



Action Minutes

Planning & Development Department
Land Use Planning Division

Zoning Adjustments Board Thursday, July 13, 2017 - 7:16 PM

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

Preliminary Matters:

Roll Call:

Igor Tregub, appointed by Mayor Arreguin
Denise Pinkston, appointed by Councilmember Droste
Teresa Clarke, appointed by Councilmember Maio
Patrick Sheahan, appointed by Councilmember Davila
John Selawsky, appointed by Councilmember Bartlett
Shoshana O'Keefe, appointed by Councilmember Hahn
Charles Kahn, appointed by Councilmember Wengraf
Brazile Clark, appointed by Councilmember Worthington
Carrie Olson, appointed by Councilmember Harrison

Ex Parte Communication Disclosures:

I. Tregub: Received an email from Ernest Machen about 2777 Shattuck Avenue

Public Comment:

Speakers: 1

Agenda Changes:

Move Item #2, 2025 Center Street, to the Action Calendar
Move Item #7, 3100 San Pablo Avenue, after Item #3, 2777 Shattuck Avenue

Consent Calendar:

1. Approval of Action Minutes from June 22, 2017
Recommendation: **APPROVE**
Motion / Second: **I. Tregub / J. Selawsky**
Vote **9-0-0-0**
Action: **APPROVED**

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Action Calendar:

2. 2025 Center Street – New Public Hearing

Application: **Use Permit Modification #ZP2017-0084** to modify the Conditions of Approval to expand the construction hours for a project that would construct an 8-story, 711-space, 248,000 square-foot parking structure that is currently under construction.

Zoning: C-DMU – Downtown Mixed Use; Core Sub-Area

CEQA Mitigated Negative Declaration was prepared and adopted pursuant to Article 6 of the CEQA Guidelines.

Determination: 6 of the CEQA Guidelines.

Applicant: City of Berkeley Public Works Department, 1947 Center Street, 4th Floor, Berkeley

Owner: Berkeley

Staff Planner: Lucy Sundelson, LSundelson@cityofberkeley.info, (510) 981-7433

Recommendation: **APPROVE** Use Permit #ZP2017-0084 pursuant to Section 23B.32.040

of Speakers: **3**

Motion / Second: **J. Selawsky / C. Kahn**

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

Action: **APPROVED** with amendments to the Conditions of Approval.

3. 2777 Shattuck Avenue – Appeal

Application: **Appeal of Design Review Committee Decision to approve Final Design Review #DRCF2017-0005** for the project to construct a 4,427 square foot addition to an existing building to serve a new full service auto dealership.

Zoning: C-SA – South Area Commercial

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

Determination: (“Existing Facilities”)

Applicant: Mauricio De la Pena, 2421 Fourth Street, Berkeley

Owner: Glen Yasuda, 920 Heinz Avenue, Berkeley

Appellants: Steven Finacom, Gary Lapow, George Kilingsworth, Thomas Ferrell, Bruce Powelson, Rose Ann Cochran, Ernest Machen, Jane Kitchel, Ann Foley, Christine Byrne, Lucy Clark, Pam Speich

Staff Planner: Anne Burns, ABurns@cityofberkeley.info, (510) 981-7415

Recommendation: **DISMISS APPEAL and UPHOLD** the Design Review Committee’s Final Design Review #DRCF2017-0005 approval pursuant to Chapter 23E.08 and 23E.12.

of Speakers: **4**

Motion / Second: **T. Clarke / C. Kahn**

Vote: **8-0-1-0 (Abstain: P. Sheahan)**

Action: **DISMISSED APPEAL and APPROVED**, per the revised July 6, 2017 site plan, to clarify that the parking and vehicular display space and any light standard shall not be located in the Public Right-of-Way

Motion / Second: **C. Kahn / C. Olson**

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

Action: **1) Ask that the City Traffic Engineer re-review the proposed changes to travel lanes to consider safety; and 2) reiterate to the applicant that the Public Right-of-Way shall not be used for vehicle storage or parking.**

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Action Calendar (Continued):

7. 3100 San Pablo – New Public Hearing

Application: Use Permit #ZP2016-0134 to establish 97,447 square feet of Medical Practitioner use, including outpatient services and urgent care, in an existing 492,706 square-foot building.

