MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, FEBRUARY 13, 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  Routine business such as modifications of use permits which are not
Calendar I 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  Public hearings on use permits and variances that are apparently non-
Calendar II 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.
A G E N D A

Roll Call 7:00 PM

Public Comment 7:00 PM

Consent Calendar I

1. 2235 BLAKE STREET
   Request by Sylvia Salgado to modify approved floor plans of UP #00-10000119 and extend permit by one year – MOD #02-70000076 (Aaron Sage)
   PSA Action Date: 02-27-03
   Continued From: None
   Board Action: Approved – 9-0-0

2. 1939 CHANNING WAY #A,B,C
   Request by Linda Zsilavetz to modify UP #00-10000092 to alter fenestration, gross floor area of habitable space and building footprint – MOD #02-70000079 (Lucy Armentrout-Ma)
   PSA Action Date: 03-24-03
   Continued From: None
   Board Action: Approved – 9-0-0

3. 2424 DWIGHT WAY
   Request by Jane Lundin to modify use permit to increase number of psychotherapy office suites from seven to nine and extend office hours and add off-street parking spaces– MOD #02-70000071 (Lucy Armentrout-Ma)
   PSA Action Date: 02-24-03
   Continued From: None
   Board Action: Approved – 9-0-0

4. 801 GRAYSON STREET
   Request by V. Allen Palmer (Bayer Corporation) to modify UP # 00-10000008 to add 2,700 sq. ft. of ancillary office space in the Warehouse and Packaging Building - MOD #03-70000007 (Deborah Diamond)
   PSA Action Date: 02-28-03
   Continued From: None
   Board Action: Approved – 9-0-0
Consent Calendar I – Continued:

5. **1033-45 GRAYSON STREET**  
   Request by Jill Ellis to modify UP#02-10000033 to change window locations, new canopy over front entrance, and removal of second floor balcony of the Center for the Infant Deaf school – MOD #03-70000004 (Carole Kajita)  
   PSA Action Date: 03-27-03  
   Continued From: None  
   **Board Action: Approved – 9-0-0**

6. **2451-2471 SHATTUCK**  
   Request by Chris Hudson to modify UP #01-10000073 to allow parking flexibility and increase construction hours. – MOD #02-70000062 (Hector Lopez)  
   PSA Action Date: 02-27-03  
   Continued From: None  
   **Board Action: Continued to 02-27-03**

Consent Calendar II

NONE

Public Hearing for an 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.

7. **1710 ROSE STREET**  
   Appeal by Noel Krenkel and Marcelo Salgado of AUP #01-20000151 to construct a hot tub. (Steve Solomon)  
   PSA Action Date: N/A  
   Continued From: None  
   **Board Action: Approved with modified conditions – 8-0-1 (Blake – Abstain)**

Continued Hearing

NONE
New Hearing

8. **2076 ASHY AVE**

Request by Athan Magganas to construct a mixed use building with 11 dwellings, and 560 sq. ft. of commercial space for a total of 11,025 square feet, 3-stories with a height of 31 feet on a 5,000 square feet lot. (Hector Lopez)

- Use Permit under Section 23E.52.030 to construct a mixed use building greater than 5,000 sq. f. (11,025 sq. ft. proposed)
- Use Permit under Section 23.E.52.070.D to reduce the parking requirement, lot coverage, front, and rear yard setbacks of the District. The proposed number of parking spaces is zero (7 spaces required) The proposed lot coverage is 74.8% (40% permitted), zero feet front yard (15 feet required), and 13 feet rear yard (15 feet required).
- Use Permit under section 23E.040.020.C to allow an elevator tower, equipment and trellis to exceed the maximum height limit of the district by 8 feet (44 feet proposed, 36 feet permitted)

**PSA Action Date:** 07-11-03
**Continued From:** 07-25-02; 09-12-02; 10-24-02; 11-14-02, 12-12-02 (Revised project submitted)

**Board Action:** Continued for purposes of Design Review

9. **1936 DELAWARE STREET**

Request by Integrated Structures to construct two residential buildings with one existing and two new dwelling units with 4,237 square feet of residential floor area and of two stories with an average height of 24.5 and 21.1 feet, on a 5,372 square foot lot. Three parking spaces are proposed – UP#02-10000060 (Steve Solomon)

**PSA Action Date:** 03-13-03
**Continued From:** None

**Board Action:** Continued to 02-27-03

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

| 1 Columbia Circle | 1307 Derby St | 740 Hearst Ave |
| 2942 Linden Ave | 2847 Prince St | 2131 Sixth St |

11. **Information/Communication**

A. Memo from Sherry Kelly, City Clerk regarding 2002 Statement of Economic Interests
B. Myths and Facts About Affordable and High Density Housing from Howie Muir.
12. **Business Meeting**

13. **Chair’s Report**

14. **Current Business/Committee Appointments**
   
   A. Staff Promotions and New LPC Secretary
   B. Farewell memo from Rose Marie Pietras
   C. Election of ZAB Chair and Vice-Chair

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

16. **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.
Legal Notice Concerning Your Legal Rights – Continued:

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.

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