

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

Tuesday, December 8, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
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/82201220671>. 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** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **822 0122 0671**. 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: 6:17 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None.

Action Calendar – Public Hearing

1. Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution, as recommended by the Planning Commission, to: a. Certify the Environmental Impact Report and make related California Environmental Quality Act (CEQA) findings; and b. Adopt the Adeline Corridor Specific Plan (ACSP) and related General Plan text and map amendments.

2. Adopt first reading of an Ordinance, as recommended by the Planning Commission, amending the Berkeley Municipal Code (BMC) to create the Commercial – Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; adding Berkeley Municipal Code Chapter 23E.70.

3. Authorize the City Manager to make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only.

4. Authorize staff to create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms.

5. Consider a set of companion recommendations from the Planning Commission.

Financial Implications: No direct fiscal impacts

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Recess 8:35 p.m. – 8:48 p.m.

Public Testimony: The Mayor opened the public hearing. 62 speakers.

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

Vote: All Ayes.

Action Calendar – Public Hearing

Action: M/S/Failed (Bartlett/Hahn) to:

1. Adopt staff recommendations 1, 2, 3, and 4 as written.
2. Take action on the Planning Commission supplemental recommendations as follows:
 - #1 \$50 million set aside – referred to the Housing Advisory Commission and the Measure O Oversight Committee
 - #2 Affordable Housing Mitigation Fee Ordinance revisions for Moderate Income Level - referred to the City Manager
 - #3 Two-lane street option for Adeline Avenue - referred to the City Manager
 - #4 Funding for parks in the Adeline Corridor - referred to the City Manager
3. Refer to the City Manager to develop a policy for the Affordable Housing Mitigation Fees collected from projects in the Adeline Corridor Planning Area to be placed in a fund dedicated for affordable housing at the Ashby BART site.
4. Re-evaluate the status of the Zoning Ordinance amendments and Adeline Corridor Specific Plan in one year to determine if there is a need for modification.

Vote: Ayes – Bartlett, Harrison, Hahn; Noes – Kesarwani, Taplin, Droste; Abstain – Wengraf, Robinson, Arreguin.

Action: M/S/Carried (Arreguin/Droste) to adopt the staff recommendation with certain noted amendments.

1. Adopt Resolution No. 69,642–N.S. certifying the Environmental Impact Report and make related California Environmental Quality Act (CEQA) findings, and adopting the Adeline Corridor Specific Plan (ACSP) and related General Plan text and map amendments with the following sentence deleted from page 3-26 “The City will oppose the relocation of the Flea Market away from the BART parking lot without the consent of the designated representative of the vendors, currently Community Services United.”
2. Adopt Ordinance No. 7,744–N.S. amending the Berkeley Municipal Code (BMC) to create the Commercial – Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; adding Berkeley Municipal Code Chapter 23E.70. Amended to increase the stories, feet, floor area ratio, maximum density, and interior lot coverage in Tiers 2, 3, and 4 as written in the modified proposal presented by staff. Second reading scheduled for December 15, 2020.
3. Authorizing the City Manager to make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only.
4. Authorize staff to create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms.
5. To take action on the Planning Commission supplemental recommendations as follows:

Action Calendar – Public Hearing

- #1 \$50 million set aside – referred to the Housing Advisory Commission and the Measure O Oversight Committee
 - #2 Affordable Housing Mitigation Fee Ordinance revisions for Moderate Income Level - referred to the City Manager
 - #3 Two-lane street option for Adeline Avenue - referred to the City Manager
 - #4 Funding for parks in the Adeline Corridor - referred to the City Manager
6. To refer to the City Manager to develop a policy for the Affordable Housing Mitigation Fees collected from projects in the Adeline Corridor Planning Area to be placed in a fund dedicated for affordable housing in the Adeline Corridor Planning Area.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison.

Adjournment

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

Vote: All Ayes.

Adjourned at 10:50 p.m.

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report

1. 38 similarly worded form-letters (without further delay)
2. 5 similarly worded form-letters (Ashby BART)
3. Charles Siegel, on behalf of Walk Bike Berkeley
4. Steve Martinot
5. Rachel Terp
6. Teresa Clarke
7. Matthew Lewis
8. Jonathan Singh
9. Zipporah Collins
10. Karen Anderson
11. Charis Baz
12. Chris Duncan
13. Laura Stevens
14. Gary Miguel

15. Michael Katz
16. Owen Poindexter
17. Liat Zavodivker
18. Nico Calavita

Supplemental Communications and Reports 3

Item #1: Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report

19. Joshua Sperry
20. Andrew Collins
21. Abby Thorne-Lyman, on behalf of BART
22. Paul Bickmore
23. Jeffrey Carter
24. Lee Bishop
25. Bonnie Gold
26. Julia Cato
27. Elana Auerbach
28. Chimey Lee
29. Jenna Rubin
30. Todd Darling
31. Mark Rhoades
32. Serena Lim
33. Jeannette McNeil (2)
34. Elaine Bloom
35. Diana Lee
36. Louise Rosenkrantz
37. Andy Pinost
38. Alex Ghenis
39. Heidi Fuchs
40. Jennifer Natali
41. Andrew Fox
42. Sophia DeWitt, on behalf of the East Bay Housing Organization
43. Carol Mancke
44. Teresa Clarke (2)