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October 10, 2006

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

Re: 1201 San Pablo Avenue/1100 Harrison: Modification of ZAB Approved Project; Government Code 65589.5 invoked.

Dear Mayor Bates and Councilmembers:

On behalf of Jim Hart, proponent of the above –captioned project, this office makes the following modification to the proposal(s) before you:

The modified proposal discussed September 29, 2006 and submitted to the City Clerk is now 'off the table'. We respectfully submit for your vote tonight the Zoning Adjustments Board approved project in terms of number of units, height, density, set-backs and two (2) concessions granted 1) number of stories (from four to five); and 2) uneven distribution of Inclusionary units within the building.

Jim Hart agrees to make all six (6) Inclusionary units affordable at the moderate or low (at a maximum of 80% AMI) level. Accordingly, we invoke the protections afforded under Government Code Section 65589.5; 655895.5(d) and all other relevant subsections.

Very truly yours,


RENA RICKLES

RECEIVED AT
COUNCIL MEETING OF:
OCT 10 2006
OFFICE OF THE CITY CLERK
CITY OF BERKELEY