

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JULY 10, 2002**

1 **ROLL CALL**

2
3 Time: The meeting was called to order at 7:07 p.m.

4
5 Location: North Berkeley Senior Center.

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

9
10 Commissioners Absent: None.

11
12 Staff Present: Barrett, Cederborg, Diamond, Grimes, Ratcliffe, Rhoades, Stroshane.

13
14 **ORDER OF AGENDA**

15
16 Commissioner Poschman asked that item 17 be moved up to action item 10.

17
18 Commissioner Curl asked if item 16 be placed at the end of the action item agenda.

19
20 **PUBLIC COMMENT PERIOD**

21
22 Martha Nicoloff stated her support for the building heights initiative and stated that it has
23 received a high level of support from many other Berkeley citizens as well.

24
25 **CHAIRPERSON'S REPORT**

26
27 No report.

28
29 **COMMITTEE REPORTS**

30
31 No reports.

32
33 **PLANNING DIRECTOR'S REPORT**

34
35 Planning Director Barrett reported on the following items:

- 36 The economic impact study of the University's Long Range Development Plan
- 37 Changing fee schedule for appeals
- 38 Meeting with the density subcommittee

39
40 **APPROVAL OF MINUTES**

41
42 M/S/C to approve the minutes with changes (Poschman/Wrenn). Ayes: Bronstein, Curl,
43 Howerton, Poschman, Tabb, Wozniak, Wrenn. Noes: None. Abstentions: Pollack,
44 Wengraf. Absent: None.

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47 **FUTURE AGENDAS**

48
49 Commissioner Poschman asked that a discussion on the scheduling and timing of the
50 density workshop be added to the July 24th meeting's agenda.

51
52 **DISCUSSION AND POSSIBLE ACTION: PROPOSED REZONING OF 1036**
53 **CARLETON STREET FROM THE C-W ZONING TO THE MU-R ZONING**
54 **DISTRICT IN WEST BERKELEY**

55
56 Commissioner Curl asked staff for clarification on the given staff report.

57
58 Commissioner Wozniak stated that since many lots in the MU-R are less than the
59 standard 40 feet, denying this particular lot an MU-R zoning designation for this reason
60 does not seem justified.

61
62 Staff Stroshane stated that even though all the MU-R lots do not comply with the
63 minimum 40 feet standard, staff cannot justify adding another non-conforming lot to that
64 zoning area.

65
66 Commissioner Poschman made a motion to deny the rezoning request, stating that C-W is
67 not more restrictive than MU-R.

68
69 Commissioner Curl seconded the motion stating that spot zoning sets a bad precedent for
70 other properties that face the same situation.

71
72 M/S/F to approve the rezoning request from C-W to MU-R (Poschman/Curl). Ayes:
73 Bronstein, Curl, Poschman, Wrenn. Noes: Tabb, Wozniak. Abstentions: Howerton,
74 Pollack, Wengraf. Absent: None.

75
76 Planning Director Barrett asked the Commission to leave the motion open so that staff
77 could confer with the City Attorney's office on the legal status of this action. She stated
78 staff would return to the next meeting with advice on how to proceed.

79
80 The Commission agreed to leave the motion open and continue the matter to the next
81 meeting.

82
83 **GENERAL PLAN PRINTING PROCEDURES**

84
85 Commissioner Poschman stated his concerns with publication and distribution of the
86 Housing Element without any input from the Planning Commission or City Council.

87
88 Commissioner Poschman cited extensively from the staff memo of June 21, 2002 and
89 July 10, 2002, dealing with the final preparation and publication of the General Plan. He
90 stated his concern about the abandonment of the procedure of reviewing the document
91 line by line by the Planning Commission, which he stated must be done in the final
92 editing.

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93 Commissioner Poschman stated that he was concerned that the revised Housing
94 Appendix was being sold to the public before the changes requested by the State's
95 Housing and Community Development Department had been made and reviewed by that
96 department.

97
98 Commissioner Poschman also reported that on July 3, he met with Planning Director
99 Barrett and staff Tim Stroshane for almost two hours.

