

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JANUARY 9, 2002**

1 **ROLL CALL**

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3 Time: The meeting was called to order at 7:08.

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5 Location: North Berkeley Senior Center.

6
7 Commissioners Present: Bronstein, Curl, Hicks, Howerton, Olson, Tabb, Wengraf,
8 Wozniak, Wrenn.

9
10 Commissioners Absent: None.

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12 Staff Present: Barrett, Cederborg, Rhoades, Thomas.

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14 **PUBLIC COMMENT PERIOD**

15
16 Resident Howie Muir explained the density bonus and stated that he would like
17 Berkeley's policies regarding the density bonus to be clearer. He stated that a process for
18 revising the City's ordinance should be established that includes input from citizens in
19 order to achieve buy-in from the community.

20
21 Commissioner Hicks asked if the density bonus is necessarily given in the form of more
22 stories.

23
24 Mr. Muir stated that the density bonus is not necessary given in stories. He stated that it
25 could be given in financial concessions.

26
27 Commissioner Wengraf asked if the financial concessions would be a great expense for
28 the City.

29
30 Martha Nicoloff stated that the City has been over interpreting the density bonus laws.

31
32 James Coles, representing Resources for Community Development, stated that the
33 density bonus is essential in ensuring that more housing units in Berkeley are constructed,
34 and essential to obtain more financing for low income residents.

35
36 Commissioner Hicks asked whether Mr. Coles' organization produces affordable housing
37 or low income housing.

38
39 Mr. Coles stated they provide for the lowest income households.

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41 Commissioner Tabb asked for information regarding the projects that utilized the density
42 bonus.

43
44 Mr. Coles stated that he did not have it with him but he would give this information to the
45 Commission.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JANUARY 9, 2002

47 Patrick Kennedy stated that the Berkeley density bonus system has been very successful
48 and has made the completion of a number of affordable housing projects possible.

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50 Commissioner Wrenn asked for examples.

51
52 Commissioner Wozniak asked to explain how the density bonus works.

53
54 Mr. Kennedy provided some explanation of how the density bonus encouraged
55 development of affordable housing units.

56
57 Commissioner Tabb asked if the projects would have been built without the density
58 bonus.

59
60 Mr. Kennedy stated that his housing projects would not have been feasible without the
61 help of the density bonus program.

62
63 Commissioner Wengraf asked if the Berkeley inclusionary zoning could be the reason the
64 density bonus is successful in Berkeley.

65
66 Mr. Kennedy stated that the inclusionary zoning results in more density bonus projects.

67
68 **ORDER OF AGENDA**

69
70 Commissioner Wengraf suggested moving discussion of item number 9 before item
71 number 8.

72
73 **CHAIRPERSON'S REPORT**

74
75 No report.

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77 **COMMITTEE REPORTS**

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79 No report.

80
81 **PLANNING DIRECTOR'S REPORT/COUNCIL ACTIONS**

82
83 The Director gave an update of the following items:
84 Final revised EIR for the UC Projects
85 The new Transportation Officer
86 Computer upgrades
87 Integrating current and advance planning
88 Schedule for the MULI item to Council

89
90 Commissioner Bronstein stated that the MULI recommendation should not be placed on
91 the City Council's agenda until the MULI subcommittee completes its report to
92 supplement the staff report.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JANUARY 9, 2002

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The Commission agreed that the item should go to City Council in April.

Commissioner Bronstein asked that the staff provide an opportunity for the Planning Commission to comment on the department budget.

APPROVAL OF MINUTES

M/S/C to approve the November 14 minutes (Tabb/Bronstein). Ayes: Bronstein, Curl, Hicks, Howerton, Tabb, Wozniak, Wrenn. Noes: None. Abstentions: Olson, Wengraf. Absent: None.

M/S/C to approve the November 28 minutes with changes (Wengraf/Bronstein). Ayes: Bronstein, Curl, Howerton, Olson, Wengraf, Wrenn. Noes: None. Abstentions: Hicks, Tabb, Wozniak. Absent: None.

DENSITY BONUS REGULATIONS

Staff Thomas explained the background of the density bonus and gave a brief introduction to the City’s ordinance and state law.

Commissioner Wengraf asked how the bonus units are accommodated on the site.

Staff Thomas explained there are many possibilities and it is the City’s choice as to how they are accommodated.

Commissioner Tabb asked about unit size.

Staff Rhoades stated that a mix of units are required to reflect what is already present in the base project.

Commissioner Hicks stated that there are not many two or three bedroom units in these developments and there needs to more of a mix to satisfy the needs of families.

Staff Rhoades agreed.

Commissioner Wengraf asked why this item has been brought up for discussion.

Staff Thomas stated that the community had questions regarding the state density bonus, how the City is implementing this ordinance, and that this item may affect the shaping of the Southside Plan.

Commissioner Wengraf asked what happened to the Avenues Plan.

