

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, February 28, 2017
7:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 7:04 p.m.

Present: Maio, Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin

Absent: None

Ceremonial Matters:

1. Recognition of Alicia Nelson, City Commissioner
2. Recognition of Library Whistleblowers
3. Recognition of the City of Berkeley 2017 GARE Cohort

City Manager Comments: None

Public Comment on Non-Agenda Matters: 7 speakers.

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

Consent Calendar

Action: M/S/C (Worthington/Wengraf) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent Calendar

- 1. Short-Term Rental Regulations Ordinance, Amending BMC 23C.22 and Amending Titles 23D and 23E**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,521-N.S. regulating Short-Term Rentals, adding BMC Chapter 23C.22 and amending Titles 23D and 23E to make related changes.
First Reading Vote: Ayes – Maio, Davila, Bartlett, Hahn, Worthington, Arreguin; Noes – Wengraf, Droste; Abstain – None; Absent - None.
Financial Implications: See report
Contact: Carol Johnson, Planning and Development, 981-7400
Action: Moved to Action Calendar. 10 speakers. M/S/C (Arreguin/Hahn) to adopt second reading of Ordinance No. 7,521-N.S.
Vote: Ayes – Maio, Davila, Bartlett, Hahn, Worthington, Arreguin; Noes – Wengraf; Abstain – Droste; Absent - None.
- 2. Expansion of Downtown Berkeley goBerkeley Program Area; Amending BMC Chapter 14.52**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,533-N.S. revising Berkeley Municipal Code Chapter 14.52 Parking Meters to authorize expanding the Downtown Berkeley goBerkeley program area.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,533-N.S.
- 3. Reserving Very Low-Income In Lieu Units for Households Holding Section 8 Vouchers and Shelter + Care Certificates**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,534-N.S. amending Section 22.20.065.C.2. of the Berkeley Municipal Code to require that 40% of Very Low-Income units provided in lieu of payment of the affordable housing mitigation fee be reserved for holders of Section 8 vouchers and 40% of Very Low Income units be reserved for Shelter + Care certificates, and remove the previously-adopted time limit on the applicability of restricting units to Section 8 voucher holders.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted second reading of Ordinance No. 7,534-N.S.

Consent Calendar

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of January 17, 2017 (special closed), January 24, 2017 (regular), and January 31, 2017 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

5. Consent to Receive Leveraged Funds and Begin Fund Development Contract with The Glen Price Group

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to accept \$45,000 in matching funds from the Berkeley Unified School District for a Fund Development Consultant/Firm for the 2020 Vision and Beyond: Berkeley's Promise initiatives, as well as authorizing the City Manager to execute a contract and any amendments thereto with The Glen Price Group for consulting services not to exceed \$90,000.

Financial Implications: See report

Contact: Cheryl Johnson, City Manager's Office, 981-7000

Action: Adopted Resolution No. 67,840–N.S.

6. Re-Establishment and Expansion of the Telegraph Property and Business Improvement District

From: City Manager

Recommendation:

1. Adopt a Resolution declaring the City Council's intent to modify the existing Telegraph Property and Business Improvement District (TBID) to shorten its term from ten years to nine years, setting a public hearing for May 2, 2017 on modification of the District, and directing the City Clerk to conduct all necessary proceedings for modification of the TBID; and

2. Adopt a Resolution declaring the City Council's intent to re-establish and expand the Telegraph Property and Business Improvement District for the ten-year period beginning July 1, 2017 and ending June 30, 2027, with operations to occur over the ten calendar year period beginning January 1, 2018 and ending December 31, 2027; setting a public hearing for May 2, 2017 on re-establishment of the District; and directing the City Clerk to conduct all necessary proceedings for re-establishment of the TBID.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

Action: Adopted Resolution No. 67,841–N.S. (Modify TBID); and Resolution No. 67,842–N.S. (Re-Establish TBID) amended on page 3 of the exhibit to the resolution in the Management District Plan to change "black faces" to "block faces."

