

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
September 13, 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.

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5 **ROLL CALL**

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7 Commissioners Present: Blake, Burke, Gurley, Kaufer, Pollack, Sheen, Samuels, Stoloff,
8 Wengraf.

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10 Commissioners Absent: None.

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12 Staff Present: Dando, Gatzke, Harrison, Marks, Rhodes.

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14 **ORDER OF THE AGENDA**

15 No change.

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17 **PUBLIC COMMENT PERIOD**

18 None.

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20 **PLANNING STAFF REPORT**

21 No report.

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23 **CHAIRPERSON'S REPORT**

24 No report.

25
26 **COMMITTEE REPORTS**

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28 **Creeks Task Force:** The Creeks Task Force met on September 11th and will meet on
29 September 18th to continue reviewing the drafted ordinance language.

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31 **Density Bonus Subcommittee:** No report.

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33 **Downtown Area Plan Citizen Advisory Committee:** Commissioner Samuels reported
34 that the Committee had two meetings and had discussed some of the ideas presented to
35 the committee.

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37 **Downtown BART Plaza and Transit Area Design Plan Citizens Advisory**
38 **Committee:** Commissioner Sheen recommended removing the committee from future
39 agendas.

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41 **Major Residential Additions Subcommittee:** No report.

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43 **Southside Plan Subcommittee:** Commissioner Pollack reported that a meeting would be
44 held on September 14th with one additional meeting concluding the work of the
45 Subcommittee. He noted the remaining discussion would be focused on changing select
46 streets from one-way to two-way and the BRT.

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APPROVAL OF MINUTES

M/S/C to approve the minutes from the July 27, 2006 Planning Commission meeting. (Stoloff/Samuels). Ayes: Burke, Gurley, Pollack, Sheen, Samuels, Stoloff, Wengraf. Noes: None. Abstain: Blake, Kaufer. Absent: None.

UPCOMING AGENDA ITEMS

Chair Burke noted the Creeks Ordinance would be before the Planning Commission on September 27 and October 11. Associate Planner Erin Dando noted the fence height issue would come back to the Planning Commission on October 25, 2006.

ACTION ITEMS

Public Hearing: ZA 4-06: Recommendations from the Joint Subcommittee on Density Bonus on mixed-use and multi-family residential projects in commercial districts.

M/S/C to open a public hearing for the density bonus issue. (Wengraf/Samuels). Ayes: Blake, Burke, Gurley, Kaufer, Pollack, Sheen, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None. Absent: None.

Land Use Planning Manager Rhoades presented the details of the recommendations and Proposition 90.

Commissioner Wengraf noted that the work of the Joint Subcommittee on Density Bonus was not in response to Proposition 90 and that the work had begun in advance of the proposition.

- Speaker 1: Laura Billings stated that density was needed to make residential projects work and that density is appropriate along San Pablo Avenue.
- Speaker 2: Dan Deibel stated that the changes would not affect the project he is working on since it has been deemed complete.
- Speaker 3: Bob Allen stated that State law's impact on Berkeley is too great.
- Speaker 4: Stephen Wollmer suggested that the Subcommittee will reconvene and it should discuss residential only development in C-1 and it should look at the nodes.
- Speaker 5: Chris Hudson said the problem was not the State law, but that Berkeley does not have any by-right development.
- Speaker 6: Evan McDonald provided cost analysis examples of how projects would not be feasible with the Subcommittee or staff recommendations.
- Speaker 7: Charles Krenz does not support Proposition 90 and said the proposed changes will hurt the development potential at his site where Weatherford BMW is located.
- Speaker 8: Jesse Arreguin, on the Zoning Adjustments Board and Chair of the Housing Advisory Commission (HAC), said the HAC supported the Subcommittee recommendations.

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- 93 Speaker 9: Elaine Green with the Lorin District Development Association said the
94 Commission needs to address the socio-economic issues.
- 95 Speaker 10: Dana Ellsworth stated the analysis was difficult to read and the Planning
96 Commission should listen to developers who are saying they can't build with the
97 recommendations.
- 98 Speaker 11: Brendan Heafey said the recommendations would have a significant
99 negative effect on Berkeley.
- 100 Speaker 12: Steven Parker said his project may be affected and the recommendations
101 would make it infeasible.
- 102 Speaker 13: Teresa Clarke stated the recommendations would severely impact the
103 ability to build affordable housing resulting in a decrease in new affordable home.
- 104 Speaker 14: Mr. Jee (Arcon, Inc.) said the amendments will drastically affect projects
105 and that there has not been proper noticing.
- 106 Speaker 15: Alexander Quinn opposed Proposition 90 and stated that without
107 density housing would be pushed out to the suburbs.
- 108 Speaker 16: Ali Kashani said the recommendations would have an adverse impact on
109 affordable housing and market rate housing.
- 110 Speaker 17: Merrilie Mitchell spoke to the amendments.

