



Planning & Development Department
Land Use Planning Division

Action Minutes

Zoning Adjustments Board Thursday, May 11, 2023 - 7:05 PM

Preliminary Matters:

Roll Call:

Commissioners Present: Igor Tregub (Mayor Appointee), Yes Duffy (Chairperson, District 1), Kimberly Gaffney (Vice Chairperson, District 2), Michael Thompson (District 3), Cecilia Lunaparra (District 4) Shoshana O'Keefe (District 5), Charles Kahn (District 6), Brandon Yung (District 7), Deborah Sanderson (District 8)

Leave of Absence: None

Staff Present: Secretary Samantha Updegrave, Clerk Karen Hernandez, Russell Roe, Katrina Lapira, Allison Reimer

Ex Parte Communication Disclosures: N/A

Land Acknowledgement

Public Comment on Non-Agenda Items:

Speakers – 1

Agenda Changes:

The Board Chairperson may reorder the agenda at the beginning of the meeting.
No changes were made.

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Consent Calendar

1. Approval of Action Minutes from April 27, 2023

Recommendation: APPROVE

Motion / Second: Y. Duffy / I. Tregub
Vote: 8-0-1-0-0
Action: APPROVED with a correction to Item #9, noting that the motion and second were made by Commissioners Tregub and Sanderson, respectively.

2. 2049 Shattuck Avenue– New Public Hearing

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| Application: | Use Permit #ZP2023-0007 to modify existing Use Permit #08-0000061 to change the type of alcoholic beverage service from beer & wine (Type 41 ABC license) to beer, wine, and distilled spirits (Type 47 ABC license). |
| Zoning: | C-DMU – Downtown Mixed-Use District |
| CEQA Recommendation: | Categorically exempt pursuant to pursuant to Section 15301 (“Existing Facilities”) of the CEQA Guidelines. |
| Applicant: | Laura Meyer, 424 Wayne Ave., Apt C, Oakland, CA 94606 |
| Owner: | Paul Goldstone, 2044 Kala Bagai Way, Berkeley, CA 94704 |
| Staff Planner: | Russell Roe, roeo@cityofberkeley.info , (510) 981-7548 |
| Recommendation: | APPROVE pursuant to BMC 23.406.040. |
| Motion / Second: | C. Kahn / C. Lunaparra |
| Vote: | 9-0-0-0-0 |
| Action: | Approved |

3. 2966 College Avenue – New Public Hearing

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| Application: | Use Permit #ZP2023-0002 to add the sale of beer and wine for on-site consumption incidental to a movie theater. |
| Zoning: | C-E – Elmwood Commercial District |
| CEQA Recommendation: | Categorically exempt pursuant to pursuant to Section 15301 (“Existing Facilities”) of the CEQA Guidelines. |
| Applicant: | Pleasantown Motion Picture Company, LLC, Sebastopol, CA |
| Owner: | Elmwood Theater Foundation, Inc., Berkeley |
| Staff Planner: | Russell Roe, roeo@cityofberkeley.info , (510) 981-7548 |
| Recommendation: | APPROVE pursuant to BMC Section 23.406.040. |
| Motion / Second: | C. Kahn / C. Lunaparra |
| Vote: | 9-0-0-0-0 |
| Action: | APPROVED with revised conditions of approval removing conditions related to food service establishments. |

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Action Calendar

4. 1598 University Avenue – New Public Hearing

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| Application: | Use Permit #ZP2022-0099 to demolish a non-residential structure and construct a 134,409 square-foot, eight-story (89 feet- 2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and 5,787 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus. |
| Zoning: | C-U – University Commercial District |
| CEQA Recommendation: | Categorically exempt pursuant to pursuant to Section 15332 (“Infill Development Project”) of the CEQA Guidelines. |
| Applicant: | Isaiah Stackhouse, Trachtenberg Architects, Berkeley CA |
| Owner: | 1598 University Avenue, LLC, Berkeley CA |
| Staff Planner: | Katrina Lapira, klapira@cityofberkeley.info , (510) 981-7488 |
| Recommendation: | APPROVE pursuant to Section 23.406.040. |
| Motion / Second: | C. Kahn / K. Gaffney |
| Vote: | 9-0-0-0-0 |
| Action: | APPROVED with revised/added conditions of approval related to the applicable affordable housing provisions and street trees, that floor plans be modified to include the setbacks shown in the renderings on University Avenue, and request that the applicant meet with the neighbors. RECOMMENDATIONS: follow the proposed Hard Hats and bird safe ordinances. |

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5. 3000 Shattuck Avenue – New Public Hearing

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| Application: | Use Permit #ZP2022-0046 to demolish the existing gas station, and construct a 10-story (114 feet) mixed-use building utilizing a Density Bonus, with 166 dwellings, including 17 Very Low-Income units, and 1,043 square-feet of commercial space. |
| Zoning: | C-SA – South Area Commercial District |
| CEQA Recommendation: | Addendum to the 3000 Shattuck Initial Study-Negative Declaration certified by City Council on November 27, 2018, and filed with Alameda County November 30, 2018, prepared pursuant to Section 15164 of the CEQA Guidelines. |
| Applicant: | Isaiah Stackhouse, 2421 Fourth Street, Berkeley |
| Owner: | 3000 Shattuck Avenue, LLC, 2343 Stuart Street, Berkeley |
| Staff Planner: | Allison Riemer, ariemer@cityofberkeley.info , (510) 981-7433 |
| Recommendation: | ADOPT the Addendum to the Initial Study/Negative Declaration (IS/ND) and APPROVE Use Permit #ZP2022-0046 pursuant to BMC Section 23.406.040 |
| Motion / Second: | I. Tregub / S. O’Keefe |
| Vote: | 8-0-0-1-0 |
| Action: | ADOPTED the Addendum to the IS/ND with the revisions identified in Rincon’s memo dated May 11, 2023, and APPROVED Use Permit #ZP2022-0046 with revised/added conditions of approval related to the applicable affordable housing provisions, to provide 80 percent native plantings, request that the applicant meet with the neighbors for further consultation, and for the plans to accurately reflect the renderings. RECOMMENDATIONS: to follow the proposed Hard Hats and bird safe ordinances. |

Subcommittee Reports:

DRC – None.

Staff Communications: ADDED two additional hearings to the to the 2023 ZAB Meeting Schedule 2023 calendar: July 27 and November 30 (fifth Thursday).

Motion/Second: Y. Duffy/ I. Tregub

8-0-0-1-0

Adjourn: 11:21 PM; Motion / Second: Y. Duffy / K. Gaffney; Vote: 8-0-0-1-0

Members of the Public:

Present: 39

Speakers: 29