MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, JANUARY 8, 2004
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:       7:00 PM

Public Comment: 7:00 PM

Consent Calendar I

Consent Calendar II

1. **1316 SHATTUCK AVENUE**
   Request by Michael Siegel to modify Use Permit #01-10000058 by one year, to November 14, 2004, to construct a 1,731 square foot residential duplex – MOD #03-70000057 (Hector Lopez)
   PSA Action Date: 01-13-04
   Continued From: None
   **Board Action: Approved – 8-0-0 (Tiedermann – Absent)**

2. **1517 SIXTH STREET**
   Request by Douglas Burnham to modify Use Permit #A1890 to extend by one year, to January 8, 2005, to convert a single family dwelling into a duplex and to modify the design – MOD #03-70000059 (Hector Lopez)
   PSA Action Date: 01-12-04
   Continued From: None
   **Board Action: Approved – 8-0-0 (Tiedermann – Absent)**

3. **1920 OXFORD STREET**
   Request by Ayal Amzel to modify Use Permits #A2422 and #98-10000031 to expand an existing quick service restaurant (Yali’s Oxford Street Café) from approximately 1,154 square feet to approximately 1,638 square feet – MOD #03-70000053 (Aaron Sage)
   PSA Action Date: 02-13-04
   Continued From: None
   **Board Action: Approved – 8-0-0 (Tiedermann – Absent)**
Consent Calendar II – Continued:

4. 1310 UNIVERSITY AVENUE  Request by Chris Schabacker to modify Use Permit #02-10000022 to allow an interim on-site traffic circulation scheme of an approved Use Permit for a private school (Berkeley Montessori School) – MOD #03-70000058 (Hector Lopez)
   PSA Action Date: 01-11-04
   Continued From: None
   Board Action: Approved – 8-0-0 (Tiedermann – Absent)

Continued Hearing

5. 1340 SIXTH STREET  Request by Ken David to demolish a commercial building, demolish a residential duplex and to construct a 10,472 square foot building, in “average” height, portions of which are three stories tall, and with seven parking spaces, on a 10,320 square foot site – UP #02-10000026 (Steve Solomon)
   PSA Action Date: 02-08-04
   Continued From: 12-01-03
   Board Action: Continued to 01-22-04

New Hearing

6. 3290 ADELINE STREET  Request by Andrew Beretvas to establish a 3,500 square foot full-service restaurant in an existing building with 12 off-street off-site parking spaces – UP #03-10000058 (Hector Lopez)
   PSA Action Date: 11-14-03
   Continued From: None
   Board Action: Approved with modified conditions – 8-0-0 (Tiedermann – Absent)

7. 2570 BANCROFT WAY  Request by Justin Floyd to establish a “High-End PC and Internet Recreation Center” with hours until 12:00 midnight, Sunday through Wednesday, and 2:00 AM, Thursday through Saturday, in an existing 2,457 square foot commercial tenant space and public parking garage exists beneath the subject building – UP #03-10000096 (Aaron Sage)
   PSA Action Date: 01-26-04
   Continued From: None
   Board Action: Moved to CCII and Approved – 8-0-0 (Tiedermann – Absent)
New Hearing – Continued:

8. **2020 KITTREDGE STREET**
   Request by John DeClercq for Library Gardens, L.P., to modify Use Permit #01-10000062 to significantly reduce the number of parking spaces to be constructed as part of the Library Gardens Project. The Board will also be considering adoption of a Subsequent Environmental Impact Report prepared for the project – MOD #02-70000039 (Gisele Sorensen)
   - PSA Action Date: 04-07-04
   - Continued From: None
   - **Recommendation:** Continued to 02-26-04

9. **68 NORTHAMPTON ROAD**
   Appeal of Administrative Use Permit #03-2000037 to legalize a rear yard hot tub and to legalize a 28 square foot addition placed in the side yard area – UP #03-2000037 (Lucy Armentrout-Ma)
   - PSA Action Date: None
   - Continued From: None
   - **Board Action:** Approved – 6-2-0 (Allen, Sprague – No) (Tiedermann – Absent)

10. **3075 TELEGRAPH AVENUE**
    Request by Sam Sorokin for 3075 Telegraph, LLC, to demolish two existing structures and construct a mixed-use building containing 15,348 square feet of habitable space on a 17,274 square foot parcel – UP #03-10000036 (Lucy Armentrout-Ma)
    - PSA Action Date: 03-24-04
    - Continued From: None
    - **Board Action:** Moved to CCI and Approved – 8-0-0 (Tiedermann – Absent)

11. **Administrative Use Permits Approved by the Zoning Officer**
    
    1725 Eastshore Hwy  
    1157 Oxford St  
    35 Parkside Dr

12. **Information/Communication**
    A. Permitting and Development Task Force’s Final Report
    B. E-mail from Patricia Kaspar regarding car lot on San Pablo Avenue at Oregon Street
    C. Memo to Planning Commission, dated 12-10-03, regarding Proposed Zoning Amendments concerning Joint Use Parking Agreement.
13. **Business Meeting**

14. **Chair’s Report**

15. **Current Business/Committee Appointments**

16. **Future Agenda Items**

   A. Pending Zoning Hearings
   B. City Council Appeals List

17. **Other Matters**

**Adjourn:** 12:00 AM (Midnight)

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

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.