

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JUNE 27, 2001

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

2 Location: North Berkeley Senior Center.

3
4 Commissioners present: Hicks, Tabb, Wengraf, Wrenn, Poschman, Bronstein,
5 McCamant, Curl, Howerton.

6
7 Staff present: Haney-Owens, Kahn, Ratcliffe, Cederborg, Cosin, Barton, Kennedy
8

9 **PUBLIC COMMENT PERIOD**

10
11 Kevin Zwick from Affordable Housing Associates pointed out the developer selection
12 process for the Oxford Lot Project should not rely solely on past qualifications but also
13 take into account the developer's vision for the Oxford project. The developer should
14 have a special interest in the project and a solid financial analysis to ensure a high level
15 of commitment is made before the job is granted.

16
17 Ali Kashani reiterated Kevin Zwick's concerns, and stated that issuing an RFQ (Request
18 for Qualifications) instead of an RFP (Request for Proposals) is preferable because of the
19 complexity of the project.

20
21 Commissioner Wengraf requested clarification regarding the difference between a RFQ
22 and an RFP.

23
24 Ali Kashani explained that an RFQ requests that potential developers provide a resume
25 describing their previous work, while an RFP asks for qualifications in addition to a
26 specific proposal for completing the project.

27
28 Jan Zvaifler from the Theater Ensemble asked the Commission to consider their request
29 to house an arts facility of 10,000 square feet as part of the Oxford project. This facility
30 will ideally be a two-story theater that would provide an affordable alternative to existing
31 higher priced theater venues.

32
33 Commissioner McCamant asked which arts groups are represented in the Theater
34 Ensemble proposal.

35
36 Jan Zvaifler replied that although there are many groups interested in this idea, specific
37 arts groups have not yet been identified due to the funding uncertainties.

38
39 Commissioner Wengraf asked Jan Zvaifler where the group currently performs and how
40 large their budget is.

41
42 Jan Zvaifler replied they have no regularly available space in which to perform and the
43 waiting list to do so in other theaters is 18 months long. Their current budget is \$3,500
44 gathered mostly through local fundraising and ticket sales.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JUNE 27, 2001

46 Commissioner Wengraf asked how the day-to-day operations of this arts center would be
47 managed.

48
49 Jan Zvaifler stated that the proposed budget includes funds for maintenance and an
50 operating director.

51
52 Mickey Tenenbaum from the Berkeley Performing Arts Center urged the Commission to
53 allocate a substantial amount of square feet to the arts. He stated that he represents
54 nomadic performing arts groups that could potentially find a home in the Oxford
55 development.

56
57 Commissioner Wengraf expressed concern regarding the viability of the proposed arts
58 space, noting that another similar project, The Spice Box Theater, closed down and its
59 performing space remains vacant.

60
61 Commissioner McCamant asked if the projected 4 to 5 million dollars to fund this art
62 project would be sufficient.

63
64 Mickey Tenenbaum stated the estimates are low. The projected cost has risen to 7
65 million.

66
67 Commissioner McCamant reported that the Berkeley Repertory Theater had raised 15
68 million in order to develop its new space, and expressed concern that the projected 7
69 million still seems low.

70
71 John English referred to page 2 in the 6/27/01 staff memorandum on the General Plan
72 and stated that LU-40 and H-35 require further rewording.

73
74 Wendy Alfsen expressed support for the Subcommittee's recommendation on the Oxford
75 lots, especially with regard to affordable housing.

76
77 **ORDER OF AGENDA**

78
79 No change.

80
81 **CHAIRPERSON'S REPORT**

82
83 No report.

84
85 **CITY COUNCIL ACTIONS**

86
87 Director Cosin provided information to the Commission regarding a pending City
88 Council item intended to create an in-lieu park fee.

89

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JUNE 27, 2001

90 **FUTURE AGENDAS**

91

92 Staff Haney-Owens reported there would be two more Southside Subcommittee
93 meetings, and that a second draft of the Southside Plan will be prepared for Commission
94 review in September.

95

96 **APPROVAL OF MINUTES FROM JUNE 13, 2001 MEETING**

97

98 Approval of the June 13th minutes was put off until the July 11th Commission meeting.

99

100 **OXFORD LOT DEVELOPMENT**

101

102 Commissioner Wrenn presented the Oxford Subcommittee process and reviewed the
103 Subcommittee's recommendation. The project will be five stories, and floors 3-5 will
104 serve as affordable and market rate housing of varying sizes. There will be a minimum
105 of 90 units of housing (a minimum of 37 units per floor) at least 50% of which will be
106 affordable housing.

