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 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. 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

Public Comment

Consent Calendar I

1. 914 HEINZ AVENUE Request by Scharffen Berger Chocolate Maker to modify Use Permit #A2290 and Modification of Use Permit #99-70000035, to rearrange the floor plan for the café, retail sales and warehouse office spaces and to allow a new 600-square foot outdoor dining area – MOD #03-70000022 (Steve Solomon)
   PSA Action Date: 08-17-03
   Continued From: None
   Recommendation: Approve

2. 3075 TELEGRAPH AVENUE Request by 3075 Telegraph, LLC to demolish existing structures and construct a 15,407 square foot mixed-use building with ten dwelling units (including two inclusionary units), with 9,347 square feet of residential floor area and 6,060 square feet of non-residential floor area, 3 stories with an average height of 35 feet, on a 17,274 square foot parcel. A total of 24 parking spaces are proposed – UP #03-10000036 (Lucy Armentrout-Ma)
   PSA Action Date: 08-01-03
   Continued From: 07-10-03
   Recommendation: Continue to 08-28-03 for LPC Referral

Consent Calendar II

3. 1306 ALCATRAZ AVENUE Request by Ali Mahalatinia to increase the floor area of an existing non-conforming dwelling by 275 square feet by converting a garage into living space – UP #03-10000064 (Hector Lopez)
   PSA Action Date: 10-09-03
   Continued From: None
   Recommendation: Approve
Consent Calendar II – Continued:

4. **2185 DWIGHT WAY**
   Request by John Coreris to construct a new 4-unit residential building on vacant lot – UP #02-10000086 (Debbie Sanderson)
   
   **PSA Action Date:** 08-19-03  
   **Continued From:** None  
   **Recommendation:** Approve

5. **901 GRAYSON STREET**
   Request by Edward Bauman for Institute for Educational Therapy to establish vocational (nutrition) school in an existing office building and provide off-street parking jointly with other uses on the site – UP #03-10000044 (Aaron Sage)
   
   **PSA Action Date:** 09-06-03  
   **Continued From:** None  
   **Recommendation:** Approve

6. **2205 STUART STREET**
   Request by Barbara Smisko to add 98 square feet of habitable space by installing a roof dormer, through the vertical extension of an existing legally non-conforming wall (due to its placement within a required rear yard setback area). This permit is also requested to allow the addition of square footage on a parcel which exceeds the maximum allowable lot coverage percentage, but wherein the lot coverage will not be increased above its current level – UP #03-10000059 (Lucy Armentrout-Ma)
   
   **PSA Action Date:** 08-24-03  
   **Continued From:** None  
   **Recommendation:** Approve

7. **632/634 WOODMONT**
   Request by Austine Warren, Architect, to construct a new 2,916 sq. ft. single-family two-story house with an average height of 21.5 feet on a 9,984 sq. ft. lot with 3 proposed parking spaces – UP #02-10000047 (Debbie Sanderson)
   
   **PSA Action Date:** 09-07-03  
   **Continued From:** None  
   **Recommendation:** Approve
Appeal of Administrative Use Permits

NOTE: Appeals of Administrative Use Permit 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.

8. 2746 PRINCE STREET

Appeal of Administrative Use Permit to construct an accessory structure with an average roof height of 10 feet, running from the east side property line to the west side property line, abutting the south (rear) property line, for a total width of 38’-10”, with a roof height of approximately 8’-6” at the east, west and south property lines; with a depth varying between 16’-7-1/2” and 17’, and with habitable space for an art studio, recreation room, and storage room in the interior - #02-20000159 (Lucy Armentrout-Ma)

PSA Action Date: None
Continued From: None
Recommendation: Affirm Zoning Officer’s decision to approve

9. 2921 FULTON STREET

Appeal of Administrative Use Permit for an addition of approximately 502 square feet of habitable space to the second story of an existing two-story duplex which would be placed over an existing driveway, providing access to 2 parking spaces and would act as a covered carport structure for the driveway area beneath it - #03-90000113 (Lucy Armentrout-Ma)

