



Kate Harrison
Councilmember District 4

ACTION CALENDAR
April 14, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmembers Harrison, Bartlett, Davila, and Hahn
Subject: Inclusionary Units in Qualified Opportunity Zones

RECOMMENDATION

Adopt an ordinance amending Berkeley Municipal Code chapter 22.20.065 requiring onsite inclusionary units in new rental developments in Qualified Opportunity Zones (QOZs).

POLICY COMMITTEE RECOMMENDATION

On February 20, 2020, the Land Use, Housing, and Economic Development Committee adopted the following action: M/S/C (Arreguin/Harrison) to move the item with a positive recommendation as revised in the materials submitted by the author and further revisions discussed at the meeting. Vote: Ayes – Harrison, Arreguin; Noes – None; Abstain – Droste; Absent – None.

BACKGROUND

Qualified Opportunity Zones (QOZs), urban areas associated with the 2017 Trump tax cuts,¹ are an ideal place to begin to require inclusionary on-site units. The stated goal of QOZs is to revitalize low-income communities² and incentivize investment there by delaying capital gains taxes, entirely circumventing federal taxes on profits made in QOZs. Requiring units affordable to lower-income households to be built in QOZs will slow pricing these households out of their own communities and partially offset the reduced services and program funding resulting from the avoided federal tax revenues.

¹ <https://www.nytimes.com/2019/08/31/business/tax-opportunity-zones.html>

² Defined as areas with a median income of less than 80% AMI or a poverty rate above 20%.

QOZ investors are given significant financial benefits and thus can include on-site units while still realizing a profit. Investments in QOZs can increase investor's returns by 70% according to the Congressional Research Service,³ through three distinct mechanisms:

- Regardless of date of investment, earnings in a QOZ are tax free.
- Ten years after an initial investment into a QOZ, the investor can sell the real estate and not owe any taxes on the profits.
- Capital gains from the asset sold to invest in the fund are deferred. Investments held in the fund for longer than seven years exclude 15% of the deferred gain from the original asset. If held for more than five years, 10% is deferred.⁴ The deadline to receive a 15% exclusion of the deferred gain was December 2019, but investors have until 2021 to receive the 10% exclusion and until 2026 to receive the 5%.

Because 90% of capital gains income in the U.S. accrues to the wealthiest 10% (and 70% to the wealthiest 1%), the overwhelming majority of these tax benefits will flow directly to the richest investors⁵.

Many states also have additional tax breaks at the state level for Opportunity Zone projects. California is one of four states that does not have state tax breaks,⁶ but any project that invests in a California Opportunity Zone still receives the same federal benefits. The California Economic Forum estimates that \$1.32 billion will be invested in California Opportunity Zones; one investment fund has accumulated \$50 million to invest in off-campus student housing near California universities, such as U.C. Berkeley⁷.

Qualified Opportunity Zones were established through the 2017 Tax Cuts and Jobs Act, signed into law on December 22, 2017. To become a QOZ, the Governor's Office nominates census tracts and their status is verified by the Internal Revenue Service. Opportunity Zones are "economically distressed communities,"⁸ a designation which is vague but generally refers to census tracts with high poverty rates, or census tracts immediately adjacent to tracts with high poverty rates.

To receive the tax benefit, the fund investing in the QOZ (referred to as a Qualified Opportunity Fund) must either invest in a new building (i.e., purchase vacant property, or tear down an existing building to build a new one) or make "substantial improvements"

³ https://www.novoco.com/sites/default/files/atoms/files/crs_tax_incentives_for_ozs_112018.pdf

⁴ <https://www.irs.gov/newsroom/opportunity-zones-frequently-asked-questions>

⁵ "Displacement Zones: How Opportunity Zones Turn Communities Into Tax Shelters for the Rich." Strategic Actions for a Just Economy 2019. *Executive Summary*, page 4.

⁶ <https://www.novoco.com/resource-centers/opportunity-zone-resource-center/guidance/state-tax-code-conformity-personal-income>

⁷ <https://qozmarketplace.com/student-housing-opportunity-zone-fund/>

⁸ <https://www.irs.gov/newsroom/opportunity-zones-frequently-asked-questions>

upon an existing property.⁹ Property is only substantially improved when its value doubles over the period of 30 months, not including appreciation.¹⁰

Though touted as a way to invest in under-resourced communities, most QOZs are in rapidly growing areas, with 75% of the tracts experiencing significant economic growth between 2001 and 2015¹¹ and 64% of tracts seeing a significant increase in new businesses during the same period.¹² Also, in the Bay Area, QOZs are often in gentrifying areas, reflecting a national pattern: almost 70% of all neighborhoods in America that gentrified between 2000 and 2017 either are in a Qualified Opportunity Zone or are adjacent to one.¹³¹⁴ The Urban Institute found that Governors were more likely to designate tracts as Opportunity Zones if they were already experiencing gentrification, and that lobbying from land speculators had a large influence on the tracts that were selected.¹⁵ Locating in a QOZ will greatly increase the profits of already-planned projects.

