

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
June 14, 2006

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

2
3 Location: North Berkeley Senior Center.

4
5 **ROLL CALL**

6
7 Commissioners Present: Poschman, DeStaebler, Stoloff, Burke, Pollack, Sheen, Samuels,
8 Wengraf, Gurley

9
10 Commissioners Absent: None.

11
12 Staff Present: Paine, Rhoades, Marks, Vuicich, Nichols, Fogarty, Harrison, Baar, Barton

13
14 **ORDER OF THE AGENDA**

15 Item 12 would be moved to the action item agenda.

16
17 **PUBLIC COMMENT PERIOD**

18 Speaker 1: Jerry Landis spoke about the Council's direction for the Planning Commission
19 to consider rebuilding by-right after a disaster. He said that the neighborhood
20 preservation ordinance would require design review and thus, the rebuild would not be by
21 right.

22
23 **PLANNING STAFF REPORT**

24 Planning Manager Rhoades delivered the Planning Staff Report. He reported that the City
25 Council approved the West Berkeley Bowl project at its June 13 meeting. The Council
26 also referred a new work plan item, changes to the West Berkeley Plan, to the Planning
27 Commission. Parking in rear and side yards was continued to the June 21 meeting. The
28 Planning Commission's comments on the SCIP DEIR were forwarded to the Council.
29 The Council will be discussing the SCIP DEIR at its June 20 and June 27 meetings.
30 Staff's comments on the DEIR will be submitted by the July 7 end of public comment
31 period.

32
33 **CHAIRPERSON'S REPORT**

34 Chair Burke had no report, but asked Commissioners who had attended a reception
35 regarding the Hotel Conference Center to report on it. Commissioner Wengraf reported
36 that Carpenter and Company, the developers of the Hotel Conference Center had invited
37 the public to a reception at which they introduced the development team, gave an
38 overview of the project, and outlined the community input process.

39
40 **COMMITTEE REPORTS**

41
42 **Creeks Task Force:** Chair Burke said that the next meeting of the Creeks Task Force
43 would be on July 10.

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45 **Density Bonus Subcommittee:** Commissioner Wengraf reported that staff would be
46 providing reports to the Planning Commission outlining the background and process of
47 the Density Bonus Subcommittee.
48

49 **Downtown Area Plan Citizen Advisory Committee:** Commissioner Samuels reported
50 on the DAPAC's June 7 meeting that focused on transportation. He announced the June
51 17 public visioning workshop to be held from 12:30-4:30 at the Berkeley High School
52 Library.
53

54 **Downtown BART Plaza and Transit Area Design Plan Citizens Advisory
55 Committee:** Commissioner Sheen reported that the group would hold its last meeting on
56 June 21 from 4-6. Associate Transportation Planner Vuicich said that the preferred
57 alternatives would be forwarded to the DAPAC for integration into the Downtown Plan,
58 but that smaller improvements would be pursued independent of the DAPAC process.
59

60 **Major Residential Additions Subcommittee:** Commissioner Poschman reported that
61 the Subcommittee had been discussing the AUP process and wanted to come back to the
62 Planning Commission with recommendations later in the summer.
63

64 **Southside Plan Subcommittee:** None.
65

66 **APPROVAL OF MINUTES**

67 M/S/C to approve minutes from the May 24 meeting, with the noted correction.
68 (Pollack/Samuels) Ayes: Poschman, DeStaebler, Stoloff, Burke, Pollack, Sheen,
69 Samuels, Wengraf, Gurley. Noes: None. Abstain: None. Absent: None.
70

71 **UPCOMING AGENDA ITEMS**

72 Fence heights, which was one of the items from the Mayor's Task Force, would be on the
73 next agenda.
74

75 **ACTION ITEMS**

76 **9. Public Hearing: Transportation Services Fee:** Associate Planner Paine delivered the
77 staff report.

78 M/S/C to open the public hearing. (Poschman/Samuels) Ayes: Poschman, DeStaebler,
79 Stoloff, Burke, Pollack, Sheen, Samuels, Wengraf, Gurley. Noes: None. Abstain: None.
80 Absent: None.
81

82 Speaker 1: Roland Peterson of the Telegraph Avenue Business Improvement District said
83 that he was opposed to both the original and revised proposals. He said that that the TSF
84 would impede three upcoming potential projects on Telegraph Avenue.
85

86 Speaker 2: Marc McLeod said that the Downtown Business Association was opposed to
87 the proposed TSF. He said they were not opposed to the items that the fee would fund,
88 but that the fee was the wrong way to fund smart transit. He was in support of the City's
89 efforts to build a vital retail community and to use sales tax to support transit. He said he
90 was also afraid that the fee would be raised from the proposed level.

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92 Speaker 3: Adam Block, a west Berkeley property owner and developer said that he was
93 concerned about the use of the funds. He also said that the fee comparison study was not
94 sufficient because it did not say how much revenue would be raised nor did it include the
95 taxes and assessment that developers are subject to in Berkeley. He also said that the
96 proposal was not clear enough for the Commission to make a decision at this time.

97

98 Speaker 4: Darrel DeTienne of the West Berkeley Business Association said that the TSF
99 needed more study and that it didn't account for technology or land use. He proposed
100 public-private partnerships to implement the transit improvements.

101

102 Speaker 5: Stephen Wollmer referred to a letter that he had submitted to the Planning
103 Commission about the impact of the fee on the Trader Joe's project. He said that housing
104 would pay a large portion compared to Trader Joe's. He said that there was a disconnect
105 between the current proposal and the Nexus Study, which said that all uses should be
106 treated equally. He was in favor of lower rates across the board with no exemptions.

