



Planning and Development Department
Land Use Planning Division

Action Minutes

Joint Density Bonus Subcommittee of Planning Commission / Zoning Adjustments Board / Housing Advisory Commission

**When: Tuesday, February 20, 2007
4:00 to 6:00 pm**

**Where: Magnolia Conference Room
Permit Service Center (Third Floor)
2120 Milvia Street, Berkeley, CA 94704 (Wheelchair Accessible)**

Subcommittee Members : P – Present; A – Absent

Zoning Adjustments Board
members:

- Sara Schumer * P
- Rick Judd A
- David Blake P
- Bob Allen P

Planning Commission
members:

- Susan Wengraf P
- Gene Poschman P
- David Stoloff P

Housing Advisory
Commission members:

- Jesse Arreguin P
- Marie Bowman P
- Steve Wollmer P

Agenda:

1. Public Comment – No public Comment.
2. Discussion: Procedures for implementation of density bonus law, including incentives and concessions and waivers and modifications and the proposed 2-menu option. (Attachments. Note: the attached draft procedures are a working document and have not had a final review by the City Attorney's office and may be revised as the discussion proceeds.)

Staff presented proposed draft density bonus procedures, including the steps for identifying the density bonus amount, the waivers and modifications, and the incentives or concessions. The Subcommittee discussed the difference between waivers/modifications and incentives/concession, including how many and what form they should take, if a financial pro-forma should be required, and if modification of certain development standards should be prioritized for waivers/modifications and incentives/concessions, or if they should be determined by the ZAB on a project-by-project basis. Options for determining the density bonus amount from either the maximum envelope or a backward calculation from the applicant proposed building size (less than maximum) were discussed.

3. Discussion: Housing Department proposal to allow payment of in-lieu fees for condo units for projects that receive incentives or concessions. (Attached: Report from HAC.)

Ken Baar of the Housing Department presented a proposal to allow for incentives or concessions as described in State density bonus law through the City's inclusionary ordinance for projects that select

payment of an in-lieu fee instead of provision of inclusionary units on-site. The proposal would be retroactive to allow for already-approved projects that have received incentives or concessions under State law to receive those same incentives or concession under City law and still pay the in-lieu fee without returning to the ZAB for a UP modification. The Subcommittee discussed the proposal and what kind of development standards would likely be modified as a result of the City incentives or concession: use permit standards or variance standards. The Subcommittee asked if it is likely more projects would pay the in lieu fee than provide inclusionary units with this change and what impact that might have on the City's level of affordable units.

4. Future meeting agendas and other business.

Topics for future consideration identified include: the policy objective of encouraging larger units rather than more small units through a square footage bonus rather than unit bonus; what financial data could or should be required to show the economic feasibility of a project for waivers/modification and incentives/concessions; and the need for a density bonus ordinance in the BMC, potentially in the form of a place holder for administrative procedures to be adopted by Council.

* Sara Schumer is not yet a voting member of the Joint Subcommittee.

If you have questions regarding these action minutes, please contact Jordan Harrison at jharrison@ci.berkeley.ca.us or 981-7416.

Please refrain from wearing scented products to public meetings.

Accommodations Provided Upon Request. To request meeting materials in large print, Braille, or on cassette, or to request a sign language interpreter, assistive-listening device, real-time captioning or other accommodation for the meeting, call 705-8116 (voice) or 981-6903 (TDD). Providing at least five working days' notice will help to ensure availability at the meeting.