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 Calendar I
Routine business such as modifications of use permits which are 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.)

Consent Calendar II
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 Boardmember 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. You may also submit comments by E-mail at zab@ci.berkeley.ca.us. 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: Please refrain from wearing scented products to public meetings.
AGENDA

Roll Call  7:00 PM

Public Comment  7:00 PM

NOTE:  PSA = Permit Streamlining Act Date For Action

Consent Calendar I

1.  2334 TELEGRAPH  Request by Linda Gilman to modify Use Permit 97-10000021 to add a hood AVE and to increase the hours of operation of an approved quick service restaurant dba Crepes-A-Go Go – MOD #02-70000012 (Margaret Kavanaugh-Lynch)
   PSA Action Date:  06-13-02
   Continued From:  None
   Recommendation:  Approve

2.  1719 UNIVERSITY AVE  Request by Kevin Zwick, of Affordable Housing Associates, to modify Use Permit #01-10000104 to reduce the number of dwelling units from 29 to 27 dwelling units, and increase the building height by eight inches to 48 feet, three inches – MOD #02-70000018 (Matt LeGrant)
   PSA Action Date:  06-27-02
   Continued From:  None
   Recommendation:  Approve

Consent Calendar II

3.  2231 DWIGHT WAY  Request by William Coburn to construct a 973 square foot dwelling unit above garage and carport at the rear of the subject property with a height of 32 feet, 6 inches (3 stories) - #01-10000052 (Christina Ratcliffe)
   PSA Action Date:  05-27-02
   Continued From:  04-11-02
   Recommendation:  Approve
Hearing on Continued Items

4. **2450 ASHBY AVENUE**
   Request by Alta Bates Medical Center for addition and renovations to the Alta Bates Medical Center - UP #99-10000013 (Margaret Kavanaugh-Lynch)
   
   **PSA Action Date:** 04-25-02  
   **Continued From:** 12-13-01, 01-24-02, 02-14&28-02, 03-14-02, 04-02-02  
   **Recommendation:** Approve

5. **677 WOODMONT AVENUE**
   Request by Rena Rickles, on behalf of Tim Morgan, to allow parking within the required front yard and a Variance to allow the proposed parking to be located at a side property line where otherwise it is required to have a two foot landscaped setback from the side property line - VAR #02-10000003 (Steve Solomon)
   
   **PSA Action Date:** 04-25-02  
   **Continued From:** 04-02-02  
   **Recommendation:** Deny

New Hearings

6. **2700 SAN PABLO AVE**
   Request by Chris Hudson, 2700 San Pablo LLC, for an additional Use Permit #01-10000102 to allow an elevator tower and architectural tower element to exceed the maximum 50' height limit by six feet, and to clarify conditions of approval from the February 28th ZAB meeting. (Hector Lopez)
   
   **PSA Action Date:** 07-11-02  
   **Continued From:** None  
   **Recommendation:** Approve

7. **2451-71 SHATTUCK AVE**
   Request by Patrick Kennedy, 2451 Shattuck LLC, to demolish 3 existing buildings and construct a new 85,000 sq. ft. mixed-use, 5-story, building with 100 apartments, 64 parking spaces, restaurant, theater, and retail store; UP #01-10000073 (Hector Lopez)
   
   **PSA Action Date:** 05-23-02  
   **Continued From:** None  
   **Recommendation:** Adopt Negative Declaration and Approve Use Permit
8. **Administrative Use Permits Approved by the Zoning Officer**

   2317 Edwards Street  
   1528 Hearst Avenue

9. **Information/Communication**

   None

**Business Meeting**

10. **Chair’s Report**

11. **Current Business/Committee Appointments**

12. **Future Agenda Items**

   A. Pending Zoning Hearings List

   B. City Council List

13. **Other Matters**

   **2500-08-14 BENVENUE AVE**

   A preliminary review of the project located on the American Baptist Seminary of the West campus. This includes:

   **2514 Benvenue**. The demolition of two single family dwelling units. The construction of a new, six story, mixed-use office building with 16,820 sq. ft office and classroom space and twenty-three dwelling units. A parking garage is proposed under the footprint of the structure that will accommodate 48 vehicles, utilizing a lift system.

   **2500 Benvenue**. Retrofit and reconfigure the interior of existing building. Add twelve new dwelling units to building. Additional dwellings are being constructed within the existing building envelope, for a total of twenty-four dwelling units.
Other Matters – Continued

2508 Benvenue. Retrofit and reconfigure the interior of existing building. Add six new dwelling units to building. Additional dwellings are being constructed within existing building envelope, for a total twenty-one dwelling units.

The project also includes changes to the existing campus parking, circulation and landscaping. The project applicants have indicated that they will abide by all Inclusionary Housing standards, thereby making the project eligible for density bonus consideration.

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 the Current Planning Division at 705-8111 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.