

FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING
May 28, 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, Pollack, Poschman, Stoloff, Tabb, Wengraf,
8 Wiggins, Wrenn.

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10 Commissioners Absent: None.

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12 Staff Present: Homrighausen, Grimes, Sanders.

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14 **ORDER OF AGENDA**

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16 Item 11 (Accessory Units) was moved before item 10 (MU-LI Subcommittee
17 Discussion).

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19 **PUBLIC COMMENT PERIOD**

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21 There were 8 speakers. Mike Goldin urged the Commission not to change the West
22 Berkeley Plan. Mike Brodsky spoke to support an inventory of current land use, to
23 encourage mechanisms to support arts and crafts besides zoning, and to comment that
24 smaller projects with some office space can be compatible. Bob Brokl of Nexus Institute
25 encourages the Commission to revive the West Berkeley Plan and protections for the arts.
26 Marie Jones spoke on arts displacement in San Francisco and said if changes are
27 proposed, the process should be reopened. Douglas Herst said businesses need to be able
28 to expand and grow in Berkeley. He urged the Commission to work with the current
29 West Berkeley Plan. Sharon Siskin of Nexus Institute spoke about impacts when art
30 space is lost. Darryl de Tienne expressed concern that the Commission was considering
31 over-regulation, and pointed out the changing nature of labs, manufacturing, and other
32 land uses. Tim Rempel said arts uses need long-term protection, and the inclusionary
33 housing requirement is onerous. John Peterson spoke in favor of community interaction
34 and more flexible zoning. He noted that the West Berkeley Plan provides for office space
35 if it is compatible with arts, crafts and industrial use.

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37 **CHAIRPERSON'S REPORT**

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39 No report.

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41 **COMMITTEE REPORTS**

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43 No report.

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45 **PLANNING DIRECTOR'S REPORT**

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47 No report.

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APPROVAL OF MINUTES

Staff will revise minutes regarding agenda item 10, the Southside Plan, for additional review.

FUTURE AGENDAS

The Commission discussed the Bed & Breakfast Ordinance and the C-2 Amendments, and noted the Southside Plan should be added to the upcoming items.

DANGEROUS FENCES

Staff explained the report was not ready. The Commission was advised not to conduct a hearing and not to carry the matter forward to a definite date. The Commission discussed the Council's action remanding the matter to the Planning Commission with a response due 90 days from April 1.

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

There were no speakers for the public hearing.

M/S/C to continue the public hearing to June 25. (Wengraf/Poschman) Ayes: Bronstein, Curl, Pollack, Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstain: None. Absent: None.
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ACCESSORY DWELLING UNIT ORDINANCE AMENDMENTS

Staff summarized the issues raised in the staff report and the action needed by the Planning Commission to make a recommendation to the City Council. The Commission discussed the owner occupancy requirement.

M/S/F to eliminate the owner occupancy requirement. (Stoloff/Pollack) Ayes: Pollack, Stoloff, Tabb. Noes: Bronstein, Curl, Poschman, Wengraf, Wiggins, Wrenn. Abstentions: None. Absent: None.
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M/S/C that non-occupancy by an owner for periods of up to three years can occur before the property is found to be in non-compliance (Poschman/Wiggins) Ayes: Bronstein, Curl, Pollack, Poschman, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstain: Stoloff. Absent: None.
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The Commission discussed the minimum lot size.

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93 M/S/C that a unit will be allowed which is at least 300 sq. ft., or at least 25% of the size
94 of the main unit, whichever is larger. (Wengraf/Tabb) Ayes: Bronstein, Curl, Pollack,
95 Poschman, Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstain: None.
96 Absent: None.

97
98 The Commission discussed height limitations for a unit in an accessory building.
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100 M/S/C to establish 12 ft. as the maximum height for a unit in an accessory building that
101 can be approved by right. (Wrenn/Wiggins) Ayes: Bronstein, Curl, Pollack, Poschman,
102 Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstain: Stoloff. Absent: None.

103
104 The Commission discussed setbacks for a unit in an accessory building.
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106 M/S/C that 1. the basic setbacks in the zoning districts will apply to Accessory Dwelling
107 Units approved by right; 2. modifications of setback cannot be reduced below four feet
108 on side and rear setbacks; 3. front setbacks cannot be reduced from the basic setbacks in
109 each zoning district. (Wrenn/Poschman) Ayes: Bronstein, Curl, Pollack, Poschman,
110 Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstain: None. Absent: None.

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112 The Commission discussed parking.
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114 M/S/C to make a change in each case in the proposed ordinance changes where it occurs
115 to two parking provisions.

116 1) The waiver language is changed from “To approve a parking waiver the Zoning
117 Officer or Board must find that additional new on-site parking would be detrimental, that
118 the existing parking supply in the immediate neighborhood is adequate, or that other
119 mitigating conditions are present and apply to the property”, to “To approve a parking
120 waiver the Zoning Officer or Board must find that additional new on-site parking would
121 be detrimental and that the existing parking supply in the immediate neighborhood is
122 adequate, or that other mitigating conditions are present and apply to the property”.

123 2) The tandem parking language is changed from “Where it is not possible to provide off-
124 street parking in conformance with Section 23D.20.080 without tandem parking the
125 Zoning Officer may approve an AUP to allow tandem parking” to “Where off-street
126 parking in conformance with Section 23D.20.080 would cause detriment to the property
127 due to reduction of open space on the lot, the Zoning Officer may approve an AUP to
128 allow tandem parking.” (Wrenn/ Pollack) Ayes: Bronstein, Curl, Pollack, Poschman,
129 Stoloff, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstain: None. Absent: None.

130
131 The Commission discussed incorporating recommendations from the May 14, 2003 staff
132 report into the recommendation to Council.
133

134 M/S/C to adopt the changes identified as “ Essential Changes” in Attachment 4 to the
135 May 14 staff report regarding accessory buildings (except that proposed section C, “ An
136 accessory building to accommodate an accessory dwelling unit which satisfies the
137 requirements of this ordinance and the requirements of the zoning district where it is

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138 located, including adherence to development standards applicable to the main building, is
139 permitted by right,” is not adopted) regarding accessory buildings, inclusion of the
140 standard on fire access roadways contained in the California Fire Code, and the reference
141 to the Zoning Officer issuing a Zoning Certificate, in the May 14, 2003 staff report.
142 (Stoloff /Poschman) Ayes: Bronstein, Curl, Pollack, Poschman, Tabb, Wengraf,
143 Wiggins, Wrenn. Noes: None. Abstain: Stoloff. Absent: None.

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145 M/S/C to recommend the proposed ordinance changes designated by the Commission,
146 with review by the Chair, to the City Council. (Stoloff /Poschman) Ayes: Bronstein,
147 Curl, Pollack, Poschman, Tabb, Wengraf, Wiggins, Wrenn. Noes: None. Abstain:
148 Stoloff. Absent: None.

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150 Due to the late hour, the Commission did not discuss the MU-LI subcommittee
151 recommendations.

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153 **ADJOURNMENT**

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155 Meeting was adjourned at 9:35.