

**APPROVED MINUTES OF SPECIAL PLANNING COMMISSION MEETING
November 29, 2004**

ROLL CALL

Time: The meeting was called to order at 7:05 by Chair Pollack.

Location: North Berkeley Senior Center.

Commissioners Present: Burke, Fireman, Pollack, Perry, Shumer, Stoloff, Tabb, Wengraf, Wiggins.

Commissioners Absent: None.

Staff Present: Dando, Gatzke, Homrighausen.

ORDER OF THE AGENDA

No change; as a convenience, persons who wished to speak on Item 11, Draft Southside Plan EIR Scoping, were allowed to make their comment during the Public Comment period.

PUBLIC COMMENT PERIOD

There were three speakers. 1) Steve Wollmer spoke concerning “residential only” provisions for the University Ave. Specific Plan and density bonus for condominiums versus rental units. 2) Doris Willingham spoke on the scope of the Draft Southside Plan EIR Scope, saying that the current draft Southside Plan proposes undesirable increases in development density, traffic, and parking. The Southside should not be considered a receptacle for increased development. If more housing is planned, it should be for staff and faculty as well as students. UC’s current parking permit system makes it much too easy for students to have cars. UC must take more responsibility to control parking. Ms. Willingham also supported changing the one-way couplets back to two-way streets. 3) Martha Jones commented on the history of streets in the Southside changed from two-way to one-way. She also commented that in the traffic study done in 1997, it was determined that 60% of the cars that drive through the Southside are just driving through. The consultants said if the streets would be returned to two-way, the traffic in the Southside would go down 40%, which would be an improvement over current conditions. She recommended looking to San Jose’s conversion of one-way streets to two-way be used as a guide.

PLANNING STAFF REPORT

Principal Planner Gatzke explained the status of Item 14, the Condominium Tentative Map for 1809 Shattuck.

CHAIRPERSON’S REPORT

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46 The chair noted that the City Council is establishing a Creeks Ordinance task force. The
47 Planning Commission will have one appointee on the task force. The Chair will bring a
48 recommendation to the Planning Commission during December and ask the Commission
49 to approve the Planning Commission appointment to the task force.

50

51 **COMMITTEE REPORTS**

52

53 None.

54

55 **APPROVAL OF MINUTES**

56

57 M/S/C to approve the minutes of September 8, 2004 (Shumer/Wiggins) Ayes: Pollack,
58 Shumer, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: Burke, Fireman, Perry,
59 Stoloff. Absent: None.

60

61 M/S/C to approve the minutes of October 27, 2004 (Stoloff/Perry) Ayes: Burke, Fireman,
62 Perry, Pollack, Stoloff, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: Shumer.
63 Absent: None.

64

65 M/S/C to approve the minutes of November 10, 2004 (Stoloff/Burke) Ayes: Burke,
66 Fireman, Pollack, Stoloff, Wengraf. Noes: None. Abstentions: Perry, Shumer, Tabb,
67 Wiggins. Absent: None.

68

69 **UPCOMING AGENDA ITEMS**

70

71 Staff was asked to provide a list of items coming up at the next two meetings, in addition
72 to the table form.

73

74 Staff was asked to invite Kevin Hufferd, the UC planner working on the downtown
75 hotel/conference center, to give a status report on the project to the Planning
76 Commission.

77

78 Commissioner Perry informed the Commission that he was going to resign from the
79 Commission, and expressed appreciation to the public, staff, and fellow Planning
80 Commissioners.

81

82 **Set for Hearing: Mayor's Task Force on Permitting and Development**
83 **Recommendations C1.1 and C1.2 for Commercial Parking Requirements.**

84

85 Erin Dando introduced the matter and summarized the staff recommendation. The
86 Planning Commission discussed the staff report recommendations for the implementation
87 of the Mayor's Task Force Recommendations C1.1 and C1.2. The Commissioners
88 determined the following:

89 Recommendation #1 - directed staff to draft ordinance changes to include all non-
90 residential districts;

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91 Recommendation #2 - directed staff to incorporate the zoning ordinance changes in
92 Chapter 23E.28 of the Zoning Ordinance;
93 Recommendation #3 - directed staff to provide both levels of discretionary review in the
94 amendments;
95 Recommendation #4 - directed staff to use the "findings" in the staff report for the draft
96 recommendations and to incorporate the concept of having other findings and/or
97 requirements in order to reduce required parking;
98 Recommendation #5 - directed staff to incorporate the definition change for "Non-
99 Conforming Use and Building" into the recommendations while adding language which
100 would clarifying that if parking is the "only inconsistency" for a use, then it would not be
101 considered non-conforming;
102 Recommendation #6 - directed staff to clarify and reorganize the parking sections as
103 appropriate;
104 Recommendation #7 - directed staff to incorporate the review of the modification or
105 elimination of the 20 foot setback for parking, clarifying that the change is for existing
106 buildings; directed staff to pull out the substantive changes to the C-T parking
107 requirements raised in the review of ZA 10-04 until a later date; and
108 Recommendation #8 - set a public hearing for January 12th for the parking requirement
109 amendments and any related CEQA documentation review.
110

111 M/S/C to approve the staff recommendation as modified by the Commissioner's 112 discussion, and to set the matter for hearing January 12, 2005. (Perry/Wengraf) Ayes: 113 Burke, Fireman, Perry, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wiggins. Noes: None. 114 Abstentions: None. Absent: None.
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115
116 **Discussion of Impact on Planning Commission of City Council's Action on Creeks**
117 **Ordinance Process.**

118
119 Staff was asked to keep this item on the agenda of upcoming meetings.
120

