

**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](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:** 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 4<sup>th</sup> 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. Kaelynn 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