MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, SEPTEMBER 25, 2003
7:00 PM

CITY COUNCIL CHAMBERS, OLD CITY HALL
2134 MARTIN LUTHER KING JUNIOR WAY
BERKELEY, CALIFORNIA 94704
(Wheelchair Accessible)

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: 7:03 PM

Public Comment: 7:03 PM

Consent Calendar I

Consent Calendar II

Initiation of Nuisance Proceedings

1. 2825 SAN PABLO AVENUE Consider initiation of nuisance proceedings pursuant to 23B.64 regarding a used car lot and people living in a recreational vehicle (Debbie Sanderson)
   PSA Action Date: None
   Continued From: None
   Board Action: Set for public hearing on 10-09-03 – 8-0-0 (Weinberger – Absent)

Appeal of Administrative Use Permits

Continued Hearing

2. 2526 DURANT AVENUE Request by Ruegg & Ellsworth to demolish the existing Structure of Merit (The Blood House) and construct a mixed-use building with 44 dwelling units (7 affordable) with 32,025 square feet of residential floor area and 2,794 square feet of non-residential floor area, 5 stories, 50-foot average height, on a 10,377 square foot lot. 18 parking spaces are proposed. ZAB certified EIR on 06-26-03. The project requires the following permits: Use Permit per Section 23E.56.030 to construct a mixed-use building; Use Permit per Section 23C.08.010 to demolish the existing building; Use Permit per Section 23E.04.020.C to exceed the District height limit of 50 feet; Use Permit per Section 23E.56.050.A.2 to construct more than 1,500 square feet of gross floor area; Density Bonus concession/incentives proposed: Allow fifth story where four are normally allowed and allow a reduction in the required rear yard (13-feet) adjacent to the R-4 District – UP #00-10000066 (Greg Powell)
   PSA Action Date: 05-10-02
   Continued From: 06-12&26-03, 07-10&24-03, 08-28-03
   Board Action: Continued to 10-23-03 – 8-0-0 (Weinberger – Absent)
Continued Hearing – Continued:

3. **3075 TELEGRAPH AVENUE**
   Request by 3075 Telegraph, LCC to demolish existing structures and construct a 15,407 square foot mixed-use building with ten dwelling units (including two inclusionary units), with 9,347 square feet of residential floor area and 6,060 square feet of non-residential floor area, 3 stories with an average height of 35 feet, on a 17,274 square foot parcel. A total of 24 parking spaces are proposed – UP #03-10000036 (Lucy Armentrout-Ma)
   
   PSA Action Date: 10-28-03
   Continued From: 07-10&24-03, 08-28-03
   
   **Board Action:** Moved to CCI and continued off Calendar – 8-0-0 (Weinberger – Absent)

New Hearing

4. **1630 BANCROFT WAY**
   Request by Congregation Beth Israel to reduce approved addition to synagogue by 984 square feet, with a resultant proposed addition of only 2,152 square feet; to reconfigure floor and roof plans for the proposed synagogue addition; to add a cupola, an architectural feature, covering less than 10% of the building floor area, with a maximum height of 36 feet to the synagogue roof; to eliminate day care and school uses approved in Use Permit #A1731; and to eliminate the establishment of a duplex by the religious institution, approved in Use Permit #A1731 – MOD #03-70000040 (Lucy Armentrout-Ma)
   
   PSA Action Date: 09-29-03
   Continued From: None
   
   **Board Action:** Moved to CCII and Approved – 8-0-0 (Weinberger – Absent)

5. **59 VICENTE ROAD**
   Request by Paul and Nancy Vincent to modify Use Permit #01-10000064 to allow changes to the design and for a one-year time extension and to construct an 8’6” high trellis within the required front yard setback (6 feet maximum height permitted) – MOD #01-10000064 (Hector Lopez)
   
   PSA Action Date: 09-25-03
   Continued From: None
   
   **Board Action:** Moved to CCII and Approved – 8-0-0 (Weinberger – Absent)

6. **Administrative Use Permits Approved by the Zoning Officer**
   
   809-811 Channing Way   2211 Grant St   1203 Neilson St
   68 Northampton Rd       2295 San Pablo Ave
7. Information/Communication
   A. Inclusionary Zoning in the R-4 Zoning District
   B. Rumford Plaza update

8. Business Meeting
   A. Appointment of Zoning Adjustments Board Member to the Design Review Committee, per Section 23B.08 of the Zoning Ordinance – Robert Allen appointed

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: 8:05 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.
Legal Notice Concerning Your Legal Rights – Continued:

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.