M E E T I N G S U M M A R Y

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, OCTOBER 4, 2001
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 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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AGENDA

Roll Call 7:08 PM

Public Comment 7:00 PM

Business Meeting

1. Chair’s Report

2. Current Business/Committee Appointments

3. Future Agenda Items

4. Other Matters

   A. Recommendation from Zoning Adjustments Board relevant to proposed Zoning Ordinance changes to accommodate proposed Landmarks Preservation Ordinance modifications - ZAB to issue comment on 10-25-01 after 10-18-01 Design Review Committee Review

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

5. 1576 HOPKINS STREET
   Request by Bette and Manfred Kroening 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 a deed restriction - UP #01-10000046 (Margaret Kavanaugh-Lynch)
   PSA Action Date: 12-31-01
   Continued From: None
   Board Action: Received and Filed

6. 1277 ALCATRAZ AVENUE
   Request by Anwar Al-Ariemy to construct an additional single family house - UP #01-1000016 (Pierce Macdonald)
   PSA Action Date: 10-25-01
   Continued From: None
   Board Action: Continued to 10-11-01
Consent Calendar I - Continued:

7. **2190 BANCROFT WAY**
   Request by Elyakim Rinat to modify Use Permit #A1337 and a Variance to eliminate the requirement to record a deed restriction for leased parking - MOD #01-70000022/VAR #01-10000078 (Xandra Grube)
   
   PSA Action Date: 10-25-01  
   Continued From: None  
   Board Action: Continued to 10-11-01

8. **1775 SAN PABLO AVENUE**
   Request by Kevin Stong for Popeyes Chicken to modify UP #9814 to remodel and add 717 square feet to an existing quick service restaurant - MOD #01-70000021 (Gisele Sorensen)
   
   PSA Action Date: 11-08-01  
   Continued From: None  
   Board Action: Continued to 10-25-01

9. **2567 SHATTUCK AVENUE**
   Request by Jeff Renfro to establish a yoga studio and with hours of operation beginning at 6:00 AM - UP #01-10000061 (Pierce Macdonald)
   
   PSA Action Date: 10-11-01  
   Continued From: None  
   Board Action: Continued to 10-11-01

10. **2628 TELEGRAPH AVENUE**
    Consider revocation of Use Permit #7805 allowing a massage parlor use for violation of conditions of approval (Maurice Norrise)
    
    PSA Action Date: None  
    Continued From: None  
    Board Action: Continued to 10-25-01

Consent Calendar II

None
Appeal of Administrative Use Permit

Please 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 the decision of the Zoning Officer to grant the permit.

11. 356 PANORAMIC WAY
    Appeal of AUP #01-20000057 to enclose portion of existing lower deck and convert a duplex back into a single family dwelling (Greg Powell)
    PSA Action Date: None
    Continued From: None
    Board Action: Set for Public Hearing for 11-08-01 - 8-0-0 (Capitelli - Absent)

Hearing on Continued Items

12. 800/816 BANCROFT WAY
    Request by Donn Logan to construct a 15,276 square foot office and light industrial building and to reduce 10% of the required automobile parking for added bicycle spaces - UP #01-10000009 (Pierce Macdonald)
    PSA Action Date: 10-11-01
    Continued From: 08-09-01
    Board Action: Continued to 10-11-01 for findings of approval - 5-2-1 (Poschman, Sprague - No) (Olsen - Abstain) (Capitelli - Absent)

New Hearing

13. 2001 BANCROFT WAY
    Request by Kava Massih Architects to demolish an existing dwelling unit and existing 13-room hotel; to construct a 30-room hotel and 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: 12-13-01
    Continued From: None
    Board Action: Continued to 10-25-01 for re-design
New Hearing - Continued:

14. 1716 FOURTH STREET
    Request by David Trachtenberg for a Variance for conversion of 9,357 square feet of ancillary office plus retail/warehouse/manufacturing space to office space for service company for small independent publishers - VAR #01-10000077 (Mark Rhoades)
    PSA Action Date: 11-08-01
    Continued From: None
    Board Action: Continued to 10-25-01 for re-notice

15. 2020 KITTREDGE STREET
    Request by John DeClerq of Library Gardens to construct a 176 unit apartment complex with 3,000 square feet of ground floor commercial space, a 9,000 square foot park/plaza area and a 455 space parking garage. The project includes the demolition of an existing 362 space parking garage - UP #00-10000062 (Gisele Sorensen/Brian Millar)
    PSA Action Date: 01-09-02 to adopt Negative Declaration
    Continued From: None
    Board Action: Continued to 10-11-01

16. 1192 LAUREL STREET
    Request by Jeffrey Frank and Kaye Anderson for a Variance for an attic expansion to an existing non-conforming duplex - VAR #01-10000068 (Steve Solomon)
    PSA Action Date: 10-25-01
    Continued From: None
    Board Action: Approved - 7-1-0 (Alvin - No) (Capitelli - Absent)

17. Administrative Use Permits Approved by the Zoning Officer

    3049 Ashby Ave  2850 Buena Vista Way  2722 Eighth St  1325 Henry St
    2695 LeConte Ave  2222 Prince St

18. Information/Communication

    None

Adjourn: 10:33 PM
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 City Clerk’s Office at 981-6330 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.