

KELEY
KELEY PARKS
OF CALIFORNIA
ARKS
RAILS
AILS
IRS
CENTERS
TERS

MAP OF BERKELEY PARKS AND OPEN SPACE



University web map

West Frontage Rd. - Meliport

MELIPORT

WEST FRONTAGE RD.

WOODEN CASE HILLS

EXHIBIT C

Berkeley Municipal Code

23D.32.020 Purposes

The purposes of the Restricted Multiple-family Residential (R-2A) Districts are to:

- A. Implement Master Plan policy by encouraging the development of medium density residential areas characterized by small multiple-family and garden-type apartment structures with a maximum of open space consistent with this type of development;
- B. Make available housing for persons who desire apartment-type accommodations with a maximum of open space;
- C. Protect adjacent properties from unreasonable obstruction of light and air;
- D. Permit only that intensity of use which will be compatible with existing low density residential structures and will not be detrimental to the immediate neighborhood. (Ord. 6478-NS § 4 (part), 1999)

23D.32.090 Findings

- A. In order to approve any Permit under this chapter, the Zoning Officer or Board must make the finding required by Section 23B.32.040. If the Zoning Officer or Board makes the applicable finding required by the following paragraph of this section then the permit shall be denied.
- B. To deny a Use Permit for a major residential addition or residential addition subject to 23D.32.070 the Zoning Officer or Board must find that although the proposed residential addition satisfies all other standards of this Ordinance, the addition would unreasonably obstruct sunlight, air or views. (Ord. 7426-NS § 20, 2015: Ord. 6980-NS § 5 (part), 2007: Ord. 6763-NS § 20 (part), 2003: Ord. 6478-NS § 4 (part), 1999)

EXHIBIT D

Sanjour, Anthony, 11/11/2017

§ 21159.21. Housing project; exemption from division; criteria, CA PUB RES § 21159.21

West's Annotated California Codes
Public Resources Code (Refs & Annos)
Division 13. Environmental Quality (Refs & Annos)
Chapter 4.5. Streamlined Environmental Review (Refs & Annos)
Article 6. Special Review of Housing Projects (Refs & Annos)

West's Ann.Cal.Pub.Res.Code § 21159.21

§ 21159.21. Housing project; exemption from division; criteria

Effective: June 27, 2012

Currentness

A housing project qualifies for an exemption from this division pursuant to Section 21159.22, 21159.23, or 21159.24 if it meets the criteria in the applicable section and all of the following criteria:

(a) The project is consistent with any applicable general plan, specific plan, and local coastal program, including any mitigation measures required by a plan or program, as that plan or program existed on the date that the application was deemed complete and with any applicable zoning ordinance, as that zoning ordinance existed on the date that the application was deemed complete, except that a project shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the project site has not been rezoned to conform with a more recently adopted general plan.

(b) Community-level environmental review has been adopted or certified.

(c) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.

(d) The site of the project does not contain wetlands, does not have any value as a wildlife habitat, and the project does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete. For the purposes of this subdivision, "wetlands" has the same meaning as in Section 328.3 of Title 33 of the Code of Federal Regulations and "wildlife habitat" means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.

(e) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.

§ 21159.21. Housing project; exemption from division; criteria, CA PUB RES § 21159.21

(f) The site of the project is subject to a preliminary endangerment assessment prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

(1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.

(2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

(g) The project does not have a significant effect on historical resources pursuant to Section 21084.1.

(h) The project site is not subject to any of the following:

(1) A wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.

(2) An unusually high risk of fire or explosion from materials stored or used on nearby properties.

(3) Risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.

(4) Within a delineated earthquake fault zone, as determined pursuant to Section 2622, or a seismic hazard zone, as determined pursuant to Section 2696, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake fault or seismic hazard zone.

(5) Landslide hazard, flood plain, flood way, or restriction zone, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.

(i)(1) The project site is not located on developed open space.

(2) For the purposes of this subdivision, "developed open space" means land that meets all of the following criteria:

(A) Is publicly owned, or financed in whole or in part by public funds.

(B) Is generally open to, and available for use by, the public.

§ 21159.21. Housing project; exemption from division; criteria, CA PUB RES § 21159.21

(C) Is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ballfields, enclosed child play areas, and picnic facilities.

(3) For the purposes of this subdivision, "developed open space" includes land that has been designated for acquisition by a public agency for developed open space, but does not include lands acquired by public funds dedicated to the acquisition of land for housing purposes.

(j) The project site is not located within the boundaries of a state conservancy.

Credits

(Added by Stats.2002, c. 1039 (S.B.1925), § 12. Amended by Stats.2003, c. 742 (S.B.1074), § 7; Stats.2012, c. 39 (S.B.1018), § 96, eff. June 27, 2012.)

West's Ann. Cal. Pub. Res. Code § 21159.21, CA PUB RES § 21159.21
Current with urgency legislation through Ch. 309 of 2017 Reg.Sess

End of Document

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EXHIBIT E

§ 15300.2. Exceptions., 14 CA ADC § 15300.2

HISTORY

1. Amendment of subsection (b), new subsections (d)-(f) and amendment of Note filed 10-26-98; operative 10-26-98 pursuant to Public Resources Code section 21087 (Register 98, No. 44).
2. Change without regulatory effect amending Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).

This database is current through 9/15/17 Register 2017, No. 37

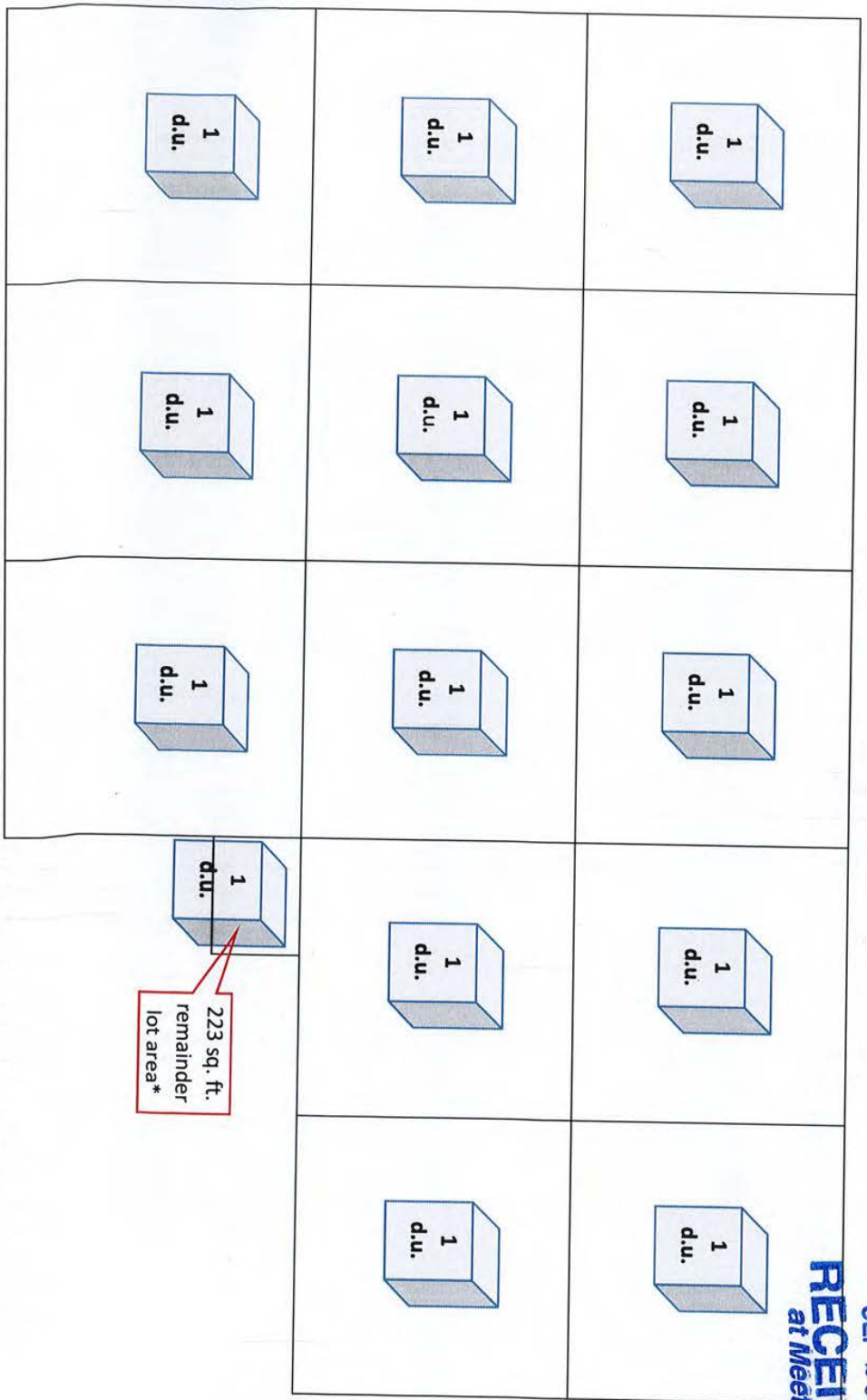
14 CCR § 15300.2, 14 CA ADC § 15300.2

End of Document

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Maximum Residential Density per Density Bonus Law = 14 units
 13,497 sq. ft. + 8,405 sq. ft. = 21,902 sq. ft. total project area
 (each square block = 1650 square feet)

Late Communications
 Zoning Adjustments Board
 SEP 28 2017



* Per Government Code Section 65915(q), "Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number."

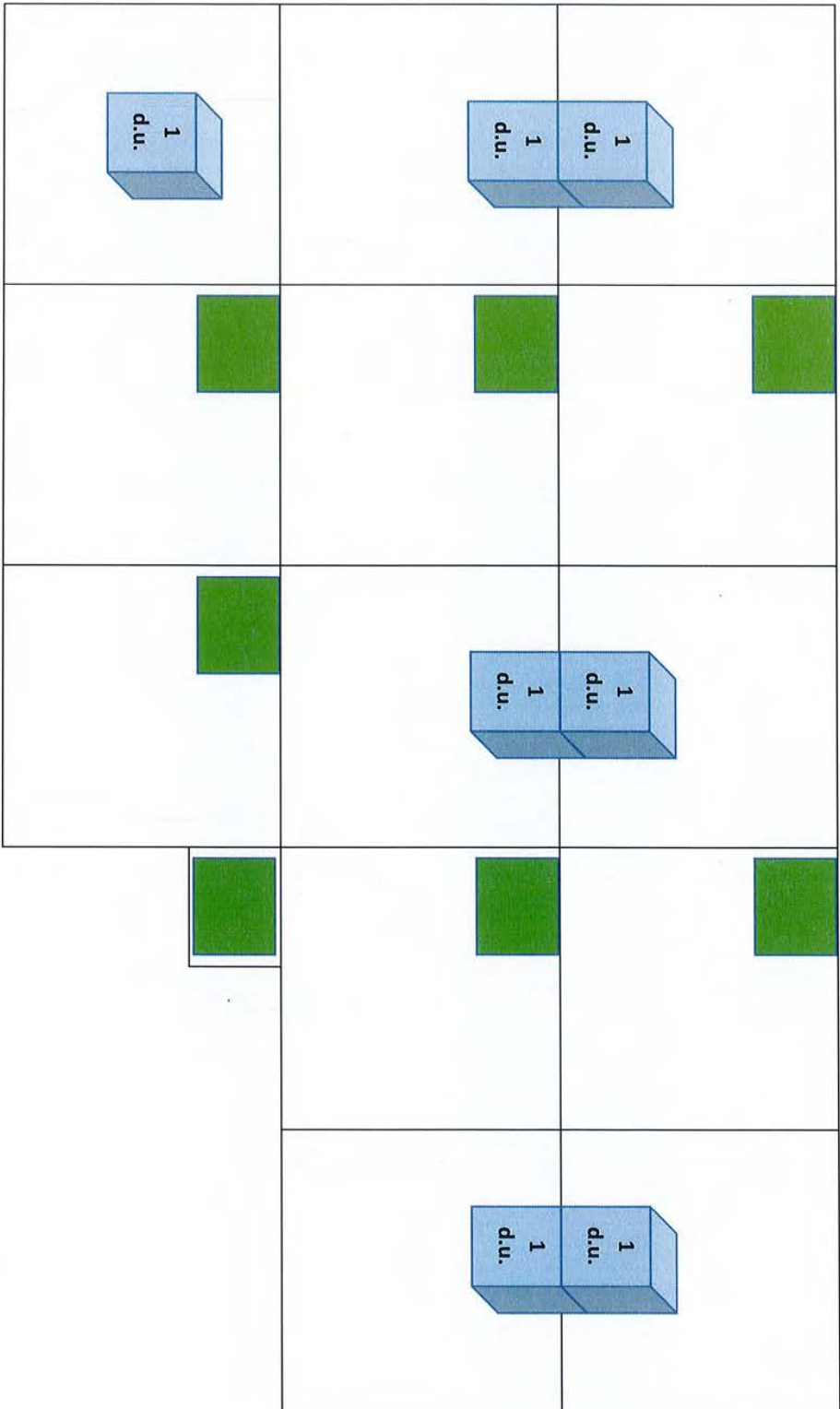
Existing Residential Density = 7 Units


New Development Potential


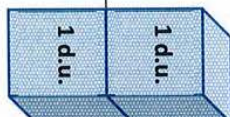


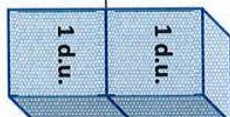



= Existing dwelling units

w/out Density Bonus = 7 Units



 = Existing Multi-Family Units that are Part of the Housing Development
 For Density Bonus Government Code § 65915

Qualifying Housing Development Area =

13 base units



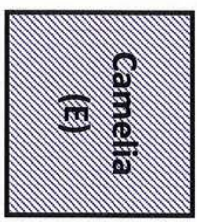
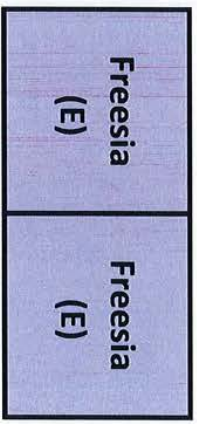
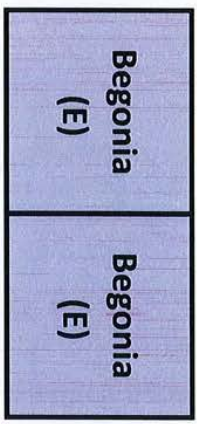
1	2	3	4	5
6	7	8	9	10
	11	12	13	



DENSITY BONUS CALCULATIONS:

- 13 UNIT BASE DENSITY
- 11% of Base, or 2 (1.43) Qualifying VLI Units
- Results in a 35% Density Bonus
- 35% or 5 (13 base x 35% = 4.55) Density Bonus Units
- 13 base + 5 bonus units = 18 total units

Existing Conditions

1153-1175 Hearst Avenue



-  = D.U. Subject to Rent Control
-  = D.U. Not Subject to Rent Control

Proposed Project

1153-1175 Hearst Avenue

Azalea (P)	Azalea (P)
Azalea (E)	Azalea (E)

Begonia (P)	Begonia (P)
Begonia (E)	Begonia (E)

Freesia (E)	Freesia (E)
	Freesia (P)

Daffodil (P)	Daffodil (P)
Daffodil (P)	Daffodil (P)

Edelweiss (P)	Edelweiss (P)
Edelweiss (P)	Edelweiss (P)

Geranium (P)	Geranium (P)
Geranium (P)	Geranium (P)



= D.U. Subject to Rent Control and Replacement

= D.U. to Inclusionary Housing Ordinance

Replacement

Govt. Code 65915(c)(3)(A)



At or lower income than existing **can qualify** as either

Inclusionary Requirement

BMC 23C.12

20% Requirement = 2.2 Units

2 BMR at Lower Income
 0.2 Payment remainder fee

or

Payment 1.2 In-Lieu Fee
 (density bonus units exempt)

If unknown:
 4 BMR at Lower Income
 (either VLI or LI)

+
 1 BMR at Moderate Income
 + 1 Market Rate (rent controlled)

Azalea (E)	Azalea (E)
Begonia (E)	Begonia (E)
Freesia (E)	Freesia (E)

Azalea (P)	Begonia (P)	Begonia (P)	Freesia (P)
Azalea (P)	Daffodil (P)	Edelweiss (P)	Geranium (P)
	Daffodil (P)	Edelweiss (P)	Geranium (P)

OPTION 1

Replacement

Govt. Code 65915(c)(3)(A)



At or lower income than existing

or

4 BMR at Lower Income
 (either VLI or LI)

+

1 BMR at Moderate Income
 + 1 Market Rate (rent controlled)

	
BMR LI	BMR LI
Market Rate	BMR Moderate

Inclusionary Requirement

BMC 23C.12

20% Requirement = 2.2 Units

2 BMR at Lower Income

0.2 Payment remainder fee

or

Payment 1.2 In-Lieu Fee
 (density bonus units exempt)

Azalea (P)	Begonia (P)	Begonia (P)	Freesia (P)
Azalea (P)	Daffodil (P)	Edelweiss (P)	Geranium (P)
	Daffodil (P)	Edelweiss (P)	Geranium (P)

OPTION 2

Replacement

Govt. Code 65915(c)(3)(A)

At or lower income than existing

or

4 BMR at Lower Income
 (either VLI or LI)

+

1 BMR at Moderate Income
 + 1 Market Rate (rent controlled)

BMR LI	BMR LI
BMR LI	BMR LI
Market Rate	BMR Moderate

Inclusionary Requirement

BMC 23C.12

20% Requirement = 2.2 Units

2 BMR at Lower Income
 0.2 Payment remainder fee

or

Payment 1.2 In-Lieu Fee
 (density bonus units exempt)

DBIQ VLI	Begonia (P)	Begonia (P)	Freeisia (P)
	Daffodil (P)	Edelweiss (P)	Geranium (P)
DBIQ VLI	Daffodil (P)	Edelweiss (P)	Geranium (P)

ITEM #: 4 ZAB DATE: 9/28

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1156-1173 Hearst Av
(Project Address)

NAME LLOYD MORCART
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

RESIDENT X BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 570 841-9362 DATE 9/28/17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 HEARST AVE.
(Project Address)

NAME JASSMIN (JAZZ-MIN) POYAOAN (POY-OW-WA)
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION ✓
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER ADVOCATE

SIGNATURE: [Signature]

PHONE 510-269-6611 DATE 9/28/17
(In case we would like to contact you)

ITEM #: _____ ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1175 Hearst
(Project Address)

NAME Hussein Saffouri
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER Residents representative

SIGNATURE: [Signature]

PHONE 510-708-1122 DATE 9/28/17
(In case we would like to contact you)

ITEM #: _____ ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave.
(Project Address)

NAME LUCAS PAZ, Ph.D.
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER Hydrologist

SIGNATURE: [Signature]

PHONE 510 697 1238 DATE 9/28/17
(In case we would like to contact you)

ITEM #: _____ ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155 Hearst
(Project Address)

NAME Rain Sussman
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 510 649 1909 DATE 9/28/17
(In case we would like to contact you)

ITEM #: _____ ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155 Hearst
(Project Address)

NAME Guy Sussman
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER father of resident

SIGNATURE: [Signature]

PHONE 917 721 2227 DATE 9/28/17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155 Hearst
(Project Address)

NAME Eliana Gies
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE (510)367-2971 DATE 9-28-17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave
(Project Address)

NAME YASHU JIANG
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 678-559-4213 DATE 9/28/17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155 Hearst Av.

NAME Rolf Williams
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

OTHER RESIDENT X BUSINESS OWNER _____

SIGNATURE: [Signature]

PHONE 510 508 1791 DATE 9/28/17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 HEARST ST

NAME DEAN NEZGER
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

OTHER RESIDENT X BUSINESS OWNER _____

SIGNATURE: [Signature]

PHONE _____ DATE 9/28/2017
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst

NAME Teal Major
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

OTHER RESIDENT X BUSINESS OWNER _____

SIGNATURE: [Signature]

PHONE 510 527 9141 DATE 9.29.17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC HEARST

NAME B. M. C. 195
(Please Print- to be sure we spell your name correctly)

SUPPORT 1 OPPOSITION ✓
(Optional)

OTHER RESIDENT 1 BUSINESS OWNER _____

SIGNATURE: [Signature]

PHONE 510 703 7027 DATE 9/28/17
(In case we would like to contact you)

ITEM #: _____ ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1175 Hearst St
(Project Address)

NAME Dale Anavin
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: Dale Anavin

PHONE 510-542-0502 DATE 9/28/17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave. - New Public Hearing
(Project Address)

NAME Carolyn Cory
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: Carolyn Cory

PHONE (510) 705-1547 DATE 9-28-17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave. Condos
(Project Address)

NAME Tracey Emerson
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: Tracey Emerson

PHONE 310-908-2053 DATE 9/28/17
(In case we would like to contact you)

ITEM #: _____ ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC Hearst St Condos
(Project Address)

NAME Alexander Ames
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: Alexander Ames

PHONE 510 524-4251 DATE 9/28/2017
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9-28-17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst ave. - New Public Hearing
(Project Address)

NAME Jillian Cory
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE (510) 703-7002 DATE 9-28-17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9-28-17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave
(Project Address)

NAME Wayne Cory
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 510-689-9969 DATE 9-28-17
(In case we would like to contact you)

ITEM #: #4? ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst
(Project Address)

NAME Pam Ormsby
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER 1155 Delaware St.

SIGNATURE: [Signature]

PHONE 524-6080 DATE 9/28/17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst
(Project Address)

NAME Stacey Shulman
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 821-1052 DATE 9/28/17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave
(Project Address)

NAME Joseph Chen
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION
(Optional)

OTHER RESIDENT BUSINESS OWNER

SIGNATURE: [Signature]

PHONE 510-305-1321 DATE 9/28/17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9-28-17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155 Hearst St
(Project Address)

NAME PHIL ALLEN
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION
(Optional)

OTHER RESIDENT BUSINESS OWNER
5 nearby resident

SIGNATURE: [Signature]

PHONE 848-2214 DATE 9-28-17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9-28-17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155 Hearst Ave
(Project Address)

NAME Mark T. Law
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION (concerned)
(Optional)

OTHER RESIDENT BUSINESS OWNER

SIGNATURE: [Signature]

PHONE 206-958-1338 DATE 9-28-17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC HEARST
(Project Address)

NAME MARK ZWARTZ
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION
(Optional)

OTHER RESIDENT BUSINESS OWNER

SIGNATURE: [Signature]

PHONE _____ DATE _____
(In case we would like to contact you)

ITEM #: 28 2016-0028 ZAB DATE: 9/28/2017

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave.
(Project Address)

NAME MASANORI OBA
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

OTHER RESIDENT X BUSINESS OWNER _____

SIGNATURE: Masanori Oba

PHONE 510-517-3814 DATE 9/28/2017
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9/28/17

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155 Hearst
(Project Address)

NAME Steve Martinot
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

OTHER RESIDENT _____ BUSINESS OWNER _____

SIGNATURE: Steve Martinot

PHONE _____ DATE _____
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: Sept 28, 2017

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC Hearst St.
(Project Address)

NAME Sharon Maldonado
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

OTHER RESIDENT X BUSINESS OWNER _____

SIGNATURE: Sharon

PHONE 510-524-2316 DATE 9/28/17
(In case we would like to contact you)

ITEM #: 4 ZAB DATE: 9-28-2017

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst
(Project Address)

NAME Elaine Lissner
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

OTHER RESIDENT ✓ BUSINESS OWNER _____

SIGNATURE: Elaine A. Lissner

PHONE 415-515-9100 DATE 9-28-2017
(In case we would like to contact you)



Z O N I N G
A D J U S T M E N T S
B O A R D
S t a f f R e p o r t

FOR BOARD ACTION
AUGUST 23, 2018

1155-1173 Hearst Avenue

Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new dwelling units.

I. Background

A. Land Use Designations:

- General Plan: HDR – High Density Residential
- Zoning: R-2A – Restricted Multiple-Family Residential

B. Zoning Permits Required:

- Use Permit for construction of dwelling units, under BMC Section 23D.32.030
- Use Permit for the addition of a sixth or greater bedroom in existing dwellings on a parcel, under BMC 23D.32.050.A
- Administrative Use Permit to construct residential additions greater than 14' in average height, BMC Section 23D.32.070.C
- Administrative Use Permit to allow an extension of a non-conforming front and side yard, BMC Section 23C.04.070.B
- Administrative Use Permit to reduce the building separation from 8' on the first floor and 12' on the second floor to 6'-1", BMC Section 23D.32.070.D.4

C. CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

D. Parties Involved:

- Applicant / Property Owner Hearst Avenue Cottages, LLC c/o Rhoades Planning Group, 46 Shattuck Square, Suite 11, Berkeley, CA 94704

Figure 1: Vicinity and Zoning Map

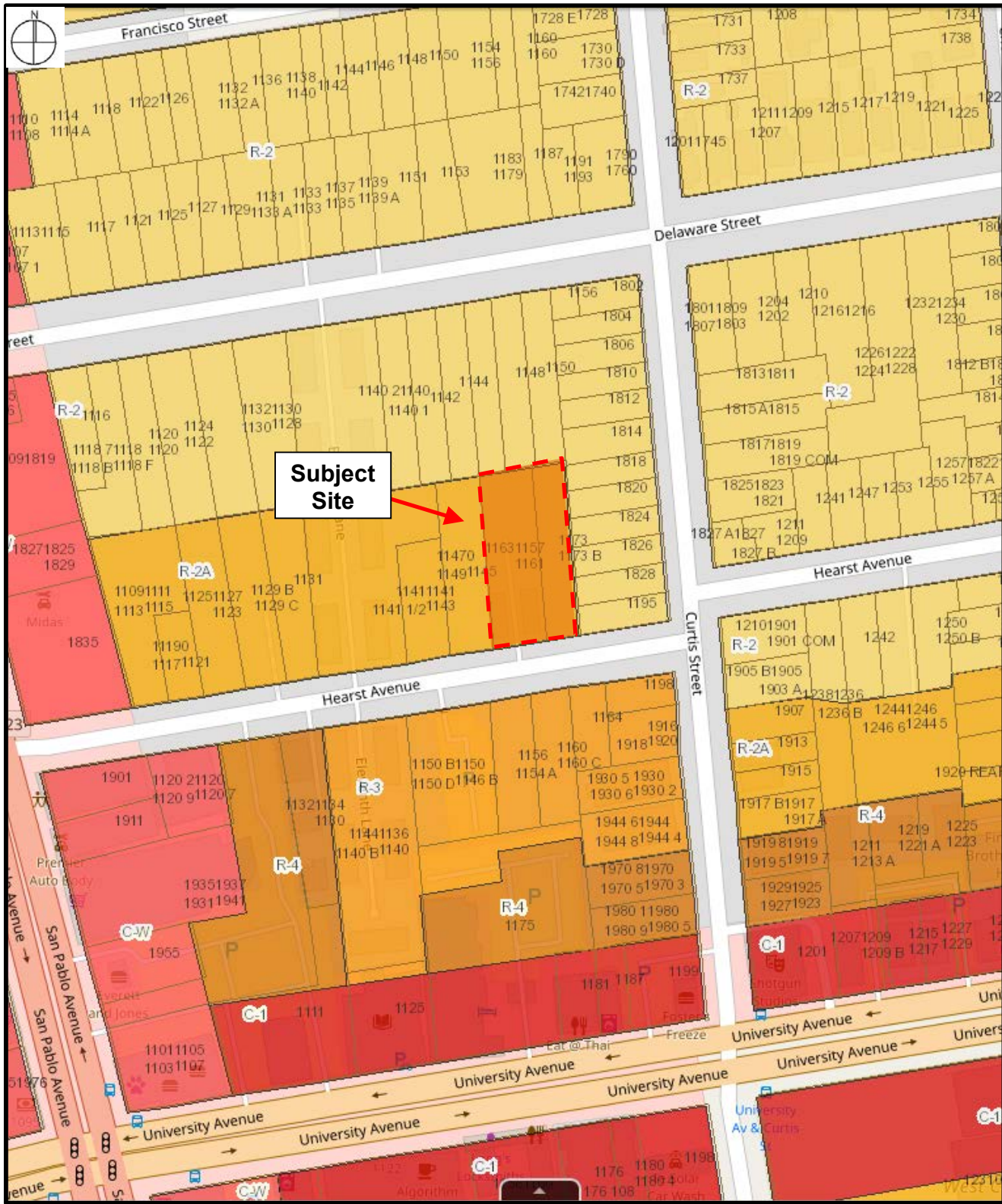


Figure 2: Proposed Site Plan

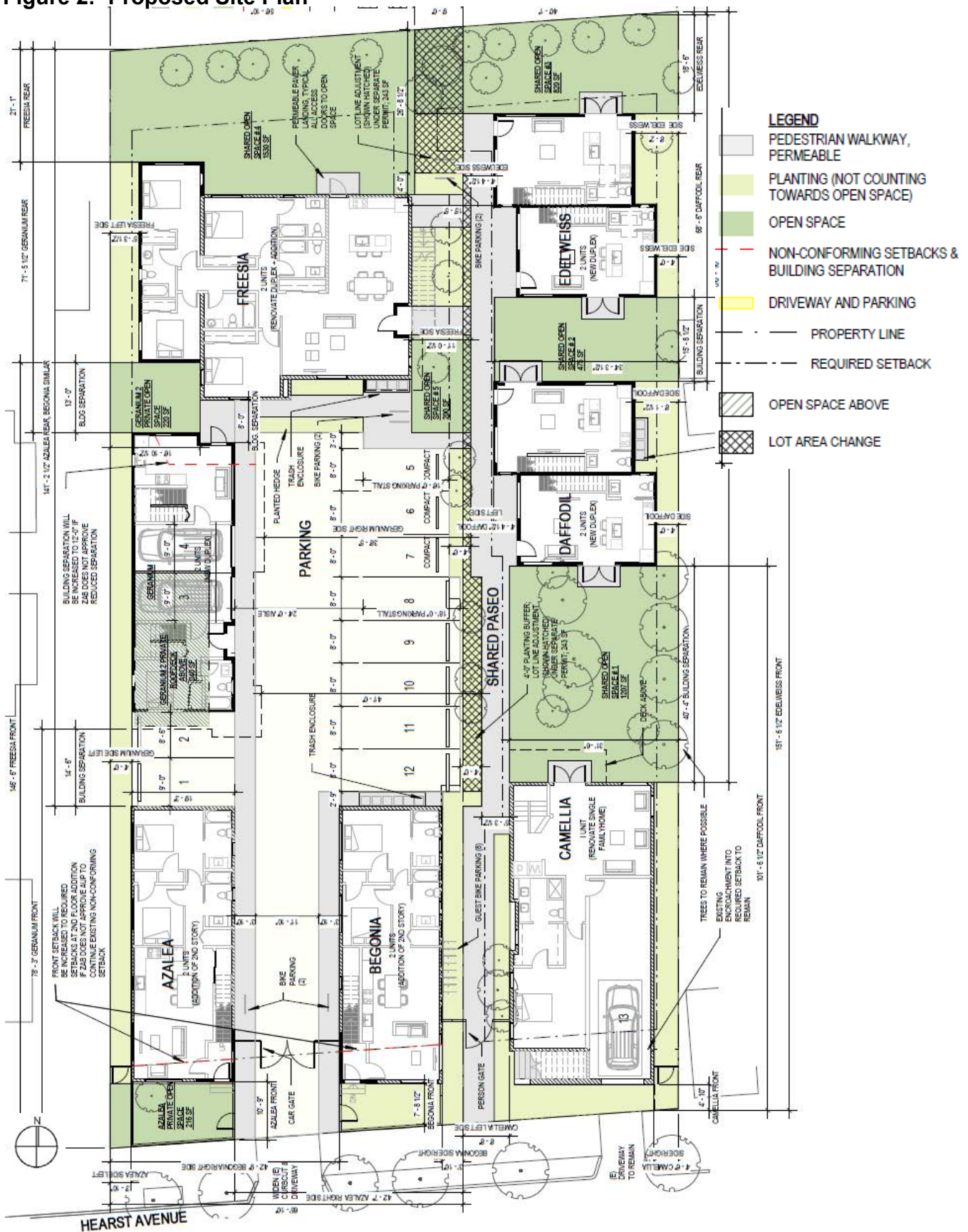


Table 1: Land Use Information

Location		Existing Use	Zoning Districts	General Plan Designations
Subject Property		three duplexes, one single family dwelling	R-2A	High Density Residential
Surrounding Properties	North	single family dwellings	R-2	Medium Density Residential
	South	multi-family dwellings	R-3	High Density Residential
	East	single family dwellings	R-2	Medium Density Residential
	West	multi-family dwelling	R-2A	High Density Residential

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care and Affordable Housing Fee for non-residential projects (Per Resolution 66,617-N.S. and 66,618-N.S.)	No	Proposed project includes 1,500 square feet of commercial space, which is less than the 7,500 square feet requirement.
Affordable Housing Mitigations for rental housing projects (Per BMC Section 22.20.065)	No	The project is not subject to the affordable housing provisions of BMC 22.20.065.
Inclusionary Housing Requirements (BMC Chapter 23C.12)	Yes	The project is subject to the inclusionary housing provisions of BMC Chapter 23C.12.
Housing Accountability Act [Gov't Code Section 65589.5.(j)]	No	Project is a "Housing development project" consisting of dwelling units only. However, there are elements which do not meet the regulatory standards of the BMC. See Section V.G.
Creeks	No	The property does not fall within a creek buffer zone. See Hydrology in Key Issues below.
Density Bonus	No	No density bonus is being proposed.
Historic Resources	No	There are no historic resources on the site.
Oak Trees	No	There are no Coast Live Oaks on or adjacent to the property.
Rent Controlled Units	Yes	The six dwelling on the western parcel are under rent control. See discussion in Key Issues below.
Seismic Hazards (SHMA)	No	Project site is not in a landslide, liquefaction or earthquake fault rupture zone.
Soil/Groundwater Contamination	No	Project site is not in an Environmental Management Area. There is no record of soil/ground water contamination on the site.

Table 3: Project Chronology

Date	Action
February 2, 2016	Application submitted
May 17, 2017	Application deemed complete
August 10, 2017	ZAB Public hearing notices mailed/posted
August 24, 2017	ZAB hearing continued item to September 28, 2017
September 28, 2017	ZAB hearing, item continued off calendar
March 6, 2018	Revised Application submitted
July 3, 2018	Revised Application deemed complete
August 8, 2018	ZAB Public hearing notices mailed/posted
August 23, 2018	ZAB hearing

Table 4: Lot Development Standards 1155-1163 Hearst (APN 057 208601400)

R-2A Standard BMC Sections 23D.32.070-080	Existing	Proposed	Permitted/ Required
Lot Area (sq. ft.)	13,469	13,469	5,000 min.
Gross Floor Area (sq. ft.)	5,300	9,665	---
Dwelling Units	6	8	8 max.
Lot Coverage (%)	32.8	38.7	40 max. for 2-story main bldg.
Usable Open Space (sq. ft.)	2,560	2,409	300 per d.u. 2,400 min.
Automobile Parking	6	12	8 (@ 1 per d.u.)

Table 5: Lot Development Standards 1173 Hearst (APN 057 208601300)

R-2A Standard BMC Sections 23D.32.070-080	Existing	Proposed	Permitted/ Required
Lot Area (sq. ft.)	8,204	8,204	5,000 min.
Gross Floor Area (sq. ft.)	3,323	6,042	---
Dwelling Units	1	5	5 max.
Lot Coverage (%)	17.5	39.9	40 max. for 2-story main bldg.
Usable Open Space (sq. ft.)	5,599	2,502	300 per d.u. 2,400 min.
Automobile Parking	1	1	5 (@ 1 per d.u.)

Table 6: Building Development Standards

AZALEA 1555-57 HEARST AVE.	Existing	Proposed	Permitted/Required
Building Height (#) Stories	1	2	3 max.
Average (ft.)	12'-11"	21'-6"	28 max. (35 w/AUP)
Maximum (ft.)	12'-11"	22'-10.5"	n/a
Font Yard Setback (ft.)	10'-6"	no change	15 min.
Left (ft.)	3'-10"	no change	4 min. @ 1 st & 2 nd story
Right (ft.)	42'-7"	no change	
Rear yard setback (ft.)	141'-2.5"	no change	15 min.
BEGONIA 1161-63 HEARST AVE.	Existing	Proposed	Permitted/Required
Building Height (#) Stories	1	2	3 max.
Average (ft.)	12'-11"	21'-9"	28 max. (35 w/AUP)
Maximum (ft.)	12'-11"	23'-4.5"	n/a
Font Yard Setback (ft.)	7'-8.5"	no change	15 min.
Left (ft.)	42'-9"	no change	4 min. @ 1 st & 2 nd story
Right (ft.)	3'-10"	no change	
Rear yard setback (ft.)	145'-2"	141'-8"	15 min.
CAMELLIA 1173 HEARST AVE.	Existing	Proposed	Permitted/Required
Building Height (#) Stories	2	no change	33 max.
Average (ft.)	21'	21'-3.5"	28 max. (35 w/AUP)
Maximum (ft.)	23'-6"	no change	n/a
Font Yard Setback (ft.)	11' to House 4'-10" to Stair	no change	15 min.
Left (ft.)	8'-8"	5'-3.5"	4 min. @ 1 st & 2 nd story
Right (ft.)	4'-6"	no change	
Rear yard setback (ft.)	143'-8"	no change	15 min.
DAFFODIL	Existing	Proposed	Permitted/Required
Building Height (#) Stories	N/A	2	3 max.
Average (ft.)	N/A	21'-5"	28 max. (35 w/AUP)
Maximum (ft.)	N/A	23'-4.5"	n/a
Font Yard Setback (ft.)	N/A	101'-6.5"	15 min.
Left (ft.)	N/A	4'-4.5"	4 min. @ 1 st & 2 nd story
Right (ft.)	N/A	4'	
Rear yard setback (ft.)	N/A	68'-6"	15 min.

EDELWEISS	Existing	Proposed	Permitted/Required
Building Height (#) Stories	N/A	2	3 max.
Average (ft.)	N/A	24'-6"	28 max. (35 w/AUP)
Maximum (ft.)	N/A	24'-6"	n/a
Font Yard Setback (ft.)	N/A	151'-6.5"	15 min.
Left (ft.)	N/A	4'-4.5"	4 min. @ 1 st & 2 nd story
Right (ft.)	N/A	4'	
Rear yard setback (ft.)	N/A	16'-8"	15 min.
FREESIA 1159 A & B HEARST AVE.	Existing	Proposed	Permitted/Required
Building Height (#) Stories	2	2	3 max.
Average (ft.)	19'-1"	20'	28 max. (35 w/AUP)
Maximum (ft.)	19'-9"	20'-6"	n/a
Font Yard Setback (ft.)	136'-11"	no change	15 min.
Left (ft.)	16'-11"	5'-3.5"	4 min. @ 1 st & 2 nd story
Right (ft.)	10'-6"	11'-0.5"	
Rear yard setback (ft.)	27'-10"	21'-1"	15 min.
GERANIUM	Existing	Proposed	Permitted/Required
Building Height (#) Stories	N/A	2 + roof patio	3 max.
Average (ft.)	N/A	23'-6"	28 max. (35 w/AUP)
Maximum (ft.)	N/A	28'	n/a
Font Yard Setback (ft.)	N/A	78'-3"	15 min.
Left (ft.)	N/A	4'	4 min. @ 1 st & 2 nd story
Right (ft.)	N/A	38'-5"	
Rear yard setback (ft.)	N/A	71'-5.5"	15 min.

II. Project Setting

A. Neighborhood/Area Description: The property is located in a West Berkeley neighborhood; University Avenue is located one block to the south and San Pablo Avenue (State Highway 123) is located one block to the west. The neighborhood consists predominantly of modest one- to two-story single and multi-family dwellings, with a few three- and four-story structures located towards the west/San Pablo Avenue. As can be seen from the Vicinity Map in Figure 1 above, the neighborhood is comprised by a mix of zoning districts ranging in residential density from R-2, R-2A, R-3 and R-4, with the neighboring commercial C-1 and C-W Districts to the south and west. The neighborhood is in close proximity to several bus transit lines, commercial businesses, and the West Berkeley library.

B. Site Conditions: The site consists of two separate parcels located on the north side of Hearst Avenue on the block bound by San Pablo Avenue to the west and Curtis Street to the east. The parcel to the west (1155-63 Hearst, APN 057 208601400) is a 66' x 204.58' slight parallelogram shaped lot with one two-story duplex towards the

rear of the lot and two single-story duplexes situated towards the front of the lot, separated by a paved parking area. The parcel to the east (1173 Hearst, APN 057 208601300) is narrower (≈40' x 204') and is developed with a two story single family dwelling with an attached tandem car garage. The single family dwelling is currently vacant; the six units in the duplexes are occupied by renters.

III. Project Description

The project proposes to rehabilitate the seven existing dwelling units (three duplexes and one single-family dwelling) and add three two-story duplexes as a common interest development (i.e. condominiums) for a total of seven buildings and 13 dwellings as configured in Table 7 below.

Table 7: Existing and Proposed Buildings and Dwellings

Building	Unit #	Unit Type		Unit Gross Floor Area	
		Existing	Proposed	Existing	Proposed
Azalea	A1	1 Bed, 1 Bath	2 Bed, 2 Bath	499	995
Azalea	A2	1 Bed, 1 Bath	2 Bed, 2 Bath	496	995
Begonia	B1	1 Bed, 1 Bath	2 Bed, 2 Bath	499	995
Begonia	B2	1 Bed, 1 Bath	2 Bed, 2 Bath	496	995
Camelia	C	2 Bed, 1.5 Bath	3 Bed, 2 Bath	2,293*	2,293*
Daffodil	D1	n/a	2 Bed, 1.5 Bath	n/a	940
Daffodil	D2	n/a	2 Bed, 1.5 Bath	n/a	883
Edelweiss	E1	n/a	2 Bed, 1.5 Bath	n/a	940
Edelweiss	E2	n/a	2 Bed, 1.5 Bath	n/a	883
Freesia	F1	2 Bed, 1 Bath	4 Bed, 4 Bath	1,372	1,837
Freesia	F2	2 Bed, 1 Bath	4 Bed, 4 Bath	1,372	1,877
Geranium	G1	n/a	2 Bed, 2 Bath	n/a	1,001*
Geranium	G2	n/a	2 Bed, 2 Bath	n/a	966*

*Does not include garage area

The applicant revised the project in response to comments received by the ZAB in September 2017. The main project revisions are summarized below:

- The overall project unit count was reduced from 18 units to 13; there is no Density Bonus request.
- The two parcels would not be merged. 1157 Hearst and 1173 Hearst would remain as separate parcels. However, to accommodate the required four-foot side yard landscape screening for uncovered parking, the project proposed a lot line adjustment that would provide for this while retaining the net square footage of each lot. An access agreement for parking will be provided for the units in Daffodil and Edelweiss.

- All three story elements have been removed; all buildings are proposed with two stories and a maximum height of 28 feet (Geranium).
- All current residents can remain in their homes for as long as they wish, with rehabilitation and/or sale of condominium units occurring only when current residents voluntarily vacate, subject to BMC Section 13.76 and the Berkeley Rent Stabilization Board regulations.
- Azalea and Begonia, the two existing duplexes on the 1157 Hearst parcel, would be renovated into two-flat duplexes with front entries (after existing residents voluntarily vacate).
- Camelia, the single family home on the 1173 parcel, would be renovated (instead of demolished) within the existing footprint, with the addition of a back deck.
- Daffodil and Edelweiss, the two new duplexes at the rear yard of the 1173 parcel, have been located further back in the yard and have been slightly reduced in size. The rooflines have been adjusted to provide a more residential-scale feature.
- Freesia, the existing duplex at the rear of the 1157 Hearst parcel, would be renovated within its existing footprint and would also have an addition of two bedrooms to create large, family-friendly units with a large back yard (after existing residents voluntarily vacate).
- Geranium, a new duplex, was moved from the east side along the paseo, to the west side, to create a larger central space.
- Parking is now located internal to the development and is accessed from the paseo. A total of 13 spaces would be provided, one per unit.
- All units now feature a complementary color and materials palette of deep blues, browns and whites in siding and cement plaster. Bay windows are design features in almost every unit.
- A total of 4,911 square feet of Useable Open Space would be provided and a minimum of 13 secure bicycle parking spaces.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the City, the applicant erected a yellow pre-application poster at the site. The project team has held numerous meetings with neighbors, including a large community meeting. A series of meetings has been held with individual neighbors to the north and the east of the project site to address issues of massing, parking, and hydrology. The proposed site plan responds to those meetings and issues.

The large community meeting was held on November 30, 2015. Prior to the meeting, notices were sent to all property owners and occupants within 300 feet of the site based on a list of addresses provided by the City of Berkeley. The meeting was held in the driveway at the project site. About 25 area residents stopped by the site during the meeting time. To each of these neighbors, the project applicant and the architect presented the project. Draft floor plans and renderings were posted for attendees to view and the project team answered questions and discussed the proposal with the attendees. The sign in sheet and flier that was mailed are included in this application. A couple of neighbors expressed enthusiasm about the redevelopment of this

historically troublesome property. Other neighbors expressed concerns about massing and parking. A second community meeting was held on August 3, 2017 at 1173 Hearst Avenue to provide a project status and process update to the neighbors. Subsequent to the feedback received at the September 28, 2017 Zoning Adjustments Board Meeting, a third neighborhood meeting was held on November 15, 2017 at the Berkeley Public Library West Branch to present the revised 13 unit project. About 14 people attended the meeting and the proposed revisions, such as reduction in unit count and building heights, were well received by the neighbors. Some neighbors still have concerns primarily regarding hydrology and existing tenants. All correspondence received since the September 28 ZAB meeting can be found in Attachment 7.

On August 8, 2017, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations.

B. Committee Review: This project is not subject to committee review.

V. Issues and Analysis

A. Housing Accountability Act Analysis: The Housing Accountability Act §65589.5(j) requires that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density;¹ and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The following elements of the project do not comply with the objective general plan and zoning standards:

- Vertical extension of existing non-conforming front and side yard setbacks (for Azalea and Begonia);
- Reduction of the building to building separation (between Geranium and Freesia);
- Construct an addition greater than 14 feet in average height (for Azalea, Begonia, and Geranium); and
- Add a fifth or greater bedroom to existing dwellings on a parcel (in Azalea, Begonia and Geranium).

Therefore, §65589.5(j) does not apply to this project as proposed.

B. District Purposes: The proposed project would meet the purposes of the Restricted Multiple-family Residential District as it would provide smaller multiple-family garden-type apartment structures with the maximum feasible amount of useable open space

¹ As used in the Act, a “specific, adverse impact” means a “significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, polices, or conditions as they existed on the date the application was complete.

on the property. The buildings would be constructed with sufficient separation on the subject lot, and with ample distance with abutting single-family neighbors. Light and air, therefore, would not be unreasonably obstructed, as described in greater detail below.

C. Tenant Protections: As of the writing of this staff report, the single-family dwelling is vacant and all six rent controlled units have existing tenants that have been there since the before the date of application. The applicant has met with the tenants on several occasions and informed them that the development plan is to construct the new buildings first and leave the existing units as they are until such time that the owners decide to renovate and add on to the existing buildings. The applicant has stated that the existing rental units would remain as rent controlled rental units after renovation and as would be required for units constructed prior to 1985. The applicant has committed to providing notice in advance of the City's noticing requirements both before construction commences on the new buildings as well as before tenants might be relocated for construction on their units (see Condition of Approval 15, below), and has confirmed that all tenants would be relocated voluntarily or temporarily as provided for in Condition of Approval 12 below, as recommended by the Rent Control Board (see RSB Memorandum in Attachment 5).

12. Tenant Relocation. *Prior to building permit issuance for any interior improvements, renovations or addition to the three existing duplexes (1955-57 Hearst, 1959 A & B Hearst, 1961-63 Hearst) the property owner shall provide proof that all tenants have voluntarily vacated or proof that the owner and tenants have come to a written agreement on a plan for relocation.*
15. Construction Noise Management - Public Notice Required. *At least thirty calendar days prior to initiating any construction activities at the site, the applicant shall provide notice to existing residents on the project site, including (1) description of construction activities, (2) daily construction schedule (i.e., time of day) and expected duration (number of months), (3) the name and phone number of the Noise Management Individual for the project, and (4) designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.*

The applicant has mentioned that the owner may wish to convert the existing units to condominiums but has stated that similar to rehabilitation, condominium conversion of existing units would only occur when current residents voluntarily vacate. Staff is not proposing a condition of approval related to condominium conversion, as if it were to occur during occupancy, tenants are protected under BMC 21.28, which states that tenants have the right to continue to occupy the unit as their principal residence both during and after the completion of the conversion process. Neither the current owner nor the new owner, if the unit is sold, can evict the tenant as long as the unit remains the tenant's principal place of residence and remain a tenant in good standing. In addition, the units will stay under rent control.

- D. Creek/Hydrology:** As discussed in the ZAB staff report of September 2017, although the creek ordinance does not apply to this application, there is recurrent flooding in the area. The applicant submitted a stormwater and flooding assessment and mitigation design for the proposed project prepared by Clearwater Hydrology. The storm drainage system design proposed and analyzed would still be applicable to the reduced intensity and density of the current project. Balance Hydrologics peer reviewed the hydrology analysis for the City and concurred with the findings in the report. The hydrology report summarized that, the capacity of the system would likely be greater than that of a 25-yr. storm and that the proposed design would also reduce the severity of flooding on the neighboring properties to the east along Curtis Street. Staff has conditioned the project to include all recommendations of the hydrology analysis and the subsequent peer review including the drainage design as presented in the report, allowing modifications if required by the City's Building & Safety Division and Department of Public Works. A copy of the hydrology report and peer review can be found on the project webpage:

https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1155-1173_Hearst.aspx

A neighbor submitted a separate hydrology study from Terraphase Engineering and discussed its conclusions with the City's Associate Civil Engineer, Vincent Chen, who reviews developments requiring creek permits. Mr. Chen did not concur with several of Terraphase Engineering conclusions, but did express his belief that a soils report (i.e. geotechnical report) be prepared for the project (see correspondence in Attachment 6). This project, however, is not required to provide a geotechnical report as it is not located in the Earthquake Fault Rupture (Alquist-Priolo) Zone or within a Landslide or Liquefaction Zone as identified by the Seismic Hazards Mapping Act. If a geotechnical report is to be required prior to issuance of a building permit, it would be upon assessment of the Building Official, where the classification, strength or compressibility of the soil is in doubt or where a load-bearing value superior to that specified in this CBC is claimed (CBC 1803.5.2).

- E. Sunlight/Shadows:** The project would result in three new two-story buildings and second stories on three existing one-story buildings. As such, it would create greater shadowing impacts compared to existing conditions. The applicant has submitted the required shadow studies to assess the anticipated impacts of the project.

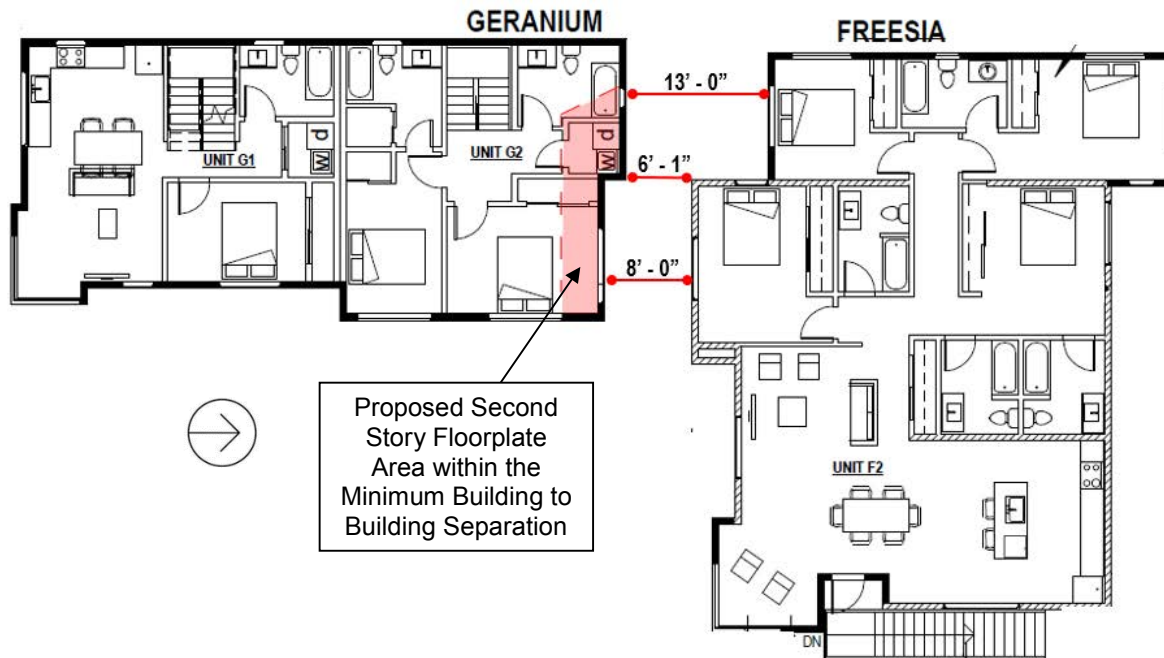
The shadow studies illustrate that the four dwellings on the abutting property to the west (1145-1151 Hearst Avenue), would be the most impacted by new shadows in the morning hours throughout the year. The six abutting properties fronting Curtis Street (1195 Hearst Avenue and 1818-1828 Curtis Street), would be subject to new shadows during the evening hours throughout the year. However, due to the orientation of the Curtis Street neighbors, the majority of new shading will fall on the rear yard areas of these abutting properties. Only during the spring and fall would the shadows reach the windows on the rear facades of these homes, and only during the evening hours.

Although shadow impacts from the project are expected to affect direct sunlight on certain residential windows, these areas would still experience indirect lighting during these hours, as well as have direct light from other windows. At no time of year would

the proposed project cause adjacent properties to lose access to direct sunlight from all windows at any time of the year. Such shading impacts are to be expected from infill development within an urbanized area.

- F. Views:** Based on the proposed two-story heights of the buildings, the existing structures around the site, mature vegetation, and the generally flat topography of the neighborhood, the project would not affect significant views enjoyed by neighboring residents.
- G. Vertical Extension of Non-Conforming Setbacks:** The existing duplexes Azalea (1155-57 Hearst) and Begonia (1161-63 Hearst) are both 995-square-foot, one-story duplexes constructed with non-conforming front yard setbacks (10'-9" and 7'-8.5" respectively, where 15' minimum is the District standard) and non-conforming side yard setbacks (3'-10" left side for Azalea, and 3'-10" right side for Begonia, where a minimum of 4' is the District standard). The project involves renovation and construction of a second story addition that would vertically extend the existing non-conforming setbacks and create two two-story flats. Pursuant to BMC 23C.04.070.C, the proposed vertical extensions of the non-conforming setbacks are permissible as they would not further reduce existing non-conforming yards.
- H. Addition of Bedrooms to a Parcel:** The western parcel (1155-1163 Hearst) is developed with three duplexes that have a total of eight bedrooms (four one-bedroom units and two two-bedroom units). The project proposes renovations and additions to the three buildings that would result in the addition of eight more bedrooms to the existing dwelling units on the property. Pursuant to BMC Section 23D.32.050, the addition of any bedroom beyond the fifth bedroom to a parcel within in existing dwelling units requires Use Permit approval. The Bedroom Ordinance, as it is referred to, allows the City to assess the potential detriment to the surrounding neighborhood in increasing the potential of unrelated adults residing on a parcel. The project, when completed, would change the existing configuration of the duplexes to four two-bedroom dwelling units and two four-bedroom dwelling units. Both the two-unit layout and the four-unit layout are designed to be occupied by single households within a development of six other newly constructed two-bedroom units. The renovated dwellings are designed to provide for a range of family composition and is not expected to lead to formation of a mini-dorm.
- I. Reduction in Building to Building Separation:** Pursuant to BMC 23D.070.D.4 the project is requesting Administrative Use Permit approval to reduce the building to building separation between Freesia and Geranium from the District minimum of 8' on the first floor and 12' on the second floor down to 6'-1". As can be seen in Figure 3 below, although the building to building separation is 6' – 1", this minimum distance is only at one horizontal plane between the buildings; otherwise the separation ranges from 8 feet to 13 feet. Staff believes that as proposed, the building separation provides adequate air and light between the buildings. With the proposed added condition that the north facing window of the northeast bedroom in Geranium be a minimum of 68 inches from finished floor level, privacy between residents of the two opposing units would be ensured.

Figure 3: Second Floor Building to Building Separation: Geranium and Freesia



J. General Non-Detriment: The project would further not be detrimental to the neighborhood as it would be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

K. General Plan Consistency: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.

4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

Staff Analysis: The project's proposed massing contributes to the continued evolution of the City's development landscape. The project design was modified in several ways (see Project Description above) to respect the lower density single-family dwellings fronting Curtis Street. The final development plan would renovate and rehabilitate the existing dwellings to match the style and materials of the new construction for a cohesive street presence that fits well with the surrounding mix of architectural styles

5. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: Shadow impacts from the project are expected to affect direct sunlight on certain residential windows. However, these areas would still experience indirect lighting during these hours, as well as have direct light from other windows. At no time of year would the proposed project cause adjacent properties to lose access to direct sunlight from all the windows throughout the whole day at any time of the year. Such shading impacts are to be expected in an infill urbanized area.

6. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

7. Policy H-12 Transit-Oriented New Construction: Encourage construction of new medium and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.

8. Policy T-16 Access by Proximity, Action B: Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.

Staff Analysis: The project site is located one block east of San Pablo Avenue and one block north of University Avenue, two major transit thoroughfares. The project would add six residential units located within one quarter mile of the San Pablo/University intersection that is served by the following AC Transit bus lines: 72 Rapid, 49, 51B, 52, FS, G, 72, 72M, 800 and 802.

9. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

Staff Analysis: The project will add six new housing units to the City's housing stock and will comply with the City's Inclusionary Ordinance by either providing one below market rate unit for a Low Income Household and payment into the

Affordable Housing Trust Fund of the remainder 0.2 unit fee, or payment of the in-lieu fee.

10. Policy H-8—Maintain Housing: Maintain and preserve the existing supply of housing in the City.

Staff Analysis: Upon vacancy of the existing buildings, the project will rehabilitate and upgrade the existing seven dwelling units.

11. Policy EM-5—“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

12. Policy UD-33—Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The project proposes a score of 133 on the GreenPoint Rated Checklist, New Home Multifamily Checklist with a Gold certification level.

VI. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

APPROVE Use Permit ZP2016-0028 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, dated June 8, 2018
3. Shadow Studies, dated April 18, 2018
4. Notice of Public Hearing
5. Memorandum from the Rent Stabilization Board, dated July 3, 2018
6. Stormwater and Flooding Assessment Correspondence (Hydrology Assessments and Peer Review available online:
https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1155-1173_Hearst.aspx)
7. Correspondence Received after September 28, 2017 ZAB meeting

Staff Planner: Leslie Mendez, LMendez@cityofberkeley.info, (510) 981-7426

Attachment 1

Findings and Conditions

AUGUST 23, 2018

1155-1173 Hearst Street

Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and constructing six new dwelling units.

PERMITS REQUIRED

- Use Permit for construction of dwelling units, under BMC Section 23D.32.030
- Use Permit for the addition of a sixth or greater bedroom in existing dwellings on a parcel, under BMC 23D.32.050.A
- Administrative Use Permit to construct residential additions greater than 14' in average height, BMC Section 23D.32.070.C
- Administrative Use Permit to allow an extension of a non-conforming front and side yard, BMC Section 23C.04.070.B
- Administrative Use Permit to reduce the building separation from 8' on the first floor and 12' on the second floor to 6'-1", BMC Section 23D.32.070.D.4

I. CEQA FINDING

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development"). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. FINDINGS FOR APPROVAL

1. As required by Section 23B.28.050.A of the Zoning Ordinance, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - The project will add six new housing units to the City's housing stock and will comply with the City's Inclusionary Ordinance by either providing one below market rate unit for a Low Income Household and payment into the Affordable Housing Trust Fund of the remainder 0.2 unit fee, or payment of the in-lieu fee.
 - The project's proposed massing contributes to the continued evolution of the City's development landscape. The project design was modified in several ways to respect the lower density single-family dwellings fronting Curtis Street. The final development plan will renovate and rehabilitate the existing dwellings to match the style and materials

of the new construction for a cohesive and attractive street presence that fits well with the surrounding mix of architectural styles.

- As the properties to the east of the subject site front Curtis Street and have rear yards abutting the subject site, the building separation between the Curtis Street Neighbors and the new construction ranges from approximately 36 feet to 42 feet. The properties abutting to the north and fronting Delaware Street have more substantial rear yard areas, resulting in a proposed main building separation of approximately 175 feet and more. Buildings to the west are closest due to the abutting side yard orientation to the subject lot. But with building separation ranging from approximately 8.5 feet to 18 feet, the project's proposed massing will be compatible with the four neighboring two-story buildings to the west.
 - Shadow impacts from the project are expected to affect direct sunlight on certain residential windows. However, these areas will still experience indirect lighting during these hours, as well as have direct light from other windows. At no time of year will the proposed project cause adjacent properties to lose access to direct sunlight from all the windows throughout the whole day at any time of the year. Such shading impacts are to be expected in an infill urbanized area and are not deemed detrimental.
 - The project site is located one block east of San Pablo Avenue and one block north of University Avenue, two major transit thoroughfares. The project will add eleven additional residential units located within one quarter mile of the San Pablo/University intersection that is served by the following AC Transit bus lines: 72 Rapid, 49, 51B, 52, FS, G, 72, 72M, 800 and 802. The project helps encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing additional housing in close proximity to transit, jobs, basic goods and services.
 - The project meets the purposes of the Restricted Multiple-family Residential District as it will provide smaller multiple-family garden-type apartment structures with the maximum feasible amount of useable open space on the property. The buildings will be constructed with sufficient separation on the subject lot, and with ample distance with abutting single-family neighbors. Light and air, therefore, will not be unreasonably obstructed. Based on the proposed three-story height of the building, the existing structures around the site, and the generally flat topography of the neighborhood, the project will not affect significant views enjoyed by neighboring residents. The project will further not be detrimental to the neighborhood as it would be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.
2. Pursuant to BMC 23C.04.070.C, the proposed vertical extensions of the non-conforming front and side yard setbacks of Azalea and Begonia are permissible as they will not further reduce existing non-conforming yards.
 3. Pursuant to BMC Section 23D.32.050, the project, when completed, would change the existing configuration of the duplexes to four two-bedroom dwelling units and two four-

bedroom dwelling units. Both the two-unit layout and the four-unit layout are designed to be occupied by single households within a development of six other newly constructed two-bedroom units. The renovated dwellings are designed to provide for a range of family composition and is not expected to lead to formation of a mini-dorm.

4. Pursuant to BMC 23D.070.D.4 the project the reduction in the building to building separation between Freesia and Geranium from the District minimum of 8' on the first floor and 12' on the second floor down to 6'-1" is permissible as the minimum distance is only at one horizontal plane between the buildings; otherwise the separation ranges from 8 feet to 13 feet. The current building layout and juxtaposition provides adequate air and light between the buildings. With the proposed added condition that the north facing window of the northeast bedroom in Geranium be a minimum of 68 inches from finished floor level, privacy between residents of the two opposing units will be ensured.
-

III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. **Applicant Responsible for Compliance with Conditions**

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. **Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)**

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. **Modification of Permits (Section 23B.56.020)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

5. **Plans and Representations Become Conditions (Section 23B.56.030)**

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. **Subject to All Applicable Laws and Regulations (Section 23B.56.040)**

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. **Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)**

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney’s fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney’s fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant’s expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC 23B.32.040.D, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

- 10. Project Liaison.** The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

Project Liaison _____
Name Phone #

11. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application for that unit.

Prior to Issuance of Any Building Permit:

- 12. Tenant Relocation.** Prior to building permit issuance for any interior improvements, renovations or addition to the three existing duplexes (1955-57 Hearst, 1959 A & B Hearst, 1961-63 Hearst) the property owner shall provide proof that all tenants have voluntarily vacated or proof that the owner and tenants have come to a written agreement on a plan for relocation.
- 13. Parcel Merger.** The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
- 14. Percent for Art.** Consistent with BMC §23C.23, prior to issuance of a building permit the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
- 15. Construction Noise Management - Public Notice Required.** At least thirty calendar days prior to initiating any construction activities at the site, the applicant shall provide notice to existing residents on the project site, including (1) description of construction activities, (2) daily construction schedule (i.e., time of day) and expected duration (number of months), (3) the name and phone number of the Noise Management Individual for the project, and (4) designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval
- 16. Construction Noise Reduction Program.** The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
- Construction equipment should be well maintained and used judiciously to be as quiet as practical.
 - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
 - Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
 - Prohibit unnecessary idling of internal combustion engines.

- If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
 - Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
 - Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - Route construction related traffic along major roadways and away from sensitive receptors where feasible.
17. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
18. Drainage Plan. Unless modified by the City's Building & safety Division and/or Department of Public Works, plans submitted for building permit shall include the drainage design as presented in Stormwater and Flooding Assessment and Mitigation Design for the Hearst Avenue Project, prepared by Clearwater Hydrology, dated January 7, 2016 and all recommendations of the peer review prepared by Balance Hydrologics.
19. Electric Vehicle (EV) Charging. At least 10% of the project parking spaces for residential parking shall be pre-wired to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, as specified by the Office of Energy and Sustainable Development. Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable pre-wiring requirement. Pre-wiring for EV charging and EV charging station installations shall be noted on site plans.
20. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
21. Water Efficient Landscaping. Applicant shall provide an updated Bay-Friendly Basics Landscape Checklist that includes detailed notes of any measures that will not be fully met at the project. Landscape improvements shall be consistent with the current versions of the State's Water Efficient Landscape Ordinance (WELO) and the East Bay Municipal Utility District's Section 31: Water Efficiency Requirements.
22. Construction and Demolition. Applicant shall submit a Waste Diversion Form and Waste Diversion Plan that meet the diversion requirements of BMC Chapters 19.24 and 19.37.

- 23. Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
- 24. First Source Agreement.** The applicant and/or end user(s) shall enter into a First Source Agreement with the City of Berkeley. First Source promotes the hiring of local residents on local projects. The agreement requires contractors/employers to engage in good faith efforts to hire locally, including utilizing graduates of local job training programs. Please call (510) 981-4970 for further information, or visit the City's Employment Programs office at 2180 Milvia, 1st Floor.
- 25. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 2120 Milvia, 3rd Floor or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at:
 - http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.

- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.
- D. Hazardous Materials Business Plan:
- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Construction:

26. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

During Construction:

27. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
28. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique

archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

29. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

30. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating

the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

- 31. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 12:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
- 32. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks or pedestrian paths
 - Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
 - Storage of building materials, dumpsters, debris anywhere in the public ROW
 - Provision of exclusive contractor parking on-street relevant
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, 3rd floor, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 33. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
- B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
- C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff.

When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

- D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
- E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F. All on-site storm drain inlets/catch basins **must** be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
- H. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- J. All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to

the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

- L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

34. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

35. Public Works. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

36. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

37. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.

38. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion

prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

39. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
40. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.
41. Public Works. The applicant shall inform the contractor of the potential for high groundwater and that a temporary de-watering method during construction may become necessary. Temporary construction dewatering methods may include sumps and pumps placed in a low spot within the excavations. Several sumps and pumps may be required depending on the magnitude of water encountered. The design and implementation of temporary construction de-watering is considered the responsibility of the contractor. Caution should be exercised to prevent softening of the subgrade soils exposed within the excavations. Equipment operated upon saturated subgrade soils tends to cause rutting and weakening, which will require over-excavation of the weakened subgrade. Standing water within the excavation can also cause weakening of the subgrade soils. A temporary mud slab or gravel pad may be needed at the base of the garage and/or parking lifts excavations to provide a clean, dry working area.

Prior to Final Inspection or Issuance of Occupancy Permit:

42. Regulatory Agreement for Ownership Units. Prior to the issuance of a certificate of occupancy, the applicant shall enter into an inclusionary housing agreement providing for compliance with the requirements of Berkeley Municipal Code (BMC) Chapter 23C.12. The inclusionary housing agreement shall include, but not be limited to, the following conditions:
 - A. Sales prices of inclusionary units. If inclusionary housing units (i.e. condominiums) are provided on site, the sales price shall not exceed three (3) times eighty percent (80%) of the Area Median Income (hereinafter referred to as "AMI") as of the date of the sale of the unit. Allowable sale prices shall be determined in accordance with BMC 23C.12.090.
 - B. In-Lieu Fee. Instead of providing the 2.2 inclusionary (i.e. 3 ownership) units on site, the applicant may pay an in-lieu fee for any or all portion of the 2.2 required inclusionary units in accordance with BMC Section 23C.12.035 and 23C.12.040.E.1.
43. Determination of Area Median Income (AMI).

