



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 **3031 Adeline Street**

Pre-application Project Preview for a project that would: (1) demolish an existing approximately 1,000 square feet one-story commercial structure (Flaco Tacos); and (2) construct a 42,348 square feet, five-story, 57 feet tall, mixed use building with 42 residential units, 4,324 square feet of ground floor commercial space (general retail and food service), with 38 automobile spaces within a garage and 21 bicycle parking spaces within a bike parking room.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance sections 23B.32.040, on **June 8, 2017**, 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. Only advisory comments will be offered and no action will occur.

ZONING DISTRICT: Commercial, South Area (C-SA)

PERMITS REQUIRED (Preliminary List):

- Use Permit with a Public Hearing to construct a mixed use development over 5,000 sq. ft.;
- Use Permit with a Public Hearing to exceed the maximum height limit of 36 feet and three stories for mixed use building;
- Use Permit with a Public Hearing to exceed 45% lot coverage;
- Use Permit with a Public Hearing to modify the front, interior side, street side and rear yard setbacks;
- Use Permit with a Public Hearing to allow reduction of the required off-street parking spaces; and,
- Administrative Use Permit to allow architectural features to exceed the height limit in a commercial district.

PERMITS REQUIRED UNDER THE STATE DENSITY BONUS LAW

- To exceed height/story limit of 36 feet/3 stories to propose 57 feet/5 stories in the C-SA District.

PARTIES INVOLVED:

Owner: Maxaco-LLC
2550 Appian Way, Suite 201
Pinole, CA 94564

Applicant: Moshe Dinar
P. O. Box 70601
Oakland, CA 94610

ENVIRONMENTAL REVIEW STATUS: To Be Determined.

The Zoning Application and application materials for this project is available online at: <http://www.cityofberkeley.info/zoningapplications>

The agenda and staff report for this meeting will be available online 3 to 5 days prior to this meeting at:

<http://www.cityofberkeley.info/zoningadjustmentsboard>

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 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 ZAB web site for review by the 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 Board members on the meeting date just prior to the meeting.
- Staff will not deliver to 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 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), 1947 Center 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 1947 Center 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:

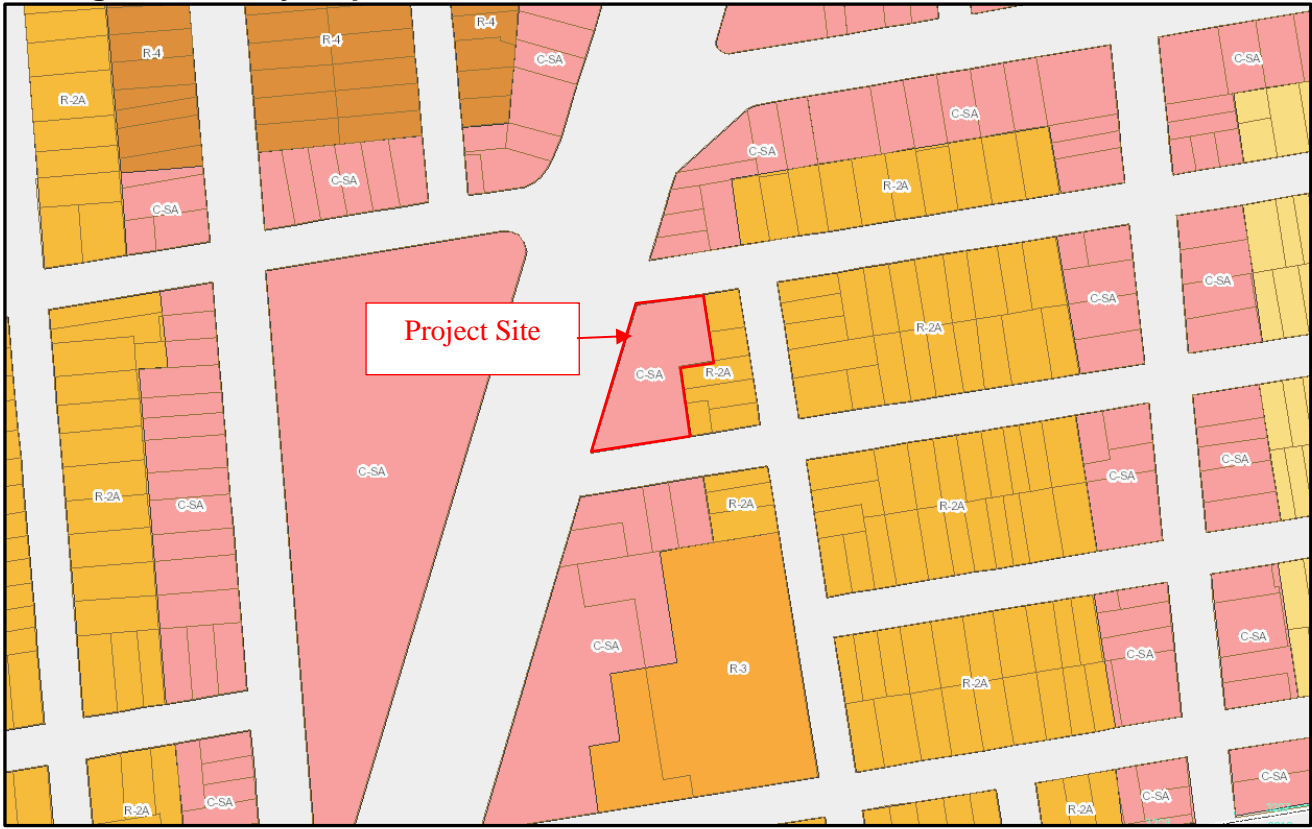
1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal 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.

