

**APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
December 14, 2005**

1 Time: The meeting was called to order at 7:03 pm by the Chair.

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3 Location: North Berkeley Senior Center.

4
5 **ROLL CALL**

6
7 Commissioners Present: Poschman, Pollack, Shumer, Burke, Gurley, Wengraf, Samuels,
8 Stoloff, Sheen (arrived 7:07 pm).

9
10 Commissioners Absent: None.

11
12 Staff Present: Homrighausen, Paine, Gatzke, Sanderson, Harrison, Ford, Marks

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14 **ORDER OF THE AGENDA**

15 Informational item 12 was moved to the Action Agenda.

16
17 **PUBLIC COMMENT PERIOD**

18
19 No public comments.

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21 **PLANNING STAFF REPORT**

22 Planning Director Marks reported on City Council meetings since the Nov. 30 Planning
23 Commission meeting. He discussed the referral of the issue of by-right development of
24 second floor additions over 500 square feet to the Planning Commission with direction
25 for the Planning Commission to present a work program plan for addressing it at a
26 January Council meeting. He also told them the City has commented on the University's
27 NOP for the Southeast Campus Integrated Projects; a copy of the letter was handed out to
28 the Commissioners at the meeting. The Council sent the Transportation Services Fee
29 back to the Planning Commission for comments, with direction to return to the Council
30 on April 25, 2006. He updated the Commission on the Ashby BART development. He
31 also communicated the Council's request for the Planning Commission to take up the
32 issue of retaining Clif Bar in West Berkeley.

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34 **CHAIRPERSON'S REPORT**

35
36 None.

37
38 **COMMITTEE REPORTS**

39
40 **Creeks Task Force:** The Creeks Task Force schedule was handed out and Commissioner
41 Burke reviewed the schedule for the upcoming workshop and meetings.

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43 **Density Bonus Subcommittee**

44 Commissioner Wengraf reported on the December 7 meeting and reported that the
45 December 15th meeting was cancelled. January 10 and 24 were set for future meeting

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46 dates. The Subcommittee has addressed open space on balconies and podiums as well as
47 lift parking.

48
49 **Downtown BART Plaza and Transit Area Design Plan Citizens Advisory Committee**

50 Commissioner Sheen reported on the December 14 meeting. He said that the Committee
51 is developing the goals for the project and has set two public workshops –the first is on
52 January 23 from 7-9pm. Commissioner Sheen will represent the Commission on the
53 BART Plaza Committee in future meetings.

54
55 **Downtown Area Plan Citizen Advisory Committee**

56 Commissioner Poschman reported on the December 3 tour. The next meeting will be
57 Jan. 18.

58
59 **APPROVAL OF MINUTES**

60 Correction was made on the November 30 draft minutes to correct the motion on line
61 159, correct the vote recorded on line 206, and make two grammatical and spelling
62 corrections.

63
64 M/S/C to adopt the November 30 minutes as corrected. (Poschman/Shumer) Ayes:
65 Poschman, Pollack, Shumer, Burke, Gurley, Wengraf, Stoloff, Sheen, Samuels. Noes:
66 None. Abstain: None.

67
68 **UPCOMING AGENDA ITEMS**

69 Staff reminded the Commission that there will be a special meeting of the Planning
70 Commission on January 7 beginning at 10 a.m. when they go on a tour in preparation for
71 the West Berkeley Auto Retention hearing on January 11. Information on meeting place
72 and route will be sent out in their packets.

73
74 At the January 11 meeting the Commission will revisit the County-wide Homeless Plan
75 with Housing staff present.

76
77 The January 25 meeting will include the Creeks Task Force workshop and the Public
78 Hearing on the elimination of Accessory Dwelling Units by right.

79
80 West Berkeley Bowl has not been scheduled for Public Hearing yet.

81
82 Topics for meetings after January will be filled in after the Commission discusses the
83 Work Plan.

84
85 **ACTION ITEMS**

86 **Public Hearing: 2593 - 2599 Telegraph Avenue, Berkeley:** - Proposed six-unit
87 condominium project comprised of two (2) commercial units and four (4) residential
88 units to allow condominium ownership - Tentative Tract Map 7689.

89
90 Associate Planner Ford presented the staff report.

91

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92 M/S/C To open the public hearing. (Poschman/Shumer). Ayes: Poschman, Pollack,
93 Shumer, Burke, Gurley, Wengraf, Stoloff, Sheen, Samuels. Noes: None. Abstain: None.

94
95 No speakers.

96
97 M/S/C To close the public hearing. (Poschman/Shumer). Ayes: Poschman, Pollack,
98 Shumer, Burke, Gurley, Wengraf, Stoloff, Sheen, Samuels. Noes: None. Abstain: None.

99
100 M/S/C To approve the tract map as recommended in the staff report.
101 (Poschman/Wengraf) Ayes: Poschman, Pollack, Shumer, Burke, Gurley, Wengraf,
102 Stoloff, Sheen, Samuels. Noes: None. Abstain: None.

