

Planning Commission

FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING September 4, 2019

The meeting was called to order at 7:07 p.m.

Location: South Berkeley Senior Center, Berkeley, CA

1. ROLL CALL:

Commissioners Present: Benjamin Beach, Mary Kay Lacey, Steve Martinot, Christine Schildt, Jeff Vincent, Brad Wiblin and Rob Wrenn.

Commissioners Absent: Benjamin Fong (absent) and Rob Kapla (leave of absence).

Staff Present: Secretary Alene Pearson, Katrina Lapira, Beth Greene, and Justin Horner.

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

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

4. PLANNING STAFF REPORT:

Staff provided the following updates on upcoming meetings and policy projects

- Sept 10 –City Council: Southside EIR contract to be presented
- Sept 16 –ZORP: Discussion of residential district chapters
- September 24- City Council: Planning Commission Workplan
- Sept 25- JSISHL: Objective standards- focus on density standards
- Student Housing: EIR to study modifications of development standards and Southside Car-free Overlay folded into Parking Reform
- Parking Reform: Parking study to begin in Sept/Oct to inform modifications to off-street parking requirements. TDM proposal will be shared with PC in Oct.
- Objective Standards: with JSISHL
- Affordable Housing: research and analysis of streamlining referrals and ground floor uses underway.

Information Items: None.

Communication:

- None.

Late Communications (Received after the Packet deadline):

- 2019-09-03 Pappas- Public Comment (Cannabis Delivery-Only)

Late Communications (Received and distributed at the meeting):

- 2019-09-04 Taplin- Public Comment (Cannabis Delivery-Only)

5. CHAIR REPORT: None.

6. COMMITTEE REPORT:

- Adeline Subcommittee: Recap of three previous meetings where the subcommittee reviewed chapters of the draft plan and provided feedback to planning staff. Planning staff is currently reviewing and responding to comments provided by the public on the Draft EIR. No Subcommittee meetings are currently scheduled for September.
- Joint Subcommittee for Implementation of State Housing Laws (JSISHL): Shall meet on September 25 to discuss density standards.
- Zoning Ordinance Revision Project (ZORP): Upcoming meeting on September 16
- PC's Cannabis Recommendations to Council: Commissioner Lacey will provide a letter to the City Council concerning the Planning Commission's recommendations on comprehensive cannabis made at the meeting on July 17, 2019. Deadline to submit letter is on October 11, 2019.

7. APPROVAL OF MINUTES:

Motion/Second/Carried (Martinot/Lacey) to approve the Planning Commission Meeting Minutes from July 17, 2019 with discussed amendments. Ayes: Beach, Lacey, Martinot, Schildt, and Wiblin. Noes: None. Abstain: Jeff Vincent, Rob Wrenn. Absent: Fong and Kapla. (5-0-2-2)

FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS: At the next meeting, October 2, 2019 the following items may be presented.

- Local Hazard Mitigation Plan Public Hearing
- Toxic Remediation Referral Public Hearing
- Ground floor referrals

Events + More:

- September 12, 2019 (6pm)- Urban Habitat's 30th Anniversary Celebration at the Oakland Museum
- Urban Habitat- Boards and Commissions Leadership Institute- application period through Sunday, October 20, 2019.
- Turner Center of Housing Innovation Paper- *Demystifying Development Math*

AGENDA ITEMS

9. Action: **Public Hearing: Zoning Ordinance Amendments for Cannabis Uses: Delivery-Only Retailers**

Planning Commission held a public hearing to discuss Zoning Ordinance amendments for cannabis delivery services. Planning Commission considered proposed amendments to establish new land use regulations for cannabis retail delivery services (Delivery-Only Retailers). Planning Commission also considered vertically integrated cannabis businesses

(Microbusinesses) that involve Delivery-Only Retail in their recommendation. The Commission discussed the presence of existing similar delivery-only services in Berkeley and the appropriate number, locations (within a building and allowable zoning districts), discretion and criteria for Delivery-Only Retailers.

