Advisory and Homeless Commissions (HAC and HC) comments for possible inclusion in the Housing Element (HE).
2. Review and comment on the Constraints, Chapter 4.

Introduction

This report addresses:

- (1) comments received from the Planning Commission, Housing Advisory Commission (HAC), and Homeless Commission (HC) on Chapter 5, Objectives, Policies and Actions and Chapter 6, Housing Programs and Quantified Objectives of the HE; and
- (2) the revised HE Chapter 4, Potential Constraints to Housing Production.

After tonight's meeting, the Commission will have reviewed all chapters of the Housing Element except the Introduction (Chapter 1). The Commission will review the complete updated HE at the Public Hearing, tentatively scheduled for early spring 2015.

Commission input and recommendations will be taken into account as staff completes the final draft of the HE. The draft HE will be sent to the State Department of Housing and Community Development (HCD) in December. This allows HCD to provide comments and identify issues prior to the public hearing.

Chapters 5 and 6 (Policies and Programs) were reviewed by the HAC and HC because of their expertise in the subject matter. Their comments included both non-substantive and typographical corrections, as well as some policy suggestions. A summary of the PC, HAC and HC comments and staff recommendations regarding the policy statements are provided below. Attachment 1 is an e-mail received from HAC Commissioners regarding the Chapters.

The Chapter 4, *Potential Constraints to Housing Production*, identifies possible governmental and non-governmental impediments to housing development in Berkeley. Staff updated and edited the chapter; there are no significant changes as the constraint landscape has not altered significantly in the last four years. This is the final substantive HE chapter to be reviewed by the Commission.

Discussion

I. Chapter 5 (Policies) and 6 (Programs): Commissions Comments and Staff Responses

The PC, HAC and HC provided input on these chapters at their November meetings. Many of the comments relate to individual points of view about housing affordability and availability. Certain comments will generate new policies and actions, as discussed below, to be included in the draft HE presented for consideration at the public hearing.

PC Comments/Questions 11/5/2014

1. The City is not achieving the RHNA affordability goals, what more can be done?

The HE process in and of itself is not intended to result in the construction of new units. Through the HE process, the city addresses housing need by ensuring availability of adequate sites for new construction and programs to facilitate construction of affordable units. It is rare for any city to meet its RHNA goals, especially for the lower income levels, because there is not sufficient money available through state, Federal, and/or private resources to “buy down” the cost to make the units affordable. Berkeley’s Inclusionary Housing and Affordable Housing Mitigation Fee programs, inclusionary units provided under state density bonus law, and the Housing Trust Fund work together to provide as many below-market rate units as possible.

2. New housing, especially downtown, is being absorbed by student demand. Can this be addressed?

The type of new housing units produced is largely market-driven. Student demand is one driver of housing production in Berkeley, along with empty nesters and people priced out of San Francisco. The City could develop incentives for the construction of housing targeted towards other segments of the population, such as families or seniors, but the City cannot legally control who rents the housing units.

3. How are affordable housing units tracked and administered?

The Health, Housing and Community Services Department (HHCS D) contracts and monitors dedicated affordable units in the City. New tenancies in below-market-rate (BMR) units are reviewed for income eligibility of the tenant and rent level of the unit by HHCS D staff. Units are funded by the Housing Trust Fund, and then managed by non-profit affordable housing providers that fill the vacancies with eligible tenants. All properties with BMR units submit an annual compliance report to HHCS D.

4. How are the pending downtown projects going to contribute towards our affordable housing goals?

Since adoption of the 2012 Downtown Area Plan (DAP), five housing/mixed use projects have been approved that are subject to the Affordable Housing Mitigation Fee (AHMF) Program. Three of the projects have committed to providing Very Low Income units on site, one will be paying the full AHMF into the City's Housing Trust Fund, and one is undecided. Table 1 below summarizes the projects compliance with the AHMF Program.

