

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JANUARY 23, 2002

ROLL CALL

Time: The meeting was called to order at 7:10.

Location: North Berkeley Senior Center.

Commissioners Present: Bronstein, Curl, Howerton, McCamant, Olson, Tabb, Wengraf, Wrenn.

Commissioners Absent: Hicks.

Staff Present: Barrett, Cederborg, Thomas.

PUBLIC COMMENT PERIOD

John McBride thanked the Commission and staff for getting the Southside draft Plan out in a timely manner. He requested that additional notification be posted.

Martha Nicoloff stated that multi-family housing could be built on outskirts of big blocks and that recent projects have been built too large. She stated that additional clarification is necessary to improve implementation of the State Density Bonus. She proposed that no building in Berkeley be allowed to have bedrooms with less than 10 by 10 dimensions.

Andy Katz stated that he read the staff report regarding the Southside Plan and reminded the Commission that its goal is to produce more housing. He stated his concern that the current proposals may not result in more housing in the Southside. He wanted to make sure that the Plan and the Zoning supports the overall objective of creating more housing. He added that it is more important to have common space than to have big rooms. He also hoped to see a group housing density bonus.

Howie Muir requested that the work schedule include the issue of nodes and San Pablo Avenue. He commended the Commission on the Southside planning process and its inclusive nature. He also pointed out that he had submitted a memo regarding state density bonus that raised questions about how well the City is monitoring inclusionary units.

ORDER OF THE AGENDA

Item 10 was moved ahead of item 9.

CHAIRPERSON'S REPORT

No Report.

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46 **COMMITTEE REPORT**

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48 No Report.

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50 **PLANNING DIRECTOR'S REPORT/COUNCIL ACTIONS**

51

52 Staff Thomas reviewed the following items for Planning Director Barrett:

53 -Advance Planning new hire

54 -Santa Fe Right of Way

55 -General Plan schedule

56 -Marina Plan

57 -Fast food prohibition on San Pablo

58 -New technology

59

60 **APPROVAL OF MINUTES**

61

62 The minutes for the 1/9/02 meeting will be re-noticed on next month's agenda.

63

64 **SOUTHSIDE PLAN**

65

66 Commissioner Wrenn gave some background on the Southside Plan. He stated that the

67 deadline has been extended to March 15 for Public Comment. He asked that the

68 Commissioners review the concerns identified by staff, discuss these and give input at

69 tonight's meeting.

70

71 Commissioner Bronstein stated that she was confused by the staff report layout because

72 it takes parts of the Plan and places them into a new document. She suggested the

73 Commissioners look at whole plan instead.

74

75 Commissioner Wengraf asked if anyone from University was attending the meeting.

76 She asked if the University had been notified.

77

78 Staff Thomas stated that they had been notified.

79

80 Staff Thomas stated that he will recirculate a letter to the Commissioners from the

81 University on issues they want dealt with. He suggested setting time aside to deal with

82 their issues.

83

84 Staff Thomas presented the staff report.

85

86 Commissioner Wengraf asked if students are eligible to rent the inclusionary units.

87

88 Staff Thomas explained that they may if they are not dependents on their parents tax

89 returns.

90

91 Commissioner Tabb asked who monitors inclusionary units.

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92
93 Staff Thomas replied that it is done.
94
95 Commissioner Bronstein asked if this is actually done.
96
97 Staff Thomas stated that Housing is in charge of this program, however, they were not
98 available for this evening's meeting
99
100 Commissioner Wrenn stated that a fair amount of married students with children would
101 qualify to live in inclusionary housing.
102
103 Commissioner Wengraf asked for data regarding the number of students who would
104 qualify.
105
106 Commissioner McCamant stated that this information and information on whether the
107 units would be rented at 60% or 80 % would be helpful.
108
109 Staff Thomas stated that he will ask if the UC has this information.
110
111 Commissioner Wengraf asked if a person must be a citizen to receive section 8
112 vouchers.
113
114 The Commission agreed to begin the discussion with Question #1 from the staff report.
115
116 *Question #1: Is the Density Bonus of a fifth floor intended to be the required 25% State*
117 *Density Bonus or is the 25% State Density Bonus to be granted in addition to the*
118 *Southside Density Bonus?*
119
120 Commissioner Wengraf asked for the rationale behind limiting height to four stories.
121
122 Commissioner Wrenn stated that in 1986 the zoning code was changed to allow a
123 maximum height of four stories.
124
125 Commissioner Wengraf asked when density bonus became law.
126
127 Commissioner Wrenn stated that it was revised in 1990.
128
129 Commissioner Olson pointed out that a density bonus does not necessarily ensure that
130 an extra floor is given.
131
132 Commissioner Wrenn stated that if parking is not an option, and if there is not much
133 room for open space, there is not much else to give away.
134
135 Commissioner Wengraf asked about the residential setback as an inclusionary measure.
136

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137 Commissioner Wrenn agreed that the first provision should be more clear and that
138 housing for seniors should be covered.

