

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

Time: The meeting was called to order at 7:05 p.m.
Location: North Berkeley Senior Center.

Commissioners present: Wrenn, Wengraf, Poschman (arrived 7:10 p.m.), Howerton, Morris, Bronstein, Tabb.

Commissioners Absent: McCamant.

Staff present: Haney-Owens, Thomas, Phillips.

PUBLIC COMMENT PERIOD

Martha Nicoloff opposes taller structures because they block views and are seismically unsafe.

ORDER OF AGENDA

No change.

CHAIRPERSON'S REPORT

Commissioner Wrenn noted that Commissioner Bronstein participated in the interviewing process for a new Planning Manager.

Staff Haney-Owens informed the Commission that the City's Transportation Manager has given notice.

Commissioner Wrenn noted that the Transportation Commission voted to recommend that Transportation Planning and Traffic Engineering be combined in the Planning & Development Department, not in Public Works or a separate department.

Commissioner Wrenn welcomed new Commissioner David Tabb who was appointed by Miriam Hawley.

CITY COUNCIL ACTIONS

No report.

FUTURE AGENDAS

Commissioner Bronstein requested that an information item be added regarding progress in hiring a Planning Manager.

Commissioner Morris noted that she will be on vacation from 6/22/01-7/4/01.

Commissioner Tabb noted that he will be on vacation from 7/14/01-8/5/01.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

Commissioner Wrenn noted that he will be on vacation from 7/22/01-8/11/01.

Commissioner Hicks noted that she will be on vacation from 6/6/01-6/16/01.

APPROVAL OF MINUTES

Staff Thomas noted that the minutes reflect amended policy language.

M/S/C to approve minutes of 4/11/01 meeting (Poschman/Hicks). Ayes: Wengraf, Morris, Wrenn, Bronstein, Poschman, Howerton, Hicks. Noes: None. Abstentions: Tabb. Absent: McCamant.
--

M/S/C to approve minutes of 4/25/01 meeting (Poschman/Bronstein). Ayes: Wengraf, Morris, Wrenn, Bronstein, Poschman, Howerton. Noes: None. Abstentions: Hicks, Tabb. Absent: McCamant.
--

M/S/C to approve minutes of 5/9/01 meeting with proposed changes (Poschman/Morris). Ayes: Wengraf, Morris, Wrenn, Bronstein, Poschman, Howerton, Hicks. Noes: None. Abstentions: Tabb. Absent: McCamant.
--

DRAFT GENERAL PLAN

Land Use Element

Commissioner Wrenn noted that the Land Use Element is the final element to be discussed in the draft General Plan, and that the Commission will discuss the introduction and implementation sections at its next meeting.

Commissioner Wengraf favored the concept of LU-20, but would like to encourage better transit service throughout the City.

Commissioner Morris suggested removal of the phrase, “while encouraging lower density in areas with lower than average transit service.”

Commissioner Poschman disagreed that the phrase presumes a continuation of inadequate transit in an area, and would like the phrase to remain.

Commissioner Wengraf asked what implications this has for the North Berkeley BART area.

Commissioner Tabb asked if ‘average transit’ is clearly defined.

Commissioner Wrenn discussed the hierarchy of transit service in Berkeley, and noted that Berkeley zoning is already compatible with transit level of service. He also noted that this policy encourages better transit before increasing density.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

Commissioner Tabb stated that ‘average transit’ must be clearly defined before the intent of this policy can be realized.

Commissioner Morris moved to remove the last phrase and end Policy LU-20 after “Downtown Berkeley.”

Commissioner Poschman stated that the phrase in question balances the policy’s intent.

Commissioner Howerton stated that developers will not build housing if there is little potential for profit and the City must explore incentives.

Commissioner Morris stated if there is a concern that zoning is inappropriate for transit, than a separate policy should be drafted.

Commissioner Bronstein stated that West Berkeley will never be able to support the density that accommodates mass transit, and that office development in the area has increased traffic.

Commissioner Wengraf stated that this policy should explicitly refer to residential and commercial density.

