

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
OCTOBER 10, 2001**

1 **ROLL CALL**

2
3 The meeting was called to order at 7:10 p.m.

4
5 Location: North Berkeley Senior Center.

6
7 Commissioners Present: Curl, Bronstein, Howerton, Poschman, Tabb, Wengraf, Wrenn,
8 Wozniak.

9
10 Commissioners Absent: Hicks.

11
12 Staff Present: Barrett, Cederborg, Diamond, Haney-Owens, Lambert, Ratcliffe.

13
14 **PUBLIC COMMENT PERIOD**

15
16 Resident artist, Sharon Siskin, stated her concern regarding the impact new businesses
17 have had in the MU-LI district. She stated there is progressively less space for artists
18 because of continued development, which in turn has created more traffic and pollution.
19 She suggested a break in future office development, and asked that the City reaffirm its
20 support for the artisan community.

21
22 **ORDER OF AGENDA**

23
24 No change.

25
26 **CHAIRPERSON'S REPORT**

27
28 No report.

29
30 **CITY COUNCIL ACTIONS**

31
32 No report.

33
34 **FUTURE AGENDAS**

35
36 Commissioner Wrenn introduced a new Commissioner, Gordon Wozniak, to the Planning
37 Commission.

38
39 It was agreed to take up the MU-LI issue again at the November 14th Planning
40 Commission meeting.

41
42
43
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45

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46 **APPROVAL OF MINUTES FROM SEPTEMBER 12 AND SEPTEMBER 19, 2001**
47 **MEETINGS**

48

49 M/S/C to approve the September 12, 2001 minutes with changes (Poschman/Bronstein).
50 Ayes: Curl, Bronstein, Howerton, Poschman, Tabb, Wengraf, Wrenn. Noes: None.
51 Abstentions: Wozniak. Absent: Hicks.

52

53

54 M/S/C to approve the September 19, 2001 minutes with changes (Poschman/Bronstein).
55 Ayes: Curl, Bronstein, Howerton, Poschman, Tabb, Wrenn. Noes: None. Abstentions:
56 Wengraf, Wozniak. None. Absent: Hicks.

57

58

59 **ZONING ORDINANCE AMENDMENT RE: TEMPORARY OFFICE**
60 **MORATORIUM IN THE WEST BERKELEY MIXED USE-LIGHT**
61 **INDUSTRIAL DISTRICT (MU-LI): PUBLIC HEARING**

62

63 M/S/C to open the public hearing (Poschman/Bronstein). Ayes: Curl, Bronstein,
64 Howerton, Poschman, Tabb, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions:
65 None. Absent: Hicks.

66

67 Robert Dhundrup, the Political Director of the Central Labor Council of Alameda
68 County, stated his approval of the one year ban on office use. His organization's goal is
69 to protect blue collar jobs which are currently threatened in West Berkeley. He stated that
70 34,000 square feet of office space was added in West Berkeley between 1997 and 2000.
71 He stated that he is opposed to the addition of new office use, and conversions of
72 industrial uses to business uses.

73

74 Commissioner Wengraf asked Robert Dhundrup if he had unemployment data for
75 workers in West Berkeley.

76

77 Robert Dhundrup replied that he did not have this data with him, but could forward it to
78 the Commission.

79

80 Resident Steve Gellar stated that he supports more spaces for artisans and that if office
81 space were limited, traffic and parking issues would be improved.

82

83 John Norheim stated his opposition to the moratorium and suggested that the City
84 subsidize manufacturing space for artisans.

85

86 Resident Betsy Strange stated her support for the office moratorium. She stated that
87 because of increased office space in the area, she has seen an increase in traffic, parking
88 and speeding.

