

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JULY 11, 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, Thomas, Stroshane.

8

9

PUBLIC COMMENT PERIOD

10

11 Martha Nicoloff stated her concern with the fact that the Final EIR for the General Plan
12 was published weeks before the Final Plan was issued. She stated that the Final Plan
13 contains inflated growth and economic projections. She noted that a draft of a Berkeley
14 Height Initiative is available for review on the web or through the Council of
15 Neighborhood Associations.

16

17 Roger Van Ouytsel stated that the City should use its influence to stop UC Berkeley's
18 expansion which is both massive and destructive to the City's neighborhoods and streets.
19 He stated that the proposed Northeast Quadrant Science and Safety (NEQSS) Projects
20 will create further traffic congestion in an already very dense urban setting. He stated that
21 UC Berkeley should propose a scaled down alternative to the project. He noted that
22 community members who intend to file suit against the University because of this project
23 are requesting the City's support in this effort.

24

25 Mary Mitchell stated her concern that the University Avenue Plan goals are not being
26 implemented as part of the most recent draft of the General Plan. She stated that her
27 5/8/01 comment letter was not addressed in the General Plan EIR Response to Comments
28 document.

29

30 Jim Sharp stated that the DEIR for the NEQSS Projects does not adequately study
31 transportation impacts, nor take into account "Tidal Wave II" or the University's New
32 Century Plan. He stated that the project is massive in scale and impacts, as measured by
33 the addition of 360,000 square feet of new development, in combination with the addition
34 of 1,439 employees, of whom 895 will be relocating from other UC sites and 544 will be
35 new employees. He stated that the removal of 192,000 cubic feet of dirt will cause a
36 constant flow of construction trucks to enter and leave the Northside, resulting in
37 destruction to the City's streets and pedestrian safety issues.

38

39 Becky O'Malley requested that the Planning Commission restore in the Final General
40 Plan the concept of the relationship between new construction and the built environment,
41 in recognition of the need to preserve Berkeley's architectural character. She provided a
42 handout to the Commission regarding this matter.

43

44 John English stated that, given the size and scope of the proposed NEQSS Projects, the
45 public comment period on the DEIR should be extended. He also stated that some of the
46 graphics and maps in the Final General Plan require further correction, and that some are

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47 missing or mislocated. He noted his willingness to assist with the Plan maps and
48 graphics.

49
50 Council Member Dona Spring stated that the DEIR for the NEQSS Projects is inadequate
51 in addressing the increased use of hazardous materials, as well as the cumulative traffic
52 impacts of the significant number of new employees who will be coming to the
53 Northside. She stated that consideration should be given to providing satellite parking.
54 She stated that the City's jobs/housing balance will be made worse by the increase in new
55 employees.

56
57 Clifford Fred requested that the Planning Commission not take action on the Final
58 General Plan at the July 11th meeting, but instead hold one last public hearing at a
59 subsequent Commission meeting. He provided the Commission with a letter regarding
60 the housing density bonus policy issue in the General Plan, as well as a letter regarding
61 the topic of UC expansion and the NEQSS Projects.

62
63 **ORDER OF AGENDA**

64
65 Information Item A was put on to the Action Calendar for discussion prior to Item 8 at
66 Commissioner Wengraf's request.

67
68 **CHAIRPERSON'S REPORT**

69
70 Chair Wrenn stated that the Commission would need to form a temporary Subcommittee
71 to address the MULI Zoning Ordinance Amendment. Commissioners Curl, Hicks,
72 Bronstein and Poschman agreed to serve on this Subcommittee.

73
74 **CITY COUNCIL ACTIONS**

75
76 Staff Haney-Owens reported that at its June 26th meeting, the City Council took an action
77 in support of bus rapid transit on Telegraph Avenue as the preferred alternative for AC
78 Transit's Major Investment Study.

79
80 **FUTURE AGENDAS**

81
82 Staff Haney-Owens reported that the Telecommunications working group will meet prior
83 to September 19th in order to develop recommendations regarding the proposed Zoning
84 Ordinance Amendment.