The "AMI" (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State

Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.

The applicable AMI for the purpose of determining the allowable rent or sale price for each unit (but not for the purpose of determining eligibility for occupancy of a BMR unit) shall be determined in accordance with the following table:

Unit Size	AMI Standard
Studio unit	AMI for a one person household
One-bedroom unit	AMI for a two person household
Two-bedroom unit	AMI for a three person household
Three-bedroom unit	AMI for a four person household

44. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.
45. Access Agreement. Subject to review and approval by the Zoning Officer, an access agreement shall be recorded with the title of the properties with the County and a copy shall be provided to the planner that provides for the following:
 - Parking access for dwelling units in Edelweiss and Daffodil on 1155-63 Hearst (current APN 057-2086-014-00); and
 - Cross access for all units for all common Useable Open Space Areas on both parcels (current APNs 057-2086-014-00 and 057-2086-0130-00).
46. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
47. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 8, 2018, except as modified by conditions of approval, including that the north facing window of the northeast bedroom in Geranium be a minimum of 68 inches from finished floor level to ensure privacy between residents of the two opposing units.
48. Construction and Demolition Diversion. A Waste Diversion Report, with receipts or weigh slips documenting debris disposal or recycling during all phases of the project, must be completed and submitted for approval to the City's Building and Safety Division. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A copy of the Waste Diversion Plan shall be available at all times at the construction site for review by City Staff.

At All Times:

49. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
 50. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
 51. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
 52. Parking to be Leased or Sold Separately. The seven existing units are guaranteed one parking space per unit as part of the lease or future sale. For the eleven newly constructed units, parking spaces shall be leased or sold separately.
 53. Bike Parking. Secure and on-site bike parking for up to 19 bicycles shall be provided for the life of the building.
 54. Geranium Window. The north facing window of the northeast bedroom in Geranium shall be a minimum of 68 inches from finished floor level to ensure privacy between residents of the two opposing units.
-



PROJECT:
HEARST GARDENS
BERKELEY, CA 94702

DESCRIPTION:

DEVELOPMENT OF TWO EXISTING LOTS AT HEARST STREET BETWEEN SAN PABLO & CURTIS STREET. THE EXISTING LOTS ARE OVER 21,000 SF, AND CURRENTLY HAVE 7 RESIDENCES ON SITE. ALL OF THESE ARE TO BE MAINTAINED AND RENOVATED. THERE WILL BE 6 HOMES ADDED TO THE SITE. UNITS ARE ARRANGED AROUND A CENTRAL PASEO THAT PROVIDES ACCESS TO ALL UNITS AND AMPLE OPEN SPACE.

SITE ADDRESS:

1155, 1157, 1159, 1161, 1163 & 1173 HEARST AVE.
 BERKELEY, CA 94704

ASSESSOR'S PARCEL #:

LOT @ 1173: 057 208601300
 LOT @ 1157: 057 208601400



ZONING INFORMATION:

GENERAL PLAN:	MDR
ZONING DISTRICT:	R-2A
FLOOD ZONE:	NO
FIRE ZONE:	1
ENV. MGMT. AREA:	NO
LANDMARK STRUCT. MERIT:	NO
LOT AREA 1173:	8,204 SF
LOT AREA 1157:	13,469 SF
TOTAL:	21,673 SF

APPLICANT:

RHOADES PLANNING GROUP
 46 SHATTUCK SQUARE, SUITE 11
 BERKELEY, CA 94704
 info@rhodesplanninggroup.com

ARCHITECT:

DEVI DUTTA-CHOUDHURY, AIA
 DEVI DUTTA ARCHITECTURE INC.
 928 CARLETON STREET
 BERKELEY, CA 94710
 [510] 705-1937
 hello@deviddutta.com

OWNER:

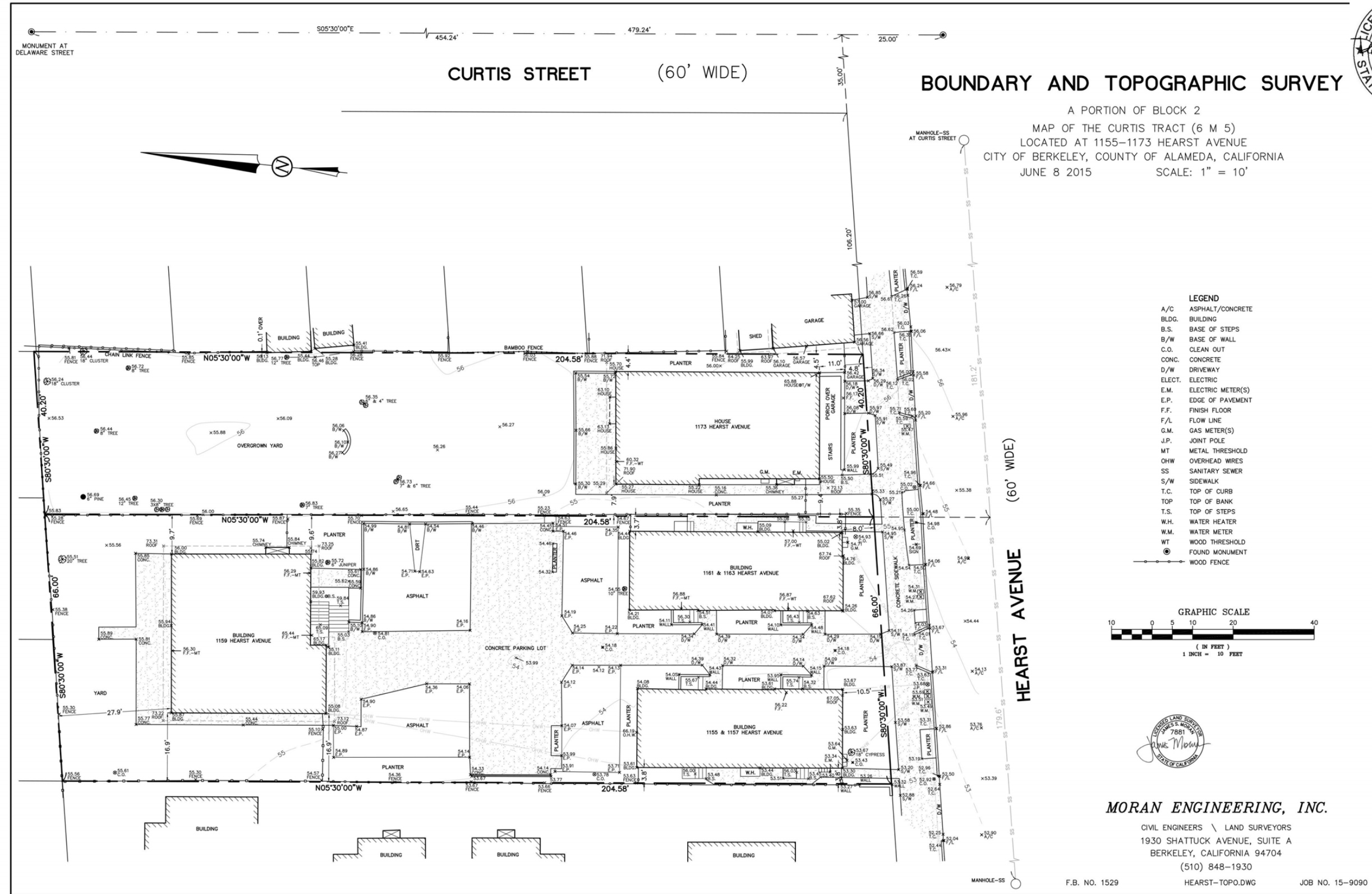
HEARST AVE COTTAGES, LLC
 46 SHATTUCK SQUARE, SUITE 11
 BERKELEY, CA 94704

SHEET INDEX

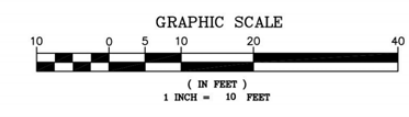
A0.0	COVER SHEET
A0.00	SURVEY
A0.2	PROJECT INFORMATION
A0.3	SITEPLAN, SETBACKS & OPEN SPACE
A0.7	VICINITY MAP
A1.0	EXISTING SITE PLAN
A1.1	EXISTING PLANS & ELEVATIONS
A1.2	EXISTING PLANS & ELEVATIONS
A1.3	EXISTING PLANS & ELEVATIONS
A1.4	LOT COVERAGE & HYDROLOGY
A1.5	GROUND FLOOR
A1.6	SECOND FLOOR
A1.8	ROOF PLAN
A2.0	SOUTH SITE ELEVATION (FRONT)
A2.1	NORTH SITE ELEVATION
A2.2	EAST SITE ELEVATION
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A3.3	SITE SECTIONS LOOKING SOUTH
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A3.5	BUILDING SITE SECTIONS

SHEET INDEX

A4.0	AZALEA & BEGONIA PLANS
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A4.0B	AZALEA ELEVATIONS
A4.0C	BEGONIA ELEVATIONS
A4.0D	BEGONIA ELEVATIONS
A4.1	CAMELLIA PLANS
A4.1A	CAMELLIA ELEVATIONS
A4.1B	CAMELLIA ELEVATIONS
A4.2	DAFFODIL & EDELWEISS PLANS
A4.2A	DAFFODIL & EDELWEISS ELEVATIONS
A4.2B	DAFFODIL & EDELWEISS ELEVATIONS
A4.3	FREESIA PLANS
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A4.4	GERANIUM PLANS
A4.4A	GERANIUM ELEVATIONS
A4.4B	GERANIUM ELEVATIONS
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A4.6	BIKE STORAGE DETAILS
A5.0	RENDERING - HEARST LOOKING WEST
A9.1	BUILDING CODE SUMMARY



- LEGEND**
- A/C ASPHALT/CONCRETE
 - BLDG. BUILDING
 - B.S. BASE OF STEPS
 - B/W BASE OF WALL
 - C.O. CLEAN OUT
 - CONC. CONCRETE
 - D/W DRIVEWAY
 - ELECT. ELECTRIC
 - E.M. ELECTRIC METER(S)
 - E.P. EDGE OF PAVEMENT
 - F.F. FINISH FLOOR
 - F/L FLOW LINE
 - G.M. GAS METER(S)
 - J.P. JOINT POLE
 - MT METAL THRESHOLD
 - OHW OVERHEAD WIRES
 - SS SANITARY SEWER
 - S/W SIDEWALK
 - T.C. TOP OF CURB
 - TOP TOP OF BANK
 - T.S. TOP OF STEPS
 - W.H. WATER HEATER
 - W.M. WATER METER
 - WT WOOD THRESHOLD
 - FOUND MONUMENT
 - WOOD FENCE



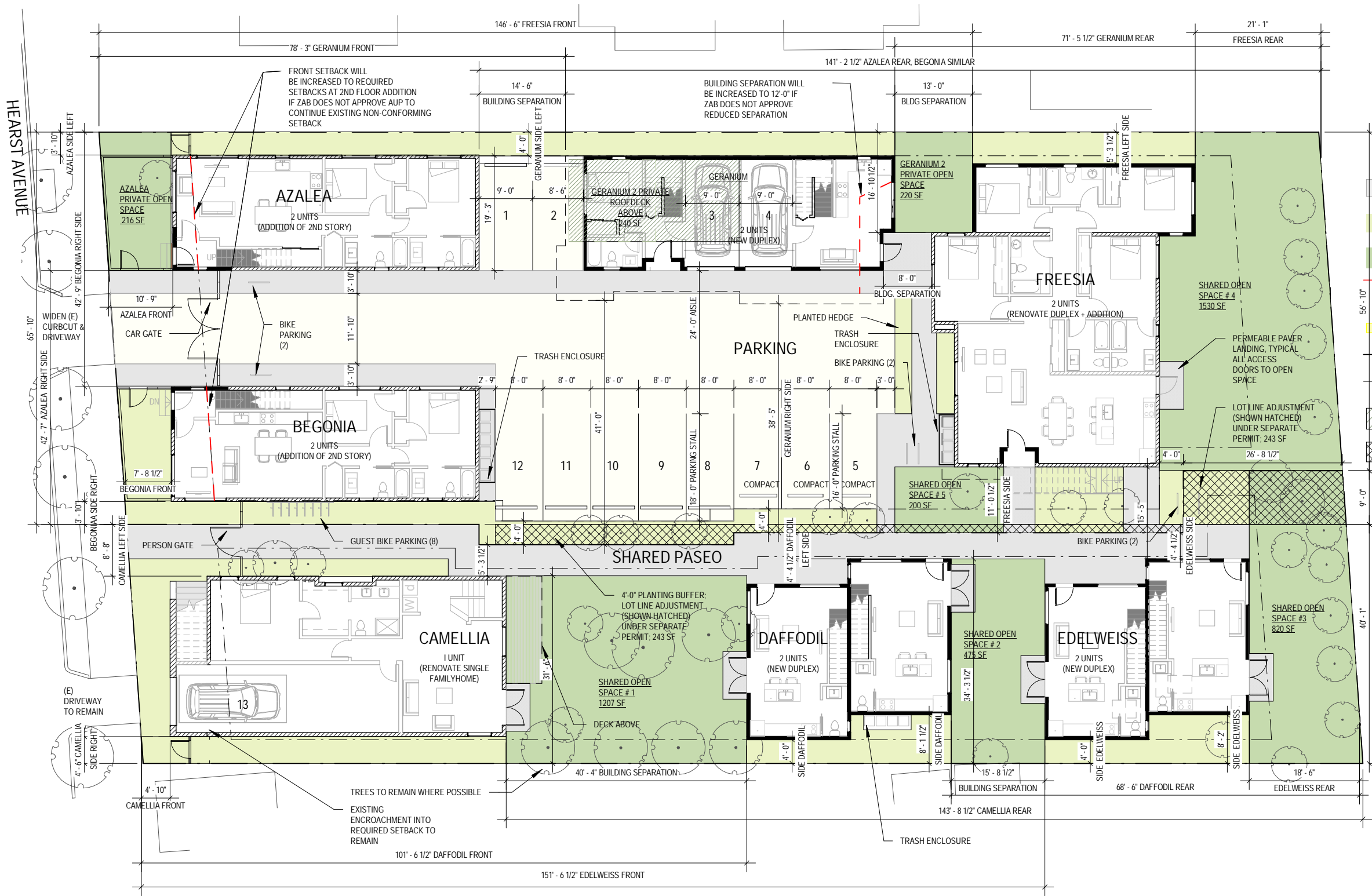
MORAN ENGINEERING, INC.
 CIVIL ENGINEERS \ LAND SURVEYORS
 1930 SHATTUCK AVENUE, SUITE A
 BERKELEY, CALIFORNIA 94704
 (510) 848-1930

F.B. NO. 1529 HEARST-TOPO.DWG JOB NO. 15-9090



HEIGHT & STORIES	ZONING:	EXISTING:	PROPOSED:
STORIES:	2 ALLOWED	2	2
HEIGHT:	28' AVG	23' MAX	28' MAX
SETBACKS (MIN. DIMENSIONS SHOWN - SEE SETBACK DIAGRAM, A0.3)			
FRONT	15'	4'-10" - 10'-5.5"	4' - 9" - 7'-10" ADDITION CONTINUE EXIST. SETBACK
SIDE	4' @ 1ST STORY 4' @ 2ND STORY	3'-10" @ WEST 4'- 6" @ EAST	3'-10" - 5'-3.5"
BACK	15'	28'-8" - 143'-8"	16'-3" - 21'-1"
BUILDING SEPARATION	8' @ 1ST STORY 12' @ 2ND STORY	13'- 3"	A - B: 19' - 4" B - C: 12' - 5" C - D: 40' - 4" D - E: 15' - 8 1/2" E - F: 15' - 5" F - G: 8' - 0" AUP REQ. A - G: 14' - 6"
LOT AREA			
	@ 1173 @ 1157	8,204 SF 13,469 SF	8,204 SF 13,469 SF
LOT COVERAGE	2 - STORY: 40%	@ 1173: 17.5% @1157: 26%	@ 1173: 3,275 SF: 39.9% @ 1157: 5,170 SF: 38.9%
PARKING: CARS			
RESIDENTIAL	1/UNIT 13 REQUIRED	7 (1 COVERED @ CAMELLIA; 6 @ SURFACE LOT)	13 10 UNCOVERED @ SURFACE LOT 2 COVERED @ GERANIUM 1 COVERED @ CAMELLIA
PARKING: BIKE			
RESIDENTIAL	NONE REQUIRED	0	13

DENSITY:	ZONING:	EXISTING:	PROPOSED:
* NOTE: SEE SHEET A0.8 FOR UNIT MIX AND SIZES			
ALLOWED 1173 HEARST: 1157 HEARST:	1 / 1650 SF LOT AREA 8,204/1650 = 5 UNITS 13,469/1650 = 8 UNITS	1 UNIT 6 UNITS	4 NEW UNITS = 5 TOTAL 2 NEW UNITS = 8 TOTAL
OPEN SPACE (SEE OPEN SPACE DIAGRAM, A0.3)			
	300 SF / UNIT X 13 = 3900 SF @ 1173: 5 X 300 = 1500 SF @ 1157: 8 X 300 = 2400 SF	@ 1173: 5,599 SF @ 1157: 2,560 SF	SEE A0.3
BUILDING OCCUPANCY PER CBC.			
R-3 (SINGLE FAMILY RESIDENTIAL DUPLEXES)			
PROPOSED CONSTRUCTION TYPE			
TYPE VB CONSTRUCTION THROUGHOUT - WOOD FRAMING, NON-RATED PER CALIFORNIA RESIDENTIAL CODE			
EXCAVATION			
APPROXIMATELY 55 CUBIC YARDS, FOR NEW FOUNDATIONS ONLY.			



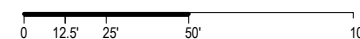
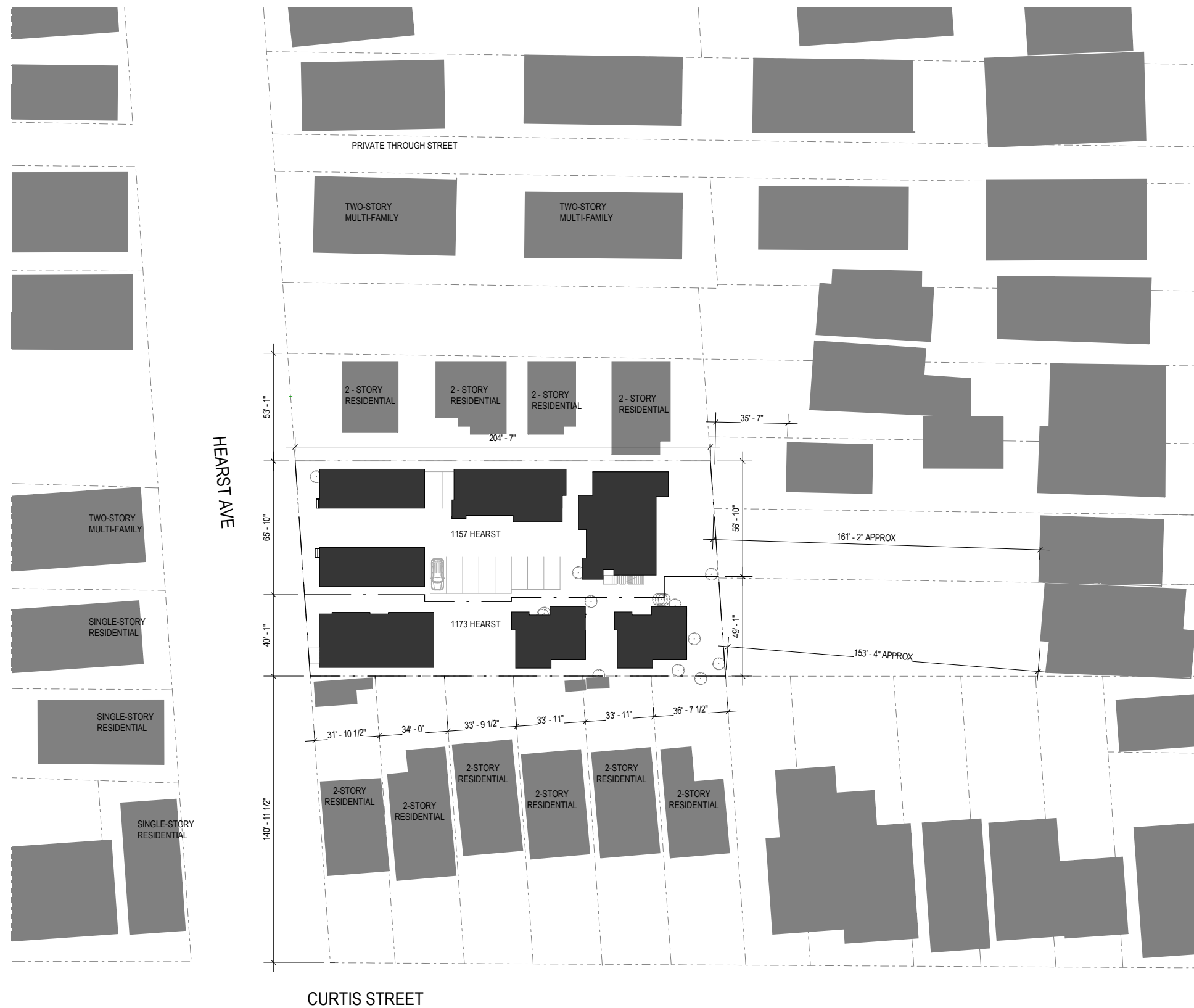
- LEGEND**
- PEDESTRIAN WALKWAY, PERMEABLE
 - PLANTING (NOT COUNTING TOWARDS OPEN SPACE)
 - OPEN SPACE
 - NON-CONFORMING SETBACKS & BUILDING SEPARATION
 - DRIVEWAY AND PARKING
 - PROPERTY LINE
 - REQUIRED SETBACK
 - OPEN SPACE ABOVE
 - LOT AREA CHANGE

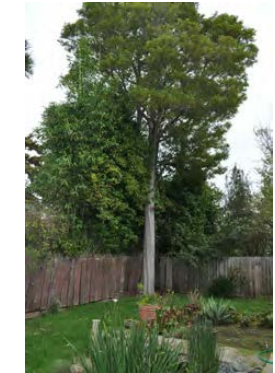
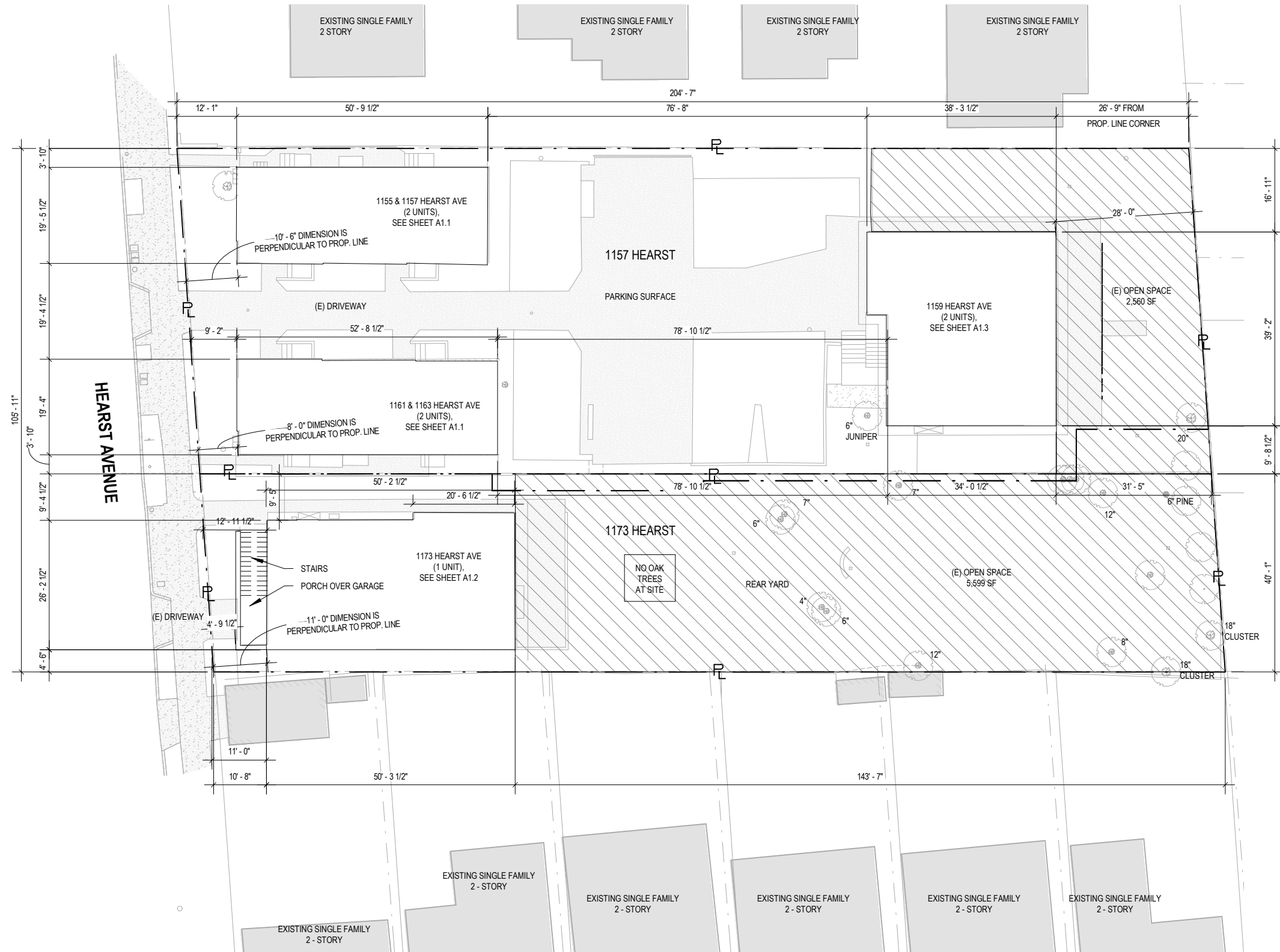
PROVIDED OPEN SPACE

- 1157 HEARST**
- AZALEA 1: 216 SF PRIVATE OPEN SPACE
84 SF COMMON OPEN SPACE PROVIDED AT OPEN SPACE #4 & #5
 - AZALEA 2: 300 SF COMMON AT #4 & #5
 - BEGONIA 1: 300 SF COMMON AT #4 & #5
 - BEGONIA 2: 300 SF COMMON AT #4 & #5
 - FREESIA 1: 300 SF COMMON AT #4 & #5
 - FREESIA 2: 300 SF COMMON AT #4 & #5
 - GERANIUM 1: 240 SF PRIVATE
60 SF COMMON OPEN SPACE PROVIDED AT OPEN SPACE #4 & #5
 - GERANIUM 2: 220 SF PRIVATE
80 SF COMMON OPEN SPACE PROVIDED AT OPEN SPACE #4 & #5
- 1173 HEARST**
- CAMELLIA: 300 SF COMMON AT OPEN SPACE #1, #2 & #3
 - DAFFODIL 1: 300 SF COMMON AT #1, #2 & #3
 - DAFFODIL 2: 300 SF COMMON AT #1, #2 & #3
 - EDELWEISS 1: 300 SF COMMON AT #1, #2 & #3
 - EDELWEISS 2: 300 SF COMMON AT #1, #2 & #3

TOTAL PRIVATE O.S.	1157	1173
TOTAL COMMON O.S.	679	0
TOTAL OPEN SPACE PROVIDED	1730	2502
TOTAL OPEN SPACE REQUIRED	2409 SF	2502 SF







BACKYARD OF 1159 HEARST AVE.



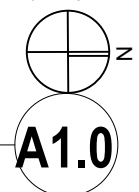
BACKYARD OF 1173 HEARST AVE.



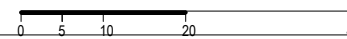
BACKYARD OF 1173 HEARST AVE.



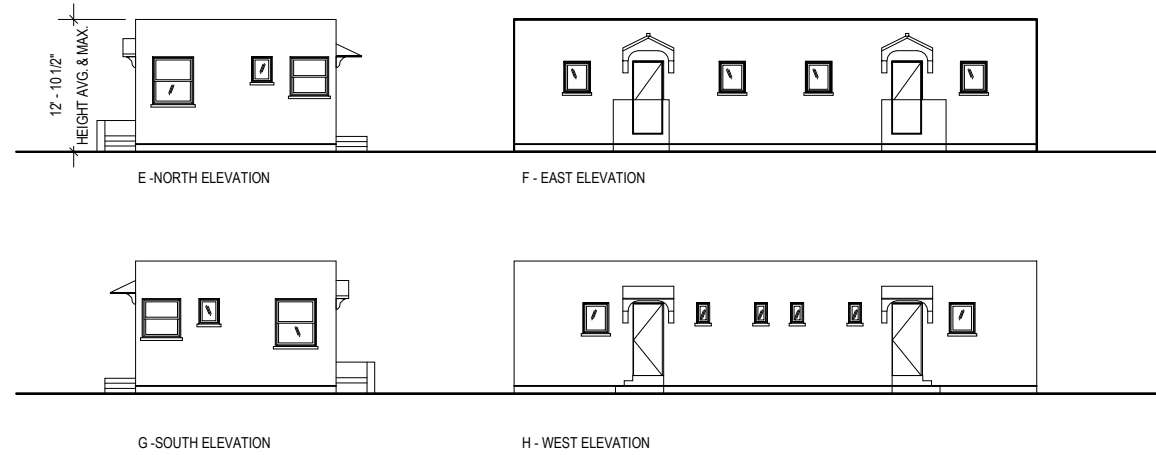
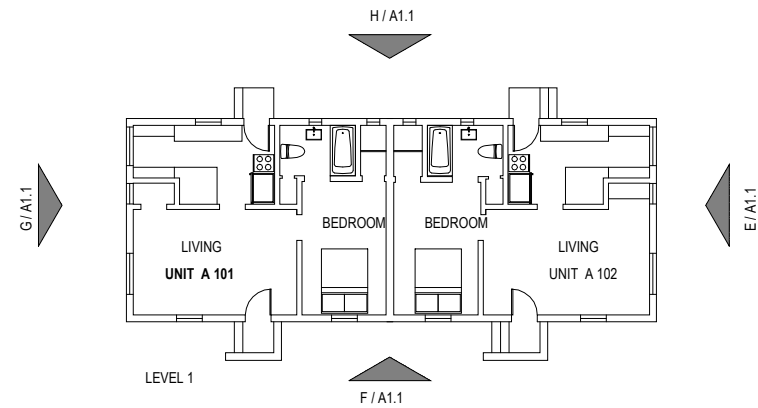
BACKYARD OF 1173 HEARST AVE.



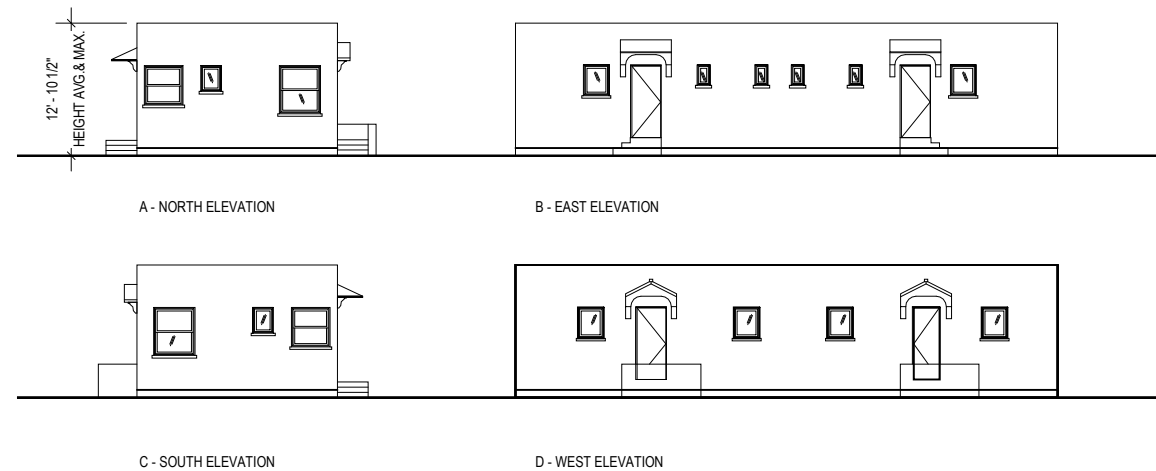
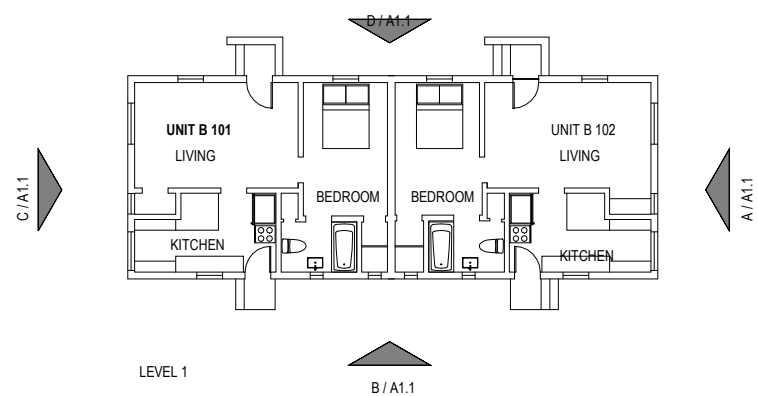
HEARST GARDENS
 DEVI DUTTA ARCHITECTURE



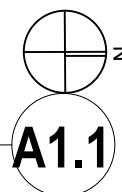
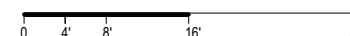
EXISTING SITE PLAN
 SCALE: 1" = 20'-0"

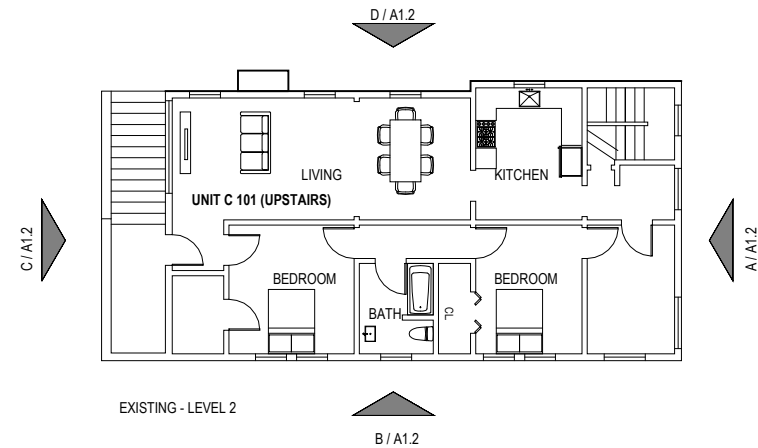


2 AZALEA 1155 & 1157 HEARST
 1/16" = 1'-0"

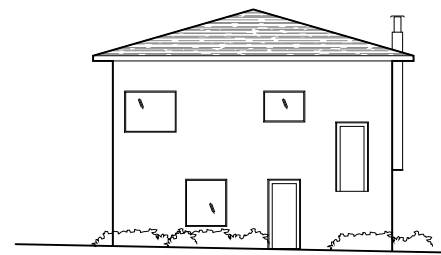


1 BEGONIA 1161 & 1163 HEARST
 1/16" = 1'-0"

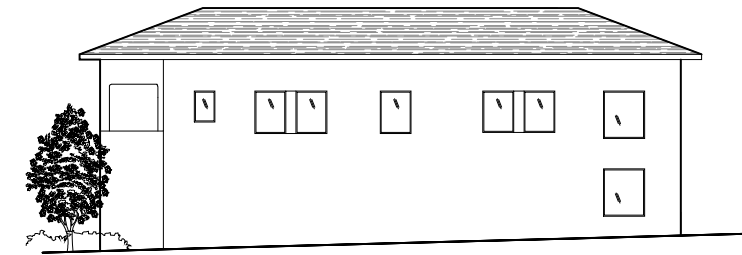




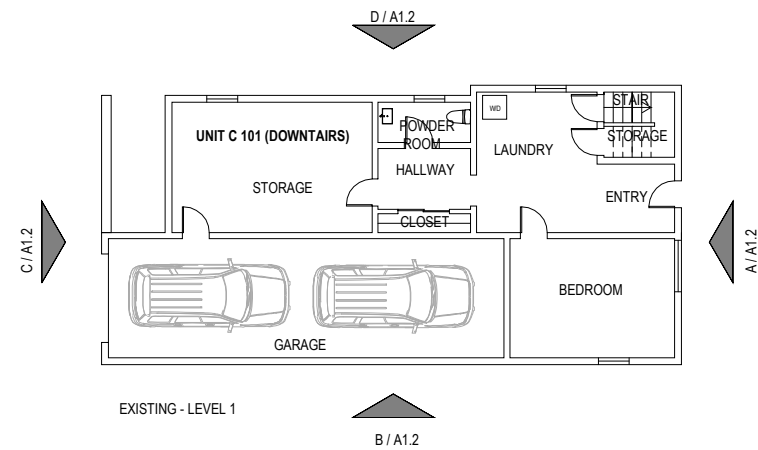
EXISTING - LEVEL 2



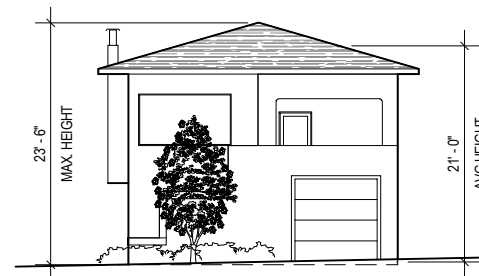
A - EXISTING NORTH ELEVATION



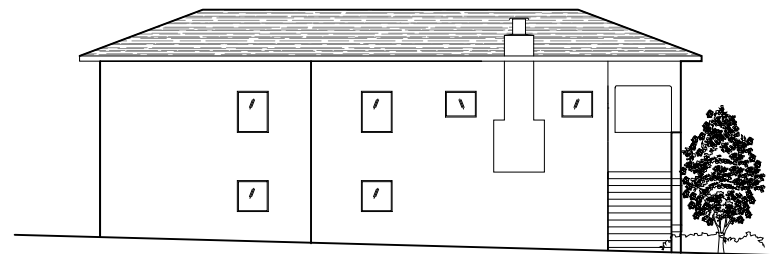
B - EXISTING EAST ELEVATION



EXISTING - LEVEL 1



C - EXISTING SOUTH ELEVATION

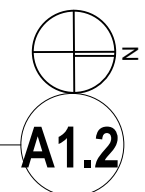
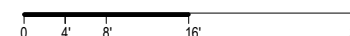


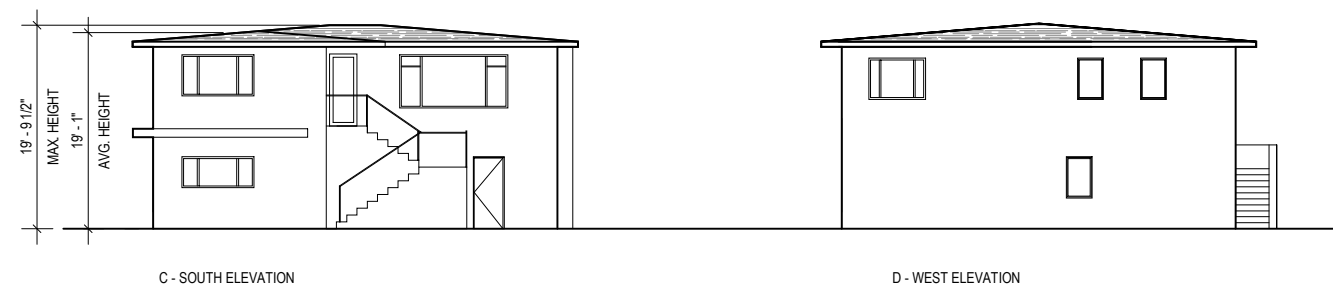
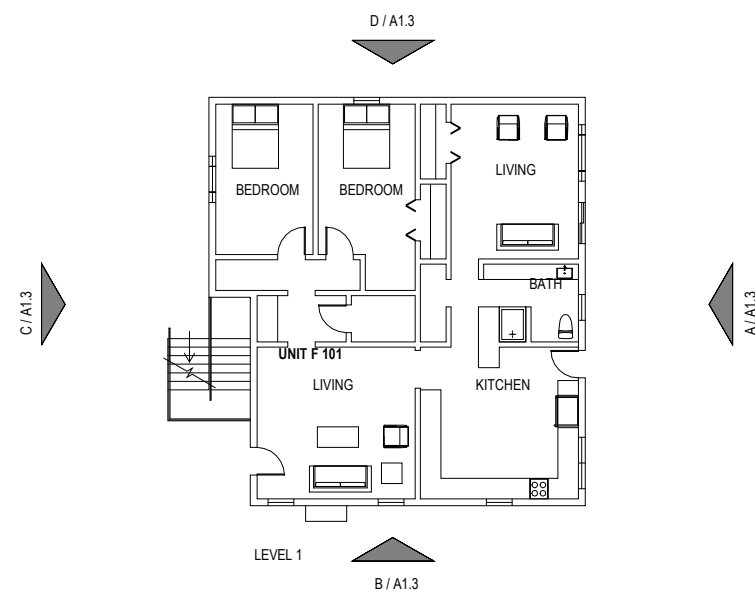
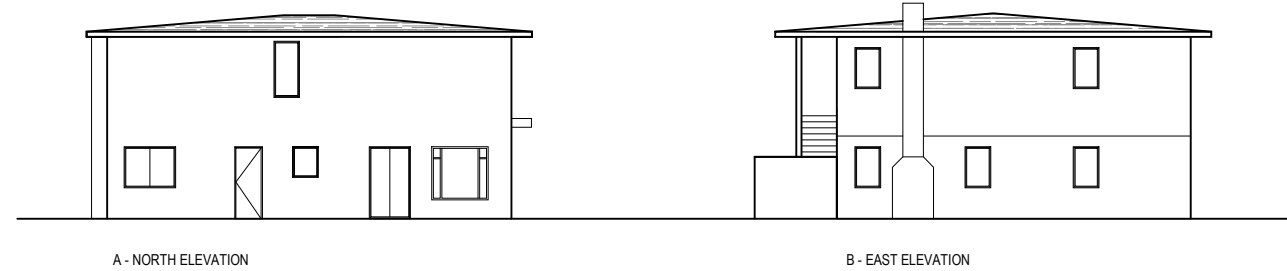
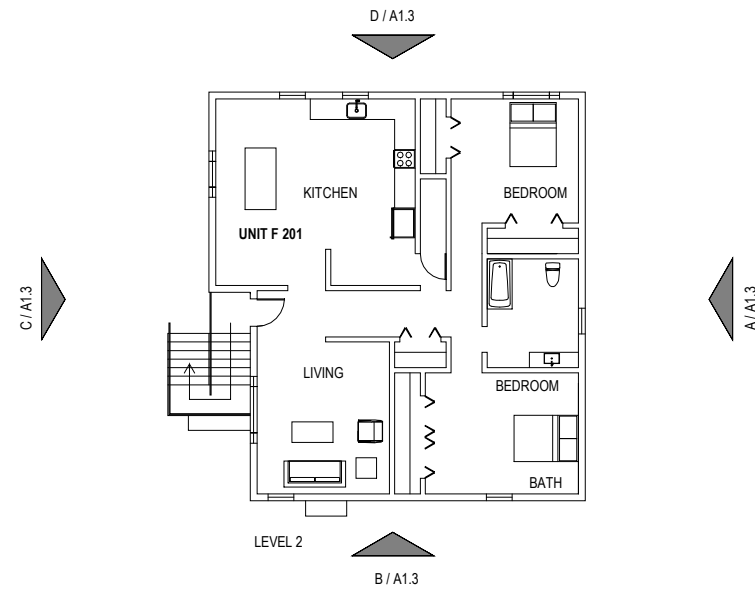
D - EXISTING WEST ELEVATION

EXISTING PLANS & ELEVATIONS - CAMELIA / 1173

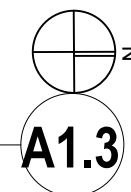
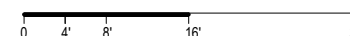
1 HEARST

1/16" = 1'-0"





EXISTING PLANS & ELEVATIONS - FREESIA / 1179 HEARST
 1
 1/16" = 1'-0"

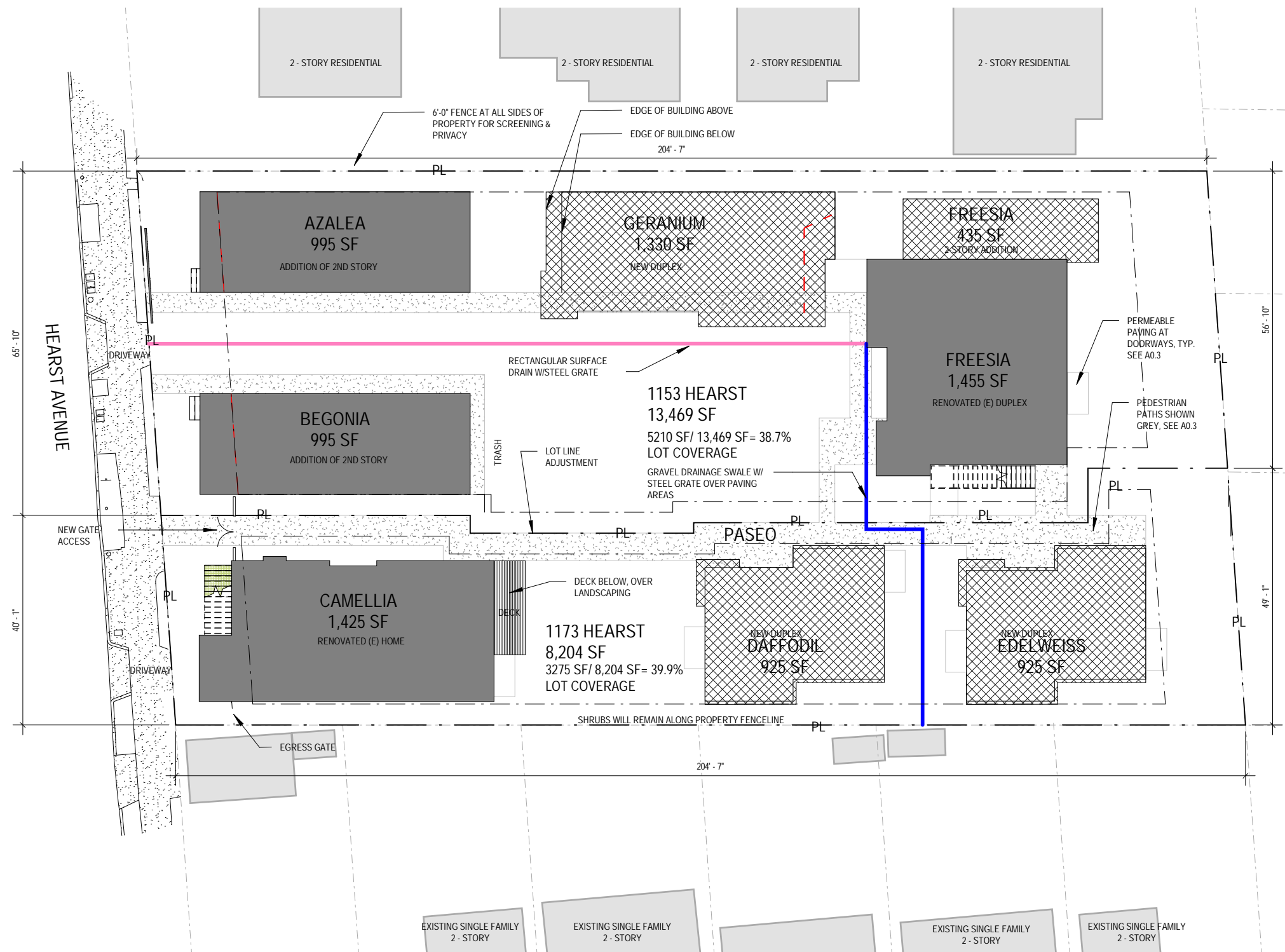




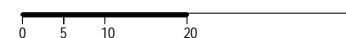
- LEGEND**
- NEW BUILDING AREA
 - RENOVATED (E) BUILDING
 - PEDESTRIAN PATHS
 - NON-CONFORMING SETBACKS & BUILDING SEPARATION
 - PROPERTY LINE
 - REQUIRED SETBACK

HYDROLOGY NOTES

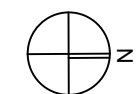
Unless modified by the City's Building & Safety Division and/or Department of Public Works, the drainage system shall be designed and installed as presented in the Stormwater and Flooding Assessment and Mitigation Design prepared by Clearwater Hydrology, dated January 7, 2016 and as well ass all recomendations of the peer review prepared by Balance Hydrologics on March 16, 2017.



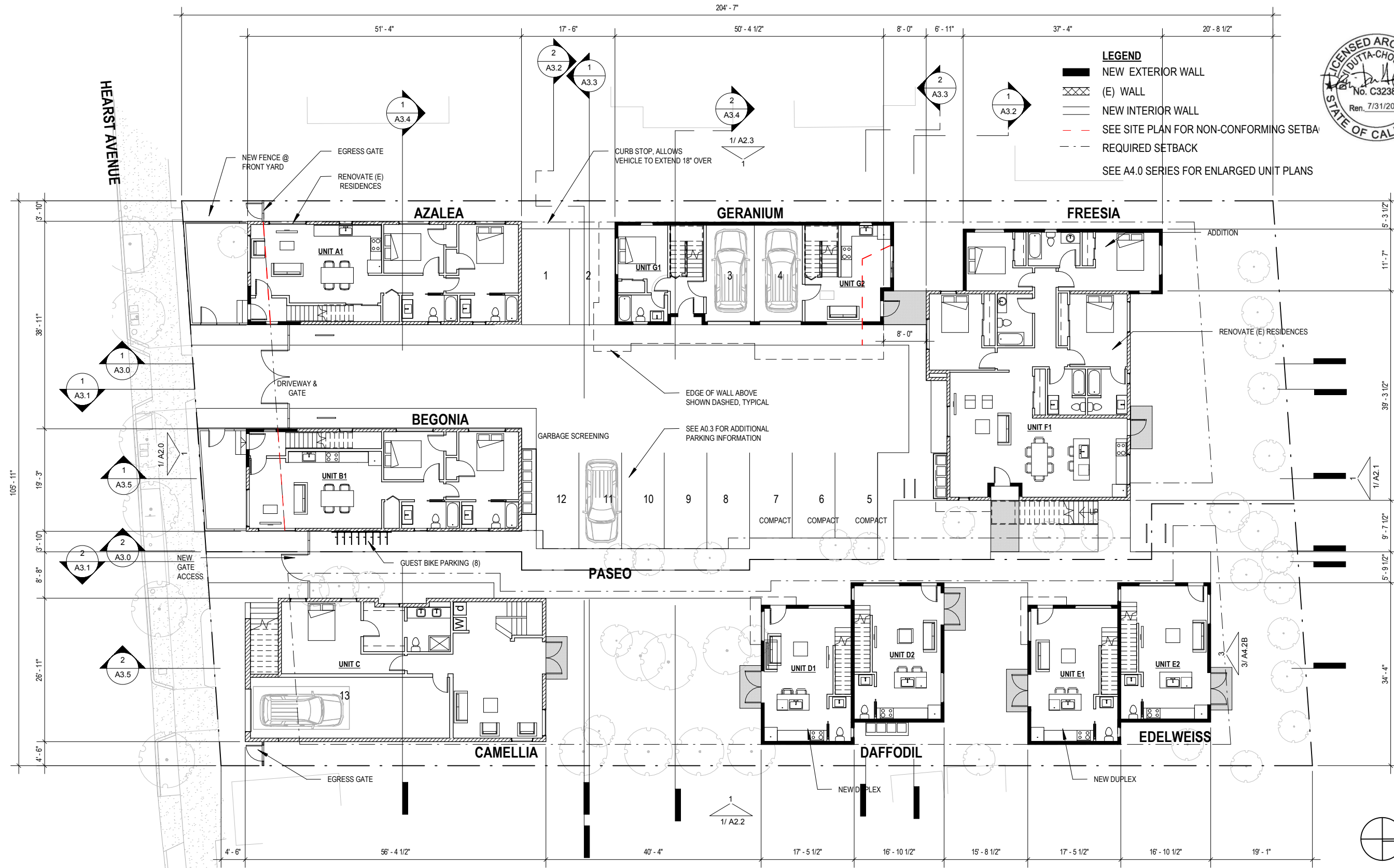
HEARST GARDENS
 DEVI DUTTA ARCHITECTURE



LOT COVERAGE & HYDROLOGY
 SCALE: As indicated



A1.4



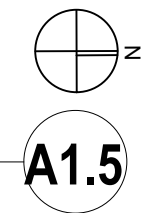
LEGEND

- NEW EXTERIOR WALL
- ▨ (E) WALL
- NEW INTERIOR WALL
- - - SEE SITE PLAN FOR NON-CONFORMING SETBACK
- - - REQUIRED SETBACK

SEE A4.0 SERIES FOR ENLARGED UNIT PLANS

HEARST GARDENS
 DEVI DUTTA ARCHITECTURE

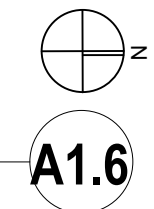
GROUND FLOOR
 SCALE: 1/16" = 1'-0"

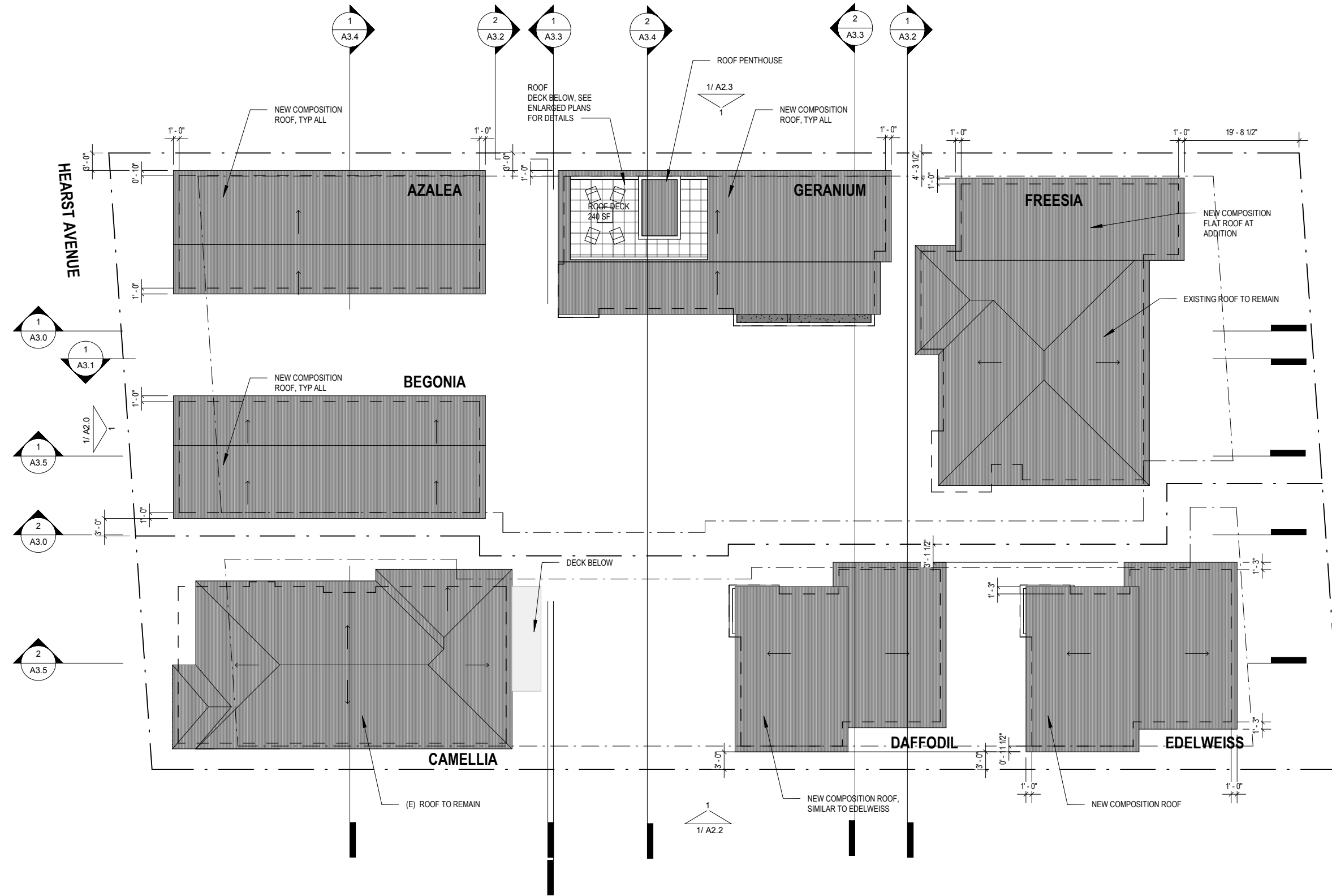




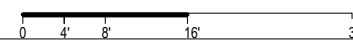
LEGEND

- NEW EXTERIOR WALL
 - (E) WALL
 - NEW INTERIOR WALL
 - SEE SITE PLAN FOR NON-CONFORMING SETBACKS
 - REQUIRED SETBACK
- SEE A4.0 SERIES FOR ENLARGED UNIT PLANS

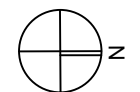




HEARST GARDENS
DEVI DUTTA ARCHITECTURE



ROOF PLAN
SCALE: 1/16" = 1'-0"

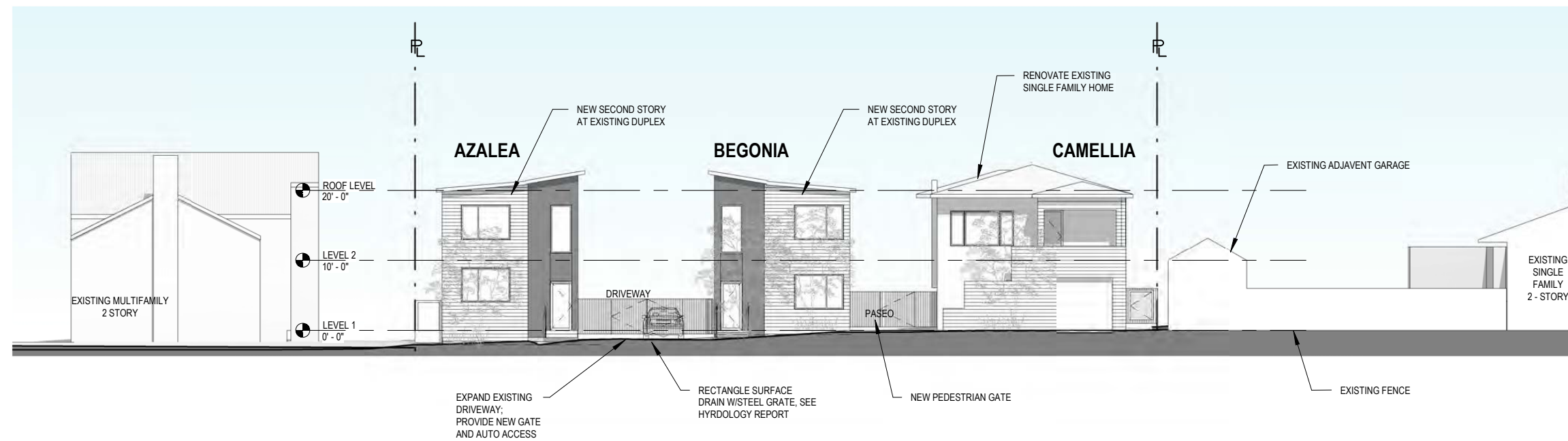


A1.8



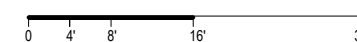
- MATERIAL LEGEND**
- PAINTED WOOD SIDING
 - WOOD PATTERNED FIBER CEMENT
 - CEMENT PLASTER
 - CEMENT PLASTER

SEE A4.0 SERIES FOR ENLARGED ELEVATIONS



HEARST GARDENS

DEVI DUTTA ARCHITECTURE



SOUTH SITE ELEVATION (FRONT)

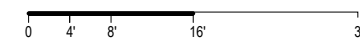
SCALE: 1/16" = 1'-0"









- MATERIAL LEGEND**
- PAINTED WOOD SIDING
 - WOOD PATTERNED FIBER CEMENT
 - CEMENT PLASTER
 - CEMENT PLASTER

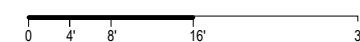
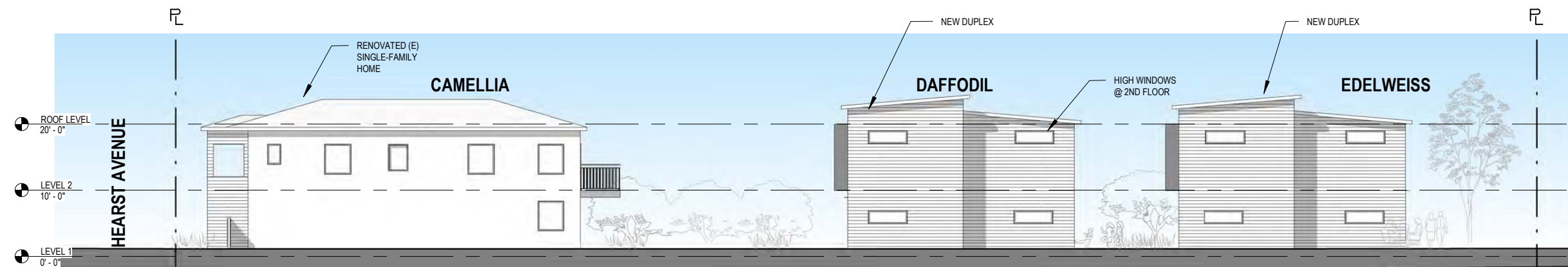
SEE A4.0 SERIES FOR ENLARGED ELEVATIONS





- MATERIAL LEGEND**
-  PAINTED WOOD SIDING
 -  WOOD PATTERNED FIBER CEMENT
 -  CEMENT PLASTER
 -  CEMENT PLASTER

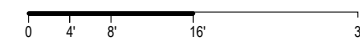
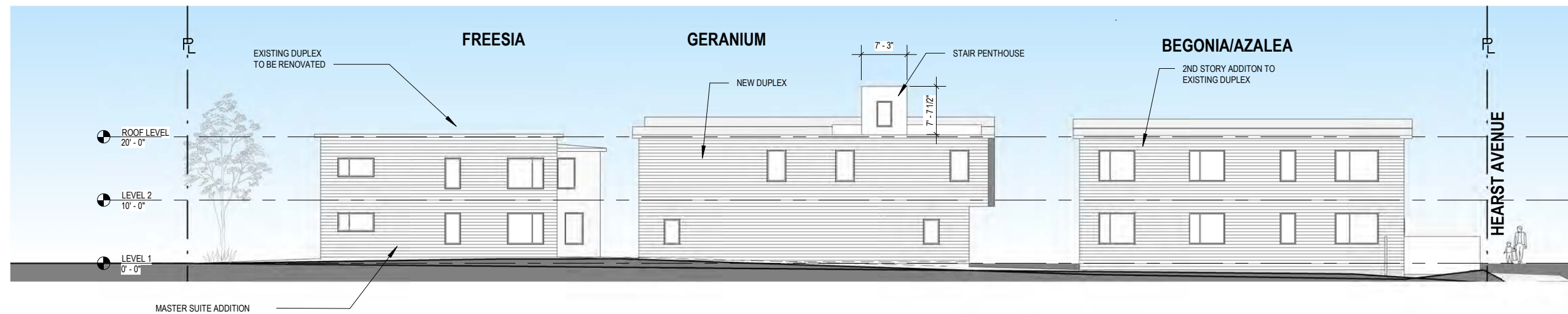
SEE A4.0 SERIES FOR ENLARGED ELEVATIONS

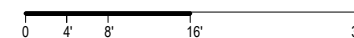
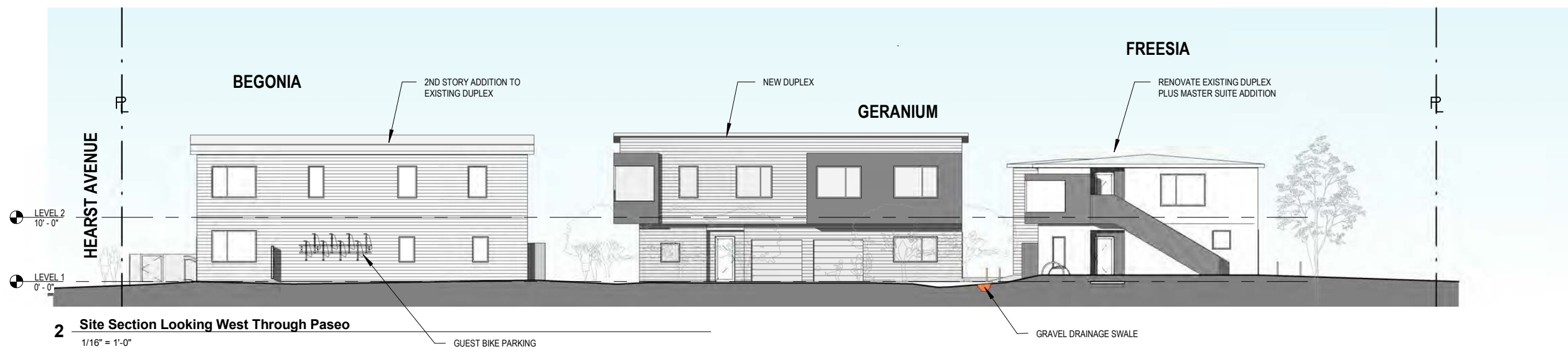
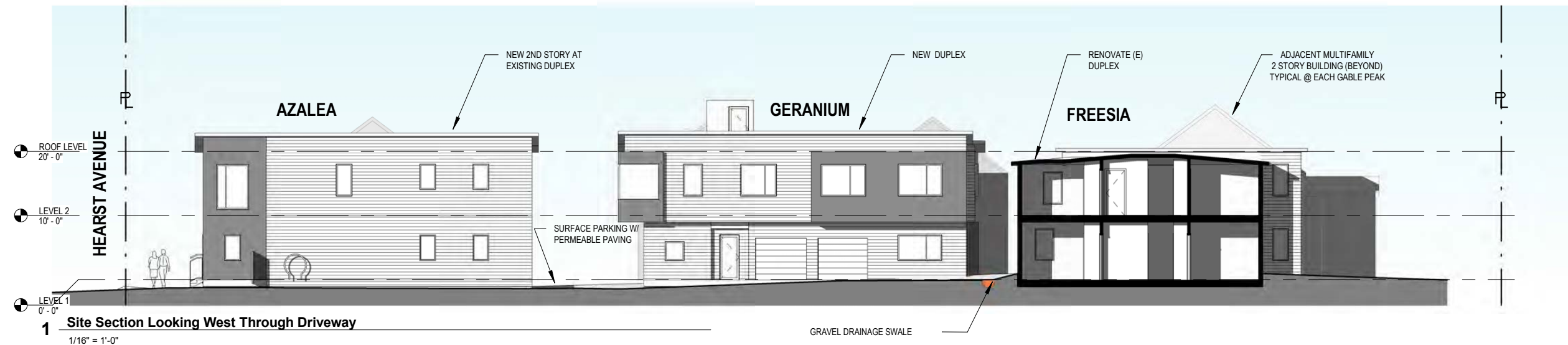


