

APPROVED MINUTES OF REGULAR PLANNING COMMISSION MEETING
July 26, 2006

1 Time: The meeting was called to order by Chair Burke at 7:05 p.m.

2
3 Location: North Berkeley Senior Center.

4
5 **ROLL CALL**

6
7 Commissioners Present: Sheen, Samuels, Pollack, Wengraf, Burke, Stoloff, Gurley,
8 DeStaebler, Poschman

9
10 Commissioners Absent: None.

11
12 Staff Present: Paine, Gatzke, Rhodes, Harrison

13
14 **ORDER OF THE AGENDA**

15 Item 14 would be placed on the action agenda after item 12. The ABAG Report, "A Place
16 to Call Home," would be agendized for a future meeting.

17
18 **PUBLIC COMMENT PERIOD**

19
20 None.

21
22 **PLANNING STAFF REPORT**

23 Planning Commission Secretary Paine delivered the staff report. She reported that the in
24 lieu fee option for inclusionary units in condominium projects had been adopted by the
25 Council and that the Council had referred the development of the fee structure to Housing
26 and Land Use staff, asking them to work with the development community. The Condo
27 Ordinance and the Parking in Yards items were both adopted by the Council. The
28 Council had not taken action on the Transportation Services Fee, but had scheduled it for
29 a workshop for the first meeting in October. The Council did not have a second reading
30 on the Landmarks Preservation Ordinance, but will wait until after the election to see
31 what the outcome of the initiative is.

32
33 **CHAIRPERSON'S REPORT**

34 The Commission will be on break until September 13.

35
36 **COMMITTEE REPORTS**

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38 **Creeks Task Force**—The Creeks Task Force will meet on August 7 to review the creek
39 care guide.

40
41 **Density Bonus Subcommittee**—Commissioner Wengraf reported that the Subcommittee
42 met on July 24 and that they will meet again starting in September to resolve conflicts in
43 density bonus law interpretation. The Commission discussed the process of bringing
44 background information to the Planning Commission.

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46 M/S/ to direct staff to provide the Planning Commission with background information as
47 soon as it becomes available. (Pollack/Stoloff)

48
49 The Commission discussed the motion and agreed that staff would put information in a
50 packet, to include: a copy of the Density Bonus Law, a past staff report explaining
51 Density Bonus implementation, an analysis by Kautz, and other documents that the Joint
52 Subcommittee has used in its deliberations.

53
54 **Downtown Area Plan Citizen Advisory Committee:** Commissioner Samuels reported
55 that the Committee will meet August 30 to discuss the hotel project and the DAPAC's
56 role in it and to look at economic data for the Downtown.

57
58 **Major Residential Additions Subcommittee:** Commissioner Poschman reported that
59 the group met on July 19 and voted to treat the flats and the hills the same in their
60 recommendations and to forward their recommendations for the Planning Commission's
61 review at the first meeting in September.

62
63 **Southside Plan Subcommittee:** Commissioner Pollack reported that the Subcommittee
64 met on July 25 and that transportation staff, consultants, and members of the public
65 attended. Their focus was on traffic alternatives for the Southside. They will meet again
66 on August 28 and September 14.

67
68 **APPROVAL OF MINUTES**

69 M/S/C to approve the minutes from the June 28, 2006 Planning Commission meeting.
70 (Wengraf/Poschman). Ayes: Sheen, Samuels, Pollack, Wengraf, Burke, Stoloff, Gurley,
71 DeStaebler, Poschman. Noes: None. Abstain: None. Absent: None.

72
73 **UPCOMING AGENDA ITEMS**

74 The rebuilding by-right after a disaster will be on the agenda at the end of September and
75 beginning of October. An item from the City Attorney regarding nuisance abatement will
76 be on the agenda after the break. Staff is waiting for the LPC to comment on the DRC
77 appeals issue before bringing it to the Commission.

78
79 **ACTION ITEMS**

80 **Public Hearing: Proposed 5-Unit Condominium Map: 1501 Oxford Street, Berkeley**

81 M/S/C to open the public hearing. (Poschman/Wengraf). Ayes: Sheen, Samuels, Pollack,
82 Wengraf, Burke, Stoloff, Gurley, DeStaebler, Poschman. Noes: None. Abstain: None.
83 Absent: None.

84
85 No speakers.

