MEETING SUMMARY

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, JULY 22, 2004
7:00 PM

CITY COUNCIL CHAMBERS, OLD CITY HALL
2134 MARTIN LUTHER KING JUNIOR WAY
BERKELEY, CA 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

Special Meeting – 6:00 PM

1. 1340 SIXTH STREET
   Meeting scheduled for 6:00 PM for Zoning Adjustments Board Members to walk through existing duplex at 1340 Sixth Street

Roll Call: 7:12 PM

Public Comment: 7:12 PM

Consent Calendar

2. 2577 SAN PABLO AVENUE
   Modification of Use Permit ##02-10000011 to comply with funding, fire and building code and design review requirements – MOD #04-70000038 (Greg Powell)

   Continued From: None

   Board Action: Approved – 9-0-0

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

3. 1725-1735 LEROY AVENUE
   Request by Jim Goring of Goring and Straja Architects to authorize prior conversion of fraternity house (1735) and 5-unit apartment building (1725) to institutional use (theology school), which is not permitted in the R-3H District, and to allow expansion of 1,843 square feet to the existing buildings; project maintains 5 off-street parking spaces on an 18,750 square foot site – VAR/UP #04-1000002 (Aaron Sage)

   Continued From: 07-08-04

   Board Action: Approved with added Conditions – 9-0-0
Continued Hearing – Continued:

4. **2615 MARIN AVENUE**
   Request by David W. Richmond, Columbus Group, LLC, to construct a 2,830 square foot, single-family residential building of three stories with an average height of 27 feet 11 inches on a 5,766 square foot lot with a two-car garage proposed – UP #03-10000069 (Steve Solomon)
   
   Continued From: 07-08-04
   
   Board Action: Continued to 08-26-04

5. **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: 06-24-04
   
   Board Action: Approved with added Conditions – 5-1-1-2 (Sprague – No) (Katz – Abstain) (Blake, Tiedemann – Recuse)

6. **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: 06-24-04
   
   Board Action: Continued off Calendar

New Hearing

7. **1500 ASHBY AVENUE**
   Request by David Clahan to establish a martial arts and dance studio in a vacant 3,750 square foot commercial structure, that is non-conforming due to parking (zero off-street parking spaces provided where eight would otherwise be required – UP #03-10000051 (Stephen Ford)
   
   Continued From: None
   
   Board Action: Moved to CC and approved – 9-0-0

8. **122 AVENIDA DRIVE**
   Request by Paul Wang to construct a 4,058 square foot, 3-story, single-family dwelling with an average height of 28 feet on a vacant 6,145 square foot lot (previous house destroyed by fire); 2 parking spaces are proposed – UP #03-10000035 (Aaron Sage)
   
   Continued From: None
   
   Board Action: Moved to CC and Continued off Calendar
New Hearing – Continued:

9. 1650 LA VEREDA ROAD

Request by Carl Bridgers of Holey Associates Architects to add approximately 900 square feet to an existing single-family dwelling with two stories and approximately 1,496 square feet on a 9,000 square foot lot; existing single-car carport will be maintained – UP #02-20000125 (Aaron Sage)

Continued From: None

Board Action: Approved – 7-2-0 (Metzger, Sprague – No)

10. 2489 MARTIN LUTHER KING JR. WAY

Request by Jim Novosel to construct a mixed-use, four-story building with 21 dwelling units; 19,407 square feet of residential floor area; 1,725 square feet of non-residential floor area with an average height of 53 feet on an 8,731 square foot lot with a total of 23 parking spaces. A density bonus of four units is proposed pursuant to the State Density Bonus Regulations - #03-10000106 (Steve Solomon)

Continued From: None

Board Action: Approved with modified Conditions – 6-2-1 (Blake, Metzger – No) (Sprague – Abstain)

11. 1406-1410 SAN PABLO AVENUE

Request by Tim Rempel to demolish an existing dwelling and construct a 3-story building with 4 dwelling units, 4 live/work units, 10,737 square feet of gross floor area, average height of 33 feet and 10 parking spaces on a 9,030 square foot lot – UP #04-1000009 (Aaron Sage)

Continued From: None

Board Action: Approved – 9-0-0

12. 1340 SIXTH STREET

Request by Ken David to demolish a commercial building, to 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. The City Council remanded this matter to the ZAB after holding a public hearing on an appeal by the applicant – UP #02-10000026 (Steve Solomon)

Continued From: None

Board Action: Approved demolition – 6-0-3 (Blake, Katz, Sprague – Abstain); Permit approval for new building continued to 08-26-04
13. **Information/Communication**

   A. Revised “Zoning Project Submittal Requirements”
   B. Welcome New Member Dean Metzger
   C. Calendar:  
      - 08-12-04 – Cancelled
      - 08-26-04 – At Council Chambers
      - 09-09-04 – At North Berkeley Senior Center

14. **Business Meeting**

15. **Chair’s Report**

16. **Current Business/Committee Appointments**

17. **Future Agenda Items**

   A. Pending Zoning Hearings
   B. City Council Appeals List

18. **Other Matters**

   A. Confirmation of Zoning Adjustments Board’s 06-24-04 decision concerning 1000 Gilman Street – UP #04-10000004

**Adjourn:** 1:42 AM

**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:

   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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