
From: Ren Ng <yirenng@gmail.com>
Sent: Wednesday, January 04, 2023 5:17 PM
To: Roe, Russell; Zoning Adjustments Board (ZAB)
Cc: Yi Xu; Aidan K; Maurice Levitch
Subject: Letter Regarding Use Permit #ZP2022-0087 for ZAB Meeting on January 12th 2023
Attachments: Regarding 469 Kentucky Permit.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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To: ZAB Secretary and Russell Roe, planner
CC: Aidan Keefe, owner, and Maurice Levitch, architect

1. Please find attached a letter to the Zoning Adjustments Board regarding Use Permit #ZP2022-0087 (469 Kentucky) for the January 12th ZAB meeting. Could you please confirm receipt? I apologize for tardiness with regards to the 5pm deadline. Let me know if you have any questions.
2. I would like to make a request of Notice of Decision for #ZP2022-0087.
3. Could I ask when will the zoom meeting information be posted? It is missing from the meeting agenda. (https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12_ZAB_Agenda.pdf)

Sincerely,
- Yi and Ren Ng

Ren and Yi Ng
467 Kentucky Ave
Berkeley, CA 94707

January 4th, 2023

To: Zoning Adjustments Board, City of Berkeley

Regarding: Request to Postpone Approval of Use Permit ZP2022-0087 for 469 Kentucky Ave

Dear Members of the Zoning Adjustments Board,

We are the neighbor immediately north of the site for Use Permit ZP2022-0087.

We are writing to respectfully request that you postpone approval of this use permit, for two reasons. First, to provide us more time to work with the owner and architect regarding our objections to the current design. Second, to provide time for them to add information about how they will mitigate the potential detrimental effects of demolition/construction with respect to property damage, health and safety, traffic access, etc. Both are described in detail below, and we request that these important issues be addressed in the application before a permit is approved.

(A) Information Flow Problems and The Need for More Time

The architect has sent us two sets of detailed design plans directly – the first in February 2022 and the second on December 20th, 2022. However, two days ago, we discovered that the versions of these plans on the city website include additional documents that we did not previously receive and were unaware of. These documents include additions, design revisions, soil studies, shadow studies, landscaping plans, etc. The latest design revisions were only uploaded yesterday, on January 3rd 2023. We have only had what we believe is the complete version of the documents for 1-2 days, and need more time to study and absorb this large body of information and discuss all our concerns with the owner and architect. We are writing now to meet the deadline in advance of the January 12th ZAB meeting.

(B) Objections to the Current Design Based on Privacy Intrusion and Sun Shadowing

The following design problems emerged only after erection of the story poles, and examination of changes in the latest design documents.

Our chief objection to the current proposal is privacy intrusion. Our home has a secluded deck adjoining the master bedroom. The proposed design for 469 has a balcony that will provide direct views from a close distance onto our private deck (3rd floor) and into our master bedroom (see Figure 1 below). If built as designed, this balcony will intrude on two of our most private spaces, and be detrimental to our peace, comfort and property. We are currently in discussions with the owner and architect regarding this problem, and request more time to design a well considered, mutually acceptable modification and document it in the use permit before approval.

Additional design concerns include:

- Privacy loss on our main deck area with barbeque and dining seating (2nd floor). This deck area is not visible from existing 469 Kentucky decks or windows, except the front door and adjacent window. The proposed balcony and potentially the proposed windows on the 3rd floor look down on our deck area. In the latest changes to the plan, the proposed balcony has changed from opaque siding to a wraparound glass design (see Figure 2), which increases the problem of visual privacy loss. We are working with the architect to understand the implications of the latest design, and request time to document any modifications, if necessary, in the use permit before approval.
- There is a new shadow study in the latest design documents. We need more time to study and understand its implications, but a preliminary examination shows that the proposed structure will block more morning light onto our deck.

(C) Concerns About Demolition, Property Damage, Health and Safety, Traffic, Etc.

In studying the latest versions of the documents proposed for approval, we were left with many questions and concerns about how the project plans to mitigate detrimental effects of demolition and construction to property, health and safety, traffic, parking, etc. We have not had time to discuss these with the owner and architect yet. We request that you postpone approval of the use permit so that they can provide more information to us and the neighborhood to allay these concerns.

Demolition.

We request addition of a demolition plan, that details how the project will mitigate detrimental effects related to the following issues:

- Hazardous materials. We have two children, ages 7 and 9, and we will be living at the demolition and construction site for 1-2 years. We are concerned about detrimental health effects due to hazardous materials, such as lead dust and asbestos. We request addition of a hazardous material study, and for health and safety issues for neighbors to be addressed comprehensively in the demolition plan.
- Property damage. We are concerned about potential damage to our home during demolition and construction. Our house is separated from 469 Kentucky by just 8 feet for the full depth and height of our three-story houses (see Figure 3) on a steep hill.
- Erosion and settling. Given the proximity of our houses (again, 8 feet separation for the full depth), we are concerned that excavating and levelling the hill for the new house may cause unintended hillside erosion and/or settling that damages the foundation and/or structural integrity of our home.
- Tree Safety. In the backyard of our property is a notable tree – a healthy 90-year-old Giant Sequoia (see Figure 3B). It appears that the landscaping plan for 469 Kentucky will excavate and/or hardscape a backyard area covering approximately $\frac{1}{4}$ of the root system for this tree. We are concerned of unintended detrimental impacts to the tree's health and stability, potentially creating a safety risk to surrounding residents and property.
- How will shared property between our houses be preserved or replaced during demolition and construction? In the space between our houses are shared fences, walking path, and a ~10 foot tall pergola that touches both buildings (see Figure 3). The pergola's doors have for years

prevented deer access to both our backyards – how will we prevent deer access to our backyard after demolition? We realized that the current document plans do not mention these pieces of property, and we have not had a chance to discuss yet.

- Drainage is a serious problem on our steep hillside, but we fortunately do not currently experience a problem on our lot or for our foundation. We are concerned about drainage changes and potential new problems due to the demolition, excavation and new construction.
- Noise. How will demolition and construction noise be managed to acceptable levels not to interfere with professional requirements for work from home? This is a very important issue, because one of us works from a home office 4-5 days a week.

Community Impacts: Traffic, Street Safety, Street Access and Parking

Our street is unusual, because it is comprised of two one-way roads separated by a steep median drop (8 feet tall at the site). The one-way roads are narrow enough that traffic cannot pass if cars park normally, so residents much park partially atop the sidewalk. The road itself has a steep hill section, and access is via Michigan Avenue, one of the steepest hills in Berkeley. These are some of the significant environmental challenges facing the project and the neighborhood.

