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 modifications 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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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
   A. Special Zoning Adjustments Board Meeting at North Berkeley Senior Center request for August 22, 2001 regarding 725 Potter Street
   B. Zoning Adjustments Board Meeting on September 9, 2001 to be held at North Berkeley Senior Center; Reschedule Zoning Adjustments Board meeting of September 27, 2001 to October 4, 2001.

4. Other Matters
   A. American Planning Association Audio Conferences.

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

5. 1513 BELVEDERE AVENUE
   Appeal of Zoning Officer's decision to approve Administrative Use Permit #01-20000210 to construct a fence and trellis (Christina Ratcliffe)
   PSA Action Date: None (Consideration of Appeal)
   Continued From: 05-24-01, 06-14-01
   Board Action: Continued to 09-13-01 for public notice
Consent Calendar I - Continued:

6. **1246-1248 ROSE STREET**
   Appeal of Zoning Officer's decision to approve Administrative Use Permit #00-20000211 for an unenclosed garden structure over 6' in height within the front yard setback (Christina Ratcliffe)
   
   **PSA Action Date:** None (Consideration of Appeal)
   **Continued From:** 05-24-01, 06-14-01
   **Board Action:** Continued to 09-13-01 for public notice

7. **1645 STUART STREET**
   Request by Jun Zhang to create a second dwelling unit in the rear yard – UP #01-10000026 (Margaret Kavanaugh-Lynch)
   
   **PSA Action Date:** 08-09-01
   **Continued From:** None
   **Board Action:** Withdrawn by Applicant

Consent Calendar II

8. **900 MURRAY STREET**
   Request by Dan Knapp of Urban Ore to modify Use Permit #99-10000068 by removing floor area used for Material Recovery Enterprise and to modify the project phasing – UP #01-70000020 (Margaret Kavanaugh-Lynch)
   
   **PSA Action Date:** 08-09-01
   **Continued From:** 07-26-01
   **Board Action:** Approved - 9-0-0

Comments on EIRS

9. **2450 ASHBY AVENUE**
   Request by Alta Bates Medical Center/Summit Health Care for a new Master Plan for its Ashby Campus. A Draft Environmental Impact Report for building reconfiguration has been proposed in response to a court settlement (Margaret Kavanaugh-Lynch)
   
   **PSA Action Date:** 11-03-01 to take action on DEIR
   **Continued From:** None
   **Board Action:** Conducted Public Hearing and Continued to 09-13-01 - 9-0-0
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Review of Use Permit

10. **2628 TELEGRAPH AVENUE**
    Review of Use Permit #7805 to adopt Resolution to set public hearing to consider revocation of Use Permit (Maurice Norrise)
    PSA Action Date: None
    Continued From: None
    **Board Action: Adopted Resolution - 9-0-0**

Hearing on Continued Items:

11. **2034 CEDAR STREET**
    Request by Ali Eslami for variances to exceed lot coverage and to reduce the front yard setback and to modify Use Permit #99-10000027 - UP #01-10000039 (Xandra Grube)
    PSA Action Date: 08-09-01
    Continued From: 07-12&26-01
    **Board Action: Approved - 5-3-1 (**

12. **762 ENSENADA AVENUE**
    Appeal of Zoning Officer's decision to approve Administrative Use Permit #00-20000216 to construct a 1,200 square foot, second floor addition (Greg Powell)
    PSA Action Date: None (Consideration of Appeal)
    Continued From: 04-26-01, 05-24-01, 06-14&28-01, 07-12&26-01
    **Board Action: Approved - 7-2-0 (Poschman, Sprague - No)**

13. **1050 GILMAN STREET**
    Request by Sandy Swett for Chipotle Restaurant for the intensification of alcohol use from beer and wine to full liquor, to change the hours of operation to 11:00 AM to 10:00 PM, add outside seating on private property and to change the use of existing storage space to a food service use - UP #01-10000029 (Margaret Kavanaugh-Lynch)
    PSA Action Date: 08-09-01
    Continued From: 07-26-01
    **Board Action: Approved - 8-0-1 (Sprague - Abstain)**
Hearing on Continued Items - Continued:

14. **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: 09-13-01  
Continued From: 06-14&28-01, 07-12&26-01  
**Board Action:** Conducted Public Hearing and Continued to 09-13-01 - 8-0-0 (Poschman - Absent)

15. **1536 TYLER STREET**  
Request by Kathleen Vaughn to construct two dwelling units with 2,766 square feet (revised project) - UP #01-20000093 (Xandra Grube)  
PSA Action Date: 08-09-01  
Continued From: 06-28-01  
**Board Action:** Approved - 6-2-1 (Poschman, Matthews - No) (Sprague - Abstain)

New Hearing:

16. **800 BANCROFT WAY**  
Request by Donn Logan to construct a 15,276 square foot office and light industrial complex and to reduce 10% of the required parking for bicycles - UP #01-10000009 (Pierce Macdonald)  
PSA Action Date: 10-11-01  
Continued From: None  
**Board Action:** Conducted Public Hearing and Continued to 09-13-01 - 8-0-0 (Poschman - Absent)

17. **1185 GLEN AVENUE**  
Request by Lev Laltoo to construct a 2,884 square foot single family dwelling unit and to demolish an existing 736 square foot single family dwelling - UP #00-10000028 (Pierce Macdonald)  
PSA Action Date: 11-08-01  
Continued From: None  
**Board Action:** Continued to 09-13-01
18. 725 POTTER STREET
Request by Darrell deTienne for Wareham Development to construct a 71,000 square foot, four story laboratory and pilot manufacturing building
PSA Action Date: 01-22-02
Continued From: None
Board Action: Conducted Public Hearing and Continued to Special Meeting on 08-22-01 at the North Berkeley Senior Center - 8-0-0 (Poschman - Absent)

19. 1316 SHATTUCK AVENUE
Request by Michael Siegel to construct a new 1,610 square foot duplex to replace an existing fire-damaged 1,550 square foot duplex – UP #01-10000058 (Pierce Macdonald)
PSA Action Date: 09-13-01
Continued From: None
Board Action: Approved - 8-0-0 (Blake - Absent)

20. 2420 SPAULDING AVENUE
Request by Ed Nanale and Deepinder Brar to demolish an existing garage and shed and to construct a second single family dwelling unit in the rear yard – UP #01-10000026 (Margaret Kavanaugh-Lynch)
PSA Action Date: 08-09-01
Continued From: None
Board Action: Continued to 09-13-01

21. Administrative Use Permits Approved by the Zoning Officer

2312 Edwards St  945 Hilldale Ave  1229 Kains Ave
356 Panoramic Way  1434 Parker St  2240 Prince St
1771 Sonoma Ave

22. Information/Communication
None

Adjourn: 1:01 AM
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 the City Clerk's Office at 981-6330 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.

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