Agenda

Zoning Adjustments Board
Thursday, August 10, 2006
7:00 PM

City Council Chambers
2134 Martin Luther King Junior Way
Berkeley, CA  94704
(Wheelchair Accessible)

Public Testimony Guidelines
The Board Chair may limit the number of speakers and the length of time allowed to each speaker. To speak at a public hearing, complete a speaker card and submit to Planning Staff (1) at the public hearing, by 7:15 PM on the night of the hearing, or (2) at the Permit Service Center, 2120 Milvia Street, before 5:00 PM on the day of the hearing.

The Board encourages the public to submit comments in writing or by email, in advance of the meeting. See Correspondence and Notice of Decision Requests at the end of this Agenda for procedures.

Planning and Development Department-Land Use division

Roll Call

Public Comment
Each Speaker is limited to a maximum of three minutes.

Consent Calendar
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 Board member 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, or, if necessary, posted for a public hearing at a subsequent meeting.

1. 3192 Adeline Street
   Request by: Huck Rorick, 2640 Silvercrest, Pinole, and Judith A. Meyer, 1613 Bonita Avenue, Berkeley
   Use Permit # 06-7000017 to modify Use Permit A1840 to allow the expansion of the South Berkeley Police Substation for employee lockers and vehicle storage (C-SA – South Area Commercial, GP).

   Continued From: none
   Recommendation: Approve
2. **1801 Shattuck Avenue**  
Request by: Avi Nevo, 2171 Addison Street, Berkeley CA 94704  
Use Permit Modification #05-70000030 to modify Use Permit #03-10000053 to allow 1) the conversion of three retail lease spaces to allow a range of two to six lease spaces; 2) a change of use in these spaces from retail to a combination of retail, office, personal and household service and/or food service uses (including carry-out, quick-serve and/or restaurant), with no more than two lease spaces, totaling no more than 2,100 square feet, devoted to food service uses; 3) hours of operation of food service uses to be from 7:00 a.m. to 11:00 p.m.; and 4) the creation of three additional on-site parking spaces (C-1, General Commercial, GMS).  
Continued From: none  
Recommendation: Approve

3. **157 and 161 Vicente Road**  
Request by: Antonio Lao Rempel & Lao Architects, 2213 Fifth Street, Berkeley, CA 94710  
Use Permits #06-10000039 and 06-10000040 to construct two single-family dwellings on a 19,027 square foot sub-divided lot with a shared driveway (R-1H, Single-family Residential Hillside, DS/JL).  
Continued From: none  

**Agenda Changes**  
The Board Chair may reorder the agenda at the beginning of the meeting.

**Appeal of Administrative Use Permit: None**  
**Appeals of Administrative Use Permit are not subject to public hearing and no public testimony will be taken at this time. The Board may set the matter for public hearing, or affirm the Zoning Officer’s decision.**

**Continued Hearings:** None

**Nuisance Proceedings:** None

**New Hearings:**

4. **1409 Glendale Avenue**  
Request by: Jay Sherlock, 4202 Telegraph Avenue Oakland, CA 94609  
Use Permit #06-10000005 to construct a 2-story single-family dwelling unit with an average height of 26 feet, 2,750 square feet of gross floor area and a single-car carport on a vacant lot of 5,879 square feet (R1-H Single Family Residential, Hillside Overlay, CLW/G.P).  
Continued From: none  
Recommendation: Approve
5. **900 Wildcat Canyon**
   Request by: Frank A. Bergamaschi, 30 Pacific Avenue, San Francisco, CA 94111
   Use Permit #06-1000065 to construct a single-family dwelling with three stories, average height of 23.5 feet, 2,300 square feet of floor area and two parking spaces on a vacant lot of 50,094 square feet (R-1H, Single-family Residential Hillside, GMS/MKL).
   
