



Planning & Development Department
Land Use Planning Division

Action Minutes

Zoning Adjustments Board Thursday, January 12, 2023 - 7:04 PM

Preliminary Matters:

Roll Call:

Commissioners Present: Igor Tregub (Mayor Appointee), Yes Duffy (District 1), Kimberly Gaffney (District 2), Michael Thompson (District 3), Cecilia Lunaparra (District 4) Shoshana O’Keefe (Vice Chairperson, District 5), Charles Kahn (Chairperson, District 6), Debra Sanderson (District 8).

Leave of Absence: N/A

Vacancy: District 7

Staff Present: Secretary Samantha Updegrave, Karen Hernandez, Allison Riemer, Brian Garvey, Cecelia Mariscal, Russell Roe, Sharon Gong, Katrina Lapira

Ex Parte Communication Disclosures: Commissioner Tregub received emails from Doug Halperin regarding 1752 Shattuck. Commissioner Gaffney was previously employed by Gunkle Architecture, applicant on 1820 San Pablo.

Public Comment on Non-Agenda Items:

Speakers – 1

Agenda Changes:

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

Consent Calendar

1. **Approval of Consent Calendar Items No 2, 5, 6 and move Consent Calendar Item No 1, Action Minutes from December 12, 2022, to the February 9, 2023 ZAB meeting.**

Recommendation:

APPROVE

Motion / Second:

I. Tregub / C. Kahn

Vote:

8-0-0-0-0

Action:

APPROVED

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2. 1820 San Pablo Avenue – New Public Hearing

Application:	Use Permit #ZP2021-0186 for a Density Bonus project to demolish the commercial building, retain and restore the existing façade and construct a five-story, 42,831-square-foot, 44-unit (including four Very Low-Income units) mixed-use building, with 6,840 square feet of ground floor commercial space.
Zoning:	C-W–West Berkeley Commercial District
CEQA Recommendation:	Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”).
Applicant:	Yang Ming, Gunkel Architecture, 1295 59 th Street, Emeryville, CA
Owner:	Toni Ogi-Robbins, 35936 Niles Boulevard, Fremont, CA
Staff Planner:	Nilu Karimzadegan, nkarimzadegan@cityofberkeley.info , (510) 981-7430
Recommendation:	APPROVE Use Permit #ZP2021-0186, pursuant to BMC 23.406.040.
Motion / Second:	I. Tregub / C. Kahn
Vote:	8-0-0-0-0
Action:	Approved with added conditions for solar and EV charging

5. 573 Santa Rosa Avenue – New Public Hearing

Application:	Use Permit #ZP2022-0094 to construct a third-story major residential addition exceeding 14 feet in average height and 20 feet maximum height, add a sixth bedroom to the lot, and convert an existing detached garage to a habitable accessory building.
Zoning:	R-1H Single-Family Residential District in the Hillside Overlay
CEQA Recommendation:	Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
Applicant:	Mark Topetcher 828 Divisadero Street, San Francisco, CA
Owner:	David Cleary and Kathleen Garrity, 573 Santa Rosa Avenue, Berkeley, CA
Staff Planner:	Cecelia Mariscal, cmariscal@cityofberkeley.info , (510) 981-7439
Recommendation:	APPROVE Use Permit #ZP2022-0094, pursuant to BMC 23.406.040.
Motion / Second:	I. Tregub / C. Kahn
Vote:	8-0-0-0-0
Action:	Approved

6. 1329 Albina Avenue – New Public Hearing

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Application:	Use Permit #ZP2022-0008 to enclose the covered porch and replace the entry stairs in the nonconforming front setback of a single-family dwelling on a lot over lot coverage.
Zoning:	R-2 – Restricted Two-Family Residential District
CEQA Recommendation:	Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
Applicant:	Howard McNenny, 1039 Santa Fe Ave, Albany, CA 94706
Owner:	Steven Wang, 1039 Albina, Berkeley, CA 94707
Staff Planner:	Brian Garvey, bgarvey@cityofberkeley.info , (510) 981-7424
Recommendation:	APPROVE Use Permit #ZP2022-0008, pursuant to BMC 23.406.040.
Motion / Second:	I. Tregub / C. Kahn
Vote:	8-0-0-0-0
Action:	Approved

