

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

September 5, 2007

1 Time: The meeting was called to order by Chair Samuels at 7:10 p.m.

2 Location: North Berkeley Senior Center.

3 **ROLL CALL**

4 Commissioners Present: Burke, Dacey, Falik (for Pollack), Ferrazares, Poschman,
5 Samuels, Stoloff, Wengraf.

6 Commissioners Absent: Gurley

7 Staff Present: Eakland, Fogarty, Harrison, Kelekian, Sanderson, Marks, Tran, Wolff.

8 **ORDER OF THE AGENDA**

9 Commissioner Poschman requested Items 10-13 be moved before Item 9.

10

11 **PUBLIC COMMENT PERIOD**

12 Speaker 1: Harvey Sherback, a solar energy advocate, cited current newspaper headlines
13 about water issues. He expressed his concern about water use in the production of
14 fossil fuels, stating that Berkeley should implement a program of roof-top solar
15 energy.

16 **PLANNING STAFF REPORT**

17 Planning Director Marks introduced Be Tran, Assistant Planner, and announced Debra
18 Sanderson will be the new Land Use Planning Manager. Secretary Harrison identified the
19 late communications.

20 **CHAIRPERSON'S REPORT** - None.

21 **COMMITTEE REPORTS** - DAPAC: on September 4 the DAPAC began discussion of
22 the draft Land Use Element of the DAP.

23 **APPROVAL OF MINUTES**

24 M/S/C to approve the draft minutes of July 25, 2007 (Poschman/Wengraf). Ayes: Burke,
25 Ferrazares, Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: Dacey, Falik.
26 Absent: Gurley.

27 **UPCOMING AGENDA ITEMS**

28 The Commission asked when the Joint Subcommittee on Density Bonus
29 recommendations would be coming; staff explained they will be brought first to the
30 Commission in October, then to the HAC and ZAB, then back to the Commission for
31 consideration in late 2007.

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

September 5, 2007

32 **ACTION ITEMS**

33 **Item 10 Staff comment letter on the ABAG Draft Regional Housing Needs**
34 **Assessment (RHNA) Allocation**

35 Planning Director Marks reported on ABAG's draft RHNA and the city's response.

36 M/S/C to support Director Marks' letter to ABAG (Pollack/Ferrazares). Ayes: Burke,
37 Ferrazares, Falik (for Pollack), Poschman, Samuels, Dacey, Stoloff, Wengraf. Noes:
38 None. Abstain: None. Absent: Gurley.

39 **Item 11 Public Hearing: Tentative Tract Map 7833, 3101-3115 California**

40 Assistant Planner Be Tran gave a brief presentation explaining the condominium
41 conversion process. James Kelekian, Executive Director of the Rent Board, described the
42 Condominium conversion Ordinance's tenant protections.

43

44 M/S/C to open the public hearing (Poschman/Burke). Ayes: Burke, Dacey, Ferrazares,
45 Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None.
46 Absent: Gurley.

47 Speaker 1: Stanley Sobolewski, representative of the Woolsey Street Neighborhood
48 Association, stated his concern about the high amount of garbage currently in
49 front of the building and its state of disrepair, and stated the proposed addition for
50 four units should not be permitted.

51

52 Staff clarified the building currently has eight studio units and not additions are proposed.

53

54 M/S/C to close the public hearing (Burke/Dacey). Ayes: Burke, Dacey, Ferrazares, Falik
55 (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None.
56 Absent: Gurley.

57 M/S/C to approve Tentative Tract Map 7833 (Stoloff/Wengraf). Ayes: Burke, Dacey,
58 Ferrazares, Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None.
59 Abstain: None. Absent: Gurley.

60 **Item 12 Public Hearing: Tentative Tract Map 7832, 2301-2309**

61 M/S/C to open the public hearing (Poschman/Burke). Ayes: Burke, Dacey, Ferrazares,
62 Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None.
63 Absent: Gurley.

