

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

**Tuesday, June 9, 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/89047645600>. 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: **890 4764 5600**. 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](mailto: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:** 10:02 p.m.

**Present:** Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin

**Absent:** Wengraf

Councilmember Wengraf present at 10:03 p.m.

## Action Calendar – Public Hearing

### 1. ZAB Appeal: 1155-1173 Hearst Avenue

**From:** City Manager

**Recommendation:** Conduct a public hearing, and upon conclusion adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new, for-sale dwelling units, and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 20 speakers.

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

**Vote:** All Ayes.

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

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

**Action:** M/S/C (Davila/Hahn) to suspend the rules and extend the meeting to 12:00 a.m.

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

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:10 a.m.

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Robinson) to call the previous question.

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

**Action:** M/S/Failed (Hahn/Davila) to deny the project because it does not qualify for a categorical exemption under CEQA, and the requisite non-detriment finding cannot be made because environmental impacts remain unknown and the existing problems in the area with water are extreme and clearly could be exacerbated; and, the basis for saying that it does not qualify for a categorical exemption under CEQA is due to the unusual circumstances.

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

**Action:** M/S/Carried (Robinson/Droste) to adopt Resolution No. 69,439–N.S. affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new, for-sale dwelling units, and dismiss the appeal with revisions to conditions 16 and 58 as follows:

*16. Notice of Limitation. All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a “Notice of Limitation on Use of Property” and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate that none of the six existing rent controlled units (1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst) shall undergo condominium conversion, Tenancy in Common, or any work that would require a new Certificate of Occupancy for the building; and shall remain subject to rent control in perpetuity unless. ~~This limitation may not be revised or removed from this property without the prior written permission of the Zoning Officer of the City of Berkeley.~~*

*58. Rent Control in Perpetuity. The existing six rent controlled dwelling units shall not undergo condominium conversion, Tenancy in Common, or any work that would require a new Certificate of Occupancy for the building; and shall remain as rental units subject to rent control under the Rent Stabilization Ordinance.*

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

## Adjournment

**Action:** M/S/C (Harrison/Droste) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 12:02 a.m.

## Communications

- None

## Supplemental Communications and Reports 1

### Item #1: ZAB Appeal: 1155-1173 Hearst Avenue

1. Carol Cohen (2)
2. Masanori Oba
3. Dale Anania
4. Mary Jo Thoresen
5. Tracey Emerson
6. Pam Ormsby

7. David Kellogg
8. Mia Perkins, on behalf of the Rhoades Planning Group (2)

## **Supplemental Communications and Reports 2**

### **Item #1: ZAB Appeal: 1155-1173 Hearst Avenue**

9. Teal Major
10. Wayne Cory
11. Berkeley Neighbors Council (2)
12. Vijay Venugopal
13. Yashu Jiang

## **Supplemental Communications and Reports 3**

### **Item #1: ZAB Appeal: 1155-1173 Hearst Avenue**

14. Presentation, submitted by Planning
15. Zach Walton, on behalf of the SSL Law Firm
16. Hussein Saffouri, on behalf of the Ramsey Law Group (3)
17. Tracey Emerson (2)
18. Mia Perkins, on behalf of Rhoades Planning Group
19. Presentation, submitted by the Rhoades Planning Group
20. Kevin Ashe, on behalf of Holland & Knight Law Firm
21. Shirley Dean
22. Louise Ly (2)
23. Deno Gianopoulos