Planning and Development Department
Land Use Planning Division

Action Minutes

Zoning Adjustments Board
Thursday, March 22, 2007  -- 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 Consent Calendar allows the Board to take action with no discussion, on projects to which no one objects. The Agenda includes two types of Consent Calendar items: (1) Modifications of existing Use Permits (which have not been noticed for public hearings); (2) Items being continued to another meeting (Board action has been postponed to another meeting). The Board Chairperson will announce items for the Consent Calendar at 7:05 p.m. The Board may place additional Agendized items on the Consent Calendar, if no one present wishes to testify on an item. 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 from the consent calendar. Modification Projects may be discussed by the Board at this meeting or set for a public hearing at a later meeting. Items already noticed for a public hearing will be heard following Continued Items, or, if necessary, posted for a public hearing at a subsequent meeting.

920 Heinz moved to the consent calendar
2948 Sacramento moved to the consent calendar
6 Nogales Street moved to the consent calendar
1. **2953-2955 Telegraph**  
Request by: Ms. Meskerem Tsegaye, 2955 Telegraph Avenue, Berkeley, CA 94705  
Use Permit modification #05-70000034 to increase alcohol service of an existing full service restaurant (Ethiopia Restaurant) by adding service of distilled spirits to existing service of beer and wine, and by increasing operating hours from 8:00 a.m. to 12:00 a.m. daily to 8:00 a.m. to 2:00 a.m. daily; (General Commercial, C-1, District, CW).

Continued From: 12/14/06, 1/11/07, 1/25/07, 02/08/07, 2/22/07  
Recommendation: Continue to April 12, 2007  
Action: No Action. Application withdrawn.

2. **2008 Virginia**  
Applicant: Lorin Hill, Architect; 6573 Shattuck Avenue, Oakland, CA  
Appellant: Ray Oyung, 1703 & 1705 Milvia Street, Berkeley, CA 94709  
Josh and Josie Gallup, Berkeley, CA  
Cheryl Bergstorm, 1711 Milvia Street # A, Berkeley, CA 94709  
Hallie Frazer, 1711 Milvia Street # B, Berkeley, CA 94709  
Rosemary Dady, 2004 & 2006 Virginia Street, Berkeley, CA 94709  

APPEAL of Administrative Use Permit #06-20000113 to construct a 1,434 sq. ft. addition, via raising the existing structure approximately 6’ to create habitable space on the ground level, and by expanding the footprint of the building thereby creating a two-story, west wing appendage to the building (Restricted, Multiple Family Residential, R-2A, ND). back (R-1 (H), Single-family Residential – Hillside Overlay, ND).

Continued From: None  
Recommendation: Continue to April 12, 2007  
Action: Continue to April 12, 2007 (9-0-0)

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

**Appeal of Administrative Use Permit:**  
*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.*

3. **2819 Dohr Street**  
Applicant: Italo Calpestri Architect - 1504 Park Street, Alameda, CA 94501  
Appellant: Zenaida Segovia and Francisco Orellana - 2815 Dohr St. Berkeley, CA 94702  

APPEAL of Administrative Use Permit #06-20000072 to construct a 1,279 sq. ft. residential addition by expanding the footprint of the building by 219 sq. ft., and adding a second story via raising the existing building approximately 8’, and moving it 6” to the south, thereby making the property conform to the required 3’6” north side yard setback, and off-street parking; (Single Family Residential, R-1, NFD).

Continued From: None  
Recommendation: Deny Appeal
Action: Continue off calendar (9-0-0)

Continued Items (Public Hearing has been closed): None

Continued Public Hearings: None

Nuisance Proceedings: None

New Hearings:

4. 2224 Roosevelt
Request by: Kathryn A Rogers & Debbie Kim, Sogno Design Group, 1496 C Solano Avenue, Albany, CA 94706.
Administrative Use Permit #05-10000113 to convert an existing duplex to a single family dwelling and construct a new 608 square foot accessory building with one garage parking space plus habitable space for a home office. The existing deteriorated garage would be demolished. (Restricted Two-Family Residential, R-2, SDR).

