

ANNOTATED AGENDA SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, July 7, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87660512181>. 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 by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **876 6051 2181**. 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 an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 8:26 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Droste

Councilmember Droste present at 8:52 p.m.

Action: M/S/C (Kesarwani/Robinson) to add two items (Resolution Authorizing Temporary Closure of the Designated Healthy Streets Network; and Ordinance Limiting Third-Party Food Delivery Service Fees) to the agenda from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2).

Vote: Ayes - Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Action Calendar – Public Hearing

1. **ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2019-0111 to construct a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, increasing the average and maximum building height by approximately two feet, increase the number of bedrooms on the parcel from four to five, and constructing a perimeter fence over six feet in height, on a conforming residential parcel, and dismiss the appeal.

Financial Implications: None

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Droste/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Wengraf/Harrison) to adopt Resolution No. 69,486–N.S. affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2019-0111 to construct a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, increasing the average and maximum building height by approximately two feet, increase the number of bedrooms on the parcel from four to five, and constructing a perimeter fence over six feet in height, on a conforming residential parcel, and dismiss the appeal.

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

Action Calendar – Public Hearing

2. ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

From: City Manager

Recommendation: Conduct a public hearing regarding an appeal of the Zoning Adjustments Board decision to deny Use Permit #ZP2018-0236, a request to establish a new 50' high monopole 4G LTE wireless facility operated by Verizon Wireless at the East Bay Municipal Utility District site consisting of six antennas, six remote radio units, and associated ground equipment and, upon conclusion, consider the record of proceedings and testimony to determine whether the findings for approval can be made regarding view protection and camouflage.

Financial Implications: None

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 28 speakers. M/S/C (Arreguin/Davila) to close the public hearing.

Vote: Ayes - Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Wengraf (Recused – lives within 500 feet of the project).

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

Vote: Ayes - Kesarwani, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Davila, Droste; Abstain – None; Absent – Wengraf (Recused – lives within 500 feet of the project).

Action: M/S/C (Hahn/Davila) to adopt Resolution No. 69,487–N.S. affirming the Zoning Adjustments Board decision to deny Use Permit #ZP2018-0236, a request to establish a new 50' high monopole 4G LTE wireless facility operated by Verizon Wireless at the East Bay Municipal Utility District site consisting of six antennas, six remote radio units, and associated ground equipment, and adopting revised findings in support of the decision.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Arreguin; Noes – Robinson; Abstain – Kesarwani, Droste; Absent – Wengraf (Recused – lives within 500 feet of the project).

Urgency Item: Resolution Authorizing Temporary Closure of the Designated Healthy Streets Network

From: Councilmember Rashi Kesarwani (Author), Councilmember Rigel Robinson (Co-Sponsor)

Recommendation: Adopt a resolution requesting: 1) Temporary closure of designated Healthy Streets (see Attachment 1 Map) pursuant to California Vehicle Code § 21101(e), which authorizes local resolution of street closures for the “safety and protection” of persons using such streets; and 2) That the closures be adequately marked with (1) diverters and/or semi-diverters positioned and secured to encourage alternative routes for motor vehicle traffic, and (2) durable reflective signage that indicates the presence of a temporary street closure.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Councilmember Bartlett and Mayor Arreguin added as co-sponsors. 6 speakers. M/S/C (Kesarwani/Bartlett) to adopt Resolution No. 69,488–N.S.

Vote: All Ayes.

Urgency Item: Ordinance Limiting Third-Party Food Delivery Service Fees

From: Councilmember Rashi Kesarwani (Author), Councilmembers Kate Harrison and Rigel Robinson (Co-Sponsors)

Recommendation: Adopt an ordinance establishing a temporary limit on the charges imposed by third-party delivery services on retail food establishments to be in effect for the duration of the declared local state of emergency resulting from the Covid-19 pandemic.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Councilmember Bartlett added as a co-sponsor. 2 speakers. M/S/C (Arreguin/Kesarwani) to adopt Ordinance No. 7,727–N.S.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Councilmember Droste absent 11:26 p.m. – 11:30 p.m.

