AGENDA
REGULAR MEETING OF THE PLANNING COMMISSION
This meeting is held in a wheelchair accessible location.

Wednesday, September 6, 2017
7:00 PM
North Berkeley Senior Center
1901 Hearst Ave / MLK Jr. Way

See “MEETING PROCEDURES” below.
All written materials identified on this agenda are available on the Planning Commission webpage: http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=13072

PRELIMINARY MATTERS

1. Roll Call: Pinto, Prakash, Vice Chair, appointed by Councilmember Maio, District 1
   Martinot, Steve, appointed by Councilmember Davila, District 2
   Schildt, Christine, appointed by Councilmember Bartlett, District 3
   Poschman, Gene, Chair, appointed by Councilmember Harrison, District 4
   Beach, Benjamin, appointed by Councilmember Hahn, District 5
   Kapla, Robb William, for Councilmember Wengraf, District 6
   Fong, Benjamin, appointed by Councilmember Worthington, District 7
   Vincent, Jeff, appointed by Councilmember Droste, District 8
   Wrenn, Rob, appointed by Mayor Arreguin

2. Order of Agenda: The Commission may rearrange the agenda or place items on the Consent Calendar.

3. Public Comment: Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See “Public Testimony Guidelines” below):

4. Planning Staff Report: In addition to the items below, additional matters may be reported at the meeting. Next Commission meeting: October 4, 2017.


6. Committee Reports: Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.

7. Approval of Minutes: Approval of Draft Minutes from the meeting on July 19, 2017.

8. Future Agenda Items and Other Planning-Related Events: None.

AGENDA ITEMS: All agenda items are for discussion and possible action. Public Hearing items require hearing prior to Commission action.
9. **Action:** (CANCELLED) **Public Hearing: Local Density Bonus**  
   **Recommendation:** Hold a public hearing to consider proposed Local Density Bonus and Zoning Ordinance amendments.  
   **Written Materials:** Attached.  
   **Web Information:** N/A.  
   **Continued From:** N/A.

10. **Discussion:** **Density Bonus 101**  
    **Recommendation:** Discuss the State Density Bonus and how it is used in Berkeley.  
    **Written Materials:** To be delivered.  
    **Web Information:** N/A.  
    **Continued From:** N/A.

11. **Discussion:** **ZORB Subcommittee Section**  
    **Recommendation:** Select Commission to represent the Planning Commission on the ZORB subcommittee.  
    **Written Materials:** N/A.  
    **Web Information:** N/A.  
    **Continued From:** N/A.

12. **Action:** **Planning Commission Referrals**  
    **Recommendation:** Continue discussion on the new prioritized Council referrals related to Planning.  
    **Written Materials:** To be delivered.  
    **Web Information:** N/A.  
    **Continued From:** 7/19/2017

**ADDITIONAL AGENDA ITEMS:** In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon Commissioner request.

**Information Items:** None.

**Communications:**  
- [2017-09-06_Mathias Gibson, Re: changes to Planning Code in R-1A Zone](#)

**Late Communications:** None.  
- [2017-09-06_Density Bonus 101](#)

**ADJOURNMENT**

**Meeting Procedures**

**Public Testimony Guidelines:**  
Speakers are customarily allotted up to three minutes each. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. **To speak during Public Comment or during a Public Hearing, please line up behind the microphone.** Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.
Consent Calendar Guidelines:
The Consent Calendar allows the Commission to take action with no discussion on projects to which no one objects. The Commission may place items on the Consent Calendar if no one present wishes to testify on an item. Anyone present who wishes to speak on an item should submit a speaker card prior to the start of the meeting, or raise his or her hand and advise the Chairperson, and the item will be pulled from the Consent Calendar for public comment and discussion prior to action.

Procedures for Correspondence to the Commissioners:
To distribute correspondence to Commissioners prior to the meeting date, submit comments by 12:00 p.m. (noon), eight (8) days before the meeting day (Tuesday) (email preferred):

- If correspondence is more than twenty (20) pages, requires printing of color pages, or includes pages larger than 8.5x11 inches, please provide 15 copies.
- Any correspondence received after this deadline will be given to Commissioners on the meeting date just prior to the meeting.
- Staff will not deliver to Commissioners any additional written (or emailed) materials received after 12:00 p.m. (noon) on the day of the meeting.
- Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Planning Commission Secretary just before, or at the beginning, of the meeting.
- Written comments should be directed to the Planning Commission Secretary, at the Land Use Planning Division (Attn: Planning Commission Secretary).

Communications are Public Records: Communications to Berkeley boards, commissions, or committees are public records and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service, or in person, to the Secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary to the relevant board, commission, or committee for further information.

Written material may be viewed in advance of the meeting at the Department of Planning & Development, Permit Service Center, 1947 Center Street, 3rd Floor, during regular business hours, or at the Reference Desk, of the Main Branch Library, 2090 Kittredge St., or the West Berkeley Branch Library, 1125 University Ave., during regular library hours.

