

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
APRIL 11, 2001

Time: The meeting was called to order at 7:11 p.m.
Location: North Berkeley Senior Center.

Commissioners present: Wrenn, Wengraf, Poschman, Howerton, Hicks, Morris, McCamant (arrived 7:15 p.m.), Bronstein, Perry (arrived 8:00 p.m.).

Commissioners Absent: None.

Staff present: Haney-Owens, Cosin, Thomas, Phillips.

PUBLIC COMMENT PERIOD

Susan Medak urged the Commission to conduct a parking study in order to appropriately assess the parking needs of the City. She suggested that private provision of parking makes more sense economically.

Steve Gellar supported Policy T-36, and stated that the City should encourage transit use rather than build more parking.

Steve Baker, Executive Director of Freight & Salvage Coffee House, opposed a moratorium on additional parking in the City. He stated that the Transportation Demand Management Study does not address visitor parking, particularly in the Arts District.

Bill Cole stated there should be a distinction made between day and evening parking demand.

Fran Gallati urged the Commission to withdraw the moratorium on parking which has been proposed in the amendments to the Draft General Plan Transportation Element. He stated that the Transportation Demand Management Study does not address the parking needs of the growing non-profit sector.

Emily Longfellow represented Ed Munger, owner of the Granada building. She stated her opposition to the rent control provisions in Policy H-4 because they serve to decrease supply, and are not effective in subsidizing low-income residents. She supported the text box in H-4 as an alternative. She also objected to the business license tax increase and the proposed parking moratorium.

Robert Cabrera stated that public comments should be incorporated into the Plan, and opposed the business license tax increase.

Roland Peterson stated that spillover impacts in neighborhoods could be avoided by increasing parking downtown. He also stated that a moratorium on parking will not help generate revenue for the city.

Peggy Schioler opposed rent control as a means to supply affordable housing, and objected to City support of co-operatives and public housing. She stated that private ownership is the most effective and low cost method of property management. She pointed out that the University population is growing rapidly.

Commissioner McCamant noted that Berkeley's population is not increasing according to Census data.

Rick Lewis stated his support for limited equity co-operatives, and the language in the Plan which supports these co-operatives.

Michelle recommended that a study be done to address the impacts of growing University enrollment.

Louise Marquis stated her support for limited equity co-operatives as a means of affordable housing provision, as well as incentives for landlords to sell properties to tenants.

Kathy Eyre, President of Habitot Children's Museum, urged the Commission to reconsider the moratorium on parking on behalf of parents who need to drive. She stated that 80% of museums in California provide free parking; however most Berkeley museums do not. She suggested parking validation as an option.

Kathy Labriola stated her support for rent control, limited equity co-operatives, a parking moratorium in downtown Berkeley, and an increase in the transfer tax. She suggested that this tax be used to create more affordable housing.

Monica Rohrer opposed a parking moratorium for Downtown due to its potential effects on revitalization.

Norine Smith urged the Commission to promote local business in the Plan.

Barbara Hillman from the Berkeley Convention and Visitors Bureau opposed the parking moratorium, but stated her support for transit options.

Fran Haselsteiner, a member of the Transportation Commission, stated that growth in Berkeley is possible with better use of current resources. She urged the Commission to consider the programs outlined in the Transportation Demand Management Study.

Wendy Alfsen of Walk & Roll, a pedestrian advocacy group, supported Policies T-36 and T-39. She suggested that the parking shortage is due to long-term commuters, not short term parking. She stated her support for the parking moratorium .

Roger Van Heutsel stated that the University is to blame for the housing shortage. He also explained that in his European hometown a car free policy has revitalized the downtown area.

John Roberts opposed a parking moratorium because he believes that parking will play an integral part in the Downtown Renaissance.

Michael Katz supported rent control, vacancy decontrol, and affordable housing per his submitted comments.

Dave Campbell supported the parking moratorium and encouraged more pedestrian friendly transit alternatives.

Clifford Fred urged the Commission to continue the public comment period on the Draft EIR, and strongly opposed University projects that would diminish neighborhood character in Berkeley. He stated that University growth is the cause of the parking and housing crises. He requested that the Commission postpone voting on Housing and Transportation Element amendments due to their late on-line availability.

