

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

January 24, 2007

1 Time: The meeting was called to order by Chair Burke at 7:01 p.m.

2 Location: North Berkeley Senior Center.

3 **ROLL CALL**

4 Commissioners Present: Burke, Ferrazares, Gurley (arrived 7:15), Pollack (arrived 7:20),
5 Poschman, Samuels, Sheen, Stoloff, Wengraf.

6 Commissioners Absent: none.

7 Staff Present: Gatzke, Harrison, Evans.

8 **ORDER OF THE AGENDA** Chair Burke noted that Item 12, discussion of the FY 07
9 Workplan status update, would be postponed to the following meeting due to the illness
10 of the project planner and lack of a report.

11 **PUBLIC COMMENT PERIOD**

12 No public comment.

13 **PLANNING STAFF REPORT**

14 Gatzke requested Commissioner Wengraf explain the recent Council action regarding
15 term limits for commissioners: on January 16 the Council directed the City Attorney to
16 develop draft amendments the Berkeley Municipal Code to limit commissioners serving
17 on quasi-judicial commissions (Planning Commission, Zoning Adjustments Board,
18 Landmarks Preservation Commission, and Housing Advisory Commission) to serving
19 only eight years out of 10, requiring a two year break in between terms, and only one
20 quasi-judicial board or commission at a time, to be effective July 1, 2007. This would not
21 apply to the City's other commissions and would impact two Planning Commissioners:
22 Wengraf and Poschman. Secretary Harrison stated the recently adopted Landmarks
23 Preservation Ordinance was stayed until the council clerk confirmed the referendum
24 signatures. Commissioner Wengraf stated that the signatures have been confirmed.
25 Secretary Harrison stated that CDs of the Berkeley Lab's LRDP and draft EIR were
26 distributed tonight.

27 **CHAIRPERSON'S REPORT**

28 None.

29 **COMMITTEE REPORTS**

30 **Density Bonus Subcommittee** – Commissioner Wengraf stated that on January 30 there
31 will be a Council item proposing the Subcommittee finish their work by the end of March
32 and submit their recommendations to the Planning Commission. She has scheduled
33 Subcommittee meetings for February and March

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

January 24, 2007

34 **Downtown Area Plan Citizen Advisory Committee** – Commissioner Samuels stated
35 that the Committee voted to recommend allowing no cars on Center Street in the DAP
36 with the intention of a public plaza and maybe a creek feature. A second University
37 Subcommittee meeting was held at which the UC made a presentation for reuse of the
38 Public Health site. One option included extending Walnut Street. Chair Burke added that
39 retail along Shattuck Avenue, possibly a “junior anchor” store, was also discussed.

40 **Southside Plan Subcommittee** – None.

41 **APPROVAL OF MINUTES**

42 M/S/C to approve the draft minutes of January 10 with several changes (Gurley
43 /Poschman). Ayes: Burke, Ferrazares, Gurley, Pollack, Poschman, Samuels, Sheen,
44 Stoloff, Wengraf. Noes: None. Abstain: None. Absent: None.

45 **UPCOMING AGENDA ITEMS**

46 No discussion.

47 **ACTION ITEMS**

48 **Item 9 Public Hearing: Zoning Ordinance amendments related to hours of**
49 **operation and TSF on Telegraph Avenue**

50 Chair Burke stated that due to the lack of mailing the hearing notice to some
51 neighborhood groups, she recommends the hearing be continued to February 28.

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

55 Speaker 1: Roland Peterson, director of the Telegraph Avenue Business Improvement
56 District, said he is in favor of the changes because they would reduce obstacles to
57 opening new businesses on Telegraph Ave. Currently it can take too long and cost too
58 much for some businesses to open.

59 Speaker 2: Robia Chang, representative of the Grenada Building owner located at
60 Bancroft and Telegraph, said they are in favor of the changes to allow new business to
61 come into the area but not the increased by right hours of operation because they believe
62 the later hours will exacerbate existing noise and safety problems. Also, she said, the
63 allowable hours of operation have not represented a problem when seeking tenants for
64 their buildings.

65 Speaker 3: Mary Anne Clegg said she was a part of the Southside Plan process as well as
66 Telegraph neighborhood associations. She stated the issue of hours of operation were
67 discussed in the Southside Plan. She stated that if the BID does not support the cost of
68 extra police then the police will come from the neighborhood patrols. She stated that she
69 does not support allowing AUPs instead of Use Permit to open businesses because some

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

January 24, 2007

70 uses are a threat to the neighborhood and if you get rid of neighborhood oversight you
71 open the city up to graft and corruption.

