



LEGEND

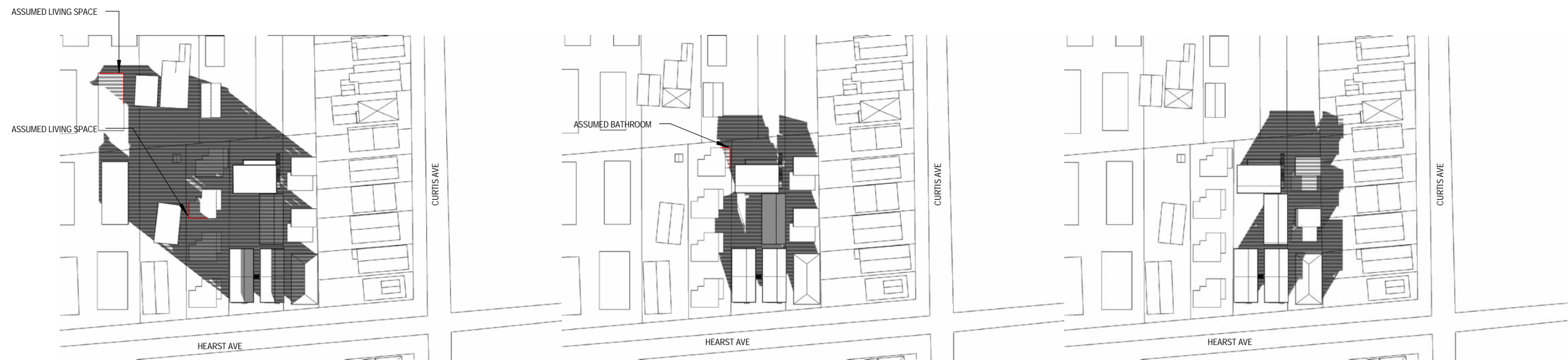
- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



9:23 AM - JANUARY 15 - EXISTING

NOON - JANUARY 15 - EXISTING

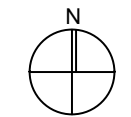
3:14 PM - JANUARY 15 - EXISTING



9:23 AM - JANUARY 15 - PROPOSED

NOON - JANUARY 15 - PROPOSED

3:14 PM - JANUARY 15 - PROPOSED





LEGEND

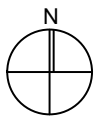
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3:14 PM - JANUARY 15 - EXISTING



3:14 PM - JANUARY 15 - PROPOSED



Mendez, Leslie

From: Mark Rhoades <mark@rhoadesplanninggroup.com>
Sent: Wednesday, August 02, 2017 3:38 PM
To: Mendez, Leslie; Mia Perkins
Subject: FW: Hearst Street Project - Sensitive and Responsive Infill Housing

From: Mark Rhoades
Sent: Wednesday, April 27, 2016 11:05 AM
To: Mendez, Leslie <LMendez@ci.berkeley.ca.us>
Cc: Powell, Greg <GPowell@ci.berkeley.ca.us>; Allen, Shannon <ShAllen@ci.berkeley.ca.us>; Sally Zarnowitz <SZarnowitz@ci.berkeley.ca.us>
Subject: FW: Hearst Street Project - Sensitive and Responsive Infill Housing

Leslie,

The following email was sent this morning to neighbors of the Hearst Project. We would like it to be included in the project's public record as a reflection of the extensive communication and collaboration that we have conducted with the neighborhood so far.

Greg/Shannon/Sally – You are all cc'ed here because I am not sure who is the Acting Planning Manager right now. Sorry about the duplication to two of you!

Thank you and please let us know if you have any questions.

Mark Rhoades
RhoadesPlanningGroup
1611 Telegraph Ave., Ste. 200
Oakland, CA 94612
510.545.4341

From: Mark Rhoades
Sent: Wednesday, April 27, 2016 10:27 AM
To: Mark Rhoades <mark@rhoadesplanninggroup.com>
Cc: 'Nathan George' <ndgconsultingllc@gmail.com>
Subject: Hearst Street Project - Sensitive and Responsive Infill Housing

Dear Hearst Street Neighbors,

As you know we have been working hard to present a project that is as sensitive as possible to the neighborhood while adhering to the requirements of Berkeley's Zoning Ordinance AND the requirements of state law as they relate to affordable housing projects. The Hearst Street project is defined as an affordable housing project per Government Code Section 65915. For the last year we have worked with you directly, both individually and in groups, to try to address your concerns with respect to the project. The differences between the original proposal, which we shared with you all, and the current proposal, which we also sent you, are vast. Some of those differences include:

1. Elimination of an entire duplex structure in the northeast corner of the property and the placement of those units straddling the driveway at Hearst Street. That area is open space now.
2. Elimination of third floor elements and decks on the duplexes facing the Curtis Street neighbors.
3. Change in roof form on the Curtis Street facing duplexes so that the lowest profile possible faces that direction while still providing livable two story townhomes as allowed by the Berkeley Zoning Ordinance.
4. One parking space per unit, where the original proposal had 16 spaces for 18 units.

5. All three story project elements are either in the middle of the site or are on the west of the site. In fact, the nearest three story element to a Curtis Street neighbor is nearly 50' from the east property line and nearly 70' from any Curtis Street residence. Three story elements are more than 100' from any Delaware Street neighbor.
6. Substantial reduction in size of the rehabilitation/addition to the existing house structure at the northwest corner of the project.
7. Completion of a full hydrologic study with design features built in to the project that will eliminate any drainage impacts from the site to any other neighboring property.
8. Retention of existing mature landscaping where possible along the east property line.

We appreciate that not everyone can be happy with the change that this, and other projects around the City engenders. As a Berkeley resident I sometimes struggle with change in our community. I have helped to design our project in a way that provides new residents with livability, provides affordable and market rate housing supply consistent with City policies, protects existing rent controlled units, and eliminates any potential health and safety impacts to our neighbors.

I also have been in receipt of a number of emails from neighbors that have been sent to the City (public record) and I want to take this opportunity to respond directly to those "points of interest."

1. No rent-controlled dwelling units will be demolished. In fact, no units will be demolished. The existing single family home is NOT subject to rent control. Existing rent-controlled units will continue with their protections and those tenants can stay. Once those tenants vacate those units they will be fully rehabilitated and offered for sale at below market rate prices consistent with state law. As a result – a total of 8 of the 18 proposed units will be offered for sale at below market rate prices. That's almost 50% affordability. No other project in Berkeley is providing that kind of affordability.
2. Shadows – The proposed new buildings meet the City's setback requirements. The shadows thrown by the new buildings will have negligible, if any, effect on adjacent Curtis or Delaware properties. They will have very minor effects on neighbors to the west. The three story elements of the proposal are located nearly 70' from adjacent Curtis Street neighbors, and over 100' from any Delaware Street neighbors. There will be no shadow impacts on Curtis or Delaware neighbors from the three story buildings. The pair of two story buildings near the east property line meet the City's setback requirements and the two story elements include shed roofs that significantly reduce shadows.
3. Open space – The project's proposed open spaces are spread around the property with yard areas and play areas in the rear just like all of the adjacent properties that have yards and play areas. We anticipate that those yards will be used no differently than the yards of all of our project neighbors.
4. Hydrology – The project has been designed to address the hydrologic issues in the neighborhood, primarily from water collection from the historic drainage of a former arm of Strawberry Creek.

In closing, we believe this project represents a perfect fit between the higher density zoning to the east and south and the lower density zoning to the west and north. The project includes 18 fully parked units on nearly 22,000 square feet of land where a prior project proposed 21 under parked units on 13,000 square feet of land. We also believe that our proposed mix of uses will be attractive to families, couples and individuals, adding to the wonderful diversity of this neighborhood.

As always, should you have any questions about the project please do not hesitate to contact me directly. We are open and available to discuss it with you and we look forward to bringing this project to fruition.

Thank you,

Mark Rhoades
RhoadesPlanningGroup
1611 Telegraph Ave., Ste. 200
Oakland, CA 94612

510.545.4341

APPLICANT:

RHOADES PLANNING GROUP
 1611 TELEGRAPH AVE. SUITE 200
 OAKLAND, CA 94612
 [510] 545-4341

PROJECT:

**HEARST GARDENS
 BERKELEY, CA 94702**

ARCHITECT:

DEVI DUTTA-CHOUDHURY, AIA
 DEVI DUTTA ARCHITECTURE INC.
 1958A UNIVERSITY AVENUE
 BERKELEY, CA 94704
 [510] 705-1937
 hello@devidutta.com

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. THESE ARE TO BE MAINTAINED AND RENOVATED WHILE ALSO ADDING 11 ADDITIONAL HOMES TO THE SITE, 5 OF WHICH ARE DENSITY BONUS. UNITS ARE ARRANGED AROUND A CENTRAL PASEO THAT PROVIDES ACCESS TO ALL UNITS AND AMPLE OPEN SPACE.

OWNER:

HEARST AVE COTTAGES, LLC
 1958A UNIVERSITY AVENUE
 BERKELEY, CA 94704

SITE ADDRESS:

HEARST GARDENS
 BERKELEY, CA 94702

ASSESSOR'S PARCEL #:

LOT 1173: 057 208601300
 LOT 1157: 057 208601400

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SHEET INDEX

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APPLICABLE CODES:

(INCLUDES LOCAL AMENDMENTS)
 2013 California Building Code (CBC)
 2013 California Residential Code (CRC)
 2013 California Energy Code
 2013 California Electrical Code (CEC)
 2013 California Plumbing Code (CPC)
 2013 California Mechanical Code (CMC)
 2013 California Fire Code (CFC)
 2013 CALGreen
 BERKELEY MUNICIPAL CODE

PROJECT:

**1155 HEARST AVE
 BERKELEY, CA 94705**

ASSESSOR'S PARCEL #:

LOT 1173: 057 208601300
 LOT 1157: 057 208601400



HEIGHT & STORIES	ZONING:	EXISTING:	PROPOSED:
STORIES:	3 W/AUP	2	3
HEIGHT:	28' AVG 35' W/AUP	23'	35'
SETBACKS (Min. dimensions shown - see site plan)			
FRONT	15'	7'-10" EXISTING	7'-10" ADDITION
SIDE	4' @ 1ST STORY 4' @ 2ND STORY 6' @ 3RD STORY	3'-10" @ WEST 4'- 6" @ EAST	3' - 10" @ West (3 - STORY) 4' - 6" @ EAST (2 - STORY) 5' - 4" @ FREESIA ADDITION
BACK	15'	27'-10"	27'-10"
BUILDING SEPARATION	8' @ 1ST STORY 12' @ 2ND STORY 16' @ 3RD STORY	13'- 3"	9' - 2" - 25' - 6"
LOT AREA		21673 (Merge 2 lots)	21673
LOT COVERAGE	3 - STORY: 35% 2 - STORY: 40%	4974 SF : 22%	8670 SF: 40%
GROSS FLOOR AREA		7,302 SF	15,178 * 1.35 = 20,490 SF (Includes density bonus area, see A0.2)
PARKING: CARS			
RESIDENTIAL	1/UNIT 18 REQUIRED	7 (1 Covered @ Camelia; 6 @ Surface Lot)	18 Including 1 ADA/Van accessible (10 @ surface lot, 6 covered @ Geranium, 2 @ Camelia @ garage)
TOTAL			
PARKING: BIKE			
RESIDENTIAL		0	19

UNIT COUNT	ZONING:	EXISTING:	PROPOSED:
* Note: See Sheet A0.3 for unit mix and sizes			
	1 / 1650 SF LOT AREA 21673/1650 = 13 UNITS	7 UNITS	4.55 ADDITIONAL UNITS 13 X 35% = 18 TOTAL (PER DENSITY BONUS)
OPEN SPACE (See Site Plan for details)			
	300 SF / UNIT		18 UNITS = 6,458 SF REAR: 3,193 SF PASEO: 2,133 SF C/D: 410 SF D/E: 722 SF
BUILDING OCC.			
A, B, G & F: S-2 & R-2 @ GROUND FLOOR; R-2 @ LVLS. 2 & 3. EAST OF PASEO: R-3 @ C, D, E			
PROPOSED CONSTRUCTION TYPE			
NEW V-A STRUCTURES & REMODEL TO EXISTING DETACHED V-B RESIDENCE			
EXCAVATION			
APPROXIMATELY 55 CUBIC YARDS, FOR NEW FOUNDATIONS ONLY.			

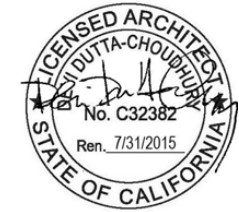
PROJECT DESCRIPTION:

THIS MULTIFAMILY PROJECT PROPOSES THREE NEW RESIDENTIAL STRUCTURES, AS WELL AS NEW SURFACE & COVERED PARKING, TWO STORY ADDITIONS TO THREE EXISTING SINGLE STORY RESIDENTIAL STRUCTURES, AND AN INTERIOR REMODEL TO AN EXISTING RESIDENTIAL STRUCTURE.

A LANDSCAPED "PASEO" ACTS AS THE PRIMARY PEDESTRIAN LINK FROM HEARST AVE, TO ACCESS RESIDENCE ENTRANCES, PARKING, AND COMMON AMENITY AREAS AND OPEN SPACE.

ZONING INFORMATION:

ADDRESS:	1155 HEARST AVE BERKELEY, CA 94702
USE DESCRIPTION	CURRENT RESIDENTIAL PROPERTY CONVERTED TO 5 OR MORE UNITS SINGLE FAMILY RESIDENTIAL, USED AS SUCH.
GENERAL PLAN:	MDR
ZONING DISTRICT:	R-2A
FLOOD ZONE:	NO
FIRE ZONE:	1
ENV. MGMT. AREA:	NO
LANDMARK STRUCTURES MERIT:	NO
LOT AREA 1173:	8,405 SF
LOT AREA: 1157	13,497 SF
TOTAL:	21,902 SF



EXISTING CONDITIONS	
GROSS FLOOR AREA	7,226 GFA
AVERAGE UNIT SIZE	1,032 GFA
LOT AREA	21,673 SF (PER SURVEY)
LOT COVERAGE	4,847 SF
TOTAL ALLOWABLE AREA W/ DENSITY BONUS	N/A
PARKING	1 PER UNIT REQ'D. 7 PROVIDED.
OPEN SPACE	N/A
HEIGHT & STORIES	W/O USE PERMIT 2 STORIES PROVIDED ~23' EXISTING HEIGHT
SETBACKS	7'-10" EXISTING NON-CONFORMING 3.8' EXISTING NON-CONFORMING 28' PROVIDED
EXISTING DWELLING UNITS	7

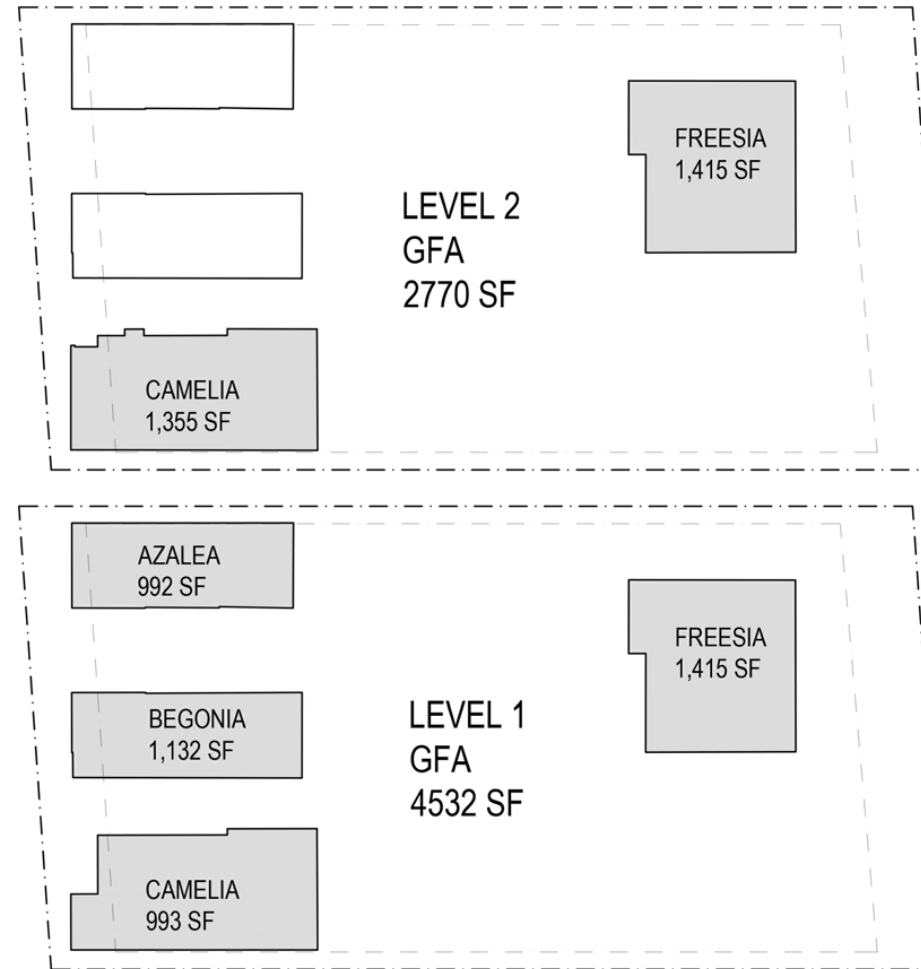
BASELINE DEVELOPMENT STANDARDS	
GROSS FLOOR AREA	15,178 GFA
AVERAGE UNIT SIZE	1,168 GFA
LOT AREA	21,673 SF (PER SURVEY)
LOT COVERAGE	40% ALLOWED (8,670 SF) 40% PROVIDED (8,670 SF)
TOTAL ALLOWABLE AREA W/ DENSITY BONUS	N/A
PARKING	1 PER UNIT REQ'D. (13) 13 PROVIDED
OPEN SPACE	300 SQ FT/ UNIT = 3,900 REQUIRED 3,900 PROVIDED
HEIGHT & STORIES	2 STORIES PERMITTED 28' HEIGHT ALLOWED
SETBACKS	15' FRONT YARD REQ'D 4' SIDE YARD REQ'D 15' BACK YARD REQ'D
ALLOWED DWELLING UNITS	13

DENSITY BONUS DEVELOPMENT STANDARDS	
GROSS FLOOR AREA	20,040GFA (1% BELOW DENSITY BONUS ALLOWANCE OF 20,490 GFA)
AVERAGE UNIT SIZE	1,113 GFA
LOT AREA	21,673 SF (PER SURVEY)
LOT COVERAGE	35% ALLOWED W/3 STORY (7,586 SF) 40% PROVIDED (8,670 SF)
TOTAL ALLOWABLE AREA W/ DENSITY BONUS	15,178 GFA*1.35 = 20,490 GFA ALLOWED
CAR PARKING	(1) PER UNIT REQ'D. (18). 18 PROVIDED
OPEN SPACE	300 SQ FT/UNIT = 5,400 REQUIRED 6,458 SF PROVIDED
HEIGHT & STORIES	3 STORIES PERMITTED 35' HEIGHT ALLOWED 3 STORIES PROVIDED 35' HEIGHT SHOWN
SETBACKS	15' FRONT YARD REQ'D 7'-10" EXISTING NON-CONFORMING 4' SIDE YARD REQ'D LEVEL 1&2 3.8' EXISTING NON-CONFORMING 6' SIDE YARD REQ'D LEVEL 3 4' PROVIDED 15' BACK YARD REQ'D 28' PROVIDED
PROPOSED 35% DENSITY BONUS	18



EXISTING CONDITIONS, 7 UNITS				
BUILDING	UNIT #	UNIT TYPE	UNIT GROSS FLOOR AREA	EXISTING UNITS
AZALEA	A101	1 BED, 1 BATH	496 GFA	(E) / BMR
	A102	1 BED, 1 BATH	496 GFA	(E) / BMR
BEGONIA	B101	1 BED, 1 BATH	566 GFA	(E) / BMR
	B102	1 BED, 1 BATH	566 GFA	(E) / BMR
CAMELIA	C101	2 BED, 1 BATH	1,355 LVL2 + 933 BASEMENT = 2,348 GFA (PARKING EXCLUDED FROM GFA)	(E) (SINGLE FAMILY HOME)
FREESIA	F101	3 BED, 3 BATH	1,415 GFA	(E) / BMR
	F201	3 BED, 3 BATH	1,415 GFA	(E) / BMR
TOTALS	7 UNITS	N/A	7,302 GFA	N/A

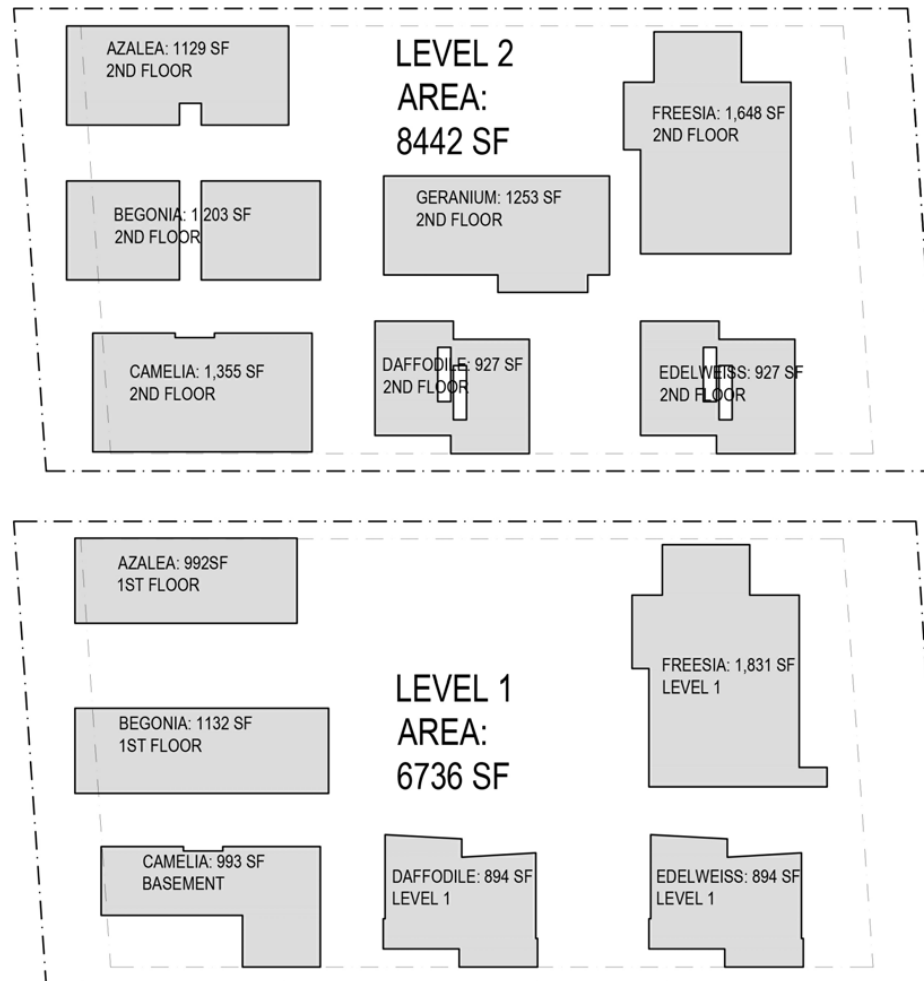
BMR = BELOW MARKET RATE

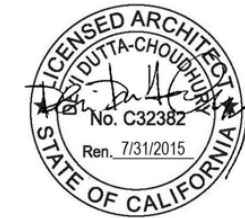




BASELINE PROJECT, 13 UNITS				
BUILDING	UNIT #	UNIT TYPE	UNIT GROSS FLOOR AREA	EXISTING UNITS & NEW UNITS
AZALEA	A101	1 BED, 1 BATH	496 GFA	(E) / BMR
AZALEA	A102	1 BED, 1 BATH	496 GFA	(E) / BMR
AZALEA	A201	2 BED, 2.5 BATH	1129 GFA	NEW
BEGONIA	B101	1 BED, 1 BATH	566 GFA	(E) / BMR
BEGONIA	B102	1 BED, 1 BATH	566 GFA	(E) / BMR
BEGONIA	B201	2 BED, 2.5 BATH	1,203 GFA	NEW
CAMELIA	C101	2 BED, 1 BATH	1,355 LVL 2+ 993 LVL 1 = 2,348 GFA *	(E)
DAFFODIL	D101	2 BED, 2.5 BATH	894 GFA	NEW
DAFFODIL	D201	2 BED, 2.5 BATH	927 GFA	NEW
EDELWEISS	E101	2 BED, 2.5 BATH	894 GFA	NEW
EDELWEISS	E201	2 BED, 2.5 BATH	927 GFA	NEW
FREESIA	F101	3 BED, 3 BATH	1,831 GFA	(E) / BMR
FREESIA	F201	3 BED, 3 BATH	1,648 GFA	(E) / BMR
GERANIUM	G201	2 BED, 2.5 BATH	1,253 GFA	NEW
TOTALS	13 UNITS	N/A	15,178 GFA	N/A

BMR = BELOW MARKET RATE

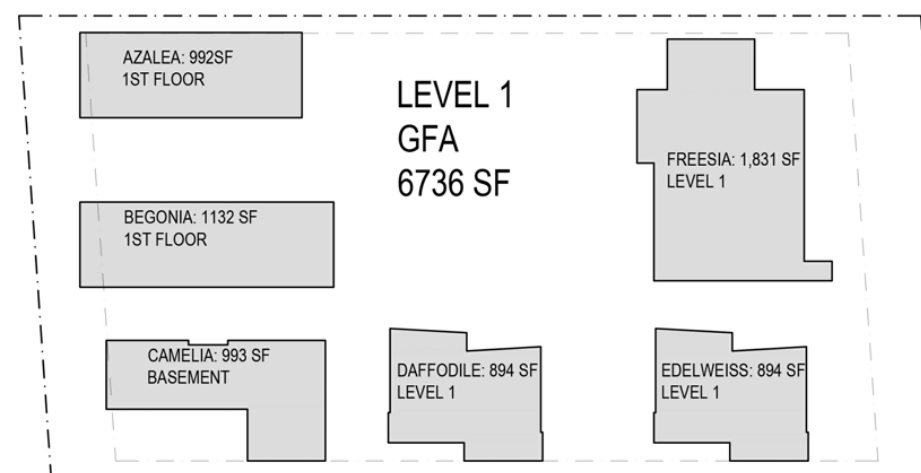
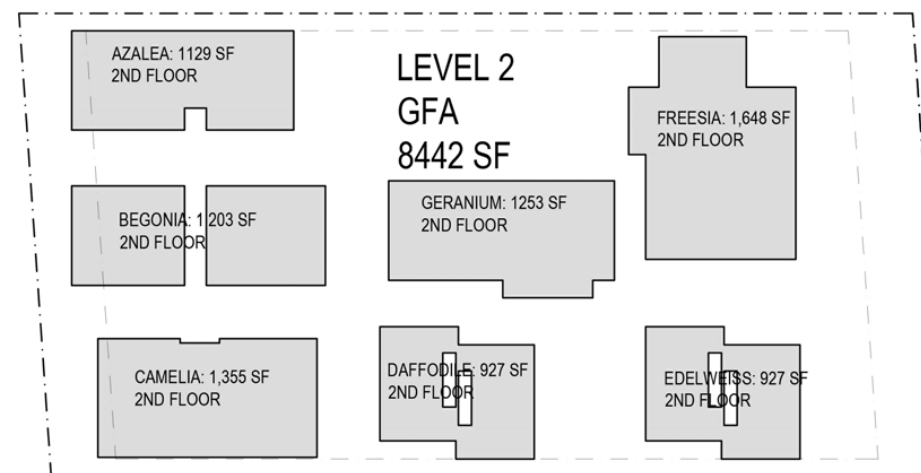
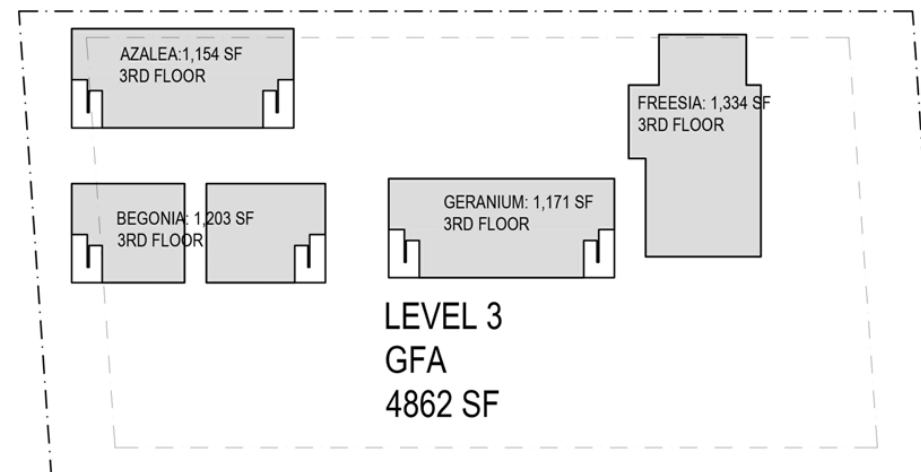


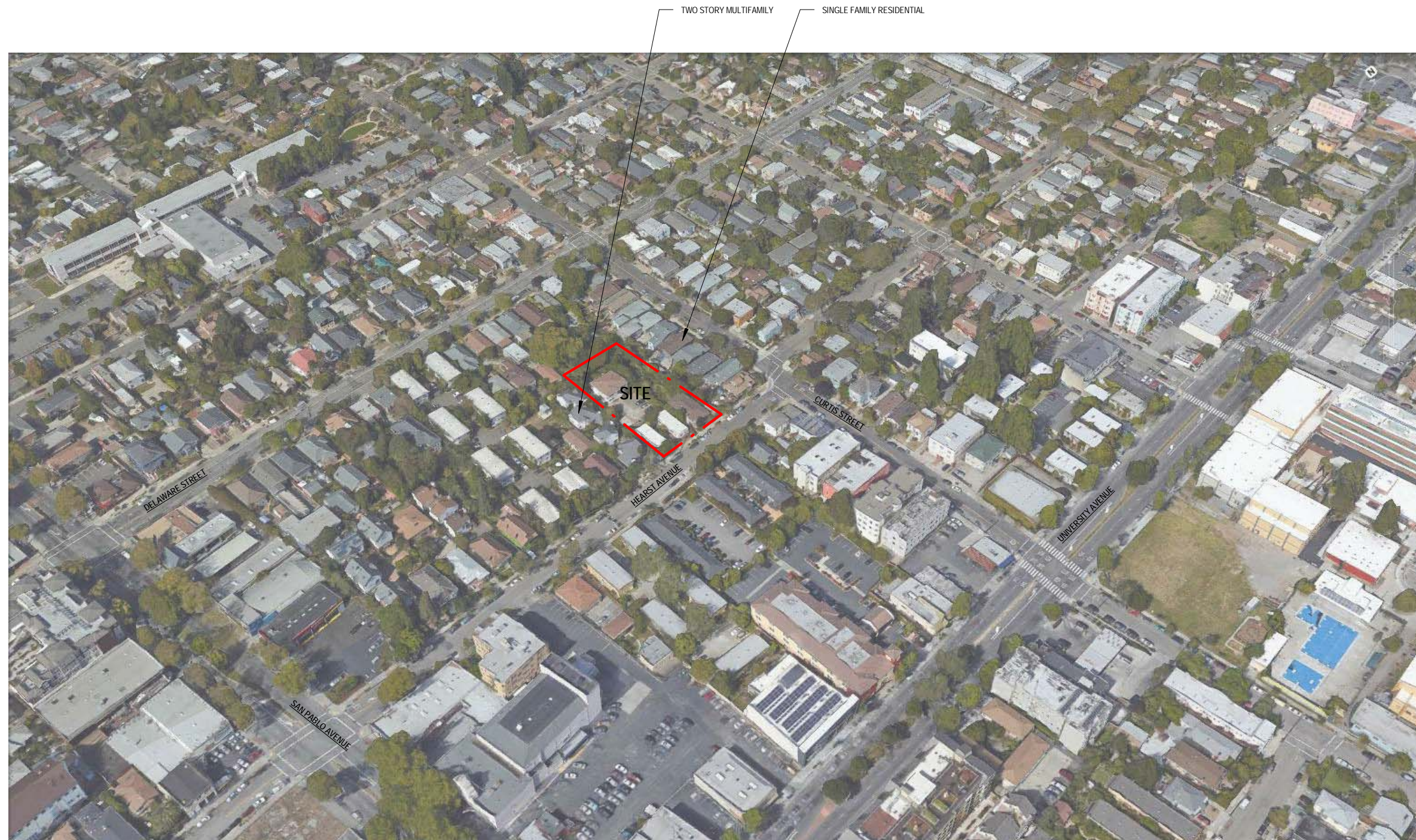
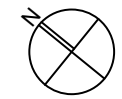


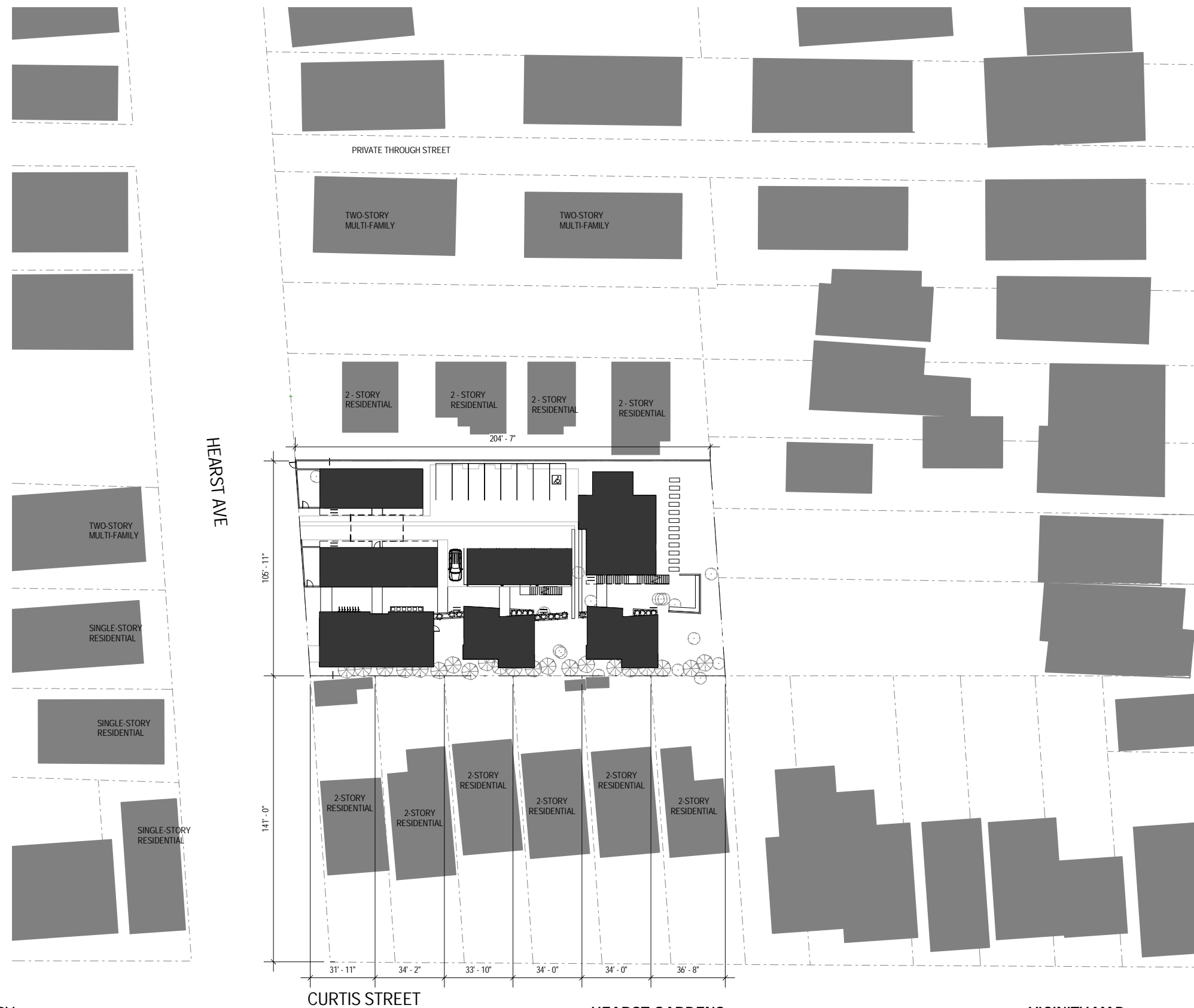
DENSITY BONUS PROJECT, 18 UNITS				
BUILDING	UNIT #	UNIT TYPE	UNIT GROSS FLOOR AREA	EXISTING UNITS & NEW UNITS
AZALEA	A101	1 BED, 1 BATH	496 GFA	(E) / BMR
AZALEA	A102	1 BED, 1 BATH	496 GFA	(E) / BMR
AZALEA	A201	2 BED, 2.5 BATH	1129GFA	NEW
AZALEA	A202	2 BED, 2.5 BATH	1154 GFA	NEW
BEGONIA	B101	1 BED, 1 BATH	566GFA	(E) / BMR
BEGONIA	B102	1 BED, 1 BATH	566 GFA	(E) / BMR
BEGONIA	B201	2 BED, 2.5 BATH	1203 GFA	NEW
BEGONIA	B202	2 BED, 2.5 BATH	1203 GFA	NEW
CAMELIA	C101	2 BED, 1 BATH	1,355 LVL2 + 993 LVL1 = 2,348 GFA (PARKING EXCLUDED FROM GFA) **	(E)
DAFFODIL	D101	2 BED, 2.5 BATH	894 GFA	NEW
DAFFODIL	D102	2 BED, 2.5 BATH	927 GFA	NEW
EDELWEISS	E101	2 BED, 2.5 BATH	894 GFA	NEW
EDELWEISS	E102	2 BED, 2.5 BATH	927 GFA	NEW
FREESIA	F101	3 BED, 3 BATH	1,831 GFA	(E) / BMR
FREESIA	F201	3 BED, 3 BATH	1,648 GFA	(E) / BMR
FREESIA	F301	3 BED, 3 BATH	1,330 GFA	NEW
GERANIUM	G201	2 BED, 2.5 BATH	1,253 GFA	NEW
GERANIUM	G202	2 BED, 2.5 BATH	1,171 GFA	NEW
TOTALS	18 UNITS	N/A	20,040 GFA	N/A

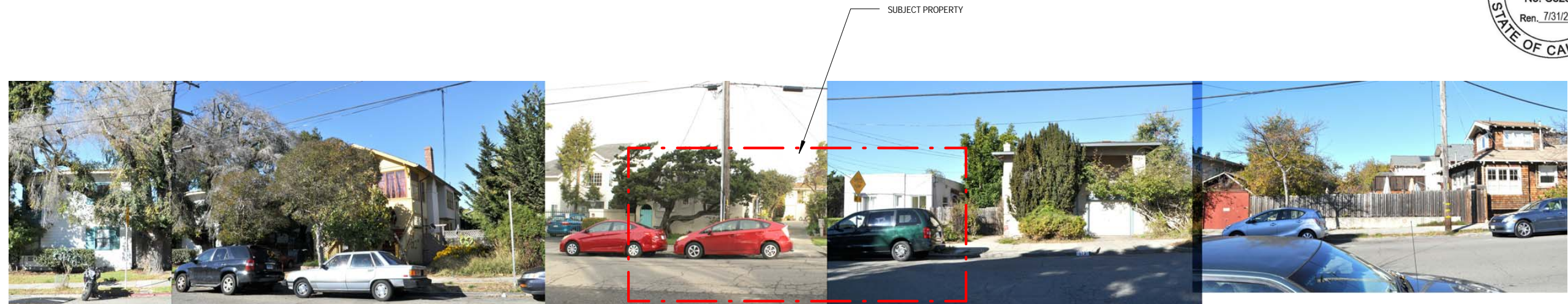
BMR = BELOW MARKET RATE

BASE PROJECT AREA X 35%
 DENSITY BONUS AREA = 15178
 X 1.35 = 20,490 ALLOWABLE
 DENSITY BONUS AREA









Existing Hearst Ave Strip, North



Proposed Hearst Ave Strip



Existing Hearst Ave Strip, South



CURTIS STREET HOMES (2-STORY @ REAR)



DELAWARE STREET



1155 HEARST - AZALEA



1161 HEARST - BEGONIA



1173 HEARST - CAMELLIA



1163 & 1157 HEARST - BEGONIA / AZALEA



1157 HEARST - AZALEA



1157 HEARST - AZALEA



1155 HEARST - AZALEA



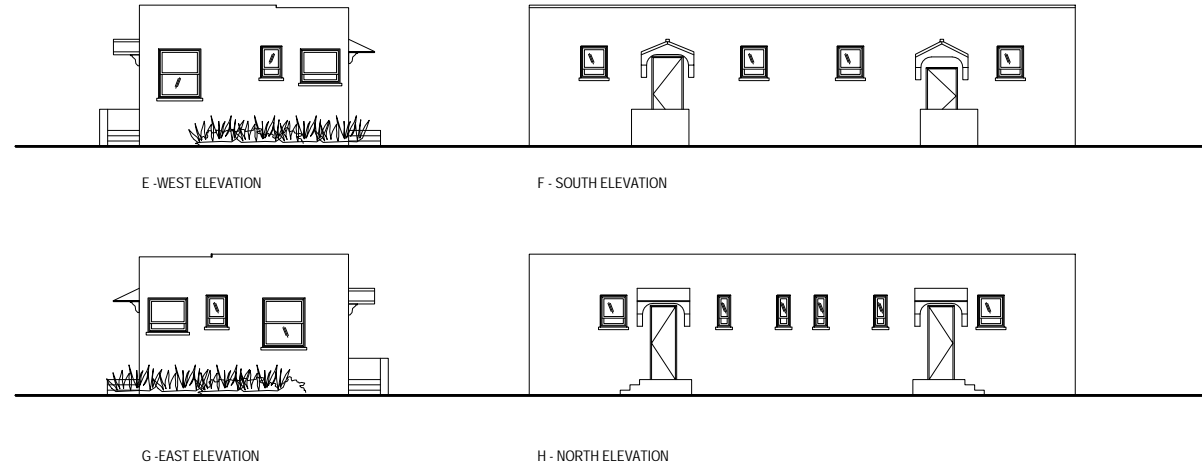
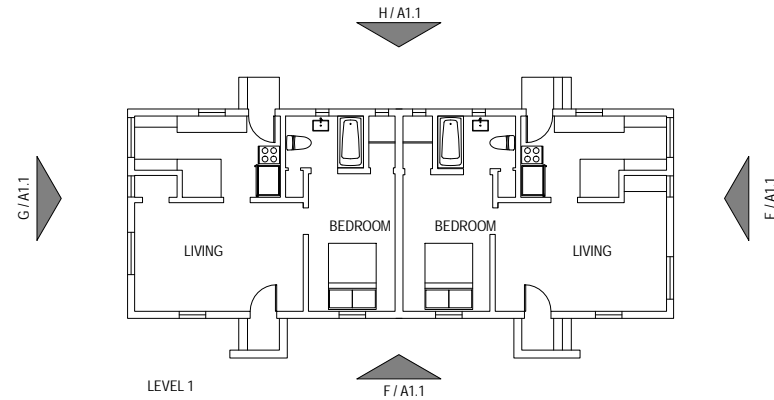
1179 HEARST - FREESIA



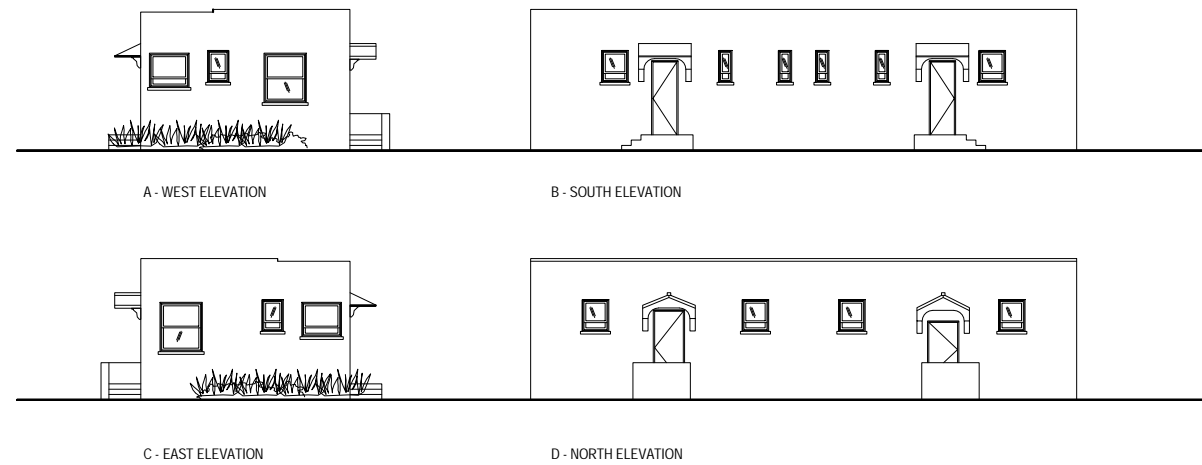
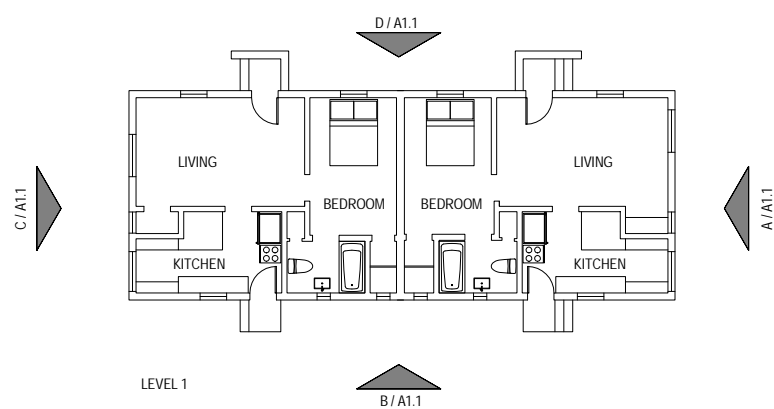
1179 HEARST - FREESIA



