

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JUNE 12, 2002

1 **ROLL CALL**

2
3 Time: The meeting was called to order at 7:10.

4
5 Location: North Berkeley Senior Center.

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

9
10 Commissioners Absent: Hicks, Tabb.

11
12 Staff Present: Barrett, Cederborg, Grimes, Ratcliffe, Solomon, Stroshane.

13
14 **ORDER OF AGENDA**

15
16 Commissioner Poschman requested that item 12 be moved ahead of item 9, that item 13
17 be discussed last, that item 16 be discussed at the next meeting, and that item 18 be
18 moved to the action agenda.

19
20 Commissioner Wrenn asked that item 19 be placed on the action agenda.

21
22 Item number 15, the UC presentation, was postponed to the June 26th meeting.

23
24 Item 12 was not noticed on the agenda as a Public Hearing so that it would be renoticed
25 for the next meeting, June 26th. Those who came to speak at the Public Hearing were
26 invited to speak during Public Comment.

27
28 **PUBLIC COMMENT PERIOD**

29
30 Martha Nicoloff stated her concern regarding the proposed Zoning Ordinance amendment
31 regulating properties with legal non-conforming coverage, FAR or density. She stated
32 that a portion of the Public Hearing notice could not be found in the official Zoning
33 Ordinance. She stated her disappointment that a former city staff employee published an
34 article in the Daily Planet advocating for high-rise development.

35
36 Commissioner Poschman stated that the portion not included in the Ordinance is what
37 staff is attempting to add through the Public Hearing.

38
39 Staff Ratcliffe stated that the Public Hearing notice should read “addition”, rather than
40 “modification” of the existing Ordinance.

41
42 Howie Muir presented a letter from the Council of Neighborhood Associations (CNA)
43 regarding their opposition to the proposed amendment to Section 23C.04.070, and gave a
44 handout to the Planning Department. He cited his own chart of various project densities
45 in the city of Berkeley. He stated that residential density is over its limit, that the
46 approval rate is high regarding large projects and that this conflicts with the General Plan.

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Daniel Miller stated his support for the BOSS project and offered to answer any questions the Commission may have regarding this project.

Commissioner Poschman stated that the proposed barbed wire to top off the surrounding perimeter of the project is illegal in the city of Berkeley.

Mr. Miller stated that he is willing to work with the community and the city regarding this issue.

Planning Director Barrett stated that this report is a draft and that it is still undergoing revision.

Skip Wenz, an architect, stated his support for the proposed amendment to alter current Zoning Ordinance 23C.04.070, under which the project he is working on would currently require a variance.

Becky Ayers, homeowner of the above project, stated her support for the proposed amendment to the Ordinance 23C.04.070 as well.

Michael Tandy, a homeowner, stated that sharp blades used to protect a residential property in the neighborhood impact his family and other surrounding families on Derby Street. He stated that the California Supreme Court opposes such razor wire fences. He asked that the blades be outlawed and stated that the homeowners did not follow the guidelines for proper installation.

Susan Quan, homeowner, stated that the blades surrounding an adjacent property is a hazard to those who garden near the fence. She stated her concern regarding the city's inaction on this issue.

Krista Schaffer stated her support for an ordinance prohibiting deadly blades in residential areas and to make it retroactive.

CHAIRPERSON'S REPORT

No report.

COMMITTEE REPORTS

Chair Bronstein stated that the MU-LI Subcommittee met and draft minutes have been circulated.

PLANNING DIRECTOR'S REPORT

Planning Director Barrett reported on the following items:
- Planning Commissioners' business cards

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- 93 - Zoning fee increase revision
- 94 - General Plan publishing effort – She stated that staff would provide a draft to the
- 95 Planning Commission for the June 26th meeting.
- 96 - Rancho San Antonio
- 97 - The Planning Department budget
- 98 - The Santa Fe Right of Way

99
100 Commissioner Bronstein stated that she has concerns regarding ad hoc development of
101 the Santa Fe Right of Way.

102
103 Planning Director Barrett introduced the newest Advanced Planning Staff member, Ruth
104 Grimes.

105
106 **APPROVAL OF MINUTES**

107
108 M/S/C to approve May 8, 2002 minutes with changes (Wrenn/Poschman). Ayes:
109 Bronstein, Curl, Howerton, Poschman, Wozniak, Wrenn. Noes: None. Abstentions:
110 Wengraf. Absent: Hicks, Tabb.

111
112
113 M/S/C to approve May 22, 2002 minutes with changes (Poschman/Wengraf). Ayes:
114 Bronstein, Curl, Howerton, Poschman, Wengraf, Wozniak, Wrenn. Noes: None.
115 Abstentions: None. Absent: Hicks, Tabb.

