



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

Alene Pearson, Secretary to the Planning Commission, Planning and Development Department, 510-981-7489
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

WORKING DOCUMENT -- Planning Commission & Policy Group Work Matrix --- WORKING DOCUMENT

Grouping Description (Approach/Status/Sequencing)	Referral	Referral Look Up	Rank		Staff Lead	2022					2023													
			RRV (2022)	HAP		J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
a <u>Housing Element Update</u> <u>Southside Zoning Amendments</u> <u>Objective Standards</u>	C-T: Community Benefits (focus on Labor Practice and AH)	Referral from 7/12/16	started	3	GW/JH																			
	Increase 20' height and FAR in SS	Referral from 10/31/17	started		GW/JH																			
	Convert Groundfloor Com to Res in SS	Referral from 4/4/17 & 1/20/15	started		GW/JH																			
	C-T: Pilot Density Bonus (DB Phase 2)	Referral from 5/30/17	started		GW/JH																			
	More Student Housing Now & SB1227	Referral from 11/27/18	started	4	GW/JH																			
	Housing Element (HE) Update	state mandated work	started		Grace Wu																			
	1. Density by parcel; 2. Healthy/safety detriments; 3. Design review; 4. View-shadow impacts (DB Phase 3/JSISHL)	HAP	started	5	Grace Wu																			
	Implement State Law HAA & SB-35	state mandated work	started		Grace																			
	ZORP Phase 2 - Objective Standards	Direction from Council per staff request 1/26/16	started		Grace Wu																			
	ZORP Phase 2 - Substantive Changes	Direction from Council per staff request 1/26/16	started		Justin Horner																			
	Refer to City Manager and PlanComm to include specific concepts to end exclusionary zoning within next Housing Element update		started		Grace Wu																			
	Missing Middle	Referral from 3/25/21 Special mtg Item #1; see Supp 3																						
	Direct City Manager to include Participatory Planning concepts within work to update next Housing Element	Referral from 4/23/19; see annotated agenda for full direction.																						
	b <u>Long Range or Mandated Projects</u>	Adeline Implementation	Plan Implementation	started		Alisa Shen																		
BART Zoning // AB 2923		state mandated work	started		Alisa Shen																			
Guide Development on San Pablo		COB commitment for designated PDA	started		Alisa Shen																			
2022 Annual Progress Report		state mandated work	state mandate		Zoe Covello																			
2022 DOF Unit Tracking	state mandated work	state mandate		Zoe Covello																				
Housing Pipeline Report	council request	CC request		Zoe Covello																				
Parking Reform: TDM/RPP Implementation	Ordinance Implementation	CC request		Justin Horner																				
c <u>Fees and Nexus Studies</u>	Reform AHMF (fees per unit vs gfa)	Referral from 4/23/19	started		Alisa Shen																			
	Decrease AHMF (Affordable Housing Mitigation Fee) for TIC (Tenancy-in-Common) conversions	Referral from 11/27/18. See also annotated agenda	started		Alisa Shen																			
	Inclusionary Units for Live Work	Referral from 9/13/18	started		Alisa Shen																			
	Analyze feasibility of onsite affordable units vs payment of AHMF	Referral from 9/10/19	started		Alisa Shen																			
	Demolition Ordinance	HAP	started	16	SB																			
d <u>Business-Related Referrals</u>	Sign Ordinance (ZOA Part 1)	Referral from 10/15/19	started		TBD																			
	Arcades in the Elmwood	Referral from 6/25/19	started		TBD																			
	Beer and Wine in the M-District	Referral from 12/4/18 within action (see annotated agenda)	15																					
	Refer to PlanComm to consider Zoning Ord modifications to streamline review processes for the benefit of new and existing small businesses (ZOA Part 2)	Referral from 10/15/19	17																					
e <u>Other Long Range // Special Projects</u>	Pacific Steel Visioning	Referral from 4/20/21	1																					
	WB Service Center	Referral from 5/28/19.	5																					
	STR Ord Updates	Referral from 7/28/20; see Item 42 on annotated agenda																						
	Alta Bates Zoning	dormant																						

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			RRV (2022)	HAP		J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
e	<u>Other Long Range / Special Projects</u>		UC Berkeley LRDP (City Attorney lead)	<i>interdepartment coordination</i>																						
		Berkeley Marina Master Plan (PRW lead)	<i>interdepartment coordination</i>																							
		TIF / TSF Nexus Fee (Transportation lead)	Special Council 7/7/16.																							
		Berkeley Transfer Station (PW lead)	<i>interdepartment coordination</i>																							
f	Miscellaneous	Bird Safe Construction	Referral from 11/12/19; see also annotated agenda		started		Zoe Covello																			
		Refer to City Manager to streamline ADU process, inclu Universal checklist and webpage, pre-approved designs, and an "ADU Ally" staff position	from 12/14/21.		8																					
		Refer to City Mgr and PlanComm to streamline remediation of toxic sites in manufacturing districts with a single application for Land Use and Toxics, and for PC to reconsider related previous 2012 referral.	Referral from 2/22/22		12																					
		Flex Conversion to Mini Dorms-	Referral from 9/13/18; also see supplemental memo.		20																					
		Refer to CM including environmental mitigations within enhanced Use Permit review process in Manufacturing Zone, e.g. Air Quality monitoring	Referral from 9/28/21		26																					
		Refer to CMO, PlannComm and HAC: Civic Arts Comm ideas to promote artists housing, including use of ground floor retail space, and to include it in the Housing Element update process	Referral from 1/25/22		27																					
		100% Sustainable Trips by 2040	Referral from 9/15/20		29																					
		Refer to PlannComm allowing certain internal remodeling activities with an AUP, rather than a UP, when existing non-conforming max lot coverage would not be increased (part 2 re: ZO)	Referral from 2/27/18.		31																					
		Not allowing Cannabis as a Live/Work Use	Referral from 4/2/19, under larger cannabis item; see annotated agenda		36																					
		Air Pollution Performance Standards	Referral from 7/11/17		39																					
		Deny permits to code violators	Referral from 9/9/14		41																					
Gentrification/Displacement Study	Referral from 4/30/19. Duplicate referral also sent to HHCS		43			HAC/PC																				
Lower discretion for internal remodeling	Referral from 2/27/18.																									
g	PC Additions	ZAB Listening Session	PC Recommendation																							
		MUR's Ability to Support Conversion to Artists' Use	PC Recommendation																							

ABBREVIATIONS

AHMF = Affordable Housing Mitigation Fee	MSHN = More Student Housing Now
cc = City Council	NR = not ranked
EIR = Environmental Impact Report	pc = Planning Commission
GF = groundfloor	pw = public workshop
HAA = Housing Accountability Act	PDA = Priority Development Area
HAP = Housing Action Plan	ph = public hearing
HTF = Housing Trust Fund	RFP = Request for Proposals
IHO = Inclusionary Housing Ordinance	RRV = Reweighted Range Voting
LLA = Lot-line adjustment	sc = Subcommittee of the Planning Commission