

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING  
May 25, 2005**

1 Time: The meeting was called to order at 7:00 p.m. by Chair Pollack.

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3 Location: North Berkeley Senior Center.

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5 **ROLL CALL**

6  
7 Commissioners Present: Burke, Fireman, Pollack, Poschman, Shumer, Stoloff, Tabb,  
8 Wengraf.

9  
10 Commissioners Absent: Wrenn.

11  
12 Staff Present: Cowan, Gatzke, Homrighausen, Marks, Rhoades, Sorensen.

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14 **ORDER OF THE AGENDA**

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16 Item 10 was moved to precede item 9.

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18 **PUBLIC COMMENT PERIOD**

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20 Speaker #1: Patricia Dacey expressed concern that a proposal that the Zoning Officer  
21 would have authority over decisions with no avenue of appeal to an appointed or elected  
22 body was anti-democratic.

23  
24 Speaker #2: Austene Hall read a letter from the Berkeley Architectural Heritage  
25 Association that addressed topics including the “safe harbor” provisions to make a  
26 Request for Determination when there is no pending land use permit application.

27  
28 Speaker #3: Sally Sachs indicated that the Planning Commission was not the right body  
29 to make proposals to change the Landmarks Preservation Ordinance.

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31 Speaker #4: Carrie Sprague addressed issues that arise in connection with demolitions,  
32 including noise ordinance considerations.

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34 Speaker #5: Robert Johnson commented on the Request for Determination provisions. He  
35 felt it was premature to take a final vote at the May 25 meeting.

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37 Speaker #6: John English discussed his concerns with the details of the drafted  
38 Landmarks Preservation Ordinance, and said he believed there were elements in the  
39 proposal that need further work.

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41 Speaker #7: Allen Tobey indicated the package of amendments is not ready for a final  
42 decision.

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44 Speaker #8: Wendy Markel said the loss of fine old houses would be criminal.

45  
46 **PLANNING STAFF REPORT**

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48 Land Use Planning Manager Rhoades informed the Commission that the City Council  
49 passed the second round of zoning ordinance revisions. Also, the Mayor’s Task Force  
50 parking requirement amendments were passed with a change from reference to Bus Rapid  
51 Transit “stations” to “stops”. Council will consider, at the June 13 meeting, having  
52 parking changes apply to manufacturing areas as well.  
53 Planning Director Marks said the University and the City have settled the LRDP lawsuit.  
54 The settlement includes a four-year process to revise the Downtown Plan.

55  
56 **CHAIRPERSON’S REPORT**

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58 No report.

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60 **COMMITTEE REPORTS**

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62 **Creeks Task Force**

63 Commissioner Burke, who serves as Chair of the Creeks Task Force, stated that City  
64 Council approved the work plan and timeline of the Creeks Task Force and referred the  
65 \$100,000 budget request to the budget process at its May 10 meeting.

66  
67 **Southside EIR Subcommittee**

68 Commissioner Fireman of the Subcommittee, stated that the subcommittee had met on  
69 Friday, May 13, 2005 to assess the scope of work for the assessment of the environmental  
70 impacts for the consultants.

71  
72 **APPROVAL OF MINUTES**

73  
74 M/S/C to approve the minutes for May 11, 2005 with corrections. (Poschman/Wengraf)  
75 Ayes: Burke, Fireman, Pollack, Poschman, Shumer, Stoloff, Tabb, Wengraf. Noes:  
76 None. Abstentions: Wrenn. Absent: None.

77  
78 **UPCOMING AGENDA ITEMS**

79  
80 No discussion.

81  
82 **ACTION ITEMS**

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84 **Density Bonus Procedure/Inclusionary Housing Provisions**

85 Land Use Planning Manager Rhoades asked for a Planning Commission subcommittee to  
86 work on these topics along with the Zoning Adjustments Board subcommittee. The  
87 subcommittee was confirmed with members Stoloff, Wengraf, Burke, and Poschman.  
88 The subcommittee will have a standing entry under the subcommittee reports item on  
89 future Planning Commission agendas.