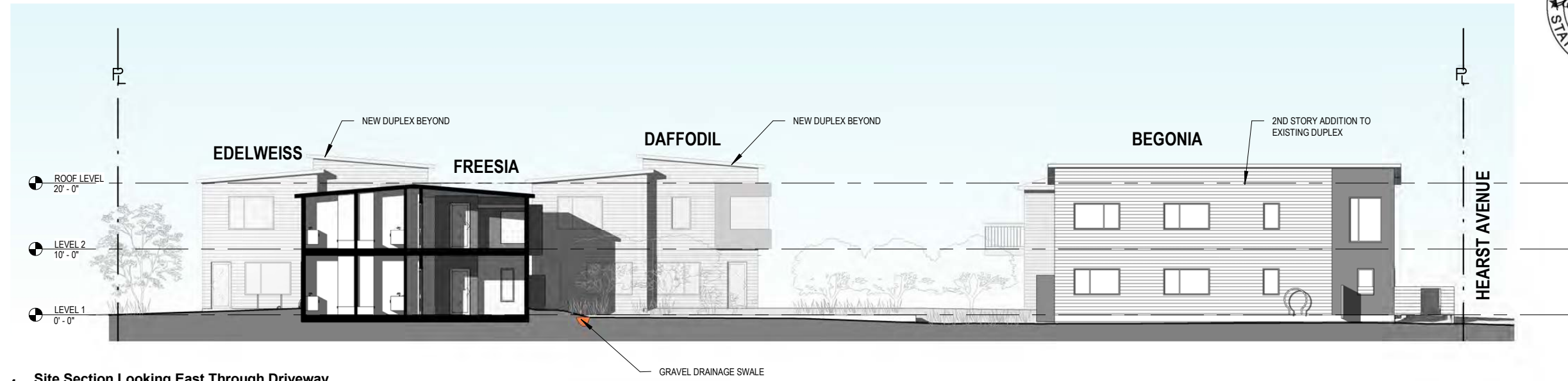


- MATERIAL LEGEND**
- PAINTED WOOD SIDING
 - WOOD PATTERNED FIBER CEMENT
 - CEMENT PLASTER
 - CEMENT PLASTER

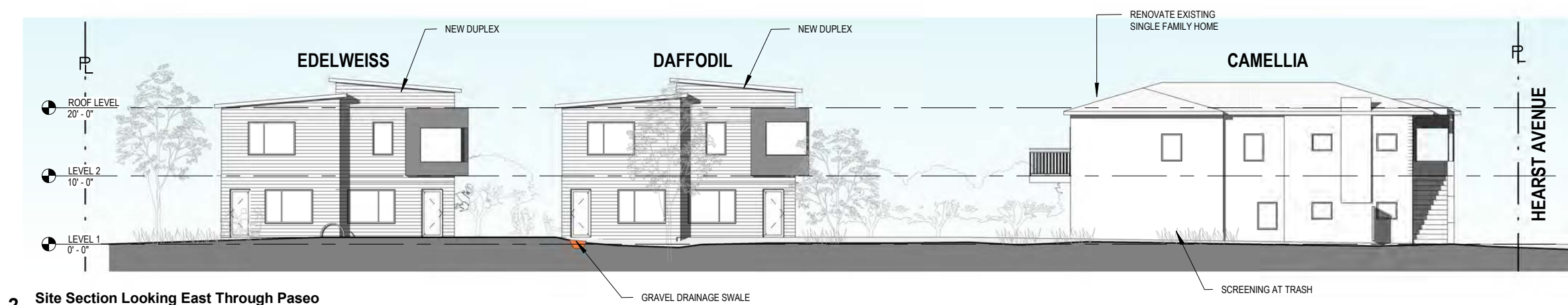
SEE A4.0 SERIES FOR ENLARGED ELEVATIONS



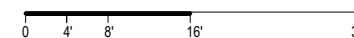


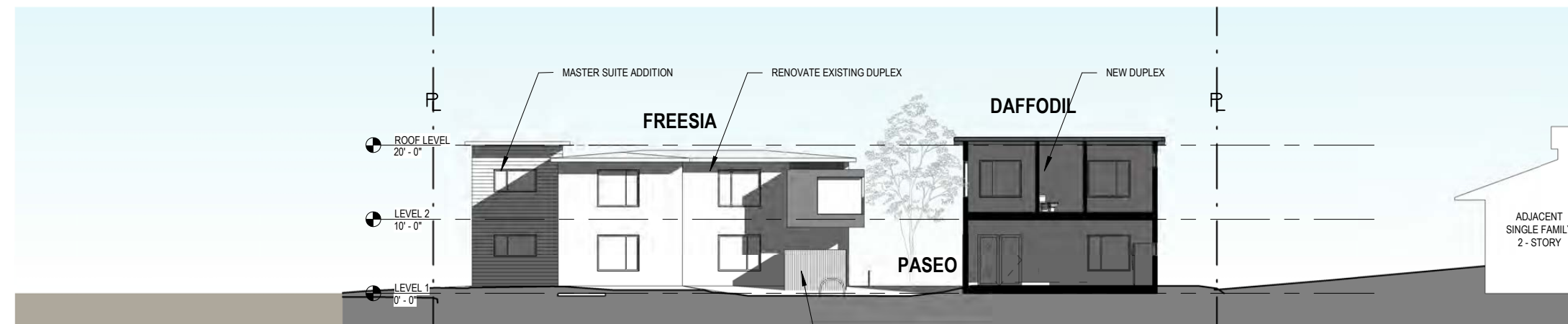


1 Site Section Looking East Through Driveway
 1/16" = 1'-0"

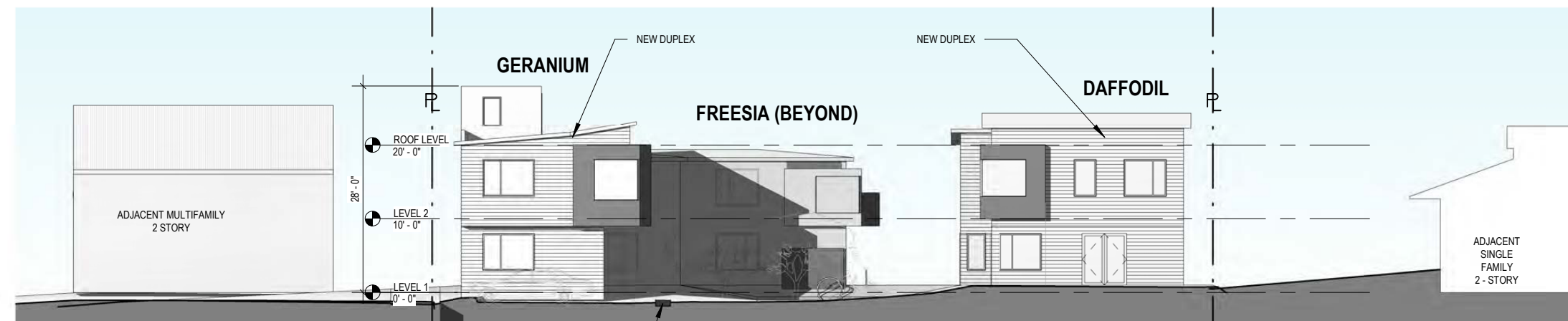


2 Site Section Looking East Through Paseo
 1/16" = 1'-0"





1 Site Section Looking North @ Freesia Building
 1/16" = 1'-0"



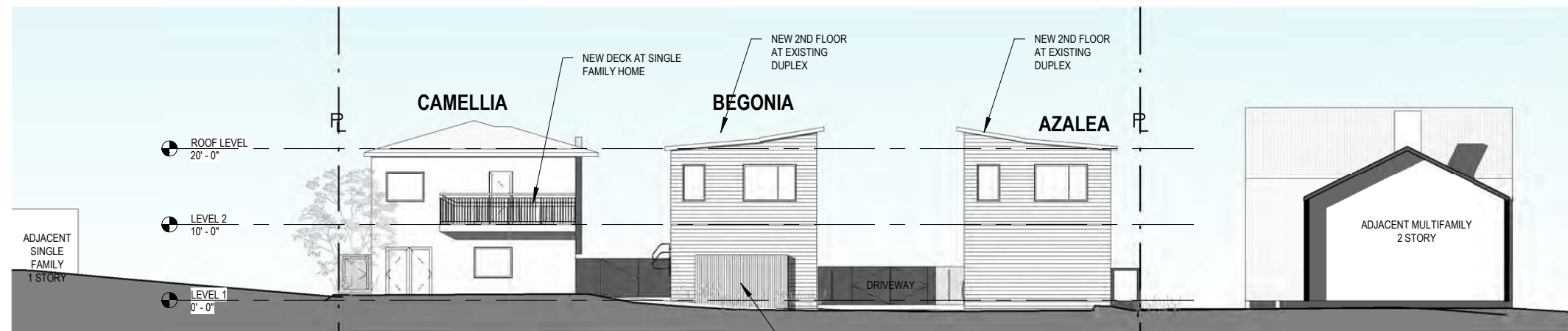
2 Site Section Looking North
 1/16" = 1'-0"

RECTANGULAR SURFACE
 DRAINAGE W/STEEL GRATE

HEARST GARDENS
 DEVI DUTTA ARCHITECTURE

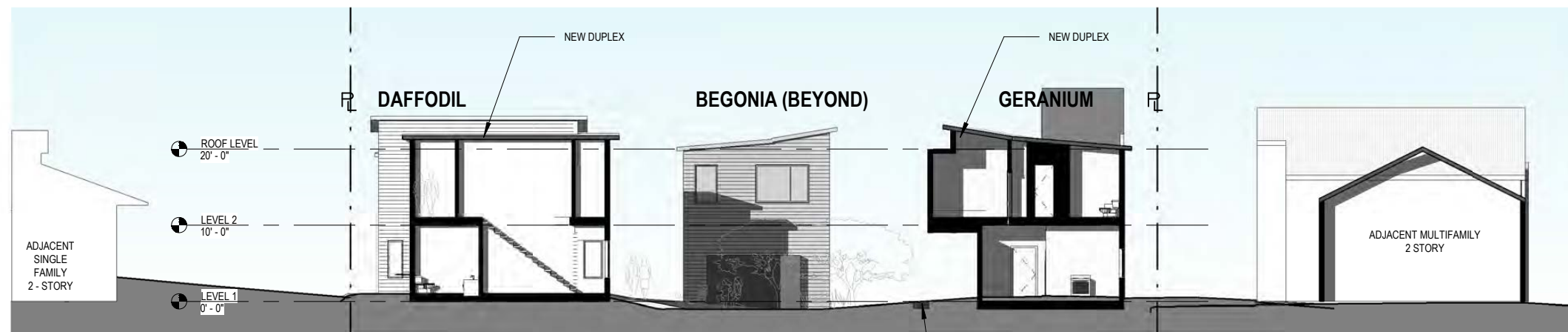


SITE SECTIONS LOOKING NORTH
 SCALE: 1/16" = 1'-0"



1 Site Section Looking South

1/16" = 1'-0"

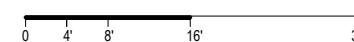


2 Site Section Looking South @ Parking Lot

1/16" = 1'-0"

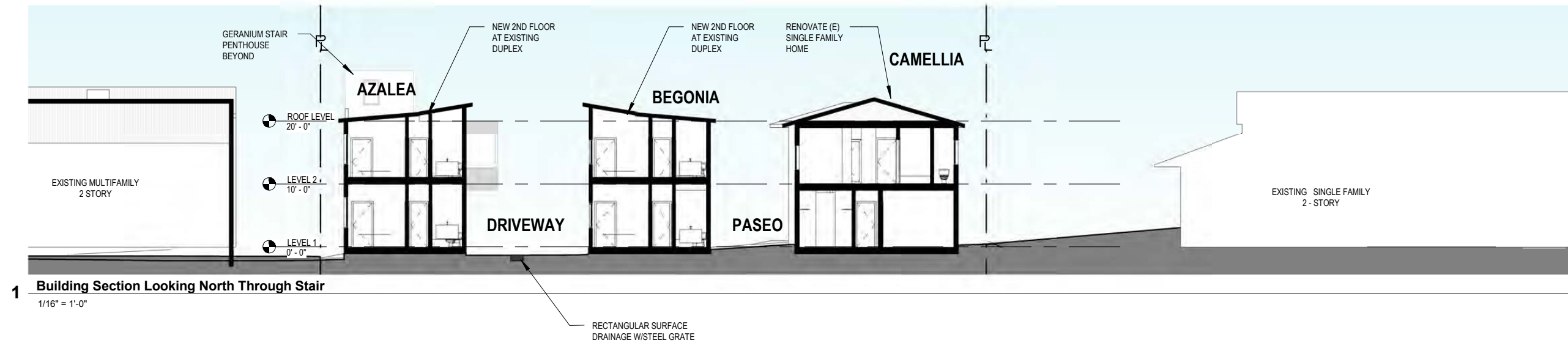
HEARST GARDENS

DEVI DUTTA ARCHITECTURE

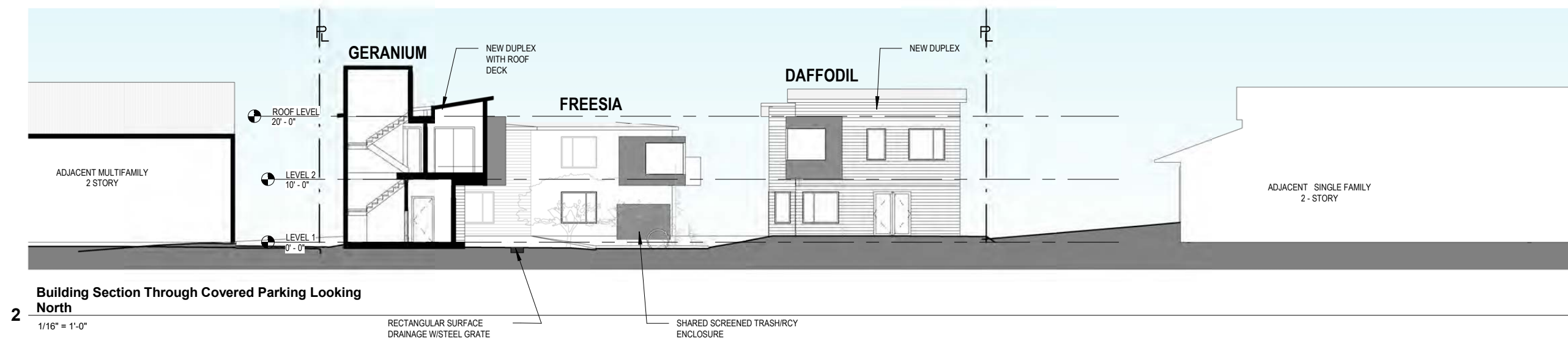


SITE SECTIONS LOOKING SOUTH

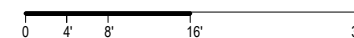
SCALE: 1/16" = 1'-0"

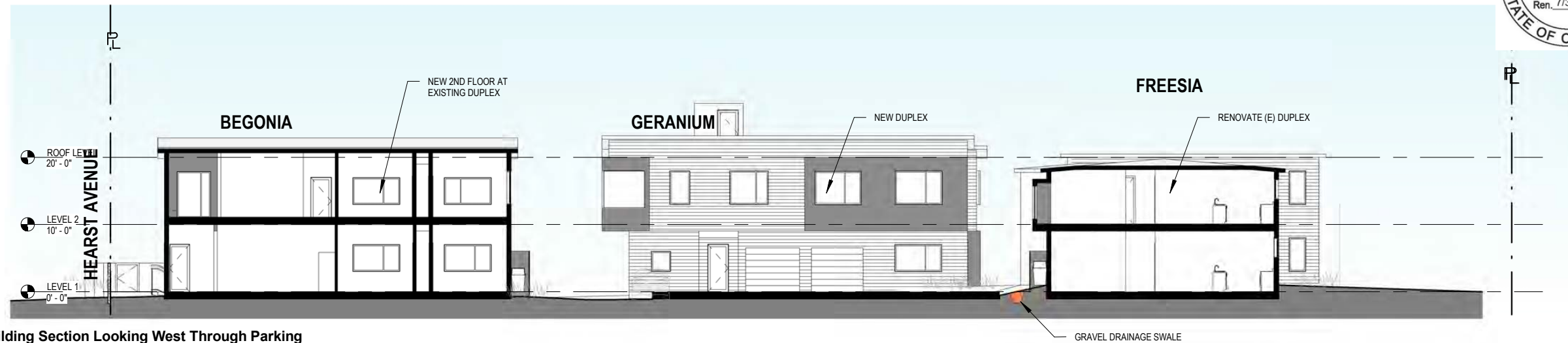


1 Building Section Looking North Through Stair
 1/16" = 1'-0"



2 Building Section Through Covered Parking Looking North
 1/16" = 1'-0"

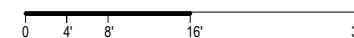




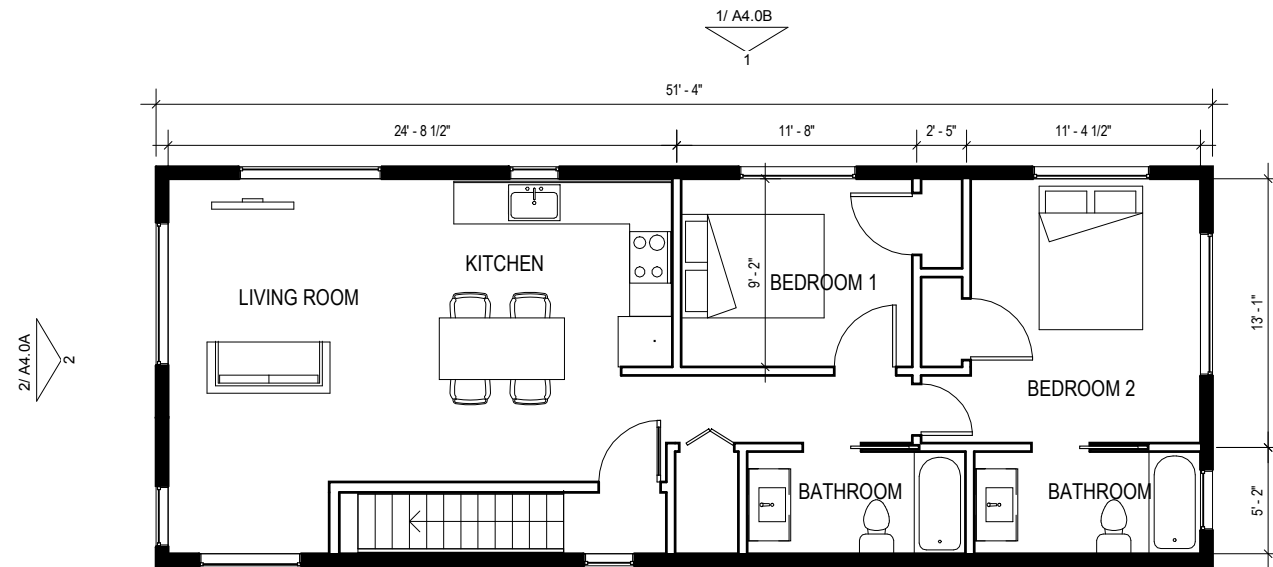
1 Building Section Looking West Through Parking
 1/16" = 1'-0"



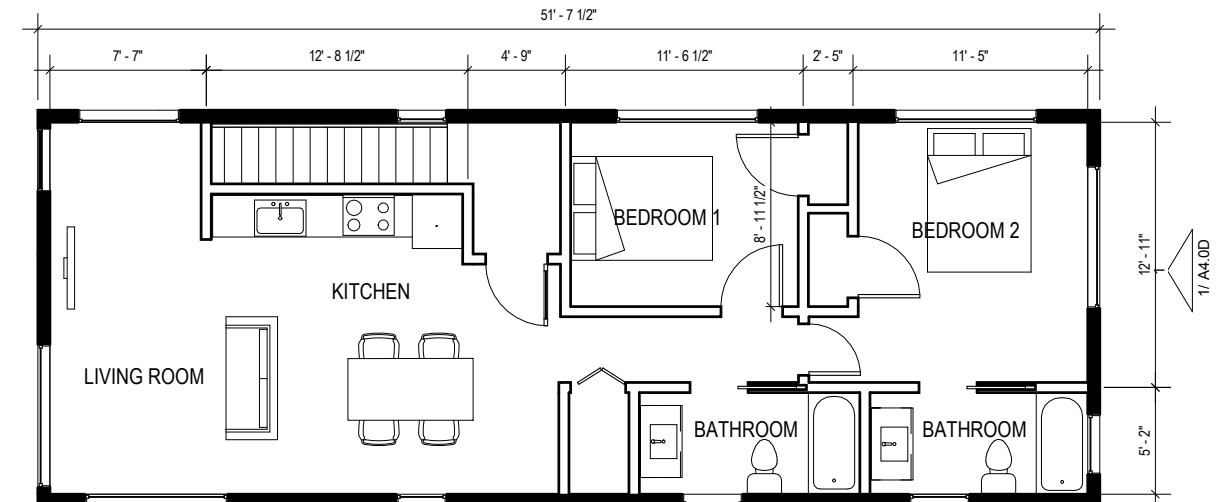
2 Building Section Looking West
 1/16" = 1'-0"



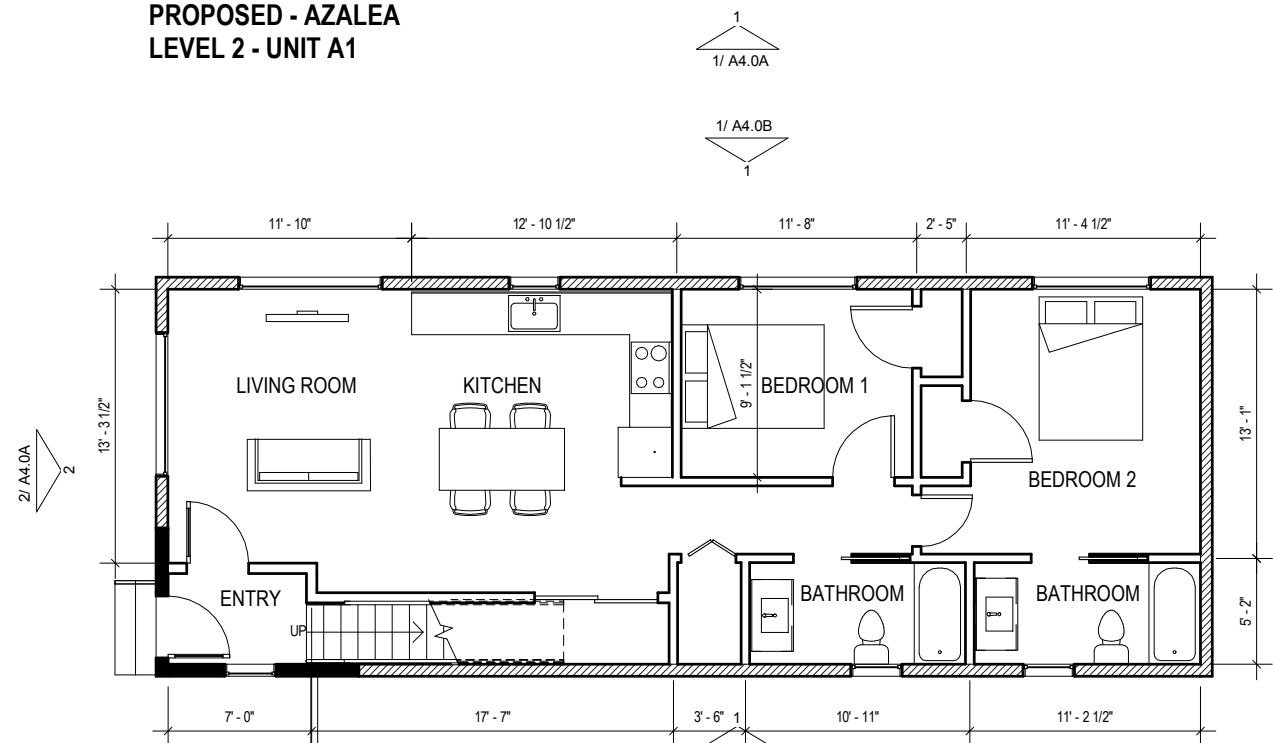
- LEGEND**
- NEW EXTERIOR WALL
 - ▨ (E) WALL
 - NEW INTERIOR WALL
 - - - SEE SITE PLAN FOR NON-CONFORMING SETBACK
 - - - REQUIRED SETBACK
- 2/A4.0D, A4.0 SERIES FOR ENLARGED UNIT PLANS



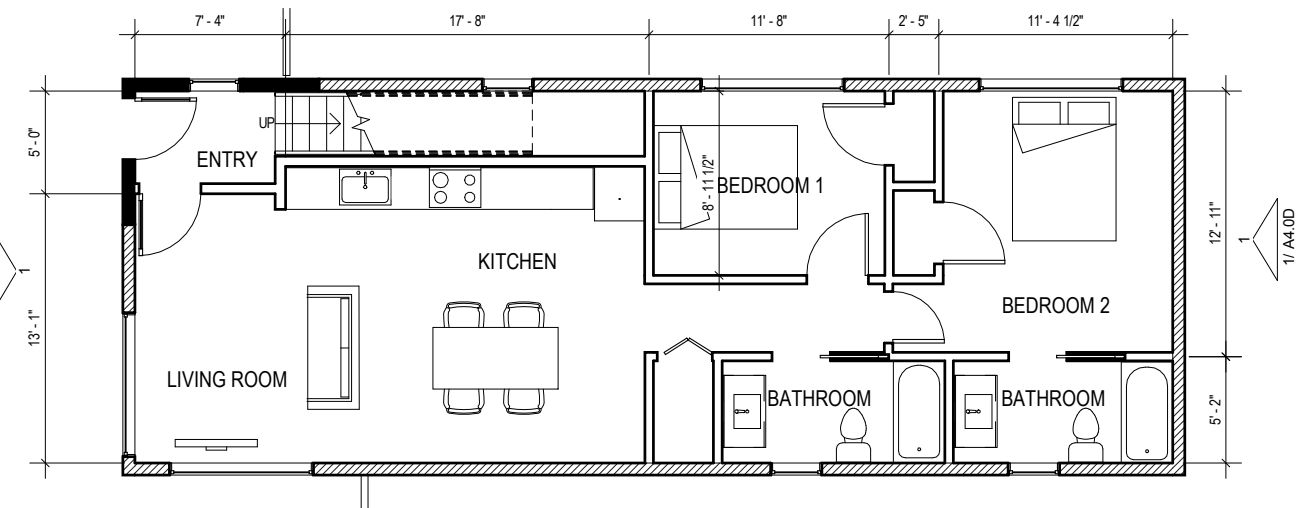
PROPOSED - AZALEA
 LEVEL 2 - UNIT A1



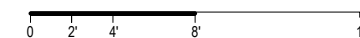
PROPOSED - BEGONIA
 LEVEL 2 - UNIT B2



PROPOSED - AZALEA
 LEVEL 1 - UNIT A1

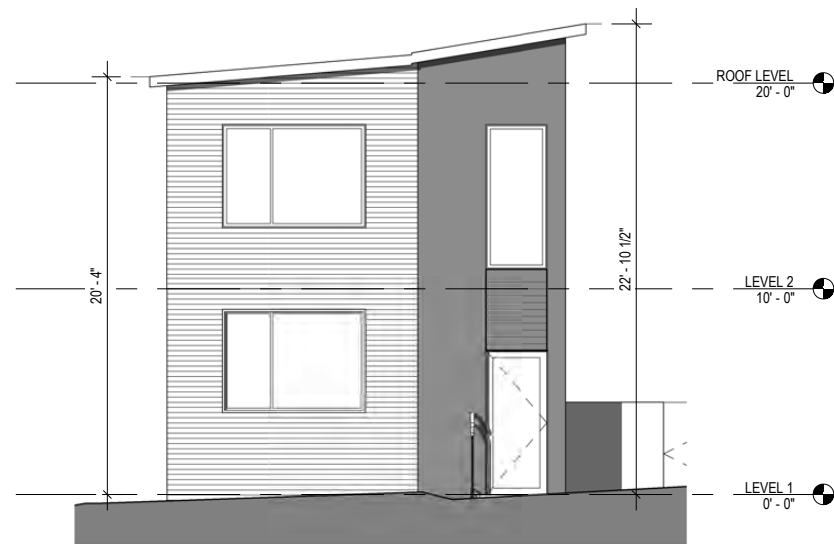


PROPOSED - BEGONIA
 LEVEL 1 - UNIT B1

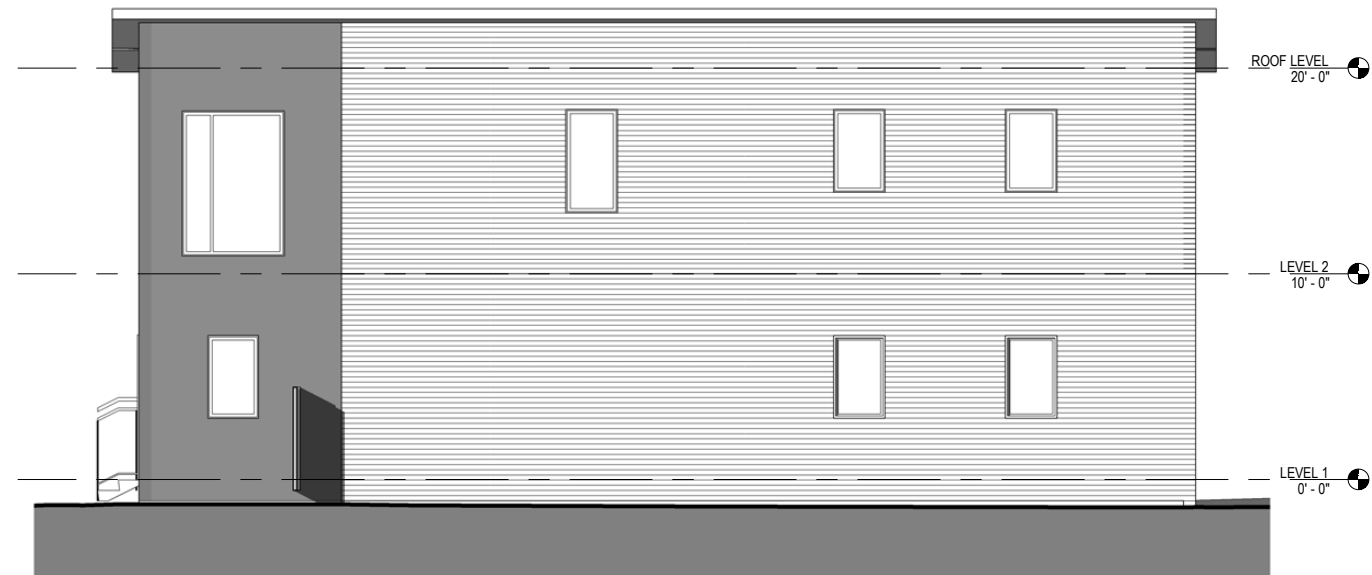




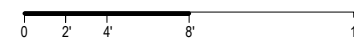
- MATERIAL LEGEND**
- PAINTED WOOD SIDING
 - WOOD PATTERNED FIBER CEMENT
 - CEMENT PLASTER
 - CEMENT PLASTER



2 AZALEA SOUTH ELEVATION
 1/8" = 1'-0"

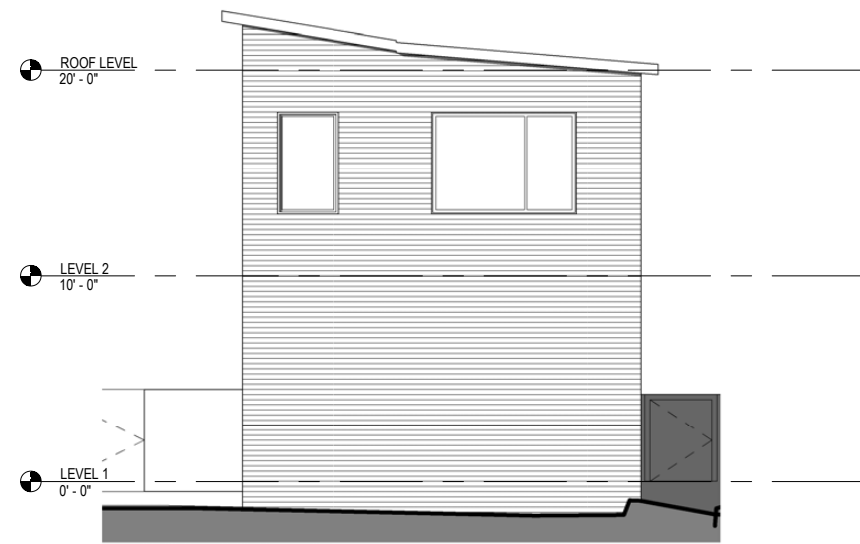


1 AZALEA EAST ELEVATION
 1/8" = 1'-0"

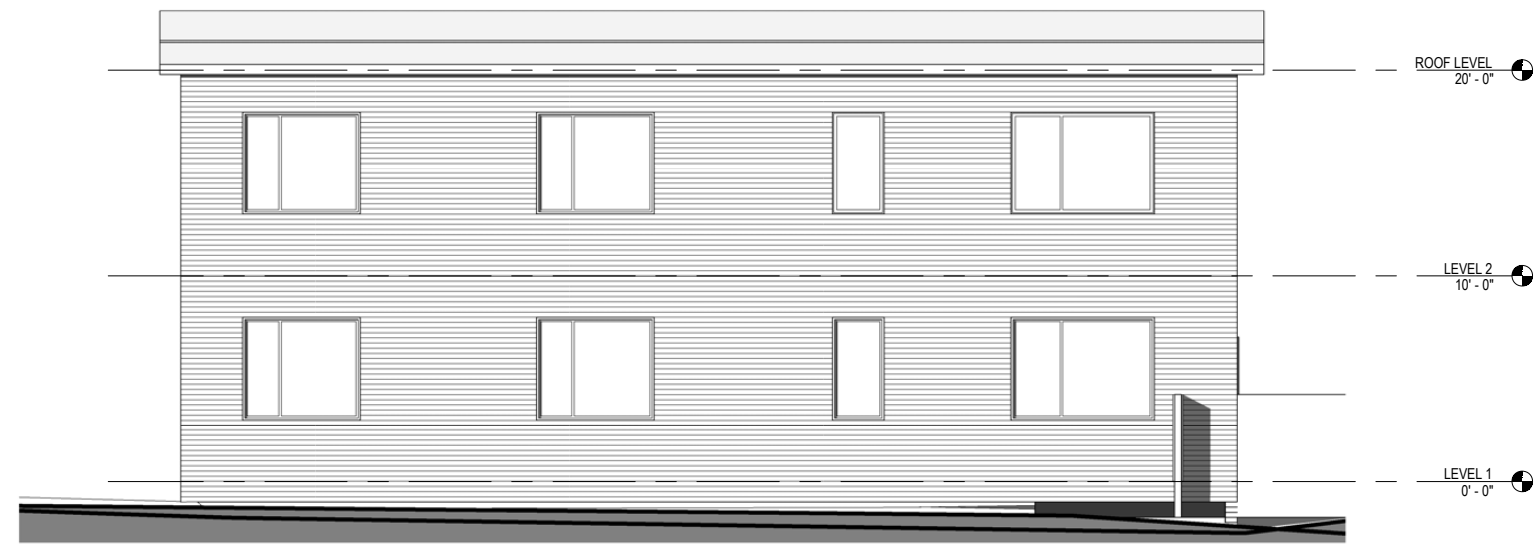




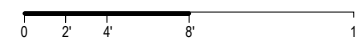
- MATERIAL LEGEND**
- PAINTED WOOD SIDING
 - WOOD PATTERNED FIBER CEMENT
 - CEMENT PLASTER
 - CEMENT PLASTER



2 AZALEA NORTH ELEVATION
 1/8" = 1'-0"







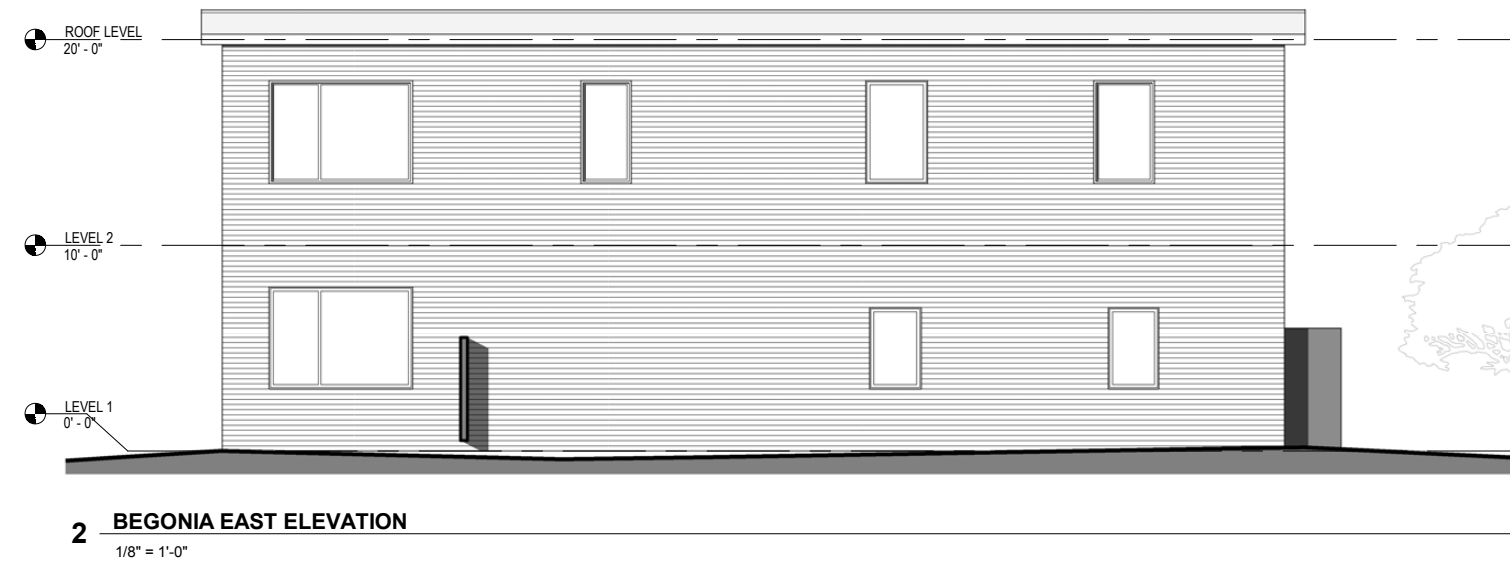
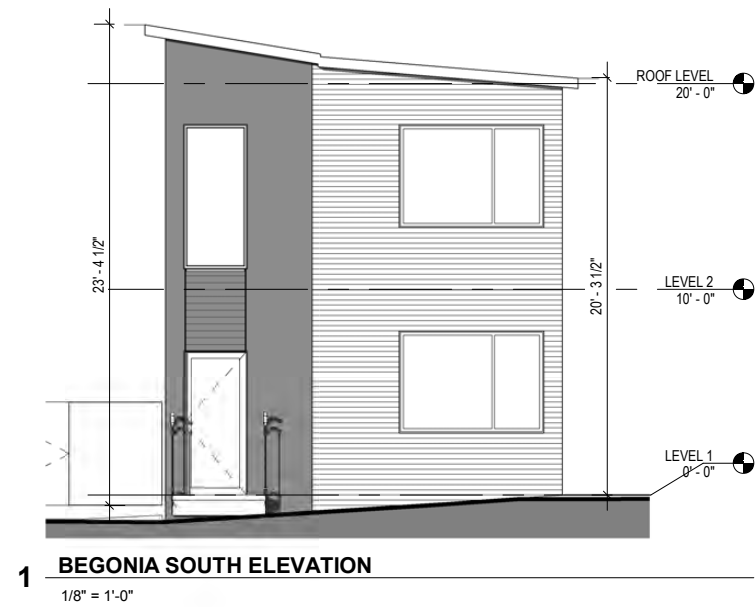
1 AZALEA WEST ELEVATION
 1/8" = 1'-0"









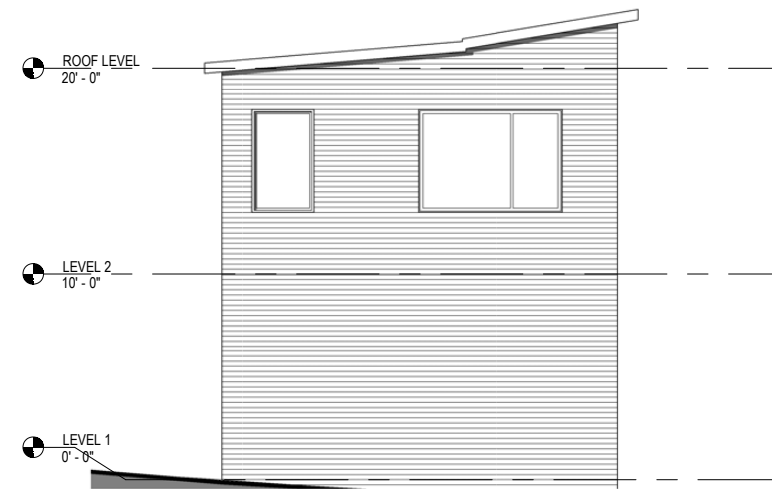
MATERIAL LEGEND

	PAINTED WOOD SIDING
	WOOD PATTERNED FIBER CEMENT
	CEMENT PLASTER
	CEMENT PLASTER

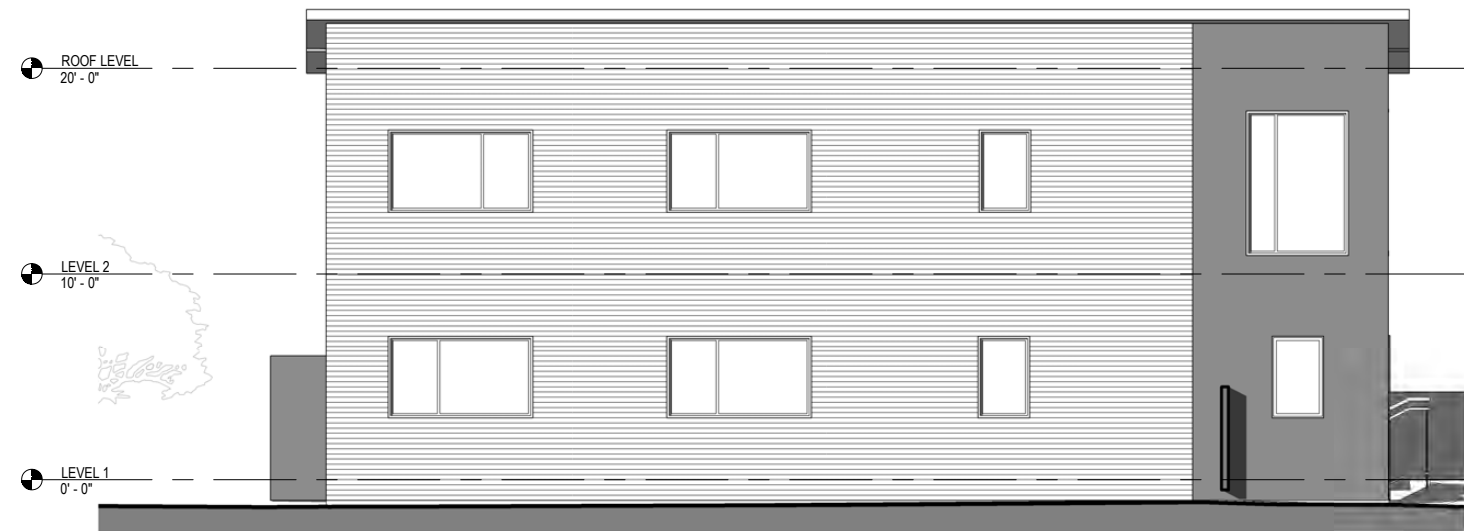




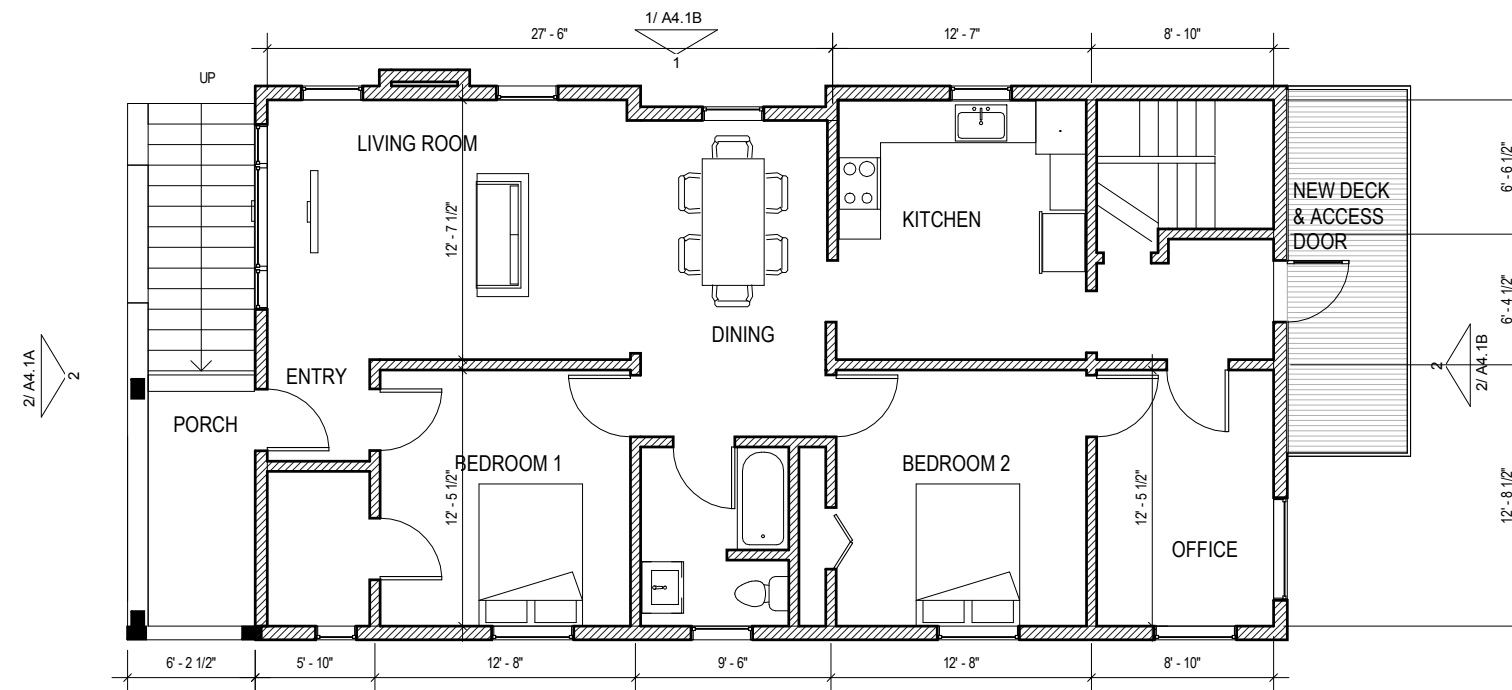
- MATERIAL LEGEND**
-  PAINTED WOOD SIDING
 -  WOOD PATTERNED FIBER CEMENT
 -  CEMENT PLASTER
 -  CEMENT PLASTER



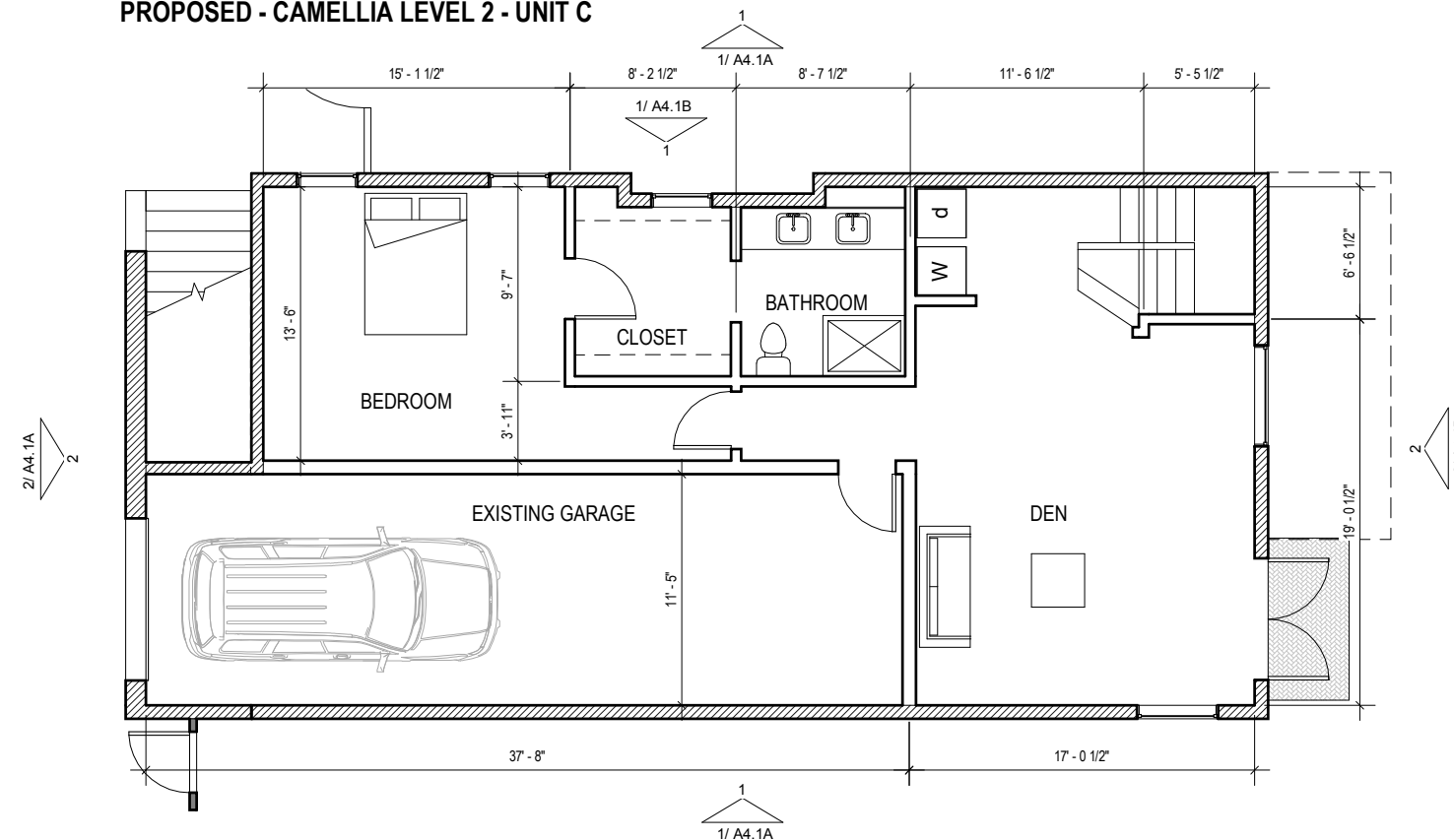
1 BEGONIA NORTH ELEVATION
1/8" = 1'-0"



2 BEGONIA WEST ELEVATION
1/8" = 1'-0"



PROPOSED - CAMELLIA LEVEL 2 - UNIT C







PROPOSED - CAMELLIA BASEMENT PLAN

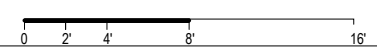
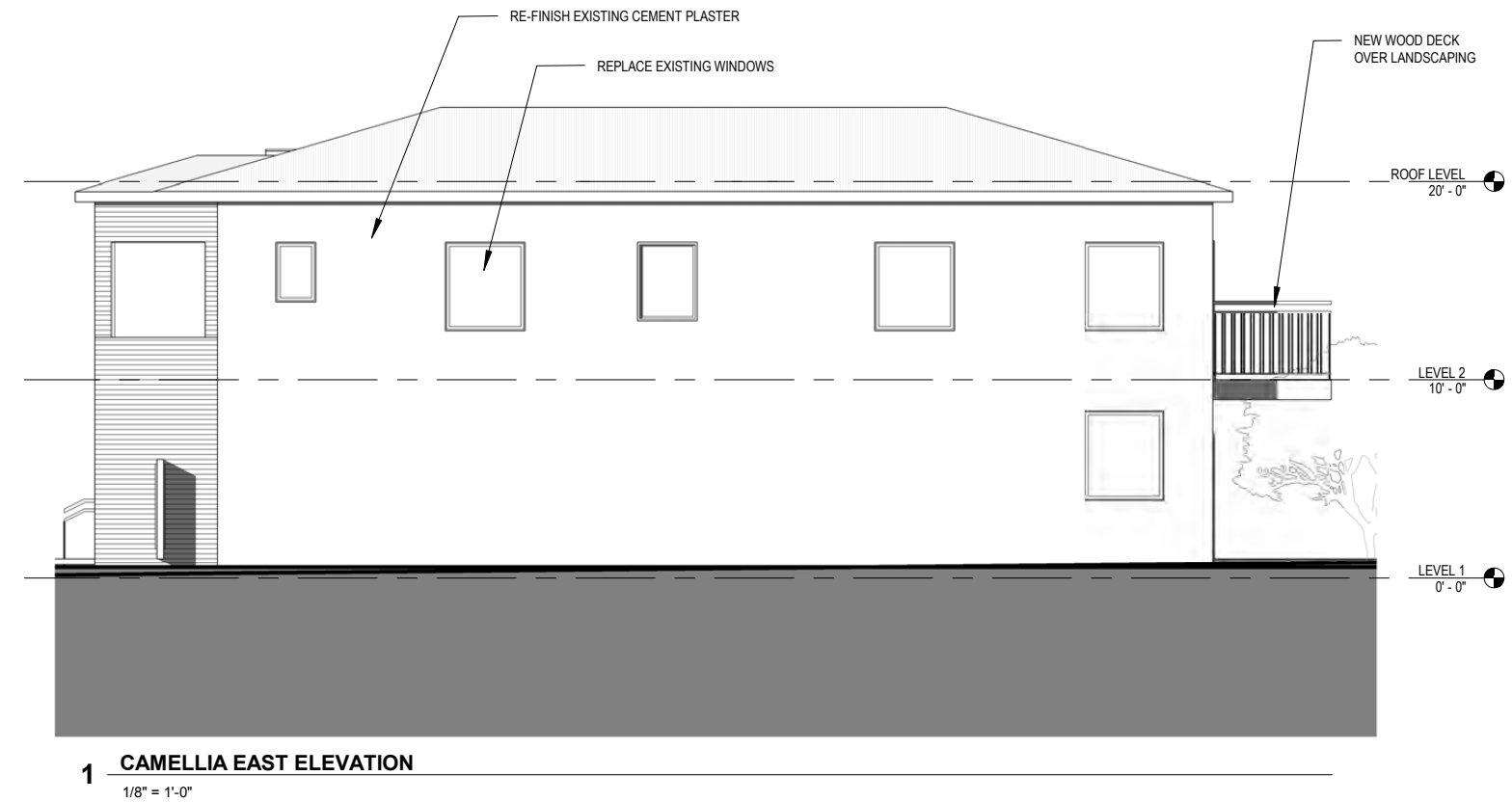
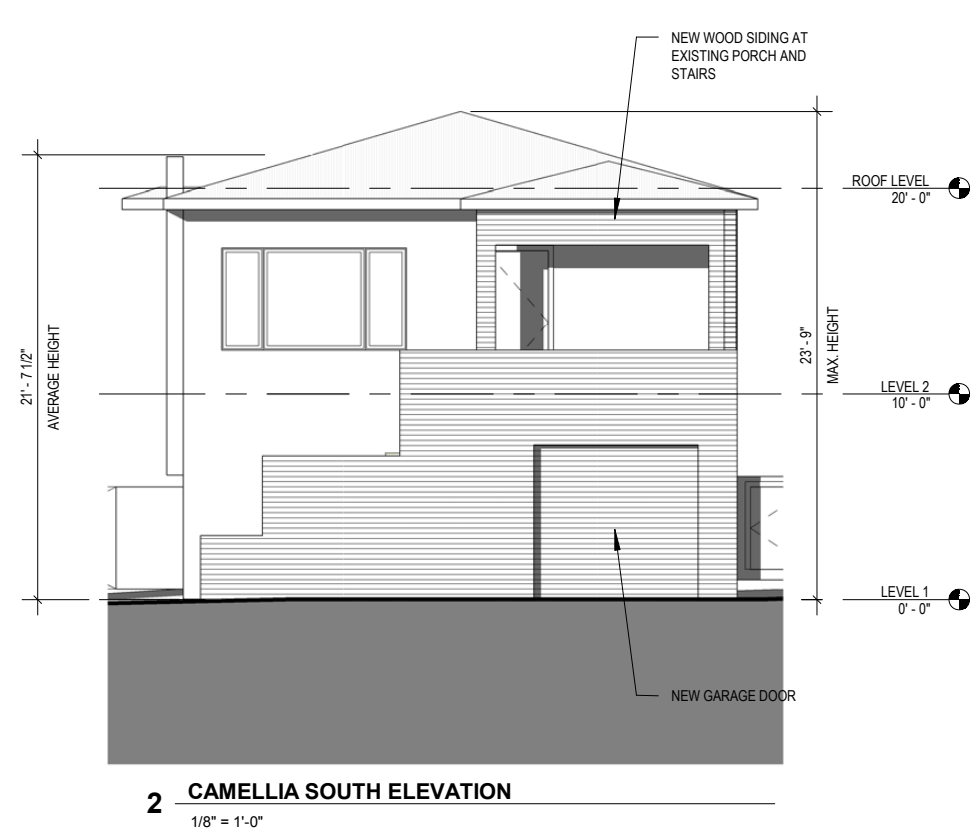
- LEGEND**
- NEW EXTERIOR WALL
 - ▨ (E) WALL
 - NEW INTERIOR WALL
 - - - SEE SITE PLAN FOR NON-CONFORMING SETBACK
 - - - REQUIRED SETBACK
- SEE A4.0 SERIES FOR ENLARGED UNIT PLANS









MATERIAL LEGEND

	PAINTED WOOD SIDING
	WOOD PATTERNED FIBER CEMENT
	CEMENT PLASTER
	CEMENT PLASTER

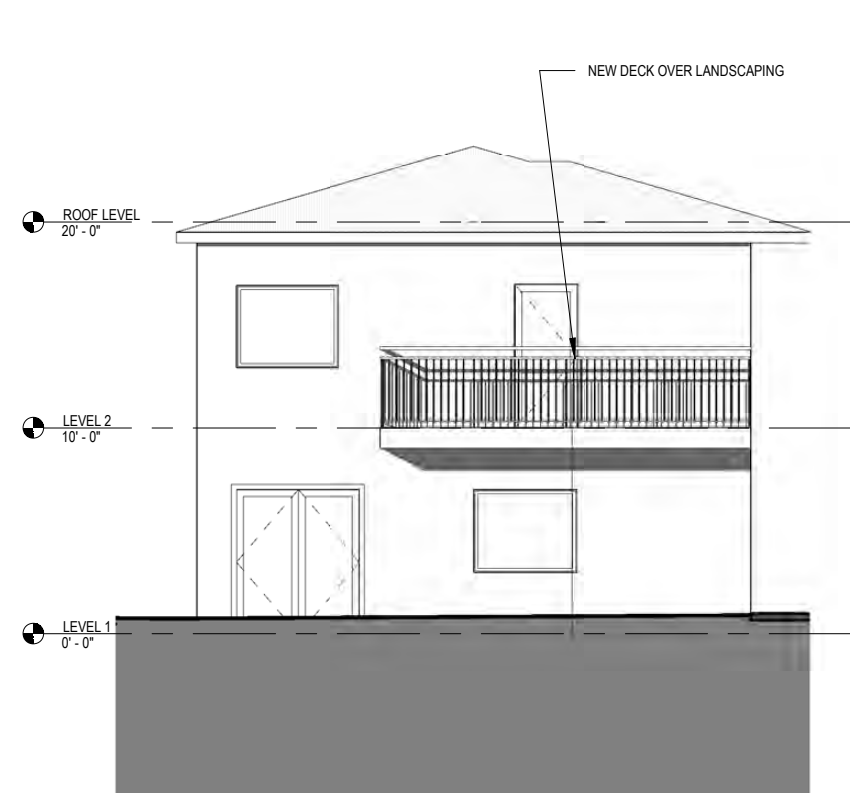




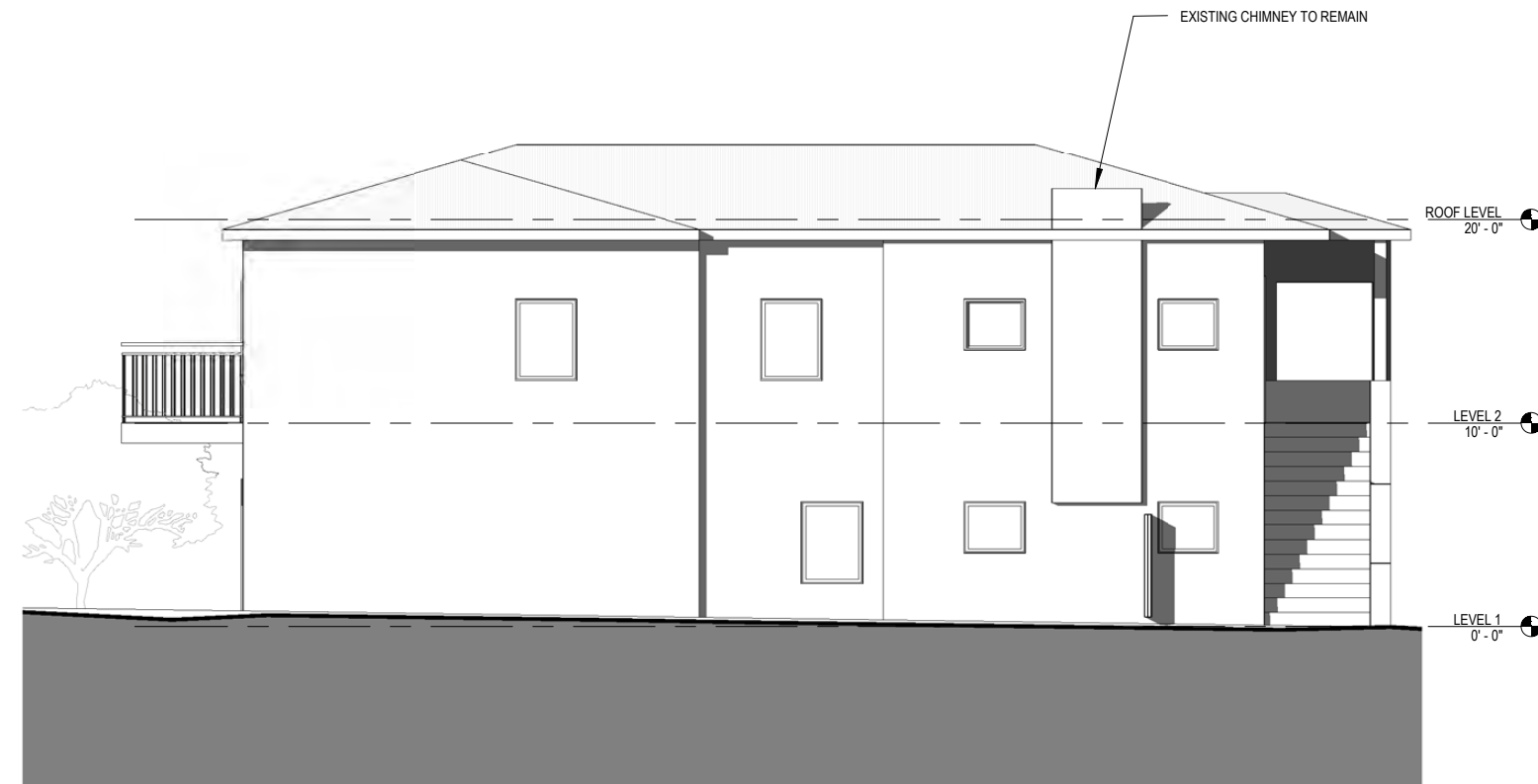
MATERIAL LEGEND

	PAINTED WOOD SIDING
	WOOD PATTERNED FIBER CEMENT
	CEMENT PLASTER
	CEMENT PLASTER

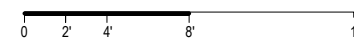
SEE A4.0 SERIES FOR ENLARGED ELEVATIONS

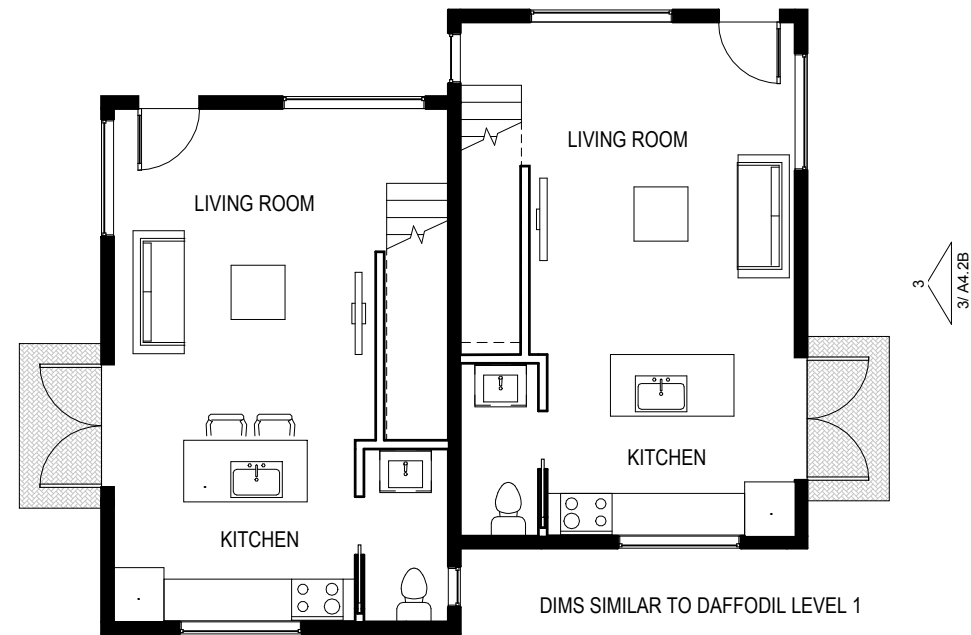


2 CAMELLIA NORTH ELEVATION
 1/8" = 1'-0"

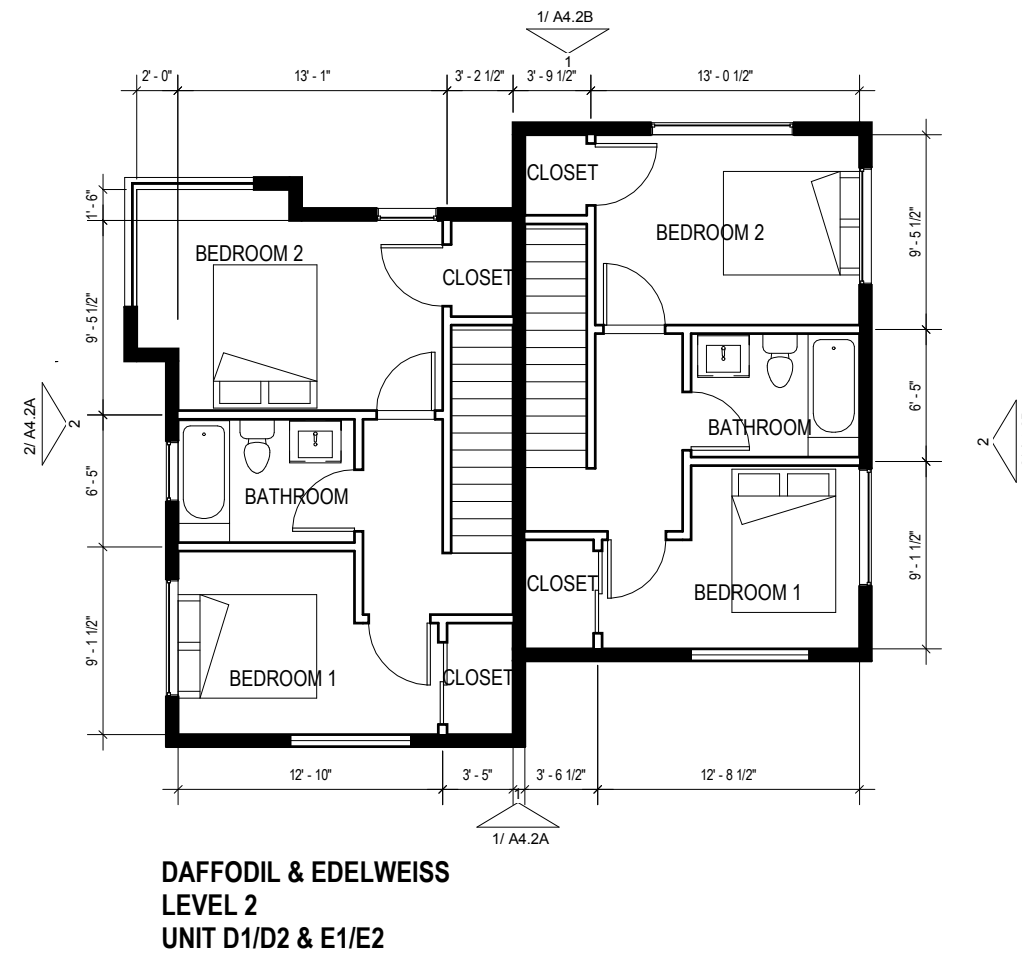
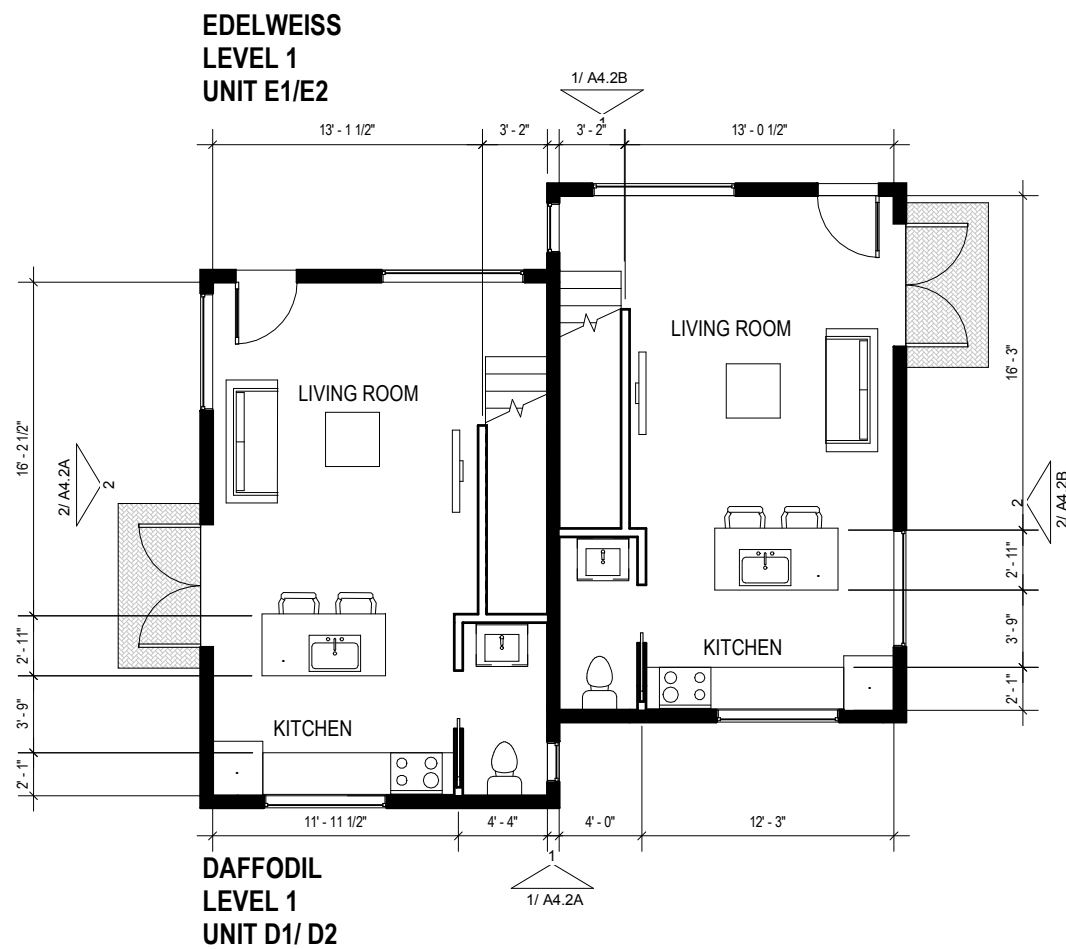


