



Planning Commission

**FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
September 4, 2024**

The meeting was called to order at 6:03 p.m.

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

- **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 Justin Horner, Clerk Zoe Covello, Uttara Ramakrishnan, 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.

Vice Chair Ghosh shared that she was excited to see Filoli partnered with the Association of Ramaytush Ohlone to create the new Lamchin Interpretive Center where folks can go to learn about the tribe's history and the impacts of colonization on people and ecosystems.

- **ORDER OF AGENDA:** No changes.
- **PUBLIC COMMENT PERIOD:** 0.

- **PLANNING STAFF REPORT:**

- Anticipated Planning Commission Items:
 - October:
 - Additional General Plan Amendments related to Middle Housing
 - Update on the San Pablo Avenue Specific Plan
 - November:
 - Gilman Gateway Rezoning
 - Planning Commission Workplan
 - 2025 Calendar
 - December:
 - Affordable Housing Fee
 - January:
 - Public Hearing on the Local Hazard Mitigation Plan (tentative)
- On July 23rd, the Middle Housing Zoning Amendments went to City Council, no action was taken. Staff were directed to conduct additional community outreach and schedule the item for a future date.
- Upcoming Community Events:
 - Thursday, September 12th, 6:00 – 8:00 pm - Ashby BART TOD Community Meeting, in-person at the Ed Roberts Campus
 - Friday, September 13th, 12:30 - 1:30 pm – Ashby BART TOD Zoom Office hours will be held
 - Monday, September 16th, 6:00 pm – Special City Council meeting to discuss the Ashby BART TOD Term Sheet
 - Thursday, September 26th, 5:45 pm – San Pablo Avenue Specific Plan Community Meeting, in-person at the San Pablo Park Community Room
 - Monday, September 30th, 6:30 – 8:00 pm - Waterfront Specific Plan Community Meeting on the release of the draft Waterfront Specific Plan over Zoom
- Secretary announced that staff will now institute a Planning Commission Resolution, which will serve as a more formalized memorialization of the motion.

Information Items:

- None.

Communications:

- General.

Late Communications:

- None.

- **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/Oatfield) to approve the Planning Commission Meeting Minutes from July 17, 2024.

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

9. OTHER PLANNING RELATED EVENTS:

- None.

AGENDA ITEMS

10. Public Hearing: Development Agreements

Associate Planner Uttara Ramakrishnan presented on proposed amendments to Berkeley Municipal Code Chapter 22.16 “Development Agreement Procedures.” The Commissioners expressed support for the decision to update the Development Agreement Procedures and the potential community benefits that could come from it. Commissioners asked questions and made comments including, but not limited to: clarifying that the City Manager has discretion to approve or reject a request to embark on a Development Agreement; how a denial might be appealed; what the criteria for negotiating would be; how other Commissions’ comments would be taken into consideration; what the implications of Development Agreements might be on the future; potentially leaving in a community workshop requirement to share information publicly and better be able to determine what a community benefit is; and potential amendments to the Purpose section of the ordinance. There were no public commenters.

Motions/Second/Carried (Vincent/Twu) to close the public hearing at 6:48 pm.

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

Motions/Second (Mikiten/Vincent) to recommend that City Council adopt staff’s recommendation, and direct staff to make the following revisions to the proposed ordinance:

1. **22.16.010 Intent and Purpose** - Include clear statement of purpose; emphasize importance and value of community benefit; include 'mutual benefit'. Include "there are unique or compelling reasonsfinal development agreement."
2. **22.16.030 E Initial Review of Applications** – Elaborate on the process to include timeline for responses when an application is accepted, rejected. Also clarify that City Manager has the ability or discretion to accept or reject the proposal.
3. **22.16.090 Miscellaneous Provisions** - Future entitlements – To check with the City Attorney's Office if deleted point can be included and suggests retaining idea – 'flexibility for future entitlements are negotiable but do not extend to projects not included in the application.'
4. **22.16.070 Annual Review** – Delete new sentence "who has submitted.."
5. **22.16.040 Contents** - Delete "relating to subsequent reimbursement over time."

at 8:12 pm.

Ayes: Merker, Vincent, Moore, Mikiten, Marthinsen, Twu, Hauser, and Ghosh. Noes: None. Abstain: Oatfield. Absent: None. (8-0-1-0)

Public Comments: 0

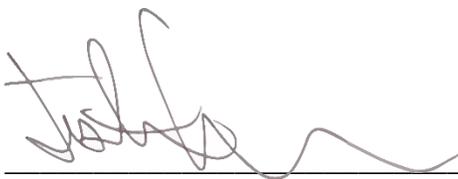
Motion/Second/Carried (Ghosh/Merker) to adjourn the meeting at 8:14 pm.

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

Members in the public in attendance: 5

Public Speakers: 0

Length of the meeting: 2 hr 11 min



Justin Horner, Planning Commission Secretary