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 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.
ZONING ADJUSTMENTS BOARD AGENDA
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AGENDA

Roll Call

Public Comment

Consent Calendar

1 2701 Shattuck Ave.
Request by 2701 Shattuck Condominiums, LLC.
PREVIEW ONLY: Use Permit 04-10000014 to build a 34,788-square foot mixed-use building with 28 dwelling units, 33,021 square feet of residential floor area, 1,767 square feet of non-residential floor area, five-stories in height, with an average height of 53.5 feet, on an 11,737 square foot lot. A total of 33 parking spaces are proposed within a garage. (C-SA, SMS)
Continued From: None
Recommendation: Continue to June 23, 2005

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.

Continued Hearings:

2 2901 Otis
Request by Xin Jin, Danny Tran, and Eric Geleynse, 2343 Stuart St., Berkeley, 94705
Use Permit #04-10000090 to raise and expand existing dwelling by 3,150 sq. ft. to create two additional units (one on 1st story and one on 3rd) on a 5,015-square-foot lot; project removes existing roof and approximately 54 percent of existing exterior walls, thereby constituting a "demolition" under the Zoning Ordinance; (R-4, Multi-family Residential; AS)
Continued From: 04-14-05, 04-28-05
Recommendation: To Be Determined
New Hearings:

3  2750 Adeline Street
Request by Mr. Gary Black, Integrated Structures Inc.
Use Permit Modification 03-70000064 to change Use Permit #7005, and a Use Permit to eliminate
a live/work unit, add a fourth-floor, and construct up to two-dwelling units. (C-SA, SMS)
Continued From:  None
Recommendation:  Approve with staff recommended changes

4  2831 Seventh Street
Request by Craig Woolmington Smith, 120 Village Square #100, Orinda, CA 94563
Use Permit #05-70000008 to Modify the plan approved by Use Permit #03-70000065 to modify the
site plan, floor plan and building elevations by expanding the floor area by 855 square feet and by
adding related parking spaces. (MU-R, GP)
Continued From:  None
Recommendation:  Approve

5  1509 Shattuck Avenue
Request by Olivier Said and Mike Cappon  1700 Shattuck Avenue, Berkeley, CA 94709
Use Permit # 05-10000041 to convert four office spaces (948 sq. ft.) to two spaces for group class
(culinary) instruction with hours to 11p.m. (C-NS, North Shattuck Commercial, SF)
Continued From:  None
Recommendation:  Approve

6  2618 – 2620 Telegraph Avenue
Request by Bay Architects, 1840 B Alcatraz Avenue, Berkeley CA 94703
Use Permit #05-10000020 to establish two quick-service restaurants in an existing mixed-use
building and to reduce the residential parking requirement from 20 to 18.
Continued From:  None
Recommendation:  Approve

7. Information/Communication
   • Report, Density Bonus Subcommittee Meeting, June 1, 2005
   • Report, Compliance Subcommittee, no meeting.
8. Business Meeting
9. Chair’s Report
10. Current Business/Committee Appointments
11. Future Agenda Items
12. Other Matters
13. 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.