116
117 **FUTURE PLANNING COMMISSION AGENDA ITEMS AND OTHER**
118 **PLANNING-RELATED EVENTS**

119
120 Commissioner Wrenn asked that the Southside Plan be added to the action agenda for the
121 June 26th meeting. He stated that the Southside Public Hearing should be removed from
122 the July 10th agenda and asked that no further Public Hearings be planned until the draft
123 EIR is made available. He stated that the Planning Commission needs input from the
124 Transportation Commission before their scheduled presentation date of November 13th,
125 2002.

126
127 Commissioner Bronstein asked staff to convey to the city's Transportation Office that the
128 Planning Commission needs transportation data on the Southside by the next Planning
129 Commission meeting.

130
131 Commissioner Wrenn stated that the Planning Commission needs to move the Southside
132 Plan forward and should hear from the city's Transportation Office by the June 26th
133 meeting.

134
135 Gordon Wozniak stated that there are still too many uncertainties to move forward with
136 the EIR at this point.

137

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138 **DISCUSSION AND POSSIBLE ACTION: ZONING ORDINANCE**
139 **AMENDMENT REGULATING PROPERTIES WITH LEGAL NON-**
140 **CONFORMING COVERAGE, FAR, OR DENSITY**

141
142 Staff Ratcliff presented the background on this item. She explained that due to lack of
143 noticing, this item could not move forward with the Public Hearing, but that it would be
144 renoticed for the June 26th meeting.

145
146 M/S/C to defer discussion of this item to the June 26th meeting (Wengraf/Poschman).
147 Ayes: Bronstein, Curl, Howerton, Poschman, Wengraf, Wozniak, Wrenn. Noes: None.
148 Abstentions: None. Absent: Hicks, Tabb.

149
150 Commissioner Poschman suggested the Public Hearing notice state, "If the addition does
151 not increase respectively the FARs, the density or lot coverage" and state that this
152 amendment would be a return to language prior to ZORS adoption.

153
154 Martha Nicoloff stated that it is unclear if the proposed amendment would exceed the
155 height limit standards of the Zoning Ordinance. She stated that the Ordinance needs
156 more definition in order to clarify the standard height limit.

157
158 Commissioner Poschman asked Mrs. Nicoloff to present her comments to the Planning
159 Commission in writing. He also stated that height is covered, only in a separate section,
160 and that this amendment would have no impact on height.

161
162 **PUBLIC HEARING DISCUSSION, AND POSSIBLE ACTION: PROPOSED**
163 **REZONING OF 1036 CARLETON STREET FROM THE C-W ZONING TO THE**
164 **MU-R ZONING DISTRICT IN WEST BERKELEY**

165
166 M/S/C to open the Public Hearing (Wengraf/Poschman). Ayes: Bronstein, Curl,
167 Howerton, Poschman, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions: None.
168 Absent: Hicks, Tabb.

169
170 Leslie Marks, the petitioner, stated her support for the rezoning classification.

171
172 Commissioner Curl asked what the practical difference would be to have the zoning
173 reclassified.

174
175 Ms. Marks stated that under the current zoning, C-W, she has no protection from eminent
176 domain, and that her property could be considered underutilized.

177
178 Helga Alessio stated the current zoning is a mistake and that she supports the rezoning
179 classification as well.

180
181 M/S/C to continue the Public Hearing (Poschman/Wengraf). Ayes: Bronstein, Curl,
182 Howerton, Poschman, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions: None.
183 Absent: Hicks, Tabb.

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185 Commissioner Poschman stated that this change took place in 1997. He stated that the
186 area was originally zoned SI, and then changed to MU-R, MU-LI or C-W as part of
187 implementing new zoning called for by the West Berkeley Plan.

188

189 Staff Stroshane stated that research on this issue is currently underway and that a staff
190 report will be compiled for the next Planning Commission meeting.

191

192 Commissioner Wozniak asked if zoning lines are allowed to split a parcel.

193

194 Staff Ratcliffe stated that this happens in various portions of the city.

195

196 **PUBLIC HEARING, DISCUSSION, AND POSSIBLE ACTION: PROPOSED**
197 **TENTATIVE MAP 7383, 1843 DWIGHT WAY, CONTAINING 9 COMMERCIAL**
198 **AND RESIDENTIAL CONDOMINIUM UNITS**

199

200 Planning Director Barrett presented the staff report.

201

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

205

206 Karl Wanaselja, an architect for the project, explained the project's plans.

207

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

211

212 M/S/C to approve the project with findings (Poschman/Wengraf). Ayes: Bronstein, Curl,
213 Howerton, Poschman, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions: None.
214 Absent: Hicks, Tabb.

