Time: The meeting was called to order by Chair Burke at 7:07 p.m.

Location: North Berkeley Senior Center.

ROLL CALL

Commissioners Present: Blake, Burke, Gurley, Kaufer, Pollack, Sheen, Samuels, Stoloff, Wengraf.

Commissioners Absent: None.

Staff Present: Dando, Gatzke, Harrison, Marks, Rhodes.

ORDER OF THE AGENDA

No change.

PUBLIC COMMENT PERIOD

None.

PLANNING STAFF REPORT

No report.

CHAIRPERSON’S REPORT

No report.

COMMITTEE REPORTS

Creeks Task Force: The Creeks Task Force met on September 11th and will meet on September 18th to continue reviewing the drafted ordinance language.

Density Bonus Subcommittee: No report.

Downtown Area Plan Citizen Advisory Committee: Commissioner Samuels reported that the Committee had two meetings and had discussed some of the ideas presented to the committee.

Downtown BART Plaza and Transit Area Design Plan Citizens Advisory Committee: Commissioner Sheen recommended removing the committee from future agendas.

Major Residential Additions Subcommittee: No report.

Southside Plan Subcommittee: Commissioner Pollack reported that a meeting would be held on September 14th with one additional meeting concluding the work of the Subcommittee. He noted the remaining discussion would be focused on changing select streets from one-way to two-way and the BRT.
APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING  
September 13, 2006

APPROVAL OF MINUTES
M/S/C to approve the minutes from the July 27, 2006 Planning Commission meeting.  
Noes: None. Abstain: Blake, Kaufer. Absent: None.

UPCOMING AGENDA ITEMS
Chair Burke noted the Creeks Ordinance would be before the Planning Commission on  
September 27 and October 11. Associate Planner Erin Dando noted the fence height  
issue would come back to the Planning Commission on October 25, 2006.

ACTION ITEMS
Public Hearing: ZA 4-06: Recommendations from the Joint Subcommittee on  
Density Bonus on mixed-use and multi-family residential projects in commercial  
districts.
M/S/C to open a public hearing for the density bonus issue. (Wengraf/Samuels). Ayes:  
Blake, Burke, Gurley, Kaufer, Pollack, Sheen, Samuels, Stoloff, Wengraf. Noes: None.  
Abstain: None. Absent: None.

Land Use Planning Manager Rhoades presented the details of the recommendations and  
Proposition 90.

Commissioner Wengraf noted that the work of the Joint Subcommittee on Density Bonus  
was not in response to Proposition 90 and that the work had begun in advance of the  
proposition.

Speaker 1: Laura Billings stated that density was needed to make residential projects  
work and that density is appropriate along San Pablo Avenue.  
Speaker 2: Dan Deibel stated that the changes would not affect the project he is  
working on since it has been deemed complete.  
Speaker 3: Bob Allen stated that State law’s impact on Berkeley is too great.  
Speaker 4: Stephen Wollmer suggested that the Subcommittee will reconvene and it  
should discuss residential only development in C-1 and it should look at the  
nodes.  
Speaker 5: Chris Hudson said the problem was not the State law, but that Berkeley  
does not have any by-right development.  
Speaker 6: Evan McDonald provided cost analysis examples of how projects would  
not be feasible with the Subcommittee or staff recommendations.  
Speaker 7: Charles Krenz does not support Proposition 90 and said the proposed  
changes will hurt the development potential at his site where Weatherford BMW  
is located.  
Speaker 8: Jesse Arreguin, on the Zoning Adjustments Board and Chair of the  
Housing Advisory Commission (HAC), said the HAC supported the  
Subcommittee recommendations.
Speaker 9: Elaine Green with the Lorin District Development Association said the Commission needs to address the socio-economic issues.

Speaker 10: Dana Ellsworth stated the analysis was difficult to read and the Planning Commission should listen to developers who are saying they can't build with the recommendations.

Speaker 11: Brendan Heafey said the recommendations would have a significant negative effect on Berkeley.

