

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JANUARY 10, 2001**

1 Time: The meeting was called to order at 7:08 p.m.

2 Location: North Berkeley Senior Center

3

4 Commissioners present: Bronstein, Poschman, McCamant, Morris, Wrenn, Perry, Hicks,
5 Wengraf.

6

7 Commissioners Absent: Howerton.

8

9 Staff Present: Aaron, Haney-Owens, Kahn, Lambert, Rhodes.

10

11 **PUBLIC COMMENT PERIOD**

12

13 Emily Longfellow spoke for Edward Munger regarding policy H-4 in the General Plan.
14 She stated that rent control makes housing prices escalate rather than stabilize.

15

16 Chairperson Wrenn thanked former Commissioner Boverhuis for his contribution to the
17 City while on the Planning Commission.

18

19 **ORDER OF AGENDA**

20

21 Items 10 and 11 were moved ahead of item 8.

22

23 **CHAIRPERSON'S REPORT**

24

25 No report.

26

27 **COUNCIL ACTIONS**

28

29 No actions.

30

31 **FUTURE AGENDAS**

32

33 It was noted that public hearings are scheduled for both the General Plan and the General
34 Plan DEIR for February.

35

36 Commissioner Poschman requested information on the hiring process for a new Planning
37 Director.

38

39 Chairperson Wrenn announced that a budget workshop for Commissioners will be held
40 on January 30.

41

42 **APPROVAL OF MINUTES FROM DECEMBER 13, 2000 MEETING**

43

44 M/S/C to approve minutes from the Planning Commission meeting December 13, 2000
45 with noted changes. (Poschman/McCamant). Ayes: Poschman, McCamant, Wrenn,
46 Bronstein, Wengraf, Perry, Morris. Noes: None. Abstentions: Hicks. Absent: Howerton.

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1 **32 DOMINGO STREET: PUBLIC HEARING: PROPOSED CONVERSION OF**
2 **SIX-UNIT TENANCY-IN-COMMON PROJECT TO SIX CONDOMINIUM**
3 **UNITS**

4
5 Staff Kahn introduced the item.

6
7 M/S/C to open public hearing (Poschman/Bronstein). Ayes: Poschman, McCamant,
8 Wrenn, Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions: None.
9 Absent: Howerton.

10
11 M/S/C to close public hearing (Poschman/McCamant). Ayes: Poschman, McCamant,
12 Wrenn, Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions: None.
13 Absent: Howerton.

14
15 M/S/C to approve staff recommendations (McCamant/Poschman). Ayes: Poschman,
16 McCamant, Wrenn, Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions:
17 None. Absent: Howerton.

18
19 **2830-38 WEBSTER STREET: PUBLIC HEARING: PROPOSED CONVERSION**
20 **OF FIVE-UNIT TENANCY-IN-COMMON PROJECT TO FIVE**
21 **CONDOMINIUM UNITS**

22
23 Staff Kahn introduced the item.

24
25 M/S/C to open public hearing (McCamant/Morris). Ayes: Poschman, McCamant, Wrenn,
26 Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions: None. Absent:
27 Howerton.

28
29 M/S/C to close public hearing (McCamant/Morris). Ayes: Poschman, McCamant, Wrenn,
30 Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions: None. Absent:
31 Howerton.

32
33 M/S/C to approve staff recommendations (McCamant/Wengraf). Ayes: Poschman,
34 McCamant, Wrenn, Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions:
35 None. Absent: Howerton.

36
37 **ADOPTION OF INTERIM CONTROLS ON OFFICE DEVELOPMENT IN THE**
38 **MU-LI DISTRICT: PUBLIC HEARING**

39
40 Commissioner Bronstein introduced the item. She stated that the purpose of the MU-LI
41 district is to encourage light industrial uses and that the proposed interim controls are
42 designed to meet goals expressed in the West Berkeley Plan. She stated that light
43 industrial uses are particularly vulnerable to a fluctuating economy because such
44 businesses generally rent rather than own the properties they use. She stated that office
45 rents are three times higher than light industrial rents.

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1 Staff Rhoades summarized the report prepared by the Current Planning Division. He
2 stated that staff is merely presenting data and has not taken a position on the item. He
3 stated that all conversions from light industrial to office must be approved by the Zoning
4 Adjustments Board and can be appealed to the City Council.

