

**BERKELEY CITY COUNCIL LAND USE, HOUSING, & ECONOMIC
DEVELOPMENT COMMITTEE
REGULAR MEETING MINTUES**

**Monday, December 4, 2023
10:00 AM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Ben Bartlett, Rigel Robinson, and Mark Humbert
Alternate: Councilmember Kate Harrison

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use <https://cityofberkeley-info.zoomgov.com/j/1604312346>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter Meeting ID: **160 431 2346**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

To submit a written communication for the Committee's consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Land Use, Housing, & Economic Development Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

MINUTES

Roll Call: 10:03 a.m.

Present: Councilmembers Humbert, Robinson, and Harrison (for Bartlett)

Public Comment on Non-Agenda Matters: 5 speakers

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes – November 6, 2023

Action: M/S/C (Harrison/Humbert) to approve the November 6, 2023 minutes.

Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Referral: Neighborhood-Scale Commercial

From: Councilmember Robinson (Author), Councilmember Bartlett (Author), Councilmember Taplin (Author)

Referred Date: October 23, 2023

Due Date: April 22, 2024

Recommendation: Refer to the City Manager and Planning Commission to consider and develop policies to permit neighborhood-scale retail uses in residential zones to increase economic opportunity, vitality, and walkability in Berkeley neighborhoods. Changes may include zoning alterations or modifications to use permit requirements. Staff and the Planning Commission should consider conditions to avoid detrimental impacts on surrounding residential uses and neighborhoods, including but not limited to limitations on operating hours, signage, loading/unloading activity, limitations on selling alcohol, restricting applicants to businesses with fewer than three locations, and establishing different permitting requirements depending on square footage, proposed use, or other factors.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: 3 speakers. Discussion held. M/S/C (Robinson/Harrison) to send the item as revised to the City Council with a positive recommendation.

Vote: All Ayes.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- 3. Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals**
From: Councilmember Harrison (Author)
Referred: July 28, 2020
Due: December 31, 2023
Recommendation: Amend Berkeley Municipal Code 23C.22: Short Term Rentals to clarify the ordinance and insure adequate host responsibilities, tenant protections and remedies for violating the ordinance.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

- 4. Just Transition Framework for West Berkeley Plan Amendments** *(Item contains revised material)*
From: Councilmember Taplin (Author)
Referred Date: October 23, 2023
Due Date: April 22, 2024
Recommendation: Refer to the City Manager and Planning Commission to study and recommend Amendments to the West Berkeley Plan pursuant to California Government Code Section 65302(h) to advance the city's environmental justice goals under a Just Transition Framework.
At a minimum, consider the following concepts: -Just Transition principles adopted by City Council in Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal”; -EcoDistricts Protocol and possible EcoDistricts certification incorporated into a Community Engagement Plan; -Climate Resilience Hubs; -Indigenous Land Rematriation; -Transportation Demand Management (TDM) planning to reduce Vehicle Miles Traveled (VMT) per capita by at least 25% by 2030; -Promoting and protecting arts and cultural uses. Consider robust incentives, development standards and/or mitigations in Protected Uses (Berkeley Municipal Code 23.206.050) for Media Production, Theater, Live Entertainment, Art/Craft Studio, and/or other cultural uses.
In addition, apply the above concepts for the consideration of a Master Plan, Natural Resources Management Plan, or other comprehensive plan for the protection and maintenance of Aquatic Park.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Unscheduled Items

5. **Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act** (*Item contains revised material*)
From: Councilmember Harrison (Author)
Referred: November 13, 2023
Due: May 13, 2024
Recommendation: Adopt Berkeley Municipal Code Chapter 13.89: The Community/Tenant Opportunity to Purchase Act (COPA/TOPA).
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

6. **Referral to the City Manager: Eminent Domain Feasibility Analysis for 2902 and 2908 Adeline Street Properties and Abandoned House on 1946 Russell Street**
From: Councilmember Bartlett (Author)
Referred: November 27, 2023
Due: May 27, 2024
Recommendation: Refer the City Manager to conduct an analysis and report to the Council on the feasibility of using eminent domain to enable the City to purchase the blighted commercial properties on 2902 and 2908 Adeline Street, as well as the adjacent abandoned house on 1946 Russell Street for the purposes of developing mixed-use affordable housing.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Humbert/Robinson) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 10:55 a.m.

I hereby certify that the foregoing is a true and correct record of the Land Use, Housing, & Economic Development Committee meeting held on December 4, 2023.

Wendy Sorensen, Assistant City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.