

**16 (1)**

**Kelly, Sherry**

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**From:** Rena Rickles [rrlaw@mindspring.com]  
**Sent:** Tuesday, June 17, 2003 3:10 PM  
**To:** Kelly, Sherry; Mayors Office; Olds, Betty; Dona Spring; Worthington, Kriss; Shirek, Maudelle; Hawley, Miriam; Wozniak, Gordon  
**Cc:** Levy, David C.; teddyklugs@aol.com  
**Subject:** 1936 Delaware Street  
**Importance:** High

Please see attached re Request for Continuance; non-appearance by counsel.  
RENA RICKLES  
Attorney at Law  
1970 Broadway, Suite 1200  
Oakland, CA 94612  
(510) 452-1600

6/17/2003

# MORRISON & FOERSTER LLP

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June 6, 2003

*Via E-Mail*

Hon. Mayor and Councilmembers  
City of Berkeley  
c/o City Clerk  
2180 Milvia Street  
Berkeley, California 94704

Writer's Direct Contact  
Telephone: 415-268-6238  
Telefacsimile: 415-276-7084  
DLevy@mof.com

**Re: 1936 Delaware Street - Use Permit Appeal - Request for Continuance**

Dear Mayor Bates and Council Members:

This office represents the applicant for a use permit at 1936 Delaware Street. The Zoning Adjustments Board approved that permit, and that approval is now before you on appeal. The appeal is set for June 17. Currently, we are in serious discussions with the appellants about a compromise, and are making good progress. We will not have a final agreement to present to you by the 17th, however, particularly since materials for the hearing are due this coming Monday. Your next public hearing night is July 15. The appellants' counsel, Ms. Rickles, will be out of town at that time, however. Accordingly, as indicated by our signatures below, we jointly request that you continue this item to your hearing of July 8. We would hope to have a final agreement worked out by then, which you could easily consider on your consent calendar. We would very much appreciate it if you could please consider this request at your next Rules Committee meeting, or at your earliest convenience, and inform us of your decision on the continuance.

Thank you.

Very truly yours,

David C. Levy

**MORRISON & FOERSTER LLP**

Hon. Mayor and Council Members  
City of Berkeley  
June 6, 2003  
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APPROVED AND AGREED

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Rena Rickles, Esq.  
Attorney for Appellants

cc: Mr. Steve Solomon, Planning Department  
Zachary D. Cowan, Esq., Office of the City Attorney  
Rena Rickles, Esq.  
Clients

**RENA RICKLES**  
ATTORNEY AT LAW

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TEL: (510) 452-1600 • FAX: (510) 451-4115

June 17, 2003

Mayor Tom Bates  
Berkeley City Council Members  
2180 Milvia Street  
Berkeley, CA 94704

Re: 1936 Delaware Street; Joint Request for Continuance, Potential Settlement

Dear Mayor Bates and Council Members:

First, on behalf of the immediate and most seriously negatively impacted neighbors of 1936 Delaware Street, I wish to thank you for setting this matter for Public Hearing. Because of that decision the parties are communicating and are moving forward toward a compromise design, a design which will be advantageous and a significant improvement not only for my clients but also for the developer and the City of Berkeley.

Second, because both the attorney for the developer, David Levy and I are making progress toward a settlement, we are requesting that this matter be continued to July 8, 2003, my last day in town before the Council recess. It is our intention to provide you with stipulated agreement between the parties for a new project.

Third, I will not be appearing this evening on this matter, as it is my understanding that it is more than 99% likely that our request will be granted. Mr. Kluger, one of my clients will be there. If there is a need for me to appear, I will leave my number with my client and Mr. Levy. I can be at the meeting within one half hour of receiving their call.

Thank you again for your time and courtesy in this matter.  
Very truly yours,

RENA RICKLES

Cc: David Levy (via email)  
Clients(via email)