

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
NOVEMBER 14, 2001**

1 **ROLL CALL**

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3 Time: The meeting was called to order at 7:10.

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5 Location: North Berkeley Senior Center.

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7 Commissioners Present: Bronstein, Curl, Hicks, Howerton, Poschman, Tabb, Wozniak,
8 Wrenn.

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10 Commissioners Absent: Wengraf.

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12 Staff Present: Barrett, Cederborg, Cowan, Haney-Owens, Kahn, Rhoades.

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14 **PUBLIC COMMENT PERIOD**

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16 **1. Southside Plan**

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18 Speakers: John English, Andy Katz, John McBride, Carrie Olson, Becky O'Malley,
19 Jim Sharp.

20
21 Comments:

- 22 • Southside Plan process has been open and fair
23 • University's expansion is a threat to the City

24
25 Requests:

- 26 • The Plan be completed before UC students leave in June, 2002
27 • The Southside Draft Plan be distributed by the end of November
28 • The citizen's voices not be overpowered by the University
29 • Future meetings be held within the Southside area

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31 **2. Hearst Avenue Rezoning**

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33 Speakers: Paul Shain.

34
35 Comments:

- 36 • Appreciation for the scheduled Public Hearing
37 • Position paper compiled (copy not provided to Staff)

38
39 **3. Mixed Use–Light Industrial (MU-LI)**

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41 Speakers: Wendy Alfsen , Toby Taylor.

42
43 Comments:

- 44 • Many vacant office spaces are available in other areas of the City

45
46 Clarifications:

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
NOVEMBER 14, 2001

- 47 • Will proposed office moratorium affect the MUR district?

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49 *The proposed office space moratorium will affect only the MU-LI district -*
50 *Commissioner Poschman*

51

52 **4. Telecommunications Ordinance**

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54 Speakers: Michelle Bennett, Kate Bernier, Erica Etelson, Kristin Hulse, Kristin
55 Jacobson, Ben Lyon, Merri Mitchell, Nick Selby, Constance Sutton.

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57 Citizen's Comments:

- 58 • The citizens ordinance gives the Telecommunications Industry less loop
59 holes and makes them more accountable
- 60 • Wireless antennas are a health concern
- 61 • Wildlife will be negatively effected by wireless antennas
- 62 • The Sierra Club has not yet had time to review the City's Ordinance
- 63 • A bill written by the District of Columbia may be a telecommunication
64 ordinance model for the city of Berkeley

65

66 Citizen's Requests:

- 67 • Adopt a 200 foot buffer
- 68 • Ensure equal treatment in the dispersion of antennas

69

70 Telecommunication Industry's Comments:

- 71 • Information regarding Verizon's two to five year plan is available for the
72 Commission
- 73 • Wireless sites are reviewed by CEPA and NEPA
- 74 • If a buffer is implemented, antenna sites are severely restricted

75

76 Telecommunication Industry's Requests:

- 77 • Commissioner Poschman's proposed deletion be retained
- 78 • A buffer not be implemented

79

80 Commissioners' Clarifications:

- 81 • Does the City's Ordinance allow towers? – Commissioner Wozniak

82

83 *Antenna towers are severely discouraged – Staff Kahn*

84

- 85 • Why does Cingular Wireless need six additional sites? – Commissioner
86 Wozniak

87

88 *High call volumes near the University necessitate six additional sites –*
89 *Ben Lyon*

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- 91 • Is Cingular Wireless the same as Pacific Bell? – Commissioner Wozniak

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
NOVEMBER 14, 2001

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Cingular Wireless and Pacific Bell are the same – Ben Lyon

ORDER OF AGENDA

Commissioner Bronstein suggested to reverse the order of items 8, 9, and 10.

CHAIRPERSON’S REPORT

No Report.

COUNCIL ACTIONS/PLANNING DIRECTOR’S UPDATE

Planning Director Carol Barrett reviewed the Council’s actions.