107

108 There are 2 levels of underground parking, retail and art space on the first floor, and the
109 David Brower Center on the second floor and part of the first. There will be suitable open
110 space for families. The design will be for a "green building".

111

112 Currently, the City is working with the arts groups to locate additional funding. The City
113 will receive the revenues generated from the parking. There will be a collaboration on
114 the project design between representatives from the David Brower Center and the arts
115 groups and members of the public.

116

117 Commissioner Tabb asked who would own the building.

118

119 Commissioner Wrenn stated the parties occupying the building and the City would work
120 out these matters.

121

122 Commissioner Bronstein expressed her hopes that this complex and ambitious project
123 will be a model for future projects.

124

125 Staff Kennedy noted that there have been 11 Subcommittee meetings plus two public
126 workshops regarding the Oxford Lot. She noted that cost and financing issues have not
127 been fully established. The collaboration between arts group has not been worked out;
128 presently, it is assumed that there will be one master lease.

129

130 Staff Barton stated that additional project financial analysis is required.

131

132 Commissioner Hicks asked about affordable housing and what this term actually means
133 and if this project also includes low-income housing.

134

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JUNE 27, 2001

135 Commissioner Wrenn defined low income and stated that the Oxford Lot project
136 proposes to offer a minimum of 50% of its housing to low and very low-income people.
137 Commissioner Hicks stated that teachers could not even afford this affordable housing.
138
139 Commissioner Wrenn stated that teachers would be a prime example of individuals who
140 could benefit from a project like this.
141
142 Commissioner Wengraf asked for the appraisal of land value.
143
144 Commissioner Wrenn stated the land is worth several million.
145
146 Commissioner Wengraf stated the appraisal of the land should be added to the cost of the
147 project. She also asked what the current figure on the parking lot revenues are and how
148 many spaces are accommodated.
149
150 Commissioner Wrenn stated there are 130 spaces.
151
152 Commissioner Wengraf asked about the difference between the RFQ and the RFP and
153 why the requirements had been changed from RFP to RFQ.
154
155 Staff Kennedy explained that an RFQ is a background check and the RFP is a more
156 extensive and potentially expensive process for a developer because a plan must already
157 have been developed. She stated that an expanded RFQ, which includes a plan for
158 funding, is what will be required of prospective developers.
159
160 Commissioner Wengraf asked if a design charrette would be feasible.
161
162 Staff Kennedy explained that a charrette would be difficult to conduct in this instance,
163 given the complexity of the project.
164
165 Commissioner Wengraf expressed concern that a developer might be less committed to
166 the project if an RFQ is used, whereas an RFP requires a higher level of commitment.
167
168 Staff Kennedy stated that predevelopment money loaned to the developer would prevent
169 them from easily abandoning the project. She also added there are many groups involved
170 who must have their say in the project's design, which should not just be left up the
171 developer, especially when they may be forced to alter the plans they have spent time and
172 money on or worse yet, start over.
173
174 Gilbert Chin from the David Brower Center shared information about his group. It is a
175 non-profit organization that includes collaboration among environmental groups. It has
176 been in existence for 8 or 9 months.
177
178 Lisa Motoyama, from Resources for Community Development, stated her support for the
179 Subcommittee's recommendation for an expanded RFQ.
180

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JUNE 27, 2001

181 Mickey Tenenbaum mentioned that the project is currently zoned as a 5 story building,
182 however, one-fourth to one-third of the project is technically allowed to have seven
183 stories.
184
185 Commissioner Wengraf asked how prospective developers might learn of this project.
186
187 Staff Kennedy replied they will advertise in non-profit publications and send out direct
188 mailing to known developers.
189
190 Commissioner Wengraf expressed concern that developers were already in collaboration
191 with the groups involved with the project, which could bar other interested developers
192 from participating.
193
194 Staff Kennedy stated that this Subcommittee has and will try to attract as many
195 developers as possible.
196
197 Commissioner Tabb asked if there are any procedures for inclusion or exclusion for the
198 arts groups or the David Brower Center.
199
200 Commissioner Wrenn responded that the Brower Center is responsible for determining
201 who will be included. There may in the future be competition regarding who will use the
202 designated space among the arts groups. It is assumed priority will be given to those
203 groups involved in the development process. However, the purpose is to be a space for
204 the entire community to use.
205
206 Commissioner Tabb asked if there have been any models for this type of arts group
207 sharing one designated space.
208
209 Commissioner Wrenn replied that he did not know, but there may be.
210
211 Mickey Tenenbaum responded that this indeed is not a new concept.
212
213 Commissioner Poschman agreed that the RFQ affords a higher degree of flexibility
214 relative to an RFP.
215
216 Commissioner Wengraf asked why 25% of the housing space is designated for studios.
217
218 Commissioner Wrenn responded that housing of differing sizes for various needs of the
219 community is desired.
220
221 Commissioner McCamant noted that she is concerned about the City's ability to provide
222 for an appropriate level of competition between developers, given that there are already
223 several developers who have been very involved in the Subcommittee process.
224 Commissioner Bronstein stated that the Planning Commission will be involved in the
225 design process.
226