Berkeley Opportunity Zones

Five census tracts in Berkeley have been designated as Qualified Opportunity Zones, including Downtown, the Adeline Corridor, South Berkeley between Sacramento and Shattuck, and part of West Berkeley between University and Dwight, San Pablo and 5th Street.¹⁶ The tracts in Berkeley are almost all low-income and predominantly communities of color; 18,000 people reside there. They are as follows:

⁹ <https://www.forbes.com/sites/anthonymitti/2019/04/22/irs-releases-latest-round-of-opportunity-zone-regulations-where-do-we-stand-now/#487aacd12772>

¹⁰ “Displacement Zones.” *Understanding Opportunity Zones*, page 7.

¹¹ <https://www.opportunityzonelaw.com/single-post/2018/07/03/Five-Keys-from-the-Novogradac-2018-Opportunity-Zones-Workshop>

¹² Ibid.

¹³ <https://ncrc.org/oz/>

¹⁴ Home value increases in zip code 94704 (which includes census tract 4229) saw a 4.1% increase in home values in the past year, compared to a Citywide increase of 3.1% according to Zillow.

¹⁵ “Adeline Corridor Plan – Multifamily Financial Feasibility Modeling.” Item 3. January 29, 2020. Planning Commission Adeline Corridor Specific Plan Subcommittee.

¹⁶ <https://opzones.ca.gov/oz-map/>

Berkeley Opportunity Zone Demographics

Tract Number	Population ¹⁷	Bordering Streets	Poverty Rate	Average Income	Average Income as a % of AMI ¹⁸	% of units occupied by renters ¹⁹
4232	3,004	University to Dwight; San Pablo to 5 th St	19.2%	\$81,453	100%	75%
4229	5,463	University to Dwight; Oxford to MLK	47.3%	\$52,250	65%	97%
4235	3,501	Dwight to Ashby; Fulton to MLK	20.9%	\$62,386	77%	67%
4239.01	1,954	Southern end of Adeline Corridor	13.9% ²⁰	\$90,882	112%	61%
4240.01	4,151	Ashby to City Limits; Sacramento and Adeline	18.1%	\$60,809	75%	73%

This legislation is an opportunity to realize a portion of the benefits of QOZs locally. The City of Berkeley may itself establish a Qualified Opportunity Fund²¹ to further the goals in

¹⁷ As of 2018 American Community Survey

¹⁸ Compared to the Area Median Income of \$80,912.

¹⁹ Compare to Alameda County average of 47%.

²⁰ This poverty rate is too low to qualify as a QOZ but is adjacent to qualifying tracts.

²¹ "Berkeley Qualified Opportunity Fund." March 19, 2019 Berkeley City Council meeting.

the West Berkeley Plan and the draft Adeline Corridor Plan, including the construction and preservation of affordable housing.²² The East Bay Community Foundation in particular is examining how to use these tax cuts to build wealth rather than extract it in these tracts.²³ However, without sufficient regulation there is no guarantee that the private entities taking advantage of QOZs will further these goals as well. Requiring inclusionary units establishes clear affordable housing goals for all projects in QOZs.

Inclusionary Housing in Berkeley

The Berkeley Housing Trust Fund (HFT) was established in 1990 to pool money from a variety of sources (including developer in-lieu fees) into a single fund for the purpose of constructing affordable housing.²⁴ Under a State court case, from 2009²⁵ to 2017, Berkeley was required to offer project applicants the option of either building affordable units onsite or paying the in-lieu fee. Thus, pursuant to BMC 23C.12, all owner-occupied new projects in Berkeley with five or more units are currently required to *either* set aside 20% of their units as affordable, pay an in-lieu fee to the HFT, or some combination of both. BMC 22.20 has similar provisions for rental housing, and the chapter permits the City Council to adopt resolutions that vary requirements for in-lieu fees. The inclusionary requirement was set at 20% to ensure proposed developments were economically feasible (i.e., profitable) and purposefully set below the 26% level that the 2015 nexus study found would be needed to fully offset the increased demand for low-income housing generated by each 100 units of new market-rate housing.²⁶

AB 2502 and subsequently 1505 (known as the “Palmer Fix”) gave jurisdictions such as Berkeley the authority to require onsite units, construct units off-site or dedicate land in the zone²⁷ but does not require that developers be given an option to pay an in-lieu fee. The decision to charge in-lieu fees, require inclusionary units, or leave the decision to developers is now set according to prevailing market forces and the desires of local policymakers. The California Supreme Court has upheld requiring affordable units as an extension of a municipality’s police powers.²⁸ The City Attorney has confirmed that the City has broad authority to impose onsite inclusionary housing requirements under state and federal law and that this requirement can be applied in a legally permissible manner.

