Zoning Adjustments Board
Thursday, May 14, 2015 - 7:06 PM

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

Preliminary Matters:

Roll Call:  Prakash Pinto (Chairperson)
Denise Pinkston (Vice Chairperson)
Igor Tregub (Arrived at 7:50 PM)
Steven Donaldson
George Williams
Shoshanna O’Keefe (Arrived at 7:20 PM)
Nicholas Dominguez
Richard Christiani
John Selawsky (temporary appointment for Councilmember Worthington)

Excused:  Sophie Hahn

Members of the Public
Present: 54
Speakers: 34

Ex Parte Communication Disclosures:
R. Christiani:  I spoke to George Schevon regarding the possibility of using a building separation wall to allow the existing residence to remain under rent control.
D. Pinkston:  I spoke to Mark Rhoades regarding the desire to have Berkeley High School (BHS) potential impact issues fully analyzed in the EIR. I also spoke to Tom Bates regarding the BHS issue and what additional study I thought was needed and indicated documentation of construction impacts including noise, dust, truck routes, and construction phasing.
I. Tregub:  I spoke to Paul Matzner, Kate Harrison, and Becky O’Malley who answered process questions on whether the public hearing has been closed and additional public comments has been provided. No EIR specifics or substance were discussed. I spoke to Jay Kelekian, Jesse Townley, and Kathy Harr regarding the applicability and enforceability of the Rent Board recommended conditions of approval concerning rent stabilization and eviction protections.

Public Comment: 7
Agenda Changes:
Move Item #2 2332 Channing Way and Item #1 Action Minutes (to add amendments and re-vote) off the Consent Calendar.

Consent Calendar:

Motion / Second: S. Donaldson / G. Williams
Vote: 8-0-0-1 (Absent: I. Tregub)
Action: APPROVED with amendments to Item #4 – 2700 Ninth Street.

3. 1931-35 Addison Street – Modification of Conditions of Approval
Application: ZP2015-0086 to modify Use Permit #12-10000042 to allow the option to pay the Affordable Housing Mitigation Fee in lieu of providing below market rate (BMR) units on site.
CEQA Determination: The project was exempt under streamlined review for infill projects pursuant to CEQA Guidelines Section 15183.3. The proposed modification will not affect the CEQA exemption.
Applicant: Rony Rolnizky, 121 Devonshire Way, San Francisco
Owner: Avi Nevo, 1935 Addison LLC, 2073 Addison Street, Berkeley
Zoning: C-DMU – Downtown Mixed Use District
Staff Planner: Leslie Mendez, lmendez@cityofberkeley.info, (510) 981-7410
Recommendation: APPROVE #ZP2015-0086 to modify Use Permit #12-10000042 pursuant to Section 23B.32.040 and subject to the Findings and Conditions.
Action: Approved.

4. 2700 Ninth Street, East Bay Humane Society – New Public Hearing
Application: Use Permit #UP2013-0055 to allow the demolition of the existing two-story, 16,538 square-foot animal shelter building and the construction of a two-story, 13,211 square-foot replacement building, and temporary use of the existing adjacent warehouse building for animal shelter operations during construction of the proposed project.
CEQA Determination: The City prepared an Infill Environmental Checklist pursuant to Section 15183.3 and appendices M and N of the CEQA Guidelines. As discussed in the Infill Environmental Checklist, the proposed project qualifies as an infill project under CEQA Guidelines Section 15183.3.
Applicant: Bright Street, Inc., Contact: Aran Kaufer, 1410 Fairview Street Berkeley
Owner: Berkeley Humane Society, 2700 Ninth Street, Berkeley
Zoning: MU-R, Mixed Use-Residential
Staff Planner: Greg Powell, Gpowell@ci.berkeley.ca.us, (510) 981-7414
Recommendation: APPROVE #UP2013-0055 pursuant to Section 23B.32.040 and subject to the Findings and Conditions.
Action: Approved.
Consent Calendar (Continued):

5. 2507 Woolsey Street – New Public Hearing

   Application: Use Permit #ZP2015-0017 to alter the roof and to expand an existing deck within the street-side setback on a lot that exceeds maximum allowed density and lot coverage.

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

   Applicant: Robert Remiker, 800 Bancroft Way, Ste. 203, Berkeley
   Owner: Marc Fischer and Karina Garbesi, 2507 Woolsey Street, Berkeley
   Zoning: R-1 – Single Family Residential
   Staff Planner: Claudine Asbagh, casbagh@ci.berkeley.ca.us, (510) 981-7424
   Recommendation: APPROVE Use Permit #ZP2015-0017 pursuant to Section 23B.32.040 and subject to the Findings and Conditions.
   Action: Approved.

Action Calendar:

2. 2332 Channing Way – Continued from March 26, 2015

   Application: Use Permit #2014-0029 to create three new dwelling units by constructing a 2,692 square foot, three-story residential addition to the rear of an existing 6,159 square foot, three-story building with two dwellings, reduce existing on-site parking spaces from two to zero, and construct an addition taller than 16 feet in average height.

   CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-fill Development Projects”).

   Applicant: George Schevon, Studio 4 Architecture, 1840B Alcatraz Ave, Berkeley
   Owner: Michael Kraszulyak, Savvy Properties LLC, 2332 Channing Way, Berkeley
   Zoning: R-S – Residential Southside, “Car-Free Housing” Overlay
   Staff Planner: Shannon Allen, AICP, ShAllen@CityofBerkeley.info, (510) 981-7413
   Recommendation: APPROVE #UP2014-0029 pursuant to Section 23B.32.040 and subject to the Findings and Conditions.

   # of Speakers: 4
   Motion / Second: P. Pinto / S. Donaldson
   Vote: 9-0-0-0
   Action: APPROVED with amendments to the Conditions of Approval.
Action Calendar (Continued):

6. 2211 Harold Way Mixed-Use Project – Continued from April 23, 2015
   Application: Use Permit #13-10000010 to construct a 18-story mixed-use development located in Downtown Berkeley, with 302 dwelling units, a six-theater cinema, about 10,500 square feet of ground-floor commercial space, and a 171-space underground parking garage.
   CEQA Determination: An Environmental Impact Report (EIR) was prepared.
   Applicant: Rhoades Planning Group, 505 17th St., 2nd Floor, Oakland
   Owner: HSR Berkeley Investments, LLC, 11100 Santa Monica Boulevard, Suite 880, Los Angeles
   Zoning: C-DMU, Commercial Downtown, Mixed Use
   Staff Planner: Shannon Allen, ShAllen@CityofBerkeley.info, (510) 981-7430
   Recommendation: Staff recommends that the ZAB review, accept public comment, and certify the Final EIR for the 2211 Harold Way Mixed-Use Project.
   # of Speakers: 23
   Motion / Second: S. Donaldson / I. Tregub
   Vote: 9-0-0-0
   Action: CONTINUED off calendar.

7. Appointment of Zoning Adjustment Board Representative to Design Review Committee
   Motion / Second: P. Pinto / S. Donaldson
   Vote: 9-0-0-0
   Action: R. Christiani appointed

1. Approval of Action Minutes from April 23, 2015
   Motion / Second: I. Tregub / D. Pinkston
   Vote: 9-0-0-0
   Action: APPROVED the April 23, 2015 Action Minutes with amendments.

8. Certificate of Appreciation for Robert Allen

Adjourned 9:40 PM