Action Minutes
Planning & Development Department
Land Use Planning Division

Zoning Adjustments Board
Thursday, June 25, 2015 - 7:03 PM
City Council Chambers, 2134 Martin Luther King Jr. Way, Second Floor
Berkeley (Wheelchair Accessible)

Preliminary Matters:

Roll Call:
Prakash Pinto (Chairperson)
Denise Pinkston (Vice Chairperson)
Igor Tregub
Steven Donaldson
Shoshanna O’Keefe
John Selawsky
Savlan Hauser
Richard Christiani

Excused: Sophie Han, Nicholas Dominguez

Appointed: Savlan Hauser, John Selawsky

Members of the Public
Present: 33
Speakers: 48

Ex Parte Communication Disclosures:
I. Tregub: I discussed with Elisa Mikiten, Kathy Harr and rent board staff about the similar case of 1920 10th street where there were impacts due to a loss of rent-controlled units. I discussed with Paul Matzer the process for 2211 Harold Way EIR certification (no substance discussed). I was asked by Rhiannon and Marjorie Alvord if all communications from them got into the board packet (no substance discussed).
S. O’Keefe: I spoke with Gina Moreland about the community benefits discussion at City Council.
D. Pinkston: I spoke with Mark Rhodes and he asked me if I had what I needed on EIR. I said no because I needed the mitigation monitoring program from staff.
J. Selawsky: I spoke with Katherine Harr where she expressed concerns to me about loss of rent controlled units and possible precedent of a ZAB ruling. I called Lief Bursell for some background and history on the 2631 Durant property, especially as rent controlled units apply.
S. Donaldson: I spoke with Elisa Mikiten regarding 2631 Durant and how it will work. We talked about what will replace the old structure.
Preliminary Matters (Continued):

**Public Comment:**

5

**Agenda Changes:**

None

Consent Calendar:

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Action</th>
<th>Motion / Second</th>
<th># of speakers</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPROVE</td>
<td>APPROVED</td>
<td>I. Tregub/ D. Pinkston</td>
<td>None</td>
<td>8-0-0-1 (Absent: G. Williams)</td>
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1. Approval of Action Minutes from June 11, 2015
Recommendation: APPROVE

2. 1025-85 Ashby Avenue
**Application:** Use Permit Modification #ZP2014-0039 of Use Permit A1793 to use approximately 1,830 square feet of outdoor area in front of an existing hardware store for product display in addition to pedestrian circulation.

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

**Applicant/Owner:** BBC II, L.P. 1704 Union Street, San Francisco

**Zoning:** West Berkeley Commercial (C-W) and Mixed Use-Light Industrial (MU-LI)

**Contract Planner:** Abe Leider, a6eider@rinconconsultants.com, (510) 834-4455

**Staff Planner:** Leslie Mendez, lmendez@ci.berkeley.ca.us, (510) 981-7426

**Recommendation:** APPROVE Use Permit Modification ZP2014-0039, subject to the Findings and Conditions

Action Calendar:

3. 2631-37 Durant Avenue - New Public Hearing
**Application:** UP #2013-10000016 to demolish a 2-story, 18-dwelling unit, rent controlled apartment building and construct a 5-story, 56-dwelling unit apartment building.

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

**Applicant/Owner:** OPCHA, LLC, 1415 Summit Road, Berkeley, CA 94708

**Zoning:** R-SMU, Residential Mixed Use Subarea

**Staff Planner:** Immanuel Bereket, ibereket@ci.berkeley.ca.us, (510) 981-7425

**Recommendation:** APPROVE Use Permit #2013-10000016 pursuant to Section 23B.32.040 and subject to the Findings and Conditions.

**# of Speakers:** 12

**Motion / Second:** S. Donaldson/ S. O'Keefe

**Vote:** 6-1-1-1 (No: J. Selawski; Abstain: I. Tregub; Absent: G. Williams)

**Action:** APPROVED with condition for a total of 4 very low income units to be provided on site, along with voluntary agreement for 20 units to be subject to rent control.
Action Calendar (Continued):

4. 2211 Harold Way, Final EIR – Continued from May 14, 2015
   Application: UP #13-10000010 to construct an 18-story mixed-use development located in Downtown Berkeley, with 302 dwelling units, a six-theater cinema, about 10,500 square feet of ground-floor commercial space, and a 171-space underground parking garage.
   CEQA Determination: An Environmental Impact Report (EIR) has been prepared.
   Applicant: Rhoades Planning Group 505 17th St., 2nd Floor, Oakland
   Property Owner: HSR Berkeley Investments, LLC, 11100 Santa Monica Blvd., Suite 880, LA
   Zoning: C-DMU Core, Downtown Mixed Use Core
   Staff Planner: Shannon Allen, ShAllen@cityofberkeley.info, (510) 981-7430
   Recommendation: CERTIFY the Final EIR for the 2211 Harold Way Mixed-Use Project.
   # of Speakers: 31
   Motion / Second: D. Pinkston/S. Donaldson
   Vote: 5-3-0-1 (No: S. O'Keefe, I. Tregub, J. Selawsky; Absent G. Williams)
   Action: CERTIFIED the Final EIR

5. Appointment of Zoning Adjustment Board Representative to Design Review Committee
   Recommendation: P. Pinto/S. O'Keefe
   Action: Appointed Boardmember Christiani to the DRC.
   Vote: 8-0-0-1 (Absent: G. Williams)
   # of Speakers: None

Adjourned 11:35 PM in honor of the six people who lost their lives on June 16.