

HOUSING POLICY AND PROGRESS

in

Albany, Berkeley and Emeryville

Final Report of a Two Year Study
by the
League of Women Voters
of Berkeley, Albany, Emeryville

2001

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PREFACE

This study was recommended in the final report of an earlier study on rent control in Berkeley, concluded in 1998. At the same time, the Housing Action Positions of LWVBAE, last revised in 1991, applied only to Berkeley. So the membership voted in June 1998 to authorize a two-year study of the housing situation in Albany, Berkeley and Emeryville as the basis for new positions that would apply to all three cities.

The study committee was chaired by Suzanne Adams, and working members were:

Diana Bilovsky	Eloise Bodine	Doris Fine	Doris Maslach
Meda Rechen (1998-9)	Jean Safir	Renate Tubman	

The number of participants in its early weeks reached fifteen, but the size of the group that did the work over the two year period fluctuated between six and nine.

The Albany research and writing was done by Jean Safir. Doris Maslach led a team (Bilovsky, Rechen, Tubman) which covered Berkeley, and Doris prepared the report. Suzanne Adams did the research and report on Emeryville, with some interview partnership by Eloise Bodine and Larry Hynson of East Oakland Development Corporation. The bibliography for Berkeley was organized by Renate Tubman. All committee members commented on findings, suggested directions for the study and worked on the consensus questions. Final editing, production and distribution were handled by Jean Safir.

During the fall of 1999, summary information about the cities and comparative data was presented in the *VOTER*, followed by informational meetings where the committee reported findings to the membership. The consensus questions were published in the April 2000 *VOTER*, and "Consensus Units" were held on April 26 and 27. The Board approved the consensus statements and recommended approval at the annual membership meeting in September 2000. (Appendix I consists of the approved "Housing Action Positions.")

2002: This is a second printing, with minor corrections.

PART I: SUMMARY OF STUDY FINDINGS AND RECOMMENDATIONS

A. The Choices:

The population of California continues to increase steadily, and during the recent economic upturn, the increase gained momentum. The rate of housing production has lagged behind population growth for at least 20 years. It is estimated by State and UC researchers that California will need to produce at least 300,000 units of housing annually for the next twenty years to house the projected increase in households. The majority of this increase is to house those born and reared here, not simply newcomers, which is a fact often overlooked by residents.

The most common form of housing development over these years has been the creation of new suburbs at increasingly greater distances from major areas of employment, primarily in the pattern of single family homes. The consumption of land, often prime agricultural land, has been breathtaking. Meanwhile, older cities have had spurts of development followed by strong internal resistance to increased density. This has taken the form of zoning regulations that severely restrict what can be built and where. The creation of new housing has largely been confined to single family dwellings on the occasional vacant lot, with a few larger multifamily buildings on scarce larger parcels. Emeryville was an exception to this rule, with 95% of its land area designated for redevelopment, opening all sorts of possibilities for new high density development.

One unpleasant result of the building patterns of recent years has been the increase in automobile use, and the decreasing proportion of workers who utilize public transit. In the Bay Area, the increase in traffic results from the fact that jobs are clustered around the Bay, while housing has been built 20-50 miles away in a low density pattern unable to support public transit. Commuters regularly drive through or come into the older cities to reach a work destination, causing congestion that the streets were not designed to handle, as well as demand for parking.

The Bay Area's share of California's need for new housing is estimated at 30,000 units annually. We are faced with only two stark choices: build up or build out. The former requires us to rethink what makes a livable city; the latter results in the loss of open space and agricultural lands and the continued growth of housing opportunities farther and farther from job centers.

The Livable City:

Americans who travel abroad have been strongly attracted to cities in Europe, where cities have been densely populated for generations, packing many people, places of work, cultural destinations, restaurants and cafes, schools and universities into relatively small areas, frequently well served by public transit and organized to make walking useful and pleasant. As a collection of 3-6 storey neighborhood hubs, with mixed

residential and commercial uses, each has most of the daily destinations of the residents within its bounds. The neighborhoods are bounded by boulevards but otherwise have very small streets, ideal for walking and biking but now threatened by the continent's growing love affair with autos -- the problem their societies as well as ours must address.

Looking at these attractive cities we can learn something of a vision for a city that embraces a variety of housing types, building heights, open spaces, and hubs attracting people for business and pleasure. The opportunity exists to develop a city in which the housing units and jobs available in the city are more or less in balance, and if the housing mix matches the household composition and mix of wages and salaries paid, the opportunity exists over time to find more people living near their places of work or study, and thus able to utilize alternatives to the auto for daily transportation.

Losing space, and other valuable things:

New jobs tend to develop in population centers where healthy corporations are still growing. Silicon Valley's computer industry was the original driving force, with other high tech firms -- biological and chemical -- following. These industries are clustered around the older cities on the Bay, one consequence of having two major research universities in the region.

All over the Bay Area we have been starting new communities and pushing out the borders of communities into agricultural areas. Santa Clara and Los Angeles Counties provide dramatic examples of city growth that took them from two of the most productive agricultural counties in the nation to close to zero agriculture within a decade. Alameda, Marin and Contra Costa Counties are on the same road, and most twenty-year residents of the region can remember very different rides through those counties than we take today. How much farther out do we want to replicate this low-rise, endless sprawl pattern?

Where population is sufficiently concentrated, public transit can develop with minimal operating subsidy, but few California communities have developed sufficient density to provide the number of routes or frequency of service necessary to compete effectively with the auto as a convenient mode of transportation.

As housing needs push more and more residents farther from places of work and cultural centers, several negative consequences ensue:

1. Public transit systems, if they exist, require heavier and heavier subsidies because they are seldom fully loaded, they give infrequent service to any one area much of the day, and there is never enough money to subsidize really efficient service.
2. More autos, chosen for convenience or necessity, create more pollution, force more highway and parking capacity, and have a greater negative impact on the communities through and into which they move. Unfortunately, we have been all too willing to subsidize autos.

3. Part of less livability is the sheer time devoted daily to getting around between work and home, all subtracted from personal time with family and recreation.

4. When jobs outnumber housing units in a city, the salaries earned there are generally spent elsewhere.

5. When housing is scarce, those who grow up in a city and even enter the workforce there can seldom afford to live there. Research done at UC Berkeley suggests that more than half the new housing needed in California will be for native Californians, born, raised, educated and entering the work force here.

6. Finally, and most important for many people concerned about environmental degradation, the future cost of endless sprawl will be great to society as a whole. Growing pollution affects humans and plants alike and will ultimately contribute to the loss of agricultural productivity.

In order to meet the State's projected housing needs, California charges local regional planning agencies — the Association of Bay Area Governments (ABAG) in this region — with developing regional plans setting targets for new housing in every city and county. These targets are based on such factors as projected population and job growth, and local General Plans. The first housing production targets were for 1980-88, then for 1988-94, and new targets for the current period were finalized in 2000, after our study was completed. There is currently a discussion in the State legislature about rewards and punishments as incentives to meet goals, but no new legislation containing these provisions has been passed.

B. Accomplishments in Albany, Berkeley, and Emeryville

As shown in some detail in the discussions of each city, none of our cities has actually met its latest set of assigned targets. Emeryville came the nearest, and had projects in the pipeline that would exceed their target by 114 units in 1999. Berkeley reached only 53% of target, even counting building completed after the target date. Albany has sixteen units of subsidized rental housing for very low income people, out of the 86 unit total that was their assigned goal.

Both Emeryville and Berkeley have made fair headway on covering the gamut of income levels, providing within what they built a good array of very low, low, and moderate income housing as well as market rate. Emeryville by 1999 met all their target allocations by income level.

C. Impediments to Meeting Regional Housing Needs:

Berkeley and Albany residents appear to feel that there are enough people already living in their cities, and Emeryville residents are beginning to show signs of the same attitude. The sense of being 'full' has a great deal to do with the increasing load of autos, both going through and wanting to stop and park. In Berkeley and Emeryville, there are many more people who need to be in the city for work or school than live there

at present, and Albany is experiencing a growing number of commuters from outside their borders crowding local streets on the way to jobs elsewhere. Would all these autos be so visible and irritating if their occupants lived in the immediate area and were able to walk, bike or use mass transit?

In all three cities, the problem of meeting ABAG targets requires serious planning and political leadership to locate areas in which mixed uses and mixed income multifamily buildings could be usefully clustered, and to move to somewhat increased building heights. As one local expert has remarked, increasing our current residence patterns from one to two or three stories in selected areas of our cities could produce many of the 30,000 new housing units needed annually; drastic increases in building height are not needed.

The immediate constraints to building new housing are several, varying with the city. In Emeryville the major problem still being addressed is the brownfields, — soil and groundwater pollution that limits what can safely be built. In Berkeley and Albany, zoning regulations — opposing change, limiting development, or with internally inconsistent provisions — are a major impediment. The processes for getting permits are time-consuming and expensive, and often of uncertain outcome. One consequence is to raise the cost to developers of negotiating revisions needed to get their plans approved and holding expensive property without generating any income from it.

