

**DRAFT MINUTES OF REGULAR PLANNING COMMISSION MEETING**  
**November 30, 2005**

1 Time: The meeting was called to order at 7:05 p.m. by Chair Pollack.

2  
3 Location: North Berkeley Senior Center.

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5 **ROLL CALL**

6  
7 Commissioners Present: Burke, Poschman, Samuels, Sheen, Shumer, Stoloff, Wengraf,  
8 Pollack.

9  
10 Commissioners Absent: Wrenn.

11  
12 Staff Present: Gatzke, Homrighausen, Rhoades, Paine, Crane, Harrison, Millard-Ball  
13 (TSF consultant).

14  
15 **ORDER OF THE AGENDA**

16  
17 No change.

18  
19 **PUBLIC COMMENT PERIOD**

20  
21 Speaker #1: Dennis Green, 2843 San Pablo Avenue (business address), operates  
22 wholesale food business at Heinz and San Pablo Avenue. Proposed signals associated  
23 with West Berkeley Bowl will pose problems for their business.

24  
25 Speaker #2: Stephen Wollmer spoke on appeal fee saying he approves of the proposed  
26 fee increase but that a successful appeal should result in a refund of the fee.

27  
28 Speaker #3: Chris Hudson spoke about the Transportation Services Fee. He thinks the fee  
29 is too large, that the application of the fee is ambiguous, and that the expenditure plan is  
30 poorly conceived. He thinks applying a fee to a change in use creates a disincentive for  
31 change.

32  
33 **PLANNING STAFF REPORT**

34  
35 Land Use Planning Manager Rhoades introduced new Associate Planner Paine. The  
36 Commission was requested to set a special session on January 7, 2006 for a tour of West  
37 Berkeley. A workshop with the Creeks Task Force is upcoming. Council has added 2  
38 items to the Planning work plan, which are described in the addendum report provided  
39 tonight.

40 West Berkeley Bowl will not be scheduled Dec. 14. It will probably be January 11, but  
41 possibly will be Jan. 25. The Mayor has issued a draft proposal for changes to the  
42 Landmarks preservation ordinance, which was considered by Council Nov. 29, and will  
43 be considered additionally by Council January 17. The Planning Commission may  
44 schedule discussion Dec. 14 if it is the pleasure of the Commission. A workshop with the  
45 Creeks Task Force is tentatively scheduled January 25.

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48 **CHAIRPERSON'S REPORT**

49

50 None.

51

52 **COMMITTEE REPORTS**

53

54 **Creeks Task Force**

55 Commissioner Burke reported that a consultant is proceeding with data collection. The  
56 Creeks Task Force has a schedule, which Commissioner Burke will forward to staff for  
57 distribution to the Planning Commission. The Task Force wants to meet with the  
58 Planning Commission in January to present preliminary recommendations and then have  
59 a Public Hearing in March. The Creeks Task Force has a schedule from the Council to  
60 complete its work by March, bring their recommendations to the Planning Commission in  
61 April, and go to Council in May 2006. Commission members discussed timing of  
62 meetings given the Council's deadlines.

63

64 **Density Bonus Subcommittee**

65 Commissioner Wengraf reported that the Subcommittee met on November 22 and that  
66 upcoming meetings will be on December 7 at 3pm and December 15 at 3pm. The  
67 Subcommittee is working on the ZAB recommendations and there are no conclusions to  
68 date.

69

70 **Downtown Area Plan Citizen Advisory Committee**

71 Commissioner Wengraf reported that the Committee met on November 21 and had a  
72 detailed presentation. There will be a walking tour on Saturday December 3, 2005.  
73 Commissioner Poschman commented on the degree of specificity of the first meeting and  
74 noted that the meeting's tone was constructive.

75

76 **Downtown BART Plaza and Transit Area Design Plan Citizens Advisory Committee**

77 Commissioner Burke reports that the next BART Plaza Transit Committee meeting is  
78 December 14.

79

80 **APPROVAL OF MINUTES**

81 M/S/C to approve the minutes for November 9, 2005. (Wengraf/Poschman) Ayes: Burke,  
82 Poschman, Samuels, Sheen, Shumer, Stoloff, Wengraf, Pollack. Noes: None. Abstention:  
83 None. Absent: Wrenn.

