

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
April 13, 2005

ROLL CALL

Time: The meeting was called to order at 7:04 p.m. by Chair Pollack.

Location: North Berkeley Senior Center.

Commissioners Present: Burke, Fireman, Holland, Pollack, Poschman, Shumer, Stoloff, Tabb, Wengraf.

Staff Present: Cowan (City Attorney's Office), Dando, Gatzke, Marks, and Rhoades.

ORDER OF THE AGENDA

There were no changes to the agenda.

PUBLIC COMMENT PERIOD

Speaker #1: Daniella Thompson of BAHA submitted and read a letter to the Planning Commission regarding the Landmarks Preservation Ordinance (LPO) and proposed changes.

Speaker #2: John English addressed the regulatory power of the Landmarks Preservation Commission over demolitions for initiated or landmarked buildings.

Speaker #3: Barbara Allen of Neighbors on Urban Creeks (NUC) emphasized that NUC supported all meetings of the Creeks Task Force (CTF) to be open to the public, as currently proposed in the CTF work plan.

Speaker #4: Burton Edwards a former Landmarks Preservation Commissioner, addressed several of the issues presented in the draft LPO recommendations.

Speaker #5: Phil Price a member of the Creeks Task Force, spoke in support of the work plan, budget and schedule submitted to the Planning Commission for approval.

Speaker #6: Alan Tobey of Livable Berkeley read a letter submitted by the organization supporting the revisions to the LPO as proposed except for the "structures of merit" language.

Speaker #7: Sally Sachs posed questions to the Planning Commission about the City's financial support of larger proposed projects in Berkeley.

Speaker #8: Juliet Lamont spoke in support of the work of the Creeks Task Force stating that much public input had been received by the CTF and complimenting the CTF for their work and collaboration.

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46 Speaker # 9: Stephen Wollmer asked that the Planning Commission and/or staff get
47 involved with Berkeley Unified School District reuse property and also addressed his
48 letter in the Commission's packet regarding live/work development and inclusionary
49 housing.
50

51 Speaker #10: Patricia Dacey stated that she had been appointed to the LPC, but had not
52 been involved and any of their previous drafting or work of the LPO and was speaking as
53 a citizen. She stated that the original intent was not to weaken the powers of the LPC and
54 believed that there were easier solutions to the problems.
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56 Speaker #11: Lesley Emmington Jones stated that the LPC's ability to suspend
57 demolitions was an equitable solution for the developer as well as historic preservation.
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59 Speaker #12: John McBride agreed with Ms. Jones, that the power to suspend could be
60 seen as equitable, but said it really hadn't been explored. He also saw a problem with
61 decisions bouncing back and forth between the LPC and Zoning Adjustments Board.
62

63 **PLANNING STAFF REPORT**

64
65 Land Use Manager Rhoades informed the Planning Commission that a set of the Zoning
66 Ordinance revisions approved by the PC was approved by the City Council on April 12th.
67 He noted that the text changes for home occupations was pulled and may come back to
68 the Commission for more review, as the Council believed the Administrative Use Permit
69 threshold may still be too high for some teaching-related home occupations. Rhoades
70 stated that the Commission approved parking revisions would go before the Council on
71 May 24th. He informed the Commission that the West Berkeley Bowl project was
72 moving forward with a focused Environmental Impact Report and may come back to the
73 Commission around September.
74

75 **CHAIRPERSON'S REPORT**

76
77 No report.
78

79 **COMMITTEE REPORTS**

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81 **Creeks Task Force**

82 Report held for agenda action item.
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84 **Southside Plan EIR Status**

85 Principal Planner Gatzke mentioned that staff was working on developing a new meeting
86 date.
87

88 **Landmarks Preservation Ordinance**

89 Chair Pollack stated that the subcommittee work was completed and it was on the agenda
90 to set the Public Hearing.
91

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92 **APPROVAL OF MINUTES**

93 M/S/C to approve the March 9, 2005 minutes. (Wengraf/Shumer) Ayes: Burke, Fireman, 94 Pollack, Shumer, Stoloff, Tabb, Wengraf. Noes: None. Abstentions: Holland, Poschman. 95 None. Absent: None.
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97 **UPCOMING AGENDA ITEMS**

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99 Commissioner Stoloff stated that he believed the City would eventually be involved with
100 the west campus planning process for the BUSD property.

101
102 Commissioner Wengraf informed the Commission about an upcoming “Workshop on
103 Downtown Parking” hosted by the Berkeley Transportation Commission on April 21st.
104 She asked that it be placed on the agenda for the next meeting and that any staff reports
105 or materials be forwarded to the Planning Commission.

106
107 **ACTION ITEMS**

108 **Report and Recommendation for the Creeks Task Force Work Plan, Budget and**
109 **Timeline.**

110
111 Planning Director Marks made a presentation to the Planning Commission on BMC
112 17.08 - Preservation and Restoration of Natural Watercourses. He explained some of the
113 history of the Ordinance, the definition of creeks, how they are regulated and some of the
114 issues identified by staff with the existing Ordinance. He also noted the recent
115 amendment to the Ordinance made by the Council in November 2004 to allow the rebuild
116 of a demolished structure within 30’ of a creek centerline without obtaining a Variance,
117 but subject to all Building Code and Zoning Ordinance requirements.

118
119 Commissioner Helen Burke, Chair of the Creeks Task Force (CTF), continued the
120 presentation reviewing the purpose of the CTF, the work they have accomplished to-date
121 and specifically the proposed work plan, budget and timeline. Commissioner Burke
122 introduced members of the CTF present at the meeting.

123
124 Chair Pollack thanked Commissioner Burke and CTF member Jon Streeter in particular
125 for their hard work in this effort.

126
127 Commissioner Wengraf asked if the \$100,000 budget request was enough money to
128 actually do the work needed. Other commissioners commented that this might be seed
129 money and that the CTF should keep it open in case more is needed. Other
130 commissioners stated that it may be too high in light of the existing budget situation.

131

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132 M/S/C to approve the Creeks Task Force work plan, budget and timeline as submitted.
133 (Stoloff/Tabb) Ayes: Burke, Fireman, Holland, Pollack, Poschman, Shumer, Stoloff,
134 Tabb, Wengraf. Noes: None. Abstentions: None. None. Absent: None.

135

136 Chair Pollack recessed the meeting from 8:35 p.m. to 8:39 p.m.

137

138 **Landmarks Preservation Ordinance and Zoning Ordinance Amendments –**
139 **Recommendations from Planning Commission Subcommittee.**

140 M/S/C to set the issues for the Landmarks Preservation Ordinance and Zoning Ordinance
141 amendments for a Public Hearing on April 27, 2005 and that the Public Hearing Notice
142 be more specific about the issues to be reviewed. (Poschman/Shumer) Ayes: Burke,
143 Fireman, Holland, Pollack, Poschman, Shumer, Stoloff, Tabb, Wengraf. Noes: None.
144 Abstentions: None. None. Absent: None.

145

146 Commissioner Burke requested staff to provide information on how many buildings had
147 been designated under a “merit of structure”.

148

149 Commissioner Poschman requested additional information about demolitions of
150 landmark buildings and “initiated” buildings within the last few years, even when the
151 building status was overturned by the City Council. He also requested information on the
152 number of projects that would increase if the time threshold changed.

153

154 There were some additional questions from the Commission regarding the LPO and the
155 Permit Streamlining Act, which were answered by Assistant City Manager Cowan.

156

157 **ADJOURNMENT**

158 The meeting was adjourned at 8:55 p.m.