The project to completely demolish and build a new 3800 square foot home is by far the most complex construction project on the street in years, possibly decades. We request that the application add a plan for mitigating detrimental impacts to neighborhood traffic, street safety, street access and parking. The concerns include:

- How will construction parking be managed so as not block thoroughfare?
- How will access by fire trucks and emergency vehicles be preserved at all times, given that this is already very challenging due to the narrow one-way road and parking situation.
- Construction vehicle accidents are a serious concern. Near the intersection with Michigan Avenue, in the past two years there were several serious accidents involving construction vehicles due to the steepness and narrowness of the roads. One accident destroyed the railing and part of the front steps of the house at the end of Kentucky Ave. Another serious incident involved a moving backhoe that threatened the safety of two children, including one of our own, and was referred to Councilmember Sophie Hahn for follow up.
- The street surface itself is old and in poor repair. On our side of the street, there is a long sunken strip of asphalt that already causes tire damage to resident cars (including rupturing one of the tires on our car). This project will require innumerable trips by heavy vehicles that will have a detrimental effect on this fragile surface, and damage must be mitigated.
- How will construction parking be managed to avoid depriving residents of parking?
- Last but not least, there are many families living on this street with young children, who often play and bike on the street – everyday in the summer. Visibility is poor, especially in a tall truck coming over and down the steep hill towards the construction site. What safety measures will be put in place to protect the neighborhood?

In summary, we request that you postpone the approval of this use permit until the above issues are addressed. Thank you for your consideration of our request.

Yours sincerely,
Ren and Yi Ng

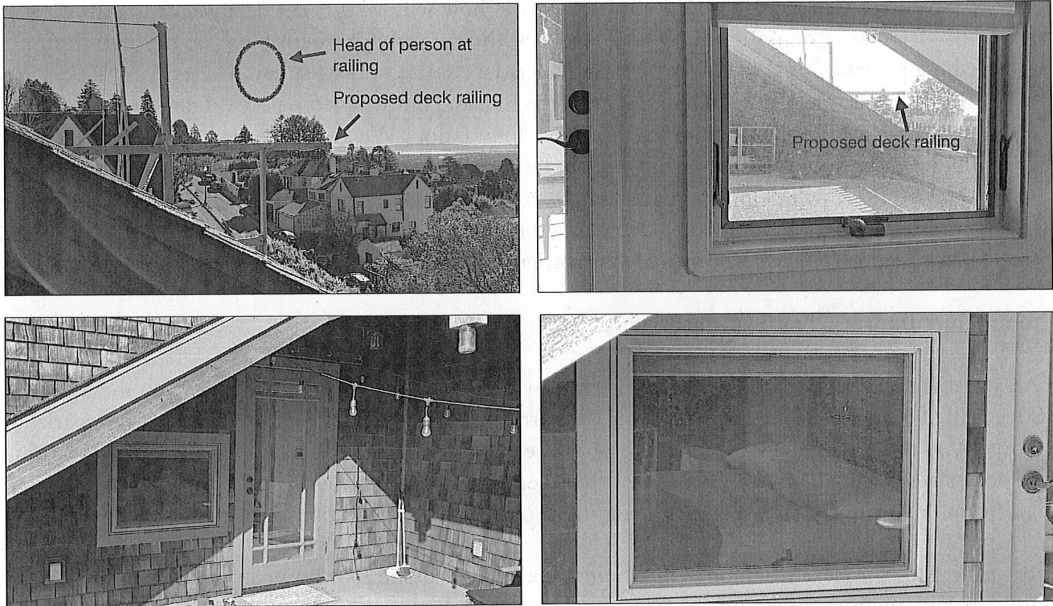


Figure 1: Privacy intrusion from proposed deck onto our private deck and master bedroom.
Top left: photo from our deck showing location of proposed deck railing (story poles).
Top right: photo sitting on bed inside bedroom showing location of proposed deck railing.
Bottom left: photo from direction of proposed 469 deck towards our bedroom.
Bottom right: detail of direct view of bed in bedroom.

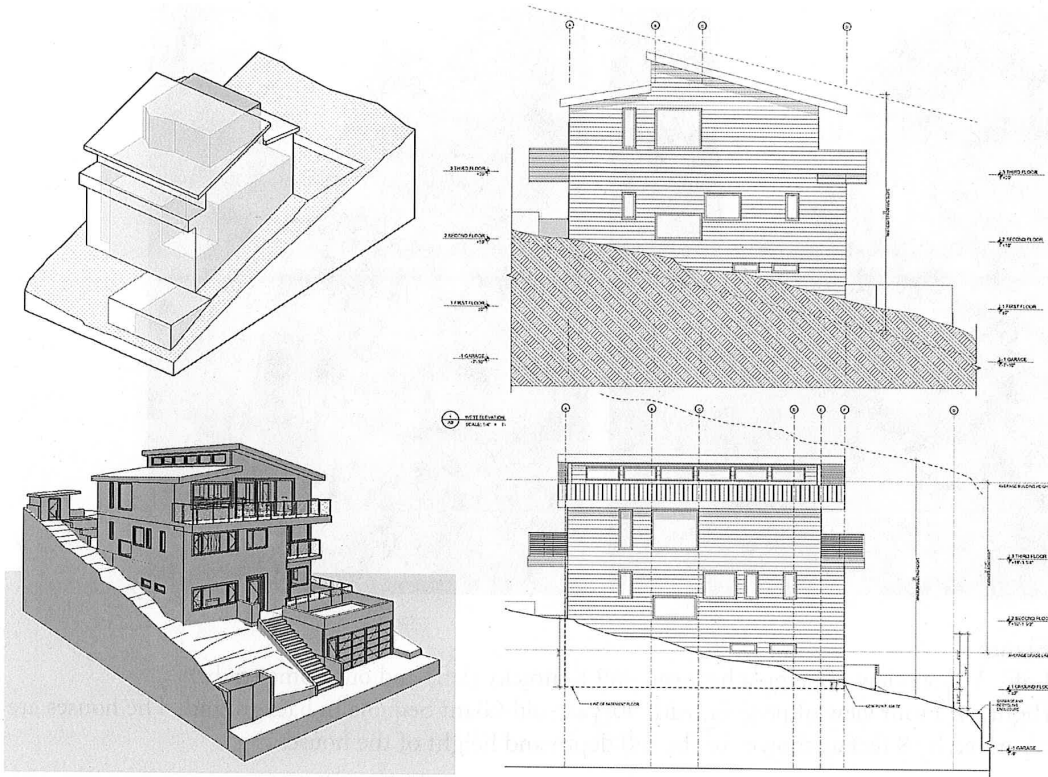


Figure 2: Recent changes in design. We have been sent two versions of the design. Top row: rendering and elevation from previous design sent to us in February 2022, with proposed balcony as opaque siding. Bottom row: rendering and elevation from latest design (uploaded January 3rd, 2023) with proposed balcony as wraparound glass. This change increases loss of privacy concerns.



Figure 3.
Left, A Rear view of pergola between 469 Kentucky (left) and our home (right).
Right, B: Front view of pergola, with 90-year-old Giant Sequoia in background. The houses are separated by 8 feet as shown for the full depth and height of the houses.

