Zoning Adjustments Board
Agenda

Thursday, December 13, 2018 - 7:00 PM
City Council Chambers, 2134 Martin Luther King Jr. Way, Second Floor
Berkeley (Wheelchair Accessible)

Zoning Adjustment Board Members:
Igor Tregub (Chairperson) appointed by Mayor Arreguin
Denise Pinkston (Vice Chairperson) 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
Dohee Kim, appointed by Councilmember Worthington
Carrie Olson, appointed by Councilmember Harrison

Public Testimony Guidelines
This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. The Board Chairperson may limit the number of speakers and the length of time allowed to each speaker. To speak at a public hearing, please submit a speaker card to Planning Staff as early as possible at the meeting.

At the start of the meeting the Board may rearrange the agenda or place additional agenda items on the Consent Calendar, so it is important to submit speaker cards at the start of the meeting to avoid losing the chance to speak to an item.

The Board encourages the public to submit comments in writing or by e-mail in advance of the meeting. See Supplemental Communications and Reports at the end of this Agenda for procedures.

Communications
All communications submitted to Zoning Adjustments Board are public record and are for information only. Other than referring an item to the Secretary for investigation and/or recommendations, no action may be taken in response any non-agenda communication.

How to Contact Us
Land Use Planning Division, Attn: Greg Powell, (510) 981-7410, (Zoning Adjustments Board Secretary), 1947 Center Street, Berkeley, CA 94704; zab@cityofberkeley.info.

Notice of Decision Requests
A request for a Notice of Decision must be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info
Preliminary Matters

Roll Call

Ex Parte Communication Disclosures
In the context of adjudicative matters that come before the ZAB, ex parte communications are those which occur outside the formal hearing process. ZAB members should avoid ex-parte contacts on matters pending before the ZAB as much as possible, as they may represent, or be perceived to represent, the receipt of evidence that can unfairly influence a Board member's decision on a matter before the Board. If such contacts do occur, the substance of the communication they must be disclosed to all interested parties in advance of any public hearing or testimony to allow rebuttal. Written ex parte communications must be forwarded to the Secretary so that they can be disclosed to the entire Board and the public.

Staff Announcement
New meeting location for 2019

Public Comment on Non-Agenda Matters
Each Speaker is limited to a maximum of three minutes.

Agenda Changes
The Board Chairperson may reorder the agenda at the beginning of the meeting.

Consent Calendar
The Consent Calendar allows the Board to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Board members who wish to discuss. The Consent Calendar may include four types of items:
(1) Approval of previous meeting minutes;
(2) Modifications of existing Use Permits (which have not been noticed for public hearings);
(3) Items being continued to another meeting (Board action will be postponed to another meeting);
(4) Applications that were withdrawn by the applicant after release of the Agenda; and
(5) Items noticed for public hearing which the Board decides to move to the Consent Calendar.

The Board Chairperson will announce any additional items proposed for the Consent Calendar at approximately 7:05 PM. Anyone present who wishes to speak on these items should raise his or her hand and advise the Chairperson, and the item(s) will be pulled from the Consent Calendar.

1. Approval of 2019 ZAB Meeting Schedule
   Recommendation: APPROVE

2. Approval of Action Minutes from November 8, 2018
   Recommendation: APPROVE
Consent Calendar (continued)

3. **2555 Fulton Street** - New Public Hearing
   - **Application:** Use Permit #ZP2017-0199 to convert an existing 3,890 sq. ft., 10-bedroom community care facility to an eight-bedroom dwelling and to establish uncovered parking in the rear yard.
   - **Zoning:** R-2A, Restricted Multiple-Family Residential
   - **CEQA Determination:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines
   - **Applicant/Owner:** Yang Wei and Lin-Wang Wang, 4116 Creekwood Court, Pleasanton
   - **Staff Planner:** Leslie Mendez, lmendez@cityofberkeley.info, (510) 981-7426
   - **Recommendation:** APPROVE Use Permit #ZP2017-0199 pursuant to Section 23B.32.040.

4. **1526 Sixth Street** - New Public Hearing
   - **Application:** Use Permit #ZP2018-0086 to demolish a portion of an existing 2,216 sq. ft. mixed use building, to expand it to include a total of approximately 3,280 sq. ft. of floor area, to convert it to office use, to construct a new dwelling unit within the expanded building, and to provide four parking spaces
   - **Zoning:** MU-R, Mixed Use-Residential
   - **CEQA Determination:** Categorically exempt pursuant to Section 15302 of the CEQA Guidelines
   - **Applicant:** David Trachtenberg, Trachtenberg Architects, 2421 Forth Street, Berkeley
   - **Owner:** Tom Hale, Backroads, 801 Cedar Street, Berkeley
   - **Staff Planner:** Fatema Crane, fcrane@cityofberkeley.info, (510) 981-7413
   - **Recommendation:** APPROVE Use Permit #ZP2018-0086 pursuant to Section 23B.32.040.

