



Planning Commission

AGENDA

SPECIAL MEETING OF THE PLANNING COMMISSION

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Wednesday, January 20, 2021

7:00 PM

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Planning Commission (PC) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID19 virus, there will not be a physical meeting location available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://zoom.us/j/94802421193>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1 669 900 6833** and enter Meeting ID: **948 0242 1193**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair. To unmute/mute, press *6.

Please be mindful that the video conference and teleconference will be recorded. All rules of procedure and decorum that apply for in-person Planning Commission meetings apply for Planning Commission meetings conducted by teleconference or videoconference.

See **"MEETING PROCEDURES"** below.

All written materials identified on this agenda are available on the Planning Commission webpage:https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Planning_Commission_Homepage.aspx

PRELIMINARY MATTERS

- 1. Roll Call:** **Wiblin, Brad**, appointed by Councilmember Kesarwani, District 1
Vincent, Jeff, appointed by Councilmember Taplin, District 2
Schildt, Christine, appointed by Councilmember Bartlett, District 3
Lacey, Mary Kay, Vice Chair, appointed by Councilmember Harrison, District 4
Beach, Benjamin, appointed by Councilmember Hahn, District 5
Kapla, Robb, Chair, appointed by Councilmember Wengraf, District 6

Krpata, Shane, appointed by Councilmember Robinson, District 7
Hauser, Savlan, appointed by Councilmember Droste, District 8
Ghosh, Barnali, appointed by Mayor Arreguin

2. Welcome and Introductions

3. Order of Agenda: The Commission may rearrange the agenda or place items on the Consent Calendar.

4. Establish Ground Rules & Participation

5. Public Comment: Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See “Public Testimony Guidelines” below)

AGENDA ITEMS: All agenda items are for discussion and possible action. Public Hearing items require hearing prior to Commission action.

- | | |
|---|---|
| 6. Discussion
Recommendation:
Written Materials:
Presentation | Presentation from Community Group
<i>Receive presentation or opening comments from community group.</i>
N/A
N/A |
| 7. Discussion:

Recommendation:
Written Materials:
Presentation | Presentation on Partnership for the Bay’s Future (PBF) & Berkeley’s Initiatives
<i>Receive presentation on Berkeley’s work related to the PBF grant.</i>
N/A
N/A |
| 8. Action:
Recommendation:

Written Materials:
Presentation: | Gentrification and Displacement Referral
<i>Discuss desired outcomes for referral and subcommittee and invite members of the public to provide feedback in order to help Planning Commission make a recommendation to City Council.</i>
<i>Attached</i>
N/A |
| 9. Action:
Recommendation:
Written Materials:
Presentation: | Approval of Draft Minutes from the meeting on January 6, 2021.
<i>Review, amend, and approve Draft Minutes from January 6, 2021.</i>
<i>Attached</i>
N/A |

ADDITIONAL AGENDA ITEMS: In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon Commissioner request.

Information Items:

- None

Communications:

- None

Late Communications: (Received after the packet deadline):

- Supplemental Packet One – received by noon two days before the meeting
- Supplemental Packet Two – received by 5pm the day before the meeting
- Supplemental Packet Three – received after 5pm the day before the meeting

ADJOURNMENT

****** MEETING PROCEDURES ******

Public Testimony Guidelines:

All persons are welcome to attend the virtual meeting and will be given an opportunity to address the Commission. Speakers are customarily allotted up to three minutes each. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.

Procedures for Correspondence to the Commissioners:

All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Commission may limit the time granted to each speaker.

Written comments must be directed to the Planning Commission Secretary at the Land Use Planning Division (Attn: Planning Commission Secretary), 1947 Center Street, Second Floor, Berkeley CA 94704, or via e-mail to: apearson@cityofberkeley.info. All materials will be made available via the Planning Commission agenda page online at this address: <https://www.cityofberkeley.info/PC/>.

Correspondence received by **12 noon, nine days** before this public meeting, will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by **12 noon two days** before this public meeting, will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication and emailed to Commissioners one day before the public meeting.

Note: It will not be possible to submit written comments at the meeting.

Communications are Public Records: Communications to Berkeley boards, commissions, or committees are public records and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record.** If you do not want

your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary to the relevant board, commission, or committee for further information.

Communication Access: To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice), or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability.

Meeting Access: To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.

I hereby certify that the agenda for this regular meeting of the Planning Commission was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on **January 13, 2021**.

Alene Pearson
Planning Commission Secretary



Berkeley Challenge Grant for Anti-Displacement Policies

Anna Cash
Partnership for the Bay's Future Fellow, City of Berkeley

*Planning Commission & Housing Advisory Commission Concurrent Meeting
January 20, 2021*



Partnership for the Bay's Future

A collaborative effort, led by San Francisco Foundation with philanthropic support, to build a prosperous, inclusive, vibrant, and livable Bay Area.

Partnership for the Bay's Future (PBF) launched Challenge Grants to support jurisdictions in housing policies focused on tenant protections and preservation of affordable housing.



Challenge Grant

- (1) the jurisdiction pursuing protections and preservation policy changes
- (2) community organizing and engagement with a local Community Partner organization(s)
- (3) a mid-career fellow that provides capacity and technical assistance



Berkeley's Challenge Grant Policies

Addressing the erosion of people of color, especially African-Americans, with policies that establish:

- Priority for people with ties to Berkeley to get access to new affordable housing (preference policy, right to return/right to stay)
- Priority for tenants to buy the homes they live in when they are up for sale (TOPA)

Preference Policy / Right to Return

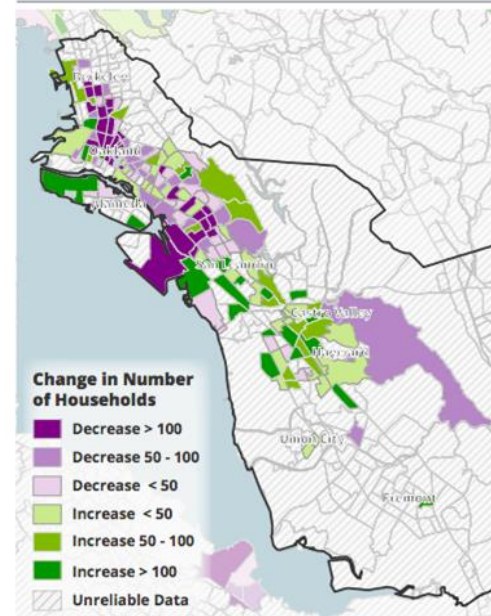


What is preference policy?

