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: 7:06 PM

Public Comment: 7:06 PM

Consent Calendar I

1. 1719 UNIVERSITY AVENUE  
   Request by Kevin Zwick to modify Use Permit #00-10000104 to reduce the non-residential floor area and to reduce the number of parking spaces devoted to the residential and non-residential uses from 37 to 32 spaces – UP #03-10000036 (Greg Powell)
   PSA Action Date: 10-28-03
   Continued From: None
   Board Action: Approved – 7-0-0 (Katz, Weinberger – Absent)

Consent Calendar II

Appeal of Administrative Use Permits

Continued Hearing

New Hearing

2. 2670 PARKER STREET  
   Request by John Newton to increase the floor area of an existing 2,515 square foot non-conforming residence and to allow vertical extension of a wall within the required 15 foot front yard setback (11’-11” proposed) – UP #03-10000047 (Hector Lopez)
   PSA Action Date: 09-25-03
   Continued From: None
   Board Action: Approved with added conditions – 6-1-1 (Blake – No) (Sprague – Abstain) (Weinberger – Absent)
New Hearing – Continued:

3. **2352 SHATTUCK AVENUE**
   Request by James Ryan to commence alcoholic beverage sales (incidental beer and wine) and increase hours of operation and seating in an existing quick-service restaurant (i.e., Extreme Pizza) – UP #03-10000052 (Aaron Sage)
   PSA Action Date: 09-04-03
   Continued From: 08-28-03
   **Board Action:** Approved with added conditions – 7-0-0
   (Matthews, Weinberger – Absent)

4. **1100 TENTH STREET**
   Request by Carl Brodsky and S & C Brodsky LLC to demolish four residential structures totaling approximately 2,200 square feet; demolish buildings containing two dwellings and; to construct a 2-story, 22,674 square foot industrial building (warehouse) with no dwelling units, with an average height of thirty-eight feet, six-inches (38’6”) on a 25,222 square foot lot, with 17 parking spaces – UP #02-10000083 (Steve Solomon)
   PSA Action Date: 11-01-03
   Continued From: 08-28-03
   **Board Action:** Adopted Mitigated Negative Declaration – 7-0-0 (Matthews, Weinberger – Absent); Approved Use Permit with added conditions – 7-0-0 (Matthews, Weinberger – Absent)

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

   1250 Addison St
   2742 Benvenue Ave
   2725 Claremont Blvd

6. **Information/Communication**

   A. 1125 University Avenue – West Branch Library Renovation
   B. Inclusionary Zoning in the R-4 Zoning District

7. **Business Meeting**

8. **Chair’s Report**
9. Current Business/Committee Appointments

10. Future Agenda Items

   A. Pending Zoning Hearings
   B. City Council Appeals List

11. Other Matters

Adjourn: 9:26 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.