

BNC Meeting Minutes
Saturday – February 13, 2021
10:00 am – 12:00 Noon

Agenda

10:00 – 10:30 Welcome and Neighborhood Updates

Clarke Kerr Campus Covenant - Phil Bokovoy

The latest developments in the ongoing litigations with UC regarding the Clark Kerr campus were summarized by Phil Bokovoy. A judge has ruled against UC in the lawsuit involving the building of an intercollegiate volleyball facility citing several breach of covenants that are in force until 2032. UC filed a countersuit. UC has recently tried to force a ruling against four property owners restricting their recreational use of the campus. Judge has ruled against UC as the decision would affect roughly 800 property owners who would all have to be noticed. City is now joining with the neighborhood group to maintain the neighborhood's right to recreational use of the campus. The group is still in litigation to enforce the cap on enrollment.

2435 San Pablo Ave Wrap-up – Toni Mester (Poet's Corner)

The permit was approved and the appeal denied by Council on Jan. 21st, 2021. Toni Mester pointed out the contradictions in the State health and safety law for congregate housing and the City of Berkeley which has no standards for residential hotels. This project was categorized as a residential hotel and thus did not have to pay the Affordable Housing Mitigation Fee imposed on Group Living Accommodations. The neighborhood group had recommended bringing the units up to CA State Building Code standards for efficiency units. Current plans are not up to those standards. It was pointed out that this project still presents a public health risk especially during the Covid pandemic, as over 200 cases have been reported in the UC community. It was suggested that a letter be written to the Berkeley Public Health to recommend withholding the permit until health concerns are addressed. Councilmember Harrison is working with the Building Codes department, as all sinks require running hot water, however the proposed cold water fixture that is atop the toilet is not being categorized as a sink.

Panoramic Hills Association – Janice Thomas

Will be tabled until the next meeting.

10:30-10:40 BNC Updates – Dean Metzger

BNC is a non-profit 501c3 organizations. Donations are appreciated and can be made on the website: BerkeleyNeighborhoodsCouncil.com. IRS requires a yearly tax filing. Dean would like to change BNC's tax status to avoid the higher filing fee. A Forum will be held next Saturday, Feb. 20th, 2021 to discuss the topic of the proposed Zoning Reform and Resolution of Intent.

10:40-11:10 Councilmember Droste's proposed resolution about Quadplex Zoning – James Peterson

James Peterson summarized concerns regarding the *Resolution to End Exclusionary Zoning* being brought to Council on Feb. 23rd and the *Quadplex Zoning Item* on the agenda of the Land Use Subcommittee on Feb. 18th. While the Resolution document does cover historic injustices against the African American and Asian American population in Berkeley dating from the 1950's, it is not clear that the proposed solutions including the proposed Quadplex Zoning item will address the economic issues namely affordability cited in the Resolution. The affordable housing problem is more about economics than race. Examples were cited of [triplexes](#) selling in West Berkeley for over \$1M (or \$500 per sq. ft.). At these prices, the resulting rent would not be affordable for a low to middle income person. Candace Hyde-Wang, whose [letter](#) to the Council cited problems with the existing arguments for affordability, emphasized a focus on affordability, as housing is needed for members of the community including teachers, city workers, and many others. Darrell Owens speaking in favor of the Quadplex Zoning item, cited census data showing that income levels for residents living in duplex and multi-unit buildings of from 5-19 units are far lower than for residents of single family homes. Becky O'Malley cited a book by University of British Columbia, Professor Patrick Conlon, *Sick City*, which argues that the push for densification does not result in affordable housing and that building near transit results in pushing out working class residents who were living there previously. Shirley Dean pointed out that before considering densification, the city should look at the map showing the major hazard zones in Berkeley include the areas susceptible to earthquakes, fire, liquifaction, flooding, and sea level rise. Guaranteeing the safety of these areas which cover a large portion of Berkeley should be of highest priority.

We urge you to attend the [Land Use Committee Meeting](#) on Feb 18 and the [City Council meeting](#) on February 23rd.

Harper St. ADU update (Janis)

Property owner has started building a code-compliant access ramp for disabled tenant.

Neighbors are developing recommendations for tenant protections. Neighbors will bring their recommendations and an update next month.

11:10-11:30 Property Tax Assessment – Lilana Spindler (BATE)

BATE has documented multiple inconsistencies in the way the City calculates the square footage of properties which is used to calculate property taxes. See the [PowerPoint](#) for pictures and more details. BATE would like BNC members to write to City Council to support Ben Bartlett's [Item 25](#) on the February 23rd Agenda. Jared Spencer from Alameda County Supervisor Keith Carson's office was present and is in contact with BATE to work on this as well.

11:30-11:50 Asphalt plant Update – Mike Perlmutter, Clean Air Berkeley

Mike Perlmutter reported on Councilperson Kesharwani's email to the community stating the asphalt plant is moving forward with more enclosures and X-VOC systems to ensure that toxic emissions are controlled. There are questions the community has regarding the adequacy of proposed enclosures and the potential need for negative pressure, X-VOC systems, etc, especially since in 2020 X-VOC systems were installed and apparently do not seem to be efficacious regarding odors and fumes. At this point, to ensure the safety of all Berkeley residents, a Qualified 3rd party review of Berkeley Asphalt's proposed modifications is necessary. Neighbors noted that City staff inspections in 2015 deemed the facility compliant with the [1999 settlement \(see page 4 of this report\)](#) despite [not having enclosures in three out of four asphalt loading areas](#). A subsequent City inspection December 23, 2020 resulted in a [Notice of Violation](#) for these unenclosed asphalt loading areas. Negative-pressure enclosures and careful emissions venting will hopefully decrease air pollution from the plant. There were more "notice of violations" issued in February.

Click [here](#) to view the chat from the meeting.

Click [here](#) to view the meeting recording and transcript.