5
6 Staff Lambert stated that rents are rising in every sector throughout the region. He stated
7 that a moratorium as currently proposed will not likely lead to an expansion of leased
8 light industrial space. He stated that new problems may be created by cutting off the
9 supply of office space which would lead to an increase in rents. He recommended two
10 strategies that would be more likely to meet the stated goals of the moratorium proposal.
11 First, the current office conversion provisions should be maintained for parcels that are
12 obsolete for light industrial uses. Second, office uses should be instead directed
13 downtown, which would require height limits in the district to be raised. He stated that
14 the General Plan revision process may be an appropriate avenue to implement such
15 measures.

16
17 M/S/C to open public hearing (Morris/McCamant). Ayes: Poschman, McCamant, Wrenn,
18 Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions: None. Absent:
19 Howerton.

20
21 Stephanie Manning stated that she supports the proposed moratorium. She has lived in
22 the area since 1975 when artists were welcome in the area and affordable live/work space
23 was available. She stated that many famous artists have lived there in the past, but that
24 affordable space has become scarce. She also commented on growing parking and traffic
25 problems in the neighborhood.

26
27 Charles Jones stated that the moratorium is not necessary because there are already too
28 many restrictions on development and that the permit approval process is too
29 cumbersome.

30
31 Mark Johnson, a small property owner in the MU-LI district, stated that no crisis exists
32 with regard to the loss of light industrial businesses. He stated that a one year restriction
33 on conversion places an undue burden on property owners.

34
35 Pam Webster stated that it is important to protect the diminishing presence of blue collar
36 jobs in the area. She stated that the economy is in flux and that a cautious approach would
37 be prudent. She stated that she supports the moratorium and that the long term health of
38 the district is more important than short term gains. She also stated that traffic is a
39 significant concern in the neighborhood.

40
41 Victor Bull, a property owner in the MU-LI district, stated that he is in support of the
42 moratorium. He stated that he is concerned that the staff of the Office of Economic
43 Development guide developers of major projects through the approval process, even
44 thought the scale of such projects is inappropriate for the district.

45

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1 Stephen Swanson stated that he supports the moratorium. He stated that the West
2 Berkeley Plan is adequate, but that City staff support major projects such as the office
3 building at 1608 4th Street. He stated that the traffic circulation impacts of regionally-
4 oriented office developments are significant.

5
6 Laurie Capitelli stated that deciding to change the Zoning Ordinance is a significant
7 decision, and that the concerns expressed regarding the approval of specific projects
8 might be better handled at the Zoning Adjustments Board. He stated that a more
9 comprehensive approach is needed to address concerns regarding the displacement of
10 artists and blue collar jobs.

11
12 Sara Syed, of the Bicycle Friendly Berkeley Coalition, stated that she supports the
13 moratorium. She is concerned that parking and traffic problems will negatively impact
14 the Berkeley Bicycle Plan. She stated that Virginia Street is a designated Bicycle
15 Boulevard, but that the proposed project at 4th Street and Virginia would add a significant
16 number of vehicles to the route. She stated that the area is not ideal as a center for office
17 development because it is adjacent to the freeway and far from BART. She stated that a
18 more appropriate location would be downtown.

19
20 Karen Rose stated that she has been looking for a wheelchair accessible office for her
21 practice, but that she has not been successful. She recommended that if the moratorium is
22 approved, that exemptions be granted to small, wheelchair accessible offices.

23
24 John Curl, a West Berkeley cabinet maker who works in the MU-LI district, stated that
25 the only reason for the existence of the area's cultural diversity, light industrial jobs, and
26 artists is the West Berkeley Plan. He stated that a crisis does exist for many residents and
27 workers in the MU-LI district who are facing displacement due to office conversions.

28
29 Maria Barra works for Body Time, a business that has been in Berkeley for 30 years. She
30 stated that her company wants to remain in Berkeley but that they are not able to afford to
31 expand their light industrial operation because it is too costly. She stated that traffic is
32 worsening in the area due to the area's proximity to the freeway.

33
34 Susan Libby, owner of a building in the MU-LI district, stated that she appreciates the
35 revenue acquired by the City from development and the rights of property owners to use
36 their property. However, she stated that a balance needs to be created between the
37 diversity of jobs and uses in the area. She stated that the review process for the General
38 Plan would be an appropriate avenue to address such issues. She stated that she therefore
39 supports the moratorium on office conversion so that sufficient time would be available
40 within which to address long term issues faced by the dynamic area.

41
42 Jim Orjala, a West Berkeley resident, stated that West Berkeley is very different than it
43 used to be. He stated that the success of the 4th Street commercial area was not
44 anticipated in previous planning processes. He stated that it is important to address the
45 scale and sustainability of growth. He stated that the moratorium is needed because it will
46 afford the time needed to conduct a study of the area and develop recommendations.

