



Housing Advisory Commission

ACTION CALENDAR  
September 20, 2005

To: Honorable Mayor and  
Members of the City Council

From: Housing Advisory Commission

Submitted by: Jesse Arreguin, Commission Chair, Housing Advisory Commission

Subject: Housing Advisory Commission Representation on the Joint Density Bonus Subcommittee

#### RECOMMENDATION

That the City Council adopt a Resolution appointing all members of the Housing Advisory Commission ad hoc subcommittee on Density Bonus and Inclusionary Housing to the Joint Density Bonus Subcommittee.

#### FISCAL IMPACTS OF RECOMMENDATION

None.

#### CURRENT SITUATION AND ITS EFFECTS

On July 25, 2005, the City Council rescinded its previous resolution and appointed a Joint Density Bonus Subcommittee of the Planning Commission and Zoning Adjustments Board.

The subcommittee has met once since its establishment. They are currently studying what options the City of Berkeley has for mitigating the effects of state Density Bonus on future development projects in Berkeley.

The HAC feels strongly that its participation on this joint subcommittee is necessary to ensure a balanced consideration of policy choices and options concerning administration of the State Density Bonus in Berkeley.

#### BACKGROUND

In late 2004, Governor Arnold Schwarzenegger signed into law Senate Bill 1818, which modified the procedure for local governments to calculate and implement the density bonus standard. Most specifically, SB 1818 increases the maximum density bonus to 35 percent as well as increases the number of incentives that local governments must provide to developers.

In the aftermath of this legislation, there has been widespread confusion regarding the implementation of the new density bonus. The increase to 35 percent conflicts with local Inclusionary Housing policies. Additionally, there are many more inconsistencies that will affect the development process in Berkeley.

Accordingly, the Zoning Adjustments Board established an ad hoc subcommittee to study the new density bonus standard and procedures for its implementation. Additionally, the Planning Commission and Housing Advisory Commission established subcommittees to study Density Bonus and Inclusionary Housing procedures.

The City could benefit greatly by encouraging these three commissions to work collaboratively on the Density Bonus issue. Therefore on July 19, 2005, the City Council adopted a resolution establishing a Joint Density Bonus subcommittee composed of the ZAB and Planning Commission subcommittees. The Council also appointed Jesse Arreguin as the HAC representative to the subcommittee.

A member of the public raised concern over the process by which the HAC was incorporated on this subcommittee. Accordingly, the Council rescinded its previous resolution and appointed a subcommittee of ZAB and Planning Commission members.

The Council also agreed to revisit the issue of HAC representation at a future meeting, during which time the commission could adopt a formal recommendation.

At its September 1, 2005, meeting, the HAC discussed its participation on the Joint Subcommittee. The HAC that night adopted a recommendation acknowledging its own subcommittee membership as consisting of then-Vice-Chair Jesse Arreguin, Marie Bowman, Victoria Liu, and Andrew Murray. Additionally, it approved the proposed recommendation for Council before you tonight.

The Planning Department has placed an item on tonight's agenda appointing a Joint Subcommittee comprised of members of the ZAB, Planning Commission, and HAC subcommittees.

#### RATIONALE FOR RECOMMENDATION

The HAC is charged with advising the City Council on housing policy. The new Density Bonus law has serious implications for the supply of affordable housing in Berkeley, and it is appropriate that the HAC play an active role in these discussions.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

#### CITY MANAGER

The City Manager takes no position regarding the content and recommendations of the Commission's Report.

#### CONTACT PERSON

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