

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING  
May 11, 2005**

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

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3 Location: North Berkeley Senior Center.

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5 **ROLL CALL**

6  
7 Commissioners Present: Burke, Fireman, Pollack, Poschman, Shumer, Stoloff, Tabb,  
8 Wengraf, Wrenn.

9  
10 Commissioners Absent: None.

11  
12 Staff Present: Cowan, Dando, Gatzke, Marks, Rhoades, Sorensen.

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14 **ORDER OF THE AGENDA**

15  
16 The order was not modified.

17  
18 **PUBLIC COMMENT PERIOD**

19  
20 Speaker #1: Stephen Wollmer spoke regarding the Landmarks Preservation Ordinance  
21 and the need to respect the expertise of the Landmarks Preservation Commission.

22  
23 Speaker #2: Richard Russell on behalf of the Berkeley Architectural Heritage Association  
24 (BAHA) read a letter submitted from the Brandt-Hawley Law Group regarding the  
25 Landmarks Preservation Ordinance.

26  
27 Speaker #3: John English discussed his concerns with the details of the drafted  
28 Landmarks Preservation Ordinance and its interaction with the General Plan.

29  
30 Speaker #4: John McBride submitted an article from the San Francisco Chronicle and  
31 spoke about the Landmarks Preservation Ordinance.

32  
33 Speaker #5: Alan Tobey addressed the staff report on the Landmarks Preservation  
34 Ordinance and made suggestions for revisions to the drafted language.

35  
36 Speaker #6: Carrie Olson, a Landmarks Preservation Commissioner, spoke regarding the  
37 Landmarks Preservation Ordinance.

38  
39 Speaker #7: Carrie Sprague stated that she represented Census Tract 30 and that they  
40 would like to landmark their neighborhood. She recommended strengthening the  
41 Landmarks Preservation Commission.

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43 Speaker #8: Mike Brodsky emphasized the need for a fair landmarks process with  
44 standards that avoided arbitrary and capricious decisions.

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46 **PLANNING STAFF REPORT**

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48 Land Use Planning Manager Rhoades informed the Commission that the City Council  
49 remanded the language on Teaching-related Home Occupations to the Commission and  
50 that staff would bring it back soon. Rhoades noted that the Zoning Adjustments Board  
51 has already appointed a subcommittee for review of the Density Bonus and Inclusionary  
52 Housing procedures. He recommended at the next meeting that the Planning  
53 Commission also create a subcommittee, which could work jointly with the ZAB  
54 subcommittee and possibly the Housing Advisory Commission. Rhoades stated that the  
55 City Council would need to establish a joint subcommittee and that it may be able to start  
56 meeting as early as July. He noted that the ZAB subcommittee would meet on Thursday,  
57 May 12, 2005 at 4:30 PM at the Permit Service Center.

58

59 **CHAIRPERSON'S REPORT**

60

61 No report.

62

63 **COMMITTEE REPORTS**

64

65 **Creeks Task Force**

66 Commissioner Burke, who serves as Chair of the Creeks Task Force, stated that City  
67 Council approved the work plan and timeline of the Creeks Task Force and referred the  
68 \$100,000 budget request to the budget process at its May 10 meeting.

69

70 **Southside EIR Subcommittee**

71 Commissioner Wrenn, Chair of the Subcommittee, stated that the subcommittee had met  
72 once and planned to meet again on Friday, May 13, 2005 at 3:30 PM at the Permit  
73 Service Center. He stated that the current focus was assessing the scope of work for the  
74 assessment of the environmental impacts for the consultants.

75

76 **APPROVAL OF MINUTES**

77

78 M/S/C to approve the minutes for April 27, 2005. (Poschman/Shumer) Ayes: Burke, 79 Fireman, Pollack, Poschman, Shumer, Stoloff, Tabb, Wengraf. Noes: None. Abstentions: 80 Wrenn. Absent: None.
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82 **UPCOMING AGENDA ITEMS**

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84 No discussion.

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86 **ACTION ITEMS**

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88 **Landmarks Preservation Ordinance and Zoning Ordinance Amendments**

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90 While a motion and amendments were proposed on this item, the Planning Commission  
91 determined that no votes would be taken during the meeting. Instead proposals were

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92 made, discussion took place and direction was provided to Staff to modify the proposed  
93 amendments to the Landmarks Preservation Ordinance and Zoning Ordinance as  
94 necessary for the Commission to review at the following meeting.

95  
96 Commissioner Wengraf briefly discussed the written motion she and Commissioner  
97 Burke drafted in the spirit of focusing the comments and encouraging discussion and  
98 dialogue. She recommended that the Commission use amendments to the motion to  
99 determine a form of consensus on the issues.

100 M/S/ No vote was taken - to approve the written motion as an amendment to the  
101 subcommittee proposal for the Landmarks Preservation Ordinance, which was Item #10  
102 on the April 13, 2005 agenda and attachments #2 and #3 of the April 27, 2005 Staff  
103 report (which has a 3-31-05 reference on the bottom of the page) for the Landmarks  
104 Preservation Ordinance issue. In addition the motion included amending the second line  
105 under #4 to change the word “designation” to determination”. (Wengraf/Burke) No vote  
106 was taken.