Staff Thomas suggested adding the phrase, “greater commercial and residential density” to the policy.

Commissioner Wengraf proposed a friendly amendment to remove “and maintain”.

Commissioner Morris did not accept the friendly amendment.

Staff Thomas stated that this policy sends a message to developers that housing should be built near transit-serviced areas.

M/S/C to remove the last phrase of LU-20 and end the language after “Downtown Berkeley” (Morris/Wengraf). Ayes: Wengraf, Morris, Wrenn, Tabb, Hicks. Noes: Bronstein, Poschman, Howerton. Abstentions: None. Absent: McCamant.
--

*The revised policy will read as follows: LU- 20 Transit oriented development
Encourage, and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above average transit service such as downtown Berkeley.*

Staff Thomas described the Downtown arts and affordable housing bonuses listed as item 30 on the amendment list.

Commissioner Wrenn stated that this policy will not allow bonuses where they do not already exist.

Commissioner Tabb asked if this serves as an incentive for new development.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

Commissioner Poschman stated that this is the intent of the policy, and that more stories should equal more revenue.

Commissioner Tabb asked if five stories could be built in North-2 without affordable housing.

Staff Thomas explained that even in areas without explicit bonuses, all projects would require inclusionary affordable housing units.

Commissioner Morris stated that the policy's purpose is to link height with the City's strongly supported affordable housing goals.

Commissioner Wengraf asked if Staff would clarify the retail requirement.

Staff will verify the assumption that retail will be required on the ground floor.

Commissioner Morris suggested adding an action to require retail on the ground floor.

Commissioners agreed by consensus to do so.

Commissioner Wengraf asked why story heights are not consistent from area to area.

Staff will return with examples of four and five story projects that have been built according to these requirements.

Commissioner Wengraf stated her concern that height limits will not allow for affordable housing if retail is required on the ground floor.

Commissioner Morris asked how this limit relates to solar panels and other energy towers.

Staff will return with recommendation on height limits for 5 story buildings.

Commissioner Wengraf suggested raising height limits around transit in order to encourage housing development.

Commissioner Poschman stated that this may not result in more affordable housing.

Commissioner Wengraf stated that the developer would not have to include any housing if a cultural use is included. She supported five stories with a 20% inclusionary requirement for affordable housing.

Commissioner Morris moved to approve LU-21 on the revision handout (Appendix A).

Commissioner Wengraf stated that this policy is not forward thinking, and questioned the effect this will have on affordable housing.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

Staff Thomas clarified the intent of the policy stating that it attempts to encourage affordable housing creation.

Commissioner Wengraf questioned whether the policy encourages development, since no building will happen if profit is not possible.

M/S/C to approve LU-21 on the revision handout (Appendix A) (Morris/Bronstein). Ayes: Morris, Wrenn, Bronstein, Poschman, Howerton, Hicks. Noes: Wengraf. Abstentions: Tabb. Absent: McCamant.
--

LU-21 Affordable Housing Development

Encourage development of affordable housing in the Downtown Plan area, the Southside Plan area and in other transit oriented locations.

Actions:

- A. *Consider revisions to the Zoning Ordinance to require and/or encourage inclusion of a greater number of affordable housing units and a greater number of units restricted to households with low or very low income in multi-family housing projects.*
- B. *Consider revisions to the Zoning Ordinance to clarify and improve administration of the State Density Bonus for Affordable Housing for multi-family housing projects that will encourage development of affordable housing and minimize potential impacts of new multi-family housing projects on adjacent residents.*

Commissioner Wengraf suggested transferring 'film' from the 'gallery' classification in LU-18C, and asked if these exclude youth radio.

Commissioner Tabb supported the inclusion of the word 'media'.

Commissioner Poschman stated that the Commission definition of culture refers to fine arts performing arts.

Commissioner Wrenn stated that the definition was narrowed to encourage these specifically.

Commissioner Tabb noted that over the next 25 years, media may be considered an art.

Staff Thomas pointed out that Action C 5) allows for other uses determined similar in character.

Commissioner Wengraf supported adding the word 'media'.

Staff will return with language that includes mention of multi-media.

