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Office of the City Manager

PUBLIC HEARING
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning & Development Department

Subject: Appeal of Special Assessment Tax Lien and of the Need for Abatement Action at 2750 Cedar Street

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution denying the property owners' appeal of a special assessment tax lien and of the necessity and cost of City abatement actions and allowing the special assessment lien for $24,831.37 for 2750 Cedar Street (APN 058 221102001) to be recorded with the County of Alameda.

SUMMARY

This report is in response to an appeal of an impending special assessment tax lien and of the necessity and cost of summary abatement actions taken by the City at 2750 Cedar Street in October 2024. The lien reflects costs incurred by the City to abate unpermitted and unsafe construction that continued despite repeated notices and orders, Stop Work Orders, and administrative citations.

City staff documented ongoing demolition of a dilapidated existing structure and new construction performed without the required City permits or inspections, including continued construction work conducted in violation of six Stop Work Orders and two citations. Due to the hazardous conditions created by the partially demolished existing structure and the construction of an unpermitted structure—particularly given the site's steep slope, location in a California Geological Survey Landslide Zone and in a High Fire Hazard Severity Zone, a failing retaining wall, close proximity to neighboring properties, and limited fire access—the City obtained an administrative warrant and performed a lawful summary abatement to eliminate the hazards.

The property owners, through their architect, Michael Tolleson, appealed the proposed lien and the need for and cost of abatement in a timely manner. The issues raised by the owner in the appeal are addressed in this report. Based on the administrative record, staff concludes that the abatement action was necessary and properly authorized, and that the costs reflected in the lien are accurate and recoverable under applicable law.

FISCAL IMPACTS OF RECOMMENDATION

The lien of $24,831.37 will allow the City to recover its costs from the abatement of unpermitted construction at 2750 Cedar Street.

In addition, administrative citations of $18,000 were issued and remain unpaid. Those citations are not included in the amount proposed in the lien.

CURRENT SITUATION AND ITS EFFECTS

On November 13, 2025, the Building and Safety Division notified the legal property owners, Paul T Mak and Ping H Mak, that a lien would be placed for the unpaid balance of $24,831.37 owed for the abatement of unpermitted construction at 2750 Cedar Street. On November 19, 2025, Michael Tolleson, Architect, acting on behalf of the owners, submitted a timely objection to the proposed lien. On December 10, 2025, Mr. Tolleson submitted an additional “basis for appeal” letter. Due to the hazardous condition of the property, the City proceeded with the summary abatement. The appellant’s prior appeal of the need for the abatement action is being heard together with their appeal of the lien. Collectively these appeal documents are included with this report as Attachment 2. This Council hearing is required to decide both aspects of the appeal, the lien and the need for the abatement actions.

BACKGROUND

Property Description and Timeline of Events

The property 2750 Cedar Street is an irregularly shaped parcel on a steep grade without direct road access. It is located in the High Fire Hazard Severity Zone in the Wildland Urban Interface, and in the California Geological Survey Landslide Zone. The property is located just east of La Loma Ave. and has no existing driveway.

The City has been addressing code enforcement and permitting issues at 2750 Cedar Street since 2013. At that time, the architect was unable to obtain approvals to reconstruct a dilapidated structure under Building Permit Application No. B2014-00236. The project was subsequently abandoned for approximately seven years. When the architect later requested an extension of the expired permit application, the request was denied due to the permit application having previously deemed abandoned. Permit applications are considered abandoned after 12 months of inactivity.

On April 5, 2024, the Building and Safety Division received a complaint alleging unpermitted construction at the property. City staff responded by conducting a site visit and determined that, at that time, demolition and construction had not yet begun. Limited grading activity was observed, which did not require permits. The inspector advised the reporting party to notify the City if construction activity commenced.

On April 29, 2024, the architect submitted a new building permit application, B2024-02077, proposing substantial demolition and reconstruction of the existing single-family

residence. During plan review, staff determined that the expanded scope of work triggered additional land use review requirements.

The Building and Safety Division received another complaint on June 17, 2024. An inspector visited the site and confirmed that no construction activity requiring a permit was occurring at that time.

The Land Use Division issued a correction on June 27, 2024 requiring two Use Permits by stating, “The proposed project constitutes a demolition… and the creation of a new standing structure requires a use permit entitlement application first for the demolition of more than 50% or more of the enclosing exterior walls and 50% or more of the roof and another use permit is required for the creation of a new and improved structure.”

The building permit application submitted to reconstruct the structure underwent five rounds of plan review between April 29, 2024, and September 16, 2024. Throughout this period, the applicant failed to adequately address repeated plan check comments issued by Building and Safety, Fire Prevention, and Zoning, nor were revised construction documents submitted to demonstrate compliance with applicable City codes. Instead, in a response letter to the City dated August 27, 2024, the Architect stated, in part:

> We find that it is no longer productive to respond to Berkeley comments, as they are inapplicable and contrary to the California Existing Building Code (CEBC), which governs Cedar. This review has devolved into a discussion of two entirely different Projects, in which Berkeley comments have become non sequiturs. […] After this needlessly convoluted process, we are starting repair construction. Berkeley is welcome to inspect the work at our invitation at each phase, but we will use independent inspectors, if necessary.

Based on these statements, the City understood that construction was being contemplated without the issuance of a building permit. The City issued a final set of plan check corrections on September 16, 2024; no response was received. The application was due to expire on April 29, 2025. the Architect requested an extension of the application, which the City granted, but the required fees were not paid, and the building permit application ultimately expired.

On September 17, 2024, the Building and Safety Division received a report from the original complainant indicating that unpermitted demolition of the remaining structure had begun. An inspector visited the site and observed that demolition and construction activities had commenced without the required permits.

On September 25, 2024, Building and Safety received an additional complaint from a neighboring property owner regarding ongoing unpermitted construction. In response, City staff confirmed that demolition and new construction were actively occurring without required permits.

Between April 9 and October 18, 2024, City staff conducted eleven code enforcement inspections. These inspections resulted in the issuance of six Stop Work Orders, six Notices of Violation, six Notices and Orders to Correct, and two Administrative Citations. Despite these enforcement actions, the owner and architect continued unpermitted construction activities in violation of issued orders. All notices clearly informed the owner that permits were required for the demolition and construction work occurring on the site. City staff were denied access to the property on several occasions.

Due to the continued noncompliance and the presence of hazardous conditions, the City sought an inspection and abatement warrant from the Superior Court of California, County of Alameda on October 10, 2024. The warrant was issued on October 14, 2024, and was valid through October 31, 2024.

On October 16, 2024, the property owner and architect met with City representatives, including staff from the City Attorney's Office, Fire Department, Planning Department, and Public Works. At that meeting, the owner was formally notified that the unpermitted construction was required to be removed by October 25, 2024.

When the owner failed to meet the October 25, 2024 deadline, the City retained a contractor to remove the unpermitted structure and associated flammable debris from the property. Pursuant to Berkeley Municipal Code Section 1.24.040(D), once summary abatement is completed, a property owner may contest both the necessity and the cost of the abatement action.

Given the continued noncompliance and the hazardous conditions associated with the partially demolished structure particularly considering the site's steep slope, location within a landslide zone, failed retaining wall, limited site access, proximity to neighboring properties, and location within a High Fire Hazard Severity Zone, the City executed the inspection and abatement warrant on October 30, 2024. On September 25, 2025, the City issued a demand for payment and on November 13, 2025, a notice of intent to record a special assessment lien, which is the subject of this appeal.

A detailed timeline of events in this case is provided as Attachment 3.

Rationale for the Abatement Action

- **Unsafe Demolition:**
  The original structure at 2750 Cedar was legally permitted but had become dilapidated and structurally unsafe. However, the applicant never received a demolition permit for its removal, making the demolition unlawful and creating additional unsafe conditions due to the steep slope, the location within the High Fire Hazard Severity Zone and the California Geological Survey Landslide Zone, and the accumulation of flammable construction debris from the unlawful demolition. This created a serious risk to surrounding properties, with an unsound, partially demolished structure and debris within one to two feet of the

property line, and a risk of collapse, endangering the lives and property of the occupants immediately downhill.

- **Unpermitted Construction:**
  Mr. Tolleson was well informed of City permit requirements, and in fact submitted applications and engaged in dialogue regarding plan check corrections but nevertheless failed to follow processes and never received permits for demolition or construction. After stating directly to City staff that he intended to proceed in the absence of permits, he removed the remaining existing structure and began construction of a new structure. This unpermitted work continued in violation of six Stop Work Orders issued by the City.

  Construction of a new structure of this kind in Berkeley requires a Use Permit, but no Use Permit application was ever submitted. The structure was being constructed within a couple of feet from the property line, which a Use Permit application process would not have allowed, as it violates setback requirements. The construction underway had not been reviewed for compliance with fire setbacks and fire separation code requirements.

- **Owners' Refusal to Stop Work or Abate the conditions:**
  The owners and their architect were repeatedly told they needed permits for the work, and were issued six Stop Work Orders directing that construction halt until required permits had been issued. On each occasion the construction work continued despite City orders, and the hazardous site conditions were left unabated.

- **Time of Year:**
  The unpermitted demolition work occurred during red flag warning days, signifying high fire risk. The City will halt construction activities during high risk periods due to spark-producing activities common in construction and demolition activities, to help ensure the safety of residents in High Fire Hazard Severity zones. Numerous recent wildfires in the state have demonstrated these risks, including the Post Fire in Southern California (June 15, 2024) and the Park Fire in Northern California (July 24, 2024), both of which had just occurred immediately prior to the time the illegal construction at 2750 Cedar was beginning.

  Additionally, the failing retaining wall at this site posed an increased risk of landslides during the wet season. The City had seen exactly this kind of slide in the recent past, including the January 2023 slide in the Middlefield Road area, which is located in the same California Geological Survey Landslide Zone as the 2750 Cedar site. In the case of 2750 Cedar Street, the City's Deputy Director of Public Works informed City staff that "…. we also observed the failed timber retaining wall and noted that the soil was already sliding, which is likely to worsen with upcoming rainfall."

The declaration from the City Building Official which accompanied the application for a warrant summarized these issues as follows:

> The property has been derelict and unoccupied for several years and is currently in a state of dilapidation, although Michael Tolleson, who claims to own the property, has begun to unlawfully erect wall framing atop the existing foundation footings without permits. This unpermitted work including both the unpermitted demolition of portions of the remaining structure, the accumulation of flammable demolition debris onsite, and the unlawful new wall framing create an unsafe and hazardous condition onsite. The site is unsafe and presents a hazard to neighboring properties for several reasons. The partially demolished structure is obviously structurally unsound and inadequately braced, and is therefore likely to collapse. The new framing (including the materials, connections, fasteners and hardware) has not been approved for construction and has not been inspected, so the Building and Safety Division has no way to assess whether the new framing is structurally sound, and no approved plans exist for this work so the framing cannot be inspected for conformity to its eventual use.

City's Costs

The following table summarizes the costs of the abatement action.

DESCRIPTION	TOTAL
B Bros – Contractor 1. Demolition • Removing all wood structure including wood studs, wood floor joist, plywood sheeting • All wood to be salvaged	**$16,390.00**
Dump Fee	**$825.44**
Container Fee	**$6,196.88**
City of Berkeley Personnel expenses	**$1,419.05**
TOTAL COST	**$24,831.37**

The Public Works Department engaged the firm B Bros Construction to remove the unpermitted structure and salvage wood materials. All work was completed manually,

as heavy equipment could not be utilized because the site is on a hillside without an access road.

The City of Berkeley personnel expenses include:

- **Public Works Operations and Engineering**
    - Coordination of storage of the lumber and drop off and pick up of the roll-off dumpster with Zero Waste.
    - Meeting with the City contractor and the owners' architect numerous times to allow access.
    - Covering the material with plastic sheathing to protect it from the elements and monitoring the bin to make sure it remained protected from the rain.
    - Site visit, planning, demolition coordination, closeout.
- One Police Officer and one Building Inspector present during the abatement action to ensure that it was carried out safely.
- Administrative staff providing support to facilitate the abatement action.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The issues raised in the appellant's letters (Attachment 2) and staff's responses are detailed below. For the sake of brevity, the appeal issues are not re-stated in their entirety.

ISSUE 1: The property at 2750 Cedar consisted of a permitted and approved 725-square-foot, one-story single-family residence that was 50% demolished as of 2015. The intent of the Architect was to reconstruct the residence to match the original structure and to add an ADU and associated site work in phases and to submit a Zoning Use Permit for the full project. The applicant maintains that reconstruction of the original single-family residence, identical to the pre-existing structure, should be permitted by right.

RESPONSE 1: While the property contained a previously permitted single-family residence, the original structure was previously partially demolished (with a permit) in 2013. The remaining structure was not properly maintained, nor was a building permit to rebuild ever issued. During the recent demolition of the remaining structure the

demolition was no longer considered partial, per the definition of Demolition in BMC 23.502.020(D)(2), and any new project being considered on the site would require a Use Permit, per BMC 23.202.020 Table 23.202-1. Any subsequent construction constitutes new work subject to current permitting, plan review, and code requirements. An intent to entirely build a structure “virtually identical” to the original structure does not confer by-right approval; there is no such provision in the building standards code. The project is for a new structure and must comply with all applicable City regulations and permit requirements in effect at the time of a completed building permit application. Land Use clearly informed Mr. Tolleson of the Use Permit requirement.

The Land Use Division issued a correction during the permit application review on June 27, 2024 requiring a Use Permit stating, “The proposed project constitutes a demolition… and the creation of a new standing structure requires a use permit entitlement application first for the demolition of more than 50% or more of the enclosing exterior walls and 50% or more of the roof and another use permit is required for the creation of a new and improved structure.” On October 23, 2025, the Land Use Manager confirmed that a Use Permit application had not been submitted to date.

ISSUE 2: The appeal letter states, “The heart of this dispute with Berkeley revolves around its failure to allow the use of ’CRC R105.2 Work exempt from permit.’ The CRC is the California Residential Code that, in this case, applies to single-family residences and accessory dwelling units…. The language allows ’one-story detached accessory structures…not greater than 120 square feet’ and ’decks not exceeding 200 square feet’ exempt from permit…. Our solution was to build three of these exempt structures and then join them together once the permit was issued.”

RESPONSE 2: The expressed intent of the applicant was to build an occupiable structure, in this case a Single Family Dwelling. As such, Building and Safety staff could not accept the applicant’s interpretation of CRC R105.2. The applicant was informed on multiple occasions that while CRC R105.2 does allow construction of one story detached accessory structures not greater than 120 square feet, it does not allow for a series of 120 square foot accessory structures to be built and conjoined into a single-family home. Additionally, CRC R105.2 defines qualifying decks as “not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.” The deck being constructed was intended to be the main floor of the dwelling and was more than 30 inches above grade for at least 30% of the perimeter. The Building Inspector also observed that all the so-called separate accessory structures were being built on a continuous foundation, supporting the previously existing single-family home with associated sill plates, double plates and floor framing, making it a single structure and not a series of detached accessory structures.

The intent of CRC Section R105.2 and corresponding section CBC Section 105.2 is to allow “One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses.” Section 105.2 also states “Exemptions from permit

requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction." The Berkeley Building Code has an amendment that states "All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code (*the Residential Code*) as well and take precedence over any California Residential Code (CRC) administrative provisions that may conflict."

On December 4, 2025, The International Code Council (ICC) provided an opinion via email on this matter which stated the following regarding Section 105.2: "Item 1 under "Building" in Section 105.2 uses the term accessory structure, which implies a subordinate relationship to a principal building on the same lot. When no principal building exists, determining whether a proposed structure is accessory is a zoning and land-use matter." The ICC further states that its codes "do not intend to permit exemptions as a mechanism to allow phased construction of multiple unpermitted structures knowing that the intent is to later combine them into a single occupiable building."

The Code and Commentary, a reference book published by ICC, defines an accessory structure under section R202 as "A structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same lot." It goes on to state, "… this term describes structures that are designed for accessory use to one- or two-family dwellings and multiple single-family townhouses. These structures are commonly used as garages, carports, cabanas, storage sheds, tool sheds, playhouses and garden structures. The structures all house uses that are incidental to the primary use, which is the dwelling unit, and the activities that take place in accessory structures occur as a result of the primary building. Their use is secondary or minor in importance to the primary residence."

ISSUE 3: The appeal letter states, "Berkeley has refused to address the use of R105.2, treating the work as if it needed a permit. […] Every effort was made to communicate in written detail the code applications deployed to all involved. […] It is common for plan checkers and inspectors to not entirely understand their own code, particularly the exceptions that establish the fullest intent of the codes."

RESPONSE 3: Building and Safety Division did address the use of R105.2. In all the Notice and Orders and Stop Work Orders it was clearly conveyed to the applicant that the construction work being performed on site required a permit. Additionally, during all five cycles of plan review the Building and Safety Division provided detailed plan check corrections based on specific code requirements. The applicant failed to respond to all of the 30 corrections issued by Building Division, 18 corrections from the Fire Prevention Division, and 2 corrections from the Zoning Division.

It is the responsibility of the Building Official, not project applicants, to interpret and enforce the requirements in the adopted Building Standards Code. Per BMC 19.28.20

Section 104.1, “The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code.” This ensures that through the permitting process any structure built in Berkeley meets the fire life safety requirements prescribed within the code, and keeps the community as safe as possible within the limits of civil authority.

ISSUE 4: The appeal letter states “We have had Berkeley Building inspectors tell us that a temporary compromise was approved only to learn the next day that it was not. We have had inspectors from Berkeley Fire approve of us to proceed only to find their position reversed...”

RESPONSE 4: Staff reviewed all Code Enforcement records for this property and found no evidence that either Building or Fire inspectors approved a temporary compromise or authorized work that was later reversed. No inspection notes or emails indicate that any approval was granted and then rescinded. The appellant’s statement does not align with the written inspection history or with the verbal or written accounts provided by Building and Fire Inspectors. In an email dated December 1, 2025, a Fire Inspector states, “For the record, I absolutely did not support Mr. Tolleson’s position at any point.”

ISSUE 5: The appeal letter states, “The Architect provided ’continuous special inspection’ and the Engineer provided ’periodic inspection’, an enhanced legal process, per CRC Chapter 17, on each day work was underway, subjecting work to the most rigorous standards.…”

RESPONSE 5: The unpermitted structure was legally removed by the City with an abatement warrant because the owners and their representative failed to abate the structure themselves and continued building after receiving six stop work notices.

When referencing special inspections, the appellant appears to be referring to Chapter 17 in the California Building Code (not the California Residential Code). When the project’s approved structural design requires special inspection of specific structural elements the special inspections performed are not in lieu of the required building inspections. Work that requires a building permit must be inspected by a building inspector per CBC 110.1, “General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved.” The appellant’s reliance on “continuous” or “periodic” inspection by private design professionals does not substitute for required City permits, inspections, or approvals under the Berkeley regulations, nor does it legalize unpermitted construction.

ISSUE 6: The appeal letter states, “The structure did not pose any safety threat, yet those facts were omitted from the warrant obtained by Berkeley, rendering it inaccurate and legally defective. The individuals who signed the warrant are responsible for the false statements that led to its invalidity.”

RESPONSE 6: The appellant's claim is not supported by the record. The property is located in the High Fire Hazard Severity Zone in the Wildland Urban Interface, and is located in the California Geological Survey Landslide Zone, proximate to other neighboring properties, and unpermitted site activities took place during periods of heightened risk. Without the benefit of approved plans and permits, or permission to enter the property, City plans examiners and inspectors could not verify the safety of the construction, which was undertaken in an extremely unconventional way. Rather than completing demolition prior to beginning construction, the builder was doing both concurrently, while also claiming that the result would be a series of detached "modules" rather than a conventional structure. The condition of the existing foundation and piers is unknown, and the inspector determined that the combination of these elements presented a hazard. By definition, unpermitted construction has not been verified as compliant with City regulations, including the Building Codes, Zoning Code, and Fire Code, which ensure that work is done to meet fire life safety conditions.

The administrative warrant was lawfully sought and issued based on sworn statements and an independent determination by the warrant court that reasonable cause existed. The warrant court independently evaluated the declarations and made the required findings. The appellant's disagreement with the City's safety determination does not establish that the warrant contained false statements or was improperly issued, and does not invalidate the enforcement action, abatement, or lien.

ISSUE 7: The appeal letter states, "Berkeley has now sought to inflict a lien on the property, effectively seeking reimbursement for their own errors."

RESPONSE 7: The lien was imposed to recover City costs incurred in abating documented code violations, as authorized by law. The lien is not reimbursement for "errors" but is a standard cost recovery mechanism when abatement actions are taken by the City. Imposition of liens for abatement of building code hazards is extremely rare in Berkeley, as most owners address the violations on their properties long before they reach the lien stage.

ISSUE 8: The applicant asserts that the only known opposition comes from an immediate neighbor whose recent conduct has been disruptive, despite the Architect having provided fencing, privacy, and view enhancements at no cost. The applicant further alleges that the neighbor's actions interfered with lawful work and impeded the permit review process. In contrast, the applicant states that they have received positive support from an uphill neighbor and have worked cooperatively with all affected neighbors to address view impacts. Additionally, the applicant contends that the immediate neighbor attempted to influence the approval process by repeatedly involving a City Councilmember, and that involvement by a Councilmember and the City Manager introduced bias into what should have been a neutral development review process.

RESPONSE 8: Enforcement and permitting decisions are based on applicable codes and regulations, not on neighbor support or opposition. Allegations regarding neighbor

communications or elected official involvement do not alter the requirement that construction comply with City regulations, and do not establish bias or entitlement. The issue of “by-right” rebuilding entitlement is a Zoning matter, not a Building Code issue, and is addressed under Issue 1 above.

ISSUE 9: The appeal letter states, “Berkeley issued notices to us that also ignored CRC R105.2 and the BMC and has recently waived all administrative fines associated with them. We consider this an admission of error or wrongdoing which weighs in favor of removal of its actions to follow.”

RESPONSE 9: The City did not “waive” any administrative fines. The decision was made not to pursue collection of administrative fines under this appeal and focus on recovery of the abatement costs and the need for abatement. Not pursuing the administrative fines at this time does not constitute an admission of error or wrongdoing, nor does it invalidate the underlying notices, code violations, abatement actions, or resulting lien, which were issued pursuant to applicable law.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
David Lopez, Building and Safety Manager, Planning & Development Department, 510-981-7441

Attachments:
1: Resolution
2: Appeal Letter, parts A and B
3: Timeline of Events
4: Photo slide presentation of unpermitted work
5: B Bros Construction Invoice and Proposal
6: Administrative Record including email correspondence
7. Notice to Property Owner of Hearing Date

RESOLUTION NO. ##,###-N.S.

DENY THE APPEAL AND AFFIRM THE CITY ABATEMENT ACTION AND IMPOSITION OF LIEN FOR THE ABATEMENT OF UNPERMITTED CONSTRUCTION AT 2750 CEDAR STREET

WHEREAS, the Building and Safety Division received two requests for service related to unapproved construction at 2750 Cedar St; and

WHEREAS, the Building and Safety Division performed six inspections, issued six Stop Work Orders, six Notices of Violation, six Notices and Orders to Correct, and two Administrative Citations; and

WHEREAS, the owner and architect continued construction in violation of six Stop Work Orders; and

WHEREAS, Alameda County issued a warrant for inspection and abatement; and

WHEREAS, the City of Berkeley hired a contractor and incurred a cost of $24,831.37 to remove the unpermitted structure and complete abatement; and

WHEREAS, Paul T. Mak and Ping H. Mak are the Owners of said property at 2750 Cedar Street, Berkeley, California; and

WHEREAS, once summary abatement action has been completed, the property owner may contest the need for and cost of abatement action per BMC 1.24.040(D); and

WHEREAS, the owners were served with Notices of Proposed Lien and Hearing Rights on November 13, 2025, and on November 19, 2025 the City received a timely objection to the proposed liens submitted by Michael Tolleson, architect, on behalf of the owners; and

WHEREAS, a hearing on property owners' objections was conducted on March 10, 2026 by the Council of the City of Berkeley; and

WHEREAS, in evaluating the testimony given during the hearing, and upon review of all documents submitted, the Council of the City of Berkeley considered and made determinations as to the credibility of the witnesses, the weight of the evidence, and the extent to which the evidence was cumulative and/or probative.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council finds that the proposed lien amount totaling $24,831.37 is an accurate sum of the cost of abatement, and that the abatement action was lawfully and properly undertaken, and dismisses the appeal and upholds the proposed lien, and authorizes the City Manager or their designee to effectuate the recording of said lien with the County of Alameda.

Attachment 2, Part A

On Wed, Nov 19, 2025 at 3:15 PM Michael Tolleson <michael@michaeltolleson.com> wrote:

Attn: Mark Numainville

Mark,

Attached please find our received copy on November 17, 2025 of a Notice of Proposed Lien and Hearing Rights dated November 13, 2025 from Jordan Klein.

We have been given a deadline of November 23, 2025 to submit this letter to the Berkeley City Clerk.

On three of the remaining days Berkeley is closed, so please give this your immediate attention.

This lien amount is contested in its entirety.

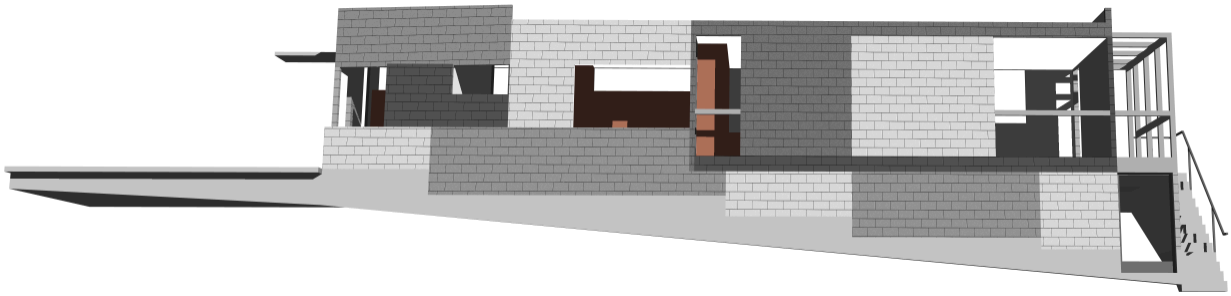
We herein request a hearing as allowed to present all related evidence to support our position with Berkeley City Council and its representatives.

Please confirm and log receipt of this send asap and advise if you require further information.

I am the Architect and authorized representative for Property Owners Paul & Ping Mak.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 332 9520
michael@michaeltolleson.com



Date December 10, 2025
Subject **2750 Cedar > Lien Appeal**
Re Permit Application B2024-02077

Project Description > Pre-SFR
Code > CRC R105.2 & BMC

Michael Tolleson, Architect
Paul Mak, Structural Engineer, & Ping Mak, Owners

1
2750 Cedar was a 725 square foot, permitted & approved existing, 50% demolished, one-story SFR, as of 2015.
See Addendum 3.
It had received Building permit approval and lacked only payment of permit fees to commence, but stalled under a previous owner.
See Addendum 2.

It remained in its partially demolished condition until it was purchased by my clients in 2022.
During that time, Berkeley found no threat and took no action to improve its vacant and open condition.
Our intention was to rebuild the structure to a state virtually identical to the original, add a new ADU and site work in phases.
Completion and new exterior materials and interior sprinklers would increase its fire-resistivity and provide detailed articulation of all structures.
Our current intention is to submit a Zoning Use Permit for the entire development.
We continue to find that we should be able to rebuild the original SFR exactly By-Right.

2
The heart of this dispute with Berkeley revolves around its failure to allow the use of “CRC R105.2 Work exempt from permit.”
The CRC is the California Residential Code that, in this case, applies to single-family residences and accessory dwelling units.

The CRC has been adopted into the BMC.

Berkeley's own excerpted publications to educate its community specifically reference the CRC & BMC language.
See Addendum 1.

The language allows "one-story detached accessory structures…not greater than 120 square feet" and "decks not exceeding 200 square feet" exempt from permit.
It does not limit the number of these structures.

We found that the BMC allowed a more efficient means to navigate plan check, where staff disappear or are replaced frequently and review time has no real meaning.
Our solution was to build three of these exempt structures and then join them together once the permit was issued.
We built typical wood frame modules on the existing concrete foundation to CRC R105.2 specifications and separated existing usable wood for reuse in the work to follow.
See Addendum 8.

3
Berkeley has refused to address the use of R105.2, treating the work as if it needed a permit.
The extent of this refusal is severe and has resulted in the demolition, by Berkeley, of all construction.
Every effort was made to communicate in written detail the code applications deployed to all involved.
Only 3 of 12 senior staff even read our responses in preparation for our meetings and correspondence.
In this case, Berkeley's lack of cooperation includes staff's refusal to even answer questions.
It is common for plan checkers and inspectors to not entirely understand their own code, particularly the exceptions that establish the fullest intent of the codes.
No living person has memorized the entire California Title 24 codes, but professionals know where to find them.
Most staff and inspectors correct their errors.

4
Similarly, we have had Berkeley Building inspectors tell us that a temporary compromise was approved only to learn the next day that it was not.
We have had inspectors from Berkeley Fire approve us to proceed only to find their position reversed.
We have witnessed Berkeley renege repeatedly on permit approvals without basis.

5
Berkeley now seeks reimbursement for its illegal demolition, misrepresenting in its statements the actual condition of the structure and its legal standing.
The Architect provided "continuous special inspection" and the Engineer provided "periodic inspection", an enhanced legal process, per CRC Chapter 17, on each day work was underway, subjecting work to the most rigorous standards.
As a compromise during efforts at resolution of the dispute, we even offered to panelize the framing, lay it flat and cover it all with fire-resistive tarps and corrugated metal.
No response, to these resolution offers has ever been forthcoming.

6
The structure was never "unsafe" or a threat of any kind.

All of these factual conditions were ignored in the warrant Berkeley secured from the warrant court to such an extent that the warrant is a false document.
The signees and their false statements in the warrant are directly responsible for its illegality.

7
Adding to its disregard for professional evaluation and communication, Berkeley has now sought to inflict a lien on the property, effectively seeking reimbursement for their own errors.

8
We find that the only complaint we are aware of comes from our immediate neighbor, from whom we now expect unstable behavior, such as running around her backyard in her pajamas taking pictures.
This is in spite of the Architect's designing both her front and rear fences and privacy and view enhancements at no cost.
Her recent actions include her providing access through her property to our property, effectively obstructing legal work and promoting the failure to allow CRC R105.2.

Note that we have positive support from our uphill neighbor, whose view we have cooperatively shared with all impacted neighbors.
See Addendum 9 & 10.

However, we also find that there is evidence that our immediate neighbor has sought to influence the approval process by repeatedly involving a City Councilperson without involvement of the Architect or Owner.
We also find that a Councilperson and City Manager have interjected a bias into the neutral development review process while permit completion was underway.
We consider these actions significant enough for recusal, censure or resignation, although they also support rebuild of the original By-Right.
See Addendum 4, which includes additional Council errors.

9
Berkeley issued notices to us that also ignored CRC R105.2 and the BMC and has recently waived all administrative fines associated with them.
We consider this an admission of error or wrongdoing which weighs in favor of removal of its actions to follow.

10
So then, we find our construction legal by CRC R105.2 and the BMC.
We find that the appropriate response for the Council is nullification of any proposed lien and reimbursement to the Owner for all labor, materials and the professional services of the Architect and Engineer from permit application to the present.
We also request a reestablished extension of 180 days for submittal of revised construction documents from the date of submission.
The extended delays are Berkeley's responsibility as we have been continuously shuffled through numerous plan checkers and supervisors for years.

The California Title 24 codes are not the mere opinion of interested parties or subject to uninformed interpretations.

The codes are the codes and Berkeley would be well served by acknowledgement of them.
We remain open to questions from City Council and staff or settlement prior to the public appeal hearing.

Addendum 1

CRC R105.2

CITY OF BERKELEY

Work Exempt from Building Permits

Some types of building, electrical, mechanical, and plumbing work do not require a building permit from the City of Berkeley.

All construction work and most repairs require building permits unless specifically exempted. You will need a permit if you want to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure. You will also need a permit to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system.

Some types of building, electrical, mechanical, and plumbing work do not require a building permit from the City of Berkeley. Even if you don't need a permit, you do still need to follow the California Building Standards Code and applicable Berkeley City laws and ordinances. A zoning permit may be required, even if a building permit is not.

If the work you are planning to do is not on the list below, you should assume that you will need a permit from the Permit Service Center.

BUILDING PROJECTS THAT DO NOT REQUIRE A PERMIT

- One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet.
- Fences under 7 feet high do not require a building permit. Fences over 6 feet high require a zoning permit.
- Oil derricks.
- Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or holding flammable or combustible Class I, II or IIIA liquids. Retaining walls in a required setback require a zoning permit.
- Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
- Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- Temporary motion picture, television and theater stage sets and scenery.
- Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.

- Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- Swings and other playground equipment accessory to detached one- and two-family dwellings.
- Window awnings in Group R-3/ U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
- Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
- For Group R-3 occupancies including single family homes and duplexes: Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the California Residential Code.

Addendum 2

All Agency Approvals

PLANNING & DEVELOPMENT

Department of Planning & Development

Plan Check Status

You can use this tool to review the status of your plan check for a building permit application that has been submitted for City review.

You may search for your permit application by Permit Application # (ex: 15-123) or by Street Address (ex: 123 Dwight Way).

Permit Application # or Street Address: 14-236 Search

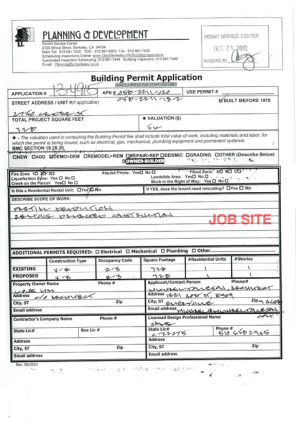
Search on '14-236' returned 1 match. To see more details, click on App# in the table below.

App #	Address	Owner Name	Date In	Est Compl	Application Status
14-236	2750 CEDAR ST	LIN LOUIS B	6/11/2015	6/26/2015	Approved by all agencies, 7/1/2015. You may call the Permit Service Center at 981-7502 for an appointment to pick up your permit(s). You will need to submit an additional $2,859.50 in building permit fees to complete the application process. Electrical, mechanical and plumbing work requires separate application and fees.

Home | Web Policy | Text-Only Site Map | Contact Us
Department of Planning & Development, 2120 Milvia St., Berkeley, CA 94704
Questions or comments? Email: planning@cityofberkeley.info Phone: (510) 981-7400
(510) 981-CITY/2489 or 311 from any landline in Berkeley
TTY: (510) 981-6903

Addendum 3

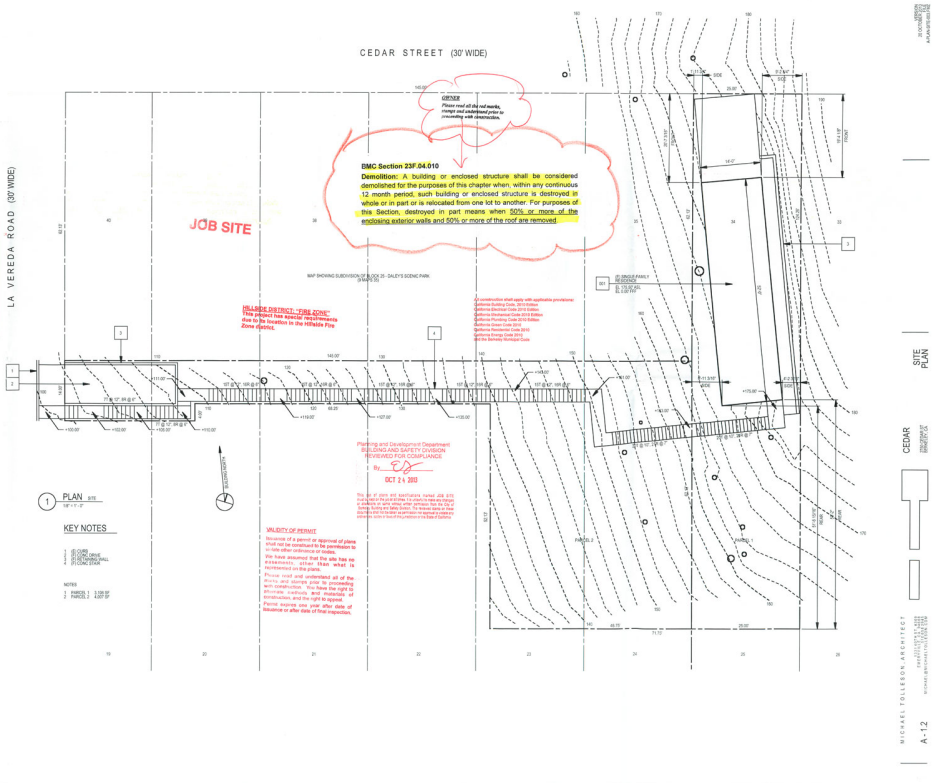
50% Demoliiton Approval



PLANNING & DEVELOPMENT

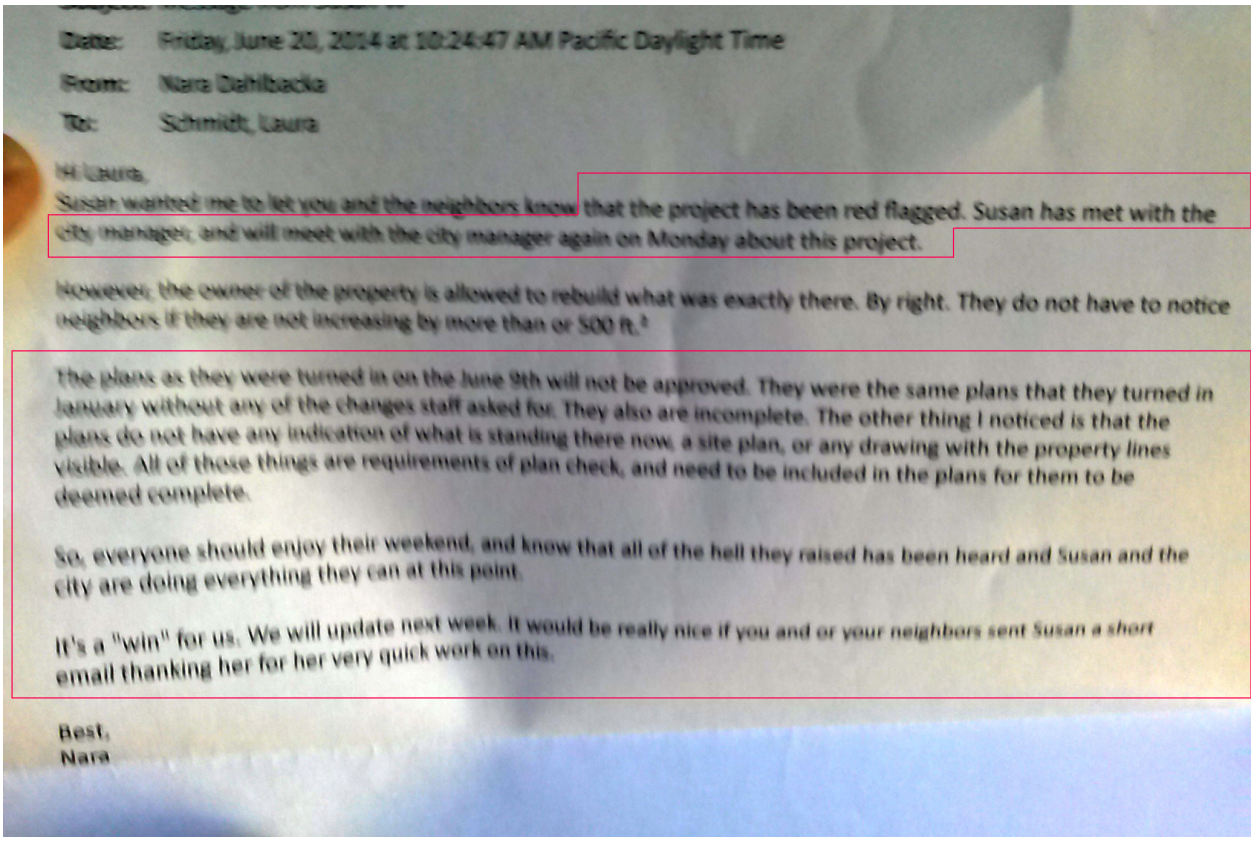
Building Permit Application

JOB SITE



Addendum 4

Susan Wengraf, Laura Schmidt, Nara Dahlbacka



Date: Friday, June 20, 2014 at 10:24:47 AM Pacific Daylight Time
From: Nara Dahlbacka
To: Schmidt, Laura

Hi Laura,
Susan wanted me to let you and the neighbors know that the project has been red flagged. Susan has met with the city manager, and will meet with the city manager again on Monday about this project.

However, the owner of the property is allowed to rebuild what was exactly there. By right. They do not have to notice neighbors if they are not increasing by more than or 500 ft.²

The plans as they were turned in on the June 9th will not be approved. They were the same plans that they turned in January without any of the changes staff asked for. They also are incomplete. The other thing I noticed is that the plans do not have any indication of what is standing there now, a site plan, or any drawing with the property lines visible. All of those things are requirements of plan check, and need to be included in the plans for them to be deemed complete.

So, everyone should enjoy their weekend, and know that all of the hell they raised has been heard and Susan and the city are doing everything they can at this point.

It's a "win" for us. We will update next week. It would be really nice if you and or your neighbors sent Susan a short email thanking her for her very quick work on this.

Best,
Nara

Visual Translation of Correspondence > Italics & Highlights Added

Date: Friday, June 2014 at 10:24:47 AM Pacific Daylight Time
From: Nata Dahlbacka
To: Laura Schmidt
Hi Laura,
Susan wanted me to let you and the neighbors know that the project has been red flagged. Susan has met with the city manager and will meet with the city manager again on Monday about this project.

However, the owner of the property is allowed to rebuild what was exactly there. ***By Right.*** *They do not have to notice neighbors if they are not increasing by more than or [sic] 500 (sf).*

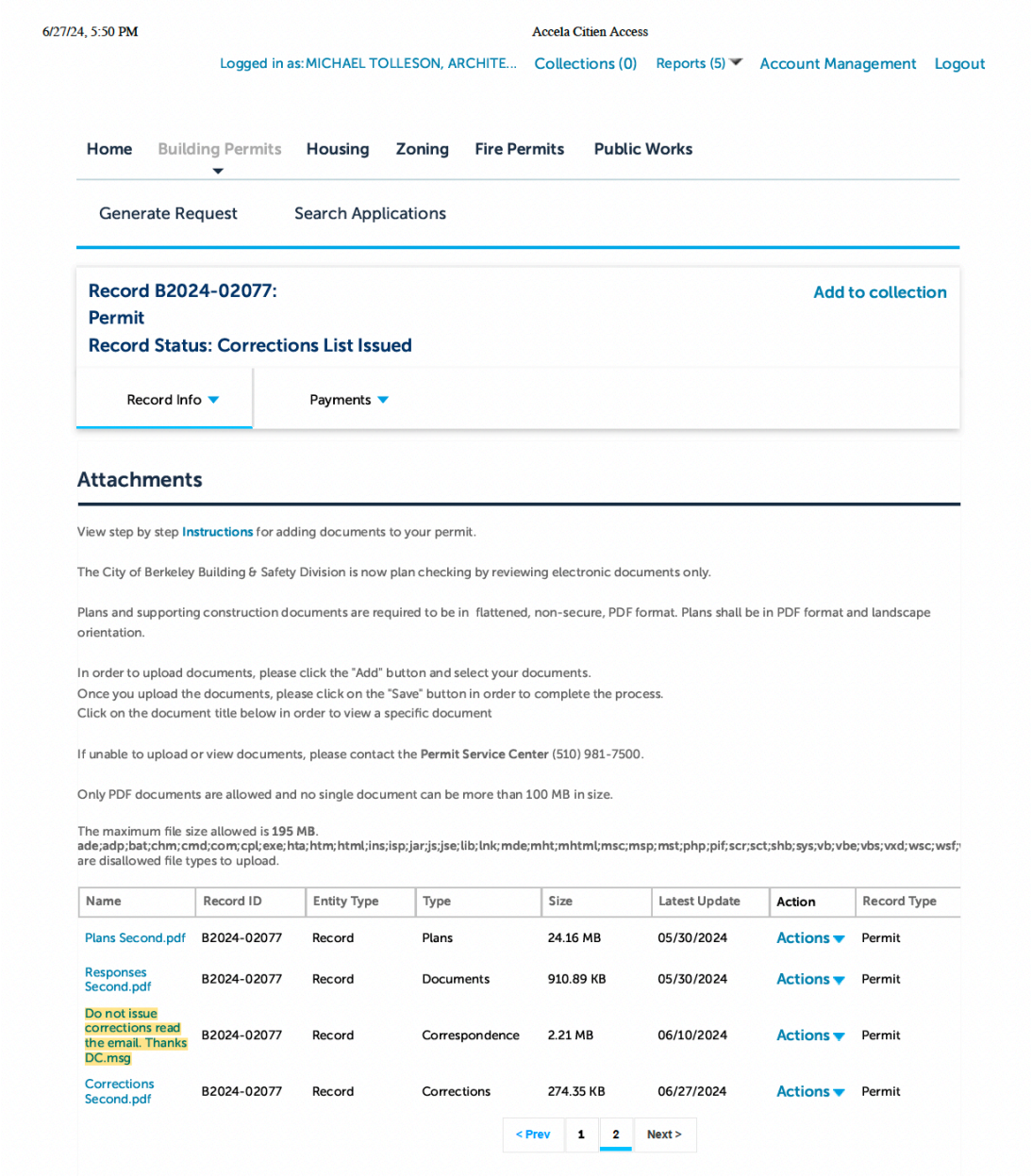
The plans as they were turned in on June 9th will not be approved. They were the same plans that they turned in in January without any of the changes staff asked for. They are also incomplete. The other thing I noticed is that the plans do not have any indication of what was standing there now, a site plan, or a drawing with the property lnes visible. All of these things are the requirements of plan check, and need to be included in the plans for them to be deemed complete.

So everyone should enjoy their weekend, and know that all of the hell they raised has been heard and Susan and the city are doing everything they can at this point.

It's a "win" for us. We will update next week. It would be really nice if you and you neighbors sent Susan a short email thanking her for her very quick work on this.

Best
Nara

Addendum 5
City Council



6/27/24, 5:50 PM Accela Citien Access

Logged in as: MICHAEL TOLLESON, ARCHITE... Collections (0) Reports (5) Account Management Logout

Home Building Permits Housing Zoning Fire Permits Public Works

Generate Request Search Applications

Record B2024-02077: Add to collection
Permit
Record Status: Corrections List Issued

Record Info Payments

Attachments

View step by step **Instructions** for adding documents to your permit.

The City of Berkeley Building & Safety Division is now plan checking by reviewing electronic documents only.

Plans and supporting construction documents are required to be in flattened, non-secure, PDF format. Plans shall be in PDF format and landscape orientation.

In order to upload documents, please click the "Add" button and select your documents.
Once you upload the documents, please click on the "Save" button in order to complete the process.
Click on the document title below in order to view a specific document

If unable to upload or view documents, please contact the **Permit Service Center** (510) 981-7500.

Only PDF documents are allowed and no single document can be more than 100 MB in size.

The maximum file size allowed is **195 MB**.
ade;adp;bat;chm;cmd;com;cpl;exe;hta;htm;html;ins;isp;jar;js;jse;lib;lnk;mde;mht;mhtml;msc;msp;mst;php;pif;scr;sct;shb;sys;vb;vbe;vbs;vxd;wsc;wsf;
are disallowed file types to upload.

Name	Record ID	Entity Type	Type	Size	Latest Update	Action	Record Type
Plans Second.pdf	B2024-02077	Record	Plans	24.16 MB	05/30/2024	Actions	Permit
Responses Second.pdf	B2024-02077	Record	Documents	910.89 KB	05/30/2024	Actions	Permit
Do not issue corrections read the email. Thanks DC.msg	B2024-02077	Record	Correspondence	2.21 MB	06/10/2024	Actions	Permit
Corrections Second.pdf	B2024-02077	Record	Corrections	274.35 KB	06/27/2024	Actions	Permit

< Prev 1 2 Next >

Addendum 6

Original Condition

View Looking Northeast

September 22, 2013

Addendum 7

50% Demolished > Permitted & Approved

Aerial View

October 18, 2022

Addendum 8

Legal CRC R105.2 Module

View Looking North > Module

October 28, 2024

Addendum 9

Neighbor Support

From: **Bruce McKenzie** bbmckenzie@juno.com
Subject: Letter to Berkeley Building and Safety
Date: October 15, 2024 at 10:43 PM
To: michaeltolleson.com michael@michaeltolleson.com

BM

To Berkeley Building and Safety:

I am happy to write a letter on behalf of Michael Tolleson. He has been easy to work with as he has brought some materials in through our property, which is above the house he is working on. Building decent stairs from his house down the hill to La Vereda is a "plus" for fire safety, since a pedestrian can use these to get from our house to the existing steps that link the unbuilt section of Cedar Street between La Loma and La Vereda. As long as his house stays within the footprint and height of the old house, I think it is an advantage to have a well built house rather than a derelict house on the site.

Regards—Bruce McKenzie

Addendum 10

Cooperative View

View Looking West

October 18, 2022

2750 Cedar St. Timeline

Abbreviation Legend
CE = Code Enforcement Related
NOV= Notice of Violation
PDD = Planning and Development Department
PP = Permit Processing related
RFS = Request for Service
SWO = Stop Work Order

CE/PP	Date	What Occurred	Notes
CE	10/7/2013	1st NOV Issued	
PP	10/24/2013	Permit issued B2013-04915 to comply with NOV	To remove damaged construction not more than 50% removal.
PP	11/8/2013	Permit received approved Final inspection with reservation due to demo beyond scope of permit	Inspector's note: APP DECK DEMO WITH CORRECTION. OBSERVED BUT DID NOT FINAL DEMO OF HOUSE UNTIL CONSULT WITH PEMMONS AND/AROSHELLE 1.REMOVE GLASS FROM NW PORTION OF HOUSE 2.REMOVE ALL DEBRIS FROM SITE 3.EXISTING DEER FENCE WILL NOT SUFFICE AS SUITABLE BARRIER TO PREVENT PERSONS FROM ACCESSING THE DANGEROUS SITE
PP	1/21/2014	Submitted Application B2014-00236	Mr. Tolleson was applicant for Building Permit. The application was to remodel existing house. Permits did not get issued.
PP	7/21/2015	Application B2014-00236 Expired	
PP	11/10/2022	Mr. Tolleson requested an extension for B2014-00236	The Building Official denied extension as the application had been abandoned for over 1 year.
PP	12/20/2022	Confirmed in a meeting with Mr. Tolleson that B2014-00236 expired	
CE	4/5/2024	Request For Service (RFS) entered by Building Admin	PDD Director forwarded complaint to Building and Safety
CE	4/9/2024	1st Site Visit by Building Inspector	Minimal Grading no action taken by Building and Safety
PP	4/29/2024	Mr. Tolleson submitted a Building Permit Application B2024-02077	Description on record, "Remove all walls but one to reconfigure residence. Relocate kitchen, add one bathroom and bedroom. Remove deck and build new entry stairs. Replace heating system, tankless water heater, exterior finish, replace all windows, add new and enlarge some openings."
PP	5/22/2024	First set of Plan Check Corrections were issued for Building Permit Application B2024-02077	Building requested the drawings were to clearly identify which walls were being removed and which kept.
PP	5/30/2024	Mr. Tolleson resubmitted in response to first set of plan check corrections	
CE	6/17/2024	An RFS was received by Building and Safety regarding unpermitted construction occurring on site.	
CE	6/17/2024	2nd Inspection: A Building Inspector visited the site and confirmed no construction work was occurring on site.	Only brush clearing was being done
PP	6/27/2024	Second Set of Plan Check Corrections issued for Building Permit Application B2024-02077	Building and Safety notified Zoning that Zoning review was required due to removal of walls over 50% of the structure. Zoning Correction notified owner that a Use Permit was required.
PP	7/12/2024	Mr. Tolleson resubmitted in response to second set of corrections	Mr. Tolleson notes, "We find that it is no longer productive to respond to Berkeley comments…" in his response to the City.
PP	7/26/2024	Third Set of Plan Check Corrections issued for Building Permit Application B2024-02077	Zoning Correction notified owner that a Use Permit was required.
PP	7/31/2024	Mr. Tolleson resubmitted in response to third set of corrections	
PP	8/16/2024	Fourth Set of Plan Check Corrections issued for Building Permit Application B2024-02077	Zoning Correction notified owner that a Use Permit was required.
PP	8/28/2024	Mr. Tolleson resubmitted in response to fourth set of corrections	
PP	9/16/2024	Fifth Set of Plan Check Corrections issued for Building Permit Application B2024-02077	Zoning Correction notified owner that a Use Permit was required.
CE	9/17/2024	Building and Safety received an RFS by phone	Complainant notified Building and Safety that construction was occurring at site.

CE	9/18/2024	3rd Inspection: Building Inspector visited the site and 1st NOV issued a Stop Work Order (SWO)	Part of existing structure removed. New Sill Plates Installed. Mr. Tolleson first insisted he had a permit which inspector advised him was only an application number. Then he insisted that permits were not required for the work he is doing. Permits were required.
CE	9/19/2024	4th Inspection: Building Inspector viewed the site from neighbors property to confirm work had stopped but was required to issue a 2nd NOV issued a Stop Work Order (SWO)	Inspector was denied access. Work was continuing in site.
CE	9/21/2024	1st Notice and Order to Correct and Warning of Administrative Citation was issued	The order notified Mr. Tolleson that permits were required for the work.
CE	9/21/2024	2nd Notice and Order to Correct was issued	After Inspector visit on the 19th.
CE	9/25/2024	Building and Safety received an additional RFS	Complainant notified Building and Safety that construction was occurring at site.
CE	9/25/2024	Building Inspector viewed the site from neighbors property to confirm work had stopped	Inspector took photos and construction continued in violation of SWO
CE	10/1/2024	First Citation issued for $2,000 for the period Sep 20 - 30.	For violating several SWO
CE	10/2/2024	5th Inspection: Building Inspector viewed the site from neighbors property to confirm work had stopped	Inspector took photos and construction continued in violation of SWO
CE	10/3/2024	First Fire Inspection by Interim Fire Chief and Fire Inspector	
CE	10/4/2024	6th Inspection: Building Inspector viewed the site from neighbors property to confirm work had stopped	Inspector took photos and construction continued in violation of SWO
CE	10/7/2024	7th Inspection: Building Inspector viewed the site from neighbor's property to confirm work had stopped. He confirmed that construction continued and was required to issue a 3rd NOV issued a Stop Work Order (SWO)	Inspector was denied access, Work was continuing in violation of SWO
CE	10/8/2024	3rd Notice and Order to Correct was issued	
CE	10/8/2024	Second Fire Inspection by Interim Fire Chief. Violation observed from neighboring parcel.	Access to the site was denied by Mr. Tolleson.
CE	10/9/2024	8th Inspection: Building Inspector viewed the site from neighbors property to confirm work had stopped but was required to issue a 4th NOV issued a Stop Work Order (SWO)	Work was continuing in violation of SWO
CE	10/10/2024	4th Notice and Order to Correct was issued	
CE	10/10/2024	City requested an inspection and abatement warrant from Alameda County Superior Court	including declarations by Building Official, Planning Director, Senior Building Inspector and Interim Assistant Fire Chief.
CE	10/11/2024	9th Inspection: Building Inspector viewed the site from neighbors property to confirm work had stopped but was required to issue a 5th NOV and a Stop Work Order (SWO)	Work was continuing in violation of SWO
CE	10/14/2024	Inspection and Abatement Warrant was issued by Alameda County Superior Court	The warrant was valid until 10/31/2024
CE	10/16/2024	5th Notice and Order to Correct was issued	
CE	10/16/2024	10th Inspection: Building Inspector viewed the site from neighbors property to confirm work had stopped but was required to issue a 6th NOV and a Stop Work Order (SWO)	Work was continuing in violation of SWO
CE	10/16/2024	Mr. Mak and Mr. Tolleson met with City officials	City confirmed that the unpermitted structure was to be removed by October 25th, 2024
CE	10/17/2024	6th Notice and Order to Correct was issued	
CE	10/18/2024	11th Inspection: Building Inspector viewed the site from neighbors property to confirm work had stopped.	Work had been stopped
CE	10/18/2024	2nd Notice of Admin Citation issued with order to abate	Mr. Mak the legal owner confirmed receipt
CE	10/23/2024	Appeal Letter from Mr. Tolleson to Director and Councilmember	Appeal letter was sent to Jordan and Vice Mayor Wengraf by Tolleson requesting staying of enforcement, removal of demand for demolition and removal of work, removal of fines and granting of protection of construction while all plan check review processes are completed with permits from all departments.

CE	10/25/2024	Deadline to remove structure was not met	
CE	10/28/2024	Appeal for staying of enforcement was deemed invalid.	In order for the appeal to be considered complete, the property owner would have to provide an advance deposit of the fines imposed by the citation or a hardship waiver. Even after receiving this instruction neither fine nor waiver was submitted.
CE	10/30/2024	City commenced abatement of unpermitted structure pursuant to the warrant obtained from the superior court	
CE	10/31/2024	City finished abatement of unpermitted structure pursuant to the warrant obtained from the superior court.	
PP	11/6/2024	Mr. Tolleson resubmitted in response to fifth set of corrections issued.	Building Permit Application B2024-02077
PP	5/6/2025	Mr. Tolleson Submits an Building Permit Application Extension Request	
PP	7/14/2025	Application Extension approved with fees due	Email was sent to Mr. Tolleson communicating that fees were due.
CE	9/25/2025	Demand for Payment Notice Sent	
PP	10/9/2025	Mr. Tolleson submits a 2nd Building Application Extension request	Building Permit Application B2024-02077
PP	10/16/2026	2nd Building Application Extension request denied	Fees for the first extension request had not been paid. Therefore extension was denied and application was expired.
CE	11/19/2025	Appeal Filed by Mr. Tolleson	The appellants' arguments contesting the need for and cost of the abatement action are being considered together with the lien appeal in this Council report persuant to BMC 1.24.040 D.
CE	12/10/2025	Basis of Appeal submitted by Mr. Tolleson	

These walls were removed prior to the September 18th site visit.

West elevation, looking Northeast.

These walls were also removed prior to the September 18th site visit.

West elevation, looking Southeast.

North elevation, looking south.

These walls and this floor framing were removed prior to the September 18th site visit.

PHOTOS TAKEN JUNE 17, 2024

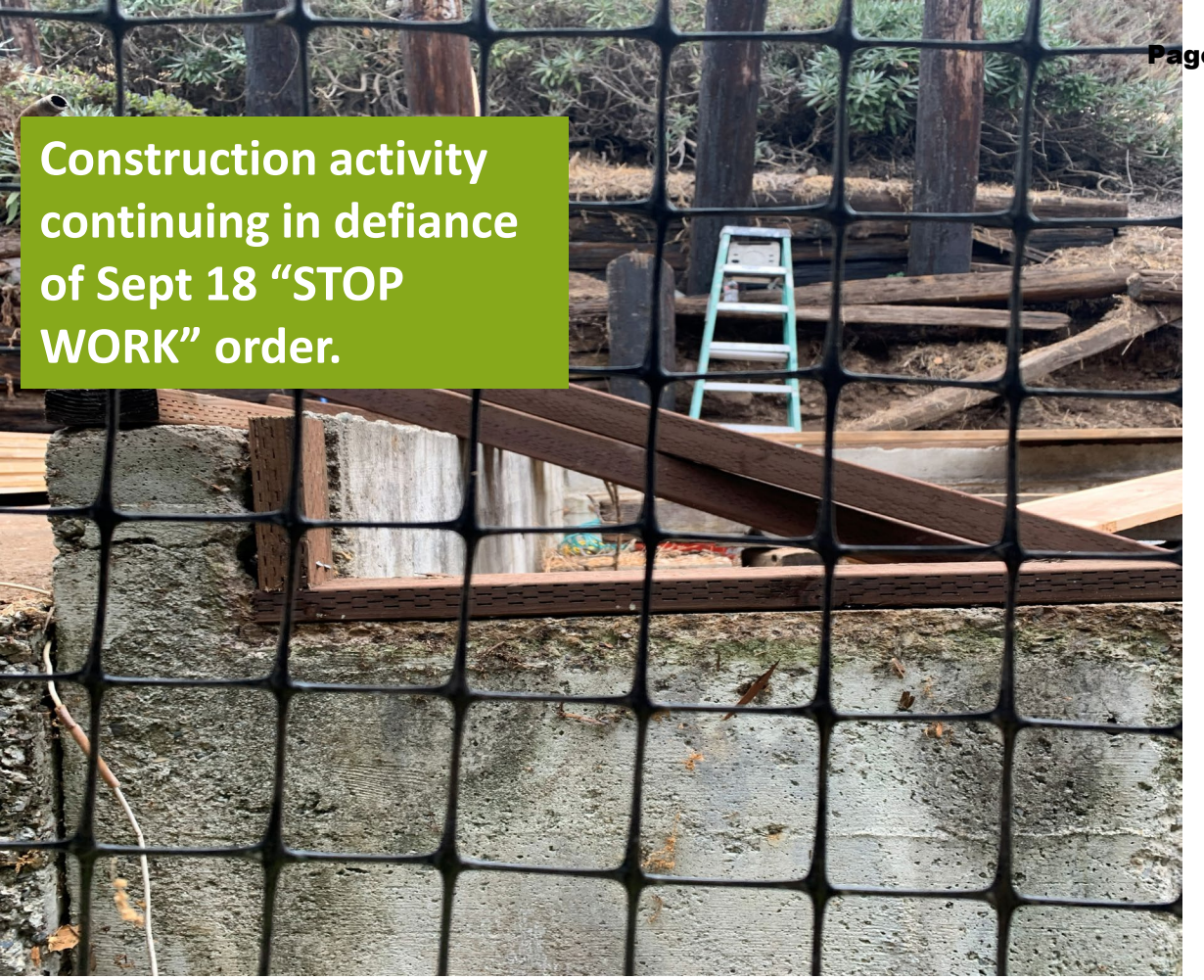
SITE VISIT IN RESPONSE TO NEIGHBOR COMPLAINT
STRUCTURE AS IT APPEARED PRIOR TO START OF UNPERMITTED WORK

North and east walls removed here.

Center wall and floor removed.

SEPT 18, 2024, WEST ELEVATION

STOP WORK NOTICE, 1ST NOV ISSUED, MR. TOLLESON WAS PRESENT



SEPT 19, 2024

CONSTRUCTION ACTIVITY CONTINUING. MR TOLLESON PRESENT, STATED THEY WOULD CONTINUE BUILDING AND DENIED PERMISSION TO ENTER; PHOTOS ARE TAKEN FROM 1601 LA VEREDA. INSPECTOR MONTES ADVISED WORK IN VIOLATION OF STOP WORK ORDER AND POSTED 2ND NOV.

SEPTEMBER 25, 2024

PANORAMIC PHOTO SHOWING PROGRESS 6 DAYS LATER

OCTOBER 2, 2024

14 DAYS AFTER ORIGINAL “STOP WORK” ORDER
CITATION WAS ISSUED ON OCT 1, 2024

At this stage, new framing occupied > 50% of the original building footprint.

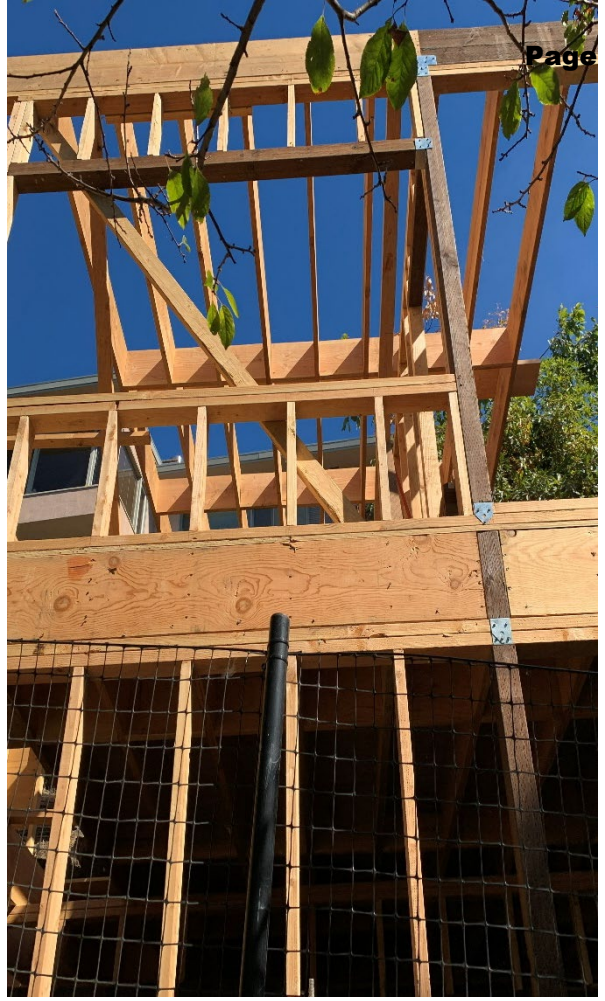
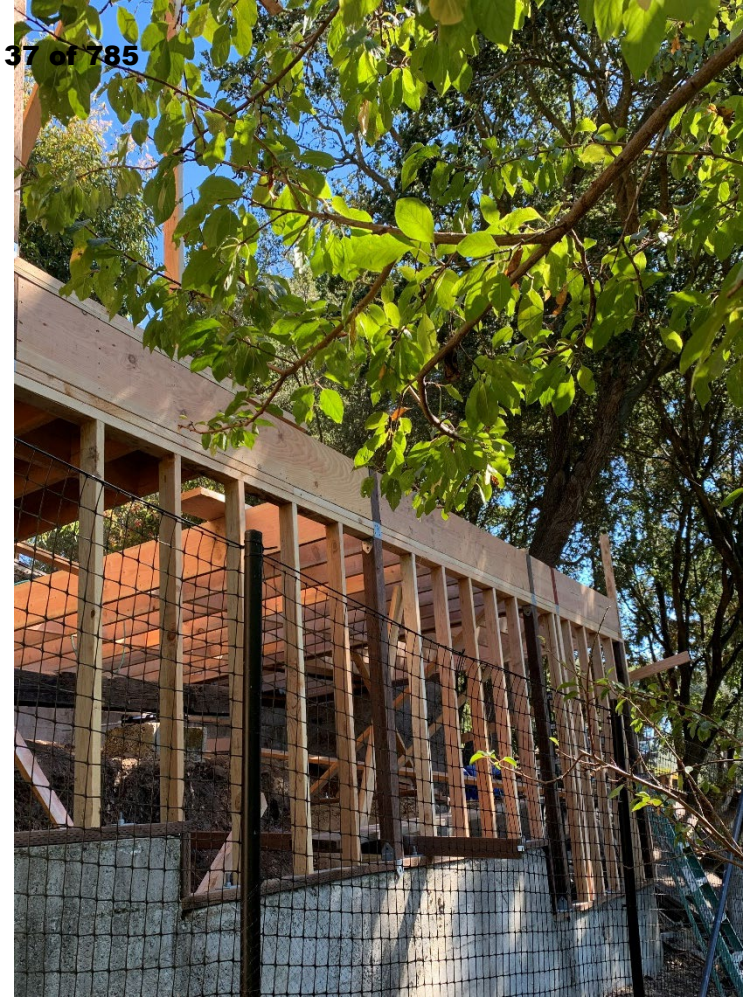
Combustible construction debris is piled under the trees in the background.

OCTOBER 7TH, 2024

MR. TOLLESON CONTINUED TO DENY PERMISSION TO ENTER THE PROPERTY TO INSPECT.
POSTED A 3RD "STOP WORK" NOTICE

OCTOBER 9, 2024

ALL OF THE ORIGINAL STRUCTURE HAS BEEN REMOVED EXCEPT FOUNDATION AND ONE GIRDER BEAM. NEW WORK FORMS ONE CONTINUOUS STRUCTURE CONNECTED BY FOUNDATION AND CRIPPLE WALL. POSTED A 4TH “STOP WORK” NOTICE.

OCTOBER 11, 2024

FLOOR FRAMING ADDED TO SOUTH PART OF BUILDING.
COMBUSTIBLE DEBRIS PILE UNDER TREES HAS GROWN.

OCTOBER 16, 2024

WALL FRAMING ADDED TO SOUTH SECTION OF BUILDING.
A SECOND CITATION WAS ISSUED OCTOBER 18, 2024 WITH AN
ORDER ISSUED TO DISMANTLE STRUCTURE BY OCTOBER 25, 2024

ON OCTOBER 17-19,2024 THE CITY ISSUED A RED FLAG WEATHER WARNING FOR EXTREME FIRE DANGER

OCTOBER 25, 2024

STRUCTURE HAS NOT BEEN DISMANTLED AND REMOVED AS ORDERED ON OCTOBER 18, 2025

ATTACHMENT 5

B Bros Construction Inc

2988 Teagarden Street
San Leandro CA 94577

PH# (510) 351-3048
FAX# (510) 351-9575
E-MAIL bbroscon@gmail.com

Invoice No. 2024-11-07
Invoice Date: November 7, 2024

Bill To: **City of Berkeley**
For: Demolition of the Illegal Object 2750 Cedar Street Berkeley, CA
2750 Cedar street Berkeley, CA
Address: Public Works Departmant
1947 Center Street Berekley CA
Phone:
E-mail:
Fax:

Scope of Demolition of the Illegal Object

Description	Unit	Amount	Total
B Bros Construction Inc. proposes to perform work as recommended by City Representatives in field on site walk meeting; 1. Demolition: o Removing all wood structure what is built in including. o Wood studs, wood floor joist, plywood from floor, plywood sheeting o All wood to be salvage in maximum possibilities, o All salvage and all pieces to bi deliver at the location provided by PM o B Bros not included removing nails from lumber (all nails will be bended and they stay in lumber)	100.0%	$ 16,390.00	$ 16,390.00

Invoice Subtotal	$16,390.00
Over Head	$0.00
Sales Tax	-
Other	
Payments Received total	
TOTAL	**$ 16,390.00**

Make all checks payable to B Bros Construction Inc

Thank you for your business!

B-Bros Construction Inc

License # 825551 B
DIR # 1000002766

10/22/2024

TIME: 00:00Hours

Project; Demolition of the Illegal Object

Proposal

Duration---------- 3 working days

To: *City of Berkeley*
Public Works Department
1947 Center Street Ca Berkeley

ATTN; Uriel Gonzalez, Assistant Public Works Engineer

Re: - *Demolition of the Illegal Object*
2750 Cedar street
Berkeley, CA

Scope of Demolition of the Illegal Object

B Bros Construction Inc. proposes to perform work as recommended by City Representatives in field on site walk meeting;

1. ***Demolition:***
   - *Removing all wood structure what is built in including.*
   - *Wood studs, wood floor joist, plywood from floor, plywood sheeting*
   - *All wood to be salvage in maximum possibilities,*
   - *All salvage and all pieces to bi deliver at the location provided by PM*
   - *B Bros not included removing nails from lumber (all nails will be bended and they stay in lumber)*

Price $21,854.00

Permit and permit fees bond and builders Risk Insurance are not included in this estimate.
All material is guaranteed to be as specified, and the above work to be performed in accordance with the cod and regulation.

Qualifications

1. *No additional work with the exception of the above described work is included in the change request.*
2. *The project is estimated to take **3 working days**, assuming:*
3. *5 working days per week.*

This timeframe can vary based on the number of workers, weather conditions, and unforeseen site conditions

Exclusions

1. *Temporary Construction barricades both interior and exterior.*
2. *Removal of hazardous material other then specified and priced by our subcontractor.*
3. *Overtime and off-hours shifts are excluded (normal working hours are Mon. – Fri. 7am – 5pm).*

If there are any questions or further information required please don't hesitate to contact us. Thank you in advance for your assistance as well as for the opportunity, we look forward to working with you.

Sincerely,
B Bros Construction Inc.
Izet Pandzic

bids@bbroscon.com

Phase	Description	Takeoff Quantity	Labor Productivi	Labor Hours	Labor Price	Labor Cost/Unit	Labor Amount	Material Cost/Uni	Material Amount	Sub Amount	Equip Cost/Unit	Equip Amount	Total Amount
	PROJECT MANAGEMENT												
01-31-13	Project Manager & Vehicle	1.00 da	4.00 *hr / wk*	**4.00**	140.00 */hr*	560.00 */wk*	**560.00**	0.00 */wk*	-	-	0 */wk*	-	**560.00**
01-31-13	Project Startup & Closeout -	1.00 wk	0.00 *hr / wk*	-	95.00 */hr*	- */wk*	-	0.00 */wk*	-	-		-	-
01-31-13	Project Superintendent & Vehicle -	1.00 wk	0.00 *hr / wk*	-	135.00 */hr*	- */wk*	-	0.00 */wk*	-	-	0 */wk*	-	-
	QUALITY CONTROL								-				
01-45-16	Drug Testing	1.00 ea		-		-	-	0.00 */ea*	-	-		-	-
01-45-16	First Aid Kit	1.00 ea		-		-	-	125.00 */ea*	**125.00**	-		-	**125.00**
	TEMPORARY UTILITIES								-				
01-51-05	Construction Power - Set-up	1.00 ls		-		-	-		-	-		-	-
	CONSTRUCTION FACILITIES								-				
01-52-05	Temporary Toilet (1 toilets + 1 handwash)	1.00 mo		-		-	-	0.00 */mo*	-	-		-	-
01-52-05	Ice Cups Water	1.00 mo		-		-	-	0.00 */mo*	-	-		-	-
	TOOLS & EQUIPMENT												
01-54-05	GC Small Tools	1.00 ls		-		-	-		-	-	500.00 */ls*	**500.00**	**500.00**
01-54-05	Dump Triler	1.00 ls		-		-	-		-	-	600.00 */mo*	**600.00**	**600.00**
	CLEANING & WASTE MANAGEMENT												
01-74-05	Final Cleanup	1.00 sf		-	*/sf*	-	-		-	-		-	-
01-74-05	Daily Clean-up & Covid	1.00 wk	0.00 *hr / wk*	-	88.77 */hr*	- */wk*	-	0.00 */wk*	-	-		-	-

Phase	Description	Takeoff Quantity	Labor Productivi	Labor Hours	Labor Price	Labor Cost/Unit	Labor Amount	Material Cost/Uni	Material Amount	Sub Amount	Equip Cost/Unit	Equip Amount	Total Amount
	DIVISION 2 - SITEWORK												
24000	Demolation all structure	1.00 */ls*	0.00	-	88.77 */hr*	-	-	*/ls*	-	**15,000.00**		-	**15,000.00**
				-									
				-						-			

Estimate Totals

Description	Amount	Totals *Hours*	Rate	Cost Basis	Percent of Total
Labor	560	4			3.34%
Material	125				0.74%
Subcontract	15,000				89.37%
Equipment	1,100				6.55%
Other					
	16,785.00	**16,785.00**			**76.80%**
Ower head	**503.55**		3.000 %	T	**2.30%**
Builders Risk	251.78		1.500 %	T	**1.15%**
General Liability	251.78		1.500 %	T	**1.15%**
P & P Bond NV	419.63		2.500%	B	**1.92%**
Profit	**3,642.35**		20.000%	B	**16.67%**
Total		**21,854.07**			

Asbestos Management Group of California, Inc.
Asbestos, Lead, Mold Remediation,
and Demolition
586844, A, B, C-2, C-21
ASB (DOSH 271), HAZ

October 22, 2024.

Re: Structure Deconstruction.
2750 Cedar Street Berkeley**.**

Asbestos Management Group of California, Inc. (AMG) is pleased to provide you with a price quotation for the demolition at the above referenced project. Below please find AMG's scope of work, qualifications, and pricing for your review & approval.

Scope of Work

- **Structure Deconstruction:**
  - **AMG to deconstruct structure.**
  - **AMG to cut and remove 2x4.**
  - **AMG to remove plywood.**
  - **AMG to take all wood down and deliver to a designated place.**
  - **AMG will perform this work in two days.**

Total price: **$ 15,000.00**

Exclusions & Inclusions

1. Work to be done on regular hours.
2. Water and power to be provided by GC.
3. Hard barriers, special protection to be done by GC.
4. Work to be done under 1 mobilization.
5. All disconnections capping and safe off to be done by GC.
6. All lay out to be done by GC any other demo not in drawings listed or listed as demo drawings is excluded.
7. Lead paint removal from metal beams and full stripping paint removal is excluded.
8. AMG excludes any site demolition.

The Asbestos Management Group of California, Inc. ***Acceptance Of Proposal***

Alejandro Garcia, Estimator/ Project Manager. _____Date_____

ATTACHMENT 6: ADMINISTRATIVE RECORD

2750 Cedar St

		DOCUMENT	DATE	PAGE	# of pages
A	INDEX				
B	REFERENCED BUILDING CODES				
	1	Building Code Section 105.2 and commentary	1/1/2023		1
	2	Residential Code Section R202 and commentary	1/1/2023		2
C	ADMINISTRATIVE RECORD OF UNPERMITTED CONSTRUCTION				
	3	Revised: First Notice and Order to Correct	10/7/2013		4
	4	Defensible Space Inspection Report	11/17/2023		17
	5	Extension to correct violations	11/17/2023		4
	6	Request for Service	4/5/2024		7
	7	Request for Service	4/8/2024		5
	8	Completed Request for Service	4/10/2024		12
	9	Defensible Space Report Summary	7/1/2024		7
	10	First Notice and Order to Correct	9/24/2024		2
	11	Second Notice and Order to Correct	9/24/2024		2
	12	Request for Service	9/27/2024		2
	13	Citation and Citation letter	10/1/2024		7
	14	Third Notice and Order to Correct	10/9/2024		41
	15	Fourth Notice and Order to Correct	10/10/2024		4
	16	Application for Inspection Warrant with Declarations	10/10/2024		2
	17	Inspection and Abatement Warrant	10/14/2024		4
	18	Fifth Notice and Order to Correct	10/16/2024		2
	19	Second Citation	10/18/2024		6
	20	Sixth Notice and Order to Correct	10/21/2024		2
	21	Appeal	10/23/2024		4
	22	City Attorney Email indicating the appeal was invalid	10/28/2024		1
	23	Invoice and Cover Letter	3/25/2025		2
	24	Demand letter	9/25/2025		1
	25	Lien letter	11/13/2025		3
	26	Appeal of Lien	11/19/2025		1
	27	Basis of Appeal	12/10/2025		12
D	BUILDING PERMIT APPLICATION DOCUMENTS B2024-02077				
	28	First Land Use Zoning Corrections on plan check	4/29/2024		2
	29	First set of Corrections as a result of first plan check	5/22/2024		3
	30	Response from Mr. Tolleson to the first set of plan check corrections	5/30/2024		8
	31	Second set of Corrections as a result of plan check of resubmitted documents	6/27/2024		7
	32	Response from Mr. Tolleson to the second set of plan check corrections	7/12/2024		32
	33	Third set of Corrections as a result of plan check of resubmitted documents	7/26/2024		9
	34	Response from Mr. Tolleson to the third set of plan check corrections	7/31/2024		3
	35	Fourth set of Corrections as a result of plan check of resubmitted documents	8/16/2024		18
	36	Response from Mr. Tolleson to the fourth set of plan check corrections	8/28/2024		2
	37	Fifth set of Corrections as a result of plan check of resubmitted documents	9/16/2024		14
	38	Site Plan	5/9/2025		1
	39	Denied Application Extension Request	5/9/2025		1

employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

[A] 105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area *does* not *exceed* 120 square feet (11.15 m^2). *It is permissible that these structures still be regulated by Section 710A, despite exemption from permit.*
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. **Temporary testing systems:** A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted

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101346558

Part II—Definitions

CHAPTER 2

DEFINITIONS

User notes:

About this chapter: *Codes, by their very nature, are technical documents. Every word, term and punctuation mark can add to or change the meaning of a technical requirement. It is necessary to maintain a consensus on the specific meaning of each term contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.*

Code development reminder: *Code change proposals to definitions in this chapter preceded by a bracketed letter are considered by the IRC—Building Code Development Committee [RB], the IRC—Mechanical/Plumbing Code Development Committee [MP] or the IECC—Residential Code Development Committee [RE] during the Group B (2022) Code Development Cycle.*

SECTION R201
GENERAL

R201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this chapter.

R201.2 Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

R201.3 Terms defined in other codes. Where terms are not defined in this code such terms shall have the meanings ascribed in *the California Building Standards Code, Title 24, California Code of Regulations.*

R201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

For applications listed in Section 1.11 regulated by the Office of the State Fire Marshal, where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

SECTION R202
DEFINITIONS

[RB] ACCESS (TO). That which enables a device, an appliance or equipment to be reached by ready access or by a means that first requires the removal or movement of a panel, door or similar obstruction.

ACCESSORY DWELLING UNIT. [HCD 1 & HCD 2] *An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. Accessory dwelling units shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. (See Government Code Section 65852.2)*

[RB] ACCESSORY STRUCTURE. A structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same lot.

[RB] ADDITION. An extension or increase in floor area, number of stories or height of a building or structure.

[RB] ADHERED STONE OR MASONRY VENEER. Stone or masonry veneer secured and supported through the adhesion of an approved bonding material applied to an approved backing.

AGED HOME OR INSTITUTION. *A facility used for the housing of persons 65 years of age or older in need of care and supervision. (See definition of "care and supervision.")*

[RB] AIR-IMPERMEABLE INSULATION. An insulation having an air permanence equal to or less than 0.02 L/s-m^2 at 75 Pa pressure differential as tested in accordance with ASTM E283 or E2178.

[RB] ALTERATION. Any construction, retrofit or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a building, electrical, gas, mechanical or plumbing system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

[RB] ALTERNATING TREAD DEVICE. A device that has a series of steps between 50 and 70 degrees (0.87 and 1.22 rad) from horizontal, usually attached to a center support rail in an alternating manner so that the user does not have both feet on the same level at the same time.

[RB] ANCHORED STONE OR MASONRY VENEER. Stone or masonry veneer secured with approved mechanical fasteners to an approved backing.

[RB] APPROVED. Acceptable to the building official.

APPROVED. (HCD 1) *Meeting the approval of the enforcing agency, except as otherwise provided by law, when used in connection with any system, material, type of construction, fixture or appliance as the result of investigations and tests conducted by the agency, or by reason of accepted principles*

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[RB] ACCESS (TO). That which enables a device, an *appliance* or equipment to be reached by *ready access* or by a means that first requires the removal or movement of a panel, door or similar obstruction.

❖ Where this term is designated as a requirement by other sections of the code, it is intended that access to the device, controls, shut-off valves or other element be relatively easy. To provide "access" or "access to" means that a device must be reachable directly or by means of a panel, door or equipment needing to be moved to gain access. Chapter 24, "Fuel Gas," has a similar definition noted as "Access (to)" [see definition of "Ready access (to)"].

[RB] ACCESSORY STRUCTURE. A structure that is accessory to and incidental to that of the *dwelling(s)* and that is located on the same *lot*.

❖ As it applies to the scope of the code in Section R101.2, this term describes structures that are designed for accessory use to one- or two-family dwellings and multiple single-family townhouses. These structures are commonly used as garages, carports, cabanas, storage sheds, tool sheds, playhouses and garden structures.

The structures all house uses that are incidental to the primary use, which is the dwelling unit, and the activities that take place in accessory structures occur as a result of the primary building. Their use is secondary or minor in importance to the primary residence.

[RB] ADDITION. An extension or increase in floor area, number of stories or height of a building or structure. For the definition applicable in Chapter 11, see Section N1101.6.

❖ This term is used to describe the condition when the floor area, number of stories or height of an existing building or structure is increased. This term is only applicable to existing buildings, never new ones. This would include additional floor area that is added within an existing building, such as adding a new mezzanine, or an increase in roof height (see also Section R102.7).

[RB] ADHERED STONE OR MASONRY VENEER. Stone or masonry veneer secured and supported through the adhesion of an *approved* bonding material applied to an *approved* backing.

❖ This is a common type of material used for a building façade. It is simply defined in order to allow use of the description to mean a specific type of material.

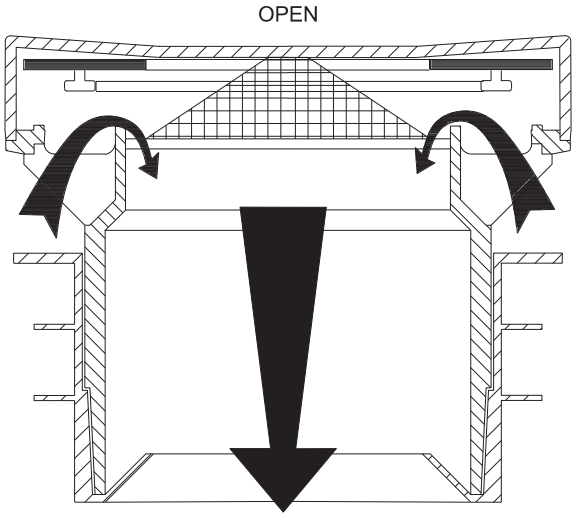
[MP] AIR ADMITTANCE VALVE. A one-way valve designed to allow air into the plumbing drainage system where a negative pressure develops in the piping. This device shall close by gravity and seal the terminal under conditions of zero differential pressure (no flow conditions) and under positive internal pressure.

❖ An air admittance valve is an alternative to traditional vent piping configurations. Such valves allow the venting of fixtures where conventional venting may be impractical. The valve is designed to open and admit air into the drainage system when negative pressures occur. The valve closes by gravity and seals the vent terminal when the internal drain pressure is equal to or exceeds atmospheric pressure. The seal prevents sewer gas from entering the building [see Commentary Figures R202(1) and R202(2)].

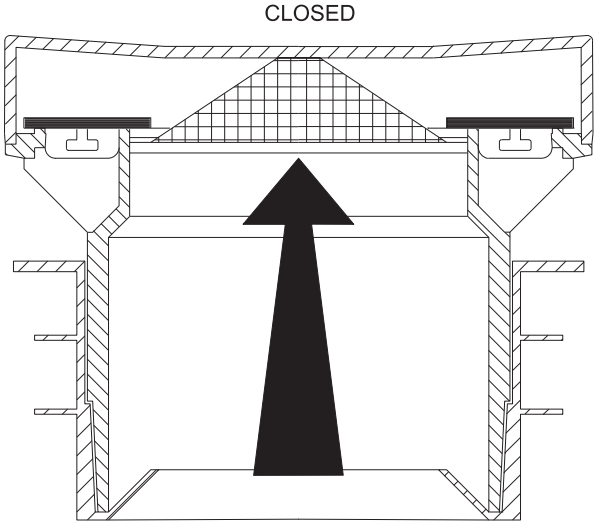
[RE] AIR BARRIER. For the definition applicable in Chapter 11, see Section N1101.6.

[MP] AIR BREAK (DRAINAGE SYSTEM). An arrangement where a discharge pipe from a fixture, *appliance* or device drains indirectly into a receptor below the flood-level rim of the receptor and above the trap seal.

❖ An air break is an indirect drainage method by which waste discharges to the drainage system through piping that terminates below the flood level rim of an approved receptor. An air break is commonly used to protect mechanical equipment from sewage backup in the event that stoppage occurs. It also protects the drainage system from adverse pressure conditions caused by pumped discharge [see Commentary Figure R202(3)].



Commentary Figure R202(1)
AIR ADMITTANCE VALVE OPENS TO ADMIT AIR TO RELIEVE NEGATIVE PRESSURE



Commentary Figure R202(2)
AIR ADMITTANCE VALVE CLOSES AND SEALS VENT UNDER ZERO OR POSITIVE PRESSURE

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Planning & Development Department
Building & Safety Division

October 7, 2013

REVISED: First Notice and Order to Correct
APN 058- -2211-020-00
Case # 13-00001466

IWAMOTO LISA & SCOTT CRAIG
777 FLORIDA ST 308

SAN FRANCISCO, CA 94110

Subject: **2750 CEDAR ST**
Berkeley, California

Dear Property Owner:

On September 20, 2013 Inspector Greg Brovold inspected your property at **2750 CEDAR ST.**

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on November 8, 2013. Please comply with the corrections indicated prior to this date.

If you wish to appeal the determination that the above violation(s) exist(s), you must do so by filing a written notice of appeal explaining the basis for the appeal. The Building and Safety Division must receive the notice of appeal at the address shown below within 15 calendar days of the date of this letter. If you do not file an appeal, the above determination that you are in violation of the Berkeley Municipal Code will be final.

If you have any questions, please call 510.981.7440 and press 0 (8:00AM to 9:00AM and 4:00PM to 4:25PM).

Sincerely,

Patrick Emmons
Supervising Building Inspector

CC: Code Enforcement File
Michael Tolleson, 1331 – 40th Street, #309, Emeryville, CA 94608

Attachment: Notice of Violation

BSCE001.DOC

Case #: 13-1466

☒ FIRST NOTICE
☐ SECOND NOTICE
☒ REVISED NOTICE
☐ OTHER

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

Revised 10/7/13 PE

Address 2750 CEDAR ST. Date 9/20/13
Occupancy/Use SFD
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent _____ Phone # _____
Mailing Address _____ City _____ ZIP _____
Person contacted at site _____ Phone # _____

DESCRIPTION OF VIOLATION:

- ☐ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☒ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :	**Code Section**
UNSAFE, DILAPIDATED DECK.	
-REMOVE DECK.	
-BOARD AND SECURE ALL OPENINGS FROM ENTRY.	
Note: The owner may consider a 6' high.	
Security fence around the building and 10' beyond the unsafe deck as an alternate to deck demo	BMC 19.28.020 CBC 116.1

CORRECTIVE ACTION:

10/08/13
For Admin Use Only

(You must comply with ALL checked boxes below)

- ☐ **STOP ALL WORK IMMEDIATELY** *(when this box is checked)* (BMC 19.28.020/CBC 115)
- ☐ File for a Building Permit Application at Permit Service Center within _____ days **WITH PLANS.**
  A copy of this Notice **must** accompany the permit application. Respond to plan review correction letter(s) within _____days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 2120 Milvia St Berkeley, CA 94704**
- ☐ Obtain a ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within ___ days.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days.
- ☒ Correct all violations within 30 days.
- ☐ Zoning approval is required. **Call 510-981-7410**
- ☐ You failed to comply with the notice(s) dated _____.
  Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☐ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Revised Patch Emmons 10/7/13

Inspector (print) issuing/posting G. BROVOLD Office Hours: 8-9 AM and 4:00-4:30 PM

Inspector signature issuing/posting _____ Phone: 510-981-7440, Option **5**

2120 Milvia Street, Berkeley, CA 94704-1113 Tel: 510.981.7440 TDD: 510.981.6903 FAX: 510.981.7450
e-mail: BuildingandSafety@CityofBerkeley.info

Case number . . . . . : 13 00001466
Property address, ID . . . : 2750 CEDAR ST 14763
Parcel Number . . . . . : 058- -2211-020-00
Reserved for future use . :
Tenant name, number . . . :

Case narrative

UNSAFE AND DILAPIDATED DECK. REMOVE DECK. BOARD AND SECURE	9/20/13
ALL OPENINGS FROM ENTRY.	9/20/13
CORRECT ALL VIOLATIONS W/IN 30 DAYS. CFRANCO FOR GBROVOLD	9/20/13
UNSAFE DILAPIDATED DECK. REMOVE DECK AND BOARD AND SECURE	10/07/13
ALL OPENINGS FROM ENTRY. NOTE: THE OWNER MAY CONSIDER A	10/07/13
6'HIGH SECURITY FENCE AROUND THE BUILDING AND 10' BEYOND	10/07/13
THE UNSAFE DECK AS AN ALTERNANTIVE TO DECK DEMOLITION.	10/07/13
CORRECT ALL VIOLATIONS W/IN 30 DAYS.	10/07/13
REVISED BY PEMMONS. CFRANCO	10/07/13

More...

Press Enter to continue.