86
87 M/S/C to close the public hearing. (Poschman/Wengraf). Ayes: Sheen, Samuels, Pollack,
88 Wengraf, Burke, Stoloff, Gurley, DeStaebler, Poschman. Noes: None. Abstain: None.
89 Absent: None.

90

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91 M/S/C to approve tract map 7618 with the conditions as outlined in the staff report.
92 (Wengraf/Stoloff). Ayes: Sheen, Samuels, Pollack, Wengraf, Burke, Stoloff, Gurley,
93 DeStaebler, Poschman. Noes: None. Abstain: None. Absent: None.

94

95 **Informational Presentation on UC Berkeley Warren Hall Replacement**

96 Kerry O'Banion, a UC Berkeley Planner, presented information regarding the
97 replacement of Warren Hall. He brought a schematic model. The Planning Commission
98 discussed the project.

99

100 **Public Hearing: Zoning Ordinance Amendments Addressing Heights of Fences and**
101 **Other Unenclosed Accessory Structures on Residential Lots and Installation of**
102 **Solar Energy Equipment By-Right (BMC Section 23D.08.060, the residential use**
103 **tables in 23D.xx.030, and Sub-section 23D.04.030.G**

104

105 Planning Manager Rhoades presented background information on the item. Assistant
106 Planner Harrison presented the staff report.

107

108 M/S/C to open the public hearing. (Poschman/Wengraf). Ayes: Sheen, Samuels, Pollack,
109 Wengraf, Burke, Stoloff, Gurley, DeStaebler, Poschman. Noes: None. Abstain: None.
110 Absent: None.

111

112 Speaker 1: Zipporah Collins, Thousand Oaks Neighborhood Association, said that the
113 contact information for the notifications needs to be updated and asked that the Planning
114 Commission not take action until more people are notified.

115

116 Speaker 2: Cynthia Fulton, the Park Hills neighborhood and said that her home's primary
117 yard space is in the front and that because of concerns about dogs, security of her small
118 child, her garden and deer, and the lack of sidewalks and curbs in her neighborhood, she
119 recommended the possibility of exempting certain neighborhoods from the ordinance
120 amendment.

121

122 Speaker 3: Marcia Levenson, Willard neighborhood, said that she was opposed to taking
123 action at this time. She also said that there shouldn't be a one-size fits all ordinance. She
124 said that fences can be the antitheses of social relationships and security and that she
125 disliked gated properties.

126

127 Speaker 4: Trisha Buresh said that she was against the ordinance. She lived on a
128 downslope property and said that a small fence would prevent her protection of privacy.

129

130 M/S/C to continue the public hearing. (Wengraf/Poschman). Ayes: Sheen, Samuels,
131 Pollack, Wengraf, Burke, Stoloff, Gurley, DeStaebler, Poschman. Noes: None. Abstain:
132 None. Absent: None.

133

134 Staff will re-notice the public hearing and provide the Commission with a list of those
135 organizations that were included in the noticing.

136

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137 The Commission discussed the proposal.

138

139 M/S/withdrawn to recommend that City Council approve the amendments to the Zoning
140 Ordinance with regards to the removal of discretion over solar equipment (23D.08.060
141 and 23D.04.030). (Wengraf/Samuels)

142

143 The Planning Commission discussed the item and staff said they would like to bring back
144 clean language on solar equipment for their decision.

145

146 **Telegraph Avenue Economic Development Assistance Package, Zoning Component:**
147 **Request for Consideration and to Set Public Hearing**

148 Planning Manager Rhoades delivered the staff report.

149

150 M/S/C to set the public hearing for September 13, 2006. (Stoloff/Wengraf). Ayes: Sheen,
151 Samuels, Pollack, Wengraf, Burke, Stoloff, Gurley, DeStaebler, Poschman. Noes: None.
152 Abstain: None. Absent: None.

153

154 **Memo on Downtown BART Plaza and Transit Area Urban Design**

155 Principal Planner Gatzke reviewed the Downtown BART Plaza report and the process for
156 the plan to go to the DAPAC.

157

158 **ADJOURNMENT**

159 **The meeting was adjourned at 10:05**

160

161 Note on Commission Meeting Reporting:

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

166

167 For the July 26, 2006 Planning Commission meeting, the following will be reported:

168 Commissioners in attendance: 9

169 Members of the public in attendance: 11

170 Speakers at Public Comment: 0

171 Length of the meeting: 3 hours, 0 minutes