From: [Maurice Levitch](#)
To: [Ren Ng](#)
Cc: [Roe, Russell](#); [Zoning Adjustments Board \(ZAB\)](#); [Yi Xu](#); [Aidan K](#)
Subject: Re: Letter Regarding Use Permit #ZP2022-0087 for ZAB Meeting on January 12th 2023
Date: Wednesday, January 04, 2023 6:01:40 PM

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Ren and Yi,

Thank you for sharing your concerns. We can look at this together on Friday when I'm at your home. I believe that a solid railing and privacy screen at the North End of the Deck will take care of the issue. I believe that Aidan will be OK with this solution but I need to make sure that the privacy screen will not have a negative impact on his view. We can discuss some of the other issues when we meet. I can also tell you more about the planned demolition and how we plan to work with traffic and parking. We are very interested in maintaining a safe environment for all the neighbors throughout the project.

Best,

Maurice

On Wed, Jan 4, 2023 at 5:17 PM Ren Ng <yirenng@gmail.com> wrote:

To: ZAB Secretary and Russell Roe, planner

CC: Aidan Keefe, owner, and Maurice Levitch, architect

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Sincerely,

- Yi and Ren Ng

STEPHEN B. BEDRICK

----- ATTORNEY AT LAW -----
1970 BROADWAY, SUITE 1200
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TELEPHONE: (510) 452-1900
FAX: (510) 452-1980
sbedrick@sonic.net

January 4, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center St., 2nd Floor
Berkeley, CA 94704

also by e-mail to
zab@cityofberkeley.info

Re: 469 Kentucky Ave.
Use Permit ZP 2022-0087
Hearing: January 12, 2023

Dear Sirs/Madams:

My family and I live at 485 Kentucky Avenue, four houses south of the proposed project at 469 Kentucky Avenue. I write to oppose the project, the use permit, and the demolition permit, because they will be detrimental to the health and safety of the neighborhood residents.

Our block of Kentucky Avenue is highly unusual, as it consists of two one-way streets. You need to see it to understand it. It is terraced, with a divider strip between the upper, northbound lane - - where my house and the proposed project are located - - and the lower southbound lane.

The divider strip is six to eight feet wide and six to ten feet high. There is a curb on the left side of the northbound lane. There is a six to ten foot drop off from the upper northbound side of Kentucky to the lower southbound side. Trucks have partially fallen over the edge, because the street was not wide enough for them.

Each lane of the street is effectively a one-way street. Each lane is so narrow, that people must park their cars half-way on the sidewalk to avoid being

struck by passing cars and trucks. There have been several such accidents. The street is so narrow that boxy UPS trucks can barely get by.

We oppose the demolition, because it is not necessary, and because it would be detrimental to our health and safety. The house at 469 Kentucky is an attractive Mediterranean. It is quite liveable and has been continuously occupied for many years. Demolition would be contrary to our much beloved Neighborhood Preservation Ordinance, and should not be allowed.

Demolition would involve a huge amount of dust, debris, and air pollution. The neighborhood needs to be protected from that.

Demolition would require hundreds of empty dumpsters to be hauled in by multiple trucks, and hundreds of full dumpster loads of debris to be hauled out. That would result in the street being blocked for hours at a time.

The neighbors south of the project, including us, would be essentially trapped in our houses, unable to drive away in our cars, because the one lane, one-way northbound exit route would be blocked by demolition trucks and dumpsters. The neighbors north of the project might be able to leave their houses, but they would not be able to drive home, because the return route to their houses would be blocked.

Parking on the opposite side of the street does not solve the problem. All of the parking spaces on the non-obstructed southbound side of the street are usually filled. And even if there were available spaces on the southbound (lower) side of the street, the divider strip is too steep for most of us to walk up from the lower side of the street to the upper side, especially when carrying groceries or other packages. And people often slip trying to walk down the steep divider strip.

There also is a potential flooding problem. The upper side of the street is hilly. The street goes down and up and down again. During the first year of the pandemic, it was a wonderful place for neighborhood children to learn how to ride their bicycles on hills. But when it rains, the hilly street funnels heavy water run off down to the storm drains, which are just below, and one house away from, the

proposed project. There is a serious risk that dirt, dust, and debris from the demolition would clog the storm drains and the fragile neighborhood drainage system. That would lead to flooding on both sides of Kentucky Ave., especially of houses on the lower side of Kentucky.

There is a natural spring which bubbles up, even on dry summer days, near the storm sewer drain on the lower side of the street. The spring needs to be protected. In addition, because of the spring, the water table on that side of the street is probably relatively high. That exacerbates the potential flooding risk to the houses on the lower side of the street.

There are further problems. The applicant's geotechnical engineer's December 29, 2021 letter states at p. 2 that Berkeley does not require compliance with CGS 117A, regarding seismic hazards, for a "partial repair or remodel." But the proposed project is a complete teardown, not a remodel, so that exception to the CGS 117A guidelines does not apply.

Finally, City staff wrote a letter to the applicant on July 22, 2022, saying that the application was incomplete. Your website does not contain any response, especially regarding lot coverage.

For all these reasons, we oppose the demolition project. We also request that any hearing or decision be postponed or continued. The 20 day period initially available to the public to examine the application and its 100 pages of supporting documents included the long Christmas and New Year's weekends. That made it difficult for some neighbors to obtain, examine, and comment on the application.

Very truly yours,

STEPHEN B. BEDRICK
SBB/SBM

**KATHRYN ANN SELIGMAN
485 KENTUCKY AVENUE
BERKELEY, CA 94707
kseligman@comcast.net**

January 4, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: 469 Kentucky Avenue
Use Permit ZP 2022-0087
Hearing: January 12, 2023

I reside with my family at 485 Kentucky Avenue, four houses south of the proposed demolition and rebuilding project at 469 Kentucky Avenue. We have lived in our home since July 1988 – more than 34 years. I write to oppose the proposed project, the use permit and the demolition permit, because the project will be detrimental to the health, safety, and quality of life of those of us who reside on the northbound one-way street that is on the east side of Kentucky Avenue, specifically the block between the intersections of Michigan and Maryland Avenues.

The lengthy proposed project will undoubtedly cause significant adverse effects detrimental to those who live on both sides of the street – noise, dust, debris, pollution, blockages and disruption.

However, I am particularly concerned with the effect the project will have on the ability of myself and similarly situated neighbors to safely drive away from our homes and return to our homes on our northbound one-way one-lane block of Kentucky Avenue. Simply put, large trucks needed to bring supplies and workers and to haul away the significant debris resulting from demolition and reconstruction, as well as dumpsters full of debris will inevitably block most or all of our very narrow one-way street for significant periods of time, making it

impossible or very perilous to drive our cars past the project on our block of the street. Not only will residents be prevented from driving down the street to get from or to our homes, but so will the vehicles of persons who visit us, work for us, deliver mail and packages, haul garbage, or most importantly, provide emergency services (e.g. ambulances, firetrucks, water and power trucks).

To understand this significant impairment of our ability to leave from or return to our homes by vehicle, you need to understand the unusual configuration of our block of Kentucky Avenue. I hope the photos sent along with this letter will be helpful, but you really need to see it in person to understand.

