



LANDMARKS
PRESERVATION
COMMISSION &
ZONING
ADJUSTMENTS
BOARD

NOTICE OF PUBLIC HEARING

**1900 FOURTH STREET
EIR SCOPING SESSIONS**

#ZP2015-0068 and LMSAP2015-0005 for construction of a proposed mixed use development, containing 135 dwelling units and approximately 33,000 square feet of retail located on designated City of Berkeley Landmark, West Berkeley Shellmound (Spenger's parking lot).

The **Landmarks Preservation Commission** of the City of Berkeley will conduct a public scoping session on **Thursday, March 3, 2016** at the North Berkeley Senior Center, 1901 Hearst Avenue (wheelchair accessible) to receive comments related to review of historic and archaeological resources. The meeting starts at 7:00 p.m.

The **Zoning Adjustments Board** of the City of Berkeley will conduct a public scoping session on **Thursday, March 10, 2016** at the Maudelle Shirek Building, 2134 Martin Luther King, Jr. Way, second floor Council chambers (wheelchair accessible) to receive comments on all aspects of the Project's environmental review. The meeting starts at 7:00 p.m.

PROJECT DESCRIPTION: The proposed Project would redevelop the site with a mix of residential and commercial uses totaling 207,590 gross square feet (135 dwelling units and 33,080 square feet of commercial space), as well as associated parking and circulation, open space and landscaping, and utility improvements. The proposed uses would be located within two separate buildings, a three-story building at the corner of Fourth Street and Hearst Avenue, and a one- to five-story building on the balance of the site.

PERMITS REQUIRED:

- Structural Alteration Permit (SAP) to allow construction activities with the potential to affect a designated City of Berkeley Landmark site that is part of a group of several properties designated for their location within the potential boundaries of the West Berkeley Shellmound.
- Demolition Permit to allow demolition of the existing commercial building.
- Use Permit to allow new retail sales uses greater than 7,500 square feet.
- Use Permit to allow a quick or full service restaurant use.
- Use Permit to allow a mixed-use development over 20,000 square feet.
- Use Permit to allow creation of floor area greater than 5,000 square feet.
- Use Permit to allow restaurant operation from 7 a.m. to 1 a.m. on Fridays and Saturdays.
- Administrative Use Permit to allow alcoholic beverage service of beer and wine incidental to food service.

The project applicant is also requesting a waiver/modification under the State Density Bonus Law (Government Code Section 65915(e)) and this will be processed by the City in conjunction with the permits described above.

APPLICANT: West Berkeley Investors, LLC, 550 Hartz Avenue, Suite 200, Danville, CA 94526

ZONING DISTRICT: C-W, West Berkeley Commercial

ENVIRONMENTAL REVIEW STATUS: An Environmental Impact Report will be prepared.

The Zoning Application and application materials for this project is available online at: https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1900_Fourth.aspx

The agenda and staff report for these meetings will be available online 3 to 5 days prior to each meeting at: <http://www.ci.berkeley.ca.us/landmarkspreservationcommission/> (Landmarks Preservation Commission) and <http://www.cityofberkeley.info/zoningadjustmentsboard> (Zoning Adjustments Board)

Correspondence and Notice of Decision Requests

- 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.

- **To distribute correspondence to Commission or Board members *prior to the meeting date*** -- submit comments **by 12:00 noon, seven (7) days before the meeting**. Please provide 15 copies of any correspondence with more than ten (10) pages or if in color or photographic format.
- Correspondence received by 5:00 p.m. on the Tuesday before the meeting will be posted on the LPC and ZAB web site(s) for review by the Commission or Board and public prior to the meeting. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.
- Any correspondence received after this deadline will be given to Commission or Board members on the meeting date just prior to the meeting.
- Staff will not deliver to Commission or Board members any additional written (or e-mail) materials received after 12:00 noon on the day of the meeting.
- Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Landmarks Preservation Commission or Zoning Adjustments Board Clerk just before or at the beginning of the meeting.
- Written comments, or a request for a Notice of Decision should be directed to the ZAB Secretary at: Land Use Planning Division (Attn: ZAB Secretary), 2120 Milvia Street, Berkeley, CA 94704 OR at zab@ci.berkeley.ca.us.



