

NOTICE OF APPEAL

50 First Street
Suite 400
San Francisco
CA 94105-2413
415/882-9666
FAX 415/882-0954

August 27, 2002

Mayor and Council
City Clerk's Office
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Re: Use Permit: 01-10000084
Project Address: 2006 University Avenue, Berkeley, CA
Project Applicant: Christopher Hudson of Touriel Building, LLC
2116 Allston Way, Suite 1, Berkeley, CA

Dear Mayor and Council:

The undersigned is the Managing General Partner of 2001 Associates, owner of the property located at 2001 Addison Street, Berkeley. We hereby appeal the decision of the Zoning Adjustments Board approving the above referenced project.

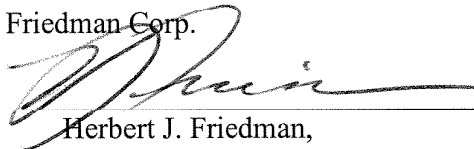
We have not received the Notice of Decision. However, we were told by a clerk of the Zoning Adjustments Board today that it was mailed August 14, 2002.

We are filing this Notice of Appeal within fourteen (14) days from the date the Notice of Decision was mailed to protect our rights. Please advise regarding any additional information or documentation you may need, and also inform us as to the date the hearing on this matter may be scheduled.

Respectfully submitted,

HJ Friedman Corp.

By



Herbert J. Friedman,
President

cc: Christopher Hudson
Patrick Kennedy

HJ FRIEDMAN CORP

PROPERTY MANAGEMENT & INVESTMENT

50 First Street
Suite 400
San Francisco
CA 94105-2413
315/882-9666
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TO: Wendy Mathisen Fax 510/981-6901
FROM: Herbert Friedman
DATE: August 29, 2002
RE: Use Permit: 01-10000084
Project Location: 2006 University Avenue, Berkeley

Enclosed is the Supplement to Notice of Appeal dated and filed August 27, 2002 as requested pursuant to my telephone conversation with Margaret Cavanaugh-Lynch today.

HJ FRIEDMAN CORP

PROPERTY MANAGEMENT & INVESTMENT

SUPPLEMENT TO
NOTICE OF APPEAL DATED AND FILED
AUGUST 27, 2002
SPECIFYING REASONS FOR THE APPEAL

50 First Street
Suite 400
San Francisco
CA 94105
415/882-9666
FAX 415/882-0954

August 28, 2002

Mayor and Council
City Clerk's Office
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Re: Use Permit: 01-1000084
Subject Property: 2006 University Avenue, Berkeley, CA
Project Applicant: Christopher Hudson of Touriel Building, LLC
2116 Allston Way, Suite 1, Berkeley, CA
Appellant's Property: 2001 Addison Street (Our Property)

Dear Mayor and Council:

This letter is submitted as a supplement to the Notice of Appeal dated and filed August 27, 2002. The purpose of this Supplement is to specify the reasons why the appeal should be granted.

Our property consists of a 3-story office building of approximately 29,000 square feet of leased space, plus a lot behind the building accessed from Milvia Street containing four parking spaces plus a service area for refuse collection facilities and a back up generator. It is immediately south of the Subject Property and is a foot or more lower in elevation the Subject Property.

By virtue of its proximity to the Subject Property and by virtue of the physical characteristics of the two properties, our property is necessarily the most immediately and potentially the most seriously affected by any planning, testing and construction activities and also by the future use of the Subject Property. Indeed, our concern about the adverse impact of significant under

parking for the 35 units is compounded when taking into account the multi-residential building on the south side of Addison directly across from our property that has no parking and further heightened as a result of our experience with the construction of that project and with our experience over the years of numerous and regularly re-occurring trespasses by tenants, guests or patrons at the present 2006 University facilities, as well as general populous, in using – and littering – our parking lot to the inconvenience of and cost of our tenants and our management.

The specific grounds for this appeal are as follows:

1. There is a substantial likelihood that our property and the use thereof by our tenants will suffer irreparable injury and substantial damage during (a) pre-construction planning and testing, (b) the regular course of constructions and (c) post-completion use of the Subject Property.

2. There is a substantial likelihood that our property and the use thereof by our tenants will be substantially impaired and that our right to unimpeded ingress, egress and use of the parking lot and building service area over the parking lot parcel will be adversely affected in the course of planning, testing and construction of the Subject Property causing substantial damage and potential irreparable harm to our property and to the business use of our tenants.

3. The mitigating conditions incorporated in the Use Permit, while appropriate regarding the City's concern for general traffic flow and construction practices, are not sufficient to protect our property and our tenants' right to be assured that there will be no damage to or interference with such use during the pre-construction testing, construction and post-completion use of the Subject Property.

4. There are no provisions providing for direct notification, consultation and indemnification in connection with any planning, testing or construction activity that directly affects our property and the use thereof by our tenants and service vendors; and similarly there are no such provisions assuring that there will be no illegal use of or interference with access to our parking lot during construction or post-completion by the future inhabitants of the Subject Property.

For the foregoing reasons, we respectfully submit that the Decision granting the Use permit should be reversed or, alternatively, sent back to the Zoning

Adjustments Board for the adoption of additional mitigation conditions that adequately and properly address our unique concerns.

Respectfully submitted,

HJ Friedman Corp

By



Herbert J. Friedman,
President

cc: Mark Rhoades, Secretary – Zoning Adjustments Board
Christopher Hudson
Patrick Kennedy