Our block of Kentucky Avenue (between Michigan and Maryland) is essentially two one-lane one-way streets. We live on the eastern side of the street, so traffic on our side (our lane) heads only north towards Maryland. Traffic on the western side of the street heads only south towards Michigan. The proposed project is also on the eastern side of the street.

The street is terraced and the two sides or lanes of the street are separated by a wide divider strip that is planted with bushes, shrubs and a few trees and slants downward from our side (the eastern side of the street) to the other side (the western side of the street). The planted divider strip is about 6 to 10 feet high and wide, so there is a 6 to 10 foot drop off from the upper (eastern) side of the street to the lower (western) of the street. Obviously, one cannot drive across the divider strip to the other side of the street. Moreover, it is very, very difficult to traverse the divider on foot, particularly for us older adults.

Thus, if the single one-way northbound lane on the eastern side of the street is completely or significantly blocked, there is no way to turn one's car around or make a u-turn in the middle of the terraced block to head the other way. It would be difficult and unsafe to navigate a u-turn in the narrow lane, with parked cars on one-side and the drop off on the other side. The person driving northbound is essentially stuck until the vehicle blocking the street moves on. This happens, unfortunately, with some frequency, on days when garbage is being picked up or many packages are being delivered.

If the proposed demolition and rebuilding project at 469 Kentucky Avenue is approved, we anticipate there would be many days over months when large

trucks and dumpsters would completely or mostly be blocking our narrow one-lane one-block northbound street. Those of us who live south of 469 Kentucky (which is near the middle of the block) would be prevented from driving away from our homes. The street is too narrow and hilly to safely navigate a u-turn and drive south. Trying to back out towards Michigan is also dangerous. Those who live north of 469 Kentucky would have difficulty returning to their homes, unless they dangerously drove the wrong way on the northbound street

These significant and inevitable problems of egress and ingress on our narrow one-lane one-way street are aggravated by the fact that so many of us park at least some of our vehicles on the street in front of our homes. You will note that we usually park our vehicles in the proper northbound direction with the passenger side wheels up on the curb. We do this out of necessity because the street is so narrow. Many of us have had our vehicles hit or sideswiped when we do not park on the curb.

Many of us park on the street at the curb because we do not have usable garages and driveways. The garages are too small or converted to other uses. Or, as is the case in our family, our garage only holds one vehicle. My husband parks his car in the garage (when it is not flooded) and my son and I park our vehicles along the curb in front of our house. Many of the driveways on our block are narrow, sloped or poorly graded, so parking in the driveway is not always an option.

Parking is often hard to find on our block of Kentucky Avenue, and on intersecting streets, as persons who visit us or work in our homes are all too aware. The vehicles, dumpsters and equipment needed for the proposed demolition and remodeling project will also take up needed parking spaces and make it impossible, difficult or hazardous for us to continue parking our cars on the street on our block.

Parking elsewhere – across the street on the other side of Kentucky or on neighboring streets is not a viable option. The other side of our block of Kentucky (the western side with the southbound lane) has few available parking spaces. As noted above, traversing the planted barrier is difficult and hazardous, particularly if one is carrying groceries or something else from the car to home. We live closer to the intersection of Kentucky and Michigan. Michigan is a very steep street heading downhill from Spruce Street to Kentucky. There are not a lot of available

places to park on Michigan, and carrying groceries or other items from the vehicle to the home is also difficult. The street is steep and not well lighted. The options for Kentucky Avenue residents parking their vehicle on other intersecting or nearby streets are uncertain, difficult, hazardous or inconvenient –not to mention the inconvenience caused to people who live on these other streets when we park our vehicles in front of their home for months.

Those of us who live on the eastern side of the divided block of Kentucky Avenue, particularly those of us who live south the proposed demolition and rebuilding project should not have to face these hazards, inconveniences and disruptions to our lives for the many months (possibly years) that it will take to complete this project.

For the reasons discussed above, I oppose the demolition and rebuilding project at 469 Kentucky on behalf of myself, my family and similarly situated neighbors.

Sincerely yours,

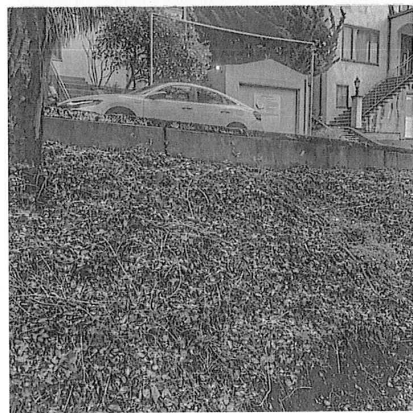
KATHRYN ANN SELIGMAN

Photographs of Kentucky Avenue, 400 Block: Divided Portion of Street

Cars Parked Along the Curb on the East / Uphill Side of Street
Please note that the cars have their passenger side tires on the curb, so traffic can pass by.




Planted Divider in the Middle of Kentucky Avenue Separating Two One-way Streets
Please note that the West / downhill block is many feet below the East / Uphill block and most residents cannot safely walk across the street from one side to the other.



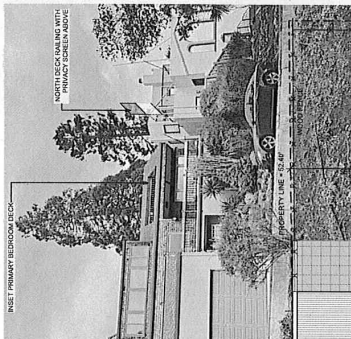
Storm Drain on the East / Uphill Block of Kentucky Avenue
Please note that the storm drain is near the project site.




Keefe Residence	Project Address: 469 KENTUCKY AVE. BERKELEY, CA 94707	Owner: AIDAN KEEFE 469 KENTUCKY AVE. BERKELEY, CA 94707 MOBILE: (415) 317-7845 EMAIL: aidan.keefe@gmail.com	M L E V I T C H ARCHITECTS + INTERIORS 1025 AVENUE OF THE CLOUDS SAN FRANCISCO, CA 94133 Tel: (415) 845-8841 Fax: (415) 845-8950 www.mlevitch.com	USE PERMIT Sheet Contents: VISUAL CORRIDORS FROM DECKS (1)	<small>These drawings are prepared by MLEVITCH ARCHITECTS, INC. for the property of AIDAN KEEFE. No other party is to be responsible for the accuracy of these drawings. All work shall be in accordance with the applicable laws and regulations of the City and County of Berkeley, California. © 2023 MLEVITCH ARCHITECTS, INC.</small>
	Project No:	2136			
	Date:	January 10, 2023			
	Drawn By:	KM			
	Checked By:	ML			
					SK1