107

108 Speaker 6: Brendan Heafy said that without a copy of the ITE manual and the City of
109 Berkeley adjustments, it was not possible to figure out what a project's fees would be. He
110 said that most of the fees paid to the City of Berkeley were paid via the parcel tax as
111 opposed to development fees.

112

113 Speaker 7: John Blankenship said that there were too many fees for residential uses. He
114 supported the adjustment of the fee based on location.

115

116 Speaker 8: Dennis Cohen said he was representing the Berkeley Chamber of Commerce.
117 He spoke about the collaboration between businesses and the City in developing the
118 affordable housing and childcare fee and said that this fee was top down. He said that no
119 medium sized new manufacturing uses or offices were included in the project analysis.
120 He also said that the preferred uses were too complex and that the process for developing
121 the fee proposal did not work.

122

123 Speaker 9: Patrick Kennedy said that the Planning Commission's role was to provide for
124 the health and welfare of the city. He encouraged the Planning Commission to focus on
125 new businesses downtown. He suggested the creation of a parking district to generate
126 money for downtown transit improvements.

127

128 Speaker 10: John DeClerq spoke in favor of a parking tax and said that the phase in of the
129 fee should be based on the January vacancy rate of a district. He also said that projects
130 should get dollar-for-dollar credit for the TDM measures they implemented.

131

132 M/S/C to close the public hearing. (Poschman/Samuels) Ayes: Poschman, DeStaebler,
133 Stoloff, Burke, Pollack, Sheen, Samuels, Wengraf, Gurley. Noes: None. Abstain: None.
134 Absent: None.

135

136 The Commission discussed the proposed fee.

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137 M/S to recommend that the City Council not adopt the Transportation Services Fee at this
138 time. (Pollack/Wengraf).

139
140 A substitute motion was made.

141 M/S/F to recommend that the City Council adopt staff's recommendation with the
142 following changes: a) that there be a means of recognizing economic distress in
143 neighborhoods and that such distress be tied to suspension of the fee in an area; b) that all
144 changes of use be exempted from the fee; and, c) that ADUs be exempt from the fee.
145 (Stoloff/Poschman) Ayes: Poschman, Burke, Stoloff. Noes: Samuels, Pollack, Wengraf,
146 DeStaebler. Abstain: Sheen, Gurley. Absent: None.

147
148 The Commissioners discussed the issues.

149
150 A second substitute motion was made.

151 M/F that the Commission take no position at this time and instead allow all
152 Commissioners to submit their comments to the Council. (Sheen)

153
154 Commissioner Wengraf offered a friendly amendment to the original motion, which
155 Commissioner Pollack accepted.

156
157 The Commissioners discussed the issues. Commissioner Wengraf called the question.

158 M/S/C to recommend that Council not adopt the TSF at this time and to recommend that
159 the City Council direct staff and the appropriate commissions to develop alternative,
160 broadly-based funding mechanisms that would fund the proposed projects.
161 (Pollack/Wengraf). Ayes: Pollack, DeStaebler, Gurley, Wengraf, Samuels. Noes: Burke,
162 Sheen, Stoloff, Poschman. Abstain: None. Absent: None.

163
164 **10. Landmarks Preservation Ordinance:** Planning Director Marks explained the LPO
165 process, the original proposal and the compromised proposal. The City Council hoped to
166 take it up at its June 20 meeting. Staff would deliver the memo regarding a compromise
167 position to the Commission. Planning Director Marks suggested that the Planning
168 Commission discuss the topic at its June 28 meeting since the Council action was
169 uncertain. He noted that they could comment on the Initial Study and Negative
170 Declaration, which would apply to either the original or compromise proposals.
171 The Commission agreed to put the LPO issue on the next meeting agenda.

172
173 Planning Director Marks noted that he had to leave. The Commission agreed to take up
174 Item 12 before he left.

175 **12. Memo to Vivian Kahn from Planning Commission Secretary regarding Planning**
176 **Commission's Recommendations Regarding UC Berkeley SCIP DEIR.** Planning
177 Director Marks said that staff's comments regarding the SCIP DEIR would be prepared
178 for the July 7 due date.

179
180 **11. Request to Set Public Hearing: In Lieu Fee Option for Condominium**
181 **Inclusionary Units**

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182 M/S/C to set the Public Hearing for June 28, 2006. (Poschman/Gurley) Ayes: Poschman,
183 DeStaebler, Stoloff, Burke, Pollack, Sheen, Samuels, Wengraf, Gurley.noes: None.
184 Abstain: None. Absent: None.

185
186 Commissioners agreed to direct questions regarding this item to the Planning
187 Commission Secretary prior to the June 28 meeting so that staff could be prepared to
188 address them.

189

190 **ADJOURNMENT**

191 **The meeting was adjourned at 10:00 pm.**

192

193 Note on Commission Meeting Reporting:

194 In June 2005, the City Council adopted a plan that requires commission secretaries to
195 submit an annual report that summarizes for each meeting a) the number of
196 commissioners in attendance, b) the number of members of the public in attendance, c)
197 the number of speakers at Public Comment and d) the length of the meetings.

198

199 For the June 14, 2006 Planning Commission meeting, the following will be reported:

200 Commissioners in attendance: 9

201 Members of the public in attendance: 15

202 Speakers at Public Comment: 1

203 Length of the meeting: 3 hours 0 minutes