

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
February 23, 2005**

ROLL CALL

Time: The meeting was called to order at 7:06 p.m. by Chair Pollack.

Location: North Berkeley Senior Center.

Commissioners Present: Burke, Fireman, Holland, Pollack, Shumer, Stoloff (Arrived 7:10), Tabb, Wengraf, Wrenn.

Staff Present: Cosin, Dando, Gatzke, Le, Kahn, Marks, and Rhoades.

ORDER OF THE AGENDA

There were no changes to the agenda.

PUBLIC COMMENT PERIOD

There were no speakers.

PLANNING STAFF REPORT

None.

CHAIRPERSON'S REPORT

Chair Pollack express his concern on behalf of the Commission for Secretary Homrighausen. The Commission expressed their best wishes for a quick recovery from her recent bicycle accident.

COMMITTEE REPORTS

Creeks Task Force

None.

Southside Plan EIR Status

Commissioner Wrenn explained that the subcommittee is on hold until the return of the Secretary Homrighausen.

Landmarks Preservation Ordinance

Chair Pollack stated that the subcommittee met the week of 2/14 and would have two more meetings Monday, February 28th from 1 p.m. to 3 p.m. and Wednesday, March 2nd from 1 p.m. to 3 p.m. in the third floor conference room of the Permit Service Center

APPROVAL OF MINUTES

The meeting previous minutes will be held over until a future meeting.

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47 **UPCOMING AGENDA ITEMS**

48

49 No comments were made.

50

51 **ACTION ITEMS**

52

53 **Merger Determination, 99 Arden Road.**

54

55 Deputy Director Cosin stated that this merger previously had a public hearing on January
56 26, 2005. The staff recommendation was for the Planning Commission to uphold the
57 Planning Director's decision to approve the lot merger.

58

59 The Chair reopened the Public Comment to allow the appellant to speak. Michael
60 Cramer provided the Planning Commission with a letter refuting the staff report.

61

62 The Public Comment Period was closed.

63

64 M/S/C to approve the staff report. (Stoloff/Shumer) Ayes: Burke, Fireman, Holland,
65 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None.
66 Absent: None.

67

68 **Public Hearing: Appeal of Proposal To Merge Property at 340-360 Panoramic Way**
69 **(Assessor's Parcel Nos. 055-1859-043-01, 055-1859-043-02, 055-1859-044-01).**

70

71 City Staff Consultant Kahn explained that this project was the last of the merger appeals
72 and reviewed the details of the parcel information.

73

74 M/S/C to open the public hearing. (Wengraf/Tabb) Ayes: Burke, Fireman, Holland,
75 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None.
76 Absent: None.

77

78 There was one speaker Mrs. Blanch Sach, the neighbor of the parcel in question, who
79 shared her concerns that the merger should occur since a larger lot was needed for better
80 drainage. She also asked the Planning Commission to direct the property owner to fix the
81 existing retaining wall and to replace the stairs.

82

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

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86 M/S/C to approve the staff report. (Wengraf/Burke) Ayes: Burke, Fireman, Holland,
87 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None.
88 Absent: None.

89

90 Chair Pollack, as a late Chair Report, announced the letter from the Mayor and
91 encouraged the Commission and the community to attend the City's public meeting on
92 soft stories and earthquake retrofits on Thursday, February 25th from 7 p.m. – 9 p.m. at
93 the North Berkeley Senior Center.

94

95 **Proposed Zoning Amendments to implement the Mayor's Task Force on Permitting**
96 **and Development Recommendations C1.1 and C1.2 for non-residential parking**
97 **requirements**

98

99 Associate Planner Dando directed the Commission's attention to the staff report, which
100 summarized the direction, provided at the February 9th meeting and requested the
101 Planning Commission to continue to provide direction on the two remaining outstanding
102 issues, the parking modification findings and the requirements for Sacramento Street in
103 the C-SA District.

