Zoning Adjustments Board
Thursday, April 24, 2008 -- 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) as early as possible at the meeting, or (2) at the Permit Service Center, 2120 Milvia Street, before 5:00 PM on the day of the hearing. At the start of the meeting the Board may rearrange the agenda or place additional agendized items on the Consent Calendar, so it is important to submit speaker cards at the start of the meeting to avoid losing the chance to speak to an item.

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.

Roll Call: 7:00 PM
Absent: R. Judd, S. Shumer
Substitutes: E. Rhoades (for R. Judd; arrived @ 7:07 PM); S. Wollmer (Substitute for S. Shumer)
Public Attendance: ~90

Public Comment NONE
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.

Item 4. 2134 Allston moved to Consent Calendar for Approval
Item 5. 921 Channing moved to Consent Calendar for Approval
Item 6. 916 Hilldale moved to Consent Calendar for Approval
Item 7. 2911 Fulton moved to Consent Calendar for Approval

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

Appeal of Administrative Use Permit/Staff Level Design Review:
Appeals of Administrative Use Permit and Design Review applications 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 or Design Review Secretary’s decision.

1. 3045 Shattuck
Applicant: Christina Sun, 3045 Shattuck Ave, Berkeley, CA 94705
Appeal of Staff Level Design Review #04-30000100 (upheld by the Design Review Committee on March 19, 2008) of site / landscape plan to allow three residential parking spaces, instead of two, and changes in proposed paving and landscape to accommodate the parking space change; (C-SA; South Area Commercial AB)

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<td>NONE</td>
<td>Deny Appeal and Approve Project</td>
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<td>Denied Appeal and Approved Project (6-3-0-0; No: M. Cohen, S. Wollmer, J. Arreguin)</td>
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2. 1635 Lincoln
Applicant: Greg Gayler Construction Co., 677 Sorenson Road, Hayward, CA 94544
Appeal of Administrative Use Permit #07-20000116 to construct an 840 sq. ft., two-story addition, with an average height of approximately 20’, at the rear of an existing one story single-family residence; (R-2, Restricted Two Family Residential; NFD)

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Continued Items (Public Hearing has been closed): NONE

Continued Public Hearings: NONE
Compliance Determination: NONE

New Hearings:

3. 2819 Dohr
   Applicant: Italo Calpestri Architect - 1504 Park Street, Alameda, CA 94501
   Appeal of Administrative Use Permit # 06-2000072 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
   by raising the existing building approximately 8'; (R-1  Single Family Residential, NFD)
   Continued From: NONE
   Recommendation: Deny Appeal and Approve Project
   Action:  Denied Appeal and Approved Project
   (6-3-0-0; No: S. Wilson, S. Wollmer, J. Arreguin)

4. 2134 Allston
   Applicant: Alfonso Dominguez, 831 Broadway, Oakland, CA 94607
   Use Permit #08-10000021 to increase alcoholic beverage service, due to an increase of 24
   additional seats in an existing restaurant (Cancun Restaurant); (C-2, Central Commercial,
   ND/JL)
   Continued From: NONE
   Recommendation: Approve
   Action:  Approved on Consent (8-0-0-1; Absent: E. Rhoades)

5. 921 Channing
   Applicant: Allison Green, 921 Channing Way, Berkeley, CA 94710
   Use Permit #07-10000101 to construct a new second story on an existing one-story, single-
   family residence of 815 sq. ft. for a new floor area total of 1,382 sq. ft. (R-1A, Limited Two-
   family Residential; FC)
   Continued From: NONE
   Recommendation: Approve
   Action:  Approved on Consent (8-0-0-1; Absent: E. Rhoades)
6. **916 Hilldale**  
**Applicant:** Mark Steiner, 916 Hilldale Avenue, Berkeley, CA 94708  
Use Permit #08-100000001 to partially demolish an existing single-family residence to the extent of a technical demolition, and to re-construct a larger single-family residence with an accessory dwelling unit and a non-conforming side yard setback of 3'-10 5/8" where a minimum of 4 ft. is required. (R-1 (H) - Single-family Residential/ Hillside Overlay; FC)  
**Continued From:** NONE  
**Recommendation:** Approve  
**Action:** Approved on Consent (8-0-0-1; Absent: E. Rhoades)

7. **2911 Fulton**  
**Applicant:** Jerri Holan & Associates, AIA, 1393 Solano Ave. #B, Albany, CA 94706  
Use Permit #07-10000116 to add 388 square feet to the rear of an existing 3-unit building on a property with 4 units, 3 parking spaces, and an area of 6,750 square feet; (R-2, Restricted Two-Family Residential AS)  
**Continued From:** NONE  
**Recommendation:** Approve  
**Action:** Approved on Consent (7-0-1-1; Abstain: J.Arreguin; Absent: E. Rhodes)

8. **1819 Fifth**  
**Applicant:** 1819 Pads, LLC. Liz Miranda and Timothy Rempel, 1819 Fifth Street, Berkeley, CA 94107  
Use Permit #06-10000135 to construct a three story mixed use project totaling 20,820 square feet, comprised of 9 live/work units, 3 commercial units, and 10 light industrial units with 22 parking spaces; (MU-R, Mixed-Use Residential; SDR)  
**Continued From:** NONE  
**Recommendation:** Approve  
**Action:** Approved (8-0-1-0; Abstain: J. Arreguin)
9. **1911 Russell**  
**Applicant:** Guy Supawit, on the behalf of Wat Mongkolratanaram, 1911 Russell Street, Berkeley CA  
Use Permit #07-10000040 to 1) construct a 16' by 24' Buddha Sanctuary and create four off-street parking spaces on a vacant 5,232 square foot parcel abutting Oregon Street; and 2) create 10 small accessory structures (tables and parasols) on a vacant 5,792 square foot parcel abutting MLK Jr Way, as part of the existing Wat Mongkolratanaram, or Thai Temple, located at 1911 Russell Street. (R-2A - Restricted Multi-family Residential; GP)  
**Continued From:** NONE  
**Recommendation:** Approve  
**Action:** Continued to June 26, 2008 for voluntary mediation and additional staff analysis (8-1-0-0; No: T. Doran)

Additional Agenda Items:
A. Information/Communication  
B. Business Meeting  
C. Chair’s Report  
D. Current Business/Committee Appointment  
E. Future Agenda Items  
F. Other Matters  
G. Adjourn 9:55 PM

[Approved for posting by Steven D. Ross, Secretary, Zoning Adjustments Board]

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 e-mail) 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.