

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

TUESDAY, JANUARY 13, 2015

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 – LORI DROSTE

Preliminary Matters

Roll Call: 7:01 p.m. Councilmember Anderson absent. Councilmember Worthington absent. Councilmember Anderson present at 7:03 p.m. Councilmember Worthington present at 7:05 p.m.

Public Comment on Consent Calendar Items Only - 0 speakers.

Consent Calendar

Action: M/S/C (Moore/Arreguin) to adopt the Consent Calendar in one motion.

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

1. Seating Arrangement for Council Members during City Council Meetings

From: Mayor Bates

Recommendation: Adopt a Resolution changing the seating placement of City Council members as follows on the dais (From left to right, facing the dais): Droste, Anderson, Worthington, Capitelli, Bates, Maio, Moore, Arreguin, and Wengraf.

Financial Implications: None

Contact: Tom Bates, Mayor, 981-7100

Action: Adopted Resolution No. 66,899–N.S.

Action Calendar – Public Hearing

2. ZAB Appeal: 2401 Warring Street

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution approving Use Permit No. 13-0057 to convert an existing 11-room, single family house into a triplex, including a 582-square foot basement addition, 95-square foot attic addition with modified roofline, new foundation, and parking for three cars.

Financial Implications: None

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

Action Calendar – Public Hearing

Public Testimony: The Mayor opened the public hearing. 1 speakers.
M/S/C (Moore/Arreguin) to close the public hearing.

Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Droste, Bates; Noes – Worthington; Abstain – Anderson.

Action: M/S/C (Wengraf/Maio) to adopt Resolution No. 66,900–N.S. amended to include the language proposed by the Rent Stabilization Board and voluntarily agreed to by the Applicant regarding the condition related to rent control. Exhibit A, Condition 39 is amended to read:

“The property owner shall limit future rent increases for tenancies in the two upper units (Unit #B and Unit #C) for the life of the building as follows: To mitigate the loss of existing tenant protections, after the establishment of an initial rent for each new tenancy, the property owner has agreed that any subsequent rent increases for tenancies in the two upper units (Unit #B and Unit #C) shall be limited to no more than 65% of the increase in the Consumer Price Index Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve month period ending the previous June 30. This provision must be included in every new lease agreement that the property owner executes with the tenant(s) of the two upper units. To assure that the property owner abides by this condition, the property owner shall provide information about the tenancy and initial rents of the two upper units to the designated City of Berkeley Department within 15 days of the start of each new tenancy. This concession places no limitation on the property owner’s right to set initial rents for all units in the building at market rates at the inception of each new tenancy.”

Vote: All Ayes.

3. ZAB Appeal: 2201-2205 Blake Street

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to deny Use Permit No. 13-1000023 to construct a new, two-story, approximately 3,000 square-foot duplex and a 432 square-foot single story dwelling within a relocated accessory structure at the rear of the City of Berkeley Landmark site known as the "Bartlett Houses."

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing on Item 3 and Item 4 concurrently. 32 speakers.

M/S/C (Wengraf/Maio) to close the public hearing on Items 3 and Item 4.

Vote: All Ayes.

Action: M/S/C (Capitelli/Wengraf) to continue the item to a Special Meeting of the City Council on Tuesday, February 17, 2015.

Vote: All Ayes.

Action Calendar – Public Hearing

4. ZAB Appeal: 2204 Dwight Way

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to deny Use Permit No. 13-1000024 to construct a new, three-story, approximately 3,224 square-foot duplex at the rear of an existing 5,400 square-foot site.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing on Item 3 and Item 4 concurrently. 32 speakers.

M/S/C (Wengraf/Maio) to close the public hearing on Items 3 and Item 4.

Vote: All Ayes.

Action: Action: M/S/C (Capitelli/Wengraf) to continue the item to a Special Meeting of the City Council on Tuesday, February 17, 2015.

Vote: All Ayes.

Adjournment in memory of:

1. Alba Witkin
2. Frieda Dilloo
3. Marietta Harvey
4. Al Gorelick
5. Mr. Keyes
6. Al Bendich

Action: M/S/C (Moore/Bates) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 10:22 p.m.

Communications

Item 2: ZAB Appeal: 2401 Warring Street

1. Igor Tregub

Item 3: ZAB Appeal: 2201-2205 Blake Street

Item 4: ZAB Appeal: 2204 Dwight Way

2. Michael Brown, on behalf of Nathan George
3. Charles & Barbara Hadenfeldt
4. Jasmine Hromjak
5. Peter Schorer
6. Laura Watkins
7. Gale Garcia (2)
8. Thomas Walsh
9. David Shiver
10. Jeff & Joan Angell

11. Phyllis Fox
12. Isobel Schneider
13. John Tripier
14. Jacquelyn McCormick, on behalf of Claremont Elmwood Neighborhood Association

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 2: ZAB Appeal: 2401 Warring Street

15. Rent Stabilization Board

Item 3: ZAB Appeal: 2201-2205 Blake Street

Item 4: ZAB Appeal: 2204 Dwight Way

16. Nigel Guest
17. Barbara Hadenfeldt
18. Charles Hadenfeldt
19. Laura Watkins
20. Karl Reeh, on behalf of the LeConte Neighborhood Association
21. Curtis Manning
22. Linda Burden
23. J. Kitchel
24. Paul Kealoha-Blake
25. Peter Schorer
26. J. Kodani
27. Wanda Mulcahy
28. Marianna Sluis
29. Sarah Walsh
30. Paul Psoinos
31. Daniella Thompson
32. Gale Garcia
33. Christopher Lien, on behalf of the LeConte Neighborhood Association
34. Unknown

Supplemental Communications and Reports 3

35. Paul Psoinos
36. Christopher Lien, on behalf of the LeConte Neighborhood Association
37. Gale Garcia
38. Claremont Elmwood Neighborhood Association
39. Unknown