The effectiveness of Emeryville in developing housing was to a major degree facilitated by its redevelopment program, which generated massive increases in the tax base and enabled the City to invest more in new infrastructure and services, as well as supporting production of new housing. In addition, radical revision of zoning laws were adopted, making them free of inconsistencies and excellent tools for shaping all types of new development. These changes fortunately coincided with the pressing need for housing that resulted from the dramatic job growth that also came about through redevelopment.

Berkeley and Albany, in contrast, have zoning laws that have not kept up with the times and now impede development. Berkeley has been receiving federal assistance through the Community Development Block Grant program for almost 30 years, the amount based on the size of the City's population and the number of its low income residents, many of whom are university students. These funds are available to assist in the production of housing for low income people, but much of it has also gone to support greatly needed social programs. Albany and Emeryville, on the other hand, because of their much smaller size, do not qualify for the types of direct grants going to Berkeley. Instead, they must compete with other small communities in Alameda County for far more limited funding under these same programs.

D. Recommendations for Change in Positions for Action

The study committee recommended and the membership consensus supported radical revisions to our previous positions for both Zoning and Housing. These were designed some years ago for Berkeley alone, and they needed to be expanded and updated to give us a basis for action in all three cities.

The Zoning position has two main points: support for updating regulations periodically to accommodate revised plans (a section retained), and designation of transportation corridors as the principal sites for high density housing.

The Housing positions now make four major points, each with specific sub-points that suggest means of accomplishing the overall objective:

1. Each City should preserve and improve the condition of its existing housing stock.

All cities have a vested interest in this, whether property is resident owned or rented; it is capital not only for the owner but for the community. Deteriorating housing stock tends to spread its effect in the immediate neighborhood, and ultimately it can become unlivable. While provisions for this have been in the policies and laws of the cities, housing departments have been badly organized to carry it out. To accomplish this, cities need to enforce compliance with building codes, promote earthquake reinforcement assistance and disaster awareness, and support tenant and landlord information and mediation service. Cities should also seek federal and state funds to help return vacant housing to use or demolish it, and to provide low-cost loans to low-moderate income property owners to promote rehabilitation and conservation of the housing stock. A major problem has been the failure to inform the public about the available assistance programs.

2. Each City should expand its housing stock to meet its share of the region's growth projections.

This is probably the greatest leap from our previous position: it acknowledges that it is in our interests to think regionally. It urges the cities to encourage greater density along transit corridors, especially in commercial areas with multistory buildings that are both mixed use and mixed income. It also urges the cities to identify and limit the current constraints on new housing construction, such as high off-street parking requirements, and the power of residents to block or delay approval of projects that meet zoning requirements. Cities need to determine a consistent procedure for permit processing for predictability and timeliness, and institute reasonable fees for permits. They should also grant conditional use permits without public hearings when projects meet approved standards. They should review their Zoning regulations and consider revisions that would promote production of needed housing while maintaining health, safety and environmental standards. Cities should encourage secondary units in single family areas, consistent with state law, by eliminating public hearing requirements for applications that conform to zoning standards. Finally, as the number of multifamily buildings increase, it will be necessary to make sure that some of the additional housing is suitable for families with children as well as for populations with special needs, such as disabled, elderly and homeless.

3. All three cities need to cooperate with the University of California as it attempts to meet the housing needs of students and staff. In the past, Berkeley in particular has made as much difficulty for the University in this respect as it has for other developers. While everyone wants the University to assume more responsibility for housing, each city resists having any more property removed from its tax rolls. It is time to seek a collaboration in which developers provide the housing in the immediate neighborhood of the University or along major transit corridors to house students, perhaps with the University backing, with low-interest bonds to help fund new development. The City should support the University's efforts to encourage home-owners to rent rooms to University students and encourage the use of air rights above parking lots to build student housing.

4. Finally, the cities need to use a variety of means to provide opportunities to increase housing that is affordable to low- and moderate-income households. This is the segment of society that suffers most severely from the housing shortage; for them, moving further away increases economic hardship and general family stress, while staying in their communities could mean homelessness. Cities should strive to meet ABAG housing targets for lower income people, and should participate fully in federal and state programs that facilitate such development. Cities should actively assist non-profit developers to find sites and funds for multifamily housing and to address the concerns of neighborhoods. Cities should also take an active role in seeing that units developed for low and moderate income people remain permanently affordable, through such measures as limited equity cooperatives and deed restrictions. Cities can also strengthen inclusionary zoning laws to provide more affordable housing.

It is interesting that the majority of measures to implement these positions have been available for at least a decade, some longer. Many have been provisions within the policies and ordinances of the cities. Our difficulties in providing an adequate supply of housing stem largely from a lack of public will at the local level that gets everyone "on the same page" and committed to real solutions: city councils, planning, housing and zoning commissions, permit office personnel, developers and residents.

PART II: HOUSING STUDY FINDINGS: ALBANY

A. Origins

The discovery of gold in 1848, two years after California became part of the United States, brought squatters and cattle rustlers into the East Bay area, and thus brought an end to the land grant economy. Eventually, the land was divided into small parcels and sold as farms or homesteads. After 1906, the "great" San Francisco earthquake and fire sent large numbers of families to the open land across the bay, giving a big boost to the development of Albany and its neighbors.

Albany was incorporated in 1908, largely to keep the City of Berkeley from dumping its garbage in what was then commonly known as "Ocean View." A year later, the voters chose Albany as the new name for the new City. In 1927, it adopted its first Charter, which set the basic form of the City government.

B. Setting

Albany appears to be primarily a city of small single-family homes and mostly small businesses as well. However, 54% of the housing is occupied by renters and 49% of its dwellings are in multi-unit structures. Most of its multifamily housing is located on the west side of Albany Hill, built during the early 1980's. Now only a few small vacant lots remain, and zoning regulations severely restrict increased densities throughout the City. It is reported to have one of the highest densities of any city in the State, as measured by residents per acre.

The Golden Gate Field Race Track, on bay-front land, is its most well known business enterprise and one of its largest land owners. It used to be a big source of tax income to the City, but that has declined dramatically over the past 10-15 years, with off-track betting becoming commonplace. Albany is about 1.5 square miles in area, with 1/3 of that west of the freeway.

C. Local Government

The City Council has five members, each elected at large to serve a four-year term and each paid \$5.00 per meeting attended. Members may not serve on the Council after completing two consecutive terms until at least two years out of service have elapsed.

The mayor and vice mayor are chosen annually by fellow council members. Other elected officials include the Chief of Police, the City Attorney (serving part-time) and the City Treasurer (also part-time.) Each is elected for a four-year term and there are no limits to the number of terms they may serve. The City Administrator is responsible for all departments and agencies except those headed by an elected official.

The Planning and Zoning Commission, also with 5 members, meets twice a month and is responsible for the General Plan and Zoning Ordinance, including revisions and

implementation, capital improvements, design review, use permits and variances, tree removal, off-street parking, etc. — almost everything that affects housing policy and its implementation, plus a lot more. In addition to providing staff to the Commission, the Community Development Department is responsible for current and long-range planning, environmental and engineering services, economic development, building permits, inspections and code enforcement, street maintenance programs, and more.

D. Population and Housing Data

1. Basic Demographic Information

During the 1980s, Albany added 433 housing units, a 6% increase, while the size of the population increased about 8%, indicating an increase in the average size of households. In the same period, the number of people living in rental units — either houses or apartments — increased by 11%, and the percentage of single-parent households with children increased by 18.5%.

From 1990 to 1999, the State Dept. of Finance (DOF) estimates that Albany had a net increase of only 25 dwellings, and all of these were believed to be priced at above moderate income level. The latest (January 2000, State Dept. Of Finance) official estimates give a population of about 18,000, with close to 7,300 housing units. The City is essentially built out, with only a few scattered individual lots now available for new development.

ABAG's *Projections 2000* report estimates that the number of Albany households — the same as occupied housing units — will increase from 7,192 in 1990 to 7,280 in 2000, and then to 7,330 in 2010. This is a projected addition of 88 households in the decade leading up to the new century — just over 1% — and then just another 50 in the next decade — less than 1% increase.

a. Population 1970-2000 (1970 & 1980, from DOF; 1990 & 2000, from ABAG *Projections 2000*.)

Year:	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>2000 (est.)</u>
Population	15,561	15,130	16,327	18,000
% Increase		- 3%	+ 8%	+ 10%

From 1970 to 1980, population declined in Albany, but then increased by about 1,200 by 1990. This was the decade when a lot of new multifamily housing was constructed on the west side of Albany hill. Even a larger growth is projected by 2000, when Albany is expected to reach 18,000 residents.

Comparing population to number of households, Albany has shown an increase in average household size over the past two decades. This is not surprising to those who have children in the local schools or frequent the local playgrounds.

b. Income and Housing Costs (1990 Census)

Median household income:	\$ 34,836
Median family income:	40,527
Median income, non-family households	28,212
Median home value:	239,600
Median gross rent:	660

Assuming one third of household income as the accepted standard for the cost of shelter, whether renting or owning, it is clear that there is a large gap between the average family and the average non-family household as to their ability to pay for housing. The typical family household could afford the median home price, whereas the non-family household — mostly single people living alone or with other singles — can barely afford the median gross rent.