89

90 Commissioner Tabb asked if schools are included in the moratorium.

91

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92 Commissioner Poschman replied that schools are not seen as a business use.
93
94 Commissioner Poschman asked for the square footage of her unit.
95
96 Betsy Strange replied that her live/work unit is less than 1,000 square feet.
97
98 Resident Charles Jones stated his opposition to the moratorium. He stated that if
99 businesses are not able to expand in Berkeley, they will move elsewhere. He suggested
100 the use of requirement for new businesses that would improve the community, such as
101 requiring businesses to use solar power.
102
103 Resident Fredric Fiersten stated his discouragement with the City's current laws. He
104 asked for a definition of the term "artist". He stated that under the current system,
105 artisans are not able to afford the City's rental rates. He stated that parking problems are
106 due in part to too many parking stickers being handed out.
107
108 Resident Bob Howard stated his support for the moratorium.
109
110 Resident Neala Haze stated her support for the moratorium on office use and explained
111 that the changes which have taken place over the last three years have been for the worse,
112 specifically in the areas of traffic and parking space for artists.
113
114 Commissioner Wengraf asked for clarification regarding whether she wants to see the
115 West Berkeley Plan implemented or supports the moratorium.
116
117 Neala Haze stated that she supports the moratorium.
118
119 Commissioner Poschman asked for the square footage of the building.
120
121 Neala Haze replied that her building is approximately 1,500 – 1,600 square feet.
122
123 Resident Craig Nayasawa stated that he is not in favor of the moratorium and that this
124 issue may be mistakenly viewed as a conflict between artists and businesses. He stated
125 that a working relationship can include all groups and he suggested a moratorium with a
126 square foot limitation.
127
128 Commissioner Poschman asked for the square footage of his building.
129
130 He replied that he uses 2000 square feet of his building and rents another portion.
131
132 Resident Claire Cotts who lives in the Heinz building stated that the quality of life has
133 deteriorated because of a high level of traffic, high vehicular speeds and a lack of
134 parking. She favors the moratorium in order to have sufficient time to implement a plan
135 that would address the concerns of the community. She pointed to Emeryville as a city
136 that has succeeded in supporting artists.
137

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138 Commissioner Wengraf asked if designated parking is assigned to the residents in the
139 Heinz building.

140

141 Claire Cotts stated that the residents are not allowed to use the building's parking lot and
142 that it is leased by adjoining businesses.

143

144 Commissioner Poschman asked for the square footage of her unit.

145

146 Claire Cotts replied the square footage of her unit is 1,200 square feet.

147

148 Resident David Herr, a commercial real estate broker, stated that he is against the
149 moratorium given the state of the economy. He stated that current provisions allow for
150 project review on a case by case basis. He supports this method of determining what may
151 be an inappropriate use regarding office space without being overly restrictive. He
152 suggested that some vacant spaces may be appropriate for nothing but business use. He
153 stated that another valid reason not to ban new office space is so that opportunities could
154 be afforded to new businesses during the current economic conditions.

155

156 Commissioner Curl asked if he is involved in office space conversions.

157

158 David Herr stated that he has been involved in office space conversions and gave an
159 example of a building not suitable for current industry use.

160

161 Commissioner Curl asked if the space could be used for artists.

162

163 David Herr replied that that it could.

164

165 Commissioner Poschman asked if a downturn in the economy would be a preferable time
166 to implement a moratorium due of a lack of market pressure.

167

168 Resident Mike Rodksy supports the creation of more artist space, but not the moratorium
169 on office use. He stated a moratorium should only be used when there is a clear and
170 pressing need. He stated that reusing some buildings would require a large capital outlay
171 that only a business might be able to afford. He suggested that allowing a business to
172 utilize a space is more desirable than keeping a building vacant.

173

174 Resident Douglas Herst, representative of Pearlless lighting, stated that he is concerned
175 about the artist community, but that the moratorium would be damaging and is
176 inappropriate. He stated that he employs 100 workers in West Berkeley and that this
177 number has decreased from a total of 220 employees. He explained that because of this
178 decline, it has been necessary for his company to lease out office space and under the
179 moratorium, this would not be possible.

180

181 Resident Bob Brokle, from the Nexus Institute, stated his support for the moratorium. He
182 stated that many lofts being built are impractical for artists because of their high rates,
183 even though they are the intended recipients of these units, and that these lofts will

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184 potentially be converted to office space because the lofts will not be able to be used for
185 their intended purpose. He also testified that the neighborhood has changed dramatically.

186

187 Resident Susan Libby, from Libby Labs, stated her support of the moratorium. She
188 stated that many of the blue collar jobs in the area are disappearing.

189

190 Commissioner Wozniak asked how many workers she employs and if this figure is an
191 average number of employees at her company.

192

193 Susan Libby replied that the normal range is between 26 and 35 and currently she
194 employs thirty two. She noted that this is the busiest time of the year for her company.

195

196 Resident Linda Harrow stated her concern regarding the current zoning laws and how
197 they affect artists.

198

199 Commissioner Bronstein asked for the square footage of her dwelling unit.

200

201 Linda Harrow replied that it is 900 square feet.

202

203 Commissioner Poschman asked what changes she has observed in her neighborhood.

204

205 Linda Harrow replied the office uses have increased, and the availability of parking has
206 decreased.

207

208 Resident Joe Matera, the landlord of a 14,000 square foot building on Gilman Street,
209 stated his opposition to the moratorium. He stated that retail space in his building has
210 been on the market for months even though the asking rate is inexpensive. He explained
211 that this is due to the unsightliness of Gilman Street, and lack of pedestrian proximity to
212 other shopping. He suggested higher quality development be located in that area and that
213 each office use be evaluated on a case by case basis.

