

applicant, the appellants collectively shall have five minutes to comment and the applicant shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment.

After the conclusion of the five-minute comment periods, members of the public may comment on the appeal pursuant to the Rules of Procedure in effect for the Council meeting.

The Council will then deliberate and determine to do one of three things: 1) continue the public hearing; 2) based on the record of the Council's consideration and hearing, reverse or affirm, wholly or partly, or modify any decision, determination, condition or requirement of the Board's original action; or 3) remand the matter to the Board to reconsider the application, or any revisions thereto submitted after the Board's action.

Communications to the City Council that are received by the City Clerk pursuant to the following deadlines will be accepted and distributed as follows:

Submission Deadline	Distributed	Packet
October 17, 2022, by 5:00 p.m. (Monday)	Fourteen days before the meeting (Thursday)	Agenda Packet
October 25, 2022, by 5:00 p.m. (Tuesday)	Seven days before the meeting (Thursday)	Supplemental 1
November 2, 2022, 12:00 p.m. (Wednesday)	By 5:00 pm the day before the meeting (Wednesday)	Supplemental 2

Communications should be submitted directly to the City Clerk to ensure receipt by all Councilmembers. Electronic communications may be submitted to council@cityofberkeley.info for immediate distribution to the Mayor, each City Councilmember, and the City Clerk for inclusion in the official record. Please note that for communications submitted in hardcopy, 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.

Please note that Berkeley's Lobbyist Registration Act (Berkeley Municipal Code Chapter 2.09) is effective beginning on January 1, 2020. Information and resources regarding the Lobbyist Registration Act are available from the City's website at: https://www.cityofberkeley.info/Clerk/Home/Lobbyist_Registration_Act.aspx

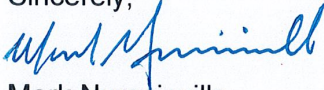
If you have any additional questions regarding this matter, please do not hesitate to contact me at (510) 981-6908.

A copy of the staff report and a City Council agenda will be available from this office upon request after 4:00 p.m. on Thursday, October 20, 2022 or can be viewed on our website at: www.CityofBerkeley.info/CityCouncil.

RE: 1643 & 1647 California Street – Appeal ZAB Decision Use Permit #ZP2021-0001

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Sincerely,



Mark Numainville
City Clerk

cc: Jordan Klein, Director of Planning
Steven Buckley, Land Use Planning Manager
Allison Riemer, Staff Planner
Farimah Brown, City Attorney
Sundeep Grewal, Studio G+S Architects (Applicant)
Ido and Tamar Oppenheimer (Owner)
Adam Safir and Anna Cederstav (Interested Party)
Kay Bristol (Interested Party)

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) Pursuant to Government Code Section 66020(d)(1), the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period. 3) 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.