Roll Call: 7:00 PM

Present:
- George Williams (Chairperson), appointed by Councilmember Capitelli
- Michael Alvarez Cohen (Vice-Chairperson), appointed by Councilmember Wozniak
- Deborah Matthews, appointed by Mayor Bates
- Sophie Hahn, appointed by Councilmember Worthington
- Elisa Mikiten, appointed by Councilmember Maio
- Igor Tregub, appointed by Councilmember Arreguin

Absent:
- Toya Groves, appointed by Councilmember Anderson

Excused:
- Robert Allen appointed by Councilmember Wengraf
- Steven Donaldson, appointed by Councilmember Moore

Substitutions:
- Kiran Shenoy, for Steven Donaldson

Members of the Public
- Present: 22
- Speakers: 4

Ex Parte Communication Disclosures
In the context of adjudicative matters that come before the ZAB, ex parte communications are those which occur outside the formal hearing process. ZAB members should avoid ex-parte contacts on matters pending before the ZAB as much as possible, as they may represent, or be perceived to represent, the receipt of evidence that can unfairly influence a Board member’s decision on a matter before the Board. If such contacts do occur, they must be placed in the record and disclosed to all interested parties sufficiently in advance of the decision to allow rebuttal.

- None
Public Comment
Each Speaker is limited to a maximum of three minutes.

- None

Agenda Changes
The Board Chairperson may reorder the agenda at the beginning of the meeting.

- Item #1 removed from Consent Calendar
- Items #3, #4, and #5 placed on Consent Calendar

Consent Calendar:
The Consent Calendar allows the Board to take action with no discussion, on projects to which no one objects. The Agenda includes three types of Consent Calendar items: (1) Approval of previous meeting minutes; (2) Modifications of existing Use Permits (which have not been noticed for public hearings); (3) Items being continued to another meeting (Board action has been postponed to another meeting). The Board Chairperson will announce items for the Consent Calendar at 7:05 pm. The Board may place additional Agenda items on the Consent Calendar, if no one present wishes to testify on an item. Anyone present who wishes to speak on an item should raise his or her hand and advise the Chairperson, and the item will be pulled from the consent calendar. Modification Projects may be discussed by the Board at this meeting or set for a public hearing at a later meeting. Items already noticed for a public hearing will be heard following Continued Items, or, if necessary, posted for a public hearing at a subsequent meeting.

<table>
<thead>
<tr>
<th></th>
<th>Approval of Previous Meeting Minutes</th>
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<tbody>
<tr>
<td></td>
<td>Minutes from the 11/08/12 meeting</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>APPROVE</td>
</tr>
<tr>
<td>Action:</td>
<td>CONTINUED, no quorum</td>
</tr>
</tbody>
</table>

New Hearings:

<table>
<thead>
<tr>
<th></th>
<th>2133 University Avenue – Acheson Commons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Final Environmental Impact Report for Use Permit #10-10000078, Structural Alteration Permit #10-40000020 &amp; Design Review #10-30000069, 1979-1987 Shattuck Avenue, 2101-2113 University Avenue, 2125-2145 University Avenue &amp; 1922 &amp; 1930 Walnut Street.</td>
</tr>
<tr>
<td></td>
<td>Applicant: Equity Residential, 26970 Aliso Viejo Parkway #250, Aliso Viejo, CA</td>
</tr>
<tr>
<td></td>
<td>Zoning: C-DMU, “Downtown Mixed Use, Outer Core”; Planner: Greg Powell</td>
</tr>
<tr>
<td>Continued From:</td>
<td>None</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>CERTIFY the Final EIR and CONTINUE the Public Hearing to December 20, 2012.</td>
</tr>
<tr>
<td>Action:</td>
<td>CERTIFIED the Final EIR and CONTINUED the Public Hearing to December 20, 2012.</td>
</tr>
<tr>
<td>Number of Speakers: 1</td>
<td>Motion / Second: D. Matthews / S. Hahn</td>
</tr>
<tr>
<td>Vote:</td>
<td>7-0-0-2 (Absent: R. Allen, T. Groves)</td>
</tr>
</tbody>
</table>
### 3. 2993 College Avenue

**Use Permit #11-10000001** to legalize the construction of a 322 sq. ft. covered walkway leading to a 230 sq. ft. storage building at the rear of an existing full service restaurant that serves beer and wine with meals.