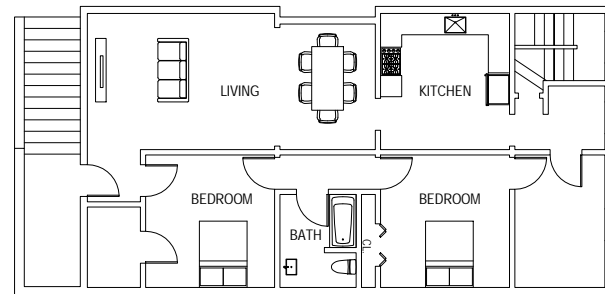
1179 HEARST - FREESIA



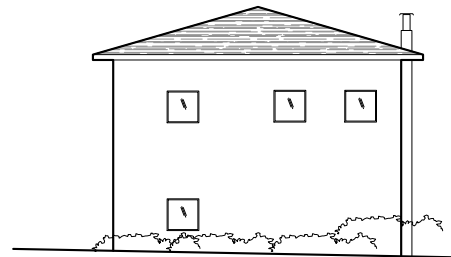
2 AZALEA 1155 & 1157 HEARST
 1/16" = 1'-0"



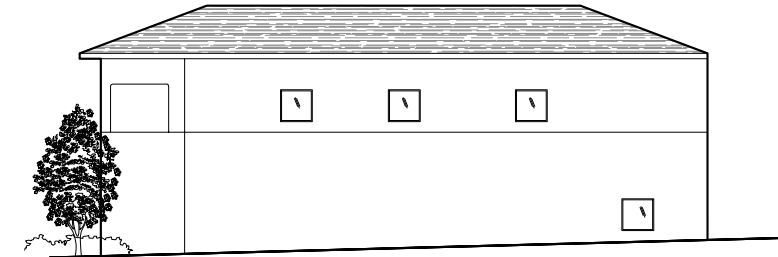
1 BEGONIA 1161 & 1163 HEARST
 1/16" = 1'-0"



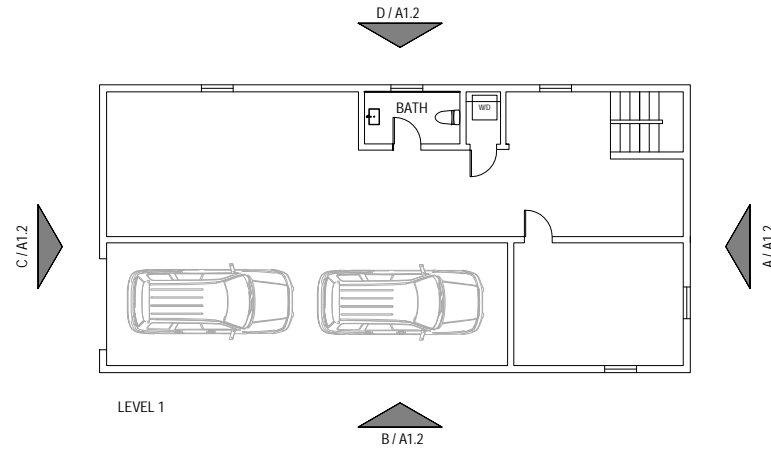
LEVEL 2



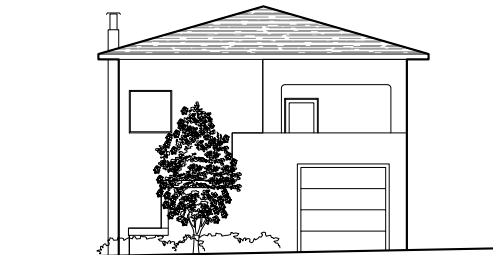
A - EAST ELEVATION



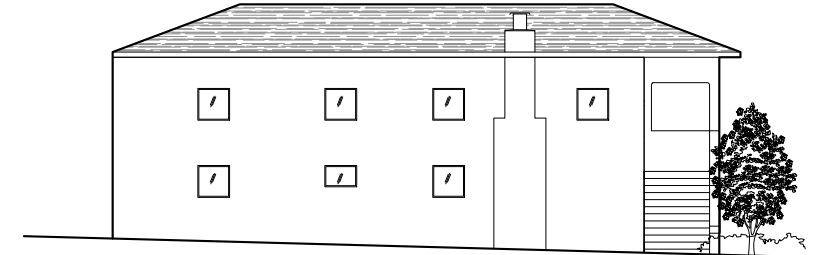
B - SOUTH ELEVATION



LEVEL 1



C - WEST ELEVATION

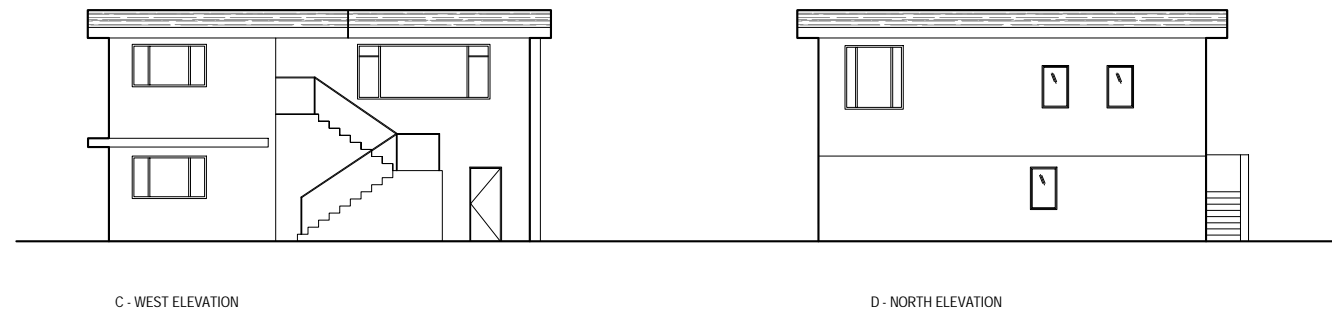
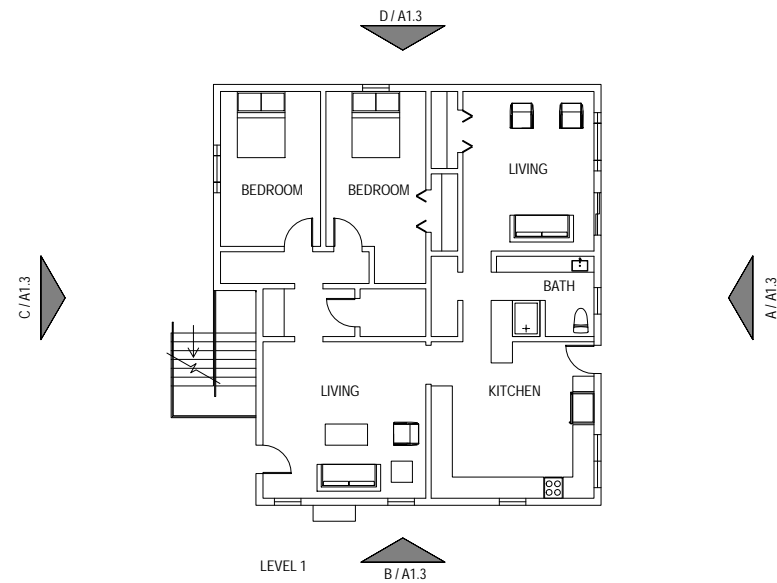
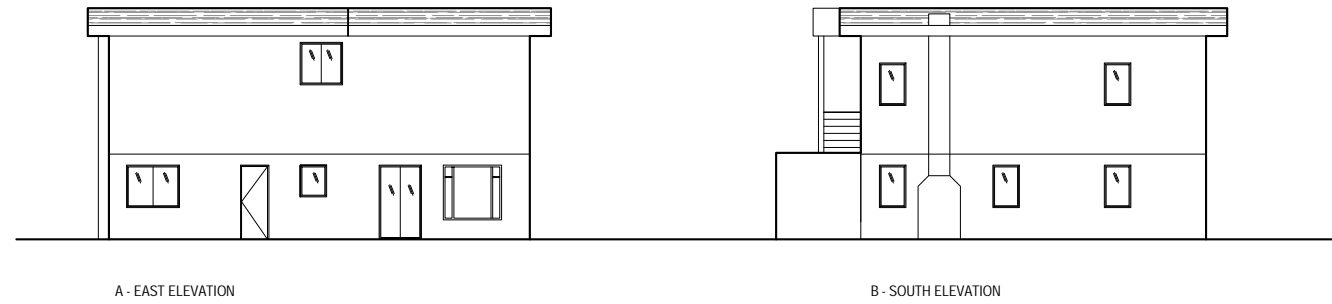
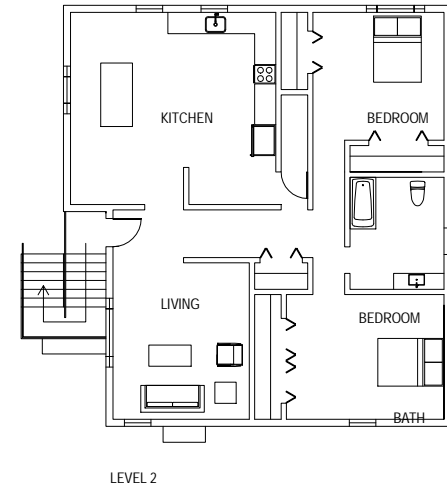


D - NORTH ELEVATION

**EXISTING PLANS & ELEVATIONS - CAMELLIA / 1173
 HEARST**

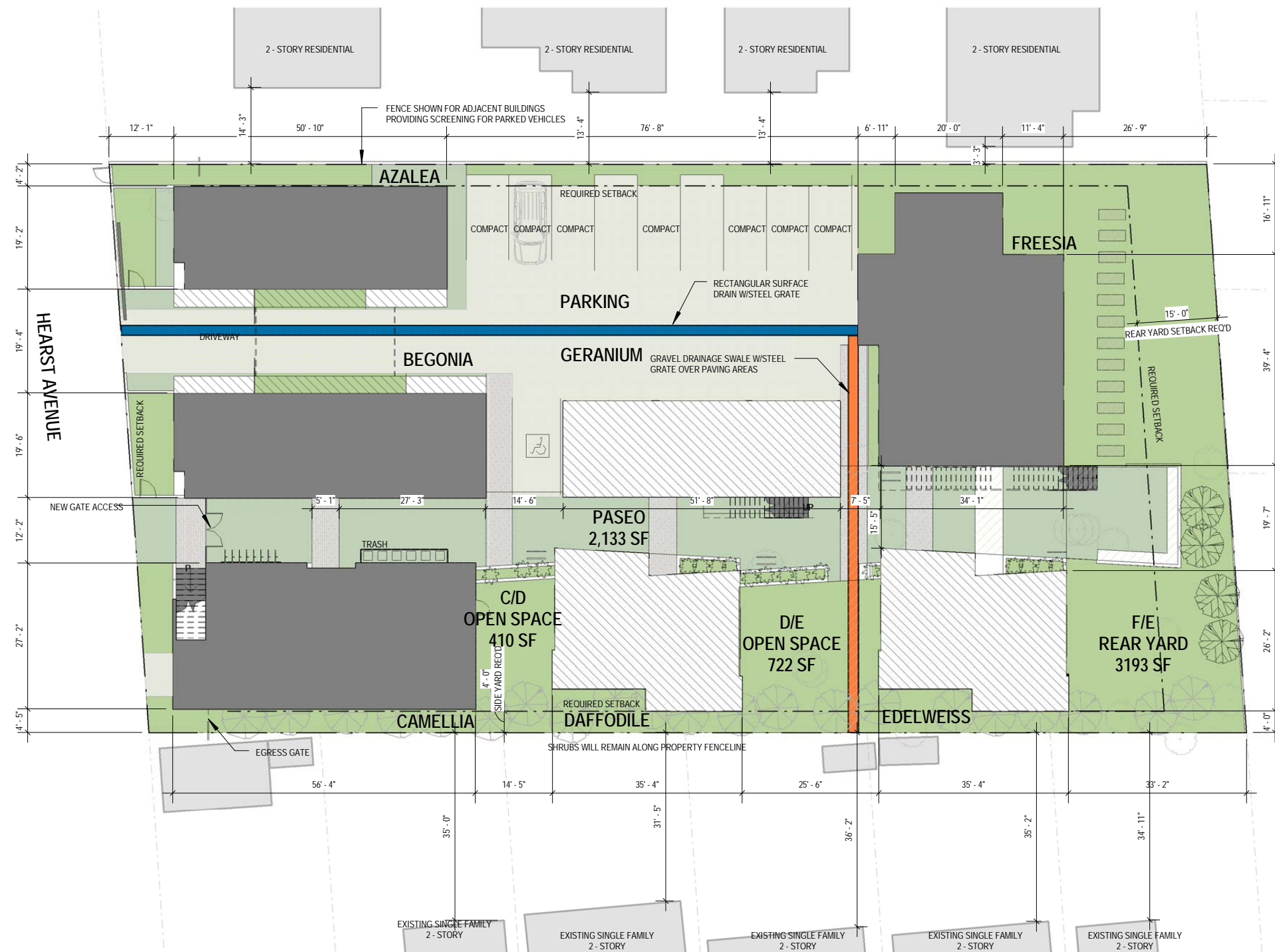
1

1/16" = 1'-0"

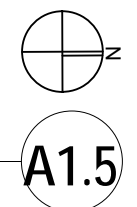


1 EXISTING PLANS & ELEVATIONS - FREESIA / 1179
 HEARST
 1/16" = 1'-0"



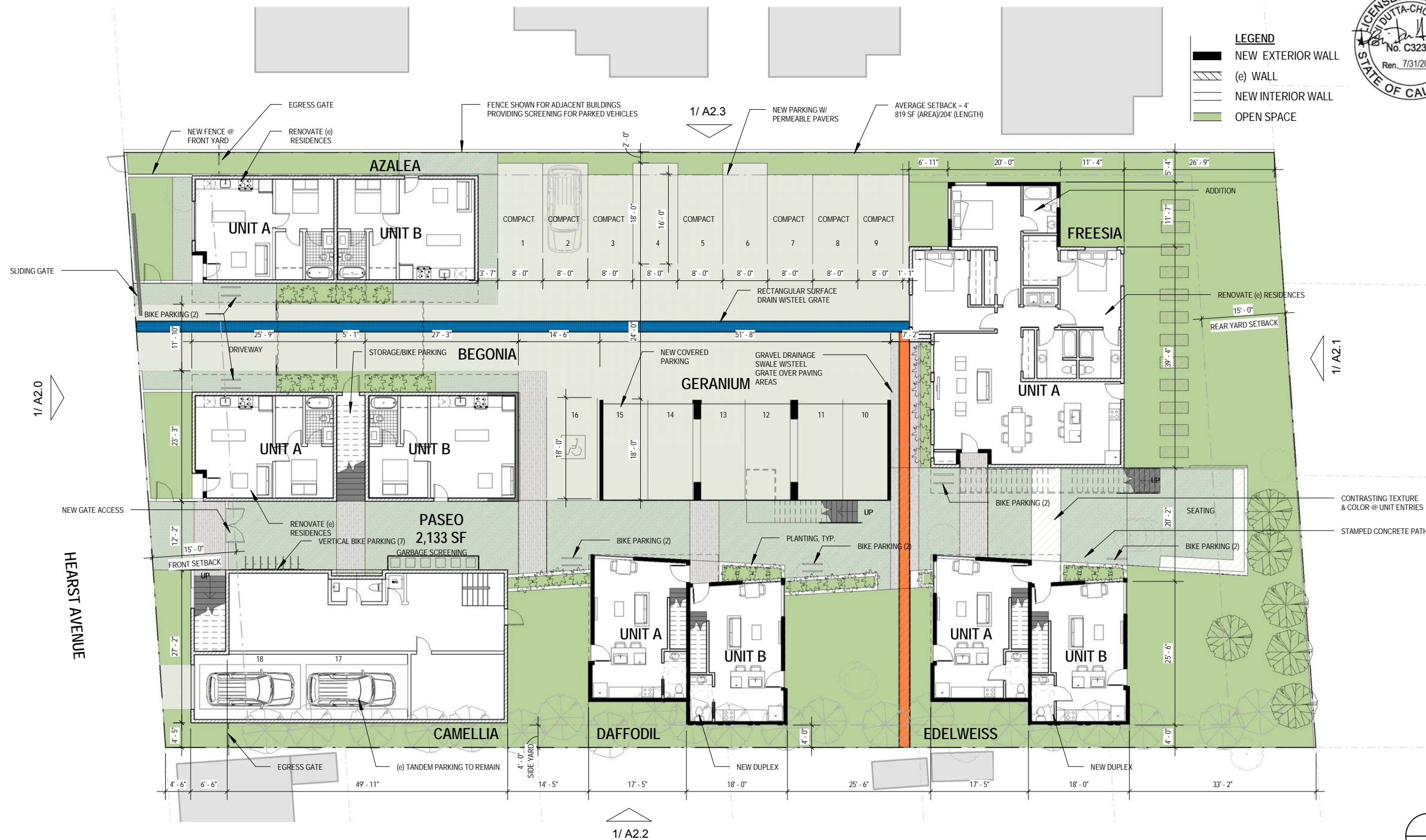


- LEGEND**
- NEW BUILDING
 - RENOVATED BUILDING (e)
 - OPEN SPACE





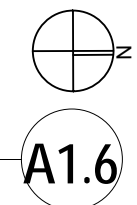
- LEGEND**
- NEW EXTERIOR WALL
 - (e) WALL
 - NEW INTERIOR WALL
 - OPEN SPACE

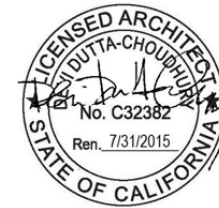


DRC - PRELIMINARY
 4.7.2016

HEARST GARDENS
 Devi Dutta Architecture Inc.

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





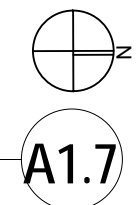
- LEGEND**
- NEW EXTERIOR WALL
 - (e) WALL
 - NEW INTERIOR WALL
 - OPEN SPACE



DRC - PRELIMINARY
 4.7.2016

HEARST GARDENS
 Devi Dutta Architecture Inc.

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





- LEGEND**
- NEW EXTERIOR WALL
 - (e) WALL
 - NEW INTERIOR WALL
 - OPEN SPACE



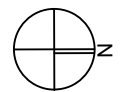
DRC - PRELIMINARY
 4.7.2016



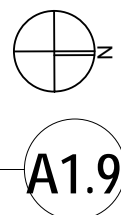
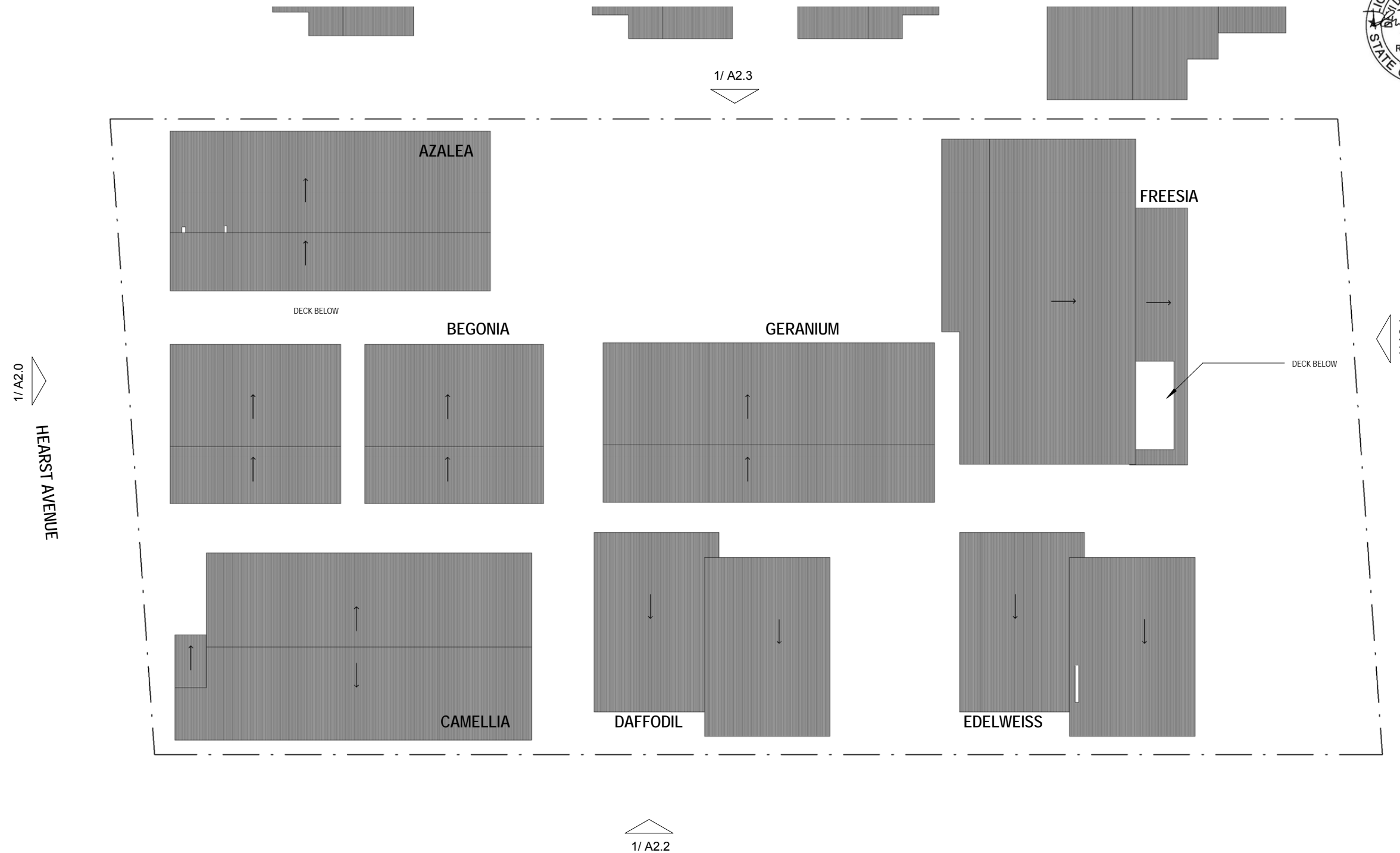
1/A2.2

HEARST GARDENS
 Devi Dutta Architecture Inc.

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



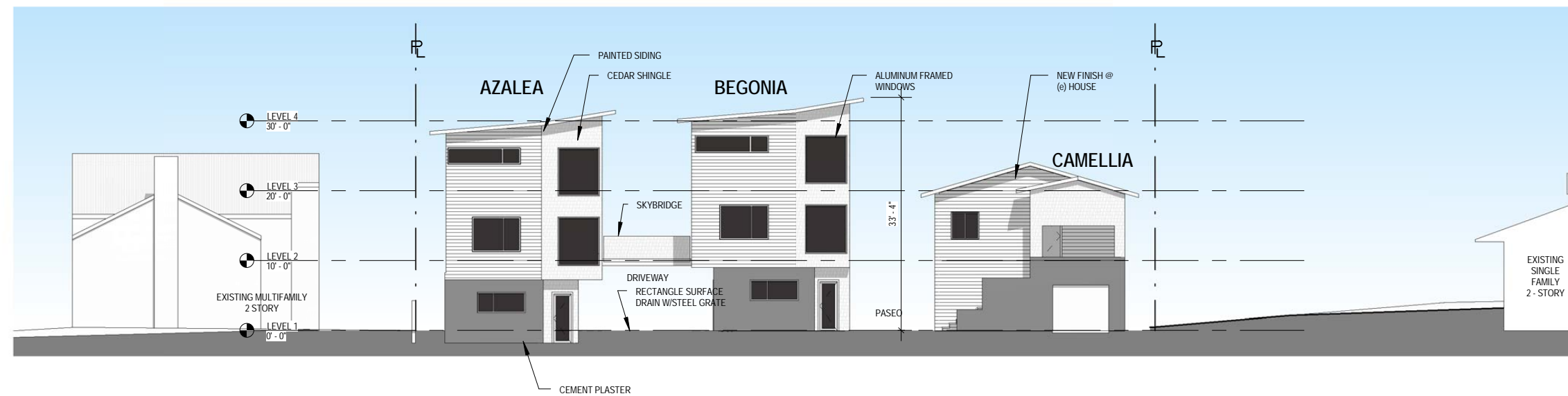
A1.8





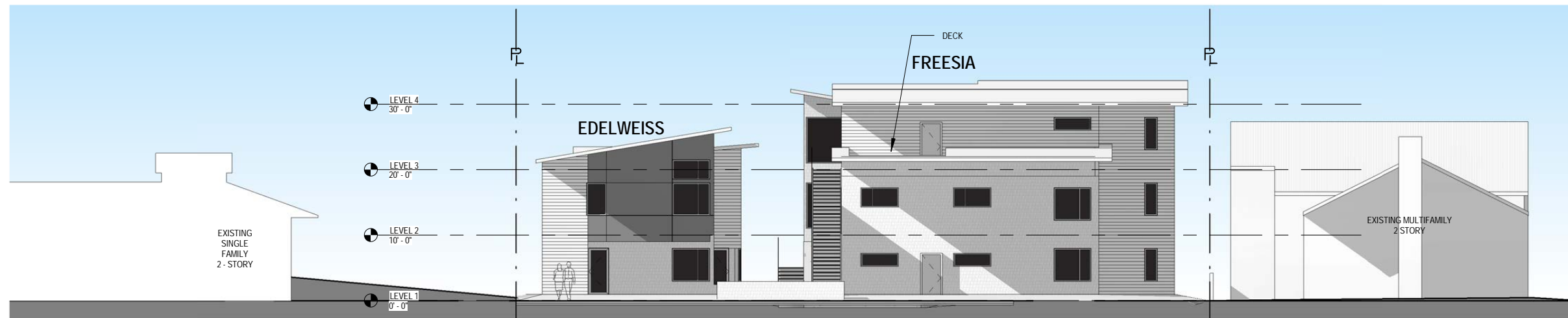
MATERIAL LEGEND

	PAINTED WOOD SIDING
	CEDAR SHINGLE SIDING
	CEMENT PLASTER





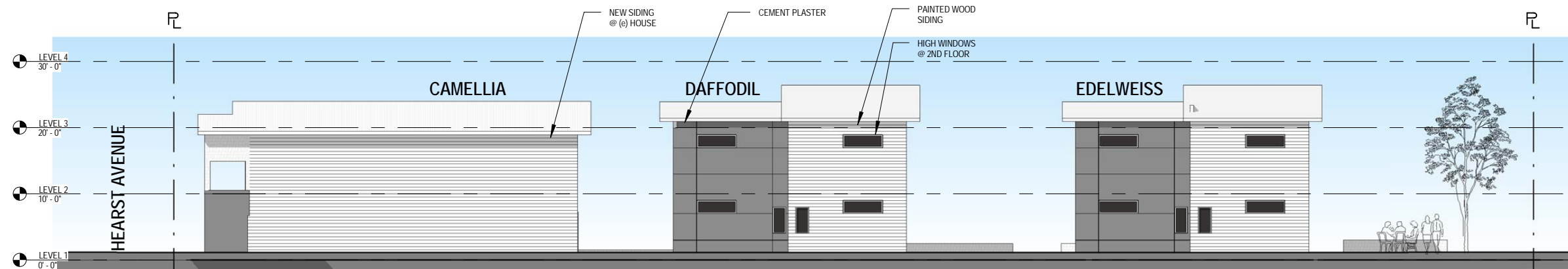
- MATERIAL LEGEND**
- PAINTED WOOD SIDING
 - CEDAR SHINGLE SIDING
 - CEMENT PLASTER








MATERIAL LEGEND

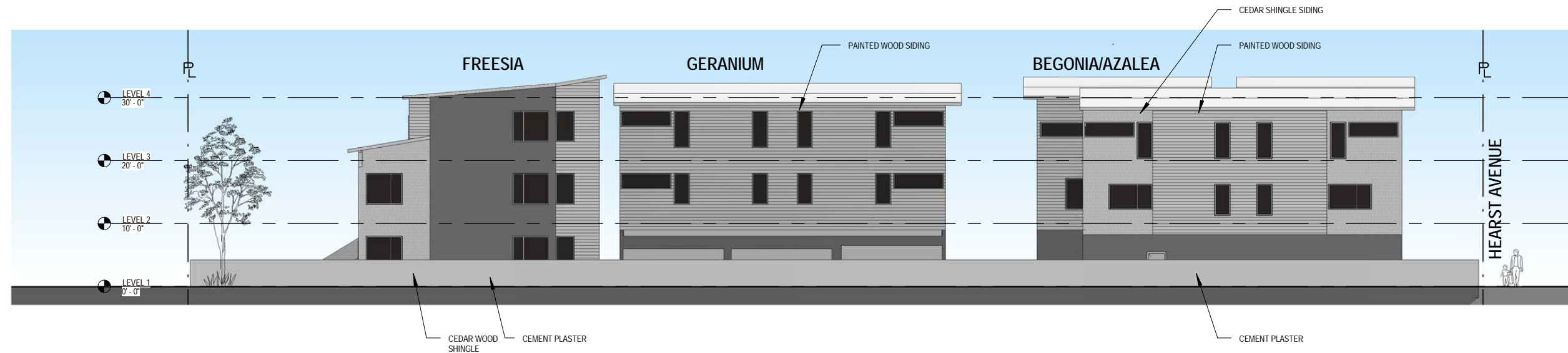
	PAINTED WOOD SIDING
	CEDAR SHINGLE SIDING
	CEMENT PLASTER

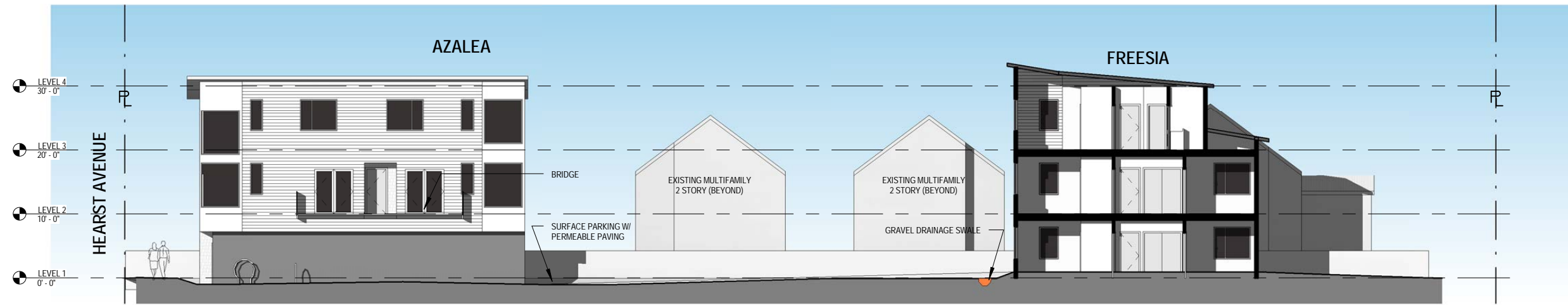




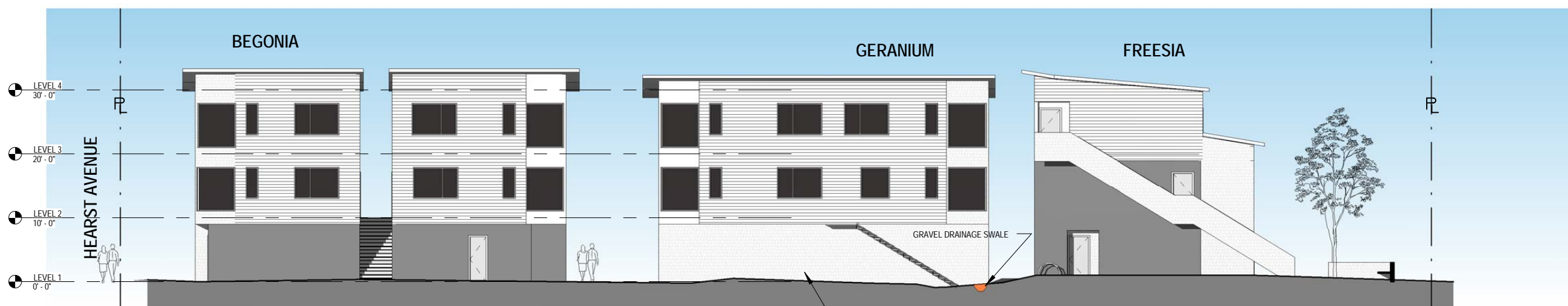
MATERIAL LEGEND

	PAINTED WOOD SIDING
	CEDAR SHINGLE SIDING
	CEMENT PLASTER

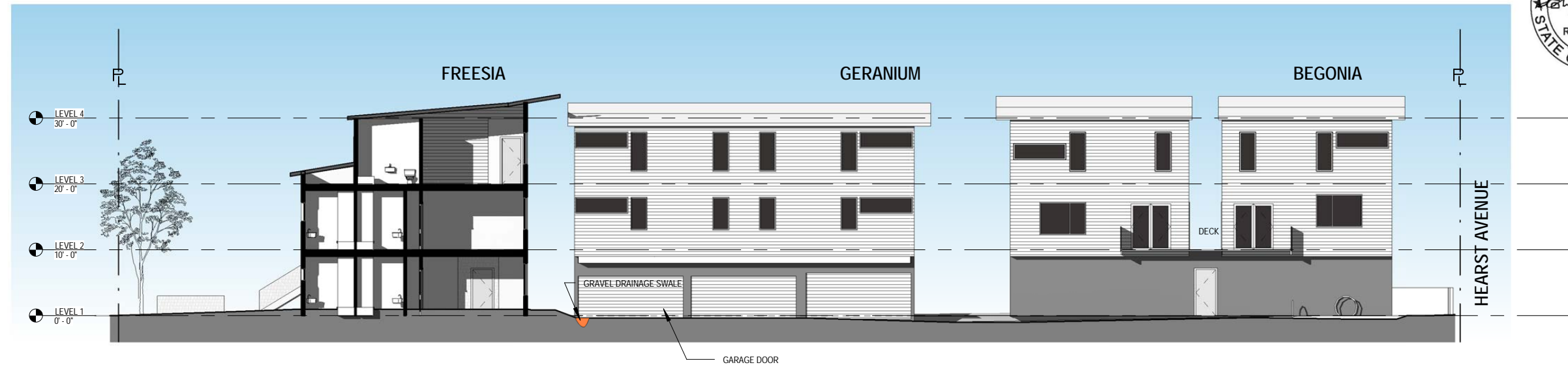




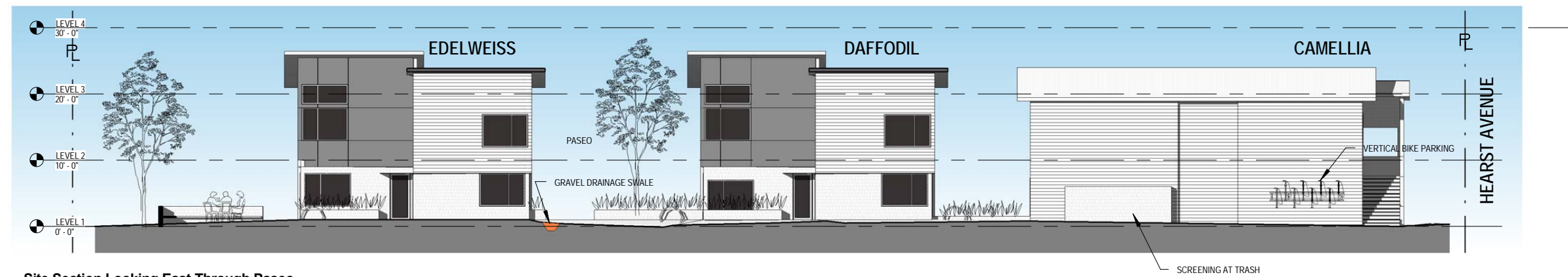
1 Site Section Looking West Through Driveway
 1/16" = 1'-0"



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



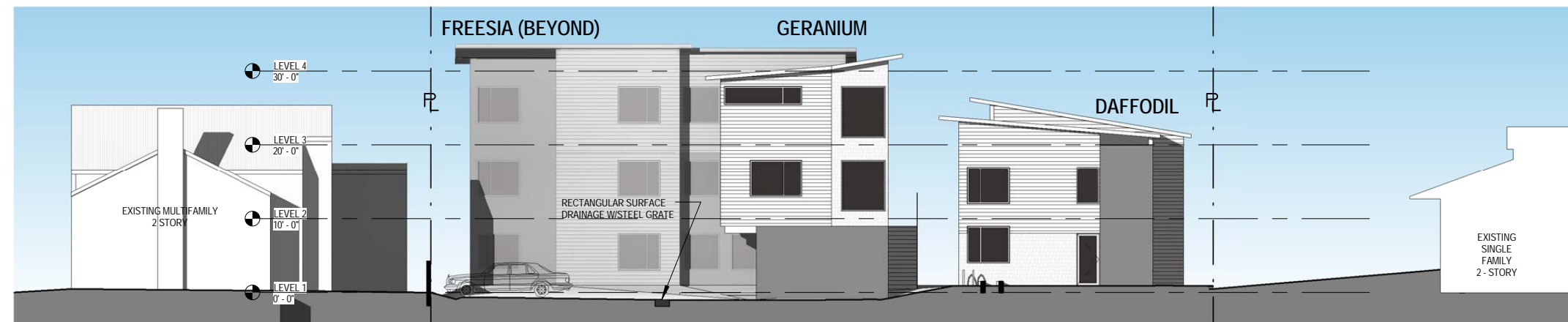
1 Site Section Looking East Through Driveway
 1/16" = 1'-0"



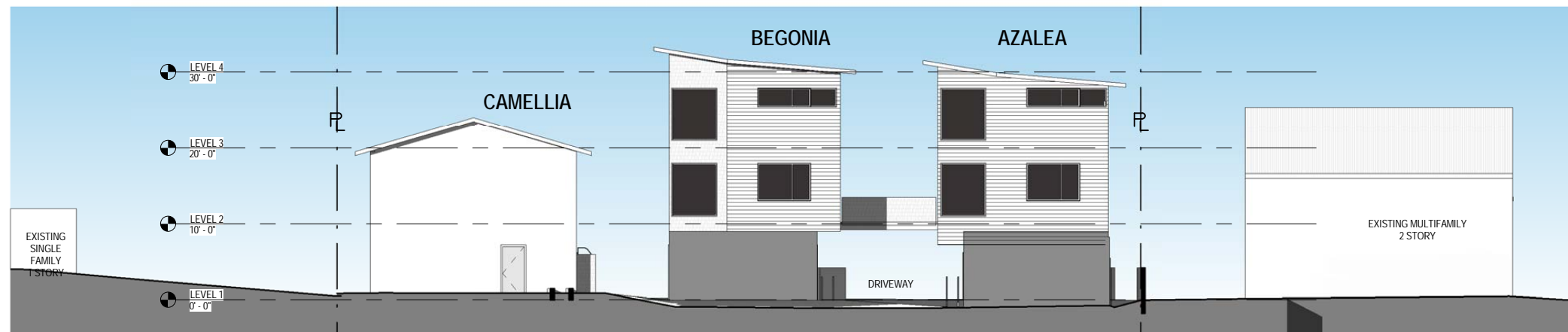
2 Site Section Looking East Through Paseo
 1/16" = 1'-0"



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

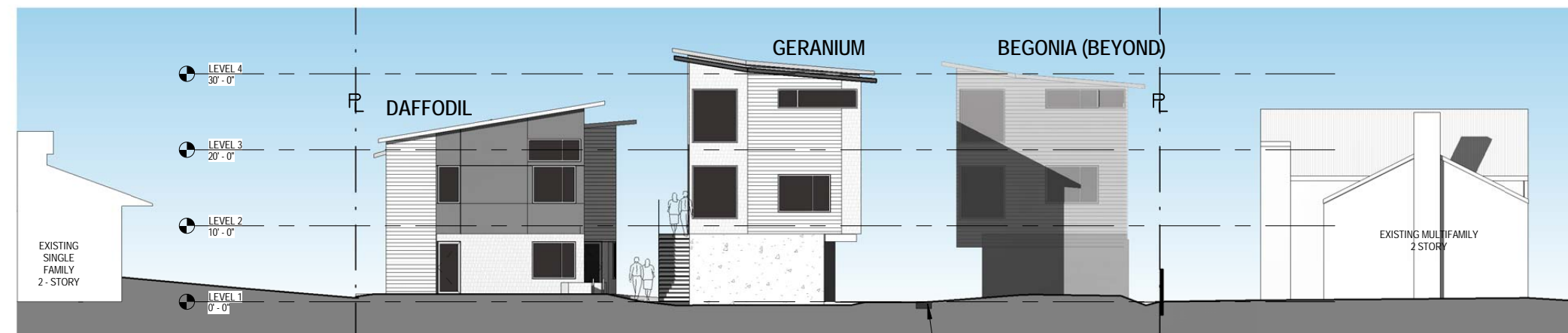


2 Site Section Looking North
 1/16" = 1'-0"



1 Site Section Looking South

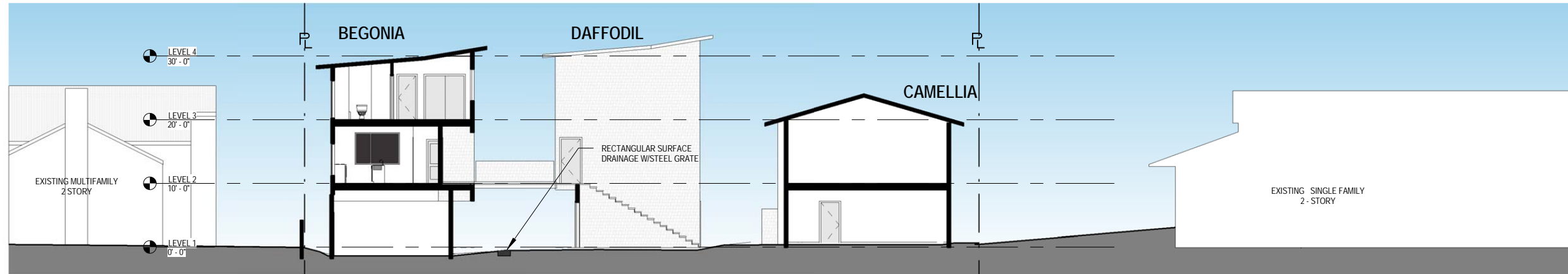
1/16" = 1'-0"



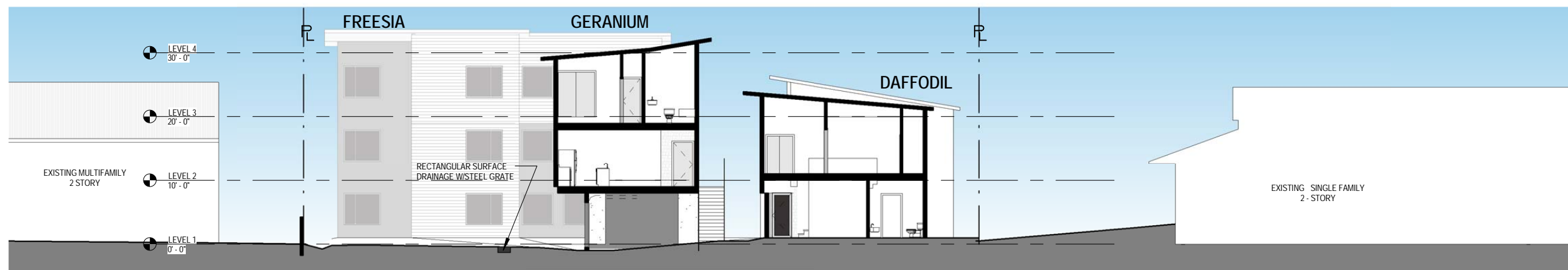
2 Site Section Looking South @ Parking Lot