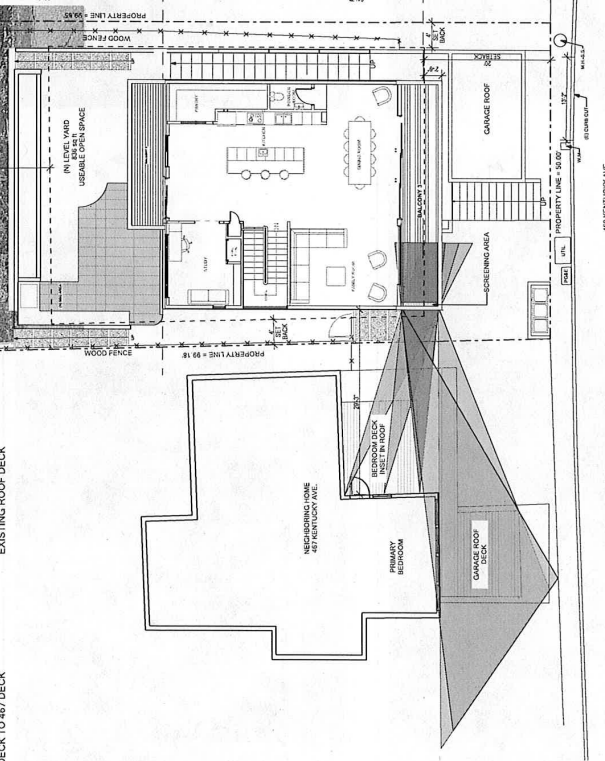
RELATIONSHIP OF NORTH RAILING TO 467



EXISTING VIEW OF 467 DECK FROM 469 FRONT ENTRY PORCH




PANORAMIC VIEW BETWEEN NEIGHBORING HOMES TO WEST




SITE PLAN: PRIVACY STUDY

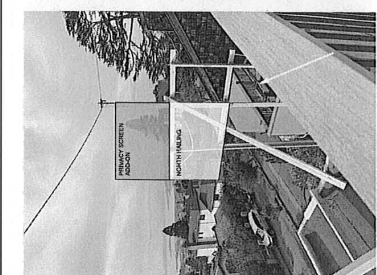
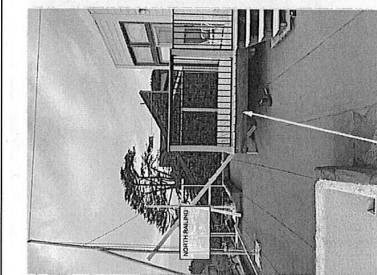
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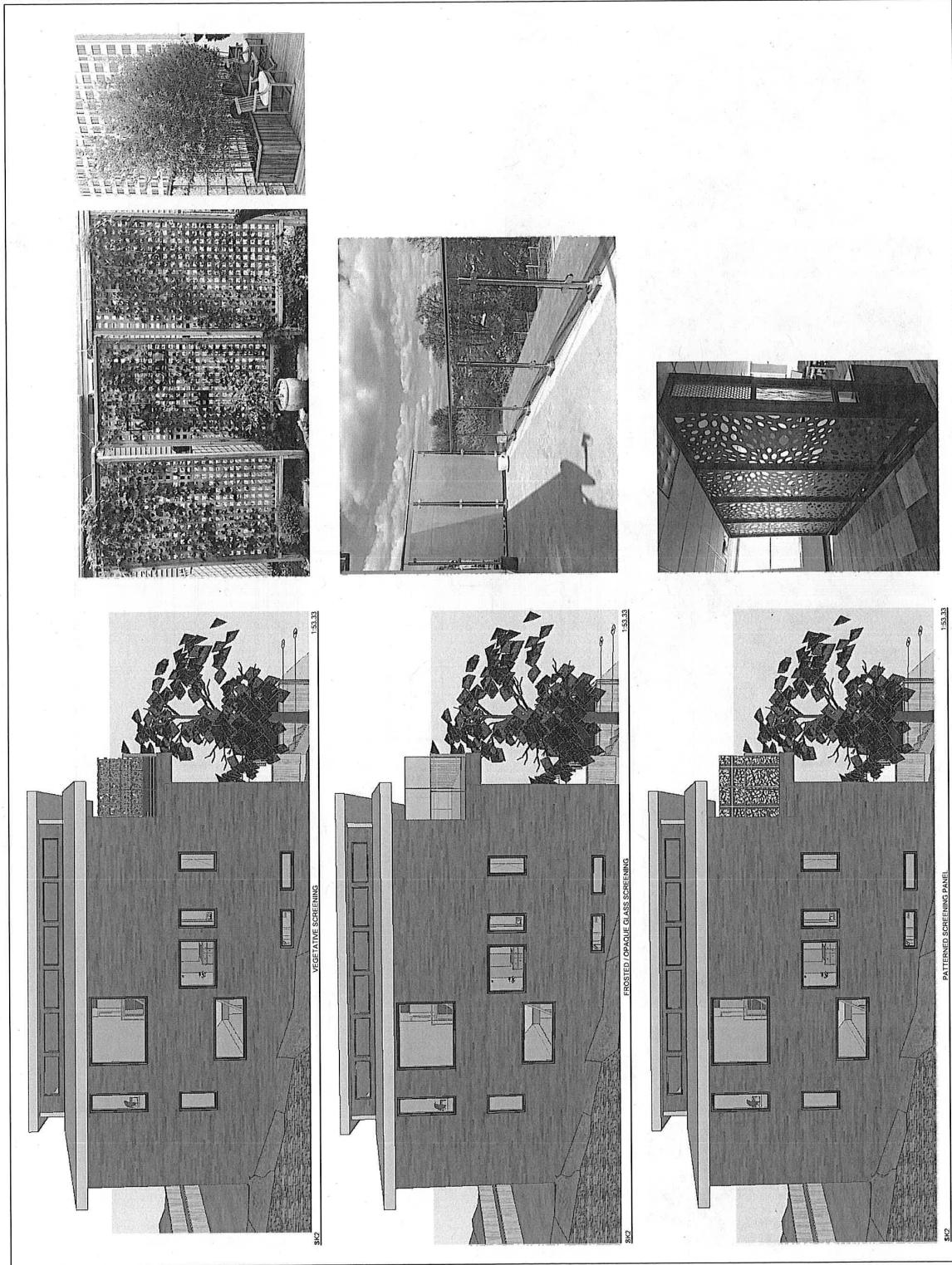
TRUE NORTH



PROJECT NORTH



Keefe Residence
Project Address: 469 KENTUCKY AVE BERKELEY, CA 94707
Owner: AIDAN KEEFE 469 KENTUCKY AVE. BERKELEY, CA 94707 PHONE: (415) 371-1146 EMAIL: aidan.keefe@gmail.com
M L E V I T C H ARCHITECTS/BUILDERS LEITCH ASSOCIATES INC. 1029 HENZ AVENUE BERKELEY CA 94707 Tel: (925) 842-1100 www.mlevitch.com
USE PERMIT
Sheet Contents: SCREENING OPTIONS
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Project No: 2136
Date: January 10, 2023
Drawn By: KM
Checked By: ML
SK2



The Carrolls
475 Vassar Avenue
Berkeley, CA 94708
510-525-8023

January 8, 2023

Russell Roe
City of Berkeley Planner
RRoe@CityofBerkeley.info

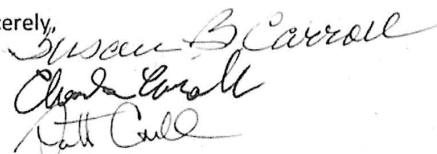
Dear Mr. Roe,

We are writing to voice our support for the home project of the Keefe family at 469 Kentucky Avenue in Berkeley. Our home is directly one street up from the Keefes and we see over their home to the San Francisco skyline. They have been conscientious about their neighbors, including us, with their planning and communication for this work, and their project will not have a negative impact on our home nor our neighborhood.

