



Planning Commission

## FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

March 1, 2023

The meeting was called to order at 7:10 p.m.

**Location:** South Berkeley Senior Center, 2939 Ellis Street, Berkeley, CA 94703

### 1. ROLL CALL:

**Commissioners Present:** Blaine Merker, Jeff Vincent, Chip Moore, Christina Oatfield, Elisa Mikiten, Emily Marthinsen, Alfred Twu, Savlan Hauser, and Barnali Ghosh.

**Commissioner Absent:** None.

**Staff Present:** Secretary Grace Wu, Clerk Zoe Covello, Justin Horner, Ashley James, Alene Pearson, Claudia Garcia, and Eleanor Hollander.

### 2. LAND ACKNOWLEDGEMENT.

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Chochen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

3. **ORDER OF AGENDA:** No changes.

4. **PUBLIC COMMENT PERIOD:** 1.

### 5. PLANNING STAFF REPORT:

- Highlight links to recent planning efforts under Information Items (below).

- On Tuesday, February 28<sup>th</sup>, the California Department of Housing and Community Development (HCD) found the City's 6<sup>th</sup> Cycle Housing Element to be in compliance with State Housing Element Law.
- On Tuesday, February 15<sup>th</sup> and Wednesday, February 16<sup>th</sup>, the City held community meetings regarding the developer proposals for the North Berkeley BART Station
- On Tuesday, February 14<sup>th</sup>, City Council approved and adopted new citywide affordable housing requirements.
- Reminder that the Dept. of Parks, Recreation, and Waterfront will be holding a Berkeley Marina Area Specific Plan work session on Tuesday, March 7<sup>th</sup> at 6pm.
- Acknowledgement of late communications and a Staff supplemental redlined document that shows the Golden Gate Audubon proposed amendment in relation to staff's proposal.

#### **Information Items:**

- *February 17, 2023* – Revised Adopted 2023-2031 Housing Element Update submitted to HCD. <https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/housing-element-update>
- *February 15 and 16, 2023* – North Berkeley BART Community Meetings. <https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/ashby-and-north-berkeley>
- *February 14, 2023* – City Council Meeting. Citywide Affordable Housing Requirements. <https://berkeleyca.gov/sites/default/files/documents/2023-02-14%20Item%2013a%20Citywide%20Affordable%20Housing.pdf>

#### **Communications:**

- General.

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

- Supplemental Packet One.

#### **6. CHAIR REPORT:**

- The Chair acknowledged how far the Planning Commission has come on some major initiatives from the Commission's Work Plan in the last year:
  - Increase of height in the MDR in Southside
  - Housing Element Update
  - Missing Middle
  - Affordable Housing Overlay
  - Adoption of BART Zoning
  - Revision of the Affordable Housing Mitigation Fee
  - Direction on Pacific Steel Casting Site

- Bird Safe Construction

Requested for an update from staff on the Housing Pipeline Report.

- Finally, the Chair acknowledged that in-person meetings inconvenience and exclude a group of people, and pledged to summarize the communications sent in by members of the public to elevate their voices with the testimony that is in the room.

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

- None.

**8. APPROVAL OF MINUTES:**

Motion/Second/Carried (Twu/Moore) to approve the Planning Commission Meeting Minutes from February 1, 2023.

Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**9. OTHER PLANNING RELATED EVENTS:**

- None.

**AGENDA ITEMS**

**10. Action: Elections for Chair and Vice Chair**

The Commission held elections for Chair and Vice Chair of the Planning Commission. Commissioner Hauser withdrew from running for Chair and Vice Chair and Commissioner Oatfield withdrew from running for Vice Chair.

Additional motions/seconds for Vice Chair:

1. (Hauser/Mikiten) to nominate Commissioner Ghosh.

Motion/Second/Failed (Oatfield/Moore) to reelect Chair Mikiten as Chair of the Planning Commission at 7:32pm.

Ayes: Moore, Oatfield, Mikiten. Noes: Merker, Vincent, Marthinsen, Twu, Hauser. Abstain: Ghosh. Absent: None. (3-5-1-0)

Motion/Second/Carried (Hauser/Merker) to elect Commissioner Vincent as Chair of the Planning Commission at 7:33pm.

Ayes: Merker, Vincent, Marthinsen, Twu, Hauser, Ghosh. Noes: None. Abstain: Moore, Oatfield, Mikiten. Absent: None. (6-0-3-0)

Motion/Second/Carried (Hauser/Mikiten) to elect Commissioner Ghosh as Vice Chair of the Planning Commission at 7:35pm.

Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**Public Comments: 0**

### **11. Public Hearing: Bird Safe Ordinance**

Associate Planner Justin Horner presented a draft ordinance for bird safe glass to the Planning Commission, a public hearing was held, the Commissioners discussed draft Ordinance amendments, and made a recommendation to City Council.

Motion/Second/Carried (Vincent/Moore) to close the public hearing at 8:43pm.

Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (Twu/Oatfield) to recommend the Golden Gate Audubon Society's proposal for bird safe regulations, with the following amendments:

- (Non-Residential/New or Replacement Transparent Materials on Existing Buildings) Buildings where every façade's total square footage consists of less than 50% **30%** transparent material are exempt through January 1, ~~2028~~ **2025**,
- (Residential or Mixed Use/New Construction or Addition/Buildings with less than 10,000 gross floor area) Buildings where every façade's total square footage consists of less than 50% **30%** transparent material are exempt through January 1, ~~2028~~ **2025**,
- (New or Replacement Transparent Materials on Existing Building) Buildings where every façade's total square footage consists of less than 50% **30%** transparent material are exempt through January 1, 2028,
- (Exemptions) Residential projects, including the residential portion of mixed-use projects, where greater than 75% **50%** of the units are subject to recorded affordability restrictions, **are exempt from the requirements of this ordinance until January 1, 2025**, except that New or Replacement Transparent Building Features as described in Table 1-23.304.XX are not exempt.
- The removal of a provision that would allow for determination by a qualified biologist, and

to attach a Planning Commission cover letter, written by the Commissioner Twu and Chair Vincent, for City Council's consideration at 9:57pm.

Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**Public Comments: 15**

## **12. Discussion: Pacific Steel Casting Zoning and General Plan Amendments and EIR Update**

Senior Planner Ashley James provided a project update on the status of the land use and development standards for the proposed new M-RD zoning district in support of the Pacific Steel site and Gilman Forge concept plan, and the Commissioners provided feedback on the proposed zoning text.

**Public Comments: 0**

## **13. Action: Meeting Start and End Time**

The Commission discussed changing the meeting start time and made the decision to not set an end time, but noted setting an end time would be revisited in the future if necessary.

Motion/Second/Carried (Ghosh/Moore) to set a start time of 5:30pm for future meetings at the South Berkeley Senior Center at 10:44pm.

Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**Public Comments: 0**

Motion/Second/Carried (Mikiten/Vincent) to adjourn the meeting at 10:45pm.

Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**Members in the public in attendance: 24**

**Public Speakers: 16**

**Length of the meeting: 3 hr 35 minutes**



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Grace Wu

Planning Commission Secretary