ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY May 11, 2006
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.
ACTION MINUTES

Roll Call
Call to Order: 7:00 PM
Roll Call: Judd, Tiedemann, Allen, Blake, Katz, Sprague, Metzger, Wilson, Anthony
Approximate Public Attendance: 65

Public Comment
Opened: 7:02PM
One Speaker
Closed: 7:05 PM

Consent Calendar
1719 & 1725 University, moved to consent

Agenda Changes

Appeal of Administrative Use Permit: None
NOTE: Appeals of Administrative Use Permit are not subject to public hearing and no public testimony will be taken at this time. The Board will 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. 920 Heinz Avenue
Request by: Berkeley Bowl Produce, Inc., 2020 Oregon Street, Berkeley, CA 94703
Use Permit #04-10000084 to demolish an existing industrial building and construct a “full-service grocery marketplace,” consisting of two buildings with a height of 2 stories and 40 feet, and a total of 91,060 square feet, on a site of 2.33 acres; project includes grocery store, ancillary office and storage space, food service, community room, and 211 off-street parking spaces. (MU-LI, Mixed Use-Light Industrial and C-W, West Berkeley Commercial; CL/AS).

Previously Discussed: Previously discussed: 11/10/05; 2/9/06, 05/04/06
Recommendation: Certified EIR and Approve Use Permit
Action: Approved Use Permit (5-4-0-0) (No: Allen, Anthony, Metzger, Wilson).

2. 1885 University
Request by 1950 MLK, LLC, c/o Chris Hudson, Hudson McDonald LLC, 2140 Shattuck Avenue, Suite 302, Berkeley, CA  94704.
Use Permit #02-1000070, Preliminary consideration of a modified design to allow construction of a mixed use development with 156 dwelling units, 14,390 square feet of retail, and 157 parking spaces in a two level parking garage. The existing commercial building (totaling approximately 20,375 square feet) would be demolished. (C-1, General Commercial; SDR).

Continued From: Previously discussed: 04/27/06
Recommendation: Take public comment and discuss
Action: Continued to 5/25/05.

Nuisance Proceedings: None
New Hearings:

3. **1421 Second Street, Pacific Steel Casting Company**  
   Request by: Christina Chan, 1333 Second Street, Berkeley CA 94710  
   Use Permit #06-1000045 to modify Use Permit #8957 to allow the construction of a Carbon Adsorption System at Plant 3; (M, Manufacturing Zone, GMS).  
   Continued From: Continued from (no discussion): 4/27/06  
   Recommendation: Approve  
   Action: Approved (9-0-0-0).

4. **2599 Telegraph Avenue**  
   Request by: Mark Freitas and Howard Falvey, Dark Sun Tattoo Company, 368 Santa Maria Drive Vacaville, CA 94533  
   Use Permit #06-1000019 to establish a tattoo and piercing-art studio with limited retail sales; (C-T Zone, Telegraph Avenue, Commercial, GMS).  
   Continued From: none  
   Recommendation: Approve  
   Action: Approved with a condition for no face or hand tattoos (7-2-0-0) (No: Allen, Metzger).

5. **1719 & 1725 University Avenue**  
   Request by: Kofo Domingo, Lagosia, Inc. 3704 Woodland Place, Richmond, CA 94806  
   Use Permit #06-1000004 to establish 3,387 square foot full-service restaurant and catering business serving alcoholic beverages in an existing mixed-use building within 200 feet of a residential district; (C-1, General Commercial CW).  
   Continued From: none  
   Recommendation: Approve  
   Action: Approved on Consent (8-1-0-0) (No: Metzger).

6. **1617 Seventh Street**  
   Request by: Mary Bull-Ransom, 2563 64th Avenue, Oakland, CA 94605  
   Administrative Use Permit (on remand from City Council) #04-20000158 to construct a 525 sq. ft. habitable accessory building with one parking space, 300 sq. ft. of habitable space with an average height of 10 ft., located 4-feet, 6-inches from the rear property line; (R-1A, Limited Two-Family Residential SRF).  
   Continued From: none  
   Recommendation: Approve  
   Action: Approved with change (9-0-0-0).
7. 3095 Telegraph Avenue
Request by: Gary Bell for HORAA Inc., 862 26th Avenue, San Francisco, CA 94121
Use Permit #06-10000028 to establish an 1,500 square foot quick food service restaurant (Quizno's) in a new mixed use building, located within 200 feet of a residential district; and to modify the number of required parking spaces (reduce by 2) in a new mixed-use building; C-1, General Commercial; CM).

Continued From: none
Recommendation: Approve
Action: Denied Project (5-4-0-0) (Vote Yes to Deny Permit: Blake, Metzger, Shumer, Wilson, Tiedemann) (Vote No to deny permit: Allen, Anthony, Judd, Katz).

Information/Communication

1. Joint Density Bonus Subcommittee Report

2. Update on Gaia Building considerations.

3. Correspondence:
   - May 4, 2006 letter from Willard Neighborhood Association

Business Meeting
Chair’s Report
Current Business/Committee Appointments
Future Agenda Items
Other Matters
Adjourn 2:00

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.

[Approved for posting by Debra R. Sanderson, Secretary, Zoning Adjustments Board, May 17, 2006.]