100
101 Staff Stroshane stated that City Council had turned the job of publishing the General Plan
102 over to staff and that they are attempting to provide Council and the public with a timely
103 publication. He stated that he is now aware of comments made available to the Planning
104 Department that he is incorporating into the General Plan.

105
106 Planning Director Barrett stated that due to many requests, the first edition of the General
107 Plan issued in March 2002 has been available to the public and that forthcoming changes
108 can always be distributed by way of an update attachment.

109
110 Planning Director Barrett stated that the community deserves to have as much
111 information as accurately as possible but as soon as possible. Some communities, she
112 said, print huge amounts of a first edition and then put out a 15 page errata sheet for
113 years.

114
115 Commissioner Wengraf asked if the Housing Element that has been copied and
116 distributed to the public is the same housing element adopted by City Council.

117
118 Staff Stroshane stated that it is not the same document.

119
120 Commissioner Wengraf asked what language of this element is City Council not aware
121 of.

122
123 Staff Stroshane stated that there are sections that were requested by the state that have not
124 been reviewed by Council.

125
126 Commissioner Wengraf asked if City Council has seen the additions.

127
128 Staff Stroshane stated that City Council has not yet seen these additions but that someone
129 in the City Manager's office reviewed them.

130
131 Commissioner Wengraf stated her concern that a circulated public document has not been
132 approved by City Council and that the copy handed out to the Planning Commission does
133 not make clear what the new language is.

134
135 Commissioner Wrenn suggested that the General Plan Subcommittee review the changes
136 and that this be a priority for the Planning Commission. Regarding the changes, he stated
137 that most of them are fine, however, some of the changes are policy statements that
138 contradict the General Plan.

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139

140 Staff Stroshane stated that these changes were intended as technical and that the policy
141 material is identical and that only the analytical section that HCD had requested has been
142 changed.

143

144 Commissioner Wrenn stated that the policy statements in the revised Housing Appendix
145 were not approved by the council. Thus, they must be removed.

146

147 Commissioner Wengraf asked for an example.

148

149 Commissioner Wrenn cited page 59 from the new [blue cover] Housing Appendix: "The
150 City needs each commercial and residential zone to produce housing in sufficient
151 numbers to accommodate Berkeley's regional fair share housing for low and moderate
152 income households." That, he said, is not what the General Plan says. This policy, he
153 said, was never approved by the Council but is being used by Current Planning staff to
154 support specific projects in residentially zoned areas. Citing p. 66, he added that there
155 was other language suggesting that discretionary zoning and what constitutes detriment
156 needs to be changed.

157

158 Commissioner Bronstein stated that she would like the discussion of this item to be
159 continued after all the Commissioners have had a chance to review the document. She
160 stated that it was inappropriate for this document to be given to the public due to its
161 contradictions to the General Plan.

162

163 Commissioner Wozniak requested that the Commission discuss how to solve the problem
164 and move on.

165

166 Commissioner Wengraf suggested that this discussion be placed on a future agenda, that
167 it be discussed, and that comments be sent to City Council.

168

169 Commissioner Poschman asked if this item would be placed on the next meeting's
170 agenda.

171

172 Commissioner Pollack stated that the public has the right to this document as accurately
173 and timely as possible. He stated that the Planning Commission should not spend
174 excessive amounts of time on this issue.

175

176 Commissioner Wrenn objected to the document not being given to the Planning
177 Commission for review first. He stated that he needs time to review this and suggested
178 that the General Plan Subcommittee reconvene.

179

180 Commissioner Poschman motioned to continue the Planning Commission's role in the
181 preparation of the General Plan for publication and that the Commission report back next
182 meeting and discuss how accurately and how fast this document can be ready for
183 publication, and look at the housing element more closely.

184

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185 Commissioner Wozniak suggested that since the appendix of the housing element is
186 problematic, it be stated that the appendix is superseded by the policies in the General
187 Plan.

188
189 Commissioner Bronstein stated her concern that an incomplete copy of the General Plan
190 is being distributed to the public.

