

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING**  
**January 25, 2006**

1 **ROLL CALL**

2  
3 Time: The meeting was called to order at 7:05 by Chair Pollack.

4  
5 Location: North Berkeley Senior Center.

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

9  
10 Commissioners Absent: None.

11  
12 Staff Present: Paine, Dando, Homrighausen, Harrison, Fogarty, Vuicich.

13  
14 **ORDER OF THE AGENDA**

15 Item 15 was moved to be before Item 9.

16  
17 **PUBLIC COMMENT PERIOD**

18 Speaker 1: Dave Campbell, member of the Transportation Commission, spoke in favor of  
19 the TSF, saying that the fee presents an incentive to make projects transit-friendly.

20  
21 Speaker 2: Mark McLeod, owner/operator of Downtown restaurant, spoke about the  
22 TSF's impact on new small businesses and new business-owners.

23  
24 Speaker 3: Mary Lou VanDeventer of Urban Ore spoke about an upcoming workshop on  
25 industrially-zoned land in Oakland on January 31 and referred interested people to the  
26 City of Oakland's website. She also spoke about a report on recycling-based businesses  
27 put out by Alameda County available at stopwaste.org.

28  
29 **PLANNING STAFF REPORT**

30 Associate Planner Paine reported that at the January 17 City Council meeting, the  
31 Council approved the Work Plan recommended by the Planning Commission at its  
32 January 11, 2006 meeting.

33  
34 Commissioner Wengraf requested that any documents relating or responding to the  
35 Planning Commission that go to Council be included in the next Planning Commission  
36 packet.

37  
38 **CHAIRPERSON'S REPORT**

39  
40 None.

41  
42 **COMMITTEE REPORTS**

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44 *Creeks Task Force*: Commissioner Burke noted that there was an item on the agenda that  
45 provides information about the CTF.

46

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47 *Density Bonus Subcommittee:* Commissioner Wengraf reported that the Subcommittee  
48 met on January 24 and discussed the concept of in-lieu fees. The next meeting will be on  
49 February 7 at 3pm in the Sitka Spruce Conference room on the second floor of the  
50 Planning Department. The Commission requested more information from staff on the  
51 timeframe from Council.

52  
53 *Downtown Area Plan Advisory Committee (DAPAC):* Commissioner Burke reported on  
54 the panel discussion at Warren Hall, "What Makes a Great Downtown," which took place  
55 on January 18. The next meeting will be held on January 31.

56  
57 *Downtown BART Plaza and Transit Area Design Plan Citizens Advisory Committee:*  
58 Commissioner Sheen reported that a public workshop was held on January 23. The next  
59 community workshop is not scheduled yet, but will be held sometime in April.  
60 Comments and posters from the workshop will go up on the Transportation Department's  
61 home page on the City's website.

62

63 **APPROVAL OF MINUTES**

64

65 M/S/C to approve the minutes from January 7, 2006. (Wengraf/Poschman) Ayes: Burke,  
66 DeStaebler, Pollack, Samuels, Stoloff, Gurley, Wengraf, Sheen, Poschman. Noes: None.  
67 Abstain: None. Absent: None.

68

69 M/S/C to approve the minutes from January 11, 2006 as amended. (Poschman/Wengraf)  
70 Ayes: Burke, DeStaebler, Pollack, Samuels, Stoloff, Gurley, Wengraf, Sheen, Poschman.  
71 Noes: None. Abstain: None. Absent: None.

72

73 **UPCOMING AGENDA ITEMS**

74 Associate Planner Paine reported that staff would be bringing Major Residential  
75 Additions to the Commission on February 8.

76

77 Principal Planner Gatzke was ill and so there was no item 12 for the meeting; this item  
78 would be continued to the February 8 meeting.

79

80 Commissioner DeStaebler requested that the elections for Chair and Vice Chair be  
81 delayed to the second meeting in February since he will be absent for the first meeting.

82

83 Staff confirmed that West Berkeley Bowl would be on the March agenda.

84

85 Preliminary recommendations from the Creeks Task Force will be presented at the  
86 February 8 meeting.

87

88 **ACTION ITEMS**

89

90 *Memo on ZAB Recommendation regarding DRC Chair:* Commissioner Poschman gave  
91 a background on the issue and requested that the Commission ask staff to set the hearing

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92 for the earliest time possible, noting that if staff can do so without coming back to the  
93 Planning Commission, it would be alright.

94

95 M/S/C to direct staff to set the hearing at the earliest possible time. (Poschman/Samuels)  
96 Ayes: Burke, DeStaebler, Pollack, Samuels, Stoloff, Gurley, Wengraf, Sheen, Poschman.  
97 Noes: None. Abstain: None. Absent: None.

98

99 ***Public Workshop on the Creeks Task Force Preliminary Recommendations and***  
100 ***Consultant Findings:*** Commissioner Burke opened the Workshop by recognizing the  
101 members of the Task Force and the group Neighbors of Creeks in the audience. She noted  
102 that the Task Force had not come to preliminary recommendations, but that they intend to  
103 return at the February 8 Planning Commission meeting with these recommendations.

