



Planning & Development Department  
Land Use Planning Division

# Action Minutes

## Zoning Adjustments Board Thursday, April 22, 2021 - 7:03 PM

### Preliminary Matters:

#### Roll Call:

**Commissioners Present:** Igor Tregub (Mayor Appointee), Yes Duffy (District 1), Kimberly Gaffney (District 2), Michael Thompson (District 3), Carrie Olson (District 4), Shoshana O'Keefe (Vice Chairperson, District 5), Jay Claiborne (District 6), Dohee Kim (District 7), Debra Sanderson (District 8).

**Excused Absence:** Charles Kahn (Chairperson, District 6)

**Staff Present:** Secretary Shannon Allen, Vicky Schlepp, Ashley James, Loyal Nawfal, Justin Horner.

#### Ex Parte Communication Disclosures:

Yes Duffy spoke with his stepfather, Jonathan Kaner, regarding items #3, 4, 5 on Latham Lane. Mr. Kaner lives across the street from those properties and Mr. Duffy grew up in that house. He recused himself from items #3, 4, 5.

**Public Comment:** Speakers: 7

**Agenda Changes:** 1333 Sixth Street was moved to Action Calendar

### Consent Calendar

#### 1. Approval of Action Minutes from April 8 , 2021

**Recommendation:** APPROVE

**Motion / Second:** D. Kim / I. Tregub

**Vote:** 8-0-1-0 (Abstain: Debra Sanderson)

**Action:** APPROVED

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### Consent Calendar

#### 2. [55 \(0\) Latham Lane](#) – New Public Hearing

<b>Application:</b>	<b>Use Permit #ZP2020-0158</b> to construct a new 2,905 square-foot, two-story single-family dwelling with an average height of 22' 10" on a 9,755 square-foot vacant lot.
<b>Zoning:</b>	R-1(H) – Single-Family Residential, Hillside Overlay
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to Sections 15303 ("New Construction or Conversion of Small Structures") and 15332 ("In-Fill Development Projects") of the CEQA Guidelines.
<b>Applicant:</b>	John Newton, 5666 Telegraph Avenue, Oakland
<b>Owner:</b>	Bernward Schwarte and Fang Wang, 3548 Camelot Drive, San Jose
<b>Staff Planner:</b>	Layal Nawfal, <a href="mailto:lnawfal@cityofberkeley.info">lnawfal@cityofberkeley.info</a> , (510) 981-7424
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit #ZP2020-0158 pursuant to BMC Section 23B.32.030.
<b># of Speakers:</b>	4
<b>Motion / Second:</b>	<b>D. Kim / I. Tregub</b>
<b>Vote:</b>	<b>8-0-0-0-1</b> (Recused: Yes Duffy, extended family owns property within 500 feet.)
<b>Action:</b>	<b>APPROVED on Consent with modification to condition of approval 11, removing blue as a possible roof shade.</b>

#### 3. [65 \(0\) Latham Lane](#) – New Public Hearing

<b>Application:</b>	<b>Use Permit #ZP2020-0159</b> to construct a new 3,344 square-foot, two-story single-family dwelling with an average height of 26' 3" on an 8,347 square-foot vacant lot.
<b>Zoning:</b>	R-1(H) – Single-Family Residential, Hillside Overlay
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to Sections 15303 ("New Construction or Conversion of Small Structures") and 15332 ("In-Fill Development Projects") of the CEQA Guidelines.
<b>Applicant:</b>	John Newton, 5666 Telegraph Avenue, Oakland
<b>Owner:</b>	Bernward Schwarte and Fang Wang, 3548 Camelot Drive, San Jose
<b>Staff Planner:</b>	Layal Nawfal, <a href="mailto:lnawfal@cityofberkeley.info">lnawfal@cityofberkeley.info</a> , (510) 981-7424
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit #ZP2020-0159 pursuant to BMC Section 23B.32.030.
<b># of Speakers:</b>	4
<b>Motion / Second:</b>	<b>D. Kim / I. Tregub</b>
<b>Vote:</b>	<b>8-0-0-0-1</b> (Recused: Yes Duffy, extended family owns property within 500 feet)
<b>Action:</b>	<b>APPROVED on Consent with modification to condition of approval 11, removing blue as a possible roof shade.</b>