**Table 1: Approved Downtown Projects
Affordable Housing Provisions**

Project	Total Units	VLI BMR Units		AHMF
1931 Addison	69	7		\$0
2024 Durant	79	0		\$1,580,000
2107 Dwight	99	9		\$0
1974 University	98	8	and	\$200,000
2133 University	205	19	or ¹	\$4,100,000

1. The project has up to the Certificate of Occupancy to decide how it will comply with the AHMF Program.

5. How do we want to prioritize HTF funding in the future, rehabilitation or construction?

The Housing Trust Fund (HTF) guidelines give equal priority to rehabilitation-preservation and new construction. HTF dollars are typically used in combination with outside funding sources, often governmental or foundation grants, which have specific program objectives. Grant recipients abide by funding program objectives, which, thereby guide decisions about use of HTF money. State and federal funding for affordable housing construction have been substantially less available since 2009, compared with the preceding period, which explains why HTF monies have been used to support rehabilitation programs recently. The types of projects funded in the future will be based on the type of funding that is available to affordable housing developers.

HAC Comments/Questions 11/6/2014

Attachment 2 provides comments received from HAC members as of 11/18/14. The substantive comments are included below. Additional comments received focused on typographical errors and were not included with this report.

6. The City should construct and maintain a database of vacant and deteriorated housing units, and vacant properties.

Code Enforcement and the Rental Housing Safety Program combine efforts to address deteriorated properties. As discussed in the HE, there are very few deteriorated housing units in the city and there are few vacant units, likely due to the high cost of land and housing. Information on vacant parcels is collected by the Alameda County Assessor's Office and is available to the public on the county's website; maintaining a

concurrent tracking program of vacant parcels would be repetitive and very labor intensive.

7. Partnerships with non-profits should be included in the Housing Element.

Staff concurs that this should be added to the HE. Staff will expand the *Relationship with Other Institutions* policies to include relationships with non-profit housing agencies. The City's Housing Department does this as a matter of course in their work, and the HE should explicitly state it.

8. Advocate for transportation policies that encourage accommodations for persons with disabilities.

This comment is focused to transportation policy, rather than housing policy. Recent housing development in the Downtown, as well as proposed ADU regulations, would help focus housing development in transit rich areas, thus making the housing more transit accessible. In addition, the majority of the City's sites available for development are located in transit rich corridors. Staff will provide this comment to the Transportation Department for their consideration.

9. Encourage ADUs near transit.

The current HE addresses the issue of updating Accessory Dwelling Units (ADUs) regulations. The Council is considering draft zoning ordinance changes that would reduce parking requirements for ADUs in proximity to transit. Staff will augment Policy H-13, consistent with Council direction.

10. Support moderate income housing opportunities, particularly ownership.

There are very few programs (state or Federal) that specifically address moderate income ownership housing, although this is a subject of interest for the last 20 years. The majority of moderate income housing in Berkeley is provided by condominium conversions, construction of new condominiums, and rent control. Staff will review and consider the need to add an action or program to address this topic. The forthcoming affordable housing mitigation fee nexus study will also provide information and guidance on housing for this income segment.

11. Include a policy encouraging tenant relocation protections.

Staff will consider the need to add a policy to the HE regarding tenant relocation protections referencing the programs the City already has in place:

The City [Relocation Ordinance](#) prevents tenants from being permanently displaced if they must vacate their unit temporarily while repairs are completed to bring the unit into code compliance. The Ordinance requires the owner to allow the tenants to move back into the unit once repairs are completed, and to provide financial compensation to tenants to mitigate the costs associated with being temporarily displaced. City staff monitors City-assisted housing developments to ensure that whenever people or businesses must be relocated either permanently or temporarily, the relocation is carried out according to federal, state, and local regulations. When residents have to

move as a result of a City-assisted rehabilitation or housing development project that includes federal funding (such as the City's Housing Trust Fund), the federal [Uniform Relocation Act](#) would apply. The Uniform Relocation Act proscribes the steps that must be undertaken to notify residents in advance of any requirement to relocate, along with specific relocation assistance that must be provided to residents or businesses who may need to relocate.

12. Provide a comprehensive list of BMR units and advocate for use of waiting lists.

Staff will add a program task to create a current and consolidated list of income restricted units, and post to the HHCS D website. Planning and HHCS D staffs are currently working on creating a consolidated list. Additionally, the City contracts with Eden Housing to provide information to potential tenants about BMR unit availability through the 211 program.

