

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

**Thursday, January 31, 2019**

**6:00 P.M.**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

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

**Preliminary Matters**

**Roll Call:** 6:09 p.m.

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

**Absent:** None

**Public Comment - Limited to items on this agenda only - 79 speakers.**

**Action Calendar – Public Hearing**

## Action Calendar – Public Hearing

### 1. ZAB Appeal: 2190 Shattuck 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 #ZP2016-0117 to redevelop a 19,967 square-foot (0.46-acre) site at the northwest corner of Shattuck Avenue and Allston Way with a proposed 18-story building with 274 residential units above approximately 10,000 square feet of ground floor retail space; and dismissing the appeal.

**Financial Implications:** None

Contact: Timothy Burroughs, Planning and Development, 981-7400

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental material from staff on Item 1.

**Vote:** All Ayes.

Recess 8:28 p.m. – 8:42 p.m.

**Public Testimony:** The Mayor opened the public hearing. 79 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/Failed (Harrison/Hahn) to adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0117 to redevelop a 19,967 square-foot (0.46-acre) site at the northwest corner of Shattuck Avenue and Allston Way with a proposed 18-story building with 274 residential units above approximately 10,000 square feet of ground floor retail space; and dismissing the appeal, with the following amendments:

1. Amend Condition #19 to require payment of \$2,000,000 of the estimated \$10,000,000 Affordable Housing Mitigation Fee prior to the issuance of the building permit with the balance of the fee due when the Certificate of Occupancy is issued. The pre-payment does not qualify the applicant for a fee reduction.
2. Make revisions to the plans to reduce parking as necessary to accommodate an internal loading zone area.
3. Provide public access to the 18<sup>th</sup> floor roof deck in exchange for eliminating the community room and art component from the community benefits package.

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

**Action:** M/S/Carried (Arreguin/Robinson) to adopt Resolution No. 68,755–N.S. affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0117 to redevelop a 19,967 square-foot (0.46-acre) site at the northwest corner of Shattuck Avenue and Allston Way with a proposed 18-story building with 274 residential units above approximately 10,000 square feet of ground floor retail space; and dismissing the appeal, with the following amendments:

1. Amend Condition #19 to require payment of \$2,000,000 of the estimated \$10,000,000 Affordable Housing Mitigation Fee prior to the issuance of the building permit with the balance of the fee due when the Certificate of

## Action Calendar – Public Hearing

Occupancy is issued. The pre-payment does not qualify the applicant for a fee reduction.

2. Make revisions to the plans to reduce parking as necessary to accommodate an internal loading zone area.

**Vote:** Ayes – Kesarwani, Bartlett, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Harrison, Hahn.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 10:37 p.m.

## Communications

### Item #1: ZAB Appeal: 2190 Shattuck Avenue

1. Susan Ellenbogen
2. Pam Valois
3. Lisa Titus
4. Nancy Litton
5. Tamia Marg
6. Terry Kochi
7. Eric Kotila
8. Tom Wenrich
9. Valerie Herr
10. Summer Brenner
11. Harry Delmer
12. Marianne Calame-Berger
13. R. Johnson
14. Virginia Warheit (4)
15. Ann Maria Celona
16. Cynthia Hanson
17. Brenda Shank
18. Ann May and Rodney Freeland
19. Tobey Wiebe
20. Bronwyn Hall
21. Holly Smith
22. Maggie Crowley
23. Karen Cilman
24. Nhu Miller
25. Jane Larson
26. Goetz Frank
27. Ilene Philipson
28. Roger Pritchard
29. Kathy Kahn
30. Laura Fujii
31. Jack Phillips
32. Jenny Harrison

33. Elaine Seed
34. Wendy Weikel
35. Lisa Bruce
36. Michael Yovino-Young
37. Matt Ogburn
38. Paul Newacheck
39. Carole Cool
40. Dean Metzger, on behalf of the Berkeley Neighborhoods Council
41. Warren and Lorna Byrne
42. Suzy Thompson
43. Susan Chainey
44. David Snippen
45. Harvey Helfand
46. William Peppin
47. Ingrid Crickmore
48. Emilie Strauss
49. Jonathan Beck
50. Judy Schwartz
51. Laurie May Trippett
52. Susan Felter
53. Betsy Thagard
54. Twenty-four "Reconsider ZAB approval" form letters

### **Supplemental Communications and Reports 1**

- None

### **Supplemental Communications and Reports 2**

#### **Item #1: ZAB Appeal: 2190 Shattuck Avenue**

55. Wynne Furth
56. Doris Nassiry
57. Ariella Granett
58. Kelli Green
59. Jane Scantlebury
60. Kelly Hammargren
61. Virginia Warheit
62. Gui Andrade
63. Glenda Freberg
64. Rani Marx
65. Michael Katz
66. Chris McDonald
67. Lee Tempkin
68. Bruce Coughran
69. Councilmember Harrison
70. Peter S. Van Houten
71. Forty "in support of development" form letters

### **Supplemental Communications and Reports 3**

#### **Item #1: ZAB Appeal: 2190 Shattuck Avenue**

72. Revised materials, submitted by the Planning Department

73. Presentation, submitted by the Planning Department
74. Steven Finacom, on behalf of Harvey Helfand
75. Steven Finacom
76. Hanson Bridgett, Attorneys
77. Associated Students University of California
78. Emmerich Anklam
79. Tobey Wiebe
80. Karen Wilairat
81. Pallop Wilairat
82. Diego Aguilar-Canabal
83. Clifford Fred
84. Anna Whitney
85. Carol Denney
86. Dmitri Belser and Thomas White
87. Thomas Lord
88. Alfred Twu
89. Norman Chao
90. Sally Nelson
91. Donald Goldmacher
92. Moni Law
93. Kelly Hammargren
94. Virginia Warheit
95. Michael Corbett
96. Fifteen "in support of development" form letters