Accessibility Information / ADA Disclaimer

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Permit Service Center, Planning and Development Department located at 2120 Milvia Street, Berkeley, during regular business hours.

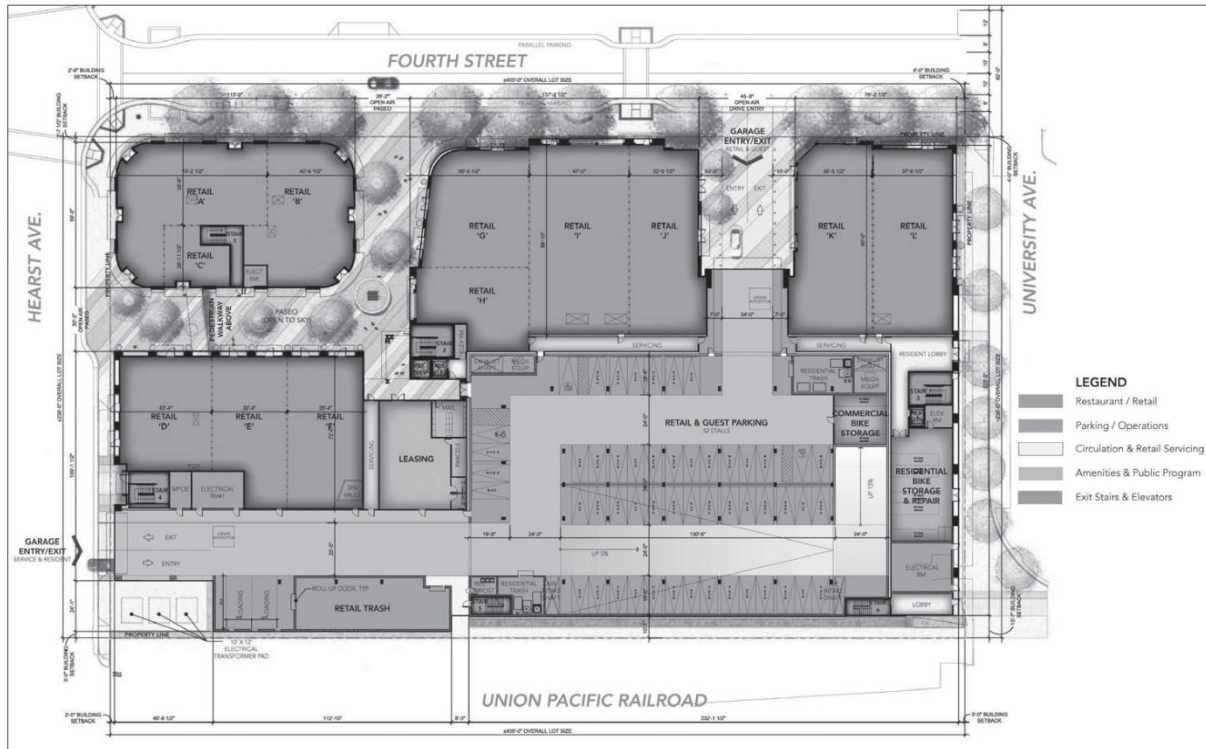
Notice Concerning Your Legal Rights

If you object to a decision by the Zoning Adjustments Board regarding a land use permit 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) and 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.
4. 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.
5. 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.

Further Information

Questions about the project should be directed to the project planner, Shannon Allen, at (510) 981-7430 or ShAllen@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.



LSA



SOURCES: TCA ARCHITECTS, WEST BERKELEY INVESTORS, LLC, MAY 2015.
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1900 Fourth Street Project
Conceptual Ground Level Site Plan