Once adopted by City Council, a housing preference policy will assist people with ties to Berkeley to receive priority for new, local low-income housing units.

Why a preference policy?

1. Right to return: Displacement, especially of Black residents
2. Right to stay: Housing insecurity & housing shortage
3. Black-led organizing



Urban Displacement Project, 2019

City survey: tinyurl.com/y3onu6c2
HBF survey: tinyurl.com/y638k5vr



Community Outreach

- Community Leaders Group
- Surveys - City survey & HBF Right to Stay/Right to Return survey
- HBF-Led Outreach



Policy Goals

- Responsive: give those with ties to Berkeley who have already been displaced a leg up in being able to return to their community.
- Proactive: support those who are struggling to stay in Berkeley, as displacement pressures mount, to be able to be stably housed in their community.
- Potentially: partially address previous injustices in housing discrimination or government-led displacement.

Tenant Opportunity to Purchase Act (TOPA)



What is TOPA?

TOPA is a proposed ordinance that would give Berkeley tenants the first opportunity to buy the rental property they live in, when the owner decides to sell.



What TOPA is NOT

TOPA does not:

- force owners to sell
- control or cap the selling price
- prevent owners from selling to family or heirs
- apply to owner-occupied single family homes, including those with ADUs

"It was a very seamless process.
I don't think a seller should be really
concerned so long as they get the price
they're looking for. I got more than I asked for."

-Seller of 4-plex rental property
under SF COPA policy in 2020

Why TOPA?

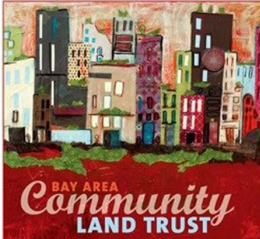
1. Bay Area housing crisis
2. Leveling the playing field
3. COVID-19



TOPA Working Group

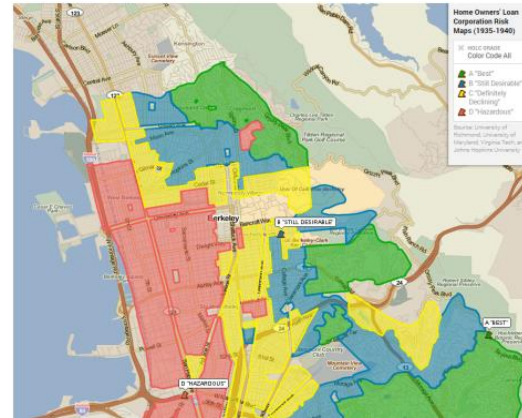


Illustration by Emma McIlveen Rose of 10th St. residents, who worked with NCLT to purchase their building.



TOPA Policy Goals

- Prevent displacement of low-income communities of color & marginalized tenants
- Preserve & create permanently affordable housing
- Create pathways to ownership for tenants
- Stabilize neighborhoods



TOPA's Impacts

- Tenants organized when the building came up for sale, working with Northern California Land Trust (NCLT)
- Owner sold to NCLT and now the tenants can stay in their homes
- DC: 99 cooperatives, 4400 units, coops on average are 75% people of color



Alexes Link, 26, has lived in an 8-unit building on 10th St. in Berkeley since she was 3

Thank you!

Anna Cash
acash@policylink.org
baysfuture.org



To: Housing Advisory Commission & Planning Commission
From: Alene Pearson, Planning Commission Secretary
Mike Uberti, Housing Advisory Commission Secretary
Date: January 13, 2021
Subject: Anti-Displacement Referral Response

On April 30, 2019, the City Council adopted the following referral for the Planning Commission: *Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley Residents of Color and African Americans.* The complete referral is available in your agenda packet following this memo.

This concurrent meeting of the Housing Advisory Commission and Planning Commission is an opportunity for both commissions to discuss the referral and any potential ideas and strategies that may inform a response. Each commission has the option to establish a subcommittee to further refine recommendations for the whole commission's consideration.

At its January 6, 2021 meeting, the Planning Commission voted to establish a Gentrification and Displacement subcommittee with commissioners Brad Wiblin, Chris Schlidt, and Shane Krpata appointed and Salvan Hauser as an alternate.

Questions for the Commissions to consider, either tonight or through subcommittees, may include:

- What will the format and logistics of the workshop include?
- How will experts and advisors on gentrification and displacement be identified?
- What resources will be necessary to complete the workshop?
- What is a reasonable timeline for hosting the workshop and addressing the other aspects of the referral?
- How will the commissions solicit expert and lived experience testimonies?
- What information and/or research would be helpful to inform the referral response?
- What would the charge of a subcommittee be?

Staff included additional resources intended to inform and guide the discussion. This includes reports developed by various community-led initiatives here in Berkeley. We recognize this is not a comprehensive list and there may be additional resources that can add value to the conversation and outcomes. Commissioners are encouraged to share these at the meeting for future discussion.

