

47 Speaker 9: Jason Overman on the Rent Stabilization Board and speaking as an
48 individual supported the recommended zoning amendments designed to support
49 Telegraph Avenue businesses.

50 Speaker 10: Kenan Wang supported the quota system and did not support removing
51 the Variance requirement for businesses to exceed the quota limit.

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53 **PLANNING STAFF REPORT**

54 Principal Planner Gatzke informed the Commission that the City Council adopted the
55 first and second readings of the Zoning Ordinance revisions related to the staff
56 recommendations on density bonus and the Major Residential Additions Subcommittee
57 and staff recommendations on residential additions. Gatzke noted that the Council might
58 consider exempting pipeline projects from the Ordinance that modifies the regulation of
59 residential additions at its October 10, 2006 meeting. Commissioner Wengraf requested
60 the legal opinion issued in response to a letter submitted to the Council on this issue.

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62 **CHAIRPERSON'S REPORT**

63 No report.

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65 **COMMITTEE REPORTS**

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67 **Creeks Task Force**

68 Chair Burke mentioned that the Task Force has met three times in the past three weeks to
69 review the draft ordinance language.

70

71 **Density Bonus Subcommittee**

72 No report.

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74 **Downtown Area Plan Citizen Advisory Committee**

75 Commissioner Samuels said the DAPAC met last week where Planning Director Dan
76 Marks and Principal Planner Matt Taecker synthesized the different themes for
77 consideration. Samuels noted a Subcommittee was established to discuss guidelines for
78 Center Street and the first meeting would be on October 5th at 7:00 pm at the North
79 Berkeley Senior Center.

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81 **Major Residential Additions Subcommittee**

82 The Commission discussed whether or not to dissolve the Subcommittee and decided not
83 to in order to potentially respond to the issue raised by the Council for exempting
84 pipeline projects from the new regulations.

85

86 **Southside Plan Subcommittee**

87 Commissioner Pollack said the Subcommittee finished the current phase of work, which
88 will be brought before the Planning Commission at the end of October. Pollack noted the
89 major issues related to the preferred alternative for the EIR including lane changes to ease
90 traffic flow and changing Bancroft and Durant streets from two-way to one-way.

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92 Chair Burke appointed new Commissioner Roia Ferrazares to the Subcommittee.

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APPROVAL OF MINUTES

M/S/C to approve the minutes from the September 6, 2006 Planning Commission meeting as amended and the minutes from the September 13, 2006 Planning Commission meeting as amended. (Poschman/Pollack). Ayes: Burke, Gurley, Ferrazares, Pollack, Poschman Samuels, Sheen, Stoloff, Wengraf. Noes: None. Abstain: None. Absent: None.

100 **UPCOMING AGENDA ITEMS**

101 It was noted that the preferred alternatives for the Southside EIR will come before the
102 Planning Commission on October 25, 2006 and the decision on Southside will likely be
103 at the November 29, 2006 meeting.

104
105 **ACTION ITEMS**

106 **Discussion: Recommendations on the Creeks Ordinance Revisions (BMC 17.08);**
107 **Discussion and Set Public Hearing for ZA 6-06: Amendments to the Zoning**
108 **Ordinance related to the Creeks Ordinance (BMC Title 23) and rebuilding after**
109 **involuntary destruction of structure; and Draft Initial Study.**

110 Vice Chair Stoloff chaired the following portion of the meeting related to the proposed
111 amendments to the Creeks Ordinance and Zoning Ordinance.

112
113 Deputy Planning Director Wendy Cosin presented the proposed ordinance changes, the
114 process and schedule, noting that staff anticipated the City Council to hold a public
115 hearing on all of the ordinance changes on November 14, 2006.

116
117 M/S/C to set for public hearing on October 11, 2006 the Zoning Ordinance revisions
118 related to the revisions related to the Creeks Ordinance and rebuilding after involuntary
119 destruction of a structure. (Poschman/Burke). Ayes: Burke, Gurley, Ferrazares, Pollack,
120 Poschman Samuels, Sheen, Stoloff, Wengraf. Noes: None. Abstain: None. Absent: None.

121
122 Commissioners expressed concern with holding a public hearing only on the Zoning
123 Ordinance revisions and not the Creeks Ordinance revisions. Commissioners raised
124 additional concerns with noticing of the creekside property owners for the hearing and
125 the City Council hearing.

126
127 M/S/WITHDRAWN to hold a public hearing on all Zoning and Creek Ordinance
128 revisions instead of on October 11th on October 25, 2006. (Pollack/Wengraf).