This QOZ ordinance would now require on-site affordable housing in the zones. It would apply only to developments with 10 or more units, which at 20% would require

²² “Referral Response: Opportunity Zone Priorities.” January 23, 2020.

²³ <https://www.ebcf.org/inclusive-economy-ebcf-opportunity-zones/>

²⁴ <https://www.cityofberkeley.info/ContentDisplay.aspx?id=6532>

²⁵ http://www.reubenlaw.com/palmer_case_shakes_up_inclusionary_housing_rules_for_rental_projects/

²⁶ “Affordable Housing Nexus Study.” Item 1 at July 14, 2015 Berkeley City Council meeting

²⁷ These alternatives may not be required in a Charter city.

²⁸ <https://harvardlawreview.org/2016/03/california-building-industry-assn-v-city-of-san-jose/>

two or more affordable units. Projects under 10 units would continue to will still have the option to either include onsite affordable housing or pay the in-lieu fee.²⁹

Requiring developers in QOZs to build affordable housing on-site has several advantages over relying on the traditional preference for in-lieu fees.

- Constructing affordable housing projects using in-lieu fees requires land to be acquired³⁰ and capital to be accrued over many years and results in delays in production that market-rate developers may not face.
- Building affordable units in primarily market-rate developments instead promotes integration of housing throughout the City. Attachment 2 demonstrates that 100% affordable projects are more concentrated in particular neighborhoods than where below market rate units are either already built or planned.
- We are far from achieving our goals for low-income housing. Berkeley has achieved only 15% of its low-income housing target³¹ but 65% of the target set for very low-income housing.³² , According to the 2019 Housing Pipeline Report, of the 56 market-rate developments currently in the pipeline, only 11 projects (20% of the 56) provided any low-income units onsite; the balance paid fees in lieu of providing low-income units.³³

A similar trend can be seen in the projects built in areas that are now in a Qualified Opportunity Zone. Of the 23 projects, 11 had no onsite affordable units, and seven that took advantage of the state density bonus (see Attachment 3) built very low-income units but no low-income units.

²⁹ Managing a single affordable unit in a small (under 10 unit) project is an administrative burden to building owners and City administration, and thus small projects.

³⁰ Or scarce public land to be utilized.

³¹ <https://abag.ca.gov/our-work/housing/rhna-regional-housing-need-allocation>

³² The state density bonus provides varying degrees of bonus, depending on the percentage of the base project and the affordability levels of units, as well as for the type of occupancy such as for seniors and students. The type and degree of bonus is at the developer's discretion. Typically projects in Berkeley provide only very-low income units (30%-50% of AMI).

³³ According to the 2019 Housing Pipeline Report, of the 56 market-rate developments currently in the pipeline:

- 24 elected to utilize the density bonus and pay fees in lieu of the other 10% of affordable units.
- An additional 21 did not take advantage of the state density bonus and paid in-lieu fees for all or substantial proportion of the remaining local requirement

- Since the passage of Measure O, much more funding for non-profit built affordable housing is available. It is critical, given the displacement occurring in Berkeley, to consider requiring some on-site units instead of providing the option of in-lieu fees.

Conformance with Adeline Corridor Specific Plan

The draft Adeline Corridor Plan already “calls for an ambitious combination of on-site affordable units included in otherwise market rate projects and new 100% affordable housing projects built on public land.”³⁴ The Adeline Corridor falls entirely within Qualified Opportunity Zones (see Attachment 3 – census tracts 4235, 4239.01, and 4240.01),³⁵ and thus this legislation takes an idea already contained within and reasonably consistent with the draft plan – affordability through on-site affordable units – and expands it to other areas of the City already designated by the federal government as low-income areas requiring investment.

The draft plan calls for a series of Tiers of affordable housing incentive standards, wherein a higher percentage of affordable units corresponds to a higher height limit, floor-area ratio, and higher density. ³⁶ Taking advantage of Tiers 2, 3 or 4³⁷ requires that a project include units on-site rather than pay an in-lieu Affordable Housing Mitigation Fee. Projects in the Adeline Corridor are of course encouraged to go beyond and build more affordable housing if feasible, but the requirements set forth in this item are consistent with the incentives in the Plan.

However, similar incentives do not currently exist in the Downtown or Southwest Berkeley, the other two areas designated as Opportunity Zones in Berkeley. By setting similar requirements for all five census tracts, we ensure the same affordability standards in all QOZs, not just those overlapping with the Adeline Corridor.

Feasibility and Profitability in Berkeley

Real estate Project developers typically expect a yield on costs (i.e., profits) of at least 5.5% to be considered potentially feasible. Street Level Advisors, a consultant retained

³⁴ Draft Adeline Corridor Specific Plan, Chapter 4.4: “Affordability Levels and Tenant Types in New Housing.”

