MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, JUNE 13, 2002
7:00 PM

CITY 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:

<table>
<thead>
<tr>
<th>Consent Calendar I</th>
<th>Consent Calendar II</th>
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<tr>
<td>Routine business such as modifications of use permits which are <strong>not</strong> 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.)</td>
<td>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.</td>
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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

1. 2237 TENTH STREET
   Request by David Taylor to modify Use Permit #00-10000087 to alter a 1,800 square foot residential building with 1 dwelling unit to 768 square feet of residential floor area with an average height of 13 feet on a 5,400 square foot lot. A total of 1 parking space exists. (Gisele Sorensen)
   PSA Action Date: 06-13-02
   Continued From: None
   Board Action: Approved - 8-0-0 (Howerton - Absent)

2. 1609 FOURTH STREET
   Request by Daniel Stubbins for Clif Bar to modify Use Permit #A2344 to convert 2,500 square feet of warehouse space into laboratory space. (Christina Ratcliffe)
   PSA Action Date: 06-13-02
   Continued From: None
   Board Action: Approved - 8-0-0 (Howerton - Absent)

Consent Calendar II

3. 3018-3020 SHATTUCK AVENUE
   Request by Judith Shaw to construct a 1,323 square foot second story major residential addition, to modify the R-4 standards, to construct the second story 8 feet from the front property line where 15 feet are required, to construct a second story addition maintaining two foot side yard setbacks (1 foot from eaves) and (in part) a 12 foot front yard setback - #01-10000104 (Gisele Sorensen)
   PSA Action Date: 06-27-02
   Continued From: None
   Board Action: Approved - 9-0-0
Hearing on Continued Items

4. 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: 06-13-02
Continued From: 05-09&23-02

Board Action: Adopted Negative Declaration - 7-1-1 (Sprague - No) (Katz - Abstain); Approved Use Permit #02-10000021 - 8-1-0 (Sprague - No) and; Approved Use Permit #01-10000075 - 5-4-0 (Blake, Capitelli, Katz, Sprague - No)

New Hearing

5. 1 BOLIVAR DRIVE

Request by Joanne Gundermann for AT&T Wireless to construct and operate cellular telephone communication facility, including a total of six individual 48 inch high screened roof mounted antennas and a screened 5 foot 3 inch high, 48 square foot equipment cabinet placed to the rear of the property - UP #02-20000012 (Gisele Sorensen)

PSA Action Date: 07-22-02
Continued From: None

Board Action: Approved on CCII - 8-0-1 (Sprague - Abstain)
New Hearing - Continued:

6. **1400 BONITA AVENUE**
   Request by Randy Drewes for Variance #02-10000035/Administrative Use Permit #01-20000021 to construct an 811 square foot residential addition for a total of 1,911 square feet of residential floor area, two stories with an average height of 25 feet on a 3,800 square foot lot. One parking space exists (Christina Ratcliffe)
   
   PSA Action Date: None
   Continued From: 01-24-02
   
   **Board Action: Approved with revised findings - 9-0-0**

7. **1022 CRESTON ROAD**
   Request by Ingrid and Gerard Maloney to construct a new 2,552 square foot, two story dwelling unit on a vacant lot - UP #01-10000043 (Hector Lopez)
   
   PSA Action Date: 06-27-02
   Continued From: None
   
   **Board Action: Adopted Negative Declaration and Approve Use Permit on CCII - 9-0-0**

8. **805 FOLGER STREET**
   Request by David Wilson to establish 1,330 square feet of office space on the second floor of a new mixed-use building that will also include 490 square feet of manufacturing space and 3 covered parking spaces - UP #02-10000175 (Greg Powell)
   
   PSA Action Date: 06-13-02
   Continued From: None
   
   **Board Action: Application Withdrawn by Applicant**

9. **1155-1163 HEARST AVENUE**
   Request by Lynda Hart to demolish the existing buildings containing 6 dwellings, to construct 14 new dwelling units, reduce the required rear yard setback, and to reduce the required 30 foot setback from a creek - UP #01-10000087/Variance #01-90000090 (Greg Powell)
   
   PSA Action Date: 07-25-02
   Continued From: None
   
   **Board Action: Continued to 06-27-02**
New Hearing - Continued:

10.  **1797 SHATTUCK AVENUE**  
    Request by Rony Rolnizky to construct a 53,964 square foot, mixed-use building with 65 dwelling units with 48,258 square feet of residential floor area and 5,706 square feet of commercial area, 5 stories with an average height of 50 feet on a 19,158 square foot lot. A total of 59 parking spaces are proposed. UP #01-10000027 (Margaret Kavanaugh-Lynch)  
    PSA Action Date: 07-25-02  
    Continued From: None  
    Board Action: Continued to 06-27-02 (Katz - Recused)

11.  **2150 SHATTUCK AVENUE**  
    Request by Linda Spranz to establish a new telecommunications wireless facility in the downtown central commercial district - UP #02-10000010 (Christina Ratcliffe)  
    PSA Action Date: 06-13-02  
    Continued From: None  
    Board Action: Approved on CCII - 8-0-1 (Sprague - Abstain)

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

    1355 Acton St  
    170 Brookside Dr  
    54 El Camino Real  
    2303 Spaulding St  
    2135 Ward St

13.  **Information/Communication**

14.  **Business Meeting**

    **2006 UNIVERSITY AVENUE**  
    Request by Victor Touriel to construct a 32,310 square foot, mixed-use building with 35 apartments and 1,630 square feet of retail, 5 stories in height on a 7,650 square foot lot. A total of 14 parking spaces are proposed - UP #01-10000084 (Margaret Kavanaugh-Lynch)

15.  **Chair’s Report**
16. **Current Business/Committee Appointments**

17. **Future Agenda Items**

   A. Pending Zoning Hearings and City Council Appeals List

   B. 06-27-02 - Joint Design Review Committee and Zoning Adjustments Board Meeting regarding State Density Bonus Law.

18. **Other Matters**

   **Adjourn:** 12:20 AM

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