MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, SEPTEMBER 26, 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:

Consen 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.)

Consen 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 7:05 PM:

Public Comment 7:05 PM

NOTE: PSA = Permit Streamlining Act

Consent Calendar I

1. 2076 ASHBY AVENUE
   Request to allow construction of a 10,472 square foot, 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: 10-24-02
   Continued From: 07-25-02
   Board Action: Continued to 10-24-02

2. 2301 ASHBY AVENUE
   Request by Jason Wallace to modify a Use Permit for a residential conversion to change window and door openings – MOD #02-70000029 (Carol Kajita)
   PSA Action Date: 10-24-02
   Continued From: None
   Board Action: Approved – 6-0-0 – (Blake, Howerton, Weinberger – Absent)

3. 2727 COLLEGE AVENUE
   Request by St. John’s Presbyterian Church to modify Use Permit #A2430 to increase the number of students by 5 for a total of 35 students and add usage of one existing classroom on the second floor – MOD #02-70000031 (Gisele Sorensen)
   PSA Action Date: 10-24-02
   Continued From: None
   Board Action: Approved – 6-0-0 – (Blake, Howerton, Weinberger – Absent)

4. 2333 CURTIS STREET
   Use Permit #02-10000036 to construct a 300 square foot second dwelling unit on a 4,800 square foot lot (Hector Lopez)
   PSA Action Date: 10-10-02
   Continued From: 09-12-02
   Board Action: Continued to 10-10-02
Consent Calendar I – Continued:

5. **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: 09-12-02
   
   **Board Action: Continued to 10-10-02**

6. **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; 09-12-02
   
   **Board Action: None - Application Withdrawn**

7. **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; 09-12-02
   
   **Board Action: None - Application Withdrawn**

Consent Calendar II

8. **2831 SEVENTH STREET**
   Request by Robert Trull to demolish existing buildings; to establish 2,725 square feet of commercial office space; to establish 4 dwelling units and; to substitute 1 commercial office parking space with additional bicycle parking – UP #02-10000004 (Greg Powell)
   
   PSA Action Date: 10-24-02
   Continued From: None
   
   **Board Action: Pulled from Consent Calendar II and Approved after public hearing – 7-0-0 (Howerton, Weinberger – Absent)**
Appeal of Administrative Use Permits

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.

9. 2425-2431 VIRGINIA STREET
   Appeal of Zoning Officer’s decision to approve Administrative Use Permit #01-20000097 to allow a major residential addition of approximately 1,026 square feet to an existing four-unit apartment building (Aaron Sage)
   PSA Action Date: None
   Continued From: None
   Board Action: Set for Public Hearing – 6-0-0 (Blake, Howerton, Weinberger – Absent)

10. 1735 CEDAR STREET
    Appeal of Zoning Officer’s decision to approve Administrative Use Permit #02-20000010 to remove the existing accessory structure and construct a major residential addition of approximately 693 square feet, one story in height and includes a roof deck (Margaret Kavanaugh-Lynch)
    PSA Action Date: None
    Continued From: None
    Board Action: Affirmed Zoning Officer’s decision to approve – 5-1-0 (Sprague – No) (Blake, Howerton, Weinberger – Absent)

11. 800 CHANNING WAY
    Appeal of Zoning Officer’s decision to approve Administrative Use Permit #02-20000077 to construct a detached two-story building containing two dwelling units and 1,753 square feet of floor area (Aaron Sage)
    PSA Action Date: None
    Continued From: None
    Board Action: Affirmed Zoning Officer’s decision to approve – 5-1-0 (Sprague – No) (Blake, Howerton, Weinberger – Absent)

12. 2031 WOOLSEY STREET
    Appeal of Zoning Officer’s decision to approve Administrative Use Permit #00-20000131 to allow an approximately 661 square foot expansion of an existing single family dwelling (Steve Solomon)
    PSA Action Date: None
    Continued From: None
    Board Action: Affirmed Zoning Officer’s decision to approve – 5-1-0 (Sprague – No) (Blake, Howerton, Weinberger – Absent)
Continued Hearing

None

New Hearing

13. 480 ARLINGTON AVENUE
    Request by Alexander and Irene Varum to construct a new 3,200 square foot
dwelling unit on a vacant lot, to reduce the required 20 foot front yard by 8 feet (12
feet required) and to exceed the average building height limit by 4 feet (32 feet
proposed) – UP #02-10000046 (Hector Lopez)
    PSA Action Date: 10-24-02
    Continued From: 07-25-02; 09-12-02
    Board Action: Continued to 10-10-02 for story poles

14. 1310 UNIVERSITY AVENUE
    Request by David Finn Architects on behalf of Congregation Nativot Shalom
to establish a Religious Assembly Use to replace previous liquor store; to allow
vertical extension of existing non-conforming rear yard and; to allow parking on the
ground level within 20 feet of the street – UP #02-10000028 (Hector Lopez)
    PSA Action Date: 11-28-02
    Continued From: None
    Board Action: Approved – 6-0-0 (Blake, Howerton, Weinberger – Absent)

15. 1316 UNIVERSITY AVENUE
    Request by Chris Schabaker on behalf of Berkeley Montessori School to
establish a private school; to construct two buildings exceeding 5,000 square feet
gross floor area (13,900 square feet proposed) and; to allow parking on the ground
level within 20 feet of the street – UP #02-10000022 (Hector Lopez)
    PSA Action Date: 11-28-02
    Continued From: None
    Board Action: Adopted Negative Declaration and Approved
Use Permit – 7-0-0 (Howerton, Weinberger – Absent)

16. Administrative Use Permits Approved by the Zoning Officer

215 Hillcrest Rd
1317 Hopkins St
2423 San Pablo Ave
17. **Information/Communication**

18. **Business Meeting**

   A. 1185 Glen Avenue – Information Report – **Compromise reached**
   B. Draft policy on changes to Zoning Adjustments Board approved buildings in residential districts – **Continue discussion to 10-10-02**

19. **Chair’s Report**

20. **Current Business/Committee Appointments**

   A. Announcement of Margaret Kavanaugh-Lynch’s departure
   B. Discussion of City Council’s decision to televise meetings
   C. New submittal requirements for surveys

21. **Future Agenda Items**

   A. Pending Zoning Hearings
   B. City Council Appeals List

22. **Other Matters**

**Adjourn:** 9:47 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.
Legal Notice Concerning Your Legal Rights – Continued:

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.