

**APPROVED MINUTES OF SPECIAL PLANNING COMMISSION MEETING**  
**APRIL 4, 2001**

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

2 Location: North Berkeley Senior Center.

3

4 Commissioners present: Wrenn, Wengraf, Poschman, Howerton, Morris (arrived 7:15  
5 p.m.), Bronstein, Perry (departed 8:35 p.m.).

6

7 Commissioners Absent: McCamant, Hicks.

8

9 Staff present: Haney-Owens, Cosin, Ratcliffe, Phillips.

10

11 **PUBLIC COMMENT PERIOD**

12

13 Constance Sutton stated that transmitting antennas are inappropriate in residential areas  
14 as they are an industrial use. She noted that she is a member of a citizen's group who has  
15 submitted an alternative draft Zoning Ordinance amendment to the Commission  
16 regarding this issue.

17

18 Leonard Schwartzburg seconded the comments of the previous speaker and urged the  
19 Commission to consider the citizen group's submission.

20

21 Kevin Sutton stated that he found through his own research that the FCC does allow  
22 zoning specifically for these antennas. He referred Staff and Commissioners to  
23 Pleasanton's Zoning Ordinance for transmitting antennas.

24

25 Commissioner Perry noted that the required 300 feet setback could be achieved at very  
26 few locations in Berkeley.

27

28 Erica Etelson, an attorney working with the citizen group regarding the antenna  
29 Ordinance, stated that she is drafting a 'Community Right to Know' Ordinance to  
30 mandate disclosure of the possible health impacts of antennas. She requested that the  
31 Planning Commission consider these two ordinances as separate entities.

32

33 Martha Nicoloff stated that neither the public nor the Planning Commission received the  
34 material sufficiently in advance of the meeting. She submitted a postmarked notice of the  
35 hearing to the Planning Commission to verify her statements.

36

37 Staff Ratcliffe noted that the hearing was properly noticed in accordance with City law.

38

39 **ORDER OF AGENDA**

40

41 No change.

42

43 **CHAIRPERSON'S REPORT**

44

45 Commissioner Wrenn requested that Staff deliver information to Commissioners as far in  
46 advance as possible regarding the zoning amendments to be discussed at the May 30<sup>th</sup>

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47 meeting. He stated that businesses that could be affected should be notified of the  
48 moratoria being considered. He also asked Staff to review the transmitting antenna  
49 Zoning Ordinance amendment proposed by the citizen's group, to map areas available for  
50 towers, and to submit commentary to the Commission.

51

52 **CITY COUNCIL ACTIONS**

53

54 No Items.

55

56 **PUBLIC HEARING AND DISCUSSION OF AMENDMENT TO THE ZONING**  
57 **ORDINANCE RE: PUBLIC SERVICES AND FACILITIES**

58

59 Staff Ratcliffe presented the staff report.

60

61 Commissioner Wengraf noted that the 1997 Zoning Ordinance amendment which  
62 included the original proposed changes is different than in the amendment currently  
63 under discussion, and that public service uses are not defined in the prior Ordinance. She  
64 stated that "similar facilities" is a very broad term that could be misinterpreted.

65

66 M/S/C to open public hearing on the proposed Zoning Ordinance amendment  
67 (Poschman/Morris). Ayes: Bronstein, Wrenn, Wengraf, Morris, Perry, Poschman,  
68 Howerton. Noes: None. Abstentions: None. Absent: McCamant, Hicks.

69

70 Andrea Cukor stated that training and equipment facilities do not belong in residential  
71 areas.

72

73 M. Schmidt stated that training, equipment service centers and similar facilities do not  
74 correspond with the scale of the neighborhoods in the Hills.

75

76 Peter Cukor stated his opposition to the proposed amendments. He requested that the  
77 Commission table the item until citizens could be adequately notified of the proposal's  
78 details.

79

80 Ted Edlin stated that the hearing was not properly noticed according to his understanding  
81 of the Brown Act. He urged the Commission to postpone discussion of the issue and to  
82 republish the hearing notice with more detailed information about the proposed change.

83

84 Louise Larson stated that the definitions in the Zoning Ordinance are overly broad and  
85 would allow uses unwanted by neighborhood residents.

86

87 Martha Nicoloff stated her concern that this hearing was improperly noticed to the public.  
88 She stated that the term "similar facilities" is too broad. She requested that the  
89 Commission continue the public hearing on this issue until a later date.

