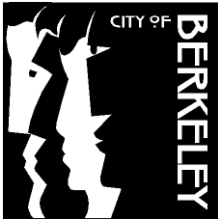


# ATTENTION: SPECIAL LOCATION AND TIME



Planning and Development Department

Current Planning Division

## MEETING SUMMARY

### ZONING ADJUSTMENTS BOARD AGENDA

THURSDAY, SEPTEMBER 13, 2001

6:30 PM

NORTH BERKELEY SENIOR CENTER

1901 HEARST AVENUE

BERKELEY, CALIFORNIA 94704

### CONSENT CALENDAR PROCEDURES

Due to the extreme length of the Zoning Adjustments Board agenda, a Consent Calendar will be used to approve certain types of applications at one time. The Consent Calendar is divided into two parts:

- Part 1** Routine business such as modifications of use permits not subject to a public hearing and items proposed for continuance. (Please note that items proposed for continuance to a date certain will not be re-noticed by mail or posting on site.)
- Part 2** Public hearings on use permits and variances that are apparently non-controversial, on which no adverse comment has been received, and on which the Zoning Officer has made a favorable recommendation.

The Chairperson of the Board will announce the items on the Consent Calendar at 7:05 p.m. Anyone present who wishes to speak on an item should raise his or her hand and advise the chairperson, and the item will be pulled. Any applicant, member of the audience, or Zoning Adjustments Board Member may require that a Consent Calendar II item be removed the Calendar for discussion and testimony. Items pulled from the Consent Calendar will be heard following "Continued" Matters.

### PUBLIC TESTIMONY PROCEDURES

**The Board may limit the number of speakers and the length of time allowed to each speaker. Persons wishing to offer testimony are encouraged to submit their comments in writing. If you want to speak at a public hearing, you must turn in a speaker card by 7:15 p.m. on the night of the hearing. Cards may also be submitted at the Zoning Counter at 2120 Milvia Street prior to 5 p.m. on the day of the hearing.**

Note: Attendees at public meetings are reminded that other attendees may be sensitive to various odors, Whether natural or manufactured, in products and materials. Please help the City respect these needs.

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**A G E N D A**

**Joint Meeting ZAB/DRC on Green Building Initiatives** 6:45 PM

Thirty minute workshop on Green Building will be presented by Lynn Simon, U.S. Green Building Council and Geof Syphers, Senior Project Manager at XENERGY, Inc., in Oakland, CA.

**Roll Call** 7:00 PM

**Public Comment** 7:00 PM

**Business Meeting**

1. Chair's Report
2. Current Business/Committee Appointments
3. Future Agenda Items
4. Other Matters

**NOTE: PSA = Permit Streamlining Act Date For Action**

**Consent Calendar I**

5. **1277 ALCATRAZ AVENUE** Request by Anwar Al-Ariemy to construct an additional single family house -  
- UP #01-10000016 (Pierce Macdonald)  
**PSA Action Date: 10-25-01**  
**Continued From: None**  
**Board Action: Continued to 10-04-01**

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**Consent Calendar I - Continued:**

6.     **2190 BANCROFT WAY**     Request by Elyakim Rinat to modify Use Permit #A1337 to eliminate the requirement to record a deed restriction for a parking lease - MOD #01-70000022 (Xandra Grube)
- PSA Action Date:     10-25-01**  
**Continued From:     None**  
**Board Action: Continued to 10-04-01 to re-notice**

**Consent Calendar II**

7.     **959 CRAGMONT AVENUE**     Request by Avi Atid to extend Use Permit #2354 for an accessory dwelling unit for one year - MOD #01-70000012 (Pierce Macdonald)
- PSA Action Date:     09-13-01**  
**Continued From:     None**  
**Board Action: Approved - 9-0-0**
8.     **707 NEILSON STREET**     Request by Ivy Sandz to establish a moderate impact home occupation for a tutoring business - UP #01-10000040 (Pierce Macdonald)
- PSA Action Date:     11-26-01**  
**Continued From:     None**  
**Board Action: Approved off CCII - 9-0-0**

**Public Comment on EIR**

9.     **2450 ASHBY AVENUE**     Request by Alta Bates Medical Center/Summit Health Care for a new Master Plan for its Ashby Campus. A Draft Environmental Impact Report for building reconfiguration has been proposed in response to a court settlement (Margaret Kavanaugh-Lynch)
- PSA Action Date:     11-03-01 to take action on DEIR**  
**Continued From:     08-09-01**  
**Board Action: Conducted public hearing and continued**



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**Hearing on Continued Items - Continued:**