1 CAMELLIA WEST ELEVATION
 1/8" = 1'-0"

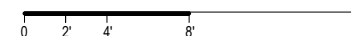




- LEGEND**
- NEW EXTERIOR WALL
 - ▨ (E) WALL
 - NEW INTERIOR WALL
 - - - SEE SITE PLAN FOR NON-CONFORMING SETBACKS
 - - - REQUIRED SETBACK







HEARST GARDENS
 DEVI DUTTA ARCHITECTURE



DAFFODIL & EDELWEISS PLANS
 SCALE: As indicated

A4.2



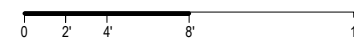
- MATERIAL LEGEND**
-  PAINTED WOOD SIDING
 -  WOOD PATTERNED FIBER CEMENT
 -  CEMENT PLASTER
 -  CEMENT PLASTER



2 DAFFODIL & EDELWEISS SOUTH ELEVATION
 1/8" = 1'-0"



1 DAFFODIL & EDELWEISS EAST ELEVATION
 1/8" = 1'-0"





- MATERIAL LEGEND**
- PAINTED WOOD SIDING
 - WOOD PATTERNED FIBER CEMENT
 - CEMENT PLASTER
 - CEMENT PLASTER



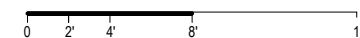
3 EDELWEISS NORTH ELEVATION
 1/8" = 1'-0"

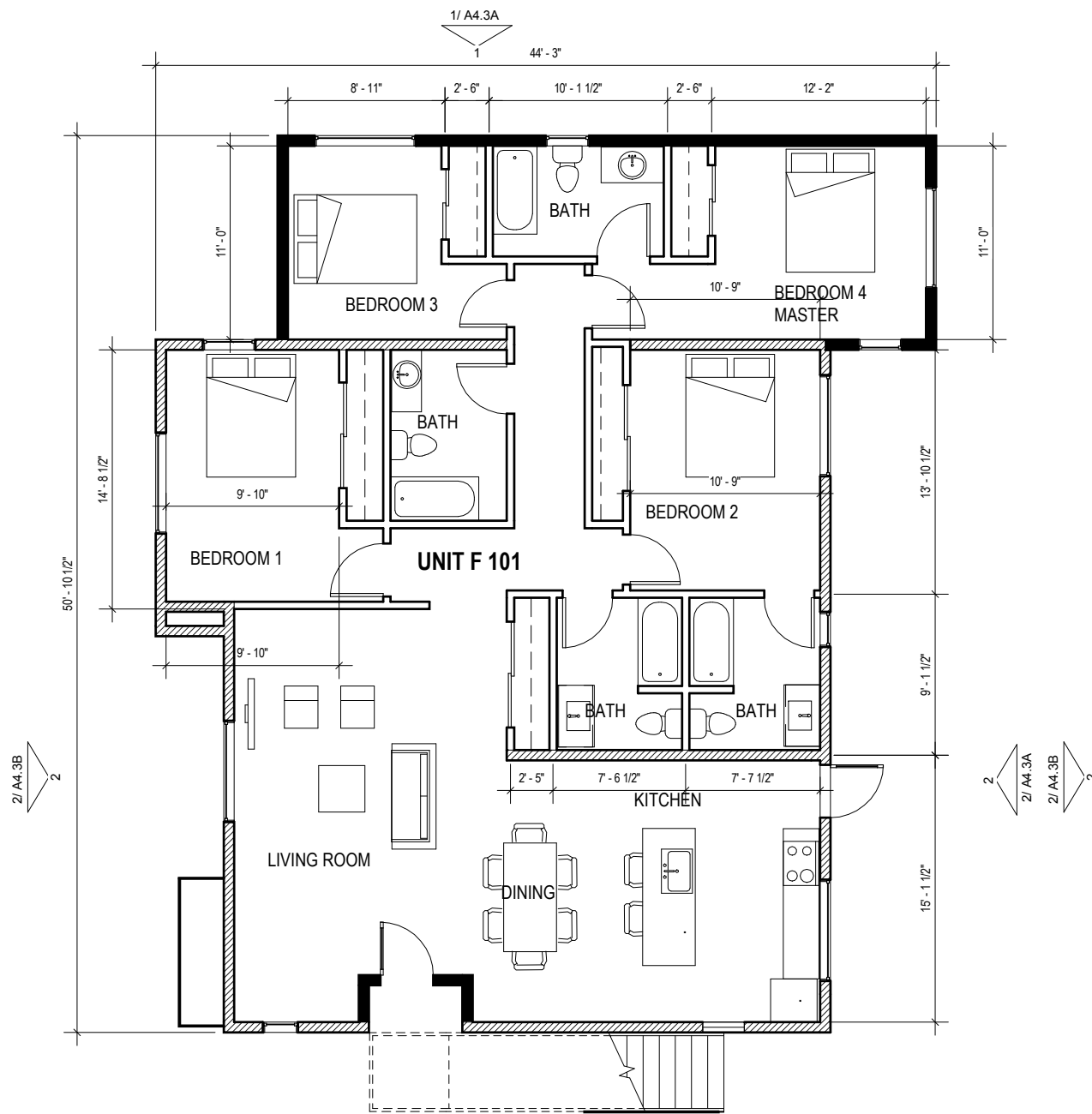


2 DAFFODIL NORTH ELEVATION
 1/8" = 1'-0"

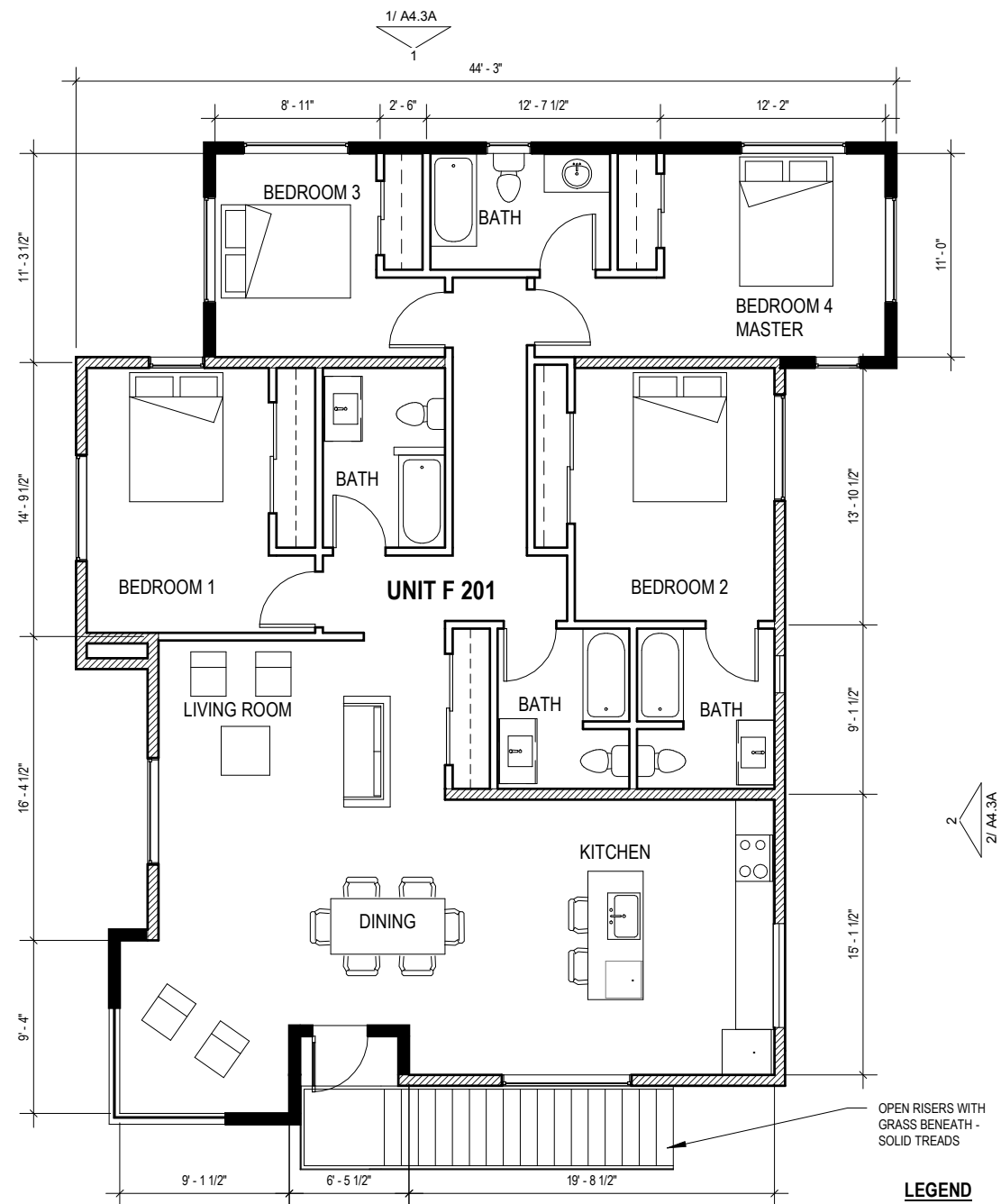


1 DAFFODIL & EDELWEISS WEST ELEVATION
 1/8" = 1'-0"





**FRESIA
 LEVEL 1 - UNIT F1**



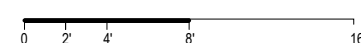
**FRESIA
 LEVEL 2 - UNIT F2**



OPEN RISERS WITH
 GRASS BENEATH -
 SOLID TREADS

- LEGEND**
- █ NEW EXTERIOR WALL
 - ▨ (E) WALL
 - NEW INTERIOR WALL
 - - - SEE SITE PLAN FOR NON-CONFORMING SETBACKS
 - - - REQUIRED SETBACK

HEARST GARDENS
 DEVI DUTTA ARCHITECTURE

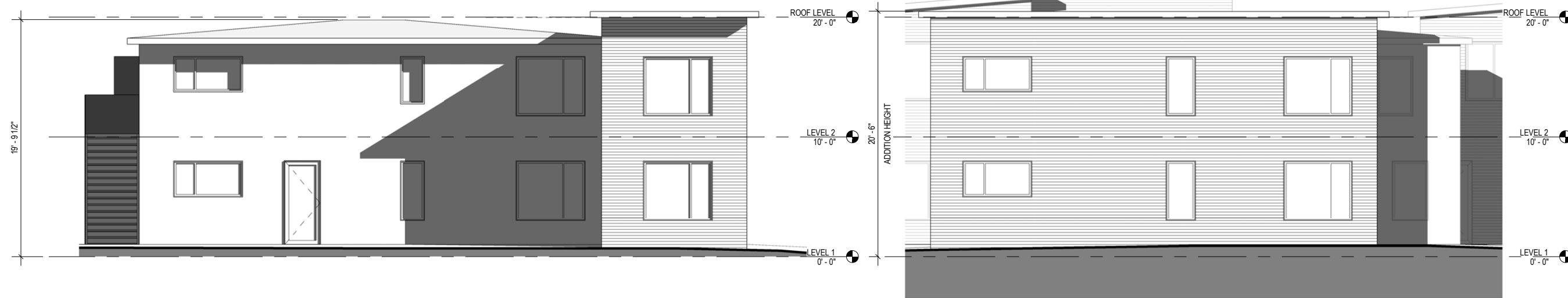


FRESIA PLANS
 SCALE: As indicated

A4.3

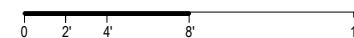


- MATERIAL LEGEND**
- PAINTED WOOD SIDING
 - WOOD PATTERNED FIBER CEMENT
 - CEMENT PLASTER
 - CEMENT PLASTER







2 FREESIA NORTH ELEVATION
1/8" = 1'-0"

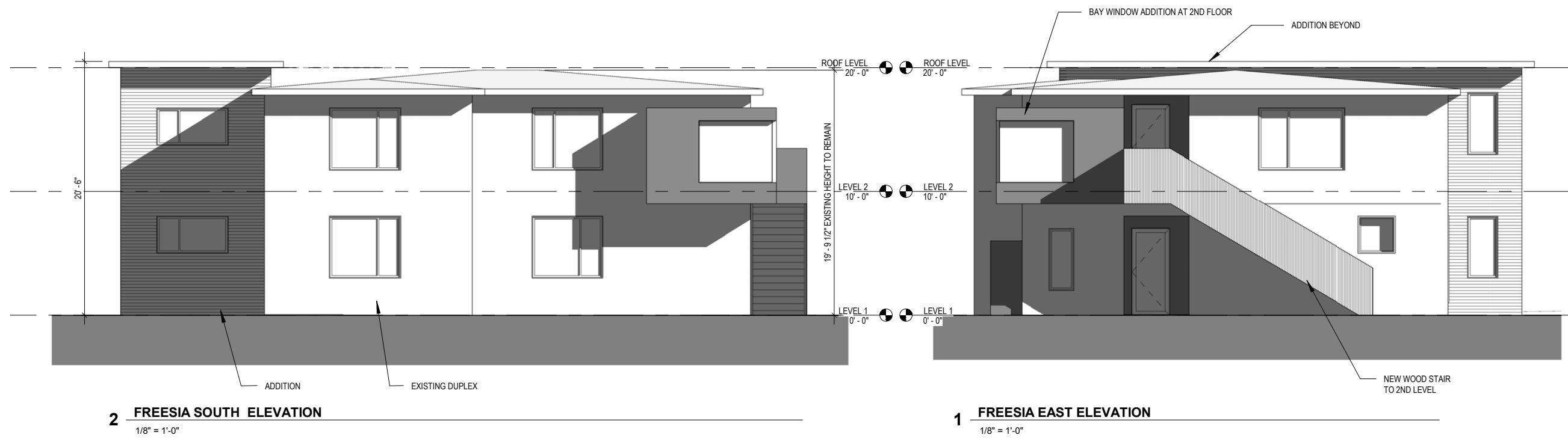
1 FREESIA WEST ELEVATION
1/8" = 1'-0"





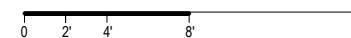
MATERIAL LEGEND

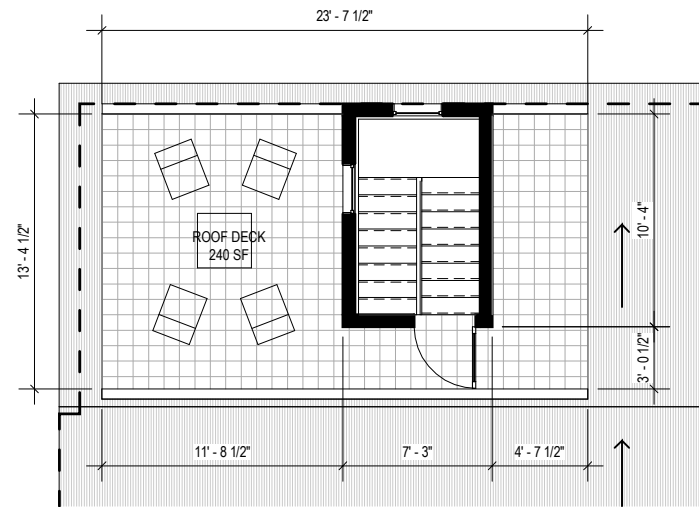
	PAINTED WOOD SIDING
	WOOD PATTERNED FIBER CEMENT
	CEMENT PLASTER
	CEMENT PLASTER



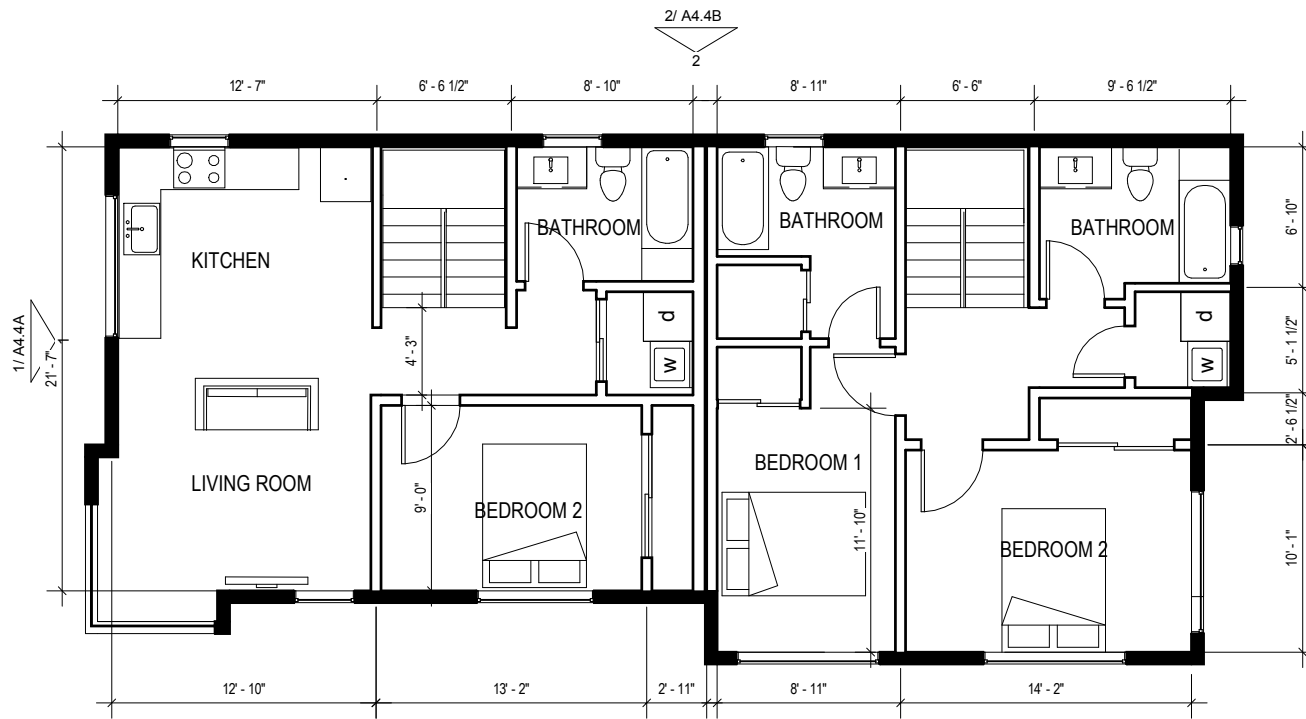
2 FREESIA SOUTH ELEVATION
 1/8" = 1'-0"

1 FREESIA EAST ELEVATION
 1/8" = 1'-0"



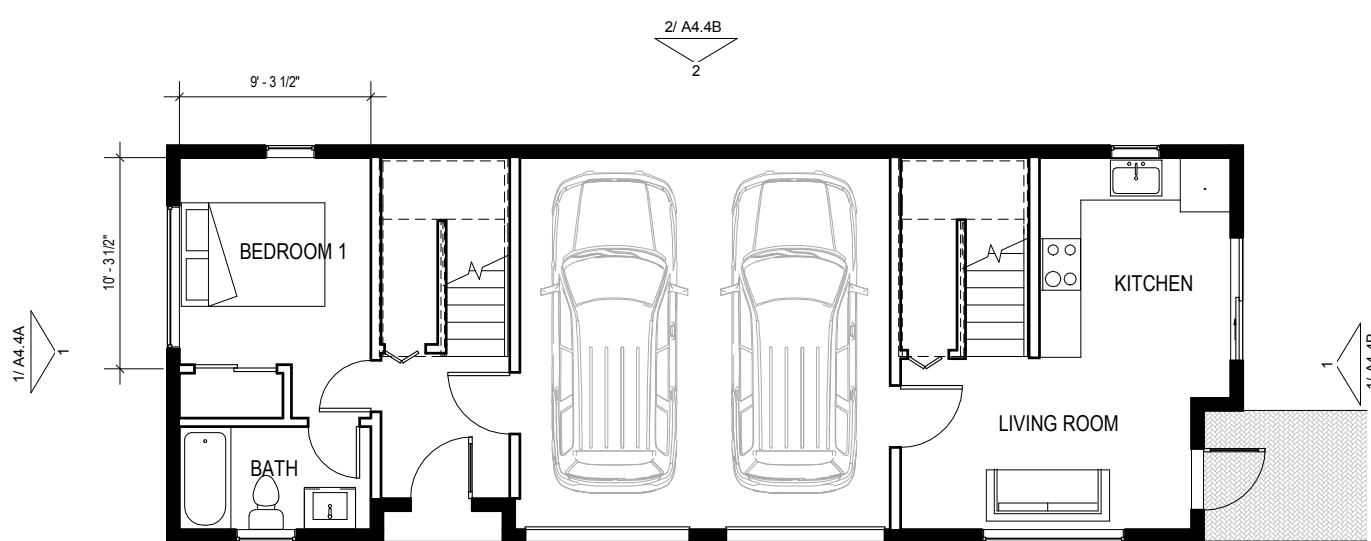


3 ROOF DECK - PARTIAL PLAN
 1/8" = 1'-0"



- LEGEND**
- NEW EXTERIOR WALL
 - (E) WALL
 - NEW INTERIOR WALL
 - - - SEE SITE PLAN FOR NON-CONFORMING SETBACKS
 - - - REQUIRED SETBACK

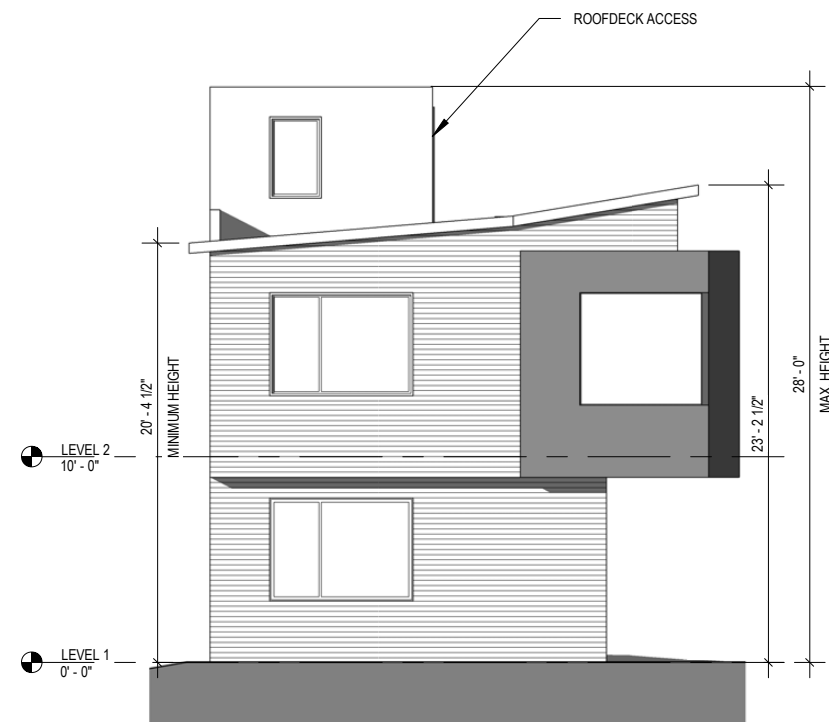
2 GERANIUM LEVEL 2
 1/8" = 1'-0"



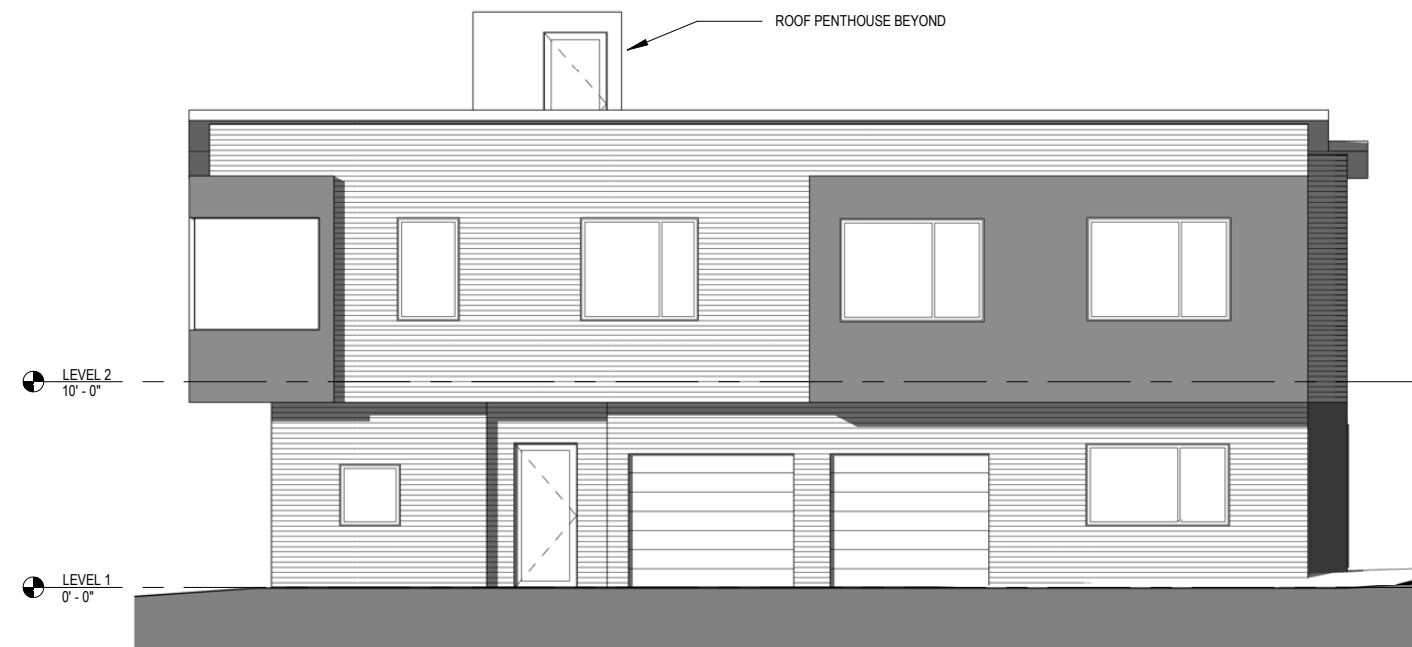
1 GERANIUM LEVEL 1
 1/8" = 1'-0"



- MATERIAL LEGEND**
- PAINTED WOOD SIDING
 - WOOD PATTERNED FIBER CEMENT
 - CEMENT PLASTER
 - CEMENT PLASTER







1 GERANIUM SOUTH ELEVATION
 1/8" = 1'-0"



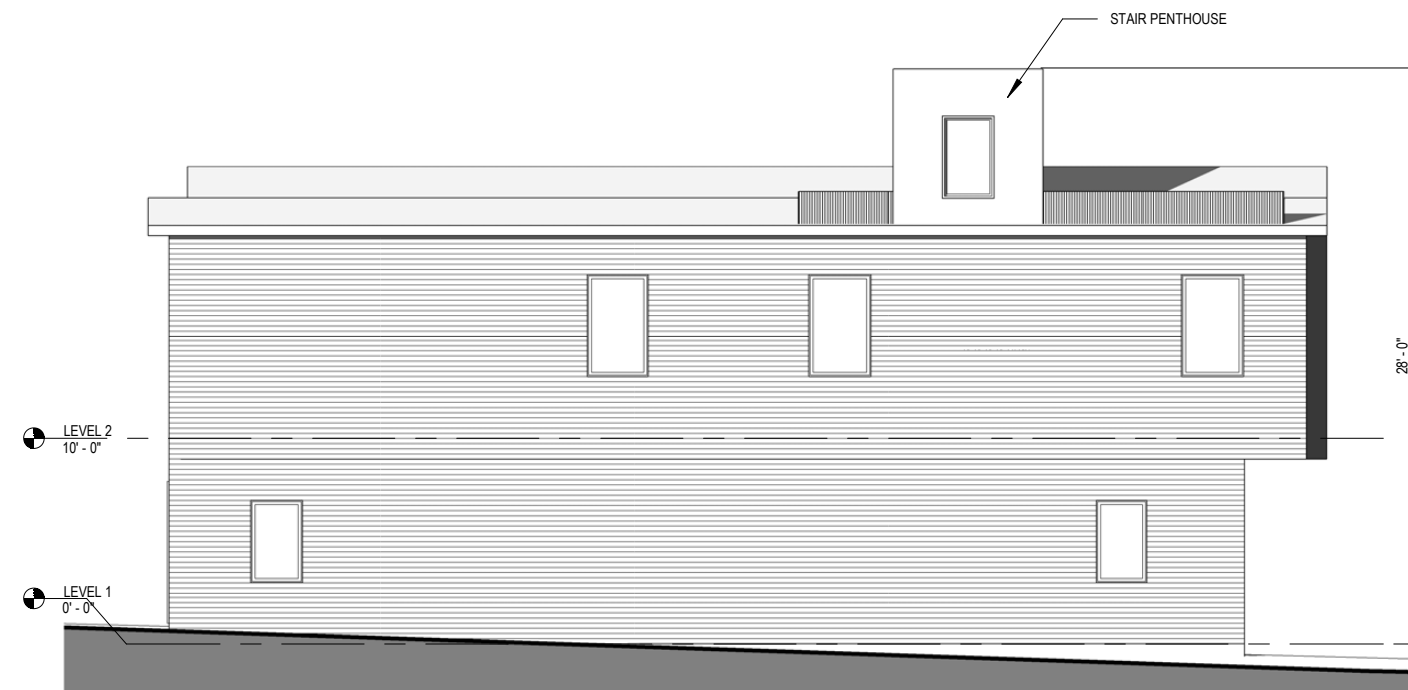
2 GERANIUM EAST ELEVATION
 1/8" = 1'-0"



- MATERIAL LEGEND**
-  PAINTED WOOD SIDING
 -  WOOD PATTERNED FIBER CEMENT
 -  CEMENT PLASTER
 -  CEMENT PLASTER



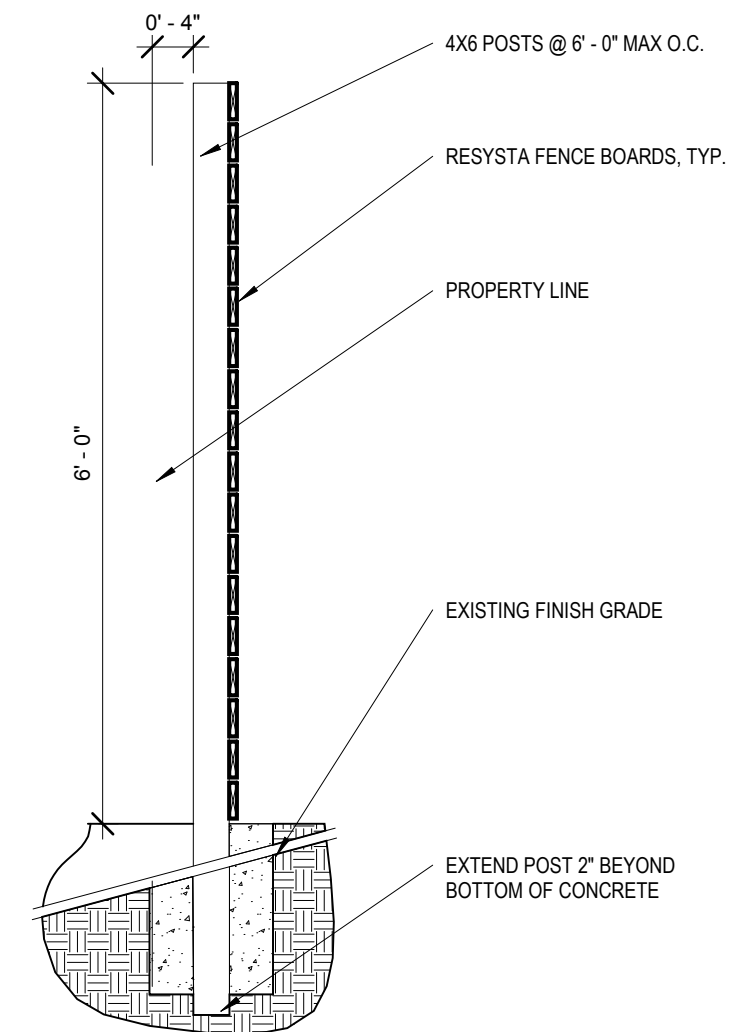
1 GERANIUM NORTH ELEVATION
 1/8" = 1'-0"



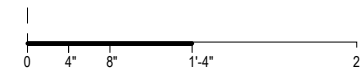
2 GERANIUM WEST ELEVATION
 1/8" = 1'-0"



CEDAR FENCE ALONG PROPERTY LINE



1 CEDAR FENCE DETAIL
3/4" = 1'-0"

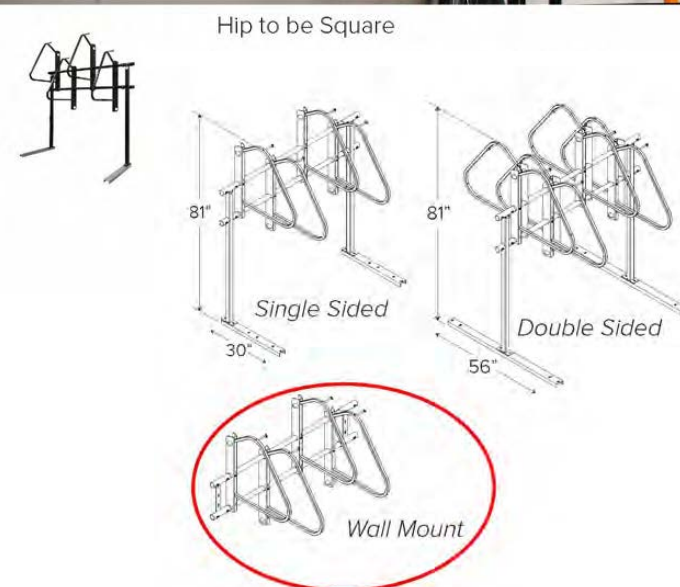




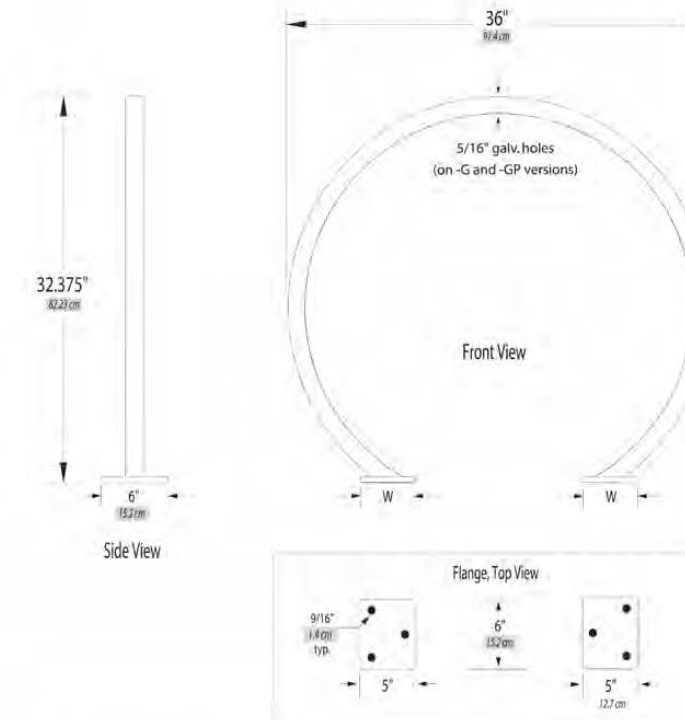
ULTRA SPACE SAVER SQUARED



DARK GREY POWDERCOAT FINISH AT BIKE STORAGE



WALL MOUNT, SQUARE PROFILE BIKE STORAGE. LOCATED ON EAST WALL OF BEGONIA BUILDING.



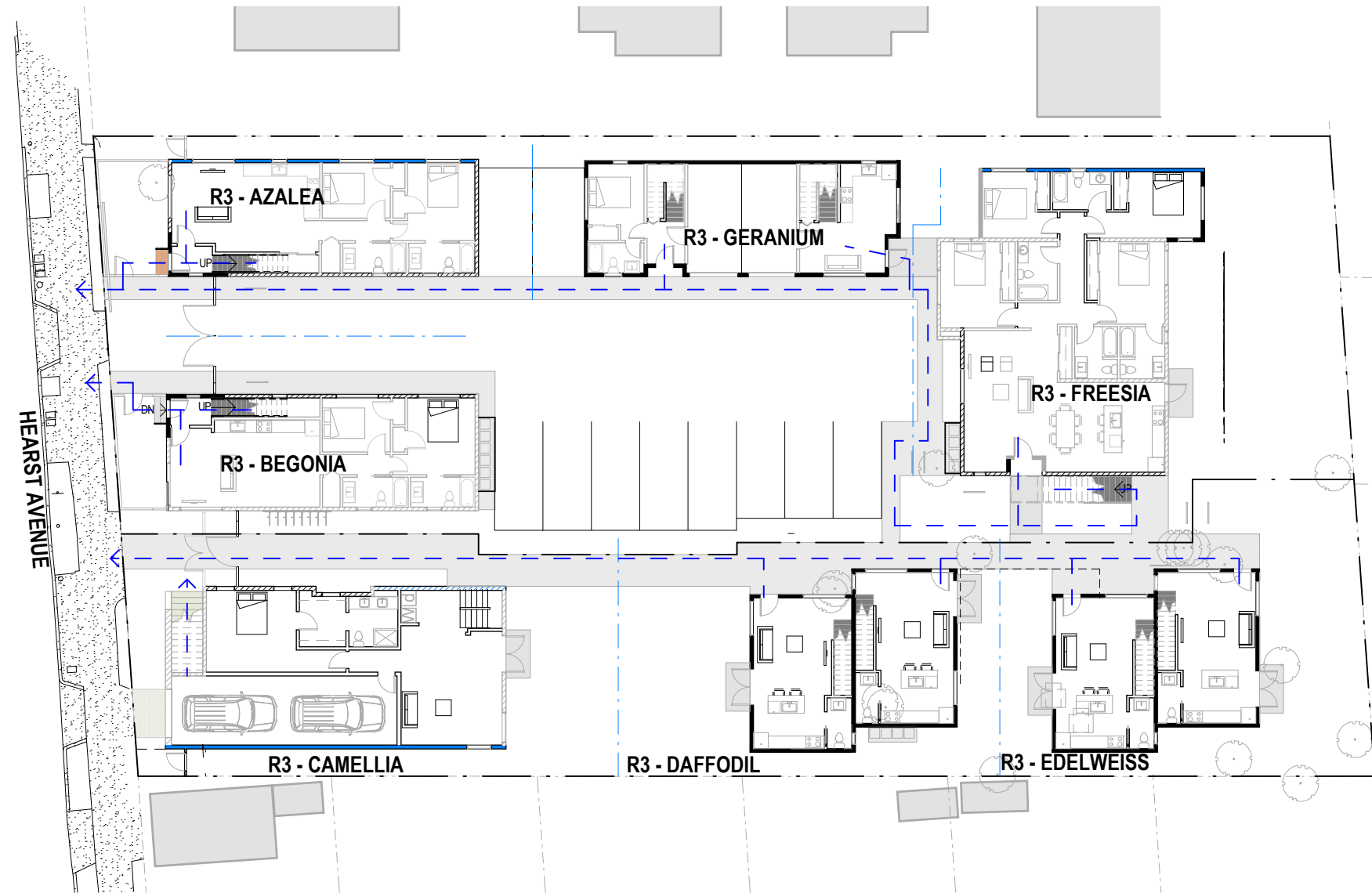
Welle™ Circular Rack Square Tube Surface Flange						
Tubing	Model	Weight	Finish Options	Hoop	Surface Mount Flanges (Same material as Hoop)	Anchors (Not Provided)
Square Tube	WC802-SQ-SF	38 lbs / 17.1 kg	-G Hot Dipped Galvanized -P Powder Coated (color) -GP Hot Dipped Galvanized with Powder Coat (color) Top-Coat -SS Stainless #4 Brush Finish	-G, -P, -GP 2" x 2" x 0.188" Square Tube (Regular Steel) 12.7 mm \$1.0m x \$1.0m x 5 mm -SS 2" x 2" x 0.188" Square Tube (304 SS Alloy) 13.0 mm x 13.0 mm x 5 mm	(2) 5" x 6" x 3/8" Plates, 12.2 cm x 15.2 cm x 10 mm each with (3) 9/16" Holes 14 mm	(2) 1/2" x 2.75" (13 mm x 7 cm) Rawl Spike (4) 1/2" x 3.75" (13 mm x 9.5 cm) Wedge Anchor Bolt

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2012.04.11

GROUND ANCHORED, SQUARE PROFILE BIKE STORAGE CIRCULAR RACK. 2 BIKES PER RACK. LOCATED ALONG THE PASEO, AND FLANKING THE DRIVEWAY BETWEEN AZALEA AND BEGONIA.





	OCCUPANCY	SPRINKLERED?	CONST. TYPE	HEIGHT & NUMBER OF STORIES
AZALEA	R-3	SPRINKLERED	V-B	2-STORIES
BEGONIA	R-3	SPRINKLERED	V-B	2-STORIES
CAMELLIA	R-3	SPRINKLERED	V-B	2-STORIES
DAFFODILE	R-3	SPRINKLERED	V-B	2-STORIES
EDELWEISS	R-3	SPRINKLERED	V-B	2-STORIES
FREESIA	R-3	SPRINKLERED	V-B	2-STORIES
GERANIUM	R-3	SPRINKLERED	V-B	2-STORIES + STAIR PENTHOUSE

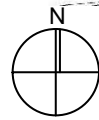
ALL HOMES SUBJECT TO 2016 CALIFORNIA BUILDING CODE
 ALL HOMES TO BE EQUIPPED WITH RESIDENTIAL SPRINKLER SYSTEM

— EXIT PATH
 - - - ASSUMED PROPERTY LINE

1 GROUND PLAN BUILDING CODE & EXITING
 3/64" = 1'-0"



JUN 21 - 0803 AM



JUN 21 - 12 PM



JUN 21 - 627 PM



ASSUMED LIVING SPACE

ASSUMED BEDROOM

ASSUMED BATHROOM

LEGEND

NEW SHADOWS

EXISTING SHADOWS



HEARST GARDENS

DEVI DUTTA ARCHITECTURE

SHADOW STUDIES SUMMER SOLSTICE

SCALE: 1/16" = 1'-0"



HEARST AVE

DEC 21 - 0921 AM



CURTIS AVE



DEC 21 - 12 PM



DEC 21 - 253 PM



ASSUMED BEDROOM

ASSUMED LIVING ROOM

ASSUMED BEDROOMS

LEGEND

NEW SHADOWS

EXISTING SHADOWS



Z O N I N G
A D J U S T M E N T S
B O A R D

Notice of Public Hearing
1155-1173 Hearst Avenue

Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new dwelling units.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on **Thursday, August 23, 2018** at the Maudelle Shirek Building, 2134 Martin Luther King, Jr. Way, second floor Council chambers (wheelchair accessible). The meeting starts at 7:00 p.m.

PERMITS REQUIRED:

- Use Permit for construction of dwelling units
- Use Permit for the addition of a sixth or greater bedroom in existing dwellings on a parcel
- Administrative Use Permit to construct residential additions greater than 14' in average height
- Administrative Use Permit to allow an extension of a non-conforming front and side yard
- Administrative Use Permit to reduce the building separation from 8' on the first floor and 12' on the second floor to 6'-1"

APPLICANT: Hearst Avenue Cottages, LLC c/o Rhoades Planning Group, 46 Shattuck Square, Suite 11, Berkeley, CA 94704

ZONING DISTRICT: R-2A – Restricted Multiple-Family Residential

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines (“In-Fill Development Projects”).

The Zoning Application and application materials for this project is available online at:
<http://www.cityofberkeley.info/zoningapplications>

The agenda and staff report for this meeting will be available online 3 to 5 days prior to this meeting at: <http://www.cityofberkeley.info/zoningadjustmentsboard>

Communication Disclaimer

- Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board,**

commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline. All materials will be made available via the Zoning Adjustments Board Agenda page: <https://www.cityofberkeley.info/zoningadjustmentboard/>

- **To distribute correspondence to Board members as an attachment to the Staff Report** -- submit comments **by 12:00 noon, seven (7) days before the meeting.** Please provide 15 copies of any correspondence with more than ten (10) pages or if in color or photographic format.
- **Supplemental Communications and Reports 1** - All Materials submitted between noon the Thursday the week before the meeting and noon Tuesday the week of the meeting, will be made available by 5:00 p.m. on Tuesday the week of the meeting.
- **Supplemental Communications and Reports 2** - All Materials submitted after noon on Tuesday the week of the meeting and before noon on Wednesday, the day before the meeting, will be made available at 5:00 that Wednesday. Any correspondence received after this deadline will be given to the Zoning Adjustment Board just prior to the meeting.
- Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.
- **Please Note: You are strongly advised to submit written comments prior to noon Wednesday, the day before the meeting, as Board members do not have an opportunity to read written materials handed out at the meeting.**
- Written comments should be directed to the ZAB Secretary at: Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Berkeley, CA 94704 OR at zab@cityofberkeley.info

Notice of Decision Requests

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info



Accessibility Information / ADA Disclaimer

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this

agenda will be made available for public inspection at the Permit Service Center, Planning and Development Department located at 1947 Center Street, Third Floor, Berkeley, during regular business hours.

Notice Concerning Your Legal Rights

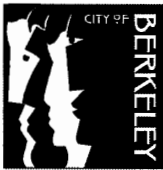
If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

Further Information

Questions about the project should be directed to the project planner, Leslie Mendez, at (510) 981-7426 or LMendez@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning Counter), 1947 Center Street, Third Floor, during normal office hours.



Rent Stabilization Board

July 3, 2018

To: Leslie Mendez, Senior Planner, Planning & Development Department

From: Jay Kelekian, Executive Director

By: Lief Bursell, Associate Management Analyst

Subject: **1155-73 Hearst Avenue**

The following information on the rental history and status under the Rent Stabilization Ordinance of the properties at 1157 and 1173 Hearst Avenue. We have also included a recommendation on proposed conditions of approval related to the work proposed to the existing, tenant occupied buildings.

Property History

1157 Hearst Avenue is listed as owned by Hearst Avenue Cottage LLC with a purchase date of January 22, 2015. Alameda County records indicate the property has a county use designation of "Residential Property 5+ Units". City of Berkeley records show that the property at 1157 Hearst Avenue originally contained two duplex structures built in 1926. A 3rd structure containing a single residential unit was constructed in 1957. In 1985 a zoning application was submitted requesting the City acknowledge the 3rd structure as a duplex in order to add a 2nd meter for the lower unit addressed 1159 Hearst Ave #B. Since address 1159 Hearst Ave. #B is currently active, it appears the City allowed the owner to legalize this unit.

1173 Hearst Avenue is also listed as owned by Hearst Avenue Cottage LLC with a purchase date of January 22, 2015. Alameda County records indicate the property has a county use designation of "Single Family Residential Home". City of Berkeley records show that the existing building at 1173 Hearst Avenue was constructed in 1927 for use as a single family home.

Rental History

Rent Stabilization Board records also reflect that 1157 Hearst Avenue and 1173 Hearst Avenue are separate properties:

1173 Hearst Avenue contains one dwelling that is exempt from rent regulation per the Costa Hawkins Rental Housing Act. Previously this property contained a second unit with the address 1173 Hearst Ave. #Lower that was rented and under rent control from 1980 through 1996. The unit was claimed as "not available for rent" from 2000 until 2015 when the current owner claimed this unit had been removed because it was unpermitted. Rent Board staff inspected the property and verified the 2nd kitchen had been removed from the lower level, and that the

property was being rented as a single dwelling. On July 2, 2015 1173 Hearst Avenue #Lower was inactivated.

The property at 1157 Hearst Avenue contains six (6) dwelling units. The following table includes the address, occupancy status, date tenancy began, and rent ceiling for each unit:

Address	Occupancy Status	Tenancy Began	2018 Rent Ceiling	No. Bedrooms
1155 Hearst Ave.	Rented	8/10/2011	\$1,170.91	1
1157 Hearst Ave.	Rented	7/1/2009	\$1,135.22	1
1159 Hearst Ave. #A	Rented	5/31/1980	\$1,259.56	1
1159 Hearst Ave. #B	Rented	6/14/1997	\$1,136.65	3
1161 Hearst Ave.	Rented	10/15/2015	\$624.85	1
1163 Hearst Ave.	Rented	12/12/2011	\$1,226.66	1

Ellis Act

No buildings at either 1157 or 1173 Hearst Avenue have been removed from the rental market under the Ellis Act at any time during the preceding five (5) years.

Harassment or Illegal Eviction

The Rent Board has no record of any verified cases of harassment or threatened or actual illegal eviction occurring at either 1157 or 1173 Hearst Avenue.

Rent Control Status

Rent Board records indicate that all six units at 1157 Hearst Avenue are “controlled rental units” with a history of being rented and fully subject to the Rent Stabilization Ordinance. The property at 1173 Hearst Avenue has a history of being a rent controlled duplex, but is now exempt from rent regulation per Costa Hawkins as long as the property only contains a single dwelling unit.

Project Analysis

The project proposes to build 6 new condominium units by creating 3 new duplex structures, and substantially improve the 7 existing units through renovation and the addition of new floor area. Two of the duplex structures are proposed on the 1173 Hearst parcel, and the 3rd duplex structure is proposed for the 1157 Hearst Avenue parcel. Since there are no proposed changes to the existing units, there is no impact to their existing tenant protections or rent control status. The 6 proposed units would qualify for the “new construction” exemption from rent control if the project is approved, but they would be subject to the eviction protections.

While there are no changes proposed that will impact the existing tenant protections that apply to these properties, the renovation of the existing buildings will cause the existing units to become temporary uninhabitable. The applicant has indicated that the owners intend to construct the new units first, and then to renovate the existing buildings at a later date when the units are vacant. We recommend the Zoning Adjustments Board (ZAB) include conditions of approval to ensure the work does not take place until the units are voluntarily vacated by the existing tenants and have drafted language for two conditions for the ZAB’s consideration (see the recommendation section).

The applicant also mentioned that the owner may wish to convert the existing units to condominiums at some point in the future. This is a separate application process under Berkeley's Condominium Conversion Ordinance, which provides ample protection to the existing tenants by providing them with the right to stay in the unit, stabilized rent, and the exclusive right to purchase their unit as a condominium.

Recommendation

Since the application proposes both interior and exterior alteration to the existing, tenant occupied units, we recommend the Zoning Adjustments Board attach the following conditions of approval to the project:

1. Prior to building permit approval for any interior improvements, renovations or additions to the existing buildings at 1157 and 1173 Hearst Avenue, the property owner shall provide proof that all tenants have voluntarily vacated or proof that the owner and tenants have come to a written agreement on a plan for temporary relocation.
2. The property owner shall provide a minimum of 2 weeks written notice to existing tenants prior to performing any exterior work to any of the existing, tenant occupied buildings.

Conditions of approval are typically included to reduce the impact of construction to neighboring properties, but in this case there will also be significant impacts to the existing tenants who live on site. Individual tenants may also have specific concerns related to how the development will impact the accessibility and livability of their units during construction. If the standard conditions of approval do not address these concerns, we recommend that the ZAB consider including additional conditions that specifically mitigate the projects impact to the existing tenant households.

Please feel free to contact Mr. Bursell with any further questions regarding this matter.

Mendez, Leslie

From: Mia Perkins <mia@rhoadesplanninggroup.com>
Sent: Monday, July 02, 2018 11:09 AM
To: Chen, Vincent
Cc: Mendez, Leslie; Mark Rhoades
Subject: FW: follow up re. 1824 Curtis Street Creek Issues
Attachments: 1155-73 Hearst_Hydrology Report_1.7.16.pdf; 2017-03-16
_RPT_PeerReview_Hydrology_Balance Hydrologics_1155-75 Hearst.pdf;
CH_FinalDesignRpt_Rhoades-HearstAve_Revised7_12_2017.pdf

Hi Vincent,

We wanted you to have the hydrology report that was prepared by the applicant and submitted with the original use permit application. It was performed by Clearwater Hydrology, dated Jan. 7, 2016. That report was then peer reviewed by the City's hydrology consultant, dated Mar. 16, 2017. Based on the peer review, the applicant asked Clearwater Hydrology to revise its original report. The revised report is dated July 12, 2017. The revised report was also peer reviewed and was accepted by the City's consultant with no further directions for revision. I have attached all three reports here.

Thanks very much,
Mia Perkins

From: Chen, Vincent [<mailto:VChen@cityofberkeley.info>]
Sent: Friday, June 29, 2018 6:45 PM
To: Mendez, Leslie <LMendez@cityofberkeley.info>; 'Rain Sussman' <rain.sussman@gmail.com>
Cc: 'Lucas Paz' <lucas.paz@terraphase.com>; Mark Rhoades <mark@rhoadesplanninggroup.com>; Mia Perkins <mia@rhoadesplanninggroup.com>
Subject: RE: follow up re. 1824 Curtis Street Creek Issues

Hi Leslie,

The summary of my meeting with Rain is generally correct. I like to add a few things. I explained to Rain that this branch of the creek is a historical trace and not regulated under the Creek Ordinance (BMC 17.08). That means there is no requirement to determine location of the creek or obtain a creek permit as a development project on a creek site would typically be required to do.

Here is my feedback after taking a close look at Mr. Paz's comments/concerns:

1. The Urban Creek Council may have classified this area as "filled wetlands" and as "seismically unstable and subject to liquefaction" but that is not necessarily the viewpoint of Public Works. Rain and I reviewed a number of liquefaction maps that showed areas along certain creeks as being potential liquefaction sites but this particular branch was not so designated.
2. Therefore the following statements by Mr. Paz are statements I cannot fully endorse.
 - a. Public health and safety is at risk if the above issues are not addressed.
 - b. The City's previously assumed CEQA categorical exemption for the project (for residential infill projects) is not appropriate because the project site is in a sensitive environment and is subject to unusual circumstances associated with the buried creek directly under the site.
 - c. Project construction is proposed in potential wetland/riparian habitat located in the existing vegetated open space area on the site (biological assessment and wetland delineation may be needed to determine potential impacts and appropriate mitigation if necessary).
3. I did echo the concern that a soil study/report should be provided in that any development project would need to know soil characteristics in order to design and size proper footings and foundation and to generally

confirm that the soil is capable of supporting the proposed building loads. It was my understanding from Rain that there are no soil report at this time. As part of the study soil borings may be needed to determine soil type and characteristics and to determine groundwater level.

I informed Rain that if soil characteristics and water level affect the location/configuration/size of proposed buildings on the development parcel the time to make these changes is during the Use Permit stage and not Building Permit stage. I stated that Planning could (not necessarily should) require the soil study as a condition of approval. By the Building Permit stage any major design changes may need to return to ZAB. By not resolving these issues early on the developer is taking his/her own risk potentially having to return to ZAB if the soil cannot support the buildings as proposed.

Let me know if you have any questions.

Vincent

From: Mendez, Leslie
Sent: Thursday, June 28, 2018 5:29 PM
To: 'Rain Sussman' <rain.sussman@gmail.com>; Chen, Vincent <VChen@cityofberkeley.info>
Cc: Lucas Paz <lucas.paz@terraphase.com>; Mark Rhoades <mark@rhoadesplanninggroup.com>; 'Mia Perkins' <mia@rhoadesplanninggroup.com>
Subject: RE: follow up re. 1824 Curtis Street Creek Issues

Hello Rain,

Thank you for passing this on. I too am passing it on to the applicant (cc'd above). I do think it would have been helpful if I had been included, or at least made aware of this meeting. I probably would not have contributed much, but, in the least I could have corroborated the summary provided.

That said, Vincent, please confirm that you concur with the summary as stated below (especially the highlighted areas) or else please provide any revisions that you feel appropriate. This is essential as it will be passed on to the Zoning Adjustments Board and is now part of the administrative record of this project.

Also please note, hydrology is not a land use issue and is not within the purview of the ZAB (or zoning). It is, and obviously is a concern prior to issuance of a building permit and should and is a concern of the project developer.

Thank you.

Leslie

Leslie Mendez | Senior Planner | City of Berkeley
Planning and Development | Land Use Planning Division
1947 Center Street, 2nd Floor | Berkeley, CA 94704
☎ 510. 981.7426 | 📠 510. 981.7420
✉ lmendez@CityofBerkeley.info

From: Rain Sussman [<mailto:rain.sussman@gmail.com>]
Sent: Thursday, June 28, 2018 4:53 PM
To: Chen, Vincent <VChen@cityofberkeley.info>

Cc: Mendez, Leslie <LMendez@cityofberkeley.info>; Lucas Paz <lucas.paz@terraphase.com>
Subject: follow up re. 1824 Curtis Street Creek Issues

Hi Vincent,

I really appreciate your taking the time to meet with me on Tuesday, and your valuable input about the underground creek on my property.

I have copied Leslie Mendez here, so that you can follow up with her re. our mutual concerns. (She is the City Planner for the proposed development at 1155-1173 Hearst Avenue, permit #ZP2016-0028. The permit application is still being reviewed for completion by the planning dept. and no ZAB hearing has been set yet.)

I have also copied Lucas Paz of Terraphase Engineering, who has been working with me and whose summary recommendations I have pasted below. (we reviewed these together when we met.)

Comments from Lucas Paz, PhD, CPESC, QSD:

- Previous mapping and records the City maintains demonstrate that a historic tributary/northern fork of Strawberry Creek underlies the proposed development site. The creek was subject to uncontrolled fill when the area was originally developed. However, there are no records of engineered fill, culvert, or storm drain installation. The current existing curb and gutter street drainage system serving this area is subject to frequent flooding. Water comes up to and floods the surface during even modest storm conditions as the subsurface is saturated.

- A Focused Geotechnical and Groundwater Investigation is necessary to address the following:
 - An evaluation is necessary to determine subsurface drainage conditions so that existing groundwater release preferential pathways are not impacted during the construction project. A geotechnical and groundwater evaluation would allow for a proper evaluation of the surface and subsurface conditions of the site to determine impacts of the proposed development on the surrounding properties. (Information on site soil properties and depth to groundwater is also needed to support design of proposed site facilities)

 - Characterize on-site soil conditions to support site-specific geotechnical structural design and stormwater management/LID measures

 - Establish local groundwater/subsurface conditions and associated wet weather flow paths

 - Design recommendations to support structural stability of the proposed development – Note that the Urban Creeks Council previously determined that this northern branch of Strawberry Creek was filled with non-engineered soil and debris prior to development. They classified the area as “filled wetlands” and as “seismically unstable and subject to liquefaction”.

- Public health and safety is at risk if the above issues are not addressed.
- The City's previously assumed CEQA categorical exemption for the project (for residential infill projects) is not appropriate because the project site is in a sensitive environment and is subject to unusual circumstances associated with the buried creek directly under the site.
- Project construction is proposed in potential wetland/riparian habitat located in the existing vegetated open space area on the site (biological assessment and wetland delineation may be needed to determine potential impacts and appropriate mitigation if necessary).

In our meeting, you echoed Dr. Paz's concerns, and opined that the Planning Department should exercise its power to ensure that the soils study and groundwater study are completed *before* a permit is issued, through imposing discretionary conditions on the applicant. You emphasized that it is the responsibility of the applicant, and not the City, to complete these studies as part of the required due diligence before use permit approval.

You went on to say that a soils report is necessary for the structural engineers to know how big of a footing is needed on whether they must build piles or go down to bedrock for the foundation. You talked about the need to find out whether there is a culvert or some kind of pipe, versus just debris filling the creek bed. You also talked about the need for a study that involved borings to identify the actual location of the creek bed, saying it "may take a lot of borings to find it." You talked about the importance of locating the creek bed in order to determine appropriate placement of the new structures to be built (i.e. not on top of the creek bed).

You also talked about the importance of borings for determining the water table, another important factor for engineers to consider in order to ensure that the structure is safe. We talked about the relationship between water table/groundwater and liquefaction hazard and looked at a number of maps. We discussed the subsidence and settling of the foundation on my neighbor's property at 1826 Curtis, which is related to groundwater problems.

Multiple hydrology reports that have been prepared by 3 engineering firms echo your statements about the importance of geotechnical studies (two of which are attached here).

You said "The time to do it is before the use permit is issued," through imposing conditions of approval.

I appreciate your reaching out to Leslie Mendez to discuss these concerns directly with her, so that she can take the appropriate steps to insure that the proper studies are done and the project proceeds in a safe manner.

Warmly,

Rain

--

Rain Sussman, LCSW
Psychotherapy for Adults, Teens and Elders

(510) 649-1909

rain@rainsussman.com

www.rainsussman.com

connect via [facebook](#), [linkedIn](#), [twitter](#)

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: permit number ZP2016-0028

From: Carol Cohen [mailto:cohen1815@gmail.com]
Sent: Thursday, August 16, 2018 9:00 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: permit number ZP2016-0028

Hello-

I have lived at 1815 Chestnut St, very near this proposed condo complex at 1155-1173 Hearst St, for almost 40 years. The parking on the street has gradually become more difficult, probably due to increased BART ridership. However the peace and charm of the mainly one-family home neighborhood remains.

I am opposed to this condo project because of its density and the apparent fact that site drainage has not been addressed.

Thank you for your attention to this important quality of life issue.

Sincerely,
Carol Cohen

Mendez, Leslie

From: Zoning Adjustments Board (ZAB)
Sent: Wednesday, August 15, 2018 1:32 PM
To: Mendez, Leslie
Subject: FW: Permit # ZP 2016-0028

From: Mary Jo Thoresen [mailto:maryjo@chezpanisse.com]
Sent: Wednesday, August 15, 2018 12:02 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Permit # ZP 2016-0028

Good Day,

I am writing with great concern over the ill conceived development referenced above. This on going debate has yet to address our neighborhoods concerns. Mainly the displacement of long time residents, the loss of rent controlled units, the woefully inadequate drainage plan and what appears to be "mini" dorms.

The proposed project has 13 units, 12 parking spaces (and currently the parking situation is horrible. It is difficult to park near your own home and countless times I've had to call to have cars cited for parking in front of my driveway). Some units have 4 bedrooms and 4 full baths in 1800 sq. ft. This CLEARLY is designed to be student housing. No family with a few kids would need a full bathroom for each child. This could bring as many as 40-50 students, partners, friends, cars, all into this residential neighborhood of family homes. This absolutely does not fit. No Bueno. This kind of development and density does not belong in this neighborhood. Since the developer was not granted his "shady" density bonus, he has re-designed the condos to the house more people. That's a solution?

The issue of drainage is of great concern for all of us here. We demonstrated very clearly at the last ZAB meeting the ongoing problems with drainage with photos and stories from many residents. This, I believe, is a dangerous situation.

The developer has never been forthright or transparent. In fact, at the last ZAB meeting, one sole neighborhood resident had planned to voice her support for the project, only to learn that the rent controlled units would disappear and the residents would be displaced. She changed her mind that night when she realized we were being duped.....and telling the ZAB board "good luck"! We held his feet to the fire and that's when we heard about his REAL plan. All the while we was telling us that the units were going to stay. We were all shocked. He was knowingly misrepresenting the facts. **If he was genuine, and felt his project was sound and fair, why would he try to deceive?** He has demonstrated who he is. Why should you enable this and support these kinds of practices? It certainly looks bad for him and bad for ZAB.

Thank you for your time. We look forward to the meeting on the 23rd.

Mary Jo Thoresen
1195 Hearst Ave.

Mendez, Leslie

From: teal major <tealmajor@gmail.com>
Sent: Wednesday, August 15, 2018 10:58 AM
To: Mendez, Leslie
Subject: 1155-73 Hearst

Dear ZAB Board Members,

I've previously expressed my concerns over the size of the proposed project at 1155-73 Hearst but I am writing again to remind you before the meeting on 8/23. The current plans do not decrease the number of units, it just jams them closer together into 4 bedroom 4 bath mini-dorms. I just looked at the City of Berkeley Permit website and I added up the number of units on that are under construction or proposed on San Pablo alone within one half mile of Curtis/Hearst, and the number is 322. Within one mile is an additional 102. That is 424 units with 1-4 bedrooms each.

The property on Hearst Street is in a residential neighborhood; a sylvan setting in the middle of University/San Pablo chaos. Although the flora and fauna are not what is under consideration, the fact that this property is on a creek bed that floods annually *should* be a consideration in any building project. Building at the proposed size is neglectful of the current residents and future residents well being, and will exacerbate already problematic and often costly annual flooding. I would like to ask that you require a CEQA study.

Additionally, and equally important, the loss of 6 rent control units must be a top consideration for the current and future residents of Berkeley if we want to maintain cultural and economic diversity.

--
Teal
Major

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: proposed condo complex at 1155-1173 Hearst Avenue

From: Dale Anania [mailto:dale.anania@gmail.com]
Sent: Wednesday, August 15, 2018 7:44 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: proposed condo complex at 1155-1173 Hearst Avenue

This is concerning the proposed condo complex at [1155-1173 Hearst Avenue](#), near Curtis St.

The developer has re-submitted his plans but still **fails to address the two main concerns**, which we voiced loud and clear through emails, letters, petitions, and most importantly, by showing up at the Zoning Adjustments Board (ZAB) meeting last September 2017.

Those major concerns are:

1. **Displacement of long-term residents in rent-controlled units (some of whom have lived in their homes since the 1990s)**
2. **Inadequate drainage plan will lead to severe flooding on adjacent properties/streets**

The revised plans do not address these issues at all; instead, since the developer failed to get his "density bonus" approved by the city in his previous proposal, he re-designed the condos to house more people.

