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.
Roll Call  
Call to Order: 7:00 PM  
Present Board Members: Anthony, Allen, Wilson, Tiedemann, Metzger, Katz  
Absent Board Members: Blake, Sprague, Judd  
Approximate Public Attendance: 28 people  

Public Comment  
Sprague and Blake Arrived 7:02 PM  
Judd Arrived 7:03 PM  

Opened 7:02 PM  
One Comment  
Closed 7:10 PM  

Consent Calendar  
64 Shattuck Square moved to the consent calendar  
Approved (9-0-0-0).  

Agenda Changes  

Appeal of Administrative Use Permit: None  
NOTE: Appeals of Administrative Use Permit are not subject to public hearing and no public testimony will be taken at this time. The Board will choose to set the matter for public hearing, or affirm or deny the decision of the Zoning Officer to grant the permit.  

New Hearings:  

1. 2533 Cedar Street / 2522 Hill Court  
Request by: Applicant Robert Kertsman 511 Santa Barbara Road, Berkeley, CA 94707  

Use Permit #06-10000021 to add 45 square feet to a single-family dwelling that is non-conforming due to density (legal, non-conforming duplex where a single-family dwelling unit would otherwise be allowed) (R-1(H), Single-family Residential in the Hillside Overlay District, SRF)  

Continued From: None  
Recommendation: Approve  
Action: Approved (9-0-0-0).
2. **1014 Pardee Street**  
Request by: Applicant Regan Bice, Architect 950 Grayson Street, Berkeley, CA 94710

Use Permit #05-10000137 to demolish an existing dwelling unit and construct a three-story, two-unit residential structure with a maximum height of 31.9 feet, 5,800 square feet of floor area and 2 parking spaces.; (MU-R Zone, Mixed Use, Residential, DS)

Continued From: None  
Recommendation: Approve  
Action: Approved (9-0-0-0).

3. **64 Shattuck Square**  
Request by: Applicant C. Alexandra Odabachian 339 15th Street, Suite 212, Oakland, CA 94612  
Use Permit # 06-10000018 to establish a 466 square foot, quick service restaurant with outdoor seating within a former retail space (C-2 - Central Commercial District – GPowell)

Continued From: None  
Recommendation: Approve  
Action: Approved on Consent (9-0-0-0).

Additional Agenda Items:  
A. Information/Communication  
   i. Report from Wendy Cosin, Deputy Planning Director concerning 2120 Allston Way: Gaia Use Permit  
      Directed Staff to Prepare Report with Options for future meeting; no meeting date set (9-0-0-0).
   ii. Comments from Anna DeLeon regarding Gaia Use Permit
   iii. Comments on Compliance Subcommittee Report  
      Requested Subcommittee to review and comment on Report prior to action by ZAB.
   
   Comments accepted; Staff will forward them to the EIR authors to address in the Final EIR.

vi. Community Notice: New Sewer Compliance Program (no comment)  

B. Business Meeting  
   i. Election of Vice Chair.  
      Blake elected Vice Chair (6-3-0-0) (No: Allen, Metzger, Wilson).

C. Chair’s Report
D. Current Business/Committee Appointments
E. Future Agenda Items
F. Other Matters
G. Adjourned 10:15 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 “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 Land Use 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, Secretary, Zoning Adjustments Board, 2/27/06.]