Nancy Holland supported a moratorium on parking, and noted that hundreds of spaces are available in the Arts District on nights and weekends.

Marty Barclay stated that residents need to change their approach to the parking issue and adjust their transportation behavior accordingly.

Ted Edlin stated that the proposed Housing Element would not help low-income residents.

Patrick Kennedy supported car free housing and car sharing but opposed a parking moratorium in the Downtown area.

Commissioner McCamant encouraged the speaker to submit data to the Commission that proves residents of car free housing do not actually own cars.

Dina Valicenti stated that as a disabled resident of Berkeley she is often unable to utilize public transportation, and that she sometimes drives outside of Berkeley to shop due to the lack of accessible van spaces in the City.

Councilmember Kriss Worthington suggested that the Commission pursue a partnership with University and private lot owners in order to open those available spaces to the public. He stated that the city should not build parking Downtown or near Telegraph Avenue to serve University employees and students.

Merri Mitchell opposed high density housing projects proposed for parking lots, and stated that data on UC Extension students was not included in the Draft General Plan and EIR.

Deborah Badhia, a representative of the Downtown Berkeley Association, stated that the Plan and the Transportation Element should support the business community. She opposed a parking moratorium and a change from a monthly charge to a daily parking rate.

Becky O'Malley stated that the Transportation Demand Management Study does not address visitor parking, but disagreed with previous speakers who support building more parking as the only solution.

Andy Katz, an ASUC representative, stated that the Plan should prioritize housing over parking near the campus. He supported the ideas in the Housing Element, and encouraged the Commission to add affordable housing units to the current stock rather than proposing set-asides.

Martha Nicoloff referred the Commission to a State measure that would allow some housing to be built without an EIR, and stated that this would hurt Berkeley.

John DeClercq of Transaction Companies opposed a moratorium on parking.

Tom Lollini, UC Campus Planning Director, stated that a moratorium on parking downtown would be a premature policy because spillover impacts need to be addressed. He stated that the University has added car free housing and is continuing to work with private housing providers. He stated that the Plan should address the University's efforts.

Commissioner Wengraf asked that Tom Lollini provide the Commission with figures on UC Extension enrollment.

John McBride stated that parking will always be an issue during special events in the City. He encouraged exploration of other resources and investment in transit, and supported Councilmember Worthington's suggestions.

ORDER OF AGENDA

No change.

CHAIRPERSON'S REPORT

No items to report.

CITY COUNCIL ACTIONS

No items.

FUTURE AGENDAS

No items.

APPROVAL OF MINUTES

M/S/C to approve minutes from the March 28, 2001 meeting (Poschman/Hicks). Ayes: Bronstein, Wrenn, Wengraf, Morris, Hicks, Poschman, McCamant, Howerton, Perry. Noes: None. Abstentions: None. Absent: None.

DRAFT GENERAL PLAN

Note to Reviewers: Staff has inserted the revisions made to the General Plan as the result of the Commission discussion or motion. The revised policy is shown in italics.

Commissioner Wrenn opened discussion of follow-up amendments to Elements discussed at previous meetings.

Open Space Element

Commissioner McCamant suggested removing the reference to community gardens from EM-36 since it is already discussed in the Open Space Element.

Staff Thomas noted that cross-reference notations to relevant Elements will be added to the Plan as follows:

Policy EM-36 Local Food Systems

Increase access to healthy, affordable, and culturally appropriate foods for the people of Berkeley by supporting efforts to build more complete and sustainable local food production and distribution systems.

Actions:

- A. *Encourage efforts by the Berkeley Unified School District, the University of California, and other institutions to provide training and instruction in food and plant production.*
- B. *Support community outreach and education to strengthen organic sustainable food systems in the city and the region.*
- C. *Promote the purchase of foodstuffs for school, senior center, after-school programs, food provision programs, and other social programs from local and regional producers. Encourage the donation of fresh produce from community gardens to local food programs*
- D. *Continue to make the City's composted waste available to community and school gardens.*
- E. *Promote seeds distribution, lead testing, and composting programs for community gardens.*
- F. *Provide sites for local farmers' markets and community gardens.*
(Also see OS-__ regarding community gardens.)
- G. *Encourage buildings that incorporate roof-top gardens that may be used for gardening.*
- H. *Encourage neighborhood initiatives to grow native and fruit bearing trees.*

Commissioner Wrenn presented amendments to OS-7.

