

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING**  
**MAY 22, 2002**

1 **ROLL CALL**

2  
3 Time: The meeting was called to order at 7:05.

4  
5 Location: North Berkeley Senior Center.

6  
7 Commissioners Present: Bronstein, Curl, Howerton, Poschman, Tabb, Wengraf,  
8 Wozniak, Wrenn.

9  
10 Commissioners Absent: Hicks.

11  
12 Staff Present: Barrett, Cederborg, Koch, Stroshane, Ratcliffe.

13  
14 **ORDER OF AGENDA**

15  
16 Chair Bronstein asked for item 11 to be moved ahead of item 9.

17  
18 **PUBLIC COMMENT PERIOD**

19  
20 Emily Longfellow, representing Munger Properties, stated her opposition to two-way  
21 streets. She stated that it is unclear what problem two-way streets will solve. She also  
22 stated her opposition to draft Southside Plan Policy TB-3.

23  
24 Roland Peterson, representing the Telegraph Business Improvement District, stated that  
25 the business district as well as the residents in the area, oppose an auto mall on Telegraph  
26 Avenue due to probable spillover traffic into adjacent neighborhoods. He also stated his  
27 opposition to TB-3 in Commissioner Wrenn's proposed changes.

28  
29 Commissioner Poschman asked if the language that states, "Work with AC Transit"  
30 should be changed.

31  
32 Mr. Peterson stated that AC Transit should be consulted but does not agree with the  
33 severe set of restrictions outlined in the proposal.

34  
35 Commissioner Poschman stated that the proposal only states to "consider" the proposal.

36  
37 Mr. Peterson stated that the proposal still goes too far.

38  
39 Doris Willingham, representing the Claremont/Elmwood Neighborhood Association  
40 (CENA), stated her opposition to a potential auto mall on Bancroft and Telegraph. She  
41 also stated her opposition to proposed amendment TB-3.

42  
43 Andy Katz, representing ASUC, stated that this will be his last meeting, and that Faith  
44 Stein will be ASUC's new representative. He asked the Commission to consider two-  
45 way streets. He agreed that important criteria for the Southside Plan are transit, bike, and

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46 pedestrian safety, and suggested that traffic calming be added. He stated that College  
47 Avenue is a bottleneck as well as Telegraph Avenue and that the Plan should reflect this.

48  
49 Michael Katz stated his opposition to two-way streets and that as a cyclist, converting the  
50 streets to two-way would be more hazardous due to double-parked cars. He also stated  
51 that many times, jaywalkers can be more detrimental to bicyclists and that automobile  
52 traffic can have a regulating effect.

53

54 **CHAIRPERSON'S REPORT**

55

56 Chair Bronstein reported briefly on her attendance of ABAG's Regional Smart Growth  
57 workshop in San Leandro.

58

59 **COMMITTEE REPORTS**

60

61 Chair Bronstein stated that she e-mailed those involved in the MULI subcommittee a  
62 notice to reconvene.

63

64 Commissioner Wozniak reported on his attendance of the Citizen's Budget Review  
65 Commission on May 15<sup>th</sup>, and a pedestrian bike bridge workshop sponsored by the Parks  
66 and Recreation Commission in late April.

67

68 **PLANNING DIRECTOR'S REPORT**

69

70 Planning Director Barrett reported on the following items:

71       Scheduling a Public Hearing regarding a rezoning request

72       Height limit initiative

73       Waterfront project

74       Bus Rapid Transit

75       The City Manager's Budget workshop before City Council

76

77 **APPROVAL OF MINUTES**

78

79 Chair Bronstein asked that staff provide a copy of previously approved minutes for April  
80 24<sup>th</sup> in the next packet, along with new draft minutes for May 8<sup>th</sup> and May 22<sup>nd</sup>.

81

82 Chair Bronstein stated that she would provide staff with language concerning the minutes  
83 on the zoning amendment process discussion with Zach Cowan of the City Attorney's  
84 office on May 8<sup>th</sup>.

85

86 M/S/C to hold over the April 24, 2002, and the May 8, 2002 minutes until the June 12<sup>th</sup>  
87 meeting (Poschman/Wengraf). Ayes: Bronstein, Curl, Howerton Poschman, Tabb,  
88 Wengraf, Wozniak, Wrenn. Noes: None. Abstentions: None. Absent: Hicks.