³⁵ See Attachment 4

³⁶ The draft zoning regulations for the Adeline Corridor is currently being discussed by a subcommittee of the Planning Commission. A full draft of the zoning chapter was discussed in November 2019 is available on the Planning Commission webpage at: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019_11_21_PC_Adeline_GP%20Zoning%20Report%20Final.pdf.

³⁷ Corresponding to 20%, 35% and 50% of the project at the Tier 1 density required as on-site affordable housing with half of those units affordable at Low Income and half as Very Low Income levels.

by Berkeley, estimates that typical project investors could be willing to invest in a QOZ project with an even lower yield of only 5.3%.³⁸

The estimated feasibility analysis already conducted for the proposed Adeline Corridor Zoning by the consulting firm Street Level Advisors shows a yield on cost for every Tier, and even for current zoning standards without a state density bonus, is all above 5.3%.³⁹ In other words, the slight change from in-lieu to on-site affordable housing proposed in this ordinance for projects in Opportunity Zones are economically feasible even for projects with 50% affordability of base units (i.e. 25% of total units, Tier 3).

Street Level Advisors asserts that the tax benefits from Qualified Opportunity Zones will likely not be essential to project feasibility. There has not yet been a demonstrable increase in new projects in Berkeley's QOZs since passage of the tax code⁴⁰ and evaluating property sales in the zones requires a site by site analysis. However, feasibility reports are generally concerned with upfront costs to build projects. Qualified Opportunity Zone tax benefits can assist with upfront costs with the initial tax deferral, but the bulk of their benefit is to the long-term profitability of a project. The step-up tax exclusion system and the tax exemption at point of sale all make projects significantly more *profitable* even if they do not have large effects on the *feasibility* of projects. Projects that are already feasible and decide to take advantage of Opportunity Zones can afford to provide more in affordable housing because they are feasible (as discussed above) and they are significantly more profitable. The California Legislative Analyst's Office indicated that QOZs will not on their own incentivize affordable housing construction.⁴¹ The City of Berkeley has a responsibility to capture some of the foregone federal tax revenues resulting from the Trump tax cuts to promote affordable housing.

FINANCIAL IMPLICATIONS

Will reduce contributions to the Affordable Housing Trust Fund.

REVIEW OF EXISTING PLANS

As discussed above, this item conforms to the draft Adeline Corridor Specific Plan, which streamlines zoning in exchange for more inclusionary onsite units. Zoning in the Downtown Plan, West Berkeley Plan, and CSA (the other zones covered by Qualified Opportunity Zones) do not have any such incentives or requirements, though they will all receive the same tax benefits under federal QOZ legislation.

³⁸ "Adeline Corridor Plan – Multifamily Financial Feasibility Modeling." Item 3. January 29, 2020. Planning Commission Adeline Corridor Specific Plan Subcommittee.

³⁹ *Ibid.* Table 3.

⁴⁰ Tracking the flow of investment in QOZs is very difficult; there is no centralized tracking mechanism for these funds. The tracking mechanism for activities and holdings in the funds and socio-economic impacts of the funds originally suggested by Senator Booker was removed from the tax code. See SAJE, page 9.

⁴¹ <https://lao.ca.gov/Publications/REport/4038>

Berkeley policy has required 20% of all new units in buildings 4 units or more be affordable for many years, established after the 2015 Affordable Housing Nexus Study identifying that 25.55% of new rental households would require assistance⁴². To ensure project feasibility, the Council set a slightly lower rate of 20%. However, projects were given the option to pay a fee instead of building the affordable units. This item does not change this policy of 20% but rather ensures that the City actually receives the 20% affordable units that we have theoretically been receiving for years.

ALTERNATIVES CONSIDERED

One alternative is to simply let the Adeline Corridor Plan with its various incentives provide more affordable housing. However, when this QOZ legislation provides tax relief in more locations beyond the Corridor, we may see development flee the Corridor in favor of one of these other Zones, which do not have the same affordability protections built in. Projects in all five of these census tracts will be hugely profitable and we have a responsibility to gain community benefits from all five.

Another alternative is to wait for more data on the effects of QOZs. However, the program will be short-lived (until 2027); the fear is that by the time we understand their full effect, it will be too late to regulate them. We are currently in the window to take advantage of this tax relief. Waiting to understand the full effects of gentrification will do nothing to protect the Berkeley residents experiencing it.

