Zoning Adjustments Board
Thursday, May 8, 2014 – 7:00 PM

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

Preliminary Matters:

Present:

- Michael Alvarez Cohen (Chairperson), appointed by Councilmember Wozniak
- Denise Pinkston, appointed by Mayor Bates
- 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
- Igor Tregub, appointed by Councilmember Arreguin (Arrived at 7:30)

Members of the Public

Present: 21
Speakers: 18

Ex Parte Communication Disclosures:

- D. Pinkston: Phone conversation with Rena Rickles for the 85 Parnassus
- George Williams: Phone conversation with Rena Rickles for the 85 Parnassus
- R. Allen: Phone conversation with Rena Rickles for the 85 Parnassus
- S. Hahn: Phone conversation with Jenny Chatman for the 85 Parnassus
- S. Donaldson: Phone conversation with Rena Rickles for the 85 Parnassus
- I. Tregub: 85 Parnassus road, voicemail from Rena Rickles asking me if I had any
  questions about the project and on 2222 Ninth Street, communication with the Rent Board
  staff.

Preliminary Matters:

Staff Announcements

- Introduction of new ZAB appointee Denise Pinkston
- Introduction of next Acting ZAB Secretary Sally Zarnowitz
- Hiring of Land Use Planning Manager Carol Johnson
- Update on ZAB requests from last meeting (density bonus, 2501 Haste, policy referrals)
Public Comment:

1

Agenda Changes:

None.

Consent Calendar:

Action: APPROVED
Motion / Second: R. Allen / S. Hahn
# of Speakers: 0
Vote: 8-0-0-1 (Absent: I. Tregub)

1. 1517 Harmon Street
Use Permit Modification #2014-0004 to add a wood privacy screen approximately 20 feet in height to the south (front) wall of an existing, recently constructed, two-story, single-family dwelling at the rear of the property
CEQA Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
Applicant/Owner: Tommy Casey, REO Homes, LLC, 3294 Louise Street, Oakland, CA 94608
Zoning: R-2A – Restricted Multiple-Family Residential
Planner: Aaron Sage, asage@ci.berkeley.ca.us, (510) 981-7425
Continued From: None
Recommendation: APPROVE

3. 2271 Shattuck Avenue
Use Permit #2013-0054 to allow alcoholic beverage service at a cocktail lounge with incidental amplified live entertainment.
CEQA Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
Applicant / Property Owner: Brian Sheehy, Brick Hat, LLC 561 Geary Street, San Francisco, CA 94102
Developer: Brick Hat, LLC c/o Rhoades Planning Group 1611 Telegraph Avenue Suite 200 Oakland, CA 94612
Zoning: C-DMU Outer Core – Commercial Downtown Mixed-Use
Planner: Jordan Harrison, jharrison@ci.berkeley.ca.us, (510) 981-7416
Continued From: None
Recommendation: APPROVE

Action Calendar:

2. 85 Parnassus Road
Appeal of Administrative Use Permit #12-20000158 to convert an existing accessory structure (containing habitable space) into an accessory dwelling unit located 5 feet from the rear lot line where 20 feet is required, with required off-street parking (one space) located in the required rear yard.
CEQA Determination: Categorically exempt pursuant to Section 15303 (“New
Construction or Conversion of Small Structures”) of the CEQA Guidelines.

**Applicant / Owner:** Ed and Mona Nichols 85 Parnassus Rd., Berkeley, CA 94708

**Appellant:** Rena Rickles for Russell Barnett and Jennifer Chatman, 10 E Parnassus Ct. Berkeley, CA 94708

**Zoning:** R-1H – Single Family Residential, Hillside

**Planner:** Claudine M. Asbagh, casbagh@ci.berkeley.ca.us, (510) 981-7424

**Continued From:** None

**Recommendation:** AFFIRM Zoning Officer’s decision to approve AUP, and DISMISS the appeals.

**Action:** (1) OVERTURN Zoning Officer’s decision to approve AUP, and UPHOLD the appeals, with findings of denial to be provided by staff **May 22, 2014** for adoption, and (2) Request staff to return to ZAB in three to four months to report on AUP#11-20000043 compliance and undertake review process as described in condition 14 of the AUP.

**Motion / Second:** S. Hahn / S. O’Keefe

**# of Speakers:**

<table>
<thead>
<tr>
<th>Vote</th>
<th>10</th>
</tr>
</thead>
</table>

### 4. 2222 Ninth Street

**Use Permit # 2014-0008** to 1) alter an existing 2,680 sq. ft. un-permitted two-family dwelling by removing 475 sq. ft. and removing the un-permitted second unit and church kitchen, 2) vertically and horizontally extending a non-conforming 15’ front yard setback and vertically and horizontally extending a non-conforming 3’1” side yard setback to enclose the existing porch, and 3) construct a new 1,546 sq. ft. two-story single-family dwelling unit at the rear of the 5,232 sq. ft. parcel.

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

**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

**Planners:** Derek Farmer, Derek.Farmer@tetratech.com, (510) 302-6297, and Pamela Johnson, pjohnson@ci.berkeley.ca.us, (510) 981-7548

**Continued From:** None

**Recommendation:** APPROVE

**Action:** Allow the rent board to make a report and CONTINUE the hearing to **May 22, 2014**.

**Motion / Second:** D. Pinkston / I. Tregub

**# of Speakers:**

<table>
<thead>
<tr>
<th>Vote</th>
<th>9-0-0-0</th>
</tr>
</thead>
</table>
5. Approval of Previous Meeting Minutes

Minutes from 04/24/2014 meeting.

Continued From: None
Recommendation: APPROVE
Action: APPROVED
Motion / Second: G. Williams / I. Tregub
Vote: 7-0-0-2 (Abstain: M. Cohen, D. Pinkston)

6. Appointment of Vice Chair (Vacancy left by D. Mathews)

Continued From: None
Recommendation: APPROVE
Action: APPROVE Commissioner P. Pinto as Vice Chair
Motion / Second: S. Hahn / I. Tregub
Vote: 9-0-0-0

Adjourned 10:32 PM.