



Zoning Adjustments Board Agenda

Planning & Development Department
Land Use Planning Division

Thursday, May 23, 2019 - 7:00 PM

Berkeley Unified School District Board Room, 1231 Addison Street, Berkeley
(Wheelchair Accessible)

Zoning Adjustment Board Members:

Igor Tregub, appointed by Mayor Arreguin

Teresa Clarke, appointed by District 1 (Councilmember Kesarwani)

Patrick Sheahan, appointed by District 2 (Councilmember Davila)

John Selawsky, appointed by District 3 (Councilmember Bartlett)

Carrie Olson, appointed by District 4 (Councilmember Harrison)

Shoshana O'Keefe (Chairperson), appointed by District 5 (Councilmember Hahn)

Charles Kahn, appointed by District 6 (Councilmember Wengraf)

Dohee Kim, appointed by District 7 (Councilmember Robinson)

Denise Pinkston (Vice Chairperson), appointed by District 8 (Councilmember Droste)

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.

How to Contact Us: Land Use Planning Division, Attn: Shannon Allen, (510) 981-7410, (Zoning Adjustments Board Secretary), 1947 Center Street, Berkeley, CA 94704; 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.

Preliminary Matters (Continued)

Public Comment on Non-Agenda Matters

Each Speaker is limited to a maximum of three minutes.

Staff Presentation on the Public Review Draft Adeline Corridor Specific Plan and Draft Environmental Impact Report. Documents to be available on Friday, May 17th online and as print copies for reference at the Planning Department/Land Use Planning Division at 1947 Center Street, 2nd floor, the Tarea Hall Pittman South Branch Library (2939 Ellis Street), the Central Library (Downtown at 2090 Kittredge Street) and the South Berkeley Senior Center (2939 Ellis Street).

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

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 Action Minutes from May 9, 2019

Recommendation: APPROVE

Consent Calendar (Continued)

2. [2031 Fourth Street and 2031 Fourth Street](#) – New Public Hearing

Application: Use Permit #ZP2019-0004 to Modify Use Permit #13-10000020 that established the Sierra Nevada Brewing Company beer tasting room (Torpedo Room) to 1) expand the service of alcoholic beverages to include service within a fenced, 286 sq. ft. outdoor patio (located at 2001 Fourth Street) adjacent to the existing 1,945 sq. ft. beer tasting room; 2) add low-level amplified music to the interior of the tasting room only; 3) establish food service within the tasting room with service to the outdoor patio; and 4) extend the hours of operation for the tasting room and outdoor patio to 12 PM to 9 PM Tuesdays through Thursdays, 12 PM to 10 PM on Fridays, 11 AM to 10 PM on Saturdays, 12 PM to 7 PM on Sundays, and closed on Mondays.

Zoning: C-W, West Berkeley Commercial

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

Determination:

Applicant: David Trachtenberg, Trachtenberg Architects, 2421 Fourth Street, Berkeley

Building Owner of 2031 Fourth St.: RI-Berkeley II, LLC, c/o Read Investments, 2025 Fourth Street, Berkeley

Building Owner of 2001 Fourth St.: RI-Berkeley, LLC, c/o Read Investments, 2025 Fourth Street, Berkeley

Staff Planner: Annelise Dohrer, adohrer@cityofberkeley.info, (510) 981-7425

Recommendation: **APPROVE** Use Permit #ZP2019-0004 pursuant to Section 23B.32.040.

3. [1940 Haste Street](#) – New Public Hearing

Application: Use Permit & Variance #ZP2017-0130 to relocate a three-story, single family residential building from 2028 Bancroft Avenue to the front of 1940 Haste, and shift the existing three-story, five-unit residential building (recently relocated from 1212 Durant Avenue) to the rear, and to waive five parking spaces.

Zoning: R-3 – Multiple Family Residential District

CEQA Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”).

Determination:

Applicant: Darshan Amrit, Kahn Design Associates, 1810 Sixth St., Berkeley

Owner: Vero Properties, LLC, 2278 Shattuck Ave., Berkeley

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

Recommendation: **APPROVE** Use Permit #ZP2017-0130 pursuant to Section 23B.32.040.

Consent Calendar (Continued)

4. [2004 and 2006 Cedar Street](#) – New Public Hearing

Application: Use Permit #ZP2018-0120 to 1) excavate into the basement/ground level and convert it into habitable space to relocate the office unit from the 998-square-foot middle floor to the 890-square-foot ground floor, and 2) expand the dwelling unit from one to two stories and from 1,015 to 2,148 square feet within the existing building.

