



Planning and Development Department
Land Use Planning Division

AGENDA

**ZONING ADJUSTMENTS BOARD
THURSDAY, JUNE 23, 2005
7:00 PM**

**CITY COUNCIL CHAMBERS, OLD CITY HALL
2134 MARTIN LUTHER KING JUNIOR WAY
BERKELEY, CA 94704
(Wheelchair Accessible)**

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 includes:

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.)

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 item be removed from the Calendar for discussion and testimony (if already posted for hearing). 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 PM 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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Roll Call

Public Comment

Consent Calendar

Appeal of Administrative Use Permit

NOTE: Appeals of Administrative Use Permit are not subject to public hearing and no public testimony will be taken at this time. The Board can choose to set the matter for public hearing, or affirm or deny the decision of the Zoning Officer to grant the permit.

Continued Hearings:

1. 1532 M L KING WAY

Request by Mr. Wallace Whittier, 1532 MLK, LLC, 805 Camelia St, Berkeley, CA 94608
Use Permit 04-10000079 would allow the demolition of a single-family dwelling and the construction of a two-story, 2,215 sq. ft., duplex and a one-story, 642 sq. ft. cottage. Three parking spaces would be provided. (R-2A, SMS)

Continued From: 05-12-05

Recommendation: Advise Staff

2. 2901 OTIS STREET

Request by: Xin Jin, Danny Tran, and Eric Geleynse, 2343 Stuart St., Berkeley, 94705
Use Permit #04-10000090 to raise and expand existing dwelling by 3,150 sq. ft. to create two additional units (one on 1st story and one on 3rd) on a 5,015-square-foot lot. [Recent revisions indicate project no longer constitutes a technical demolition under the Zoning Ordinance.] (R-4, Multi-family Residential; AS)

Continued From: 04-14-05; 4-28-05; 06-09-05

Recommendation: Approve

New Hearings:

3 2701 SHATTUCK AVENUE

Request by 2701 Shattuck Condominiums, LLC., 2701 Shattuck Condominiums, LLC, 125 Allston Way, Berkeley, CA 94702

Use Permit 04-10000014 to construct a five-story, 34,788-square foot, mixed-use building that would include 29-dwelling units. (C-SA, SMS)

Continued From: 6/9/05

Recommendation: NO ACTION. PREVIEW ONLY

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4 2200 FULTON STREET [BROWER CENTER]

Request by Oxford Street Development, LLC, P.O. Box 29585, San Francisco, CA 94129
Use Permit #04-10000114 to construct a mixed-use project with about 33,000 square feet of office space, conference center, restaurant, 96 units of affordable housing, about 8,000 square feet of retail, 40 residential parking spaces, and 105 to 206 underground public parking spaces (applicant has requested consideration of two garage scenarios); proposed building height is 4 stories/59 feet, 7 inches (average) for office portion, and 6 stories/68 feet, 7 inches (average) for housing portion.; (C-2, Central Commercial; AS)

Continued From: None
Recommendation: NO ACTION. PREVIEW ONLY

5 2235 DERBY STREET

Request by Sarah Emery, 1810-Sixth Street Berkeley, CA 94710
Use Permit #05-10000043 to add 55 square feet and add height (existing 10 ft., 6 in. ridge height to 13 ft., 11 in. shed roof height) to a single-family dwelling that is non-conforming due to density (3 units on a 6,750 sq. ft. lot where 7,000 square feet are required) and setbacks (9 in. left side setback and 3 foot rear setback);(R-2, Restricted two Family Residential, SRF)

Continued From: None
Recommendation: Approve

6 611 HEARST STREET

Request by Linda Spranz for Cal Com Systems, 2001 Omega Rd., Suite 100 San Ramon, CA 94583
Use Permit # 04-10000116 to establish a wireless antenna facility within a rooftop cupola structure; (MU-LI, Mixed Use Light Industrial, SRF)

Continued From: None
Recommendation: Approve

7. Information/Communication
 - Density Bonus Subcommittee Report
 - Compliance Subcommittee Report
8. Business Meeting
9. Chair's Report
10. Current Business/Committee Appointments
11. Future Agenda Items
12. Other Matters
13. 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

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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.