

Date: December 2, 2020

To: Mayor and City Council, City of Berkeley

From: Peter Waller & Teresa Clarke, on behalf of South Berkeley Now! Steering Committee

Re: Adeline Corridor Plan – Request for one-story increase in allowable height

Dear Mayor and City Council members,

South Berkeley Now! members have been involved in the Adeline Corridor Plan (ACP) process since its inception. Our group, with over 250 active members, strongly supports the goals of the ACP in terms of increasing affordable housing, reducing displacement, supporting our local businesses, slowing traffic and improving open space. However, in regards to the planning goal of encouraging housing near transit, which was one of the main purposes of the MTC grant, it falls short.

To address the housing and climate crises, we must increase the production of transit-oriented, mixed-income housing on the transit-rich Adeline corridor. Unfortunately, the current ACP zoning creates no increase in housing capacity as compared with the existing C-SA zoning and may actually have the impact of reducing the housing potential in our community. Since the ACP zoning was originally conceived, there have been several significant changes in the construction industry and in state law that should be taken into account before finalizing the Plan. In addition, the latest Regional Housing Needs Assessment (RHNA) report indicates that Berkeley must increase the city's zoned housing capacity to meet its goals.

To correct this critical shortcoming in the Plan, we recommend that the Council stipulate that the allowable heights be increased by a single story. This modest change would increase the potential for new housing by at least 25%. This, in turn, would increase the amount of affordable housing produced, reduce displacement pressures in our neighborhood, and benefit the local economy and small businesses. This change will ensure we make progress toward the city's climate action goals and our Regional Housing Needs Assessment (RHNA). It will dispel concerns that the Plan is an illegal downzoning. Ultimately, this simple change will ensure that all the effort that went into this plan will be relevant over the next 20 years. Please consider the following:

- The current Plan's Tier 1 height of 3 & 4 stories on the widest boulevard in the City is completely out of step with our housing needs, evolving building codes, and the larger community goal of addressing climate change;
- Wood frame construction has evolved over the last five years making buildings up to 7 & 8 stories much more feasible for both affordable housing and market rate;
- The Adeline Corridor Plan is the last chance we have to make this change for the next 20 years. Our housing and climate crises cannot wait for the next zoning update;
- The modest change we are recommending would make the zoning consistent with the height and density of recently approved projects in the South Shattuck Area and ensure no risk of a downzoning. (Please refer to the examples provided below);
- Our recommended adjustment will **promote even higher levels of affordable housing**: one more story would increase the number of on-site affordable density bonus units, AND it would allow non-profit, low-income housing projects to take full advantage of the new 85% state density boost;
- A higher zoned capacity will help Berkeley meet its city-wide RHNA goals;
- Increasing the supply of both affordable and market rate units in our neighborhood will reduce displacement pressures and benefit local businesses;

- We need housing built in South Berkeley to reduce displacement in South Berkeley. New housing in our neighborhood will reduce the pressure of rising rents on our existing rent controlled housing stock. The issue of rising rents is connected to the larger Bay Area job and real estate market and we cannot solve that alone, however, every new home built in our neighborhood is one more older home made safer from eviction and displacement;
- This change needs to be taken at the City Council level. Sending this back to Planning Commission will result in unnecessary delays.

### Detailed Proposal for One Story Height Increase:

The current Tier 1 zoning allows a height of only 4 stories for the South Shattuck subarea with a density maximum of 120 dwelling units per acre, and a height of only 3 stories in the North and South Adeline areas with maximum density of 100 dwelling units per acre. **We recommend that the Tier 1 be increased by a single story** in each of these subareas with a corresponding increase in density and Floor Area Ratio (FAR). Tiers 2-4 would also adjust upwards by a single story to maintain the incentives for provision of affordable housing, as summarized in the table below.

### Proposed Revisions to Table 3.2, Adeline Corridor Plan

B. Residential and Mixed Use Buildings. The height, Floor Area Ratio (FAR), density, lot coverage and useable open space are based on the percentage of affordable units and shall not exceed the following requirements in each subarea:

#### 1. South Shattuck Subarea

Minimum On-Site Affordable Housing Requirement*	Max height		Max FAR	Max density (du/acre)**	Max lot coverage		Useable open space (sf/unit)
	Stories	Feet			Interior lot	Corner lot	
0% (Tier 1)	<del>4</del> 5	<del>45'</del> 55'	<del>2.5</del> 3.0	<del>120</del> 150	<del>60%</del> 90%	<del>70%</del> 90%	40
14% (Tier 2)	<del>5</del> 6	<del>55'</del> 65'	<del>3.5</del> 4.0	<del>170</del> 210	<del>80%</del> 90%	<del>90%</del> 90%	40
21% (Tier 3)	<del>6</del> 7	<del>65'</del> 75'	<del>4.3</del> 5.0	<del>200</del> 250	<del>85%</del> 90%	<del>90%</del> 90%	40
25% (Tier 4)	<del>7</del> 8	<del>75'</del> 85'	<del>5.0</del> 5.5	<del>240</del> 300	<del>90%</del>	<del>95%</del>	40