FUTURE AGENDAS

Planned topics on future agendas are the Southside Plan, Hearst Avenue rezoning and a Landmarks Preservation Ordinance.

The Planning Commission will not meet on the 26th of December.

Planning Director Carol Barrett stated that due to their work on the General Plan as directed by City Council, staff work schedules will be tight.

Commissioner Bronstein asked that a discussion regarding the restructuring of the Public Comment Period be added to the agenda of the December 12th meeting.

APPROVAL OF MINUTES FROM THE OCTOBER 24TH MEETING

M/S/C to approve the minutes from the October 24, 2001 meeting (Wozniak/Hicks). Ayes: Curl, Hicks, Howerton, Poschman, Tabb, Wozniak, Wrenn. Noes: None. Abstentions: Bronstein. Absent: Wengraf.

SOUTHSIDE PLAN

Commissioner Wrenn passed out a draft schedule for the Southside Plan. He gave the background of the formation of the Southside Plan. He discussed the next steps for the document and stated that after coordinating with other groups, a meeting for initial discussion has been planed for January 23, 2002. He proposed to make the Southside Plan the spring focus to be completed before the UC students leave in June, 2002.

Staff Haney-Owens stated that as staff has been consumed by work on the General Plan as directed by the City Council and that staff may not be prepared to release the draft plan by the end of the month.

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
NOVEMBER 14, 2001

138 Commissioner Bronstein stated that since the University already has a copy of the Plan, it
139 should be distributed to all stakeholders by the end of the month. She stated the Plan
140 should be a top priority and she moved to adopt the draft schedule.

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142 Commissioner Poschman seconded the motion and stated that this draft schedule
143 provides a framework to keep the process moving.

144

145 M/S/C to adopt the draft schedule for the Southside Plan (Bronstein/Poschman). Ayes: 146 Bronstein, Curl, Hicks, Howerton, Poschman, Tabb, Wozniak, Wrenn. Noes: None. 147 Abstentions: None. Absent: Wengraf.
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149 **TEMPORARY OFFICE MORATORIUM IN THE WEST BERKELEY MIXED**
150 **USE-LIGHT INDUSTRIAL DISTRICT (MU-LI)**

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152 Commissioner Bronstein reviewed the findings of the MU-LI subcommittee.

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154 Commissioner Wozniak asked for the subcommittee's definition of office space. He
155 stated that including research and development in the definition of office space is not
156 appropriate.

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158 Commissioner Bronstein stated the definition of office space was taken from the CB
159 Richard Ellis Report.

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161 Commissioner Wozniak stated that research and development is similar in use to light
162 industrial and that he has strong objections to the definition used in the subcommittee's
163 report. He also stated his concern for a company, Peerless lighting, who may be affected
164 negatively by the office space moratorium. He stated that because of changes in the
165 economy and the changing nature of business, he is concerned that the definition of office
166 space is too restrictive since classic office space would not adequately define many
167 current office uses, such as web design and research workstations.

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169 Commissioner Hicks stated that she does not see the threat of office space still imminent
170 in the MU-LI area as was identified in the past. She suggested the need to redefine the
171 issues.

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173 Commissioner Tabb stated that basing the definition for office space on the
174 manufacturing model is not realistic.

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176 Commissioner Poschman stated that this office moratorium is concerned with retaining
177 jobs that do not require advanced degrees. He suggested a thorough analysis regarding
178 this issue. He stated that a one year moratorium is needed to plan appropriately for this
179 area.

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181 Commissioner Curl stated that definitions should be narrowed and it should be
182 discovered what type of uses are economically compatible.

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APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
NOVEMBER 14, 2001

184 Commissioner Wrenn stated that there are still many opportunities for office uses in the
185 City of Berkeley. He stated that a moratorium allows time to plan for the long term, and
186 current economic conditions should not be the driving force behind a decision of this
187 nature.

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189 Commissioner Wozniak stated that he supports the goals of the study, but disagrees with
190 the definition of office space.