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1
2 Christine Vida stated that she supports the moratorium. She stated that she moved to the
3 West Berkeley area because it was affordable. She is opposed to the gentrification of the
4 area which has led to traffic problems and reduced affordability. She stated that the
5 region is facing an economic downturn and that a diversified economy, which includes
6 light industrial uses, is important.
7

8 Robert Hourula, a resident of West Berkeley for the past twenty years, stated that he
9 supports the moratorium on office development. He stated that office construction in the
10 area has increased at a rapid pace. He suggested that the moratorium should be extended
11 to the MU-R district as well. He stated that office uses have been approved without the
12 intent of the Zoning Ordinance being met. He stated that it is important to recognize the
13 cumulative impact of small office projects in addition to problems caused by major
14 projects on traffic circulation levels.
15

16 Steve Geller, from the Alliance for A.C. Transit and the Bus Riders Union, stated that the
17 City signed the "Transit First" policy, but that a "Parking First" approach has been
18 pursued. He stated that the moratorium is needed until transit is linked to the area at an
19 appropriate level.
20

21 Michael Goldin stated that a moratorium would be counter-productive because urban
22 growth is useful for the city's tax base and that there has been little growth over the past
23 few years. He stated his support for the levels of density that a mixed-use district
24 encourages.
25

26 Rhiannon stated that a crisis exists in West Berkeley. She stated that a loss of
27 manufacturing jobs has occurred and that unskilled workers have no other employment
28 options in the City. She stated that the conversion figures listed in the Staff Report are
29 flawed, and that in fact conversions have had a significant effect on the character of the
30 neighborhood.
31

32 Bob Howard stated that the situation in West Berkeley is similar to that of Stamford,
33 Connecticut, where urban renewal and heavy office development took place in the past.
34 He stated that businesses formerly located in New York City are now happy with their
35 office-heavy "edge city," but that the cultural and socio-economic diversity of the area is
36 no longer present. He stated that he has little faith in the willingness of the Zoning
37 Adjustments Board and the City Council to deny projects that are detrimental to the
38 established character of the neighborhood.
39

40 Stephen Block stated that the West Berkeley Plan appears to be working. He stated that
41 the crisis in the area is related to the traffic problems which are not caused exclusively by
42 new office developments.
43

44 Joe Decredico stated that the moratorium would not meet the stated goals of the proposed
45 controls. He stated that the real issue is the fear that residents and workers have of large
46 scale office projects. He recommended that a comprehensive traffic plan be adopted

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1 rather than a moratorium. He stated that it is crucial to involve concerned community
2 members in the planning process for major projects.

3
4 Darryl Dietien stated that he does not support the moratorium. He stated that revisiting
5 the West Berkeley Plan would be a mistake because the real issues at stake have to do
6 with how wealth can be redistributed, traffic concerns, and infrastructure capacity.

7
8 Aileen Dolby stated that the average office space price quoted from the report presented
9 by Chairperson Wrenn and Commissioner Bronstein are flawed. According to Dolby, the
10 average office space price is significantly lower than what is listed. She stated that the
11 free market will correct any concerns people have about the long term viability of new
12 office space, and that in fact, office development across the region has begun to decline.

13
14 Wendy Alfson stated that traffic problems in the area are the most significant concern,
15 and that she is in favor of the moratorium. She stated that the moratorium is appropriate
16 in light of the General Plan revision process which should inform decisions made about
17 the MU-LI district.

18
19 Steve Bloom of the Sierra Club stated that he supports the moratorium because of the
20 significant traffic impacts that the current zoning will allow. He stated that something
21 must be done to ensure that the high quality of life in the City is not diminished.

22
23 Patrick Kennedy stated that office uses are important because of the creativity
24 engendered within such establishments and the monetary benefits office development
25 bring to the City. He stated that the job/housing imbalance should be addressed more
26 directly rather than just stopping job creation. He advocated for San Pablo Avenue to
27 become a major transit route as one approach to dealing with traffic impacts.

28
29 Bruce Brubaker stated that he owns a recycling business that manufactures countertops.
30 He stated that he would like to keep his company in Berkeley but that rising prices are
31 making the option increasingly difficult.

32
33 M/S/C to close public hearing (Morris/Poschman). Ayes: Poschman, McCamant, Wrenn,
34 Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions: None. Absent:
35 Howerton.

