

From: Cecil Lee [mailto:cecillee.architect@gmail.com]

Sent: Friday, January 31, 2020 4:51 PM

To: Pearson, Alene <apearson@cityofberkeley.info>

Subject: ADU implementations comments for Planning Commission Meeting on 2/5

Hi Alene,

Hope you are doing well. I have some comments that I would like to add for further discussions at the Planning Commission Meeting on 2/5.

Converting Accessory Structures into ADU for Multifamily Properties

At this time, the City's interpretation take is that **accessory structure conversions are not allowed** for multifamily properties (and are only allowed for single-family properties), and that a **new ADU must conform to setback requirements**. The reasoning that I received was because AB 68 Section 65852.2 (iii) states:

The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or **existing primary dwelling** and located on the same lot as the proposed or existing **primary dwelling**.

The City's definition of "primary dwelling" is the same as single family dwelling, therefore, the City's interpretation is that accessory structure conversions are not allowed for Multifamily Properties.

I do not believe this was the intent of AB68 since the bill does not have a definition for "primary dwelling". There is, however, a definition for "Accessory Dwelling Unit" and it reads as follows:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing **primary** residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the **single-family or multifamily dwelling** is or will be situated. An accessory dwelling unit also includes the following:...

In this definition, primary residence does not refer only to single-family, but to **both** single-family and multifamily dwelling.

Furthermore, under Section 65852.2, it reads:

(vii) **No setback** shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines

shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

This section allows conversions of existing non-conforming accessory structures with no setback requirements for single-family or multifamily use, which contradicts the 4' setback requirement that the City.

It would be great to have further discussions on this matter with the Planning Commission and to see if we can work through these interpretations. Please let me know if that is possible. Thanks!!

Best,

Cecil Lee
A r c h i t e c t
510.295.5011

Pearson, Alene

From: Theo Posselt <tposselt.sf@gmail.com>
Sent: Friday, January 31, 2020 8:28 AM
To: Pearson, Alene
Subject: Re: In support of the Southside plan

Hello,

Rather than write a new letter for Wednesday's Planning Commission agenda item for the review of the Southside Plan EIR, we would like to remind the Commission members of our comments from December, which still pertain. We are supportive of the plan as it stands, as we believe it will allow the construction of critically needed housing on the Southside, allowing for transit- and pedestrian-accessible housing for students and others close to campus.

We also note that the last two pages of the EIR show that much of the area is unavailable to development, due in particular to the protection of rent-controlled housing; therefore we would urge the Commission to maximize the opportunity for the remaining parcels, by maximizing the increase in height limits and other zoning.

Regards,

Diego Aguilar-Canabal (District 1)
Libby & Chris Lee-Egan (District 1)
Michael Pavone (District 1)
Matthew Lewis (District 3)
Ben Gould (District 4)
Laurie Capitelli (District 5)
Oren Cheyette (District 5)
Theo Posselt (District 6)
Karl Batten-Bowen (District 8)

On Mon, Dec 16, 2019 at 11:30 PM Theo Posselt <tposselt.sf@gmail.com> wrote:
Berkeley Planning Commissioners:

We the undersigned write in support for the Southside Plan EIR Project Description. We also urge an expansion of the environmental review to accommodate a greater amount of dense, transit-friendly housing in the Southside neighborhood.

We must first and foremost express solidarity with students at UC Berkeley and Berkeley City College, who are currently busy with finals and are likely unable to provide input on this important plan that affects them the most. Community planning in Southside must affirmatively include the voices of students, as these populations are among the most impacted by housing insecurity in Berkeley today. We insist that city commissions coordinate with student schedules and conduct further outreach in the future.

We support the increase in height for the R-S zones to 55 feet. We also support the proposal to remove discretionary review for setback and lot coverage, and increases in lot coverage in R-S and R-SMU zones. Considering the urgent need to reduce greenhouse gas emissions, and transportation accounting for 60% of Berkeley's carbon footprint, we strongly support the extension of the Car-Free Housing Overlay District. We also support the conversion of ground-floor auto garages to accessory dwelling units—a policy that has seen modest success in some neighborhoods of San Francisco.

The proposed zoning amendments should be strengthened, and we would support any potential amendments pertaining to the following topics:

1. **More Tall Apartment Buildings:** We support the addition of two 12-story apartment buildings, and urge the city to plan for even more height and quantity. Under the 2019 California Building Code, residential twelve-story buildings must be either concrete or steel—this is a carbon-intensive requirement that is not financially feasible at a mere 12 stories. The City of Berkeley should work to affirmatively adopt cross laminated timber into its local building code upon the advice from professional engineers, as the City of Seattle has done. However, the Southside plan must proceed faster than timber can be incorporated into city policy. The plan must consider additional apartment buildings of taller than twelve stories near Units 1, 2 and 3.
2. **Streamline Approval Process:** Increases in heights, increases in permissible lot coverage and reductions in set-backs should be as-of-right. The community planning process for Southside Plan should occur with robust community outreach, including the voices of long-time renters and students. But the plan must not be further hamstrung after it is adopted. Requiring further, years-long discretionary process disenfranchises students and other residents that do not have the luxury to attend dozens of meetings to make their voices heard. We urge the city to pass a Southside plan “with teeth,” as it were, that can be fully implemented upon its passage.
3. **Increase the Permitted Lot Coverage in R-3:** Smaller-scale multifamily housing in R-3 zones allows for construction far cheaper than podium structures. Increasing the lot coverage from 40%-50% to 70% in R-3 zones may produce more floor space at more affordable rents.
4. **Extend the R-S or R-SMU Zones:** Consider extending the R-S or R-SMU zones towards Parker Street between College Avenue and Fulton Street.
5. **Tenant Protections:** In order to prevent any net loss of existing rental housing or displacement of vulnerable residents, the city should require that any demolition of existing rental housing must provide tenant relocation assistance, replacement BMR units and right of first refusal for displaced tenants per the renter demolition protection standards of Senate Bill 330, passed in 2019 but set to expire in 2025.

To tackle our regional housing crisis, time is of the essence. We urge the Planning Commission and all city agencies to move forward on the Southside plan with all deliberate haste, and affirmatively plan for a Berkeley that is more inclusive and sustainable.

Sincerely,

Diego Aguilar-Canabal (District 1)
Libby & Chris Lee-Egan (District 1)
Michael Pavone (District 1)
Matthew Lewis (District 3)
Ben Gould (District 4)
Laurie Capitelli (District 5)
Oren Cheyette (District 5)
Theo Posselt (District 6)
Karl Batten-Bowen (District 8)

Lapira, Katrina

From: megan march <megmarch@gmail.com>
Sent: Tuesday, February 4, 2020 3:47 PM
To: Greene, Elizabeth; Patel, Nisha; Robinson, Rigel; Pearson, Alene; krpata.shane@gmail.com
Subject: Letter with regards to the SouthSide Rezoning EIR Sub Committee

Dear Committee Members,

My name is Megan March and I've lived on Blake St (b/w Dana and Ellsworth) since 2006. I am now the proud mother of a 7month old, so I am unable to attend the meeting on Wednesday, 2/5.

I am involved with The Blake Street Neighbors Association and I'm writing you today to urge you to not rezone south of DWIGHT. In other words, we want the border line of DWIGHT to be respected and not change any of the zoning South of DWIGHT.

In addition, we would like the city to take measures to maintain the character of our neighborhood, to keep our neighborhood livable. For example, measures that would have a direct impact could include extended parking enforcement and traffic mitigation.

This could include a traffic barrier at Blake and Telegraph (similar to those around the neighborhood which allow for emergency vehicles to pass through), traffic circles at Blake and Dana, Blake and Ellsworth, etc. This could also include restricted parking on game days (like our neighbors East of Telegraph enjoy) and extended parking enforcement hours to discourage people without residential parking permits using parking from 4pm to 10am.

In the bigger picture, we are concerned about the affordability of these units, and that they are constructed for residents of all walks of life in Berkeley- not just a student population. To do otherwise would be a form of housing discrimination. We also want some guarantee on what the ground floor retail will look like so we don't experience urban blight and the "de-urbanization" of our neighborhood. We have enough vacancies and private gyms, CVSs, etc.

We ask, what are the developers bringing to the immediate community? What can the City of Berkeley do to support the neighborhood and infrastructure?

If this about housing, what limitations on AirBnB and vacancies are being imposed?

Thank you for your consideration,
Megan March
megmarch@gmail.com

Lapira, Katrina

From: Pearson, Alene
Sent: Tuesday, February 4, 2020 8:38 AM
To: Lapira, Katrina
Cc: Greene, Elizabeth
Subject: FW: Support Southside Plan that welcomes more housing

To the Planning Commission,

I am writing to ask you to welcome more housing in Southside by adopting staff's proposal. The Planning Commission should welcome more housing in Southside. UC Berkeley's enrollment has grown from 31,000 in 2000 to 43,000 in 2019, an increase of 39%, while Berkeley's housing supply has barely budged. Berkeley must allow more housing for students, service workers, and other residents of Berkeley.

I urge the Planning Commission to increase allowed heights, allow buildings to cover more lot area, reduce parking requirements as low as possible, streamline the approval process, and allow projects to build residential space on the first floor of buildings. This area of the city is close to UC Berkeley, served by numerous bus lines and bike routes, and will encourage people to drive less or perhaps do without a car. This will support Berkeley's ambitious climate goals.

My wife is a graduate student at UC Berkeley. For the first two years of her program, we lived in Berkeley. But when our lease ended and roommates moved out, we could not find an affordable apartment so we chose to move to Emeryville. I would love for Berkeley to allow more housing so that those who go to school or to work in Berkeley could afford to live there. Berkeley must live up to its progressive ideals and truly welcome people of all incomes.

Thank you,

Jonathan

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Jonathan Singh
Email: Jonathan.C.Singh@gmail.com