F3=Exit F12=Cancel

BP200I02 CITY OF BERKELEY 7/16/15
Application Miscellaneous Information Inquiry 09:21:49

Application number: 13 00004915
Property . . . . : 2750 CEDAR ST

Code	Freeform information	Date	Display note at Permit	Display note at Insp	Display note at C.O.	Print flag
BPC	DEMOLITION OF EXTERIOR DECK.	10/24/13	Y	Y		Y
BPC	PARTIAL ADDITIONAL DEMOLITION TO REMOVE	10/24/13	Y	Y		Y
BPC	DAMAGED CONSTRUCTION. PURSUANT TO BMC	10/24/13	Y	Y		Y
BPC	SECTION 23F.04.010 AND AS NOTED ON THE	10/24/13	Y	Y		Y
BPC	PLANS, DEMO WORK NOT TO EXCEED REMOVAL	10/24/13	Y	Y		Y
BPC	OF 50% OR MORE OF THE ENCLOSING	10/24/13	Y	Y		Y
BPC	EXTERIOR WALLS AND 50% OR MORE OF THE	10/24/13	Y	Y		Y
BPC	ROOF UNLESS A USE PERMIT IS SECURED.	10/24/13	Y	Y		Y
INST	**PERMIT PAID IN FULL @ SUBMISSION.	10/24/13	Y	Y		
INST	$$ALJ	10/24/13	Y	Y		

Bottom

Press Enter to continue.
F3=Exit F12=Cancel

Berkeley Fire Wildland & Urban Interface Division Defensible Space Report

Powered by fire aside

Report Summary

Address: **2750 CEDAR St, Berkeley, CA 94709** Parcel: **58-2211-20-1**

11/6/2023 at 1:28 PM

Street Only:

*Evaluators were **not able to evaluate the entire property**. Observations included in this report were taken from public spaces.*

2 Defensible Space Violation(s) were observed.

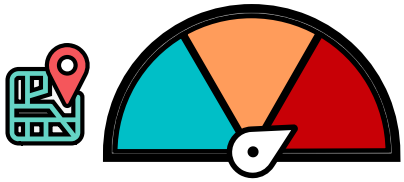
Defensible space violations must be corrected within 30 days. A reinspection will occur 30 days or more after the initial discovery of a violation. If during the reinspection violations have not been corrected, a second notice will be issued, and a second reinspection will occur after an additional 14 days. A Reinspection fee of $98 per 15 minutes of reinspection time will be assessed where violation(s) have not been corrected. No reinspection fee will be assessed when violations are found to be corrected. If a violation is still present after two reinspection's, a citation will be issued.

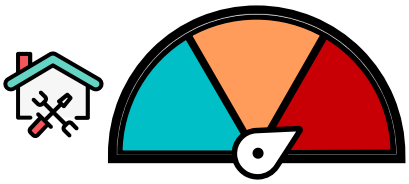
5 Home Hardening Details were observed.

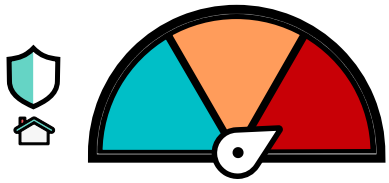
"Home Hardening" using fire and ember resistant construction materials and features is often the most important factor in determining whether a structure will survive a wildfire. Evaluators have assessed your home to help you understand its vulnerability. These are recommendations only, and should be prioritized based on budget after defensible space issues are corrected.

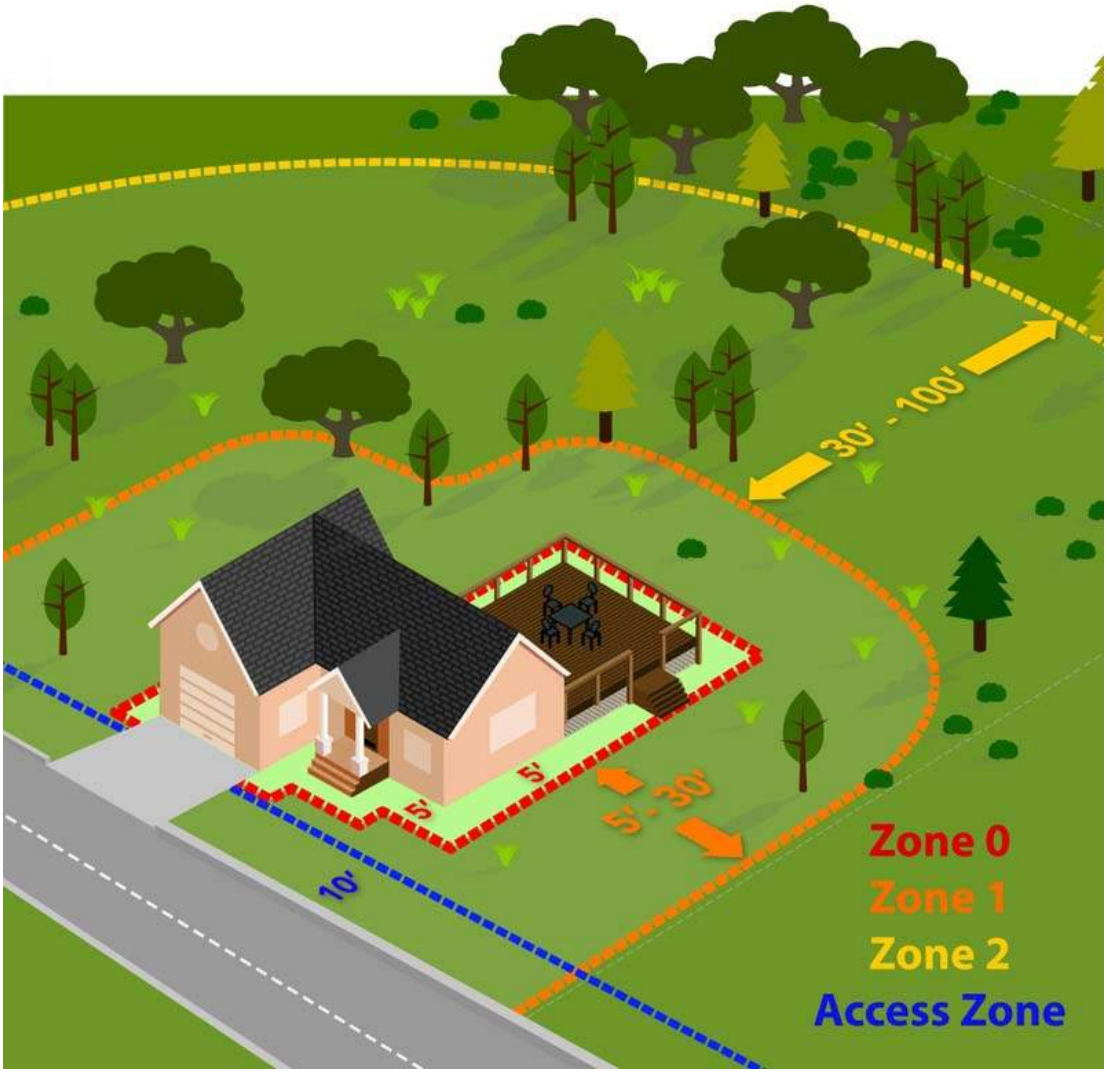
Wildfire Risk

Multiple factors determine a property's wildfire risk. As a property owner, you can make changes to your landscaping and defensible space, and you can "harden" your home to resist ignition during wildfires. Some factors can't be controlled - if your location and topography are higher risk, you may need to take greater measures to mitigate the hazards you do control.

Location & Topography  High Risk

Home Hardening  High Risk

Defensible Space  High Risk



Defensible Space Zones for: 2750 CEDAR St, Berkeley, CA 94709

Zone 0 Zone 1 Zone 2 Access Zone Parcel Boundary

0'-5' (Immediate Zone)

The area nearest your house, 0'-5', including the surfaces of the structure itself. There should be ZERO combustibles in this zone.

Learn more >

5'-30' (Intermediate Zone)

The "Lean, Clean, and Green" zone extends 0'-30' out from buildings, structures, decks, etc. Extra care is required in this zone.

Learn more >

30'-100' (Extended Zone)

Extends from 30' to at least 100' or to the property line. Dead vegetation should be removed and some less intensive maintenance is required in this zone.

Learn more >

(From Road to Property)

Owners must maintain vegetation at least 15' overhead and 10' from the edge of roads and driveways adjacent to their property, even in the public right-of-way.

Learn more >

Inspector's Discovery Locations

These are the approximate locations where inspectors observed issues or documented other information. The following pages will help you understand what must be corrected immediately, and other actions to help you reduce your property's wildfire vulnerability.

- Defensible Space issues or Home Hardening vulnerability
- Home Harding Resilient feature

Property Owners & Responsibility

Property owners are responsible for the zones on their property only. In most cases, your neighbors are NOT required to provide defensible space for your property. We encourage property owners to cooperate with each other and be "good neighbors." When all hazards have been addressed on your own property, consider working with neighbors or asking permission to reduce hazards on neighboring properties.

Defensible Space Violations

Defensible space violations must be corrected within 30 days. A reinspection will occur 30 days or more after the initial discovery of a violation. If during the reinspection violations have not been corrected, a second notice will be issued and a second reinspection will occur after an additional 14 days. A Reinspection fee of $98 per 15 minutes of reinspection time will be assessed where violation(s) have not been corrected. No reinspection fee will be assessed when violations are found to be corrected. If a violation is still present after two reinspection's, a citation will be issued.

1. Combustible Vegetation near or contacting structure

Combustible Vegetation was observed in within 5' of structures

Combustible Vegetation within 5' of a structure is likely to ignite from embers and spread fire to the building, and often hides dead leaves and debris near the base of walls. This is the most vulnerable location to embers in a typical home's defensible space and landscaping.

Violation found. Action required. Remove combustible vegetation in Zone 0 (within 5' of structure). Cut vegetation away from the structure, and from under eaves. Remove vegetation near doors, windows, and vent openings. Irrigate regularly. Provide ongoing maintenance including removal of dead materials. A reinspection to verify compliance will occur 30 days after initial notice or 14 days after second notice.

Berkeley Fire Code, Section 4907; California Fire Code, Section 4907; CA Public Resources Code 4291; CA Gov't Code 51182

Resources & Information:

Learn more at FireSafe Marin >

2. Cut annual grasses & weeds

Annual grasses and/or weeds were observed within 100' of structures

Dry, annual grasses ignite easily and spread fires quickly. Cut dry grasses and weeds within 100' of structures with a weed eater or mower. Cut grass in the morning, when temperatures are cool, and be careful not to create sparks. Never cut grasses during a Red Flag Warning. Rake and remove clippings within 30' of structures.

Violation found. Action required. Cut annual grasses and/or weeds within 100' of structures to 4 inches or less. A reinspection to verify compliance will occur 30 days after initial notice or 14 days after second notice.

Berkeley Fire Code, Chapter 49; California Fire Code, Chapter 49; CA Public Resources Code 4291; CA Gov't Code 51182

Inspector Notes:

Issue still present

Resources & Information:

Learn more at FireSafe Marin >

Home Hardening Details

Home “hardening” using ember and ignition resistant construction materials and design is one of the most important factors in determining a structure’s likelihood of survival. Recommendations are based on actual observations at your property and will help you prioritize upgrades and retrofits to protect your home from wildfires. These are not required, and should be prioritized based on budget after defensible space issues are corrected.

1. Protect wood doors from embers

Wood doors were observed

Wood doors have been shown to ignite when subject to an ember storm and heat of wildfire. Using a metal screen is a great mitigation approach

Install metal screen or consider replacing the door with metal when possible

Resources & Information:

Learn more at FireSafe Marin >

2. Vent screens are not ember resistant

Unprotected, unscreened vents that are vulnerable to embers were observed

Replace or retrofit with flame and ember resistant vent screens approved and listed by the California State Fire Marshal or WUI vents tested to ASTM E2886 and meeting acceptance criteria provided in Chapter 7A of the California Building Code.

Upgrade is recommended for existing structures.

Resources & Information:

Learn more at FireSafe Marin >

3. Wood Plank Siding

Wood plank siding was observed

Wood plank siding can be relatively resistant to ignition if well maintained. Pay attention to area where the siding meets the ground - the lowest 12" of siding are most vulnerable.

Resources & Information:

Learn more at FireSafe Marin >

4. Any opening in siding where embers could enter

Openings greater than 1/8" were observed

Openings in siding are similar to vents in that it can enable embers to enter the structure and ignite insulation or other material inside the walls.

Use caulk, fine metal mesh or similar non-combustible materals to prevent ember entry

Resources & Information:

Learn more at FireSafe Marin >

5. Unidentified Roofing Material

Roofing material could not be identified

All roofs require regular cleaning and routine maintenance to maintain ignition resistance. Learn more about roofing and how to protect different types of roofs from wildfires, then take appropriate steps to protect the roof.

Inspector Notes:

No roof

Resources & Information:

Learn more at FireSafe Marin >

No home hardening resilient items discovered

Property Owner Check List

2750 CEDAR St, Berkeley, CA 94709

You are required to correct the listed Defensible Space Violations. A Follow up reinspection will occur 30 days or more after the initial discovery of a violation, and 14 days or more after a second notice of the same violation. You may clear violations by providing photo evidence of correction(s). **To self-report corrections**, simply "check-it-off" below and attach photo evidence (required) for each issue that has been resolved. Additionally, you can attach invoices or itemized receipts from provider(s) who performed the mitigation work on the property (not required). **Items listed under the Home Hardening/Evaluation Only are recommendations and are not required.** Home hardening addresses the most vulnerable components of your house with building materials and installation techniques that increase resistance to heat, flames, and embers that accompany most wildfires. Please use this checklist to organize an action plan to mitigate your property's wildfire hazards.

2 **Defensible Space Violations** - Required:

- [ ] 1. Combustible Vegetation near or contacting structure
- [ ] 2. Cut annual grasses & weeds

5 **Home Hardening/Evaluation Only - Not Required:**

- [ ] 1. Protect wood doors from embers
- [ ] 2. Vent screens are not ember resistant
- [ ] 3. Wood Plank Siding
- [ ] 4. Any opening in siding where embers could enter
- [ ] 5. Unidentified Roofing Material

Additional Resources

2750 CEDAR St, Berkeley, CA 94709

Below are links to organizations, events and programs that are useful to help you prepare and provide key information and advice.

Fire Weather and Evacuation

Learn how to take control before a fire starts. Make a household fire weather plan. Be ready to leave the hills when the Berkeley Fire Department proclaims Extreme Fire Weather. Review Berkeley's Wildfire Evaluation Checklist to learn what to put in your go-bag.

Fire Weather and Evacuation

Understand Berkeley's fire weather and get ready for fire evacuation. Watch Fire Department videos and download planning guides so you can protect yourself and your family.

Fire Weather and Evacuation

ZONEHAVEN COMMUNITY EVACUATION INTERFACE

Zonehaven provides residents with critical evacuation updates, resources and latest information on active incidents, all in one place.

Zonehaven

AC Alert

Sign up now to get emergency information and instructions via cell, text, and email.

AC Alert

Berkeley Chipper Program

Your next neighborhood chipper day:

Week of December 11

The Berkeley Fire Department is proud to sponsor the new Berkeley Chipping Program! The program provides for regular curbside pickup, chipping, and disposal of vegetation material from residential properties.

Advance reservations are required.

REGISTER NOW

Questions, comments, or concerns?

For questions, comments, or concerns related to this inspection, please contact the Defensible Space Evaluation Team at **wildfire@berkeleyca.gov** for **(510) 981-5620**

Defensible Space Resident Assistance Program

Thank you for your interest in this program. Language re: no resources, options available. Please click here.

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Privacy Policy

From: **Wodaje, Hanna** HWodaje@berkeleyca.gov
Subject: RE: Tolleson > 2750 Cedar St
Date: November 17, 2023 at 4:13 PM
To: Michael Tolleson, Architect michael@michaeltolleson.com
Cc: Wild Fire wildfire@berkeleyca.gov, Pinto, Chris CPinto@berkeleyca.gov

HW

Hello Michael,

Thank you for your patience. As you requested, we have updated our Defensible Space Inspection platform to reflect you as the primary owner, and we have updated your mailing address. In addition, we will be giving you an **extension** to July 1, 2024 to correct all noted violations.

Below you will see the updated Defensible Space Inspection Report that will reflect all your corrected and updated information. Keep in mind you are able to upload pictures of corrected violations under the "correction checklist." Once corrected our inspectors will review the photos and update your report within 48 hours.

Berkeley Fire Inspection Report Access for 2750 Cedar St

Resident Report URL:
https://www.defensiblespacereport.org/berkeley/address/624534a13bbfec1ae501917e

Code: C4EQ9G

If you have any other questions, comments, and/or concerns please do not hesitate to reach back out to us.

Have a wonderful weekend.

Warmest Regards,

Hanna Wodaje, Office Specialist
Wildland Urban Interface Division
Berkeley Fire Department
www.BerkeleyFire.com

Office: 510-981-5620
wildfire@berkeleyca.gov

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Friday, November 17, 2023 11:23 AM
To: Wodaje, Hanna <HWodaje@berkeleyca.gov>
Subject: Re: Tolleson > 2750 Cedar St

Hanna,

Thank you for your detailed reply.
I am requesting that the date of inspection be cleared out to allow a clean start date.
I will complete all Defensible Space mitigations within the new schedule upon receipt of the corrected ownership and notification dates.

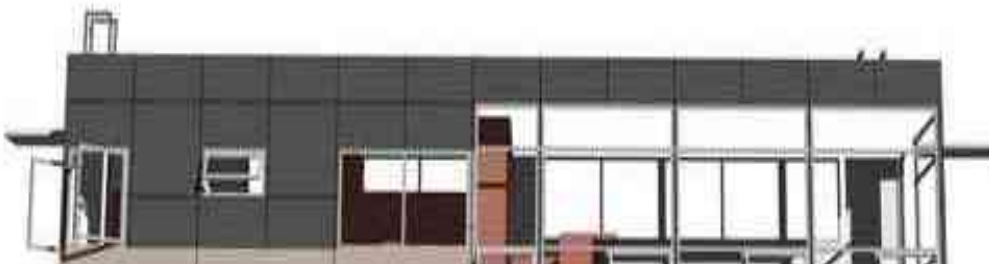
Development of the property is in progress and will include complete repair to the existing SFR and a new ADU.
While Home Hardening Details are “not required” per page 10/17 of the Report, these features will be incorporated into the design of both structures.

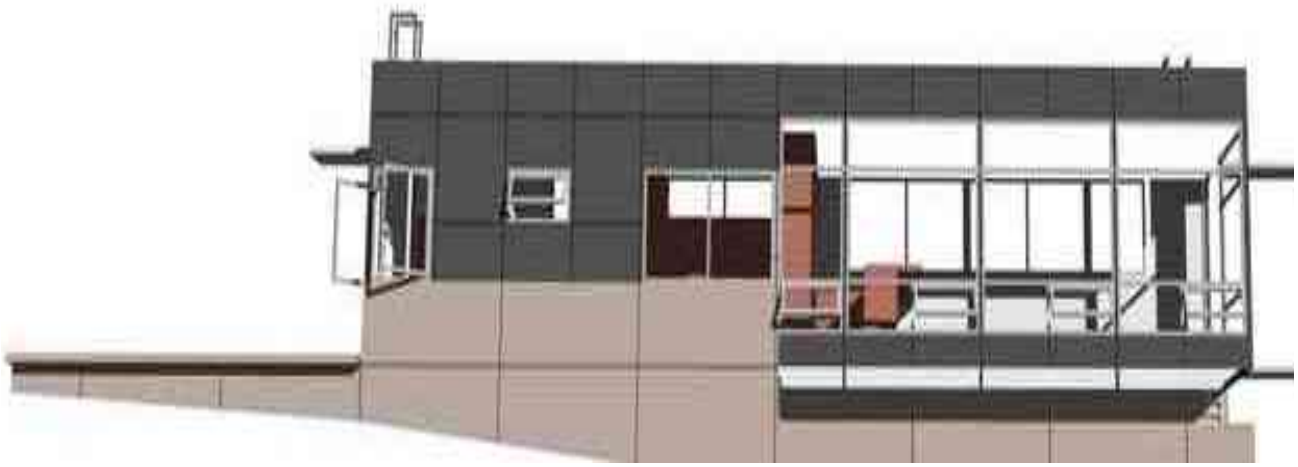
I have attached a rendering of the SFR to substantiate the approved improvements.

Please confirm receipt of this send.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com





On Nov 17, 2023, at 10:08 AM, Wodaje, Hanna <HWodaje@berkeleyca.gov> wrote:

Hello Michael,

Thank you for reaching out, it was nice speaking to you earlier.

Here is the link and code to your Defensible Space Inspection Report for 2750 CEDAR St. Should you need further assistance, please call us at 510-981-5620.

Resident Report
URL: https://www.defensiblespacereport.org/berkeley/address/624534a13bbfec1ae501917e

Code: C4EQ9G

Warmest Regards,

<image002.png>

Hanna Wodaje, Office Specialist
Wildland Urban Interface Division
Berkeley Fire Department

www.BerkeleyFire.com

Office: 510-981-5620
wildfire@berkeleyca.gov

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Thursday, November 16, 2023 11:44 AM
To: Wild Fire <wildfire@berkeleyca.gov>
Subject: Tolleson > 2750 Cedar St

WARNING: This is not a City of Berkeley email. Do not click links or attachments

unless you trust the sender and know the content is safe.

Attn: Hanna & Chief Chris Pinto

Parcel clearing notice not received for 2750 Cedar St, Berkeley, 94708
Believe notice was sent to previous owner who has not provided.

Current Owner: Michael Tolleson, Architect & Paul Mak, PE

Paul & I purchased the parcel about a year ago.
Need file updated to reflect current conditions.
Need notice resent to my address below or email to comply with any clearing inspection concerns.

Adjacent to: 1609-1611 La Vereda
Neighbor/Owner
Arlene Crooks
Ms. Crooks informs me she has received notice and two inspections.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image001.gif>

Form #116

REQUEST FOR SERVICE

Inspection for Illegal Construction

Building and Safety
Permit Service Center

Please Note:
Anonymous requests will not be processed. The City of Berkeley will not automatically publicize the origin of this request, however if anyone seeks information about this request, it is considered public information.

This form is for illegal construction/code concerns only. Any noise concerns should be directed to the Environmental Health Division.

For unsafe work practices, complete a ***Complaint to Investigate Unsafe Work Practices*** form.

Request Details

Address: 2750 Cedar Street, Berkeley, CA

Concern: ADU without permits.
(See attached email)

Owner Information

Name: Mak Paul T/Mak Ping H Phone:

Address: 3819 Bluff Street City/ST/Zip: Torrence, CA

Email:

Complainant Information

Name: Laura Schmidt Phone:

Address: 1601 La Verada City/ST/Zip: Berkeley, CA

Email: Laura.Schmidt@ucsf.edu

Relationship to the Address of Concern: ☐ Neighbor ☐ Tenant ☐ Owner

☐ Fire Department ☐ Health Department ☑ Other:

Complainant Signature Date: 04/05/2024

Office Use Only

Inspector: Priority: Due:

Action: ☐ Posted NOV ☐ Posted 2nd NOV ☐ NFA ☐ Other:

Notes:

Building Inspector Signature Date

Supervising Building Inspector Signature Date Last Revised 07/01/19

Building and Safety
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7440 TTY 6903
buildingandsafety@cityofberkeley.info

Franco, Christina

From: Lopez, David
Sent: Friday, April 5, 2024 3:24 PM
To: Chappell, Darrell; Franco, Eduardo; Montes, David J.; Mares, Freddie
Cc: Jensen, Jeff; Franco, Christina
Subject: FW: 2750 Cedar

Good Afternoon Inspectors,

On Monday we need to see if we can observe any construction at 2750 Cedar. If we cant see anything we may send a request for consent to inspect.

Christina take this email as the RFS for this address.

Thanks,

David A. Lopez
Chief Building Official/Building and Safety Manager
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Klein, Jordan <JKlein@berkeleyca.gov>
Sent: Friday, April 5, 2024 8:51 AM
To: Lopez, David <dlopez@berkeleyca.gov>; Chappell, Darrell <DChappell@berkeleyca.gov>
Subject: FW: 2750 Cedar

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Klein, Jordan
Sent: Friday, April 5, 2024 8:51 AM
To: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>

Cc: Bellow, LaTanya <LBellow@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: RE: 2750 Cedar

Hi Laurie,
The best way for a resident to initiate a City investigation of potential illegal construction is to submit a request for service using this form: https://berkeleyca.gov/sites/default/files/documents/116%20Request%20for%20Service.pdf

I'll ask Building & Safety staff to take a look.

Jordan

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Sent: Thursday, April 4, 2024 5:42 PM
To: Klein, Jordan <JKlein@berkeleyca.gov>
Cc: Bellow, LaTanya <LBellow@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: 2750 Cedar

Hi Jordan,

2750 Cedar St. is an L shaped lot with without street access but work to build a home and ADU on it has apparently begun. However, I don't see a building permit for it. I do see a closed 2021 Zoning Research Letter Permit, PLN2021-0026, to determine set-backs on an irregular-shaped lot but don't find its outcome. Is the work being done legal?

Thank you,
Laurie

Laurie McWhorter
Legislative Aide to Susan Wengraf
Vice Mayor & District 6 Councilmember
Lmcwhorter@Berkeleyca.gov

From: Schmidt, Laura <laura.schmidt@ucsf.edu>
Sent: Wednesday, March 27, 2024 4:53 PM
To: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Cc: Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: Re: 2750 Cedar

Hi Laurie,

I hope that you are well and hanging in there during this crazy time for the City Council!

I wanted to reach back out to you because it appears that work has begun on a 2750 Cedar Street development project. I do not see any that any permits have been issued. When we last spoke, you taught me how to use Permits Online and encouraged me to monitor the site for new permits on this property.

I'm forwarding this on top of your last message, to help jog your memory about this situation. But briefly, 2750 Cedar is an irregular "L-shaped" empty lot next to my house (at 1601 La Vereda) that was purchased last year by a developer who lives in LA. Last year, the architect involved showed me his plans to build a single-family house with ADU on this lot, even though the house would have no street access in a fire/earthquake zone.

The work began on Thursday of last week (3/21/2024) when a crew with power tools showed up to do some excavation. I was traveling for work that day, but my neighbor was told by the project manager that the excavation was to create a pad for storing heavy machinery and a port-a-potty for crews working on the site. He suggested that work on the development was about to begin.

I have attached before and after photos to give you a sense of the work that has been done so far. The work focused on the 10-foot-wide strip of land that abuts La Vereda and serves as the "entrance" to the property (the only street access). The first attachment is a google maps screen shot showing you the "before picture" of the property entrance, with a little weedy hill descending to the street. The second attachment is a picture of the work completed last Thursday. The team removed a portion of the hill to create an 8x8-foot flat area. This new pad is about 3 feet below the natural grade.

I have double checked in Permits Online and don't see any building or demolition permits active on this property. Rena Rickles also noted that there is a moratorium on grading during the rainy season, between October 15 and April 15, suggesting that this this excavation project could be illegal.

As you know, I'm very concerned about any unregulated development of this property. The house the developer hopes to build would be perched on the hill immediately above my house, in a location that has no street during a fire or medical emergency. So, I wanted to reach out as soon as I witnessed work going on without City authorization.

Thank you!

Laura
1601 La Vereda Rd

From: "McWhorter, Laurie" <LMcWhorter@cityofberkeley.info>
Date: Friday, December 2, 2022 at 10:35 AM
To: Laura Schmidt <Laura.Schmidt@ucsf.edu>, Rena Rickles <rena@rickleslaw.com>
Cc: "Wengraf, Susan" <SWengraf@cityofberkeley.info>
Subject: RE: 3750 Cedar

This Message Is From an External Sender

This message came from outside your organization.

Hi Rena and Laura,

Building permits, as well as zoning and other permits, are available online through the City's website: https://berkeleyca.gov/ To access the Permits Online webpage type *Permits Online* into the search bar and click the search icon. Click on the next Permits Online link(s) until you come to the Permits Online webpage. Once on the webpage, click any Permits Online link and you'll arrive at the search page – which has login information on the right. Ignore the login request and scroll down to "Building Permits" and click "search applications". On the search applications page, scroll down to "General Search" and enter the address. Note: the number, street and type need to be separated per the boxes. For example: enter *2750* in the Street No section; Cedar for Street Name section; choose St. in street type section. The dates are already set to cover 2020 to today's date. That is all you need to input. Scroll down and click

Search. Now you should see the permits for this property. Additional information is available through the Record Info and Payments drop down arrows.

I'm sending you these detailed instructions because I find Permits Online an invaluable resource and am assuming Rena, that this tool is necessary for your work. Laura, while you are involved with 2750 Cedar St. you can check back on this permit and see if anything has changed, for example in the Process Status, which you can find under the Record Info drop down arrow. Feel free to reach out if you need help.

My best to you both,
Laurie

Laurie McWhorter
Legislative Aide
Office of Councilmember Susan Wengraf
(510) 981-7160
Get Ready For Wildfire

From: Schmidt, Laura <Laura.Schmidt@ucsf.edu>
Sent: Friday, December 02, 2022 9:57 AM
To: Rena Rickles <rena@rickleslaw.com>; McWhorter, Laurie <LMcWhorter@cityofberkeley.info>
Cc: Wengraf, Susan <SWengraf@cityofberkeley.info>
Subject: Re: 3750 Cedar

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

One small correction: The address is 2750 Cedar. This is the irregularly shaped property without road access that has raised concerns about fire risk.

From: Rena Rickles <rena@rickleslaw.com>
Date: Friday, December 2, 2022 at 1:27 AM
To: "LMcWhorter@cityofberkeley.info" <LMcWhorter@cityofberkeley.info>
Cc: Susan Wengraf <SWengraf@cityofberkeley.info>, Laura Schmidt <Laura.Schmidt@ucsf.edu>
Subject: 2750 Cedar

This Message Is From an External Sender
This message came from outside your organization.

Hi Laurie,

I am representing Laura Schmidt at 1601 La Verada who has been in discussions with the new property owner of 2750 Cedar. Can you help me find out if there have been any applications for Building Permits on the Cedar property. I have tried to find a way to do that online, but there doesn't seem to be a way to do that on the Building Department's website.

Thank you for your help. If you questions, please call me on my mobile number, listed below.
Best,

Rena

RENA RICKLES
Law offices of Rena Rickles
1970 Broadway, Suite 1200
Oakland, CA 94612
Phone: (510) 452-1600
Mobile: (510) 326-4899
Fax: (510) 451-4115
Rena@RicklesLaw.com

STATEMENT OF CONFIDENTIALITY:
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Property Detail Report

For Property Located At :
2750 CEDAR ST, BERKELEY, CA 94708

CoreLogic RealQuest

Owner Information

Owner Name:	MAK PAUL T/MAK PING H
Mailing Address:	3819 BLUFF ST, TORRANCE CA 90505-6359 C009
Vesting Codes:	/ /

Location Information

Legal Description:			
County:	ALAMEDA, CA	APN:	058-2211-020-01
Census Tract / Block:	4225.00 / 2	Alternate APN:	058221102001
Township-Range-Sect:		Subdivision:	DALEYS SCENIC PARK
Legal Book/Page:		Map Reference:	/
Legal Lot:	34	Tract #:	
Legal Block:	25	School District:	BERKELEY
Market Area:		School District Name:	BERKELEY
Neighbor Code:		Munic/Township:	BERKELEY INCORP

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	10/20/2022 / 10/18/2022	1st Mtg Amount/Type:	/
Sale Price:	$289,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	174445	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	
Title Company:	25343		
Lender:			
Seller Name:	LIN LOUIS B		

Prior Sale Information

Prior Rec/Sale Date:	10/08/2013 / 09/27/2013	Prior Lender:	
Prior Sale Price:	$195,000	Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	326424	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:		Acres:	0.16	County Use:	VACANT RESIDENTIAL LAND, ZONED (1000)
Lot Area:	7,132	Lot Width/Depth:	x	State Use:	
Land Use:	RESIDENTIAL LOT	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	$288,800	Assessed Year:	2023	Property Tax:	$3,652.04
Land Value:	$288,800	Improved %:		Tax Area:	13000
Improvement Value:		Tax Year:	2023	Tax Exemption:	
Total Taxable Value:	$288,800				

Form #116

REQUEST FOR SERVICE

Inspection for Illegal Construction

Building and Safety
Permit Service Center

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This form is for illegal construction/code concerns only. Any noise concerns should be directed to the Environmental Health Division.

For unsafe work practices, complete a ***Complaint to Investigate Unsafe Work Practices*** form.

RECD BUILDING & SAFETY '24 APR 8 AM 7:26

Request Details

058 221 102 001

Address: 2750 Cedar Street, Berkeley CA 94709

Concern: The property in question, 2750 Cedar St, is an irregular "L-shaped" empty lot with no direct street access, on a steep grade in a fire/earthquake/slide zone in the Berkeley Hills. A developer purchased the property in October 2023 and in November, the project architect showed several neighbors plans to build a single

See email.

Owner Information

Name: Owner | Phone: Unknown

Address: 2750 Cedar Street | City/ST/Zip: Berkeley CA 94709

Email: Unknown

Complainant Information

Name: Laura Schmidt | Phone: 510-918-5225

Address: 1601 La Vereda Road | City/ST/Zip: Berkeley

Email: laura.schmidt@ucsf.edu

Relationship to the Address of Concern: ☑ Neighbor ☐ Tenant ☐ Owner

☐ Fire Department ☐ Health Department ☐ Other:

Laura Schmidt — Digitally signed by Laura Schmidt Date: 2024.04.05 10:51:43 -07'00' — 5 April 2024

Complainant Signature — Date

No Active permits

Office Use Only

Inspector: | Priority: | Due:

Action: ☐ Posted NOV ☐ Posted 2nd NOV ☐ NFA ☐ Other:

Notes:

Building Inspector Signature — Date

Supervising Building Inspector Signature — Date

Building and Safety
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7440 TTY 6903
buildingandsafety@berkeleyca.gov

Hernandez, Joel

From: Schmidt, Laura <laura.schmidt@ucsf.edu>
Sent: Friday, April 5, 2024 11:25 AM
To: Building and Safety
Subject: Filing request for inspection of illegal construction: 2750 Cedar St
Attachments: 116 Request for Service--2750 Cedar St.pdf; Before excavation- 2750 Cedar.pdf; After excavation-2750 Cedar.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Joel Hernandez

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Building and Safety Center,

Attached is a request for inspection of an excavation project begun two weeks ago on the property, 2750 Cedar Street.

I am a Berkeley resident and neighbor to 2750 Cedar Street. This property is an irregular "L-shaped" empty lot with very limited street access, on a steep grade in a fire/earthquake/slide zone in the Berkeley Hills. A developer purchased the property in October 2023 and in November, the project architect showed several neighbors plans to build a single-family house and ADU. Two weeks ago, work began on this development project even though there appear to be no active permits listed in Permits Online.

Two weeks ago, on 3/21/2024, a work crew with power tools excavated a majority of the 10-ft wide strip that serves as the only street access to the property, along La Vereda Rd. The work crew removed a substantial amount of earth, to create an 8x8ft flat area that is ~3 feet below the natural grade on the eastern (hill) side. A neighbor was told by the project manager that the excavation was to create a pad for storing heavy machinery and a port-a-potty for crews working on the development project, which he said will begin soon. There are no active building or demolition permits listed for this property in Permits Online, and we believe that there is a moratorium on grading during the rainy season (between October 15 and April 15), suggesting that this excavation project could be illegal.

In addition to my signed request for service, I have attached "before" and "after" photos of the excavation project.

Thank you and don't hesitate to reach out with questions,

Dr. Laura Schmidt

1601 La Vereda Rd.
510-918-5225

Property Detail Report

For Property Located At :
2750 CEDAR ST, BERKELEY, CA 94708

CoreLogic RealQuest

Owner Information

Owner Name:	MAK PAUL T/MAK PING H
Mailing Address:	3819 BLUFF ST, TORRANCE CA 90505-6359 C009
Vesting Codes:	/ /

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Township-Range-Sect:		Subdivision:	DALEYS SCENIC PARK
Legal Book/Page:		Map Reference:	/
Legal Lot:	34	Tract #:	
Legal Block:	25	School District:	BERKELEY
Market Area:		School District Name:	BERKELEY
Neighbor Code:		Munic/Township:	BERKELEY INCORP

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	10/20/2022 / 10/18/2022	1st Mtg Amount/Type:	/
Sale Price:	$289,000	1st Mtg Int. Rate/Type:	/
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Document #:	174445	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	
Title Company:	25343		
Lender:			
Seller Name:	LIN LOUIS B		

Prior Sale Information

Prior Rec/Sale Date:	10/08/2013 / 09/27/2013	Prior Lender:	
Prior Sale Price:	$195,000	Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	326424	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:		Acres:	0.16	County Use:	VACANT RESIDENTIAL LAND, ZONED (1000)
Lot Area:	7,132	Lot Width/Depth:	x	State Use:	
Land Use:	RESIDENTIAL LOT	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	$288,800	Assessed Year:	2023	Property Tax:	$3,652.04
Land Value:	$288,800	Improved %:		Tax Area:	13000
Improvement Value:		Tax Year:	2023	Tax Exemption:	
Total Taxable Value:	$288,800				

La Verdad Rd

Form #116

REQUEST FOR SERVICE

Inspection for Illegal Construction

Building and Safety
Permit Service Center

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For unsafe work practices, complete a ***Complaint to Investigate Unsafe Work Practices*** form.

EPD BUILDING & SAFETY
'24 APR 5 PM 4:09

Request Details

Address: 2750 Cedar Street, Berkeley, CA

Concern: ADU without permits.
(See attached email)

Owner Information

Name: Mak Paul T/Mak Ping H | Phone:

Address: 3819 Bluff Street | City/ST/Zip: Torrence, CA

Email:

Complainant Information

Name: Laura Schmidt | Phone:

Address: 1601 La Verada | City/ST/Zip: Berkeley, CA

Email: Laura.Schmidt@ucsf.edu

Relationship to the Address of Concern: ☐ Neighbor ☐ Tenant ☐ Owner

☐ Fire Department ☐ Health Department ☑ Other:

Complainant Signature | Date: 04/05/2024

no active permits.

Office Use Only

Inspector: D. MONTES | Priority: 2 | Due: 4.10.24

Action: ☐ Posted NOV ☐ Posted 2nd NOV ☒ NFA ☐ Other:

Notes: Met with complainant at site. No construction underway. Some light grading (<100sf) had been performed, very minor in scope. Recommend NFA.

Building Inspector Signature | Date: 4-9-24

Supervising Building Inspector Signature | Date: 4-11-24

Last Revised 07/01/19

Building and Safety
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7440 TTY 6903
buildingandsafety@cityofberkeley.info

Franco, Christina

From: Lopez, David
Sent: Friday, April 5, 2024 3:24 PM
To: Chappell, Darrell; Franco, Eduardo; Montes, David J.; Mares, Freddie
Cc: Jensen, Jeff; Franco, Christina
Subject: FW: 2750 Cedar

Good Afternoon Inspectors,

On Monday we need to see if we can observe any construction at 2750 Cedar. If we cant see anything we may send a request for consent to inspect.

Christina take this email as the RFS for this address.

Thanks,

David A. Lopez
Chief Building Official/Building and Safety Manager
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Klein, Jordan <JKlein@berkeleyca.gov>
Sent: Friday, April 5, 2024 8:51 AM
To: Lopez, David <dlopez@berkeleyca.gov>; Chappell, Darrell <DChappell@berkeleyca.gov>
Subject: FW: 2750 Cedar

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Klein, Jordan
Sent: Friday, April 5, 2024 8:51 AM
To: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>

Cc: Bellow, LaTanya <LBellow@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: RE: 2750 Cedar

Hi Laurie,
The best way for a resident to initiate a City investigation of potential illegal construction is to submit a request for service using this form: https://berkeleyca.gov/sites/default/files/documents/116%20Request%20for%20Service.pdf

I'll ask Building & Safety staff to take a look.

Jordan

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Sent: Thursday, April 4, 2024 5:42 PM
To: Klein, Jordan <JKlein@berkeleyca.gov>
Cc: Bellow, LaTanya <LBellow@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: 2750 Cedar

Hi Jordan,

2750 Cedar St. is an L shaped lot with without street access but work to build a home and ADU on it has apparently begun. However, I don't see a building permit for it. I do see a closed 2021 Zoning Research Letter Permit, PLN2021-0026, to determine set-backs on an irregular-shaped lot but don't find its outcome. Is the work being done legal?

Thank you,
Laurie

Laurie McWhorter
Legislative Aide to Susan Wengraf
Vice Mayor & District 6 Councilmember
Lmcwhorter@Berkeleyca.gov

From: Schmidt, Laura <laura.schmidt@ucsf.edu>
Sent: Wednesday, March 27, 2024 4:53 PM
To: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Cc: Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: Re: 2750 Cedar

Hi Laurie,

I hope that you are well and hanging in there during this crazy time for the City Council!

I wanted to reach back out to you because it appears that work has begun on a 2750 Cedar Street development project. I do not see any that any permits have been issued. When we last spoke, you taught me how to use Permits Online and encouraged me to monitor the site for new permits on this property.

I'm forwarding this on top of your last message, to help jog your memory about this situation. But briefly, 2750 Cedar is an irregular "L-shaped" empty lot next to my house (at 1601 La Vereda) that was purchased last year by a developer who lives in LA. Last year, the architect involved showed me his plans to build a single-family house with ADU on this lot, even though the house would have no street access in a fire/earthquake zone.

The work began on Thursday of last week (3/21/2024) when a crew with power tools showed up to do some excavation. I was traveling for work that day, but my neighbor was told by the project manager that the excavation was to create a pad for storing heavy machinery and a port-a-potty for crews working on the site. He suggested that work on the development was about to begin.

I have attached before and after photos to give you a sense of the work that has been done so far. The work focused on the 10-foot-wide strip of land that abuts La Vereda and serves as the "entrance" to the property (the only street access). The first attachment is a google maps screen shot showing you the "before picture" of the property entrance, with a little weedy hill descending to the street. The second attachment is a picture of the work completed last Thursday. The team removed a portion of the hill to create an 8x8-foot flat area. This new pad is about 3 feet below the natural grade.

I have double checked in Permits Online and don't see any building or demolition permits active on this property. Rena Rickles also noted that there is a moratorium on grading during the rainy season, between October 15 and April 15, suggesting that this this excavation project could be illegal.

As you know, I'm very concerned about any unregulated development of this property. The house the developer hopes to build would be perched on the hill immediately above my house, in a location that has no street during a fire or medical emergency. So, I wanted to reach out as soon as I witnessed work going on without City authorization.

Thank you!

Laura
1601 La Vereda Rd

From: "McWhorter, Laurie" <LMcWhorter@cityofberkeley.info>
Date: Friday, December 2, 2022 at 10:35 AM
To: Laura Schmidt <Laura.Schmidt@ucsf.edu>, Rena Rickles <rena@rickleslaw.com>
Cc: "Wengraf, Susan" <SWengraf@cityofberkeley.info>
Subject: RE: 3750 Cedar

This Message Is From an External Sender

This message came from outside your organization.

Hi Rena and Laura,

Building permits, as well as zoning and other permits, are available online through the City's website: https://berkeleyca.gov/ To access the Permits Online webpage type *Permits Online* into the search bar and click the search icon. Click on the next Permits Online link(s) until you come to the Permits Online webpage. Once on the webpage, click any Permits Online link and you'll arrive at the search page – which has login information on the right. Ignore the login request and scroll down to "Building Permits" and click "search applications". On the search applications page, scroll down to "General Search" and enter the address. Note: the number, street and type need to be separated per the boxes. For example: enter *2750* in the Street No section; Cedar for Street Name section; choose St. in street type section. The dates are already set to cover 2020 to today's date. That is all you need to input. Scroll down and click

Search. Now you should see the permits for this property. Additional information is available through the Record Info and Payments drop down arrows.

I'm sending you these detailed instructions because I find Permits Online an invaluable resource and am assuming Rena, that this tool is necessary for your work. Laura, while you are involved with 2750 Cedar St. you can check back on this permit and see if anything has changed, for example in the Process Status, which you can find under the Record Info drop down arrow. Feel free to reach out if you need help.

My best to you both,
Laurie

Laurie McWhorter
Legislative Aide
Office of Councilmember Susan Wengraf
(510) 981-7160
Get Ready For Wildfire

From: Schmidt, Laura <Laura.Schmidt@ucsf.edu>
Sent: Friday, December 02, 2022 9:57 AM
To: Rena Rickles <rena@rickleslaw.com>; McWhorter, Laurie <LMcWhorter@cityofberkeley.info>
Cc: Wengraf, Susan <SWengraf@cityofberkeley.info>
Subject: Re: 3750 Cedar

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

One small correction: The address is 2750 Cedar. This is the irregularly shaped property without road access that has raised concerns about fire risk.

From: Rena Rickles <rena@rickleslaw.com>
Date: Friday, December 2, 2022 at 1:27 AM
To: "LMcWhorter@cityofberkeley.info" <LMcWhorter@cityofberkeley.info>
Cc: Susan Wengraf <SWengraf@cityofberkeley.info>, Laura Schmidt <Laura.Schmidt@ucsf.edu>
Subject: 2750 Cedar

This Message Is From an External Sender
This message came from outside your organization.

Hi Laurie,

I am representing Laura Schmidt at 1601 La Verada who has been in discussions with the new property owner of 2750 Cedar. Can you help me find out if there have been any applications for Building Permits on the Cedar property. I have tried to find a way to do that online, but there doesn't seem to be a way to do that on the Building Department's website.

Thank you for your help. If you questions, please call me on my mobile number, listed below.
Best,

Rena

RENA RICKLES
Law offices of Rena Rickles
1970 Broadway, Suite 1200
Oakland, CA 94612
Phone: (510) 452-1600
Mobile: (510) 326-4899
Fax: (510) 451-4115
Rena@RicklesLaw.com

STATEMENT OF CONFIDENTIALITY:
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For Property Located At :
2750 CEDAR ST, BERKELEY, CA 94708

CoreLogic RealQuest

Owner Information

Owner Name:	MAK PAUL T/MAK PING H
Mailing Address:	3819 BLUFF ST, TORRANCE CA 90505-6359 C009
Vesting Codes:	/ /

Location Information

Legal Description:			
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Census Tract / Block:	4225.00 / 2	Alternate APN:	058221102001
Township-Range-Sect:		Subdivision:	DALEYS SCENIC PARK
Legal Book/Page:		Map Reference:	/
Legal Lot:	34	Tract #:	
Legal Block:	25	School District:	BERKELEY
Market Area:		School District Name:	BERKELEY
Neighbor Code:		Munic/Township:	BERKELEY INCORP

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	10/20/2022 / 10/18/2022	1st Mtg Amount/Type:	/
Sale Price:	$289,000	1st Mtg Int. Rate/Type:	/
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Document #:	174445	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	
Title Company:	25343		
Lender:			
Seller Name:	LIN LOUIS B		

Prior Sale Information

Prior Rec/Sale Date:	10/08/2013 / 09/27/2013	Prior Lender:	
Prior Sale Price:	$195,000	Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	326424	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:		Acres:	0.16	County Use:	VACANT RESIDENTIAL LAND, ZONED (1000)
Lot Area:	7,132	Lot Width/Depth:	x	State Use:	
Land Use:	RESIDENTIAL LOT	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

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Land Value:	$288,800	Improved %:		Tax Area:	13000
Improvement Value:		Tax Year:	2023	Tax Exemption:	
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Form #116

REQUEST FOR SERVICE

Inspection for Illegal Construction

Building and Safety
Permit Service Center

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Planning and Development Department
BUILDING & SAFETY DIVISION
APR 05 2024
RECEIVED
BY:

Request Details

Address:	2750 Cedar Street, Berkeley CA 94709
Concern:	The property in question, 2750 Cedar St, is an irregular "L-shaped" empty lot with no direct street access, on a steep grade in a fire/earthquake/slide zone in the Berkeley Hills. A developer purchased the property in October 2023 and in November, the project architect showed several neighbors plans to build a single

Owner Information

Name:	Owner	Phone:	Unknown
Address:	2750 Cedar Street	City/ST/Zip:	Berkeley CA 94709
Email:	Unknown		

Complainant Information

Name:	Laura Schmidt	Phone:	510-918-5225
Address:	1601 La Vereda Road	City/ST/Zip:	Berkeley
Email:	laura.schmidt@ucsf.edu		

Relationship to the Address of Concern: ☑ Neighbor ☐ Tenant ☐ Owner

☐ Fire Department ☐ Health Department ☐ Other:

Laura Schmidt	Digitally signed by Laura Schmidt Date: 2024.04.05 10:51:43 -07'00'	5 April 2024
Complainant Signature		Date

Office Use Only

Inspector: Priority: Due:

Action: ☐ Posted NOV ☐ Posted 2nd NOV ☐ NFA ☐ Other:

Notes:

Building Inspector Signature	Date
Supervising Building Inspector Signature	Date

Building and Safety
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7440 TTY 6903
buildingandsafety@berkeleyca.gov

Franco, Christina

From: Schmidt, Laura <laura.schmidt@ucsf.edu>
Sent: Friday, April 5, 2024 11:25 AM
To: Building and Safety
Subject: Filing request for inspection of illegal construction: 2750 Cedar St
Attachments: 116 Request for Service--2750 Cedar St.pdf; Before excavation- 2750 Cedar.pdf; After excavation-2750 Cedar.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Joel Hernandez

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Dear Building and Safety Center,

Attached is a request for inspection of an excavation project begun two weeks ago on the property, 2750 Cedar Street.

I am a Berkeley resident and neighbor to 2750 Cedar Street. This property is an irregular "L-shaped" empty lot with very limited street access, on a steep grade in a fire/earthquake/slide zone in the Berkeley Hills. A developer purchased the property in October 2023 and in November, the project architect showed several neighbors plans to build a single-family house and ADU. Two weeks ago, work began on this development project even though there appear to be no active permits listed in Permits Online.

Two weeks ago, on 3/21/2024, a work crew with power tools excavated a majority of the 10-ft wide strip that serves as the only street access to the property, along La Vereda Rd. The work crew removed a substantial amount of earth, to create an 8x8ft flat area that is ~3 feet below the natural grade on the eastern (hill) side. A neighbor was told by the project manager that the excavation was to create a pad for storing heavy machinery and a port-a-potty for crews working on the development project, which he said will begin soon. There are no active building or demolition permits listed for this property in Permits Online, and we believe that there is a moratorium on grading during the rainy season (between October 15 and April 15), suggesting that this excavation project could be illegal.

In addition to my signed request for service, I have attached "before" and "after" photos of the excavation project.

Thank you and don't hesitate to reach out with questions,

Dr. Laura Schmidt

1601 La Vereda Rd.
510-918-5225

Planning and Development Department
BUILDING & SAFETY DIVISION

APR 05 202

RECEIVED

BY:

La Vereda Rd

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING CERTIFICATE APPLICATION – BUILDING PERMIT

planning@berkeleyca.gov • Phone (510) 981-7410, TDD (510) 981-7450

RECEIVED
PERMIT SERVICE CENTER
Apr 29, 2024
By A. Mattox

Planning and Development
1947 Center St, 2nd Floor
Berkeley, CA 94704

GENERAL INFORMATION

This supplemental application must be submitted with any building permit application that is subject to review for zoning, design review, or landmarks. This typically includes, but is not limited to:

- In-kind repair and replacements
- Conversion of basements, cellars, attics, garages or accessory structures into habitable floor area
- Interior or exterior work on commercial and nonresidential buildings
- New buildings or enclosed accessory structures
- Additions to an existing structure
- Demolition
- All exterior or facade changes
- Addition, expansion, and replacement of decks
- Remodeling of an existing building
- Addition or removal of a dwelling unit, Accessory Dwelling Unit (ADU) or Junior ADU, bedrooms, tenant spaces, residential kitchens, and/or parking
- Construction related to an approved land use entitlement

Additional information

Look up your zoning and parcel information

Title 23 of the Berkeley Municipal Code for zoning requirements and development standards

How to apply for a building permit

ZONING CERTIFICATE APPLICATION – BUILDING PERMIT

ZCBP#:

BP#: B2024-02077

This application must accompany any building permit application subject to zoning, design review, or landmark review. Please complete and submit with your building permit application.

PROJECT INFORMATION

Project Address: 2750 Cedar St

Unit(s)/Suite(s) #:

Assessor Parcel Number(s): 58-2211-20-1

Project Description:

REHABILITATION OF (E) 728 SF SFR PER CRC AJ201 DEFINITIONS FOR REPAIR, ALTERATION, & RENOVATION.

APPLICANT'S NAME: Michael Tolleson, Architect

Mailing Address: 555 Pierce St, #1626, Albany, CA 94706

Phone Number: 510 332 9520

Email: michael@michaeltolleson.com

Zoning and Overlay District (s)? (check designation on **this map**) R-1H

Is the site a designated landmark, structure of merit, or located in a historic district? (check designation on **this map**)

☐ **YES** ☑ **NO**

USE OF BUILDING/PROPERTY?

EXISTING SFR (Dwelling)

PROPOSED SFR (Dwelling)

RELATED LAND USE OR ZONING PERMITS (CHECK ALL THAT APPLY)

☐ **Administrative Use Permit** (Conditions of Approval must be printed on sheet 2 of plan set)
Permit Number ZP20

☐ **Use Permit / Variance** (Conditions of Approval must be printed on sheet 2 of plan set)
Permit Number ZP20

☐ **Design Review Permit Number** DR20

☐ **Landmark Structural Alteration Permit (SAP):**
Permit Number LMSAP20

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING CERTIFICATE APPLICATION – BUILDING PERMIT

PROJECT DETAILS (CHECK ALL THAT APPLY)

- ☑ **In-kind repair/replacement** (includes windows, decks, siding, etc.)
- ☐ **Conversion of garage, basement, or attic to habitable space** (gross floor area: _____ square feet)
- ☐ **Interior or exterior work** on a commercial or nonresidential building
- ☐ **New building or enclosed structure** (gross floor area: _____ square feet)
- ☐ **Addition to existing building or enclosed structure** (gross floor area: _____ square feet)
- ☐ **Demolition** (includes removal/replacement of exterior wall or roof framing) ____ percent walls; ____ percent roof)
- ☐ **Removal or pruning of coast live oak tree** – indicate circumference at 4 feet above ground: _____ inches.

EXTERIOR CHANGES (CHECK ALL THAT APPLY)

- ☑ **Windows, doors, and openings** (new/enlarged)
- ☐ **Decks** (expanded or new)
- ☐ **Water heater/HVAC**
- ☐ **Other:** _____

ADDITION OR REMOVAL OF: (CHECK ALL THAT APPLY)

- ☐ **Dwelling unit**
- ☐ **Accessory Dwelling Unit (ADU)/ Junior Accessory Dwelling Unit (JADU)**
- ☐ **Bedrooms**[1]
- ☐ **Interior walls separating commercial spaces**
- ☐ **Parking spaces**
- ☐ **Residential kitchens**

[1]**Bedroom.** *Any habitable space in a dwelling unit or habitable accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of applying this requirement. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. (BMC 23.502.020(B))*

SUPPLEMENTAL INFORMATION REQUIRED FOR SOME PROJECTS

If the following items are required for your project and are not provided with the building permit application submittal and plans, you will receive corrections from the zoning reviewer requesting these items.

Affordable or Inclusionary Housing (BMC 23.328) provisions apply to the project? (check one)

- ☐ **YES** (for projects vested on/after April 2, 2023, submit an **Affordable Housing Compliance Plan** form with building permit application and include applicable information in plan set)
- ☑ **NO**

Bird Safe Building Requirements apply to project? (check one)

- ☐ **YES** (submit **Bird Safe Building Requirements Attestation** with building permit application, and include product/material compliance and building elevations in plan set)
- ☑ **NO**

Impervious Surfaces (check one) Does the project create or replace 2,500 square feet or more of impervious surface area?

- ☐ **YES** : _____ square feet (submit required **stormwater checklist** with building permit application)
- ☑ **NO**

I hereby certify that the above information is true and complete to the best of my knowledge.

APPLICANT'S SIGNATURE:

Michael Tolleson

Printed Name: Michael Tolleson, Architect

Date: 4-23-24

(If this ZCBP is not associated with a building permit application, owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required.)

OWNER'S SIGNATURE:

Printed Name:

Date:

Internal

Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 May 22, 2024

Project Address: 2750 Cedar St.

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a written response letter, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. Incomplete or unclear responses to corrections may result in delays.

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding a 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

May 21, 2024

Building and Safety — Prepared by: Elysia Miller

Application #: B2024-02077 — 2750 Cedar St — emiller@berkeleyca.gov

Administrative

1. Construction documents produced by licensed architects are required to be stamped with a wet or digital signature. Prior to permit approval for this project, the applicant responsible for the project shall submit a complete set of final construction documents with all sheets stamped and signed by the licensed individuals in responsible charge of their preparation. [CBPC 5536.1]
2. The valuation of $50,000 as provided by the applicant is substantially understated. Please provide an updated valuation that includes all work as required per CBC Section 109.3: "*Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.*" The updated valuation will be considered by the building official; if the updated valuation is not accepted, a minimum valuation will be provided by the building official as authorized by City of Berkeley Resolution 67,047-N.S.
3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]
2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]
3. Openings in walls facing property lines located within 5 feet are limited to 25% maximum of the wall area. Openings in walls facing property lines located within 3 feet are not allowed. Please revise the drawings to provide a wall area to window opening area analysis demonstrating that the proposed design complies. [CRC R302.1]
4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]
5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

Permit Service Center
Building & Safety Division
Planning and Development Department

May 21, 2024

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

Electrical

1. Indicate on the construction drawings ground-fault circuit-interrupter protection for outlet receptacles installed in residential bathrooms, at all kitchen counter-tops, laundry rooms, outdoors, crawlspaces or unfinished basements, and where the receptacles are installed within 6 feet of the outside edge of the sink. [CEC 210.8(A)]
2. Specify that branch circuits supplying outlets installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, bedrooms, closets, hallways, laundry rooms or similar spaces shall be protected by a listed arc-fault circuit interrupter. [CEC 210.12(A)]
3. Specify that all 125-volt, 15- and 20-ampere receptacles serving dwelling units shall be listed tamper-resistant receptacles. [CEC 406.12(A)]

Mechanical

1. In single-family dwellings each kitchen shall be provided with a vented hood ducted to terminate outside the building, with a minimum air flow of 100 cfm and a maximum sound rating of 3 sones or shall be equipped with a local mechanical exhaust system installed in accordance with ASHRAE 62.2. [CMC 405.4.1 and BMC 19.32.040]

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

PLANNING & DEVELOPMENT

Department of Planning & Development

Plan Check Status

You can use this tool to review the status of your plan check for a building permit application that has been submitted for City review.

You may search for your permit application by Permit Application # (ex: 15-123) or by Street Address (ex: 123 Dwight Way).

Permit Application # or Street Address: 14-236 Search

Search on '14-236' returned 1 match. To see more details, click on App# in the table below.

App #	Address	Owner Name	Date In	Est Compl	Application Status
14-236	2750 CEDAR ST	LIN LOUIS B	6/11/2015	6/26/2015	Approved by all agencies, 7/1/2015. You may call the Permit Service Center at 981-7502 for an appointment to pick up your permit(s). You will need to submit an additional $2,859.50 in building permit fees to complete the application process. Electrical, mechanical and plumbing work requires separate application and fees.

From: **Michael Tolleson, Architect** michael@michaeltolleson.com
Subject: 2750 Cedar St > 14-00236
Date: December 17, 2014 at 12:11 PM
To: Thomas, Jeffrey JThomas@ci.berkeley.ca.us

Jeff,

Terrific.
I will revise the remaining Drawings affected by the Revision and Resubmit shortly.
Thanks, to David, as well.
This saves the Design!

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

On Dec 16, 2014, at 1:34 PM, Thomas, Jeffrey <JThomas@ci.berkeley.ca.us> wrote:

Michael,

I reviewed the proposed **revised** floor plan and detail with Deputy Building Official David Lopez.
We both concur that this new proposal is acceptable.
Feel free to call or write if you have any questions or other concerns.

Best regards,

Jeff Thomas, P.E.
Senior Building Plans Engineer
City of Berkeley
(510)981-7440

From: Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
Sent: Tuesday, December 16, 2014 9:13 AM
To: Thomas, Jeffrey
Subject: Re: 2750 Cedar St > 14-00236

Jeff,

Very much appreciated.

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St

Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<image001.gif>

On Dec 16, 2014, at 8:31 AM, Thomas, Jeffrey <JThomas@ci.berkeley.ca.us> wrote:

Michael,
Hope to have an answer for you today.
-Jeff

From: Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
Sent: Friday, December 12, 2014 9:08 AM
To: Thomas, Jeffrey
Subject: 2750 Cedar St > 14-00236

Jeff,

Attached find the FLOOR & ROOF PLANS (A-PLAN-FLOR-010.pdf) with the affected area highlighted in RED clarified as just the area < 3' from the PL, not elements extending east from it.
Please use this version for your discussions.

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<image001.gif>

M I C H A E L T O L L E S O N , A R C H I T E C T
555 PIERCE ST
#1626
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May 26, 2024

Recipient Eysia Miller
emiller@berkeleyca.gov
Address Building & Safety
Permit Service Center
1947 Center St
3rd Floor
Berkeley, CA 94704-1113
(510) 981-7440

Re Application B-2024-02077
2750 Cedar St

Eysia,

Below please find my responses highlighted in red below to your queries in **black** re the subject Project.

Preface

1 The SFR is an Existing < 50% partially demolished structure subject only to the 2022 California Existing Building Code (CEBC) and BMC Section 23F.04.10 or earlier editions as allowed.
This has been established with Permit Partial Demolition 13-4915 still noted in the B2014-00236 permit in the Permits record, inspected and approved by Berkeley inspector Greg Brovold.
See attached stamped 4-APPROVAL-PARTIAL DEMO-2750 CEDAR.pdf.
The currently submitted entire Project was approved at that time; see attached 3-APPROVAL ORIGINAL-2750 CEDAR.pdf.
The Project is not a "Remove all but one wall…" existing condition.
See also, Sheet A-2.2 Demolition plans, Demo Calcs and Modified Opening Calcs & Key Notes (Architect's approval).

2 Per CEBC *"401.2 Compliance. The work shall not make the building less complying than it was before the repair was undertaken."*
This does not inhibit design that increases the building strength or otherwise complies with current or recent code sections of the CEBC, CRC, CBC

3 The repaired SFR provides a new Automatic Residential Fire Sprinkler system, which is treated as a deferred permit until after Framing.
See Fire Sprinkler Notes, Sheet A-0.1 and Table R302.1(2) Exterior Walls - Dwellings and Accessory Buildings with Automatic Residential Fire Sprinkler Protection.

4 See also CEBC *"405.2.1 Repairs for less than substantial structural damage. Unless otherwise required by this section, for damage less than substantial structural damage, the damaged elements shall be permitted to be restored to their predamage condition."*

5 The CEBC generally allows less restrictive application of codes than the CRC and CBC.
Glazing area, for example, may be greater than 20% of the floor area.

6 If Exterior Perspective, West Front, rendering on Sheet A-0.1 does not immediately display, please zoom in-out until viewed.

Administrative

1. Construction documents produced by licensed architects are required to be stamped with a wet or digital signature. Prior to permit approval for this project, the applicant responsible for the project shall submit a complete set of final construction documents with all sheets stamped and signed by the licensed individuals in responsible charge of their preparation. [CBPC 5536.1]

CBPC 5536.1.a does not specifically require that every sheet of the Construction Documents be stamped & signed prior to permit.
Project Notes, Sheet A-0.1, is stamped & signed as representative for all sheets articulated by the Index of Drawings on the same sheet.

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This is done to protect the copyright and illegal use of the Construction Documents.
Nonetheless, I have stamped & signed each sheet per Berkeley preference.

2. The valuation of $50,000 as provided by the applicant is substantially understated. Please provide an updated valuation that includes all work as required per CBC Section 109.3: "Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems." The updated valuation will be considered by the building official; if the updated valuation is not accepted, a minimum valuation will be provided by the building official as authorized by City of Berkeley Resolution 67,047-N.S.

$50,000 is the same valuation previously approved by Berkeley for B2014-00236, with the same conditions.
The SFR is only 728 sf, so 50,000/728 = $69/sf, a reasonable valuation for Repair.
There are no foundation costs and most lumber is reused.
I have typically built ground-up (new) Owner/Builder projects at $80/sf to $150/sf over the past 10 years.
See just below @ $80/sf with similar construction and finishes:

Granted, very few Architects can build at this rate.
If Berkeley is bound to apply a higher ratio, please include these mitigating factors.

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

2022 CRC R106.1.1 requires that drawings be of "sufficient clarity".
Note that CRC R106.1.1 does not specify 1/8" text, which would only be relevant for printed drawings.

The "scale" (inches:feet) of drawings is not applicable when drawings are digital, as drawings of any scale may be zoomed into or out of for ease of use and readability.
PDF is a vector-based file format, so it does not lose resolution when zoomed.
If you need a hard copy, I can print full-size 24" x 36" sheets, which provide the many scales of the drawings.

Highlighting reflects the most recent version of the Construction Documents.
The highlighted drawings and annotations are used in lieu of revision "clouding", which burdens the drawings with chaotic graphics and poor

5 1 0 3 3 2 9 5 2 0
5 1 0 9 9 0 6 3 3 5
michael@michaeltolleson.com

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readability.
In this Set, I have used black exclusively for the base color for Berkeley and changed the "Revision Color" to **red**.
Creative Architects are always looking for ways to improve drawings for readability and comprehension, including the promotion of digital documentation and its numerous advantages.

Nonstructural
1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

Wall types are AEC standard Line Weight Types and gradation.
Zoom in to see the difference in Line Types.
The Wall Type is communicated by the difference between one drawing and another.

See Wall Types, A-0.1 and A-2.2 Architectural.
Wall / Partition – Existing or Repaired are Heavy (.7 mm) Unfilled.
Wall / Partition - Removed are Light (.3 mm) Dashed.
Wall / Partition - New is Heavy (.7 mm) Filled.
Wall / Window or Slider - New is Medium (.4 mm).
Wall / Window or Slider - Removed is Medium (.4 mm) and Dashed (3 mm).

See Walls, S-3.1 and S-3.2 for Structural.
Wall /Bearing / Shear (SW) - New is Heavy (.7 mm) Unfilled with SW Length where occurs.
Beam is Heavy (.7 mm) Dot/Dash.
Post is Heavy (.7 mm) Filled.
Joist is Medium (.4 mm).
Non-Bearing Walls are not shown on Structural drawings.

Note that Dashed lines may also convey construction above or below.
All other construction is defined by number and leader in the Key Notes on each sheet.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

The repaired SFR will provide a new Automatic Residential Fire Sprinkler system, which is treated as a deferred permit until after Framing.
See Fire Sprinkler Notes A-0.1 and Table R302.1(2) Exterior Walls - Dwellings with Automatic Residential Fire Sprinkler Protection, exposure one side.
5' Separation is not applicable

See also special detail Wall Section 1/A-5.2 and, for orientation, Site Plan A-1.2 and Floor Plan A-2.4.
This assembly provides a clever solution to the fire-rating for walls separation < 3' for the small area at the northwest corner, in which the bottom half of the wall is 1-hour fire-rating and the geometrically skewed top half is not rated (NR).
This detail Partial-Rated Wall has been previously approved by plan checker Jeff Thomas and supervisor David Lopez.
See the attached approval correspondence 5-APPROVAL-PARTIAL RATED WALL-2750 CEDAR.pdf.

3. Openings in walls facing property lines located within 5 feet are limited to 25% maximum of the wall area. Openings in walls facing property lines located within 3 feet are not allowed. Please revise the drawings to provide a wall area to window opening area analysis demonstrating that the proposed design complies. [CRC R302.1]

The repaired SFR provides a new Automatic Residential Fire Sprinkler system, which is treated as a deferred permit until after Framing.
See Fire Sprinkler Notes A-0.1 and Table R302.1(2) Exterior Walls - Dwellings with Automatic Residential Fire Sprinkler Protection, exposure one side.

No Openings occur < 3'.

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Openings are unlimited in area > 3'.

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

See Wall Section A-5.1, Notes 1-3:

"Notes
1 Composition mineral-surface roll & shingle roofing shall be Class A fire, ASTM E108.
2 Fiber cement siding & cladding shall be non-combustible/incombustible, ASTM E 84-99, UBC Class 1, NFPA Class A.
3 Metal venting louvers or perforated metal shall provide continuous 1/4" metal mesh on backside."

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

The repaired SFR is one of several phases of work, including a new ADU.
The Entry Stair is annotated as a "Future (F)" element.
See:

"CRC R106.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted."

The limited (F) Stair drawings are provided to assist contractors in the correct location of temporary staging.
See Abbreviations A-0.1.

Structural
1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

The structural design utilizes the CEBC to strengthen during repair by any number of methods.
Rather than using CRC R602.10 or R602.12, the structure is calculated to comply with the CBC for both vertical and lateral loads at the time of the previous approval B2014-00236.
This greatly increases the structural resistance of all elements using continuous wood structural panel sheathing on all floor, wall and roof framing and calculation of all critical posts, beams and joists.
See attached 6-S-CALC-004-2750 CEDAR.pdf.

In addition, under this section CRC R60210 ,Architect-designed, -stamped and -signed Construction Documents may utilize rational alternative solutions.

Electrical
1. Indicate on the construction drawings ground-fault circuit-interrupter protection for outlet receptacles installed in residential bathrooms, at all kitchen counter-tops, laundry rooms, outdoors, crawlspaces or unfinished basements, and where the receptacles are installed within 6 feet of the outside edge of the sink. [CEC 210.8(A)]

See Electrical Notes and Abbreviations, Sheet E-2.1

2. Specify that branch circuits supplying outlets installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, bedrooms, closets, hallways, laundry rooms or similar spaces shall be protected by a listed arc-fault circuit interrupter. [CEC 210.12(A)]

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See Electrical Notes, Sheet E-2.1

3. Specify that all 125-volt, 15- and 20-ampere receptacles serving dwelling units shall be listed tamper-resistant receptacles. [CEC 406.12(A)]

See Electrical Notes, Sheet E-2.1

Mechanical
1. In single-family dwellings each kitchen shall be provided with a vented hood ducted to terminate outside the building, with a minimum air flow of 100 cfm and a maximum sound rating of 3 sones or shall be equipped with a local mechanical exhaust system installed in accordance with ASHRAE 62.2. [CMC 405.4.1 and BMC 19.32.040]

See Note 3, Sheet M-2.1.pdf.

Plumbing
1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

See California Green Building Code Mandatory Notes, Residential Appendix, Note 04 “THE PLUMBING FIXTURES AND PLUMBING FITTINGS SHALL MEET THE STANDARDS BELOW (CPC 403.2) (CGBC (4.303.1), Sheet A-01.”
Plumbing fixture use standards need not include specific fixtures per CPC 104.3.1.
Specific fixtures may vary contingent upon availability and the introduction of superior products over the forthcoming year.

Energy
1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

See Sheet ENERGY NOTES, Sheet A-0.2, & PRESECRIPTIVE CERTIFICATE OF COMPLIANCE: RESIDENTIAL.

Sincerely,

Michael Tolleson, Architect, C-22075

Attachments

1-SET-2750-CEDAR-002.pdf
2-2750-CEDAR-RESPONSE.pdf (This Document)
3-APPROVAL ORIGINAL-2750 CEDAR.pdf
4-APPROVAL-PARTIAL DEMO-2750 CEDAR.pdf
5-APPROVAL-PARTIAL RATED WALL-2750 CEDAR.pdf
6-APPROVAL-S-CALC-004-2750 CEDAR.pdf

Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 June 27, 2024
Project Address: 2750 Cedar St.

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a written response letter, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. A full plan set of ALL construction drawings is required when responding to corrections. Incomplete or unclear responses to corrections may result in delays.

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:**
   a. ***Response to plan check comments:*** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
   b. ***New/separate permit:*** Generate new request from a registered ACA account at the Permits Online Portal www.permits.cityofberkeley.info. Submit request under 'Building Permits' for work on private property, or 'Public Works' for work in the public right of way.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

Permit Service Center
Building & Safety Division
Planning and Development Department

June 13, 2024

Building and Safety — Prepared by: Jesse Bright, P.E.

Application #: B2024-02077 — 2750 Cedar St — jbright@cityofberkeley.info

Administrative

2. The valuation of $50,000 as provided by the applicant is substantially understated. Please provide an updated valuation that includes all work as required per CBC Section 109.3: “Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.” The updated valuation will be considered by the building official; if the updated valuation is not accepted, a minimum valuation will be provided by the building official as authorized by City of Berkeley Resolution 67,047-N.S.

   PC2: This comment was not addressed. Please provide a permit valuation for the total value of work, including materials and labor, for which the permit is being issued.

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

   PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

4. ***PC2:*** Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

5. ***PC2:*** The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]

   Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that “...the new structure is located in accordance with the approved plans.”

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

Permit Service Center
Building & Safety Division
Planning and Development Department

PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

   PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations. Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]

   a. ***Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]***

   b. ***The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]***

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

   PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

Permit Service Center
Building & Safety Division
Planning and Development Department

PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

6. ***PC2:*** The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]
7. ***PC2:*** The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]
8. ***PC2:*** In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]
9. ***PC2:*** Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]
10. ***PC2:*** Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

   PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and provide a complete load path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

2. ***PC2:*** Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that

all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

3. ***PC2:*** The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]
4. ***PC2:*** The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]
5. ***PC2:*** Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]
6. ***PC2:*** Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω_0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]
7. ***PC2:*** For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]
8. ***PC2:*** Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, If applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

Electrical

4. ***PC2:*** The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]
5. ***PC2:*** The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

Permit Service Center
Building & Safety Division
Planning and Development Department

6. ***PC2:*** Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

Mechanical

2. ***PC2:*** Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

   PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

2. ***PC2:*** The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

3. ***PC2:*** For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

   PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

2. ***PC2:*** The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

Permit Service Center
Building & Safety Division
Planning and Development Department

June 26, 2024

Land Use Planning

Prepared by: Waqar Shah

Application #: B2024-02077 2750 Cedar Street WSHAH@cityofberkeley.info

Land Use Planning Requirements

1. After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved structure.
    a. If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under “Apply For A Use Permit”
    b. Please also note that through the setback determination as shown on page 5 of the Zoning Determination, the setbacks are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).
    c. The plan submissions for the Use Permit Entitlement Application will need to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.
    d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit.
2. Please note that additional information may be requested upon review of resubmitted items.

Report Summary

2750 CEDAR St, Berkeley, CA 94709 APN: 58-2211-20-1

Last Evaluation July 1, 2024 10:26 AM

Street Only:

Inspectors were **not able to evaluate the entire property**. *Observations included in this report were made from public spaces.*

Summary Stats

0 Defensible Space Violations were observed

Violations must be corrected within 60 days. A reinspection will occur 60 days after the initial evaluation. If violations have not been corrected at the reinspection, a second notice will be issued. **No reinspection fee will be assessed when violations are found to be corrected. A fee of $98 per 15 minutes of reinspection time will be assessed where violation(s) have not been corrected.** A second reinspection will occur after an additional 14 days. If violations are still present, a citation will be issued. **Please click on the Defensible Space Tab to the left on a computer or upper right on a mobile device to access photos and actions required to correct violations.**

5 Home Hardening Details were observed

These are recommendations only and should be prioritized based on budget after defensible space issues are corrected. Evaluators have assessed your home to help you understand its vulnerability to wildfire and embers. Modifying your home using fire and ember resistant construction materials and features is often the most important factor in determining whether a structure will survive a wildfire. **Please click on the Home Hardening Tab to the left on a computer or upper right on a mobile device to access the Home Hardening Details.**

Property Owner Responsibility

Property owners are responsible for addressing all violations on their property. **However, fire does not stop at property lines. It is essential that neighbors cooperate with one another to reduce hazards throughout the neighborhood.**

Defensible Space Violations

2750 CEDAR St, Berkeley, CA 94709 APN: 58-2211-20-1

Violations must be corrected within 60 days. A reinspection will occur 60 days after the initial evaluation. If violations have not been corrected at the reinspection, a second notice will be issued. No reinspection fee will be assessed when violations are found to be corrected. A fee of $98 per 15 minutes of reinspection time will be assessed where violation(s) have not been corrected. A second reinspection will occur after an additional 14 days. If violations are still present a citation will be issued.

Home Hardening Details (5)

2750 CEDAR St, Berkeley, CA 94709 APN: 58-2211-20-1

These issues are not required and should be prioritized based on budget after any identified defensible space violations are corrected. The following recommendations are based on actual observations at your property. They will help you prioritize upgrades and retrofits using ember and ignition resistant construction materials and design practices that will improve a structure's likelihood of surviving wildfire.

1. Unidentified Roofing Material

All roofs require regular cleaning and routine maintenance to maintain ignition resistance. Learn more about roofing and how to protect different types of roofs from wildfires, then take appropriate steps to protect the roof.

No roof

2. Any opening in siding where embers could enter

Openings in siding are similar to vents in that it can enable embers to enter the structure and ignite insulation or other material inside the walls.

Use caulk, fine metal mesh or similar non-combustible materals to prevent ember entry

3. Wood Plank Siding

Wood plank siding can be relatively resistant to ignition if well maintained. Pay attention to area where the siding meets the ground - the lowest 12" of siding are most vulnerable.

4. Vent screens are not ember resistant

Replace or retrofit with flame and ember resistant vent screens approved and listed by the California State Fire Marshal or WUI vents tested to ASTM E2886 and meeting acceptance criteria provided in Chapter 7A of the California Building Code.

Upgrade is recommended for existing structures.

5. Protect wood doors from embers

Wood doors have been shown to ignite when subject to an ember storm and heat of wildfire. Using a metal screen is a great mitigation approach

Install metal screen or consider replacing the door with metal when possible

Access your report online

https://www.defensiblespacereport.org/berkeley/reportlink/a6cd08a8-df75-46dc-ac7e-986d8184814c

M I C H A E L T O L L E S O N , A R C H I T E C T
555 PIERCE ST
#1626
ALBANY, CA 94706

July 10, 2024

Recipient	David Lopez dlopez@CityofBerkeley.info Jessie Bright jbright@cityofberkeley.info Waqar Shah WSHAH@cityofberkeley.info
Address	Building & Safety Permit Service Center 1947 Center St, 3rd Floor Berkeley, CA 94704-1113 (510) 981-7440
Re	Application B-2024-02077 2750 Cedar St

Introduction

The basis of Code application for 2750 Cedar uses the California Existing Building Code (CEBC).
My business partner, a structural engineer, and I purchased the property from my former client in late 2022.
The property was purchased specifically because it contained an Existing SFR that could utilize the CEBC.
CEBC allows "401.2 Compliance. The work shall not make the building less complying than it was **before the repair was undertaken**."
CEBC allows "405.2.1 Repairs for less than substantial structural damage. Unless otherwise required by this section, for damage less than substantial structural damage, the damaged elements shall be permitted to be restored to their **predamage condition**."

To this basis the design utilizes Code enhancements, providing greater quality than the CEBC actually requires.
The California Building Code (CBC), the California Residential Building Code (CRC) and Berkeley Municipal Code (BMC) are all utilized where their application produces the most aesthetically and functionally favorable Code Path.
The CEBC should be assumed in all cases of Code application unless otherwise specified.

As a second basis the design also utilizes the California Green Building Code (CGBC).
CGBC allows "5.401.1 Scope. The provisions of this chapter shall outline means of achieving **material conservation** and **resource efficiency** through protection of buildings from exterior moisture, construction waste diversion, employment of

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techniques to reduce pollution through **recycling of materials**, and building commissioning or testing and adjusting."
This Code section allows and promotes the reuse and incorporation of existing construction into the completed structure

The SFR is an Existing **"lawful nonconforming"** < 50% partially demolished structure as allowed by BMC Section 23F.04.10, which allowed the use of Permits 13-4915 Partial Demolition of Damaged Construction and 14-0236 Repair, Renovation & Alteration of (E) SFR.
Permits were obtained and inspection was completed by Berkeley inspector Greg Brovold to bring the structure to its current state.
These are now **lawful entitlements by right** that cannot be separated from the property.
Documentation of these approvals and inspections has been omitted, lost or deleted by Berkeley in its review, so they are provided again directly below.

As well, we find that BMC 23F.04.10 has been supplanted by BMC 23.324.050 Conforming and Nonconforming Structures and Buildings, which states:

"A. Maintenance and Repair. A lawful nonconforming structure or building may be **maintained and repaired**, as long as such maintenance or repair does not result in a change to the use of the structure or building.
B. Replacement. Replacing portions of a nonconforming structure or building is allowed if the removed portions were lawfully constructed and are replaced to the same size, height, extent, and **configuration as previously existed."**
and:
"F. Damage and Reconstruction.
2. Damage Less than 50 Percent. If 50 percent or less of its appraised value of a lawful nonconforming structure or building is damaged or destroyed for any reason, the replacement of the damaged portions of the structure or building is allowed **by right** if the replaced portions are the same size, extent, and configuration as previously existed."

CRC Definitions also define "REPAIR. The reconstruction, replacement or renewal of any part of an existing building for the purpose of its maintenance or **to correct damage**."

MICHAEL TOLLESON , ARCHITECT
555 PIERCE ST
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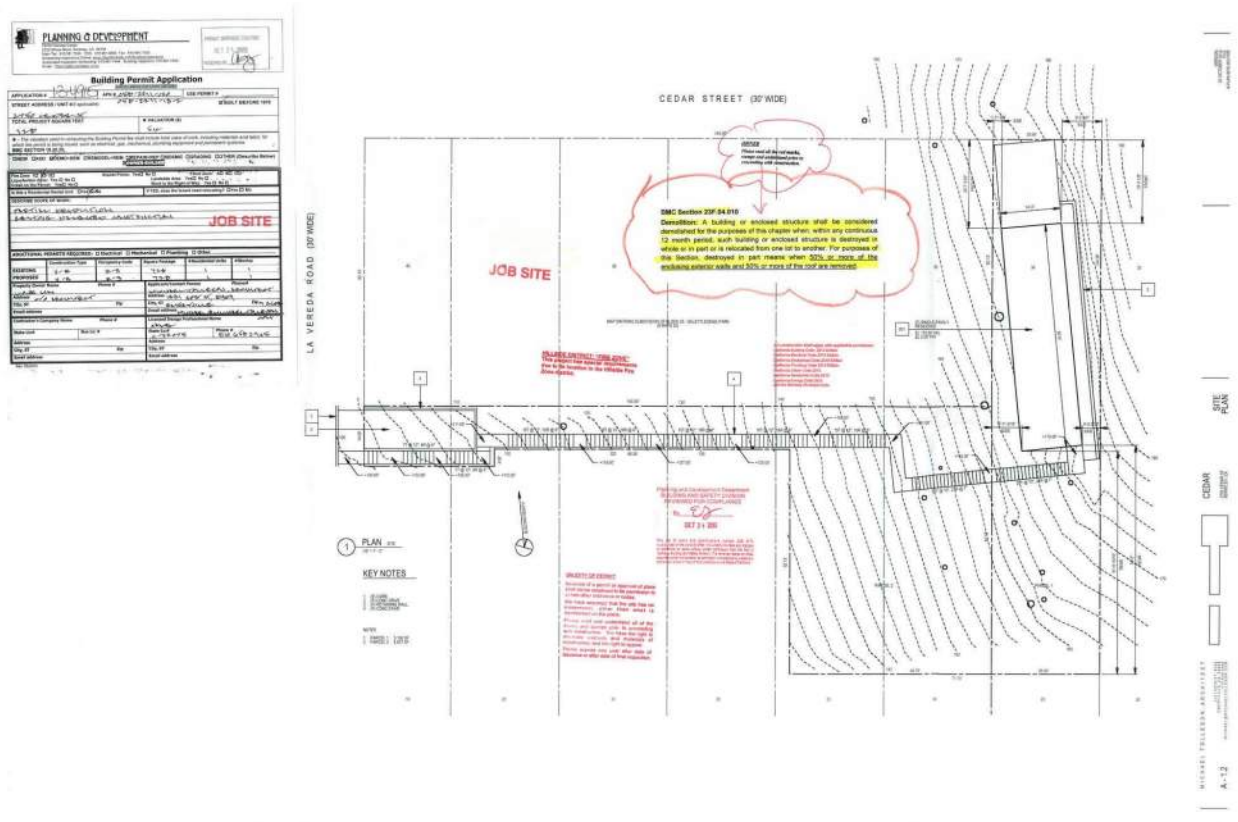
ALBANY, CA 94706



Site Plan, Partial Demolition, Permit 13-4915, A-1.2

The currently submitted entire project, which has not changed, was also approved at that time; see attached Project Permit Approval, Original, directly below.

510 332 9520
510 990 6335
michael@michaeltolleson.com

MICHAEL TOLLESON , ARCHITECT
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ALBANY, CA 94706

PLANNING & DEVELOPMENT

Department of Planning & Development

Plan Check Status

You can use this tool to review the status of your plan check for a building permit application that has been submitted for City review.

You may search for your permit application by Permit Application # (ex: 15-123) or by Street Address (ex: 123 Dwight Way).

Permit Application # or Street Address: 14-236 Search

Search on '14-236' returned 1 match. To see more details, click on App# in the table below.

App #	Address	Owner Name	Date In	Est Compl	Application Status
14-236	2750 CEDAR ST	LIN LOUIS B	6/11/2015	6/26/2015	Approved by all agencies, 7/1/2015. You may call the Permit Service Center at 981-7502 for an appointment to pick up your permit(s). You will need to submit an additional $2,859.50 in building permit fees to complete the application process. Electrical, mechanical and plumbing work requires separate application and fees.

Home | Web Policy | Text-Only Site Map | Contact Us
Department of Planning & Development, 2120 Milvia St., Berkeley, CA 94704
Questions or comments? Email: planning@cityofberkeley.info Phone: (510) 981-7400
(510) 981-CITY/2489 or 311 from any landline in Berkeley
TTY: (510) 981-6903

Project Permit Approval, 14-236, Original

The current calculation for the use of BMC 23.324.050 F. Damage and Reconstruction is provided directly below.

Alameda County Assessor shows the appraised value of 2750 Cedar St as $1.5 million, the average of $972,000 and $1,920,000.
50% would be $1,236,000.
The estimated cost for Repair provided on page 8 below is the Preliminary Estimate of Construction Costs, SFR $94,497 or 7 %: not even close to 50 %.

The supporting Alameda County Assessor Property Report Map is provided directly below.
The full report is available upon request.

MICHAEL TOLLESON , ARCHITECT
555 PIERCE ST
#1626
ALBANY, CA 94706

2750 Cedar St
Berkeley CA 94708 (Alameda County)

Estimated Value
$976K - $1.92M

Residential

Satellite View & Map

Alameda County Assessor Property Report Map

Review

At present, we find that the plan review process has been corrupted and misinformation generated by the intrusion of Councilperson Susan Wengraf and immediate neighbor Laura Schmidt on multiple occasions.
We find that the City Council and adjacent homeowners have neither the authority nor the qualifications to interject themselves into established procedures that are highly technical and in-process on private property.

Note that we have made every effort to find a common and constructive relationship with Ms. Schmidt, but she still exhibits nonsensical behavior, such as recently demanding Berkeley inspectors when we were trying to clear the property for Wildfire/Urban Interface as required by Berkeley Fire.
See inspector David Torres.

Our request of supervisor David Lopez, in three separate correspondences, to meet with the Council to explain the property history and Code Path have gone unanswered.
We had to de-encrypt internal correspondence from supervisor Lopez to learn of the involvement of the Council and City Attorney.

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555 PIERCE ST
#1626
ALBANY, CA 94706

Conclusion

Given the Code Path above, we will first begin construction atop the existing foundation, using CRC "105.2 Work Exempt from Permit" which allows:

Decks < / = 200 square feet
One-story accessory structures < / = 140 square feet

Berkeley Zoning allows Roof Repair without permit, so the roof will be reframed throughout.

These will then be incorporated into the forthcoming framing, which will include CGBC material conservation reuse of existing framing, to be inspected continuously by the Architect, as approved by then Zoning supervisor Eric Angstadt.
Note that Architects are licensed to practice engineering through Exemption 6737 in the Engineers Practice Act.

Framing at this phase of completion will utilize R106.3.3 "Phased approval. " …Permit for the construction of…any other part of a building… provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code"

At this phase of completion, the permit should be limited to a Zoning Certificate and does not require an AUP or UP.
Initially only the exterior envelope will be framed, fumigated and weatherproofed before the fall rain.
We will continue with the interior once that is done.

We will request inspections of each phase, as we normally would, or provide detailed reports from special inspectors for the record.
We would accept the original unpaid fees of $2,859.50 as shown above for Permit 14-236 as the cost of the permit, but the Assessor's Report says these have been paid in full.

As established in the Construction Documents, the design of the new SFR is nearly identical to the original home of Eleanor Westphal, a draftsperson remembered fondly by the entire hillside community, who remarkably climbed the 75' vertical rise of the stairs on a regular basis.

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Review Responses

This Response Letter (240710-Corrections Second-Response.pdf) addresses Comments by Jessie Bright and Waqar Shah dated June 27, 2024.
Note that we do not use the term “Corrections”, which we consider to be terminology for contractors, not for discussions between licensed professionals.
We generally use the terms “Queries” or “Comments” for those originating from the governing body.

The Architect’s Responses are in **red**.
Berkeley Comments are in *black italic.*

Administrative

2. The valuation of $50,000 as provided by the applicant is substantially understated. Please provide an updated valuation that includes all work as required per CBC Section 109.3: “Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.” The updated valuation will be considered by the building official; if the updated valuation is not accepted, a minimum valuation will be provided by the building official as authorized by City of Berkeley Resolution 67,047-N.S.
PC2: This comment was not addressed. Please provide a permit valuation for the total value of work, including materials and labor, for which the permit is being issued.

It is false that this issue was not addressed in the original Response (240522-Corrections First-Response.pdf) dated May 22, 2024, in quotes just below.

“$50,000 is the same valuation previously approved by Berkeley for B2014-00236, with the same conditions.
The SFR is only 728 sf, so 50,000/728 = $69/sf, a reasonable valuation for Repair.
There are no foundation costs and most lumber is reused.
I have typically built ground-up (new) Owner/Builder projects at $80/sf to $150/sf over the past 10 years.
See 3-story SFR just below @ $80/sf with similar construction and finishes:

Hannah, Oakland (2004)

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Granted, very few Architects can build at this rate.
If Berkeley is bound to apply a higher ratio, please include these mitigating factors."

The original valuation estimate was based only upon the Repair of the SFR.
The total estimate of Repair and New work, excluding Site work, a forthcoming phase, is shown directly below.
CBC 109.3, Permit valuations states, "Final building permit valuation shall be set by the building official."
We await your proposed valuation in cost per square foot. See Preliminary Estimate directly below.

Preliminary Estimate of Construction Costs
Cedar
Residence (SFR) & Accessory Unit (ADU)
2750 Cedar St
Berkeley, CA 94708

Task	Area/Qty	Duration	Cost Materials	Labor	Unit T/sf; Labor/day T/lf; T/ea	Notes
SFR	728 sf					
Staging				2,000		
Framing (Repair)	2,644	10	7,500	12,800	7.6/sf; 1,280/day	Inc Sheathing, Connectors
Framing (New)	432	2	500	2,560	5.9/sf; 1,280/day	Inc Sheathing, Connectors
Roofing	728	1	728	1,456	3/sf; 1,456/day	Inc Gutters, Downspouts
Exterior Finish	1,322	3	1,322	3,966	4/sf; 1,322/day	Inc Trim, Sealant
Insulation	2,050	2	500	2,560	1.5/sf; 1,280/day	
Doors	6 pcs	1	1,500	1,280	463ea; 1,280/day	Inc Hardware
Shower Doors	2 pcs	1	1,000	1,000	500ea; 1,000/day	
Windows	15 pcs	3	5,000	3,840	Vary; 1,280/day	
Mechanical	2 pcs	3	3,000	2,250	Vary; 750/day	Inc HVAC, Water Heating
Electrical	50	3	1,500	3,750	75/ea; 1,250/day	Inc Lighting
Plumbing	7 pcs	3	2,000	5,000	Vary; 1,666/day	Inc Fixtures
Drywall	2,914	4	910	4,335	1.8/sf; 1,320/day	Inc Ceiling
Paint	2,914	3	500	3,840	1.5/sf; 1,280/day	
Flooring	728	2	3,640	2,560	8.5/sf; 1,280/day	Inc Base
Cabinets	24 lf	2	3,600	2,560	150/lf; 1,280/day	
Appliances	4 pcs	1	2,500	1,280	Vary; 1,280/day	
Countertops	24 lf	1	480	1,280	20/lf; 1,280/day	
			36,180	58,317		T Mat, T Labor
					94,497	ST $
					45	T Duration

Preliminary Estimate of Construction Costs, SFR

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]
PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

As stated in the original Response (240522-Corrections First-Response.pdf) dated May 22, 2024, in quotes just below, full-size hard copies of the Construction Documents are available upon request.

"2
2022 CRC R106.1.1 requires that drawings be of "sufficient clarity".
Note that CRC R106.1.1 does not specify 1/8" text, which would only be relevant for printed drawings.

The "scale" (fractional inches per foot) of drawings is not applicable when drawings are digital, as drawings of any scale may be zoomed into or out of for ease of use and readability.
PDF is a vector-based file format, so it does not lose resolution when zoomed.
If [Berkeley] needs a hard copies, we can print full-size 24" x 36" sheets, which comprise the many scales of the drawings.

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Highlighting reflects the most recent version of the Construction Documents.
The highlighted drawings and annotations are used in lieu of revision “clouding”, which burdens the drawings with chaotic graphics.”

We always have full-size sets onsite for inspectors who should know that only dimensioned drawings are to be used and “scaling” off drawings is a violation of their use.

The Construction Documents are available in both reduced (11 x 17) and full-size (24 x 36) sets.
11 x 17 sets, the maximum size for Microsoft Word sheets, provide the multi-sheet digital Construction Documents sets required by Berkeley.
If Berkeley wants individual PDF 24 x 36 sheets, those can also be provided.