90  
91 **Landmarks Preservation Ordinance and Zoning Ordinance Amendments**

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92 Planning Director Marks summarized the four areas discussed in the May 25 staff report:  
93 Structure of Merit matters, Request for Determination (RFD), Requirements for submittal  
94 for an RFD, and Integrity.

95

96 Commissioner Stoloff put forth the following “master motion”:

97

98 M/S/Amended: Adopt the most recent (May 25 draft) of the Revised Attachment 1 (LPO  
99 amendments) and Zoning Ordinance amendments, with staff to make grammatical,  
100 syntax, or other such non-substantive changes as necessary, subject to the Chair’s  
101 approval. (Stoloff/Tabb) At the close of the Landmarks discussion, a vote was taken on  
102 the amended motion. See below.

103

104 The Commission discussed a variety of topics for possible amendments to the “master  
105 motion” above. In several cases, a motion on a potential amendment was brought before  
106 the Commission. Each motion was voted on. At the close of discussion, the maker and  
107 seconder of the “master motion” accepted all the amendments that were part of a carried  
108 motion. The master motion is restated at the close of discussion of Item 9, Landmarks,  
109 below.

110

111 The Commission discussed a proposed amendment proposed by Commissioner Burke to  
112 amend the Stoloff motion with amendments. There was no second.

113

114 The Commission discussed possible amendments proposed by Commissioner Poschman,  
115 including changes to Tables 3.24.A and B to eliminate references to zoning districts, and  
116 instead refer to single family homes and duplexes.

117

118 Also discussed was an alternative procedure to use the Consent Calendar of LPC at  
119 23B.24.030 (this would be a part of the LPC agenda that would be a consent calendar for  
120 single family houses and duplexes) As proposed by Commissioner Poschman, there  
121 would be a posted notice in front of the house, but it would not be mailed to all within  
122 300 feet.

123

124 M/S/F to consider adding to the current ordinance drafts an amendment to  
125 23B.24.030.D.2.a, that the Landmarks Preservation Commission (LPO) secretary in  
126 consultation with the Chair would place all RFDs specified in Subdivision B of this  
127 section involving single family dwellings and duplexes in any zoning district on the  
128 agenda of the next LPC meeting no less than 21 days after the date submitted, in a  
129 category Consent Calendar II, Requests for Determination with Project. Any RFD may  
130 be removed from Consent Calendar II and set for hearing by a vote of 3 members of the  
131 LPC. (Note: there would be no requirement for mailed notice for the first time the item  
132 appeared on the LPC agenda. Notice would be provided with a sign at the site.)  
133 (Poschman/Fireman) Ayes: Fireman, Poschman, Shumer. Noes: Burke, Pollack, Stoloff,  
134 Tabb, Wengraf. Abstentions: None. Absent: Wrenn.

135

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136 The Commission discussed alternatives to notification and possibly adding a reference to  
137 requiring additional information regarding a structure or site that is the subject of an  
138 RFD. Staff clarified parameters of the Permit Streamlining act.

139  
140

141 M/S/C The original motion was to change the proposal under consideration at 140.D, E,  
142 and F to allow initiation no later than the 2<sup>nd</sup> meeting, and in Section 140.F.2, change  
143 from “third meeting” to “second meeting”. The motion was amended (Commissioner  
144 Shumer) to change the language to a total of 4 meetings, so that if the LPC initiates at the  
145 1<sup>st</sup> meeting, they would have 3 more meetings, not just 2 meetings, to designate or not.  
146 (Poschman/Shumer) Ayes: Burke, Fireman, Pollack, Poschman, Shumer, Stoloff, Tabb,  
147 Wengraf. Noes: None Abstentions: None. Absent: Wrenn.

148

149 The Commission considered adding language regarding historic markers. A motion was  
150 made but not seconded.

151

152 M/S/F To consider changing the May 25, 2005 ordinance draft (3.24.130.G) period  
153 during which a property may be initiated, under Section 3.24.120 after the Commission  
154 determines not to initiate, from the 10 working day time frame to 20 working days, and  
155 to retain the requirement for 25 signatures. (Poschman/Fireman) Ayes: Burke, Fireman,  
156 Poschman, Shumer, Noes: Pollack, Stoloff, Tabb, Wengraf. Abstentions: None. Absent:  
157 Wrenn.