Consent Calendar

- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 28, 2017**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$150,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 8. Administration of Business License Tax Rate Increase (Measure U1, November 2016 Election)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to begin collecting the increased business license tax from 2017 revenues on larger landlords that was approved by the voters last November.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 67,843–N.S.
- 9. Grayson Street Apartments: Extension of Current Reservation and Use of Alameda County A1 Housing Bond Funds**
From: City Manager
Recommendation: Adopt a Resolution: 1. Extending the term of the existing reservation of \$1.4 million in Housing Trust Funds for Grayson Street Apartments and making it contingent upon Satellite Affordable Housing Associates (SAHA) securing its remaining financing commitments by December 31, 2017; and 2. Ratifying the City Manager's pre-commitment of \$691,394 in Alameda County A1 Housing Bond funds for Grayson Street Apartments; and 3. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate these actions.
Financial Implications: Various Funds - \$1.4 million
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,844–N.S.

Consent Calendar

10. Shelter Plus Care Program Renewal Grants

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Five Shelter Plus Care grants from U.S. Department of Housing and Urban Development: a) \$2,958,286 for Tenant-Based Rental Assistance for the period June 1, 2017 through May 31, 2018; b) \$187,315 for sponsor-based rental assistance for the Supportive Housing Network for the period of June 1, 2017 through May 31, 2018, with Resources for Community Development as the project sponsor; c) \$182,216 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2017 through May 31, 2018, with Bonita House, Inc. as the project sponsor; d) \$674,734 in tenant-based rental assistance for the COACH Project grant for the period of January 1, 2018 through December 31, 2018; and e) \$282,624 in tenant-based rental assistance for the Housing for Older Adults Project (HOAP) grant for the period of November 1, 2017 through October 31, 2018. 2. One grant from the County of Alameda for \$453,076 to provide tenant-based rental assistance to individuals who have HIV/AIDS and other disabilities from March 1, 2017 through February 28, 2018.

Financial Implications: See report

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Action: Adopted Resolution No. 67,845–N.S.

11. Contract: Gartner, Inc. for Information Technology Research and Advisory Licenses

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract for the purchase of licenses for access to Gartner, Inc.'s tailored research portal in an amount not-to-exceed \$159,948 for the period of February 28, 2017 through June 30, 2019.

Financial Implications: General Fund - \$159,948

Contact: Savita Chaudhary, Information Technology, 981-6500

Action: Adopted Resolution No. 67,846–N.S.

12. Contract No. 10298 Amendment: C. Overaa & Co. for the Center Street Parking Garage

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10298 with C. Overaa & Co. for the Center Street Parking Garage Project, increasing the contract amount by \$3,446,583 for a total amount not to exceed \$36,970,983.

Financial Implications: Off Street Parking Fund - \$3,446,583

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 67,847–N.S.

Consent Calendar

13. **Contract: Mosto Construction for Sanitary Sewer Rehabilitation - Urgent Sewer Repair Project FY 2017**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Urgent Sewer Repair Project FY 2017 located throughout the City, and authorizing execution of a contract with Mosto Construction and any amendments, extensions, or other change orders until completion of the project in accordance with approved plans and specifications, in an amount not to exceed \$396,847.
Financial Implications: Sanitary Sewer Operation Fund - \$396,847
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,848–N.S.
14. **Progress Report for the Development of a Comprehensive Plan for the Funding of Undergrounding Utility Wires in Berkeley**
From: Public Works Commission; Disaster and Fire Safety Commission; Transportation Commission
Recommendation:
1. Approve the following work item: a. An updated work plan to develop a comprehensive plan (the “Undergrounding Plan”) for the funding of undergrounding utility wires in Berkeley.
2. Accept the following informational items: a. A baseline study for the development of an undergrounding program, prepared by Harris and Associates, dated July 22, 2016. b. An application to U.C. Berkeley’s Goldman School of Public Policy to conduct Phase 2 studies for the development of an undergrounding program. c. Hold a workshop with service providers, such as PG&E, AT&T, Comcast, in early 2017 to get their input on the development of an undergrounding program.
Financial Implications: None
Contact: Tracy Clay, Commission Secretary, 981-6300; David Brannigan, Commission Secretary, 981-3473; Farid Javandel, Commission Secretary, 981-6300
Action: Item held over to March 28, 2017.

