Zoning Adjustments Board
Thursday, July 24, 2014 – 7:00 PM

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

Preliminary Matters:

Roll Call: Prakash Pinto (Vice Chairperson), appointed by Councilmember Maio
(Arrived at 7:20)
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
Igor Tregub, appointed by Councilmember Arreguin
Denise Pinkston, appointed by Mayor Bates

Excused: Michael Alvarez Cohen (Chairperson), appointed by Councilmember Wozniak

Substitute: Elisa Mikiten

Members of the Public
Present: 46
Speakers: 22

Ex Parte Communication Disclosures:
S. Hahn: I had a phone message from Lisa Stephens, not sure on what item but I did not call back.

I Tregub: I had a brief ex-parte on project number 7, 2598-2600 Shattuck Avenue. I received an e-mail from Gail Garcia to see if we have received her communication. On item number 8 - 2401 Warring Street, had a conversation with the applicant, Nathan George, and with Rent Board Executive Director Jay Kelekian regarding the rent control and certificate of occupancy nature of this project. I did have a phone conversation with Darryl Moore on 3136 Sacramento Street as well.

S. Donaldson: I did have an ex parte conversation with Darryl Moore, the Councilperson regarding 3136 Sacramento Street under appeal.

Public Comment: 1
Agenda Changes:

Action: MOVE Items #2 and #3 off of the Consent Calendar.
Motion / Second: G. Williams / R. Allen
# of Speakers: 0
Vote: 9-0-0-0

Action: The Acting Chair, S. Donaldson made the executive motion to MOVE up Item #9 to be heard after the Consent Calendar and move items #2 and #3 to the end of the meeting.

Consent Calendar:

Action: APPROVED
Motion / Second: S. Hahn / D. Pinkston
# of Speakers: 0
Vote: 9-0-0-0

1. 2501-2509 Haste St. & 2433 Telegraph Ave. – El Jardin - Continued

Use Permit #12-10000012 to demolish a 6,950 square foot retail building at 2433 Telegraph Avenue and to construct an 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
Zoning: C-T, Commercial-Telegraph
Planner: Greg Powell, gpowell@ci.berkeley.ca.us, (510) 981-7414

Continued From: 6/26/14, 5/22/14, & 4/24/14
Recommendation: HOLD hearing and CONTINUE matter to August 28, 2014

2. 1117 Blake Street

Use Permit #UP2014-0011 to enlarge an existing 1,340 sq. ft. two-unit building by constructing a 507 sq. ft. two-story addition for a new ground floor bedroom and a new second story office, horizontally and vertically extending an existing non-conforming 3’ side yard where 4’ is required, increasing the average height from 14’ to 21’8”, where the subject lot is legally non-conforming for residential density.

CEQA Action: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
Applicant / Property Owner: Lilli Tom, 1119 Blake Street, Berkeley, CA 94702
Zoning: R-1 Single Family Residential
Planner: Pamela Johnson, pjohnson@ci.berkeley.ca.us, (510) 981-7548

Continued From: None
Recommendation: APPROVE Use Permit #2014-0011 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions.
5. **801 Jones Street**
   - **Use Permit #UP2014-0010** to demolish an existing single family residential building and detached garage and construct four detached, three-story, approximately 1,700 square-foot single family residential units at 801 Jones Street.
   - **CEQA Action:** Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-fill Development Projects”).
   - **Applicant / Property Owner:** Matthew Wadlund, 801 Jones Street, LLC 805 Jones Street, Berkeley, CA 94710
   - **Zoning:** Mixed Use-Residential (MU-R)
   - **Planner:** Abe Leider, at aleider@rinconconsultants.com or (510) 834-4455
     - **Continued From:** None
     - **Recommendation:** APPROVE Use Permit #2014-0010 pursuant to BMC sections 23C.08.010 and 23E.84.030, and subject to the attached Findings and Conditions.

