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 includes:

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.)

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 item be removed from the Calendar for discussion and testimony (if already posted for hearing). 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.
Workshop

1698 UNIVERSITY Avenue Preliminary ZAB consideration of two design options for a mixed-use building on a 10,000 square foot lot: (Option 1) 32 dwelling units, 2,187 square feet of commercial area, 5 stories, about 49 feet in height, and 30 parking spaces; and (Option 2) 33 dwelling units, 2,608 square feet of commercial area, 4 stories, about 43 in height, and 32 parking spaces (Aaron Sage)

Roll Call

Public Comment

Consent Calendar

Appeal of Administrative Use Permit

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.

Continued Hearing

1. 2526 DURANT Avenue Request by Ruegg & Ellsworth to demolish the Blood House, a City of Berkeley Structure of Merit and to construct a mixed-use building with 29,855 square feet of residential floor area (44 dwelling units, including 7 affordable) and 4,303 square feet of non-residential floor area, 5 stories with an average height of 50 feet, on a 10,377 square foot lot. 18 parking spaces are proposed – UP #00-10000066 (Greg Powell)

Continued From: 06-12&26-03; 07-10&24-03; 08-28-03; 09-25-03; 10-23-03; 11-13-03; 12-01-03; 01-22-04

Recommendation: None
Continued Hearing – Continued:

2. 2020 KITTREDGE STREET
   Request by John DeClercq for Library Gardens, L.P., to modify Use Permit #01-10000062 to significantly reduce the number of parking spaces to be constructed as part of the Library Gardens Project. The Board will also be considering adoption of a Subsequent Environmental Impact Report prepared for the project – MOD #02-70000039 (Gisele Sorensen)
   
   Continued From: 01-08-04
   Recommendation: Approve

New Hearing

3. 91 BOLIVAR DRIVE
   Request by Russ Sherman to modify Use Permit #01-70000027 to (1) extend the time period for exercise of Use Permit (granted November 12, 2002), by one year, and (2) add 4,138 square feet of laboratory space to an existing laboratory/warehouse building which currently contains 13,920 square feet of laboratory space and 4,138 square feet of warehouse space. This modification, if approved, will not alter the building footprint or shell – MOD #03-70000068 (Lucy Armentrout-Ma)
   
   Continued From: None
   Recommendation: Approve

4. 1929 EIGHTH STREET
   Request by Volker Flache for a major residential addition to an existing single-family residence at the front of the subject property and the creation of a new three-story duplex, containing two dwelling units, and set toward the rear of the subject property (four feet from the rear property line) - #03-10000042 (Lucy Armentrout-Ma)
   
   Continued From: None
   Recommendation: Approve

5. 1854 THOUSAND OAKS BLVD
   Request by Tim Banuelos to construct a single-family dwelling with approximately 3,043 square feet, 3 stories, average height of approximately 27 feet, and 2 off-street parking spaces, on a 4,500 square foot lot – UP #03-10000021 (Aaron Sage)
   
   Continued From: None
   Recommendation: Approve
New Hearing – Continued:

6. **1719 UNIVERSITY AVENUE**  
   Request by Affordable Housing Associates to modify Use Permits #00-10000104 and #02-70000018 to allow the vertical extension of a stair tower that would exceed the district height limit – MOD #04-70000006 (Steve Solomon)  
   **Continued From:** None  
   **Recommendation:** Approve

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

   None

8. **Information/Communication**

   A. Correspondence from Sharon Hudson regarding Use Permit Enforcement

9. **Business Meeting**

10. **Chair’s Report**

11. **Current Business/Committee Appointments**

   A. Election of Chair and Vice-Chair

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.