MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, FEBRUARY 27, 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 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.
AGENDA

Roll Call 7:02 PM

Public Comment 7:02 PM

Consent Calendar I

1. 2076 ASHBY 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. ft. (11,025 sq. ft. proposed)
   - Use Permit under Section 23E.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; 02-13-03

   Board Action: Continued to 03-13-03

2. 2025 CHANNING WAY Request by Grace Chizar for a Use Permit #02-10000031 to construct a residential building with 30 dwellings for a total of 17,600 square feet, 4-stories plus a basement with a height of 38 feet on a 9,230 square foot lot. A total of 15 parking spaces and 6,162 square feet of open space are proposed.

   Staff has determined that the base project is 19 dwelling units. Since the project involves more than 19 dwellings and provides affordable units, it meets the State requirements for a Density Bonus under Government Code Section 65915, and is thus eligible for a density increase of 25% over the maximum allowed by the Zoning Ordinance. A density bonus under Section 65915 would add 5 units to the project, resulting in a total of 24 units. Since the applicant wishes to pursue a project of 30 units, the following permits would be required as additional concessions or incentives under Government Code Section 65915(h):
2. **2025 CHANNING – Continued:**

   - Use Permit under Section 23D.40.070.C to exceed the height limit by 3 feet (38 feet proposed, 35 feet allowed) and number of floors by one-story (four stories proposed, three stories allowed).
   - Use Permit under Section 23E.04.020C to allow an elevator tower to exceed the maximum height limit of the District by 12 feet (47 feet proposed, 35 feet allowed).
   - Variance from Section 23D.40.070.E under Section 23C.12.050 and Government Code Section 65915 to reduce the lot coverage of the District.

   The proposed lot coverage is 48% (35% allowed).

   - **PSA Action Date:** 04-12-03 (90-day extension)
   - **Continued From:** None
   - **Board Action:** Continued to 03-13-03

3. **2451-2471 SHATTUCK**

   Request by Chris Hudson to modify UP #01-10000073 to modify certain technical parking area requirements and increase construction hours. – MOD #02-70000062 (Hector Lopez)

   - **PSA Action Date:** 02-27-03
   - **Continued From:** 02-13-03

   - **Board Action:** Approved parking changes, Denied expanded construction hours except for Saturday – 8-0-0 (Weinberger – Absent)

4. **1801 UNIVERSITY AVENUE**

   Request by Patrick Kennedy to modify Use Permit #A2155 to reduce the required parking by 3 spaces in order to add one-van accessible parking space – UP #02-70000016 (Hector Lopez)

   - **PSA Action Date:** 02-27-03
   - **Continued From:** None

   - **Board Action:** Approved – 7-0-0 (Blake, Weinberger – Absent)

**Consent Calendar II**

None
Continued Hearing

5. 1936 DELAWARE STREET  
Request by Integrated Structures to raise an existing structure and add a dwelling unit and construct a rear yard cottage with dwelling for a total of 3 dwellings in two buildings 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: 02-13-03  
Board Action: Approved with added conditions – 6-2-0 (Blake, Sprague – No) (Weinberger – Absent)

Public Hearing on Appeal of Administrative Use Permit

6. 1732 LA VEREDA ROAD  
Request by Carl Bridgers of Holey Associates Architects to modify Use Permit #99-20000221 to add 178 square feet to existing 4,054 square foot single family dwelling - #02-70000063 (Steve Solomon)

PSA Action Date: None  
Continued From: None  
Board Action: Continued to 03-13-03

New Hearing

7. 2993 COLLEGE AVENUE  
Request by Angelo d’Alo for Trattoria La Siciliana to modify Use Permit #A2107 to permit the construction of a 316 square foot addition to an existing restaurant – MOD #02-70000074 (Gisele Sorensen)

PSA Action Date: 03-03-03  
Continued From: None  
Board Action: Approved – 7-0-0 (Blake, Weinberger – Absent)

8. 2201 FOURTH STREET  
Request by Vik Distributors to expand a quick service restaurant use from its existing 1,850 square feet, with seating for 49 patrons, to a proposed total of 3,010 square feet, with seating for 98 patrons and 18 parking spaces by converting two commercial spaces (located on same parcel) into a single commercial space – UP #03-10000005 (Lucy Armentrout-Ma)

PSA Action Date: 03-28-03  
Continued From: None  
Board Action: Approved with added conditions – 8-0-0 (Weinberger – Absent)
New Hearing – Continued:

9. 6368 MYSTIC STREET 
Request by Kerna Trottier to construct a second floor bathroom addition above an existing attached garage (non-conforming structure) with a 2 foot side yard setback where 4 feet is required – UP #02-10000088 (Carole Kajita)

PSA Action Date: 04-04-03
Continued From: None
Board Action: Approved – 7-0-0 (Blake, Weinberger – Absent)

10. Administrative Use Permits Approved by the Zoning Officer

None

11. Information/Communication

12. Business Meeting

A. Memo from City Clerk’s Office regarding election of Chair and Vice-Chair

B. Memo from City Clerk’s Office regarding budget recommendations

C. Mayor’s Task Force – Permitting and Development

13. Chair’s Report

14. Current Business/Committee Appointments

A. Election of Chair

B. Election of 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.

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.
Legal Notice Concerning Your Legal Rights – Continued:

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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