Gentrification/Displacement Resources

Berkeley African American/Black Experience & Community Reports

- A Community Approach for African American/Black Culturally Congruent Services, The African American/Black Professionals & Community Network (AABPCN)
<http://www.aabpcnetwork.com/uploads/8/6/9/0/8690936/aabpcnreportapril2011.pdf>
- The Status of African Americans, Low-income Families and Marginalized Communities in the City of Berkeley, Berkeley NAACP (Attached)

Gentrification and Displacement

- Rising Housing Costs and Re-Segregation in Alameda County, UC Berkeley Urban Displacement Project
https://www.urbandisplacement.org/sites/default/files/images/alameda_final.pdf
- Racial Segregation in the San Francisco Bay Area, UC Berkeley Othering and Belonging Institute
<https://belonging.berkeley.edu/segregationinthebay>
- UC Berkeley Othering and Belonging Institute Inclusiveness Index
<https://belonging.berkeley.edu/inclusivenessindex>

Rooted in Community

- Roots, Race, and Place Report by Othering and Belonging Institute
<https://belonging.berkeley.edu/rootsraceplace>
- Rooted in Home: Community-Based Alternatives to the Bay Area Housing
<https://urbanhabitat.org/sites/default/files/Rooted%20in%20Home.pdf>

Videos

- Gentrification Explained: <https://www.urbandisplacement.org/gentrification-explained>
- Pushed Out: Displacement Today and Lasting Impacts: <https://www.urbandisplacement.org/pushedout>
- Redlining and Gentrification: <https://www.urbandisplacement.org/redlining>

COVID-19 & Housing Insecurity

- Expiring eviction moratoriums and COVID-19 incidence and mortality
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576
- Pandemic Housing Policy: Examining the Relationship Among Eviction, Housing Instability, Health Inequity, and COVID-19 Transmission
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3736457



Berkeley Branch NAACP
P.O. Box 613
Berkeley, CA, 94701

August 27, 2013

Dear Peace and Justice Commissioners,

The Berkeley NAACP Branch, ACLU Berkeley North Eastbay, African American/Black Professionals and Community Network, Coalition for a Safe Berkeley, SEIU 1021 Berkeley Maintenance Chapter and the City of Berkeley Peace and Justice Commission hosted a Town Hall Meeting in July of 2013.

The purpose of the Town Hall Meeting was to address inequities, disparities and discrimination in the areas of Employment, Education, Housing, Health Care, Mental Health and Criminal Justice in the City of Berkeley. We would like to elicit your support in eliminating inequities, disparities and discrimination, especially as they relate to African Americans, low-income families and other marginalized communities in the City of Berkeley.

Attached is the Town Hall Meeting summary report with recommendations (the report summary also includes information from complaints that the Berkeley NAACP received.) We are requesting the Peace and Justice Commission to review the report, in particular the Employment and Educational sections and develop *Action Items* that can be put forth to the Berkeley City Council and Berkeley Unified School District that will be executed and result in resolutions being passed by both entities.

The Berkeley NAACP looks forward to working with the Peace and Justice Commission on this worthwhile endeavor.

Sincerely,

Mansour Id-Deen,
President, Berkeley NAACP Branch
BerkeleyNAACP@gmail.com
(510) 206-2129

Cc:
Mayor Bates; Berkeley City Council Members; Berkeley City Commissions; Berkeley Unified School District Superintendent and School Board Directors; Supervisor Keith Carson; Loni Hancock; Nancy Skinner; Congressperson Barbara Lee and Alice Huffman

Berkeley NAACP Fighting for Civil & Human Rights for All!

- 1) "The Status of African Americans, Low-income Families and Marginalized Communities in the City of Berkeley"

“The Status of African Americans, Low-income Families and Marginalized Communities in the City of Berkeley”



TOWN HALL MEETING SUMMARY AND RECOMMENDATIONS

The City of Berkeley's historical reputation is one of diversity, inclusion, and free speech. In fact, the City's logo depicts an array of colorful human faces, as it pledges of diversity and inclusion within its borders. The City of Berkeley is a *Sanctuary City* providing safety, shelter and rest to all who enter into its boundaries. Therefore it is imperative that African Americans, Low-income Families and other Marginalized Communities continue to be an integral part of this great City. (*Town Hall Press Release*)

Members of the Berkeley NAACP Branch, ACLU Berkeley North Eastbay, African American/Black Professionals and Community Network, Coalition for a Safe Berkeley, SEIU 1021 Berkeley Maintenance Chapter and the City of Berkeley Peace and Justice Commission hosted a Town Hall Meeting on Saturday, July 13, 2013 at the South Berkeley Library. The purpose of the Town Hall Meeting was to address inequities, disparities and discrimination in the areas of Employment, Education, Housing, Health Care, Mental Health, and Criminal Justice in the City of Berkeley.

At the Town Hall Meeting we heard from Berkeley residents, city workers, commissioners, council members and other political figures. The participants agreed that there are significant problems in the City of Berkeley in relationship to inequities, disparities and discrimination in the areas of employment, education, housing, health care, mental health, and criminal justice as they relate to African Americans, Low-income Families and Marginalized Communities in the City of Berkeley.

For the most part, people are unaware that numerous African Americans employed by the City of Berkeley have lodged discrimination complaints; the privatization of public housing has displaced African Americans and low-income families from their homes in Berkeley; Berkeley Unified School District has one of the largest achievement gaps between Black and Brown students and White students in the state; Berkeley's African American/Black population has declined from over 30% of the city's population to less than 8%; African Americans have the poorest health outcomes in Berkeley; most mental health services are not provided in a culturally responsive manner; and racial profiling of African American young men is an escalating problem in Berkeley.

The Berkeley NAACP has received many complaints from African American city workers, low-income and marginalized residents regarding discrimination within the past two years. Throughout this period we attempted to collaborate with various city entities and individuals, including the City Manager and Deputy City Manager, Berkeley Unified School District Board members and Berkeley's Police Chief. The Berkeley NAACP feels that there is unwillingness by some in positions of power to address the numerous concerns that were brought forth to the City of Berkeley. Therefore, in order to shed light on these issues, the Berkeley NAACP collaborated with other community partners and hosted this Town Hall Meeting.

The Town Hall Meeting provided the opportunity for those experiencing perceived discrimination, inequities, disparities and injustices a safe place to discuss these issues and provide suggestions and recommendations for solutions to the problems identified. The goal of the Berkeley NAACP is to assist with the elimination of

Berkeley NAACP Fighting for Civil & Human Rights for All!

*Quotes taken from the *Inside Bay Area/Oakland Tribune* newspaper article - Berkeley NAACP focuses on discrimination, July 17, 2013

2) "The Status of African Americans, Low-income Families and Marginalized Communities in the City of Berkeley"

discrimination in education, law enforcement, health care, mental health, housing and employment in the City of Berkeley.

