

**THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 PM, OCTOBER 23, 2018 AT CITY HALL BY CHAIR KAPELANSKI.**

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*The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city's government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city's YouTube channel: <https://www.youtube.com/user/cityofberkeley>.*

**PRESENT:** Mark Richardson                      Martin Smith                      Ann Shadle  
                 Michele Buckler                      Greg Patterson                      Tim Murad  
                 Kristen Kapelanski                      Lisa Kempner

**ABSENT:** Matt Trotto

**ALSO PRESENT:** Ross Gavin, City Council Liaison  
                         Tim McLean, Community Development Director  
                         Vivian Carmody, DDA Director  
                         Several members of the public

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**APPROVAL OF AGENDA**

It was moved by Commissioner Murad to approve the agenda as written and supported by Commissioner Buckler.

AYES: Kempner, Murad, Patterson, Richardson, Shadle, Smith, Buckler, Kapelanski

NAYS: None

ABSENT: Trotto

**Motion Carried.**

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**APPROVAL OF MINUTES**

It was moved by Commissioner Richardson to approve minutes from September 25, 2018 and supported by Commissioner Patterson.

AYES: Murad, Patterson, Richardson, Shadle, Smith, Buckler, Kempner, Kapelanski

NAYS: None

ABSENT: Trotto

**Motion Carried.**

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**COMMUNICATIONS**

None

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**CITIZEN COMMENTS**

None

**1. PUBLIC PARTICIPATION PLAN: DRAFT #3**

Community Development Director McLean discussed revisions to the plan. Mr. McLean also pointed out that there will be an extended public comment period for the proposed plan. Comments and feedback may be left in the online survey. Links to the survey are posted on the City website and City Facebook page. The comment period will end November 9, 2018 at 5:00PM.

Commissioner Richardson stated that he felt that necessary revisions were addressed in this draft.

Commissioner Buckler agrees with the comments made by Mr. Richardson. Ms. Buckler stated that this draft has enough specificity and balance to allow for meaningful participation.

Commissioner Murad asked if the photos in the document can be larger and easier to read.

Mr. McLean responded that he would work on making the photos easier to see.

Chair Kapelanski pointed out a few typos in the draft.

**CITIZEN COMMENTS**

Kurt Hite, Robina: Asked about clarifying postponements in the PUD flowchart.

Sue Citraro, Sunnyknoll: Stated she could not find links to the survey.

Dean Smith, Larkmoor: Stated that there are multiple channels for citizen input in the draft plan. Mr. Smith, using the example of input on social media, asked how those comments would get to the Planning Commission. Mr. Smith also asked about mechanisms to correct misinformation.

Vivian Carmody, DDA Director: asked if a Design Review Board flow chart could be included in the plan once it is established.

Chair Kapelanski stated that there were multiple notices for the online survey. Ms. Kapelanski also responded that language could be added to the Public Participation Plan urging residents to forward comments on social media to City staff through written or electronic communication if they would like those comments entered into the public record.

**2. EXTERIOR APPLIANCES ORDINANCE**

Community Development Director McLean briefly reviewed revisions that were made, based upon feedback from the previous meeting.

Commissioner Shadle stated that she didn't want to create a burden for existing appliances in side yards. Ms. Shadle asked about language for non-conformity.

Commissioner Patterson stated that it would be expensive to relocate exterior appliances to a rear yard in cases of future replacement.

Chair Kapelanski stated that a/c units are quieter than generators. Ms. Kapelanski also stated that lot sizes can make placement a challenge.

Commissioner Murad agreed that yard size can make placement difficult.

Chair Kapelanski stated that not permitting a/c units in a side yard could lead to a larger number of variance requests and unhappy residents.

Commissioner Buckler stated that she has an a/c unit in a rear yard and that it has not been a challenge or infringement. She stated that she can hear neighboring units inside her home.

Vice Chair Smith stated that language could be added to address existing appliances in side yards.

Commissioner Richardson stated that he is not in favor of placement of exterior appliances in a side yard.

Vice Chair asked about window a/c units.

Chair Kapelanski replied that those would not be considered exterior appliances.

Commissioner Buckler stated that there needs to be some type of standard for noise ordinance.

Vice Chair Smith stated that he favors industry standards for exterior appliances regarding noise.

Commissioner Kempner stated that she was not in favor of a standard "from the property line."

### **Citizen Comments**

Patti Curtis, Kenmore: Asked if front and side yards are defined in the ordinance. She also stated that generator noise tends to be consistent whereas a/c units tend to get louder.

Kurt Hite, Robina: In favor of language for existing appliances in side yards.

Dean Smith: Stated that as proposed the decibel standard would be impossible to enforce. Mr. Smith suggested deferring to manufacturer noise rating. He also stated that excessive noise is usually a sign of a product defect.

### **3. PROPOSED ORDINANCE/DESIGN REVIEW BOARD**

Community Development Director McLean briefly reviewed revisions that were made, based upon feedback from the previous meeting.

DDA Director Carmody stated that an overlay district simplifies the process.

Vice Chair Smith stated that the Design Review Advisory Board addressed many of his questions. Mr. Smith also referenced some inconsistent language in the revised draft. He also expressed concerns that this process could be an extra step for developers that could delay site plan approval.

Commissioner Kempner stated that the overlay would not give developers a choice.

Mr. McLean stated that there is existing language in the zoning ordinance for development that requires a full site plan review by the Planning Commission.

Commissioner Kempner addressed the topic of guidelines as opposed to items required by ordinance. She inquired as to how many inconsistencies exist between the zoning ordinance and design guidelines.

Commissioner Buckler asked if not having a set meeting schedule and having an “on demand” meeting could streamline the process.

DDA Director Carmody stated that timing to convene could be difficult.

Commissioner Buckler asked if this meeting could happen via conference call.

DDA Director Carmody responded that the Open Meetings Act would apply.

Commissioner Murad asked if a member of the Planning Commission should be on the Design Review Board.

Commissioner Kempner stated that she was uncomfortable with language that could override existing zoning.

Commissioner Shadle stated that an overlay district clarifies concerns from the first draft. Ms. Shadle suggested a non-voting liaison to the Design Review Board.

Commissioner Buckler asked about mechanisms to enforce what is approved.

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**LIAISON REPORTS**

Commissioner Patterson discussed Tail on the Train event for Parks & Rec.

Commissioner Murad discussed the upcoming State of the City event.

Commissioner Richardson discussed the City Manager and DPW Director as guest speakers for the Environmental Committee on energy efficiency..

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**STAFF/COMMISSIONER COMMENTS**

N/A

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**With no further business, the meeting was adjourned at 9:22PM.**

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