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 PM 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.
Roll Call: 7:17 PM.  All present except Anthony  
George Beier serving for Dean Metzger

Public Comment

Consent Calendar

1. **2020 KITTREDGE STREET**  
Request by: Mr. John DeClercq, 555 12th Street, Suite 215, Oakland CA 94607.  
USE PERMIT MODIFICATION #05-70000001 to modify mitigation measure no. 15  
(construction noise) of Use Permit #00-10000062 and Use Permit Modification #02-70000039 for  
the Library Gardens Project (demolition of an existing parking garage and construction of a five-  
story, mixed-use project); (C-2, CW).  

   Continued From:  
   none 
   
   Recommendation  
   Approve revision to Mitigation Measure 
   #15  
   
   ZAB Action 
   Approved as recommended (5-3-0-1).  
   (No: Blake, Sprague, Katz) (Absent: Anthony)

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 or deny  
the decision of the Zoning Officer to grant the permit.

NO APPEALS

Continued Hearings:

2. **3045 SHATTUCK AVENUE**  
Request by Ching F. Sun, 2418 Carleton St., Berkeley, 94704.  
Public Hearing #04-99900012 to determine whether proposed Mixed Use Development (two  
dwelling units above commercial space) complies with Zoning Ordinance. (C-SA, South Area  
Commercial; AS/DRS)

   Continued From:  
   04-28-05; 05-12-05  
   
   Staff Recommendation  
   Confirm compliance with Zoning 
   Ordinance  
   
   ZAB Action:  
   Confirmed Zoning Ordinance compliance 
   (6-1-1-1). (No: Sprague) (Abstain: Judd)  
   (Absent: Anthony)
New Hearings:

3. **1143 HILLVIEW ROAD**  
   Requested by: Vittorio and Leigh Salvo, 1826 Yosemite Road, Berkeley, 94707  
   Use Permit #04-10000091 to construct a single-family dwelling with two stories, average height of 20 feet, 3,300 square feet of floor area and two parking spaces on a vacant lot of 11,010 square feet (R-1H, Single-family Residential Hillside, AS)  
   
   **Continued From:** None  
   **Staff Recommendation:** Approve  
   **ZAB Action:** Approved as recommended (8-0-0-1).  
   **Absent:** Anthony

4. **2900 SAN PABLO AVENUE**  
   Use Permit #05-10000012 to establish a screened generator box ancillary to an existing wireless telecommunications site (Heinz Building Water Tower) within the required setback, facing the public right of way; (MU-LI, SRF)  
   
   **Continued From:** None  
   **Staff Recommendation:** Approve  
   **ZAB Action:** Approved with changes (8-0-0-1).  
   **Absent:** Anthony

5. Information/Communication  
   a. Density Bonus Subcommittee Report: **Short Report.**  
   b. Compliance Monitoring Subcommittee Report: **No Report.**

6. Business Meeting  
7. Chair’s Report  
8. Current Business/Committee Appointments  
9. Future Agenda Items  
10. Other Matters  
11. **Adjourn: 10:45pm**

**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.

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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.

[Approved to post, Debra R. Sanderson, Secretary, ZAB, June 14 , 2005]