   **Continued From:** none
   **Recommendation:** Approve

6. **2036-38 Lincoln Street**
   Request by Kava Massih Architects, 2830 Ninth St., Berkeley, 94710
   Use Permit #05-10000126 to demolish existing dwelling unit and build 3 new dwelling units in two 3-story buildings with average height of 33 feet, 3 inches, total floor area of 3,781 square feet, and 3 off-street parking spaces on a lot of 4,759 square feet (C-NS, North Shattuck Commercial; AS).
   
   **Continued From:** none
   **Recommendation:** Approve

7. **2502 Telegraph Avenue**
   Request by: Ruggero Milano, 132 Hacienda Dr., Tiburon, CA 94920
   Use Permit #05-10000114 to establish a full-service restaurant with incidental service of beer and wine, 1,940 square feet of floor area, and 48 seats, in an existing commercial building with no off-street parking (C-T, Telegraph Avenue Commercial, AS).
   
   **Continued From:** none
   **Recommendation:** Approve

8. **1350 Fourth Street**
   Request by: Michael St. Pierre, NRC Environmental, 1605 Ferry Point, Alameda, CA 94501
   Use Permit #05-10000141 to allow the demolition of three industrial buildings (Building Numbers 11, 30, and 40) with approximately 6,400 square feet of floor area to facilitate the removal of contaminated soils and groundwater on the Flint Ink property (M, Manufacturing, SDR).
   
   **Continued From:** none
   **Recommendation:** Approve

9. **1191 Delaware Street**
   Request by: Elizabeth Buchanan and Michael Fretz, 1191 Delaware Street, Berkeley, CA 94702
   Yard Variance 06-1000088 to further reduce an existing, non-conforming side yard setback from 3.29 ft. to 2.57 ft. in order to permit a lot line adjustment that will correct a non-conforming property line (R-2, Restricted Two-Family Residential, FC).
   
   **Continued From:** 07/27/06
   **Recommendation:** Approve
10. **1187 Delaware Street**  
Appeal by: Michael Fretz, 1191 Delaware Street, Berkeley, CA 94702  
AUP 04-20000020 to legalize construction that vertically extended existing, non-conforming front and side yard setbacks (R-2, Restricted Two-Family Residential, FC).  
Continued From: 07/27/06  
Recommendation: Deny Appeal and Approve Project

11. **704 Keeler Avenue**  
Appeals by: James and Lisa Kaufman, 700 Grizzly Peak Blvd. Berkeley, CA 94702, and Melvin Hodges, 705 Grizzly Peak Blvd., Berkeley, CA 94702, of AUP 05-20000135 to create a major residential addition of 1,934.5, and to vertically extend an existing, non-conforming side yard setback. (R-2, Restricted Two-Family Residential, FC).  
Continued From: 07/27/06  
Recommendation: Deny Appeal, and Approve Revised Project

Additional Agenda Items:  
A. Information/Communication  
   • Letter from John Norheim, August 4, 2006.
B. Business Meeting  
C. Chair’s Report  
D. Current Business/Committee Appointments  
E. Future Agenda Items  
F. Other Matters  
   • No Meeting on August 24, 2006. Next meeting is September 14, 2006.
G. Adjourn

Correspondence and Notice of Decision Requests  
• To distribute correspondence to Board members **prior to the meeting date** -- submit comments **by 12:00 noon, seven (7) days before the meeting**. Please provide 15 copies of any correspondence with more than ten (10) pages.  
• Any correspondence received after this deadline will be given to Board members on the meeting date just prior to the meeting.  
• Staff will not deliver to Board members any additional written (or email) materials received after 12:00 noon on the day of the meeting.  
• Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk just before or at the beginning of the meeting.  
• Written comments, or a request for a **Notice of Decision** should be directed to the ZAB Secretary at  

Land Use Planning Division  
2120 Milvia Street  
Berkeley, CA 94704  
(Attn: ZAB Secretary)  
OR at zab@ci.berkeley.ca.us
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.

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.