



Planning Commission

**FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
May 3, 2023**

The meeting was called to order at 5:33 p.m.

Location: North Berkeley Senior Center, 1901 Hearst Avenue, Berkeley, CA 94709

1. ROLL CALL:

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

Commissioner Absent: Emily Marthinsen & Chip Moore (Excused Absences).

Staff Present: Secretary Grace Wu, Clerk Zoe Covello, Claudia Garcia, Robert Rivera, Brian Garvey, and Justin Horner.

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: 0.

5. PLANNING STAFF REPORT:

- May 10th, 6-8pm, North Berkeley Senior Center – North Berkeley BART Open House – opportunity to provide input on the development

- June 6th – City Council public hearing and first reading of the Bird Safe Building item
- Upcoming Planning Commission Meeting agendas (tentative):
 - o June
 - Discussion: Phase 2 Zoning Amendments to Support Berkeley Business
 - Discussion: Update on the Waterfront Specific Plan
 - Action: Elect a 2023-24 Planning Commission Workplan Subcommittee
 - Housing Element to drive work plan
 - o August – Recess
 - o September
 - Southside Zoning Amendment
 - Gilman Draft Environmental Impact Report and Zoning Amendment

Information Items: None.

Communications:

- General.

Late Communications: *See agenda for links.*

- Supplemental Packet One.

6. CHAIR REPORT:

- None.

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 (Mikiten/Merker) to approve the Planning Commission Meeting Minutes from April 19, 2023.

Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None. Absent: Marthinsen and Moore. (7-0-0-2)

9. OTHER PLANNING RELATED EVENTS:

- Upcoming Parks Recreation and Waterfront Commission Meeting scheduled for Wednesday, May 10, at 7:00pm

AGENDA ITEMS

10. Public Hearing: Tentative Tract Map #8639

Assistant Planner Brian Garvey presented on Tentative Tract Map #8639, the Commissioners asked clarifying questions, and recommended that City Council accept staff's proposal.

Motion/Second/Carried (Vincent/Twu) to close the public hearing at 5:57pm.

Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.
Absent: Marthinsen and Moore. (7-0-0-2)

Motion/Second/Carried (Mikiten/Ghosh) to approve the Tentative Tract Map as recommended by staff at 5:57pm.

Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.
Absent: Marthinsen and Moore. (7-0-0-2)

Public Comments: 0

11. Public Hearing: Accessory Dwelling Unit Amendments

Assistant Planner Zoe Covello presented on draft zoning ordinance amendments to Title 23 relating to ADUs to conform to current state law and HCD guidance. Public comment was taken, and the commissioners discussed the draft ordinance amendments and made a recommendation to City Council.

Motion/Second/Carried (Vincent/Twu) to close the public hearing at 6:30pm.

Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.
Absent: Marthinsen and Moore. (7-0-0-2)

Motion/Second/Carried (Vincent/Mikiten) to accept staff's recommendation with a technical edit to permit bay windows and balconies on all ADUs, with projections measured by setback distance from the rear property line. The Commissioners also recommended:

1. Revising the Neighbor Noticing requirement so that public notices for ADUs clearly indicate the non-discretionary nature of the permit, link to the City's ADU webpage and clearly identify additional permit and construction information, and only need to go to tenants on the subject property, and
2. Removing the AUP requirement for residential additions for attached ADUs to reach maximum allowable height.

at 7:34pm.

Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.
Absent: Marthinsen and Moore. (7-0-0-2)

Public Comments: 2

12. Public Hearing: State Law Technical Edits

Senior Planner Robert Rivera presented on draft zoning ordinance amendments to update the Berkeley Municipal Code in accordance with state laws related to special needs housing, employment housing, family day care home, and AB 2097 parking, as well as additional non-substantive edits. The commissioners discussed the draft ordinance amendments and recommended that City Council accept staff's proposal.

Motion/Second/Carried (Vincent/Ghosh) to close the public hearing at 7:44pm.

Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None. Absent: Marthinsen and Moore. (7-0-0-2)

Motion/Second/Carried (Ghosh/Oatfield) to approve the amendments as recommended by staff at 7:45pm.

Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None. Absent: Marthinsen and Moore. (7-0-0-2)

Public Comments: 0

13. Action: Poll for Special Meeting on July 19, 2023

This item was removed from the agenda as the special meeting was no longer required.

Public Comments: 0

Motion/Second/Carried (Vincent/Merker) to adjourn the meeting at 7:47pm.

Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None. Absent: Marthinsen and Moore. (7-0-0-2)

Members in the public in attendance: 2

Public Speakers: 2

Length of the meeting: 2 hr 14 minutes



Grace Wu
Planning Commission Secretary