PROCLAMATION
CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

TUESDAY, MARCH 26, 2013

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN
DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call:

Action Calendar – Appeals

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the appeal. Written reports shall be available for public review in the office of the City Clerk.

1. ZAB Appeal: 2133 University Avenue
From: City Manager
a. Recommendation: Adopt a Resolution:
1. Determining that appeal issues 1 - 4 & 10 are without merit and dismissing the appeal as to those issues; and
2. As to appeal issues 5 - 9, remanding the decision of the Zoning Adjustments Board (ZAB) approving Use Permit No. 10-10000078 to the ZAB to hold a public hearing in order to consider whether to issue permits for building height and projections under BMC Sections 23E.04.020.C and 23E.68.070.A and to reconsider whether to issue a demolition permit under BMC Chapter 23C.08.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400

Action Calendar – Appeals

b. Appellants

1. Daniel Cardozo & Ellen Trescott (on behalf of Alex Osborne, Kijahre Fikiri, Larry Hunt, Wesley Bentley & Berkeley Residents for Sustainable Development)

c. Communications

1. Berkeley Residents for the Downtown Plan
2. Jay Kelekian (on behalf of the Rent Stabilization Board)

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

2. ZAB Appeal: 1214 Glen Avenue
From: City Manager
a. Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving Use Permit No. 11-10000021 to allow the construction of a two-story, 2,400 square foot, single-family dwelling with an attached 2-car garage, with a reduced front yard setback of18'-7" where 20' is required and to allow the construction of fences that measure up to 8' in height, on a 3,771 square foot parcel, and dismiss the appeal.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400

b. Appellants

1. Claire Greensfelder, John Coolidge, Becky Osborn-Coolidge, Aliyah Stein

c. Communications

1. Albert Sukoff
2. Dan McDunn

Action Calendar – Public Hearings

3. ZAB Appeal: 1488 Keoncrest Drive
From: City Manager
a. Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to uphold the Zoning Officer's decision to approve Administrative Use Permit No. 12-20000050 to enlarge an existing 1,200 sq. ft. single family residence by constructing a 110 sq. ft. addition to the ground floor for an expanded single-car garage, a 290 sq. ft. second story living room, and a 250 sq. ft. third story bedroom, increasing the average height to 25'11" and vertically extending a non-conforming front yard setback.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400

b. Appellants

1. Bertrand Racine and Lina Urbain

c. Communications

None

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 14th day of March, 2013.

Tom Bates, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting**.**

ATTEST:

Date: 3/14/13
Mark Numainville, CMC, City Clerk

***NOTICE CONCERNING YOUR LEGAL RIGHTS**: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc.. 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at http://www.cityofberkeley.info. Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at 981-6908 or clerk@cityofberkely.info for further information.

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Fax: 510-981-6901
Email: clerk@ci.berkeley.ca.us

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue

North Branch – 1170 The Alameda

COMMUNICATION ACCESS INFORMATION:
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 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.
Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.