2. Supply and Cost of Housing, in relation to Resident Income

1. Housing Units by Renter / Owner (1990 Census)

Total units:	100%	Occupied Units	96%
Owner Occupied	46%	Renter Occupied	54%

Housing by type of structure (1990 DOF)

1-Family detached	51%	Large multifamily	37%
		Small multifamily	12%

Albany is predominantly a city of renters, even though most of the housing is in single family detached dwellings. With a 4% vacancy rate reported in 1990, when a lot of new housing had just come on the market, one can assume that the rate is a lot lower now, considering the growth in population compared to the growth in housing units since then.

b. For all renters, % of household income spent on rent, by % of households

<u>% of income</u>	<u>% of households</u>
< 20%	30.9%
20-29%	27.6%
30-34%	10.2%
35%+	31.4%

More than 58% of Albany's renter households are paying less than 30% of their income for rent. However, that means that almost half are paying more than the accepted standard.

For low income renters, — those with incomes of less than \$20,000/year, who make up 31% of all households — the figures are quite different.

<u>% of income</u>	<u>% of households</u>
< 20%	5.2%
20-29%	21.4%
30-34%	11.0%
35%+	62.4%

About a fourth of low income renters pay under 30% of their income for rent, which is a top rent of \$500 per month. At the other extreme, almost three fourths are paying more than the accepted standard — not surprising, considering current rent levels — leaving them few dollars for other living expenses.

c. For owners, % of income spent on home owner costs, by % of households

<u>% of income</u>	<u>% of households</u>
< 20 %	56.5%
20-29%	20.2%
30-34%	6.5%
35% +	16.8%

For more than half of Albany homeowners, housing costs eat up less 20% of total income, and three-fourths pay less than 30%. Again, the figures are more extreme for low income homeowners, but not dramatically different. Many of these people are elderly and retired, and many pay very small housing expenses because they own their homes free and clear, with no mortgage. But still, 28% of them pay more than 35% of their limited household incomes for housing.

<u>% of income</u>	<u>% of households</u>
< 20 %	49.8%
20-29%	17.0%
30-34%	4.9%
35% +	28.3%

E. Special Problems and Opportunities

Homeless Encampment on the Waterfront

At the western end of Buchanan Street, adjacent to the Golden Gate Fields race track parking lot, is the Albany Waterfront — what remains of a construction debris landfill that operated from the early 1930's through the mid 1980's. By 1999, it had become a popular walking area, bird habitat and homeless encampment. The City began public improvements along the waterfront two years ago with the construction of the Albany Bay Trail and the completion of two public art sculptures. The City is also currently involved in discussions with the Regional Water Quality Control Board and the Regional Park District to develop a plan that would officially "close" the landfill and make it

suitable for regional recreational.

In January 1999 the City Council began a series of discussions about the condition of the land and the variety of users and uses of the land. The discussions resulted in the creation of an ordinance to promote safe and healthy activities while restricting potentially dangerous activities on the waterfront. Since the waterfront does not have sanitation or water services and contains a lot of construction debris, the Council adopted new regulations that prohibit camping, overnight uses, alcohol consumption and construction. These regulations, and those of the East Bay Regional Park District, which now manages a portion of the site, allow for daytime uses and prohibit activities that threaten public health and safety.

The City Council also decided to relocate the 50 to 70 homeless people living on the waterfront. To offer assistance even before the new regulations went into effect, the City contracted with homeless service providers to offer food, counseling and housing relocation services. In addition, Operation Dignity, a Veteran's homeless organization, provided temporary shelter, hot showers and referrals to other services for 20 to 30 individuals to transition to more permanent housing opportunities. This effort was supported by other homeless service providers and Golden Gate Fields. Animal rescue groups worked with those camping at the waterfront to find homes for and spay or neuter their many dogs and cats. An Albany veterinarian provided medical treatment for some of the sick or injured animals.

The homeless campers are now gone from the waterfront, but the experience made a strong impression on many of Albany's longer term residents, who realized that homelessness was not "someone else's problem;" it happened here and Albany had to deal with it. Many hours of City Council meetings and staff work went into devising a program that was both effective in recovering the waterfront area for recreation uses and humane in offering a complex array of assistance to those formerly living in the homeless encampment. It is unclear, however, whether the former "campers" ever found suitable shelter elsewhere or the social services they need.

University Village

During World War II, in order to accommodate the thousands of workers at the Richmond shipyards, the Federal Government created Codornices Village on land leased from the University of California (UC), located west of 8th Street at Monroe in the City of Albany. Adjacent to this site was the Veterans Village that had provided temporary military housing for the US Navy training base in the area. After the war, both "villages" operated as a Federal Housing Project until 1956, when the 420 units on the site reverted to University ownership and came to be known as "University Village", serving as family student housing. In 1962, 500 new apartments were built for students.

In the early 90's, UC began work on a Master Plan and program for redevelopment of University Village and adjacent property it owns in Albany and northwest Berkeley. A major part of this plan is the replacement of the old and badly rundown student housing on the site. Implementation is currently under way and comprises three phases: first, to

replace 315 of the original 420 World War II era apartments; second, to replace the remaining 105 units of the older housing and then replace the 500 units built in the 1960's; third, to renovate or replace shared community facilities.

In the course of public hearings on the Plan and its Environmental Impact Report, and continuing into the construction phase, many concerns were expressed about the dislocation that would result from the program and the fact that the new housing would be rented at much higher levels than the older apartments. Not only would residents have to move out to enable the demolition and new construction to take place, but many of the former residents could not afford to move into the new units. No one seriously took issue with the need to provide better quality housing for married students and their families, but the higher cost of the new units took many by surprise. As of this writing, it is unclear whether all of the new housing planned for the site will ever become a reality and whether the displaced residents will find replacement housing in the area.

6. Official Housing Policies

Albany's current *General Plan, 1990-2000*, was adopted in 1992 and included a Housing Element that was certified by the State as being in compliance with State regulations. Public comment during the preparation of the General Plan expressed fear that increased density would exacerbate parking problems and diminish the quality of public services. On the other hand, concern was also expressed that rising housing costs would make Albany inaccessible to young people and to families with children.

Explicit assumptions of the General Plan include the following:

(1) *Albany will continue to be a predominantly residential community, with a very high percentage of its residents commuting elsewhere for employment.* Thus, a balance of jobs and housing is not a goal that Albany will seek to achieve. The 1990 Census reported that 12.8% of Albany workers actually worked in their city of residence — compared with 50% in Berkeley and 20% in Emeryville.

(2) *The limited supply of land, and the high demand for it, will maintain the high prices now experienced for both existing housing and the few buildable sites,* thus making it difficult to increase the supply of housing for low and moderate income people. The average value reported for a single-family home increased 83% between 1980 and 1990, while median household income increased only 11 percent. With so little vacant land available, private redevelopment is now the only viable option for creating new housing, whether single or multi-family.

The Housing Element of 1992 contains a commitment to meet ABAG's housing production targets for 1992-1997, which were 23 units for very low income households, 15 for low income, 18 for moderate and 30 for above moderate income households, for a total of 86 housing units to be added in the 5 year period. However, as of June 2000, only sixteen units of new housing affordable to low income people had been built, and there are no prospects for any additions.

ABAG issued draft "housing need allocation" figures in June 2000 for the years 2000-

2007, and once finalized, these will have to be reflected in Albany's new Housing Element, which is yet to be undertaken. In order to meet its assigned goal to produce a specific share of the region's housing needed housing over the next seven years, Albany will have to make it possible for the following to be added to its housing supply:

TOTAL UNITS NEEDED	Very Low Income	Low Income	Moderate Income	Above Moderate	Average Need/Year
277	64	33	77	103	37

These numbers -- three times ABAG's previous allocation to Albany — will almost certainly not be met. However, some effort to address the magnitude of housing need, both locally and State-wide, will have to be shown in Albany's Housing Element update, if the City is to comply with State law.

G. Actions taken by the City to meet housing needs / solve problems

Albany currently participates in the housing rehabilitation and the Section 8 rental housing voucher programs administered by Alameda County. As of May 1997, sixteen housing vouchers were in use by very low income residents in Albany — five of these being elderly residents, four physically disabled and seven by other types of families.

Albany has also supported the development of a new 16-unit project for very-low-income people — Creekside Apartments on San Pablo Avenue close to the Berkeley border — with an \$80,000 grant for creek realignment and the waiving of all planning fees. This project will serve people with incomes below 50% of the county median and two of the units are designed to accommodate physically disabled residents. The developer of the project has made the commitment to keep all of these units affordable to very-low-income people for a minimum of 60 years. To date, the site has been cleared and construction should be completed within the coming year.

H. Constraints to Housing Development

1. Zoning: The lowest permitted residential density in Albany is approximately 10 units per acre, which would be considered high in many other areas. For example, in outlying areas, townhouse developments average 8-10 units per acre and single family zones usually start at 4-5 units per acre. Even in Albany's hillside zone 12 units per acre is permitted. Multi-family zones range from 35 to 69 units per acre, and the "tower" district on the bay side of Albany Hill allows up to 87 units, but that district is completely built out.

