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 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.
ZONING ADJUSTMENTS BOARD AGENDA
MONDAY, NOVEMBER 15, 2004
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AGENDA

Roll Call: 7:00 PM

Public Comment: 7:00 PM

Consent Calendar

1. 800-816 BANCROFT WAY
   Request by Donn Logan to allow existing office building at 816 Bancroft Way to be renovated under a separate building permit from the new building at 800 Bancroft Way (approved under Use Permit #01-10000009) – MOD #04-70000053 (Aaron Sage)
   Continued From: None
   Board Action: Approved – 8-0-0 (Anthony – Absent)

Continued Hearing

2. 3075 ADELINE STREET
   Request by Joni Breves to allow construction and operation of the Ed Roberts Campus, an 86,057 square foot, two-story, non-residential building on the west 1.5 acres of the east parking lot of the Ashby Bart Station - UP #01-1000098 (Steve Solomon)
   Continued From: 10-28-04
   Board Action: Adopted Mitigated Negative Declaration – 5-2-1 (Katz, Metzger – No) (Blake – Abstain) (Anthony – Absent -- Approved Project – 7-0-1 (Blake – Abstain) (Anthony – Absent)

3. 1522 VIRGINIA STREET
   Request by Hai-Ping Mo to add a second story addition to an existing duplex that is non-conforming due to yard setbacks front and rear yards less than 20 feet, side yard less than 4 feet, unit density (two units on a 3,000 square foot lot where 3,300 square feet are required), and lot coverage (47% lot coverage where 45% is allowed) – UP #04-10000081 (Stephen Ford)
   Continued From: 10-28-04
   Board Action: Moved to CC and Approved with Amended Plans – 8-0-0 (Anthony – Absent)
New Hearing

4. **2700 BANCROFT WAY**

Request by Scott Lorenz for the Westminster House to add the incidental sale of beer and wine to an existing full-service restaurant – UP #04-10000082

(Greg Powell)

Continued From: None

Board Action: Moved to CC and Approved – 8-0-0

(Anthony – Absent)

5. **2140 DURANT AVENUE**

Request by Buddhist Churches of America/Institute of Buddhist Study to establish an institutional use to include classrooms, offices, library, assembly, apartments (4) and dormitory beds (18 beds); to construct a 13,776 square foot, 2-story addition and; to expand the amount of off-street parking from 28 to 40 – UP #04-10000022 (Greg Powell)

Continued From: None

Board Action: Continued to 12-09-04

6. **2340 ROOSEVELT AVENUE**

Request by Quentin and Sarah Baker to allow an existing rear deck that contains a hot tub to extend to within 2 feet 7 inches of the rear property line (14 foot separation required) and to expand (1 foot 1 inch excavation) a portion of a building in a non-conforming yard – UP #04-10000080 (Stephen Ford)

Continued From: None

Board Action: Approved Project and Variance with Added Conditions – 7-1-0 (Allen – No)

(Anthony – Absent)

7. **1751-1753 VIRGINIA STREET**

Request by Dana Jepsen to increase the average height by 2 feet of a two unit residential building that is non-conforming because of reduced yards (front yard less than 20 feet, a side yard less than four feet), unit density (three units on a 5,000 square foot lot where 7,000 square feet required) and lot coverage (50% lot coverage where 45% is allowed) – UP #04-10000077 (Stephen Ford)

Continued From: None

Board Action: Approved – 8-0-0 (Anthony – Absent)

8. **1255 UNIVERSITY AVENUE**

Request by Kenneth and Ruby Le to reduce restaurant evening hours of operation, increase morning hours of operation (to open at 6:00 AM), change the type of food served (from Mexican fast food to doughnuts/pastries and coffee), and to formally eliminate a drive-through service window on the project site – MOD #04-70000044 (Lucy Armentrout)

Continued From: None

Board Action: Moved to CC and Approved – 8-0-0

(Anthony – Absent)
New Hearing – Continued:

9. 2104/2108 SIXTH STREET  Request by Gary Feiner to demolish a single-family dwelling at 2108 Sixth Street and replace it with a duplex and to alter a single-family dwelling at 2104 Sixth Street and convert it into a duplex – UP #03-20000030  (Debbie Sanderson)

   Continued From: None

   Board Action: Moved to CC and Approved 7-1-0 (Sprague – No) (Anthony – Absent)

10. Information/Communication

    A. Southside Plan Notice of EIR Scoping
    B. 1301 Oxford – Shack Demolition

11. Business Meeting

12. Chair’s Report

13. Current Business/Committee Appointments

    Discussed and approved change in Agenda to re-instate requirement that green speaker cards be submitted by 7:15 PM at each meeting.

14. Future Agenda Items

    A. Pending Zoning Hearings

15. Other Matters

Adjourn: 10:05 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 “tacking” 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.

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