

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, February 6, 2018

6:00 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 – KATE HARRISON

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

Preliminary Matters

Roll Call: 6:04 p.m.

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

Absent: Davila

Councilmember Davila present 6:05 p.m.

Action Calendar – Public Hearings

Action Calendar – Public Hearings

1. **ZAB Appeal: 1446 Fifth Street, Administrative Use Permit No. ZP2016-0247**
From: City Manager

Recommendation: Conduct a public hearing, consider the applicant's request to revise the project description as described herein and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit No. ZP2016-0247 to construct four detached, 3-story, approximately 1,800 square-foot, single-family dwellings, each with an average height of 33', on a 6,250 square-foot vacant parcel in the MU-R District, as amended, and dismiss the appeal.

Financial Implications: None

Contact: Timothy Burroughs, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing. 4 speakers.
M/S/C (Arreguin/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Worthington/Harrison) to remand the application to the Zoning Adjustments Board to enable discussion between the opposing parties, review the affordable housing requirements, and consider any further changes by the applicant.

Vote: All Ayes.

Recess 7:09 p.m. – 7:19 p.m.

Action Calendar – Public Hearings

2. ZAB Appeal: 2334 Jefferson Avenue, Administrative Use Permit No. ZP2016-0203

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit No. ZP2016-0203 to raise an existing 2,543 square-foot, 2-story, single-family dwelling, with an average height of 18'4" by 5'6" for a new average height of 23'10", convert 515 square feet of the existing basement into living space, and vertically extend the building walls within the nonconforming front yard setback, and dismiss the appeal.

Financial Implications: None

Contact: Timothy Burroughs, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing. 6 speakers. M/S/C (Wengraf/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Worthington) to adopt Resolution No. 68,316–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit No. ZP2016-0203 to raise an existing 2,543 square-foot, 2-story, single-family dwelling, with an average height of 18'4" by 5'6" for a new average height of 23'10", convert 515 square feet of the existing basement into living space, and vertically extend the building walls within the nonconforming front yard setback, and dismiss the appeal.

Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes - None; Abstain - Davila.

Recess 8:15 p.m. – 8:27 p.m.

3. ZAB Appeal: 1436 Campus Drive, Use Permit ZP No. 2016-0062

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

A. Adopt a Resolution (as presented in Attachment 1) to: 1. Determine that appeal issues 1, 2, 4, 7, 10, 11, 14 through 15 are without merit and reject the appeal as to those issues; and 2. Remand to the Zoning Adjustments Board (ZAB) to consider appeal issues 3, 5, 6, 8, 9, 12 and 13 and to consider the revised project presented by the applicant within the appeal.

-OR-

B. Adopt a Resolution (Attachment 2) reversing the Zoning Adjustments Board decision and approving Use Permit No. ZP2016-0062 to construct a 3,447 sq. ft., three-story, single-family dwelling with an integrated 748 sq. ft. Accessory Dwelling Unit, and a two-car parking structure in the front yard setback, on a 6,082 sq. ft. vacant parcel;

-OR-

C. Adopt a Resolution (Attachment 3) upholding the Zoning Adjustments Board decision to deny Use Permit No. ZP2016-0062 to construct a 3,447 sq. ft., three-story, single-family dwelling with an integrated 748 sq. ft. Accessory Dwelling Unit,

Action Calendar – Public Hearings

and a two-car parking structure in the front yard setback, on a 6,082 sq. ft. vacant parcel.

Financial Implications: None

Contact: Timothy Burroughs, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing. 10 speakers. M/S/C (Wengraf/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Arreguin) to adopt Resolution No. 68,317–N.S. to: 1. Determine that appeal issues 1, 2, 4, 7, 10, 11, 14 through 15 are without merit and reject the appeal as to those issues; 2. Remand to the Zoning Adjustments Board (ZAB) to consider appeal issues 3, 5, 6, 8, 9, 12 and 13 and to consider the revised project presented by the applicant within the appeal; 3. Direct the applicant to submit complete plans that conform with city requirements; 4. Direct the applicant to place story poles at the property to accurately reflect the proposed project.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:32 p.m.

Communications

Item 1: ZAB Appeal: 1446 Fifth Street, Administrative Use Permit No. ZP2016-0247

1. Matthew Wadlund
2. Jeffrey Spahn
3. Victoria Fierce, on behalf of California Renters Legal Advocacy and Education Fund

Item 2: ZAB Appeal: 2334 Jefferson Avenue

4. David Ushijima (4)
5. Connie Jacowitz

Item 3: ZAB Appeal: 1436 Campus Drive, Use Permit ZP No. 2016-0062

6. Richard O'Connell (2)
7. Reba Jones
8. Fred Schlachter

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: ZAB Appeal: 1446 Fifth Street, Administrative Use Permit No. ZP2016-0247

- 9. Richard
- 10. Melissa Bottrell

Item 2: ZAB Appeal: 2334 Jefferson Avenue, Administrative Use Permit No. ZP2016-0203

- 11. David Ushijima (2)
- 12. Jonah Markowitz

Item 3: ZAB Appeal: 1436 Campus Drive, Use Permit ZP No. 2016-0062

- 13. Revised materials, submitted by Planning & Development
- 14. Immanuel Bereket
- 15. Nga Pham
- 16. Sophie Hahn
- 17. Ric O'Connell

Supplemental Communications and Reports 3

Item 1: ZAB Appeal: 1446 Fifth Street, Administrative Use Permit No. ZP2016-0247

- 18. Presentation, submitted by Planning & Development
- 19. Matthew Wadlund

Item 2: ZAB Appeal: 2334 Jefferson Avenue, Administrative Use Permit No. ZP2016-0203

- 20. Presentation, submitted by Planning & Development
- 21. Unknown (2)

Item 3: ZAB Appeal: 1436 Campus Drive, Use Permit ZP No. 2016-0062

- 22. Presentation, submitted by Planning & Development
- 23. Rena Rickles