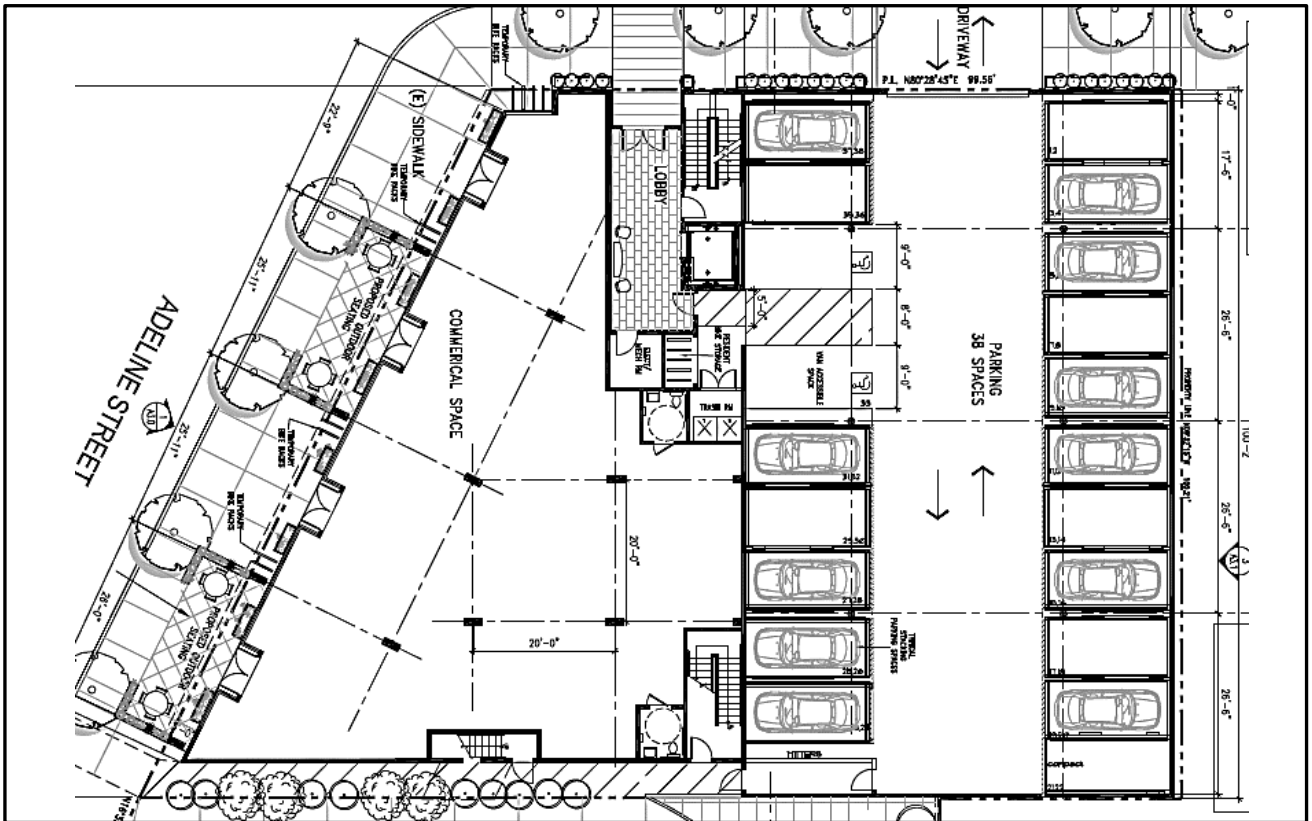
Further Information

Questions about the project should be directed to the project planner, Immanuel Bereket, at IBereket@cityofberkeley.info or (510)981-7425. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, during normal office hours.

Zoning and Vicinity Map



Site and First Floor Plan



Adeline Street Elevation (West)



Emerson Street Elevation (North)

