



Planning & Development Department
Land Use Planning Division

Action Minutes

Zoning Adjustments Board Thursday, April 25, 2024 - 7:00 PM

Preliminary Matters:

Roll Call:

Commissioners Present:, Kimberly Gaffney (Acting Chairperson (District 2), Shoshana O'Keefe (District 5), Charles Kahn (District 6), Brandon Yung (District 7), Deborah Sanderson (District 8)

Late: Yes Duffy (Chairperson, District 1) arrived at 7:38pm

Leave of Absence: Igor Tregub (Mayor Appointee), Michael Thompson (District 3)

Vacant: District 4

Staff Present: Claudia Garcia (Secretary), Samantha Updegrave (Zoning Officer/Principal Planner), Vicky Schlepp (Clerk)

Ex Parte Communication Disclosures: None

Public Comment on Non-Agenda Items:

Speakers – 2

Agenda Changes:

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

Acting Chairperson Gaffney reordered the Action Calendar; 1817-B Carleton Street (Item #5) was heard before 2600 Tenth Street (Item #4).

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Consent Calendar

1. Approval of Action Minutes from March 28, 2024

Recommendation: APPROVE

Motion / Second: D. Sanderson / C. Kahn

Vote: 5-0-0-3-0 (Absent: Y. Duffy, I. Tregub, M. Thompson)

Action: Approved

2. 1788 Fourth Street – New Public Hearing

Application:	Use Permit #ZP2023-0159 to Modify Use Permit #05-10000094 to add the service of distilled spirits incidental to food service, under a Type 47 ABC license, to a currently vacant restaurant space with an existing on-site outdoor dining area; and expand the allowed operating hours for the restaurant. The project also proposes to construct a trellis and barriers to delineate the outdoor area.
Zoning:	C-W: West Berkeley Commercial
CEQA Recommendation:	Categorically exempt pursuant to pursuant to Section 15301("Existing Facilities") of the CEQA Guidelines.
Applicant:	Elliot Abrams, 1834 Fourth Street, Berkeley
Owner:	Marketplaza LLC, 1834 Fourth Street, Berkeley
Staff Planner:	Russell Roe, rroe@berkeleyca.gov , (510) 981-7548
Recommendation:	APPROVE Use Permit #ZP2023-0159 pursuant to Section 23.406.040(D)
Motion / Second:	D. Sanderson / C. Kahn
Vote:	Vote: 5-0-0-3-0 (Absent: Y. Duffy, I. Tregub, M. Thompson)
Action:	Approved

3. Leave of Absence from August 29, 2024 and September 19, 2024 DRC meetings for Janet Tam – Pursuant to Commissioners’ Manual (2019, page 28).

Motion / Second: D. Sanderson / C. Kahn

Vote: 5-0-0-3-0 (Absent: Y. Duffy, I. Tregub, M. Thompson)

Action: Approved

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Action Calendar

4. [1817-B Carleton Street](#) – New Public Hearing

Application:	Variance #ZP2023-0168 to construct a 494 square-foot third-story addition over 28 feet in average height (32 feet) that will exceed the allowable lot coverage by approximately 5 percent, encroach into the third-story setback, reduce the building separation, and adding an eleventh and twelfth bedroom to the lot.
Zoning:	R-2: Restricted Two-Family Residential District
CEQA Recommendation:	Categorically exempt pursuant to pursuant to Section 15301 (“Existing Facilities”) of the CEQA Guidelines.
Applicant/Owner:	John Newton, 5666 Telegraph Avenue Ste A, Oakland, CA
Appellant:	Jamie Crook and Tefera Lemeneh, 1817-B Carleton Street, Berkeley, CA
Staff Planner:	Waqar Shah, wshah@berkeleyca.gov , (510) 981-7469
Recommendation:	DENY Variance #ZP2023-0168 pursuant to Section pursuant to Section 23.406.050(F).
Motion / Second:	C. Kahn / D. Sanderson
Vote:	6-0-0-2-0 (Absent: I. Tregub, M. Thompson)
Action:	Denied

5. [2600 Tenth Street](#) – New Public Hearing

Application:	Appeal of Zoning Officer’s Decision to approve Administrative Use Permit ZP#2023-0031 to change the use of three tenant spaces (9,750 square feet) from Media Production to a Research and Development use, and create up to nine tenant spaces within a seven-story building on a 114,998 square-foot lot.
Zoning:	MU-LI: Mixed-Use Light Industrial District
CEQA Recommendation:	Categorically exempt pursuant to pursuant to Section 15301 (“Existing Facilities”) of the CEQA Guidelines.
Applicant/Owner:	Lisa Vogel, Wareham Development / 2600 Tenth Street, LLC
Appellant:	Rick Auerbach (WEBAIC), Jed Riffe, Connie Field, Vivian Kleinman, Jim Lebrecht
Staff Planner:	Nilu Karimzadegan, NKarimzadegan@Berkeleyca.gov , (510) 981-7430
Recommendation:	APPROVE Administrative Use Permit #ZP2023-0031 pursuant to Section 23.406.040(D) and DISMISS the appeal.
Motion / Second:	Y. Duffy / S. O’Keefe
Vote:	4-1-0-2-1 (No: B. Yung, Absent: I. Tregub, M. Thompson, Recused: C. Kahn recused himself because he conducts business with the applicant)
Action:	Denied Administrative Use Permit #ZP2023-0031 and Upheld the Appeal.

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Subcommittee Reports:

DRC – Commissioner Gaffney did not attend last DRC meeting, but will report back to ZAB with the minutes from the DRC meeting.

Staff Communications: ZAB alternates need to be identified by the City Clerk 48 hours prior to the hearing date.

Adjourn: 9:59 PM

Motion / Second: K. Gaffney / Y. Duffy

Vote: 5-0-0-3-0 (Absent: C. Kahn, I. Tregub, M. Thompson)

Members of the Public:

Present: 33

Speakers: 18