Employment

City Manager Christine Daniel was present for the four-hour meeting, as was Police Capt. Cynthia Harris. Daniel told this newspaper she was not prepared to comment on questions raised about city employment practices, other than to say the city continues to meet with SEIU on labor issues.
* (City of Berkeley)

Numerous employees from different City departments met with the Berkeley NAACP and lodged complaints concerning what they perceived to be discriminatory employment practices by the City of Berkeley. Most of the complaints came from employees that work or worked in three departments: Health, Housing and Community Services; Parks, Recreation and Waterfront and Public Works (Zero Waste.) There were complaints from a few other departments as well.

The complaints alleged unfair hiring and promotional practices, favoritism, cronyism and unfair treatment of African Americans within the City of Berkeley. The city was accused of manipulating practices and protocols for hiring, firing, promotional and job reclassification processes in order to put friends and individuals of their selection in various city positions. There are other city employees who are afraid to speak out, because they are fearful of retaliation, such as losing their jobs, being demoted, having their work hours cut, being reduced to part-time status and/or not being able to obtain promotional opportunities.

Some city staff who have spoken up and/or are perceived to ask too many questions about divisional, departmental and/or city issues reported that they are ignored and/or they have been retaliated against in various ways, such as job relocation, demotion, isolation, being left out of the information loop, cuts to program budgets, denied office equipment, write ups, receiving bad evaluations, having their work hours cut, not being granted overtime and even being terminated.

The *Glass Ceiling* is still a problem for African Americans in their professional careers, including in the City of Berkeley. There are few African Americans in Senior Management positions in the City of Berkeley, BUSD and community-based agencies. Deserving Black staff members are constantly over-looked for promotions and upward mobility on the job. It was reported that within the past year more than eight senior management positions within the City went to White employees that were pre-selected for the positions.

Concerns were also expressed about the lack of Black men in management and/or supervisory roles in some city departments and divisions. The hiring of most Black employees, especially in senior management and mid-level management positions in city government are usually as replacements for African Americans that have left the City of Berkeley employment; not resulting in an increase of African American employees.

High unemployment rates for African Americans in Berkeley, especially among Black males, are also a major concern that was expressed at the Town Hall Meeting. This includes black professionals, youth, unemployed and underemployed individuals and blue-collar workers. It was stated that Black construction workers are noticeably missing from construction sites throughout the City of Berkeley. And, given the imminent release of a massive number of incarcerated individuals back into society and the job market, it is essential that employment solutions are developed and fair employment practices be upheld in the City of Berkeley.

Berkeley NAACP Fighting for Civil & Human Rights for All!

*Quotes taken from the *Inside Bay Area/Oakland Tribune* newspaper article - Berkeley NAACP focuses on discrimination, July 17, 2013

- 3) "The Status of African Americans, Low-income Families and Marginalized Communities in the City of Berkeley"

Priority Recommendations:

- Put in place a City Council Oversight Body to monitor unfair employment hiring, promotional practices, favoritism, cronyism and unfair treatment of city employees
- Monitor the increased use of "Contracting Out" (Outsourcing) of city employee jobs
- Institute "Mandatory Cultural Competency" training for all City staff – 16 hours per year
- Provide for oversight and accountability of the City of Berkeley Human Resource Department by City Council
- Require "Equal Work for Equal Pay" (Salaries based on actual job duties not City classifications)
- Provide long-time hourly city employees with full-time benefited positions; especially in the Park, Recreation and Waterfront Department
- Put in place an Oversight Committee for the City of Berkeley Labor MOU process
- Employ the 360 Performance Evaluation process for all city staff, including Department Directors, Deputy Directors, Managers and Supervisors
- Institute an annual evaluation for the City Manager by the Berkeley City Council
- Employ an external comprehensive city audit to review city staff personnel matters every three years.

Other Recommendations:

- Reinstate all part-time employees to full-time status (some positions were downgraded to half-time due to budgetary issues; however, numerous full-time staff have been hired)
- Use the City of Berkeley First Source Compliance Agreements and Contract Monitoring
- Provide the Labor Commission with some authority to address fair and equal employment practices of city personnel
- Increase city staff diversity at the Senior Management level throughout the city
- Offer incentives in addition to punitive measures to encourage contractors to hire low-income South Berkeley residents
- Improve definitions of city job classifications (most are too vague)
- Increase the salary for living wages
- Provide more funding for employment and training programs and services for low-income residents
- Direct the City to increase its hiring and/or contracting with firms and agencies that have a diverse workforce
- Increase construction jobs for African Americans on Roads, Streets and Buildings
- Implement annual training for *All* City Senior Management staff for Employee Relations and Effective Team Building.

Housing

"We're losing families, low income people, working people," Arreguin said. "Rent continues to increase. It's almost virtually impossible if you're a working class person to buy a single-family home in Berkeley. Unless we stand up and fight for affordable housing, and we fight to protect our diversity, what we love about our community may be gone."

* (City of Berkeley Councilperson)

The City of Berkeley is a very unique place to live, and for more than fifty years African Americans and low-income people were able to call Berkeley home; however, that is changing. The City of Berkeley has an international reputation and longstanding dedication to diversity, inclusion and equality. However, there is a massive push-out of African Americans and low-income families happening in the city. The declining numbers of African Americans and low-income residents in Berkeley should be of concern to the Berkeley City Council and other political figures that represent this great city.

Berkeley NAACP Fighting for Civil & Human Rights for All!

*Quotes taken from the *Inside Bay Area/Oakland Tribune* newspaper article - Berkeley NAACP focuses on discrimination, July 17, 2013

4) "The Status of African Americans, Low-income Families
and Marginalized Communities in the City of Berkeley"

The Berkeley Branch of the NAACP has been working on a number of issues affecting residents in the city, including the privatization of public housing and the lack of affordable housing. Numerous African American and low-income Berkeley residents have voiced concerns about their inability to continue to live in the City of Berkeley, due to the lack of affordable housing. Therefore, securing and maintaining housing in Berkeley has become increasingly problematic for African Americans and low-income families and individuals. Affordable housing and the issue of Berkeley Housing Authority's (BHA) privatization of public housing were among the topics addressed at the Town Hall Meeting.