Council Consent Items

Council Consent Items

- 15. Longfellow Arts & Tech School PTA: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Arreguin
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$200 per Councilmember to support the Longfellow Arts & Tech School PTA with funds relinquished to the City's General Fund so that the Berkeley Unified School District middle school youth and families be represented at the Cesar Chavez Youth Leadership Conference and Celebration on Saturday March 11, 2017 and for costs relating to rental of a BUSD bus from Mayor Arreguin's discretionary Council Office Budget and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$200
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 67,849–N.S. revised to include contributions from the following members up to the amounts listed: Mayor Arreguin - \$200; Councilmember Bartlett - \$100.
- 16. Increasing the Parking Permit Guidelines for Two BUSD Schools with Limited Access to Public Transit**
From: Councilmember Maio and Mayor Arreguin
Recommendation: Request the City Manager to increase the guidelines used to grant residential permit parking to BUSD schools from 60% to 70% of the number of BUSD staff (includes teachers) for schools more than 1/2 mile from a BART Station, or 1/4 mile from a Rapid Transit Stop, or 1/4 mile from two (2) major transit lines.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Councilmembers Davila and Droste added as co-sponsors. Approved recommendation.
- 17. Budget Referral: Funding to Create a Pedestrian-Activated Crosswalk Across Sacramento Street at the North Berkeley BART Station**
From: Councilmember Maio
Recommendation: Refer to the budget process the funding of pedestrian-activated lights across Sacramento Street at the North Berkeley BART Station.
Financial Implications: See report
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.

Council Consent Items

- 18. Direction to Energy Commission: Develop Comprehensive Plan for Incentivizing the Installation of Solar Panels on Commercial and Retail Rooftops in Berkeley**
From: Councilmember Bartlett
Recommendation: Prepare a comprehensive plan for incentivizing the installation of solar panels on commercial and retail rooftops in Berkeley where sufficient solar access exists. The plan should include the following components: 1. Finance: Outline the various financing options for commercial property owners. 2. Data Collection: Develop a plan for identifying all commercial/retail properties in Berkeley that have sufficient solar access. 3. Permitting: Outline process for permitting related to solar panel installation. If necessary, identify legislation or policies that should be amended in order to facilitate rapid installation of solar panels. 4. Program: Develop programs for a. outreach and education to commercial/retail property owners; b. assisting owners with executing solar panel installation. 5. Integration: Integrate these plans with existing environmental and solar initiatives that the Commission is working on. Provide a status report to the Council at the July 14 Council meeting.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Item removed from the agenda by Councilmember Bartlett.
- 19. Direction to Homeless Commission: Research Grants and Other Sources of Funding for the City's Homeless Services**
From: Councilmember Bartlett
Recommendation: Direct the Homeless Commission to do research on grants and other sources of private funding to be used for the City's homeless services in light of anticipated federal funding cuts and anticipated increases in homelessness. Present a status report to the Council at the April 25, 2016 Council meeting.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation amended to change "Direct" to "Refer" and delete the last sentence of the recommendation.
- 20. Supporting CA Assembly Bill 43 - State Incarceration Prevention Fund**
From: Councilmember Hahn
Recommendation: Support Assembly Bill 43 which redirects monies generated by private companies that profit from contracts with state prison facilities into a State Incarceration Prevention Fund, for the purpose of supporting programs known to prevent incarceration, and send letters of support to Assembly Speaker Rendon and Assemblymember Thurmond. Such programs include universal preschool, higher education and poverty reduction measures.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Mayor Arreguin added as a co-sponsor. Councilmembers Bartlett and Davila added as a co-sponsor. Approved recommendation.

Council Consent Items

- 21. Proclamation in Honor of Holocaust Remembrance Day**
From: Councilmembers Worthington, Wengraf, and Hahn
Recommendation: Adopt the Holocaust Remembrance Day Proclamation.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.
- 22. City Co-sponsorship for Sigma Chi Fraternity's "Derby Days" Carnival to Benefit Camp Kesem**
From: Councilmember Worthington
Recommendation: Co-sponsor the "Derby Days" carnival, a part of the Sigma Chi Fraternity's annual fundraiser, whereby students will have a series of competitions and events during the week of March 4, including the carnival on March 5 and a concert on March 10, to benefit Camp Kesem Berkeley.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 23. Proclamation Recognizing the Japanese Internment Day of Remembrance**
From: Councilmembers Worthington and Hahn
Recommendation: Adopt a proclamation acknowledging a day of remembrance for Japanese American internment, and recognize the history of Japanese internment in our country, as well as the rich history of the Japanese people within the City of Berkeley.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Davila added as a co-sponsor. Adopted Resolution No. 67,850–N.S. as revised in Supplemental Reports Packet #1.

