MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, OCTOBER 23, 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 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: 7:03 PM

Public Comment

Consent Calendar I

1. 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 29,855 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 with 18 parking spaces 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: Variance to allow fifth story where four are normally allowed and a Use Permit to allow the 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, 09-25-03

Board Action: Continued to 11-13-03

2. 2825 SAN PABLO AVENUE

Pursuant to Berkeley Municipal Code 23B.64.040.D, adopt Resolution of Board action on 10-09-03 declaring a public nuisance at 2825 San Pablo Avenue and adopting appropriate remedies (Greg Daniel)

PSA Action Date: None
Continued From: None

Board Action: Adopted Resolution and modified adopted appropriate remedies – 7-0-0 (Blake, Weinberger – Absent)

Consent Calendar II

None
Appeal of Administrative Use Permit

None

Continued Hearing

3. **1125 UNIVERSITY AVENUE**

Request by the Berkeley Public Library for adoption of a Mitigated Negative Declaration for a project to demolish 3,870 square feet of the 1974 building additions, relocate the 1923 building to abut University Avenue and construct a 12,900 square foot addition to include a new second floor to increase the existing space of the building (currently 5,970 square feet) to a maximum of 15,000 gross square feet (C-1, GP)

<table>
<thead>
<tr>
<th>PSA Action Date:</th>
<th>None</th>
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<tbody>
<tr>
<td>Continued From:</td>
<td>10-09-03</td>
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<tr>
<td>Board Action:</td>
<td>Adopted Mitigated Negative Declaration – 7-0-0 (Blake, Weinberger – Absent)</td>
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New Hearing

4. **900 CHANNING WAY**

Request by Jim Trotter to construct a 1,049 square foot addition to an existing 855 square foot residence – UP #03-10000057 (Hector Lopez)

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<tr>
<th>PSA Action Date:</th>
<th>10-21-03</th>
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<tbody>
<tr>
<td>Continued From:</td>
<td>None</td>
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<td>Board Action:</td>
<td>Approved – 7-0-0 (Blake, Weinberger - Absent)</td>
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5. **1010 MURRAY STREET**

Request by James Mason establish one live/work unit and nine studio/shop spaces - #03-10000001 (Hector Lopez)

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<tr>
<th>PSA Action Date:</th>
<th>02-04-04</th>
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<tbody>
<tr>
<td>Continued From:</td>
<td>None</td>
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<tr>
<td>Board Action:</td>
<td>Approved with modified conditions – 8-0-0 (Blake - Absent)</td>
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6. **2707 WALKER STREET**

Request by Greg Solberg and Lisa Pongrace to allow the construction of a 212 square foot studio as a new second-floor above an existing one-car garage. The garage is located at the front of the property and is attached to the right of an existing, two-story, single-family dwelling by a second floor deck. This deck is proposed to be roofed, as a “breezeway” between the main house and the new art studio - #03-10000054 (Steve Solomon)

| PSA Action Date: | 10-29-03 |
Continued From: None
Board Action: Approved – 6-2-0 (Allen, Sprague – No) (Blake – Absent)

7. Administrative Use Permits Approved by the Zoning Officer

1006 Channing Way  1911 Martin Luther King Jr. Way  478 Michigan Ave
2057 San Pablo Ave  1794 Sonoma Ave

8. Information/Communication

A. Major Residential Additions – Interpretation of Zoning Ordinance

9. Business Meeting

10. Chair’s Report

11. Current Business/Committee Appointments

12. Future Agenda Items

A. Pending Zoning Hearings
B. City Council Appeals List

13. Other Matters

Adjourn: 9:43 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.