139
140 Commissioner Wengraf asked if the language of item B on page 154 is consistent with
141 state density bonus.

142
143 Commissioner Wrenn stated that it is.

144
145 Staff Thomas stated that if it meets any of the three thresholds, it will qualify.

146
147 Commissioner Wrenn stated that he felt the provisions should be revised to reflect the
148 State Density Bonus.

149
150 *Question # 2: If the Southside Density Bonus is intended to fulfill the State Density*
151 *Bonus requirement, a 25% density bonus may require more than a 5th floor, if the*
152 *proposed project is a 4 story residential building. What will the City do to*
153 *accommodate that portion of the 25% density bonus that cannot be accommodated on*
154 *the 5th floor?*

155
156 Staff Thomas stated that rarely would a situation like this occur according to Current
157 Planning.

158
159 Commissioner Wrenn agreed that this would not occur so this is not an issue.

160
161 *Question #3: If a project were eligible for the State Density Bonus, the following*
162 *provisions of the CT zoning district would appear to prevent the approval of the 25%*
163 *density bonus. If this is the case, then the City would be required to provide direct*
164 *financial subsidies to the projects in lieu of the density bonus as required by State law.*
165 *This would be a clear departure from current City policy. If it is the intent of the*
166 *Southside Plan to provide financial incentives to all projects that subject to the*
167 *following conditions, then the Plan should specifically state that intent.*

168
169 Commissioner Olson stated that if the building is moved, the lot should no longer be
170 considered a historic resource.

171
172 Staff Thomas asked if this would apply to a building that is important because of its
173 location.

174
175 Commissioner Wrenn stated that language could be clarified to prevent loopholes.

176
177 Commissioner McCamant stated that if the CEQA process is required for all projects,
178 the Council should be able to override to give the density bonus on a case by case basis.

179
180 Commissioner Wrenn stated that the language in the Plan needs to be stronger
181 regarding preservation, but that the provision may need to be removed for the proposed
182 zoning.

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Question #5: Is it possible to build a 5 story building on Telegraph Avenue that will not cause a significant reduction in sunlight on the Avenue? Does this provision prohibit a 5 story building on the old Berkeley Inn site that is now vacant? Given the limited amount of sunshine that currently falls on the Telegraph Avenue sidewalks, isn't any reduction a "significant reduction"?

Commissioner Wrenn stated that if there is a significant impact on sunlight, then a setback should be required. He stated that the vendors are most concerned about this issue.

Commissioner Wengraf stated that when limiting the height due to shadowing, there is nothing else to give but money.

Staff Thomas suggested to clarify the language to specify that the provision only pertains to the fifth floor and that a setback might be required.

Question #6: Why would the Southside Plan prohibit an affordable housing density bonus for a project that replaces a two story building that may have only a few housing units on the second floor? Why would it not be preferable to develop a larger building with five stories of housing, 20% of which are affordable.

Staff Thomas asked why the city would want to preserve older units which would prevent the building of more, newer units.

Commissioner Wrenn stated that the older buildings often times are the most sound and aesthetically pleasing sites in the neighborhood.

Commissioner Wengraf asked that if seismic event occurs and housing is damaged, could it be replaced.

Commissioner Wrenn stated that the city should discourage tearing down of sound dwelling units.

Commissioner Bronstein stated that although increasing the housing supply is certainly one of Berkeley's main goals, another is to preserve the neighborhoods' existing character. She stated that this is a conflict, but must be worked out through discretionary measures.

Staff Thomas stated that he is concerned that those provisions will severely limit housing opportunities.

Commissioner Wrenn stated that there are still many opportunities and appropriate sites for new housing development, but the demolition of good quality housing should not be encouraged.