Council Consent Items

- 24. Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Worthington, Wengraf, and Hahn
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,500 per Councilmember, including up to \$1,500 each from Councilmember Worthington and Susan Wengraf, to support the Holocaust Remembrance Day Event with funds relinquished to the City's general fund for this purpose so that the City of Berkeley is able to invite and support the community on this event from Councilmembers Kriss Worthington and Susan Wengraf's discretionary Council Office Budgets and any other Councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$1,500
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 67,851–N.S. revised to include contributions from the following members up to the amounts listed: Councilmember Wengraf - \$500; Councilmember Hahn - \$100; Councilmember Worthington - \$1,000; Mayor Arreguin - \$100; Councilmember Maio - \$100; Councilmember Bartlett - \$100.

Action Calendar – Public Hearings

- 25. ZAB Appeal: 1310 Haskell Street**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit No. ZP2015-0087 to demolish an existing single-family dwelling and accessory structure and construct three new detached, two-story dwellings totaling approximately 6,229 square feet, and dismissing the appeal.
Financial Implications: None
Contact: Carol Johnson, Planning and Development, 981-7400
- Public Testimony:** The Mayor opened the public hearing. 22 speakers. M/S/C (Droste/Wengraf) to close the public hearing.
Vote: Ayes – Maio, Davila, Bartlett, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn (Recused – voted on project as member of Zoning Adjustments Board).
- Action:** M/S/Failed (Droste/Wengraf) to adopt a resolution to approve the use permit and dismiss the appeal.
Vote: Ayes – Wengraf, Worthington, Droste; Noes – Maio, Davila, Bartlett, Arreguin; Abstain – None; Absent - Hahn (Recused – voted on project as member of Zoning Adjustments Board).
- Action:** M/S/C (Arreguin/Davila) to adopt Resolution No. 67,852–N.S. denying Use Permit No. ZP2015-0087 to demolish an existing single-family dwelling and accessory structure and construct three new detached, two-story dwellings totaling

Action Calendar – Old Business

approximately 6,229 square feet, and affirming the appeal with the following findings:

WHEREAS, in addition to the Use Permit to construct residential units under Berkeley Municipal Code (BMC) Sections 23D.28.030, the applicant is requesting Use Permit approval to demolish a dwelling unit under BMC Section 23C.08.010.B and a Use Permit to demolish a building containing a residential unit under BMC Section 23C.08.020.A.; and

WHEREAS, BMC Section 23C.08.010.B permits the Board to approve a Use Permit for the elimination or demolition of dwelling units only if, in addition to any other findings required by the Zoning Ordinance, it finds that the elimination of the dwelling units would not be material detrimental to the housing needs and public interest of the affected neighborhood and city; and

WHEREAS, the project as presently proposed cannot be constructed without the demolition of the existing single family dwelling and accessory structure; and

WHEREAS, these requirements are beyond the “applicable, objective general plan and zoning standards” in the R-2A District; and

WHEREAS, the Council finds that the Housing Accountability Act, Government Code Section 65589.5(j) does not apply to these discretionary portions of the project and the Council is not compelled to approve the project under Section 65589.5(j); and

WHEREAS, in the opinion of this Council, the facts stated in, or ascertainable from the public record, including comments made at the public hearing, do not warrant approving the project; and

WHEREAS; the Council discussed at length the impacts on the neighboring properties and concluded that potential impacts would be unreasonably and unnecessarily detrimental and determined that the Council could not make the required non-detriment finding in favor of approach, for the following reasons:

- 1. The project will not be consistent with the purposes of the district on which the site is located as outlined in BMC Section 23D.32.020. Specifically, the proposed project conflicts with Subdivision A because it does not encourage “the development of medium density residential...characterized by small multiple-family and garden-type apartment structures with a maximum of open space consistent with this type of development;” conflicts with Subdivision C because the project does not protect “adjacent properties from unreasonable obstruction of light and air;” and conflicts with Subdivision D because the district permits only that “intensity of use which will be compatible with existing low density residential structures and will not be detrimental to the immediate neighborhood.”*
- 2. The project will result in density that is incompatible with the neighborhood development and would maximize the development potential of the property,*

Action Calendar – Old Business

contrary to the purpose of the District which is to recognize and protect the existing pattern of low density residential areas characterized by reasonable open and spacious type of development. This project, if built, would present a drastic change in the existing “open character” of residential properties located immediately to the east of the subject site (1312 Haskell) and west of the project site (1306 Haskell), as well as immediately to the south (1305 and 1309 Sixty-Seventh Street).