In 1987, a voter initiative re-zoned a large area of the City from various multi-family designations to single family uses (R-1). This included much of the area between San Pablo Avenue and the BART line, north of Solano Avenue. There are now 74 multifamily developments in this R-1 area and they are designated "legal non-conforming uses." This means that they are allowed to remain but could not be rebuilt as multifamily uses if they were destroyed.

The two major streets in the City, San Pablo and Solano, are zoned for commercial activities, but residential uses are allowed. Many older residences remain, but few new residences have been added. Secondary residential units are also permitted in all single family areas, but are controlled by the requirements for a use permit, which requires a public hearing before the Planning Commission and the possible imposition of conditions that may discourage owners from proceeding. In addition, a secondary unit may be added only where the lot size is at least 3,750 square feet. Other restrictions include a maximum lot coverage of 50% for all structures and off-street parking is required, which many cite as the most difficult obstacle to overcome.

2. Off-Street Parking: “Measure D”, adopted in 1978 as a voter initiative, requires two off-street parking spaces per unit for all new residences. An exception procedure was also passed that allowed a reduction to 1.5 spaces per unit through the use permit procedure if sufficient on-street parking in the immediate neighborhood can be demonstrated. More than 20 years later, there still seems to be a lot of support for these requirements amid concern about traffic congestion on local streets, as many single family homes have added second stories and are occupied by larger families who own two or more cars.

The parking requirement not only limits the addition of secondary units in residential areas, but also effectively prohibits the development of residential uses in commercial areas, where they would normally be permitted. For example, senior housing normally needs no more than one space per unit, as demonstrated by such housing that has been built in other communities. Multi-family housing that would be affordable to low-income people is also severely burdened by the cost of building off-street parking and the amount of land that would need to be used to provide the parking.

3. Available Sites: Albany’s 1992 Housing Element identified a number of “potential sites for residential development” — eleven small infill lots scattered throughout the flat area of the City, many of which have since been developed; more than 20 lots on Albany Hill that have severe development constraints due to slope and drainage conditions; and three sites for possible redevelopment. One of the latter — the Villa Motel, on San Pablo Avenue — is now being rebuilt as the Creekside Apartments, with 16 units for very low-income people. Another one of the identified sites for redevelopment has since been purchased by the Board of Education and is now the home of a new middle school. The third site — the Albany Bowl — has become unavailable for redevelopment, since the business has picked up and the owner is said to be no longer looking for a buyer. Thus, Albany is essentially left with infill sites plus any opportunities for private redevelopment on San Pablo and Solano Avenues.

I. Analysis and Recommended Solutions

The 1992 Housing Element contains a number of goals, policies and implementing programs that could help the City meet its “affordable housing” targets, but to date very few have been actively pursued. These include the following:

- Amend the condominium conversion ordinance to allow limited equity cooperatives and other innovative proposals which would provide ownership housing affordable to low and moderate income households;
- Develop an “inclusionary” housing program, requiring 15% of new multifamily housing to be made affordable to low-income households;
- Enact a density bonus ordinance consistent with State law requirements and publicize this to the development community;
- Sponsor a ballot measure to revise the two space per unit residential parking requirement established in 1978 (known as “Measure D”), with parking requirements based on unit size, number of bedrooms, unit type or population served, proximity to transit and/or availability of parking in the neighborhood.

The Planning Commission will soon begin public hearings on an extensive Zoning Ordinance revision, which is now being prepared by a technical advisory committee, made up of representatives of the City Council, Planning Commission, Park and Recreation Commission, Chamber of Commerce and concerned citizenry. After the Planning Commission sends its Zoning Ordinance recommendations to the City Council, the Community Development Department will have to promptly begin work on an updated Housing Element in order to meet the time schedule set by the State government.

Both of these undertakings — the revised Zoning Ordinance and an updated Housing Element — will provide opportunities for citizens in general, and for the League of Women Voters in particular, to recommend that the City make a realistic and pro-active commitment to addressing housing needs.

Part III: HOUSING STUDY FINDINGS: BERKELEY

A. Origins

The story of housing in Berkeley is linked to the University of California beginning with its location in this City in 1873. Population growth spurts occurred after the 1906 earthquake and fire in San Francisco, then in the aftermath of World War I, and finally in the aftermath of World War II. Each of these changes added new ethnic and racial groups to the City, and Berkeley changed from a middle-class white university town to the diverse City of today that encompasses a variety of races, economic levels, and life styles.

From the beginning there was never enough housing to accommodate the demand of the growing university, both students and staff. The University of California at Berkeley was modeled after the German system as a commuter rather than a residential institution, and early attempts to provide housing failed. It took the influx of GIs after World War II to push the UC Regents to build the high rise dormitories of today, and to create University Village (in Albany) for married vets. At present, UC provides housing for 10,640 of its 30,000 students, and another 15% live in affiliated housing — the coops, sororities and fraternities.

Between 1979 and 1988 there was a decline of 3900 units of student-occupied private housing. While UC recognizes the need for more student housing, it faces the legislative requirement that all housing provided must be self-supporting: the fees charged residents must pay off the bonds as well as maintain the buildings and personnel to staff them. In addition, community opposition to the university's attempts to provide more housing has led to increased costs, thereby decreasing the number of units provided. In spite of this, by using income from existing housing, built more inexpensively years ago, UC has managed to add an average of approximately 100 beds in new construction every year over the past two decades. Incidentally, this contributed to Berkeley's "fair share" housing target for the 1988-95 interval.

Today UC is the largest employer in Berkeley, the owner of the largest number of housing units, and a dominant factor in the cultural, social and economic life of this City: it is part of what gives Berkeley the reputation of a most desirable place to live. The City of Berkeley is the second largest employer. Many employees of both the University and the City must live outside its borders for lack of affordable housing, a condition shared with most employees of businesses, unless they were first employed many years ago.

B. The Setting

Berkeley is a city of 10+ square miles with a population of about 108,000. It had a higher population of 114,000 in 1970, dropping to 102,000 by 1990, during a period when neighboring cities experienced steady growth. A number of factors contributed to this loss. One of the most important was the rezoning in the '50's and '60's to counter the construction of over 7000 units of multifamily buildings sited within single family neighborhoods, which also stimulated adoption of the Neighborhood Preservation Ordinance in the '70's. More subtly, changes in prevailing life styles and family composition reduced number of residents per unit, in part enabled by rent control.

Berkeley's 45,000 housing units are almost equally divided between homeowners and renters. There are still about 10,000 regulated low rent units under the rent control program that has been in effect for the past 20 years. However, unregulated rentals and those under rent control that have been allowed market level rent increases (under the Costa/Hawkins State legislation) reflect the extremely high rents characteristic of the Bay Area.

Only about half of the people who work or attend school in Berkeley live here, so traffic and parking are escalating problems for the City. For those who both live and work here, Berkeley residents show the highest rate of commuting by foot, bicycle and public transit of any Bay Area community.

Since open sites for building housing are very few in Berkeley, prudent planning is necessary if we are to solve the housing crisis here.

C. Local Government

Berkeley has a City Manager form of government, overseen by a nine-member City Council. A council member is elected from each of eight districts for 4 year terms, four at a time, in general elections. The Mayor is elected at large for a four year term. The Mayor and Council members are paid stipends and also have paid aides. The City Manager is appointed by the City Council and is authorized to appoint all other administrative personnel with the Council's approval. The City Auditor is also elected at large, as well as the nine members of the Berkeley Rent Stabilization Board -- all for four year terms. The salary of the Auditor is set by the City Charter, and Rent Board Commissioners get stipends, health and dental plans, all funded by the Rent Board from its income of rent registration fees.

Berkeley has numerous citizen advisory commissions, many with a significant impact on housing development: Planning Commission, Zoning Adjustment Board, Public Works Commission, Housing Advisory Commission, Design Review Board, etc. Members of commissions receive no stipends but may receive hardship expenses.

Berkeley's City Council, frequently with alternating five to four majorities, is characterized by adversarial rather than cooperative proceedings, and makes little progress on the most pressing problems, such as housing. A prime example of this is their failure to update the City's General Plan since 1977, and progress is very slow on

its current attempt to do so.

D. Demographics: (Source: Alameda County Planning, 1992)

1. Population and Housing Data:

	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>1999 est.</u>
Total Population	114,091	103,328	102,724	108,909
Total Housing Units	46,160	46,334	45,735	46,219
Total Households	44,494	44,704	43,453	43,913
Homeowner Households	15,979	16,883	18,998	NA
Tenant Households	28,515	27,832	24,455	NA
Vacant Units	1,666	1,615	2,282	2,306
Persons/Household	2.32	2.11	2.10	2.19

From 1970 on, population fell sharply until sometime in the '90's, when it turned up again. Total housing units declined slightly after 1980, but have also increased since 1990. The number of households has not yet reached the level of 1980. Ownership increased significantly between 1970 and 1990, while the number of housing units actually declined, perhaps reflecting both desires for permanency and rising household incomes, plus landlord retreat under rent control.

