MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, FEBRUARY 28, 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 Board member 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.
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A G E N D A

Roll Call 7:04 PM

Public Comment 7:05 PM

Business Meeting

1. Chair’s Report

2. Current Business/Committee Appointments

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. 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: 08-08-02  
   Continued From: 11-26-01, 01-24-02, 02-14-02
   Board Action: Continued to 03-14-02
Consent Calendar II

6. 1407 PARKER STREET  
Request by Gordon Choyce for Landmark Ventures to legalize the demolition of a building containing a dwelling unit; construct a new single family residence and; construct an accessory dwelling unit - #02-10000001 (Pierce Macdonald)  
PSA Action Date: 04-11-02  
Continued From: None  
Board Action: Approved - 6-0-0 - (Alvin, Blake, Issel - Absent)

Public Hearing on Appeals of Administrative Use Permits

7. 2944 ELMWOOD COURT  
Public Hearing on an appeal of an Administrative Use Permit #01-20000056 for a major residential addition, three-story, 1,501 square foot addition with skylights, to an existing single family dwelling unit (Margaret Kavanaugh-Lynch)  
PSA Action Date: None  
Continued From: None  
Board Action: Continued to 03-14-02

Hearing on Continued Items

8. 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: 02-14-02  
Board Action: Approved - 6-1-1-1 (Sprague - No) (Alvin - Abstain) (Katz - Recuse)

9. 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, 02-14-02  
Board Action: Continued to 03-14-02
Hearing on Continued Items - Continued:

10. 2407 DANA STREET  
Request by First Presbyterian Church of Berkeley to implement a Campus Master Plan, including construction of a 38,000 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: 02-14-02  
Board Action: Closed public hearing and continued to 03-14-02

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

11. 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, 02-14-02  
Board Action: Continued to 03-14-02

11A. 888 GRIZZLY PEAK BLVD  
Request by Massoud Naraghi, AIA, to construct a new, 3,125 square foot, three story, single family residence – UP #01-10000031 (Greg Powell)

PSA Action Date: 04-11-02  
Continued From: 01-24-02; 02-14-02  
Board Action: Continued to 03-14-02

11B. 2639 MARIN AVENUE  
Request by Massoud Naraghi, AIA, to construct a new 3,119 square foot, two story, single family residence – UP #01-10000032 (Greg Powell)

PSA Action Date: 04-11-02  
Continued From: 01-24-02; 02-14-02  
Board Action: Continued to 03-14-02

New Hearing

None
12. Administrative Use Permits Approved by the Zoning Officer

2620 Dana St       2725 Dwight Way       830 Shattuck Ave

13. Information/Communication

A. Thousand Oaks Neighborhood Association Newsletter

Adjourn: 12:30 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:
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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