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JUNE 27, 2001

227 Commissioner Tabb commended the Subcommittee for their work, but noted that he
228 would abstain from supporting the Subcommittee's motion because the project appears to
229 have been developed as a "wish list" lacking sufficient information for him to make a
230 positive judgment.

231
232 Commissioner McCamant asked to vote on the process separately from the
233 recommendation regarding the specific project elements.

234

235 M/S/C to approve the Subcommittee's recommendation with regard to the Oxford Lot
236 Project elements (Bronstein/ Poschman). Ayes: Wengraf, Wrenn, Hicks, Bronstein,
237 Poschman, Curl, McCamant, Howerton . Noes: None. Abstentions: Tabb. Absent:
238 None.

239

240

241 M/S/C to approve the Subcommittee's proposed process for developer selection
242 (Bronstein/ Poschman). Ayes: Wrenn, Bronstein, Poschman, Curl, Howerton . Noes:
243 Wengraf, Hicks, McCamant. Abstentions: Tabb. Absent: None.

244

245 **PLANNING COMMISSION DRAFT GENERAL PLAN**

246

247 Commissioner Wrenn gave some background on the status of the General Plan. He
248 stated that any additional Plan amendments should be presented at this time.

249

250 Staff Thomas stated there are a few corrections that still need to be made to the
251 background text, but the policies and actions are complete. He recommended that the
252 Commission resolve any final policy issues at this meeting or at the July 11th meeting at
253 which time the Planning Commission could finish its work on the General Plan

254

255 Commissioner Wrenn presented the changes made to LU-21, the Downtown Arts Density
256 Bonus. The proposed changes were agreed to by all of the Commissioners.

257

258 Commissioner McCamant asked if one needed to be a non-profit to receive a density
259 bonus.

260

261 Commissioner Wrenn answered yes.

262

263 The Commission was in agreement to the changes made to OS-6, regarding open space
264 in underserved neighborhoods.

265

266 Commissioner Wrenn explained the rationale for the requested change to EM-18, City of
267 Berkeley Fleet, stating that Berkeley should not be committed solely to natural gas in
268 case technological improvements make other technologies more efficient.

269

270 Staff person Thomas explained the change to LU-40, University Impact on Tax revenues,
271 and noted that the policy is consistent with policy H-35 in the Housing Element.

272

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JUNE 27, 2001

273 Commissioner Wrenn asked if partially leased land is covered in this policy.

274

275 Staff Thomas reported that the policy should be clarified to cover all reductions in tax
276 receipts.

277

278 Commissioner Wengraf asked if language was added to the Housing Element regarding
279 the Housing Authority. She asked if policy H-4 regarding rent control received
280 comments from the community and asked that Action B be withdrawn from the Plan.

281

282 Staff Thomas stated there have been 300 to 400 letters in response to this policy.

283

284 Commissioner Bronstein stated there is widespread support for rent control.

285

286 Commissioner Poschman stated that the Costa Hawkins issue is symbolic.

287

288 Commissioner Hicks stated that Proposition Y related to unjust evictions only.

289

290 General Plan Final EIR

291

292 Staff Thomas described the Final EIR and summarized the major issues covered in the
293 Response to Comments on the Draft EIR.

294

295 Commissioner Poschman stated that the answers given in the EIR are appropriate,
296 considered and careful.

297

298 Staff Thomas stated the General Plan is an environmentally sensitive plan and therefore it
299 is not surprising that the EIR did not find more significant impacts and that the City did
300 not receive many letters on the Draft EIR.

301

302 Commissioner Wrenn stated the Commissioners should review the Final EIR and the
303 Final Draft of the General Plan and notify the staff of any problems before the
304 Commission's final discussion of the two documents on July 11, 2001.

305

306 **COMMITTEE REPORTS**

307

308 There was nothing to report.

309

310 **ADJOURNMENT**

311

312 Meeting adjourned at 9:50 p.m.