Planning & Development Department
Land Use Planning Division

Action Minutes

Zoning Adjustments Board
Thursday, May 9, 2024 - 7:01 PM

Preliminary Matters

Roll Call:

Commissioners Present: Yes Duffy (Chairperson, District 1), Kimberly Gaffney (Vice Chairperson, District 2), Michael Thompson (District 3), Shoshana O'Keefe (District 5), Charles Kahn (District 6), Brandon Yung (District 7)

Vacant (District 4)

Absent: Igor Tregub (appointed by Mayor Arreguin), Deborah Sanderson (District 8)

Staff Present: Samantha Updegrave (Secretary), Branka Tatarevic (Clerk), Lisa Gordon (Consultant), Karen Hernandez-Gonzalez, and Fatema Crane

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.
Chairperson Duffy moved items #4 (3031 Adeline Street Continuation) and #5 (DRC Leave of Absence Request) from the Action Calendar to the Consent Calendar.

Consent Calendar

Speakers – 5

1. **Approval of Action Minutes from April 25, 2024**
   Recommendation: APPROVE

   Motion / Second: Y. Duffy / K. Gaffney
   Vote: 6-0-0-2-0 (Absent: I. Tregub, D. Sanderson)
   Action: Approved

2. **2037 Durant Avenue – New Public Hearing**

Application:	**Use Permit #ZP2023-0064** for a Density Bonus Project that would demolish a one-story, 13,000 square-foot commercial building and construct an eight-story (90 feet), 76,373 square-foot mixed-use building with 74 dwelling units, including 4 Very Low-Income Density Bonus qualifying units, and 1,552 square feet of ground floor commercial space.
Zoning:	C-DMU - Buffer - Downtown Mixed-Use Zoning District
CEQA Recommendation:	Categorically exempt pursuant to pursuant to Section 15332 ("Infill Development Project") of the CEQA Guidelines
Applicant/Owner:	Kim Fisher, Studio KDA, 1810 6th Street, Berkeley Janice Yi Lee & Jonathan Yi, 3613 Pontina Court, Pleasanton
Staff Planner:	Lisa Gordon, LGordon@rinconconsultants.com (805) 324-7207 or Claudia Garcia, CGarcia@berkeleyca.gov, (510) 981-7412
Recommendation:	**APPROVE** Use Permit # ZP2023-0064 pursuant to Section 23.406.040(D)
Motion / Second:	**K. Gaffney / B. Yung**
Vote:	**5-0-0-2-1 (Absent: I. Tregub, D. Sanderson; Recused: C. Khan (Works for Applicant Firm)**
Action:	**Approved**

3. **1894 University Avenue – New Public Hearing**

Application:	**Use Permit #ZP2023-0165** to establish an outdoor use for a mobile food truck in the C-U, abutting the Residential Two-Family Residential District.
Zoning:	C-U - University Commercial Zoning District
CEQA Recommendation:	Categorically exempt pursuant to pursuant to Section 15311 ("Accessory Structures") of the CEQA Guidelines
Applicant/Owner:	Jose Villalobos, 2748 Greenwood Drive, San Pablo Hadjian Simin & Payvand Etal, 1821 Castle Gate Road, Walnut Creek
Staff Planner:	Karen Hernandez-Gonzalez, KHernandez-Gonzalez@berkeleyca.gov, 510-981-7426
Recommendation:	**APPROVE** Use Permit #ZP2023-0165 pursuant to Section 23.406.040(D)
Motion / Second:	**Y. Duffy / K. Gaffney**
Vote:	**6-0-0-2-0 (Absent: I. Tregub, D. Sanderson)**
Action:	**Approved**

4. 3031 Adeline Street – New Public Hearing

Application:	**Use Permit #ZP2018-0156** to demolish a single-story, approximately 1,000-sq. ft. commercial building and an approximately 10,000-sq. ft. surface parking lot, and to construct a seven-story, approximately 52,000-sq. ft. mixed-used building of 75-ft. in maximum height, comprised of approximately 4,000 sq. ft. of commercial floor area, two dwelling units and as many as 21 off-street parking spaces on the ground floor and a total of 58 dwelling units on the upper floors, in the C-AC district.
Zoning:	C-AC - Adeline Corridor Commercial District / Ashby BART Subarea
CEQA Recommendation:	Categorically exempt pursuant to pursuant to Section 15332 ("In-Fill Development") of the CEQA Guidelines
Applicant/Owner:	Moshe Dinar, Dinar & Associates; P.O. Box 70601, Oakland Athan Magganas for MAXACO LLC, 2550 Appian Way, #201, Pinole
Staff Planner:	Fatema Crane, Principal Planner, fcrane@berkeleyca.gov, (510) 981-7410 Assisted by: Boshi Fu and Kanah Lee, Planning Technicians
Recommendation:	**CONTINUE** Use Permit #ZP2018-0156 pursuant to Section 23.406.040(D) to a Date Certain
Motion / Second:	**Y. Duffy / K. Gaffney**
Vote:	**6-0-0-2-0 (Absent: I. Tregub, D. Sanderson)**
Action:	**Continued to June 27, 2024 meeting**

5. Approval of Leave of Absence from the May 16, 2024 DRC meeting for Commissioner Tregub – Pursuant to Commissioners' Manual (2019, page 28).

Recommendation: **APPROVE**

Motion / Second: Y. Duffy / K. Gaffney
Vote: 6-0-0-2-0 (Absent: I. Tregub, D. Sanderson)
Action: Approved

Subcommittee Reports:
DRC – Commissioner Gaffney reported that no DRC meeting was held since the last ZAB meeting.

Staff Communications: N/A
Adjourn: 7:43 PM; Motion / Second: Y. Duffy / C. Khan; Vote: 6-0-0-2-0

Members of the Public:

Present: 20
Speakers: 7

Samantha Updegrave, Principal Planner
Co-Secretary of the Zoning Adjustments Board