



Planning and Development Department
Land Use Planning Division

Action Minutes

Joint Planning Commission/ Zoning Adjustments Board/Housing Advisory Commission

Density Bonus Subcommittee

When: Monday, August 21, 2006
3:30 to 6:00 pm

Where: Sitka Spruce Conference Room
Permit Service Center (Second Floor)
2120 Milvia Street, **BERKELEY, CA 94704** (Wheelchair Accessible)

Subcommittee Members P if Present, A if Absent

Zoning Adjustments Board members:

- Dean Metzger (P)
- Rick Judd (P)
- David Blake (P)
- Bob Allen (A)

Planning Commission members:

- Susan Wengraf (P)
- Helen Burke (A)
- Gene Poschman (P)
- David Stoloff (A)

Housing Advisory Commission members:

- Jesse Arreguin (P)
- Marie Bowman (P)
- (Vacant)

Agenda:

1. Public Comment.

Speaker 1: Steve Wolmer, said that he had discussed with Mark Rhoades the possibility of modifying the staff's recommendations to change the transition setback so that the second floor was further away from the adjacent residentially-zoned parcels. He wanted to know if the staff would change the draft transition setback? Steve also wanted to know if the commercial standards developed for the UASP overlay would also include the changes to the Use Table that limited the permissible ground-floor uses; e.g. would residential uses be excluded from the first floor? Steve wanted a clarification on whether the staff's 20% of open space as private open space would be 20% of the units or 20% of the open space.

Speaker 2: Chris Hudson, housing developer, said that the subcommittee had exceeded its mandate from the Council and that the committee's recommendations were effectively the work of a "Down-zoning Subcommittee," rather than a Density bonus Subcommittee. He suggested the draft changes were complex and far-ranging in scope and could not be adequately analyzed or understood in the time available. He warned that the current staff draft could not be accurately modeled.

2. Density Bonus Options and 3. Density Bonus Implementation—

Subcommittee chair, Wengraf, handed out a correspondence from absent Subcommittee member Bob Allen indicating that he "would support completing our work and rejecting the rush to forwarding an incomplete,

inadequate proposal to the Planning Commission & City Council.” The committee individually discussed the points of disagreement with the draft staff proposal and questioned whether staff could respond at this meeting to their positions. Staff explained that the draft staff proposals were still flexible so long as the combined effect of all proposed changes were properly modeled and understood. Each subcommittee member identified specific concerns.

Mr Poschman: would fight the staffs proposals all the way to Council; suggested the subcommittee could think strategically about the possibility of different recommendations from the subcommittee and staff; reiterated his strong disagreement with the staff’s draft position on open space, parking and 4th floor by right on San Pablo; suggested that there was “cognitive dissonance” in the staff’s draft recommendations and their representation of them; expressed support for 35% of the residential parking to be at grade (rather than lifts); could not support more than 25% of the open space on the roof.

Mr. Blake: suggested the prudent thing to do is go forward in light of Prop 90; suggested that the recommendation to Council should be the greatest reduction in by right development, thereby providing an opportunity to revisit the reductions after the election; reiterated support for tiered- standards; supported the general approach to the stepped transition; requested a fuller modeling of the staffs recommendations (e.g. including specific commercial standards); reiterated support for the 2-menu approach (perhaps even 3-menu); expressed concern for the quality of open space when it is adjacent to unit window openings.

Ms Wengraf: identified the tradeoff between ground level open space and the transition setback; expressed concern that staff’s recommendations may be non-economic (e.g. financially infeasible); indicated more complete commercial standards are needed; asked that the 20% private open space should be clarified.

Mr Metzger: suggested rewriting staff’s draft position to get closer to subcommittee’s draft; reiterated his strong support for the subcommittee’s positions on open space, parking, and the 4th floor of San Pablo; supported staff’s draft on the transition setback and staff’s approach for addressing the definition of front yard and side yard; suggested the committee could continue work (after the election) on open space standards, parking, and 4th floor on san Pablo; suggested the City of Santa Monica regulations might be a model; observed that there are a lot of “discrepancies” in the current Zoning Ordinance; recognized that Prop 90 has a lot of hidden agendas and suggested the City should try to defeat it at the polls.

Mr Judd: strongly supported staff’s recommendation to carry amendments to Council in light of Prop 90; reiterated his characterization of the Zoning ordinance as based on discretion (e.g. multiple use permits); suggested that the complete staff recommendations (transitions, commercial space, parking, and open space) needed to be adequately modeled in order to know whether he could support the staff’s recommendations;

Mr Arreguin: expressed support for the 2-menu approach; characterized the draft staff’s proposal as inadequate.

Ms Bowman: suggested the staff’s draft proposal was, perhaps, 51% of the subcommittee’s recommendations

and advised the subcommittee to “not walk away” from the staff’s recommendations;

3. Units per Acre. (deferred)

4. Next steps.

No motion was made and no vote cast. Many of the committee members expressed support for a recommendation to go to Council and confirmed their next meeting on August 30, from 3:30 to 6:00 at which the subcommittee would continue deliberations on the details of staff’s recommended transition setbacks; open space standards (size and location); amount of parking at grade for residential uses (15% in draft staff recommendations vs 25% for subcommittee); and commercial standards (is 30% of parcel area sufficient and appropriate and will there be nodes as well as non-nodes?).

If you have questions regarding this agenda, please contact Jordan Harrison at (510) 981-7416.

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