214

215 Commissioner Curl asked for the asking price of the retail space.

216

217 He replied that he is asking \$1.30 per square foot.

218

219 Commissioner Poschman inquired about the building clientele.

220

221 He replied that his building receives minimal foot traffic and that it has been difficult to
222 keep tenants.

223

224 Commissioner Wengraf clarified that there are some retail draws to that neighborhood
225 which do generate foot traffic.

226

227 Resident Ron Trumble stated his support for the moratorium.

228

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229 Resident Miriam Ng, representing the Berkeley Chamber of Commerce, stated that the
230 moratorium is unnecessary partially due to the fact that current conversion regulations are
231 already extremely stringent. She suggested coordinating a community workshop to
232 address problems in the area, such as parking. She stated that imposing a moratorium on
233 office space sends a message that Berkeley is not business friendly.
234

235 Resident Rhiannon stated that in a one block radius in the MULI district, 400,000 square
236 feet of office space has been added. She stated that unskilled blue collar jobs are waning
237 and she supports a moratorium. She stated that if the West Berkeley Plan had been
238 followed, the moratorium would not be needed, but currently the Plan's land use policies
239 are not being enforced through the permit process.
240

241 Resident Steph Zlott, from the Nexus Institute, stated his support for the moratorium. He
242 called for long range planning in West Berkeley, given that the area is losing its
243 manufacturing base and being replaced by offices. He stated that lofts are now being
244 used as offices since they are unaffordable to artists. He asked what happened to the
245 West Berkeley Plan.
246

247 Resident Clover Catskill stated that artist spaces are disappearing from West Berkeley.
248 She stated that as buildings are sold, artists' rents are increasing dramatically, and
249 parking is taken away. Some artists have been pressured to sign away artists protections
250 with their new leases. She favors the moratorium.
251

252 Commissioner Poschman asked what dance spaces have been converted to.
253

254 Clover Catskill replied that in one instance, dance space was converted to computer
255 training for the disabled, and in another, it was converted to a storing unit for educational
256 supplies, and previous to that, it was a clothing outlet.
257

258 Resident John McBride stated that he favors the moratorium in order to identify and
259 institute necessary changes. He pointed to an office use moratorium implemented in San
260 Francisco that ended up benefiting the business community. He also stated that a study is
261 needed in order to create more space for artists.
262

263 Commissioner Tabb asked John McBride whether he was implying that the economic
264 development in San Francisco is due to a past moratorium on office space.
265

266 John McBride replied that he was not, but that the moratorium on business protected
267 property owners and helped keep buildings vacant.
268

269 Commissioner Wengraf asked for clarification regarding the relationship between the San
270 Francisco moratorium on business space and the fact that artists have continually been
271 pushed out of the city.
272

273 John McBride replied that the moratorium was in the inner core and this did not affect the
274 area where artists were concentrated.

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275

276 Dennis Stevens, a visual artist, supports the moratorium and stated that artists are
277 overlooked within the City of Berkeley. He suggested that the City revisit the West
278 Berkeley Plan and hire a coordinator to work with the artist population to help assess
279 their needs, inventory development, and develop a cultural plan for the City.

280

281 Darrell de Tienne, architect of the Durkee Building, stated that the moratorium is unwise
282 and that it is an oversimplified solution to a complex problem. He stated that the terms
283 such as “office space”, “lab” and “manufacturing” are not clearly defined and that it is the
284 product of a space that shapes its definition. He suggested that these terms be redefined.

285

286 Resident Bill Brooks, a gallery/bookstore owner, stated his support for the moratorium.

287

288 Resident Michael Smolens expressed his concern with the current lack of rehearsal space
289 and stated that dozens of artists have left the Bay Area for this reason. He also stated that
290 the draw to the Bay Area and Berkeley is the arts, not business.

291

292 Commissioner Poschman asked for the square feet of his space and the current rental rate.

293

294 Michael Smolens replied that his live/work space is 600 square feet and that he pays a
295 little over \$1.00 per square foot.

296

297 Resident Sheila Woods is an artist residing in the Durkee Building. She stated her
298 support for the moratorium, given that it will give the City time to plan thoughtfully to
299 help support struggling artists in Berkeley and maintain the City’s diversity.

300

301 Resident Aspy Khanibatta stated his support for a one year moratorium on new office
302 space to allow for a review of community needs while keeping in mind the goal of
303 diversity.

304

305 Commissioner Wengraf stated that the public hearing should remain open.

306

307 Commissioner Curl stated that he supports closing the public hearing because there has
308 already been sufficient discussion of this issue, and the public will have the chance to
309 speak again at the November 14th Commission meeting.

310

311 Commissioner Poschman stated that he would like time to digest the public’s information
312 and that the public hearing should be closed as part of the regular process.

