ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, JULY 27, 2000
7:00 PM

COUNCIL CHAMBERS, OLD CITY HALL
2134 MARTIN LUTHER KING JUNIOR WAY
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 amendments 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.
AGENDA

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 Board Meeting Deadline Date For Action

Consent Calendar I

5. 1949 MILVIA STREET Request by Paul Takagi to convert a 6-plex to a 5-plex through merging of two units into one unit – UP #00-10000054 (Gisele Sorensen)
   PSA Action Date: None
   Continued From: None
   Recommendation: Withdrawn by Applicant

6. 3112 ELLIS STREET Request by Allen Ledet to construct a two story, 25’5” high, 2,259 square foot triplex on a 4,560 square foot lot – UP #00-10000042 (Gisele Sorensen)
   PSA Action Date: October 11, 2000
Continued From: July 13, 2000
Recommendation: Continue to August 10, 2000
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Consent Calendar II

7. 150 BERKELEY SQUARE
Request by Kava Massih Architects to modify Condition of Approval #8 and strike Condition of Approval #13 of Use Permit #99-10000004 (Margaret Kavanaugh-Lynch)

PSA Action Date: None
Continued From: None
Recommendation: Approval

Appeal of Administrative Use Permit

Please note: Appeals of Administrative Use Permits 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 the decision of the Zoning Officer to grant the permit.

8. 467 KENTUCKY AVENUE
Appeal of Zoning Officer’s decision of Administrative Use Permit #00-20000063 to construct a 740 square foot major residential addition (Matt LeGrant)

PSA Action Date: None
Continued From: None
Recommendation: Affirm Zoning Officer’s Approval

Hearing on Continued Items

None

New Hearing

9. 2120 BANCROFT WAY
Request by Millard T. Pratt Architects to exceed the maximum height for the elevator penthouse; to construct a 21,737 square foot, 5 story, 17 unit apartment building; to construct a building with more than 10,000 square feet; to exceed the maximum allowed Floor Area Ratio of 2 and; to modify the development standards for an exclusive residential project – UP #99-10000095 (Greg Powell)

PSA Action Date: September 14, 2000
Continued From:  None
Recommendation:  Deny
New Hearing – Continued:

10. 1608 FOURTH STREET

Request by Peter Meier for SPI 1608 4th Street Associates to construct a three story building containing 450 parking spaces at the basement, ground floor and second floor levels and 45,000 square feet of office space at the third floor; to construct a three story, 50,000 square foot office building; to permit the establishment of a driveway on Virginia Street that exceeds 20 feet in width at the property line; to remove 5,825 square feet of industrially used floor area off-site; to demolish a 5,825 square foot industrial building and; use of off-site parking on an interim basis during construction of Phase II – UP #00-10000021 (Gisele Sorensen)

PSA Action Date: December 23, 2000
Continued From: July 13, 2000
Recommendation: Approve

11. 2022 GRANT STREET

Request by Paul Mileck to allow the substantial change in character of an existing, non-conforming use – UP #00-10000067 (Steve Solomon)

PSA Action Date: August 10, 2000
Continued From: None
Recommendation: Approve

12. 1614 POSEN AVENUE

Request by Andra Lichtenstein and William Glover to create an accessory dwelling unit inside an existing main dwelling unit – UP #00-10000052 (Margaret Kavanaugh-Lynch)

PSA Action Date: July 27, 2000
Continued From: None
Recommendation: Approve

13. 2700 SAN PABLO AVENUE

Request by Patrick Kennedy and Gordon Choyce to demolish the existing building; to construct a 43,267 square foot, 5 story mixed use building; for quick service food use; and a Variance to exceed 4 stories – UP #99-10000095 (Greg Powell)

PSA Action Date: November 14, 2000
Continued From: June 8, July 13, 2000
Recommendation: Approve
New Hearing – Continued:

14. **1544-46 SPRUCE STREET**

   Request by Marcy Wong to convert a three unit residential structure to a single family dwelling; to construct a single family dwelling and; to reduce the rear yard setback to three feet where a minimum of 15 feet is required – UP #00-10000063 (Xandra Grube)

   **PSA Action Date:** August 10, 2000  
   **Continued From:** None  
   **Recommendation:** Approve

15. **1301 VIRGINIA STREET**

   Request by Richard Zeigler to construct a 706 square foot major residential addition to an existing single family house; to build an addition maintaining a non-conforming streetside side yard setback of 4’6”; to construct a two story, 1,335 square foot single family house and; to reduce the rear yard setback of the new dwelling to 16’6” and reduce the building separation between the two dwelling units to 10’ – UP #00-10000057 (Gisele Sorensen)

   **PSA Action Date:** July 27, 2000  
   **Continued From:** None  
   **Recommendation:** Approve

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

   2123 Carleton St  
   1131 Delaware St  
   1416 Neilson St  
   2207 Rose St  
   1141 Shattuck Ave

17. **Informational/Communication**

   A. MAGNA Report of Work at Public Safety Building

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.

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. In any lawsuit that may be filed against a City Council decision to approve or deny a permit or variance, the issues and evidence will be limited to those raised by you or someone else at a public hearing or in writing delivered prior to the close of the last public hearing on the project.

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 644-6480 (voice) or 644-6915 (TDD); at least five (5) working days notice will ensure availability.