3. *The project would locate new dwellings within four feet of the side property line, which would result in a setback that would be out of scale and character with the abutting properties that have back yard open garden areas. The project would create detrimental massing impacts to the neighboring properties resulting in a boxed-in feeling within the abutting rear yard areas. Additionally, the proposed second-story windows, with potential sight lines into the neighboring properties homes and yards, will create undue privacy impacts.*
4. *The project would cast shadows on four neighboring dwelling units: the existing dwelling unit to the west (1306 Haskell Street), the dwelling unit immediately east (1312 Haskell Street), and the dwelling units to the south (1311 and 1315 Sixty-Seventh Street) of the project. During the summer late afternoon and evening hours, the proposed project will shadow the rear yards of dwelling units to the east, south and southeast. During the winter months, the dwelling unit to the west will experience new shading during morning hours and the dwelling to the east will experience new shading in the afternoon and evening hours. Although the proposed project will not substantially affect these dwelling units with shadows during the rest of the day or times of year, the new shadowing that would occur is unacceptable and unnecessary, since smaller buildings with lesser shadowing impacts are viable alternatives.*
5. *The project would increase the number of dwelling units on the site from one to three, the number of bedrooms from two to nine, and would provide only three off-street parking spaces (one per unit) and no guest parking thereby impacting availability of on-street parking. Hence, the City Council finds that with only three parking spaces, the project would create a parking shortage in the areas, and would adversely affect the immediate neighborhood and surrounding properties or the occupants thereof.*

WHEREAS, based on the above, the Council determined that the project would be: 1) detrimental to the health, safety, peace, morals and comfort, or general welfare of persons residing or working in the area or neighborhood of such proposed use; 2) detrimental or injurious to property and improvements of the adjacent properties, the

Action Calendar – Old Business

surrounding area or neighborhood; and 3) detrimental or injurious to the general welfare of the City.

Vote: Ayes – Maio, Davila, Bartlett, Worthington, Arreguin; Noes – Wengraf, Droste; Abstain – None; Absent - Hahn (Recused – voted on project as member of Zoning Adjustments Board).

Recess 9:47 p.m. – 10:01 p.m.

Action Calendar – Old Business

26. **ZAB Appeal: 2777 Shattuck Avenue/2747 Adeline Avenue** *(Continued from February 7, 2017)*

From: City Manager

Recommendation: Adopt a Resolution dismissing the appeal and affirming the decision of the Zoning Adjustments Board to approve Use Permit No. ZP2015-0102 to establish a full service auto dealership, including auto sales, repair and maintenance, in an existing building; to construct a 4,427 square-foot addition to the building for auto access and service; and to use a portion of the existing 31-space surface parking lot at 2747 Adeline Street for project parking, car display, and inventory.

Financial Implications: None

Contact: Carol Johnson, Planning and Development, 981-7400

Action: M/S/C (Arreguin/Worthington) to suspend the rules and extend the meeting to 11:30 p.m.

Vote: All Ayes.

Action: 65 speakers. M/S/Failed (Bartlett/Davila) to re-open the public hearing, continue the item and re-notice the hearing for a future date.

Vote: Ayes – Davila, Bartlett, Hahn, Arreguin; Noes – Maio, Wengraf, Worthington; Abstain – Droste.

Action: M/S/C (Arreguin/Davila) to suspend the rules and extend the meeting to 11:40 p.m.

Vote: Ayes – Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes - Maio.

Action: M/S/Failed (Arreguin/Davila) to remand the project to the Zoning Adjustments Board and request that the project be evaluated as a sales location without auto repair services.

Vote: Ayes – Davila, Bartlett, Hahn, Arreguin; Noes – Worthington, Droste; Abstain – Maio, Wengraf.