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112 M/S/C to close the public hearing. (Gurley/Stoloff). Ayes: Blake, Burke, Gurley, Kaufer,
113 Pollack, Sheen, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None. Absent: None.

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115 The Commission discussed the issues including the need to respond to the transition area
116 between commercial districts and residential districts, concerns with taking action when
117 not enough of the affected public has been involved, concerns with the passage of
118 Proposition 90, and whether or not the recommendations constitute downzoning.

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120 M/S/C to recommend the City Council to take no action on the recommendations.
121 (Stoloff/Pollack). Ayes: Gurley, Kaufer, Pollack, Samuels, Stoloff. Noes: Blake, Burke,
122 Sheen, Wengraf. Abstain: None. Absent: None.

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124 A substitute motion was made to recommend adoption of the staff recommendations
125 incorporating a sunset clause contingent upon the passage of Proposition 90 (Sheen). A
126 friendly amendment was made to the substitute motion, which was not accepted. The
127 amendment was to remove the contingency of Proposition 90 on the sunset clause.
128 (Gurley) A friendly amendment was made and accepted to remove the contingency on
129 Proposition 90 and sunset the amendments on April 30, 2007. (Blake)

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131 M/S/FAILED to recommend adoption of the staff recommendations incorporating a
132 sunset clause for April 30, 2007. (Sheen/Wengraf). Ayes: Blake, Burke, Sheen, Wengraf.
133 Noes: Gurley, Kaufer, Pollack, Samuels, Stoloff. Abstain: None. Absent: None.

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135 *The Planning Commission took a short recess.*

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137 **Public Hearing: ZA 5-06: Recommendations for Amendments to Major Residential**
138 **Additions, Architectural Features, Maximum Height Calculations and Creation of**
139 **Language Defining Dormers.**
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141 M/S/C to open a public hearing for the major residential addition issue. (Gurley/Blake). 142 Ayes: Blake, Burke, Gurley, Kaufer, Pollack, Sheen, Samuels, Stoloff, Wengraf. Noes: 143 None. Abstain: None. Absent: None.
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145 Planner Dando presented the Subcommittee and staff recommendations noting minor
146 changes made to the amendments clarifying the intent of the Subcommittee and staff
147 from an earlier version submitted to the Commission. The Commissioners asked
148 questions of staff and noted additional minor changes to the proposed text.
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150 Speaker 1: Carl Strand supported the staff and Subcommittee recommendations.

151 Speaker 2: Mark Troup stated the public has not been involved in the process.

152 Speaker 3: Harriet Berg supported the recommendations.

153 Speaker 4: Mary Obstfeld supported the recommendations.

154 Speaker 5: Trish Hawthorne supported the recommendations.

155 Speaker 6: Cathy Roha opposed the recommendations stating that "unreasonable"
156 detriment needed to be defined.

157 Speaker 7: Andy Sabhlok stated that there had not been enough noticing to affected
158 property owners.

159 Speaker 8: Nadia Kahn recommended the Commission to take no action and that the
160 only responsible was to grow was up not out.

161 Speaker 9: Jason Kaldis said the diagrams in the staff report are incorrect and that
162 modest upper story additions should be allowed.

163 Speaker 10: Randi Gilbert came to the meeting just to find out what was going on.

164 Speaker 11: Tim Perry supported the recommendations.

165 Speaker 12: Merrilie Mitchell argued against "mcmansions".
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167 M/S/C to close the public hearing (Wengraf/Samuels). Ayes: Blake, Burke, Gurley, 168 Kaufer, Pollack, Sheen, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None. Absent: 169 None.
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171 The Commission discussed the issues including the noticing for the public hearing, the
172 impact on new Administrative Use Permits, and concerns with encouraging development
173 out instead of a more sustainable approach building up.
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175 M/S/C to accept the Subcommittee and staff recommendations, including the proposed 176 zoning amendments, the CEQA determination of categorical exemption and the 177 incorporation of the minor changes to the amendment text addressed during the staff 178 discussion with the Commission. (Samuels/Stoloff). Ayes: Blake, Burke, Gurley, Pollack, 179 Sheen, Samuels, Stoloff, Wengraf. Noes: None. Abstain: Kaufer, Pollack. Absent: None.

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181 **Public Hearing: Telegraph Avenue Economic Development Assistance Package,**
182 **Zoning Component: Request to CONTINUE PUBLIC HEARING to September 27,**
183 **2006.**

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185 M/S/C to continue the public hearing to September 27, 2006. (Wengraf/Gurley). Ayes:
186 Blake, Burke, Gurley, Kaufer, Pollack, Sheen, Samuels, Stoloff, Wengraf. Noes: None.
187 Abstain: None. Absent: None.

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189 **ADJOURNMENT**

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191 The meeting was adjourned at 11:25 pm.

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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 September 13, 2006 Planning Commission meeting, the following will be
200 reported:

201 Commissioners in attendance: 9

202 Members of the public in attendance: 47

203 Public Speakers: 29

204 Length of the meeting: 4 hours, 18 minutes