Concerns were expressed at the Town Hall Meeting and to the Berkeley NAACP about the lack of assistance and support that residents are receiving from the Berkeley Housing Authority. Some families that are being displaced by the privatization of Berkeley Public Housing discussed the lack of support they are getting from BHA. The Berkeley NAACP was informed that the housing assistance that was promised to BHA residents who are being displaced from their homes, including relocation assistance and financial compensation was not provided to all tenants and in the process many residents were constantly disrespected and treated very badly. Although some residents attempted to stand up for themselves, it was stated that people were harassed and intimidated by BHA representatives. It was reported to the Berkeley NAACP that some tenants moved out of fear; others were evicted unfairly, and some of the tenants that are left live in fear of eviction every day.

In most communities there is resistance to subsidized affordable housing and providing assistance to low-income citizens, especially African Americans. However, if policies are not implemented to maintain the current level of diversity of Berkeley residents, then the city will soon resemble cities like Piedmont and counties like Marin, which lacks real diversity of residents, especially African Americans.

Other urban cities, such as San Francisco are putting policies and projects in place to increase affordable housing in order to enhance the diversity of their residents. If the City of Berkeley wants to maintain its inclusion of African Americans and low-income residents, it too has to create policies, projects and programs that will add affordable housing stock in the City of Berkeley.

Priority Recommendations:

- Demolition Ordinance will include the replacement of all affordable housing that is demolished
- Obtain more oversight and accountability for Berkeley Housing Authority
- Pass new regulations and/or incentivize housing developers to offer more housing at below-market rates
- Increase development of affordable housing in Berkeley by putting policies, projects and programs in place
- Implement the adopted 1990 South Berkeley Area Plan.

Other Recommendations:

- Increase the number of African American and low-income residents on the Berkeley Rent Board, Housing Advisory Commission (HAC), Affordable Housing Associates (AHA), and California Housing and Land Trust and Zoning Adjustment Board
- Increase investigations into fair housing complaints in Berkeley, especially as it relates to African Americans and other marginalized groups
- Develop a Community Housing Advisory Group (consisting of BHA tenants and low-income residents)
- City Council members should host a Housing Workshop with a focus on Affordable Housing
- Reestablish the section 8 home ownership program for low-income families living in Berkeley
- Increase incentives for landlords that accept Section 8 Vouchers.

- 5) "The Status of African Americans, Low-income Families and Marginalized Communities in the City of Berkeley"

Education

School district data shows, for example, that on standardized test in language arts, just 23 percent of African Americans were proficient, while 84 percent of whites were proficient. Daniels said that schools are addressing the problem and the gap is narrowing, but it won't close by the district's target date of 2020. * (BUSD School Board Director)

The "Achievement GAP" is the disparity of educational performances among groups of students that are identified by gender, race, ethnicity, disability, language and socioeconomics. Berkeley Unified School District (BUSD) is not the only school district in the nation that is struggling to address educational achievement gaps among their different student populations. However, the achievement gap between Black and White students has existed in the district for a long time and at this point it is unacceptable and must be fixed.

It is easy to label children as "At Risk" and then make them responsible for their own academic failure and not that of an educational system that has been unwilling to invest in the necessary methods, techniques and funding that are required to address the numerous problems related to poor educational outcomes for African American students in BUSD. Special Education classes are where most African American children that present with different learning styles are "Warehoused." The report *Black Boys and Special Education – Change Is Needed!*, states that "special education in this country has reached a state of national crisis. This \$60 billion industry is impacting the lives of many American children – disproportionately black boys."

Black parents and community members expressed concerns about the Achievement GAP problem at the Town Hall Meeting. The NAACP has also received complaints from parents and family members about the problems they face with student registration, BUSD's extremely low acceptance of Inter-District Permits for African American students and high rates of suspensions and expulsions of Black students in the school district, especially males. Additionally, African American students are involuntarily transferred to other educational settings that lack sufficient support and assistance with their educational goals and they are also abruptly dis-enrolled.

BUSD also lacks diversity among its teachers; there are an inadequate number of African American teachers employed at BUSD. It was stated that the school district hires African American teachers, but they don't stay around long. This comment should be a red flag of sorts, because if educated Black professionals find it hard to flourish in Berkeley Unified School District, it only makes sense that African American students would find it difficult to successfully navigate the BUSD educational system too.

Priority Recommendations:

- Reform BUSD disciplinary procedures, including expulsions and suspensions, especially as they relate to African American males
- Develop clear registration guidelines and protocols and eliminate the practice of home visits as part of BUSD student registration process
- Increase funding to implement *Specialized* culturally effective curriculum and learning interventions and tools for Black students, in order to address educational deficiencies
- Increase support and funding for homeless students and families in BUSD
- Hire and maintain more African American teachers and staff; especially males
- Institute "Mandatory Cultural Competency" training for all district staff – 12 hours per year.

Other Recommendations:

- Hire a consultant to assist with the development of a "Welcoming Environment" for students, parents and staff of color, especially African Americans

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*Quotes taken from the *Inside Bay Area/Oakland Tribune* newspaper article - Berkeley NAACP focuses on discrimination, July 17, 2013

6) "The Status of African Americans, Low-income Families and Marginalized Communities in the City of Berkeley"

- Employ more full-time permanent Parent Liaisons positions within BUSD and increase funding for the program
- Work with UC Berkeley Black Student Union in order to implement a Mentoring program
- Develop "Safe Black Spaces" for students and teachers
- Increase quality academic student support and tutoring for African Americans
- Develop effective culturally congruent academic programs for African American preschool children
- Create an African American Parent Educational Oversight Committee.
- Create an annual public report with disenrollment and inter-district permit status of all students.

Public Health and Mental Health

Dr. Vicki Alexander, who worked in the city's health department for more than a dozen years, addressed the high rate of low birth-weight babies among Berkeley's black population, arguing that health issues and education levels are only part of the problem. She placed much of the blame squarely "on stress related to racism, stress walking down the street as a black person."

** (Retired City Employee)*

It is reported that African Americans live approximately 10 years less than other racial groups. Health inequities and disparities have been caused by institutionalized racism in every system in American life. The City of Berkeley's 2007, Health Status report states that African Americans have far higher rates of illness and deaths from hypertension, heart disease, and stroke, compared to White residents of Berkeley.