85
86 Commissioner Curl noted his concern that the Commission public hearing on the MULI
87 Zoning Ordinance Amendment be fully noticed. He stated that the Subcommittee would
88 discuss the noticing issue further.

89
90
91

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92 (M/S/C) to cancel the July 25th Planning Commission meeting if the remaining Planning
93 Commission work on the Final General Plan is completed at the July 11th meeting
94 (Hicks/Wengraf). Ayes: Wrenn, Bronstein, Poschman, Hicks, Curl, Tabb, Wengraf,
95 Howerton, McCamant. Noes: None. Abstentions: None. Absent: None.

96
97 **APPROVAL OF MINUTES FROM JUNE 13 AND JUNE 27, 2001 MEETINGS**
98

99 (M/S/C) to approve the June 13, 2001 Planning Commission meeting minutes
100 (Poschman/Bronstein). Ayes: Wengraf, Wrenn, Bronstein, Poschman, Curl, Tabb,
101 McCamant, Howerton. Noes: None. Abstain: Hicks. Absent: None.

102
103 (M/S/C) to approve the June 27, 2001 Planning Commission meeting minutes with noted
104 changes (Poschman/Hicks). Ayes: Poschman, Hicks, Wengraf, Wrenn, Bronstein, Curl,
105 Tabb, McCamant, Howerton. Noes: None. Abstain: None. Absent: None.

106
107 **DRAFT EIR ON UC BERKELEY'S NEQSS PROJECTS**
108

109 Commissioner Wengraf stated that it was unfortunate that the Commission was taking up
110 the item at such a late date. She stated that the Commission should request a 45 day
111 extension to the public comment period on the DEIR.

112
113 Commissioner Wengraf noted that the the proposed changes to the off-campus Lower
114 Hearst Parking Garage will result in the removal of recreation facilities which are heavily
115 used by community members. She stated that the University should provide for
116 replacement recreation facilities as part of the DEIR, and that these facilities should be
117 replaced on site at the Parking Garage. She noted that the University has consistently
118 removed recreation facilities, as evidenced by the Underhill Project and the Presentation
119 High project.

120
121 Commissioner Bronstein stated that the City's failure to establish the University
122 Relations Commission, as approved by the City Council, has resulted in the lack of a
123 permanent and official forum for the oversight of University projects. She stated that the
124 Planning Commission should continue to push for the establishment of this new
125 Commission.
126

127 (M/S/C) to ask that the City Council request that:

128
129 1. UC Berkeley extend the public comment period on the Draft Environmental Impact
130 Report (DEIR) for the Northeast Quadrant Science and Safety (NEQSS) Projects by 45
131 days, with an ending date of September 15, 2001; and hold an additional public hearing
132 on the DEIR, and a public hearing after the publication of the Final EIR.

133
134 2. The City Manager forward all public and Commission comments provided at the July
135 11, 2001 Planning Commission meeting to UC Berkeley.
136

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137 3. Request that the University make every effort to replace on site at the Lower Hearst
138 Parking Structure the recreational uses which are proposed for removal from this
139 Parking Structure, given the demonstrated need for recreational facilities at this Northside
140 location, and their current use by a wide range of community users.

141 4. Request that the University use Transportation Demand Management programs similar
142 to those recommended by the Southside/Downtown TDM Study to shift employees and
143 visitors to alternative modes of transportation to prevent increases in traffic in the project
144 area which will otherwise result from UC expansion in the northeast quadrant.

145
146 5. Recognize that the Planning Commission's lack of time and resources to adequately
147 review and comment on the DEIR for this significant project underscores the need to
148 constitute the University Relations Commission which was approved by the City Council
149 but has yet to be staffed or funded.

150
151 (Wengraf/Poschman). Ayes: Hicks, Bronstein, Poschman, Wengraf, Wrenn, Curl,
152 Howerton, Tabb, McCamant. Noes: None. Abstain: None. Absent: None.

153
154 Commissioner Wengraf requested that staff determine whether or not any agreements
155 exist which require the University to maintain existing recreation facilities on top of UC
156 parking facilities.