Commissioner Wengraf moved to separate Actions and vote on them separately.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

M/S/C to approve LU-18 with Staff returning with information on height inconsistencies and language that references media, and the relocation of 'film' to the 'theater' classification (Bronstein/Poschman). Ayes: Morris, Wrenn, Bronstein, Poschman, Howerton. Noes: Tabb, Wengraf. Abstentions: Hicks. Absent: McCamant.

Policy LU-18 and its many actions are reorganized as follows:

Policy LU-19 Downtown Development Standards

Maintain the Downtown Plan development standards for new construction for maximum height, maximum stories, and floor area ratios. (Definitions for maximum height, maximum stories, and floor area ratio are included in the General Plan Glossary.)

Actions:

- A. Amend the downtown plan and zoning ordinance to eliminate the density bonuses given for ground floor retail space and amend the zoning ordinance to require retail ground floor uses in mixed use buildings where deemed appropriate.*
- B. Consider amending the zoning ordinance to establish a three story minimum building height in the core area and two stories in the other sub areas of the downtown*
- C. Encourage mixed use projects that include both office space and housing above appropriate ground floor uses (retail or arts) to improve the balance between the number of jobs and the number of housing units in the downtown.*

Policy LU-20 Downtown Affordable Housing Density Bonuses

Maximize the supply of affordable housing in the downtown by amending the downtown plan and zoning ordinance to provide residential density bonuses in the Downtown Plan Area. One additional floor above the Downtown Plan Base Height should be provided for projects that meet the State Density Bonus thresholds for a density bonus, and two floors should be provided for residential projects that exceed the State Density Bonus affordability standards. (Specific standards and thresholds shall be developed in the Zoning Ordinance Amendment.)

Policy LU-21 Downtown Arts Density Bonus

Support expansion of arts in the Downtown by replacing the "cultural facility" density bonus with an "Arts Facility" density bonus that is limited to Art uses. To qualify for the Fine and Performing Arts Bonus, the proposed use must be a non-profit and one of the following: 1) theaters for dance, music, film, plays or other, similar performing art; 2) gallery for the exhibition of paintings, sculpture, crafts, multi-media or other, similar art form; 3) museum, 4) school of fine arts or performance arts or other, similar discipline; 5) office for fine art or performing art organization, such as the Symphony, a theater company, or 6) a use determined to be similar in character to the uses described in 1 through 5 above and consistent with the Downtown Arts District. Prior to approval, a proposed arts facility shall be reviewed and recommended by the Civic Arts Commission. An arts facility may include ancillary retail or office space. (Specific standards and thresholds shall be developed in the Zoning Ordinance Amendment.)

LU-22 Downtown Pedestrian and Transit Orientation.

Reinforce the pedestrian orientation of the downtown.

Actions:

- A. Continue to explore options for the partial or complete closure of Center Street, Addison Street or Alston Way to automobiles to promote the pedestrian and commercial vitality.*
- B. Continue to explore costs and plans for the day lighting of Strawberry Creek.*

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

- C. *Implement capital improvement projects that reinforce the pedestrian, transit, commercial, arts and entertainment orientation of the Downtown and improve the quality of life for visitors and residents of the area.*
- D. *Reconstruct the Downtown BART Station and Plazas*

Commissioner Wengraf questioned use of the word 'high' in policy LU-24, and asked what the existing scale of the downtown is relating to Action B.

Commissioner Bronstein stated that this refers to building within the current zoning requirements, and that no projects should dramatically change the quality of the area.

Commissioner Wengraf stated that the policy should state that zoning should be maintained.

Commissioner Morris noted that this will require a judgment call for each project.

Commissioner Hicks suggested removal of the phrase 'maintain existing scale of downtown'.

Commissioner agreed to drop this phrase by consensus.

Commissioner Wengraf suggested removal of the second sentence in LU-24C.

Commissioners agreed to drop this sentence by consensus.

Policy LU-24 Architectural Design in the Downtown

Require high quality architectural design for all downtown projects.