Commissioners accepted amendments regarding OS-7 and OS-7A.

OS-7 New Open Space and recreational resources

Create new open space and recreational resources throughout Berkeley

Actions:

- A. *Convene a community planning process to determine the final use of the remaining 14 blocks of city-owned land on the Santa Fe Right of Way. The community planning process shall consider public open space use (i.e. neighborhood parks, community gardens, and/or bicycle and pedestrian paths) as the highest priority use for the remaining vacant land and new affordable housing development as the next highest priority use.*
- B. *Develop joint use agreements with other agencies such as the University of California, the Berkeley Unified School District, Bay Area Rapid Transit and regional open space agencies to increase public access to public lands.*
- C. *Increase the supply of playing fields for youth sports.*
- D. *Establish spaces for art, music, and cultural and dramatic activities.*

OS-7A Serving the Under-served

Within the context of open space resource allocations for new or expanded facilities, give high priority to providing additional facilities in areas of the city and for populations that are currently under-served.

Actions:

- A. *Ensure that park planning processes consider the needs of low-income residents and residents with limited English.*
- B. *Ensure that park facilities and recreational activities are available at low costs to low-income residents and accessible by public transportation.*
- C. *Ensure that new open space, recreational, or cultural uses do not endanger or conflict with other vital community services to under-served areas or disadvantaged populations in Berkeley.*

Commissioner Morris suggested adding an action that encourages activities that serve West Berkeley.

Commissioner Perry suggested that linking Aquatic Park uses to a specific neighborhood is potentially divisive.

Commissioner Bronstein suggested adding Action E that suggests that lessees reach out to neighborhoods.

OS-7B Aquatic Park.

Make Aquatic Park more accessible and useable as a neighborhood park.

Actions:

- A. *Install an effective and attractive freeway noise barrier with landscaping for Aquatic Park.*
- B. *Remove the I-80 Potter on ramp from Aquatic Park.*
- C. *Provide new safe pedestrian and bicycle railroad crossings, particularly at the southern end of the site, for improved access and circulation from nearby neighborhoods to Aquatic Park.*
- D. *Improve the bicycle path around the park.*
- E. *Encourage lessees of city buildings in the park to serve local youth.*

Economic Development Element

Commissioners agreed to accept Economic Development amendment items with a proposed language change to ED-6.

Policy ED-6 Customer Access and Convenience

Improve customer access to Berkeley businesses.

Actions:

- A. *Support streetscape and facade design that makes it easier to identify businesses and more pleasant to shop them.*
- B. *Create a free shuttle system that circulates throughout the city's commercial districts frequently enough to generate a reliable supply of riders.*
- C. *Use improved enforcement to limit all day parking at parking meters and short term parking spaces and re-set meter timing to better meet the needs of the commercial district visitors and shoppers.*
(Also see Transportation Element policy T-___)
- D. *Support and encourage delivery systems in Berkeley as a means to reduce customer parking demand in commercial areas.*
- E. *To maximize parking for customers, create local shuttles, carpools, or options to reduce driving to work by employees, particularly those who live in Berkeley.*

Urban Design & Historic Preservation Element

Commissioners agreed to accept Urban Design & Historic Preservation Element amendment items with proposed alternative language for PD-40 action C.

PD-40 Environmental Design

Promote environmentally sensitive and sustainable design in new buildings

(see also policies EM-___)

Actions:

- A. *Promote compliance with green building standards for solar accessibility and orientation, energy efficiency, etc.*
- B. *Encourage use of recycled building materials*
- C. *Establish guidelines that will help to integrate environmentally sensitive and sustainable designs into the built environment.*

Housing Element

Commissioner Wrenn opened discussion of proposed Housing Element amendments. (Note that the Housing Element Amendments approved by the Planning Commission following its April 11th and April 25th discussion of this Element are attached).

