MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, JUNE 24, 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.
AGENDA

Roll Call: 7:06 PM

Public Comment: 7:06 PM

Consent Calendar

Appeal of Administrative Use Permit

NOTE: Appeals of Administrative Use Permits 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

1. 1000 GILMAN AVENUE

Request by Kyle Prenzlow, Kava Massih Architects, to modify Use Permit #A2383 to allow a 3,200 square foot addition to an existing 3,000 square foot restaurant, an outdoor dining area; to stay open until 12:30 AM Sunday through Thursday and until 2:00 AM on Fridays and Saturdays; and alcoholic beverage service of beer, wine and liquor – UP #04-10000004 (Steve Solomon)

Continued From: 05 27 04; 06 10 04

Board Action: Approved with modified Condition – 7-1-0 (Sprague – No) (Weinberger – Absent)

New Hearing

2. 2041-2067 CENTER STREET

Preliminary Review: Request by Darrell deTienne to demolish the existing buildings and construct a 187,907 square foot, 9 story, ±115 foot mixed-use building with 149 residential units, including 23 below market rate units, ground floor retail and cultural space for the Berkeley Repertory Theater – UP #03-10000002 (Greg Powell)

Continued From: None

Board Action: No Action Taken
New Hearing – Continued:

3. **1001 ASHRV AVENUE**
   Request by Affordable Housing Associates to construct a 56,572 square foot, mixed-use residential and commercial building with 55 below-market rate dwelling units with 46,462 square feet of residential floor area and 6,585 square feet of non-residential floor area, 5 stories with an average height of 50 feet on a 20,160 square foot lot – UP #03-10000112 (Greg Powell)
   
   **Continued From:** None
   **Board Action:** Approved with added Condition – 7-1-0 (Sprague – No) (Weinberger – Absent)

4. **2211 ROSE STREET**
   Request by David Trachtenberg to demolish a vacant 1,250 square foot, structure that has been designated as a Structure of Merit; to construct a two-story building with an average height of 27 feet, 9 inches, containing two residential unit (1,568 and 1,466 square feet); to construct a 972 square foot, two story, accessory building, greater than ten feet in height (average height 21 feet), containing habitable space, on the front half (one foot from the front property line) of a 5,080 square foot, interior lot – UP #04-10000032 (Stephen Ford)
   
   **Continued From:** None
   **Board Action:** Approved Mitigated Negative Declaration and Project – 8-0-0 (Weinberger – Absent)

5. **1116-1132 UNIVERSITY AVENUE**
   Request by Alexander Varum to demolish the existing structures and construct a three to five story mixed-use building with 65 for sale residential units (11 affordable), 4 for sale live/work units and 3,150 square feet of commercial floor area – total of 74 parking spaces are proposed – UP #03-10000078 (Greg Powell)
   
   **Continued From:** None
   **Board Action:** Continued to 07-22-04

6. **1820 SOLANO AVENUE**
   Request by AK Enterprises, LLC, DBA Curves to establish a 1,350 square foot exercise studio (Curves) on the second floor – UP #04-10000043 (Stephen Ford)
   
   **Continued From:** None
   **Board Action:** Continued to 07-22-04
New Hearing – Continued:

1820 SOLANO AVENUE (Continued)

Request by Avi Nevo of Solano Clock, LLC to modify Use Permit #01-10000074 to allow the reconfiguration of three first floor commercial lease spaces (Spaces A, B and C), containing 8,597 square feet into as many as six commercial lease spaces – MOD #04-70000032 (Stephen Ford)

Continued From: None

Board Action: Approved – 7-0-1 (Blake – Recused) (Weinberger – Absent)

Request by Avi Nevo of Solano Clock, LLC to modify Use Permit #01-10000074 to allow reconfiguration of six second-floor commercial spaces containing 9,934 square feet into as many as ten commercial lease spaces – MOD #04-70000033 (Stephen Ford)

Continued From: None

Board Action: Approved – 7-0-1 (Blake – Recused) (Weinberger – Absent)

7. Information/Communication

A. Letter from Gale Garcia regarding Gaia Building

8. Business Meeting

9. Chair’s Report

10. Current Business/Committee Appointments

A. Appoint (2) members to Design Review Committee Interview Sub-Committee – Bob Allen and Dave Blake continue to serve for both ZAB and DRC.

11. Future Agenda Items

A. Pending Zoning Hearings
B. City Council Appeals List
12. Other Matters

Adjourn: 11:01 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.

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