

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
September 8, 2004**

ROLL CALL

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

Location: North Berkeley Senior Center.

Commissioners Present: Pollack, Poschman, Shumer, Tabb, Wengraf, Wiggins (arrived 7:30 p.m.; left approx. 9:40 p.m.). (Note: On Thursday, Sept. 9, the Commission Secretary was notified that Commissioner Wrenn had resigned from the Planning Commission effective Sept. 8. This is reflected in the minutes.)

Commissioners Absent: Perry, Stoloff.

Staff Present: Crane, Dando, Gatzke, Homrighausen, Marks, Rhoades, Sorensen, Assistant City Attorney Zach Cowan, and Housing Department Director Steve Barton.

ORDER OF THE AGENDA

The order of the Action Items was changed to 12, 9, 11, 13, 14, and 10, with items 13 and 14 to be taken up at 8:00 p.m. (whether or not discussion has taken place on item 11 by that time).

PUBLIC COMMENT PERIOD

There were no speakers.

PLANNING STAFF REPORT

Planning Manager Rhoades reported on the status of the West Berkeley Bowl project, items scheduled for consideration by the City Council, and the Creeks Ordinance public hearing scheduled Sept. 28, 2004.

CHAIRPERSON'S REPORT

No report.

COMMITTEE REPORTS

No report.

APPROVAL OF MINUTES

No action taken, because less than a quorum of the Commissioners present at the July 28, 2004 meeting were present to vote on a motion. This item will be carried forward to the Sept. 22, 2004 meeting agenda.

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46 **FUTURE AGENDAS**

47 No comments.

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49 **Conformance Review and Comment on Housing Trust Fund Applications for 2004.**

50 Staff Crane presented the staff report and recommendations to the Commission. Housing
51 Department Director Steve Barton described the process for consideration of funding for
52 projects with Housing Trust Fund monies.

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54 M/S/C to make the recommendations contained in the staff report dated September 8,
55 2004 from Fatema Crane, Assistant Planner. (Poschman/Wengraf). Ayes: Pollack,
56 Poschman, Shumer, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: None. Absent:
57 Perry, Stoloff.

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59 **Set for hearing: Proposed Amendments to the Zoning Ordinance BMC 23C.12,**
60 **23D.04, 23E.56, and 23E.96 concerning density bonus, yard requirements, building**
61 **separations, street level office location, and maximum height of accessory buildings.**
62 **B.32.060.D (ZA 8-04).**

63 Staff Crane summarized the staff report dated Sept. 8, 2004. The Commission discussed
64 the proposed amendments. Staff offered clarification of the building setbacks and
65 building separation proposal for accessory buildings and responded to questions about
66 zero setbacks. The Commission asked staff to revise the language on street level office
67 locations so that the same language is proposed for all uses where a use is proposed to be
68 prohibited on the ground floor adjacent to street frontage” and to propose a maximum
69 height for accessory buildings.

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71 M/S/C to set for hearing the proposed zoning amendments concerning density bonus,
72 yard requirements, street level office location, and maximum height of accessory
73 buildings. (ZA 8-04), but excluding the proposed amendments concerning zero lot line
74 building separation (as discussed in the staff report dated September 8, 2004 from Fatema
75 Crane, Assistant Planner by Matthew L. LeGrant, Consultant). (Poschman/Shumer).
76 Ayes: Pollack, Poschman Shumer, Tabb, Wengraf, Wiggins. Noes: None. Abstentions:
77 None. Absent: Perry, Stoloff.

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79 **Public Hearing: Proposed Amendments to the Zoning Ordinance BMC**
80 **23B.28.060.D and 23B.32.060.D to revise the consideration of ex parte**
81 **communications (ZA 7-04).**

82 Staff Crane summarized the staff recommendation contained in the staff report from
83 Fatema Crane, Assistant Planner by Matthew L. LeGrant, Planning Consultant dated
84 September 8, 2004.

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

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90 There were no speakers.

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

The Commission discussed the proposed amendments. Assistant City Attorney Zach Cowan responded to the Commissioners' questions.

M/S/C to make the recommendations to the City Council contained in the staff report from Fatema Crane, Assistant Planner, by Matthew L. LeGrant, Planning Consultant, dated September 8, 2004. (Wengraf/Tabb). Ayes: Pollack, Poschman Shumer, Tabb, Wengraf, Wiggins. Noes: None. Abstentions: None. Absent: Perry, Stoloff.

Discussion of Proposed Zoning Ordinance Amendments: Amending provisions of the Zoning Ordinance related to review of zoning applications by the Landmarks Preservation Commission concerning BMC Sections 23B.24.030 (Application Forms and Supporting Materials--Additional Information for Certain Projects); 23B.32.050 (Notice of Decision and Appeal); and 23C.08.050 (Demolitions of Buildings Used for Commercial, Manufacturing or Community, Institutional or Other Non-residential Uses)

Staff Sorensen made a presentation summarizing the staff report from Dan Marks, Planning Director, by Gisele Sorensen, Senior Planner, dated Sept. 8,2004. Ms. Sorensen noted that members of the Landmarks Preservation Commission Jill Korte (Chair), AdamWeiss (Vice-chair), and Carrie Olson (Former Chair and Chair of the amendment revision subcommittee) were present to address questions the Commission might have. Assistant City Attorney Cowan responded to questions and gave examples of problems the proposed ordinance changes are intended to alleviate. The matter is to be set for hearing at an upcoming meeting, with a projected hearing date in October. Staff was asked to draft the hearing notice to allow the Planning Commission to consider possible solutions other than the recommendations of the Landmarks Preservation Commission that have been transmitted to the Planning Commission.

Proposed amendment to Section 23C.08.030.A.2 (Findings for elimination of units from conversions), ZA 5-05

Commissioner Poschman expressed concerns about the proposed ordinance. The discussion was continued for consideration at a future meeting.

Discussion: Zoning Ordinance Amendments for Parking Requirements per Mayor's Permitting Task Force Recommendations

Staff Dando summarized the staff report and recommendations concerning a process for the Planning Commission to follow. Land Use Planning Manager Rhoades and Planning Director Marks responded to questions and concerns voiced by the Commissioners.

M/S/F to accept the recommendations contained in the staff report from Mark Rhoades, Land Use Planning Manager, prepared by Erin Dando, Associate Planner, dated

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136 September 1, 2004. (Tabb/Wiggins). Ayes: Pollack, Tabb, Wengraf, Wiggins. Noes:
137 Poschman Shumer. Abstentions: None. Absent: Perry, Stoloff.

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139 The Planning Commission had additional discussion of the process for considering the
140 parking zoning amendments.

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142 M/S/C to schedule a workshop on the parking ordinance changes October 27, with staff
143 to return to the Commission in the interim with workshop goals and objectives and
144 information concerning the proposed workshop. (Poschman/Wengraf). Ayes: Pollack,
145 Poschman Shumer, Tabb, Wengraf,. Noes: None. Abstentions: None. Absent: Perry,
146 Stoloff, Wiggins

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148 Commissioner Wengraf's inquiry about the Creeks Ordinance, which was made during
149 the Planning Staff Report, and held for a response from Planning Director Dan Marks,
150 was discussed. Mr. Marks clarified the current status of the Creeks Ordinance process.
151 The Commission discussed possible roles for the Planning Commission.

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153 Adjournment: 9:50.