

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
February 9, 2005**

ROLL CALL

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

Location: North Berkeley Senior Center.

Commissioners Present: Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn.

Staff Present: Dando, Gatzke, Homrighausen, Le, and Marks.

ORDER OF THE AGENDA

Item #9 would be taken up at 8:00 p.m. Items 10-13 would be moved to follow item 6 and the Commission would work through as much as possible on these items until 8:00 p.m. The Chair mentioned that he would bring up the idea of having a Landmarks Preservation Ordinance subcommittee (Item #14) as part of the Chair Person's report and if approved, there would not be further discussion of item #14.

PUBLIC COMMENT PERIOD

Steve Wollmer spoke regarding the Planning Commission future discussion of the Inclusionary Housing Ordinance. He suggested that the Commission get a video of the Council discussion on the referral and reminded the Commission that the Council expects the Commission to take action. He also stated that in March the residential only project on University will be coming up and give the Commission an opportunity to creatively look at the uses as well as the building envelopes.

PLANNING STAFF REPORT

Principal Planner Gatzke stated that the Planning Department would be coming forward to the Planning Commission soon.

CHAIRPERSON'S REPORT

Election of Officers

M/S/C nominating Harry Pollack as the Chair of the Planning Commission.
(Burke/Wengraf)

M/S/C nominating Helen Burke to serve as Vice-Chair. (Stoloff/Shumer)

Ayes: Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None. Absent: None.

Landmarks Preservation Ordinance Sub-committee

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46 Chair Pollack nominated the following Commissioners to serve on the Landmarks
47 Preservation Ordinance to finalize the work necessary in reviewing the Landmarks
48 Preservation Ordinance sub-committee: Pollack, Burke, Shumer, and Wengraf.

49

50 M/S/C to establish a Landmarks Preservation Subcommittee with Pollack, Burke, Shumer
51 and Wengraf to serve on the subcommittee. (Burke/Fireman) Ayes: Burke, Fireman,
52 Holland, Pollack, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: Shumer.
53 Absent: None.

54

55 **COMMITTEE REPORTS**

56

57 **Creeks Task Force**

58 Commissioner Burke, who serves as Chair of the Creeks Task Force, stated that the Task
59 Force has a short time frame to develop a work plan and budget. The work plan and
60 budget will come to the Planning Commission on April 13th and the Task Force would
61 likely hold a Public Hearing on March 21st.

62

63 **Southside Plan EIR Status**

64

65 M/S/C to appoint Rob Wrenn to the Southside EIR Subcommittee and for him to serve as
66 Chair. (Fireman/Wengraf) Ayes: Burke, Fireman, Holland, Pollack, Shumer, Tabb,
67 Wengraf, Wrenn. Noes: None. Abstentions: Stoloff. Absent: None.

68

69 **APPROVAL OF MINUTES**

70

71 Correction was made to correct David Snipper's name to David Snippen.

72

73 M/S/C to approve the minutes for January 26th as corrected. (Tabb/Shumer) Ayes:
74 Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None.
75 Abstentions: None. Absent: None.

76

77 **UPCOMING AGENDA ITEMS**

78

79 **Item #8**

80 The Commission discussed with staff the future agenda item for the Density Bonus,
81 which is scheduled for the March 23rd meeting.

82

83 **ACTION ITEMS**

84

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

88

89 Chair Pollack clarified that the hearing remained open from the February 9th meeting.
90 Planner Dando noted the addendum to the staff report with further clarifications.

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91

92 Speaker #1: Steve Wollmer stated that there should be a clause, which prohibits new
93 building from later returning to reduce parking standards with the drafted provisions. He
94 also has some problems with the required findings

95

96 Speaker #2: Mani Niall is investigating starting a teahouse to serve light food and he
97 would like to locate in an area that isn't already saturated. He supports the zoning
98 revisions that will assist in business creation.

99

100 M/S/C to close the public hearing (Wengraf/Stoloff) Ayes: Burke, Fireman, Holland, 101 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None. 102 Absent: None.

103

104 Planner Dando further explained several issues still needing further clarification and
105 direction from the Planning Commission. The Planning Commission agreed to the added
106 language and formatting changes to the proposed Section 23E.28.130, including the
107 details that permit uses with higher numerical standards to change without triggering
108 additional parking requirements where there is no increase in parking demand, as drafted
109 in the Staff Report Addendum. The Planning Commission determined that the proposed
110 changes should apply to all non-residential districts, including Commercial,
111 Manufacturing and Mixed Use Districts, as drafted by staff. The Planning Commission
112 directed staff to revise its early recommendation for parking modifications for building
113 expansions. The Commission determined that to modify any parking requirement
114 required for new floor area for an existing building, that an Administrative Use Permit
115 (AUP) must be secured. If the building expansion requires a Use Permit and approval
116 by the Zoning Adjustments Board, the Board would make the determination for any
117 parking requirement modification.