(Also See Urban Design and Historic Preservation Element Policies PD- ___ through PD- __)

Actions:

- A. *Ensure that all downtown area projects conform to the Downtown Plan, the Downtown Design Guidelines and the Urban Design and Preservation Element.*
- B. *New construction should fit into the context of the existing built environment and complement downtown's historic character*
- C. *Encourage infill development that is compatible with existing uses and improves the pedestrian environment and the streetscape.*

Commissioner Wengraf asked how new development adversely affects transportation services regarding policy LU-26.

Staff Thomas replied that as demand increases the need for additional services is needed. A transportation impact fee would generate funds to pay for the additional services.

Commissioner Wengraf asked about possible public arts fees.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

Staff Thomas explained that 1.5% of public construction costs goes to public arts.

Commissioner Wengraf stated that the Action related to promoting the Civic Center as a historic resource in amendment item 35 is out of place in the Land Use element.

Commissioners agreed by consensus to move this action to the Urban Design and Preservation element.

Commissioner Hicks suggested that fees be considered for an energy fund.

Commissioner Poschman stated that it is difficult to determine uses of an energy fund, and that green building policies are the best attempt to address the energy crisis.

Commissioner Howerton noted Los Angeles requires some new buildings to provide their own energy source.

Commissioner Bronstein noted that Los Angeles has its own municipal utility.

Commissioner Morris asked if co-generation is permitted under Berkeley standards, and stated that design guidelines need to be developed in order to educate people regarding how to create a balance between building within an historical context and building “green”.

Staff Thomas stated that the City has a number of policies regarding green building.

Commissioner Wengraf questioned use of the phrase ‘human scale’ in policy LU-28.

Commissioners agreed to remove the phrase ‘human scale’ by consensus.

Commissioner Morris noted that there is currently a Bill that would allow the University to build housing more quickly in relation to Commissioners’ discussion of policy LU-37.

Commissioners agreed to approve items 46 and 47 on the amendment list by consensus.

Commissioner Poschman suggested adding the word ‘leasing’ to policy LU-38 if leasing of private property by the University or other non-profits causes a reduction in property taxes.

Commissioners agree to this suggestion by consensus.

(Since the meeting staff has reviewed the issue and revised the action to include leases.)

Policy LU-40 University Impact on City Tax Revenue

Discourage to the maximum extent possible additional non-residential use of land that would result in the removal of property from the tax rolls.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

Action:

Oppose non-residential University development, commercial leases, or property acquisition that will remove additional property from the tax rolls.

Commissioner Wengraf stated that the new policy proposed in amendment item 38 should encourage development at Ashby BART without stating specific numbers and percentages of affordable units.

Commissioner Wrenn supported the inclusion of specific numbers since the City Council has designated this site for affordable housing.

Commissioner Wengraf stated that the Plan should not attempt to micromanage in this way.

Commissioner Bronstein stated that there is an urgent need for affordable housing and that the Plan ought to make a strong statement to encourage this.

M/S/F to remove the last sentence in the Action proposed in amendment item 38 (Wengraf/Hicks). Ayes: Wengraf, Hicks. Noes: Morris, Wrenn, Bronstein, Poschman, Howerton, Tabb. Abstentions: None. Absent: McCamant.

M/S/C to approve item 38 on the amendment list (Bronstein/Poschman). Ayes: Morris, Wrenn, Bronstein, Poschman, Howerton. Noes: Wengraf. Abstentions: Tabb, Hicks. Absent: McCamant.

Policy LU-34 Ashby BART Station

Encourage affordable housing, or mixed-use development including housing, on the air rights west of Adeline Street at the Ashby BART stations.

Action

Consider a joint City/BART Plan for the Ashby BART site to encourage and ensure appropriate development design, density and parking standards to accommodate the BART station and the transit-oriented development. Development at the Ashby BART station should include multi-family, transit oriented housing and ground floor commercial space. If feasible, at least 50% of the housing units should be affordable to low and very low income households. Revise the zoning for the Ashby BART station to reduce parking requirements for new housing built on the site.

Commissioner Morris suggested adding a sentence to LU-34 A that encourages development of affordable live-work housing.

