



Planning & Development Department
Land Use Planning Division

Action Minutes

Zoning Adjustments Board Thursday, November 14, 2019 - 7:06 PM

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

Preliminary Matters:

Roll Call:

Nicolaus Wright, 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)
Deborah Matthews, appointed by District 6 (Councilmember Wengraf)
Alfred Twu, appointed by District 7 (Councilmember Robinson)
Denise Pinkston, appointed by District 8 (Councilmember Droste)
Shoshana O'Keefe (Chairperson), appointed by District 5 (Councilmember Hahn)

Approved Leave of Absence: None

Ex Parte Communication Disclosures: None

Public Comment:

Speakers: 1

Agenda Changes: None

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Consent Calendar:

1. Approval of 2020 ZAB Meeting Schedule

Recommendation: Consider draft 2020 ZAB meeting dates

Motion / Second: D. Pinkston / C. Olson

Vote: 9-0-0-0

Action: **APPROVED**

2. Approval of Action Minutes from October 24, 2019

Recommendation: **APPROVE**

Motion / Second: D. Pinkston / C. Olson

Vote: 9-0-0-0

Action: **APPROVED**

3. [2528-B Durant Avenue](#) – Continued from October 10, 2019 and September 26, 2019

Application: **Use Permit #ZP2019-0079**, to add the service of distilled spirits incidental to an existing 2,340-sq. ft. food service establishment (Taco Bell).

Zoning: C-T – Telegraph Avenue Commercial

CEQA Categorically exempt pursuant to Section 15301 of the CEQA Guidelines

Determination: (“Existing Facilities”).

Applicant: Jinglebells LLC, 6500 Dublin Blvd., Suite 200F, Dublin

Owner: Ruegg and Ellsworth, 2437 Durant Ave, Suite 204, Berkeley

Staff Planner: Jim Frank, jfrank@cityofberkeley.info, (510) 981-7548

Recommendation: **Continue Off Calendar.**

Motion / Second: D. Pinkston / C. Olson

Vote: 9-0-0-0

Action: **CONTINUED OFF CALENDAR**

4. [3020 College Avenue](#) – New Public Hearing

Application: **Use Permit #ZP2019-0093**, to expand an existing 3,902 sq. ft., 3-story residential building and alter a 4,800-sq. ft. residential parcel that exceeds the maximum density, with 5 existing dwelling units where 3 are permitted in the R-2A District, by: 1) altering the roofline at the second story to construct a 50 -sq. ft. residential addition to expand the existing first and second story; and 2) creating a 142-sq. ft. roof deck with a height of 16’-11” to the top of the railing.

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

CEQA Categorically exempt pursuant to Section 15301 (“Existing Facilities”) and Section 15332 (“In-Fill Development Projects”) of the CEQA Guidelines.

Determination: Section 15332 (“In-Fill Development Projects”) of the CEQA Guidelines.

Applicant: Steve Swearngen, 825 Page Street, Suite 203, Berkeley; Pamela Jackson, 3020 College #5, Berkeley

Owner: Anthony Jackson, 3020 College #1, Berkeley; and David and Babette Jackson, 2633 Ellsworth Street, Berkeley

Staff Planner: Ashley James, ajames@cityofberkeley.info, (510) 981-7458

Recommendation: **APPROVE** Use Permit #ZP2019-0093 pursuant to BMC Section 23B.32.030.

Motion / Second: D. Pinkston / C. Olson

Vote: 9-0-0-0

Action: **APPROVED**

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5. 2348 Hilgard Avenue – New Public Hearing

Application: Use Permit #ZP2019-0126, to allow the construction of a 25-sq. ft. ground floor addition on a property that is non-conforming for lot coverage.

Zoning: R-3 (H) – Multiple-Family Residential, Hillside Overlay

CEQA Categorically exempt pursuant to Section 15301 of the CEQA Guidelines

Determination: (“Existing Facilities”).

Applicant: Allen Chung Kuo & Weiqi Zheng, 807 Key Route Blvd., Albany

Owner: Same

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

Recommendation: **APPROVE** Use Permit #ZP2019-0126 pursuant to Section 23B.32.030.

