



# Action Minutes

Planning and  
Development Department  
Land Use Planning  
Division

## Zoning Adjustments Board Thursday, December 13, 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

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### Roll Call: 7:05 PM

**Present: J. Anthony, T. Doran, B. Allen, D. Matthews, R. Judd, S. Shumer, M. Alvarez-Cohen, J. Arreguin**

**Absent: S. Wilson (substituted by D. Blake)**

**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 3. 832 Camelia moved to Consent Calendar for approval
- Item 4. 625 Cedar moved to Consent Calendar for approval
- Item 6. 2000 University 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:**

*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.*

**1. 2819 Dohr**

Applicant: Italo Calpestri Architect - 1504 Park Street, Alameda, CA 94501

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 required off-street parking; (R-1 Single Family Residential, NFD)

**Continued From: None**  
**Recommendation: Accept the appeal and set for hearing to adopt changes to findings**  
**Action: Set project for Public Hearing (9-0-0-0)**

**Continued Items (Public Hearing has been closed): NONE**

**Continued Public Hearings: NONE**

**Compliance Determination:**

**2. 2450 Ashby Avenue – Alta Bates Medical Center**

The Alta Bates Use Permit is referred to the Zoning Adjustment Board because the level of neighborhood parking has exceeded the standard specified in the Use Permit. No action is requested at this time because new mitigations have been implemented by Alta Bates (ABMC), which are expected to result in compliance when monitoring is again conducted in January 2008. The purpose of this report is to familiarize the ZAB with the project. Staff requests that further discussion and possible action be postponed until the results of the January monitoring are received. (R-3 Multiple-Family Residential, WLC)

**Continued From: None**  
**Recommendation: Receive public comment and continue to April 2008**  
**Action: Received public comment and report from staff**

**New Hearings:**

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**3. 832 Camelia**

Applicant: Pamela Seifert, AIA, 100 Rancho de Maria, Martinez, CA 94553

Use Permit #07-1000067 to add 201 square feet of floor area to existing duplex with non-conforming residential density, on a 3,200 square foot lot; project also includes exterior hot tub; (R-1A, Limited Two-Family Residential; AS)

**Continued From: None**

**Recommendation: Approve**

**Action: Approved on Consent (9-0-0-0)**

**4. 625 Cedar**

Applicant: John Gregory, 1425 San Pablo Avenue, Berkeley, CA 94702

Use Permit #07-10000123 to operate an automobile repair and service (auto body shop) with two new paint booths and a mixing room in an existing 1-story, 5,400 square foot building with 10 on-site parking spaces, operating hours of 8 a.m. to 5 p.m. Monday through Friday, and six employees; (M, SR/JL)

**Continued From: None**

**Recommendation: Approve**

**Action: Approved on Consent (9-0-0-0)**

**5. 2517 Sacramento**

Applicant: Richard Tapp, 12 Marchant Court, Kensington, CA 94707

Use Permit #07-10000112 to establish a new café (Quick Service Restaurant) for 49 occupants in an existing 1,230-square-foot tenant space on the first floor of a mixed-use building, with three sidewalk tables, a total of 30 seats (24 indoor/6 outdoor), 4 onsite parking spaces, and operating hours of 6 a.m. to 10 p.m. daily (C-SA, South Area Commercial; JL/GP)

**Continued From: None**

**Recommendation: Approve**

**Action: Approved (9-0-0-0)**

**6. 2000 University**

Applicant: Mr. Mehdi Kashef, 2000 University Avenue, Berkeley, CA 94704.

Use Permit #06-10000142 to increase alcohol service of an existing restaurant by adding service of distilled spirits to existing service of beer and wine; (Central Commercial (C-2) and Arts Overlay Districts, GMS)

**Continued From: None**

**Recommendation: Approve**

**Action: Approved on Consent (9-0-0-0)**

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7. **2430 Fulton**

Applicant: David Soffa, 2926 Otis Street Berkeley CA 94703

Use Permit and Variance #07-10000077 to construct a three-story duplex and attached garage at the rear of the lot containing an existing three-story duplex (R-4, GMS)

**Continued From: None**

**Recommendation: Approve the Use Permit with modifications, and deny the Variance**

**Action: Approved Use Permit with changes; Denied Variance (9-0-0-0)**

8. **2311 Warring**

Applicant: Dwane J. Kennedy for Cityshapers, 3315 Grand Avenue, Oakland CA 94610

Variance #06-10000077 to allow the construction of a 302 square foot addition to the front of an existing residential co-op building, creating a zero front yard setback (R-4H, Multi-family Residential-Hillside District; GMS)

**Continued From: None**

**Recommendation: Approve**

**Action: Approved (9-0-0-0)**

9. **1923 Ninth**

Applicant: JDIP, LLC, Attention Justin Jee, 480 Second Street, Suite 203, San Francisco, CA 94107

Use Permit #07-10000063 to demolish two existing residential buildings containing a total of five dwelling units and construct two three-story buildings containing 15 condominium dwelling units, over an 18-space below-grade parking garage. (R-3 (Multiple Family Residential District; CM/GP)

**Continued From: None**

**Recommendation: Approve**

**Action: Continued to January 10, 2008; Public Hearing Closed (8-1-0-0; No: J. Arreguin)**

10. **2516 Ellsworth**

Applicant: William Coburn Architects – 1224 Center Street, Oakland, CA 94607

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, by expanding the footprint towards the rear yard and raising the existing house, thereby vertically extending a non-conforming front yard setback (5 feet where 15 feet 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: Approve with proposed modifications**

**Action: Continued to March 13, 2008 (9-0-0-0)**

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**11. 3132 Martin Luther King, Jr. Way**

Applicant: James Peterson, Corporate Housing Group, Inc., 2131 Parker Street, Suite D, Berkeley, CA 94704

Modification #04-70000020, to modify the original 1995 approval (Use Permit #A2320, Variance #1497, NPO #544) permitting the construction of an affordable senior housing project with 37 units, 1,200 square feet of retail, and 13 parking spaces within a 4 story building totaling 33,921 square feet. The revised project now proposes 42 residential units, a 2,492 square foot of community room, and 10 parking spaces within a 4 story building totaling 32,262 square feet (C-SA, South Area Commercial, SR)

**Continued From: None**

**Recommendation: Adopt the Addendum to Negative Declaration and Approve the Modification**

**Action: Adopted the Addendum to Negative Declaration and Approved the Modification (9-0-0-0)**

**Additional Agenda Items:**

- A. Information/Communication
  - 1441 Ashby (Biofuel Oasis) – update and new correspondence
- B. Business Meeting
  - Vote on ZAB meeting schedule 2008
    - Made Changes and approved the ZAB meeting schedule 2008
  - Chair and Vice Chair Elections
    - Chair: Rick Judd
    - Vice Chair: Bob Allen
- C. Chair's Report
- D. Current Business/Committee Appointment
- E. Future Agenda Items
- F. Other Matters
- G. Adjourn **11:40 PM**

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

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### **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](mailto: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.