



Planning and Development Department
Current Planning Division

MEETING SUMMARY

**ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, MAY 8, 2003
7:00 PM**

**CITY COUNCIL CHAMBERS, OLD CITY HALL
2134 MARTIN LUTHER KING JUNIOR WAY
BERKELEY, CALIFORNIA 94704**

CONSENT CALENDAR PROCEDURES

Due to the 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:

Consent Calendar I Routine business such as modifications of use permits which are 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.)

Consent Calendar II 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 recommends approval.

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 Boardmember may require that a Consent Calendar II item be removed from the Calendar for discussion and testimony. Items pulled from the Consent Calendar will be heard following Continued Items.

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. You may also submit comments by E-mail at zab@ci.berkeley.ca.us. 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: Please refrain from wearing scented products to public meetings.

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A G E N D A

Roll Call: 7:00 PM

Public Comment: 7:00 PM

Consent Calendar I

None

Consent Calendar II

None

Appeal of Administrative Use Permits

None

Continued Hearing

- 1. 2425-2431 VIRGINIA STREET** Public Hearing of appeal of Administrative Use Permit for a 961 square foot, second story addition to an existing four-unit apartment building (no additional units) - AUP #01-20000097 (Aaron Sage)
PSA Action Date: None
Continued From: 04-24-03
Recommendation: Affirmed Zoning Officer's decision to approve – 5-1-2 (Weinberger – Absent)

New Hearing

- 2. 3011 REGENT STREET** Request by Maurice Levitch to add 1,601 square feet of habitable space including a second story addition (901 square feet) of living space and 700 square feet at basement level for workshop, storage and parking area with no increase in coverage/footprint – UP #03-10000023 (Lucy Armentrout-Ma)
PSA Action Date: None
Continued From: None
Recommendation: Approved – 8-0-0 (Weinberger – Absent)

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New Hearing – Continued:

3. **1325 SPRUCE STREET** Public Hearing of Appeal of Administrative Use Permit to construct a deck over an existing garage, including the extension of a legally non-conforming side yard setback at the garage – AUP #02-20000100 (Hector Lopez)

PSA Action Date: None
Continued From: None
Recommendation: Continued to May 22, 2003

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

1308 Acton St	1711 Addison St	1344 Carlotta Ave	
1711 Eola St	1544 Leroy Ave	2400 McKinley Ave	
1549 Oregon St	1001 Page St	1638 Parker St	2810-
2812 Prince St	1732 Seventh St	1405 Spring Way	2819 Woolsey
St			

5. **Information/Communication**

6. **Business Meeting**

- A. Discussion of Noise Ordinance Requirement relevant to construction
- B. Discussion of standards of Home Occupation Permit

7. **Chair's Report**

8. **Current Business/Committee Appointments**

9. **Future Agenda Items**

- A. Pending Zoning Hearings
- B. City Council Appeals List

10. **Other Matters**

Adjourn: 8:53 PM

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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.
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 Current Planning Division at 981-7410 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.

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