



Planning and Development Department
Land Use Planning Division

Action Minutes

Zoning Adjustments Board

Thursday, July 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: 7:00 PM

Present:, T. Doran, R. Allen, R. Judd, S. Wilson, S. Shumer, J. Arreguin

Absent: J. Anthony (substituted by Mansour Id-Deen); M. Cohen (substituted by Matthew Mitchell); C. Tiedemann

Public Attendance: ~45

Public Comment 4 Speakers

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.

747 Bancroft Way/2220 Fourth Street was moved to Consent Calendar

1. 2331 Jefferson Ave

Applicant: Michael Bradley, 2331 Jefferson St., Berkeley, CA
Use Permit #07-1000021 to create a duplex by constructing a new dwelling unit as a building addition to an existing single-family residence. (R-2, FC)

Continued From: None
Recommendation: Continue to July 26, 2007
Action: Continued to July 26, 2007 (8-0-0-1)
(Absent: C. Tiedemann)

Agenda Changes

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

1924 Haste Street was scheduled for this meeting of July 12, 2007 but has been rescheduled to July 26, 2007.

3126 Shattuck Avenue was scheduled for this meeting of July 12, 2007 but has been rescheduled to August 9, 2007.

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. 2516 Ellsworth Street

Applicant: William Coburn Architects – 1224 Center Street, Oakland, CA 94607
Appellants: Linda Burden 2520 Ellsworth Street Berkeley CA, 94704; Robert Viener 2239 Blake Street Berkeley CA, 94704

Appeal of Administrative Use Permit #06-20000087 to construct a 2,974 sq. ft. addition to an existing 903 sq. ft., one-story, two unit building, via expanding the footprint towards the rear yard and raising the existing house, thereby vertically extending a non-conforming front yard setback 5' where 15' is required, as well as establishing the two required parking spaces within required side yard setbacks. (R-4 Multi-Family Residential, NFD)

Continued From: None
Recommendation: Set for Public Hearing
Action: Set for Public Hearing (8-0-0-1) (Absent: C. Tiedemann)

Continued Items (Public Hearing has been closed): NONE

Continued Public Hearings: NONE

Compliance Determination: NONE

New Hearings:

3. 747 Bancroft Way/2220 Fourth Street

Applicant: Darell de Tienne, De Tienne Associates. 3435 Cesar Chavez #312, San Francisco, CA 94112

Use Permit #07-1000072 to establish alcohol sales of gift packages containing bottles of wine to walk-in customers in a 1,000 square-foot of ancillary retail space. MU-LI, Mixed Use Light Industrial; GMS/TG)

Continued From: None
Recommendation: Approve
Action: Approved on Consent (8-0-0-1)
(Absent: C. Tiedemann)

4. 2720 San Pablo Ave

Applicant: Charlie Group LLC, Carol Bowen, 1108 Hillview Road Berkeley, CA 94708

Use Permit #06-10000116 to demolish an existing automotive repair shop and surface parking lot to construct a four-story, mixed-use building with 18 condominium dwelling units, 2,370 square feet of ground-floor commercial space and a 25-space parking garage (C-W, West Berkeley Commercial; C. Wagner/C. Wolf)

Continued From: None
Recommendation: Approve
Action: Approved (8-0-0-1) (Absent: C. Tiedemann)

5. 1819 Fifth

Applicant: Liz Miranda and Timothy Rempel. 1819 Fifth Street, Berkeley, CA 94107

Preliminary consideration (no formal action) of Use Permit #06-10000135 to construct a mixed use project, involving renovation and modification of an existing building, with 4 live-work units, 10 residential condominium units, 11 commercial units (7,298 square feet), 27 parking spaces and new 4-story construction. (MU-R, Mixed-Use Residential; C. Wagner/S.D.Ross)

Continued From: None
Recommendation: Comment on bulk, mass and proposed incentives/concessions
Action: Made recommendations regarding bulk, mass and proposed incentives/concessions to the applicant

6. 1365 Summit Road

Applicant: Charlotte Von Der Hude, P.O. Box 9795, Berkeley, CA 94709

Use Permit #06-10000105 to demolish an existing 1,575 square foot single story residence and replace it with a new three story, 3,152 square foot single family home; (R-1(H), SDR)

Continued From: None
Recommendation: Approve
Action: Approved (6-0-2-1) (Abstain: T. Doran, J. Arreguin; Absent: C. Tiedemann)

7. 921 Ensenada Avenue

Applicant: Zhitong Zhang 7227 Potrero Ave. El Cerrito, CA 94530

Appellant: Alan and Shelley Altura 914 Modoc Street Berkeley, CA 94707

Appeal of Administrative Use Permit #06-20000178 to construct a major residential addition, via expanding the footprint of the building by 450 sq. ft., and by constructing a 1,084 sq. ft. partial second story, setback approximately 15' from the front of the house, with an average height of 24'; (R-1 Single-Family Residential, NFD)

Continued From: None
Recommendation: Approve
Action: Denied appeal and confirmed Zoning Officer's decision to approve the project with minor modifications (8-0-0-1) (Absent: C. Tiedemann)

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 **11:30 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

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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, July 13, 2007.]