1/16" = 1'-0"

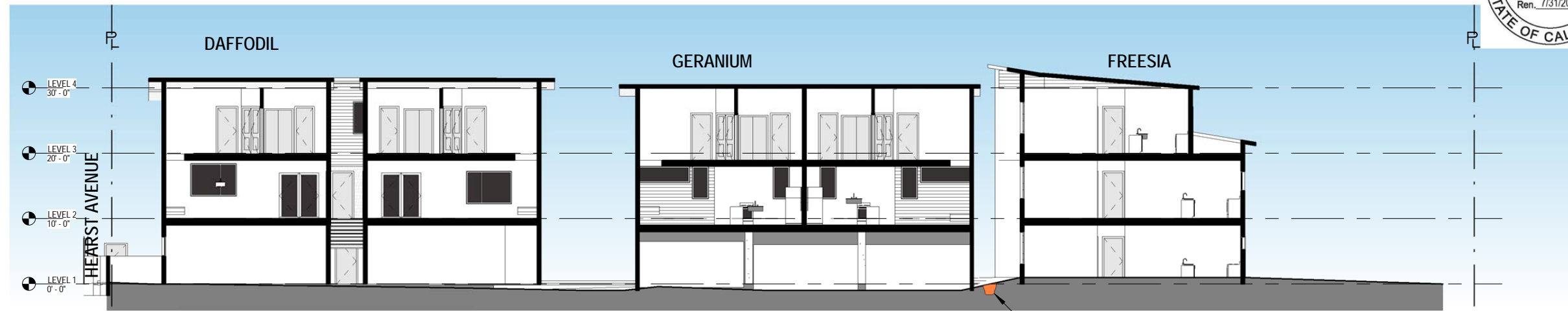
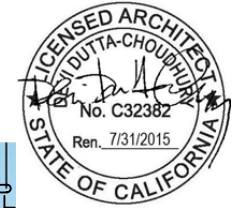
RECTANGULAR SURFACE
DRAIN W/ STEEL GRATE



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



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



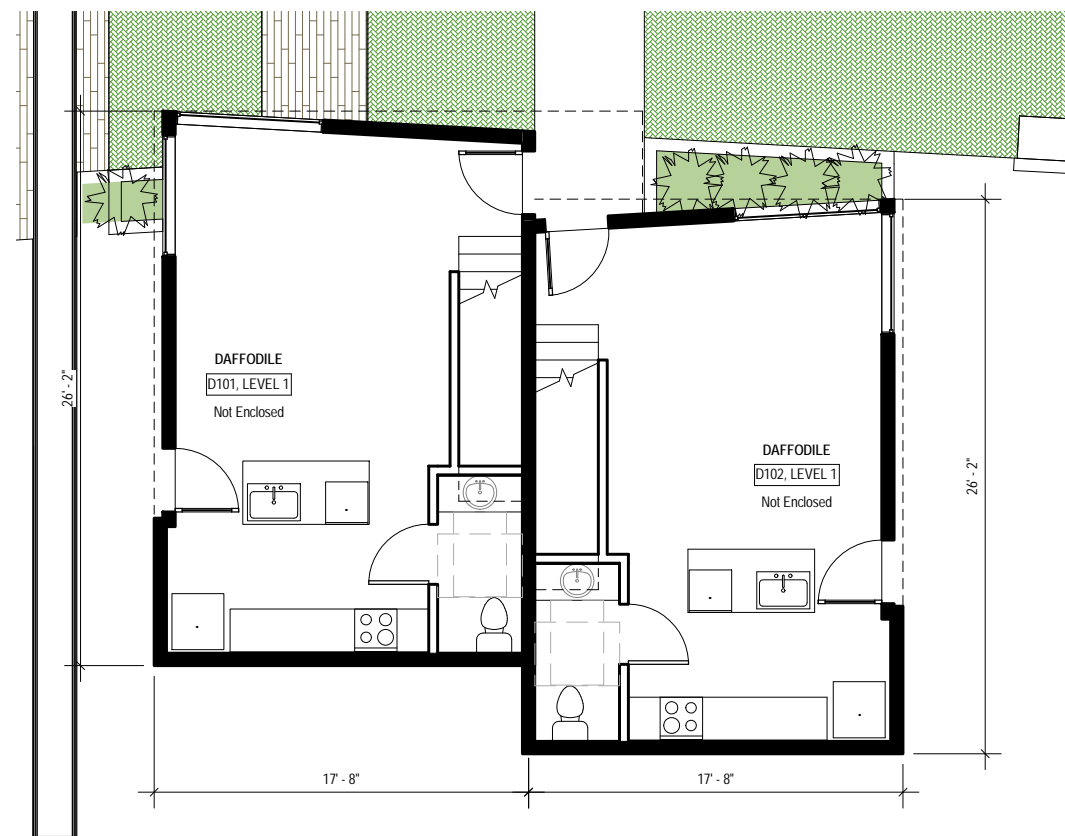
1 Building Section Looking West Through Parking
 1/16" = 1'-0"



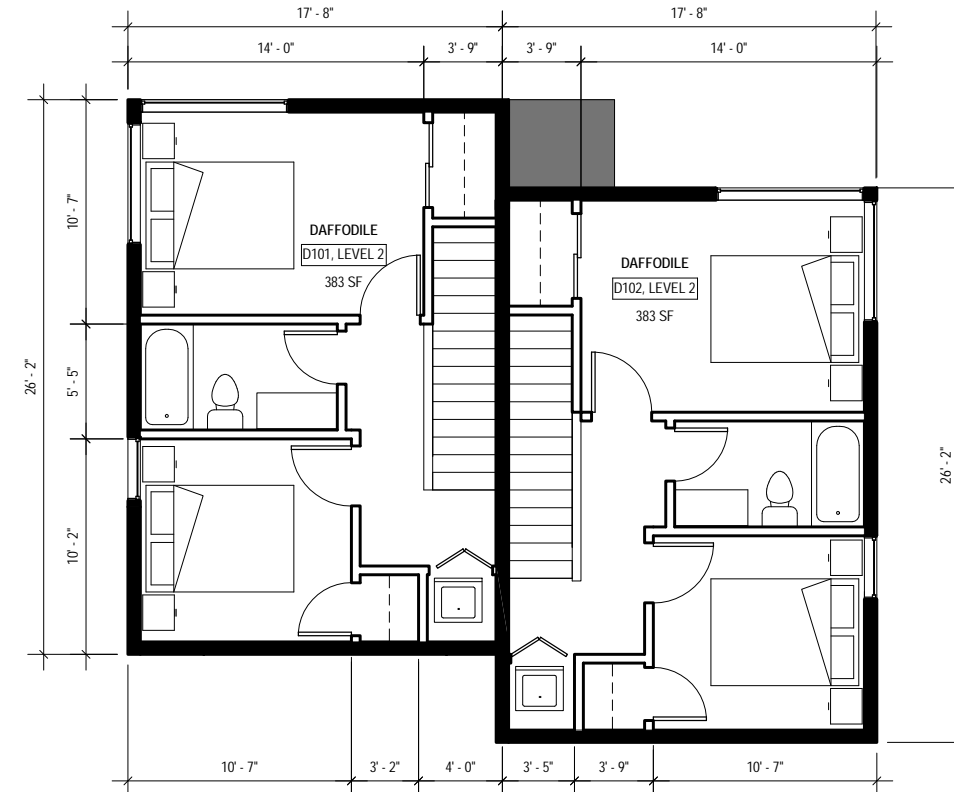
2 Building Section Looking West
 1/16" = 1'-0"



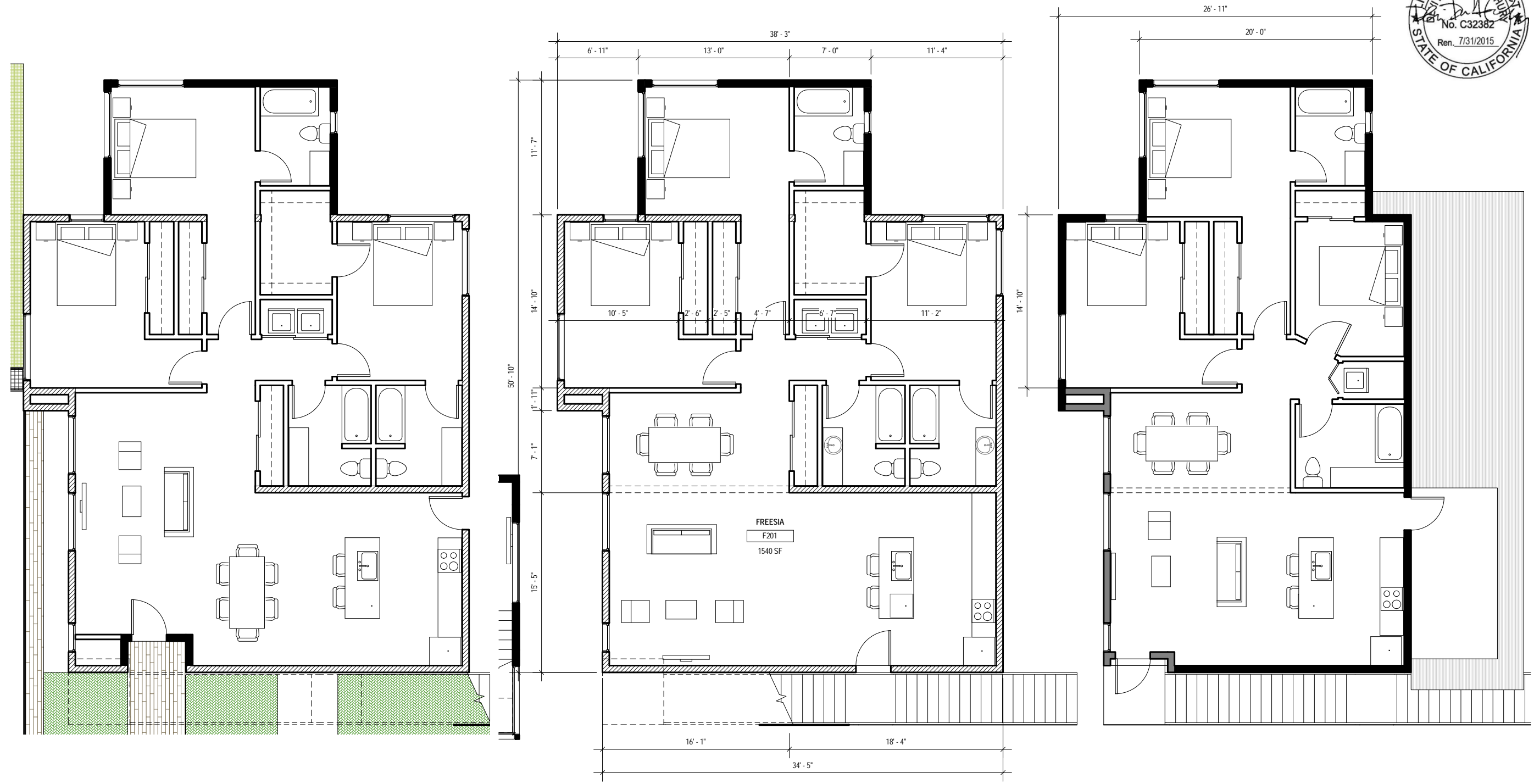
PASEO



DAFFODILE & EDELWEISS
LEVEL 1



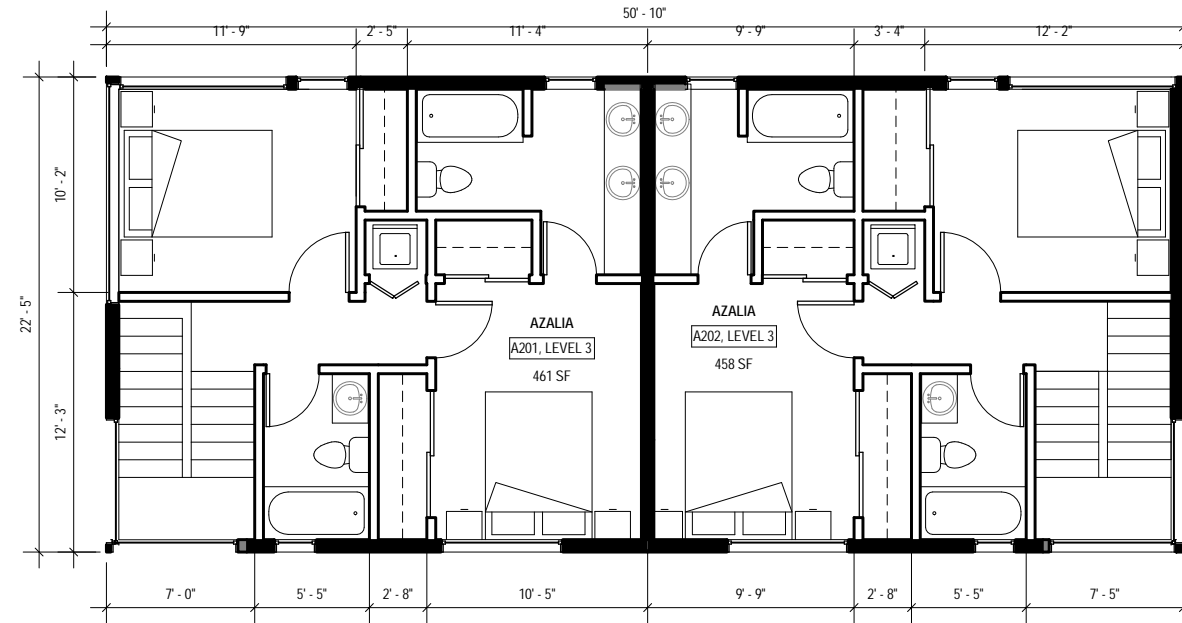
DAFFODILE & EDELWEISS
LEVEL 2



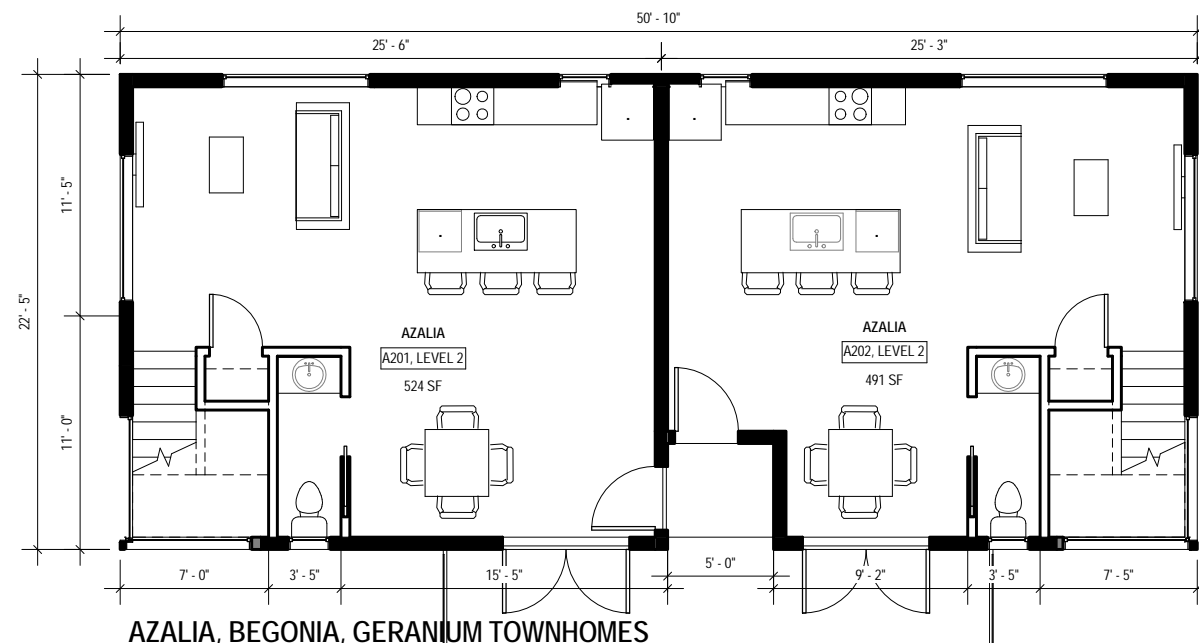
FREESIA
LEVEL 1

FREESIA
LEVEL 2

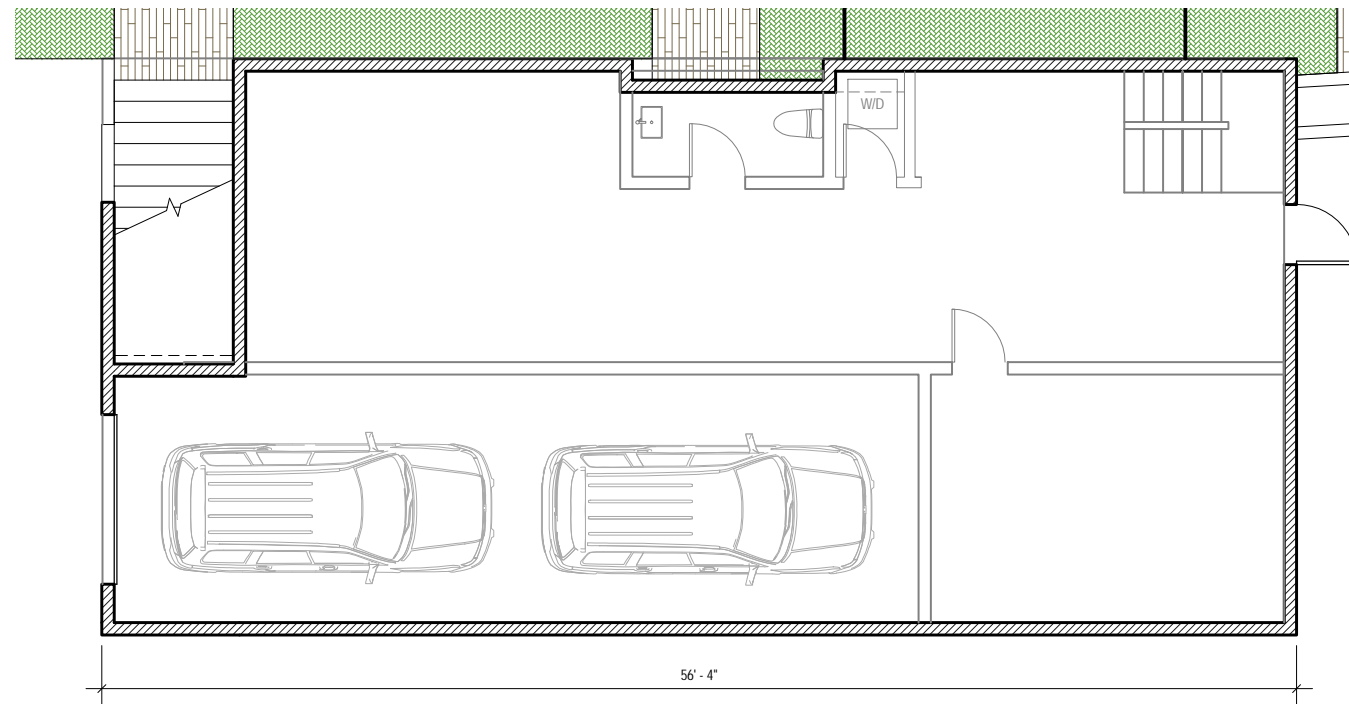
FREESIA
LEVEL 3 NEW



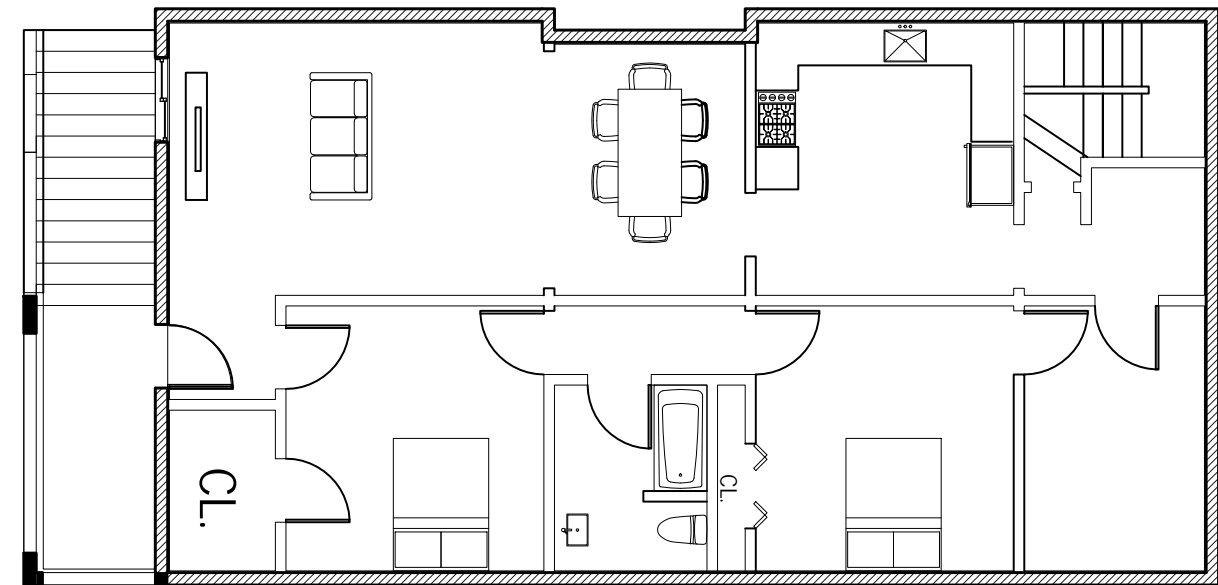
AZALIA, BEGONIA, GERANIUM TOWNHOMES
 LEVEL 3



AZALIA, BEGONIA, GERANIUM TOWNHOMES
 LEVEL 2



CAMELLIA BASEMENT PLAN (e) TO REMAIN



CAMELLIA LEVEL 2 (e) TO REMAIN





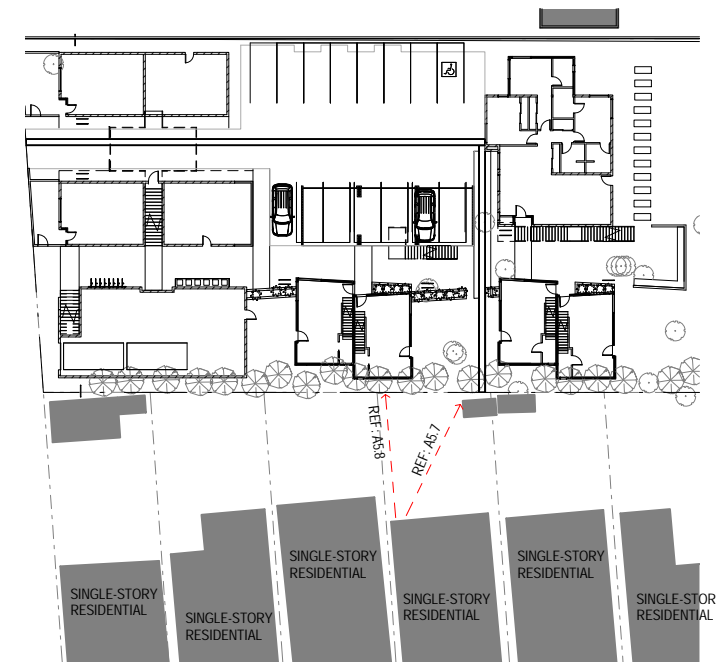




FOOTPRINT OF "GERANIUM" BUILDING IS SHOWN (WALLS & ROOF ARE HIDDEN)











LEGEND

- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



07:47 AM - JUNE 21 - EXISTING

NOON - JUNE 21 - EXISTING

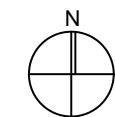
06:35 PM - JUNE 21 - EXISTING



08:03 AM - JUNE 21 - PROPOSED

NOON - JUNE 21 - PROPOSED

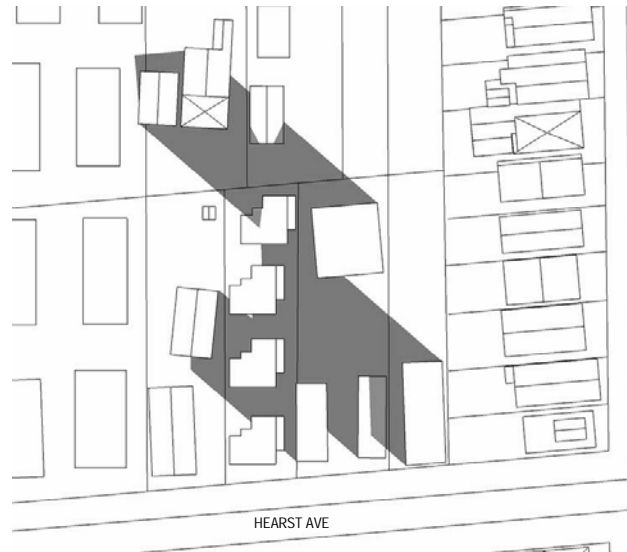
06:25 PM - JUNE 21 - PROPOSED





LEGEND

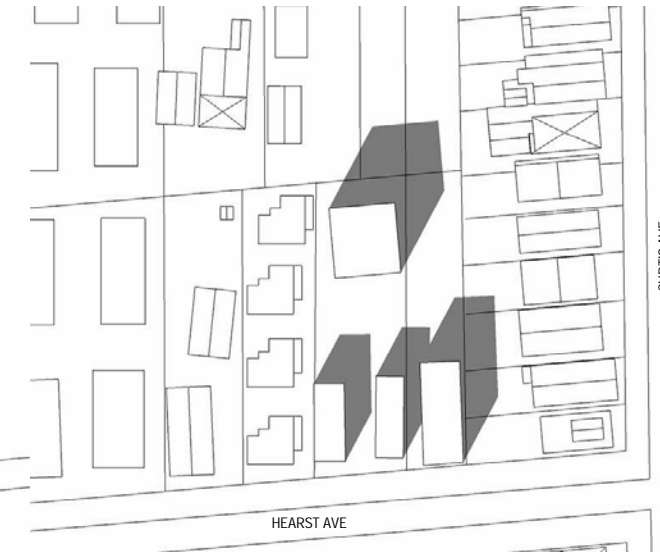
- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



09:21 AM - DECEMBER 21 - EXISTING



NOON - DECEMBER 21 - EXISTING



2:53 PM - DECEMBER 21 - EXISTING



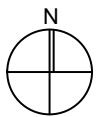
09:21 AM - DECEMBER 21 - PROPOSED



NOON - DECEMBER 21 - PROPOSED



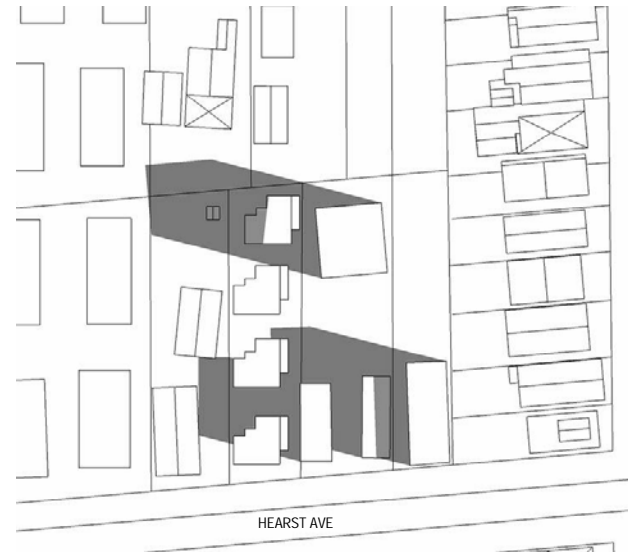
2:53 PM - DECEMBER 21 - PROPOSED





LEGEND

- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



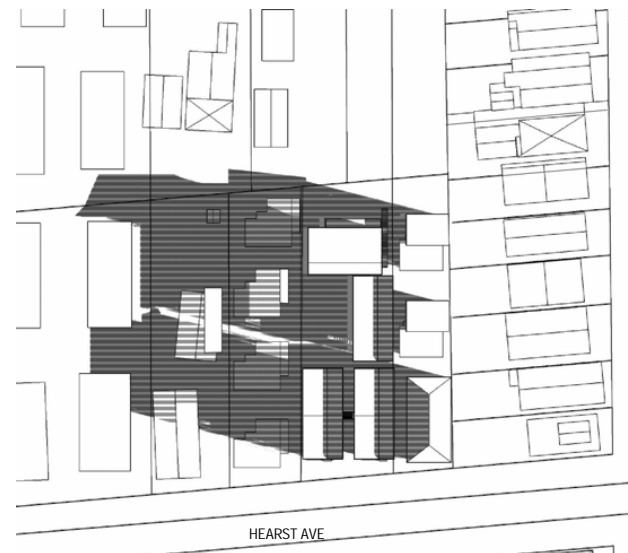
08:03 AM - OCTOBER 1 - EXISTING



NOON - OCTOBER 1 - EXISTING



6:03 PM - OCTOBER 1 - EXISTING



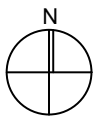
08:03 AM - OCTOBER 1 - PROPOSED



NOON - OCTOBER 1 - PROPOSED



6:03 PM - OCTOBER 1 - PROPOSED





LEGEND

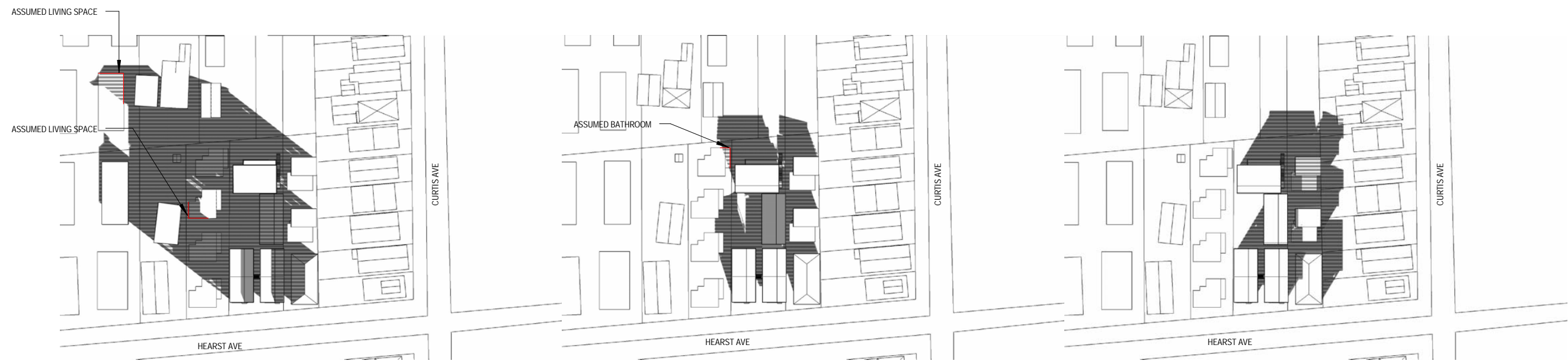
- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



9:23 AM - JANUARY 15 - EXISTING

NOON - JANUARY 15 - EXISTING

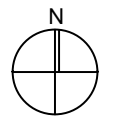
3:14 PM - JANUARY 15 - EXISTING



9:23 AM - JANUARY 15 - PROPOSED

NOON - JANUARY 15 - PROPOSED

3:14 PM - JANUARY 15 - PROPOSED





LEGEND

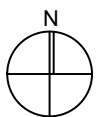
- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



3:14 PM - JANUARY 15 - EXISTING



3:14 PM - JANUARY 15 - PROPOSED



memorandum 1155 - 1173 hearst ave, berkeley, ca 05 . 19 . 2016

!

To: Mark Rhoades, Rhoades Planning Group

From: Bridget Maley, Principal, architecture + history, llc

Date: May, 19, 2016

Re: Supplemental Information Regarding Original Building Permits
Hearst Avenue Berkeley – From Berkeley Architectural Heritage Association Archives

The following information on building permits for these properties was located at BAHA (archives had been unavailable in April 2016). This information does not alter the findings in the Department of Recreation and Parks (DPR) forms completed by a + h, and submitted to the City of Berkeley, dated April 2016. Research conducted by Shayne Watson, Watson Heritage Consulting and Bridget Maley, architecture + history, llc

1155-1159 Hearst (APN: 057 208601400)

Permit Date: June 28, 1926

Description: One-story, 6-room building, “duplex bungalow” for 2 families

Cost: \$3,000

Site of proposed building: 19x50 feet

Owner: William Stevens

Builder: Peel & Pollard (Marcus Peel, lived at 10 Oakvale? Avenue – difficult to read)

A search of the *Berkeley Daily Gazette* (1899-1954) through Newspaper Archive Library Version on the SFPL website indicates Marcus Peel was a somewhat prolific builder in Berkeley during the 1920s and 1930s. Peel & Pollard did not produce many search results.

1173 Hearst (originally 1163 Hearst) (APN: 057 208601300)

Permit Date: February 11, 1927

Description: one-story, 6-room dwelling (listed as one-story on original permit, Sanborn map shows 2...could be that they did not consider garage a story or that by the 1950 Sanborn the building had been raised to accommodate a garage)

Cost: \$2,500

Site of proposed building: 24x48 feet

Owner: Emma Bertoli

Builder: Maurice Walsh (1637? Cornell? Ave? – difficult to read)

Name in *Berkeley Daily Gazette* announcement was Enrico Bertoli

A search of the *Berkeley Daily Gazette* (1899-1954) through Newspaper Archive Library Version on the SFPL website indicates Maurice Walsh was a somewhat prolific builder in Berkeley during the 1920s and 1930s.



Planning and Development Department
Land Use Planning Division

May 26, 2016

Mark Rhoades
Heart Avenue Cottages, LLC
1611 Telegraph, Suite 200
Oakland, CA 94612

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

Mr. Rhoades,

Thank you for the items you submitted on April 26 and April 28, 2016 for the above referenced application. Staff has determined that the application is still incomplete. Below, please find staff comments and items required for submittal and/or correction. Please submit both a paper and an electronic (on CD) copy of required items.

Items Required for Submittal or Correction:

- **Density Bonus Calculations** – As previously relayed to you in a letter I sent dated March 11, 2016, the subject site qualifies for a total of 17 units.

Under § 65915(i) “housing development” is a “development project for five or more residential units” and includes,

“...the substantial rehabilitation of an existing multifamily dwelling... where the result of the rehabilitation would be a net increase in available residential units.”

The “project” for purposes of the density bonus is thus limited in this case to the two duplexes that are being rehabilitated such that there is an increase in the number of units. The project does not include the other two buildings, consistent of three units (a duplex and a single-family home), as no units are being added to these structures. Additionally, the single-family is precluded from this section regardless as it does not meet the definition of multi-family housing:

“multifamily dwelling” means any structure designed for human habitation that has been divided into two or more legally created independent living quarters (Government Code 65863.4.d).

Under § 65915(f), a density bonus means *“a density increase over the otherwise maximum allowable residential density as of the date of application...”*

These terms must be interpreted harmoniously in a manner that allows a jurisdiction to calculate a density bonus in any given case.

Here, the maximum allowable density on the two parcels is 13 units (21,902 sq. ft. lot @ 1 dwelling unit per 1650 sq. ft. = 13.2 or 13 units). However the “housing development” for purposes of density bonus is not the project or lot, but only the area where the multi-family dwellings are being rehabilitated to increase the number of available units or other areas of lot available for development. As the three above mentioned units are not part of the housing development, this area is calculated by taking the total lot size (21,902 sq. ft.) and subtracting the area of the existing units that are not part of the housing development [three dwelling units at 1650 sq. ft. from the density standard of the R-2A Zoning District (23D.32.070.B.1) = 4,950 sq. ft.]. For this project, this results in housing development of 16,952 square feet. Based on the zoning district regulations, this yields a maximum allowable density of 10 units (16,952 ÷ 1,600 = 10). Assuming a maximum density bonus of 35% (i.e., 4 units), this yields a total project of:

- 4 existing multi-family units to be rehabilitated
- 4 new units
- 3 existing units (not part of “housing development”)
- 2 additional units per zoning regulations
- 4 DB units

- 17 total dwelling units

If you wish to pursue 18 units, you will need to apply for a Variance. If this is the path you wish to pursue, you will be required to submit the required Variance findings (BMC 23B.44.030) and fee (\$9,402). Please be aware that staff will not be able to support the Variance. If you choose not to pursue the Variance, revise the plan set accordingly. Let me know how you wish to proceed. Many of the following items may need revision or new items may be required depending on which option you wish to pursue.

- **Substantial Rehabilitation** – In order to count towards the housing development, there must be *substantial rehabilitation* of an existing multifamily dwelling. Therefore, in order to determine whether the eligible rehabilitated units count towards the housing development, you will need to provide a description of existing conditions (including photo documentation) and of what the proposed rehabilitation consists of in order for staff to determine whether or not it is ‘substantial.’
- **Boundary/Topographic Survey** – Required for any new main building as well as expansions of a building footprint less than two feet from, or within, a required setback, submit a survey meeting the following requirements:
 - Wet-stamped and signed by a licensed California surveyor or appropriately licensed civil engineer.
 - Minimum scale of 1/10” = 1’.
 - Shows all property lines, curb and sidewalk, spot elevations, existing structures, and setbacks to all property lines.
- **Building Data** – Either provide a plan set with a minimum scale of 1/8” = 1’ or label *all* setbacks, average and maximum heights for each building. I am unable to get accurate

measurements at the 1/16" = 1' scale. Please also indicate the building separation between Geranium and Daffodile.

- **Floor Plans** – Label the existing and proposed ground floor of Camelia. Include proposed Level 1 floor plans of Azalia, Begonia, and Geranium on page A4.2 with the proposed 2nd and 3rd levels.
- **Trees** – Label all existing tree species and sizes on the existing site plan or on the survey.
- **Shadow Study** – The shadow study you resubmitted is still difficult to read. I have enclosed a sample that I would hope yours can match. In particular, however, rRevise as following:
 - Limit the vicinity area of the shadow study to the subject property and immediately adjacent neighbors.
 - Noon shading throughout the year does not match the north arrow. Correct.
 - Overlay existing with proposed shading (see enclosed example).
 - If a shadow (existing or future) hits the wall of an adjacent structure, (1) show where existing shadow hits the wall, and (2) indicate locations of windows on walls affected.
 - If increased shadowing caused by the proposed project would affect any windows on residential buildings, then indicate the use of those windows (garage, bedroom, bathroom, living room, etc.).
- **Structural and Pest Report** – As substantial work and additions are being proposed on the existing buildings, the City needs to ensure no unintentional demolitions occur. Therefore, submit a report by an independent, fully credentialed pest control operator that evaluates whether, in the operator’s opinion, retention of structural elements not proposed for removal is actually feasible. This evaluation exceeds State requirements for pest reports in that it requires removal of exterior siding and/or interior drywall/plaster in order to allow examination of structural elements proposed to be retained. (This will not be required if you are pursuing the demolition option.) This is a submittal requested by the project manager to ensure proposed construction will not lead to an inadvertent demolition of the existing older buildings. As the project planner deems this necessary, it is a required submittal item..
- **Parking and Driveways** – Pursuant to BMC 23D.12.080:
 - F. Screening must be provided for two or more off-street parking spaces, or any parking space located partly or entirely within a required rear yard, in a manner that effectively screens parked vehicles from view from buildings and uses on adjacent, abutting and confronting lots. Such screening must consist of a continuous view-obscuring wood fence, masonry wall or evergreen hedge, not less than four feet, and not more than six feet in height, which may be broken only for access driveways and walkways. **Provide required screening details.**
 - G. In the case of parking areas of four or more off-street spaces, the parking area must be separated from an adjacent rear or interior side lot line by a landscaped strip which averages at least four feet in width along the applicable property line. **The average would be the linear distance along the property line: 5 spaces at 50” + 4 spaces at 24” = an average of 38”. Revise to a minimum of 4’ or 48”.**

J. Driveways must be spaced at least 75 feet from one another, as measured along any continuous property line abutting a street for each lot in any residential District. **Two driveways within 75 feet from one another is not required to accommodate the density bonus units.**

- **Applicant Fees** – At this time due to the revisions required above, I am unable to discern the complete fees to which this project will be subject. The following fees, however, will be required regardless. Please be aware that each additional AUP covers two hours of staff time.
 - \$6,043: Level 2 Use Permit for construction of a new dwelling unit(s), per BMC 23D.28.030—this is a base fee for the first 24 hours of staff time (each additional hour will be charged \$207);
 - \$414: Additional Use Permit for construction of 6 or more bedrooms on a parcel, per BMC 23D.32.050;
 - \$414: Additional Administrative Use Permit for residential additions greater than 14' in average height per BMC 23D.32.070.C (needed for base project);
 - \$414: Additional Administrative Use Permit for main dwellings greater than 28' in average height per BMC 23D.070.C (not necessary to accommodate density bonus units);
 - \$414: Additional Administrative Use Permits to extend a non-conforming front yard setback per BMC 23C.04.070.B (not necessary to accommodate density bonus units);
 - \$414: Additional Administrative Use Permits to extend a non-conforming side yard setback per BMC 23C.04.070.B (not necessary to accommodate density bonus units); and
 - \$640: Use Permit Traffic Engineering Review base fee for up to 4 hours

As the project is still in transition, I will not prepare an invoice at this time.

- **Waivers and Concessions** – At this point I have the project down for the following waivers and concessions:

Waivers: Building separation (BMC 23D.32.070.D)
Lot Coverage (BMC 23D.32.070.E)
(Potentially) Tandem Parking

Please verify this is correct and provide specific information on what is required and what the modification is.

Concessions: Third floor reduction of 6' required side yard setback per BMC 23D.32.070.E (desired design, not required to accommodate density bonus units)

Two driveways within 75' along a property line per BMC 23D.12.080.J

If you wish to keep these two concessions, submit a financial pro forma statement demonstrating that the requested concessions are necessary to cover the cost of the affordable units. Please be aware that you will be required to pay for a 3rd party peer review of the pro forma analysis as well the cost of which will be determined.

Staff Comments:

As previously stated, staff **will not support any project on rent controlled buildings that would require a new occupancy permit and, therefore, the elimination of the rent controlled unit.** This would apply to any structure currently containing one or two units which is propose

Additionally, please be aware that staff believes the proposed project is too much (massing, height, etc.) for the subject site and is out of context with the surrounding neighborhood.