72 Commissioners Wengraf asked staff of the difference between the AUP and Use Permit
73 process. Secretary Harrison stated that AUP applications are prepared and decided by
74 staff, it takes roughly 2-4 months, and costs about \$1350. Use Permits are decided by the
75 Zoning Adjustments Board, it takes roughly 4-6 months, sometimes longer, and the cost
76 is about \$3,000. Commissioner Wengraf reminded the group these amendments came out
77 of a request from the Council to respond to the economic emergency on Telegraph.

78 M/S/C to continue the public hearing to February 28 (Poschman /Samuels). Ayes: Burke,
79 Ferrazares, Gurley, Pollack, Poschman, Samuels, Sheen, Stoloff, Wengraf. Noes: None.
80 Abstain: None. Absent: None.

81 **Item 10 Public Hearing: Tract Map 7796: 2628 Telegraph Avenue, proposed 16 unit**
82 **condominium project**

83 There were no public comments on this item, continued from January 10, 2007.

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

87 M/S/C to approve the Tract Map (Poschman /Stoloff). Ayes: Burke, Ferrazares, Gurley,
88 Pollack, Poschman, Samuels, Sheen, Stoloff, Wengraf. Noes: None. Abstain: None.
89 Absent: None.

90 **Item 13 ZA 8-06 Zoning Ordinance amendments clarifying role and limiting appeal**
91 **of final design review action (BMC Chapter 23E.12)** (Item moved before Item 13 to
92 await arrival of staff)

93 Secretary Harrison stated the revised amendments are intended to reflect the
94 Commission's direction regarding the language describing the design review process
95 from November 29, 2006. Commissioner Ferrazares introduced modifications to the
96 language intended to clarify the process. The Commissioners discussed the proposed
97 changes, stating that certain design review terms are used before they are defined and a
98 bulleted list of what final design certification does and does not include would be more
99 clear. The Commission directed staff to prepare further revisions.

100 **Item 12 Discussion: FY 07 Workplan status update** (This item was postponed to
101 February 14.)

102 **Item 11 Set West Berkeley Circulation Master Plan Joint Special Meeting with the**
103 **Transportation Commission and the Redevelopment Agency's Project Area**
104 **Committee, February 22, 2007**

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

January 24, 2007

105 Amber Evans, secretary to the PAC, provided an overview of the proposed Circulation
106 Master Plan, the Redevelopment Agency and the Project Area Committee (PAC).
107 Commissioners asked questions about why the circulation plan is for West Berkeley only,
108 what is driving this effort now, and who will pay for the rail crossing at Gilman?

109 Evans stated that the Redevelopment Agency is legally precluded from studying the
110 entire City as funding can only be used to fund studies and improvements to intersections
111 accessing the Redevelopment Agency Project Area. The Agency feels the greater West
112 Berkeley Area impacts the Project Area. However, special funding had to be identified to
113 study a portion of West Berkeley and a broader geography would not be feasible. Further,
114 some of the City's worst intersections are in the West Berkeley Area and thus a high
115 priority for study of possible improvements. Finally, other areas have been studied
116 separately and to include them would be redundant. The study will emphasize
117 consistency under the Alameda County Congestion Management Agency (ACCMA)
118 standards such that future studies in other areas can utilize the provided work.

119 PAC Chair John McBride stated that the PAC is interested in the study of existing
120 conditions, which will be useful for future land use planning effort. The study includes
121 specific funding earmarked for the Gilman overpass study, which will address the
122 feasibility of an overpass and provide a conceptual design and a preliminary cost
123 estimate. The Master Plan will include an implementation strategy that will look at
124 possible funding mechanisms for any suggested capital improvement including the
125 Gilman rail crossing.

126 M/S/C to set a special joint meeting with the PAC and Transportation Commission, to be
127 held at the West Berkeley Senior Center, on February 22 (Stoloff /Pollack). Ayes: Burke,
128 Ferrazares, Gurley, Pollack, Poschman, Samuels, Sheen, Stoloff, Wengraf. Noes: None.
129 Abstain: None. Absent: None.

130 **ADJOURNMENT**

131 **The meeting was adjourned at 8:36 p.m.**

132 Note on Commission Meeting Reporting:

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

137 For the January 24, 2007 Planning Commission meeting, the following will be reported:

138 Commissioners in attendance: 9

139 Members of the public in attendance: 21

140 Public Speakers: 3

141 Length of the meeting: 1 hour 35 minutes