Zoning Adjustments Board
Thursday, October 9, 2014 - 7:00PM

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
Denise Pinkston, appointed by Mayor Bates (Arrived at 9:00PM)
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

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

Substitute: None

Members of the Public
Present: 36
Speakers: 22

Ex Parte Communication Disclosures:
G. William spoke to the residents at 2131 and 2133 Roosevelt about things they wanted to see.
S. Hahn received a call from Elisa Mikiten regarding 2135 Roosevelt. She declined to discuss it with her.
I. Tregub spoke to Deborah Todd and Jim Holtz, the residents of 2133 and 2131 Roosevelt.

Public Comment:
None

Agenda Changes:

Action: Chairperson P. Pinto MOVED Item 10 to the Consent Calendar, and Item #7, 1700 Dwight Way, and Item #5, 1601 Carleton Street, to the Action Calendar.
Consent Calendar:

Action: APPROVED with amendments to item #5.
Motion / Second: P. Pinto / I. Tregub
Vote: 7-0-0-1 (Absent: D. Pinkston)

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: August 28, 2014

   Recommendation: HOLD hearing and CONTINUE matter to Nov. 13, 2014

2. **2900 Harper Street**

   Use Permit #UP2014-0020 to convert a single family five-bedroom dwelling unit to a duplex, with two two-bedroom dwelling units.

   CEQA Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines “Existing Facilities” involving minor alteration of an existing structure with negligible expansion of use.

   Property Owner & Applicant: Jonathan Cherry, 2900 Harper Street

   Zoning: R-2A – Restricted Multiple-Family Residential

   Staff Planner: Jordan Harrison, jharrison@ci.berkeley.ca.us, (510) 981-7416

   Continued From: None

   Recommendation: APPROVE Use Permit #2014-0020 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions

Motion / Second: P. Pinto / I. Tregub
Vote: 7-0-0-1 (Absent: D. Pinkston)

APPROVED with amendments to item #5.
3. **2575 Telegraph Avenue**
   **Use Permit ZP2014-0004** to establish a 3,600-square-foot quick service restaurant—2,400 sq. ft. restaurant area, plus storage space—exceeding the C-T District quota number (30) and size limit (1,500 sq. ft.) for this use.
   **CEQA Determination:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures").
   **Applicant:** Anthony Bai, 1299 Martin Luther King Dr., Hayward, CA 94541
   **Property Owner:** 2565 Telegraph LLC, c/o Gerald Friedkin, 480 3rd St., Oakland, CA 94607
   **Zoning:** C-T – Telegraph Avenue Commercial
   **Staff Planner:** Leslie Mendez, lmendez@ci.berkeley.ca.us, (510) 981-7426
   **Continued From:** None
   **Recommendation:** APPROVE Use Permit ZP2014-0004 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions.

4. **2111 McKinley Avenue**
   **Use Permit Modification #2014-0009** to create 445-square-foot dwelling unit within common space of existing 6-unit apartment building (transitional housing facility), and remove permit conditions that are no longer necessary.
   **CEQA Determination:** Categorically exempt pursuant to Sections 15303 ("New Construction and Conversion of Small Structures") and 15332 (In-Fill Development Projects”) of the CEQA Guidelines.
   **Applicant:** Babette Jee, Architect, 1504 Fifth St., Berkeley, CA 94710
   **Lessee:** Building Opportunities for Self-Sufficiency, 2065 Kittredge St., Suite E, Berkeley, CA 94704
   **Property Owner:** City of Berkeley, 2180 Milvia St., Berkeley, CA 94704
   **Zoning:** R-2 – Restricted Two-Family Residential
   **Staff Planner:** Aaron Sage, AICP, asage@ci.berkeley.ca.us, (510) 981-7425
   **Continued From:** None
   **Recommendation:** APPROVE Use Permit Modification #2014-0009 pursuant to Section 23B.56.020 and subject to the attached Findings and Conditions.
6. **1025 Gilman Street**
   Use Permit #2014-0044 to allow sales and tasting of beer and wine at a permitted grocery store that is currently under construction.
   **CEQA Determination:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
   **Property Owner:** Gilman Partners, LLC (c/o Foothill Partners), Douglas Wiele 1121 White Rock Road, Suite 205 El Dorado Hills, CA 95762
   **Applicant:** CITYshapers, Inc. Dwane Kennedy 101 California Street, Suite 2710 San Francisco, CA 94111
   **Zoning:** C-W – West Berkeley Commercial
   **Staff Planner:** Abe Leider, Contract Planner, aleider@rinconconsultants.com, (510) 834-4455, and Fatema Crane, Staff Planner, FCrane@ci.berkeley.ca.us, (510) 981-7410
   Continued From: None
   Recommendation: **APPROVE** Use Permit # 2014-0044 pursuant to Berkeley Municipal Code Section 23E.64.030, and subject to the attached Findings and Conditions.

