

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

ROLL CALL

Time: The meeting was called to order at 7:04 p.m. by Chair Pollack.

Location: North Berkeley Senior Center.

Commissioners Present: Burke, Fireman (left at 8:47 p.m.), Pollack, Shumer, Stoloff (arrived 7:06 p.m.), Tabb, Wengraf, Wrenn (arrived at 7:10 p.m.).

Staff Present: Dando, Gatzke, Miller (Parks & Recreation), Rhoades, and Sage.

ORDER OF THE AGENDA

There were no changes to the agenda.

PUBLIC COMMENT PERIOD

Speaker #1: Shirley Brower spoke on behalf of her branch of the YMCA supporting the Brower Center. Specifically she was pleased with the outreach to the African American community, the environmental justice, and the environmental education that will result from the project.

Speaker #2: Stephen Wollmer discussed the University Avenue Strategic Plan residential use types and redistributed a letter originally written last fall on the matter.

Speaker #3: Dan Sawslack, a Berkeley non-profit affordable housing developer, spoke in support of the Brower Center sharing satisfaction with the community planning process, the projects fit with the General Plan and Downtown Plan, the green building features, and the amount of affordable housing.

Speaker #4: Councilmember Kriss Worthington suggested that the proposed ball fields at the waterfront should be regulation size baseball fields. He also stated that the Euclid Avenue Quotas should be a priority in the Planning Commission and Planning Department work program.

PLANNING STAFF REPORT

Staff noted that Planning Commission Secretary Janet Homrighausen had returned to the office on a part-time basis. Staff also noted that the City Council affirmed the Zoning Adjustments Boards approval of the 2700 San Pablo project. Staff mentioned that in the next month the Planning Department offices would be reorganized to improve efficiency and better coordinate functions and divisions.

CHAIRPERSON'S REPORT

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46 No report.

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48 **COMMITTEE REPORTS**

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50 **Creeks Task Force**

51 Commissioner Burke stated that the Creeks Task Force had opted not to hold a public
52 Hearing during the development of the work plan, but would instead lengthen their
53 comment period for two of the upcoming meetings. She also noted Nancy Holland had
54 been appointed and they were still awaiting an appointment by Councilmember
55 Worthington.

56

57 **Southside Plan EIR Status**

58 Commissioner Wrenn explained that the subcommittee was setting up a new meeting
59 date.

60

61 **Landmarks Preservation Ordinance**

62 Chair Pollack stated that the subcommittee met two additional times and would finish the
63 work shortly. He anticipated that it would come back to the full Commission at the
64 March 23rd meeting.

65

66 **APPROVAL OF MINUTES**

67 M/S/C to approve the January 26th minutes. (Stoloff/Wrenn) Ayes: Burke, Fireman,
68 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None.
69 Absent: None.

70

71 M/S/C to approve the February 9th minutes as corrected. (Stoloff/Wengraf) Ayes: Burke,
72 Fireman, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions:
73 None. Absent: None.

74

75 M/S/C to approve the February 23rd minutes. (Stoloff/Burke) Ayes: Burke, Fireman,
76 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None.
77 Absent: None.

78

79 **UPCOMING AGENDA ITEMS**

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81 No comments were made.

82

83 **INFORMATIONAL ITEM**

84

85 **Underhill Field.**

86 Kerry O'Banion, Principal Planner with UC Berkeley Facilities Services, presented
87 information on the schematic design for the Underhill field and parking structure for the
88 UCB campus. He answered questions from the Commissioners and explained that the
89 project consisted of a new artificial play field and up to 1,000 parking spaces. The field

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90 would be at street level along College Avenue and construction is anticipated to take
91 place from September 2005 through November 2006.

92

93 **PUBLIC HEARING**

94 **Condominium Map for 2209 – 2211 Fifth Street.**

95 Planner Ford presented background information on the proposed six unit condominium
96 project comprised of four residential units and two live/work units – Tentative Tract Map
97 7591. There was some discussion with the Commission and Staff as to the City
98 Attorney’s interpretation regarding inclusionary housing and how it would not apply to
99 this project.

100

101 M/S/C to open the Public Hearing for 2209-2211 Fifth Street. (Wengraff/Shumer) Ayes: 102 Burke, Fireman, Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. 103 Abstentions: None. Absent: None.

104

105 Speaker #1: Stephen Wollmer stated that the inclusionary housing requirements should
106 apply to this project or that the applicant should pay into an Affordable Housing fund if
107 they cannot otherwise make the project work.

108

109 Speaker #2: John Gutierrez stated that live/work units are generally considered
110 commercial uses by the Berkeley Zoning Ordinance.

111

112 Staff responded to the Commissions questions stating that BMC 23C.12 applies to
113 Residential Zones and not live/work, which falls under the Chapter 23E. The
114 Commission expressed concern over the City Attorney’s interpretation and asked for
115 follow up to determine that a total of 5 units would be required to comply with the
116 Inclusionary Ordinance. Staff stated that they would work with the Housing Director and
117 City Attorney to further review this issue.

