The meeting was called to order at 7:04 p.m.

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

1. **ROLL CALL:**

   **Commissioners Present:** Benjamin Beach, Kim-Mai Cutler (alternate for Jeff Vincent), Benjamin Fong, Robb William Kapla, Mary Kay Lacey, Steve Martinot, Alfred Twu (alternate for Chris Schildt), Brad Wiblin, Rob Wrenn.

   **Commissioners Absent:** Christine Schildt (leave of absence), Jeff Vincent (leave of absence).

   **Staff Present:** Secretary Alene Pearson, Elizabeth Greene, Alex Nelms (Intern) and Nilu Karimzadegan.

2. **ORDER OF AGENDA:** None.

3. **PUBLIC COMMENTS:** 0 speakers.

4. **PLANNING STAFF REPORT:**

   Staff provided the following updates:
   - Density Bonus Ordinance was adopted by City Council on March 26, 2019. It will come into effect on April 27, 2019.
   - First reading of the Comprehensive Cannabis I Ordinance was approved by City Council on April 2, 2019. Comprehensive Cannabis II will come before Planning Commission in May 2019.
   - City Council adopted a new referral at the March 26, 2019 meeting that requests an estimated scope and budget for a General Plan update.

**Information Items:**


**Communication:** None

**Late Communications** (Received after the Packet deadline):
• Density Bonus Ordinance Revision.

Late Communications (Received and distributed at the meeting):
• Alfred Twu, re: Ownership Housing Inclusionary fees/R-S Car Free Zone Expansion

5. CHAIR REPORT. None.

6. COMMITTEE REPORT:

Planning Commission’s Affordable Housing Mitigation Fee (AHMF) Referral Subcommittee held a meeting on March 14, 2019 to discuss amendments to the Inclusionary Housing Regulations. Based on the discussion and feedback, the Subcommittee drafted language for the Planning Commission to consider (see Agenda Item 10).

7. APPROVAL OF MINUTES:


8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:
• Comprehensive Cannabis II
• Green Affordable Housing/Parking Reform
• ZORP Subcommittee selection

AGENDA ITEMS


Staff presented the following amendments to Berkeley Municipal Code (BMC) Section 23D.48.080 (Residential Southside (R-S) District):

1. Eliminate Off-Street Parking Requirements for all new Dwelling Units and Group Living Accommodations (GLA) rooms; and
2. Remove the ability to receive parking permits under the Residential Permit Parking Program (RPP) for occupants of residential projects that are constructed without parking after the effective date of these amendments.

Motion/Second/Carried (RWK/BF) to open the public hearing on eliminating residential Off-Street Parking Requirements in the R-S district. Ayes: Beach, Cutler, Fong, Kapla, Lacey, Martinot, Twu, Wiblin, Wrenn. Noes: None. Abstain: None. Absent: Schildt, Vincent. (9-0-0-0)

Testimony was received by 1 member of the public.
Motion/Second/Carried (BW/MKL) to close the public hearing on eliminating residential Off-Street Parking requirements in the R-S district. Ayes: Beach, Cutler, Fong, Kapla, Lacey, Martinot, Twu, Wiblin, Wrenn. Noes: None. Abstain: None. Absent: Schildt, Vincent. (9-0-0-0)

<table>
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<tr>
<th>Motion/Second/Carried (RW/BF) to approve amendments to Section 23D.48.080 (Residential Southside (R-S)) which eliminate residential Off-Street Parking Requirements for new residential projects and expand the car-free housing overlay to the rest of the R-S district. Ayes: Beach, Cutler, Fong, Kapla, Lacey, Martinot, Twu, Wiblin, Wrenn. Noes: None. Abstain: None. Absent: Schildt, Vincent. (9-0-0-0)</th>
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The Commission discussed amendments to remove Off-Street Parking Requirements for parcels in the R-S that are not currently part of the Car-free Housing Overlay. They had questions about proximity to transit, fire (disaster) evacuation plans and assumptions in the staff report/presentation about increased affordable housing resulting from reduced parking. The Planning Commission also considered the following motions:

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<th>Motion (SM/no second) to approve amendments to Section 23D.48.080 (Residential Southside (R-S)) which eliminate residential Off-Street Parking Requirements for new residential projects and expand the car-free housing overlay to the rest of the R-S district conditioned upon the development and approval of a Disaster Preparedness Plan that address fire evacuation in the Southside.</th>
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**Public Comments:** 1 speakers.