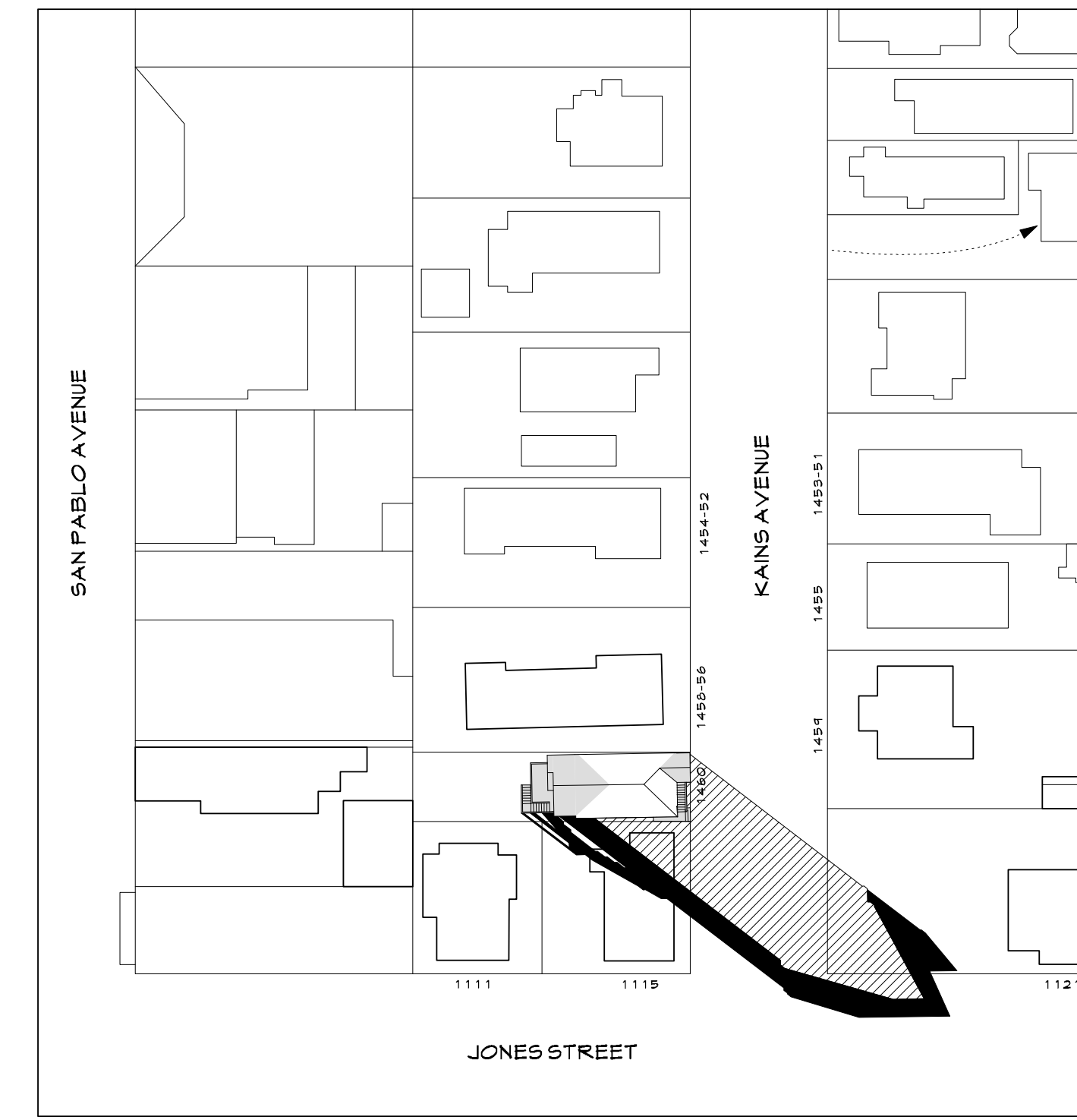
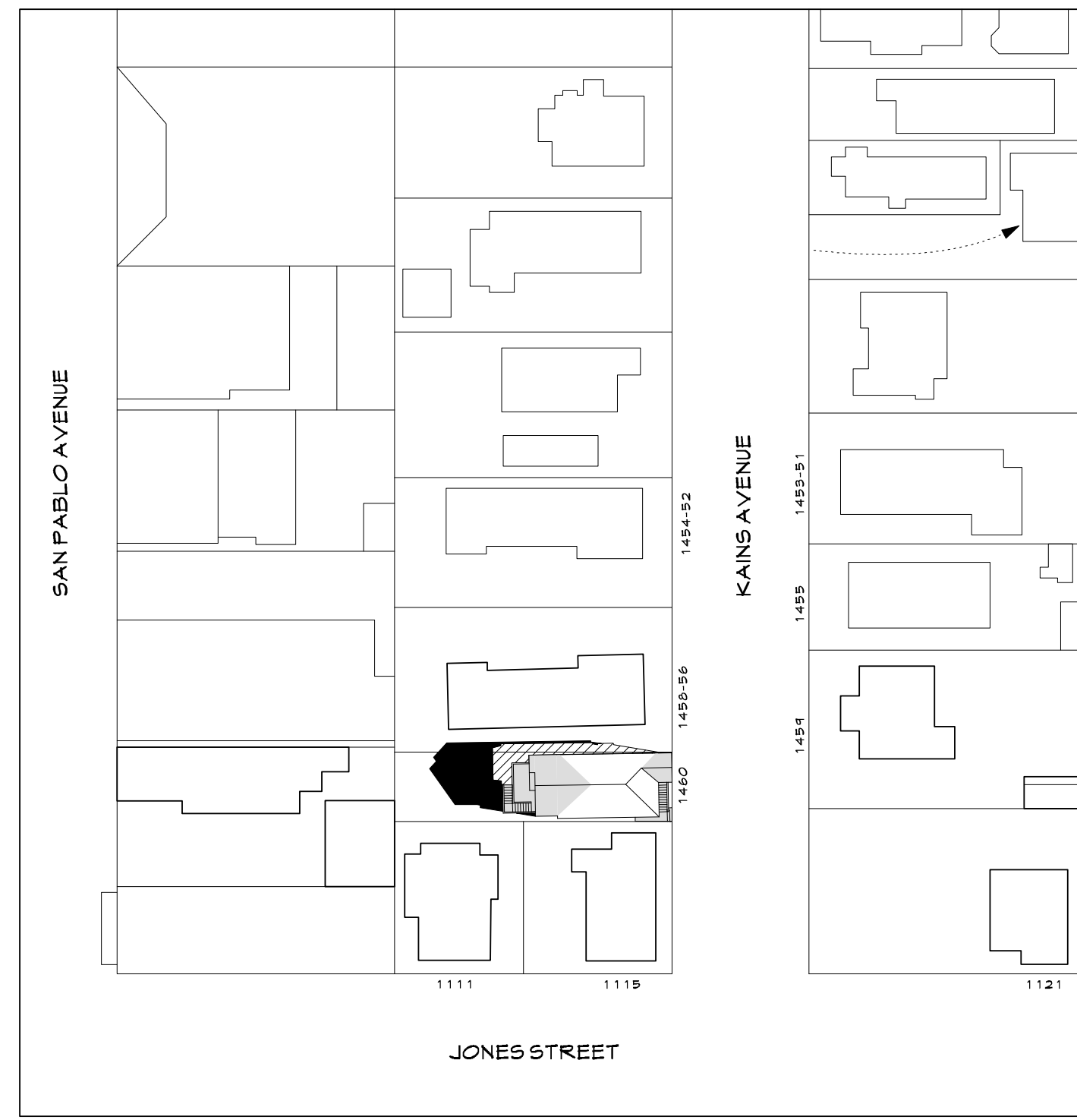
I will be passing on the DPR and the Traffic Study to relevant staff members for review and comment. I will let you know if any further information on these is required.

I look forward to working with you on this project. Do not hesitate to contact me if you have any questions or if you would like to set up a meeting. I can be reached at (510) 981-7426 or lmendez@ci.berkeley.ca.us. Please be aware that if you do not take action on the above items within 60 days, staff will deem the project in active and will withdraw the application.

Sincerely,



Leslie Mendez
Senior Planner

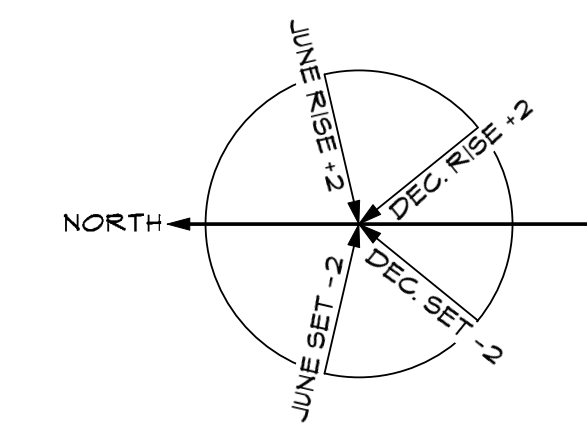
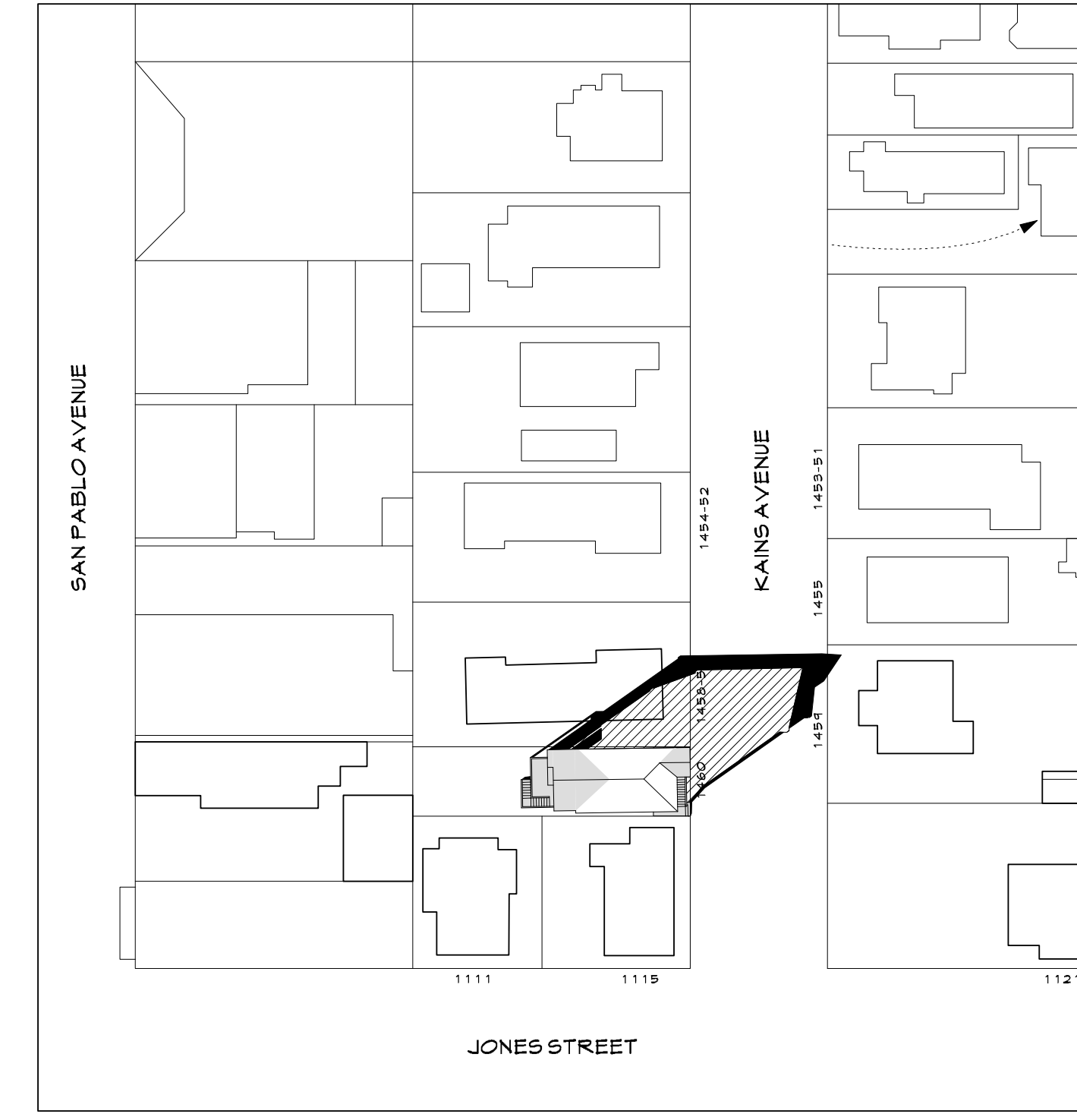
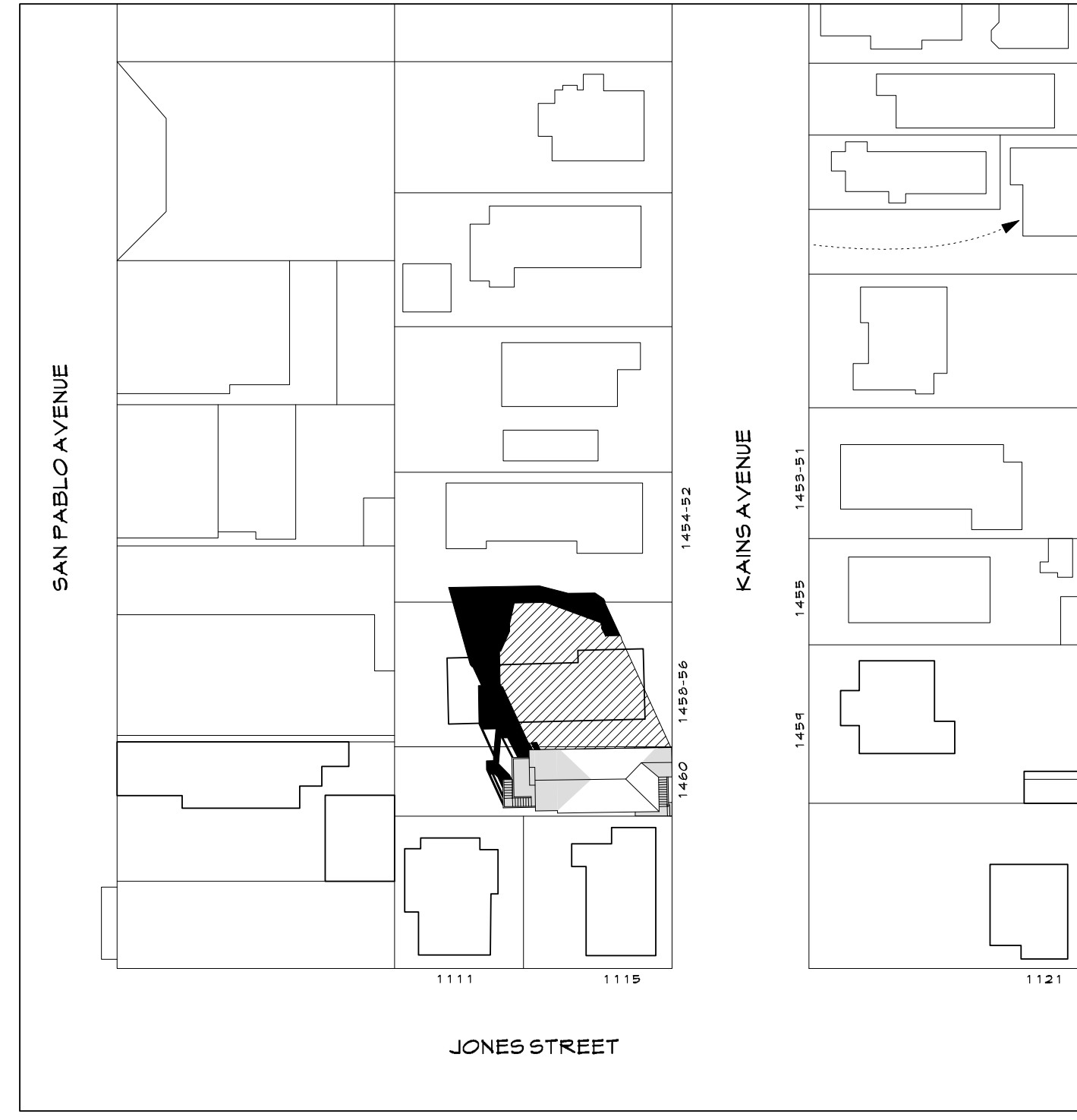
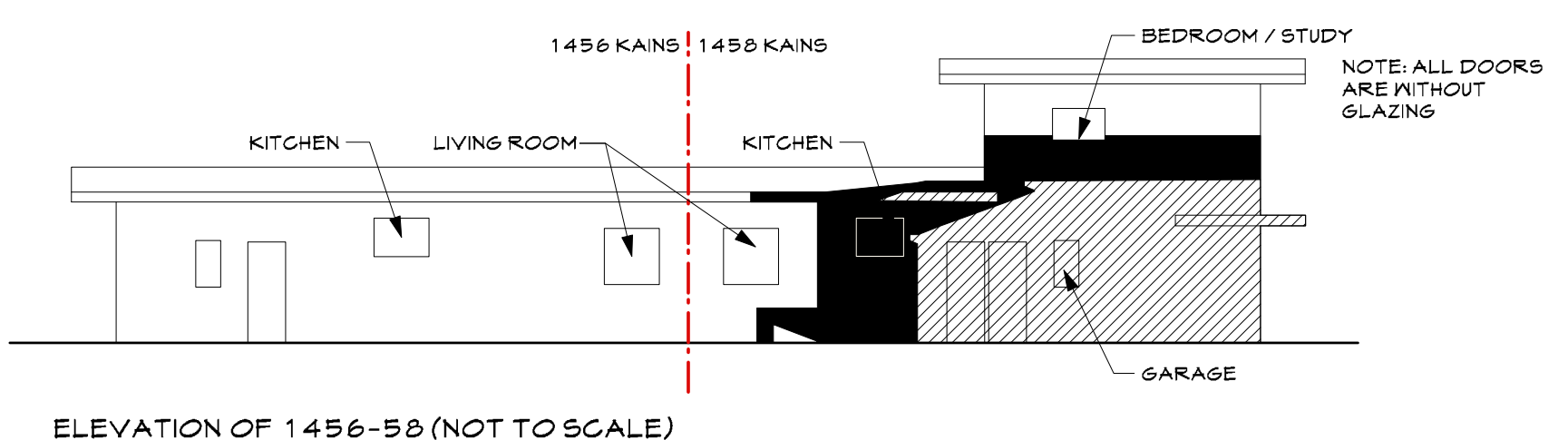
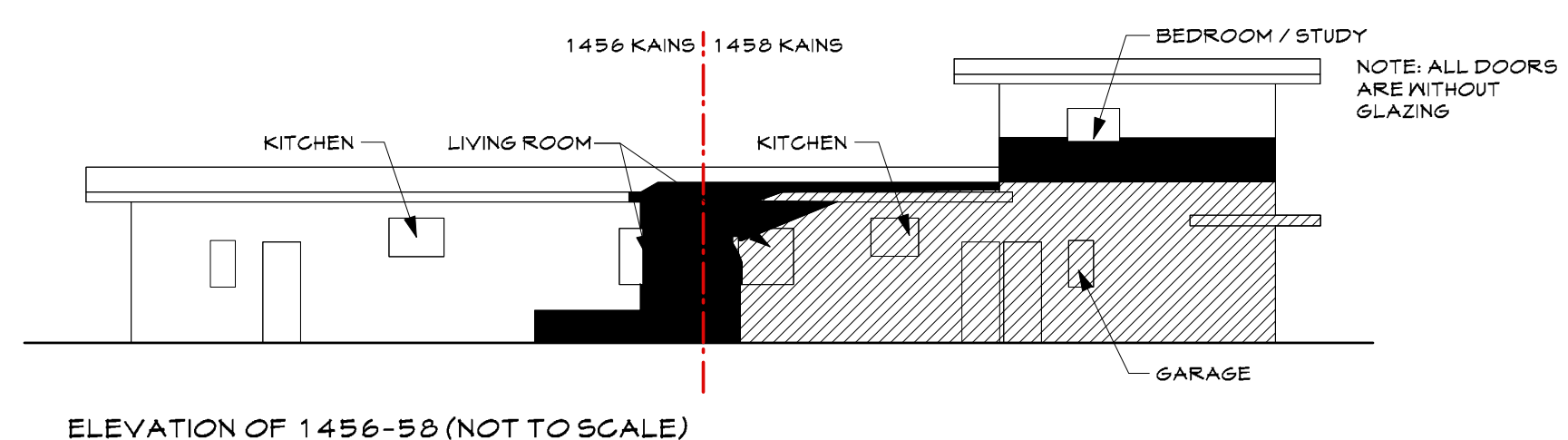
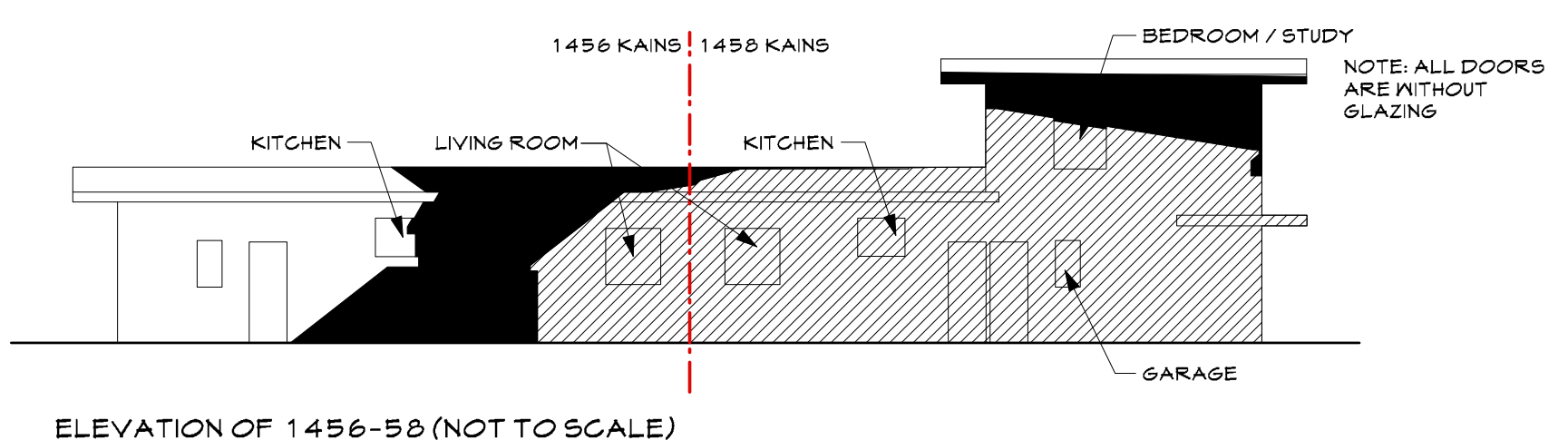


NOTE: ELEVATION OF 1456-1458 UNAFFECTED BY SHADOW OF 1460 FOR 6/21

1 JUNE 21 - 7:4 TAM (2 HRS AFTER SUNRISE) 1" = 50'

2 JUNE 21 - 12:00 PM (NOON) 1" = 50'

3 JUNE 21 - 6:35 PM (2 HRS BEFORE SUNSET) 1" = 50'



NOTE: THIS SHADOW STUDY ANALYZES WORST CASE SCENARIOS. IT DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 1460 KAINS AVENUE (E) STRUCTURE AND PROPOSED ADDITION.

LEGEND

- NEA SHADOW
- PROPOSED SHADOW ANALOGOUS W/ (E) SHADOW
- AREA OF PROPOSED WORK

4 DECEMBER 21 - 9:21 AM (2 HRS AFTER SUNRISE) 1" = 50'

5 DECEMBER 21 - 12:00 PM (NOON) 1" = 50'

6 DECEMBER 21 - 2:54 PM (2 HRS BEFORE SUNSET) 1" = 50'

REVISIONS	BY

Gary Earl Parsons
 ARCHITECT
 610 871 0972 814 Crosses Street
 310 526 3009 fax Berkeley, California 94710
 www.garyearlparsons.com

Rachelson / Lindquist Alterations
 1459 Kains Avenue
 Berkeley, CA 94702
 APN: 602395.08
 Shadow Study
 Administrative Use Permit Set

Date	11.14.2014
Scale	1" = 50'-0"
Drawn	N.E./L.K.
Job	
Sheet	

A 6



Planning and Development Department
Land Use Planning Division

July 1, 2016

Mark Rhoades
Heart Avenue Cottages, LLC
1611 Telegraph, Suite 200
Oakland, CA 94612

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

Hi Mark,

This letter is a follow up to our meeting of June 15th where you raised issue and or asked for clarification on a few items. Follows are the items followed by staff's determination and/or clarification.

- **PSA Completeness Items** – We concur that completeness items must be specifically stated on the submittal requirements checklist per Government Code Section 65940(a) and that further items (not considered 'completeness' items) may requested for further analysis. In lieu of providing the pest report as a completeness item, please provide a detailed demolition schematic for exterior walls and roofs to verify that no more than 25% of renovated building's exterior wall and roof framing will be removed. Please include new or expanded window openings in this calculation. Again, this is required to ensure that the older building renovation will not inadvertently lead to a demolition during construction. Please be aware that in trying to determine the extent in-house, it was noted that no windows are proposed on the ground floor of Azalea or Begonia. This will not be supportable.
- **Maximum Residential Density**
In calculating the maximum residential density for any project, including a density bonus project, the number is rounded down or is determined based on the density standard of the underlying district. The number is not rounded up. Government Code Section 65915(f)(5), which states that, "All density calculations resulting in fractional units shall be rounded up to the next whole number," specifically relates to the density bonus percentages, both number of below market rate units and number of density bonus units, resulting from the calculations of the preceding tables (1-4).

In the underlying R-2A zoning district, "No more than one Dwelling Unit shall be allowed for each 1,650 square feet of lot area. One additional Dwelling Unit may

also be allowed for any remaining lot area which may be less than 1,650 square feet, but not less than 1,300 square feet in area (BMC 23D.32.070.B.1).” The maximum allowable density on the two parcels is, therefore, 13 units (21,902 sq. ft. lot @ 1 dwelling unit per 1650 sq. ft. = 13.2 or 13 units).

- **Waivers and Concessions** – An applicant can request a waiver for any development standard that will have the effect of physically precluding the construction of a qualified density bonus development [Govt. Code 65915(f)(5)]. These are typically ‘building envelope’ type standards that must be waived to accommodate the density bonus units. Modifications to development standards that are requested to accommodate design preferences cannot be considered as “precluding development.” As stated in the letter I sent dated May 26, 2016, complying with the 6-foot required side yard setback for a third story does not seem to preclude development, just lessen the square footage and/or design of the affected unit. Similarly, not permitting two driveways within 75’ along a property line does not preclude development or permitting tandem parking just requires a redesign. This last two items may be moot if the design revision involves demolition of the existing single-family home (Camelia).

Therefore, at this point I have the project down for the following waivers and concessions:

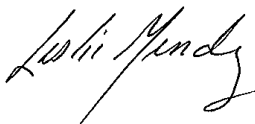
Waivers: Building separation (BMC 23D.32.070.D)
Lot Coverage (BMC 23D.32.070.E)
(Potentially) Tandem Parking
(Potentially) Third floor reduction of 6’ required side yard setback per BMC 23D.32.070.E

Concessions: Two driveways within 75’ along a property line per BMC 23D.12.080.J

In order for the tandem parking and the third story setback reduction to be considered waivers, you will need to submit compelling evidence demonstrating that enforcement of these standards would preclude the development.

Please be aware that if you do wish to pursue concessions you must submit a financial pro forma statement demonstrating that the requested concessions (1) are necessary to cover the cost of the affordable units [Govt. Code 65915(d)(1)] and (2) will result in identifiable, financially sufficient, and actual cost reductions [Govt. Code 65915(k)].

Sincerely,



Leslie Mendez
Senior Planner

Mendez, Leslie

From: Mendez, Leslie
Sent: Wednesday, July 13, 2016 3:48 PM
To: 'Mark Rhoades'
Subject: FW: 1155-75 Hearst Development (UP ZP2016-0028)
Attachments: MRP 2 0 C3i Stormwater_Requirements_Checklist_Jan_14_2016.doc

Hi Mark,

Follows are comments from Public Works (Vincent Chen) and Traffic Engineering (Michael Vecchio) for UP ZP2016-0028 (1155-75 Hearst).

From Vincent:

- The C.3. form you submitted is outdated. Attached is the most current. Please fill out and submit.

From Michael:

Abrams Traffic Memo dated January 8, 2016

- If they review CTPP/census data it would show that the average auto ownership is about 1.2 autos/HH. This supports their findings that, likely, 22 autos would be owned and, therefore, the site would be short 3 to 4 spaces. I state 3 to 4 spaces as their memo lists the on-site provision of parking at 18 but the site plan prepared by Devi Dutta shows 18 – and 2 of those are tandem.

Site Plan

- You already know about the average setback issue for the parking spaces – they appear to be almost one foot short of the required 4' average.
- We normally only allow 10% compact as our stalls are already pretty much on the low end of sizes.
- The ADA stall needs to be 9' wide with an 8' aisle. It seems they could provide this but it needs to be shown.
- The bike racks should meet CoB standards- - especially if they want to tout their provision as contributing to auto parking reductions. The bike storage “room” especially appears to be jammed into a 6' wide space and I don't know what racks they propose or if that width could work.
- The number of parking spaces conflict – the site plan shows 18 spaces but the Project Information Sheet states 19 spaces.
- I need more information on the building at 1173 Hearst – is it a duplex? Was the stated “existing” tandem parking previously approved? If only 1 DU, then the tandem would most likely not be counted towards the overall count of parking for the entire site.

If you prefer that Michael work directly with Stephen Abrams directly, please let me/Michael know.

Thanks,

Leslie

Leslie Mendez | Senior Planner | City of Berkeley
Planning and Development | Land Use Planning Division
2120 Milvia Street | Berkeley, CA 94704
☎ 510. 981.7426 | 📠 510. 981.7420
✉ lmendez@CityofBerkeley.info



Stormwater Requirements Checklist
 Municipal Regional Stormwater Permit (MRP 2.0)
 Stormwater Controls for Development Projects

City of Berkeley
 Public Works Dept.
 Engineering Division



I. C.3.i Project Information

This form applies to development projects creating and/or replacing ≥ 2500 ft² to $< 10,000$ ft² of impervious surface which are not Special Land Use Categories projects (auto service facilities, retail gasoline outlets, restaurants, and uncovered parking lots). This form also applies to detached single-family home projects, which create and /or replace ≥ 2500 ft² of impervious surface. Interior remodeling projects and routine maintenance or repair projects such as roof or exterior wall surface replacement and pavement resurfacing within the existing footprint are exempt from C.3.i stormwater requirement.

I.A. Enter Project Data

I.A.1 Project Name: _____

I.A.2 Project Address (include cross street): _____

I.A.3 Project APN: _____ I.A.4 Project Watershed¹: _____

I.A.5 Applicant Name: _____ I.A.6 Date Submitted: _____

I.A.7 Applicant Address: _____

I.A.8 Applicant Phone: _____ I.A.9 Applicant Email Address: _____

I.A.10 Development type: (check all that apply)
 Residential Commercial Industrial Mixed-Use Streets, Roads, etc.
 'Redevelopment' as defined by MRP: creating, adding and/or replacing exterior existing impervious surface on a site where past development has occurred²
 'Special land use categories' as defined by MRP: (1) auto service facilities³, (2) retail gasoline outlets, (3) restaurants³, (4) uncovered parking area (stand-alone or part of a larger project)

I.A.11 Project Description⁴:
 (Also note any past or future phases of the project.)

I.A.12 Total Area of Site: _____ acres I.A.13 Slope on Site: _____ %

I.A.14 Total Area of land disturbed during construction (include clearing, grading, excavating and stockpile area: _____ acres.

I.B. Enter the amount of impervious and pervious surface¹ created and/or replaced by the project.

Table of Impervious and Pervious Surfaces

Type of Impervious Surface	a	b	C	d
	Pre-Project Impervious Surface (sq.ft.)	Existing Impervious Surface to be Replaced ⁷ (sq.ft.)	New Impervious Surface to be Created ⁷ (sq.ft.)	Post-project pervious surface (sq.ft.)
Roof area(s) – excluding any portion of the roof that is vegetated ("green roof")				N/A
Impervious ⁵ sidewalks, patios, paths, driveways				
Impervious ⁵ uncovered parking ⁶				
Streets (public)				
Streets (private)				
Totals:				
Area of Existing Impervious Surface to remain in place				N/A
Total New Impervious Surface (sum of totals for columns b and c):				

¹ Watershed is defined by the maps from the Alameda County Flood Control District at <http://acffloodcontrol.org/resources/explore-watersheds>

Stormwater Requirements Checklist

- ² Roadway projects that replace existing impervious surface are subject to C.3 requirements only if one or more lanes of travel are added.
- ³ Standard Industrial Classification (SIC) codes are in Section 2.3 of the C.3 Technical Guidance (download at www.cleanwaterprogram.org)
- ⁴ Project description examples: 5-story office building, industrial warehouse, residential with five 4-story buildings for 200 condominiums, etc.
- ⁵ Per the MRP, pavement that meets the following definition of pervious pavement is NOT an impervious surface. Pervious pavement is defined as pavement that stores and infiltrates rainfall at a rate equal to immediately surrounding unpaved, landscaped areas, or that stores and infiltrates the rainfall runoff volume described in Provision C.3.d.
- ⁶ Uncovered parking includes top level of a parking structure.
- ⁷ "Replace" means to install new impervious surface where existing impervious surface is removed. "Create" means to install new impervious surface where there is currently no impervious surface.

I.C. Identify C.6 Construction-Phase Stormwater Requirements

	Yes	No
I.C.1 Does the project disturb 1.0 acre (43,560 sq.ft.) or more of land? (See Item I.A.14). <i>If Yes, obtain coverage under the state's Construction General Permit at https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp. Submit to the municipality a copy of your Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) before a grading or building permit is issued.</i>	<input type="checkbox"/>	<input type="checkbox"/>
I.C.2 Is the site a "High Priority Site" that disturbs less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make the final determination.) "High Priority Sites" are sites having any of the following criteria: <ul style="list-style-type: none"> ▪ that require a grading permit, ▪ are adjacent to a creek, ▪ or are otherwise high priority for stormwater protection during construction (see MRP 2.0 Provision C.6.e.ii.(2)(c)) 	<input type="checkbox"/>	<input type="checkbox"/>
I.C.3 Is the site a "Hillside Site" that disturbs 5,000 sq.ft. or more, but less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make the final determination.) <ul style="list-style-type: none"> ▪ "Hillside Sites" are located on hillsides, as indicated on a jurisdictional map of hillside development areas or as indicated by meeting jurisdictional hillside development criteria. ▪ If no map or criteria exist, then Hillside Sites are sites with a slope of 15% or more (see I.A.13 above and MRP 2.0 Provision C.6.e.ii.(2)(b)). 	<input type="checkbox"/>	<input type="checkbox"/>
➤ NOTE TO APPLICANT: All projects require appropriate stormwater best management practices (BMPs) during construction. Refer to the Section II to identify appropriate construction BMPs.		
➤ NOTE TO MUNICIPAL STAFF: If the answer is "Yes" to I.E.1, I.E.2, OR I.E.3, refer this project to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30) and other times of the year as appropriate.		

Stormwater Requirements Checklist

II. Implementation of C.3.i Stormwater Requirements

II.A. Select Appropriate Site Design Measures

Starting December 1, 2012, projects that create and/or replace 2,500 - 10,000 sq.ft. of impervious surface, and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface, **must include one or more of the following Site Design Measures a through f**, and are encouraged to implement the other Site Design Measures as practicable. See attached fact sheets for guidance on rain barrels / cisterns, vegetated areas and permeable surfaces, and attached sheets on recommended Source Control Measures and Construction BMPs.

II.A.1 Is the site design measure included in the project plans?

Yes	No	Plan Sheet No.
<input type="checkbox"/>	<input type="checkbox"/>	a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
<input type="checkbox"/>	<input type="checkbox"/>	b. Direct roof runoff onto vegetated areas.
<input type="checkbox"/>	<input type="checkbox"/>	c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
<input type="checkbox"/>	<input type="checkbox"/>	d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
<input type="checkbox"/>	<input type="checkbox"/>	e. Construct sidewalks, walkways, and/or patios with pervious surfaces. Use the specifications in the C3 Technical Guidance (Version 4.1) or for small projects see the BASMAA Pervious Paving Factsheet. For these documents and others go to www.cleanwaterprogram.org and click on "Resources."
<input type="checkbox"/>	<input type="checkbox"/>	f. Construct bike lanes, driveways, and/or uncovered parking lots with pervious surfaces. Use the specifications in the C3 Technical Guidance (Version 4.1) or for small projects see the BASMAA Pervious Paving Factsheet. For these documents and others go to the program website at: www.cleanwaterprogram.org and click on "Resources."
<input type="checkbox"/>	<input type="checkbox"/>	g. Minimize land disturbance and impervious surface (especially parking lots).
<input type="checkbox"/>	<input type="checkbox"/>	h. Maximize permeability by clustering development and preserving open space.
<input type="checkbox"/>	<input type="checkbox"/>	i. Use micro-detention, including distributed landscape-based detention.
<input type="checkbox"/>	<input type="checkbox"/>	j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
<input type="checkbox"/>	<input type="checkbox"/>	k. Self-treating area (see Section 4.1 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input type="checkbox"/>	l. Self-retaining area (see Section 4.2 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input type="checkbox"/>	m. Plant or preserve interceptor trees (Section 4.5, C.3 Technical Guidance)

Stormwater Requirements Checklist

II.B. C.3.i projects are encouraged to implement the following Source Control Measure as practicable.

Are these features in project?		Features that require source control measures	Source control measures (Refer to Local Source Control List for detailed requirements)	Is source control measure included in project plans?		
Yes	No			Yes	No	Plan Sheet No.
<input type="checkbox"/>	<input type="checkbox"/>	Storm Drain	Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Floor Drains	Plumb interior floor drains to sanitary sewer ⁸ [or prohibit].	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Parking garage	Plumb interior parking garage floor drains to sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Landscaping	<ul style="list-style-type: none"> ▪ Retain existing vegetation as practicable. ▪ Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. ▪ Minimize use of pesticides and quick-release fertilizers. ▪ Use efficient irrigation system; design to minimize runoff. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Pool/Spa/Fountain	Provide connection to the sanitary sewer to facilitate draining. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Food Service Equipment (non-residential)	Provide sink or other area for equipment cleaning, which is: <ul style="list-style-type: none"> ▪ Connected to a grease interceptor prior to sanitary sewer discharge.⁹ ▪ Large enough for the largest mat or piece of equipment to be cleaned. ▪ Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off, and signed to require equipment washing in this area. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Refuse Areas	<ul style="list-style-type: none"> ▪ Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. ▪ Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Outdoor Process Activities ⁹	Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Outdoor Equipment/Materials Storage	<ul style="list-style-type: none"> ▪ Cover the area or design to avoid pollutant contact with stormwater runoff. ▪ Locate area only on paved and contained areas. ▪ Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer⁹, and contain by berms or similar. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Vehicle/Equipment Cleaning	<ul style="list-style-type: none"> ▪ Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer⁹, and sign as a designated wash area. ▪ Commercial car wash facilities shall discharge to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Vehicle/Equipment Repair and Maintenance	<ul style="list-style-type: none"> ▪ Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. ▪ No floor drains unless pretreated prior to discharge to the sanitary sewer.⁹ ▪ Connect containers or sinks used for parts cleaning to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Fuel Dispensing Areas	<ul style="list-style-type: none"> ▪ Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break. ▪ Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Loading Docks	<ul style="list-style-type: none"> ▪ Cover and/or grade to minimize run-on to and runoff from the loading area. ▪ Position downspouts to direct stormwater away from the loading area. ▪ Drain water from loading dock areas to the sanitary sewer.⁹ ▪ Install door skirts between the trailers and the building. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Miscellaneous Drain or Wash Water	<ul style="list-style-type: none"> ▪ Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.⁹ ▪ Roof drains shall drain to unpaved area where practicable. ▪ Drain boiler drain lines, roof top equipment, all washwater to sanitary sewer⁹. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Copper	Discharge rinse water to sanitary sewer ⁹ , or collect and dispose properly offsite. See flyer "Requirements for Architectural Copper."	<input type="checkbox"/>	<input type="checkbox"/>	

⁸ Any connection to the sanitary sewer system is subject to sanitary district approval.

⁹ Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

Stormwater Requirements Checklist

II.C Implement Construction Best Management Practices (BMPs) where applicable.

Yes	No	Best Management Practice (BMP)
<input type="checkbox"/>	<input type="checkbox"/>	Attach the municipality's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
<input type="checkbox"/>	<input type="checkbox"/>	Temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established.
<input type="checkbox"/>	<input type="checkbox"/>	Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
<input type="checkbox"/>	<input type="checkbox"/>	Provide notes, specifications, or attachments describing the following: <ul style="list-style-type: none"> ▪ Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; ▪ Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; ▪ Specifications for vegetative cover & mulch, include methods and schedules for planting and fertilization; ▪ Provisions for temporary and/or permanent irrigation.
<input type="checkbox"/>	<input type="checkbox"/>	Perform clearing and earth moving activities only during dry weather.
<input type="checkbox"/>	<input type="checkbox"/>	Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
<input type="checkbox"/>	<input type="checkbox"/>	Protect all storm drain inlets in vicinity of site using sediment controls such as berms, fiber rolls, or filters.
<input type="checkbox"/>	<input type="checkbox"/>	Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stock piles, etc.
<input type="checkbox"/>	<input type="checkbox"/>	Divert on-site runoff around exposed areas; divert off-site runoff around the site (e.g., swales and dikes).
<input type="checkbox"/>	<input type="checkbox"/>	Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
<input type="checkbox"/>	<input type="checkbox"/>	Limit construction access routes and stabilize designated access points.
<input type="checkbox"/>	<input type="checkbox"/>	No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated.
<input type="checkbox"/>	<input type="checkbox"/>	Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
<input type="checkbox"/>	<input type="checkbox"/>	Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.
<input type="checkbox"/>	<input type="checkbox"/>	Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, washwater or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.

Mendez, Leslie

From: Mendez, Leslie
Sent: Friday, August 19, 2016 4:02 PM
To: 'Mia Perkins'
Cc: Mark Rhoades
Subject: 1155-75 Hearst

Hi Mia,

A follow up on the two items I raised in our meeting of August 4th.

First, Balance Hydrologics is able an available to peer review Stormwater and Flooding Assessment and Mitigation Design for the proposed project. Yeah! The fee is \$950. If you can drop off a check in that amount made out to the City of Berkeley, we can get that process underway.

Second, staff has determined that you can select whether to use 65915 of the Government Code for Density Bonus, or 65915.5 specifically for condo conversions. The former may actually be more applicable as there is new base project construction in addition to conversion. However, as I previously communicated with you, if you are moving forward with 65915, you must provide evidence that the existing units will undergo *substantial rehabilitation* and *the result the rehabilitation would be a net increase in available units*. This latter may be difficult as the units are already 'available' aka resided in.

Thanks and have a good weekend.

Thanks,
Leslie

Leslie Mendez | Senior Planner | City of Berkeley
Planning and Development | Land Use Planning Division
2120 Milvia Street | Berkeley, CA 94704
☎ 510. 981.7426 | 📠 510. 981.7420
✉ lmendez@CityofBerkeley.info

Memorandum

To: Leslie Mendez, City of Berkeley Planning & Development Department
From: Mark Rhoades, Rhoades Planning Group
Date: October 11, 2016
Re: 1155-1173 Hearst Avenue/ZP2016-0028 Response to May 26, 2016 Incomplete Letter

Dear Ms. Mendez,

This letter and the attached materials are provided as a response to your incomplete letter, dated May 26, 2016 for the property located at 1155-1173 Hearst Avenue. We have addressed each of your requests in the order that they appear in your May 26, 2016 letter.

1. Density Bonus Calculations

Response: We believe that the correct reading and interpretation of GC 65915(i) applies generally to ANY residential development that meets the affordability criteria and includes the substantial rehabilitation of a multi-family building where there will be a net increase in units.

Please see attached letter from our land use attorney, Michael Brown, to this effect. The letter was provided by our counsel to the Berkeley City attorney's office on October 6, 2016. It reiterates the points, in more detail, that we have been making from the beginning of this process. The state law does NOT say that ONLY rehabbed buildings that would include a net increase in density can be included in the base project of a site with existing units. Also – we know that density bonus law also applies to single family residential subdivisions. In the case of the Hearst project there are several buildings that will result in a net increase in units and there is one existing single family residence. That single family residence is proposed to become a part of a multifamily development that includes the rehab of other multifamily buildings.

Coupled with the fact that all of the existing rent controlled units on site will be kept at affordable pricing per the requirements of 65915 we do not believe that there is room to interpret the law so narrowly. Simply put, the law states that the density bonus is applied to projects meeting the standards of GC 65915 and including rehabbed multifamily buildings. It does not support the staff's interpretation that ONLY rehabbed multifamily buildings can be considered as a part of the base project. However, even if the City Attorney's written interpretation (which we hereby request a copy of) differs, we have provided you with the information needed to move the project forward.

2. Substantial Rehabilitation

Response: This response is provided at your request, but it is neither a submittal requirement nor, in the opinion of our counsel, a State Density Bonus Law (SDBL) requirement. The proposed rehabilitation of the existing units will consist of replacement of plumbing, mechanical, electrical, drywall, roof and foundations. Please see Page A0.10, Site Photos of existing units, however, per the attached letter from our attorney, this is not a threshold project requirement under SDBL.

3. Boundary/Topographic Survey

Response: Please see enclosed wet-stamped and signed survey from Moran Engineers. It is provided consistent with the City of Berkeley project submittal requirements at a scale of 1"=10'.

4. Building Data

Response: Please find enclosed plan set drawn at 1/8 inch scale. Please see Page A1.7, Second Floor Plan, showing the building separation between the Daffodil and Geranium building. The narrowest point between the two buildings is 9'8". Per the request in the original applicant statement, the project requires a waiver and modification for building separation per BMC 23D.32.070D.

5. Floor Plans

Response: Please see Page A1.2 for existing floor plans and elevations of the Camelia building. Please see Page A4.3 for the proposed floor plan for the Camelia building and Pages A4.3A and A4.3B for the proposed elevations for the Camelia building.

6. Trees

Response: Please see Page A1.0 showing the location and diameters of all existing trees. No Coast Live Oak trees exist on the site or they would have been labeled as such.

7. Shadow Study

Response: Please see Pages A6.0, A6.1, A6.2, A6.3 showing the revised shadow studies with each shadow outlined in red.

8. Structural Pest Report

Response: Please find enclosed structural pest reports, dated 7/08/16 and 7/27/16. The second inspection on 7/27/16 was performed because certain areas on the site were not accessible during the first inspection.

10. Parking & Driveways

Response: Please see Page A4.4 for screening detail of the proposed cedar fence. Regarding the two driveways, please see #12 below, Waivers and Concessions.

11. Applicant Fees

Response: The applicant paid additional fees on April 26, 2016 in the amount of \$1,054 after receiving invoice #290173. The applicant will pay any additional fees that are due in full, upon

receipt of an invoice.

