

CITY OF BERKELEY
March 11, 2004 PER DEPT

04 MAR 11 PM 2:16

VIA HAND DELIVERY

City Clerk
City of Berkeley
2180 Milvia Street
First Floor
Berkeley, CA 94704

RE: Notice of Appeal; PM 8276-Subdivision of a Lot
(1 Lot into 2 Lots) – 1331 Seventh Street, Berkeley

To the City Clerk:

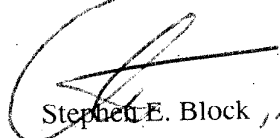
The undersigned is the fee title owner of 1331 Seventh Street, Berkeley, California, and hereby appeals the denial of application PM 8276 as set forth in Mr. Mark Rhoades' letter to Everett Moran dated March 1, 2004. Mr. Rhoades' letter stated as follows:

"The application has been denied since it is not in conformity with sections 21.04.020 and 21.04.090 of the Berkeley Subdivision ordinance and section 23B.56.020B of the Zoning Ordinance of the City of Berkeley.

"On 6 May 1986, use permit #A920 was granted over 950 Gilman Street and 1331 Seventh Street, Berkeley, to convert a single-user building into four spaces and use 1331 Seventh Street as parking. The use permit required the use of 1331 Seventh Street for 76 parking spaces of 950 Gilman Street. The subdivision of 1331 Seventh Street into two lots, and the subsequent proposed use of the site for a building site and parking, are not in conformity with the approved use permit and the Zoning ordinance of the City of Berkeley."

The grounds for this appeal include, among other things, the fact that (i) no declaration of restriction is recorded against 1331 – Seventh Street that provides it must be used to provide parking for 950 Gilman; (ii) the undersigned had no knowledge of the terms of the 950 Gilman use permit when the undersigned purchased 1331 Seventh Street; (iii) waiver, laches and governmental estoppel; and (iv) such other grounds as may be presented at the public hearing on the appeal.

Sincerely,


Stephen E. Block, ATTORNEY

REAL ESTATE BROKER

STEPHEN E. BLOCK

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