ENVIRONMENTAL SUSTAINABILITY

The Qualified Opportunity Zones in Berkeley are along major transit corridors (Shattuck, Adeline, and San Pablo). Last year, Berkeley researchers concluded that infill housing along transit corridors is one of the most impactful policies municipalities can adopt to combat climate change.⁴³

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, (510) 981-7140

ATTACHMENTS

- 1: Berkeley Municipal Code 22.20.065
- 2: 2019 Housing Pipeline Report, highlighted with projects that are in Qualified Opportunity Zones as currently defined
- 3: Comparative map of Qualified Opportunity Zones and the Adeline Corridor
- 4: Heat map of nonprofit affordable units and private below market rate units in Berkeley

⁴² "Affordable Housing Nexus Study." Item 1 at July 14, 2015 Berkeley City Council meeting

⁴³ <https://rael.berkeley.edu/wp-content/uploads/2018/04/Jones-Wheeler-Kammen-700-California-Cities-Carbon-Footprint-2018.pdf>

AMENDING CHAPTER 22.20.065 OF THE BERKELEY MUNICIPAL CODE TO
REQUIRE ON-SITE INCLUSIONARY HOUSING UNITS IN QUALIFIED
OPPORTUNITY ZONES

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

Section 1. That Berkeley Municipal Code Section 22.20.065.B is hereby amended to read as follows:

22.20.065.B. Definitions.

1. "Density Bonus Project" means a Development project that receives a density bonus pursuant to Government Code Section 65915.
2. "Density Bonus Units" means additional units to which an applicant for a Density Bonus Project is entitled and constructs pursuant to Government Code Section 65915.
3. "Income" means combined annual gross income from all sources.
4. "Low-income Household" shall mean a household whose income is no more than 80% of AMI.
5. "Low-income Unit" means any dwelling unit that is rented, for the life of the Development project in which it is located, at a price affordable to a Low-Income Household of an appropriate size for the dwelling unit, and restricted to households with an income not exceeding 80% of AMI.
6. "Qualifying Units" means those below market-rate units in a Density Bonus Project that entitle the applicant to a density bonus pursuant to Government Code Section 65915.
7. "Qualified Tract" means a census tract designated as a Qualified Opportunity Zone under Internal Revenue Code §1400Z-2.
87. "Very Low-Income Household" shall mean a household whose income shall be no more than 50% of AMI.
98. "Very Low-Income Unit" means any dwelling unit that is rented, for the life of the Development project in which it is located, at a price affordable to a Very Low Income Household of an appropriate size for the dwelling unit, and restricted to households with an income not exceeding 50% of AMI.
109. For purposes of this Section, affordable rents shall be determined in accordance with the provisions of Health and Safety Code section 50105, 50052.5(b)(2), and 50052.5(h), and California Code of Regulations Chapter 25 Section 6918.

110. Tenant-paid utility costs will be deducted from gross rent to determine the rent paid by the tenant. Utility costs will be based on the Berkeley Housing Authority Section 8 utility allowance, or future equivalent standard.

124. Minimum bedroom size will be 70 square feet, consistent with Berkeley's Housing Code (19.40.010.A, Uniform Housing Code Chapter 5, Section 503.2).

Section 2. That Berkeley Municipal Code Section 22.20.065.C is hereby amended to read as follows:

The City Council may by resolution adopt an affordable housing impact fee ("Fee"), which shall be imposed on the development of new rental housing in Berkeley, subject to limitations set forth in this Chapter and any additional limitations set forth in the Resolution. All such Fees shall be managed consistent with Government Code Sections 66000 et seq. Up to 10 percent of Fees may be used to pay for administration of the Fee or the Housing Trust Fund or any successor fund with the same purpose, and the remainder shall be deposited in the City's Housing Trust Fund or any successor fund with the same purpose.

1. All Fees shall be paid, at the issuance of a Certificate of Occupancy, except as set forth in this subdivision or in the City Council Resolution that adopts the Fee.
2. No later than the date the first building permit is issued for a Development project that is subject to the Fee, the applicant may elect to avoid the Fee by providing, for the life of the project, a number of units equal to 20% of the total units in the project at rental rates affordable to Low-Income and Very Low-Income Households and pay a proportionately reduced Fee as calculated in Section 22.20.065.D. Subject to administrative regulations promulgated pursuant to subdivision H, 40% of the Very Low-Income units in Development projects that have not obtained final approval under Title 23 as of September 20, 2016, shall be reserved for holders of Berkeley Housing Authority Section 8 vouchers and 40% shall be reserved for holders of City of Berkeley Shelter + Care certificates. In all such cases the applicant shall execute a written agreement with the City indicating the number, type, location, approximate size and construction schedule of all such dwelling units and other information as required for determining compliance with this Section. All such units shall be reasonably dispersed throughout the project, be of the same size and contain, on average, the same number of bedrooms as the market rate units in the project; and be comparable with the design or use of market rate units in terms of appearance, materials and finish quality. The owner of any units produced under this option must report to the City annually on the occupancy and rents charged for the units.
3. In making its election under the preceding paragraph, an applicant for a Development project subject to this Section may provide less than 20% of the

total units in the project as Low-Income and Very Low-Income Units and pay a proportionately reduced Fee as calculated in Section 22.20.065.D.