4. PC2: Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

The Index of Drawings is correct and provides Sheet Numbers, Descriptions, (Titles) and Digital (File) Names.
The sheet numbers are provided in the lower right corner of the sheet.

5. PC2: The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]
Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that “...the new structure is located in accordance with the approved plans.”

The Moran Engineering Survey is shown directly below, but is not part of the Construction Document set.
It is standard and most efficient practice to provide the contractor with only the documents he requires for the work.
Nothing has physically changed at the site and the Repair does not increase square footage or footprint, so the cost of an updated Survey is not necessary.
The Repair includes no new foundations.

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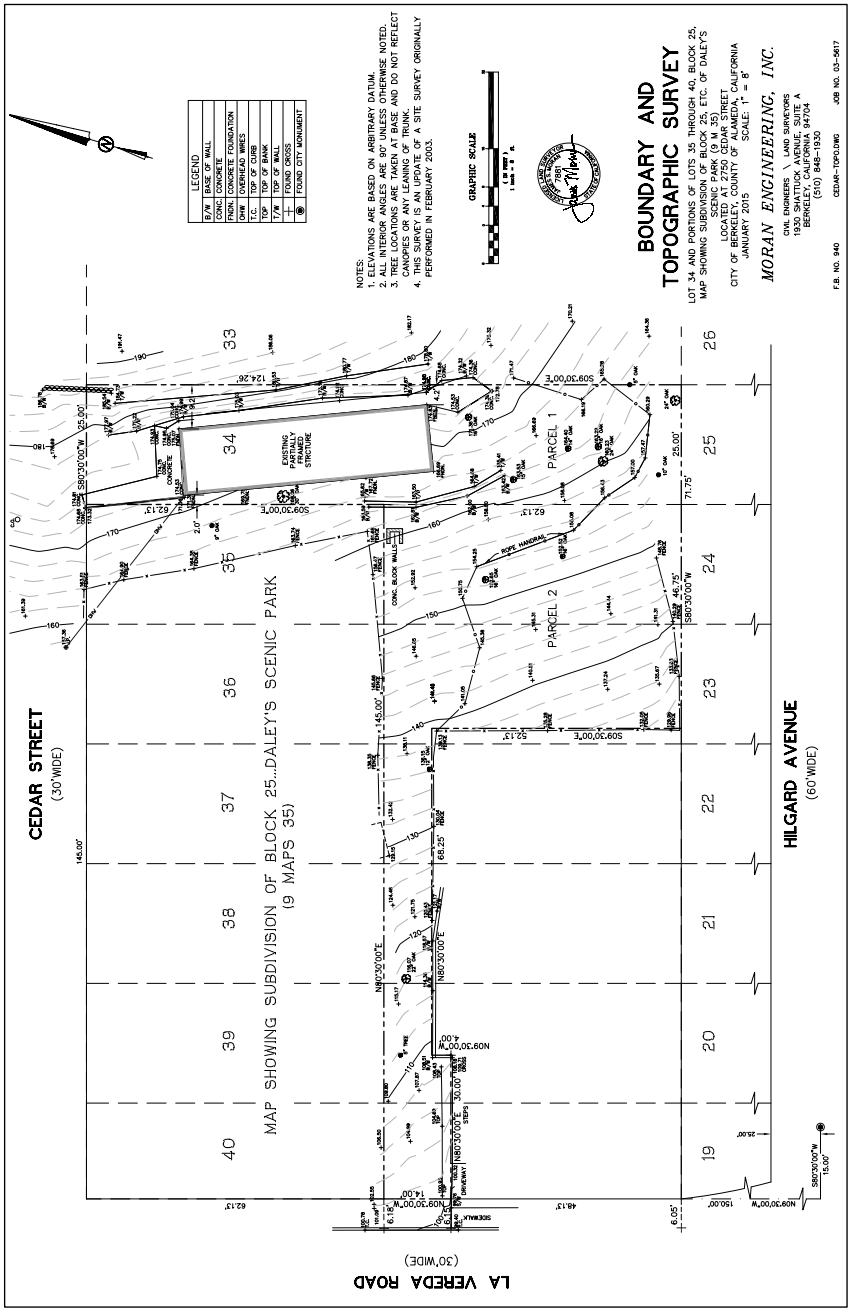

Survey, Moran Engineering, Job #03-5617

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Nonstructural
1.
It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]
PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

The Construction Documents are correct and Wall Type legends are provided on the Demolition Plans (A-2.2) and Project Notes (A-0.1).
See Window/Slider – New and Window/Slider – Removed.

The original structure is deceptive, as it includes numerous glass doors and windows.
In Structural Line 3, with the windows and doors removed for safety, it could appear that a whole wall was removed, when in fact the framing involved was a few posts and headers being replaced, but only minimally affecting the Demolition Calculations (A-2.2).
Doors and windows are not walls.

2.
Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]
PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations.

See TABLE R302.1(2) EXTERIOR WALLS—DWELLINGS AND ACCESSORY BUILDINGS WITH AUTOMATIC RESIDENTIAL FIRE SPRINKLER PROTECTION.

MINIMUM FIRE-RESISTANCE RATING
1 hour—tested in accordance with ASTM E119,
Fire-resistance rated UL 263 or Section 703.2.2 of the California Building Code with exposure from the **outside**; [that is, **only outside, one side].**

MINIMUM FIRE SEPARATION DISTANCE 0 Feet

We are choosing to provide fire sprinklers as it increases the quality of the SFR, but the CEBC does not require this for the Repair.
See CEBC SECTION 403 FIRE PROTECTION
"403.1 General. Repairs shall be done in a manner that **maintains the level of fire protection provided**."
So we could omit the Wall Section (1/A-5.2) detail entirely.

The non-combustible asphalt shingles may also be applied over the cement plaster; thus the difference in the Exterior Elevations (A-3.2), both of which use the same massing.
If a Detail provides alternatives, both of which are allowed by Code, both Details may be included in the Construction Documents.

Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]
a.
Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]
b.

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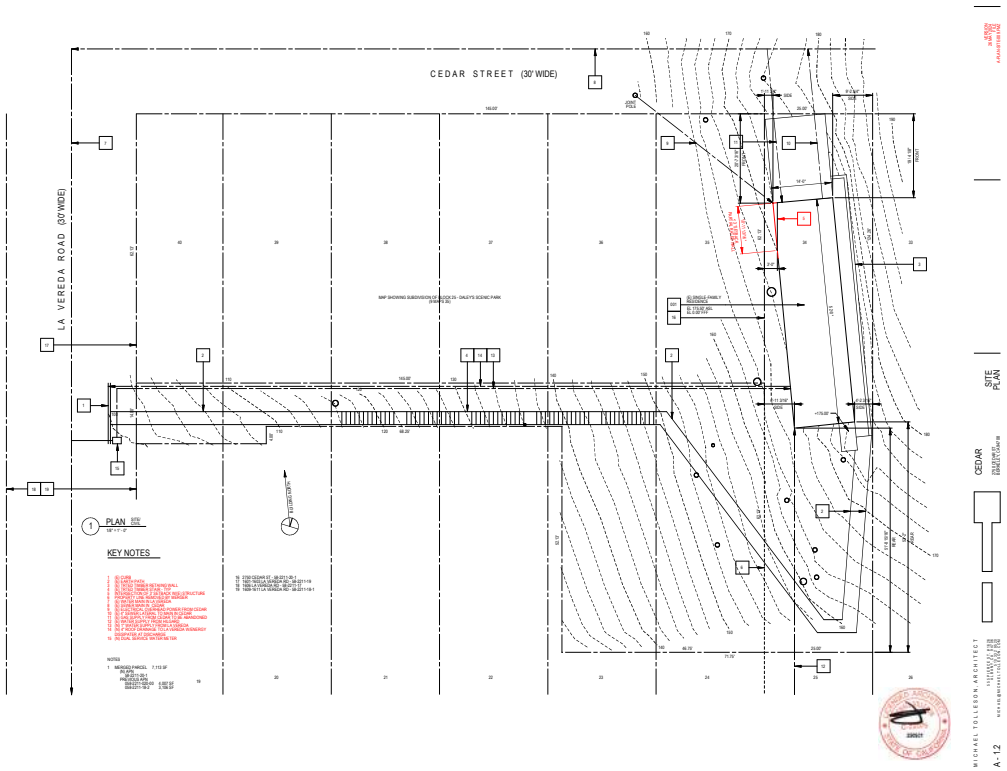
The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]

The entire building is wrapped in Class 1 polyethylene (Tyvek) @ walls or bituminous membrane @ roofing over the wood framing and plywood sheathing, which exceeds the use of the lesser building paper.
The 16 ga galvanized cap flashing is waterproof, not merely water-resistive.

The horizontal surface is sloped @ 1/4"/ft and is incidental @ 5.6 sf.
The affected area is limited to the triangular sliver highlighted in the Site Plan (A-1.2) as shown directly below.



Site Plan, A-1.2

The Wall Section @ Partial Rated Wall (1/A-5.2) treats the incidental horizontal surface in the same way as the parapet coping.

Weep screeds are always used at the bottom edge of cement plaster, which is necessary for the edge finish in addition to shedding moisture, known to all licensed plaster contractors.
The vertical leg of the weep screed is placed between the plywood and the framing and is contiguous with its adjacent edges, so it will not show where superimposed at 1 ½" = 1'-0" scale.
See (1/A-5.2) directly below.

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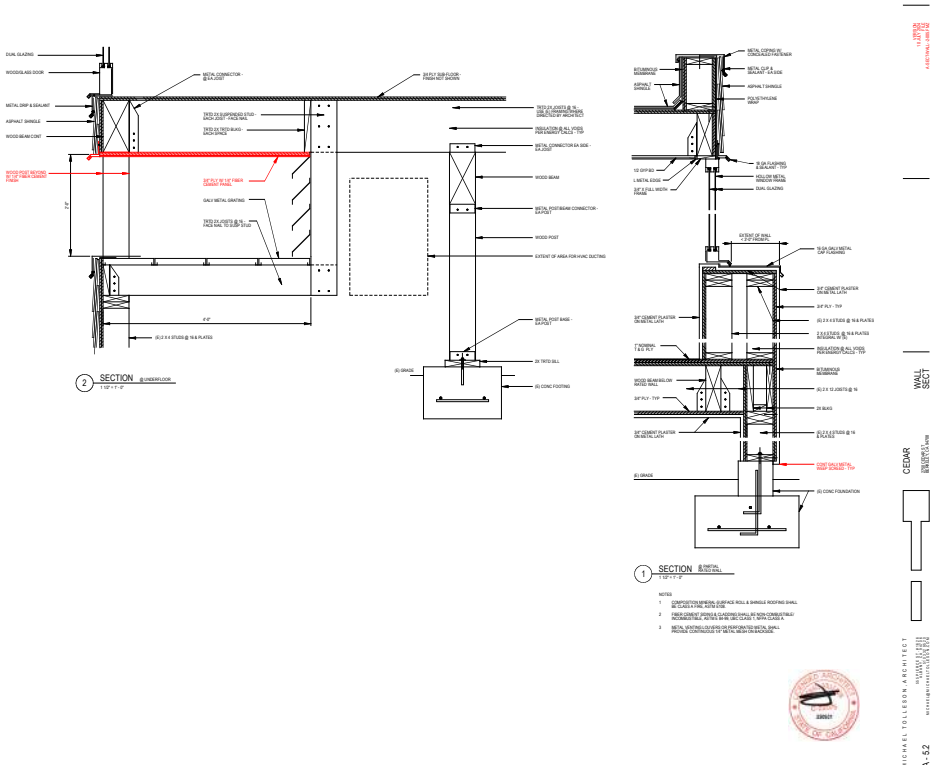

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]
PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

See Wall Section (A-5.1), Notes, directly below.
1
COMPOSITION MINERAL-SURFACE ROLL & SHINGLE ROOFING SHALL
BE CLASS A FIRE, ASTM E108.
2
FIBER CEMENT SIDING & CLADDING SHALL BE NON-COMBUSTIBLE/
INCOMBUSTIBLE, ASTM E 84-99, UBC CLASS 1, NFPA CLASS A.
3
METAL VENTING LOUVERS OR PERFORATED METAL SHALL
PROVIDE CONTINUOUS 1/4" METAL MESH ON BACKSIDE.

Specifications received from Berkeley exceed the requirements of CRC R337.7.3, which in turn are not required for CEBC Repair, which may use specifications per CEBC SECTION 403 FIRE PROTECTION.
"403.1 General. Repairs shall be done in a manner that **maintains the level of fire protection provided."**

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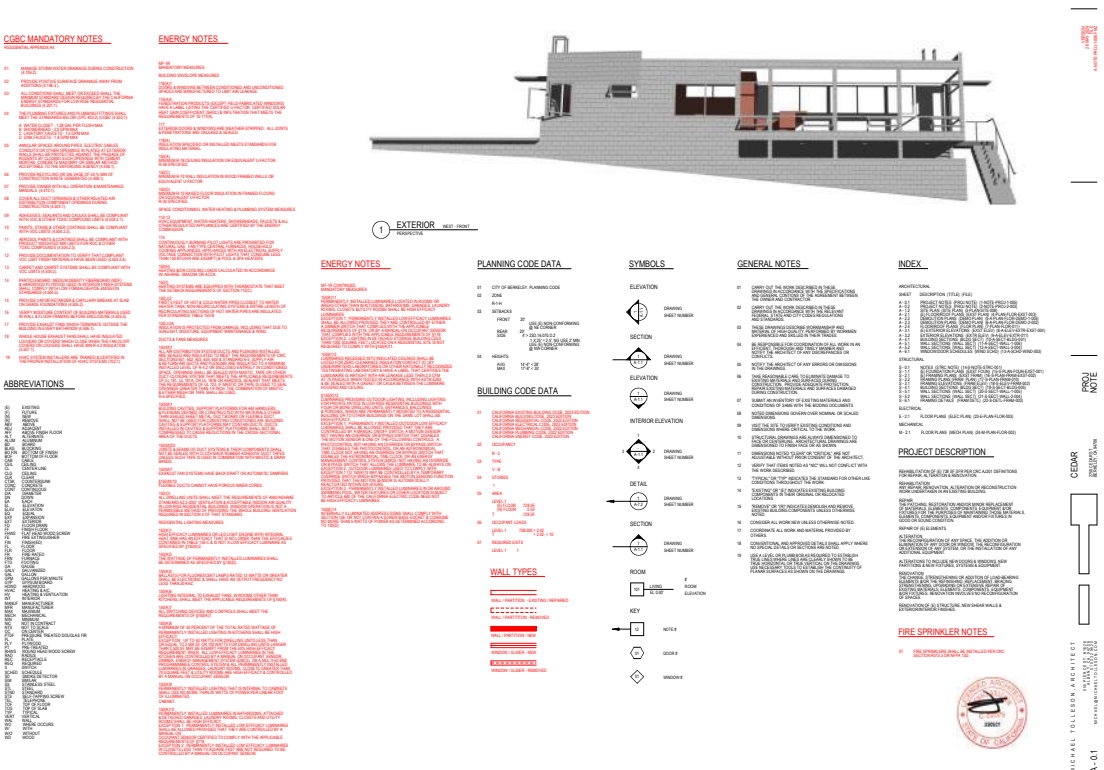
On the roof, a layer of bituminous roll composition @ ¼"/ft slope underlies the asphalt shingle, so the shingle does not require its typical slope and provides multiple fire-resistive layers.
The non-combustible fiber cement cladding is used on the underside of soffit framing created by the negative volume subtracted from the rectilinear massing in the southwest corner.
See Exterior Perspective (1/A-0.1) directly below.



See also Wall Section 2/A-5.2 above.

See also view of 3414 Hannah, page 2 of these Responses, for use of asphalt shingles as an exterior wall covering approved by the manufacturer since at least 1985.
See also Ronda Vista (1987) directly below.

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Ronda Vista, Los Angeles (1992)

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]
PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

The future stair shows up only on Floor Plan (A-2.4) and Exterior Elevations (A-3.2) in dashed line shown directly below.
Dashed line is used in Construction Documents to represent features that either existed in the past or will exist in the future.
It is impossible to build from dashed lines alone.
The large number of details necessary for construction of the stair are not necessary for this phase of work.
The future stair is not used for the building Repair protection and weather-proofing.
Postponing the stair also allows greater building security by inhibiting access to construction enhancements.

All work that is not necessary for protection and inspections are phased using separate permits, as would necessary electrical, mechanical, fire sprinklers and utilities phases.
This permit application is intended for the expeditious protection of the Repair from seasonal weather and vandalism.
We do not find that Berkeley has the authority to cause further damage to the SFR by inaction, excessive process or the withholding of allowances in the Title 24 Codes.
As with all Code applications, “not-the-way-we-do-it” comments are not the Code.
The Code is the Code.
If Berkeley “may” allow phasing in advance of permitting, we find it requires only asking for the exception.

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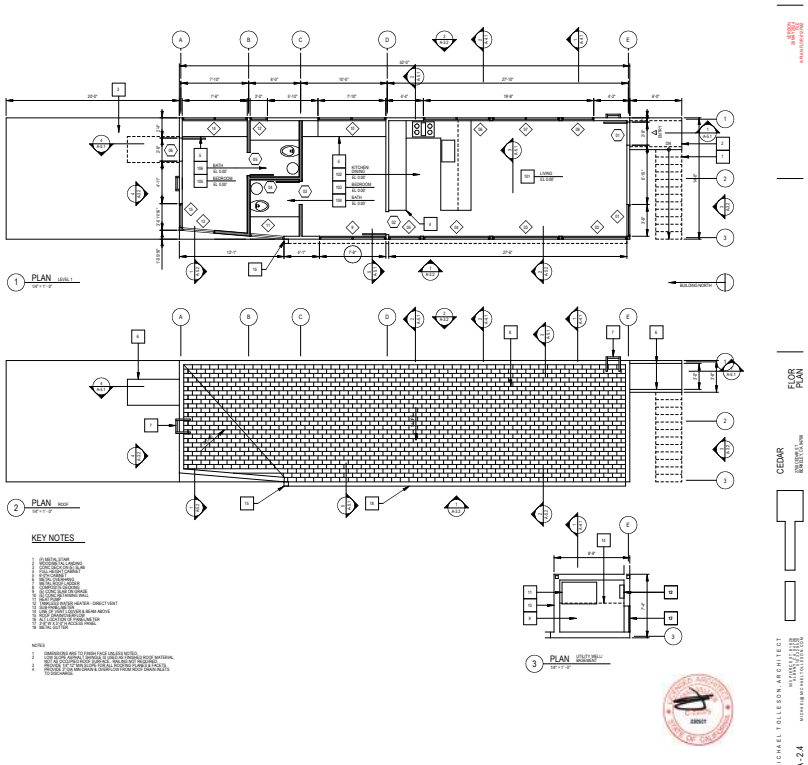

Floor & Roof Plan, A-2.4

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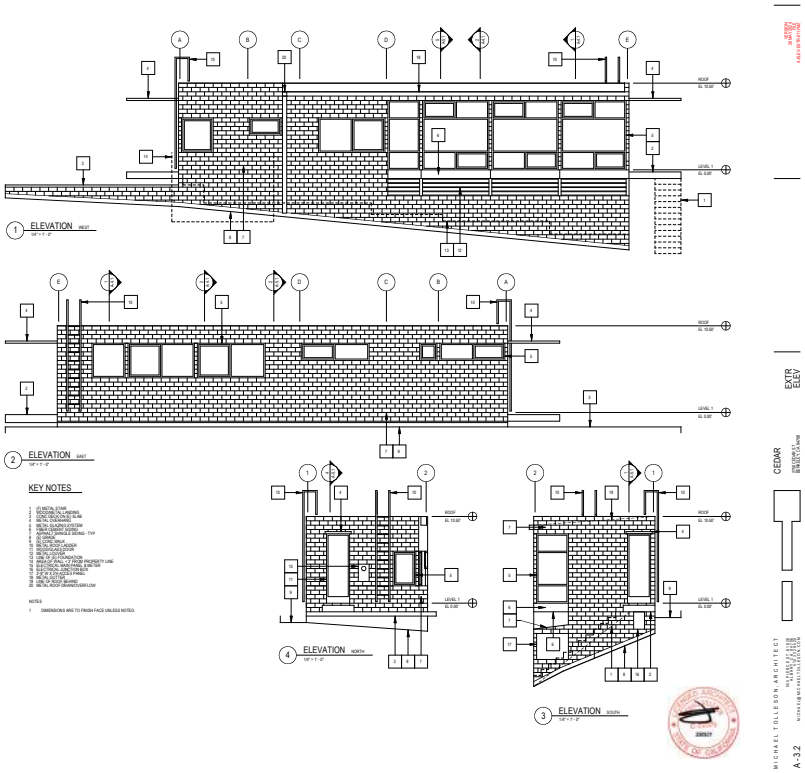

Exterior Elevations, A-3.2

6. PC2: The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]

The pocket door between the baths is optional and does not affect any other work.
Its inclusion alerts contractors to keep wiring or piping clear of this area.
CRC 106.1.1 Information on Construction Documents does not constrain the inclusion of alternative solutions.

7. PC2: The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]

See Floor & Roof Plans (A-2.4), Notes, above.

“2
LOW SLOPE ASPHALT SHINGLE IS USED AS FINISHED ROOF MATER IAL,
NOT AS OCCUPIED ROOF SURFACE. RAILING NOT REQUIRED.
3
PROVIDE 1/4":12" MIN SLOPE FOR ALL ROOFING PLANES & FACETS.
4

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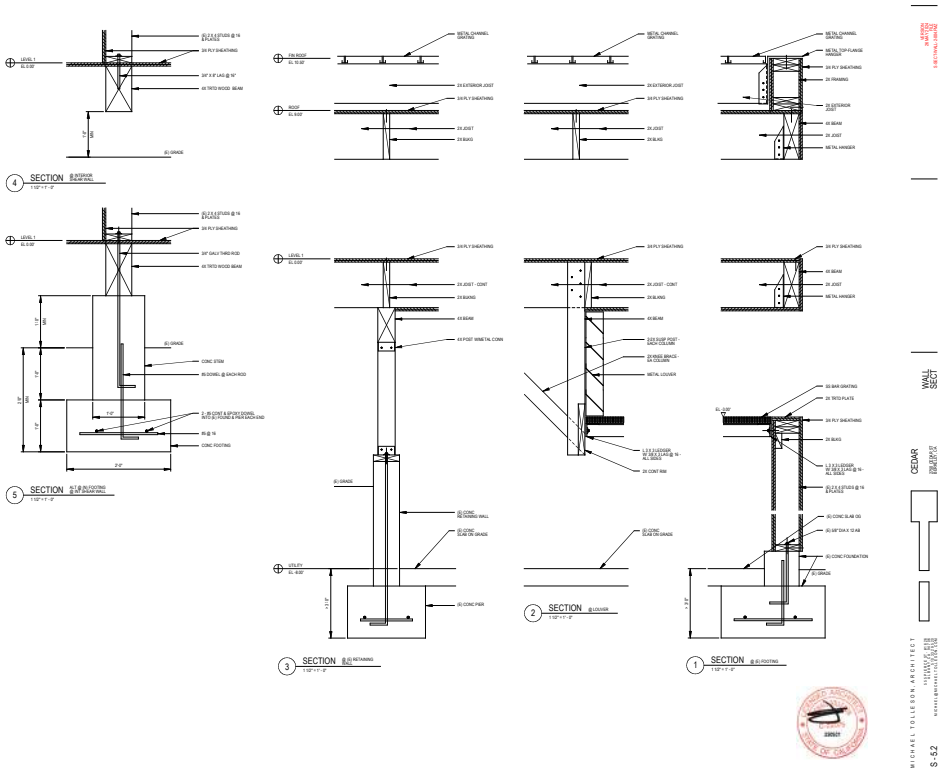
PROVIDE 3" DIA MIN DRAIN & OVERFLOW FROM ROOF DRAIN INLETS
TO DISCHARGE."

Note that drainage discharge is underground to the unimproved Cedar St north of the Repair.

Metal channel grating shows up only on Wall Section (2 & 3/S-5.2) directly below.
It is included as a detail for possible roof equipment, none of which would generate a span.



Wall Section, S-5.2

8. PC2: In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]

The full-height windows occur only on the west face.
The operable openings are awning windows, which are limited to < 4" opening by integral hardware and include safety glazing.
See Window Schedule (A-6.1) directly below.

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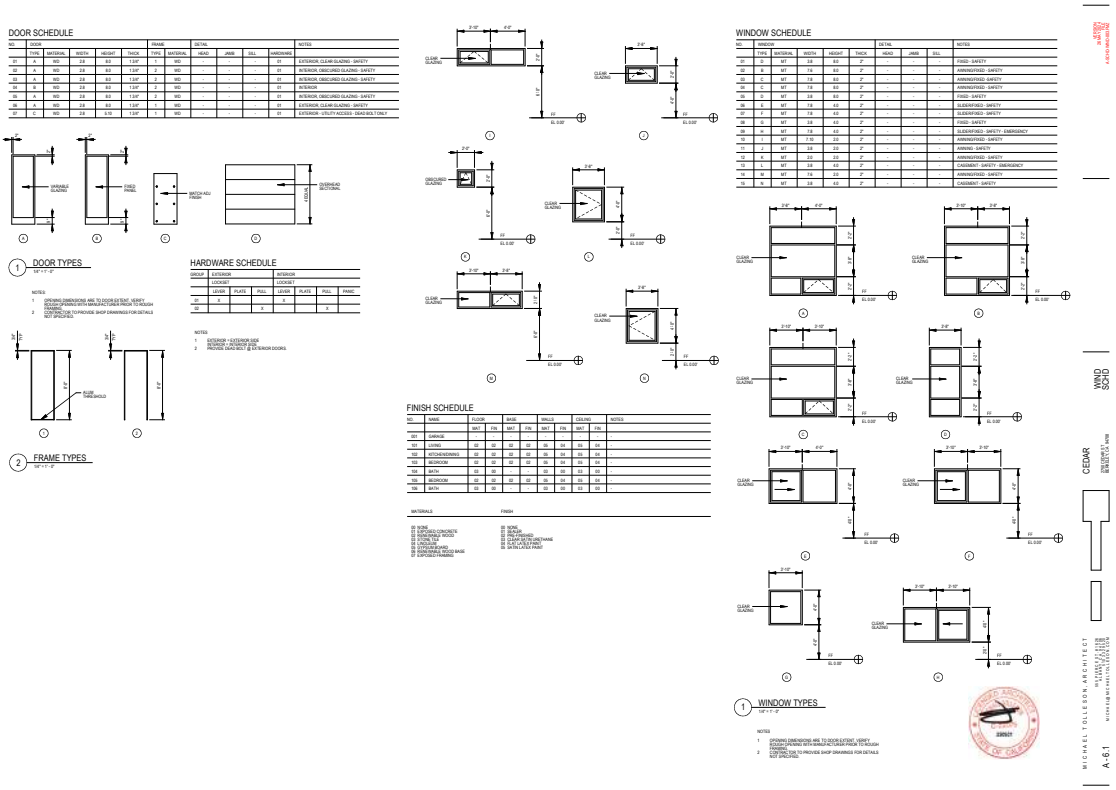

Window & Door Schedule, A-6.1

9. PC2: Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]

The Mechanical (Utility) Well is an **exterior** space with a single-unit exterior heat pump and floor drain for incidental weather conditions.
The R703.1 requirement for a “weather-resistant exterior wall envelope” is provided throughout.
The R903.1 “roof assembly” includes multiple layers as noted previously above and galvanized metal coping at all parapets.

The grating, which drains to the Well, allows limited weather into this space, which then runs to the collective subterranean roof drainage, which then drains to the unimproved Cedar St at the north end.

The soffit is the underside of the floor framing, not the framing 2’-0” below, which carries the metal grating.
The soffit is sheathed in fiber cement panels as noted previously above, while the base of the negative space receives the metal grating.
All exposed wood framing in this area is pressure-treated and painted for its exterior location.
Architecturally, the soffit and void are lighting features that provide a necessary sculptural element that gives inflection to the otherwise rectilinear box volume.
See Building Section (1/A-4.1) directly below.
See Electrical Plans (3/E-2.1) directly after below.

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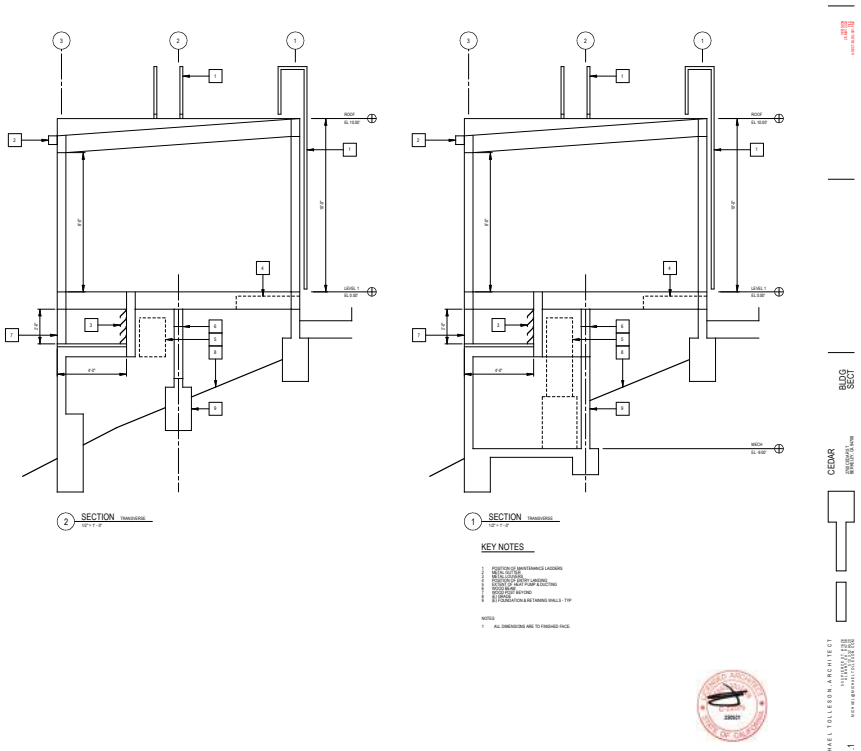

Building Sections, A-4.1

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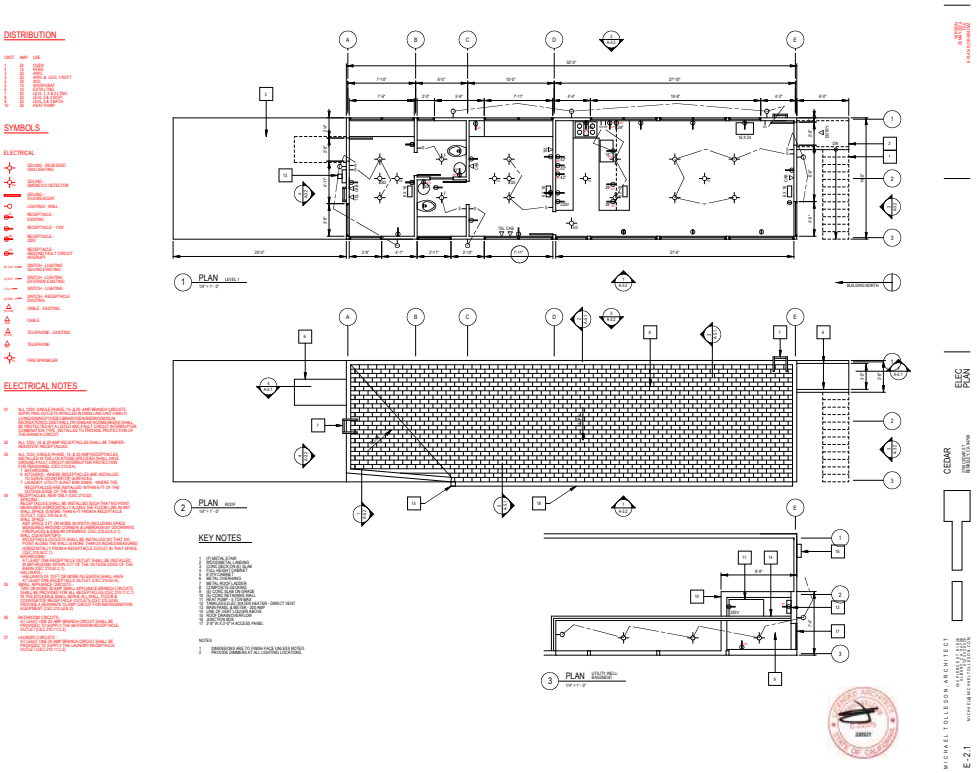

Electrical Plan, E-2.1

10. PC2: Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

See Floor & Roof Plans (A-2.4), Notes, provided previously above.

"2
LOW SLOPE ASPHALT SHINGLE IS USED AS FINISHED ROOF MATER IAL,
NOT AS OCCUPIED ROOF SURFACE. RAILING NOT REQUIRED.
3
PROVIDE 1/4":12" MIN SLOPE FOR ALL ROOFING PLANES & FACETS."

See Wall Sections provided previously above for layered roofing using both R905.1.1 "underlayment" and asphalt shingles. The low slope composition roofing provides the weather-resistance, while the asphalt shingles are both redundant and aesthetic. The use of the same exterior material for both the walls & roof provides the preferred monolithic appearance.

Structural
1.
Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]
PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and

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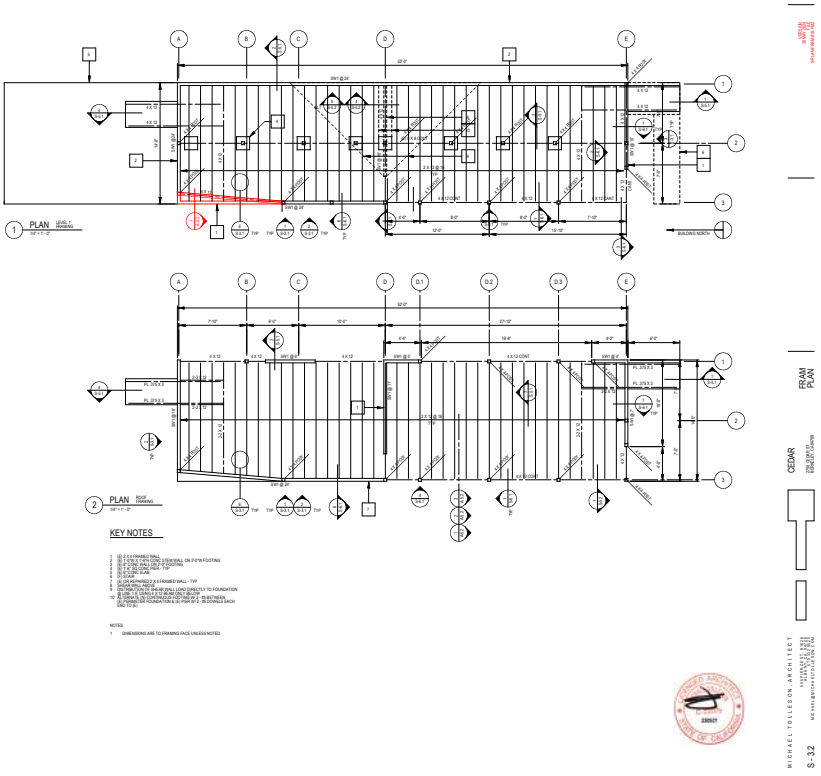
provide a complete load path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

The calculations are correct.
CEBC does not require any structural calculations per 401.2 Compliance and 405.2.1 Repairs above.
CRC could be utilized as an enhancement, but its standard and simplified methods tend to produce aesthetically heavy-handed buildings.
In this case, CBC was utilized as the enhancement as the existing SFR used only wood braced frames, not shear walls.
Note that the building skin is 3/8" exterior-grade plywood nailed directly to the studs, so additional shear strength is provided throughout.
Extensive new shear walls (SW @ L') are shown on Framing Plans (S-3.2) directly below.



Framing Plans, S-3.2

2.
PC2: Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

Again, CEBC and CGBC do not require any restriction on the reuse of materials per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and CGBC 5.401.1 Scope above.
All framing material will be continuously inspected by the Architect and approved for tentative use.
Existing framing members will then employ "ganging" (sometimes called "sistering") to create redundancy, with new framing

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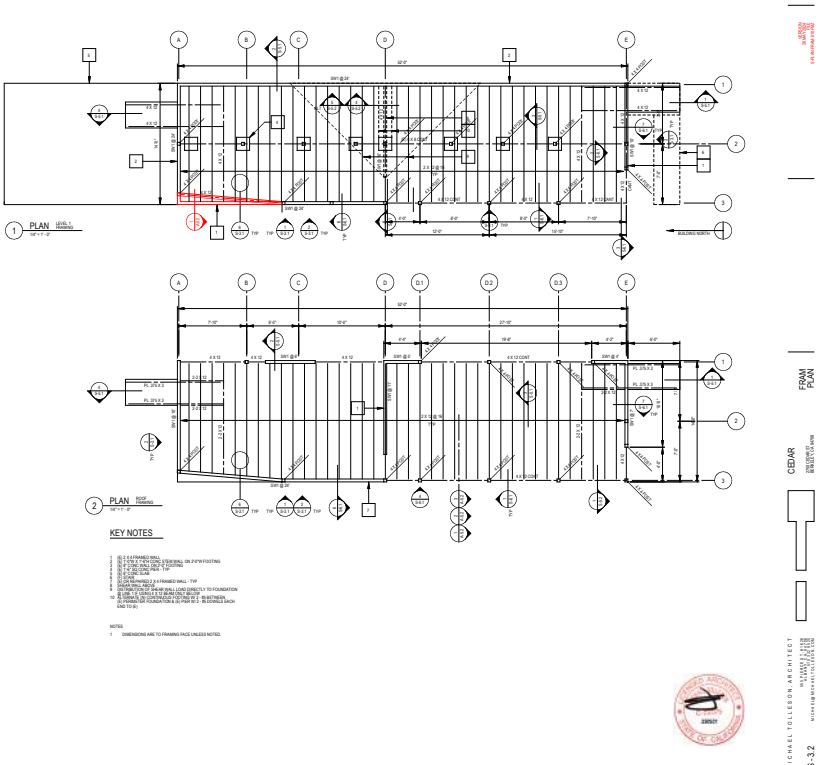
members fastened to every individual existing member.
The entire building will then be tarped and fumigated, assuring that any hidden damage in existing members is resolved.

3.
PC2: The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]

The Entry Canopies are non-structural, supporting only their own weight.
Canopies are sufficiently detailed in the Architectural and Structural Wall Sections.
The sheet metal cap is supported by cantilever of the steel PL x 3/8", which is ½" lag bolted @ 16 to adjacent wall framing and blocking or 2-2X 12 roof joists.
See Framing Plans (1 & 2/S-3.2), Wall Section (1/A-5.1) and Wall Section (1/S-5.1) directly below.

The landing uses the simple eave-type cantilever of 4 x 12 each side in the Floor Framing to a perpendicular 4 x 12 at the backspan extent.
This framing only supports the 3' x 6' landing.
The future stair (shown in dashed line) is concrete on-grade, so delivers no additional load to the landing.



Framing Plans, 1 & 2/S-3.2

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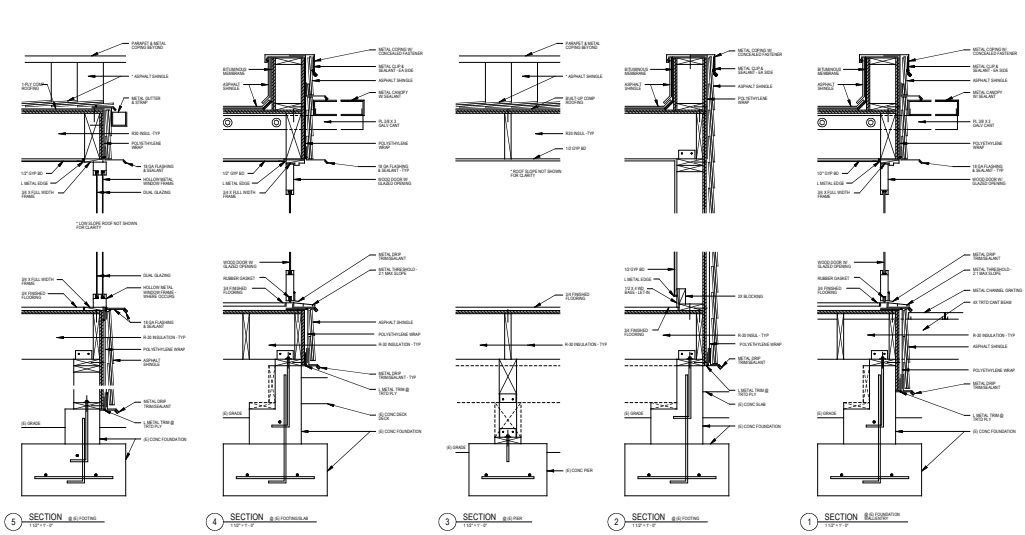

Wall Section, 1/A-5.1

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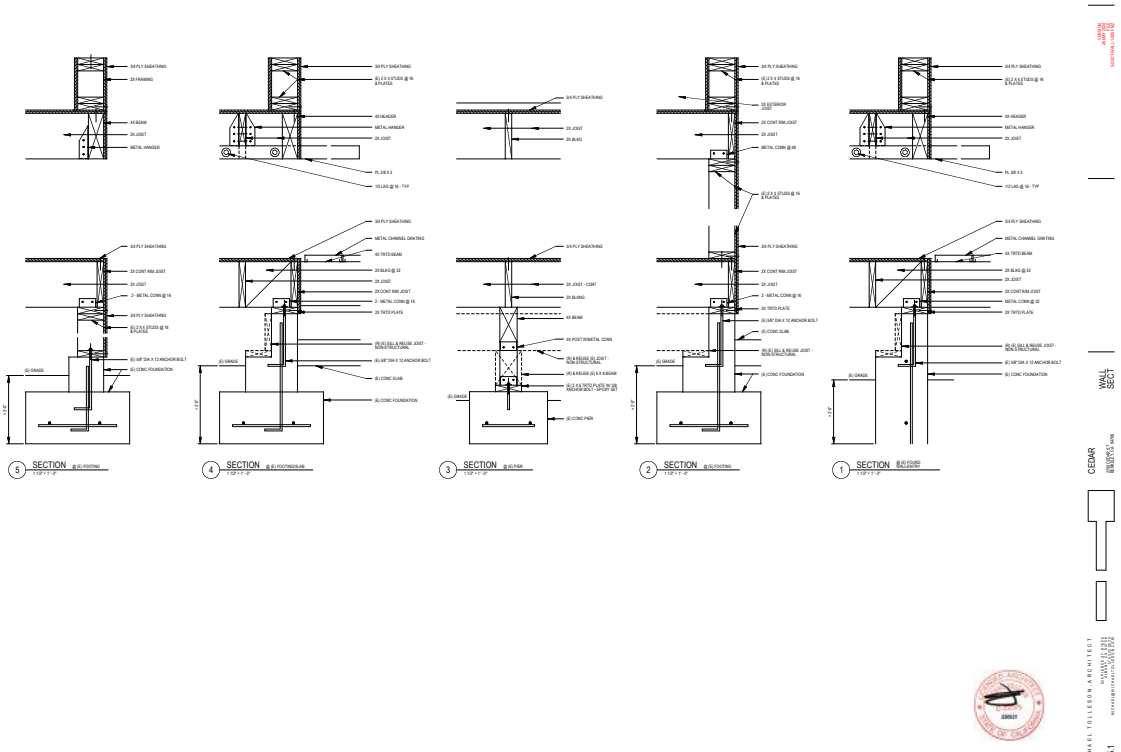

Wall Section, 1/S-5.1

4.
PC2: The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

There are only two planes in the roof sheathing.
The primary plane spans transversely east-west, framed with low-slope joists and sheathed with plywood over the entire roof surface as diaphragm.
A subordinate plane (cricket) in the northwest corner forms the valley that carries rainwater to the roof drain & overflow.
The subordinate plane is built with ripped sleepers on top of the primary sheathing, then sheathed again over the sleepers.

See Roof Plan (2/A-2.4) directly below.

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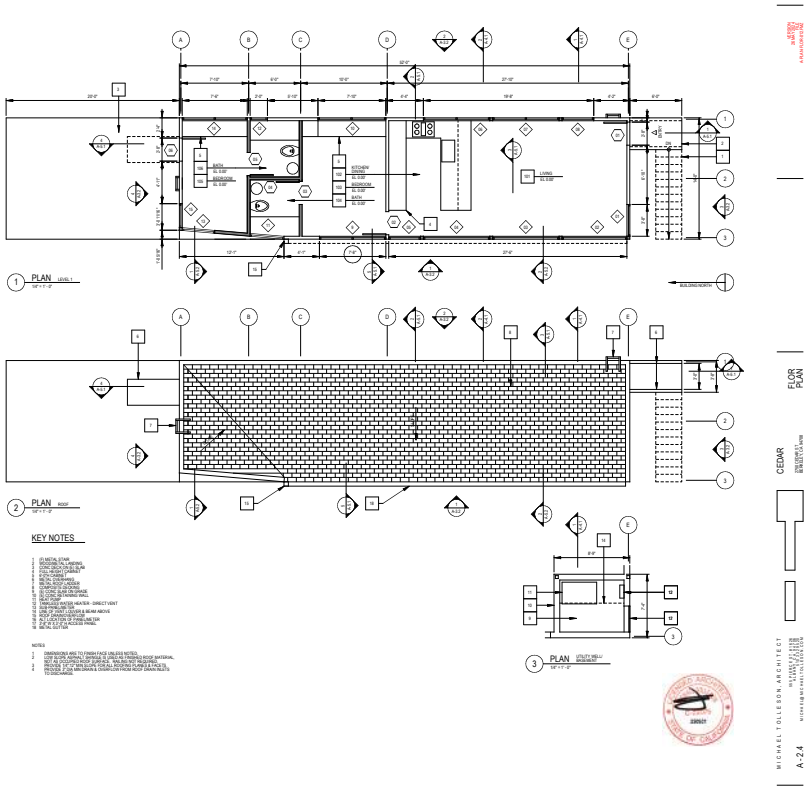

Roof Plan, 2/A-2.4

5.
PC2: Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]

The portion of the existing cripple wall on the west side is supplanted by the new beams and columns (posts) which are much stronger than the existing rim header and studs.
See Calculation (S-5.01, Column D-2).
The worst-case post itself can resist axial 11,331 # in response to the load of 1,680 #.

Again, CEBC and CGBC do not require more than the existing strength per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent, as stated above.
We have added non-combustible fiber cement over plywood to the soffit framing as similar to eave boxing.
The newly created cavities between the joists are R-19 insulated as throughout (1/-A-5.2).

See Wall Section 2/A-5.2 above.

6.
PC2: Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]

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Again, CEBC and CGBC do not require more than the existing strength basis per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent, as stated above.
Enhancements to the construction do not trigger CBC, CRC or ASCE.

7.
PC2: For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]

Again, CEBC and CGBC do not require more than the existing strength basis per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent.as stated above.
Enhancements to the construction do not trigger CBC, CRC or ASCE.

8.
PC2: Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, If applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

25/S-6.1 is an alternate detail for the exposed columns in the West Elevation, which has been replaced with simplified 4 x 4 posts, whose structurally adequacy is noted above.
These extend from the underside of the floor framing down to the foundation sole as typically framed.
Alternate details are utilized in cases where unforeseen conditions exist, providing a ready-made replacement.
Special inspections may be utilized if phasing is necessary.
See 25/S-6.1 removed directly below.

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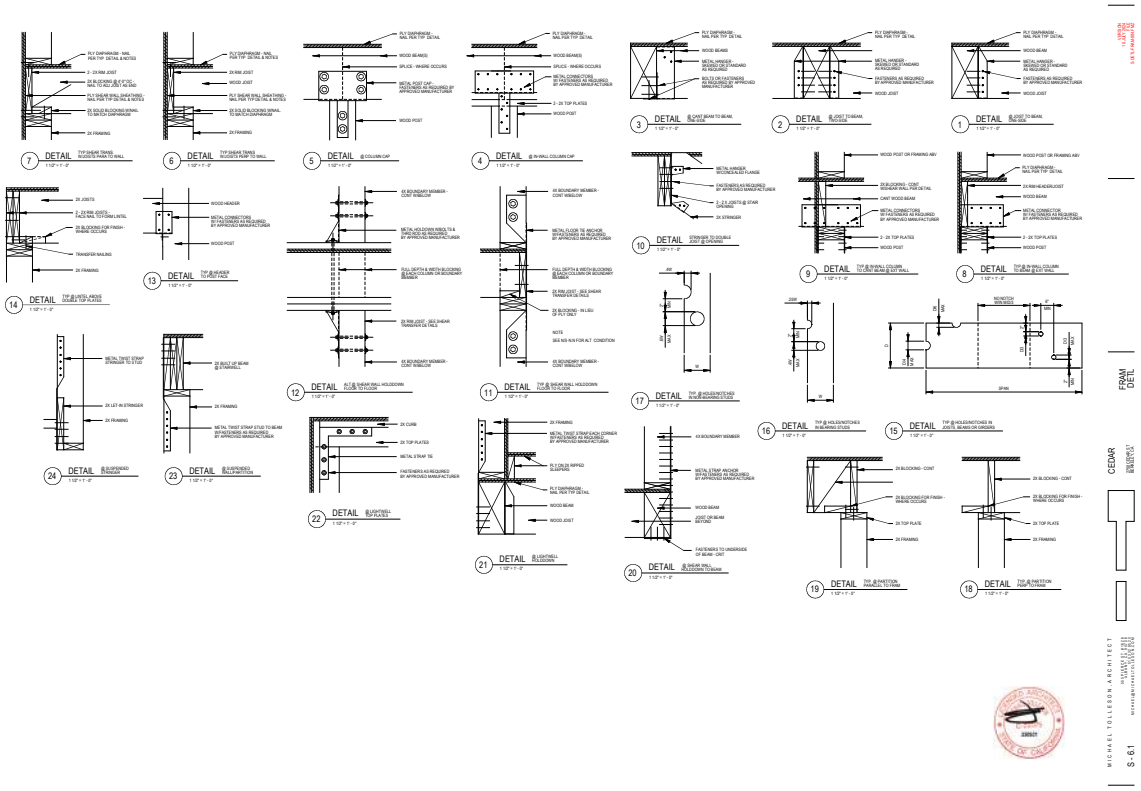

Detail, 25/S-6.1, Removed

Electrical
4. PC2: The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]

> 3'-0" front working clearance is provided between the heat pump and the panel.
The heat pump dimensions are the maximum expected based upon previous use, which is subject to change.
The panel can be recessed into the wall framing to provide the greatest clearance.

5. PC2: The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

The clustered receptacles are within the full-height cabinets on the north side of the Kitchen and do not require 2'-0" spacing per 210.52(3).
Some Countertop Receptacles are not required per:
"Exception: Receptacle outlets shall not be required directly behind a range, counter-mounted cooking unit, or sink in the installation described in Figure 210.52(C)(1)."
The remaining receptacles are provided @ 2'-0" maximum spacing.
Kitchen Enlarged Plans & Elevations are not required for this Construction Document set, but will be provided with the Electrical Permit Construction Documents set.

6. PC2: Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within

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the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

Two exterior GFCI receptacles are provided in the Basement and one GFCI is provided at each Entry Landing.

Mechanical
2.
PC2: Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

See Mechanical Plan (M-2.1), Note 4 directly below.

Plumbing
1.
Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]
PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

The Plumbing permit is not submitted for this Building Construction Document set.
Plumbing uses a separate permit to include specifications.
Plumbing features within the Building Construction Documents are shown for reference.
See also Project Notes (A-0.1) above, CGBC Mandatory Notes, 04 for maximum supply per fixture using 2019 Code allowed by Temporary Permit # 22TMP 028856 directly below.

2.
PC2: The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

The Plumbing permit is not submitted for this Building Construction Document set.
Plumbing uses a separate permit to include specifications.
Plumbing features within the Building Construction Documents are shown for reference.
Fixtures and supply use 2019 Code allowed by Temporary Permit # 22TMP 028856.

3.
PC2: For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

As above, rainwater collected in the roof drain and downspout runs subterranean to the unimproved Cedar St at the north end.
See also Roof Plan above (A-2.1), Note 4, “PROVIDE 3" DIA MIN DRAIN & OVERFLOW FROM ROOF DRAIN INLETS TO DISCHARGE.

Energy
1.
Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]
PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

Construction Documents are consistent with Residential Alterations CF-1R-Alt, Prescriptive Certificate of Compliance: Residential utilized.

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Again, CEBC and CGBC do not require more than the existing conditions per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent.as stated above.

See Energy Notes (A-0.2) directly below.

BEST MANAGEMENT PRACTICES

ENERGY NOTES

Project Notes, Energy Notes, A-0.2

2.
PC2: The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

HVAC is provided by electric single-unit heat pump intended for rooftop or other exterior location sufficient for 2019 Code allowed by Temporary Permit # 22TMP 028856.

Again, CEBC and CGBC do not require more than the existing conditions per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent.as stated above.

The Mechanical permit is not submitted for this Building Construction Document set.
Mechanical uses a separate permit to include specifications.
Mechanical features within the Building Construction Documents are shown for reference*Land Use Planning Requirements*
1. After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved

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structure.

a. *If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under "Apply For A Use Permit"*

See all pages 1-8 above, Introduction to Conclusion.
Project requires only a Zoning Certificate.

b. *Please also note that through the setback determination as shown on page 5 of the Zoning Determination, the setbacks are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).*

The building footprint and related setbacks are lawful nonconforming conditions **by right** per pages 1-8 above.
Current setbacks would only apply to a new structure, such as an ADU.
And ADU has been designed and will be proposed in a subsequent phase.
The existing SFR and the ADU are identical in size @ 750 sf, so the SFR could become the ADU (with the lesser required setbacks) and visa-versa.

c. The plan submissions for the Use Permit Entitlement Application will need to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.

See all pages 1-8 above, Introduction to Conclusion.
Project requires only a Zoning Certificate.

d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit.

The existing SFR does not require parking as none was originally per **lawful nonconforming by right**.
Cedar St is 30' wide, not 26', but new parking will be provided during the ADU construction phase.
See current Site Plan for the completed project directly below, not submitted in the SFR Construction Document set.

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5 1 0 9 9 0 6 3 3 5
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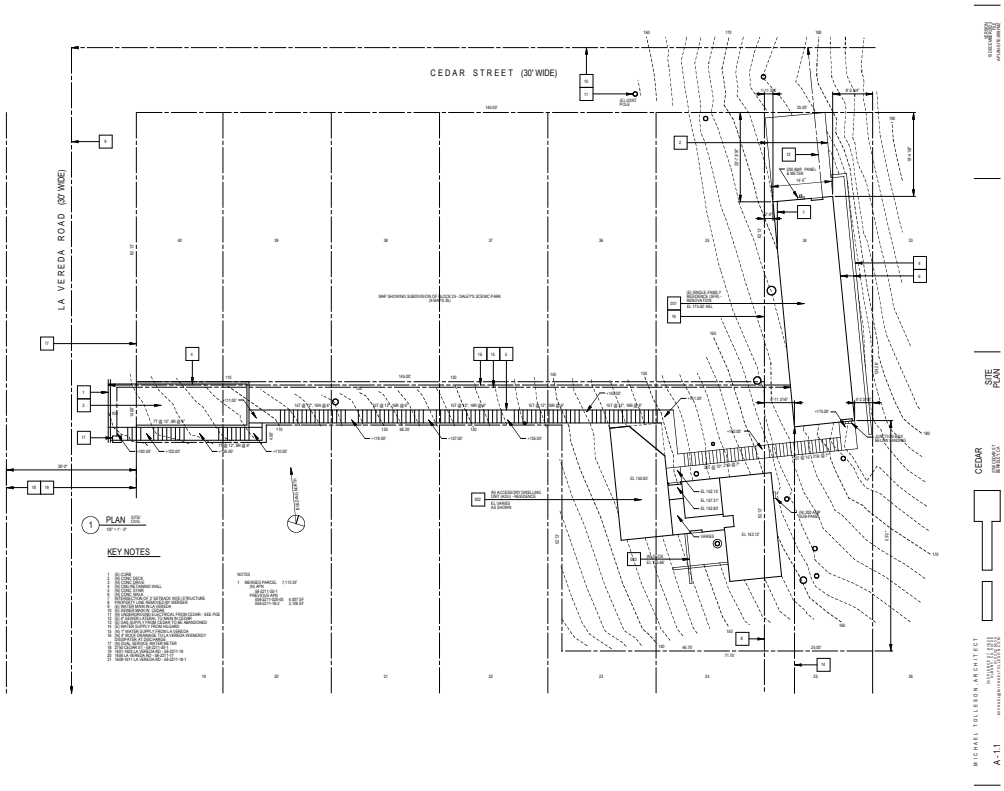


SFR & ADU, Site Plan, A-1.1

5 1 0 3 3 2 9 5 2 0
5 1 0 9 9 0 6 3 3 5
michael@michaeltolleson.com

Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 July 26, 2024
Project Address: 2750 Cedar St.

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a written response letter, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. A full plan set of ALL construction drawings is required when responding to corrections. Incomplete or unclear responses to corrections may result in delays.

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:**
   a. ***Response to plan check comments:*** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
   b. ***New/separate permit:*** Generate new request from a registered ACA account at the Permits Online Portal www.permits.cityofberkeley.info. Submit request under 'Building Permits' for work on private property, or 'Public Works' for work in the public right of way.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

Permit Service Center
Building & Safety Division
Planning and Development Department

July 25, 2024

Building and Safety — Prepared by: Jesse Bright, P.E.

Application #: B2024-02077 — 2750 Cedar St — jbright@cityofberkeley.info

Administrative

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

   PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

   PC3: Sheet S-1.1 and S-2.2 listed in the drawing index were not included in the set and there were two sheets identified as S-3.1. This item was not addressed as no new drawings were provided for review.

5. *PC2:* The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]

   Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that "...the new structure is located in accordance with the approved plans."

   PC3: Please revise the drawings to include a reference copy of the existing survey to support the proposed recess of the wall along Grid Line 3 as required to provide an adequate fire separation distance for the proposed window openings.

6. ***PC3: The plan check responses make multiple references to record 22TMP-028856. TMP records are not permits, they are placeholders for tracking client applications prior to submittal to Building and Safety so that if the permit application process is interrupted the applicant is not required to start the process over. The record indicated was never submitted to Building and Safety, no fees were paid, and no permit was issued. Any work proposed under 22TMP-028856 is not valid and cannot be used as a basis for code compliance under this permit application.***

Permit Service Center
Building & Safety Division
Planning and Development Department

July 25, 2024

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

   PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

   PC3: This item was not addressed as no new drawings were provided for review.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

   PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations. Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]

   a. *Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]*

   b. *The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]*

      PC2: Please revise the drawings to provide a single consistent design reflected throughout. If stucco finishes are proposed, provide documentation demonstrating that the proposed assembly will comply with underlayment and drainage layer requirements or is exempt. Please note that if the documentation provided is based on specific proprietary products, the manufacturer and product type must be specified on the drawings.

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant,

heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

PC3: This item was not addressed as no new drawings or supporting documents were provided for review.

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

   PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

   PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Each dwelling unit must have a compliant means of egress with access to grade and elevated walking surfaces must have guards. Please remove any future work from the drawings, as future work is not relevant to the currently proposed scope and reduces the clarity of the drawings.

   a. The means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the exterior of the dwelling at the required egress door. The required egress door shall open directly into a public way or to a yard or court that opens to a public way. [CRC R311.1]

   b. Revise the drawings to provide guards not less than 42 inches above walking surfaces more than 30 inches above grade or floor below (from any point within 36 inches of the edge of the open side). [CRC R312.1.2]

6. *PC2:* The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review. Please revise the drawings to provide a single consistent design reflected throughout.

7. *PC2:* The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with

Permit Service Center
Building & Safety Division
Planning and Development Department

comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]

PC3: This item was not addressed as no new drawings were provided for review.

8. *PC2:* In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]

   PC3: This item was not addressed as no new drawings were provided for review.

9. *PC2:* Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]

   PC3: This item was not addressed as no new drawings were provided for review.

10. *PC2:* Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

    PC3: This item was not addressed as no new drawings were provided for review. Asphalt shingles shall be used only on roof slopes of 2 units vertical in 12 units horizontal or greater. For roof slopes from 2 units vertical in 12 units horizontal up to 4 units vertical in 12 units horizontal, double underlayment application is required. [CRC R905.2.2]

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

   PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and provide a complete load path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

   PC3: This item has not been addressed. While the structure has been damaged from years of exposure to the elements, the scope of this permit is not just a repair. The current state of the structure is due to an alteration initiated under B2013-04915 that was never completed as proposed under B2014-00236. In accordance with CEBC 503.1, alterations to any building or structure shall comply

Permit Service Center
Building & Safety Division
Planning and Development Department

with the requirements of the California Building Code or California Residential Code, as applicable, for new construction.

2. *PC2:* Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

   PC3: This item has not been addressed.

3. *PC2:* The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]

   PC3: This item was not addressed as no new drawings were provided for review.

6. *PC2:* Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω_0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]

   PC3: This item was not addressed.

7. *PC2:* For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]

   PC3: This item was not addressed.

8. *PC2:* Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, if applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the

Permit Service Center
Building & Safety Division
Planning and Development Department

City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

PC3: This item was not addressed as no new drawings were provided for review.

Electrical

4. *PC2:* The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

   PC3: Based on the response, the delineation on the drawings between counters and full height cabinets is unclear. Please revise the drawings as necessary to clarify the design and demonstrate code compliance.

6. *PC2:* Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

   PC3: This item was not addressed as no new drawings were provided for review.

Mechanical

2. *PC2:* Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

   PC3: This item was not addressed as no new drawings were provided for review.

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

   PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

   PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Sanitary facilities are required to serve residential occupancies in accordance with CPC Table 422.1.

2. *PC2:* The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

Permit Service Center
Building & Safety Division
Planning and Development Department

July 25, 2024

PC3: This item was not addressed as no new drawings were provided for review.

3. *PC2:* For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

   PC3: Revise the drawings to clearly document the proposed design.

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

   PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

   PC3: This item was not addressed as no new drawings were provided for review.

2. *PC2:* The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

   PC3: This item was not addressed as no new drawings were provided for review.

Permit Service Center
Building & Safety Division
Planning and Development Department

July 24, 2024

Land Use Planning — Prepared by: Waqar Shah

Application #: B2024-02077 — 2750 Cedar Street — WSHAH@cityofberkeley.info

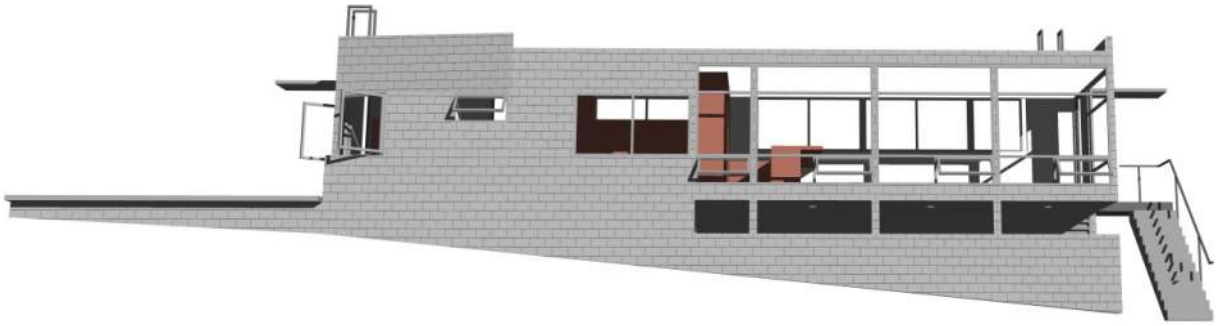
Land Use Planning Requirements

1. After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved structure.
    a. If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under “Apply For A Use Permit”
    b. Please also note that through the setback determination as shown on page 5 of the Zoning Determination (attached) are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).
    c. The plan submissions for the Use Permit Entitlement Application will need to be provided to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.
    d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit. Please provide this on a site plan drawing.

2. Additionally, please elevations, floor plans, and site plan depicting an existing condition, and proposed and demolition work planned for your project.

3. Please note that additional information may be requested upon review of resubmitted items.

M I C H A E L T O L L E S O N , A R C H I T E C T
555 PIERCE ST
#1626
ALBANY, CA 94706



July 30, 2024

Recipient
David Lopez
dlopez@CityofBerkeley.info
Jessie Bright
jbright@cityofberkeley.info
Waqar Shah
WSHAH@cityofberkeley.info

Address
Building & Safety
Permit Service Center
1947 Center St, 3rd Floor
Berkeley, CA 94704-1113
(510) 981-7440

Re
Application B-2024-02077
2750 Cedar St
(1605 La Vereda Rd)

Response > By-Right

We find that Berkeley plan checkers have failed to comment on pages 1-6 of Response Third.pdf, upon which all itemized Review Responses pages 7-32 are based.

The Introduction and Conclusions in Response Third establish the lawful application of the number of Codes cited as they relate to the Repair of the Building.

We stand by Response Third and its refutation of or compliance with plan checker Comments.

In particular, Berkeley has ignored the cited **By-Right** entitlements, which provide the least restrictive Code Path.

Typical Citations for **"by-right"** application are:

Law Insider
https://www.lawinsider.com/dictionary/by-right

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555 PIERCE ST
#1626
ALBANY, CA 94706

***"By-right** means the ability to be approved without requiring Codes other than those in existence at the time of the earliest permit application…i.e., **not current Codes**."*

"By-right** means a zoning permitting process wherein development may proceed under the **zoning in place at time of application** without the need for a special permit, variance, zoning amendment, waiver, **or other discretionary zoning approval.** **By-right** **permitting** shall include a Site Plan Review (City) Process specified in (City section of Zoning or other land use control by law), through which the (City) may add reasonable conditions to the site plan but **cannot deny the development to proceed."

+

As stated in Response Third, we will begin Repair shortly to protect the building from the forthcoming weather and to prevent Berkeley from further denigration of its lawful condition.
Given Berkeley's intransigence, we expect to be fined.

We are requesting clear instructions on the amount of the fine, how it is calculated and its consequences as we complete Repair of Framing, at which point we will call for inspections.
Inspections will include Wildfire-Urban Interface Home Hardening.

I have CC'd the City Attorney and Fire Inspection to expedite this clarification.

Notes

1 Temporary Permit # 22TMP 028856 was only filed at the direction of supervisor David Lopez to allow the use of 2019 California Codes prior to the transition to 2022.

2 The < 50% partial demolition referenced in BMC Section 23F.04.010 is not static.
The Code established that < 50% can be demolished every 12 months, so the partial demolition can always be removing additional material greater than the previous year.
This further refutes Berkeley's unwillingness to define the partial demolition without incorporating its change over time

The full text of BMC Section 23F.04.010 is:

"*Demolition: A building or enclosed structure shall be considered demolished for the purposes of this chapter when, **within any continuous 12 month period**, such building or structure is destroyed in whole or in part or is relocated from one lot to another. For purposes of this Section, destroyed in part means when 50 % or more of the enclosing walls **and** 50% of the roof are removed."*

The **"and"** in this text means that the entire roof may be removed as long as the remaining walls constitute < 50%.
23F.04.010 does not use **"or"**.

3 The original permits used 2010 CBC per page 3-4 of Response Third stating on page 3:

"*2010 Building Codes*
Planning ad Development Department
Reviewed for Compliance

M I C H A E L T O L L E S O N , A R C H I T E C T
555 PIERCE ST
#1626
ALBANY, CA 94706

By (EJ?)
October 24 2013"

Sincerely,

Michael Tolleson, Architect, C-22075

5 1 0 3 3 2 9 5 2 0
5 1 0 9 9 0 6 3 3 5
michael@michaeltolleson.com

Internal

Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 August 16, 2024

Project Address: 2750 Cedar St.

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a **written response letter**, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. **Incomplete or unclear responses to corrections may result in delays.**

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding a 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

Permit Service Center
Building & Safety Division
Planning and Development Department

August 9, 2024

Building and Safety — Prepared by: Jesse Bright, P.E.

Application #: B2024-02077 — 2750 Cedar St — jbright@cityofberkeley.info

Administrative

PC4: The document provided under the fourth review was limited to a single letter discussing the Land Use comments, therefore all previous plan check comments remain, the prior correction letter is reproduced below for reference. Please note that this is the 4th round of corrections being issued for this permit application. The initial plan check fees assessed are limited to three (3) plan reviews and approval of the construction documents. If the resubmitted construction documents warrant a 5th round of comments that review, and all subsequent plan reviews, will be assessed a $250 per hour plan check fee which will be due at permit issuance.

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

   PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

   PC3: Sheet S-1.1 and S-2.2 listed in the drawing index were not included in the set and there were two sheets identified as S-3.1. This item was not addressed as no new drawings were provided for review.

5. *PC2:* The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]

   Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that "...the new structure is located in accordance with the approved plans."

   PC3: Please revise the drawings to include a reference copy of the existing survey to support the proposed recess of the wall along Grid Line 3 as required to provide an adequate fire separation distance for the proposed window openings.

Permit Service Center
Building & Safety Division
Planning and Development Department

August 9, 2024

6. ***PC3: The plan check responses make multiple references to record 22TMP-028856. TMP records are not permits, they are placeholders for tracking client applications prior to submittal to Building and Safety so that if the permit application process is interrupted the applicant is not required to start the process over. The record indicated was never submitted to Building and Safety, no fees were paid, and no permit was issued. Any work proposed under 22TMP-028856 is not valid and cannot be used as a basis for code compliance under this permit application.***

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

   PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

   PC3: This item was not addressed as no new drawings were provided for review.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

   PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations. Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]

   a. *Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]*

   b. *The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]*

      PC2: Please revise the drawings to provide a single consistent design reflected throughout. If stucco finishes are proposed, provide

Permit Service Center
Building & Safety Division
Planning and Development Department

documentation demonstrating that the proposed assembly will comply with underlayment and drainage layer requirements or is exempt. Please note that if the documentation provided is based on specific proprietary products, the manufacturer and product type must be specified on the drawings.

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

   PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

   PC3: This item was not addressed as no new drawings or supporting documents were provided for review.

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

   PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

   PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Each dwelling unit must have a compliant means of egress with access to grade and elevated walking surfaces must have guards. Please remove any future work from the drawings, as future work is not relevant to the currently proposed scope and reduces the clarity of the drawings.

   a. The means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the exterior of the dwelling at the required egress door. The required egress door shall open directly into a public way or to a yard or court that opens to a public way. [CRC R311.1]

   b. Revise the drawings to provide guards not less than 42 inches above walking surfaces more than 30 inches above grade or floor below (from any point within 36 inches of the edge of the open side). [CRC R312.1.2]

6. *PC2:* The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]

PC3: This item was not addressed as no new drawings were provided for review. Please revise the drawings to provide a single consistent design reflected throughout.

7. *PC2:* The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

8. *PC2:* In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]

   PC3: This item was not addressed as no new drawings were provided for review.

9. *PC2:* Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]

   PC3: This item was not addressed as no new drawings were provided for review.

10. *PC2:* Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

    PC3: This item was not addressed as no new drawings were provided for review. Asphalt shingles shall be used only on roof slopes of 2 units vertical in 12 units horizontal or greater. For roof slopes from 2 units vertical in 12 units horizontal up to 4 units vertical in 12 units horizontal, double underlayment application is required. [CRC R905.2.2]

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

   PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and provide a complete load path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

Permit Service Center
Building & Safety Division
Planning and Development Department

August 9, 2024

PC3: This item has not been addressed. While the structure has been damaged from years of exposure to the elements, the scope of this permit is not just a repair. The current state of the structure is due to an alteration initiated under B2013-04915 that was never completed as proposed under B2014-00236. In accordance with CEBC 503.1, alterations to any building or structure shall comply with the requirements of the California Building Code or California Residential Code, as applicable, for new construction.

2. *PC2:* Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

   PC3: This item has not been addressed.

3. *PC2:* The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]

   PC3: This item was not addressed as no new drawings were provided for review.

6. *PC2:* Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω_0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]

   PC3: This item was not addressed.

7. *PC2:* For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]

Permit Service Center
Building & Safety Division
Planning and Development Department

August 9, 2024

PC3: This item was not addressed.

8. *PC2:* Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, if applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

   PC3: This item was not addressed as no new drawings were provided for review.

Electrical

4. *PC2:* The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

   PC3: Based on the response, the delineation on the drawings between counters and full height cabinets is unclear. Please revise the drawings as necessary to clarify the design and demonstrate code compliance.

6. *PC2:* Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

   PC3: This item was not addressed as no new drawings were provided for review.

Mechanical

2. *PC2:* Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

   PC3: This item was not addressed as no new drawings were provided for review.

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

   PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

Permit Service Center
Building & Safety Division
Planning and Development Department

August 9, 2024

PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Sanitary facilities are required to serve residential occupancies in accordance with CPC Table 422.1.

2. *PC2:* The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

   PC3: This item was not addressed as no new drawings were provided for review.

3. *PC2:* For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

   PC3: Revise the drawings to clearly document the proposed design.

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

   PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

   PC3: This item was not addressed as no new drawings were provided for review.

2. *PC2:* The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

   PC3: This item was not addressed as no new drawings were provided for review.

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

August 14, 2024

Fire Prevention Division

Prepared by: Jesus Del Toro

Application #: B2024-02077 2750 Cedar St

JDelToro@Berkeleyca.gov

Corrections

A. Fire Code Requirements

A.1. 2022 California Fire Code (CFC): Revise the cover sheet to indicate that the project shall comply with the 2022 CFC.

A.2. Egress Path: Revise the site plan to show the egress path from the ADU to the public right-of-way. [CFC §504.1]

A.2.1. A minimum 3-ft approved walkway must be provided. Revise the site plan to show and fully dimension the approved walkway.

A.3. Premises Identification: New and existing dwellings must be provided with approved address identification, affixed to the dwelling building. The address identification characters shall contrast with their background, and each character shall be not less than 4-inches in height with a stroke width of not less than 0.5-inch. [CFC §505.1]

A.3.1. An additional address sign posting shall be provided by the front walkway or driveway approach fully visible directly from the street for dwellings that are setback from a public street. A post or monument mounted address should be posted where it is fully visible, preferably near the sidewalk and walkway giving access to the street. [CFC §505.1]

A.3.2. Revise the site plan and front elevation to show the location of the additional approved address identification signs.

A.4. Trash Bins: Revise the site plan to show the location of the compost, recycling, and waste bins for both the existing and new building. [CFC §304.3]

A.4.1. Ensure to locate the compost, recycling, and waste bins in an area that will not obstruct firefighters' access to emergency escape and rescue openings.

B. Residential Code Requirements

B.1. Fire Sprinkler System: Based on the cover sheet the residence will be equipped with an automatic residential fire sprinkler system. [CRC §R313.3]

B.1.1. Revise the cover sheet to include a "Deferred Submittal" block and indicate that the design and installation of fire sprinkler system must be completed as a deferred submittal under a separate fire permit.

B.1.2. The design and installation of the fire sprinkler system must be in accordance with NFPA 13D – 2022 edition or CRC §R313.3.

B.2. Electrical Plan: Revise the electrical drawing which shows the following:

B.2.1. Revise the electrical symbol legend to clearly identify that "SD" = smoke alarm and "CO" = carbon monoxide alarms will be installed in accordance with CRC §R314 and §R315.

B.2.2. Combination smoke/smoke carbon monoxide alarms listed in accordance with UL 2034 and UL 217 and State Fire Marshal approve for smoke alarm. [CRC §R315.4]

B.2.2.1. Smoke alarms must be interconnected in accordance with CRC §R314.4.

B.2.3. Smoke alarms installed greater than 10-ft but less than 20-ft horizontal distance from a permanently installed cooking appliance must be an ionization smoke alarm with an alarm-silencing switch or photoelectric smoke alarm. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 4)]

B.2.4. Smoke alarms installed greater than 6-ft but less than 10-ft horizontal distance from a permanently installed cooking appliance must be a photoelectric smoke alarm. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 4)]

B.2.5. Smoke alarms must be installed **not** less than a 3-ft horizontal distance from the door or opening of a bathroom that contains a bathtub or shower. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 5)]

B.2.6. Smoke alarms shall not be installed within a 36-inches horizontal path from the supply registers of a forced air heating or cooling system and shall be installed outside of the direct airflow from those registers. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 6)]

B.2.7. Smoke alarms shall not be installed within a 36-inches horizontal path from the tip of the blade of a ceiling-suspended (paddle) fan. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 7)]

B.2.8. Include a note indicating that the smoke alarms and/or combination smoke/carbon monoxide alarms shall receive their primary power from the building's electrical system and shall have a battery backup power supply. [CRC §R314.6 and §R315]

B.3. Berkeley Fire Hazard Severity Zone: The subject property is within Berkeley **Fire Zone 2** designated as Wildland-Urban Interference Fire Area. Therefore, the exterior materials and construction methods shall be installed in accordance with the Berkeley Fire Code Chapter 49, Berkeley Residential Code §19.29.050, and the California Residential Code §R337. Provide details and/or notes on the plans.

B.3.1. Provide a vegetation management plan in accordance with CRC §R337.1.5 and the California Fire Code §4906 and §4907. Provide a narrative accompanied by a landscape plan showing the following:

B.3.1.1. Show all structure(s) and its defensive space zone, the location and configuration of existing and/or new plants/shrubs/trees, delineate the new and those to be removed and/or modified, the location, name and configuration of vegetation to be planted.

B.3.1.2. The hazard assessment matrix (each plant must be identified on the matrix and must include common name and Latin name of the plant, quantity, whether the plant is fire resistant, type, indicate whether it is an existing or new, etc.)

B.3.1.3. The list of plants to be used and/or retained,
B.3.1.4. Plant spacing and crown separation,
B.3.1.5. Irrigation details,
B.3.1.6. Defensible spacing/zone(s), etc.

B.3.1.6.1. Please find here some resources on how to illustrate defensible spaces and associated content, and how to space trees and shrubs horizontally and vertically.

B.3.1.6.2. Vegetation Management Plan: Limit plants in the "Zone 0 – Ember-Resistant Zone" – Zone 0 extends 0-5-ft from buildings, structures, decks, etc.

B.3.1.6.3. Ensure the vegetation management plan shows any fences.

B.3.1.6.3.1. Gates located 90-degree from the building must be of non-combustible materials.

B.3.2. Vents shall comply with the requirements of CRC §R337.6. Provide details or notes on the plans.

B.3.3. Ventilation openings shall be fully covered with Wildfire Flame and Ember Resistant vents approved and listed by the California State Fire Marshal, or WUI vents tested to ASTM E2886 and listed, by complying with all of the following requirements:

B.3.3.1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.

B.3.3.2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.

B.3.3.3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

B.3.4. New exterior doors shall comply with one of the following pursuant to CRC §R337.8.3. Provide notes and/or provide details on plans.

B.3.4.1. Exterior surface or cladding shall be of non-combustible or ignition-resistance materials, or

B.3.4.2. Solid core wood with stiles not less than 1-3/8-inch think and raised panels not less than 1-1/4-inch think, or

B.3.4.3. 20-minute rated door where tested in accordance with NFPA 252, or

B.3.4.4. Exterior surface or cladding shall be tested in accordance with CBC §707A.3.1 when tested in accordance with SFM E2707, or

B.3.4.5. Conform to the performance requirements of SFM15 standards 12-7A-1.

B.4. Other Comments: Fire concurs with Building & Safety's outstanding comments, ensure to address all the comments.

Please be advised that additional comments may follow based on the response to these comments and to comments of other City agencies.

~ END OF COMMENTS ~

Permit Service Center
Building & Safety Division
Planning and Development Department

August 15, 2024

Land Use Planning — Prepared by: Waqar Shah

Application #: B2024-02077 — 2750 Cedar Street — WSHAH@cityofberkeley.info

Land Use Planning Requirements

1. PC3--After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved structure.
    a. If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under “Apply For A Use Permit”
    b. Please also note that through the setback determination as shown on page 5 of the Zoning Determination (attached) are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).
    c. The plan submissions for the Use Permit Entitlement Application will need to be provided to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.
    d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit. Please provide this on a site plan drawing.

    PC4—There are no entitlements under this address. The only record that was able to be found was under PLN2021-0026, which thoroughly outlines the current front, interior side, and rear setback lot lines. Please address the comments in comment #1.

    Additionally, I would like to provide an example for perspective – Taking out lighting from one interior location to another interior location is not a like for like replacement as the new lighting has to adhere to the most current building code requirements. The same goes for exterior building wall demolition and replacement. This project is constituted as a demolition and will need to follow the Use Permit application requirement.

2. PC3--Additionally, please provide elevations, floor plans, and site plan depicting an existing, proposed, and demolition plan for your project.

    PC4: Comment #2 was not addressed. Please provide these items for further review.

Permit Service Center
Building & Safety Division
Planning and Development Department

August 15, 2024

3. Please note that additional information may be requested upon review of resubmitted items.

1947 Center Street
Berkeley, CA 94704-1113
PlanningPermits@CityofBerkeley.info

Tel: (510) 981-7500
TDD: (510) 981-7450
Fax: (510) 981-7450

PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
Email: planning@cityofberkeley.info

ZONING DETERMINATION

Site/Property Information:

Address:	2750 Cedar St.	**Suite/Unit #:**	
Zone:	R1-H (Single-Family Residential / Hillside Overlay)	**Assessor's Parcel #:**	055 22110200

Requested By:

Name:	Randall Whitney on behalf of Luis B. Lin	**Address:**	373 Thatcher Lane,
Phone:	510-540-7774	**City/State/Zip:**	Foster City, CA 94404

Request:
Determination of required yards for an irregularly-shaped lot.

Background:
The Berkeley Municipal Code (BMC) establishes Front, Rear, and Side Yards for main buildings in Residential Zones based on the locations of the corresponding lot lines. As described below, in the case of an irregularly-shaped lot, the Zoning Officer must determine the front of the lot for purposes of lot frontage and required yards, and designate the required yards.

The subject lot at 2750 Cedar Street is located in the Single-Family Residential District and Hillside Overlay (R-1H), and has frontages on Le Vereda Road and Cedar Street. These street lot lines are separated by a corner lot at 1601 Le Vereda Road. The lot itself is also an irregular shape, with narrow flag portions and a total of 10 lot lines. (See Images #1 and #2)

PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
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Per Berkeley Municipal Code (BMC) 23D.16.070.D for the R-1 District:

The Main Building shall be set back from the respective lot lines as follows:

	Yard location		
Stories (number)	**Front**	**Rear***	**Side****
1-3	20 ft.	20 ft.	4 ft.

*See Section 23D.16.070.D.1

**See Sections 23D.16.070.D.2 and D.3

Per BMC 23E.96. 070.C for the Hillside Overlay:

Main buildings shall be set back from the respective lot lines, and separated between one another, as required by the regulations for the underlying District which is combined with the H District, except that such setbacks and building separations may be reduced subject to obtaining an AUP and making the required finding under Section 23E.96.090.B. In addition, yards and building separation shall also be subject to the limitation and exception provisions set forth in Sections 23D.04.030 or 23E.04.030, as the case may be.

Per the Lot Requirements for Residential Districts:

BMC 23D.04.010.D: The shorter of the two intersecting lot lines along the rights-of-way of a corner lot shall be deemed to be the front of the lot for purposes of determining the lot frontage and for yard requirements. In the case of a lot having equal frontage, or in the case of an irregularly shaped lot, the Zoning Officer shall determine the front in such a manner as to best promote the orderly development of the immediate area.

BMC 23D.04.010.E: The Zoning Officer shall designate the front, side and rear yards for main buildings for flag lots and irregular lots, in a manner to best protect light, air and privacy. The yard dimensions shall be as set forth in each District's provisions."

PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
Email: planning@cityofberkeley.info

Determination:
For this site, the Zoning Officer has determined that the western lot line fronting on La Verada Road is the front lot line for the purposes of lot frontage and yard requirements. Based on the topography of the immediate area and the location, orientation, and access to adjacent residences, these setbacks best promote the orderly development of the immediate area and to protect light, air, and privacy, the corresponding yard setbacks shall be as follows (See Image #3):

1. Front: western lot line fronting on La Vereda Road; 20 feet
2. Rear: portion of the eastern most lot line that is not part of the norther flag, furthest and opposite the front lot line to the southwest corner; 20 feet
3. Side Street: lot line fronting Cedar Street; 10 feet
4. Side: All other lot lines not mentioned above are side lot lines; 4 feet

Advisory Note: All other relevant BMC development standards will apply.

PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
Email: planning@cityofberkeley.info

Image #1: Zoning Map

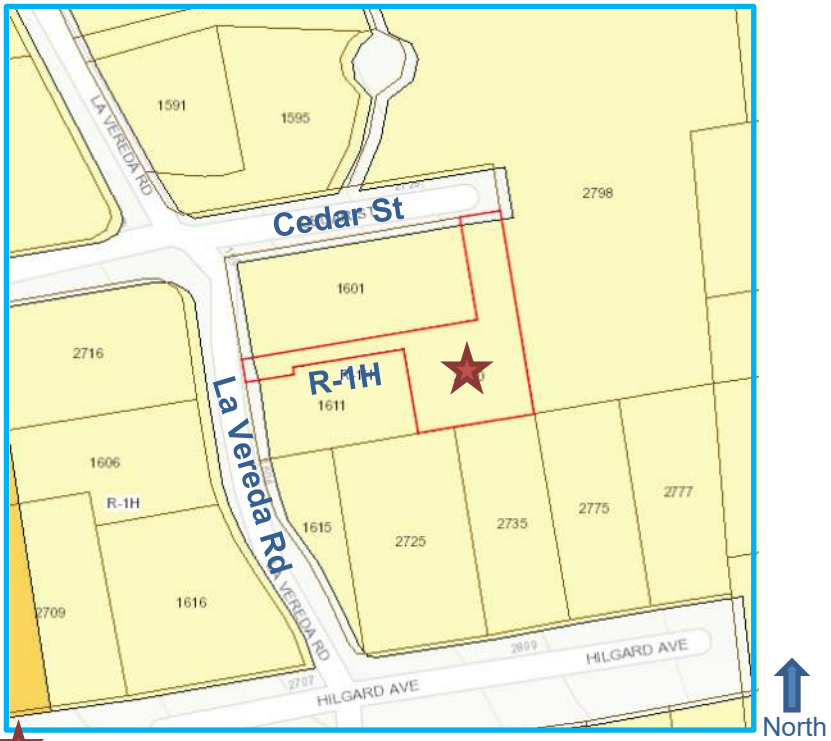
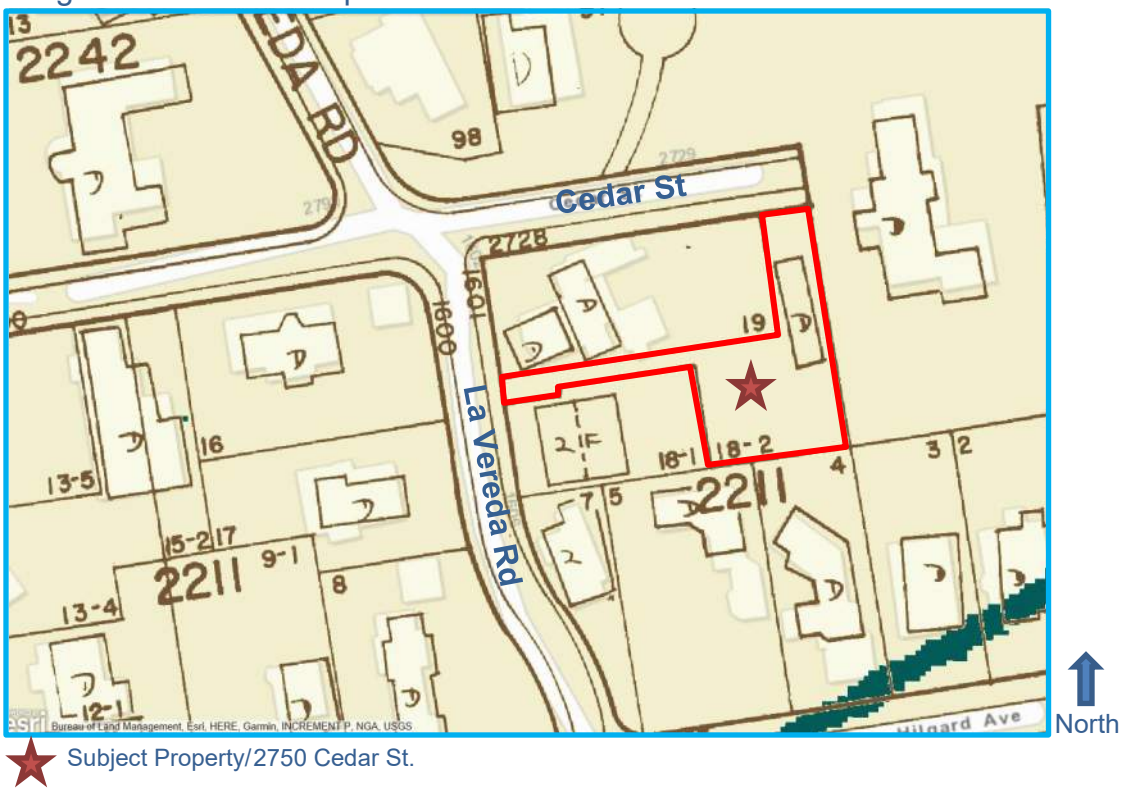


Image #2: Land Use Map



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Land Use Planning, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
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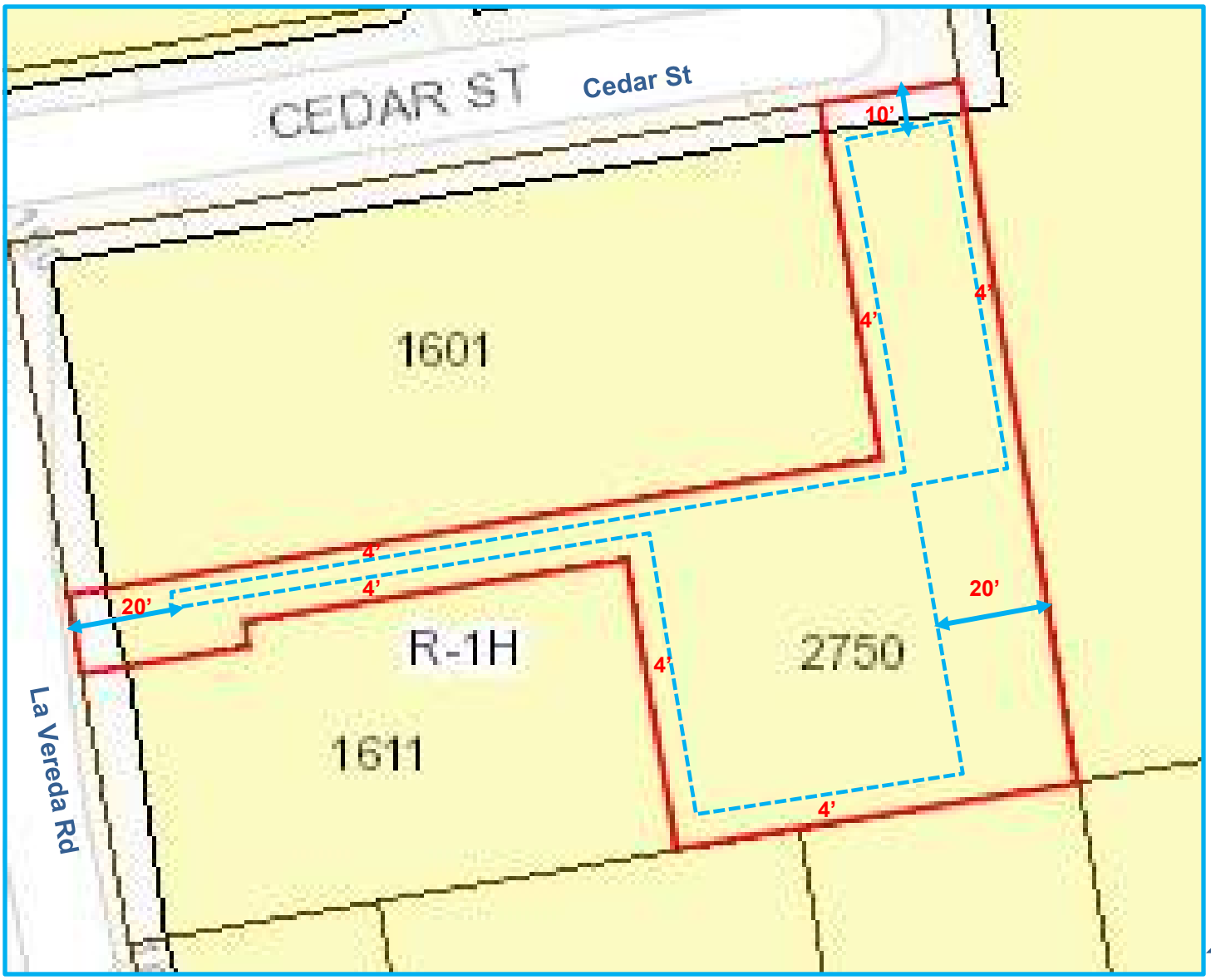
Image #3: Setback determination



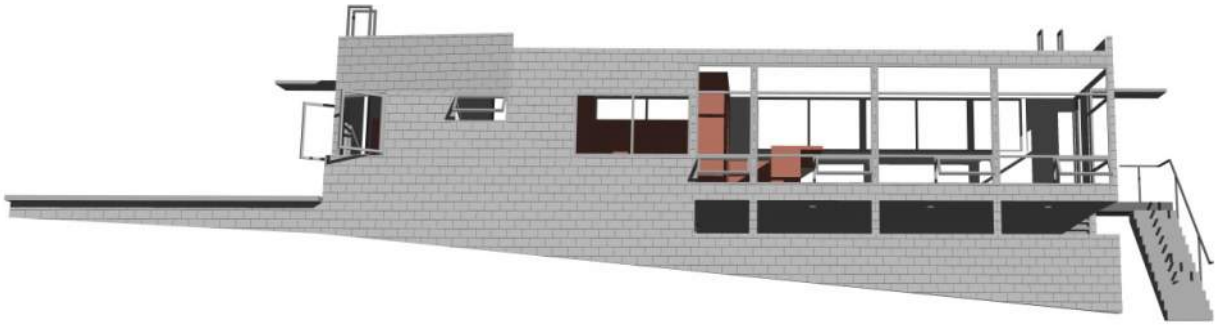
Not To Scale

Determination Prepared By/Approved

Prepared by: Nilu Karimzadegan, Assistant Planner **Approved by:** Samantha Updegrave, Zoning Officer **Date:** 8 / 17 / 2021

Date: 8/17 /2021 **Signature:**

M I C H A E L T O L L E S O N , A R C H I T E C T
555 PIERCE ST
#1626
ALBANY, CA 94706



August 27, 2024

Recipients	David Lopez dlopez@CityofBerkeley.info Jessie Bright jbright@cityofberkeley.info Waqar Shah WSHAH@cityofberkeley.info Jesus Del Toro JDelToro@Berkeleyca.gov
Address	Building & Safety Permit Service Center 1947 Center St, 3rd Floor Berkeley, CA 94704-1113 (510) 981-7440
Re	Application B-2024-02077 2750 Cedar St (1605 La Vereda Rd)

Response > 02077

1.