64 No public comment.

65 M/S/C to close the public hearing (Poschman/Burke). Ayes: Burke, Dacey, Ferrazares,
66 Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None.
67 Absent: Gurley.

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

September 5, 2007

68 M/S/C to approve Tentative Tract Map 7832 (Burke/Falik). Ayes: Burke, Dacey,
69 Ferrazares, Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None.
70 Abstain: None. Absent: Gurley.

71 **Item 13 Public Hearing: Tentative Tract Map 7848, 1632 Francisco Street**

72 M/S/C to open the public hearing (Burke/Poschman). Ayes: Burke, Dacey, Ferrazares,
73 Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None.
74 Absent: Gurley.

75 No public comment.

76 M/S/C to close the public hearing (Poschman/Dacey). Ayes: Burke, Dacey, Ferrazares,
77 Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None.
78 Absent: Gurley.

79 M/S/C to approve Tentative Tract Map 7848 (Poschman/Falik). Ayes: Burke, Dacey,
80 Ferrazares, Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None.
81 Abstain: None. Absent: Gurley.

82 **Item 9 Continued Public Hearing: Zoning Ordinance, General Plan, and West**
83 **Berkeley Plan amendments and Proposed Mitigated Negative Declaration to allow**
84 **Automobile Sales in West Berkeley for business retention.**

85 Secretary Harrison briefly reviewed the proposed amendments and previous
86 consideration of the project by the Commission. Dave Fogarty of the Office of Economic
87 Development presented information on economic trends in Berkeley and Alameda
88 County and information on why automobile dealerships would not be expected to drive
89 up land costs in West Berkeley.

90 Representatives from local auto dealerships (Shane Lavery, General Manager McKeivitt
91 Volvo-Nissan, Jory Hite, Manager of the Berkeley McKeivitt dealership, Steve Haworth,
92 General Manager of Berkeley Honda, and Don Crosatto, business agent for the
93 Machinists local that represents the automotive technicians at both McKeivitt and
94 Berkeley Honda) answered questions from the Planning Commission about their future
95 relocation plans and the fiscal implications of relocation. The representatives agreed that
96 a location near I-80 that allowed for a concentration of multiple dealerships would be
97 beneficial to their business.

98 M/S/C to open the public hearing (Poschman/Dacey). Ayes: Burke, Dacey, Ferrazares,
99 Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None.
100 Absent: Gurley.

101 Speaker 1: Daniel Knapp, owner of Urban Ore, read from his letter to the Planning
102 Commission, stating there have been several inaccuracies about Urban Ore. These
103 include Urban Ore's profitability, ability to afford their lease, and specialized
104 nature of their operations. He stated his opinion that an EIR is needed.

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

September 5, 2007

- 105 Speaker 2: John More, attorney for Urban Ore, discussed Urban Ore's lease and stated
106 \$45 acre per foot sounds like a reasonable sales price estimate, however not
107 necessarily the lease price.
- 108 Speaker 3: Jeff Hogan, owner of Ashby Lumber, stated that West Berkeley is home to
109 multiple construction related enterprises and acts as a building supply center. This
110 construction community would be threatened if auto dealers were allowed in the
111 area south of Ashby. He also stated his support for granting a variance for auto
112 sales to Steve Moran, owner of an auto restoration operation at 751 Folger.
- 113 Speaker 4: Mark Gorrell, representative of the Ecology Center, expressed his concern
114 about losing Urban Ore and the material recovery services they provide.
- 115 Speaker 5: Nancy Gorrell, representative of the Community Conservation Center,
116 expressed her concern about losing a unique recycling community.
- 117 Speaker 6: Rick Auerbach of West Berkeley Artisans and Industrial Companies asked
118 that the Commission take a nuanced approach to allowing dealerships by not
119 included areas where recycling operators are currently located. He also stated his
120 opposition to dealership locations south of Ashby and support for a variance for
121 Moran Motor Sport.
- 122 Speaker 7: Susan Libby stated that the commission consider paving 2nd street and address
123 traffic mitigation in that area in relation to the dealership proposal.
- 124 Speaker 8: Steve Lautze, board member of SPRAWLDEF, stated that the official report
125 is deficient because it does not address impacts to utility and public service
126 systems. He stated that the current material recovery enterprises are critical to
127 reaching Berkeley's zero waste goals. He stated his support for placing the
128 overlay on Frontage Road and possibly north Gilman.
- 129 Speaker 9: Steen Jensen, Zero Waste Commission Chair, stated his concern with the
130 inclusion of the transfer station within the overlay and that land around the
131 transfer station should be made available for spin-off recycling businesses.
- 132 Speaker 10: John Curl, chair of the West Berkeley Artisans and Industrial Companies,
133 stated his opposition to allowing auto sales south of Ashby and on the transfer
134 station site. He suggested narrowing the overlay to include Flint Ink and Frontage
135 Road.
- 136 Speaker 11: Daniel Caraco stated allowing auto sales is inconsistent with the city's goal
137 to reduce greenhouse gas emissions.
- 138 Speaker 12: Merrilie Mitchell stated her support for a variance for Moran Motor Sports
139 and that the city should focus on allowing green car sales.

