

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING**  
**June 28, 2006**

1 Time: The meeting was called to order by Chair Burke at 7:07 p.m.

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3 Location: North Berkeley Senior Center.

4  
5 **ROLL CALL**

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

9  
10 Commissioners Absent: None

11  
12 Staff Present: Paine, Gatzke, Sorensen, Harrison, Marks, Barton

13  
14 **ORDER OF THE AGENDA**

15 No Changes.

16  
17 **PUBLIC COMMENT PERIOD**

18 Speaker 1: Patrick Kennedy spoke regarding the in lieu fee proposal. He said that it was  
19 hard to rent retail space and that new housing could help the downtown area. He said that  
20 the current inclusionary ordinance and in lieu fee would make development more  
21 difficult. He suggested that the in lieu fee be based on the cost of construction and should  
22 be lowered.

23  
24 Speaker 2: Claire Risley spoke in support of the LPO and said she was opposed to the  
25 compromise.

26  
27 Speaker 3: Zelda Bronstein quoted Allan Jacobs regarding the relationship between  
28 enforcement of laws and political will and land use development.

29  
30 **PLANNING STAFF REPORT**

31 Secretary Paine delivered the Planning Staff Report. She noted that item 14, which  
32 related to zoning for economic development on Telegraph Avenue was removed from the  
33 agenda and that staff would bring the item for discussion to the July 26 meeting.

34  
35 She also reported that the parking in yards item was continued to the Council's July 11  
36 meeting. The City Council adopted the budget, which included the Planning  
37 Commission's work plan, at its June 27 meeting. Council discussed, but did not take  
38 action on, the SCIP DEIR at its June 27 meeting. The Transportation Services Fee would  
39 be taken up by Council at its July 11 meeting.

40  
41 She noted that the Landmarks Preservation Commission had discussed the LPO and  
42 continued the item to the June 29 meeting.

43  
44 **CHAIRPERSON'S REPORT**

45  
46 None.

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47 **COMMITTEE REPORTS**

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49 **Creeks Task Force:** Chair Burke reported that the CTF would meet on July 10 regarding  
50 best practices.

51

52 **Density Bonus Subcommittee:** Commissioner Poschman reported that the  
53 Subcommittee had met on June 27 and discussed base projects.

54

55 **Downtown Area Plan Citizen Advisory Committee:** Commissioner Samuels reported  
56 that the DAPAC met on June 25 and determined that all meetings of the Technical  
57 Advisory Committee be open to the DAPAC and the public in the future. The developers  
58 of the Hotel Conference Center presented to the DAPAC. Commissioner Wengraf  
59 proposed the idea of a DAPAC resolution to ensure that the Anthropology museum be in  
60 the museum portion of the project.

61

62 **Downtown BART Plaza and Transit Area Design Plan Citizens Advisory**  
63 **Committee:** Commissioner Sheen reported that the last meeting was June 25 and that  
64 the process will continue with the DAPAC. He submitted a document from the project  
65 consultant for the Planning Commission Secretary to circulate to the Commissioners.

66

67 **Major Residential Additions Subcommittee:** No meeting had occurred since the last  
68 Planning Commission meeting.

69

70 **Southside Plan Subcommittee:** The next meeting of the Southside Plan Subcommittee  
71 will be on July 25 from 4:15-6 PM in the third floor conference room of the Permit  
72 Services Center.

73

74 **APPROVAL OF MINUTES**

75

76 M/S/C to approve the minutes from the June 14 meeting as amended. 77 (Sheen/DeStaebler). Ayes: Poschman, Gurley, Burke, Wengraf, Pollack, Sheen, 78 DeStaebler, Samuels, Stoloff. Noes: None. Abstain: None. Absent: None.
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80 **UPCOMING AGENDA ITEMS**

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82 The Commission reviewed upcoming agenda items.

83

84 **ACTION ITEMS**

85 **9. Public Hearing: Proposed 180 Unit Condominium Project: Tract Map 7774:**  
86 **2016-2022 Kittredge Street, Berkeley**

87

88 M/S/C to open the public hearing. (Wengraf/Gurley) Ayes: Poschman, Gurley, Burke, 89 Wengraf, Pollack, Sheen, DeStaebler, Samuels, Stoloff. Noes: None. Abstain: None. 90 Absent: None.
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91

92 Senior Planner Sorenson reviewed the project and staff report.

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94 Speaker 1: John Gutierrez, the applicant, said that the project was new construction and  
95 that there he had agreed to affordability terms with the City Attorney. He noted that was  
96 present to answer questions.

97

98 Speaker 2: John DeClerq noted that he was present for questions.

99

100 Speaker 3: Claire Risley said she wanted to know the levels of affordability.

101

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

105

106 The Commission discussed the project.

107

108 M/S to adopt the tract map. (Stoloff/Gurley).

109

110 The project terms were further discussed and the motion was withdrawn.

111

112 M/S/C to approve the tentative tract map with conditions identical to the applicable  
113 conditions in the Use Permit. (Pollack/Wengraf) Ayes: Poschman, Gurley, Burke,  
114 Wengraf, Pollack, Sheen, DeStaebler, Samuels, Stoloff. Noes: None. Abstain: None.  
115 Absent: None.

