

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

May 9, 2007

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

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3 Location: North Berkeley Senior Center, Workshop B.

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5 **ROLL CALL**

6

7 Commissioners Present: Bauce, Burke, Ferrazares, Gurley, Pollack, Poschman, Samuels,
8 Stoloff, Wengraf.

9

10 Commissioners Absent: None.

11

12 Staff Present: Gatzke, Harrison, Wolff.

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14 **ORDER OF THE AGENDA** – No change.

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16 **PUBLIC COMMENT PERIOD**

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18 Speaker 1: Rick Auerbach of WEBAIC stated a proposed new purpose in the M and
19 MULI zoning districts suggests the areas would be open to new businesses other than
20 auto sales but that he was under the impression that the changes were to specifically
21 allow auto business. He requested confirmation that the use would only be allowed in the
22 MULI area south of Ashby.

23

24 **PLANNING STAFF REPORT**

25 Secretary Harrison identified the late materials: two late communications, a copy of the
26 quota limits and findings for the four districts with quotas, and a copy of the purposes of
27 the C-T District.

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29 **CHAIRPERSON'S REPORT**

30 None.

31

32 **COMMITTEE REPORTS**

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34 **Density Bonus Subcommittee**

35 None. The Commission discussed and agreed to remove the Density Bonus
36 Subcommittee reports from the agenda as this Subcommittee has ended.

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38 **Downtown Area Plan Citizen Advisory Committee**

39 Commissioner Samuels reported on the presentation from John Holtzclaw at the previous
40 DAPAC meeting, who discussed the relationship of density to automobile use. He also
41 reported that the historical resources chapter is underway and one proposal includes a
42 downtown historic district. Commissioner Burke stated the Committee is beginning to
43 review draft DAP chapters.

44

45 **Southside Plan Subcommittee**

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46 The Commission discussed and agreed to remove the Southside Plan Subcommittee
47 reports from the agenda until the Subcommittee begins meeting again.

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49 APPROVAL OF MINUTES

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| 51 M/S/C to approve the draft minutes of May 9 with changes (Stoloff/Gurley). Ayes: 52 Bauce, Burke, Ferrazares, Gurley, Pollack, Poschman, Samuels, Stoloff, Wengraf. Noes: 53 None. Abstain: None. Absent: None. |
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55 UPCOMING AGENDA ITEMS

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57 Commissioners requested that AC Transit Bus Rapid Transit be an item on an upcoming
58 agenda. The Commissioners asked why the fence heights item is still a pending project.
59 Staff indicated it is not currently being worked on and they will bring the issue before the
60 Commission before working on it again.

61

62 ACTION ITEMS

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64 Item 9: Discussion of Telegraph Avenue Findings to exceed quota limitations

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66 Speaker 1: Robia Chang, representative of Munger Properties, stated that she supported
67 Option 1. She stated that she opposes new restrictions or prohibitions on formula
68 businesses, especially within the context of developing amendments to encourage
69 business activity, and that they would not address any specific concern.

70

71 Speaker 2: Roland Peterson, President of the Telegraph Avenue BID, stated that the BID
72 opposes quotas. He stated that restrictions on formula businesses are contrary to spirit of
73 revitalization of Telegraph Avenue and that the most successful downtowns have a mix
74 of formula and non-formula businesses.

75

76 The Commission discussed the options presented by staff regarding approaches to
77 allowing the C-T quota limits to be exceeded. Some Commissioners indicated that
78 simpler findings are better given the intent to reduce barriers to businesses and that
79 several purposes could be used by the ZAB when weighing a decision to grant a use
80 permit to exceed the quota. Others indicated they felt Option 1 was too simple and did
81 not provide enough direction to the ZAB because the purposes would be too easy to meet.
82 The Commission discussed the requirement of "community support," some stating they
83 felt it was important to the ZAB decision while others indicated it pits the new business
84 against the neighborhood before the business even opens. The Commission took no
85 action.

86

87 Item 10: Discussion of the West Berkeley Auto Sales Zoning Amendments

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89 Secretary Harrison stated that the proposed text for the M and MULI zoning districts had
90 been amended to reflect comments made at their previous meeting and discussed the role
91 of an overlay district verses amendments to the zoning chapters. The Commission

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92 discussed the proposed zoning amendments, including the proposed modifications to the
93 purposes, and provided further direction on word choice.

94

95 M/S/C to set a public hearing on the zoning and General Plan amendments on a date to be
96 worked out with the Chair and Staff (Pollack/Stolloff). Ayes: Bauce, Burke, Ferrazares,
97 Gurley, Pollack, Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain: None.
98 Absent: None.

99

100 **Item 11: Discussion of Appendix A and Appendix B from “A Place to Call Home,”**
101 **ABAG, June 2006, regarding Bay Area RHNA Performance and Affordable**
102 **Housing by jurisdiction, 1999-2006**

103

104 Commissioner Poschman handed out a memo and stated AB 2572 requires the COG to
105 explain in writing how the university housing needs are taken into consideration in the
106 RHNA process. He stated the city could not count the low-income housing built by the
107 UC in the past towards the allocation, yet the student population affected the allocation
108 amount. The Commission requested clarification on this subject.

109

110 **ADJOURNMENT**

111 **The meeting was adjourned at 8:45 p.m.**

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113 Note on Commission Meeting Reporting:

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

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119 For the May 9, 2007 Planning Commission meeting, the following will be reported:

120 Commissioners in attendance: 9

121 Members of the public in attendance: 9

122 Public Speakers: 3

123 Length of the meeting: 1 hour and 40 minutes