

## **Communications – 03/07/17**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

**ZAB Appeal: 2902 Adeline Use Permit No. ZP2015-0177**

1. Robert Lauriston

To: Berkeley City Council  
From: Robert Lauriston  
Date: February 21, 2017  
Re: 3/7 hearing - 2902 Adeline St. - appeal of ZP2015-0177  
Subject: applicants' response to staff report; ex-parte contacts

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Please see next week's supplemental packet for our response to the staff report, which will not be available until after the deadline for this packet.

In the meantime, if you read the staff report, please keep in mind that here, unlike most developments that have previously come before the Council, we're not arguing about the state density bonus. Exceeding the 35-foot / three-story height and 40% lot coverage maximums, expanding the footprint into the minimum front and side setbacks, and reducing the number of required off-street parking spaces were all granted at the ZAB's discretion under BMC Section 23E.52.070.D.7. Thus the central argument of our appeal is not that the ZAB failed to interpret the law correctly, but that in exercising its discretion it fell well short of the best possible deal for the city.

If you have any ex-parte contacts with the applicant, please feel free to contact me at any time to give appellants equal time.

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