ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, MARCH 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 7:00 PM

Public Comment

Consent Calendar I

1. 2136 CENTER STREET

Request by Oxford Development to extend UP#99-10000002 to construct a 51,610 square foot residential building with 68 dwelling units, 5 stories with an average height of 69 feet, with a 3.2 FAR where 2 is allowed, with 37 residential parking spaces where 23 are required by C-2 standards - MOD #03-70000010 (Lucy Armentrout-Ma)

   PSA Action Date: 04-29-03
   Continued From: None
   Recommendation: Approve

2. 2334 TELEGRAPH AVENUE

Request by Linda Gilman to modify Use Permit #97-10000021 to remove seating and install two additional ventilation hoods at approved quick service restaurant - MOD #03-70000015 (Aaron Sage)

   PSA Action Date: 05-18-03
   Continued From: None
   Recommendation: Approve

Consent Calendar II

None

Continued Hearing

3. 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. f. (11,025 sq. ft. proposed)
   - Use Permit under Section 23E.52.070.D to reduce the parking requirement increase lot coverage, reduce front and rear yard setbacks and increase the number of dwellings from 6 to 11. 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).
Continued Hearing – Continued:

- 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; 03-13-03
  Recommendation: Continue to 04-24-03

4. 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.

- 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).
- Variance from Section 23D.40.070.E under Section 23C.12.050 and Government Code Section 65915 to increase the lot coverage from the allowed 35% to the proposed 48%.
- 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).

  PSA Action Date: 04-12-03 (90-day extension)
  Continued From: 02-27-03; 03-13-03
  Recommendation: Open Public Hearing and continue to 04-10-03

Appeal of Administrative Use Permit

5. 2425-2431 VIRGINIA STREET

Appeal of Administrative Use Permit for a 961 square foot, second story addition to an existing four-unit apartment building (no additional units)

AUP #01-20000097 (Aaron Sage)

  PSA Action Date: None (appeals not subject to PSA)
  Continued From: None
  Recommendation: Affirm Zoning Officer’s decision

6. 1307 DERBY STREET

Appeal of Administrative Use Permit to alter the roof profile of an existing nonconforming dwelling unit – AUP #03-20000005 (Hector Lopez)

  PSA Action Date: None (appeals not subject to PSA)
  Continued From: None
  Recommendation: Affirm Zoning Officer’s decision
New Hearing

7. **2548 BANCROFT WAY**  
   Request by Sandy Boyd to modify Use Permit #01-70000042 to expand restaurant hours of operation from 9:00 AM to 10:00 PM, Sunday through Friday and from 9:00 AM to 11:00 PM on Saturday to 9:00 AM to Midnight, daily – UP #01-70000042  
   (Carole Kajita)  
   PSA Action Date: 04-10-03  
   Continued From: None  
   Recommendation: Deny

8. **1164 LAUREL STREET**  
   Request by Ravi Anand to construct a new single family residence and to retroactively approve the demolition of a house – UP#02-10000004  
   (Hector Lopez)  
   PSA Action Date: 03-27-03  
   Continued From: 03-13-03  
   Recommendation: Approve

9. **1849 SHATTUCK AVENUE**  
   Request to add service of distilled spirits with meals to existing restaurant (“Bistro Liaison”) currently serving beer and wine – UP #03-10000007  
   (Aaron Sage)  
   PSA Action Date: 05-02-03  
   Continued From: None  
   Recommendation: Approve

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

   1717-A Fourth St  
   1038 Merced St  
   2202 Shattuck Ave  
   2901 Fulton St  
   1133 Miller Ave  
   1201 Oxford St  
   1210 Hearst St

11. **Information/Communication**

   A. Memo from Paul Navazio regarding Commissioners’ Budget Workshop on April 2, 2003.

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**

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

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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