

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
January 12, 2005**

ROLL CALL

Time: The meeting was called to order at 7:00 by Chair Pollack.

Location: North Berkeley Senior Center.

Commissioners Present: Burke, Fireman (Arrived 7:35), Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf.

Commissioners Absent: Wiggins.

Staff Present: Cowan, Dando, Ford, Gatzke, Homrighausen, Rhoades.

ORDER OF THE AGENDA

Item 16 was moved to follow item 11.

PUBLIC COMMENT PERIOD

There were no speakers.

PLANNING STAFF REPORT

Land Use Planning Manager Mark Rhoades reported on the Council actions on the appeal the ZAB decision on the Seagate project, 2041-2067 Center St. (carried over to January 18), and the appeal of the ZAB decision on 2489 Martin Luther King Jr. Blvd. (ZAB decision upheld). In addition, the Commission was updated on the UC Long Range Development Plan Final EIR (the City Manager's Jan. 11, 2005 report to Council was distributed to the Commission).

CHAIRPERSON'S REPORT

None.

COMMITTEE REPORTS

None.

APPROVAL OF MINUTES

M/S/C to approve the minutes of December 8, 2004 as corrected. (Tabb/Stoloff) Ayes: Burke, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf. Noes: None. Abstentions: None. Absent: Fireman, Wiggins.

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45 M/S/C to approve the minutes of December 15, 2004 (Stoloff/Shumer) Ayes: Burke,
46 Holland, Pollack, Shumer, Stoloff, Tabb. Noes: None. Abstentions: Wengraf. None.
47 Absent: Fireman, Wiggins.

48
49 **UPCOMING AGENDA ITEMS**

50
51 Staff was asked to include in all upcoming agendas standing items under the Commission
52 Subcommittees item for the Creeks Task Force and the Southside EIR subcommittee.

53
54 **Creek Preservation Ordinance**

55 Chair Pollack proposed Helen Burke to serve as the Planning Commission member of the
56 Creeks Task Force.

57
58 M/S/C to confirm the Chair's Creeks Task Force member nomination. (Wengraf/Shumer)
59 Ayes: Burke, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf. Noes: None.
60 Abstentions: None. Absent: Fireman, Wiggins.

61
62 **Southside Plan EIR Status and Consideration of Establishing a Planning**
63 **Commission Subcommittee for Liaison with Staff and EIR Consultants**

64 Chair Pollack proposed Commissioners Fireman, Pollack and Stoloff to serve as the
65 Planning Commission subcommittee on the Southside Plan EIR.

66
67 M/S/C to appoint the subcommittee of Fireman, Pollack, and Stoloff. (Tabb/Stoloff)
68 Ayes: Holland, Pollack, Stoloff, Tabb, Wengraf. Noes: None. Abstentions: Shumer.
69 Absent: Fireman, Wiggins.

70
71 **Landmarks Preservation Ordinance and Zoning Ordinance Amendments**

72
73 The Planning Commission discussed topics listed in the memorandum from Chair
74 Pollack dated January 6, 2005.

75
76 M/S/C to give direction to staff, concerning item A-1 in the January 6 memo: Staff is
77 asked to prepare for consideration alternative ordinance language to include integrity as a
78 requirement for designation of landmarks in all cases. (Wengraf/Fireman) Ayes: Burke,
79 Fireman, Pollack, Shumer, Stoloff, Tabb, Wengraf. Noes: Holland. Abstentions: None.
80 Absent: Wiggins.

81
82 M/S/C to give direction to staff, concerning item A-2-a in the January 6 memo: Consider
83 not extending the authority beyond the existing authority, but also finding a method that
84 more information can be supplied at the point of application. (Stoloff/Tabb) Ayes: Burke,
85 Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf. Noes: None. Abstentions:
86 None. Absent: Wiggins.

