



Planning &  
Development Department  
Land Use Planning Division

# Action Minutes

## Zoning Adjustments Board Thursday, November 30, 2023 - 7:01 PM

### Preliminary Matters:

#### Roll Call:

**Commissioners Present:** Kimberly Gaffney (Vice Chairperson, District 2), Michael Thompson (District 3), Solomon Alpert (District 4) Shoshana O'Keefe (District 5), Deborah Matthews (District 6), Brandon Yung (District 7), Marc Hedlund (District 8)

**Leave of Absence:** Igor Tregub, Yes Duffy, Cecilia Lunaparra, Deborah Sanderson, Charles Kahn

**Replacement:** Deborah Matthews, Solomon Alpert, Marc Hedlund

**Staff Present:** 5

**Ex Parte Communication Disclosures:** none

#### Land Acknowledgement

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

Speakers – 2

#### Agenda Changes:

The Board Chairperson may reorder the agenda at the beginning of the meeting. Vice Chair Gaffney pulled 2127-2159 Dwight Way from consent to the action calendar due to public comment.

### Consent Calendar

#### 1. Approval of Action Minutes from October 26, 2023

**Recommendation:** APPROVE

**Motion / Second:** K. Gaffney / D. Matthews

**Vote:** 5-0-2-2-0 (Absent: I. Tregub/ Y. Duffy)

**Action:** Approved

### Action Calendar

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**2. 2127-2159 Dwight Way– New Public Hearing**

<b>Application:</b>	<b>Use Permit #ZP2023-0057</b> to demolish two of the existing four residential buildings (demolish eight units and retain eight units) and replace with a new 72,251 square foot, six-story (71-feet and five-inches) residential building with 58 new units, for a combined on-site total of 66 residential units, including eight Below Market Rate Units (three Extremely Low-Income units, two Very Low-Income units, two Low-Income units, and one Moderate-Income Unit), utilizing a State Density Bonus.
<b>Zoning:</b>	C-SA – South Area Commercial District
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (“Infill Development Project”).
<b>Applicant</b>	Lisa Villhauer, Vice President, Riaz Capital, 2744 East 11th Street Oakland, CA 94601
<b>Owner:</b>	2129 Dwight Way LLC, 2744 East 11th Street Oakland, CA 94601
<b>Staff Planner:</b>	Allison Riemer, <a href="mailto:ARiemer@berkeleyca.gov">ARiemer@berkeleyca.gov</a> , (510) 981-7433
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit ZP2023-0057 BMC Section 23.406.040
<b>Motion / Second:</b>	<b>D. Matthews / K. Gaffney</b>
<b>Vote:</b>	<b>6-0-1-2-0</b>
<b>Action:</b>	<b>Approved</b>

**3. 1804 Harmon Street– New Public Hearing**

<b>Application:</b>	<b>Use Permit #ZP2023-0036</b> to construct a new 676 square foot, one-story (11 feet) single-family dwelling unit on a vacant non-conforming 1,586 square foot lot, and grant a Variance to open space and setback development standards.
<b>Zoning:</b>	Restricted Multiple Family Residential District (R2-A)
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to CEQA Guidelines Section 15303 (“New Construction or Conversion of Small Structures”)
<b>Applicant:</b>	Alberto Devigal, Berkeley CA
<b>Owner:</b>	Marilen Littlefield, Pinole CA
<b>Staff Planner:</b>	Katrina Lapira, <a href="mailto:klapira@berkeleyca.gov">klapira@berkeleyca.gov</a> , (510) 981-7488
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit ZP2023-0036 pursuant to BMC Section 23.406.040
<b>Motion / Second:</b>	<b>S. O’Keefe / D. Matthews</b>
<b>Vote:</b>	<b>7-0-0-2-0</b>
<b>Action:</b>	<b>Approved</b>

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**4. 1652 University Avenue – New Public Hearing**

<b>Application:</b>	<b>Use Permit #ZP2022-0110</b> to demolish a two-story 6,232 square-foot commercial building, construct a 24,732 square-foot 5-story (59 feet 10 inches) mixed-use building with 3,145 square feet of commercial space on the ground floor (including two live/work units), and 26 dwelling units (including two Very Low-Income units), utilizing a State Density Bonus.
<b>Zoning:</b>	C-U – University Commercial District
<b>CEQA Recommendation:</b>	Adopt Initial Study/Mitigated Negative Declaration pursuant to Article 6 of the CEQA Guidelines
<b>Applicant:</b>	Erik Waterman, Studio KDA, 1810 Sixth Street, Berkeley
<b>Owner:</b>	Gordon Commercial Real Estate, 2091 Rose Street, Berkeley
<b>Staff Planner:</b>	Allison Riemer, <a href="mailto:ariemer@berkeleyca.gov">ariemer@berkeleyca.gov</a> , (510) 981-7433
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit ZP2022-0110 pursuant to BMC Section 23.406.040
<b>Motion / Second:</b>	<b>K. Gaffney / M. Hedlund</b>
<b>Vote:</b>	<b>7-0-0-2-0</b>
<b>Action:</b>	<b>Approved</b>

**Subcommittee Reports:**

**DRC:** N/A

**Staff Communications:** December 14 is the final ZAB meeting for the year which will include voting on 2024 hearing schedule. Welcome Anne Hersch, the new land use planning manager.

**Adjourn: 9:29 PM; Motion / Second: S. Alpert /M. Hedlund; Vote: 7-0-0-2-0**

**Members of the Public:**

**Present: 37**

**Speakers: 17**