

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING  
July 28, 2004**

**ROLL CALL**

Time: The meeting was called to order at 7:05 by Chair Pollack.

Location: North Berkeley Senior Center.

Commissioners Present: Perry, Pollack, Poschman, Shumer, Stoloff, Wengraf (left at 8:55 p.m.), Wiggins.

Commissioners Absent: Tabb, Wrenn.

Staff Present: Crane, Gatzke, Homrighausen, Marks, Sorensen, Wolf, and Assistant City Attorney Zach Cowan.

**ORDER OF THE AGENDA**

Item 12 was moved ahead of item 9.

**PUBLIC COMMENT PERIOD**

There was one speaker. Steve Wollmer expressed concerns about the University Ave. Strategic Plan zoning amendment proposal. He thought staff should analyze “Residential-only” development as a specific use type, and that additional limitations are needed to address building appurtenances that would cast a shadow in the protected solar setback.

**PLANNING STAFF REPORT**

Principal Planner Gatzke told the Commission that Council authorized the contract for the Southside Plan Environmental Impact Report at the July 20 Council meeting.

**CHAIRPERSON’S REPORT**

No report.

**COMMITTEE REPORTS**

No report.

**APPROVAL OF MINUTES**

<p>M/S/C to approve the draft minutes of the July 14, 2004 meeting with corrections. (Poschman/Stoloff). Ayes: Pollack, Poschman, Shumer, Stoloff, Wiggins. Noes: None. Abstentions: Perry, Wengraf. Absent: Tabb, Wrenn.</p>
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45 **FUTURE AGENDAS**

46 Staff handed out a revised list of upcoming items.

47

48 **PROPOSED AMENDMENTS TO THE ZONING ORDINANCE TO**  
49 **IMPLEMENT THE UNIVERSITY AVENUE STRATEGIC PLAN**

50

51 Principal Planner Gatzke summarized the recommendations in the staff report transmitted  
52 to the Commissioners in the packet and explained recommended changes proposed in his  
53 memo to the Planning Commission dated July 28, 2004, handed out to the Commission at  
54 the meeting.

55

56 The Commission discussed the proposed zoning amendments.

57

58 M/S/C to adopt the Negative Declaration for the project with the finding contained in the  
59 staff report dated July 28, 2004 from Mark Rhoades, Land Use Planning Manager.  
60 (Wengraf/Wiggins). Ayes: Pollack, Poschman, Shumer, Stoloff, Wengraf, Wiggins.  
61 Noes: None. Abstentions: Perry. Absent: Tabb, Wrenn.

62

63 M/S/C to adopt the zoning text and map amendments recommended in the staff report  
64 dated July 28, 2004 from Mark Rhoades, Land Use Planning Manager, with the following  
65 changes: add to the Purposes, "Encourage concentration of commercial activities in  
66 designated nodes," and make the changes to the C-1 District noted in the staff report  
67 dated July 28, 2004 from Allan Gatzke, Principal Planner, numbered 1, 2, 3, 5, 6, 7, 8, 9,  
68 and 10. (No. 4 was not included in the motion). (Wiggins/Poschman). Ayes: Pollack,  
69 Poschman, Shumer, Stoloff, Wengraf, Wiggins. Noes: Perry. Abstentions: None.  
70 Absent:, Tabb, Wrenn.

71

72 M/S/C to recommend that Council authorize preparation of a comprehensive parking  
73 study and a plan for streetscape improvements in the University Avenue Corridor.  
74 (Wengraf/Wiggins). Ayes: Perry, Pollack, Poschman, Shumer, Stoloff, Wengraf,  
75 Wiggins. Noes: None. Abstentions: None. Absent: Tabb, Wrenn.

76

77 **PUBLIC HEARING: TENTATIVE TRACT MAP 7547 - TWENTY-TWO UNIT**  
78 **CONDOMINIUM PROJECT - 2616-20 TELEGRAPH AVENUE, BERKELEY**  
79 (Taken out of order)

80

81 Associate Planner Wolf described the project and recommendation for action, and  
82 distributed a supplemental memo recommending an additional condition concerning  
83 inclusionary housing requirements.

84

85 M/S/C to open the public hearing. (Wengraf/Poschman). Ayes: Perry, Pollack,  
86 Poschman, Shumer, Stoloff, Wengraf, Wiggins. Noes: None. Abstentions: None. Absent:  
87 Tabb, Wrenn.

88

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89 There was one speaker. Mr. Lawrence Neal, speaking on behalf of the project applicant,  
90 responded to a question from the Commission. He said that, although he had not  
91 represented the project before the ZAB, he understood it had gone through the process as  
92 a condominium project.

93

94 M/S/C to close the public hearing. (Wengraf/Stoloff). Ayes: Perry, Pollack, Poschman,  
95 Shumer, Stoloff, Wengraf, Wiggins. Noes: None. Abstentions: None. Absent: Tabb,  
96 Wrenn.

97

98 M/S/C to approve the subdivision with the findings and conditions stated in the staff  
99 report dated July 21, 2004, and with the additional recommendation in the memo  
100 distributed to the Commission at the meeting, dated July 28, 2004. (Stoloff/Poschman).  
101 Ayes: Perry, Pollack, Poschman, Shumer, Stoloff, Wengraf, Wiggins. Noes: None.  
102 Abstentions: None. Absent: Tabb, Wrenn.

