ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, JULY 25, 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 7:00 PM

Public Comment 7:00 PM

NOTE: PSA = Permit Streamlining Act

Consent Calendar I

1. 480 ARLINGTON AVE Request to construct a new 3,800 square foot, 2-story single family home on a vacant lot. UP #02-10000046 (Hector Lopez)
   PSA Action Date: 08-08-02
   Continued From: None
   Recommendation: Continue to 09-12-02

2. 1809 SAN PABLO AVE Modify UP #8239 to add a long-term car rental business using three parking spaces to an existing auto repair business. No construction is proposed. (Christina Ratcliffe)
   PSA Action Date: 08-22-02
   Continued From: None
   Recommendation: Approve

Consent Calendar II

NONE

Continued Hearing

NONE

New Hearing

3. 2076 ASHBY AVE Request to allow construction of a 10,471 sq. ft., four-story, 12-unit apartment building, on a vacant lot, including a variance for an additional story (density bonus sought); UP #01-10000089 (Hector Lopez)
   PSA Action Date: 08-08-02
   Continued From: None
   Recommendation: Deny
4. **91 BOLIVAR**  
   **DR**  
   Modify UP #6389 to add 19,518 sq.ft. warehouse and lab space to existing lab/office building; Modification #01-70000027 (Gisele Sorensen)  
   **PSA Action Date:** 08-08-02  
   **Continued From:** None  
   **Recommendation:** Adopt Negative Declaration and Approve Use Permit  

5. **3033 SHATTUCK**  
   **AVE**  
   Use Permit #02-10000045 to convert a vacant 2,664 square foot commercial building, formerly housing a liquor store, into a pet store selling fish and aquarium supplies. A total of 5 parking spaces exist. (Aaron Sage)  
   **PSA Action Date:** 08-22-02  
   **Continued From:** None  
   **Recommendation:** Approve  

6. **Administrative Use Permits Approved by the Zoning Officer**  
   - 721 Arlington Avenue  
   - 1735 Cedar Street  
   - 2144 Center Street  
   - 1052 Cragmont Avenue  
   - 1030 Creston Road  
   - 1632 Delaware Street  
   - 1630 Derby Street  
   - 110 Forest Lane  
   - 2407 Grant Street  
   - 3111 Harper Street  
   - 1610 McGee Avenue  
   - 2147 Parker Street  
   - 1949 Marin Avenue  
   - 619 Spruce Street  
   - 2031 Woolsey Street  
   - 1924 Virginia Street  

7. **Information/Communication**  

**Business Meeting**  

8. **Chair’s Report**  

9. **Current Business/Committee Appointments**  

10. **Future Agenda Items**  
    
    A. Pending Zoning Hearings and City Council Appeals List  

11. **Other Matters**
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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