12. Waivers and Concessions

Response: Your May 26, 2016 incomplete letter confirms that the project is eligible for waivers and modifications for Building Separation and Lot Coverage, but lists Tandem Parking as “potentially” eligible for a waiver. In addition, the May 26, 2016 incomplete letter incorrectly lists the request for reduction of side yard setback and maintaining the two existing driveways as concessions. Your July 1, 2016 letter lists Building Separation, Lot Coverage, and Tandem Parking “potentially” in the waiver category and you moved the request for reduction of side yard setback from the concessions category (May 26, 2016 letter) to the waiver category. Maintaining the two existing driveways remained in the concession category in your July 1, 2016 letter. Per the State law, all zoning standards that conflict with the proposed project must be waived or modified.

You stated in your July 1, 2016 letter, at the end of page 2, that “in order for the tandem parking and the third story setback reduction to be considered waivers, you will need to submit compelling evidence demonstrating that enforcement of these standards would preclude the development.” The argument that an applicant for a proposed housing development under SDBL has to affirmatively demonstrate that a municipality’s denial of a requested waiver and modification would physically preclude the construction of that housing development, was decided and ruled on in *Wollmer vs. City of Berkeley* (2011) 193 Cal App. 4th 1329 (enclosed here).

In *Wollmer vs. City of Berkeley*, the Court states that the purpose of the SDBL is to encourage municipalities to incentivize the development of more affordable units. In *Wollmer*, the appellant argued that the City cannot waive development standards unless it specifically finds that the waived standards physically preclude construction of the density-bonus qualifying project. The appellant further argued that waivers and modifications to accommodate project amenities do not meet the test of physically precluding construction. To this point, the Court held that “Standards may be waived that physically preclude construction of a housing development meeting the requirements for a density bonus, period. (G.C. Sec 65915(e)(1).” The proposed project at 1155-1173 Hearst Avenue meets the definition of a housing development per G.C. Section 65915(b)(1)(A) by providing 11% of the units at 50% AMI, therefore the requested waivers and modifications should be granted.

The appellant in *Wollmer* also argued that the waivers and modifications requested were to accommodate project amenities, such as an interior courtyard. The Court stated that “the statute does not say that what must be precluded is a project with no amenities, or that amenities may not be the reason the waiver is needed.” This is further reason that each of the requested waivers and modifications for the proposed Hearst project be granted and none should be considered concessions or incentives.

The *Wollmer* decision explains that the only circumstance under which a municipality can deny a waiver and modification is if the waiver or modification would have a significant adverse impact on the health, safety or physical environment that cannot be mitigated or avoided (G.C. Section 65915(e)(1)). None of the waivers and modifications requested for the proposed Hearst project pose a significant impact to the health, safety or physical environment. Government Code Section 65589.5(d)(2) provides that "inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety." Both the plain language of SDBL and the Court's interpretation of the law in the *Wollmer* decision strongly mandate granting the requested waivers and modifications for the proposed Hearst project without further delay.


The project is entitled to the following waivers and modifications:

1. Building Separation
2. Lot Coverage
3. Tandem Parking
4. Third floor reduction of 6FT required side yard setback
5. Two driveways within 75 FT along a property line

Materials submitted with this letter:

1. 24x36 Plan set scaled to 1/8th inch
2. 11x17 color plan set
3. Structural pest reports (dated 7/8/16 & 7/27/16)
4. Revised Applicant Statement
5. October 6, 2016 letter from Michael Brown of Brown Gee & Wenger, LLP, to Zach Cowan
6. *Wollmer vs. City of Berkeley* (2011) 193 Cal. App. 4th 1329
7. Letter from Leslie Mendez, City of Berkeley, to Mark Rhoades, dated May 26, 2016

WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT

Building No. 1161-63	Street, City, Zip Hearst Avenue, Berkeley, CA, 94702	Date of Inspection 07/08/16	No. of Pages 10
CHARLES J MAYER & COMPANY P.O. Box 1026 Concord, CA 94522-1026 Ph: (510) 428-1915 or (925) 685-7374 Toll: (800) 861-1881 Fax: (925) 685-3722			
Firm Registration No. PR 7038	Report No. 49659	Escrow No.	
Ordered By: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 Wayne Palmer	Property Owner/Party of Interest: HEARST AVENUE COTTAGES LLC 1958 University Avenue, Suite A Berkeley CA 94702	Report Sent To: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 Wayne Palmer	
COMPLETE REPORT <input checked="" type="checkbox"/> LIMITED REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT <input type="checkbox"/> REINSPECTION REPORT <input type="checkbox"/>			
General Description: Single story wood frame with stucco exterior.		Inspection Tag Posted: under kitchen sink of 1161	
		Other Tags Posted:	
An inspection has been made of the structure(s) shown on the diagram in accordance with the Structural Pest Control Act. Detached porches, detached steps, detached decks and any other structures not on the diagram were not inspected.			
Subterranean Termites <input type="checkbox"/> Drywood Termites <input type="checkbox"/> Fungus/Dryrot <input checked="" type="checkbox"/> Other Findings <input checked="" type="checkbox"/> Further Inspection <input checked="" type="checkbox"/>			
If any of above boxes are checked, it indicates that there were visible problems in accessible areas. Read the report for details on checked items.			

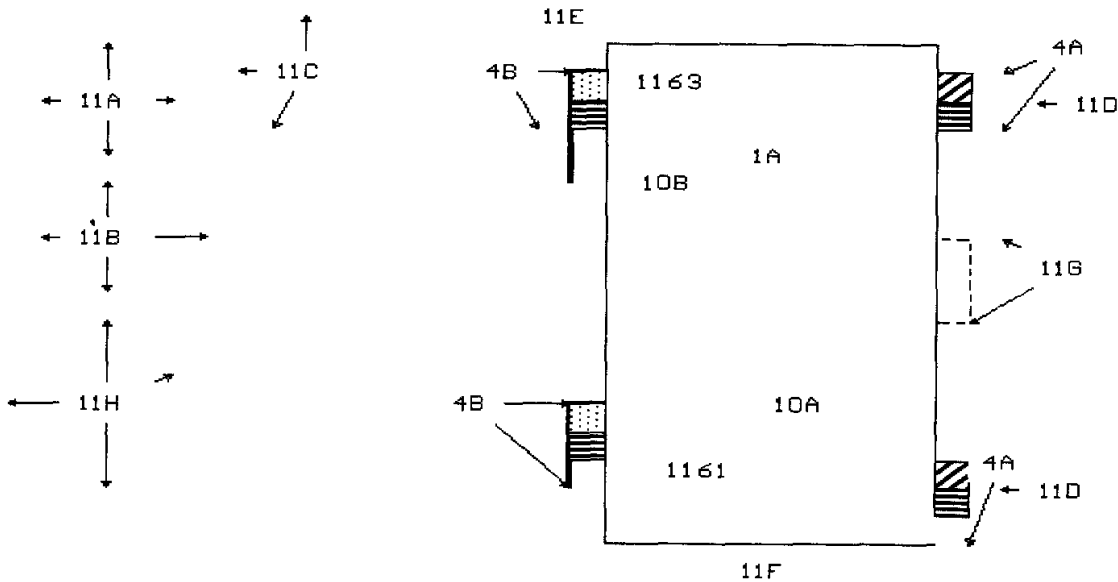


DIAGRAM NOT TO SCALE FRONT

Inspected By Judy Goodner License No. OPR9650 Signature Judy Goodner

You are entitled to obtain copies of all reports and completion notices on this property reported to the Structural Pest Control Board during the preceding two years. To obtain copies contact: Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, California 95815-3681.

NOTE: Questions or problems concerning the above report should be directed to the manager of the company. Unresolved questions or problems with services performed may be directed to the Structural Pest Control Board at (916) 561-8708, (800) 737-8188 or www.pestboard.ca.gov. 43M-41 (Rev. 10/01)

2nd

PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63	Hearst Avenue	\, Berkeley, CA, 94702	07/08/16	49659
BUILDING NO.	STREET, CITY, STATE, ZIP		INSPECTION DATE	REPORT NO.

"NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company.

GENERAL INFORMATION: This report, as itemized and diagramed below, only covers the visible and accessible areas of the structure at this time. Interiors of hollow walls, inaccessible attic area, spaces between a floor and ceiling, spaces between a deck with a soffit below, stall showers over finished ceilings with no evidence of water stain on finish ceiling below, buttress areas, behind or below installed appliances (appliances are not moved during the course of inspection), areas behind furniture or drapes, floors beneath coverings, storage and locked areas, areas that require ladders or access from a roof (THIS IS A GROUND LEVEL INSPECTION), or any area where inspection is possible only through tearing out or defacing of finished work are considered inaccessible and were not inspected. Such an inspection would be almost prohibitive in cost and impractical unless otherwise noted herein. We do not guarantee the work of others. Plumbing, grouting, caulking, re-setting of toilets, linoleum work, shower and glass repairs are guaranteed for 30 days from date of completion. Chemical treating and structural repairs are guaranteed for one (1) year.

GENERAL INFORMATION:

This Company does not guarantee the watertight integrity of the roof coating or gutter systems. If parties of interest to this property have questions concerning the roof coating or gutter systems, it is RECOMMENDED THAT they engage the services of a licensed Roofing contractor to determine the true condition of the roof and gutters to the mutual satisfaction of all parties concerned.

This Structural Pest Control Report is in accordance with the State of California Structural Pest Control Act report requirements. Reference: Title 16, Chapter 19, Sections 1990, 1991, 1992. The intent of this inspection is to indicate the absence or presence of wood destroying pest or organisms or conditions conducive thereto and to make recommendations for corrective measures for the conditions indicated. An itemized price quotation for repairs is attached. **NOTE:** Interested parties are to clearly understand that this Report is limited to the Structural Pest Control Act report requirements and is not to be construed as an all-encompassing general building code compliance inspection. Should interested parties require information about such areas as roof coverings, gutters/downspouts, electrical, electrical fixtures, plumbing, plumbing fixtures, operable conditions of doors and windows, broken/worn portions of the building, weather proofing of exteriors, weather stripping/caulking, earth settling, soil drainage, and other areas not included in this report, a person specializing in these areas is to be consulted for advice/recommendations. This report does not include indications and/or recommendations about any area other than report requirements of the State of California Structural Pest Control Act.

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During the course of repairs, additional Structural Pest Control related conditions may be uncovered. If CHARLES J. MAYER is performing the repairs, we assume responsibility for such additional conditions. If repairs are performed by others, they must assume liability for such additional repairs. Additional responsibility does not apply where further inspection is recommended.

CHARLES J. MAYER will make every effort to guard against damage to landscape during the process of completing the repairs outlined above. However, due to the nature of these repairs, damage to the adjacent landscape may occur. This Company makes no warranties with regard to possible damage to landscape. Parties of interest may wish to relocate adjacent landscape prior to commencement of repairs to guard against possible damage.

In the event CHARLES J. MAYER is authorized to perform a portion of the work recommended above, a minimum charge of \$250.00 will be made, or the cost of the authorized work, whichever is greater.

This Company does not make plumbing repairs. If in the course of completing the repairs outlined above, leaks or other defective plumbing conditions are discovered, it will be the Owner's responsibility to contact a licensed Plumbing contractor to make all necessary plumbing repairs required.

The inspection of this property included a ground level inspection of the building for visible evidence of active infestation or infection only. Our inspectors are not equipped to carry ladders, therefore all inspection of the building are done from ground level only. Should interested parties request; ladders/scaffolding are provided, and damage releases are provided; roof level inspections will be provided for infestation or infection only, not for the life or condition of any roof surfaces.

We at CHARLES J. MAYER appreciate your patronage. If there is any way in which we may be of further service to you, please do not hesitate to call. Once again, we thank you.

MOLD DISCLAIMER. There may be health-related issues associated with the findings reflected in this report. We are not qualified to and do not render an opinion concerning any such health issues. The inspection reflected by this report was limited to visible and accessible areas only. Questions concerning health-related issues which may be associated with the findings or recommendations reflected in this report, the presence of mold, the release of mold spores or concerning indoor air quality, should be directed to a Certified Industrial Hygienist.

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THIS IS A SEPARATED REPORT WHICH IS DEFINED AS SECTION 1 AND SECTION 2 CONDITIONS EVIDENT ON THE DATE OF INSPECTION. SECTION 1 CONTAINS ITEMS WHERE THERE IS EVIDENCE OF ACTIVE INFESTATION, INFECTION, OR CONDITIONS THAT HAVE RESULTED IN OR FROM INFESTATION OR INFECTION. SECTION 2 ITEMS ARE CONDITIONS DEEMED LIKELY TO LEAD TO INFESTATION OR INFECTION, BUT WHERE NO VISIBLE EVIDENCE OF SUCH WAS FOUND. FURTHER INSPECTION ITEMS ARE DEFINED AS RECOMMENDATION TO INSPECT AREA(S) WHICH, DURING THE ORIGINAL INSPECTION, DID NOT ALLOW THE INSPECTOR ACCESS TO COMPLETE HIS INSPECTION AND CANNOT BE DEFINED AS SECTION 1 OR SECTION 2.

SUBSTRUCTURE AREA:

Item 1A: The area indicated on the diagram is inaccessible as there is a critter cage in the access opening. RECOMMEND TO provide access to the area. Further inspection will be performed after the access is provided and a supplemental report issued to cover any additional findings.
 ***** Unknown Further Inspection Recommended *****

PORCHES - STEPS:

Item 4A: UNITS 1161 & 1163 There is fungus damage to the kitchen door wood stairs and landing. RECOMMEND TO remove and replace all fungus damaged wood with new pressure-treated fir supports and new redwood decking. All new and existing wood will be treated with BORA-CARE and left ready for painting by others.
 ***** This is a Section 1 Item *****

Item 4B: UNITS 1161 & 1163 the front concrete over wood frame porchs and stairway have been leaking with fungus infection caused by the condition in the areas indicated on the diagram. RECOMMEND TO remove the existing concrete, breakopen the stucco as necessary, remove and replace all fungus damaged wood framing with new pressure-treated material. Treat all new and remaining wood with BORA-CARE. Install new water proof membrane and replace the concrete stairs and landing with new concrete. Replace the stucco to match the existing texture as close as possible and prime paint. Any inside surfaces disturbed by these repairs will be patched and left ready for painting and refinishing by others.

***** This is a Section 1 Item *****

OTHER - INTERIOR:

Item 10A: UNIT 1161 The ceramic tile tub walls and floor are in need of grouting and sealing. RECOMMEND THAT owner keep these areas sealed and grouted to prevent future damage.
 ***** This is a Section 2 Item *****

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OTHER - INTERIOR:

Item 10B: UNIT 1163 the interior was inaccessible for inspection as indicated on the diagram. RECOMMEND THAT owner provide permanent access to the area. Further inspection will be performed after the access is provided and a supplemental report issued to cover any additional findings.

***** Unknown Further Inspection Recommended *****

OTHER - EXTERIOR:

Item 11A: There are cracks in the exterior stucco. RECOMMEND THAT owners seal these cracks and keep them sealed to prevent water entry from occurring.

***** This is a Section 2 Item *****

Item 11B: The wood trim around the doors and windows around the structure are not sealed and are allowing moisture entry. RECOMMEND THAT owner seal these areas and keep them sealed to prevent moisture entry in the future.

***** This is a Section 2 Item *****

Item 11C: The exterior surfaces of this structure are in need of maintenance and repair to include caulking, nailing, glazing, and painting. RECOMMEND THAT owners maintain all exterior surfaces watertight to prevent damage from occurring in the future.

***** This is a Section 2 Item *****

Item 11D: UNITS 1161 & 1163 The kitchen door in the area indicated is fungus damaged. RECOMMEND TO remove and replace with new prime painted door, using existing hardware. Owner is to maintain the new door painted and sealed to prevent future damage.

***** This is a Section 1 Item *****

Item 11E: There is fungus infection noted in the wood sash, frame and window stool in the area noted on the diagram. RECOMMEND TO remove and replace with new prime painted wood sash, using existing hardware (ropes and weights and/or balances are not replaced with these repairs) (any wood sash presently stained will be left natural). Remove and replace the window trim and stool with new prime painted wood.

***** This is a Section 1 Item *****

Item 11F: There is fungus infection noted in window trim members in the area indicated on the diagram. RECOMMEND TO remove and replace and/or cut off and repair all fungus damaged wood members with new prime painted wood. **NOTE:** If the damage extends into the siding and/or framing behind the trim, a Supplemental Report will be issued to cover additional findings and cost of repair.

***** This is a Section 1 Item *****

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OTHER - EXTERIOR:

Item 11G: The hot water tank door and frame in the area indicated are fungus damaged and in earth to wood contact. RECOMMEND TO remove and replace with new prime painted wood, using existing hardware. Owner is to maintain the new door painted and sealed to prevent future damage. Break the earth to wood contact as practical.

***** This is a Section 1 Item *****

Item 11H: There may be moisture entry into the stucco walls, soffits, and/or abutments. RECOMMEND FURTHER INSPECTION of the exterior surfaces by installing test holes in the stucco. A Supplemental Report will be issued to cover additional findings and cost of repair. The holes will be sealed and left ready for painting by others. This is a ground level inspection only.

***** Unknown Further Inspection Recommended *****

"The exterior surface of the roof will not be inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractor's State License board."

THIS PROPERTY WAS BUILT PRIOR TO 1978. EPA REGULATIONS NOW REQUIRE THAT ALL REPAIRS TO THIS PROPERTY THAT MAY DISTURB LEAD BE PERFORMED BY AN EPA CERTIFIED LEAD RENOVATOR. A COPY OF THE EPA BROCHURE, RENOVATE RIGHT, IS BEING SENT WITH THIS REPORT. IF THIS IS A MULTI FAMILY DWELLING, THE BROCHURE MUST BE GIVEN TO EACH UNIT OF THE BUILDING.

WARNING: Repairs by this company to residences built before 1978 may disturb materials containing lead-based paint and may release debris or dust containing lead. Lead is a chemical known to the State of California to cause cancer and birth defects or other reproductive harm. These repairs have to be performed by a EPA licensed firm.

(This notice is provided in compliance with California's Proposition 65. For further information, contact your health care provider or an industrial hygienist. A licensed pest control inspector is not an expert in lead, lead-based paint, or exposure to lead. This report is not intended to identify the presence or absence of lead or lead-based paint in the building inspected. Whether lead-based paint is present can be determined only by a certified lead inspector. For a list of certified lead inspectors, call the California Dept. of Health Services' Lead-Related Construction Information Line at 800-597-5323 or 510-869-3953.) If this is an FHA or HUD financed loan, the lead cleanup will have to be performed by a lead cleaning firm and paid for by owner.

NOTE: ALL DEBRIS WITH LEAD WILL BE BAGGED AND LEFT AT THE SITE FOR DISPOSAL BY THE OWNER TO THE PROPER SITE. DISPOSAL HAS TO BE PERFORMED BY A FIRM LICENSED TO HAUL AND DISPOSE OF THIS MATERIAL.

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OTHER - EXTERIOR:

There are items in this report that require a building permit and inspection from your local building department. NOTE: Any addition requirements by the city (street numbers, gas shutoff valves, spark arrestors, etc) will be the responsibility of the owner and are not included in this bid. NOTE: THE CITY OF BERKELEY REQUIRES REVIEW BY A STRUCTURAL ENGINEER FOR ANY STRUCTURAL REPAIR. COST OF THIS REVIEW IS TO BE PAID BY THE CLIENT.

MOLD DISCLAIMER. There may be health issues associated with the structural repairs reflected in this Work Authorization Contract. These health implications include, but are not limited to, the possible release of mold spores during the course of repairs. We are not qualified to, and do not render any opinion concerning any such health issues or any special precautions. Any questions concerning any health issues or any special precautions to be taken prior to or during the course of such repairs, should be directed to a Certified Industrial Hygienist before any such repairs are undertaken. By executing this Work Authorization Contract, Customer acknowledges that he/she has been advised of the foregoing, and has had an opportunity to consult with a qualified professional.

BY EXECUTING THIS WORK AUTHORIZATION CONTRACT AND BY REQUESTING CHARLES J. MAYER TO PROCEED WITH THE STRUCTURAL REPAIRS REFLECTED HEREIN, CUSTOMER RELEASES CHARLES J. MAYER FROM ANY AND ALL LIABILITY FOR ANY DAMAGE OR INJURY OF ANY KIND WHATSOEVER (INCLUDING BUT NOT LIMITED TO ANY CONSEQUENTIAL DAMAGE) WHICH IS CLAIMED TO ARISE FROM THE DISPERSAL OF MOLD OR MOLD SPORES RESULTING FROM THE PERFORMANCE OF THE STRUCTURAL REPAIRS REFERRED TO HEREIN BY CHARLES J. MAYER.

Customer Initials Date

"This company will reinspect repairs done by others done within four months of the original inspection. A charge, if any, can be no greater than the original inspection fee for each reinspection. The reinspection must be done within ten (10) working days of request. The reinspection is a visual inspection and if inspection of concealed areas is desired, inspection of work in progress will be necessary. Any guarantees must be received from parties performing repairs."

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GENERAL INFORMATION: This report, as itemized and diagramed below, only covers the visible and accessible areas of the structure at this time. Interiors of hollow walls, inaccessible attic area, spaces between a floor and ceiling, spaces between a deck with a soffit below, stall showers over finished ceilings with no evidence of water stain on finish ceiling below, buttress areas, behind or below installed appliances (appliances are not moved during the course of inspection), areas behind furniture or drapes, floors beneath coverings, storage and locked areas, areas that require ladders or access from a roof (THIS IS A GROUND LEVEL INSPECTION), or any area where inspection is possible only through tearing out or defacing of finished work are considered inaccessible and were not inspected. Such an inspection would be almost prohibitive in cost and impractical unless otherwise noted herein. We do not guarantee the work of others. Plumbing, grouting, caulking, re-setting of toilets, linoleum work, shower and glass repairs are guaranteed for 30 days from date of completion. Chemical treating and structural repairs are guaranteed for one (1) year.

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OCCUPANT'S CHEMICAL NOTICE

CHARLES J. MAYER will use pesticide chemical(s) specified below for the control of wood destroying pests or organisms in locations identified in the Structural Pest Control report as indicated above.

(1) The pest(s) to be controlled:

- SUBTERRANEAN TERMITES
- FUNGUS or DRY ROT
- BEETLES
- DRY-WOOD TERMITES
- OTHER _____

(2) The pesticide(s) proposed to be used and the active ingredient(s).

- A. JECTIA: Active ingredients: Disodium Octaborate Tetrahydrate
- B. COPPER GREENE: Active ingredients: Copper Naphthenate
- C. BORA-CARE: Active ingredients: Disodium Octaborate Tetrahydrate
- D. ALTRISSET: Active ingredients: Chlorantraniliprole
- E. ZINC NAPHTENATE: Active ingredients: Zinc Naphtenate
- F. CHLOROPICRIN: Active ingredients: Chloropicrin
- G. METHYL BROMIDE: Active ingredients: Methyl Bromide
- H. VIKANE/ZYTHOR: Active ingredients: Sulfuryl Floride
- I. TIM-BOR: Active ingredients: Disodium Octabroate Tetrahydrate
- J. IMPEL: Active ingredients: Anhydrous Disodium Octaborate
- K. PREMISE 75: Active ingredients: Imidacloprid
- L. FIRST LINE BAIT: Active ingredients: Ethyl Perfluorooctane Sulfonamide
- M. TERMIDOR SC: Active ingredients: Firronil

(3) "State Law requires that you be given the following information: CAUTION--PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the State finds that based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

"If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or poison control center (800-222-1222) and your pest operator immediately."
 (Symptoms of Termidor are CNS stimulation, tremors, and convulsions. Symptoms of Vikane are respiratory irritation and CNS depression.)

For further information, contact any of the following:

- Charles J. Mayer..... (925) 685-7374
- Contra Costa County Health Department (925) 370-5064
- Alameda County Health Department (510) 567-6700
- Contra Costa County Agriculture Commissioner (925) 646-5250
- Alameda County Agriculture Commissioner (510) 670-5232

10th PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63 Hearst Avenue \, Berkeley, CA, 94702 07/08/16 49659
BUILDING NO. STREET, CITY, STATE, ZIP INSPECTION DATE REPORT NO.

Contra Costa Poison Control Center (800) 222-1222
Structural Pest Control
2005 Evergreen St., #1500 Sacramento, CA 95815 (916) 263-2544

Persons with respiratory or allergic conditions, or others who may be concerned about their health relative to this chemical treatment, should contact their physician concerning occupancy during and after chemical treatment prior to signing this NOTICE.

NO CHEMICAL APPLICATION WILL BE PERFORMED UNTIL SUCH TIME THAT THIS NOTICE IS RETURNED. HAVING READ THE INSTRUCTIONS, I, THE UNDERSIGNED, WILL ACCEPT RESPONSIBILITY FOR ALL THE AFOREMENTIONED.

OWNER/OCCUPANT DATE OWNER/OCCUPANT DATE

CHARLES J MAYER & COMPANY
 P.O. Box 1026
 Concord, CA 94522-1026
 Ph: (510) 428-1915 or (925) 685-7374
 Toll: (800) 861-1881 Fax: (925) 685-3722



WORK AUTHORIZATION CONTRACT

Address of Property: 1161-63 Hearst Avenue \, Berkeley, CA, 94702
 Inspection Date: 07/08/2016
 Report #: 49659
 Title Co. & Escrow #:

We Authorize the Following Section 1 Items to be Performed. 4A,4B,11D,11E,11F,11G	We Authorize the Following Section 2 Items to be Performed. 10A,11A,11B,11C	We Authorize the Following Items for Further Inspection. 1A,10B,11H
Proposed Cost Section 1: \$ 16449.00	Proposed Cost Section 2: \$ 0.00	Proposed Cost Fur.Insp.: \$ 450.00
	BLD PERMIT: \$ 1450.00	
	SMOKE DETECTORS: BY OWNER	
	Total - All Sections: \$ 18349.00	

CUSTOMER INFORMATION

The total amount of this contract is due and payable upon completion of the work listed above unless otherwise specified. Only the work specified in the contract is being done at this time due to owners wishes. ANY WORK PERFORMED AGAINST AN EXISTING TITLE ESCROW WILL BE THE FINANCIAL RESPONSIBILITY OF THE PARTY ORDERING THE INSPECTION REPORT, IN THE EVENT OF A CANCELLED TITLE ESCROW.

Where further inspection is recommended, or if it is desired that attic spaces, window sash, and exterior trim, or inaccessible areas be inspected, that shall be performed only by request, and changes based on time and material involved. All work performed by this COMPANY is guaranteed for a period of one year from the date of completion. Operations are covered under the Structural Pest Control Operator's license and appropriate City licenses and permits. All employees are covered by Workman's Compensation insurance and all operators by public liability insurance. EXCEPTIONS: Plumbing work and linoleum work undertaken by this firm is guaranteed for (30) days.

Prices quoted are subject to acceptance within (30) days. If additional work beyond that specified in this report, is required by the City or County Building Inspector, such work will not be performed under this agreement. A separate quotation will be made, if desired. CHARLES J. MAYER is hereby authorized to proceed with the above mentioned work.

Funds for work shall be held in an active escrow and dispersed upon issuance of a Standard Notice of Work Completed and Not Completed or upon demand to the undersigned. If Buyers are to approve the work completed on an open escrow, they are to do so before close of escrow and all funds are for said work are to be released at the close of escrow. Real Estate agents and/or attorneys-in-fact are also to approve said work before the close of escrow. Closed escrows will require buyer approval prior to issuance of our Standard Notice of Work Completed and Not Completed with their release forwarded to Lender involved. If there is no title company holding funds, prior agreement for payment must be made with CHARLES J. MAYER before work can be performed by this COMPANY. Upon filing of the Standard Notice of Work Completed and Not Completed by this COMPANY the full amount of this contract shall be due and payable. A service charge of one and one-half percent per month or eighteen percent per annum will be applied to all past due accounts. All work completed is due upon receipt of invoice. Signing of this form authorizes the title company holding funds to release funds for the amount on the Standard Notice of Work Completed and/or the invoice. Releasing of these funds does not relieve CHARLES J. MAYER of any liability he may have for the negligent performance of the work he is authorized to proceed with. THIS AGREEMENT SUPERCEDES ANY OTHER INSTRUCTIONS OR POLICIES THE TITLE COMPANY MAY HAVE. In the event of any legal action or litigation involving this work authorization, which constitutes a contractual agreement, the prevailing party shall be entitled to recover all reasonable attorney fees and costs actually incurred.

NOTICE TO OWNERS: Under the California Mechanics Lien Law any structural pest control company which contracts to do work for you, any contractor, subcontractor, laborer, supplier or other person who helps to improve your property, but is not paid for his/her work or supplies, has a right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your structural pest control company in full if the subcontractor, laborers or suppliers remain unpaid.

To preserve the right to file a claim or lien against your property, certain claimants such as subcontractors or material suppliers are required to provide you with a document entitled "Preliminary Notice". Prime contractors and laborers for wages do not have to provide this notice. A Preliminary Notice is not a lien against your property. Its purpose is to notify you of persons who may have a right to file a lien against your property if they are not paid.

I have read this work authorization contract and WDO inspection report it refers to.

SIGNED WORK AUTHORIZATION CONTRACT MUST BE RECEIVED BEFORE WORK WILL BE SCHEDULED.

I have read and understand the terms of this work authorization contract and hereby agree to all terms thereof.

APPROVED AND READ BY:

DATE

ACCEPTED FOR:

CHARLES J MAYER & COMPANY

DATE

CHARLES J MAYER & COMPANY
P.O. Box 1026
Concord, CA 94522-1026
Ph: (510) 428-1915 or (925) 685-7374
Toll: (800) 861-1881 Fax: (925) 685-3722



WORK AUTHORIZATION CONTRACT

Address of Property: 1161-63 Hearst Avenue \, Berkeley, CA, 94702
Inspection Date: 07/08/2016
Report #: 49659
Title Co. & Escrow #:

SECTION 1	SECTION 2	FURTHER INSPECTION
4A: \$ 2850.00	10A: ref.owner	1A: \$ 150.00
4B: \$ 8250.00	11A: ref.owner	10B: \$ 150.00
11D: \$ 1474.00	11B: ref.others	11H: \$ 150.00
11E: \$ 1250.00	11C: ref.owner	
11F: \$ 375.00		
11G: \$ 2250.00		

MOLD DISCLAIMER

There may be health related issues associated with the structural repairs reflected in the inspection report referenced by this Work Authorization Contract. These health issues include but are not limited to the possible release of mold spores during the course of repairs. We are not qualified to and do not render any opinion concerning such health issues or any special precautions. Any questions concerning health issues or any special precautions to be taken prior to or during the course of such repairs should be directed to a Certified Industrial Hygienist before any such repairs are undertaken.

BY EXECUTING THIS WORK AUTHORIZATION CONTRACT, CUSTOMER ACKNOWLEDGES THAT HE OR SHE HAS BEEN ADVISED OF THE FOREGOING AND HAS HAD THE OPPORTUNITY TO CONSULT WITH A QUALIFIED PROFESSIONAL.

Customer's Initials Date

CHARLES J MAYER & COMPANY
P.O. Box 1026
Concord, CA 94522-1026
Ph: (510) 428-1915 or (925) 685-7374
Toll: (800) 861-1881 Fax: (925) 685-3722



DATE	REPORT #	ESCROW #	PROPERTY LOCATION
07/11/16	49659		1161-63 Hearst Avenue, Berkeley 94702

TO: **HEARST AVENUE COTTAGES LLC**
1958 University Avenue, Suite A
Berkeley, CA 94702

07/08/2016	INSPECTION FEE	\$ 150.00
	BALANCE DUE	\$ 150.00

RETURN THIS COPY WITH REMITTANCE


DUE AND PAYABLE WITHIN 10 DAYS

1.5% per month charged on all past due accounts. This is an annual percentage rate of 18%
(Interest charged pursuant to the Robinson-Patman Act)

NOTICE: "Under the Mechanics' Lien law, any contractor, subcontractor, laborer, supplier or other person who helps to improve your property but is not paid for his work or supplies, has the right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your own contractor in full, if the subcontractor, laborer, or supplier remains unpaid."

THANK YOU FOR YOUR BUSINESS

WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT

Building No. 1155-57 Street, City, Zip Hearst Avenue, Berkeley, CA, 94702		Date of Inspection 07/27/16	No. of Pages 8
CHARLES J MAYER & COMPANY P.O. Box 1026 Concord, CA 94522-1026 Ph: (510) 428-1915 or (925) 685-7374 Toll: (800) 861-1881 Fax: (925) 685-3722			
Firm Registration No. PR 7038	Report No. 49763	Escrow No.	
Ordered By: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 Wayne Palmer	Property Owner/Party of Interest: HEARST AVENUE COTTAGES LLC 1958 University Avenue, Suite A Berkeley CA 94702	Report Sent To: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 HEARST AVENUE COTTAGES LLC 1958 University Avenue, Suite A Berkeley CA 94702	
COMPLETE REPORT <input type="checkbox"/> LIMITED REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT <input checked="" type="checkbox"/> REINSPECTION REPORT <input type="checkbox"/>			
General Description: Single story wood frame with stucco exterior.		Inspection Tag Posted: Subarea Other Tags Posted:	
An inspection has been made of the structure(s) shown on the diagram in accordance with the Structural Pest Control Act. Detached porches, detached steps, detached decks and any other structures not on the diagram were not inspected.			
Subterranean Termites <input type="checkbox"/> Drywood Termites <input type="checkbox"/> Fungus/Dryrot <input checked="" type="checkbox"/> Other Findings <input checked="" type="checkbox"/> Further Inspection <input type="checkbox"/> If any of above boxes are checked, it indicates that there were visible problems in accessible areas. Read the report for details on checked items.			

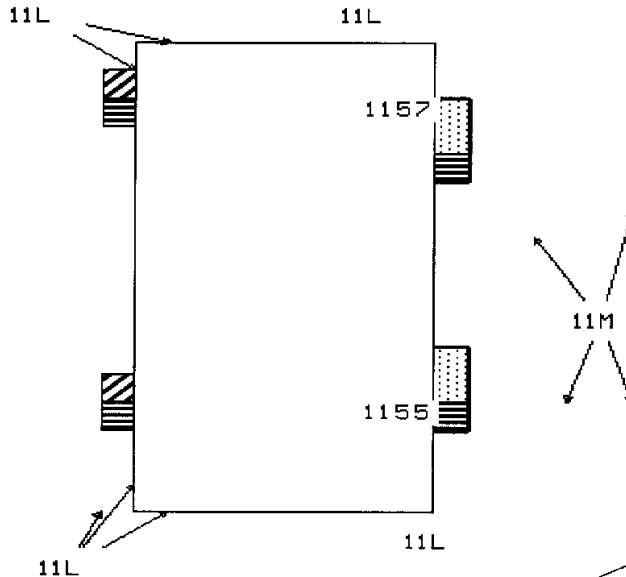
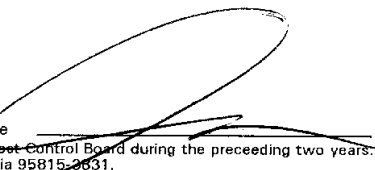


DIAGRAM NOT TO SCALE FRONT

Inspected By Charles J. Mayer License No. OPR 6418 Signature 

You are entitled to obtain copies of all reports and completion notices on this property reported to the Structural Pest Control Board during the preceding two years. To obtain copies contact : Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, California 95815-2631.

NOTE: Questions or problems concerning the above report should be directed to the manager of the company. Unresolved questions or problems with services performed may be directed to the Structural Pest Control Board at (916) 561-8708, (800) 737-8188 or www.pestboard.ca.gov. 43M-41 (Rev. 10/01)

2nd

PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1155-57	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49763
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

"NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company.

GENERAL INFORMATION: This report, as itemized and diagramed below, only covers the visible and accessible areas of the structure at this time. Interiors of hollow walls, inaccessible attic area, spaces between a floor and ceiling, spaces between a deck with a soffit below, stall showers over finished ceilings with no evidence of water stain on finish ceiling below, buttress areas, behind or below installed appliances (appliances are not moved during the course of inspection), areas behind furniture or drapes, floors beneath coverings, storage and locked areas, areas that require ladders or access from a roof (THIS IS A GROUND LEVEL INSPECTION), or any area where inspection is possible only through tearing out or defacing of finished work are considered inaccessible and were not inspected. Such an inspection would be almost prohibitive in cost and impractical unless otherwise noted herein. We do not guarantee the work of others. Plumbing, grouting, caulking, re-setting of toilets, linoleum work, shower and glass repairs are guaranteed for 30 days from date of completion. Chemical treating and structural repairs are guaranteed for one (1) year.

GENERAL INFORMATION:

This Company does not guarantee the watertight integrity of the roof coating or gutter systems. If parties of interest to this property have questions concerning the roof coating or gutter systems, it is RECOMMENDED THAT they engage the services of a licensed Roofing contractor to determine the true condition of the roof and gutters to the mutual satisfaction of all parties concerned.

This Structural Pest Control Report is in accordance with the State of California Structural Pest Control Act report requirements. Reference: Title 16, Chapter 19, Sections 19000, 19001, 19002. The intent of this inspection is to indicate the absence or presence of wood destroying pest or organisms or conditions conducive thereto and to make recommendations for corrective measures for the conditions indicated. An itemized price quotation for repairs is attached. **NOTE:** Interested parties are to clearly understand that this Report is limited to the Structural Pest Control Act report requirements and is not to be construed as an all-encompassing general building code compliance inspection. Should interested parties require information about such areas as roof coverings, gutters/downspouts, electrical, electrical fixtures, plumbing, plumbing fixtures, operable conditions of doors and windows, broken/worn portions of the building, weather proofing of exteriors, weather stripping/caulking, earth settling, soil drainage, and other areas not included in this report, a person specializing in these areas is to be consulted for advice/recommendations. This report does not include indications and/or recommendations about any area other than report requirements of the State of California Structural Pest Control Act.

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PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1155-57	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49763
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

During the course of repairs, additional Structural Pest Control related conditions may be uncovered. If CHARLES J. MAYER is performing the repairs, we assume responsibility for such additional conditions. If repairs are performed by others, they must assume liability for such additional repairs. Additional responsibility does not apply where further inspection is recommended.

CHARLES J. MAYER will make every effort to guard against damage to landscape during the process of completing the repairs outlined above. However, due to the nature of these repairs, damage to the adjacent landscape may occur. This Company makes no warranties with regard to possible damage to landscape. Parties of interest may wish to relocate adjacent landscape prior to commencement of repairs to guard against possible damage.

In the event CHARLES J. MAYER is authorized to perform a portion of the work recommended above, a minimum charge of \$250.00 will be made, or the cost of the authorized work, whichever is greater.

This Company does not make plumbing repairs. If in the course of completing the repairs outlined above, leaks or other defective plumbing conditions are discovered, it will be the Owner's responsibility to contact a licensed Plumbing contractor to make all necessary plumbing repairs required.

The inspection of this property included a ground level inspection of the building for visible evidence of active infestation or infection only. Our inspectors are not equipped to carry ladders, therefore all inspection of the building are done from ground level only. Should interested parties request; ladders/scaffolding are provided, and damage releases are provided; roof level inspections will be provided for infestation or infection only, not for the life or condition of any roof surfaces.

We at CHARLES J. MAYER appreciate your patronage. If there is any way in which we may be of further service to you, please do not hesitate to call. Once again, we thank you.

This is a SUPPLEMENTAL REPORT, to our Complete report dated 07/08/16, to cover further inspection of the exterior stucco walls.

MOLD DISCLAIMER. There may be health-related issues associated with the findings reflected in this report. We are not qualified to and do not render an opinion concerning any such health issues. The inspection reflected by this report was limited to visible and accessible areas only. Questions concerning health-related issues which may be associated with the findings or recommendations reflected in this report, the presence of mold, the release of mold spores or concerning indoor air quality, should be directed to a Certified Industrial Hygienist.

4th

PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1155-57	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49763
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

THIS IS A SEPARATED REPORT WHICH IS DEFINED AS SECTION 1 AND SECTION 2 CONDITIONS EVIDENT ON THE DATE OF INSPECTION. SECTION 1 CONTAINS ITEMS WHERE THERE IS EVIDENCE OF ACTIVE INFESTATION, INFECTION, OR CONDITIONS THAT HAVE RESULTED IN OR FROM INFESTATION OR INFECTION. SECTION 2 ITEMS ARE CONDITIONS DEEMED LIKELY TO LEAD TO INFESTATION OR INFECTION, BUT WHERE NO VISIBLE EVIDENCE OF SUCH WAS FOUND. FURTHER INSPECTION ITEMS ARE DEFINED AS RECOMMENDATION TO INSPECT AREA(S) WHICH, DURING THE ORIGINAL INSPECTION, DID NOT ALLOW THE INSPECTOR ACCESS TO COMPLETE HIS INSPECTION AND CANNOT BE DEFINED AS SECTION 1 OR SECTION 2.

OTHER - EXTERIOR:

Item 11L: Inspection through the exterior stucco revealed fungus damage extending upward in the areas indicated on the diagram. RECOMMEND TO remove the stucco as necessary, remove and replace all fungus damaged wood members with new wood. Treat all wood with BORA-CARE. Replace the stucco to match the existing texture and prime paint. Any inside surfaces disturbed will be patched and left ready for painting or refinishing by others. Owner should contact licensed roofing contractor to inspect the roof, gutter, and downspout system of the entire structure, make all necessary corrections and repairs to eliminate the excess moisture condition from existing. Owner should maintain all exterior surfaces sealed and in a waterproof condition now and in the future to prevent damage from occurring.

***** This is a Section 1 Item *****

Item 11M: Test openings were performed in the stucco walls and revealed no visible infestation or infection in the holes except as noted in other sections of this report. The openings were installed in the areas that are most likely to have damage and from ground level. It is possible that there is damage in other areas of the structure, if other areas are opened by others and damage is revealed, a Supplemental Report will be issued to cover additional findings and cost of repair.

***** Information Item *****

"The exterior surface of the roof will not be inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractor's State License board."

There are items in this report that require a building permit and inspection from your local building department. NOTE: Any addition requirements by the city (street numbers, gas shutoff valves, spark arrestors, etc) will be the responsibility of the owner and are not included in this bid. NOTE: THE CITY OF BERKELEY REQUIRES REVIEW BY A STRUCTURAL ENGINEER FOR ANY STRUCTURAL REPAIR. COST OF THIS REVIEW IS TO BE PAID BY THE CLIENT.

5th PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1155-57	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49763
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

OTHER - EXTERIOR:

WARNING: Repairs by this company to residences built before 1978 may disturb materials containing lead-based paint and may release debris or dust containing lead. Lead is a chemical known to the State of California to cause cancer and birth defects or other reproductive harm. These repairs have to be performed by a EPA licensed firm.

(This notice is provided in compliance with California's Proposition 65. For further information, contact your health care provider or an industrial hygienist. A licensed pest control inspector is not an expert in lead, lead-based paint, or exposure to lead. This report is not intended to identify the presence or absence of lead or lead-based paint in the building inspected. Whether lead-based paint is present can be determined only by a certified lead inspector. For a list of certified lead inspectors, call the California Dept. of Health Services' Lead-Related Construction Information Line at 800-597-5323 or 510-869-3953.). If this is an FHA or HUD financed loan, the lead cleanup will have to be performed by a lead cleaning firm and paid for by owner.

NOTE: ALL DEBRIS WITH LEAD WILL BE BAGGED AND LEFT AT THE SITE FOR DISPOSAL BY THE OWNER TO THE PROPER SITE. DISPOSAL HAS TO BE PERFORMED BY A FIRM LICENSED TO HAUL AND DISPOSE OF THIS MATERIAL.

THIS PROPERTY WAS BUILT PRIOR TO 1978. EPA REGULATIONS NOW REQUIRE THAT ALL REPAIRS TO THIS PROPERTY THAT MAY DISTURB LEAD BE PERFORMED BY AN EPA CERTIFIED LEAD RENOVATOR. A COPY OF THE EPA BROCHURE, RENOVATE RIGHT, IS BEING SENT WITH THIS REPORT. IF THIS IS A MULTI FAMILY DWELLING, THE BROCHURE MUST BE GIVEN TO EACH UNIT OF THE BUILDING.

MOLD DISCLAIMER. There may be health issues associated with the structural repairs reflected in this Work Authorization Contract. These health implications include, but are not limited to, the possible release of mold spores during the course of repairs. We are not qualified to, and do not render any opinion concerning any such health issues or any special precautions. Any questions concerning any health issues or any special precautions to be taken prior to or during the course of such repairs, should be directed to a Certified Industrial Hygienist before any such repairs are undertaken. By executing this Work Authorization Contract, Customer acknowledges that he/she has been advised of the foregoing, and has had an opportunity to consult with a qualified professional.