121 **Draft Southside Plan Environmental Impact Report (EIR) Scoping Comment**

122
123 Jelani Dotson spoke on behalf of the Telegraph Avenue Association. He indicated they
124 are concerned that the quality of analysis should not be compromised by the large amount
125 of work to be covered in the scope. He also encouraged cooperation with AC Transit.
126

127 Jesse Arreguin, Director of City Affairs for the Associated Students of UC (ASUC) said
128 that ASUC is very pleased that the plan is going forward. He asked that the EIR analyze
129 traffic impacts, address the R-3 zoning district comments made at the Nov. 15 scoping
130 meeting, and that the EIR not preclude consideration of "The People's Plan". Soft Story
131 building mitigation is an important issue, because many students live in soft-story
132 buildings. In response to a question from the Commission, Mr. Arreguin indicated ASUC
133 will not have a firm position on the AC Transit BRT project until the BRT EIR and
134 Southside EIR are out.
135

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136 Steve Wollmer spoke concerning State law that requires if a project includes more than
137 500 new dwelling units, it will be necessary to obtain a certificate of water service
138 availability from East Bay Municipal Utility District.

139

140 Doris Willingham said that the additional people in the new housing units will make
141 additional demands on Berkeley's ailing, frail infrastructure. Impacts on all
142 infrastructure, including electricity, water, and sanitation, have to be analyzed.

143

144 Roland Peterson, Executive Director of the Telegraph Ave. Business Improvement
145 District, said the B.I.D. objects to possible conversion of Bancroft and Durant to two-way
146 streets. He raised questions about earlier traffic study methodology, and urged that the
147 analysis in the EIR be based on sound methods. He also asked that the EIR consider the
148 potential loss of trees associated with the AC Transit Bus Rapid transit project.

149

150 **Public Hearing: Proposed Amendments to the Zoning Ordinance, BMC**
151 **23D.XX.030, 23E.04.020, 23E.48.040, 23E.48.070, 23F.040.010, and Appendix A,**
152 **concerning the special requirements for hot tubs, accessory building standards, a**
153 **food service permitting requirement, a mixed-use building setback, the demolition**
154 **of enclosed structures and a code reference (ZA 9-04).**

155 Staff Gatzke summarized the staff report and recommendation.

156

157 M/S/C to open the public hearing. (Stoloff/Tabb) Ayes: Burke, Fireman, Perry, Pollack,
158 Shumer, Stoloff, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: None. Absent:
159 None.

160

161 There were no speakers.

162

163 M/S/C to close the public hearing. (Wengraf/Stoloff) Ayes: Burke, Fireman, Perry,
164 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: None.
165 Absent: None.

166

167 M/S/C to adopt the staff recommendation in the staff report dated Nov. 29, 2004.
168 (Perry/Stoloff) Ayes: Burke, Fireman, Perry, Pollack, Shumer, Stoloff, Tabb, Wengraf,
169 Wiggins. Noes: None. Abstentions: None. Absent: None.

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174 **Public Hearing: Proposed Amendments to the Zoning Ordinance, BMC 23D.08.010,**
175 **23E.28.030, 23E.52.030, 23E.56.030, and 23E.80.080 correcting code references,**
176 **parking and special requirements for live/work projects, and clarifying**
177 **considerations for shared parking (ZA 10-04).**

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178 Staff Gatzke summarized the staff report, and clarified that staff recommends no action at
179 this time on the C-T Telegraph Commercial District (staff report pages 6 through 13).
180 Staff also discussed the supplemental staff report noted as “Revised Item 13”.
181 Additional clarification of the staff recommendation was provided.

182

183 M/S/C to open the public hearing. (Wengraf/Shumer) Ayes: Burke, Fireman, Perry,
184 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: None.
185 Absent: None.

186

187 There was one speaker. Steve Wollmer said parking requirements for live-work should
188 be clarified.

189

190 M/S/C to close the public hearing on all the proposed ordinance amendments except
191 23E.28.030.C and 23E.56.080. (Burke/Wiggins) Ayes: Burke, Fireman, Perry, Pollack,
192 Shumer, Stoloff, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: None. Absent:
193 None.

194

195 The Commission discussed live-work parking requirements.

196

197 M/S/C to adopt the staff recommendation in the staff report dated Nov. 29, 2004 for the
198 code amendments on which the public hearing was closed. (Stoloff /Perry) Ayes: Burke,
199 Fireman, Perry, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wiggins. Noes: None.
200 Abstentions: None. Absent: None.

201

202 M/S/C to continue the public hearing on the proposed changes to BMC sections
203 23E.28.030.C and 23E.56.080 to a future meeting (no date was specified).
204 (Perry/Wiggins) Ayes: Burke, Fireman, Perry, Pollack, Shumer, Stoloff, Tabb, Wengraf,
205 Wiggins. Noes: None. Abstentions: None. Absent: None.

206

207

208

209 **Public Hearing: Condominium map for 1809 Shattuck Avenue, Berkeley -**
210 **Proposed thirty-two (32) unit condominium project comprised of twenty-nine (29)**
211 **dwelling units and three (3) commercial units to allow condominium ownership –**
212 **Tentative Tract Map 7527**

213

214 Chair Pollack recused himself due to a potential conflict of interest and left the room.
215 Vice-chair Stoloff acted as Chair for this item.

216

217 Staff clarified that the applicant has requested a continuance for this item.

218

219

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220 M/S/C to open the public hearing. (Wengraf/Wiggins) Ayes: Burke, Fireman, Perry,
221 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: None.
222 Absent: None.

223

224 There were no speakers.

225

226 M/S/C to continue the hearing open to a future meeting (no date specified).
227 (Wengraf/Wiggins) Ayes: Burke, Fireman, Perry, Pollack, Shumer, Stoloff, Tabb,
228 Wengraf, Wiggins. Noes: None. Abstentions: None. Absent: None.

229

230 The meeting was adjourned at 9:55 p.m.