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 Boardmember 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.
AGENDA

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 feet in height, and 32 parking spaces (Aaron Sage) – Board recommended massing plan for the project for consideration by Design Review Committee. Applicant should now work out details of the plan and submit to Design Review Committee.

Roll Call: 7:03 PM

Public Comment: 7:03 PM

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.

1. 515 SPRUCE STREET
Appeal of Administrative Use Permit #03-20000109 to add 1,056 square feet to an existing single-family dwelling (Aaron Sage)
Continued From: None
Board Action: Affirmed Zoning Officer’s decision to approve – 9-0-0

Continued Hearing

2. 1800 SAN PABLO AVENUE
Request by Randall Harris to construct a 43,686 square foot mixed-use building with 51 dwelling units (20 percent inclusionary), 35,186 square feet of residential floor area, 8,500 square feet of ground-floor commercial area, four stories and 49 feet high (towers extend to 54 feet, 6 inches), on a 20,366 square foot lot; a total of 50 parking spaces are proposed – UP #02-10000081 (Aaron Sage)
Continued From: 03-11-04
Board Action: Continued to 04-08-04
3. **2825 BUENA VISTA WAY**

   Request by Gary Earl Parsons to construct a 2,732 square foot, single-family dwelling with an accessory dwelling unit, 3 stories, and average height of 24 feet, 8 inches, on a vacant 6,585 square foot lot; 2 off-street parking spaces are proposed – UP #03-10000066 (Aaron Sage)

   Continued From: None

   **Board Action:** Approved with modified conditions – 9-0-0

4. **1237 CURTIS STREET**

   Request by C.A. Lasagna to demolish a single-family dwelling and construct a 3,300 square foot duplex with 2 stories, average height of 21 feet, and 4 parking spaces on a 5,000 square foot lot – UP #03-10000098 (Aaron Sage)

   Continued From: None

   **Board Action:** Moved to CC and approved – 7-0-0 (Blake, Weinberger – Absent)

5. **2226 NINTH STREET**

   Request by Peter Bazner to construct a two-story, 1,255 square foot dwelling in the rear yard of a 4,810 square foot parcel with one dwelling unit – UP #03-10000085 (Greg Powell)

   Continued From: None

   **Board Action:** Approve with modified conditions – 9-0-0

6. **2257 SHATTUCK AVENUE**

   Request by Max Crome to operate a quick service restaurant and retail sales of food and house wares (Peet’s Coffee and Tea) of approximately 1,838 square feet with 29 seats, and modify its off-street parking requirement from three spaces to none – UP #04-10000018 (Stephen Ford)

   Continued From: None

   **Board Action:** Moved to CC and approved – 7-0-0 (Blake, Weinberger – Absent)

7. **2628 TELEGRAPH AVENUE**

   Request by Jim Novosel to redesign the Telegraph Avenue roofline and the entry elevation at the corner of Telegraph and Carleton, and alter the proposed building to meet California Building Code requirements for egress and under the Americans with Disabilities Act (A.D.A.). These code-based changes involve lengthening the parking garage by four feet, placing a required egress stairwell within the five foot setback area adjacent to Carleton Street and making other minor changes to the building’s interior layout with no effect on the building shell or elements subject to discretion under the City’s Zoning Ordinance – MOD #03-70000067 (Lucy Armentrout-Ma)

   Continued From: None

   **Board Action:** Moved to CC and Approved – 7-0-0 (Blake, Weinberger – Absent)
8. Administrative Use Permits Approved by the Zoning Officer

9. Information/Communication
   A. Correspondence from Gale Garcia regarding waterproofing construction failures
   B. Code Enforcement Pending Projects

10. Business Meeting

11. Chair’s Report

12. Current Business/Committee Appointments
   A. Election Results for Design Review Committee – Chair: Burton Edwards, Vice-Chair: David Snippen

13. Future Agenda Items
   A. Pending Zoning Hearings
   B. City Council Appeals List

14. Other Matters

Adjourn: 10:23 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.
Legal Notice Concerning Your Legal Rights – Continued:

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.