#### 2. North and South Adeline Subareas

Minimum On-Site Affordable Housing Requirement*	Max height		Max FAR	Max density (du/acre)**	Max lot coverage		Useable open space (sf/unit)
	Stories	Feet			Interior lot	Corner lot	
0% (Tier 1)	<del>3</del> 4	<del>35'</del> 45'	<del>2.0</del> 2.5	<del>100</del> 125	<del>60%</del> 90%	<del>70%</del> 90%	40
14% (Tier 2)	<del>4</del> 5	<del>45'</del> 55'	<del>2.8</del> 3.5	<del>140</del> 150	<del>80%</del> 90%	<del>90%</del> 90%	40
21% (Tier 3)	<del>5</del> 6	<del>55'</del> 65'	<del>3.4</del> 4.0	<del>170</del> 210	<del>85%</del> 90%	<del>90%</del> 90%	40
25% (Tier 4)	<del>6</del> 7	<del>65'</del> 75'	<del>4.0</del> 5.0	<del>200</del> 250	<del>90%</del>	<del>95%</del>	40

#### 3. Ashby BART Subarea

Minimum On-Site Affordable Housing Requirement	Height		FAR	Density (du/acre)	Lot coverage		Useable open space (sf/unit)
	Stories	Feet			Interior lot	Corner lot	
Any future development in the Ashby BART area would be subject to negotiations with BART process outlined in the MOU with BART and AB 2923.							

In the South Shattuck subarea, the height would be increased to 5 stories and allowable density would be increased to 150 du/acre. Any project that provides at least 11% very low income units on site will qualify for a 35% bonus under State Law resulting in an effective allowable density of 203 du/acre. This will ensure our new code does not constitute a downzoning and it would take advantage of new building codes (see below for more detail on those changes). In the North and South Adeline subarea the Tier 1 density would be increased to 4 stories and the density would be increased to 125 du/acre which will allow a density of up to 169 du/acre with 35% state density bonus. This modest increase in height will still allow development to be consistent with the scale of the historic Lorin District.

### **Evolving Circumstances, Changes in Building Codes, and State Density Bonus Law**

Since the original ACP was conceived there have been several significant changes in the construction industry and in state law that need to be taken into account before finalizing the ACP.

- Building codes now allow concrete and wood frame construction to reach up to eight stories in height utilizing five stories of wood frame construction over three stories of concrete. This approach makes densities of over 200 units per acre very feasible;
- AB 1763, the new state density bonus law allows 100% affordable housing to achieve a density bonus of up to 3 stories and up to 85% on top of the base allowable zoning. Increasing the base allowable height to 5 stories will allow 100% affordable housing projects to go to 8 stories utilizing AB 1763. This will create a clear advantage for affordable housing projects to compete for scarce land resources.

### **Avoid potential downzoning**

To avoid the risk of illegal downzoning, it is critical that new zoning allow height and density that is at least equal to the height and density that can be achieved under the current zoning. Under the current C-SA zoning, projects have been consistently approved with higher density than would be allowed under the current Adeline Corridor Plan. Examples from the South Shattuck area include the following:

- 2628 Shattuck, currently under construction: 6 stories, with a density of 208 DUA including ground floor community serving retail.
- 2701 Shattuck, 5 Stories with density of 211 DUA including ground floor live work units.

### **Lot Coverage**

For all tiers, SBN also recommends that lot coverage be increased to 90%. For successful ground floor space for local business, nonprofits and other community serving uses, it is critical that all new residential buildings be allowed to maximize the lot coverage on the ground floor, within required setbacks. Limiting the lot coverage provides no community benefit. Other standards in the ACP ensure that buildings are required to provide appropriate setbacks and massing reductions adjacent to the residential neighbors.

We offer this recommendation based on a careful review of the zoning plan, its potential impacts, and our community's stated goals. We want this plan to be effective and implemented successfully over the next 20 years. Given the time and energy that our community has invested in this process, it is critical to make these final adjustments and get this Plan right, for the future of our neighborhood and for our city. Thank you for your consideration.

Sincerely, *Peter Waller and Teresa Clarke*

On behalf of South Berkeley Now! Steering Committee and SBN! members