We find that it is no longer productive to respond to Berkeley comments, as they are inapplicable and contrary to the California Existing Building Code (CEBC), which governs Cedar.
This review has devolved into a discussion of two entirely different Projects, in which Berkeley comments have become non sequiturs.

Berkeley has repeatedly failed to understand and apply the clear and detailed California Codes.
We are not requesting nor will we be paying $260/hour for more Berkeley errors.
We stand by all Responses as they are and will proceed according to the submitted Construction Documents with the minor changes noted in our Responses.

MICHAEL TOLLESON , ARCHITECT
555 PIERCE ST
#1626
ALBANY, CA 94706

What we find is a common pattern in most building departments, in which plan checkers tend to repeat what they have done before, rather than actually re-reading the Codes, which then become further distorted over time, like a children's game of telephone.
The Code is not a children's game.
The Code is the Code.

Our recommendation is that Berkeley read our responses again until they are understood.
And read CRC APPENDIX AJ EXISTING BUILDINGS AND STRUCTURES which corroborates the CEBC.

We find that it is reasonable to infer that, rather than complete incompetence, it is more likely that the review has been burdened by political manipulation.
We find that since Berkeley unnecessarily merged the parcels in 2013, Berkeley has imposed conditions on the parcels to make them progressively more difficult to complete development.

To reiterate, yet again, for Berkeley's short tem memory, the <50% Partial Demolition of the building was reviewed and approved by Berkeley and was inspected and approved by Berkeley as a <50% Partial Demolition.
All necessary documentation has been provided to establish this legal basis, from which all Code application follows.

After this needlessly convoluted process, we are starting Repair construction.
Berkeley is welcome to inspect the work at our invitation at each phase, but we will use independent inspectors, if necessary.

2.

Of course, it could just be incompetence, in which plan checkers are just copying and pasting random comments from the master list in order to make comments as loquacious as possible.
And, apparently, they need to learn how to zoom in and out.

Mr. Shah,
Although your review status now says, "Comment: Reset due to resubmittal", you approved the Repair twice before your current comments.
Are you aware that Cedar St is 2:1 unimproved east of La Vereda?

Mr. Del Toro,
There is no ADU in the Repair reconstruction.

Sincerely,

Michael Tolleson, Architect, C-22075

Internal

Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 September 16, 2024

Project Address: 2750 Cedar Street

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a **written response letter**, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. **Incomplete or unclear responses to corrections may result in delays.**

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding a 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2024

Building and Safety — Prepared by: Jesse Bright, P.E.

Application #: B2024-02077 — 2750 Cedar St — jbright@cityofberkeley.info

Administrative

PC4: The document provided under the fourth review was limited to a single letter discussing the Land Use comments, therefore all previous plan check comments remain, the prior correction letter is reproduced below for reference. Please note that this is the 4th round of corrections being issued for this permit application. The initial plan check fees assessed are limited to three (3) plan reviews and approval of the construction documents. If the resubmitted construction documents warrant a 5th round of comments that review, and all subsequent plan reviews, will be assessed a $250 per hour plan check fee which will be due at permit issuance.

PC5: The plan check response provided does not address the plan check comments and revised construction drawings demonstrating compliance with the California Building Standards Code as adopted by the City of Berkeley have not been provided for review, therefore all previous comments stand.

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

   PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

   PC3: Sheet S-1.1 and S-2.2 listed in the drawing index were not included in the set and there were two sheets identified as S-3.1. This item was not addressed as no new drawings were provided for review.

5. *PC2:* The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]

   Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that "...the new structure is located in accordance with the approved plans."

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PC3: Please revise the drawings to include a reference copy of the existing survey to support the proposed recess of the wall along Grid Line 3 as required to provide an adequate fire separation distance for the proposed window openings.

6. ***PC3: The plan check responses make multiple references to record 22TMP-028856. TMP records are not permits, they are placeholders for tracking client applications prior to submittal to Building and Safety so that if the permit application process is interrupted the applicant is not required to start the process over. The record indicated was never submitted to Building and Safety, no fees were paid, and no permit was issued. Any work proposed under 22TMP-028856 is not valid and cannot be used as a basis for code compliance under this permit application.***

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

   PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

   PC3: This item was not addressed as no new drawings were provided for review.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

   PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations. Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]

   a. *Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]*

   b. *The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage*

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efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]

PC2: Please revise the drawings to provide a single consistent design reflected throughout. If stucco finishes are proposed, provide documentation demonstrating that the proposed assembly will comply with underlayment and drainage layer requirements or is exempt. Please note that if the documentation provided is based on specific proprietary products, the manufacturer and product type must be specified on the drawings.

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

   PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

   PC3: This item was not addressed as no new drawings or supporting documents were provided for review.

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

   PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

   PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Each dwelling unit must have a compliant means of egress with access to grade and elevated walking surfaces must have guards. Please remove any future work from the drawings, as future work is not relevant to the currently proposed scope and reduces the clarity of the drawings.

   a. The means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the exterior of the dwelling at the required egress door. The required egress door shall open directly into a public way or to a yard or court that opens to a public way. [CRC R311.1]

   b. Revise the drawings to provide guards not less than 42 inches above walking surfaces more than 30 inches above grade or floor below (from any point within 36 inches of the edge of the open side). [CRC R312.1.2]

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6. *PC2:* The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review. Please revise the drawings to provide a single consistent design reflected throughout.

7. *PC2:* The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

8. *PC2:* In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]

   PC3: This item was not addressed as no new drawings were provided for review.

9. *PC2:* Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]

   PC3: This item was not addressed as no new drawings were provided for review.

10. *PC2:* Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

    PC3: This item was not addressed as no new drawings were provided for review. Asphalt shingles shall be used only on roof slopes of 2 units vertical in 12 units horizontal or greater. For roof slopes from 2 units vertical in 12 units horizontal up to 4 units vertical in 12 units horizontal, double underlayment application is required. [CRC R905.2.2]

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

   PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and provide a complete load

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path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

PC3: This item has not been addressed. While the structure has been damaged from years of exposure to the elements, the scope of this permit is not just a repair. The current state of the structure is due to an alteration initiated under B2013-04915 that was never completed as proposed under B2014-00236. In accordance with CEBC 503.1, alterations to any building or structure shall comply with the requirements of the California Building Code or California Residential Code, as applicable, for new construction.

2. *PC2:* Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

   PC3: This item has not been addressed.

3. *PC2:* The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]

   PC3: This item was not addressed as no new drawings were provided for review.

6. *PC2:* Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω_0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]

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PC3: This item was not addressed.

7. *PC2:* For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]

   PC3: This item was not addressed.

8. *PC2:* Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, if applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

   PC3: This item was not addressed as no new drawings were provided for review.

Electrical

4. *PC2:* The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

   PC3: Based on the response, the delineation on the drawings between counters and full height cabinets is unclear. Please revise the drawings as necessary to clarify the design and demonstrate code compliance.

6. *PC2:* Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

   PC3: This item was not addressed as no new drawings were provided for review.

Mechanical

2. *PC2:* Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

   PC3: This item was not addressed as no new drawings were provided for review.

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

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PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Sanitary facilities are required to serve residential occupancies in accordance with CPC Table 422.1.

2. *PC2:* The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

   PC3: This item was not addressed as no new drawings were provided for review.

3. *PC2:* For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

   PC3: Revise the drawings to clearly document the proposed design.

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

   PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

   PC3: This item was not addressed as no new drawings were provided for review.

2. *PC2:* The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

   PC3: This item was not addressed as no new drawings were provided for review.

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2024

Fire Prevention Division

Prepared by: Jesus Del Toro

Application #: B2024-02077 2750 Cedar St

JDelToro@Berkeleyca.gov

Corrections

****** NOTE: The following and previously made comments were not addressed in the recently submitted building permit drawings. Revise drawings to address the following and previously made comments: ******

A. Fire Code Requirements

A.1. 2022 California Fire Code (CFC): Revise the cover sheet to indicate that the project shall comply with the 2022 CFC.

A.2. Egress Path: Revise the site plan to show the egress path from the ADU to the public right-of-way. [CFC §504.1]

A.2.1. A minimum 3-ft approved walkway must be provided. Revise the site plan to show and fully dimension the approved walkway.

A.3. Premises Identification: New and existing dwellings must be provided with approved address identification, affixed to the dwelling building. The address identification characters shall contrast with their background, and each character shall be not less than 4-inches in height with a stroke width of not less than 0.5-inch. [CFC §505.1]

A.3.1. An additional address sign posting shall be provided by the front walkway or driveway approach fully visible directly from the street for dwellings that are setback from a public street. A post or monument mounted address should be posted where it is fully visible, preferably near the sidewalk and walkway giving access to the street. [CFC §505.1]

A.3.2. Revise the site plan and front elevation to show the location of the additional approved address identification signs.

A.4. Trash Bins: Revise the site plan to show the location of the compost, recycling, and waste bins for both the existing and new building. [CFC §304.3]

A.4.1. Ensure to locate the compost, recycling, and waste bins in an area that will not obstruct firefighters' access to emergency escape and rescue openings.

B. Residential Code Requirements

B.1. Fire Sprinkler System: Based on the cover sheet the residence will be equipped with an automatic residential fire sprinkler system. [CRC §R313.3]

B.1.1. Revise the cover sheet to include a "Deferred Submittal" block and indicate that the design and installation of fire sprinkler system must be completed as a deferred submittal under a separate fire permit.

B.1.2. The design and installation of the fire sprinkler system must be in accordance with NFPA 13D – 2022 edition or CRC §R313.3.

B.2. Electrical Plan: Revise the electrical drawing which shows the following:

B.2.1. Revise the electrical symbol legend to clearly identify that “SD” = smoke alarm and “CO” = carbon monoxide alarms will be installed in accordance with CRC §R314 and §R315.

B.2.2. Combination smoke/smoke carbon monoxide alarms listed in accordance with UL 2034 and UL 217 and State Fire Marshal approve for smoke alarm. [CRC §R315.4]

B.2.2.1. Smoke alarms must be interconnected in accordance with CRC §R314.4.

B.2.3. Smoke alarms installed greater than 10-ft but less than 20-ft horizontal distance from a permanently installed cooking appliance must be an ionization smoke alarm with an alarm-silencing switch or photoelectric smoke alarm. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 4)]

B.2.4. Smoke alarms installed greater than 6-ft but less than 10-ft horizontal distance from a permanently installed cooking appliance must be a photoelectric smoke alarm. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 4)]

B.2.5. Smoke alarms must be installed **not** less than a 3-ft horizontal distance from the door or opening of a bathroom that contains a bathtub or shower. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 5)]

B.2.6. Smoke alarms shall not be installed within a 36-inches horizontal path from the supply registers of a forced air heating or cooling system and shall be installed outside of the direct airflow from those registers. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 6)]

B.2.7. Smoke alarms shall not be installed within a 36-inches horizontal path from the tip of the blade of a ceiling-suspended (paddle) fan. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 7)]

B.2.8. Include a note indicating that the smoke alarms and/or combination smoke/carbon monoxide alarms shall receive their primary power from the building’s electrical system and shall have a battery backup power supply. [CRC §R314.6 and §R315]

B.3. Berkeley Fire Hazard Severity Zone: The subject property is within Berkeley **Fire Zone 2** designated as Wildland-Urban Interference Fire Area. Therefore, the exterior materials and construction methods shall be installed in accordance with the Berkeley Fire Code Chapter 49, Berkeley Residential Code §19.29.050, and the California Residential Code §R337. Provide details and/or notes on the plans.

B.3.1. Provide a vegetation management plan in accordance with CRC §R337.1.5 and the California Fire Code §4906 and §4907. Provide a narrative accompanied by a landscape plan showing the following:

B.3.1.1. Show all structure(s) and its defensive space zone, the location and configuration of existing and/or new plants/shrubs/trees, delineate the new and those to be removed and/or modified, the location, name and configuration of vegetation to be planted.

B.3.1.2. The hazard assessment matrix (each plant must be identified on the matrix and must include common name and Latin name of the plant, quantity, whether the plant is fire resistant, type, indicate whether it is an existing or new, etc.)

B.3.1.3. The list of plants to be used and/or retained,
B.3.1.4. Plant spacing and crown separation,
B.3.1.5. Irrigation details,
B.3.1.6. Defensible spacing/zone(s), etc.

B.3.1.6.1. Please find here some resources on how to illustrate defensible spaces and associated content, and how to space trees and shrubs horizontally and vertically.

B.3.1.6.2. Vegetation Management Plan: Limit plants in the "Zone 0 – Ember-Resistant Zone" – Zone 0 extends 0-5-ft from buildings, structures, decks, etc.

B.3.1.6.3. Ensure the vegetation management plan shows any fences.

B.3.1.6.3.1. Gates located 90-degree from the building must be of non-combustible materials.

B.3.2. Vents shall comply with the requirements of CRC §R337.6. Provide details or notes on the plans.

B.3.3. Ventilation openings shall be fully covered with Wildfire Flame and Ember Resistant vents approved and listed by the California State Fire Marshal, or WUI vents tested to ASTM E2886 and listed, by complying with all of the following requirements:

B.3.3.1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.

B.3.3.2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.

B.3.3.3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

B.3.4. New exterior doors shall comply with one of the following pursuant to CRC §R337.8.3. Provide notes and/or provide details on plans.

B.3.4.1. Exterior surface or cladding shall be of non-combustible or ignition-resistance materials, or

B.3.4.2. Solid core wood with stiles not less than 1-3/8-inch think and raised panels not less than 1-1/4-inch think, or

B.3.4.3. 20-minute rated door where tested in accordance with NFPA 252, or

B.3.4.4. Exterior surface or cladding shall be tested in accordance with CBC §707A.3.1 when tested in accordance with SFM E2707, or

B.3.4.5. Conform to the performance requirements of SFM15 standards 12-7A-1.

B.4. Other Comments: Fire concurs with Building & Safety's outstanding comments, ensure to address all the comments.

Internal

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Planning and Development Department

September 11, 2024

Please be advised that additional comments may follow based on the response to these comments and to comments of other City agencies.

~ END OF COMMENTS ~

Permit Service Center
Building & Safety Division
Planning and Development Department

September 16, 2024

Land Use Planning — Prepared by: Waqar Shah

Application #: B2024-02077 — 2750 Cedar Street — WSHAH@cityofberkeley.info

Land Use Planning Requirements

Overall, the plan check response does not address the comments provided, and revised construction drawings demonstrating compliance with Title 23 of the City of Berkeley Municipal Code have not been submitted for review. Therefore, all previous comments remain in effect.

1. PC4--After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved structure.
    a. If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under “Apply For A Use Permit”
    b. Please also note that through the setback determination as shown on page 5 of the Zoning Determination (attached) are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).
    c. The plan submissions for the Use Permit Entitlement Application will need to be provided to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.
    d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit. Please provide this on a site plan drawing.

    PC5—There are no entitlements under this address. The only record that was able to be found was under PLN2021-0026, which thoroughly outlines the current front, interior side, and rear setback lot lines. Please address the comments in comment #1.

    Additionally, I would like to provide an example for perspective – Taking out lighting from one interior location to another interior location is not a like for like replacement as the new lighting has to adhere to the most current building code requirements. The same goes for exterior building wall demolition and replacement. This project is constituted as a demolition and will need to follow the Use Permit application requirement.

Permit Service Center
Building & Safety Division
Planning and Development Department

September 16, 2024

2. PC4--Additionally, please provide elevations, floor plans, and site plan depicting an existing, proposed, and demolition plan for your project.

   PC5-Comment #2 was not addressed. Please provide these items for further review.

3. Please note that additional information may be requested upon review of resubmitted items.

1947 Center Street
Berkeley, CA 94704-1113
PlanningPermits@CityofBerkeley.info

Tel: (510) 981-7500
TDD: (510) 981-7450
Fax: (510) 981-7450

Planning & Development Department
Building & Safety Division

September 21, 2024

First Notice and Order to Correct
APN 058- -2211-020-01
Case # 24-00000374

MAK PAUL T & PING H
3819 BLUFF ST

TORRANCE, CA 90505

Subject: **2750 CEDAR ST**
Berkeley, California

Dear Property Owner:

On September 18, 2024 Inspector DAVID J MONTES inspected your property at **2750 CEDAR ST**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on October 22, 2024.

If you do not correct the (these) violation(s) in accordance with the timelines and procedures specified in the attached notice, you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of this notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **$5,000 per violation, and up to $10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DAVID J MONTES at (510) 981-7440 between 8:00AM to 4:00PM.

Sincerely,

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Case #: 24-374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- [x] FIRST NOTICE
- [ ] SECOND NOTICE
- [ ] REVISED NOTICE
- [ ] OTHER

Address 2750 CEDAR ST Date 9/18/24
Occupancy/Use R-3 Dwelling
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent Michael Tolleson Phone #
Mailing Address 555 Pierce St #1626 City Albany ZIP 94706
Person contacted at site Owner Phone # 510-332-9520

DESCRIPTION OF VIOLATION:

- [x] Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- [ ] Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- [ ] Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- [ ] Expired permit (BMC 19.28.020/CBC 105.5)
- [ ] Unsafe building (BMC 19.28.020/CBC 116.1)
- [ ] Other (see description below)

VIOLATION :

	Code Section
Portions of structure removed at north end. New sill plates installed.	BMC 19.28.020 CBC 105.1, 105.2

CORRECTIVE ACTION: *(You must comply with ALL checked boxes below)* 10/22/24

- [x] **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- [x] File for a Building Permit Application at Permit Service Center.
  - [ ] No plans are required, file within _____ working days.
  - [x] Plans are required, file within 21 working days.
  - A copy of this Notice must accompany the permit application.
- [x] Respond to plan review correction letter(s) within 10 days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- [x] Obtain X BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within 10 days of approval notification.
- [ ] Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- [ ] Correct all violations within _____ days of this notice.
- [x] Land Use Planning approval is required. **Call 510-981.7410**
- [ ] You failed to comply with the notice(s) dated _____. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- [x] Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

Planning & Development Department
Building & Safety Division

September 21, 2024

Second Notice and Order to Correct
APN 058- -2211-020-01
Case # 24-00000374

MAK PAUL T & PING H
3819 BLUFF ST

TORRANCE, CA 90505

Subject: **2750 CEDAR ST**
Berkeley, California

Dear Property Owner:

On September 19, 2024 an inspection occurred at **2750 CEDAR ST**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

On September 21, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On September 19, 2024 Inspector DAVID J MONTES reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **$5,000 per violation, and up to $10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DAVID J MONTES at (510) 981-7440 between 8:00AM - 4:00PM.

Sincerely,

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation

Case #: 24-374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- ☐ FIRST NOTICE
- ☒ SECOND NOTICE
- ☐ REVISED NOTICE
- ☐ OTHER

Address 2750 Cedar St Date 9/19/24
Occupancy/Use R-3 Dwelling
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent Michael Tolleson Phone #
Mailing Address 555 Pierce St #1626 City Albany, CA ZIP 94706
Person contacted at site Phone #
2nd owner: Mak Paul T, Mak Ping 3819 Bluff St, Torrance CA 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :

	Code Section
Work continuing in violation of "stop work" notice posted 9/18/24.	

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)*** 10/23/24

☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)

- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 9/18/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 7:30AM - 8:00AM / 3:00PM – 4:00PM

Inspector signature _____ Phone: 510-981.7440

Form #116

REQUEST FOR SERVICE

Inspection for Illegal Construction

058 221/102 001

Building and Safety
Permit Service Center

Please Note:
The City of Berkeley will not automatically publicize the origin of this request, however if anyone seeks information about this request, it is considered public information. This form is for illegal construction/code concerns only. Any noise concerns should be directed to the Environmental Health Division.

For unsafe work practices, complete a ***Complaint to Investigate Unsafe Work Practices*** form.

Request Details

Address: 2750 CEDAR St

Concern: currently (Sept 25th) Building a new house on a abandoned / destroyed house. Workers have attached a floor, walls and structure for a roof to an abandoned and mostly demolished building. there has been no sign posted with zoning info. - Note building not visable from street, take stairs between two houses.

Owner Information

Name: | Phone:
Address: 373 THATCHER LN | City/ST/Zip:
Email:

Complainant Information

Name: Noah Guy | Phone: 1 (415) 599-0558
Address: 2725 Hilgard Ave. | City/ST/Zip: 94709
Email: info@joshu.org

Relationship to the Address of Concern: ☑ Neighbor ☐ Tenant ☐ Owner
☐ Fire Department ☐ Health Department ☐ Other:

Complainant Signature | 9-25-24 Date

B2024-02077 Corrections list issue.

Office Use Only

Inspector: | Priority: | Due:
Action: ☐ Posted NOV ☐ Posted 2nd NOV ☐ NFA ☐ Other:

Notes:

Building Inspector Signature | Date

Supervising Building Inspector Signature | Date

Last Revised 04/20/21

Building and Safety
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7440 TTY 6903
buildingandsafety@

cityofberkeley.info

Property Detail Report

For Property Located At :
2750 CEDAR ST, BERKELEY, CA 94708-2021

CoreLogic RealQuest

Owner Information

Owner Name:	MAK PAUL T/MAK PING H
Mailing Address:	3819 BLUFF ST, TORRANCE CA 90505-6359 C009
Vesting Codes:	/ /

Location Information

Legal Description:			
County:	ALAMEDA, CA	APN:	058-2211-020-01
Census Tract / Block:	4225.00 / 2	Alternate APN:	058221102001
Township-Range-Sect:		Subdivision:	DALEYS SCENIC PARK
Legal Book/Page:		Map Reference:	/
Legal Lot:	34	Tract #:	
Legal Block:	25	School District:	BERKELEY
Market Area:		School District Name:	BERKELEY
Neighbor Code:		Munic/Township:	BERKELEY INCORP

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	10/20/2022 / 10/18/2022	1st Mtg Amount/Type:	/
Sale Price:	$289,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	174445	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	
Title Company:	25343		
Lender:			
Seller Name:	LIN LOUIS B		

Prior Sale Information

Prior Rec/Sale Date:	10/08/2013 / 09/27/2013	Prior Lender:	
Prior Sale Price:	$195,000	Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	326424	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:		Acres:	0.16	County Use:	VACANT RESIDENTIAL LAND, ZONED (1000)
Lot Area:	7,132	Lot Width/Depth:	x	State Use:	
Land Use:	RESIDENTIAL LOT	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	$294,576	Assessed Year:	2024	Property Tax:	$3,652.04
Land Value:	$294,576	Improved %:		Tax Area:	13000
Improvement Value:		Tax Year:	2023	Tax Exemption:	
Total Taxable Value:	$294,576				

Building and Safety Division
Planning and Development Department

October 1, 2024

Paul T. Mak / Ping H. Mak
3819 Bluff Street
Torrance, CA 90505-6359

Michael Tolleson
555 Pierce Street, Unit 1626
Albany, CA 94706

Re: 2750 CEDAR STREET, BERKELEY, CA 94708

VIA CERTIFIED MAIL AND FIRST-CLASS MAIL

NOTICE OF ADMINISTRATIVE CITATION FOR FAILURE TO COMPLY WITH NOTICES OF VIOLATION, ORDERS TO CORRECT, AND STOP WORK ORDER DATED 9/18/24 and 9/19/24.

Case #24-00000374

Dear Property Owners,

On September 18, 2024 the City of Berkeley issued a Notice of Violation, Order to Correct, and Stop Work Order per California Building Code (CBC) Sections 105 and 115 for construction work performed without an issued building permit. This Notice was posted on your property and sent in the mail to the home address of Paul T. Mak and Ping H. Mak. You were ordered to STOP ALL WORK IMMEDIATELY and obtain a building permit within the time frames specified in the Notice of Violation. You have failed to take corrective action and continued construction operations in violation of CBC Section 115.

On September 19, 2024 the City of Berkeley issued a Second Notice of Violation and Order to Correct, due to your failure to STOP ALL WORK IMMEDIATELY. To date, you have knowingly and willfully failed to comply with the provisions of the Stop Work Order.

On September 25, 2024, City of Berkeley employees observed that the unpermitted construction has progressed. Therefore, attached hereto is an administrative citation for $100 per violation, per day. If construction continues, the fine will quickly increase to $500 per day with the potential of increasing up to $5,000 per day. Every day you refuse to comply with the aforementioned notices, you will be subject to additional fines for a continuing violation of the Stop Work Order, BMC 19.28.020, and California Building Code Sections 105.1 and 115.4. The City may impose a special assessment lien on your property for any unpaid citations which is

collected at the same time and in the same manner as property taxes for any unpaid fines. If an injury occurs as a result of these violations, fines of up to $10,000 may be assessed.

Furthermore, a continued violation of the stop work order may be charged as a misdemeanor per BMC 19.28.020.

To reiterate the information conveyed in the prior Notices, in order to avoid additional fines you must complete the following steps within the time frame established below:

1. ALL CONSTRUCTION WORK ON THE PROPERTY SHALL STOP IMMEDIATELY.
2. Apply for all required permits to correct the Building Violations identified in the Notice of Violation within 10 days of this letter.
3. Fully respond to all plan review comments within 10 days of notification by the Permit Service Center.
4. Obtain all permits within 10 days of plan approval by the City.
5. Complete all work and obtain an approved final inspection within 180 days of issuance of the permit.

Furthermore, failure to stop work immediately may result in the City seeking an abatement and inspection warrant to correct the dangerous conditions created by your unlawful construction, the costs of which will be billed to the owner per BMC Chapter 1.24.

If you have any questions you may contact the undersigned at 510 981-7455 or by email at dchappell@berkeleyca.gov.

Sincerely,

Darrell Chappell
Supervising Building Inspector

CITY OF BERKELEY
ADMINISTRATIVE CITATION
Citation No. __10735_____

CITATION ISSUED:

Name: Paul T. Mak and Ping H. Mak
Address: 3819 Bluff Street City: Torrance
State: California Zip Code: 90505

and

Name: Michael Tolleson
Address: 555 Pierce Street City: Albany
State: California Zip Code: 94706

VIOLATION

Location of violation: **2750 Cedar Street, Berkeley, CA 94708**

09/20/2024 – 9/30/2024 ____ ____ m. S M T W T F S

Date(s) of Violation(s) Time All Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.28.020 CBC 105.1	Permits required to perform construction work	$100/day	Obtain Permits	10/10/2024
19.28.020 CBC 115.4	Failure to comply with stop work order	$100/day	Stop Work	Immediately
Total Penalty	$2000 (100/day * 2 penalties * 10 days)			

PLEASE TAKE NOTICE: You are hereby ordered to cease the violations set forth above and to prevent their repeated occurrence. **You are further hereby ordered** to correct any violations identified as "correctable."

PAYMENT: Please see reverse for payment options.

APPEAL: You may appeal the determination that you have violated a City ordinance, the penalty imposed, or both. **See reverse for instructions on how to appeal.**

DRIVERS LICENSE and EMPLOYER INFORMATION (if applicable)

ID no._____State_____Birth Date_____

Sex_____Eyes_____Height_____Weight_____

Employer_____Phone_____

Address_____City_____State_____Zip Code_____

Citing Officer Name: Darrell Chappell **Department:** Planning and Development

Citing Officer Signature: _____ **Date:** October 1, 2024

CITY OF BERKELEY ADMINISTRATIVE CITATION

PAYMENT OPTIONS
You must pay the fines imposed by this citation within 30 days of the date of this citation.
Mail: Finance will send you an invoice for this citation and you may pay by check once you receive it. Please list the building address associated with the citation on the memo of the check and make check payable to the City of Berkeley.
In Person: City of Berkeley, **Finance Customer Service Center, 1947 Center Street, 1st Floor, Berkeley, CA 94704**, Mon-Thu 8:30am-2pm; Closed on Fridays. Please bring your citation with you.

FILING AN APPEAL
If you intend to appeal this citation, you must complete a request for hearing form and return it to the City at the address shown on the form. The request for hearing form must be received or postmarked no later than **21 days** from the date of this citation. The request for hearing form **must be accompanied by** either (1) an advance deposit of the fine(s) imposed by this citation, or (2) notice that a request for an advance deposit hardship waiver form has been filed. You may obtain the request for hearing form and, if applicable, the request for an advance deposit hardship waiver from: https://berkeleyca.gov/city-services/report-pay/administrative-citation-appeals or by contacting the City Manager's Office, 2180 Milvia Street, 5th Floor, Berkeley, California 94704, (510) 981-7000.

ADVANCE DEPOSIT WAIVERS
If you are financially unable to make the advance deposit of the fine, you may file a request for an advance deposit hardship waiver using the advance deposit hardship waiver form **within 10 days** of the date of the citation. If you do so, you do not need to pay the advance deposit of the fine unless or until the City denies your request for a waiver. The City must issue a written determination of its reasons for granting or denying your request for a waiver and serve it upon you by first class mail. The City may grant the waiver only if you submit a sworn declaration, together with any supporting documents or materials, which demonstrates your financial inability to deposit with the City the full amount of the fine in advance of the hearing. If the City denies your request for a waiver, you must remit the deposit to the City within 10 days of the date of that decision or 30 days from the date of the citation, whichever is later. **If you fail to do so, you will not be entitled to a hearing.**

HEARING
If you timely appeal this citation, you will be notified of the time and place of your hearing at least 10 days prior to the date of the hearing. If the citing officer submits an additional written report concerning the citation to the hearing officer for consideration at the hearing, a copy of that report will be sent to you at least five days prior to the date of the hearing. The hearing will be held not less than 15 days and not more than 30 days from the date you file your request for a hearing and advance deposit or notice of request for a waiver. At the hearing, you may testify and present evidence concerning the citation. If you fail to appear at the hearing, you will forfeit the fine and be deemed to have consented to any order prohibiting further occurrence of the violation and/or to correct the violation.

MORE INFORMATION
This citation was issued under the authority of Berkeley Municipal Code (BMC) Chapter 1.28. You may review the BMC at the City Clerk's Office at 2180 Milvia Street, Berkeley, California 94704, at the Berkeley Public Library, or on the City's website at: https://berkeley.municipal.codes/BMC/.

BMC Section Violated	Certificate of Correction (signature)	Date

PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is **1947 Center Street, 3rd Floor**, Berkeley, California 94704. On this date, I served a City of Berkeley Notice of Administrative Citation for **2750 CEDAR STREET**

PAUL T. & PING H. MAK
3819 BLUFF STREET
TORRANCE, CA 90505

MICHAEL TOLLESON
555 PIERCE STREET UNIT 1626
ALBANY, CA 94706

by the following means of service:

X By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.

X By Certified Mail, Return Receipt Requested - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. I prepared the notice to be sent by certified mail by the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.

___ By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

_____
Description of location where posted

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **October 1, 2024** at Berkeley, California.

Martha Ramos

9589 0710 5270 0624 6575 26
U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
For delivery information, visit our website at www.usps.com®.
Certified Mail Fee
$
Extra Services & Fe
Return Receipt (ha
Return Receipt (el
Certified Mail Rest
Adult Signature Re
Adult Signature Res
Postage
$
Total Postage
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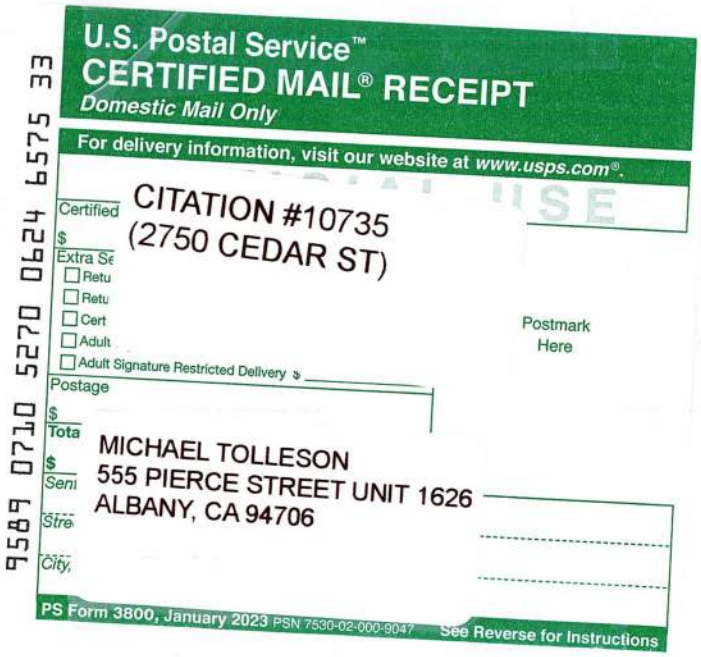
Sent To
Street and Apt
City, State, ZIP
CITATION #10735
(2750 CEDAR ST)
PAUL T MAK
PING H MAK
3819 BLUFF STREET
TORRANCE, CA 90505
PS Form 3800, January 2023 PSN 7530-02-000-9047
See Reverse for Instructions


9589 0710 5270 0624 6575 33
U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
For delivery information, visit our website at www.usps.com®.
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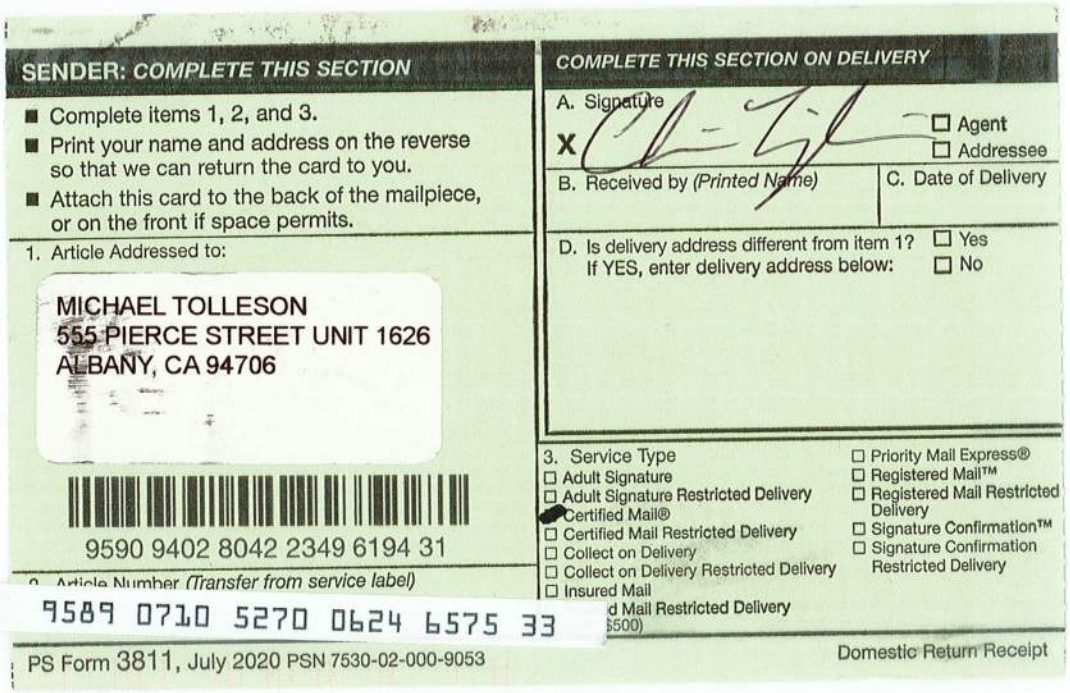
City,
CITATION #10735
(2750 CEDAR ST)
Postmark
Here
MICHAEL TOLLESON
555 PIERCE STREET UNIT 1626
ALBANY, CA 94706
PS Form 3800, January 2023 PSN 7530-02-000-9047
See Reverse for Instructions



SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MICHAEL TOLLESON
555 PIERCE STREET UNIT 1626
ALBANY, CA 94706

9590 9402 8042 2349 6194 31

2. Article Number *(Transfer from service label)*

9589 0710 5270 0624 6575 33

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ d Mail Restricted Delivery
  $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

Planning & Development Department
Building & Safety Division

October 8, 2024

Third Notice and Order to Correct
APN 058- -2211-020-01
Case # 24-00000374

MAK PAUL T & PING H
3819 BLUFF ST
TORRANCE, CA 90505

Subject: **2750 CEDAR ST**
Berkeley, California

Dear Property Owner:

On September 19, 2024 an inspection occurred at **2750 CEDAR ST**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

On September 21, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On October 7, 2024 Inspector DAVID J MONTES reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **$5,000 per violation, and up to $10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DAVID J MONTES at (510) 981-7440 between 8:00AM - 4:00PM.

Sincerely,

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation

Case #: 24-374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- ☐ FIRST NOTICE
- ☐ SECOND NOTICE
- ☐ REVISED NOTICE
- ☒ OTHER 3RD NOTICE

Address 2750 CEDAR Date 10/7/24

Occupancy/Use R-3 Dwelling

This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.

Owner/Agent Michael Tolleson Phone #

Mailing Address 555 Pierce St #1626 City Albany, CA ZIP 94706

Person contacted at site Michael Tolleson Phone #

Co-owner: Mak Paul T, Mak Ping 3819 Bluff St Torrance CA, 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :

	Code Section
Continued demolition and new construction on existing foundation of single family dwelling. New walls and roof framing constructed in violation of two previous STOP WORK notices. All existing walls of existing home have now been demolished above floor level.	BMC 19.28.020

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)***

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 9/18/24 + 9/19/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

Farimah Faiz Brown, City Attorney, SBN 201227
Brendan Darrow, Assistant City Attorney, SBN 273413
Ashley Carter, Deputy City Attorney, SBN 340403
BERKELEY CITY ATTORNEY'S OFFICE
2180 Milvia Street, Fourth Floor
Berkeley, CA 94704
Telephone: (510) 981-6965
Facsimile: (510) 981-6960
bdarrow@berkeleyca.gov

Attorneys for Applicant
City of Berkeley

FILED
ALAMEDA COUNTY
OCT 14 2024
CLERK OF THE SUPERIOR COURT
By ANDREL GOSPEL
Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

RENE C. DAVIDSON COURTHOUSE

IN RE PROPERTY LOCATED AT 2750 CEDAR STREET, BERKELEY, CALIFORNIA

Case No. 24CV095479

CITY OF BERKELEY'S APPLICATION FOR AN INSPECTION WARRANT (WITH FORCIBLE ENTRY) AND ABATEMENT WARRANT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

[Proposed Inspection and Abatement Warrant Filed Concurrently]

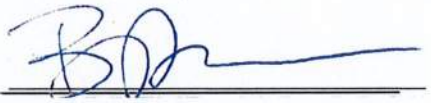
THE CITY OF BERKELEY, CALIFORNIA, hereby submits this Application for an Inspection Warrant (with forcible entry) and Abatement Warrant under Code of Civil Procedure section 1822.50 *et seq.*

This Application is based upon the Memorandum of Points and Authorities, the Declaration of David Lopez (Chief Building Official of the City of Berkeley), supporting exhibits attached thereto, the Declaration of Colin Arnold (Interim Assistant Chief for the Wildland Urban Interface), the Declaration of David Montes (Senior Building Inspector), and the Declaration of Jordan Klein (Director of Planning & Development) and upon any oral and documentary evidence that may be presented to the Court.

Dated: October 10, 2024

Respectfully Submitted,

BERKELEY CITY ATTORNEY'S OFFICE

By: 

Brendan Darrow
Assistant City Attorney
Attorney for the City of Berkeley

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The City of Berkeley ("City") submits this Memorandum of Points and Authorities to apply for an Inspection and Abatement Warrant (with forcible entry) Pursuant to California Code of Civil Procedure sections 1822.50, *et seq.* for the property located at 2750 Cedar Street, Berkeley, California ("the property").

This Application is made following the City's finding of Berkeley Municipal Code violations and California Building Code violations at the property, including the unlawful and unpermitted partial demolition of a derelict structure that is now structurally unsafe and located on a steep slope, the accumulation of debris from that unlawful demolition, and the unpermitted and ongoing construction of a new structure in violation of a stop work order. (Declaration of David Lopez ("Lopez Decl."), ¶¶ 7-12.) The property in its current state, is unfinished demolition and construction and is unoccupied, however the structure poses a serious risk to the surrounding properties due the location of the structurally unsound partially demolished structure in the immediate vicinity of the property line, the potential for collapse of the structurally unsound partially demolished structure, which would endanger the lives and property of the occupants immediately downhill, and the accumulation of flammable debris. (Lopez Decl., ¶ 8.) The owner has refused to abate the dangerous conditions and refused to grant the City permission to fully inspect the property or abate the dangerous conditions therein. (Declaration of David Montes ("Montes Decl."), ¶ 12; Declaration of Colin Arnold ("Arnold Decl.") ¶ 4.) Therefore, the City now seeks a Court order and warrant (1) permitting the City to enter the interior of the Property and unfinished construction, to inspect for violations to determine if the

property is in compliance with Berkeley Municipal Code Chapter ("BMC") 19.28, *inter alia*; (2) to inspect for violations to determine if the property is in compliance with California Building Code ("CBC"); and (3) permitting the City to immediately abate the BMC and CBC violations endangering the lives and homes of people who reside near the property. The abatement activities would include removal of flammable debris and demolition of any structurally unsound portion of the unpermitted structure.

II. STATEMENT OF FACTS

As detailed in the Declaration of Chief Building Official David Lopez, the City has good cause to believe BMC violations exist on the property and require abatement for the safety of all who reside near the property. (Lopez Decl., ¶¶ 7-14.)

The property has remained in a state of unfished for years. (Lopez Decl., ¶ 7.) The City has issued notices of violation, stating that the property owner must correct the dangerous conditions, and has recently issued two Notices of Violation and stop work orders, followed by two Notices and Orders to Correct, and a third Notice of Violation and Administrative Citation requiring the property owner to cease unlawful construction until they obtain approved building permits. (Lopez Decl., ¶¶ 9 and 10.) The putative property owner, Michael Tolleson, has refused to abate the hazards, has repeatedly denied the City access to the property, and has indicated that he intends to ignore the stop work order and continue to perform unlawful construction activity. (Montes Decl., ¶¶ 8; Arnold Decl., ¶ 4.) The partially demolished structure and unpermitted new construction pose a serious risk to the surrounding neighbors due to the high risk of collapse, proximity to the property line, and the grade of the slope, which would likely cause debris to fall downhill onto the neighboring property. (Lopez Decl., ¶ 8.)

Due to the current dangerous conditions created by the unpermitted construction, the City believes the following next steps may be required to ensure the safety of the neighbors:

1. A close inspection of the current property by city inspectors and subject matter experts, including the inside of the unfinished construction and the property.
2. Permission to remove accumulated flammable construction debris.
3. Permission to demolish any structurally unsound portions of the partially demolished structure or new framing.

(Lopez Decl., ¶¶ 12, 14.)

III. LEGAL STANDARD

A governmental entity must obtain a warrant to enter private property and conduct an inspection. (Code Civ. Proc.§ 1822.51.) The City of Berkeley authorizes its inspectors with the authority to examine premises to determine compliance with the provisions of the Berkeley Municipal Code. (BMC § 1.16.010.) A violation of City ordinances relating to the construction of a building is a public nuisance. (BMC § 1.26.010.) A failure to abate a nuisance the City reasonably determined to be imminently dangerous to life, limb, health or safety to the property occupants or public may be abated by the City or its private contractor, and expenses billed to the owner. (BMC §§ 1.24.040 and 1.24.050.)

Upon a finding of a nuisance, Berkeley Municipal Code sections 1.24.060 and 1.24.120 authorize the City to obtain an abatement warrant from this Court. There is no specific process outlined for obtaining an abatement warrant; "common law has adopted the process for obtaining an inspection warrant as the most germane, as it was directed at the regulation of governmental intrusions onto private property to inspect for nuisances." *Flores v. City of Stockton* (Cal. Ct.

App., Feb. 15, 2008, No. C053479) 2008 WL 401411, at *3; *See Also*, *Flahive v. City of Dana Point (*1999) 72 Cal.App.4th 241, 246; and *Gleaves v. Waters* (1985) 175 Cal.App.3d 413, 220.

IV. ARGUMENT

A warrant for abatement and inspection with for forcible entry should be authorized in this case pursuant to cause. (Code Civ. Proc., § 1822.50, *et seq.*). A warrant may be issued upon cause if "supported by an affidavit, particularly describing the place, dwelling, structure [or] premises … to be inspected and the purpose for which the inspection is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent." (Code Civ. Proc., § 1822.51.) Cause exists where reasonable legislative or administrative standards for routine inspections are satisfied or there is reason to believe there is a nonconformity of a dwelling or structure. (Code Civ. Proc., § 1822.52.)

First, the declarations of David Lopez, David Montes, and Colin Arnold establish the existence of a public nuisance on the property at 2750 Cedar Street, which currently creates a dangerous risk of structural collapse or fire to the surrounding neighbors. (Lopez Decl., ¶¶ 9 and 10, Exhibits A-B.) The declaration also describes with particularity the place to be inspected and reason for inspection; in this case the entire property requires inspection since the partially demolished structure is at risk for collapsing, the unpermitted new framing has never been inspected for structural integrity and its construction without permits is a violation of the building code. (Lopez Decl., ¶8, Montes Decl. ¶¶ 8-12.)

Second, the BMC violations already observed provide cause for the issuance of an abatement warrant in the present case. The City's limited inspections from neighboring

properties in September and October revealed that extensive unpermitted construction and the accumulation of a large pile of flammable debris have taken place over the past three weeks, in direct contravention of three separate stop work orders. (Lopez Decl., ¶¶ 9, 10; Montes Decl. ¶¶ 8-12; Arnold Decl. ¶ 4.) Furthermore, the violations found give the City reason to believe that more dangerous conditions exist within the property and will be revealed in a full inspection. (*Ibid.*)

V. CONCLUSION

The City therefore submits that, pursuant to Code. Civ. Proc. Sections 1822.50, 1822.51, 1822.52, and 1822.56, as well as BMC Chapter 19.28, good cause exists for this Court to issue a warrant authorizing the City to enter the property in the presence or absence of the owner and occupant for the purpose of inspection and abating the nuisances therein. The proposed warrant is filed concurrently.

October 10, 2024

Respectfully submitted:

BERKELEY CITY ATTORNEY'S OFFICE

FARIMAH BROWN, City Attorney

By: _____

Brendan Darrow
Assistant City Attorney
Attorney for the City of Berkeley

FILED
ALAMEDA COUNTY
OCT 14 2024
CLERK OF THE SUPERIOR COURT
By ANDREL GOSPEL
Deputy

Farimah Faiz Brown, City Attorney, SBN 201227
Brendan Darrow, Assistant City Attorney, SBN 273413
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BERKELEY CITY ATTORNEY'S OFFICE
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Email: Bdarrow@berkeleyca.gov

Attorneys for Applicant
CITY OF BERKELEY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

IN RE PROPERTY LOCATED AT 2750 CEDAR STREET, BERKELEY, CALIFORNIA

Case No. 24CV095479

DECLARATION OF DAVID LOPEZ

I, DAVID A LOPEZ, declare:

1. I am the Chief Building Official, employed by the Building and Safety Division, for the City of Berkeley ("City"). I have held this position since May 2023. From December 2022 to May 2023 I was the Interim Building and Safety Division Manager, prior to that from August 2012 to December 2022 I was the Assistant Building and Safety Manager.

2. I am an ICC certified Plans Examiner, ICC Certified Building Official and California Licensed Architect.

3. I am over the age of 18 and am competent to testify in a court of law, and I am also qualified to testify to the matters contained in this declaration. I have personal knowledge of all the matters stated herein and, if called as a witness, could and would competently testify thereto, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

4. The correspondence and memoranda contained in the Department's file on the property at issue here are kept by the Department in the regular course of business, and it is a regular practice to make and retain such records.

5. I supervise building inspection and enforcement of the California Building Code ("CBC") by way of the Berkeley Municipal Code ("BMC") Chapter 19.28; also referred to as the Berkeley Building Code.

6. The property at issue is located at 2750 Cedar St. in Berkeley, California ("the property"), and we understand that Michael Tolleson is part owner according to his own statements but we have been unable to verify those statements. The owner of record is Mak Paul T & Ping H, whose mailing address is 3819 Bluff Street in Torrance California.

7. The property has been derelict and unoccupied for several years and is currently in a state of dilapidation, although Michael Tolleson, who claims to own the property, has begun to unlawfully erect wall framing atop the existing foundation footings without permits and in violation of two stop work orders, two Notices and Orders to Correct, three Notices of Violation, and an Administrative Citation. This unpermitted work including both the unpermitted demolition

of portions of the remaining structure, the accumulation of flammable demolition debris onsite, and the unlawful new wall framing create an unsafe and dangerous condition onsite.

8. The site is unsafe and presents a hazard to neighboring properties for several reasons. The partially demolished structure is obviously structurally unsound and inadequately braced, and is therefore likely to collapse. The new framing (including the materials, connections, fasteners and hardware) has been not been approved for construction and has not been inspected, so the Building & Safety Division has no way to assess whether the new framing is structurally sound, and no approved plans exist for this work so the framing cannot be inspected for conformity to its eventual use.

9. As of the date of this Declaration, David Montes had twice posted a Notice of Violation and Order to Cease Work Immediately at the property. Those notices are attached hereto as Exhibit A.

a. September 18, 2024 – Notice of Violation and Stop Work Order, posted at the property.

b. September 19, 2024 – Notice of Violation and Stop Work Order (Second), posted at the property.

10. The City has sent letters regarding the outstanding violations and request for inspection to the owners' listed addresses as well as the property. Those notices are attached hereto as Exhibit B.

a. September 21, 2024 – Notice and Order to Correct (First), mailed with copy of September 18, 2024 Notice of Violation and Stop Work Order enclosed to Mak Paul T & Ping H, 3819 Bluff Street in Torrance California. This notice was also mailed to Michael Tolleson at 555 Pierce St. #1626, Albany, CA 94706.

b. September 21, 2024 – Notice and Order to Correct (Second), mailed with copy of September 19, 2024 Notice of Violation and Stop Work Order (Second) enclosed to Mak Paul T & Ping H, 3819 Bluff Street in Torrance California. This second notice was also mailed to Michael Tolleson at 555 Pierce St. #1626, Albany, CA 94706.

c. October 1, 2024 – Notice of Violation (Third) and Administrative Citation mailed to Mak Paul T & Ping H, 3819 Bluff Street in Torrance California. This third notice was also mailed to Michael Tolleson at 555 Pierce St. #1626, Albany, CA 94706.

11. There are no active permits and the existing permit application has not been corrected to conform to applicable codes.

12. Mr. Tolleson has stated his intention to ignore enforcement activity and construct multiple dwelling units on the site regardless of stop work orders. (See Declaration of David Montes.) In order to protect neighboring properties against the risk that either the new unpermitted unsafe structure or the remains of the partially demolished structure will collapse or catch fire, it is necessary to enter the property and assess safety concerns, remove unpermitted construction, complete the demolition of the partially demolished structure and remove the accumulated debris.

13. As of the date of execution of this declaration, the owner has not notified the City that they have cured the violations relating to the conditions found at the property.

14. To ensure the safety of any possible occupants and the building at large, the City and its agents need immediate access to the property to complete a detailed safety inspection, and to abate the nuisances created by the construction debris, the partially demolished structure, and the unlawful construction.

I declare under penalty of perjury that the foregoing is true and correct. Executed October 7, 2024, in Berkeley, California.

David A. Lopez
Building Official
City of Berkeley

EXHIBIT

A-1

Case #: 24-374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- [x] FIRST NOTICE
- [ ] SECOND NOTICE
- [ ] REVISED NOTICE
- [ ] OTHER

Address 2750 CEDAR ST Date 9/18/24
Occupancy/Use R-3 Dwelling
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent Michael Tolleson Phone #
Mailing Address 555 Pierce St #1626 City Albany ZIP 94706
Person contacted at site owner Phone # 510-332-9520

DESCRIPTION OF VIOLATION:

- [x] Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- [ ] Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- [ ] Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- [ ] Expired permit (BMC 19.28.020/CBC 105.5)
- [ ] Unsafe building (BMC 19.28.020/CBC 116.1)
- [ ] Other (see description below)

VIOLATION :

	Code Section
Portions of structure removed at north end. New sill plates installed.	BMC 19.28.020 CBC 105.1, 105.2

CORRECTIVE ACTION: *(You must comply with ALL checked boxes below)*

10/22/24

- [x] **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- [x] File for a Building Permit Application at Permit Service Center.
  - [ ] No plans are required, file within _____ working days.
  - [x] Plans are required, file within 21 working days.
  - A copy of this Notice must accompany the permit application.
- [x] Respond to plan review correction letter(s) within 10 days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- [x] Obtain X BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within 10 days of approval notification.
- [ ] Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- [ ] Correct all violations within _____ days of this notice.
- [x] Land Use Planning approval is required. **Call 510-981.7410**
- [ ] You failed to comply with the notice(s) dated _____. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- [x] Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

EXHIBIT

A-2

Case #: 24-374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- ☐ FIRST NOTICE
- ☒ SECOND NOTICE
- ☐ REVISED NOTICE
- ☐ OTHER

Address 2750 Cedar St Date 9/19/24
Occupancy/Use R-3 Dwelling
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent Michael Tolleson Phone #
Mailing Address 555 Pierce St #1626 City Albany, CA ZIP 94706
Person contacted at site Phone #
2nd owner: Mak Paul T, Mak Ping 3819 Bluff St, Torrance CA 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :

	Code Section
Work continuing in violation of "stop work" notice posted 9/18/24.	

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)*** 10/23/24

☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)

- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 9/18/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments:

Inspector Name (print) DAVID MONTES Office Hours: 7:30AM - 8:00AM / 3:00PM – 4:00PM

Inspector signature Phone: 510-981.7440

EXHIBIT

B-1

Planning & Development Department
Building & Safety Division

September 21, 2024

First Notice and Order to Correct
APN 058- -2211-020-01
Case # 24-00000374

MAK PAUL T & PING H
3819 BLUFF ST

TORRANCE, CA 90505

Subject: **2750 CEDAR ST**
Berkeley, California

Dear Property Owner:

On September 18, 2024 Inspector DAVID J MONTES inspected your property at **2750 CEDAR ST**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on October 22, 2024.

If you do not correct the (these) violation(s) in accordance with the timelines and procedures specified in the attached notice, you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of this notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **$5,000 per violation, and up to $10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DAVID J MONTES at (510) 981-7440 between 8:00AM to 4:00PM.

Sincerely,

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Case #: 24-374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- [X] FIRST NOTICE
- [ ] SECOND NOTICE
- [ ] REVISED NOTICE
- [ ] OTHER

Address 2750 CEDAR ST Date 9/18/24
Occupancy/Use R-3 Dwelling
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent Michael Tolleson Phone #
Mailing Address 555 Pierce St #1626 City Albany ZIP 94706
Person contacted at site Owner Phone # 510-332-9520

DESCRIPTION OF VIOLATION:

- [X] Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- [ ] Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- [ ] Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- [ ] Expired permit (BMC 19.28.020/CBC 105.5)
- [ ] Unsafe building (BMC 19.28.020/CBC 116.1)
- [ ] Other (see description below)

VIOLATION :

	Code Section
Portions of structure removed at north end. New sill plates installed.	BMC 19.28.020 CBC 105.1, 105.2

CORRECTIVE ACTION: *(You must comply with ALL checked boxes below)*

10/22/24

- [X] **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- [X] File for a Building Permit Application at Permit Service Center.
  - [ ] No plans are required, file within _____ working days.
  - [X] Plans are required, file within 21 working days.
  - A copy of this Notice must accompany the permit application.
- [X] Respond to plan review correction letter(s) within 10 days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- [X] Obtain X BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within 10 days of approval notification.
- [ ] Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- [ ] Correct all violations within _____ days of this notice.
- [X] Land Use Planning approval is required. **Call 510-981.7410**
- [ ] You failed to comply with the notice(s) dated _____. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- [X] Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@CityofBerkeley.info

EXHIBIT

B-2

Internal

Planning & Development Department
Building & Safety Division

September 21, 2024

Second Notice and Order to Correct
APN 058- -2211-020-01
Case # 24-00000374

MAK PAUL T & PING H
3819 BLUFF ST

TORRANCE, CA 90505

Subject: **2750 CEDAR ST**
Berkeley, California

Dear Property Owner:

On September 19, 2024 an inspection occurred at **2750 CEDAR ST**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

On September 21, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On September 19, 2024 Inspector DAVID J MONTES reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **$5,000 per violation, and up to $10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DAVID J MONTES at (510) 981-7440 between 8:00AM - 4:00PM.

Sincerely,

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation

Case #: 24-374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- ☐ FIRST NOTICE
- ☒ SECOND NOTICE
- ☐ REVISED NOTICE
- ☐ OTHER

Address 2750 Cedar St Date 9/19/24
Occupancy/Use R-3 Dwelling
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent Michael Tolleson Phone #
Mailing Address 555 Pierce St #1626 City Albany, CA ZIP 94706
Person contacted at site Phone #
2nd owner: Mak Paul T, Mak Ping 3819 Bluff St, Torrance CA 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :

	Code Section
Work continuing in violation of "stop work" notice posted 9/18/24.	

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)*** 10/23/24

☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)

- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 9/18/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 7:30AM - 8:00AM / 3:00PM – 4:00PM

Inspector signature _____ Phone: 510-981.7440

Farimah Faiz Brown, City Attorney, SBN 201227
Brendan Darrow, Assistant City Attorney, SBN 273413
Ashley Carter, Deputy City Attorney, SBN 340403
BERKELEY CITY ATTORNEY'S OFFICE
2180 Milvia Street, Fourth Floor
Berkeley, CA 94704
Telephone: (510) 981-6998
Facsimile: (510) 981-6960
Email: Bdarrow@berkeleyca.gov

Attorneys for Applicant
CITY OF BERKELEY

FILED
ALAMEDA COUNTY
OCT 14 2024
CLERK OF THE SUPERIOR COURT
By ANDREL GOSPEL
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

IN RE PROPERTY LOCATED AT 2750 CEDAR STREET, BERKELEY, CALIFORNIA

Case No. 24CV095479

DECLARATION OF COLIN ARNOLD

I, COLIN ARNOLD, declare:

1. I am the Interim Assistant Chief for the Wildland Urban Interface in the City of Berkeley, California ("City"). For five years prior to that I was a Fire Captain who supervised an engine company, whose main function was to respond to fire and EMS calls in the City of Berkeley, CA. For 10 years prior to that I was a Firefighter, Paramedic, and Apparatus Operator on an engine company performing similar functions.

2. I am over the age of 18 and am competent to testify in a court of law, and I am also qualified to testify to the matters contained in this declaration. I have personal knowledge of all the matters stated herein and, if called as a witness, could and would competently testify thereto, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

3. On October 3, 2024 I traveled to 2750 Cedar Street with Jesse Figoni, a sworn Wildland Urban Interface Inspector, to conduct an inspection of the property following a citizen report of illegal construction on the property that was creating a wildfire risk. We viewed the

condition of the property from 1601 La Vereda, the neighboring parcel. Inspector Figoni and I reviewed the fire code following this visit.

4. I revisited the site on October 8, 2024, and again viewed the property from 1601 La Vereda, during which time I took the photographs, below, and above. I also attempted to gain access to 2750 Cedar during our inspection. We encountered Michael Tolleson, and I identified myself as Interim Assistant Fire Chief. Mr. Tolleson refused to allow us to access the property.

5. Later that day, Mr. Tolleson sent me an email message explaining that he is denying access because he believes that the work he is performing is exempt from permit requirements.

6. It is my opinion as the Interim Assistant Chief for the Wildland Urban Interface of the City of Berkeley that the conditions found at 2750 Cedar Street in Berkeley constitute the following violation of the Fire Code:

a. Chapter 49 BMC - 4907.4.1

Relocate wood piles from within 30 feet of structure, or provide an alternative form of protection which will prevent the ignition of the pile or transmission of fire to a structure.

7. I also discussed the condition of the property with City of Berkeley Fire Marshal Andrew Whyte, who enumerated the following potential violations, based upon what was able to be captured in photographs from the neighboring parcel.

a. ***Chapter 3 CFC 304.1.1 Waste Material***

Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

b. ***Chapter 33 CFC - 3305.2.2 Fire Safety During Construction and Demolition Combustible Waste Material Removal***

Combustible debris, rubbish and waste material shall be removed from buildings at the end of each shift of work.

c. ***Chapter 33 CFC - 3305.2.3 Rubbish Containers***

Where rubbish containers with a capacity exceeding 5.33 cubic yards are used for temporary storage of combustible debris, rubbish, and waste material, they shall have a tight-fitting or self closing lids. Such rubbish containers be constructed entirely of materials that comply with either of the following:

(1) Noncombustible materials.

(2) Materials that meet a peak rate of heat release not exceeding 300 kW/m2when tested in accordance with ASTM E1354 at an incident heat flux of 50 kW/m2in the horizontal orientation.

8. The City has issued stop work orders but the construction work on the site is ongoing. Unpermitted demolition of the existing structure creates a continuous accumulation of combustible debris in the immediate vicinity of the new construction. The existence of these wood piles presents an ongoing hazard to the safety of workers on the site and to neighboring properties and their occupants.

9. To ensure the safety of any possible occupants and the surrounding community, the City and its agents need immediate access to the property to complete a detailed safety inspection and abate the hazards created by the construction debris.

10. In the last two weeks, there have been two declared Red Flag days. Red Flag days are determined by the National Weather Service as days of higher than normal fire risk due regional weather conditions.

I declare under penalty of perjury that the foregoing is true and correct. Executed October 10, 2024, in Berkeley, California.

Colin Arnold
Interim Assistant Chief for the
Wildland Urban Interface
City of Berkeley

FILED
ALAMEDA COUNTY
OCT 14 2024
CLERK OF THE SUPERIOR COURT
By ANDREL GOSPEL
Deputy

Farimah Faiz Brown, City Attorney, SBN 201227
Brendan Darrow, Assistant City Attorney, SBN 273413
Ashley Carter, Deputy City Attorney (State Bar No. 340403)
BERKELEY CITY ATTORNEY'S OFFICE
2180 Milvia Street, Fourth Floor
Berkeley, CA 94704
Telephone: (510) 981-6998
Facsimile: (510) 981-6960
Email: Bdarrow@berkeleyca.gov

Attorneys for Applicant
CITY OF BERKELEY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

IN RE PROPERTY LOCATED AT 2750 CEDAR STREET, BERKELEY, CALIFORNIA	Case No. 24CV095479

DECLARATION OF DAVID MONTES

I, DAVID MONTES, declare:

1. I am a Senior Building Inspector, employed by the Building and Safety Division, for the City of Berkeley ("City"). I have held this position since earlier this year, I was previously a Building Inspector II (since 2019) and before that I was a Building Inspector I (since 2017), a Housing Inspector (since 2013) and I briefly worked as a Permit Technician for a few months when I first started at the City in 2013.

2. I am an ICC certified building inspector, an ICC certified electrical inspector ICC certified plumbing inspector and an IAPMO certified mechanical inspector.

3. I am over the age of 18 and am competent to testify in a court of law, and I am also qualified to testify to the matters contained in this declaration. I have personal knowledge of all the matters stated herein and, if called as a witness, could and would competently testify thereto, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

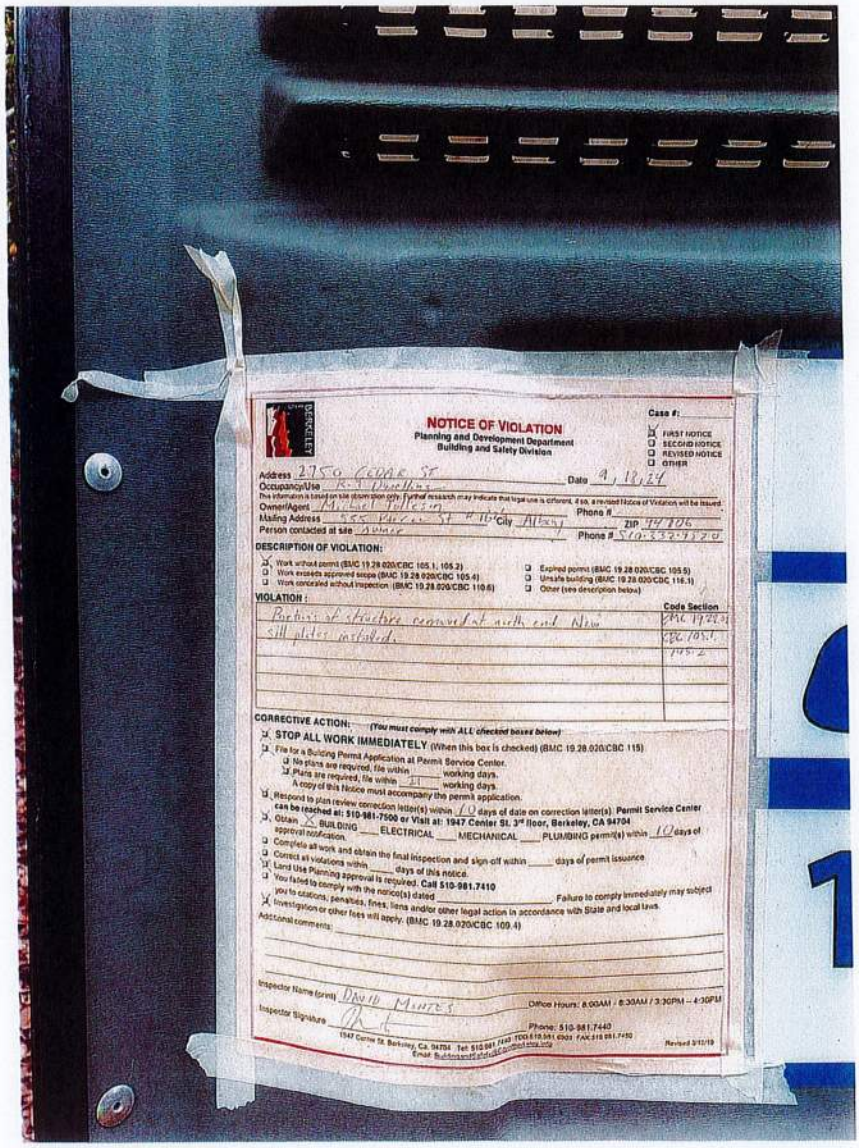
4. As a Senior Building Inspector, I personally inspect properties in the City of Berkeley for compliance with the California Building Code ("CBC") by way of the Berkeley Municipal Code ("BMC") Chapter 19.28; also referred to as the Berkeley Building Code.

5. The property at issue is located at 2750 Cedar St. in Berkeley, California ("the property").

6. Prior to the current construction the property consisted of a dilapidated structure. There are no active permits for building on this property and the existing permit application, submitted by licensed Architect Michael Tolleson, has not been corrected to conform to applicable codes.

7. On September 18, 2024 I went to the property for inspection because the City has received complaints from a neighboring property regarding unpermitted construction. From the neighbor's yard I observed that workers had demolished the northernmost section of the structure, including walls and floor framing, and started to replace sill plates. At the time of my observation workers were in the process of loading in more materials from the access point on Buena Vista Way. During that conversation, Mr. Tolleson claimed to have an approved building permit, but I

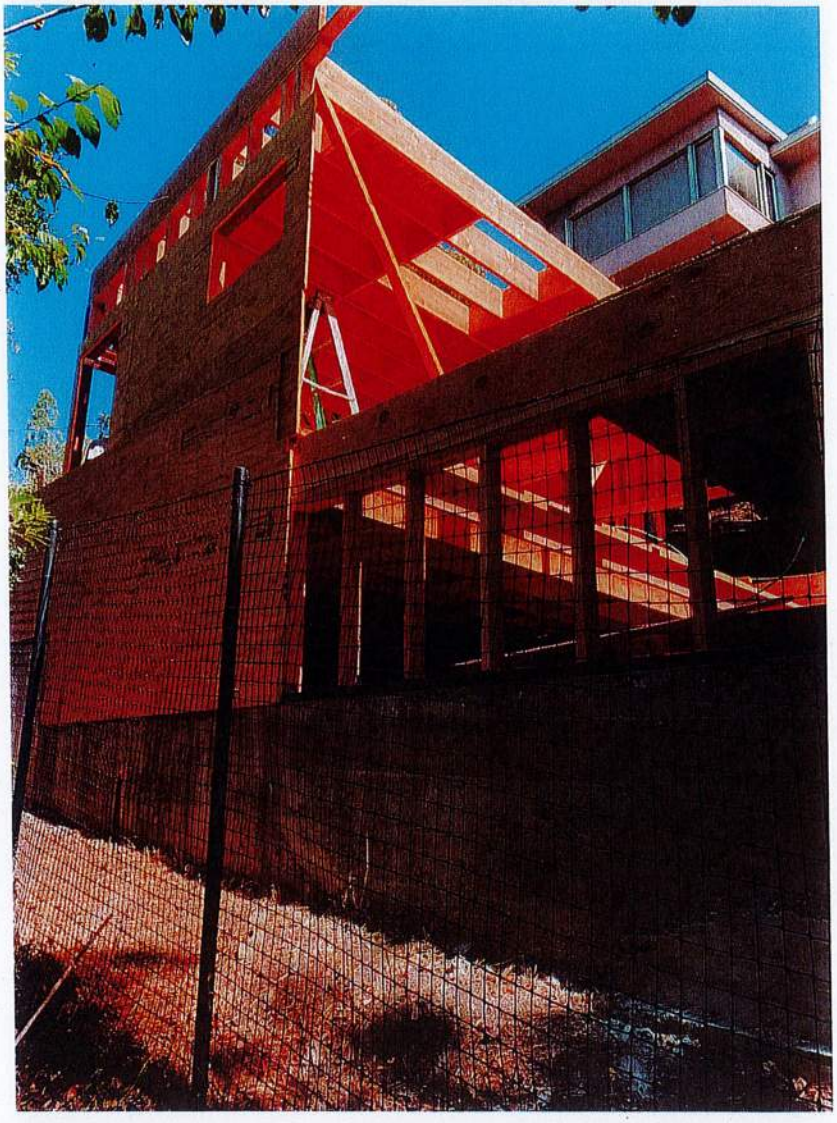
informed him that the permit application was not approved and had corrections in need of a response so all construction work needed to stop. In response he stated that a permit was not required and that he had "no intention of stopping", then he said he intended to continue working in violation of any citation notices. I posted a notice of violation and stop work order on a portable restroom on the property that same day and took the photo below:



8. On September 19, 2024 I returned to the property for inspection and found that work had continued in violation of the stop work order. I reminded Mr. Tolleson about the Notice of Violation and the stop work order, and I asked Mr. Tolleson if he is continuing to work in violation of the stop work order, and he said yes, we're continuing to work because this work is exempt from permit requirements. I asked why he believed it was exempt, and he stated that he was constructing a deck and an accessory structure under 120 sq. feet. I was able to observe immediately that the work certainly requires permits, because the structure he was building sits atop the concrete foundation footing of a single family residence that has been partially demolished; because it is not detached it would not qualify as an accessory structure. The stop work order I posted on September 18, 2024 had been removed, so I posted a new stop work order on the portable restroom.

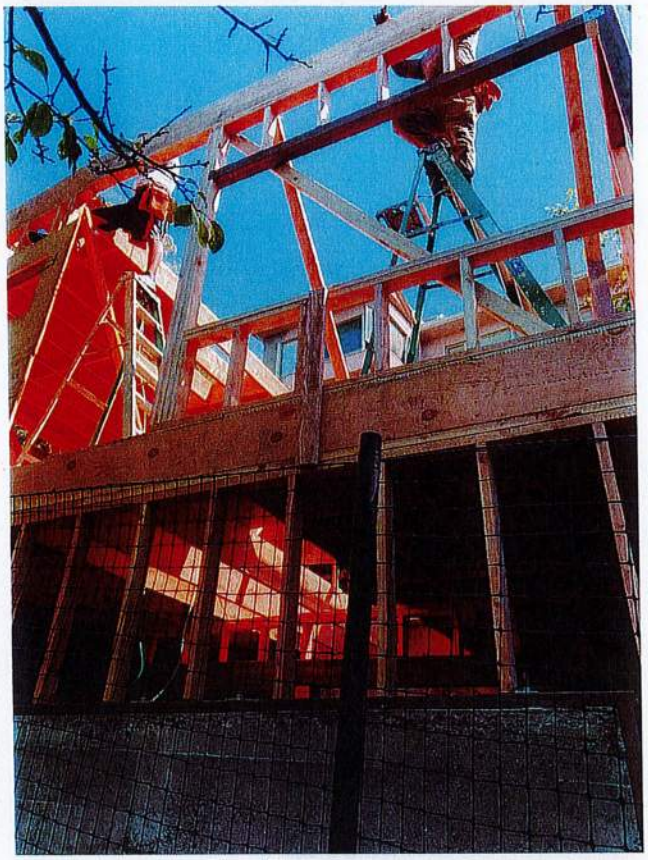
9. On September 25, 2024 I inspected the property from the adjoining parcel (1601 La Vereda) and discovered that they had continued to demolish portions of the dilapidated structure and had erected wall framing, floor framing and sheathing on the northern portion of the new structure. I took the photograph below:

10. On October 2, 2024 I again inspected the property from the adjoining parcel (1601 La Vereda) and observed progress in the construction, including new floor framing and sheathing, as well as framing for what appear to be roof joists. Additional sections of wall on the east and west sides of the dilapidated structure had been removed and replaced with new cripple wall framing and floor framing. I took the photograph below during the October 2, 2024 inspection:



11. On October 4, 2024, I inspected the property from 1601 La Vereda and I observed progress in the construction, comprised of additional wall framing in the middle third of the structure. I observed workers actively continuing construction and I could readily observe that the newly constructed structure now exceeds 120 sq. feet because the framing appears to be using

standard stud spacing of 16" on center, and I was therefore able to estimate the length of the walls without measuring them. During the inspection I took the photographs below:



12. On October 7, 2024, I attempted to inspect the property by requesting permission to enter while standing on the neighboring property at 1601 La Vereda. Mr. Tolleson refused to allow me access and insisted on having some sort of meeting first with the Department to establish the parameters. He also said he didn't "feel inclined to show such generosity at this time." From where I was standing I observed laborers actively working on the construction and could see further progress compared my last inspection, comprised of additional wall framing and the demolition of the wood-framed walls above the floor level of the original structure. I then walked to the entrance of the property on La Vereda and noticed that the stop work order I posted on the portable restroom had been removed again, so I posted a new Notice of Violation and stop work order.

13. As of the date of execution of this declaration, the owner has not notified the City that they have cured the violations or intend to cease work relating to the conditions found at the property.

I declare under penalty of perjury that the foregoing is true and correct. Executed October 10, 2024, in Berkeley, California.

David J. Montes
Senior Building Inspector
City of Berkeley

FILED
ALAMEDA COUNTY
OCT 14 2024
CLERK OF THE SUPERIOR COURT
By ANDREL GOSPEL
Deputy

Farimah Faiz Brown, City Attorney, SBN 201227
Brendan Darrow, Assistant City Attorney, SBN 273413
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BERKELEY CITY ATTORNEY'S OFFICE
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Facsimile: (510) 981-6960
Email: Bdarrow@berkeleyca.gov

Attorneys for Applicant
CITY OF BERKELEY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

IN RE PROPERTY LOCATED AT 2750 CEDAR STREET, BERKELEY, CALIFORNIA	Case No. 24CV095479

DECLARATION OF JORDAN KLEIN

I, JORDAN KLEIN, declare:

1. I am the Director of the Department of Planning & Development for the City of Berkeley ("City"). I have held this position since July 2020, and among my other responsibilities I supervise Building Official David Lopez, who oversees the Building & Safety Division.

2. I am over the age of 18 and am competent to testify in a court of law, and I am also qualified to testify to the matters contained in this declaration. I have personal knowledge of all the matters stated herein and, if called as a witness, could and would competently testify thereto, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

3. On October 7, 2024, Senior Building Inspector David Montes attempted to inspect 2750 Cedar St. in Berkeley ("the property"). When he requested access to the property, Michael Tolleson refused, and said that he would only grant authorization after meeting with the City. (See Declaration of David Montes.)

4. On October 9, 2024, I wrote to Mr. Tolleson at michael@michaeltolleson.com, which is the address he uses to communicate with my Department's staff, and offered to meet with him via Zoom at 10am on October 10, 2024. A true and correct copy of the email I sent to Mr. Tolleson is attached hereto as Exhibit A.

5. On October 10, 2024, I received a voicemail message from Mr. Tolleson refusing my meeting invitation and proposing that we meet in person next week. Mr. Tolleson's message did not specify a date or time for the meeting. I will continue to attempt to schedule a meeting with Mr. Tolleson, but in the meantime I cannot allow unpermitted work to proceed in violation of the City's stop work orders.

6. I have reviewed photographs taken by Senior Building Inspector David Montes from the neighboring property, and it is clear that Mr. Tolleson continues to work in violation of four stop work orders, two Notices and Orders to Correct, five Notices of Violation, and an Administrative Citation.

7. To ensure the safety of any possible occupants of the property and the surrounding community, the City and its agents need immediate access to the property to complete a detailed

safety inspection, and to abate the nuisances created by the construction debris, the partially demolished structure, and the unlawful construction.

I declare under penalty of perjury that the foregoing is true and correct. Executed October 10, 2024, in Berkeley, California.

Jordan Klein
Director, Planning and Development
City of Berkeley

EXHIBIT

A

From: Klein, Jordan
Sent: Wednesday, October 9, 2024 3:08 PM
To: michael@michaeltolleson.com
Subject: Meeting re: 2750 Cedar Street
Importance: High

Mr. Tolleson,
The City of Berkeley is reaching out to request a meeting to discuss the ongoing project at 2750 Cedar Street. As you are aware, one of our Building Inspectors has visited the site multiple times and has issued stop work notices on several occasions. Unfortunately, it has come to our attention that these stop work notices have not been adhered to, and construction work continues without compliance.
Moreover, we have not received any response to the most recent set of plan check corrections. This lack of communication and disregard for the stop work orders raises significant concerns about the project's compliance with local regulations and safety standards.
It is crucial to address this situation promptly. During the meeting, we hope to discuss the circumstances surrounding the ongoing work, explore the reasons for the lack of response to our previous communications, and identify potential paths to a resolution that will satisfy all parties involved.
We would like to work together to ensure that the project proceeds in accordance with the necessary guidelines and regulations. With that in mind we are proposing to meet at 10:00 am on Thursday, October 10 via video conference at https://us06web.zoom.us/j/82869592617?pwd=TdEuer0NvsuzlgBZlVExZLsQ4CRaB0.1.
Thank you for your attention to this matter. I look forward to your prompt response.
Regards,
Jordan

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

Planning & Development Department
Building & Safety Division

October 10, 2024

Fourth Notice and Order to Correct
APN 058- -2211-020-01
Case # 24-00000374

MAK PAUL T & PING H
3819 BLUFF ST
TORRANCE, CA 90505

Subject: **2750 CEDAR ST**
Berkeley, California

Dear Property Owner:

On September 19, 2024 an inspection occurred at **2750 CEDAR ST.**

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

On September 21, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On October 9, 2024 Inspector DAVID J MONTES reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **$5,000 per violation, and up to $10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DAVID J MONTES at (510) 981-7440 between 8:00AM - 4:00PM.

Sincerely,

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation

Case #: 24-374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- ☐ FIRST NOTICE
- ☐ SECOND NOTICE
- ☐ REVISED NOTICE
- ☒ OTHER 4th Notice

Address 2750 CEDAR ST Date 10/9/24

Occupancy/Use R-3

This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.

Owner/Agent Michael Tolleson Phone #

Mailing Address 555 Pierce st #626 City Albany ZIP 94706

Person contacted at site POSTED Phone #

2nd OWNER: MAK PAUL T, MAK PING 3819 Bluff St Torrance CA 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :

	Code Section
Since 3rd Stop Work notice, additional cripple walls	BMC 19.28.020
demolished and reframed. Work currently in progress.	CBC 105.1,
	105.2

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)***

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 10/7/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

Farimah Faiz Brown, City Attorney, SBN 201227
Brendan Darrow, Assistant City Attorney, SBN 273413
Ashley Carter, Deputy City Attorney, SBN 340403
BERKELEY CITY ATTORNEY'S OFFICE
2180 Milvia Street, Fourth Floor
Berkeley, CA 94704
Telephone: (510) 981-6965
Facsimile: (510) 981-6960
acarter@berkeleyca.gov

Attorneys for Applicant
City of Berkeley

FILED
ALAMEDA COUNTY
OCT 14 2024
CLERK OF THE SUPERIOR COURT
By Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

RENE C. DAVIDSON COURTHOUSE

IN RE PROPERTY LOCATED AT 2750 CEDAR STREET, BERKELEY, CALIFORNIA

Case No. 24CV095479

~~[PROPOSED]~~ **INSPECTION AND ABATEMENT WARRANT**

TO ANY DULY AUTHORIZED AND APPOINTED AGENT OF THE CITY OF BERKEELEY, CALIFORNIA:

Proof by Declarations of DAVID LOPEZ, Chief Building Official, DAVID MONTES, Senior Building Inspector, COLIN ARNOLD, Interim Assistant Fire Chief for the Wildland Urban Interface, and JORDAN KLEIN, Director of Planning & Development, has been made before the above entitled Court that it is reasonably likely that violations of the Berkeley Municipal Code and California Building Code exist at the premises located at 2750 Cedar Street, Berkeley, California including the following: Berkeley Municipal Code Section 19.28.020 and California Building Code Section 105.1, and 105.2. Proof has also been made that the violations have not been cured. Berkeley Municipal Code sections 1.24.060 and 1.24.120 authorize this Court to issue an inspection and abatement warrant to allow the City to enter, complete inspection, and abate the noticed violations.

YOU ARE THEREFORE COMMANDED:

On October 11, 2024 or as soon thereafter as practicable, but no later than twenty days after the execution of this Warrant, between the hours of 8:00 am and 6:00 p.m., to arrange and conduct a complete inspection of the premises located at 2750 Cedar Street, Berkeley, California by and through all appropriate City of Berkeley employees or their agents, for the purpose of inspection of the property to determine compliance with the Berkeley Municipal Code, Berkeley Fire Code, and California Building Code.	[X] Granted [ ] Denied
Upon inspection authorized by this Warrant, to immediately abate the fire hazards specified in the Declarations filed by the City in support of its	[X] Granted [ ] Denied

Application, including but not limited to the removal of the accumulated flammable debris onsite, as well as any additional fire hazards discovered upon full inspection.	
Upon inspection authorized by this Warrant, to immediately abate the Building Code Violations that constitute safety hazards specified in the Declarations filed by the City in support of its Application, by demolishing the unpermitted construction.	[X] Granted [ ] Denied

DATED: 10/14/2024

Hon. THOMAS J. NIXON

RETURN:

Inspection and abatement of the premises located at 2750 Cedar Street, Berkeley, California was conducted by the City on 10/31/2024.

DATED: 11-04-2024

Building Official or Designee

Planning & Development Department
Building & Safety Division

October 16, 2024

Fifth Notice and Order to Correct
APN 058- -2211-020-01
Case # 24-00000374

MAK PAUL T & PING H
3819 BLUFF ST
TORRANCE, CA 90505

Subject: **2750 CEDAR ST**
Berkeley, California

Dear Property Owner:

On September 19, 2024 an inspection occurred at **2750 CEDAR ST**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

On September 21, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On October 11, 2024 Inspector DAVID J MONTES reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **$5,000 per violation, and up to $10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DAVID J MONTES at (510) 981-7440 between 8:00AM - 4:00PM.

Sincerely,

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation

Case #: 24.374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- ☐ FIRST NOTICE
- ☐ SECOND NOTICE
- ☐ REVISED NOTICE
- ☒ OTHER 5TH Notice

Address 2750 CEDAR Date 10/11/24

Occupancy/Use R-3

This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.

Owner/Agent MICHAEL TOLLESON Phone #

Mailing Address 555 PIERCE ST #4626 City ALBANY ZIP 94706

Person contacted at site POSTED Phone #

2ND OWNER: MAK PAUL T, MAK PING, 3819 BLUFF ST, TORRANCE CA 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :

	Code Section
Continued floor framing performed after stop work posted 10/9/24 Work currently in progress. STOP WORK IMMEDIATELY.	BMC 19.28.020 CBC 105.1, 105.2

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)***

☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)

- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 10/9/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☐ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

Building and Safety Division
Planning and Development Department

October 18, 2024

Paul T. Mak / Ping H. Mak
3819 Bluff Street
Torrance, CA 90505-6359

Re: 2750 CEDAR STREET, BERKELEY, CA 94708

VIA CERTIFIED MAIL AND FIRST-CLASS MAIL

NOTICE OF ADMINISTRATIVE CITATION FOR FAILURE TO COMPLY WITH NOTICES OF VIOLATION,ORDERS TO CORRECT, AND STOP WORK ORDER DATED 9/18/24, 9/19/24, 10/7/24, 10/9/24, 10/11/24 and 10/16/24.

Case #24-00000374

Property Owners,

On September 18, 2024 the City of Berkeley issued a Notice of Violation, Order to Correct, and Stop Work Order per CBC Sections 114 and 115 for construction work performed without an issued building permit. This Notice was posted on your property and sent in the mail to Paul T. Mak / Ping H. Mak's home address. You were ordered to STOP ALL WORK IMMEDIATELY and obtain a building permit within the time frames specified in the Notice of Violation. You have failed to take corrective action and continued construction operations in violation of CBC Section 115.

On September 19, 2024 the City of Berkeley issued a Second Notice of Violation and Order to Correct, due to your failure to STOP ALL WORK IMMEDIATELY. On October 7, 2024 the City of Berkeley issued a Third Notice of Violation and Order to Correct, due to your failure to STOP ALL WORK IMMEDIATELY. On October 9, 2024 the City of Berkeley issued a Fourth Notice of Violation and Order to Correct, due to your failure to STOP ALL WORK IMMEDIATELY. On October 11, 2024 the City of Berkeley issued a Fifth Notice of Violation and Order to Correct, due to your failure to STOP ALL WORK IMMEDIATELY. To date, you have knowingly and willfully failed to comply with the provisions of the Stop Work Order per CBC Section 115.4.

On October 16, 2024 the City of Berkeley observed that unpermitted construction continues and you have failed to STOP ALL WORK IMMEDIATELY.

Therefore, attached hereto is an administrative citation for $500 per violation per day. Every day you refuse to comply with the aforementioned notices, you will be subject to additional fines for a continuing violation of the Stop Work Order, BMC 19.28.020, and California Building Code Section 105.1.

To reiterate the information of the prior Notices, in order to avoid additional fines for unlawful construction, you must complete the following steps within the time frame established below:

1. **ALL CONSTRUCTION WORK ON THE PROPERTY SHALL STOP IMMEDIATELY**, EXCEPT FOR DISMANTLING AND REMOVAL OF UNPERMITTED WOOD FRAMING MEMBERS AS NOTED BELOW.

2. Apply for all required permits to correct the violations identified in the Notice of Violation within 10 days of this letter.

3. Fully respond to all plan review comments within 10 days of notification by the Permit Service Center.

4. Obtain all permits within 10 days of plan approval by the City.

5. Complete all work and obtain an approved final inspection within 180 days of issuance of the permit.

Additionally, you must execute the following within the timeframe specified.

A. YOU ARE ORDERED TO DISMANTLE AND REMOVE ALL UNPERMITTED WOOD FRAMING MEMBERS FROM THE PROPERTY INCLUDING BUT NOT LIMITED TO DOUBLE TOP PLATES, STUDS, SILL PLATES, RIM JOISTS, BLOCKING, PLYWOOD, FLOOR AND ROOF JOISTS, CRIPPLE WALLS, AND SOLE PLATES BY OCTOBER 25, 2024 AT 3:00 P.M.

Failure to meet any of these deadlines will result in the issuance of daily administrative citations beginning at $800 per day per violation from the date of this letter which will increase in amount until such time that you address and correct the violations in the timeframe provided above. Administrative penalties can be as much as $5000 per violation or up to $10,000 per violation if any injury occurs as a result of the violation, per BMC Chapter 1.28. The City may impose a special assessment lien on your property for any unpaid citations which is collected at the same time and in the same manner as property taxes for any unpaid fines.

Furthermore, failure to stop work immediately and remove unpermitted wood framing construction will result in the City executing an inspection and abatement warrant to correct the dangerous conditions created by your unlawful construction, the costs of which will be billed to the owner per BMC Chapter 1.24.

If you have any questions you may contact the undersigned at 510 981-7459 or by email at djmontes@berkeleyca.gov.

Sincerely,

David J. Montes
Senior Building Inspector

Cc: File;
City Attorney;
Jordan Klein, Director of Planning and Development Department

CITY OF BERKELEY
ADMINISTRATIVE CITATION

Citation No. **10736**

CITATION ISSUED:

Name: Paul T. Mak and Ping H. Mak

Address: 3819 Bluff Street City: Torrance

State: California Zip Code: 90505

VIOLATION

Location of violation: **2750 Cedar Street, Berkeley, CA 94708**

10/01/2024 – 10/16/2024 ____ ____ m. S M T W T F S

Date(s) of Violation(s) Time All Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.28.020 CBC 105.1	Permits required to perform construction work	$500/day	Obtain Permits	11/01/2024
19.28.020 CBC 115.4	Failure to comply with stop work order	$500/day	Stop Work	Immediately
19.28.020 CBC 116.1	Unsafe Conditions: Unsafe structure shall be taken down and removed		Remove unpermitted framing	10/25/24
Total Penalty	$16,000 ($500/day * 2 penalties * 16 days)			

PLEASE TAKE NOTICE: You are hereby ordered to cease the violations set forth above and to prevent their repeated occurrence. **You are further hereby ordered** to correct any violations identified as "correctable."

PAYMENT: Please see reverse for payment options.

APPEAL: You may appeal the determination that you have violated a City ordinance, the penalty imposed, or both. **See reverse for instructions on how to appeal.**

DRIVERS LICENSE and EMPLOYER INFORMATION (if applicable)

ID no._____State_____Birth Date_____

Sex_____Eyes_____Height_____Weight_____

Employer_____Phone_____

Address_____City_____State_____Zip Code_____

Citing Officer Name: David J. Montes **Department**: Planning and Development

Citing Officer Signature: _____ **Date:** October 18, 2024

CITY OF BERKELEY ADMINISTRATIVE CITATION

PAYMENT OPTIONS
You must pay the fines imposed by this citation within 30 days of the date of this citation.
Mail: Finance will send you an invoice for this citation and you may pay by check once you receive it. Please list the building address associated with the citation on the memo of the check and make check payable to the City of Berkeley.
In Person: City of Berkeley, **Finance Customer Service Center, 1947 Center Street, 1st Floor, Berkeley, CA 94704**, Mon-Thu 8:30am-2pm; Closed on Fridays. Please bring your citation with you.

