

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
JUNE 26, 2002

1 **ROLL CALL**

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3 Time: The meeting was called to order at 7:04.

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5 Location: North Berkeley Senior Center.

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

8
9 Commissioners Absent: Wengraf.

10
11 Staff Present: Barrett, Cederborg, Grimes, Lambert, MacQuarrie, Ratcliffe, Rhoades,
12 Stroshane.

13
14 **PUBLIC COMMENT PERIOD**

15
16 Charlie Betcher, representing the Commission on Disabilities, asked that the Planning
17 Commission ensure that the Southside Plan better recognize the disabled population.

18
19 Trevor Laws, representing the Commission on Disabilities, asked that the Commission on
20 Disability's comments be included in the Draft Southside Plan and go forward in the EIR.

21
22 John Cecil recommended that the Commission wait for Peter Hillier's analysis and
23 comments before moving forward with the Southside Plan.

24
25 Dean Metzger stated that Peter Hillier should review the Southside Plan before it is
26 approved. He asked that the Commission postpone their final decision to allow this to
27 happen.

28
29 Barbara Hadenfeldt, representing the Telegraph Area Association, stated that even though
30 she would like to see the Southside Plan move forward, she has concerns regarding the
31 transportation Element. She stated that there are some unresolved issues, and if the
32 Commission decides to move forward with the EIR, she asked them to ensure that it
33 include the fullest possible scoping. She invited the Commission Members and the
34 public to a transportation roundtable on August 15, 2002.

35
36 Martha Jones stated her support for two-way streets in the Southside.

37
38 Sarah LoRover, a vender on Telegraph, stated her opposition to two-way streets in the
39 Southside.

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41 Claire Risley stated her support for two-way streets in the Southside. She stated that she
42 does not see the Southside as a bus corridor, but rather a pedestrian corridor.

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ORDER OF AGENDA

Commissioner Wrenn asked that item 12 be placed before item 11.

CHAIRPERSON'S REPORT

No report.

COMMITTEE REPORTS

Commissioner Bronstein stated that the minutes have been submitted for the MU-LI Subcommittee. She reviewed the topics discussed at the meeting.

Commissioner Poschman reported on the Density Subcommittee and stated that a community workshop on density has been requested by the City Council.

Planning Director Barrett stated that a report from the Density Subcommittee to the City Council in a public forum is scheduled for the October 22, 2002 meeting.

Commissioners agreed to discuss framing of the issue and scheduling of the Density Subcommittee for the fall deadline.

PLANNING DIRECTOR'S REPORT

Planning Director Barrett reported on the following items:

- Draft Design Guidelines for San Pablo Right of Way
- Rancho San Antonio update
- Fee ordinance alterations
- Changing phone numbers for the Planning Department
- Council's recognition of the Berkeley Housing Element's Honor Roll award from the Green Belt Alliance and the Non-Profit Housing Association of Northern California.

APPROVAL OF MINUTES

M/S/C to approve the June 12, 2002 minutes with changes (Poschman/Wrenn). Ayes: Bronstein, Curl, Howerton, Poschman, Wozniak, Wrenn. Noes: None. Abstentions: Tabb. Absent: Wengraf.
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FUTURE AGENDAS

Commissioner Wozniak requested that a discussion on the Southside Plan's proposed zoning designation be added to the agenda of the July 10th meeting.

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90 Commissioner Poschman requested that General Plan publishing procedures be placed on
91 the July 10th agenda.

92

93 **CONTINUATION OF PUBLIC HEARING: PROPOSED REZONING OF 1036**
94 **CARLETON STREET FROM THE C-W ZONING TO THE MU-R ZONING**
95 **DISTRICT IN WEST BERKELELY**

96

97 M/S/C to re-open the public hearing (Poschman/Wrenn). Ayes: Bronstein, Curl,
98 Howerton, Poschman, Tabb, Wengraf, Wozniak, Wrenn. Noes: None. Abstentions:
99 None. Absent: None.

100

101 Carrie Olson stated that the property owner was not notified that the zoning of her
102 property had been changed from C-1 to C-W.

103

104 M/S/C to close the public hearing (Poschman/Wozniak). Ayes: Bronstein, Curl,
105 Howerton Poschman, Tabb, Wozniak, Wrenn. Noes: None. Abstentions: None. Absent:
106 Wengraf.

107

108 Staff Rhoades explained that the zoning changes were due to the implementation of the
109 West Berkeley Plan, and that notification was posted in various locations throughout the
110 neighborhood, as state law requires.

111

112 Commissioner Wozniak questioned this method of notification even though it is
113 acceptable according to state law.

114

115 Staff Rhoades stated that due to the large volume of zoning changes, it was decided that
116 this was the best method.

117

118 Staff Stroshane presented the staff report.

119

120 Commissioner Poschman stated that all other MU-R properties in the area fall below the
121 standard 40 feet and stated that the MU-R follows more closely to what exists on the lot.