118 M/S/C to close the Public Hearing. (Wengraff/Shumer) Ayes: Burke, Fireman, Pollack, 119 Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None. Absent: None.
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121 M/S/C to approve the staff recommendation for the condominium map for 2209-2211 122 Fifth Street. (Wengraff/Burke) Ayes: Burke, Fireman, Pollack, Shumer, Tabb, Wengraf. 123 Noes: None. Abstentions: Stoloff, Wrenn. None. Absent: None.

124

125 **ACTION ITEMS**

126 **David Brower Center/Oxford Plaza Preview.**

127 Chair Pollack, in compliance with the rules of ex parte communication, disclosed that he
128 had previously heard the upcoming presentation by the Brower Center developers.
129 Commissioner Wrenn commented that he had as well.

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131 Planner Sage summarized the Brower Center project stating that as proposed it does not
132 meet all of the development requirements as outlined in the staff report, that it will need
133 CEQA analysis, and that it cannot meet the site-specific bonuses in the Zoning
134 Ordinance. Sage responded to questions by the Commission.

135

136 Commissioner Wrenn questioned why the applicant could not apply for a Variance
137 instead of altering the General Plan. He also stated that the additional bonuses where not
138 necessary but recommended the creation of one for green buildings that met a Gold or
139 Platinum LEED level.

140

141 The Brower Center applicants, John Clawson, Peter Buckley, Carolyn Bookhart, and Dan
142 Solomon, then made a 5 minute presentation highlighting the features of the project
143 including the locations, surrounding environs, the rationale for the current proposal, the
144 environmental components, and the fact that there would not be any dedicated parking for
145 the commercial portion of the building, but 40 spaces for the residential units.

146

147 Land Use Manager Rhoades, responding to Commissioner Wrenn's comments, stated
148 that with a ground built project, he did not believe a Variance would be possible.

149

150 In commenting on the proposed language, Commissioners suggested that the bonus under
151 2.1 be less explicit and that the bonuses may be too constraining. They supported more
152 flexibility in the bonuses.

153

154 Commissioners also discussed with the applicant the levels and definitions of
155 affordability. Planner Sage responded to questions about what would need to be changed
156 in the General Plan and map.

157

158 The Commission went into recess from 8:47 – 8:50 p.m. Commissioner Fireman left the
159 meeting.

160

161 **Waterfront Specific Plan Amendment/General Plan Amendment to permit**
162 **construction of the proposed Gilman Street Sports Fields.**

163 Principal Planner Gatzke provided an overview of the project and recommended the
164 Planning Commission's approval of the proposed schedule. He noted that \$3.5 million in
165 grant funds had already been received for the project and the schedule is based on some
166 constraints tied to those funds.

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168 Roger Miller with the City of Berkeley Parks and Recreation Department notes that the
169 baseball field is regulation size and that \$300,000 would be used to light the fields.

170

171 M/S/C to adopt the process as proposed by staff and to include a joint public hearing with
172 the Parks and Recreation Commission if practical. (Wengraff/Burke) Ayes: Burke,
173 Pollack, Shumer, Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: None.
174 Absent: Fireman.

175

176 **Draft Land Use Planning Division Work Program for FY 2005-2006.**

177 Land Use Manager Rhoades summarized the work plan report highlighting the
178 accomplishments and the tasks for 2006.

179

180 Chair Burke complimented Staff on the quality of work and the numerous
181 accomplishments. He also noted the City Council meeting and Mayor's comments on the
182 work plan drawing attention to the following items: 1) Ashby Avenue between I-80 and
183 San Pablo Ave., 2) Gilman between I-80 and San Pablo Ave., 3) San Pablo Avenue, 4)
184 University Avenue, and 5) South Shattuck.

185

186 The Commission discussed the Euclid Avenue quotas. Commissioner Wrenn suggested
187 that the Commission start to review all of the bonuses offered in the City, the
188 inclusionary housing issues that arose earlier in the evening, eliminate the ZORs list,
189 eliminate 3.1 and some other Mayor's Task Force items, and that the Adeline Corridor be
190 reviewed. Commissioner Stoloff suggested a joint planning process with the Berkeley
191 Unified School District and initiating work with the Ashby BART Transit Village.
192 Commissioner Wengraff suggested adding the 499 by right addition issues and Rhoades
193 remarked that part of this issue was on the ZORs list.

194

195 Chair Pollack noted a tremendous problem with existing buildings and barriers with
196 changes in use, suggesting those rules and issues be addressed. He also suggested items
197 G.3.3 and G.6.2 be accomplished this year.

198

199 Rhoades asked that these suggestions be reviewed and brought back at the next
200 Commission meeting.

201

202 Commissioners also discussed the poor acoustics of the meeting room and suggested
203 improving the sound or determining a better way to set up the room. Rhoades
204 commented that staff has been looking into this and trying to determine the most cost
205 effective approach, as any new microphone and speaker system will be expensive.

206

207 **ADJOURNMENT**

208 The meeting was adjourned at 9:59 p.m.