BY EXECUTING THIS WORK AUTHORIZATION CONTRACT AND BY REQUESTING CHARLES J. MAYER TO PROCEED WITH THE STRUCTURAL REPAIRS REFLECTED HEREIN, CUSTOMER RELEASES CHARLES J. MAYER FROM ANY AND ALL LIABILITY FOR ANY DAMAGE OR INJURY OF ANY KIND WHATSOEVER (INCLUDING BUT NOT LIMITED TO ANY CONSEQUENTIAL DAMAGE) WHICH IS CLAIMED TO ARISE FROM THE DISPERSAL OF MOLD OR MOLD SPORES RESULTING FROM THE PERFORMANCE OF THE STRUCTURAL REPAIRS REFERRED TO HEREIN BY CHARLES J. MAYER.

Customer Initials _____ Date _____

6th

PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1155-57	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49763
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

"This company will reinspect repairs done by others done within four months of the original inspection. A charge, if any, can be no greater than the original inspection fee for each reinspection. The reinspection must be done within ten (10) working days of request. The reinspection is a visual inspection and if inspection of concealed areas is desired, inspection of work in progress will be necessary. Any guarantees must be received from parties performing repairs."

GENERAL INFORMATION: This report, as itemized and diagramed below, only covers the visible and accessible areas of the structure at this time. Interiors of hollow walls, inaccessible attic area, spaces between a floor and ceiling, spaces between a deck with a soffit below, stall showers over finished ceilings with no evidence of water stain on finish ceiling below, buttress areas, behind or below installed appliances (appliances are not moved during the course of inspection), areas behind furniture or drapes, floors beneath coverings, storage and locked areas, areas that require ladders or access from a roof (THIS IS A GROUND LEVEL INSPECTION), or any area where inspection is possible only through tearing out or defacing of finished work are considered inaccessible and were not inspected. Such an inspection would be almost prohibitive in cost and impractical unless otherwise noted herein. We do not guarantee the work of others. Plumbing, grouting, caulking, re-setting of toilets, linoleum work, shower and glass repairs are guaranteed for 30 days from date of completion. Chemical treating and structural repairs are guaranteed for one (1) year.

7th PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1155-57 Hearst Avenue, Berkeley, CA, 94702 07/27/16 49763
BUILDING NO. STREET, CITY, STATE, ZIP INSPECTION DATE REPORT NO.

OCCUPANTS CHEMICAL NOTICE

CHARLES J. MAYER will use pesticide chemical(s) specified below for the control of wood destroying pests or organisms in locations identified in the Structural Pest Control report as indicated above.

(1) The pest(s) to be controlled:

- SUBTERRANEAN TERMITES
- FUNGUS or DRY ROT
- BEETLES
- DRY-WOOD TERMITES
- OTHER _____

(2) The pesticide(s) proposed to be used and the active ingredient(s).

- A. JECTA: Active ingredients: Disodium Octaborate Tetrahydrate
- B. COPPER GREENE: Active ingredients: Copper Naphthenate
- C. BORA-CARE: Active ingredients: Disodium Octaborate Tetrahydrate
- D. ALTRASET: Active ingredients: Chlorantraniliprole
- E. ZINC NAPHTHENATE: Active ingredients: Zinc Naphtenate
- F. CHLOROPICRIN: Active ingredients: Chloropicrin
- G: METHYL BROMIDE: Active ingredients: Methyl Bromide
- H: VIKANE/ZYTHOR: Active ingredients: Sulfuryl Floride
- I. TIM-BOR: Active ingredients: Disodium Octabroate Tetrahydrate
- J. IMPEL: Active ingredients: Anhydrous Disodium Octaborate
- K. PREMISE 75: Active ingredients: Imidacloprid
- L. FIRST LINE BAIT: Active ingredients: Ethyl Perfluorooctane Sulfonamide
- M. TERMIDOR SC: Active ingredients: Firronil

(3) "State Law requires that you be given the following information: CAUTION--PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the State finds that based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

"If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or poison control center (800-222-1222) and your pest operator immediately." (Symptoms of Termidor are CNS stimulation, tremors, and convulsions. Symptoms of Vikane are respiratory irritation and CNS depression.)

For further information, contact any of the following:

- Charles J. Mayer..... (925) 685-7374
- Contra Costa County Health Department (925) 370-5064
- Alameda County Health Department (510) 567-6700
- Contra Costa County Agriculture Commissioner (925) 646-5250
- Alameda County Agriculture Commissioner (510) 670-5232

8th PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1155-57	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49763
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

Contra Costa Poison Control Center (800) 222-1222
 Structural Pest Control
 2005 Evergreen St., #1500 Sacramento, CA 95815 (916) 263-2544

Persons with respiratory or allergic conditions, or others who may be concerned about their health relative to this chemical treatment, should contact their physician concerning occupancy during and after chemical treatment prior to signing this NOTICE.

NO CHEMICAL APPLICATION WILL BE PERFORMED UNTIL SUCH TIME THAT THIS NOTICE IS RETURNED. HAVING READ THE INSTRUCTIONS, I, THE UNDERSIGNED, WILL ACCEPT RESPONSIBILITY FOR ALL THE AFOREMENTIONED.

_____ OWNER/OCCUPANT	_____ DATE	_____ OWNER/OCCUPANT	_____ DATE
-------------------------	---------------	-------------------------	---------------

CHARLES J MAYER & COMPANY
 P.O. Box 1026
 Concord, CA 94522-1026
 Ph: (510) 428-1915 or (925) 685-7374
 Toll: (800) 861-1881 Fax: (925) 685-3722



WORK AUTHORIZATION CONTRACT

Address of Property: 1155-57 Hearst Avenue, Berkeley, CA, 94702
 Inspection Date: 07/27/2016
 Report #: 49763
 Title Co. & Escrow #:

We Authorize the Following Section 1 Items to be Performed.	We Authorize the Following Section 2 Items to be Performed.	We Authorize the Following Items for Further Inspection.
11L		
Proposed Cost Section 1: \$ 31400.00	Proposed Cost Section 2: \$ 0.00	Proposed Cost Fur.Insp.: \$ 0.00
	BLD PERMIT: \$ 1750.00	
	SMOKE DETECTORS: BY OWNER	
	Total - All Sections: \$ 33150.00	

CUSTOMER INFORMATION

The total amount of this contract is due and payable upon completion of the work listed above unless otherwise specified. Only the work specified in the contract is being done at this time due to owners wishes. ANY WORK PERFORMED AGAINST AN EXISTING TITLE ESCROW WILL BE THE FINANCIAL RESPONSIBILITY OF THE PARTY ORDERING THE INSPECTION REPORT, IN THE EVENT OF A CANCELLED TITLE ESCROW.

Where further inspection is recommended, or if it is desired that attic spaces, window sash, and exterior trim, or inaccessible areas be inspected, that shall be performed only by request, and changes based on time and material involved. All work performed by this COMPANY is guaranteed for a period of one year from the date of completion. Operations are covered under the Structural Pest Control Operator's license and appropriate City licenses and permits. All employees are covered by Workman's Compensation insurance and all operators by public liability insurance. EXCEPTIONS: Plumbing work and linoleum work undertaken by this firm is guaranteed for (30) days.

Prices quoted are subject to acceptance within (30) days. If additional work beyond that specified in this report, is required by the City or County Building Inspector, such work will not be performed under this agreement. A separate quotation will be made, if desired. CHARLES J. MAYER is hereby authorized to proceed with the above mentioned work.

Funds for work shall be held in an active escrow and dispersed upon issuance of a Standard Notice of Work Completed and Not Completed or upon demand to the undersigned. If Buyers are to approve the work completed on an open escrow, they are to do so before close of escrow and all funds are for said work are to be released at the close of escrow. Real Estate agents and/or attorneys-in-fact are also to approve said work before the close of escrow. Closed escrows will require buyer approval prior to issuance of our Standard Notice of Work Completed and Not Completed with their release forwarded to Lender involved. If there is no title company holding funds, prior agreement for payment must be made with CHARLES J. MAYER before work can be performed by this COMPANY. Upon filing of the Standard Notice of Work Completed and Not Completed by this COMPANY the full amount of this contract shall be due and payable. A service charge of one and one-half percent per month or eighteen percent per annum will be applied to all past due accounts. All work completed is due upon receipt of invoice. Signing of this form authorizes the title company holding funds to release funds for the amount on the Standard Notice of Work Completed and/or the invoice. Releasing of these funds does not relieve CHARLES J. MAYER of any liability he may have for the negligent performance of the work he is authorized to proceed with. THIS AGREEMENT SUPERCEDES ANY OTHER INSTRUCTIONS OR POLICIES THE TITLE COMPANY MAY HAVE. In the event of any legal action or litigation involving this work authorization, which constitutes a contractual agreement, the prevailing party shall be entitled to recover all reasonable attorney fees and costs actually incurred.

NOTICE TO OWNERS: Under the California Mechanics Lien Law any structural pest control company which contracts to do work for you, any contractor, subcontractor, laborer, supplier or another person who helps to improve your property, but is not paid for his/her work or supplies, has a right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your structural pest control company in full if the subcontractor, laborers or suppliers remain unpaid.

To preserve the right to file a claim or lien against your property, certain claimants such as subcontractors or material suppliers are required to provide you with a document entitled "Preliminary Notice". Prime contractors and laborers for wages do not have to provide this notice. A Preliminary Notice is not a lien against your property. Its purpose is to notify you of persons who may have a right to file a lien against your property if they are not paid.

I have read this work authorization contract and WDO inspection report it refers to.
SIGNED WORK AUTHORIZATION CONTRACT MUST BE RECEIVED BEFORE WORK WILL BE SCHEDULED.
 I have read and understand the terms of this work authorization contract and hereby agree to all terms thereof.

APPROVED AND READ BY:

DATE

ACCEPTED FOR:
 CHARLES J MAYER & COMPANY

DATE

CHARLES J MAYER & COMPANY
P.O. Box 1026
Concord, CA 94522-1026
Ph: (510) 428-1915 or (925) 685-7374
Toll: (800) 861-1881 Fax: (925) 685-3722



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WORK AUTHORIZATION CONTRACT

Address of Property: 1155-57 Hearst Avenue, Berkeley, CA, 94702
Inspection Date: 07/27/2016
Report #: 49763
Title Co. & Escrow #:

SECTION 1

SECTION 2

FURTHER INSPECTION

11L: \$ 31400.00

MOLD DISCLAIMER

There may be health related issues associated with the structural repairs reflected in the inspection report referenced by this Work Authorization Contract. These health issues include but are not limited to the possible release of mold spores during the course of repairs. We are not qualified to and do not render any opinion concerning such health issues or any special precautions. Any questions concerning health issues or any special precautions to be taken prior to or during the course of such repairs should be directed to a Certified Industrial Hygienist before any such repairs are undertaken.

BY EXECUTING THIS WORK AUTHORIZATION CONTRACT, CUSTOMER ACKNOWLEDGES THAT HE OR SHE HAS BEEN ADVISED OF THE FOREGOING AND HAS HAD THE OPPORTUNITY TO CONSULT WITH A QUALIFIED PROFESSIONAL.

Customer's Initials Date

CHARLES J MAYER & COMPANY
P.O. Box 1026
Concord, CA 94522-1026
Ph: (510) 428-1915 or (925) 685-7374
Toll: (800) 861-1881 Fax: (925) 685-3722



DATE	REPORT #	ESCROW #	PROPERTY LOCATION
07/28/16	49763		1155-57 Hearst Avenue, Berkeley 94702

TO: **HEARST AVENUE COTTAGES LLC**
1958 University Avenue, Suite A
Berkeley, CA 94702

07/27/2016	INSPECTION FEE	\$ 150.00
	< LESS PAYMENTS >	\$ 150.00
<hr/>		
	BALANCE DUE	\$ 0.00


RETAIN THIS COPY FOR YOUR RECORDS

DUE AND PAYABLE WITHIN 10 DAYS
1.5% per month charged on all past due accounts. This is an annual percentage rate of 18%
(Interest charged pursuant to the Robinson-Patman Act)
NOTICE: "Under the Mechanics' Lien law, any contractor, subcontractor, laborer, supplier or other person who helps to improve your property but is not paid for his work or supplies, has the right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your own contractor in full, if the subcontractor, laborer, or supplier remains unpaid."

THANK YOU FOR YOUR BUSINESS

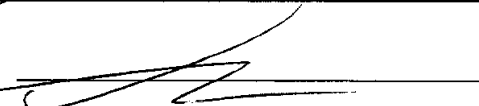
STANDARD NOTICE OF WORK COMPLETED AND NOT COMPLETED

NOTICE - All recommendations may not have been completed. - See below - Recommendations not completed.
 This form is prescribed by the Structural Pest Control Board.

Building No. Street, City, Zip		Date of Completion
1155 Hearst Avenue, thru 1157, Berkeley, CA, 94702		07/28/2016
CHARLES J MAYER & COMPANY P.O. Box 1026 Concord, CA 94522-1026 Ph: (510) 428-1915 or (925) 685-7374 Toll: (800) 861-1881 Fax: (925) 685-3722		
Firm Registration No. PR 7038	Report No. 49697	Escrow No.
Ordered By: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 Wayne Palmer	Property Owner/Party of Interest: HEARST AVENUE COTTAGES LLC 1958 University Avenue, Suite A Berkeley CA 94702	Report Sent To: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 HEARST AVENUE COTTAGES LLC 1958 University Avenue, Suite A Berkeley CA 94702


The following recommendations on the above designated property, as outlined in Wood Destroying Pests and Organisms Inspection Report dated 07/08/2016 have been and/or have not been completed.

Recommendations completed by this firm that are in accordance with the Structural Pest Control Board's Rules and Regulations: 11K									
Recommendations completed by this firm that are considered secondary and substandard measures under Section 1992 of the Structural Pest Control Board's Rules and Regulations including person requesting secondary measure:									
Cost of work completed:	<table border="0"> <tr> <td>Cost: \$</td> <td>\$ 150.00</td> </tr> <tr> <td>Inspection Fee: \$</td> <td>\$ 300.00</td> </tr> <tr> <td>Other: \$</td> <td>\$ 0.00</td> </tr> <tr> <td>Total: \$</td> <td>\$ 450.00</td> </tr> </table>	Cost: \$	\$ 150.00	Inspection Fee: \$	\$ 300.00	Other: \$	\$ 0.00	Total: \$	\$ 450.00
Cost: \$	\$ 150.00								
Inspection Fee: \$	\$ 300.00								
Other: \$	\$ 0.00								
Total: \$	\$ 450.00								
Recommendations not completed by this firm: 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 4A, 4B, 10A, 10B, 10C, 10D, 10E, 11A, 11B, 11C, 11D, 11E, 11F, 11G, 11H, 11I, 11J									
	Estimated Cost: \$ <u>58125.00</u>								
Remarks:									

Signature 

You are entitled to obtain copies of all reports and completion notices on this property reported to the Board during the preceding two years upon payment of a search fee to : The Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, California 95815-3831.
 NOTE: Questions or problems concerning the above report should be directed to the manager of the company. Unresolved questions or problems with services performed may be directed to the Structural Pest Control Board at (916) 561-8708, (800) 737-8188 or www.pestboard.ca.gov. 43M-44 (Rev. 10/01)

WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT

Building No. 1161-63 Street, City, Zip Hearst Avenue, Berkeley, CA, 94702		Date of Inspection 07/27/16	No. of Pages 12
CHARLES J MAYER & COMPANY P.O. Box 1026 Concord, CA 94522-1026 Ph: (510) 428-1915 or (925) 685-7374 Toll: (800) 861-1881 Fax: (925) 685-3722			
Firm Registration No. PR 7038	Report No. 49764	Escrow No.	
Ordered By: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 Wayne Palmer	Property Owner/Party of Interest: HEARST AVENUE COTTAGES LLC 1958 University Avenue, Suite A Berkeley CA 94702	Report Sent To: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 Wayne Palmer	
COMPLETE REPORT <input type="checkbox"/> LIMITED REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT <input checked="" type="checkbox"/> REINSPECTION REPORT <input type="checkbox"/>			
General Description: Single story wood frame with stucco exterior.		Inspection Tag Posted: Subarea	
		Other Tags Posted:	
An inspection has been made of the structure(s) shown on the diagram in accordance with the Structural Pest Control Act. Detached porches, detached steps, detached decks and any other structures not on the diagram were not inspected.			
Subterranean Termites <input type="checkbox"/> Drywood Termites <input type="checkbox"/> Fungus/Dryrot <input checked="" type="checkbox"/> Other Findings <input checked="" type="checkbox"/> Further Inspection <input type="checkbox"/> If any of above boxes are checked, it indicates that there were visible problems in accessible areas. Read the report for details on checked items.			

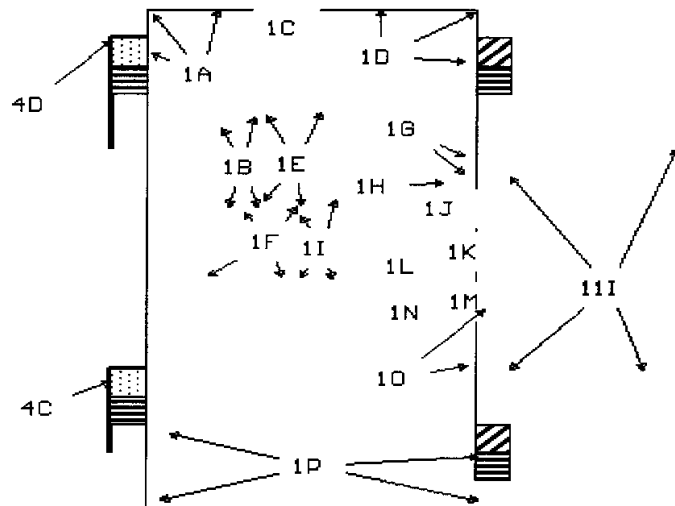


DIAGRAM NOT TO SCALE FRONT

Inspected By Charles J. Mayer License No. OPR 6418 Signature 

You are entitled to obtain copies of all reports and completion notices on this property reported to the Structural Pest Control Board during the preceding two years. To obtain copies contact : Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, California 95815-3651.

NOTE: Questions or problems concerning the above report should be directed to the manager of the company. Unresolved questions or problems with services performed may be directed to the Structural Pest Control Board at (916) 561-8708, (800) 737-8188 or www.pestboard.ca.gov. 43M-41 (Rev. 10/01)

2nd

PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49764
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

"NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company.

GENERAL INFORMATION: This report, as itemized and diagramed below, only covers the visible and accessible areas of the structure at this time. Interiors of hollow walls, inaccessible attic area, spaces between a floor and ceiling, spaces between a deck with a soffit below, stall showers over finished ceilings with no evidence of water stain on finish ceiling below, buttress areas, behind or below installed appliances (appliances are not moved during the course of inspection), areas behind furniture or drapes, floors beneath coverings, storage and locked areas, areas that require ladders or access from a roof (THIS IS A GROUND LEVEL INSPECTION), or any area where inspection is possible only through tearing out or defacing of finished work are considered inaccessible and were not inspected. Such an inspection would be almost prohibitive in cost and impractical unless otherwise noted herein. We do not guarantee the work of others. Plumbing, grouting, caulking, re-setting of toilets, linoleum work, shower and glass repairs are guaranteed for 30 days from date of completion. Chemical treating and structural repairs are guaranteed for one (1) year.

GENERAL INFORMATION:

This Company does not guarantee the watertight integrity of the roof coating or gutter systems. If parties of interest to this property have questions concerning the roof coating or gutter systems, it is RECOMMENDED THAT they engage the services of a licensed Roofing contractor to determine the true condition of the roof and gutters to the mutual satisfaction of all parties concerned.

This Structural Pest Control Report is in accordance with the State of California Structural Pest Control Act report requirements. Reference: Title 16, Chapter 19, Sections 1900, 1901, 1902. The intent of this inspection is to indicate the absence or presence of wood destroying pest or organisms or conditions conducive thereto and to make recommendations for corrective measures for the conditions indicated. An itemized price quotation for repairs is attached. **NOTE:** Interested parties are to clearly understand that this Report is limited to the Structural Pest Control Act report requirements and is not to be construed as an all-encompassing general building code compliance inspection. Should interested parties require information about such areas as roof coverings, gutters/downspouts, electrical, electrical fixtures, plumbing, plumbing fixtures, operable conditions of doors and windows, broken/worn portions of the building, weather proofing of exteriors, weather stripping/caulking, earth settling, soil drainage, and other areas not included in this report, a person specializing in these areas is to be consulted for advice/recommendations. This report does not include indications and/or recommendations about any area other than report requirements of the State of California Structural Pest Control Act.

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PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49764
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

During the course of repairs, additional Structural Pest Control related conditions may be uncovered. If CHARLES J. MAYER is performing the repairs, we assume responsibility for such additional conditions. If repairs are performed by others, they must assume liability for such additional repairs. Additional responsibility does not apply where further inspection is recommended.

CHARLES J. MAYER will make every effort to guard against damage to landscape during the process of completing the repairs outlined above. However, due to the nature of these repairs, damage to the adjacent landscape may occur. This Company makes no warranties with regard to possible damage to landscape. Parties of interest may wish to relocate adjacent landscape prior to commencement of repairs to guard against possible damage.

In the event CHARLES J. MAYER is authorized to perform a portion of the work recommended above, a minimum charge of \$250.00 will be made, or the cost of the authorized work, whichever is greater.

This Company does not make plumbing repairs. If in the course of completing the repairs outlined above, leaks or other defective plumbing conditions are discovered, it will be the Owner's responsibility to contact a licensed Plumbing contractor to make all necessary plumbing repairs required.

The inspection of this property included a ground level inspection of the building for visible evidence of active infestation or infection only. Our inspectors are not equipped to carry ladders, therefore all inspection of the building are done from ground level only. Should interested parties request; ladders/scaffolding are provided, and damage releases are provided; roof level inspections will be provided for infestation or infection only, not for the life or condition of any roof surfaces.

We at CHARLES J. MAYER appreciate your patronage. If there is any way in which we may be of further service to you, please do not hesitate to call. Once again, we thank you.

This is a SUPPLEMENTAL REPORT, to our Complete report dated 07/11/16, to cover further inspection of the subarea and the exterior stucco walls.

MOLD DISCLAIMER. There may be health-related issues associated with the findings reflected in this report. We are not qualified to and do not render an opinion concerning any such health issues. The inspection reflected by this report was limited to visible and accessible areas only. Questions concerning health-related issues which may be associated with the findings or recommendations reflected in this report, the presence of mold, the release of mold spores or concerning indoor air quality, should be directed to a Certified Industrial Hygienist.

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PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

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BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

THIS IS A SEPARATED REPORT WHICH IS DEFINED AS SECTION 1 AND SECTION 2 CONDITIONS EVIDENT ON THE DATE OF INSPECTION. SECTION 1 CONTAINS ITEMS WHERE THERE IS EVIDENCE OF ACTIVE INFESTATION, INFECTION, OR CONDITIONS THAT HAVE RESULTED IN OR FROM INFESTATION OR INFECTION. SECTION 2 ITEMS ARE CONDITIONS DEEMED LIKELY TO LEAD TO INFESTATION OR INFECTION, BUT WHERE NO VISIBLE EVIDENCE OF SUCH WAS FOUND. FURTHER INSPECTION ITEMS ARE DEFINED AS RECOMMENDATION TO INSPECT AREA(S) WHICH, DURING THE ORIGINAL INSPECTION, DID NOT ALLOW THE INSPECTOR ACCESS TO COMPLETE HIS INSPECTION AND CANNOT BE DEFINED AS SECTION 1 OR SECTION 2.

SUBSTRUCTURE AREA:

Item 1A: There is evidence of damage in the framing and/or subfloor from Subterranean termites and/or fungus infection in the areas noted in the subarea, extending above the plateline. RECOMMEND TO breakopen the stucco as necessary. Remove and replace all structurally damaged or fungus damaged wood framing members as necessary. Treat all new and remaining wood with BORA-CARE. Replace the stucco to match the existing texture as close as possible, and prime paint. Any disturbed surfaces inside the structure will be patched and left ready for painting or refinishing by others. Owner should contact a licensed roofing contractor to inspect the roof, gutter, and downspout system of the entire house; make all necessary corrections or repairs to those items after the Pest Control repairs are complete, to eliminate the excess moisture condition from existing.

***** This is a Section 1 Item *****

Item 1B: There are water stains noted to lower base framing and/or subfloor in the areas noted on the diagram. There is no evidence of any infection caused by the condition at this time. RECOMMEND THAT owners maintain all exterior surfaces sealed and in a watertight condition to prevent damage from occurring in the future.

***** This is a Section 2 Item *****

Item 1C: There is surface fungus on the lower framing and/or siding caused by moisture entry from the exterior. RECOMMEND TO treat all infected wood in these areas with BORA-CARE. Owner to seal and make the exterior water tight to prevent damage from occurring in the future.

***** This is a Section 1 Item *****

5th PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49764
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

SUBSTRUCTURE AREA:

Item 1D: There is evidence of damage in the framing and/or subfloor from Subterranean termites and/or fungus infection in the areas noted in the subarea, extending above the plateline. RECOMMEND TO breakopen the stucco as necessary. Remove and replace all structurally damaged or fungus damaged wood framing members as necessary. Treat all new and remaining wood with BORA-CARE. Replace the stucco to match the existing texture as close as possible, and prime paint. Any disturbed surfaces inside the structure will be patched and left ready for painting or refinishing by others. Owner should contact a licensed roofing contractor to inspect the roof, gutter, and downspout system of the entire house; make all necessary corrections or repairs to those items after the Pest Control repairs are complete, to eliminate the excess moisture condition from existing.

***** This is a Section 1 Item *****

Item 1E: There is scattered cellulose debris in the subarea with evidence of Subterranean Termites. RECOMMEND TO remove all cellulose debris of a size that can be raked from the subarea soil. See other sections of this report for recommendations regarding the control of Subterranean Termites.

***** This is a Section 1 Item *****

Item 1F: The soil in the subarea was noted to be dry at the time of our inspection. However, the soil appears as though it may get damp during the rainy season as efforescence was noted to the interior foundation and/or support walls and/or post. RECOMMEND THAT owner contact drainage expert about any questions regarding drainage around the structure.

***** This is a Section 2 Item *****

Item 1G: There is evidence of damage in the framing and/or subfloor from Subterranean termites and/or fungus infection in the areas noted in the subarea, extending above the plateline. RECOMMEND TO breakopen the stucco as necessary. Remove and replace all structurally damaged or fungus damaged wood framing members as necessary. Treat all new and remaining wood with BORA-CARE. Replace the stucco to match the existing texture as close as possible, and prime paint. Any disturbed surfaces inside the structure will be patched and left ready for painting or refinishing by others. Owner should contact a licensed roofing contractor to inspect the roof, gutter, and downspout system of the entire house; make all necessary corrections or repairs to those items after the Pest Control repairs are complete, to eliminate the excess moisture condition from existing.

***** This is a Section 1 Item *****

Item 1H: There is minor surface fungus on the wood members under the bathroom from a leaking toilet. RECOMMEND TO scrape down and chemically treat with BORA-CARE to prevent the spread of the infestation. Owner should seal and keep sealed the floor to prevent a reoccurrence of the damage.

***** This is a Section 1 Item *****

6th PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49764
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

SUBSTRUCTURE AREA:

Item 1I: There is evidence of Subterranean Termite infestation noted in the subarea. RECOMMEND TO brush down all visible termite tubes throughout. Rod and chemically treat the soil **adjacent to all foundations and supports** with TERMIDOR to prevent the spread of the infestation. It may be necessary to use a bandspray application around the foundation and support post where soil conditions will not permit rod applications. Where concrete slabs adjoin or run under these walls or supports; those areas will be drilled, the chemical application completed, and the holes filled with cement mortar THAT WILL NOT MATCH THE EXISTING. Any other finished floors may be defaced by the drilling. **Reasonable care will be taken to locate and prevent damage of any underground pipes/lines or foundation tension rods (OWNER IS TO ADVISE US OF THE LOCATIONS OF LINES).** However, should any damage occur, it will be up to the owner to contact proper tradesman for repairs and pay for same. Owner will have to move all stored articles to make room for the treatment to be performed, and move it back when treatment is completed. **NOTE:** There may be concealed damage in the inner areas from this infestation. Should these concealed areas be opened, further inspection will be performed and a Supplemental Report issued to cover any additional findings or cost.

NOTE: If soil conditions are damp to wet and will not allow chemical treatment of the soil, all perimeter lower wood framing will be treated with BORA-CARE in lieu of the soil treatment. During the interior treatment of a slab floor structure we may elect to drill into the finish wall and inject the chemical (PREMISE FOAM/BORA-CARE/TERMIDOR) into the inner walls in lieu of drilling the concrete. OWNER IS TO ADVISE OUR FIRM OF LOCATION OF ANY UNDER GROUND UTILITIES, DRAIN LINES, AND/OR PIPES PRIOR TO DRILLING OF SLABS.

***** This is a Section 1 Item *****

Item 1J: There have been repairs in the subarea under the bathroom by others in the past. There is no visual evidence of infestation or infection other than that mentioned in other sections of this report. No warranties or guarantees are provided for others work.

***** Information Item *****

Item 1K: There is evidence of damage in the framing and/or subfloor from Subterranean termites and/or fungus infection in the areas noted in the subarea, extending above the plateline. RECOMMEND TO breakopen the stucco as necessary. Remove and replace all structurally damaged or fungus damaged wood framing members as necessary. Treat all new and remaining wood with BORA-CARE. Replace the stucco to match the existing texture as close as possible, and prime paint. Any disturbed surfaces inside the structure will be patched and left ready for painting or refinishing by others. Owner should contact a licensed roofing contractor to inspect the roof, gutter, and downspout system of the entire house; make all necessary corrections or repairs to those items after the Pest Control repairs are complete, to eliminate the excess moisture condition from existing.

***** This is a Section 1 Item *****

7th

PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49764
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

SUBSTRUCTURE AREA:

Item 1L: The tub walls have failed with evidence of fungus infection noted in the wood. RECOMMEND TO strip the wall covering down to the bare framing and remove the tub. Remove and replace all fungus damaged wood members, reinstall the existing tub, install new mortar board, and new standard grade and neutral colored ceramic tile in the tub area. Any areas disturbed outside the work area will be patched and left ready for refinishing by others.

***** This is a Section 1 Item *****

Item 1M: There are wooden forms noted in the subarea. RECOMMEND TO remove all wooden forms. If removal is not possible, treat with BORA-CARE.

***** This is a Section 2 Item *****

Item 1N: The ceramic tile bathroom floor has failed with fungus damage to wood members noted. RECOMMEND TO remove the tile down to the subfloor, remove and replace all fungus damaged wood members. Treat all wood with BORA-CARE. Install new mortar/mortar board base and new standard grade and neutral colored ceramic tile floor covering. Any areas disturbed outside the tile area will be left ready for painting or refinishing by others.

***** This is a Section 1 Item *****

Item 1O: There is evidence of damage in the framing and/or subfloor from Subterranean termites and/or fungus infection in the areas noted in the subarea, extending above the plateline. RECOMMEND TO breakopen the stucco as necessary. Remove and replace all structurally damaged or fungus damaged wood framing members as necessary. Treat all new and remaining wood with BORA-CARE. Replace the stucco to match the existing texture as close as possible, and prime paint. Any disturbed surfaces inside the structure will be patched and left ready for painting or refinishing by others. Owner should contact a licensed roofing contractor to inspect the roof, gutter, and downspout system of the entire house; make all necessary corrections or repairs to those items after the Pest Control repairs are complete, to eliminate the excess moisture condition from existing.

***** This is a Section 1 Item *****

Item 1P: There is evidence of damage in the framing and/or subfloor from Subterranean termites and/or fungus infection in the areas noted in the subarea, extending above the plateline. RECOMMEND TO breakopen the stucco as necessary. Remove and replace all structurally damaged or fungus damaged wood framing members as necessary. Treat all new and remaining wood with BORA-CARE. Replace the stucco to match the existing texture as close as possible, and prime paint. Any disturbed surfaces inside the structure will be patched and left ready for painting or refinishing by others. Owner should contact a licensed roofing contractor to inspect the roof, gutter, and downspout system of the entire house; make all necessary corrections or repairs to those items after the Pest Control repairs are complete, to eliminate the excess moisture condition from existing.

***** This is a Section 1 Item *****

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1161-63	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49764
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

PORCHES - STEPS:

Item 4C: The porch and/or stairway has been stripped and partially reframed by others in the past. There is no evidence of any infestation or infection noted at this time. RECOMMEND THAT owners maintain the upper surfaces sealed and in a water tight condition to prevent damage from occurring in the future. RECOMMEND TO treat all wood with BORA-CARE to prevent fungus infectio from occurring in the future.

***** This is a Section 2 Item *****

Item 4D: There is minor fungus damage to wood support members under the concrete over wood frame porch deck. Others in the past have cut out and partially replaced wood supports. RECOMMEND TO cut out and replace as necessary all structurally damaged or fungus damaged wood members, replacing them with pressure-treated material where possible. Treat all new and remaining wood with BORA-CARE. Owner is to seal and keep sealed the deck surface now and in the future to prevent a reoccurrence of the damage.

***** This is a Section 1 Item *****

OTHER - EXTERIOR:

Item 11I: Test openings were performed in the stucco walls and revealed no visible infestation or infection in the holes except as noted in other sections of this report. The openings were installed in the areas that are most likely to have damage and from ground level. It is possible that there is damage in other areas of the structure, if other areas are opened by others and damage is revealed, a Supplemental Report will be issued to cover additional findings and cost of repair.

***** Information Item *****

"The exterior surface of the roof will not be inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractor's State License board."

There are items in this report that require a building permit and inspection from your local building department. NOTE: Any addition requirements by the city (street numbers, gas shutoff valves, spark arrestors, etc) will be the responsibility of the owner and are not included in this bid. NOTE: THE CITY OF BERKELEY REQUIRES REVIEW BY A STRUCTURAL ENGINEER FOR ANY STRUCTURAL REPAIR. COST OF THIS REVIEW IS TO BE PAID BY THE CLIENT.

9th PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49764
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

OTHER - EXTERIOR:

WARNING: Repairs by this company to residences built before 1978 may disturb materials containing lead-based paint and may release debris or dust containing lead. Lead is a chemical known to the State of California to cause cancer and birth defects or other reproductive harm. These repairs have to be performed by a EPA licensed firm.

(This notice is provided in compliance with California's Proposition 65. For further information, contact your health care provider or an industrial hygienist. A licensed pest control inspector is not an expert in lead, lead-based paint, or exposure to lead. This report is not intended to identify the presence or absence of lead or lead-based paint in the building inspected. Whether lead-based paint is present can be determined only by a certified lead inspector. For a list of certified lead inspectors, call the California Dept. of Health Services' Lead-Related Construction Information Line at 800-597-5323 or 510-869-3953.). If this is an FHA or HUD financed loan, the lead cleanup will have to be performed by a lead cleaning firm and paid for by owner.

NOTE: ALL DEBRIS WITH LEAD WILL BE BAGGED AND LEFT AT THE SITE FOR DISPOSAL BY THE OWNER TO THE PROPER SITE. DISPOSAL HAS TO BE PERFORMED BY A FIRM LICENSED TO HAUL AND DISPOSE OF THIS MATERIAL.

THIS PROPERTY WAS BUILT PRIOR TO 1978. EPA REGULATIONS NOW REQUIRE THAT ALL REPAIRS TO THIS PROPERTY THAT MAY DISTURB LEAD BE PERFORMED BY AN EPA CERTIFIED LEAD RENOVATOR. A COPY OF THE EPA BROCHURE, RENOVATE RIGHT, IS BEING SENT WITH THIS REPORT. IF THIS IS A MULTI FAMILY DWELLING, THE BROCHURE MUST BE GIVEN TO EACH UNIT OF THE BUILDING.

MOLD DISCLAIMER. There may be health issues associated with the structural repairs reflected in this Work Authorization Contract. These health implications include, but are not limited to, the possible release of mold spores during the course of repairs. We are not qualified to, and do not render any opinion concerning any such health issues or any special precautions. Any questions concerning any health issues or any special precautions to be taken prior to or during the course of such repairs, should be directed to a Certified Industrial Hygienist before any such repairs are undertaken. By executing this Work Authorization Contract, Customer acknowledges that he/she has been advised of the foregoing, and has had an opportunity to consult with a qualified professional.

BY EXECUTING THIS WORK AUTHORIZATION CONTRACT AND BY REQUESTING CHARLES J. MAYER TO PROCEED WITH THE STRUCTURAL REPAIRS REFLECTED HEREIN, CUSTOMER RELEASES CHARLES J. MAYER FROM ANY AND ALL LIABILITY FOR ANY DAMAGE OR INJURY OF ANY KIND WHATSOEVER (INCLUDING BUT NOT LIMITED TO ANY CONSEQUENTIAL DAMAGE) WHICH IS CLAIMED TO ARISE FROM THE DISPERSAL OF MOLD OR MOLD SPORES RESULTING FROM THE PERFORMANCE OF THE STRUCTURAL REPAIRS REFERRED TO HEREIN BY CHARLES J. MAYER.

Customer Initials Date

10th

PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49764
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

"This company will reinspect repairs done by others done within four months of the original inspection. A charge, if any, can be no greater than the original inspection fee for each reinspection. The reinspection must be done within ten (10) working days of request. The reinspection is a visual inspection and if inspection of concealed areas is desired, inspection of work in progress will be necessary. Any guarantees must be received from parties performing repairs."

GENERAL INFORMATION: This report, as itemized and diagramed below, only covers the visible and accessible areas of the structure at this time. Interiors of hollow walls, inaccessible attic area, spaces between a floor and ceiling, spaces between a deck with a soffit below, stall showers over finished ceilings with no evidence of water stain on finish ceiling below, buttress areas, behind or below installed appliances (appliances are not moved during the course of inspection), areas behind furniture or drapes, floors beneath coverings, storage and locked areas, areas that require ladders or access from a roof (THIS IS A GROUND LEVEL INSPECTION), or any area where inspection is possible only through tearing out or defacing of finished work are considered inaccessible and were not inspected. Such an inspection would be almost prohibitive in cost and impractical unless otherwise noted herein. We do not guarantee the work of others. Plumbing, grouting, caulking, re-setting of toilets, linoleum work, shower and glass repairs are guaranteed for 30 days from date of completion. Chemical treating and structural repairs are guaranteed for one (1) year.

11th

PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63 Hearst Avenue, Berkeley, CA, 94702 07/27/16 49764
 BUILDING NO. STREET, CITY, STATE, ZIP INSPECTION DATE REPORT NO.

OCCUPANTS CHEMICAL NOTICE

CHARLES J. MAYER will use pesticide chemical(s) specified below for the control of wood destroying pests or organisms in locations identified in the Structural Pest Control report as indicated above.

(1) The pest(s) to be controlled:

- SUBTERRANEAN TERMITES FUNGUS or DRY ROT
- BEETLES DRY-WOOD TERMITES OTHER _____

(2) The pesticide(s) proposed to be used and the active ingredient(s).

- A. JECTA: Active ingredients: Disodium Octaborate Tetrahydrate
- B. COPPER GREENE: Active ingredients: Copper Naphthenate
- C. BORA-CARE: Active ingredients: Disodium Octaborate Tetrahydrate
- D. ALTRISSET: Active ingredients: Chlorantraniliprole
- E. ZINC NAPHTHENATE: Active ingredients: Zinc Naphthenate
- F. CHLOROPICRIN: Active ingredients: Chloropicrin
- G. METHYL BROMIDE: Active ingredients: Methyl Bromide
- H. VIKANE/ZYTHOR: Active ingredients: Sulfuryl Floride
- I. TIM-BOR: Active ingredients: Disodium Octaborate Tetrahydrate
- J. IMPEL: Active ingredients: Anhydrous Disodium Octaborate
- K. PREMISE ~~24*~~ Active ingredients: Imidacloprid
- L. FIRST LINE BAIT: Active ingredients: Ethyl Perfluorooctane Sulfonamide
- M. TERMIDOR SC: Active ingredients: Fipronil

(3) "State Law requires that you be given the following information: CAUTION--PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the State finds that based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

"If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or poison control center (800-222-1222) and your pest operator immediately." (Symptoms of Termidor are CNS stimulation, tremors, and convulsions. Symptoms of Vikane are respiratory irritation and CNS depression.)

For further information, contact any of the following:

Charles J. Mayer..... (925) 685-7374
 Contra Costa County Health Department (925) 370-5064
 Alameda County Health Department (510) 567-6700
 Contra Costa County Agriculture Commissioner (925) 646-5250
 Alameda County Agriculture Commissioner (510) 670-5232

12th PAGE OF STANDARD INSPECTION REPORT ON PROPERTY AT:

1161-63	Hearst Avenue, Berkeley, CA, 94702	07/27/16	49764
BUILDING NO.	STREET, CITY, STATE, ZIP	INSPECTION DATE	REPORT NO.

Contra Costa Poison Control Center (800) 222-1222
Structural Pest Control
2005 Evergreen St., #1500 Sacramento, CA 95815 (916) 263-2544

Persons with respiratory or allergic conditions, or others who may be concerned about their health relative to this chemical treatment, should contact their physician concerning occupancy during and after chemical treatment prior to signing this NOTICE.

NO CHEMICAL APPLICATION WILL BE PERFORMED UNTIL SUCH TIME THAT THIS NOTICE IS RETURNED. HAVING READ THE INSTRUCTIONS, I, THE UNDERSIGNED, WILL ACCEPT RESPONSIBILITY FOR ALL THE AFOREMENTIONED.

OWNER/OCCUPANT	DATE	OWNER/OCCUPANT	DATE
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CHARLES J MAYER & COMPANY
 P.O. Box 1026
 Concord, CA 94522-1026
 Ph: (510) 428-1915 or (925) 685-7374
 Toll: (800) 861-1881 Fax: (925) 685-3722



WORK AUTHORIZATION CONTRACT

Address of Property: 1161-63 Hearst Avenue, Berkeley, CA, 94702
 Inspection Date: 07/27/2016
 Report #: 49764
 Title Co. & Escrow #:

We Authorize the Following Section 1 Items to be Performed. 1A,1C,1D,1E,1G,1H,1I,1K,1L,1N, 1O,1P,4D	We Authorize the Following Section 2 Items to be Performed. 1B,1F,1M,4C	We Authorize the Following Items for Further Inspection.
Proposed Cost Section 1: \$ 55925.00	Proposed Cost Section 2: \$ 200.00	Proposed Cost Fur.Insp.: \$ 0.00
	BLD PERMIT: \$ 2950.00	
	SMOKE DETECTORS: BY OWNER	
	Total - All Sections: \$ 59075.00	

CUSTOMER INFORMATION

The total amount of this contract is due and payable upon completion of the work listed above unless otherwise specified. Only the work specified in the contract is being done at this time due to owners wishes. ANY WORK PERFORMED AGAINST AN EXISTING TITLE ESCROW WILL BE THE FINANCIAL RESPONSIBILITY OF THE PARTY ORDERING THE INSPECTION REPORT, IN THE EVENT OF A CANCELLED TITLE ESCROW.

Where further inspection is recommended, or if it is desired that attic spaces, window sash, and exterior trim, or inaccessible areas be inspected, that shall be performed only by request, and changes based on time and material involved. All work performed by this COMPANY is guaranteed for a period of one year from the date of completion. Operations are covered under the Structural Pest Control Operator's license and appropriate City licenses and permits. All employees are covered by Workman's Compensation insurance and all operators by public liability insurance. EXCEPTIONS: Plumbing work and linoleum work undertaken by this firm is guaranteed for (30) days.

Prices quoted are subject to acceptance within (30) days. If additional work beyond that specified in this report, is required by the City or County Building Inspector, such work will not be performed under this agreement. A separate quotation will be made, if desired. CHARLES J. MAYER is hereby authorized to proceed with the above mentioned work.

Funds for work shall be held in an active escrow and dispersed upon issuance of a Standard Notice of Work Completed and Not Completed or upon demand to the undersigned. If Buyers are to approve the work completed on an open escrow, they are to do so before close of escrow and all funds are for said work are to be released at the close of escrow. Real Estate agents and/or attorneys-in-fact are also to approve said work before the close of escrow. Closed escrows will require buyer approval prior to issuance of our Standard Notice of Work Completed and Not Completed with their release forwarded to Lender involved. If there is no title company holding funds, prior agreement for payment must be made with CHARLES J. MAYER before work can be performed by this COMPANY. Upon filing of the Standard Notice of Work Completed and Not Completed by this COMPANY the full amount of this contract shall be due and payable. A service charge of one and one-half percent per month or eighteen percent per annum will be applied to all past due accounts. All work completed is due upon receipt of invoice. Signing of this form authorizes the title company holding funds to release funds for the amount on the Standard Notice of Work Completed and/or the invoice. Releasing of these funds does not relieve CHARLES J. MAYER of any liability he may have for the negligent performance of the work he is authorized to proceed with. THIS AGREEMENT SUPERCEDES ANY OTHER INSTRUCTIONS OR POLICIES THE TITLE COMPANY MAY HAVE. In the event of any legal action or litigation involving this work authorization, which constitutes a contractual agreement, the prevailing party shall be entitled to recover all reasonable attorney fees and costs actually incurred.