There is research to support that Black mental health consumers are over represented in the mental health system and they receive inappropriate treatment, such as being commonly misdiagnosed, prescribed unsuitable medications for their ethnic composition and they remain in treatment for lengthy durations. Inappropriate mental health services are mainly due to the lack of inclusion of best practices and community defined approaches for African Americans and the employment of licensed African American mental health professions. Providing culturally responsive services to all mental health clients in the City of Berkeley is essential in order to improve mental health outcomes for consumers, family members, and communities.

In order to eliminate health inequities and disparities and notably decrease poor health outcomes for Black people, adequate funding must be established to serve the community in ways that provide quality services. A number of programs and services are not funded appropriately in order to provide the service levels that are required to effectively address health and mental health inequities and disparities in the Black community in the City of Berkeley. The Affordable Health Care Act is a funding resource that can be used to address health and mental health inequities and disparities. However, getting the best results from the Affordable Health Care Act will require having seasoned senior management professionals in place who know what they are doing in the health and mental health fields.

The NAACP received complaints that cited some serious alleged discriminatory practices within the Health Housing and Community Services Department, into which the divisions of Mental Health, Public Health and Environmental Health were merged in order to save money. Some staff members believe that the merger of the Health Department into the Housing Department (HHCS) was a mistake. It is believed that Health and Mental Health focuses on the quality of people's lives, and Housing mostly focuses on paper and money. Some staff persons have stated that the difference in philosophy and ideology for service delivery has impacted the quality of health and mental health services for Berkeley residents.

Some city staff at the Town Hall Meeting discussed their fears and concerns about being employed in a work environment that is hierarchical in nature (Top-Down Structure), where it is common for staff to be

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micromanaged, disrespected and intimidated by supervisors. Employees stated that they are not included in departmental and divisional decisions and only a small handful of selected management staff and a few other employees that are shown favoritism are involved in decision-making. Staff input is mostly frowned upon by Management and Directors, especially in the HHCS Department, except in the area of Employee Safety, where a *Suggestion Box* is available for staff to provide input.

A lot of staff members, especially African Americans, believe they are not respected or treated like professionals in the Health, Housing and Community Services Department. Some employees have complained that there has not been an all-staff divisional meeting to discuss transformation and changes in the Mental Health Division; therefore, staff members are left to listen to rumors about their jobs. Management personnel in the Divisions and the Health, Housing and Community Services Department share very little information with staff. Overcrowding of staff at clinic sites is another tactic that is being used to create dissension among staff members in the Mental Health Division and this has led to the loss of service space for clients and family members at clinics.

The Berkeley NAACP was informed by city staff members that they are usually ignored, emails go unanswered, phone calls are not returned by some senior management staff in the Health Housing and Community Services Department and there is NO transparency whatsoever in the HHCS Department, despite the fact that the Mental Health Services Act (MHSA) calls for transparency in all areas of mental health services. Some staff members feel they are not allowed to freely provide input or suggestions or make comments about the divisional and/or departmental work. Some stated that prior to the past several years all staff was viewed as an integral part of the decision-making process within the Health Services Department.

We were informed that the Public Health Division used to provide innovative and cutting-edge services for African Americans and low-income families in the City of Berkeley. The division worked from a social justice framework and promoted culturally congruent programs and services, such as the Community Action Team (CAT) and there was a real investment in the Black Infant Health Program. However, due to new leadership and funding concerns, the focus to improve the health and welfare of African Americans and low-income families seems to have taken a back seat, especially given the appalling health outcomes for African Americans in the city.

Another problem that was identified at the Town Hall Meeting and received in complaints to the Berkeley NAACP was in regard to the lack of appropriate leadership for Mental Health services in the City of Berkeley. Staff commented on the dismantling of the Mental Health Administration Office and the relocation of Administrative staff to clinic sites. Individuals stated that Berkeley Mental Health is the only mental health jurisdiction that does not have an Administrative Unit. The Mental Health Division has not had a Mental Health Manager for almost a year and a half, thereby leaving the direction of Mental Health services mostly in the hands of novices. The division lacks real diversity of staff, has very few professional people of color and has extremely limited language capacity, which impacts the quality of mental health services.

Because of these factors, some staff members of color are being overworked and required to perform work related duties and tasks for which other staff are being compensated at a higher rate of pay. And, in fact some of these same employees are required to work with some of the more severe clients and take on more difficult responsibilities and assignments for which they are being paid less than their counter-parts (usually a non person of color.) *Equal Work for Equal Pay* is a major problem that was cited by numerous city employees at the Town Hall Meeting and in complaints that were made to the Berkeley NAACP.

Due to a *Top Down Management* style that has been instituted in the city and the HHCS Department, some professional employees that were part of the Mental Health Administration and employed to assist with the transformation of Berkeley's Mental Health System of Care (per the Mental Health Service Act requirements)

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8) "The Status of African Americans, Low-income Families and Marginalized Communities in the City of Berkeley"

stated that their *Divisional Leadership Positions* have been diminished, thereby not fully being utilized to transform services for Berkeley Mental Health consumers, family members, staff and the community-at-large.

At the time of the city's decision to merge the Health Services Department with the Housing Department, it may have seemed to be the right thing to do. However, given the immediate future increase in the demand for health and mental health services, there is currently a need to restructure a separate Health Services Department with senior leadership from a polished and innovative health and/or mental health professional who is a visionary.

Priority Recommendations:

- Re-create a Health Services Department for Berkeley Mental Health, Public Health and Environmental Health Divisions with seasoned senior professional Mental Health and Public Health leadership and oversight
- Increase Mental Health Services Act funding and services for low-income residents in South and West Berkeley
- Implement a policy of non-Police involvement with Mental Health Services (BPD to have backup role for life-threatening matters)
- Secure annual funding of \$350,000 from Alta Bates Summit Medical Center for the operations of the Black Infant Health Program
- Implement the operations of the Mental Health Mobile Crisis Unit to operate 24 hours, 7 days a week
- Require annual all-Staff Divisional Meetings
- Hire more African American and Latino mental health professionals (Currently there are only three African Americans and one Latino licensed clinician employed at Berkeley Mental Health clinics.)

