



Planning Commission

DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

March 1, 2023

The meeting was called to order at 7:10 p.m.

Location: South Berkeley Senior Center, 2939 Ellis Street, Berkeley, CA 94703

1. ROLL CALL:

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

Commissioner Absent: None.

Staff Present: Secretary Grace Wu, Clerk Zoe Covello, Justin Horner, Ashley James, Alene Pearson, Claudia Garcia, and Eleanor Hollander.

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: 1.

5. PLANNING STAFF REPORT:

- Highlight links to recent planning efforts under Information Items (below).

- 33 • On Tuesday, February 28th, the California Department of Housing and Community
34 Development (HCD) found the City's 6th Cycle Housing Element to be in compliance with
35 State Housing Element Law.
- 36 • On Tuesday, February 15th and Wednesday, February 16th, the City held community
37 meetings regarding the developer proposals for the North Berkeley BART Station
- 38 • On Tuesday, February 14th, City Council approved and adopted new citywide affordable
39 housing requirements.
- 40 • Reminder that the Dept. of Parks, Recreation, and Waterfront will be holding a Berkeley
41 Marina Area Specific Plan work session on Tuesday, March 7th at 6pm.
- 42 • Acknowledgement of late communications and a Staff supplemental redlined document
43 that shows the Golden Gate Audubon proposed amendment in relation to staff's
44 proposal.

45 **Information Items:**

- 46 • *February 17, 2023* – Revised Adopted 2023-2031 Housing Element Update submitted to
47 HCD. [https://berkeleyca.gov/construction-development/land-use-development/general-
48 plan-and-area-plans/housing-element-update](https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/housing-element-update)
- 49 • *February 15 and 16, 2023* – North Berkeley BART Community Meetings.
50 [https://berkeleyca.gov/construction-development/land-use-development/general-plan-
51 and-area-plans/ashby-and-north-berkeley](https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/ashby-and-north-berkeley)
- 52 • *February 14, 2023* – City Council Meeting. Citywide Affordable Housing Requirements.
53 [https://berkeleyca.gov/sites/default/files/documents/2023-02-
54 14%20Item%2013a%20Citywide%20Affordable%20Housing.pdf](https://berkeleyca.gov/sites/default/files/documents/2023-02-14%20Item%2013a%20Citywide%20Affordable%20Housing.pdf)

56 **Communications:**

- 57 • General.

58 **Late Communications:** *See agenda for links.*

- 59 • Supplemental Packet One.

60 **6. CHAIR REPORT:**

- 61 • The Chair acknowledged how far the Planning Commission has come on some major
62 initiatives from the Commission's Work Plan in the last year:
 - 63 ○ Increase of height in the MDR in Southside
 - 64 ○ Housing Element Update
 - 65 ○ Missing Middle
 - 66 ○ Affordable Housing Overlay
 - 67 ○ Adoption of BART Zoning
 - 68 ○ Revision of the Affordable Housing Mitigation Fee
 - 69 ○ Direction on Pacific Steel Casting Site
 - 70 ○ Bird Safe Construction

71 Requested for an update from staff on the Housing Pipeline Report.

- 72 • Finally, the Chair acknowledged that in-person meetings inconvenience and exclude a
73 group of people, and pledged to summarize the communications sent in by members
74 of the public to elevate their voices with the testimony that is in the room.

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76 **7. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the
77 items below, additional matters may be reported at the meeting.

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79 • None.

80 **8. APPROVAL OF MINUTES:**

81 Motion/Second/Carried (Twu/Moore) to approve the Planning Commission Meeting Minutes
82 from February 1, 2023.

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84 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes:
85 None. Abstain: None. Absent: None. (9-0-0-0)

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87 **9. OTHER PLANNING RELATED EVENTS:**

- 88 • None.

89 **AGENDA ITEMS**

90 **10. Action: Elections for Chair and Vice Chair**

91 The Commission held elections for Chair and Vice Chair of the Planning Commission.
92 Commissioner Hauser withdrew from running for Chair and Vice Chair and Commissioner
93 Oatfield withdrew from running for Vice Chair.