118

119 The Chair recommended that this items would return to the Planning Commission at the
120 next meeting.

121

122 Commissioner Burke expressed concerns about the numerical limitations and the
123 findings.

124

125 **Public Hearing: Proposed Zoning Amendments to BMC 23D.04.060, 23E.48.030,**
126 **23E.52.070.B.1, 23E.96.090.B, and 23E.48.040 correcting grammar, code references**
127 **and titles (ZA 11 through 15-04). (Item 11)**

128 **Public Hearing: Proposed Zoning Amendments to BMC 23D.16.080.B,**
129 **23D.32.070.F, 23E.24.020.B.2, and 23E.40.030 correcting grammar, syntax, and a**
130 **code reference (ZA 16 through 19-04). (Item 12)**

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131 **Public Hearing: Proposed Zoning Amendments to BMC 23E.32.010, 23E.52.070.E,**
132 **23F.04, and Appendix A correcting grammar, syntax, terminology, and a code**
133 **reference (ZA 20 through 23-04). (Item 13)**

134

135 M/S/C to open a public hearing on the proposed zoning amendments listed as items 11,
136 12 and 13. (Wengraff/Stoloff) Ayes: Burke, Fireman, Holland, Pollack, Shumer, Stoloff,
137 Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None. Absent: None.

138

139 **PUBLIC HEARING/WORKSHOP**

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

143

144 Commissioner Burke made a motion to extend the formal comment period on the
145 environmental documentation to be sure the public comment be co-terminus with the
146 current hearing. Commissioner Burke withdrew her motion with the understanding it
147 would be taken up at the end of the discussion.

148

149 The Workshop/Public Hearing first focused on transportation issues.

150

151 Speaker #1: Chris Barlow, owner of 2929 7th Street supports the project but concerned
152 about looking at a long view. He recommended extending 9th Street through to Ashby to
153 improve traffic for the area.

154

155 Assistant City Manager for Transportation Peter Hillier stated that the City is seeking
156 right of way for bicycle and pedestrian paths to implement the bike plan, but funding is
157 not in place for a roadway.

158

159 Speaker #2: Margaret Elliot stated that the community previously had a commitment
160 from the City Manager that 9th Street would not go through.

161

162 Speaker #3: Bryce Nesbitt stated that there would be an advantage to extend 9th Street as
163 a bicycle boulevard.

164

165 Speaker #4: David Snipper stated that the community has been begging for a new market
166 for years and it would better all of South Berkeley.

167

168 Speaker #5: Gary Robinson stated that the Berkeley Bowl proposal is sound, but he is
169 concerned about public safety and he does not think the transportation study is complete.

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170

171 When asked about where a traffic signal should be located, Mr. Barlow stated that there
172 is a great opportunity to make an entry to the West Berkeley Area.

173

174 Speaker #6: Stuart Flashman stated that there is a shortcoming of the cumulative impact
175 of the traffic analysis, since it is uncertain as to which Emeryville projects were taken
176 into account and the future development of Mr. Barlow's property is not account for.

177

178 Speaker #7: Darrell de Tienne stated that the layout of Berkeley Bowl should be flexible
179 enough to accommodate future extensions of 9th Street.

180

181 Speaker #8: Eugenie Thomson, traffic engineer, made several comments about the traffic
182 study and that it was not adequate to account for congestion. When asked, she stated that
183 you do not want to close Heinz access because you will steal the green time from San
184 Pablo Avenue.

185

186 Speaker #9: Chris Swett supports a grocery store. She stated that there are existing
187 congestion problems with the school's carpool system. She requested that City to require
188 Berkeley Bowl to provide enough parking for customers and employees on site.

189

190 Speaker #10: Bernard Marszalek stated that existing loading docks on 7th Street between
191 Heinz and Grayson block the street. He stated that this truck traffic was not taken into
192 account in the traffic report.

193

194 Speaker #11: Mary Lou Van Deventer stated that there are existing traffic problems at the
195 intersection of 7th Street and Ashby Avenue.

196

197 Speaker #12: Susan Libby supports lower intensity on the site.

198

199 Speaker #13: Jenny Strauss lives and works in the neighborhood. She stated that they
200 need a grocery store in the neighborhood; currently everyone has to drive which adds to
201 congestion.

