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
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 Determination: Mitigated Negative Declaration was prepared and adopted pursuant to Article 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 Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“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.
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 Determination: 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.

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

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 Determination: 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)
   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

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