As you may remember from the September 2017 meeting, the developer had planned on making all the units into condos and had no plan to allow the existing tenants who are under rent control to return. Once we pointed out this illegal move, the board was responsive and ordered him to come back with a new and improved plan. It's unclear what his plans are for the existing tenants in the current proposal.

The new proposed project has 13 units, 12 parking spots, 31 bedrooms and 28 baths (26 are full baths). Some units have 4 bedrooms and 4 full baths in only 1800 sq. feet. These appear to be intended as "mini-dorms," which are known to be detrimental to neighborhoods. This project will bring as many as 40 to 50 students and their partners and possibly 25 to 35 cars to our residential neighborhood of family homes and appropriately sized condo units.

This project doesn't address the needs of regular people who want to live and work in Berkeley long-term. Instead, it will be a project for housing students for the colleges and university. Dorms are not appropriate for residential neighborhoods. There are plenty of sites on the transportation corridors of University and San Pablo for what he has in mind, but his plans are simply not appropriate for a quiet residential neighborhood.

Thank you.
Dale Anania
1819 Curtis St
Berkeley, CA 94702

Mendez, Leslie

From: Pamela Ormsby <pormsby@aol.com>
Sent: Saturday, August 11, 2018 12:20 PM
To: Mendez, Leslie
Subject: ZAB 8/23/18 1155-1173 Hearst
Attachments: Zoning Adjustments Board-8-23-18 meeting.docx

Dear Ms. Mendez,

Please see my concerns.
I hope the applicant can meet with the neighbors prior to any action meeting.

Thank you for your assistance.

Pam Ormsby

Zoning Adjustments Board- Public Hearing-8/23/18

Re. 1155-1173 Hearst Ave. Use Permit #ZP2016-0028

I am requesting that the ZAB move to continue the review period for the 1155-1173 project for the following reasons:

A new proposal-“Revision” was submitted by the applicant on 3/5/18 but there has not been a meeting with the concerned neighborhood. A meeting has been requested but has not occurred. The revision contains changes that cause concern for the following reasons:

The current “flats” in the rear of the property contain single family 3-bedroom rent-controlled units (long term tenants). They back onto single family yards. The proposed buildings at the Middle and back west side of the lots are designed with **4 bedrooms/4 bathrooms**. A reasoned adult can surmise:

These “condos” will be used as mini-dorms for students. The condo owner will rent to the students.

This can be seen as a change of use from rent controlled single family multiple units to “mini-dorms”.

The number of possible residents can be seen as an extreme **change in “peace, comfort and general welfare” of the adjacent properties (Section 23B.32.040)**

(Should the units with the most bedrooms be situated fronting on Hearst St. with the least amount of noise, activity and change of use to single family yards?)

The neighborhood has requested the mitigation of **“noise-reducing” wall-fence** to the

north/west/and east of this proposed complex to mitigate change in use per number of residents

The architect for the applicant has said that this could be looked into yet the revision plan continues to show a 6 foot wood fence with open horizontal slats.

There is no written assurance to the neighborhood that mitigations will be made to reduce the increased use and noise adjacent to their single family home yards.

The same is true of the tall trees that are on these properties. There is nothing in writing to assure that the **trees will be left** to help mitigate the lack of privacy and increased noise from this 13 unit condo complex.

- **Please send this application back for revisions with the added request for a neighborhood informational meeting prior to action by the next ZAB review.**

Pam Ormsby-1148 Delaware St.

Neighbor to the north-1148 Delaware St.

P

Mendez, Leslie

From: Guy Sussman <skyguy1299@gmail.com>
Sent: Friday, August 10, 2018 12:05 AM
To: Mendez, Leslie
Subject: Hearst Ave - Mark Rhoades ZB2016-0028

Dear Leslie

I am writing to ask you to require Mark Rhoades to have another community meeting regarding the 1173 Hearst Ave Projects. At the last community meeting Mark did not present floor plans, elevations or renderings of the project. He was vague about the number of units and the number of bedrooms in the units. He promised another meeting.

Since that time we have discovered that the project contains 13 units 31 bedrooms and 28 bath rooms. Two of the units (~1900 sq ft each) contain 4 bedrooms and 4 full bathrooms (see plans sections A1.5 & A1.6 Freesia).

Without that information, the community could not have know that this project will clearly be a mini-dorm. The community needs the chance to give Mark informed input on this project.

Thank you

Guy Sussman

Mendez, Leslie

From: Guy Sussman <skyguy1299@gmail.com>
Sent: Thursday, August 09, 2018 6:56 AM
To: Mendez, Leslie
Cc: Lucas Paz - Terraphase; Hussein Saffouri; rain.sussman@gmail.com
Subject: ZB2016-0028 Hearst Street Mark Rhoades

Dear Leslie

Regarding the revised plans above I'd like to point out that the site section A3.2 inaccurately represents the slope of the terrain east of Daffodil as sloping down in a northerly direction. In fact the terrain slopes toward the east and towards the adjacent property east of Daffodil. This condition exacerbates flooding onto the property at 1824 Curtis St.

Guy Sussman

Mendez, Leslie

From: Steven Pack <steven.pack@gmail.com>
Sent: Wednesday, August 08, 2018 12:12 PM
To: Mendez, Leslie; Planning Dept. Mailbox
Subject: Fwd: FW: Hearst Gardens (1155-75 Hearst Project)

Dear Planning Department, I'm getting non-delivery reports to my email to Leslie below. Could you please ensure my feedback on the project is recorded and forwarded to her?

Thanks,
Steve Padk

Hi Leslie -- thanks for the opportunity to provide feedback.

My wife and I are supportive of developing the site. We recently purchased in the Berkeley area and it is clear the area needs additional housing and the lot can support more than it currently has.

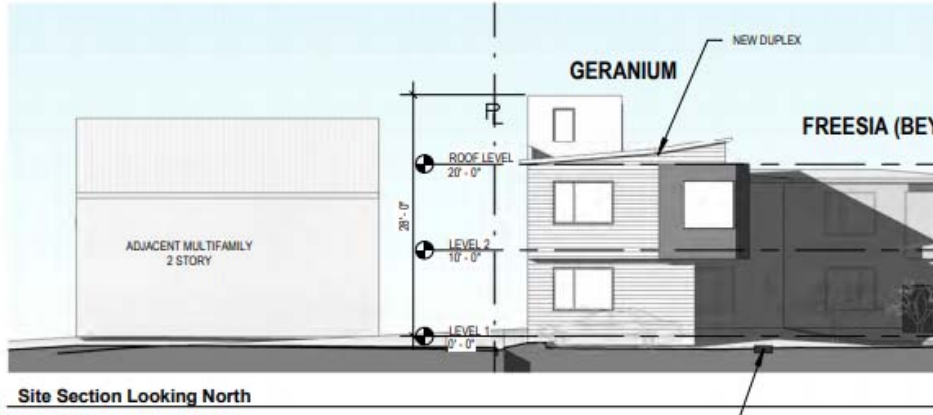
In terms of the design:

- The Geranium building is directly opposite our living space and is very close to the fence line. The shadowing diagrams show our patio will be in shadow most of the time. Our outlook from our living area and patio to the east, which now has a lot of sky, will be completely replaced by a featureless wall. I wish it could be pushed back a bit to open up some space between the buildings. I note in previous submissions the neighbours on Curtis raised concern about massing. However, they have their backyard as a buffer. We have no such buffer and so are more directly affected. I can't help but note that if the buildings were more centrally located on the lot, there could still be a lot of usable open space, and a far larger buffer between buildings.

- The development was described as 2 story, but the Geranium has a partial 3rd story, which overlooks our patio and living space and again increases the shadow. I'd request that be removed. It doesn't add a lot to the site, but impacts us significantly.

Happy to chat on the phone if any of this needs clarification. Thank you for taking on the view of the community.

ATTACHMENT 7
ZAB 08-23-18
Page 10 of 17



Regards,
Steve and Malgosia Pack
1147 Hearst Ave, Berkeley
(510) 309-4328

Mendez, Leslie

From: Guy Sussman <skyguy1299@gmail.com>
Sent: Friday, July 13, 2018 8:25 AM
To: Mendez, Leslie
Subject: Re: 1155-1173 Hearst-ZAB meeting?

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Leslie

Please be informed that the most recent pre-submittal meeting for 1155 Hearst St did not satisfy the requirements because the developer only showed the community outlines of the buildings and their approximate locations. He did not show the elevations or renderings. Furthermore Mr. Rhoades did not give precise figures on the number of units, nor plans thereof nor did he give us precise figures of the heights of the buildings. Neither did he give us the precise number of units and bedrooms in each unit.

Without this information, the community was unable to give Mr. Rhoades substantive input regarding the project. Hence it would serve the community well if a properly prepared pre-submittal meeting were required with the all information now available.

Thank You

Guy Sussman

From:

Pam Ormsby

1148 Delaware St. Berkeley, Ca. 94702

pormsby@aol.com(510) 524-6080

Re. Proposed Development 1155-1173 Hearst Ave. Permit #ZP2016-0028

July 10. 2018

To Leslie Mendez-Senior Planner-City of Berkeley

Dear Ms. Mendez,

I understand that there will be a further meeting of ZAB in August??? in re. to this development as the Developer has submitted changes to previous plans.

I am requesting that Mr. Rhodes be required to meet once again with the neighbors to explain his newly submitted plans before the next ZAB meeting occurs. We would like to see currently proposed elevations, renderings, and a current plan for number of bedrooms and bathrooms per each proposed building.

In addition, I would request an improved rear fencing plan for the north side of the development to reduce noise. ***Given the number of bedrooms and presupposed residents, Section 23B.32.040 "peace, comfort and general welfare" of the adjacent properties with change from small number of residents to large number of residents, **the open "gathering areas" on the north side need a taller and denser fence/wall with noise reducing qualities.** It is important to have the **proposed rear fence-height, type and rendering of such in the plans before the ZAB meeting,** not a nod to the "possibility" by the architect and planner as has occurred in the past. The current proposed fence is an inadequate type to reduce noise.

We continue to be concerned re. the soil stability and hydrology issues. Although there may not be historical maps of the filled- in creek available at the City of Berkeley, there have been sufficient problems with flooding and reports of unstable ground throughout the years that should alert the City to be legally careful in determining that the site can support a development of this size without detriment to the residents of the new development and hazards to the surrounding lots.

Please feel free to contact me if you have any questions re. my concerns. I appreciate your help with these issues and look forward to working together toward resolution of a development that will be safe and an asset to the City of Berkeley and our residential neighborhood.

Pam Ormsby-resident of 1148 Delaware since 1971

Mendez, Leslie

From: Yashu Jiang <yashujiang@gmail.com>
Sent: Sunday, July 08, 2018 2:50 PM
To: Mendez, Leslie
Cc: Zoning Adjustments Board (ZAB)
Subject: Continued concerns regarding Hearst Ave Development

Hi Leslie,

I recently heard that the Rhoades group has re-submitted, and have reviewed the documents that are available on-line.

First of all, thank you for looking at the development plans so carefully. Looking at the feedback you gave to the last set of plans, it seems to me that the Rhoades folks were sloppy and careless. I appreciate you looking through everything with a fine tooth comb to spot all the technical aspects that don't add up that we as laypeople cannot discern.

I wasn't aware that Mr. Rhoades re-submitted the plans, he certainly did not let me know. He had emailed me that he was going to respond to my/the community's letter, but I never saw his response until I looked at the documents. This is further evidence to the developer's lack of transparency and lack of good faith.

I would like to point out that the parking plan proposed is unrealistic. I laughed when I looked at it. Currently, in the area that the plan stated will include 8 parking spaces, there are 3 vehicles parked. Based on my experience, there feasibly can be at most 6 vehicles parked in that area without it being absolutely impossible to pull in and out and actually enter and leave the vehicle. There is no way 8 cars can physically fit into that area without cars getting hit and scratched. Also, the folks in the back currently have more than one parking spaces that are part of their leases, so I'm not sure how that can be accounted for with the new plan.

Secondly, please asked the developers to conduct a focused geotechnical and groundwater evaluation to make sure the ground is safe to build on and won't create flooding for the rest of the neighborhood. This has been repeatedly requested and recommended by community members and professionals that have studied this area. To continue to ignore this concern could be costly and devastating in the long run. This is a health and safety concern for all of us, including potential inhabitants of the new buildings.

While Mr. Rhoades stated that the project won't cause displacement of current tenants, he continues to be vague about how the developers will address the hazards and hardships caused by construction on the property and changes with parking, repairs, etc. With a project like this, displacement is at the forefront of all of our minds whether or not the developers or the city would like to acknowledge this.

Finally, looking at the plans, this is a gated development (with totally solid gates, not even metal bars and you can see into) of condominiums. This type of housing exists on our street, but for me, the best thing about living in Berkeley is being a part of the community, interacting with my neighbors and the diverse people walking through the neighborhood. I have loved living here this past 7 years, and it makes me incredibly sad and upset that this development is proposing a space segregated from the surrounding community, and will likely result in gentrification and the loss of diversity that is the reason we live here.

Thanks for your time and please consider my concerns.

Yashu

Yashu Jiang
MSW, UC Berkeley 2013
678-559-4213

May 14, 2018

City of Berkeley Department of Planning and Development
1947 Center Street, 3rd Floor
Berkeley, CA 94704

Dear Leslie Mendez and Planning Department Staff,

As members of the Hearst/Curtis/Delaware community, we appreciate the time and attention you have given to our concerns regarding the Hearst Condo Project. As you may know, Mr. Rhoades met with two of the six tenant households on 10/24/17 and with members of the community on 11/15/17 to review his updated plans. At the November meeting Mr. Rhoades showed only site plans without any elevations or floor plans and was vague regarding the height of the proposed structures. Without this information the community could offer only limited responses to the project. We as a community continue to have multiple concerns about this "updated" project. The new proposal fails to address the main concerns raised at the September 28th ZAB hearing: tenant displacement and safety issues related to the underground creek. Additional concerns are also noted below.

First, it remains unclear what will happen to the rent-controlled units and the current tenants during and after construction. Mr. Rhoades had previously (at a meeting with the tenants on June 28th, prior to the ZAB hearing) reassured the tenants that they will be able to remain in their units, and that current rental units will remain as such. Subsequently, during the September 28th ZAB hearing, he stated there will no longer be any rental units. This reversal has eroded any remaining trust we have that Mr. Rhoades intends to uphold the City of Berkeley's rent-control laws. He has not been transparent in disclosing how the existing rental units will coexist with the newly constructed condos, nor has he provided any solutions to prevent tenant displacement. Please note that there are currently 4 one-bedroom units on the 1157 Hearst lot, while there are only 2 one-bedroom units in the proposed development, clearly demonstrating that current residents will not be able to move back in the case of relocation for "rehabilitation." Furthermore, Mr. Rhoades refused to address how he would maintain the tenants' quality of life, including their current parking spaces - to which they are entitled per their leases - during and after construction. It is widely acknowledged that Berkeley needs more rent-controlled housing units, not fewer. We urge the Planning Department to not approve this project until Mr. Rhoades can provide a clear and viable plan to uphold the tenants' legal rights and to prevent displacement.

Second, Mr. Rhoades' new plan does not address the community's concerns regarding the existing creek on the property, and related safety risks due to existing severe flooding and probable unstable soil conditions. There are no changes to his drainage plan, while the lot coverage appears to be roughly equivalent to that of the previous plan, and no indication that he plans to conduct a geotechnical analysis. This is despite substantial input from both community and professional hydrologists as to the necessity of such analysis. Per Balance Hydrologics Follow-Up Peer Review, dated August 11, 2017:

Section 2.3 of the revised report continues to note that information on soil properties and depth to groundwater has not yet been collected. This is an unfortunate limitation, because the lack of definitive information on both subjects impacts several aspects of the drainage design, most notably the potential efficacy of the proposed permeable pavement surfaces to mitigate runoff quantity and quality (p1-2).

Terraphase Hydrologics' Technical Memorandum dated 7/7/17 also calls for a "geotechnical and groundwater evaluation" and identifies the very serious risks of not doing so:

The area is also classified as "filled wetlands" and as "seismically unstable and subject to liquefaction." There is no record of properly engineered fill or a culvert or storm drain being installed (p2).

The Balance Follow-Up Peer Review also notes that the developer's drainage proposal does not follow proper methodology for calculating runoff during storms.

The revised report appears to not strictly follow the methodology in this regard, particularly with respect to correct application of "roof to gutter" time and "overland flow" time (p2).

In addition, Balance states highlights the risk of increased flooding on adjacent properties:

The revised report continues to lack clear definition of the amount of flow that might leave Curtis Street and flow through the adjacent yards toward the Project site.... Design of drainage infrastructure to help alleviate localized flooding on the adjacent properties will need to be based on an appropriately conservative and defensible estimate of the potential overflow along Curtis (p3).

The drainage plan must be revised, and a geotechnical analysis must be completed to determine the precise location of the creek bed, soil properties and stability, and the depth to groundwater. We request an exception to the CEQA exemption or equivalent independent study for this project due to the undisputed existence of an underground creek on the property. . We ask that the Planning Department not approve this project until an environmental impact report has been reviewed by all stakeholders and has been approved.

Finally, we seek clarification as to the legality and feasibility of Mr. Rhoades' plans to build on two adjacent parcels that are not joined. For instance, can he build 4-5 new units on a single lot that currently contains one single family home and one parking space? What is the plan to provide sufficient parking for all of the new units while maintaining the parking spaces entitled to current tenants? How will residents access parking given the fact that only one lot has a parking area and driveway? Mr. Rhoades has been equivocal at best and evasive at worst when asked these questions (repeatedly, by multiple individuals). We ask that the Planning Department not approve this project until Mr. Rhoades can demonstrate there will be sufficient parking to support the new units, and until there has been further investigation into whether this project is permissible per the City of Berkeley's zoning laws.

Throughout this process, Mr. Rhoades has displayed lack of good faith and lack of transparency. This is evident in Mr. Rhoades "new" plans, which fail to address the main concerns raised at the September 28th ZAB hearing: tenant displacement and safety issues related to the underground creek. Not only does the "new" proposal fail to meet the community's needs, it promotes displacement of long time tenants and is detrimental to all residents' healthy and safety.

Sincerely,

Yashu Jiang 1163 Hearst Ave yashujiang@gmail.com	Pam Ormsby 1148 Delaware St. Berkeley, ca pormsby@aol.com	
Tracey Emerson 1157 Hearst Ave. emersontracey2003@yahoo.com	Mary Jo Thoresen 1195 Hearst Ave Berkeley mthoresen@sonic.net	
Teal Major 1814 Curtis Street tealmajor@gmail.com	Rolf Williams 1814 Curtis St Berkeley, CA 94702 rolfwilliams@aol.com	
Stacey Shulman 1818 Curtis Street staceyberkeley@yahoo.com	Vijay Venugopal 1826 Curtis Street Berkeley CA 94702	
Dawn Marie Wadle 1828 Curtis Street	Louise Ly 1824 Curtis Street	
Rain Sussman 1824 Curtis Street Berkeley, CA 94702	Joseph Michael 1819- 1/2 Curtis St Berkeley, Ca. 94702	
Pam Ormsby 1148 Delaware St. Berkeley, Ca. 94702		
Linda Revsen 1820 Curtis Berkeley, Ca. 94702		

Mendez, Leslie

From: Yashu Jiang <yashujiang@gmail.com>
Sent: Saturday, December 09, 2017 6:53 PM
To: Mendez, Leslie
Subject: new proposals for Hearst Project

Hi Ms. Mendez,

I want to follow up with you about Mark Rhoades' Hearst Ave. project. Thank you so much for the attention and hard work you have given to this project and I appreciate the time you've taken to listen to community members and renters.

As one of the tenants at the the site, I continue to have concerns about Mr. Rhoades' trustworthiness and transparency as a developer/landlord and his intentions for the structures and tenants that are in place.

While Mr. Rhoades has sent me a letter stating my housing will remain mine as long as I choose to live here and apologized for the "confusions" caused by his comments at the last ZAB meeting, I want to let you know that Mr. Rhoades has made these same assurances to the tenants back in August and then stated we will have to qualify to purchase a condo at ZAB. He in fact told us that he wasn't building condos but building rental units only. I actually am not sure what he is trying to build now because he has provided different info to the different individuals of this community and we are all still very puzzled about his plan and the legality of his plans after comparing notes of what he's told us.

Finally I also have major concerns about Mr. Rhoades falsifying facts about the renters to the neighboring homeowners to make us appear as if we are "transient drug users" to make potential displacement and "remodeling" appear beneficial to this community, when in fact we are hard working long time residents that will not be able to remain in Berkeley should be be displaced.

With this said, Ms. Mendez, I hope and the city of Berkeley continue your due diligence in holding Mr. Rhoades accountable to his words and this city's laws.

Thank you again for your time,

Yashu

Yashu Jiang
1163 Hearst Ave
Berkeley, CA 94702
678-559-4213

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1155-1173 Hearst. In support of the project

From: Phyllis Orrick [mailto:poberkeley@gmail.com]
Sent: Wednesday, August 22, 2018 4:12 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1155-1173 Hearst. In support of the project

Hi,

I live within a short walk of this project and am writing to register my support for it and my hope that ZAB will approve it and allow it to proceed.

It protects the existing rent-protected residents and adds infill housing suitable for families. If we are to keep Berkeley vibrant and equitable, this is the kind of housing we need to have built.

Thanks for your consideration.

Phyllis Orrick

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Support for Hearst Gardens

From: Libby Lee-Egan [mailto:libbyco@gmail.com]
Sent: Wednesday, August 22, 2018 3:52 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Support for Hearst Gardens

Hi there, I wanted to drop a quick note of support for the proposed project at 1155-1173 Hearst. I live a short walk away but I want this project to move forward because I think Berkeley needs more family-sized housing. Currently in our neighborhood you need at least a cool million to buy a single family home so the addition of condos would be welcome to the housing stock. This missing middle project is especially good because of its proximity to transit, I look forward to welcoming more neighbors who want to live car-free. Please approve this project!

Thank you for your time.

Libby Lee-Egan

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1155-1173 Hearst

From: Chelsea Boyle [mailto:cprboyle@gmail.com]
Sent: Wednesday, August 22, 2018 4:07 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1155-1173 Hearst

Good Afternoon,

I'd like to say that I am in support of the proposed project at 1155-1173 Hearst. I live on Francisco Street near San Pablo, and frequently walk to North Berkeley Bart. I believe that the Bay Area, and particularly our neighborhood, is in need of increased access to middle class housing. I am particularly in favor if this project because it will utilize otherwise unused vertical space, and because it will encourage the use of public transit for it's residents. Please approve this project.

Thank you!

Chelsea Boyle
94702

Hussein M Saffouri
Attorney

3736 Mt. Diablo Blvd., Suite 300
Lafayette CA, 94549

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925-402-8053

RAMSEY LAW GROUP
A Professional Corporation



August 22, 2018

By Email and U.S. Mail

Zach Cowan, Esq.
Berkeley City Attorney
2180 Milvia Street, 4th Floor
Berkeley, CA 94704

Leslie Mendez
Berkeley Planning and Development Department
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704

Re: Use Permit #ZP2016-0028
1155-1173 Hearst Avenue

Dear Mr. Cowan and Ms. Mendez:

I am writing to express an additional concern regarding the Rhodes Planning Group's ("Rhoades") proposed project for 1155-1173 Hearst Avenue, and a further reason its use permit application must be denied. The project, as currently proposed, appears intended to serve as a mini-dorm. The use permit must therefore be denied because the project will have adverse impacts on the neighborhood, based on the City's own findings about such buildings.

The project contains a total of 13 units containing 31 rooms designated as bedrooms. Two of the units have 4 bedrooms each. Additionally, the units contain additional rooms which, with the addition of a door could be closed off to become additional bedrooms. (BMC 13.42.020.B.) The larger units (with 4 bedrooms and 4 baths), even without modification, can accommodate six or more adults, while the smaller ones could do so with the addition of doors to close off additional rooms.

The BMC finds that mini-dorms impair the quiet enjoyment of the surrounding neighborhoods by creating trash and litter, creating excess parking demand, and being the location of numerous loud and unruly parties. They are a nuisance to the neighborhoods where they are located. (BMC 13.42.020.)

Use permit applications must be denied if the proposed project will be detrimental to the health, safety, comfort or general welfare of the neighborhood or injurious to the adjacent properties. (BMC § 23B.32.040.) Since this project is designed to be a mini-dorm, it will have such negative impacts, as determined by the BMC. Thus, the use permit for this project must be denied.

Please feel free to call me if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "H. M. Saffouri", written in a cursive style.

Hussein Saffouri

Hussein M Saffouri
Attorney

3736 Mt. Diablo Blvd., Suite 300
Lafayette CA, 94549

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hussein@ramseylawgroup.com
925-284-2002
925-402-8053

RAMSEY LAW GROUP
A Professional Corporation



August 20, 2018

By Email and U.S. Mail

Zach Cowan, Esq.
Berkeley City Attorney
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
zcowan@ci.berkeley.ca.us

Leslie Mendez
Berkeley Planning and Development Department
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704
LMendez@cityofberkeley.info

Re: Use Permit #ZP2016-0028
1155-1173 Hearst Avenue

Dear Mr. Cowan and Ms. Mendez:

As you know, I represent Rain Sussman who owns the home located at 1842 Curtis Street in Berkeley which is directly next door to the development project proposed by the Rhodes Planning Group (“Rhoades”) for 1155-1173 Hearst Avenue (the “Project”). I am writing to advise you that the discretionary Project, as currently proposed, should be found subject to California Environmental Quality Act (CEQA) review and reporting requirements and should not be considered exempt from CEQA. Moreover, even if it did not, the significant evidence that the project may have adverse health, safety and environmental impacts requires that appropriate studies and engineering be required as conditions of approval.

First, the project does not satisfy requirements (d) and (e) of 14 CCR § 15332 for a CEQA categorical exemption as an urban infill project because there is substantial evidence that the Project is located in a sensitive location and approval of the project without further study could result in significant drainage impacts and will not be adequately served by existing utility infrastructure.

CEQA Guidelines are clear that the proposed categorical exemption is not applicable in cases when a proposed project is located in a sensitive site or is subject to unusual circumstances: “...a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant”. (14 CCR § 15300.2.)

This Project requires that a CEQA study be performed due to the sensitive site conditions associated with site-specific flooding/drainage concerns, the fact that the proposed development site is located over a non-engineered buried branch of Strawberry Creek, and potential presence of cultural and/or historic resources associated with the buried creek alignment.

In particular, the historical flooding at the site, and in the surrounding neighborhood reflects that the existing storm drain system would not adequately cope with the added runoff anticipated as a result of the additional hardscape included in the Project. Existing hydrology studies substantiate this concern.

August 20, 2018
Page 2

The Project would increase in impervious cover and result in a significant loss of existing permeable areas, and associated detention/sub-surface storage (current plan includes loss of large vegetated open space area and creation of significant additional roof area, driveways, parking areas, walkways). The site runoff coefficient would increase. Proposed impervious surfaces and foundations would exacerbate existing flooding conditions.

Previous mapping and records the City maintains demonstrate that a historic tributary/northern fork of Strawberry Creek underlies the proposed development site. The creek was subject to uncontrolled fill when the area was originally developed. However, there are no records of engineered fill, culvert, or storm drain installation. The current existing curb and gutter street drainage system serving this area is subject to frequent flooding. Surface flooding occurs during even modest storm conditions as the subsurface is saturated.

Second, even if the project were exempt under 14 CCR § 15332, it falls under the unusual circumstances exception under 14 CCR § 15300.2(c). The unusual circumstances exception applies when the location of the project results in a reasonable possibility of a significant effect on the environment. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105.) The Project is proposed on a site that sits on an undergrounded branch of historic Strawberry Creek, and has been subject to significant historical flooding. Existing studies and direct observations by existing residents in the area reflect that as a result of this location, the project would be subject to flooding, soil instability and subsidence risks.

The Urban Creeks Council previously determined that this particular northern branch of Strawberry Creek was filled with non-engineered soil and debris prior to development in the area. They classified the area as “filled wetlands” and as “seismically unstable and subject to liquefaction”. Site-specific soils and groundwater data have not been collected and a comprehensive geotechnical investigation is warranted. Finally, even if the Project were in fact exempt from CEQA’s environmental impact reporting requirements, the City has the authority and the obligation under the Berkeley Municipal Code (the BMC) to require additional testing and engineering consistent with the recommendations of that testing, as a result of the evidence reflecting that the project will have an adverse effect on the neighborhood and surrounding properties, and more generally on health and safety.

BMC § 23B.32.040 provides that a use permit may be approved as submitted or modified only if the proposed project will not be detrimental to the health, safety, comfort or general welfare of the neighborhood or injurious to the adjacent properties, the surrounding area or neighborhood. In this case there is substantial evidence that the project will have a detrimental impact on safety (due to flooding and subsidence of the proposed structures) and will be injurious to the neighboring properties. As a result, unless these impacts are mitigated, the project does not satisfy the zoning requirements of the BMC. The City must therefore impose requirements to address these concerns. This includes the following studies, and engineering consistent with recommendations drawn from those studies.

A focused geotechnical and groundwater investigation is necessary to address the following:

- A detailed geotechnical evaluation is necessary to determine subsurface drainage conditions so that existing groundwater release preferential pathways are not impacted during construction of the Project. A geotechnical and groundwater evaluation would allow for a proper evaluation of the surface and subsurface conditions of the site to determine impacts of the proposed development on

August 20, 2018
Page 3

the surrounding properties and to establish additional engineering controls necessary to avoid future risks. Additional information on site soil properties and depth to groundwater is also needed to support design of proposed site facilities as previously noted.

- Characterize on-site soil conditions to support site-specific geotechnical structural design and stormwater management/LID measures.
- Identify the precise location of the filled former creek channel alignment in order to design the Project accordingly in order to avoid placing structures directly over the historic creek or to design engineering controls to mitigate future risks of building over the former creek channel.
- Establish local groundwater/subsurface conditions and associated wet weather flow paths.
- Develop geotechnical site-specific design recommendations to support structural stability of the proposed development and proper foundation design.

These requirements do not run afoul of the HAA (Govt. Code § 65589.5) because the Project does not meet the requirements of the BMC unless the issues raised in this letter are addressed. As a result, the City is not only authorized to impose require the described studies and engineering, but is obligated to do so. Denying the Project unless it complies with these conditions would not violate the HAA because the HAA only requires the approval of a project if it meets all zoning code requirements. At this time, for the reasons described above, this Project does not meet the requirements of section 23B.32.040 of the BMC. The conditions we are requesting are necessary to ensure that the project complies with the code. However, even if the Project met all requirements of the BMC, there is adequate evidence of specific adverse impacts on safety to justify imposing the conditions under the HAA, which allows conditions to be imposed where the local jurisdiction makes specific findings of negative impacts on health or safety.

It is important to note that in addition to several existing reports express concerns about the environmental consequences of the Project, The City of Berkeley Public Works Department has also expressed concerns about the site, and suggested that further studies are warranted.

As a result, we request that the City of Berkeley properly apply the CEQA rules and subject the Project to appropriate environmental impact reporting requirements. In the alternative, and at a minimum (and without waiving our position that CEQA review is required or consenting to the Project going forward without a CEQA evaluation) the City should require further testing, and engineering consistent with the recommendations of the testing reports, as a condition of approval pursuant to its authority under the BMC.

Please feel free to call me if you have any questions.

Very truly yours,



Hussein Saffouri

Mendez, Leslie

From: Vijay Venugopal <vcv@sbcglobal.net>
Sent: Thursday, August 16, 2018 9:02 PM
To: Zoning Adjustments Board (ZAB)
Cc: Mendez, Leslie
Subject: Re: Permit number ZP2016-0028 - ZAB meeting on 8/23/18

Dear ZAB members

I live at 1826 Curtis St and am writing in re: permit number ZP2016-0028 ahead of the second ZAB review on Aug 23rd of the proposed development at 1155-1173 Hearst Ave. First of all, thank you for the time you volunteer to serve on ZAB. After viewing the 9/28/17 hearing on the topic, I came away with a greater appreciation for how difficult it is to walk the fine line between development needs of the city for current and future residents and maintaining the quality of life for current residents.

I have reviewed the resubmitted plan and supporting documents as available. While the new plan is closer in keeping with the character of the neighborhood and there is some attempt on the developer's part to address neighborhood concerns raised previously, significant questions remain. As I will be out of the country on Aug 23rd and thus unable to attend the meeting in person, I wish to communicate my concerns ahead of the meeting in writing and would greatly appreciate it if they can be addressed during the meeting.

a) The primary concern remains the hydrology plan. In the developer's 6/20/18 response to the Planning department, Mr. Rhoads is still citing a report that pre-dates the previous ZAB meeting on 9/28/17 where it was already deemed inadequate. This has the biggest potential for damage to neighboring property and must be addressed more rigorously before any approval is granted.

b) The next biggest concern is the soil stability and the impact of new development on the stability of the existing housing around the proposed development. My own property has shown signs of subsidence and I have had to undertake extensive foundation repairs on my property already. The presence of an underground creek is evident in the drainage issues as well as the very spongy nature of the soil in the area in question. I am yet to see a proper geotechnical assessment of the safety of the proposed development as well as the impact on existing structures around the proposed development. I hope that prior to approval, ZAB will require a comprehensive study that assesses soil stability and composition, and the impact of a high water table and underground water pathways. I also request that this study be made available to the community for review prior to any project approval/additional hearings on the topic.

c) I am happy to see from Mr. Rhoads 6/20/18 response to the current residents of 1155-1173 Hearst Ave that no work will be undertaken on the rent-controlled units until they voluntarily vacate the units. However, I am still concerned about the enforceability of the assurance and would request that some legally enforceable commitment on this matter is made by the developer prior to any approval by ZAB.

d) The parking proposal looks problematic for several reasons.

(i) In his 6/20/18 response to the planning department, Mr. Rhoads claims to have received approval from the City Traffic Engineer. The cited email is not included in the documents uploaded.

(ii) The developer proposes to provide parking for the additional units on 1173 Hearst in the 1155 Hearst lot. This is not in keeping with the requirement at the 9/28/17 ZAB meeting that the lots cannot be merged. I request that ZAB critically review this proposal to avoid end-runs around lot consolidation requirements.

(iii) The developer cites a study by Abrams and Associates that parking in the neighborhood will not be impacted by the addition of so many new units. First of all, that study has not been provided for review. Second, as current residents of the neighborhood, who already struggle to find street parking, this is clearly not be a realistic assessment for a proposal that adds 7 new units with potentially 22-44 new residents and just 6-7 additional parking spaces. I request that a more realistic assessment of the impact on neighborhood parking is made and offered to the community for review before approval by ZAB.

Regards

Vijay

August 12, 2018

To: Igor Tregub, Chair, Zoning Adjustments Board and Members Pinkston, Clarke, Sheahan, Selawsky, O'Keefe, Kahn, Clark and Olson
From: Shirley Dean, Berkeley resident and Former Mayor
Re: Use Permit, ZP 2016-0028, 1155 – 1173 Hearst

Dear Mr. Tregub and Members of the Board,

I had planned on attending the public hearing on this matter scheduled for Thursday, August 23, but health problems now prevent my doing that. As I believe that this is an important planning proposal that could set a precedent for future proposals, particularly in regard to affordable housing and drainage issues, I wanted to comment on the issue, with the hopes that you will excuse the lateness of this communication.

It is hard to believe that with all of the effort that the city of Berkeley is undertaking regarding homelessness and all of the concern about prevention and displacement being expressed by elected officials and citizens alike, that you would be considering a proposal that involves rehabilitating seven units, six of which are rent-controlled with existing tenants, some of which have lived there since the 1990s. While the developer, Mark Rhoades, states that these units would not be touched until the tenants "voluntarily" move. That sounds good on paper, but the reality is that the construction of three 2-story units will be going on right under their noses, interfering in their daily lives in numerous ways. Additionally, consider what happens when one of the tenants in an existing duplex leaves, but the other stays for one reason or the other? The pressure will be on, and in any event, where will these existing tenants move to? We've all heard the stories that this is the biggest question of them all.

When all is said and done, with many of the new units being configured as 4 bedrooms, each with its own bathroom, this project fits the definition of "min-dorms." This adds a very large number of people into an already dense neighborhood that is experiencing traffic and parking difficulties. The problems encountered in the South Campus area with such units are well-known to Planning Staff and residents. They cannot be ignored by simply passing them over with the statement we need more housing. Yes, we need more housing, and that can be accomplished by not destroying our existing, well-functioning neighborhoods.

Under existing rent-controlled regulations, new units are not covered and rents rise to the maximum market rents as they

turn-over. As mini-dorms for students, you have a sure bet that the turn-over will be frequent.
Even if Costa-Hawkins is repealed in the November statewide election, all of these new units, rehab and newly constructed will be "new" and exempt. Is this how the city of Berkeley wants new housing to be built?

In addition, I believe that the issue of drainage and flooding in this area needs a more substantial look. Climate change and sea level rise is not in the future. It is here and now, and there seems to be uniform scientific agreement that areas prone to flooding will be subject to increased flooding in the future. These kinds of concerns are why the Council has placed on the November ballot a measure to begin a community process to develop Vision 2050, a 30-year infrastructure improvement plan that takes into consideration climate warming. It is important that you take the time to ensure what you are doing about the existing drainage problems regarding these two lots is the correct thing to do for the future we face, not just the o.k. thing for now that is expedient.

Thank you for taking these comments into consideration.

Shirley Dean
Shirley.dean@sbcglobal.net

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 100% Support for Curtis/Hearst Condos

From: Daniel Schmidt [mailto:danschmidt5189@gmail.com]
Sent: Saturday, August 18, 2018 11:43 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 100% Support for Curtis/Hearst Condos

Hi there,

I noticed an anti-condo posting at Curtis/Delaware, and wanted to state the opposite: as a ten-year Berkeley resident, I whole-heartedly support denser development.

Loud, existing homeowners defend their ideal of monotonous single-family housing at the expense of residents, like me and my partner, who can't afford to buy and who wish to live in walkable, dynamic, and interesting neighborhoods. We need more apartments, condos, and businesses, not more restrictions and NIMBYism.

Feel free to reach out for comment.

Best,

Dan Schmidt
(773)791-0102
Berkeley Renter/UC Berkeley Staff

--
Cheers,
Daniel Schmidt

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: ZP2016-0028 permit number

From: Mary Jo Thoresen [mailto:maryjo@chezpanisse.com]
Sent: Thursday, August 16, 2018 5:49 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: ZP2016-0028 permit number

Good Day,

I am writing with great concern over the ill- conceived development referenced above. This on going debate has yet to address our neighborhoods concerns. Mainly the displacement of long- time residents, the loss of rent controlled units, the woefully inadequate drainage plan and what appears to be "mini" dorms.

The proposed project has 13 units, 12 parking spaces (and currently the parking situation is horrible. It is difficult to park near your own home and countless times I've had to call to have cars cited for parking in front of my driveway). Some units have 4 bedrooms and 4 full baths in 1800 sq. ft. This CLEARLY is designed to be student housing. No family with a few kids would need a full bathroom for each child. This could bring as many as 40-50 students, partners, friends, cars, all into this residential neighborhood of family homes. This absolutely does not fit. No Bueno. This kind of development and density does not belong in this neighborhood. Since the developer was not granted his "shady" density bonus, he has re-designed the condos to the house more people. That's a solution?

The issue of drainage is of great concern for all of us here. We demonstrated very clearly at the last ZAB meeting the ongoing problems with drainage with photos and stories from many residents. This, I believe, is a dangerous situation.

The developer has never been forthright or transparent. In fact, at the last ZAB meeting, one sole neighborhood resident had planned to voice her support for the project, only to learn that the rent- controlled units would disappear and the residents would be displaced. She changed her mind that night when she realized we were being duped.....and telling the ZAB board "good luck"! We held his feet to the fire and that's when we heard about his REAL plan. All the while he was telling us that the units were going to stay. We were all shocked. He was knowingly misrepresenting the facts. **If he was genuine, and felt his project was sound and fair, why would he try to deceive?** He has demonstrated who he is. Why should you enable this and support these kinds of practices? It certainly looks bad for him and bad for ZAB.

Thank you for your time. We look forward to the meeting on the 23rd.

Mary Jo Thoresen
1195 Hearst Ave.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Permit number ZP2016-0028 - ZAB meeting on 8/23/18

-----Original Message-----

From: Vijay Venugopal [mailto:vcv@sbcglobal.net]
Sent: Thursday, August 16, 2018 9:02 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: Mendez, Leslie <LMendez@cityofberkeley.info>
Subject: Re: Permit number ZP2016-0028 - ZAB meeting on 8/23/18

Dear ZAB members

I live at 1826 Curtis St and am writing in re: permit number ZP2016-0028 ahead of the second ZAB review on Aug 23rd of the proposed development at 1155-1173 Hearst Ave. First of all, thank you for the time you volunteer to serve on ZAB. After viewing the 9/28/17 hearing on the topic, I came away with a greater appreciation for how difficult it is to walk the fine line between development needs of the city for current and future residents and maintaining the quality of life for current residents.

I have reviewed the resubmitted plan and supporting documents as available. While the new plan is closer in keeping with the character of the neighborhood and there is some attempt on the developer's part to address neighborhood concerns raised previously, significant questions remain. As I will be out of the country on Aug 23rd and thus unable to attend the meeting in person, I wish to communicate my concerns ahead of the meeting in writing and would greatly appreciate it if they can be addressed during the meeting.

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residents of the neighborhood, who already struggle to find street parking, this is clearly not be a realistic assessment for a proposal that adds 7 new units with potentially 22-44 new residents and just 6-7 additional parking spaces. I request that a more realistic assessment of the impact on neighborhood parking is made and offered to the community for review before approval by ZAB.

Regards

Vijay

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1155-1173 Hearst

From: David Kellogg [mailto:david.kellogg@gmail.com]
Sent: Thursday, August 23, 2018 10:51 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1155-1173 Hearst

Please approve this project without delay.

This project will add badly needed housing. The housing will be near transit and the developer has already made too many concessions reducing the density of this project in response to unreasonable demands by neighbors with vested interests in opposing nearby housing. This is exactly the kind of project favored by our city as a whole, and should not be delayed or denied due merely because the immediate neighbors complain.

Moreover, I understand this project is HAA compliant and I do not want my city wasting tax dollars fighting the predictable lawsuit if this project is denied (and then paying the developer's attorney fees too).

What the ZAB should be doing is convincing the developer to restore the third floor and maximize the housing built. While there was word about some interaction with the density bonus law and Berkeley's rent control, this developer seems willing to go above and beyond to ensure the existing rent control tenants remain protected. It's shameful that we as a city have not worked with the developer to protect the existing tenants while still building the full amount of housing allowed under our current zoning.

You can do better. Start now.

Sincerely,

David Kellogg

Sent from my phone

1155 – 1173 Hearst Avenue – A Garden Home Proposal in Berkeley

ABOUT HEARST GARDENS

Six new home ownership opportunities with one affordable unit (or fee paid in-lieu)

Six existing rent controlled units preserved and no residents displaced

Project will include a variety of housing types, rental and for sale, one, two, three, and four bedroom units, to serve a diverse range of household types

Sensible and sensitive infill project design to complement the surrounding neighborhood

Original project reduced by five units and all third story elements eliminated

Transit-oriented site – six blocks to North Berkeley BART and two blocks to University/San Pablo AC Transit regional transfer hub

Project is CEQA Exempt

Site drainage solution alleviates decades of ponding/flooding on this and adjacent properties



Hearst Gardens is a proposal to add six new dwellings to seven existing dwellings on almost half an acre of land in an open landscaped setting with gardens. The project protects rent controlled homes and residents while providing new, well-designed, transit-oriented housing units. Our team has modified the project to address resident and neighborhood requests over the last four years. Construction will take approximately one year.

Late Communications
 Zoning Adjustments Board



Walk / Bike / Transit
 (screenshot from walkscore.com)

1155 Hearst Avenue Add scores to your site

West Berkeley, Berkeley, 94702

Commute to **Downtown Berkeley**

🚗 4 min 🚊 15 min 🚲 7 min 🚶 27 min [View Routes](#)

📍 Favorite 🗺 Map 🏠 Nearby Apartments

Looking for a home for sale in Berkeley? 🏠

Walker's Paradise
 Walk Score **90**
 Daily errands do not require a car.

Good Transit
 Transit Score **65**
 Many nearby public transportation options.

Biker's Paradise
 Bike Score **99**
 Flat as a pancake, excellent bike lanes.

RECEIVED at Meeting
 AUG 23 2018
 Late Communications
 Zoning Adjustments Board

RhodesPlanningGroup

October 3, 2017

Timothy Burroughs, Interim Planning & Development Director
Berkeley Planning and Development Department
1974 Center Street
Berkeley California, 94704

Jay Kelekian, Executive Director
Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

Subject: 1155-1163 Hearst Avenue
Via: Email

Dear Mr. Burroughs and Mr. Kelekian,

Rhodes Planning Group (RPG) is representing the 1155-1173 Hearst Avenue residential development, which was submitted as a state density bonus project almost two years ago. The City of Berkeley's recent interpretation of the layering of various local and state affordable housing requirements with Berkeley's Rent Control Ordinance would require the current residents of the project to be displaced from their units in order for the project to move forward. As a project team we simply cannot proceed with something that could compromise the housing security of those current residents in such difficult times. There are currently 6 units (1155-1163 Hearst Avenue) that are occupied and are subject to the City of Berkeley rental ordinance protections.

After presenting this information to the Zoning Adjustments Board (ZAB) and hearing from the current residents and ZAB members, the project team has decided to revise the project such that it will no longer be a density bonus project. A letter was sent and emailed to each current resident on October 2, 2017, informing them that they will not be displaced and the project team will be revising the project. The revised approach will allow current residents to remain in their homes for as long as they wish.

In addition, the project team will schedule a meeting with the residents in the next few weeks to discuss the revised approach. We hope that this letter and the letters we sent to the Hearst Avenue residents (attached) will help to alleviate any anxiety about the project (as it will be revised) as it moves forward through the entitlement process. If you have any questions please do not hesitate to contact me at 510.545.4341.

Sincerely,



Mark Rhodes
Rhodes Planning Group

Cc: City of Berkeley Planning and Development Department, Steven Buckley, Planning Manager
City of Berkeley Planning and Development Department, Leslie Mendez, Planner

October 2, 2017

Masanori & Hisako Oba
1159A Hearst Avenue
Berkeley, CA 94702

Subject: Your Continued Residency at 1159A Hearst Avenue
Via: Email and USPS

Dear Mr. and Mrs. Oba,

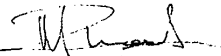
We are deeply sorry for all of the confusion that we have caused you regarding the status of your apartment and the addition of other housing units on the property. The purpose of this letter is to inform you that we have decided to change course with respect to the project and to insure you immediately that **your apartment will remain your apartment for as long as you choose to live there, whatever the revised project may entail**. Your apartment will maintain all of its protections for your continued residency for the duration of your time there.

Understanding the layering of state and local laws with respect to the additional development of the property has been difficult. Our statement at the ZAB last week was purely a response to the significant burdens placed on the project as a result of these layers. It was not our intent when we began this journey. Unfortunately, our statement also did not reflect the very real impacts that the response had on your housing security. Further, the project team has decided NOT to pursue a project that seeks a state density bonus. The project will be revised to reflect these changes.

The project team will provide a copy of this letter to the City of Berkeley Planning Development Department and the Rent Stabilization Board but we wanted to inform you first. As a part of the project going forward the City of Berkeley will prepare conditions of approval and reflect this representation as an official project modification. We will also request a meeting with you in the next week to two weeks to further discuss how we can provide you with as much surety as we can with respect to this decision and to share with you our thoughts on the revised project. We will share the revised design approach with neighbors after we have shared it with you.

Again – we are very sorry about the angst and confusion that our statement at the ZAB meeting caused. If you have any questions please do not hesitate to contact me at 510.545.4341.

Sincerely,



Mark Rhoades

Rhoades Planning Group

Cc: City of Berkeley Planning and Development Department, Leslie Mendez, Planner
City of Berkeley Rent Stabilization Board, Jay Kelekian, Executive Director

Mia Perkins

From: Mia Perkins
Sent: Wednesday, July 11, 2018 10:27 AM
To: 'Masanori Oba'; 'Hisako Oba'
Cc: 'Mendez, Leslie'; Mark Rhoades
Subject: FW: 1155-1173 Hearst Revised Plan Set
Attachments: 1155-1173 Hearst_Plan Set_6.20.18.pdf

Dear Mr. and Mrs. Oba,
Please find the attached plan set that we submitted to the City of Berkeley Planning Department on June 20, 2018. These plans are substantially the same as the set that we emailed on March 6, 2018 and reflect technical revisions that the project planner requested after our March 6, 2018 submittal to the City. Please let us know if you have any questions.

Best regards,
Mia

From: Mia Perkins
Sent: Tuesday, March 13, 2018 2:33 PM
To: 'Masanori Oba' <mah-chin@sbcglobal.net>; 'Hisako Oba' <oba_hisako@sbcglobal.net>
Cc: Mark Rhoades <mark@rhoadesplanninggroup.com>
Subject: 1155-1173 Hearst Revised Plan Set

Dear Mr. and Mrs. Oba,
Attached for your review is the revised plan set that we submitted to the City of Berkeley Planning Department on March 6, 2018. Please let us know if you have any questions.

Best regards,
Mia

Mia Perkins
RhoadesPlanningGroup
510 545.4341

Mia Perkins

From: Mia Perkins
Sent: Tuesday, March 13, 2018 2:51 PM
To: Mia Perkins
Cc: Mark Rhoades
Subject: 1155-1173 Hearst Revised Plan Set
Attachments: 1155-1173 Hearst_Revised Plan Set_3.5.2018.pdf

Dear neighbors of 1155-1173 Hearst Avenue,

Please find the attached revised plan set that we submitted to the City of Berkeley Planning Department on March 6, 2018. Please let us know if you have any questions.

Best regards,

Mia Perkins
RhoadesPlanningGroup
510.545.4341

Hearst Gardens

Rhodes Planning Group

Dev D'Alto
ARCHITECTURE

City of Berkeley
Zoning Adjustments Board
August 23, 2018



“Missing Middle” Housing Development

Project Data

Zoning:	R-2A
Lot Area:	21,673 sf
Residential GFA:	15,707 sf
Dwelling units:	13 total, 966 sf Average Unit Size
Bike parking:	13 Secure Onsite (0 req.)
Auto Parking:	13 + 1 Tandem Parking Space (13 req.)
Open Space:	4,911 sf (3,900 sf req.)
Height:	24' (28' Max.)



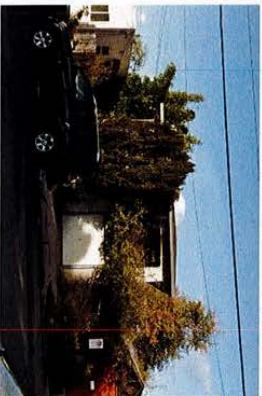
Existing Site



1155 HEARST - AZALEA



1161 HEARST - BEGONIA



1173 HEARST - CAMELLIA



1163 & 1157 HEARST - BEGONIA / AZALEA



1157 HEARST - AZALEA



1157 HEARST - AZALEA



1155 HEARST - AZALEA



1179 HEARST - FREESIA

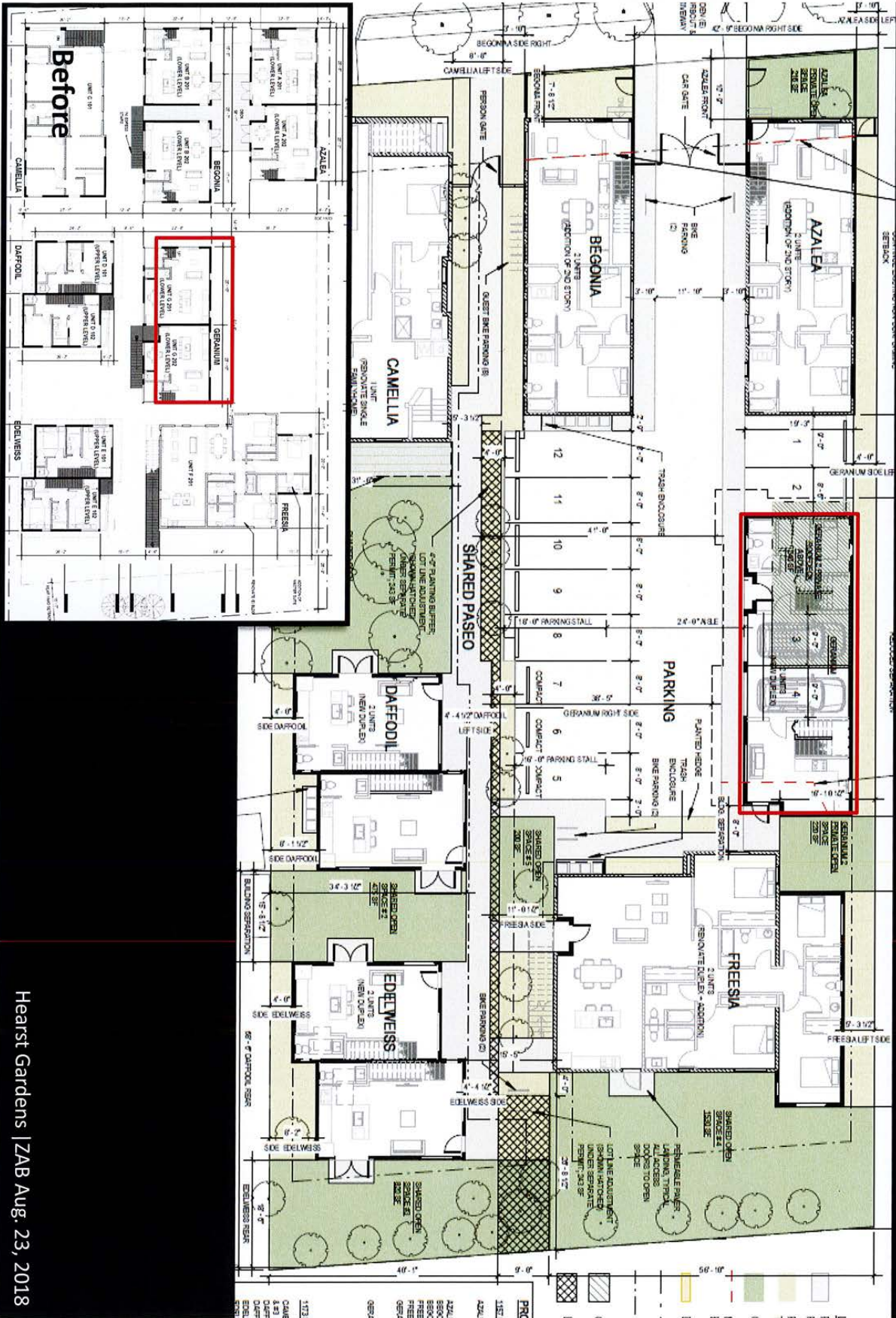


1179 HEARST - FREESIA



1179 HEARST - FREESIA

Proposed Site Plan



Hearst Gardens | ZAB Aug. 23, 2018

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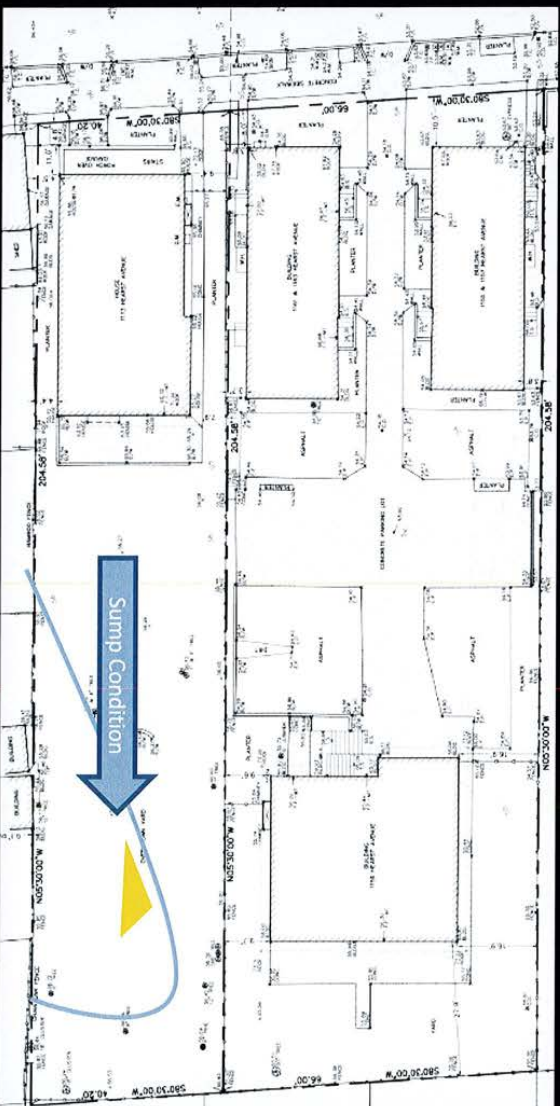
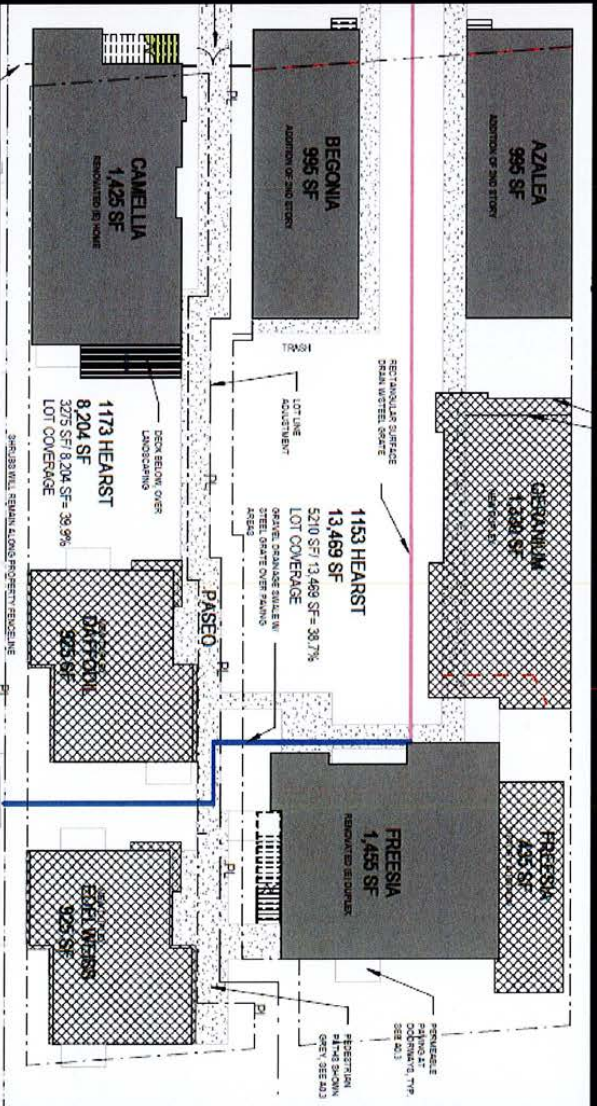
Residents & Neighbors

- City Attorney opinion on the 18 unit SDBL project stated current residents would have to leave.
- Sent residents a letter on 10/2/2017 guaranteeing their residency.
- Meeting with residents on 10/24/17 to get feedback on reduced project scope & residency.
- No construction on rent controlled units while occupied by current residents.
- Community meeting on 11/15/2017 at the west branch library to preview revised project.
- Revised project plans emailed on 3/13/2018 to all residents and neighbors that provided email addresses.



CEQA

- Hydrology issues persist b/c no drainage system is in place.
- Will institute drainage plan per hydro report & peer review.
- Engaged geotechnical firm for prelim construction design.
- Mat slab foundations will be used for alluvial soil conditions common in the area.



QUESTIONS & DISCUSSION



Hearst Gardens | ZAB August 23, 2018

Peer Review Comments

The following comments relate to clarifications or additional information that should be provided to assure that the proposed project has fully addressed the pertinent issues and requirements for stormwater management.

1. Soil Characteristics and Depth to Groundwater. The report acknowledges (Section 2.3) that information on soil properties and depth to groundwater had not been collected. However, both parameters will be important in the ultimate design of the site facilities. Absent specific information the reviewer should be clear on use of the published soil survey data for the site.



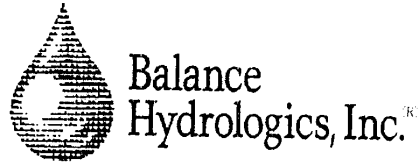
3/16/17

Late Communications
Zoning Adjustments Board

RECEIVED
at Meeting

Late Communications
Zoning Adjustments Board

RECEIVED
at Meeting



San Bernardino • San Diego • Berkeley • San Francisco • San Jose
124 Walnut Avenue • Suite 101 • Santa Cruz, CA 95060 • 831.457.1222
12400 Hill Street • Suite 100 • Berkeley, CA 94704 • 925.855.0274
www.balancehydro.com • info@balancehydro.com

March 16, 2017

Ms. Leslie Mendez
Land Use Planning Division
City of Berkeley
1947 Center Street, 3rd Floor
Berkeley, California 94704

**RE: Peer Review of the Stormwater and Flooding Assessment
for the Hearst Avenue Project, City of Berkeley**

Dear Ms. Mendez:

Thank you again for contacting Balance Hydrologics regarding peer review of the drainage analyses completed for the proposed Hearst Avenue Project ("Project"). Specifically, you have requested a review of the document titled "Stormwater and Flooding Assessment and Mitigation Design for the Hearst Avenue Project, 1161 – 1173 Hearst Avenue, Berkeley, CA" prepared by Clearwater Hydrology and dated January 7, 2016. I have completed my review of the Project document (herein, "report"), and this letter summarizes my observations and comments related to the information presented therein.

Overall, the document presents a good discussion and supporting analyses related to the stormwater management issues pertinent to the site in question. Perhaps most notably, it acknowledges the impaired drainage conditions at the site and neighboring properties, such as flooding at the back of adjacent lots off Curtis Street. The drainage design explicitly pursues solutions that would avoid worsening those conditions, with the potential to improve them as well.

Peer Review Comments

The following comments relate to clarifications or additional information that should be provided to assure that the proposed project has fully addressed the pertinent issues and requirements for stormwater management.

1. *Soil Characteristics and Depth to Groundwater*. The report acknowledges (Section 2.3) that information on soil properties and depth to groundwater had not been collected. However, both parameters will be important in the ultimate design of the site facilities. Absent specific information the report should be clear on use of the published soil survey data for the site, which identifies the soils as essentially completely Urban Land – Tierra Complex falling in Hydrologic Soil Group D (highest runoff potential). If information on seasonal high

Balance Hydrologics, Inc.

Ms. Leslie Mendez
March 16, 2017
Page 2

groundwater data is not available, then the drainage design should proceed under the assumption that high groundwater conditions will prevail.

2. Design Guidance. The report relies almost exclusively on generalized urban drainage design parameters provided in the U.S. Geological Survey Open-File Report authored by Rantz in 1971. Though I acknowledge the past value of this document in providing a standardized design framework for urban drainage systems in the Bay Area, the project report does not clearly establish reasoning for not using more up-to-date and specific design guidance at this site. Absent specific information from the City of Berkeley, the Hydrology and Hydraulics Manual prepared by the Alameda County Flood Control and Water Conservation District ("ACFC") provides a more detailed and current calculational framework, particularly for the rational method runoff calculations that are presented. The following items are of particular note:
 - a. Runoff Coefficients. Back-checks of the runoff coefficients from Rantz versus those used by ACFC show that the latter will generally be higher and therefore indicate a higher peak flow potential than currently presented in the report.
 - b. Impervious Cover. Directly associated with the above, the calculations in the Technical Appendix appear to use land use classifications from Rantz such as "medium density residential" that are called out as 25% impervious cover. This would appear to significantly underestimate the actual impervious cover in the respective sub-watersheds, particularly those such as Sub-Watershed B which are largely street surfaces. In such cases, a composite runoff coefficient approach should be considered.
 - c. Time of Concentration. The project site itself comprises a part of the identified Sub-Watershed A. The calculations in the Appendix (pdf page 29) give a time of concentration of 20 minutes for that Sub-Watershed for the 10-year design condition. However, calculations later in the Appendix for the project site itself yield an existing condition time of concentration of 27 minutes (pdf page 72). The calculations need to be reviewed, as it is difficult to reconcile how a smaller sub-area can have a higher time of concentration in this case.
 - d. Rainfall Intensity. Back-checks of the rainfall intensity for a given time of concentration show that values from the ACFC manual are consistently higher (by 30% or more) than those used from Rantz, calling into question whether the analyses are sufficiently conservative.
3. HEC-RAS Modeling and Overflow from Curtis. HEC-RAS modeling was apparently completed, in part, to provide insight into the amount of gutter flow that might overtop driveways along Curtis Street and therefore ultimately result in run-on to the project site. The completed model would appear to have sufficient information to use the predicted flow depths to calculate peak overflow rates, which could be quite large. However, the report states that a conservative assumption is that only the Sub-Watershed B runoff flows through the yards along Curtis to reach the east side of the project, and it is that relatively low flow rate which is used to inform the drainage channel sizing. The report should be revised to clarify why potentially even larger backflows from upper Hearst Avenue are not to be expected or to include provision for larger on-site conveyance capacity.

Ms. Leslie Mendez
 March 16, 2017
 Page 3

Balance Hydrologics, Inc.

4. Project Drainage. Section 3 of the report and the Appendix present options for draining the depressed site topography out to Hearst Avenue and identify a grated rectangular channel and a gravel swale at the primary stormwater conveyance facilities. It is understood that the site topography imposes significant constraints on the use of piped drainage. However, the calculations presented in the Appendix use a Manning's roughness coefficient of 0.011, a very low value for a gravel lined conveyance. The low roughness values will need to be justified or these calculations (and the conveyance channel dimensions) will need to be updated to use more conservative roughness values.
5. Changes in Peak Flow. As noted previously, the report is commendable for considering the impaired drainage conditions existing along the eastern boundary (flooding depths of up to 12 inches in adjoining yards). However, the report concludes that there will be no increase in peak discharge from the site for the 100-year event and only a small (0.02 cfs) increase for the 10-year event. This conclusion should be reviewed in light of the following:
 - a. Loss of De Facto Detention Storage. The report states that site grading and drainage enhancements are such that flooding depths on adjacent properties may be lowered by as much as 6 inches (pdf page 10). The flooding of the neighboring properties, though an acknowledged problem, almost certainly represents de facto detention storage that modulates peak flow rates out to Hearst Avenue, as does the cited impaired side lot drainage from the project property itself. The report should be revised to directly address how reduced flooding depths and more efficient on-site conveyance can be accomplished without increasing peak flow rates to Hearst Avenue and/or how any increases are acceptable in the downstream drainage system.
 - b. Post-project Impervious Cover. Central to the report's conclusion related to minimal increase in peak flow is a small (1.8%) increase in impervious cover compared to pre-project conditions. However, this value is achieved by completely discounting the contribution from driveways, parking areas, and walkways, which are proposed to be constructed of pervious paving or brick pavers. Such pervious surface treatments are definite improvements from traditional asphalt and concrete surfaces. However, given the low soil permeability and potential high ground levels, the report should be revised to substantiate the conclusion that those surfaces can indeed be discounted entirely in the rational method calculations of peak flow.
6. C.3 Compliance. The report appropriately cites the Alameda County C.3 Guidance as a source of design information for stormwater quality management at the site. The proposed bioretention planters are an excellent approach to meeting the pertinent requirements for roof runoff. However, it should be noted that, per the C.3 Guidance, pervious pavement surfaces overlying low permeability soils can only be considered self-treating if underlain by a course of sub-grade material sufficient to store the required treatment volume. The report should be revised to acknowledge this constraint and confirm that such an under-course could be actively drained out to Hearst Avenue.

Closing

Thank you again for the opportunity to provide peer review comments related to stormwater management for the Hearst Avenue Project. Though the site presents several challenges, it appears that the major issues are being addressed, subject to the recommended additional information needs I have noted.

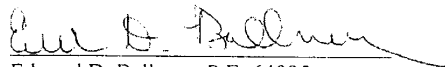
Balance Hydrologics, Inc.

Ms. Leslie Mendez
March 16, 2017
Page 4

Do not hesitate to contact us if you have questions related to the scope of my review or the conclusions presented herein.

Sincerely,

BALANCE HYDROLOGICS, Inc.


Edward D. Ballman, P.E. 64095
Principal Engineer



1. *Soil Characteristics and Depth to Groundwater*. Section 2.3 of the revised report continues to note that information on soil properties and depth to groundwater has not yet been collected.

red surface and ground water hydrology • Vertical Infiltration • Groundwater • Water Quality • Evaporation and Transpiration • Storm Water and Flooding • Climate

Balance Hydrologics, Inc.