4. The fee shall not apply to projects in Qualified Tracts of 10 or more units. All such projects shall provide a number of units equal to 20% of the total units in the project at rental rates affordable to Low and Very Low households and shall not pay the in-lieu Fee. The applicant shall execute a written agreement with the City indicating the number, type, location, approximate size and construction schedule of all such dwelling units and other information as required for determining compliance with this Section. All such units shall be reasonably dispersed throughout the project, be of the same size and contain, on average, the same number of bedrooms as the market rate units in the project; and be comparable with the design or use of market rate units in terms of appearance, materials and finish quality. The owner of any units produced under this option must report to the City annually on the occupancy and rents charged for the units. Notwithstanding the regulations of this paragraph, the applicant may pay the fee to satisfy the requirements of this chapter with respect to fractional units.

54. In projects providing more than one below market rate unit (meaning the combination of Low-income Units and Very Low-Income Units), at least 50% of the units shall be affordable to Very Low-income Households. When there is an uneven number of units provided under this ordinance, the majority of the below market rate units shall be Very Low-Income units.

65. Units that meet the criteria established for affordable housing rents in the City's Housing Trust Fund guidelines, as amended shall be exempt from the Fee.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Table 1 – Projects with more than 5 units submitted and pending approval by ZAB or Council.					
#	Street Name	Zoning	Total Units	Submittal Date	Project Status as of 6/19/2019
3031	Adeline	C-SA	42	7/24/18	Incomplete
2590	Bancroft	C-T	87	6/5/19	Incomplete
2015	Blake	R-4	155	12/20/18	Incomplete
2000	Dwight	R-4	126	4/24/19	Incomplete
1155	Hearst	R-2A	11	2/2/16	Under Appeal, Council tbd
2176	Kittredge	C-DMU	165	2/7/19	Incomplete
2099	MLK	C-DMU	72	5/2/19	Incomplete
2425	Prospect	R-3(H)	17	7/6/18	Incomplete
1835	San Pablo	C-W	95	11/19/18	Incomplete, ZAB & DRC Previews Pending
2371	San Pablo	C-W	14	5/15/19	Incomplete
2720	San Pablo	C-W	40	1/20/16	Complete May 2019; ZAB Preview Fall 2019
1951	Shattuck	C-DMU	156	6/29/18	ZAB Hearing June 2019
2023	Shattuck	C-DMU	48	3/5/19	Complete; ZAB & DRC Previews Fall 2019
2352	Shattuck	C-DMU	237	6/28/18	ZAB Preview May 2019, DRC June 2019
2701	Shattuck	C-SA	57	12/13/16	Under Appeal, ZAB June 2019
2650	Telegraph	C-1	45	4/18/19	Incomplete
1110	University	C-1	36	3/3/17	Incomplete; on hold per applicant
1486	University	C-1	45	10/28/16	Complete December 2017, then on hold per applicant until May 2019. ZAB & DRC Previews Pending
Total:			1,448		

Note: Proposed #s of affordable units are not reported at this pre-approval stage, as they tend to change significantly.



Table 2 - Approved projects with more than 5 units: No Active Building Permit.															
#	Street Name	Zoning	Ext Low <30% AMI	VLI 31%-50% AMI	LI 51%-80% AMI	MOD 81-120% AMI	BMR Total	Above MOD	Total Units	Entitlement Year	By:	Building Permit Applied For?	Subtotals		
2009	Addison	C-DMU					0	44	44	2018/2019	ZAB	No	Units in Approved projects, no BP yet applied for: 1,289		
2902	Adeline	C-SA & R-4		4	4	1	9	41	50	2017	Council				
3051	Adeline	C-SA		0	0	0	0	11	11	2016	ZAB				
2028	Bancroft	C-DMU		2			2	35	37	2019	ZAB				
2012	Berkeley Way	C-DMU	53	54	17		124	1	125	2018	SB35				
2211	Harold	C-DMU		0	0	0	0	302	302	2015	Council				
1601	Oxford	R-3		13	21	0	34	3	37	2018	SB35				
1200	San Pablo	C-W		5			5	52	57	2018	ZAB				
1201	San Pablo	C-W		0	0	5	5	22	27	2006	Council				
1740	San Pablo	C-W		4			4	48	52	2018	ZAB				
2100	San Pablo	C-W		0	0	0	0	96	96	2017/2019	ZAB				
2198	San Pablo	C-W		5			5	52	57	2019	ZAB				
2720	San Pablo	C-W		0	3	0	3	15	18	2007	ZAB				
2190	Shattuck	C-DMU		0	0	0	0	274	274	2019	Council				
2701	Shattuck	C-SA		0	0	4	4	20	24	2007	Council				
3000	Shattuck	C-SA		2	2	0	4	19	23	2018	Council				
1040	University	C-W & R-3		27	0	0	27	0	27	2012	ZAB				
1717	University	C-1		3	0	0	3	25	28	2017	ZAB				
2072	Addison	C-DMU					0	55	55	2018/2019	ZAB			10/26/18	Units in Approved projects, BP applied for: 284
2542	Durant	C-T		0	0	0	0	32	32	2018	ZAB			4/4/19	
2527	San Pablo	C-W		6	5	0	11	57	68	2018	Council	8/17/18			
3020	San Pablo	C-W		2	2	0	4	25	29	2007	ZAB	2/11/15			
2628	Shattuck	C-SA					0	78	78	2019	ZAB	5/9/19			
2556	Telegraph	C-T					0	22	22	2018	ZAB	12/19/18			
Totals:			53	127	54	10	244	1,329	1,573						