313

314 M/S/C to close the public hearing (Poschman/Bronstein). Ayes: Curl, Bronstein,
315 Howerton, Poschman, Tabb, Wozniak, Wrenn. Noes: Wengraf. Abstentions: None.
316 Absent: Hicks.

317

318 Staff Ratcliffe stated that artist protection rights could not be removed by landlords, given
319 that this protection is built into the zoning for a particular land use. Additionally, lofts
320 cannot be converted to office space without prior approval from the City. If inhabitants

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321 are using lofts as office space, this is illegal. Lastly, she explained that building parking
322 lots must be available for use by the tenants and can not legally be leased to adjoining
323 businesses.

324

325 Staff Ratcliffe provided background on the proposal for the office use moratorium. She
326 stated that there is not quantifiable evidence to justify the moratorium, and that according
327 to the West Berkeley Plan, the balance between industrial, office and artist space has
328 been maintained. She stated that traffic mitigation plans are currently underway and
329 some have already been implemented which should alleviate some of the traffic conflicts.
330 However, the staff has prepared an Ordinance for a one year prohibition on new office
331 space. Staff Ratcliffe asked the Commission for clarification regarding the requirements
332 of the moratorium and requested direction in order to define the necessary scope of work.
333 She also stated that the City is currently looking into protecting space for artisans.

334

335 Commissioner Wrenn asked Commissioner Bronstein if the Subcommittee would be able
336 to complete a full report by November 14th.

337

338 Commissioner Bronstein replied that a full report would be prepared.

339

340 Commissioner Curl stated that he found a discrepancy in the staff report and asked for
341 clarification regarding the findings in West Berkeley from 1993 – 1996.

342

343 Staff Ratcliffe stated that there is an error in the staff report and that statistical findings in
344 West Berkeley have not been obtained from 1993 – 1996, only from 1997 forward, and
345 that obtaining the information for the period prior to 1997 is possible but difficult due to
346 the amount of work involved and the lack of staff to do this. She stated that she would
347 correct the error.

348

349 Commissioner Wengraf asked for the current office vacancy rate in West Berkeley.

350

351 Staff Lambert replied that the current office vacancy rate in West Berkeley is 19%,
352 having risen from 10% six months ago.

353

354 Commissioner Bronstein asked for the source of this information.

355

356 Staff Lambert replied that the information came from Colliers Parish's Third Quarter
357 Report.

358

359 Commissioner Wengraf asked for data on manufacturing space, and if there is
360 documentation on the spaces that have become unavailable to artists.

361

362 Staff Lambert stated that only office and industrial data is tracked by the City.

363

364 Commissioner Wengraf asked for the median office price.

365

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366 Staff Lambert explained that because of recent market fluctuations, the rates are
367 constantly changing.
368
369 Commissioner Poschman requested that a status column be added to the Zoning Staff's
370 West Berkeley development tracking report.
371
372 Commissioner Bronstein stated that the square footage reported in many instances is
373 representative of all of West Berkeley, but that the information should be narrowed
374 specifically to the MU-LI district since this is the area in question at the present time.
375 She stated that office development has almost reached the half-way point as outlined in
376 the West Berkeley Plan.
377
378 Commissioner Wozniak stated that he was impressed by the number of artists in
379 attendance who spoke on the MU-LI issue. He requested that more facts regarding the
380 artist population be gathered, such as whether the population is increasing or decreasing.
381 He also asked if time limits are placed on conversions.
382
383 Commissioner Poschman replied that if the time lapses for two or three years, an
384 extension is issued, however, the more that time goes by, the more difficult it is to obtain
385 an extension.
386
387 Commissioner Wozniak suggested that the City update the figures presented in the staff
388 report.
389
390 Staff Ratcliffe stated that the City is waiting for the 2000 Census data.
391
392 Staff Lambert stated that the the State Employment Development Department has the
393 City's most recent information.
394
395 Commissioner Wozniak asked for information on traffic and parking and asked how
396 feasible light industry is. He suggested keeping definitions broad.
397
398 Commissioner Tabb stated that artists need a protection plan, but that the moratorium is
399 not the way to achieve this. He questioned if the moratorium will directly affect the price
400 of artist spaces.
401
402 Commissioner Curl stated that artists are considered light manufacturers. He stated that
403 besides development already identified by the West Berkeley Plan, the MU-LI was
404 projected to experience little development. He asked for a readjustment to the final
405 report taking this into consideration.
406
407 Staff Barrett announced that due to a conflict of interest, she would not attend the
408 October 24th Commission meeting regarding telecommunication antennas.
409
410 Commissioner Wrenn encouraged anyone who wants to comment further on the MULI
411 issue to send it to the Commission in writing.

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412

413 **ADJOURNMENT**

414

415 The meeting was adjourned at 10:05.