84

85

86 **UPCOMING AGENDA ITEMS**

87 Commissioner Poschman proposed canceling the December 14 meeting, to be considered  
88 at the end of this meeting.

89

90 Principal Planner Gatzke told the Commission that they have the option to set the January  
91 7 Special Meeting at this meeting. He also gave them the option to set the public hearing  
92 for West Berkeley Bowl FEIR for either January 11, 2006 or January 25, 2006.

93

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94 M/S/C to set the Public Hearing for the West Berkeley Bowl FEIR on either January 11,  
95 2006 or January 25, 2006 as the staff sees appropriate. (Shumer/Wengraf). Ayes: Burke,  
96 Poschman, Samuels, Sheen, Shumer, Stoloff, Wengraf, Pollack. Noes: None. Abstention:  
97 None. Absent: Wrenn.

98  
99 M/S/C to set January 7, 2006, 10 a.m., meeting location to be determined, as a Special  
100 Meeting of the Planning Commission for a workshop on business retention in West  
101 Berkeley. (Wengraf/Burke). Ayes: Burke, Poschman, Samuels, Sheen, Shumer, Stoloff,  
102 Wengraf, Pollack. Noes: None. Abstention: None. Absent: Wrenn.

103  
104 Commission Chair Pollack confirmed that January 11, 2006 will be a workshop on Auto  
105 Retention in West Berkeley.

106  
107 Commission Chair Pollack clarified that there will be no meeting on December 21.

108

109 **ACTION ITEMS**

110

111 **Alameda County-wide Homeless and Special Needs Housing Plan**

112 Staff member Paine informed the Commission that no housing staff could attend the  
113 meeting, but that Housing staff recommends that Commissioners look at the report  
114 presented to Council on November 29 for additional information. The report addresses a  
115 number of the questions that the Planning Commission has asked in previous meetings.  
116 The document, "Homeless and Anti-Poverty Programs," is posted with the City Council's  
117 Special Work Session for November 29, 2005 agenda. Staff will email the link to  
118 Commissioners.

119

120 Principal Planner Gatzke told the commission that staff would give notes from the  
121 discussion and a copy of the tape to Housing staff member Stroshane.  
122 Commissioners discussed the staff report and considered endorsement of the Plan.  
123 Commissioner Wengraf suggests reagendizing the item for a future meeting. Planning  
124 Manager Rhoades suggests that the item be taken up at the January 11 meeting. The  
125 Commission restates that either December 14 or January 11 is fine.

126

127 **Transportation Services Fee Nexus Study**

128 Consultant Millard-Ball explains the TSF report and hand-out entitled "Fee Burden."  
129 Commissioners asked questions and discussed the relationship of the proposed TSF with  
130 the General Plan's land use goals and policies, identifying the need for more analysis.  
131 Several motions were made; none carried.

132

133 M/S The Commission moves that staff requests Council to delay the Public Hearing on  
134 the TSF until spring so the Planning Commission may consider the relationship between  
135 the TSF and General Plan Land Use, Housing, and Economic Development policies.  
136 (Wengraf/Stoloff)

137

138 Substitute motion:

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139 M/ Before City Council sets the hearing for TSF that they consider other impact fees and  
140 not just the TSF in isolation. (Burke, no second)

141  
142 Chair requested that the motion be withdrawn.

143  
144 Substitute motion:

145 M/S The Planning Commission supports in concept a TSF but needs information about  
146 the impact of the fee on Land Use, Economic Development, and Housing as well as on  
147 other potential impact fees. Therefore the Planning Commission cannot take a position at  
148 this time. (Burke/Poschman)

149  
150 The maker of the motion accepted a friendly amendment, made by Commissioner  
151 Shumer:

152 Insert "before it can make a recommendation on the proposal from the Transportation  
153 Commission" at the end of the first sentence. (Shumer)

154  
155 Revised Motion:

156 M/S/F The Planning Commission supports in concept a TSF but needs information about  
157 the impact of the fee on Land Use, Economic Development, and Housing as well as on  
158 other potential impact fees before it can make a recommendation on the proposal from  
159 the Transportation Commission. Therefore the Planning Commission cannot take a  
160 position at this time. (Burke/Poschman) Ayes: Poschman, Shumer, Burke, Sheen; Noes:  
161 Stoloff, Samuels, Wengraf, Pollack; Abstain: None. Absent: Wrenn.