Table 3 – Approved projects with more than 5 units: Building permit issued.												
#	Street Name	Zoning	VLI 31%-50% AMI	LI 51%-80% AMI	MOD 81-120% AMI	BMR Total	Above MOD	Total Units	Entitlement Year	By:	Building Permit Issued	Est. Completion Date
1950	Addison	C-DMU	5	0	0	5	106	111	2016	ZAB	11/17/17	2019
2126	Bancroft	C-DMU	5	0	0	5	45	50	2016	ZAB	11/6/17	2019
2580	Bancroft	C-T	11			11	111	122	2018	ZAB	5/21/19	2020
2035	Blake	C-SA	4	0	0	4	78	82	2016	Council	8/10/17	2020
739	Channing	MU-R				0	10	10	2018	ZAB	6/12/18	Unknown
2510	Channing	C-T	3			3	37	40	2018	ZAB	4/5/18	2020
2631	Durant	R-SMU	0	0	0	0	56	56	2016	Council	12/1/17	2020
1500	San Pablo	C-W & R-1A	16	0	0	16	154	170	2016	Council	12/21/17	2020
2747	San Pablo	C-W	3	3	0	6	33	39	2007	ZAB	8/18/17	2020
2748	San Pablo	C-W	23	0	0	23	0	23	2014	ZAB	5/17/18	2019
2539	Telegraph	C-T	6	0	0	6	64	70	2016	ZAB	10/20/17	2019
2597	Telegraph	C-T & R-2	1	0	0	1	9	10	2017	Council	8/9/18	2020
1698	University	C-1	3	0	0	3	33	36	2014	ZAB	10/19/18	2020
2067	University	C-DMU	4	0	0	4	46	50	2016	ZAB	10/10/18	2020
2111	University	C-DMU	6	0	0	6	62	68	2013	ZAB	6/27/18	2020
2131	University	C-DMU	2	0	0	2	19	21	2013	ZAB	6/27/18	2020
2145	University	C-DMU	3	0	0	3	33	36	2013	ZAB	6/27/18	2020
1900	Walnut	C-DMU	7	0	0	7	73	80	2013	ZAB	6/27/18	2020
Totals:			102	3	0	105	969	1,074				




Table 4 – Approved projects with more than 5 units: Building Permit Issued after 2014 and now occupied.												
#	Street Name	Zoning	VLI 31%-50% AMI	LI 51%-80% AMI	MOD 81-120% AMI	BMR Total	Above MOD	Total Units	Entitlement Year	By:	Building Permit Issued	Complete Date
1935	Addison	C-DMU	0	0	0	0	69	69	2013	Council	10/17/14	5/26/17
2002	Addison	C-DMU	0	0	0	0	6	6	2016	ZAB	2/1/18	8/28/18
2024	Durant	C-DMU	0	0	0	0	78	78	2013	Council	7/8/14	12/7/15
2526	Durant	C-T	0	0	0	0	44	44	2014	ZAB	2/18/14	6/30/17
2532	Durant	C-T	0	0	0	0	7	7	2016	ZAB	6/23/17	1/30/19
2107	Dwight	C-DMU	9	0	0	9	90	99	2012	ZAB	12/1/17	3/24/17
2201	Dwight	R-S	7	0	0	7	70	77	2013	ZAB	6/3/15	11/17/16
2227	Dwight	R-3	0	0	0	0	6	6	2013	Council	9/7/15	5/25/18
2001	Fourth	C-W	12	0	0	12	140	152	2014	ZAB	4/1/16	7/31/18
2441	Haste	C-T	0	0	0	0	42	42	2013	ZAB	5/7/14	6/27/16
3132	MLK	C-SA	0	41	0	41	1	42	2007	ZAB	11/20/15	12/7/17
3015	San Pablo	C-W	8	7	0	15	83	98	2007	Council	3/19/14	2/16/16
2598	Shattuck	C-SA & R-2A	4	3	0	7	25	32	2014	Council	5/1/15	5/31/17
2600	Shattuck	C-SA & R-2A	12	12	0	24	99	123	2014	Council	1/1/14	3/17/17
2711	Shattuck	C-SA	0	0	0	0	18	18	2016	ZAB	9/6/17	9/1/18
800	University	C-W	4	0	0	4	54	58	2013	ZAB	7/15/14	12/2/15
824	University	C-W	4	0	0	4	44	48	2015	ZAB	8/20/15	2/6/18
1812	University	C-1	4	0	0	4	40	44	2014	ZAB	6/25/15	3/7/17
1974	University	C-DMU	8	0	0	8	90	98	2014	ZAB	9/29/15	10/3/17
Totals:			72	63	0	135	1,006	1,141				