94 Additional motions/seconds for Vice Chair:
95 1. (Hauser/Mikiten) to nominate Commissioner Ghosh.

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97 Motion/Second/Failed (Oatfield/Moore) to reelect Chair Mikiten as Chair of the Planning
98 Commission at 7:32pm.

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100 Ayes: Moore, Oatfield, Mikiten. Noes: Merker, Vincent, Marthinsen, Twu, Hauser. Abstain:
101 Ghosh. Absent: None. (3-5-1-0)

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103 Motion/Second/Carried (Hauser/Merker) to elect Commissioner Vincent as Chair of the
104 Planning Commission at 7:33pm.

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Ayes: Merker, Vincent, Marthinsen, Twu, Hauser, Ghosh. Noes: None. Abstain: Moore, Oatfield, Mikiten. Absent: None. (6-0-3-0)

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Motion/Second/Carried (Hauser/Mikiten) to elect Commissioner Ghosh as Vice Chair of the Planning Commission at 7:35pm.

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Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

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115 **Public Comments: 0**

116 **11. Public Hearing: Bird Safe Ordinance**

117 Associate Planner Justin Horner presented a draft ordinance for bird safe glass to the Planning
118 Commission, a public hearing was held, the Commissioners discussed draft Ordinance
119 amendments, and made a recommendation to City Council.

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Motion/Second/Carried (Vincent/Moore) to close the public hearing at 8:43pm.

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Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes: None. Abstain: None. Absent: None. (9-0-0-0)

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Motion/Second/Carried (Twu/Oatfield) to recommend the Golden Gate Audubon Society's proposal for bird safe regulations, with the following amendments:

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- (Non-Residential/New or Replacement Transparent Materials on Existing Buildings) Buildings where every façade's total square footage consists of less than ~~50%~~ **30%** transparent material are exempt through January 1, ~~2028~~ **2025**,
- (Residential or Mixed Use/New Construction or Addition/Buildings with less than 10,000 gross floor area) Buildings where every façade's total square footage consists of less than ~~50%~~ **30%** transparent material are exempt through January 1, ~~2028~~ **2025**,
- (New or Replacement Transparent Materials on Existing Building) Buildings where every façade's total square footage consists of less than ~~50%~~ **30%** transparent material are exempt through January 1, 2028,
- (Exemptions) Residential projects, including the residential portion of mixed-use projects, where greater than ~~75%~~ **50%** of the units are subject to recorded affordability restrictions, **are exempt from the requirements of this ordinance until January 1, 2025**, except that New or Replacement Transparent Building Features as described in Table 1-23.304.XX are not exempt.
- The removal of a provision that would allow for determination by a qualified biologist, and

143 to attach a Planning Commission cover letter, written by the Commissioner Twu and Chair
144 Vincent, for City Council's consideration at 9:57pm.

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Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes: None. Abstain: None. Absent: None. (9-0-0-0)

148 **Public Comments: 15**

149 **12. Discussion: Pacific Steel Casting Zoning and General Plan Amendments and EIR**
150 **Update**

151 Senior Planner Ashley James provided a project update on the status of the land use and
152 development standards for the proposed new M-RD zoning district in support of the Pacific Steel
153 site and Gilman Forget concept plan, and the Commissioners provided feedback on the
154 proposed zoning text.

155 **Public Comments: 0**

156 **13. Action: Meeting Start and End Time**

157 The Commission discussed changing the meeting start time and made the decision to not set an
158 end time, but noted setting an end time would be revisited in the future if necessary.

159 Motion/Second/Carried (Ghosh/Moore) to set a start time of 5:30pm for future meetings at the
160 South Berkeley Senior Center at 10:44pm.

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162 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes:
163 None. Abstain: None. Absent: None. (9-0-0-0)
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165 **Public Comments: 0**

166 Motion/Second/Carried (Mikiten/Vincent) to adjourn the meeting at 10:45pm.

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168 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes:
169 None. Abstain: None. Absent: None. (9-0-0-0)
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171 **Members in the public in attendance: 24**

172 **Public Speakers: 16**

173 **Length of the meeting: 3 hr 35 minutes**