

# FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING

November 14, 2007

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

2 Location: North Berkeley Senior Center.

## 3 **ROLL CALL**

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

6 Commissioners Absent: None.

7 Staff Present: Sanderson, Amoroso, Harrison.

## 8 **ORDER OF THE AGENDA**

9 No change.

## 10 **PUBLIC COMMENT PERIOD**

11 Speaker 1: Ellen Doudna, of Oil Independent Berkeley, discussed the issue of “peak oil”  
12 and the implications on our way of life. She indicated the group would like a peak oil  
13 task force in Berkeley and that Councilmember Spring is planning a workshop on the  
14 subject.

## 15 **PLANNING STAFF REPORT**

16 Secretary Harrison introduced three late items: a handout on the density bonus  
17 presentation; a letter from ABAG regarding the draft RHNA; and a communication from  
18 BAPAC regarding the proposed zoning amendments.

## 19 **CHAIRPERSON’S REPORT**

20 Chair Samuels gave an overview of the two upcoming LBNL projects.

## 21 **COMMITTEE REPORTS**

22 **Downtown Area Plan Citizen Advisory Committee:** Members indicated there is one  
23 more meeting on November 29; several chapters have been adopted unanimously; and the  
24 main remaining issue is the appropriate height and density for downtown.

25 **West Berkeley PAC:** Commissioner Ferrazares reported on the meeting of the West  
26 Berkeley Project Area Commission where the existing conditions report for the West  
27 Berkeley Circulation Master Plan was discussed and indicated the future conditions  
28 report would be discussed in February.

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## 29 APPROVAL OF MINUTES

30 M/S/C to approve the draft minutes of October 24, 2007 (GP/PD). Ayes: Burke, Dacey,  
31 Ferrazares, Gurley, Pollack, Poschman, Samuels, Stoloff, Wengraf. Noes: None. Abstain:  
32 None. Absent: None.

## 33 UPCOMING AGENDA ITEMS

34 The Commission discussed upcoming December meetings, indicating traditionally there  
35 has been only one in December and that it might not be a good choice for public  
36 participation at the BRT special meeting and West Berkeley meeting because of the  
37 holidays.

## 38 ACTION ITEMS

### 39 **Item 9: Public Hearing: Zoning Amendments related to alcohol sales outlets.**

40 The chair opened the public hearing.

41 Speaker 1: Lori Lott, expressed BAPAC support for the first 2 amendments and indicated  
42 they would like amendment 3 to include the provision of automatic revocation of the  
43 use permit in the event of another violation or complaint within one year of issuance  
44 of the permit.

45 Speaker 2: Nancy Holland, spoke in favor of automatic termination of the use permit  
46 after 90 days of closure of the business.

47 Speaker 3: Merri Mitchell spoke of the role of drugs and crime near liquor stores and  
48 opportunity sites for politicians.

49 Speaker 4: Mohammed Mosieh stated concern that closure for illness, emergency or  
50 family issues could cause loss of the alcohol sales use permit.

51 The Commission discussed “abandonment” versus “closure of the business,” indicating  
52 preference for closure as it is more stringent, and considered 90 days versus another  
53 period of closure.

54 Chair Samuels reopened the public hearing.

55 Speaker 5: (name not provided) explained the source of 90 days relates to the time limit  
56 for reinstatement of the ABC license at a vacated property without requiring a new  
57 findings of public convenience or necessity.

58 Chair Samuels closed the public hearing.

59 The Commission recommended clarifications to the proposed language.

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60 M/S/C to approve the proposed zoning amendments related to alcohol sales as clarified  
61 by the Commission on page 1, lines 29 and 35, and page 2, line 7 (HP/PD). Ayes: Burke,  
62 Dacey, Ferrazares, Gurley, Pollack, Poschman, Samuels, Stoloff, Wengraf. Noes: None.  
63 Abstain: None. Absent: None.

64 **Item 10: Density Bonus discussion.**

65 Land Use Planning Manager Sanderson provided an overview of the City's development  
66 standards, inclusionary ordinance, and State density bonus law and explained how they  
67 interrelate. She indicated the next steps would be to discuss the development standards in  
68 more detail, discuss the City's density bonus process, and discuss the recommendations  
69 of the Joint Subcommittee, leading to a recommendation from the Commission.

70 **ADJOURNMENT**

71 **The meeting was adjourned at 10:05 pm**

72 Note on Commission Meeting Reporting:

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

77 For the October 24, 2007 Planning Commission meeting, the following will be reported:

78 Commissioners in attendance: 9

79 Members of the public in attendance: 15

80 Public Speakers: 6

81 Length of the meeting: 3 hour 0 minutes