

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING  
JANUARY 24, 2001**

1 Time: The meeting was called to order at 7:10 p.m.

2 Location: North Berkeley Senior Center

3  
4 Commissioners present: Bronstein, Poschman, Howerton, McCamant, Morris, Wrenn,  
5 Perry, Hicks, Wengraf (left at 10:00).

6  
7 Commissioners Absent: None.

8  
9 Staff Present: Aaron, Diamond, Haney-Owens, Lambert, Ratcliffe, Thomas.

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11  
12 **PUBLIC COMMENT PERIOD**

13  
14 Becky O'Malley commented on the Southside Plan. She stated that it would be a shame if  
15 the planning process were to be halted because the Planning Department is not able to  
16 hire staff.

17  
18 Marjorie Gelb, Executive Director of the Rent Stabilization Board, spoke against the  
19 inclusion of the note on page 6 of the Housing Element. She stated that she supports an  
20 amendment that would create a fund for affordable housing. She stated that only 8,000  
21 residential units are currently protected from rent increases due to the fact that none of  
22 these units has become vacant under vacancy decontrol measures currently in effect, with  
23 the number dropping by 2,000 units per year since Costa-Hawkins was approved.

24  
25 Max Anderson, Chair of the Rent Stabilization Board, stated that rent control in Berkeley  
26 was created by citizen initiative in 1980 and that more affordable housing is needed.

27  
28 Paul Hogarth, a representative from the Rent Stabilization Board, stated that he supports  
29 acquiring new affordable units. He stated that rent control is only part of an effective  
30 strategy to promote affordable housing. He stated that the 200 limited equity co-ops in  
31 Berkeley should be supported. He commented on policy H-31 regarding UC  
32 responsibility for providing housing for students. He stated that the policy should  
33 strongly encourage the University to act.

34  
35 Emily Longfellow, who spoke on behalf of Edward Munger, stated that rent control only  
36 serves to reduce the number of affordable units in Berkeley because landlords do not  
37 have the financial incentive to build an adequate supply of housing and often take units  
38 out of the rental market.

39  
40 Martha Nicoloff stated that policies promoting units without parking should not be  
41 included. She stated that parking problems in neighborhoods will only become worse.

42  
43 John McBride commented on the Housing Element and housing issues in the Southside  
44 Plan. He stated that UC should put land into long term lease if they are not in a position  
45 to develop the housing on their own so that another party may develop housing near  
46 campus.

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1  
2 Nicole Verdinfitch stated that she wants the City to pressure UC to build affordable  
3 housing in the Southside.

4  
5 Norine Smith stated that units without parking are a poor strategy. She stated that  
6 students would park their cars in the neighborhoods. She stated that public transportation  
7 needs to be improved, but that until it is, units without parking should not be supported.

8  
9 Carrie Olson stated that she supports the car-free housing policies in the Southside Plan.

10  
11 Andy Katz, member of the ASUC, stated that he has been involved with the Southside  
12 Plan since 1998. He stated that the housing crisis in Berkeley worsened during this time  
13 and that delaying the Southside Plan process would be a shame because the Plan contains  
14 strategies for encouraging affordable housing. He stated that he supports transit-oriented  
15 development and car-free housing, as only 15 percent of all students have cars. He stated  
16 that transit in downtown and through the Southside has improved and that reduced  
17 parking requirements would help the traffic congestion problems in the City.

18  
19 Khalil Bendib stated that Berkeley has a history of innovative and progressive policies  
20 and that working toward sustainability, by way of such measures as reduced parking  
21 requirements, would help to accomplish the goal.

22  
23 Jason Meggs, of the Bicycle Civil Liberties Union, stated that delays in the Southside  
24 planning process will hurt student and community involvement. He stated that car-free  
25 housing is a necessity.

26  
27 Chris Dutra stated that he supports the revised policies which draw attention to the need  
28 for traffic calming along collector streets that run through residential areas.

29  
30 Sara Syed, of the Bicycle Friendly Berkeley Coalition, stated that car-free housing  
31 policies, such as LU-19, support the implementation of the City's Bike Plan. She stated  
32 that evaluating the results of the policy would help determine if the objectives of car-free  
33 housing have been met. She also suggested strategies such as car sharing, which has been  
34 successful in San Francisco.

