



Planning and Development Department
Land Use Planning Division

Agenda

Zoning Adjustments Board

Thursday, April 12, 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.

1. 2008 Virginia

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Applicant: Lorin Hill, Architect; 6573 Shattuck Avenue, Oakland, CA
Appellant: Ray Oyung, 1703 & 1705 Milvia Street, Berkeley CA 94709
Josh and Josie Gallup, 1709 Milvia Street, Berkeley CA 94709
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).

Continued From: 03-22-07

Recommendation: Continue to May 24, 2007

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.

2. 933 Keeler

Applicant: Ken Winfield , 933 Keeler Avenue, Berkeley, CA 94708

Appellant: Ken Winfield , 933 Keeler Avenue, Berkeley, CA 94708

APPEAL of Administrative Use Permit #05-20000134 to construct a second story on top of an existing one-story detached garage, setback 5' from the property line abutting a street and 2' from the property line to the north, with an average height of 24' and a maximum height of 26'; (R-1 (H), Single Family Residential-Hillside Overlay, NFD)

Continued From: None

Recommendation: Deny appeal and affirm Zoning Officer's decision

Continued Items (Public Hearing has been closed): None

Continued Public Hearings: None

Nuisance Proceedings: None

New Hearings:

3. 3320 Adeline

Request by: Chris Williams, 677 Sixty-fifth Street, Oakland, CA

Use Permit #07-10000001 to establish a yoga studio with incidental retail sale of yoga accessories in an existing, 800 sq. ft. tenant space; (Commercial South Area, C-SA, FC).

Continued From: None

Recommendation: Approve

4. 1625 Berkeley Way

Request by: Mr. Jeff Stein, 1625 Berkeley Way, Berkeley, CA 94703

Use Permit #06-10000117 to construct a second story addition on an existing single-family dwelling unit that is non-conforming for lot coverage and west (left) side yard setback; (Restricted Multiple-Family Residential, R-2A, C. Wolf).

Continued From: None

Recommendation: Approve

Additional Agenda Items:

A. Information/Communication

1. Housing Unit Goals and Status:

a. "Housing Production – City of Berkeley (1999 – 2006)"

b. "Regional Housing Needs Assessment", prepared by Association of Bay Area Governments, June 2006

2. Creeks Ordinance and Advisory Letters:

a. Newly adopted Creeks Ordinance (City of Berkeley)

b. Attached are the advisory letters sent recently to all property owners (approximately 2,000) abutting open and/or culverted creeks, informing them about the new creeks ordinance and the applicable rules.

3. Parcel Conditions: Review "Parcel Conditions" available on the Planning Department's Webpage (to be delivered at the meeting).

B. Business Meeting

C. Chair's Report

D. Current Business/Committee Appointment

E. Future Agenda Items

F. Other Matters

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

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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.