104

105 The Planning Commission discussed the proposed findings in detail. Five major issues
106 were raised and discussed by the Commissioners. The first major issue raised by
107 Commissioner Wrenn related to the finding in 23E.28.140.A.1 that was proposed to refer
108 to bus rapid transit stops. Commissioner Wrenn stated that it should not be stops, rather
109 the future bus rapid transit stations. The Commission was split on this issue after much
110 discussion a vote was taken.

111

112 Commissioner Holland left the room at 7:58 p.m. and returned at 8:06 p.m.

113

114 M/S/FAILED to include to alter the proposed language in 23E.28.140.A.1 to state "...
115 uses within 1/3-mile or less of BART, Bus Rapid Transit stations or light rail stations..."
116 (Wrenn/Shumer) Ayes: Burke, Fireman, Shumer, Wrenn. Noes: Pollack, Stoloff, Tabb,
117 Wengraf. Abstentions: None. Absent: Holland. The motion failed.

118

119 An additional concern raised by Commissioner Shumer was related to a change from the
120 proposed language to require all uses requesting parking reductions to perform a survey,
121 as detailed in 23E.28.140.A.3 and also one of the other five findings. After much
122 discussion a straw vote was taken and the concept of requiring a survey in all cases was
123 split, with Fireman, Holland and Shumer agreeing a survey should be required and
124 Pollack, Stoloff, Tabb and Wengraf stating the language should stay as written. Burk and
125 Wrenn did not vote; however Burke stated she was leaning with the majority. The Chair
126 stated that the Commission was close to consensus and directed staff to leave the
127 language as drafted.

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128

129 The Commission also discussed the threshold of vacancy for parking availability in
130 23E.28.140.A.3 that was drafted at 30%. The Commission agreed that 30% was too high
131 and requested staff to provide a reduced amount and to provide illustrations and data
132 showing the difference in percentages. The Commission also asked for examples of the
133 surveys.

134

135 Commissioner Tabb left at 8:19 p.m. and returned at 8:21 p.m.

136

137 Commissioner Holland recommended the percentage be based on how many findings
138 could be made. Zoning Officer Rhoades recommended that the requirement be more
139 closely related to the number of spaces requested for a reduction instead of a percentage.

140

141 Chair Pollack recommended that finding 23E.28.140.A.6 be placed in the top set of
142 findings 1-3. After Commission discussion, the result was to leave the language as
143 drafted.

144

145 The Commission also discussed the finding related to “neighborhood serving” uses and
146 the insertion of “food service establishments” into this list, in finding 23E.28.140.A.4.
147 The discussion continued about the impacts of restaurants on neighborhood parking.
148 Through a 5-4 straw vote the Commission directed staff to leave the language as
149 proposed. Chair Pollack also asked the language in the finding to be reworded to make
150 the meaning clear.

151

152 The Commission discussed the language in finding 23E.28.140.A.6 where Commissioner
153 Fireman recommended that an additional example be incorporated, which permitted for a
154 pedestrian client base. Commissioner Shumer also discussed linked trips, which would
155 reduce parking demand. The Commission did not come to a consensus on the
156 recommendation but requested Commissioner Fireman to provide language to staff to
157 bring back to the full Commission for review.

158

159 The Commission reached a consensus to strike the exemption in the existing C-SA
160 District that prohibits parking reductions on Sacramento Street, as recommended by staff.

161

162 The Commission revisited the issue of applying the parking revisions to all non-
163 residential districts or only to Commercial Districts.

164

165 Motion to exclude manufacturing from the proposed revisions. (Shumer) The motion
166 was not seconded and failed.

167

168 Commissioner Shumer raised concerns that not enough emphasis had been placed on
169 Manufacturing Districts. Concerns were discussed that the findings were tailored to
170 commercial uses and were not appropriate for manufacturing uses.

171

172 Chair Pollack stated that the public hearing was noticed for all non-residential districts,
173 the Commission has discussed both options at previous meetings and an example was

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174 provided at the previous meeting. He also stated that the Chair of the Mayor’s Task
175 Force stated to the Commission that they did intend for the changes to apply to all non-
176 residential districts.

