

**NOTICE OF PUBLIC HEARING-BERKELEY CITY COUNCIL
CITY COUNCIL CHAMBERS, 2134 MARTIN LUTHER KING JR. WAY
2401 TELEGRAPH AVENUE**

Notice is hereby given by the City Council of the City of Berkeley that on **JULY 2, 2013**, at **7:00 PM**, a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to approve Administrative Use Permit AUP 12-20000089, that established an incidental carry out food service establishment with take-out window within an existing retail use at 2401 Telegraph Avenue in the C-T Telegraph Commercial District.

For further information, please contact Claudine Asbagh, Land Use Planning Department, (510) 981-7424.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers. If the communication includes maps or photos or any other material not reproducible on a copy machine, fifteen copies should be provided to the City Clerk. For further information, contact Mark Numainville, City Clerk, 981-6900. FAX: (510) 981-6901. TDD: (510) 981-6903.



Mark Numainville, CMC, City Clerk

Mailed: June 13, 2013

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City 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 Zoning Adjustments Board decision, 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.*

If you challenge the above 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 City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.