Zoning: C-W – West Berkeley Commercial, MU-LI – Mixed Use Light Industrial

CEQA An Environmental Impact Report (EIR) was prepared to evaluate the potentially significant environmental impacts of the proposed project, pursuant to the California Environmental Quality Act.

Determination:

Applicant/Owner: Darrell deTienne Associates, 3435 Cesar Chavez Street, Suite 312, San Francisco
LBA Realty, 3347 Michelson Drive, Suite 200, Irvine

Staff Planner: Greg Powell, GPowell@cityofberkeley.info, (510) 981-7414

Recommendation: **CERTIFY** the Final EIR, **ADOPT** CEQA Findings, Pursuant to Section 15091 of the CEQA Guidelines, and **APPROVE** Use Permit #ZP2016-0134 pursuant to Section 23B.32.040.

of Speakers: 1

Motion / Second: T. Clarke / B. Clark

Vote: 7-0-1-1 (Abstain: P. Sheahan; Recuse: C. Kahn)

Action: **APPROVED** with amendments to Conditions of Approval.

4. 1441 Campus Drive - Appeal

Application: **Appeal of Zoning Officer’s Decision to approve Administrative Use Permit #ZP2016-0254** to enlarge an existing 1,774 square-foot, single-family dwelling that is within a non-conforming rear yard setback by adding 92 square feet, horizontally extending the nonconforming rear yard setback with an average height of 10’1”.

Zoning: R-1(H) – Single Family Residential, Hillside Overlay District

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

Determination:

Applicant: Reba Jones, 1441 Campus Drive, Berkeley

Owner: Nga P. Pham & Maxim Noginov, 103 Murlagan Avenue #B, Mountain View

Staff Planner: Lucy Sundelson, LSundelson@cityofberkeley.info, (510) 981-7433

Recommendation: **DISMISS APPEAL and APPROVE** Administrative Use Permit #ZP2016-0254 pursuant to Section 23B.28.060.C.1

of Speakers: 9

Motion / Second: B. Clark / C. Olson

Vote: 9-0-0-0

Action: **DISMISSED APPEAL and APPROVED.**

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Action Calendar (Continued):

5. 1436 Campus Drive – New Public Hearing

Application: Use Permit #ZP2016-0062 to construct a 4,195 square-foot, single-family dwelling with an integrated 748 square-foot accessory dwelling unit, and a two-car parking structure in the front yard setback, on a 6,082 square-foot vacant parcel.

Zoning: R-1(H) – Single Family Residential, Hillside Overlay District

CEQA Categorically exempt pursuant to Section 15303 (a) and 15332 of the CEQA Guidelines (“New construction of a single-family residence in a residential zone” and “Infill Development Projects,” respectively)

Determination:

Applicant/Owner: Nga Pham and Maxim Noginov, 103 Murlagan Avenue #B, Mountain View

Staff Planner: Immanuel Bereket, IBereket@cityofberkeley.info, (510) 981-7425

Recommendation: Direct staff as deemed appropriate to prepare Findings and Conditions for adoption by the Zoning Adjustments Board

of Speakers: 8

Motion / Second: J. Selawsky / B. Clark

Vote: 9-0-0-0

Action: DENY USE PERMIT, DIRECT STAFF TO PREPARE FINDINGS TO REFLECT THE MOTION, AND CONTINUED to August 24, 2017.

6. 840 Page Street – New Public Hearing

Application: Use Permit #ZP2016-0064 to add a third story, and increase the number of bedrooms on the parcel from 5 to 7, for an existing three-unit dwelling on a parcel that is non-conforming to residential density (3 units when only 1 is allowed).

Zoning: R-1A – Limited Two-Family Residential

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

Determination:

Applicant: Heather Sanders-Jacob, 580 Second Street, Suite 260, Oakland

Owner: Troy Martinez and Sara Peschel, 840 Page Street, Berkeley

Staff Planner: Sharon Gong, SGong@cityofberkeley.info, (510) 981-7429

Recommendation: APPROVE Use Permit #ZP2016-0064 pursuant to Section 23B.32.040

of Speakers: 7

Motion / Second: I. Tregub / J. Selawsky

Vote: 7-2-0-0

Action: CONTINUED off calendar to allow the applicant to revise the project to reduce the height of the building to comply with the 28’ average height limit.

Adjourned 11:43 PM

Members of the Public:

Present: 43

Speakers: 33
