

Planning Commission

**FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
July 17, 2024**

The meeting was called to order at 6:01 p.m.

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

• **ROLL CALL:**

Commissioners Present: Blaine Merker, David Shere, Christina Oatfield, Elisa Mikiten, Laurie Capitelli, Alfred Twu, Debbie Sanderson, and Barnali Ghosh.

Commissioner Absent: Jeff Vincent (excused), Emily Marthinsen (excused), Savlan Hauser (excused), and Chip Moore (excused).

Staff Present: Secretary Justin Horner, Clerk Zoe Covello, Robert Rivera, Eleanor Hollander, and Anne Hersch.

• **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.

• **ORDER OF AGENDA:** No changes.

• **PUBLIC COMMENT PERIOD:** 0.

• **PLANNING STAFF REPORT:**

- July 9, 2024 – City Council finalized the 2nd reading of Demolition Ordinance.

- July 23, 2024 – City Council will be considering the Middle Housing Zoning Standards.
- There is no PC Meeting in August.

Information Items:

- None.

Communications:

- General.

Late Communications:

- Supplemental 1.
- Supplemental 2.
- Supplemental 3.

• **CHAIR REPORT:**

- None.

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

- None.

8. APPROVAL OF MINUTES:

Motion/Second/Carried (Mikiten/Merker) to approve the Planning Commission Meeting Minutes from June 5, 2024.

Ayes: Merker, Oatfield, Mikiten, Twu, and Ghosh. Noes: None. Abstain: Shere, Capitelli, and Sanderson. Absent: Moore. (5-0-3-1)

9. OTHER PLANNING RELATED EVENTS:

- None.

AGENDA ITEMS

10. Public Hearing: State Law Technical Edits 2024

Senior Planner Robert Rivera presented on the revised proposed zoning ordinance amendments to align the Berkeley Municipal Code (BMC) with state law related to electric vehicle charging, as well as additional non-substantive edits and corrections. The

Commissioners asked questions about the electric vehicle charging station law and how much discretion the City has to impose design standards; neighbor noticing requirements; and ADU parking design and layout language. There were no public commenters. Commissioners then made additional comments on the inclusion of trellises and pergolas in lot coverage calculations and the allowance of outdoor cafes, but not bars, in the MULI zoning district.

Motions/Second/Carried (Mikiten/Twu) to close the public hearing at 6:22 pm.

Ayes: Merker, Shere, Oatfield, Mikiten, Capitelli, Twu, Sanderson, and Ghosh. Noes: None. Abstain: None. Absent: Moore. (8-0-0-1)

Motions/Second (Mikiten/Oatfield) to recommend that City Council adopt staff's recommendation, and direct staff to bring to City Council the idea of excluding trellises and pergolas from lot coverage calculations, and change the word "configuration" mentioned in Item 15 on the staff report to "location" so that the language reads: "On a lot with an existing or proposed ADU, replacement of off-street parking for a main building, or off-street parking for an ADU, is allowed in any **location** on the lot, including within the front setback."

Friendly Amendment Proposed/Accepted (Sanderson) to take pergola out of the motion given that it is a permanent structure covering the ground that's more than 30 inches, and may conflict with other parts of the code.

Final Motions/Seconded/Carried (Mikiten/Oatfield) to recommend that City Council adopt staff's recommendation, and direct staff to bring to City Council the idea of excluding trellises from lot coverage calculations, and change the word "configuration" mentioned in Item 15 on the staff report to "location" so that the language reads: "On a lot with an existing or proposed ADU, replacement of off-street parking for a main building, or off-street parking for an ADU, is allowed in any **location** on the lot, including within the front setback," at 7:17 pm.

Ayes: Merker, Shere, Oatfield, Mikiten, Capitelli, Twu, Sanderson, and Ghosh. Noes: None. Abstain: None. Absent: Moore. (8-0-0-1)

Public Comments: 0

11. Public Hearing: Keep Innovation in Berkeley

Principal Planner Justin Horner presented on the Keep Innovation in Berkeley Council referral and proposed zoning ordinance amendments related to R&D uses and other changes. The Commissioners asked questions and made comments related, but not limited, to: the relationship between R&D and the proposed change in the definition of labs; how these uses sync up with business license tax categories; the economic benefit of this zoning change; how these changes will be implemented; and ground floor uses. Public comment was taken and a recommendation was made to City Council.

Motions/Second/Carried (Merker/Sanderson) to close the public hearing at 7:08 pm.

Ayes: Merker, Shere, Oatfield, Mikiten, Capitelli, Twu, Sanderson, and Ghosh. Noes: None. Abstain: None. Absent: Moore. (8-0-0-1)

Motions/Second/No Vote (Capitelli/Sanderson) - To move forward staff recommendations, but amend their proposal to prohibit R&D on ground floor in the existing nodes, and to bring it back to Planning Commission with recommendations on nodes on University, and Shattuck outside of downtown.

Friendly Amendment Proposed/Accepted (Merker) – To move staff recommendation to Council, and add exploring limitations on including the downtown core, and what mechanisms can be used to limit R&D in nodes on important corridors.

Friendly Amendment Proposed/Accepted (Ghosh) – To remove “prohibit at nodes” from the motion since it’s already prohibited.

Substitute Motion/Second/Carried (Sanderson/Merker) - To approve staff recommendations, which includes the legal conforming/nonconforming issue, and send it to Council, carried at 8:45 pm.

Friendly Amendment Proposed/Rejected (Merker) – To direct staff to explicitly address what criteria could be best used to ensure ground floor vibrancy, including existing planning overlays/districts.

Friendly Amendment Proposed/Rejected (Twu) - To take staff’s recommendation, which includes the legal conforming/nonconforming issue, to Council after Council approves Middle Housing.

Ayes: Merker, Shere, Capitelli, Sanderson, and Ghosh. Noes: Oatfield. Abstain: Mikiten and Twu. Absent: Moore. (5-1-2-1)

Public Comments: 3

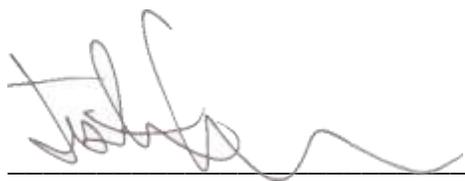
Motion/Second/Carried (Merker/Oatfield) to adjourn the meeting at 8:46 pm.

Ayes: Merker, Shere, Oatfield, Mikiten, Capitelli, Twu, Sanderson, and Ghosh. Noes: None. Abstain: None. Absent: Moore. (8-0-0-1)

Members in the public in attendance: 10

Public Speakers: 3

Length of the meeting: 2 hr 45 min

A handwritten signature in black ink, appearing to read 'Justin Horner', written in a cursive style. The signature is positioned above a horizontal line.

Justin Horner, Planning Commission Secretary