



Planning Commission

1 **FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**
2 **January 17, 2018**

3 The meeting was called to order at 7:05 p.m.

4 **Location:** North Berkeley Senior Center, Berkeley, CA

5 **Commissioners Present:** Steve Martinot, Benjamin Beach, Robb William Kapla, Benjamin
6 Fong, Gene Poschman, Christine Schildt, Jeff Vincent, Rob Wrenn, Prakash Pinto.

7 **Commissioners Absent:** None.

8 **Staff Present:** Alex Amoroso, Alene Pearson, and Sydney Stephenson.

9 **ORDER OF AGENDA:** No change.

10 **CONSENT CALENDAR:** None.

11 **PUBLIC COMMENT PERIOD:** No speakers.

12 **PLANNING STAFF REPORT:** Next meeting is February 7th, see Item 8 for future agenda items.

13 **COMMUNICATIONS IN PACKET:**

- 14 • 2018-01-17 Staff – Comprehensive Cannabis Ordinance packet
15 • 2018-01-17 Debbie Sanderson (ADU Task Force) – Proposed ADU Zoning Amendments
16

17 **LATE COMMUNICATIONS** (Received after the Packet deadline):

- 18 • 2018-01-17 Dan McDunn – Comments on ADUs
19 • 2018-01-17 Debbie Sanderson – Comments on Staff Recommendations for ADUs
20 • 2018-01-17 Rolf Bell – Comments on Proposed ADU Zoning Amendments

21 **LATE COMMUNICATIONS** (Received and distributed at the meeting): None.

22 **CHAIR REPORT:** No Chair Report was provided.

23 **COMMITTEE REPORT:** No Report.

24 **7. APPROVAL OF MINUTES:**

25 Motion/Second/Carried (GP/CS) to approve the Planning Commission Meeting Minutes from
26 December 20, 2017. Ayes: Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent, Wrenn,
27 Pinto. Noes: None. Abstain: None. Absent: None. (9-0-0-0)
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29 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** The second
30 item on the Agenda has been postponed to the February 7th. On the February 7th there will be
31 discussion on Cannabis zoning regulations. Commission Fong also announced that at the
32 February 7th meeting there will be a discussion with students about affordable housing.

33 **AGENDA ITEMS**

34 **9. Action:** **Public Hearing: 1050 Parker Street Rezone and General Plan**
35 **Amendment**

36 This item is postponed to the February 7th meeting due to an error in the Public Hearing
37 Notice.

38 Public Comment: No speakers.

39 **10. Action:** **Public Hearing: Amendments to BMC Chapter 23D.10**
40 **Accessory Dwelling Units**

41 Staff presented the following amendments to the Accessory Dwelling Unit (ADU) ordinance
42 that required action by Planning Commission (PC):

- 43 1. Set Maximum Height at 14'
- 44 2. Allow Average Height Calculation in Hillside Overlay
- 45 3. Use District Standards for Height of Residential Additions when ADUs are created by
46 Addition to a Primary Dwelling Unit
- 47 4. Increase Maximum Size as Gross Floor Area (GFA)
- 48 5. Increase Maximum Size as Percentage of Primary Dwelling Unit (GFA)
- 49 6. Modify Levels of Discretion for Changes to Development Standards
- 50 7. Modify Findings for Changes to Development Standards
- 51 8. Consider Special Provisions to Demolition and Replacement of Accessory Buildings

52 Motion/Second/Carried (PP/RK) to open Public Hearing on amendments to BMC Chapter
53 23D.10. Ayes: Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent, Wrenn, Pinto.
54 Noes: None. Abstain: None. Absent: None. (9-0-0-0)

55 Testimony was received by 8 members of the public.

56 Motion/Second/Carried (PP/GP) to close Public Hearing on amendments to BMC Chapter
57 23D.10. Ayes: Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent, Wrenn, Pinto.
58 Noes: None. Abstain: None. Absent: None. (9-0-0-0)

59 Motion/Second/Carried (GP/PP) to recommend to the Council amendments to ADU
60 ordinance that the Planning Commission voted on from the October 4th and November 15th
61 meetings. Ayes: Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent, Wrenn, Pinto.
62 Noes: None. Abstain: None. Absent: None. (9-0-0-0)

63 The Commission discussed the amendments to the development standards for ADUs listed
64 above. The Commission expressed concern about setting a Maximum Height of 14' for the
65 ADUs, without allowing for an option for an Administrative Use Permit (AUP) to allow taller
66 ADUs. Thus, the Commission voted to set the Maximum Height at 14', but to allow a
67 Maximum Height of 18' with an AUP. The Commission agreed with the staff's
68 recommendation for allowing the Average Height calculation for projects in the Hillside
69 Overlay with an AUP, and to align the heights with their decision about Maximum Heights,
70 Average Height of 18' in the Hillside Overlay would require an additional AUP. The PC
71 agreed to use the Districts' development standards for height on Residential Additions when
72 ADUs are created by an addition to the primary dwelling unit. In addition, the PC agreed to
73 increase the maximum Gross Floor Area (GFA) size to 850 sq. ft. and remove the maximum
74 size as a percentage of the primary dwelling unit. The Commission also discussed to not
75 allow projects to exceed the GFA with an AUP. The PC discussed the Findings section and
76 decided to recommend removing the following language from 23C.24.070.B: "is not
77 otherwise feasible because of unusual lot and/or building configurations that limit access,
78 affect constructability, or otherwise present unique hardships, and that the Accessory
79 Dwelling Unit...". Staff mentioned that considerations of special provisions to demolition and
80 replacement of accessory buildings will be brought back at a later Planning Commission
81 date. The Planning Commission made the following motions:

82 Motion/Second/Carried (GP/PP) to recommend to Council that a Maximum Height of 14' for
83 ADUs and allow an Administrative Use Permit (AUP) up to 18' Maximum Height. In addition,
84 recommend removing language from 23C.23.070.B: "is not otherwise feasible because of
85 unusual lot and/or building configurations that limit access, affect constructability, or
86 otherwise present unique hardships, and that the Accessory Dwelling Unit...". Ayes:
87 Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent, Wrenn, Pinto. Noes: None.
88 Abstain: None. Absent: None. (9-0-0-0)

89 Motion/Second/Carried (GP/CS) to recommend to Council allowing the Average Height
90 calculation in Hillside Overlay with an AUP and to allow Average Height of 18' with an
91 additional AUP. Ayes: Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent, Wrenn,
92 Pinto. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

93 Motion/Second/Carried (GP/CS) to recommend to Council to use District Standards for
94 Height of Residential Additions when ADUs are created by Addition to a Primary Dwelling
95 Unit. Ayes: Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent, Wrenn, Pinto. Noes:
96 None. Abstain: None. Absent: None. (9-0-0-0)

97 Motion/Second/Carried (RW/CS) to recommend to Council to increase the maximum Gross
98 Floor Area (GFA) to 850 square feet and remove the maximum size as a percentage of the
99 Primary Dwelling Unit. Ayes: Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent,
100 Wrenn, Pinto. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

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Motion/Second/Carried (GP/JV) to recommend to Council to not allow an AUP to increase GFA. Ayes: Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent, Wrenn, Pinto. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

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Motion/Second/Carried (GP/RK) to forward the above recommendations to Council. Ayes: Poschman, Beach, Martinot, Schildt, Kapla, Fong, Vincent, Wrenn, Pinto. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

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Public Comment: 8 speakers.

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The meeting was adjourned at 8:49 pm

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Commissioners in attendance: 9 of 9

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Members in the public in attendance: 21

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Public Speakers: 8

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Length of the meeting: 1 hour and 44 minutes