ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, March 24, 2005
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 7:15 PM 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 7:08PM

Attendance All present except Anthony Jesse

Public Comment

Consent Calendar

Appeal of Administrative Use Permit

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.

1. 1737 Grant Street
Request by Bruce Nordman, 1737 Grant Street, Berkeley, CA 94703.
Appealed by: Leslie Avant and Bill Swartz, 8 Mariposa Lane, Orinda, CA 94563; and David Bruner, 1733 Grant Street Apt. D, Berkeley, CA 94703

Appeal of Administrative Use Permit #04-20000177 to add a 469 square-foot addition to a single-family residence (R2-A, Restricted Multiple-Family Residential District Provisions; Marti Brown)

Continued From: None
Recommendation: Affirm Zoning Officer’s Decision and Deny the Appeal
Board Action: Set for Public Hearing- 4-4-1(Allan, Wilson, Tiedemann, Metzger- No) (Anthony- Absent)

Continued Hearings:

2. 1698 UNIVERSITY AVENUE
Request by Pacific Bay Investments
Remand from City Council of appeal of Use Permit #03-10000025 to adopt changes necessary to make project consistent with provisions of State density bonus law, to require construction of sidewalk bulb-out prior to completion of project, and to require a “left turn only” sign at the project’s exit driveway. Project is a 5-story mixed-use building with 50-foot average height, 25,555 square feet of residential floor area, 25 for-sale dwelling units (including 4 below market rate), 2,852 square feet of ground-floor commercial space (including café), and 32 parking spaces, on a 10,000-square-foot lot– (C-1, Aaron Sage)

Continued From: 10-28-04, 02-24-05, 3-10-05
Recommendation: Approve modified findings and conditions
Board Action: Continued (8-0-1) (Anthony Absent)

File: am032405.DOC
New Hearings:

3. **2615 MARIN AVENUE**  
   Request by David W. Richmond, Columbus Group, LLC.  
   UP #03-10000069 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 – (Steve Solomon)  
   Continued From: Council Remand of January 18, 2005  
   Recommendation: Open public hearing and accept comments  
   Board Action: No Action required.

4. Information/Communication
   - Discussion of Recent Changes in the State Density Bonus Law (Chapter 65915) and suggestions for consideration in revising the City’s Procedures for complying. [Note: An Ad Hoc Subcommittee of the Housing Advisory Committee will be joining the Zoning Adjustments Board for this part of the meeting.]

5. Business Meeting
6. Chair’s Report
7. Current Business/Committee Appointments
8. Future Agenda Items
9. Other Matters
10. Adjourn 11:37PM

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.

[Minutes prepared by Fatema Crane
Minutes approved for posting by D.R. Sanderson, ZAB Secretary, April 11, 2005.]