



Zoning Adjustments Board Agenda

Planning & Development Department
Land Use Planning Division

Thursday, June 27, 2019 - 7:00 PM

Berkeley Unified School District Board Room, 1231 Addison Street, Berkeley
(Wheelchair Accessible)

Zoning Adjustment Board Members:

Igor Tregub, appointed by Mayor Arreguin

Teresa Clarke, appointed by District 1 (Councilmember Kesarwani)

Patrick Sheahan, appointed by District 2 (Councilmember Davila)

John Selawsky, appointed by District 3 (Councilmember Bartlett)

Carrie Olson, appointed by District 4 (Councilmember Harrison)

Shoshana O'Keefe (Chairperson), appointed by District 5 (Councilmember Hahn)

Charles Kahn, appointed by District 6 (Councilmember Wengraf)

Dohee Kim, appointed by District 7 (Councilmember Robinson)

Denise Pinkston (Vice Chairperson), appointed by District 8 (Councilmember Droste)

Public Testimony Guidelines

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. The Board Chairperson may limit the number of speakers and the length of time allowed to each speaker. To speak at a public hearing, please submit a speaker card to Planning Staff as early as possible at the meeting.

At the start of the meeting the Board may rearrange the agenda or place additional agenda items on the Consent Calendar, so it is important to submit speaker cards at the start of the meeting to avoid losing the chance to speak to an item.

The Board encourages the public to submit comments in writing or by e-mail in advance of the meeting. See **Supplemental Communications and Reports** at the end of this Agenda for procedures.

How to Contact Us: Land Use Planning Division, Attn: Greg Powell, (510) 981-7410, (Zoning Adjustments Board Secretary), 1947 Center Street, Berkeley, CA 94704; zab@cityofberkeley.info.

Preliminary Matters

Roll Call

Ex Parte Communication Disclosures

In the context of adjudicative matters that come before the ZAB, ex parte communications are those which occur outside the formal hearing process. ZAB members should avoid ex-parte contacts on matters pending before the ZAB as much as possible, as they may represent, or be perceived to represent, the receipt of evidence that can unfairly influence a Board member's decision on a matter before the Board. If such contacts do occur, the substance of the communication they must be disclosed to all interested parties in advance of any public hearing or testimony to allow rebuttal. Written ex parte communications must be forwarded to the Secretary so that they can be disclosed to the entire Board and the public.

Preliminary Matters (Continued)

Public Comment on Non-Agenda Matters

Each Speaker is limited to a maximum of three minutes.

Agenda Changes

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

Consent Calendar

The Consent Calendar allows the Board to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Board members who wish to discuss. The Consent Calendar may include four types of items:

- (1) Approval of previous meeting minutes;
- (2) Modifications of existing Use Permits (which have not been noticed for public hearings);
- (3) Items being continued to another meeting (Board action will be postponed to another meeting);
- (4) Applications that were withdrawn by the applicant after release of the Agenda; and
- (5) Items noticed for public hearing which the Board decides to move to the Consent Calendar.

The Board Chairperson will announce any additional items proposed for the Consent Calendar at approximately 7:05 PM. Anyone present who wishes to speak on these items should raise his or her hand and advise the Chairperson, and the item(s) will be pulled from the Consent Calendar.

1. **Approval of Action Minutes from June 13, 2019**

Recommendation: APPROVE

2. **2174 Shattuck Avenue – New Public Hearing**

Application: Use Permit #ZP2019-0044 to add the service of distilled spirits incidental to food service at an existing 1,939 square-foot restaurant.
Zoning: C-DMU (Downtown Mixed Use District, Core)
CEQA Categorically exempt pursuant to Section 15301 of the CEQA Guidelines
Determination: ("Existing Facilities").
Applicant: Jessica Harris, Liquor License Network Inc., 7801 Folsom Blvd. Suite 214, Sacramento
Owner: CSQ Fee Owner, LLC, 555 12th Street Suite 214, Oakland
Staff Planner: Jim Frank, JFrank@cityofberkeley.info, (510) 981-7548
Recommendation: **APPROVE** Use Permit #ZP2019-0044 pursuant to Section 23B.32.040.

3. **2468 Telegraph Avenue – New Public Hearing**

Application: Use Permit #ZP2019-0045 to add the service of distilled spirits incidental to food service at an existing 3,508 square-foot restaurant.
Zoning: C-T (Telegraph Avenue Commercial)
CEQA Categorically exempt pursuant to Section 15301 of the CEQA Guidelines
Determination: ("Existing Facilities").
Applicant: Jessica Harris, Liquor License Network Inc., 7801 Folsom Blvd. Suite 214, Sacramento
Owner: Gordon Commercial Real Estate, 2901 Rose Street, Berkeley
Staff Planner: Jim Frank, JFrank@cityofberkeley.info, (510) 981-7548
Recommendation: **APPROVE** Use Permit #ZP2019-0045 pursuant to Section 23B.32.040.

Consent Calendar (Continued):

4. [2398 Bancroft Avenue](#) – New Public Hearing

Application: Use Permit #ZP2018-0238 to establish a new roof-top wireless telecommunications facility, on an existing building, consisting of eight antennas concealed behind RF transparent screens with associated equipment located within the building, operated by Verizon Wireless.

Zoning: R-SMU, Residential Southside Mixed Use District

CEQA Categorically exempt pursuant to Section 15301 of the CEQA Guidelines

Determination: (“Minor Modifications to Existing Facilities”).

Applicant: Gerie Johnson for Complete Wireless Consulting, GTE Mobilnet, DBA Verizon Wireless 2009 V Street, Sacramento

Owner: Paul Extrum-Fernandez, 1337 Howe Avenue, Suite 200, Sacramento

Staff Planner: Loyal Nawfal, lnawfal@cityofberkeley.info, (510) 981-7424

Recommendation: **APPROVE** Use Permit #ZP2018-0238 pursuant to Section 23B.32.040.

