



Planning & Development Department  
Land Use Planning Division

# Action Minutes

## Zoning Adjustments Board Thursday, April 25, 2024 - 7:00 PM

### Preliminary Matters:

#### **Roll Call:**

**Commissioners Present:**, Kimberly Gaffney (Acting Chairperson (District 2), Shoshana O'Keefe (District 5), Charles Kahn (District 6), Brandon Yung (District 7), Deborah Sanderson (District 8)

**Late:** Yes Duffy (Chairperson, District 1) arrived at 7:38pm

**Leave of Absence:** Igor Tregub (Mayor Appointee), Michael Thompson (District 3)

**Vacant:** District 4

**Staff Present:** Claudia Garcia (Secretary), Samantha Updegrave (Zoning Officer/Principal Planner), Vicky Schlepp (Clerk)

**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.

Acting Chairperson Gaffney reordered the Action Calendar; 1817-B Carleton Street (Item #5) was heard before 2600 Tenth Street (Item #4).

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**Consent Calendar**

**1. Approval of Action Minutes from March 28, 2024**

**Recommendation: APPROVE**

**Motion / Second: D. Sanderson / C. Kahn**

**Vote: 5-0-0-3-0 (Absent: Y. Duffy, I. Tregub, M. Thompson)**

**Action: Approved**

**2. 1788 Fourth Street – New Public Hearing**

<b>Application:</b>	<b>Use Permit #ZP2023-0159</b> to Modify Use Permit #05-10000094 to add the service of distilled spirits incidental to food service, under a Type 47 ABC license, to a currently vacant restaurant space with an existing on-site outdoor dining area; and expand the allowed operating hours for the restaurant. The project also proposes to construct a trellis and barriers to delineate the outdoor area.
<b>Zoning:</b>	C-W: West Berkeley Commercial
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to pursuant to Section 15301("Existing Facilities") of the CEQA Guidelines.
<b>Applicant:</b>	Elliot Abrams, 1834 Fourth Street, Berkeley
<b>Owner:</b>	Marketplaza LLC, 1834 Fourth Street, Berkeley
<b>Staff Planner:</b>	Russell Roe, <a href="mailto:roe@berkeleyca.gov">roe@berkeleyca.gov</a> , (510) 981-7548
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit #ZP2023-0159 pursuant to Section 23.406.040(D)
<b>Motion / Second:</b>	<b>D. Sanderson / C. Kahn</b>
<b>Vote:</b>	<b>Vote: 5-0-0-3-0 (Absent: Y. Duffy, I. Tregub, M. Thompson)</b>
<b>Action:</b>	<b>Approved</b>

**3. Leave of Absence from August 29, 2024 and September 19, 2024 DRC meetings for Janet Tam – Pursuant to Commissioners’ Manual (2019, page 28).**

**Motion / Second: D. Sanderson / C. Kahn**

**Vote: 5-0-0-3-0 (Absent: Y. Duffy, I. Tregub, M. Thompson)**

**Action: Approved**

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### Action Calendar

#### 4. [1817-B Carleton Street](#) – New Public Hearing

<b>Application:</b>	<b>Variance #ZP2023-0168</b> to construct a 494 square-foot third-story addition over 28 feet in average height (32 feet) that will exceed the allowable lot coverage by approximately 5 percent, encroach into the third-story setback, reduce the building separation, and adding an eleventh and twelfth bedroom to the lot.
<b>Zoning:</b>	R-2: Restricted Two-Family Residential District
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to pursuant to Section 15301 (“Existing Facilities”) of the CEQA Guidelines.
<b>Applicant/Owner:</b>	John Newton, 5666 Telegraph Avenue Ste A, Oakland, CA
<b>Appellant:</b>	Jamie Crook and Tefera Lemeneh, 1817-B Carleton Street, Berkeley, CA
<b>Staff Planner:</b>	Waqar Shah, <a href="mailto:wshah@berkeleyca.gov">wshah@berkeleyca.gov</a> , (510) 981-7469
<b>Recommendation:</b>	<b>DENY</b> Variance #ZP2023-0168 pursuant to Section pursuant to Section 23.406.050(F).
<b>Motion / Second:</b>	<b>C. Kahn / D. Sanderson</b>
<b>Vote:</b>	<b>6-0-0-2-0 (Absent: I. Tregub, M. Thompson)</b>
<b>Action:</b>	<b>Denied</b>

#### 5. [2600 Tenth Street](#) – New Public Hearing

<b>Application:</b>	<b>Appeal of Zoning Officer’s Decision to approve Administrative Use Permit ZP#2023-0031</b> to change the use of three tenant spaces (9,750 square feet) from Media Production to a Research and Development use, and create up to nine tenant spaces within a seven-story building on a 114,998 square-foot lot.
<b>Zoning:</b>	MU-LI: Mixed-Use Light Industrial District
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to pursuant to Section 15301 (“Existing Facilities”) of the CEQA Guidelines.
<b>Applicant/Owner:</b>	Lisa Vogel, Wareham Development / 2600 Tenth Street, LLC
<b>Appellant:</b>	Rick Auerbach (WEBAIC), Jed Riffe, Connie Field, Vivian Kleinman, Jim Lebrecht
<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> Administrative Use Permit #ZP2023-0031 pursuant to Section 23.406.040(D) and <b>DISMISS</b> the appeal.
<b>Motion / Second:</b>	<b>Y. Duffy / S. O’Keefe</b>
<b>Vote:</b>	<b>4-1-0-2-1 (No: B. Yung, Absent: I. Tregub, M. Thompson, Recused: C. Kahn</b> recused himself because he conducts business with the applicant)
<b>Action:</b>	<b>Denied</b> Administrative Use Permit #ZP2023-0031 and <b>Upheld the Appeal.</b>

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### **Subcommittee Reports:**

**DRC** – Commissioner Gaffney did not attend last DRC meeting, but will report back to ZAB with the minutes from the DRC meeting.

**Staff Communications:** ZAB alternates need to be identified by the City Clerk 48 hours prior to the hearing date.

**Adjourn: 9:59 PM**

**Motion / Second: K. Gaffney / Y. Duffy**

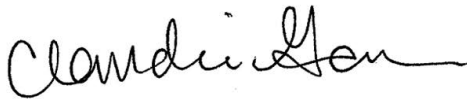
**Vote: 5-0-0-3-0 (Absent: C. Kahn, I. Tregub, M. Thompson)**

### **Members of the Public:**

**Present: 33**

**Speakers: 18**

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Claudia Garcia, Principal Planner  
Co-Secretary of the Zoning Adjustments Board