AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, March 10, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 609 0203.** To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Amendments to Title 21 (Subdivisions Ordinance) and Title 23 (Zoning Ordinance) to implement Senate Bill (SB) 684
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 8,002-N.S amending the Berkeley Municipal Code Titles 21 (Subdivisions Ordinance) and 23 (Zoning Ordinance) to implement Senate Bill (SB) 684 by establishing: 1. A ministerial, SB 684–compliant path for small-lot subdivisions and related housing; and 2. A local Parcel-Map path for lower-density projects that meet minimum residential density requirements but do not qualify under SB 684.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – O'Keefe.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

2. Re-Establishment of the Downtown Berkeley Property and Business Improvement District (DPBID)
From: City Manager
Recommendation: Adopt a Resolution declaring intent to establish the Downtown Berkeley Property and Business Improvement District (DPBID) for the ten-year period beginning July 1, 2026, and ending June 30, 2036, with operations to occur over the ten-calendar year period beginning January 1, 2027, and ending December 31, 2036. Set a public hearing for May 19, 2026, on establishment of the DPBID, and direct the City Clerk to conduct all necessary proceedings for establishment of the DPBID.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

3. Ashby BART East Lot Transit Oriented Development Request for Proposal Framework
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to release a Request for Proposals (RFP) and Notice of Funding Availability (NOFA) to solicit proposals from development teams (comprised of developers, service providers, and architects) regarding their plan, capacity, experience, and interest in developing the currently Bay Area Rapid Transit Agency (BART)-owned, future City-owned property known as the East Lot located at Adeline Street and Woolsey Street in South Berkeley.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

4. Contract No. 32300149 Amendment: mySidewalk, Inc. for HHCS Web-Based Population Health Data Platform
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 32300149 with mySidewalk, Inc. for an additional $50,618 for a total not to exceed amount of $207,928, and to extend the contract term end date to April 24, 2027.
Financial Implications: $50,618 - Various Funds
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

5. Filling Human Welfare and Community Action Commission Public Sector Vacancies
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Catherine Gelsinger to the Human Welfare and Community Action Commission (HWCAC).
Financial Implications: None
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Consent Calendar

6. City Contracts: Outdated Process Led to Non-Competitive Contracts
From: Auditor
Recommendation: We recommend City Council request that the City Manager report back by Fall 2026, and annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Finance Department and other relevant departments. The audit includes 13 recommendations to clarify for staff when non-competitive contracts and amendments are appropriate, as well as to improve transparency and efficiency in the contracts process overall. The City management agreed or partially agreed to our findings and recommendations. Please see our report for their complete response.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Items

7. Entertainment Zone Ordinance *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Refer for drafting to the City Attorney an ordinance enabling entertainment zones in Berkeley: Refer to the City Manager for the initiation of a merchant stakeholder engagement process and develop entertainment zone management plans for potential zones in the vicinity of the following locations and organizational leads: Downtown: Downtown Business Association, Gilman: Gilman District Merchants Association, South Side Telegraph Business Improvement District San Pablo University Avenue Association
Policy Committee Recommendation: To send item to Council with a qualified positive recommendation to encourage staff discretion in determining additional zones for entertainment.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

8. The Berkeley Rule: Artificial Intelligence Municipal Framework *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember Bartlett (Author), Councilmember Tregub (Author)
Recommendation: 1. Adopt a Resolution which affirms Berkeley's commitment to innovation in service of liberty, dignity, and the public good. 2. The City hereby endorses "The Berkeley Rule" and encourages City staff, commissions, and community partners to consider its Ten Principles in the planning, evaluation, and oversight of artificial intelligence systems. The Berkeley Rule: Put Residents First; Modernize City Services; Empower the Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth. The principles are meant to encourage the Artificial Intelligence (AI) industry to develop products and services aligned with these goals.
Policy Committee Recommendation: To send the item to Council with a positive recommendation, and that items 3 and 4 in the recommendation be amended to be less prescriptive.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

9. Referral: Strengthen Berkeley's Micromobility Regulatory Framework to Improve Public Safety, ADA Accessibility, and Operator Accountability *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Tregub (Author), Councilmember Blackaby (Co-Sponsor)
Recommendation: Refer to the City Manager and Transportation and Infrastructure Commission the development of recommendations to enhance safety and eliminate or reduce conflicts between shared micromobility devices and pedestrians/wheelchair users on Berkeley's sidewalks.
Policy Committee Recommendation: To forward the item to Council with a positive recommendation.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