**Action Calendar:**

9. **3136 Sacramento Street (Appeal)**
   - **Appeal** the denial of **Administrative Use Permit #AUP2013-0126** for an extension of the hours of operation for an existing quick service restaurant to 11PM Monday to Friday, and 12 Midnight Saturday and Sunday.
   - **CEQA Action:** Categorically exempt pursuant to Section 15270(a) of the CEQA Guidelines, CEQA does not apply for a project that is disapproved.
   - **Applicant / Appellant:** Moxy Beer Garden c/o Phyllis Voisenat, Esq., 2516 Blanding Ave., Alameda, CA 94501
   - **Property Owner:** Jose and Graciela Perez, 2929 W. Sugarhill Terr., Dublin, CA 94568
   - **Zoning:** C-SA, South Area Commercial
   - **Planner:** Pamela Johnson, pjohnson@ci.berkeley.ca.us, (510) 981-7458
     - **Continued From:** None
     - **Recommendation:** UPHOLD the Zoning Officer’s decision to DENY Administrative Use Permit #2013-0126 as presented in Attachment 1 and DISMISS the Appeal.
     - **Action:** OVERTURNED the Zoning Officer’s decision to DENY Administrative Use Permit #2013-0126, and APPROVED pursuant to Section 23B.32.040 and subject to the Findings and Conditions to be prepared by staff. CONTINUED to date certain 8/14/14 to give Staff time to prepare findings for approval.
     - **Motion / Second:** R. Allen / G. Williams
     - **# of Speakers:** 4
     - **Vote:** 9-0-0-0
6. **2996 Telegraph Avenue**
   
   **Use Permit 2013-0031** to remodel and expand an existing 2,618-square-foot auto service building for use as a 2,475-square-foot convenience store with wine and beer sales for off-site consumption (Type 20 ABC license) with general retail hours of operation from 7:00 a.m. to 12:00 a.m., but with alcohol sales terminating at 10 p.m.; and a 1,950-square-foot quick food service restaurant with an outdoor seating area (± 500 sq. ft.) with hours of operation from 7:00 a.m. to 8:00 p.m.
   
   **CEQA Determination:** Negative Declaration prepared pursuant to CEQA Guidelines.
   
   **Applicant:** Ron Jacobs, PM Design Group, 24565 Bennett Valley Road, C-102, Santa Rosa, CA 95404
   
   **Property Owner:** Arash Salkhi, 9 Alpine Road, Novato, CA 94945
   
   **Zoning:** C-1 – General Commercial
   
   **Continued From:** June 26, 2014
   
   **Recommendation:** ADOPT the proposed negative declaration; and **APPROVE Use Permit 2013-0031** pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions
   
   **Recommendation:** CONSIDER the MND and **APPROVE Use Permit Modification 2013-0001** pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions.
   
   **Action:** APPROVED
   
   **Motion / Second:** R. Allen / G. Williams
   
   **# of Speakers:** 3
   
   **Vote:** 9-0-0-0

7. **2598-2600 Shattuck Ave. & 2037 Parker St. (“Parker Place”)**
   
   **Use Permit Modification #2014-0003** to modify approved plans for a mixed-use development with 155 dwelling units and 22,905 sq. ft. of commercial space located in two 5-story buildings and one 3-story building; proposed changes include adding 8,927 sq. ft. of commercial floor area and 116 parking spaces, allowing offices, gyms/health clubs, and dance/martial arts studios, increasing height of 2600 Shattuck building by 4.3 inches, and changing interior massing of 2600 Shattuck building; no changes to total units proposed.
   
   **CEQA Action:** A Mitigated Negative Declaration (MND) was adopted for the approved project. Because the proposed modifications do not create any new significant environmental effects, an addendum to the MND has been prepared
   
   **Applicant:** Lennar Multifamily Communities, LLC, 100 Pine Street, Suite 2262, San Francisco, CA 94111
   
   **Zoning:** C-SA, South Area Commercial
   
   **Planner:** Aaron Sage, at (510) 981-7410 or asage@cityofberkeley.info
   
   **Continued From:** None
   
   **Recommendation:** **APPROVE Use Permit Modification #2014-0003,** pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions.
   
   **Action:** APPROVED with amended findings and conditions.
   
   **Motion / Second:** R. Allen / D. Pinkston
   
   **# of Speakers:** 7
   
   **Vote:** 9-0-0-0
8. **2401 Warring Street (Continued)**

Use Permit #2013-0057 to convert an existing 11-bedroom, single family house into a triplex, including a 582-square foot basement addition, 95-square foot attic addition and modified roofline, new foundation, and significant interior modifications including new and renovated bathrooms and kitchens, and parking for three cars.

