

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

November 29, 2006

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

2 Location: North Berkeley Senior Center.

3 **ROLL CALL**

4 Commissioners Present: Ferrazares, Gurley, Pollack, Poschman, Samuels, Sheen, Stoloff,
5 Weismann.*

6 Commissioners Absent: Wengraf.

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

8 **ORDER OF THE AGENDA**

9 Item 12 was moved before Item 9 and Information Item 14 was moved to discussion.

10 **PUBLIC COMMENT PERIOD**

11 Speaker 1: Jackson Hanley discussed the University Avenue Strategic Plan, repaving of
12 University Avenue, and other recent projects along University Avenue.

13 **PLANNING STAFF REPORT**

14 Secretary Harrison reported back to the Commission on their July 26, 2006 action
15 regarding proposed fence height amendments, as requested at the previous meeting,
16 indicating that the Commission had continued the public hearing on fence heights
17 requesting a more broadly noticed hearing, and that the amendments related to solar
18 energy equipment would return to the Commission separately from the fence
19 amendments.

20 **CHAIRPERSON'S REPORT**

21 None.

22 **COMMITTEE REPORTS**

23 **Creeks Task Force** – none.

24 **Density Bonus Subcommittee** – none.

25 **Downtown Area Plan Citizen Advisory Committee** – Commissioner Samuels reported
26 that the Committee is making progress on formulation of their goal statements; the Center
27 Street Subcommittee finished their work, addressed the height and bulk of the proposed
28 downtown hotel, and received feedback from business owners.

29 **Southside Plan Subcommittee** – none.

* Commissioner Burke is on a temporary leave of absence.

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30 **APPROVAL OF MINUTES**

31 M/S/C to approve the draft minutes of November 8 (Poschman/Ferrazares). Ayes:
32 Ferrazares, Gurley, Poschman, Pollack, Samuels, Sheen, Stoloff. Noes: None. Abstain:
33 Weismann. Absent: Wengraf.

34 **UPCOMING AGENDA ITEMS**

35 The Committee discussed the possibility of canceling the December 13, 2006 meeting
36 due to the removal of the Southside Plan from that agenda and a lack of other time-
37 sensitive agenda items. Staff will confer with the Chair and let the Commissioners know
38 of the meeting status within the next week.

39 **ACTION ITEMS**

40 **Item 12 Association of Bay Area Governments (ABAG) Regional Housing Needs**
41 **Assessment (RHNA) Methodology for 2007-2014 Allocation** – Planning Director Dan
42 Marks provided background on the RHNA and the 2007-2014 RHNA methodology
43 process. He indicated that it is likely Berkeley will be asked to provide more units in the
44 next allocation period compared to the current allocation due to the emphasis on existing
45 transit stations and the number of jobs in the city, mostly from university employment.
46 The Commissioners discussed the role of the RHNA housing numbers and the next steps.
47 The Commission will review staff-prepared comments on the draft RHNA methodology
48 at their first January meeting.

49 **Item 9 Public Hearing: ZA 9-06 Zoning Ordinance amendments for procedural**
50 **changes to streamline the enforcement of permit violations and the abatement of**
51 **nuisances**

52 M/S/C to open the public hearing (Poschman/Samuels). Ayes: Ferrazares, Gurley,
53 Pollack, Poschman, Samuels, Sheen, Stoloff, Weismann. Noes: None. Abstain: None.
54 Absent: Wengraf.

55 No speakers.

56 M/S/C to close the public hearing (Poschman/Gurley). Ayes: Ferrazares, Gurley, Pollack,
57 Poschman, Samuels, Sheen, Stoloff, Weismann. Noes: None. Abstain: None. Absent:
58 Wengraf.

59 The Commissioners discussed the proposed amendments. They would like a better
60 description of the "two hats" issue for the City Attorneys who advise the staff and ZAB.
61 Some expressed concern that the role of the ZAB could be diminished by the
62 amendments and that this was something better dealt with by the ZAB because the
63 Council has many other issues to address. The Commission wanted to know what other
64 cities doing and what alternatives were considered. A Commissioner expressed concern
65 that the ZAB (which reviewed this on Monday) was confused about the issue and didn't
66 make a recommendation.