10. Resolution Opposing Bureau of Land Management Oil and Gas Leasing and Drilling on California Public Lands and Parks
From: Councilmember Tregub (Author)
Recommendation: Adopt a Resolution opposing the Bureau of Land Management's (BLM) proposed oil and gas leasing and development on approximately 1.6 million acres of California public lands, including areas adjacent to Bay Area parks such as Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, and Black Diamond Mines Regional Preserve; and refer to the City Manager to send a letter to the BLM Central Coast Field Office, the U.S. Secretary of the Interior, and California's Congressional delegation urging withdrawal of the Draft Supplemental Environmental Impact Statements and cessation of all new oil and gas lease sales on California public lands.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

11. Citywide Guidelines on Artificial Intelligence *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember O'Keefe (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Refer to the City Manager to develop official, citywide guidelines for the secure, ethical, and effective use of Artificial Intelligence (AI) tools by City of Berkeley employees. The policy should align with Berkeley's values, promote innovation and progress, and safeguard privacy and public trust. The City Manager should review policies adopted by other California cities and develop Berkeley-specific principles to guide staff usage of AI. The following principles should form the foundation of Berkeley's policy: 1. Create safeguards against introduction of bias through use of AI systems 2. Protect data privacy and ensure cybersecurity compliance 3. Maintain human oversight and accountability 4. Explore opportunities to integrate AI into operations management 5. Foster collaboration and cross-departmental exchange of AI knowledge 6. Ensure transparency and compliance with Public Records Laws 7. Periodic review and improvement Developing a clear and responsible AI policy will help the City of Berkeley harness emerging technologies to better serve the community while upholding equity, integrity, and public confidence in city operations and services.
Policy Committee Recommendation: To send item to Council with a positive recommendation.
Financial Implications: Staff time
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

12. Berkeley Free Clinic Critical Renovations: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Lunaparra (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Vice Mayor Lunaparra's discretionary fund, $500 from Councilmember Taplin's discretionary fund, and funds from any other Councilmembers who would like to contribute, to the Berkeley Free Clinic for critical renovations at its new location at 830 University Avenue, with funds relinquished to the City's general fund for this purpose.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

Council Consent Items

13. Project to Increase Telegraph and Claremont Housing (PITCH) Rezoning
(Reviewed by the Land Use, Housing & Economic Development Committee)
From: Councilmember Humbert (Author), Mayor Ishii (Author), Councilmember Bartlett (Author)
Recommendation: Refer to the City Manager the Project to Increase Telegraph and Claremont Housing (PITCH) as a standalone rezoning effort to proactively and equitably increase housing stock in southeast Berkeley's high-resource areas. This project would seek to: 1. Rezone the Telegraph Avenue corridor south of Parker Street to the Oakland border at Woolsey Street from the current C-C (Commercial-Corridor) district to the C-T (Telegraph Avenue Commercial) district (or similar), allowing for taller mixed-use housing development, with a goal of base zoning of 8 stories/85 feet. 2. Identify and upzone specific auto-oriented C-N (Neighborhood Commercial) parcels in the Claremont and Ashby area (near Domingo Avenue) from their current 2–3 story limits to 4–6 stories using existing or new zoning districts. 3. Allocate funding from the District 8 office budget to begin required planning and California Environmental Quality Act (CEQA) review for the proposed zoning changes.
Policy Committee Recommendation: To send the item to the City Council with a qualified positive recommendation with the following amendments: 1. Provide a more precise description of where the balance of the proposed funding would come from. 2. Look at a variety of density bonus scenarios for projections related to units and stories. 3. Clarify that the boundary runs from south of Parker Street to the Oakland border.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. For appeals of special assessment tax liens, time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking during a public hearing, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

14. Amendments to BMC Title 23 (Zoning) to Update the Regulation of Nonconforming Lot Coverage, Floor Area Ratio and Density for Residential Uses in Selected Zoning Districts
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending BMC Title 23 Section 23.324.050 to update the regulation of nonconforming lot coverage, FAR and density for residential uses in the Residential Multi-Unit 1 (R-1), Residential Multi-Unit 2 (R-2), Residential Multi-Unit 2A (R-2A), and Mixed Use-Residential (MU-R) Zoning Districts.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

15. Amendments to the Berkeley Election Reform Act Regarding the Return of Unspent Public Matching Funds, Reuse of Campaign Materials, Campaign Expenditures and Cost of Living Adjustments
From: Fair Campaign Practices Commission
Recommendation: Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Election Reform Act, BMC Chapter 2.12.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950

