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.
NOTE: PSA = Permit Streamlining Act

Consent Calendar I

1. **2333 CURTIS STREET**
   - Use Permit #02-10000036 to construct a 300 square foot second dwelling unit on a 4,800 square foot lot (Hector Lopez)
   - PSA Action Date: 10-10-02
   - Continued From: 09-12&26-02
   - **Board Action: Continued off Calendar**

2. **1710 ROSE STREET**
   - Appeal of AUP #01-20000151 to construct a hot tub. Appellants: Noel Krenkel and Marcelo Salgado (Steve Solomon)
   - PSA Action Date: Not applicable to appeals
   - Continued From: 09-12-02
   - **Board Action: Continued off Calendar**

3. **3235 ADELINE STREET**
   - Modification of Use Permit #01-10000008 for the creation of a mixed-use building with a 5,461 square foot dwelling unit and a 1,684 square foot private school. The modification includes minor exterior changes and the reduction on one parking space. Four required parking spaces will remain on site – MOD #02-70000054 (Margaret Kavanaugh-Lynch)
   - PSA Action Date: 12-03-02
   - Continued From: None
   - **Board Action: Approved – 6-0-0 (Blake, Howerton, Pietras – Absent)**

4. **1042 DWIGHT WAY**
   - Use Permit #02-10000051 to reconstruct a fire damaged nonconforming dwelling unit of approximately 600 sq. ft. (Hector Lopez)
   - PSA Action Date: 11-14-02
   - Continued From: 09-12&26-02
   - **Board Action: Approved on CCII – 6-0-0 (Blake, Howerton, Pietras – Absent)**
Consent Calendar II

5. 2701 SHATTUCK AVENUE
Request by Phillip Moss to modify Use Permit #00-10000083 adding a 17th unit to an approved 16 unit mixed-use building – MOD #02-70000044 (Steve Solomon)
PSA Action Date: 11-14-02
Continued From: None
Board Action: Approved – 5-1-0 (Sprague – No) (Blake, Howerton, Pietras – Absent)

Continued Hearing

6. 480 ARLINGTON AVENUE
Request by Alexander and Irene Varum to construct a new 3,200 square foot dwelling unit on a vacant lot, to reduce the required 20 foot front yard by 8 feet (12 feet required) and to exceed the average building height limit by 4 feet (32 feet proposed) – UP #02-10000046 (Hector Lopez)
PSA Action Date: 10-24-02
Continued From: 07-25-02; 09-12&26-02
Board Action: Continued to 11-14-02

New Hearing

7. 1215 CARLOTTA STREET
Request by Mahoney Architects for a Variance to exceed lot coverage from an existing 38% to proposed 40.18%; to extend a non-conforming side yard and; to add 1,342 square foot second floor and garage addition with new stairwell and porch on the main floor – VAR #02-10000034 (Carole Kajita)
PSA Action Date: 10-24-02
Continued From: None
Board Action: Approved with modifications – 8-0-0 (Howerton – Absent)

8. 2140 DURANT AVENUE
Request by Greg Bunton to modify Use Permit #00-10000106 to allow changes to the approved floor plans; for a Variance to establish research and development use, including biotech and engineering testing laboratories at a previously approved office use – MOD #02-70000017 (Hector Lopez)
PSA Action Date: 10-24-02
Continued From: None
Board Action: Continued to 11-14-02 for findings and conditions for approval – 5-3-0 (Blake, Sprague, Matthews – No) (Howerton – Absent)
New Hearing – Continued:

9. 2610-1/2 GRANT STREET  
   Request by Howard Stone to construct a new dwelling unit; to reduce the required rear yard setback from 0’ to 0’ and; to demolish a 1,589 square foot detached dwelling unit and replace dwelling to match existing - #02-10000054  (Carole Kajita)  
   PSA Action Date: 10-10-02  
   Continued From: None  
   Board Action: Approved on CCII – 6-0-0 (Blake, Howerton, Pietras – Absent)

10. 2575 SAN PABLO AVENUE  
    Request by Jubilee Restoration, Inc. to construct a mixed-use building greater than 20,000 square foot gross floor area (35,045 square feet proposed); to allow residential units at ground floor in a commercial node of the C-W District; to reduce the required rear yard setback (17 required, zero feet proposed) and; to reduce the residential parking requirement by 75% for senior citizens (7 parking spaces, 28 required) – UP #02-1000011  (Hector Lopez)  
    PSA Action Date: 11-28-02  
    Continued From: None  
    Board Action: Continued to 10-24-02 for review of findings

11. Administrative Use Permits Approved by the Zoning Officer  
    1445 Grizzly Peak Blvd 1662 Russell St 65 Stevenson Ave

12. Information/Communication

13. Business Meeting  
   A. Discuss draft policy on changes to Zoning Adjustments Board approved buildings in residential districts

14. Chair’s Report

15. Current Business/Committee Appointments
16. **Future Agenda Items**

A. Pending Zoning Hearings  
B. City Council Appeals List

17. **Other Matters**

Adjourn: 10:17 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.

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 Current Planning Division at 981-7410 (voice) or 981-6345 (TDD); at least five (5) working days notice will ensure availability.