Note: If you object to a project or to any City action or procedure relating to the project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the public hearing on the project, or in written communication delivered at or prior to the public hearing. The time limit within which to commence any lawsuit or legal challenge related to these applications is governed by Section 1094.6, of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.
Meeting Access: This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.

Please refrain from wearing scented products to public meetings.
DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
July 19, 2017

The meeting was called to order by Staff at 7:08 p.m.

Location: North Berkeley Senior Center, Berkeley, CA

Commissioners Present: Benjamin Beach, Steve Martinot, Rashi Kesarwani (substitute for Prakash Pinto), Robb William Kapla, Benjamin Fong, Gene Poschman, Christine Schildt, Jeff Vincent, Rob Wrenn.

Commissioners Absent: None.

Staff Present: Alex Amoroso, Elizabeth Greene, Sydney Stephenson.

ORDER OF AGENDA: No change.

CONSENT CALENDAR: None.

PUBLIC COMMENT PERIOD: 1 speaker.

PLANNING STAFF REPORT: The next meeting will be on September 6 and there will be no second meeting in September. Two meetings will be held in October and items will include, R-1A, Green Affordable Housing, Referrals, and Recreational Cannabis.

COMMUNICATIONS IN PACKET:

- 2017-07-19 Commissioner Poschman Re: R-1A Checklist from Notice of Hearing
- 2017-07-19 Edward C. Moore Re: West Berkeley R-1A Standards
- 2017-07-19 Toni Mester for Friends of R-1A Re: Proposal for R-1A Development Standards
- 2017-07-19 Toni Mester Re: Annotated Friends Amends R-1A
- 2017-07-19 Toni Mester Re: R-1A Annotated Purposes
- 2017-07-19 Toni Mester Re: R-1A FAR Calculations
- 2017-07-19 Toni Mester Re: EB Households
- 2017-07-19 Commissioner Poschman Re: Referral Prioritization Framework
- 2017-07-19 Commissioner Fong Re: Sample Prioritization Framework
- 2017-07-19 Commissioner Fong Re: Referral for a Pilot Density Bonus Program
- 2017-07-19 Commissioner Schildt Re: Referral Prioritization
- 2017-07-19 Commissioner Wrenn Re: Prioritizing of Council Referrals
LATE COMMUNICATIONS (Received after the Packet deadline):

- 2017-07-19 Adam Fuchs, Re: PC Upcoming R-1A

LATE COMMUNICATIONS (Received and distributed at the meeting):

- 2017-07-19 Commissioner Martinot Re: Tentative Tract Map 9787

CHAIR REPORT: None.

COMMITTEE REPORT: None.

7. APPROVAL OF MINUTES:

Motion/Second/Carried (GP/JV) to approve the Planning Commission Meeting Minutes from June 21, 2017. Ayes: Poschman, Beach, Kesarwani, Wrenn, Martinot, Schildt, Kapla, Fong, Vincent. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS: None.

AGENDA ITEMS


Staff presented the staff report for the new Condominium Map for 2001 Fourth Street. The Planning Commission asked regarding affordability of units and expressed concern about losing rental units by approving Tentative Tract Maps.

Motion/Second/Carried (GP/RK) to open the Public Hearing. Ayes: Wrenn, Poschman, Beach, Kesarwani, Martinot, Schildt, Vincent, Fong, Kapla. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (GP/SM) to close the Public Hearing. Ayes: Wrenn, Poschman, Beach, Kesarwani, Martinot, Schildt, Vincent, Fong, Kapla. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (GP/RK) to approve the Tentative Tract Map 9787 2001 Fourth Street and requested staff to ask the City Attorney about denial of Tentative Tract Map. Ayes: Wrenn, Poschman, Beach, Kesarwani, Schildt, Vincent, Fong, Kapla. Noes: Martinot. Abstain: None. Absent: None. (9-1-0-0)

Public Comment: 1 speaker

10. Action: Public Hearing: Modification to One-Percent for Public Art on Private Projects Ordinance
Staff presented the proposed modifications to the One-Percent for Public Art on Private Projects Ordinance. The Planning Commission discussed how the change in percentage for on-site area would affect the cost of building.

Motion/Second/Carried (GP/JV) to open the Public Hearing. Ayes: Wrenn, Poschman, Beach, Kesarwani, Martinot, Schildt, Vincent, Fong, Kapla. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (GP/RK) to close the Public Hearing. Ayes: Wrenn, Poschman, Beach, Kesarwani, Martinot, Schildt, Vincent, Fong, Kapla. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (RW/BF) to approve the proposed two changes to 23C.23. Ayes: Wrenn, Poschman, Beach, Martinot, Schildt, Vincent, Fong, Kapla. Noes: None. Abstain: Kesarwani. Absent: None. (8-0-1-0)

Public Comment: 4 speakers.