103
104 **Public Hearing: Zoning Ordinance Amendments Addressing Permitting**
105 **Thresholds, Paving, Landscaping, and Screening Requirements for Residential**
106 **Parking in Required Yards**

107
108 Assistant Planner Harrison presented the Staff Report and the Zoning Adjustment Board
109 (ZAB)'s findings from their December 8 meeting. Principal Planner Sanderson presented
110 the ZAB's discussion on the amendment including their discussion of amendment's
111 intent regarding minimizing detriment. She also presented the regulatory and
112 administrative context for the amendment and explained that the amendment requested
113 by the Planning Commission would result in a higher level of discretionary review for a
114 parking space in the backyard than for a garage or carport. She also responded to the
115 issue of pervious paving and said that there currently are no permits required for paving.
116 The staff recommendation was to not require an Accessory Use Permit (AUP) for parking
117 in yards and to not adopt requirements on pervious paving.

118
119 M/S/C To open the public hearing. (Poschman/Shumer). Ayes: Poschman, Pollack,
120 Shumer, Burke, Gurley, Wengraf, Stoloff, Sheen, Samuels. Noes: None. Abstain: None.

121
122 There was one speaker.
123 Robert Lauriston commented that he was opposed to by-right parking in yards and
124 supports looking at alternatives such as tandem parking.

125
126 M/S/C To close the public hearing. (Poschman/Stoloff). Ayes: Poschman, Pollack,
127 Shumer, Burke, Gurley, Wengraf, Stoloff, Sheen, Samuels. Noes: None. Abstain: None.

128
129 The Commission discussed various aspects of the issue including notification, permit
130 processes for carports, garages and uncovered parking, and impacts of the various
131 parking accommodations

132
133 M/S/F In favor of staff's recommendation as presented in Exhibit E in current packet (the
134 4th page of the September 28, 2004 staff report), to change the definition of a yard so to
135 allow parking in the side and rear yards by right. (Stoloff/Samuels). Ayes: Samuels,
136 Pollack, Gurley, Stoloff. Noes: Poschman, Burke, Shumer. Abstain: Sheen, Wengraf.

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A substitute motion was made.

M/S/F To recommend that the City Council adopt the revisions to request AUP for rear or side yard uncovered parking (the first page of Attachment A of the current staff report). (Burke/Poschman) Ayes: Poschman, Sheen, Shumer, Burke. Noes: Samuels, Stoloff, Pollack. Abstain: Gurley, Wengraf.

Staff confirmed that the Commission needed to take action before the item could move to the Council.

Commissioner Wengraf changed her vote on the second motion, so the motion carried.

M/S/C To recommend that the City Council adopt the revisions to require an AUP for rear or side yard uncovered parking (the first page of Attachment A of the current staff report).(Burke/Poschman) Ayes: Poschman, Sheen, Shumer, Burke, Wengraf. Noes: Samuels, Stoloff, Pollack. Abstain: Gurley.

The Commission discussed the issue of paving and pervious material. Staff recommended not to require pervious paving.

A revised motion was made, which supersedes the previous motion:

M/S/C to recommend that the City Council adopt the revisions to require an AUP for rear or side yard uncovered parking (Attachment A of the current staff report) except for the proposed last sentence of item 23D.12.080.G on the second page. (Burke/Poschman) Ayes: Poschman, Sheen, Shumer, Burke, Wengraf. Noes: Samuels, Stoloff, Pollack. Abstain: Gurley.

Land Use Planning Work Plan Update

Planning Director Marks presented the staff report on the Work Plan and communicated new work plan items added by the Council, noting that the work plan exceeds the staff resources. New work plan items include the Transportation Services Fee (TSF) (with an April deadline for return to Council), by-right second floor additions, and retention of Clif Bar in West Berkeley. New items may result in delays in other work plan items. He also provided an update on the South Berkeley Development Corporation's proposal to CALTrans for a planning grant for the Ashby BART development. Mr. Marks responded to the Commission's comments and questions.

Planning Director Marks will return to the Commission to report on the breakdown of staff time by work plan items for the past 6 months. He said that although four new current planning staff were added by the Council this week, none of these planners can be in the policy division (these planners are funded by a different source than policy division planners).

The Chair and the Vice Chair will work with staff on developing priorities, to present at the January 11 meeting.

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183 **Transportation Services Fee**

184 The Chair and the Vice Chair will work on the list of items raised at the November 30
185 meeting with staff and return to the January 11 meeting with a scope of work for the
186 Planning Commission.

187

188 **ADJOURNMENT**

189 **The meeting was adjourned at 9:55 pm.**

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191 Note on Commission Meeting Reporting:

192 In June 2005, the City Council adopted a plan that requires commission secretaries to
193 submit an annual report, which summarizes for each meeting a) the number of
194 commissioners in attendance, b) the number of members of the public in attendance, c)
195 the number of speakers at Public Comment and d) the length of the meetings.

196

197 For the December 14, 2005 Planning Commission meeting, the following will be
198 reported:

199 Commissioners in attendance: 9

200 Members of the public in attendance: 2

201 Speakers at Public Comment: 0

202 Length of the meeting: 2 hours and 52 minutes