MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, SEPTEMBER 12, 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 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 7:02 PM

Public Comment 7:03 PM

1185 GLEN AVENUE Staff to respond with report at next meeting

NOTE: PSA = Permit Streamlining Act

Consent Calendar I

1. 480 ARLINGTON AVENUE Construct a new two-story, 3,200 square foot single family home on a vacant lot. UP #02-10000046 (Hector Lopez)
   PSA Action Date: 10-24-02
   Continued From: 08-08-02
   Board Action: Continued to 09-26-02

2. 2333 CURTIS STREET Use Permit #02-10000036 to construct a 300 square foot second dwelling unit on a 4,800 sq. ft. lot (Hector Lopez)
   PSA Action Date: 10-10-02
   Continued From: None
   Board Action: Continued to 09-26-02

3. 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: 11-08-02
   Continued From: 08-08-02
   Board Action: Continued to 09-26-02

4. 1710 ROSE STREET Appeal of AUP #01-20000151 to construct a hot tub. Appellants – Noel Krenkel and Marcelo Salgado (Steve Solomon)
   PSA Action Date: Not applicable to appeals
   Continued From: 08-08-02
   Board Action: Continued to 10-10-02
Consent Calendar I – Continued:

5. **2237 TENTH**
   Modification #02-70000049 of Use Permit #00-10000087 to allow the following changes to an approved single family structure: a change in the siding material on the north elevation from steel and natural cedar to all cedar; a change in the roof style from a shallow-pitched roof to a shed roof with an increase of one foot in the southern overhang (no increase in allowed 13 foot height); and certain changes in the window locations and sizes. (Gisele Sorensen)
   - **PSA Action Date:** 10-24-02
   - **Continued From:** None
   - **Board Action:** Approved – 9-0-0

6. **1801 UNIVERSITY AVENUE**
   Request to modify UP #A2155 to reduce parking by 3 spaces in order to add one van-accessible parking space; Mod #02-70000010 (Hector Lopez)
   - **PSA Action Date:** 10-24-02
   - **Continued From:** None
   - **Board Action:** Continued to 09-26-02

7. **1941 VINE STREET**
   Use Permit #02-70000040 to modify Use Permit #00-10000088 for a previously approved Major Residential Addition, to reduce the floor area to 500 sq. ft., change the dormers, and to extend the permit for one year. (Matt LeGrant)
   - **PSA Action Date:** 10-24-02
   - **Continued From:** None
   - **Board Action:** Approved – 8-1-0 (Sprague – No)

8. **2128 WARD STREET**
   Use Permit #02-10000025 to construct a 2890 square foot residential building with 2 dwelling units with 3,355 square feet of residential floor area, 2 stories with an average height of 32 feet, on a 10,088 square foot lot. A total of 3 parking spaces are proposed. (Carole Kajita)
   - **PSA Action Date:** 09-26-02
   - **Continued From:** 07-11-02
   - **Board Action:** Continued to 09-26-02
Consent Calendar II

9. 1042 DWIGHT WAY
   Use Permit #02-10000051 to reconstruct a fire damaged nonconforming dwelling unit of approximately 600 sq. ft. (Hector Lopez)
   PSA Action Date: 09-26-02
   Continued From: None
   Board Action: Continued to 09-26-02 on CCI

10. 2068 UNIVERSITY AVENUE
    Use Permit #02-10000057 to add a beer and wine alcohol license to an existing full service restaurant (Carole Kajita)
    PSA Action Date: 10-10-02
    Continued From: None
    Board Action: Approved – 9-0-0

11. 1629 WARD STREET
    Use Permit #02-10000050 to reconstruct a fire-damaged nonconforming dwelling unit of approximately 1,600 sq. ft. (Hector Lopez)
    PSA Action Date: 09-12-02
    Continued From: None
    Board Action: Approved – 9-0-0

Appeal of Administrative Use Permit

12. 1610 McGEE AVENUE
    Appeal of AUP #02-20000025 to (1) legalize an existing accessory building which contains habitable space and exceeds the maximum average height, and (2) legalize an existing hot tub (Aaron Sage)
    PSA Action Date: Not applicable to appeals
    Continued From: None
    Board Action: None – Appeal Withdrawn

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.
Continued Hearing

13. **2944 ELMWOOD AVENUE**

   Public hearing on an appeal of AUP #01-20000056 to construct a 3-story, 1501 sq.ft. addition with skylights; Appellant: Debra Levinsky (Margaret Kavanaugh-Lynch)

   **PSA Action Date:** Not applicable to appeals
   **Continued From:** 03-24-02
   **Board Action:** Approved with added conditions – 6-3-0 (Blake, Katz, Sprague – No)

New Hearing

14. **935 GRAYSON STREET**

   Use Permit #02-10000039 to 1) demolish the existing building and 2) construct a 3560 square foot industrial building with 3560 square feet of non-residential floor area, 2 stories with an average height of 24 feet, on a 5500 square foot lot. A total of 4 parking spaces are proposed (Margaret Kavanaugh-Lynch)

   **PSA Action Date:** 11-14-02
   **Continued From:** None
   **Board Action:** Approved – 9-0-0

15. **2228 ½ SAN PABLO AVENUE**

   Convert existing accessory structure to residential usage; UP #01-10000062 (Gisele Sorensen)

   **PSA Action Date:** 09-26-02
   **Continued From:** None
   **Board Action:** Approved with modified conditions – 8-0-1 (Issel – Abstain)

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

   2061 Allston Way 2224-28 Sixth Street

17. **Information/Communication**

   A. News article – Parting Shots by Donna Kimura, submitted by Patrick Kennedy
   B. Email from John E. Sloan regarding 1701-1715 University, Tulip Graphics

18. **Business Meeting**

19. **Chair’s Report**
20. **Current Business/Committee Appointments**

21. **Future Agenda Items**

   A. Pending Zoning Hearings and City Council Appeals List

22. **Other Matters**

**Adjourn:** 10:09 PM

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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:

   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 981-7410 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.