ACTION AGENDA

ZONING ADJUSTMENTS BOARD AGENDA
THURSDAY, JUNE 14, 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.
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Roll Call 7:10 PM

Public Comment 7:10 PM

Business Meeting

1. Chair’s Report

2. Current Business/Committee Appointments

3. Future Agenda Items

4. Other Matters
   A. New Application Submittal Checklists

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

5. 1631 CHANNING WAY
   Request by David Bacon and Lillian Galedo to construct a 761 square foot addition with 80 square feet added at the ground floor and 681 square feet at the second floor, maintaining a non-conforming 1.7’ east side yard setback and a non-conforming 18’ front yard setback - UP #00-10000143 (Gisele Sorensen)
   PSA Action Date: None (Consideration of an appeal)
   Continued From: 05-24-01
   Board Action: Continued to 06-28-01
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Consent Calendar I - Continued:

6. **1712 EUCLID AVENUE**
   Request by Franciscan Friars of California to modify Use Permit #8617 to eliminate a 17 bedroom dormitory for Friars and to change to offices and conference rooms (Xandra Grube)
   
   **PSA Action Date:** 06-28-01  
   **Continued From:** None  
   **Board Action:** Set for Public Hearing - 9-0-0

7. **1231 GRIZZLY PEAK BLVD**
   Request by Dimitre Trifonov and Elena Serbinova to construct a 2,490 square foot, three-story residence - UP #00-10000082 (Gisele Sorensen)
   
   **PSA Action Date:** 09-13-01  
   **Continued From:** 04-12-01, 05-24-01  
   **Board Action:** Continued to 06-28-01

8. **1521 LA LOMA AVENUE**
   Request by Marcy Wong for Bruce Jackan and Beth Simmons to construct a 1,572 square foot major residential second story addition to an existing 1,978 square foot, one story, single family house - UP #99-20000186 (Gisele Sorensen)
   
   **PSA Action Date:** 06-28-01  
   **Continued From:** None  
   **Board Action:** Continued to 06-28-01

9. **1144 MILLER AVENUE**
   Request by Dan Smith to extend Use Permit #00-1000017 for one year to construct a single family residence and detached garage - MOD #01-7000018 (Xandra Grube)
   
   **PSA Action Date:** 08-09-01  
   **Continued From:** None  
   **Board Action:** Approved - 9-0-0

Consent Calendar II

10. **737 JONES STREET**
    Request by Dara Hoadley to convert a residential unit to a live/work unit - UP #01-10000025 (Christina Ratcliffe)
    
    **PSA Action Date:** 07-06-01  
    **Continued From:** None  
    **Board Action:** Denied - 7-0-2 (Capitelli, Issel - Abstain)
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Consent Calendar II - Continued:

11. 1420 SECOND STREET  
Request by Tom Mitchell for Pacific Steel Castings Company to modify Use Permit #7388 to allow construction of a 945 square foot storage structure to house spare parts and maintenance equipment for the existing 27,000 square foot steel foundry - UP #01-70000007 (Gisele Sorensen)  
PSA Action Date: 06-28-01  
Continued From: None  
Board Action: Approved with modifications - 9-0-0

Appeals of Administrative Use Permits:

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.

12. 1513 BELVEDERE STREET  
Request by Sidney Weinstein to construct a 10-1/2 foot fence and 7-1/2 foot tall trellis within the front yard setback where 6 feet is allowed - AUP #00-20000210 (Christina Ratcliffe)  
PSA Action Date: None  
Continued From: None  
Board Action: Set for public hearing on 08-09-01 - 9-0-0

13. 1246-1248 ROSE STREET  
Request by Sidney Weinstein to construct a 7-1/2 foot unenclosed garden structure located within the front yard and side yard setback where 6 feet high is allowed - AUP #00-20000211 (Christina Ratcliffe)  
PSA Action Date: None  
Continued From: 05-24-01  
Board Action: Set for Public Hearing on 08-09-01 - 9-0-0

Hearing on Continued Items:

14. 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: 07-26-01  
Continued From: 05-10-01  
Board Action: Approved CCII - 9-0-0
Hearing on Continued Items - Continued:

15. 2507-2509 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 Permits and two Variances by Rash B. Ghosh  (Matt LeGrant)
    PSA Action Date:  None
    Continued From:  01-25-01, 03-08&22-01, 05-24-01
    Board Action: Declared property a public nuisance - 9-0-0

New Hearing:

16. 1410 BONITA AVENUE Request by Karen Kunze for Bonita House, Inc., to modify Variance #527 to allow existing day and storage uses to continue in a fourth floor attic space - UP #01-70000013  (Xandra Grube)
    PSA Action Date:  07-12-01
    Continued From:  None
    Board Action: Approved CCII - 9-0-0

17. 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 (Consideration of Appeal)
    Continued From:  04-26-01, 05-24-01
    Board Action: Continued to 06-28-01

18. 1796 SHATTUCK AVENUE Request by Noureddine Lalami to establish a 700 square foot carry out food service within 200 feet of a residential district - UP #01-10000034  (Pierce Macdonald)
    PSA Action Date:  07-26-01
    Continued From:  None
    Board Action: Approved with modification - 6-3-0 (Blake, Sprague, Weinberger - No)
New Hearing - Continued:

19. 1059 STERLING AVENUE

Request by Sady Hayashida to construct a single family dwelling unit and to construct a building with an average height of 30 feet - UP #01-10000005 (Margaret Kavanaugh-Lynch)

PSA Action Date: 08-17-01
Continued From: None
Board Action: Approved with modifications - 6-0-3 (Issel, Poschman, Matthews - Abstain)

20. Administrative Use Permits Approved by the Zoning Officer

1233 Derby St 9 E. Parnassus Crt 1922 Francisco St
1910 Milvia St 2240 Roosevelt Ave 3211 Sacramento St
1581 Solano Ave 1228 Stannage Ave 1941 Vine St

21. Information/Communication

None

Adjourn: 11:15 PM

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.
Legal Notice Concerning Your Legal Rights - Continued:

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 the City Clerk's Office at 981-6900 (voice) or 981-6903 (TDD); at least five (5) working days notice will ensure availability.