Action Minutes
Approved on 1/8/15

Planning & Development Department
Land Use Planning Division

Zoning Adjustments Board
Thursday, December 11, 2014 - 7:08PM
City Council Chambers, 2134 Martin Luther King Jr. Way, Second Floor
Berkeley (Wheelchair Accessible)

Preliminary Matters:

Roll Call: Prakash Pinto (Vice Chairperson)
Denise Pinkston
George Williams
Robert Allen
Sophie Hahn
Steven Donaldson
Igor Tregub
Shoshana O’Keefe
Nicholas Dominguez

Members of the Public
Present: 61
Speakers: 43

Ex Parte Communication Disclosures:

1. S. Hahn: Judy Shelton asked about process around community benefits. I spoke to Donald Goldnacher about whether this meeting was going forward. I received a communication from Enid Camps who is a parent at Berkeley High, asking whether it was too late to comment on the EIR and asking whether Berkeley High issues had been considered and also wanted to know opportunities for input. I had a conversation with Diana Virgil and Peter Hanf from the Bancroft library who asked me if I was aware of the project and I explained to them the opportunities for input.

2. Tregub: I have ex-parte on 2211 Harold Way, Councilmember Arreguin, I spoke with him on his views on the community benefits package. And Marian Wolfe who sent me an e-mail saying the housing project should be evaluated by a consultant.

3. N. Dominguez: I spoke with Gina Morland, the founder of Habitot Children’s Museum, concerning Harold Way. This was so I could learn more about the museum and find out their concerns.


5. S. O’Keefe: I have ex-parte regarding 2211 Harold Way, I am personally familiar with Gena Morland who is the director of Habitot. Although we have discussed the project in general but I purposely haven’t discussed it with her in about six months.
Public Comment:
None

Agenda Changes:
Move Agenda Item #9, 2211 Harold Way to the end of the Action Agenda.

Consent Calendar:

Action: APPROVED with an amendment to item #4 2711 Shattuck Avenue.
Motion / Second: I. Tregub / S. Hahn
Vote: 9-0-0-0

1. 3012 College Avenue
Use Permit #2014-0003 to change an existing three-story single-family residence into a two-unit duplex by converting the upper floor into a dwelling unit.
CEQA Determination: Categorically exempt pursuant to Section 15303(a) of the CEQA Guidelines for “Conversion of Small Structures.”
Applicant: Victor Rasilla 2 Madsen Court, Moraga
Property Owner: Homayoon Kazeroon 2806 Ashby Avenue, Berkeley
Zoning: R-2A, Restricted Multiple-Family Residential
Staff Planner: Fatema Crane, fcrane@ci.berkeley.ca.us, (510) 981-7413
Public Hearing: Continued from 11/13/2014
Recommendation: APPROVE Use Permit #2014-0003 pursuant to Section 23B.32.040 and subject to the Findings and Conditions.

2. 2501-2509 Haste Street & 2433 Telegraph Avenue – El Jardin
Use Permit #12-10000012 to demolish a 6,950 square foot retail building at 2433 Telegraph Avenue and to construct an 89,054 square foot, 69'/6-story, mixed-use building to include 79 dwelling units, 30,356 square feet of commercial floor area and no off-street parking spaces.
CEQA Determination: Pending
Applicant: Kirk Peterson, 5253 College Avenue, Oakland
Zoning: C-T, Commercial-Telegraph
Staff Planner: Greg Powell, gpowell@ci.berkeley.ca.us, (510) 981-7414
Public Hearing: Continued from 11/13/2014
Recommendation: Continue.
3. **2022 San Pablo Avenue**

   **Use Permit ZP2014-0028** to establish a veterinary clinic in the C-W District.

   **CEQA Determination:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).

   **Applicant:** Dr. Christopher Rodi, PETS Referral Center, 1048 University Avenue, Berkeley

   **Property Owner:** Nicole Orders, TUSO Farms, Inc., P.O. Box 495, Alamo

   **Zoning:** C-W - West Berkeley Commercial

   **Staff Planner:** Elizabeth Green, egreene@ci.berkeley.ca.us, (510) 981-7484

   **Public Hearing:** New

   **Recommendation:** APPROVE ZP2014-0028 pursuant to Section 23B.32.040 and subject to the Findings and Conditions.

4. **2711 Shattuck Avenue**

   **Use Permit Modification #ZP2014-0021** to approved Use Permit (#09-1000077) to expand the building footprint by 8-feet and increase the floor area by 1,278 square feet, of an approved four-story residential building with 22 residential hotel rooms with no off-street parking spaces.

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

   **Applicant:** Cara Houser, Panoramic Interests, 2116 Allston Way, Suite 1, Berkeley

   **Zoning:** C-SA South Area Commercial

   **Staff Planner:** Greg Powell, gpowell@ci.berkeley.ca.us, (510) 981-7414

   **Public Hearing:** New

   **Recommendation:** APPROVE Use Permit Modification #ZP2014-0021 pursuant to Section 23B.32.040 and subject to the Findings and Conditions.

5. **1808 & 1814 University Avenue**

   **Use Permit Modification #ZP2014-0019** to modify the Conditions of Approval for an approved Use Permit to change the construction hours for a project that would allow the construction of a 33,733 square-foot, 4 story, 50’ tall, mixed use project with 44 residential units, 2,816 square feet of commercial floor area, 1,689 square feet of quick or full service food use (with incidental service of beer & wine), and 19 parking spaces.

