ZONING ADJUSTMENTS BOARD AGENDA  
THURSDAY, AUGUST 8, 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 7:03 PM

Public Comment 7:04 PM

NOTE: PSA = Permit Streamlining Act

Consent Calendar I

1. 1543 HOPKINS STREET
   Request by Jennifer Poitier of Yoga Source to modify Use Permit #02-70000026 to extend hours of operation from 7:00 AM to 8:00 PM, Monday through Friday to 7:00 AM to 9:00 PM, Monday through Friday (Margaret Kavanaugh-Lynch)
   PSA Action Date: 08-08-02
   Continued From: None
   Board Action: Continued to 09-12-02

2. 2316 GLEN AVENUE
   Request for modification to extend Use Permit #02-70000022 for construction of a single family home (Hector Lopez)
   PSA Action Date: 08-08-02
   Continued From: None
   Board Action: Approved – 7-0-0 (Howerton, Matthews – Absent)

3. 2700 BANCROFT WAY
   Request for modification to Use Permit #00-10000075 to allow changes to the approved elevations and roof plan for the Westminster House (Greg Powell)
   PSA Action Date: 10-01-02
   Continued From: None
   Board Action: Approved – 7-0-0 (Howerton, Matthews, Absent)

Consent Calendar II

None
Appeal of Administrative Use Permit

NOTE: Appeals of Administrative Use Permit are not subject to public hearing and no public testimony will be taken at this time. The Board can choose to set the matter for public hearing or affirm the decision of the Zoning Officer to grant the permit.

4. **1710 ROSE STREET**
   Appeal of Administrative Use Permit #01-20000151 to allow the construction and operation of a hot tub (Steve Solomon)
   PSA Action Date: None
   Continued From: None
   **Board Action:** Set for public hearing 09-12-02 – 7-0-0
   (Howerton, Matthews – Absent)

Continued Hearing

5. **91 BOLIVAR DRIVE**
   Modify Use Permit #6389 to add 19,518 square feet of warehouse and laboratory space to existing laboratory/office building; Modification #01-70000027 (Gisele Sorensen)
   PSA Action Date: 08-08-02
   Continued From: 07-25-02
   **Board Action:** Adopted Negative Declaration and Approved Use Permit with modifications – 7-0-0
   (Howerton, Matthews – Absent)

New Hearing

6. **2132 CENTER STREET**
   Request by Ahmad Behjati of Via Centro Restaurant for a full service liquor license from an existing beer and wine license - UP #02-10000042 (Carole Kajita)
   PSA Action Date: 10-10-02
   Continued From: None
   **Board Action:** Approved on CCII (6-0-1) (Sprague – Abstain)
   (Howerton, Matthews – Absent)
New Hearing – Continued:

7. **1033-1045 GRAYSON STREET**
   Request by Center for the Education of the Infant Deaf for the creation of a school and for the demolition of buildings over the age of 40 - #02-10000033 (Margaret Kavanaugh-Lynch)
   
   PSA Action Date: 08-08-02
   Continued From: None
   
   **Board Action:** Approved on CCII – 7-0-0 (Howerton, Matthews – Absent)

8. **2136 OXFORD STREET**
   Request by Deepak Aggarwth to operate a full service restaurant serving beer and wine - #02-10000038 (Carole Kajita)
   
   PSA Action Date: 09-12-02
   Continued From: None
   
   **Board Action:** Approved on CCII – 7-0-0 (Howerton, Matthews – Absent)

9. **Administrative Use Permits Approved by the Zoning Officer**
   
   1128 Blake St  
   1021 Cedar St  
   2807 Telegraph Ave  
   2425-31 Virginia St

10. **Information/Communication**

11. **Business Meeting:** Formation of sub-committee on lack of residential density standards in Zoning Ordinance.

12. **Chair’s Report**

13. **Current Business/Committee Appointments**

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

15. **Other Matters**

**Adjourn:** 8:45 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.