MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, JANUARY 10, 2002
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.
AGENDA

Roll Call 7:00 PM

Public Comment 7:00 PM

Business Meeting

1. Chair’s Report

2. Current Business/Committee Appointments
   A. Recommendation for Design Review Committee Appointment - Robert Ludlow Appointed
   B. Reappointment of Michael Issel to Design Review Committee - Appointment Approved

3. Future Agenda Items
   A. Zoning Adjustments Board Election set for February 14, 2002

4. Other Matters
   A. 3039 Shattuck (Brothers Liquors) - Status Report regarding City Council Appeal

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

5. 635 SANTA ROSA STREET Appeal of Administrative Use Permit #01-20000002 to allow a 725 square foot expansion of an existing single family dwelling (Steve Solomon)
   PSA Action Date: None
   Continued From: None
   Board Action: Continued to 01-24-02 for noticing - 9-0-0
Consent Calendar II - Continued:

6. **1820 SOLANO AVENUE**  Minor reconfiguration of second floor terrace and clarification of Notice of Decision approved by Zoning Adjustments Board on December 13, 2001 - Moved to Other Matters and Approved - 8-0-1 (Pietras - Abstain)

7. **2628 TELEGRAPH AVENUE**  Request by City Staff to adopt resolution per the Zoning Adjustments Board's direction to revoke Use Permit #7805 for non-compliance with conditions of Use Permit (Maurice Norrise) - Moved to Other Matters and Adopted Resolution - 9-0-0

Consent Calendar II

8. **1151 DELAWARE STREET**  Request by Carl Wisser, Architect for Edward and Sigrid Allen for the creation of a 511 square foot second dwelling unit in the R-2 District - UP #01-10000095 (Pierce Macdonald)

   PSA Action Date: 03-14-02
   Continued From: None
   Board Action: Approved - 9-0-0

9. **2422 FIFTH STREET**  Request by Mark Johnson to modify Use Permit #00-10000078 to extend for one year the previously granted permit to demolish a two story residential structure and construct a dwelling above parking and a separate two story structure for office/warehouse use - MOD #01-70000050 (Gisele Sorensen)

   PSA Action Date: 02-14-02
   Continued From: None
   Board Action: Approved on CCI - 9-0-0

Hearing on Appeals of Administrative Use Permits

10. **2720 EIGHTH STREET**  Public Hearing on an appeal of an Administrative Use Permit for a request by Elliot Abrams to construct two three-story duplexes, attached at the ground floor by a covered four space carport with a deck above - UP #00-20000183 (Gisele Sorensen)

   PSA Action Date: None
   Continued From: 11-08-01
   Board Action: Continued to 01-24-02
Hearing on Continued Items

None

New Hearing

11. 1630 BLAKE STREET  Request by Sarah DeVito Brown to convert a 2,692 square foot, two story single family house into a duplex consisting of 1,592 square foot dwelling unit at the upper floor and a portion of the lower floor and a 900 square foot dwelling unit at the lower floor - UP #01-10000101 (Gisele Sorensen)
   PSA Action Date: 01-10-02
   Continued From: None
   Board Action: Approved with added conditions - 9-0-0

12. 959 CRAGMONT AVENUE  Request by Avi Atid to modify Use Permit #A2354 to allow construction of a new second story, 400 square foot addition over an approved first floor attached accessory dwelling unit - #01-70000040 (Pierce Macdonald)
   PSA Action Date: 01-10-02
   Continued From: None
   Board Action: Approved with added conditions - 9-0-0

13. 1843-47 DWIGHT WAY  Request by Ledger Wanaseija Architecture to construction four two-story dwelling units, one commercial space with four parking spaces and renovation of the existing building - UP #01-10000106 (Carole Kajita)
   PSA Action Date: 01-24-02
   Continued From: None
   Board Action: Approved with added conditions - 8-1-0 (Sprague - No)

14. 2817 PRINCE STREET  Request by Maxwell Beaumont to legalize the demolition of a 1,343 square foot single family dwelling and to construct a 1,715 square foot single family house and replace existing garage - UP #01-10000086 (Carole Kajita)
   PSA Action Date: 02-14-02
   Continued From: None
   Board Action: Approved with added conditions - 9-0-0
New Hearing - Continued:

15. **1775 SAN PABLO AVENUE** 70000021 (Gisele Sorensen)
    
    **Request by Kevin Stong for Eighty-Eight & Associates to modify Use Permit #9814 to add 717 square foot addition to an existing quick service restaurant - UP #01-70000021**
    
    **PSA Action Date:** 01-24-02
    **Continued From:** None
    **Board Action:** Approved - 5-3-1 (Alvin, Pietras, Sprague - No)
    (Katz - Abstain)

16. **2612-2616 TELEGRAPH AVENUE** 70000053 (Hector Lopez)
    
    **Request by Jim Novosel to construct a mixed-use building greater than 5,000 square feet gross floor area (22,325 square feet proposed); to construct a four story mixed-use building up to a maximum height of 50 feet - UP #01-10000053**
    
    **PSA Action Date:** 01-24-02
    **Continued From:** None
    **Board Action:** Approved with added conditions - 9-0-0

17. **59 VICENTE ROAD** 70000064 (Hector Lopez)
    
    **Request by Pal and Nancy Vincent to construct a new dwelling unit - UP #01-10000064**
    
    **PSA Action Date:** 02-14-02
    **Continued From:** None
    **Board Action:** Approved on CCII - 9-0-0

18. **Administrative Use Permits Approved by the Zoning Officer**
    
    - 991 Creston Rd
    - 2141 Emerson St
    - 2133 Eunice St
    - 2961 Shasta Rd
    - 1742 Solano Ave
    - 1160 University Ave
    - 2068 University Ave (Revised)
    - 2068 University Avenue

19. **Information/Communication**
    
    None

Adjourn: 12:12 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.