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

   **Applicant:** Rhodes Planning Group, 1611 Telegraph Avenue, Oakland

   **Owner:** 1812 University LLC, 2201 Blake Street, Berkeley

   **Zoning:** C-1 - General Commercial

   **Staff Planner:** Greg Powell, gpowell@ci.berkeley.ca.us, (510) 981-7414

   **Public Hearing:** New

   **Recommendation:** APPROVE Use Permit Modification #ZP2014-0019 pursuant to Section 23B.32.040 and subject to Findings and Conditions.
Action Calendar:

6. 2701 Eighth Street
   Appeal of Administrative Use Permit #2013-0166 to establish incidental retail sales of goods manufactured on-site and incidental carry-out food service at existing commercial kitchens.
   **CEQA Determination:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("Conversion of Small Structures").
   **Appellant:** Elliot Abrams, 1834 Fourth Street, Berkeley
   **Property Owner:** Jonah Hendrickson, 1475 Powell Street, Suite 201, Emeryville
   **Zoning:** Mixed Use Residential, MU-R
   **Staff Planner:** Fatema Crane, fcrane@ci.berkeley.ca.us, (510) 981-7413
   **Public Hearing:** Continued from 10/30/2014
   **Recommendation:** MODIFY AND APPROVE Administrative Use Permit #2013-0166.
   **Action:** APPROVED
   **Motion / Second:** R. Allen / I. Tregub
   **# of Speakers:** 2
   **Vote:** 6-0-3-0 (Abstain: S. Donaldson, D. Pinkston, and N. Dominguez)

7. 2001 Fourth Street
   Use Permit 2014-040 to demolish an existing 41,471 sq. ft. grocery store/office building and construct a 174,612 sq. ft., 5-story, 58-foot tall, mixed-use project with 152 Residential Units, 8,450 sq. ft. of retail space and 193 automobile parking spaces, 9 motorcycle parking spaces and 82 bicycle parking spaces.
   **CEQA Determination:** Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-fill Development Projects").
   **Applicant:** David Trachtenberg, 2421 Fourth Street, Berkeley
   **Owner:** RI Berkeley, LLC, 2025 Fourth St., Berkeley
   **Zoning:** C-W, West Berkeley Commercial, Designated Node
   **Staff Planner:** Greg Powell, gpowell@ci.berkeley.ca.us, (510) 981-7414
   **Public Hearing:** New
   **Recommendation:** APPROVE Use Permit 2014-040 pursuant to Section 23B.32.040 and subject to the Findings and Conditions.
   **Action:** APPROVED with amendments to the Findings and Conditions.
   **Motion / Second:** R. Allen / G. Williams
   **# of Speakers:** 14
   **Vote:** 7-1-1-0 (No: I. Tregub, Recused: S. Donaldson)
Action Calendar (continued):

8. 2211 Harold Way
   **Review and comment** on the community benefits package proposed by the project sponsor for a
   proposed 18-story, mixed-use development in Downtown Berkeley.
   **CEQA Determination:** A Draft Environmental Impact Report (EIR) was published on October 3,
   2014 and made available for public comment until December 1, 2014. Responses to comments on
   the Draft EIR are currently being prepared and are expected to be released in late January, 2015.
   **Applicant:** Rhoades Planning Group, 505 17th St., 2nd Floor, Oakland
   **Property Owner:** HSR Berkeley Investments, LLC, 11100 Santa Monica Blvd., Suite 880, L.A.
   **Zoning:** C-DMU Downtown Mixed Use District
   **Staff Planner:** Aaron Sage, AICP; asage@ci.berkeley.ca.us, (510) 981-7425
   **Public Hearing:** Continued from 11/13/2014
   **Recommendation:** Hold a public hearing to allow public comment on the proposed
   community benefits package, provide direction to staff on any further
   analysis it would like on the benefits package, and provide feedback to
   the applicant on whether it believes the finding in Section 23E.68.090.E
   can be made, and if not, what changes might be necessary.
   **Action:** CONTINUE the hearing to **January 8, 2014**.
   **Motion / Second:** S. Donaldson / R. Allen
   **# of Speakers:** 23
   **Vote:** 9-0-0-0

9. 2539 Telegraph Avenue
   **Review and comment on the Draft EIR** for proposed demolition of an existing 1-story commercial
   building (formerly occupied by the Center for Independent Living) and construction of a new 6-story
   mixed-use building with 70 rental dwelling units, 6,026 square feet of ground floor commercial
   space, and 8 parking spaces (where 2 parking spaces are required).
   **CEQA Determination:** An EIR was prepared.
   **Applicant:** Daniel Backman, Lowney Architecture 360 17th Street, Suite 100, Oakland
   **Property Owner:** Panoramic Interests 2116 Allston Way, Suite 1, Berkeley
   **Zoning:** C-T - Telegraph Avenue Commercial; R-3 Multi-Family Residential
   **Staff Planner:** Aaron Sage, AICP; asage@ci.berkeley.ca.us, (510) 981-7425
   **Public Hearing:** New Draft EIR Review
   **Recommendation:** Hold a public hearing to allow public comment on the DEIR and also
   provide comments on the Draft EIR. The ZAB may make a motion
   reflecting the comments of the ZAB as a whole, and/or individual ZAB
   members may offer comments.
   **Action:** EXTEND COMMENT period to **January 2, 2015**.
   **Motion / Second:** I. Tregub / S. Hahn
   **# of Speakers:** 3
   **Vote:** 9-0-0-0
Action Calendar (continued):

10. Approval of Action Minutes from November 13, 2014
   Recommendation: APPROVE
   Action: APPROVED with amendments
   Motion / Second: I. Tregub / S. Hahn
   Vote: 7-0-2-0 (Abstain: N. Dominguez, and S. O'Keefe)

11. Election of Officer
   The Board elected Prakash Pinto to be the Chair.
   Nomination: P. Pinto
   Action: Board Member Pinto Elected as Chair
   Motion / Second: S. Hahn / I. Tregub
   Vote: 9-0-0-0

Adjourned 12:20