

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, MARCH 26, 2013
7:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 7:00 p.m. Councilmember Moore absent. Councilmember Anderson absent. Councilmember Arreguin absent. Councilmember Arreguin present at 7:06 p.m. Councilmember Anderson present at 7:11 p.m.

Action Calendar – Appeals

1. ZAB Appeal: 2133 University Avenue

From: City Manager

a. Recommendation: Adopt a Resolution:

1. Determining that appeal issues 1 - 4 & 10 are without merit and dismissing the appeal as to those issues; and
2. As to appeal issues 5 - 9, remanding the decision of the Zoning Adjustments Board (ZAB) approving Use Permit No. 10-10000078 to the ZAB to hold a public hearing in order to consider whether to issue permits for building height and projections under BMC Sections 23E.04.020.C and 23E.68.070.A and to reconsider whether to issue a demolition permit under BMC Chapter 23C.08.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

b. Appellants

1. Daniel Cardozo & Ellen Trescott (on behalf of Alex Osborne, Kijahre Fikiri, Larry Hunt, Wesley Bentley & Berkeley Residents for Sustainable Development)

c. Communications

1. Berkeley Residents for the Downtown Plan
2. Jay Kelekian (on behalf of the Rent Stabilization Board)

Action: 3 speakers. M/S/C (Maio/Anderson) to remand all points of the appeal to the Zoning Adjustments Board.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore

Action Calendar – Public Hearings

2. ZAB Appeal: 1214 Glen Avenue

From: City Manager

a. Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving Use Permit No. 11-10000021 to allow the construction of a two-story, 2,400 square foot, single-family dwelling with an attached 2-car garage, with a reduced front yard setback of 18'-7" where 20' is required and to allow the construction of fences that measure up to 8' in height, on a 3,771 square foot parcel, and dismiss the appeal.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

b. Appellants

1. Claire Greensfelder, John Coolidge, Becky Osborn-Coolidge, Aliyah Stein

c. Communications

1. Albert Sukoff
2. Dan McDunn

Public Testimony: The Mayor opened the public hearing. 2 speakers.

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

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore

Action: M/S/C (Worthington/Wozniak) to adopt Resolution No. 66,052–N.S. approving Use Permit No. 11-10000021 to allow the construction of a two-story, 2,400 square foot, single-family dwelling with an attached 2-car garage, with a reduced front yard setback of 18'-7" where 20' is required, to allow the construction of fences that measure up to 8' in height, on a 3,771 square foot parcel, to include a 33 square foot bio-retention box under Condition 34, and dismiss the appeal.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore

3. ZAB Appeal: 1488 Keoncrest Drive

From: City Manager

a. Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to uphold the Zoning Officer's decision to approve Administrative Use Permit No. 12-20000050 to enlarge an existing 1,200 sq. ft. single family residence by constructing a 110 sq. ft. addition to the ground floor for an expanded single-car garage, a 290 sq. ft. second story living room, and a 250 sq. ft. third story bedroom, increasing the average height to 25'11" and vertically extending a non-conforming front yard setback.

Financial Implications: None

Contact: Eric Angstadt, Planning and Development, 981-7400

b. Appellants

1. Bertrand Racine and Lina Urbain

c. Communications

None

Action Calendar – Public Hearings

Action: M/S/C (Maio/Capitelli) to accept a revised resolution as supplemental material from staff on Item 3.

Vote: Ayes – Maio, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore, Anderson, Arreguin.

Public Testimony: The Mayor opened the public hearing. 1 speaker.

Action: M/S/C (Maio/Wozniak) to close the public hearing.

Vote: Ayes – Maio, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore, Anderson, Arreguin.

Action: M/S/C (Capitelli/Wengraf) to adopt the revised staff Resolution No. 66,051–N.S. submitted as a supplemental item affirming the decision of the Zoning Adjustments Board (ZAB) to uphold the Zoning Officer's decision to approve Administrative Use Permit No. 12-20000050 to enlarge an existing 1,200 sq. ft. single family residence by constructing a 110 sq. ft. addition to the ground floor for an expanded single-car garage, and a 290 sq. ft. second story living room, increasing the average height to 19'6" and vertically extending a non-conforming front yard setback. Resolution shall include the revised plans submitted by staff in Supplemental Reports and Communications No. 1 as Exhibit B.

Vote: Ayes – Maio, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore, Anderson.

Adjournment

Adjourned in memory of former State Senator Nicholas C. Petris

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

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore

Adjourned at 8:28 p.m.

Communications

- See Agenda Items

Supplemental Communications and Reports 1

Item 1: ZAB Appeal: 2133 University Avenue

1. Kent Lewandowski, on behalf of the Sierra Club Northern Alameda Group
2. Erin Rhoades, on behalf of Livable Berkeley

Item 3: ZAB Appeal: 1488 Keoncrest Drive

- Revised materials, submitted by Planning & Development (see agenda item)

Supplemental Communications and Reports 2

Item 1: ZAB Appeal: 2133 University Avenue

3. Commission on Labor
4. Daniel Cardozo and Ellen Trescott

Supplemental Communications and Reports 3

Item 2: ZAB Appeal: 1214 Glen Avenue

5. Claire Greensfelder

Item 3: ZAB Appeal: 1488 Keoncrest Drive

- Revised materials, submitted by Planning & Development (see agenda item)

Rent Stabilization Program

6. Moni Law (Brochures, booklets, handouts & CD available for viewing in City Clerk's Office)