Action Calendar – Old Business

27. **Berkeley Deep Green Building Initiative** *(Continued from November 15, 2016)*
From: Mayor Arreguin and Councilmember Hahn
Recommendation: Refer to the City Manager and Energy Commission the development of policies and programs to improve the energy efficiency and sustainability of buildings based on the Berkeley Deep Green Building proposal.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
Action: 9 speakers. M/S/C (Arreguin/Hahn) to approve the recommendation as written in Supplemental Reports Packet #1.
Vote: All Ayes.
28. **Housing Accountability Act** *(Continued from January 24, 2017)*
From: City Manager
Contact: Zach Cowan, City Attorney, 981-6950
Action: Item held over to March 28, 2017.
- 29a. **Support for Oregon Park Senior Apartments** *(Continued from January 24, 2017)*
From: Housing Advisory Commission
Recommendation: Direct staff to work with Oregon Park Senior Apartments to undertake a physical needs assessment and to consider assistance with financing to address any issues identified in the physical needs assessment, and to hold the fines in abeyance in the interim.
Financial Implications: None
Contact: Amy Davidson, Commission Secretary, 981-5400
- 29b. **Companion Report: Support for Oregon Park Senior Apartments** *(Continued from January 24, 2017)*
From: City Manager
Recommendation: Refer the Housing Advisory Commission's recommendation that staff work with Oregon Park Senior Apartments (OPSA) to the Council prioritization process so that the Council can evaluate this recommendation in the context of other recommendations for the use of Housing & Community Services staffing resources.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Action: Item held over to March 14, 2017.

Action Calendar – New Business

Action Calendar – New Business

30. Berkeley Bicycle Plan 2017

From: City Manager

Recommendation: Adopt a Resolution approving the Berkeley Bicycle Plan 2017, and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: Item referred to the Agenda Committee for future scheduling.

Council Action Items

31. Readopt “Lease Agreement: Friends of DxE for Telegraph of Channing Mall, 2425 Channing Way Suite C” with Minor Amendments

From: Councilmember Worthington

Recommendation: Readopt lease agreement for the Friends of DxE International at 2425 Channing Suite C at the premises for the purposes of operating an office with supporting retail activities to include revised amendments.

Financial Implications: Minimal

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action: Item held over to March 28, 2017 with the revised material in Supplemental Reports Packet #1.

Information Reports

32. FY 2017 Investment Report: Quarter Ended September 30, 2016

From: City Manager

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Received and filed.

33. Update on Name Change of the Sugar-Sweetened Beverage Program to the Healthy Berkeley Program

From: City Manager

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Action: Received and filed.

34. Planning for Minimum Wage Increases to the City’s Youth Employment Program

From: City Manager

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Action: Received and filed.

35. Permit Service Center Audit Status Report

From: City Manager

Contact: Carol Johnson, Planning and Development, 981-7400

Action: Received and filed.

Information Reports

36. **LPC - NOD: 2727 Milvia Street**
From: City Manager
Contact: Carol Johnson, Planning and Development, 981-7400
Action: Received and filed.
37. **LPC - NOD: 2102 Shattuck Avenue**
From: City Manager
Contact: Carol Johnson, Planning and Development, 981-7400
Action: Received and filed.
38. **goBerkeley Parking Management Program - Recommended Adjustments for March 1, 2017 (Expansion Areas)**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Item held over to March 14, 2017.

Public Comment – Items Not Listed on the Agenda – 0 speakers.

Adjournment

Action: M/S/C (Worthington/Wengraf) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 11:39 p.m. in memory of:

1. Nicole Milner, Social Justice Activist
2. Bette Kroening, Local Restaurateur

Communications

Item 26: ZAB Appeal: 2777 Shattuck Avenue/2747 Adeline Avenue

1. Jane Kitchel
2. Robert Lauriston

Item 30 Berkeley Bicycle Plan 2017

3. Daniel Newman
4. Phillip Minnitte, on behalf of MapLight
5. Charles Siegel
6. Todd Henry, on behalf of the UC Berkeley Bicycle Committee

Berkeley Art Center

7. Zohra Kalinkowitz
8. Edith Hillinger
9. Sally Goldstein

1900 Fourth Street

- 10. Patricia Long
- 11. Deborah Pulido
- 12. Alessandro Latini
- 13. Stephanie Manning (2)

Encampment Suggestions

- 14. Adam Bredenber/Jacquelyn McCormick (4)

Protest Concerns

- 15. Elizabeth Saunders
- 16. Nick Boschert
- 17. Stephen Schwager
- 18. Kathleen Curran
- 19. Carlyn Smith
- 20. Kenton Blanton
- 21. Robert and Jeanie Minor
- 22. Unknown