We have lived in our home since 1968, and, like the Keefes, raised our family here. We are very glad to see that their family will be able to continue to live in the neighborhood through the project they are taking on.

Please feel free to call us if you have any questions. We are signing as two generations of Carrolls who are living in our home.

Sincerely,



Susan Carroll (homeowner)
Charles Carroll (son)
Scott Carroll (son)

David Z. Ritvo and Phyllis F. Ritvo
471 Vassar Ave.
Berkeley, CA, 94708

January 8, 2023

Russel Roe
Planning Manager
City of Berkeley
Rroe@cityofberkeley.info

re: Zoning Adjustment Board Meeting regarding the proposed project at 469 Kentucky Ave., Berkeley

Dear Mr. Roe:

Thank you for sending us the announcement of the Zoning Adjustment Board's meeting regarding the proposed project at 469 Kentucky Ave., Berkeley and for its invitation to neighbors to provide input regarding the project. We would like to take this opportunity to do so.

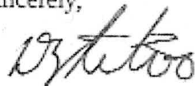
We have resided at 471 Vassar Ave., just uphill from the proposed project at 469 Kentucky Ave., for the past forty two plus years. As long-term residents of the neighborhood we love, we have a deep interest in maintaining its sense of community and neighborliness.

We have reviewed the project and seen the Planning Department staff report regarding the project.

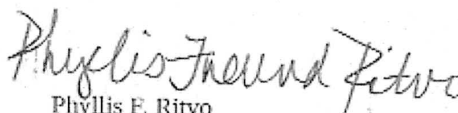
We are in complete agreement with the staff report: This project is in keeping with the nature of the neighborhood and will not adversely effect the neighbors or the neighborhood.

We urge the Zoning Adjustment Board to agree with the staff report, and we look forward to the folks at 469 Kentucky Ave. being able to go ahead with their project without delay.

Sincerely,



David Z. Ritvo



Phyllis F. Ritvo

cc: Aidan Keefe, 469 Kentucky Ave., Berkeley, CA

Pam and Les Bradford
476 Vassar Avenue
Berkeley, CA 94708
510-527-8421

January 9, 2023

Russell Roe
City of Berkeley Planner
Rroe@CityofBerkeley.info

Dear Mr. Roe,

This letter is in support of the home project of the Keefe family at 469 Kentucky Avenue in Berkeley. Our property sits east of that property, directly behind their residence; we share a fence and have been their neighbors since 1990. Their project will not have any negative impact on our home or view of the San Francisco Bay and Aidan Keefe has communicated with us from the beginning of his efforts to make home improvements. We certainly hope he will be able to continue with the work projected and be a part of our neighborhood.

Sincerely,

Pamela Bradford
Lester Bradford

STEPHEN B. BEDRICK

----- ATTORNEY AT LAW -----
1970 BROADWAY, SUITE 1200
OAKLAND, CALIFORNIA 94612

TELEPHONE: (510) 452-1900

FAX: (510) 452-1980

sbedrick@sonic.net

January 9, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center St., 2nd Floor
Berkeley, CA 94704

also by e-mail to
zab@cityofberkeley.info

Re: 469 Kentucky Ave. (Second letter)
Use Permit ZP 2022-0087
Hearing: January 12, 2023

Dear Sirs/Madams:

We oppose the demolition project in the R-1-H zone for multiple reasons:

1. The blocking of a narrow one-way street will prevent some neighborhood residents from driving to and from their homes. It also will obstruct emergency vehicles and delivery trucks.
2. The demolition on a hillside lot threatens the geologic stability of the abutting homes.
3. The demolition and removal of debris risks damaging and threatening the integrity of the abutting homes.
4. The demolition threatens to obstruct nearby storm drains, and threatens neighborhood flooding.

The staff report supplied to the Board Members on Friday January 6, 2023 is so incomplete as to be misleading. The staff report claims that no objections were made by neighbors. That is false. Several neighbors (including me) wrote opposition letters to the Board on January 4 and January 5, 2023, before the staff report is ordinarily sent to the Board members. At the minimum, we request that the January 12, 2023 hearing be continued until the opposition letters are presented to the Board in time for staff and Board members to consider them.

If, in the alternative, the Board is inclined to approve the demolition of this attractive and perfectly functional house, we request that the following mitigation measures be taken:

1. No demolition or excavation during rainy weather or rainy season (Oct. 15- May 1).
2. Demolition only to be performed by a contractor with experience in demolition on hillsides as steep as this one.
3. A certified engineer must be on site during demolition, to supervise, and to prevent accidents.
4. A retaining wall of sufficient height should be constructed on either side of the project, the entire length of the property, to prevent soil and foundation slippage.
5. A temporary fence should be constructed to protect the neighboring houses from flying debris.
6. The applicant should post a bond sufficient to compensate the abutting houses from any damage.
7. Regarding obstruction of the street by demolition activities:
 - a) Obstruction traffic by demolition activities, including use of trucks and dumpsters, should be limited to 30 minutes per day.
 - b) The time or times of street obstruction should be posted in the neighborhood at least 48 hours in advance, so neighbors can plan their exits and entrances.
 - c) Traffic monitors shall be on the scene whenever trucks or dumpsters are present, to prevent unwarranted street blockage, and to assist residents who have difficulty in getting to or from their homes.

Very truly yours,

STEPHEN B. BEDRICK
SBB/SBM

From: Ben and Sherry <hellobenandsherry@gmail.com>
Sent: Tuesday, January 10, 2023 12:45 PM
To: Zoning Adjustments Board (ZAB); Roe, Russell
Cc: Stephen Bedrick
Subject: 469 Kentucky Ave
Attachments: ZP 2022-0087, 469 Kentucky Avenue.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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Hi, attached is a letter regarding the proposed project at 469 Kentucky Ave. Please forward to the Board for consideration at the hearing on 1/12.

Thank you,
Ben Young

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center St 2nd Floor
Berkeley, CA 94704

Re: 469 Kentucky Ave.
Use Permit ZP 2022-0087
Hearing: January 12, 2023

Dear Sirs/Madams:

I live at 483 Kentucky Avenue, three doors south of this project. I oppose this demolition project at 469 Kentucky Ave because it risks damage to the adjacent houses, geologic slippage, flooding, and traffic obstruction. As a parent of a 6 month old, I am particularly concerned with the persistent and extraordinary noise and potential for toxic pollutants resulting from the demolition. As a committee member on the Kentucky Ave Disaster Preparedness Group, I am concerned a project of this scale on such a narrow street could seriously impede evacuation and emergency personnel in the event of an earthquake or wildfire.