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**FUTURE AGENDAS**

Commissioner Wengraf stated her opposition to any Public Hearings on the Southside Plan EIR while UC students were absent due to summer vacation.

Commissioner Wrenn asked how long the EIR process would take.

**PUBLIC HEARING: PROPOSED TREE PRESERVATION ORDINANCE AMENDMENTS**

M/S/C to open the Public Hearing (Wengraf/Wrenn). Ayes: Bronstein, Curl, Howerton, Poschman, Tabb, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions: None. Absent: Hicks.
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No public speakers were heard.

Commissioner Curl asked about the method of publicizing this Public Hearing.

Staff Ratcliffe explained in which ways the Public Hearing was publicized.

Chair Bronstein suggested that common language be used for the headlines announcing Public Hearings.

Commissioner Wengraf asked if Public Hearings regarding this issue were held at the Parks and Recreation Commission (PRC).

Staff Koch stated that Public Hearings were held before the PRC, and that they were well attended.

Commissioner Curl stated that the Public Hearings have a disconnect between Commissions.

Chair Bronstein asked if staff worked on this issue with Parks and Recreation.

Staff Ratcliffe stated that she did collaborate on this issue with staff but not the PRC.

M/S/C to close the Public Hearing (Wengraf/Wozniak). Ayes: Bronstein, Curl, Howerton, Poschman, Tabb, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions: None. Absent: Hicks.
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Commissioner Wozniak stated that there are inconsistencies in the definition of the ordinance.

Staff Ratcliffe stated the correct definition of the ordinance.

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136 Commissioner Poschman asked about substantial development rights included in the  
137 proposed ordinance and asked how the PRC responded to this.

138  
139 Staff Koch stated that he is not aware if they have seen this draft.

140  
141 Chair Bronstein stated that there should be more consistency between the purpose and the  
142 definition in the proposed ordinance.

143  
144 Commissioner Wengraf asked why this ordinance was drafted to protect tenants rather  
145 than residents. She suggested that the ordinance graphically show physical diameters.

146  
147 Staff Koch presented some background on this item. He stated that after dealing with this  
148 item for several years, what is proposed puts the current moratorium on the removal of  
149 live coastal oaks into an ordinance format.

150  
151 Commissioner Wrenn asked when this item is going to Council.

152  
153 Staff Ratcliffe stated that this amendment is a companion ordinance to Parks and  
154 Recreation's work. She stated that Parks and Recreation have completed their portion of  
155 the ordinance and that the Planning Commission must approve this portion of the  
156 ordinance regarding zoning changes before it is sent on to City Council.

157  
158 Commissioner Wrenn stated that the ordinance should be narrowed in terms of species.  
159 He stated that in some cases, removal of certain species should be encouraged. He stated  
160 that there should also be categorical exemptions for trees growing in a certain relation to  
161 sidewalks and home foundations.

162  
163 Staff Koch stated that all of these issues have been considered. He stated that the issue of  
164 structural damage is mentioned in the ordinance.

165  
166 Commissioner Wrenn objected to mandatory hiring of an arborist when determining  
167 structural damage.

168  
169 Commissioner Wozniak asked how many trees this ordinance will be affecting. He  
170 agreed with Commissioner Wrenn that the ordinance is too broad regarding the species.

171  
172 Staff Koch stated that he would not classify live oak as an endangered species.

173  
174 Commissioner Tabb asked if the trees are indeed endangered as specified in the staff  
175 report.

176  
177 Staff Stroshane stated that in other areas of California, live oaks are endangered.

178  
179 Commissioner Tabb stated this issue could potentially be used to prevent projects. He  
180 stated his suspicions of the report and he moved to reject it.

181

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182 Commissioner Poschman stated that it is a blanket ordinance. He stated that the non-live  
183 oak portion of the ordinance is problematic in terms of its scope and procedure, and the  
184 live oak portion has a loophole allowing trees to be taken when substantial development  
185 rights are at issue. He stated that he could not vote to approve this ordinance.

186  
187 Commissioner Wengraf stated that there is no discussion of fire insurance. She stated  
188 that insurance companies have been known to cancel policies due to excessive  
189 vegetation. She stated that this ordinance could prohibit residents from clearing their  
190 property. She stated that giving tenants authority to prevent removal of a tree sets a bad  
191 precedent.