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67 **Item 10 Public Hearing: ZA 8-06 Zoning Ordinance amendments clarifying role and**
68 **limiting appeal of final design review action (BMC Chapter 23E.12)**

69 M/S/C to open the public hearing (Pollack/Ferrazares). Ayes: Ferrazares, Gurley, Pollack,
70 Poschman, Samuels, Sheen, Stoloff, Weismann. Noes: None. Abstain: None. Absent:
71 Wengraf.

72 No speakers.

73 M/S/C to close the public hearing (Samuels/Sheen). Ayes: Ferrazares, Gurley, Pollack,
74 Poschman, Samuels, Sheen, Stoloff, Weismann. Noes: None. Abstain: None. Absent:
75 Wengraf.

76 The Commissioners discussed the proposed zoning text, indicating that the language is
77 unclear and the terms “preliminary design review” and “final design review” should be
78 changed. Staff will revise the proposed text and bring it back before the Commission.

79 **Item 11 Public Hearing: ZA 7-06 Zoning Ordinance amendments addressing Design**
80 **Review Committee membership (BMC Section 23B.08.010)**

81 M/S/C to open the public hearing (Gurley/Samuels). Ayes: Ferrazares, Gurley, Pollack,
82 Poschman, Samuels, Sheen, Stoloff, Weismann. Noes: None. Abstain: None. Absent:
83 Wengraf.

84 No speakers.

85 M/S/C to close the public hearing (Pollack/Weismann). Ayes: Ferrazares, Gurley,
86 Pollack, Poschman, Samuels, Sheen, Stoloff, Weismann. Noes: None. Abstain: None.
87 Absent: Wengraf.

88 M/S/C to separate discussion of the DRC chair from discussion of “layperson”
89 (Ferrazares/ Poschman). Ayes: Ferrazares, Gurley, Pollack, Poschman, Samuels, Sheen,
90 Stoloff, Weismann. Noes: None. Abstain: None. Absent: Wengraf.

91 M/S/C to recommend the Council adopt zoning amendments to no longer require the
92 chair of the DRC to be a member appointed from the ZAB (Poschman/Weismann). Ayes:
93 Ferrazares, Gurley, Pollack, Poschman, Samuels, Sheen, Stoloff, Weismann. Noes: None.
94 Abstain: None. Absent: Wengraf.

95 The Commission discussed the number of laypersons on the DRC, some felt that
96 laypeople bring something to the process as architects sometimes hesitate to criticize their
97 peers, but laypeople are more willing. Staff clarified the source of the proposed
98 amendment was a General Plan policy to increase design professionals on the DRC and
99 to address the situation when a member from the LPC, ZAB or CAC who wants to be on
100 the DRC is a design professional but there are already five design professionals on the
101 committee.

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102 M/S/C to recommend that the Council adopt zoning amendments to define layperson as
103 prepared by staff, but continue to require two laypersons on the DRC (Poschman/Gurley).
104 Ayes: Ferrazares, Gurley, Pollack, Poschman, Sheen, Stoloff, Weismann. Noes: Samuels.
105 Abstain: None. Absent: Wengraf.

106 **Item 14 Electric Car Sales** - The Commission discussed the potential amendment to
107 allow electric car sales in the C-SA, and asked staff to indicate how this project fits into
108 the Commission's existing work program and to consider the appropriateness of the use in
109 other districts.

110 **ADJOURNMENT**

111 **The meeting was adjourned at 9:02 p.m.**

112 Note on Commission Meeting Reporting:

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

117
118 For the November 29, 2006 Planning Commission meeting, the following will be
119 reported:
120 Commissioners in attendance: 8
121 Members of the public in attendance: 12
122 Public Speakers: 1
123 Length of the meeting: 2 hours