



PLANNING AND DEVELOPMENT DEPARTMENT  
LAND USE PLANNING DIVISION

# ZONING ADJUSTMENTS BOARD

## MEETING AGENDA

**Date:** October 9, 2025

**Time:** 7 pm

**Location:** 1231 Addison St., Berkeley, CA  
Berkeley Unified School District Board Room

The Zoning Adjustments Board meeting packet is available for review on the City's website, and linked here:

<https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

**Live captioned broadcasts of ZAB meetings are available on Cable B-TV (Channel 33) and via internet accessible video live stream at:**

[http://berkeley.granicus.com/mediaplayer.php?publish\\_id=1244](http://berkeley.granicus.com/mediaplayer.php?publish_id=1244)

The Board currently consists of eight members appointed by City Council:

**Yes Duffy**, District 1

**Kimberly Gaffney (Chairperson)**, District 2

**Michael Thompson**, District 3

**Sadie Mae Palmatier**, District 4

**Shannon Allen**, District 5

**Peter Choi**, District 6

**Brandon Yung (Vice Chairperson)**, District 7

**Debra Sanderson**, District 8

**Vacant**, Mayor Appointee



### **ACCESSIBILITY INFORMATION / ADA DISCLAIMER**

This material is available in alternative formats upon request. Alternative formats include audio- format, braille, large print, electronic text, etc. To request alternative formats, please contact the Disability Services Specialist at: Email: [ADA@berkeleyca.gov](mailto:ADA@berkeleyca.gov); Phone: 1-510-981-6418; TTY: 1- 510-981-6347, and allow 7-10 days for production of the material in an alternative format.

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: Email: [ADA@berkeleyca.gov](mailto:ADA@berkeleyca.gov); Phone: 1-510-981- 6418; TTY: 1- 510-981-6347, at least three business days before the meeting date.

**PUBLIC ADVISORY:** This meeting will be conducted in a hybrid model with both in-person and virtual participation.

The teleconference will be recorded as any ZAB meeting is recorded, and all other rules of procedure and decorum will apply for ZAB meetings conducted by teleconference or videoconference.

## **VIRTUAL PARTICIPATION**

**To access the meeting remotely:** Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us06web.zoom.us/j/84614554395>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen

**To join by phone:** Dial +1 669 900 6833 US (San Jose) or +1 669 444 9171 US and enter Webinar ID 846 1455 4395. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.

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### **Written Comments, Supplemental Communications, and Reports**

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Second Floor, Berkeley CA 94704, or via e-mail to: [zab@berkeleyca.gov](mailto:zab@berkeleyca.gov)

All materials will be made available via the Zoning Adjustments Board agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

**Correspondence received by 5:00 PM eight days before this public hearing will be provided with the agenda materials provided to the Board.** Note that if you submit a hard copy document of more than 10 pages, in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM the day of** this public hearing will be saved in the project administrative record.

### **Notice of Decision Requests**

A request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at [zab@berkeleyca.gov](mailto:zab@berkeleyca.gov).

#### **Contact:**

Sharon Gong, Zoning Adjustments Board Secretary  
(510) 981-7410 | 1947 Center Street, Berkeley CA 94704

**PUBLIC TESTIMONY GUIDELINES:** To speak at a public hearing, **please submit a speaker card to Planning Staff prior to the start of the meeting.** 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 Chair may limit the number of speakers and the length of time allowed to each speaker.

**1. ROLL CALL**

- 2. EX-PARTE COMMUNICATIONS:** In the context of adjudicative matters that come before the LPC, ex-parte communications are those which occur outside of the formal hearing process. LPC members should avoid ex-parte contacts on matters pending before the LPC as much as possible, as they may represent, or be perceived to represent, the receipt of evidence that can unfairly influence a decision on a matter before the Commission. If such contacts do occur, they must be placed in the record and disclosed to all interested parties sufficiently in advance of the decision to allow rebuttal.

- 3. LAND ACKNOWLEDGEMENT STATEMENT:** The Commission recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this uncanceled stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

- 4. PUBLIC COMMENT on Non-Agenda and Information Items** (Three minutes per person; five minutes per organization, or at the discretion of the Chairperson)

**5. ORDER OF AGENDA**

The Zoning Adjustments Board has the right to rearrange the order of the agenda in order to accommodate projects that will not require significant time.

**6. CONSENT CALENDAR**

Consent Calendar items are considered routine, non-controversial and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the Board. There will be no separate discussion on these items unless a member of the Board or a member of the public requests removal of the items from the Consent Calendar. Examples of consent calendar items include but are not limited to modifications of existing Use Permits, continuances, and items noticed for public hearing which the Board decides to move to the Consent Calendar. Anyone present who wishes to speak against one of these items should advise the Chairperson if they request the item be pulled from the Consent Calendar.

**A. Approval of Meeting Minutes: September 25, 2025**

**Recommendation: APPROVE**

- B. Use Permit #ZP2024-0162, 2425 Durant Avenue:** To demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.

|                            |                                                                                                                  |
|----------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Zoning:</b>             | Residential Southside Mixed Use (R-SMU) District                                                                 |
| <b>CEQA Determination:</b> | Categorically exempt pursuant to Section 15332 ("In-Fill Development Projects") of the CEQA Guidelines.          |
| <b>Applicant:</b>          | Yes Duffy Architects, 1250 Addison Street #105, Berkeley, CA                                                     |
| <b>Owner:</b>              | 2425 Durant Avenue LLC, 29 Orinda Way #2060, Orinda, CA                                                          |
| <b>Staff Planner:</b>      | Nilu Karimzadegan, <a href="mailto:NKarimzadegan@berkeleyca.gov">NKarimzadegan@berkeleyca.gov</a> , 510-981-7430 |
| <b>Recommendation:</b>     | <b>APPROVE</b> Use Permit #ZP2024-0162 pursuant to Section 23.406.040(E) "Findings for Approval"                 |

- C. Use Permit #ZP2024-0164, 3333 Martin Luther King Jr. Way:** To establish a school use (administrative offices) in a vacant, 3,523-square-foot, non-residential building as an extension of the existing Montessori school on the south adjacent lot.

|                            |                                                                                                   |
|----------------------------|---------------------------------------------------------------------------------------------------|
| <b>Zoning:</b>             | Adeline Corridor Commercial (C-AC) District                                                       |
| <b>CEQA Determination:</b> | Categorically exempt pursuant to Section 15301 ("Existing Facilities") of the CEQA Guidelines.    |
| <b>Applicant:</b>          | Daniel Hoy, 314 Pacific Avenue, Alameda, CA                                                       |
| <b>Owner:</b>              | Ernie Mahr, 3339 Martin Luther King Jr. Way, Berkeley, CA                                         |
| <b>Staff Planner:</b>      | Samella Stover, <a href="mailto:SStover@berkeleyca.gov">SStover@berkeleyca.gov</a> , 510-981-7425 |
| <b>Recommendation:</b>     | <b>APPROVE</b> Use Permit #ZP2024-0164 pursuant to Section 23.406.040(E) "Findings for Approval"  |

**7. PUBLIC HEARING AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS: No items.**

**8. SUBCOMMITTEE REPORTS**

A. Design Review Committee (DRC)

<https://berkeleyca.gov/your-government/boards-commissions/design-review-committee>

**9. CORRESPONDENCE**

**10. ZAB ANNOUNCEMENTS**

**11. STAFF ANNOUNCEMENTS**

**12. NEXT MEETING: October 30, 2025****13. ADJOURN****NOTICE CONCERNING 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 the court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
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.