ZONING ADJUSTMENTS BOARD AGENDA
MONDAY, NOVEMBER 26, 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 from 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.
A G E N D A

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 Date For Action

Consent Calendar I

5. 1525 ALCATRAZ AVENUE
   Request by Jessie Guiton to change the use of a dwelling unit into a rooming house use in a five bedroom apartment within an existing apartment complex - UP #01-10000053 (Hector Lopez)
   PSA Action Date: 12-13-01
   Continued From: None
   Board Action: Continued to 12-13-01

6. 1400 BONITA AVENUE
   Public Hearing on appeal of Zoning Officer's decision to approve Administrative Use Permit #01-20000021 to a 764 square foot second story addition to an existing 1,112 square foot single story residence and continuance of three existing non-conforming setbacks (Christina Ratcliffe)
   PSA Action Date: None
   Continued From: None
   Board Action: Continued to 01-24-02
Consent Calendar I - Continued:

7. 1775 SAN PABLO AVENUE  
   Request by Kevin Stong for Popeyes Chicken to modify Use Permit #A9814 to remodel and add 717 square feet to an existing quick service restaurant - MOD #01-700000021 (Gisele Sorensen)
   PSA Action Date: 01-24-02
   Continued From: 10-04&25-01
   Board Action: Continued to 01-10-02

8. 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: 02-04-02
   Continued From: 10-11&25-01, 11-08-01
   Board Action: Continued to 12-13-01

Consent Calendar II

9. 2010 PRINCE STREET  
   Request by Erika Cleary and Adam Cash to create a second dwelling unit - #01 10000079 (Margaret Kavanaugh-Lynch)
   PSA Action Date: 11-26-01
   Continued From: None
   Board Action: Approved - 8-0-0 (Alvin - Absent)

Public Comment on Draft EIR

10. 2407 DANA STREET  
    Review of Draft EIR for request to relocate and rehabilitate McKinley Annex; construct a 42,000 square foot, three-story education and administration building over a two-level underground parking structure; and renovate existing Sanctuary and Christian Education Building - UP #00-10000118 (Deborah Diamond)
    PSA Action Date: 05-10-02 (date specified by court settlement)
    Continued From: 11-08-01
    Board Action: Comments on Draft EIR and Continued off calendar
Public Comment on Draft EIR - Continued:

11. 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: 10-25-01
Board Action: Continued off calendar

Enforcement - Use Permit Revocation:

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: 09-13-01, 10-04&25-01
Board Action: Continued to 12-13-01

Hearing on Continued Items

13. 830 BANCROFT WAY

Request by Carol Kress and Elizabeth Beringer to modify UP #A1463 to eliminate the condition requiring the rental of 10 off-site parking spaces - MOD #01-70000024 (Hector Lopez)

PSA Action Date: 12-13-01
Continued From: 11-08-01
Board Action: Approved with revised findings - 8-0-0 (Alvin - Absent)

14. 1820 SOLANO AVENUE

Request by Avi Nevo and David Trachtenberg to construct a new building; to demolish a commercial building; Variance to modify the applicable off-street parking requirement to allow 29 parking spaces where 37 are required; Variance to modify off-street loading requirements to allow one on-street metered loading zone where one off-street loading zone is required; to modify the front yard setback requirement to permit construction of the building and the garage entrance at the front (east) property line where a 15 foot front yard setback is required and; to allow trash enclosure opening five feet from adjacent residential property where 50 feet are required - UP #01-10000074 (Carole Kajita)

PSA Action Date: 01-10-02
Continued From: 11-08-01
Board Action: Continued to 12-13-01
New Hearing:

15. 2081 ADDISON STREET  
    Request by Tom Ross for the addition of on-site beer and wine service at the Aurora Theater - UP #01-10000100 (Margaret Kavanaugh-Lynch)  
    PSA Action Date: 12-13-01  
    Continued From: None  
    Board Action: Approved on CCII - 6-0-1 (Sprague - Abstain)  
                   (Weinberger - Recuse) (Alvin - Absent)

16. 1616 ALCATRAZ AVENUE  
    Request by Landmark Ventures, LLC to demolish a 2,203 square foot duplex and construct a 3,618 square foot triplex - UP #01-10000071 (Gisele Sorensen)  
    PSA Action Date: 12-13-01  
    Continued From: None  
    Board Action: Opened Hearing and Continued to 12-13-01 for redesign

17. 1439 OXFORD STREET  
    Public Hearing on an appeal of an Administrative Use Permit for a request by Victor Hanson for Kenneth and Eric Schmier to alter a non-conforming 3 foot side setback (4 feet required) - AUP #01-20000110 (Matt LeGrant)  
    PSA Action Date: None  
    Continued From: 11-08-01  
    Board Action: Affirmed Zoning Officer’s decision with modification -7-0-1 (Blake - Abstain)  
                   (Alvin - Absent)

18. 1814 SAN PABLO AVENUE  
    Request by Libby Connolly for the Spanish Table to establish retail alcoholic beverage sales (off-sale beer and wine, Type 20) as part of a 2,800 square foot retail store. (Hector Lopez)  
    PSA Action Date: 11-26-01  
    Continued From: None  
    Board Action: Approved on CCII with added conditions - 8-0-0  
                   (Alvin - Absent)
New Hearing - Continued:

19. 2612-2618 TELEGRAPH AVENUE

Request by Jim Novosol for Bay Architects to construct a new 21,558 s.f., 4-story mixed-use building with ground floor retail, 25 stacked parking spaces, and three floors above containing twenty dwelling units (Hector Lopez)

PSA Action Date: 1-24-01
Continued From: None
Board Action: Conducted Public Hearing and Continued to 01-10-02 for Design Review Committee review

Administrative Use Permits Approved by the Zoning Officer

2944 Elmwood Court  2597 Hilgard Ave  1815 Sonoma Ave
1670 W. Frontage Rd

Information/Communication

Adjourn: 9:40 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.
Legal Notice Concerning Your Legal Rights - Continued:

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.