157
158 Chair Wrenn requested that the DEIR comment letter prepared by staff underscore the
159 importance of implementing TDM measures, noting that Stanford University has been
160 successful at holding constant vehicular traffic at peak periods as a result of its TDM
161 program.

162
163 **FINAL DRAFT GENERAL PLAN**

164
165 Chair Wrenn thanked Staff Thomas for his diligent and dedicated work as the Project
166 Manager for the General Plan.

167
168 Staff Thomas presented a brief report on the status of General Plan, noting that it is
169 anticipated that the Plan will be taken up by the City Council in October. He noted that
170 there remain several key issues to resolve at the July 11th meeting prior to approval of the
171 Final Draft Plan by the Commission.

172
173 Chair Wrenn noted that the Final Draft General Plan policies related to height and density
174 bonuses is consistent with the policy framework established in the Downtown Plan. He
175 also stated that the Final Draft Plan includes policies which encompass the concerns
176 raised by Becky O'Malley regarding maintaining the integrity of the built environment.

177
178 Commissioner Tabb proposed the inclusion of the sentence "Maintain the existing
179 supply of publicly owned parking in the downtown." in Policy T-35 of the Final Draft
180 Plan.

181

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182 Chair Wrenn recommended against adding this language, stating that the number of
183 parking spaces might shift between City-owned parking lots and that holding the City to a
184 specific number of spaces would constrain the City in its allocation of parking spaces.

185

186 Commissioner Bronstein agreed that it would not be helpful to commit the City to a
187 specific number of public parking spaces.

188

189 Chair Tabb stated that it is his understanding that one of the goals of the General Plan is
190 to maintain good access for visitors and shoppers in the downtown.

191

192 Commissioner Wengraf stated that there is a parking crisis in the Downtown.

193

194 Chair Wrenn stated that there is in fact a surplus of parking in the Downtown as
195 identified in parking studies completed for the Berkeley Repertory Theater and other Arts
196 District projects.

197

198 (M/S/F) to add the sentence “Maintain the existing supply of publicly owned parking in
199 the downtown” as Action T-35E (Hicks/Tabb). Ayes: Wengraf, Hicks, Tabb, McCamant.
200 Noes: Wrenn, Howerton, Bronstein, Curl. Abstain: Poschman. Absent: None.

201

202 (M/S/C) to accept John English’s text regarding new buildings to the Urban Design and
203 Preservation Element as amended to remove the word “incidentally”.

204 (Bronstein/Poschman). Ayes: Bronstein, Poschman, Hicks, McCamant, Tabb, Curl,
205 Howerton, Wengraf, Wrenn. Noes: None. Abstain: None. Absent: None.

206

207 Commissioner Wengraf complimented the changes made to the Citizen Participation
208 Element.

209

210 (M/S/F) to remove H-2A from the Final Draft Plan (Wengraf/Hicks). Ayes: Wengraf,
211 Hicks, Tabb, McCamant. Noes: Wrenn, Bronstein, Poschman, Howerton, Curl. Abstain:
212 None. Absent: None.

213

214 Commissioner Poschman noted that the Rent Board decides how the business license tax
215 “pass-through” will be applied to tenants.

216

217 Chair Wrenn noted that any increase in the business license tax on residential business
218 properties can be passed on to tenants.

219

220 Staff Stroshane noted that the Rent Board can raise rents through one of two means: the
221 annual increase to legal rent ceilings or when operating and/or capital costs increase to
222 the extent that the Rent Board makes an upward adjustment to the legal rent ceiling. He
223 noted that a change in taxes would affect all property owners, and that a direct tax pass-
224 through to tenants is subject to the Rent Board’s discretion

225

226 Commissioner Curl stated that the Rent Board should not have its hands tied, and that the
227 General Plan language should not be changed.

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228

229 Commissioner McCamant commended the General Plan Subcommittee on its work, and
230 noted that the Final Draft Plan is in large part a Planning Commission consensus
231 document. She stated that she believes that it is wrong to oppose Costa Hawkins, and that
232 she would not support the Final Draft General Plan if the current policy regarding Costa
233 Hawkins remained in the Plan.