35  
36 Jonathon Kass, a member of Students for a Livable City, stated that car-free housing is a  
37 great idea, particularly in the Southside. He encouraged the Commission to adopt the  
38 Southside plan in the near future, as the students who have been involved in the planning  
39 process will be graduating soon.

40  
41 Ted Edlin stated that parking spaces in many apartment buildings have empty parking  
42 spaces during the day. He stated that there is a lack of creativity with regard to proposed  
43 housing strategies in the General Plan. He asked about the policies, which have  
44 contributed to the housing shortage over the past 30 years. He stated that the number of  
45 Section 8 vouchers have fallen from 1,800 to 1,300 over the past few years. He stated that

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1 the City's Housing Authority has been allocated over \$50,000,000 over the past 30 years  
2 despite there being no net gain in housing over the same period.

3  
4 Charles Jones commented on the proposed moratorium for the MU-LI district. He stated  
5 that it is the largest mixed-use zone in the City. He stated that if changes are made to the  
6 West Berkeley Plan, an adequate planning process should be developed to allow further  
7 involvement from the public.

8  
9 Charles Jones stated that the 450,000 sq. ft. project proposed for his West Berkeley lot  
10 has fallen through and that he is taking his property off the market. He stated that he is  
11 opposed to the moratorium because it will negatively affect small property owners.

12  
13 Sam Abbay stated that traffic problems need to be addressed separately from housing and  
14 other land use issues.

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17 **ORDER OF AGENDA**

18  
19 Item #10 will be addressed before the Draft General Plan (Item # 9).

20  
21  
22 **CHAIRPERSON'S REPORT**

23  
24 No report.

25  
26  
27 **COUNCIL ACTIONS**

28  
29 Staff noted that proposed Zoning Ordinance Amendments will be forwarded to the  
30 Commission in March. These amendments will address issues related to massage parlors,  
31 smoke shops, and fast food.

32  
33  
34 **FUTURE AGENDAS**

35  
36 Commissioner Wengraf requested a presentation on the Planning and Development  
37 Department FY 02 and 03 budget at a February Planning Commission meeting.

38  
39 Commissioner Wrenn requested an update regarding the search for a Planning Director.

40  
41 Commissioner Bronstein requested information about staff vacancies in the Planning  
42 Department.

43  
44 **APPROVAL OF MINUTES**

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1 It was decided to delay approval of the January 10, 2001 minutes until the February 14<sup>th</sup>  
2 Commission meeting.

3  
4 **SOUTHSIDE PLAN**

5  
6 Chairperson Wrenn stated that a year has passed since the Southside Plan has had a full  
7 time staff person assigned to the project.

8  
9 Commissioner Wengraf stated that a request should be sent to Council from the  
10 Commission to direct the City Manager to reallocate staff to the project.

11  
12 At the request of staff, the Commission agreed to direct the request to the City Manager.

13  
14 M/S/C to request that the City Manager direct staff to meet with the Planning  
15 Commission Southside Plan Subcommittee in February 2001 to present a plan for  
16 completing the Southside Plan, with the University invited as a full participant in the  
17 meeting, and with notice provided to the public (Morris/McCamant). Ayes: Poschman,  
18 McCamant, Wrenn, Bronstein, Wengraf, Perry, Morris, Hicks. Noes: None. Abstentions:  
19 Howerton. Absent: None.

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21  
22 **ADOPTION OF INTERIM CONTROLS ON OFFICE DEVELOPMENT IN THE**  
23 **MU-LI DISTRICT**

24  
25 Staff Diamond stated that there are no “urgency” findings which support the moratorium  
26 relative to California law. She stated that staff has established a system for tracking  
27 submittals for office development in the MU-LI district. She stated that the staff report  
28 proposes other measures which could be implemented to address the Commission’s  
29 concerns.

30  
31 Commissioner Bronstein presented a motion to the Commission proposing interim  
32 controls on office development and a change to the office definition (attached).

