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.
ACTION MINUTES

Roll Call 7:01 pm all board members present except David Blake. Jennifer Pearson for Carrie Sprague. 19 members of the public in the audience.

Public Comment on Development at University and MLK.

Consent Calendar

1. 3332 Adeline
Use Permit #04-20000148 to allow the co-location of four wireless antennas and related ground-level equipment cabinets at an existing wireless telecommunications site (Phillips Temple Church aka, Lorin Theater); (C-SA: South Area Commercial; SRF)
Continued From: 9/8/05; 10/27/05; 11/10/05; 12/8/05
Recommendation: Continue to February 9, 2006
Decision: Continued to February 9, 2006

2. 3075 Telegraph Avenue
Request by: Sam Sorokin, 6536 Telegraph Avenue #A201
Use Permit Modification #05-70000035, modifying Use Permit # 03-1000036 to modify condition # 28 and remove condition #s 29 and 30 to reflect affordability limits for condominium ownership and to modify the approved site plan to allow for the removal of a driveway gate across the entrance to the rear parking lot; (C-1, General Commercial, SRF)
Continued From: none
Recommendation: Approve
Decision: Approved 8-0-0-1  D. Blake Absent

3. 1725 Eastshore Highway
Request by: Doris Kang, Morimoto Architects, 1200 Tenth St., Berkeley, 94706
Use Permit #04-10000129 to construct three two-story “vertical storage units,” thereby expanding a non-conforming use (Kaiser Permanente regional testing laboratory) by about 440 square feet; (MU-LI, Mixed Use-Light Industrial; AS)
Continued From: none
Recommendation: Approve by Consent.
Decision: Approved 8-0-0-1  D. Blake Absent

Agenda Changes

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: None

New Hearings:

4. 1419 Ashby Avenue
Request by: John Newton, 837 Coventry Road, Kensington, CA 94707
Use Permit 05-10000065 to construct four dwelling units in two three-story buildings on a vacant lot of 5,550 sq. ft.; a total of 4,369 sq. ft. of floor area and seven parking spaces are proposed (R-3, Multiple Family Residential, AS)

Continued From: none
Recommendation Approve
Decision Approved with changes 8-0-0-1
D. Blake Absent

5. 2801 Telegraph Avenue
Request by: Hazim Albazian, 4313 Wallaby Court, Antioch, CA 94531
Use Permit #05-10000094 to allow a change of use to a quick service restaurant, with a reduction in the required number of parking spaces; (C-1, General Commercial; SDR)

Continued From: none
Recommendation Approve
Decision Approved with changes 8-0-0-1
D. Blake Absent

Additional Agenda Items:
A. Information/Communication
   ii. Compliance Subcommittee Report
   iii. Density Bonus Subcommittee Report
   iv. Correspondence:
      • 1/4/06, David Early of Livable Berkeley
      • 1/3/06, Richard Robbins of Wareham Development
      • 12/7/05, Yvette Bozzini re: 1201 San Pablo
      • 12/8/05, Gale Garcia re: Landmarks Preservation Ordinance

B. Business Meeting – Consideration of DRC Chair-- CT moves to not require chair of the DRC be a ZAB Member. BA 2nds. The motion carries unanimously. 8-0-0 D. Blake absent.

C. Chair’s Report
D. Current Business/Committee Appointments
E. Future Agenda Items
F. Other Matters
G. 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 981-7474 (TDD); at least five (5) working days notice will ensure availability.

[Approved for posting by Debra R. Sanderson, January 18, 2006.]