2. Age and Racial Demographics

Age Composition 1990

	<u>0-4</u>	<u>%</u>	<u>5-17</u>	<u>%</u>	<u>18-64</u>	<u>%</u>	<u>65+</u>	<u>%</u>
Berkeley	4,720	5	9,960	10	76,792	75	11,252	11
Alameda County	95,932	7	207,473	16	839,997	66	135,780	11

Notice that the 18-64 age group is a significantly larger percentage in Berkeley than in the county as a whole. This is attributable to the number of adult college students, which has the effect of lowering the percentage of sub-adults. Most of these young student adults live in non-family households.

Berkeley Racial Composition: Trends and Comparison to Alameda County

	<u>1960</u>	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>%</u>	<u>% Ala.Co.</u>
Population	111,260	114,091	103,328	102,724	100.0	100.0
White	82,081	77,262	68,198	63,833	62.0	53.0
Black	21,850	26,800	20,770	19,281	18.8	17.4
Asian	NA	NA	9,897	15,178	14.8	14.5
Hispanic	NA	NA	5,219	8,589	8.4	14.2

In Berkeley, the long term trends show an increase in the number of Asian and Hispanic residents and a decrease in number of white and black residents. The outcome in 1990 was a racial distribution that more closely resembled Alameda County as a whole, with Hispanics somewhat under-represented and whites somewhat over-represented.

3. Income and Costs of Housing*

	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>1995</u>
Median Household Income	\$24,443	\$25,567	\$31,075	\$32,500
Median Home Price	\$65,730	\$158,385	\$256,500	\$300,000
Median Contract Rent	\$ 449	\$ 366	\$ 392	\$ 515

*Figures are in 1990 dollars.

The cost of buying a house rose 356% between 1970 and 1995, while rents rose only 15% and median income increased 32%.

Mean Household Incomes by Tenure

	<u>Homeowners</u>	<u>Renters</u>	<u>All Households</u>
Berkeley	\$64,939	\$24,557	\$42,213
Alameda County	\$58,894	\$30,410	\$45,584

Mean incomes in Berkeley and Alameda County show a differential picture of the owner-renter groups: Berkeley homeowners have a higher and renters have a lower than county average income. Berkeley residents overall have a lower income than the county average. It does point to the fact that Berkeley seems to have two residential populations, one consisting of homeowners that are wealthier than the county as a whole who can therefore afford the higher costs of homes here, and the other consisting of renters whose incomes are significantly lower than the countywide average. At least a partial explanation of the latter fact could be that 25% of Berkeley's renters are college students who tend to have limited incomes while they are students. There is also the fact that some low income families and individuals have managed to stay in rental housing in Berkeley because of rent control; no other nearby community has shown such a low increase in rents since 1970.

% of Income Spent on Housing by Owners and Renters (1990)

<u>% of Income</u>	<u>% for Owners</u>	<u>% for Renters</u>
less than 20%	50.5	31.3
20-24%	11.0	12.7
25-29%	9.0	8.5
30-34%	7.9	5.9
35%+	20.9	36.6
not available	0.5	5.0

The often cited rule of thumb is that housing cost should be no more than 30% of a household's income. These figures show that about 28% of homeowners were exceeding that percentage when payments, taxes, insurance and maintenance were included. These owners are probably employed and far enough along in their careers to have purchased a home in anticipation of rising incomes. For tenants paying the single fee of rent, 47.5% were exceeding this "rule of thumb." While renters who are employed may also expect rising incomes, it may be some time before they would be able to save enough to become owners. This attests to the primary problem: prices and rents responding to a market under pressure from lack of supply.

Mean and Median Income by Family/Non-family Households (1990)

	<u>Family HH</u>	<u>Non-Family HH</u>	<u>All Households</u>
Mean	\$58,404	\$29,009	\$42,902
Median	\$44,671	\$21,220	\$29,737

These statistics show a sharp distinction in incomes between family and non-family households. Since current property values throughout the Bay Area make ownership unlikely for singles earning less than \$30,000, whether students, working singles or seniors, the need for increased small rental units for very low to moderate income households is clear.

E. Official Housing Policies

Berkeley's current housing policies are listed in two documents: *City of Berkeley Housing Element* of 1990, and the *Berkeley Homeless Continuum of Care Plan*, adopted in September 1998.

General housing policy is stated in the form of nine goals, each with a set of relevant policies. The goals are:

(1) decent housing at affordable prices that meet a standard of housing and neighborhood quality;

(2) existing housing to be maintained, improved, and fully utilized;

(3) supply to be expanded through conversion, replacement of deteriorated properties, and utilization of underutilized space, with encouragement to non-profit developers to provide affordable housing to low-income residents;

(4) increased housing for people with special needs -- disability, age, low income, drug rehabilitation, AIDS, homeless;

(5) assistance to the University and other State institutions to create new housing for their workers and those they serve;

(6) promotion of equal access to housing opportunities for minorities, people with large families, the disabled or handicapped, students and persons living unconventional life styles;

(7) promotion of regional cooperation on housing and related issues, to better achieve planning goals, to achieve "fair share" creation of housing that will also reduce traffic congestion and other human and environmental problems and to preserve open space;

(8) expansion and improvement of the role of neighborhood residents and community organizations in the planning process. While it was assumed that the Housing Element of 1990 would be revised in the context of revising the General Plan of 1977, it was also assumed these goals would remain and revisions would deal with specific ways to meet them.

The goals are lofty, and the subordinate policy statements do identify particular aspects of housing to consider. The areas cited for development are the commercial strips with good transportation and some areas of West Berkeley. Mixed use (commercial and residential) and mixed income multifamily units are encouraged. At the time the last Housing Element was adopted, the “Fair share” goal for Berkeley was 1,714 units by 1995, of which the University was expected to supply 427 units, each for two persons. The ABAG target included provision for 514 units to be affordable to very low income households, 291 for low income households, 326 for moderate income households and 583 units for those above moderate income.

The Berkeley Homeless Continuum of Care Plan lays out the necessary elements linking housing development for the homeless with needed employment and health services, with the goal of “main-streaming” the homeless into permanent housing and employment. It thus deals in detail with the complex needs of this population, which go much beyond housing.

It should be noted that, consistent with State law, Berkeley has provisions for second units on existing single family lots. However, as is true in many communities, the zoning laws require the maintenance of space for two off-street parking spaces per living unit, which is perhaps the greatest barrier to this sort of development. Moreover, since a Conditional Use Permit is required for approval of a second unit, the public hearing process extends the time and cost, and makes the outcome of the process very uncertain.

F. Actions Taken to Meet Needs and Solve Problems:

Berkeley fell far short of the ABAG target for 1988-95 as the following table shows (from Appendix B, *Berkeley Housing Needs*, p.4):

Summary of Berkeley’s Performance 1988-95

<u>Comparison:</u>	<u>Total Units</u>	<u>V. Low Income</u>	<u>Low Inc.</u>	<u>Moderate Income</u>	<u>Above Mod.</u>
ABAG Goals	1714	514	291	326	583
Net Units Added	924	265	118	249	292
%Units Needed	53.9%	51.6%	40.5%	76.4%	50.1%

Overall, Berkeley’s best performance was in the moderate income category, and next best was for very low income units. Sixty-one percent of the units were completed since 1990. The City recognizes that building slowed in the early ‘nineties during the statewide recession, but has achieved a faster pace since 1995.

1. New Housing: Since the 1960s, a number of federally subsidized housing projects have been completed, so that today there are about 1,500 units affordable to people with low incomes, 383 of these built since 1988. Most are for households with incomes that are 30-80% of the average median rent. The housing built since 1988 includes both non-profit projects with all units for low income households and for-profit projects with 15-20% of the units for lower income residents. Non-profit developments have been federally funded and are usually residential only. For-profit projects may have mixed use, commercial on the ground floor and residential above. Most mixed use buildings are in the downtown area and should contribute to the revitalization of that area — one of the City's current goals.

2. Inclusionary Zoning: Berkeley's inclusionary zoning regulation requires developers of multifamily housing at market rate to include a minimum of 20% of the units to be affordable to moderate income households earning 80-100% of the annual median income (AMI) for the county, and half of these must be affordable to Section 8 certificate holders, — that is, available at rents below HUD's Fair Market Rent (FMR). There have been about 50 of these units built so far.

3. Section 8 Program: Berkeley has been allotted 1,825 Section 8 certificates and vouchers for tenants earning under 50% of AMI; under this program, the tenant pays no more than 30% of his income while HUD pays the rest. However, housing within HUD's rent limits is in short supply, and this condition is getting worse as demand continues to increase market rents. Many voucher-holders go to other cities, which reduces the Berkeley allocation in the subsequent year. This deprives the City of overhead funds as well, which squeezes the ability to administer the program.

4. Housing Rehabilitation: Berkeley's policy that existing housing be maintained, improved and fully utilized has been carried out through the Federal Rental Rehabilitation Loan Program, the Berkeley Rental Rehabilitation Loan (RRL) Program, the Senior and Disabled Home Improvement Loan Program, and the Vacant Buildings and Anti-Blight Ordinance.

