



Planning Commission

1 **FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**
2 **February 21, 2018**

3 The meeting was called to order at 7:03 p.m.

4 **Location:** North Berkeley Senior Center, Berkeley, CA

5 **Commissioners Present:** Steve Martinot, Benjamin Beach, Robb William Kapla, Mary Kay
6 Lacey, Christine Schildt, Jeff Vincent, Rob Wrenn, Prakash Pinto, Sarah O'Farrell (substitute for
7 Benjamin Fong).

8 **Commissioners Absent:** Benjamin Fong (excused).

9 **Staff Present:** Alex Amoroso, Elizabeth Greene, Alene Pearson, Steve Buckley, and Sydney
10 Stephenson.

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

12 **CONSENT CALENDAR:** None.

13 **PUBLIC COMMENT PERIOD:** None.

14 **PLANNING STAFF REPORT:** Commissioner Poschman resigned from the Planning
15 Commission last week. Next Planning Commission meeting is on March 21st which will include
16 the public hearing on Density Bonus ordinance, the continued public hearing of 1050 Parker,
17 and community gardens.

18 **COMMUNICATIONS IN PACKET:**

- 19 • 2018-02-21 – Staff, Save the Date Flyer for Adeline Corridor Open House and
20 Workshops
21 • 2018-02-21 – Charles Pappas, Cannabis facilitation Planning Commission (includes 2
22 attachments)

23
24 **LATE COMMUNICATIONS** (Received after the Packet deadline):

- 25 • 2018-02-21 – Alfred Twu, Planning Commission input on potential Deconstruction
26 Ordinance
27 • 2018-02-21 – Charles Pappas, Expanding Cannabis Info MM/MULI Zones
28 • 2018-02-21 – Charles Pappas, Zoning Ordinance Cannabis Regulations Input Summary

29 **LATE COMMUNICATIONS** (Received and distributed at the meeting):

- 30 • 2018-02-21 – Sarah O'Farrell, Amendment to Cannabis regulations

- 31 • 2018-02-21 – Carl Bolster (Green Team), Proposed changes to BMC regarding
- 32 Delivery-only cannabis businesses
- 33 • 2018-02-21 – Andreas Cluver, Building and Construction Trade Council of Alameda
- 34 County, Letter regarding Density Bonus ordinance

35 **CHAIR REPORT:** No Chair Report was provided.

36 **COMMITTEE REPORT:** No Report.

37 **7. APPROVAL OF MINUTES:**

38 Motion/Second/Carried (RK/RW) to approve the Planning Commission Meeting Minutes from
39 February 7, 2018 with amendments to Commissioner Fong’s motion on Item 9. Ayes: Lacey,
40 Beach, Martinot, Schildt, Kapla, Vincent, Wrenn, Pinto, O’Farrell. Noes: None. Abstain: None.
41 Absent: None. (9-0-0-0)

42

43 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** The flyer for the
44 Adeline Community Open House and Workshops is provided in this packet.

45 **AGENDA ITEMS**

46 **9. Action: Public Hearing: Zoning Ordinance Cannabis Regulations**

47 Staff briefly presented the staff report on the proposed cannabis regulations including the
48 use types, location of cannabis businesses, quotas, buffers, and levels of discretion.

49 Public Comments: 11 speakers.

50 Motion/Second/Carried (RK/RW) to close public hearing. Ayes: Lacey, Beach, Martinot,
51 Schildt, Kapla, Wrenn. Noes: Vincent, Pinto, O’Farrell. Abstain: None. Absent: None. (6-3-0-
52 0)

53 The Planning Commission (PC) addressed each Zoning Ordinance topic laid out in the staff
54 report. The Commission agreed on staff’s recommendation for locations of cannabis
55 businesses within the Zoning districts. The PC agreed with staff’s recommendation for
56 cannabis use types, but discussed the possible options to allow existing non-cannabis
57 nurseries to sell cannabis plants, for example, incidental sales of clones and seeds. The PC
58 also agreed on staff’s recommendations for quotas, buffers, and levels of discretion.
59 However, the Commission discussed different options for equitable and geographical
60 distribution and concentration of adult-use and medicinal retailers. And they requested that
61 the Council refer back to the Planning Commission to discuss this issue. The Commission
62 passed the following motions.

63 Motion/Second/Carried (RW/MKL) to recommend staff’s proposal for cannabis businesses
64 locations to Council. Ayes: Lacey, Beach, Martinot, Schildt, Kapla, Wrenn, Vincent, Pinto,
65 O’Farrell. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

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67 Motion/Second/Carried (RW/BB) to recommend staff's recommendation for use types, and
68 suggest to Council to refer back to the Planning Commission to allow incidental cannabis sales
69 of clones and seeds at existing ornamental nurseries. Ayes: Lacey, Beach, Martinot, Schildt,
70 Kapla, Wrenn, Vincent, Pinto, O'Farrell. Noes: None. Abstain: None. Absent: None. (9-0-0-0)
71
72 Motion/Second/Carried (CS/RW) to recommend staff's proposals on quotas (with at total of 18
73 storefront retailers and up to 12 adult use retailers), buffers, and levels of discretion. Request
74 Council to refer back to Planning Commission consideration of alternate methods of
75 concentration and/or distribution of adult use and medical retailers including consideration of
76 buffer between cannabis retailers, levels of discretion, and quotas. Ayes: Lacey, Beach,
77 Schildt, Kapla, Wrenn, Vincent, Pinto, O'Farrell. Noes: Martinot. Abstain: None. Absent: None.
78 (8-1-0-0)
79

80 **10. Discussion: Local Density Bonus**

81 Staff presented the staff report on the proposed Density Bonus ordinance including the
82 related referrals, and the three phases for examining Berkeley's Density Bonus practice. The
83 Commission discussed the proposed Density Bonus ordinance approach. Staff clarified that
84 the Phase 3 (develop Density Standards) are currently a simultaneous effort by city staff
85 working with a consultant. The Commission expressed concern about adopting a new
86 Density Bonus chapter that includes the alternative incentives (exceeding State Density
87 Bonus Law of 35% and providing payment in-lieu of on-site affordable housing). The PC
88 decided to not move forward with alternative incentives, related to Phase 2 of Density Bonus,
89 until a legal opinion on suggested policies could be provided by the City Attorney. Thus, the
90 Commission requested from staff to bring back draft Density Bonus ordinance language
91 without the alternative incentives to the Public Hearing. The Commission also discussed the
92 possibility of including labor pay provisions in the Density Bonus ordinance.

93 Public Comment: 2 speakers.

94 **The meeting was adjourned at 10:19 pm**

95 **Commissioners in attendance: 9 of 9**

96 **Members in the public in attendance: 23**

97 **Public Speakers: 13 speakers**

98 **Length of the meeting: 3 hour and 16 minutes**