Commissioner Wengraf stated that the Housing Element addresses current issues instead of considering the 20-year scope which is encompassed by a General Plan. She stated that the language in the Element's background seems somewhat biased and rhetorical.

Commissioner Bronstein supported the current language as a vision of a socially diverse Berkeley which views housing as a priority.

Commissioner Hicks stated that this language is too specific for a general plan.

Commissioner Perry stated that the language in the Housing Element background is too political.

Commissioner Wrenn noted that a number of units are no longer affordable due to vacancy decontrol, and that the City needs to take steps to ensure a permanent stock of affordable housing.

M/S/C to approve item #5 on the Housing Element amendment list (Bronstein/Poschman). Ayes: Bronstein, Wrenn, Morris, Poschman, Howerton. Noes: Hicks, Wengraf, McCamant, Perry. Abstentions: None. Absent: None.

Commissioner McCamant stated there is not a general consensus on these issues throughout the City, and that the language was somewhat rhetorical.

M/S/F to strike items 1 and 2 from the Housing Element amendment list (McCamant/Wengraf). Ayes: Hicks, Wengraf, McCamant, Perry. Noes: Bronstein, Wrenn, Morris, Poschman, Howerton. Abstentions: None. Absent: None.

Commissioner Perry opposed the notion of creating affordable housing through acquisition since this does not add any housing to the stock. He suggested including new construction as a possible method of affordable housing creation.

Commissioner Morris asked Staff to explain how they arrived at the figure “40%” noted in Policy H-1A.

Staff Thomas stated that the Plan should have overarching goals, and suggested that 6400 affordable units is one of these goals. He stated that the language does not necessarily have to determine how that goal will be reached.

Commissioner Wengraf stated her concern that Policies H-1A and H-2C do not address the needs of the working poor.

Commissioner Morris asked if current housing policy favors the working poor.

Commissioner Wrenn suggested that “affordable” could imply 80% of median income, which is a high threshold.

Commissioner Perry questioned the level of detail in the Housing Element. He proposed deletion of the language in the first sentence of Policy H1-A after the phrase “affordable housing units”.

Commissioner Bronstein suggested holding this item over until more information is available regarding incomes.

Commissioner Hicks asked what are the Department of Housing and Urban Development’s guidelines for affordable housing.

Commissioner Wrenn stated that the Department of Housing and Urban Development defines the term “low income”, not the term “affordable”.

Commissioner Wengraf suggested a language change for Policy H1-A and asked what the rationale was for 6400 units.

Commissioner Poschman stated that this figure is a percentage of total units.

Commissioner Wengraf asked if rent control remains in effect if a unit changes ownership. Staff Thomas stated that there is no vacancy decontrol until a tenant moves out.

Commissioner agreed to accept amendment to H-1A on the amendment list (H-1 F in Policy below) with a proposed language change.

Commissioner Perry questioned the enforceability of Policy H-1B on the amendment list (H-1G in Policy below), and stated that landlords will disaggregate parking if it is economically attractive to do so.

M/S/C to use the word “encourage” instead of “require” in the H-1B language (Wengraf/Poschman). Ayes: Hicks, Bronstein, McCamant, Wengraf, Morris, Poschman, Wrenn, Howerton. Noes: Perry. Abstentions: None. Absent: None.

Policy H-1 Low and Moderate Income Housing

Increase the number of housing units affordable to low and moderate income Berkeley residents.