FILING AN APPEAL
If you intend to appeal this citation, you must complete a request for hearing form and return it to the City at the address shown on the form. The request for hearing form must be received or postmarked no later than **21 days** from the date of this citation. The request for hearing form **must be accompanied by** either (1) an advance deposit of the fine(s) imposed by this citation, or (2) notice that a request for an advance deposit hardship waiver form has been filed. You may obtain the request for hearing form and, if applicable, the request for an advance deposit hardship waiver from: https://berkeleyca.gov/city-services/report-pay/administrative-citation-appeals or by contacting the City Manager's Office, 2180 Milvia Street, 5th Floor, Berkeley, California 94704, (510) 981-7000.

ADVANCE DEPOSIT WAIVERS
If you are financially unable to make the advance deposit of the fine, you may file a request for an advance deposit hardship waiver using the advance deposit hardship waiver form **within 10 days** of the date of the citation. If you do so, you do not need to pay the advance deposit of the fine unless or until the City denies your request for a waiver. The City must issue a written determination of its reasons for granting or denying your request for a waiver and serve it upon you by first class mail. The City may grant the waiver only if you submit a sworn declaration, together with any supporting documents or materials, which demonstrates your financial inability to deposit with the City the full amount of the fine in advance of the hearing. If the City denies your request for a waiver, you must remit the deposit to the City within 10 days of the date of that decision or 30 days from the date of the citation, whichever is later. **If you fail to do so, you will not be entitled to a hearing.**

HEARING
If you timely appeal this citation, you will be notified of the time and place of your hearing at least 10 days prior to the date of the hearing. If the citing officer submits an additional written report concerning the citation to the hearing officer for consideration at the hearing, a copy of that report will be sent to you at least five days prior to the date of the hearing. The hearing will be held not less than 15 days and not more than 30 days from the date you file your request for a hearing and advance deposit or notice of request for a waiver. At the hearing, you may testify and present evidence concerning the citation. If you fail to appear at the hearing, you will forfeit the fine and be deemed to have consented to any order prohibiting further occurrence of the violation and/or to correct the violation.

MORE INFORMATION
This citation was issued under the authority of Berkeley Municipal Code (BMC) Chapter 1.28. You may review the BMC at the City Clerk's Office at 2180 Milvia Street, Berkeley, California 94704, at the Berkeley Public Library, or on the City's website at: https://berkeley.municipal.codes/BMC/.

BMC Section Violated	Certificate of Correction (signature)	Date

PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 1947 Center Street, 3rd Floor, Berkeley, California 94704. On this date, I served City of Berkeley **NOTICE OF ADMINISTRATIVE CITATION No. 10736** for **2750 Cedar Street** on:

Paul T. Mak / Ping H. Mak
3819 Bluff Street
Torrence, CA 90505-6359

by the following means of service:

☐ By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

_____
Description of location where posted

■ By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.

■ By Certified Mail, Return Receipt Requested - I mailed the notice by certified mail at the U.S. Post office, return receipt requested.

☐ By Hand Delivery - I personally handed the Notice of Violation to the person whose name appears above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **October 18, 2024** at Berkeley, California.

_____
Christina F Franco
OS Supervisor

9589 0710 5270 2163 8298 46

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Postmark Here

Sent To
PAUL T. MAK / PING H. MAK

Street and Apt. No., or P
3819 BLUFF STREET

City, State, ZIP+4®
TORRENCE, CA 90505-6359

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Planning & Development Department
Building & Safety Division

October 17, 2024

Sixth Notice and Order to Correct
APN 058- -2211-020-01
Case # 24-00000374

MAK PAUL T & PING H
3819 BLUFF ST
TORRANCE, CA 90505

Subject: **2750 CEDAR ST**
Berkeley, California

Dear Property Owner:

On September 19, 2024 an inspection occurred at **2750 CEDAR ST**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

On September 21, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On October 16, 2024 Inspector DAVID J MONTES reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **$5,000 per violation, and up to $10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DAVID J MONTES at (510) 981-7440 between 8:00AM - 4:00PM.

Sincerely,

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation

Case #: 24-374

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- ☐ FIRST NOTICE
- ☐ SECOND NOTICE
- ☐ REVISED NOTICE
- ☒ OTHER 6TH NOTICES

Address 2750 CEDAR ST Date 10/16/24

Occupancy/Use R-3

This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.

Owner/Agent Michael Tollefson Phone #

Mailing Address 555 Pierce St #1626 City Albany ZIP 94706

Person contacted at site POSTED Phone #

MAK PAUL/MAK PING 3819 BLUFF ST TORRANCE, 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :

	Code Section
New walls framed at south end after "stop work" posted 10/11/24.	BMC 19.28.020

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)***

☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)

- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 10/11/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☐ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

MICHAEL TOLLESON , ARCHITECT
555 PIERCE ST
#1626
ALBANY, CA 94706

23 October 2024

Recipients

Jordan Klein
jklein@berkeleyca.gov
Susan Wengraf
SWengraf@cityofberkeley.info

Re 2750 Cedar St
Permit 02077
Note that Permits Online does not distinguish between the application number and the permit number.

1 **Before the Housing Advisory Commission of the City of Berkeley,**

2 Appeals of Paul Mak, CE, PE, and Michael Tolleson, Architect.

3 Legal Interest
Paul Mak, CE, PE, Owner
Michael Tolleson, Architect, Representative

4 Statement of Berkeley Planning/Zoning/Building/Inspection actions.

a Failure to allow CRC 105.2 Work Exempt from Permit.
b Requiring Work under CRC 105.2 to be demolished.
c Requiring Work under CRC 105.2 to be removed from site.
d Failure to acknowledge notification of the use of CRC 105.2 by the Architect.
e Failure to review the Architect's detailed Responses to plan check comments.
f Baseless and vindictive fines as punishment for denial of use of CRC 105.2.
g Obstruction of Code compliant Work.
h Failure to physically walk through construction to ascertain compliant construction.
i Failure to inform Appellants of Appeal process.
j Failure to allow one day to add additional construction hardening and tarping to secure construction.

Material Facts
See Architect's Responses to Plan Check comments attached to this email.

MICHAEL TOLLESON , ARCHITECT
555 PIERCE ST
#1626
ALBANY, CA 94706

5 Relief Sought

a Staying of enforcement of punitive actions pending complete Appeal process.
b Removal of demand for demolition and removal of Work under CRC 105.2.
c Removal of all fines.
d Granting of protection of construction while all plan check review processes are completed with Permit from all departments.

6 Addresses & Signatures

Paul Mak, CE, PE
3819 Bluff St
Torrance, CA 90505-6359
Signature

Michael Tolleson, Architect
555 Pierce St
#1626
Albany, CA 94706
Signature

7 Verification

By declaration under penalty of perjury, all representations herein are true and accurate.

Sincerely,

Michael Tolleson, Architect, C-22075

MICHAEL TOLLESON , ARCHITECT
555 PIERCE ST
#1626
ALBANY, CA 94706

Reference

BMC > 19.44.040
Appeals.
https://berkeley.municipal.codes/BMC/19.44.040

A. Form of Appeal. Any person entitled to service under Section 1101 of the Berkeley Housing Code **may appeal any notice and order or any action of the Building Official** under this code by filing at the Office of the Building Official a written appeal containing:

1. A heading in the words: "Before the Housing Advisory Commission of the City of Berkeley"

2. A caption reading: "Appeals of....," giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building of the land involved in the notice and order.

4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6. The signatures of all parties named as appellants and their official mailing addresses.

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

Except as otherwise provided by ordinance, the appeal shall be filed within thirty days from the date of the service of such order or action of the Building Official, provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 1103 of the Berkeley Housing Code, such appeal shall be filed within ten days from the date of service of the notice and order of the Building Official.

B. Effect of Failure to Appeal. Failure of any person to file an appeal as provided for herein shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion

MICHAEL TOLLESON , ARCHITECT
555 PIERCE ST
#1626
ALBANY, CA 94706

thereof.

C. Processing of Appeal and Decision. Upon receipt of any appeal filed pursuant to this section, the Building Official shall present it for hearing to the Commission within **forty-five days** from receipt of the appeal. The Commission may continue the hearing for good cause shown, and shall render a decision **no later than ten days** after the hearing on the appeal is closed.

D. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

E. Staying of Order Under Appeal. Except for vacation orders made pursuant to Section 1103 of the Berkeley Housing Code as adopted by the City, enforcement of any notice and order of the Building Official issued under this Code **shall be stayed during the pendency of an appeal** therefrom which is properly and timely filed. (Ord. 7407-NS § 1, 2015: Ord. 7367-NS § 3, 2014: Ord. 6475-NS § 11 (part), 1999)

Housing Advisory Commission

https://berkeleyca.gov/your-government/boards-commissions/housing-advisory-commission

Advises Council on housing matters; advises Council on Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) programs and funding allocations; hears and determines matters regarding the abatement of substandard and deficient buildings; **serves as an appeals board for tenants and property owners regarding** relocation and **correction of code violations**; advises Council on Housing Trust Fund (HTF) allocations.

https://berkeleyca.gov/your-government/boards-commissions/housing-advisory-commission

---------- Forwarded message ---------
From: **Darrow, Brendan** <Bdarrow@berkeleyca.gov>
Date: Mon, Oct 28, 2024 at 12:11 PM
Subject: Re: Appeal letter - 2750 Cedar
To: Mak, Paul <paul.mak@hdrinc.com>, Klein, Jordan <JKlein@berkeleyca.gov>, Wengraf, Susan <SWengraf@berkeleyca.gov>, Paul Mak <PAULMAK310@gmail.com>
CC: michael@michaeltolleson.com <michael@michaeltolleson.com>, Brown, Farimah F. <FBrown@berkeleyca.gov>, Lopez, David <dlopez@berkeleyca.gov>, Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>

Mr. Mak,

The purported appeal filed by Mr. Tolleson cites inapplicable sections of the Housing Code; the Notices of Violation, Stop Work Orders, and Administrative Citations at 2750 Cedar are for violations of the Building Code.

With your agreement, the City will construe the appeal as challenging the underlying interpretations of the Building Code by the Building Official. BMC 19.28.020, Section 113.1 routes appeals of "orders, decisions, or determinations made by the building official relative to the application and interpretation" of the Building Code to the Housing Advisory Commission.

The City intends to conduct an inspection of the property this afternoon. **Please respond to confirm that the City has your permission to enter and inspect the property today.**

Also, please note that the City has obtained a warrant to enter the property to inspect and abate safety hazards, including the unpermitted construction. That warrant is attached. If you do not complete the demolition of the unpermitted construction today, the City is authorized to enter the property as early as tomorrow, 10/29/2024 and to abate the safety hazards, including by demolishing the unpermitted construction.

Thank you for taking these violations seriously,

Brendan Darrow
Assistant City Attorney
Pronouns: he/him/his
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
mobile: 510-859-6271

INVOICE

City of Berkeley

1947 Center Street 5th Floor
Berkeley, CA 94704

INVOICE ID 2750-Cedar-Abatement
DATE 3/25/2025

TO

Paul T. Mak / Ping H. Mak
3819 Bluff Street
Torrance, CA 90505-6359

REMITTANCE TO

City of Berkeley
Att: Alison Utile
1947 Center Street 5th Floor
Berkeley, CA 94704

Item	PAYMENT TERMS
Abatement of Unpermitted Construction at 2750 Cedar Street	Due on receipt

DESCRIPTION	TOTAL
B Bros - Contractor	**$16,390.00**
Dump Fee	**$825.44**
Container Fee	**$6,196.88**
City of Berkeley personnel expenses	**$1,419.05**

TOTAL DUE	**$24,831.37**

Planning & Development Department

Paul T. Mak / Ping H. Mak
3819 Bluff Street
Torrance, CA 90505-6359

Also delivered via email to paulmak310@gmail.com

March 25, 2025

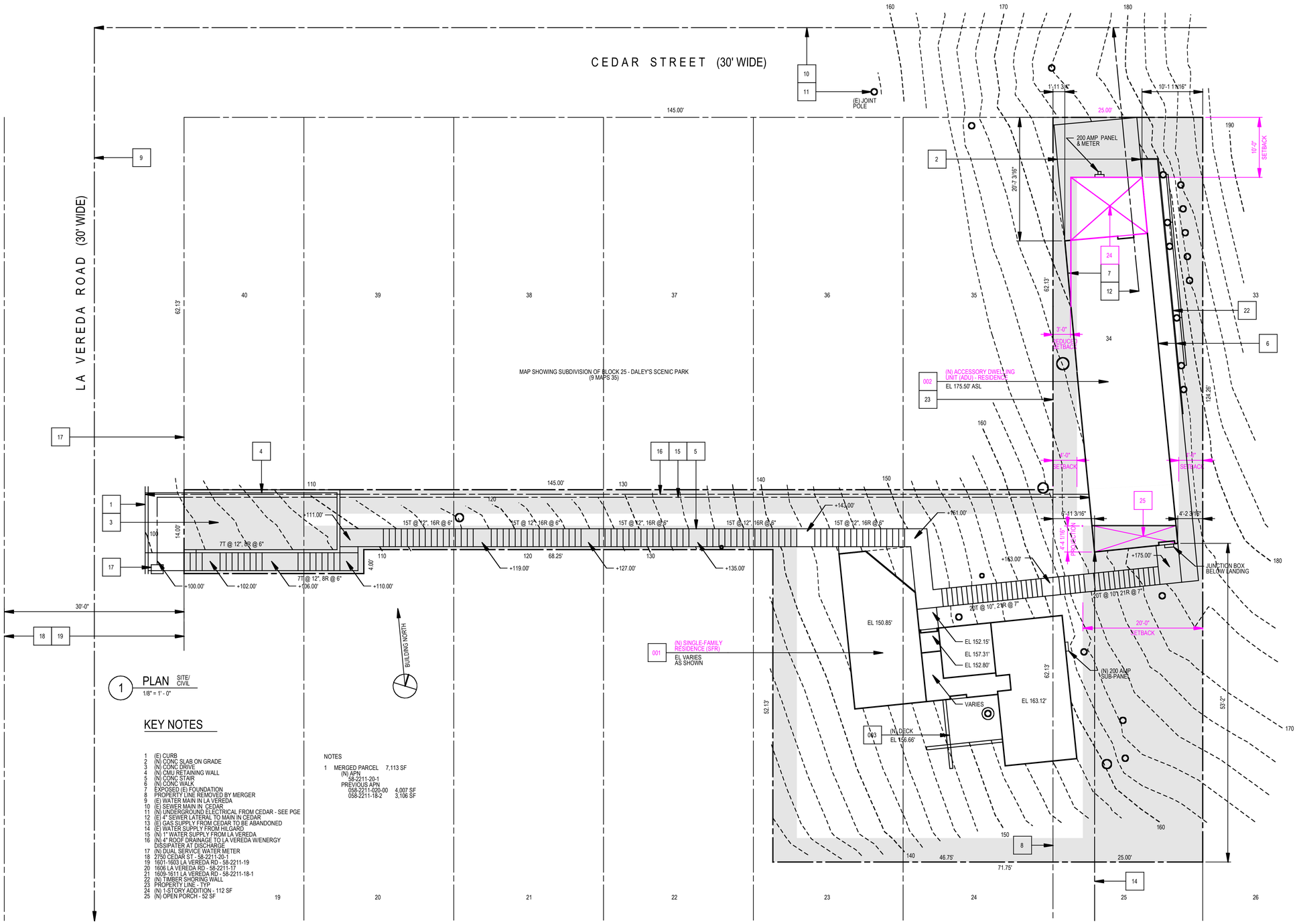
Dear Paul Mak:

In October 2024, the Superior Court of California, Alameda County granted a warrant to the City of Berkeley authorizing the City to inspect and abate violations of the Berkeley Municipal Code and California Building Code at 2750 Cedar Street. Subsequently, in October and November of 2024, the City of Berkeley conducted abatement activities at 2750 Cedar Street, including the removal and relocation of unpermitted construction materials.

Attached is an invoice detailing the costs to the City of Berkeley associated with those abatement activities. Please immediately remit payment according to the invoice instructions. If you have any questions, please contact me at jklein@berkeleyca.gov.

Sincerely,

Jordan Klein
Director of Planning and Development



1 PLAN SITE/ CIVIL
1/8" = 1' - 0"

KEY NOTES

1 (E) CURB
2 (N) CONC SLAB ON GRADE
3 (N) CONC DRIVE
4 (N) CMU RETAINING WALL
5 (N) CONC STAIR
6 (N) CONC WALK
7 EXPOSED (E) FOUNDATION
8 PROPERTY LINE REMOVED BY MERGER
9 (E) WATER MAIN IN LA VEREDA
10 (E) SEWER MAIN IN CEDAR
11 (N) UNDERGROUND ELECTRICAL FROM CEDAR - SEE PGE
12 (E) 4" SEWER LATERAL TO MAIN IN CEDAR
13 (E) GAS SUPPLY FROM CEDAR TO BE ABANDONED
14 (E) WATER SUPPLY FROM HILGARD
15 (N) 1" WATER SUPPLY FROM LA VEREDA
16 (N) 4" ROOF DRAINAGE TO LA VEREDA W/ENERGY DISSIPATER AT DISCHARGE
17 (N) DUAL SERVICE WATER METER
18 2750 CEDAR ST - 58-2211-20-1
19 1601-1603 LA VEREDA RD - 58-2211-19
20 1606 LA VEREDA RD - 58-2211-17
21 1609-1611 LA VEREDA RD - 58-2211-18-1
22 (N) TIMBER SHORING WALL
23 PROPERTY LINE - TYP
24 (N) 1-STORY ADDITION - 112 SF
25 (N) OPEN PORCH - 52 SF

NOTES

1 MERGED PARCEL 7,113 SF
(N) APN
58-2211-20-1
PREVIOUS APN
058-2211-020-00 4,007 SF
058-2211-18-2 3,106 SF

19 20 21 22 23 24 25 26

VERSION
02 APRIL 2020
FILE
A-PLAN-SITE-012.PMZ

SITE PLAN

CEDAR
2750 CEDAR ST
BERKELEY, CA

MICHAEL TOLLESON - ARCHITECT
555 PIERCE ST #1626
ALBANY, CA 94706
MICHAEL@MICHAELTOLLESON.COM

A - 1.1

Planning & Development Department
Building & Safety Division
Code Enforcement

Sep 25, 2025

Mak Paul T / Mak Ping H
3819 Bluff St
Torrance, CA 90505-6359

RE: Demand for Payment of Fees and Fines Pursuant to BMC Section 1.24.160

Dear Property Owner(s):

In accordance with the Berkeley Municipal Code (BMC) Section 1.24.160, you were sent a bill for the abatement of unpermitted construction at 2750 Cedar St. According to our records, these charges remain outstanding. As a result, you are being issued this Demand for Payment letter for the following amount incurred on your account.

Property Address:	2750 Cedar St
Parcel Number:	058-2211-020-01
Amount owed:	$24,831.37

Payment of the total amount owed is due upon receipt of this notice. Payment should be mailed for the total amount due to:

City of Berkeley
Attn: Alison Utile
1947 Center St, 5th Floor
Berkeley, CA 94704

If payment is not received within 45 days from the date of this notice, the City of Berkeley will seek to impose the total amount listed above as a special assessment lien against the subject property.

If you have any questions regarding the contents of this notice, please contact the Building Official at (510) 981-7440.

Last Revised 4/24/2018

APPLICATION
EXTENSION REQUEST

Building and Safety Permit Service Center

An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued.

The Building Official or Permit Service Center Coordinator are authorized to grant one or more extensions of time for additional periods not exceeding a total of 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated.

Application Extension Fees:

- First Extension $250
- 2nd or 3rd Extension(s) $500

Project Information

Project Address:	2750 CEDAR St		
Application #:	B2024-02077		
Submittal Date:	Oct 09, 2025	Expiration Date:	Apr 09, 2026
Explanation for Extension:	Extensive discussion of BMC applications & allowances. Departure or reassignment of multiple plancheckers. Failures to respond.		

Applicant Information: ☐ Owner ☐ Contractor ☑ Owner's Agent

Name:	Michael Tolleson, Architect	Company:	Michael Tolleson, Architect
Address:	555 Pierce St, #1626, Albany, CA 94706		
Phone:	510-332-9520	Email:	michael@michaeltolleson.com

I hereby request an application extension pursuant to Berkeley Building Code Section 105.3.2. I declare under penalty of perjury under the laws of the State of California that the Foregoing is true and correct.

Michael Tolleson, Architect		Oct 9, 2025
Applicant Name	Sign	Date

Office Use Only

☐ Approved ☒ Denied New Expiration Date:

Notes: Application Extension Denied

The Permit Center Coordinator's signature is required for second and subsequent application extensions:

	10/16/2025
Permit Center Coordinator	Date

Permit Service Center
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7500 TDD 7450
permits@cityofberkeley.info

SENT CERTIFIED AND REGULAR MAIL

Planning & Development Department
Building & Safety Division

November 13, 2025

Mak Paul T / Mak Ping H
3819 Bluff St
Torrance, CA 90505-6359

RE: NOTICE OF PROPOSED LIEN AND HEARING RIGHTS

Dear Property Owner(s):

According to City records, you are delinquent in providing payment for the abatement of unpermitted construction at 2750 Cedar St in Berkeley, California.

The subject property is identified as follows:

Property Address:	2750 Cedar St
Parcel Number:	058-2211-020-01
Amount owed for abatement of unpermitted construction:	$24,831.37

Forty-five (45) days have elapsed since you were sent a Demand for Payment letter notifying you of your obligation to pay the outstanding balance. As a result of your failure to remit payment, the City is hereby notifying you of its intent to attach a *special assessment lien* against the above subject property. The total amount of delinquent fees owed is shown below.

TOTAL AMOUNT TO BE LIENED: (amount of lien if total fees owed are not paid prior to lien processing)	$ 24,831.37 ==========

Pursuant to BMC Section 1.24.170.A.3, you are also hereby notified that you have 45 days from the date of this Notice to pay the total delinquent fines, costs and fees to avoid issuance of a special assessment lien.

Payment of the total fees owed is due upon receipt of this notice. Payment may be mailed to:

City of Berkeley
Attn: Alison Utile
1947 Center St, 5th Floor
Berkeley, CA 94704

Pursuant to BMC Section 1.24.170.A.4, you have 10 calendar days from the date of this Notice to request a hearing before the Berkeley City Council and to file objections to the amount owed. Failure to request an appeal within 10 days from the date of this Notice constitutes a waiver of your right to appeal the amount specified above.

To file a hearing request, submit your appeal to the City Clerk in writing, stating the reason why you believe the amount of the proposed lien is incorrect. Requests must be postmarked within 10 days of the date of this Notice and sent to the City Clerk's office at 2180 Milvia Street, 1st floor Berkeley, CA 94704.

If you fail to remit the total fees owed or to request a hearing within 10 days of the date of this notice, the City will notify the office of the County Recorder and direct it to place a *special assessment lien* on your property for the total lien amount set forth above. The amount of the lien may then be collected at the same time and in the same manner as property taxes are collected.

If you have any questions regarding the contents of this notice, please contact this office at (510) 981-7451.

Attachment: Itemized Costs

INVOICE

City of Berkeley
1947 Center Street 5th Floor
Berkeley, CA 94704

INVOICE ID 2750-Cedar-Abatement
DATE 3/25/2025

TO
Paul T. Mak / Ping H. Mak
3819 Bluff Street
Torrance, CA 90505-6359

REMITTANCE TO
City of Berkeley
Att: Alison Utile
1947 Center Street 5th Floor
Berkeley, CA 94704

Item	PAYMENT TERMS
Abatement of Unpermitted Construction at 2750 Cedar Street	Due on receipt

DESCRIPTION	TOTAL
B Bros - Contractor	**$16,390.00**
Dump Fee	**$825.44**
Container Fee	**$6,196.88**
City of Berkeley personnel expenses	**$1,419.05**

TOTAL DUE **$24,831.37**

On Wed, Nov 19, 2025 at 3:15 PM Michael Tolleson <michael@michaeltolleson.com> wrote:

Attn: Mark Numainville

Mark,

Attached please find our received copy on November 17, 2025 of a Notice of Proposed Lien and Hearing Rights dated November 13, 2025 from Jordan Klein.

We have been given a deadline of November 23, 2025 to submit this letter to the Berkeley City Clerk.

On three of the remaining days Berkeley is closed, so please give this your immediate attention.

This lien amount is contested in its entirety.

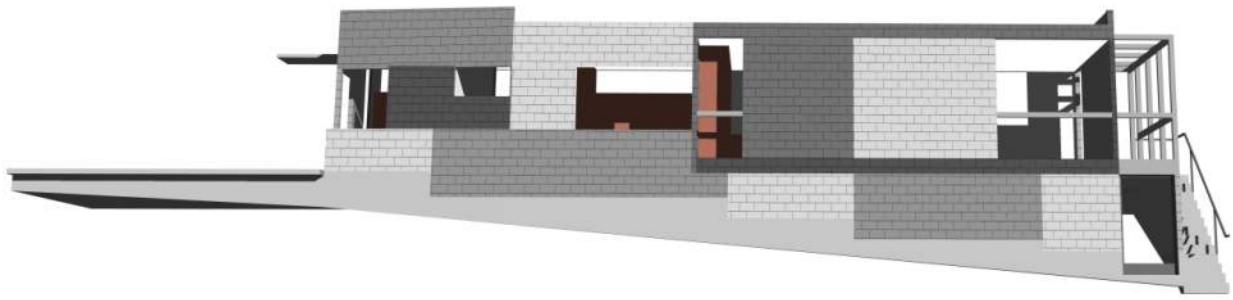
We herein request a hearing as allowed to present all related evidence to support our position with Berkeley City Council and its representatives.

Please confirm and log receipt of this send asap and advise if you require further information.

I am the Architect and authorized representative for Property Owners Paul & Ping Mak.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 332 9520
michael@michaeltolleson.com



Date December 10, 2025
Subject **2750 Cedar > Lien Appeal**
Re Permit Application B2024-02077

Project Description > Pre-SFR
Code > CRC R105.2 & BMC

Michael Tolleson, Architect
Paul Mak, Structural Engineer, & Ping Mak, Owners

1
2750 Cedar was a 725 square foot, permitted & approved existing, 50% demolished, one-story SFR, as of 2015.
See Addendum 3.
It had received Building permit approval and lacked only payment of permit fees to commence, but stalled under a previous owner.
See Addendum 2.

It remained in its partially demolished condition until it was purchased by my clients in 2022.
During that time, Berkeley found no threat and took no action to improve its vacant and open condition.
Our intention was to rebuild the structure to a state virtually identical to the original, add a new ADU and site work in phases.
Completion and new exterior materials and interior sprinklers would increase its fire-resistivity and provide detailed articulation of all structures.
Our current intention is to submit a Zoning Use Permit for the entire development.
We continue to find that we should be able to rebuild the original SFR exactly By-Right.

2
The heart of this dispute with Berkeley revolves around its failure to allow the use of “CRC R105.2 Work exempt from permit.”
The CRC is the California Residential Code that, in this case, applies to single-family residences and accessory dwelling units.

The CRC has been adopted into the BMC.

Berkeley's own excerpted publications to educate its community specifically reference the CRC & BMC language.
See Addendum 1.

The language allows "one-story detached accessory structures…not greater than 120 square feet" and "decks not exceeding 200 square feet" exempt from permit.
It does not limit the number of these structures.

We found that the BMC allowed a more efficient means to navigate plan check, where staff disappear or are replaced frequently and review time has no real meaning.
Our solution was to build three of these exempt structures and then join them together once the permit was issued.
We built typical wood frame modules on the existing concrete foundation to CRC R105.2 specifications and separated existing usable wood for reuse in the work to follow.
See Addendum 8.

3
Berkeley has refused to address the use of R105.2, treating the work as if it needed a permit.
The extent of this refusal is severe and has resulted in the demolition, by Berkeley, of all construction.
Every effort was made to communicate in written detail the code applications deployed to all involved.
Only 3 of 12 senior staff even read our responses in preparation for our meetings and correspondence.
In this case, Berkeley's lack of cooperation includes staff's refusal to even answer questions.
It is common for plan checkers and inspectors to not entirely understand their own code, particularly the exceptions that establish the fullest intent of the codes.
No living person has memorized the entire California Title 24 codes, but professionals know where to find them.
Most staff and inspectors correct their errors.

4
Similarly, we have had Berkeley Building inspectors tell us that a temporary compromise was approved only to learn the next day that it was not.
We have had inspectors from Berkeley Fire approve us to proceed only to find their position reversed.
We have witnessed Berkeley renege repeatedly on permit approvals without basis.

5
Berkeley now seeks reimbursement for its illegal demolition, misrepresenting in its statements the actual condition of the structure and its legal standing.
The Architect provided "continuous special inspection" and the Engineer provided "periodic inspection", an enhanced legal process, per CRC Chapter 17, on each day work was underway, subjecting work to the most rigorous standards.
As a compromise during efforts at resolution of the dispute, we even offered to panelize the framing, lay it flat and cover it all with fire-resistive tarps and corrugated metal.
No response, to these resolution offers has ever been forthcoming.

6
The structure was never "unsafe" or a threat of any kind.

All of these factual conditions were ignored in the warrant Berkeley secured from the warrant court to such an extent that the warrant is a false document.
The signees and their false statements in the warrant are directly responsible for its illegality.

7
Adding to its disregard for professional evaluation and communication, Berkeley has now sought to inflict a lien on the property, effectively seeking reimbursement for their own errors.

8
We find that the only complaint we are aware of comes from our immediate neighbor, from whom we now expect unstable behavior, such as running around her backyard in her pajamas taking pictures.
This is in spite of the Architect's designing both her front and rear fences and privacy and view enhancements at no cost.
Her recent actions include her providing access through her property to our property, effectively obstructing legal work and promoting the failure to allow CRC R105.2.

Note that we have positive support from our uphill neighbor, whose view we have cooperatively shared with all impacted neighbors.
See Addendum 9 & 10.

However, we also find that there is evidence that our immediate neighbor has sought to influence the approval process by repeatedly involving a City Councilperson without involvement of the Architect or Owner.
We also find that a Councilperson and City Manager have interjected a bias into the neutral development review process while permit completion was underway.
We consider these actions significant enough for recusal, censure or resignation, although they also support rebuild of the original By-Right.
See Addendum 4, which includes additional Council errors.

9
Berkeley issued notices to us that also ignored CRC R105.2 and the BMC and has recently waived all administrative fines associated with them.
We consider this an admission of error or wrongdoing which weighs in favor of removal of its actions to follow.

10
So then, we find our construction legal by CRC R105.2 and the BMC.
We find that the appropriate response for the Council is nullification of any proposed lien and reimbursement to the Owner for all labor, materials and the professional services of the Architect and Engineer from permit application to the present.
We also request a reestablished extension of 180 days for submittal of revised construction documents from the date of submission.
The extended delays are Berkeley's responsibility as we have been continuously shuffled through numerous plan checkers and supervisors for years.

The California Title 24 codes are not the mere opinion of interested parties or subject to uninformed interpretations.

The codes are the codes and Berkeley would be well served by acknowledgement of them.
We remain open to questions from City Council and staff or settlement prior to the public appeal hearing.

Addendum 1

CRC R105.2

CITY OF BERKELEY

Work Exempt from Building Permits

Some types of building, electrical, mechanical, and plumbing work do not require a building permit from the City of Berkeley.

All construction work and most repairs require building permits unless specifically exempted. You will need a permit if you want to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure. You will also need a permit to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system.

Some types of building, electrical, mechanical, and plumbing work do not require a building permit from the City of Berkeley. Even if you don't need a permit, you do still need to follow the California Building Standards Code and applicable Berkeley City laws and ordinances. A zoning permit may be required, even if a building permit is not.

If the work you are planning to do is not on the list below, you should assume that you will need a permit from the Permit Service Center.

BUILDING PROJECTS THAT DO NOT REQUIRE A PERMIT

- One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet.
- Fences under 7 feet high do not require a building permit. Fences over 6 feet high require a zoning permit.
- Oil derricks.
- Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or holding flammable or combustible Class I, II or IIIA liquids. Retaining walls in a required setback require a zoning permit.
- Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
- Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- Temporary motion picture, television and theater stage sets and scenery.
- Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.

- Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- Swings and other playground equipment accessory to detached one- and two-family dwellings.
- Window awnings in Group R-3/ U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
- Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
- For Group R-3 occupancies including single family homes and duplexes: Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the California Residential Code.

Addendum 2

All Agency Approvals

PLANNING & DEVELOPMENT

Department of Planning & Development

Plan Check Status

You can use this tool to review the status of your plan check for a building permit application that has been submitted for City review.

You may search for your permit application by Permit Application # (ex: 15-123) or by Street Address (ex: 123 Dwight Way).

Permit Application # or Street Address: 14-236 Search

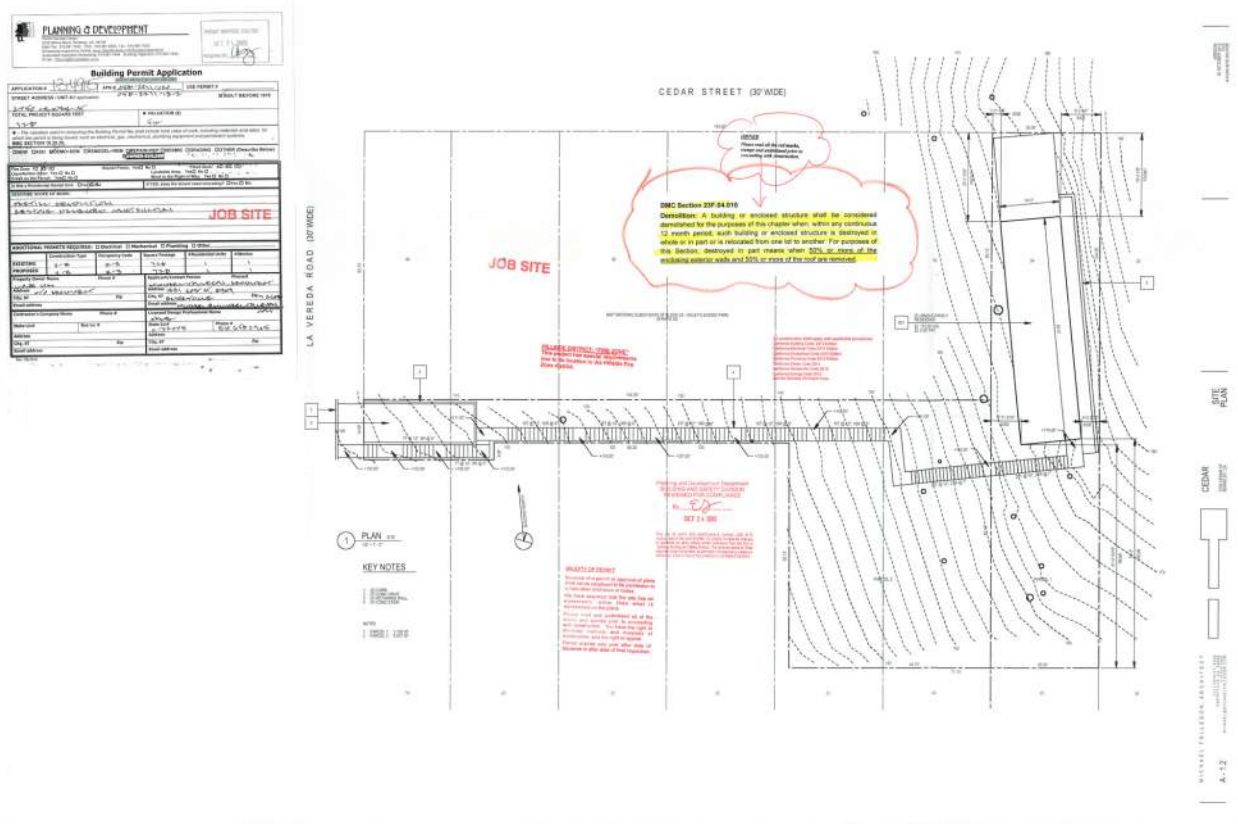
Search on '14-236' returned 1 match. To see more details, click on App# in the table below.

App #	Address	Owner Name	Date In	Est Compl	Application Status
14-236	2750 CEDAR ST	LIN LOUIS B	6/11/2015	6/26/2015	Approved by all agencies, 7/1/2015. You may call the Permit Service Center at 981-7502 for an appointment to pick up your permit(s). You will need to submit an additional $2,859.50 in building permit fees to complete the application process. Electrical, mechanical and plumbing work requires separate application and fees.

Home | Web Policy | Text-Only Site Map | Contact Us
Department of Planning & Development, 2120 Milvia St., Berkeley, CA 94704
Questions or comments? Email: planning@cityofberkeley.info Phone: (510) 981-7400
(510) 981-CITY/2489 or 311 from any landline in Berkeley
TTY: (510) 981-6903

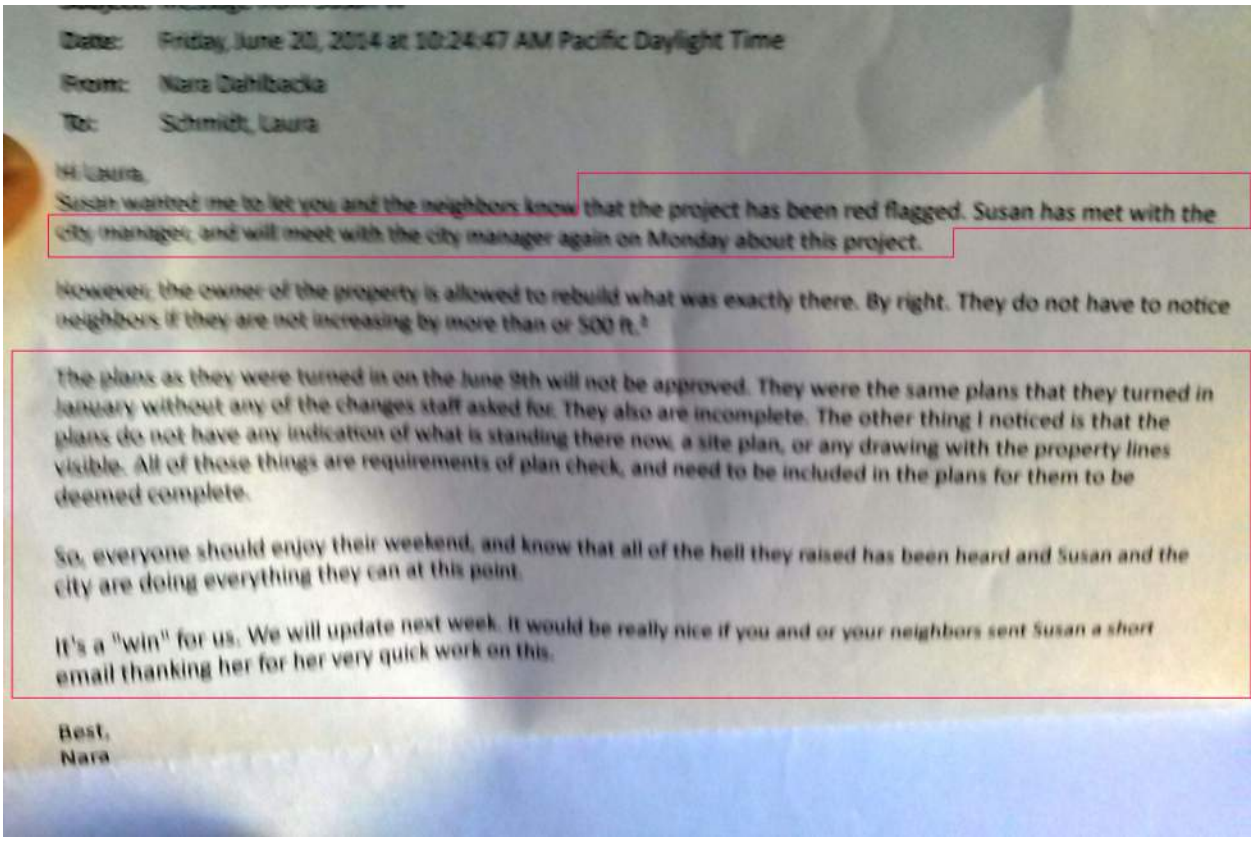
Addendum 3

50% Demoliiton Approval



Addendum 4

Susan Wengraf, Laura Schmidt, Nara Dahlbacka



Date: Friday, June 20, 2014 at 10:24:47 AM Pacific Daylight Time
From: Nara Dahlbacka
To: Schmidt, Laura

Hi Laura,
Susan wanted me to let you and the neighbors know that the project has been red flagged. Susan has met with the city manager, and will meet with the city manager again on Monday about this project.

However, the owner of the property is allowed to rebuild what was exactly there. By right. They do not have to notice neighbors if they are not increasing by more than or 500 ft.²

The plans as they were turned in on the June 9th will not be approved. They were the same plans that they turned in January without any of the changes staff asked for. They also are incomplete. The other thing I noticed is that the plans do not have any indication of what is standing there now, a site plan, or any drawing with the property lines visible. All of those things are requirements of plan check, and need to be included in the plans for them to be deemed complete.

So, everyone should enjoy their weekend, and know that all of the hell they raised has been heard and Susan and the city are doing everything they can at this point.

It's a "win" for us. We will update next week. It would be really nice if you and or your neighbors sent Susan a short email thanking her for her very quick work on this.

Best,
Nara

Visual Translation of Correspondence > Italics & Highlights Added

Date: Friday, June 2014 at 10:24:47 AM Pacific Daylight Time
From: Nata Dahlbacka
To: Laura Schmidt
Hi Laura,
Susan wanted me to let you and the neighbors know that the project has been red flagged. Susan has met with the city manager and will meet with the city manager again on Monday about this project.

However, the owner of the property is allowed to rebuild what was exactly there. ***By Right.*** *They do not have to notice neighbors if they are not increasing by more than or [sic] 500 (sf).*

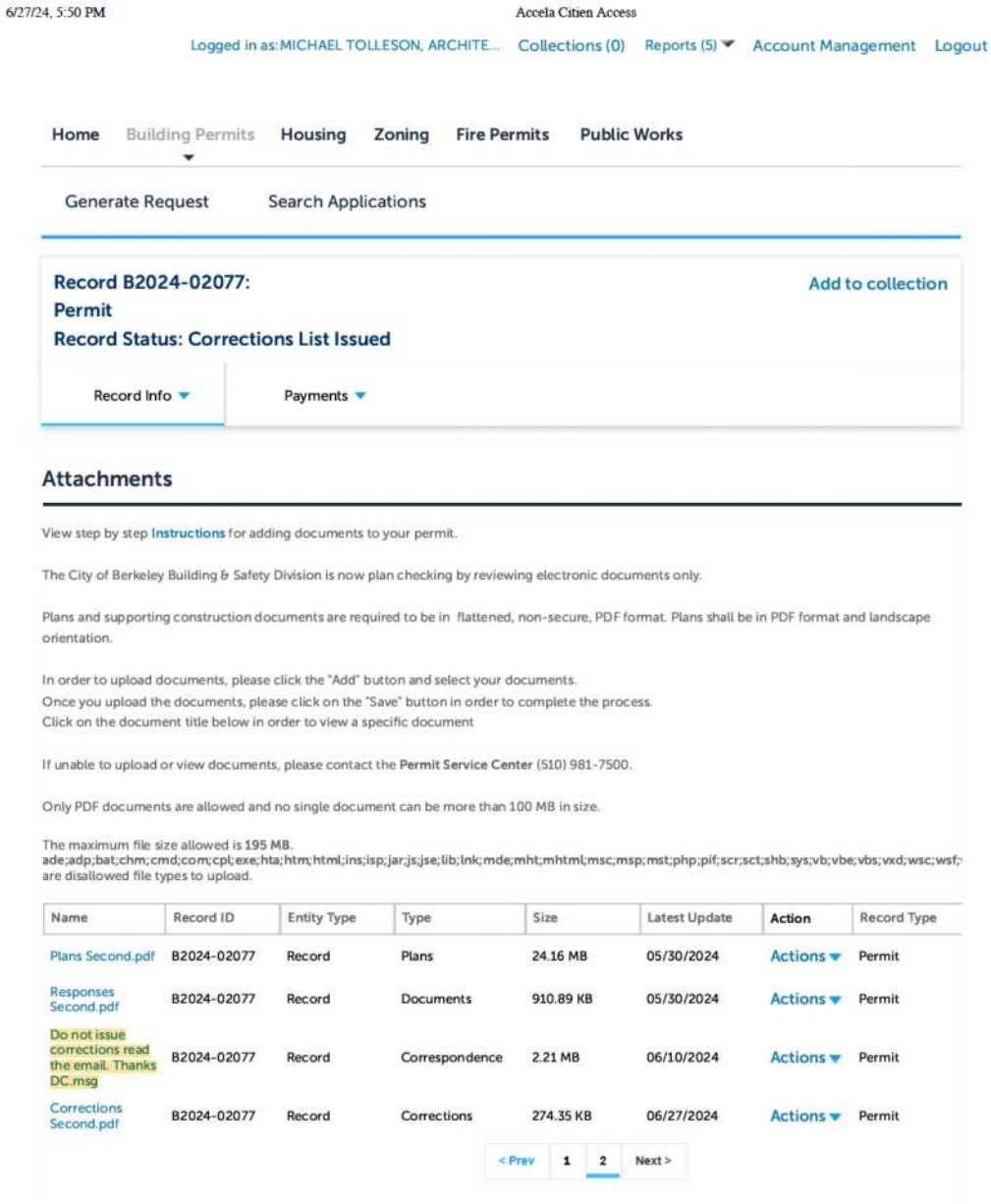
The plans as they were turned in on June 9th will not be approved. They were the same plans that they turned in in January without any of the changes staff asked for. They are also incomplete. The other thing I noticed is that the plans do not have any indication of what was standing there now, a site plan, or a drawing with the property lnes visible. All of these things are the requirements of plan check, and need to be included in the plans for them to be deemed complete.

So everyone should enjoy their weekend, and know that all of the hell they raised has been heard and Susan and the city are doing everything they can at this point.

It's a "win" for us. We will update next week. It would be really nice if you and you neighbors sent Susan a short email thanking her for her very quick work on this.

Best
Nara

Addendum 5
City Council



Addendum 6

Original Condition

View Looking Northeast

September 22, 2013

Addendum 7

50% Demolished > Permitted & Approved

Aerial View

October 18, 2022

Addendum 8

Legal CRC R105.2 Module

View Looking North > Module

October 28, 2024

Addendum 9

Neighbor Support

From: **Bruce McKenzie** bbmckenzie@juno.com
Subject: Letter to Berkeley Building and Safety
Date: October 15, 2024 at 10:43 PM
To: michaeltolleson.com michael@michaeltolleson.com

BM

To Berkeley Building and Safety:

I am happy to write a letter on behalf of Michael Tolleson. He has been easy to work with as he has brought some materials in through our property, which is above the house he is working on. Building decent stairs from his house down the hill to La Vereda is a "plus" for fire safety, since a pedestrian can use these to get from our house to the existing steps that link the unbuilt section of Cedar Street between La Loma and La Vereda. As long as his house stays within the footprint and height of the old house, I think it is an advantage to have a well built house rather than a derelict house on the site.

Regards—Bruce McKenzie

Addendum 10

Cooperative View

View Looking West

October 18, 2022

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING CERTIFICATE APPLICATION – BUILDING PERMIT

planning@berkeleyca.gov • Phone (510) 981-7410, TDD (510) 981-7450

RECEIVED
PERMIT SERVICE CENTER
Apr 29, 2024
By A. Mattox

Planning and Development
1947 Center St, 2nd Floor
Berkeley, CA 94704

GENERAL INFORMATION

This supplemental application must be submitted with any building permit application that is subject to review for zoning, design review, or landmarks. This typically includes, but is not limited to:

- In-kind repair and replacements
- Conversion of basements, cellars, attics, garages or accessory structures into habitable floor area
- Interior or exterior work on commercial and nonresidential buildings
- New buildings or enclosed accessory structures
- Additions to an existing structure
- Demolition
- All exterior or facade changes
- Addition, expansion, and replacement of decks
- Remodeling of an existing building
- Addition or removal of a dwelling unit, Accessory Dwelling Unit (ADU) or Junior ADU, bedrooms, tenant spaces, residential kitchens, and/or parking
- Construction related to an approved land use entitlement

Additional information

Look up your zoning and parcel information

Title 23 of the Berkeley Municipal Code for zoning requirements and development standards

How to apply for a building permit

ZONING CERTIFICATE APPLICATION – BUILDING PERMIT

ZCBP#:

BP#: B2024-02077

This application must accompany any building permit application subject to zoning, design review, or landmark review. Please complete and submit with your building permit application.

PROJECT INFORMATION

Project Address: 2750 Cedar St

Unit(s)/Suite(s) #:

Assessor Parcel Number(s): 58-2211-20-1

Project Description:

REHABILITATION OF (E) 728 SF SFR PER CRC AJ201 DEFINITIONS FOR REPAIR, ALTERATION, & RENOVATION.

APPLICANT'S NAME: Michael Tolleson, Architect

Mailing Address: 555 Pierce St, #1626, Albany, CA 94706

Phone Number: 510 332 9520

Email: michael@michaeltolleson.com

Zoning and Overlay District (s)? (check designation on **this map**) R-1H

Is the site a designated landmark, structure of merit, or located in a historic district? (check designation on **this map**)

☐ **YES** ☑ **NO**

USE OF BUILDING/PROPERTY?

EXISTING SFR (Dwelling)

PROPOSED SFR (Dwelling)

RELATED LAND USE OR ZONING PERMITS (CHECK ALL THAT APPLY)

☐ **Administrative Use Permit** (Conditions of Approval must be printed on sheet 2 of plan set)
Permit Number ZP20

☐ **Use Permit / Variance** (Conditions of Approval must be printed on sheet 2 of plan set)
Permit Number ZP20

☐ **Design Review Permit Number** DR20

☐ **Landmark Structural Alteration Permit (SAP):**
Permit Number LMSAP20

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING CERTIFICATE APPLICATION – BUILDING PERMIT

PROJECT DETAILS (CHECK ALL THAT APPLY)

- ☑ **In-kind repair/replacement** (includes windows, decks, siding, etc.)
- ☐ **Conversion of garage, basement, or attic to habitable space** (gross floor area: _____ square feet)
- ☐ **Interior or exterior work** on a commercial or nonresidential building
- ☐ **New building or enclosed structure** (gross floor area: _____ square feet)
- ☐ **Addition to existing building or enclosed structure** (gross floor area: _____ square feet)
- ☐ **Demolition** (includes removal/replacement of exterior wall or roof framing) ____ percent walls; ____ percent roof)
- ☐ **Removal or pruning of coast live oak tree** – indicate circumference at 4 feet above ground: _____ inches.

EXTERIOR CHANGES (CHECK ALL THAT APPLY)

- ☑ **Windows, doors, and openings** (new/enlarged)
- ☐ **Decks** (expanded or new)
- ☐ **Water heater/HVAC**
- ☐ **Other:** _____

ADDITION OR REMOVAL OF: (CHECK ALL THAT APPLY)

- ☐ **Dwelling unit**
- ☐ **Accessory Dwelling Unit (ADU)/ Junior Accessory Dwelling Unit (JADU)**
- ☐ **Bedrooms**[1]
- ☐ **Interior walls separating commercial spaces**
- ☐ **Parking spaces**
- ☐ **Residential kitchens**

[1]**Bedroom.** *Any habitable space in a dwelling unit or habitable accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of applying this requirement. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. (BMC 23.502.020(B))*

SUPPLEMENTAL INFORMATION REQUIRED FOR SOME PROJECTS

If the following items are required for your project and are not provided with the building permit application submittal and plans, you will receive corrections from the zoning reviewer requesting these items.

Affordable or Inclusionary Housing (BMC 23.328) provisions apply to the project? (check one)

- ☐ **YES** (for projects vested on/after April 2, 2023, submit an **Affordable Housing Compliance Plan** form with building permit application and include applicable information in plan set)
- ☑ **NO**

Bird Safe Building Requirements apply to project? (check one)

- ☐ **YES** (submit **Bird Safe Building Requirements Attestation** with building permit application, and include product/material compliance and building elevations in plan set)
- ☑ **NO**

Impervious Surfaces (check one) Does the project create or replace 2,500 square feet or more of impervious surface area?

- ☐ **YES** : _____ square feet (submit required **stormwater checklist** with building permit application)
- ☑ **NO**

I hereby certify that the above information is true and complete to the best of my knowledge.

APPLICANT'S SIGNATURE:

Michael Tolleson

Printed Name: Michael Tolleson, Architect

Date: 4-23-24

(If this ZCBP is not associated with a building permit application, owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required.)

OWNER'S SIGNATURE:

Printed Name:

Date:

Internal

Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 May 22, 2024

Project Address: 2750 Cedar St.

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a written response letter, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. Incomplete or unclear responses to corrections may result in delays.

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding a 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

May 21, 2024

Building and Safety — Prepared by: Elysia Miller

Application #: B2024-02077 — 2750 Cedar St — emiller@berkeleyca.gov

Administrative

1. Construction documents produced by licensed architects are required to be stamped with a wet or digital signature. Prior to permit approval for this project, the applicant responsible for the project shall submit a complete set of final construction documents with all sheets stamped and signed by the licensed individuals in responsible charge of their preparation. [CBPC 5536.1]
2. The valuation of $50,000 as provided by the applicant is substantially understated. Please provide an updated valuation that includes all work as required per CBC Section 109.3: "*Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.*" The updated valuation will be considered by the building official; if the updated valuation is not accepted, a minimum valuation will be provided by the building official as authorized by City of Berkeley Resolution 67,047-N.S.
3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]
2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]
3. Openings in walls facing property lines located within 5 feet are limited to 25% maximum of the wall area. Openings in walls facing property lines located within 3 feet are not allowed. Please revise the drawings to provide a wall area to window opening area analysis demonstrating that the proposed design complies. [CRC R302.1]
4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]
5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

Permit Service Center
Building & Safety Division
Planning and Development Department

May 21, 2024

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

Electrical

1. Indicate on the construction drawings ground-fault circuit-interrupter protection for outlet receptacles installed in residential bathrooms, at all kitchen counter-tops, laundry rooms, outdoors, crawlspaces or unfinished basements, and where the receptacles are installed within 6 feet of the outside edge of the sink. [CEC 210.8(A)]
2. Specify that branch circuits supplying outlets installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, bedrooms, closets, hallways, laundry rooms or similar spaces shall be protected by a listed arc-fault circuit interrupter. [CEC 210.12(A)]
3. Specify that all 125-volt, 15- and 20-ampere receptacles serving dwelling units shall be listed tamper-resistant receptacles. [CEC 406.12(A)]

Mechanical

1. In single-family dwellings each kitchen shall be provided with a vented hood ducted to terminate outside the building, with a minimum air flow of 100 cfm and a maximum sound rating of 3 sones or shall be equipped with a local mechanical exhaust system installed in accordance with ASHRAE 62.2. [CMC 405.4.1 and BMC 19.32.040]

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

M I C H A E L T O L L E S O N , A R C H I T E C T
555 PIERCE ST
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ALBANY, CA 94706

May 26, 2024

Recipient Eysia Miller
emiller@berkeleyca.gov
Address Building & Safety
Permit Service Center
1947 Center St
3rd Floor
Berkeley, CA 94704-1113
(510) 981-7440

Re Application B-2024-02077
2750 Cedar St

Eysia,

Below please find my responses highlighted in red below to your queries in **black** re the subject Project.

Preface

1 The SFR is an Existing < 50% partially demolished structure subject only to the 2022 California Existing Building Code (CEBC) and BMC Section 23F.04.10 or earlier editions as allowed.
This has been established with Permit Partial Demolition 13-4915 still noted in the B2014-00236 permit in the Permits record, inspected and approved by Berkeley inspector Greg Brovold.
See attached stamped 4-APPROVAL-PARTIAL DEMO-2750 CEDAR.pdf.
The currently submitted entire Project was approved at that time; see attached 3-APPROVAL ORIGINAL-2750 CEDAR.pdf.
The Project is not a "Remove all but one wall…" existing condition.
See also, Sheet A-2.2 Demolition plans, Demo Calcs and Modified Opening Calcs & Key Notes (Architect's approval).

2 Per CEBC *"401.2 Compliance. The work shall not make the building less complying than it was before the repair was undertaken."*
This does not inhibit design that increases the building strength or otherwise complies with current or recent code sections of the CEBC, CRC, CBC

3 The repaired SFR provides a new Automatic Residential Fire Sprinkler system, which is treated as a deferred permit until after Framing.
See Fire Sprinkler Notes, Sheet A-0.1 and Table R302.1(2) Exterior Walls - Dwellings and Accessory Buildings with Automatic Residential Fire Sprinkler Protection.

4 See also CEBC *"405.2.1 Repairs for less than substantial structural damage. Unless otherwise required by this section, for damage less than substantial structural damage, the damaged elements shall be permitted to be restored to their predamage condition."*

5 The CEBC generally allows less restrictive application of codes than the CRC and CBC.
Glazing area, for example, may be greater than 20% of the floor area.

6 If Exterior Perspective, West Front, rendering on Sheet A-0.1 does not immediately display, please zoom in-out until viewed.

Administrative

1. Construction documents produced by licensed architects are required to be stamped with a wet or digital signature. Prior to permit approval for this project, the applicant responsible for the project shall submit a complete set of final construction documents with all sheets stamped and signed by the licensed individuals in responsible charge of their preparation. [CBPC 5536.1]

CBPC 5536.1.a does not specifically require that every sheet of the Construction Documents be stamped & signed prior to permit.
Project Notes, Sheet A-0.1, is stamped & signed as representative for all sheets articulated by the Index of Drawings on the same sheet.

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This is done to protect the copyright and illegal use of the Construction Documents.
Nonetheless, I have stamped & signed each sheet per Berkeley preference.

2. The valuation of $50,000 as provided by the applicant is substantially understated. Please provide an updated valuation that includes all work as required per CBC Section 109.3: "Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems." The updated valuation will be considered by the building official; if the updated valuation is not accepted, a minimum valuation will be provided by the building official as authorized by City of Berkeley Resolution 67,047-N.S.

$50,000 is the same valuation previously approved by Berkeley for B2014-00236, with the same conditions.
The SFR is only 728 sf, so 50,000/728 = $69/sf, a reasonable valuation for Repair.
There are no foundation costs and most lumber is reused.
I have typically built ground-up (new) Owner/Builder projects at $80/sf to $150/sf over the past 10 years.
See just below @ $80/sf with similar construction and finishes:

Granted, very few Architects can build at this rate.
If Berkeley is bound to apply a higher ratio, please include these mitigating factors.

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

2022 CRC R106.1.1 requires that drawings be of "sufficient clarity".
Note that CRC R106.1.1 does not specify 1/8" text, which would only be relevant for printed drawings.

The "scale" (inches:feet) of drawings is not applicable when drawings are digital, as drawings of any scale may be zoomed into or out of for ease of use and readability.
PDF is a vector-based file format, so it does not lose resolution when zoomed.
If you need a hard copy, I can print full-size 24" x 36" sheets, which provide the many scales of the drawings.

Highlighting reflects the most recent version of the Construction Documents.
The highlighted drawings and annotations are used in lieu of revision "clouding", which burdens the drawings with chaotic graphics and poor

5 1 0 3 3 2 9 5 2 0
5 1 0 9 9 0 6 3 3 5
michael@michaeltolleson.com

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readability.
In this Set, I have used black exclusively for the base color for Berkeley and changed the "Revision Color" to **red**.
Creative Architects are always looking for ways to improve drawings for readability and comprehension, including the promotion of digital documentation and its numerous advantages.

Nonstructural
1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

Wall types are AEC standard Line Weight Types and gradation.
Zoom in to see the difference in Line Types.
The Wall Type is communicated by the difference between one drawing and another.

See Wall Types, A-0.1 and A-2.2 Architectural.
Wall / Partition – Existing or Repaired are Heavy (.7 mm) Unfilled.
Wall / Partition - Removed are Light (.3 mm) Dashed.
Wall / Partition - New is Heavy (.7 mm) Filled.
Wall / Window or Slider - New is Medium (.4 mm).
Wall / Window or Slider - Removed is Medium (.4 mm) and Dashed (3 mm).

See Walls, S-3.1 and S-3.2 for Structural.
Wall /Bearing / Shear (SW) - New is Heavy (.7 mm) Unfilled with SW Length where occurs.
Beam is Heavy (.7 mm) Dot/Dash.
Post is Heavy (.7 mm) Filled.
Joist is Medium (.4 mm).
Non-Bearing Walls are not shown on Structural drawings.

Note that Dashed lines may also convey construction above or below.
All other construction is defined by number and leader in the Key Notes on each sheet.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

The repaired SFR will provide a new Automatic Residential Fire Sprinkler system, which is treated as a deferred permit until after Framing.
See Fire Sprinkler Notes A-0.1 and Table R302.1(2) Exterior Walls - Dwellings with Automatic Residential Fire Sprinkler Protection, exposure one side.
5' Separation is not applicable

See also special detail Wall Section 1/A-5.2 and, for orientation, Site Plan A-1.2 and Floor Plan A-2.4.
This assembly provides a clever solution to the fire-rating for walls separation < 3' for the small area at the northwest corner, in which the bottom half of the wall is 1-hour fire-rating and the geometrically skewed top half is not rated (NR).
This detail Partial-Rated Wall has been previously approved by plan checker Jeff Thomas and supervisor David Lopez.
See the attached approval correspondence 5-APPROVAL-PARTIAL RATED WALL-2750 CEDAR.pdf.

3. Openings in walls facing property lines located within 5 feet are limited to 25% maximum of the wall area. Openings in walls facing property lines located within 3 feet are not allowed. Please revise the drawings to provide a wall area to window opening area analysis demonstrating that the proposed design complies. [CRC R302.1]

The repaired SFR provides a new Automatic Residential Fire Sprinkler system, which is treated as a deferred permit until after Framing.
See Fire Sprinkler Notes A-0.1 and Table R302.1(2) Exterior Walls - Dwellings with Automatic Residential Fire Sprinkler Protection, exposure one side.

No Openings occur < 3'.

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Openings are unlimited in area > 3'.

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

See Wall Section A-5.1, Notes 1-3:

"Notes
1 Composition mineral-surface roll & shingle roofing shall be Class A fire, ASTM E108.
2 Fiber cement siding & cladding shall be non-combustible/incombustible, ASTM E 84-99, UBC Class 1, NFPA Class A.
3 Metal venting louvers or perforated metal shall provide continuous 1/4" metal mesh on backside."

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

The repaired SFR is one of several phases of work, including a new ADU.
The Entry Stair is annotated as a "Future (F)" element.
See:

"CRC R106.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted."

The limited (F) Stair drawings are provided to assist contractors in the correct location of temporary staging.
See Abbreviations A-0.1.

Structural
1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

The structural design utilizes the CEBC to strengthen during repair by any number of methods.
Rather than using CRC R602.10 or R602.12, the structure is calculated to comply with the CBC for both vertical and lateral loads at the time of the previous approval B2014-00236.
This greatly increases the structural resistance of all elements using continuous wood structural panel sheathing on all floor, wall and roof framing and calculation of all critical posts, beams and joists.
See attached 6-S-CALC-004-2750 CEDAR.pdf.

In addition, under this section CRC R60210 ,Architect-designed, -stamped and -signed Construction Documents may utilize rational alternative solutions.

Electrical
1. Indicate on the construction drawings ground-fault circuit-interrupter protection for outlet receptacles installed in residential bathrooms, at all kitchen counter-tops, laundry rooms, outdoors, crawlspaces or unfinished basements, and where the receptacles are installed within 6 feet of the outside edge of the sink. [CEC 210.8(A)]

See Electrical Notes and Abbreviations, Sheet E-2.1

2. Specify that branch circuits supplying outlets installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, bedrooms, closets, hallways, laundry rooms or similar spaces shall be protected by a listed arc-fault circuit interrupter. [CEC 210.12(A)]

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See Electrical Notes, Sheet E-2.1

3. Specify that all 125-volt, 15- and 20-ampere receptacles serving dwelling units shall be listed tamper-resistant receptacles. [CEC 406.12(A)]

See Electrical Notes, Sheet E-2.1

Mechanical
1. In single-family dwellings each kitchen shall be provided with a vented hood ducted to terminate outside the building, with a minimum air flow of 100 cfm and a maximum sound rating of 3 sones or shall be equipped with a local mechanical exhaust system installed in accordance with ASHRAE 62.2. [CMC 405.4.1 and BMC 19.32.040]

See Note 3, Sheet M-2.1.pdf.

Plumbing
1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

See California Green Building Code Mandatory Notes, Residential Appendix, Note 04 “THE PLUMBING FIXTURES AND PLUMBING FITTINGS SHALL MEET THE STANDARDS BELOW (CPC 403.2) (CGBC (4.303.1), Sheet A-01.”
Plumbing fixture use standards need not include specific fixtures per CPC 104.3.1.
Specific fixtures may vary contingent upon availability and the introduction of superior products over the forthcoming year.

Energy
1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

See Sheet ENERGY NOTES, Sheet A-0.2, & PRESECRIPTIVE CERTIFICATE OF COMPLIANCE: RESIDENTIAL.

Sincerely,

Michael Tolleson, Architect, C-22075

Attachments

1-SET-2750-CEDAR-002.pdf
2-2750-CEDAR-RESPONSE.pdf (This Document)
3-APPROVAL ORIGINAL-2750 CEDAR.pdf
4-APPROVAL-PARTIAL DEMO-2750 CEDAR.pdf
5-APPROVAL-PARTIAL RATED WALL-2750 CEDAR.pdf
6-APPROVAL-S-CALC-004-2750 CEDAR.pdf

Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 June 27, 2024
Project Address: 2750 Cedar St.

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a written response letter, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. A full plan set of ALL construction drawings is required when responding to corrections. Incomplete or unclear responses to corrections may result in delays.

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:**
   a. ***Response to plan check comments:*** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
   b. ***New/separate permit:*** Generate new request from a registered ACA account at the Permits Online Portal www.permits.cityofberkeley.info. Submit request under 'Building Permits' for work on private property, or 'Public Works' for work in the public right of way.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

Permit Service Center
Building & Safety Division
Planning and Development Department

June 13, 2024

Building and Safety — Prepared by: Jesse Bright, P.E.

Application #: B2024-02077 — 2750 Cedar St — jbright@cityofberkeley.info

Administrative

2. The valuation of $50,000 as provided by the applicant is substantially understated. Please provide an updated valuation that includes all work as required per CBC Section 109.3: “Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.” The updated valuation will be considered by the building official; if the updated valuation is not accepted, a minimum valuation will be provided by the building official as authorized by City of Berkeley Resolution 67,047-N.S.

   PC2: This comment was not addressed. Please provide a permit valuation for the total value of work, including materials and labor, for which the permit is being issued.

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

   PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

4. ***PC2:*** Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

5. ***PC2:*** The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]

   Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that “...the new structure is located in accordance with the approved plans.”

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

Permit Service Center
Building & Safety Division
Planning and Development Department

PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

   PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations. Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]

   a. ***Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]***

   b. ***The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]***

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

   PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

Permit Service Center
Building & Safety Division
Planning and Development Department

PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

6. ***PC2:*** The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]
7. ***PC2:*** The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]
8. ***PC2:*** In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]
9. ***PC2:*** Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]
10. ***PC2:*** Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

   PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and provide a complete load path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

2. ***PC2:*** Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that

all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

3. ***PC2:*** The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]
4. ***PC2:*** The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]
5. ***PC2:*** Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]
6. ***PC2:*** Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω_0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]
7. ***PC2:*** For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]
8. ***PC2:*** Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, If applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

Electrical

4. ***PC2:*** The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]
5. ***PC2:*** The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

6. ***PC2:*** Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

Mechanical

2. ***PC2:*** Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

   PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

2. ***PC2:*** The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

3. ***PC2:*** For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

   PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

2. ***PC2:*** The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

Permit Service Center
Building & Safety Division
Planning and Development Department

June 26, 2024

Land Use Planning

Prepared by: Waqar Shah

Application #: B2024-02077 2750 Cedar Street WSHAH@cityofberkeley.info

Land Use Planning Requirements

1. After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved structure.
    a. If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under “Apply For A Use Permit”
    b. Please also note that through the setback determination as shown on page 5 of the Zoning Determination, the setbacks are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).
    c. The plan submissions for the Use Permit Entitlement Application will need to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.
    d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit.
2. Please note that additional information may be requested upon review of resubmitted items.

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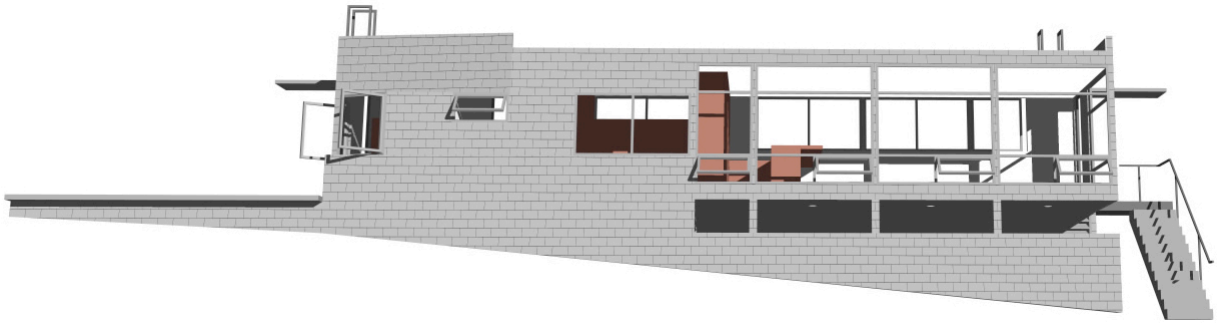

July 10, 2024

Recipient	David Lopez dlopez@CityofBerkeley.info Jessie Bright jbright@cityofberkeley.info Waqar Shah WSHAH@cityofberkeley.info
Address	Building & Safety Permit Service Center 1947 Center St, 3rd Floor Berkeley, CA 94704-1113 (510) 981-7440
Re	Application B-2024-02077 2750 Cedar St

Introduction

The basis of Code application for 2750 Cedar uses the California Existing Building Code (CEBC).
My business partner, a structural engineer, and I purchased the property from my former client in late 2022.
The property was purchased specifically because it contained an Existing SFR that could utilize the CEBC.
CEBC allows "401.2 Compliance. The work shall not make the building less complying than it was **before the repair was undertaken**."
CEBC allows "405.2.1 Repairs for less than substantial structural damage. Unless otherwise required by this section, for damage less than substantial structural damage, the damaged elements shall be permitted to be restored to their **predamage condition**."

To this basis the design utilizes Code enhancements, providing greater quality than the CEBC actually requires.
The California Building Code (CBC), the California Residential Building Code (CRC) and Berkeley Municipal Code (BMC) are all utilized where their application produces the most aesthetically and functionally favorable Code Path.
The CEBC should be assumed in all cases of Code application unless otherwise specified.

As a second basis the design also utilizes the California Green Building Code (CGBC).
CGBC allows "5.401.1 Scope. The provisions of this chapter shall outline means of achieving **material conservation** and **resource efficiency** through protection of buildings from exterior moisture, construction waste diversion, employment of

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techniques to reduce pollution through **recycling of materials**, and building commissioning or testing and adjusting."
This Code section allows and promotes the reuse and incorporation of existing construction into the completed structure

The SFR is an Existing **"lawful nonconforming"** < 50% partially demolished structure as allowed by BMC Section 23F.04.10, which allowed the use of Permits 13-4915 Partial Demolition of Damaged Construction and 14-0236 Repair, Renovation & Alteration of (E) SFR.
Permits were obtained and inspection was completed by Berkeley inspector Greg Brovold to bring the structure to its current state.
These are now **lawful entitlements by right** that cannot be separated from the property.
Documentation of these approvals and inspections has been omitted, lost or deleted by Berkeley in its review, so they are provided again directly below.

As well, we find that BMC 23F.04.10 has been supplanted by BMC 23.324.050 Conforming and Nonconforming Structures and Buildings, which states:

"A. Maintenance and Repair. A lawful nonconforming structure or building may be **maintained and repaired**, as long as such maintenance or repair does not result in a change to the use of the structure or building.
B. Replacement. Replacing portions of a nonconforming structure or building is allowed if the removed portions were lawfully constructed and are replaced to the same size, height, extent, and **configuration as previously existed."**
and:
"F. Damage and Reconstruction.
2. Damage Less than 50 Percent. If 50 percent or less of its appraised value of a lawful nonconforming structure or building is damaged or destroyed for any reason, the replacement of the damaged portions of the structure or building is allowed **by right** if the replaced portions are the same size, extent, and configuration as previously existed."

CRC Definitions also define "REPAIR. The reconstruction, replacement or renewal of any part of an existing building for the purpose of its maintenance or **to correct damage**."

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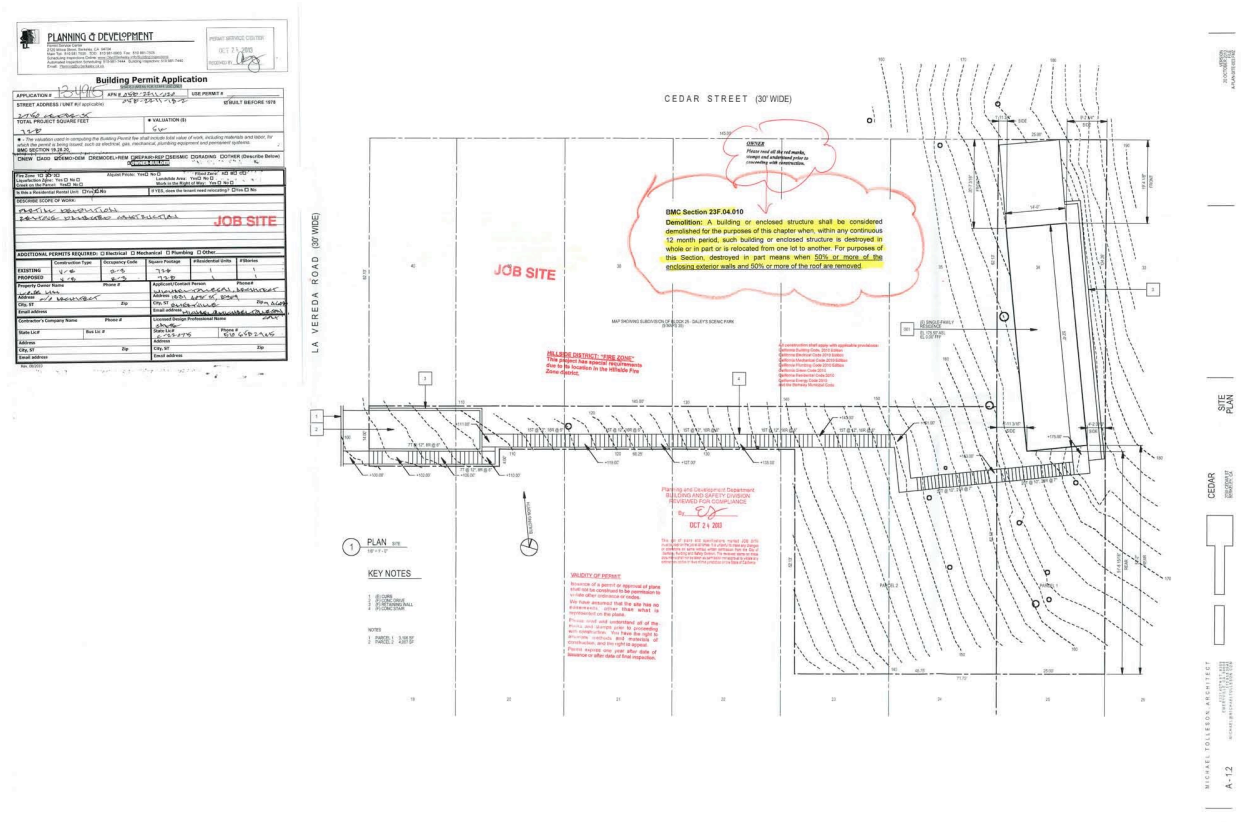

Site Plan, Partial Demolition, Permit 13-4915, A-1.2

The currently submitted entire project, which has not changed, was also approved at that time; see attached Project Permit Approval, Original, directly below.

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PLANNING & DEVELOPMENT

Department of Planning & Development

Plan Check Status

You can use this tool to review the status of your plan check for a building permit application that has been submitted for City review.

You may search for your permit application by Permit Application # (ex: 15-123) or by Street Address (ex: 123 Dwight Way).

Permit Application # or Street Address: 14-236 Search

Search on '14-236' returned 1 match. To see more details, click on App# in the table below.

App #	Address	Owner Name	Date In	Est Compl	Application Status
14-236	2750 CEDAR ST	LIN LOUIS B	6/11/2015	6/26/2015	Approved by all agencies, 7/1/2015. You may call the Permit Service Center at 981-7502 for an appointment to pick up your permit(s). You will need to submit an additional $2,859.50 in building permit fees to complete the application process. Electrical, mechanical and plumbing work requires separate application and fees.

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Department of Planning & Development, 2120 Milvia St., Berkeley, CA 94704
Questions or comments? Email: planning@cityofberkeley.info Phone: (510) 981-7400
(510) 981-CITY/2489 or 311 from any landline in Berkeley
TTY: (510) 981-6903

Project Permit Approval, 14-236, Original

The current calculation for the use of BMC 23.324.050 F. Damage and Reconstruction is provided directly below.

Alameda County Assessor shows the appraised value of 2750 Cedar St as $1.5 million, the average of $972,000 and $1,920,000.
50% would be $1,236,000.
The estimated cost for Repair provided on page 8 below is the Preliminary Estimate of Construction Costs, SFR $94,497 or 7 %: not even close to 50 %.

The supporting Alameda County Assessor Property Report Map is provided directly below.
The full report is available upon request.

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2750 Cedar St
Berkeley CA 94708 (Alameda County)

Estimated Value
$976K - $1.92M

Residential

Satellite View & Map

Alameda County Assessor Property Report Map

Review

At present, we find that the plan review process has been corrupted and misinformation generated by the intrusion of Councilperson Susan Wengraf and immediate neighbor Laura Schmidt on multiple occasions.
We find that the City Council and adjacent homeowners have neither the authority nor the qualifications to interject themselves into established procedures that are highly technical and in-process on private property.

Note that we have made every effort to find a common and constructive relationship with Ms. Schmidt, but she still exhibits nonsensical behavior, such as recently demanding Berkeley inspectors when we were trying to clear the property for Wildfire/Urban Interface as required by Berkeley Fire.
See inspector David Torres.

Our request of supervisor David Lopez, in three separate correspondences, to meet with the Council to explain the property history and Code Path have gone unanswered.
We had to de-encrypt internal correspondence from supervisor Lopez to learn of the involvement of the Council and City Attorney.

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Conclusion

Given the Code Path above, we will first begin construction atop the existing foundation, using CRC "105.2 Work Exempt from Permit" which allows:

Decks < / = 200 square feet
One-story accessory structures < / = 140 square feet

Berkeley Zoning allows Roof Repair without permit, so the roof will be reframed throughout.

These will then be incorporated into the forthcoming framing, which will include CGBC material conservation reuse of existing framing, to be inspected continuously by the Architect, as approved by then Zoning supervisor Eric Angstadt.
Note that Architects are licensed to practice engineering through Exemption 6737 in the Engineers Practice Act.

Framing at this phase of completion will utilize R106.3.3 "Phased approval. " …Permit for the construction of…any other part of a building… provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code"

At this phase of completion, the permit should be limited to a Zoning Certificate and does not require an AUP or UP.
Initially only the exterior envelope will be framed, fumigated and weatherproofed before the fall rain.
We will continue with the interior once that is done.

We will request inspections of each phase, as we normally would, or provide detailed reports from special inspectors for the record.
We would accept the original unpaid fees of $2,859.50 as shown above for Permit 14-236 as the cost of the permit, but the Assessor's Report says these have been paid in full.

As established in the Construction Documents, the design of the new SFR is nearly identical to the original home of Eleanor Westphal, a draftsperson remembered fondly by the entire hillside community, who remarkably climbed the 75' vertical rise of the stairs on a regular basis.

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Review Responses

This Response Letter (240710-Corrections Second-Response.pdf) addresses Comments by Jessie Bright and Waqar Shah dated June 27, 2024.
Note that we do not use the term “Corrections”, which we consider to be terminology for contractors, not for discussions between licensed professionals.
We generally use the terms “Queries” or “Comments” for those originating from the governing body.

The Architect’s Responses are in **red**.
Berkeley Comments are in *black italic*.

Administrative

2. The valuation of $50,000 as provided by the applicant is substantially understated. Please provide an updated valuation that includes all work as required per CBC Section 109.3: “Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.” The updated valuation will be considered by the building official; if the updated valuation is not accepted, a minimum valuation will be provided by the building official as authorized by City of Berkeley Resolution 67,047-N.S.
PC2: This comment was not addressed. Please provide a permit valuation for the total value of work, including materials and labor, for which the permit is being issued.

It is false that this issue was not addressed in the original Response (240522-Corrections First-Response.pdf) dated May 22, 2024, in quotes just below.

“$50,000 is the same valuation previously approved by Berkeley for B2014-00236, with the same conditions.
The SFR is only 728 sf, so 50,000/728 = $69/sf, a reasonable valuation for Repair.
There are no foundation costs and most lumber is reused.
I have typically built ground-up (new) Owner/Builder projects at $80/sf to $150/sf over the past 10 years.
See 3-story SFR just below @ $80/sf with similar construction and finishes:

Hannah, Oakland (2004)

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Granted, very few Architects can build at this rate.
If Berkeley is bound to apply a higher ratio, please include these mitigating factors."

The original valuation estimate was based only upon the Repair of the SFR.
The total estimate of Repair and New work, excluding Site work, a forthcoming phase, is shown directly below.
CBC 109.3, Permit valuations states, "Final building permit valuation shall be set by the building official."
We await your proposed valuation in cost per square foot. See Preliminary Estimate directly below.

Preliminary Estimate of Construction Costs
Cedar
Residence (SFR) & Accessory Unit (ADU)
2750 Cedar St
Berkeley, CA 94708

Task	Area/Qty	Duration	Cost		Unit	Notes
			Materials	Labor	T/sf; Labor/day	
SFR	728 sf				T/lf; T/ea	
Staging				2,000		
Framing (Repair)	2,644	10	7,500	12,800	7.6/sf; 1,280/day	Inc Sheathing, Connectors
Framing (New)	432	2	500	2,560	5.9/sf; 1,280/day	Inc Sheathing, Connectors
Roofing	728	1	728	1,456	3/sf; 1,456/day	Inc Gutters, Downspouts
Exterior Finish	1,322	3	1,322	3,966	4/sf; 1,322/day	Inc Trim, Sealant
Insulation	2,050	2	500	2,560	1.5/sf; 1,280/day	
Doors	6 pcs	1	1,500	1,280	463ea; 1,280/day	Inc Hardware
Shower Doors	2 pcs	1	1,000	1,000	500ea; 1,000/day	
Windows	15 pcs	3	5,000	3,840	Vary; 1,280/day	
Mechanical	2 pcs	3	3,000	2,250	Vary; 750/day	Inc HVAC, Water Heating
Electrical	50	3	1,500	3,750	75/ea; 1,250/day	Inc Lighting
Plumbing	7 pcs	3	2,000	5,000	Vary; 1,666/day	Inc Fixtures
Drywall	2,914	4	910	4,335	1.8/sf; 1,320/day	Inc Ceiling
Paint	2,914	3	500	3,840	1.5/sf; 1,280/day	
Flooring	728	2	3,640	2,560	8.5/sf; 1,280/day	Inc Base
Cabinets	24 lf	2	3,600	2,560	150/lf; 1,280/day	
Appliances	4 pcs	1	2,500	1,280	Vary; 1,280/day	
Countertops	24 lf	1	480	1,280	20/lf; 1,280/day	
			36,180	58,317		T Mat, T Labor
					94,497	**ST $**
					45	T Duration

Preliminary Estimate of Construction Costs, SFR

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]
PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

As stated in the original Response (240522-Corrections First-Response.pdf) dated May 22, 2024, in quotes just below, full-size hard copies of the Construction Documents are available upon request.

"2
2022 CRC R106.1.1 requires that drawings be of "sufficient clarity".
Note that CRC R106.1.1 does not specify 1/8" text, which would only be relevant for printed drawings.

The "scale" (fractional inches per foot) of drawings is not applicable when drawings are digital, as drawings of any scale may be zoomed into or out of for ease of use and readability.
PDF is a vector-based file format, so it does not lose resolution when zoomed.
If [Berkeley] needs a hard copies, we can print full-size 24" x 36" sheets, which comprise the many scales of the drawings.

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Highlighting reflects the most recent version of the Construction Documents.
The highlighted drawings and annotations are used in lieu of revision “clouding”, which burdens the drawings with chaotic graphics.”

We always have full-size sets onsite for inspectors who should know that only dimensioned drawings are to be used and “scaling” off drawings is a violation of their use.

The Construction Documents are available in both reduced (11 x 17) and full-size (24 x 36) sets.
11 x 17 sets, the maximum size for Microsoft Word sheets, provide the multi-sheet digital Construction Documents sets required by Berkeley.
If Berkeley wants individual PDF 24 x 36 sheets, those can also be provided.

4. PC2: Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

The Index of Drawings is correct and provides Sheet Numbers, Descriptions, (Titles) and Digital (File) Names.
The sheet numbers are provided in the lower right corner of the sheet.

5. PC2: The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]
Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that “...the new structure is located in accordance with the approved plans.”

The Moran Engineering Survey is shown directly below, but is not part of the Construction Document set.
It is standard and most efficient practice to provide the contractor with only the documents he requires for the work.
Nothing has physically changed at the site and the Repair does not increase square footage or footprint, so the cost of an updated Survey is not necessary.
The Repair includes no new foundations.

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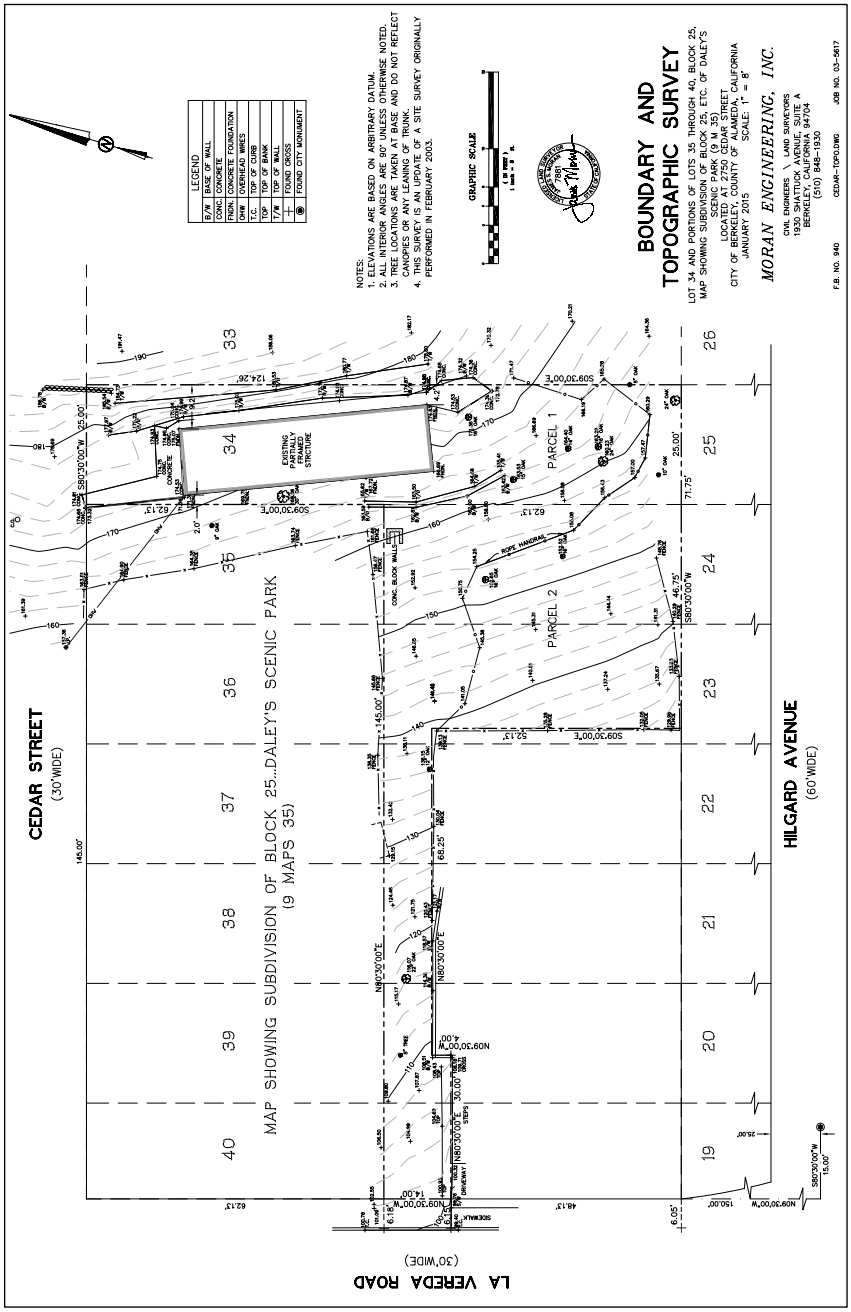

Survey, Moran Engineering, Job #03-5617

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Nonstructural
1.
It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]
PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

The Construction Documents are correct and Wall Type legends are provided on the Demolition Plans (A-2.2) and Project Notes (A-0.1).
See Window/Slider – New and Window/Slider – Removed.

The original structure is deceptive, as it includes numerous glass doors and windows.
In Structural Line 3, with the windows and doors removed for safety, it could appear that a whole wall was removed, when in fact the framing involved was a few posts and headers being replaced, but only minimally affecting the Demolition Calculations (A-2.2).
Doors and windows are not walls.

2.
Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]
PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations.

See TABLE R302.1(2) EXTERIOR WALLS—DWELLINGS AND ACCESSORY BUILDINGS WITH AUTOMATIC RESIDENTIAL FIRE SPRINKLER PROTECTION.

MINIMUM FIRE-RESISTANCE RATING
1 hour—tested in accordance with ASTM E119,
Fire-resistance rated UL 263 or Section 703.2.2 of the California Building Code with exposure from the **outside**; [that is, **only outside, one side].**

MINIMUM FIRE SEPARATION DISTANCE 0 Feet

We are choosing to provide fire sprinklers as it increases the quality of the SFR, but the CEBC does not require this for the Repair.
See CEBC SECTION 403 FIRE PROTECTION
“403.1 General. Repairs shall be done in a manner that **maintains the level of fire protection provided**.”
So we could omit the Wall Section (1/A-5.2) detail entirely.

The non-combustible asphalt shingles may also be applied over the cement plaster; thus the difference in the Exterior Elevations (A-3.2), both of which use the same massing.
If a Detail provides alternatives, both of which are allowed by Code, both Details may be included in the Construction Documents.

Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]
a.
Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]
b.

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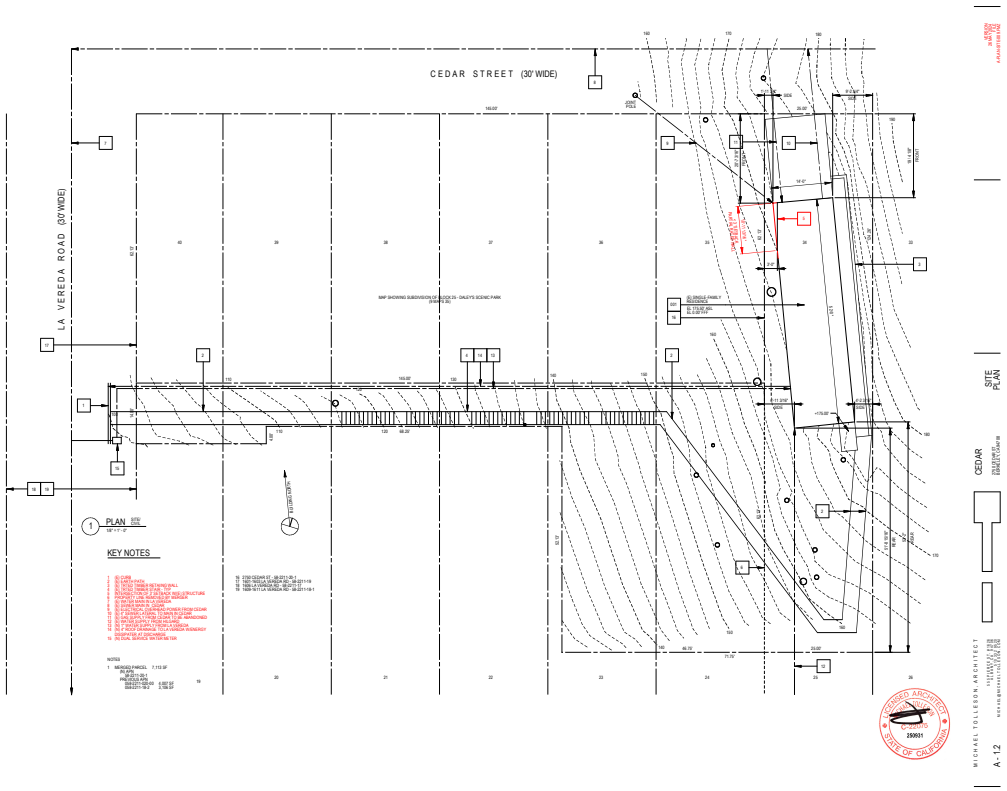
The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]

The entire building is wrapped in Class 1 polyethylene (Tyvek) @ walls or bituminous membrane @ roofing over the wood framing and plywood sheathing, which exceeds the use of the lesser building paper.
The 16 ga galvanized cap flashing is waterproof, not merely water-resistive.

