



Planning Commission

INFORMATION CALENDAR

September 13, 2022

To: Honorable Mayor and Members of the City Council
 From: Planning Commission
 Submitted by: Elisa Mikiten, Chairperson, Planning Commission
 Subject: Planning Commission Fiscal Year 2022-23 Work Plan

INTRODUCTION

The City of Berkeley Planning Commission (PC) hereby submits a work plan for Fiscal Year 2022-23.

GOALS

The Planning Commission will focus mainly on issues of housing supply and affordability as dictated by City Council referrals, changes to State law, and planning requirements from the State Department of Housing and Community Development (HCD). Large projects include Objective Standards and Missing Middle Housing (Council referrals), and the update of the Housing Element (HCD requirement).

The attached spreadsheet identifies several other projects that have been assigned to staff, such as a Bird Safe Glass regulations, various fee and nexus studies, and development guidance for San Pablo Avenue.

RESOURCES

Significant staff time is required to conduct research, prepare reports, and draft zoning language. In some cases, consultants assist staff. Currently, there are only three staff members on the long-range planning team, which makes their productivity level around BART, Objective Standards, the Housing Element, and the Zoning Ordinance Revision Project (ZORP) all the more remarkable.

The Land Use Planning Department has begun recruitment for the two open positions in the Long-Range Policy Group (Principal Planner and Associate Planner), and there were several requests for staff positions and consultant services included the new City budget, which was adopted on June 28, 2022.

Calendar constraints are often imposed by State law and deadlines. BART zoning and the Housing Element Update are just two examples.

COUNCIL REFERRALS

The Planning Department and PC have approximately 54 referrals from Council. The PC's work is almost exclusively dictated by these ranked referrals. Thus, the PC has less latitude than other City commissions in establishing and prioritizing its workload.

The Commission's Work Plan Subcommittee discussed recommending some referrals be deleted from the Work Plan. Council has accepted deletions or closed referrals in the past, although a few have come around again. Nevertheless, here are referrals we have deleted from our Work Plan with explanations for why these referrals should be closed:

1. Lower Discretion for Internal Remodeling: The Housing Element work proposes to lower discretionary permitting generally, which will address this issue.
2. Deny Permits to Code Violators: This referral is from 2014, and would be complicated by property rights issues.
3. Not allowing Cannabis uses in Live Work Unit: Cannabis is highly regulated by the State and the City of Berkeley. Currently, there are no Storefront Retail permits available, and cultivation is restricted to the Manufacturing District. Processing is considered a Light Manufacturing use, and is regulated as such. Test Labs are regulated as any other lab, and Distribution is regulated as Wholesale Trade.

PC ADDITIONS

This year, the PC, at the recommendation of the Chair, has added two items to the Work Plan:

1. Conduct a Zoning Adjustments Board (ZAB) Listening Session. The PC Chair will attend a ZAB meeting to hear from ZAB members what is working, what regulations need clarification, and what regulations, if any, does ZAB recommend that the PC revisit. If appropriate, the PC will discuss the items, and make recommendations to Council for future referrals. The goal is to close the loop between the policy and permit bodies. This will not become a staff work item without a Council referral.
2. Review MUR regulations to identify any barriers to converting space to artists' use. The Chair will undertake this work herself, and submit a memorandum to the PC for consideration. The goal is to better enable the district to satisfy its purpose in the arts. This will not become a staff work item without a Council referral.

STRATEGIC OUTCOME AREAS

Products will include:

1. Recommendation to City Council on Objective Standards.
2. Recommendation to City Council on the Housing Element.
3. Two memos from the Chair to the PC (see PC Additions).

Policy objectives include:

1. *Increased housing options and improved affordability.* Allowing greater density and lower levels of discretionary review in residential districts should have substantial cumulative impacts over the coming decade. The Planning Commission can review the volume of completed projects and the average approval period for applications within two years of revised regulations.
2. *Promote healthy, livable communities.* This includes ensuring Berkeley residents live in safe, healthy, and accessible communities with parks, schools, local businesses, and cultural institutions, and promoting healthy mobility options for all resident.
3. *Support community economic development and commercial vitality.* This includes preserving and enhancing Berkeley's neighborhood commercial areas, and ensuring a vibrant downtown.

BACKGROUND

The mission of the PC, as outlined in the City Charter, reads:

"The Commission recommends modifications to the City of Berkeley General Plan and related policy documents. All Zoning Ordinance amendments are developed through this Commission and recommended to the City Council. Other purviews include subdivision map consideration and review and comments on substantial projects from surrounding jurisdictions."

At its meeting of July 6, 2022, the PC voted to adopt this Work Plan (Vote: 8-0-0-1. Motion/Second: Mikiten/Hauser. Ayes: Ghosh, Hauser, Mikiten, Moore, Oatfield, Twu, Vincent, and Wiblin. Noes: None. Abstain: None. Absent: Kapla.).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The PC's work plan advances the City's sustainability and greenhouse gas reduction goals by focusing on creating housing and business opportunities in areas of high resources and frequent transit.

POSSIBLE FUTURE ACTION

Based on recommendations received from PC, City Council may refer additional work to the City Manager.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Additional referrals to the City Manager will require staff support.

CONTACT PERSON

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Work Plan Subcommittee of the Planning Commission: Jeff Vincent, Barnali Ghosh, Albert Twu, and Elisa Mikiten, Chair.

Attachments:

1: Planning Commission Work Plan Table 2022-2023