**CEQA Determination:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

**Applicant:** Victor Rasilla 2 Madsen Court Moraga, CA

**Property Owner:** NCR Properties LLC. 2201 Blake Street Berkeley, CA 94704

**Zoning:** R3 – Multiple Family Residential, Hillside Overlay

**Planner:** Jordan Harrison, JHarrison@cityofberkeley.info (510) 981-7416

**Continued From:** June 26, 2014

**Recommendation:** APPROVE Use Permit 2013-0057 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions

**Action:** APPROVED with amended findings and conditions.

**Motion / Second:** I. Tregub / S. Donaldson

**# of Speakers:** 6

**Vote:** 9-0-0-0

10. **1625 Belvedere Avenue (Appeal)**

Appeal Administrative Use Permit 2014-0026 to enlarge an existing 952 sq. ft. single family residence by adding approximately 55 sq. ft. to the first floor for a new interior stairway, and 495 sq. ft. to the second story for a new bedroom, bathroom, closet, and stairway, resulting in a 1,502 sq. ft. residence, increasing the average height from 15’11” to 25’8”, vertically and horizontally extending a non-conforming 18’ rear yard setback where 20’ is required, and vertically extending a non-conforming 2’ side yard setback where 3’6” is required.

**CEQA Action:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

**Applicant:** Brad Lord, 2836 Fulton Street, Berkeley, CA 94705

**Property Owner:** Lael Rubin, 1625 Belvedere Avenue, Berkeley, CA 94702

**Appellant:** Banks-Altekruse Family, et. al., 1626 Chestnut Street, Berkeley, CA 94702

**Zoning:** Zoning: R-2, Restricted Two-Family Residential

**Planner:** Pamela Johnson, pjohnson@ci.berkeley.ca.us, (510) 981-7458

**Continued From:** None

**Recommendation:** UPHOLD the Zoning Officer’s decision to approve Administrative Use Permit #AUP2014-0026 as presented in Attachment 1 and DISMISS the Appeal.

**Action:** DISMISS the appeal and UPHOLD the Zoning Officer’s decision.

**Motion / Second:** I. Tregub / S. Donaldson

**# of Speakers:** 2

**Vote:** 8-0-1-0 (Abstain: S. Hahn)
2. **2201 - 2205 Blake Street – Findings for Denial**  
   Use Permit #13-10000023 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 an existing 13,500 square-foot site, the City of Berkeley Landmark site known as the “Bartlett Houses.”  
   **CEQA Action:** Categorically exempt pursuant to Section 15332 (“In-fill Development Projects”) and Section 15331(“Historical Resource Restoration/Rehabilitation”) of the CEQA Guidelines.  
   **Applicant / Owner:** Nathan George 2201 Blake Street Berkeley, CA 94704  
   **Zoning:** R-2A, Restricted Multiple-Family Residential District  
   **Planner:** Claudine Asbagh, casbagh@ci.berkeley.ca.us, (510) 981-7424  
   **Recommendation:** ADOPT findings supporting the denial of Use Permit #13-10000023 pursuant to Section 23B.32.040  
   **Action:** ADOPT amended findings for denial.  
   **Motion / Second:** S. O’Keefe / I. Tregub  
   **# of Speakers:** 0  
   **Vote:** 6-2-1-0 (Nays: R. Allen, S. Donaldson / Abstain: E. Mikiten)

3. **2204 Dwight Way – Findings for Denial**  
   Use Permit #13-10000024 to construct a new, three-story, approximately 3,224 square-foot duplex at the rear of an existing 5,400 square-foot site.  
   **CEQA Action:** Categorically exempt pursuant to Section 15332 (“In-fill Development Projects”).  
   **Applicant / Owner:** Nathan George 2201 Blake Street Berkeley, CA 94704  
   **Zoning:** R-3, Multiple-Family Residential District  
   **Planner:** Claudine Asbagh, casbagh@ci.berkeley.ca.us, (510) 981-7424  
   **Recommendation:** ADOPT findings supporting the denial of Use Permit #13-10000024 pursuant to Section 23B.32.040  
   **Action:** ADOPT findings for denial.  
   **Motion / Second:** S. O’Keefe / I. Tregub  
   **# of Speakers:** 0  
   **Vote:** 6-2-1-0 (Nays: R. Allen, S. Donaldson / Abstain: E. Mikiten)

11. **Approval of Previous Action Minutes**  
   Minutes from July 10, 2014 meeting.  
   **Continued From:** None  
   **Recommendation:** APPROVE  
   **Action:** CONTINUED

Adjourned 12:25