13. Provide a table of projects with HTF funds that are allocated, but the work is not yet completed.

Staff will add the following table to the HTF program:

Projects with Current Housing Trust Fund Commitments That Are Not Yet Complete		
Project	Number of Units	Amount of City Funds Committed
Berkeley 75 (acquisition and rehab)	75	\$300,000 to Berkeley Housing Authority for predevelopment \$400,000 to Related California for development
Strawberry Creek Lodge (rehab)	150	\$652,200
University Avenue Cooperative Homes Apartments (rehab)	47	\$1,213,016
William Byron Rumford Sr. Plaza (rehab)	43	\$2,140,000 (loan will also refinance existing City loans)

HC Comments/Questions 11/12/2014

The Homeless Commission had no comments on the content of the HE chapters, but asked Housing staff to provide more information on below-market units at risk of conversion to market rate.

Conclusion

In addition to the responses above, staff will provide the complete draft HE to the HAC and HC. Both Commissions will have the opportunity to provide comments to the Planning Commission prior to the Public Hearing. Either commission may choose to write a separate report to the Council on the subject of the HE.

II. Chapter 4, Potential Constraints to Housing Production

Chapter 4 of the Housing Element (Attachment 2) analyzes potential governmental and non-governmental constraints to housing production. Staff updated the chapter, originally written in 2009, to reflect current conditions.

As discussed in the chapter, Berkeley has done a good job of balancing land use controls and public process in order to minimize constraints while allowing adequate public input as the city grows. The chapter discusses potential governmental constraints, such as land use controls, fees, and permits, and concludes they are not a significant impairment to new residential construction. This is evident from the strong housing market, particularly on the heels of the recent recession.

The biggest change to occur since the 2009 HE with regard to governmental constraints is the addition of the Affordable Housing Mitigation Fee. The amount of the fee takes into consideration housing development costs, as discussed the mitigation fee nexus study. The fee applies to rental housing only, and since its adoption proposals for new rental housing have remained strong. Therefore, staff concludes that the fee has not been a deterrent to new housing.

The Chapter also discusses non-governmental constraints, such as physical barriers or development costs. Although certain areas of the City are constrained due to environmental factors (i.e. Panoramic Hill) or development standards (i.e. Manufacturing Districts), the Housing Element analyzes the City as a whole and does not find significant obstacles to new residential development. Berkeley is a City that encourages housing development and does not have the constraints experienced in some communities, such as a housing unit cap, urban growth boundary, or insufficient infrastructure (e.g. water and sewage).

At this meeting, Staff is seeking Commission feedback and questions pertaining to the Constraints chapter content. The document is provided in “strike-out/underline” format to clearly show what changes were made.

Next Steps

Based on direction tonight, staff will take the following steps:

1. Make appropriate modifications to the Constraints, Policies, and Programs chapters (Chapter 4, 5 and 6)
2. Publish the final draft HE by mid-December
3. Notify interested parties, including the commissions
4. Send the draft HE to HCD for review
5. Set a Public Hearing for early spring to consider the complete draft HE, as modified by Commission direction, as well as any comments from HCD.

Attachments:

1. Attachment 1: E-mail from HAC members Maher and Tregub
2. Attachment 2: Chapter 4, Constraints

Harrison, Jordan

From: Ben Mahrer [benmahrer@gmail.com]
Sent: Friday, November 07, 2014 4:08 PM
To: Davidson, Amy; Harrison, Jordan
Cc: Igor Tregub
Subject: Fwd: HAC housing element comments

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jordan and Amy,

Below you will find Igor's comments on the Housing Element. Mine are as follows:

1. pg. 78, Ln. 102 - Policy H-5 Rent Stabilization

Possibility here is adding a fourth action, "Ensure that ordinances pertaining to damaged and demolished buildings contain tenant relocation protections"

2. pg. 79 Ln. 148 - Policy H-10 Deterioration, Blight and Deferred Maintenance

Possibly add a sixth action, "Construct and maintain a database of deteriorated or vacant property."