36
37 Commissioner Wengraf asked five questions. First, she asked if artists are being pushed
38 out of space in Berkeley at a higher rate than other comparable areas. Second, she
39 requested information about Berkeley's "green" economy, such as how many green
40 businesses have moved to the area. Third, she asked what is not "green" about office
41 developments. Fourth, she asked what the ideal jobs/housing ratio would be for the City.
42 Her final question had to do with the projected impact of the moratorium on tax revenues.

43
44 Commissioner McCamant stated that additional information is needed about A.C.
45 Transit's plan for San Pablo Avenue. She also asked if the shuttle system employed by
46 Emmeryville office developments has been successful.

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1
2 Commissioner Poschman raised the issue of discrepancies over rent and conversion data.

3
4 Commissioner Hicks asked how many manufacturers have looked for space in the MU-LI
5 district and have not been able to afford it.

6
7 Commissioner Bronstein stated that it is unlikely that West Berkeley will become transit-
8 oriented. She stated that the response to increasing office development should be
9 evaluated within such a realistic context. She asked about the success of similar measures
10 in San Mateo and San Francisco. She also asked about the benefits of office uses
11 compared to other uses.

12
13 Commissioner Morris stated that under current regulations which allow for large scale
14 office development, there is a strong possibility that the incubation of green businesses
15 would be diminished. She asked for more information regarding the tools available to
16 maintain manufacturing uses.

17
18 Commissioner Perry requested the definition of green businesses and asked why the
19 “knowledge economy” is not embraced under such headings. He stated that if the school
20 system functioned properly that the increasing number of knowledge based jobs would be
21 filled by Berkeley’s poorer residents.

22
23 Commissioner Wrenn asked for figures about jobs per acre by land use, and the
24 relationship between the type of job and trip generation rates. He also asked for whom the
25 new jobs will be created, and whether those unemployed residents would have greater
26 opportunities under the current zoning. He stated that a diversified job base needs to be
27 maintained. He stated that office uses are permitted in many parts of the city, while light
28 industrial uses are only permitted in West Berkeley. In addition, he stated that with regard
29 to the region, West Berkeley is similar to most light industrial areas in its trend toward
30 conversion to more lucrative uses.

31
32 M/S/F to take up issue again at the second meeting in February (Hicks/Perry). Ayes:
33 Hicks, Perry, McCamant, Wengraf. Noes: Wrenn, Bronstein, Morris, Poschman.
34 Abstentions: None. Absent: Howerton.

35
36 The Commission agreed that this item will return to the January 24th meeting.

37
38 **PROPOSED AMENDMENTS TO ZONING ORDINANCE REGARDING**
39 **DANGEROUS FENCE STRUCTURES AND THE INSTALLATION OF**
40 **TELECOMMUNICATIONS PEDESTALS AND RELATED STRUCTURES**

41
42 Staff Kahn introduced the item.

43
44 M/S/C to open public hearing (Wengraf/Poschman). Ayes: Poschman, McCamant,
45 Wrenn, Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions: None.
46 Absent: Howerton.

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1
2 Michael Tandy stated that blades on the top of his neighbor's fence are hazardous and
3 that he therefore supports the measure.

4
5 Krista Shaffer, another neighbor, stated that she supports the measure because the
6 dangerous fence is not conducive to a sense of community.

7
8 Peter Koshland, also a neighbor, stated that he favors the ordinance because of the
9 physical and psychological danger imposed by the fence.

10
11 Susan Quan, another neighbor, stated that gardening has become a dangerous activity due
12 to the fence.

13
14 Stephanie Manning stated that when trenches are dug for the installment of new fiber
15 optic cables, whether on public or private land, that archaeologists should be required to
16 examine the soil because many Native American artifacts have been found in Berkeley.

17
18 Christopher Eldridge, representing Pacific Bell Wireless, restated written comments that
19 were submitted.

20
21 Wendy Alfsen stated that she supports requiring archaeologists to examine the soils
22 excavated by trenches dug for fiber optic wiring. She also stated that structures which
23 impede wheelchair accessibility should not be permitted.

24
25 M/S/C to close public hearing (Bronstein/McCamant). Ayes: Poschman, McCamant,
26 Wrenn, Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions: None.
27 Absent: Howerton.

28
29 M/S/C to approve amendment A.1. (Section 230.08.060) (Poschman/Wengraf). Ayes:
30 Poschman, McCamant, Wrenn, Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None.
31 Abstentions: None. Absent: Howerton.

32
33 M/S/C to approve amendment B (Subtitle 23F) (Wengraf/Hicks). Ayes: Poschman,
34 McCamant, Wrenn, Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions:
35 None. Absent: Howerton.

36
37
38 **Adjournment:**

39
40 The meeting was adjourned at 10:50 p.m.
41