



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

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NOTICE OF PUBLIC HEARING  
AND INTENT TO ADOPT A NEGATIVE DECLARATION

## 3000 Shattuck Avenue

**Use Permit to demolish a gas station structure and construct a five-story, 40,680 square foot mixed-use building with ground-floor retail uses and 23 residential dwelling units on the upper 4 stories.**

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, May 10, 2018** 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:**

- Use Permit for a Mixed Use Development of 5,000 sq. ft. or more in the C-SA District
- Use Permit for demolition of a non-residential building
- Use Permit for the construction of gross floor area more than 3,000 square feet
- Use Permit to exceed the maximum height requirement of 36 feet, 3 stories for mixed use buildings in the C-SA District
- Use Permit to modify rear and front setbacks in the C-SA District
- Use Permit to exceed 40% lot coverage in the C-SA District
- Use Permit to allow for a reduction in the required off-street parking
- Administrative Use Permit for Quick/Full Service Restaurant under 5,000 sq. ft.
- Administrative Use Permit for Rooftop Equipment

**APPLICANT:** 3000 Shattuck Avenue LLC., 1958A University Avenue, Berkeley, CA  
**ZONING DISTRICT:** C-SA, South Area Commercial

**ENVIRONMENTAL REVIEW STATUS:** Because there is no substantial evidence that the project may cause a significant effect on the environment, a negative declaration has been prepared for adoption by the Zoning Adjustments Board at the hearing listed above.

Proposed Negative Declaration; initial study, the zoning application and applications materials for this project are available online at:

[http://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/3000\\_Shattuck.aspx](http://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/3000_Shattuck.aspx)

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>

### **Communication Disclaimer**

- 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..

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### **Communications and Reports**

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline. All materials will be made available via the Zoning Adjustments Board Agenda page: <https://www.cityofberkeley.info/zoningadjustmentboard/>

- **To distribute correspondence to Board members as an attachment to the Staff Report** -- 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.
- **Supplemental Communications and Reports 1** - All Materials submitted between noon the Thursday the week before the meeting and noon Tuesday the week of the meeting, will be made available by 5:00 p.m. on Tuesday the week of the meeting.
- **Supplemental Communications and Reports 2** - All Materials submitted after noon on Tuesday the week of the meeting and before noon on Wednesday, the day before the meeting, will be made available at 5:00 that Wednesday. Any correspondence received after this deadline will be given to the Zoning Adjustment Board just prior to the meeting.
- Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.
- **Please Note: You are strongly advised to submit written comments prior to noon Wednesday, the day before the meeting, as Board members do not have an opportunity to read written materials handed out at the meeting.**
- Written comments should be directed to the ZAB Secretary at: Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Berkeley, CA 94704 OR at [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info).

### **Notice of Decision Requests**

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info).



### **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, Third Floor, 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, Layal Nawfal, at (510) 981-7424 or [Lnawfal@cityofberkeley.info](mailto:Lnawfal@cityofberkeley.info) . All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning Counter), 1947 Center Street, Third Floor, during normal office hours.