8. **1324 Burnett Street**
   Use Permit UP2014-0034 to construct a new two-story, approximately 22.2-foot tall, 1,681-square-foot, home behind an existing single-story 851-square-foot home.
   **CEQA Determination:** Categorically exempt pursuant to Section 15301 and 15303 of the CEQA Guidelines (“Existing Facilities” and “New Construction or Conversion of Small Structures,” respectively).
   **Applicant / Property Owner:** REO Homes 3, LLC, c/o Cal Inman, 580 2nd Street, Suite 230, Oakland, CA 94607
   **Zoning:** R-2A – Restricted Multi-Family Residential District
   **Staff Planner:** Leslie Mendez, lmendez@ci.berkeley.ca.us, (510) 981-7426
   Continued From: None
   Recommendation: **APPROVE** UP2014-0034 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions.

10. **1011 Gilman Street**
    Use Permit #2014-0041 to expand existing retail use by approximately 8,326 square feet, consisting of ancillary storage, office, mechanical, and restroom space.
    **CEQA Determination:** Categorically exempt pursuant to CEQA Guidelines Sections 15303(c) (“New Construction or Conversion of Small Structures”) and 15332 (“In-Fill Development Projects”).
    **Applicant:** Bill Brigham, Field Paoli Architects, 150 California Street, 7th Floor, San Francisco, CA 94111
    **Property Owner:** Gilman Partners, LLC, c/o Foothill Partners, 1121 White Rock Road, Suite 205, El Dorado Hills, CA 95762
    **Zoning:** C-W – West Berkeley Commercial
    **Staff Planner:** Aaron Sage, AICP, asage@ci.berkeley.ca.us, (510) 981-7425
    Continued From: None
    Recommendation: **CONTINUE** to October 23, 2014 ZAB meeting.
5. **1601 Carleton Street**

   **Use Permit #UP2014-0039** to 1) convert an existing, vacant church to a two-story, 3,504 square-foot single family dwelling; 2) reconfigure an existing, dwelling unit at the rear of the property at 2615 California Street to a two-story, 1,904 square-foot dwelling; and 3) increase the number of bedrooms on the parcel from x to nine.

   **CEQA Determination:** Categorically exempt pursuant to CEQA Guidelines Sections 15301 (“Existing Facilities”), 15303(a) (“New Construction or Conversion of Small Structures”), and Section 15332 (“Infill Development Projects”).

   **Applicant / Property Owner:** Yakov Silvertest, 1608 McGee Avenue, Berkeley, CA 94703
   **Zoning:** R-2 – Restricted Two-Family Residential District
   **Staff Planner:** Derek Farmer, Contract Planner, Derek.Farmer@tetratech.com, (510) 302-6297, and Greg Powell, Senior Planner, GPowell@ci.berkeley.ca.us

   **Continued From:** None
   **Recommendation:** APPROVE Use Permit #2014-0039 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions.
   **Action:** APPROVED
   **Motion / Second:** I. Tregub / R. Allen
   **# of Speakers:** 3
   **Vote:** 7-0-0-1 (Absent: D. Pinkston)

7. **1700 Dwight Way**

   **Use Permit #UP2014-0027** to renovate an existing non-conforming commercial space to a new Art/Craft Studio or Office Live-Work unit on a parcel containing a two-unit duplex building and to establish the live-work unit and duplex as condominiums.

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

   **Applicant / Property Owner:** Robert Richerson, 449 Golden Gate Ave., Richmond, CA 94801
   **Zoning:** R-2 – Restricted Two-Family Residential
   **Staff Planner:** Pamela Johnson, pjohnson@ci.berkeley.ca.us, (510) 981-7548

   **Continued From:** None
   **Recommendation:** APPROVE Use Permit UP2014-0027 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions.
   **Action:** APPROVED
   **Motion / Second:** R. Allen / S. O’Keefe
   **# of Speakers:** 4
   **Vote:** 7-0-0-1 (Absent: D. Pinkston)
9. 2135 Roosevelt Avenue

Appeal Administrative Use Permit #AUP2014-0032 to enlarge an existing 1,070 sq. ft. single family residence by raising the structure 10’3” to create 1,357 sq. ft. of habitable space, increasing the average height from 12’11” to 22’10”, resulting in a 2,427 sq. ft. single-family residence, and to install a hot tub on the rear deck.

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

Property Owner: Adam Berman, 1727 Delaware Street, Berkeley, CA 94702
Appellants: Jim Berenholtz and Deborah Todd, et. al., 2131 Roosevelt Avenue, Berkeley, CA 94703

Zoning: R-2 – Restricted Two-Family Residential

Staff 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 #AUP2014-0032 dismiss the Appeal.

Action: CONTINUED to date certain of November 13, 2014.

Motion / Second: G. Williams / I. Tregub

# of Speakers: 15

Vote: 5-3-0-0 (No: R. Allen, S. Donaldson, S. O'Keefe)

11. Approval of Previous Action Minutes

Minutes from September 11, 2014 meeting.

Continued From: None

Recommendation: APPROVE with correction

Action: APPROVED

Motion / Second: I. Tregub / S. O'Keefe

Vote: 8-0-0-0

Adjourn 9:39 PM