177
178 Commissioners requested more data about why the manufacturing districts need this
179 information. Commissioner Stoloff stated this was an unreasonable request to have staff
180 provide evidence for something the Mayor’s Task Force determined and recommended.

181
182 The Chair directed staff to make the proposed revisions and bring back revised draft text
183 changes to the March 23rd meeting and if anything was ready by March 9th, that that be
184 brought forward at that time.

185
186 The Chair requested that the Planning Commission revisit the merger public hearing for
187 340-360 Panoramic Way, since the property owner arrived late.

189 M/S/C to reconsider the action previously taken by the Commission on 340-360 190 Panoramic Way and to reopen the public hearing. (Wengraf/Burke) Ayes: Burke, 191 Fireman, Holland, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. 192 Abstentions: None. Absent: None.

193
194 Commissioner Holland left at 8:55 p.m. and returned at 9:00 p.m.

195
196 The property owner, Richard Bahme, refuted the City’s data and asked that the Planning
197 Commission consider this new information and his letter distributed at the meeting.

198
199 Commissioner Wengraf left at 9:00 p.m. and returned at 9:06 p.m.

201 M/S/C to close the public hearing. (Stoloff/Holland) Ayes: Burke, Fireman, Holland, 202 Pollack, Shumer, Stoloff, Tabb, Wrenn. Noes: None. Abstentions: None. Absent: 203 Wengraf.
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205 M/S/C to approve the staff report. (Tabb/Shumer) Ayes: Burke, Fireman, Holland, 206 Pollack, Shumer, Stoloff, Tabb, Wrenn. Noes: None. Abstentions: None. Absent: 207 Wengraf.
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PUBLIC HEARING/WORKSHOP

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

214 Chair Pollack explained that this item would be continued until the March 23rd meeting.
215 Zoning Officer Rhoades explained that further time was needed for staff analysis and
216 further CEQA documentation in light of recent changes to the project. Staff would notice
217 the Public Hearing for March 23rd. Commissioner Burke requested the future public
218 hearing continue in a workshop format without any objections.

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219

220 Speaker #1: Kava Massih as the applicant raised his concern that this project had already
221 been before the Planning Commission 5 or 6 times.

222 Speaker 2: Susanne Hering would like to see new businesses open, but was concerned
223 about traffic and parking.

224 Speaker #3: John Philips stated that any entry to the new developed above 9th Street
225 should be blocked.

226 Speaker #4: Neil Mayer expressed his concern with the serious and significant impact on
227 land use that this proposed development will cause.

228 Speaker #5: Eugenie Thomson stated she represented Ashby Lumber, Urban Ore, the
229 French School and others and had performed her own traffic analysis. She said the
230 information from the applicant understates the traffic impact. She has concerns with the
231 parking and the school children's safety. She provided documentation to the Planning
232 Commission.

233 Speaker #6: Antione Portales from Ecole expressed concern about the traffic,, parking
234 and safety of the school children.

235 Speaker #7: Heather Loucks is a parent and parks to pickup her kids up daily at Ecole.
236 She stated that there are already parking and safety issues and the new development will
237 make it worse.

238 Speaker #8: Richard Auerbach expressed concerns about maintaining the MU-LI District
239 and that traffic should be kept to Ashby. He stated that once this business moves in more
240 retail would come and increase the problems.

241 Speaker #9: Jacquelyn Van Lang as a parent that drives young kids to Ecole she is
242 worried that the new development will worsen the parking situation around the school.

243 Speaker #10: Phil Wood owns the 2 acres north of the Berkeley Bowl site and supports
244 the entire project. He said all his tenants, including Ecole, are month-to-moth tenants.

245

246 Chair Pollack stated that the public hearing would be continued to March 23, 2005 as a
247 public hearing/workshop.

248

249 The meeting was adjourned at 10:02 p.m.