

Berkeley Mayor and City Council
c/o City Clerk
2180 Milvia Street
Berkeley, CA 94704

CITY OF BERKELEY
CITY CLERK DEPARTMENT

Appeal of Use Permit Modification #2011-70000020 for 740 Heinz Avenue

Dear Mayor Bates and City Council Members:

We hereby appeal the September 27, 2012 decision of the Zoning Adjustments Board (ZAB) regarding the development proposed for 740 Heinz Avenue. Furthermore, the decision was premature because the Addendum was neither adequate, subject to public comment, nor was it certified, in compliance with CEQA. Appellants request that the City Council vacate the following: the Use Permit approvals to demolish the existing building, under BMC Section 23C.08.050; to establish a laboratory use, under BMC Section 23E.80.030; to create more than 20,000 square feet of new floor area, under BMC Section 23E.80.050.C; Variances to exceed the maximum building height, under BMC Chapter 23B.44; and the Use Permit and Variance Modification, under BMC Section 23B.56.020.

This appeal is based upon the significant project changes since receiving environmental review in 2009, including removal of designated historic landmark, increase in building height beyond Zoning Code allowance, improper approval of a Variance, and a lack of review of potential risks to the surrounding environment and human health associated with laboratory use. Further materials will be submitted in support of this appeal on or before the date that the Council considers the appeal.

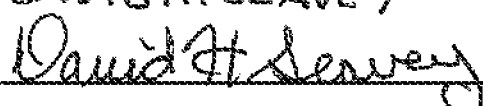
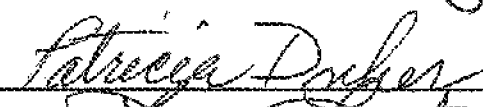


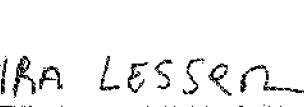
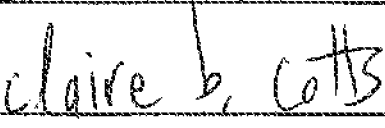
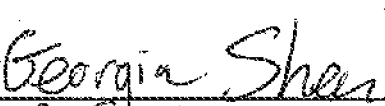
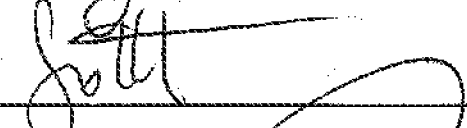

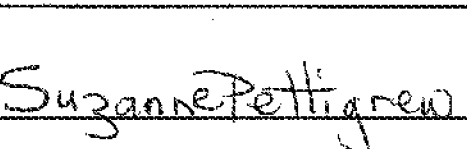

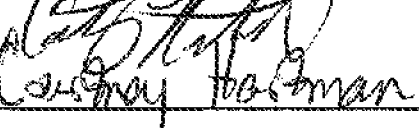
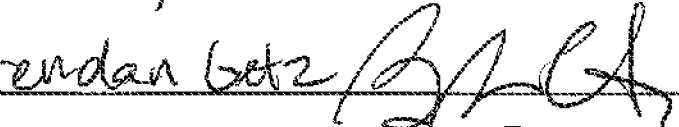
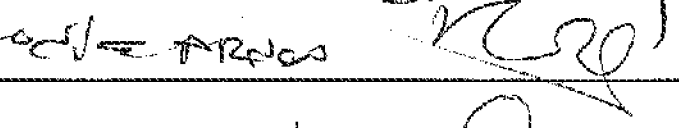

Sincerely, *Jeff Kaplan*

Jeff Kaplan, for
Friends of the West Berkeley Plan
jeffkaplan@att.net

We listed below own or lease property within 300 feet of the project site:

Print name	Signature	Street Address
DAVID M BOWMAN	<i>David M Bowman</i>	729 HEINZ #3
Christopher Noll	<i>C Noll</i>	729 Heinz Ave, #7
Roli Alexander	<i>R. BIN ALEXANDER</i>	707A Heinz Ave
Paul R Neidert	<i>PAUL R NEIDERT</i>	711 HEINZ AVE BERKELEY 94710
David Perry	<i>David Perry</i>	801 Anthony ST 94710