162  
163  
164 **Zoning Ordinance Amendments for Allowing Elimination of Accessory Dwelling  
165 Units (ADUs) by Same Permit Process that Created the Units**

166 Staff member Crane summarized the Staff Report. Commissioner Poschman made  
167 comments about the appropriate level of review. If the Commission adopts revisions 4&5  
168 in the staff report, they could do that immediately, but options 2 and 3 or other revisions  
169 require a Public Hearing.

170  
171 M/S/C To set a Public Hearing for January 11 on the option to be able to eliminate an  
172 ADU established with an AUP with a Zoning Certificate. (Poschman/Wengraf). Ayes:  
173 Poschman, Shumer, Burke, Sheen, Stoloff, Samuels, Wengraf, Pollack; Noes: None;  
174 Abstain: None; Absent: Wrenn.

175  
176 **Set for Public Hearing: Zoning Ordinance Amendments Addressing Permitting  
177 Thresholds, Paving, Landscaping, and Screening Requirements for Residential  
178 Parking in Required Yards**

179 Staff member Harrison explained the Staff Report.

180  
181 M/S/C Set for Public Hearing on December 14, 2005 and accept all amendments as set  
182 forth in Attachment C of the Staff Report. (Poschman/Sheen) Ayes: Poschman, Shumer,

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183 | Burke, Sheen, Stoloff, Samuels, Wengraf, Pollack; Noes: None; Abstain: None. Absent:  
184 | Wrenn.

185

186 | **Information/Discussion on Proposed Increase to Fees for Filing Appeals to City**  
187 | **Council Regarding Land Use Matters**

188 | Land Use Manager Rhoades presented the Staff Report and said that the Planning  
189 | Director would like comments from the Planning Commission. Commissioners discussed  
190 | the size of the fee and its potential impact on different populations.

191

192 | M/S in favor of the staff recommendation of a \$250 appeal fee. (Stoloff, Samuels)

193

194 | Substitute motion:

195 | M/S To recommend a \$100 appeal fee for ZAB appeals; AUP appeals should remain at  
196 | \$63. (Poschman, Shumer). Ayes: Shumer, Sheen, Poschman. Noes: Stoloff, Samuels,  
197 | Burke, Wengraf, Pollack. Abstain: None. Absent: Wrenn.

198

199 | Substitute motion:

200 | M/S To recommend a \$150 fee for both AUP and ZAB appeals. (Burke, Stoloff)

201

202 | Friendly amendment (Poschman):

203 | To recommend a \$100 appeal fee for AUP appeals and \$150 fee for Use Permits.

204

205 | M/S/C: To recommend a \$100 appeal fee for AUP appeals and \$150 fee for Use Permits.  
206 | (Burke, Shumer) Ayes: Shumer, Poschman, Stoloff, Samuels, Burke, Wengraf. Noes:  
207 | None; Abstain: Pollack, Sheen. Absent: Wrenn.

208

209 | **ADJOURNMENT**

210 | **The meeting was adjourned at 10:15 p.m.**

211

212 | Note on Commission Meeting Reporting:

213 | In June 2005, the City Council adopted a plan which requires commission secretaries to  
214 | submit an annual report which summarizes for each meeting a) the number of  
215 | commissioners in attendance, b) the number of members of the public in attendance, c)  
216 | the number of speakers at Public Comment and d) the length of the meetings.

217

218 | For the November 30, 2005 Planning Commission meeting, the following will be  
219 | reported:

220 | Commissioners in attendance: 8

221 | Members of the public in attendance: 17

222 | Speakers at Public Comment: 3

223 | Length of the meeting: 3 hours, 10 minutes

224