REVISED
Agenda

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, June 22, 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.
A G E N D A

Roll Call

Public Comment

Consent Calendar

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.

For Information Only . . . No Public Hearing on this Item . . . Appeal Withdrawn

1. 1036 Oxford,
WITHDRAWN Appeal of the Zoning Officer’s decision to deny AUP #05-20000101 for a reduction of a non-conforming side yard and rear yard setback in the Hillside District (R-1(H), FC)
Continued From: new
Recommendation: NO ACTION. APPEAL WITHDRAWN

Continued Hearings:

2. 1865 University
Request by: Tim Southwick, Toyota of Berkeley, 2400 Shattuck Avenue, Berkeley CA 94704
Remand by the City Council of Use Permit #05-10000131 to evaluate a more detailed applicant’s statement, the date at which Berkeley Tire ceased operation at the site, and to consider whether the proposed changes reduced the intensity of the existing legal non-conforming use at 1865 University Avenue (C-1, General Commercial District, CW).
Continued From: 6/08/06
Recommendation: Approval

3. 1885 University
Request by: 1950 MLK, LLC, c/o Chris Hudson, Hudson McDonald LLC, 2140 Shattuck Avenue, Suite 302, Berkeley, CA 94704.
Use Permit #02-10000070, Preliminary consideration of a modified design to allow construction of a mixed use development with 148 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: 06/08/06 (No discussion). Previously discussed: 04/27/06, 5/11/06, 05/25/06
Recommendation: Take public comment and discuss
Nuisance Proceedings: None

New Hearings:

4. 2224 Roosevelt Avenue
    Request by: Kathryn A Rogers & Debbie Kim, Sogno Design Group, 1496C Solano Avenue, Albany, CA 94706.
    Use Permit #05-10000113 to convert an existing duplex to a single family dwelling by relocating one of the existing units to a new 462 square foot detached structure at the rear of the lot. The existing deteriorated garage would also be demolished and replaced. (R-2, Restricted Two-Family Residential, SDR).

    Continued From: none
    Recommendation: Approve

5. 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 173 residential units, retail and restaurant uses and the renovation of the Southern Pacific Train Station (Commercial West Berkeley, GP)

    Continued From: None
    Recommendation: Take Public Comment on Draft EIR. No Action

Additional Agenda Items:

A. Information/Communication
   - Update on Council Actions (delivered at meeting)
   - June 15, 2006 memo regarding DRC membership and Appeals Requesting Comments on Proposed Zoning Ordinance Amendments (enclosed)
   - Revised ZAB calendar (delivered at meeting)

B. Business Meeting
C. Chair’s Report
D. Current Business/Committee Appointments
E. Future Agenda Items
F. Other Matters
G. Adjourn

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.