129
130 Substitute M/S/WITHDRAWN to hold the public hearing on October 11 and if there is
131 new information to continue it to October 25, 2006. (Burke/Poschman).

132
133 The Commissioners further discussed when to hold the public hearing, in what manner
134 and how to inform the public. Deputy Planning Director Cosin said she could send out a
135 notice to the Creeks Ordinance affected properties list with information about the October
136 11th hearing and the Council public hearing and would include the drafted language.
137 Vice Chair Stoloff, acting as Chair, recognized the consensus of the Commission to hold

138 the October 11th hearing on the Zoning Ordinance amendments and at the same time
139 receive public comment on the Creeks Ordinance revisions and draft Initial Study.

140

141 Chair Burke recommended Commissioners bring their comments on the Creeks
142 Ordinance revisions in writing to the next meeting.

143

144 M/S/C to modify the proposed Zoning Ordinance revision to read as follows for proposed
145 Berkeley Municipal Code (BMC) Section 23C.04.100.B, "The Planning Director shall
146 establish a process that allows an owner of a qualifying structure to apply for an advance
147 determination that the proposed repair or replacement of a structure is substantially
148 similar as required by paragraph A (2) including the information required to document
149 existing conditions." (Poschman/Pollack) Ayes: Burke, Gurley, Pollack, Poschman
150 Samuels, Sheen, Stoloff, Wengraf. Noes: None. Abstain: Ferrazares. Absent: None.

151

152 Individual members of the Planning Commission made the following comments on the
153 proposed revisions to the Creeks Ordinance (section numbers refer to the proposed
154 revisions and new sections):

- 155 • Section 17.08.020.M - question as to whether or not the BMC should reference
156 CEQA, as this is not done in other sections of the BMC.
- 157 • Section 17.08.030 - there is no definition of a non-culverted creek.
- 158 • Section 17.08.045 - questions relating to what appears to be discretionary
159 authority by the Public Works Engineer as to when additional information is
160 required to build near culverted creeks. Staff noted the issuance of the "creek
161 culvert permit" is a ministerial permit (an administrative decision), which is non-
162 discretionary.
- 163 • Section 17.08.030.A.7 - recommendation that the City "shall" maintain a map of
164 the creeks instead of "may".
- 165 • Section 17.08.045.C - the fifteen foot measure should clearly state it is measured
166 horizontally at the surface, if that is the intent.

167

168 The Commissioners raised additional questions including what the financial burdens are
169 to the property owners for creek permits including how much it costs to locate a creek
170 and how much structural reports cost. Additionally a question was raised on the staff
171 implications to the Public Works Department and the resulting time and budget needed as
172 a result of the proposed regulations.

173

174 **Discussion and CONTINUE Public Hearing to October 11, 2006: Telegraph Avenue**
175 **Economic Development Assistance Package, Zoning Component.**

176 M/S/C to set for public hearing on October 11, 2006 the Zoning Ordinance revisions
177 related to the revisions to implement the Telegraph Avenue Economic Development
178 Assistance Package. (Wengraf/Sheen). Ayes: Burke, Gurley, Ferrazares, Pollack,
179 Poschman Samuels, Sheen, Stoloff, Wengraf. Noes: None. Abstain: None. Absent: None.

180

181
182 Principal Planner Gatzke reviewed the proposed Zoning amendments to the Telegraph
183 Avenue Commercial District. Commissioner Sheen commented on the process of
184 developing the changes.

185
186 Commissioners asked for data on the economic downturn and if there was a relationship
187 to the quotas, as well as any available information on the sizes of spaces, vacancy rates,
188 the current uses, and what the capacity of the neighborhood is to sustain new uses in the
189 C-T District.

190
191 Gatzke commented that some of the information requested requires a much broader
192 economic analysis, which has not been done.

193

194 **ADJOURNMENT**

195 The meeting was adjourned at 10:16 pm.

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197

198 Note on Commission Meeting Reporting:

199 In June 2005, the City Council adopted a plan that requires commission secretaries to
200 submit an annual report that summarizes for each meeting a) the number of
201 commissioners in attendance, b) the number of members of the public in attendance, c)
202 the number of public speakers and d) the length of the meetings.

203

204 For the September 27, 2006 Planning Commission meeting, the following will be
205 reported:

206 Commissioners in attendance: 9

207 Members of the public in attendance: 16

208 Public Speakers: 10

209 Length of the meeting: 3 hour 11 minutes