**Applicant:** Kaushik Amruthur  
P.O. Box 568, Cupertino, CA 95015

**Property Owner:** Angelo D’Alo  
2993 College Ave., Berkeley, CA 94705

**Zoning:** C-E, “Elmwood Commercial District”; **Planner:** Nathan Dahl

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**Continued From:** None

**Recommendation:** APPROVE Use Permit #11-10000001 subject to the Findings and Conditions.

**Action:** ADDED a Condition to build a fence as requested by applicant and APPROVED Use Permit #11-10000001.

**Motion / Second:** E. Mikiten / S. Hahn  
**Vote:** 7-0-0-2 (Absent: R. Allen, T. Groves)

### 4. 1640-1650 Martin Luther King, Jr. Way

**Use Permit #12-10000034** to convert an existing office space into two new dwellings, reduce the number of required off-street parking spaces from two to zero, and reduce the amount of Usable Open Space from 400 square feet to zero.

**Applicant:** KD Bowman/ The Bay Architects, 1840 B Alcatraz Ave. Berkeley, CA

**Property Owner:** John Gordon, 2091 Rose St. Berkeley, CA

**Zoning:** C-N, “Neighborhood Commercial”; **Planner:** Claudine Asbagh

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**Continued From:** None

**Recommendation:** APPROVE Use Permit #12-10000034 subject to the Findings and Conditions.

**Action:** APPROVED on Consent

**Motion / Second:** E. Mikiten / S. Hahn  
**Vote:** 7-0-0-2 (Absent: R. Allen, T. Groves)

### 5. 2420 Roosevelt Avenue

**Use Permit #12-10000038** to raise an existing 3-story single-family dwelling by 3 feet, 7 inches to create a new 1,172-square-foot dwelling unit on the ground floor.

**Applicant:** Maxwell Beaumont, 4050 Harlan St., Emeryville, CA 94608

**Property Owner:** Carmen Herndon, 2420 Roosevelt Ave., Berkeley, 94703

**Zoning:** R-2, “Restricted Two-Family Residential”; **Planner:** Aaron Sage

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**Continued From:** None

**Recommendation:** APPROVE Use Permit #12-10000038 subject to the Findings and Conditions.

**Action:** APPROVED on Consent

**Motion / Second:** E. Mikiten / S. Hahn  
**Vote:** 7-0-0-2 (Absent: R. Allen, T. Groves)
### 6. 2309 Telegraph Avenue

**Use Permit #12-10000033** to establish a Quick Service Restaurant of 1,477 sq. ft., exceeding the C-T District’s limitation on the number of such restaurants.  
**Applicant:** Roger Wilson, 1250 Addison St., #104, Berkeley, CA 94702  
**Property Owner:** RSGF Granada Building, LLC, 551 Fifth Ave., New York, NY 10176  
**Zoning:** C-T, “Telegraph Avenue Commercial”; **Planner:** Aaron Sage  

<table>
<thead>
<tr>
<th>Continued From:</th>
<th>None</th>
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</thead>
<tbody>
<tr>
<td><strong>Recommendation:</strong></td>
<td>APPROVE Use Permit #12-10000033 subject to the Findings and Conditions.</td>
</tr>
<tr>
<td><strong>Action:</strong></td>
<td>APPROVED Use Permit #12-10000033 subject to the Findings and Conditions.</td>
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<tr>
<td><strong>Number of Speakers:</strong></td>
<td>3</td>
</tr>
<tr>
<td><strong>Motion / Second:</strong></td>
<td>D. Matthews / E. Mikiten</td>
</tr>
<tr>
<td><strong>Vote:</strong></td>
<td>6-1-0-2 (No: M. Alvarez Cohen; Absent: R. Allen, T. Groves)</td>
</tr>
</tbody>
</table>

### 7. 2218 Ninth Street

**Use Permit #12-10000028** to demolish an existing church and to construct two, two-story detached dwelling units and a detached accessory building.  
**Applicant:** John Newton, 827 Coventry Road, Kensington, CA 94707  
**Property Owner:** Tom Anthony, 5666 Telegraph Ave., Oakland, CA 94609  
**Zoning:** R-1A, “Limited Two-Family Residential District”; **Planner:** Leslie Mendez  

<table>
<thead>
<tr>
<th>Continued From:</th>
<th>None</th>
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<tbody>
<tr>
<td><strong>Recommendation:</strong></td>
<td>APPROVE Use Permit #12-10000028 subject to the Findings and Conditions.</td>
</tr>
<tr>
<td><strong>Action:</strong></td>
<td>APPROVED Use Permit #12-10000028 subject to the Findings and Conditions.</td>
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<tr>
<td><strong>Number of Speakers:</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Motion / Second:</strong></td>
<td>E. Mikiten / S. Hahn</td>
</tr>
<tr>
<td><strong>Vote:</strong></td>
<td>7-0-0-2 (Absent: R. Allen, T. Groves)</td>
</tr>
</tbody>
</table>
### Appeal of Administrative Use Permits

Appeals of Administrative Use Permit applications are not subject to public hearing and no public testimony will be taken at this time. The Board may set the matter for public hearing, or affirm the Zoning Officer's decision.