Adjournment

Adjourned the meeting in memory of the victims of violence over the 4th of July weekend.

Adjourned at 11:30 p.m.

Communications

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

1. 14 form letters “Deep Opposition”
2. 9 form letters “Live on Euclid”
3. 11 form letters “Do Not Want”
4. Isaac Kaplan
5. Jack Newman

6. Ellen Archilla and Jacques Watteyne
7. Elissa Berall
8. Allison Sell
9. Danielle Schanz
10. Debbie Lai
11. Julia MacMillan
12. Wolf Arnold
13. Lina Schweidel
14. Amber Turley
15. Brooke Dougherty
16. David Moren
17. Corien Anderson
18. Julie Therien
19. Rebecca Armstrong
20. Kristi Lentz Taylor
21. Janice Schroeder
22. John Williams
23. Mark Gonzalez
24. Ginger Parnes
25. Jane Eisenstark
26. Francine Foltz
27. Carolyn McNiven
28. Leah Mazel-Gee
29. Julia Rogers
30. Jane Hansen
31. Debbie
32. Julieta Zuniga
33. Oliver Raisner
34. Susan Nunes (2)
35. Michael Burt on behalf of the Law Office of Michael Burt
36. Raissa Lerner
37. Anonymous
38. Loyal Nawfal, Associate Planner, Land Use Planning Division
39. Regina DiMaggio
40. Kaellyn Moss (2)
41. Mary McGann (2)
42. Andrea Lappen
43. Cynthia Li
44. Jennifer Monahan
45. Daniel Richheimer
46. Phyllis Peacock
47. Mayanne Stahl
48. Amanda Coggin
49. Jan Jarvis
50. Vivian Warkentin
51. Tiffany Fyans
52. Arthur Stopes III
53. Carol Hirth
54. Mary Ann Brewin
55. Lloyd Morgan

Supplemental Communications and Reports 1

Item #1: ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

56. Kevin Kelly

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

57. Michael Burt, Law Office of Michael Burt (3)
58. Susan Nunes (2)
59. Susan Reinold
60. Stanley Goldberg
61. Mary McGann
62. Wendy Stock
63. Lucinda Reinold (2)
64. Jo Ann Driscoll (2)
65. Phyllis Peacock
66. Oliver Raisner
67. Kelley Hart
68. Gay Pelletier
69. Angelina DeAntonis
70. Christian Raisner
71. Daniella Thompson
72. Steve Tracy
73. Dawn Hawk
74. Scasey@
75. Oren Leiman

Supplemental Communications and Reports 2

Item #1: ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

76. Rod Ubillus, on behalf of Kristin Scott and Henk Roelink
77. Tetsu Tokunaga

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

78. Paul Albritton, on behalf of Mackenzie & Albritton Law Firm
79. Jane Burak
80. Lance Courtland
81. Francie Jones
82. Diana Bohn

Supplemental Communications and Reports 3

Item #1: ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

83. Pamela Sihvola (2)
84. Changiz Faizbakhsh

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

- 85. Jeffrey Hunt (2)
- 86. Andy Katz, EBMUD Director, Ward 4
- 87. Paul Albritton, on of law firm of Mackenzie & Albritton
- 88. Wendy Stock
- 89. Bryce Nesbitt (2)
- 90. Mark Numainville, City Clerk
- 91. Oren Leiman
- 92. Phoebe Anne Sorgen

Urgency Item: Resolution Authorizing Temporary Closure of the Designated Healthy Streets Network

- 93. Urgent material, submitted by Councilmember Kesarwani
- 94. Travis Close

Urgency Item: Ordinance Limited Third-Party Food Delivery Service Fees

- 95. Urgent material, submitted by Councilmember Kesarwani
- 96. John Caner, on behalf of the Downtown Berkeley Association
- 97. Narendra Dev