To: Members of the City Council
From: Mayor Tom Bates
Subject: 740 Heinz – Certify ZAB And LPC Actions For Review And Set Public
Hearing For July 23, 2009

RECOMMENDATION
Request that the City Council: 1) consider certification of the Zoning Adjustments
Board’s (ZAB) and Landmarks Preservation Commission’s (LPC) actions regarding Use
Permit and Variance #05-10000017 and Demolition Permit #05-40000019, for the
project at 740 Heinz, for review by the Council, and 2) Add this item on the Council’s
agenda for the July 23, 2009 Council meeting. Alternatively, if the ZAB and LPC fail to
act on the project at their July 2, 2009 joint meeting, take no action.

FISCAL IMPACTS OF RECOMMENDATION
None from this action. If ultimately approved, this project would contribute $164,000 to
the City’s Housing Trust Fund and $41,000 to the Childcare Fund.

CURRENT SITUATION AND ITS EFFECTS
N/A

BACKGROUND
The applicant, Wareham Development, proposes to demolish the existing single-story,
10,000 square foot City of Berkeley Landmark (the former Copra Warehouse) to
construct a 92,000 square foot building for research and development laboratories,
warehousing and a 49-space sub-surface garage.

This project is scheduled for consideration by the ZAB and LPC at a joint meeting on
July 2, 2009. If both the ZAB and the LPC take action on the project at that meeting, a
Notice of Decision will be issued on July 6, 2009 and the appeal period will commence.

RATIONALE FOR RECOMMENDATION
Under BMC Section 23B.32.090, “the Council may certify for its review any action of the
Board granting or denying a Use Permit within 14 days from the mailing of the Notice of
Decision of that action. Such certification to the Council shall stay all proceedings in the
same manner as the filing of a timely appeal. Certification shall not require any
statement of reasons therefore, and shall not represent opposition to or support of an
application.”
After the summer recess, the Council will not resume session until September 22, 2009. Given the window of opportunity to commence construction on this project it is recommended that the Council consider certifying the ZAB’s and LPC’s action for its review, and put this item on the Council’s agenda for the July 23, 2009 Council meeting to consider those decisions. A decision by the Council at that meeting could enable the project to commence as early as August. If a decision regarding the project cannot occur until late September or mid-October, the window of opportunity to commence construction prior to the rainy season may have closed. Construction of the project will add jobs and will provide economic support to the area during this downturn in the economy.

Staff will provide a complete report on the project, along with any appeals or other new correspondence, to the Council prior to the public hearing.

**ALTERNATIVE ACTIONS CONSIDERED**
If the ZAB or LPC do not take final actions at their July 2, 2009 meeting, no action need be taken by the City Council on July 7th.

**CONTACT PERSON**

Mayor Tom Bates 510-981-7100

Attachments:
1: Resolution
RESOLUTION NO. ##,###-N.S.

CERTIFYING DECISIONS OF ZONING ADJUSTMENTS BOARD AND LANDMARKS PRESERVATION COMMISSION REGARDING USE PERMIT AND VARIANCE #05-10000017 AND DEMOLITION PERMIT #05-40000019, AND SETTING A PUBLIC HEARING TO CONSIDER SAID DECISIONS

WHEREAS, on July 2, 2009, the Zoning Adjustments Board (ZAB) and Landmarks Preservation Commission (LPC) held a public hearing and took action upon Use Permit and Variance #05-10000017 and Demolition Permit #05-40000019; and

WHEREAS, on July 6, 2009, staff issued the notice of the ZAB and LPC decisions; and

WHEREAS, the project applicant has indicated its intent to commence construction as early as August 2009 and the commencement of construction would add jobs and economic support to Berkeley and the project area during this economic downturn.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the ZAB and LPC decisions on July 2, 2009 regarding the project at 740 Heinz are certified for the Council’s review, and a public hearing is set for July 23, 2009 to consider said decisions.