90

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91 Doris Willingham stated that the proposed amendment lacks an adequate definition of  
92 public services and facilities. She requested that the Commission ask Staff to rewrite the  
93 amendments.  
94  
95 Commissioner Wengraf suggested deleting the term “training facilities, equipment  
96 service centers and similar facilities” from the definition.  
97  
98 Commissioner Poschman stated his support for Commissioner Wengraf’s language  
99 revision.  
100  
101 Commissioner Perry asked Staff why this amendment was proposed.  
102  
103 Staff Haney-Owens replied that the Legal Department suggested the revision.  
104  
105 Commissioner Perry agreed with other Commissioners that the definition in the  
106 amendment is too broad. He suggested narrowing the definition to include police and fire  
107 services only.  
108  
109 Commissioner Bronstein supported Commissioner Perry’s suggestion.  
110  
111 Commissioner Wengraf asked Staff if narrowing the language in the amendment would  
112 disallow emergency shelters in residential neighborhoods in the event of an earthquake or  
113 other disaster.  
114  
115 Staff Haney-Owens clarified that in the event of an emergency, the City has the power to  
116 enact a number of exemptions that would appropriately deal with this.  
117  
118 Commissioner Bronstein suggested narrowing the definition and then renoticing the  
119 public hearing on the amended language.  
120  
121 Commissioner Wengraf stated her concern that continuation of this issue to a subsequent  
122 Planning Commission meeting may hinder the construction of a new fire station proposed  
123 for the hills.  
124  
125 Commissioner Poschman suggested “Public Safety & Emergency Services” as a new  
126 definition category. He stated that public notices should include descriptions of  
127 proposals, and agreed that the Hill fire station project should not be held up.  
128  
129 Commissioner Perry disagreed with comments disputing the adequacy of the public  
130 noticing process, and agreed that the Commission should act on the issue tonight.  
131  
132 M/S/F to amend the language to “Public Safety and Emergency Services” and widely  
133 notice the public hearing when the issue appears at the City Council (Wengraf/Morris).  
134 Ayes: Perry, Wengraf, Morris. Noes: Bronstein, Howerton, Poschman. Abstentions:  
135 Wrenn. Absent: McCamant, Hicks.  
136

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137 Commissioner Wengraf stated that this issue would not reach council until after  
138 September if the Planning Commission continued discussion until June.

139  
140 M/S/C to amend the language to “Public Safety and Emergency Services” and to renotece  
141 the public hearing for the first Planning Commission meeting in May (Poschman/Morris).  
142 Ayes: Perry, Wengraf, Morris, Bronstein, Howerton, Poschman, Wrenn. Noes: None.  
143 Abstentions: None. Absent: McCamant, Hicks.

144  
145 Commissioner Wrenn asked Staff to notify all the people who spoke at public comment.

146  
147 **BUDGET PROPOSAL FOR FISCAL YEARS 02-03**

148  
149 Commissioner Wrenn opened discussion of the proposed Planning and Development  
150 Department budget for fiscal years 02-03.

151  
152 Commissioner Wengraf asked Staff why no funding is allocated to implementation of the  
153 Transportation Demand Management Study.

154  
155 Acting Director Cosin stated that the department is working with the City Manager on  
156 this issue.

157  
158 Commission Wengraf stated her concern that the allocation for traffic calming was not  
159 sufficient.

160  
161 Staff Haney-Owens noted that the amount she referred to is designated for the traffic  
162 calming public process, and that the project is on hold due to staff shortages in the  
163 Planning and Development Department. She stated that Traffic Engineering will test  
164 traffic calming devices during the upcoming Fiscal year, and that there is funding in the  
165 Public Works budget for this.

166  
167 Acting Director Cosin clarified that some of the documents in the Commissioners’  
168 packets referred to work program funding allocations. She stated that the proposed  
169 Department budget includes a request for funding to create a code enforcement division,  
170 and a subsidy for the Permit Center Fund

171  
172 Commissioner Wrenn asked Staff about the status of the Safe Routes to School program,  
173 and the time-sensitivity of the funding.

174  
175 Staff Haney-Owens stated that Traffic Engineering is the lead on this project, and that  
176 this function is currently understaffed. She noted that the Planning Department has  
177 offered to assist with the public process, and that both Departments are aware of the  
178 deadline obligation.

179  
180 Commissioner Poschman asked Staff to clarify whether the Enforcement Manager will be  
181 a ‘hands-on’ manager.

182

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183 Acting Director Cosin stated that it would be a 'hands-on' position.

184

185 **COMMITTEE REPORTS**

186

187 Commissioner Wrenn stated that an Oxford Lot subcommittee meeting notice would be  
188 released on the following day.

189

190 **ADJOURNMENT**

191

192 Meeting adjourned at 8:48 pm.