NOTICE TO OWNERS: Under the California Mechanics Lien Law any structural pest control company which contracts to do work for you, any contractor, subcontractor, laborer, supplier or aother person who helps to improve your property, but is not paid for his/her work or supplies, has a right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your structural pest control company in full if the subcontractor, laborers or suppliers remain unpaid.

To preserve the right to file a claim or lien against your property, certain claimants such as subcontractors or material suppliers are required to provide you with a document entitled "Preliminary Notice". Prime contractors and laborers for wages do not have to provide this notice. A Preliminary Notice is not a lien against your property. Its purpose is to notify you of persons who may have a right to file a lien against your property if they are not paid.

I have read this work authorization contract and WDO inspection report it refers to.

SIGNED WORK AUTHORIZATION CONTRACT MUST BE RECEIVED BEFORE WORK WILL BE SCHEDULED.

I have read and understand the terms of this work authorization contract and hereby agree to all terms thereof.

APPROVED AND READ BY:

DATE

ACCEPTED FOR:

DATE

CHARLES J MAYER & COMPANY

CHARLES J MAYER & COMPANY
P.O. Box 1026
Concord, CA 94522-1026
Ph: (510) 428-1915 or (925) 685-7374
Toll: (800) 861-1881 Fax: (925) 685-3722



WORK AUTHORIZATION CONTRACT

Address of Property: 1161-63 Hearst Avenue, Berkeley, CA, 94702
Inspection Date: 07/27/2016
Report #: 49764
Title Co. & Escrow #:

SECTION 1

1A: \$ 7850.00
1C: \$ 150.00
1D: \$ 7850.00
1E: \$ 250.00
1G: \$ 3650.00
1H: \$ 125.00
1I: \$ 1650.00
1K: \$ 1650.00
1L: \$ 6850.00
1N: \$ 3150.00
1O: \$ 3650.00
1P: \$ 18850.00
4D: \$ 250.00

SECTION 2

1B: ref.owner
1F: ref.others
1M: \$ 50.00
4C: \$ 150.00

FURTHER INSPECTION

MOLD DISCLAIMER

There may be health related issues associated with the structural repairs reflected in the inspection report referenced by this Work Authorization Contract. These health issues include but are not limited to the possible release of mold spores during the course of repairs. We are not qualified to and do not render any opinion concerning such health issues or any special precautions. Any questions concerning health issues or any special precautions to be taken prior to or during the course of such repairs should be directed to a Certified Industrial Hygienist before any such repairs are undertaken.

BY EXECUTING THIS WORK AUTHORIZATION CONTRACT, CUSTOMER ACKNOWLEDGES THAT HE OR SHE HAS BEEN ADVISED OF THE FOREGOING AND HAS HAD THE OPPORTUNITY TO CONSULT WITH A QUALIFIED PROFESSIONAL.

Customer's Initials Date

CHARLES J MAYER & COMPANY
P.O. Box 1026
Concord, CA 94522-1026
Ph: (510) 428-1915 or (925) 685-7374
Toll: (800) 861-1881 Fax: (925) 685-3722



DATE	REPORT #	ESCROW #	PROPERTY LOCATION
07/28/16	49764		1161-63 Hearst Avenue, Berkeley 94702

TO: **HEARST AVENUE COTTAGES LLC**
1958 University Avenue, Suite A
Berkeley, CA 94702

07/27/2016	INSPECTION FEE	\$ 300.00
	<LESS PAYMENTS >	\$ 300.00
	BALANCE DUE	\$ 0.00

RETAIN THIS COPY FOR YOUR RECORDS

DUE AND PAYABLE WITHIN 10 DAYS


1.5% per month charged on all past due accounts. This is an annual percentage rate of 18%
(Interest charged pursuant to the Robinson-Patman Act)

NOTICE: "Under the Mechanics' Lien law, any contractor, subcontractor, laborer, supplier or other person who helps to improve your property but is not paid for his work or supplies, has the right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your own contractor in full, if the subcontractor, laborer, or supplier remains unpaid."

THANK YOU FOR YOUR BUSINESS

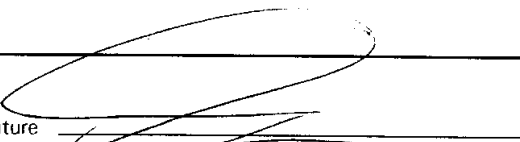
STANDARD NOTICE OF WORK COMPLETED AND NOT COMPLETED

NOTICE - All recommendations may not have been completed. - See below - Recommendations not completed.
 This form is prescribed by the Structural Pest Control Board.

Building No. Street, City, Zip		Date of Completion
1161 Hearst Avenue, thru 1163, Berkeley, CA, 94702		07/28/2016
CHARLES J MAYER & COMPANY P.O. Box 1026 Concord, CA 94522-1026 Ph: (510) 428-1915 or (925) 685-7374 Toll: (800) 861-1881 Fax: (925) 685-3722		
Firm Registration No. PR 7038	Report No. 49659	Escrow No.
Ordered By: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 Wayne Palmer	Property Owner/Party of Interest: HEARST AVENUE COTTAGES LLC 1958 University Avenue, Suite A Berkeley CA 94702	Report Sent To: NDG REAL ESTATE 1958 University Avenue Berkeley CA 94704 Wayne Palmer

The following recommendations on the above designated property, as outlined in Wood Destroying Pests and Organisms Inspection Report dated 07/08/2016 have been and/or have not been completed.

Recommendations completed by this firm that are in accordance with the Structural Pest Control Board's Rules and Regulations: 1A,11H													
Recommendations completed by this firm that are considered secondary and substandard measures under Section 1992 of the Structural Pest Control Board's Rules and Regulations including person requesting secondary measure:													
Cost of work completed:	<table border="0"> <tr> <td>Cost: \$</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Inspection Fee: \$</td> <td>\$</td> <td>150.00</td> </tr> <tr> <td>Other: \$</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Total: \$</td> <td>\$</td> <td>150.00</td> </tr> </table>	Cost: \$	\$	0.00	Inspection Fee: \$	\$	150.00	Other: \$	\$	0.00	Total: \$	\$	150.00
Cost: \$	\$	0.00											
Inspection Fee: \$	\$	150.00											
Other: \$	\$	0.00											
Total: \$	\$	150.00											
Recommendations not completed by this firm: 1A,4A,4B,10A,10B,11A,11B,11C, 11D,11E,11F,11G, 11H													
	Estimated Cost: \$ <u>18049.00</u>												
Remarks:													

Signature 

You are entitled to obtain copies of all reports and completion notices on this property reported to the Board during the preceeding two years upon payment of a search fee to : The Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, California 95815-3831.

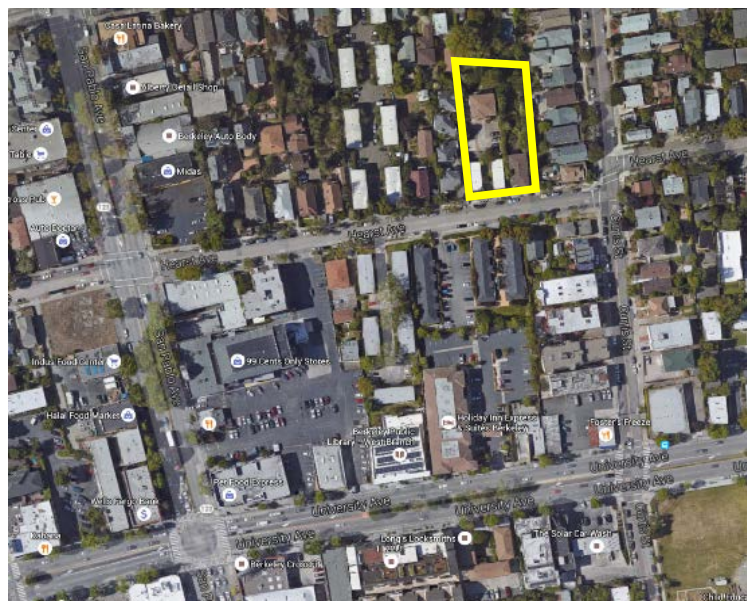
NOTE: Questions or problems concerning the above report should be directed to the manager of the company. Unresolved questions or problems with services performed may be directed to the Structural Pest Control Board at (916) 561-8708, (800) 737-8188 or www.pestboard.ca.gov. 43M-44 (Rev. 10/01)

1155-1173 Hearst Avenue
Revised Applicant Statement
October 11, 2016

Overview and Project Information

Rhoades Planning Group is pleased to present this proposal for a new residential condominium and transit/neighborhood-oriented development project located at 1155-1173 Hearst Avenue. The project site currently consists of two separate parcels that support six apartments on one and one single family residence on the other. The proposed project will include 13 new dwellings for a total of 18 on site condominium units. The project site is zoned Restricted Multiple Family Residential (R2-A), which allows one dwelling unit per each 1,650 square feet of lot area. The project furthers the goals of the district by providing medium density housing development in a transit-oriented location and improving the Hearst Avenue neighborhood and frontage.

The proposed project is located between an existing infill project to the west (condominiums) and homes/apartments south and single family homes to the north and east. This proposed project has been designed to work within the constraints imposed by surrounding homes while providing a high quality living environment along the San Pablo Avenue (one of Berkeley's most significant transit corridors) adjacent block of Hearst Avenue.



Project Description

The proposed project proposes to add 11 condominium dwelling units to six existing units and to demolish one single family home and replace it with one dwelling unit, for a total unit count of 18 for the project. The site currently consists of two parcels that will be combined to create a 21,673 square foot single parcel that will be held by a Homeowners' Association. The project proposes to provide two affordable units and existing rent controlled units will be handled consistent with Subdivision Map Act requirements (see Housing Affordability Statement).

The site has been designed to allow the maximum open space and neighbor buffering possible. In addition, an onsite drainage system has been designed, and is included in the project's site plan proposal, to address drainage and hydrology issues associated with the property and to protect adjacent properties where there is a history of flooding associated with area topography and historic stream drainages. One demolition of the single family home located at 1173 Hearst Avenue is proposed. Per Berkeley Municipal Code, Chapter 23C.08.010.C, a single family home is not subject to the findings set forth in Section 23C.08.020A, but shall comply with Section 23C.08.020 B, C, and D. The demolition and replacement of 1173 Hearst will result in a seismically updated structure which meets current building codes. Energy efficiency will be improved with new, thicker exterior wall insulation that does not fit in the existing 2"x4" stud framing, and new windows. New exterior finishes will allow for architectural cohesion with the rest of the project's design.

The two affordable units entitle the project to a 35% State Density Bonus and up to three concessions and incentives. The project is not requesting concessions or incentives. The base project calculation is 13 units, the additional five units are the density bonus units. The project is eligible for a density bonus per G.C. Section 65915, as it meets the definition of a housing development. The project is not requesting a density bonus under G.C. Section 65915.5 which grants a 25% density bonus for condominium projects that would not otherwise receive a density bonus under G.C. Section 65915.

The site will support 18 parking spaces (one tandem space). That equals one space assigned for each unit, including the five density bonus units. In addition, the project proposes approximately 6,400 square feet of open space where 5,400 is required for all of the units, but only 3,900 square feet would be required to comply with the project's base unit count.

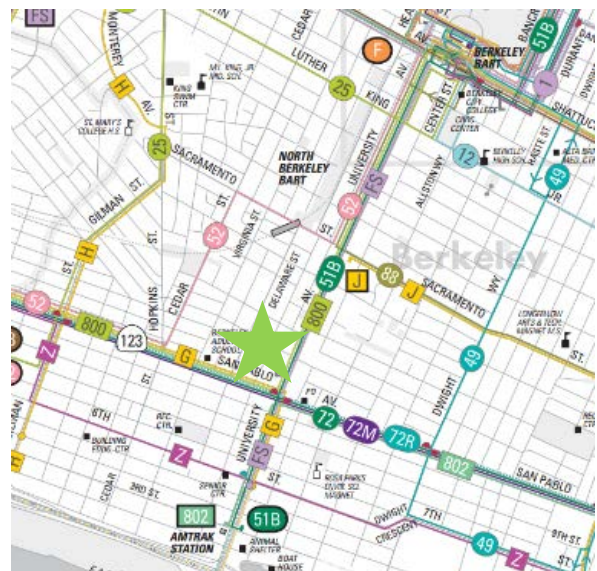
Transportation Demand Management and Sustainability Features

The project is located one block from one of Berkeley's best connected regional corridors and two blocks from one of Berkeley's best transit served east/west north/south crossroads (San Pablo/University). The site provides access and connectivity with West Berkeley, Oakland, San Francisco, Richmond, El Cerrito and Emeryville, and the Downtown Berkeley/Campus environs.

Bus Transit – The project site is within one quarter mile of the San Pablo/University intersection that is served by AC Transit's 72 Rapid bus line, 49, 51B, 52, FS, G, 72, 72M, and 800 and 802 lines, and transbay lines.

On Site Parking:

- The project will include 19 common area secure bicycle parking spaces on the ground level, for use by residents.
- The project provides 18 ground level parking spaces for residents



Project Sustainability Features and Benefits:

The project’s primary sustainability features, consistent with the City of Berkeley Climate Action Plan, is that it is a transit-oriented development project. The project’s TDM program, as described above, help the project best utilize the corridor’s proximity to transit infrastructure. The project’s green building features include:

- Drought tolerant and Bay-friendly landscaping and materials
- LED and low voltage lighting where possible
- Low/No VOC finishes and materials
- Exceed Title 24 Energy Standards

These elements, as well as the provision of transit-oriented housing, will help the City of Berkeley to meet Climate Action Plan goals.

Architectural Program

The project architecture will provide a contemporary infill “village” type construct. The buildings are designed specifically to address the adjacencies of the single family homes to the project’s east. The massing along those property lines is consistent with zoning standards and the massing is kept to no higher than two stories. One entire structure was removed from the rear corner of the site after a request by neighbors and those units moved to the Hearst Avenue frontage (see original density bonus site layout at the end of this statement), where the buildings hold a stronger urban form on Hearst where structures vary from one to four stories. The roof lines and materials proposed for the project are consistent with the vernacular of the neighborhood.



Use Permits Requested

23D.32.030 (UPPH)—Dwelling Units

23C.08.020 (UPPH)—Elimination of Dwelling Units through Demolition

Waivers and Modifications Requested to Accommodate Density Bonus

1. **Height** – increase to 35 feet and three stories to accommodate density bonus units where 3 stories and 28’ are allowed.
2. **Parking** – allow one tandem space to create a total of 18 parking spaces on site.
3. **Lot Coverage** – allow increased 5% increased lot coverage from the allowable 35% to 40% to accommodate residential units associated with the Density Bonus.

4. **Building Separation** – reduce building separations to allow for density bonus units and parking.
5. **Third floor reduction of 6’ required side yard setback per BMC 23D.32.070.E**
6. **Two driveways within 75’ along a property line per BMC 23D.12.080.J.**

CEQA Determination

This project is expected to be exempt from CEQA pursuant to Section 15332: Class 32 Exemption for Infill Development Projects. Section 15332 is intended to promote infill development projects within appropriate urbanized areas when they are consistent with local general plan and zoning requirements. This project meets the eligibility requirements for Class 32 exemption as follows:

- a) The project is consistent with the City of Berkeley’s General Plan designation as Low/Medium Density residential, as a residential development project with transit-oriented housing. The project is also consistent with the zoning designation and regulations of the R-2A district. The Project is consistent with the general use designation, density, building intensity, streetscape and applicable policies specified for the project area in the City’s Zoning Ordinance, specifically with the R-2A zoning district.
- b) The proposed development occurs within the City of Berkeley’s city limits. The project site is less than five acres and is completely surrounded by urbanized uses.
- c) As an urbanized site near two major transit corridors within the City of Berkeley, the project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project site is within one quarter mile of the San Pablo/University intersection that is served by AC Transit’s 72 Rapid bus line, 49, 51B, 52, FS, G, 72, 72M, and 800 and 802 lines, and transbay lines. The site is also .75 miles (a 10 minute bike ride) from the North Berkeley BART Station.

A Phase I Environmental Site Assessment was NOT prepared for the site because there is no history of property use other than lower density residential. There is no indication that any of the structures on the site, or the site itself, has any history of use of toxics or pollutants. Potential lead paint or asbestos issues will be handled consistent with City of Berkeley and Uniform Building Code Requirements.

As a transit-oriented project in an urbanized area, the proposed project will not have any significant effects on air quality or noise. The project will improve infrastructure related to hydrology on the site and as proposed will include landscaping and permeability meeting C-3 and Bay Friendly Landscape standards. A Hydrological Study was prepared for the project by Clearwater Hydrology to address on site and neighbor adjacent water and drainage issues. Those recommendations have been designed into the project and are a part of the proposal so that no mitigations are necessary from a CEQA perspective. The study is attached to this application.

A traffic and parking letter was completed by Abrams and Associates, which found that the project will NOT have a significant effect on area parking or traffic. That study is attached.

- e) The site can be adequately served by all required utilities and public services.

Housing Affordability/Density Bonus Statement

Please refer also to the attached Housing Affordability and non-Discrimination Statement, as well as the City of Berkeley Density Bonus letter and response. All of these items are provided with this application. The proposed project is entitled to a density bonus pursuant to California Government Code Section 65915(b). The proposed project will provide 2 dwelling units on-site that are affordable to households earning not more than 50% Area Median Income, which entitles the project to a 35% housing density bonus. In providing these units on site at 50% AMI the project will also exceed the City of Berkeley Housing Mitigation Requirement that 10% of the project's base 13 units (or 1.3 units) be affordable at 50% AMI.

The project's base density calculation results in 13 base project units. As shown in the attached plan sheets A0.2, A0.3, A0.4, and A0.5, the base project units have all been designed consistent with all of the baseline zoning development standards. The five density bonus units are constructed as third story portions of the project.

Pursuant to the request of project neighbors the proposal includes second and third story elements setback only 7'-10' from Hearst Avenue. The third floor elements are density bonus units. The non-conforming front setback is being maintained and extended vertically in order to receive two units that had previously been in the northeast corner of the site. In addition, the continued non-conforming setback allows for an additional onsite parking space. The overall base project, minus this condition, easily fits within the zoning standards envelope for the property.

The project is requesting the waivers and modifications discussed above to accommodate the units and floor area for the proposed housing development, as defined in Government Code Section 65915(b)(1)(A).

Zoning Standards

Standard (BMC Section 23E.64)		Existing	Proposed Total	Permitted/Required
Lot Area (sq. ft.) – Total		21,673	21,673	5,000
Commercial Floor Area (sq. ft.)		1,800	1,600	NA
Residential Gross Floor Area (sq. ft.)		7,228	15,178	NA
Gross Floor Area (sq. ft.) – Total		7,228	15,178	NA
Lot Coverage		22%	40%	35% = Density Bonus waiver/mod
Dwelling Units	Affordable	6 rent controlled	6	1.8 units (City Affordable Housing Mitigation)
	Total	0	18	13+5 DB
Building Height	Maximum (ft.)	23'	35'	35', Density Bonus waiver/mod
	Stories	2	3	3
Yards	Front	Approx 27'-10'	No change	15' = Density Bonus waiver/mod
	Side	4'	4'	4'
		4'	4'	4', 6' where three stories occur = Density Bonus waiver/mod
Rear	27'10"	27'10"	15'	
Usable Open Space – Total (sq. ft.)			6,458sf	300sf/unit = 5,400 sf
Parking	Residential	8	18 (one tandem)	18 (one tandem) = Density Bonus waiver/mod
	Commercial/Food Service	N/A	N/A	N/A
	Total		18	18 (one tandem) = Density Bonus waiver/mod
	Bicycle	0	19	0

Unit Mix and Size		
Unit Type	Number	Average Square Footage
One-Bedroom	4	@530 s.f.

Residential units represent a mix of one, two, and three-bedroom units.

Two-Bedroom	11	@1,000 s.f.
Three-Bedroom	3	@1,450 s.f.
Total	18	@1,110 s.f.

Project Setting

The project site is located within a diverse residential setting n the edges of two major transit corridors.

The site currently supports four structures with residential units.

Environmental Assessment

There is no indication that any of the structures on the site, or the site itself, has any history of use of toxics or pollutants. Potential lead paint or asbestos issues will be handled consistent with City of Berkeley and Uniform Building Code Requirements.

Surrounding Uses and Zoning		
Direction	Use	Zoning
North	Single Family Residential	R-2
East	Single Family Residential	R-2
South	Multifamily Residential	R-3
West	Multifamily Residential	R-2A

Green Building Requirements

Project components that will contribute to environmental sustainability include the provision of transit-oriented housing, interior and exterior finishes and materials, addressing site and area hydrological issues, and bicycle parking.

Required Use Permit Findings - Findings to Authorize Approval of Use Permits – Section 23B.32.040. This section authorizes the approval of Use Permits upon finding that the establishment, maintenance or operation of the use, or construction of a building, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood 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. Approval of a Use Permit also requires making the findings that the project is consistent with the purposes of the District.

Response: The proposed project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of the neighborhood or the City as a whole. The proposed project replaces a low density dated property with a history of nuisance and security problems with a condominium project that adds vitality, housing opportunities, economic development, and pedestrian-oriented design to the neighborhood, and continues the vernacular design of the existing neighborhood.

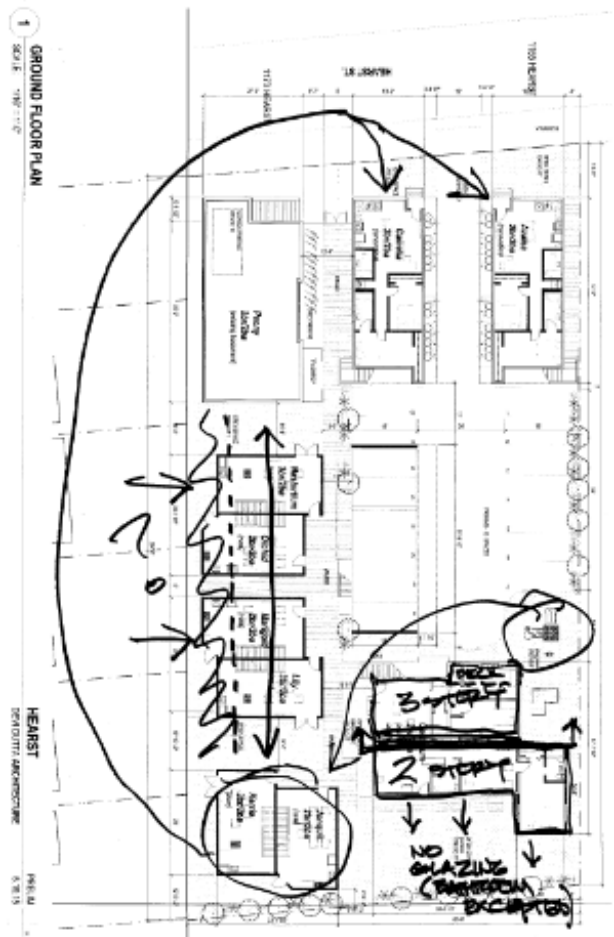
Neighborhood Meeting & Community Outreach

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.

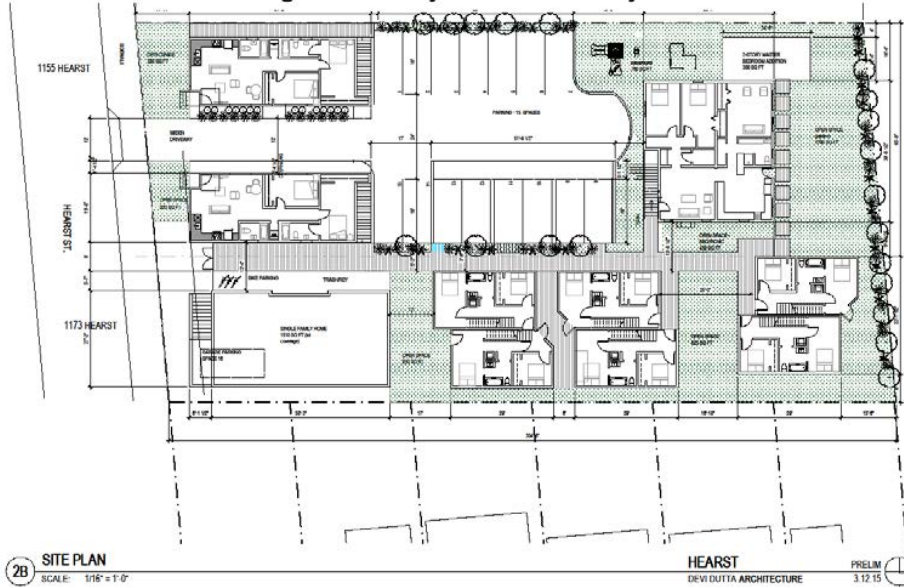
The large community meeting was held on November 30th, 2015. Prior to the meeting, notices were sent to all property owners and occupants within 300 feet of the site based on a list of addresses provided by

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.

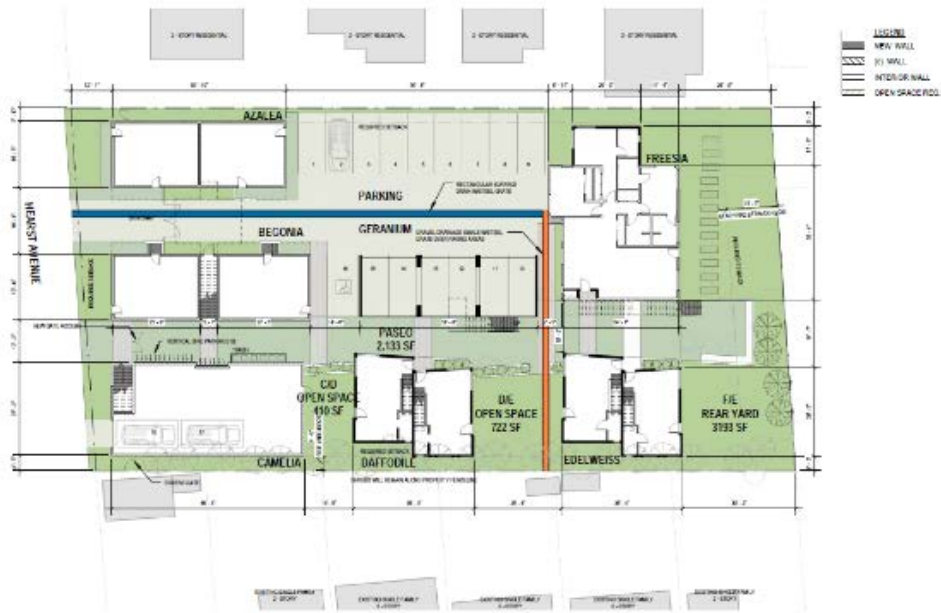
The project was modified significantly subsequent to the neighborhood meetings. The hand diagram at right shows the significant aspects of the project's changes to address concerns.



Original Density Bonus Site Layout



Current Site Design





MICHAEL K. BROWN
MBROWN@BGWCOUNSEL.COM

October 6, 2016

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

RE: Demand to Consider Housing Development Pursuant to Plain Language of
California Affordable Housing Density Bonus Law
1155-1173 Hearst Avenue, Berkeley, CA
Our File No. 5198-013

Dear Mr. Cowan:

We represent Hearst Avenue Cottages, LLC, (HAC) the entity that owns two adjoining parcels which includes rental apartments located at 1155-1163 and a single family home at 1173 Hearst Avenue, Berkeley ("Hearst Avenue") in the R-2A zoning district. We have had conversations with Mark Rhoades and Nathan George, who have asked us to evaluate and bring to your attention the application of the State Density Bonus Law to the proposed affordable housing development (as defined by state law) at Hearst Avenue.

As you know, we are writing because HAC has the legal right to build a residential housing development project greater than five units on a 21,850 gross square foot lot based on their proposal to combine the parcels and provide affordable units consistent with the City's Affordable Housing Mitigation Fee. The project would include 11% of its units at 50% AMI and provide an in lieu fee for the balance of the units required for the balance of the units that are required to be affordable to households earning not more than 80% AMI. By providing this percentage of below market rate housing units, the housing development will be subject to a density bonus pursuant to Cal Gov. Code § 65915 ("State Density Bonus Law").

This letter follows several months of interaction with staff in the Planning and Development Department relevant to baseline requirements for the exercise of the density bonus. One of the issues that continues to flummox the application is the stated threshold by the planning staff that because the single family residence on the property does not include "the substantial rehabilitation of an existing multifamily dwelling ... where the result of the rehabilitation would be a net increase in available residential units" it is not therefore not included in the base calculation of units subject to the density bonus. We do not agree that this status precludes the project from qualifying for a density bonus with that single family residence counted as a part of the base project consideration.

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1. Applicability of the State Density Bonus Law

Decades of California case law hold that the State Density Bonus Law applies generally to any residential development that meets the affordability criteria and includes, but does not require, the substantial rehabilitation of a multi-family building where there will be a net increase in units. The exact language of Cal Gov. Code § 65915(i) is as follows:

(i) "Housing development," as used in this section, means a development project for five or more residential units. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

From the plain reading of this statute, "housing development" is defined as a development project for five or more residential units. Though the statute goes on to state that the "the substantial rehabilitation of an existing multifamily dwelling ... where the result of the rehabilitation would be a net increase in available residential units" is sufficient to qualify a project for a density bonus (i.e., "also includes"), there is no language that implies that this additional category is necessary. Furthermore, there are no findings that support the City of Berkeley's argument that the second sentence of Cal Gov. Code § 65915 is designed to limit the first.

First, the legislative intent behind State Density Bonus Law should be highlighted. In *Wollmer v. City of Berkeley* (2011) 193 Cal. App. 4th 1329, the Court states that the purpose of the Density Bonus Law is to encourage municipalities to incentivize the development of more affordable units. This is reinforced in Cal Gov. Code § 65915, subd. (b)(1), which states that a density bonus is granted to an applicant for a housing development in exchange for the applicant's agreement to construct a percentage of affordable housing units. In application, developers agreeing to build a certain percentage of low-income housing are rewarded with the opportunity to build more residences than would otherwise be permitted by the applicable local regulations. *Id* at 1339. The *Wollmer* Court, citing Cal Gov. Code § 65915, subd. (c)(1), held that "the developer's responsibility thus is to build the agreed-upon affordable units and ensure the continued affordability of the units that qualified it for the density bonus, and that is all." *Id* at 1343. In *Wollmer*, the Court considered the intent of the statute to hold that the city was required to grant development standard waiver requests to ensure that the project, that otherwise met

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criteria of the density bonus law, was developed. *Id* at 1437. In contrast, HAC has not requested any concessions or incentives, but the project has requested waivers for the following development standards: (1) building separation; (2) lot coverage; (3) tandem parking; (4) third floor reduction of 6 feet required side yard setback; and (5) maintaining two existing driveways that after merger of the two parcels will not be 75 feet from one another. HAC is entirely entitled by the language of the statute, to conduct the proposed housing development.

In *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App. 4th 807, the Court upheld the same purpose established in *Wollmer*. In its interpretation of the density bonus law, the court reasons,

“In 1979, the Legislature added several provisions to the Planning and Zoning Law (Gov. Code, § 65000 et seq.) to address the shortage of affordable housing in California. ... One of these statutes, Section 65915, offers incentives to developers to include low income housing in new construction projects. Although application of the statute can be complicated, its aim is fairly simple: When a developer agrees to construct a certain percentage of the units in a housing development for low or very-low-income households, or to construct a senior citizen housing development, the city or county must grant the developer one or more itemized concessions and a ‘density bonus,’ which allows the developer to increase the density of the development by a certain percentage above the maximum allowable limit under local zoning law. (Gov. Code, § 65915, subs. (a), (b).)” *Id* at 823.

Though the issue addressed in *Friends of Lagoon Valley* involved the maximum density level percentage, the court’s interpretation of the overall purpose of the Density Bonus Law and method of reading the statute is applicable. The Plaintiff argued that language in the statute describing 35 percent as a “maximum” value (Gov. Code, § 65915, subs. (g)) precluded the City from granting a density bonus of over 40 percent. The Court held that the Plaintiff’s contention was undermined by Gov. Code, § 65915, subs. (n) which states that “nothing in this section shall be construed to prohibit a city, count, or city and country from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section.” *Id* at 825. In evaluating the meaning of this section, the Court reasoned that since the “primary goal in construing a statute is to ascertain legislative intent so as to effectuate the purpose of the law,” it is important to first “examine the language of the statute, giving the words their ordinary, commonsense meaning and according significance to all words used ... if they are clear and unambiguous, there is no need for judicial construction and a court may not indulge in it” *Id*. The court held that the language in Gov. Code, § 65915, subs. (n) was unambiguous despite the complicated calculations that accompany it and that 35 percent maximum was the amount of a bonus the city is required to provide, not the maximum amount a developer can obtain. *Id*. To color its interpretation of Gov. Code, § 65915, subs. (g), the Court reiterates that the overarching goal of Gov. Code, § 65915 is to incentivize the creation of more affordable units. The Court concluded that interpreting subdivision (g) as imposing an absolute cap would effectively undermine the overall purpose of Gov. Code, § 65915 by preventing developers from creating even more low-income housing. *Id* at 825-26.

Similar to that statute contested in *Friends of Lagoon Valley*, Cal Gov. Code § 65915(i) has a plainly unambiguous meaning, defining “housing development” is defined as a development

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project for five or more residential units. Following the Court in *Friends of Lagoon Valley*, to interpret the statute as requiring the project to include “the substantial rehabilitation of an existing multifamily dwelling . . . where the result of the rehabilitation would be a net increase in available residential units” would prevent HAC from creating more low-income units, thus undermining the overarching goal of Gov. Code, § 65915.

2. Calculations

The proposed project is located in the R-2A zoning district. The otherwise allowable maximum residential density in the R-2A zone is one dwelling unit per each 1,650 square feet of lot area, or in the case of the proposed project:

21,850 gross square foot land area/1,650 per unit density standard = 13.24 dwelling units

The calculation of the applicable density bonus relies on the type of project proposed, the percentage of affordable units provided on site for a term of 55 years or longer, and the level of affordability of those units.

Berkeley’s Affordable Housing Mitigation Ordinance (AHMO) requires 10% of units in a project be affordable to households earning not more than 50% AMI, and 10% of units to be provided at 80% AMI (It should be noted here that the project’s determination of completeness may be in question given the items requested AFTER the initial 30 day review and that the project application was submitted long before the City Council’s raising of the Affordable Housing Mitigation requirement to 20% of units). In this scenario the project would be required to provide 1.3 units (2 physical units) BMR @ 50% AMI, which qualifies the project for a 35% density bonus, all necessary waivers and modifications and up to 3 concessions/incentives. The project does not currently seek concessions or incentives.

Currently there are six rent controlled units on the combined property and one single-family home. The three duplexes on the 1155-1163 property will be increased to triplexes while the existing single family residence at 1173 will remain a single family home. Density bonus units will be placed in what is currently the rear yard portion of 1173.

It is our belief that the project’s base project calculation results in 13 units (not 12 as stated by staff) and six density bonus units for a total of 18 units (not 17 as stated by staff), regardless of whether or not the single family home is otherwise modified.

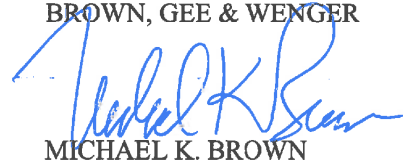
The City’s planning staff has taken the position of adding a second requirement to define “housing development” which is not the legislative intent, nor the interpretation of the courts, in drafting and implementing Cal Gov. Code § 65915. If the Legislature intended to require this second requirement, it could have easily said so. As established in *People v. Buena Vista Mines, Inc.* (1996) 48 Cal. App. 4th 1030, 1034, a governing body should “loathe to construe a statute which has the effect of ‘adding’ or ‘subtracting’ language.” The legislative directive, as implemented by California courts, has held that Density Bonus Law should be fully implemented to encourage the creation of more affordable units.

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We request immediate steps be taken to move the application forward consistent with State Laws, including the Permit Streamlining Act and approve the proposed Hearst Avenue Cottages housing development subject to a density bonus because there are no specific, adverse impacts to health, safety, or the environment per Government Code Section 65915(e)(1). Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

BROWN, GEE & WENGER



MICHAEL K. BROWN

MKB/dj

Filed 3/11/11 Certified for publication 3/30/11 (order attached)

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

STEPHEN WOLLMER,
Plaintiff and Appellant,

v.

CITY OF BERKELEY et al.,
Defendants and Respondents;

R.B. TECH CENTER LP et al.,
Real Parties in Interest and
Respondents.

A128121

(Alameda County
Super. Ct. No. RG09457010)

Appellant Stephen Wollmer asks this court to reverse the denial of his petition for administrative mandamus challenging two approvals by respondents City of Berkeley and the Berkeley City Council (collectively, the City) for a mixed-use affordable housing or senior affordable housing project located at 1200 Ashby Avenue.¹ Specifically, he denounces the approvals as violative of the state's density bonus law as well as the California Environmental Quality Act (CEQA).² We conclude the trial court properly denied the petition and entered judgment in favor of the City; accordingly, we affirm the judgment.

¹ As we explain, use permits have been approved for two projects on the site; prior to issuance of a building permit, the applicant will have to elect which alternative it will pursue.

² Public Resources Code section 21000 et seq.

I. FACTUAL BACKGROUND

The site of the proposed projects at 1200 Ashby Avenue consists of 0.79 acres, located at the southeast corner of San Pablo Avenue and Ashby Avenue in Berkeley. Currently vacant, the northern portion of the site previously was a gas station, and the soil has been remediated. The area generally has been developed with one- and two-story commercial and mixed-use buildings. It abuts a lower-density residential neighborhood to the east and a light industrial/commercial district to the west.

A. *The Affordable Housing Project*

In November 2007, real parties in interest³ submitted an application to the City for a new mixed-use building with condominiums (some affordable), retail space and parking (the Affordable Housing Project). With the submission of a revised application in April 2008, the application was deemed complete for processing. In January 2009, the Berkeley Zoning Adjustments Board approved the use permit application for a five-story building with 98 residential units (including 15 affordable units); 7,770 square feet of ground floor commercial space; 114 parking spaces; and a five-foot right-of-way to the City to accommodate a new left-turn lane to alleviate traffic concerns. From the beginning the Developers sought approval of a density bonus as provided under state and local law. The use permit qualified the Developers for a minimum 32.5 percent density bonus under Government Code⁴ section 65915 because, at the Developers' option, 20.3 percent of the base units would be affordable to low-income households if built as condominiums, and 10.8 percent of the affordable units would be affordable to very-low-income households if built as rentals.

Wollmer appealed the zoning adjustments board's decision and the City affirmed.

Prior to determining the project's status under CEQA, the City undertook a traffic analysis, particularly focused on traffic impacts to the San Pablo/Ashby intersection. The

³ Real parties in interest are R.B. Tech Center LP; Memar Properties, Inc.; CityCentric Investments, LLC; and Ashby Arts Associates LP. We will refer to real parties in interest collectively as the Developers.

⁴ Unless noted otherwise, all statutory references are to the Government Code.

traffic study projected that on a typical weekday, the proposed project would generate approximately 34 trips during the morning peak hour and 41 trips during the afternoon peak hour; on Saturdays, the project was expected to generate 71 trips during the peak hour. The study concluded that “all study intersections operate at LOS [level of service]^[5] D or better during a.m., p.m. and Saturday peak hours, which meet City of Berkeley LOS standards.” Further, under existing and approved project conditions, “all study intersections are expected to continue operating at acceptable levels of service with minor increases in delay during the weekday. During Saturday peak hour, the intersection of San Pablo Avenue and Ashby Avenue continues to operate at LOS F, with an insignificant increase in V/C [volume-to-capacity ratio] due to the added project traffic.” Finally, the study also noted that the project sponsor offered to dedicate a right-of-way along the Ashby Avenue frontage which would enable the City to install a left-turn lane and upgrade the signal, *resulting in improved traffic flow* at the intersection of San Pablo and Ashby Avenues despite additional trips generated from the project.

City planning staff considered the appropriate level of CEQA review for the project, including whether it would qualify for a “Class 32^[6] Categorical Exemption for „In-Fill Development Projects.“ ” The City determined that the Affordable Housing Project did qualify for this categorical exemption, and in May 2009 filed a notice of exemption.

B. *The Senior Affordable Housing Project*

Between 1990 and 2007, the population of 55- to 64-year-olds in Berkeley increased 107.9 percent. To address changes in the housing market and to position the proposed development for certain funding opportunities, in May 2009, the Developers

⁵ LOS is a qualitative description of intersection operations reported on an A through F letter rating system to describe congestion and travel delay. LOS A signifies free flow conditions with little or no delay, while LOS F signifies jammed conditions with excessive delays and lengthy back-ups.

⁶ Referring to California Code of Regulations, title 14, section 15332, subdivision (a). Hereafter, we will refer to the CEQA regulations (*id.*, § 15000 et seq.) as the “Guidelines.” (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1372.)

requested a modification to its use that would permit them to proceed with either the approved Affordable Housing Project, or a 98-unit mixed-use building for an affordable senior housing in-fill development (the Senior Affordable Housing Project). The proposed Senior Affordable Housing Project included 9,300 square feet of retail space, 25 parking spaces for the senior housing and 18 for retail. The residential units ranged in affordability from a 40 percent to 60 percent average median income.

The Developers also requested a revised trip generation estimate for the proposed Senior Affordable Housing Project. The transportation consultants concluded that the revised development would generate *fewer* trips than the already approved development, and of course like the Affordable Housing Project, it was not expected to have any significant traffic impacts.

The zoning adjustments board approved the modifications in June 2009. Wollmer appealed and the City again affirmed. Thereafter the city also determined that the proposed Senior Affordable Housing Project was exempt from CEQA on the same basis as the Affordable Housing Project. Thus, as of today, the Developers are authorized to proceed with either the Affordable Housing Project or the Senior Affordable Housing Project.

C. *Litigation*

Through a petition for administrative mandamus, Wollmer challenged the City approvals on several fronts, claiming violations of the City's zoning ordinance, the state density bonus statutes and CEQA. Initially the trial court granted the petition in part, concluding that use permit condition 68, which allowed Section 8⁷ rent subsidies for density bonus-qualifying units, ran afoul of section 65915. The City and the Developers objected to the statement of decision on that point. Reconsidering its earlier ruling, the trial court denied the petition in its entirety. It found that the condition was consistent with the definitions of "rents" and "affordable rent" as set forth in governing law, and was consistent with the purpose of the density bonus law. This appeal followed.

⁷ "Section 8" refers to section 8 of the United States Housing Act of 1937, as amended. (42 U.S.C. § 1437f).

II. DISCUSSION

A. *Density Bonus Law Issues*

Appellant asserts that the City's approvals violated state density bonus law in three ways: (1) condition 68 of the use permit allowed the Developers to receive Section 8 subsidies for density-bonus-qualifying units, thereby exceeding the maximum "affordable rent" established in Health and Safety Code section 50053; (2) the City's approval of amenities should not have been considered when deciding what standards should be waived to accommodate the project; and (3) the City improperly calculated the project's density bonus.

1. *Standard of Review*

A public agency's grant of a land use permit or variance is an adjudicatory act, subject to judicial review by administrative mandamus. (*Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933, 938 (*Wollmer I*); *Saad v. City of Berkeley* (1994) 24 Cal.App.4th 1206, 1211.) In such proceedings, the inquiry extends to "whether the respondent has proceeded without, or in excess of jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence." (Code Civ. Proc., § 1094.5, subd. (b); *Wollmer I, supra*, 179 Cal.App.4th at p. 938.)

The trial court presumes that an agency's decision is supported by substantial evidence; it is the petitioner's burden to demonstrate the contrary. As well, the lower court examines the entire record and considers all relevant evidence, including evidence that detracts from the agency's decision. Although this task involves limited weighing, it does not amount to independent review because the trial court may only overturn the agency's decision if, based on the evidence before it, a reasonable person could not have reached the same conclusion. However, as to pure questions of law, the trial court exercises independent judgment. Finally, on appeal from the denial of a petition for administrative mandamus, we assume the same role as that of the trial court. (*McAllister*

v. California Coastal Com. (2008) 169 Cal.App.4th 912, 921-922; see *Hines v. California Coastal Com.* (2010) 186 Cal.App.4th 830, 839-840.)

2. *Condition 68 of the Use Permit*

a. *Density Bonus Law and City's Inclusionary Ordinance*

The Legislature has declared that “[t]he availability of housing is of vital statewide importance,” and has determined that state and local governments have a responsibility to “make adequate provision for the housing needs of all economic segments of the community.” (§ 65580, subs. (a), (d).) Achieving the goal of providing housing affordable to low- and moderate-income households thus requires the cooperation of all levels of government. (*Id.*, subd. (c).) The Legislature has also declared that “there exists within the urban and rural areas of the state a serious shortage of decent, safe, and sanitary housing which persons and families of low or moderate income, including the elderly and handicapped, can afford.” (Health & Saf. Code, § 50003, subd. (a).)