192  
193 Commissioner Wrenn suggested that the Commission put the issue aside. He asked that  
194 staff draft a summary of their comments and pass a copy on to the PRC. He asked that  
195 staff draft an amendment to address the Commissioners' concerns. He stated that the  
196 ordinance needs to be narrowed and alternatives given, and stated that he would like  
197 feedback from the PRC.

198  
199 Staff Koch stated that these issues have been brought up and this is why it has taken so  
200 long to get this far.

201  
202 Commissioner Poschman asked for copies of the PRC meeting minutes regarding this  
203 issue.

204  
205 Commissioner Wozniak asked if there are real issues with trees being cut down.

206  
207 Staff Koch stated that although this question keeps on arising, this ordinance is the result  
208 of direction the PRC has received by Council.

209  
210 Commissioner Wengraf proposed that a clause be added to the ordinance stating that if a  
211 tree is removed, it should be replaced by another tree more appropriate to that setting.  
212 She stated her disapproval that these laws apply only to privately owned property and not  
213 city owned property.

214  
215 Chair Bronstein asked that staff send the Commissioners' comments and the issues that  
216 were raised to the PRC, and to develop the amendments for the Planning Commission  
217 before they are sent to the PRC.

218  
219 Commissioner Tabb asked that Commissioners have the opportunity to view the drafted  
220 comments before they are passed on to the PRC.

221  
222 Commissioner Wengraf asked if the city is liable when a resident requests the removal of  
223 a tree and notifies the city, and injury or damage occurs because no action is taken in due  
224 time.

225  
226 Staff Koch stated that he is not sure of the answer to this.

227

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228 **SOUTHSIDE PLAN TRANSPORTATION, COMMUNITY CHARACTER, AND**  
229 **DESIGN GUIDELINES AMENDMENTS AND ISSUES**

230

231 Commissioner Wrenn reviewed proposed amendment items 1-10, and noted that no  
232 Transportation staff from the City are present.

233

234 Chair Bronstein stated that on page 56, the Plan should reflect the current rates of parking  
235 charges.

236

237 Commissioner Wozniak stated that on page 46, the data presented is inconsistent with an  
238 earlier report given.

239

240 Commissioner Wozniak stated that on page 52-53, two paragraphs are identical. He  
241 stated that on page 57, the data are out of date, and that on page 58, he has questions  
242 regarding the meaning of the phrase “nearly reduced”. He stated that the proposed  
243 number of people in a carpool according to Commissioner Wrenn’s proposal, 5, is too  
244 high.

245

246 Commissioner Wrenn reviewed proposed amendment items 11-15.

247

248 Commissioner Wrenn reviewed proposed amendment items 16-18. He stated that if there  
249 will be no more analysis given, the city should move forward with the EIR process. He  
250 stated that impact on public transit and pedestrian and bicycle safety should be the  
251 primary criteria to evaluate.

252

253 Commissioner Poschman stated that another criterion should be reduction of automobile  
254 traffic.

255

256 Commissioner Wozniak stated that it should be stated in the Plan that an overall goal is to  
257 reduce traffic volume, and that more carpooling would be a positive strategy.

258

259 Commissioner Wrenn noted that you want to avoid exporting traffic to other  
260 neighborhoods.

261

262 Commissioner Wengraf asked if the Transportation Commission has seen these proposed  
263 changes.

264

265 Commissioner Wrenn stated that the Commission knows they are under discussion but he  
266 has not received comments from them.

267

268 Chair Bronstein asked what the next step is.

269

270 Commissioner Poschman suggested that the Commission consider the proposed policies,  
271 and stated that they are looked at more thoroughly in the EIR.

272

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273 Commissioner Wrenn asked that the Commission adopt the proposed changes and let the  
274 EIR evaluate them.

275  
276 Planning Director Barrett asked the Commission if they would prefer to wait until after  
277 the Bus Rapid Transit presentation from the University on June 26<sup>th</sup> before moving ahead  
278 with the EIR.

279  
280 Commissioner Wrenn suggested that the June 26<sup>th</sup> meeting could be the final opportunity  
281 to make amendments before the Plan goes forward with the EIR.

282  
283 Commissioner Wengraf asked if changes could be made to the Plan after the EIR is  
284 approved.