16. Appeal of Special Assessment Tax Lien and of the Need for Abatement Action at 2750 Cedar Street
From: City Manager
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.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Council Action Items

17. Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement *(Reviewed by the Public Safety Committee)*
From: Councilmember Kesarwani (Author)
Recommendation: Adopt a Resolution rescinding Berkeley Police Department's current required notification process for reporting pepper spray via the Berkeley Police Department Use of Pepper Spray Report after each incident. Further, maintain the recording of pepper spray use within the existing use of force reporting system to minimize the administrative burden on staff. The department's current transparency measures already provide the public with detailed data on all use of force incidents.
Policy Committee Recommendation: To send the item with a qualified positive recommendation to Council that includes 1) inviting Police Accountability Board review, 2) reaffirming the existing reporting requirements that remain in effect, and 3) direction to the Berkeley Police Department to work to maximize the availability of the reports through the Transparency Hub and the Annual Report.
Financial Implications: None
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action Calendar – Old Business

18. City of Berkeley's 2026 State and Federal Legislative Platform *(Continued from February 24, 2026)*
From: Mayor Ishii (Author)
Recommendation: Adopt a Resolution approving the City of Berkeley's 2026 State and Federal Legislative Platform.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at: berkeleyca.gov/council-agendas.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service

to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: https://records.cityofberkeley.info/.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: berkeleyca.gov/council-agendas
and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, clerk@berkeleyca.gov, or in-person during the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 26, 2026.



Mark Numainville, City Clerk
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Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

Item #17: Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement *(Reviewed by the Public Safety Committee)*

1. Kat Larrowe on behalf of the Human Welfare Community Action Commission
2. SEIU 1201 CSU/PTRLA Union Chapter Officers
3. Jacqui VanLiew
4. Office of the Director of Police Accountability

Use of Tear Gas and Flock Cameras Concerns

5. Andrew Jess
6. Anne-Lise Francois
7. Carol Denney
8. Becca Schonberg
9. Kelly Hammargren
10. Zan Turner
11. Margot Smith (2)
12. Allison Baxter
13. Nish Parker
14. Deborah Cohan

Police Accountability Board

15. Shenandoah Titus
16. Wendy Alfsen (2)
17. Christopher Kroll
18. L Carol Christopher

Ordinance Request

19. 9 Similarly worded form letters "I'm so sorry to bother."

Overnight Construction Noise

20. Anthony

Identify Consumer Fraud

21. Lydia Shiozaki

Environmental Health Concerns

22. Sheila Collier
23. Fran Haselsteiner

8th and Harrison

24. Molly Miller

Billboard Support
25. Natalie Aguilera
26. Emily Seelenfreund
27. Ryan Nolan

BART Board Meeting
28. Henry Symons

Data-Driven Accountability
29. Parsa Shabani

2026 New Star Pop-Up Street Fair Series
30. Brilliant Star Society

Office Hours
31. Dorothea Dorenz

Administrative Appeal
32. Andrew Marowitz

2109 Virginia
33. Gregory Kalkanis

Hopkins Street
34. David Gilbert

Proclamation Request
35. Monica Torres
36. Dolores Martinez

North Branch Library
37. Glen

A Note for You
38. Leonard Pitt

211 and Available Shelter
39. Jesse Sheehan

Settlement Fund Request
40. Marcus von Engel

Lunar New Year
41. Joel Ng on behalf of Falun Gong Practitioners in Berkeley

Upzoning
42. Summer Brenner
43. Jacqueline Beth

44. Howard Hertz
45. Micky Duxbury (2)
46. John J. Parman

February 19th
47. Kelly Hammargren

Crosswalk Illumination
48. David Lerman

Group Picture
49. Ararety Garewal

BHS Teacher
50. Jim Lutz

Elementary Reading Program
51. Ruth Stern

BUSD Fix-It Fest
52. Linda Currie

Parking Permits
53. Cristina Estrada

RV Concerns
54. Eric Mason

Housing Voucher Concerns
55. Michelle Cortez

Traffic Enforcement
56. Margaret

Berkeley Downtown Library
57. Jacqueline Fried

Big Oaks Learning Center
58. Raquel Balingit

Occupied Property
59. Raj Sahai

BHA Grievance
60. Michelle Cortez

ADA Grievance
61. Jonnyruel

High-Rise Apartments
62. Pauline Bondonno Cross

EPA New Funding Opportunity
63. Chris Cullander

Resolution Request
64. Musa Tariq

Acton Courtyard Tenants Union
65. Yasmin Jenkins (3)

