

Supplemental Communications (1)

(Received before 12pm July 05)

Communications

From: Wu, Grace
Sent: Tuesday, June 14, 2022 10:51 AM
To: Alfred Twu
Cc: Covello, Zoe
Subject: RE: Follow-up to June 1 PC Meeting

Hi Alfred,

Thank you for taking the time to clarify your comment over Zoom with me this morning. Based on our conversation, we would maintain the current proposal to base the maximum FAR on the number of units per lot, rather than whether a project maximizes density, in order to encourage smaller unit sizes.

We walked through an example of a 4,000 sf lot in the R-1:

	FAR based on # du per lot (current proposal)	FAR based on whether project maximizes density
Lot	4,000 sf	4,000 sf
Max Density	25 du/ac	25 du/ac
Max FAR	0.5	1.25 (maximizes density)
Resulting Units	2	2
Resulting total max floor area	2,000 sf	5,000 sf
Resulting floor area per unit	1,000 sf	2,500 sf

I also clarified that under the current proposal, single-family projects would require a use permit and that SB 9 ministerial approval would not apply to non-single-family residential zones. The policy direction we received from Council, which shaped the scope of this effort, is to facilitate and encourage *multi-unit* development.

I also mentioned that the City will be undertaking an update to the Land Use Element after the Housing Element effort is completed and that would be an appropriate time to analyze reclassifying general plan land use designations and merging more zoning districts.

Thanks as always for your thoughtful comments.

Grace

From: Alfred Twu <alfredtwu@gmail.com>
Sent: Thursday, June 9, 2022 11:42 AM
To: Wu, Grace <GWu@cityofberkeley.info>
Subject: Re: Follow-up to June 1 PC Meeting

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Hi Grace

I have one additional comment on the Middle Housing standards - the Floor Area Ratio tiers should be based on units per acre, not number of units on the lot. A 4,000 sq ft lot with 3 units is the same density as a 8,000 sq ft lot with 6 units, and should also be allowed the higher FAR.

Thanks
Alfred

On Wed, Jun 8, 2022 at 9:03 AM Pearson, Alene <apearson@cityofberkeley.info> wrote:

Dear Commissioners.

Thanks for your discussion of and valuable feedback on Residential Objective Standards for middle housing at the June 1 Planning Commission meeting.

As Chair Mikiten stated at the meeting, staff would appreciate any additional comments you have in writing while the material is fresh in your minds!

Please send comments to Grace Wu (gwu@cityofberkeley.info). All emails will be added to the public record as Communications in the July 6th Planning Commission packet.

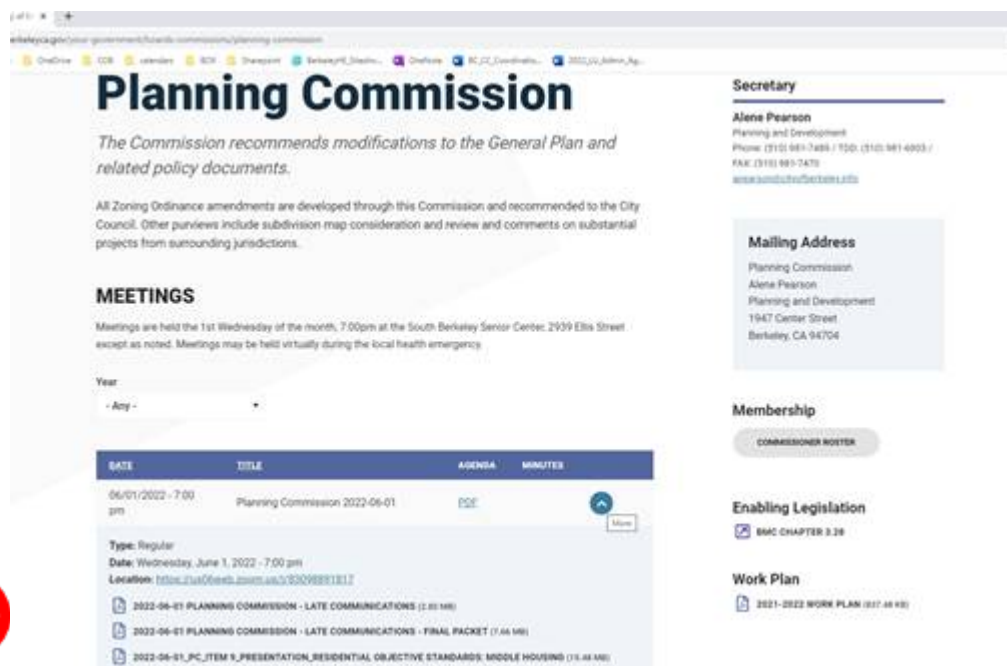
If you would like to review the zoom recording of the meeting, you can access it here:

<https://cityofberkeley.box.com/v/20220601-PC-ObjStandards>


The staff report and a PDF of the presentation can be found on the Planning Commission webpage:

<https://berkeleyca.gov/your-government/boards-commissions/planning-commission>

On the new website, you need to click the down/up arrow to expand/compress the selection of meeting files:



The screenshot shows the Planning Commission website. The main heading is "Planning Commission" with a sub-heading "The Commission recommends modifications to the General Plan and related policy documents." Below this is a "MEETINGS" section with a table of upcoming meetings. A red circle highlights a small down arrow icon in the "More" column of the table, indicating that clicking it will expand the list of meeting files.

