

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING  
DECEMBER 11, 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, Pollack, Poschman, Stoloff, Tabb, Wengraf, Wiggins,  
8 Wrenn.

9 Commissioners Absent: None.

10 Staff Present: Barrett, Crane, Grimes, Homrighausen, Napolitan.

11

12 **ORDER OF AGENDA**

13

14 No changes

15

16 **PUBLIC COMMENT PERIOD**

17

18 None

19

20 **CHAIRPERSON'S REPORT**

21

22 Chairperson Bronstein reported on the following items:

23

24 Proposed budget cuts for the City of Berkeley's Planning Department and a meeting on  
25 December 16<sup>th</sup> for the chairs and vice-chairs to discuss the proposed department budget.

26

27 **COMMITTEE REPORTS**

28

29 Commissioner Poschman reported on the General Plan sub-committee's progress on the General  
30 Plan revisions. He stated that he hoped to distribute an updated version of the General Plan  
31 within the next few days and place it on the January 8<sup>th</sup> agenda of the Planning Commission.

32

33 Commissioner Poschman also stated that the joint Housing Advisory and Planning Commission  
34 committee would be meeting to work on Housing Appendix revisions.

35

36 **PLANNING DIRECTOR'S REPORT**

37

38 Planning Director Barrett reported on the following items:

39

40 Proposed budget cuts for the City of Berkeley Planning Department  
41 The December 2<sup>nd</sup> approval of the Land Use Planning Manager position by the Personal Board  
42 Referral from the City Council to the Planning Commission regarding Bed and Breakfast Inns  
43 Memo from the Budget Office on the schedule for the City's Capital Budget  
44 Recent City Council actions

45 Oxford Lot development approved

46 Final language for the Council Rules of Procedure is not yet complete

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING**  
**DECEMBER 11, 2002**

47 **APPROVAL OF MINUTES**

48

49 M/S/C to approve the November 13<sup>th</sup> minutes (Poschman/Wrenn). Ayes: Bronstein, Curl,  
50 Poschman, Tabb, Wrenn. Noes: None. Abstentions: Stoloff, Wengraf, Wiggins. Absent:  
51 Pollack.

52

53 M/S/C to approve the November 20<sup>th</sup> minutes with changes (Poschman/Pollack). Ayes:  
54 Bronstein, Curl, Pollack, Poschman, Tabb, Wengraf, Wrenn. Noes: None. Abstentions: Stoloff,  
55 Wiggins. Absent: None.

56

57 **FUTURE AGENDAS**

58

59 The Planning Commission briefly reviewed the work program.

60

61 Commissioner Bronstein re-stated that the General Plan, MU-LI, C-2 Zoning, Density Bonus,  
62 and Southside Plan were the Planning Commission's top five priorities for the upcoming year.  
63 Other items will be added to the extent that they can be done.

64

65 Commissioner Stoloff presented the following items for placement on future agendas; San Pablo  
66 and University Ave corridor plans, workforce housing, the South Shattuck corridor between  
67 downtown and Ashby Ave, and current legislation regarding second units

68

69 **PUBLIC HEARING ON A DRAFT ZONING AMENDMENT TO ADD A SECTION TO**  
70 **PERMIT THE SUMMARY DENIAL OF APPLICANTS TO LEGALIZE PUBLIC**  
71 **NUISANCES THAT THE CITY HAS ALREADY ORDERED ABATED**

72

73 M/S/C to open the public hearing (Wiggins/Wengraf). Ayes: Bronstein, Curl, Pollack,  
74 Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstentions: None. Absent:  
75 None.

76

77 There were no speakers

78

79 M/S/C to close the public hearing (Wengraf/Poschman). Ayes: Bronstein, Curl, Pollack,  
80 Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstentions: None. Absent:  
81 None.

82

83 Staff Barrett provided background information on the proposal and the purpose of the zoning  
84 amendment.

85

86 M/S/C to approve Staff recommendation (Poschman/Wiggins). Ayes: Bronstein, Curl, Pollack,  
87 Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstentions: None. Absent:  
88 None.

89

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING**  
**DECEMBER 11, 2002**

90 **SOUTHSIDE PLAN – TEXT FOR COMMISSION REVIEW AND PROPOSED TIME**  
91 **FRAME FOR PLAN COMPLETION AND PREPARATION OF A DRAFT**  
92 **ENVIRONMENTAL IMPACT REPORT**

93  
94 Staff Homrighausen reported on the status of text changes in the Southside Plan, which were  
95 requested by the Planning Commission, and provided a tentative timeline for the EIR process,  
96 with estimated completion in December 2003.

97  
98 Commissioner Pollack expressed his concern that the proposed schedule for the EIR process  
99 needed to be extended. Staff Homrighausen will return with a revised schedule in January.

100  
101 **MARINA PLAN – DRAFT MARINA PLAN WITH INITIAL STUDY AND NEGATIVE**  
102 **DECLARATION FROM THE PARKS, RECREATION, AND WATERFRONT**  
103 **DEPARTMENT**

104  
105 Ed Murphy from the Parks and Waterfront Department provided background on the Marina Plan  
106 and noted that there is a moratorium on any new construction until a Marina Plan is in place. He  
107 also stated that the proposed Marina master plan will only allow the replacement of existing uses  
108 and small expansion of current structures, not new development.

109  
110 It was the consensus of the Planning Commission to continue the discussion at the January 8<sup>th</sup>  
111 meeting, with commissioners to provide written comments on the Marina Plan to Planning  
112 Department staff by December 31<sup>st</sup>.

113  
114 **CONTINUED DISCUSSION ON DRAFT ZONING AMENDMENTS TO THE**  
115 **DOWNTOWN COMMERCIAL DISTRICT REGULATIONS**

116  
117 Several commissioners stated their concern with the definition and the enforcement of the Arts  
118 Density Bonus. A representative from the Civic Arts Commission indicated that the commission  
119 would be discussing the matter at their December 18<sup>th</sup> meeting.

120  
121 Staff will provide an updated version of the Draft Zoning Amendments to the Downtown  
122 Commercial Districts Regulations based on the commissioners comments for the January 8<sup>th</sup>  
123 meeting of the Planning Commission, if possible.

124  
125 **EVALUATION OF FEE STRUCTURES FOR ZONING APPEALS**

126  
127 Staff Barrett gave a report on the background for the Council request and explained the data  
128 presented. Her recommendation was that fee structure remain the same for all appellants  
129 regardless of their distance from the project, and that the current appeal cost of \$63.00 be raised  
130 to \$400.00.

131  
132 Several commissioners expressed their concern with increasing the current appeal fee so much.  
133 However, several commissioners felt that an increase in the appeal fee would help discourage  
134 frivolous appeals, better cover the cost to the City to process such appeals, and was comparable  
135 to the fees charged by other cities.

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING  
DECEMBER 11, 2002**

136 Several commissioners stated their support for differentiating fees based on the appellants  
137 distance from the project or on the type of zoning.

138  
139 There was no consensus on the Commission, as they felt there might be other alternatives.

140  
141 **NEXUS STUDY FOR TRANSPORTATION SERVICE FEES**

142  
143 Staff Crane provided a brief background report on the nexus study for transportation service fee.  
144 She stated that Planning Department staff could develop the required data and projections upon  
145 which a consultant would produce a methodology, with a projected timeframe for a completed  
146 transportation nexus study of 9-12 months.

147  
148 The Planning Commission stated their support for the ongoing investigation of the nexus study  
149 for transportation service fees.

150  
151 **ADJOURNMENT**

152  
153 Meeting was adjourned at 09:15.