MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, OCTOBER 11, 2001
7:00 PM

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 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 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. 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 7:05 PM

Public Comment 7:05 PM

Business Meeting

1. Chair’s Report

2. Current Business/Committee Appointments

3. Future Agenda Items
   A. 2407 Dana Street - Preliminary review of request by First Presbyterian Church of Berkeley to construct a new 41,000 square foot, 3-story education and administration building above a 2-story underground parking structure, alteration of existing buildings including a City of Berkeley Structure of Merit, on the current Church campus (Deborah Diamond) - Received and Filed

4. Other Matters
   A. 2450 Ashby Avenue - Alta Bates - Transmittal of Draft EIR comments (Margaret Kavanaugh-Lynch) - Presentation given

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

5. 1277 ALCATRAZ AVENUE Request by Anwar Al-Ariemy to construct an additional single family house and to reduce the building separation between two main buildings to 4.3 feet - UP #01-10000016 (Pierce Macdonald)
   PSA Action Date: 11-08-01
   Continued From: 09-13-01, 10-04-01
   Board Action: Continued to 10-25-01
Consent Calendar I - Continued:

6. 1513 BELVEDERE  Appeal of Zoning Officer's decision to approve Administrative Use Permit - AVENUE #00-20000210 to construct a fence and trellis (Christina Ratcliffe)
    PSA Action Date:  None
    Continued From:  05-24-01, 06-14-01, 08-09-01, 09-13-01
    Board Action:  Continued to 10-25-01

7. 1508 WARD  Request by Richard Schwarzmann to construct an additional dwelling unit; to STREET extend the height of a wall within a one foot setback where a four foot setback is required and; to construct a 10 foot unenclosed accessory structure, trellis and gate - UP #01-10000072  (Pierce Macdonald)
    PSA Action Date:  10-25-01
    Continued From:  None
    Board Action:  Continued to 10-25-01

Consent Calendar II

8. 800/816 Request by Donn Logan to construct a 15,276 square foot office and light BANCROFT industrial building and to reduce 10% of the required automobile parking for WAY added bicycle spaces - UP #01-10000009  (Pierce Macdonald)
    PSA Action Date:  10-11-01
    Continued From:  08-09-01, 10-04-01
    Board Action:  Approved - 6-2-0 (Poschman, Sprague - No)
                   (Capitelli - Absent)

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.

9. 1439 OXFORD  Appeal of Administrative Use Permit #01-20000110 for a deck on a rebuilt STREET three-car garage (Xandra Grube)
    PSA Action Date:  None
    Continued From:  None
    Board Action:  Set for Public Hearing for 11-08-01 - 7-1-0 (Weinberger - Abstain) (Capitelli - Absent)
### Public Nuisance Abatement

10. **3039 SHATTUCK AVENUE**
    - Consideration to declare a liquor store a public nuisance - Brothers Liquors (Victoria Johnson)
    - **PSA Action Date:** None
    - **Continued From:** 09-13-01
    - **Board Action:** Held Public Hearing and Continued to 10-25-01

### Hearing on Continued Items

11. **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:** 10-04-01
    - **Board Action:** Negative Declaration and Use Permit Approved with Added Conditions - 7-1-0 (Sprague - No) (Capitelli - Absent)

12. **2209 PRINCE STREET**
    - Request by Lenore Ranadive to allow a hot tub - UP #00-20000120 (Steve Solomon)
    - **PSA Action Date:** 10-11-01 (Remanded by City Council)
    - **Continued From:** 09-13-01
    - **Board Action:** Approved with Modified Condition and Alternative Option - 8-0-0 (Capitelli - Absent)

### New Hearing

13. **2190 BANCROFT WAY**
    - Request by Elyakim Rinat for a Variance to provide four of the required eight off-street parking spaces at a leased location off site without deed recordation of the lease agreement - MOD #01-70000022/VAR #01-10000078 (Xandra Grube)
    - **PSA Action Date:** 10-25-01
    - **Continued From:** 09-13-01, 10-04-01
    - **Board Action:** Approved with Added Conditions and Revised Findings - 6-1-0 (Poschman - No) (Alvin, Capitelli - Absent)
New Hearing - Continued:

14.  **2136 CENTER STREET**
Request by Olivier David Said to establish alcohol beverage sales in the form of wine and distilled spirits as part of an 846 square foot retail store - UP #01-10000091 (Hector Lopez)

   PSA Action Date: 11-08-01  
   Continued From: None  
   Board Action: Approved on CCII with added Condition - 8-0-0  
   (Capitelli - Absent)

15.  **1475 SHATTUCK AVENUE**
Request by Karen Adelman of upgrade an existing beer and wine license to full alcoholic beverages - UP #01-10000045 (Hector Lopez)

   PSA Action Date: 10-25-01  
   Continued From: None  
   Board Action: Approved - 7-0-0 (Alvin, Capitelli - Absent)

16.  **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: 01-10-02  
   Continued From: 10-04-01  
   Board Action: Approved with added Condition - 7-0-0 (Alvin, Capitelli - Absent)

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

   2449 Glen Ave  
   2227 Ninth St  
   1212 Oregon St

18. **Information/Communication**

   None

Adjourn: 12:50 AM
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.

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