Planning & Development Department
Land Use Planning Division

Action Minutes

Zoning Adjustments Board
Thursday, June 8, 2017 - 7:04 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: Spoke with Rick Auerbach about 2621 and 2627 Tenth Street
- P. Sheahan: Spoke with Rick Auerbach and David Bowman about 2621 and 2627 Tenth Street

Public Comment:
Speakers: 0

Agenda Changes:
- Move Item #7, Election of Vice Chair, after Consent Calendar and before Action Calendar

Consent Calendar:

1. Approval of Action Minutes from May 25, 2017
   - Recommendation: APPROVE
   - Motion / Second: J. Selawsky / C. Kahn
   - Vote: 9-0-0-0
   - Action: APPROVED
Action Calendar:

7. Election of Vice Chair of the Zoning Adjustments Board
   Vice Chair: Nominate D. Pinkston
   Motion / Second: J. Selawsky / C. Kahn
   Vote: 9-0-0-0
   Action: APPROVED as Vice Chair

2. 3031 Adeline Street – Preview
   Application: Pre-application Project Preview #PLN2014-0048 for a project that would:
   (1) demolish an existing approximately 1,000 square foot, one-story, commercial structure; and
   (2) construct a 42,348 square foot, five-story, 57 foot tall, mixed use building with 42 residential units, 4,324 square feet ground floor commercial space (general retail and/or food service), 38 automobile and 21 bicycle parking spaces.
   Zoning: C-SA – Commercial, South Area
   CEQA Determination: To be determined
   Applicant: Moshe Dinar, P.O. Box 70601, Oakland
   Owner: Maxaco-LLC, 2550 Appian Way, Suite 201, Pinole
   Staff Planner: Immanuel Bereket, IBereket@cityofberkeley.info, (510) 981-7425
   Recommendation: Hold a Public Hearing and Provide Advisory Comments
   Action: HELD A PUBLIC HEARING AND PROVIDED ADVISORY COMMENTS

3. 50 Northgate Avenue – Appeal
   Application: Appeal of Zoning Officer’s Decision to approve Administrative Use Permit #ZP2016-0184 that would 1) convert 505 square feet of the first floor within the existing single-family residence to create a new accessory dwelling unit (ADU), and 2) create a lower level storage area that is approximately 70 square feet that would expand the existing single-family residence from three stories to four.
   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: Robert Cheatham, 50 Northgate Avenue, Berkeley
   Owner: Tivo and Anne Rojas-Cheatham, 50 Northgate Avenue, Berkeley
   Mike Wetzel, 70 Northgate Avenue, Berkeley
   Staff Planner: Charles Enchill, CEnchill@cityofberkeley.info, (510) 981-7431
   Recommendation: DISMISS APPEAL and APPROVE ZP2016-0184 pursuant to Section 23B.32.040.
   # of Speakers: 3
   Motion / Second: B. Clark / D. Pinkston
   Vote: 9-0-0-0
   Action: DISMISSED APPEAL and APPROVED with amendments to the Conditions of Approval.
Action Calendar (Continued):

4. 2525 Hill Court – Appeal

Application: Appeal of Zoning Officer’s Decision to approve Administrative Use Permit #ZP2016-0210 to alter a portion of the existing 1,414 square-foot, 2-story, single-family residence that is within a non-conforming rear yard setback, to replace and enlarge an existing, second floor, approximately 24 square-foot balcony that is approximately 8’ from the rear property line with a new 95 square-foot balcony with a railing height above grade of 13’6” that would be 4’ from the rear property line, where 10’4” is required.

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/Owner: Nagisa Yano (Yamamar Design), 619 7th Street, San Francisco
Andrew and Judith Standley, 2525 Hill Court, Berkeley
Kevin and Barbara Galvin, 2545 Cedar Street, Berkeley

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

Recommendation: DISMISS APPEAL and APPROVE ZP2016-0210 pursuant to Section 23B.32.040.

Motion / Second: D. Pinkston / C. Olson
Vote: 9-0-0-0
Action: DISMISSED APPEAL and APPROVED with amendments to the Conditions of Approval.

5. 2440 Sacramento Street – New Public Hearing

Application: Use Permit ZP#2016-0089 to sell beer and wine for off-site consumption at an existing 1,172 square foot food products store, with hours of operation from 9:00 a.m. to 9:30 p.m. Monday through Friday, and 9:00 a.m. to 10:00 p.m. Saturday and Sunday; and permit an indoor Automatic Teller Machine.

Zoning: C-SA – Commercial, South Area

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

Applicant: Adel Gergess, 2440 Sacramento Street, Berkeley
Owner: Johnny Shokouh, P.O. Box 7616, Berkeley

Staff Planner: Sydney Stephenson, SStephenson@cityofberkeley.info, (510) 981-7488

Recommendation: APPROVE ZP2016-0089 pursuant to Section 23B.32.040.

# of Speakers: 5
Motion / Second: B. Clark / T. Clarke
Vote: 8-0-0-1 (Recuse: C. Kahn)
Action: APPROVED
6. 2621 and 2627 Tenth Street – New Public Hearing

Application: Use Permit #ZP2017-0043 to legalize the demolition of two single family dwellings

Zoning: MU-LI – Mixed Use – Light Industrial

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

Applicant: Christopher Barlow, 2600 Tenth Street, LLC, 1120 Nye Street, Suite 400, San Rafael

Owner: Layal Nawfal, LNawfal@cityofberkeley.info, (510) 981-7424

Staff Planner: Layal Nawfal, LNawfal@cityofberkeley.info, (510) 981-7424

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

# of Speakers: 4

Motion / Second: D. Pinkston / I. Tregub

Vote: 5-3-0-1 (No: J. Selawsky, B. Clark, C. Olson; Absent: C. Kahn)

Action: APPROVED with Conditions of Approval

Adjourned 11:15 PM

Members of the Public:

Present: 28
Speakers: 15