3. pg. 80 ln. 178 - Expansion of the Housing Supply

Maybe add a third policy to this section: "Vacant Property" w/ the goal of reducing the amount of vacant residential and commercial property in the city

4. pg. 82 ln. 279 - Policy H-18 Housing for People with Disabilities

add an action to this policy - "support transportation policy that includes provisions and accommodations for the disabilities described"

5. pg. 83 ln. 293 - Relationship with Other Institutions and Regional Cooperation

This section mentions the BHA, UC Berkeley, and Inter-Jurisdictional coordination but leaves out non-profits. Seems like activity in the non-profit sector should be included here.

6. pg. 84 ln. 349 - Policy H-23 Fair Housing

Might be appropriate to add a third action to this policy - "advocate for the use of waiting lists to fill affordable housing units."

That's it - thanks so much for your work!

----- Forwarded message -----

From: **Igor Tregub** <itregub@gmail.com>
Date: Thu, Nov 6, 2014 at 5:51 PM
Subject: HAC housing element comments
To: Ben Mahrer <benmahrer@gmail.com>

Cc: Katie McCoy <kmccoy@klehs.com>, Luis Amezcua <lamezcua27@gmail.com>, "Arreguin, Jesse L." <JArreguin@ci.berkeley.ca.us>

Here's my feedback after a quick glance.

P. 80, Line 170

"B. Reduce the seismic threat to Berkeley's housing stock without necessitating
171 substantial rent increases by identifying ways to minimize the financial impact of
172 retrofits, such as offering fee deferrals, waiver of certain zoning regulations, and
173 special funding programs "

It may be premature to mention specific programs in the Housing Element , but you may wish to point out that we are undertaking efforts to explore seismic retrofit financing through the PACE program (similar to San Francisco's model) or other avenues to provide retrofitting assistance for low-income property owners of multifamily buildings. Kelsey and I are meeting with Seismic Retrofitting Project Manager Jenny McNulty to get an update.

P. 82, Line 274

B. Develop incentives for a range of senior housing types including but not limited to
275 second units or ADUs to help seniors age in their homes, in a universally-accessible
276 ADU on their property, or to provide on-site housing for caregivers.

What does "universally accessible" mean? This policy is still being hashed out by the City Council and planning staff.

P. 86, Line 426 (minor)

Develop, then phase in - should have a comma after "develop"

Develop then phase in local minimum energy standards for existing residential
427 buildings. Encourage programs to encourage owners of existing single- and multi-
428 family residential buildings to meet those standards reduce energy use by providing
429 incentives and developing energy services, such as the Smart Solar Program,
430 Berkeley FIRST financing, comprehensive energy audits, energy efficiency
431 upgrades, and education.

P. 96, Line 269 (minor)

"Change" and "s" should be combined to form "Changes"

income production goals. Part of the reason for this is recent **change s** to state law
270 severely limit the tools available to produce income-restricted units.

income production goals. Part of the reason for this is recent change s to state law
270 severely limit the tools available to produce income-restricted units.

P. 110 Line 782 - May want to wait for BESO to be possibly approved at the Nov 11 Council meeting (it's on the agenda) and update this section.

"Residential Energy Conservation Ordinance (RECO): RECO, adopted in 1980, requires that every home or apartment building sold or transferred in Berkeley or undergoing renovations with a total value of \$50,000 or more must meet a prescriptive list of energy and water efficiency requirements for a range of building systems and features, including: toilets, showerheads, water heaters, attic insulation, exterior door weather stripping and common area lighting (for multi-unit buildings). This ordinance is in the process of being updated. "

P. 111, Line 818 - may want to clarify that Berkeley FIRST is no longer in operation.

"• Berkeley FIRST (Financing Initiative for Renewable and Solar Technology): In 2008, the City of Berkeley launched the Berkeley FIRST program to promote solar photovoltaic (PV) installations using a pioneering financing mechanism. The now concluded pilot program served as a model for Property Assessed Clean Energy (PACE) programs across the country. Berkeley FIRST enabled property owners to pay for solar"

P. 113, Line 876 - May want to update with the fact that the Board of Supervisors recently (I can't remember the month, but it was earlier this year) approved a study of CCA with the intent of going forward with a county-wide program.

