MEETING LOCATION:

NORTH BERKELEY SENIOR CENTER

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

NORTH BERKELEY SENIOR CENTER
1901 HEARST AVENUE
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 includes:

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.)

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 item be removed from the Calendar for discussion and testimony (if already posted for hearing). 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 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.
Roll Call

Public Comment

Consent Calendar

1. **1801 SHATTUCK AVENUE**
   - Request by Rony Rolnizky, Architect, to construct a mixed-use building (commercial/residential) of approximately 42,000 square feet on a 12,435 square foot parcel, 4 stories, average height of 47 feet, and 29 parking spaces. A total of 29 residential units and 4,249 square feet of retail space are proposed – UP #03-10000053 (Hector Lopez)
   - Continued From: None
   - Recommendation: Continue to 04-22-04

2. **2526 DURANT AVENUE**
   - Request by Ruegg & Ellsworth to demolish the Blood House, a City of Berkeley Structure of Merit and to construct a mixed-use building with 29,855 square feet of residential floor area (44 dwelling units, including 7 affordable) and 4,303 square feet of non-residential floor area, 5 stories with an average height of 50 feet, on a 10,377 square foot lot. 18 parking spaces are proposed – UP #00-10000066 (Greg Powell)
   - Continued From: 06-12&26-03; 07-10&24-03; 08-28-03; 09-25-03; 10-23-03; 11-13-03; 12-01-03; 01-22-04; 02-26-04; 03-11-04
   - Recommendation: Continue to 05-27-04

3. **1800 SAN PABLO AVENUE**
   - Request by Randall Harris to construct a 43,686 square foot mixed-use building with 51 dwelling units (20 percent inclusionary), 35,186 square feet of residential floor area, 8,500 square feet of ground-floor commercial area, four stories and 49 feet high (towers extend to 54 feet, 6 inches), on a 20,366 square foot lot; a total of 50 parking spaces are proposed – UP #02-10000081 (Aaron Sage)
   - Continued From: 03-11&25-04
   - Recommendation: Approve
New Hearing

4. **580 ARLINGTON AVENUE**
   Request by Ali Toraby Moghadam to modify Use Permit #99-10000029 to allow three dormers on the east (street) elevation, and by doing so, adding approximately 65 square feet of new floor area to a single-family home – MOD #04-70000005 (Steve Solomon)

   **Continued From:** None
   **Recommendation:** Approve

5. **2020 OREGON STREET**
   Request by Kava Massih Architects to add 475 square feet of ancillary office space to an existing food product store (“Berkeley Bowl Marketplace”) – MOD #03-70000061 (Aaron Sage)

   **Continued From:** None
   **Recommendation:** Approve

6. **2310 OREGON STREET**
   Request by Barry Rosen to construct a 449 square foot addition to an existing 1,340 square foot residential unit, vertically extending walls within the side yard setback and exceeding the average height limit – MOD #04-70000018 (Hector Lopez)

   **Continued From:** None
   **Recommendation:** Approve

7. **2000 ROSE STREET**
   Request by Hamid Tehrani to reconstruct and enlarge a 2-unit, 1,570 square foot building with reduced front and rear setbacks. A total of 2 parking spaces are proposed – UP/VAR #03-10000088 (Greg Powell)

   **Continued From:** None
   **Recommendation:** Deny

8. **2831 SEVENTH STREET**
   Request by Craig W. Smith to modify the plan approved in Use Permit #02-10000004 to incorporate an architectural feature that exceeds the MU-R District Height Limit – UP #03-70000065 (Greg Powell)

   **Continued From:** None
   **Recommendation:** Approve

9. **2599 TELEGRAPH AVENUE**
   Request by KALI-LLC to demolish portions of the building, restore the street facades of a City of Berkeley Landmark Building, convert the 2nd and 3rd floors from retail to residential use, renovate the ground-floor retail space and modify the surface parking lot. 16 parking spaces are proposed – UP #03-10000104 (Greg Powell)

   **Continued From:** None
   **Recommendation:** Approve
10. Administrative Use Permits Approved by the Zoning Officer

1619 Berkeley Way  2810 Oak Knoll Terrace  1513 Sacramento Street
1309 Walnut Street

11. Information/Communication

B. Appointment of Debbie Sanderson as Zoning Adjustments Board Secretary
C. March 22, 2004 Request from Mayor Tom Bates on Ex-Parte Communication

12. Business Meeting

13. Chair’s Report

14. Current Business/Committee Appointments

15. Future Agenda Items

A. Pending Zoning Hearings
B. City Council Appeals List

16. Other Matters

Adjourn

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.

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