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192 M/S/C to approve the subcommittee's proposal which includes a one year office 193 moratorium in the MU-LI district (Bronstein/Poschman). Ayes: Bronstein, Curl, 194 Howerton, Poschman, Wrenn. Noes: Hicks, Tabb, Wozniak. Abstentions: None. 195 Absent: Wengraf.

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197 **WIRELESS TELECOMMUNICATIONS FACILITIES**

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199 The planning Director, Carol Barrett, excused herself from the meeting due a conflict of
200 interest.

201

202 Staff Kahn showed the Commission a map showing the effect of a 200 foot buffer around
203 antenna sites as proposed by the citizens' draft Ordinance. She stated that staff had
204 proposed some revisions to the draft Ordinance to address some of Commissioner
205 Poschman's suggested changes. She responded to comments made about differences
206 between the City's Ordinance and the citizens' Ordinance and explained the reasons why
207 the differences are necessary. She stated that the City's Ordinance strives to make an
208 equal process for residential and commercial use.

209

210 Staff Cowan stated that Commissioner Poschman's suggested deletions would eliminate
211 any significant distinction between how the City regulates wireless telecommunication
212 facilities in residential districts as opposed to nonresidential districts, thus eliminating a
213 key rationale underlying the ordinance.

214

215 Commissioner Bronstein asked Staff Cowan how the suggested deletions eliminate the
216 rationale.

217

218 Staff Cowan stated that it treats residential and nonresidential districts the same.

219

220 Staff Kahn stated that antennas as commercial use would be prohibited in residential
221 areas with exceptions granted only for certain, and defined circumstances.

222 Commissioner Wozniak suggested minimizing sites to encourage co-location. He
223 suggested current sites be upgraded so they would be stealthed when the co-location of
224 additional antennas is approved.

225

226 Commissioner Poschman stated upgrading requirements could discourage co-locations,
227 but this may be possible through the Zoning Adjustments Board (ZAB).

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APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
NOVEMBER 14, 2001

229 Staff Kahn handed out a document to the Commissioners highlighting the changes
230 proposed to the staff draft Ordinance based on Commissioner Poschman's suggestions.

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232 Commissioner Poschman stated concern that under the City's Ordinance, notification is
233 sent out only in residential areas and not commercial areas.

234
235 Staff Kahn stated that the Ordinance does not require notification in commercial areas
236 could but this could be enlarged.

237
238 Commissioner Poschman suggested that two drafts, the City's Ordinance and an
239 Ordinance accommodating Commissioner Poschman's suggested changes be presented to
240 City Council.

241
242 Commissioner Poschman moved to send a draft with his proposed changes, incorporating
243 three changes already made by Staff, the revised purposes, the definition of "readily
244 visible", and expanding AUP notice by omitting reference to "residential" properties.
245 taking out "residence" and leaving the word "properties", to the City Council.

246
247 Commissioner Tabb stated that he will vote for the motion but is concerned that making
248 all antennas go through the ZAB process will over politicize the procedure.

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250 Commissioner Poschman stated that ZAB is not politically driven.

251
252 Commissioner Curl stated that he will vote for the motion, even though he believes that
253 it may be more beneficial for the antennas to not be stealthed so the residents can see
254 them.

255
256 Staff Cowan clarified that there will be two separate versions of the Telecommunications
257 Ordinance going to City Council.

258
259 M/S/C to send the City's Ordinance and an ordinance with Commissioner Poschman's
260 suggested changes, be sent to City Council for their review and approval
261 (Poschman/Wozniak). Ayes: Bronstein, Curl, Hicks, Howerton Poschman, Tabb,
262 Wozniak, Wrenn. Noes: None. Abstentions: None. Absent: Wengraf.

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264 **COMMITTEE REPORTS**

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266 No Reports.

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268 **ADJOURNMENT**

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270 Meeting was adjourned at 10:10.