Continued From: None
Recommendation: Approve
Action: Approved with changes (8-1-0-0) (No Arreguin).

5. 1231 Grizzly Peak Boulevard
Request by: Rachel Hamilton 2054 University Ave. Berkeley CA 94704
Use Permit Modification # 06-70000028 to modify Use Permit # 00-10000082, which allows the construction of a new single-family residence, to include the expansion of an exterior third floor kitchen deck, and the reconfiguration of the adjoining stairs, which encroach into the required side yard along the south property line, as well as the construction of several keystone retaining walls within the front yard, (Single-Family Residential, R-1(H) (Hillside Overlay), GS).

Continued From: None
Recommendation: Approve
Action: Approved (9-0-0-0).

6. 920 Heinz
Request by: Berkeley Bowl Produce, Inc., 2020 Oregon Street, Berkeley, CA 94703
Use Permit Modification #07-70000002 to modify approved plans for a “full-service grocery marketplace,” including increasing building footprint, changing configuration of retail and storage areas, and changing parking layout, without creating any new traffic or other environmental impacts; (C-W, West Berkeley Commercial, and MU-LI, Mixed Use-Light Industrial, AS).

Continued From: None
Recommendation: Approved
Action: Approved & Adopted addendum on consent (9-0-0-0).

7. 2948 Sacramento Street
Request by: Philip J. Anderson, 2952 Sacramento St., Berkeley, 94702
Use Permit #06-10000091 to legalize existing 1,036 sq. ft. dwelling unit at rear of commercial building on 8,000 sq. ft. lot with 6 parking spaces, thereby creating a mixed-use development; (CS-A, South Area Commercial, AS).

Continued From: None  
Recommendation: Approve  
Action: Approved on consent (9-0-0)

8. 6 Nogales Street
Request by: Lorin Hill, Architect; 6573 Shattuck Avenue, Oakland, CA
Use Permit #07-10000004 to convert a portion (63 sq. ft.) of an attic to habitable use by increasing the ceiling clearance with a dormer-style “pop-out,” and reconfiguring windows at the upper story; to horizontally expand an attached garage that encroaches into a required side yard setback; and to demolish a carport in the front yard setback (R-1 (H), Single-family Residential – Hillside Overlay, FC).

Continued From: None  
Recommendation: Approve  
Action: Approved on consent (7-0-2 (Abstain: Judd; Alvarez-Cohen))

9. 1442 Sixth Street, #B
Request by: Ms. Carol L. Cooper, 1442 Sixth Street, Berkeley, CA 94710.
Use Permit #05-10000074 to establish a pet grooming use with an outdoor use component; (Mixed Use-Residential, MU-R, CW).

Continued From: None  
Recommendation: Approve  
Action: Approved with changes (9-0-0-0).

10. 700 University
Request by: Urban Housing Group/Essex Property Trust, 400 El Camino Real, Suite 650, San Mateo, CA 94402.
Use Permit #04-10000069 to 1) demolish two buildings along 4th Street; 2) construct a mixed use development with 171 dwelling units (31 Affordable), 9,995 square feet of new commercial floor area and 213 vehicle parking spaces; and 3) rehabilitate and reuse the former train depot, a City Landmark as a Brennan’s Restaurant (West Berkeley Commercial, C-W, GP).

Continued From: None  
Recommendation: Certify EIR and Approve Project  
Action: Certified EIR (9-0-0-0) and Approved project (7-2-0-0) (No: Blake, Arreguin).

Additional Agenda Items:
A. Information/Communication: Letter from Denise Boisvert, Received March 7, 2007.
**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 Debra R. Sanderson, Secretary, Zoning Adjustments Board, April 16, 2007.]