ZONING ADJUSTMENTS BOARD AGENDA  
THURSDAY, MARCH 8, 2001  
7:00 PM

COUNCIL CHAMBERS, OLD CITY HALL  
2134 MARTIN LUTHER KING JUNIOR WAY  
BERKELEY, CALIFORNIA 94704

**CONSENT CALENDAR PROCEDURES**

Due to the extreme length of the Zoning Adjustments Board agenda, a Consent Calendar will be used to approve certain types of applications at one time. The Consent Calendar is divided into two parts:

**Part 1**  
Routine business such as amendments of use permits not subject to a public hearing and items proposed for continuance. (Please note that items proposed for continuance to a date certain will not be re-noticed by mail or posting on site.)

**Part 2**  
Public hearings on use permits and variances that are apparently non-controversial, on which no adverse comment has been received, and on which the Zoning Officer has made a favorable recommendation.

The Chairperson of the Board will announce the items on the Consent Calendar at 7:05 p.m. 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. Any applicant, member of the audience, or Zoning Adjustments Board Member may require that a Consent Calendar II item be removed from the Calendar for discussion and testimony. Items pulled from the Consent Calendar will be heard following "Continued" Matters.

**PUBLIC TESTIMONY PROCEDURES**

The Board may limit the number of speakers and the length of time allowed to each speaker. Persons wishing to offer testimony are encouraged to submit their comments in writing. If you want to speak at a public hearing, you must turn in a speaker card by 7:15 p.m. on the night of the hearing. Cards may also be submitted at the Zoning Counter at 2120 Milvia Street prior to 5 p.m. on the day of the hearing.

Note: Attendees at public meetings are reminded that other attendees may be sensitive to various odors, whether natural or manufactured, in products and materials. Please help the City respect these needs.
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AGENDA

Roll Call 7:00 PM

Public Comment 7:00 PM

Business Meeting

1. Chair’s Report

2. Current Business/Committee Appointments

3. Future Agenda Items

4. Other Matters

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

5. 702 HARRISON STREET  Request by Ken Holland to convert 13,910 square feet of manufacturing into six industrial and manufacturing lease spaces – UP #00-10000109 (Gisele Sorensen)

   PSA Action Date: 04-25-01
   Continued From: 01-25-01, 02-22-01
   Recommendation: Continue to 03-22-01

6. 2176 KITTREDGE STREET  Request by Thomas Reddy to modify Use Permit #99-70000030 to permit the alteration to an approved plan for an enclosed cashier and open waiting area in conjunction with an existing car wash - MOD #00-7000020 (Gisele Sorensen)

   PSA Action Date: 03-12-01
   Continued From: 12-14-00, 01-11&25-01, 02-08&22-01
Recommendation: Withdrawn by Applicant
Consent Calendar I - Continued:

7. **2209 PRINCE STREET**
   Request by Hector Wolansky to establish a hot tub - UP #00-20000120  (Steve Solomon)
   
   PSA Action Date: None
   Continued From: None
   Recommendation: Continue to 03-22-01

8. **1786-1788 SHATTUCK AVENUE**
   Request by Carole Sartenaer to establish a full service restaurant and to provide two required parking spaces off site – UP #00-10000090  (Xandra Grube)
   
   PSA Action Date: 04-12-01
   Continued From: None
   Recommendation: Continue to 03-22-01

Consent Calendar II

9. **2071 ADDISON STREET**
   Request by Jim Novosel, Bay Architects, to modify Use Permit #00-10000037 to add a new 470 square foot mezzanine to the existing educational facility - UP #01-70000005  (Margaret Kavanaugh-Lynch)
   
   PSA Action Date: 05-08-01
   Continued From: None
   Recommendation: Approve

Determination of Nuisance

10. **2507-09 MCGEE AVENUE**
    Consideration to adopt resolution to declare property a public nuisance for which an illegal third story addition has been constructed without three required Use two Variances by Rash B. Ghosh  (Victoria Johnson)
    
    PSA Action Date: None
    Continued From: None
    Recommendation: Declare as Nuisance
Hearing on Continued Items

11. **2025 ROSE STREET**
    Request by Robert Richerson to modify Use Permit #97-10000003 to reduce the number of approved dwelling units from four to three, replace open parking spaces with private garages and increase the floor area by 1,960 square feet – MOD # (Matt LeGrant)
    
    **PSA Action Date:** 03-22-01
    **Continued From:** 11-27-00, 12-14-00, 01-11&25-01, 02-08&22-01
    **Recommendation:** Approve