The horizontal surface is sloped @ 1/4"/ft and is incidental @ 5.6 sf.
The affected area is limited to the triangular sliver highlighted in the Site Plan (A-1.2) as shown directly below.



Site Plan, A-1.2

The Wall Section @ Partial Rated Wall (1/A-5.2) treats the incidental horizontal surface in the same way as the parapet coping.

Weep screeds are always used at the bottom edge of cement plaster, which is necessary for the edge finish in addition to shedding moisture, known to all licensed plaster contractors.
The vertical leg of the weep screed is placed between the plywood and the framing and is contiguous with its adjacent edges, so it will not show where superimposed at 1 ½" = 1'-0" scale.
See (1/A-5.2) directly below.

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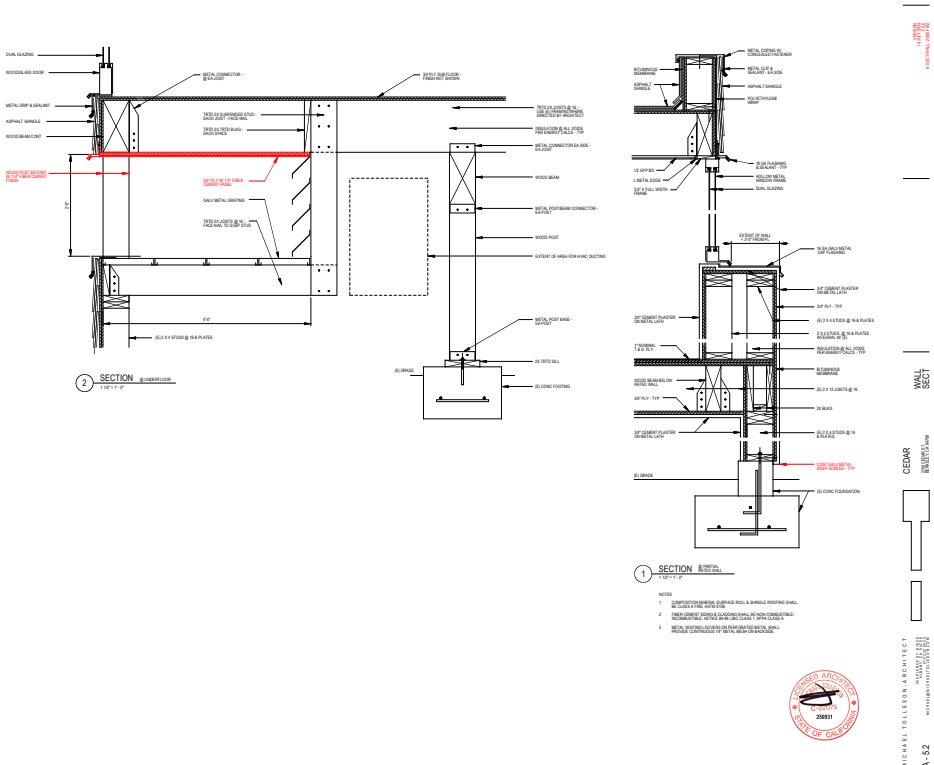

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]
PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

See Wall Section (A-5.1), Notes, directly below.
1
COMPOSITION MINERAL-SURFACE ROLL & SHINGLE ROOFING SHALL
BE CLASS A FIRE, ASTM E108.
2
FIBER CEMENT SIDING & CLADDING SHALL BE NON-COMBUSTIBLE/
INCOMBUSTIBLE, ASTM E 84-99, UBC CLASS 1, NFPA CLASS A.
3
METAL VENTING LOUVERS OR PERFORATED METAL SHALL
PROVIDE CONTINUOUS 1/4" METAL MESH ON BACKSIDE.

Specifications received from Berkeley exceed the requirements of CRC R337.7.3, which in turn are not required for CEBC Repair, which may use specifications per CEBC SECTION 403 FIRE PROTECTION.
“403.1 General. Repairs shall be done in a manner that **maintains the level of fire protection provided.”**

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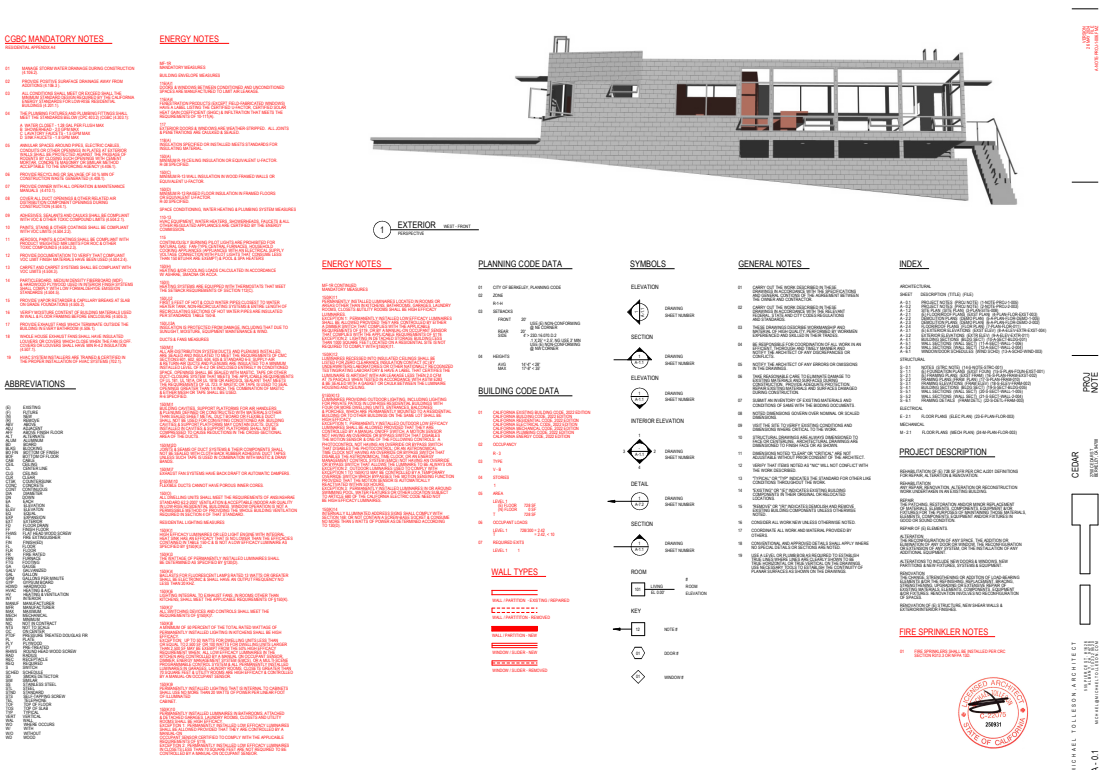
On the roof, a layer of bituminous roll composition @ ¼"/ft slope underlies the asphalt shingle, so the shingle does not require its typical slope and provides multiple fire-resistive layers.
The non-combustible fiber cement cladding is used on the underside of soffit framing created by the negative volume subtracted from the rectilinear massing in the southwest corner.
See Exterior Perspective (1/A-0.1) directly below.



See also Wall Section 2/A-5.2 above.

See also view of 3414 Hannah, page 2 of these Responses, for use of asphalt shingles as an exterior wall covering approved by the manufacturer since at least 1985.
See also Ronda Vista (1987) directly below.

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Ronda Vista, Los Angeles (1992)

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]
PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

The future stair shows up only on Floor Plan (A-2.4) and Exterior Elevations (A-3.2) in dashed line shown directly below.
Dashed line is used in Construction Documents to represent features that either existed in the past or will exist in the future.
It is impossible to build from dashed lines alone.
The large number of details necessary for construction of the stair are not necessary for this phase of work.
The future stair is not used for the building Repair protection and weather-proofing.
Postponing the stair also allows greater building security by inhibiting access to construction enhancements.

All work that is not necessary for protection and inspections are phased using separate permits, as would necessary electrical, mechanical, fire sprinklers and utilities phases.
This permit application is intended for the expeditious protection of the Repair from seasonal weather and vandalism.
We do not find that Berkeley has the authority to cause further damage to the SFR by inaction, excessive process or the withholding of allowances in the Title 24 Codes.
As with all Code applications, “not-the-way-we-do-it” comments are not the Code.
The Code is the Code.
If Berkeley “may” allow phasing in advance of permitting, we find it requires only asking for the exception.

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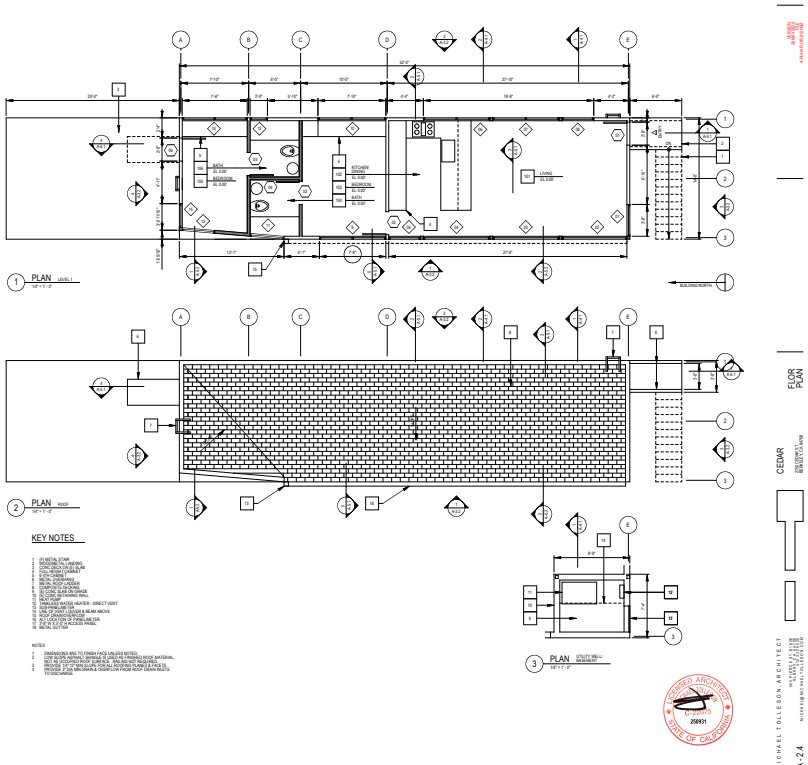

Floor & Roof Plan, A-2.4

5 1 0 3 3 2 9 5 2 0
5 1 0 9 9 0 6 3 3 5
michael@michaeltolleson.com

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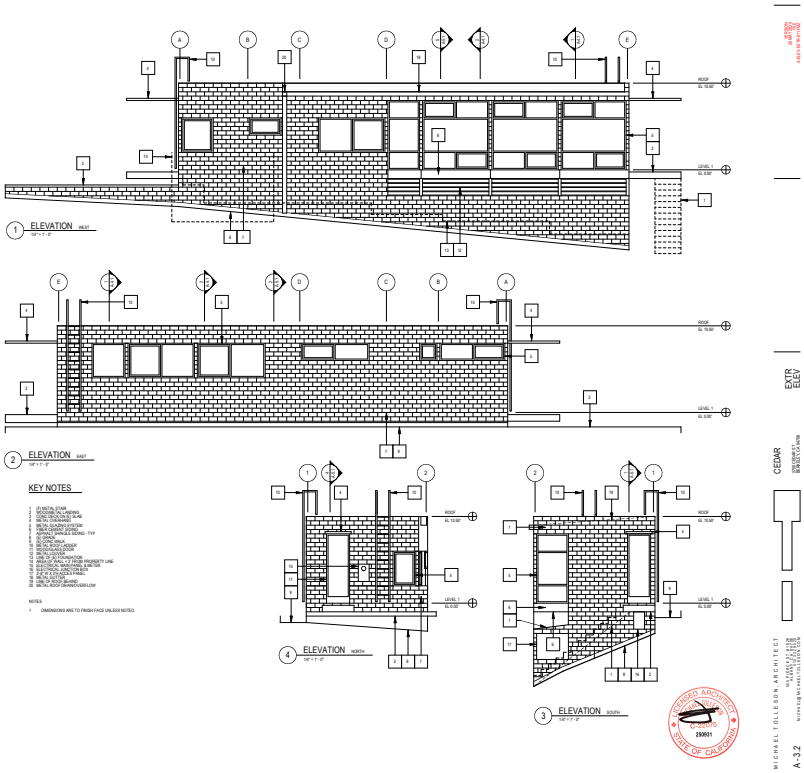

Exterior Elevations, A-3.2

6. PC2: The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]

The pocket door between the baths is optional and does not affect any other work.
Its inclusion alerts contractors to keep wiring or piping clear of this area.
CRC 106.1.1 Information on Construction Documents does not constrain the inclusion of alternative solutions.

7. PC2: The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]

See Floor & Roof Plans (A-2.4), Notes, above.

“2
LOW SLOPE ASPHALT SHINGLE IS USED AS FINISHED ROOF MATER IAL,
NOT AS OCCUPIED ROOF SURFACE. RAILING NOT REQUIRED.
3
PROVIDE 1/4":12" MIN SLOPE FOR ALL ROOFING PLANES & FACETS.
4

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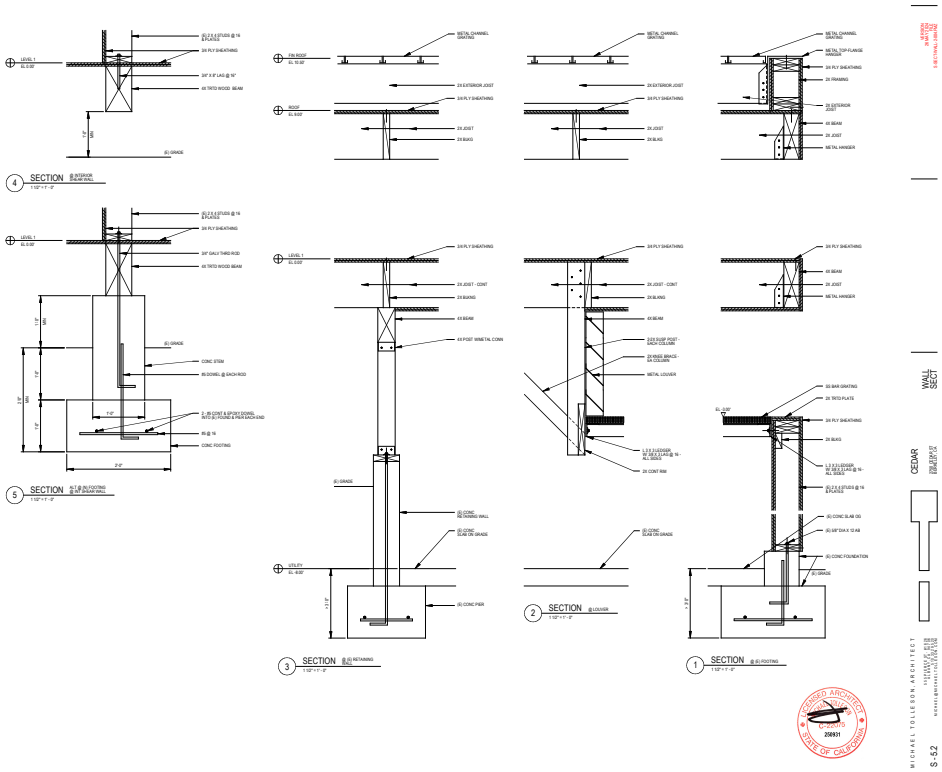
PROVIDE 3" DIA MIN DRAIN & OVERFLOW FROM ROOF DRAIN INLETS
TO DISCHARGE."

Note that drainage discharge is underground to the unimproved Cedar St north of the Repair.

Metal channel grating shows up only on Wall Section (2 & 3/S-5.2) directly below.
It is included as a detail for possible roof equipment, none of which would generate a span.



Wall Section, S-5.2

8. PC2: In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]

The full-height windows occur only on the west face.
The operable openings are awning windows, which are limited to < 4" opening by integral hardware and include safety glazing.
See Window Schedule (A-6.1) directly below.

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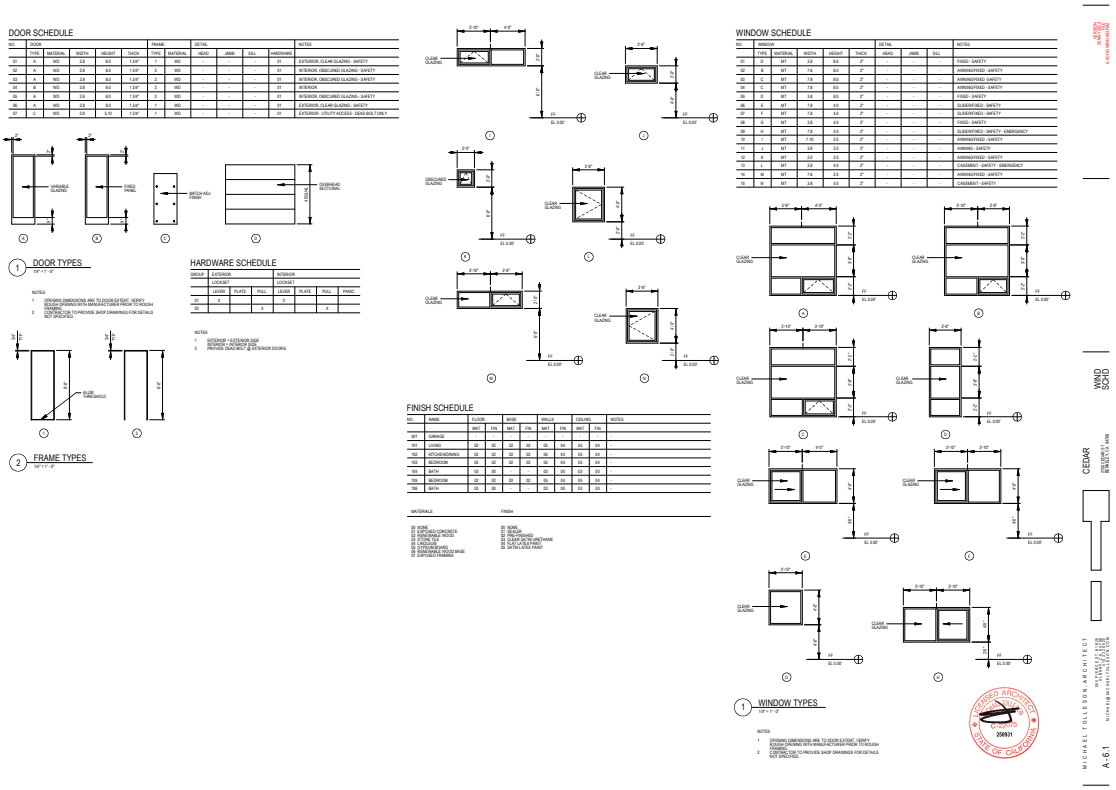

Window & Door Schedule, A-6.1

9. PC2: Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]

The Mechanical (Utility) Well is an **exterior** space with a single-unit exterior heat pump and floor drain for incidental weather conditions.
The R703.1 requirement for a “weather-resistant exterior wall envelope” is provided throughout.
The R903.1 “roof assembly” includes multiple layers as noted previously above and galvanized metal coping at all parapets.

The grating, which drains to the Well, allows limited weather into this space, which then runs to the collective subterranean roof drainage, which then drains to the unimproved Cedar St at the north end.

The soffit is the underside of the floor framing, not the framing 2’-0” below, which carries the metal grating.
The soffit is sheathed in fiber cement panels as noted previously above, while the base of the negative space receives the metal grating.
All exposed wood framing in this area is pressure-treated and painted for its exterior location.
Architecturally, the soffit and void are lighting features that provide a necessary sculptural element that gives inflection to the otherwise rectilinear box volume.
See Building Section (1/A-4.1) directly below.
See Electrical Plans (3/E-2.1) directly after below.

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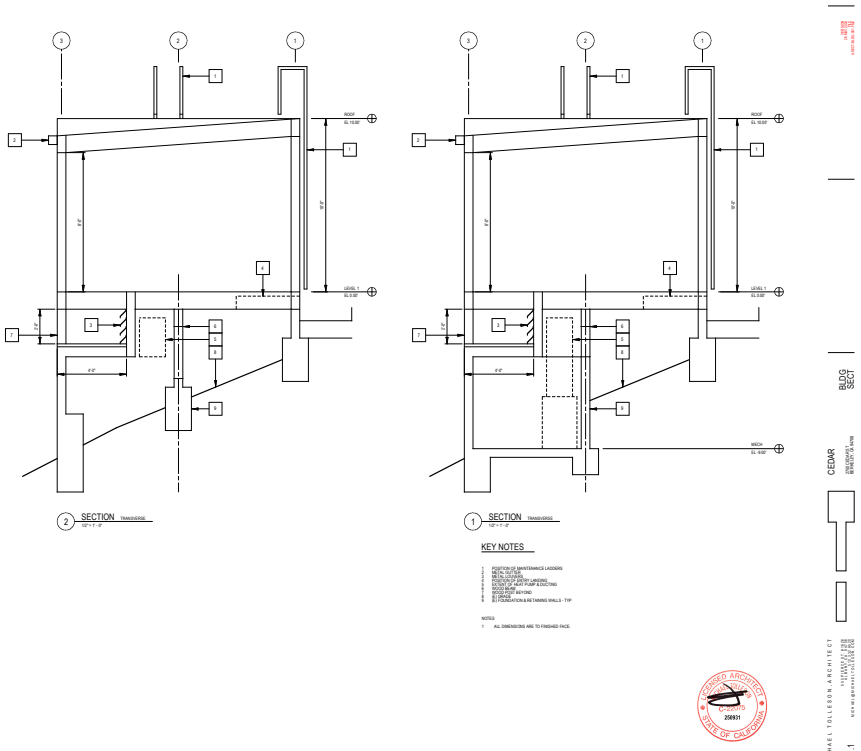

Building Sections, A-4.1

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5 1 0 9 9 0 6 3 3 5
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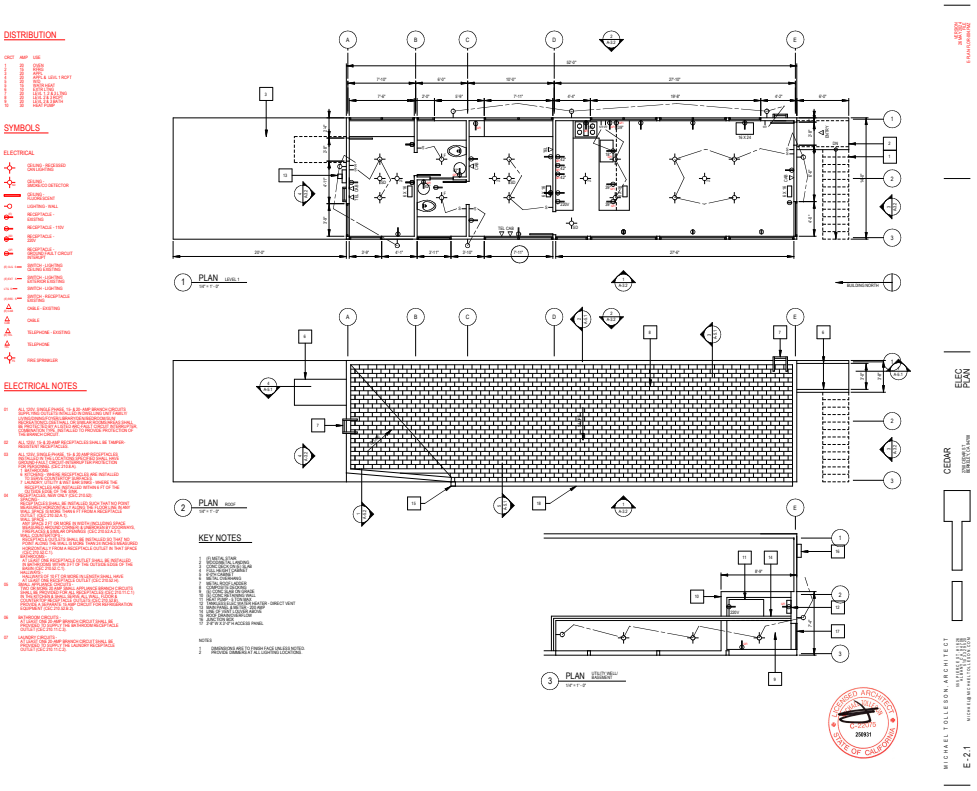

Electrical Plan, E-2.1

10. PC2: Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

See Floor & Roof Plans (A-2.4), Notes, provided previously above.

"2
LOW SLOPE ASPHALT SHINGLE IS USED AS FINISHED ROOF MATER IAL,
NOT AS OCCUPIED ROOF SURFACE. RAILING NOT REQUIRED.
3
PROVIDE 1/4":12" MIN SLOPE FOR ALL ROOFING PLANES & FACETS."

See Wall Sections provided previously above for layered roofing using both R905.1.1 "underlayment" and asphalt shingles. The low slope composition roofing provides the weather-resistance, while the asphalt shingles are both redundant and aesthetic. The use of the same exterior material for both the walls & roof provides the preferred monolithic appearance.

Structural
1.
Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]
PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and

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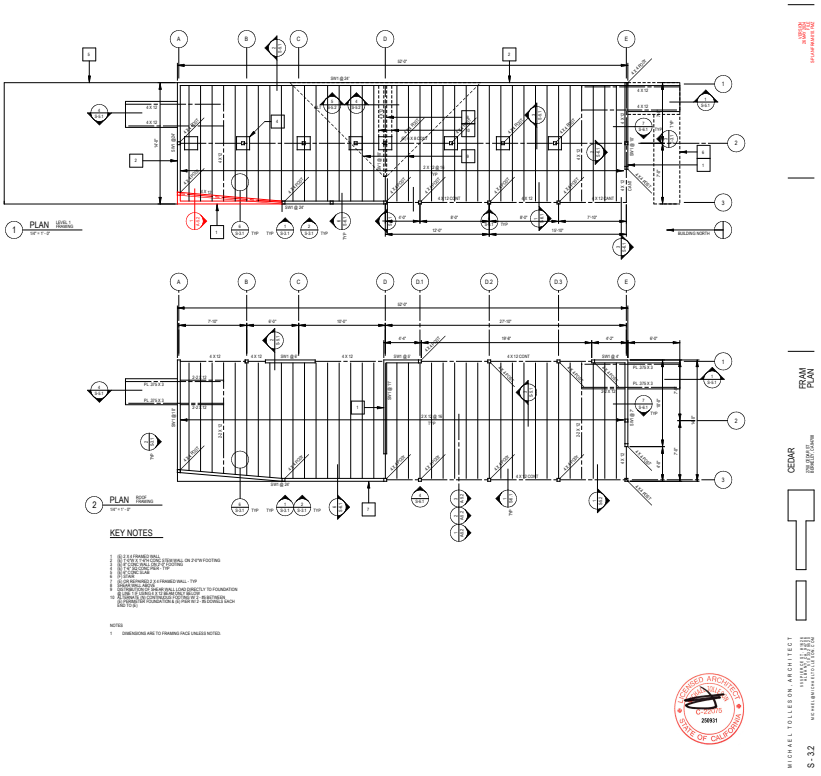
provide a complete load path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

The calculations are correct.
CEBC does not require any structural calculations per 401.2 Compliance and 405.2.1 Repairs above.
CRC could be utilized as an enhancement, but its standard and simplified methods tend to produce aesthetically heavy-handed buildings.
In this case, CBC was utilized as the enhancement as the existing SFR used only wood braced frames, not shear walls.
Note that the building skin is 3/8" exterior-grade plywood nailed directly to the studs, so additional shear strength is provided throughout.
Extensive new shear walls (SW @ L') are shown on Framing Plans (S-3.2) directly below.



Framing Plans, S-3.2

2.
PC2: Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

Again, CEBC and CGBC do not require any restriction on the reuse of materials per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and CGBC 5.401.1 Scope above.
All framing material will be continuously inspected by the Architect and approved for tentative use.
Existing framing members will then employ "ganging" (sometimes called "sistering") to create redundancy, with new framing

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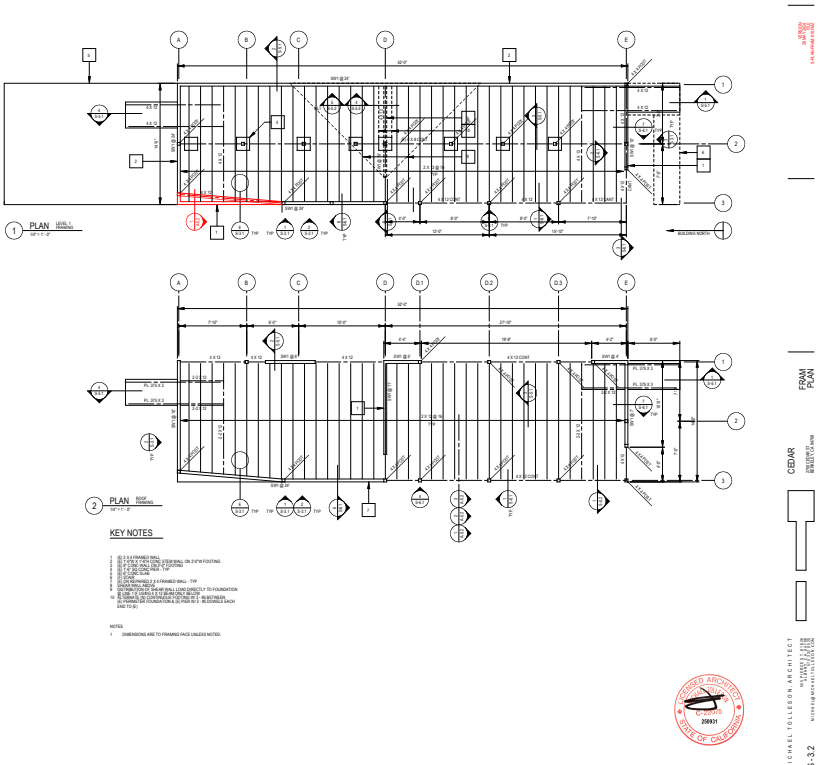
members fastened to every individual existing member.
The entire building will then be tarped and fumigated, assuring that any hidden damage in existing members is resolved.

3.
PC2: The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]

The Entry Canopies are non-structural, supporting only their own weight.
Canopies are sufficiently detailed in the Architectural and Structural Wall Sections.
The sheet metal cap is supported by cantilever of the steel PL x 3/8", which is ½" lag bolted @ 16 to adjacent wall framing and blocking or 2-2X 12 roof joists.
See Framing Plans (1 & 2/S-3.2), Wall Section (1/A-5.1) and Wall Section (1/S-5.1) directly below.

The landing uses the simple eave-type cantilever of 4 x 12 each side in the Floor Framing to a perpendicular 4 x 12 at the backspan extent.
This framing only supports the 3' x 6' landing.
The future stair (shown in dashed line) is concrete on-grade, so delivers no additional load to the landing.



Framing Plans, 1 & 2/S-3.2

5 1 0 3 3 2 9 5 2 0
5 1 0 9 9 0 6 3 3 5
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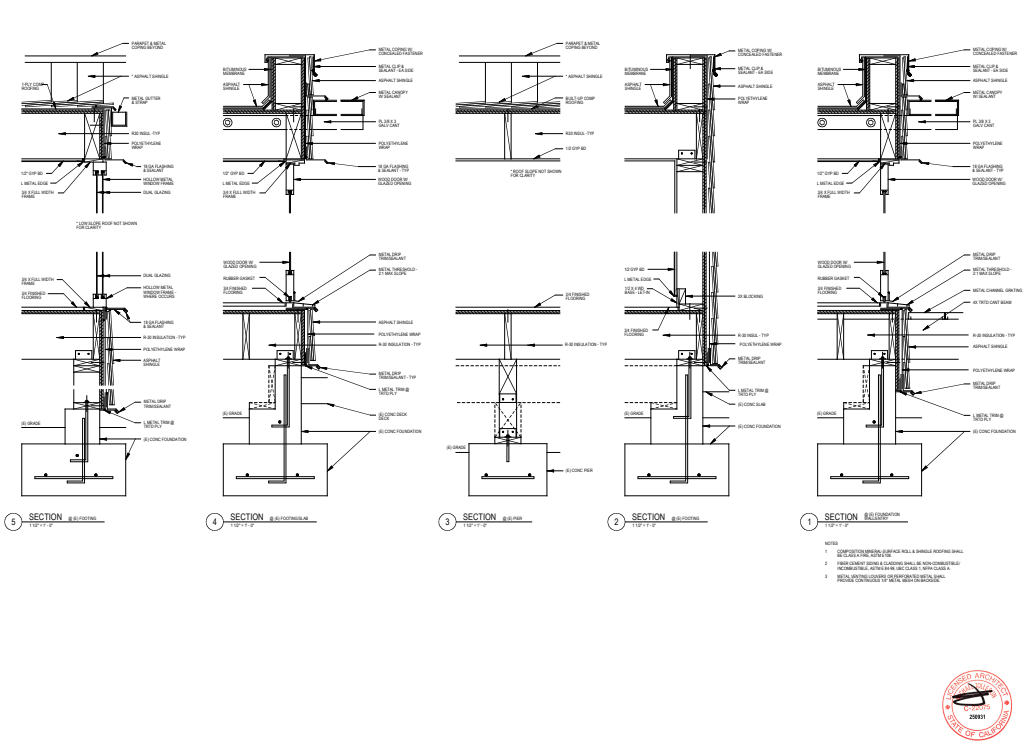

WALL SECT
CEDAR
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A - 5.1

Wall Section, 1/A-5.1

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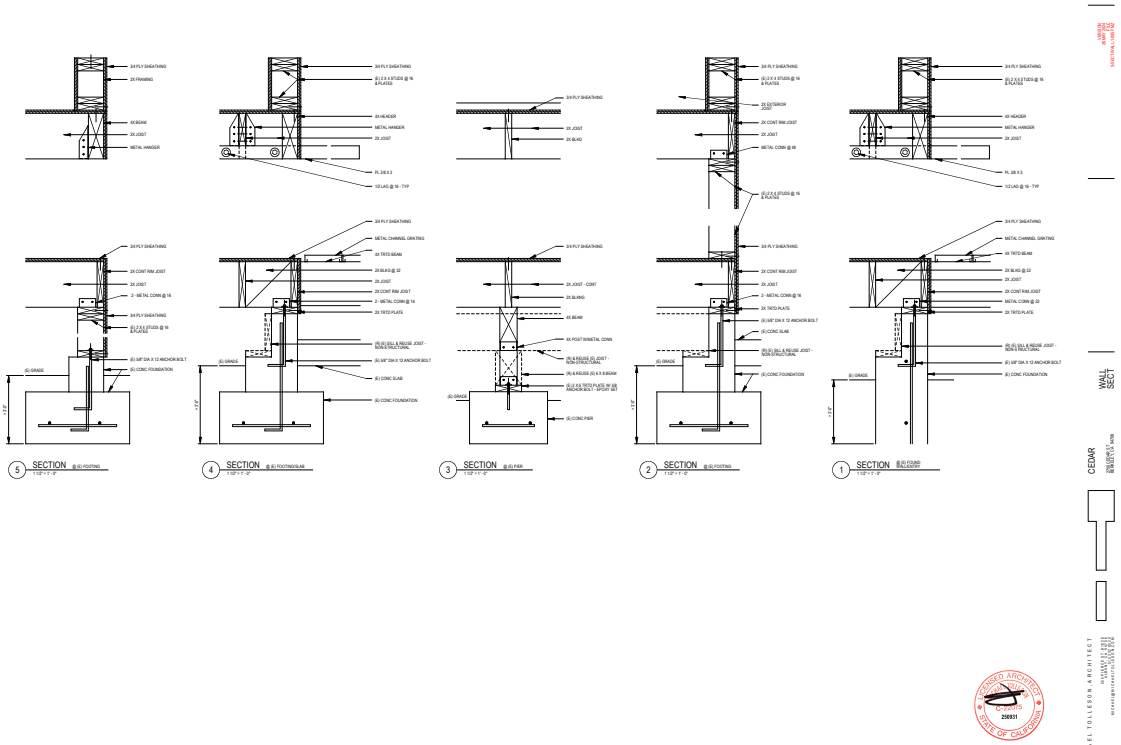

Wall Section, 1/S-5.1

4.
PC2: The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

There are only two planes in the roof sheathing.
The primary plane spans transversely east-west, framed with low-slope joists and sheathed with plywood over the entire roof surface as diaphragm.
A subordinate plane (cricket) in the northwest corner forms the valley that carries rainwater to the roof drain & overflow.
The subordinate plane is built with ripped sleepers on top of the primary sheathing, then sheathed again over the sleepers.

See Roof Plan (2/A-2.4) directly below.

5 1 0 3 3 2 9 5 2 0
5 1 0 9 9 0 6 3 3 5
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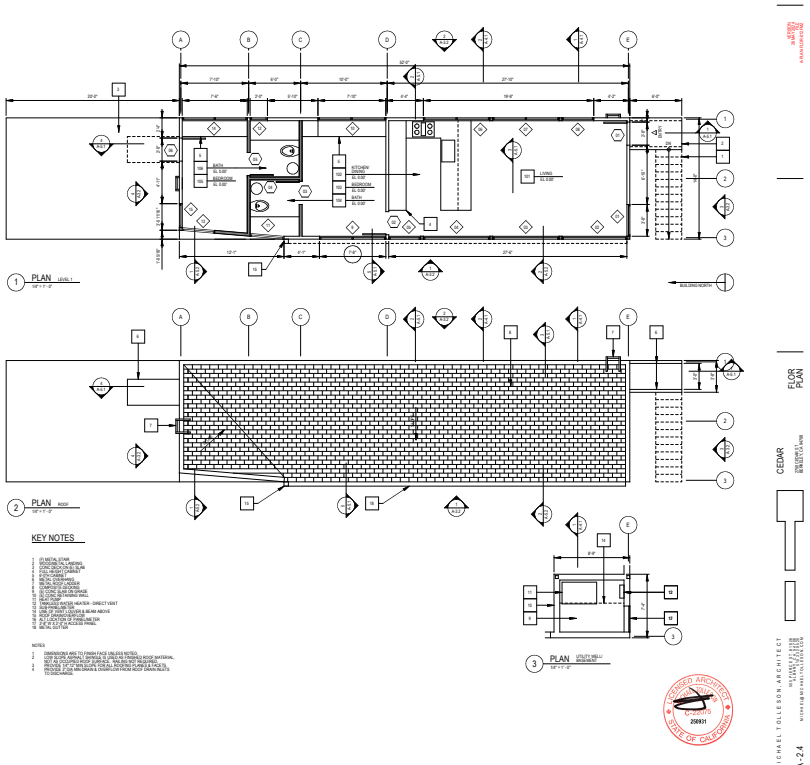

Roof Plan, 2/A-2.4

5.
PC2: Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]

The portion of the existing cripple wall on the west side is supplanted by the new beams and columns (posts) which are much stronger than the existing rim header and studs.
See Calculation (S-5.01, Column D-2).
The worst-case post itself can resist axial 11,331 # in response to the load of 1,680 #.

Again, CEBC and CGBC do not require more than the existing strength per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent, as stated above.
We have added non-combustible fiber cement over plywood to the soffit framing as similar to eave boxing.
The newly created cavities between the joists are R-19 insulated as throughout (1/-A-5.2).

See Wall Section 2/A-5.2 above.

6.
PC2: Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]

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Again, CEBC and CGBC do not require more than the existing strength basis per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent, as stated above.
Enhancements to the construction do not trigger CBC, CRC or ASCE.

7.
PC2: For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]

Again, CEBC and CGBC do not require more than the existing strength basis per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent.as stated above.
Enhancements to the construction do not trigger CBC, CRC or ASCE.

8.
PC2: Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, If applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

25/S-6.1 is an alternate detail for the exposed columns in the West Elevation, which has been replaced with simplified 4 x 4 posts, whose structurally adequacy is noted above.
These extend from the underside of the floor framing down to the foundation sole as typically framed.
Alternate details are utilized in cases where unforeseen conditions exist, providing a ready-made replacement.
Special inspections may be utilized if phasing is necessary.
See 25/S-6.1 removed directly below.

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5 1 0 9 9 0 6 3 3 5
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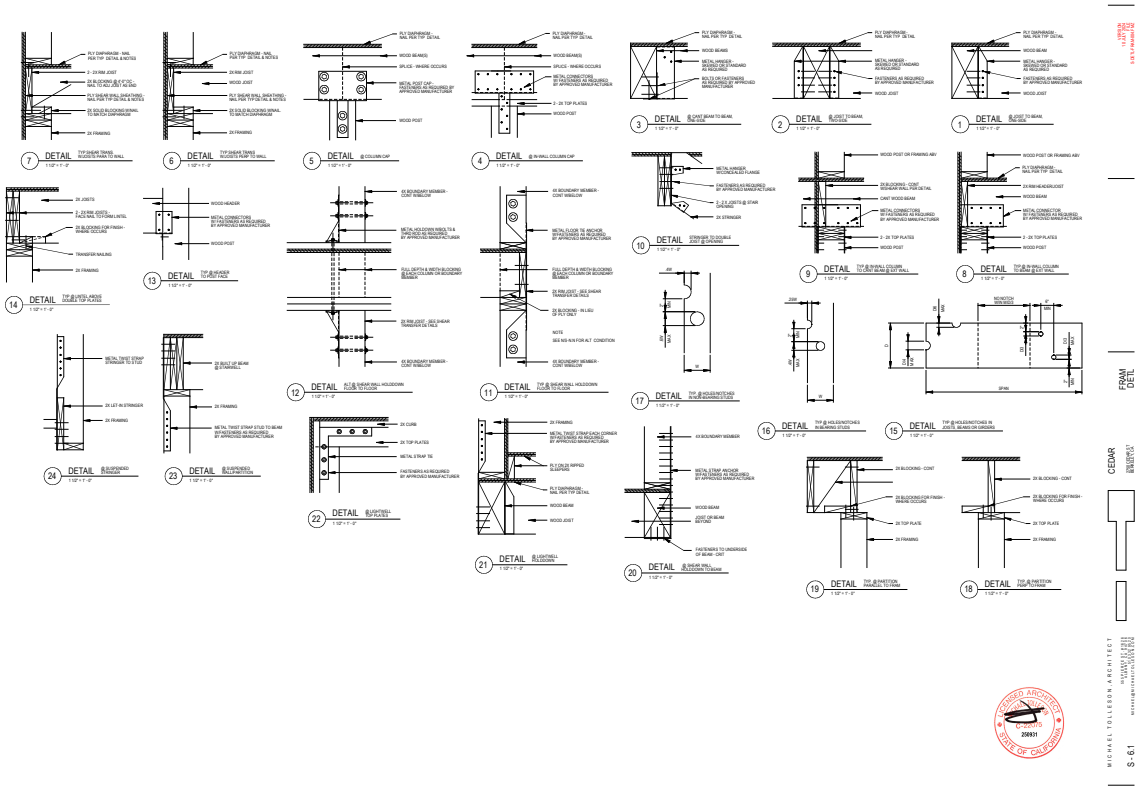

Detail, 25/S-6.1, Removed

Electrical
4. PC2: The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]

> 3'-0" front working clearance is provided between the heat pump and the panel.
The heat pump dimensions are the maximum expected based upon previous use, which is subject to change.
The panel can be recessed into the wall framing to provide the greatest clearance.

5. PC2: The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

The clustered receptacles are within the full-height cabinets on the north side of the Kitchen and do not require 2'-0" spacing per 210.52(3).
Some Countertop Receptacles are not required per:
"Exception: Receptacle outlets shall not be required directly behind a range, counter-mounted cooking unit, or sink in the installation described in Figure 210.52(C)(1)."
The remaining receptacles are provided @ 2'-0" maximum spacing.
Kitchen Enlarged Plans & Elevations are not required for this Construction Document set, but will be provided with the Electrical Permit Construction Documents set.

6. PC2: Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within

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the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

Two exterior GFCI receptacles are provided in the Basement and one GFCI is provided at each Entry Landing.

Mechanical
2.
PC2: Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

See Mechanical Plan (M-2.1), Note 4 directly below.

Plumbing
1.
Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]
PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

The Plumbing permit is not submitted for this Building Construction Document set.
Plumbing uses a separate permit to include specifications.
Plumbing features within the Building Construction Documents are shown for reference.
See also Project Notes (A-0.1) above, CGBC Mandatory Notes, 04 for maximum supply per fixture using 2019 Code allowed by Temporary Permit # 22TMP 028856 directly below.

2.
PC2: The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

The Plumbing permit is not submitted for this Building Construction Document set.
Plumbing uses a separate permit to include specifications.
Plumbing features within the Building Construction Documents are shown for reference.
Fixtures and supply use 2019 Code allowed by Temporary Permit # 22TMP 028856.

3.
PC2: For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

As above, rainwater collected in the roof drain and downspout runs subterranean to the unimproved Cedar St at the north end.
See also Roof Plan above (A-2.1), Note 4, “PROVIDE 3" DIA MIN DRAIN & OVERFLOW FROM ROOF DRAIN INLETS TO DISCHARGE.

Energy
1.
Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]
PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

Construction Documents are consistent with Residential Alterations CF-1R-Alt, Prescriptive Certificate of Compliance: Residential utilized.

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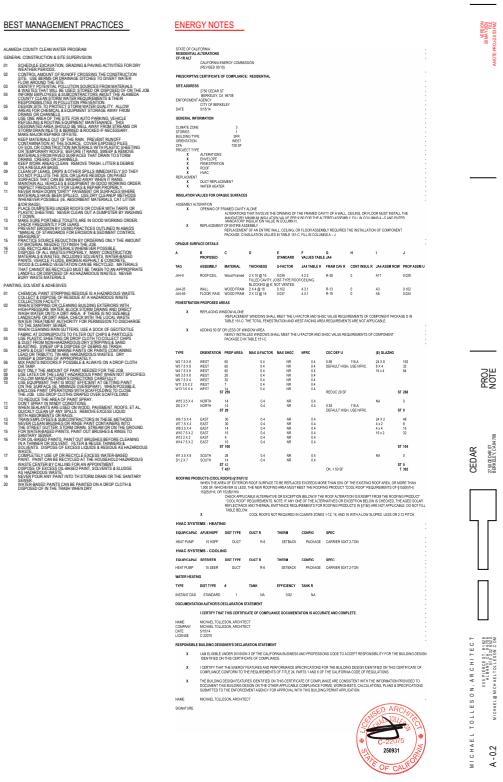
Again, CEBC and CGBC do not require more than the existing conditions per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent.as stated above.

See Energy Notes (A-0.2) directly below.


BEST MANAGEMENT PRACTICES

ENERGY NOTES

Project Notes, Energy Notes, A-0.2

2.
PC2: The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

HVAC is provided by electric single-unit heat pump intended for rooftop or other exterior location sufficient for 2019 Code allowed by Temporary Permit # 22TMP 028856.

Again, CEBC and CGBC do not require more than the existing conditions per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent.as stated above.

The Mechanical permit is not submitted for this Building Construction Document set.
Mechanical uses a separate permit to include specifications.
Mechanical features within the Building Construction Documents are shown for reference*Land Use Planning Requirements*
1. After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved

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michael@michaeltolleson.com

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555 PIERCE ST
#1626
ALBANY, CA 94706

structure.

a. *If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under "Apply For A Use Permit"*

See all pages 1-8 above, Introduction to Conclusion.
Project requires only a Zoning Certificate.

b. *Please also note that through the setback determination as shown on page 5 of the Zoning Determination, the setbacks are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).*

The building footprint and related setbacks are lawful nonconforming conditions **by right** per pages 1-8 above.
Current setbacks would only apply to a new structure, such as an ADU.
And ADU has been designed and will be proposed in a subsequent phase.
The existing SFR and the ADU are identical in size @ 750 sf, so the SFR could become the ADU (with the lesser required setbacks) and visa-versa.

c. The plan submissions for the Use Permit Entitlement Application will need to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.

See all pages 1-8 above, Introduction to Conclusion.
Project requires only a Zoning Certificate.

d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit.

The existing SFR does not require parking as none was originally per **lawful nonconforming by right**.
Cedar St is 30' wide, not 26', but new parking will be provided during the ADU construction phase.
See current Site Plan for the completed project directly below, not submitted in the SFR Construction Document set.

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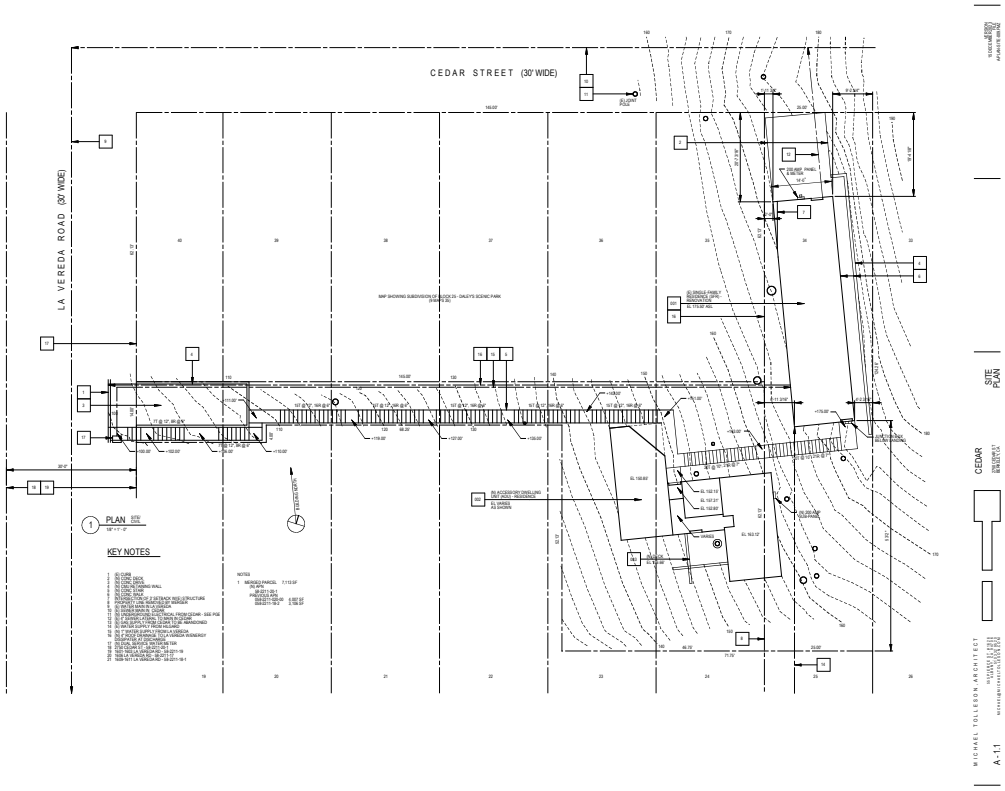

SFR & ADU, Site Plan, A-1.1

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Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 July 26, 2024
Project Address: 2750 Cedar St.

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a written response letter, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. A full plan set of ALL construction drawings is required when responding to corrections. Incomplete or unclear responses to corrections may result in delays.

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:**
   a. ***Response to plan check comments:*** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
   b. ***New/separate permit:*** Generate new request from a registered ACA account at the Permits Online Portal www.permits.cityofberkeley.info. Submit request under 'Building Permits' for work on private property, or 'Public Works' for work in the public right of way.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

Permit Service Center
Building & Safety Division
Planning and Development Department

July 25, 2024

Building and Safety — Prepared by: Jesse Bright, P.E.

Application #: B2024-02077 2750 Cedar St jbright@cityofberkeley.info

Administrative

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

   PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

   PC3: Sheet S-1.1 and S-2.2 listed in the drawing index were not included in the set and there were two sheets identified as S-3.1. This item was not addressed as no new drawings were provided for review.

5. *PC2:* The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]

   Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that "...the new structure is located in accordance with the approved plans."

   PC3: Please revise the drawings to include a reference copy of the existing survey to support the proposed recess of the wall along Grid Line 3 as required to provide an adequate fire separation distance for the proposed window openings.

6. ***PC3: The plan check responses make multiple references to record 22TMP-028856. TMP records are not permits, they are placeholders for tracking client applications prior to submittal to Building and Safety so that if the permit application process is interrupted the applicant is not required to start the process over. The record indicated was never submitted to Building and Safety, no fees were paid, and no permit was issued. Any work proposed under 22TMP-028856 is not valid and cannot be used as a basis for code compliance under this permit application.***

Permit Service Center
Building & Safety Division
Planning and Development Department

July 25, 2024

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

   PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

   PC3: This item was not addressed as no new drawings were provided for review.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

   PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations. Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]

   a. *Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]*

   b. *The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]*

      PC2: Please revise the drawings to provide a single consistent design reflected throughout. If stucco finishes are proposed, provide documentation demonstrating that the proposed assembly will comply with underlayment and drainage layer requirements or is exempt. Please note that if the documentation provided is based on specific proprietary products, the manufacturer and product type must be specified on the drawings.

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant,

heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

PC3: This item was not addressed as no new drawings or supporting documents were provided for review.

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

   PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

   PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Each dwelling unit must have a compliant means of egress with access to grade and elevated walking surfaces must have guards. Please remove any future work from the drawings, as future work is not relevant to the currently proposed scope and reduces the clarity of the drawings.

   a. The means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the exterior of the dwelling at the required egress door. The required egress door shall open directly into a public way or to a yard or court that opens to a public way. [CRC R311.1]

   b. Revise the drawings to provide guards not less than 42 inches above walking surfaces more than 30 inches above grade or floor below (from any point within 36 inches of the edge of the open side). [CRC R312.1.2]

6. *PC2:* The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review. Please revise the drawings to provide a single consistent design reflected throughout.

7. *PC2:* The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with

Permit Service Center
Building & Safety Division
Planning and Development Department

comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]

PC3: This item was not addressed as no new drawings were provided for review.

8. *PC2:* In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]

   PC3: This item was not addressed as no new drawings were provided for review.

9. *PC2:* Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]

   PC3: This item was not addressed as no new drawings were provided for review.

10. *PC2:* Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

    PC3: This item was not addressed as no new drawings were provided for review. Asphalt shingles shall be used only on roof slopes of 2 units vertical in 12 units horizontal or greater. For roof slopes from 2 units vertical in 12 units horizontal up to 4 units vertical in 12 units horizontal, double underlayment application is required. [CRC R905.2.2]

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

   PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and provide a complete load path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

   PC3: This item has not been addressed. While the structure has been damaged from years of exposure to the elements, the scope of this permit is not just a repair. The current state of the structure is due to an alteration initiated under B2013-04915 that was never completed as proposed under B2014-00236. In accordance with CEBC 503.1, alterations to any building or structure shall comply

with the requirements of the California Building Code or California Residential Code, as applicable, for new construction.

2. *PC2:* Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

   PC3: This item has not been addressed.

3. *PC2:* The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]

   PC3: This item was not addressed as no new drawings were provided for review.

6. *PC2:* Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω_0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]

   PC3: This item was not addressed.

7. *PC2:* For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]

   PC3: This item was not addressed.

8. *PC2:* Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, if applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the

City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

PC3: This item was not addressed as no new drawings were provided for review.

Electrical

4. *PC2:* The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

   PC3: Based on the response, the delineation on the drawings between counters and full height cabinets is unclear. Please revise the drawings as necessary to clarify the design and demonstrate code compliance.

6. *PC2:* Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

   PC3: This item was not addressed as no new drawings were provided for review.

Mechanical

2. *PC2:* Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

   PC3: This item was not addressed as no new drawings were provided for review.

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

   PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

   PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Sanitary facilities are required to serve residential occupancies in accordance with CPC Table 422.1.

2. *PC2:* The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

Permit Service Center
Building & Safety Division
Planning and Development Department

July 25, 2024

PC3: This item was not addressed as no new drawings were provided for review.

3. *PC2:* For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

   PC3: Revise the drawings to clearly document the proposed design.

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

   PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

   PC3: This item was not addressed as no new drawings were provided for review.

2. *PC2:* The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

   PC3: This item was not addressed as no new drawings were provided for review.

Permit Service Center
Building & Safety Division
Planning and Development Department

July 24, 2024

Land Use Planning — Prepared by: Waqar Shah

Application #: B2024-02077 — 2750 Cedar Street — WSHAH@cityofberkeley.info

Land Use Planning Requirements

1. After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved structure.
    a. If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under “Apply For A Use Permit”
    b. Please also note that through the setback determination as shown on page 5 of the Zoning Determination (attached) are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).
    c. The plan submissions for the Use Permit Entitlement Application will need to be provided to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.
    d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit. Please provide this on a site plan drawing.

2. Additionally, please elevations, floor plans, and site plan depicting an existing condition, and proposed and demolition work planned for your project.

3. Please note that additional information may be requested upon review of resubmitted items.

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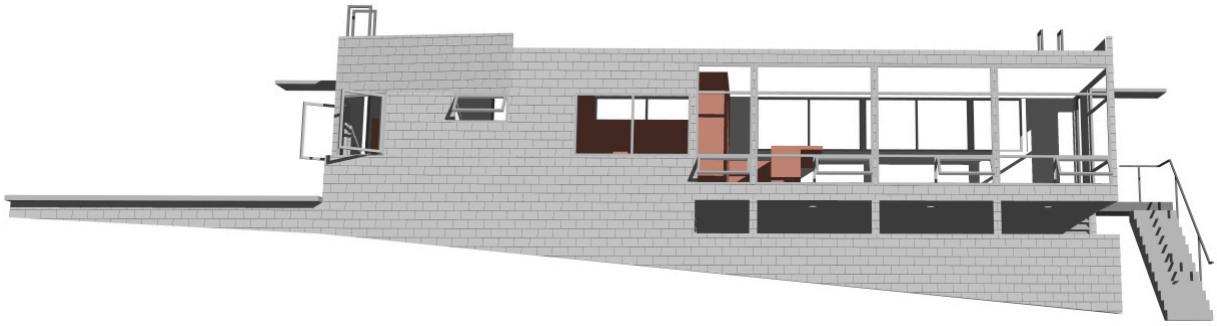
ALBANY, CA 94706



July 30, 2024

Recipient
David Lopez
dlopez@CityofBerkeley.info
Jessie Bright
jbright@cityofberkeley.info
Waqar Shah
WSHAH@cityofberkeley.info

Address
Building & Safety
Permit Service Center
1947 Center St, 3rd Floor
Berkeley, CA 94704-1113
(510) 981-7440

Re
Application B-2024-02077
2750 Cedar St
(1605 La Vereda Rd)

Response > By-Right

We find that Berkeley plan checkers have failed to comment on pages 1-6 of Response Third.pdf, upon which all itemized Review Responses pages 7-32 are based.

The Introduction and Conclusions in Response Third establish the lawful application of the number of Codes cited as they relate to the Repair of the Building.

We stand by Response Third and its refutation of or compliance with plan checker Comments.

In particular, Berkeley has ignored the cited **By-Right** entitlements, which provide the least restrictive Code Path.

Typical Citations for **"by-right"** application are:

Law Insider
https://www.lawinsider.com/dictionary/by-right

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***"By-right** means the ability to be approved without requiring Codes other than those in existence at the time of the earliest permit application…i.e., **not current Codes**."*

"By-right** means a zoning permitting process wherein development may proceed under the **zoning in place at time of application** without the need for a special permit, variance, zoning amendment, waiver, **or other discretionary zoning approval.** **By-right** **permitting** shall include a Site Plan Review (City) Process specified in (City section of Zoning or other land use control by law), through which the (City) may add reasonable conditions to the site plan but **cannot deny the development to proceed."

+

As stated in Response Third, we will begin Repair shortly to protect the building from the forthcoming weather and to prevent Berkeley from further denigration of its lawful condition.
Given Berkeley's intransigence, we expect to be fined.

We are requesting clear instructions on the amount of the fine, how it is calculated and its consequences as we complete Repair of Framing, at which point we will call for inspections.
Inspections will include Wildfire-Urban Interface Home Hardening.

I have CC'd the City Attorney and Fire Inspection to expedite this clarification.

Notes

1 Temporary Permit # 22TMP 028856 was only filed at the direction of supervisor David Lopez to allow the use of 2019 California Codes prior to the transition to 2022.

2 The < 50% partial demolition referenced in BMC Section 23F.04.010 is not static.
The Code established that < 50% can be demolished every 12 months, so the partial demolition can always be removing additional material greater than the previous year.
This further refutes Berkeley's unwillingness to define the partial demolition without incorporating its change over time

The full text of BMC Section 23F.04.010 is:

"*Demolition: A building or enclosed structure shall be considered demolished for the purposes of this chapter when, **within any continuous 12 month period**, such building or structure is destroyed in whole or in part or is relocated from one lot to another. For purposes of this Section, destroyed in part means when 50 % or more of the enclosing walls **and** 50% of the roof are removed."*

The **"and"** in this text means that the entire roof may be removed as long as the remaining walls constitute < 50%.
23F.04.010 does not use **"or"**.

3 The original permits used 2010 CBC per page 3-4 of Response Third stating on page 3:

"*2010 Building Codes*
Planning ad Development Department
Reviewed for Compliance

M I C H A E L T O L L E S O N , A R C H I T E C T
555 PIERCE ST
#1626
ALBANY, CA 94706

By (EJ?)
October 24 2013"

Sincerely,

Michael Tolleson, Architect, C-22075

Internal

Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 August 16, 2024

Project Address: 2750 Cedar St.

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a **written response letter**, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. **Incomplete or unclear responses to corrections may result in delays.**

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding a 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

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August 9, 2024

Building and Safety — Prepared by: Jesse Bright, P.E.

Application #: B2024-02077 — 2750 Cedar St — jbright@cityofberkeley.info

Administrative

PC4: The document provided under the fourth review was limited to a single letter discussing the Land Use comments, therefore all previous plan check comments remain, the prior correction letter is reproduced below for reference. Please note that this is the 4th round of corrections being issued for this permit application. The initial plan check fees assessed are limited to three (3) plan reviews and approval of the construction documents. If the resubmitted construction documents warrant a 5th round of comments that review, and all subsequent plan reviews, will be assessed a $250 per hour plan check fee which will be due at permit issuance.

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

   PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

   PC3: Sheet S-1.1 and S-2.2 listed in the drawing index were not included in the set and there were two sheets identified as S-3.1. This item was not addressed as no new drawings were provided for review.

5. *PC2:* The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]

   Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that "...the new structure is located in accordance with the approved plans."

   PC3: Please revise the drawings to include a reference copy of the existing survey to support the proposed recess of the wall along Grid Line 3 as required to provide an adequate fire separation distance for the proposed window openings.

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6. ***PC3: The plan check responses make multiple references to record 22TMP-028856. TMP records are not permits, they are placeholders for tracking client applications prior to submittal to Building and Safety so that if the permit application process is interrupted the applicant is not required to start the process over. The record indicated was never submitted to Building and Safety, no fees were paid, and no permit was issued. Any work proposed under 22TMP-028856 is not valid and cannot be used as a basis for code compliance under this permit application.***

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

   PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

   PC3: This item was not addressed as no new drawings were provided for review.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

   PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations. Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]

   a. *Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]*

   b. *The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]*

      PC2: Please revise the drawings to provide a single consistent design reflected throughout. If stucco finishes are proposed, provide

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documentation demonstrating that the proposed assembly will comply with underlayment and drainage layer requirements or is exempt. Please note that if the documentation provided is based on specific proprietary products, the manufacturer and product type must be specified on the drawings.

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

   PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

   PC3: This item was not addressed as no new drawings or supporting documents were provided for review.

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

   PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

   PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Each dwelling unit must have a compliant means of egress with access to grade and elevated walking surfaces must have guards. Please remove any future work from the drawings, as future work is not relevant to the currently proposed scope and reduces the clarity of the drawings.

   a. The means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the exterior of the dwelling at the required egress door. The required egress door shall open directly into a public way or to a yard or court that opens to a public way. [CRC R311.1]

   b. Revise the drawings to provide guards not less than 42 inches above walking surfaces more than 30 inches above grade or floor below (from any point within 36 inches of the edge of the open side). [CRC R312.1.2]

6. *PC2:* The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]

PC3: This item was not addressed as no new drawings were provided for review. Please revise the drawings to provide a single consistent design reflected throughout.

7. *PC2:* The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

8. *PC2:* In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]

   PC3: This item was not addressed as no new drawings were provided for review.

9. *PC2:* Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]

   PC3: This item was not addressed as no new drawings were provided for review.

10. *PC2:* Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

    PC3: This item was not addressed as no new drawings were provided for review. Asphalt shingles shall be used only on roof slopes of 2 units vertical in 12 units horizontal or greater. For roof slopes from 2 units vertical in 12 units horizontal up to 4 units vertical in 12 units horizontal, double underlayment application is required. [CRC R905.2.2]

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

   PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and provide a complete load path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

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PC3: This item has not been addressed. While the structure has been damaged from years of exposure to the elements, the scope of this permit is not just a repair. The current state of the structure is due to an alteration initiated under B2013-04915 that was never completed as proposed under B2014-00236. In accordance with CEBC 503.1, alterations to any building or structure shall comply with the requirements of the California Building Code or California Residential Code, as applicable, for new construction.

2. *PC2:* Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

   PC3: This item has not been addressed.

3. *PC2:* The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]

   PC3: This item was not addressed as no new drawings were provided for review.

6. *PC2:* Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω_0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]

   PC3: This item was not addressed.

7. *PC2:* For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]

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PC3: This item was not addressed.

8. *PC2:* Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, if applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

   PC3: This item was not addressed as no new drawings were provided for review.

Electrical

4. *PC2:* The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

   PC3: Based on the response, the delineation on the drawings between counters and full height cabinets is unclear. Please revise the drawings as necessary to clarify the design and demonstrate code compliance.

6. *PC2:* Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

   PC3: This item was not addressed as no new drawings were provided for review.

Mechanical

2. *PC2:* Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

   PC3: This item was not addressed as no new drawings were provided for review.

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

   PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

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PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Sanitary facilities are required to serve residential occupancies in accordance with CPC Table 422.1.

2. *PC2:* The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

   PC3: This item was not addressed as no new drawings were provided for review.

3. *PC2:* For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

   PC3: Revise the drawings to clearly document the proposed design.

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

   PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

   PC3: This item was not addressed as no new drawings were provided for review.

2. *PC2:* The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

   PC3: This item was not addressed as no new drawings were provided for review.

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

August 14, 2024

Fire Prevention Division

Prepared by: Jesus Del Toro

Application #: B2024-02077 2750 Cedar St

JDelToro@Berkeleyca.gov

Corrections

A. Fire Code Requirements

A.1. 2022 California Fire Code (CFC): Revise the cover sheet to indicate that the project shall comply with the 2022 CFC.

A.2. Egress Path: Revise the site plan to show the egress path from the ADU to the public right-of-way. [CFC §504.1]

A.2.1. A minimum 3-ft approved walkway must be provided. Revise the site plan to show and fully dimension the approved walkway.

A.3. Premises Identification: New and existing dwellings must be provided with approved address identification, affixed to the dwelling building. The address identification characters shall contrast with their background, and each character shall be not less than 4-inches in height with a stroke width of not less than 0.5-inch. [CFC §505.1]

A.3.1. An additional address sign posting shall be provided by the front walkway or driveway approach fully visible directly from the street for dwellings that are setback from a public street. A post or monument mounted address should be posted where it is fully visible, preferably near the sidewalk and walkway giving access to the street. [CFC §505.1]

A.3.2. Revise the site plan and front elevation to show the location of the additional approved address identification signs.

A.4. Trash Bins: Revise the site plan to show the location of the compost, recycling, and waste bins for both the existing and new building. [CFC §304.3]

A.4.1. Ensure to locate the compost, recycling, and waste bins in an area that will not obstruct firefighters' access to emergency escape and rescue openings.

B. Residential Code Requirements

B.1. Fire Sprinkler System: Based on the cover sheet the residence will be equipped with an automatic residential fire sprinkler system. [CRC §R313.3]

B.1.1. Revise the cover sheet to include a "Deferred Submittal" block and indicate that the design and installation of fire sprinkler system must be completed as a deferred submittal under a separate fire permit.

B.1.2. The design and installation of the fire sprinkler system must be in accordance with NFPA 13D – 2022 edition or CRC §R313.3.

B.2. Electrical Plan: Revise the electrical drawing which shows the following:

B.2.1. Revise the electrical symbol legend to clearly identify that "SD" = smoke alarm and "CO" = carbon monoxide alarms will be installed in accordance with CRC §R314 and §R315.

B.2.2. Combination smoke/smoke carbon monoxide alarms listed in accordance with UL 2034 and UL 217 and State Fire Marshal approve for smoke alarm. [CRC §R315.4]

B.2.2.1. Smoke alarms must be interconnected in accordance with CRC §R314.4.

B.2.3. Smoke alarms installed greater than 10-ft but less than 20-ft horizontal distance from a permanently installed cooking appliance must be an ionization smoke alarm with an alarm-silencing switch or photoelectric smoke alarm. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 4)]

B.2.4. Smoke alarms installed greater than 6-ft but less than 10-ft horizontal distance from a permanently installed cooking appliance must be a photoelectric smoke alarm. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 4)]

B.2.5. Smoke alarms must be installed **not** less than a 3-ft horizontal distance from the door or opening of a bathroom that contains a bathtub or shower. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 5)]

B.2.6. Smoke alarms shall not be installed within a 36-inches horizontal path from the supply registers of a forced air heating or cooling system and shall be installed outside of the direct airflow from those registers. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 6)]

B.2.7. Smoke alarms shall not be installed within a 36-inches horizontal path from the tip of the blade of a ceiling-suspended (paddle) fan. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 7)]

B.2.8. Include a note indicating that the smoke alarms and/or combination smoke/carbon monoxide alarms shall receive their primary power from the building's electrical system and shall have a battery backup power supply. [CRC §R314.6 and §R315]

B.3. Berkeley Fire Hazard Severity Zone: The subject property is within Berkeley **Fire Zone 2** designated as Wildland-Urban Interference Fire Area. Therefore, the exterior materials and construction methods shall be installed in accordance with the Berkeley Fire Code Chapter 49, Berkeley Residential Code §19.29.050, and the California Residential Code §R337. Provide details and/or notes on the plans.

B.3.1. Provide a vegetation management plan in accordance with CRC §R337.1.5 and the California Fire Code §4906 and §4907. Provide a narrative accompanied by a landscape plan showing the following:

B.3.1.1. Show all structure(s) and its defensive space zone, the location and configuration of existing and/or new plants/shrubs/trees, delineate the new and those to be removed and/or modified, the location, name and configuration of vegetation to be planted.

B.3.1.2. The hazard assessment matrix (each plant must be identified on the matrix and must include common name and Latin name of the plant, quantity, whether the plant is fire resistant, type, indicate whether it is an existing or new, etc.)

B.3.1.3. The list of plants to be used and/or retained,
B.3.1.4. Plant spacing and crown separation,
B.3.1.5. Irrigation details,
B.3.1.6. Defensible spacing/zone(s), etc.

B.3.1.6.1. Please find here some resources on how to illustrate defensible spaces and associated content, and how to space trees and shrubs horizontally and vertically.

B.3.1.6.2. Vegetation Management Plan: Limit plants in the "Zone 0 – Ember-Resistant Zone" – Zone 0 extends 0-5-ft from buildings, structures, decks, etc.

B.3.1.6.3. Ensure the vegetation management plan shows any fences.

B.3.1.6.3.1. Gates located 90-degree from the building must be of non-combustible materials.

B.3.2. Vents shall comply with the requirements of CRC §R337.6. Provide details or notes on the plans.

B.3.3. Ventilation openings shall be fully covered with Wildfire Flame and Ember Resistant vents approved and listed by the California State Fire Marshal, or WUI vents tested to ASTM E2886 and listed, by complying with all of the following requirements:

B.3.3.1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.

B.3.3.2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.

B.3.3.3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

B.3.4. New exterior doors shall comply with one of the following pursuant to CRC §R337.8.3. Provide notes and/or provide details on plans.

B.3.4.1. Exterior surface or cladding shall be of non-combustible or ignition-resistance materials, or

B.3.4.2. Solid core wood with stiles not less than 1-3/8-inch think and raised panels not less than 1-1/4-inch think, or

B.3.4.3. 20-minute rated door where tested in accordance with NFPA 252, or

B.3.4.4. Exterior surface or cladding shall be tested in accordance with CBC §707A.3.1 when tested in accordance with SFM E2707, or

B.3.4.5. Conform to the performance requirements of SFM15 standards 12-7A-1.

B.4. Other Comments: Fire concurs with Building & Safety's outstanding comments, ensure to address all the comments.

Please be advised that additional comments may follow based on the response to these comments and to comments of other City agencies.

~ END OF COMMENTS ~

Permit Service Center
Building & Safety Division
Planning and Development Department

August 15, 2024

Land Use Planning — Prepared by: Waqar Shah

Application #: B2024-02077 — 2750 Cedar Street — WSHAH@cityofberkeley.info

Land Use Planning Requirements

1. PC3--After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved structure.
    a. If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under “Apply For A Use Permit”
    b. Please also note that through the setback determination as shown on page 5 of the Zoning Determination (attached) are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).
    c. The plan submissions for the Use Permit Entitlement Application will need to be provided to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.
    d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit. Please provide this on a site plan drawing.

    PC4—There are no entitlements under this address. The only record that was able to be found was under PLN2021-0026, which thoroughly outlines the current front, interior side, and rear setback lot lines. Please address the comments in comment #1.

    Additionally, I would like to provide an example for perspective – Taking out lighting from one interior location to another interior location is not a like for like replacement as the new lighting has to adhere to the most current building code requirements. The same goes for exterior building wall demolition and replacement. This project is constituted as a demolition and will need to follow the Use Permit application requirement.

2. PC3--Additionally, please provide elevations, floor plans, and site plan depicting an existing, proposed, and demolition plan for your project.

    PC4: Comment #2 was not addressed. Please provide these items for further review.

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August 15, 2024

3. Please note that additional information may be requested upon review of resubmitted items.

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PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
Email: planning@cityofberkeley.info

ZONING DETERMINATION

Site/Property Information:

Address:	2750 Cedar St.	**Suite/Unit #:**	
Zone:	R1-H (Single-Family Residential / Hillside Overlay)	**Assessor's Parcel #:**	055 22110200

Requested By:

Name:	Randall Whitney on behalf of Luis B. Lin	**Address:**	373 Thatcher Lane,
Phone:	510-540-7774	**City/State/Zip:**	Foster City, CA 94404

Request:
Determination of required yards for an irregularly-shaped lot.

Background:
The Berkeley Municipal Code (BMC) establishes Front, Rear, and Side Yards for main buildings in Residential Zones based on the locations of the corresponding lot lines. As described below, in the case of an irregularly-shaped lot, the Zoning Officer must determine the front of the lot for purposes of lot frontage and required yards, and designate the required yards.

The subject lot at 2750 Cedar Street is located in the Single-Family Residential District and Hillside Overlay (R-1H), and has frontages on Le Vereda Road and Cedar Street. These street lot lines are separated by a corner lot at 1601 Le Vereda Road. The lot itself is also an irregular shape, with narrow flag portions and a total of 10 lot lines. (See Images #1 and #2)

PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
Email: planning@cityofberkeley.info

Per Berkeley Municipal Code (BMC) 23D.16.070.D for the R-1 District:

The Main Building shall be set back from the respective lot lines as follows:

	Yard location		
Stories (number)	**Front**	**Rear***	**Side****
1-3	20 ft.	20 ft.	4 ft.

*See Section 23D.16.070.D.1

**See Sections 23D.16.070.D.2 and D.3

Per BMC 23E.96. 070.C for the Hillside Overlay:

Main buildings shall be set back from the respective lot lines, and separated between one another, as required by the regulations for the underlying District which is combined with the H District, except that such setbacks and building separations may be reduced subject to obtaining an AUP and making the required finding under Section 23E.96.090.B. In addition, yards and building separation shall also be subject to the limitation and exception provisions set forth in Sections 23D.04.030 or 23E.04.030, as the case may be.

Per the Lot Requirements for Residential Districts:

BMC 23D.04.010.D: The shorter of the two intersecting lot lines along the rights-of-way of a corner lot shall be deemed to be the front of the lot for purposes of determining the lot frontage and for yard requirements. In the case of a lot having equal frontage, or in the case of an irregularly shaped lot, the Zoning Officer shall determine the front in such a manner as to best promote the orderly development of the immediate area.

BMC 23D.04.010.E: The Zoning Officer shall designate the front, side and rear yards for main buildings for flag lots and irregular lots, in a manner to best protect light, air and privacy. The yard dimensions shall be as set forth in each District's provisions."

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Determination:
For this site, the Zoning Officer has determined that the western lot line fronting on La Verada Road is the front lot line for the purposes of lot frontage and yard requirements. Based on the topography of the immediate area and the location, orientation, and access to adjacent residences, these setbacks best promote the orderly development of the immediate area and to protect light, air, and privacy, the corresponding yard setbacks shall be as follows (See Image #3):

1. Front: western lot line fronting on La Vereda Road; 20 feet
2. Rear: portion of the eastern most lot line that is not part of the norther flag, furthest and opposite the front lot line to the southwest corner; 20 feet
3. Side Street: lot line fronting Cedar Street; 10 feet
4. Side: All other lot lines not mentioned above are side lot lines; 4 feet

Advisory Note: All other relevant BMC development standards will apply.

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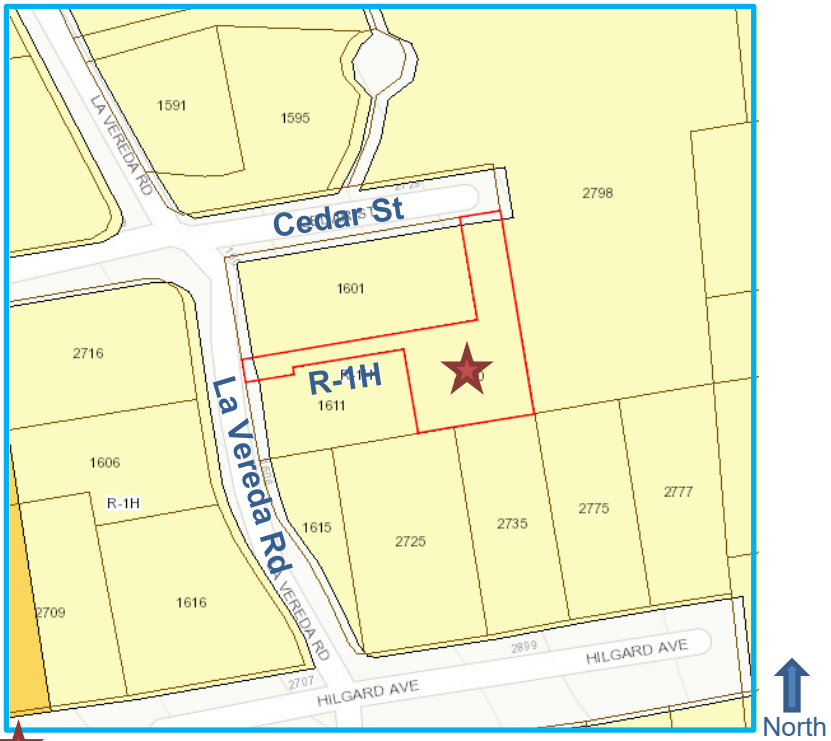
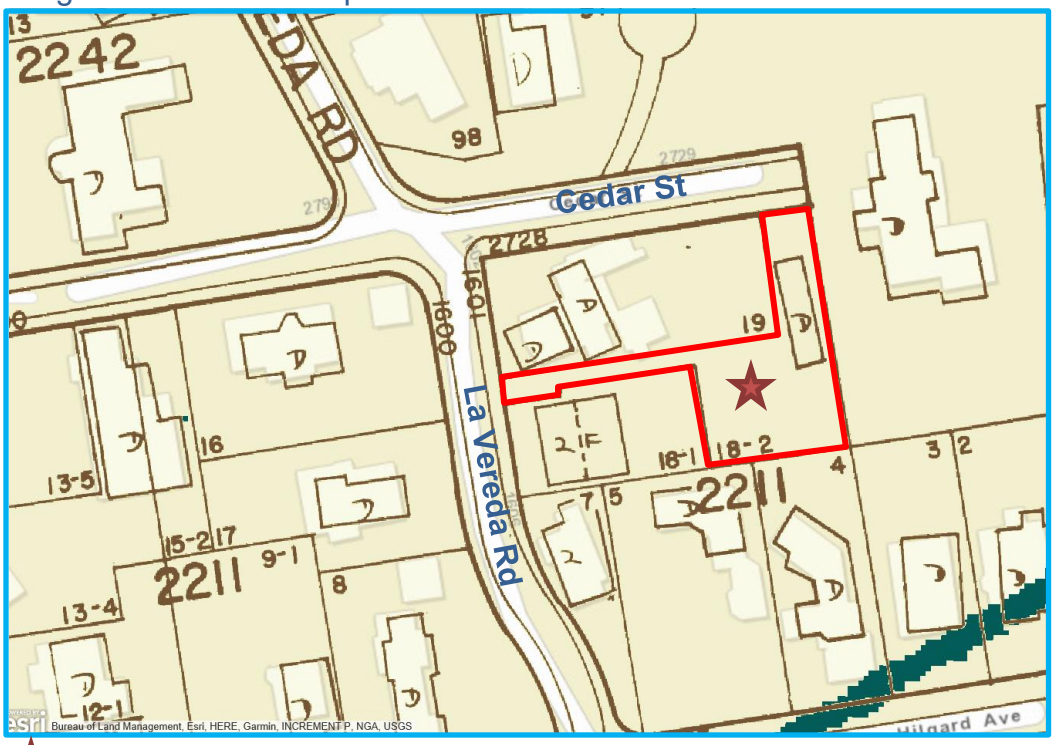
Image #1: Zoning Map



Subject Property/2750 Cedar St.

Image #2: Land Use Map



Subject Property/2750 Cedar St.

PLANNING & DEVELOPMENT
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Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
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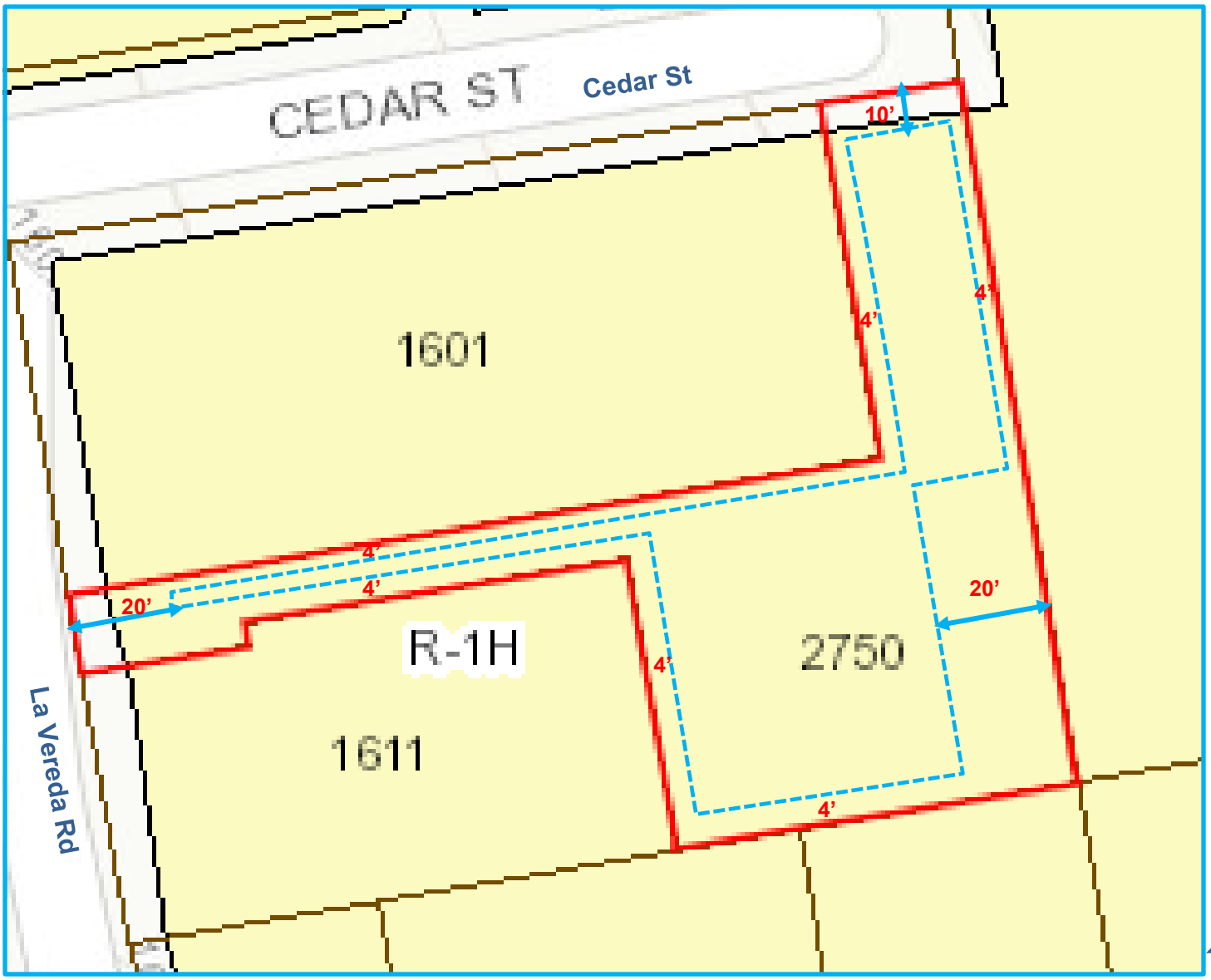
Image #3: Setback determination



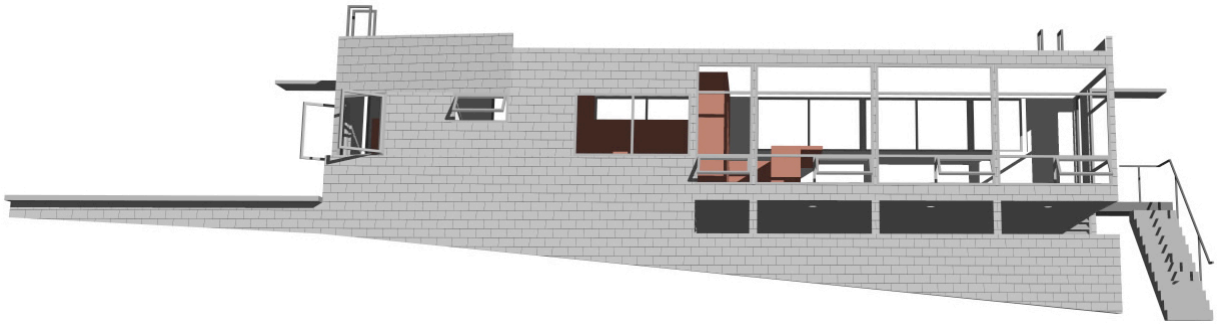
Not To Scale

Determination Prepared By/Approved

Prepared by: Nilu Karimzadegan, Assistant Planner **Approved by:** Samantha Updegrave, Zoning Officer **Date:** 8 / 17 / 2021

Date: 8/17 /2021 **Signature:**

M I C H A E L T O L L E S O N , A R C H I T E C T
555 PIERCE ST
#1626
ALBANY, CA 94706



August 27, 2024

Recipients
David Lopez
dlopez@CityofBerkeley.info
Jessie Bright
jbright@cityofberkeley.info
Waqar Shah
WSHAH@cityofberkeley.info
Jesus Del Toro
JDelToro@Berkeleyca.gov

Address
Building & Safety
Permit Service Center
1947 Center St, 3rd Floor
Berkeley, CA 94704-1113
(510) 981-7440

Re
Application B-2024-02077
2750 Cedar St
(1605 La Vereda Rd)

Response > 02077

1.

We find that it is no longer productive to respond to Berkeley comments, as they are inapplicable and contrary to the California Existing Building Code (CEBC), which governs Cedar.
This review has devolved into a discussion of two entirely different Projects, in which Berkeley comments have become non sequiturs.

Berkeley has repeatedly failed to understand and apply the clear and detailed California Codes.
We are not requesting nor will we be paying $260/hour for more Berkeley errors.
We stand by all Responses as they are and will proceed according to the submitted Construction Documents with the minor changes noted in our Responses.

MICHAEL TOLLESON , ARCHITECT
555 PIERCE ST
#1626
ALBANY, CA 94706

What we find is a common pattern in most building departments, in which plan checkers tend to repeat what they have done before, rather than actually re-reading the Codes, which then become further distorted over time, like a children's game of telephone.
The Code is not a children's game.
The Code is the Code.

Our recommendation is that Berkeley read our responses again until they are understood.
And read CRC APPENDIX AJ EXISTING BUILDINGS AND STRUCTURES which corroborates the CEBC.

We find that it is reasonable to infer that, rather than complete incompetence, it is more likely that the review has been burdened by political manipulation.
We find that since Berkeley unnecessarily merged the parcels in 2013, Berkeley has imposed conditions on the parcels to make them progressively more difficult to complete development.

To reiterate, yet again, for Berkeley's short tem memory, the <50% Partial Demolition of the building was reviewed and approved by Berkeley and was inspected and approved by Berkeley as a <50% Partial Demolition.
All necessary documentation has been provided to establish this legal basis, from which all Code application follows.

After this needlessly convoluted process, we are starting Repair construction.
Berkeley is welcome to inspect the work at our invitation at each phase, but we will use independent inspectors, if necessary.

2.

Of course, it could just be incompetence, in which plan checkers are just copying and pasting random comments from the master list in order to make comments as loquacious as possible.
And, apparently, they need to learn how to zoom in and out.

Mr. Shah,
Although your review status now says, "Comment: Reset due to resubmittal", you approved the Repair twice before your current comments.
Are you aware that Cedar St is 2:1 unimproved east of La Vereda?

Mr. Del Toro,
There is no ADU in the Repair reconstruction.

Sincerely,

Michael Tolleson, Architect, C-22075

Internal

Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2024-02077 September 16, 2024

Project Address: 2750 Cedar Street

Dear Project Applicant,

The City of Berkeley has completed review of the construction documents submitted under the building permit application number specified above. This letter includes comments and corrections from all City of Berkeley reviewing agencies, which must be addressed in order to obtain the permits for the proposed work indicated in the construction documents.

Plans revised in response to corrections must be accompanied with a **written response letter**, which explicitly addresses each correction and the corresponding plan sheet number, revision number and date. **Incomplete or unclear responses to corrections may result in delays.**

Document formatting requirements:

- All permit documents must be submitted in electronic format, as unsecured PDF files.
- Documents with multiple pages must be combined and named according to content.
- Documents that are incomplete or improperly formatted will not be processed.
- Code Enforcement cases must be indicated by case number. Dates specified in Notice(s) of Violation take precedence over any timelines specified in this document.

Document submittal options (choose one):

1) **Permits Online:** Upload submittal documents directly to the permit record at the Permits Online Portal, by selecting *Record Info* > *Attachments* > *Add*. Permit documents are accessible from the registered Accela Citizen Access (ACA) account associated with the permit.
2) **In-Person:** Schedule an appointment for in-person processing through the Permit Service Center webpage. Note that for all in-person submittals, documents must be saved on a USB thumb drive.

Expiration of an application: An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued. The building official or the permit service center coordinator are authorized to grant one or more extensions of time for additional periods not exceeding a 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. [BMC 105.3.2]

To apply for an application extension, complete an Application Extension Request form, and choose one of the two submittal options listed above.

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2024

Building and Safety — Prepared by: Jesse Bright, P.E.

Application #: B2024-02077 — 2750 Cedar St — jbright@cityofberkeley.info

Administrative

PC4: The document provided under the fourth review was limited to a single letter discussing the Land Use comments, therefore all previous plan check comments remain, the prior correction letter is reproduced below for reference. Please note that this is the 4th round of corrections being issued for this permit application. The initial plan check fees assessed are limited to three (3) plan reviews and approval of the construction documents. If the resubmitted construction documents warrant a 5th round of comments that review, and all subsequent plan reviews, will be assessed a $250 per hour plan check fee which will be due at permit issuance.

PC5: The plan check response provided does not address the plan check comments and revised construction drawings demonstrating compliance with the California Building Standards Code as adopted by the City of Berkeley have not been provided for review, therefore all previous comments stand.

3. The reproduction quality of the drawings provided for plan check is inadequate because the drawings are improperly scaled, lightly rendered (pink font color), and/or difficult to read. Please provide clean clear drawings with dark lines and easily legible text that is a minimum ⅛ inch high. [CRC R106.1.1]

   PC2: A hard copy of the approved drawings will be required to be on site for all City inspections. The requirements outlined above are necessary so that the drawings available to the Building Inspector will be of sufficient clarity without the benefit of digital manipulation. Additionally, the digital files must be produced at the intended printed page size for the drawings to be scalable. Currently the drawings provided for review are intended for physical reproduction on 24x36 inch sheets, but the pdf document sheets are sized 11x17 inches.