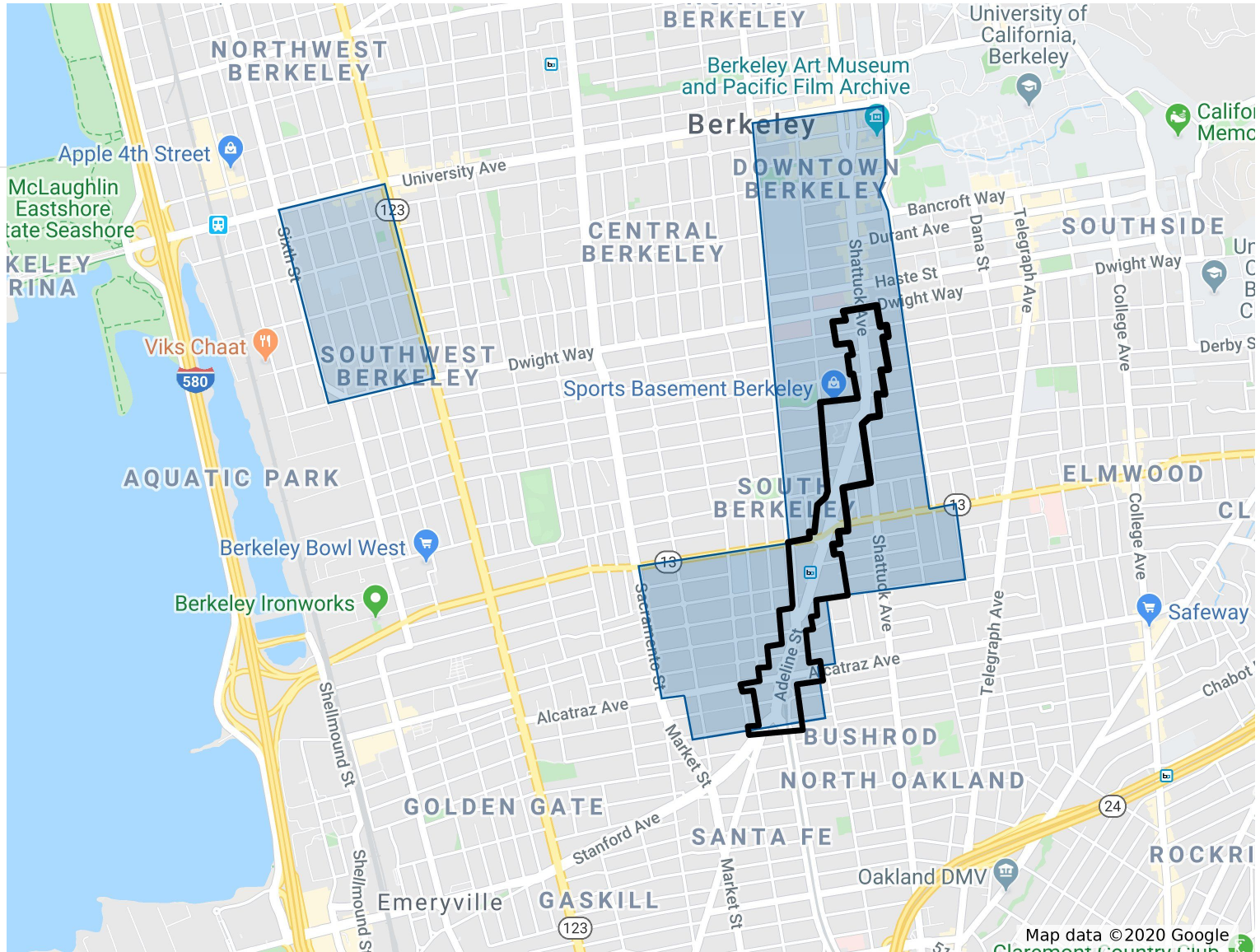
Adeline Corridor vs QOZ

QOZs

-  Polygon 1
-  Polygon 2

Adeline Corridor

-  Line 2
-  Line 3
-  Line 4



Affordable Units in Berkeley

