Meeting Summary

ZONING ADJUSTMENTS BOARD
MONDAY, FEBRUARY 14, 2005
5:00 TO 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 by 5:15 PM on the night of the hearing. Cards may also be submitted at the Zoning Counter at 2120 Milvia Street prior to 3 p.m. on the day of the hearing.

Note: Please refrain from wearing scented products to public meetings.
Meeting Summary

Roll Call: 5:05

Public Comment: 5:06

Consent Calendar: No items

Appeal of Administrative Use Permit No items

NOTE: Appeals of Administrative Use Permit 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 or deny the decision of the Zoning Officer to grant the permit.

Continued Hearings:

1. **122 Avenida Drive**
   Request by: Paul Wang
   Use Permit #03-10000035 to construct a 3,400-square-foot, 3-story single-family dwelling with an average height of 34 feet, 9 inches on a vacant 6,145-square-foot lot (previous house destroyed by fire); 2 off-street parking spaces are proposed. (R-1H, Single-Family Residential Hillside, AS)
   
   **Continued From:** July 22, 2004
   **Recommendation:** Accept public comment and advise staff
   **Action:** Continue to March 10, 2005. (8-0-0)
   Judd absent.

2. **2140 Durant Avenue**
   Request by: Sady Hayashida, for Buddhist Churches of America/Institute of Buddhist Studies
   Use Permit #04-10000022 by the Buddhist Churches of America/Institute of Buddhist Studies to occupy and enlarge a City of Berkeley Landmark, the former Howard Automobile building; (C-SA, GP)
   
   **Continued From:** November 15, 2004; January 13, 2005
   **Recommendation:** Approve
   **Action** Approved (8-0-0) Judd absent.
New Hearings:

3.  **1535 University Avenue**
   Request by: Satellite Housing, Inc.
   Use Permit #04-1000034, a request to demolish a 6,500 square foot building and construct a 67,390 square foot, mixed-use building to contain 80 dwelling units (79 below-market rate dwellings reserved for persons over 62, 1 manager’s unit), 5,000 square feet of office space for Satellite Housing and 900 square feet of office for the Salvation Army and 30 parking spaces; (C-1 General Commercial, GP)

   **Continued From:** none
   **Recommendation:** Approve
   **Action** Approved with changes, (6-1-1-1) No: Metzger; Abstain: Sprague; Recused: Judd.

4. **Information/Communication**
   - Correspondence received February 2, 2005 from Gay Sweet Scott and Gregory Lewis, concerning 2733 Woolsey
   - Correspondence received February 2, 2005 from Zelda Bronstein, concerning Density Bonus and the Seagate Project appeal.

5. **Business Meeting**

6. **Chair’s Report**

7. **Current Business/Committee Appointments**
   - Election of Chair and Vice Chair (now or Feb. 24) **Action:** Will vote on February 24th.

8. **Future Agenda Items**

9. **Other Matters**

10. **Adjourn:** 7:20 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.