116

117 **10. Landmarks Preservation Ordinance:** Planning Director Marks presented the  
118 history of the Landmarks Preservation Ordinance (LPO) including the Negative  
119 Declaration, the initiative effort, and the June 2006 compromise proposal. He noted that  
120 the LPC would develop a recommendation to Council at its June 29 meeting and that the  
121 Council would take up the item at its July 11 meeting. He said that the Commission could  
122 make a comment to be carried to the Council or not.

123

124 The Commission discussed the issues.

125

126 M/S in support of the general direction of the most recent LPO revisions and urging the  
127 Council to adopt ordinance language that, to the extent practicable, reflects the concerns  
128 and issues expressed in the Planning Commission's LPO recommendations of May 2005.  
129 (Stoloff/Pollack)

130

131 A substitute motion was made.

132 M/S/C in view of continued action on the LPO, to pass on taking an action.  
133 (Wengraf/Samuels). Ayes: Poschman, Gurley, Burke, Wengraf,, Sheen, DeStaebler,  
134 Samuels, Stoloff. Noes: Pollack. Abstain: None. Absent: None.

135

136

137 **11. Public Hearing: In Lieu Fee Option for Condominium Inclusionary Units**

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

141  
142 Assistant Planner Harrison presented the staff report and noted that the item was  
143 scheduled to go before the Council on July 18.

144  
145 Housing Director Barton reviewed the proposed in lieu fee and the formula for  
146 calculating the fee.

147  
148 Speaker 1: Steve Wollmer spoke in support of the in lieu fee concept and encouraged the  
149 idea for rental projects as well as condominium projects. He said he was concerned that  
150 the City's sale price is not affordable under the state definition and suggested looking at  
151 Fremont's approach.

152  
153 Speaker 2: Claire Risley said she thought developers' profits were too high and supported  
154 an in lieu fee.

155  
156 Speaker 3: Jesse Arreguin spoke in favor of the in lieu fee option and said that the HAC  
157 supported the proposal and is currently working on a proposal for an inclusionary rental  
158 unit in lieu option.

159  
160 M/S/C to close the public hearing. (Poschman/Stoloff) Ayes: Poschman, Gurley, Burke,  
161 Pollack, Sheen, DeStaebler, Samuels, Stoloff. Noes: None. Abstain: None. Absent:  
162 Wengraf.

163  
164 The Commission discussed the options and issues.

165  
166 M/S/C to recommend that the Council adopt the inclusionary ordinance amendment for  
167 the in lieu fee option and request that staff provide an update on the program one year  
168 after adoption. (Sheen/DeStaebler) Ayes: Sheen, Burke, Stoloff, Gurley, DeStaebler,  
169 Poschman. Noes: None. Abstain: Samuels, Pollack, Wengraf. Absent: None.

170  
171 **12. Background Information Related to the Condominium Conversion Ordinance:**  
172 Housing Director Barton provided an update on the Council workshop on the Condo  
173 Conversion Ordinance. He reported that Council wanted to uphold the existing structure  
174 of 100 units per year and had an interest in lower fees for long-term owner-occupants in  
175 smaller projects. Staff would present another workshop at the last meeting of September  
176 and bring a panel of condominium experts.

177  
178 The Commission discussed the information.

179  
180 **13. Request to Set Hearing: Zoning Ordinance Amendments Addressing Heights of**  
181 **Fences and Other Unenclosed Accessory Structures on Residential Lots and**  
182 **Installation of Solar Energy Equipment By-Right (BMC Section 23D.08.060, the**  
183 **residential use tables in 23D.xx.030, and Sub-section 23D.04.030.G)**

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185 Assistant Planner Harrison provided an overview of the proposed amendments.

186 M/S/C to set the Public Hearing for July 26, 2006. (Wengraf/Poschman) Ayes:

187 Poschman, Gurley, Wengraf, Burke, Pollack, Sheen, DeStaebler, Samuels, Stoloff. Noes:

188 None. Abstain: None. Absent: None.

189

190 M/S/C to cancel the July 12 meeting. (Poschman/Stoloff) Ayes: Poschman, Gurley,

191 Wengraf, Burke, Pollack, Sheen, DeStaebler, Samuels, Stoloff. Noes: None. Abstain:

192 None. Absent: None.

193

194 **ADJOURNMENT**

195 **The meeting was adjourned at 10:10**

196

197 Note on Commission Meeting Reporting:

198 In June 2005, the City Council adopted a plan that requires commission secretaries to

199 submit an annual report that summarizes for each meeting a) the number of

200 commissioners in attendance, b) the number of members of the public in attendance, c)

201 the number of speakers at Public Comment and d) the length of the meetings.

202

203 For the June 28, 2006 Planning Commission meeting, the following will be reported:

204 Commissioners in attendance: 9

205 Members of the public in attendance: 18

206 Speakers at Public Comment: 3

207 Length of the meeting: 3 hours 3 minutes