Appeal Use Permit #2011-70000020

Print name	Signature	Street Address
DAVID H. SEAVEY		800 HEINZ AVE. 94710
Patricia Dyer		800 Heinz Ave. 94710
LINDA LEVITSKY		800 HEINZ #7 94710
Corliss Lesser		800 Heinz #1 94710
IRA LESSER		800 HEINZ #1 94710
claire b. cotts		800 HEINZ #18 94710
Georgia Shan		800 Heinz ave #3 94710
Jill		800 HEINZ #15 94710
Steven Grover		800 Heinz #11 94710
Suzanne Pettigrew		800 Heinz Ave #12 Berkeley 94710
PHILIP WENZEL		800 HEINZ AVE #9 94710
Courtney Hartman		800 Heinz Ave #9 94710
Brendan Getz		800 Heinz Ave #9 94710
ROSE ARNES		800 Heinz Ave #16 94710
Donald Tarahonick		800 Heinz Apt 13 94710

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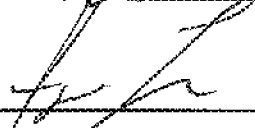
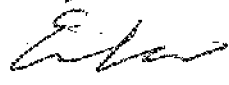
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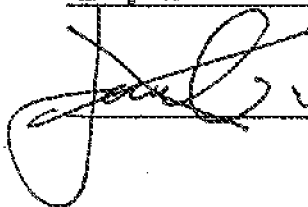
We listed below own or lease property within 300 feet of the project site:

Print name	Signature	Street Address
JOHN SHEA	<i>John Shea</i>	800 Heinz Ave Berkeley CA
Betsy Strange	<i>Betsy Strange</i>	800 Heinz Ave #3 Berkeley
Lacy Hanna	<i>Lacy Hanna</i>	800 Heinz Ave #5 Berkeley
Clara Walker	<i>Clara Walker</i>	800 Heinz Ave #6 Berkeley CA 94710
ERIC FISCHER	<i>Eric Fischer</i>	800 HEINZ AVE #4 BERKELEY CA 94710

Appeal Use Permit #2011-70000020

Print name	Signature	Street Address
Kevin Parker		775 Heinz Ave
Agnes Lee		729 Heinz Ave
Eiko Toyooka		729 Heinz Ave #8