103

104 **SET FOR HEARING: PROPOSED AMENDMENTS TO THE ZONING**  
105 **ORDINANCE BMC 23B.28.060.D AND 23B.32.060.D TO REVISE THE**  
106 **CONSIDERATION OF EX PARTE COMMUNICATIONS (ZA 7-04).** (Taken out  
107 of order)

108

109 M/S/C to set the matter for public hearing September 8, 2004. (Wiggins/Wengraf). Ayes:  
110 Perry, Pollack, Poschman, Shumer, Stoloff, Wengraf, Wiggins. Noes: None. Abstentions:  
111 None. Absent: Tabb, Wrenn.

112

113 **DISCUSSION OF PROPOSED ZONING ORDINANCE AMENDMENTS:**  
114 **AMENDING PROVISIONS OF THE ZONING ORDINANCE RELATED TO**  
115 **REVIEW OF ZONING APPLICATIONS BY THE LANDMARKS**  
116 **PRESERVATION COMMISSION**

117

118 Senior Planner Sorensen gave an overview of the Landmarks Preservation Commission's  
119 code amendment recommendations, including history of the proposed changes and a  
120 summary of proposed changes to the Landmarks Preservation Ordinance and the Zoning  
121 Code. Staff responded to questions from the Commission concerning the concurrent  
122 authority of the LPC and ZAB, the review period proposed for LPC review, the database  
123 for flagging potential historically significant structures, applicability of the provisions,  
124 and other questions about details of the proposed changes. Staff was asked to provide  
125 information in response to questions and concerns raised by the Commissioners.

126

127 **PUBLIC HEARING: PROPOSED ZONING ORDINANCE AMENDMENTS:**  
128 **MISCELLANEOUS CORRECTIONS AND CLARIFICATIONS PART 1**  
129 **(PLANNING FILE ZA 5-04) CONCERNING BMC SECTIONS 23C.08.010.A**  
130 **(ACCESSORY UNIT CONVERSIONS), 23C.08.030.A.2 (FINDINGS FOR**  
131 **ELIMINATION OF UNITS FROM CONVERSIONS), AND 23D.12.080.C-I**  
132 **(PARKING SITE AND SCREENING)**

133

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134 M/S/C to open the public hearing. (Stoloff/Poschman). Ayes: Perry, Pollack, Poschman,  
135 Shumer, Stoloff, Wiggins. Noes: None. Abstentions: None. Absent: Tabb, Wengraf,  
136 Wrenn.

137  
138 There were no speakers.  
139

140 M/S/C to close the public hearing. (Stoloff/Poschman). Ayes: Perry, Pollack, Poschman,  
141 Shumer, Stoloff, Wiggins. Noes: None. Abstentions: None. Absent: Tabb, Wengraf,  
142 Wrenn.

143  
144 The Commission discussed the proposed zoning ordinance amendments.  
145

146 M/S/C to approve the zoning ordinance amendments recommended in the staff report for  
147 Item 13, ZA 5-04, except for the proposed changes concerning elimination of dwelling  
148 units, and to approve the zoning ordinance amendments recommended in the staff report  
149 for item 14, ZA 6-04. (Poschman/Wiggins). Ayes: Perry, Pollack, Poschman, Shumer,  
150 Stoloff, Wiggins. Noes: None. Abstentions: None. Absent: Tabb, Wengraf, Wrenn.

151  
152 **PUBLIC HEARING: PROPOSED ZONING ORDINANCE AMENDMENTS:**  
153 **MISCELLANEOUS CORRECTIONS AND CLARIFICATIONS PART 2**  
154 **(PLANNING FILE ZA 6-04), CONCERNING BMC SECTIONS 23E.36.030**  
155 **(ARCADE REFERENCE IN C-1), 23E.36.080.A.1 (CORRECT REFERENCE FOR**  
156 **MIXED USE PARKING IN C-1), AND 23E.72.050 (CORRECT M DISTRICT**  
157 **CONVERSIONS TABLE REGULATION)**  
158

159 M/S/C to open the public hearing. (Stoloff/Wiggins). Ayes: Perry, Pollack, Poschman,  
160 Shumer, Stoloff, Wiggins. Noes: None. Abstentions: None. Absent: Tabb, Wengraf,  
161 Wrenn.

162  
163 There were no speakers.  
164

165 M/S/C to close the public hearing. (Wiggins/Perry). Ayes: Perry, Pollack, Poschman,  
166 Shumer, Stoloff, Wiggins. Noes: None. Abstentions: None. Absent: Tabb, Wengraf,  
167 Wrenn.

168  
169 M/S/C to approve the zoning ordinance amendments recommended in the staff report for  
170 item 14, ZA 6-04. (Perry/Wiggins). Ayes: Perry, Pollack, Poschman, Shumer, Stoloff,  
171 Wiggins. Noes: None. Abstentions: None. Absent: Tabb, Wengraf, Wrenn.

172  
173 Adjournment: 9:05.