191

192 M/S/C to discuss the issue of the General Plan at the July 24th meeting, as outlined by
193 Commissioner Poschman (Poschman/Curl). Ayes: Bronstein, Curl, Howerton Poschman,
194 Tabb, Wengraf, Wrenn. Noes: None. Abstentions: Wozniak. Absent: None.

195

196 **PRESENTATION: CITY OF BERKELEY DENSITY BONUS PROCEDURES**

197

198 Staff Rhoades presented the presentation staff's report.

199

200 Commissioner Wozniak stated that the definition of density needs more clarification. He
201 asked why the population of the City of Berkeley has decreased.

202

203 Staff Stroshane stated that this is due to many factors; the aging of the population, smaller
204 families and a small increase in the housing stock.

205

206 Commissioner Wozniak asked if the population has decreased, how is it that traffic has
207 increased.

208

209 Staff Stroshane stated even though the population has decreased, employment in the City
210 of Berkeley has increased.

211

212 Commissioner Wrenn stated that he would like basic background information such as
213 how many density bonus units have been granted and in what form have they been given.

214

215 **PUBLIC HEARING: DOWNTON (C-2) COMMERCIAL DISTRICT**
216 **REGULATIONS DRAFT AMENDMENTS**

217

218 M/S/C to open the public hearing (Poschman/Wengraf). Ayes: Bronstein, Curl,
219 Howerton, Pollack, Poschman, Tabb, Wengraf, Wozniak, Wrenn. Noes: None.
220 Abstentions: None. Absent: None.

221

222 Martha Nicoloff stated that although extra floors were to be granted to arts and cultural
223 uses, and to low income housing, she was relieved that the stated downtown height would
224 not be exceeded.

225

226 Clifford Fred stated his concern that the proposed changes to the Floor Area Ratio would
227 generate more congestion in the City of Berkeley. He stated that contrary to the staff
228 report, this proposal is subject to CEQA review.

229

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230 Commissioner Poschman stated that the FAR standards already exist in the zoning
231 ordinance and the proposals regarding this item would not be changing this aspect.

232

233 Mr. Fred asked that the zoning be made consistent with the Downtown Plan.

234

235 M/S/C to close the public hearing (Poschman/Wozniak). Ayes: Bronstein, Curl,
236 Howerton, Pollack, Poschman, Tabb, Wengraf, Wozniak, Wrenn. Noes: None.
237 Abstentions: None. Absent: None.

238

239 Staff Diamond presented the staff report.

240

241 Commissioner Wengraf asked if a variance could be granted to a project that does not
242 meet the minimum height.

243

244 Staff Diamond stated that this would be possible.

245

246 Commissioner Poschman stated that while it is possible that a variance be granted, it is
247 not likely. He went on to discuss his handout given to the Planning Commission and
248 staff regarding this issue.

249

250 Commissioner Wrenn asked if the language for the Arts Bonus definition is clear enough.

251

252 Commissioner Pollack cautioned about the possibility of empty spaces under the current
253 regulations. He asked who defines what is art and what is not since this could have legal
254 implications.

255

256 Planning Director Barrett stated that it is the Arts Commission who defines what art is.

257

258 Commissioner Wengraf stated that many blocks would not be able to accommodate four
259 stories. She suggested that the height be lower, and stated that she has mixed feelings on
260 this issue. She stated that housing development should be encouraged over office use.
261 She also stated that she would like to further discuss this item after she has a chance to
262 review the report.

263

264 Commissioner Poschman requested information regarding the likelihood that developers
265 would choose to build office uses rather than housing if downtown height minimums are
266 lower.

267

268 **MEMORANDUM FROM CITY MANAGER WELDON RUCKER TO**
269 **BERKELEY ADVISORY COMMISSIONS REGARDING TENTH-YEAR**
270 **REVIEW OF BAYER DEVELOPMENT AGREEMENT**

271

272 Commissioner Curl state that there have been issues regarding traffic and parking in the
273 surrounding neighborhood since Bayer's expansion in the 1990s. He suggested that a
274 public forum be offered to nearby residents to voice their concerns so that documentation

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275 could be generated before Council's review of the Bayer Development Agreement
276 occurs.

277

278 **ADJOURNMENT**

279

280 Meeting adjourned at 10:30.