

SUMMARY

BERKELEY CITY COUNCIL SPECIAL MEETING

MONDAY, OCTOBER 16, 2006

7:00 P.M.

2180 Milvia Street, 6th Floor, Redwood Conference Room
Teleconference Location – 1636 Channing Way, Berkeley, CA

Preliminary Matters

Roll Call: 7:03 p.m. All present.

Action Calendar – Old Business

1. **1201 San Pablo Avenue / 1100 Harrison Street** (*Public hearing closed on September 19, 2006. Re-opened on October 10, 2006 for the narrow purpose of hearing from a representative of both the applicant and the appellants as to the procedure to be followed. Continued to this meeting to determine whether to re-open and re-notice the hearing to consider issues raised by applicant's October 10, 2006 letter or proceed to take action.*)
 - a. **Supplemental Report** (*July 18, 2006*)
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
 - b. **From: City Manager** (*July 18, 2006*)
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 05-10000029 to construct a 30-unit, mixed-use project, and dismissing the appeal.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
 - c. **Appeal** (*July 18, 2006*)
 - 1 Susan Pinto and Kain/Stannage Neighbors who also join in the appeal.
 - d. **Communications** (*July 18, 2006*)
 1. James E. Hart
 2. 1201 San Pablo Appellants
 - e. **Communications** (*September 19, 2006*)
 1. Stephen Wollmer

Action Calendar – Old Business

f. Supplemental Communications (*September 19, 2006*)

1. Jim Hart – Revised Proposal
2. 1201 San Pablo/1100 Harrison Appellants (2)
3. Stephen Wollmer
4. Scott, Kelli and Nathan Bodensteiner
5. Jim Hart – Drawing
6. Mary Wyand

g. Supplemental Communications (*September 26, 2006*)

1. Jim Hart – Revised Application
2. Prakash Pinto
3. Daniel W. Corvello
4. Mary Wyand
5. Beth Bernstein
6. Jean Molesky
7. Yvette Bozzini
8. Uile Cuileannain
9. Mary Wyand for Erika Lamm
10. Jim Hart
11. Rena Rickles
12. Don Mill
13. Rempel Architects

h. Communications (*October 10, 2006*)

14. Jim Hart

i. Supplemental Communications (*October 10, 2006*)

15. 1201 San Pablo / 1100 Harrison Appellants
16. Mary Wyand
17. Jim Hart
18. Steven Donaldson
19. Mary Wyand
20. Rena Rickles

Action: Moved, seconded, carried (Capitelli/Maio) to reopen and continue the public hearing to October 24, 2006 for the purpose of having staff and the appellants consider the compromise proposal submitted by the applicant and worked out with several of the appellants. Applicant to submit plans to the City by Friday and to all of the appellants for review and approval.

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.*

Communications

None.

Supplemental Reports and Communication

1. City Manager Supplemental Report
2. Jim Hart (Revised compromise plan)

Adjournment

Adjourned at 8:07 p.m.