

**APPROVED MINUTES OF
REGULAR PLANNING COMMISSION MEETING
May 14, 2003**

1 **ROLL CALL**

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

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5 Location: North Berkeley Senior Center.

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7 Commissioners Present: Bronstein, Curl, Poschman, Stoloff, Tabb, Wengraf, Wrenn.

8
9 Commissioners Absent: Pollack, Wiggins

10
11 Staff Present: Barrett, Homrighausen, Crane

12
13 **ORDER OF AGENDA**

14
15 No change.

16
17 **PUBLIC COMMENT PERIOD**

18
19 None.

20
21 **CHAIRPERSON'S REPORT**

22
23 Chair Bronstein commented on the creeks ordinance. She appointed Commissioners
24 Pollack and Poschman to serve as a temporary subcommittee on the creeks ordinance.

25
26 **COMMITTEE REPORT**

27
28 None.

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30 **PLANNING DIRECTOR'S REPORT**

31
32 Planning Director Barrett reported on the following items:

- 33 a) The animal shelter ordinance changes had their first reading at Council on May
34 13.
- 35 b) Council took action on the creeks ordinance allow a variance under specific
36 circumstances.
- 37 c) Council directed an open review process of the creeks ordinance.
- 38 d) The Director distributed and discussed a memo regarding the State Housing and
39 Community Development Department's certification of Berkeley's Housing
40 Element.
- 41 e) The Director indicated preliminary estimates for work on the Southside Plan
42 transportation analysis have been obtained from the Transportation consultant
43 working on the AC Transit BRT EIR.
- 44 f) The West Berkeley Project Area Committee has invited a representative from the
45 Commission's MU-LI subcommittee to give a presentation.
- 46 g) The Director discussed outreach for the June 11 MU-LI workshop.
- 47 h) Current status of URM buildings in West Berkeley was provided.

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- 48 i) Council will be referring the Bed and Breakfast ordinance to the Planning
49 Commission June 10, with a 90-day turnaround.
50 j) City staff will be asked to report to Council on what has been done to implement
51 the University Avenue Strategic Plan.
52 k) Housing Dept. staff has assembled recently released census information. A report
53 will be made to the Commission at a future meeting.
54 l) The Housing Department has determined that the affordable dwelling units at 800
55 Heinz need to remain affordable in perpetuity.
56 m) A petition will be presented to the Commission asking that MU-LI zoning be
57 amended to allow a new Berkeley Bowl store in West Berkeley.
58 n) The Director's report on the Zoning Ordinance Revisions (ZORS) list is due to be
59 submitted for internal review June 9. If the Planning Commission wishes to have
60 their comments included in the report, it will be necessary to put the ZORS list on
61 the May 28 agenda.

APPROVAL OF MINUTES - NEED TO CHECK WITH GENE, ZELDA – M/S?

<p>65 M/S/C to approve the April 23 minutes as corrected (<i>Poschman/Tabb</i>). Ayes: 66 Bronstein, Curl, Poschman, Tabb, Wengraf. Noes: None. Abstentions: Wrenn, Stoloff. 67 Absent: Pollack, Wiggins.</p>

FUTURE AGENDAS

72 The Commission discussed upcoming agenda items.

ACCESSORY DWELLING UNIT ORDINANCE AMENDMENTS PUBLIC HEARING

77 Stephen Wollmer is concerned about the possible four-foot setback. He believes the
78 parking requirement should be one on-site space per unit without the possibility of a
79 parking waiver. He is concerned that review of severe impacts and detriment will no
80 longer be available.

82 Jennifer Kaufer, representing Livable Berkeley, commented that the ordinance should
83 treat ADUs within existing space differently from ADUs requiring new development;
84 that the proposed 25% limit would be a strong prohibition; there should be no minimum
85 lot size; the gross floor area for an ADU should be 30% of the area of the existing house;
86 the maximum size should be increased to 800 sq. ft. Livable Berkeley has 40 members.

88 Aaron Kaufer commented that the 4500 sq. ft. lot size minimum is prohibitive, and
89 second units should simply follow General Plan density; suggested a height limit of 12
90 to 16 ft. average height; commented that it would not be appropriate to be able to build a
91 garage with an Accessory Unit on the upper floor with only a Zoning Certificate; and that
92 of the Residential zones, R-1 is the only zone where second units should not be allowed.