Prior to 1990, the Federal Rental Rehabilitation Program was the primary source of funding and one of the City's most successful programs, funding the rehabilitation of 275 units on 51 properties. The program spent \$1.54 million, leveraging an additional \$1.67 million in matching funds from property owners. The federal sum was forgiven if the owner maintained affordable rents for 10 years after completion of the project.

Since 1990, \$2 million has been invested by the City in the Berkeley RRL Program, rehabilitating 148 units with loans of \$1,000-15,000 on terms similar to the federal program above, but with obligation to maintain affordable rent for 15 years.

Finally, the Senior and Disabled Home Improvement Loan Programs offers loans of up to \$10,000 @3.5% interest, due and payable upon the sale or transfer of title of the house, for repairs that correct conditions threatening health and safety. Applicants are qualified as low income according to HUD standards.

5. Rent Control Program: The Berkeley rent control program was designed to maintain a large supply of low rents, and it has done so for 20 years. During that time, however, while the number of housing units in Berkeley has remained fairly constant, there has been a large decrease in the number of rental units (from 28,566 to 24,512, or roughly 4,000 units). About 18,000 units are under rent control, but the remainder are exempt.

The Costa-Hawkins bill passed by the State legislature now allows rents to rise to market rate when a unit is legally vacated -- that is, when a tenant leaves or is evicted for good cause, such non-payment of rent. These units with market rent are then "re-controlled" with no increase allowed for the duration of the subsequent tenancy, unless authorized by the Rent Board through annual general adjustments or individual rent adjustments. In the past four years, only one third of the units have had legal vacancies, so the large majority of rentals do not have market rents. The median rent for all controlled units is currently around \$675, so about 10,000 units have rents at this affordable level or lower.

Since vacancies rarely occur in low rent units, this source of affordable housing could remain for some time unless an owner decides to use it himself, or sells the property for owner occupancy, or goes out of business under the provisions of the Ellis Act. The City's goal of preserving affordable housing requires special attention to those owners for whom maintenance is more expensive than the allowance for it from the Rent Board, as well as to those tenants facing the possibility of displacement.

6. Homeless Program -- Continuum of Care Program: The homeless population in Berkeley varies between 1,000 and 1,200 at any one time; throughout a year, about 3,000 individuals are served. This impressive program provides shelter as well as emergency services that address problems of mental illness, addiction, job training, etc. Berkeley's reputation for providing excellent service in this area is not matched by neighboring communities, and thus may serve more than Berkeley's share would be if the county and other jurisdictions were providing similar services.

7. General Plan Revision: Finally, Berkeley is currently addressing the need to adopt a revision of the General Plan for the physical development of the City. It is to be a comprehensive update of the City's 1977 Master Plan, the 1980 Economic Development Element, and the 1990 Housing Element.

G. Constraints to Solving Housing Problems

1. Outside Funding: Federal funding programs have been reduced over recent years, and the state has not provided assistance as yet, in spite of active discussion about the housing crisis statewide. This affects the amount of low-income housing that will be built, since most low-income projects have been built with significant federal subsidy.

2. Use Permit Process: New residential construction must go through a public review process, which in Berkeley is often time consuming and controversial. For developers who have funds tied up in the land, this is a very expensive form of delay, especially since their proposals (otherwise meeting City requirements) must often be significantly changed to get grudging public support.

3. Zoning Regulations: Berkeley's zoning laws provide a complex web of requirements, many of which are difficult to meet in an economically feasible way. These include parking, open space, setbacks, inclusionary housing, energy and safety requirements. It is unfortunate that the City's previous General Plan did not specify the obligation to revise ordinances to fit current policy, and it is negligent of the City Council not to have done so. This has meant that policies often remain simply pious wishes, incapable of implementation under existing ordinances.

4. Development Fees: The fees required to process building applications in Berkeley are significantly higher than in all surrounding cities, almost twice as high as Emeryville, for instance.

5. Special Ordinances: The Landmarks Preservation Ordinance and the Neighborhood Preservation Ordinance, both developed in the wake of unfortunate development decisions of the past, now provide points of contention for any builder seeking to renovate or replace existing structures or to build in an area left clear by removal. This is so well known that there are many developers who simply will not operate in Berkeley. Even individual homeowners seeking to make additions to their homes or add a secondary unit within the general zoning provisions can be blocked or delayed for long periods of time in making their changes.

It is questionable whether proposals that meet all zoning requirements should have to go through a public hearing process. Resistance to change in the immediate environment is a fact of human nature. Thus, the forces opposed to any addition to a neighborhood will always come out in full at a public hearing. A plan that meets Zoning and Architectural Review requirements should not face such barriers.

H. Analysis and Recommended Solutions for the City:

Berkeley lacks sufficient housing for those who work or go to school there. This has already caused enormous transportation and parking problems for Berkeley residents, who are faced with the prospect of even more pressure from the growth to come into the Bay Area if it all occurs outside Berkeley. To do nothing under the assumption that this will allow Berkeley to remain as it is wastes the opportunity to guide the outcomes that would benefit and protect Berkeley residents. This community must decide how much and where residential units can be developed to maximize the benefits that would come from a growing population and minimize the negative impacts on the quality of life for all residents.

Part IV: HOUSING STUDY FINDINGS: EMERYVILLE

A. Origins

A brief historical note is important for understanding the unusual context in which present-day Emeryville has developed. This is a tiny city -- 1.2 square miles -- which began in 1856 when the railroads came in. It was bought and incorporated in 1896 by Joseph Emery to escape the taxes of Oakland. It grew as a center for heavy industry, with strong trucking and rail connections, attractive because its business taxes were significantly lower than those of Oakland. And it functioned that way until the middle of this century, when industry began to move out.

By 1975 the original tenants had largely decamped, leaving behind industrial buildings and warehouses, brownfield areas and 2,500 housing units in small single family homes. The jobs were largely gone, and few retail businesses of any sort remained. The City declared 95% of its land a redevelopment area and set to work deciding how to spend the tax increment dollars that would come out of redevelopment to create the kind of city they wanted.

In 1978, all 3,000 residents were invited to participate in a planning effort to envision the kind of city that should be developed. By the end of this public discussion, the residents had outlined a City of the following character:

- a. businesses — retail and light industry — including restaurants and recreation
- b. street trees and parks
- c. improved streets, sidewalks and sewers
- d. high density: more and diverse people in a variety of housing types, built around hubs to establish strong neighborhood characteristics
- e. easy mobility through public transit, walkways, and bicycle use
- f. restoration of what had once been a solid downtown with civic buildings.

B. Current Setting

Between 1980 and 1999, the population more than doubled (to about 7,200) in 4,300 households living in several well-defined neighborhoods. These developments are interspersed with business malls, markets, restaurants, recreational opportunities, light industry and retail businesses, many of which attract customers from neighboring areas.

There are more than 700 children in the three-building, three-level school system, and a Child Development Center. A Senior Center serves 1,000 seniors and their families. Five shuttle lines, co-funded by the merchants, employers, and the City, connect AC Transit and BART (Mac Arthur Station) with most locations in the City itself, facilitating access without cars for residents, commuters and shoppers.

As we get into the details and factual summaries, it is important to remember two quite unusual things that have determined Emeryville's development: on the positive side, a strong consensus in the 1978 core population about the kind of city they wanted, including a high density city; on the negative side, serious constraints on the siting of

everything as a result of extensive brownfields -- toxic soils resulting from prior industrial activity. The consensus allowed the rapid development of housing in this East Bay region, while the brownfields required serious technical study and planning to develop an affordable solution through site-specific amelioration and advantageous siting of businesses and residences. Thankfully, federal tax money became available to help support this costly effort.

C. Local Government

Emeryville utilizes the council/manager form of government under the State's General Law. The five-member Council is elected at large and chooses its own mayor and vice mayor annually. The members of the Council appoint the citizens who serve on 25 commissions. Unlike some of its neighboring cities, Emeryville has a Redevelopment Agency responsible for 95% of the City, not a restricted area. While the mission of the City government is the maintenance and operation of its infrastructure and services, the mission of the Redevelopment Agency is to remove blight and develop residential and commercial uses to improve the City. The two organizations are governed by the same body, the City Council, and the City Manager serves as the chief executive of both. The Council meets on Tuesdays with two agendas, taken consecutively, to handle the two sets of business. The several commissions related to housing matters -- the Planning, Housing and Zoning Commissions -- work within the set of rules and ordinances that satisfy the needs of both the City and the Redevelopment Agency.