Other Recommendations:

- Implement culturally responsive services in the Mental and Public Health service delivery systems, using welcoming, respectful, practices and models that are designed to be culturally and ethnically congruent
- Permanently invest in a *Mental Health Crisis Support System* for Black youth and their families
- Develop accountability standards for place-based *Health Equity Work* in the African American community
- Develop mechanisms for on-going staff input at the Senior Management level in the HHCS Department
- Develop standards to address *Violence* as a mental health and public health condition
- Increase resources in order to eradicate violence; especially as it affects youth
- Create a Mental Health and Public Health oversight advisory committee comprised of African Americans, Low-income individuals and people from marginalized communities
- Mental Health and Health Commissions need to provide more Oversight to Mental and Public Health Divisions.

Criminal Justice

Id-Deen talked about racial profiling in Berkeley... "Three officers got out of the car," he said. "They approached the young man and he's looking at them, like, "What's going on?" Id-Deen said it brings to mind the killing of Oscar Grant and Trayvon Martin. "You have officers walking toward you -- you don't know what they want," he said. "You haven't done anything." The officers asked the young man for identification and where he was going. "He politely refused to give it to them and said he was waiting for the bus," Id-Deen said. The officers said they'd wait with him. At that point the young man walked away, Id-Deen said. *(President of the Berkeley NAACP)

Although illegal, "Racial Profiling" still very much exists in the United States, as evidenced by the recent case against the New York Police Department's "Stop and Frisk" program. Studies have shown that African

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9) "The Status of African Americans, Low-income Families
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American men are more likely to be racially profiled than other groups and they are more frequently stopped and searched by law enforcement. Profiling of individuals based solely upon their race, ethnicity, or national origin is illegal and yet it still occurs quite frequently in communities of color. Some Blacks are even profiled because of the way they are dressed. Most African Americans feel they are being treated like common criminals when they are racially profiled by the police, and African American residents in Berkeley have expressed these same sentiments.

The Berkeley NAACP has received numerous complaints from African Americans in regards to "*Racial Profiling*" and this issue was also discussed at the Town Hall Meeting. Some attribute this problem to "*Over Policing*" in South Berkeley and this tactic is being carried out by the Berkeley Police Department's *Drug Task Force (DTF)*. Use of the DTF and "*Over Policing*" has led to an increase in racial profiling of African Americans, especially young Black men in Berkeley.

Police Officers must have a "*Reasonable Suspicion*" that an individual they want to stop is armed or is a danger and they must be able to communicate why they believed the individual that they stopped was suspicious. Statistics indicate that African Americans are much more likely to be arrested and imprisoned than White Americans and in a majority of these cases the black people are innocent of the crime; however most are not fully afforded the opportunity to prove their innocence. Historical police brutality and racial profiling by police officers in the United States against African Americans, especially against African American males has led to *Mass Incarceration* (Black men are about five times more likely than white men to be incarcerated during their lifetime) and the *Death* of numerous African American men at the hands of the police.

Documented cases have proven that some White Police Officers have demonstrated their prejudice against African American males by stopping them on the street, pulling them over on state highways and roads for no reason and using excessive force. A lot of traffic stops that are made by Police Officers that involve African American men are made because they are driving expensive vehicles or because of the color of their skin. "*Driving While Black*" or "DWB" and "*Walking While Black*" "or "WWB" are major problems for African Americans in most places, including the City of Berkeley.

The presence of Berkeley Police Departments' Drug Task Force Officers driving around in dark cars and dressed in dark clothes (usually non-Black Officers) presents to most in the Black community as menacing, threatening and dangerous. The Black community-at-large feels "unsafe and threatened" by these Officers who are charged with protecting and improving the quality of their lives. Some African Americans even draw a correlation between these Berkeley Police Officers' (especially, Drug Task Force Officers) behaviors that are reminiscent of the Bull Connor era of the Deep South, given the actions that are exhibited towards many people in the Black community.

There is fear and mistrust of Berkeley Police Officers by many African Americans and other people of color that reside in the City of Berkeley and this should be alarming to those in positions of power within the city, because these are the very people that Berkeley Police Officers are sworn to serve and protect.

Priority Recommendations:

- Abolish the Berkeley Police Department's Drug Task Force (DTF)
- Stop unmarked police cars from making ordinary traffic stops
- Implement mandatory reporting of aggregated data, collection and analyzing of ALL police stops with information and demographics of person stopped (including race) – Annual public report to be made available
- Implement a policy of non-Police involvement with Mental Health Services (BPD to have backup role for life-threatening matters)
- End the use of the "Stop and Frisk" approach, especially in South Berkeley.

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10) "The Status of African Americans, Low-income Families and Marginalized Communities in the City of Berkeley"

Other Recommendations:

- Hire more African American and Latino Police Officers
- Implement Community Policing Model in South Berkeley
- Provide on-going mandatory cultural competency training for all Berkeley Police Department employees in order to address racism and racial profiling
- Institute "Mandatory Cultural Competency" training for all BPD staff – 16 hours per year
- Hold all Officers accountable and require them to operate according to constitutional standards of the law.

Conclusion

In the book *The New Jim Crow*, it states, "While many successful blacks from earlier generations remained aware of their unique status by virtue of the blatant nature of Jim Crow, contemporary African-American elites are increasingly far removed from visible signs of racial discrimination. On this score, rather than focusing on the "New Jim Crow" of mass incarceration, horrendous public schools, residential segregation and massive unemployment and gun violence that plague too many black communities, the focus becomes the easy target of individual behavior."
(Author, Michelle Alexander)

Superficial resolutions provide great sound bites, but seldom offer effective solutions that permanently address poverty, substandard education, affordable housing, high unemployment rates, and injustices in the criminal justice system and numerous other institutionalized inequities that primarily affect African Americans, low-income families and other marginalized communities in America and in the City of Berkeley.

