



Planning and Development Department  
Land Use Planning Division

# Action Minutes

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

**When:** Monday March 19, 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 Shumer **P**
- Rick Judd **P**
- 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**

1. Roll Call – All Present. Staff present: Sanderson, Marks, Baar, Cowan, Harrison.
2. Order of Agenda – Chair Wengraf indicated there would not likely be time for Items 5 and 7.
3. Public Comment – None.

### *Matters for discussion and possible action:*

4. Procedures for implementation of density bonus law, including a revised Berkeley Density Bonus Ordinance; prioritization of waivers and modification and incentives or concessions; and a financial data requirement.

The Subcommittee discussed the outline of issues presented in the Memoranda from Mark Rhoades, “Discussion Items for Density Process,” dated March 14, 2007 and Commissioner Poschman, “DRAFT Recommendation for Joint Subcommittee Consideration,” dated March 19, 2007. The Subcommittee discussed the role of a two-menu approach given the City Attorney’s interpretation of the statute that the City cannot limit the number of waivers and modifications, but can limit the number of incentives and concession depending on the affordability levels of the project. The Subcommittee discussed which specific development standards should be allowed to be modified and to what extent under tier 1 and tier 2 of the two-menus, tier 2 requiring financial data to allow the modification and tier 1 being allowed without such data. The Subcommittee considered allowing incentives or concessions for projects that qualify but do not request or take a density bonus.

The Subcommittee took straw votes on the nine items in Commissioner Poschman’s memorandum, reserving Item 2 for the end of the discussion:

**1.—That Berkeley adopt a comprehensive Density Bonus Ordinance as required by Subsections 65915(a) and 65915(d)(3) Passed by straw vote March 19, 2007.**

**2-A.—That the waiver or modification of the following development standards and those not listed which the Zoning Adjustment Board finds to be similar for which no financial data are required are as follows:**

- 1---Up to a 20% deviation from ground setbacks adjacent to residential district with each deviation counting as one (1) concession or incentive.
- 2---Up to 20% reduction in commercial parking, non-restaurant.
- 3---Up to 20% reduction in food service parking.
- 4---Increase in lift parking
- 5---Tandem parking (see 65915(p))
- 6---Increase in open space, roof
- 7---Increases in open space, balconies
- 8---4<sup>th</sup> story in C-1, mixed use
- 9---Increase in height by 5% or 10% linked to increased first floor commercial height?
- 10---X percent (10 or 20%) reduction in total usable open space? (or leave as #1 in category 2 below?)
- 11---??

**2-B.— That the waiver or modification of the following development standards and those not listed which the Zoning Adjustment Board finds similar shall require evidence demonstrating that the application of the requirement would preclude construction of the project at the densities provided for in the SDBL and that the waiver or modification is necessary to make the housing units economically feasible.**

- 1.-- Reduction of total usable open space required
- 2.----Reduction in residential parking requirements
- 3.----Reduction in setbacks other than those in category 1
- 4.---Increase in height of buildings
- 5.—Increase in stories in buildings
- 6—Increased FAR floor area ratio
- 7.---Any reduction in the floor area, interior amenities, bedrooms or equitable dispersal of inclusionary units.
- 8.---Any other waiver or modification of a development standard that would require a variance.

**3.—That the cost of reviewing any required pro forma or other financial data submitted as part of the application in support of a request for an incentive/concession or waiver/modification of development standards, including, but not limited to the cost to the City of hiring a consultant to review said financial data, shall be borne by the applicant. Passed by straw vote March 19, 2007.**

**4.--That the Planning Department provide an applicant with detailed information on what financial information is required for the waiver or modification of development standards in category 2. Passed by straw vote March 19, 2007.**

**5.—That there be a required finding by the Zoning Adjustment Board that if a waiver or modification is requested in category 2 that the applicant has shown that the waiver or modification is necessary to make the affordable housing units economically feasible. Passed as amended by straw vote March 19, 2007.**

**6.—That the application language for a density bonus clearly describe any requested incentives, concessions, and waivers or modifications of development standards. Passed by straw vote March**

**19, 2007.**

**7—That concessions and incentives are not required to be awarded to applicants where no density bonus has been applied for and/or given. Passed as amended by straw vote March 19, 2007.**

**8.--That any project approved by the ZAB thus far that has received incentives or concessions without receiving a density bonus shall qualify to pay an in-lieu fee for the required inclusionary units. Passed as amended by straw vote March 19, 2007.**

**9.—That additional density bonus percentages beyond the minimum required not be given under 65915(n) except to provide for affordable housing for projects which provide more than the required inclusionary units and at greater affordability with a cap of 40%.**

The Subcommittee considered Item 9 and discussed allowing a larger density bonus that was correlative to an increased affordability level in the project and continued the discussion to the next meeting. The Subcommittee continued consideration of Item 2, the content of the two-menu approach, to the next meeting.

5. Square footage bonus instead of unit bonus. – Not discussed.
6. Proposed incentives or concessions for payment of in-lieu fee in Berkeley's Inclusionary Ordinance. – Discussed above.
7. Previous Subcommittee recommendations to City Council from September 2006. – By general consent, the Subcommittee will continue to recommend the development standards already recommended to Council.
8. Future meeting agendas and other business. – The Subcommittee will consider Items 2 and 9 from Commissioner Poschman's memo at the next meeting.

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

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