12. **1301 OXFORD STREET**
    Request by Harry Pollack on behalf of Congregation Beth El to construct a two story, approximately 35,000 square foot religious assembly use that will include a 7,500 square foot nursery school and afternoon religious school with 35 uncovered parking spaces – UP #99-10000079 (Steve Solomon)
    
    **PSA Action Date:** 03-08-01
    **Continued From:** 11-09 & 27-00, 12-14-00, 01-11 & 25-01, 02-08&22-01
    **Recommendation:** Approve

13. **1635 TENTH STREET**
    Request by Karl Wanaselja to construct a 28 foot high, 1,542 square foot, two story single family house at the rear of an existing 14 foot high, 1,019 square foot, one story single family house on a 5,031 square foot lot – UP #00-10000098 (Gisele Sorensen)
    
    **PSA Action Date:** 05-08-01
    **Continued From:** 01-25-01
    **Recommendation:** Approve

New Hearing

14. **2919 AVALON AVENUE**
    Request by Wade Skeels for Pablo Valenzuela to allow the construction of a 640 square foot, two story accessory dwelling unit on a 24,000 square foot lot that exceeds 12 feet in height – UP 01-10000015 (Gisele Sorensen)
    
    **PSA Action Date:** 03-22-01
    **Continued From:** None
New Hearing - Continued:

15. 161 AVENIDA DRIVE
Request by Lok-Hung Lo and Grace Law to construct a three story, 3,420 square foot that encroaches 15-20 feet into the required 20 foot front setback – UP 01-10000001 (Xandra Grube)

PSA Action Date: 04-12-01
Continued From: None
Recommendation: Approve

16. 1431 BANCROFT WAY
Request by Mike Rogers to construct a new 500 square foot single family dwelling unit that encroaches into the rear yard setback on a lot with an existing 805 square foot home and to legalize pre-existing fences with heights greater than 6 feet – UP #00-10000089 (Pierce Macdonald)

PSA Action Date: 04-04-01
Continued From: 02-22-01
Recommendation: Approve

17. 2190 BANCROFT WAY
Request by Elyakim Rinat to expand an existing restaurant, allow outdoor seating on the site and to provide four of the required eight off-street parking spaces off site – MOD #00-70000044 (Xandra Grube)

PSA Action Date: 04-12-01
Continued From: None
Recommendation: Approve

18. 1229 GLEN AVENUE
Request by Eileen Javar and Heiko Dzierzon to construct a major residential addition of 1,651 square feet by raising the house by 1.5 feet to an average height of 21 feet; to establish two parking spaces in the required front yard; to allow the increase in height of an accessory structure to an average height of 13.5 feet less than four feet from the side property line and; to convert a portion of the habitable space to a 640 square foot accessory dwelling unit – UP #00-10000105 (Gisele Sorensen)

PSA Action Date: 04-26-01
Continued From: None
Recommendation: Approve
New Hearing - Continued:

19. 2284 SHATTUCK AVENUE  
Request by Daniel Cukierman to modify Use Permit #A1249 to allow expanded hours of operation to 2:00 AM and to allow a full bar without food service – UP #01-70000001 (Greg Powell)
   
   PSA Action Date: 03-22-01
   Continue From: None
   Recommendation: Approve with modification

20. 3001 TELEGRAPH AVENUE  
Request by Western States Engineering and John Coffin for TOSCO to demolish an existing gas and service station and construct a new 1,850 square foot gas station and snack shop, open 24 hours a day, 7 days a week and to allow sales of beer and wine for off-site consumption – UP #00-10000076 (Christina Ratcliffe)
   
   PSA Action Date: 03-25-01
   Continued From: 02-22-01
   Recommendation: Deny

21. Administrative Use Permits Approved by the Zoning Officer

   2120 Acton St    2720 Eighth Street    762 Ensenada Ave
   2431A Fifth St  1270 Hearst Ave    3041 Hillegass Ave
   1216 Ordway St  1135 Parker St    2025 Prince St
   1407 Sacramento St  1732 Seventh St  939 Shattuck Ave
   1240 Sixth St   64 The Plaza Dr    227 Tunnel Rd
   2013-A University Ave  671 Vincente Rd

22. Information/Communication

   A. Newsletter from Thousand Oaks Neighborhood Association

   B. Newspaper article received from Patrick Kennedy
Adjourn
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.
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 644-6480 (voice) or 644-6915 (TDD); at least five (5) working days notice will ensure availability.

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