The Berkeley NAACP is providing this summary report with recommendations that we believe will actually address some of the problems identified at the Town Hall Meeting and complaints received by the Berkeley NAACP. We believe Berkeley City Commissions such as Peace and Justice, Rent Stabilization, Mental Health, Health, Labor, Police Review and Homeless to name a few, have the ability to craft *Action Items* from the recommendations in this report and present them to the Berkeley City Council and Berkeley Unified School District Board of Directors in order to implement substantial changes in the lives of African Americans, Low-income Families and Marginalized communities in the City of Berkeley.

The Berkeley NAACP wants to work with the City of Berkeley, Berkeley Unified School District, community organizations and other public officials in order to eliminate inequities, disparities and injustices in the areas of employment, education, housing, mental health and health and law enforcement. Therefore, the Berkeley NAACP plans to work with City Commissions, residents and other stakeholders in order to ensure that the recommendations in this report are successfully implemented into City and District resolutions. We plan to host another Town Hall Meeting in December of 2013 in order to assess the progress of these recommendations. The Berkeley NAACP is committed to fighting for civil and human rights for all people.

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Planning Commission

1 **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**
2 **January 6, 2020**

3 The meeting was called to order at 7:02 p.m.

4 **Location:** Virtual meeting via Zoom

5 **1. ROLL CALL:**

6 **Commissioners Present:** Benjamin Beach, Barnali Ghosh, Savlan Hauser, Robb Kapla,
7 Shane Krpata, Mary Kay Lacey, Christine Schildt, Jeff Vincent, and Brad Wiblin.

8 **Commissioners Absent:** None.

9 **Staff Present:** Secretary Alene Pearson, Katrina Lapira, Jim Frank, and Jordan Klein.

10 **2. ORDER OF AGENDA:** No changes.

11 **3. PUBLIC COMMENT PERIOD:** 1

12 **4. PLANNING STAFF REPORT:**

- 13
14 • Welcome back! Happy New Year!

15 **Information Items:**

- 16 • None
17

18 **Communications:**

- 19 • None

20 **Late Communications:** *See agenda for links.*

- 21 • Supplemental Packet One
22 • Supplemental Packet Two
23 • Supplemental Packet Three

24 **5. CHAIR REPORT:**

- 25 • Thanks for everyone's professionalism!
26
27

28 **6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the
29 items below, additional matters may be reported at the meeting.

30

- 31 • None

32 **7. APPROVAL OF MINUTES:**

33 Motion/Second/Carried (Wiblin/Hauser) to approve the Planning Commission Meeting Minutes
34 from December 16, 2020.

35

36 Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.
37 Abstain: None. Absent: None. (9-0-0-0)

38

39 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-**

- 40 • January 20 – Special Concurrent Meeting with Housing Advisory Commission (HAC) to
41 discuss the Gentrification and Displacement Referral
42 • City Council (Special) – January 26 at 4pm - Parking Reform
43 • City Council – February 9 – Home Occupations
44 • Planning Commission - February 3
45 ○ Chair and Vice Chair Elections
46 ○ Arcades Public Hearing

47 **AGENDA ITEMS**

48 **9. Action: *Public Hearing – Tentative Tract Map #8573***

49 Staff reviewed the entitled, mixed-use project located at 2628 Shattuck, the provisions of the
50 proposed tentative tract map, and the findings required for denial of the tract map. Staff will
51 provide more general information about the inclusionary housing ordinance and
52 fee calculations at a later meeting.

53 Motion/Second/Carried (Vincent/ Krpata) to close the public hearing on the Tentative Tract
54 Map #8573 at 7:35pm.

55

56 Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.
57 Abstain: None. Absent: None. (9-0-0-0)

58

59 Motion/Second/Carried (Ghosh/ Wiblin) to recommend that the City Council approve the
60 Tentative Tract Map #8573, subject to the findings and conditions shown in Attachment 1 of
61 the corresponding staff report.

62

63 Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.
64 Abstain: None. Absent: None. (9-0-0-0)

65

66 **Public Comments: 2**

67

68 **10. Discussion: *Parking Reform Item***

69 The Commission and Staff discussed the upcoming Parking Reform recommendations to be
70 presented at the Special City Council meeting on January 26, 2021.

71 **Public Comments: 3**

72 **11. Action: *Work Plan Background and Subcommittee Formation***

73 Staff summarized the work conducted by the Planning Commission in 2020. Staff also reviewed
74 the existing Council referrals and policy projects to be addressed as part of the 2021 Planning
75 Commission Work Plan. The Commission appointed a subcommittee to develop the 2021 Work
76 Plan and corresponding City Council report.

77

78 Motion/Second/Carried (Krpata/ Lacey) to appoint Commissioners Beach, Krpata, Vincent,
79 Chair Kapla, and Hauser (Alternate) to a Work Plan Subcommittee.

80

81 Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.

82 Abstain: None. Absent: None (9-0-0-0)

83

84 **Public Comments: 3**

85

86 **12. Action: *Gentrification and Displacement Referral Background and Subcommittee***
87 ***Formation***

88 The Planning Commission and the Housing Action Committee will hold a joint meeting to
89 discuss the Gentrification and Displacement Referral on Wednesday, January 20. The
90 Commission appointed a subcommittee to focus on this project.

91

92 Motion/Second/Carried (Kapla/Wiblin) to appoint Commissioners Krpata, Schildt, Wiblin, and
93 Hauser (as Alternate) to form the Gentrification and Displacement Subcommittee.

94

95 Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.

96 Abstain: None. Absent: None (9-0-0-0)

97

98 **Public Comments: 1**

99

100 **13. Action: *2021 Nominations for February Election***

101 Commissioners put forward nominations for the Chair and Vice Chair election.

- 102 • Chair Nominees
103 ○ Chair Kapla
104 • Vice Chair Nominees
105 ○ Vice Chair Lacey
106 ○ Commissioner Krpata

107 Motion/Second/Carried (Vincent/ Wiblin) to adjourn the Planning Commission meeting at
108 10:08pm.

109 Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.
110 Abstain: None. Absent: None (9-0-0-0)
111
112

113 **Public Comments: 0**

114 **Members in the public in attendance: 11**

115 **Public Speakers: 5 speakers**

116 **Length of the meeting: 3 hours and 6 minutes**