



# Action Minutes

Planning & Development Department  
Land Use Planning Division

## Zoning Adjustments Board Thursday, February 23, 2023 - 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), Cecilia Lunaparra (District 4) Shoshana O'Keefe (Vice Chairperson, District 5), Charles Kahn (Chairperson, District 6), Debra Sanderson (District 8)

**Leave of Absence:** Brandon Yung (District 7)

**Staff Present:** Secretary Samantha Updegrave, Claudia Garcia, Cecelia Mariscal, Allison Riemer, Nilu Karimzadegan, Russell Roe

**Ex Parte Communication Disclosures:** Commissioner, I.Tregub spoke on the phone with applicant's representative from 2439 College Avenue.

#### Public Comment on Non-Agenda Items:

3

#### Agenda Changes:

No changes to the agenda.

### Consent Calendar

#### 1. Approval of Action Minutes from February 9, 2023

**Action: Continued to March 9, 2023**

**7-0-0-1-1**

Chair Khan recused from consent because he works for Studio KDA (item # 2) and lives within a 500-foot radius (item #4)

**ACTION MINUTES - Zoning Adjustments Board**

Thursday, February 23, 2023

Page 2 of 4

**2. 2439 Durant Avenue – New Public Hearing**

<b>Application:</b>	<b>Use Permit #ZP2021-0192 to demolish a two-story commercial building and construct a 36,529 square-foot, 7-story mixed-use building with 22 dwelling units a roof deck, and establish an entertainment use with the service of distilled spirits.</b>
<b>Zoning:</b>	C-T –Telegraph Avenue Commercial District
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”).
<b>Applicant:</b>	Austin Springer, Studio KDA, 1810 Sixth Street, Berkeley, CA
<b>Owner:</b>	Fortuneworld Inc., c/o Wilson Wong, 200 Creedon Circle, Alameda, CA
<b>Staff Planner:</b>	Allison Riemer <a href="mailto:ariemer@cityofberkeley.info">ariemer@cityofberkeley.info</a> , (510) 981-7433
<b>Recommendation:</b>	<b>Continue</b> to a date certain, April 27, 2023.
<b>Motion / Second:</b>	<b>I. Tregub/ Y. Duffy</b>
<b>Vote:</b>	<b>7-0-0-1-1</b> Chair Khan recused from consent because he works for Studio KDA (item # 2) and lives within a 500-foot radius (item #4)
<b>Action:</b>	<b>Continued</b> to a date certain, April 27, 2023

**3. 1337-39 Hearst Avenue– New Public Hearing**

<b>Application:</b>	<b>Use Permit #ZP2021-0160 to construct a major residential addition by lifting the existing duplex at 1337-39 Hearst Avenue on a lot that exceeds residential density.</b>
<b>Zoning:</b>	R-2 Restricted Two-Family Residential District
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
<b>Applicant/Owner:</b>	Allyson Noman, 1339 Hearst Avenue, Berkeley
<b>Staff Planner:</b>	Nilu Karimzadegan, <a href="mailto:nkarimzadegan@cityofberkeley.info">nkarimzadegan@cityofberkeley.info</a> , (510) 981-7430
<b>Recommendation:</b>	APPROVE pursuant to 23.406.040
<b>Motion / Second:</b>	<b>I. Tregub/ Y. Duffy</b>
<b>Vote:</b>	<b>7-0-0-1-1</b> Chair Khan recused from consent because he works for Studio KDA (item # 2) and lives within a 500-foot radius (item #4)
<b>Action:</b>	<b>Approved</b> with a recommendation for exterior screens, film on glass, or other bird-safe measures

**ACTION MINUTES - Zoning Adjustments Board**

Thursday, February 23, 2023

Page 3 of 4

**4. 2930 College Avenue – New Public Hearing– New Public Hearing**

<b>Application:</b>	Use Permit #ZP2022-0139 to add the service of distilled spirits under a new Type 47 ABC license, expand the existing outdoor seating area by 239 square feet on private property, and allow indoor unamplified live music at an existing full-service restaurant.
<b>Zoning:</b>	C-E Elmwood Commercial District
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
<b>Applicant:</b>	RM Ventures LLC (In the Wood) 2930 College Avenue Berkeley
<b>Owner:</b>	John and Molly Gordon, 2091 Rose Street, Berkeley
<b>Staff Planner:</b>	Russell Roe, <a href="mailto:roer@cityofberkeley.info">roer@cityofberkeley.info</a> , (510) 981-7548
<b>Recommendation:</b>	APPROVE pursuant to 23.406.040
<b>Motion / Second:</b>	<b>I. Tregub/ Y. Duffy</b>
<b>Vote:</b>	<b>7-0-0-1-1</b> Chair Khan recused from consent because he works for Studio KDA (item # 2) and lives within a 500-foot radius (item #4)
<b>Action:</b>	<b>Approved</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.

**Subcommittee Reports**

- **Design Review Committee (DRC)**  
<https://www.cityofberkeley.info/designreview/>

**Staff Communications**

- **Land Acknowledgement** – Discuss the October 21, 2022 memorandum on the Land Acknowledgement Statement Resolution from the City Council, and consider the inclusion of the Land Acknowledgement in ZAB meeting practices.

Council-adopted Land Acknowledgment will be read at least quarterly at the start of ZAB meetings

**8-0-0-1-0**

- **Health and Safety Protocols for In-Person Meetings** – City of Berkeley policy for in-person meetings of Boards and Commissions held in accordance with the Government Code (Brown Act) after the end of the State-declared emergency on February 28, 2023.

**ACTION MINUTES - Zoning Adjustments Board**

Thursday, February 23, 2023

Page 4 of 4

---

**Elections**

- **Elections of Chair and Vice Chair at the February 23, 2023 meeting.**

See pages 35 – 40 of the [City of Berkeley Commissioner's Manual - 2019 Edition](#) for regulations for officer elections, required training, and officer duties:

Table 1: ZAB Chair and Vice Chair by Year, February 2017 – Present

<b>Dates</b>	<b>Chair</b>	<b>Vice-Chair</b>
February 2022 - February 2023	Charles Kahn	Shoshana O'Keefe
February 2021 - February 2022	Charles Kahn	Shoshana O'Keefe
February 2020 - February 2021	Shoshana O'Keefe	Charles Kahn
February 2019 - February 2020	Shoshana O'Keefe	Denise Pinkston
February 2018 - February 2019	Igor Tregub	Denise Pinkston
February 2017 - February 2018	Igor Tregub	Denise Pinkston

<b>Chair Nominee:</b>	<b>Yes Duffy</b>
<b>Motion/Second:</b>	<b>C. Kahn /D. Sanderson</b>
<b>Vote:</b>	<b>8-0-0-1-0</b>
<b>Action:</b>	<b>Approve</b>

<b>Vice Chair Nominee:</b>	<b>Kimberly Gaffney</b>
<b>Motion/Second:</b>	<b>S. O'Keefe/ Y. Duffy</b>
<b>Vote:</b>	<b>8-0-0-1-0</b>
<b>Action:</b>	<b>Approve</b>

**Adjourn: 8:11 PM; Motion: in honor of the Ohlone people and in solidarity with the people of the democratic nation of Ukraine.**

**Motion/Second: C. Kahn / I. Tregub: 8-0-0-1-0**

**Members of the Public:**

**Present: 23**

**Speakers: 3**