MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, OCTOBER 24, 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.
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AGENDA

Roll Call 7:05 PM – BLAKE, HOWERTON, WEINBERGER ABSENT

Public Comment 7:10 PM

Consent Calendar I

1. 2076 ASHBY AVENUE  Request by Athan Magganas to allow Use Permit #01-10000089 to construct a 8,788 square feet residential building on a 5,000 square foot lot with 11 residential units; to increase the lot coverage (74.8% proposed, 40% permitted), reduce the front yard setback (0 feet proposed, 15 feet required), and reduce the rear yard (13 feet proposed, 15 feet required); and a Variance to exceed the height limit by 8 feet (44 feet proposed, 36 feet permitted) and number of floors (four proposed, three permitted). A total of 10 parking spaces are proposed - UP #01-10000089 (Hector Lopez)

   PSA Action Date:  11-14-02
   Continued From:  07-25-02; 09-12-02
   Board Action: Continued to 11-14-02

2. 800 BANCROFT WAY  Request by Donn Logan to modify Use Permit #01-10000009 for a one year extension of approved office and light industrial uses (Aaron Sage)

   PSA Action Date:  12-03-02
   Continued From:  None
   Board Action: Approved – 6-0-0 (Blake, Howerton, Weinberger – Absent)

3. 1316 SHATTUCK AVENUE  Request by Michael Siegel to modify Use Permit #01-10000058 for a one year extension for an approved 1,731 square foot duplex – MOD #02-70000052 (Margaret Kavanaugh-Lynch)

   PSA Action Date:  11-14-02
   Continued From:  None
   Board Action: Approved – 6-0-0 (Blake, Howerton, Weinberger – Absent)

4. 1808 SIXTY-THIRD STREET  Request by John Hopkins to modify Use Permit #01-70000048 to remove parcel merge condition (approved sports court) – MOD #02-70000058 (Steve Solomon)

   PSA Action Date:  11-14-02
   Continued From:  None
   Board Action: Approved – 6-0-0 (Blake, Howerton, Weinberger – Absent)
Consent Calendar II

None

Continued Hearing

5. 2575 SAN PABLO AVENUE
Request by Jubilee Restoration, Inc. to construct a mixed-use building greater than 20,000 square foot gross floor area (35,045 square feet proposed); to allow residential units at ground floor in a commercial node of the C-W District; to reduce the required rear yard setback (17 required, zero feet proposed) and; to reduce the residential parking requirement by 75% for senior citizens (7 parking spaces, 28 required) – UP #02-1000011 (Hector Lopez)

PSA Action Date: 11-14-02
Continued From: 10-10-02

Board Action: Added to CCI and continued to 11-14-02

6. 1094-1096 DWIGHT WAY
Request by Vannivat Patcharaphun to modify Use Permit to extend hours of operation from 7:00 AM to 3:00 PM, Monday through Sunday to 7:00 AM to 10:00 PM, Monday through Sunday – MOD #02-70000037 (Carole Kajita)

PSA Action Date: 10-24-02
Continued From: None

Board Action: Approved on CCII – 6-0-0 (Blake, Howerton, Weinberger – Absent)

7. 2323 GLEN AVENUE
Request by Geoffrey Holton to enlarge an existing single family residence by 824 square feet, reduce the required rear yard setback from 18 feet to 17 feet and to reduce the required 30 foot setback from a creek to eight feet – UP #00-20000171/VAR: #01-10000065 (Greg Powell)

PSA Action Date: None
Continued From: Council Remand

Board Action: Continued to 11-14-02

8. 1775 SAN PABLO AVENUE
Request by Mike Wu to demolish an existing quick service restaurant and to modify Use Permit #02-10000066 which allows reconstruction of the restaurant including 717 square feet of additional floor area and continued use as a quick service restaurant with hours of operation from 10:00 AM to 11:00 PM – MOD #01-70000021 (Gisele Sorensen)

PSA Action Date: 11-14-02
Continued From: None

Board Action: Approved on CCII – 6-0-0 (Blake, Howerton, Weinberger – Absent)
New Hearing – Continued:

9. **1700 SIXTH STREET**  
   Request by Rich Hildebrand for AT&T Wireless to allow the installation of six (6) wireless telecommunications antennas and associated equipment over the roof of an existing building – UP #02-10000048 (Hector Lopez)  
   PSA Action Date: 10-24-02  
   Continued From: None  
   Board Action: Approved with added Findings – 5-0-1 (Sprague – Abstain) (Blake, Howerton, Weinberger – Absent)

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

    1124 Fresno Ave  
    1066 Mariposa Ave  
    2957 Pine Ave

11. **Information/Communication**

    A. Memo from City Clerk regarding Council Agenda Reports on the Internet and Captioning of Council Meetings.
    
    B. Memo from City Attorney regarding Commission Endorsement of Candidates and Ballot Measures.
    
    C. Memo from Planning and Development Director regarding Reorganization Proposal.

12. **Business Meeting**

13. **Chair’s Report**

14. **Current Business/Committee Appointments**

15. **Future Agenda Items**

    A. Pending Zoning Hearings
    
    B. City Council Appeals List

16. **Other Matters**

**Adjourn:** 10:15 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 981-7410 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.