Public Comments: 5

Motion/Second/Carried (Schildt/Wrenn) to recommend that the City Council adopt the staff proposed language, as amended, which includes the following provisions, in Section 23C.25.010 Cannabis Retail:

- Delivery-Only Retailers are subject to approval through the selection process set forth in Section 12.22.020.
- Delivery-Only Retailers are permitted with a Zoning Certificate in the M District and C-prefixed districts other than the C-N District.
- Delivery-Only Retailers may not be located within 300 feet of any School or City-operated community center or skate park.
- Delivery-Only Retailers may not be located on the street fronting portion of the ground floor in a C-prefixed district.
- Implement a city-wide quota of 10 Delivery-Only Retailers, where at least half are equity candidates.
- All delivery-only retailers shall be permitted with a Zoning Certificate in all allowable zoning districts.
- Delivery-Only Retailers in the M District shall be evaluated and regulated for Zoning purposes in the same way as Warehouse-Based Non-Store Retailers, and shall be subject to the same numeric and buffer requirements as Delivery-Only Retailers in C-prefixed districts.

Ayes: Beach, Lacey, Martinot, Schildt, and Wrenn. Noes: Vincent and Wiblin. Abstain: None. Absent: Fong and Kapla. (5-2-0-2)

Motion/Second/Carried (Beach /Wrenn) to close the public hearing at 9:32pm.

Ayes: Beach, Lacey, Martinot, Schildt, Vincent, Wiblin, and Wrenn. Noes: None. Abstain: None. Absent: Fong and Kapla. (7-0-0-2)

10. Action: 11/1/21 Public Hearing: Tentative Tract Map #8790- 739 Channing Way

Staff presented the Tentative Tract Map application of an entitled multi-unit development located at 739 Channing Way in the West Berkeley Plan Area. The Planning Commission opened the public hearing at 9:46pm. The Commission asked clarifying questions about the applicability of the Affordable Housing Mitigation Fee and the Inclusionary Housing Ordinance, and the general process associated with approving a Tentative Tract Map.

Public Comments: 1

Motion /Second/Carried (Schildt /Lacey) to approve Tentative Tract Map #8490 subject to Conditions, with an amendment to the Tentative Tract Map Finding 2A1 and a correction Finding 2E.

Ayes: Beach, Lacey, Schildt, Vincent, Wiblin, and Wrenn. Noes: Martinot. Abstain: None.
Absent: Fong and Kapla. (6-1-0-2)

Motion/Second/Carried (Schildt/Beach) to close the public hearing at 10:19pm.
Ayes: Beach, Lacey, Martinot, Schildt, Vincent, Wiblin, and Wrenn. Noes: Abstain: None.
Absent: Fong and Kapla. (7-0-0-2)

11. Discussion: Referral to Facilitate Toxic Remediation

Staff shared the City Council referral made on May 1, 2012, recommending changes to the Zoning Ordinance to streamline the permitting process for the removal of buildings to remediate hazardous materials conditions. Staff presented their recommended code amendments and asked for additional feedback and direction. The Planning Commission discussed the history related to the referral, aspects of the proposed amendments, and questioned its importance in light of other referrals related to addressing the issue of housing.

Public Comments: 3

Motion/Second/Carried (Schlidt/Vincent) to direct staff to prepare a report to close-out the referral considering that the conditions in which the referral was made are no longer relevant.
Ayes: Beach, Lacey, Schildt, Vincent, Wiblin, and Wrenn. Noes: Martinot. Abstain: None.
Absent: Fong and Kapla. (6-1-0-2)

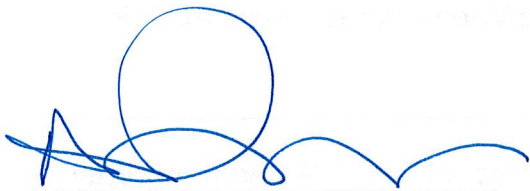
The meeting was adjourned at 11:08pm

Commissioners in attendance: 7 of 9

Members in the public in attendance: 6

Public Speakers: 6 speakers

Length of the meeting: 3 hours and 59 minutes



Alene Pearson
Planning Commission Secretary

10/4/19

Date