MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, APRIL 22, 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 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 Boardmember 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.
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A G E N D A

Roll Call: 7:04 PM

Public Comment: 7:04 PM

Consent Calendar

1. 1537 SHATTUCK AVENUE Request by Lu M. Burton to establish a 1,480 square foot exercise studio (Curves) on the second floor of an existing, two-story, 2,960 square foot, commercial building – UP #04-10000017 (Stephen Ford)
   Continued From: None
   Board Action: Continued to 05-13-04

2. 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: 04-08-04
   Board Action: Continued to 05-13-04

Appeal of Administrative Use Permit

None

Continued Hearing

None

New Hearing

3. 2213 NINTH STREET Request by Mark Springer to demolish a single-family dwelling and an accessory building and to construct two dwellings units; a two-story, 1,930 square foot building (average height 25 feet 7 inches) on the front portion of a 5,000 square foot lot and a two-story 1,760 square foot building (average height 24 feet 1 inch) on the rear portion of the same lot – UP #03-10000108 (Stephen Ford)
   Continued From: None
   Board Action: Approved with added Condition – 8-0-0 (Weinberger – Absent)
New Hearing – Continued:

4. 2027 SEVENTH STREET
Request by Karl Golden, Architect, to demolish the two 560 square foot single-story classroom buildings allowed by Use Permit #97-10000018 to allow the construction of a 3,740 square foot two-story classroom and multi-purpose building – MOD #03-7000038 (Greg Powell)

   Continued From: None
   Board Action: Approved with added Condition – 6-2-0 (Blake, Sprague – No)
                  (Weinberger – Absent)

5. 1305 TALBOT AVENUE
Request by Allen and Pamela Nudel to allow a second story addition – UP #03-10000121 (Steve Solomon)

   Continued From: None
   Board Action: Approved – 7-0-0 (Blake, Weinberger – Absent)

6. 1557 VISALIA AVENUE
Request by Scott Turrin to allow a moderate impact home occupation providing therapeutic massage in a single-family dwelling – UP #04-10000008 (Aaron Sage)

   Continued From: None
   Board Action: Moved to CC and Approved – 7-0-0 (Blake, Weinberger – Absent)

7. Administrative Use Permits Approved by the Zoning Officer

   1017 Allston Way  1825 Eighth St  1314 Hopkins St
   11 Menlo Place  1820 Sixty-Second St  1617 Spruce St
   2815 Woolsey St

8. Information/Communication

   A. Discussion of City Manager’s Report Regarding Frequency of Commission Meetings and/or Other Possible Cost Reductions.
   B. Letter from Livable Berkeley regarding proposed Bus Rapid Transit (BRT) on Telegraph Avenue
   C. Letter from Livable Berkeley regarding UC Conference Center
   D. E-mail regarding Walkability Workshop on May 4, 2004.
   E. Letter from Ruegg & Ellsworth regarding 2526 Durant Avenue (Blood House)
   F. Proposed Fee Increases

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: 9:04 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 “tacking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply.
Legal Notice Concerning Your Legal Rights – Continued:

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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