NOTE: MEETING DATE
TUESDAY, APRIL 2, 2002

ZONING ADJUSTMENTS BOARD AGENDA
TUESDAY, APRIL 2, 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 which are 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: 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. Sub-Committee report on 10:00 PM limit - Results of 03-25-02 Meeting

3. Future Agenda Items
   A. Pending Zoning Hearings List
   B. City Council List

4. Other Matters
   A. 1011 Keith Avenue - Enforcement Status

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

Consent Calendar II

5. 2116 ALLSTON WAY
   Request by Panoramic Interests to review and approve a modification of the
   GAIA Building's Cultural Use approval regarding space for the Central Works
   Theater, Shotgun Players and space for other cultural arts uses and organizations -
   UP #97-10000093 (Mark Rhoades)
   PSA Action Date: 05-18-02
   Continued From: None
   Recommendation: Approve
Hearing on Continued Items

6. 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&28-02, 03-14-02
   Recommendation: Adopt Mitigation Measure Program and Approve Use Permit

New Hearing

7. 2175 DWIGHT WAY
   Request by John Coreris to replace a portion of a commercial parking lot with a two story residential structure containing four townhouse dwelling units. Total floor area is proposed to be 5,377 square feet - UP #01-10000020 (Christina Ratcliffe)
   PSA Action Date: 04-11-02
   Continued From: None
   Recommendation: Approve

8. 2706 TELEGRAPH AVENUE
   Request by Timothy Rempel to construct a new 1,521 square foot detached dwelling unit and to convert the existing four-plex to a triplex - UP #01-10000060 (Carole Kajita)
   PSA Action Date: 04-25-02
   Continued From: None
   Recommendation: Approve

9. 2119 UNIVERSITY AVENUE
   Request by Evan MacDonald, representing Panoramic Interests, Inc., to demolish a 6,200 square foot existing single story commercial building and construct a five story mixed-use building with 3,307 square feet of retail on the ground floor, and 44 dwelling units. Total floor area proposed is 39,360 square feet - UP #01-10000088 (Christina Ratcliffe)
   PSA Action Date: 04-02-02
   Continued From: None
   Recommendation: Approve
New Hearing - Continued:

10. 677 WOODMONT AVENUE  
    Request by Rena Rickles, Attorney, to allow parking within the required front yard and a Variance to allow the proposed parking to be located at a side property line where otherwise it is required to have a two foot landscaped setback from the side property line - VAR #02-10000003 (Steve Solomon)  
    PSA Action Date: 04-25-02  
    Continued From: None  
    Recommendation: Deny

11. Administrative Use Permits Approved by the Zoning Officer

1099 Ashby Ave 1215 Bancroft Wy 145 Forest Lane  
1614 Posen Ave 1627 Prince St 1854 San Lorenzo Ave  
1484 Seventh St 495 Vincente Ave

12. Information/Communication

A. Letter from Sherry and John Zalabak regarding 635 Santa Rosa Avenue

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

Ag040202