VERNON McQUEEN 729 HEINZ AVE #3

 JAMES A. GORING 729 HEINZ #1

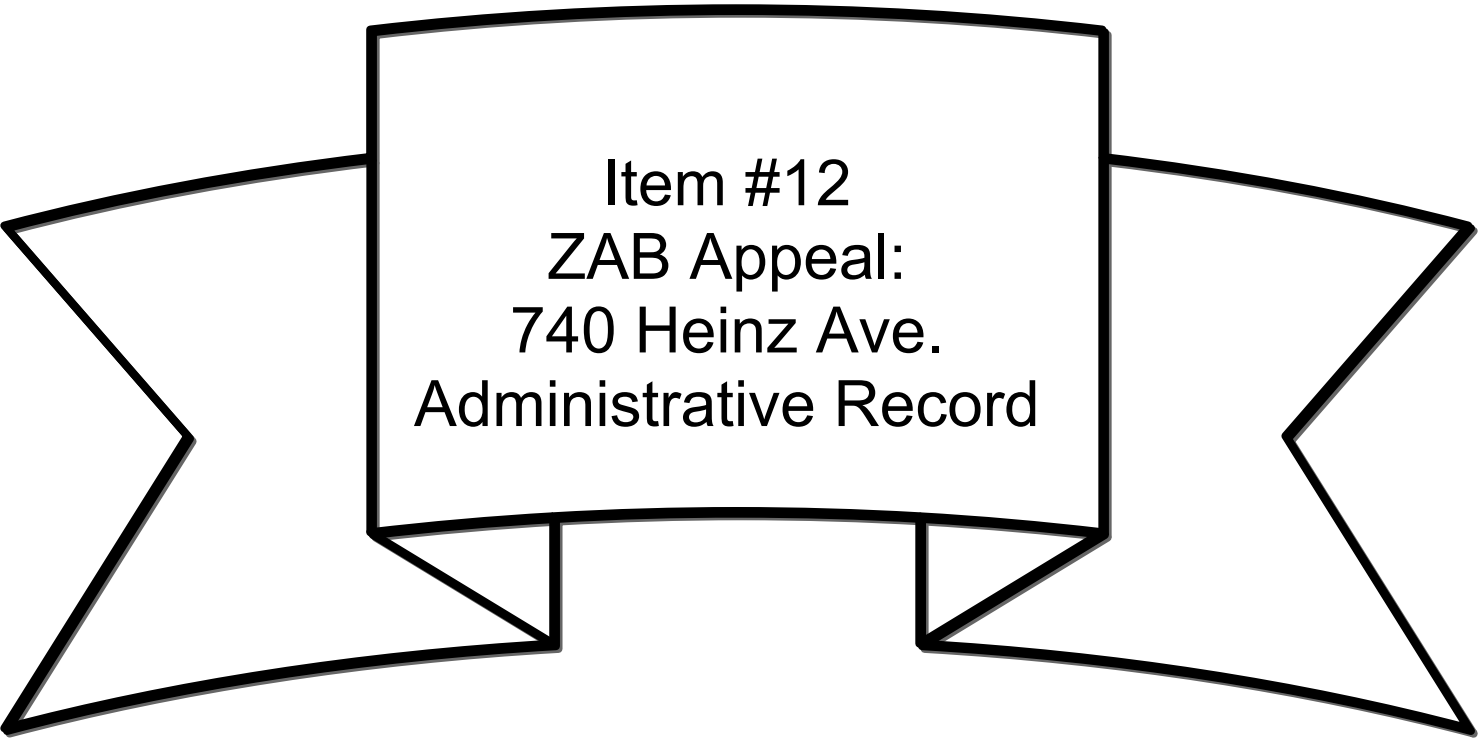
INDEX TO ADMINISTRATIVE RECORD

740 Heinz Avenue

UP Modification #11-70000030 and DR#11-30000076

Prepared: December 20, 2012

	DOCUMENT	DATE	PAGE	# of pages
A	STAFF REPORTS			
1	DRC Materials: staff report, attachments, and speaker cards	1/19/2012	1	21
2	ZAB Materials: staff report, attachments, and speaker cards	3/8/2012	22	53
3	CC Materials: staff report and attachments	5/29/2012	75	132
4	ZAB Materials: staff report, attachments, late items and speaker cards	9/27/2012	207	153
B	CAPTIONER'S RECORD or minutes of all hearings			
5	DRC minutes	1/19/2012	360	1
6	ZAB captioner's record of March 8, 2012 meeting	3/8/2012	361	16
7	City Council captioner's record of May 29, 2012 meeting	5/29/2012	377	7
8	ZAB captioner's record of September 27, 2012 meeting	9/27/2012	384	14
C	REMAINDER OF ADMIN RECORD			
9	Admin Record from May 29, 2012 Council meeting	5/29/2012	398	174
10	Correspondence from Chris Barlow	8/28/2012	572	5
11	Resubmittal	9/4/2012	577	8
12	Public Hearing Notice	9/13/2012	585	4
13	ZAB Notice of Decision	10/2/2012	589	48
14	Appeal of ZAB decision	10/16/2012	637	4



Item #12
ZAB Appeal:
740 Heinz Ave.
Administrative Record

Attachment 4 to this report, Administrative Record-740 Heinz Ave. is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley, City Council's Web site
<http://www.cityofberkeley.info>