



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
— PROJECT PREVIEW —

2023-25 Shattuck Avenue

Project Preview for Use Permit #ZP2019-0041 to demolish the remaining structure on the vacant lot following a fire and construct a 24,178 square-foot, seven-story, 73'5" tall, mixed-use building with 48 dwellings (including 4 Below Market Rate units) with 1,255 square feet of ground floor commercial space.

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 October 10, 2019, at the **Berkeley Unified School District meeting room, 1231 Addison Street**, (wheelchair accessible). The meeting starts at 7:00 p.m. The purpose of this meeting is to solicit ZAB and community input on the project, and **the ZAB will not take any formal action on the project at this time.**

A. Land Use Designations:

- General Plan: Downtown (DT)
- Downtown Area Plan: Downtown Mixed-Use District, Core
- Zoning: Downtown Mixed Use District (C-DMU) Core

B. Zoning Permits Required:

- Use Permit, under Berkeley Municipal Code (BMC) Section 23E.68.030.A, to construct multi-family dwelling units;
- Use Permit, under BMC Section 23E.68.050, to construct more than 10,000 square-feet of floor area; and
- Administrative Use Permit (AUP), under BMC Section 23E.04.020.C, to allow architectural elements to exceed the height limit in a commercial district.

C. Concessions/Waiver Pursuant to State Density Bonus Law (Cal. Gov't. Code Section 65915):

- Height modification to exceed the maximum 60-foot height limit to permit an additional story;
- Setback modifications to reduce the setbacks above 20' to accommodate the density bonus units;
- Concession to reduce the open space requirement from 3,840 square feet to 1,325 square feet; and
- Concession to reduce the required 18 parking spaces to 0.

C. CEQA Determination: Studies are currently being prepared to evaluate the project's potential environmental impacts prior to making a CEQA determination.

D. Parties Involved:

- Applicant: David Trachtenberg, Trachtenberg Architects, 2421 Fourth Street, Berkeley
- Property Owner: Mevlanarumi LLC, 3456 Sacramento Street, San Francisco,

Further Information:

All application materials are available at the Land Use Planning Division, during normal office hours or online at: <http://www.cityofberkeley.info/zoningapplications>. The Zoning Adjustments Board agenda and all agenda materials regarding this project will be available online 6 days prior to this meeting at: <http://www.cityofberkeley.info/zoningadjustmentsboard>.

Questions about the project should be directed to the project planner, Loyal Nawfal, at (510) 981-7424 or Lnawfal@cityofberkeley.info.

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

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.

Communications and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@cityofberkeley.info. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://www.cityofberkeley.info/zoningadjustmentboard/>.

Correspondence received by 8:00 AM, on the Thursday before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by Noon Tuesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #1, which is released the end of the day Tuesday, two days before the public hearing;
- **Correspondence received by Noon Wednesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #2, which is released the end of the day Wednesday, one day before the public hearing; or
- **Correspondence received by 3 PM Thursday** will be given to the Zoning Adjustment Board just prior to the public hearing.

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.



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 Land Use Planning Division, 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.