14.    **1231 GRIZZLY**       Request by Dimitri Trifinov and Elena Serbinova to construct a three story,  
**PEAK BLVD** 3,582 square foot single family dwelling unit with an average height of 23'10" above an 875  
square foot three car garage on a 6,241 square foot lot; to allow an 11 foot front  
yard setback and; to allow a 35 foot wide curb cut at the property line where a  
maximum 20 foot wide curb cut is allowed - UP #00-10000082 (Gisele Sorensen)  
**PSA Action Date:    01-17-02**  
**Continued From:     06-28-01**  
**Board Action: Approved with modifications - 7-2-0 (Poschman,**  
**Sprague - No)**
15.    **1043 KEITH**       Request by Daniel Frederick to construct a 2,289 square foot single family  
**AVENUE** dwelling unit; to construct a 328 square foot accessory dwelling unit; to exceed the  
height of an accessory building beyond 1 story to 2 stories; to reduce a front yard  
setback to 0 feet where 20 feet is required and; to allow parking in the required front  
yard setback within a garage - UP #00-10000100 (Pierce Macdonald)  
**PSA Action Date:    10-11-01**  
**Continued From:     None**  
**Board Action: Approved without modifications on CCII - 9-0-0**
16.    **1521 LA LOMA**       Request by Marcy Wong for Bruce Jackan and Beth Simmons to construct a  
**AVENUE** 1,572 square foot major residential second story addition to an existing 1,978  
square foot, one story, single family house - UP #99-20000186 (Gisele Sorensen)  
**PSA Action Date:    09-13-01**  
**Continued From:     06-14&28-01, 07-12&26-01, 08-09-01**  
**Board Action: Denied with change in findings -8-0-1**  
**(Weinberger - Abstain)**
17.    **2420 SPAULDING**      Request by Ed Nanale and Deepinder Brar to demolish an existing garage and  
**AVENUE** shed and to construct a second single family dwelling unit in the rear yard – UP #01-  
10000026 (Margaret Kavanaugh-Lynch)  
**PSA Action Date:    10-25-01**  
**Continued From:     08-09-01**  
**Board Action: Approved - 8-1-0 (Sprague - No)**

**ZONING ADJUSTMENTS BOARD AGENDA**  
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**New Hearing**

- 18. 2001 BANCROFT WAY** Request by Kava Massih Architects to demolish the existing dwelling unit; to demolish the existing 13-room hotel; to construct a 30-room hotel; to construct one dwelling unit; to construct a building with over 10,000 square feet of gross floor area (23,227 square foot proposed) and; to construct a building with a FAR of over 2.0 (2.75 proposed) - UP #01-10000021 (Greg Powell)  
**PSA Action Date: 10-11-01**  
**Continued From: None**  
**Board Action: Continued to 10-04-01 without opening public hearing**
- 19. 1513 BELVEDERE AVENUE** Appeal of Zoning Officer's decision to approve Administrative Use Permit - #00-20000210 to construct a fence and trellis (Christina Ratcliffe)  
**PSA Action Date: None (Consideration of Appeal)**  
**Continued From: 05-24-01, 06-14-01, 08-09-01**  
**Board Action: Continued to 10-11-01 for property survey**
- 20. 1246-1248 ROSE STREET** Appeal of Zoning Officer's decision to approve Administrative Use Permit #00-20000211 for an unenclosed garden structure 7-1/2' in height within the front yard setback (Christina Ratcliffe)  
**PSA Action Date: None (Consideration of Appeal)**  
**Continued From: 05-24-01, 06-14-01, 08-09-01**  
**Board Action: Approved with modifications - 6-2-1 (Capitelli, Sprague - No) (Weinberger - Abstain)**
- 21. 2431 DURANT AVENUE** Request by Inside Track Learning to allow an office use on a ground floor space in the C-T Zone that is adjacent to street frontage - UP #01-10000054 (Christina Ratcliffe)  
**PSA Action Date: 10-11-01**  
**Continued From: None**  
**Board Action: Approved on CCII - 9-0-0**

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**New Hearing - Continued:**

22.    **1576 HOPKINS STREET**           Request by Bette and Manfred Kroenig to establish a quick service restaurant; for the sale of on-site beer and wine and a Variance to allow off-site parking to be permitted without the use of a deed restriction - UP #01-10000046 (Margaret Kavanaugh-Lynch)  
**PSA Action Date:    09-13-01**  
**Continued From:     None**  
**Board Action: Continued to 10-04-01**
23.    **2209 PRINCE STREET**           Request by Lenore Ranadive to allow a hot tub - UP #00-20000120 (Steve Solomon)  
**PSA Action Date:    None: ZAB must act by 10-22-01**  
**Continued From:     Remanded by City Council**  
**Board Action: Continued to 10-11-01**

24.    **Administrative Use Permits Approved by the Zoning Officer**

3030 Acton St	1632 Berkeley Pl	1400 Bonita Ave
1354 Campus Dr	1316 Carlotta Ave	1409 Edith St
2334 Fourth St	2431 McKinley Ave	1115 Milvia St
1439 Oxford St	2222 Prince St	1870 San Pablo Ave
1742 Solano Ave	1779 Tacoma Ave	1843 Tacoma Ave

25.    **Information/Communication**

Memo from Brenda Deen Schildgen

**Adjourn**

**Legal Notice Concerning Your Legal Rights:**

If you object to a decision by the Zoning Adjustments Board to approve or deny a permit or variance for a project, the following requirements and restrictions apply:

1.    You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Current Planning Division in writing to receive a Notice of Decision when it is completed.

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**Legal Notice Concerning Your Legal Rights - Continued:**

2. Pursuant to Code of Civil Procedure, Section 1094.6(b), no lawsuit challenging a City Council decision to deny a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.
3. Pursuant to Government Code, Section 65009(c)(5), no lawsuit challenging a City Council decision to approve (with or without conditions) a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.
4. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a “taking” of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

**Communication Access**

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call the City Clerk's Office at 981-6330 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.