



Z O N I N G A D J U S T M E N T S B O A R D

NOTICE OF PUBLIC HEARING

2598-2600 Shattuck Ave./2037 Parker St.

Use Permit #08-10000130 to construct a mixed-use development with two 5-story mixed-use buildings (2598 & 2600 Shattuck) and one 3-story residential building (2037 Parker), with a total of 155 dwelling units, 22,905 sq. ft. of ground floor commercial space, and at least 167 parking spaces

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on **Thursday, April 22, 2010** at the Maudelle Shirek Building, 2134 Martin Luther King, Jr. Way, second floor Council chambers (wheelchair accessible). The meeting starts at 7:00 p.m.

PERMITS REQUIRED:

2598 & 2600 Shattuck Avenue:

- Use Permit to construct a mixed use development of more than 5,000 sq. ft.
- Use Permit to modify requirements for building height, yards, lot coverage, and parking
- Administrative Use Permit to allow architectural elements, mechanical/elevator penthouses and stairwells to exceed height limit
- Use Permit to allow full-service restaurants
- Use Permit to allow alcoholic beverage service (beer, wine and distilled spirits) in full-service restaurants
- Administrative Use Permit to allow live entertainment incidental to food service
- Administrative Use Permit to allow sidewalk café seating

2598 Shattuck Avenue only:

- Use Permit to waive requirement for 6-foot fence at C-SA/R-2A boundary and allow ground-floor windows and doors along west side of 2598 Shattuck to face R-2A lot

2600 Shattuck Avenue only:

- Administrative Use Permit to vertically extend non-conforming yard on R-2A portion of Carleton Street frontage
- Use Permit to enlarge a lawful non-conforming building that exceeds the R-2A lot coverage standard
- Use Permit to enlarge a lawful non-conforming building containing a lawful nonconforming automobile sales/service use
- Use Permit to allow quick service restaurant

- Administrative Use Permit to allow balconies on west side of five-story portion to exceed R-2A height limit
- Administrative Use Permit to allow 11 dwelling units to exceed R-2A average height limit

2037 Parker Street:¹

- Use Permit to allow four dwelling units in R-2A District
- Administrative Use Permit to exceed R-2A District height limit of 28 feet by 4 feet, 6 inches
- Administrative Use Permit to allow Joint Use Parking Agreement for four parking spaces at 2600 Shattuck to serve 2037 Parker Street

Waivers/Reductions Requested Pursuant to State Density Bonus Law (Only Applies to R-2A Portion of 2600 Shattuck)

- Allow 11 dwelling units, where R-2A density standard allows 8 (to allow density bonus units)
- Exceed R-2A average height limit of 35 feet by approximately 2 feet (to allow concession)

APPLICANT: Mark Rhoades, CityCentric Investments, 5715 Claremont Avenue, Oakland, 94618

ZONING DISTRICT: C-SA, South Area Commercial and R-2A, Restricted Multiple-Family Residential

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines (“In-Fill Development Projects”).

ATTACHMENTS: Vicinity map, project plans (some drawings not included to facilitate mailing; all drawings are available for public review; see “Further Information” below).

PUBLIC COMMENT

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Comments may be made verbally at the public hearing and in writing before the hearing.

¹ Currently part of Berkeley Honda lot at 2598 Shattuck.

Those wishing to speak at the hearing must submit a speaker card as early as possible at the meeting. The Board may rearrange the agenda at the start of the meeting, so it is important to submit speaker cards at the start of the meeting to avoid losing the chance to speak on an item. The Board may limit the number of speakers and the time granted to each speaker. Written comments to the Board are encouraged and should be directed to:

Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704

Fax: (510) 981-7420
E-mail: zab@ci.berkeley.ca.us

To assure distribution to Board members prior to the meeting, **correspondence must be received by 12:00 noon, seven (7) days before the meeting.** 15 copies must be submitted of any correspondence with more than ten (10) pages or any item submitted less than seven days before the meeting.

