



Planning Commission

**DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING  
May 3, 2023**

The meeting was called to order at 5:33 p.m.

**Location:** North Berkeley Senior Center, 1901 Hearst Avenue, Berkeley, CA 94709

**1. ROLL CALL:**

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

**Commissioner Absent:** Emily Marthinsen & Chip Moore (Excused Absences).

**Staff Present:** Secretary Grace Wu, Clerk Zoe Covello, Claudia Garcia, Robert Rivera, Brian Garvey, and Justin Horner.

**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:** 0.

**5. PLANNING STAFF REPORT:**

- May 10<sup>th</sup>, 6-8pm, North Berkeley Senior Center – North Berkeley BART Open House – opportunity to provide input on the development

- 34 - June 6<sup>th</sup> – City Council public hearing and first reading of the Bird Safe Building item
- 35 - Upcoming Planning Commission Meeting agendas (tentative):
  - 36 ○ June
    - 37 ▪ Discussion: Phase 2 Zoning Amendments to Support Berkeley Business
    - 38 ▪ Discussion: Update on the Waterfront Specific Plan
    - 39 ▪ Action: Elect a 2023-24 Planning Commission Workplan Subcommittee
      - 40 • Housing Element to drive work plan
  - 41 ○ August – Recess
  - 42 ○ September
    - 43 ▪ Southside Zoning Amendment
    - 44 ▪ Gilman Draft Environmental Impact Report and Zoning Amendment

45 **Information Items:** None.

46 **Communications:**

- 47 • General.

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

- 49 • Supplemental Packet One.

50 **6. CHAIR REPORT:**

- 51 • None.

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

- 54 • None.

55 **8. APPROVAL OF MINUTES:**

56  
57  
58 Motion/Second/Carried (Mikiten/Merker) to approve the Planning Commission Meeting  
59 Minutes from April 19, 2023.

60  
61 Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.  
62 Absent: Marthinsen and Moore. (7-0-0-2)

63  
64 **9. OTHER PLANNING RELATED EVENTS:**

- 65 • Upcoming Parks Recreation and Waterfront Commission Meeting scheduled for  
66 Wednesday, May 10, at 7:00pm

67 **AGENDA ITEMS**

68 **10. Public Hearing: Tentative Tract Map #8639**

69 Assistant Planner Brian Garvey presented on Tentative Tract Map #8639, the Commissioners  
70 asked clarifying questions, and recommended that City Council accept staff's proposal.

71 Motion/Second/Carried (Vincent/Twu) to close the public hearing at 5:57pm.

72  
73 Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.  
74 Absent: Marthinsen and Moore. (7-0-0-2)  
75

76 Motion/Second/Carried (Mikiten/Ghosh) to approve the Tentative Tract Map as recommended  
77 by staff at 5:57pm.

78  
79 Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.  
80 Absent: Marthinsen and Moore. (7-0-0-2)  
81

82 **Public Comments: 0**

### 83 **11. Public Hearing: Accessory Dwelling Unit Amendments**

84 Assistant Planner Zoe Covello presented on draft zoning ordinance amendments to Title 23  
85 relating to ADUs to conform to current state law and HCD guidance. Public comment was taken,  
86 and the commissioners discussed the draft ordinance amendments and made a  
87 recommendation to City Council.

88 Motion/Second/Carried (Vincent/Twu) to close the public hearing at 6:30pm.

89  
90 Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.  
91 Absent: Marthinsen and Moore. (7-0-0-2)  
92

93 Motion/Second/Carried (Vincent/Mikiten) to accept staff's recommendation with a technical  
94 edit to permit bay windows and balconies on all ADUs, with projections measured by setback  
95 distance from the rear property line. The Commissioners also recommended:

- 96  
97 1. Revising the Neighbor Noticing requirement so that public notices for ADUs clearly indicate  
98 the non-discretionary nature of the permit, link to the City's ADU webpage and clearly  
99 identify additional permit and construction information, and only need to go to tenants on  
100 the subject property, and  
101 2. Removing the AUP requirement for residential additions for attached ADUs to reach  
102 maximum allowable height.

103  
104 at 7:34pm.

105  
106 Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.  
107 Absent: Marthinsen and Moore. (7-0-0-2)  
108

109 **Public Comments: 2**

110 **12. Public Hearing: State Law Technical Edits**

111 Senior Planner Robert Rivera presented on draft zoning ordinance amendments to update the  
112 Berkeley Municipal Code in accordance with state laws related to special needs housing,  
113 employment housing, family day care home, and AB 2097 parking, as well as additional non-  
114 substantive edits. The commissioners discussed the draft ordinance amendments and  
115 recommended that City Council accept staff's proposal.

116 Motion/Second/Carried (Vincent/Ghosh) to close the public hearing at 7:44pm.

117  
118 Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.  
119 Absent: Marthinsen and Moore. (7-0-0-2)

121 Motion/Second/Carried (Ghosh/Oatfield) to approve the amendments as recommended by  
122 staff at 7:45pm.

123  
124 Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.  
125 Absent: Marthinsen and Moore. (7-0-0-2)

126  
127 **Public Comments: 0**

128 **13. Action: Poll for Special Meeting on July 19, 2023**

129 This item was removed from the agenda as the special meeting was no longer required.

130 **Public Comments: 0**

131 Motion/Second/Carried (Vincent/Merker) to adjourn the meeting at 7:47pm.

132  
133 Ayes: Merker, Vincent, Oatfield, Mikiten, Hauser, Ghosh, Twu. Noes: None. Abstain: None.  
134 Absent: Marthinsen and Moore. (7-0-0-2)

135  
136 **Members in the public in attendance: 2**

137 **Public Speakers: 2**

138 **Length of the meeting: 2 hr 14 minutes**