11. Action: Public Hearing: Second Units in R-1A

Staff reintroduced the proposed changes to Development Standards for second units in the R-1A District and described staff's recommendations found in the Staff Report. The new issues considered in the staff report included, height of rear unit, increasing open space requirement, creating FAR, and creating daylight plane standards. Staff asked the Planning Commission a list of questions in order to narrow down the development standards that they wish to revise. The Planning Commission expressed that they do not wish to change the lot size requirement. There was a lack of consensus regarding the number of stories for 2nd units. Thus, staff will return with two scenarios, one with one-story 2nd units and another with two-story 2nd units.

Motion/Second/Carried (GP/RK) to open the Public Hearing. Ayes: Wrenn, Poschman, Beach, Kesarwani, Martinot, Schildt, Vincent, Fong, Kapla. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (PP/RW) to close the Public Hearing. Ayes: Wrenn, Poschman, Beach, Kesarwani, Martinot, Schildt, Vincent, Fong, Kapla. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Public Comment: 20 speakers.

12. Discussion: Planning Commission Referrals

The Commission allowed public speakers to speak on this topic but postponed the Commission’s discussion on the referrals to a later date.

Public Comment: 3 speakers.
The meeting was adjourned at 10:20 pm

Commissioners in attendance: 9 of 9

Members in the public in attendance: 32

Public Speakers: 28

Length of the meeting: 3 hours and 12 minutes
To whom it may concern,

I live in Berkeley’s District 3, and I just want to reiterate what should be painfully obvious to anyone in a leadership position regarding housing policy: any effort to limit housing density (or fail to increase it) in the bay area (and frankly most of California) is short-sighted, selfish and harmful to middle and low income residents of the bay area, not to mention the climate and economy.

Please find the courage to do the right thing for the region, the state and all people in Berkeley, not a select few. This city is a living and breathing society, not a museum or a gated community, and it should not be closed off to those without high six figure incomes or a previous generation. The future of Berkeley depends on it.
Conceptual Approach to Implementing State Density Bonus Law in Berkeley
State Density Bonus Law

Gov. Code Sec. 65915:
Grants additional market-rate units to developers who build affordable housing.

“Qualifying Units” are at defined levels of affordability and deed restricted for certain periods. Can also include Senior Housing, Day Care, or land dedication.

Additional market-rate units referred to as “Density Bonus”, also proportional.
The Berkeley Dilemma

Density Bonus = a density increase over the otherwise maximum allowable residential density [65915.(f)]

Dilemma: Berkeley does not have numerical density standards!
Four Basic Steps

1) Define the “Base Project”
2) Define the “Density Bonus Project”
3) Concessions/Incentives Request
4) Waivers/Reductions Request
Step 1: Define the “Base Project”
Base Project: Compliance with Regulations

- Compliance with Zoning, Building, Fire Codes
- Requires Only One Use Permit
- Reflects Proposed Project
Base Project: Example Regulations
Base Project: More Regulations
Base Project: Calculate Floor Area
Base Project:
Calculate Residential Floor Area

Green = Residential
Blue = (Commercial)
Base Project: Calculate Unit Size and Unit Count

<table>
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<th>STEPS</th>
<th>ITEM</th>
<th>VALUE</th>
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<tr>
<td>1a</td>
<td>Base Project Floor Area</td>
<td>20,000 sq. ft</td>
</tr>
<tr>
<td>1b</td>
<td>Average Unit Size</td>
<td>1,000 sq. ft</td>
</tr>
<tr>
<td>1c</td>
<td>Base Project Unit Count</td>
<td>20 units</td>
</tr>
</tbody>
</table>
Step 2: Define the Density Bonus Project

Base Units: 20

20% Low Income Units = 4

35% Density Bonus Units = 7

New Project = 27 total
Step 2: Define the Density Bonus Project
Step 3: Concessions/Incentives

- Developer requests to accommodate the base project and bonuses
- Required to make the project financially feasible, provide for affordable housing costs by reducing costs of the project
- Examples include reduced parking, reduced fees
- Proportional to the number of and level of affordable units
Step 4: Waivers / Reductions

- Requested by developer to make density bonus project physically feasible.
- Examples include reduced setbacks, additional height / stories, reduced parking and open space.
- Can be negotiated by ZAB if causes a specific adverse impact.
Step 4: Waivers/Reductions Granted
NEXT STEPS

- Options for Local Density Bonus
  - Increase Density Bonus above 35%
  - Provide additional affordable units
  - Provide additional public benefits
  - Pay fee in lieu of providing on-site units

- Additional Considerations
  - Density standards
  - Use Permit allowances
  - Inclusionary Housing Ordinance (for sale)
  - Affordable Housing Mitigation Fee (rental)