NOTICE CONCERNING YOUR LEGAL RIGHTS

If you object to a decision by the Zoning Adjustments Board to approve or deny a use permit or variance for a project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. 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 Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit 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). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit 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). Any lawsuit not filed within that ninety (90) day period will be barred.
5. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
6. 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

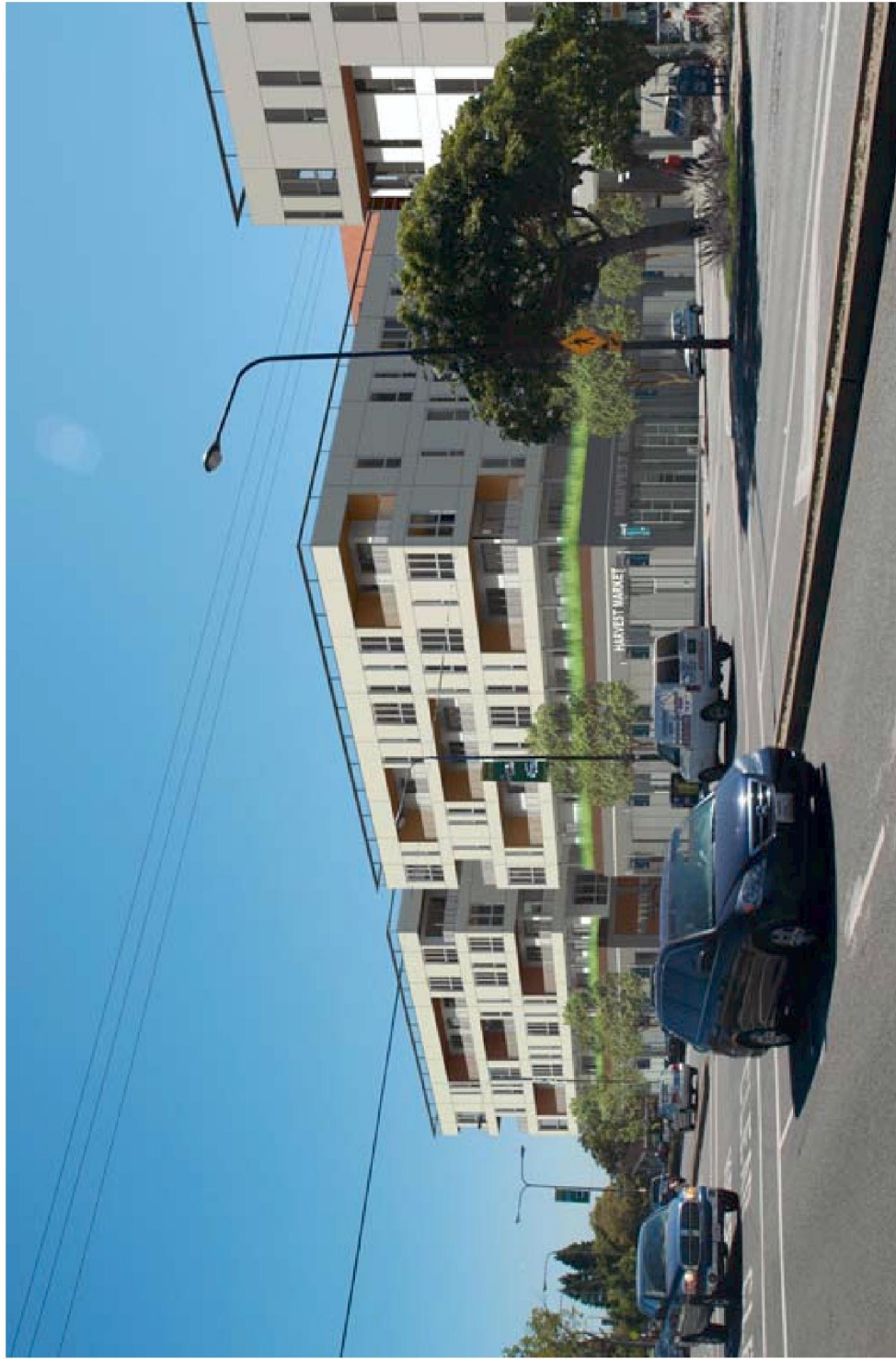
To request a meeting agenda in large print, Braille, or on CD, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-7474 (TDD). Notice of at least five (5) business days will ensure availability. Agendas are also available on the Internet at: www.cityofberkeley.info/planning.

FURTHER INFORMATION

Questions about the project should be directed to the project planner, Aaron Sage, AICP, at (510) 981-7410 or asage@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 2120 Milvia Street, during normal office hours. Project plans are available on the Internet at <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=44706>.



RENDERING OF 2600 SHATTUCK AVENUE (looking southwest)



RENDERING OF 2598 SHATTUCK AVENUE (looking northwest)

