



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 26, 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, Rhoades, Harrison.
2. Order of Agenda – No change.
3. Public Comment – No public comment.

Matters for discussion and possible action:

4. Procedures for implementation of density bonus law:
 - a) The two-menu prioritization of waivers and modification and incentives or concessions and the financial data requirement (**Item 2** – “DRAFT Recommendation for Joint Subcommittee Consideration,” March 19, 2007);
 - b) Additional density bonus percentage for additional affordable units (**Item 9** – “DRAFT Recommendation for Joint Subcommittee Consideration,” March 19, 2007); and
 - c) Options for simplification of the implementation of density bonus procedures identified in the memorandum “Discussion Items for Density Process,” dated March 14, 2007
 - d) A revised Berkeley Density Bonus Ordinance.

The Subcommittee first discussed Item 2B in Commissioner Poschman’s memorandum dated March 19, 2007, resulting in the following recommendation:

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 by more than 35%
- 2.----Over 20% reduction in commercial parking, non-restaurant
- 3.---Over 20% reduction in food service parking
- 4.---Reduction in residential parking requirements
- 5.----Reduction in setbacks on lots that abut or confront a lot in a Residential District other than those in category 1
- 6.---Increase in height of buildings beyond 10 %
- 7.—Increase in stories in buildings more than one beyond what the Zoning Ordinance permits in that District
- 8—Increased FAR floor area ratio
- 9.---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.

M/C The chair requested a vote on recommendation 2B as amended. Ayes: Allen, Arreguin, Blake, Bowman, Judd, Poschman, Shumer, Wengraf, Wollmer. Noes: None. Abstain: Stoloff. Absent: None.

The Subcommittee discussed Item 2A in Commissioner Poschman's memorandum, resulting in the following recommendation:

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 allowable percentage of open space, roof
- 7—Increases in allowable percentage of open space, balconies
- 8---4th story and necessary height increase for the 4th story in C-1, mixed use
- 9---Increase in height by 5% or 10% and one story linked to increased first floor commercial height and or residential floor height?
- 10—X percent (10 or 20%) reduction in total usable open space? (or leave as #1 in category 2 below?)
- 11—??

M/C The chair requested a vote on recommendation 2A as amended. Ayes: Allen, Arreguin, Blake, Bowman, Judd, Poschman, Shumer, Wengraf, Wollmer. Noes: None. Abstain: Stoloff. Absent: None.

The Subcommittee discussed Item 9 in Commissioner Poschman's memorandum, resulting in the following recommendation:

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%.~~

That any additional density bonus percentages beyond the maximum required under 65915(g) not be increased under 65915(n) except to provide for an increased percentage of affordable housing at very low and lower affordability levels.

For projects which provide more than the required inclusionary units and at greater affordability

[the maximum density bonus for any project shall be 40%.](#)

M/C The chair requested a vote on recommendation 9 as amended. Ayes: Allen, Arreguin, Blake, Bowman, Judd, Poschman, Shumer, Wengraf, Wollmer. Noes: None. Abstain: Stoloff. Absent: None.

The commission discussed the straw votes conducted on March 19, 2007, resulting in the following modified recommendations:

1.—That Berkeley adopt a comprehensive Density Bonus Ordinance as required by Subsections 65915(a) and 65915(d)(3)

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.

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 2B.

5.—That there be a required finding by the Zoning Adjustment Board that if a waiver or modification is requested in category 2B that the applicant has shown that the waiver or modification is necessary to make the affordable housing units economically feasible.

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

7.—That concessions and incentives are not required to be awarded to applicants where no density bonus has been applied for and/or given

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.

M/C The chair requested a vote to ratify the votes taken as straw votes on 3-19-07 on Items 1 and 3 through 8 with two changes: that Items 4 and 5 refer to “category 2B” instead of “category 2”. Ayes: Allen, Arreguin, Blake, Bowman, Judd, Poschman, Shumer, Wengraf, Wollmer. Noes: None. Abstain: Stoloff. Absent: None.

5. Order of recommendations to Planning Commission.

The Subcommittee recommends to the Planning Commission that the Planning Commission act on the development standards recommendations prior to taking up the Joint Subcommittee recommendations of March 26. They agreed the Chair would review the reports prepared by staff prior to sending them to the Planning Commission.

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

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