Commissioners agree by consensus to add the language.

Policy LU-35 West Berkeley Plan

Implement the West Berkeley Plan and take actions that will achieve the three purposes of the Plan:

- 1. Maintain the full range of land uses and economic activities - residences, manufacturing, services, retailing and other activities - in West Berkeley.*
- 2. Maintain the ethnic and economic diversity of West Berkeley's resident population.*
- 3. Maintain and improve the quality of urban life - including environmental quality, public and private service availability, transit and transportation, and esthetic and physical qualities for West Berkeley residents and workers.*

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

Actions:

- A. *Examine the original purposes of live-work, especially with regard to affordability, impact on manufacturing uses, and provisions for artists and craftspeople, and evaluate to what extent such purposes have been met. Examine whether live-work space is actually being used for both living and work as intended.*
- B. *Consider zoning amendments to restrict live work, ensure that live-work space is used as intended, and/or require that live work units be restricted to households with low or very low income.*
- C. *Evaluate traffic and parking conditions in West Berkeley and develop new regulations or programs if appropriate to address the problems.*

Commissioner Morris discussed 'caretakers quarters', a small space for warehouse caretaker housing.

Commissioner Wengraf stated Council has not decided upon the issue of prohibiting office in the MULI district as called for in item 41.

Commissioner Bronstein noted that Council may not address this issue until early fall.

Commissioner Poschman suggested using the phrase 'Consider revising' instead.

Commissioner Wrenn suggested dropping the item.

Commissioner Poschman stated that if there is no nexus, this item should not be dropped.

M/S/F to drop item 41 (Hicks/Wengraf). Ayes: Hicks, Wengraf. Noes: Morris, Wrenn, Bronstein, Poschman, Howerton. Wengraf. Abstentions: Tabb. Absent: McCamant.
--

Staff Thomas noted that this language may be too specific.

Commissioner Wengraf agreed that this language is too specific.

Commissioner Wrenn suggested deferring discussion of this item to the 6/13/01 meeting after Council votes on the issue.

Commissioners agreed to this by consensus.

Commissioner Tabb requested justification for item 42.

Commissioner Poschman stated that expansion would impact the industrial and manufacturing areas.

Commissioner Wengraf asked if this item suggests a Zoning change.

Commissioner Wrenn replied that it does not.

Staff Thomas suggested adding a policy statement, because the policy as currently written is actually an action.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
MAY 23, 2001

LU-36 Industrial Protections

Protect industrial uses in West Berkeley.

Action:

- A. Inform non-industrial uses that are considering moving into industrial areas that truck traffic, 24 hour operations and noise up to legal limits are common and accepted in industrial areas. Non-industrial uses are expected to adjust to the practices of industrial operations.*
- B. Prohibit further expansion of the 4th Street commercial area beyond the existing commercially zoned areas. Maintain boundaries of the Mixed-Use/Light Industrial District. Enforce prohibition on retail uses in the Mixed-Use/Light Industrial District.”*

Commissioner Wengraf requested clarification of LU-40.

Commissioner Bronstein stated that it should be clear that this policy refers to the University.

Commissioners agreed by consensus to make this reference clear.

Commissioner Morris suggested adding cross references to other policies that refer to the University.

Commissioners agreed to this by consensus.

Staff Thomas clarified that the land use map classifications do not call for automatic upzoning and that the General Plan clearly states that development should be governed by the Zoning Ordinance and that many zoning districts will have lower densities than the General Plan classification.

Commissioner Morris asked if large uses could be identified on the map, and suggested adding existing land use map to the plan. She also questioned whether hospitals should be excluded.

Staff Thomas noted that this identifies preferred residential uses.

Commissioner Poschman questioned the current zoning at the Clark Kerr Campus.

Staff Thomas will return with information regarding the current zoning at the Clark Kerr Campus. (Since the meeting Staff has confirmed that the current zoning is “U” for unclassified. The Land Use Map will be adjusted to reflect the current residential density on the site.)

ADJOURNMENT

Meeting adjourned at 10:06 pm.