ZONING ADJUSTMENTS BOARD AGENDA  
THURSDAY, JANUARY 23, 2003  
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

Consent Calendar I

1. **2831 SEVENTH STREET** Request by Thomas Dolan Architecture to modify UP# 02-10000004 to allow a modification to an approved plan to accommodate changes to the residential building elevations, site plan and floor plan. - MOD #02-70000073 (Greg Powell)

   PSA Action Date: 03-03-03
   Continued From: None
   Recommendation: Approve

Consent Calendar II

NONE

Appeal of Administrative Use Permit:

2. **1732 LA VEREDA** Appeal of request by Carl Bridges to modify AUP #99-20000221 to add 178 ROAD sq. ft. to an existing 4,054 sq. ft single-family dwelling. Appealed by Leo Simon, Michael L. Parker and Ann L. Parker - MOD #02-70000063 (Steve Solomon)

   PSA Action Date: N/A
   Continued From: None
   Recommendation: Set for Public Hearing

Continued Hearing

3. **901 SANTA BARBARA RD** Request by Aaron Vitale to construct a new two story dwelling unit with 1,875 square feet of residential floor area with detached garage and average height of 15’ on a 5,224 square foot lot area; to reduce the street side setback to allow three foot side yard setback where 4 feet are required – UP 01-10000081 (Carole Kajita)

   PSA Action Date: 04-10-03
   Continued From: 12-03-02, 12-12-02
   Recommendation: Approve
4. **909 SANTA BARBARA RD**  
Request by Aaron Vitale to construct a new two story dwelling unit with 1,990.5 square feet of residential floor area with garage below and average height of 18’5” on a 5,266 square foot lot; to reduce the front yard setback to 11’1” where 20’ is required – UP #01-10000082 (Carole Kajita)  
**PSA Action Date:** 04-10-03  
**Continued From:** 12-03-02, 12-12-02  
**Recommendation:** Approve

**New Hearing:**

5. **2075 EMERSON**  
Request by David Baehrend to establish a 704 square foot dwelling in an STREET existing accessory building. A total of 2 parking spaces exist – UP# #02-10000080 (Aaron Sage)  
**PSA Action Date:** 01-23-03  
**Continued From:** None  
**Recommendation:** Approve

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

   2331 EUNICE ST  1788 FOURTH ST  2434 JEFFERSON AVE  
   776 PAGE ST  2000 ROSE ST  2850 SACRAMENTO ST  
   1406 SCENIC AVE  2318/24 SHATTUCK AVE  1561 SOLANO AVE  
   1325 SPRUCE ST  667 VISTAMONT AVE

7. **Information/Communication**

8. **Business Meeting**  
   A. Work program budget for 2004/2005

9. **Chair’s Report**

10. **Current Business/Committee Appointments**

11. **Future Agenda Items**  
   A. Pending Zoning Hearings  
   B. City Council Appeals List

12. **Other Matters**
Adjourn

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.