5. **1050 Parker Street Medical Office Building** - continued from October 25, 2018
   - **Application:** Use Permit #ZP2018-0117 for the modification of Use Permit #ZP2016-0170 to allow for a previously approved, but not yet constructed, 60,670 square-foot building with 20,300 square feet of medical office use and 40,300 square feet of research and development use to be used entirely for medical offices. This project is in conjunction with construction of an off-site parking lot to provide for a portion the required parking (Use Permit #ZP2018-0116). A total of 115 automobile parking spaces and 46 bicycle parking spaces would be provided on site; an additional 88 automobile parking spaces would be provided at the off-site parking lot.
   - **Zoning:** Mixed Use Light Industrial (MU-LI) & West Berkeley Commercial (C-W)
   - **CEQA Determination:** An Initial Study-Mitigated Negative Declaration (IS-MND) was prepared for this project, pursuant to the provisions of CEQA, and circulated for public review from September 4, 2018 to October 4, 2018.
   - **Applicant/Owner:** 2600 Tenth Street, LLC and Pardee I, LLC, c/o Christopher Barlow with Wareham Property Group, 1120 Nye Street, San Rafael
   - **Staff Planner:** Layal Nawfal, lnawfal@cityofberkeley.info, (510) 981-7424
   - **Recommendation:** Continue
Consent Calendar (continued)

6. **Pardee Block Parking Lot Project (1010, 1014, and 1016 Carleton Street; 2700, 2712, and 2714 Tenth Street; 1001, 1003 and 1013 Pardee Street)— continued from October 25, 2018**

   **Application:** Use Permit #ZP2018-0116 for construction of a 43,847 square foot surface parking lot to provide for a portion of the required parking for the medical office building at 1050 Parker Street (Use Permit #ZP2018-0117) as well as parking for existing businesses. For a total of 123 automobile and 18 bicycle parking spaces would be provided.

   **Zoning:** Mixed Use Residential (MU-R)

   **CEQA Determination:** An Initial Study-Mitigated Negative Declaration (IS-MND) was prepared for this project, in its entirety, pursuant to the provisions of CEQA, and circulated for public review from September 4, 2018 to October 4, 2018.

   **Applicant/Owner:** 2600 Tenth Street, LLC and Pardee I, LLC, c/o Christopher Barlow with Wareham Property Group, 1120 Nye Street, San Rafael

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

   **Recommendation:** Continue

Information Item

7. **2777 Shattuck Avenue/ 2747 Adeline Street**

   **Application:** Review Use Permit #ZP2015-0102 (effective date February 28, 2018) that established a full service auto dealership, including auto sales, repair and maintenance, in an existing building; construction of a 4,427 square-foot addition to the building for auto access and service; and use of a portion of the existing 31-space surface parking lot at 2747 Adeline Street for dealership parking, car display, and inventory.

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

   **CEQA Determination:** Not applicable.

   **Applicant:** Ali Kashani, 2930 Domingo Avenue #214, Berkeley

   **Property Owner:** Glenn Yasuda, 920 Heinz Avenue, Berkeley

   **Staff Planner:** Shannon Allen, shallen@cityofberkeley.info, (510) 981-7430

   **Recommendation:** Hold a public hearing, take no further action.

Adjourn
Communications Disclaimer
Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Accessibility Information / ADA Disclaimer
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Permit Service Center, Planning and Development Department located at 1947 Center Street, Berkeley, during regular business hours.

Supplemental Communications and Reports
Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline. All materials will be made available via the Zoning Adjustments Board Agenda page: https://www.cityofberkeley.info/zoningadjustmentboard/.

- **Correspondence received by Noon Tuesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #1, which is released the end of the day Tuesday, two days before the public hearing;
- **Correspondence received by Noon Wednesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #2, which is released the end of the day Wednesday, one day before the public hearing; or
- **Correspondence received by 3 PM Thursday** will be given to the Zoning Adjustment Board just prior to the public hearing.

Correspondence may also be provided directly to the Zoning Adjustment Board at the public hearing. To distribute correspondence directly to the Zoning Adjustment Board, please provide 15 copies and submit to the Zoning Adjustments Board Clerk at the beginning of the hearing. Correspondence received after the meeting will be posted to the web site following the meeting.
**Notice Concerning Your Legal Rights**

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.

2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.

3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.

4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.

5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
   
   A. That this belief is a basis of your appeal.
   
   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
   
   C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.