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### 4. [75 \(0\) Latham Lane](#) – New Public Hearing

<b>Application:</b>	<b>Use Permit #ZP2020-0160</b> to construct a new 3,140 square-foot, two-story single-family dwelling with an average height of 22' 3" on a 7,913 square-foot vacant lot.
<b>Zoning:</b>	R-1(H) – Single-Family Residential, Hillside Overlay
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to Sections 15303 (“New Construction or Conversion of Small Structures”) and 15332 (“In-Fill Development Projects”) of the CEQA Guidelines.
<b>Applicant:</b>	John Newton, 5666 Telegraph Avenue, Oakland
<b>Owner:</b>	Bernward Schwarte and Fang Wang, 3548 Camelot Drive, San Jose
<b>Staff Planner:</b>	Layal Nawfal, <a href="mailto:lnawfal@cityofberkeley.info">lnawfal@cityofberkeley.info</a> , (510) 981-7424
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit #ZP2020-0160 pursuant to BMC Section 23B.32.030.
<b># of Speakers:</b>	<b>4</b>
<b>Motion / Second:</b>	<b>D. Kim / I. Tregub</b>
<b>Vote:</b>	<b>8-0-0-1</b> (Recused: Yes Duffy, extended family owns property within 500 feet)
<b>Action:</b>	<b>APPROVED on Consent with modification to condition of approval 11, removing blue as a possible roof shade.</b>

### Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. The Board Chairperson may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. Action items may be reordered at the discretion of the Board Chairperson with the consent of the Zoning Adjustments Board.

### 5. [1333 Sixth Street](#) – New Public Hearing

<b>Application:</b>	<b>Use Permit #ZP2019-0191</b> to change the use of less than 25% of the gross floor area within an existing 17,220 square-foot, one-story industrial building from material recovery enterprise to auto repair and service, located in a newly established new tenant space, thereby converting one tenant space into two tenant spaces.
<b>Zoning:</b>	MU-LI –Mixed-Use Light Industrial District
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to Section 15301 (“Existing Facilities”) of the CEQA Guidelines.
<b>Applicant:</b>	Carter Leung, Studio KDA, Berkeley
<b>Owner:</b>	Jonathan Yi, 2037 Durant Avenue, Berkeley
<b>Staff Planner:</b>	Ashley James, <a href="mailto:ajames@cityofberkeley.info">ajames@cityofberkeley.info</a> , (510) 981-7458
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit #ZP2019-0191 pursuant to BMC Section 23B.32.040.
<b># of Speakers:</b>	<b>1</b>
<b>Motion / Second:</b>	<b>D. Sanderson / I. Tregub</b>
<b>Vote:</b>	<b>9-0-0-0</b>
<b>Action:</b>	<b>Approved with modification to condition of approval 17, Noise Reduction, to include HVAC and operational noise.</b>

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### 6. ZORP Update and Appointment of Three Subcommittee Members

Request for the Zoning Adjustments Board to appoint three members to the Joint Subcommittee for the Zoning Ordinance Revision Project (ZORP). The Joint Subcommittee consists of three members of the Planning Commission and three members of the ZAB.

#### Nominate three ZORP Joint Subcommittee Members as well as an Alternate

**Nomination:** Shoshana O'Keefe, Carrie Olson and Igor Tregub to ZORP Joint Subcommittee; Debra Sanderson as an Alternate

**Nomination/Second:** I. Tregub / C. Olson

**Vote:** 9-0-0-0

**Action:** Shoshana O'Keefe, Carrie Olson and Igor Tregub elected to ZORP Joint Subcommittee, Debra Sanderson as an Alternate

### Subcommittee Reports

- **Design Review Committee (DRC)**

<https://www.cityofberkeley.info/designreview/>

Kimberly Gaffney reported on the April 15<sup>th</sup> DRC meeting

**Staff Communications:** none

**Adjourn:** 8:40 PM; **Motion / Second:** D. Kim / K. Gaffney

### Members of the Public:

**Present:** 20

**Speakers:** 12

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