D. Population and Housing Data: (Source: Alameda County Planning, 1992)

1. Basic Demographic Information:

a. Population 1940-1990

<u>1940</u>	<u>1950</u>	<u>1960</u>	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>1999 est.</u>
2,521	2,889	2,685	2,681	3,714	5,740	7,276

Population has nearly doubled since 1980. While prior to 1980, some artists and artisans had restructured some warehouses for live/work space, since then many new projects have created live/work units. At much higher rentals, many of these spaces are now occupied by young technical and professional workers.

b. Income and Housing Costs

Median family income 1992:	\$ 35,665 (\$2,972/month)	(AC: \$ 37,544)
Median Home Value 1992:	\$129,900	(AC: \$227,200)
Income required to purchase that:	\$ 36,000	(AC: \$ 37,544)
Median contract rent:	\$ 676	(AC: \$ 570)

The median income in Emeryville is somewhat below that of Alameda County, but considering the youth of the population (see below), it is a very respectable median. The median cost to purchase homes is significantly lower than elsewhere in the county, in part reflecting a bias toward smaller units and multifamily construction, and also the

large number of older homes that survived the redevelopment process. Median rentals somewhat exceed those of the county as whole.

c. Racial/Ethnic Composition, April 1990, with County Comparison:

	<u>Hispanic</u>	<u>White</u>	<u>Black</u>	<u>Nat. Amer.</u>	<u>Asian</u>	<u>Other</u>
Emeryville	9.88%	48.69%	22.61%	0.42%	18.15%	0.25%
Ala. Co.	14.21	53.16	17.42	0.53	14.45	0.23

Racial composition differs from Alameda County as whole, but the differences are not dramatic. Both Black and Asian groups are 4-5 percentage points higher in Emeryville, while whites and Hispanics are similar amounts lower.

d. Age Composition, April 1990:

	<u>0-4%</u>	<u>5-17</u>	<u>%</u>	<u>18-64</u>	<u>%</u>	<u>65+</u>	<u>%</u>	
Emeryville	241	4	478	8	4519	79	502	9
Ala. Co.		7		16		66		11

Emeryville has the highest percentage of working-age adults in the county, as well as the lowest of both sub-adults and older adults.

2. Supply and Cost of Housing in Relation to Resident Income:

a. Rental/Ownership Housing, 1990 census

Total Units	3,640	100.0%	Occupied Units	3,227	88.6%
Rental Units	2,015	55.4%	Owner Occupied	1,212	33.3%

The proportion of renter-occupied housing was relatively high in 1990. However, many of the larger multiple family buildings now renting are permitted to convert to condominiums — i.e., ownership housing — after a period of years and are likely to do so. Affordable units in these developments must remain affordable to moderate income buyers, by contract with the City.

b. For renting household, % of households by % of income spent on rent

<u>% income</u>	<u>% households</u>
<20%	28.6%
20-29%	27.4%
30-34%	10.0%
35+	31.0%
Not available	3.2%

Emeryville has a relatively high proportion (56%) of renters spending less than 30% of income on rent.

c. For owners, % of households by % of income spent on homeowner costs:

<u>% income</u>	<u>% households</u>	<u>%income</u>	<u>% households</u>
<20%	63.5%	30-34%	11.2%
20-29%	22.5%	35+%	2.8%

Emeryville also has a high proportion of owners (86%) spending less than 30% of income on ownership costs. This is not surprising when one considers that the median incomes are strong and most of the units sold are good values for first time owners.

d. Household Incomes by family/non-family households:

	<u>Mean</u>	<u>Median</u>
All Households	\$41,519	\$35,665
Family	\$47,683	\$42,305
Non-family	\$37,770	\$31,572

The striking thing about these figures is the strong mean incomes of non-family households. These are probably new residents in Emeryville, many single people living alone — technical and professional workers — and two or more singles living together.

E. Special problem: the Brownfields

In 1970, 20% of non-residential property was vacant, and 40% underutilized. 55% of the City's land area was contaminated, and 45% of it was on landfill. By 1980, the industrial sites contained buildings in various states of deterioration, some of which were architecturally interesting and basically sound. But serious problems resulted from previous activities in which petrocarbons and other industrial chemicals had saturated the soils and, in some areas, moved into the shallow level of groundwater.

For the soil, there are various degrees of amelioration that can be obtained through engineering and technological means. Cost rises with degrees of contamination and amelioration, and it becomes an important factor in determining the profitability of a business or housing development. For instance, sealing the surface with asphalt can be an acceptable solution for an industrial plant and its parking lot, but is generally inadequate for residential or school construction. Soil removal and replacement is costly but necessary if there is to be human contact with the earth, or if more than half one's time is spent on the property. The City has assisted developers to address soil needs at their site in a variety of ways, including simplifying the approval process of the agencies that must sign off on development plans. Federal assistance is also available.

Ground water presents a much tougher problem because it is under the surface and unrelated to lot configurations. The source must be discovered and it must be ascertained if there is movement of the groundwater, especially into the deep groundwater stratum or the Bay. These factors make it hazardous for an owner or developer to deal with a site underlain by groundwater because the liability is forever.

Emeryville took this bull by the horns in a proposal funded by EPA to map groundwater in a computerized Geographic Information System (GIS) accessible to anyone with a computer, and accessible to all on a computer in a One-Stop Shop in City Hall. The information for any area or lot — level of groundwater, pollutant composition, known movement, etc. — can be ascertained and printed out. (A few areas remain unstudied and these will be added, and any changes found during monitoring can be entered to update the GIS.) The City developed a contract to be entered into with any developer/owner of an affected lot to turn over to the City the responsibility for monitoring and managing groundwater. The City needs to identify funding for the last stages of a permanent monitoring and management system, with several options under investigation.

This project, along with a number of others in the country funded by EPA, is considered to be a model for other cities seeking to clean up brownfields. It is a critically important aspect of redeveloping the land that is within urban boundaries, as we face the need to choose between higher density and greater sprawl.

F. Official Housing Policies

The housing policy framework of Emeryville can be seen in five documents:

1. 1976 Redevelopment Project Area and the Shellmound Project Area.
2. Emeryville Redevelopment Agency Five-Year Implementation Plan, January 1995-December 1999 (amended January 1998). This spells out areas to be developed for industry, retail, housing and recreation.
3. Emeryville Redevelopment Agency Housing Compliance Plan, January 1995 to December 2004 (amended January 1998). This plan contains targets for increasing the number of housing units to meet the ABAG fair-share assignment, as well as plans for accommodating persons with special needs.
4. Affordable Housing Set-Aside Program, City Ordinance, adopted 1990. This ordinance requires that all housing developments of 30 or more units set aside 20% of the units as affordable to low or moderate income households for a period of 25 year, whether they are rental or ownership units.
5. Zoning regulations to fit the plans for all redevelopment were adopted over several Council meetings in the Fall of 1988.

In addition to these City documents, since 95% of Emeryville has been declared a redevelopment area, the City is bound by California Redevelopment law. This provides that 20% of Redevelopment tax increment revenues must be set aside for increasing, improving or preserving the supply of housing for low and moderate income households. The City also requires that 15% of all non-Agency built housing must be for low and moderate income households. Forty percent of these units must be for very low income households.

G. Actions taken by the City to meet needs / solve problems

Emeryville is working to develop a balance of housing and jobs so that theoretically anyone working there can also live there. Visible success in attracting employers to industrial, retail and office buildings entails (1) building a steady stream of new housing, both large developments and infill projects, with an emphasis on housing affordable to moderate, low and very low income people, (2) renovation of existing housing through low interest loans to the owners and (3) purchase of vacant housing for renovation/resale as affordable owned units.

1. Since 1988, the City of Emeryville has developed over 1,100 units of housing, including live/work rentals and condominiums, senior housing, low income and market rate rentals, and special needs housing. The last ABAG “housing needs allocation” was specifically for the period 1990-1998, and the following table charts Emeryville’s progress:

Housing Completed in Emeryville, 1990-98

	<u>Total</u>	<u>V.Low</u>	<u>Low</u>	<u>Moderate</u>	<u>Mkt Rate</u>
ABAG allocation	765	199	138	168	260
New Units	652	149	134	173	209
Difference	-102	- 52	- 4	+ 5	- 51

Emeryville had enough projects in the pipeline to meet those goals and also provide a surplus of 114 units, with each category having some excess. Moreover, proposed projects will, when implemented, make a healthy start on ABAG’s 2001 allocation.

2. New housing is primarily multiple unit developments, for a mix of singles, couples and small families, both rental and owned. In addition, 6 units for AIDS patients have been built near a services and transit hub; 6 units have been built to house families with a handicapped member; 50 low cost senior units adjacent to the Senior Center are completed and occupied and 67 more are in the pipeline. A final special need is recognized in plans for 23 units of service-enriched transitional housing (up to 18 months) for jobless (probably homeless) people, to be located at 36th Street and San Pablo Avenue.

3. The Redevelopment Agency works with non-profit, for-profit, and other public agencies to meet its housing goals. The City has three programs of special interest to those concerned with affordable housing:

- a) Housing Rehabilitation Program: loans and grants are available to rehabilitate homes for seniors and low income homeowners. Work may include major rehabilitation, seismic retrofitting, minor home repairs and paint jobs.
- b) First-time Home-buyer Program: Down payment assistance through low-interest, deferred payment second mortgages to low and moderate income home buyers purchasing a home in Emeryville.
- 3) Vacant and Underutilized Housing Program: The City is committed to revitalizing its older neighborhoods through the acquisition and redevelopment of vacant or underutilized residential property for first-time low to median income home-buyers.

4. Resources for subsidies to builders and homeowners come from Redevelopment Funds,

Section 8 and CDBG (Federal) funds, three bond issues, home sales, and the Alameda County Housing Authority. Of nearly \$15 million in Funding Resources in 1999, \$12 million plus have been allocated to projects in the pipeline and to proposed projects, with \$2.5 million currently in the balance.

