ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, JULY 11, 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:

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 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. 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.
AGENDA

Roll Call 7:08 PM

Public Comment 7:08 PM

NOTE: PSA = Permit Streamlining Act

Consent Calendar I

1. 2128 WARD STREET  
Request by Steve Thorne to construct a new dwelling unit; to expand a non-conforming residential structure by constructing a new dwelling unit and; to construct a 9'-6" fence on the property line, where 6'-0" is required - UP #02-10000025 (Carole Kajita)

   PSA Action Date: 07-11-02
   Continued From: 06-27-02
   
   Board Action: Continued to 08-08-02

Consent Calendar II

Continued Hearings

2. 1155-1163 HEARST AVENUE  
Request by Lynda Hart to demolish existing buildings containing 6 dwelling units, construct 14 new dwelling units, and to reduce the required rear yard setback - UP #01-10000087 (Greg Powell)

   PSA Action Date: 07-25-02
   Continued From: 06-13&27-02
   
   Board Action: Denied - 5-0-3 (Issel, Matthews, Weinberger - Abstain) (Howerton - Absent)

3. 2790 SHASTA ROAD  
Request by Raphael Sperry for John Canny to demolish a building containing one dwelling unit; to construct a new 1,984 square foot replacement residence and; to reduce the rear yard setback from 20 feet to 4.7 feet - UP #02-10000019 (Christina Ratcliffe)

   PSA Action Date: 09-12-02
   Continued From: 06-27-02
   
   Board Action: Approved on CC II - 8-0-0 (Howerton - Absent)
4. **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: 06-13&27-02

**Board Action:** Adopted Negative Declaration and Approved Use Permit with changed conditions - 7-0-1 (Howerton - Abstain) (Katz - Recused)

5. **2006 UNIVERSITY AVENUE**

Request by Christopher Hudson of Touriel Building, LLC to create a mixed-use building greater than 10,000 square feet; to exceed an FAR of 2 with a 3.67 FAR; to modify the required residential parking with 19 spaces required and 14 spaces provided, 3 additional space are provided for the commercial floor area for a total of 17 parking spaces; to demolish an existing building containing two dwellings and commercial floor area and; to project approximately 5 feet above the maximum height allowed in the C-2 District for the inclusion of elevator and stair tower and architectural elements, including trellises - UP #01-10000084 (Margaret Kavanaugh-Lynch)

- PSA Action Date: 07-11-02
- Continued From: 06-27-02

**Board Action:** Adopted Negative Declaration and Approve Use Permit with changes to conditions - 8-1-0 (Sprague - No)

New Hearing

6. **1808 63rd STREET 3339 MARTIN LUTHER KING JUNIOR WAY**

Request by John Hopkins, Architect for Sharon Shelton McGaffie, to modify Use Permit #7983 to allow expansion of playground in the rear yard at the Shelton Primary Education Center and to construct an eight foot wall designed to reduce noise, storage sheds and two 12-foot tall trellises - MOD #01-70000048 (Steve Solomon)

- PSA Action Date: 07-25-02
- Continued From: None

**Board Action:** Approved with added conditions - 9-0-0
7. **Administrative Use Permits Approved by the Zoning Officer**

   2470-2480 Bancroft Way  2899 Buena Vista Way  1678 Dwight Way
   1710 Rose Street  1040 University Avenue

8. **Information/Communication**

    **Business Meeting**

9. **Chair’s Report**

10. **Current Business/Committee Appointments**

11. **Future Agenda Items**

    A. Pending Zoning Hearings and City Council Appeals List

12. **Other Matters**

**Adjourn:**  9:21 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.

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