5. [1811 Sixty Third Street](#) – New Public Hearing

Application: Use Permit #ZP2018-0196 to construct a two-story 3,042 sq. ft. duplex with an average height of 33 ft.; and a two-story 1,555 sq. ft. single family dwelling with an average height of 33 ft. on a 5,400 sq. ft. vacant corner lot.

Zoning: R-2A – Restricted Multiple-Family Residential

CEQA Categorically exempt pursuant to Sections 15303 of the CEQA Guidelines

Determination: (“New Construction and Conversions”) and 15332 (“In-Fill Development Projects”).

Applicant: Brad Gunkel, 2295 San Pablo Avenue, Berkeley

Owner: Alon Danino, 1493 Firebird Way, Sunnyvale

Staff Planner: Annelise Dohrer, adohrer@ci.berkeley.ca.us, (510) 981-7425

Recommendation: **APPROVE** Use Permit #ZP2016-0028 pursuant to Section 23B.32.040.

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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 Zoning Adjustments Board.

6. [2701 Shattuck Avenue](#) – Continued Public Hearing

Application: Use Permit #ZP2016-0244 to construct a 5-story, 62'-tall, 27,980-sq. ft., mixed-use building with 57 dwelling units (including 5 Very Low Income units), a 600- sq. ft. ground-floor Food Service Establishment, 30 automobile parking spaces, and secure storage for 44 bicycles.

Zoning: C-SA, South Area Commercial

CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development”).

Applicant: Stuart Gruendl, Bay Rock Multifamily, LLC, 411 Pendleton Way, Suite C, Oakland

Owner: 2701 Shattuck Berkeley, LLC, 7917 Festival Court, Cupertino

Staff Planner: Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429

Recommendation: **APPROVE** Use Permit #ZP2016-0244 pursuant to Section 23B.32.040 with modifications to the Findings and Conditions.

7. [0 Euclid Avenue](#) – Berryman Reservoir – New Public Hearing

Application: Use Permit #ZP2018-0236 to establish a new 50' high “monopole” 4G LTE wireless facility operated by Verizon Wireless at the East Bay Municipal Utility District site consisting of six antennas, six remote radio units, and associated ground equipment.

Zoning: R-1H, Single Family Residential District – Hillside Overlay

CEQA Determination: Categorically exempt pursuant to Sections 15301 and 15303 of the CEQA Guidelines (“Existing Facilities” and “New Construction or Conversion of Small Structures”).

Applicant: David Haddock, Ridge Communications Inc. for Verizon Wireless, 12919 Alcosta Blvd, Suite 1, San Ramon

Owner: East Bay Municipal Utility District, Rob Korn, PO Box 24055, Oakland

Staff Planner: Layal Nawfal, lnawfal@cityofberkeley.info, (510) 981-7424

Recommendation: **APPROVE** Use Permit #ZP2018-0236 pursuant to Section 23B.32.040.

Action Calendar (Continued):

8. [1951-75 Shattuck Avenue](#) – New Public Hearing

Application: Use Permit #ZP2018-0137 to demolish two existing non-residential buildings and to construct a 12-story, 120-foot mixed-use building with 5,000 square feet of commercial space on the ground floor, 156 dwelling units, and a 100-space subterranean parking garage on a 17,424 square-foot parcel.

Zoning: C-DMU (Downtown Mixed Use; Outer Core Area)

CEQA The proposed project qualifies as an infill project under CEQA Guidelines

Determination: Section 15183.3.

Applicant: Steve Buster, Grosvenor Americas, One California Street, Suite 2500

Owner: Solomon Cordwell Buenz, 255 California Street, Suite 300

Staff Planner: Leslie Mendez, LMendez@cityofberkeley.info, (510) 981-7426

Recommendation: **APPROVE** Use Permit #ZP2018-0173 pursuant to Section 23B.32.040.

Subcommittee Reports:

- **Joint Subcommittee for the Implementation of State Housing Laws (JSISJL)**
https://www.cityofberkeley.info/Clerk/Commissions/Joint_Subcommittee_for_the_Implementation_of_State_Housing_Laws_Homepage.aspx
- **Design Review Committee (DRC)**
<https://www.cityofberkeley.info/designreview/>

Communications

All communications submitted to Zoning Adjustments Board are public record and are for information only. Other than referring an item to the Secretary for investigation and/or recommendations, no action may be taken in response any non-agenda communication.

Adjourn

Communications Disclaimer

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.



Accessibility Information / ADA Disclaimer

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Permit Service Center, Planning and Development Department located at 1947 Center Street, Berkeley, during regular business hours.

Supplemental Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline. All materials will be made available via the Zoning Adjustments Board Agenda page: <https://www.cityofberkeley.info/zoningadjustmentboard/>

- **Supplemental Communications and Reports 1** - All Materials submitted between noon the Thursday the week before the meeting and noon Tuesday the week of the meeting, will be made available by 5:00 p.m. on Tuesday the week of the meeting.
- **Supplemental Communications and Reports 2** - All Materials submitted after noon on Tuesday the week of the meeting and before noon on Thursday the day of the meeting, will be made available at noon that Thursday. Any correspondence received after this deadline will be given to the Zoning Adjustment Board just prior to the meeting.
- Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.
- **Please Note: You are strongly advised to submit written comments prior to noon Thursday, the meeting date, as Board members do not have an opportunity to read written materials handed out at the meeting.**

Notice of Decision Requests

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info.

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Notice Concerning Your Legal Rights

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.