#### 8. 1387 Scenic Avenue

**Appeal of Administrative Use Permit 12-2000065** to enlarge an existing single-family residence from 2,421 sq. ft. to 3,487 sq. ft. by constructing a new split level story over the existing house and finishing the basement to add 2 new bedrooms and a bathroom.

- **Applicant:** Jack Backus Architects, 1057 Hubert Road, Oakland, CA 94610
- **Property Owner:** Michael Campesino, 7951 Michigan Ave., Oakland, CA 94605
- **Appellant:** Oren Leiman, Alex Gilberg, Margaret Tracy, et. al., 1348 Euclid Ave., Berkeley, CA 94708
- **Zoning:** R-1H, “Single Family Residential, Hillside Overlay”; **Planner:** Pamela Johnson

| Recommendation | UPHOLD the Zoning Officer’s decision to approve Administrative Use Permit #12 – 20000065, and dismiss the Appeals. |
| Action | SET FOR PUBLIC HEARING |
| Motion / Second | D. Matthews / I. Tregub |
| Vote | 5-2-0-2 (No: K. Shenoy, E. Mikiten; Absent: R. Allen, T. Groves) |

#### 9. 1152 Amador Avenue

**Appeal of Administrative Use Permit #11-20000034** to enlarge an existing single-family residence from 2,645 sq. ft. to 3,944 sq. ft. by expanding the ground floor and constructing a new third floor, increasing the average height from 22 feet to 28 feet, 9”.

- **Applicant:** Jensen/Ptaszynski Architects, Andre Ptaszynski, 3449-A Mt. Diablo Blvd., Lafayette, CA 94549
- **Property Owner:** Todd Forbush and Hillary Metz, 1152 Amador, Berkeley, CA 94707
- **Appellants:** Darleen R. Dhillon, 1145 Shattuck Ave., Berkeley, CA 94707 and Colin G. McGuire, 1157 Amador Ave., Berkeley, CA 94707
- **Zoning:** R-1H, “Single Family Residential, Hillside Overlay”; **Planner:** Greg Powell

| Recommendation | UPHOLD the Zoning Officer’s decision to approve Administrative Use Permit #11-20000034, and dismiss the Appeals. |
| Action | SET FOR PUBLIC HEARING |
| Motion / Second | E. Mikiten / D. Matthews |
| Vote | 6-0-0-3 (Recused: S. Hahn; Absent: R. Allen, T. Groves) |
Additional Agenda Items:

A. Information/Communication
   - Correspondence from Laura Menard, dated November 5, 2012
B. Business Meeting
C. Chair's Report
D. Current Business/Committee Appointment
E. Future Agenda Items
F. Other Matters
G. Future Council Hearings on ZAB decisions
   - 740 Heinz Avenue, 1/22/2013
   - 1214 Glen Avenue, 2/5/2013
   - 1488 Keoncrest Drive, 2/5/2013

Adjourn: 8:11 PM

[Approved for posting by Terry Blount, Secretary, Zoning Adjustments Board]
Correspondence and Notice of Decision Requests

- Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

- **To distribute correspondence to Board members prior to the meeting date** -- submit comments by 12:00 noon, seven (7) days before the meeting. Please provide 15 copies of any correspondence with more than ten (10) pages or if in color or photographic format.

- Correspondence received by 4:00 pm the Tuesday before the meeting will be posted on the ZAB web site for review by the Board and public prior to the meeting. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.

- Any correspondence received after this deadline will be given to Board members on the meeting date just prior to the meeting.

- Staff will not deliver to Board members any additional written (or e-mail) materials received after 12:00 noon on the day of the meeting.

- Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk just before or at the beginning of the meeting.

- Written comments, or a request for a Notice of Decision should be directed to the ZAB Secretary at:  Land Use Planning Division (Attn: Terry Blount, AICP, ZAB Secretary), 2120 Milvia Street, Berkeley, CA 94704 OR at zab@ci.berkeley.ca.us

Accessibility Information / ADA Disclaimer

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Permit Service Center, Planning and Development Department located at 2120 Milvia Street, Berkeley, during regular business hours.

Notice Concerning Your Legal Rights

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.

3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.

4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.

5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
   A. That this belief is a basis of your appeal.
   B. Why you believe that the decision or condition constitutes a “taking” of property as set forth above.
   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.
   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.