158

159 The Commission discussed matters related to demolitions. Assistant Attorney Cowan  
160 clarified that the reference to demolition should be deleted from 3.24.240.G.2, but  
161 remains in 3.24.240.G.1.

162

163 M/S/F The motion was initially to consider amending Section 3.24.240.G.2 to allow  
164 appeal to the Landmarks Preservation Commission only with notice to abutting and  
165 confronting neighbors for the case where the May 25, 2005 draft indicated the Zoning  
166 Officer decision is final. An amendment to the motion proposed by Commissioner  
167 Burke, and accepted by the maker and seconder, resulted in the following motion: amend  
168 Section 3.24.240.G2 to allow appeal to the Landmarks Preservation Commission, and to  
169 the City Council, with notice to abutting and confronting properties. (Poschman/Shumer)  
170 Ayes: Burke, Poschman, Shumer. Noes: Fireman, Pollack, Stoloff, Tabb, Wengraf.  
171 Abstentions: None. Absent: Wrenn.

172

173 The Commission discussed the time frames and review processes for consideration of  
174 RFDs not related to a project.

175

176 M/S/C Motion to allow consideration at 3 meetings of the LPC instead of 2 meetings for  
177 RFDs not related to a project. (That is, the ordinance is to be amended to allow 2  
178 continuances, not the 1 continuance in the May 25, 2005 ordinance draft.)  
179 (Poschman/Fireman) Ayes: Burke, Fireman, Pollack, Poschman, Shumer, Stoloff, Tabb,  
180 Wengraf. Noes: None Abstentions: None. Absent: Wrenn.

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182

183 M/S/F Motion to amend the provisions for the RFD-C category, that the information  
184 submitted would be similar to what is required for Landmark status consideration for  
185 structures and sites outside the development application process.. (Poschman/Fireman)  
186 Ayes: Burke, Fireman, Poschman, Shumer. Noes: Pollack, Stoloff, Tabb, Wengraf.  
187 Abstentions: None. Absent: Wrenn.

188

189

190 M/S/C Motion to change, for the purposes of Tables 3.24.A and 3.24.B, section  
191 3.24.145.A as follows: A. "Form RFD-C" means a form for requesting a determination  
192 as to whether a property merits designation under this Chapter that contains information  
193 and analysis specified by the Commission of the history of the site similar to that  
194 generally required for a landmark application." (underlined text is added)  
195 (Poschman/Fireman) Ayes: Burke, Fireman, Pollack, Poschman, Shumer, Stoloff, Tabb,  
196 Wengraf. Noes: None Abstentions: None. Absent: Wrenn.

197

198

199 M/S/C Motion to state that the tables at Section 3.24 will be amended to change the  
200 references to the R-1, R-2, and ESR zoning districts to instead refer to single family  
201 houses and duplex building types. (Poschman/Fireman) Ayes: Burke, Fireman, Pollack,  
202 Poschman, Shumer, Stoloff, Tabb, Wengraf. Noes: None Abstentions: None. Absent:  
203 Wrenn.

204

205 At the end of this discussion, the Planning Commission returned to consideration of the  
206 original "master motion". The maker (Stoloff) and seconder (Tabb) accepted the  
207 amendments to the "master motion" stated in the four motions carried during the  
208 Commission's discussion of the Landmarks amendments (see above). Staff was asked  
209 that the report to Council include discussion of the proposed amendments that were not  
210 carried, and were not included as amendments to the May 25, 2005 draft ordinances.

211

212 M/S/Amended/C: Adopt the most recent (May 25 draft) of the Revised Attachment 1  
213 (LPO amendments) and Zoning Ordinance amendments as amended by the changes  
214 stated in the four motions carried during the Commission's May 25, 2005 discussion of  
215 the Landmarks amendments, with staff to make grammatical, syntax, or other such non-  
216 substantive changes as necessary, subject to the Chair's approval. (Stoloff/Tabb) Ayes:  
217 Burke, Pollack, Stoloff, Tabb, Wengraf. Noes: Fireman, Poschman, Shumer.  
218 Abstentions: None. Absent: Wrenn.

219

220 **ADJOURNMENT**

221

222 The meeting was adjourned at 10:50 p.m.