Speaker 12: Steven Parker said his project may be affected and the recommendations would make it infeasible.

Speaker 13: Teresa Clarke stated the recommendations would severely impact the ability to build affordable housing resulting in a decrease in new affordable home.

Speaker 14: Mr. Jee (Arcon, Inc.) said the amendments will drastically affect projects and that there has not been proper noticing.

Speaker 15: Alexander Quinn opposed Proposition 90 and stated that without density housing would be pushed out to the suburbs.

Speaker 16: Ali Kashani said the recommendations would have an adverse impact on affordable housing and market rate housing.

Speaker 17: Merrilie Mitchell spoke to the amendments.


The Commission discussed the issues including the need to respond to the transition area between commercial districts and residential districts, concerns with taking action when not enough of the affected public has been involved, concerns with the passage of Proposition 90, and whether or not the recommendations constitute downzoning.


A substitute motion was made to recommend adoption of the staff recommendations incorporating a sunset clause contingent upon the passage of Proposition 90 (Sheen). A friendly amendment was made to the substitute motion, which was not accepted. The amendment was to remove the contingency of Proposition 90 on the sunset clause. (Gurley) A friendly amendment was made and accepted to remove the contingency on Proposition 90 and sunset the amendments on April 30, 2007. (Blake)


The Planning Commission took a short recess.
**Public Hearing: ZA 5-06: Recommendations for Amendments to Major Residential Additions, Architectural Features, Maximum Height Calculations and Creation of Language Defining Dormers.**

M/S/C to open a public hearing for the major residential addition issue. (Gurley/Blake).


Planner Dando presented the Subcommittee and staff recommendations noting minor changes made to the amendments clarifying the intent of the Subcommittee and staff from an earlier version submitted to the Commission. The Commissioners asked questions of staff and noted additional minor changes to the proposed text.

- Speaker 1: Carl Strand supported the staff and Subcommittee recommendations.
- Speaker 2: Mark Troup stated the public has not been involved in the process.
- Speaker 3: Harriet Berg supported the recommendations.
- Speaker 4: Mary Obstfeld supported the recommendations.
- Speaker 5: Trish Hawthorne supported the recommendations.
- Speaker 6: Cathy Roha opposed the recommendations stating that "unreasonable" detriment needed to be defined.
- Speaker 7: Andy Sabhlok stated that there had not been enough noticing to affected property owners.
- Speaker 8: Nadia Kahn recommended the Commission to take no action and that the only responsible was to grow was up not out.
- Speaker 9: Jason Kaldis said the diagrams in the staff report are incorrect and that modest upper story additions should be allowed.
- Speaker 10: Randi Gilbert came to the meeting just to find out what was going on.
- Speaker 11: Tim Perry supported the recommendations.
- Speaker 12: Merrilie Mitchell argued against "mcmansions".


The Commission discussed the issues including the noticing for the public hearing, the impact on new Administrative Use Permits, and concerns with encouraging development out instead of a more sustainable approach building up.

M/S/C to accept the Subcommittee and staff recommendations, including the proposed zoning amendments, the CEQA determination of categorical exemption and the incorporation of the minor changes to the amendment text addressed during the staff discussion with the Commission. (Samuels/Stoloff). Ayes: Blake, Burke, Gurley, Pollack, Sheen, Samuels, Stoloff, Wengraf. Noes: None. Abstain: Kaufer, Pollack. Absent: None.


ADJOURNMENT

The meeting was adjourned at 11:25 pm.

Note on Commission Meeting Reporting:
In June 2005, the City Council adopted a plan that requires commission secretaries to submit an annual report that summarizes for each meeting a) the number of commissioners in attendance, b) the number of members of the public in attendance, c) the number of speakers at Public Comment and d) the length of the meetings.

For the September 13, 2006 Planning Commission meeting, the following will be reported:
Commissioners in attendance: 9
Members of the public in attendance: 47
Public Speakers: 29
Length of the meeting: 4 hours, 18 minutes