

**FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING**

February 14, 2007

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

2 Location: North Berkeley Senior Center.

3 **ROLL CALL**

4 Commissioners Present: Burke, Ferrazares, Gurley, Pollack, Poschman, Samuels, Sheen,  
5 Stoloff, Wengraf.

6 Commissioners Absent: None.

7 Staff Present: Dando, Rhoades, Gatzke, MacQuarrie, Lambert, Harrison.

8 **ORDER OF THE AGENDA**

9 Chair Burke moved Item #13, an information item on Berkeley Alcohol Policy Advisory  
10 Coalition BMC amendment proposals, to the Action Calendar for discussion.

11

12 **PUBLIC COMMENT PERIOD**

13 Speaker 1: Harvey Sherback discussed the State of the City speech by Mayor Bates,  
14 indicating that in order to reduce greenhouse gasses the City should put solar panels  
15 on City buildings and use the energy to power electric cars.

16 Speaker 2: Martha Nicoloff discussed the proposal to encourage repair of soft story  
17 buildings and said the costs of repair will be a burden on existing renters. Also, she  
18 said the units in repaired soft-story buildings should count towards our required  
19 ABAG units.

20 **PLANNING STAFF REPORT**

21 Secretary Harrison stated the venue for February 22 special meeting on the West  
22 Berkeley Circulation Master Plan scope has been changed to the South Berkeley Senior  
23 Center and a public meeting for comments on the LBNL LRDP draft EIR has been  
24 scheduled for the regular Planning Commission meeting of March 14.

25 **CHAIRPERSON'S REPORT**

26 No report. The Commission conducted elections for Chair and Vice-Chair.

27 Motion to re-elect Helen Burke as Chair (Ferrazares). Ayes: Burke, Ferrazares,  
28 Poschman, Sheen. Motion does not carry.

29 Motion to elect David Stoloff as Chair (Gurley). Ayes: Gurley, Pollack, Samuels, Stoloff,  
30 Wengraf. Motion carries.

31 Motion to elect Jim Samuels as Vice-Chair (Stoloff). Ayes: Gurley, Pollack, Samuels,  
32 Stoloff, Wengraf. Motion carries.

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33 Motion to elect Helen Burke as Vice-Chair (Sheen). Motion was not voted on after  
34 passage of above motion.

## 35 COMMITTEE REPORTS

### 36 Density Bonus Subcommittee

37 Commissioner Wengraf reported that the subcommittee met on February 6, future  
38 meeting dates are February 20, March 6 and March 20, with an optional meeting March  
39 26; the Council directed the Subcommittee to make their recommendations by the end of  
40 March; and the Subcommittee will provide the Commission a summary of their  
41 recommendations.

### 42 Downtown Area Plan Citizen Advisory Committee

43 Commissioner Samuels reported on changes to the Shattuck Hotel proposal, indicating  
44 new units and rearrangement of the interior is no longer proposed but rather improvement  
45 of the existing building and staff has prepared an outline of the DAPAC's topics of  
46 consideration so far that will be used as a working document, and sustainability is a main  
47 objective in several areas.

### 48 Southside Plan Subcommittee

49 Commissioner Pollack stated the commission is awaiting input from staff regarding  
50 traffic recommendations.

## 51 APPROVAL OF MINUTES

52 M/S/C to approve the draft minutes of January 24, 2007 (Poschman/ Samuels). Ayes:  
53 Burke, Ferrazares, Gurley, Pollack, Poschman, Samuels, Sheen, Stoloff, Wengraf. Noes:  
54 None. Abstain: None. Absent: None.

## 55 UPCOMING AGENDA ITEMS

56 The Commission requested additional information about the upcoming special joint  
57 meeting with the Transportation Commission and PAC.

## 58 ACTION ITEMS

### 59 Item 9 Presentation: Lawrence Berkeley National Laboratory (LBNL) Long Range 60 Development Plan and draft EIR

61 Jim Krupnick of the National Lab presented the Plan as well as background on research  
62 conducted at the lab. The Commission discussed the Plan, asking if the recent grant from  
63 BP for research was anticipated in the Plan. Krupnick stated the research is part of the  
64 Helios program. The Commission also discussed the proposed new parking spaces, the  
65 impact of the Bowels Hall project, seismic safety concerns, and the safety of the existing  
66 buildings that are no longer planned for demolition.

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67 **Item 10 Public Hearing: ZA 1-07: Public Safety Exceptions for Structural**  
68 **Alterations**

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

72 Dando presented the proposed amendments and background information on soft story  
73 buildings and the City's soft story ordinance and program.