33  
34 Commissioner Wengraf stated that a moratorium needs to be approved by a 4/5 vote at  
35 Council which, in her view, is an unlikely outcome.

36  
37 Commissioner Bronstein clarified that her motion does not propose a moratorium, but  
38 rather a Zoning Ordinance Amendment, which requires only a majority vote by Council  
39 for approval. She stated that the intent of the proposal is to safeguard the West Berkeley  
40 Plan from developments approved through existing loopholes. She stated that prior to the  
41 West Berkeley planning process, an office moratorium was enacted because of concerns  
42 which were similar to those currently being expressed.

43  
44 Commissioner McCamant stated that the West Berkeley Plan allows for 680,000 sq. ft. of  
45 office space development, very little of which has been constructed. Commissioner

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1 Bronstein responded that the West Berkeley Plan projected development levels and the  
2 efficacy of the MU-LI District controls are two separate issues.

3  
4 Commissioner McCamant asked staff about pertinent legal issues. Staff Haney-Owens  
5 stated that the City Attorney has clarified regulations governing moratoria, and that  
6 Commissioner Bronstein's proposal is inconsistent with the City Attorney's guidelines.

7  
8 Commissioner Wengraf stated that office buildings provide jobs to people without  
9 advanced degrees.

10  
11 Commissioner Poschman stated that the issue at hand is whether the MU-LI controls are  
12 effective at implementing the policies in the West Berkeley Plan. He stated that office  
13 development in the district is clearly on the rise. He stated that Council will make their  
14 own decision relative to the City Attorney's judgment.

15  
16 Staff Lambert stated that the market is strong for both office and industrial uses and that  
17 rising office rents do not necessarily drive an increase in industrial rents. He stated that  
18 the vacancy rate for industrial sites is low and that retention of industrial businesses is  
19 high. He stated that unlike office development, new growth in industrial uses is not  
20 speculative. He stated that the West Berkeley Plan and the related zoning has been  
21 effective at maintaining the intended balance of uses.

22  
23 Commissioner Morris stated that she supports Commissioner Bronstein's proposal  
24 because, while there are many locations where offices are permitted, only in West  
25 Berkeley are industrial businesses allowed. She stated that traffic congestion is also a  
26 concern. She stated that the intent of the proposed motion is to allow the City time to  
27 study the issue more fully before it becomes too late to act.

28  
29 Commissioner Perry stated that the proposal is a policy in search of a problem that  
30 doesn't exist, and that it reflects a naïve understanding of the business cycle.

31  
32 Commissioner Hicks stated that she lives in West Berkeley and that there is no crisis.

33  
34 Commissioner Wrenn stated that three years ago a similar issue came before the  
35 Commission with regard to a proposal to change the zoning for Cody's Bookstore. He  
36 stated that the fact that manufacturing stakeholders support the proposal demonstrates  
37 there is a need for action.

38  
39 M/S/C to approve the motion proposed by Commissioner Bronstein (attached)  
40 (Howerton/Poschman). Ayes: Poschman, Howerton, Morris, Wrenn, Bronstein. Noes:  
41 McCamant, Perry, Wengraf, Hicks. Abstentions: None. Absent: None.

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44 **DRAFT GENERAL PLAN**

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- 1 M/S/C to strike word “significant” from policy PD-26, page 138-139  
2 (Bronstein/Poschman). Ayes: Poschman, McCamant, Wrenn, Bronstein, Perry, Morris,  
3 Hicks, Howerton. Noes: None. Abstentions: None. Absent: Wengraf.  
4  
5 M/S/C to strike words “where currently required” from item G (Poschman/McCamant).  
6 Ayes: Poschman, Howerton, McCamant, Wrenn, Bronstein, Perry, Morris, Hicks. Noes:  
7 None. Abstentions: None. Absent: Wengraf.  
8  
9 Chairperson Wrenn stated that the remaining changes proposed by the Subcommittee will  
10 be addressed as each element of the General Plan is revisited so that the specific policy  
11 changes will be evaluated in the full context of the Plan.  
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13  
14 **Adjournment:**  
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16 The meeting was adjourned at 11:10 p.m.  
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