

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, DECEMBER 20, 2022 AT BERKLEY CITY HALL BY CHAIR LISA KEMPNER.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city's government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city's YouTube channel: <https://www.youtube.com/user/cityofberkeley>

PRESENT: Michael Woods Greg Patterson
Shiloh Dahlin
Lisa Kempner

ABSENT: Joe Bartus
Matteo Passalacqua
Lisa Hamameh

ALSO, PRESENT: Kristen Kapelanski, Community Development Director
Megan Masson-Minock, Carlisle Wortman & Associates
Ross Gavin, City Council

Motion by Commissioner Patterson to excuse the absences of Commissioners Bartus, Passalacqua and Hamameh. Motion supported by Commissioner Woods.

Voice Vote to approve the absences of Commissioners Bartus, Passalacqua and Hamameh.

AYES: 4
NAYS: 0
ABSENT: Bartus, Passalacqua and Hamameh

MOTION CARRIED

APPROVAL OF AGENDA

Motion by Commissioner Patterson to approve the agenda and supported by Commissioner Woods.

Voice vote to approve the agenda

AYES: 4
NAYS: 0
ABSENT: Bartus, Passalacqua and Hamameh

MOTION CARRIED

APPROVAL OF THE MINUTES

Motion by Commissioner Patterson to approve the minutes of regular Planning Commission meeting on October 25, 2022 and supported by Commissioner Woods.

Voice vote to approve the meeting minutes of October 25, 2022.

AYES: 4
NAYS: 0
ABSENT: Bartus, Passalacqua and Hamameh

MOTION CARRIED

COMMUNICATIONS

NONE

CITIZEN COMMENTS

NONE

OLD BUSINESS

- 1. **Outdoor Seating:** Discussion of ordinance language to allow outdoor seating accessory to a permitted use as a permitted use

Community Development Director Kapelanski briefly described the staff memo by Planning Consultant Megan Masson-Minock. Following a description of the memo, Director Kapelanski noted an issue that was raised by several businesses with regard to the draft ordinance language. Portions of the sidewalks in Berkley, particularly along Twelve Mile, have obstructions, such as bike racks, trash cans, etc. that prevent business owners wishing to do outdoor seating from maintaining a five foot clear path for walking, as the ordinance language requires. The Planning Commission should discuss whether they might be willing to go down to a lesser passing distance or require five feet, which may prohibit outdoor seating in some areas. The Americans with Disability Act requires a minimum passing distance of three feet every two hundred feet.

The Commission generally agreed their previous comments were captured in the updated ordinance and moved on to discussing the need for a five-foot clear path and alternative options.

The Commission asked Planning Consultant Masson-Minock to do an analysis of which areas of the City would be most affected by a required five-foot travel path, excluding Woodward. This will be provided at the next meeting.

- 2. **Vape Shops:** Discussion of an ordinance amendment to regulate the location of vape shops

Planning Consultant Megan Masson-Minock went over her staff memo discussing potential ordinance amendment items based on the Commission’s previous discussion.

The Planning Commission had no additional comments on the ordinance and agreed it was ready for a public hearing at the next meeting.

NEW BUSINESS

- 1. **Child Care Centers - Twelve Mile District**

Community Development Director Kapelanski stated staff had a request from an existing non-conforming child care center in the Twelve Mile District to expand. Since child care centers are not a principal permitted or special land use in the Twelve Mile District, they would have to be added in order to allow an expansion. Staff has provided suggested text matching that recently added to the Local Business District.

The Planning Commission agreed that child care centers should be added to the Twelve Mile District as a special land use with the suggested language. This can proceed to a public hearing at the next Planning Commission meeting.

- 2. **2023 Meeting Dates**

Motion by Commissioner Patterson to approve the 2023 Meeting Dates and supported by Commissioner Woods.

Voice vote to approve the 2023 Meeting Dates.

AYES: 4
NAYS: 0
ABSENT: Bartus, Passalacqua and Hamameh

MOTION CARRIED

LIAISON REPORT

Commissioner Dahlin noted the Environmental Committee continued their discussion of EV charging stations.

Chair Kempner noted Berkley will be 100 years old in 2023. The Tree Board presented their tree canopy study to the City Council. The City Council extended their outdoor seating resolution until April 2023. Michael Dooley was appointed to the City Council and Mayor Terbrack has retired, opening up an additional seat.

COMMISSIONER COMMENTS

NONE

STAFF COMMENTS

Community Development Director Kapelanski stated the Downtown Design Guidelines ordinance will be effective next month.

ADJOURNMENT

Motion to adjourn by Commissioner Patterson supported by Commissioner Woods.

Voice vote for adjournment

AYES: 4
NAYS: 0
ABSENT: Bartus, Passalacqua and Hamameh

With no further business, the meeting was adjourned at 7:47 at p.m.