

# FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

January 13, 2010

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

2 Location: North Berkeley Senior Center.

## 3 **ROLL CALL**

4 Commissioners Present: Clarke, Dacey, Eisen, Gurley, Novosel, Pollack,  
5 Poschman, Samuels, Stoloff.

6 Commissioners Absent: None.

7 Staff Present: Amoroso, Harrison, Munowitch, Taecker.

## 8 **ORDER OF THE AGENDA**

9 No Change.

## 10 **PUBLIC COMMENT PERIOD**

11 Speaker 1: Zelda Bronstein stated her concern relating to Planning Director  
12 Dan Mark's letter to BAAQMD about proposed air quality guidelines and  
13 distributed a copy of the letter.

## 14 **PLANNING STAFF REPORT**

15 None.

## 16 **CHAIRPERSON'S REPORT**

17 None.

## 18 **UPCOMING AGENDA ITEMS**

19 None.

## 20 **APPROVAL OF MINUTES**

21 Motion/Second/Carried to approve the draft minutes of December 9, 2009 with  
22 minor corrections (HP/GP). Ayes: Clarke, Dacey, Eisen, Gurley, Novosel,  
23 Pollack, Poschman, Samuels, Stoloff. Noes: None. Abstain: None. Absent: None.

## 24 **AGENDA ITEMS**

25 **Item 9: Amendments regulating beer and wine service and sales at**  
26 **restaurants in the C-T (Telegraph) and C-2 (Downtown) districts**

27 Staff presented the proposed amendments and answered clarifying questions  
28 from the commissioners.

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29 Motion/Second/Carried to open public hearing (HP/GP). Ayes: Clarke, Dacey,  
30 Eisen, Gurley, Novosel, Pollack, Poschman, Samuels, Stoloff. Noes: None.  
31 Abstain: None. Absent: None.

### 32 Public Comments:

33 Speaker 1: Councilmember Jesse Arreguín stated his support of the proposed  
34 amendments. He stated that the businesses downtown need to adapt to the  
35 changing economy and these amendments would encourage more economic  
36 development.

37 Speaker 2: Fried Wittman stated his concerns relating to the proposed  
38 amendments that are highlighted in the BAPAC Testimony to Berkeley  
39 Planning Commission. He stated his concern that Berkeley a greater density  
40 of alcohol establishments compared to the state average. He also stated his  
41 concern that the proposed amendments will enable more off-premise  
42 consumption and will result in increased crime.

43 Speaker 3: Edward Kitumoto stated his opposition to the proposed  
44 amendments and stated that once a property is allowed to serve alcohol, it  
45 forever keeps that right. He also stated that individual alcohol outlets are not  
46 overly adverse but an over concentration is.

47 Speaker 4: Peter Boyd stated his support for the proposed amendments and  
48 stated that the boost in revenue will increase jobs and tax base for Berkeley.

49 Speaker 5: Pamela White stated her support for the proposed amendments  
50 and stated that there is a fundamental difference between full service and  
51 quick service restaurants, and that the quick turnover restricts the time people  
52 will be drinking at these restaurants.

53 Speaker 6: John Caner stated his support of the proposed amendments and  
54 stated that the amendments will create a more vibrant downtown.

55 Speaker 7: Stephen Wollmer stated his opposition to the proposed  
56 amendments and stated that the planning commission should only support  
57 lowering the discretion of restaurants that self certify as an ABC defined 'bona  
58 fide restaurant' to serve alcohol from a UP(PH) to an AUP.

59 Speaker 8: Natalie Kniess stated her support of the proposed amendments and  
60 stated that red tape should not prevent economic vitality.

61 Speaker 9: Amanda West stated her support of the proposed amendments and  
62 stated that the lack of beer and wine is holding her business back at dinner  
63 time. She stated that quick serve restaurants should go through the same  
64 AUP process that full service restaurants go through to serve alcohol.

65 Speaker 10: Robert Gaustad stated his support of the proposed amendments  
66 and stated that the delay of eight months required to get his restaurants' Use  
67 Permit for serving alcohol almost put him out of business and the permit was  
68 approved on consent.

69 Speaker 11: Carol Nyhoff stated her concern with the proposed amendments  
70 and stated that the Planning Commission should wait until the UC-related  
71 study funded by a \$500,000 grant to research alcohol consumption was  
72 chosen for Berkeley is concluded and its results published.

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73 Speaker 12: Merrilie Mitchell stated that she supports Amanda's getting a liquor  
74 license but it should be studied more for other establishments.

75 Commissioners discussed the definitions of carry-out, quick-serve and full-serve  
76 restaurants. Commissioners discussed the proposed 200 foot buffer from  
77 residential district and suggested changes to allow the proposed amendments to  
78 affect more properties on Shattuck Avenue and in the C-T district.

79 Chair moved to continue the public hearing to January 27<sup>th</sup> without objection

### 80 **Item 11: Work Plan Discussion 1 of 2: Completion of Current Projects**

81 Commissioners discussed the current projects being worked on by staff and  
82 discussed future items they would like to see, including reducing discretionary  
83 thresholds, items from the Mayor's Task Force report, the density bonus project,  
84 and reform of the Variance definition

### 85 **Item 10: Street & Open Space Improvement Plan Subcommittee**

86 Staff presented the proposal for a new subcommittee.

87 Public Comment:

88 Speaker 1: Merrilie Mitchell stated she wants to save the trees in the downtown  
89 and should concentrate on cleaning the sidewalks now.

90 Motion/Second/Carried to appoint Teresa Clarke, Jim Novosel, Patricia Dacey  
91 and James Samuels (as an alternate) to the SOSIP Subcommittee (GP/HP).  
92 Ayes: Clarke, Dacey, Eisen, Gurley, Novosel, Pollack, Poschman, Samuels,  
93 Stoloff. Noes: None. Abstain: None. Absent: None.

## 94 **ADJOURNMENT**

95 **The meeting was adjourned at 9:25 pm**

96 Commissioners in attendance: 9

97 Members of the public in attendance: 30

98 Public Speakers: 15

99 Length of the meeting: 2 hour 15 minutes