ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, APRIL 26, 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 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.
ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, APRIL 26, 2001
PAGE 2 OF 7

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. 2316 GLEN AVENUE Request by Thomas and Elisa Caulfield to construct a new single family house and to establish front yard parking - UP #00-10000029 (Xandra Grube)
   PSA Action Date: 07-26-01
   Continued From: 01-25-01, 02-22-01, 03-22-01, 04-12-01
   Recommendation: Continue to 05-10-01

Consent Calendar II

6. 2026 ADDISON STREET Request by United Capoeira Association to modify Use Permit #97-20000162 to extend hours of operation from 7:00 AM to 10:00 PM to 7:00 AM to 2:00 AM, for a food service use with existing incidental beer and wine and permitted live music - #01-70000006 (Pierce Macdonald)
   PSA Action Date: 05-01-01
   Continued From: None
   Recommendation: Approve
7. **3001 TELEGRAPH AVENUE**  
Adopt Findings and Conditions for a request by Fred Cohen and John Coffin to demolish and existing gas station, to construct a new gas station and; to allow 24 hours a day operation here 7:00 AM to 10:00 PM would be allowed – UP #00-10000076 (Christina Ratcliffe)  
- **PSA Action Date:** Approved by ZAB on 03-22-01  
- **Continued From:** None  
- **Recommendation:** Approve Findings & Conditions

8. **2020 UNIVERSITY AVENUE**  
Request by Samten Chinkalaprang to permit the addition of beer and wine service in an existing restaurant and to modify Use Permit #B1587 to increase seating from 14 to 28 – UP #01-10000013 (Gisele Sorensen)  
- **PSA Action Date:** 05-10-01  
- **Continued From:** None  
- **Recommendation:** Approve

**Appeal of Administrative Use Permit:**

**NOTE:** Appeal of Administrative use Permits are not subject to public hearing and no public testimony will be taken at this time. The Board can choose to set the matter for public hearing or affirm the decision of the Zoning Officer to grant the permit.

9. **762 ENSENADA AVENUE**  
Appeal of Zoning Officer’s decision to approve Administrative Use Permit #00-20000216 to allow a 1,200 square foot, second floor addition and to continue a non-conforming front yard setback (Greg Powell)  
- **PSA Action Date:** None  
- **Continued From:** None  
- **Recommendation:** Set for Public Hearing
Hearing on Continued Items

10. 1719-1725 UNIVERSITY AVENUE  
Request by Ali Kashani for Affordable Housing Associates to construct a 37,191 square foot mixed-use building containing 29 apartment units, 4,930 square feet of retail floor area, a café, and ground floor parking for 36 automobiles; to move (technical demolition) the existing single family residential building (Structure of Merit) for the purpose of relocating to another site; to demolish the existing store; to construct a mixed-use building to a height of four stories and 43 feet (average); to modify the R-3 open space requirement; to modify the residential parking requirement of 33 parking spaces to provide 28 spaces; to provide eight parking spaces for commercial use where the commercial parking requirement is ten spaces; and to allow a five foot rear yard where a depth of 12’6” is required - #00-10000104 (Xandra Grube)  
PSA Action Date: 09-20-01  
Continued From: 03-22-01, 04-12-01  
Recommendation: Approve

New Hearing:

11. 2301 ASHBY AVENUE  
Request by Jason Wallace to add a two bedroom dwelling unit in the basement;  
UP #00-10000122 (Pierce Macdonald)  
PSA Action Date: 05-10-01  
Continued From: None  
Recommendation: Approve

12. 1601 MARTIN LUTHER KING JUNIOR WAY  
Request by Billy Weiss to change non-conforming use (rug emporium) to new non-conforming use (retail and wholesale wine shop) – UP #01-10000014 (Xandra Grube)  
PSA Action Date: 05-01-01  
Continued From: None  
Recommendation: Approve
13. **900 MURRAY STREET**  
Request by Dan Knapp of Urban Ore to modify Use Permit #99-10000068 to add a 5,700 square foot building on to an existing site and to relocate two buildings currently located on site and to reconsider required parking - #00-70000036 (Margaret Kavanaugh-Lynch)  
PSA Action Date: 04-26-01  
Continued From: None  
Recommendation: Approve

14. **2209 PRINCE STREET**  
Appeal of Administrative Use Permit set for Public Hearing:  
Request by Hector Wolansky to allow a hot tub located at the property’s rear left corner and enclosed by a two foot, six inch high deck - #00-20000120 (Steve Solomon)  
PSA Action Date: None  
Continued From: None  
Recommendation: Affirm Zoning Officer’s Decision to Approve

15. **2701 SHATTUCK AVENUE**  
Request by Phillip Moss to construct a mixed use building with retail uses and parking on the first floor and 16 residential units on the upper floors – UP #00-10000083 (Steve Solomon)  
PSA Action Date: 06-28-01  
Continued From: None  
Recommendation: Approve

16. **1499 UNIVERSITY AVENUE**  
Request by Fred Cohen to demolish an existing gas station and construct a gas station with a 200 square foot kiosk with 24 hour daily operation and; to allow a driveway in excess of 20 feet abutting the property line – UP #00-10000077 (Christina Ratcliffe)  
PSA Action Date: 06-09-01  
Continued From: 03-22-01  
Recommendation: Approve
Administrative Use Permits Approved by the Zoning Officer

1052 Dwight Way  2150 Shattuck Ave  1551 University Ave
1905 Hopkins St

Information/Communication

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.