Action Minutes
Approved by the ZAB on 03/13/14.

Planning & Development Department
Land Use Planning Division

Zoning Adjustments Board
Thursday, February 27, 2014

City Council Chambers, 2134 Martin Luther King Jr. Way, Second Floor
Berkeley, CA  94704 (Wheelchair Accessible)

Roll Call: 7:00 PM

Present:
Michael Alvarez Cohen (Chairperson), appointed by Councilmember Wozniak
Deborah Matthews (Vice Chairperson), appointed by Mayor Bates (arrived at 7:16)
George Williams, appointed by Councilmember Capitelli
Robert Allen, appointed by Councilmember Wengraf
Shoshana O'Keefe, appointed by Councilmember Anderson
Sophie Hahn, appointed by Councilmember Worthington
Steven Donaldson, appointed by Councilmember Moore
Prakash Pinto, appointed by Councilmember Maio

Excused:
Igor Tregub, appointed by Councilmember Arreguin

Substitutions:
Katherine Harr, for Igor Tregub

Members of the Public
Present: 22
Speakers: 15

Ex Parte Communication Disclosures
S. Hahn – Contacted by email by Mark Liolios, author of letter on Item 2. S. Hahn directed him to bring his comments to ZAB and did not communicate with him beyond that.

K. Harr – Was forwarded several communications from Mark Liolios by I. Tregub, all of which echoed Mark Liolios’ existing submission on the public record. Copied on correspondence between I. Tregub, Norman Laforce and Toni Mester regarding the Sierra Club’s official position on Item 2 and whether the public trust doctrine would apply to Aquatic Park. Copied on correspondence from Elizabeth Lam from the Planning Commission regarding what constitutes ‘serving the public’; she said the theater group was a nonprofit and served a lot of teenagers. Also received an email from Bill Meyer regarding the applicability of the public trust doctrine to the proposed project site, who said the matter may require further investigation. Lastly, received phone call from former Parks Commissioner Lisa Stephens regarding the use history of 2925 Bolivar Drive and the wildlife in that area of the park; she opposes the project and believes it would be detrimental to migrating birds.
Public Comment
None.

Agenda Changes
Item 1 moved to the Consent Calendar.

Consent Calendar:

1. 90 Bolivar Drive
   Use Permit #2014-0004 to occupy a vacant, City-owned building in Aquatic Park for use as a bicycle rental and repair outlet, with community meeting/lecture/classroom space and an incidental café with indoor seating in the U District.
   CEQA Action: Categorically Exempt under Section 15301 ‘Existing Facilities’ and 15303 ‘New Construction or Conversion of Small Structures'
   Applicant/Property Owner: City of Berkeley
   Zoning: U, “Unclassified District”
   Planner: Elizabeth Greene, egreene@ci.berkeley.ca.us, (510) 981-7484
   Continued From: None
   Recommendation: APPROVE Use Permit #2014-0004 pursuant to BMC Section 23B.92.090.
   Action: APPROVED on consent.
   Motion/Second: R. Allen / S. Donaldson
   # of Speakers: 0
   Vote: 9-0-0-0

Action Calendar:

2. 2925-2945 Bolivar Drive
   Use Permit #2014-0005 to allow two vacant, City-owned buildings at Aquatic Park to be used by a theater company for rehearsal space, classes and workshops, and set design and construction, in the Unclassified (U) District.
   CEQA Action: Categorically Exempt under Section 15301 ‘Existing Facilities’ and 15303 ‘New Construction or Conversion of Small Structures'
   Applicant/Property Owner: City of Berkeley
   Zoning: U, “Unclassified District”
   Planner: Elizabeth Greene, egreene@ci.berkeley.ca.us, (510) 981-7484
   Continued From: None
   Recommendation: APPROVE Use Permit #2014-0004 pursuant to BMC Section 23B.92.090.
   Action: APPROVED.
   Motion/Second: R. Allen / S. Donaldson
   # of Speakers: 7
   Vote: 5-3-1-0 (No: S. O'Keefe, K. Harr, S. Hahn; Abstain: G. Williams)
3. **2821-2823 Ninth Street**
   **Use Permit #2013-0045** to demolish an existing one-story, 13,000 square foot light industrial building, and to expand the exterior recreation areas for the Ecole Bilingue de Berkeley to create a turf filed and hard court.
   
   **CEQA Action:** Categorically Exempt under Section 15301 ‘Existing Facilities’
   
   **Applicant:** Matthew Wadlund, 805 Jones Street, Berkeley, CA 94710
   
   **Property Owner:** Ecole Bilingue de Berkeley, 1009 Heinz Avenue, Berkeley, CA 94710
   
   **Zoning:** MUR, "Mixed-Use Residential District"
   
   **Planner:** Jordan Harrison, jharrison@ci.berkeley.ca.us, (510) 981-7416
   
   Continued From: None
   
   Recommendation: APPROVE Use Permit #2013-0045 pursuant to BMC Section 23B.32.040.
   
   Action: APPROVED with the following two conditions:
   
   1. Applicant will mitigate the esthetic and light impacts of the northwest wall by lowering the wall or other means, to be negotiated with neighbor.
   2. Applicant will relocate the garbage disposal area to mitigate trash pickup noise and smells from trash receptacle.
   
   Motion / Second: D. Matthews / R. Allen
   
   # of Speakers: 7
   
   Vote: 9-0-0-0

4. **2501-2509 Haste & 2433 Telegraph Avenue – El Jardin**
   **Use Permit #12-10000012** to demolish a 6,950 square foot retail building at 2433 Telegraph Avenue and to construct a 89,054 square foot, 69’6-story, mixed-use building to include 79 dwelling units, 30,356 square feet of commercial floor area and no off-street parking spaces.
   
   **CEQA Action:** Pending
   
   **Applicant:** Kirk Peterson, Kirk E. Peterson & Associates Architects, 5253 College Avenue, Oakland, CA 94608
   
   **Property Owner:** Ken Sarachan, 1000 Rispin Drive, Berkeley, CA 94705
   
   **Zoning:** C-T, “Telegraph Avenue Commercial District”
   
   **Planner:** Greg Powell, gpowell@ci.berkeley.ca.us, (510) 981-7414
   
   Continued From: None
   
   Recommendation: HOLD a Public Hearing to review the project, to solicit community comments and to provide comments to the Staff and to the applicant.
   
   Action: CONTINUED to meeting of March 27, 2013, directed applicant to provide all necessary materials as required by staff.
   
   # of Speakers: 1
5. Approval of Previous Meeting Minutes
   Minutes from 02/13/2014 meeting.
   Continued From: None
   Recommendation: APPROVE
   Action: APPROVED.
   Motion/Second: S. Hahn / P. Pinto
   Vote: 7-0-2-0 (Abstain: K. Harr, S. Donaldson)

Adjourn: 10:12 PM.

[Approved for posting by Greg Powell, Secretary, Zoning Adjustments Board]