Forwards
66. Russbumper (2)

Newsletters
67. Visit Berkeley (2)
68. Downtown Berkeley Association
69. Margots999
70. Berkeley Art Center

I-580 Truck Ban
71. Nate Miley
72. Brandy Olson
73. Shannon Rogers
74. Laura Gardner

URL
75. Russbumper

E-Scooters
76. Moni Law
77. Robert Borghese (9)
78. Carson Lepre (9)
79. Wahid Amiri

Supplemental Communications and Reports
Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- **Supplemental Communications and Reports 1**
  Available by 5:00 p.m. five days prior to the meeting.

- **Supplemental Communications and Reports 2**
  Available by 5:00 p.m. the day before the meeting.

- **Supplemental Communications and Reports 3**
  Available by 5:00 p.m. two days following the meeting.

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ORDINANCE NO. 8,002-N.S.

AMENDMENTS TO TITLE 21 (SUBDIVISIONS) AND TITLE 23 (ZONING) TO PERMIT SMALL-LOT SUBDIVISIONS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That section 21.16.10 be amended to read as follows:

21.16.010 General.

The tentative map shall be prepared by a registered civil engineer or licensed land surveyor and shall be clearly and legibly drawn to show the details of the plan. The size of each sheet shall be eighteen by twenty-six inches. Tentative maps shall be signed by the civil engineer or licensed land surveyor. (Ord. 5793-NS § 2 (part), 1987)

This Chapter applies to subdivisions for which a tentative map is required by the Subdivision Map Act. Subdivisions that are exempt from the tentative map requirement under the Subdivision Map Act, including but not limited to subdivisions that qualify under Government Code Section 66426(a)–(e), shall not be processed under this Chapter and shall instead require only a parcel map pursuant to Chapter 21.24.

Section 2. That Chapter 21.24 be amended to read as follows:

PARCEL MAPS

Section 3. That section 21.24.001 be amended to read as follows:

21.24.001 Applicability.

The provisions of this chapter shall apply to:

A. All subdivisions of four or fewer parcels, except those:

1. Made solely for the purpose of opening or widening of a public street or alley.
2. Which are necessary solely for the conveyance, transfer, creation or establishment of an easement to or from a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-way, pedestrian or vehicular access, sewer, water or public utility connection or service.

3. Where the City Engineer and the Director of Planning determine that all of the following conditions exist.

(a) The division results in the same or fewer number of lots.

(b) The division is not in conflict with other provisions of this title.
(c) The division is not in conflict with the General Plan or any applicable specific plan.

4. Which are made solely because of the acquisition of property by government agencies.

B. Subdivisions creating five or more parcels that are exempt from the requirement for a tentative and final map, and instead require a parcel map, pursuant to Government Code Section 66426(a)–(e).

Section 4. That section 21.24.030 be amended to read as follows:

21.24.030 Accompanying data and reports.

Except as provided in Section 21.24.080, the regulations described in Section 21.16.040 shall apply to parcel maps. (Ord. 5793-NS § 2 (part), 1987)

Section 5. That section 21.24.040 be amended to read as follows:

21.24.040 Approval of parcel maps.

A. Except as provided in Section 21.24.080, the regulations described in Sections 21.16.010 through 21.16.090 shall apply to the approval of all parcel maps with the exception that the advisory agency under Government Code Section 66415 for purposes of approval of parcel maps shall not be the Planning Commission, but shall be the City Manager or their designee and accordingly that no public hearing is required for approval of a parcel map. All other provisions of Section 21.16.010 through 21.16.090 continue to apply to approval of parcel maps. (Ord. 6459-NS § 1, 1998: Ord. 5793-NS § 2 (part), 1987)

B. Parcel maps processed pursuant to Section 21.24.080 shall be approved, conditionally approved, or denied in accordance with the procedures and standards set forth in that Section and are not subject to the provisions of Sections 21.16.010 through 21.16.090, except where expressly cross-referenced.

Section 6. BMC Section 21.24.080 be added to read as follows:

21.24.080 Parcel maps qualifying under Government Code Section 66426(a).

A. Eligibility. A parcel map may be processed ministerially under this Section only if all of the following criteria are met:

1. The subdivision is subject to the Subdivision Map Act and would otherwise require a tentative and final map pursuant to Government Code Section 66426;

2. The subdivision qualifies for the tentative map exemption in Government Code Section 66426(a), in that:

(a) The land before division contains less than five (5) acres;

(b) Each parcel created by the division will abut upon a maintained public street or highway; and

(c) No dedications or off-site improvements are required by the City as a condition of the subdivision.

