



Planning & Development
Department
Land Use Planning Division

Zoning Adjustments Board
Thursday, April 27, 2023 - 7:00 PM

Preliminary Matters:

Roll Call:

Commissioners Present: Igor Tregub (Mayor Appointee), Yes Duffy (Chairperson, District 1), Kimberly Gaffney (Vice Chairperson, District 2), Michael Thompson (District 3), Cecilia Lunaparra (District 4) Shoshana O'Keefe (District 5), Salvan Hauser (District 6), Brandon Yung (District 7), Deborah Sanderson (District 8)

Leave of Absence: Charles Kahn

Staff Present: 7

Ex Parte Communication Disclosures: Commissioner Tregub had phone conversations prior to the meeting with members of the applicant team for 2439 Durant Street, 2720 Hillegass Avenue, and 2900-20 Shattuck Avenue.

Commissioner Lunaparra spoke by phone with a former Council Member regarding 2900-20 Shattuck Avenue.

Commissioner Yung spoke with a member of the applicant team regarding 2439 Durant Avenue.

Land Acknowledgement

Public Comment on Non-Agenda Items:

2 Speakers

Agenda Changes:

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

Approval of Actions Minutes were voted on as a separate item. The 2900-20 Shattuck project (#ZP2022-0116) was continued to a date uncertain and as a result was pulled from the Action Calendar and added to the Consent Calendar. The 2720 Hillegass Avenue project (#ZP2022-0095) moved to Action Calendar item #1. Four projects were pulled from the consent calendar and a formal hearing was held for each of those items. These projects included 2555 College Avenue (#ZP2022-0019), 2800 Telegraph Avenue (#ZP2022-0107), 705 Euclid Avenue (#ZP2022-0104), and 3031 Telegraph Avenue (#ZP2022-0126).

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1. Approval of Action Minutes from March 30, 2023

Recommendation: APPROVE

Motion / Second: Tregub/Duffy

Vote: 6-X-3-X-X

Action: Approve

2. Consent Calendar

3. 2538 Durant Avenue– New Public Hearing

Application:	Use Permit #ZP2022-0097 for a Density Bonus project that would demolish: a four-story (52 feet), 14,780 square foot residential building that includes 12 dwelling units; five residential off-street parking spaces; and a surface parking lot with 30 vehicle parking spaces, to construct an eight-story (88 feet and 8 inches), 80,829 -square-foot mixed-use building with 83 units (including six Very Low-Income units) and 1,460-square feet of ground floor commercial space.
Zoning:	C-T (Telegraph Avenue District)
CEQA Recommendation:	Categorically exempt pursuant to CEQA Guidelines Section 15332 (“In-Fill Development Projects”)
Applicant:	Rhoades Planning Group / TEMC Durant LLC John Timothy Lyman, Managing Member
Staff Planner:	Nilu Karimzadegan, NKarimzadegan@cityofberkeley.info , 510-981-7430
Recommendation:	APPROVE Use Permit #ZP2022-0097 pursuant to Section 23.406.040mercial space.
Motion / Second:	Tregub/Thompson
Vote:	9-0-0-0-0
Action:	Approved with an added condition to provide occupying tenant protections and use bird-safe glass where feasible.

4. 2439 Durant Avenue– New Public Hearing

Application:	Use Permit #ZP2021-0192 to demolish a 10,554 square foot, two-story (25 feet) commercial building and construct a 36,529 square-foot, 7-story (75 feet) mixed-use building with 22 dwelling units, a restaurant, bar, and an entertainment establishment.
Zoning:	C-T (Telegraph Avenue Commercial District)
CEQA Recommendation:	Categorically exempt pursuant to CEQA Guidelines Section 15332 (“In-Fill Development Projects”)
Applicant:	Austin Springer, Studio KDA, 1810 Sixth Street, Berkeley / Fortuneworld Inc., c/o Wilson Wong, 200 Creedon Circle, Alameda
Staff Planner:	Allison Riemer, ARiemer@cityofberkeley.info , 510-981-7433
Recommendation:	APPROVE Use Permit #ZP2021-0192 pursuant to BMC Section 23.406.040
Motion / Second:	Tregub/Gaffney
Vote:	9-0-0-0-0
Action:	Approved

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5. 2000 Milvia Street – New Public Hearing

Application:	Use Permit #ZP2022-0124 to add service of alcoholic beverages under a Type 47 ABC license to serve beer, wine, and distilled spirits incidental to food service, to a new full-service restaurant.
Zoning:	C-DMU Buffer (Downtown Mixed Use)
CEQA Recommendation:	Categorically exempt pursuant to CEQA Guidelines Section 15301 (“Existing Facilities”)
Applicant:	Ramen Authority, Inc., 6350 Kensington Ave., Richmond, CA / Stonefire Partners LLC, 315 Oconee Street, Athens, GA
Staff Planner:	Russell Roe, RRoe@cityofberkeley.info , 510-981-7548
Recommendation:	APPROVE Use Permit #ZP2022-0124 pursuant to Section 23.406.040
Motion / Second:	Tregub/Gaffney
Vote:	9-0-0-0-0
Action:	Approved

6. 2900-20 Shattuck Avenue – New Public Hearing

Application:	Use Permit #ZP2022-0116 to demolish a commercial building and construct a 10-story (110 feet, 4 inches), 115,204-square-foot, mixed-use building with 221 dwelling units (including up to 22 Very Low-Income Density Bonus qualifying units), 4,090 square feet commercial space, and nine parking spaces.
Zoning:	C-SA (South Area Commercial District)
CEQA Recommendation:	Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-fill Development Projects”)
Applicant:	Trachtenberg Architects, 2421 Fourth Street, Berkeley / 2900 Shattuck Avenue, LLC, 2343 Stuart Street, Berkeley
Owner:	Sharon Gong, SGong@cityofberkeley.info , 510-981-7429
Staff Planner:	APPROVE Use Permit #ZP2022-0116, pursuant to BMC Section 23.406.040
Recommendation:	Use Permit #ZP2022-0116 to demolish a commercial building and construct a 10-story (110 feet, 4 inches), 115,204-square-foot, mixed-use building with 221 dwelling units (including up to 22 Very Low-Income Density Bonus qualifying units), 4,090 square feet commercial space, and nine parking spaces.
Motion / Second:	Tregub/Gaffney
Vote:	9-0-0-0-0
Action:	To be continued to a date uncertain

Action Calendar

7. 2720 Hillegass Avenue – New Public Hearing

Application:	Use Permit #ZP2022-0095 to demolish the existing clubhouse and restroom, construct a 3,301 square-foot single-story (18 feet) community center with a variance for a rear setback of 16 feet where 20 feet is required, and add a new single-story restroom building (12 feet).
Zoning:	R-2 (Restricted Two-Family Residential District)
CEQA Recommendation:	Categorically exempt pursuant to CEQA Guidelines Section 15303 (“New Construction”)
Applicant:	Evelyn Chan, Supervising Civil Engineer, City of Berkeley Parks, Recreation and Waterfront Department / City of Berkeley 2180 Milvia Street, Berkeley
Owner:	Allison Riemer, ARiemer@cityofberkeley.info , 510-981-7433
Staff Planner:	APPROVE Use Permit #ZP2022-0095 pursuant to BMC Section 23.406.040
Recommendation:	Use Permit #ZP2022-0095 to demolish the existing clubhouse and restroom, construct a 3,301 square-foot single-story (18 feet) community center with a variance for a rear setback of 16 feet where 20 feet is required, and add a new single-story restroom building (12 feet).
Motion / Second:	Tregub/Sanderson
Vote:	8-1-X-X-X
Action:	Approved with the condition to install bird-safe glass and implement the Landmark Preservation Committee’s recommendation listed 1,2, and 6 on page 11 of the staff report and with a recommendation from Commissioner Sanderson to maintain as much open space as possible to accommodate different uses.

8.2555 College Avenue – New Public Hearing

Application:	Use Permit #ZP2022-0019 to demolish two single-story (11 feet, 9 inches) commercial structures with a combined size of 834 square feet, and construct a four-story (47 feet, 3 inches), 10,024 square-foot multifamily residential building with 11 units (one Very-Low Income), utilizing State Density Bonus.
Zoning:	R-3 (Multiple Family Residential District)
CEQA Recommendation:	Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation, Monitoring, and Reporting Program (MMRP) prepared pursuant to Article 6 of the California Environmental Quality Act (CEQA) Guidelines
Applicant/Owner:	Isiah Stackhouse, Trachtenberg Architects, 2421 Fourth Street, Berkeley CA / Donald Lawson Jr., Emeryville CA
Staff Planner:	Katrina Lapira, KLapira@cityofberkeley.info , 510-981-7488
Recommendation:	A. ADOPT the IS/MND and MMRP B. APPROVE Use Permit #ZP2022-0019 pursuant to Section 23.406.040
Motion / Second:	Sanderson/Lunaparra
Vote:	7-X-X-2-X
Action:	Approved

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9. 2800 Telegraph Avenue – New Public Hearing

Application:	Use Permit #ZP2022-0107 to demolish a one-story (18 feet), 3,290 square foot non-residential building and construct a six-story (70 feet and 5 inches), 19,936 square-foot residential building containing 16 dwelling units (1 Very Low-Income unit), utilizing State Density Bonus.
Zoning:	C-C (Corridor Commercial District)
CEQA Recommendation:	Categorically exempt pursuant to CEQA Guidelines Section 15332 (“In-Fill Development Projects”)
Applicant/Owner:	Isaiah Stackhouse, Trachtenberg Architects, Berkeley, CA / Adlaim Karim, Oakland, CA
Appellant:	Katrina Lapira, klapira@cityofberkeley.info, (510) 981-7488
Staff Planner:	APPROVE Use Permit #ZP2022-0107 pursuant to Section 23.406.040
Recommendation:	Use Permit #ZP2022-0107 to demolish a one-story (18 feet), 3,290 square foot non-residential building and construct a six-story (70 feet and 5 inches), 19,936 square-foot residential building containing 16 dwelling units (1 Very Low-Income unit), utilizing State Density Bonus.
Motion / Second:	Tregub/Sanderson
Vote:	7-X-X-2-X
Action:	Approved with condition to make on-site manager information publicly available and to install bird-safe glass features.

10. 705 Euclid Avenue – New Public Hearing

Application:	Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.
Zoning:	R1-H (Single Family Residential, Hillside Overlay)
CEQA Recommendation:	Categorically exempt pursuant to CEQA Guidelines Section 15303 (“New Construction or Conversion of Small Structures”)
Applicant/Owner:	John Newton, 5666 Telegraph Avenue, Oakland, CA / Tarek and Michael Khoury, 903 Ventura Avenue, Albany, CA
Appellant:	Russell Roe, RRoe@cityofberkeley.info , 510-981-7548
Staff Planner:	APPROVE use permit #ZP2022-0104 pursuant to Section 23.406.040
Recommendation:	Use Permit #ZP2022-0104 to construct a new three-story (41 feet and 11 inches), 4,528 square foot single family dwelling with two parking spaces and associated retaining wall located in the required front setback, on a 6,024 square foot vacant lot.
Motion / Second:	Tregub/Gaffney
Vote:	6-X-1-2-X
Action:	Approve with conditions to require review of Geotech report prior to approval and add bird-safe glass features.

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11. 3031 Telegraph Avenue – New Public Hearing

Application:	Use Permit Modification #ZP2022-0126 to modify the project originally approved under #ZP2020-0069 to construct a six-story (70 feet and 6 inches), 98,338 square-foot mixed-use building with 127 dwelling units (including nine Very Low-Income units) where 117 units were originally proposed. The project also includes 5,666 square feet of commercial space, 7,474 square feet of usable open space, 112 bicycle parking spaces and 29 vehicular parking spaces at the ground level.
Zoning:	C-C (General Commercial District) and R2-A (Restricted Multiple Family Residential District)
CEQA Recommendation:	Categorically exempt pursuant to CEQA Guidelines Section 15332 (“In-Fill Development Projects”)
Applicant:	Grubb Properties, Charlotte, NC / HC Investment Associates, LLC., c/o Grubb Properties
Owner:	Katrina Lapira, KLapira@cityofberkeley.info , 510-981-7488
Staff Planner:	APPROVE Use Permit #ZP2022-0126 Modification pursuant to Section 23.406.040.
Recommendation:	Use Permit Modification #ZP2022-0126 to modify the project originally approved under #ZP2020-0069 to construct a six-story (70 feet and 6 inches), 98,338 square-foot mixed-use building with 127 dwelling units (including nine Very Low-Income units) where 117 units were originally proposed. The project also includes 5,666 square feet of commercial space, 7,474 square feet of usable open space, 112 bicycle parking spaces and 29 vehicular parking spaces at the ground level.
Motion / Second:	Gaffney/Tregub
Vote:	7-X-X-2-X
Action:	Approved with added condition to install bird-safe glass features.

Subcommittee Reports:

DRC – None

Staff Communications: Vote to postpone discussion of ZAB Calendar changes

Motion / Second: Lunaparra/Sanderson

Vote: 7-X-X-2-X

Adjourn: 12:01 AM; Motion / Second: Yung /Sanderson; Vote: 7-X-X-2-X

Members of the Public:

Present: 79

Speakers: 27