Community Choice Aggregation (CCA): The success of the Marin Clean Energy program has generated more interest in acquiring cleaner electrical energy through CCA. The Alameda County Board of Supervisors will be considering a resolution to explore CCA and it may be possible for Berkeley and other communities to participate in the process. Staff continues to look for opportunities for a CCA that would minimize the City's financial exposure and provide the community with access to cleaner electricity sources

P. 133 Line 1411

• "The Public Commons for Everyone Square One program, and "

Ask staff to remind you if Public Commons for Everyone was the precursor of Measure S in 2012, which failed on the November ballot. If so, probably not relevant here. Or was this Jesse Arreguin's later proposal that came about after the defeat of Measure S, in which case it's worth mentioning.

P. 136 Line 1606 and below

May wish to change tense from present to past tense as program has been discontinued.

Page 145, Line 1826-1835 - minor

Some grammatical issues - should be FY 2008-2014 (with a dash); check grammar when dealing with numbers throughout this paragraph.

During FY 2008-2014, the Shelter Plus Care Program provided housing for a total of 24,925 households (213 single adults and 42 families). Housing outcomes are available for the 31 households who exited the program during this period.
• Of those households who exited the program, 100% retained their housing for at

1830 least six months; 2627/31 or 9683% retained their housing for at least one year;
1831 19/3114 or 5061% retained their housing for at least two 5 years.
1832 • Of the 31 28 households exiting the program: 12 15 left for other permanent
1833 housing, one entered shelter; eight four died; twofour were in jail; four one
1834 entered transitional housing or residential treatment; and two were staying with
1835 family or friends temporarily. three returned to homelessness.

P. 100, last line - seems incomplete - will do what?

"Finally, as discussed in the Chapter
4 of this Element, the Planning Department will. "

--

Igor A. Tregub

Commissioner, City of Berkeley Zoning Adjustments Board

| <http://cityofberkeley.info/zoningadjustmentboard/>

Vice Chair, City of Berkeley Housing Advisory Commission | <http://tinyurl.com/HousingComm>

Vice Chair, Sierra Club San Francisco Bay Chapter | <http://sfbay.sierraclub.org/>

Bay Area Regional Council, Bend the Arc, a Jewish Partnership for Justice

| <http://bendthearc.us/region/bay-area/>

Mobile | [510-295-8798](tel:510-295-8798)

"The arc of history is long, but it bends towards justice." - Martin Luther King, Jr.

February 18, 2015

Leslie Mendez, Associate Planner
Planning and Development Department
2120 Milvia Street
Berkeley, CA 94704

Re: Notice of Intent to Adopt a Negative Declaration for 2015-2023 Berkeley Housing Element

Dear Ms. Mendez:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Negative Declaration for the 2015-2023 Berkeley Housing Element. EBMUD has the following comments.

WATER SERVICE

The City of Berkeley is served by 14 pressure zones with service elevations between 0 and 1,250 feet. Main extensions that may be required to serve any specific development to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsors' expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsors' expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, project sponsors for individual projects should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipelines and services require substantial lead time, which should be provided for in the project sponsors' development schedule.

Project sponsors should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Project sponsors for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary.

In addition, project sponsors must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the

removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by a project sponsor is insufficient, EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsors' expense.

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from these projects and to treat such flows provided that the wastewater generated by the projects meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconceptions in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to the Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an NPDES permit prohibiting further discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system (Satellite Agencies) hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows. Various enforcement orders issued between 2009 and the present have allowed EBMUD to temporarily continue operating the WWFs as designed, but these enforcement orders are interim in nature and do not resolve the East Bay's long-term wet weather issues. To reduce the volume of primary-treated wastewater that is discharged to the Bay, actions will need to be taken over time to reduce I/I in the system sufficiently to reduce peak wet weather flows so that all wastewater can receive secondary treatment.