122

123 Commissioner Tabb inquired as to the applicant's rationale for rezoning.

124

125 Leslie Marks stated that her lot does not conform to the over-all neighborhood and she
126 has no protection as C-W.

127

128 Commissioner Curl stated his concern about setting a precedent of spot zoning if this case
129 is approved.

130

131 Commissioner Wozniak stated that the use of the property fits better under the MU-R
132 zoning classification, but asked staff to research what the precedent would be for
133 approving this case.

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135 Commissioner Wrenn stated his concern about how this current zoning classification
136 affects the property's immediate neighbor. He stated that MU-R fits better with what
137 currently exists.

138

139 M/S/C to postpone the decision until the July 10th meeting (Poschman/Curl). Ayes:
140 Bronstein, Curl, Howerton Poschman, Tabb, Wozniak, Wrenn. Noes: None.
141 Abstentions: None. Absent: Wengraf.

142

143 Commissioner Poschman asked that staff include the uses of the two districts, C-W and
144 MU-R, in the next meeting's packet.

145

146 **PUBLIC HEARING: ZONING ORDINANCE AMENDMENT REGULATING**
147 **PROPERTIES WITH LEGAL NON-CONFORMING COVERAGE, FAR, OR**
148 **DENSITY**

149

150 M/S/C to open the public hearing (Poschman/Wozniak). Ayes: Bronstein, Curl,
151 Howerton, Poschman, Tabb, Wozniak, Wrenn. Noes: None. Abstentions: None.
152 Absent: Wengraf.

153

154 Richard Mynick stated his support for the proposed amendment to this ordinance.

155

156 Martha Nicoloff stated that the ordinance contradicts itself in regards to height in section
157 B. She proposed adding language to state that an applicant cannot exceed the height
158 limits to section C, D, and E.

159

160 Staff Ratcliffe presented the staff report. She explained that under the proposed
161 ordinance, a project would not be able to exceed the maximum or average height.

162

163 Commissioner Poschman stated his support for the amendment and stated that prior to
164 ZORS, a Use Permit was granted in such instances.

165

166 Commissioner Poschman motioned to approve the amendment with the following
167 provisos:

- 168 1. Sections C, D and E will include language that states that the height limit will
169 not be exceeded.
- 170 2. Section B will be rewritten so that it parallels C, D, and E.

171

172 M/S/C to approve sections C, D, and E of the proposed amendment to send to Council
173 (Poschman/Wrenn). Ayes: Bronstein, Curl, Howerton Poschman, Tabb, Wozniak,
174 Wrenn. Noes: None. Abstentions: None. Absent: Wengraf.

175

176 **UNIVERSITY OF CALIFORNIA AT BERKELEY PLANNING STAFF**
177 **PRESENTATION ON POTENTIAL BUS RAPID TRANSIT CONCEPTS FOR**
178 **WEST CAMPUS/DOWNTOWN AND SOUTHSIDE AREAS OF BERKELEY**

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180 Jennifer Lawrence, UC representative, gave a presentation on Bus Rapid Transit in the
181 Southside. She reviewed the handout given for the meeting. She stated that this is an
182 informal proposal and that under it, less than 100 parking spaces would be lost.

183
184 Commissioner Wrenn suggested that buses run on Durant and that parking be retained on
185 the south side of Bancroft.

186
187 Commissioner Wozniak asked the frequency of the proposed bus route.

188
189 Ms. Lawrence stated that the buses would run every seven minutes.

190
191 Commissioner Wozniak asked about the service for the rest of the campus.

192
193 Ms. Lawrence stated that this proposed bus route would be in addition to existing bus and
194 shuttle service in the area.

195
196 Commissioner Wrenn stated his concern for the loss of parking.

197
198 Ms. Lawrence stated that short-term parking could be accommodated.

199
200 **DISCUSSION AND POSSIBLE ACTION: CONSIDERATION OF**
201 **AMENDMENTS TO AND POSSIBLE APPROVAL OF PLANNING**
202 **COMMISSION DRAFT SOUTHSIDE PLAN**

203
204 Staff MacQuarrie presented the staff report regarding the collected Soft Story data for the
205 City of Berkeley.

206
207 Staff Lambert reviewed the proposed amendments to the Southside Plan about the Soft
208 Story data.

209
210 Commissioner Wrenn stated his approval for proposed amendment #2 and that it could be
211 applied universally to the Southside Plan area. He stated that amendment #1 should be
212 limited to the R-3 zoning area.

213
214 Commissioner Poschman discussed his suggested amendments to the Southside Plan
215 regarding soft story buildings and preventive retrofitting. He also questioned the section
216 to be amended. He suggested that the changes be added to page 174.

217
218 Staff MacQuarrie suggested that the reduced package item be placed in the Safety
219 Element.