Motion / Second: D. Pinkston / C. Olson

Vote: 9-0-0-0

Action: **APPROVED**

6. 2431 Fifth Street/2424 Sixth Street – New Public Hearing

Application: Use Permit #ZP2019-0134, to 1) convert an existing 31,420-sq. ft. building from two tenant spaces to three; and 2) establish a 10,803-sq. ft. light manufacturing use and a 2,502 square-foot wholesale trade use in two of the three tenant spaces.

Zoning: MU-R – Mixed Use – Residential

CEQA Categorically exempt pursuant to Section 15301 of the CEQA Guidelines

Determination: (“Existing Facilities”).

Applicant: Ezra Malmuth, 1636 California Street, Berkeley

Owner: Tom Wolfman – Trustee Wolfman Family Trust, 236 Sundown Terrace, Orinda

Contract Planner: Abe Leider of Rincon Consultants, aleider@rinconconsultants.com, (510) 671-0175

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

Recommendation: **APPROVE** Use Permit #ZP2019-0134 pursuant to Section 23B.32.030.

Motion / Second: D. Pinkston / C. Olson

Vote: 9-0-0-0

Action: **APPROVED**

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Action Calendar:

7. 2128 Ward Street – New Public Hearing

Application: Use Permit #ZP2018-0237, to add a 2-story, 2,567-sq. ft. duplex on a 10,088-sq. ft. lot, with an existing 2-story, 2,697-sq. ft. duplex; and 1) reduce the required building separation between the two main buildings; and 2), allow the 4 required parking spaces in the rear yard.

Zoning: R-2 – Restricted Two-Family Residential

CEQA Determination: Categorically exempt pursuant to Sections 15303 and 15332 of the CEQA Guidelines (“New Construction or Conversion of Small Structures” and “In-Fill Development Projects”).

Applicant: Maurice Levitch, Levitch Associates, 1029 Heinz Avenue, Berkeley

Owner: Suzanne Masuret, 5690 Ocean View Drive, Oakland

Staff Planner: Allison Riemer, ariemer@cityofberkeley.info, (510) 981-7433

Recommendation: **APPROVE** Use Permit #ZP2018-0237 pursuant to Section 23B.32.030.

of Speakers: 9

Motion / Second: D. Pinkston / D. Matthews

Vote: 6-1-2-0 (No: J. Selawsky; Abstain: P. Sheahan, C. Olson)

Action: **APPROVED** with changes to the Conditions of Approval.

8. 1312 Josephine Street – New Public Hearing

Application: Use Permit/Variance #ZP2019-0065, to 1) legalize the construction of a 65-sq. ft. balcony and sliding glass door within the required rear yard of an existing 3-story, 8-unit, 5,796-sq. ft. building on a 6,750-sq. ft. parcel; and 2) increase lot coverage from 49.5% to 50.5%, where 35% is the maximum allowed.

Zoning: R-2 – Restricted Two-Family Residential

CEQA Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

Applicant: Herand M. DerSarkissian, 520 E. Glenoaks Blvd., Suite D, Glendale

Owner: Same

Staff Planner: Annelise Dohrer, adohrer@cityofberkeley.info, (510) 981-7425

Recommendation: **DENY** Use Permit #ZP2019-0065.

of Speakers: 2

Motion / Second: T. Clarke / A. Twu

Vote: 6-3-0-0 (No: P. Sheahan, J. Selawsky, S. O’Keefe)

Action: **APPROVED**

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Project Preview:

9. **2099 Martin Luther King Jr. Way – New Public Hearing**

Application: **Project Preview for Use Permit #ZP2019-0081**, to demolish an existing one story 3,595-sq. ft. auto service building and construct a 62,419 sq. ft., 7-story, 69-ft. tall, mixed-use building with 72 dwellings (including 5 dwellings available to very low income households), and 2,448 sq. ft. of ground floor retail space. The project would provide 12 parking spaces and secure storage for 38 bicycles within a grade level garage.

Zoning: C-DMU – Downtown Mixed-Use

CEQA Studies are currently being prepared to evaluate the project's potential environmental impacts prior to making a CEQA determination.

Determination:

Applicant: 2099 MLK LLC, 95 Federal Street, Suite D, San Francisco

Owner: Thompson Trust, 1639 Bowling Lane, San Jose

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

Recommendation: **Hold a public hearing and provide advisory comments.**

of Speakers: 4

Action: **Advisory comments were provided.**

Subcommittee Reports: None.

Adjourn: 10:49 PM

Members of the Public:

Present: 34

Speakers: 16
