ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, OCTOBER 25, 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.
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

   A. 75 Hill Road - Review of complaint over alleged demolition of single family house (Matt LeGrant)

   B. 1284 San Pablo Avenue - Board interpretation of Section 23E.64.030 - Auto Use Prohibition in nodes (Christina Ratcliffe)

   C. Zoning Ordinance revisions to accommodate Landmarks Ordinance revision.

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

5. 1513 BELVEDERE AVENUE  Appeal of Zoning Officer’s decision to approve Administrative Use Permit #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, 10-11-01
   Recommendation: Approve
Consent Calendar I - Continued:

6. **1775 SAN PABLO AVENUE**  
   Request by Kevin Stong for Popeyes Chicken to modify Use Permit #9814 to remodel and add 717 square feet to an existing quick service restaurant - MOD #01-70000021  (Gisele Sorensen)  
   PSA Action Date: 01-24-02  
   Continued From: 10-04-01  
   Recommendation: Continue to 11-26-01

7. **1508 WARD STREET**  
   Request by Richard Schwarzmann to construct an additional dwelling unit; to 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: 10-11-01  
   Recommendation: Continue off Calendar

Consent Calendar II

8. **25 TANGLEWOOD ROAD**  
   Request by Naomi de Graaf for David Sundelson to demolish a building containing a dwelling unit; construct a new single family residence; extend a wall within a non-conforming setback; to convert an existing garage to habitable floor area; and park within the required side yard setback abutting a street - UP #01-10000094  (Pierce Macdonald)  
   PSA Action Date: 11-26-01  
   Continued From: None  
   Recommendation: Approve
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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. 1400 BONITA AVENUE  
Appeal of Administrative Use Permit #01-20000210 to construct a 764 square foot second floor addition to an existing 1,112 square foot residence (Christina Ratcliffe)

   PSA Action Date: None  
   Continued From: None  
   Recommendation: Affirm Zoning Officer's decision

10. 2222 PRINCE STREET  
Appeal of Administrative Use Permit #01-20000079 to install a hot tub, reduce rear and side yard setbacks and convert a garage into habitable floor area (Pierce Macdonald)

   PSA Action Date: None  
   Continued From: None  
   Recommendation: Affirm Zoning Officer's decision

Public Nuisance Abatement

11. 3039 SHATTUCK AVENUE  
Consider declaration of a liquor store as a public nuisance - Brothers Liquors (Victoria Johnson)

   PSA Action Date: None  
   Continued From: 09-13-01, 10-11-01  
   Recommendation: Declare public nuisance and impose Conditions of Approval

12. 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: 10-04-01  
   Recommendation: Revoke Use Permit
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Hearing on Continued Items

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 an FAR of over 2.0 (2.75 proposed) - UP #01-10000021 (Greg Powell)
  PSA Action Date: 12-13-01
  Continued From: 10-04-01
  Recommendation: Approve

New Hearing:

14. 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&11-01
  Recommendation: Approve

15. 1716 FOURTH STREET
Request by David Trachtenberg for Publisher's Group West for a convert 9,357 square feet of manufacturing/warehouse use to office use for publishing without printing and a Use Permit to allow parking more than 500 feet from the project - VAR: #01-10000077 (Mark Rhoades)
  PSA Action Date: 11-08-01
  Continued From: 10-04-01
  Recommendation: Deny

16. 3000 SHASTA ROAD
Request by City of Berkeley to construct and operate an approximately 6,800 square foot, two-story, fire station with associated apron and seven parking spaces. The station will provide four parking bays for fire response vehicles and living facilities for a staff of four - UP #01-10000057 (Steve Solomon)
  PSA Action Date: 180 Days from EIR Certification
  Continued From: None
  Recommendation: Conduct hearing and continue
17. Administrative Use Permits Approved by the Zoning Officer

1336 Curtis St  635 Santa Rosa Street  2224-28 Sixth St

18. Information/Communication

A. 2407 Dana Street - Distribution of Draft Environmental Impact Report (DEIR) for First Presbyterian Church of Berkeley.

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. 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:
Legal Notice Concerning Your Legal Rights - Continued:

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 981-6900 (voice) or 981-6903 (TDD); at least five (5) working days notice will ensure availability.

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