215

216 **DISCUSSION AND POSSIBLE ACTION: ZONING ORDINANCE**
217 **AMENDMENT TO PROHIBIT THE USE OF DANGEROUS AND/OR SHARP**
218 **MATERIAL IN OR ON TOP OF FENCES IN RESIDENTIAL DISTRICTS**

219

220 Commissioner Poschman reviewed his handout and presented the changes he made to an
221 earlier staff report.

222

223 M/S/C to send changes to the ordinance as outlined by Commissioner Poschman to City
224 Council (Poschman/Wengraf). Ayes: Bronstein, Curl, Howerton, Poschman, Wengraf,
225 Wozniak, Wrenn. Noes: None. Abstentions: None. Absent: Hicks, Tabb.

226

227 **DISCUSSION AND POSSIBLE ACTION: PRESENTATION OF SHADOW**
228 **IMPACT ANALYSIS OF PROPOSED R-SMU AND R-S ZONING DISTRICTS IN**

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229 **THE PLANNING COMMISSION SUBCOMMITTEE DRAFT SOUTHSIDE**
230 **PLAN, DECEMBER 2001, BY STEVE SOLOMON**

231
232 Staff Solomon presented the staff report.

233
234 Commissioner Bronstein stated that the Commission would return to this item at the June
235 26th meeting.

236
237 **DISCUSSION AND POSSIBLE ACTION: CONTINUATION OF DOWNTOWN**
238 **(C-2) COMMERCIAL DISTRICT REGULATIONS DRAFT AMENDMENT**

239
240 Staff Ratcliffe clarified that further environmental review of this rezoning is unnecessary
241 because it was covered as part of the General Plan's EIR.

242
243 M/S/C to continue this item (Wengraf/Poschman). Ayes: Bronstein, Curl, Howerton,
244 Poschman, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions: None. Absent: Hicks,
245 Tabb.

246
247 **DISCUSSION AND POSSIBLE ACTION: REVISION OF TREE**
248 **PRESERVATION AMENDMENTS PROPOSED AT THE MAY 22ND PLANNING**
249 **COMMISSION MEETING**

250
251 Commissioner Wrenn reviewed the staff report.
252
253 Commissioner Wozniak stated that the fire hazard issue is not mentioned in the report.
254
255 The Commission agreed to staff's recommendations, but decided they would not form a
256 subcommittee.
257
258 Commissioner Poschman asked to be notified before this item is brought to the Parks and
259 Recreation Commission.

260
261 Commissioner Wrenn asked to continue this item at the July 24th meeting or when
262 feasible. He stated that language regarding trees close to home foundations and
263 sidewalks should be included in the ordinance as well.

264
265 Commissioner Poschman asked for "substantial development" to be defined.

266
267 **RANCHO SAN ANTONIO MASTER DEVELOPMENT PLAN, MAY 2002; AND**
268 **MEMORANDUM FROM CAROL D. BARRETT, FAICP, DIRECTOR OF**
269 **PLANNING AND DEVELOPMENT TO PLANNING COMMISSION AND**
270 **WATERFRONT COMMISSION, DATED JUNE 4, 2002, "RANCHO SAN**
271 **ANTONIO, AN APPLICATION FOR A MASTER DEVELOPMENT PLAN FOR**
272 **PORTIONS OF THE BERKELEY WATERFRONT."**

273

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274 Commissioner Wrenn asked staff for a copy of Measure Q and subsequent city actions in
275 addition to a copy of the Waterfront Plan. He also asked for Eastshore State Park
276 information and its status.

277
278 Commissioner Poschman asked about the Measure Q moratorium.

279
280 Planning Director Barrett stated that the moratorium was to prohibit hotel development
281 on the Marina. She stated that adoption of the Marina Plan would lift the moratorium.

282
283 **BERKELEY CITY ATTORNEY MEMORANDUM TO MARK RHOADES,**
284 **CURRENT PLANNING MANAGER, DATED MAY 17, 2002, “UNDER**
285 **GOVERNMENT CODE SECTION 65589.5, IS AN AFFORDABLE HOUSING**
286 **PROJECT SUBJECT TO A DOWNZONING ENACTED AFTER THE PROJECT**
287 **APPLICATION WAS COMPLETE?”**

288
289 Commissioner Poschman stated that this item could affect the Planning Commission’s
290 unanimous vote on 1155 Hearst rezoning. He stated that under it, the maximum building
291 envelope is likely to be the norm.

292
293 **ADJOURNMENT**

294
295 The meeting was adjourned at 9:25.