CONSENT CALENDAR PROCEDURES

Due to the 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:

Consent

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.)

Calendar I

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 recommends approval.

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 Items.

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.
AGENDA

Roll Call 7:11 PM

Public Comment 7:12 PM

Business Meeting

1. Chair’s Report

2. Current Business/Committee Appointments - Elected Laurie Capitelli Vice-Chair

3. Future Agenda Items
   A. Pending Zoning Hearings List
   B. City Council List
   C. 2517 Sacramento Street - Presentation of a request by Affordable Housing Associates to demolish existing retail building and construct 36,648 square foot, mixed-use building with 38 apartments for senior citizens and 3,629 square feet of commercial on a 17,867 square foot lot - UP #01-10000085 (Gisele Sorensen) - Endorsed stepped-down design with four stories along Sacramento Avenue

4. Other Matters

NOTE: PSA = Permit Streamlining Act Date For Action

Consent Calendar I

5. 1425 MILVIA STREET  Request by Dennis and Shirley Caputo to extend Use Permit #00-20000121 for one year (Gisele Sorensen)
   PSA Action Date: 01-10-02
   Continued From: None
   Board Action: Approved - 8-0-0 (Matthews - Absent)
Consent Calendar I - Continued:

6. **2720 EIGHTH STREET**
   - Public Hearing on an appeal of an Administrative Use Permit for a request by Elliot Abrams to construct two three-story duplexes, attached at the ground floor by a covered four space carport with a deck above - UP #00-20000183 (Gisele Sorensen)
     - **PSA Action Date:** None
     - **Continued From:** 11-08-01
     - **Board Action:** Continued to 01-10-02

Consent Calendar II

7. **1950 UNIVERSITY AVENUE**
   - Request by East End Investors Group to construct a 4,130 square foot addition in which the off-site parking requirement of 12 spaces will be met by leased off-site parking - UP #01-10000108 (Margaret Kavanaugh-Lynch)
     - **PSA Action Date:** 02-14-02
     - **Continued From:** None
     - **Board Action:** Approved - 8-0-0 (Matthews - Absent)

Enforcement - Use Permit Revocation:

8. **2628 TELEGRAPH AVENUE**
   - Consider revocation of Use Permit #7805 allowing a massage parlor use for violation of conditions of approval (Maurice Norrise)
     - **PSA Action Date:** None
     - **Continued From:** 09-13-01, 10-04&25-01, 11-26-01
     - **Board Action:** Revoked Use Permit - 7-1-0 (Blake - No)
       (Matthews - Absent)

Appeal of Administrative Use Permit

Please note: Appeals 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. **635 SANTA ROSA STREET**
   - Appeal of Administrative Use Permit #01-20000002 to allow a 725 square foot expansion of an existing single family dwelling (Steve Solomon)
     - **PSA Action Date:** None
     - **Continued From:** None
Hearing on Continued Items

10.  1277 ALCATRAZ AVENUE  Request by Anwar Al-Ariemy to construct an additional single family house and to reduce the building separation between two main buildings to 4.3 feet - UP #01-1000016 (Pierce Macdonald)
   
   PSA Action Date:  02-14-02
   Continued From:  09-13-01, 10-04,11&25-01, 11-08-01
   Board Action: Approved with modified conditions - 7-1-0
                  (Sprague - No) (Matthews - Absent)

11.  1820 SOLANO AVENUE  Request by Avi Nevo and David Trachtenberg to construct a new 17,861 square foot building; to demolish a commercial building; Variance to modify the applicable off-street parking requirement to allow 30 parking spaces where 36 are required; Variance to modify off-street loading requirements to allow one on-street metered loading zone where one off-street loading zone is required; to modify the front yard setback requirement to permit construction of the building and the garage entrance at the front (east) property line where a 15 foot front yard setback is required and; to allow trash enclosure opening five feet from adjacent residential property where 50 feet are required - UP #01-10000074 (Carole Kajita)
   
   PSA Action Date:  01-10-02
   Continued From:  11-08&26-01
   Board Action: Approved Negative Declaration - 8-0-0
                  (Matthews - Absent) - Approved Use Permit and Variances with modifications - 8-0-0 (Matthews - Absent)