I largely agree with the letters sent by our neighbors Stephen Bedrick and Ren Ng. The staff and Board should continue the hearing to consider our objections.

Thank you.
Ben Young

Sachiko Uno-Keefe and Aidan Keefe
469 Kentucky Ave
Berkeley, CA 94707
(415) 317-7845
aidan.keefe@gmail.com

ZAB Secretary Land Use Planning Division
Attn: ZAB Secretary
zab@cityofberkeley.info
Reference 469 Kentucky Ave #ZP2022-0087

January 10, 2023

Dear Members of the Zoning Adjustment Board,

We are writing to you today to introduce ourselves, explain what we are trying to build at 469 Kentucky Ave and why we are trying to build it. While a significant residential construction project is often disruptive to neighbors and the immediate vicinity, our belief is that the benefits of this project will outweigh the negatives for most parties involved.

First, who are Sachiko and Aidan? Aidan was born and raised in Berkeley (Alta Bates, 1972; Berkeley High, Class of 1990). Sachiko was born in Japan and raised in Japan and France, she came to the US in 2001 where she met Aidan in graduate school. We married in 2007 at the Brazilian Room in Tilden and have worked in Silicon Valley since then. This project is for our family of four to relocate back to Berkeley and live in Aidan's rebuilt childhood home. Aidan's father was living alone in the house since the passing of Aidan's mother in 2016, so this construction including an ADU in the design was for our three generational family to live together under one roof. Unfortunately, Aidan's father suddenly passed away in December 2022. Despite this loss, we intend to continue with the ADU construction for either our disabled son's nanny or Sachiko's family and friends visiting from Japan to stay with us.

Why do the plans call for new construction vs a remodel of the existing home? The existing home, as detailed in the historical report, is about one hundred years old and has gone through various middling additions and remodels. It lacks insulation so much of the natural gas used to heat it is wasted as energy drifting out through walls and cracks. Piping, electric, foundation and pretty much everything else need replacement and upgrading. Fire and earthquake safety are poorly addressed with the current materials and foundation. And finally, the layout is not well designed for a family of four and certainly not for three generations as was the original plan. The opinion of our architect and structural engineer is that new construction vs a remodel would be a more efficient and satisfactory solution to these issues.

What are the benefits of this new construction project that justify the cost and community disruption of major construction? First, of course, the benefit to us would be our family relocating to Berkeley and living in a comfortable new home with improved fire and earthquake safety. Benefits, however, extend to the neighborhood and community as well. The current home in its old state is likely dragging down surrounding property values while new construction would lift those values. As the home is in a WUI designated fire risk area and is not well protected from wildfire hazard, new

construction with Class A fire resistant materials and a sprinkler system would act as a buffer against spreading fire vs today where it is likely to act as an accelerant in the event of wildfire embers floating over from Tilden. Beyond the immediate neighborhood, benefits for the city come from increased tax revenues: the existing home has a tax basis well below market value due to CA Proposition 13. With a major rebuild the basis would increase, driving increased funding of city services. Finally, and most important of all, we are replacing a dilapidated old home that is burning fossil fuels and then wasting much of that energy via leaks and cracks. By replacing this old home with a highly efficient, well insulated home using solar, batteries, heat pumps, passive shading and induction cooking we take a small but positive step toward addressing global warming.

These positives aside, a project of this scale may be disruptive to neighbors. We have worked diligently since February 2022 to review plans, socialize, and incorporate feedback from neighbors to ensure that views, air space and sunlight access are not materially worsened. As a step in this process, we constructed story poles in November 2022 and we reached out proactively to all neighbors to collect feedback and discuss compromise as needed. For example, after story pole construction, neighbors uphill from us at 480 Vassar Ave had concerns about the new roofline impacting their view of the bay and Golden Gate Bridge. After discussion we lowered the height of the building and adjusted the roof design to their satisfaction. As of early January 2023, all neighbors except for one are in support of the project and welcome us back to the neighborhood (please see the separate letters that we have included to demonstrate this support). Unfortunately the neighbor at 467 Kentucky Ave, who did not voice any objections during multiple reviews from February to December 2022, decided to voice objections in early January 2023 right before the ZAB meeting. This neighbor has requested a postponement of the meeting so that they can further study the design as they state that they are busy with work and did not have proper opportunity between February 2022 and January 2023 to review to their satisfaction. Their primary objection is around a privacy impact to their street facing 2nd and 3rd story decks as well as a window at the front of their house, facing southeast, now having visibility to our new proposed deck. The resident at 467 Kentucky Ave has declined multiple meeting requests to discuss a compromise in person as well as rejected via email various proposals for compromise including an opaque deck railing and other privacy shield options. As both the open, front of house decks as well as the window in question are visible from street level and Google Street Views, and the neighbor has refused to engage in timely discussion around a reasonable compromise solution, we believe that these claims lack merit and a commitment to compromise resolution so we request that the ZAB dismiss the objection.

We look forward to discussing our project and answering any questions at the ZAB meeting on January 12, 2023.

Best Regards,

Sachiko Uno-Keefe and Aidan Keefe

From: [Maurice Levitch](#)
To: [Roe, Russell](#)
Subject: Fwd: 469 Kentucky ZP#2022-0087 Communication for ZAB Meeting 1/12/2023
Date: Tuesday, January 10, 2023 4:57:55 PM
Attachments: [469 Kentucky Visual Corridors and Screening Options.pdf](#)

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We sent this to Zab and the owner of 467 FYI

Thanks and see you Thursday!

Best,
Maurice

----- Forwarded message -----

From: **Kanta Morinaga** <kanta@levitch.com>
Date: Tue, Jan 10, 2023 at 4:52 PM
Subject: 469 Kentucky ZP#2022-0087 Communication for ZAB Meeting 1/12/2023
To: <zab@cityofberkeley.info>, <yirenng@gmail.com>
Cc: Aidan K <aidan.keefe@gmail.com>, Maurice Levitch <maurice@levitch.com>

To: ZAB Secretary, Land Use Planning Division and Ren (Owner 467 Kentucky)
Re 469 Kentuck Ave.
ZP#2022-0087

Please find attached diagrams related to the privacy issue Ren has brought up.
We are sharing a site plan where you can see the sight lines along with some options for possible solutions.

We do not think privacy will be a big issue based on the fact that this arrangement of front/street/west facing decks on uphill lots is common and understandable given the significant view available.

