

Late communication for 1/17/18 PC meeting

From: Dan McDunn [mailto:danmcdunn@gmail.com]
Sent: Monday, January 15, 2018 11:47 PM
To: Amoroso, Alexander <AAmoroso@cityofberkeley.info>; Amoroso, Alexander <AAmoroso@cityofberkeley.info>
Subject: Planning Commission Comment for ADUs

Hi Alex,

I read two different things on on the city's Web site for when comments could be sent to the planning commission, and one of them said that comments received by noon on the day of would be forwarded to the commissioners. Can you let me know if the comments below will make it to the commissioners? I have a full schedule with my kids on Wednesday and it would be tough to make the meeting, but I would like the following comment considered.

Dear members of the planning commission,

I am a licensed general contractor and resident of the city of Berkeley. I have built two free standing ADUs in Berkeley for clients, have a basement carve out under construction, and am in contract to build two more here in Berkeley, and another one in Oakland. In addition to that work, I am having ongoing conversations with another 6 potential clients, and intend to build an ADU in my back yard on Glen Avenue in order to house my aging father. In my own instance on Glen, and for two of my clients one on Keith and another on Buena Vista, the possibility of building an ADU is diminished by the street width requirement. As you know, for streets with widths greater than 20' and less than 26' an AUP process is required. It seems like the intention of this restriction is to have the fire department review the project for safety. Could that be accomplished by simply requiring the fire department sign off on the project outside of a full blown AUP process? The need for an AUP seems excessive if the intent is simply fire safety. Why should the neighbors have the opportunity to stop or slow ADU construction in order to satisfy this requirement. If the goal of the city is to encourage more ADU construction, making this an AUP issue instead of a fire department sign off issue, runs contrary to that goal. It is widely accepted as fact that the AUP process is a major deterrent for homeowners to move forward on projects where it is required, both due to the excessive fees, but also because of the prospect that a neighbor could appeal the ruling nearly indefinitely if they were so inclined. In my specific instance, I have a neighbor that defines her own success in life by what she can prevent others from doing rather than what she herself can accomplish. She sees appealing projects as a sport. It has been my experience that there is at least one neighbor like this on every block in Berkeley. I am simply suggesting that the planning commission think about revising the ADU ordinance to eliminate the AUP process for streets between 20' and 26' in width.

Thanks!

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Comments on Staff Recommended ADU Amendments

1/17/18, Debbie Sanderson, ADU Task Force

The line numbers below refer to Attachment 4 of the 1/17/18 Staff Report.

Line 52: Please change to allow two ADUs on a lot if the development standards can be met.

Line 57-65: Owner Occupancy: Replace these lines with text indicating that the property owner is not required to reside on the property to build an ADU.

Line 91: Size: Change size to 850 sq. ft. and 85% of primary residence, to increase flexibility for homeowners

Line 97: Height: Change height from 14 feet to 18 feet maximum, to allow a reasonably sized loft on a small lot.

Line 102: Ave. Height: Delete “subject to securing an Administrative Use Permit (AUP)”, to allow by-right construction on sloped surfaces in the Hillside District.

Lines 119-120: Lot coverage: What does staff mean? Does lot coverage only include the primary dwelling unit and the administrative dwelling unit, and not other structures on the property?

Line 127-130: On-site Parking: Please reject these changes. Requiring compliance with 23D.12.040 does not preclude city staff from requiring 23D.12.050 and .080, which in the past killed a lot of ADUs. **Please clarify that ADUs are not subject to subsections .050 and .080!** Some staff have been requiring compliance with .080, even though the code currently does not allow it!

Lines 151-157: AUP Findings for ADUs: Approving AUPs for ADUs should require the same findings as AUPs for major residential additions. It will be impossible to show that an ADU is not feasible, since it will always be possible to build a tiny ADU in even a tiny house on a tiny lot. **Why should ADUs, unlike any other type of addition, be required to prove that they are otherwise not feasible in order to waive a development standard?** Please use 23D.16.090 as the required findings to approve an AUP for an ADU. See below.

Section 23D.16.090 Findings

- A. *In order to approve any Permit under this chapter, the Zoning Officer or Board must make the finding required by Section 23B.32.040. The Zoning Officer or Board must also make the findings required by the following paragraphs of this section to the extent applicable:*
- B. *To deny a Use Permit for a major residential addition or residential addition subject to 23D.16.070 the Zoning Officer or Board must find that although the proposed residential addition satisfies all other standards of this Ordinance, the addition would unreasonably obstruct sunlight, air or views. (Ord. 7426-NS § 8, 2015; Ord. 6980-NS § 1 (part), 2007; Ord. 6763-NS § 7 (part), 2003; Ord. 6478-NS § 4 (part), 1999)*

Line 44: Omitted: Clarification of accessory building conversions: Insert the following sentence at the end of line 44. Allow ADU conversions in 1 step rather than 2, as currently allowed:
Demolition of a legally existing accessory buildings or structures does not affect this stipulation, if the replacement building (containing the ADU) also meets the replacement building standards required by Chapter 23D.08.040.

To: City of Berkeley Planning Commission

From: Rolf Bell

Homeowner, Contractor & affordable housing Advocate

Date: January 15, 2018

Re: PC Meeting January 17, 2018 Proposed ADU Zoning Amendments

We are at a strategic moment in time to re visit all our options toward creating affordable housing. Making ADU's as easy to build with as little red tape as possible with an emphasis on flexibility is a solution who's time has come. ADU's stabilize housing expenses for the homeowner, create more options for multi generational families and allow others to age in place. ADUs have a lower density impact on our City's housing solutions while facilitating healthy diversity & integration throughout our community. Yet we continue to strangle the opportunities to promote hundreds of ADUs with height, size, setback regulations & extended approval delays that discourage 3 out of 4 interested households.

Do you have the political will to remove the handcuffs??!

I am a contractor currently working with seven households on considering building ADUs on their properties or within their homes. All but one is waiting until this process becomes easier. Formerly I was the West Coast Regional Director of Habitat for Humanity. I believe in affordable housing . Here's what my clients need to say yes to building an ADU:

- 1- Stream line the permitting process so there are 1-2 key zoning officials, 1-2 permit review officials and 1-2 inspectors all mandated, trained & empowered to make building ADUs as easy as possible.
- 2- Increase the height limitations adopted by Portland, Seattle, San Diego, Santa Cruz & others between 20-22 ft so there is room enough for lofts and bedrooms as well as ADUs above existing garages.
- 3- Increase the maximum square footage to 1000 sq ft so that ADUs can also be an affordable housing solution for small families too.

- 4- If an ADU can be located in a basement or attic, allow the footprint of the ADU to be as large as the basement or attic footprint.
- 5- Allow the location of an ADU the same set backs of grandfathered structures (garages, studios, etc) while still allowing an increase in their size up to the maximum allowed.
- 6- Allow maximum flexibility for the ADU's use including short term rentals as family priorities change with time, age, financial & medical needs.

Please think different and make a difference!

Respectfully submitted,

Rolf Bell, principal
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