ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, DECEMBER 8, 2005

Special Meeting, 6:00 pm
and
Regular Meeting, 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 6:05 and 7:05 p.m., respectively. 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 6:15 or 7:15 PM, respectively, 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.
SPECIAL MEETING AGENDA
6:00 to 6:45 pm

Roll Call

Public Comment

Agenda Changes

Consent Calendar

1. 920 Pardee
   Request by: Mr. Matthew Friedman, Friedman Brueggemeyer Architects, 924 Carleton Street Berkeley, CA 94710.
   Use Permit Modification #05-70000027, modifying Use Permit #10508 to add 1,180 square feet of internal ancillary office space to an existing warehouse and light manufacturing building by changing 38 square feet of light manufacturing space to ancillary office use and adding 1,142 square feet of second level, ancillary office space entirely within an existing 23,160 square foot warehouse and light manufacturing building, and by establishing seven additional parking spaces on a 32,890 square foot lot, (MU-R: Mixed Use-Residential, SRF).
   Continued From: None
   Recommendation: Approve

2. 3332 Adeline
   Use Permit #04-20000148 to allow the co-location of four wireless antennas and related ground-level equipment cabinets at an existing wireless telecommunications site (Phillips Temple Church aka, Lorin Theater); (C-SA: South Area Commercial; SRF)
   Continued From: 9/8/05; 10/27/05; 11/10/05
   Recommendation: Continue to January 12, 2006
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.

3. 2417 Woolsey
Request by Applicant & Property Owner Maria Jesus Aguilo & Paul Myers, 2417 Woolsey Street, Berkeley, CA 94705
Appealed by Jennifer Kern, 2421-2423 Woolsey Street, Berkeley, CA 94705.
Appeal of Administrative Use Permit #05-20000066 to allow a Major Residential Addition adding 758 square feet to an existing 1,406 square foot home; (R-1, Single Family Residential, SDR)

Continued From: None
Recommendation: Affirm Zoning Officer’s Decision and Deny the Appeal

Information/Communication

1. Proposed Parking Amendment: Request from Planning Commission for comments on: “Recommended Zoning Ordinance Amendments Addressing Permitting Thresholds, Paving, Landscaping, and Screening Requirements for Residential Parking in Required Yards (BMC Sections 23F.04.010 and 23D.12.080)”. (See Attached)

Other Items
1. 2006 Meeting Calendar (see attached DRAFT calendar)
REGULAR MEETING AGENDA

7:00 pm

Roll Call

Public Comment

Consent Calendar

Agenda Changes

New Hearings:

1. **1865 University Avenue**
   Request by: Mr. Tim Southwick, Toyota of Berkeley, 2400 Shattuck Avenue, Berkeley CA 94704
   Use Permit #05-10000131 to change a lawful non-conforming tire sales and service use to an automobile sales and service use; (General Commercial District (C-1); CW)
   
   **Continued From:** None
   **Recommendation:** Approve

2. **629 Arlington Avenue**
   Request by: Larry and Tam Gray, 6850 Kenilworth Avenue, El Cerrito, CA 94530.
   Use Permit # 05-10000023 to construct a two-story, 3,224 square foot, single-family residence with two off-street parking spaces; (R-1 (H), Single Family Residential, Hillside Overlay, GP).
   
   **Continued From:** none
   **Recommendation:** Approve

3. **2322 McGee Avenue**
   Request by: Applicant and Owner, Karl Wanaseja, 2322 McGee Avenue, Berkeley, CA 94703
   Use Permit #05-10000104 to allow a 1,180 square foot, two-story dwelling unit and an accessory building with 384 square feet of habitable space; (R-2, Restricted Two-Family Residential District, SDR).
   
   **Continued From:** none
   **Recommendation:** Approve

4. **2451 Shattuck Avenue (Fine Arts Building)**
   Request by: Mr. Adham Nasser, Herbivore- Earthly Grill, 533 Divisadero Street, San Francisco, CA 94117.
   Use Permit #05-10000123 to allow alcoholic beverage service (beer, wine, and distilled spirits) at an approved full-service restaurant. (South Area Commercial Zoning District, (AS)
   
   **Continued From:** None
   **Recommendation:** Approve
5. **2030 – 2036 University Avenue**  
Request by: Gloria Mendoza and Michael Govan, 12 Charles Hill Rd., Orinda, CA 94563.  
Use Permit #05-10000097 to establish a “dinner theater and jazz club” (Kimball’s Berkeley) with full-service restaurant, sidewalk café seating, bar and alcoholic beverage service in an existing 22,000 sq. ft. theater (UC Theatre); no off-street parking is proposed; (C-2, Central Commercial; AS)  

Continued From: None  
Recommendation: Approve

6. **2526 Durant Avenue**  
Request by Ruegg & Ellsworth, 2437 Durant Avenue, Berkeley, CA 94704.  
Use Permit #00-10000066 to demolish the Blood House, a City of Berkeley Structure of Merit and to construct a mixed use building with 29,855 square feet of residential floor area (44 dwelling units, including 7 affordable) and 2,483 square feet of non-residential floor area, 5 stories with an average height of 50 feet, on a 10,377 square foot lot. 18 parking spaces are proposed. (C-T Telegraph Commercial Zoning District) (GP).  

Continued From: None. Last discussed 7/28/05  
Recommendation: No Action.

7. **3027 Adeline (Black & White Liquors)**  
Conduct public hearing to determine whether a nuisance exists at this address, pursuant to BMC 23B.64.020.B, and if so, to determine the appropriate remedy. (G. Daniel)  

Continued From: Discussed at 11/28/05 Special Meeting  
Recommendation: Make a determination of public nuisance and set appropriate remedies.

8. **700 University Avenue**  
Request by: Daniel M. Deibel, Urban Housing Group.  
Use Permit 04-10000069: by Urban Housing Group to construct a Mixed-Use Project including 212 residential units, retail and restaurant uses and the renovation of the Southern Pacific Train Station (Commercial West Berkeley, GP)  

Continued From: None  
Recommendation: Preview: No Action to be taken.

Additional Agenda Items:  
A. Information Items:  
   1. Compliance Subcommittee Report (no attachment)  
   2. Density Bonus Subcommittee Report (no attachment)  
   3. Correspondence (see attached) concerning proposed projects, not currently before ZAB, at:  
      • 1111 Harrison  
      • 1885 University  
      • 920 Heinz (West Berkeley Bowl)  
B. Business Meeting  
C. Chair’s Report  
D. Current Business/Committee Appointments
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 981-7474 (TDD); at least five (5) working days notice will ensure availability.