DATE	TITLE	AGENDA	MINUTES
06/01/2022 - 7:00 pm	Planning Commission 2022-06-01	EDE	

Type: Regular
Date: Wednesday, June 1, 2022 - 7:00 pm
Location: <https://us06web.zoom.us/j/3009881811>

- 2022-06-01 PLANNING COMMISSION - LATE COMMUNICATIONS (2.01 MB)
- 2022-06-01 PLANNING COMMISSION - LATE COMMUNICATIONS - FINAL PACKET (7.66 MB)
- 2022-06-01_PC_ITEM 9 PRESENTATION RESIDENTIAL OBJECTIVE STANDARDS MIDDLE HOUSING (11.44 MB)

Thanks again!

Alene

Alene Pearson, AICP

Deputy Director, Planning and Development Department
City of Berkeley

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510-981-7489

Communications

From: Wu, Grace
Sent: Tuesday, June 21, 2022 12:14 PM
To: Elisa Mikiten
Cc: Covello, Zoe
Subject: RE: missing middle comments
Attachments: ObjectiveStandards4MiddleHousing.pdf

I really appreciate the thought you put into this work. The Objective Standards team and I will confer and get back to you with responses and/or additional clarification questions.

Thanks Elisa!

Grace

From: Elisa Mikiten <elisamikiten@mac.com>
Sent: Friday, June 17, 2022 6:43 PM
To: Wu, Grace <GWu@cityofberkeley.info>
Subject: missing middle comments

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Phew. This was a lot of work. But you would know that better than anyone!

Happy Friday,
Elisa

June 17, 2022

Grace Wu, Principal Planner

Re: Housing Element Thoughts

Dear Grace,

I'm going to try to capture the big strokes here.

A. Height in Relationship to Setbacks and Permit Type

1. I see several potential advantages to stacking building mass/height toward the front of a lot, e.g. reducing front yard setbacks, while keeping rear yard setbacks closer to current regulations.
 - a. Lots on East/West streets: Loading building mass to the front of the lot would contain shadow impacts largely onsite for lots on the North side of the street. For lots on the South side of the street, shadows would be largely cast onto the right of way, where they have no impact.
 - b. On North/South streets, shifting mass toward the front of a lot generally preserves sun access to rear yards, which potentially has more value to neighbors.
 - c. Berkeley's historic pattern had a lot of variety in front yard setbacks, including zero setback in many instances and in all zones.
 - d. For all of those reasons, I think we should consider combining a reduction in front yard setbacks to perhaps 10 feet, while maintaining a 15 foot setback in the rear. This combination could provide nearly equivalent buildable area while reducing neighbor conflicts, which is one of the original goals of zoning. I acknowledge that the height limitation of 22 feet within 15 addresses some of the same issues. I would like to take it further without drastically reducing the buildable area.
 - e. A secondary benefit would be to preserve sun access for solar panels, since shadow impacts would be better captured on site.
2. While the proposed change in average height is marginal, when combined with the change to a non-discretionary permit, the effective change is large. I'll explain.

In the past, the effect of discretionary permitting has been to influence the decision making of property owners. Because of the requirement to show plans to neighbors, and endure a public hearing, there was an incentive to make voluntary concessions in height, massing, and window placement. Concessions were most dramatic in the Berkeley Hills, where views heightened conflicts. Even in the case of a single story addition where two stories were allowed, Council appeals were frequent, and the involvement of lawyers nearly a given.

In the early 2000's, ZAB had an unwritten policy of allowing encroachments on views provided that no major landmarks were obstructed. At the Council level, however, the decision making (to my eye, anyway) seemed to revolve around a comparison of who had what view. If an applicant had views superior to the views of the impacted neighbor, they were generally required to make deeper concessions.

Even if we simply changed the permit type to non-discretionary, with no change in allowable average height, this would produce a very different result from past practices.

This makes me wonder if we shouldn't simply change the permit type and leave the height standard alone. Simply allowing people to build to the allowable height without a lawsuit would be a big change.

We also might think about codifying the ZAB standard, although I acknowledge that this would be difficult, and that it would reintroduce a level of discretion, which is undesirable. I'm not sure how to address this, but I am concerned about the level of uproar when someone's view is 100% blocked by a by-right, 28 foot high development.

B. Other Thoughts: Key Lots, FAR, Order of Magnitude, Ownership Opportunities

3. As proposed, the 10 foot side yard setback on a key lot would apply to the full depth of the lot. Would it make more sense to limit the effect to within 20 feet of the relevant lot line? It seems to me that would eliminate any impacts without unduly limiting development potential.
4. I'm still asking myself what we gain by introducing an FAR standard. I see that is being applied as an incentive for additional units, but I doubt the margin will influence anyone's decision making. State law set some parameters, but it remains an option to simply not regulate FAR at all. I'm thinking about this.
5. Regarding order of magnitude, I just don't want to go too far. I think maybe we're there, or possibly on the far side of it. I don't want a situation where neighbors immediately adjacent to redeveloped properties feel that they are bearing an undue burden. I'm questioning the 50% jump in the density standard between R-2 and R-2A. I'm concerned about the reaction in the Berkeley Hills when the height in sensitive situations is effectively doubled. And I'm still concerned about the share of investor-owned housing going up because I have seen first hand what a difference it makes for a tenant and a landlord to share community. In my neighborhood, I've seen owners of duplexes rent units at affordable prices to the aging parents of neighbors, while absentee landlords find ways to dislocate long-term neighbors. Community is the difference, and I wonder where the scale of development becomes 100% investor-owned. I can imagine owner-occupied complexes of 3 or 4 units, but 6 seems very unlikely. Yet, density is needed, and rental supply is critical.
6. I'm also thinking about how to encourage ownership opportunities. I'm wondering about obstacles to creating new construction condominiums, TIC's, and co-housing.

Many thanks for all of your thoughtful work.

Best,

Elisa Mikiten