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87
88 Concerning A-2-b, there was consensus to bring forward the LPC-proposed reduced
89 number of signatures for landmark nomination (no need for staff to develop alternatives).
90

91 The Commission discussed item A-3, but held off on providing direction to staff.
92

93 M/S/C to give direction to staff, concerning item A-4 in the memo: Staff is asked to
94 develop alternatives to remedy the permit streamlining problems that might arise because
95 of the current interaction between landmarks and land use review processes, structured so
96 that the determination of historic status goes on an LPC agenda as soon as possible after
97 an application is received. An alternative was requested to illustrate possible submittal to
98 LPC for historic determination outside the context of a Use Permit application. In
99 addition, the Commission asked for assurance of early notification. (Stoloff/Burke)
100 Ayes: Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf. Noes: None.
101 Abstentions: None. Absent: Wiggins.

102
103 M/S/C to give direction to staff, concerning demolition: Staff is asked to bring forward
104 the LPC-proposed zoning ordinance language regarding demolitions, and not develop
105 alternatives to this language. (Burke/Holland) Ayes: Burke, Fireman, Holland, Shumer,
106 Stoloff, Wengraf. Noes: Pollack, Tabb. Abstentions: None. Absent: Wiggins.

107
108 Concerning Item 5, the Commission asked staff to provide the State Historic Inventory
109 information that Carrie Olsen had indicated she would provide to City staff.

110
111 **Set for Hearing: Zoning Ordinance Amendments for Home Occupation Permitting**
112 **Thresholds**

113
114 Principal Planner Gatzke summarized the staff report.

115
116 M/S/C to set the matter for hearing January 26, 2005. (Wengraf/Tabb) Ayes: Burke,
117 Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf. Noes: None. Abstentions:
118 None. Absent: Wiggins.

119
120 The Commission asked staff to be prepared to address issues such as expansion of
121 occupations considered and concentration of uses.

122
123 **Public Hearing: Proposed General Plan Amendment and Rezoning to allow for the**
124 **West Berkeley Bowl Project, a full-service grocery marketplace including**
125 **construction of two buildings totaling 91,060sq. ft., at 920 Heinz Avenue**

126 Staff explained that the project applicant had requested a continuance, and that the
127 Commission would need to open the hearing as it had been noticed for January 12.

128

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129 M/S/C to open the public hearing. (Stoloff/Wengraf) Ayes: Burke, Fireman, Holland,
130 Pollack, Shumer, Stoloff, Tabb, Wengraf. Noes: None. Abstentions: None. Absent:
131 Wiggins.

132
133 There was one speaker. John Curl said he wanted to participate in the workshop/hearing.
134 The Commission discussed the project. It appeared from discussion on Dec. 15 that the
135 size of the store had been increased. Staff was asked to provide information on why that
136 was done. Staff was asked to provide information on how the West Berkeley Bowl will
137 be different from the original Berkeley Bowl. Information on circulation, including
138 impact level and reason for not having entry to the parking lot at Heinz and Ninth, was
139 requested. Answers were requested in written form.

140 John Curl said he wished for the community to have a full opportunity to engage in the
141 process.

142
143 M/S/C to continue the matter with the hearing open to January 26, 2005.
144 (Wengraf/Shumer) Ayes: Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb,
145 Wengraf. Noes: None. Abstentions: None. Absent: Wiggins.

146
147 Staff clarified that although the formal minimum public comment period on the Initial
148 Study is over, the Commission will be able to take into account any additional
149 information received during the review process in making its CEQA determination for
150 the proposal.

151 The Chair recognized Steve Wollmer. Mr. Wollmer commented that information is
152 needed about parking and traffic solutions for the employees at the West Berkeley Bowl
153 site.

154 **Public Hearing: Proposed Zoning Amendments to implement the Mayor's Task**
155 **Force on Permitting and Development Recommendations C1.1 and C1.2 for non-**
156 **residential parking requirements**

157 Associate Planner Dando summarized the proposed changes. She noted topics in the staff
158 report where staff has requested direction from the Commission.

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

163
164 Ellen Lasher stated she likes the flexibility so older buildings can adapt, but thinks it
165 should not apply to newer buildings. She suggests a cutoff date, such as making the
166 changes applicable to buildings built prior to 1980.