285  
286 Commissioner Wrenn stated that changes could be made to the Plan after the EIR is  
287 completed. He stated that changes that would intensify an environmental impact should  
288 be added before the EIR process.

289  
290 Commissioner Tabb asked if the EIR would deal with circulation issues.

291  
292 Commissioner Wrenn stated that the EIR would deal with circulation issues and that it is  
293 required of the EIR.

294  
295 Planning Director Barrett stated that staff could not support work on the EIR at this point,  
296 but that \$50,000.00 for this EIR is in the budget.

297  
298 Commissioner Wengraf asked if this would be enough money to fund the EIR process.

299  
300 Planning Director Barrett stated that it may be enough.

301  
302 Commissioner Wrenn motioned to add his proposed changes to the draft.

303  
304 Commissioner Poschman seconded the motion, on the basis that there is no final  
305 commitment to these changes.

306

307 M/S/C to add Commissioner Wrenn's proposed changes on the transportation element of 308 the Southside Plan to the draft Plan on the basis that there is no final commitment to these 309 changes (Wrenn/Poschman). Ayes: Bronstein, Curl, Howerton Poschman, Wozniak, 310 Wrenn. Noes: None. Abstentions: Tabb, Wengraf. Absent: Hicks.
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311

312 Commissioner Wrenn reviewed items 19-21 of his proposed changes. He asked staff to  
313 verify if the lighting is complete as mentioned in page 103. He asked that a gateway  
314 along Telegraph be chosen since two sites are mentioned.

315

316 Commissioner Wrenn reviewed items 22-24 of his proposed changes regarding design  
317 guidelines.

318

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319 Commissioner Wengraf suggested using the language “encourage landscaping of  
320 setbacks” instead of “all setbacks to be landscaped”.

321

322 Staff Stroshane reported that the Design Guidelines for the draft Southside Plan would be  
323 submitted to the Design Review Committee at their next meeting.

324

325 Commissioner Wozniak asked that sidewalks be omitted from the proposed amendments  
326 regarding shading.

327

328 **PUBLIC HEARING: DOWNTOWN (C-2) COMMERCIAL DISTRICT**  
329 **REGULATIONS DRAFT AMENDMENTS**

330

331 Staff Ratcliffe presented the background on this item. She clarified additional  
332 amendments and stated that this is a starting point for discussion.

333

334 Commissioner Wengraf asked if the Downtown Plan has been superseded.

335

336 Staff Ratcliffe stated that the Downtown Plan, through the adoption of the General Plan,  
337 is incorporated into the General Plan.

338

339 M/S/C to open the Public Hearing (Poschman/Wengraf). Ayes: Bronstein, Curl,  
340 Howerton, Poschman, Tabb, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions:  
341 None. Absent: Hicks.

342

343 Clifford Fred stated that the proposed language appears to eliminate height limits. He  
344 suggested that the language of the amendment be eliminated and what exists currently be  
345 retained; otherwise, a CEQA review will be necessary.

346

347 John English suggested rezoning North 1 from C-1 to the C-2 district.

348

349 M/S/C to close the Public Hearing (Poschman/Wengraf). Ayes: Bronstein, Curl,  
350 Howerton, Poschman, Tabb, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions:  
351 None. Absent: Hicks.

352

353 Planning Director Barrett stated that a change in zoning to implement a General Plan was  
354 already analyzed in the General Plan EIR.

355

356 Commissioner Poschman stated that text, derived from the General Plan, has gone  
357 through the EIR process, and therefore, the language of the ordinance should not stray  
358 from that of the General Plan.

359

360 Commissioner Poschman handed out written comments on the proposed amendments and  
361 reviewed his concerns regarding purposes, minimum height limits in the Core, and the  
362 Density Bonus.

363



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364 Commissioner Wrenn handed out his written comments on the proposed amendments and  
365 reviewed them. Among his concerns are the changes in bonuses. He stated that the Arts  
366 Bonus should be restored to what was originally approved. He stated that zoning  
367 language should be amended to clarify bonuses for each area in the Downtown. He  
368 stated that the bonuses should be changed to what was approved in the General Plan.

369  
370 Chair Bronstein asked that this item be continued to the next meeting.

371  
372 **ADJOURNMENT**

373  
374 Meeting was adjourned at 10:15.