



Planning & Development Department  
Land Use Planning Division

# Action Minutes

## Zoning Adjustments Board Thursday, Month Date, 2023 - 7:00 PM

### Preliminary Matters:

#### **Roll Call:**

**Commissioners Present:** Igor Tregub (Mayor Appointee), Yes Duffy (Chairperson, District 1), Kimberly Gaffney (Vice Chairperson, District 2), Commissioner Scheider (District 4) Shoshana O'Keefe (District 5), Deborah Matthews (District 6), Deborah Sanderson (District 8)

**Leave of Absence:** Michael Thompson (District 3), Cecilia Lunaparra (District 4), Brandon Yung (District 7), Charles Kahn (District 6)

**Replacement(s):** Holly Scheider (District 4) and Deborah Matthews (District 6)

**Staff Present:** Claudia Garcia, Samantha Updegrave, Brian Garvey, Karen Hernandez, Cecelia Mariscal, Victoria Schlepp, Sharon Gong, Katrina Lapira

**Ex Parte Communication Disclosures:** Commissioner Tregub, Chairperson Duffy, Commissioner Scheider, and Commissioner O'Keefe received emails regarding the 2190 Shattuck Avenue project. Chairperson Duffy also received emails regarding the 2403 San Pablo Avenue project.

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

Speakers – 2

#### **Agenda Changes:**

The Board Chairperson may reorder the agenda at the beginning of the meeting. The 2190 Shattuck Avenue project and 2403 San Pablo Avenue project were pulled from the consent calendar for discussion. Chairperson Duffy reorganized the items, and held the public hearing for the 2403 San Pablo Avenue project first, and the public hearing for the 2190 Shattuck Avenue project second.

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**Consent Calendar**

**1. Approval of Action Minutes from March 9, 2023**

**Recommendation: APPROVE**

**Motion / Second: K. Gaffney / I. Tregub**

**Vote: 6-X-1-2-X**

**Action: APPROVED**

**Action Calendar**

**2. 2403 San Pablo Ave – New Public Hearing**

<b>Application:</b>	<b>Use Permit # ZP2021-0220</b> to demolish a one-story commercial building and construct a four-story (50 feet) mixed-use development comprised of a 603 square-foot retail tenant space and 36 dwelling units (condominium), totaling 53,013 square feet, with 19 automobile parking spaces and 42 bicycle parking spaces.
<b>Zoning:</b>	C-W (West Berkeley Commercial District)
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to pursuant to Section 15332 (“Infill Development”) of the CEQA Guidelines.
<b>Applicant/ Owner:</b>	Adriana Urbistondo Perez, Studio KDA, Berkeley, CA Robert Studley, Albany, CA
<b>Staff Planner:</b>	Katrina Lapira, klapira@cityofberkeley.info, (510) 981-7488
<b>Recommendation:</b>	APPROVE Use Permit ZP2021-0220 pursuant to Section 23.406.040
<b># of Speakers:</b>	6
<b>Motion / Second:</b>	I. Tregub / D. Sanderson
<b>Vote:</b>	<b>7-X-X-2-X</b>
<b>Action:</b>	<b>Approved</b> with revisions to condition of approval #67 to clarify the number of bike parking spaces, addition of affordable housing conditions of approval, recommendations to incorporate bird safe strategies, and a recommendation to incorporate California native plants to the landscape plan.

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**3. 2190 Shattuck Ave – New Public Hearing**

<b>Application:</b>	<b>Use Permit Modification #ZP2022-0026</b> to modify the project originally approved under #ZP2016-0117, to construct a 25-story (267 feet, 6 inches), 397,212-square foot mixed-use building with up to 326 dwelling units (including up to 32 Very Low-Income Density Bonus qualifying units), 7,500 square feet commercial space and 51 underground parking spaces.
<b>Zoning:</b>	C-DMU (Core) – Downtown Mixed-Use Commercial District – Core Sub-area
<b>CEQA Recommendation:</b>	Addendum to the certified 2190 Shattuck Mixed-Use Project Final Environmental Impact Report (EIR) (SCH #2017012011) and Revised Mitigation Monitoring and Reporting Program.
<b>Applicant/Owner:</b>	Trachtenberg Architects, 2421 Fourth Street, Berkeley, CA 94701 PR III Shattuck LLC c/o PGIM Real Estate, 101 California Street, 40th Floor, San Francisco 94111
<b>Staff Planner:</b>	Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429
<b>Recommendation:</b>	<b>ADOPT</b> the Addendum to the 2190 Shattuck Mixed-Use Project Final EIR (SCH #2017012011) and Revised MMRP. <b>APPROVE</b> Use Permit #ZP2022-0026, pursuant to BMC Section 23.406.040 and subject to the attached Findings and Conditions and Revised MMRP (see Attachment 1, Exhibit A and B).
<b># of Speakers:</b>	9
<b>Motion / Second:</b>	I. Tregub / S. O’Keefe
<b>Vote:</b>	<b>7-X-X-2-X</b>
<b>Action:</b>	<b>Approved</b> with inclusions of the required bird safety measures into the conditions of approval, recommendation to provide one extra pass for dwelling units with 3,4- and 5-bedroom, and recommendation to apply the requires bird safety measures to the first 100 feet instead of the 12 meters (39 feet) required in the Final EIR.

**Subcommittee Reports:**

**DRC – 2920 Shattuck Avenue unfavorable recommendation to ZAB.**

**Staff Communications:** N/A

**Adjourn: 10:10 PM; Motion / Second: D. Matthews / Y. Duffy; Vote: 7-X-X-2-X**

**Members of the Public:**

**Present: 25**

**Speakers: 17**