Ms. Leslie Mendez
August 11, 2017
Page 2

This is an unfortunate limitation, because the lack of definitive information on both subjects impacts several aspects of the drainage design, most notably the potential efficacy of the proposed permeable pavement surfaces to mitigate runoff quantity and quality. That said, the attached report does contain information included in the Technical Appendix to the revised report. As

8/11/17

Balance Hydrologics, Inc.

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 August 11, 2017
 Page 3

- d. Rainfall Intensity. The revised calculations use ACFC rainfall intensity information and are now significantly more conservative.
3. HEC-RAS Modeling and Overflow from Curtis. The only substantial change in the HEC-RAS modeling summarized in the report appears to be in the use of the higher peak flow estimates derived with the ACFC methodology. Thus, the revised report continues to lack clear definition of the amount of flow that might leave Curtis Street and flow through the adjacent yards toward the Project site. The report maintains that it is sufficiently conservative to assume that full diversion of the flow from watershed B represents the potential overflow from Curtis. This may indeed be true, but should definitely be confirmed during final design. The HEC-RAS model could readily be enhanced with lateral weir functionality to provide the required information. Design of drainage infrastructure to help alleviate localized flooding on the adjacent properties will need to be based on an appropriately conservative and defensible estimate of the potential overflow along Curtis.²
 4. Project Drainage. Section 3 of the report includes welcome updates with respect to the on-site drainage design. This includes a shift to use of a concrete/steel drainage channel in lieu of the previously proposed gravel lined channel. The roughness values used to provide preliminary sizing information for the channel are now appropriate. Also, the suggestion of providing the drainage pathway along the western edge of the property appears to be a superior option in many regards.
 5. Changes in Peak Flow. As noted in my earlier review, the drainage analyses are commendable for considering the impaired drainage conditions existing along the eastern boundary (flooding depths of up to 12 inches in adjoining yards). Two aspects in this regard were called out at the time and are revisited here:
 - a. Loss of De Facto Detention Storage. The revised report does not include additional information as requested regarding the impact to peak flow leaving the site from the loss of de facto detention storage in the adjacent yards. Although the impact is likely relatively minor, the final Project documentation should include calculations to frame, at least in general terms, the magnitude of any increases in peak flow from enhanced drainage from the neighboring properties. If the change is relatively minor, then it should be practical to include additional on-site detention capacity, which would allow both reduced flooding in the adjacent yards and no increase in peak flow rates down Hearst.
 - b. Post-project Impervious Cover. I noted in my review of March 16, that the very small increase in impervious cover associated with the Project was only achieved by treating the proposed permeable pavement areas (driveways, parking areas, and walkways) as pervious surfaces and that supporting documentation should be provided to substantiate this design assumption. The revised report does not provide the requested additional information. It would appear possible to provide adequate sub-grade storage, perhaps as little as a 6-inch course of gravel to achieve the desired performance. The final Project design should address that possibility, especially since it will be an important factor in determining whether the permeable pavement areas can be considered self-treating from a water-quality

² It is important to also note that the text discussion of the modeling results (Section 2.4.3) appears to reference the water surface elevations from the original HEC-RAS runs and not those using the updated peak flow estimates. The pertinent referenced water surface elevations should be updated in the final report.

Balance Hydrologics, Inc.

Ms. Leslie Mendez
August 11, 2017
Page 4

perspective. In fact, an appropriately configured sub-grade could provide important on-site detention capacity, and this should also be considered in final Project design.

6. C.3 Compliance. My review of March 16 noted that the drainage design will need to show that the permeable pavement areas will need to have a sub-course capable of storing a quantity of runoff commensurate with the C.3 volume-based design guidance. This information was not found in the revised report, and will need to be provided in final design documentation to assure that the Project meets the requirements of the Municipal Regional Permit.

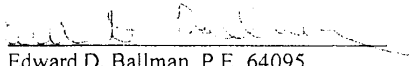
Closing

Thank you again for the opportunity to provide additional peer review comments related to stormwater management for the Hearst Avenue Project. The revised report information directly addresses many of the comments I made in my letter of March 16. The remaining unresolved points noted herein appear to be ones that can be readily resolved during final design, though it would be prudent to condition the Project to provide that information.

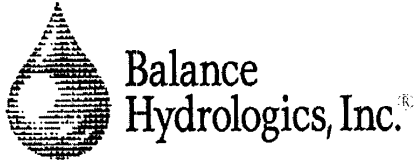
Do not hesitate to contact me if you have questions related to the scope of my review or the conclusions presented herein.

Sincerely,

BALANCE HYDROLOGICS, Inc.


Edward D. Ballman, P.E. 64095
Principal Engineer





San Francisco, CA • Berkeley, CA • Berkeley, CA • Berkeley, CA • Berkeley, CA
1274 Ashland Avenue • Suite 1 • Berkeley, CA 94704 • 510.835.7191
info@balancehydrologics.com • www.balancehydrologics.com

August 11, 2017

Ms. Leslie Mendez
Land Use Planning Division
City of Berkeley
1947 Center Street, 3rd Floor
Berkeley, California 94704

**RE: Follow-up Peer Review of the Stormwater and Flooding Assessment
for the Hearst Avenue Project, City of Berkeley**

Dear Ms. Mendez:

I'd like to begin by again thanking you for your work to facilitate further review of the drainage analyses prepared for the Hearst Avenue Project ("Project"). You have provided two additional documents related to the site. These include a technical memorandum by Terraphase Engineering dated July 7, 2017 that provides a third-party review of the original Clearwater Hydrology report (dated January 7, 2016). The Terraphase technical memorandum includes comments and references based on my earlier peer review letter to you dated March 16, 2017. Additionally, you have forwarded a revised version of the Clearwater Report, dated July 12, 2017 (herein, "revised report"), which apparently was prepared, at least in part, to address items raised in the previous peer reviews.

I have completed my review of the revised report, with consideration of the information provided in the Terraphase memorandum. This letter summarizes my observations and comments related to the information presented therein.

The revised report presents significantly improved information about the stormwater management issues pertinent to the site, including adoption of several design parameters suggested in the earlier reviews. In important respects, the revised report is now based on a substantially more conservative estimate of peak runoff rates and, therefore, includes inherently higher factors of safety for the drainage design.

Follow-up Peer Review Comments

The following comments build on the issues I raised in my letter of March 16. In each case, I have used the topic heading and numbering to facilitate your assessment of how the earlier comments have been addressed.

1. *Soil Characteristics and Depth to Groundwater*. Section 2.3 of the revised report continues to note that information on soil properties and depth to groundwater has not yet been collected.

Balance Hydrologics, Inc.

Ms. Leslie Mendez
August 11, 2017
Page 2

This is an unfortunate limitation, because the lack of definitive information on both subjects impacts several aspects of the drainage design, most notably the potential efficacy of the proposed permeable pavement surfaces to mitigate runoff quantity and quality. That said, the updated peak flow calculations included in the Technical Appendix to the revised report do explicitly include parameters based on characterization of the site soils as Hydrologic Soil Group D, consistent with published soil survey data and conservative for the purposes of estimating runoff.

2. *Design Guidance*. The revised report now includes runoff calculations using the rational method as applied in the Hydrology and Hydraulics Manual published by the Alameda County Flood Control and Water Conservation District ("ACFC"). This is a welcome addition that places the resulting estimates of peak flow much more in line with currently accepted practice in the region. The report now presents a clear comparison (Section 2.4.2) of the peak flow estimates for the ACFC methodology and those from the original report that utilized the Rantz method. The report also acknowledges that the resulting peak flow estimates per the ACFC framework are higher than those using the Rantz method. I would strongly suggest that peak flow estimates using the ACFC methodology are appropriately conservative and should be used as the design basis for the Project. My earlier review included comments on several factors, which include:
 - a. *Runoff Coefficients*. The revised report correctly follows the modified runoff coefficient framework used by ACFC using a basic coefficient that is adjusted for slope and rainfall intensity.
 - b. *Impervious Cover*. The updated report also includes a more explicit accounting of impervious cover, most clearly through the use of composite runoff coefficients that now account for the portion of each watershed that is roadway (see the Technical Appendix).¹
 - c. *Time of Concentration*. The Technical Appendix to the revised report includes the pertinent excerpts from the ACFC manual related to calculating times of concentration. However, the revised report appears to not strictly follow the methodology in this regard, particularly with respect to correct application of "roof to gutter" time and "overland flow" time. For example, the calculations of peak runoff for watersheds B through J use a time of concentration that is the sum of roof-to-gutter, overland flow, and open channel flow times. However, the ACFC methodology calls for a time of concentration in urban settings that is the sum of roof-to-gutter time and open channel flow time only (see Equation 4 in the manual excerpt in the Technical Appendix). This implies that the time of concentration for each of these watersheds is over-estimated by roughly 1.1 minutes. Conversely, for watershed A, where the point of concentration is the discharge to the gutter, the calculation should either use roof-to-gutter time or overland flow, but not both. Changes to times of concentration in this regard will generally lead to slightly higher peak flow estimates, and can readily be included in Project final design.

¹ A minor note is that the "%roadway" row in the first table on page 29 of the pdf as forwarded actually shows the fraction of each watershed that is roadway, e.g. the percentage divided by 100. However, the fraction is used correctly in the calculations.

3. I did echoed the concern that a soil study/report should be provided in that any development project would need to know soil characteristics in order to design and size proper footings and foundation and to generally confirm that the soil is capable of supporting the proposed building loads. It was my understanding from Rain that there are no soil report at this time. As part of the study soil borings may be needed to determine soil type and characteristics and to determine groundwater level.

I informed Rain that if soil characteristics and water level affect the location/configuration/size of proposed buildings on the development parcel the time to make these changes is during the Use Permit stage and not Building Permit stage. I stated that Planning could (not necessarily should) require the soil study as a condition approval. By the Building Permit stage any major design changes may need to return to ZAB. By not resolving these issues early on the developer is taking his/her own risk potentially having to return to ZAB if the soil can't support the buildings as proposed.



6/29/18



Rain Sussman <rain.sussman@gmail.com>

RE: follow up re. 1824 Curtis Street Creek Issues

1 message

Chen, Vincent <VChen@cityofberkeley.info> Fri, Jun 29, 2018 at 6:44 PM
To: "Mendez, Leslie" <LMendez@cityofberkeley.info>, Rain Sussman <rain.sussman@gmail.com>
Cc: Lucas Paz <lucas.paz@terraphase.com>, Mark Rhoades <mark@rhoadesplanninggroup.com>, Mia Perkins <mia@rhoadesplanninggroup.com>

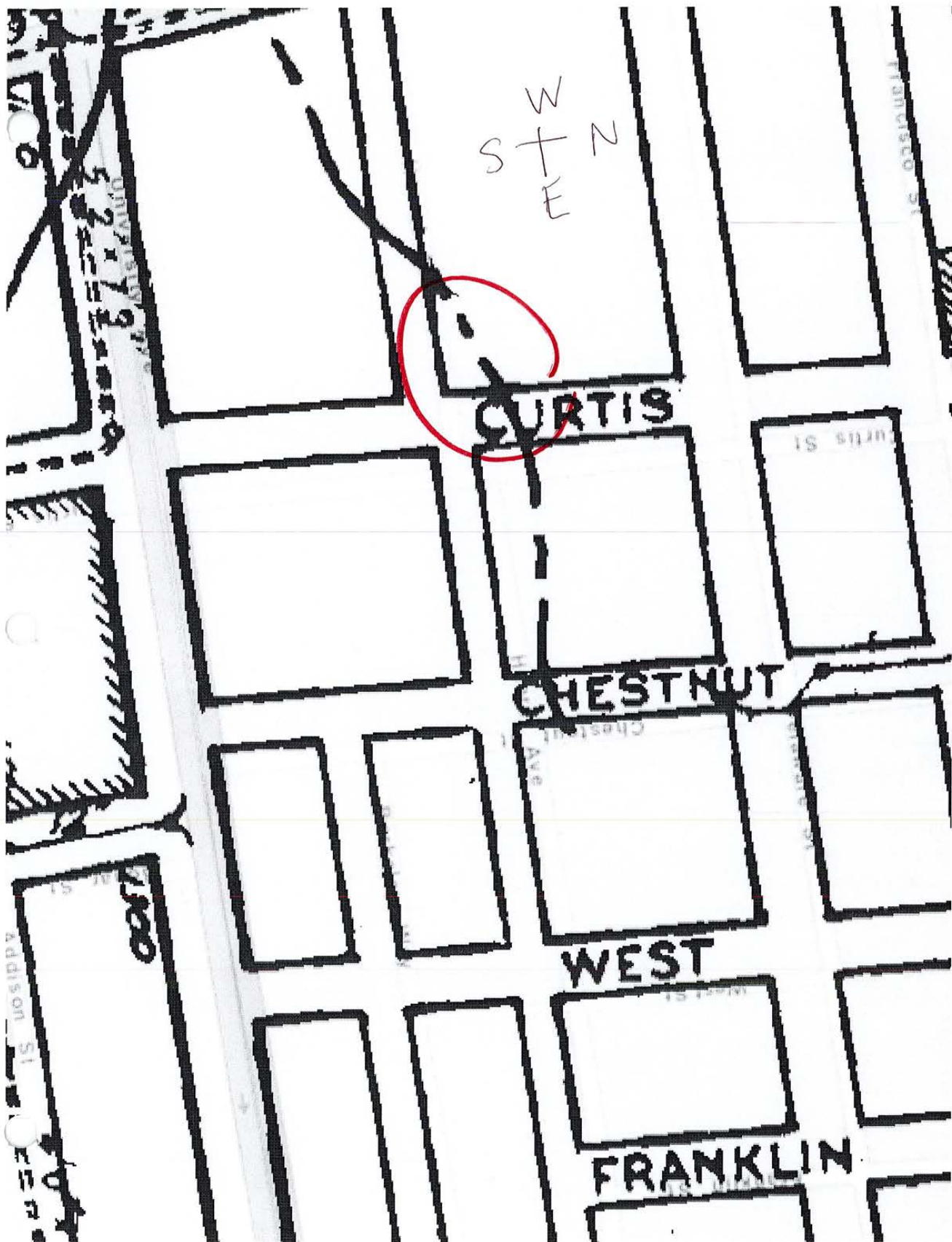
Hi Leslie,

The summary of my meeting with Rain is generally correct. I like to add a few things. I explained to Rain that this branch of the creek is a historical trace and not regulated under the Creek Ordinance (BMC 17.08). That means there is no requirement to determine location of the creek or obtain a creek permit as a development project on a creek site would typically be required to do.

Here is my feedback after taking a close look at Mr. Paz's comments/concerns:

1. The Urban Creek Council may have classified this area as "filled wetlands" and as "seismically unstable and subject to liquefaction" but that is not necessarily the viewpoint of Public Works. Rain and I reviewed a number of liquefaction maps that showed areas along certain creeks as being potential liquefaction sites but this particular branch was not so designated.
2. Therefore the following statements by Mr. Paz are statements I cannot fully endorse.
 - a. Public health and safety is at risk if the above issues are not addressed.
 - b. The City's previously assumed CEQA categorical exemption for the project (for residential infill projects) is not appropriate because the project site is in a sensitive environment and is subject to unusual circumstances associated with the buried creek directly under the site.
 - c. Project construction is proposed in potential wetland/riparian habitat located in the existing vegetated open space area on the site (biological assessment and wetland delineation may be needed to determine potential impacts and appropriate mitigation if necessary).
3. I did echoed the concern that a soil study/report should be provided in that any development project would need to know soil characteristics in order to design and size proper footings and foundation and to generally confirm that the soil is capable of supporting the proposed building loads. It was my understanding from Rain that there are no soil report at this time. As part of the study soil borings may be needed to determine soil type and characteristics and to determine groundwater level.

I informed Rain that if soil characteristics and water level affect the location/configuration/size of proposed buildings on the development parcel the time to make these changes is during the Use Permit stage and not Building Permit stage. I stated that Planning could (not necessarily should) require the soil study as a condition of approval. By the Building Permit stage any major design changes may need to return to ZAB. By not resolving these issues early on the developer is taking his/her own risk potentially having to return to ZAB if the soil cannot support the buildings as proposed.



ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155 Hearst Ave
(Project Address)

NAME Steven Pack
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: [Signature]

PHONE 510-309-4328 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 24 AUG 18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst
(Project Address)

NAME BRIN WATSON
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: [Signature]

PHONE 510-206-2731 DATE 24 Aug 18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173
(Project Address)

NAME Pam Ormsby
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: [Signature]

PHONE 524-6080 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 7/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave
(Project Address)

NAME MUSSEIN SAFFOURI
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT _____ BUSINESS OWNER _____

OTHER Lawyer for Resident

SIGNATURE: [Signature]

PHONE 510 708 1122 DATE 7/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8-23-18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-113 Hearst Ave
(Project Address)

NAME Deno Giannopoulos
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION ✓
(Optional)

RESIDENT ✓ BUSINESS OWNER _____
OTHER _____

SIGNATURE: Deno Giannopoulos

PHONE 510-981-7244 DATE 8-23-18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst
(Project Address)

NAME Yashu Jiang
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

RESIDENT X BUSINESS OWNER _____
OTHER _____

SIGNATURE: Yashu Jiang

PHONE 678-559-4213 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst
(Project Address)

NAME Joseph Chen
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

RESIDENT X BUSINESS OWNER _____
OTHER _____

SIGNATURE: Joseph Chen

PHONE 510-305-1321 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8-23-18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst
(Project Address)

NAME Wayne Cory
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION X
(Optional)

RESIDENT X BUSINESS OWNER _____
OTHER _____

SIGNATURE: Wayne Cory

PHONE 510-689-9969 DATE 8-23-18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst
(Project Address)

NAME Taul Major
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: [Signature]

PHONE _____ DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 09/23/2018

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1153-73 Hearst
(Project Address)

NAME MASANORI OBA
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: [Signature]

PHONE 510-517-3814 DATE 09/23/2018
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst
(Project Address)

NAME Stacey Shulman
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: [Signature]

PHONE 510-644-9540 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst
(Project Address)

NAME Alan Spector
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____

OTHER _____

SIGNATURE: [Signature]

PHONE 510-375-1184 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave.
(Project Address)

NAME LUCAS PAZ
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER Hydrologist - Consultant

SIGNATURE: [Signature]

PHONE 510 697 1238 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-1173 Hearst Ave
(Project Address)

NAME RAIN SUSSMAN
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 570 717 6218 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 1155-73 Hearst ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1155-73 Hearst
(Project Address)

NAME Dale Ananis
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE _____ DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC _____
(Project Address)

NAME DEAN METZGER
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 510-549-0379 DATE 8/23/2018
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC Hearst Mini Dorms
(Project Address)

NAME Tracey Emerson
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

OTHER RESIDENT BUSINESS OWNER _____

SIGNATURE: Tracey Emerson

PHONE 310-908-2057 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 2 ZAB DATE: 8/23/18

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 2510 Channing
(Project Address)

NAME Angie Chen
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

OTHER RESIDENT BUSINESS OWNER _____

SIGNATURE: Angie Chen

PHONE (323) 354-6728 DATE 8/23/18
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC _____
(Project Address)

NAME Bill Gies
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

OTHER RESIDENT BUSINESS OWNER _____

SIGNATURE: Bill Gies

PHONE 510 703 7027 DATE 8/23/18
(In case we would like to contact you)

Public Testimony Guidelines:

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. The Board Chairperson may limit the number of speakers and the length of time allowed to each speaker. To speak at a public hearing, please submit a speaker card to Planning Staff as early as possible at the meeting.

At the start of the meeting the Board may rearrange the agenda or place additional agenda items on the Consent Calendar, so it is important to submit speaker cards at the start of the meeting to avoid losing the chance to speak to an item.

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CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD MEETING
REMOTE BROADCAST CAPTIONING
AUGUST 24, 2017

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* * * * *

So what that means is 1436 campus drive is denied.
That is appealable to the city council. And 1155 first avenue is
continued to September 28th.

ROUGHLY EDITED COPY
CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD MEETING
REMOTE BROADCAST CAPTIONING
SEPTEMBER 28, 2017

Services provided by:

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totally verbatim record of the proceedings.**

* * * * *

ON 1155-1173 HEARST, I RECEIVED ONE EMAIL FROM RHIANNON BUT IT WAS A SUPPLEMENTAL COMMUNICATION.

SHE JUST WANTED TO MAKE SURE WE HAD RECEIVED IT.

AND IT LOOKS LIKE WE ARE ONTO THE MAIN EVENT OF THE EVENING.

GOING TO BE 1155-1173 HEARST AVENUE.

WE ARE GOING TO HEAR FROM STAFF AND THEN THE APPLICANT AND THEN WE WILL HEAR FROM MEMBERS OF THE PUBLIC.

AND I JUST WANTED TO REMIND EVERYONE TO KEEP COMMENTS CIVIL AND FOCUSED ON THE ISSUES AT HAND.

THANK YOU.

STAFF, WHEN EVER YOU ARE READY.

>> GOOD EVENING, CHAIR TREGUB AND MEMBERS OF THE BOARD.

THE THIRD ITEM TONIGHT IS A USE PERMIT AT 1155-1173 HEARST AVENUE.

IT'S ALSO TO MERGE TWO LOTS SUBSTANTIALLY REHABILITATE SEVEN EXISTING DWELLING UNITS AND CONSTRUCT 11 NEW DWELLING UNITS.

YOU HAVE PROBABLY HEARD A LOT ABOUT THIS PROJECT THROUGH THE COMMUNICATION THAT WAS SUBMITTED TO YOU, SOME OF THE MAIN ISSUES ARE THE EXISTING TENANTS AND CONCERN WITH THE TENANTS AS WELL AS THE HYDROLOGY ON THE PROJECT.

I BELIEVE ALL OF IT IS DESCRIBED PRETTY WELL IN THE STAFF REPORT, OR AT LEAST I HOPE IT'S DESCRIBED WELL IN THE STAFF REPORT.

ONE THING I WOULD LIKE TO DO THAT'S A LITTLE DIFFERENT BECAUSE THIS PROJECT DOES HAVE A LOT OF ISSUES REGARDING DENSITY BONUS AND EXISTING TENANTS AND AFFORDABILITY REQUIREMENTS THAT DO NOT COME UP AND HAVEN'T COME UP AT LEAST IN MY TEN-YEAR CAREER HERE, SO I HAVE A BRIEF PRESENTATION I WOULD LIKE TO DO ABOUT THE DENSITY BONUS AS IT RELATES TO THIS PROJECT AS WELL AS THE AFFORDABILITY REQUIREMENTS AS IT RELATES TO THIS PROJECT.

THIS PROJECT IS MERGING TWO LOTS.

THE TWO LOTS TOGETHER WILL BE TOTAL OF 21,902 SQUARE FEET.

THIS DISTRICT IS AN R2A DISTRICT WHICH HAS A DENSITY STANDARD WHICH IS DIFFERENT THAN MOST OF THE DENSITY PROJECTS BEFORE YOU.

SO IT'S A STATE DENSITY PROJECT.

IF THE DENSITY STANDARD HERE IS ONE DWELLING UNIT PER EVERY 1600 SQUARE FEET OF LOT AREA.

AS A DENSITY BONUS PROJECT, IF THE REMAINDER IS ANYTHING OVER ZERO, YOU GET ONE MORE UNIT.

SO THIS IS A VERY SCHEMATIC DIAGRAM OF WHAT THE LOT IS, DIVIDED UP INTO 1650 SQUARE FOOT BLOCKS.

IT SHOWS IF IT WERE A VACANT PROPERTY, THE BASE NUMBER OF UNITS, THE TOTAL DENSITY ALLOWED WOULD BE 14 UNITS.

IF IT WERE TO BE A DENSITY BONUS PROJECT.

>> WHAT IS THE BASE DENSITY?

>> YOU ARE ALLOW ONE UNIT PER 1650 SQUARE FOOT OF LOT.

>> CORRECT.

>> THEN YOU ARE ALLOWED THE BONUS ON TOP OF THAT.

>> THIS IS THE BASE IF YOU ARE DOING A DENSITY BONUS PROJECT AND IT WERE A VACANT LOT.

IF THIS WERE NOT A DENSITY BONUS PROJECT, THE REMAINING SQUARE FEET WOULDN'T QUALIFY FOR AN ADDITIONAL UNIT AND YOU WOULD GET 13 UNITS.

BUT STATE DENSITY BONUS LAW SAYS IF YOU HAVE REMAINDER, YOU ROUND UP.

SO THE NEXT PAGE IS A LITTLE BIT OF A DIAGRAM, ALL OF THIS IS SCHEMATIC OF THE EXISTING DWELLING UNITS.

THERE ARE CURRENTLY SEVEN DWELLING UNITS ON THE MERGED PROPERTIES.

ONE SINGLE FAMILY AS YOU CAN SEE UP FRONT AND SIX UNITS THAT ARE IN THREE DUPLEXES.

SO BASED WITH THOSE SEVEN UNITS, WITH THE MAXIMUM DENSITY THERE IS THE POTENTIAL TO BUILD SEVEN MORE UNITS WHICH IS REPRESENTED BY THE GREEN BOXES.

HOWEVER, FOR A DENSITY BONUS PROJECT WITH EXISTING UNITS, EXISTING UNITS MAY ONLY COUNT TOWARD THE HOUSING DEVELOPMENT, IF IT INCLUDES SUBSTANTIAL REHABILITATION OF AN EXISTING MULTI-FAMILY DWELLING.

THE THREE DUPLEXES ARE MULTIFAMILY PER THE DEFINITION
IN THE GOVERNMENT CODE, WHICH IS JUST TWO OR MORE UNITS.

AND ALL THREE OF THESE STRUCTURES ARE BEING PROPOSED
TO HAVE ADDITIONAL UNITS.

THESE COUNT TOWARDS THE HOUSING DEVELOPMENT, WHILE THE
SINGLE FAMILY UNIT DOES NOT.

THAT IS WHY THAT ONE IS RED.

WHICH GIVES US THAT QUALIFYING HOUSING DEVELOPMENT
AREA WHICH IS THEREFORE ONE UNIT LESS THAN THE 14 UNITS THAT
WOULD OTHERWISE BE THE BASE PROJECT IF IT WERE A VACANT LOT.

THEREFORE --

>> Chair I. Tregub: CAN I JUST ASK.

SORRY, I DO WANT TO MAKE SURE WE GET TO THIS
PRESENTATION BUT, HELP ME UNDERSTAND THE ONE SINGLE FAMILY HOME.

IT'S NOT COUNTED TOWARD THE DENSITY BONUS REQUIREMENTS
BUT IT'S ON THE SAME PARCEL, SO HOW WOULD IT NOT COUNT TOWARDS
IT?

>> IT DOESN'T COUNT TOWARDS WHAT IS THE HOUSING
DEVELOPMENT.

AND HONESTLY, THERE WAS A LOT OF DISCUSSION BACK AND
FORTH WITH THE APPLICANT AND STAFF AND OUR LEGAL DEPARTMENT AND
APPLICANT'S LEGAL REPRESENTATION.

IT IS THEREFORE KIND OF NETTED OUT OF THE BASE PROJECT
BECAUSE IT DOESN'T MEET THE DEFINITION OF HOUSING DEVELOPMENT
WITHIN THE GOVERNMENT CODE.

AS A SINGLE FAMILY HOME THAT IS NOT MULTIFAMILY AND NOT HAVING ADDITIONAL UNITS PUT ON IT.

>> Chair I. Tregub: IS THAT IN THE R1A ZONE, THE ISSUE THAT KEEPS COMING UP IS THE TWO SINGLE FAMILY HOMES ON THE SAME LOT?

>> IT'S VERY SPECIFIC TO THE DENSITY BONUS LAW. AND IT'S VERY SPECIFIC TO THIS VERY PROJECT.

>> Chair I. Tregub: GOOD TO KNOW.

>> SO THE BASE IS 13 UNITS.

IN CHOOSING TO PROVIDE 11% OR TWO UNITS AVAILABLE AT VERY-LOW INCOME, IT RESULTS IN A 35% DENSITY BONUS WHICH IS FIVE UNITS.

SO IT'S A TOTAL OF 18 UNITS.

NOW THERE WERE SOME COMMENTS THIS SHOULD BE A CONDO.

THERE ARE SPECIFIC RATES AND PERCENTAGES IF YOU WANT TO DO IT SPECIFICALLY FOR CONDO CONVERSION, WHICH THIS PROJECT COULD HAVE EMPLOYED AND THE DENSE THE BONUS IS LOWER.

HOWEVER THE INCOME LEVEL IS LOWER, IT'S MODERATE INCOME ONLY.

IT'S NOT REQUIRED.

SO BY PROVIDING THE 11% V.L.I., THEY ARE ENTITLED TO THE 35% BONUS.

THE EXISTING CONDITIONS ON THE HEARST AS YOU WILL SEE, ARE SEVEN EXISTING DWELLING UNITS.

I HAVE SHADED THEM IN TWO COLORS OF PURPLE.

ONE THAT IS HASHED, WHICH IS THE SINGLE FAMILY, THE DWELLING UNIT NOT SUBJECT TO RENT CONTROL.

THE SIX EXISTING DUPLEX UNITS ARE SUBJECT TO RENT CONTROL.

IT HAS THE SIX DWELLING UNITS BEING PROPOSED AS OWNERSHIP UNITS.

THE SIX UNITS WILL REMAIN IN RENT CONTROL.

EVEN AS THE PROPOSED DEVELOPMENT BECAUSE OF NEW CASE LAW THAT SAYS EVEN IF A STRUCTURE GETS A NEW CERTIFICATE OF OCCUPANCY THAT DOESN'T NEGATE THE UNDERLYING STATUS OF AN EXISTING RENT-CONTROLLED UNIT.

THOSE WILL REMAIN AS RENT-CONTROLLED UNITS.

THEY ARE ALSO SUBJECT TO REPLACEMENT PER STATE DENSITY BONUS LAW.

THAT'S WHERE IT GETS A LITTLE MORE CONFUSING.

AS OCCUPIED UNITS, THEY MUST BE REPLACED AT THE SAME OR LOWER INCOME OF THE HOUSEHOLDS THAT ARE LIVING THERE.

IF THE HOUSEHOLD INCOMES ARE UNKNOWN, THEN ONE HAS TO ASSUME THAT THE RENTERS THEY OCCUPY FOR H.U.D.'S COMPREHENSIVE STRATEGY DATA.

SO BASED ON THAT, THE PURPLE UNITS ARE EXISTING UNITS THAT WILL REMAIN RENT CONTROL AND SUBJECT TO REPLACEMENT AT EXISTING OR LOWER INCOME THAN THOSE EXISTING.

IF UNKNOWN, WHICH AT THIS POINT THEY ARE UNKNOWN,
61.2% OF RENTERS IN BERKELEY ARE LOWER INCOME, THAT INCLUDES
LOWER INCOME, VERY LOW INCOME AND LOWER.

61.2% IS FOUR UNITS OUT OF THE SIX.

SO FOUR UNITS OUT OF THE SIX HAVE TO BE LOWER INCOME.

10.2% OF RENTERS IN BERKELEY ARE MODERATE INCOME.

10.2% OF 6 IS ONE.

ONE ADDITIONAL WOULD NEED TO BE MODERATE INCOME, BELOW
MARKET RATE.

UNDER THE INCLUSIONARY ORDINANCE, 20% OF THE 11 UNITS
OR 2.2 UNITS ARE SUBJECT TO BE INCLUSIONARY WHICH MEANS TWO
B.M.R. UNITS AT LOWER INCOME WITH A PAYMENT OF THE REMAINDER FEE
OF 0.2.

THERE'S A SECTION IN THE INCLUSIONARY REQUIREMENT THAT
SAYS IF YOU CAN CHOOSE TO PAY AN IN-LIEU FEE FOR ALL OF THE
REQUIREMENT AND UNDER THAT SECTION IT SAYS THE IN-LIEU FEE
DOESN'T APPLY TO THE DENSITY BONUS UNIT, IT WOULDN'T APPLY TO
THE FIVE UNITS.

THE PAY IN LIEU IS 20% OF THE 6 UNITS THAT ARE NEW AND
NOT DENSITY BONUS UNITS.

THEY CAN BE INCLUSIVE OF ONE OR THE OTHER.

PER STATE LAW, THE VERY LOW INCOME QUALIFYING UNITS
CAN BE CONSIDERED TWO OF THE REPLACEMENT UNITS SO THEY WOULD BE
TWO OF THE LOWER INCOME REPLACEMENT UNITS.

OR THEY COULD ALSO BE CONSIDERED THE TWO INCLUSIONARY UNITS.

AND THAT IS UP TO THE OPTION OF THE APPLICANT.

THAT IS MY BRIEF PRESENTATION TO TRY TO CURTAIL SOME OF THE QUESTIONS AHEAD OF TIME.

AT THIS POINT WE DO NOT HAVE HOUSEHOLD INCOME, SO A LOT OF THESE, IF THIS OR THAT WILL BE SETTLED HOPEFULLY WITH THE CONDITION OF APPROVAL THAT THIS INFORMATION SHALL BE PRESENTED PRIOR TO ISSUANCE OF THE BUILDING PERMIT AND IF NOT IT WOULD BE ASSUMED IT WOULD BE FOR THE H.U.D. DATA AND DIVIDED THAT WAY.

THAT THE HOUSING DEPARTMENT CAN WORK ON REGULATORY AGREEMENTS.

MORE APPROPRIATELY.

>> Chair I. Tregub: DO YOU WANT TO MENTION THE OTHER CHANGES?

>> YES.

>> CAN I ASK A QUESTION QUICKLY ABOUT THE PURPLE UNITS?

YOU ARE SAYING THEY ARE GOING TO CHANGE THEM SO MUCH THEY WILL BE CONSIDERED REPLACEMENT UNDER THE DENSITY BONUS LAW, RATHER THAN CURRENTLY RENT CONTROLLED UNITS?

>> THEY WILL REMAIN RENT-CONTROLLED UNITS.

>> THEY COULD GO UP TO MARKET RATE IF THEY ARE -- IF THE EXISTING TENANTS CHOOSE NOT TO MOVE BACK THEY WILL GO TO

MARKET RATE UNLESS THEY ARE ONE OF THE BELOW MARKET RATE
REGULATORY AGREEMENTS.

>> SO THEY ARE GOING TO BE SUBJECT TO THE REPLACEMENT
HOUSING UNDER THE DENSITY BONUS LAW BECAUSE THEY ARE EXISTING?

>> CORRECT.

AND THEY ARE RETAINING THEIR RENT CONTROL STATUS AS
WELL.

THANK YOU, IGOR, THERE ARE A FEW THINGS BROUGHT TO MY
ATTENTION.

ONE IS ON THE FINDINGS AND CONDITIONS, THE ONLY USE
PERMIT THAT REALLY SHOULD BE LISTED IS THAT FOR THE CONSTRUCTION
OF DWELLING UNITS.

THE OTHER BULLET POINTS SHOULD BE UNDER WAIVERS AND
MODIFICATIONS.

UNFORTUNATELY THAT WAS CHANGED ON THE STAFF REPORT BUT
NOT ON THE FINDINGS AND CONDITIONS.

A SECOND ITEM IS THAT THE APPLICANT DID HOLD COMMUNITY
MEETING ON AUGUST 3rd AND HE WILL TELL YOU THE DETAILS OF IT.

SOMEHOW THAT MISSED INFORMATION IN THE STAFF REPORT.

ALSO, AGAIN THE WRONG CONDITION IN TERMS OF TIME FOR
CONSTRUCTION HOURS SHOULD BE CHANGED TO 8:00 A.M. INSTEAD OF
7:00 A.M.

CONDITION NUMBER 54 AGAIN SHOULD HAVE AT LEAST 19
BICYCLES.

OH YEAH, AND BE 9:00 A.M. TO NOON ON SATURDAYS.

AND IF THERE IS NOT THE WATER EFFICIENT LANDSCAPING
CONDITION IN THE CONDITIONS OF APPROVAL, THAT SHOULD BE ADDED TO
THE CONDITIONS OF APPROVAL, SO THANK YOU FOR BRINGING THOSE TO
MY ATTENTION.

>> Chair I. Tregub: THANK YOU.

ANY OTHER QUESTIONS FOR STAFF?

>> I HAVE A QUESTION.

>> Chair I. Tregub: YES.

>> Vice Chair D. Pinkston: I READ IN THE STAFF REPORT
THAT THE TENANTS LIVING IN THE EXISTING DUPLEXES WILL BE
TEMPORARILY RELOCATED AND PAID RELOCATION ASSISTANCE AS REQUIRED
UNDER THE RENT LAW AND THEY MAY CHOOSE TO MOVE BACK.

IS THERE AN OBLIGATION THAT THEY BE OFFERED THE
OPPORTUNITY TO MOVE BACK, OR DOES THAT SORT OF GO WITHOUT
SAYING?

BECAUSE THAT WASN'T CLEAR IN THE CONDITIONS.

>> Chair I. Tregub: IT SHOULD BE IN THE CONDITIONS.

IF IT'S NOT, THAT'S A PROBLEM.

>> THE TENANTS WOULD HAVE THE RIGHT TO MOVE BACK INTO
WHAT WOULD BE CONSIDERED THEIR EXISTING UNIT.

IT WOULDN'T BE CONSIDERED A NEW UNIT.

SO THEY SHOULD GET IT BACK AT THE SAME PRICE AND THE
SAME RENT.

>> Vice Chair D. Pinkston: COULD THAT BE MADE MORE
CLEAR?

>> DEFINITELY.

>> Vice Chair D. Pinkston: BECAUSE ALL IT SAYS NOW IS IF THEY VOLUNTARILY VACATE, ON PAGE 4, VOLUNTARY RELOCATION PRIOR TO BUILDING PERMIT, DOCUMENT TENANTS EITHER VOLUNTARILY RELOCATED.

IT WAS UNCLEAR AND THERE WAS CONSIDERABLE CORRESPONDENCE FROM CONCERNED TENANTS AND RESIDENTS THEY MIGHT NOT BE OFFERED A CHANCE TO MOVE BACK INTO THE UNIT AT THE RENT-CONTROLLED RENT.

>> Chair I. Tregub: THAT'S A REALLY GOOD POINT, DENISE.

MAYBE ONE WAY TO MODIFY THAT CONDITION OR ADD TO IT IS JUST TO INCLUDE, I THINK IT'S B.M.C. 14.84.

I ONLY KNOW THIS BECAUSE I JUST DEALT WITH IT ON THE LAST PROJECT.

IF THAT INCLUDES FIRST RIGHT OF REFUSAL BUT I STILL LIKE MAKING IT VERY CLEAR.

>> I'LL PUT IN THE FIRST RIGHT OF REFUSAL.

THERE'S ONE RIPPLE.

THE REPLACEMENT UNITS ARE REQUIRED TO BE, IF WE DON'T KNOW THE HOUSEHOLD INCOME TO BE BELOW MARKET RATE, FOUR AT LOWER INCOME, AND ONE MORE AT MODERATE.

THE EXISTING TENANTS MAY NOT QUALIFY BECAUSE WHAT THEIR RENT AND WHAT THEY PAY AND WHAT THEIR HOUSEHOLD INCOME IS, AREN'T ALWAYS CONGRUENT.

THAT IS SOMETHING THAT HASN'T BEEN QUITE RECTIFIED
YET.

>> Vice Chair D. Pinkston: THE POLICY IS IT BE
PROVIDED BASED ON THEIR INCOME QUALIFICATIONS.

SO THE TWO SETS OF RULES AREN'T EXACTLY IN SYNC, AM
I --

>> THAT IS CORRECT, YES.

>> Vice Chair D. Pinkston: SO WHICH GOVERNS?

>> I WOULD ASSUME [INAUDIBLE] GOVERNS.

>> Vice Chair D. Pinkston: SO I WOULD LIKE TO KNOW THE
ANSWER TO THAT.

I SUSPECT IF THE STATE LAW GOVERNS UNLESS THERE'S A
LOCAL LAW THAT ADDS AN ADDITIONAL DETAIL AND NOT DIRECTLY IN
CONFLICT.

SINCE THE INTENT OF THE STATE LAW IS TO PRESERVE
AFFORDABLE RENTAL HOUSING FROM BEING UNDONE BY USE OF DENSITY
BONUS AS A TOOL, MY GUESS IS THAT BERKELEY'S RENT LAW WOULD
GOVERN BECAUSE IT ISN'T DIRECTLY IN CONFLICT AND PROVIDES A
HIGHER LEVEL OF PROTECTION.

THAT'S MY INTERPRETATION BUT IT WOULD BE NICE TO KNOW
THAT.

>> ONE ANOTHER THING, IF IT'S KNOWN THE HOUSEHOLD, THE
EXISTING TENANT'S HOUSEHOLDS ARE NOT LOWER INCOME, THEN THE
CITY, MEANING, ZAB, US, DO HAVE THE ABILITY TO KEEP IT IN RENT
CONTROL, INSTEAD OF DOING THE BELOW MARKET.

IT'S ONLY IF WE DON'T KNOW THE HOUSEHOLD INCOME.

>> COULD WE PUT A CONDITION ON THAT THOSE PEOPLE, IF THEY DON'T MEET THE QUALIFICATION THEY COULD MOVE INTO ONE OF THE OTHER UNITS?

ONE OF THE OTHER BELOW MARKET RATE UNITS.

OR ABOVE, BUT AT THE RENT-CONTROLLED RATE.

>> Chair I. Tregub: THAT COULD BE A COMPARABLE-SIZED UNIT.

>> I DON'T KNOW THE SIZE OF THE UNITS.

>> THIS IS WHAT WE HAVE BEEN STRUGGLING WITH SINCE THEY ARE SCHEDULED TO BE OWNERSHIP UNITS.

SO YES, IT'S POSSIBLE, OBVIOUSLY IF THE OWNERS AND APPLICANTS AGREE TO IT.

OTHERWISE THAT'S ANOTHER QUESTION THAT WE WILL BE FOLLOWING UP WITH.

>> SO MAYBE IT WOULD ONLY BE EXEMPT FOR THAT PARTICULAR TENANT AND WHEN THAT TENANT MOVES OUT IT GOES TO THE STATE BELOW MARKET RATE.

>> Vice Chair D. Pinkston: I'M STILL CONFUSED.

HOW DOES THEN THE DESIRE TO HAVE THEM BE OWNERSHIP UNITS OVERLAP WITH THE RENT STABILIZATION?

AND REQUIRED RENT LEVELS?

WE MAY NOT BE ABLE TO FINISH THIS ITEM WITHOUT CLEAR ANSWERS TO THESE QUESTIONS.

SO WE KNOW WE ARE RELYING ON CLEAR LEGAL STANDING WHEN WE MAKE THE DECISION WE MAKE.

THANK YOU.

>> Chair I. Tregub: THANK YOU.

ANY OTHER QUESTIONS?

I JUST HAD ONE MORE.

I THINK THIS IS THE SECOND TIME WE HAVE SEEN A DENSITY BONUS PROJECT THAT KICKS IN THE HOUSING ACCOUNTABILITY ACT PROVISIONS.

CAN YOU EXPLAIN WHAT WE ARE BOUND TO APPROVE AND WHAT THERE IS SOME WIGGLE ROOM ABOUT?

>> YES.

ALL THE WAIVERS AND MODIFICATIONS ARE REQUIRED TO BE APPROVED TO ACCOMMODATE THE DENSITY BONUS UNITS.

SO ESSENTIALLY IT IS IN A MUST-APPROVABLE PROJECT.

THERE SHOULD BE SOME WIGGLE ROOM, I SHOULD SAY, IN TERMS OF DESIGN REVIEW, WHAT WOULD HAPPEN IF IT WERE A COMMERCIAL PROJECT THAT WENT THROUGH DESIGN REVIEW.

>> Vice Chair D. Pinkston: WE ARE ONLY OBLIGATED TO PROVIDE, IF IT MAKES THE DENSITY BONUS UNITS AFFORDABLE.

SO HAVE WE DONE AN ANALYSIS OF THE COST IMPACT OF THE REQUESTED THINGS?

>> SO ALL THE REQUESTED ITEMS LISTED AS WAIVERS.

THERE ARE NO CONCESSIONS BEING REQUESTED.

CONCESSIONS ARE THE ONE THAT, IF YOU WANTED TO DENY THEM, YOU COULD DENY THEM.

IF THEY WERE NOT NECESSARY TO REDUCE THE COST OF THE --

>> OKAY, AND AREN'T YOU LIMITED TO A CERTAIN NUMBER OF WAIVERS?

>> NO.

THERE'S A LIMITED NUMBER OF CONCESSIONS, BASED ON WHAT TYPE OF PROJECT IT IS BUT THERE ARE AN UNLIMITED NUMBER OF WAIVERS.

>> Chair I. Tregub: OKAY.

I GUESS THAT'S AS CLEAR AS DAY, RIGHT?

THANK YOU SO MUCH.

LET'S HEAR FROM THE APPLICANT.

OR APPLICANT TEAM.

HAVE FIVE MINUTES.

>> THANK YOU, MR. CHAIR AND MEMBERS OF THE ZONING ADJUSTMENTS BOARD.

IT'S AN EXTREMELY DIFFICULT AND COMPLEX PROJECT, WE HAVE BEEN WORKING ON FOR ABOUT TWO YEARS ALL TOGETHER.

AND I WANT TO THANK STAFF FOR THEIR HARD WORK AND IT'S PROBABLY ONE OF THE MORE COMPLEX PROJECTS I'VE DEALT WITH IN ALMOST 20 YEARS.

I FEAR THAT I'M NOT GOING TO MAKE IT ANY EASIER FOR YOU AT THE END OF THE PRESENTATION, BUT LET'S WORK THROUGH IT.

SO AGAIN, WE HAVE BEEN WORKING ON THE PROJECT FOR
NEARLY TWO YEARS.

AND WE ARE HERE TONIGHT.

AND WE THINK THIS IS A REALLY GOOD PROJECT BUT
BUILDING HOUSING IN BERKELEY IS DIFFICULT.

IT'S EXPENSIVE.

AND THIS PROJECT IS NO DIFFERENT.

THIS PROJECT IS WHAT URBAN PLANNERS AND DESIGNERS AND
OTHERS REFER TO AS MISSING MIDDLE.

IT'S MEDIUM DENSITY, TRANSITIONAL ZONING NEIGHBORHOOD.

AND IT IS TRYING TO SORT OF TRANSITION DOWN TO LOWER
DENSITIES FROM HIGHER DENSITIES ALONG UNIVERSITY AVENUE AND SAN
PABLO AVENUE WHICH ARE BOTH LESS THAN A BLOCK AWAY.

TOTAL SITE AREA IS 21,000 SQUARE FEET.

THERE ARE A LIST OF MODIFICATIONS WE HAVE ASKED FOR
BUT MANY THINGS LIKE OPEN SPACE, BIKE PARKING ETC., WE EXCEED.

WE DON'T EXCEED THE CITY'S REQUIREMENTS.

AS A TRANSITIONAL SITE WE HAVE LOWER DENSITY, AND
HIGHER ALONG THE CORRIDOR AND SOME UP AGAINST UNIVERSITY AVENUE.

THIS SITE USED TO BE ZONED R3 UNTIL ABOUT 2000.

AND THERE WAS A PROJECT PROPOSED ON THE 1155 PORTION
OF THE PROPERTY THAT WAS 20 UNITS WITH ONLY 8 PARKING SPACES.

THAT PROJECT CAUSED SO MUCH UPROAR THAT THE PLANNING
COMMISSION DOWN ZONED THESE PARCELS TO THE R2A WHICH IS THE
ZONING PARAMETER THAT THE PROPOSED PROJECT IS UNDER TONIGHT.

THESE ARE JUST VIEWS WHAT'S ON THE PROPERTY RIGHT NOW.

I ASSUME SOME OF YOU HAVE BEEN THERE.

I'M NOT GOING TO GO MUCH FURTHER INTO THAT.

PART OF THE PROJECT THAT'S THERE RIGHT NOW WAS BUILT
IN THE 50'S.

THE STRUCTURE IN THE REAR OF THE 1155 LOT WAS BUILT IN
THE 20'S, I BELIEVE.

THIS WAS THE FIRST PROJECT WE PRESENTED TO A FEW
NEIGHBORS IN SOME LIVING ROOM MEETINGS.

WE REACHED OUT TO NEIGHBORS DIRECTLY ADJACENT TO THE
SITE AND ORIGINALLY WE HAD PROPOSED WITH THE 18 UNITS ANOTHER
DUPLEX BACK HERE AND IN TRYING TO WORK THROUGH SOME OF THESE
ISSUES, ONE COMMENT IS CAN YOU PUT THIS ON TOP AND PUT THE
MASSING CLOSER, SO WE DID THAT.

ALL OF THESE WERE PROPOSED AS THREE STORIES.

WE TOOK THE THIRD STORY OFF EACH OF THOSE SO THAT NOW
THE ONLY THREE STORY PORTION OF THE PROJECT ARE ON THE 1155 SIDE
OF THE PARCELS.

THIS IS WHAT WE HAVE NOW, WITH THE 13 UNITS, THAT'S
ALL TWO STORY AND THE PROPOSED PROJECT IS THIS ONE.

SO YOU'VE GOT THE TWO DUPLEXES OF TWO STORIES BEHIND
THE EXISTING HOUSE AND THEN YOU HAVE THREE STORY ELEMENTS ON
OTHER PORTIONS OF THE PARCEL, WE ALSO PULLED THE THREE STORY
ELEMENT OF THIS BACK FROM THE REAR PROPERTY LINE.

WE WILL GO THROUGH THE GROUND FLOOR PLAN.

THE PARKING IS ACCESSED OFF HEARST, YOU COME IN OFF THE PARKING AREA, THERE'S A MAIN PASEO THAT SERVES THE PROJECT ALL THE WAY THROUGH RIGHT HERE TO THE BACK, IF THERE'S FAIRLY GENEROUS OPEN SPACES IN THE BACK AND PASEO IN BETWEEN SOME OF THE UNITS.

WE TRY TO KEEP THESE TWO DUPLEXES AS NARROW AS POSSIBLE IN ORDER TO RESPECT AS MUCH LIGHT AND AIR FOR THESE RESIDENTS ALONG CURTIS STREET AS POSSIBLE.

THIS IS THE FIRST FLOOR.

GROUND FLOOR.

FIRST FLOOR.

SECOND FLOOR, AND AGAIN THE THIRD FLOORS.

SO YOU SEE AGAIN THERE ARE NO THIRD FLOORS ALONG THE CURTIS STREET SIDE OF THE PROJECT.

THIS IS AN ELEVATION LOOKING AT IT FROM HEARST STREET ON THE TOP, SO YOU CAN SEE HOW THESE THREE STORY ELEMENTS, SOMEWHAT COMPARE TO WHAT'S GOING ONTO THE WEST, WE TRANSITION DOWN TO THE EXISTING STRUCTURE AT 1173 HERE.

[BEEPING].

>> Chair I. Tregub: THANK YOU.

HOW MUCH LONGER?

>> I NEED LESS THAN ONE MINUTE.

>> Chair I. Tregub: OKAY.

>> AS I SAID, IT'S DIFFICULT TO BUILD HOUSING IN BERKELEY.

I WILL APOLOGIZE TO THE ZAB FOR THE ACRIMONY WE HAVE PROBABLY CREATED AMONGST SOME OF OUR NEIGHBORS AND RESIDENTS BECAUSE OF CONFUSION WITH US AND STAFF AROUND THE AFFORDABILITY.

WE DID THINK WE WOULD BE ABLE TO CONTINUE RENTING THOSE SIX UNITS.

BUT GIVEN THE CITY'S VERY HIGH AFFORDABILITY REQUIREMENTS UNDER THE STATE DENSITY BONUS LAW AND THEN THE ADDITIONAL REQUIREMENT, WHICH WE DIDN'T THINK WOULD BE ADDITIONAL, UNDER 23C 12 FOR THE CONDOMINIUMS WE WILL NOT BE ABLE TO CONTINUE RENTING THE UNITS ON THE PROPERTY, THEY WILL ALL NEED TO BE SOLD IF WE DO THE 18-UNIT PROJECT.

AND THAT HAS BEEN OUR CONFUSION OVER THE LAST MANY MONTHS, UP UNTIL MORE RECENTLY, THE LAST MONTH AND A HALF WE HAVE BEEN BEATING OUR HEADS AGAINST THE WALL TO SEE IF THERE'S A WAY WE CAN CONTINUE RENTING THOSE UNITS AND STILL HAVE A VIABLE PROJECT THAT WILL PROVIDE THE LEVELS OF AFFORDABILITY REQUIRED BY THE CITY AND STATE DENSITY BONUS LAW.

THIS IS WHAT WE ARE UP AGAINST.

TWO UNITS HAVE TO BE PROVIDED 50% A.M.I., ONE AT 80% A.M.I., ONE AT 100% A.M.I. AND STILL 2-3 UNITS AT 80% A.M.I.

AND THIS PROJECT JUST CAN'T BEAR THAT OUT.

SO WE'RE OPEN TO DISCUSSION AND, WE DO HAVE A HOUSING CRISIS IN OUR COMMUNITY.

WE ARE TRYING TO ADDRESS IT AS BEST WE CAN THROUGH NEW HOUSING.

AND THIS PROJECT MAY COME AT SOME COST.

AGAIN FOR THAT, WE APOLOGIZE FOR THE CONFUSES WE HAVE
CREATE ED WITH BOTH OUR RESIDENTS AND SOME OF OUR NEIGHBORS.

>> Chair I. Tregub: QUESTIONS?

>> CAN YOU GO BACK TO THE SLIDE ABOUT HOW MANY UNITS
HAVE TO BE AFFORDABLE LEVELS.

BECAUSE I DIDN'T FULLY GET THAT IN THE STAFF REPORT.

>> SO THE TOP THREE BULLET POINTS ARE THE REPLACEMENT
UNITS FOR THE RENT CONTROLLED UNITS RIGHT NOW.

THAT HAVE TO BE PROVIDED.

AND THEN FOR THE NEW UNITS THAT ARE BEING BUILT WE
HAVE TO PROVIDE ADDITIONAL MARKET RATE UNITS.

IF WE BUILD THE 18-UNIT PROJECT WE WOULD BE HAPPY TO
WORK WITH OUR RESIDENTS TO SEE IF THEY INCOME QUALIFY FOR THE
BELOW MARKET RATE UNITS.

50% A.M.I. YOU ARE PROBABLY TALKING ABOUT A
CONDOMINIUM THAT WILL COST LESS THAN \$200,000 SO YOUR MONTHLY
MORTGAGE WILL BE AROUND \$1600-\$1700 A MONTH.

WE CAN WORK WITH LENDING INSTITUTIONS TO WORK WITH OUR
RESIDENTS BUT THEY WOULD HAVE TO INCOME QUALIFY FOR THOSE UNITS
PURSUANT TO THE CITY'S REQUIREMENTS.

>> Vice Chair D. Pinkston: THANK YOU.

>> SO YOU ARE SAYING NOW YOU'RE NOT GOING TO KEEP THE
EXISTING UNITS AS A RENTAL?

>> WE CAN'T UNDER THE DENSITY BONUS SCENARIO.

>> BECAUSE YOU ARE REQUIRED TO PUT ALL --

>> ALL OF THE AFFORDABLE UNITS REQUIRED.

>> YOU ARE SAYING FINANCIALLY.

BUT NOT BY THE DENSITY BONUS?

>> CORRECT.

>> YOU ARE JUST SAYING FOR YOUR FINANCIAL ANALYSIS YOU
DON'T FEEL YOU CAN.

>> RIGHT.

>> SO THE PROPOSAL YOU ARE MAKING NOW WHICH IS A
LITTLE DIFFERENT THAN WHAT STAFF PRESENTED WAS --

>> ALL FOR SALE.

>> THEY WILL ALL BE FOR SALE AND YOU WILL DO
CONDOMINIUM.

>> EXISTING RESIDENTS WILL HAVE RIGHT OF FIRST REFUSAL
BUT WOULD NEED TO INCOME QUALIFY.

>> SO THOSE UNITS, SEPARATELY, THEY WOULD BE
CONVERTED, ARE SUBJECT TO EXTREMELY ELEVATED MITIGATION FEE
REQUIREMENTS.

>> YEAH.

HAVE YOU CALCULATED THAT?

>> IT'S SLIGHTLY MORE COST EFFECTIVE.

>> Chair I. Tregub: THANK YOU.

I CAN'T REMEMBER A TIME THAT WE HAVE SEEN A CONDO
CONVERSION PROJECT ON THIS BODY.

ANY OTHER QUESTIONS?

THANK YOU FOR YOUR TIME.

WE WILL MOVE TO PUBLIC COMMENT.

I'M JUST GOING TO CALL OUT THREE NAMES AT A TIME.

IF YOU ARE ABLE TO, IF YOU ARE ON DECK, IF YOU ARE ABLE TO COME TO THE FRONT JUST TO SAVE A LITTLE TIME, WE APPRECIATE IT.

EVERYONE WILL HAVE TWO MINUTES.

AND WE RECEIVED A LOT OF CARDS.

I APPRECIATE YOUR PATIENCE.

IF YOU CAN KEEP YOUR COMMENTS SUCCINCT, IF YOU WANT TO AGREE WITH WHAT A PREVIOUS SPEAKER HAS SAID THAT'S TOTALLY FINE AS WELL.

THANK YOU.

WE HAVE JOSEPH CHEN, FOLLOWED BY [INAUDIBLE] LAURIE AND STACY SCHULMAN.

IF YOU CAN COME UP TO THE MIC.

THAT'S A MIC, BELIEVE IT OR NOT.

>> [INAUDIBLE].

I WENT TO A MEETING IN AUGUST.

ME AND MY WIFE HAVE LIVED THERE FOR [INAUDIBLE] YEARS.

I WAS BORN AND RAISED IN JAPAN BUT I LIVED HERE MORE THAN I LIVED IN JAPAN.

I BECAME A U.S. CITIZEN, SO THIS IS MY HOME.

IF WE HAVE TO MOVE OUT OF THE APARTMENT, MOST OF US ARE SENIOR NOW AND RETIRED, WE WANT TO BE ABLE TO LIVE IN THE BAY AREA.

WHICH WILL BE VERY DIFFICULT FOR US, BECAUSE WE HAVE NEVER LIVED OUTSIDE OF THE BAY AREA.

WE LIKE THE DIVERSITY AND EVERYTHING HERE.

I'M AGAINST THE PLANNING.

THEY TOLD US, THE RENT CONTROLLED UNIT WILL BE STAYED.

AND HE EXPLICITLY TOLD US AT THE MEETING ON JUNE 28th, HE SAID THE SAME THING AT THE MEETING AUGUST 6th.

I'M SURPRISED TO HEAR HE ISN'T CONSIDERING TO KEEP THIS A RENT-CONTROLLED UNIT ANY MORE.

UNLESS HE PROMISE TO KEEP US STAYING THERE, I'M AGAINST THIS PROJECT.

>> Chair I. Tregub: THANK YOU.

IS JOSEPH CHEN HERE?

THANK YOU.

AND THEN STACY, YOU WILL BE NEXT.

FOLLOWED BY PAM AND THEN WAYNE.

>> MY NAME IS JOSEPH CHEN.

THANK YOU TO THE BOARD FOR THIS OPPORTUNITY TO HEAR OUR VOICE.

THE REAL VOICE OF PEOPLE WHO ARE LIVING IN THE COMPLEX, OKAY.

FOR US, I DON'T KNOW THE TERM, DENSITY RATE, JUST
SPEAKING ENGLISH, MAKE IT EASIER.

WE LIVE THERE.

DEVELOPER COME HERE, A FEW FACTS HERE.

THE FIRST MEETING, ACCORDING TO THE DEVELOPER, WE DID
IN OUR PARKING LOT, WINTER TIME.

NO LIGHT.

NOBODY EVEN SEE THE BOARD.

THEY USE THE HEADLIGHT OF THE CAR AND CALL IT A
MEETING.

I DON'T KNOW WHAT THE INTENTION TO EXPLAIN TO THE
COMMUNITY TO US.

THE SECOND TIME THEY HAD A MEETING AGAIN NEXT DOOR IN
THE SINGLE FAMILY PROPERTY.

EVERYBODY LEAVING ANGRY BECAUSE WHAT THEY ARE
EXPLAINING TO US IS GETS CONFUSED.

HE IS CHANGING IT.

WE DON'T KNOW IF HE IS TELLING THE TRUTH.

THAT'S WHAT MAKES US PANIC.

AND THE PURPOSE OF THE POSTPONING TO TODAY FOR ONE
MONTH, CORRECT, BECAUSE TRY TO SAY, HE DIDN'T UNDERSTAND WHAT
THE RENTAL BOARD WAS SAYING.

BUT GUESS WHAT, THE OWNER, THE DEVELOPER NEVER COME TO
US EXPLAINING ANYTHING AT ALL.

WE WENT TO THE RENTAL BOARD OURSELVES.

THE RENTAL BOARD COULDN'T GIVE US A STRAIGHT ANSWER
EITHER.

SO WHAT IS THE PROMISE?

WE DON'T REALLY SEE ANYTHING.

WE ARE REALLY CONFUSED.

WE WERE WORRIED.

AND THEN ABOUT AFFORDABLE HOUSING, I REALLY URGE THE
BOARD, FOR DEVELOPER TRY NOT TO USE AS AN UMBRELLA TO FORCE
UNDERSTANDING WHAT IS AFFORDABLE HOUSING.

BE REALISTIC OF THE AREA.

IF YOU DON'T GO BY THE COUNTY GUIDELINE [INAUDIBLE].

>> Chair I. Tregub: THANK YOU VERY PUSH.

-- MUCH.

STACY?

[APPLAUSE].

>> MY NAME IS STACY SCHULMAN, I LIVE AT 1818 CURTIS
STREET.

I'VE LIVED THERE 29 YEARS SINCE 1988.

I FULLY SUPPORT WELL-CONCEIVED DEVELOPMENT THAT IS
APPROPRIATE FOR THE NEIGHBORHOOD IN TERMS OF ITS SIZE AND SCALE,
IT'S ARCHITECTURAL CONSISTENCY, SAFETY AND PROMOTES
AFFORDABILITY FOR BOTH BUYERS AND RENTERS.

BUT THE HEARST CONDO DOESN'T MEET THAT CRITERIA AND
SHOULD BE OPPOSED.

I WILL FOCUS MY COMMENTS ON THE DRAINAGE ISSUES THAT THE RESIDENTS ON THE CURTIS STREET SIDE ABOVE THE PROPOSED PROJECT FACE.

I'M SURE YOU HAVE REVIEWED THE HISTORIC CREEK MAPS AND READ THE DEVELOPER'S HYDROLOGY REPORT AND TWO INDEPENDENT HYDROLOGY REPORTS THAT HIGHLIGHT SOME REAL UNDERESTIMATED ISSUES AND QUESTIONABLE ASSUMPTIONS CONTAINED IN THE INITIAL REPORT.

EVEN WITH THIS LAND STANDING VACANT AS IT IS NOW, IT ACTS AS A SPONGE TO SOAK UP WHATEVER IT CAN, IT FACES UNCERTAIN SET OF EVENTS IN THE WINTER, ON ANY GIVEN TIME.

I NEED TO STAY HOME FROM WORK TO MONITOR THE FLOODING IN MY BACKYARD.

THERE'S BEEN SEVERAL INSTANCES EITHER I OR MY NEIGHBORS HAVE CALLED THE CITY TO PUMP US OUT AS THE WATER WAS LITERALLY KNEE-DEEP ON THE WESTERN EDGE OF THE PROPERTY LINE AND 1-2 INCHES DEEP AT THE BACK OF MY HOUSE, 36-37 FEET FROM THERE.

AS THE RAIN CONTINUES TO FALL, THERE'S NOTHING TO DO BUT CALL THE CITY.

AS A HOMEOWNER I CONTACTED A CITY OFFICIAL AND SAID WHAT IS THE CITY GOING TO DO THIS, WE NEED HELP AND TO MY SURPRISE THE CITY SAID IT'S NOT THE CITY'S RESPONSIBILITY.

YOU OWN THE PROPERTY, IT'S YOUR PROBLEM.

SO HERE I AM LOOKING AT THE PROBABILITY THAT WE ARE GOING TO HAVE FURTHER FINANCIAL BURDEN, FURTHER WATER PROBLEMS ON THE PROPERTY.

SO IF IT'S BUILT, WHAT WILL BE OUR RECOURSE IF THERE'S
A FLOOD.

DESPITE ACCOUNTS OF PEOPLE'S EXPERIENCE WITH FLOODING
AND THE HYDROLOGY REPORTS.

>> Chair I. Tregub: THANK YOU.

>> THEREFORE THERE'S NO BASIS TO EXEMPT THE PROJECT
FROM THE REQUIRED CEQA ANALYSIS, I THINK A CEQA STUDY IS
NECESSARY BEFORE THIS PROJECT IS MOVED AND URGE YOU IN THE
STRONGEST POSSIBLE TERMS TO REQUIRE THIS SO IN DEPTH
INVESTIGATION CAN DETERMINE IF IT CAN SUPPORT THE AMOUNT OF
DRAINAGE, FOR THE TRAFFIC PROPOSED HERE, PLEASE DENY THIS
PROJECT.

THANK YOU.

[APPLAUSE].

>> Chair I. Tregub: WAYNE CORY, YOU ARE NEXT.

I'M GOING TO ASK, JUST IN THE INTEREST OF TIME, IF YOU
AGREE WITH SPEAKERS INSTEAD OF APPLAUSE, MAYBE JUST WAVE, DO
THIS, SOMETHING QUIET SO WE CAN KEEP MOVING FORWARD.

THANK YOU.

WAYNE, YOU ARE UP.

>> WAYNE CORY, I'VE BEEN LIVING IN THESE UNITS FOR 27
YEARS.

BASED ON WHAT THE OWNERS JUST SAID THERE WILL BE NO
RENTALS IT SHOULD BE DENIED INSTANTLY, THAT'S AGAINST THE STATE
LAW OF PROTECTED UNITS.

I CAN'T IMAGINE HOW THIS CAN EVEN GO ANY FURTHER THAN WHAT WE HAVE LISTENED TO.

I WOULD LIKE TO SHED SOME LIGHT ON B.M.R.'S, PROTECTED UNITS.

B.M.R.'S BELOW INTEREST.

YOU HAVE TO MAKE AROUND \$50,000 FOR ONE PERSON.

NOT A LOT OF MONEY FOR MOST PEOPLE, ESPECIALLY IN THIS AREA.

SO IF THE PEOPLE WOULD BE ABLE TO MOVE BACK, MOST OF THEM, IF NOT ALL OF THEM WOULD PROBABLY NOT QUALIFY FOR THAT AT ALL.

AND LET'S SAY THEY DID.

LET'S SAY THAT WAS WAIVED.

PEOPLE MOVE BACK AND IT'S STILL PROTECTED.

WE ARE LOOKING AT MOVING BACK IN AT THE RATE THAT WE WERE, PLUS THE ADJUSTMENT OF WHATEVER THEY BUILT, WHICH WILL BE EXTREMELY HIGH, THEY STILL PROBABLY WOULDN'T BE ABLE TO AFFORD THAT.

SO AGAIN WE WOULD BE DISPLACED.

BEING A CITIZEN OF BERKELEY ALL THESE YEARS I WOULD LIKE TO STAY HERE, BUT IF I CAN'T AFFORD TO STAY HERE, I'LL HAVE TO LEAVE THE CITY, WHICH WOULD BE A SHAME.

WE ALL NEED MORE HOUSING BUT APPROVING A PROJECT JUST FOR MORE HOUSING AND EVICTING SIX FAMILIES IS A SHAME.

OUTRIGHT SHAME JUST BECAUSE WE NEED MORE HOUSING.

YOU ARE SAYING LET'S GO AHEAD AND EVICT OUR CITIZENS
SO WE CAN GET MORE PEOPLE THAT AREN'T EVEN CITIZENS, DON'T EVEN
PAY TAXES IN HERE AND THAT'S CRAZY.

SO I REALLY HOPE YOU LISTEN WELL AND THINK ABOUT THIS
BEFORE JUST MAKING AN OPINION ON THIS.

THERE'S A WILL THE OF THINGS THAT HAVEN'T BEEN TALKED
ABOUT, THERE'S A LOT OF THINGS THAT HAVEN'T BEEN DISCUSSED YOU
HAVE QUESTIONS.

I THINK IT'S JUST A SHAME THEY WOULD COME UP AND SAY
BOLDFACE.

>> Chair I. Tregub: THANK YOU.

[INAUDIBLE] YOU ARE NEXT FOLLOWED BY TRACY EMERSON.

>> HI MY NAME IS PAM ORMESBY AND I LIVE AT 1148
DELAWARE STREET WHICH IS IMMEDIATELY TO THE NORTH OF THE
PROPOSED DEVELOPMENT.

