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.
A G E N D A

Roll Call

Public Comment

Consent Calendar I

1. 1125 UNIVERSITY AVENUE
   Request by Elena Engel to demolish the 1974 building additions (3,870 square feet), relocate the 1923 building and construct an addition (12,900 square feet) to include a new second floor to increase the existing space of the building (currently 5,970 square feet) to a maximum of 15,000 gross square feet (C-1, GP)
   PSA Action Date: None
   Continued From: None
   Recommendation: Continue to 10-23-03

Consent Calendar II

Appeal of Administrative Use Permits

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.

2. 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 – AUP #02-20000159 (Lucy Armentrout-Ma)
   PSA Action Date: Not Applicable
   Continued From: 08-28-03
   Recommendation: Affirm Zoning Officer’s decision to approve
Continued Hearing

None

New Hearing

3. 1267 ADDISON STREET

Request by Alex Chiappetta to construct a two-story, 1,489 square foot, single-family dwelling with an average height of 24-feet five inches, two parking spaces and a rear yard setback of 3’6” on a 5,097 square foot lot. To legalize a seven-foot tall fence along the rear property line - UP #03-10000046 (Steve Solomon)

   PSA Action Date: September 30, 2003
   Continued From: None
   Recommendation: Approve

4. 2438 TELEGRAPH AVENUE

Request by Gregory Ent and Ken Ent to modify Use Permit #A1142 to extend hours of operation until 12:00 Midnight, Sunday through Wednesday (currently 11:00 PM) and 2:00 AM, Thursday through Saturday (currently 12:00 Midnight); to modify Use Permit #6434 to extend hours of outdoor patio from 8:00 PM to 10:00 PM – MOD #03-70000030 (Aaron Sage)

   PSA Action Date: December 1, 2003
   Continued From: None
   Recommendation: Approve

5. 2911 WHEELER STREET

Request by Romney and Daniel O’Connell to create a second dwelling unit by converting and enlarging the unfinished lower floor (1,383 square feet existing, 1,719 square feet proposed) of an existing single-family dwelling with 2,719 square feet of floor area, 2 stories and an average height of 24 feet, 6 inches, on a 6,250 square foot lot; 1 parking space exists, 1 additional space is proposed – UP #03-10000079 (Aaron Sage)

   PSA Action Date: October 19, 2003
   Continued From: None
   Recommendation: Approve

Public Nuisance Determination:

6. 2825 SAN PABLO AVENUE

Public hearing to determine whether a nuisance exists at 2825 San Pablo Avenue pursuant to Berkeley Municipal Code 23B.64.020.B and, if so, to determine the appropriate remedy (Gregory Daniel).

   PSA Action Date: None
Continued From: None
Recommendation: Determine nuisance and declare abatement

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

   1124 Arch St  
   2731 Claremont Blvd  
   1856 San Antonio Ave  
   639 Santa Rosa Ave

8. **Information/Communication**

   A. Review future meeting dates

9. **Business Meeting**

10. **Chair’s Report**

11. **Current Business/Committee Appointments**

12. **Future Agenda Items**

   A. Pending Zoning Hearings
   B. City Council Appeals List

13. **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.