Consent Calendar

3. 2439 Durant Avenue – New Public Hearing

Application:	Use Permit #ZP2021-0192 to demolish a two-story 10,554 square-foot commercial building, and construct a 36,529 square-foot seven-story mixed-use building with 8,332 square-foot commercial space, and 26,906 square-feet for 22 dwelling units, and a roof deck.
Zoning:	C-T – Telegraph Avenue Commercial District
CEQA Recommendation:	Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”).
Applicant:	Austin Springer, Studio KDA, 1810 Sixth Street, Berkeley, CA
Owner:	Fortuneworld Inc., c/o Wilson Wong, 200 Creedon Circle, Alameda, CA
Staff Planner:	Allison Riemer, ariemer@cityofberkeley.info , (510) 981-7433
Recommendation:	CONTINUE to a date certain, February 23, 2023, per applicant request.
# of Speakers:	0
Motion / Second:	I. Tregub / S. O’Keefe
Vote:	7-0-0-0-1
Action:	Continued to February 23, 2023 ZAB Meeting

Action Calendar

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4. 1773 Oxford Street – New Public Hearing

Application:	Use Permit #ZP2022-0062 to demolish a six-unit multifamily building and construct a five-story, 21,048 square-foot multifamily building with 24 units (three Very-Low Income), utilizing State Density Bonus.
Zoning:	R-4 - Multiple-Family Residential District
CEQA Recommendation:	Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development”).
Applicant:	Qian Wang (Yes Duffy Architects) Berkeley, CA
Owner:	Qian Wang (iREAM) Orinda, CA
Staff Planner:	Katrina Lapira, klapira@cityofberkeley.info , (510) 981-7488
Recommendation:	APPROVE Use Permit #ZP2022-0062, pursuant to BMC 23.406.040.
# of Speakers:	7
Motion / Second:	I. Tregub/ D. Sanderson
Vote:	7-0-0-0-1
Action:	Approved with added condition for rodent abatement prior to demolition and recommendation to investigate bird-safe glass and other measures.

7. 469 Kentucky Avenue – New Public Hearing

Application:	Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story single-family residence and two-car garage.
Zoning:	R-1H – Single-Family Residential in the Hillside Overlay District
CEQA Recommendation:	Categorically exempt pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).
Applicant:	Maurice Levitch, 1029 Heinz Avenue, Berkeley, CA 94710
Owner:	Aidan Keefe, 469 Kentucky Avenue, Berkeley, CA 94707
Staff Planner:	Russell Roe, roeo@cityofberkeley.info , (510) 981-7548
Recommendation:	APPROVE Use Permit ZP2022-0087 pursuant to Section 23.406.040
# of Speakers:	4
Motion / Second:	D. Sanderson / M. Thompson
Vote:	8-0-0-0-0
Action:	Approved with added conditions for staff review of screening and pergola, notice and limits of road closures, and outdoor screens in windows for bird safety.

8. 1752 Shattuck Avenue – New Public Hearing

Application:	Use Permit #ZP2022-0011 to demolish a one-story commercial building and accessory structures, and construct a 47,137
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	square-foot, 7-story mixed-use building containing 68 dwelling units (including seven very-low-income units) and 1,210 square feet of ground floor commercial floor area, utilizing State Density Bonus.
Zoning:	C-C – Corridor Commercial District
CEQA Recommendation:	Adopt an Initial Study/Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program prepared pursuant to Article 6 of the CEQA Guidelines
Applicant:	Isaiah Stackhouse, 2421 Fourth Street, Berkeley, CA 94710
Owner:	Campus Auto Care, 1752 Shattuck Avenue, Berkeley, CA 94709
Staff Planner:	Michael Roque, Contract Planner, mroque@rinconconsultants.com Sharon Gong, sgong@cityofberkeley.info , (510) 981-7429
Recommendation:	APPROVE Use Permit ZP2022-0011 pursuant to Section 23.406.040
# of Speakers:	6
Motion / Second:	Y. Duffy / I. Tregub
Vote:	7-0-1-0-0
Action:	Approved with correction to condition number in Findings, added condition for number of required bicycle parking spaces, and recommendation for 70 percent native plantings in landscaping provided as screening.

Subcommittee Reports:

DRC – None.

Staff Communications:

2380 Cherry Street – Withdrawn by Appellant


Appeal of Zoning Officer’s Decision to approve Administrative Use Permit #ZP2022-0078 for a second-story major residential addition and new deck on an existing single-family dwelling unit.

Adjourn: 10:28 PM; Motion / Second: C. Kahn / D. Sanderson; Vote: 7-0-1-0-0

Members of the Public:

Present: 52

Speakers: 18


Samantha Updegrave, Principal Planner
Co-Secretary of the Zoning Adjustments Board