MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, FEBRUARY 14, 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 refrain from wearing scented products to public meetings.
AGENDA

Roll Call 7:00 PM

Public Comment 7:00 PM

Business Meeting

1. Chair’s Report

2. Current Business/Committee Appointments

   A. Zoning Adjustments Board Elections (Chair and Vice-Chair) - Laurie Capitelli voted Chair; Dave Blake voted Vice-Chair

3. Future Agenda Items

   A. Pending Zoning Hearings List
   B. City Council List

4. Other Matters

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

5. 2160 CENTER STREET  Modification of Use Permit #A2314 to add cooking facilities to an established quick service food service use - MOD #02-70000003 (Greg Powell)
   PSA Action Date: 03-28-02
   Continued From: None
   Board Action: Approved - 9-0-0
Consent Calendar I - Continued:

6. 801 GRAYSON STREET  
Modification of Phase I of the Sterile Fill building on the Bayer Campus from 74,000 square feet to 44,000 square feet. The 30,000 square foot difference will be included as a part of Phase II. No proposed change is anticipated for the final build out - MOD #01-70000047 (Margaret Kavanaugh-Lynch)

   PSA Action Date: 04-25-02
   Continued From: 01-24-02
   Board Action: Approved - 9-0-0

The following three items (800 Grizzly Peak Boulevard, 888 Grizzly Peak Boulevard and 2639 Marin Avenue) are contained in one report:

7. 880 GRIZZLY PEAK BLVD. Request by Massoud Naraghi, AIA, to construct a new 2,631 square foot, three story, single family residence – UP #01-10000033 (Greg Powell)

   PSA Action Date: 04-11-02
   Continued From: 01-24-02
   Board Action: Continued to 02-28-02

8. 888 GRIZZLY PEAK BLVD Request by Massoud Naraghi, AIA, to construct a new, 3,125 square foot, three story, single family residence – UP #01-1000031 (Greg Powell)

   PSA Action Date: 04-11-02
   Continued From: 01-24-02
   Board Action: Continued to 02-28-02

9. 2639 MARIN AVENUE Request by Massoud Naraghi, AIA, to construct a new 3,119 square foot, two story, single family residence – UP #01-1000032 (Greg Powell)

   PSA Action Date: 04-11-02
   Continued From: 01-24-02
   Board Action: Continued to 02-28-02

10. 2399 SHATTUCK AVENUE Modification of Use Permit #A1381 to extend hours of operation for a restaurant with incidental beer and wine service (Pierce Macdonald)

    PSA Action Date: 04-02-02
    Continued From: None
    Board Action: Approved - 9-0-0
Consent Calendar I - Continued:

11. **1801 UNIVERSITY AVENUE**  
Request by Anna DeLeon to modify Use Permit #97-10000022 to allow a one hour increase (from 7:00 PM to 10:00 PM to 7:00 PM to 11:00 PM) for live music, Sunday through Thursday for Anna’s - MOD #01-70000055 (Hector Lopez)  
   PSA Action Date: 03-14-02  
   Continued From: None  
   **Board Action:** Approved - 8-1-0 (Sprague - No)

Consent Calendar II

None

Hearing on Continued Items

12. **2450 ASHBY AVENUE**  
Request by Alta Bates Medical Center for addition and renovations to the Alta Bates Medical Center - UP #99-10000013 (Margaret Kavanaugh-Lynch)  
   PSA Action Date: 04-25-02  
   Continued From: 12-13-01, 01-24-02  
   **Board Action:** Certified EIR and Continued to 02-28-02 - 8-1-0 (Sprague - No)

13. **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 parking area – UP #01-10000057 (Steve Solomon)  
   PSA Action Date: 180 days from EIR Certification  
   Continued From: 11-26-01, 01-24-02  
   **Board Action:** Certified EIR; Conducted public hearing on Use Permit/Variance; Continued to 02-28-02 - 7-2-0 (Blake, Katz - No)

14. **2709 TENTH STREET**  
Request by Timothy Rempel to construct two dwelling units and three live/work units with a total of 8,694 square feet – UP #01-10000066 (Gisele Sorensen)  
   PSA Action Date: 02-28-02  
   Continued From: 01-24-02  
   **Board Action:** Approved on CCII and Resolution to Planning Commission - 9-0-0
New Hearing

15. **2407 DANA STREET**
Request by First Presbyterian Church of Berkeley to implement a Campus Master Plan, including construction of a 40,000 square foot, three-story education and administration building over a two-level underground parking structure; renovate existing Sanctuary and Christian Education building; relocation and rehabilitation of McKinley Annex, a City Landmark (Review of FEIR) - UP #00-10000118 (Deborah Diamond)

PSA Action Date: 03-14-02
Continued From: None
Board Action: Certified EIR and Continued to 02-28-02 - 9-0-0

16. **2517 SACRAMENTO STREET**
Request by Kevin Zwick for Affordable Housing Associates to demolish a 5,766 square foot commercial building; construct a mixed-use development consisting of a four story, 41,927 square foot building with 41 dwelling units, 12 parking spaces and 3,610 square feet of retail space; and to construct more than 3,000 square feet of gross floor area - #01-10000085 (Gisele Sorensen)

PSA Action Date: 04-26-02
Continued From: None
Board Action: Adopted Negative Declaration and Approved with modifications - 9-0-0

17. **2700 SAN PABLO AVENUE**
Request by Chris Hudson to demolish an existing commercial building; and to construct a mixed-use building which contains 35 dwellings and 5,200 square feet of commercial space for a total of 35,045 square feet - UP #01-10000102 (Hector Lopez)

PSA Action Date: 07-11-02
Continued From: None
Board Action: Continued to 02-28-02

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

1147 Camelia St 734 Creston Rd 3107 Deakin St

Adjourn: 2:04 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 981-6900 (voice) or 981-6903 (TDD); at least five (5) working days notice will ensure availability.

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