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94 Nancy Bickel, representing the League of Women Voters, encouraged the Commission to
95 adopt an ordinance implementing State law, to allow approval of second units with just a
96 building permit, without a use permit, and without the requirement for off-street parking.
97 She noted a League housing study is available at their web site.

98
99 Sharon Hudson commented that the language in the ordinance should be as strict as
100 possible. The language “where not possible to provide off-street parking...” does not
101 say how this is to be evaluated. She commented that the criteria for possible approval of a
102 parking waiver should be changed : “where new parking would be detrimental ~~or~~ and
103 parking is inadequate in the neighborhood...” She also commented that the ordinance
104 should address residential parking permit restrictions in order to keep extra cars off the
105 street.

106
107 Carrie Sprague commented that the reference to “unconstricted street” needs a definition;
108 the proposed 4-foot setback for a detached ADU is not adequate. The regular rear
109 setback in the zoning district should be maintained – for example, a 20 ft. setback in R-2.
110 Shade and visual impacts should be taken into consideration. A height limit on ADUs is
111 needed. The permitted uses should not be consolidated in one place in the zoning code.

112
113 Tim Arai said parking is a severe issue. The policy issue of increased density through
114 ADUs concerns him. He indicated he is torn about the social aspects of second units,
115 versus not covering the planet.

116
117 Steve Finacom stated he is in favor of tandem parking to reduce the amount of new
118 pavement in back yards. He suggested a maximum amount of impermeable surface
119 should be considered. He commented that a second unit could function well at less than
120 300 sq. ft., but if an 800 sq. ft. unit were allowed, it wouldn’t be a second unit ordinance,
121 it would be a duplex ordinance. He supported increasing the setback for detached ADUs.
122 He also commented it is the 100th anniversary of the opening of the Greek Theater.

123
124 Andy Katz commented the proposed owner-occupancy requirement is unduly restrictive
125 and is not going to be enforced. He supports allowing tandem parking.

126
127 Verona Fonte commented that she wants to build an in-law unit. They serve a current
128 need, because more families live in compounds.

129
130 M/S (Stoloff/Poschman). To close the public hearing. Ayes: Bronstein, Curl, Poschman,
131 Stoloff, Tabb, Wengraf, Wrenn. Noes: None. Absent: Pollack, Wiggins.

132
133 The Commission discussed the issues raised by the speakers: owner occupancy, tandem
134 parking, building height and setbacks. The Commission directed staff to report back to
135 the Planning Commission for the May 28 meeting with draft language to use the regular
136 zoning district rear yard setbacks for each district, to provide options for the height
137 standard for detached ADUs, address a reduction in the minimum unit size, provide
138 information on other cities’ experience with owner-occupancy requirements, provide an

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139 update on pending legislation that may change the second ordinance law, and add the
140 change suggested by C. Sprague in connection with the parking waiver.

141

142 **SOUTHSIDE PLAN**

143 Tom Lollini, representing U.C. Berkeley, summarized the University's main areas where
144 changes to the Draft Southside Plan have been requested. Issues included future use of
145 the Anna Head site as visiting scholar housing and conference facility, transportation,
146 parking, and participation by the University in the Southside Plan EIR process.

147

148 Sharon Girard supported implementation of the Southside Plan. She asked what
149 opportunity exists for community input, what are the costs and practicality of
150 implementing the plan, and how will plan implementation be affected by looming City
151 budget cuts.

152

153 John McBride spoke in favor of the University's proposal for the Anna Head site.

154

155 Planning Director Barrett indicated concern about fiscal impact of a conference center on
156 UC-owned, tax-exempt land. Mr. Lollini responded that the University sees the site on
157 Center St. for a large conference center, which would result in tax revenue to the City.
158 The Anna Head site would farther in the future and would have a lower level of activity.

159

160 The Commissioners discussed the current plan status. The Transportation Commission
161 will consider the University's proposals at a future meeting. The Planning Commission
162 tentatively scheduled additional discussion in late June or early July.

163

164 **ADJOURNMENT**

165 Meeting was adjourned at 10:05 P.M.