107  
108 David Stoloff made the motion to amend the original Wengraf/Burke motion on three  
109 separate issues. This included an amendment to the language under item #2 – Structure  
110 of Merit. To strike the first two sentences of Part 2 and include the following new  
111 sentence: “The Planning Commission recommends that the City Council modify the LPO  
112 to provide that designations as ‘structure of merit’ shall not be considered a listing on a  
113 ‘local register of historical resources’ under the Pubic Resources Code section 5020.1(k).”

114  
115 A friendly amendment was made to the amendment by Commissioner Poschman to  
116 remove the third sentence in addition to the first two under the Structure of Merit  
117 paragraph.

118  
119 After much discussion, the Commission directed staff to incorporate Commissioner  
120 Poschman’s amendment and Commissioner Stoloff’s amendment to the original motion.  
121 The Commission discussed the idea that a Structure of Merit should still have some level  
122 of protection, but not to the extent of an actual City of Berkeley Landmark. Some  
123 Commissioners recommended that the LPC be directed to develop what the lesser  
124 protections should be for Structures of Merit; however, after the discussion the  
125 Commission requested Staff to develop the language for different levels of protection for  
126 review at the next meeting.

127  
128 The second of Commissioner Stoloff’s amendments related to issue #3 - Request for  
129 Determination in the Wengraf/Burke motion. Commissioner Stoloff recommended  
130 adding the following language to this section of the ordinance. “Information required of  
131 owners who make such requests shall be limited to: date of construction and architect (if  
132 available) and a photo as seen from the public right of way. If the LPC takes no action to  
133 initiate designation of the subject property within 60 days of submitting a request for  
134 determination, no action regarding historic designation can be taken by the LPC for the  
135 following two years.”

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137 The Commission discussed this amendment at great length with some Commissioner's  
138 expressing concern that this was not enough information. Aware of the potential costs  
139 and time required to thoroughly research a structure, Commissioners generally did not  
140 want to impose expensive and timely constraints on small-scale residential property  
141 owners. The Commission recommended that staff investigate alternative approaches to  
142 the information requirements for any Request for Determination. Part of the suggestions  
143 might include different criteria for small residential properties than for commercial  
144 properties, where generally the small residential properties would not be required to  
145 provide as much information.

146  
147 Planning Director Marks mentioned such items could be difficult, as staff had previously  
148 discussed other items such as a requirement to consult certain resources; however, it  
149 would be difficult to validate if that work was actually performed by an applicant.

150  
151 The Commission then discussed the procedures for approval of the motion where the  
152 issues could be taken one at a time or as a whole. The Commission decided to go  
153 through the items, provide staff with direction for revisions, to not take any votes on the  
154 items at the current meeting and instead to review it after staff has revised the  
155 information after the meeting.

156  
157 The Commission discussed the timing requirements of the proposed language and  
158 received clarification from Staff.

159  
160 The third amendment proposed by Commissioner Stoloff reduced the time that LPC  
161 could take action after the review of a Discretionary Permit from 2 years to 1, under issue  
162 7. Several Commissioners agreed and Commissioner Wengraf accepted the change to  
163 one year as the maker of the original motion.

164  
165 Commissioner Poschman then reviewed the report he submitted to the Commission and  
166 his concerns and questions about the Ordinance. He requested staff to provide the  
167 following information on the existing guidelines for the pre-application poster and  
168 information on "integrity" language.

169  
170 The Commission further discussed Commissioner Poschman's memorandum and Staff  
171 responded to his questions.

172  
173 Director Marks emphasized that the draft language would not constitute staff  
174 recommendations, but rather would provide potential suggestions based on the Planning  
175 Commission's directives.

176  
177 **Information on the Transportation Commission's Downtown Parking Workshop,**  
178 **April 21, 2005**

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180 Commissioner Wrenn briefly described the workshop stating that there was a lively  
181 discussion about parking in downtown and that the only action the Transportation  
182 Commission took was related to dynamic signage.

183  
184 Several Commissioners expressed interest in the policy implications that may arise from  
185 the Transportation Commissions work. Specifically, they voiced an interest in having the  
186 Planning Commission involved in a more formal way as relates to overall parking  
187 policies in Berkeley's downtown. Chair Pollack and Commissioner Wrenn agreed to  
188 discuss what role the Planning Commission could play as they move forward.

189  
190 **Set Public Hearing for the David Brower Center/Oxford Plaza: (1) Proposed**  
191 **General Plan and Downtown Plan Amendment, (2) Draft Disposition and**  
192 **Development Agreement, and (3) CEQA document for the David Brower**  
193 **Center/Oxford Plaza project, a mixed-use project with 35,000 square feet of office**  
194 **space, a conference center, restaurant, 97 units of affordable housing, 8,100 square**  
195 **feet of retail, 40 residential parking spaces, and 105 to 206 subterranean public**  
196 **parking spaces at 2200 Fulton Street (public parking lot between Allston Way and**  
197 **Kittredge Street).**

198  
199 Land Use Manager Rhoades requested that the Commission set the Public Hearing for the  
200 Brower Center for June 22<sup>nd</sup>, stating that this timeframe may need to change in the future.

201  
202 M/S/C to set the Public Hearing for the Brower Center for June 22, 2005.  
203 (Poschman/Fireman) Ayes: Burke, Fireman, Pollack, Poschman, Shumer, Stoloff, Tabb,  
204 Wengraf, Wrenn. Noes: None. Abstentions: None. Absent: None.

205  
206 **ADJOURNMENT**

207  
208 The meeting was adjourned at 9:34 p.m.