On July 28, 2014, a proposed consent decree was lodged for public review. This proposed order, negotiated among EBMUD, the Satellite Agencies, EPA, SWRCB, and RWQCB, would require EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and locate key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the proposed consent decree would require the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies would need to jointly demonstrate at specified intervals that a sufficient, predetermined level of reduction in WWF discharges has been achieved through this work. If sufficient I/I

reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

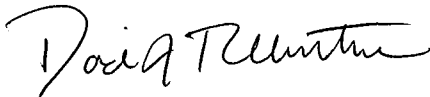
As stated, EBMUD's NPDES permit for the WWFs prohibits discharges. If the consent decree is adopted as anticipated, it will require a demonstration of continuous improvement in reducing the volume of discharges over time. Meeting these legal requirements will require I/I reduction, which in turn requires sewer main and sewer lateral repair. To ensure that the proposed projects contribute to these legally required I/I reductions, the lead agency should require the project sponsors to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed projects: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the projects are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

WATER CONSERVATION

Individual developments within the Housing Element present opportunities to incorporate water conservation measures. EBMUD requests that the City of Berkeley include in its conditions of approval a requirement that the project sponsors comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsors' expense.

If you have any questions concerning this response, please contact Timothy McGowan, Associate Civil Engineer, Water Service Planning at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:TRM:dks
sb15_031

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

P.O. BOX 23660

OAKLAND, CA 94623-0660

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March 5, 2015

ALAGEN264
ALA-GEN-PM VAR
SCH# 2015022021Ms. Leslie Mendez
Planning Division
City of Berkeley
2120 Milvia Street
Berkeley, CA 94704

Dear Ms. Mendez:

2015 – 2023 Housing Element Update – Negative Declaration

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Negative Declaration and have the following comments to offer.

Lead Agency

As the lead agency, the City of Berkeley (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy.

Mitigation to State Facilities

Although the Housing Element Update will not result in any specific development projects, to ensure project and cumulative traffic impacts are mitigated, the Negative Declaration should identify transportation related impact fees used for mitigation to State facilities that are impacted by future development.

At such time of individual project review, the City should work with Caltrans to develop co-operative agreements where the City agrees to make a fair-share payment towards improvements of nearby State facilities that the applicable agencies agree to implement in a timely manner. The scheduling and costs associated with planned improvements on Caltrans right-of-way (ROW) should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any. Consider the regionally funded traffic improvements identified in the Alameda County Transportation Commission's 2014 Transportation Expenditure Plan including the Gilman Street and State Route 13 (Ashby

Avenue) Interstate 80 Interchange Improvements and Improvements on major commute corridors such as State Route 13, and State Route 123 (San Pablo Avenue), among others.

Vehicle Trip Reduction

Caltrans encourages locating any needed housing, jobs and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways.

Consider Transportation Demand Management policies to encourage usage of nearby public transit lines and reduce vehicle trips on the State Highway System (SHS). These policies could include lower parking ratios, car-sharing programs, bicycle parking, and providing transit passes to residents, among others. For information about parking ratios, see the Metropolitan Transportation Commission (MTC) report *Reforming Parking Policies to Support Smart Growth* or visit the MTC parking webpage: http://www.mtc.ca.gov/planning/smart_growth/parking.

CEQA Streamlining

We encourage the City to coordinate early with Caltrans on any infill project proposals near State transportation facilities to enable consideration of the potential site specific traffic impacts and ensure appropriate mitigation. Even if cumulative impacts were addressed in a prior environmental clearance document there may be direct impacts of concern with a proposal. A CEQA exemption is still an adequate environmental clearance as long as mitigation of direct project impacts is included as part of the project. If a project does not qualify for streamlining provisions under SB 375 regarding traffic impact analysis, Caltrans requests a Traffic Impact Study to assess the impact of this project on the SHS and the adjacent road network. We recommend using Caltrans' *Guide for the Preparation of Traffic Impact Studies* for determining which scenarios and methodologies to use in the analysis available at the following website: http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. See the following website for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Ms. Leslie Mendez, City of Berkeley
March 5, 2015
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Should you have any questions regarding this letter, please call Sherie George at 510-286-5535 or sherie.george@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
Acting District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse