



Planning & Development Department  
Land Use Planning Division

# Action Minutes

## Zoning Adjustments Board Thursday, February 22, 2024 - 7:02 PM

### Preliminary Matters:

#### **Roll Call:**

**Commissioners Present:** Igor Tregub (appointed by Mayor Arreguin), 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), Debra Sanderson (District 8)

Vacant (District 4)

**Staff Present:** Claudia Garcia (Secretary), Karen Hernandez (Clerk), Vicky Schlepp, Cecelia Mariscal, Brian Garvey, Russell Roe.

**Ex Parte Communication Disclosures:** None

#### **Public Comment on Non-Agenda Items:**

Speakers – None

#### **Agenda Changes:**

The Board Chairperson may reorder the agenda at the beginning of the meeting.  
No changes made.

# ACTION MINUTES - Zoning Adjustments Board

Thursday, February 22, 2024

Page 2 of 4

## Consent Calendar

### 1. Approval of Action Minutes from February 8, 2024

Recommendation: **APPROVE**

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

Vote: **7-0-1-0-0 (Abstain: S. O'keefe)**

Action: **Approved**

### 2. 1287 Gilman Street– New Public Hearing

<b>Application:</b>	<b>Use Permit #ZP2023-0122</b> to establish a wine bar with on-site wine service with outdoor seating under a Type 42 Alcoholic Beverage Control (ABC) license, add the retail sale of wine under a Type 20 ABC license, and legalize the addition of new floor area (shipping container) (160 square feet) for retail space, and the use of an ice cream trailer.
<b>Zoning:</b>	Neighborhood Commercial (C-N)
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures")
<b>Applicant:</b>	Diva Robin, 249 Curry Avenue, Vallejo, CA
<b>Owner:</b>	Robert Kelso, 2836 Tice Creek Drive, #1, Walnut Creek, CA
<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 #ZP2023-0068 pursuant to BMC Section 23.406.040(D)
<b>Motion / Second:</b>	<b>C. Kahn / D. Sanderson</b>
<b>Vote:</b>	<b>8-0-0-0-0</b>
<b>Action:</b>	<b>Approved</b>

### 3. 1205 Kains Avenue – New Public Hearing

<b>Application:</b>	<b>Use Permit #ZP2023-0102</b> for a residential addition to a single-family dwelling on a lot that is non-conforming for setbacks and lot coverage. The project would lift the dwelling and the height by 18-inches, resulting in an average height of 23-feet, 8-inches, move the dwelling back 3 feet, 3 inches toward the eastern boundary, and construct a balcony on the third floor at the rear of the dwelling.
<b>Zoning:</b>	Restricted Two-Family Residential District (R-2)
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to CEQA Guidelines Section 15301 ("Existing Facilities")
<b>Applicant:</b>	Tim Larkin, Larkin Design, 1405 Josephine Street, Berkeley, CA
<b>Owner:</b>	Mary Mulvehill & David Smith, 1205 Kains, Berkeley, CA
<b>Staff Planner:</b>	Vicky Schlepp, <a href="mailto:vschlepp@berkeleyca.gov">vschlepp@berkeleyca.gov</a> , (510) 981-7422
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit # ZP2023-0102 pursuant to Section 23.406.040(D)
<b>Motion / Second:</b>	<b>C. Kahn / D. Sanderson</b>
<b>Vote:</b>	<b>8-0-0-0-0</b>
<b>Action:</b>	<b>Approved</b>

## ACTION MINUTES - Zoning Adjustments Board

Thursday, February 22, 2024

Page 3 of 4

### 4. 1330 Haskell Street – New Public Hearing

<b>Application:</b>	<b>Use Permit #ZP2023-0112</b> to demolish one 1,257 square foot duplex and construct two detached single-family dwellings; a two story (23 feet and 9 inches) a 2,002 square foot single family dwelling at the front of the lot (Front House), and a two story (23 feet 6 inches) 2,017 square foot single family dwelling at the rear of the lot (Rear House). The project also includes one off-street parking space for each dwelling (two in total), which exceeds the parking maximum.
<b>Zoning:</b>	Restricted Multiple-Family Residential District (R-2A)
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to CEQA Guidelines Section 15303 (“New Construction or Conversion of Small Structures”)
<b>Applicant:</b>	John Newton, 5666 Telegraph Avenue, Ste. A, Oakland, CA
<b>Owner:</b>	Joaquin Pochat, 1373 Curtis Street, Berkeley, CA 94702
<b>Staff Planner:</b>	Cecelia Mariscal, <a href="mailto:cmariscal@berkeleyca.gov">cmariscal@berkeleyca.gov</a> , (510) 981-7439
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit # ZP2023-0112 pursuant to Section 23.406.040(D)
<b>Motion / Second:</b>	<b>C. Kahn / D. Sanderson</b>
<b>Vote:</b>	<b>8-0-0-0-0</b>
<b>Action:</b>	<b>Approved</b>

### 5. 1340 Haskell Street – New Public Hearing

<b>Application:</b>	<b>Use Permit #ZP2023-0113</b> to demolish one 1,908 square-foot single-family dwelling unit and construct two single-family dwelling units; a two-story (23 feet) 4,037 square foot single family dwelling unit at the front of the lot (Front House), and a two-story house (24 feet, 1.5 inches) 4,037 square-foot single family dwelling at the rear of the lot (Rear House). The project also includes one off-street parking spot for each dwelling (2 in total) which exceeds the parking maximum.
<b>Zoning:</b>	Restricted Multiple-Family Residential District (R-2A)
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to CEQA Guidelines Section 15303 (“New Construction or Conversion of Small Structures”)
<b>Applicant:</b>	John Newton, 5666 Telegraph Avenue, Ste. A, Oakland, CA
<b>Owner:</b>	Joaquin Pochat, 1373 Curtis Street, Berkeley, CA 94702
<b>Staff Planner:</b>	Cecelia Mariscal, <a href="mailto:cmariscal@berkeleyca.gov">cmariscal@berkeleyca.gov</a> , (510) 981-7439
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit # ZP2023-0113 pursuant to Section 23.406.040(D)
<b>Motion / Second:</b>	<b>C. Kahn / D. Sanderson</b>
<b>Vote:</b>	<b>8-0-0-0-0</b>
<b>Action:</b>	<b>Approved</b>

**ACTION MINUTES - Zoning Adjustments Board**

Thursday, February 22, 2024

Page 4 of 4

**6. 2901-03 Deakin Street – New Public Hearing**

<b>Application:</b>	<b>Use Permit #ZP2023-0074</b> to lift the existing duplex 10 feet 6 inches for a total average height of 23 feet 8 inches to create a new first floor and add an eight bedroom on a lot that is nonconforming to density and setbacks.
<b>Zoning:</b>	Restricted Two-Family Residential District (R-2)
<b>CEQA Recommendation:</b>	Categorically exempt pursuant to CEQA Guidelines Section 15301 (“Existing Facilities”)
<b>Applicant:</b>	Rueytsu Huang, Todd Jersey Architecture, 1321 8 <sup>th</sup> Street Site 2, Berkeley, CA
<b>Owner:</b>	Margret Leventhal, 1805 Martin Luther King Jr., Berkeley, CA
<b>Staff Planner:</b>	Brian Garvey, <a href="mailto:bgarvey@berkeleyca.gov">bgarvey@berkeleyca.gov</a> , (510) 981-7424
<b>Recommendation:</b>	<b>APPROVE</b> Use Permit # ZP2023-0074 pursuant to Section 23.406.040(D)
<b>Motion / Second:</b>	<b>C. Kahn / D. Sanderson</b>
<b>Vote:</b>	<b>8-0-0-0-0</b>
<b>Action:</b>	<b>Approved</b>

**Action Calendar**

None

**Subcommittee Reports:**

DRC –

**Staff Communications:** Chairperson Duffy opened the meeting for ZAB Chair and Vicechair nominations. Board member Tregub nominated Chairperson Duffy for a second term as ZAB Chair and Vice Chairperson Gaffney for a second term serving as a Vice Chairperson. Chairperson Duffy and Vice Chairperson Gaffney accepted the nominations.

<b>Motion / Second:</b>	<b>I.Tregub / C. Kahn</b>
<b>Vote:</b>	<b>8-0-0-0-0</b>
<b>Action:</b>	<b>Approved</b>

**Adjourn: 7:47 PM;**

**Motion / Second: Y. Duffy / C. Kahn;**

**Vote: 8-0-0-0-0**

**Members of the Public:**

**Present: 21**

**Speakers: 5**