MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, MAY 23, 2002
7:00 PM

**NORTH BERKELEY SENIOR CENTER **
1901 HEARST AVENUE
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-notified 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. You may also submit comments by E-mail at zab@ci.berkeley.ca.us. 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.
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AGENDA

Roll Call 7:00 PM

Public Comment 7:00 PM

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

NONE

Consent Calendar II

1. 1411 DWIGHT WAY
   Request to construct one story, 925 sq. ft., two-bedroom, single family residential home in back of lot with existing single-family residence in front of lot – UP #02-10000015 (Margaret Kavanaugh-Lynch)
   PSA Action Date: 05-23-02
   Continued From: None
   Board Action: Approved with modified conditions - 7-0-0
                 (Howerton, Weinberger - Absent)

2. 1472 TENTH STREET
   Request to construct a single-family, 1,248 sq.ft., one story manufactured home on a vacant lot - UP #02-10000007 (Carol Kajita)
   PSA Action Date: 6-13-02
   Continued From: None
   Board Action: Approved - 5-0-0 (Blake, Howerton, Pietras, Weinberger - Absent)

3. 677 WOODMONT AVENUE
   Request by Rena Rickles, on behalf of Tim Morgan, 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
   Continued From: 04-02-02, 04-25-02, 05-09-02
   Board Action: Approved with modified findings - 5-0-0 (Blake, Howerton, Pietras, Weinberger - Absent)
New Hearings

4. 600 WOODMONT AVE
Proposal to demolish an existing, 2600 sq.ft house on a 9100 sq.ft. lot and to construct a 4500 sq.ft, 2-story replacement house, R-1(H) zone –
UP #01-10000103 (Steve Solomon)

PSA Action Date: 12-12-02
Continued From: None

Board Action: Adopted Negative Declaration and Approved Use Permits on CCII - 6-1-0 (Sprague - No) (Howerton, Weinberger - Absent)

Continued Hearings

5. 2500-08-14 BENVENUE AVE
2500 Benvenue - Reconfigure the interior of existing building and add twelve new dwelling units, for a total 24 dwelling units – UP #02-10000021

2508 Benvenue and 2514 Benvenue - Reconfigure the interior of existing building and add six new dwelling units to building, for a total of 21 dwelling units at 2508 Benvenue and the construction of a new, five story, mixed-use office building with 16,820 sq. ft office and classroom space and 23 dwelling units. A parking garage is proposed under the footprint of the structure that will accommodate 48 vehicles, utilizing a lift system – UP #01-10000075

Please note that both of these projects are considered in the Initial Study and Mitigated Negative Declaration. (Margaret Kavanaugh-Lynch)

PSA Action Date: 6-13-02
Continued From: 05/09/02

Board Action: Continued to 06-13-02

6. Administrative Use Permits Approved by the Zoning Officer

1415 California Street  28 Fairlawn Drive  1101 Hillview Road
2737 Russell Street  1700 Seventh Street  2106 Shattuck Ave
2150 Shattuck Avenue  2204 Shattuck Ave  1934 Stuart Street
2013-A University Ave

7. Information/Communication

Planning Magazine excerpt – Patrick Kennedy
Business Meeting

8. Chair’s Report

9. Current Business/Committee Appointments

10. Future Agenda Items

   A. Pending Zoning Hearings and City Council Appeals list
   B. June 13, 2002 – State Density Bonus discussion with Design Review Committee
      (Joint Meeting)

11. Other Matters

   Adjourned: 11:15 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.

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 Current Planning Division at 705-8111 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.