5. The developers who have participated in Emeryville projects in recent years include both for-profit and non-profit organizations. Among the for-profits are: The Martin Group and Catellus Residential Group. The non-profits, sometimes in partnership with a for-profit, include Oakland Community Housing, Inc. (OCHI), Alameda County Housing Authority, Bridge Housing Corporation, Resources for Community Development, East Bay Asian Local Development Corporation, and Community Development Corporation of Oakland (CDCO). The two for-profit developers interviewed, Mr. Kalmbach of Catellus and Mr. Holliday of the Martin Group, report Emeryville to be very efficient and supportive in working out proposal approval.

6. In a report to the Emeryville Planning Commission, August 13, 1999, Planning Staff outlined the status of implementation of the policies in the 1992 Housing Element. These included a section on Actions Taken/Not Taken, accompanied by Staff comments and recommendations. There are also six sections on policy: Affordable Housing, Housing Maintenance and Preservation, Reduce Housing Costs, Housing Opportunities, Energy Conservation, and Equal Housing, each containing a number of specific policies. All show the same pattern of many actions, with some missed opportunities, and an occasional impractical policy in need of modification or deletion.

Take the Affordable Housing section as an example: of 12 policies, some action was taken on 11, but second units have not been encouraged because the parking requirement was not revised in the zoning ordinance; staff continues to recommend revision. For three policies, staff recommend reconsideration and possible modification. Finally, while nonprofit housing has been encouraged, there was no recommendation for limited equity cooperatives; seven policies contain partially missed opportunities of this sort.

Conclusion: The City has maximized efforts to accommodate the needs of existing residents — lower income, seniors and handicapped. It has, moreover, moved to reach the goal of housing as many people as work there (something over 14,000 employees in the City). Given the small area left for residential development, they may not make that match, but they have already accommodated enough new residents to almost double their 1980 population.

The City has dealt aggressively with transportation issues affecting residents as more than 10,000 workers pour in each day. They have planned mixed-use neighborhoods and buildings, with goods and services relatively near to most residents. They have provided a range of unit sizes to accommodate singles, couples and families — probably more of the first two than the last — but this is in part a response to the needs of those who seek to live there at this time. After the first large high-rise project, there was general public outcry, so more modest building heights have been adopted. The general standard of density is 45 units/acre, with allowances up to 108 units/acre if the area surrounding the lot under consideration will not be negatively impacted.

H. Constraints to Housing Development

As analyzed by the Planning staff in the 1992 revision of the Housing Element, the principal constraints specific to Emeryville are lot size and cost of land. Lot size is relevant to the consideration of secondary units on existing single-family properties. Most of the single-family units in Emeryville are original housing stock, built on small lots which do not lend themselves to secondary unit development without a change in the parking requirement. The cost of land figures heavily in the construction of multiple family units, adding as much as \$50,000 to the cost of an 850 sq. ft. unit, assuming the uninflated price of \$55-\$60/sq.ft. of land. The City offers financial incentives to developers to lower this cost in the interests of creating affordable housing. With respect to the more common constraints in East Bay cities — development fees, zoning regulations and permit processing time — Emeryville has the lowest fees and shortest permit processing times in the area. Building codes are standard for the area.

While public opinion has been supportive of increased housing in the past, current reactions of the Housing Committee (Nov. 1999) suggest that there is rising awareness of the complication that autos bring to daily life in the form of traffic and street parking. This is likely to make public bodies more critical of what they perceive as conditions that will increase auto problems, bringing them closer to the frame of mind that currently dominates discussions in Berkeley and Albany, and indeed most parts of the Bay Area.

1. Analysis and Recommended Solutions

Given its building history, it is difficult to identify “problems” in Emeryville’s situation that require “solutions,” but there are some visible for the future.

Planning Staff recommended, in the preparation for the new Housing Element, changing the parking requirement for secondary units and for low income housing in mixed use developments. In both cases, the Housing Committee responded negatively to the recommendation; with the increased density of the last ten years, citizens in all areas are concerned about the increasing traffic and the number of cars parked on streets. They also do not wish to see housing over commercial spaces used to increase the Floor Area Ratio (FAR). Finally, since housing costs continue to climb, the staff recommended that the Housing Set-Aside Ordinance be changed to use the Median Income limit instead of the Moderate (120% of Median) limit for rentals; the Housing Committee opposed this also.

On the other hand, the Housing Committee supported the following recommendations:

- a) Increase the City match from 1:1 to 1.5:1 in the First time Home Buyers Program
- b) Reduce the parking requirement for senior housing
- c) Expand the Homeowner and Rental Rehabilitation Programs through CDBG
- d) Make landlords eligible for Rehabilitation Programs
- e) Expand the reuse of the Vacant Housing Program.

The planning department is proactive, and citizen commissions do take seriously the responsibility of maximizing development of housing. However, space for more housing is disappearing rapidly, and this will slow the pace. Considering the number of

projects in the pipeline and on the drawing boards, the City seems well on its way toward meeting the next set of regional housing allocation targets, and it has strong policies in place for preservation, maintenance, and renovation of older units.

APPENDIX I:
HOUSING POSITIONS APPROVED in September, 2000

(Words in *italics* apply to Berkeley alone.)

3. ZONING

1. Zoning regulations should be updated by periodic revision of permitted uses.
2. High density housing development should be located near major transportation facilities, along well-served public transportation corridors, and should always be planned with a view to minimizing commuter traffic.

D. HOUSING

1. The city should preserve and improve the condition of its existing housing stock, using such measures as the following:
 - a. Enforce compliance with housing and building codes.
 2. Seek federal, state and local assistance programs that make funds available as low cost loans and grants for rehabilitation and conservation of housing for low-and moderate-income renters and homeowners.
 - c. Encourage wider participation in subsidy programs for housing rehabilitation and conservation.
 - d. Promote earthquake reinforcement assistance for all residential property owners and disaster awareness for all residents.
 5. Return vacant and boarded-up housing to use where economically **feasible**.
 6. *Arrange basic shelter for Berkeley's share of the population without shelter in Alameda County. Priority should be placed on helping people remain in their home community.*
 7. Publicly fund tenant/ landlord information and mediation service and make it available city-wide to both tenants and landlords, with emphasis on education.
2. The city should expand its housing stock to meet its share of the region's growth projections, using such measures as the following:
 - a. Encourage production of residential units in commercial areas.
 2. Encourage mixed income housing developments.
 - c. Identify and limit constraints on new housing construction, such as delays in project review and approval, power of residents to block project approval, off-street parking requirements, and conditional use permits. Determine a consistent procedure for permit processing to provide predictability and timeliness.
 4. Review the zoning code and consider revisions that would promote production of needed housing, while maintaining health and safety standards and environmental protection.

- e. Encourage construction of secondary units in single-family areas, such as by eliminating public hearing requirements for applications that conform to zoning standards.
- 6. Initiate and support public and private efforts to increase resources for expanding housing for families with children, elderly, disabled, homeless and other persons with special housing needs.
- 3. The city and the University of California should coordinate efforts to meet the housing needs of university students and staff, through such measures as the following:
 - a. Work together to construct more housing for UC staff and students. Support UC efforts to generate privately financed student and staff housing.
 - 2. Encourage home-owners to rent rooms to university students.
 - c. Encourage the use of air rights above parking lots to build student housing.
- 4. The city should provide opportunities to preserve and increase housing affordable to low- and moderate-income households, using such measures as the following:
 - 1. Meet ABAG goals for low- and moderate-income housing; coordinate local plans with regional plans of the association of bay area governments.
 - b. Participate fully in federal and state assistance programs that make funds available as loans and grants to developers of low- and moderate-priced rental housing, and to low-income renter households.
 - 3. Assist non-profit developers to find appropriate and affordable sites for new multi-family housing, to address the concerns of neighbors and potential residents, and to apply for low cost financing.
 - d. Seek additional resources to enable the city to expand housing assistance programs for low- and moderate-income households.
 - e. Promote measures that would make publicly assisted home ownership and rental opportunities permanently affordable and available to low- and moderate-income households; such measures would include limited equity cooperatives and deed restrictions.
 - 6. Offer incentives to encourage the production of housing for low- and moderate-income households, such as reduced development fees, “fast-track” permit processing of applications and plan review, and reduction of required amenities.
 - 7. Identify sites above one- and two-story buildings on transportation corridors, and offer grants or low-interest rate loans in exchange for a percentage of permanently affordable units built there.
 - h. Support and strengthen inclusionary zoning laws to provide more housing for low- and moderate-income people.

APPENDIX II: INFORMATION SOURCES

City of Albany

Interviews

John Ely, Mayor, 1/00
Daren Fields, City Administrator, 2/99
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Ali Kashani, housing developer, 6/8/99.
Patrick Kennedy, housing developer, 5/4/99.
Teri Piccolo, Senior Planner, Housing Department
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John Flores, City Manager, 9/21/98.

Rick Holliday, Martin Group (developers), May 1999.

Amy Heistant, Director, Redevelopment Agency. Dec. 15, 1998.

Steve Kalmbach, Catellus (land owner and developer), May 1999.

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