City of Berkeley Banking

- 23. Alice Freda
- 24. Megan Lang

Surveillance Ordinance

- 25. Police Review Commission

Hate Speech Ordinance

- 26. Richard Polangin

Senate Bill 54 (CA Values Act)

- 27. Diana Bohn

Seizure of Property

- 28. Police Review Commission

Adeline Corridor

- 29. KO

Ohlone Dog Bark Renovation

- 30. Joe Goglio, on behalf of the Ohlone Dog Park Association

Street Repair

- 31. Dorothea Dorenz

Alameda County Anti-Displacement Funding & Policy Plan

- 32. Berkeley Rent Stabilization Board

Concerns of the Poor

- 33. Elisa Cooper

Supplemental Communications and Reports 1**Item 23: Proclamation Recognizing the Japanese Internment Day of Remembrance**

- 34. Revised materials, submitted by Councilmember Worthington

Supplemental Communications and Reports 1

Item 25: ZAB Appeal: 1310 Haskell Street

- 35. Dean Metzger, on behalf of the Berkeley Neighborhood Council
- 36. Marianne Sluis

Item 26: ZAB Appeal: 2777 Shattuck Avenue/2747 Adeline Avenue

- 37. Marianne Sluis

Item 27: Berkeley Deep Green Building Initiative

- 38. Revised materials, submitted by Mayor Arreguin and Councilmember Hahn

Item 30: Berkeley Bicycle Plan 2017

- 39. Michael Hursh, on behalf of AC Transit
- 40. Liza & Bobby Lutzker
- 41. Preston Jordan, on behalf of Albany Strollers & Rollers (AS&R)
- 42. Dave Campbell, on behalf of Bike East Bay
- 43. Joe DiStefano

Item 31: Readopt "Lease Agreement: Friends of DxE for Telegraph of Channing Mall, 2425 Channing Way Suite C" with Minor Amendments

- 44. Revised materials, submitted by Councilmember Worthington

Supplemental Communications and Reports 2

Item 1: Short-Term Rental Regulations Ordinance, Amending BMC 23C.22 and Amending Titles 23D and 23E

- 45. Jenn Rubin
- 46. Daniel Moore
- 47. Jerome McGadney
- 48. Jennifer Russell
- 49. Matthew Lewis
- 50. Progressive Student Association
- 51. 5 form letters, submitted by Christine Schwartz, Ellen Woods, Grace Treffinger, Dominick Williams, Sheila Goldmacher

Item 25: ZAB Appeal: 1310 Haskell Street

- 52. Ranil Abeysekera
- 53. Steve Martinot

Item 26: ZAB Appeal: 2777 Shattuck Avenue/2747 Adeline Avenue

- 54. Friends of Adeline
- 55. Jeffrey Carter
- 56. Michael Barglow
- 57. James Hosley
- 58. Marty Schiffenbauer
- 59. Peter Schorer
- 60. Jesse Martinez
- 61. Gail Brown
- 62. Sas Colby
- 63. Ann Epstein
- 64. Andrew Sabey, Cox Castle & Nicholson

Supplemental Communications and Reports 2

Item 27: Berkeley Deep Green Building Initiative

65. Henry Siegel

66. Cate Leger

Item 30: Berkeley Bicycle Plan 2017

67. Amanda Leahy

68. Eric Dasmalchi

69. John Caner, on behalf of the Downtown Berkeley Association

70. Heath Maddox

71. Luis Amezcua, on behalf of the Sierra Club

Supplemental Communications and Reports 3

Item 1: Short-Term Rental Regulations Ordinance, Amending BMC 23C.22 and Amending Titles 23D and 23E

72. Berkeley Tenants Union

73. Igor Tregub

74. Unknown

Item 14: Progress Report for the Development of a Comprehensive Plan for the Funding of Undergrounding Utility Wires in Berkeley

75. Bob Flasher

Item 25: ZAB Appeal: 1310 Haskell Street

76. Presentation, submitted by Planning & Development Department

77. Dean Metzger, on behalf of Berkeley Neighborhoods Council

Item 26: ZAB Appeal: 2777 Shattuck Avenue/2747 Adeline Avenue

78. George Killingsworth

79. Lana Wilson

80. Whitney Gould

81. Tom Graly

82. Luis Amezcua, on behalf of the Sierra Club

83. Unknown

Item 30: Berkeley Bicycle Plan 2017

84. Vanessa Warheit

Maya's Spring Music Festival

85. Unknown