167
168 Steve Wollmer agreed with Ellen Lasher, suggested the code should exclude projects that
169 were approved with reduced parking, suggested parking surveys should look at a larger

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170 area, had questions about the retail products exemption, and raised issues about the
171 vagueness of some of the proposed findings.

172 Curtis Chan spoke in favor of the changes, giving his proposed gelato store on Shattuck
173 as an example.

174 Thuy Nguyen provided comments concerning the special parking requirements of mixed-
175 use buildings on Sacramento Street that would be an obstacle to businesses trying to
176 locate there.

177 Andrew Baretvas urged the Commission to adopt the parking ordinance changes without
178 delay, giving his experience as the owner of Spud's Pizza as an example of obstacles
179 presented by the current ordinance standards.

180

181 M/S/C to continue the public hearing open to February 9, 2005 (Burke/Shumer) Ayes:
182 Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf. Noes: None.
183 Abstentions: None. Absent: Wiggins.

184

185 The Commission discussed the proposed changes. The Commission discussed
186 differences in the parking demand between commercial and manufacturing uses. Staff
187 was asked to provide scenarios to illustrate what effect the proposed parking ordinance
188 amendments would have in manufacturing zones. Staff was asked to proceed with the
189 levels of discretionary review for parking reductions as recommended by the Mayor's
190 Task Force and to proceed with the reorganization of the sections. Concerning findings
191 for parking reductions, the Commission discussed the need for specific findings versus
192 findings that are broad enough to give future decisionmakers latitude to deal with
193 individual cases. Staff was asked to consult with the City Attorney concerning the
194 definition of nonconforming use. Concerning the Initial Study, staff clarified that
195 although the formal review period is closed, the Commission should consider any
196 comments received up to the point a decision is made on the CEQA determination.

197

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

202

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

205

206 Land use Planning Manager Rhoades summarized the staff report, and referred the
207 Commission to the section in the staff report explaining affordability requirements.

208

209 M/S/C to open the public hearing. (Holland/Wengraf) Ayes: Burke, Fireman, Holland,
210 Shumer, Stoloff, Tabb, Wengraf. Noes: None. Abstentions: None. Absent: Pollack
211 (recused), Wiggins.

212

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213 There were no speakers.
214

215 M/S/C to close the hearing. (Wengraf/Fireman) Ayes: Burke, Fireman, Holland, Shumer,
216 Stoloff, Tabb, Wengraf,. Noes: None. Abstentions: None. Absent: Pollack (recused),
217 Wiggins.

218
219 M/S/C to approve the subdivision with the findings and conditions stated in the staff
220 report dated January 12, 2005 (Tabb/Wengraf). Ayes: Burke, Fireman, Holland, Shumer,
221 Stoloff, Tabb, Wengraf,. Noes: None. Abstentions: None. Absent: Pollack (recused),
222 Wiggins.

223
224 Public Hearing: Condominium map for 2131 Durant Street, Berkeley - Proposed
225 seventy-seven-unit condominium project comprised of three (3) commercial units and
226 seventy-four (74) residential units to allow condominium ownership – Tentative Tract
227 Map 7538

228
229 M/S/C to open the public hearing. (Wengraf/Shumer) Ayes: Burke, Fireman, Holland,
230 Shumer, Stoloff, Tabb, Wengraf. Noes: None. Abstentions: None. Absent: Pollack
231 (recused), Wiggins.

232
233 There were no speakers.
234

235 M/S/C to close the hearing. (Fireman/Burke) Ayes: Burke, Fireman, Holland, Shumer,
236 Stoloff, Tabb, Wengraf. Noes: None. Abstentions: None. Absent: Pollack (recused),
237 Wiggins.

238
239 The Commission discussed the application. Staff responded to a question regarding
240 parking spaces approved with the Use Permit approval.
241

242 M/S/C to approve the subdivision with the findings and conditions stated in the staff
243 report dated January 12, 2005 (Tabb/Wengraf). Ayes: Burke, Fireman, Holland, Shumer,
244 Stoloff, Tabb, Wengraf. Noes: None. Abstentions: None. Absent: Pollack (recused),
245 Wiggins.

246
247 The meeting was adjourned at 10:20 p.m.
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