MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, DECEMBER 11, 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.
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A G E N D A

Roll Call

Public Comment

Consent Calendar I

1. 600 WOODMONT AVENUE
   Modification to extend Use Permit #01-10000103 to demolish an existing
   foot house on a 9,100 square foot lot and to construct a 4,500 square foot, two-
   story replacement house – MOD #03-70000041 (Steve Solomon)
   PSA Action Date: 10-13-03
   Continued From: None
   Board Action: Moved to CCI and Approved – 7-0-2 (Anthony, Blake – Absent)

Consent Calendar II

Appeal of Administrative Use Permit

NOTE: Appeals of Administrative Use Permit are not subject to public hearing and no public testimony will
be taken at this time. The Board can choose to set the matter for public hearing or affirm the
decision of the Zoning Officer to grant the permit.

Continued Hearing

2. 2861 BUENA VISTA WAY
   Request by Andrew Fischer of Regan Bice Architects to construct a single family
   dwelling; to construct an accessory dwelling unit without providing a second off-street
   parking space; to waive the off-street parking accessory dwelling unit; to exceed the
   average height limit of 28 feet for main buildings by about 3 feet, 6 inches; to exceed the
   maximum height limit of 35 feet for main buildings by about 3 feet and; to reduce the front
   building setback from 20 feet to 4 feet – UP #03-10000010 (Aaron Sage)
   PSA Action Date: 02-09-04
   Continued From: 11-13-03
   Board Action: Continued to 01-22-03
3. **5 FOREST LANE**

   Request by Mario Trejo to remove more than 50 percent of the exterior walls and roof (thereby “demolishing”, per Zoning Ordinance definition) a single family dwelling of 2,914 square feet and enlarge the dwelling by 485 square feet on a 5,422 square foot lot. One existing parking space will remain – UP #03-10000099 (Aaron Sage)

   PSA Action Date: 01-16-04
   Continued From: None
   Board Action: Approved with modified Conditions – 8-0-0 – (Anthony – Absent)

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

   161 Bret Harte Rd  1282 Carlotta Ave  1930-1932 Parker St  1518 Walnut St

5. **Information/Communication**

6. **Business Meeting**

7. **Chair’s Report**

8. **Current Business/Committee Appointments**

9. **Future Agenda Items**

   A. Pending Zoning Hearings
   B. City Council Appeals List

10. **Other Matters**

    **Adjourn:** 9:30 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.