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

September 5, 2007

140 Speaker 13: Jesse Arreguin, ZAB member, stated that the initial study is flawed and
141 urged the commission not to approve the overlay. He stated is opinion that the
142 Board could approve a Variance in this case.

143 Speaker 14: Arthur Boone, stated it is important to have convenient access to recycling
144 enterprises and that place for the sorting and sale of reusable items is very
145 important.

146 Speaker 15: Asa Dodsdownth stated his support for Berkeley's zero waste goals and
147 added that Berkeley should preserve the space for the current material recovery
148 facilities.

149 Speaker 16: Mary Lou Van Deventer, Northern California Recycling Association
150 representative, discussed fiscal details regarding Urban Ore and stated the MULI
151 district and transfer station should be dropped from the proposal.

152 M/S/C to close the public hearing (Poschman/Burke). Ayes: Burke, Dacey, Ferrazares,
153 Falik (for Pollack), Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None.
154 Absent: Gurley

155 Commissioners discussed the removal of the MULI area south of Ashby, removal of the
156 transfer station, and limiting the use to frontage road and Flint Ink, and what effect these
157 constraints would have on the feasibility of auto dealers to locate in West Berkeley.

158 M/S/C to take the MULI area South of Ashby, Project Area #2 out of consideration for
159 automobile sales (Wengraf/Falik). Ayes: Burke, Dacey, Ferrazares, Falik (for Pollack),
160 Poschman, Samuels, Wengraf. Noes: None. Abstain: Stoloff. Absent: Gurley

161 M/S/C to recommend allowing auto sales in Project Area #1 subject to continued
162 discussion of the proposed text amendments (Stoloff /Falik). Ayes: Ferrazares, Falik (for
163 Pollack), Samuels, Stoloff, Wengraf. Noes: Burke, Dacey, Poschman. Abstain: None.
164 Absent: Gurley.

165 **Substitute Motion** M/S/F to direct staff to look into an area without the transfer station
166 and the area around the skate park and make the area smaller with the focus on Frontage
167 Road (Burke/Dacey). Ayes: Burke, Dacey, Noes: Ferrazares, Falik (for Pollack),
168 Samuels, Wengraf. Abstain: Poschman. Absent: Gurley.

169 **ADJOURNMENT**

170 **The meeting was adjourned at 10:45 p.m.**

171 Note on Commission Meeting Reporting:

172 In June 2005, the City Council adopted a plan that requires commission secretaries to
173 submit an annual report that summarizes for each meeting a) the number of

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

September 5, 2007

174 commissioners in attendance, b) the number of members of the public in attendance, c)
175 the number of public speakers and d) the length of the meetings.

176 For the September 5, 2007 Planning Commission meeting, the following will be reported:

177 Commissioners in attendance: 8

178 Members of the public in attendance: 40

179 Public Speakers: 18

180 Length of the meeting: 3 hours 35 minutes