

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
November 12, 2003**

1 **ROLL CALL**

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3 Time: The meeting was called to order at 7:05.

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5 Location: North Berkeley Senior Center.

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7 Commissioners Present: Bronstein, Curl, Pollack, Poschman, Stoloff, Tabb, Wengraf,
8 Wiggins, Wrenn.

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10 Commissioners Absent: None

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12 Staff Present: Homrighausen, Marks.

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14 **ORDER OF THE AGENDA**

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16 Items 12 and 14 were removed from the agenda.

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18 **PUBLIC COMMENT PERIOD**

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20 There were two speakers. Pamela Sihvola spoke on the LBNL Long Range Development
21 Plan (LRDP) EIR Notice of Preparation (NOP), concerning impact on wildlife, parking,
22 traffic, toxic contamination cleanup, and cumulative impacts on City infrastructure.

23 Leuren Moret spoke on behalf of CEAC regarding concerns about nanotechnology, and
24 urged the Commission to comment on the LBNL LRDP EIR NOP.

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26 **CHAIRPERSON'S REPORT**

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28 No report.

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30 **COMMITTEE REPORTS**

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32 No report.

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34 **PLANNING STAFF REPORT**

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36 No report.

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38 **APPROVAL OF MINUTES**

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40 M/S/C to approve the minutes of the Oct. 22, 2003 meeting. (Wengraf/Pollack). Ayes:
41 Curl, Pollack, Poschman, Stoloff, Tabb, Wengraf, Wiggins. Noes: None. Abstentions:
42 Bronstein, Wrenn. Absent: None.

43
44 **FUTURE AGENDAS**

45
46 No additions or deletions.

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47 SOUTHSIDE PLAN AVAILABILITY AND EIR PROCESS

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49 Staff Homrighausen explained that the current draft, including amendments adopted by
50 the Commission in July 2003, is available. The Commission discussed the plan process
51 and additional funding that will be needed to prepare an EIR.

52

53 M/S/C to direct staff to begin EIR consultant selection, and pursue cost-saving
54 opportunities by coordinating data and analysis with UC Berkeley's LRDP EIR and AC
55 Transit's BRT EIR. (Poschman/Wiggins). Ayes: Bernstein, Curl, Pollack, Poschman,
56 Stoloff, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: None. Absent: None.

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59 **PUBLIC HEARING ON TRACT 7483, A FIVE-UNIT CONDOMINIUM**
60 **PROJECT AT 2709 TENTH STREET**

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62 M/S/C to open the public hearing. (Stoloff/Poschman). Ayes: Bronstein, Curl, Pollack,
63 Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstentions: None.
64 Absent: None.

65

66 There were no speakers on the matter.

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68 M/S/C to close the public hearing. (Poschman/Wengraf). Ayes: Bronstein, Curl, Pollack,
69 Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstentions: None.
70 Absent: None.

71

72 Commissioner Poschman commented that a subdivision map should not be subject to
73 Planning Commission approval, but should be subject to approval by the ZAB, which is
74 involved in the other project entitlements. Commissioner Poschman also commented that
75 the City inclusionary housing zoning requirements come into play for five or more
76 residential units, or for five or more live-work units, but not for a project with less than
77 five residential units plus less than five live-work units. It would be possible to have a
78 project of eight units, four residential and four live-work, and not have to meet
79 inclusionary housing requirements. Commissioner Poschman indicated this is a loophole
80 in the code that should be corrected.

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83 M/S/C to approve Tract 7483. (Poschman/Wiggins). Ayes: Bronstein, Curl, Pollack,
84 Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstentions: None.
85 Absent: None.

86

87 M/S/C to ask staff to 1) report back on why subdivisions are subject to Planning
88 Commission action, and what steps would be needed to transfer this responsibility to the
89 Zoning Adjustments Board; and 2) add the inclusionary housing ordinance "loophole" to
90 the list of Zoning Ordinance Amendments staff is working on. (Poschman/Wengraf).
91 Ayes: Bronstein, Curl, Pollack, Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn.
92 Noes: None. Abstentions: None. Absent: None.

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**PROPOSED AMENDMENTS OF INCLUSIONARY HOUSING ORDINANCE
CONDOMINIUM SALE PRICE REQUIREMENTS**

Planning Commission Pollack recused himself from the discussion, indicating his work for Avi Nevo, a residential developer in Berkeley, may be a conflict of interest. (At this point, Mr. Pollack left the meeting as required). Housing Director Steve Barton explained the proposed changes, and noted that the HAC has voted unanimously to recommend the proposed changes. Mr. Barton responded to several detailed questions.

M/S/C to set the proposed amendments of the inclusionary housing ordinance condominium sale price requirements for public hearing Dec. 10, 2003. (Wengraf/Wiggins). Ayes: Bronstein, Curl, Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstentions: None. Recused: Pollack. Absent: None.

**RECOMMENDATIONS FOR BERKELEY UNIFIED SCHOOL DISTRICT ON
NOTICING AND HEARING PROCEDURES**

Commissioner Poschman explained his proposal that the Commission recommend to City Council that the City request BUSD to follow City noticing practices when it is considering land use decisions.

M/S/C to approve the proposal and send to Council. (Poschman/Curl). Ayes: Bronstein, Curl, Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstentions: None. Absent: Pollack.
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ADJOURNMENT

Meeting was adjourned at 8:05.