I HAVE LIVED THERE FOR 46 YEARS.

AND I'M GOING TO BEGIN TO TALK ABOUT THE HYDROLOGY.

WHEN IT RAINS, THERE'S A LAKE.

WHEN MY KIDS WERE LITTLE WE HAD BOATS AND DUCKS.

THE NEIGHBORS KNOW THERE'S A DEEP LAKE AND IT COULD
STAY THERE AS MUCH AS A WEEK.

WHEN IT HASN'T RAINED, AT THE LOT LINE, THE SOIL IS
TOTALLY SPONGY.

THERE'S A PLACE WHERE YOU CAN PUSH LONG STICKS DOWN
AND THEY KEEP GOING.

YOU CAN PUT THE HOSE IN, IT NEVER FILLS UP.

I THINK THERE'S A SINKHOLE.

NEIGHBORS WHO WERE ELDERLY WHEN I MOVED THERE IN 1971
TOLD ME ABOUT THE CREEK BEING FILLED AND EVERYBODY WAS HAPPY
BECAUSE THEY GOT THIS SECOND LOT.

I WOULD LIKE TO PUT ON THE RECORD THAT THEY ARE ON
BOTH SIDES OF THAT FENCE, THE LAND IS NOT STABLE.

PLEASE, IF YOU HAVE ANY CONDITIONS, APPROVE A CEQA OR
A GEOTECHNICAL EVALUATION TO LOOK AT THE STABILITY OF THE SOIL
AND THE LAND.

IT'S IMPORTANT THAT IT'S ON RECORD FOR THE SAFETY OF
POTENTIAL RESIDENTS.

THAT WE UNDERSTAND ABOUT THE STABILITY.

I ALWAYS TELL MY FRIENDS, IF I DISAPPEAR, YOU KNOW
WHERE I AM, GO TO THE BACK OF THE WILLOW TREE.

I'M DOWN THERE, I FELL.

[LAUGHTER].

I SAY THAT LIGHTLY, BUT IF THE LAND IS NOT STABLE I
WOULD SAY 20-30 FEET ON EITHER SIDE OF THE FENCE LINE.

THANK YOU.

>> Chair I. Tregub: THANK YOU.

TRACY?

>> CAN YOU CALL ME LATER?

>> Chair I. Tregub: NO PROBLEM.

ALEXANDER AIMS, YOU WILL BE AFTER FOLLOWED BY JILLIAN.

>> MY NAME IS TRACY, I HAVE LIVED ON HEARST AVENUE FOR EIGHT YEARS NOW.

AS A PUBLIC SCHOOL TEACHER I RELY ON MY CURRENT RENT CONTROL SITUATION.

FOR THE LAST EIGHT YEARS I'VE BEEN ABLE TO LIVE IN THE NICEST PLACE I HAVE EVER LIVED, WHICH IS BERKELEY, AND SERVE THE EAST BAY COMMUNITY.

IF THIS PROJECT IS APPROVED, THE LOTS OF THE NON-RENEWABLE RESOURCE OF RENT CONTROL HOUSING WILL GREATLY AFFECT MY LIFE AND CAREER.

THERE ARE NO SAFETY PROVISIONS FOR THE CURRENT TENANTS IN THIS VAGUE WORD SMITHING OF THIS INCOMPREHENSIBLE PROPOSAL.

IT'S CLEAR TO ME AND THE TENANTS THAT THE REAL PLAN IS TO DISPLACE ALL OF US, UNDER THE FALSEHOOD OF REHABBING THE UNITS WHICH WE FOUND WAS THE TRUTH, TO DEMOLISH, THE INTENTION IS TO MAKE MONEY REGARDLESS OF THE IMPACT OF THE COMMUNITY AND LIVES OF THOSE ALREADY LIVING HERE.

GIVEN THE CURRENT LACK OF AFFORDABLE HOUSING IN BERKELEY AND THE BAY AREA, WHEN DISPLACED I WON'T BE ABLE TO FIND COMPARABLE AFFORDABLE HOUSING, ESPECIALLY ON A 30-DAY NOTICE.

I WILL HAVE TO LEAVE MY BELOVED NEIGHBORHOOD AND MORE THAN LIKELY THE SCHOOL I HAVE BEEN TEACHING A DECADE, BUILDING RELATIONSHIPS AND HELPING FAMILIES IN EAST OAKLAND.

WHETHER IT GETS APPROVED WILL AFFECT MY ABILITY TO
STAY.

I'M REQUESTING A CEQA STUDY BE DONE TO CONFIRM THE
IMPROPER CONSTRUCTION OF THIS CONDO COMPLEX ON TOP OF AN
UNDERGROUND CREEK WILL CREATE A DRAINAGE DISASTER FOR ALL MY
NEIGHBORS AS WELL AS THE NEW CONDO OWNERS.

PLEASE CONSIDER THE EFFECT THIS PROPOSED PROJECT WILL
HAVE ON THE TENANTS AND SURROUNDING COMMUNITY.

EVERYBODY WILL BE AFFECTED NEGATIVELY EXCEPT THOSE
MAKING A PROFIT.

EVERYBODY ELSE LOSES IF APPROVED.

IT WILL IMPACT THE COMMUNITY AND ALL THE CHILDREN I
WORK SO HARD TO EDUCATE AND POSITIVELY IMPACT.

I ASK THE ZAB BOARD TO DENY THIS PROJECT.

THANK YOU.

>> Chair I. Tregub: THANK YOU.

ALEXANDER AIMS.

YOU ARE NEXT.

FOLLOWED BY JILLIAN AND DALE NAMIA.

>> I WOULD LIKE TO THANK THE CHAIR FOR THE OPPORTUNITY
TO SPEAK IN OPPOSITION OF THE PROJECT.

MY NAME IS ALEXANDER AIMS.

I'VE LIVED AT 1811 CURTIS FOR EIGHT YEARS NOW.

AND I WANTED TO COMMENT ON CONCERNS OF THE CEQA THAT
WE TOO HAVE FLOODING ISSUES IN OUR BASEMENT.

THERE'S A LOT OF GROUND WATER, A HIGH WATER TABLE, I WOULD BE VERY CONCERNED IF THERE'S A PROJECT APPROVED THAT COULD IMPACT US SEVERELY.

WE WILL ALSO BE IN THE POSITION OF GOING TO THE CITY FOR ANY KIND OF BAIL OUT.

I WILL MOVE TO THE ISSUE OF AFFORDABILITY IN BERKELEY.

IT REALLY SADDENS ME IT'S SO DIFFICULT FOR THE CITY TO ADD AFFORDABLE UNITS TO ALLOW -- MARKET FORCES.

HEARING THIS WILL BE A CONDO CONVERSION PROJECT WHERE EVERYTHING GOES OUT INTO THE MARKET.

I KNOW I HEAR ABOUT THIS, SOMEBODY BE OFFERED BELOW MARKET RATE.

WHY DOESN'T THAT KEEP FROM EVERYTHING IN THE MARKET WITHIN A NUMBER OF YEARS WHEN THE PEOPLE WHO ORIGINALLY BOUGHT IT CASH OUT AND GOES UP TO THE HIGHEST BIDDER.

AFFORDABLE HOUSING IS LOST AND BERKELEY DOESN'T HAVE THE HOUSING AVAILABLE FOR PEOPLE WHO WORK IN THE COMMUNITY AT LOWER INCOMES THAN PEOPLE WHO MIGHT HAVE TO COMMUTE FOR LONG DISTANCES.

PEOPLE HAVE TO COMMUTE FOR BERKELEY, HOUR-LONG COMMUTES TO MEET THEIR SERVICE JOBS.

IT ADDS MORE TRAFFIC CONGESTION TO THE BAY AREA.

THAT'S ONE OF THE WORST PROBLEMS WE ALL FACE.

SINCE I'M OUT OF TIME I WANT TO THANK YOU AGAIN.

>> Chair I. Tregub: THANK YOU.

JILLIAN YOU ARE UP.

JILLIAN CORY, IF YOU ARE HERE.

>> WHILE WE ARE WAITING I HAVE A QUESTION FOR STAFF.

>> Chair I. Tregub: GO AHEAD.

>> PART OF THE UNDERLYING LOGIC OF THIS PLAN IS THE
LOT MERGER.

WHICH THEN AGGREGATES THE UNITS WHICH CREATE THE BASIS
FOR THE DENSITY BONUS.

>> Chair I. Tregub: FEEL FREE TO MOVE THE CHAIRS.

>> WHAT EXTENT DO WE HAVE DISCRETION OVER THE LOT
MERGER?

>> Chair I. Tregub: MAYBE YOU CAN COME BACK LATER WITH
AN ANSWER TO THAT?

THANKS SO MUCH.

>> HI.

I'M JILLIAN CORY.

I LIVE TWO HOUSES DOWN AND I WILL TELL YOU WE
DEFINITELY NEED THE WATER CITY THING BECAUSE IN THE RAIN I AM
STUCK ON THE BLOCK ANYWAY BECAUSE OF THE FLOODING.

THEY TOLD ME THEY WILL PUT A CURTAIN DRAIN ACROSS THE
PROPERTY AND PUMPING IT ALL IN THE GUTTER.

I WON'T BE ABLE TO LEAVE MY HOUSE.

SIX MONTHS A YEAR.

BECAUSE THERE'S NO WAY FOR ME TO GET ACROSS THE 3-4
FEET WORTH OF WATER FLOWING DOWN THE ROAD AS IT IS.

WHEN I ASKED IF THEY ARE GOING TO DO ANYTHING, THEY SAID WELL THAT WAS JUST A CITY PROBLEM.

IF THE CITY WASN'T MAKING THE DRAINS WORK, AND I'LL TELL YOU IF THEY ARE GOING TO PUMP ALL THE WATER FROM THAT HUGE LOT THAT WILL GET COVERED WITH ALL THE CEMENT YOU CAN BUILD ALL THESE HOUSES ON IT, THERE WILL BE A LOT OF WATER POURING DOWN THE DRAIN BY MY HOUSE AND THAT WILL BE A PROBLEM FOR ME.

AND I DON'T THINK IT'S FAIR.

AND THOSE GIGANTIC APARTMENT BUILDINGS, THEY HAVE THIS LITTLE NARROW TUNNEL, THE CARS WILL BE SQUEEZING AND DRIVING ON HEARST FOR ALL OF THESE UNITS.

I'VE LIVED HERE FOR 23 YEARS ALSO.

WHEN MY KIDS WERE LITTLE ARE ALL HAVING BABIES NOW THAT WANT TO RUN UP AND DOWN THE STREET.

16 UNITS ARE GOING TO HAVE HOW MANY UNITS OR BEDROOMS, ARE ALL GOING TO HAVE CARS PACKED BACK THERE, SQUEEZING IN AND OUT OF THIS LITTLE NARROW TUNNEL ACROSS THE SIDEWALK IN THIS LITTLE NEIGHBORHOOD?

FULL OF LITTLE TEENY HOUSES, LOOK AT THOSE MONSTROUS THINGS.

TOTALLY RIDICULOUS, IT'S NOT APPROPRIATE.

IT'S ALSO GOING TO SHADE MY HOUSE.

I LOOKED AT THIS, IN MY DOWNSTAIRS APARTMENT, I NOW GET SUN IN THE MORNING, THERE WILL BE NO SUN IN MY APARTMENT ANY MORE.

IT JUST SEEMS WRONG.

AND THOSE TENANTS LIVING THERE ALL THESE YEARS, HOW DOES IT MAKE SENSE?

>> Chair I. Tregub: THANK YOU.

DALE, YOU WILL BE THE LAST COMMENT BEFORE WE TAKE A CAPTIONER'S BREAK WHICH WE HAVE TO DO AT 9:00 AND THEN WE WILL HAVE MORE COMMENTS AFTER.

GO AHEAD.

>> I'M DALE AND I FIRST MOVE TODAY BERKELEY IN 1985 AND I LIVED AT 1819 CURTIS STREET FOR OVER 22 YEARS.

REMOVING THE RENT-CONTROLLED UNIT IS RIDICULOUS.

WE HAVE A HOUSING CRISIS IN BERKELEY.

TAKING AWAY RENT-CONTROLLED UNITS IS A PERMANENT THING.

WE CAN'T ADD MORE RENT-CONTROLLED UNITS DUE TO SOME OTHER LAW.

SO HAVING THIS PROJECT GO FORWARD IS CRAZY.

IF WE CANNOT ALLOW THE CURRENT TENANTS THE RIGHT TO RETURN TO THEIR UNITS AT THE SAME RENT, THIS PROJECT SHOULD BE DENIED.

AND IN ADDITION YOU HAVE HEARD ABOUT THE RECURRENT FLOODING.

MY HOUSE, EVEN THOUGH IT'S ON THE EAST SIDE OF CURTIS ALSO FLOODS IN THE BASEMENT.

AND IT CREATES ALL KINDS OF PROBLEMS FOR US.

I HAVE M.S.

WHEN I HAVE TO CROSS THE STREET AND JUMP, BASICALLY
THREE FEET, BECAUSE THE WATER IN THE GUTTERS IS GUSHING DOWN.

I END UP GETTING WET.

IT'S CREATING ALL KINDS OF PROBLEMS FOR THE
ENVIRONMENT AS WELL AND SO I REQUEST THAT YOU DENY THE PROJECT.

>> Chair I. Tregub: THANK YOU.

SO WE WILL NOW TAKE --

LET'S TAKE A TEN MINUTE CAPTIONER'S BREAK.

AND LET'S JUST TRY TO START ON TIME AFTER TEN MINUTES.

>> CAN I JUST SAY SOMETHING TO THE AUDIENCE.

I'M COMMISSIONER O'KEEFE, I HAVE TO GO TAKE CARE OF MY
FAMILY.

AND I JUST WANT TO SAY I DON'T MEAN ANY DISRESPECT TO
THOSE WHO CAME, I REALLY APPRECIATE YOU COMING.

IF IT TURNS OUT THERE'S NO VOTE ON THIS TONIGHT, THAT
MEANS I WILL HAVE A CHANCE TO VOTE WHEN IT COMES BACK AND I WILL
WATCH THE VIDEO FOR ALL THE REMAINING COMMENTS.

THANK YOU.

>> THANK YOU FOR YOUR TIME.

>> Chair I. Tregub: THIS MEETING WILL GO IN RECESS FOR
TEN MINUTES.

[BREAK].

...BEEN THERE GENERATIONS AND DECADES AND DECADES.

BUT WE MOVED THERE IN THE EARLY 1991, 1992 ERA.

AND WE HATE TO SEE THE CHANGES COME DOWN THAT WOULD HURT THE NEIGHBORHOOD.

AND IT'S GENERALLY FELT BY ALL THE PEOPLE WHO HAVE LIVED THERE A LONG, LONG TIME THAT THEY WOULD BE HEARD.

THE SHADOW, THE POSSIBILITY OF SOLAR FOR MANY OF THE HOUSES.

THE UNITS THAT WERE THERE, ONE STORY LOW.

IF THEY PUT IN TWO STORY AND THREE STORY, AND I SUPPOSE THEY ARE GOING TO PUT IN PARKING THAT IS UNDER THE ZONING, THEY WILL HAVE VERY WET CARS IF THEY DO BECAUSE THE WATER LEVEL IS SO HIGH IN THAT WHOLE AREA.

WE HAVE THE OLD WATER TOWER, THE TRADITIONAL WATER TOWER FROM THE TURN OF THE CENTURY.

TEN ACRES.

SOME OF THOSE ARE FARM HOUSES.

THE ORIGINAL FARM HOUSES THAT MONARCH TOWER.

I'M JUST SO WITH THE NEIGHBORHOOD.

THE KIND OF EXPANSION YOU WERE TALKING ABOUT BEFORE OUR PROBLEM CAME TO YOU.

SEEMS SO APPROPRIATE.

[BEEPING].

ADDING HOUSING IS SO MUCH NEEDED BUT IN AN AREA WHERE IT WAS APPROPRIATE TO HAVE LEVELS OF FLOORS AND ADDED HOUSING FOR STUDENTS AND THE KIND OF HOUSING THEY DESCRIBED IN THE FIRST MEETING I WENT TO WHERE THEY DESCRIBED WHAT THE BUILDING WOULD

BE LIKE, THEY SAID IT WOULD BE THREE-BEDROOM UNITS WITH THREE BATHROOMS.

>> Chair I. Tregub: IF YOU COULD PLEASE WRAP UP.

>> THAT MAY BE A CHANGE, THAT MAY NOT BE NOW, I DON'T KNOW.

BUT THAT MADE MY HAIR STAND ON END.

BASICALLY THREE BEDROOMS AND THREE BATHROOMS IS SHARED HOUSING, TRANSIENT HOUSING.

>> Chair I. Tregub: THANK YOU.

>> AND WE DON'T WANT TO BE A TRANSIENT NEIGHBORHOOD.

WE WANT TO BE FRIENDS AND FAMILIES.

>> Chair I. Tregub: THANK YOU.

>> KEEP BERKELEY FRIENDS AND FAMILIES.

>> Chair I. Tregub: THANK YOU.

>> PLEASE.

[APPLAUSE].

>> Chair I. Tregub: PHIL.

IF PHIL IS BACK.

YOU ARE ACTUALLY NEXT.

>> I'VE LIVED IN THE NEIGHBORHOOD AND SEEMS IT'S SOMEBODY WITH ENOUGH MONEY CAN COME IN AND MAKE ENOUGH MONEY YOU CAN KICK OUT THE PEOPLE WHO ALREADY LIVE THERE.

THESE PEOPLE HAVE BEEN HERE FOR YEARS.

SOMEONE COMES AND THEY WANT TO DEVELOP AND BUILD THIS BIG MONSTROSITY WHICH HAS ENVIRONMENTAL EFFECTS ON THE

NEIGHBORHOOD, OH YOU WILL GET THE FIRST RIGHT OF REFUSAL TO BUY THE PLACE.

THESE ARE LIKE SCHOOL TEACHERS, THEY DON'T HAVE A BUNCH OF MONEY.

THEY HAVE A RENT CONTROLLED APARTMENT.

ALL THE SUDDEN THEY ARE COMING TO KICK THEM OUT BECAUSE SOMEBODY CAN MAKE A BUNCH OF MONEY OFF IT, IT ISN'T RIGHT.

IT'S DISTRESSING.

I UNDERSTAND THE PEOPLE, YOU NEED TO BE ABLE TO BUILD MORE HOUSING.

PEOPLE MOVING IN.

THAT'S NOT THE WAY TO DO IT.

THEY HAVE ROOM HERE TO BUILD SOMETHING.

PUT A FEW MORE UNITS.

LEAVE THE PEOPLE WHO ALREADY LIVE THERE, THERE.

THAT'S WHAT I GOT TO SAY.

>> Chair I. Tregub: THANK YOU.

HUGH.

FOLLOWED BY RALPH WILLIAMS.

>> HELLO, I'M ON 1814 CURTIS AND I'VE BEEN THERE FOR 23 YEARS.

AND I CAN SPEAK TO THE FLOODING.

I HAVE A PHOTO OF TWO LITTLE KIDS PLAYING IN MY BACKYARD WHICH IS AT, MY CORNER IS AT THE CORNER OF THE HEARST

PROPERTY AND I'M AT THE TOP END OF THAT SLOPE AND THIS IS A
PICTURE OF MY KIDS PLAYING IN WHAT WE CALL LAKE CURTIS.

SO OBVIOUSLY THE HYDROLOGY IS A HUGE ISSUE.

AND IF THIS GOES FORWARD WE NEED A CEQA.

WE NEED A CEQA INVESTIGATION.

ADDITIONALLY THE RENT CONTROL.

WE CAN'T LET THESE NEIGHBORS GO.

THESE ARE OUR NEIGHBORS.

I WANT TO LIVE IN A DIVERSE COMMUNITY.

I'M SEAMSTRESS.

SOME PEOPLE WORK FOR UBER, WE ARE DIVERSE.

WE KNOW EACH OTHER.

I GO TO A LOT OF NEIGHBORHOODS, PEOPLE DON'T KNOW
THEIR NEIGHBORS.

AND WE KNOW EVERYBODY.

THERE IS A NEED FOR HOUSING.

THERE'S A HUGE NEED FOR HOUSING.

AND WE ARE GETTING IT.

UNIVERSITY AVENUE, YOU ALL KNOW, SAN PABLO AND THERE'S
TWO MORE COMING UP.

IT DOESN'T BELONG RIGHT HERE IN OUR BACKYARD.

WE KNOW THERE WILL BE SOMETHING BUILT.

IF YOU SAID THIS IS GOING TO BE FOR SENIOR HOUSING, WE
WOULD BE ALL FOR IT BUT THIS ISN'T THE RIGHT PROJECT FOR THIS
PROPERTY AND I ASK YOU TO DENY IT, THANK YOU.

>> Chair I. Tregub: THANK YOU.

WOULD YOU LIKE YOUR PHOTO BACK?

>> EVERYBODY LOOKED AT IT, THANK YOU, IT'S VERY CUTE.

>> Chair I. Tregub: FEEL FREE TO GRAB IT.

>> HELLO, ZAB.

THANK YOU FOR THE OPPORTUNITY TO SPEAK.

I'M RALPH WILLIAMS I ALSO LIVE AT 1814 CURTIS STREET.

I WOULD LIKE TO SPEAK TO THE AFFORDABILITY HOUSING
ISSUE.

I JUST THINK IT'S A BAD DEAL FOR THE CITY TO TRADE
ESSENTIALLY THREE BEDROOMS IS WHAT YOU WOULD GET IN YOUR DENSITY
BONUS, TWO UNITS A TOTAL OF THREE BEDROOMS FOR SIX UNITS THAT
ARE ALL PROTECTED NOW, PUTTING THOSE AT RISK.

I JUST DON'T SEE THE MATH DOESN'T WORK FOR ME.

I WOULD LIKE TO ECHO WHAT THE LADY SAID, THE
CONFIGURATION OF THE UNITS LOOK LIKE TRANSIENT UNITS.

THOSE ARE INVESTMENT UNITS OR SOMETHING FOR OUTSIDE
INVESTORS TO RENT TO STUDENTS.

AND MAYBE I HEAR YOU WANT STUDENT HOUSING.

BUT THIS IS A NEIGHBORHOOD.

IT'S REALLY APPROPRIATE THAT OTHER PROJECT, THAT MADE
A LOT OF SENSE.

I WOULD VOTE YES ON THAT ONE.

I WOULD LIKE TO SPEAK A LITTLE BIT ANECDOTALLY ON THE
FLOODING.

THANK YOU.

WHEN I BUILT AN ADDITION BEHIND MY HOUSE, ONE NEIGHBOR WENT TO THE CITY AND EVEN AFTER I WAS APPROVED, THE CITY ENFORCED A DRAINAGE SYSTEM THAT I HAD TO ADD TO IT.

IT WAS PART OF WHAT I WAS REQUIRED TO DO.

SO THIS IS NOT SOMETHING NEW TO THE CITY.

THEY KNOW IT, THEY UNDERSTAND IT, AND THEY REACTED TO IT BACK IN '94.

WHEN I WAS DIGGING THE TRENCHES MYSELF, I DUG DOWN 18 INCHES AND HAD A FOOT OF WATER STANDING IN THOSE TRENCHES.

SO THERE'S FLOODING.

>> Chair I. Tregub: THANK YOU.

GENE, FOLLOWED BY ILLIANA.

>> GOOD EVENING.

I'M DEAN METZGER AND I CHAIR THE BERKELEY NEIGHBORHOODS COUNCIL.

I'M HERE TONIGHT TO ASK YOU THAT THIS PROJECT BE DENIED AND SENT BACK TO THE OWNER FOR A REDESIGN THAT RESOLVES MANY OF THE PROBLEMS IT HAS ENVIRONMENTALLY, AND THE IMPACTS IT HAS ON THE ADJACENT RESIDENTS AND NEIGHBORHOOD.

B.N.C. IS A BEAUTY INCLUSION IN MY BACKYARD.

NOT A NIMBY.

WE ARE NOT AGAINST DEVELOPMENT.

WE ARE FOR DEVELOPMENT THAT FITS INTO OUR
NEIGHBORHOODS THAT MAKES OUR NEIGHBORHOODS MORE LIVABLE AND
EVERYONE CAN ENJOY LIFE HERE IN BERKELEY.

THE PROJECT AT THIS LOCATION DOESN'T DO ANY OF THIS.
FIRST OF ALL, IT'S NOT EVEN SAFE TO BUILD ON THIS
PROPERTY.

DESIGNED THE WAY IT IS.

THE DRY CREEK BED DOES FLOOD AS YOU HEARD FROM THE
RESIDENTS HERE.

WE FIND OUT IT WON'T BE REPLACED BY ANY RENT CONTROL,
IS IMMORAL IN BERKELEY'S WAY OF THINKING HOW HOUSING IS SUPPOSE
IT HAD BE DONE IN BERKELEY.

BECAUSE OF THE ENVIRONMENTAL ISSUES INVOLVED IN THIS
PROJECT, YOU MUST REQUIRE A CEQA STUDY.

IF YOU DON'T, YOU ARE NOT LIVING UP TO THE DUTIES THAT
WE ELECTED YOU TO DO.

THE SCALE OF THE PROJECT IS SO OUT OF SCALE WITH THE
REST OF THE NEIGHBORHOOD IT MUST BE DENIED AND SENT BACK SO IT
CAN BE BROUGHT INTO A NEIGHBORHOOD-LOOKING PROJECT.

DENY THIS PROJECT UNTIL IT ADDRESSES THE PROBLEMS.

THANK YOU.

>> Chair I. Tregub: THANK YOU.

ILLIANA GIESE?

>> HELLO, I WOULD LIKE YOU TO DENY THIS PROJECT.

I WAS BORN A COUPLE HOUSES DOWN AND I GREW UP HERE.

I CAN ONLY SPEAK TO MY PERSONAL EXPERIENCE.

WE HAVE A LOT OF COMMUNITY.

I KNOW ALL THESE PEOPLE, I WOULD BE DEVASTATED IF THEY HAD TO LEAVE THE AREA.

WE ALL KNOW EACH OTHER, WE HAVE BARBECUES AND I RAN UP AND DOWN THE STREET AS A LITTLE KID AND I SEE LITTLE KIDS DOING IT NOW.

TO ME, OUR STREET IS THE HEART OF BERKELEY CULTURE AND AFFORDABLE HOUSING IS WHAT ALLOWS THAT TO HAPPEN, AND I FEEL BLESSED TO LIVE WHERE I DO, AND I WISH THAT MORE YOUNG PEOPLE AND MORE PEOPLE THAT AREN'T MILLIONAIRES COULD AFFORD TO LIVE BECAUSE I THINK THAT THAT'S WHERE COMMUNITY COMES FROM AND THAT'S HOW YOU BUILD A CITY LIKE BERKELEY THAT HAS A HISTORY OF ART AND ACTIVISM AND MEANINGFUL CULTURE.

AND YOU CAN'T DO THAT IF YOU KICK OUT EVERYBODY THAT LIVES THERE, AND THAT'S ABOUT IT, THANK YOU.

>> Chair I. Tregub: THANK YOU.

NEXT YASHU.

>> HI, MY NAME IS YASHU, I HAVE BEEN LIVING IN THE NEIGHBORHOOD FOR THE LAST THREE YEARS.

HE SAID THERE WOULD BE A LOT OF ACRIMONY, WHAT I HEAR IS A LOT OF UNITY AND MUTUAL SUPPORT.

MY AFFORDABLE AND RENT CONTROL APARTMENT HAS PROVIDED A SAFE HOME TO COMPLETE MY DEGREE AND BEGIN MY CAREER HELPING PEOPLE WITH MENTAL ILLNESS.

I WORK FULL-TIME AS A SOCIAL WORKER, RENT CONTROL ALLOWS ME TO CONTINUE LIVING IN THE BAY AREA DESPITE CONSTANTLY RISING HOUSING COSTS.

I'M WORRIED THIS PROJECT WILL LEAD TO THE DISPLACEMENT OF MYSELF AND MY NEIGHBORS PERMANENTLY FROM OUR HOMES.

I WAS GOING TO TALK ABOUT THE POSSIBLE RELOCATION AND HOW WE CAN EVEN FIND HOUSING IN THE NEIGHBORHOOD AND HOW WE COULD LOSE THAT BECAUSE OF THE SO-CALLED IMPROVEMENTS THAT HAVE BEEN MADE BUT I JUST FOUND OUT THAT APPARENTLY IN ORDER TO LIVE IN MY HOME I WILL HAVE TO BUY A CONDO AND I CAN'T AFFORD \$1600-\$1700 A MONTH FOR A CONDO.

I'M WORRIED BECAUSE THE DEVELOPER HAS LIED TO US.

ALL THIS DOUBLE SPEAK.

WE DON'T KNOW WHAT'S GOING ON.

WE ARE SCARED, WE ARE WORRIED, THEY AREN'T RESPECTFUL OF OUR RIGHTS OR CONCERNS ABOUT SAFETY OR PARKING OR LIVING CONDITIONS.

THEY CLAIM THEY ARE BUILDING HOUSING FOR OUR COMMUNITY AND FOR LOW-INCOME PEOPLE.

CONDOS DO NOT PROMOTE AFFORDABILITY.

THEY ARE BUILT FOR PROFIT AND NOT FOR PEOPLE.

TWO B.M.R. UNITS SHOULDN'T JUSTIFIED THE DISPLACEMENT OF SIX HOUSEHOLDS.

THIS COMMUNITY NEEDS HOUSING THAT IS AFFORDABLE, SAFE, AND CONSIDERATE OF THE NEIGHBORHOOD AND RESIDENTS.

I ASK YOU TO REJECT THIS PROJECT.

[APPLAUSE].

>> Chair I. Tregub: THE NEXT THREE SPEAKERS, RAIN
SUSSMAN, FOLLOWED BY GUY SUSSMAN AND [INAUDIBLE].

>> GOOD EVENING.

THANK YOU FOR THE OPPORTUNITY TO SPEAK.

MY NAME IS RAIN SUSSMAN, I LIVE AT 1834 CURTIS STREET.

I'M A SOCIAL WORKER AND I'VE LIVED IN THIS COMMUNITY
FOR 14 YEARS.

I STARTED A PRIVATE PRACTICE AND I FEEL VERY LUCKY AND
BLESSED TO BE PART OF THE BERKELEY COMMUNITY.

I'M IN FAVOR OF DEVELOPMENT THAT IS SAFE AND LAWFUL
AND PROMOTES AFFORDABILITY.

THIS CONDO PROJECT DOES NOT.

AND I WANT TO REITERATE WHAT EVERYBODY ELSE HAS SAID
AND MAYBE ADD SOME THINGS THAT HAVEN'T YET BEEN SAID.

I WOULD LIKE TO ORIENT YOU TO THE PACKET THE
NEIGHBORHOOD PUT TOGETHER AND PASSED AROUND.

WE PREPARED A PACKET WITH DOCUMENTATION ON SOME OF THE
BIGGEST PROBLEMS WITH THIS PROPOSED CONDO DEVELOPMENT.

ON THE RIGHT SIDE OF THE PACKET I PREPARED SOME
DOCUMENTS THAT THE APPLICANT ACTUALLY SPARED ME HAVING TO GO
OVER WITH YOU BECAUSE HE CLARIFIED, THANKFULLY, THAT THESE WILL
BE SOLD AS CONDOS.

AND THE DOCUMENTATION HERE SHOWS THAT WAS ALWAYS THE INTENT FROM THE VERY BEGINNING.

IN FACT, THE APPLICANT STATEMENT SUBMITTED IN FEBRUARY 2016, WHICH IS IN YOUR PACKET THERE, SHOWS THAT IT WAS ALWAYS INTENDED TO BE A TOTAL OF 18 ON-SITE CONDOMINIUM UNITS WITH ONLY TWO AFFORDABLE UNITS INCLUDED.

AS ALL OF US ARE WE ARE ALL VERY CONCERNED ABOUT THE LOSS OF RENT CONTROL STOCK IN BERKELEY AND OF COURSE ABOUT OUR NEIGHBORS.

I'M STILL IN SHOCK ABOUT LEARNING THEIR UNITS WILL DEFINITELY BE CONDOS.

IF I HAVE A LITTLE MORE TIME TO ORIENT YOU TO THE OTHER SIDE OF THE PACKET WHICH SHOWS CREEK MAPS OF BERKELEY.

WE HAVE FIVE CREEK MAPS, SHOWING A FORK OF STRAWBERRY CREEK THAT RUNS DIRECTLY UNDER MY PROPERTY AND UNDER THE SUBJECT PROPERTY.

AND I HAD TO PUT ON BOOTS AND ROLL MY PANT LEGS UP TO MY KNEES THE FIRST WINTER THAT I WAS IN MY HOME, THE FIRST TIME IT RAINED AND MY ENTIRE BACKYARD, MY BASEMENT AND MY GARAGE WERE UP TO OVER ONE A FOOT OF WATER.

JUST TO GET IN MY CAR I HAD TO PUT ON RUBBER BOOTS.

I PUT IN A VERY INTENSIVE DRAINAGE SYSTEM.

I PUT A SUB DRAIN AROUND MY ENTIRE HOME AND THREE SUMP PUMPS.

THAT DRAINAGE SYSTEM CORRELATING TO THE SCALE OF MY HOUSE IS WAY MORE THAN WHAT THE DEVELOPER HAS PROPOSED FOR HIS DRAINAGE SYSTEM RELATED TO THE SCALE.

>> Chair I. Tregub: THANK YOU.

>> THANK YOU FOR YOUR TIME.

>> Chair I. Tregub: THANK YOU.

GUY?

>> I'M GUY, I'M RAIN'S DAUGHTER.

[LAUGHTER].

AND I'M NOT NERVOUS.

I REQUEST THE ZAB DENY AND REQUIRE A CEQA STUDY.

I HAVE A TWO MINUTE VIDEO AND I BEG A LITTLE INDULGENCE ON THIS TIME WISE BECAUSE SO MANY HAVE BEEN TALKING ABOUT THE FLOODING AND I HAVE VIDEO IMAGES OF IT HERE, THE VIDEO ITSELF IS TWO MINUTES LONG, SO I WILL TRY TO RUN IT WITH JUST ONE OR TWO PAUSES IN IT.

THIS WILL SHOW UNUSUAL FLOODING CIRCUMSTANCES THAT PROVE THERE WAS A REASONABLE POSSIBILITY THE PROJECT WILL HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT THERE BY REQUIRING A CEQA STUDY.

ADDITIONALLY THE BOARD SHOULD AVOID PURSUING ACTIONS THAT THREATEN THE HEALTH AND SAFETY OF BERKELEY CITIZENS.

CAN YOU START THE TAPE, PLEASE.

THIS IS THE CURB IN FRONT OF THE PROJECT ITSELF.

YOU COULD SEE 1175 THERE.

YOU CAN SEE CURB OVERFLOW AND SHEETING AND THIS IS A MINOR EVENT.

AND ALREADY THE CURB AND GUTTER SYSTEM HAS EXCEEDED IT'S CAPACITY.

THIS IS FURTHER DOWN IN FRONT OF THE PROJECT.

YOU CAN SEE THERE, RIGHT OVER THERE.

RIGHT HERE SHEETING AND CURB OVERFLOW HERE AND HERE.

THE NEXT SEQUENCE WILL BE BACKYARDS ON CURTIS STREET THAT ABUT RIGHT AGAINST THE PROPERTY THAT WILL BE COMING UP AFTER A SHORT PAUSE FOR STATIONS TO IDENTIFY.

YOU ARE LOOKING ONTO THE PROJECT PROPERTY AND YOU SEE EXTENSIVE FLOODING AT 1822 CURTIS.

AND AGAIN THIS IS A MINOR EVENT.

THE NEXT ARE SOME STILL SLIDES AND I THINK THESE ARE ESPECIALLY IMPORTANT THEY WILL BE COMING UP.

I BEG YOUR INDULGENCE I NEED ABOUT ONE MORE MINUTE, THIS WILL END SOON.

SORRY YOU CAN'T SEE THIS.

THIS IS THE GARAGE AT 1824 AND THIS IS A CLOSE UP OF THE SAME.

CAN YOU PAUSE THAT FOR A MOMENT.

HERE WE HAVE SIX INCHES OF FLOODING.

YOU DIDN'T PAUSE IT, OKAY, CAN YOU PAUSE IT AT THE NEXT SLIDE, BECAUSE THESE ARE STILL, NOT VIDEO.

YOU PAUSED IT.

WE ARE BACK TO THE BEGINNING AGAIN.

I'M SORRY ABOUT THIS.

JAMES AND I WORKED ON THIS.

THE NEXT ONE PLEASE.

THIS IS FOUR FEET FROM THE PROPERTY AND SIX INCHES OF FLOODING ON THIS SIDE OF THE DOOR.

YOU ARE LOOKING WEST AND THE PROPERTY LINE IS FOUR FEET AWAY.

THERE'S TWO MORE SLIDES.

GO AHEAD TO THE NEXT ONE AND PAUSE IT WHEN IT GETS THE IMAGE UP.

AGAIN, IT'S HARD TO SEE, IS IT PAUSED.

THIS IS NINE INCHES OF FLOODING, FOUR FEET FROM THE PROPERTY LINE AND I THINK THIS LAST SLIDE IF YOU WILL MOVE TO THE LAST SLIDE, JAMES, I APPRECIATE YOUR WORK HERE WITH ME.

>> I THINK WE GET THE POINT.

>> I THINK THIS IS THE MOST IMPORTANT ONE BECAUSE THIS IS FIVE INCHES OF FLOODING INSIDE THE BACK ROOM OF THE HOW'S IT SELF.

THIS IS DEFINITELY A HEALTH AND SAFETY ISSUE.

I THANK YOU FOR YOUR INDULGENCE AND BEG YOU TO ORDER A CEQA STUDY, THANK YOU.

>> Chair I. Tregub: THANK YOU, HOSSAIN FOLLOWED BY LUCAS AND LLOYD MORGAN.

>> GOOD EVENING MEMBERS OF ZAB.

THANK YOU FOR YOUR TIME.

MY NAME IS USAIN, I'M AN ATTORNEY AND I HAVE BEEN WORKING WITH RAIN SUSSMAN WHO YOU JUST HEARD FROM.

I HEARD SOMETHING NEW TODAY.

I THINK EVERYBODY HEARD SOMETHING NEW TODAY INCLUDING STAFF, WHICH IS THIS PROJECT IS INTENDED TO BE ALL FOR SALE.

THIS IS NOT THE PROJECT THAT STAFF COMMENTED ON IN THEIR REPORT THAT WE ALL GOT.

STAFF WERE ASSUMING IN THEIR ANALYSIS OF THE DENSITY BONUS WAS BASED ON AN UNDERSTANDING THAT THE EXISTING RENTAL UNITS WOULD REMAIN RENTAL UNITS AND THAT MAKES A HUGE DIFFERENCE UNDER THE DENSITY BONUS LAW WHETHER THEY ARE FOR SALE OR RENT.

AND FRANKLY THEY CAN'T BE FOR SALE UNDER THE DENSITY BONUS LAW AND I WILL TELL YOU WHY.

THAT'S BECAUSE WHEN YOU HAVE GOT EXISTING RENT CONTROLLED UNITS IN A PROJECT THAT WANTS TO BENEFIT FROM THE D.B.L. THERE'S SPECIFIC PROVISIONS THAT APPLY.

AND THEY APPLY DIFFERENTLY WHETHER THE UNITS ARE GOING TO BE FOR SALE UNITS WHEN THE PROJECT IS OVER, OR WHETHER THEY WILL REMAIN UNITS WHEN THE PROJECT IS OVER.

WHEN THEY REMAIN RENTAL UNITS THEY HAVE TO BE SUBJECT TO A 55-YEAR AFFORDABILITY RESTRICTION FOR RENT.

IF THEY ARE FOR SALE THEY ARE SUBJECT TO OTHER FURTHER RESTRICTIONS WHICH WOULD INCLUDE A DEED RESTRICTION AND IN

ADDITION, I PUT IN MY NOTES AND CIRCULATED IT AND HAVE INCLUDED D.B.L., I INCLUDED IF YOU WANT YOUR HEAD TO SPIN.

IT PROVIDES IF THEY ARE TO BE FOR SALE, THEY WILL BE SUBJECT TO RESTRICTIONS AND IN ADDITION THEY WILL HAVE TO BE OTHER REQUIREMENTS THAT THE CITY WILL HAVE TO COMMIT TO INCLUDING AN EQUITY SHARING AGREEMENT AND A SUBSIDY THAT NONE OF THIS IS IN THE PROJECT, NONE OF THIS IS PROPOSED OR IN THE CONDITIONS HERE.

YOU CAN'T APPROVE IT BASED ON THAT.

LET ME POINT SOMETHING ELSE OUT.

IN BERKELEY, THE BERKELEY MUNICIPAL CODE, 13.84 REQUIRES THAT THE EXISTING LOW-INCOME TENANTS OF THE RENT RESTRICTED UNITS HAVE TO BE OFFERED THEIR UNITS BACK.

AS RENTAL UNITS.

WHAT DOES THAT MEAN?

WHEN YOU PUT THAT TOGETHER WITH THE D.B.L. THAT MEANS THE UNITS HAVE TO REMAIN RENTAL UNITS.

ONCE THEY ARE OFFERED BACK AS RENTAL UNITS THEY ARE SUBJECT TO THE 55-YEAR RENT RESTRICTION.

YOU CAN'T SELL THOSE UNITS.

IT'S ILLEGAL.

>> Chair I. Tregub: THANK YOU.

>> I'VE BEEN PRACTICING FOR OVER 20 YEARS AND I'VE EVALUATED THE DRAINAGE REPORT PROVIDED BY THE DEVELOPER AND I PROVIDED SOME DOCUMENTATION ON IT.

THE MAIN ITEM I WANTED TO DISCUSS AND ASK IF YOU HAVE ANY QUESTIONS FOR ME TO CLARIFY THE FLOODING CONCERNS, I WOULD LIKE TO OFFER MY EXPERTISE TO HELP YOU UNDERSTAND THIS SITE IS A UNIQUE SITE, IT IS UNDERLINE BY HISTORIC REMNANT OF STRAWBERRY CREEK AND THERE'S CLEAR EVIDENCE OF THAT IN THIS CASE.

IT WAS FILLED WITH UNCONTROLLED FLOW AND CREATED PREFERENTIAL PATHWAY.

YOU HAVE GROUND WATER THAT SATURATES THE SOIL BECOMES SATURATED AND THE WATER COMES TO THE SURFACE.

THE COUNCIL IN 2002 DETERMINED THIS WAS AN AREA POTENTIALLY FILLED WETLAND AND SEISMICALLY UNSTABLE.

SO THERE IS A SERIOUS CONCERN ABOUT FLOODING THAT IS NOT ADDRESSED BY THE PROJECT DESIGN.

IN ADDITION THE STORM WATER DRAINAGE ASSESSMENT HAS BEEN PROVIDED ASSUMES THAT THE RUN OFF COEFFICIENT, THE AMOUNT OF RUN OFF PRODUCED BY THE PROJECT WILL NOT CHANGE FOLLOWING THE DEVELOPMENT.

THE NORTHEAST CORNER IS CURRENTLY HIGHLY A VEGETATED WOODED AREA THAT PROVIDES ESSENTIALLY A SPONGE THAT ABSORBS RAINFALL AND RUN OFF IN THE SURROUNDING AREAS.

SO IF THAT AREA IS DEVELOPED, THAT SPONGE AND THAT ATTENUATED STORAGE THAT EXISTS WILL NO LONGER BE THERE AND WILL EXACERBATE THE CURRENT EXISTING FLOODING CONDITIONS.

SO THAT'S A MAJOR PROBLEM THAT IS NOT ADDRESSED IN THE FLOODING ASSESSMENT AND GEOTECHNICAL EVALUATION IS NECESSARY TO

REALLY UNDERSTAND THAT AND TO REALLY CHARACTERIZE THE GROUND WATER CONDITIONS THERE AS WELL AS INCREASED RUN OFF THAT WILL BE GENERATED.

I WOULD ASK YOU TO GIVE ME THE OPPORTUNITY TO EXPLAIN TO YOU THAT THE VIDEO EVIDENCE THAT YOU HAVE SEEN WITH THE FLOODING, JUST A FEW MINUTES AGO SHOWS THAT THE CURRENT DRAINAGE INFRASTRUCTURE IN THE STREET IS OVERWHELMED BY A HALF-INCH RAINFALL EVENT, THAT WAS A HALF-INCH EVENT WHICH ISN'T A VERY LARGE EVENT.

THE CONCLUSION BY THE DRAINAGE AND FLOODING ASSESSMENT PROVIDED BY THE DEVELOPER HAS ASSUMED THAT EVENT MUCH LARGER THAN A HALF INCH WOULD BE CONTAINED IN THE STREET.

THAT'S EVIDENCE SHOWING THAT CONCLUSION WAS INCORRECT.

IF YOU ARE GOING TO RELY ON A HYDROLOGY STUDY IT WOULD NEED TO BE CALIBRATED WITH ACTUAL OBSERVATIONS.

IT SHOWS IT'S BASICALLY A FLAWED STUDY.

>> Chair I. Tregub: THANK YOU.

>> I HAVE A QUESTION.

>> Chair I. Tregub: WE HAVE A QUESTION.

>> P. Sheahan: THE WATER SURCHARGE FROM THE STREETS CONTRIBUTING TO THE ISSUE ON THIS SITE.

>> THE CONTRIBUTING DRAINAGE AREA INCLUDES THE SURROUNDING NEIGHBORHOODS.

SO THERE IS SIGNIFICANT FLOODING THAT OCCURS WITHIN THE STREET AND OVERWHELMS THE CURB AND GUTTER SYSTEM CURRENTLY SO THAT IS PART OF THE PROBLEM.

SO THE LACK OF EXISTING STORM DRAINAGE INFRASTRUCTURE WITHIN THAT NEIGHBORHOOD HAS LEAD TO THE CURRENT FLOODING CONDITIONS, ALSO A REAL SERIOUS SOURCE OF THAT FLOODING CONDITION IS THE FACT IT IS A FORMER CREEK THAT STILL ACTS AS A CREEK BOTH ON THE SURFACE AND SUB SURFACE.

>> P. Sheahan: SUB SURFACE WATER TRAVELING.

>> ONE THING I DIDN'T MENTION, IF YOU DEVELOP THE SITE NOT ONLY DO YOU INCREASE THE RUN OFF GENERATED AT THE SITE BUT IMPACT THE SUB SURFACE WHICH WILL CREATE A DAM WHICH WILL EXACERBATE FLOODING.

>> Chair I. Tregub: THANK YOU.

WE ARE MOVING TO LLOYD, FOLLOWED BY JASMINE AND ELAINE LISTNER.

>> YOU HEARD EARLIER THAT THE DEVELOPER BASICALLY ADMITTED HE HAD BEEN DUPLICITOUS WITH THE TENANTS.

HE ALSO SAID IF YOU CAN'T MAKE THIS PLAN WORK AS-IS, HE CAN'T DO IT.

THAT'S FUNDAMENTAL INTIMIDATION.

IT'S INCOMPREHENSIBLE TO ME ANY PROJECT IN THIS AREA COULD BE DEVELOPED WITHOUT IT BEING ENTIRELY NON -- BASICALLY AFFORDABLE HOUSING.

IT NEEDS TO BE.

EVERYTHING NEEDS TO BE AFFORDABLE HOUSING IN THIS PROJECT.

AND I WOULD URGE THE ZONING ADJUSTMENT BOARD TO CHANGE THE REQUIREMENTS TO ALL AFFORDABLE HOUSING.

GIVEN THE PEOPLE THAT WILL BE RENTING AFTER MOVING OUT AFTER 30 DAYS, I WOULD SUGGEST 90 DAYS IF THIS PROJECT WERE TO BE APPROVED.

WHEN THEY LEAVE, THEIR PLACES WILL BE CONDO-IZED.

THIS IS AN OBSCENE PROJECT.

AND I URGE YOU TO VOTE AGAINST IT, THANK YOU.

>> Chair I. Tregub: THANK YOU.

JASMINE.

YOU'RE NEXT.

>> GOOD EVENING, MY NAME IS JASMINE AND I'M AN ATTORNEY AT THE EAST BAY COMMUNITY LAW CENTER.

WE WERE RECENTLY CONTACTED BY THE BERKELEY RENT BOARD A FEW DAYS AGO AND ARE COMMITTED TO ADVOCATING AND ALSO FIGHT TO ENFORCE THE RIGHTS OF THE EXISTING TENANTS IN THE SIX UNITS.

THE PERMITS SHOULD BE DENIED.

WE ARE ASKING FOR THAT BECAUSE WE STAND WITH THE TENANTS OF THE COMMUNITY.

WE ARE IN A HOUSING CRISIS, BUT LET'S BE CLEAR, WE ARE IN AN AFFORDABILITY AND DISPLACEMENT CRISIS.

THERE WAS SUBSTANTIAL LEGAL QUESTIONS AND AMBIGUITIES REGARDING THE VACANCIES CREATED BY THE ALLEGED VOLUNTARY

RELOCATIONS THAT WOULD ALLOW THE LANDLORD TO SET THE BASE RENT AT MARKET RATE UPON THE TENANTS' RETURN, THERE BY DECREASING THE CITY'S AFFORDABLE HOUSING STOCK.

BUT NOW WE ARE TOLD THE RENTALS WON'T BE PRESERVED AT ALL DUE TO CONDO CONVERSION.

SO TENANTS DESERVE TO KNOW THEIR RIGHTS AND THE REAL RISKS INVOLVED, ESPECIALLY WHEN THEY ARE DEALING WITH A MOVING TARGET SUCH AS THIS.

AND E.B.C.L.C. IS COMMITTED TO PROVIDING ADVOCACY AND OUR SERVICES.

WE ARE A NON-PROFIT LAW CENTER IN SOUTH BERKELEY COMMITTED AND AT THE FRONT LINES OF ANTI-DISPLACEMENT AND PRESERVING THE AFFORDABILITY OF HOUSING HERE IN BERKELEY.

LET'S REMEMBER HERE AND POINT OUT, THE APPLICANT SAID THE CONDO CONVERSION IS NECESSARY FOR COST EFFECTIVENESS.

BUT REALLY THIS IS JUST A MATTER OF SHARING THE COST BURDEN OF DISPLACEMENT.

ISSUES WE FACE ON A DAILY BASIS.

AND MOST OF ALL DO NOT SHIFT THE COST ON THE PEOPLE, THE LONG TIME RESIDENTS OF BERKELEY.

DENY THESE PERMITS TO STAVE OFF DISPLACEMENT AND ALSO PRESERVE THE AFFORDABLE UNITS AND RENT CONTROLLED UNITS IN THE CITY OF BERKELEY.

THANK YOU.

>> Chair I. Tregub: THANK YOU.

ELAINE?

FOLLOWED BY PHIL ALLEN.

AND SHARON MALDONADO.

>> THANK YOU.

MY NAME IS ELAINE LISTNER, I LIVE NEXT DOOR AT 1145
HEARST IN A CONDO.

I'M ACTUALLY A RENTER.

MY PLACE WOULD BE SHADED BY THE UNITS WHICH ARE
STACKED ON MY SIDE.

DESPITE THAT, I'M TORN ABOUT THIS.

I ACTUALLY CAME HERE POTENTIALLY TO BE IN SUPPORT AT
THE RISK OF BEING KILLED BY MY NEIGHBORS.

PLEASE DON'T KILL ME.

YOU DO NOW, BUT WE WILL SEE ABOUT TOMORROW.

I BELIEVE IN THE RULE OF LAW, THAT WE AS A STATE HAVE
DECIDED WHAT WE NEED TO DO ABOUT HOUSING AFFORDABILITY AND I
BELIEVE BUILDING CONDOS LIKE I AM, GET ME OUT OF UNITS LIKE THE
PEOPLE NEXT DOOR ARE LIVING IN AND MAKE THEM OPEN, MAKE MORE
AFFORDABLE UNITS.

THERE ARE NOT AS MANY HOUSES AS JOBS.

WHERE IF NOT WALKING DISTANCE FROM B.A.R.T. ARE WE
GOING TO BUILD HOUSES?

WE ARE IN A VERY MIXED DENSITY NEIGHBORHOOD.

I THINK IT'S UGLY, IT'S GOING TO SHADE MY PLACE, BUT I STILL WOULD HAVE BEEN IN SUPPORT OUT OF PRINCIPLE BECAUSE IF IT WERE SOMEBODY ELSE IT WAS NEXT TO, I WOULD HAVE SUPPORTED IT.

IT WOULD ONLY BE SELF INTEREST THAT WOULD MAKE ME NOT SUPPORT IT.

I HAVE TO ADMIT THIS WAS A SURPRISE.

AND I'VE BEEN TO BOTH THE MEETINGS.

I UNDERSTAND, I WOULDN'T WANT TO BE A DEVELOPER.

YEARS OF DELAYS.

IT'S GOT TO SEEM LIKE, GOOD DEEDS GO UNPUNISHED YOU TRY TO BUILD AFFORDABLE HOUSING AND THIS IS WHAT YOU GET.

I KNOW THE PEOPLE NEXT DOOR WILL NOT BE ABLE TO MOVE BACK IN.

THEY ARE GOING TO BE NICE UNITS IF THEY ARE CONDOS AND THEY ARE SHABBY NOW AND THE PRICES WILL BE COMMENSURATE.

SO I DON'T KNOW WHAT THE LAW LEAVES YOU TO DO.

I WILL HAVE TO TRUST THAT THE BUILDER KNOWS WHAT HE IS TALKING ABOUT AS FAR AS IT'S LEGAL TO DO EITHER WAY AND HE KNOWS WHEN MAKES SENSE.

I DON'T KNOW WHAT I WOULD DO IF I WERE YOU WITH WHAT FEELS LIKE A BAIT AND SWITCH.

>> Chair I. Tregub: THANK YOU.

>> GOOD LUCK.

>> Chair I. Tregub: THANKS FOR THE GOOD LUCK WISHES TOO.

PHIL.

FOLLOWED BY SHARON AND STEVE.

IS PHIL ALLEN STILL HERE?

OKAY, WELL WE WILL, FOR NOW ANYWAY TAKE UP SHARON.

>> GOOD EVENING.

NICE TO SEE YOU ALL AGAIN.

I HAVEN'T BEEN TO A ZONING BOARD MEETING IN A WHILE.

BUT I HAVE TO SAY WITHOUT EXCEPTION THIS IS THE MOST SHOCKING ZONING BOARD MEETING I HAVE EVER ATTENDED.

BECAUSE I KNOW PEOPLE WHO LIVE AT CURTIS AND HEARST, I REALIZE THAT IN THE MEDIA AND AT THEIR COMMUNITY MEETING RESIDENTS WERE TOLD BY DEVELOPERS THEY WOULD RETAIN THEIR RENT CONTROLLED APARTMENT.

THIS HAS BEEN ALL OVER THIS IS THE WAY IT WOULD GO.

IN BERKELEY'S SIDE, I BELIEVE MR. RHOADES ASSERTED SUCH IN A RECENT EDITORIAL.

NOW IT SEEMS TO ME IT WOULD BE A DESPICABLE DAY IN BERKELEY IF WE DEVELOP A POLICY OF EVICTING TENANTS FROM THEIR CONTROLLED REGULATED APARTMENTS.

IN FACT I BELIEVE THE CONDO CONVERSION LAW SAYS THAT IS NOT ALLOWED.

FROM A MORAL POINT OF VIEW FOR YOU TO CONSIDER IN YOUR HEART, WE ALL KNOW THAT HOUSING IS UNAFFORDABLE IN BERKELEY IN TERMS OF MARKET RENT.

WOULD YOU REALLY FEEL OKAY ABOUT SENDING THESE TENANTS OUT INTO BERKELEY'S RENTAL MARKET WHERE THEY WILL NEED TO PAY \$2500-\$4,000 A MONTH FOR HOUSING?

WHEN THEY WERE LIVING IN-HOUSING THAT ACCORDING TO BERKELEY'S LAWS WERE REGULATED AND THEY KNEW APPROXIMATELY WHAT THEIR RENT INCREASE WOULD BE EACH YEAR, WE HAVE HAD RENT CONTROL IN BERKELEY FOR A LONG TIME.

IT'S DEFINITELY A STAPLE OF OUR COMMUNITY.

NOT ONLY DO WE IN BERKELEY KNOW THE HORRIBLE SITUATION WE HAVE IN TERMS OF HOUSING COSTS.

PEOPLE IN NEW YORK KNOW ABOUT IT.

YOU CAN READ IN THE "NEW YORK TIMES" AND HEAR HOW IMPOSSIBLE HOUSING IS IN BERKELEY.

PLEASE DON'T TAKE AWAY THE ONE MITIGATING FACTOR WE HAVE WHICH IS RENT CONTROL.

>> Chair I. Tregub: THANK YOU.

HAS PHIL COME BACK?

OKAY, STEVE.

>> ALL RIGHT.

WE HAVE HEARD THE ENVIRONMENTAL ISSUE, AND YOU HAVE HEARD THERE'S A HOUSING ISSUE HERE.

WE HAVE MARKET-RATE HOUSING.

AFFORDABLE HOUSING, WHY IS THIS SUCH A DIFFERENCE?

AFFORDABLE MARKET-RATE HOUSING RIGHT NOW IS NOT AFFORDABLE TO ANYBODY WHO CAN'T PAY MORE THAN \$1,000 A MONTH.

YOU HAVE APARTMENTS NOW, TWO BEDROOMS THEY GO FOR \$4,000 A MONTH.

IN ORDER TO AFFORD THAT, SAY 30% OF YOUR INCOME YOU WOULD HAVE TO BE MAKING \$160,000 A MONTH.

THE PEOPLE WHO CAN PAY THAT DON'T COME FROM INSIDE BERKELEY.

THEY COME FROM SOMEWHERE ELSE.

AND THEY ALREADY HAVE JOBS THAT ARE GIVING THEM \$160,000 A MONTH.

\$160,000 A MONTH IS MORE THAN 2.5 TIMES THE BERKELEY A.M.I.

IT'S 60% MORE THAN THE ALAMEDA COUNTY A.M.I.

THESE PEOPLE ARE RICH.

THEY ARE COMING IN AND THEY ARE BOOSTING UP THE RENT RATES.

THAT'S WHY RENT RATES ARE SO HIGH.

BECAUSE PEOPLE COME IN WITH THAT KIND OF WEALTH AND ARE ABLE TO PAY IT.

WHATEVER THE EFFECT OF THAT, AS LANDLORDS RAISE THEIR RENT IN ORDER TO RENT TO THESE PEOPLE IS THAT THEY KICK PEOPLE OUT.

PEOPLE ARE FORCED OUT OF THEIR HOMES.

WE JUST HEARD ABOUT, THAT'S WHAT PEOPLE ARE FACING IN THIS NEIGHBORHOOD AND MANY ARE GOING TO BE FORCED OUT OF TOWN.

IN OTHER WORDS, WHAT WE HAVE HERE IS A MIGRATION
PROBLEM.

PEOPLE COMING IN WITH A LOT OF MONEY AND FORCING
PEOPLE WHO ARE RESIDENTS OF BERKELEY OUT OF TOWN.

THAT HAS TO STOP.

THIS IS ONE OF THE BODIES THAT CAN STOP IT.

IN ORDER TO STOP IT, TURN DOWN PROJECTS THAT ARE GOING
TO HAVE MARKET RATE UNITS.

THE CITY HAS ALREADY FULFILLED IT'S REQUIREMENT FOR
MARKET RATE UNITS AS PROVIDED BY PLAN BAY AREA AND DEMAND THESE
PROJECTS HAVE 100 OR MAYBE 80% AFFORDABLE HOUSING.

BUT THAT'S THE ONLY WAY WE ARE GOING TO BE ABLE TO
SAVE THIS CITY.

>> Chair I. Tregub: THANK YOU.

SO THESE ARE ACTUALLY ALL THE SPEAKER CARDS THAT I
HAVE.

WAS THERE ANYONE ELSE WHO WISHED TO SPEAK TONIGHT?

OKAY, SEEING NONE.

LET'S ASK THE APPLICANT --

>> I DIDN'T FILL OUT A CARD THOUGH, DO I HAVE TO FILL
OUT A CARD.

>> WHEN YOU ARE DONE.

>> I JUST WANT TO CLARIFY THE STAFF OF THE
AFFORDABILITY ISSUE.

ON MY DAY JOB WHICH IS NOT WHAT I'M SPEAKING OF THAT
HAT BUT AS A MEMBER OF THE COMMUNITY, I DO COUNSEL TENANTS,
LANDLORDS, REALTORS, PURCHASERS, PEOPLE BEING DISPLACED FROM
BERKELEY DAILY TO THE POINT I ALMOST CRY AT MY DAY JOB AND I
HAVE CRIED WHEN A 40-YEAR TENANT SENIOR CITIZEN IS BEING
DISPLACED, WHEN A FAMILY IS DISPLACED THREE TIMES.

A WOMAN WITH TWO CHILDREN, A TEACHER.

THE PAIN IS REAL AND THE STRUGGLE IS SO BAD RIGHT NOW
THAT IF YOU ARE GOING TO BE MOVED OUT OF THE PLACE YOU ARE
LIVING, RENT CONTROLLED UNIT, WHICH IS PROTECTED UNDER THE LAW,
THAT'S MY UNDERSTANDING AS WELL, AND I'M NOT MAKING A DISCUSSION
POINT ON THIS PROJECT BUT JUST CONCEPT AND REALITY.

REALITY CHECK.

I'M DISPLACED FROM MY RENT CONTROL UNIT AND I HAVE TO
FIND A NEW ONE BEDROOM.

IT'S NOT \$1800-\$2,000, IT'S \$4,000.

RENT CONTROLLED UNITS, THEY ARE BEING REGISTERED WITH
THE RENT BOARD BECAUSE THEY HAVE TO PLACE THE RENT AND THEY SAY
WHAT'S THE MARKET RENT FOR THE TWO BEDROOM?

\$8,000.

WHAT DO YOU SEE IN THOSE THAT WERE \$2,000 LAST YEAR,
7, 8, 9 PEOPLE IN THOSE APARTMENTS, NOT 2-3.

THAT'S THE REALITY CHECK I JUST WANTED TO ADD.

THANK YOU.

>> Chair I. Tregub: THANK YOU, MONIQUE, FILL OUT A
SPEAKER CARD WHEN YOU ASK.

-- CAN.

NO WORRIES.

ANYONE ELSE WISHING TO SPEAK?

IF NOT, LET'S ASK THE APPLICANT TO COME UP AND YOU
WILL HAVE THREE MINUTES TO RESPOND.

TO ISSUES THAT HAVE BEEN RAISED.

>> THANK YOU, CHAIR.

NOT A LOT OF RESPONSES REALLY.

ON THE HYDROLOGY, TWO DIFFERENT HYDROLOGICAL STUDIES.

I HAVE SEEN IT MYSELF.

I'VE BEEN IN THE BACKYARD, IT IS A LAKE BECAUSE
THERE'S NO DRAINAGE SYSTEM ON THOSE PROPERTIES AND THAT'S WHAT
THE PROPOSAL IN OUR HYDROLOGY STUDY DOES AND THAT'S WHAT STAFF
HAS INCORPORATED AS CONDITIONS OF APPROVAL AND PUBLIC WORKS
DEPARTMENT HAS REVIEWED IT AS WELL.

FROM OUR PERSPECTIVE THAT ISSUE GETS RESOLVED, THE
DRAINAGE ISSUE FOR ALL THOSE NEIGHBORS GETS RESOLVED WITH THIS
PROJECT.

EXCEPT THAT WE CAN'T RESOLVE THE WATER COMING ONTO
THEIR PROPERTY FROM SOMEWHERE ELSE.

WE CAN ONLY RESOLVE THE WATER ISSUES COMING ONTO OUR
PROPERTY, SO WE HAVE TO TAKE THAT WATER AND GET IT OUT THERE,
THAT WILL HELP THEM BECAUSE IT WON'T SIT BACK THERE FOR SO LONG.

ON THE AFFORDABILITY QUESTIONS.

ON THE PROJECT ITSELF, I'M JUST A LITTLE BIT, I'M
JUST -- WE COULD DEAL WITH IT SOME WAY.

A WAY TO DISCUSS KEEPING OUR CURRENT RESIDENTS THERE
FOR SOME MUCH LONGER PERIOD OF TIME.

LONGER PERIOD OF TIME.

INDEFINITELY, I JUST DON'T KNOW.

BUT WITH THE LEVEL OF AFFORDABLE UNITS THAT ARE
REQUIRED, AND I THINK THERE'S EIGHT OVERALL WITH THIS PROJECT,
WE CAN'T DO IT WITH THE 18 UNIT DENSITY BONUS UNIT PROJECT.

>> Chair I. Tregub: WE HAVE SOME QUESTIONS FOR YOU,
DENISE.

>> Vice Chair D. Pinkston: CAN YOU TELL ME A LITTLE
MORE ABOUT THE LOT MERGER.

IT SEEMS THE LOTS IN THIS NEIGHBORHOOD HAVE A FAIRLY
REGULAR PHYSICAL PATTERNING WHICH THE MERGER WOULD ALTER.

WE HAVE ASKED STAFF TO LOOK INTO THE GROUNDS FOR
DENYING A LOT MERGER.

I WOULD LIKE YOUR THOUGHTS ON THAT.

>> THEY AREN'T THAT REGULAR.

AS WELL ON THE DELAWARE SIDE.

YOU HAVE NARROW LOTS.

YOU'VE GOT SOME WIDER LOTS.

YOU'VE GOT A WHOLE SORT OF DIFFERENT ASSORTMENT OF
BUILDING STYLES AND INTENSITIES ALONG THAT BLOCK.

UNDER THE STATE DENSITY BONUS LAW IT'S PART OF THE PROJECT.

I DON'T THINK THAT'S AN ANSWER, NECESSARILY.

>> Chair I. Tregub: THANK YOU.

TERESA?

>> SO THAT'S WHERE THE TWO UNITS YOU ARE ADDING TO.

AND STRUCTURALLY, THOSE UNITS BELOW, I DON'T THINK YOU ARE GOING TO BE ABLE TO MAKE THE CASE THAT'S NOT A DEMOLITION OF THOSE UNITS.

I THINK YOU MIGHT HAVE A PROBLEM THERE.

I WOULD LIKE TO KNOW MORE FROM STAFF, AS WELL AS YOURSELF HOW YOU WOULD MEET THE REQUIREMENT.

>> THE STRUCTURAL REQUIREMENTS?

>> YEAH.

BECAUSE THERE'S A REQUIREMENT OF KEEPING SO MUCH OF THE STRUCTURE AND ALL THAT.

>> Chair I. Tregub: 50%.

>> 50% OF THE WALLS AND OR 50% OF THE ROOFS.

WE HAVE LOOKED AT IT.

>> STRUCTURAL REQUIREMENT UNDER THE BUILDING CODE.

>> BUT NOT UNDER THE DEMOLITION ORDINANCE, UNDER THE ZONING ORDINANCE.

IT'S PRETTY STRAIGHT FORWARD.

AND WE CAN ADD THE STRUCTURAL ELEMENTS THAT ARE NECESSARY ON THE FIRST FLOOR.

>> I DON'T KNOW IF STAFF IS GOING TO ANALYZE THAT BUT THAT NEEDS TO BE ANALYZED.

YOU NEED TO SHOW THAT IN YOUR PLAN HOW YOU ARE KEEPING THOSE EXISTING WALLS AND IT NEEDS TO BE PART OF THE RECORD.

AND THEN ON THE EXTENSION OF A NON-CONFORMING FRONT AND SIDE YARD, CAN YOU TELL ME WHY THAT IS NECESSARY TO REQUEST?

>> RIGHT.

>> TELL ME WHY THAT IS NECESSARY FOR MAKING THE DENSITY.

I DON'T SEE HOW YOU CAN JUSTIFY THAT.

>> THERE MIGHT BE OTHER WAYS TO DEAL WITH IT BUT YOU ARE TALKING ABOUT INCREASING LOT COVERAGE POTENTIALLY, MOVING UNITS TO OTHER AREAS OF THE PROPERTY.

>> I WOULD LIKE TO HAVE, MAYBE YOU CAN DO IT IN A NARRATIVE BECAUSE YOU ARE GOING TO HAVE TO COME BACK.

I WOULD WANT A NARRATIVE ABOUT EACH OF THE ONES, AND I'LL LIST THEM OUT, THE ONES I THINK WOULD NEED MORE EXPLANATION.

SO I THINK THE EXTENSION OF A NON-CONFORMING FRONT SIDE YARD NEEDS AN EXPLANATION, WHAT ARE THE TRADE-OFFS.

IF THAT WAIVER NEEDS TO, IS ALLOWED TO GET YOUR DENSITY, IF IT'S NOT REALLY NEEDED, IT'S NOT ELIGIBLE.