202

203 Speaker #14: Dave Campbell, President of Bicycle Friendly Berkeley Coalition, asked
204 for mitigations for the project. (1) To provide commuter checks and transit passes to
205 employees and (2) to provide discounts to people who arrive by bicycle transit or live in
206 the neighborhood.

207

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208 Speaker #15: Antoine Portales of Ecole Bilingue stated that the traffic congestion is
209 already severe and that the Berkeley Bowl would increase a dangerous situation.

210

211 Speaker #16: Jan McCloud stated she would be opposed to extending 9th Street to Ashby
212 Ave. due to traffic, safety and pollution.

213

214 Speaker #17: Claudia Kawczynska lives near the site and traffic is terrible. The parents
215 at the school park illegally and that the school is always talking about leaving.

216

217 The Commission asked Asst. City Manager Hillier to comment on ways to improve the
218 schools pick up. Hillier stated that he is currently working with the school to talk about
219 improvements.

220

221 Speaker #18: Kava Massih stated that deliveries would be made on 9th Street South of the
222 site.

223

224 Speaker #19: Zelda Bronstein stated her concerns with staff's response for Ecole.

225

226 Speaker #20: Abby asked that people work together instead of against each other.

227

228 Speaker #21: Heather Louck of the Ecole Bilingue parent association stated that the
229 safety of the students is the primary importance.

230

231 Speaker #22: Stuart Flashman stated that the traffic study is not realistic there should be
232 some form of peer review.

233

234 Mr. Snipper stated that the neighborhood needs a grocery store and improved traffic.

235

236 Speaker #23: John Curl stated that the specifics of the issues should be addressed by the
237 ZAB, not the Planning Commission.

238

239 Ms. Thomson stated that she believed the schools problems could be resolved in
240 coordination with Berkeley Bowl project.

241

242 There was some discussion about holding a stakeholder meeting, where the applicant
243 explained that this was being done on a limited basis. The public raised concern as to
244 whether or not some stakeholders were excluded. Commissioner Shumer stated that she

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245 was interested in hearing from the neighboring residents, who seemed to be low in
246 attendance at the meeting.
247

248 The Chair directed the new comments to the fiscal implications and land use issues.
249

250 Ms. Van Deventer provided a map and stated that the industrial land should be
251 considered for an employment base.
252

253 Mr. Snipper stated that there is not a demand for industrial uses in West Berkeley.
254

255 Gary Robinson questioned whether or not Berkeley Bowl could obtain a Variance.
256

257 Director Marks explained the Variance findings and clarified questions raised by the
258 Commission regarding spot zoning.
259

260 Mr. Curl further discussed a memo to the Commission and the concern with losing
261 industrial spaces.
262

263 There was further discussion on how the warehouse would be used and the environmental
264 documentation.
265

266 Dan Ketel responded to the Commission, estimating that the maximum number of
267 employees would probably be 125 on site at one time.
268

269 Mr. Flashman reiterated his belief on the benefits of granting a Variance.
270

271 Ms. Bronstein requested the Commission to extend the public comment period.
272

273 There was discussion amongst the Commission and staff in regards to closing the public
274 comment on the Negative Declaration.
275

276 M/S/C to extend the public comment period to February 23, 2005. (Burke/Shumer) 277 Ayes: Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: 278 None. Abstentions: None. Absent: None. 279

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280 M/S/C to continue the public hearing to February 23, 2005. (Wengraff/Holland) Ayes:
281 Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None.
282 Abstentions: None. Absent: None.

283

284 Commissioner Fireman left at 10:25 p.m.

285

286 **Public Hearing: Proposed Zoning Amendments to BMC 23D.04.060, 23E.48.030,**
287 **23E.52.070.B.1, 23E.96.090.B, and 23E.48.040 correcting grammar, code references**
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294 **reference (ZA 20 through 23-04). (Item 13)**

295

296 There were no speakers for any of the proposed zoning revisions.

297

298 M/S/C to close the hearing for the three zoning amendment packages, Items 11, 12 and
299 13. (Wrenn/Wengraff) Ayes: Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb,
300 Wengraf, Wrenn. Noes: None. Abstentions: None. Absent: Fireman.

301

302 M/S/C to approve the staff recommendation for all three Zoning items. (Stoloff/Burke)
303 Ayes: Burke, Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes:
304 None. Abstentions: None. Absent: Fireman.

305

306 The meeting was adjourned at 10:30 p.m.