Roll Call  
Call to Order: 7:05 PM  
Roll Call: Allen, Anthony, Blake, Judd, Katz, Metzger, Shumer, Tiedemann, Wilson,  
Approximate Public Attendance: 80 people

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.

900 Wildcat Canyon moved to the consent calendar  
2036-38 Lincoln Street moved to the consent calendar  
2502 Telegraph Avenue moved to the consent calendar
1. **3192 Adeline Street**
   Request by: Huck Rorick, 2640 Silvercrest, Pinole, and Judith A. Meyer, 1613 Bonita Avenue, Berkeley
   Use Permit # 06-70000017 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
   **Action:** Pulled from the Consent Calendar and public hearing opened. Hearing continued to Sept. 14, 2006 (9-0-0-0).

2. **1801 Shattuck Avenue**
   Request by: Avi Nevo, 2171 Addison Street, Berkeley CA 94704
   Use Permit Modification #05-7000030 to modify Use Permit #03-1000053 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:** Approved on consent (9-0-0-0).

3. **157 and 161 Vicente Road**
   Request by: Antonio Lao Rempel & Lao Architects, 2213 Fifth Street, Berkeley, CA 94710
   Use Permits #06-1000039 and 06-1000040 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
   **Recommendation:** Continue Public Hearing to September 14, 2006.
   **Action:** Continued Public Hearing to September 14, 2006 on consent (9-0-0-0).

**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

File: ac081006
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
Action: Hearing opened and continued off calendar (9-0-0-0).

5. 900 Wildcat Canyon
Request by: Frank A. Bergamaschi, 30 Pacific Avenue, San Francisco, CA 94111
Use Permit #06-10000065 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
Action: Adopted Mitigated Negative Declaration and Approved Project on consent (9-0-0-0).

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
Action: Approved on consent (9-0-0-0).

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
Action: Approved on consent (9-0-0-0).

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
Action: Approved on consent (9-0-0-0).

9. 1191 Delaware Street
Request by: Elizabeth Buchanan and Michael Fretz, 1191 Delaware Street, Berkeley, CA 94702
Yard Variance 06-10000088 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
Action: Approved on consent (9-0-0-0).

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
Action: Project approved with added window condition (9-0-0-0).

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
Action: Public hearing opened. Continued off calendar (9-0-0-0).

Additional Agenda Items:
A. Information/Communication
B. Business Meeting
C. Chair’s Report
D. Current Business/Committee Appointments
E. Future Agenda Items
F. Other Matters
G. Adjourn 11:45 PM

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  (Attn: ZAB Secretary)
  2120 Milvia Street
  Berkeley, CA 94704 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.

[Approved for posting by Mark Rhoades for Debra R. Sanderson, Secretary, Zoning Adjustments Board, 8/15/06.]