Ren also has other deck areas he and his family can use if he feels his privacy is being invaded. Privacy goes both ways so we are offering to create a privacy screen at the North side of our deck

Thank you,

Maurice Levitch, AIA
President
Levitch Associates, Inc.
1029 Heinz Ave.
Berkeley, CA 94710
Main 510-845-6941
Direct 510-488-6236



Kanta Morinaga

Design Associate / Project Engineer



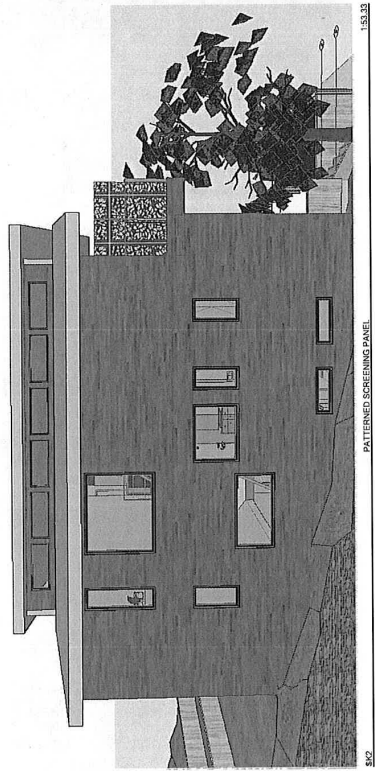
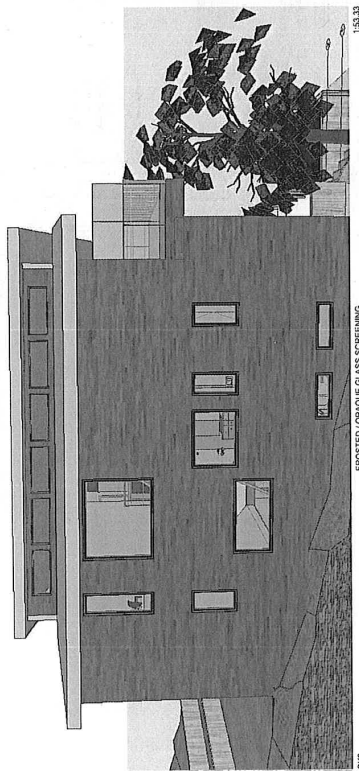
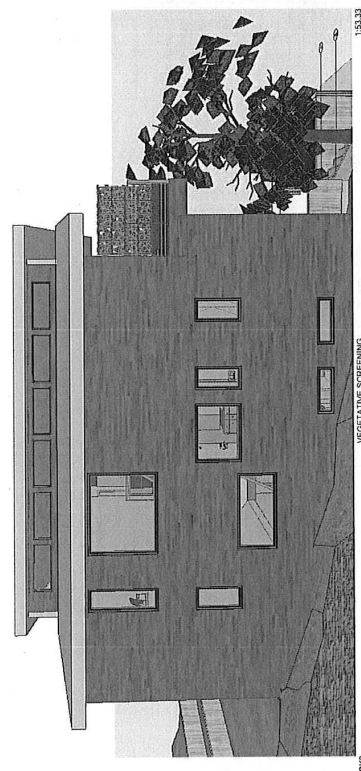
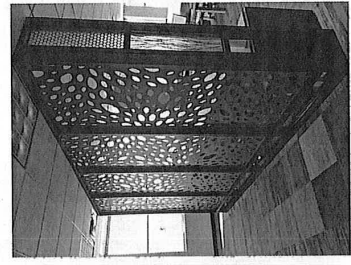
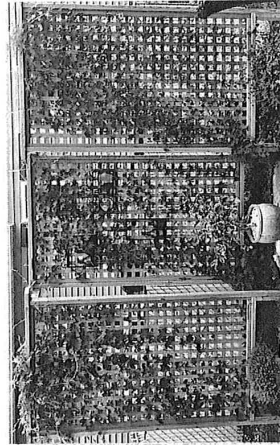
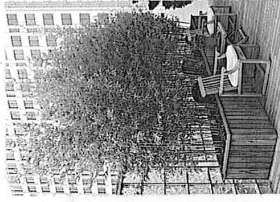
(c) +1 510-613-4725 | (o) 510.845.6941

kanta@levitch.com | www.levitch.com

1029 Heinz Avenue, Berkeley, CA 94710

Our Core Values

Keefe Residence	
Project Address: 469 KENTUCKY AVE BERKELEY, CA 94707	
Owner: AIDAN KEEFE 469 KENTUCKY AVE. BERKELEY, CA 94707 MOBILE: (415) 317-7845 EMAIL: aidan.keefe@gmail.com	
M L E V I T C H ARCHITECTS • BUILDERS • B MARTON ASSOCIATES, INC. 1029 HENZ AVENUE BERKELEY CA 94710 Tel: 678-846-8950 www.mlevitch.com	
USE PERMIT	
Sheet Contents: SCREENING OPTIONS	
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Project No:	2136
Date:	January 10, 2023
Drawn By:	KM
Checked By:	ML
	SK2



From: [Cynthia Foster](#)
To: [Roe, Russell](#)
Subject: Fwd: Use Permit #ZP2022-0087, 469 Kentucky Avenue
Date: Tuesday, January 10, 2023 2:49:32 PM

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Sent from my iPad

Begin forwarded message:

From: Cynthia Foster <cynthiamfoster@gmail.com>
Date: January 10, 2023 at 2:48:45 PM PST
To: zab@cityofberkeley.info
Subject: Use Permit #ZP2022-0087, 469 Kentucky Avenue

Land Use Planning Division
Attn: ZAB Secretary

City of Berkeley

1947 Center St., 2nd Floor Berkeley, CA 94704

Sent via email

Dear Sirs/Madams,

I live at 479 Kentucky Avenue and am writing to oppose the project at 469 Kentucky Avenue. I have several concerns, including the size of the proposed residence, demolition, parking, and access to the street during both demolition and construction.

I will assume the project will be approved based on where we are in the project proposal, so I will focus on concerns of demolition/construction and access to the street.

Kentucky Avenue is 2 one-way streets with a median in the middle of the upper and lower portions of the street. It's a small neighborhood

street and additional traffic will be disruptive at best. Parking is already limited.

Emergency vehicles, delivery trucks, USPS, and City refuse/recycling trucks carefully manage access to the street. The City trucks are cognizant of neighborhood traffic on Tuesday mornings and quite considerate of the neighbors as they seem to understand our unique street.

My concerns with the demolition and subsequent construction have to do with access to entering and exiting the street. It's a narrow (one way) street and with the amount of trucks and dumpsters involved in this project, it's most likely the street will be blocked for extended periods of time. It is very difficult to turn a car around and exit in the wrong direction. It's been done in emergencies, but should not be done on a consistent basis, particularly due to construction blocking the street.

* With large trucks even partially blocking part of the street, emergency vehicles may not be able to access the street.

* Will neighbors be given 48 hours notification when the street will be blocked in order to make plans for access to their homes?

* Will this project create geologic slippage due to hillside and/or geologic stability issues to houses adjacent to this project?

* When the street is obstructed during this project, can the time be limited to specific hours and/or a set amount of time?

* Will construction companies work with neighbors when large delivery trucks are expected? What is their responsibility with monitoring traffic?

* Last, but not least, where will the construction crews park? Can they be informed not to block stairs which limits access to homes? I'm asking this specifically as on multiple occasions, a vehicle from the architect's firm has blocked the stairs to, and also the driveway at, my house.

Thank you for your consideration,

Cynthia Foster

479 Kentucky Avenue

Berkeley, CA 94707

510-499-6880

Sent from my iPad