Staff Thomas explained that it expired.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JANUARY 9, 2002

139 Commissioner Curl asked how the affordable housing units are monitored.
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141 Staff Thomas stated that an agreement between the City and the developers is established
142 that rides with the land. He stated that the City's Housing Department monitors the
143 agreements.
144
145 Commissioner Bronstein asked for more clarification as to why this issue is being
146 brought to the Commission.
147
148 Staff Barrett stated that this item was referred to the Commission by City Council in
149 response to issues that have been raised by the community.
150
151 Commissioner Wrenn asked what form the concessions have taken in practice.
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153 Staff Thomas stated that it would be possible to waive or reduce parking requirements,
154 set backs, or height limits among other options.
155
156 Staff Rhoades stated that the developer must show that the project would not be
157 financially feasible without the additional concession.
158
159 Commissioner Bronstein asked for case histories to analyze.
160
161 Commissioner Olson stated that it is not evident whether the developers are getting more
162 than necessary. She stated that it is important to ensure the developers are meeting their
163 obligations to the community.
164
165 Commissioner Wozniak stated that it would be helpful for the Commission to have the
166 opportunity to review case histories for the last five years, know how many cases there
167 have been, and what the practice has been regarding density bonus projects.
168
169 Commissioner Wrenn stated that it is important to uphold inclusionary zoning to continue
170 to encourage developers to take advantage of the density bonus program. He also asked
171 if the affordable units are monitored.
172
173 Staff Rhoades stated that they are monitored through the City's Housing Department. He
174 mentioned that not many projects get fee waivers but they may get fee deferrals.
175
176 Commissioner Wengraf moved that the staff come back with all the information
177 requested by the Commission in order to further the discussion.
178
179 Commissioner Wrenn asked Howie Muir to explain why he believes the City's current
180 ordinance is inadequate.
181
182 Howie Muir stated that there needs to be more accountability to the public. He stated that
183 the citizens must be privy to the value of the concessions offered to developers. He

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JANUARY 9, 2002

184 stated that the City must stipulate density requirements because he felt that the
185 development standards are arbitrary and inconsistent.

186
187 Chris Hudson, a developer, stated that Berkeley has been aggressive in alternative
188 solutions.

189
190 Commissioner Wozniak asked Mr. Hudson what would make the process simpler from a
191 developer's standpoint.

192
193 Mr. Hudson stated that what makes his job unclear is the fact that much of the process is
194 discretionary.

195
196 Commissioner Bronstein stated that neighborhood detriment is the critical issue, not
197 zoning limits. She stated that discretionary zoning is important even though it may
198 introduce uncertainty.

199
200 Commissioner Olson stated that this conversation is important because it is a complicated
201 process that should not be so complex.

202

203 M/S/C for staff to gather the necessary information for the Commission to review 204 regarding density bonus projects (Wengraf/Olson). Ayes: Bronstein, Curl, Hicks, 205 Howerton, Olson, Tabb, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions: None. 206 Absent: None.
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208 **PLANNING COMMISSION WORK PROGRAM FOR 2002**

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210 Commissioner Bronstein stated that the General Plan Annual Review Process should
211 perhaps be deferred until 2003.

212

213 Commissioner Wozniak stated that a priority ranking of the work program would be
214 helpful.

215

216 Commissioner Wrenn asked that a three month look ahead be posted on the agenda.

217

218 Commissioner Bronstein stated that the Southside Plan holds the highest priority, then the
219 Downtown Zoning Amendments, and thirdly, the Nexus studies.

220

221 Commissioner Wrenn stated he needed information on Santa Fe. He stated that by the
222 next meeting, the Commissioners should have read the Southside Plan, and that the issues
223 of priority are the Southside Plan, the state density bonus, and the Zoning Amendments.
224 He stated that the original time-line drafted for the Southside Plan should still be used as
225 a guide, but changes can be made as are necessary to reflect the delay.

226

227 **MEETING PROCEDURES**

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APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JANUARY 9, 2002

229 Staff Barrett referred to a handout in the Commissioners' packets regarding various
230 questions asked to staff about Planning Commission meeting procedures. She suggested
231 that some of the standard procedures be written down so that they may be easily accessed
232 by the community.

233

234 Commissioner Wozniak stated that the Public Comment should be limited in duration.

235

236 Commissioner Wrenn stated that there should be no dialogue between the public and the
237 Planning Commissioners; that the questions are for clarification purposes only. He asked
238 if a policy should be implemented regarding this.

239

240 Commissioner Wozniak suggested that no questions be asked, but that people write them
241 down to be asked later when that item is discussed.

242

243 Commissioner Wengraf asked about the issue of discussing items with the public outside
244 of the Planning Commission meetings.

245

246 Commissioner Olson stated that Commissioners can reveal whether outside contact has
247 been made before a discussion begins.

248

249 Staff Barrett stated that she would let the Planning Commission know what items will be
250 quasi judicial or legislative.

251

252 Commissioner Curl asked if it is possible to make a motion during Public Comment in
253 order to shorten the Public Comment period.

254

255 Commissioner Wrenn stated that a Commissioner could make a motion during Public
256 Comment.

257

258 Commissioner Wengraf stated that there should be a statement on the agenda
259 encouraging people to send comments in writing.

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261 Commissioner Wrenn stated that the agenda should state that the Commission has the
262 right to limit Public Comment to how the Commissioners see is necessary.

263

264 **MARINA PLAN LIAISON**

265

266 Staff Thomas stated that the Plan will be released the first of February. He asked if the
267 Planning Commission would identify a liaison to advise the Planning Commission on the
268 Draft Plan.

269

270 Commissioner Wozniak agreed to read the Plan and to ask any questions of the
271 Waterfront Commission.

272

273 **ADJOURNMENT**

274 The meeting was adjourned at 10:00.