**10. Action:** Public Hearing on Amendments to Inclusionary Housing Regulations

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<th>Motion/Second/Carried (RW/MKL) to open the public hearing on amendments to Inclusionary Housing Regulations. Ayes: Beach, Cutler, Fong, Kapla, Lacey, Martinot, Twu, Wiblin, Wrenn. Noes: None. Abstain: None. Absent: Schildt, Vincent. (9-0-0-0)</th>
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Testimony was received by 5 members of the public.

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<th>Motion/Second/Carried (BF/BW) to close the public hearing on amendments to Inclusionary Housing Regulations. Ayes: Beach, Cutler, Fong, Kapla, Lacey, Martinot, Twu, Wiblin, Wrenn. Noes: None. Abstain: None. Absent: Schildt, Vincent. (9-0-0-0)</th>
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<th>Motion/Second/Carried (MKL/BW) to approve subcommittee language pursuant to referral to close the loophole in BMC 23C.12.020 as proposed with recognition that Planning Commission has not been able to refer the language to the City Attorney. Ayes: Beach, Fong, Kapla, Lacey, Martinot, Twu, Wrenn. Noes: Cutler, Wiblin. Abstain: None. Absent: Schildt, Vincent. (7-2-0-0)</th>
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Planning Commission discussed amendments to the Inclusionary Housing Regulations that affected the applicability of regulations to adjacent lots of common ownership and/or control. The Commission acknowledged that these amendments address the first of four action items in the Affordable Housing Mitigation Referral adopted on February 19, 2019. There was discussion about interpretation of current code, application of the Subdivision Map Act, current fee structure and application of the Affordable Housing Mitigation Fee (AHMF), past and current housing production/development in the City of Berkeley, and programmatic changes needed to implement draft Zoning Ordinance amendments. The Planning Commission also made the following motions:

Motion/Second/Failed (BF/AT) to approve subcommittee language pursuant to referral to close the loophole in BMC 23C.12.020 with the following amendment: modify 23C.12.020.3 to read “Residential Housing Projects proposed on lots where the property line has been moved in the past ten years or any part of a single lot or on a grouping of contiguous lots under common ownership and/or control, design, marketing, or financing, whose collective size, including the area of any surface easements, and zoning designation is such to allow construction of five or more Dwelling Units, regardless of whether those units are all built simultaneously. For the purposes of this Section, "common ownership and/or control" shall be interpreted broadly.” And with recognition that Planning Commission has not been able to refer the language to the City Attorney. Ayes: Fong, Twu. Noes: Beach, Kapla, Lacey, Martinot, Cutler, Wiblin, Wrenn. Abstain: None. Absent: Schildt, Vincent. (2-7-0-0)

Motion (AT/no second) to approve subcommittee language pursuant to referral to close the loophole in BMC 23C.12.020 with the following amendment: add 23C.12.020.4 to read “Residential Housing that have had their lot lines adjusted in the last ten years.” with the recognition that the Commission has not had an opportunity to refer language to the City Attorney for an assessment.” and with recognition that Planning Commission has not been able to refer the language to the City Attorney.

Public Comments: 5 speakers

11. Discussion: Policy Referral Matrix

Due to time limit, staff gave a brief introduction to the Policy Referral Matrix, City Council’s Re-weighted Range Voting (RRV) referrals, Housing Action Plan referrals and Policy Work and Meeting Calendar and asked commissioners to communicate questions via email and/or request a follow-up agenda item at a future Planning Commission meeting.

PUBLIC COMMENTS: 0

The meeting was adjourned at 10:00 pm
Commissioners in attendance: 9 of 9
Members in the public in attendance: 8
Public Speakers: 6 speakers
Length of the meeting: 2 hours and 56 minutes
APPROVED:  

Alene Pearson  
Secretary of the Planning Commission  

5/3/19