MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, APRIL 24, 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.
ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, APRIL 24, 2003
PAGE 2 OF 5

AGENDA

Roll Call: 7:02

Public Comment: 7:02

Consent Calendar I

1. 59 VICENTE ROAD
   Request by Paul & Nancy Vincent to modify Use Permit #01-10000064 to allow a 1 year extension of time to and to modify the design of a 5,221 square foot residential building with 2 stories and an average height of 32 feet, on a 10,750 square foot lot. A total of 2 parking spaces are proposed – (Hector Lopez)
   PSA Action Date: 05-17-03
   Continued From: None
   Board Action: Approved – 8-0-0 (Blake – Absent)

Consent Calendar II

None

Appeal of Administrative Use Permits

None

Continued Hearing

2. 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 23.E.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, 03-27-03

Board Action: Adopted Mitigated Negative Declaration – 7-1-0 (Sprague – No) (Blake – Abstain);
Approved Use Permit with added conditions – 6-3-0 (Allen, Blake, Sprague – No)

New Hearing

3. **2329 CARLETON STREET**

Request by Karen Davis to construct a 1,024 square foot detached dwelling unit with 2 stories and average height of 20 feet, on a 6,725 square foot lot. 2 parking spaces are proposed (1 new, 1 existing) – UP #03-10000012 (Aaron Sage)

PSA Action Date: 05-21-03
Continued From: None

Board Action: Approved with added condition – 9-0-0

4. **1609 SIXTY-SECOND STREET**

Request by Gerald Cheney to construct new 3-unit, 5000 sq. ft., 3-story residential building - UP #02-10000011 (Hector Lopez)

PSA Action Date: 05-21-03
Continued From: None

Board Action: Approved with added conditions – 7-1-1 (Matthews – No) (Katz – Abstain)
5. 2425-2431 VIRGINIA STREET
   Public Hearing of 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
   Continued From: None
   Board Action: Continued to May 8, 2003

6. Administrative Use Permits Approved by the Zoning Officer
   None

7. Information/Communication
   A. Memo from City Clerk regarding Workshop for Commissions
   B. Memo from Debbie Sanderson regarding 3045 Shattuck Avenue complaint
   C. CNA Newsletter
   D. Information regarding video-taping Zoning Adjustments Board meetings
   E. Information regarding noise measures

8. Business Meeting

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: 9:54 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.