I JUST WANT TO MAKE SURE YOU ARE MEETING THAT AND YOU NEED TO PROVE THAT.

THE SAME THING WITH THE INCREASING OF THE LOT
COVERAGE.

THAT WOULD NEED TO BE SHOWN.

YOU CAN GIVE THE EXAMPLE, WELL WE CAN GO HIGHER, OR WE
CAN INCREASE THE LOT COVERAGE.

AND I THINK WITH THE CONCERNS ABOUT HYDROLOGY.

A TRADE-OFF WOULD BE TO GO HIGHER.

MAYBE WITH A PREVIOUS PROJECT YOU HAD.

I THINK WE NEED TO ANALYZE THE TRADE-OFFS FROM WHAT
YOU ARE ASKING THERE.

AGAIN, SIMILAR TO REDUCING THE BUILDING SEPARATION,
WHAT ARE THE TRADE-OFFS BECAUSE YOU ARE ASKING FOR THESE
WAIVERS, YOU CAN GET THE DENSITY ON THIS PROPERTY WITHOUT THESE
PARTICULAR WAIVERS.

YOU COULD DESIGN IT DIFFERENTLY.

IF YOU ARE GOING TO ASK FOR THIS PARTICULAR DESIGN, WE
NEED TO JUST HAVE, I THINK WE JUST NEED A WHOLE NARRATIVE ON
EACH OF THOSE AND WHY THAT'S NECESSARY.

SIMILAR TO THE OPEN SPACE.

>> WE ACTUALLY EXCEED THE OPEN SPACE REQUIREMENT.

>> SO YOU ARE MEETING THAT, OKAY.

AND THE DRIVEWAYS.

THAT WAS MY MAIN COMMENT.

I WOULD WANT THOSE QUESTIONS ANSWERED.

SO JUST THINK ABOUT THEM.

>> Chair I. Tregub: THANK YOU.

ARE THERE ANY OTHER QUESTIONS FOR THE APPLICANT?

ALL RIGHT, SEEING NONE, THANK YOU SO MUCH FOR YOUR
TIME.

WE ARE GOING TO CLOSE THE PUBLIC HEARING.

WE ARE GOING TO, BEFORE WE TAKE THIS UP, I THINK
STAFF, YOU HAD A PENDING QUESTION FROM DENISE YOU WERE CHECKING
UP ON.

DO YOU HAVE AN ANSWER?

DO YOU REMEMBER THE QUESTION?

>> Vice Chair D. Pinkston: WHAT'S THE PROCESS FOR
APPROVING OR DENYING A LOT MERGER.

>> THANK YOU.

THE LOT MERGER, IT'S A ADMINISTERIAL PROCESS THAT
ESSENTIALLY GOES THROUGH PUBLIC WORKS.

IT DOES GET REFERRED TO THE PLANNING DEPARTMENT FOR
CONFORMANCE WITH THE ZONING ORDINANCE.

SO WE DO NOT APPROVE A LOT MERGER IF IT CREATES A
NON-CONFORMING CONDITION.

OR EXACERBATES AN EXISTING NON-CONFORMING CONDITION.

>> Vice Chair D. Pinkston: NON-CONFORMING BEING
DEFINED AS?

NOT MEETING MINIMUMS?

>> NOT MEETING THE CURRENT DEVELOPMENT STANDARDS.

SO WHAT MIGHT BE CONFORMING AS TWO SEPARATE LOTS MIGHT NOT BE CONFORMING AS A SINGLE LOT.

FOR INSTANCE IF THERE'S TWO EXISTING HOMES AND THERE'S A BUILDING TO BUILDING SEPARATION.

A BUILDING TO BUILDING SEPARATION ONLY COMES INTO PLAY ON TWO BUILDINGS ON ONE LOT.

IT COULD BE EXISTING SETBACKS ARE NON CONFORMING OR CONFORMING BUT ONCE THEY ARE ON ONE LOT THE EXISTING BUILDING DOESN'T MEET THE UNDERLYING DEVELOPMENT STANDARD WITHIN THAT DISTRICT AND THEN WE WOULD NOT BE ABLE TO APPROVE THAT LOT MERGER.

>> Vice Chair D. Pinkston: IS TWO LOTS, EACH LOT IS REQUIRED TO HAVE A SEPARATE DRIVEWAY AND A SEPARATE CURB CUT?

>> LOTS ARE -- WELL.

IF THEY WERE TO BE DEVELOPED TODAY, PROBABLY YES TO MEET THE PARKING REQUIREMENT.

THERE'S SEVERAL LOTS IN BERKELEY THAT DON'T HAVE DRIVEWAYS OR PARKING.

>> Vice Chair D. Pinkston: THE NEW DEVELOPMENT PLAN SHOWS A SINGLE DRIVEWAY FOR BOTH LOTS.

>> NO.

>> WITHIN 75 FEET, SO WE STILL HAVE TWO DRIVEWAYS BECAUSE THERE'S TWO PARKING SPOTS ON THE BUILDING ON THE RIGHT. UNDERNEATH IT'S A GARAGE.

YOU CAN KIND OF SEE IT IN THIS ONE AND THE OTHER ONE
THE DRIVEWAY TO THE BACK.

>> SO THAT'S ANOTHER EXAMPLE THAT TYPICALLY ONE
WOULDN'T BE ABLE TO APPROVE A LOT MERGER BECAUSE THEN IT WOULD
BE TWO DRIVEWAYS WITHIN 75 FEET ON ONE LOT.

THIS IS BEING PRESENTED AS A WAIVER FOR THE
DEVELOPMENT STANDARDS AS FAR AS THE DENSITY BONUS PROGRAM.

>> Vice Chair D. Pinkston: SO IF THE LOT MERGER WERE
NOT A PART OF THE APPROVED APPLICATION YOU WOULDN'T BE ABLE TO
MAKE THE FINDINGS FOR THE 75 FOOT, THE VARIANCE FROM THE 75-FOOT
DRIVEWAY SEPARATION REQUIREMENT?

YOU ARE ONLY ABLE TO DO THAT BECAUSE OF THE DENSITY
BONUS?

>> CORRECT.

>> Vice Chair D. Pinkston: OKAY, THANK YOU.

>> Chair I. Tregub: OTHER QUESTIONS?

ANYONE HAVE FOR STAFF?

ALL RIGHT.

>> MAY I MAKE ONE POINT OF CLARIFICATION?

>> Chair I. Tregub: YES.

>> IT WAS NEW TO ME AT THIS MEETING THAT THE PROPOSAL
WAS FOR ALL CONDOMINIUMS.

I WANT TO CLARIFY FROM WHAT A LOT OF THE COMMENTERS
SAID, THE SIX RENT CONTROLLED UNITS WOULD REMAIN AS
RENT-CONTROLLED UNITS NO MATTER WHAT.

SO WHETHER THEY BECOME BELOW MARKET RATE, THEY WOULD STILL HAVE AN UNDERLYING RENT CONTROL AT THAT BELOW MARKET RATE LEVEL.

WHAT THAT MEANS FOR CONDO CONVENTION, I'M NOT PREPARED FOR THAT, BECAUSE AS I SAID, I KNOW THAT THERE ARE STRICT -- IT'S LOOKED WITH SCRUTINY BUT I CAN'T TELL YOU IF IT IS PROHIBITED OR NOT.

IT WOULD BE A CONDO CONVERSION OF SIX RENT CONTROLLED UNITS IF THAT WERE TO MOVE FORWARD.

SO JUST TO CLARIFY THAT.

>> Chair I. Tregub: THANK YOU.

>> MAYBE YOU COULD ALSO CLARIFY, WHEN YOU ARE DOING THE HOMEOWNERSHIP PROJECT, THE REPLACEMENT OF EXISTING UNITS STILL APPLIES TO THOSE SAME UNITS.

SO THOSE SIX UNITS WOULD STILL NEED TO BE OWNERSHIP UNITS AT FOUR LOW-INCOME, ONE BELOW MODERATE INCOME AND ONE MARKET RATE, IS THAT CORRECT?

>> CORRECT.

IF WE DON'T KNOW --

>> IF WE DON'T KNOW THE RENT AMOUNT.

IF WE DO KNOW THE INCOMES OF THE EXISTING TENANTS THEN IT WILL MATCH THEIR INCOME LEVEL FOR THE OWNERSHIP.

IS THAT CORRECT OR NOT?

>> YES.

>> SO THE TENANTS WOULD BE ABLE TO PURCHASE AT THEIR INCOME LEVEL.

IT WOULD HAVE TO BE BASED ON THEIR INCOME LEVEL.

THE CONVERSION, THE REPLACEMENT?

>> YES.

HOWEVER, THE TENANT INCOME LEVEL MAY NOT, EVEN AT MODERATE INCOME, IF THE TEN APTS ARE MODERATE INCOME OR ABOVE, THOSE MARKET RATE OR EVEN MODERATE --

>> THEY WOULDN'T BE ELIGIBLE BECAUSE THEY WOULD BE MAKING TOO MUCH MONEY.

I WANT TO MAKE PEOPLE UNDERSTAND, THEY WOULD BE ELIGIBLE, IF THEY WERE MAKING, I DON'T KNOW FOR A SINGLE PERSON, LOW INCOME, I THINK MAYBE \$36,000.

A YEAR FOR A SINGLE PERSON.

FOR A FAMILY OF FOUR, IT'S PROBABLY \$48,000 FOR A FAMILY OF FOUR.

>> Chair I. Tregub: I THINK THOSE NUMBERS HAVE GONE UP A BIT.

>> YEAH, AND THEY HAVE PROBABLY GONE UP.

I DON'T KNOW WHAT THEY ARE TODAY.

BUT I THINK THAT'S THE OTHER INFORMATION WE NEED TO PEOPLE UNDERSTAND THOSE TENANTS MAY BE ELIGIBLE TO PURCHASE THEIR UNITS AND THE UNITS WOULD BE PRICED AT THEIR INCOME LEVEL TO BE ABLE TO AFFORD THEM, POSSIBLY.

SO I THINK PEOPLE NEED TO UNDERSTAND THAT, SO WHEN YOU BRING BACK MORE INFORMATION, WE WILL NEED THAT IN A CHART.

>> JUST SO YOU ALL KNOW, THIS HAS BEEN A LEARNING EXPERIENCE FOR ME TO GET INTO RENT CONTROL BOARD ISSUES TO GET INTO REGULATORY AGREEMENTS AND INCLUSIONARY HOUSING, WHICH --

>> CAN YOU TALK A LITTLE LOUDER, PLEASE.

>> THIS HAS BEEN A LEARNING EXPERIENCE FOR ME, I HAVE BEEN LEARNING A LOT ABOUT THE DIFFERENT AGENCIES IN THE CITY AS WELL.

ONE OF THE THINGS IS THAT, DEPENDING ON THE OWNERSHIP, IT IS MY UNDERSTANDING FROM THE HOUSING DEPARTMENT THAT IF YOU GET BELOW LOW INCOME FOR OWNERSHIP, IT BECOMES NOT VERY PROBABLE TO FIND FINANCING FOR THOSE OWNERS TO PURCHASE.

YOU CAN OFFER IT, BUT IF THERE'S NO ELIGIBLE FINANCING, BECAUSE THERE'S OBVIOUSLY ELIGIBLE HOUSEHOLDS, THAT'S A CONSIDERATION AS WELL.

BUT I WILL COME BACK WITH THAT INFORMATION.

>> THAT BRINGS UP A GOOD POINT.

BECAUSE THE TWO UNITS THEY ARE PROPOSING WILL BE VERY LOW INCOME.

I DON'T KNOW IF WE COULD ASK THE APPLICANT AGAIN TO SAY WHETHER, IF THEY ARE GOING TO DO CONDO CONVERSION NOW, ARE THEY THEN GOING TO HAVE THOSE UNITS STILL BE VERY LOW INCOME UNDER THE CONDO CONVERSION?

MARK, ARE YOU STILL HERE?

UNDER CONDO CONVERSION YOU ARE PROPOSING STILL TWO
VERY LOW INCOME HOMEOWNERSHIP UNITS.

>> Chair I. Tregub: WE ARE GOING TO REOPEN THE PUBLIC
HEARING OR IS THAT JUST --

>> JUST A QUESTION.

>> Chair I. Tregub: ALL RIGHT.

WE ARE STILL IN QUESTION MODE FOR STAFF.

IS THIS A QUESTION?

>> YEAH.

>> C. Olson: TO STAFF.

I JUST WANT TO ADD TO IT AS THE DAUGHTER OF A BERKELEY
SCHOOL TEACHER, WHO GREW UP IN THE FLATS OF BERKELEY, NOT VERY
FAR FROM THIS NEIGHBORHOOD, AND YES I WAS PART OF THE CITY
PROCESS IN 2001, AS WAS MR. RHOADES WHO WAS CURRENT PLANNING
MANAGER THEN.

JUST IN CASE YOU DON'T KNOW.

MY QUESTION FOR STAFF, WHEN YOU GO FROM BEING A RENTER
TO A HOMEOWNER, YOU HAVE TO PAY PROPERTY TAX.

SO HOW DOES PROPERTY TAX, WHICH IS SUBSTANTIAL IN
BERKELEY AFFECT THE AFFORDABILITY OF THOSE UNITS?

>> Chair I. Tregub: IS THAT A QUESTION STAFF CAN
ANSWER?

>> WHEN I COME BACK, YES.

>> Chair I. Tregub: GREAT, THANK YOU.

WELL, I THINK IT'S PROBABLY HIGH TIME TO START MOVING TOWARD DISCUSSION AND POSSIBLE ACTION.

SO WOULD ANYONE LIKE TO START US OFF?

DENISE?

>> I DON'T THINK WE ARE READY TO TAKE ACTION TONIGHT.

I WOULD LIKE TO ENCOURAGE WE EITHER CONTINUE THIS OR FIGURE OUT WHERE TO SEND IT.

I DON'T KNOW THAT IT SHOULD NECESSARILY COME BACK HERE.

LET ME START BY SAYING THE NEED FOR HOUSING IN BERKELEY IS CRITICAL AND WHY WE WOULD ALL LIKE THAT HOUSING TO BE 100% AFFORDABLE, THERE'S NO INCENTIVE TO MAKE IT AFFORDABLE.

NEW HOUSING WHEN IT FITS IN, CONSISTENT WITH OUR PLAN AND POLICIES BECAUSE IT WILL AT LEAST PROVIDE PLACES FOR YOUNG PEOPLE AND NEWLY EMPLOYED PEOPLE TO LIVE.

THAT BEING SAID, WHEN NEW HOUSES DISPLACES EXISTING RENT CONTROLLED HOUSING IN FAIRLY DECENT SHAPE, I HAVE A CONCERN WITH THAT.

I THINK THERE COULD BE ADDED DENSITY ON THESE TWO LOTS BUT I'M VERY UNCOMFORTABLE TAKING THE SIX RENT-CONTROLLED UNITS AWAY.

WE AREN'T READY TO MAKE A DECISION TONIGHT.

BUT I'M VERY UNCOMFORTABLE WITH THAT.

I THINK THIS ALL BEGINS WITH THE LOT MERGER.

THE LARGER LOT CREATED, THOUGH THERE'S SOME IRREGULARITY IN THE LOT PATTERNS, BY FAR 90% OF THE LOTS ON THAT BLOCK ARE MUCH SMALLER AND NARROWER.

IN THAT ZONING DISTRICT MOST OF THE LOTS ARE SMALLER.

WHAT THE LOT MERGER DOES IS CREATE THESE BIG BULKY LOTS WHICH LEAD YOU INTO A DEVELOPMENT SCENARIO WHERE YOU ARE, THE LARGE LOT IS SOMEWHAT OUT OF CHARACTER WITH THE TEXTURE, IT CREATES CASCADE EFFECT OF LAWS THAT RESULTS IN ELIMINATION OF DENSITY BONUS AND RENT CONTROLLED UNITS WHICH I THINK IS IN CONTRADICTION WITH THE LAW THAT SAYS RENT CONTROLLED UNITS SHOULDN'T BE DISPLACED BY DENSITY BONUS UNITS.

WANTING TO PRESERVE NATURALLY OCCURRING AFFORDABLE HOUSING AND OUR RENT LAW.

I THINK, IF THE BAY AREA HAS MORE PRESSURE TO ADD MORE PEOPLE, THESE LAW CONFLICTS ARE GOING TO BECOME MORE EVIDENT AND I WOULDN'T BE SURPRISED IF WE SEE MORE OF THESE.

SO IT'S REALLY IMPORTANT TO HANDLE THEIR CAREFULLY.

SOMEONE SAID WE NEED TO KNOW WHAT THE LAW SAYS, AND WHERE THE LAWS CONFLICT WE NEED TO UNDERSTAND THAT AND UNDERSTAND WHICH LAWS CONTROL.

I WORK IN REAL ESTATE AND DEVELOPMENT.

I'VE DEALT WITH THESE LAWS MY WHOLE LIFE AND I DON'T KNOW THE ANSWER.

SO I'M VERY EMPATHETIC WITH YOU LEARNING.

LEARNING IS FINE.

BUT WE CERTAINLY CAN'T TAKE ACTION UNTIL WE HAVE THOSE ANSWERS.

WE NEED QUESTIONS ON THE TABLE THAT NEED ANSWERED.

GET INDICATION AND PREFERENCE SO THE APPLICANT KNOWS WHERE THE ZAB IS TONIGHT AND THEY CAN FIGURE OUT IF THEY WANT TO CHANGE THEIR APPROACH, PERHAPS AND THEN COME BACK WITH ANSWERS TO THE QUESTIONS, MAYBE FROM OTHER DIVISIONS OF THE CITY TO TALK ABOUT WHAT HAPPENS WHEN A RENT CONTROLLED UNIT BECOMES A FOR-SALE UNIT.

I THINK WE NEED THIS STUFF QUANTIFIED.

IF A RENT CONTROLLED UNIT BECOMES FOR-SALE UNIT WHAT IS THE FEE THAT'S PAID.

WHERE DOES THE FIGO?

FEE GO.

WE NEED A CRASH COURSE ON THIS.

WHETHER RENT CONTROL GOVERNS.

WHICH MEANS YOU WOULDN'T REMOVE THE SIX RENT CONTROLLED UNITS EVEN THOUGH THE DENSITY BONUS IS REQUIRED.

IF PEOPLE WANT TO CONTINUE THIS TO GET THOSE ANSWERS, I'M FINE WITH THAT.

>> Chair I. Tregub: IS THAT A MOTION?

>> Vice Chair D. Pinkston: SURE.

>> Chair I. Tregub: MOTION TO CONTINUE.

>> Vice Chair D. Pinkston: AND GET THE ANSWERS TO THE OTHER QUESTIONS.

>> Chair I. Tregub: IT'S BEEN MOVED AND SECONDED.

DISCUSSION?

TERESA?

>> I WANTED TO DISCUSS A COUPLE THINGS THAT PEOPLE
BROUGHT UP.

I THINK IT'S IMPORTANT THAT PEOPLE UNDERSTAND WHAT THE
PER VIEW OF THE ZONING BOARD IS.

WE DON'T MAKE THE LAWS.

SO WE ARE HERE TO ADJUST THINGS BASED ON THE LAWS.

I THINK MANY OF THE THINGS PEOPLE BROUGHT UP HERE
TONIGHT AREN'T NECESSARILY OUR PURVIEW, SO WHAT WE WILL BE DOING
IS TRYING TO FIGURE OUT WHAT THE LAWS ARE THAT APPLY TO THE
SITUATION IN OUR JURISDICTION.

I THINK THE CONDO CONVERSION LAW, IT KIND OF APPLIES
TO US IN SOME WAYS AND I THINK IT'S IMPORTANT TO NOTE THIS WHOLE
THING IS GOING TO BE AN OWNERSHIP PROJECT BECAUSE WE WILL LOOK
AT THE DESIGN A LITTLE DIFFERENTLY.

THE SETBACKS, THE BUILDING SEPARATIONS, SO I THINK
THAT NEEDS TO BE IN THE STAFF REPORT THIS IS GOING TO GO AS A
CONDO CONVERSION.

IN TERMS OF THE CREEK, WE DON'T KNOW WHAT THE CREEK
STATUS IS.

I THINK THE CREEK STATUS, I DON'T KNOW HOW YOU VETTED
THAT.

YOU SAID NO, THERE'S NO CREEK.

I THINK WE NEED TO RELOOK AT THAT AND MAKE SURE THERE ARE NO DOCUMENTS SHOWING THERE'S A CREEK THERE.

I DON'T KNOW.

ANYWAY.

THE STORM WATER DRAINAGE WILL HAVE TO BE DEALT WITH IN THE DESIGN AND CONSTRUCTION DOCUMENTS.

AND EVERY NEW CONSTRUCTION PROJECT HAS TO DEAL WITH THAT BUT IF THERE ARE SPECIAL CONDITIONS HERE WE NEED TO UNDERSTAND THOSE SO WE CAN PUT ADJUSTMENTS ON THE CONDITIONS REGARDING THE DRAINAGE AND THE FLOODING ISSUES.

I WANT PEOPLE TO UNDERSTAND WHAT OUR PURVIEW IS.

IT'S NOT TO SET RENTS.

WE HAVE A LOT OF LAWS THAT DEAL WITH THESE THINGS.

>> Chair I. Tregub: THANK YOU.

SAVLAN?

>> THANK YOU, THAT WAS IT.

TO GAIN CLARIFICATION WHAT IS OUR PURVIEW IN THIS COMPLICATED PROJECT.

>> Chair I. Tregub: THANK YOU.

YES?

>> C. Olson: CAN I ASK STAFF A QUESTION?

>> Chair I. Tregub: SURE.

>> C. Olson: WHAT LEVEL OF CEQA REVIEW WAS THIS GIVEN?

>> THIS HAS BEEN IN-FILL EXEMPTION, CATEGORICAL EXEMPTION WITH THE HYDROLOGY REPORT.

>> C. Olson: IN THAT CASE, I WOULD LIKE TO SPECIFICALLY REQUEST THAT WE HAVE INFORMATION ABOUT THE DRY CREEK BED AND WHETHER OR NOT THERE NEEDS TO BE A HEIGHTENED -- HEIGHT AND LEVEL CEQA REVIEW.

>> WE ALSO NEED GEO TECH HYDROLOGIC COORDINATION. IF THAT FIELD ESSENTIALLY IS A SPONGE AND IT IS ABSORBING THE LOCAL GROUND WATER THAT MAY BE COMING OFF SITE IT FUNCTIONS AS STORM WATER RETENTION.

THE OWNER IS GOING TO HAVE LIABILITY FOR WHATEVER THEY DO, IF WHATEVER THEY DO DAMAGES THE PROPERTY AROUND THEM.

SO THEY HAVE A HIGH LEVEL OF CARE THEY NOT MAKE ANYONE'S LIVES WORSE.

BUT I THINK WE NEED TO UNDERSTAND THAT AS WELL.

SO I THINK THERE DOES NEED TO BE A RECONCILIATION OF THE HYDROLOGY FINDINGS SO WE CAN FIGURE OUT, SO THAT STAFF KNOWS HOW A BUILDING SHOULD BE DESIGNED TO GO THERE AND I THINK THAT'S WHAT CARRIE WAS SAYING AS WELL.

>> DON'T WE ALREADY HAVE CONDITIONS UNDER THAT?

>> WE DO.

I THINK THE REQUEST IS FOR FURTHER EXPLORATION.

AND JUST ONE THING WE DO KNOW, WHICH I HAVE UP NOW, I WASN'T SURE IF IT WOULD COME UP, WE DO HAVE THIS CREEK ON OUR G.P.S. MAP, SO THE QUESTION OF HYDROLOGY IS NOT CONTESTED.

IT IS NOT ONE OF THE OPEN OR CULVERTED CREEKS AND DOES NOT HAVE THE CREEK SETBACK.

SO AGAIN, THAT DOESN'T NEGATE ANY OF THE REALITIES OF
THE FLOODING AND THE SOIL.

BUT I DID PRINTOUT THIS GPS THING THAT SHOWS THE TRACE
OF THE CREEK.

>> Chair I. Tregub: THANK YOU.

I'M GOING TO CALL ON FOLKS WHO HAVEN'T SPOKEN YET
FIRST.

BUT THEN I WILL BE ABLE TO CALL ON YOU.

FOR SECOND, OTHER THOUGHTS.

PATRICK?

>> P. Sheahan: I'M A SON OF A BERKELEY LAWYER, BUT I
KNOW NOTHING ABOUT LAW, I'M AN ARCHITECT.

I FIND MYSELF COMPLETELY ILL-EQUIPPED TO PARSE THE
LAWS THAT HAVE BEEN DISCUSSED HERE.

I REALLY, AS A BOARD MEMBER, I DON'T -- WELL, I'M
SIMPLY ILL-EQUIPPED AND REFUSE TO TRY TO INTERPRET SUCH A THING
WITHOUT LEGAL ADVICE FROM COUNSEL AND SOME SERIOUS READINGS OF
THE LAW THAT ARE AT VARIANCE WITH ONE ANOTHER THAT HAVE BEEN
RAISED.

AND I DO KNOW THAT ABOUT THE LAW.

YOU CAN TAKE A GIVEN SET OF LAWS AND YOU CAN READ IT
DIFFERENT WAYS.

AND YOU CAN READ IT TO YOUR ADVANTAGE, OR YOU CAN READ
IT TO COMPLY WITH THE UNDERLYING INTENT OF THE LAW.

THOSE ARE THE TWO POLES I SEE IN OPERATION HERE.

THERE'S SO MANY THINGS HERE THAT ARE PROBLEMATIC THAT I THINK A RE-WORKING OF THIS THAT WOULD SATISFY TO MY READING, REALLY CAN'T BE ACCOMPLISHED WITH A CONTINUANCE.

I WOULD URGE A DENIAL OF THIS.

[APPLAUSE].

BECAUSE IT CALLS FOR SUCH A DEEP LEVEL OF ANALYSIS AND INFORMATION AND CONSEQUENT REDESIGN.

IT'S NOT A MATTER OF TWEAKING.

ALSO AS AN ARCHITECT, I DID GO BY THE SITE.

IT'S REALLY A REMARKABLE LITTLE -- WELL NOT LITTLE.

IT'S A PRETTY BROAD NEIGHBORHOOD, ACTUALLY.

VERY COHERENT LEVEL OF SCALE, OF OLD AND NEW, OF IN-FILL.

AND I THINK THE MERGER RAISES THE QUESTION OF WHAT IS COMPATIBILITY WITH THE EXISTING FABRIC.

THE SITE PLAN LOOKS LIKE SOMETHING THAT COULD BE A P.U.D. WHERE YOU HAVE A LARGE UNUSED PROPERTY ON THE MARGINS OF SOME AREA THAT LENDS ITSELF TO A DESIGN THAT GRAPPLES WITH A LARGE PARCEL.

BUT TO CREATE A LARGE PARCEL IS TO JUST INTRODUCE AS SOMEBODY SAID THIS WHOLE SUBSET OF PROBLEMS.

BUT AGAIN, THEY ARE SELF MADE, BECAUSE THEY ARE MADE IN THE DESIRE TO MAXIMIZE THE POTENTIAL, IN A MONETARY SENSE OF THIS PROPERTY.

I THINK APPROACH AS AN IN-FILL PROJECT.

BUT IN-FILL MEANS YOU KEEP EXISTING HOUSING STOCK AND YOU IN-FILL IT.

YOU DON'T REMAKE IT INTO SOMETHING THAT IS WILDLY OUT OF SCALE AND CONTEXT FOR WHICH THE NEIGHBORHOOD SUFFERS AND IT'S ALSO, IT'S REALLY WONDERFUL HEARING THIS WHOLE NEIGHBORHOOD SPEAK BECAUSE YOU ARE REMARKABLY A COHESIVE GROUP AND IT'S KIND OF REMARKABLE THAT NOBODY HAS COME OUT IN SUPPORT OF THIS.

I DON'T REMEMBER THAT HAPPENING IN A PROJECT OF THIS SCALE OR SIZE OF THIS NEIGHBORHOOD.

SO THANKS FOR EVERYTHING YOU HAVE CONTRIBUTED.

>> Chair I. Tregub: PATRICK, ARE YOU MAKING THAT AS A SUGGESTION OR A MOTION?

>> P. Sheahan: I WOULD BE HAPPY TO MAKE IT AS A MOTION.

I DON'T THINK IT WILL CARRY.

BUT I WILL MAKE THE MOTION TO DENY.

>> Chair I. Tregub: THERE'S A SUBSTITUTE MOTION TO DENY, IS THERE A SECOND?

>> C. Olson: I'LL SECOND.

>> Chair I. Tregub: WE HAVE TWO MOTIONS ON THE FLOOR, THE SUBSEQUENT MOTION WILL TAKE PRECEDENCE.

IN OUR DISCUSSION, WE CAN CONTINUE TO DISCUSS BOTH MOTIONS.

>> Vice Chair D. Pinkston: SO I WAS THE ORIGINAL MOTION MAKER.

WE DON'T TYPICALLY GET CITY ATTORNEY ASSISTANCE FOR RECONCILING MAJOR CONFLICTS BETWEEN LOCAL SUB LAWS, THE MAP ACT, TWO DIFFERENT STATE LAWS, DENSITY BONUS LAW, HOUSING ACCOUNTABILITY ACT, RENT CONTROL, BECAUSE WE DON'T GET LEGAL REPRESENTATION AND COUNSEL IN OUR MEETINGS, PART OF ME THINKS THAT IT MAY BE WORTH DENYING THIS IN ORDER TO GET TO CITY COUNCIL WHERE THEY HAVE COMPETENT CITY COUNCIL TO PROVIDE THEM WITH SUFFICIENT INTERPRETATION OF THESE CONFLICTING LAWS.

AND IF THE COUNCIL WANTS TO SEND IT BACK HERE, THEY ALWAYS CAN.

I THINK TRYING TO GET PLANNING STAFF TRAINED UP QUICKLY TO DO WHAT IS FAIRLY SOPHISTICATED LEGAL ANALYSIS ABOUT A BUNCH OF CONFLICTING LAWS COULD BE A CHALLENGE.

I'M OPEN TO THAT APPROACH WITH THE UNDERSTANDING WE ARE LIKELY TO SEE THIS AGAIN IN SOME FORM.

BUT I COULD GO EITHER WAY.

>> Chair I. Tregub: I THINK, CARRIE YOU WERE NEXT AND THEN TERESA.

>> C. Olson: TERESA CAN GO FIRST.

>> T. Clarke: WE HAVE A DUTY TO LOOK AT THE WAIVERS.

WE DON'T WANT TO DENY IT AND SEND IT ALONG.

THERE'S A LOT OF STUFF THAT WILL COME UP AGAIN.

WE NEED TO DO OUR JOB HERE BEFORE WE SEND IT ON.

IT MAY VERY WELL GET APPEALED.

BUT A LOT OF THE ISSUES NEED TO BE SORTED OUT HERE BEFORE IT GOES ON.

IF WE JUST SEND IT ON NOW, IT'S GOING TO BE A BIG MESS, I THINK.

SO I WOULD ADVOCATE THAT WE DO CONTINUE IT.

WE GIVE THE APPLICANT AN OPPORTUNITY TO CONVINCING US THAT IT MEETS THESE CRITERIA AS WELL AS STAFF.

STAFF DOES NEED TO UNDERSTAND BASIC OF DENSITY LAW.

AND WE DON'T NEED LEGAL REPRESENTATION FOR THAT.

THE CONDO CONVERSION LAW IS NOT THAT COMPLICATED.

READ IT.

IT'S NOT.

SO I DON'T THINK -- I THINK STAFF THOUGH SHOULD BE GIVING US THAT IN THEIR REPORT.

I THINK A READING OF IT AND SOME GUIDANCE FROM A SENIOR STAFF PERSON CAN GIVE US THAT INFORMATION HERE.

I DON'T THINK WE NEED -- BECAUSE I THINK ALL THIS INFORMATION IS GOING IT BE NEEDED IF IT GOES TO THE CITY COUNCIL.

SO I THINK WE REALLY NEED TO DO OUR JOB HERE AND FIGURE IT OUT.

BECAUSE UNDER STATE LAW, YOU KNOW, WE ARE NOW REQUIRED TO BE APPROVING PROJECTS AND AS YOU SAW WITH THE LAWSUIT THAT HAPPENED ALREADY WITH THE CITY, WHERE THEY DENIED A PROJECT, NOT UNDERSTANDING A LAW AT THE CITY COUNCIL LEVEL.

WE NEED TO DO OUR JOB HERE AND GET AS MUCH VETTED AS POSSIBLE.

AND IF IT STILL NEEDS TO GO TO CITY COUNCIL AFTER THAT, WHICH I'M SURE IT WILL WITH THIS MUCH CONTROVERSY, IT'S VERY LIKELY TO BE APPEALED.

I THINK I MADE MY POINT, I THINK WE WOULD NOT BE DOING OUR JOB TO DENY IT NOW.

I THINK IT NEEDS TO BE CONTINUED.

WE NEED TO GET MORE ANSWERS.

>> Chair I. Tregub: THANK YOU.

BEFORE WE GO FURTHER, I KNOW THIS IS UNUSUAL, BUT I THINK THE APPLICANT WOULD LIKE TO MAKE A COMMENT.

DOES ANYONE OBJECT TO REOPENING THE PUBLIC HEARING?

[OFF MIC].

>> Chair I. Tregub: I THINK WHAT THE APPLICANT MIGHT HAVE TO SAY TO US MIGHT MOVE THIS FORWARD IN SOME WAY AND GIVE US SOME CLARITY, WHICH IS SOMETHING THAT WE ALL WANT AND NEED RIGHT NOW.

SO THANK YOU FOR ALLOWING US THE OPPORTUNITY.

>> P. Sheahan: I PROPOSE ONE MINUTE.

>> Chair I. Tregub: THAT'S FINE.

>> I DON'T NEED THAT LONG.

THANK YOU FOR YOUR INDULGENCE.

WE WOULD APPRECIATE A CONTINUANCE, BECAUSE THAT WOULD ALLOW US TO TAKE A DEEPER DIVE INTO A REDUCED INTENSITY PROJECT.

THAT MIGHT HAVE OTHER OPTIONS FOR OUR EXISTING
RESIDENTS.

>> Chair I. Tregub: THANK YOU.

>> Vice Chair D. Pinkston: IF THEY COME BACK WITH THAT
REDUCED PROJECT ALTERNATIVE WITH OPTIONS FOR THE RESIDENTS, FOR
ME, I'M NOT PREPARED TO DISCUSS THE WAIVERS -- SORRY TO JUMP
IN HERE.

I DON'T LIKE THE PROJECT AS IT IS CONCEIVED.

AND I THINK THERE MAY BE UNDERLYING APPROVALS WE
AREN'T COMPELLED TO APPROVE THAT I DON'T SEE ARE SOLVABLE.

I WANT TO FIND OUT MORE ABOUT THAT BEFORE I START
DEBATING THE WAIVERS.

IF IT COMES BACK, I WANT TO REALLY UNDERSTAND THE
CONFLICTS AND THE LAWS.

I WANT TO KEEP THE SIX RENT-CONTROLLED DUPLEXES.

>> Chair I. Tregub: THANK YOU.

BRAZILE?

>> B. Clark: THE FACT WE WERE GIVEN A PROJECT AND THEN
THE APPLICANT CHANGED THE PROJECT MADE ME -- I THINK THAT WE
NEED TO BE GIVEN A PROJECT THAT CLEARLY STATES WHAT THE INTENT
IS OF THAT PROJECT.

WITH ALL OF THE WAIVERS AND ACCOMMODATIONS AND THE
REASONS WHY THEY WOULD LIKE THOSE WAIVERS SPELLED OUT.

WE ALSO NEED TO GIVE STAFF TIME TO LOOK AT THE
QUESTIONS THAT WE HAVE.

AND SO BY GIVING THE APPLICANT TIME, AND GIVING STAFF TIME, BY CONTINUING THIS MATTER, IF IT COMES BACK TO US AND WE STILL DON'T LIKE IT, WE WILL BE IN OUR PURVIEW TO DENY AND THE APPLICANT PROBABLY WILL APPEAL IT AND THE CITY COUNCIL CAN USE ALL OF THEIR LEGALESE TO DETERMINE WHAT WOULD BE THE BEST STEP.

SO I THINK I'M GOING TO SUPPORT, I WOULD LIKE TO VOTE ON THE SUBSTITUTE MOTION TO DENY AND THEN GO TO VOTE FOR THE MOTION TO CONTINUE.

I'M NOT SURE IF WE SHOULD CONTINUE IT OFF-CALENDAR OR GIVE A CERTAIN TIME?

BECAUSE I FEEL LIKE CONTINUING OFF CALENDAR, DOES THAT JUST GIVE THEM AN UNDETERMINED AMOUNT OF TIME.

I THINK THAT'S UNFAIR TO THE TENANTS AND THE PEOPLE WHO ARE LIVING THERE.

A DECISION NEEDS TO BE MADE SOONER RATHER THAN LATER.

>> Chair I. Tregub: SO --

[OFF MIC].

EXCUSE ME.

WE NEED TO COMPLETE OUR MEETING AND HAVE OUR DISCUSSION HERE AS A BOARD.

I THINK ONE OF THE -- THE MAIN MOTION MADE IS TO CONTINUE OFF CALENDAR.

I DON'T WANT TO SPECULATE, BUT I KNOW IN THE PAST WE HAVE CONTINUED VERY COMPLEX PROJECTS OFF CALENDAR BECAUSE THERE'S ALSO A QUESTION OF HOW MUCH TIME STAFF HAS.

I DO CHECK IN WITH STAFF, ON A BIWEEKLY BASIS.

I KNOW WE HAVE 15 PROJECTS IN THE NEXT THREE MEETINGS.
JUST TO ADD SOME CLARITY.

CARRIE?

>> C. Olson: OFF CALENDAR FOR SURE.

I WANT TO TOUCH ON SOME THINGS WE HAVEN'T TALKED
ABOUT.

I DO THINK WE HAVE A DIFFERENT PROJECT THAN WHAT I
SPENT MY TIME RESEARCHING BEFORE TONIGHT.

AND I AM, IN ALL MY 20 YEARS OF DOING COMMISSION WORK,
I'VE NEVER HAD A PROJECT CHANGE THIS PROFOUNDLY AT A MEETING AND
I MUST SAY TO ALL OF YOU WHO ARE TENANTS IN THESE UNITS.

I MEAN WE HAD NO IDEA.

SO I HOPE YOU KNOW THAT.

WE ARE TRYING TO UNDERSTAND IT.

I DON'T THINK THAT A QUICK SOLUTION IS GOING TO BE THE
RIGHT ONE BECAUSE I THINK THE DAMAGE TO THE RELATIONSHIP WITH
THE NEIGHBORHOOD HAS ALREADY HAPPENED AND THEY ARE GOING TO HAVE
TO FIGURE THAT OUT SOMEHOW.

HOW TO BELIEVE AGAIN.

THAT'S SOMETHING THEY'VE GOT TO DO, I DON'T KNOW HOW
QUICKLY THAT CAN BE DONE.

SO WE DIDN'T EVEN GET INTO DESIGN ISSUES.

I HAVE LOTS OF COMMENTS ABOUT DESIGN ISSUES.

AND I DON'T SEE HOW WE EVEN BEGIN TO ADDRESS THEM IN ORDER FOR CHANGES TO HAPPEN BEFORE IT COMES TO US.

I MEAN, I THINK WE MIGHT HAVE --

>> B. Clark: I THINK WE MIGHT HAVE A NEW PROJECT.

I DON'T THINK WE SHOULD EVEN GET INTO THAT.

>> C. Olson: WHAT I WOULD LIKE TO SEE ARE UNITS THAT ARE REALLY IN-FILL UNITS.

NOT UNITS THAT ARE THREE BEDROOM, THREE BATH.

I GREW UP IN A HOUSE, RAISED MY CHILDREN IN A HOUSE AS WELL, TWO BEDROOMS ONE BATH.

I KNOW IT'S DOABLE FOR A FAMILY OF SIX.

SO THREE BEDROOM, THREE BATH MAKES IT LOOK LIKE SIX PEOPLE LIVING THERE AND WE SHOULD BE SEEING THINGS THAT ARE WHAT WE WANT, WHAT WE ARE TRYING TO ENCOURAGE IN THE COMMUNITY.

AFFORDABILITY AND THE SPEAKER WHO GOT UP AND SAID WE HAVE MET OUR MARKET RATE, I KNOW THAT IS TRUE.

HE IS ON THE PLANNING COMMISSION, SO I KNOW HE KNOWS IT'S TRUE.

AND I WOULD LIKE TO HAVE US HAVE THE MUTUAL UNDERSTANDING THAT WE WILL DEAL WITH THE DESIGN ISSUES WHEN IT DOES COME BACK TO US.

>> Chair I. Tregub: THANK YOU.

OKAY, SO I HAVEN'T SPOKEN YET AND I WOULD LIKE THE PRIVILEGE OF BEING ABLE TO SAY SOMETHING AS WELL.

A LOT OF THE THINGS I WAS GOING TO SAY, SOMEONE HAS ALREADY SAID.

IT SOUNDS LIKE WE ARE PRETTY UNANIMOUSLY ON THE ISSUES THAT UNDER LIE THIS PROJECT.

I WANT TO HIGHLIGHT THAT THIS IS NOT STAFF'S FAULT.

I HAVE BEEN ON ZAB FOR OVER FIVE YEARS NOW, I BELIEVE.

I'M NOT SURE IF THIS IS THE MOST BYZANTINE PROJECT THAT HAS COME TO US, BUT IT HAS TO BE CLOSE.

ALL THE UNDERLYING AND CONFLICTING LOCAL AND STATE LAWS DEFINITELY HAVE GIVEN US A RUN FOR OUR VOLUNTEER MONEY.

IN THIS COMMUNITY.

AND I APPRECIATE THE WORK THAT STAFF HAS BEEN DOING, RESEARCHING THIS.

I THINK, I PERSONALLY HAVE BEEN GOING BACK AND FORTH ON WHETHER A DENIAL OR CONTINUANCE IS MORE APPROPRIATE.

BUT I RECALL, AND I THINK THIS IS WHEN [INAUDIBLE] WAS CHAIR AND DENISE WAS VICE CHAIR AND I WANTED TO CONTINUE SOMETHING FOR A SECOND TIME.

AND I WAS ENCOURAGED BY MY THEN COLLEAGUE NOW ON THE PLANNING COMMISSION, TO JUST VOTE UP OR DOWN.

BECAUSE THE PROJECT WAS GOING TO CHANGE SO SIGNIFICANTLY THAT IN ESSENCE IT WOULD AMOUNT TO A DE NOVO HEARING WHEN IT CAME BACK.

I THINK THIS IS WHAT WAS PRESENTED TO US BY THE APPLICANT JUST NOW, SORT OF REINFORCES FOR ME THAT POINT.

I KNOW THE APPLICANT'S PREFERENCE WOULD BE A CONTINUANCE, AND CERTAINLY IF THAT'S THE MOTION THAT WINS OUT, I WILL SUPPORT IT TONIGHT.

BUT I ACTUALLY DON'T THINK THE TIME SPENT WILL -- VERY, VERY MUCH, GIVEN WHAT IS LIKELY TO COME BEFORE US WILL BE AN ALMOST ENTIRELY NEW PROJECT, OR AT LEAST A HEAVILY-MODIFIED ONE.

HOWEVER THIS GETS RESOLVED, HERE ARE THE THINGS THAT I WOULD LIKE STAFF TO LOOK AT.

THE CONDO CONVERSION ORDINANCE INTERFACE.

THIS IS THE FIRST [INAUDIBLE] ORDINANCE I HAVE WORKED ON.

WE REVISED IT IN 2009.

IT HAS BEEN SOME TIME.

AT THAT TIME, WE DIDN'T HAVE AS MANY DENSITY BONUS PROJECTS AS WE DO NOW.

SO THAT PROBABLY WASN'T EVEN A QUESTION THAT CAME UP.

BUT IT OBVIOUSLY WILL BE COMING TO US IN THE NEAR FUTURE.

SOME OF THE PROPOSALS THAT HAVE BEEN MADE TONIGHT BY THE APPLICANT INCLUDING THE CONVERSION OF RENT CONTROLLED STOCK INTO OWNERSHIP HOUSING DOES NOT SOUND LIKE A CONCESSION TO ME.

IT SOUNDS LIKE AT MINIMUM A WAIVER, SOMETHING THAT WE SHOULD BE ABLE TO HAVE DISCRETION ON.

I WOULD LIKE STAFF, WITH THE ADVICE OF LEGAL COUNSEL
IN THE CITY TO LOOK AT THAT.

I WOULD CERTAINLY LIKE TO SEE HOW ALL OF THESE LOCAL
LAWS INTERFACE WITH THE HOUSING ACCOUNTABILITY ACT IN THE
DENSITY BONUS, TO DENISE'S POINT.

AND I WILL, I ACTUALLY HAVE WRITTEN THE SAME THING IN
MY NOTES THAT DENISE SAID.

I DON'T BELIEVE THIS IS WHAT OUR ELECTED
REPRESENTATIVES HAVE IN MIND WHEN THEY SUPPORTED THE HOUSING
ACCOUNTABILITY ACT AND DENSITY BONUS.

THE INTENT OF BOTH IS TO PROVIDE NEW AFFORDABLE
HOUSING OPPORTUNITIES.

I DON'T BELIEVE THE INTENT IS TO GET RID OF RENT
CONTROLLED UNITS.

I WANT TO KNOW BECAUSE I LIVE IN A RENT CONTROLLED
UNIT THAT WAS THE SUBJECT OF A TECHNICAL DEMO.

HOW, IF AT ALL, DOES THE TECHNICAL DEMOLITION APPLY
AND WHAT IS BEING PROPOSED HOW IT WOULD FIT OR NOT FIT THAT?

THE QUESTION THAT CAME UP ABOUT FINANCING
OPPORTUNITIES IF THIS WENT TO AN OWNERSHIP UNIT, I WOULD LIKE
FOR STAFF TO LOOK AT THAT.

PERHAPS WITH THE ASSISTANCE OF THE HOUSING DEPARTMENT.

I DO KNOW OUTSIDE OF SOME LIMITED EQUITY CO OPERATIVE
OPPORTUNITIES, THERE ARE VERY FEW, IF ANY OPPORTUNITIES FOR

SUBSIDIZING OWNERSHIP HOUSING ONCE YOU GET BELOW VERY LOW INCOME OR 50% OF MEDIAN INCOME.

AND OF COURSE I WOULD LIKE FOR US TO LOOK AT WHAT CONTROLS IN EACH ONE OF THOSE CASES, WHETHER IT'S LOCAL OR STATE LAW.

I DON'T WANT TO SOUND DRAMATIC BUT I WANTED TO READ OFF FIVE STATISTICS THAT ARE A MATTER OF FACT.

I HAVE TO FACT CHECK EACH AND EVERYONE OF THEM.

74%, THAT'S BY ONE ANALYSIS, THE LEVEL AT WHICH THE MEDIAN RENT WENT UP BETWEEN THE YEAR OF 2014 AND THE YEAR 2016 IN OUR COMMUNITY IN THE CITY OF BERKELEY.

\$15,000.

THAT IS THE AMOUNT THAT BY PASSING MEASURE AA BY OVER 70% OF THE VOTE, WAS THE AMOUNT THAT THE BERKELEY ELECTORATE FELT IS FAIR TO COMPENSATE TENANTS WHO HAVE TO MOVE OUT IN AN OWNERSHIP MOVE-IN EVICTION.

WHICH SOUNDS EXORBITANT IN SOME CITIES, BUT FOR THOSE OF YOU WHO HAVE LIVED HERE, LIKE ALL OF US CAN RELATE, THAT IS BARELY ENOUGH AND IN SOME CASES NOT ENOUGH TO AFFORD FIRST MONTH'S, LAST MONTH'S RENT AND THE SECURITY DEPOSIT.

22% IS BY ONE ACCOUNT THE NUMBER BY WHICH THE PERCENTAGE OF AFRICAN AMERICANS HAVE DECLINED IN THIS CITY IN THE LAST 30 YEARS.

WE ARE LOSING DIVERSITY.

WE ARE LOSING IT SADLY BECAUSE OF THE HOUSING AFFORDABILITY CRISIS THAT IS BEFORE US.

AND RENT CONTROLLED UNITS ARE ONE OF THE MOST EFFECTIVE, ANTI-DISPLACEMENT STRATEGIES WE HAVE IN THIS COMMUNITY.

\$100,000 IS THE AMOUNT THAT SOME ESTIMATE ONE NEEDS TO BE PAID PER YEAR, GROSS INCOME, TO BE ABLE TO AFFORD A MARKET RATE RENTAL UNIT IN BERKELEY TODAY.

200% IS BY EXTRAPOLATION, THE DIFFERENCE BETWEEN WHAT THE RENT THAT A LONG-TERM TENANT HAS BEEN PAYING IF THEY HAD THE OPPORTUNITY TO LIVE IN THE SAME UNIT SINCE 1996, WHEN COSTA HAWKINS WAS PASSED BY THE STATE.

AND THE AMOUNT THAT A NEW TENANT IN THE RENT-CONTROLLED UNIT WOULD HAVE TO PAY IF THEY JUST MOVED IN TODAY BECAUSE OF VACANCY.

WE ARE THE ZONING ADJUSTMENTS BOARD.

BUT IN DOING OUR, IN CARRYING OUT OUR DUTIES WE HAVE A RECOGNITION AND WE HAVE SMART, PROFESSIONAL PEOPLE ON THIS BOARD, MANY OF WHOM ARE PRACTITIONERS IN HOUSING AND LAND USE POLICY AND FINANCING, WHO UNDERSTANDS THERE'S A LOT OF INTERFACING GOING ON.

AND IN THIS CASE, THERE IS DEFINITELY A LOT OF LOCAL AND STATE LAWS THAT MAY BE CONTROLLING HERE.

I WILL SUPPORT THE MOTION TO DENY.

IF IT DOESN'T PASS, I WILL SUPPORT THE MOTION TO
CONTINUE.

BUT REGARDLESS OF WHAT WE DO HERE TONIGHT, THESE ARE
THE FACTS AND THE WAY THAT WE ADJUST WHATEVER PROJECT IS BEFORE
US IN THE FUTURE, IF IT COMES BEFORE US AGAIN, WE ARE GOING TO
BE INFORMED BY SOME OF THESE FACTS.

>> C. Olson: CALL THE QUESTION?

>> Chair I. Tregub: STAFF, IF YOU COULD CALL THE
QUESTION.

>> A. Mueller: THE SUBSTITUTE MOTION.

BOARD MEMBER SHEAHAN?

>> P. Sheahan: DENY.

>> P. Sheahan: YES.

>> A. Mueller: BOARD MEMBER HAUSER?

>> NO, BUT I WANT IT TO COME BACK HERE, I WANT TO
CONTINUE IT.

>> A. Mueller: BOARD MEMBER OLSEN?

-- OLSON.

>> C. Olson: YES.

>> A. Mueller: BOARD [CALLING ROLL].

>> Chair I. Tregub: THAT MOTION FAILS.

WE WILL NOW VOTE ON THE MOTION TO CONTINUE OFF
CALENDAR.

>> A. Mueller: BOARD MEMBER SHEAHAN.

>> P. Sheahan: NO.

>> A. Mueller: HAUSER?

>> YES.

>> A. Mueller: OLSON?

>> C. Olson: NO.

>> A. Mueller: BOARD MEMBER BRAZILE CLARK?

>> B. Clark: NO.

>> A. Mueller: TERESA CLARKE?

>> T. Clarke: YES.

>> A. Mueller: VICE CHAIR PINKSTON?

>> Vice Chair D. Pinkston: YES.

>> A. Mueller: AND CHAIR TREGUB?

>> Chair I. Tregub: YES.

SO THIS PROJECT IS CONTINUED.

I WOULD LIKE TO THANK EVERYONE IN THE COMMUNITY FOR
COMING UP AND SPENDING QUALITY TIME WITH ALL OF US.

[CHUCKLES].

THANK YOU SO MUCH.

WE HAVE ONE MORE ITEM AND I WOULD LIKE TO ASK MEMBERS
OF THE PUBLIC TO -- YOU ARE WELCOME TO STAY, BUT IF YOU HAVE
TO LEAVE YOU CAN DO SO QUIETLY SO WE CAN TAKE UP OUR FINAL ITEM
OF THE EVENING WHICH IS THE ZONING ORDINANCE REVISION PROJECT AD
HOC SUBCOMMITTEE.

>> THANK YOU, THE LAST ITEM, THE SELECTION OF THREE
MEMBERS AD HOC SUBCOMMITTEE FOR THE ZONING ORDINANCE REVISION

PROJECT AND THERE'S A ONE-PAGE MEMO AT THE END OF YOUR PACKET WHICH I HAVE SINCE MISPLACED.

BUT IT IS OVER THE NEXT -- THANK YOU.

THROUGH AUGUST OF 2018.

APPROXIMATELY 25 HOURS THAT WILL BE SPLIT BETWEEN DOCUMENT REVIEW AND FOUR MEETINGS.

THERE'S A SIMILAR SUBCOMMITTEE WITH THREE MEMBERS OF THE PLANNING COMMISSION.

AND IT'S REALLY GOING BACK THINKING OF THE ORDINANCE UPDATE.

THE FIRST PHASE, WE TALKED ABOUT PHASE ONE, IT'S NOT A SUBSTANTIAL REVISION, IT'S A REORGANIZATION AND CLEAN UP.

AND THERE WILL BE INPUTS ON PHASE 2, WHICH WILL BE MORE SUBSTANTIVE REVISIONS TO THE ORDINANCE.

SO IF THERE ARE THREE VOLUNTEERS, THAT WOULD BE FANTASTIC.

>> WE NEED THREE PEOPLE FROM THE ZONING BOARD?

>> YES, PLEASE.

>> WHEN DO THESE MEETINGS START?

>> WELL, WE DON'T KNOW.

>> JUST A TOTAL OF 25 HOURS.

>> Chair

>> I WOULD SAY 25 HOURS, GIVE OR TAKE.

>> BECAUSE THESE MEETINGS ARE ONLY SUPPOSED TO LAST THREE HOURS.

[LAUGHTER].

>> WHO SAID THAT.

>> Chair I. Tregub: ARE YOU INTERESTED?

>> B. Clark: I AM INTERESTED.

I WANT TO KNOW MY TIME CONSTRAINTS.

>> C. Olson: I AM ALSO INTERESTED.

>> P. Sheahan: AS AM I.

>> Chair I. Tregub: AS ARE YOU?

>> WHEN DO YOU NEED TO DECIDE BY?

>> WE COULD PUT THIS ON THE NEXT AGENDA.

>> I THINK YOU SHOULD.

>> I THINK MORE MIGHT BE INTERESTED.

>> Chair I. Tregub: HOPEFULLY EVERYONE.

>> AND WE PROBABLY NEED SUBSTITUTES.

>> P. Sheahan: IT'S PROBABLY GOING TO BE IMPOSSIBLE
FOR THREE TO MAKE ALL MEETINGS.

>> Chair I. Tregub: WHO IS NOT INTERESTED IN SERVING
ON THIS?

>> P. Sheahan: WE COULD HAVE TWO BACK UPS, AND GET ALL
NINE.

>> Chair I. Tregub: HOW DO WE WANT TO HANDLE THIS?

>> MOTION TO CONTINUE FOR NEXT MEETING.

>> Chair I. Tregub: OKAY.

>> SURE.

>> Chair I. Tregub: ALL RIGHT.

WE PROBABLY DON'T EVEN NEED A MOTION FOR THAT.

IT CAN JUST BE CONTINUED.

>> WE WILL PUT IT ON THE AGENDA FOR THE NEXT MEETING
IN OCTOBER.

>> Chair I. Tregub: WE PROBABLY DON'T EVEN NEED A
MOTION TO ADJOURN.

THIS MEETING IS ADJOURNED AT 10:53, THANK YOU SO MUCH.

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CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
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AUGUST 23, 2018

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WE WILL GO TO 1155-73 HEARST.

AGENDA ITEM NUMBER 5.

AND WE HAVE QUITE A FEW SPEAKER CARDS ON THAT.

BUT BEFORE WE GET TO THE COMMENTS FROM THE PUBLIC, WE
WILL HAVE A STAFF REPORT.

>> Staff: YES, THANK YOU.

GOOD EVENING, BOARD.

MEMBERS OF THE PUBLIC, MY NAME IS LESLIE MENDES,
SENIOR PLANNER AND THE PROJECT IS ZP 2016-0028 TO DEVELOP TWO
PARCELS INCLUDING SUBSTANTIAL REHABILITATION OF THE EXISTING
SEVEN DWELLING UNITS AND CONSTRUCTION OF SIX NEW DWELLING UNITS.

THE PROJECT SITE CONSISTS OF TWO SEPARATE PARCELS.

ONE DEVELOPED WITH A SINGLE-FAMILY HOME.

THE OTHER DEVELOPED WITH THREE DUPLEXES.

ALL UNDER RENT CONTROL.

THE ZAB SAW THIS PROJECT ON SEPTEMBER 28th, 2017.

THE ZAB HEARD, THERE WAS A LOT OF PUBLIC COMMENT AND
DISCUSSION, THE APPLICANT HEARD THE COMMENTS AND SUBMITTED THIS
REVISED PROJECT THAT'S BEFORE YOU TONIGHT.

THE REVISED PROJECT IS NOT A DENSITY BONUS PROJECT AND
IT DOES NOT PROPOSE TO MERGE THE TWO PARCELS.

IT DOES STILL PROPOSE TO CONSTRUCT SIX NEW DWELLING
UNITS, DETACHED DUPLEXES AND REHABILITATE THE EXISTING SEVEN
UNITS.

THIS PROJECT WOULD BE SUBJECT TO THE INCLUSIONARY HOUSING ORDINANCE WHICH WOULD INCLUDE, WHICH HAS 2.2 LOW-INCOME UNITS BECAUSE IT IS PROPOSED TO BE CONDOMINIUM DEVELOPMENT.

THE 2.2 UNITS WOULD TYPICALLY BE PROVIDED TWO FOR SALE UNITS ON SITE, OR PAY THE IN-LIEU FEE FOR THE FULL 2.2 UNITS.

THE MAIN ISSUES, AS HIGHLIGHTED IN THE STAFF REPORT, AND WE WENT OVER BACK IN SEPTEMBER BUT SINCE MOST OF YOU ARE NEW TODAY, ONE IS HYDROLOGY.

THE SITE IS HAS A LOT OF HIGH LEVEL WATER TABLE.

PERHAPS AN UNDER-WATER CREEK, WHAT HAVE YOU.

AT THE TIME OF APPLICATION, THE APPLICANT SUBMITTED A HYDROLOGY REPORT, WHICH IS NOT ONE OF OUR STANDARD SUBMITTAL REQUIREMENTS.

WE DID HIRE A PEER REVIEWER TO PEER REVIEW THE TECHNICAL REPORT.

AND AFTER THE PEER REVIEW, THAT REPORT WAS MODIFIED AND STAFF HAS ADDED CONDITION APPROVAL TO THE RECOMMENDED PROJECT APPROVAL WHICH IS NUMBER 18, TO ADDRESS THE HYDROLOGY ISSUES.

SOME OF THE NEIGHBORS HIRED THEIR OWN PROFESSIONAL HYDROLOGISTS WHO CAME UP WITH SOME DIFFERENT CONCLUSIONS.

SO THERE'S A LITTLE BIT OF A BATTLE OF THE EXPERTS GOING ON.

BUT IT IS CLEAR THERE IS A LOT OF SURFACE WATER IN THIS AREA.

AND I'M SURE THAT THE APPLICANT AND THE NEIGHBORS WOULD BE ABLE TO FILL YOU IN FURTHER ON ANY MORE TECHNICAL QUESTIONS YOU MAY HAVE ABOUT THE HYDROLOGY.

ANOTHER QUESTION OR A LOT OF ISSUES ABOUT THE EXISTING TENANTS, SPECIFICALLY IN THE RENT-CONTROLLED UNITS.

I BELIEVE THE SINGLE-FAMILY DWELLING IS VACANT.

THE APPLICANT SAID NOW THAT IT IS NOT A DENSITY BONUS PROJECT, THE ISSUE OF REPLACEMENT OF THESE ISSUES AT LOW-INCOME OR BELOW B.M.R. HAS NOT ARISEN.

THEY WILL STILL BE SUBJECT TO RENT CONTROL ONCE THEY ARE RENOVATED AND THE APPLICANT HAS COMMITTED TO NOT RENOVATING THOSE UNITS, OR THOSE BUILDINGS, UNTIL THE APPLICANTS HAVE VOLUNTARILY VACATED.

STAFF HAS REVIEWED THIS PROJECT WITH THE RENT CONTROL BOARD WHO SUBMITTED A MEMO AND SUGGESTED TWO CONDITIONS OF APPROVAL.

ONE OF WHICH IS NUMBER 18, WITH TENANT PROTECTIONS AND THE OTHER WHICH IS ACTUALLY RENT CONTROL BOARD FELT THE CONDITION THAT PLANNING STAFF PUT IN REGARDING NOTICING PRIOR TO CONSTRUCTION WAS ACTUALLY MORE STRINGENT THAN THE ONE THEY RECOMMENDED IN THE MEMO SO WE WENT WITH PLANNING STAFF'S CONDITION ON THAT ONE.

SO AGAIN, THE RENT CONTROLLED UNITS WILL REMAIN AS RENT CONTROLLED UNITS.

WITH OR WITHOUT THE CONSENT OF THE PROPERTY OWNER.

THE PROPERTY OWNER HAS AGREED, AGAIN, TO NOT RENOVATE THE UNITS UNTIL VOLUNTARY, UNTIL THE EXISTING TENANTS VOLUNTARILY VACATE.

AND THEN THERE'S ALSO THE ISSUE THAT SOME PEOPLE FEEL ABOUT CONDOMINIUM CONVERSION.

JUST FOR THE RECORD, IF THE PROJECT WERE TO UNDERGO CONDOMINIUM CONVERSION TODAY, THERE ARE SUFFICIENT TENANT PROTECTIONS WITHIN THE CONDOMINIUM CONVERSION ORDINANCE THAT WOULD REQUIRE THE TENANTS TO STAY IN PLACE.

SO WHETHER THE UNDERLYING OWNERSHIP CHANGES, IT DOES NOT MEAN THAT THE OWNER COULD THEN KICK OUT THE TENANTS.

SO I JUST WANTED TO MAKE THAT CLEAR.

I DID PRINTOUT A COPY OF THE CONDOMINIUM CONVERSION TENANT PROTECTION PROVISIONS.

IT'S SECTION 21.28.060 OF THE MUNICIPAL CODE.

AND THEN THE THIRD ISSUE THAT HAS COME UP, MOST PROMINENTLY, AS OF LATE, IS THE ISSUE OF MINI DORMS.

WHICH IS DEFINED AS SIX UNRELATED ADULTS LIVING TOGETHER AS A HOUSE HOLD BUT LIVING TOGETHER.

THE CITY COUNCIL PLACED SOME RESTRICTIONS ON MINI DORMS, IN RELATIONSHIP TO TRY TO PREVENT UNDUE NOISE AND PARTYING THAT IS ASSOCIATED WITH MAYBE A LOT OF COLLEGE STUDENTS PARTICULARLY LIVING TOGETHER.

THE PLANNING DEPARTMENT DOES NOT REGULATE MINI DORMS.

IT'S NOT A USE WE APPROVE OR DISAPPROVE.

IT'S A FACT.

IF YOU HAVE SIX ADULTS LIVING TOGETHER AS A HOUSE HOLD
YOU ARE A MINI DORM.

AND YOU ARE REQUIRED TO REGISTER WITH THE CITY AS WELL
AS HAVE AN ON SITE MANAGER WHO LIVES THERE.

SO ONE OF THE DUPLEXES, TWO UNITS IT'S CALLED FREESIA
AT THE REAR OF THE PROPERTY, TWO BEDROOMS BEING PROPOSED TO BE
FOUR BEDROOM AND I BELIEVE EACH FOUR BATHROOM.

STAFF DID NOT FEEL COMFORTABLE CONDITIONING THE
PROJECT TO CHANGE THE LAYOUT, OR RESTRICT THE NUMBER OF BEDROOMS
OR BATHROOMS.

I THINK FOUR BEDROOMS IS AN ADEQUATE SIZE FOR MANY
HOUSEHOLDS.

I THOUGHT FOUR BATHROOMS WAS A LITTLE EXCESSIVE.

HOWEVER, SO STAFF DIDN'T FEEL COMFORTABLE REGULATING
WHAT IS A HOUSE HOLD AND HOW A HOUSE HOLD SHOULD BE CONFIGURED.

HOWEVER, ZAB HAS THE OPPORTUNITY TO LOOK INTO THOSE
ISSUES AND SEE IF ANY RESTRICTIONS SHOULD BE IN PLACE.

SO THAT WILL CONCLUDE MY PROJECT PRESENTATION.

AND I JUST WANT TO ADD A LITTLE FROM OUR FINDINGS AND
CONDITIONS.

IF THE BOARD WERE TO GO AHEAD AND APPROVE THE PROJECT,
STAFF RECOMMENDS THE FOLLOWING THREE CHANGES.

ONE IS THAT THE FINDING IN THE LAST BULLET OF FINDING NUMBER ONE, STILL REFERENCES A THREE-STORY DWELLING OR THREE-STORY BUILDING AND THAT SHOULD BE CHANGED TO TWO STORY.

CONDITION OF APPROVAL NUMBER 31 STATES THE CONSTRUCTION HOURS HAS THE START AT 7:00 A.M. AND THAT SHOULD BE CHANGED TO 8:00 A.M. SINCE IT'S IN A RESIDENTIAL NEIGHBORHOOD.

AND CONDITION NUMBER 53, REGARDING BIKE PARKING, CHANGE THE WORD "UP TO 19 SPACES" TO "AT LEAST 19 SPACES" FOR BICYCLES.

AND THAT CONCLUDES STAFF PRESENTATION.

IF YOU HAVE ANY QUESTIONS?

>> C. Kahn: I DO HAVE ONE QUESTION, LESLIE.

A LOT OF US HERE AREN'T SEASONED ZONING BOARD MEMBERS, I THINK A POINT OF CONFUSION, FOR THE PUBLIC NOT JUST US, HOW PROJECTS ARE VETTED TO SEE THEY ARE CONSISTENT WITH LEGAL STATUTES IS CEQA, CALIFORNIA ENVIRONMENTAL QUALITY ACT.

AND I SEE IN YOUR STAFF REPORT, THE CEQA REPORT THIS IS A CATEGORICALLY EXEMPT PROJECT, WHICH IS THE HIGHEST LEVEL OF EXEMPT.

CAN YOU JUST FLESH THAT OUT A LITTLE BIT.

I SEE THERE ARE SOME NEIGHBORS CONCERNED ABOUT THE CEQA AND I WOULD LIKE TO SATISFY THEIR CONCERN.

>> DEFINITELY.

I'M NOT SURE WE WILL SATISFY THE CONCERNS BECAUSE IT IS ONE OF THE ISSUES OF CONTENTION.

A CATEGORICAL EXEMPTION HAS A LIST OF EXCEPTIONS WITHIN THE GUIDELINES, IF ONE OF THOSE EXCEPTIONS APPLIES TO THE PROPERTY IT'S NO LONGER CATEGORICALLY EXEMPT.

AND ONE OF THEM IS SOMETHING THAT IS CALLED UNUSUAL CIRCUMSTANCES.

AND I WILL JUST READ SOMETHING THAT I PRINTED OUT THAT WILL HOPEFULLY -- IT'S THE INFORMATION I HAVE.

I THINK THERE IS STILL GOING TO BE CONTENTION.

BUT IT SAYS CATEGORICAL EXEMPTION HAS BURDEN TO SHOW BOTH UNUSUAL CIRCUMSTANCES, SOME FEATURE DISTINGUISHING IT FROM OTHERS IN THE EXEMPT CLASS, I THINK WE ALL COULD AGREE COULD APPLY TO THIS PROJECT WITH THE LEVEL OF WATER IN THE AREA.

AND THE SECOND IS REASONABLE POSSIBILITY OF SIGNIFICANT EFFECT ON THE ENVIRONMENT DUE TO THOSE UNUSUAL CIRCUMSTANCES.

SO, IT IS STAFF'S OPINION THAT THE HYDROLOGY REPORT SUBMITTED BY THE PROFESSIONAL WE ALSO HAD PEER REVIEWED HAS NOT SHOWN THIS BURDEN.

BUT THE NEIGHBORS DON'T AGREE.

>> C. Kahn: TO SUMMARIZE.

THE REPORT FROM THE HYDROLOGIST WHO REVIEWED THIS SITE, I UNDERSTAND THERE'S SOME CONTENTION ABOUT THIS IN THE COMMUNITY.