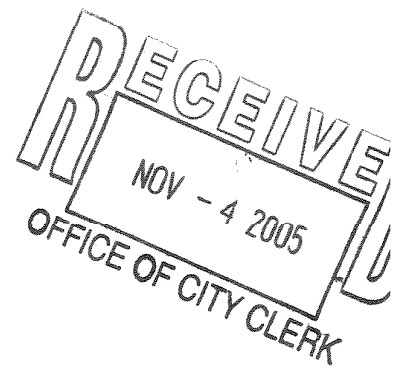


October 23, 2005

City Clerk
2180 Milvia Street
Berkeley, CA 94704



Re: Appeal Zoning Adjustment Board Decision 8/25/05
Use Permit: #04-20000158
Project Location: 1617 Seventh Street

To the City Council:

I am writing to ask the City Council to take action to support the mediation process Berkeley has established for disputes over use permits. With the help of Frank Herbert of East Bay Community Mediation, we and our neighbor James Troupe agreed that he would make several changes to his construction plans and we would drop our appeal of his use permit. While we were waiting for modified plans to sign, James unilaterally rejected our agreement without informing us. The planning department and the Zoning Adjustments Board then approved James' permit. These actions have penalized us for participating in the mediation process.

If we had not mediated with James, we would have presented more evidence to the planning department and ZAB while our appeal was being considered. We learned of James' decision only when the planning department notified us that the planner was recommending against our appeal, which would be considered by the ZAB without any public comment. After seeing the ZAB reject our appeal without any discussion, I doubt that the ZAB considered any of the issues we raised or any of the mitigating conditions to which James had already agreed.

If the City is going to recommend mediation, it should not allow participants to abuse the process or allow City departments to discriminate against participants who rely on it.

Truly,

A handwritten signature in cursive script that reads "Guillermo Pulido".

Guillermo Pulido
1615/1613 7th Street
Berkeley, CA 94710

cc. Frank Herbert