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* Please review and revise the drawing index provided as required to accurately reflect the contents of the drawing sets, including plans prepared by others. Revise the documents to provide a unique identifier for each sheet. [CBC 107.2.1 and CRC R106.1.1]

   PC3: Sheet S-1.1 and S-2.2 listed in the drawing index were not included in the set and there were two sheets identified as S-3.1. This item was not addressed as no new drawings were provided for review.

5. *PC2:* The City of Berkeley requires survey verification for any building, or modification of a building footprint or envelope, occurring within 12 inches of the point at which fire rated construction is required, opening limitations apply or the property line. Please provide the following or similar note on the site plan: [CRC R106.2]

   Prior to foundation inspection and pouring of concrete, provide a letter prepared by a California licensed land surveyor stating that "...the new structure is located in accordance with the approved plans."

PC3: Please revise the drawings to include a reference copy of the existing survey to support the proposed recess of the wall along Grid Line 3 as required to provide an adequate fire separation distance for the proposed window openings.

6. ***PC3: The plan check responses make multiple references to record 22TMP-028856. TMP records are not permits, they are placeholders for tracking client applications prior to submittal to Building and Safety so that if the permit application process is interrupted the applicant is not required to start the process over. The record indicated was never submitted to Building and Safety, no fees were paid, and no permit was issued. Any work proposed under 22TMP-028856 is not valid and cannot be used as a basis for code compliance under this permit application.***

Nonstructural

1. It appears that the scope of work includes newly framed walls, however, all walls are currently shown the same on the plans. Provide a construction legend and visual means of clearly distinguishing between existing walls to be removed, existing walls to remain and new walls. Identify bearing walls and non-bearing walls. [CRC R106.1.1]

   PC2: Many of the walls identified on the plans as existing have either been removed under permit application B2013-04915 or destroyed due to exposure to the elements. In particular the wall(s) at the main level on Grid Line 3 are completely gone but this condition is inconsistently depicted across the existing, demolition, architectural, structural, electrical, and mechanical plans. Please revise the drawings to reflect the existing and proposed conditions.

   PC3: This item was not addressed as no new drawings were provided for review.

2. Revise the drawings to visually identify and detail exterior wall assemblies tested for fire-resistance in accordance with ASTM E119, UL 263, or CBC 703.3 with exposure from both sides at locations with less than 5 feet of fire separation distance. [CRC R302.1]

   PC2: The proposed fire-resistance rated wall assembly utilizes concrete stucco finishes, however, this is not reflected on the building exterior elevations. Additionally, please revise the stucco wall assembly details to demonstrate compliance with marine climate drainage requirements: [CRC R703.7.3.2]

   a. *Provide two layers of 10-minute Grade D paper or have a water resistance equal to or greater than two layers of a water-resistive barrier complying with ASTM E2556, Type I with flashing installed in accordance with CRC R703.4 and intended to drain to the water-resistive barrier shall be directed between the layers. A space or drainage material not less than 3/16 inch in depth shall be added to the exterior side of the water-resistive barrier. [CRC R703.7.3.2(1)]*

   b. *The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco by a layer of foam plastic insulating sheathing or other non-water-absorbing layer, or a designed drainage space with a drainage*

efficiency of not less than 90 percent, as measured in accordance with ASTM E2273 or Annex A2 of ASTM E2925. [CRC R703.7.3.2(2)]

PC2: Please revise the drawings to provide a single consistent design reflected throughout. If stucco finishes are proposed, provide documentation demonstrating that the proposed assembly will comply with underlayment and drainage layer requirements or is exempt. Please note that if the documentation provided is based on specific proprietary products, the manufacturer and product type must be specified on the drawings.

4. This property is in Fire zone 2 and is required to comply with the Wildland Urban Interface. Provide details and specifications showing that the proposed exterior wall covering or wall assembly shall be materials that are noncombustible, ignition-resistant, heavy timber construction, the exterior portion of a 1-hour fire resistive wall assembly or comply with SFM Standard 12-7A-1. [CRC R337.7.3]

   PC2: The referenced notes on Sheet A-5.1 contain out-of-date references and indicate the use of fiber cement siding, however, the remainder of the drawings indicate that the structure is to be finished with asphalt shingles. Revise the drawings to coordinate the proposed design and demonstrate compliance with the applicable standards, including justification of the use of a roofing material as a wall covering, if applicable.

   PC3: This item was not addressed as no new drawings or supporting documents were provided for review.

5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]

   PC2: Applications for phased submittals require prior approval from the City of Berkeley Building Official. Building and Safety does not allow for phased permitting of one- and two-family dwellings. Please revise the drawings to provide complete details and specifications for the full proposed scope of work. [CRC R106.3.3]

   PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Each dwelling unit must have a compliant means of egress with access to grade and elevated walking surfaces must have guards. Please remove any future work from the drawings, as future work is not relevant to the currently proposed scope and reduces the clarity of the drawings.

   a. The means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the exterior of the dwelling at the required egress door. The required egress door shall open directly into a public way or to a yard or court that opens to a public way. [CRC R311.1]

   b. Revise the drawings to provide guards not less than 42 inches above walking surfaces more than 30 inches above grade or floor below (from any point within 36 inches of the edge of the open side). [CRC R312.1.2]

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2024

6. *PC2:* The mechanical and electrical drawings appear to show an interconnecting door between the two bathrooms; however, this opening is not shown on the architectural drawings. Please revise the drawings as necessary to coordinate the proposed design. CRC 106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review. Please revise the drawings to provide a single consistent design reflected throughout.

7. *PC2:* The drawings inconsistently depict the installation of a roof deck. Please revise the drawings to coordinate the proposed design by removing the roof deck or providing complete plans, details, and specifications demonstrating that the proposed design with comply with all applicable provisions including structural adequacy, access, egress, fall protection, lighting, electrical outlets, etc. [CRC 106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

8. *PC2:* In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches above the finished floor and greater than 72 inches above the exterior finished grade or surface, the operable window shall either not allow a 4-inch-diameter sphere to pass through the opening or shall be provided with a window fall prevention device that complies with ASTM F2090. [CRC R312.2.1]

   PC3: This item was not addressed as no new drawings were provided for review.

9. *PC2:* Section 2 on Sheet A-5.2 depicts an opening in the exterior wall with soffit covered in horizontal grating. Please revise the drawings to clarify how the proposed design will comply with weather protection from wind driven rains as applicable to walls and/or roofs. [CRC R703.1 and R903.1]

   PC3: This item was not addressed as no new drawings were provided for review.

10. *PC2:* Revise the drawings to specify the minimum required roof slope(s) as required for the specific roofing material proposed. [CRC R905.1]

    PC3: This item was not addressed as no new drawings were provided for review. Asphalt shingles shall be used only on roof slopes of 2 units vertical in 12 units horizontal or greater. For roof slopes from 2 units vertical in 12 units horizontal up to 4 units vertical in 12 units horizontal, double underlayment application is required. [CRC R905.2.2]

Structural

1. Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, stamped and signed by a California licensed architect or engineer for that irregular or nonconforming portion of work. [CRC R602.10]

   PC2: The calculations provided for review are out-of-date and do not reflect current code requirements. Please provide updated calculations demonstrating that the proposed design is adequate to resist the effects caused by the design forces specified in CBC Chapter 16, including overturning, uplift and sliding and provide a complete load

path capable of transferring loads from their point of origin to the load-resisting elements. Please note that the shear wall lengths specified on the drawings do not correspond to the lengths of wall available based on the size of the building and available walls. [CBC 1604.1 and 1604.4]

PC3: This item has not been addressed. While the structure has been damaged from years of exposure to the elements, the scope of this permit is not just a repair. The current state of the structure is due to an alteration initiated under B2013-04915 that was never completed as proposed under B2014-00236. In accordance with CEBC 503.1, alterations to any building or structure shall comply with the requirements of the California Building Code or California Residential Code, as applicable, for new construction.

2. *PC2:* Materials that are reused shall comply with the requirements of this code for new materials. As the existing materials have been damaged due to exposure to the elements, there exists a reasonable doubt as to the stability or load-bearing capacity of the existing structure, or portion thereof. Please revise the drawing notes to specify that all damaged and/or exposed sawn lumber must be removed and replaced unless reinspected and grade marked by an inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. [CBC 104.9 and 2303.1.1]

   PC3: This item has not been addressed.

3. *PC2:* The drawings depict cantilevered canopy roofs and door landings at either end of the structure. However, the design of these elements is incomplete and depicted inconsistently on the plans, details, and building sections. Please revise the drawings to coordinate the design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

4. *PC2:* The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* Please revise the drawings to provide complete details and specifications for the construction of the underfloor soffit framing depicted in Section 2 on Sheet A-5.2. Provide supporting calculations demonstrating that the proposed design is adequate to resist design loads. [CRC R106.1.1 and CBC 1604.4]

   PC3: This item was not addressed as no new drawings were provided for review.

6. *PC2:* Columns and beams supporting vertically discontinuous lateral force resisting elements of irregular structures shall have the design strength to resist the maximum axial force that can develop in accordance with the load combinations with the overstrength coefficient, Ω_0, of ASCE-7 12.4.3.2. The connections of such elements to the supporting members shall be adequate to transmit the forces for which the discontinuous elements were required to be designed. [ASCE-7 12.3.3.3]

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Planning and Development Department

PC3: This item was not addressed.

7. *PC2:* For structures assigned to Seismic Design Category D, E or F, the redundancy factor, ρ, shall equal 1.3 unless it can be shown that conditions have been met which permit the redundancy to be taken as 1.0. [ASCE-7 12.3.4.2]

   PC3: This item was not addressed.

8. *PC2:* Detail 25 on Sheet S-6.1 depicts structural work which, in addition to inspection by the City of Berkeley, requires special inspection. However, it is not clear if this detail applies to the project. Please remove this detail or, if applicable, prior to permit issuance for this project, the applicant responsible for the project shall submit signed copy of the City of Berkeley Special Inspection form; this form and a list of approved agencies are available at the Permit Service Center. Please note that this form must be completely filled-out and signed by all parties as a condition of approval prior to permit issuance. [CBC 1704.2.3]

   PC3: This item was not addressed as no new drawings were provided for review.

Electrical

4. *PC2:* The electrical component identified by Keynote 16 on Sheet E2.1 appears to be a subpanel. Please verify that this component is not classified as electrical equipment and therefore subject to working clearance requirements. [CEC 110.26(A)]

   PC3: This item was not addressed as no new drawings were provided for review.

5. *PC2:* The kitchen counter outlets are currently shown clustered together. Please revise the plans to show a receptacle shall be provided for each counter space wider than 12 inches and spaced no more than 4 feet apart, a maximum of 2 feet from the end of the counter. [CEC 210.52(C)(1)]

   PC3: Based on the response, the delineation on the drawings between counters and full height cabinets is unclear. Please revise the drawings as necessary to clarify the design and demonstrate code compliance.

6. *PC2:* Balconies, decks and porches that are accessible from inside the dwelling unit shall have at least one GFCI protected receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than 6 feet 6 inches above the balcony, deck, or porch surface. [CEC 210.52(E)(3)]

   PC3: This item was not addressed as no new drawings were provided for review.

Mechanical

2. *PC2:* Mechanical space-conditioning systems with ductwork >10 feet, supply-only ventilation systems and makeup air systems, and the supply side of heat or energy recovery ventilation systems shall be provided with minimum MERV 13 filtration. [CEnC 150.0(m)12C]

   PC3: This item was not addressed as no new drawings were provided for review.

Plumbing

1. Provide complete plumbing specifications including water heating specifications, fixture clearances, water consumption, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications. [CPC 104.3.1]

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2024

PC2: The notes referenced do not address fixture clearances, tub/shower specifications for controls, enclosures, layout and size, and plumbing material specifications.

PC3: The drawings must show that the proposed design will be code compliant which cannot be based on future construction. Sanitary facilities are required to serve residential occupancies in accordance with CPC Table 422.1.

2. *PC2:* The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi and shall not be less than 0.8 gallons per minute at 20 psi. [CPC 407.2.1.2 and CGBSC 4.303.1.4.1]

   PC3: This item was not addressed as no new drawings were provided for review.

3. *PC2:* For one- and two-family dwellings, storm water shall be permitted to be discharged on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance. Show how the storm water roof down spout termination will drain away from the adjoining property and be disposed through the use of swales, trench drains, dry wells, sump pump, etc. [CPC 1101.2]

   PC3: Revise the drawings to clearly document the proposed design.

Energy

1. Submit the applicable Certificate(s) of Compliance for those portions of the proposed design regulated by the California Energy Code. Incorporate the Certificate(s) into the building design plans. Revise the drawings as required to reflect the requirements documented in the Certificate(s) of Compliance. [CAC 10-103(a)2A]

   PC2: The energy notes provided are out-of-date and do not satisfy the requirements for certificates of compliance. Please update the energy notes throughout the drawings to reflect current code requirements and provide completed copies of certificates of compliance as approved and issued by the Energy Commission demonstrating that the proposed scope of work complies.

   PC3: This item was not addressed as no new drawings were provided for review.

2. *PC2:* The water heating system in low-rise residential alterations shall be a natural gas or propane water-heating system or a heat pump water heater. Heat pump water heaters shall not be installed outdoors and shall be either NEEA Tier 3 minimum or installed on an incompressible, rigid insulated surface with a minimum thermal resistance of R-10. [CEnC 150.2(b)1H.iii]

   PC3: This item was not addressed as no new drawings were provided for review.

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2024

Fire Prevention Division

Prepared by: Jesus Del Toro

Application #: B2024-02077 2750 Cedar St

JDelToro@Berkeleyca.gov

Corrections

****** NOTE: The following and previously made comments were not addressed in the recently submitted building permit drawings. Revise drawings to address the following and previously made comments: ******

A. Fire Code Requirements

A.1. 2022 California Fire Code (CFC): Revise the cover sheet to indicate that the project shall comply with the 2022 CFC.

A.2. Egress Path: Revise the site plan to show the egress path from the ADU to the public right-of-way. [CFC §504.1]

A.2.1. A minimum 3-ft approved walkway must be provided. Revise the site plan to show and fully dimension the approved walkway.

A.3. Premises Identification: New and existing dwellings must be provided with approved address identification, affixed to the dwelling building. The address identification characters shall contrast with their background, and each character shall be not less than 4-inches in height with a stroke width of not less than 0.5-inch. [CFC §505.1]

A.3.1. An additional address sign posting shall be provided by the front walkway or driveway approach fully visible directly from the street for dwellings that are setback from a public street. A post or monument mounted address should be posted where it is fully visible, preferably near the sidewalk and walkway giving access to the street. [CFC §505.1]

A.3.2. Revise the site plan and front elevation to show the location of the additional approved address identification signs.

A.4. Trash Bins: Revise the site plan to show the location of the compost, recycling, and waste bins for both the existing and new building. [CFC §304.3]

A.4.1. Ensure to locate the compost, recycling, and waste bins in an area that will not obstruct firefighters' access to emergency escape and rescue openings.

B. Residential Code Requirements

B.1. Fire Sprinkler System: Based on the cover sheet the residence will be equipped with an automatic residential fire sprinkler system. [CRC §R313.3]

B.1.1. Revise the cover sheet to include a "Deferred Submittal" block and indicate that the design and installation of fire sprinkler system must be completed as a deferred submittal under a separate fire permit.

B.1.2. The design and installation of the fire sprinkler system must be in accordance with NFPA 13D – 2022 edition or CRC §R313.3.

B.2. Electrical Plan: Revise the electrical drawing which shows the following:

B.2.1. Revise the electrical symbol legend to clearly identify that "SD" = smoke alarm and "CO" = carbon monoxide alarms will be installed in accordance with CRC §R314 and §R315.

B.2.2. Combination smoke/smoke carbon monoxide alarms listed in accordance with UL 2034 and UL 217 and State Fire Marshal approve for smoke alarm. [CRC §R315.4]

B.2.2.1. Smoke alarms must be interconnected in accordance with CRC §R314.4.

B.2.3. Smoke alarms installed greater than 10-ft but less than 20-ft horizontal distance from a permanently installed cooking appliance must be an ionization smoke alarm with an alarm-silencing switch or photoelectric smoke alarm. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 4)]

B.2.4. Smoke alarms installed greater than 6-ft but less than 10-ft horizontal distance from a permanently installed cooking appliance must be a photoelectric smoke alarm. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 4)]

B.2.5. Smoke alarms must be installed **not** less than a 3-ft horizontal distance from the door or opening of a bathroom that contains a bathtub or shower. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 5)]

B.2.6. Smoke alarms shall not be installed within a 36-inches horizontal path from the supply registers of a forced air heating or cooling system and shall be installed outside of the direct airflow from those registers. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 6)]

B.2.7. Smoke alarms shall not be installed within a 36-inches horizontal path from the tip of the blade of a ceiling-suspended (paddle) fan. [CRC §R314.3.3 (NFPA 72 §29.8.3.4 Item 7)]

B.2.8. Include a note indicating that the smoke alarms and/or combination smoke/carbon monoxide alarms shall receive their primary power from the building's electrical system and shall have a battery backup power supply. [CRC §R314.6 and §R315]

B.3. Berkeley Fire Hazard Severity Zone: The subject property is within Berkeley **Fire Zone 2** designated as Wildland-Urban Interference Fire Area. Therefore, the exterior materials and construction methods shall be installed in accordance with the Berkeley Fire Code Chapter 49, Berkeley Residential Code §19.29.050, and the California Residential Code §R337. Provide details and/or notes on the plans.

B.3.1. Provide a vegetation management plan in accordance with CRC §R337.1.5 and the California Fire Code §4906 and §4907. Provide a narrative accompanied by a landscape plan showing the following:

B.3.1.1. Show all structure(s) and its defensive space zone, the location and configuration of existing and/or new plants/shrubs/trees, delineate the new and those to be removed and/or modified, the location, name and configuration of vegetation to be planted.

B.3.1.2. The hazard assessment matrix (each plant must be identified on the matrix and must include common name and Latin name of the plant, quantity, whether the plant is fire resistant, type, indicate whether it is an existing or new, etc.)

B.3.1.3. The list of plants to be used and/or retained,
B.3.1.4. Plant spacing and crown separation,
B.3.1.5. Irrigation details,
B.3.1.6. Defensible spacing/zone(s), etc.

B.3.1.6.1. Please find here some resources on how to illustrate defensible spaces and associated content, and how to space trees and shrubs horizontally and vertically.

B.3.1.6.2. Vegetation Management Plan: Limit plants in the "Zone 0 – Ember-Resistant Zone" – Zone 0 extends 0-5-ft from buildings, structures, decks, etc.

B.3.1.6.3. Ensure the vegetation management plan shows any fences.

B.3.1.6.3.1. Gates located 90-degree from the building must be of non-combustible materials.

B.3.2. Vents shall comply with the requirements of CRC §R337.6. Provide details or notes on the plans.

B.3.3. Ventilation openings shall be fully covered with Wildfire Flame and Ember Resistant vents approved and listed by the California State Fire Marshal, or WUI vents tested to ASTM E2886 and listed, by complying with all of the following requirements:

B.3.3.1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.

B.3.3.2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.

B.3.3.3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

B.3.4. New exterior doors shall comply with one of the following pursuant to CRC §R337.8.3. Provide notes and/or provide details on plans.

B.3.4.1. Exterior surface or cladding shall be of non-combustible or ignition-resistance materials, or

B.3.4.2. Solid core wood with stiles not less than 1-3/8-inch think and raised panels not less than 1-1/4-inch think, or

B.3.4.3. 20-minute rated door where tested in accordance with NFPA 252, or

B.3.4.4. Exterior surface or cladding shall be tested in accordance with CBC §707A.3.1 when tested in accordance with SFM E2707, or

B.3.4.5. Conform to the performance requirements of SFM15 standards 12-7A-1.

B.4. Other Comments: Fire concurs with Building & Safety's outstanding comments, ensure to address all the comments.

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2024

Please be advised that additional comments may follow based on the response to these comments and to comments of other City agencies.

~ END OF COMMENTS ~

Permit Service Center
Building & Safety Division
Planning and Development Department

September 16, 2024

Land Use Planning — Prepared by: Waqar Shah

Application #: B2024-02077 — 2750 Cedar Street — WSHAH@cityofberkeley.info

Land Use Planning Requirements

Overall, the plan check response does not address the comments provided, and revised construction drawings demonstrating compliance with Title 23 of the City of Berkeley Municipal Code have not been submitted for review. Therefore, all previous comments remain in effect.

1. PC4--After review of the project plans and the photographs of the existing site, the proposed project constitutes a Demolition, as defined in Berkeley Municipal Code (BMC) Section 23.502.020(D)(2), and creation of a new standing structure requires a Use Permit entitlement application first for the demolition of more than 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof and another use permit is required for the creation of a new and improved structure.
    a. If applicant proceeds with the Use Permit entitlement application, please review the use permit link for the application instructions under “Apply For A Use Permit”
    b. Please also note that through the setback determination as shown on page 5 of the Zoning Determination (attached) are shown for the irregular shaped lot and the new structure will need to comply with the setback requirements of the Residential Single-Family Hillside Overlay Zoning District, as provided in BMC Section 23.202.050(D)(2).
    c. The plan submissions for the Use Permit Entitlement Application will need to be provided to show the demolition diagrams in elevation view and there will be no credit for re-use of building materials from the existing residence.
    d. Per BMC Section 23.322.030(A)(1), for properties located near a roadway less than 26 feet in width in the hillside overlay, one off street parking space is required per unit. Please provide this on a site plan drawing.

    PC5—There are no entitlements under this address. The only record that was able to be found was under PLN2021-0026, which thoroughly outlines the current front, interior side, and rear setback lot lines. Please address the comments in comment #1.

    Additionally, I would like to provide an example for perspective – Taking out lighting from one interior location to another interior location is not a like for like replacement as the new lighting has to adhere to the most current building code requirements. The same goes for exterior building wall demolition and replacement. This project is constituted as a demolition and will need to follow the Use Permit application requirement.

Permit Service Center
Building & Safety Division
Planning and Development Department

September 16, 2024

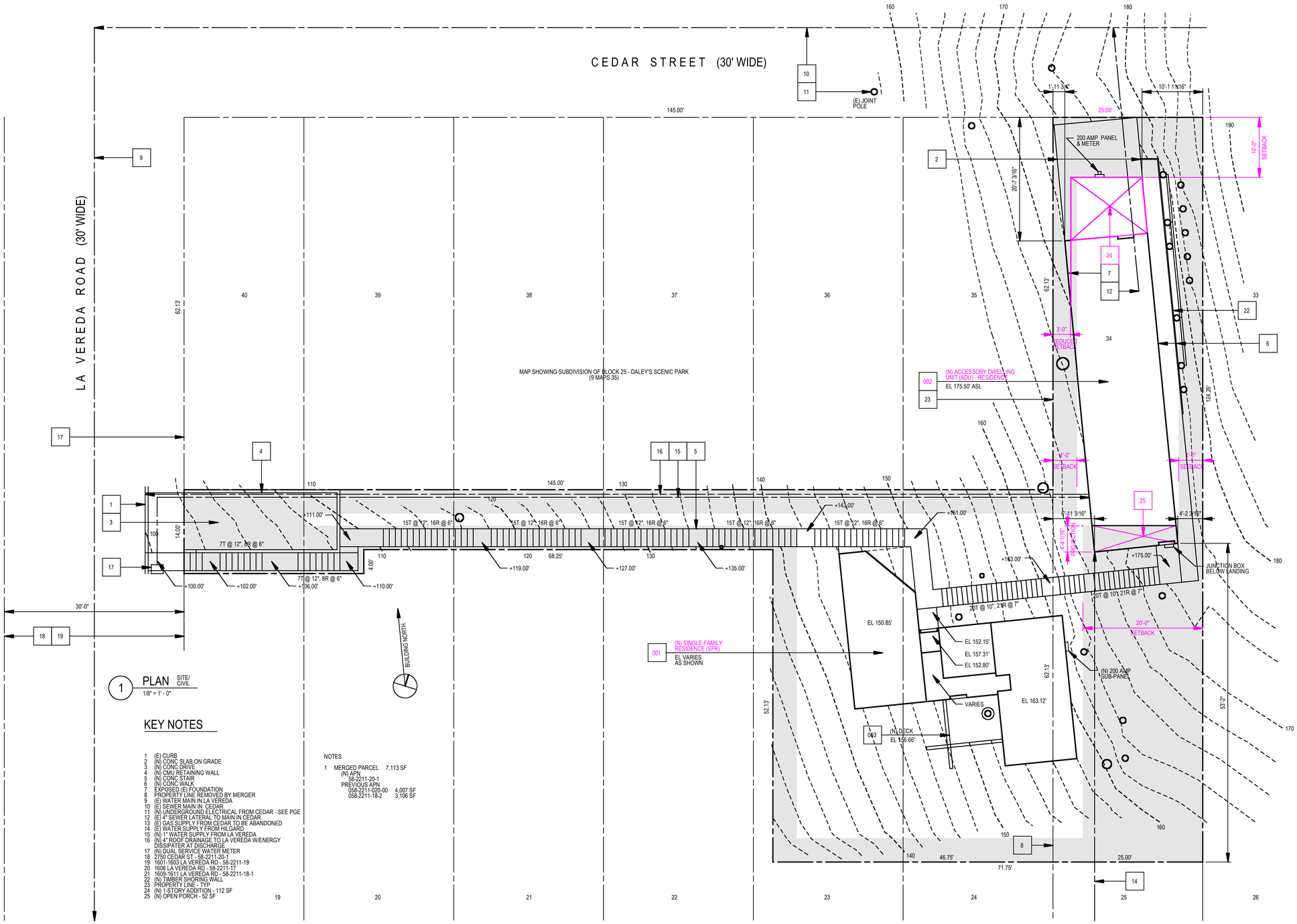
2. PC4--Additionally, please provide elevations, floor plans, and site plan depicting an existing, proposed, and demolition plan for your project.

   PC5-Comment #2 was not addressed. Please provide these items for further review.

3. Please note that additional information may be requested upon review of resubmitted items.

1947 Center Street
Berkeley, CA 94704-1113
PlanningPermits@CityofBerkeley.info

Tel: (510) 981-7500
TDD: (510) 981-7450
Fax: (510) 981-7450



1 PLAN SITE/ CIVIL
1/8" = 1' - 0"

KEY NOTES

1 (E) CURB
2 (N) CONC SLAB ON GRADE
3 (N) CONC DRIVE
4 (N) CMU RETAINING WALL
5 (N) CONC STAIR
6 (N) CONC WALK
7 EXPOSED (E) FOUNDATION
8 PROPERTY LINE REMOVED BY MERGER
9 (E) WATER MAIN IN LA VEREDA
10 (E) SEWER MAIN IN CEDAR
11 (N) UNDERGROUND ELECTRICAL FROM CEDAR - SEE PGE
12 (E) 4" SEWER LATERAL TO MAIN IN CEDAR
13 (E) GAS SUPPLY FROM CEDAR TO BE ABANDONED
14 (E) WATER SUPPLY FROM HILGARD
15 (N) 1" WATER SUPPLY FROM LA VEREDA
16 (N) 4" ROOF DRAINAGE TO LA VEREDA W/ENERGY DISSIPATER AT DISCHARGE
17 (N) DUAL SERVICE WATER METER
18 2750 CEDAR ST - 58-2211-20-1
19 1601-1603 LA VEREDA RD - 58-2211-19
20 1606 LA VEREDA RD - 58-2211-17
21 1609-1611 LA VEREDA RD - 58-2211-18-1
22 (N) TIMBER SHORING WALL
23 PROPERTY LINE - TYP
24 (N) 1-STORY ADDITION - 112 SF
25 (N) OPEN PORCH - 52 SF

NOTES

1 MERGED PARCEL 7,113 SF
(N) APN
58-2211-20-1
PREVIOUS APN
058-2211-020-00 4,007 SF
058-2211-18-2 3,106 SF

VERSION
02 APRIL 2020
FILE
A-PLAN-SITE-012.PMZ

SITE PLAN

CEDAR
2750 CEDAR ST
BERKELEY, CA

MICHAEL TOLLESON - ARCHITECT
555 PIERCE ST #1626
ALBANY, CA 94706
MICHAEL@MICHAELTOLLESON.COM

A - 1.1

Last Revised 4/24/2018

APPLICATION
EXTENSION REQUEST

Building and Safety Permit Service Center

An application for a permit for any proposed work shall expire one year after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued.

The Building Official or Permit Service Center Coordinator are authorized to grant one or more extensions of time for additional periods not exceeding a total of 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated.

Application Extension Fees:

- First Extension $250
- 2nd or 3rd Extension(s) $500

Project Information

Project Address: 2750 CEDAR St

Application #: B2024-02077

Submittal Date: Oct 09, 2025 Expiration Date: Apr 09, 2026

Explanation for Extension: Extensive discussion of BMC applications & allowances. Departure or reassignment of multiple plancheckers. Failures to respond.

Applicant Information: ☐ Owner ☐ Contractor ☑ Owner's Agent

Name: Michael Tolleson, Architect Company: Michael Tolleson, Architect

Address: 555 Pierce St, #1626, Albany, CA 94706

Phone: 510-332-9520 Email: michael@michaeltolleson.com

I hereby request an application extension pursuant to Berkeley Building Code Section 105.3.2. I declare under penalty of perjury under the laws of the State of California that the Foregoing is true and correct.

Michael Tolleson, Architect — Applicant Name

Sign

Oct 9, 2025 — Date

Office Use Only

☐ Approved ☒ Denied New Expiration Date:

Notes: Application Extension Denied

The Permit Center Coordinator's signature is required for second and subsequent application extensions:

Permit Center Coordinator

10/16/2025 — Date

Permit Service Center
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7500 TDD 7450
permits@cityofberkeley.info

Lopez, David

From: Crosby, Sharon
Sent: Tuesday, July 1, 2014 10:02 AM
To: McNulty, Jenny; Roshal, Alexander
Cc: Cook, Marsha
Subject: FW: 2750 Cedar St > 14-00236

Importance: High

Some sentiments from the public on our archaic processes for your consideration for changes.

From: Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
Sent: Tuesday, July 01, 2014 9:26 AM
To: Crane, Fatema
Cc: Brovold, Greg; Emmons, Patrick; Angstadt, Eric; Johnson, Carol; Crosby, Sharon
Subject: Re: 2750 Cedar St > 14-00236
Importance: High

Fatema,

Confirmed.
But this should have been your reply to my June 27 email, in which I indicated that my Responses would be in PDF.

As well, Berkeley should really consider joining the 21st century.
Even Fremont accepts Responses in PDF.
: -)
Nonetheless, I will be delivering hard copies of documents tomorrow @ 9:30 am, my scheduled appointment.

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone

michael@michaeltolleson.com
www.michaeltolleson.com

On Jun 30, 2014, at 11:25 AM, Crane, Fatema <FCrane@ci.berkeley.ca.us> wrote:

Michael Tolleson,
Good morning.
Thanks for your message.
You will have to follow the instructions for Building Permit Application re-submittal provided by the Permit Service Center. I will not receive or review any Building Permit applications through direct submittal in this manner.
Please contact the Permit Service Center (tel.: 510-981-7440) for more information about the re-submittal process and requirements, and reference your Building Permit Application in your inquiry.
Thank you.
Have a good day.
Sincerely,
M. Fatema Crane
Associate Planner
City of Berkeley - Land Use Planning
Office tel.: 510-981-7410
TDD: 510-981-7474

As a cost savings measure, the City's non-essential services are closed the second Friday of every month. Please also note these upcoming holiday closures: Independence Day - Friday, July 4th; Labor Day - Monday, September 1st; and Indigenous Peoples' Day - Monday, October 13th.

From: Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
Sent: Monday, June 30, 2014 11:05 AM
To: Crane, Fatema
Cc: Brovold, Greg; Emmons, Patrick; Angstadt, Eric
Subject: 2750 Cedar St > 14-00236

Fatema,

Attached find my Responses to your Queries.
For expediency & clarity I have CC'd those parties referenced therein.

Given my responses, I do not believe a resubmittal is required & request that items be indicated as satisfied on an expedited basis.

Note that none of Public Works comments are applicable to the current Repair, Restoration & Alteration Project.
In addition to the failure to note the completed Merger of the Parcels, they have also failed to note items annotated as "Future" or "(F)".
I will be providing a separate response to them & CC'ing you for coordination.

Please confirm receipt.

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<image001.gif>

END OF E-MAIL THREAD

Lopez, David

From: Roshal, Alexander
Sent: Thursday, November 10, 2022 12:07 PM
To: michael@michaeltolleson.com
Cc: Crane, Fatema; Bright, Jesse; Lopez, David
Subject: Re: 2750 Cedar St > 14-00236

Mr. Tolleson,

I reviewed your request to extend the expired building permit application No 14-00236 at 2750 Cedar St.
This application was initially submitted on January 21, 2014, and underwent several subsequent plan reviews. The plans did not receive the final plan check approval and the permit was never issued. The last plan check correction letter was issued on July 8, 2015, and the Permit Center never received any further resubmittal documents in response to these comments.

```
Application . . . . . . . . . . : 14 00000236
Address . . . . . . . . . . . . : 2750 CEDAR ST
Application type . . . . . . . : BUILDING PERMIT     BP-3 (3 WK)
Revision/Path/Step/Seq/Agency:      A 00 00 ZONING
Type options, press Enter.
  5=Display
                                                                  Time
Opt    Date     Agency                  Action                 By   Spent
 _    7/08/15   ZONING                  CORRECTION LIST ISSUED  FC    .00
 _    6/11/15   ZONING                  ASSIGNED TO PLAN CHECKER FC   .00
 _    6/11/15   ZONING                  LOGGED-IN               SB    .00
 _    3/23/15   ZONING                  CORRECTION LIST ISSUED  GP1   .00
 _    3/23/15   ZONING                  LOGGED-IN               MCO   .00
 _    3/06/15   ZONING                  CORRECTION LIST ISSUED  FC    .00
 _    3/03/15   ZONING                  UNDER REVIEW            FC    .00
 _    2/19/15   ZONING                  ASSIGNED TO PLAN CHECKER FC   .00
 _    2/18/15   ZONING                  LOGGED-IN               DC    .00
 _   11/07/14   ZONING                  CORRECTION LIST ISSUED  FC    .00
 _   11/05/14   ZONING                  UNDER REVIEW            FC    .00 +
```

This application also received two extensions with the latest extension dated July 21, 2015.

```
Application number: 14 00000236
Property . . . . . : 2750 CEDAR ST

Code Freeform information                          Date
BPC  **MAJOR REMODEL OF SFR; REPLACE WALLS,       1/21/14
BPC  ROOF STRUCT, WINDOWS,ELEC, MECH &            1/21/14
BPC  PLUMB. FIRE ZONE 2-COMPLY W/FIRE ZONE        1/21/14
BPC  RESTRICTIONS.                                1/21/14
INST APPLICATION EXTENDED TO 1-21-15. SBB        10/27/14
INST *Application extension email sent. NP1       3/13/15
INST APPLICATION EXTENDED TO 7-21-15.SBB          3/26/15
```

It's been over 7 years since the date of the last activity on this application and the last extension. Pursuant to BMC/CBC Section 105.3.2, the City cannot renew action on this application, as as it considered to have been abandoned. The previously submitted plans and permit application documents have been discarded and no longer available. A new permit application and plans shall be filed for any planned construction activities. All permit applications and plans are required to be submitted in the electronic format. The plan check turn-around time is 3 - 4 weeks. The last day to file for a building permit to be reviewed under the current 2019 Codes is Friday, December 30, 2022. When the Permit Center reopens on January 3, 2023, all new permit applications will be reviewed for conformance to the 2022 California Building Standards Code with adopted local amendments.

If you have records of previous correspondence regarding this project, please work with Jesse Bright, Plan Check Supervisor, and Fatema Crane, original project planner, who I am copying on this email.

Regards,

Alex Roshal, CBO
Chief Building Official
Manager of Building and Safety Division

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Thursday, November 3, 2022, 2:45 PM
To: Lopez, David <dlopez@cityofberkeley.info>
Subject: Re: 2750 Cedar St > 14-00236

David,

Thank you for your reply.
As requested, I am requesting a supervisor to review and discuss this special case, which is facing yet another winter in disrepair.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

On Nov 2, 2022, at 3:30 PM, Lopez, David <dlopez@cityofberkeley.info> wrote:

Any review of any records would need to be performed under a new permit application.

<image004.jpg>

David A. Lopez, Architect
Assistant Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Wednesday, November 2, 2022 3:26 PM
To: Lopez, David <dlopez@cityofberkeley.info>
Subject: Re: 2750 Cedar St > 14-00236

David,

Thank you for your reply.
I'd like to appeal this position.

We have already paid the original review fees and extensions.
Nothing has changed in the proposed repair.
I am reiterating that this is a REPAIR that the existing structure is desperately in need of.
I have the original drawings, stamped as approved by Berkeley, for the demolition of <50% to establish the basis for the repair.

I don't find that Berkeley's loss of approved construction documents into its new database is sufficient reason to impose the burden of repetition of the lengthy and tedious approval process.
If you could provide a contact for appeal, it would be greatly appreciated.

I am always available to discuss this and other Berkeley projects.
Please reply or contact me at my iPhone number asap.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image003.gif>

> On Nov 1, 2022, at 5:22 PM, Lopez, David <dlopez@cityofberkeley.info> wrote:
>
> Hi Mr. Tolleson,
>
> Jeff has been retired for many many years now.
>
> I read your email regarding B2014-00236 and that permit application has long been expired in our old computer system. We do not have any records regarding this application.
>
> Please resubmit under a new permit application.

Sincerely,

<image004.jpg>

David A. Lopez, Architect
Assistant Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Tuesday, November 1, 2022 2:18 PM
To: Lopez, David <dlopez@cityofberkeley.info>
Subject: Fwd: 2750 Cedar St > 14-00236

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

David,

I received a bounce-back on my send to Jeff Thomas yesterday (CC'd to you).
Please respond to that send.
I would be pleased to meet with you to discuss the standing approval of this project and the forthcoming development.

If Jeff Thomas is still on staff at Berkeley, please loop him into this discussion.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image003.gif>

Begin forwarded message:

From: "Michael Tolleson, Architect" <michael@michaeltolleson.com>
Subject: Re: 2750 Cedar St > 14-00236
Date: October 31, 2022 at 12:12:24 PM PDT
To: "Thomas, Jeffrey" <JThomas@ci.berkeley.ca.us>
Cc: David Lopez <dlopez@CityofBerkeley.info>

Jeff,

Hoping this finds you well.
I have just acquired the 2750 Cedar St property and expect to propose an identical SFR repair.
Find below the last correspondence with the verification of approval from you and Dave Lopez (in **bold red**).
I have also attached, just below, the original approval from all departments.

I'd like to propose an extension of the previous approval and permit (7-2015), using the codes and interpretations in place at the time.
If acceptable, what fees would be due for the extension?

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image003.gif>

On Dec 17, 2014, at 12:11 PM, Michael Tolleson, Architect <michael@michaeltolleson.com> wrote:

Jeff,

Terrific.
I will revise the remaining Drawings affected by the Revision and Resubmit shortly.
Thanks, to David, as well.
This saves the Design!

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<Logo.gif>

On Dec 16, 2014, at 1:34 PM, Thomas, Jeffrey <JThomas@ci.berkeley.ca.us> wrote:

Michael,

I reviewed the proposed revised floor plan and detail with Deputy Building Official David Lopez.
We both concur that this new proposal is acceptable.
Feel free to call or write if you have any questions or other concerns.

Best regards,

Jeff Thomas, P.E.
Senior Building Plans Engineer
City of Berkeley
(510)981-7440

From: Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
Sent: Tuesday, December 16, 2014 9:13 AM

To: Thomas, Jeffrey
Subject: Re: 2750 Cedar St > 14-00236

Jeff,

Very much appreciated.

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<image001.gif>

> On Dec 16, 2014, at 8:31 AM, Thomas, Jeffrey <JThomas@ci.berkeley.ca.us> wrote:
>
> Michael,
> Hope to have an answer for you today.
> -Jeff
>
> ---
>
> **From:** Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
> **Sent:** Friday, December 12, 2014 9:08 AM
> **To:** Thomas, Jeffrey
> **Subject:** 2750 Cedar St > 14-00236
>
> Jeff,
>
> Attached find the FLOOR & ROOF PLANS (A-PLAN-FLOR-010.pdf) with the affected area highlighted in RED clarified as just the area < 3' from the PL, not elements extending east from it.

Please use this version for your discussions.

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<image001.gif>

END OF E-MAIL THREAD

Lopez, David

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Monday, November 14, 2022 2:40 PM
To: Roshal, Alexander
Cc: Crane, Fatema; Bright, Jesse; Lopez, David
Subject: Re: 2750 Cedar St > 14-00236
Attachments: 150702-Berkeley.pdf; 1-A-NOTE-PROJ-1-004.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Alexander & All,

Thank you for your reply.
I was the Architect of Record on the original project, but have since acquired ownership of the property.
Considerable misinformation about the project was generated in my absence and I am attempting to correct that condition.

Your response does not accurately represent the history of the 2750 Cedar and its approvals.
Cedar was approved in its entirely on 7/1/15 by all departments; see the attached print below from the Berkeley online review status.

A partial demolition <50% permit was obtained and inspected to verify the percentage of demolition; see the attached approved drawing below.
See also attached below a view of the condition of the property prior to partial demolition.
I can provide several more views from varying vantage points.

All I am requesting from Berkeley at this point is approval to repair the roof framing/finish and supporting posts necessary to protect the usable structure, windows, doors and exterior finishes from further deterioration.
I would be pleased to meet with Berkeley to discuss any viable approach before winter unnecessarily intrudes.

I have also attached below the Cover Page of the complete approved Construction Documents & Calculations available to Berkeley.
For scope comparison, Cedar is a one-story SFR & <750 sf; significantly less than allowable for detached ADU's.

I look forward to your reconsideration.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

PLANNING & DEVELOPMENT

Building Permit Application

JOB SITE

CEDAR STREET (30' WIDE)

LA VEREDA ROAD (30' WIDE)

JOB SITE

BMC Section 23F.04.010

Demolition: A building or enclosed structure shall be considered demolished for the purposes of this chapter when, within any continuous 12 month period, such building or enclosed structure is destroyed in whole or in part or is relocated from one lot to another. For purposes of this Section, destroyed in part means when 50% or more of the enclosing exterior walls and 50% or more of the roof are removed.

HILLSIDE DISTRICT "FIRE ZONE"
This project has special requirements due to its location in the Hillside Fire Zone district.

Planning and Development Department
BUILDING AND SAFETY DIVISION
REVIEWED FOR COMPLIANCE
By
OCT 24 2013

1 PLAN

KEY NOTES

VALIDITY OF PERMIT

On Nov 10, 2022, at 12:06 PM, Roshal, Alexander <ARoshal@cityofberkeley.info> wrote:

Mr. Tolleson,

I reviewed your request to extend the expired building permit application No 14-00236 at 2750 Cedar St.
This application was initially submitted on January 21, 2014, and underwent several subsequent plan reviews. The plans did not receive the final plan check approval and the permit was never issued. The last plan check correction letter was issued on July 8, 2015, and the Permit Center never received any further resubmittal documents in response to these comments.
<image.png>

This application also received two extensions with the latest extension dated July 21, 2015.
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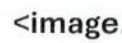
It's been over 7 years since the date of the last activity on this application and the last extension. Pursuant to BMC/CBC Section 105.3.2, the City cannot renew action on this application, as as it considered to have been abandoned. The previously submitted plans and permit application documents have been discarded and no longer available. A new permit application and plans shall be filed for any planned construction activities. All permit applications and plans are required to be submitted in the electronic format. The plan check turn-around time is 3 - 4 weeks. The last day to file for a building permit to be reviewed under the current 2019 Codes is Friday, December 30, 2022. When the Permit Center reopens on January 3, 2023, all new permit applications will be reviewed for conformance to the 2022 California Building Standards Code with adopted local amendments.

If you have records of previous correspondence regarding this project, please work with Jesse Bright, Plan Check Supervisor, and Fatema Crane, original project planner, who I am copying on this email.

Regards,


Alex Roshal, CBO
Chief Building Official
Manager of Building and Safety Division

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Thursday, November 3, 2022, 2:45 PM
To: Lopez, David <dlopez@cityofberkeley.info>
Subject: Re: 2750 Cedar St > 14-00236

David,

Thank you for your reply.
As requested, I am requesting a supervisor to review and discuss this special case, which is facing yet another winter in disrepair.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
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510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

> On Nov 2, 2022, at 3:30 PM, Lopez, David <dlopez@cityofberkeley.info> wrote:

Any review of any records would need to be performed under a new permit application.

David A. Lopez, Architect
Assistant Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Wednesday, November 2, 2022 3:26 PM
To: Lopez, David <dlopez@cityofberkeley.info>
Subject: Re: 2750 Cedar St > 14-00236

David,

Thank you for your reply.
I'd like to appeal this position.

We have already paid the original review fees and extensions.
Nothing has changed in the proposed repair.
I am reiterating that this is a REPAIR that the existing structure is desperately in need of.
I have the original drawings, stamped as approved by Berkeley, for the demolition of <50% to establish the basis for the repair.

I don't find that Berkeley's loss of approved construction documents into its new database is sufficient reason to impose the burden of repetition of the lengthy and tedious approval process.
If you could provide a contact for appeal, it would be greatly appreciated.

I am always available to discuss this and other Berkeley projects.
Please reply or contact me at my iPhone number asap.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image003.gif>

On Nov 1, 2022, at 5:22 PM, Lopez, David <dlopez@cityofberkeley.info> wrote:

Hi Mr. Tolleson,

Jeff has been retired for many many years now.

I read your email regarding B2014-00236 and that permit application has long been expired in our old computer system. We do not have any records regarding this application.

Please resubmit under a new permit application.

Sincerely,

<image004.jpg>

David A. Lopez, Architect
Assistant Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Tuesday, November 1, 2022 2:18 PM

To: Lopez, David <dlopez@cityofberkeley.info>
Subject: Fwd: 2750 Cedar St > 14-00236

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

David,

I received a bounce-back on my send to Jeff Thomas yesterday (CC'd to you).
Please respond to that send.
I would be pleased to meet with you to discuss the standing approval of this project and the forthcoming development.

If Jeff Thomas is still on staff at Berkeley, please loop him into this discussion.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image003.gif>

Begin forwarded message:

From: "Michael Tolleson, Architect" <michael@michaeltolleson.com>
Subject: Re: 2750 Cedar St > 14-00236
Date: October 31, 2022 at 12:12:24 PM PDT
To: "Thomas, Jeffrey" <JThomas@ci.berkeley.ca.us>
Cc: David Lopez <dlopez@CityofBerkeley.info>

Jeff,

Hoping this finds you well.
I have just acquired the 2750 Cedar St property and expect to propose an identical SFR repair.
Find below the last correspondence with the verification of approval from you and Dave Lopez (in **bold red**).
I have also attached, just below, the original approval from all departments.

I'd like to propose an extension of the previous approval and permit (7-2015), using the codes and interpretations in place at the time.
If acceptable, what fees would be due for the extension?

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image003.gif>

On Dec 17, 2014, at 12:11 PM, Michael Tolleson, Architect <michael@michaeltolleson.com> wrote:

Jeff,

Terrific.
I will revise the remaining Drawings affected by the Revision and Resubmit shortly.

Thanks, to David, as well.
This saves the Design!

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<Logo.gif>

On Dec 16, 2014, at 1:34 PM, Thomas, Jeffrey <JThomas@ci.berkeley.ca.us> wrote:

Michael,

I reviewed the proposed revised floor plan and detail with Deputy Building Official David Lopez.
We both concur that this new proposal is acceptable.
Feel free to call or write if you have any questions or other concerns.

Best regards,

Jeff Thomas, P.E.
Senior Building Plans Engineer
City of Berkeley
(510)981-7440

From: Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
Sent: Tuesday, December 16, 2014 9:13 AM
To: Thomas, Jeffrey
Subject: Re: 2750 Cedar St > 14-00236

Jeff,

Very much appreciated.

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<image001.gif>

> On Dec 16, 2014, at 8:31 AM, Thomas, Jeffrey <JThomas@ci.berkeley.ca.us> wrote:
>
> Michael,
> Hope to have an answer for you today.
> -Jeff
>
> **From:** Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
> **Sent:** Friday, December 12, 2014 9:08 AM

To: Thomas, Jeffrey
Subject: 2750 Cedar St > 14-00236

Jeff,

Attached find the FLOOR & ROOF PLANS (A-PLAN-FLOR-010.pdf) with the affected area highlighted in RED clarified as just the area < 3' from the PL, not elements extending east from it.
Please use this version for your discussions.

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<image001.gif>

PLANNING & DEVELOPMENT

Department of Planning & Development

Plan Check Status

You can use this tool to review the status of your plan check for a building permit application that has been submitted for City review.

You may search for your permit application by Permit Application # (ex: 15-123) or by Street Address (ex: 123 Dwight Way).

Permit Application # or Street Address: 14-236 Search

Search on '14-236' returned 1 match. To see more details, click on App# in the table below.

App #	Address	Owner Name	Date In	Est Compl	Application Status
14-236	2750 CEDAR ST	LIN LOUIS B	6/11/2015	6/26/2015	Approved by all agencies, 7/1/2015. You may call the Permit Service Center at 981-7502 for an appointment to pick up your permit(s). You will need to submit an additional $2,859.50 in building permit fees to complete the application process. Electrical, mechanical and plumbing work requires separate application and fees.

END OF E-MAIL THREAD

Lopez, David

From: Lopez, David
Sent: Wednesday, November 16, 2022 5:50 PM
To: Michael Tolleson, Architect
Cc: Crane, Fatema; Bright, Jesse; Roshal, Alexander
Subject: RE: 2750 Cedar St > 14-00236
Attachments: PSC09.pdf

Good Evening Mr. Tolleson,

I have attached the last correction notice that was provided to you in 2015.

Please note that in accordance with the zoning ordinance the scope of work was determined to be a demolition. If you have any follow up questions regarding these zoning issues please communicate with Fatema Crane the Land Use planner.

Make sure you address the zoning issues that were conveyed to you back in 2015 in your new application submittal.

Regards,

David A. Lopez, Architect
Assistant Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Roshal, Alexander
Sent: Wednesday, November 16, 2022 12:26 PM
To: Michael Tolleson, Architect

Cc: Crane, Fatema ; Bright, Jesse ; Lopez, David
Subject: Re: 2750 Cedar St > 14-00236

Mr. Tolleson,

My response was quite accurate based on the archaic application record #14-00236. The record indicates that this application received corrections from Zoning on 07/08/15 and there was no further activity. Zoning corrections of 07/08/15 were processed by the permit services center (PSC) on 07/09/15 and mailed to the applicant. Fatema, if you still have a record of zoning corrections of 07/08/15, can you please email them to Mr. Tolleson for his record.

```
Application . . . . . . . . . : 14 00000236
Address . . . . . . . . . . . : 2750 CEDAR ST
Application type . . . . . . . : BUILDING PERMIT     BP-3 (3 WK)
Revision/Path/Step/Seq/Agency:      A 00 00 ZONING
Type options, press Enter.
  5=Display
                                                                    Time
Opt    Date     Agency                  Action                  By   Spent
_     7/08/15   ZONING                  CORRECTION LIST ISSUED  FC     .00
_     6/11/15   ZONING                  ASSIGNED TO PLAN CHECKER FC    .00
_     6/11/15   ZONING                  LOGGED-IN               SB     .00
_     3/23/15   ZONING                  CORRECTION LIST ISSUED  GP1    .00
_     3/23/15   ZONING                  LOGGED-IN               MCO    .00
_     3/06/15   ZONING                  CORRECTION LIST ISSUED  FC     .00
_     3/03/15   ZONING                  UNDER REVIEW            FC     .00
_     2/19/15   ZONING                  ASSIGNED TO PLAN CHECKER FC    .00
_     2/18/15   ZONING                  LOGGED-IN               DC     .00
_    11/07/14   ZONING                  CORRECTION LIST ISSUED  FC     .00
_    11/05/14   ZONING                  UNDER REVIEW            FC     .00 +
```

Application . . . . . : 14 00000236
Address . . . . . : 2750 CEDAR ST
Application type . . . . . : BUILDING PERMIT BP-3 (3 WK)
Revision/Path/Step/Seq/Agency: Z 00 00 PERMIT SERVICE CENTER
Type options, press Enter.
5=Display

Opt	Date	Agency	Action	By	Time Spent
_	7/09/15	PERMIT SERVICE CENTER	CORRECTION LIST ISSUED	MCO	.00
_	7/09/15	PERMIT SERVICE CENTER	LOGGED-OUT	MCO	.00
_	6/11/15	PERMIT SERVICE CENTER	LOGGED-IN	SB	.00
_	3/23/15	PERMIT SERVICE CENTER	CORRECTION LIST ISSUED	MCO	.00
_	3/23/15	PERMIT SERVICE CENTER	LOGGED-IN	MCO	.00
_	3/23/15	PERMIT SERVICE CENTER	LOGGED-OUT	MCO	.00
_	3/09/15	PERMIT SERVICE CENTER	CORRECTION LIST ISSUED	MCO	.00
_	3/09/15	PERMIT SERVICE CENTER	LOGGED-OUT	MCO	.00
_	2/18/15	PERMIT SERVICE CENTER	LOGGED-IN	DC	.00
_	11/18/14	PERMIT SERVICE CENTER	CORRECTION LIST ISSUED	SB	.00
_	11/18/14	PERMIT SERVICE CENTER	LOGGED-OUT	SB	.00 +

However, for the purpose of your inquiry, it's not that important whether or not permit application #14-00236 was approved in July of 2015 or received further corrections. As indicated in my previous email, this permit application was not pursued by the applicant and is considered to have been abandoned. It's been over 7 years and two code cycles since the last activity on this application. The previously submitted construction documents have been discarded a long time ago. The City cannot reinstate and renew action on this application and cannot provide an approval for any work to be performed without a permit.

It's quite obvious from your email that this structure is in need of extensive remediation work. Since you are the property owner and the Architect of Record on the original project summitted in 2014, please update the construction documents as necessary for compliance with 2019 Codes and submit under the new application number asap. The plan check supervisor and the original project planner are copied on this communication to make sure your application is processed expeditiously.

Sincerely,

Alex Roshal, CBO

Chief Building Official

Manager of Building and Safety Division

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Monday, November 14, 2022 2:39 PM
To: Roshal, Alexander <ARoshal@cityofberkeley.info>
Cc: Crane, Fatema <FCrane@cityofberkeley.info>; Bright, Jesse <JBright@berkeleyca.gov>; Lopez, David <dlopez@cityofberkeley.info>
Subject: Re: 2750 Cedar St > 14-00236

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Alexander & All,

Thank you for your reply.
I was the Architect of Record on the original project, but have since acquired ownership of the property.
Considerable misinformation about the project was generated in my absence and I am attempting to correct that condition.

Your response does not accurately represent the history of the 2750 Cedar and its approvals.
Cedar was approved in its entirely on 7/1/15 by all departments; see the attached print below from the Berkeley online review status.

A partial demolition
See also attached below a view of the condition of the property prior to partial demolition.
I can provide several more views from varying vantage points.

All I am requesting from Berkeley at this point is approval to repair the roof framing/finish and supporting posts necessary to protect the usable structure, windows, doors and exterior finishes from further deterioration.
I would be pleased to meet with Berkeley to discuss any viable approach before winter unnecessarily intrudes.

I have also attached below the Cover Page of the complete approved Construction Documents & Calculations available to Berkeley.
For scope comparison, Cedar is a one-story SFR &

I look forward to your reconsideration.

Sincerely,

Michael Tolleson, Architect, C-22075

555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

END OF E-MAIL THREAD

Lopez, David

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Monday, November 21, 2022 1:04 PM
To: Lopez, David
Cc: Crane, Fatema; Bright, Jesse; Roshal, Alexander
Subject: Re: 2750 Cedar St > 14-00236

David,

Please then respond to my questions using:

The partial demolition permit B2013-04915 was approved by the city and issued on 10-28-13 and received approved final inspection on 10-17-14.

The approval of the partial demolition substantiates the existing condition as a **REPAIR**.
My correspondence is an effort to resolve disagreements.
I intend to winter-proof the small SFR as a **REPAIR** without further Berkeley involvement, which is rife with misinformation generated by neighbors and Berkeley staff.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

On Nov 21, 2022, at 11:57 AM, Lopez, David <dlopez@cityofberkeley.info> wrote:

Mr. Tolleson,

The partial demolition permit B2013-04915 was approved by the city and issued on 10-28-13 and received approved final inspection on 10-17-14. The permit application you are inquiring about is B2014-00236 and is considered to have been abandoned and expired. A new application needs to be submitted and a building permit is required to be issued for any further construction activities to occur on this property.

Please refer any questions regarding demolition to Land Use Planning.

Regards,

<image001.png>

David A. Lopez, Architect
Assistant Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Monday, November 21, 2022 10:25 AM
To: Roshal, Alexander <ARoshal@cityofberkeley.info>
Cc: Crane, Fatema <FCrane@cityofberkeley.info>; Bright, Jesse <JBright@berkeleyca.gov>; Lopez, David <dlopez@cityofberkeley.info>
Subject: Re: 2750 Cedar St > 14-00236

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All,

The partial demolition was approved by the inspector, whom I met at the site, as shown in the previously attached approved drawing.
I secured his decision that the proportion of demolition was correct at < 50% of walls and roof as allowed by Code.
Please read the Code carefully.
The Code says, *"For the purposes of this Section, destroyed in part means when 50% or more of the enclosing exterior walls **AND** 50% or more of the roof are removed."*
Not **OR**, but **AND**.
So even if the entire roof is removed, a partial demolition exists if > 50% of the walls remain, as is the case with Cedar.

It is common for information to be lost by building departments because plan checkers or inspectors fail to note their actions and status, which I must assume occurred here.
I have provided the proof of approval by all agencies, attached again for those who missed it in the string of correspondence.

Assuming we have a stalemate in our arguments, what can Berkeley actually do if we construct winter-proofing elements using an independent building inspector?
Or would it accept that scenario?

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image002.gif>

<image003.jpg>

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510 990 6335
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michael@michaeltolleson.com

<Logo.gif>

<1.jpeg>

<1.jpg>

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If you have records of previous correspondence regarding this project, please work with Jesse Bright, Plan Check Supervisor, and Fatema Crane, original project planner, who I am copying on this email.

Regards,

Alex Roshal, CBO
Chief Building Official
Manager of Building and Safety Division

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Thursday, November 3, 2022, 2:45 PM
To: Lopez, David <dlopez@cityofberkeley.info>
Subject: Re: 2750 Cedar St > 14-00236

David,

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As requested, I am requesting a supervisor to review and discuss this special case, which is facing yet another winter in disrepair.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
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510 990 6335
510 332 9520 iPhone
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<Logo.gif>

On Nov 2, 2022, at 3:30 PM, Lopez, David <dlopez@cityofberkeley.info> wrote:

Any review of any records would need to be performed under a new permit application.

<image004.jpg>

David A. Lopez, Architect
Assistant Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Wednesday, November 2, 2022 3:26 PM
To: Lopez, David <dlopez@cityofberkeley.info>
Subject: Re: 2750 Cedar St > 14-00236

David,

Thank you for your reply.
I'd like to appeal this position.

We have already paid the original review fees and extensions.
Nothing has changed in the proposed repair.
I am reiterating that this is a REPAIR that the existing structure is desperately in need of.
I have the original drawings, stamped as approved by Berkeley, for the demolition of <50% to establish the basis for the repair.

I don't find that Berkeley's loss of approved construction documents into its new database is sufficient reason to impose the burden of repetition of the lengthy and tedious approval process.
If you could provide a contact for appeal, it would be greatly appreciated.

I am always available to discuss this and other Berkeley projects.
Please reply or contact me at my iPhone number asap.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image003.gif>

> On Nov 1, 2022, at 5:22 PM, Lopez, David <dlopez@cityofberkeley.info> wrote:
>
> Hi Mr. Tolleson,
>
> Jeff has been retired for many many years now.
>
> I read your email regarding B2014-00236 and that permit application has long been expired in our old computer system. We do not have any records regarding this application.
>
> Please resubmit under a new permit application.
>
> Sincerely,
>
> **<image004.jpg>**
>
> **David A. Lopez, Architect**
> Assistant Building Official
> 1947 Center Street, 3rd Floor
> Berkeley, CA 94704
> Phone:510-981-7441
>
> **From:** Michael Tolleson, Architect <michael@michaeltolleson.com>
> **Sent:** Tuesday, November 1, 2022 2:18 PM
> **To:** Lopez, David <dlopez@cityofberkeley.info>
> **Subject:** Fwd: 2750 Cedar St > 14-00236

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

David,

I received a bounce-back on my send to Jeff Thomas yesterday (CC'd to you).
Please respond to that send.
I would be pleased to meet with you to discuss the standing approval of this project and the forthcoming development.

If Jeff Thomas is still on staff at Berkeley, please loop him into this discussion.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image003.gif>

Begin forwarded message:

From: "Michael Tolleson, Architect" <michael@michaeltolleson.com>
Subject: Re: 2750 Cedar St > 14-00236
Date: October 31, 2022 at 12:12:24 PM PDT
To: "Thomas, Jeffrey" <JThomas@ci.berkeley.ca.us>
Cc: David Lopez <dlopez@CityofBerkeley.info>

Jeff,

Hoping this finds you well.
I have just acquired the 2750 Cedar St property and expect to propose an identical SFR repair.
Find below the last correspondence with the verification of approval from you and Dave Lopez (in **bold red**).

I have also attached, just below, the original approval from all departments.

I'd like to propose an extension of the previous approval and permit (7-2015), using the codes and interpretations in place at the time.
If acceptable, what fees would be due for the extension?

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image003.gif>

On Dec 17, 2014, at 12:11 PM, Michael Tolleson, Architect <michael@michaeltolleson.com> wrote:

Jeff,

Terrific.
I will revise the remaining Drawings affected by the Revision and Resubmit shortly.
Thanks, to David, as well.
This saves the Design!

Sincerely,

Michael Tolleson, Architect, LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945

510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<Logo.gif>

On Dec 16, 2014, at 1:34 PM, Thomas, Jeffrey <JThomas@ci.berkeley.ca.us> wrote:

Michael,

I reviewed the proposed revised floor plan and detail with Deputy Building Official David Lopez.
We both concur that this new proposal is acceptable.
Feel free to call or write if you have any questions or other concerns.

Best regards,

Jeff Thomas, P.E.
Senior Building Plans Engineer
City of Berkeley
(510)981-7440

From: Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
Sent: Tuesday, December 16, 2014 9:13 AM
To: Thomas, Jeffrey
Subject: Re: 2750 Cedar St > 14-00236

Jeff,

Very much appreciated.

Sincerely,

Michael Tolleson, Architect,
LEED AP
1331 40th St
Unit 309
Emeryville, CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

<image001.gif>

> On Dec 16, 2014, at 8:31 AM, Thomas, Jeffrey <JThomas@ci.berkeley.ca.us> wrote:
>
> Michael,
> Hope to have an answer for you today.
> -Jeff
>
> ---
>
> **From:** Michael Tolleson, Architect [mailto:michael@michaeltolleson.com]
> **Sent:** Friday, December 12, 2014 9:08 AM
> **To:** Thomas, Jeffrey

Subject: 2750 Cedar St > 14-00236

Jeff,

Attached find the FLOOR & ROOF PLANS (A-PLAN-FLOR-010.pdf) with the affected area highlighted in RED clarified as just the area < 3' from the PL, not elements extending east from it.
Please use this version for your discussions.

Sincerely,

Michael Tolleson,
Architect, LEED AP
1331 40th St
Unit 309
Emeryville,
CA 94608
510 658 2945
510 332 9520 iPhone
michael@michaeltolleson.com
www.michaeltolleson.com

END OF E-MAIL THREAD

Lopez, David

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Tuesday, December 20, 2022 1:25 PM
To: Lopez, David
Cc: Crane, Fatema
Subject: Re: 2750 Cedar St

David,

I will be sending all documentation of Berkeley errors to the city attorney to determine the correct current status of the project.
This will include my repairing the SFR without Berkeley's involvement using a special inspector, financial damages to me as a result of Berkeley errors and any legal ramifications for doing so.
This is not a "hypothetical"; it is my intention to protect the value of my investment against ignorance where it has occurred.
You have not responded as required to the evidence of Berkeley Land Use approvals provided in today's attachments.

I will CC you on the send to the city attorney.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

On Dec 20, 2022, at 11:53 AM, Lopez, David <dlopez@cityofberkeley.info> wrote:

Mr. Tolleson,

Please submit a new application and it will be reviewed as assigned by the managers of the various agencies.

Thank you,

David A. Lopez, Architect
Interim Chief Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Tuesday, December 20, 2022 11:24 AM
To: Lopez, David <dlopez@cityofberkeley.info>
Cc: Crane, Fatema <FCrane@cityofberkeley.info>
Subject: Re: 2750 Cedar St

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

David,

As promised today, below find attached the specific approval from Land Use Planning (Zoning) that preceded the approval by all agencies previously provided.
My position remains that Berkeley errors are directly responsible for the delay in repair of the SFR.
I also have all correspondence with Fatima documenting these errors.
She had the opportunity to acknowledge this today, but chose to misrepresent the facts.
I am requesting that she be removed from review of this project, unless she concedes her errors and expedites re-approval.
All I received from her today is that she doesn't understand how drawings are intentionally simplified or what an uphill parcel is.

The only reason a permit is not shown is that the fees of $2,859.50 remained unpaid due to the repeated Berkeley errors.
I find that these fees should be waived given the above.
Please add to file and query the city attorney on what can be done to correct the department's current position.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image002.gif>

> On Dec 13, 2022, at 6:24 PM, Lopez, David <dlopez@cityofberkeley.info> wrote:
>
> Mr. Tolleson is intending to winter-proof the small SFR as a **REPAIR**.
>
> <Mail Attachment.ics>

END OF E-MAIL THREAD

To: Lopez, David <dlopez@cityofberkeley.info>
Cc: Crane, Fatema <FCrane@cityofberkeley.info>
Subject: Re: 2750 Cedar St

David,

I will be sending all documentation of Berkeley errors to the city attorney to determine the correct current status of the project.
This will include my repairing the SFR without Berkeley's involvement using a special inspector, financial damages to me as a result of Berkeley errors and any legal ramifications for doing so.
This is not a "hypothetical"; it is my intention to protect the value of my investment against ignorance where it has occurred.
You have not responded as required to the evidence of Berkeley Land Use approvals provided in today's attachments.

I will CC you on the send to the city attorney.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

> On Dec 20, 2022, at 11:53 AM, Lopez, David <dlopez@cityofberkeley.info> wrote:
>
> Mr. Tolleson,
>
> Please submit a new application and it will be reviewed as assigned by the managers of the various agencies.
>
> Thank you,

David A. Lopez, Architect
Interim Chief Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Tuesday, December 20, 2022 11:24 AM
To: Lopez, David <dlopez@cityofberkeley.info>
Cc: Crane, Fatema <FCrane@cityofberkeley.info>
Subject: Re: 2750 Cedar St

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

David,

As promised today, below find attached the specific approval from Land Use Planning (Zoning) that preceded the approval by all agencies previously provided.
My position remains that Berkeley errors are directly responsible for the delay in repair of the SFR.
I also have all correspondence with Fatima documenting these errors.
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I am requesting that she be removed from review of this project, unless she concedes her errors and expedites re-approval.
All I received from her today is that she doesn't understand how drawings are intentionally simplified or what an uphill parcel is.

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I find that these fees should be waived given the above.
Please add to file and query the city attorney on what can be done to correct the department's current position.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<image002.gif>

On Dec 13, 2022, at 6:24 PM, Lopez, David <dlopez@cityofberkeley.info> wrote:

Mr. Tolleson is intending to winter-proof the small SFR as a **REPAIR**.

<Mail Attachment.ics>

END OF E-MAIL THREAD

Lopez, David

From: Michael Tolleson, Architect <michael@michaeltolleson.com>
Sent: Monday, January 9, 2023 2:25 PM
To: City Attorney's Office
Cc: Lopez, David
Subject: Re: Tolleson > 2750 Cedar St > 14-236 & 13-4915
Attachments: ZONING.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Farimah,

I am following up on my 10-22-22 send below to query the status of your review and when a response will be forthcoming.

I have attached the final correspondence with Zoning, indicating that all comments were satisfied.
(Satisfied comments are indicated by strikethrough of text by the plan checker.)

All approvals were provided by staff still employed at Berkeley, including David Lopez (Building), Diana Aikenhead (Public Works), Sam Law (Fire) and Fatema Crane (Zoning).
I have requested that Ms. Crane be removed from review of Cedar for her errors at the time and those she continues to make.
The approval of the partial demolition percentage permit, on which the building Repair relies, was provided by Greg Brovold.

Looking forward to your response.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

On Dec 22, 2022, at 11:38 AM, Michael Tolleson, Architect <michael@michaeltolleson.com> wrote:

Attn: Farimah Brown

Farimah,

I am the new owner of 2750 Cedar St, which contains an existing 724 sf SFR (Single-Family Residence) in need of Repair and Security.
It is in poor condition and desperately needs protection from the weather and neighbors seeking its demise.

A Repair and Alteration permit was approved by all Berkeley departments (Zoning, Public Works, Fire & Building) on 7-1-15, while I was the Architect, but not yet Owner of the property.
See attached Berkeley approval confirmation documents below.
The scope of work adds no square footage or height.

Shortly before the Permit and Approved Drawings were to be picked up, the Zoning plan checker succumbed to pressure from neighbors to force a public hearing (AUP) not required for Repairs.
My client became frightened and postponed the Project, until I acquired the property this year.

I have already met with David Lopez, Acting Director of Building & Planning.
He feels he has no legal means to revive the Permit given the time that has passed.
My position is that the delay in Construction is a direct result of Berkeley's error in not applying the correct Repair Codes when we were prepared to start.

I am requesting your help as a last resort to correct this wrong.
I see that I have two less than ideal Options to protect my property.
1
Either, begin the Repair without a permit, but not proceed further than the stage of the required first Framing inspection, before which the Permit would be revived.

2
Or, resubmit the drawings and potentially wait 6-12 months for the AUP process to conclude, with no guarantee of success.

What I would like to know is what Berkeley would consider my legal position and risk to be if I choose Option 1 and what additional options Berkeley would accept.

I have also attached an exterior rendering of the Repaired SFR below.
Note also that Repair Codes are more sympathetic to the Design than those for New Construction.
For example, the Repair may use the original large amount of glass that would not be allowed for New Construction.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 990 6335
510 332 9520 iPhone
michael@michaeltolleson.com

<Logo.gif>

<0-A-VIEW-PERS-001.pdf>

<150701-Berkeley.pdf>
<150702-Berkeley.pdf>

ZONING – FATEMA CRANE
2750 Cedar Street 14-00236

July 7, 2015
Previous letters: June 18, August 1 & November 7, 2014; March 6, 2015

Corrections

To the right of the corrections please indicate the sheet number and detail or note on the plans where the corrections are made. Any change(s) or correction(s) must be clouded to allow the plan checker to easily find and identify them. Separate sheet(s) may be used for response.

1. NOT APPROVED FOR ZONING AT THIS TIME. This application was approved for Zoning Ordinance compliance on January 21, 2014 when it was described as "repair/renovation/alternation" with no proposed demolition indicated on the accompanying Zoning Certificate Application. However, upon closer study of the plans, there appears to be considerable demolition proposed affecting the exterior walls and roof of the subject building and, due to its extensive scope, this proposal may be subject to discretionary approval prior to issuance of any building permit. I apologize for the oversight.

   ~~Further, the status of this property and its current parcel configuration is uncertain and may also require prior approval by the Public Works Engineer and Zoning Officer before issuance of any building permit~~.

   At this time more information is needed to determine Zoning Ordinance compliance. Please study the correction comments below, take action as required and respond to each in any future re-submittal.

2. ~~LOT MERGER REQUIRED. The subject parcel/s require a lot merger as prescribed under Berkeley Municipal Code (BMC) Section 21.52.020. Please refer to correction comments and direction from Public Works Engineering staff and take actions as instructed. The lot merger must occur prior to Zoning approval of this project. In any future re-submissions of this application, provide a revised Site Plan that indicates the changed lot line conditions.~~

3. DEMOLITION CALCULATIONS – Exterior Walls. Review the Zoning Ordinance definition of *Demolition* in BMC Section 23F.04, provided below for your reference. ~~Then revise Plan 1 on Sheet A-2.2 and Plans 1 through 4 on Sheet A-3.1 to include demolition calculations of the exterior wall area (sq. ft.) – calculate the total existing area, the area to be demolished, and the new wall area, and the percentage calculations for each.~~

   ~~(A) NEW WALL OPENINGS. Assumption #3 stated on Sheet A-2.2 is contrary to our practice of including the area of new windows and doors as~~

part of any calculation of wall area to be demolished. So you must include the new openings in your DEMO CALCS.

(B) EXPANDED SCOPE OF WORK. Though your DEMO CALCS represent approximately [30%] wall and 100% roof demolition, your project plans imply a larger scope of demolition work as noted, for example, on Sheets A-2.2 (Key Note 4) and S-3.1 (Key Notes 10). This matter must be addressed before any further Zoning review can occur. At a minimum, you must revise all proposed work, stated actions, notes, and descriptions so that this application explicitly adheres to the scope of demolition represented in the DEMO CALCS for this project.

(C) POTENTIAL USE PERMIT REQUIREMENT. Be advised that the expanded scope of work[1] represents a "demolition" as defined in BMC 23F.04 and, unless this matter is sufficiently addressed, this application will be subject to prior approval by the Zoning Adjustments Board for a Use Permit under BMC 23C.08 (Dwelling Unit Controls) and 23D.16.020 (Uses Permitted – new dwelling) as well as an Administrative Use Permit under 23E.96 (Hillside Yard Reductions).

4. DEMOLITION CALCULATIONS – Roof. Similarly, provide this information on Sheet A-2.2 for the roof.

5. Be advised that additional correction comments may result from my review of your pending re-submittal in response to the corrections herein.

6. *NEW*: ADMINISTRATIVE USE PERMIT REQUIRMENT FOR FRONT YARD PARKING. We have determined that the new lot configuration is an "irregular lot" and that the area abutting La Vereda Road is a required front yard setback in accordance with BMC 23D.16.070 (Development Standards). Further, the proposed curb cut and driveway must serve a parking space, otherwise they are not permissible. Therefore, you must:

   - Revise this application to include a parking pad that conforms to the Traffic Engineer's standards as well as the Site, Location and Screening standards of BMC 23D.12.0.080; and

   - Obtain an Administrative Use Permit for a parking space location in a front yard setback as required in BMC 23D.12.080 Paragraph B prior to issuance of any Building Permit for this project.

   The proposed parking pad has been removed from Sheet A-1.2; thank you for your response.

7. ADMINISTRATIVE USE PERMIT REQUIREMENT FOR ALTERATION WITHIN A SUBSTANDARD YARD SETBACK. A portion of the proposed window alterations on the west elevation are within a substandard setback and require prior Administrative Use Permit (AUP) approval in accordance

[1] Notes imbedded within the application drawings imply a scope of demolition and replacement that is greater than the scope represented in the demolition calculations.

~~with BMC 23C.04.070 Paragraph B. So you have to obtain AUP approval before proceeding with these proposed changes.~~

8. ~~PEST REPORT REQUIRED. Submit a report prepared by an independent, fully credentialed pest control operator that evaluates whether, in the operator's opinion, retention of the structural elements NOT proposed for removal is actually feasible. This evaluation exceeds the State requirement 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.

9. ~~ADDRESS ASSIGNMENT. Thank you for completing the lot merger. Now please complete an Address Assignment through the Building and Safety Division so that a new address can be assigned to the subject property that will be consistent with its street access and neighborhood context.~~

10. This building permit application review process has not resulted in sufficient progress towards a final Zoning conformation review. To facilitate review of this application to improve the subject residence and to assure that the permitting requirements of the Zoning ordinance are met, please provide an appraisal report for the subject property in accordance with Berkeley Municipal Code 23C.04.090 for *"Destruction and Re-construction of Non-conforming Buildings."* The text is provided below for your reference.

    ~~With this information Zoning staff can recommend a path for proceeding with this project in the most efficient manner. Please telephone me if you would like to discuss this request further. Thank you~~.

11. **NEW COMMENT:** Thank you for providing the appraisal report prepared by Nikko Lindley in response to the previous Zoning correction letter of March 6, 2015. This appraisal document has been sent for third party review and I have referred this application to Planning and Development Department's Director, Eric Angstadt; you will confer with him on this matter going forward.

If you have any questions regarding the above comments, please contact Eric Angstadt, Director of Planning and Development, Tel.: (510) 981-7400.

Berkeley Municipal Code

Section 23C.04.090 Destruction and Re-construction of Non-conforming Buildings

A. If a lawful non-conforming structure is damaged or destroyed to the extent of more than 50% of its appraised value, the land and building shall be fully subject to this Ordinance, as if there had been no lawful non-conforming structure. The determination of the appraised value shall be the higher of:

1. The records of the Assessor of the County of Alameda for the fiscal year during which such destruction occurred; or
2. An appraisal performed by a certified appraiser.

B. However, the Board may approve a Use Permit for the structure to be rebuilt to the same size, extent and configuration as previously existed, as long as the previous use is continued as provided for non-conforming uses.

C. If a lawful Non-conforming Building is damaged or destroyed to the extent of 50% or less of the appraised value, then replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent and configuration as previously existed. The determination of the appraised value shall be the higher of:

1. The records of the Assessor of the County of Alameda for the fiscal year during which such destruction occurred; or
2. An appraisal performed by a certified appraiser.

(Ord. 6478-NS § 4 (part), 1999)

Section 23F.04

Demolition: A building or enclosed structure shall be considered demolished for the purposes of this chapter when, within any continuous 12 month period, such building or enclosed structure is destroyed in whole or in part or is relocated from one lot to another. For purposes of this Section, destroyed in part means when 50% or more of the enclosing exterior walls and 50% or more of the roof are removed.[2] Removal of facades or portions of facades is subject to Chapter 23E.12. [for Design Review in Commercial Districts]

END OF E-MAIL THREAD

Lopez, David

From: Lopez, David
Sent: Friday, April 5, 2024 9:44 AM
To: Klein, Jordan
Cc: Chappell, Darrell; Crane, Fatema
Subject: RE: 2750 Cedar
Attachments: Re: Tolleson > 2750 Cedar St > 14-236 & 13-4915 ; Re: 2750 Cedar St; Re: 2750 Cedar St > 14-00236; Re: 2750 Cedar St > 14-00236

Good Morning Jordan,

(When it rains it pours!!!!)_

This project has been a problem for many years. The owner/architect is defiant and insists that he has met Land Uses definition of alteration instead of demo he also admitted that he removed the all walls to fix them and then reinstalled them. (REALLY!) He also claims that Land Use approved the design and gives screenshots of an approval but our records do not have that approval. (See Alex's email attached) Actually, Fatema (copied in this email) clearly showed the owner that the project did not comply as alteration and issued corrections back in 2014 I believe. I am not sure if the property is still landlocked.

I will be sending out an inspector. I expect a windstorm of CE activity on this once we issue an NOV if construction activity is occurring on site.

I will use this email as the RFS.

David A. Lopez
Chief Building Official/Building and Safety Manager
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Klein, Jordan <JKlein@berkeleyca.gov>
Sent: Friday, April 5, 2024 8:51 AM
To: Lopez, David <dlopez@berkeleyca.gov>; Chappell, Darrell <DChappell@berkeleyca.gov>
Subject: FW: 2750 Cedar

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Klein, Jordan
Sent: Friday, April 5, 2024 8:51 AM
To: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Cc: Bellow, LaTanya <LBellow@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: RE: 2750 Cedar

Hi Laurie,
The best way for a resident to initiate a City investigation of potential illegal construction is to submit a request for service using this form:
https://berkeleyca.gov/sites/default/files/documents/116%20Request%20for%20Service.pdf

I'll ask Building & Safety staff to take a look.

Jordan

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Sent: Thursday, April 4, 2024 5:42 PM
To: Klein, Jordan <JKlein@berkeleyca.gov>
Cc: Bellow, LaTanya <LBellow@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: 2750 Cedar

Hi Jordan,

2750 Cedar St. is an L shaped lot with without street access but work to build a home and ADU on it has apparently begun. However, I don't see a building permit for it. I do see a closed 2021 Zoning Research Letter Permit, PLN2021-0026, to determine set-backs on an irregular-shaped lot but don't find its outcome. Is the work being done legal?

Thank you,
Laurie

Laurie McWhorter
Legislative Aide to Susan Wengraf
Vice Mayor & District 6 Councilmember
Lmcwhorter@Berkeleyca.gov

From: Schmidt, Laura <laura.schmidt@ucsf.edu>
Sent: Wednesday, March 27, 2024 4:53 PM
To: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Cc: Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: Re: 2750 Cedar

Hi Laurie,

I hope that you are well and hanging in there during this crazy time for the City Council!

I wanted to reach back out to you because it appears that work has begun on a 2750 Cedar Street development project. I do not see any that any permits have been issued. When we last spoke, you taught me how to use Permits Online and encouraged me to monitor the site for new permits on this property.

I'm forwarding this on top of your last message, to help jog your memory about this situation. But briefly, 2750 Cedar is an irregular "L-shaped" empty lot next to my house (at 1601 La Vereda) that was purchased last year by a developer who lives in LA. Last year, the architect involved showed me his plans to build a single-family house with ADU on this lot, even though the house would have no street access in a fire/earthquake zone.

The work began on Thursday of last week (3/21/2024) when a crew with power tools showed up to do some excavation. I was traveling for work that day, but my neighbor was told by the project manager that the excavation was to create a pad for storing heavy machinery and a port-a-potty for crews working on the site. He suggested that work on the development was about to begin.

I have attached before and after photos to give you a sense of the work that has been done so far. The work focused on the 10-foot-wide strip of land that abuts La Vereda and serves as the "entrance" to the property (the only street access). The first attachment is a google maps screen shot showing you the "before picture" of the property entrance, with a little weedy hill descending to the street. The second attachment is a picture of the work completed last Thursday. The team removed a portion of the hill to create an 8x8-foot flat area. This new pad is about 3 feet below the natural grade.

I have double checked in Permits Online and don't see any building or demolition permits active on this property. Rena Rickles also noted that there is a moratorium on grading during the rainy season, between October 15 and April 15, suggesting that this this excavation project could be illegal.

As you know, I'm very concerned about any unregulated development of this property. The house the developer hopes to build would be perched on the hill immediately above my house, in a location that has no street during a fire or medical emergency. So, I wanted to reach out as soon as I witnessed work going on without City authorization.

Thank you!

Laura
1601 La Vereda Rd

From: "McWhorter, Laurie" <LMcWhorter@cityofberkeley.info>
Date: Friday, December 2, 2022 at 10:35 AM
To: Laura Schmidt <Laura.Schmidt@ucsf.edu>, Rena Rickles <rena@rickleslaw.com>
Cc: "Wengraf, Susan" <SWengraf@cityofberkeley.info>
Subject: RE: 3750 Cedar

This Message Is From an External Sender

This message came from outside your organization.

Hi Rena and Laura,

Building permits, as well as zoning and other permits, are available online through the City's website: https://berkeleyca.gov/ To access the Permits Online webpage type *Permits Online* into the search bar and click the search icon. Click on the next Permits Online link(s) until you come to the Permits Online webpage. Once on the webpage, click any Permits Online link and you'll arrive at the search page – which has login information on the right. Ignore the login request and scroll down to "Building Permits" and click "search applications". On the search applications page, scroll down to "General Search" and enter the address. Note:

the number, street and type need to be separated per the boxes. For example: enter *2750* in the Street No section; Cedar for Street Name section; choose St. in street type section. The dates are already set to cover 2020 to today's date. That is all you need to input. Scroll down and click Search. Now you should see the permits for this property. Additional information is available through the Record Info and Payments drop down arrows.

I'm sending you these detailed instructions because I find Permits Online an invaluable resource and am assuming Rena, that this tool is necessary for your work. Laura, while you are involved with 2750 Cedar St. you can check back on this permit and see if anything has changed, for example in the Process Status, which you can find under the Record Info drop down arrow. Feel free to reach out if you need help.

My best to you both,
Laurie

Laurie McWhorter
Legislative Aide
Office of Councilmember Susan Wengraf
(510) 981-7160
Get Ready For Wildfire

From: Schmidt, Laura <Laura.Schmidt@ucsf.edu>
Sent: Friday, December 02, 2022 9:57 AM
To: Rena Rickles <rena@rickleslaw.com>; McWhorter, Laurie <LMcWhorter@cityofberkeley.info>
Cc: Wengraf, Susan <SWengraf@cityofberkeley.info>
Subject: Re: 3750 Cedar

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

One small correction: The address is 2750 Cedar. This is the irregularly shaped property without road access that has raised concerns about fire risk.

From: Rena Rickles <rena@rickleslaw.com>
Date: Friday, December 2, 2022 at 1:27 AM
To: "LMcWhorter@cityofberkeley.info" <LMcWhorter@cityofberkeley.info>
Cc: Susan Wengraf <SWengraf@cityofberkeley.info>, Laura Schmidt <Laura.Schmidt@ucsf.edu>
Subject: 2750 Cedar

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Hi Laurie,

I am representing Laura Schmidt at 1601 La Verada who has been in discussions with the new property owner of 2750 Cedar. Can you help me find out if there have been any applications for Building Permits on the Cedar property. I have tried to find a way to do that online, but there doesn't seem to be a way to do that on the Building Department's website.

Thank you for your help. If you questions, please call me on my mobile number, listed below.
Best,
Rena

RENA RICKLES
Law offices of Rena Rickles
1970 Broadway, Suite 1200
Oakland, CA 94612
Phone: (510) 452-1600
Mobile: (510) 326-4899
Fax: (510) 451-4115
Rena@RicklesLaw.com

STATEMENT OF CONFIDENTIALITY:
The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please notify the sender immediately, and destroy all copies of this message and any attachments.

Form #116

REQUEST FOR SERVICE

Inspection for Illegal Construction

Building and Safety
Permit Service Center

Please Note:
Anonymous requests will not be processed. The City of Berkeley will not automatically publicize the origin of this request, however if anyone seeks information about this request, it is considered public information.

This form is for illegal construction/code concerns only. Any noise concerns should be directed to the Environmental Health Division.

For unsafe work practices, complete a ***Complaint to Investigate Unsafe Work Practices*** form.

Request Details

Address: 2750 Cedar Street, Berkeley, CA

Concern: ADU without permits.
(See attached email)

Owner Information

Name: Mak Paul T/Mak Ping H Phone:

Address: 3819 Bluff Street City/ST/Zip: Torrence, CA

Email:

Complainant Information

Name: Laura Schmidt Phone:

Address: 1601 La Verada City/ST/Zip: Berkeley, CA

Email: Laura.Schmidt@ucsf.edu

Relationship to the Address of Concern: ☐ Neighbor ☐ Tenant ☐ Owner ☐ Fire Department ☐ Health Department ☑ Other:

Complainant Signature Date: 04/05/2024

no active permits.

Office Use Only

Inspector: Priority: Due:

Action: ☐ Posted NOV ☐ Posted 2nd NOV ☐ NFA ☐ Other:

Notes:

Building Inspector Signature Date

Supervising Building Inspector Signature Date Last Revised 07/01/19

Building and Safety
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7440 TTY 6903
buildingandsafety@cityofberkeley.info

END OF E-MAIL THREAD

Lopez, David

From: Updegrave, Samantha
Sent: Wednesday, June 5, 2024 2:36 PM
To: Hersch, Anne; Lopez, David; Jensen, Jeff; Crane, Fatema
Subject: FW: B2024-02077 at 2750 Cedar -- zoning approval revoked - needs review

Importance: High

Internal

FYI only – I'm having Waqar review this again for zoning with the revised scope and will vet the zoning corrections.

Best,
Samantha

From: Updegrave, Samantha
Sent: Wednesday, June 05, 2024 2:34 PM
To: Shah, Waqar <wshah@berkeleyca.gov>
Subject: B2024-02077 at 2750 Cedar -- zoning approval revoked - needs review
Importance: High

Internal

Hi Waqar –

You approved this building permit for "Remove all walls but one to reconfigure residence. Relocate kitchen, add one bathroom and bedroom. Remove deck and build new entry stairs. Replace heating system, tankless water heater, exterior finish, replace all windows, add new and enlarge some openings."

Did we discuss this one? The scope of work may have been changed since you reviewed it, and the neighbor sent in these pictures which really calls their claim that it's not a demo into question. It's likely that the demo calculations are incorrect, and that they may be trying to argue that "reusing" some existing materials means that they are demolishing. But there is no credit for existing materials (and bldg. code likely won't allow the reuse at all). Use Permits are probably required. While we do have a provision in the code that allows removal and replacement of nonconforming portions of the building by-right, but only if the work doesn't constitute a demo (https://berkeley.municipal.codes/BMC/23.324.050). Please let me know what you remember.

We're removing the zoning approval, so you'll see this on your dashboard, due 6/12/2024.

Next steps: Please re-review, draft correction, and send to me for review. You'll need to do a very thorough review of the notes as well. These are the main components to address.

- Demolition calculations appear inaccurate
  - Photos of the existing conditions reveal that significant portions of the structure were already removed or destroyed.
  - There is no "credit" for reuse of existing materials – anything that is removed needs to be accounted for
  - Provide demo diagrams in elevation view – clearly ID what is being removed – no "credit" for reuse.
  - Revise demo calculations
- If this is demo (provide definition), Use Permits are required for the demolition and new structure. (Would also be required to meet current setback requirements, as determined by the ZO in the attached letter dated August 17, 2021 (provide a copy of the determination letter). Modifications to setbacks may be allowed with an AUP per 23.210.020.
  - Zoning cannot be approved until use permit obtained
- If not a demo, provide a structural eval documenting that the work is feasible – give them the info that's in the submittal requirements

Left-hand side

Thanks!

Samantha Updegrave, LEED AP (she/her)
Zoning Officer, Principal Planner
Planning and Development, Land Use Division
1947 Center St., 2nd Floor, Berkeley, CA 94704
Phone: (510) 981.7414
Website: www.berkeleyca.gov
Email: supdegrave@berkeleyca.gov

The Permit Service Center (PSC), including the zoning counter, is open between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday.
To limit the spread of COVID-19, face masks and social distancing are required when visiting our offices, and some Planning staff continue to work remotely.

All permit-related and Zoning services are available online. Please visit us online for more information.

END OF E-MAIL THREAD

Lopez, David

From: McWhorter, Laurie
Sent: Friday, May 31, 2024 11:24 AM
To: Klein, Jordan
Cc: Cardwell, Anne; Wengraf, Susan
Subject: Request your input 2750 Cedar St.
Attachments: IMG_2057.jpeg

Internal

Hi Jordan,

I've written to you in the past about the potential build at 2750 Cedar St., an L shaped property without street access. The builder recently submitted a permit application (B2024-02077) for a remodel of what is shown in the attached photo. This seems problematic on a number of levels. Can you read the email below and let me know if you have concerns?

Thank you,
Laurie

Laurie McWhorter, Legislative Aide
Office of Susan Wengraf, Vice Mayor and District 6 Councilmember
(510) 981-7160
lmcwhorter@berkeleyca.gov

From: Schmidt, Laura <laura.schmidt@ucsf.edu>
Sent: Wednesday, May 29, 2024 11:27 AM
To: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Cc: Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: Re: 2750 Cedar St.

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Hi Laurie,

I have continued to monitor the building permit for 2750 Cedar Street in Permits Online, which seems to be progressing (see attached screenshot).

My concern is that the developer, Michael Tolleson, told me on November 4, 2022, shortly after co-purchasing the parcel with Mr. Mak in Los Angeles, that he hopes to get the City to permit this development project as a "remodel," and to avoid any public process in which neighbors affected by the fire and slide risks would their voice concerns.

What would be "remodeled" is a dilapidated structure that has been sitting vacant and falling apart for over 25 years (see photo attached). The foundation sits within 2 feet of the property line and neighbor's fence, leaving no space for fire equipment to be maneuvered around the front of the house in an emergency. The new house would be perched on a steep hill in a slide zone, on a foundation laid in the 1940s. The new house would have no road access, would be more that 200 feet from the nearest fire hydrant on La Vereda Road, and the property has no off-street parking on a very narrow street in a fire zone.

Thanks very much for helping me to share my concerns about this development project,

Laura

From: "McWhorter, Laurie" <LMcWhorter@berkeleyca.gov>
Date: Friday, April 19, 2024 at 4:01 PM
To: Laura Schmidt <laura.schmidt@ucsf.edu>
Subject: FW: 2750 Cedar St.