12.  1616 ALCATRAZ AVENUE  Request by Landmark Ventures, LLC to demolish a 2,203 square foot duplex and construct a 2,723 square foot triplex (revised design) - UP #01-10000071 (Gisele Sorensen)
   
   PSA Action Date:  12-13-01
   Continued From:  11-26-01
   Board Action: Approved with modified conditions - 8-0-0
                  (Matthews - Absent)
ZONING ADJUSTMENTS BOARD AGENDA
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New Hearing:

13. 1525 ALCATRAZ AVENUE  
    Request by Jessie Guiton to change the use of a dwelling unit into a rooming house use in a five bedroom apartment within an existing apartment complex - UP #01-10000053  (Hector Lopez)  
    PSA Action Date: 12-13-01  
    Continued From: 11-26-01  
    Board Action: Denied - 7-0-1 (Alvin - Abstain) (Matthews - Absent)

14. 2450 ASHBY AVENUE  
    Consider Use Permit #99-10000013 for the operation of Alta Bates Center - Ashby Campus as a hospital, subject to performance standards for external impacts; establishment of thresholds as standards of impact generated by the Ashby Campus; and the exterior alterations related to the Emergency/Radiology Departments  (Margaret Kavanaugh-Lynch)  
    PSA Action Date: 04-25-01  
    Continued From: None  
    Board Action: Conducted Public Hearing and Continued to 01-24-02

15. 1717D FOURTH STREET  
    Request by Marjory Hawkins and Sandra James for the Art Gym to modify Use Permit #97-70000043 to eliminate the condition for rental of the subject space to a building and material supply store and allow an art and craft studio - MOD #01-70000049  (Hector Lopez)  
    PSA Action Date: 01-24-02  
    Continued From: None  
    Board Action: Approved - 8-0-0 (Matthews - Absent)

16. 911 FRESNO AVENUE  
    Request by Marti Lee Kennedy to construct a 422 square foot accessory dwelling unit within an existing garage; Variance from required rear and side yard setbacks and; to establish a parking space within the front yard setback - UP #01-10000069  (Pierce Macdonald)  
    PSA Action Date: 01-24-02  
    Continued From: None  
    Board Action: Denied - 8-0-0 (Matthews - Absent)
New Hearing - Continued:

17.  **2130 GRANT STREET**
Request by Koichi Paul Nii to demolish an existing 1,789 square foot single family house to construct a replacement two story single family house of 2,353 square feet - UP #01-10000099 (Hector Lopez)

   PSA Action Date: 12-13-01 (Extended)
   Continued From: None
   Board Action: Continued to 01-24-02 for purposes of re-design

18.  **1500 LEROY AVENUE**
Request by Burks Toma Architects for a Variance to construct a 168 square foot addition to a main structure on a lot which exceeds coverage, and to continue a non-conforming rear setback - VAR #01-10000093 (Margaret Kavanaugh-Lynch)

   PSA Action Date: 12-13-01
   Continued From: None
   Board Action: Approved with revised finding - 6-0-0 (Alvin, Issel, Matthews - Absent)

19.  **2224/2228 SIXTH STREET**
Request by Gary Feiner to lift two single family homes and construct 3,166 square feet of commercial office space beneath the residential units, resulting in a 6,300 square foot mixed-use development - UP #01-20000096 (Pierce Macdonald)

   PSA Action Date: 12-13-01
   Continued From: None
   Board Action: Approved - 5-1-0 (Sprague - No) (Alvin, Issel, Matthews - Absent)

20.  **1508 WARD STREET**
Request by Richard Schwarzmann to construct an additional dwelling unit; to extend the height of a wall within a one foot setback where a four foot setback is required and; to construct a 10 foot unenclosed accessory structure, trellis and gate - UP #01-10000072 (Pierce Macdonald)

   PSA Action Date: 02-04-02
   Continued From: 10-11&25-01,11-08&26-01
   Recommendation: Approved CCII - 8-0-0 (Matthews - Absent)
21. **Administrative Use Permits Approved by the Zoning Officer**

   935 Grayson St  
   1240 Sixth St  
   1 Virginia St

22. **Information/Communication**

   A. Letter from Annette Olson and Ethan Sanford regarding Brothers Liquors

   B. Letter from Patricia Curtin regarding 75 Hill Road

**Adjourn:** 1:00 AM

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**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:
Legal Notice Concerning Your Legal Rights - Continued:

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.

Ag121301