PSA Action Date: None
Continued From: None
Recommendation: Affirm Zoning Officer’s decision to approve

Continued Hearing

10. 2526 DURANT AVENUE

Request by Ruegg & Ellsworth to demolish the existing Structure of Merit to construct a mixed-use building with 44 dwelling units (7 affordable) with 28,000 square feet of residential floor area and 4,008 square feet of non-residential floor area, 5 stories with an average height of 50 feet, on a 10,377 square foot lot. A total of 26 parking spaces are proposed. ZAB certified EIR on 06-26-03. The project requires the following permits: Use Permit per Section 23E.56.030 to construct a 31,626 square foot lot, 5-story mixed-use building; Use Permit per Section 23C.08.010 to demolish the existing building; Use Permit per Section 23E.04.020.C to allow a 61-foot elevator penthouse to exceed the District height limit of 50-feet; Use Permit per Section 23E.04.050.E to reduce...
the required rear yard adjacent to the R-4 District from the required setback of 13 feet; Use Permit per Section 23E.56.050.A.2 to

Continued Hearing - Continued

construct more than 1,500 square feet of gross floor area; Use Permit per Section 23E.56.080.A to add 8 parking spaces to the existing 18 off-street parking spaces. Density Bonus concession/incentives proposed; Allow fifth story where four are normally allowed – UP #00-10000066 (Greg Powell)

PSA Action Date:
Continued From: 06-12&26-03, 07-10-03
Recommendation: Continue to 08-28-03

New Hearing

11. 711 HARRISON STREET Request by Boona Cheema, Building Opportunities for Self-Sufficiency (BOSS) to add 19,560 square feet to existing homeless shelter for additional transitional housing – UP #02-10000017 (Wendy Cosin)

PSA Action Date: 11-02-03
Continued From: None
Recommendation: Approve

12. 54 VICENTE ROAD Request by Chris Parlette of Wilson Associates, to construct a two-story single-family dwelling and an accessory dwelling unit, on a vacant lot – UP#02-10000087 (Aaron Sage)

PSA Action Date: 08-22-03
Continued From: None
Recommendation: Approve

Public Hearing For Comment on Draft Environmental Impact Report:

13. 2020 KITTREDGE STREET Request by Library Garden, L.P., to modify Use Permit #00-10000062 to reduce the on-site parking from 455 to 116 spaces – MOD #02-70000039 (Gisele Sorensen)

PSA Action Date: Public comment period ends 08-11-03
Continued From: None
Recommendation: Receive public comment
Public Nuisance Determination:

14. **3045 SHATTUCK AVENUE**  
   Determine whether nuisance exists pursuant to 23B.64.020.B and if so to determine the appropriate remedies related to Building Permit #02-1556BP-3 (Debbie Sanderson)  
   
   **PSA Action Date:** None  
   **Continued From:** None  
   **Recommendation:** Advise staff on appropriate action

15. **Administrative Use Permits Approved by the Zoning Officer**

   - 1250 Addison St
   - 1721 Beverly Pl
   - 1349 Delaware St
   - 2000 Kittredge St
   - 3160 Lewiston Ave
   - 919-925 Pardee St
   - 1317 Peralta St
   - 1810 Sixth St

16. **Information/Communication**

   - A. Memo regarding Mikiten Architecture receiving 2002 Alan J. Rothman Award
   - B. Public Hearing Notice regarding proposed amendment to Zoning Ordinance to add a new chapter 23C.06 and amend 23F.04.010 regarding bed and breakfast establishments.
   - C. Newspaper advertisement received from Patrick Kennedy regarding Mosaic building.
   - D. Newspaper article received from Patrick Kennedy regarding homeless masses.

17. **Business Meeting**

18. **Chair’s Report**

19. **Current Business/Committee Appointments**

20. **Future Agenda Items**

   - A. Pending Zoning Hearings
   - B. City Council Appeals List
21. **Other Matters**

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