Zoning: R-2A – Restricted Multiple-Family Residential District

CEQA Categorically exempt pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects) of the CEQA Guidelines.

Determination:

Applicant: Bennett Christopherson, 10319 Pearmain Street, Oakland

Owner: Prince RU LLC, 1700 Shattuck Avenue, Berkeley

Staff Planner: Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429

Recommendation: **APPROVE** Use Permit #ZP2018-0120 pursuant to Section 23B.32.040.

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 Zoning Adjustments Board.

5. [2198 San Pablo Avenue](#) – New Public Hearing

Application: Use Permit #ZP2018-0112 to demolish an existing single-story commercial building and construct a new 6-story, mixed-use development with 3 live/work units, 57 dwelling units (including 5 available to very low-income households), stacked parking for 20 vehicles, and 48 secure bicycle spaces.

Zoning: C-W – West Berkeley Commercial

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

Determination:

Applicant: Tomas Janik, San Pablo Investors Two, LLC, 505 Sansome Street, Suite 400, San Francisco

Owner: Gregory J Williams, 526 Arroyo Grande Lane, Suisun City

Staff Planner: Leslie Mendez, LMendez@cityofberkeley.info, (510) 981-7426

Recommendation: **APPROVE** Use Permit #ZP2018-0112 pursuant to Section 23B.32.040.

6. [3206 College Avenue](#) – New Public Hearing

Application: Use Permit #ZP2019-0024 to establish a pet store use, including grooming, in an existing 1,397 sq. ft. tenant space.

Zoning: C-N – Neighborhood Commercial

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

Determination:

Applicant: Jennifer Ochoa, Shook Kelley, 5735 Melrose Avenue, Los Angeles

Owner: Drury Trust, P.O. Box 2248, Mill Valley

Staff Planner: Allison Riemer, ariemer@cityofberkeley.info, (510) 981-7433

Recommendation: **APPROVE** Use Permit #ZP2019-0024 pursuant to Section 23B.32.040.

Discussion: Project Preview:

Public meeting to solicit input and comments from the Zoning Adjustments Board, the general public and other interested parties. No action will be taken.

7. [2352 and 2390 Shattuck Avenue](#) – New Public Hearing

Application: **Project Preview for Use Permit ZP#2018-0135** to 1) demolish two existing commercial buildings; 2) split the lot into two; and 3) construct two, eight-story, mixed-use buildings with 209 units (including 15 Very Low Income units), 12,000 square feet of commercial space, 20,690 square feet of usable open space, and 86 ground-level parking spaces.

Zoning: C-DMU – Downtown Mixed Use District, Corridor and Buffer Sub-Areas

CEQA An Infill Environmental Checklist is being prepared to evaluate the potential environmental impacts from the project, and CEQA streamlining pursuant to Section 15183.3 (“Streamlining for Infill Projects”) of the CEQA Guidelines is anticipated. The CEQA determination will be made upon the conclusion of the review.

Determination:

Applicant: Dave Johnson, 1375 Locust Street, #202, Walnut Creek

Owner: The Austin Group, LLC, 64 Oak Road, Alamo

Staff Planner: Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429

Recommendation: **Hold a public hearing and provide advisory comments.**

Subcommittee Reports:

- **Joint Subcommittee for the Implementation of State Housing Laws (JSISJL)**
https://www.cityofberkeley.info/Clerk/Commissions/Joint_Subcommittee_for_the_Implementation_of_State_Housing_Laws_Homepage.aspx
- **Design Review Committee (DRC)**
<https://www.cityofberkeley.info/designreview/>

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.

Adjourn

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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/>

- **Supplemental Communications and Reports 1** - All Materials submitted between noon the Thursday the week before the meeting and noon Tuesday the week of the meeting, will be made available by 5:00 p.m. on Tuesday the week of the meeting.
- **Supplemental Communications and Reports 2** - All Materials submitted after noon on Tuesday the week of the meeting and before noon on Thursday the day of the meeting, will be made available at noon that Thursday. Any correspondence received after this deadline will be given to the Zoning Adjustment Board just prior to the meeting.
- Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.
- **Please Note: You are strongly advised to submit written comments prior to noon Thursday, the meeting date, as Board members do not have an opportunity to read written materials handed out at the meeting.**

Notice of Decision Requests

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info.

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:

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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.
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