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229 Staff Thomas stated that this disincentive is not working due to the State Density
230 Bonus.

231

232 Commissioner Wrenn proposed a significant reduction in height limit for existing
233 residential buildings.

234

235 Commissioner Wengraf stated that new housing must be accessible, and since much of
236 the old housing is not, this could be seen as discouraging accessible housing.

237

238 Staff Thomas stated that he will come back with more information regarding this issue.

239

240 Commissioner Wrenn stated that the city needs a better evaluation of existing housing.

241

242 Staff Thomas asked about the provision that at least 50% of the building must be
243 residential to qualify for the Bonus. He pointed out that even if it is less, it may qualify
244 for the State Density Bonus.

245

246 Commissioner Wrenn stated that the Commission wants to encourage the development
247 of housing instead of office space.

248

249 Staff Thomas stated that there may be better ways to go about achieving this.

250

251 Commissioner Wrenn stated that the city does not want to encourage offices, but to
252 give an edge to housing.

253

254 Commissioner Wrenn stated that new zoning offices are only allowed on Bancroft on
255 second floor and above.

256

257 Commissioner Bronstein asked why the city would want to encourage office space
258 across from the University.

259

260 Commissioner Wrenn stated that office space is restricted altogether, with a small
261 portion along Bancroft as an exception, which is a more appropriate place to allow for
262 office space.

263

264 Commissioner Wengraf stated that because of the economy, retail space is becoming
265 office space. She asked if this is allowed.

266

267 Commissioner Wrenn stated that in some areas this is permitted.

268

269 **DOWNTOWN ZONING AMENDMENTS**

270

271 Staff Thomas stated that he will be bringing revisions to the Planning Commission to
272 implement the General Plan. He stated that staff needs direction on the affordable
273 housing two-tiered approval.

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275 Commissioner Wrenn stated that the Southside Plan offers a two tiered bonus proposal.
276 He stated that the Housing Department should be consulted as to what would be a
277 realistic number.

278
279 Staff Thomas described options for parking revisions.

280
281 Commissioner Wrenn suggested that the revision reflect the General Plan policy and
282 incorporate changes suggested in the Downtown Plan.

283
284 Staff Thomas stated that Council pushed for higher minimum height limits in the
285 downtown. He stated that the minimum height for the core is high, with a lower height
286 for the sublying areas.

287
288 Commissioner Wrenn stated that there should be exceptions in the corridors.

289
290 The Commissioners were asked what other data is needed ,and to raise any other issues
291 that they may have regarding the items mentioned.

292
293 Commissioner Wrenn asked for information regarding the projects that have not taken
294 the density bonus but have inclusionary units and a list of all the housing developments
295 since the inclusionary zoning has been in effect.

296
297 Commissioner Olson asked for information regarding lot size, which projects are mixed
298 use, and if this is a concession.

299
300 Commissioner Olson asked for information regarding how much has been conceded in
301 fee waivers. She also asked for information regarding the percent AMI is required and
302 how much is given; the degree of affordability

303
304 Commissioner Curl asked for information regarding the size of the affordable units.

305
306 Commissioner Wrenn asked for verification of the unit size and whether this is done on
307 a consistent basis. He also asked for information regarding the year the units were
308 built.

309
310 Commissioner Wengraf stated that the mix of units may not necessarily mean anything
311 and that what really matters are how many people are living in each unit.

312
313 Commissioner Olson asked for information on what rent prices.

314
315 Commissioner Wrenn asked for the level of affordability, which projects have been for
316 profit and non profit. He asked for information on how other cities manage the density
317 bonus.

318
319 Commissioner Tabb asked if we can we tell whether the students are occupying the
320 units are not. What is the role of the University in this mix of housing

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322 Commissioner Bronstein requested that the University attend the next meeting on this
323 issue.

324

325 Commissioner Tabb stated that city efforts to build housing, decreases pressure on the
326 University to build housing.

327

328 Commissioner McCamant stated the University is building student housing with city
329 resources.

330

331 Howie Muir stated that the city has no data on students and that they occupy a small
332 portion of affordable housing.

333

334 Commissioner Wrenn stated that the density bonus provides housing to those who
335 qualify for low income housing, not to students who rent at market rate.

336

337 Staff Thomas stated that he will work on the table, and reschedule the item within a
338 month.

339

340 **ADJOURNMENT**

341

342 The meeting was adjourned at 9:45pm.