

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

**Wednesday, January 18, 2023
4:00 PM**

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 – MARK HUMBERT

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://cityofberkeley-info.zoomgov.com/j/1619486060>. 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 **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 948 6060**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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: 4:05 p.m.

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

Absent: None.

Action Calendar – Public Hearings

1. Adoption of 2023-2031 Housing Element Update

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution to: (A) certify the Environmental Impact Report (SCH#2022010331) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; and (B) approve and adopt a General Plan Amendment to update the Housing Element for the period of 2023-2031.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 49 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to accept revisions submitted by the Planning Department in Supplemental 3 for Item 1.

Vote: All Ayes.

Action: M/S/C (Arreguin/Kesarwani) on the severed portion to adopt changes to Program 27 - Priority Development Areas (PDAs), Commercial and Transit Corridor of the Housing Element:

- San Pablo Avenue PDA Specific Plan – The City will be developing a San Pablo Avenue Corridor PDA Specific Plan, which will increase allowed densities and/or development capacity; and study design standards, public improvements, and mechanisms to incentivize affordable housing.
- Land Use, Safety, and Environmental Justice Element Update - The City will update zoning map and development standards to accommodate housing capacity and growth on transit and commercial corridors, particularly in the highest resource neighborhoods pursuant to the Affirmatively Furthering Fair Housing requirement. These updates will increase allowed densities and/or development capacity with the goal of achieving consistency among all transit and commercial corridors, especially between formerly red-lined areas and higher-resource areas of Solano Avenue, north Shattuck Avenue, and College Avenue.
- Specific Actions and Timeline
By December 2026, update Land Use, Safety, and Environmental Justice Elements of the General Plan to accommodate greater housing capacity on

Action Calendar – Public Hearings

commercial and transit corridors, particularly in the highest resource neighborhoods, to achieve consistency among all transit and commercial corridors, and revise the City's zoning map and development standards to be consistent. The City commits to initiate this work within one year of certification of the Housing Element.

Vote: All Ayes.

Action: M/S/C (Arreguin/Kesarwani) on the severed portion to adopt changes to Section 5 of Program 29 – Middle Housing of the Housing Element:

- To facilitate the by-right development of Middle Housing, the City will consider eliminating the requirement of a use permit to demolish single-family homes for applications that 1) add net density and 2) have not been occupied by tenants within the past five years and in which Ellis Act eviction did not occur within the preceding five years. This policy will be referred for consideration to the 4x4 Committee of the City Council and Rent Board. Further, explore the effect on local and state laws relating to the demolition of historic resources.
- Specific Actions and Timeline
By December 2023, consider amending the Demolition Ordinance to provide a by-right pathway for demolition of single-family homes for projects that add net density and are not tenant-occupied within the past five years and in which Ellis Act eviction did not occur within the preceding five years. This policy will be referred for consideration to the 4x4 Committee of the City Council and Rent Board. Further, explore the effect on local and state laws relating to the demolition of historic resources.

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

Action: M/S/C (Arreguin/Kesarwani) to adopt Resolution No. 70,669–N.S. as amended by the revisions submitted by the Planning Department in Supplemental 3 and incorporating revisions to the Housing Element submitted by Councilmember Kesarwani in Supplemental 2 and further revised at the meeting, to (A) certify the Environmental Impact Report (SCH#2022010331) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; and (B) approve and adopt a General Plan Amendment to update the Housing Element for the period of 2023-2031.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 7:25 p.m.

Communications

Item #1: Adoption of 2023-2031 Housing Element Update

1. Sophia DeWitt
2. Tsahai Ungar
3. Joy Chiu
4. Loir Kossowsky
5. Sheila Goldmacher
6. Phil Allen
7. Susan Bassein
8. Alice Armstrong
9. Tuan Ngo
10. Brittney Goodman
11. Tobias Damm-Luhr
12. David Nutt
13. Alice Green
14. Katharine Bierce

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Adoption of 2023-2031 Housing Element Update

15. Supplemental material, submitted by Councilmember Kesarwani
16. Candace Hyde-Wang
17. Lisa Bruce
18. Gregory Lemieux
19. Clifford Fred
20. Berkeley Neighbors for Housing and Climate Action (2)
21. Jodi Ravel
22. Teresa Clarke
23. Andrew Fusco
24. 25 similarly-worded form letters

Supplemental Communications and Reports 3

Item #1: Adoption of 2023-2031 Housing Element Update

25. Supplemental material, submitted by Planning and Development
26. Supplemental material, submitted by Councilmember Kesarwani and Mayor Arreguin
27. Presentation, submitted by Planning and Development
28. Senator Nancy Skinner
29. Shirley Dean
30. John Calmeyer
31. Walter Wood
32. Sallie
33. Joaquin Carbonell IV
34. Jonathan Singh
35. Gary Brown and Greg Castillo
36. Henry Symons
37. Vicki Sommer

38. Hannah Pitt
39. Tony Corman
40. David Lerman
41. S. Entwistle
42. Jake Matchett
43. Martin Bourque
44. Diana Bohn
45. Anne-Lise Francois
46. John Parman
47. 6 similarly-worded form letters