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Laura,
Vincent called me this afternoon and I gave him your email (thus the email below). He noted that the property owner submitted building permit plans today, and that PW is concerned about grading during the rainy season because they don't want run-off to get into the storm drains. Being 2750 Cedar is away from the street, that likely won't be an issue. He offered to send an inspector anyway. If you are able to be at home on Monday, that would be ideal.
My best,
Laurie

Laurie McWhorter, Legislative Aide
Office of Susan Wengraf, Vice Mayor and District 6 Councilmember
(510) 981-7160
lmcwhorter@berkeleyca.gov

From: Chen, Vincent <VChen@berkeleyca.gov>
Sent: Friday, April 19, 2024 3:57 PM
To: Holder, Dale <DHolder@berkeleyca.gov>
Cc: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>; laura.schmidt@ucsf.edu
Subject: 2750 Cedar St.

Dale,

Please go by this property to check on erosion control measures. The owner has started grading activity during the wet season (Oct. 1 – April 30) and we need to ensure they have erosion control measures in place to prevent runoff onto the public right-of-way. The parcel is a flag lot with an access strip between 1601 and 1609 La Vereda Rd. Other than this access strip to La Vereda 2750 Cedar is surrounded on all sides by other parcels. The owner of 1601 (Laura Schmidt) may be able to let you on her property to view the grading activity behind per parcel.

Thank you,

Vincent W. Chen, P.E.

Acting Supervising Civil Engineer
City of Berkeley
Public Works Department - Engineering Division
Permitting & Land Development
1947 Center Street 4th Floor, Berkeley, CA 94704
Ph: 510-981-6409

END OF E-MAIL THREAD

Lopez, David

From: Lopez, David
Sent: Monday, June 17, 2024 3:01 PM
To: Klein, Jordan
Cc: Jensen, Jeff
Subject: FW: Work occurring at 2750 Cedar St

FYI regarding 2750 Cedar

The great thing is that Tolleson provided permission to enter his property.

David A. Lopez
Chief Building Official/Building and Safety Manager
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Montes, David J.
Sent: Monday, June 17, 2024 2:58 PM
To: Lopez, David ; Chappell, Darrell
Cc: Jensen, Jeff
Subject: RE: Work occurring at 2750 Cedar St

Internal

I went to the property around 1:00 today and was approached by Michael Tolleson who identified himself as the owner of 2750 Cedar. I explained that a neighbor had indicated there was construction going on at the property. He stated that he had some workers doing brush removal to comply with a deadline of July 1st imposed by the Fire Prevention. He invited me onto the property and I took photos which I uploaded to the address master.

He also stated that he might do some work to upgrade the failing railroad-tie style site stairs to provide temporary site access up the steep part of the hill, but confirmed he understood there was no work allowed on the structure until a permit is secured. I did not see materials or equipment indicating the start of major construction. There was a small pile of debris piled next to the structure (see photos) but the owner denied they had done any demo work and said someone had piled the material there for unknown reasons.)

I spoke with Ms. Schmidt and explained that they appeared to be doing brush removal which she said was a relief. She thanked the department for responding and said she would call if she saw construction activity. For now, I don't believe further action is warranted.

Regards,

David

David J Montes
Senior Building Inspector
Building & Safety Division
1947 Center Street 3rd Floor, Berkeley, CA 94704
Desk: 510-981-7459
djmontes@berkeleyca.gov

From: Lopez, David <dlopez@berkeleyca.gov>
Sent: Monday, June 17, 2024 12:07 PM
To: Montes, David J. <DJMontes@berkeleyca.gov>; Chappell, Darrell <DChappell@berkeleyca.gov>
Cc: Jensen, Jeff <JJensen@berkeleyca.gov>
Subject: RE: Work occurring at 2750 Cedar St

Hi David thanks for forwarding me this email. Please go out there and if Ms. Schmidt allows you on her property to go up and view 2750 Cedar that would be great. Take lots of pictures. Also ask Ms. Schmidt if the upper property above 2750 Cedar would allow you on their property to view and take pictures of 2750 Cedar.

Let me know what you find.

David A. Lopez
Chief Building Official/Building and Safety Manager
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Montes, David J. <DJMontes@berkeleyca.gov>
Sent: Monday, June 17, 2024 11:54 AM
To: Chappell, Darrell <DChappell@berkeleyca.gov>
Cc: Lopez, David <dlopez@berkeleyca.gov>; Jensen, Jeff <JJensen@berkeleyca.gov>
Subject: Fwd: Work occurring at 2750 Cedar St

I received this email this morning. I have not been there yet to take a look.

David J Montes
Senior Building Inspector
Building & Safety Division
1947 Center Street 3rd Floor, Berkeley, CA 94704
Desk: 510-981-7459
djmontes@berkeleyca.gov

Begin forwarded message:

> **From:** "Schmidt, Laura" <Laura.Schmidt@ucsf.edu>
> **Date:** June 17, 2024 at 9:42:15 AM PDT
> **To:** "Montes, David J." <DJMontes@berkeleyca.gov>
> **Cc:** "McWhorter, Laurie" <LMcWhorter@berkeleyca.gov>
> **Subject: Work occurring at 2750 Cedar St**
>
> **WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.
> Hi David,

I live at 1601 La Vereda Rd and met you on April 9th when you were out here to assess some unpermitted grading work that had occurred on the abandoned lot, 2750 Cedar St adjacent to my house. At that time, you asked me to contact you if I noticed any more building activity.

This morning, I woke up to construction noise from the abandoned structure above my house. Upon further investigation, it looks like they have moved in a portable toilet, the street is filled with trucks and a work crew has begun doing work on this property.

Based on Permits Online, there is no demolition or building permit issued on this property.

I am working from home today and happy to chat,

Thanks,

Laura

Professor Laura A. Schmidt
UCSF School of Medicine
(510) 918-5225

END OF E-MAIL THREAD

Lopez, David

From: Montes, David J.
Sent: Friday, September 20, 2024 8:09 AM
To: Lopez, David
Cc: Jensen, Jeff; Chappell, Darrell; Bright, Jesse
Subject: Fwd: Tolleson > 2750 Cedar > 02077

FYI

David J Montes
Senior Building Inspector
Building & Safety Division
1947 Center Street 3rd Floor, Berkeley, CA 94704
Desk: 510-981-7459
djmontes@berkeleyca.gov

Begin forwarded message:

From: "michaeltolleson.com" <michael@michaeltolleson.com>
Date: September 20, 2024 at 7:59:32 AM PDT
To: "Montes, David J." <DJMontes@berkeleyca.gov>
Subject: Re: Tolleson > 2750 Cedar > 02077

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

David,

Berkeley requires that all permit drawings and communications be in digital form.
Please reply in email or posting to Berkeley Permits Online to the 02077 Project file.

I find no requirement on the posted violation notices that they be physically posted, so I have removed them to my hard copy project file.
We find that both notices have been issued in error by Berkeley, as they are non sequitur to the work being performed which is CRC 105.2 Work exempt from permit.
We have provided the CRC legal text and Berkeley has not yet corrected its error, so we are demanding that Berkeley expunge the notices immediately.

We are also demanding that the most senior official in Berkeley Zoning & Building review the entire Permit 02077 file with all attachments.

We now consider our relationship with Berkeley to be adversarial and find that Berkeley, councilperson Susan Wengraf and neighbor Laura Schmidt have engaged in harassment and obstruction of the permit and construction process.

Please confirm receipt of this send.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 332 9520
michael@michaeltolleson.com

On Sep 18, 2024, at 7:13 PM, michaeltolleson.com <michael@michaeltolleson.com> wrote:

David,

Following on our discussion today, below find the complete text of CRC 105.2 Work exempt from permit.

Cedar > CRC 105.2
R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:
Building:
1. Other than storm shelters, **one-story detached accessory structures**, provided that the floor area does not exceed **120 square feet** (11.15 m'). It is permissible that these structures still be regulated by Section 710A, despite exemption from permit.

2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
1-1
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. **Decks** not exceeding **200 square feet** (18.58 m7) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

THE UNPERMITTED STRUCTURE DECK WAS 8 to 10' ABOVE F.G.

We find that there is no limit on the number of accessory structures or decks.
We intend to build a few of these in sequence.
A permit is thus not required until framing inspection.

When I say that we disagree I mean I am right and Berkeley is wrong, a common occurrence.
So there is no need for us to appeal anything.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 332 9520
michael@michaeltolleson.com

<Logo.gif>

END OF E-MAIL THREAD

Lopez, David

From: Wengraf, Susan
Sent: Tuesday, September 24, 2024 5:45 PM
To: Klein, Jordan
Cc: Buddenhagen, Paul
Subject: Fwd: 2750 Cedar St.

Hi Jordan,
This construction is not permitted and should be red tagged.
Please let me know if you agree. See photo attached
Susan

Begin forwarded message:

> **From:** "Schmidt, Laura"
> **Date:** September 24, 2024 at 5:16:06 PM PDT
> **To:** "McWhorter, Laurie"
> **Cc:** "Wengraf, Susan"
> **Subject: Re: 2750 Cedar St.**
>
> Laurie,
> I just wanted to ping you and make sure you saw my previous email from Saturday. I'm concerned because they are building the new house without a permit very quickly. This is where it stands today—attached.
> Laura
>
> ---
>
> **From:** Laura Schmidt
> **Date:** Saturday, September 21, 2024 at 2:11 PM
> **To:** "McWhorter, Laurie"
> **Cc:** "Wengraf, Susan"
> **Subject:** Re: 2750 Cedar St.
> Hi Laurie,
> I wanted to update you on the situation at 2750 Cedar Street.

From Monday morning 9/16 at 8:30am to Friday at 5pm 9/20, Mr. Tolleson has had a work crew on his property every day for 8-9 hours. In one short week, they have transformed what was the skeleton of a house structure that has been degrading for 25 years into a construction site and home building project.

I have attached a series of photos to illustrate the situation. Attachment 1 is a photo of the house I took prior to this week—the 'before' picture. Attachments 2-7 were taken over the course of this week, from my eastern property line at my back fence.

On Monday 9/16, Mr. Tolleson and his crew demolished about half of the remaining house structure (attachments 2 and 3).

By mid-week, the crew had cleared the area and moved in large quantities of lumber and building supplies and had begun building (attachments 4 and 5).

By COB on Friday, the work crew had moved in yet more lumber and begun framing portions of a new house (attachment 6).

The Berkeley building inspector, David Moreno, was here this week taking photos from my back yard. On Tuesday, David told me that he told Mr. Tolleson to stop building without a permit. But clearly, Mr. Tolleson has continued building.

I am concerned about the public safety aspect of this work going on without permits. I am especially concerned about fire risk during this construction project because Mr. Tolleson's building project leaves no clearance for a fire fighter to access the property from downhill.

As you know, the house undergoing construction has no direct street access. The closest fire hydrant is hundreds of yards away to the northwest (at the La Vereda and Cedar intersection). Mr. Tolleson's unpermitted construction blocks off access to the closest access point for fire fighters using this hydrant.

You can see the problem in the last attached photo. My fence (black) sits just inside my eastern property line, and the foundation that Mr. Tolleson's is building on sits right on the property line (technically, it's 6" over) along the northern end. As you can see in the photo, now that he is building in this area, any path for a fire fighter or first responder has been blocked off.

As always, thanks for your help with this.

Laura

From: "McWhorter, Laurie"
Date: Wednesday, September 18, 2024 at 10:02 AM
To: Laura Schmidt
Subject: RE: 2750 Cedar St.

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Wonderful. Thanks for letting me know!

-Laurie

Laurie McWhorter
Legislative Aide to Susan Wengraf
Vice Mayor & District 6 Councilmember
Lmcwhorter@Berkeleyca.gov

From: Schmidt, Laura
Sent: Tuesday, September 17, 2024 10:21 PM
To: McWhorter, Laurie
Subject: Re: 2750 Cedar St.
They got right back to me, Laurie. Thanks!
Professor Laura A. Schmidt
UCSF School of Medicine

From: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Sent: Tuesday, September 17, 2024 1:15:00 PM
To: Schmidt, Laura <Laura.Schmidt@ucsf.edu>
Subject: RE: 2750 Cedar St.

This Message Is From an External Sender
This message came from outside your organization.

Hi Laura,
Received. Please let me know if you have not heard back from the Building Inspector's office by next week.
Thanks for keeping us updated. I hope all is well with you too!
Laurie
Laurie McWhorter
Legislative Aide to Susan Wengraf
Vice Mayor & District 6 Councilmember
Lmcwhorter@Berkeleyca.gov

From: Schmidt, Laura <Laura.Schmidt@ucsf.edu>
Sent: Tuesday, September 17, 2024 11:50 AM
To: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Subject: Re: 2750 Cedar St.
Hi Laurie,
This morning, the developer for 2750 Cedar Street, Michael Tolleson, who does not have a permit, brought in a crew and started demolition on the remaining structure. In Permits Online, I can see a recent letter from him to the building department threatening to begin work without a permit if his application isn't approved (attached). It looks, yesterday, his permit request was yet again denied.
I called the Building Inspector's office, left a message, and took some photos of unpermitted demolition work that is currently going on. I thought that you and Susan might want to be updated.
I hope that you are well!
Laura

From: "McWhorter, Laurie" <LMcWhorter@berkeleyca.gov>
Date: Wednesday, May 29, 2024 at 11:32 AM
To: Laura Schmidt <laura.schmidt@ucsf.edu>
Subject: FW: 2750 Cedar St.

This Message Is From an External Sender

This message came from outside your organization.

Thanks for including the telling photo, Laura. We will work on a next step and follow-up with you.
-Laurie

Laurie McWhorter, Legislative Aide
Office of Susan Wengraf, Vice Mayor and District 6 Councilmember
(510) 981-7160
lmcwhorter@berkeleyca.gov

From: Schmidt, Laura <laura.schmidt@ucsf.edu>
Sent: Wednesday, May 29, 2024 11:27 AM
To: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>
Cc: Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: Re: 2750 Cedar St.

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Laurie,
I have continued to monitor the building permit for 2750 Cedar Street in Permits Online, which seems to be progressing (see attached screenshot).
My concern is that the developer, Michael Tolleson, told me on November 4, 2022, shortly after co-purchasing the parcel with Mr. Mak in Los Angeles, that he hopes to get the City to permit this development project as a "remodel," and to avoid any public process in which neighbors affected by the fire and slide risks would their voice concerns.
What would be "remodeled" is a dilapidated structure that has been sitting vacant and falling apart for over 25 years (see photo attached). The foundation sits within 2 feet of the property line and neighbor's fence, leaving no space for fire equipment to be maneuvered around the front of the house in an emergency. The new house would be perched on a steep hill in a slide zone, on a foundation laid in the 1940s. The new house would have no road access, would be more that 200 feet from the nearest fire hydrant on La Vereda Road, and the property has no off-street parking on a very narrow street in a fire zone.
Thanks very much for helping me to share my concerns about this development project,
Laura

From: "McWhorter, Laurie" <LMcWhorter@berkeleyca.gov>
Date: Friday, April 19, 2024 at 4:01 PM
To: Laura Schmidt <laura.schmidt@ucsf.edu>
Subject: FW: 2750 Cedar St.

This Message Is From an External Sender

This message came from outside your organization.

Laura,
Vincent called me this afternoon and I gave him your email (thus the email below). He noted that the property owner submitted building permit plans today, and that PW is concerned about grading during the rainy season because they don't want run-off to get into the storm drains. Being 2750 Cedar is away from the street, that likely won't be an issue. He offered to send an inspector anyway. If you are able to be at home on Monday, that would be ideal.
My best,
Laurie

Laurie McWhorter, Legislative Aide
Office of Susan Wengraf, Vice Mayor and District 6 Councilmember
(510) 981-7160
lmcwhorter@berkeleyca.gov

From: Chen, Vincent <VChen@berkeleyca.gov>
Sent: Friday, April 19, 2024 3:57 PM
To: Holder, Dale <DHolder@berkeleyca.gov>
Cc: McWhorter, Laurie <LMcWhorter@berkeleyca.gov>; laura.schmidt@ucsf.edu
Subject: 2750 Cedar St.

Dale,
Please go by this property to check on erosion control measures. The owner has started grading activity during the wet season (Oct. 1 – April 30) and we need to ensure they have erosion control measures in place to prevent runoff onto the public right-of-way. The parcel is a flag lot with an access strip between 1601 and 1609 La Vereda Rd. Other than this access strip to La Vereda 2750 Cedar is surrounded on all sides by other parcels. The owner of 1601 (Laura Schmidt) may be able to let you on her property to view the grading activity behind per parcel.
Thank you,

Vincent W. Chen, P.E.
Acting Supervising Civil Engineer
City of Berkeley
Public Works Department - Engineering Division
Permitting & Land Development
1947 Center Street 4th Floor, Berkeley, CA 94704
Ph: 510-981-6409

END OF E-MAIL THREAD

Lopez, David

From: Wengraf, Susan
Sent: Sunday, September 29, 2024 7:44 PM
To: Arnold, Colin; Sprague, David A.; Lopez, David; Klein, Jordan
Subject: Fwd: Fire risk due to illegal construction at 2750 Cedar Street

All,
This is a serious issue. Please investigate and take necessary action ASAP.
Susan Wengraf
Vice Mayor

Begin forwarded message:

> **From:** "Schmidt, Laura" <Laura.Schmidt@ucsf.edu>
> **Date:** September 29, 2024 at 7:06:55 PM PDT
> **To:** Berkeley Fire Department <FireMailbox@berkeleyca.gov>
> **Cc:** "Montes, David J." <DJMontes@berkeleyca.gov>, "Wengraf, Susan" <SWengraf@berkeleyca.gov>, "McWhorter, Laurie" <LMcWhorter@berkeleyca.gov>, City Attorney's Office <attorney@berkeleyca.gov>, "Manager, C" <CManager@berkeleyca.gov>, Rena Rickles <rena@rickleslaw.com>
> **Subject: Re: Fire risk due to illegal construction at 2750 Cedar Street**
>
> **WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.
> Additional photo attached.
>
> Professor Laura A. Schmidt
> UCSF School of Medicine
>
> ---
>
> **From:** Schmidt, Laura
> **Sent:** Sunday, September 29, 2024 7:00:55 PM
> **To:** fire@berkeleyca.gov <fire@berkeleyca.gov>
> **Cc:** Montes, David J. <DJMontes@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>; McWhorter, Laurie <LMcWhorter@berkeleyca.gov>; attorney@berkeleyca.gov <attorney@berkeleyca.gov>; CManager@berkeleyca.gov

<CManager@berkeleyca.gov>; Rena Rickles <rena@rickleslaw.com>
Subject: Fire risk due to illegal construction at 2750 Cedar Street

Dear Fire Chief Sprague,

I am the homeowner of 1601 La Vereda Rd and write with significant concerns about an illegal construction project going on at 2750 Cedar St, which borders my property on two sides.

Two weeks ago, the owner of 2750 Cedar St. began unpermitted demolition and new home construction on what was a vacant wooden structure that has had 25 years of weathering.

My family, and others in my neighborhood, are extremely concerned about the fire hazard associated with this illegal construction project for the following reasons:

1. The illegal construction site has no street access. The only access to the construction area for fire fighters is by foot, up a 75-feet-steep incline of the Cedar St. right of way, that has no stairs or trails.
2. The closest fire hydrant is at the intersection of La Vereda and Cedar St and over 300 feet from the illegal construction site.
3. As you can see from the first two photos (attached), the closest access point for the BFD to enter the construction site has been blocked off with stacks of lumber, providing no access for fire fighters. The new house is being built right up to a fence on the property line, allowing no room for first responders access the front of the house.
4. As you can see from the final two photos attached, there is a very large pile of old, dry, weathered wood from the demolished structured situated under a large canopy of trees, and what remains of the standing structure looks very dry. Construction workers are using electrical equipment in these areas and could easily spark a fire.

I know that City did not issue a permit to build this house, and gave the developer a Stop Work Order two weeks ago. Despite these efforts, the developer has had a construction crew working on the house continuously between 8am and 5pm, every weekday.

We are very concerned about the fire hazard and feel it important for you to come assess this illegal construction project as an immediate fire risk to my home and others surrounding it. I would be happy to arrange my work schedule so that I could be here to meet you and show you our concerns. I met you a few years ago when a child arson set the house across from mine on fire. That horrible experience left me very grateful for the BFD, and much more fire aware.

Thank you,

Laura Schmidt
1601 La Vereda Road

Professor Laura A. Schmidt
UCSF School of Medicine

END OF E-MAIL THREAD

Lopez, David

From: Lopez, David
Sent: Thursday, October 3, 2024 2:27 PM
To: Klein, Jordan
Subject: RE: Work is advanced at 2750 Cedar

Internal

Can we meet onMonday at 10

David A. Lopez, Architect
Assistant Building Official
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

From: Klein, Jordan <JKlein@berkeleyca.gov>
Sent: Wednesday, October 2, 2024 11:33 AM
To: Wengraf, Susan <SWengraf@berkeleyca.gov>
Cc: Brown, Farimah F. <FBrown@berkeleyca.gov>; Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; Carter, Ashley M. <ACarter@berkeleyca.gov>; Lopez, David <dlopez@berkeleyca.gov>
Subject: RE: Work is advanced at 2750 Cedar

Hi Vice Mayor Wengraf-
As previously noted, we posted a stop work order at the site on September 18 and issued a notice of violation the next day. Yesterday we issued an administrative citation that assesses daily fines of $200 as of September 20. We are conferring with the City Attorney's Office regarding what the next enforcement step might be. Note that we do not have permission to enter the site and stop the work. One possibility will be to seek a warrant to enter the site to stop the work and take corrective action. Assuming the illegal work continues, we'll gather more info about the different options and confer with you and the City Manager's Office about potential next steps as soon as possible.
Jordan

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Wengraf, Susan <SWengraf@berkeleyca.gov>
Sent: Wednesday, October 2, 2024 11:22 AM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Brown, Farimah F. <FBrown@berkeleyca.gov>; Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>
Subject: Fwd: Work is advanced at 2750 Cedar

Can you give me status update on enforcing the red tag on this ?

Begin forwarded message:

> **From:** Mary Elizabeth Berry <meberry@berkeley.edu>
> **Date:** October 2, 2024 at 10:42:15 AM PDT
> **To:** "Wengraf, Susan" <SWengraf@berkeleyca.gov>
> **Subject: Work is advanced at 2750 Cedar**
>
> WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.
>
> Dear Susan, Construction at 2750 Cedar Street continues every day, including Saturday and Sunday. As You can see from this photograph, the work is advanced. Nobody is trying to stop them.
> Please let me know what more I can do.
> Thanks, Beth

Sent from my iPhone

END OF E-MAIL THREAD

END OF E-MAIL THREAD

Lopez, David

From: Klein, Jordan
Sent: Thursday, October 24, 2024 8:55 AM
To: Lopez, David
Subject: RE: 2750 Cedar - summary of phone communications

Thank you for sending this. I will email him about Tolleson's request for an appeal.

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Lopez, David <dlopez@berkeleyca.gov>
Sent: Wednesday, October 23, 2024 3:56 PM
To: paulmak310@gmail.com
Cc: Klein, Jordan <JKlein@berkeleyca.gov>; Darrow, Brendan <Bdarrow@berkeleyca.gov>; Jensen, Jeff <JJensen@berkeleyca.gov>; Montes, David J. <DJMontes@berkeleyca.gov>; Chappell, Darrell <DChappell@berkeleyca.gov>; Carter, Ashley M. <ACarter@berkeleyca.gov>
Subject: 2750 Cedar - summary of phone communications

Good Afternoon Mr. Mak,

Thank you for your phone conversation this morning.

It is good to hear that you have contractors scheduled for tomorrow to start removing the wood framing from the site and continue until all the framing is removed from the property. As a reminder, per the Notice of Administrative Citation dated 10-18-2024, the deadline to have all the wood construction removed from the property is this Friday the 25th of October by 3:00 pm.

In our phone conversation, I informed you that we cannot go onto your property without your consent and that Mr. Tolleson had refused our inspectors from coming onto the property.

You agreed over the phone to permit City staff to go onto your property but, to document your consent, can you please reply to this email that you hereby authorize the City, its employees or its agents to enter upon your property at 2750 Cedar for purposes of inspection.

At this time, the deadline in the citation stands but if after the inspection on Friday at 3:00 pm, if we find that there has been substantial progress on the deconstruction of the framing, we may consider extending the deadline until Monday October 28th. Your contractors are allowed to work during the weekend as long as they meet the Community Noise Standards per City of Berkeley Municipal Code Chapter 13.040.070 (B)(7)(a) "Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work before 7:00 a.m. on a weekday (or before 9:00 a.m. on a weekend or holiday) or after 7:00 p.m. on a weekday (or after 8:00 p.m. on a weekend or holiday) such that the sound therefrom across a residential or commercial real property line violates Section 13.40.050 or 13.40.060, except for emergency work of public service utilities or by variance issued by the EHD. (This section shall not apply to the use of domestic power tools as specified in subsection B.11 of this section.)"

You mentioned that you may need more time to remove all the framing. I understand this however the deadline stands and we will take this into consideration once we have performed our inspections.

You have provided different scenarios allowing some framing to remain but there is no scenario which can allow any of the unpermitted work to remain. It is required that you remove all the wood framing from the site.

I will schedule our inspector to visit the site on Friday and if he has any questions, he is to call you directly from the site at 213-215-9605. Additionally, I will schedule our inspector to visit the site on Monday to confirm progress.

As for meeting with Building and Safety staff regarding building plan check comments, I reminded you that the first order of business is to obtain zoning approval. If you choose to pursue obtaining a building permit, you can submit revised drawings that our plan check staff will review at which point they can provide updated comments on the new design. Once you receive the updated comments, we can schedule a meeting with you to go over the comments.

Land Use informed me that a survey by a licensed surveyor will be required as part of the submittal package for the Use Permit application. I recommend you schedule a meeting with Land Use to find out what other documents are required for a Use Permit Application.

You asked if once you remove all the wood construction from the site would you still needed to pull permits. No, as once you have removed the wood construction from the site, there will be no project being built and therefore no permits are required at this time.

You also mentioned that the citation noted that work continued until October 16th, but you believe that construction had stopped before that date. While that might be the case, we were not made aware of this and we can only go by what our inspector observed on October 16th which was that construction had continued and additional framing had been installed. Since then, our inspector has observed that construction has in fact been stopped.

In conclusion,

The deadline for removing all of the wood construction from the site is Friday the 25th by 3:00 pm.
We need your written consent to enter your property.
You have retained contractors to remove the framing from the property and they will start their work tomorrow.
An inspector will visit the property on Friday the 25th at 3:00 pm to confirm that deconstruction has progressed.
An inspector will visit the property on Monday the 28th to confirm that all framing has been taken down and removed from the site.
The first order of business, if you wish to pursue obtaining a building permit, is to meet with the Land Use Division and submit a Use Permit application and package for zoning approval. Once received please submit revised drawings for us to review.

Again thank you for being in communications with us.

Let me know if you have any further questions,

Sincerely,

David A. Lopez
Chief Building Official/Building and Safety Manager
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

END OF E-MAIL THREAD

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: michaeltolleson.com <michael@michaeltolleson.com>
Sent: Friday, October 25, 2024 7:08 AM
To: Klein, Jordan <JKlein@berkeleyca.gov>
Cc: Paul Mak <paulmak310@gmail.com>; Lopez, David <dlopez@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: Re: Tolleson > Cedar

Jordan,

I am making this an open discussion so that nothing is lost in the process.
Paul should be CC'd, as should I, on all correspondence.
While Paul is admirably diplomatic, my position remains that we shall pursue our appeal process to the fullest extent.
It is less than admirable to rely solely on Paul's statements while he is recuperating from his health issue.
Having spoken with him prior to you, he is well aware of the Appeal.

Your response ignores the stay of the citation directives while the subject is being appealed.
Our discussion should focus on the timing of the hearing, so that all parties can properly prepare to present the facts.

As I have stated in the Appeal, what we are being asked to do is both baseless and vindictive.
All parties were informed of our intention to use CRC 105.2 to complete as much work as allowed under its terms while plan check responses were underway.

I will be at the site today, as I have been all day every day, observing the work and ensuring its safety.
Please confirm that the Appeal and its attachments have been received and routed to recipients.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 332 9520
michael@michaeltolleson.com

On Oct 24, 2024, at 3:24 PM, Klein, Jordan <JKlein@berkeleyca.gov> wrote:

Hello,

Subsequent to receiving this email, I spoke to Paul Mak. He confirmed that he, as the owner of record, can continue to serve as the point of contact for the project. He also stated his continued commitment to comply with the citation, including removal of the wood framing members, contrary to the message below.

Jordan

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: michaeltolleson.com <michael@michaeltolleson.com>
Sent: Thursday, October 24, 2024 8:28 AM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>
Subject: Tolleson > Cedar

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Jordan,

Below find the Housing Advisory Appeal and attachments.
Please distribute as needed and required.

We have begun removal of all construction waste from the site and expect to finish by Saturday.

Per the terms of the Appeal process, we find that we have a stay of any enforcement actions for as much as 45 days while the Appeal hearing is being scheduled and decisions made.

We will not be removing new framing during this period.
Please confirm.

Paul had an accident and cannot participate at this time.
Please send all correspondence to me for review and response.
Paul will sign the Appeal when he recovers.
I have signed as his authorized representative.

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 332 9520
michael@michaeltolleson.com

<image001.gif>

Form #116

REQUEST FOR SERVICE

Inspection for Illegal Construction

Building and Safety
Permit Service Center

Please Note:
Anonymous requests will not be processed. The City of Berkeley will not automatically publicize the origin of this request, however if anyone seeks information about this request, it is considered public information.

This form is for illegal construction/code concerns only. Any noise concerns should be directed to the Environmental Health Division.

For unsafe work practices, complete a ***Complaint to Investigate Unsafe Work Practices*** form.

Request Details

Address: 2750 Cedar Street, Berkeley, CA

Concern: ADU without permits.
(See attached email)

Owner Information

Name: Mak Paul T/Mak Ping H Phone:

Address: 3819 Bluff Street City/ST/Zip: Torrence, CA

Email:

Complainant Information

Name: Laura Schmidt Phone:

Address: 1601 La Verada City/ST/Zip: Berkeley, CA

Email: Laura.Schmidt@ucsf.edu

Relationship to the Address of Concern: ☐ Neighbor ☐ Tenant ☐ Owner ☐ Fire Department ☐ Health Department ☑ Other:

Complainant Signature Date: 04/05/2024

SIGN HERE

no active permits.

Office Use Only

Inspector: Priority: Due:

Action: ☐ Posted NOV ☐ Posted 2nd NOV ☐ NFA ☐ Other:

Notes:

Building Inspector Signature Date

Supervising Building Inspector Signature Date Last Revised 07/01/19

Building and Safety
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7440 TTY 6903
buildingandsafety@cityofberkeley.info

END OF E-MAIL THREAD

Lopez, David

From: Montes, David J.
Sent: Friday, October 25, 2024 4:06 PM
To: Lopez, David
Cc: Jensen, Jeff; Klein, Jordan; Darrow, Brendan; Chappell, Darrell; Mares, Freddie
Subject: 2750 Cedar update
Attachments: IMG_2862.HEIC; IMG_2869.HEIC

I went to 2750 Cedar today at 3:00. Mr. Tolleson was present with two workers and invited me onto the property to see what they were doing. Three walls at the south third of the structure had been laid down in place and some of the roof rafters removed. Some of the debris had been moved, but **the majority of the debris pile and the structure remain.**

He stated that they were planning on deconstructing carefully, keeping everything in "panels" so they could eventually be reused. I asked where he was intending to store these panels and he said he hoped to tarp them and keep them on site. I reminded him that the city had ordered all wood framing to be dismantled and removed from the site.

I asked him if they would be working over the weekend and he said probably not. I also asked when he expected to be finished and said, "as soon as we can get it done."

I doubt the structure will be removed by Monday afternoon. I uploaded some photos to the address master.

I have asked Freddie Mares to go to the site Monday morning to take photos of the progress of deconstruction from the back yard of 1601 La Vereda Rd. He can update you with photos at that point.

Thanks!

Dave

David J Montes
Senior Building Inspector
Building & Safety Division
1947 Center Street 3rd Floor, Berkeley, CA 94704
Desk: 510-981-7459
djmontes@berkeleyca.gov

END OF E-MAIL THREAD

Lopez, David

From: Mak, Paul <paul.mak@hdrinc.com>
Sent: Monday, October 28, 2024 8:30 AM
To: Klein, Jordan; Darrow, Brendan; Wengraf, Susan; Paul Mak
Cc: michael@michaeltolleson.com
Subject: FW: Appeal letter - 2750 Cedar
Attachments: 241023 2750CedarAppeal.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Jordan, Brendan, Susan

The demolition has started last week and will continue today Monday 10/28/24 to comply with the City's Citation. We are also clearing the construction debris also.

While the work is in progress, we are filing an Appell to relieve our hardship as mentioned in my previous email.

See the Relief items requested in Page 2, Paragraph 5.

Please response and file the Appeal ASAP.

I'll call you shortly in the morning to clarify a question.

QUESTION - Will filing of the Appeal stop all actions by all parties as cited in Ordinances below to include both contractor work and ***Berkeley fines***?
E. Staying of Order Under Appeal*. Except for vacation orders made pursuant to Section 1103 of the Berkeley Housing Code as adopted by the City, enforcement of any notice and order of the Building Official issued under this* ***Code shall be stayed during the pendency of an appeal therefrom*** *which is properly and timely filed. (Ord. 7407-NS § 1, 2015: Ord. 7367-NS § 3, 2014: Ord. 6475-NS § 11 (part), 1999)*

Thank you .

Paul Mak 213-215-9605

END OF E-MAIL THREAD

Lopez, David

From: Darrow, Brendan
Sent: Monday, October 28, 2024 1:50 PM
To: Paul Mak; Brown, Farimah F.
Subject: Re: Appeal letter - 2750 Cedar

Hi Mr. Mak,

This message is just to confirm our conversation today. You confirmed that you have granted the City permission to enter the property to inspect, and reiterated that demolition is under way and that you intend to remove all the walls by the end of the day.

You also asked about whether the accrual of fines would cease as a result of your appeal, and I explained that the fines will continue to accrue until the conditions cited in the Notices of Violation and Administrative Citations are corrected, but that your appeal to the Housing Advisory Commission includes the amount of the fines.

I also asked you to clarify whether you remain the point of contact for the City, because Mr. Tolleson has sent additional inquiries, and you told me that you hadn't yet read what he sent, and that the City should continue to communicate with you directly about this matter.

Thank you for your time today,

Brendan Darrow
Assistant City Attorney
Pronouns: he/him/his
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
mobile: 510-859-6271

From: Paul Mak <paulmak310@gmail.com>
Sent: Monday, October 28, 2024 12:54 PM

To: Darrow, Brendan <Bdarrow@berkeleyca.gov>
Subject: Re: Appeal letter - 2750 Cedar
Brendan, can you give me a call
Paul Mak
213-215-9605

On Mon, Oct 28, 2024 at 12:11 PM Darrow, Brendan <Bdarrow@berkeleyca.gov> wrote:
Mr. Mak,

The purported appeal filed by Mr. Tolleson cites inapplicable sections of the Housing Code; the Notices of Violation, Stop Work Orders, and Administrative Citations at 2750 Cedar are for violations of the Building Code.

With your agreement, the City will construe the appeal as challenging the underlying interpretations of the Building Code by the Building Official. BMC 19.28.020, Section 113.1 routes appeals of "orders, decisions, or determinations made by the building official relative to the application and interpretation" of the Building Code to the Housing Advisory Commission.

The City intends to conduct an inspection of the property this afternoon. **Please respond to confirm that the City has your permission to enter and inspect the property today.**

Also, please note that the City has obtained a warrant to enter the property to inspect and abate safety hazards, including the unpermitted construction. That warrant is attached. If you do not complete the demolition of the unpermitted construction today, the City is authorized to enter the property as early as tomorrow, 10/29/2024 and to abate the safety hazards, including by demolishing the unpermitted construction.

Thank you for taking these violations seriously,

Brendan Darrow
Assistant City Attorney
Pronouns: he/him/his
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
mobile: 510-859-6271

From: Mak, Paul <paul.mak@hdrinc.com>
Sent: Monday, October 28, 2024 8:29 AM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Darrow, Brendan <Bdarrow@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>; Paul Mak <PAULMAK310@GMAIL.COM>
Cc: michael@michaeltolleson.com <michael@michaeltolleson.com>
Subject: FW: Appeal letter - 2750 Cedar

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Jordan, Brendan, Susan
The demolition has started last week and will continue today Monday 10/28/24 to comply with the City's Citation. We are also clearing the construction debris also.
While the work is in progress, we are filing an Appell to relieve our hardship as mentioned in my previous email.
See the Relief items requested in Page 2, Paragraph 5.
Please response and file the Appeal ASAP.
I'll call you shortly in the morning to clarify a question.
QUESTION - Will filing of the Appeal stop all actions by all parties as cited in Ordinances below to include both contractor work and ***Berkeley fines***?
E. Staying of Order Under Appeal*. Except for vacation orders made pursuant to Section 1103 of the Berkeley Housing Code as adopted by the City, enforcement of any notice and order of the Building Official issued under this* ***Code shall be stayed during the pendency of an appeal therefrom*** *which is properly and timely filed. (Ord. 7407-NS § 1, 2015: Ord. 7367-NS § 3, 2014: Ord. 6475-NS § 11 (part), 1999)*
Thank you .
Paul Mak 213-215-9605

END OF E-MAIL THREAD

Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Mak, Paul <paul.mak@hdrinc.com>
Sent: Monday, October 28, 2024 8:30 AM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Darrow, Brendan <Bdarrow@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>; Paul Mak <PAULMAK310@GMAIL.COM>
Cc: michael@michaeltolleson.com
Subject: FW: Appeal letter - 2750 Cedar

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Jordan, Brendan, Susan

The demolition has started last week and will continue today Monday 10/28/24 to comply with the City's Citation. We are also clearing the construction debris also.

While the work is in progress, we are filing an Appell to relieve our hardship as mentioned in my previous email.

↑ WHAT HARDSHIP?

See the Relief items requested in Page 2, Paragraph 5.

Please response and file the Appeal ASAP.

I'll call you shortly in the morning to clarify a question.

QUESTION - Will filing of the Appeal stop all actions by all parties as cited in Ordinances below to include both contractor work and ***Berkeley fines***?
E. Staying of Order Under Appeal*. Except for vacation orders made pursuant to Section 1103 of the Berkeley Housing Code as adopted by the City, enforcement of any notice and order of the Building Official issued under this* ***Code shall be stayed during the pendency of an appeal therefrom*** *which is properly and timely filed. (Ord. 7407-NS § 1, 2015: Ord. 7367-NS § 3, 2014: Ord. 6475-NS § 11 (part), 1999)*

Thank you .

Paul Mak 213-215-9605

END OF E-MAIL THREAD

Lopez, David

From: Amiri, Wahid
Sent: Monday, October 28, 2024 6:58 PM
To: Lopez, David
Cc: Jensen, Jeff; Bellow, LaTanya; Klein, Jordan; Buddenhagen, Paul; Louis, Jennifer A.; Brown, Farimah F.; Carter, Ashley M.; Sprague, David A.; Gonzalez, Uriel; Stephens, Sara; Basalusalu, Peni; Nevels, Ronald; Darrow, Brendan; Tate, Jen; Whyte, Andrew; Kapfer, Elmar; Davis, Terrance
Subject: Re: 2750 Cedar inspection

Thank you for the detailed update, David. During our site inspection, we also observed the failed timber retaining wall and noted that the soil was already sliding, which is likely to worsen with upcoming rainfall. I made it clear to our contractor that addressing the retaining wall is outside the project scope, with the primary focus remaining on removing or deconstructing the recent construction.

Respectfully,

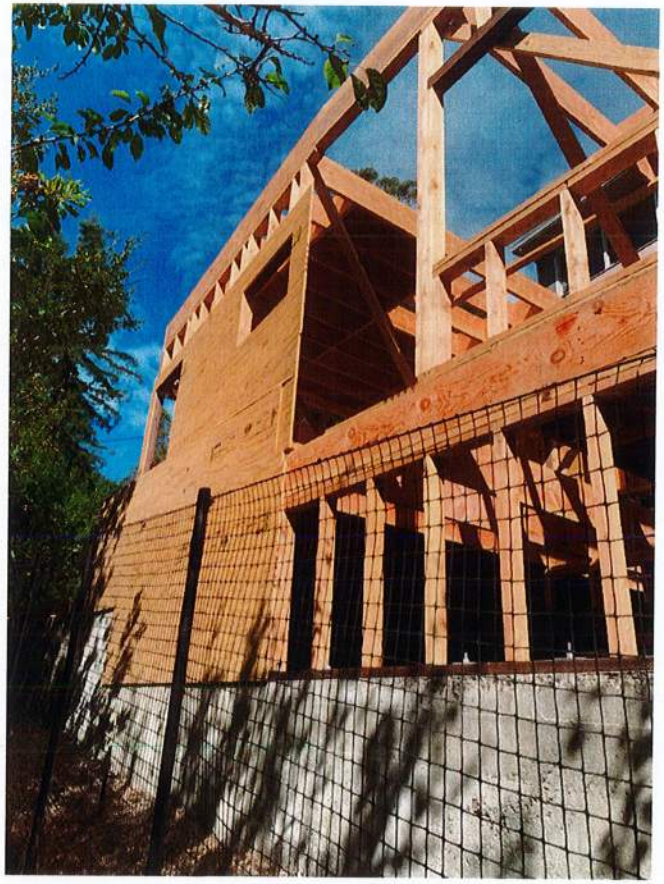
Wahid Amiri, PE
Deputy Director of Public Works
510-981-6396

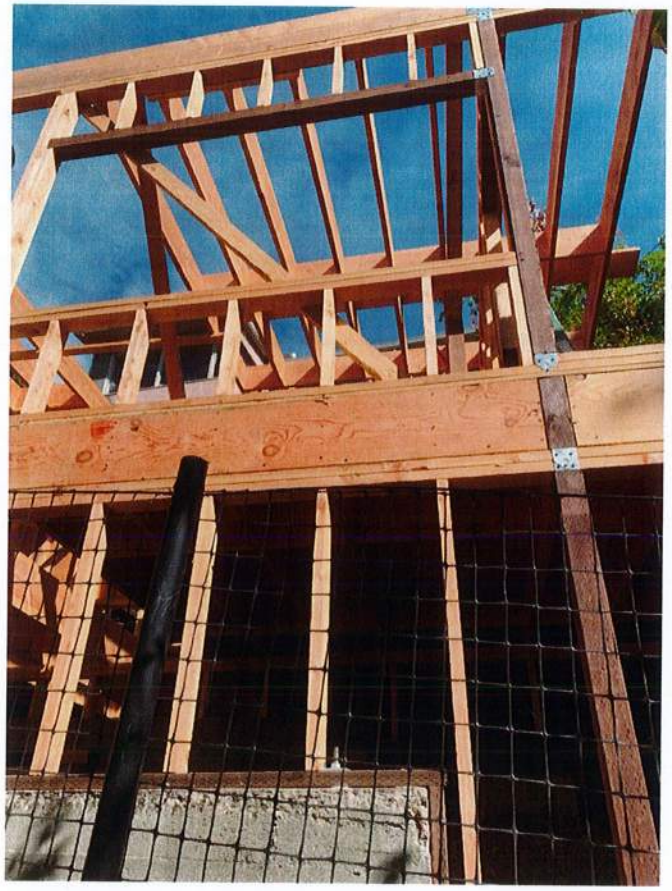
From: Lopez, David <dlopez@berkeleyca.gov>
Sent: Monday, October 28, 2024 6:12 PM
To: Darrow, Brendan <Bdarrow@berkeleyca.gov>; Whyte, Andrew <AWhyte@berkeleyca.gov>; Lopez, David <dlopez@berkeleyca.gov>; Kapfer, Elmar <ekapfer@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>; Davis, Terrance <TDavis@berkeleyca.gov>; Tate, Jen <JTate@berkeleyca.gov>; Basalusalu, Peni <PBasalusalu@berkeleyca.gov>; Gonzalez, Uriel <ugonzalez@berkeleyca.gov>; Stephens, Sara <sstephens@berkeleyca.gov>; Carter, Ashley M. <ACarter@berkeleyca.gov>; Sprague, David A. <DSprague@berkeleyca.gov>; Brown, Farimah F. <FBrown@berkeleyca.gov>; Amiri, Wahid <WAmiri@berkeleyca.gov>; Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; Bellow, LaTanya <LBellow@berkeleyca.gov>; Louis, Jennifer A. <JLouis@berkeleyca.gov>; Klein, Jordan <JKlein@berkeleyca.gov>
Cc: Jensen, Jeff <JJensen@berkeleyca.gov>
Subject: 2750 Cedar inspection

Good Evening Everyone,

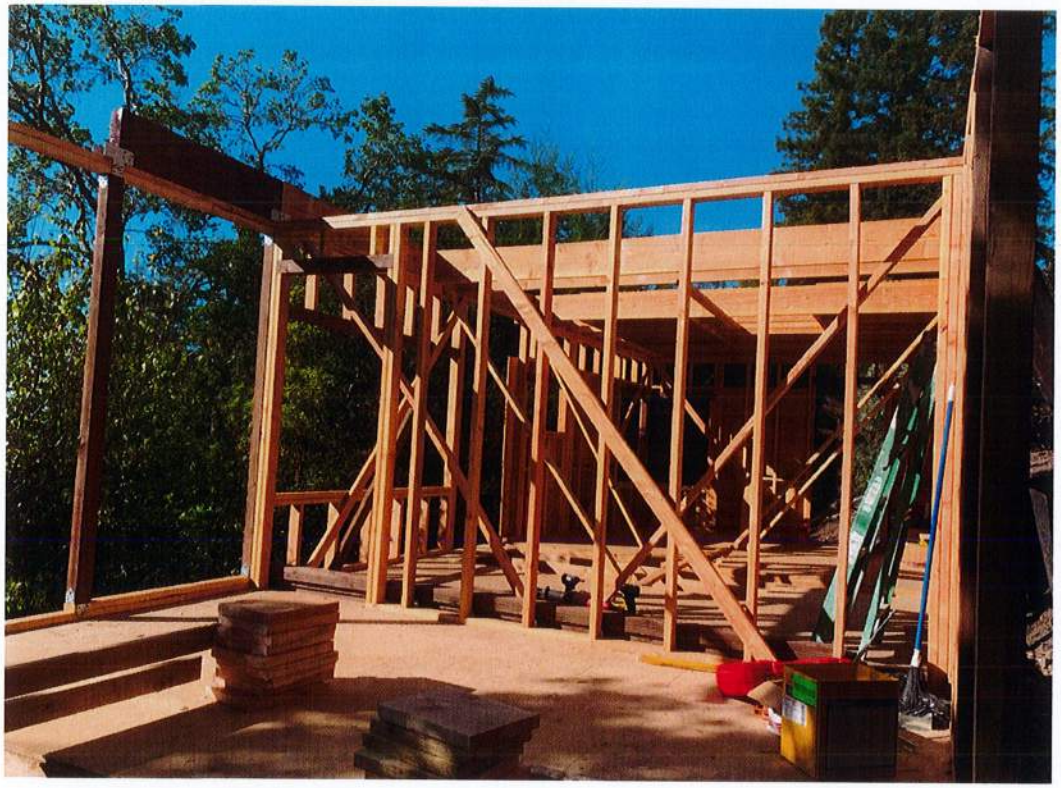
Senior Inspector Freddie Mares visited the site twice today. Once this morning at 10 with no progress from last Friday and at 4:00 pm this afternoon.

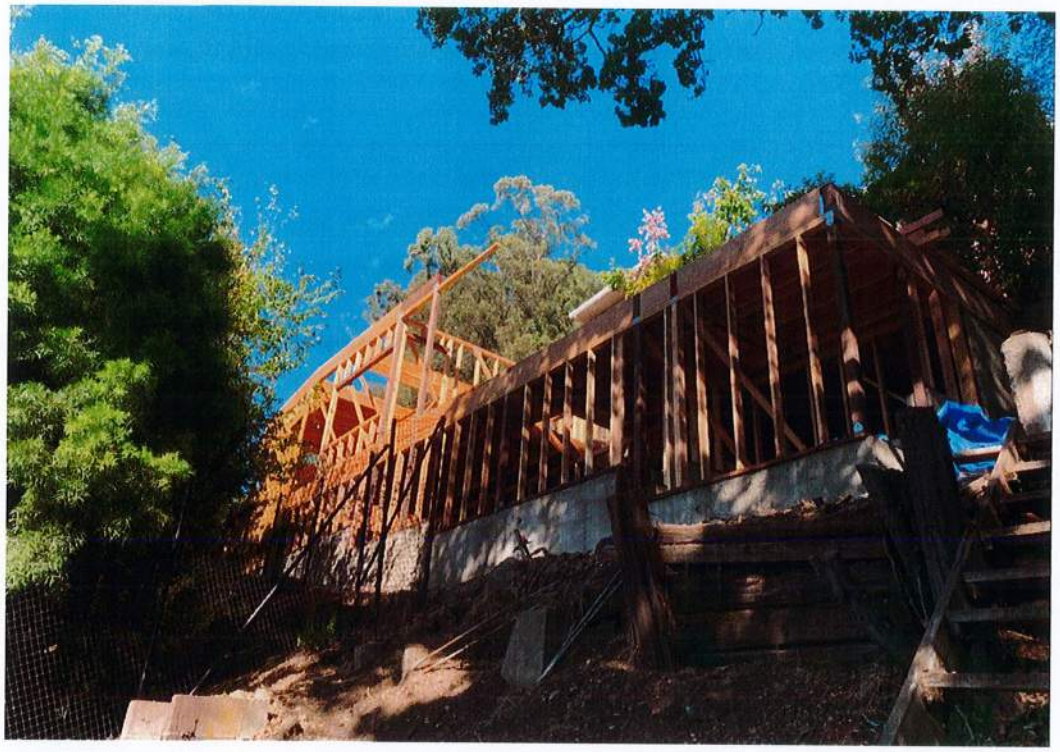
This was the state of the construction on October 16th.





The following two images are from Friday the 25th where the owner has begun to remove the walls but was in violation of the citation where he was to have removed all the unpermitted construction by the 25th. There were still many of the walls up. Mr. Tolleson did give permission to go on site.





As of today, there has been continued progress in deconstructing the unpermitted structure.

As of this evening there are 2 partial wall framing and a complete wall framing remaining on the floor deck. All, the following photos were taken this afternoon.

During Inspector Mares inspection today he observed a failing retaining wall that we were not previously made aware of.

This is an existing condition that is also unsafe and once it starts raining will be a imminent hazard that will need to be abated.

With this new information regarding the failing wood retaining walls, it is imperative that all the wood framing including the deck and the cripple walls be removed. If the unsupported grades give way the debris will land on top of the deck and it may hold the weight of the dirt a little but it will fail and create a very dangerous situation. By removing the deck any landslide debris will fall into the foundation area and hopefully stop from continuing downhill, but even that is not guaranteed. There is a possibility that the existing house uphill may be damaged if a landslide occurs because of these unsupported grade cuts.

I recommend we give the owner the opportunity of one additional day to remove the walls and proceed in removing the floor deck. If he does proceed in removing the deck then we can hold off on having a contractor go up and do it, but if the owner does not start removing the deck tomorrow then we have the contractor go up on Wednesday.

Sincerely,

David A. Lopez
Chief Building Official/Building and Safety Manager
1947 Center Street, 3rd Floor

Berkeley, CA 94704

mobile: 510-859-6271

From: Klein, Jordan <JKlein@berkeleyca.gov>
Sent: Monday, October 28, 2024 12:50 PM
To: Brown, Farimah F. <FBrown@berkeleyca.gov>; Amiri, Wahid <WAmiri@berkeleyca.gov>; Darrow, Brendan <Bdarrow@berkeleyca.gov>; Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; Bellow, LaTanya <LBellow@berkeleyca.gov>
Cc: Kapfer, Elmar <ekapfer@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>; Davis, Terrance <TDavis@berkeleyca.gov>; Tate, Jen <JTate@berkeleyca.gov>; Basalusalu, Peni <PBasalusalu@berkeleyca.gov>; Lopez, David <dlopez@berkeleyca.gov>; Gonzalez, Uriel <ugonzalez@berkeleyca.gov>; Stephens, Sara <sstephens@berkeleyca.gov>; Carter, Ashley M. <ACarter@berkeleyca.gov>
Subject: RE: 2750 Cedar

What we had discussed internally is that if the demolition is not substantially completed by the end of the day today, we would have the City's consultant commence work tomorrow. I'm still waiting to get a report from our Building Inspector about the findings from this morning's inspection. But from the photos Wahid has shared, it looks like the unpermitted structure is still there. I don't think we can count on the owner to complete the demolition, especially given that they are seeking to appeal the determinations.

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Brown, Farimah F. <FBrown@berkeleyca.gov>
Sent: Monday, October 28, 2024 11:41 AM
To: Amiri, Wahid <WAmiri@berkeleyca.gov>; Klein, Jordan <JKlein@berkeleyca.gov>; Darrow, Brendan <Bdarrow@berkeleyca.gov>; Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; Bellow, LaTanya <LBellow@berkeleyca.gov>
Cc: Kapfer, Elmar <ekapfer@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>; Davis, Terrance <TDavis@berkeleyca.gov>; Tate, Jen <JTate@berkeleyca.gov>; Basalusalu, Peni <PBasalusalu@berkeleyca.gov>; Lopez, David <dlopez@berkeleyca.gov>; Gonzalez, Uriel <ugonzalez@berkeleyca.gov>; Stephens, Sara <sstephens@berkeleyca.gov>; Carter, Ashley M. <ACarter@berkeleyca.gov>
Subject: RE: 2750 Cedar

Adding a few other team members and Paul and LaTanya.

From: Amiri, Wahid <WAmiri@berkeleyca.gov>
Sent: Monday, October 28, 2024 11:32 AM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Darrow, Brendan <Bdarrow@berkeleyca.gov>
Cc: Kapfer, Elmar <ekapfer@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>; Davis, Terrance <TDavis@berkeleyca.gov>; Brown, Farimah F. <FBrown@berkeleyca.gov>; Tate, Jen <JTate@berkeleyca.gov>; Basalusalu, Peni <PBasalusalu@berkeleyca.gov>; Lopez, David <dlopez@berkeleyca.gov>; Gonzalez, Uriel <ugonzalez@berkeleyca.gov>
Subject: RE: 2750 Cedar

Team,

Uriel just reported that the owner now has a contractor on-site handling the removal. I assume this means Public Works will **not** need to proceed as planned for tomorrow, but please let us know if there's any reason to proceed otherwise. We will update our contractor and PD.

Respectfully,

Wahid Amiri, PE
Deputy Director of Public Works
510-981-6396

From: Gonzalez, Uriel <ugonzalez@berkeleyca.gov>
Sent: Monday, October 28, 2024 10:26 AM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Amiri, Wahid <WAmiri@berkeleyca.gov>; Darrow, Brendan <Bdarrow@berkeleyca.gov>
Cc: Kapfer, Elmar <ekapfer@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>; Davis, Terrance <TDavis@berkeleyca.gov>; Brown, Farimah F. <FBrown@berkeleyca.gov>; Tate, Jen <JTate@berkeleyca.gov>; Basalusalu, Peni <PBasalusalu@berkeleyca.gov>; Lopez, David <dlopez@berkeleyca.gov>
Subject: Re: 2750 Cedar

Hi Jordan,

Do you have an update? Does the contractor need to be engaged?

Thanks,

Uriel

From: Klein, Jordan <JKlein@berkeleyca.gov>
Sent: Wednesday, October 23, 2024 10:53:16 AM

-WAHID AMIRI

Respectfully,

Wahid Amiri, PE
Deputy Director of Public Works
510-981-6396

From: Klein, Jordan <JKlein@berkeleyca.gov>
Sent: Wednesday, October 23, 2024 9:10:57 AM
To: Amiri, Wahid <WAmiri@berkeleyca.gov>; Tate, Jen <JTate@berkeleyca.gov>; Basalusalu, Peni <PBasalusalu@berkeleyca.gov>
Cc: Gonzalez, Uriel <ugonzalez@berkeleyca.gov>; Kapfer, Elmar <ekapfer@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>; Davis, Terrance <TDavis@berkeleyca.gov>; Darrow, Brendan <Bdarrow@berkeleyca.gov>; Brown, Farimah F. <FBrown@berkeleyca.gov>
Subject: RE: 2750 Cedar

Thanks Wahid. Be aware that we have given the property owner until Friday at 3pm to comply with the citation by removing the framing, so our contractor shouldn't commence work prior to then. I think we'd been expecting the work to commence on Monday 10/28 or Tuesday 10/29.

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Amiri, Wahid <WAmiri@berkeleyca.gov>
Sent: Wednesday, October 23, 2024 9:01 AM
To: Tate, Jen <JTate@berkeleyca.gov>; Klein, Jordan <JKlein@berkeleyca.gov>; Basalusalu, Peni <PBasalusalu@berkeleyca.gov>
Cc: Gonzalez, Uriel <ugonzalez@berkeleyca.gov>; Kapfer, Elmar <ekapfer@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>; Davis, Terrance <TDavis@berkeleyca.gov>
Subject: RE: 2750 Cedar

Hello everyone,

Public Works Engineering conducted a joint site visit with our potential contractor for the demolition work yesterday. The contractor had a few questions, which I've already addressed, but I wanted to ensure we're all aligned.

Jordan, there's a large stockpile of lumber on-site that hasn't been installed yet. I instructed the contractor to leave it as is since our communicated scope is to remove only what has been constructed. The stockpile also contains nails and other materials, which I've asked them to leave untouched. I also requested that they take detailed photos to document that we haven't interfered with it.

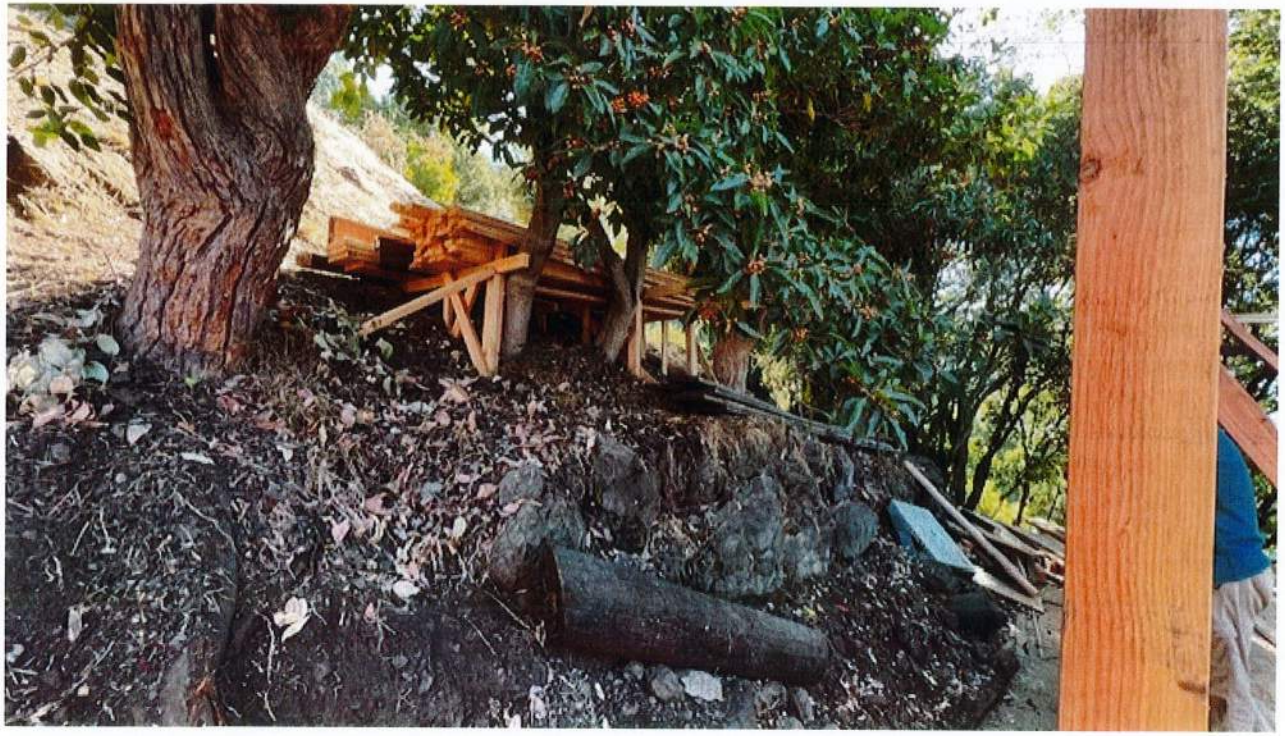
The contractor estimates the demolition will take about three days, primarily due to the steep slopes and the lack of access – which we concur with.

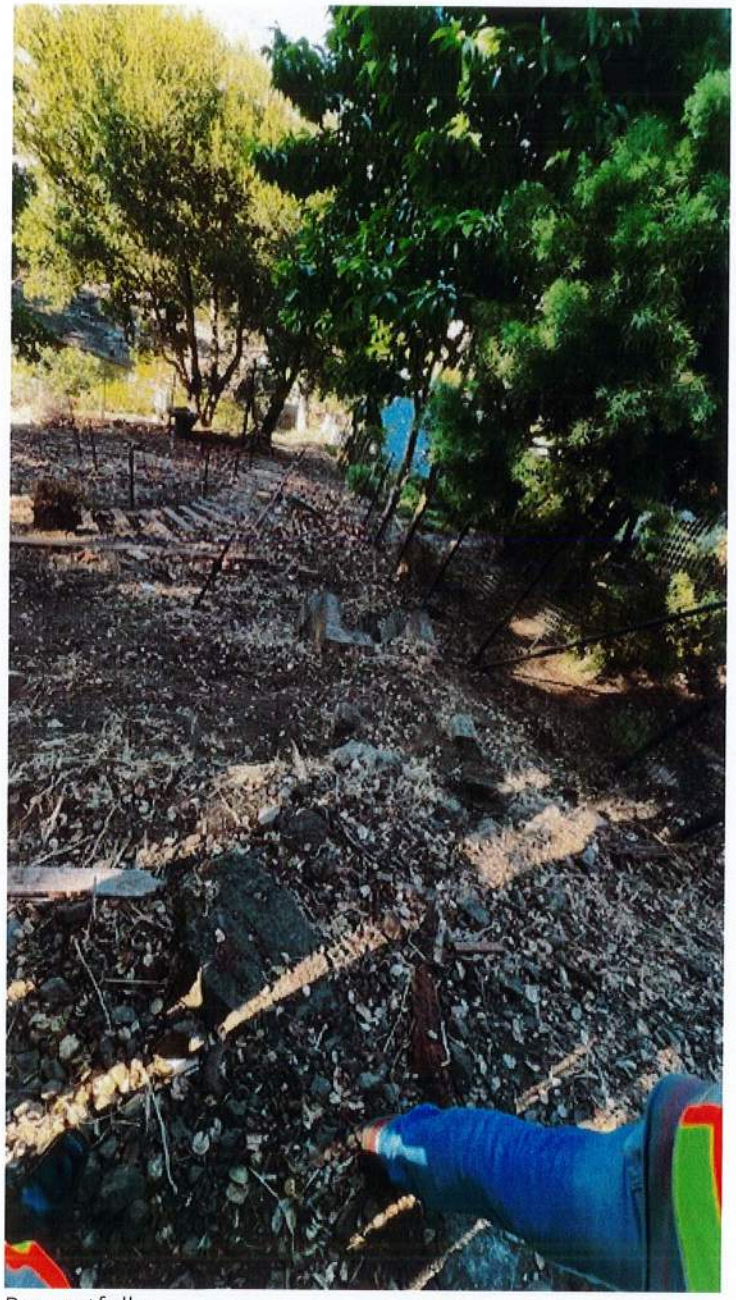
Peni, with the ongoing construction at the corp yard and per Terrance's direction, we are to bring the salvaged lumber to the corp yard for storage. Please identify a suitable location where we can lay it down, as it might be there for some time.

Jen, looping you in to request that PD attend on the first day of demolition to ensure the contractor is not disturbed while working.

I've attached pictures of the stockpile and other images highlighting the steep slopes and the challenges of moving equipment in and out, as well as the salvage materials. Since we need to complete this by Monday the 28th, I need your feedback and commitments by close of business tomorrow.

Thank you.





Respectfully,

Wahid Amiri, PE

Deputy Director of Public Works
510-981-6396

From: Amiri, Wahid
Sent: Thursday, October 17, 2024 3:08 PM
To: Davis, Terrance <TDavis@berkeleyca.gov>
Cc: Gonzalez, Uriel <ugonzalez@berkeleyca.gov>; Kapfer, Elmar <ekapfer@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>
Subject: RE: 2750 Cedar

Do we have a sense of what to do with the lumber? Leave the site as-is, once demolished? Also, please confirm we have to initiate on Oct 28th. Thanks.

Uriel – Per our chat at 2180 earlier, lets please queue up B Bros to make this happen on T&M. As discussed, Terrance was informed that we will bypass the contracting requirements given the emergency/urgency.

Respectfully,

Wahid Amiri, PE
Deputy Director of Public Works
510-981-6396

From: Davis, Terrance <TDavis@berkeleyca.gov>
Sent: Thursday, October 17, 2024 2:30 PM
To: Amiri, Wahid <WAmiri@berkeleyca.gov>
Subject: Fw: 2750 Cedar

Just framing. 2 day job tops. If

Get Outlook for iOS

From: Klein, Jordan <JKlein@berkeleyca.gov>
Sent: Thursday, October 17, 2024 2:20:55 PM
To: Davis, Terrance <TDavis@berkeleyca.gov>
Subject: FW: 2750 Cedar

Attached are photos from yesterday that demonstrate the current state of the framing. The concrete doesn't need to come out (it's permitted), just the framing.

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Jensen, Jeff <JJensen@berkeleyca.gov>
Sent: Thursday, October 17, 2024 1:59 PM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Lopez, David <dlopez@berkeleyca.gov>
Subject: RE: Pictures for Terrance

Internal

These are the most recent pictures, taken yesterday.

Jeff Jensen
Assistant Building Official
Building & Safety Division
1947 Center Street 3rd Floor, Berkeley, CA 94704
Desk: 510-981-7427
jjensen@berkeleyca.gov

From: Klein, Jordan <JKlein@berkeleyca.gov>
Sent: Thursday, October 17, 2024 1:46 PM
To: Lopez, David <dlopez@berkeleyca.gov>; Jensen, Jeff <JJensen@berkeleyca.gov>
Subject: Pictures for Terrance

Can you help me compile a few photos? Thanks.

Jordan Klein

Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

END OF E-MAIL THREAD

Lopez, David

From: Lopez, David
Sent: Tuesday, October 29, 2024 1:11 PM
To: 'paulmak310@gmail.com'
Cc: 'michael@michaeltolleson.com'; Brown, Farimah F.; Darrow, Brendan; Stephens, Sara; Madagu, Ashley M.; Klein, Jordan; Jensen, Jeff
Subject: 2750 Cedar response

Good Afternoon Mr. Mak,

As you are aware, Building and Safety Inspectors have observed the site over the last few days. The inspectors have confirmed that most of the erected walls have been taken down and stacked on the floor deck.

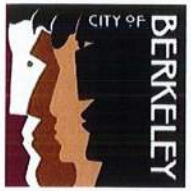
The floor deck, supporting joists and cripple walls must also be removed by end of today.

Additionally, it has come to my attention that the existing wood retaining walls on the east of the existing foundation have failed or are not existent. City Engineers also visited the site and made the following observation, "we also observed the failed timber retaining wall and noted that the soil was already sliding, which is likely to worsen with upcoming rainfall." The following two images taken yesterday afternoon confirm the observation.

This added hazard has made it even more important that the deck be removed. It is forecasted to start raining this Thursday. Once it starts raining the possibility of the unsupported grade cuts and the failing wood retaining walls to further fail increases the likelihood of a landslide. The resulting landslide would compromise the deck and cripple walls; the combination of the unpermitted deck and failing retaining walls are an imminent hazard.

I would like to remind you that the wood construction was to be removed by last Friday the 25th of October and you have failed to meet that deadline. This email is to inform you that if the deck is not removed by the end of day today the City will abate the hazard tomorrow morning beginning at approximately 8:00 am.

Sincerely,



David A. Lopez
Chief Building Official/Building and Safety Manager
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

END OF E-MAIL THREAD

Lopez, David

From: Klein, Jordan
Sent: Friday, November 7, 2025 3:56 PM
To: 'Michael Tolleson'
Cc: 'Paul Mak'; Hersch, Anne; Lopez, David; Jensen, Jeff; McNulty, Jenny
Subject: RE: Tolleson > 2750 Cedar > (B2024-02077)
Attachments: 59431414_10_14_2024_Inspection_and_Abatement_Warrant.pdf

Mr. Mak and Mr. Tolleson:

This letter serves as clarification for the Demand for Payment of Fees and Fines sent to you on September 25, 2025. The Demand, sent pursuant to BMC Section 1.24.160, is solely "a bill for the abatement of unpermitted construction". The City is not seeking payment for the administrative citation issued on October 18, 2024, so your appeal, while improperly filed, is moot. The City is only seeking recompensation for the abatement done pursuant to the attached warrant issued by Alameda County Superior Court on October 14, 2024.

If you are refusing to pay for the cost of abatement as required by BMC Section 1.24.140, the City will soon provide specific notice of its intent to place a lien pursuant to BMC Section 1.24.170, whereafter you will have ten days to file your objection, if any.

Jordan

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Michael Tolleson <michael@michaeltolleson.com>
Sent: Thursday, October 30, 2025 4:31 PM
To: Klein, Jordan <JKlein@berkeleyca.gov>
Cc: Paul Mak <paulmak310@gmail.com>; Hersch, Anne <AHersch@berkeleyca.gov>
Subject: Tolleson > 2750 Cedar > (B2024-02077)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Jordan

This our response to BMC 1.24.160.

Attached find the original Appeal of Berkeley actions dated October 23, 2024, signed by Paul Mak SE PE and Michael Tolleson, Architect.
We gave specific instructions and have been assured that the Appeal submittal would be routed from Housing to Development, but that appears to not be the case.

We have repeatedly requested a date and time for the Appeal hearing, but Berkeley has failed to provide this process to us.
See all email between October 23, 2024 and the present.
We can provide copies supporting our position if Berkeley is without them.

We filed an Appeal of Berkeley's demolition of work at Cedar within 10 days as required on October 23, 2024.
Recipients were Jordan Klein and Susan Wengraf.

Also attached is a form for Waiver of Penalty, which should be used as Berkeley is responsible for the burden of its own errors.
Our position is that the lien was wrongfully imposed after our Appeal was in place and that all actions should have been stayed per BMC as no purported "imminent threat" existed.

Also attached is a Special Inspections form that will be filed for the Appeal.
CRC Chapter 17 allows both Architects & Engineers to provide special inspections of work in progress.
In this case, the Architect provided Continuous Inspection and the Engineer provided Periodic Inspection.
The Continuous & Periodic inspection of the simple wood framing typical to housing construction further refutes Berkeley's false claim that the framing was somehow "unsafe".

The sought Relief should therefore be expanded to include:

1
Punitive actions for failure to allow the use of BMC (CBC, CRC) 105.2 Work exempt from permit.
2
Removal of lien.
3
Removal of all inspection notices.
4

Waiver of all penalties.
5
Compensation to owners for all Berkeley-initiated demolition of work of approximately $25K (lien amount).
6
Compensation to owners for all material costs of approximately $10K
7
Compensation to owners for all labor costs of approximately $20K.

We have since secured approval from Zoning to use exactly the same setbacks we were using to construct framing, further refuting Berkeley actions.
See attached email from Anne Hersch dated October 24, 2025, approving our 3' west setback, which places the framing directly on the existing foundation.

It is our understanding that the Appeal should first go to the Planning Commission before it goes to City Council.

Attachments
Appeal
241027-Cedar-Appeal-Signed.pdf
Special Inspection
Special-Inspections.pdf
Waiver of Penalty
241105-Hardship Waiver.pdf
Setback
251024-Setback.png

Sincerely,

Michael Tolleson, Architect, C-22075
555 Pierce St
Unit 1626
Albany, CA 94706
510 332 9520
michael@michaeltolleson.com

END OF E-MAIL THREAD

Lopez, David

From: Phillip Grankowski <pgrankowski@iccsafe.org>
Sent: Thursday, December 4, 2025 8:14 AM
To: Lopez, David
Subject: RE: New submission for Request Committee Interpretation

Follow Up Flag: Follow up
Flag Status: Completed

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

David Lopez,

This opinion addresses your question concerning work exempt from a permit. All comments below are based on the 2021 International Building Code (IBC) unless noted otherwise.

Q. Does Item 1 under "Building" in Section 105.2 permit the construction of one-story detached accessory structures not more than 120 square feet in floor area on a property when no primary structure exists on that property? Does Item 1 allow an owner to construct multiple one-story detached accessory structures not more than 120 square feet in floor area without permits and later obtain a permit to connect, combine or convert those structures into a single occupiable building? If multiple structures not more than 120 square feet in floor area are constructed on a shared continuous foundation system, does Item 1 still exempt each structure from permit requirements?

A. Section 105.1 establishes that permits are required for the construction, enlargement, alteration, repair, movement, demolition or change of occupancy of a building or structure unless otherwise exempted. Item 1 under "Building" in Section 105.2 exempts a permit for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet. The exemption is based on the limited size, one-story height and detached nature of the structure and is intended for small non-habitable accessory buildings. Please note that while exempt from a permit, it is up to the owner or owner's authorized agent to comply with applicable code regulations.

The code does not require that a primary structure already exists on the lot before an exempt structure may be constructed. However, Item 1 under "Building" in Section 105.2 uses the term accessory structure, which implies a subordinate relationship to a principal building on the same lot. When no principal building exists, determining whether a proposed structure is accessory is a zoning and land-use matter, which is outside the scope of the I-Codes. The authority having jurisdiction may need to establish policy to determine whether an exempt structure is permissible on a vacant lot to avoid circumvention of permit requirements.

Item 1 under "Building" in Section 105.2 does not limit the number of exempt 120-square-foot structures that may be constructed on a lot. The exemption regulates "small" structures used for minor storage and similar purposes and is not intended as a means to circumvent the permitting and inspection process. The exemption does not address phased construction or permit the structures to be normally occupied.

Any change of use, connection between structures, installation of utilities, creation of habitable or normally occupied space or enlargement beyond the exempt conditions should generally initiate the permitting requirements of Section 105.1. Depending on the scope of work, provisions in other codes, including the International Residential Code (IRC), International Fire Code (IFC) and International Existing Building Code (IEBC), may become applicable. Additionally, the I-Codes do not intend to permit exemptions as a mechanism to allow phased construction of multiple unpermitted structures knowing that the intent is to later combine them into a single occupiable building. Admittedly, phasing of construction has always been a code enforcement issue, not specifically addressed in the I-Codes, that needs to be specifically addressed by the authority having jurisdiction through policies and procedures to ensure that safety, public health and general welfare is not abated, avoided or disregarded.

Code opinions issued by ICC staff are based on ICC-published codes and do not include local, state or federal codes, policies or amendments. This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. This opinion does not imply approval of an equivalency, specific product, specific design, or specific installation and cannot be published in any form implying such approval by the International Code Council. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.

ICC will make reasonable efforts to provide accurate information as part of any code opinion. However, ICC makes no guarantees or warranties, express or implied, as to the accuracy of any information provided, including, without limitation, any warranties of merchantability or fitness for a particular purpose. ICC will not be held liable for any damages or loss, whether direct, indirect, consequential, or punitive, that may arise through your use of any code opinion.

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Regards,

Phillip Grankowski

Phillip Grankowski, M.C.P.
Senior Technical Staff

International Code Council, Inc.
Central Regional Office
4051 West Flossmoor Road

Country Club Hills, IL 60478

Toll Free: 1-888-ICC-SAFE (422-7233), Dial Prompt 9 then Extension 4303

From: Mike Giachetti <mgiachetti@iccsafe.org>
Sent: Wednesday, November 26, 2025 11:16 AM
To: Phillip Grankowski <pgrankowski@iccsafe.org>; dlopez@berkeleyca.gov
Subject: RE: New submission for Request Committee Interpretation

David Lopez,

I have forwarded your code opinion request to Phillip Grankowski. Typical turn-around time for a written response is about 5 working days; however, we are currently experiencing a high volume of code opinion requests so I apologize in advance for any delays.

It should be noted that your request came in as a "committee" interpretation request as opposed to a staff opinion. Based on the content of your question it appears, however, that you actually want a written staff opinion as opposed to a committee interpretation. As you probably know, a committee interpretation will take several months while a typical written staff interpretation takes about a week.

In general, we encourage all written code opinion requests for all code disciplines to be submitted through the on-line code opinion portal on the ICC website for adequate tracking purposes. Please utilize the link at https://www.iccsafe.org/products-and-services/technical-opinions/ and provide the prerequisite information for future written submissions.

Please let me know if you have any questions.

Sincerely,

Michael W. Giachetti, P.E.
Director, Architectural and Engineering Services
ICC - Chicago District Office
4051 W. Flossmoor Road

Country Club Hills, IL 60478
888-422-7233 x 4337
mgiachetti@iccsafe.org
www.iccsafe.org

From: ICC <no-reply@iccsafe.org>
Sent: Wednesday, November 26, 2025 11:10 AM
To: Chris Reeves <creeves@iccsafe.org>; Mike Giachetti <mgiachetti@iccsafe.org>; John Gonzalez <jgonzalez@iccsafe.org>
Subject: New submission for Request Committee Interpretation

New submission for Request Committee Interpretation

Hi creeves@iccsafe.org,mgiachetti@iccsafe.org,jgonzalez@iccsafe.org, new submission for Request Committee Interpretation has been received from **David Lopez**.

Details submitted by user:	
Full Name	David Lopez
Membership Number	5262610
Job Title	Chief Building Official
Company Name or Jurisdiction	City of Berkeley, California

Address Line 1	1947 Center Street, Third Floor
City, State, and Zip	Berkeley
Email Address	dlopez@berkeleyca.gov
Phone Number	510-981-7440
Preferred Method of Communication	email
Specify ICC International Code	International Building Code
Code Publication Year	2021
Code Section	105.2
Code Question	Questions: Does the intent of IBC Section 105.2 require that a primary structure exist on a property? Does the intent of IBC Section 105.2 allow someone to build multiple small structures (<120 sq.ft.) on a property without a building permit and, later on, obtain a building permit to combine them to create one occupiable structure such as a Single Family Dwelling?

Check In Time	11:07 am
View more	Click here

Thanks

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END OF E-MAIL THREAD

6-17-2024
Inspection Photos
in response to RFS

Clean Site
SERVICES
1-866-679-3373
1605

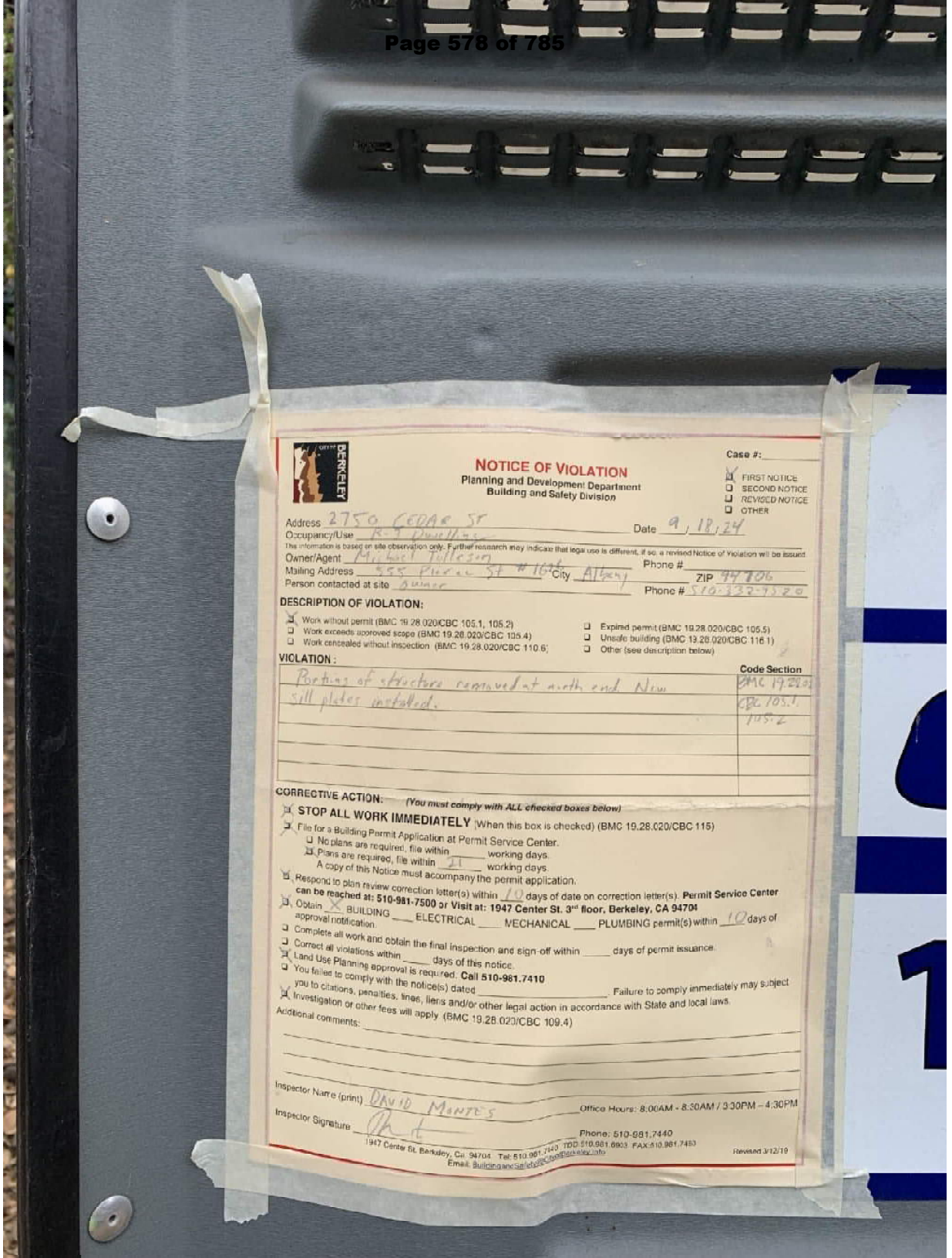
CORONA

POSTED
NO TRESPASSING
KEEP OUT

9-18-2024

Inspection Photos

1st NOV



NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

Case #:

- [x] FIRST NOTICE
- [ ] SECOND NOTICE
- [ ] REVISED NOTICE
- [ ] OTHER

Address 2750 CEDAR ST Date 9/18/24
Occupancy/Use R-3 Dwelling
The information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent Michael Tillerson Phone #
Mailing Address 555 Pierce St #1624 City Albany ZIP 94706
Person contacted at site Owner Phone # 510-332-9320

DESCRIPTION OF VIOLATION:

- [x] Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- [ ] Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- [ ] Work concealed without inspection (BMC 19.28.020/CBC 110.6;
- [ ] Expired permit (BMC 19.28.020/CBC 105.5)
- [ ] Unsafe building (BMC 19.28.020/CBC 116.1)
- [ ] Other (see description below)

VIOLATION :

	Code Section
Portions of structure removed at north end. New sill plates installed.	BMC 19.28.020 CBC 105.1, 105.2

CORRECTIVE ACTION: *(You must comply with ALL checked boxes below)*

- [x] **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- [x] File for a Building Permit Application at Permit Service Center.
  - [ ] No plans are required, file within ____ working days.
  - [x] Plans are required, file within 21 working days.
  - A copy of this Notice must accompany the permit application.
- [x] Respond to plan review correction letter(s) within 10 days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- [x] Obtain X BUILDING ___ ELECTRICAL ___ MECHANICAL ___ PLUMBING permit(s) within 10 days of approval notification.
- [ ] Complete all work and obtain the final inspection and sign-off within ____ days of permit issuance.
- [ ] Correct all violations within ____ days of this notice.
- [x] Land Use Planning approval is required. **Call 510-981.7410**
- [ ] You failed to comply with the notice(s) dated ____. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- [x] Investigation or other fees will apply (BMC 19.28.020/CBC 109.4)

Additional comments:

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM
Inspector Signature Phone: 510-981.7440

1947 Center St. Berkeley, CA 94704 Tel: 510.981.7440 TDD 510.981.6903 FAX:510.981.7483
Email: BuildingandSafety@cityofberkeley.info

Revised 3/12/19

PORTER

2798

LIPPINCOTT

Clean Site
1-866-679-3373
1605
NO PARKING
DANGER
CONSTRUCTION AREA
KEEP OUT

9-19-2024

Inspection Photos

2nd NOV

9-25-2024

Inspection Photos

In response to RFS

10-2-2024

Inspection Photos

10-4-2024

Inspection Photos

10-7-2024

Inspection Photos

3rd NOV

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

Case #: _____

- ☐ FIRST NOTICE
- ☐ SECOND NOTICE
- ☐ REVISED NOTICE
- ☒ OTHER 3RD NOT

Address 2750 CEDAR Date 10/7/24
Occupancy/Use R-3 Dwelling
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent Michael Tolleson Phone # _____
Mailing Address 555 Pierce St #1626 City Albany, CA ZIP 94706
Person contacted at site Michael Tolleson Phone # _____
Co-owner: Mak Paul T, Mak Ping 3819 Bluff St Torrance CA, 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :

	Code Section
Continued demolition and new construction on existing foundation of single family dwelling. New walls and roof framing constructed in violation of two previous STOP WORK notices. All existing walls of existing home have now been demolished above floor level.	BMC 19.28.02

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)***

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ___ BUILDING ___ ELECTRICAL ___ MECHANICAL ___ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☒ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 9/18/24 + 9/19/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

Clean Site
SERVICES
1-866-679-3373
CleanSiteService.com
1605
NO
PARKING

10-9-2024

Inspection Photos

4th NOV

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

Case #: _____

- ☐ FIRST NOTICE
- ☐ SECOND NOTICE
- ☐ REVISED NOTICE
- ☒ OTHER 4th Notice

Address 2750 CEDAR ST Date 10 / 9 / 24

Occupancy/Use R-3

This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.

Owner/Agent Michael Tolleson Phone #

Mailing Address 555 Pierce st #626 City Albany ZIP 94706

Person contacted at site POSTED Phone #

2nd OWNER: MAK PAUL T, MAK PING 3819 Bluff St Torrance CA 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :	Code Section
Since 3rd Stop work notice, additional cripple walls	BMC 19.28.
demolished and reframed. Work currently in progress.	CBC 105.1,
	105.2

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)***

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within _____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 10/7/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

Clean Site
SERVICES
1-866-679-3373
CleanSiteService.com
1605
NO PARKING
DANGER
CONSTRUCTION AREA
KEEP OUT

10-11-2024
Inspection Photos
5th NOV

Case #: _____

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- ☐ FIRST NOTICE
- ☐ SECOND NOTICE
- ☐ REVISED NOTICE
- ☒ OTHER 5TH NOA

Date 10/11/24

Address 2750 CEDAR

Occupancy/Use R-3

This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.

Owner/Agent MICHAEL TOILESON Phone # _____

Mailing Address 555 PIERCE ST #4626 City ALBANY ZIP 94706

Person contacted at site POSTED Phone # _____

2ND OWNER: MARPAUL MARPING, 3819 BLUFF ST, TORRANCE CA 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :	Code Section
Continued floor framing performed after stop work posted 10/9/24 Work currently in progress STOP WORK IMMEDIATELY.	BMC 19.28. CBC 105.1, 105.2

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)***

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 10/9/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☐ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@CityofBerkeley.info

Clean Site
SERVICES
1-866-679-3373
CleanSiteService.com
1605
NO PARKING
DANGER
CONSTRUCTION AREA
KEEP OUT

10-16-2024

Inspection Photos

6th NOV

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

Case #:_____

- ☐ FIRST NOTICE
- ☐ SECOND NOTICE
- ☐ REVISED NOTICE
- ☒ OTHER 6TH NOTICE

Address 2750 CEDAR ST Date 10/16/24

Occupancy/Use R-3

This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.

Owner/Agent Michael Tollefson Phone #_____

Mailing Address 555 Pierce St #1626 City Albany ZIP 94706

Person contacted at site POSTED Phone #_____

MAK PAUL/MAK PING 3819 BLUFF ST TORRANCE. 90505

DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)
- ☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)
- ☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)
- ☐ Expired permit (BMC 19.28.020/CBC 105.5)
- ☐ Unsafe building (BMC 19.28.020/CBC 116.1)
- ☐ Other (see description below)

VIOLATION :

	Code Section
New walls framed at south end after "stop work" posted 10/11/24.	BMC 19.28.[illegible]

CORRECTIVE ACTION: ***(You must comply with ALL checked boxes below)***

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- ☐ File for a Building Permit Application at Permit Service Center.
  - ☐ No plans are required, file within _____ working days.
  - ☐ Plans are required, file within _____ working days.
  - A copy of this Notice must accompany the permit application.
- ☐ Respond to plan review correction letter(s) within ____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- ☐ Obtain ____ BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within _____ days of approval notification.
- ☐ Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- ☐ Correct all violations within _____ days of this notice.
- ☐ Land Use Planning approval is required. **Call 510-981.7410**
- ☒ You failed to comply with the notice(s) dated 10/11/24. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- ☐ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) DAVID MONTES Office Hours: 8:00AM - 8:30AM / 3:30PM – 4:30PM

Inspector Signature _____ Phone: 510-981.7440

Clean Site
SERVICES
1-866-679-3373
CleanSiteService.com
1605
NO PARKING
DANGER
CONSTRUCTION AREA
KEEP OUT

10-25-2024
Inspection Photos
Deadline date

RECEIVED
Sikaflex

RECEIVED
Sikaflex

RECEIVED
Sikaflex

10-28-2024
Inspection Photos
Abatement Commenced

10-29-2024
Inspection Photos
Abatement Continued

MEDIUM DUTY TARP
40 ft x 60 ft

MEDIUM DUTY TARP
5 MIL COVERS 2,400 sq ft
40 ft x 60 ft

EVERBILT
MEDIUM DUTY TARP
5 MIL COVERS 2,400 sq ft
40 ft x 60 ft
MEDIUM DUTY TARP
40 ft x 60 ft

BUILDING & SAFETY
INSPECTOR

APA
RATED SHEATHING
SPACED FOR SPACING

RECEIVED
MAGNUM

40'X6U GENL
PO#: 5011209
CHINA
1PACK
Case Wt- 60lbs

MAGNUM

MAGNUM

Sikaflex
RECEIVED
FIRST ALERT
PRO5
FIRE EXTINGUISHER
IDEAL FOR COMMERCIAL USE
ET-3G
CORTAR
DE LA TIRA
PARA ROMPER.

Sikaflex®
RECEIVED
FIRST ALERT
PRO5
FIRE EXTINGUISHER
ET-3G
INSTR
CORTAR.
E LA TIRA
BA ROMPER.

PRO5
FOR COMMERCIAL USE
Sikaflex
RECEIVED

798444
24
11
MEDIUM DUTY TARP
40 ft x 60 ft
TARP
5 MIL COVERS 2,400 sq ft

FIRST ALERT
PRO5
SIMPSON
Strong-Tie
Sikaflex®
Sikaflex

10-30-2024
Inspection Photos
Abatement Continues

FIRST ALERT
PROS

MAGNUM

4X4

MAGNUM
RECEIVED
Tajima
QUIKRETE

36NC

10-31-2024
Inspection Photos
Abatement Complete

2090-36NC

2090-86NC

Clean Site
SERVICES
1-866-679-3373
CleanSiteService.com
Clean Site
1-866-679-3373

11-1-2024

Inspection Photos

All Materials Off Site

Planning and Development Department

February 26, 2026

Paul T. & Ping H. Mak
3819 Bluff Street
Torrance, CA 90505

Subject: City Council Appeal Hearing, 2750 Cedar lien and abatement

Dear Mr. and Mrs. Mak,

You are hereby notified that a hearing will be held before the Berkeley City Council on March 10, 2026, at 6:00 pm, in the School District Board Room located at 1231 Addison Street, Berkeley, CA 94702, to consider the Appeal of Special Assessment Tax Lien and of the Need for Abatement Action at 2750 Cedar St. You may be, but need not be, represented by counsel. You or your designated representatives will be provided up to seven minutes to present your views and any relevant evidence to the City Council.

Copies of the staff report and related materials prepared by City staff may be found online, after the City Clerk publishes the agenda packet for this meeting. Visit https://berkeleyca.gov/your-government/city-council/city-council-agendas and select the agenda for the Regular Council meeting of March 10, scheduled for publication by the end of the business day on Thursday, February 26. That agenda will also include instructions for persons wishing to submit additional materials into the Council record. Materials may also be provided to the Council by e-mail to council@berkeleyca.gov, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Sincerely,

Jordan Klein, Director
Planning & Development Department

CC: Michael Tolleson, architect/owner agent (by email to michael@michaeltolleson.com)