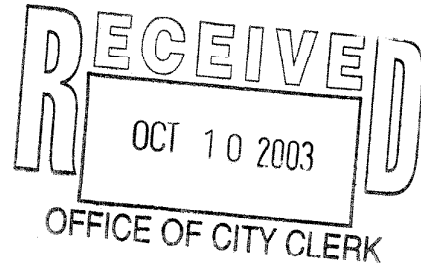


RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 1200
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 452-4115

October 8, 2003



Via Facsimile & U.S. Mail

Hon. Mayor Bates and City Council
City of Berkeley
2180 Mivia Street
Berkeley, California 94704

Re: **1936 Delaware Street - Use Permit appeal - Request to Approve
Revised Project per Settlement with Appellants**

Dear Mayor Bates and Council Members:

On behalf of the neighborhood appellants in this matter, we wish to thank you for setting this matter for public hearing. Because of your decision, this project now before you has been arrived at through over four months of negotiations between the applicant, the appellants, and other concerned neighbors. As indicated in our letter to you, the appellants and other concerned neighbors support the revised project. We respectfully request that you approve it.

In summary, the revised project would consist of a new one-story dwelling unit at the rear of the property, and the expansion of the one-story, single dwelling unit at the front of the property to a three-story building with two units. The previously approved project would have resulted in two two-story buildings on the property. The appellants' main contention was that the previous project, and particularly the two-story rear building, would diminish light, air and privacy in their rear yard. The revised project avoids those impacts by reducing the height of the rear building to one story. The proposed three-story front building is slightly shorter than appellants' house next door,

Hon. Mayor Bates and City Council
City of Berkeley
October 8, 2003
Page 2

and is consistent with the many other three and four story structures on the block.¹

To protect the adjacent neighbor's rear yard light and privacy, the revised one-story rear building will have a non-habitable 6' basement without windows and lightwells. It's height cannot be increase without a use permit.

We appreciate the continuances you granted in this matter to allow the parties to work out the compromise that is now before you, and look forward to a speedy and final resolution of this matter. Representatives of both parties will be present at the hearing on October 14 should you have any questions about the revised project. Thank you.

Sincerely,



RENA RICKLES, Esq.
Attorney for Appellants

RR:sbm

cc: Sherry M. Kelly, City Clerk
Messrs. Mark Rhoades and Steve Solomon, Planning Department
Zachary D. Cowan, Esq., Office of the City Attorney
David C. Levy, Attorney for Applicant
Ted Kluger, Neighbor Representative

¹The previous project would have lifted the existing one-story front structure and constructed a second story underneath that, thereby retaining most of the existing structure. That is more difficult with the revised three-story structure, thus an amount of demolition sufficient to trigger the need for a demolition use permit (greater than 50 percent of the building) is required. In other words, the additional demolition use permits is requested only because it is necessary to implement the revised project. It was not a planned addition to the application.