74 Speaker 1: Merrilie Mitchell, stated that repairing soft stories is necessary but it is also  
75 important not to pave over and eliminate trees or go higher with buildings which  
76 could block sunlight.

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

80 The Commissioners discussed the proposed amendments, asking if the soft story  
81 improvements will be required at some point, if the costs of improvements will be born  
82 by tenants, and if tenants will need to vacate the buildings. Staff stated the soft story  
83 repairs will be required in the future, like with the URM Ordinance; currently they are  
84 voluntary but engineering reports are required within 2 years. MacQuarrie and Lambert  
85 stated they not expect a lot of pass-through of costs to tenants because 70% of units are  
86 vacancy decontrolled units so the landlords probably have excess net operating income  
87 that will prevent increased rents and tenants should not be required to vacate because  
88 most repairs are on the ground floor.

89 M/S/C to re-open the public hearing (Stoloff/ Samuels). Ayes: Burke, Ferrazares, Gurley,  
90 Pollack, Poschman, Samuels, Sheen, Stoloff, Wengraf. Noes: None. Abstain: None.  
91 Absent: None.

92 Speaker 2: Marjorie Fendel, stated that for her 15-unit soft story building the cost of  
93 retrofitting will be around \$150,000 and a third of her tenants pay \$500 a month  
94 however she will not be able to increase rents to cover costs.

95 Speaker 3: Francisco Ariaga, stated he is on the list of buildings required to provide an  
96 engineers report and inquired about how to get off the list.

97 Speaker 4: Pamela Lee, stated that in her 16 unit building 8 of the tenants are long term  
98 and inquired about how she would be reimbursed for the cost of repairs.

99 Staff explained to get off the list a report or the actual repairs need to be done and the  
100 independent rent board determines rental increases to cover costs.

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101 Speaker 5: Tak Pe, stated he is a structural engineer and has done 10 design-build  
102 projects for soft stories and the cost for the report may be as much as the cost for the  
103 permits; repair costs range from \$25,000 to \$150,000.

104 The Commission discussed whether waiver of AUP costs would encourage costly soft  
105 story repairs. Staff stated that some of the land use permits that would be waived are  
106 Variances, which have higher costs and are more difficult to approve than AUPs. The  
107 Commission discussed noticing neighbors of the soft-story related repairs, staff stated  
108 notice for by-right work is not appropriate and not done for any other type of work.

109 M/S/C to re-close the public hearing (Stoloff/ Samuels). Ayes: Burke, Ferrazares, Gurley,  
110 Pollack, Poschman, Samuels, Sheen, Stoloff, Wengraf. Noes: None. Abstain: None.  
111 Absent: None.

112 M/S/C to approve the staff recommendation (Stoloff/ Samuels). Ayes: Burke, Ferrazares,  
113 Gurley, Pollack, Samuels, Sheen, Stoloff, Wengraf. Noes: Poschman. Abstain: None.  
114 Absent: None.

115 **Item 11 Public Hearing: ZA 2-07: Technical Amendment to Clarify Application of**  
116 **the Finding for Denial of Residential Additions and Clarification and Exemption of**  
117 **Dormers from the Average Height Calculation**

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

121 No comments.

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

125 M/S/C to approve the staff recommendation (Samuels/ Poschman). Ayes: Burke,  
126 Ferrazares, Gurley, Pollack, Poschman, Samuels, Sheen, Stoloff, Wengraf. Noes: None.  
127 Abstain: None. Absent: None.

128 **Item 12 Discussion: Midyear Work Plan Update – Fiscal Year 2007**

129 Staff presented the work plan update and discussed staffing levels. The Commission  
130 discussed the work plan item for limited flexibility in West Berkeley and implementation  
131 of the South Berkeley Plan.

132 **Item 13 Council Referral: Berkeley Alcohol Policy Advisory Coalition (BAPAC)**  
133 **Proposals Concerning Additional Alcohol Regulations**

134 Staff provided background on the proposed amendments and indicated the zoning  
135 amendments would be coming to the Commission in the coming months.

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136 **ADJOURNMENT**

137 **The meeting was adjourned at 9:20 p.m.**

138 Note on Commission Meeting Reporting:

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

143 For the February 14, 2007 Planning Commission meeting, the following will be reported:

144 Commissioners in attendance: 9

145 Members of the public in attendance: 45

146 Public Speakers: 7

147 Length of the meeting: 2 hour 15 minutes