234

235 Chair Wrenn proposed that the opposition to the Plan policy related to Costa Hawkins
236 could be noted in the Planning Commission report which would be sent with the
237 Commission-approved Plan to the City Council.

238

239 Commissioner Bronstein proposed that the Costa Hawkins item be voted on separately
240 from the rest of the Final Draft General Plan. Commissioner Poschman noted his support
241 for this approach.

242

243 Chair Wrenn stated that the latter proposal would not be acceptable.

244

245 (M/S) (Bronstein/Curl) to separate out the General Plan policy regarding Costa Hawkins,
246 vote on the rest of the Final Draft Plan, then vote on the Costa Hawkins policy.

247

248 A friendly amendment was offered by Commissioner Tabb to vote on Costa Hawkins
249 first.

250

251 The latter amendment was rejected by Commissioner Bronstein.

252

253 Commissioner Wengraf raised an objection to the fact that the Planning Commission
254 majority had not indicated any willingness to compromise on any item put forward by the
255 Commission minority. She proposed that the policies related to Costa Hawkins, the
256 maintenance of public parking in the Downtown, and the pass-through to tenants of the
257 business license tax be separated out from the rest of the Final Draft General Plan and
258 voted on separately.

259

260 Chair Wrenn and Commissioner Bronstein stated that the latter proposal would not be
261 acceptable.

262

263 The Planning Commission took a 10 minute recess.

264

265 Following the recess, Commissioner Poschman proposed that the Commission vote on
266 the the Costa Hawkins action (H-4 B) and the proposed action to “maintain parking in
267 the Downtown” separately from the rest of the General Plan.

268

269 Staff member Thomas suggested that the Commission take a series of four votes:

270

271 First vote on the issue of whether to amend Action H-2A to include the word “require”.

272

Second vote on the General Plan without Action H-4B Costa Hawkins.

273

Third vote on whether to include Action H-4B into the General Plan, and

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274 Fourth, vote on whether to add the action regarding maintenance of the downtown parking
275 supply to policy T-35.

276

277 It was agreed by the Commission that the series of votes described by staff member
278 Thomas would clearly indicate to the Council the Commission's support for the Plan as a
279 whole but also highlight those issues where there was significant disagreement.

280

281 (M/S/C) to amend the last sentence of Action H-2A to replace the word "support" with
282 "require". (Bronstein/Hicks). Ayes: Bronstein, Hicks, Poschman, McCamant, Wrenn,
283 Howerton, Tabb, Wengraf. Noes: Curl. Abstain: None. Absent: None.

284

285 (M/S/C) to adopt a resolution recommending that the City Council certify the Final EIR
286 and adopt the Draft General Plan excluding Action H-4B regarding Costa Hawkins and
287 without the proposed action regarding maintenance of parking, and direct staff to make a
288 number of specific improvements as outlined in the July 11, 2001 staff recommendation.
289 (Poschman/Bronstein). Ayes: Poschman, Bronstein, Wrenn, Howerton, Curl, McCamant,
290 Wengraf, Tabb, Hicks. Noes: None. Abstain: None. Absent: None.

291

292 (M/S/C) to include Action H-4B regarding Costa Hawkins in the General Plan as written
293 (Poschman/Bronstein). Ayes: Wrenn, Bronstein, Curl, Howerton, Poschman. Noes:
294 McCamant, Hicks, Wengraf, Tabb. Abstain: None. Absent: None.

295

296 (M/S/F) to add a new action to Policy T-35 which would read: "Attempt to maintain the
297 supply of publicly owned parking in the Downtown." (Tabb/McCamant). Noes: Wrenn,
298 Bronstein, Howerton, Poschman. Ayes: McCamant, Hicks, Wengraf, Tabb. Absent: Curl.

299

300 Staff Thomas congratulated the Commission on their hard work over the last few years
301 on the General Plan, and stated that staff would do a mass mailing to inform the public
302 regarding the City Council schedule of public hearings on the General Plan.

303

304 **COMMITTEE REPORTS**

305

306 There was nothing to report.

307

308 **ADJOURNMENT**

309

310 Meeting adjourned at 9:50 p.m.