The state density bonus law is a powerful tool for enabling developers to include very-low-, low- and moderate-income housing units in their new developments. A “„density bonus”” is “a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the [municipality].” (§ 65915, subd. (f).) The purpose of this law is to encourage municipalities to offer incentives to housing developers that will “contribute significantly to the economic feasibility of lower income housing in proposed housing developments.” (§ 65917.)

Section 65915 mandates that local governments provide a density bonus when a developer agrees to construct any of the following: (1) 10 percent of total units for lower income households; (2) 5 percent of total units for very-low-income households; (3) a senior citizen housing development or mobilehome park restricted to older persons, each as defined by separate statute; or (4) 10 percent of units in a common interest development for moderate income families or persons. (*Id.*, subd. (b)(1)(A)-(D).)

Although the details of the statute are complex, as explained in *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 824: “In other words, the Density Bonus Law „reward[s] a developer who agrees to build a certain percentage of low-

income housing with the opportunity to build more residences than would otherwise be permitted by the applicable local regulations.” [Citation.]” To ensure compliance with section 65915, municipalities are required to adopt an ordinance establishing procedures for implementing the directives of the statute. (*Id.*, subds. (a), (d)(3).)

In its specifics, section 65915 establishes a progressive scale in which the density bonus percentage available to an applicant increases based on the nature of the applicant’s offer of below market-rate housing. Hence, proposed projects reserving a minimum of 10 percent of total units for moderate-income households receive a 5 percent density bonus, with every additional percentage point increase in applicable units above the minimum—up to 40 percent—receiving a one percent increase in the density bonus, up to a maximum 35 percent bonus. (§ 65915, subd. (f)(4).) Developers agreeing to construct a minimum of 10 percent of units for low-income households are eligible for a 20 percent density bonus, and the multiplier for each additional increase in units above the minimum amount—up to 20 percent—is 1.5 percent. (*Id.*, subd. (f)(1).) A similar scale applies to construction of very-low-income units, except that the minimum 20 percent density bonus kicks in when only 5 percent of units are reserved for this classification, and the multiplier for each additional percent increase in units above the minimum amount—up to 11 percent—is 2.5 percent. (*Id.*, subd. (f)(2).) Finally, for a senior housing development or age-restricted mobilehome park, the density bonus is 20 percent of the number of senior housing units. (*Id.*, subd. (f)(3).)

Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the “continued affordability of all low- and very low income units that qualified the applicant” for the density bonus, for 30 years or longer if required by certain programs, including a rental subsidy program. (*Id.*, subd. (c)(1).) The statute goes on to state: “Rents for the lower income density bonus units *shall be set at an affordable rent* as defined in Section 50053 of the Health and Safety Code.”⁸ (*Ibid.*,

⁸ Wollmer constructs some of his arguments around the legislative history of certain amendments to section 65915, subdivision (c)(1). However, we resort to extrinsic sources of legislative intent only when a statute is ambiguous or fraught with latent

italics added.) In turn that provision establishes maximum ceilings for an “affordable rent.” As pertinent to this appeal, Health and Safety Code section 50053 states: “For any rental housing development that receives assistance on or after January 1, 1991, and a condition of that assistance is compliance with this section, „affordable rent,” including a reasonable utility allowance, shall not exceed: [¶] . . . [¶] (2) For very low income households, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.” (*Id.*, subd. (b)(2).) However, the statute also contemplates that the Department of Housing and Community Development (Department) may, by regulation, “adopt criteria defining and providing for determination of . . . rent for purposes of this section.” (*Id.*, §§ 50053, subd. (c), 50064.)

The Affordable Housing Project approved by the City includes eight units reserved for very-low-income households (10.8 percent of the base project of 74 units), entitling the Developers to a minimum density bonus of 32.5 percent. The Developers requested a 32.4 percent density bonus which would allow 24 market-rate units in addition to the 74-unit base project. For the modified Senior Affordable Housing Project, the Developers requested, and received, a 30.7 percent density bonus.

Condition 68 of the use permit approved by the City for either project details the affordability and income qualification requirements under both section 65915 and the City’s inclusionary ordinance, Berkeley Municipal Code chapter 23C.12. Under the inclusionary ordinance, 20 percent of dwelling units in a subject project must qualify as inclusionary units.⁹ (Berkeley Mun. Code, § 23C.12.030.A.) Further, where there is more than one such unit, at least half shall be rented at a price affordable to low- or lower-income households, provided the City can make available rental subsidies through Section 8 or an equivalent program. (*Id.*, § 23C.12.060.C.) In the case of an uneven number of inclusionary units, the majority must “be priced to be affordable to a

ambiguity; this statute is not. (*Friends of Lagoon Valley v. City of Vacaville, supra*, 54 Cal.App.4th at p. 826.)

⁹ In general inclusionary units must be sold to the City “or to Low Income, Lower Income or Very Low Income Households or shall be rented to Households of similar incomes.” (Berkeley Mun. Code, § 23C.12.040.A.)

Household at 50% of median income^[10] if subsidies are available. If no rental subsidies are available, all Inclusionary Unit prices shall be affordable to Households at 81% income of the Oakland PMSA median.” (Berkeley Mun. Code, § 23C.12.060.C.) In keeping with the inclusionary ordinance, condition 68 allows Section 8 rents as the maximum housing payments for the eight very-low-income rental units qualifying for the section 65915 density bonus. We note that the Berkeley Housing Authority awarded the proposed project 87 project-based Section 8 certificates. This award allows the Developers to enter into an agreement with the Berkeley Housing Authority to construct the units, and, upon completion, for the parties to enter into a housing assistance payment contract for rental subsidies to those units. The proposed density bonus units come within the 87 project-based certificates.

b. *Analysis*

The crux of appellant’s complaint is this: Condition 68 violates the state density bonus law because it allows the Developers to receive substantially higher fair market rents available under the federal Section 8 housing program, rather than the maximum rents established under state law. Specifically, the concept of “affordable rent” means the rent that housing providers who receive density bonuses must *accept* as an affordable rent, not the rent at which a qualifying unit is *made available* to a prospective tenant. In short, appellant asserts that very-low-income units qualifying for state density bonus benefits cannot be rented for more than what Health and Safety Code section 50053, subdivision (b)(2) allows, namely 30 percent of 50 percent of area median income. Under this reasoning, the density bonus law *caps* the total rent a housing provider can receive *from any source* to the above amount, whether that rent comes from direct tenant payment or a combination of tenant contributions and a Section 8 subsidy. This is not the law.

¹⁰ Median income levels for households are determined by reference to the Oakland Primary Metropolitan Statistical Area (PMSA) statistical figures available from the most recent United States census. (Berkeley Mun. Code, § 23C.12.030.C.)

Health and Safety Code section 50098 defines “rents” as “the charges *paid by* the persons and families of low or moderate income for occupancy in a housing development assisted under this division whether the units are rented or operated as a cooperative.” (Italics added.) As mentioned above, Health and Safety Code section 50053 also empowers the Department to promulgate regulations “defining and providing for determination of . . . rent for purposes of this section.” (*Id.*, subd. (c).) Pursuant to this and other authority, the Department has defined the term “affordable rent,” as follows: “Affordable rent” also means rent charged as a tenant contribution under the provisions of Section 8 of the United States Housing Act of 1937, as amended, when the unit or household is receiving assistance pursuant to the Section 8 program.”¹¹ (Cal. Code Regs., tit. 25, § 6922, subd. (d).)

It is apparent from all these provisions that, contrary to appellant’s assertions, “affordable rent” within the meaning of our density bonus law is concerned with the rent that a tenant pays, not with the compensation received by the housing provider. A density bonus is granted to an applicant for a housing development in exchange for the applicant’s agreement to construct a percentage of affordable housing units. (§ 65915, subd. (b)(1).) The developer’s responsibility thus is to build the agreed-upon affordable units and ensure the continued affordability of the units that qualified it for the density bonus, and that is all. (*Id.*, subd. (c)(1).) There is no further requirement that the developer accept only up to the rent cap set out in Health and Safety Code section 50053, subdivision (b). The definition of rent as it applies in this context refers to the “charges

¹¹ Wollmer complains that the City ignores another regulatory provision that also cites Health and Safety Code section 50053 as authority, namely California Code of Regulations, title 25, section 6918, which states: “Rent” shall mean the total of monthly payments for a rental or cooperative unit for” the various components of rent, including use and occupancy, fees and service charges and a reasonable allowance for utilities not included in other fees or charges. This provision does not change anything. While Health and Safety Code section 50053 and California Code of Regulations, title 25, section 6922 spell out the contours of what constitutes an “affordable rent” to the low-income tenant, the purpose of this provision is to detail the constituent components that are included within the term “rent.”

paid” by the low-income tenant, not to the compensation received by the developer. (*Id.*, § 50098.) Where there is assistance under the Section 8 program, “affordable rent” refers to the tenant’s contribution, not to any subsidy in the hands of the developer. (Cal. Code Regs., tit. 25, § 6922, subd. (d).) And it goes without saying that the concept of affordability pertains to the tenant, not the developer. The rents for density bonus units must “be set at an affordable rent” *so that the prospective lower income tenants can obtain and pay for housing.* (§ 65915, subd. (c)(1).) It would be nonsensical to equate the notion of setting of “an affordable rent” with that of setting and capping the developer’s compensation.

Why does any of this matter to Wollmer? He posits that “at its core” the density bonus law is “a scheme of steeply progressive levels of benefits intended to offset some or all of the „cost“ of supplying deeper affordability.” According to Wollmer, the statutory scheme is “undermined” if an applicant is allowed to capture the difference between Section 8 rents and the maximum rent for very low income qualifying units under Health and Safety Code section 50053. Further, condition 68 of the use permit “fail[s] to impose the corresponding „cost“ of supplying very low income units to the Project.”

We start with the purpose of the density bonus law, namely that the density bonus and other incentives offered by a municipality will “contribute significantly to the economic feasibility of lower income housing in proposed housing developments.” (§ 65917.) The progressive level of benefits for deeper affordability is the mechanism by which municipalities entice developers to build low-income housing. The Section 8 housing program in turn is designed to deliver safe, sanitary and decent housing to low-income families. (*Bakos v. Flint Housing Com’n* (6th Cir. 1984) 746 F.2d 1179, 1180.) That the City, through its inclusionary ordinance, requires the use of Section 8 rents if available for certain inclusionary units, enhances, rather than detracts from, the goal of “contribut[ing] significantly to the economic feasibility of lower income housing” (§ 65917.)

The inclusionary ordinance encourages use of the Section 8 program as a way of accomplishing deeper affordability (i.e., to households at 50 percent of median income) in development of inclusionary units in new housing projects. By allowing a developer the additional incentive of a Section 8 subsidy above the low-income tenant's contributions thus "contribute[s] significantly to the economic feasibility of lower income housing in proposed housing developments." (§ 65917.) On the other hand, imposing "costs" on a developer attempting to build affordable units is hostile to the letter and spirit of the density bonus law. (See *Friends of Lagoon Valley v. City of Vacaville*, *supra*, 154 Cal.App.4th at p. 826.) To conclude, section 65917 does not display any legislative intent to make developers choose between regulatory incentives and rental subsidies.

We note finally that federal law requires that 40 percent of all project-based Section 8 subsidies be provided to families with incomes at or below 30 percent of the area median income,¹² which equates to extremely-low-income households under Health and Safety Code section 50053, subdivision (b)(1). Thus, the intersecting of the Section 8 program with the density bonus law results in development of more units provided to the most vulnerable population.

3. *Calculation of the Project's Density Bonus*

Wollmer also attacks the City's method of calculating a project's density bonus. He maintains that in deriving the number of density bonus units permitted under section 65915, the City wrongly applied the allowable density under its zoning ordinance rather than that set forth in the land use element of the general plan. The end result, he claims, is an inflated and illegal density bonus. According to Wollmer, the density allowed under the zoning ordinance is three times that allowed under the land use element. There is nothing wrong with the City's approach to calculating a project's density bonus.

Some background is in order. The density increase allowed under the density bonus law is an increase "over the otherwise maximum allowable residential density

¹² Title 42 United States Code section 1437n(c)(3).

...” (§ 65915, subd. (f).) “ „Maximum allowable residential density“ ” in turn means “the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance *is inconsistent with* the density allowed under the land use element of the general plan, the general plan density shall prevail.” (*Id.*, subd. (o)(2), italics added.) This statute recognizes that there may be inconsistencies between the density permitted under a zoning ordinance as opposed to what is permitted under the land use element of a general plan, in which case the latter prevails.

The proposed projects are located within the C-W West Berkeley Commercial District (C-W District), as indicated on the official zoning map. (Berkeley Mun. Code, § 23A.16.020.A.) The City’s zoning ordinance does not specify a maximum density for the C-W District. (*Id.*, ch. 23E.64.) However, the land use element of the general plan specifies a maximum density of 44 to 88 persons (20 to 40 dwelling units) per acre for the area within the land use classification that includes the C-W District. (City of Berkeley General Plan, Land Use Element, pp. 16-18.) The land use element additionally explains that each land use classification “also includes a range of appropriate building intensities and in some cases, population densities. *The densities allowed by existing zoning are consistent with the policies of the General Plan. . . .* [¶] General Plan land use classifications are for general planning purposes. [¶] They describe a range of land uses and intensities that reflect different General Plan policies related to the type, location, and intensity of development. Because the General Plan land use classifications describe a range of land uses and development intensities in a relatively large area, *they are not intended to be used as standards to determine the maximum allowable density on a specific parcel.* Allowable densities and uses in each zoning district are established in the more detailed and specific Zoning ordinance.” (*Id.* at p. 16, italics added.)

As explained by the City’s director of planning and development, in keeping with this language in the land use element of the general plan, the City does not apply the

general plan density standards to specific parcels. Instead, it applies the standards to larger areas of a land use classification surrounding a proposed project. Thus, a project is deemed consistent with the density standard if the number of units that would exist in the larger area upon completion of a project, as well as any other approved projects, is consistent with the general plan density standard for that area. Using this approach, the City can determine if overall growth in a particular area is consistent with general plan goals and objectives for that area, taking into account that new development will occur only on certain parcels and not uniformly throughout the area.

As staff noted, the project, along with other approved projects, would increase the density of the relevant district on San Pablo Avenue between Dwight Way and the Oakland border to approximately 19 units per acre, which is well below the general plan standard of 40 units per acre. Thus, the project, and its density bonus, is in compliance with the general plan density standard and is consistent with section 65915, subdivision (o)(2).

4. *Accommodating Project Amenities*

Wollmer further attacks the trial court’s determination that the City did not violate the density bonus law by accommodating project amenities in the grant of a density bonus. This ruling was sound.

Again, some background is in order. Section 65915, subdivision (e)(1), as recently amended, provides in part: “In no case may a city . . . apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city . . . a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city . . .” (Stats. 2008, ch. 454, § 1, eff. Jan. 1, 2009.) The 2008 amendments to section 65915 added the word “physically” to the first sentence; added the phrase beginning with “that will have the effect of physically

precluding” to the second sentence; and deleted subdivision (f), which read: “The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.” (Stats. 2008, ch. 454, § 1; see Deering’s Ann. Gov. Code, § 65915 (2011 supp.) p. 490.)

Here, the City waived the standards for height, number of stories and setbacks, granting variances to allow an additional story and a higher building height, and to forego setbacks on two corners. What bothers Wollmer is the fact that the waiver of standards for height and setbacks were granted to accommodate certain project “amenities,” namely an interior courtyard, a community plaza and 15-foot ceilings in the commercial space and nine-foot ceilings in the residential units. He contends that the City cannot waive development standards in order to approve a density bonus project unless it specifically finds that the waived standards physically preclude construction of the density-bonus qualifying project, and waivers to accommodate project amenities do not meet this test.

First, it is clear that one of the effects of the 2008 amendments is to delete the requirement that an applicant for a waiver of development standards must show that the waiver was necessary to render the project economically feasible. Second, nothing in the statute requires the applicant to strip the project of amenities, such as an interior courtyard, that would require a waiver of development standards. Standards may be waived that physically preclude construction of a housing development meeting the requirements for a density bonus, period. (§ 65915, subd. (e)(1).) The statute does not say that what must be precluded is a project with no amenities, or that amenities may not be the reason a waiver is needed. Wollmer’s argument goes nowhere. Had the City failed to grant the waiver and variances, such action would have had “the effect of physically precluding the construction of a development” meeting the criteria of the density bonus law. (*Ibid.*; see *Wollmer I, supra*, 179 Cal.App.4th at p. 947.) If the project were not built, it goes without saying that housing units for lower-income households would not be built and the purpose of the density bonus law to encourage such development would not be achieved. The trial court properly interpreted the statute, and the City proceeded in the manner required by law in granting the waivers.

B. CEQA Issues

1. Application of the Categorical Exemption for In-Fill Projects

The City found that the proposed projects were exempt from CEQA pursuant to Guidelines section 15332, and that the projects did not trigger any exceptions to that exemption under Guidelines section 15300.2. The trial court ruled that the City properly concluded the projects were exempt from CEQA review. Wollmer contests this ruling, arguing that the project did not qualify for this CEQA exemption.

CEQA authorizes the resources agency to adopt guidelines that list classes of exempt projects, namely projects “which have been determined not to have a significant effect on the environment and which shall be exempt from this division.” (Pub. Resources Code, § 21084, subd. (a).) These classes of projects are called “categorical exemptions” and are detailed in Guidelines section 15300 et seq. Guidelines section 15330.2 in turn specifies *exceptions and qualifications* to the categorical exemptions.

Guidelines section 15332, at issue here, sets forth a categorical exemption for in-fill development projects meeting certain conditions.¹³ At issue on appeal is the subdivision (a) condition. This condition requires that projects qualifying for a class 32 exemption must comply with all *applicable* general plan designations and policies and all *applicable* zoning designations and regulations, in addition to the other protective criteria set forth in the regulation. As pertinent here, the density bonus law provides that “[t]he granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment . . . , zoning change, or other discretionary approval.” (§ 65915,

¹³ Guidelines section 15332 reads in its entirety: “Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. [¶] (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. [¶] (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. [¶] (c) The project site has no value, as habitat for endangered, rare or threatened species. [¶] (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. [¶] (e) The site can be adequately served by all required utilities and public services.”

subd. (f)(5).) And, as explained in part II.A.4., *ante*, subdivision (e)(1) *prohibits* a local municipality from applying “any development standard that will have the effect of physically precluding the construction” of a density bonus-qualifying development.

Here, to accommodate the project’s density bonus, the City waived or reduced zoning standards for height, floor area ratio and setbacks. Absent these waivers, variances would have been required. It is Wollmer’s position that the City’s waiver of zoning standards as mandated by the density bonus law *precludes* the project from qualifying for the exemption. While the substantial evidence test governs our review of a municipality’s factual determination that a project comes within a categorical exemption, Wollmer’s arguments, and the City’s reasoning, are interpretive exercises delving into the meaning and applicability of Guidelines section 15332, the density bonus law, and the City’s own zoning ordinance.

The City reasoned that the development standards which it waived pursuant section 65915, subdivision (e) were not “applicable” to the project within the meaning of Guidelines section 15332, subdivision (a) because the above statute renders these standards inapplicable in order to allow the density bonus. Further, the inclusionary ordinance, *which is part of the City’s zoning ordinance*, generally *requires* the City to grant density bonuses upon a proper application (Berkeley Mun. Code, § 23C.12.050.A), and states that the “use of a Density Bonus is preferred over other types of concessions or incentives. Incentives may include, but are not limited to, fee deferments and waivers, granting of Variances, relaxation of otherwise applicable Permit conditions and provision of government benefits” (*id.*, § 23C.12.050.C).

Wollmer asserts that by applying the exemption in a way that harmonizes with relevant law, the City in effect amended the exemption, improperly expanded its definition, and exceeded its jurisdiction. There is no support for this misguided assertion.¹⁴ The City properly applied the plain meaning of Guidelines section 15332,

¹⁴ Similarly misguided is Wollmer’s contention that the City did not consider the “whole” of the project or action. In the language of CEQA, the term “project” means “the whole of an action” which has the potential to impact the environment. (Guidelines,

subdivision (a) to its own codes in a manner that was in harmony with the state's density bonus law, and so applied, properly found that the project was exempt from CEQA. On its face the exemption only requires consistency with applicable general plan designations and policies and applicable zoning designations and regulations. (Guidelines, § 15332, subd. (a).) The density bonus statute in turn requires a waiver of development standards that physically preclude construction of a density-bonus qualifying project. (§ 65915, subd. (e)(1).) And the City's own zoning ordinance generally requires the grant of a density bonus upon a complete application. (Berkeley Mun. Code, § 23C.12.050.A.) Taking these laws together as they operate in the context of a density bonus project, it is clear that the waived zoning standards are not "applicable" and that the requirements of Guidelines section 15332, subdivision (a) were met.

With this conclusion we are mindful that we must construe the language of statutes and regulation in context, and must harmonize our laws "„both internally and with each other, to the extent possible." [Citations.]” (*Scottsdale Ins. Co. v. State Farm Mutual Automobile Ins. Co.* (2005) 130 Cal.App.4th 890, 898.) For example, in *Harroman Co. v. Town of Tiburon* (1991) 235 Cal.App.3d 388, the court similarly grappled with determining what was the “applicable general plan” within the meaning of section 65589.5, against which a property owner's application for approval of a master plan for development must be evaluated: Did it refer to the adopted general plan that existed at the time of the application, or instead the proposed or draft general plan under consideration? The reviewing court went with the latter construction, noting that the plaintiff's proposed interpretation would nullify any remedial changes to the existing

§ 15378, subd. (a).) Accordingly, CEQA expresses the policy that the lead agency “must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.” (*Id.*, § 15003, subd. (h).) However, there is no allegation that the City has engaged in chopping or piecemealing the project into several little projects in order to minimize the environmental impact of the larger project. (See *Citizens Assn. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 165.) Rather, the project is a single building, and the whole of the action has been considered and analyzed.

general plan made during the review process, and would be inconsistent with a related statute that required the town to ensure that any application for development be consistent with the general plan being studied or considered. (*Harroman Co. v. Town of Tiburon, supra*, 235 Cal.App.3d at pp. 395-396.) The court thus construed the term to give effect to both statutes at issue. So, too, reading the term “applicable” as used in Guidelines section 15332, subdivision (a) in a manner consistent with the state density bonus law gives effect to both laws and does not violate the policy of either.

Indeed, this construction honors the policies of both laws. In this regard we note that the density bonus law does not require cities to waive development standards if the waiver or reduction would have a significant adverse impact on the health, safety or physical environment that cannot be mitigated or avoided. (§§ 65915, subd. (e)(1), 65589.5.) Moreover, mere “[i]nconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.” (§ 65589.5, subd. (d)(2).) At the same time, the policy underlying CEQA includes the intent to ensure “the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian” (Pub. Resources Code, § 21001, subd. (d).)

2. *No Unusual Circumstances Preventing Categorical Exemption*

Guidelines section 15300.2, subdivision (c) identifies certain exceptions to the use of categorical exemptions, including the following: “(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” Unusual circumstances exist “where the circumstances of a particular project (i) differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for the general class of exempt projects.” (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1207.)

The trial court found that Wollmer did not present any substantial evidence of unusual circumstances that would prevent resort to the categorical exemption. Where, as

here, the agency establishes that the project comes within an exemption, the burden shifts to the party challenging the exemption to show that one of the Guidelines section 15300.2 exceptions applies. (*Bankers' Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 261.) The challenger must bring forth substantial evidence that the project has the potential for a substantial adverse environmental impact. (*Ibid.*) Our job is to ask if the record reveals substantial evidence of a fair argument that there could be a significant effect on the environment. (*Id.* at p. 268.)

As he did below, on appeal Wollmer argues that the location of the project at the intersection of two major thoroughfares, and his view of the City's traffic modeling, qualify as substantial evidence of an unusual circumstance within the meaning of Guidelines section 15300.2.

a. *Location*

Wollmer has expressed his opinion that the project's location at the intersection of Ashby and San Pablo Avenues is an unusual circumstance. However, a lay opinion is not substantial evidence. "Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence supporting a fair argument of significant environmental effect." (*Leonoff v. Monterey County Bd. of Supervisors* (1990) 222 Cal.App.3d 1337, 1352.) Wollmer seems to think that unusual circumstances exist because in addition to being an intersection of two major city streets, the intersection is the sole intersection in Berkeley of two state highways, and thus Caltrans has "jurisdiction" over certain decisions. We fail to see how the actual or potential involvement of Caltrans in the general area of the project is an "unusual circumstance[]" that creates an environmental risk.

More to the point, his opinion is off base. The class of projects here is "In-Fill Development Projects." (Guidelines, § 15332.) To fit the class 32 exemption, the project must be situated within city limits on a site not exceeding five acres that is *substantially surrounded* by urban uses, and must be adequately served by required utilities and public services. (*Id.*, subds. (b), (e).)

With these criteria in mind, locating an in-fill project at the intersection of two major city streets that also happen to serve as state highway routes is well within the range of characteristics one would expect for class 32 projects and precisely what the law encourages. The location is not an “unusual circumstance,” let alone a circumstance creating an environmental risk that does not generally exist for other in-fill projects.

b. *Traffic Study Model*

i. *Background*

The City retained a traffic consulting firm to conduct a traffic impact study for the proposed project. The study employed a traffic model that was developed as part of the West Berkeley Circulation Master Plan. As explained in the study, this traffic model “estimates the percentage reduction in vehicle trips to account for walk, bicycle and transit trips. The transit/walk/bicycle trip reduction rates were provided by City staff for both residential and commercial trips based on the traffic model.” The study additionally noted that “[a] mixed-use development typically generates fewer peak hour vehicle trips than those generated by comparable single-use developments, in this case due to internal trip matching between residential and retail uses. Furthermore, the project site is located on a transit-rich corridor that includes the AC Transit Rapid and local bus lines on San Pablo Avenue.” Specifically, the study applied trip reduction factors of 48 percent on weekdays and 22 percent on weekends for residential trips, and 14 percent for both weekday and weekend commercial trips.

Below, Wollmer attacked the City’s traffic modeling, to no avail. The trial court concluded he offered only his lay opinion, which did not qualify as substantial evidence of an unusual circumstance such as to defeat the class 32 exemption.

ii. *Analysis*

Wollmer continues to critique the model, contending that the study’s reliance on staff-provided trip reduction factors of 48 percent (weekdays) and 22 percent (weekends) for transit/walk/bicycle use “constitutes substantial evidence to support a fair argument of the ‘possibility’ of significant environmental effects from the Project.” While his argument is less than clear, it appears that Wollmer seems to think that the traffic study in

effect combined two separate traffic models to derive a trip reduction factor. Wollmer has offered his personal, lay opinion that the City and traffic consultant overlaid trip reduction factors to result in an excessive rate reduction factor. This technical assertion and accusation, made by a layperson with no countervailing support from a qualified expert, does not rise to the level of substantial evidence supporting a fair argument of a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. (See *Leonoff v. Monterey County Bd. of Supervisors*, *supra*, 222 Cal.App.3d at p. 1352.) Wollmer's hostility to the decision of the City and its experts to use a reduction factor is nothing more than argument and unsubstantiated opinion. What is lacking are the facts, reasonable assumptions predicated on the facts, and expert opinion supported by the facts. (Pub. Resources Code, § 21082.2, subd. (c).)

3. *No CEQA Mitigation*

Finally, Wollmer charges the City with evading CEQA's extensive protections by in essence cutting a deal with the Developers whereby the Developers would dedicate land for a left-turn lane on Ashby Avenue, thereby reducing traffic impacts to less than significant, a necessary condition for the class 32 exemption. We agree with the trial court that the City did not mitigate the project into qualifying for a categorical exemption. Rather, it properly exercised discretion to find it would not cause a significant traffic impact. As the lower court found, the dedication of a five-foot right-of-way, enabling the City to improve the San Pablo and Ashby Avenues intersection, was not a CEQA mitigation measure for project impacts, but a component of the project that assisted the City with an existing traffic issue.

Comments by the City's traffic engineer staff on the draft traffic study indicated a need to explore alternatives to the Carrison Street/San Pablo intersection, and also the possibility of a westbound left-turn lane which was "considered the City's highest priority for intersection improvements." Assuming this latter comment refers to the San Pablo and Ashby Avenues intersection, as Wollmer suggests, it is true that by the time of the final traffic study, the Developers had made the dedication offer and that reality was included in the traffic analysis. Our response is, so what? The point is, the offer of

dedication did become part of the project design, improving an existing traffic concern. This is no secret. The revised applicant statement for July 2008 specifically noted that during the first half of 2008, the project underwent “several programmatic and architectural revisions to improve its contribution to the community,” including the Ashby Avenue left-turn lane dedication. And further: “The applicant and city staff have been working diligently for the past several months to understand and address both the existing traffic issues, and also the long term effects of the proposed project ad [sic] San Pablo corridor development *in general*. The future installation of the left turn lane will create a much improved situation for the intersection *in general*, and especially on Ashby Avenue during peak hours.” (Italics added.)

Wollmer offers no authority for the proposition that a positive effort between developers and a municipality to improve the project for the benefit of the community and address existing traffic concerns somehow becomes an evasion of CEQA. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1108 is of no help. There, the county found that the proposed construction of a home within a riparian area deemed of critical concern was categorically exempt from CEQA. In the process, it found there was no reasonable possibility of significant adverse impacts. However, in arriving at this ultimate conclusion, the county relied on proposed mitigation measures to grant the categorical exemption. (*Id.* at pp. 1106-1108.) The appellant there argued that it was okay to rely on proposed mitigation measures in deciding whether the project was eligible for a categorical exemption, if those measures were included in the initial project application. The reviewing court said no, that reliance on mitigation measures, whether in the application or later adopted, involves an evaluative process that must be conducted under established CEQA procedures. (*Id.* at p. 1108.)

Here, the Developers dedicated land for a left-turn lane. Unlike the situation in *Salmon Protection*, the traffic situation improved by the Developers’ dedication preexisted the proposed project. The dedication became *part of* the project design—it was never a *proposed* mitigation measure.

III. DISPOSITION

The judgment is affirmed in its entirety.

Reardon, J.

We concur:

Ruvolo, P.J.

Sepulveda, J.

Filed 3/30/11

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

STEPHEN WOLLMER,

Plaintiff and Appellant,

v.

CITY OF BERKELEY et al.,

Defendants and Respondents;

R.B. TECH CENTER LP et al.,

Real Parties in Interest and
Respondents.

A128121

(Alameda County
Super. Ct. No. RG09457010)

ORDER GRANTING PUBLICATION

THE COURT:

The requests for publication of this court's March 11, 2011 opinion are granted and it is hereby ordered that said opinion be published in the Official Reports.

Dated:

Reardon, Acting P.J.

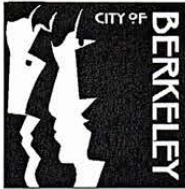
Trial Court: Alameda County Superior Court

Trial Judge: Hon. Frank Roesch

Counsel for Appellant: Stephen Wollmer, in pro. per.

Counsel for Respondents: Zach Cowan
Laura McKinney

Counsel for Real Party in Interest: Cox, Castle & Nicholson
Andrew B. Sabey
Melanie Sengupta



Planning and Development Department
Land Use Planning Division

May 26, 2016

Mark Rhoades
Heart Avenue Cottages, LLC
1611 Telegraph, Suite 200
Oakland, CA 94612

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

Mr. Rhoades,

Thank you for the items you submitted on April 26 and April 28, 2016 for the above referenced application. Staff has determined that the application is still incomplete. Below, please find staff comments and items required for submittal and/or correction. Please submit both a paper and an electronic (on CD) copy of required items.

Items Required for Submittal or Correction:

- **Density Bonus Calculations** – As previously relayed to you in a letter I sent dated March 11, 2016, the subject site qualifies for a total of 17 units.

Under § 65915(i) "housing development" is a "development project for five or more residential units" and includes,

"...the substantial rehabilitation of an existing multifamily dwelling... where the result of the rehabilitation would be a net increase in available residential units."

The "project" for purposes of the density bonus is thus limited in this case to the two duplexes that are being rehabilitated such that there is an increase in the number of units. The project does not include the other two buildings, consistent of three units (a duplex and a single-family home), as no units are being added to these structures. Additionally, the single-family is precluded from this section regardless as it does not meet the definition of multi-family housing:

"multifamily dwelling" means any structure designed for human habitation that has been divided into two or more legally created independent living quarters (Government Code 65863.4.d).

Under § 65915(f), a density bonus means "a density increase over the otherwise maximum allowable residential density as of the date of application..."

These terms must be interpreted harmoniously in a manner that allows a jurisdiction to calculate a density bonus in any given case.

Here, the maximum allowable density on the two parcels is 13 units (21,902 sq. ft. lot @ 1 dwelling unit per 1650 sq. ft. = 13.2 or 13 units). However the "housing development" for purposes of density bonus is not the project or lot, but only the area where the multi-family dwellings are being rehabilitated to increase the number of available units or other areas of lot available for development. As the three above mentioned units are not part of the housing development, this area is calculated by taking the total lot size (21,902 sq. ft.) and subtracting the area of the existing units that are not part of the housing development [three dwelling units at 1650 sq. ft. from the density standard of the R-2A Zoning District (23D.32.070.B.1) = 4,950 sq. ft.]. For this project, this results in housing development of 16,952 square feet. Based on the zoning district regulations, this yields a maximum allowable density of 10 units (16,952 ÷ 1,600 = 10). Assuming a maximum density bonus of 35% (i.e., 4 units), this yields a total project of:

- 4 existing multi-family units to be rehabilitated
- 4 new units
- 3 existing units (not part of "housing development")
- 2 additional units per zoning regulations
- 4 DB units

- 17 total dwelling units

If you wish to pursue 18 units, you will need to apply for a Variance. If this is the path you wish to pursue, you will be required to submit the required Variance findings (BMC 23B.44.030) and fee (\$9,402). Please be aware that staff will not be able to support the Variance. If you choose not to pursue the Variance, revise the plan set accordingly. Let me know how you wish to proceed. Many of the following items may need revision or new items may be required depending on which option you wish to pursue.

- **Substantial Rehabilitation** – In order to count towards the housing development, there must be *substantial rehabilitation* of an existing multifamily dwelling. Therefore, in order to determine whether the eligible rehabilitated units count towards the housing development, you will need to provide a description of existing conditions (including photo documentation) and of what the proposed rehabilitation consists of in order for staff to determine whether or not it is 'substantial.'
- **Boundary/Topographic Survey** – Required for any new main building as well as expansions of a building footprint less than two feet from, or within, a required setback, submit a survey meeting the following requirements:
 - Wet-stamped and signed by a licensed California surveyor or appropriately licensed civil engineer.
 - Minimum scale of 1/10" = 1'.
 - Shows all property lines, curb and sidewalk, spot elevations, existing structures, and setbacks to all property lines.
- **Building Data** – Either provide a plan set with a minimum scale of 1/8" = 1' or label *all* setbacks, average and maximum heights for each building. I am unable to get accurate

measurements at the 1/16" = 1' scale. Please also indicate the building separation between Geranium and Daffodile.

- **Floor Plans** – Label the existing and proposed ground floor of Camelia. Include proposed Level 1 floor plans of Azalia, Begonia, and Geranium on page A4.2 with the proposed 2nd and 3rd levels.
- **Trees** – Label all existing tree species and sizes on the existing site plan or on the survey.
- **Shadow Study** – The shadow study you resubmitted is still difficult to read. I have enclosed a sample that I would hope yours can match. In particular, however, rRevise as following:
 - Limit the vicinity area of the shadow study to the subject property and immediately adjacent neighbors.
 - Noon shading throughout the year does not match the north arrow. Correct.
 - Overlay existing with proposed shading (see enclosed example).
 - If a shadow (existing or future) hits the wall of an adjacent structure, (1) show where existing shadow hits the wall, and (2) indicate locations of windows on walls affected.
 - If increased shadowing caused by the proposed project would affect any windows on residential buildings, then indicate the use of those windows (garage, bedroom, bathroom, living room, etc.).
- **Structural and Pest Report** – As substantial work and additions are being proposed on the existing buildings, the City needs to ensure no unintentional demolitions occur. Therefore, submit a report by an independent, fully credentialed pest control operator that evaluates whether, in the operator's opinion, retention of structural elements not proposed for removal is actually feasible. This evaluation exceeds State requirements for pest reports in that it requires removal of exterior siding and/or interior drywall/plaster in order to allow examination of structural elements proposed to be retained. (This will not be required if you are pursuing the demolition option.) This is a submittal requested by the project manager to ensure proposed construction will not lead to an inadvertent demolition of the existing older buildings. As the project planner deems this necessary, it is a required submittal item..
- **Parking and Driveways** – Pursuant to BMC 23D.12.080:
 - F. Screening must be provided for two or more off-street parking spaces, or any parking space located partly or entirely within a required rear yard, in a manner that effectively screens parked vehicles from view from buildings and uses on adjacent, abutting and confronting lots. Such screening must consist of a continuous view-obscuring wood fence, masonry wall or evergreen hedge, not less than four feet, and not more than six feet in height, which may be broken only for access driveways and walkways. **Provide required screening details.**
 - G. In the case of parking areas of four or more off-street spaces, the parking area must be separated from an adjacent rear or interior side lot line by a landscaped strip which averages at least four feet in width along the applicable property line. **The average would be the linear distance along the property line: 5 spaces at 50" + 4 spaces at 24" = an average of 38". Revise to a minimum of 4' or 48".**

- J. Driveways must be spaced at least 75 feet from one another, as measured along any continuous property line abutting a street for each lot in any residential District. **Two driveways within 75 feet from one another is not required to accommodate the density bonus units.**
- **Applicant Fees** – At this time due to the revisions required above, I am unable to discern the complete fees to which this project will be subject. The following fees, however, will be required regardless. Please be aware that each additional AUP covers two hours of staff time.
 - \$6,043: Level 2 Use Permit for construction of a new dwelling unit(s), per BMC 23D.28.030—this is a base fee for the first 24 hours of staff time (each additional hour will be charged \$207);
 - \$414: Additional Use Permit for construction of 6 or more bedrooms on a parcel, per BMC 23D.32.050;
 - \$414: Additional Administrative Use Permit for residential additions greater than 14' in average height per BMC 23D.32.070.C (needed for base project);
 - \$414: Additional Administrative Use Permit for main dwellings greater than 28' in average height per BMC 23D.070.C (not necessary to accommodate density bonus units);
 - \$414: Additional Administrative Use Permits to extend a non-conforming front yard setback per BMC 23C.04.070.B (not necessary to accommodate density bonus units);
 - \$414: Additional Administrative Use Permits to extend a non-conforming side yard setback per BMC 23C.04.070.B (not necessary to accommodate density bonus units); and
 - \$640: Use Permit Traffic Engineering Review base fee for up to 4 hours

As the project is still in transition, I will not prepare an invoice at this time.

- **Waivers and Concessions** – At this point I have the project down for the following waivers and concessions:

Waivers: Building separation (BMC 23D.32.070.D)
Lot Coverage (BMC 23D.32.070.E)
(Potentially) Tandem Parking

Please verify this is correct and provide specific information on what is required and what the modification is.

Concessions: Third floor reduction of 6' required side yard setback per BMC 23D.32.070.E (desired design, not required to accommodate density bonus units)
Two driveways within 75' along a property line per BMC 23D.12.080.J

If you wish to keep these two concessions, submit a financial pro forma statement demonstrating that the requested concessions are necessary to cover the cost of the affordable units. Please be aware that you will be required to pay for a 3rd party peer review of the pro forma analysis as well the cost of which will be determined.

Staff Comments:

As previously stated, staff **will not support any project on rent controlled buildings that would require a new occupancy permit and, therefore, the elimination of the rent controlled unit.** This would apply to any structure currently containing one or two units which is propose

Additionally, please be aware that staff believes the proposed project is too much (massing, height, etc.) for the subject site and is out of context with the surrounding neighborhood.

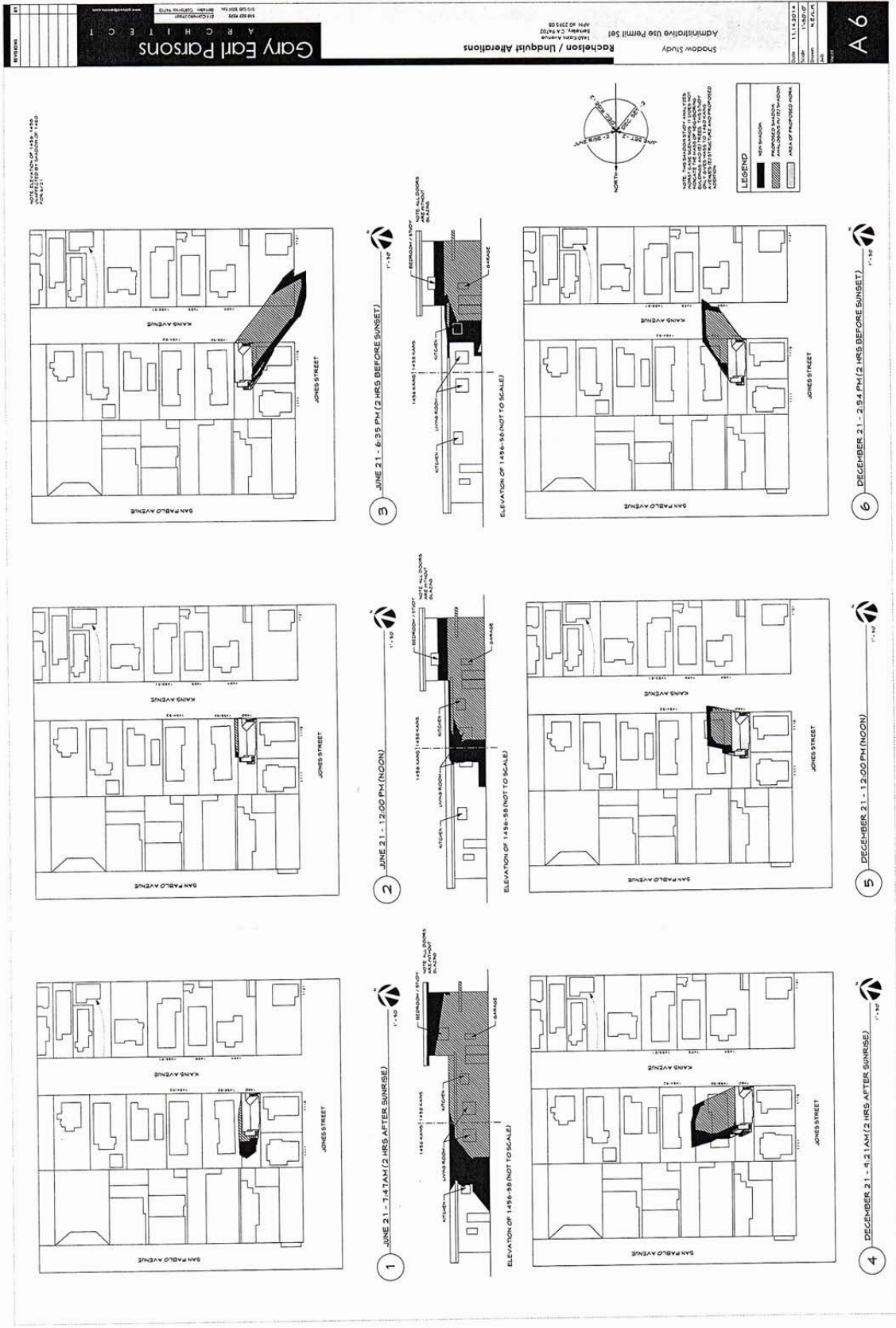
I will be passing on the DPR and the Traffic Study to relevant staff members for review and comment. I will let you know if any further information on these is required.

I look forward to working with you on this project. Do not hesitate to contact me if you have any questions or if you would like to set up a meeting. I can be reached at (510) 981-7426 or lmendez@ci.berkeley.ca.us. Please be aware that if you do not take action on the above items within 60 days, staff will deem the project in active and will withdraw the application.

Sincerely,



Leslie Mendez
Senior Planner



A 6

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. 6 OF THESE ARE TO BE MAINTAINED AND RENOVATED WHILE THE SOUTH EAST EXISTING BUILDING WILL BE DEMOLISHED AND REBUILT. THERE WILL BE 11 ADDITIONAL HOMES TO THE SITE, 5 OF WHICH ARE DENSITY BONUS. 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



APPLICANT:

RHOADES PLANNING GROUP
 1611 TELEGRAPH AVE. SUITE 200
 OAKLAND, CA 94612
 [510] 545-4341

ARCHITECT:

DEVI DUTTA-CHOUDHURY, AIA
 DEVI DUTTA ARCHITECTURE INC.
 1958A UNIVERSITY AVENUE
 BERKELEY, CA 94704
 [510] 705-1937
 hello@devidutta.com

OWNER:

HEARST AVE COTTAGES, LLC
 1958A UNIVERSITY AVENUE
 BERKELEY, CA 94704

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