



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

## **1200 Ashby Avenue**

**Use Permit #07-10000133 to construct a 5-story mixed use building with 98 residential condominium units, 7,770 square feet of ground-floor commercial space, and 114 parking spaces on a 34,210 square-foot lot.**

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, December 11, 2008** at the Maudelle Shirek Building (formerly Old City Hall), 2134 Martin Luther King, Jr. Way, second floor Council chambers (wheelchair accessible). The meeting starts at 7:00 p.m.

### **ADDITIONAL PROJECT DATA:**

- 102,583 square feet of residential floor area
- 10,052 square feet of non-residential floor area
- Average height of 60 feet, 3 inches

### **PERMITS REQUIRED:**

- Use Permit to construct a Mixed Use Development
- Use Permit to construct more than 5,000 square feet of new floor area
- Use Permit to allow a full-service restaurant of up to 2,000 square feet
- Use Permit to allow service of beer, wine and distilled spirits incidental to a food service establishment (ABC type 47)
- Use Permit to reduce required parking for commercial uses from 19 to 15 spaces
- Administrative Use Permit to allow Sidewalk Café Seating
- Administrative Use Permit to allow commercial hours of 6:00 a.m. to 12:00 a.m.
- Administrative Use Permit to construct fence in excess of 6 feet
- Administrative Use Permit to allow mechanical room, stairwell, and elevator shaft to exceed height limit

### **PERMITS REQUESTED PURSUANT TO STATE DENSITY BONUS LAW (Government Code Section 65915):**

- Variance to allow 5 stories, where 4 stories are otherwise permitted
- Variance to allow average height of 60 feet, 3 inches, where 50 feet is otherwise permitted
- Variance to allow floor area ratio of 3.3, where 3.0 is otherwise permitted

- Use Permit to waive required 15-foot setbacks at northeast and southeast corners of site (Ashby Avenue and Carrison Street) – *Note: this permit could be granted under the Zoning Ordinance rather than State law, if the ZAB makes the required finding.*
- (Concession to Provide for Affordable Housing Costs) Variance to allow inclusionary (below market rate) units to be located only on the second, third and fourth floors, and not on the fifth floor, where such units are otherwise required to be “reasonably dispersed” throughout the project

**APPLICANT:** Ali Kashani, Citycentric Investments, 5715 Claremont Ave, Oakland, CA 94618

**ZONING DISTRICT:** C-W, West Berkeley Commercial

**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**

Comments may be made verbally at the public hearing and in writing before the hearing. 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 of the Zoning Adjustments Board, the following apply:

1. Appeals to the City Council must be filed with the City Clerk within 14 days after notice of the Board’s decision is mailed. It is the appellant’s obligation to inquire with the Current Planning Division to determine when a Notice of Decision is mailed.
2. No lawsuit challenging a City decision to approve (Government Code §65009(c)(5)) or deny (Code of Civil Procedure §1094.6(b)) a Use Permit or Variance may be filed more than 90 days after the date the decision becomes final, as defined in Code of

Civil Procedure §1094.6(b). Any lawsuit not filed within that 90-day period will be barred.

- 3. Any lawsuit challenging a City decision to approve or deny a Use Permit or Variance will be limited to the issues and evidence raised orally or in writing at a public hearing on the project.

**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](http://www.cityofberkeley.info) .

**FURTHER INFORMATION**

Questions about the project should be directed to the project planner, Aaron Sage, at (510) 981-7410 or asage@ci.berkeley.ca.us. 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.

**VICINITY MAP**