104

105 The Task Force will hold a Public Hearing on February 15 and will hold a Joint Public  
106 Hearing with the Planning Commission on March 22. Recommendations have to reach  
107 Council by May 1, 2006.

108

109 Assistant Planner Dando presented a slide show with information on the background of  
110 the Creeks Ordinance, the Creeks Task Force's work to date, and next steps. She referred  
111 people to the website [www.ci.berkeley.ca.us/planning/landuse/creeks](http://www.ci.berkeley.ca.us/planning/landuse/creeks) for more  
112 information.

113

114 The Commission discussed the Task Force's work and findings.

115

116 Chair Pollack invited members of the public to speak.

117 Speaker 1: John Roberts spoke about liability issues for homeowners with culverted  
118 creeks and about the City's storm-water system.

119

120 Speaker 2: Jana Olson said that she hoped that the work would result in an ordinance that  
121 would make it easier on homes with creeks and culverts.

122

123 Speaker 3: Barbara Allen reported on the work of Neighbors on Urban Creeks including a  
124 survey of property owners with creeks.

125

126 Speaker 4: Jerry Landis said that he thought the Task force should focus on culverts as  
127 opposed to open creeks.

128

129 Speaker 5: Shirley Dean spoke about the research of Neighbors on Urban Creeks and  
130 gave staff a copy of their report for distribution. She also gave a background on the  
131 evolution of the Creeks Ordinance and its interpretations. She spoke about replacement of  
132 damaged structures that are not in conformance with the current ordinance.

133

134 Speaker 6: Mischa Lorraine answered Chair Pollack's question about whether the Task  
135 Force is addressing issues of replacement structures. She responded that the group had  
136 not addressed this item.

137

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138 Speaker 7: Katherine Bowman said that the Task Force had not addressed the impact of  
139 the Ordinance on homeowners.

140

141 Speaker 8: Mark Troup said that he thought that the City and realtors should be obligated  
142 to inform potential buyers of culverted creeks and of the Creek Ordinance.

143

144 Speaker 9: Tom Nicholson spoke about the need to address culverts and culvert  
145 maintenance.

146

147 Speaker 10: John Roberts added that there is a fear of the creation of daylighting rules for  
148 properties.

149

150 Speaker 11: Jerry Landis noted that he would like to see attention to the issue of  
151 replacement structures.

152

153 Chair Pollack said that he hoped the task force would look at the items mentioned by the  
154 public. Commissioner Stoloff mentioned the possibility of performance standards for  
155 creek-side development as an alternative to set backs.

156

157 The commissioners discussed the relationship between the data presented and the issues  
158 of concern to the public speakers.

159

160 **CF 69-01. Policy Context for Consideration of the Proposed Transportation Services**

161 **Fee:** Associate Planner Paine presented the staff report. The Commission discussed the  
162 report and the direction in which they wanted staff to proceed. Kara Vuicich from the  
163 Transportation Department was present to answer questions and noted that two members  
164 of the Transportation Commission were present.

165

166 Commissioner Gurley noted that the South Berkeley Plan was not reviewed for the staff  
167 report's assessment of Plan conformance. Staff said this plan and the North Shattuck Plan  
168 would be reviewed for the next meeting.

169

170 Staff reviewed the other information that the Commission would receive at future  
171 meetings.

172

173 The Commission directed staff to proceed with the analysis of the categories of policies  
174 for which the relationship with the proposed fee is uncertain and to pursue the other areas  
175 of evaluation and analysis identified in the staff report.

176

177 **Public Workshop: Potential Zoning Change Options in West Berkeley for Business**

178 **Retention of Automobile Sales:** Assistant Planner Harrison said that there was no new  
179 information from staff for the continuation of the Workshop from the previous January  
180 11 meeting.

181

182 The Chair took public comments.

183

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184 Speaker 1: Rick Auerbach spoke in favor of limiting the area that would allow auto uses  
185 so as not to displace other uses in West Berkeley. He thought the areas on Ashby Avenue  
186 were not appropriate for auto uses and did prefer the land along Frontage Avenue  
187 currently occupied by storage units.

188

189 Speaker 2: John Curl spoke in favor of circumscribing a narrow area for auto uses. He  
190 said he was concerned about opening the West Berkeley Plan and encouraged the  
191 Commission to look at the big picture.

192

193 The Commission discussed the issue and decided to continue the discussion at the next  
194 meeting.

195

196 **Work Plan Report on First Half of FY 05-06:** This item was continued to the next  
197 meeting.

198

199 **Southside Plan Update:** The Commission received the report.

200

201 **Memo to Planning Commission from Mark Rhoades regarding change of**  
202 **Commission Secretaries, dated January 17, 2006:** The Commission recognized Senior  
203 Planner Homrighausen for her service as the Planning Commission Secretary and  
204 presented her with a certificate of appreciation.

205

206 **ADJOURNMENT**

207 The meeting was adjourned at 10:15 p.m.

208

209 Note on Commission Meeting Reporting:

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

214

215 For the January 25, 2006 Planning Commission meeting, the following will be reported:

216 Commissioners in attendance: 9

217 Members of the public in attendance: 32

218 Speakers at Public Comment: 3

219 Length of the meeting: 3 hour 10 minutes