220
221 Commissioner Wrenn moved to amend R-3 provisions placed in #1, and amend the
222 appropriate sections of various zoning districts for #2.

223
224 Commissioner Poschman suggested:

225 1. To amend R-3 for #1

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- 226 2. To amend entire Southside Plan zoning districts for #2
227 3. To amend Pubic Safety to reflect zoning language
228 4. To delete “consider” in Commissioner Poschman’s proposal and apply only to
229 R-3
230 5. To place parking piece under section D
231

232 M/S/C to amend the Southside Plan as outlined by Commissioner Wrenn and 233 Commissioner Poschman (Wrenn/Poschman). Ayes: Bronstein, Curl, Howerton 234 Poschman, Tabb, Wozniak, Wrenn. Noes: None. Abstentions: None. Absent: Wengraf.

235
236 Dean Metzger representing the Transportation Commission presented an oral report. He
237 stated that the Transportation Commission was under the impression that this plan would
238 not be approved at this point but that the Planning Commission would wait for more
239 input from other parties.
240

241 Commissioner Bronstein stated that the EIR is not the end of the discussion for the
242 Southside Plan.
243

244 Transportation Commissioner Metzger stated that he fears that changes would not be
245 made after the EIR.
246

247 Commissioner Wozniak asked that carpooling be suggested in the Plan, and that
248 consideration be given to the option of making all streets in the Southside two-way.
249

250 Commissioner Tabb asked what are the expectations for the EIR since the City of
251 Berkeley has relatively little money dedicated to its expense.
252

253 Planning Director Barrett stated that the cost of the EIR depends on the alternatives to be
254 considered. She stated that a limited number of alternatives give greater detail.
255

256 Commissioner Wozniak requested that the option of all two-way streets in the Southside
257 be considered in the EIR.
258

259 Commissioner Wrenn reviewed his proposed amendments to the Southside Plan.
260

261 The Commissioner reviewed Transportation Commissioner Metzger’s proposed
262 amendments.
263

264 Commissioner Bronstein proposed that staff present the density report at the next
265 meeting.
266

267 Design Review Commissioner Carrie Olson presented Comments from the DRC.
268

269 Planning Director Barrett noted there are e-mail comments from Design Review
270 Commissioner Blake.
271

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272 Commissioner Wrenn reviewed the Disability Commission's comments.

273

274 Director Barrett stated objections from Trevor Laws, representing Disability
275 Commissioner Emily Wilcox. Laws stated that the way in which Commission on
276 Disability amendments to the Southside Plan were summarized by Commissioner Wrenn
277 for inclusion in the Plan was discriminatory. He requested that the actual language of the
278 Disabilities Commission be considered.

279

280 Commissioner Wrenn stated that several other individuals' comments and proposed
281 amendments were handled in summary form as well.

282

283 Commissioner Wrenn stated that the work is complete for the Southside Plan to go
284 forward for the EIR. He asked that staff come back next meeting with a schedule for the
285 EIR process.

286

287 Commissioner Wozniak stated that he still has concerns regarding boundaries of the
288 proposed zoning districts and maps and requested clarification on why the boundaries are
289 where they are.

290

291 Commissioner Wrenn stated that he feels that this has already been covered.

292

293 Commissioner Wrenn moved for the Planning Commission to approve the Southside Plan
294 as amended and discussed, and that staff report back with a schedule for the EIR process,
295 and bring a new draft of the Southside Plan incorporating changes previously made to
296 ensure consistency with the Planning Commission's intentions.

297

298 Commissioner Tabb stated his opposition to the motion. He stated that he would like to
299 move forward with consensus and wait until other Commissions are ready to move
300 forward with it as well. He suggested postponing the draft Plan's approval to the July
301 10th meeting.

302

303 Commissioner Wozniak stated he would like to move forward, but wants to understand
304 the zoning more before he votes on its approval.

305

306 M/S/C moved for the Planning Commission to approve the Southside Plan as amended
307 and discussed, and that staff report back with a schedule for the EIR process, and bring a
308 new draft of the Southside Plan incorporating changes previously made to ensure
309 consistency with the Planning Commission's intentions. (Wrenn/Poschman). Ayes:
310 Bronstein, Curl, Howerton, Poschman, Wrenn. Noes: Tabb, Wozniak. Abstentions:
311 None. Absent: Wengraf.

312

313 **DISCUSSION AND POSSIBLE ACTION: PROPOSED INITIATIVE TO**
314 **REGULATE BUILDING HEIGHTS**

315

316 Staff Stroshane presented containing text of the proposed building heights initiative, and
317 a summary comparing existing zoning ordinance and proposed initiative provisions.

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318

319 Staff Poschman stated that there would be more discussion at a later date.

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321 **ADJOURNMENT**

322 Meeting was adjourned at 11:03.