Actions:

- A. *Develop a specific ordinance to encourage below market rate housing that includes a variety of incentives for affordable housing development including but not limited to density bonuses, fee waivers, amenity reductions, property tax waivers, subsidized loans and other programs.*
- B. *Allow increases in density in specific areas of the city solely to promote the production of below market rate housing.*
- C. *Use existing city programs to provide housing to households at the lowest income levels, including deeply affordable housing for persons with disabilities, the elderly, and very low-income families.*
- D. *Ensure that below market rate housing is distributed as evenly as possible throughout the community.*
- E. *Maintain and enforce zoning provisions requiring inclusion of affordable units in new housing developments. Consider adjustments to the affordability levels to make units more affordable in response to the increasing cost of rental and ownership housing in the community.*
- F. *Set a goal of providing an additional 6,400 permanently affordable housing units for low and very low income households.*
- G. *Encourage developers to separate for tenants the actual costs for renting parking from the costs of new rental housing.*

M/S/F to strike proposed amended Policy H1-B (Perry/Hicks). Ayes: Perry, Hicks. Noes: Wengraf, Morris, Wrenn, Bronstein, Howerton, Poschman, McCamant. Abstentions: None. Absent: None.

M/S/F to strike Policy H1-B (McCamant/Wengraf). Ayes: Perry, Hicks, McCamant, Wengraf. Noes: Morris, Bronstein, Howerton, Wrenn. Abstentions: Poschman. Absent: None.

Commissioner Wengraf stated her concerns with Policy H-2C.

Commissioner Perry stated that the Policy should devote effort to housing moderate-income residents as well.

M/S to include “working poor” in the language for Policy H-2C (Poschman/Bronstein). Substitute motion M/S/C to strike H2-C (McCamant/Wengraf) Ayes: Perry, Hicks, McCamant, Wengraf, Morris, Wrenn, Bronstein, Howerton, Poschman. Noes: None. Abstentions: None. Absent: None.

Commissioner Morris stated her support for mixed income developments.

Commissioner Wengraf asked if Policy H-2D would hurt property owners.

Commissioner Wrenn stated that this Policy would help generate revenue that could be used to assist those in need of affordable housing.

By consensus, the Commission agreed to add language regarding passing additional costs generated by additional taxes through to tenants.

Commissioner Morris suggested eliminating “on residential rental property” from Policy H-2D.

Commissioner Wengraf stated that business owners should not be asked to subsidize affordable housing.

Commissioner McCamant stated that the transfer tax is often shared between buyer and seller, and that this could increase the cost of housing.

Commissioner Morris stated that a ballot measure concerning this issue would have to carefully calibrate the tax.

Staff Thomas suggested simplifying this Policy, since the Plan should not attempt to draft language for ballot measures.

M/S/F to strike Action D and retain Action A (Wengraf/Hicks). Ayes: Hicks, Wengraf, McCamant, Perry. Noes: Morris, Wrenn, Bronstein, Poschman, Howerton. Abstentions: None. Absent: None.

Acting Director Cosin suggested combining H-2D and H-2A and amending the language.

M/S/C to amend H-2A and to include language specifying funding sources. (Hicks/Morris). Ayes: Hicks, Morris, Wrenn, Wengraf, Poschman, Howerton, McCamant, Perry, Wengraf. Noes: None. Abstentions: None. Absent: None.

Policy H-2 Funding Sources

Aggressively develop additional sources of funds for low-income housing, assistance to low-income residents, and implementation of the Berkeley Homelessness Continuum of Care Plan.

Actions

- A. *Consider local bond financing and local, state and federal tax sources, such as business license tax and/or real property transfer tax to generate additional resources for the Housing Trust Fund and other housing programs. Allow for “pass through” of additional cost to property owners to tenants.*
- B. *Consider a program that “links” City of Berkeley financial assets to lending institutions with lending practices that support low-income housing development.*
- C. *Consider a program that “links” City of Berkeley financial assets to lending institutions with lending practices that support low-income housing development.*
- D. *Increase housing mitigation fees on new development to maximum allowed under existing nexus study; if necessary, prepare a new nexus study to adjust fee to changing housig market conditions. Apply impact fees to new hotel or conference center uses as well as to office, retail, and industrial uses.*
- E. *Consider adopting a redevelopment project area for blighted commercial areas of the City, including blighted areas of South Shattuck Avenue, and directing tax increment revenues from those areas to fund infill affordable housing as part of mixed use development.*

Commissioner Wrenn urged Commissioners to submit proposed amendment changes in writing prior to meetings.

ADJOURNMENT

Meeting adjourned at 10:58 pm.