



Planning and Development Department
Current Planning Division

MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA THURSDAY, JUNE 26, 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

Public Comment

Consent Calendar I

None

Consent Calendar II

None

Appeal of Administrative Use Permits

None

Continued Hearing

- 1. 2526 DURANT AVENUE** Request by Ruegg & Ellsworth to demolish existing Structure of Merit and to construct a mixed-use building with 44 dwelling units (6 affordable) with 28,000 square feet of residential floor area and 4,008 square feet of non-residential floor are, 5 stories with an average height of 50 feet, on a 10,377 square foot lot. A total of 26 parking spaces are proposed. Use Permit per Section 23E.56.030 to construct a 31,626 square foot lot, 5-story mixed-8se building; Structure Alteration Permit per BMC Section 3.24.200 to alter (Demolish) a City of Berkeley Structure of Merit and garden; Use Permit per Section 23C.08.010 to demolish the existing building; Use Permit per Section 23E.04.020.C to allow a 61-foot elevator penthouse to exceed the District height limit of 50-feet; Use Permit per Section 23E.04.050.E to reduce the

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Continued Hearing – Continued:

2526 DURANT AVENUE required rear yard adjacent to the R-4 District from the required setback of 13 feet; Use Permit per Section 23E.56.050.A.2 to construct more than 1,500 square feet of gross floor area; Use Permit per Section 23E.56.080.A.6 to add 8 parking spaces to the existing 18 off-street parking spaces. Density Bonus concession/incentives proposed; Allow fifth story where four are normally allowed – UP #00-10000066 (Greg Powell)
PSA Action Date:
Continued From: 06-12-03
Board Action: Certified EIR – 7-1-0 (Sprague –No) (Matthews – Absent); Opened public hearing and continued to July 10, 2003

New Hearing

2. **1326 ALLSTON WAY** Request by City of Berkeley to place 6,648 square feet of temporary, modular offices at City of Berkeley Corporation Yard – UP #02-10000008 (Greg Powell)
PSA Action Date: 10-30-03
Continued From: None
Board Action: Approved –7-1-0 (Sprague – No) (Matthews – Absent)
3. **2076 ASHBY AVENUE** Request by Athan Magganas to construct a mixed-use building with 11 dwellings, and 560 square feet of commercial space for a total of 11,025 square feet, 3-stories with a height of 31 feet on a 5,000 square foot lot.
- Staff has determined that if the project were to satisfy all the development standards of the C-SA District, the base unit count for this project is six dwelling units. Since the project involves more than six dwellings and provides affordable units that also meet the State Density Bonus requirements, it is eligible for a density increase of 25% over the maximum allowed by the Zoning Regulations. A 25% increase would result in two additional units for a total of eight units. The applicant has requested three additional units as a concession under Government Code Section 65915(h); staff analysis supports only one additional unit as a concession.
- Use Permit under Section 23E.52.030 to construct a mixed-use building greater than 5,000 square feet (11,025 square feet proposed).

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New Hearing – Continued:

Use Permit under Section 23E.52.070.D to reduce the parking requirement, lot coverage, front, and rear yard setbacks of the District. The proposed number of parking spaces is zero (7 spaces required). The proposed lot coverage is 74.8% (40% permitted), zero feet front yard (15 feet required), and 13 feet rear yard (15 feet required).

Use Permit under Section 23E.040.020.C to allow an elevator tower, equipment and trellis to exceed the maximum height limit of the district by 8 feet (44 feet proposed, 36 feet permitted) (Greg Powell)

PSA Action Date: None

Continued From: None

Board Action: Approved on CCII – 5-3-0 (Blake, Issel, Sprague – No) (Matthews – Absent)

4. 711 HARRISON STREET

Request by BOSS to add 19,560 square feet to existing homeless shelter for additional transitional housing – UP #02-10000017 (Wendy Cosin)

PSA Action Date: 11-02-03

Continued From: None

Board Action: Opened Public Hearing - No Action

5. 1144 MILLER AVENUE

Request by Jean Waxdeck to modify Use Permit #01-10000017 to extend approval for additional year. Original Use Permit was to construct a 3,086 square foot single family dwelling – MOD #02-70000077 (Hector Lopez)

PSA Action Date: 11-11-03

Continued From: None

Board Action: Approved on CCI – 7-0-0 (Blake, Matthews – Absent)

6. 1701-1703 STUART STREET

Request by Rebekah Ayers to construct 354 square foot addition to an existing non-conforming 1,510 square foot duplex, 2 stories with an average height of 23'6" on a 4,000 square foot lot – UP #03-10000029 (Hector Lopez)

PSA Action Date: 06-30-03

Continued From: None

Board Action: Approved on CCII – 7-0-0 (Blake, Matthews – Absent)

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7. Administrative Use Permits Approved by the Zoning Officer

2404 Acton St	868 Arlington Ave	900 Cragmont Ave
2712 Dana St	2328 Derby St	928 Hilldale Ave
2219 Spaulding ST	1275&1283 University Ave	2701 Woolsey St
2710 Woolsey St		

8. Information/Communication

A. Article by Doreen Liberto-Blanck, AICP, MDR, titled Planning and Alternative Dispute Resolution

9. Business Meeting

A. Board Members voted to cancel their regularly schedule August 14, 2003 meeting for summer session.

10. Chair's Report

11. Current Business/Committee Appointments

12. Future Agenda Items

A. Pending Zoning Hearings
B. City Council Appeals List

13. Other Matters

Adjourn

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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.