3. The subdivision will create no more than twelve (12) parcels; and

4. Each parcel created will comply with:

(a) The minimum lot area, width, depth, and other dimensional standards of the applicable zoning district;

(b) The General Plan land use designation; and

(c) All applicable objective subdivision design and improvement standards of this Title and other applicable codes.

B. Advisory Agency and procedure.

1. For purposes of this Section, the advisory agency under Government Code Section 66415 shall be the City Manager or their designee, in consultation with the City Engineer and the Director of Planning and Development.

2. Parcel maps under this Section shall be reviewed and acted upon administratively by City staff.

3. Applications shall be submitted on forms provided by the City and shall include all information necessary to demonstrate compliance with the eligibility criteria in Subsection A and with applicable objective standards.

4. Any decision of the advisory agency to approve, conditionally approve, or deny a parcel map under this Section may be appealed to the City Council in accordance with the appeal procedures set forth in Section 21.16.050.

C. Approval standards.

1. The advisory agency shall approve a parcel map under this Section if it finds, based on substantial evidence in the record, that:

(a) The subdivision satisfies all eligibility criteria in Subsection A; and

(b) The advisory agency finds that none of the conditions set forth in Government Code Section 66474(a) through (g) exist.

2. The advisory agency shall deny a parcel map under this Section if it cannot make the findings in Paragraph 1 of this Subsection.

3. Conditions of approval, if any, shall be limited to:

(a) Requirements necessary to ensure compliance with objective standards expressly set forth in this Title, Title 23, or other applicable codes; and

(b) Technical corrections necessary to ensure conformity with the Subdivision Map Act and to correct drafting or surveying errors on the parcel map.

D. Subsequent small-lot subdivisions.

A parcel created pursuant to this Section may subsequently be subdivided pursuant to a ministerial small-lot subdivision under Government Code Section 66499.41 and any provisions of Title 21, provided that the subsequent subdivision meets all eligibility criteria in state law and/or this Title.

Section 7. BMC Chapter 21.30 be added to read as follows:

Chapter 21.30 – Small Lot Subdivisions (Middle Housing Infill Projects)

21.30.010 – Purpose and Intent

A. The purpose of this Chapter is to implement the provisions of Government Code Sections 66499.41, 65913.4.5, and 65852.28 (Senate Bill 684 (2023), as amended by subsequent legislation), which require a ministerial process for approval of certain small-lot subdivisions creating up to ten lots for residential development, and to provide a parcel-map process for similar small-lot subdivisions that meet minimum zoning density but do not qualify under Section 66499.41.

B. This Chapter establishes local procedures and objective standards for the subdivision of qualifying parcels, referred to as Middle Housing Infill Projects (MHIPs), consistent with the Subdivision Map Act and Titles 21 and 23 of the Berkeley Municipal Code.

C. The intent of this Chapter is to: (1) facilitate homeownership opportunities; (2) ensure consistency with state law; (3) apply zoning development standards at the parent-parcel level; (4) apply objective standards for access and development standards; and (5) ensure compliance with replacement-housing requirements under Government Code Section 66300.6 and BMC Chapter 23.326 (Demolition and Dwelling Unit Controls).

D. The definition of Protected Unit in this Chapter applies to Middle Housing Infill Projects processed as either an SB 684 MHIP or a Parcel Map MHIP.

21.30.020 – Definitions

A. *Middle Housing Infill Project (MHIP)*. A subdivision and related housing development processed under this Chapter.

1. *SB 684 MHIP*. A subdivision creating up to ten lots and up to ten dwelling units, that meets all of the eligibility criteria of Government Code Section 66499.41 as well as the

minimum density in BMC Section 21.30.060(E). SB 684 MHIPs shall be processed ministerially under Section 21.30.040(B)(1).

2. *Parcel-Map MHIP*. A subdivision creating two to four lots, that meets or exceeds the minimum residential density of the underlying zoning district, but does not meet all SB 684 criteria. Parcel-Map MHIPs are processed under BMC Chapter 21.24 (Parcel Maps).

B. *Parent Parcel*. The legally-established parcel that exists prior to a subdivision creating a MHIP. For purposes of applying zoning development standards under this Chapter, the parent parcel shall be treated as a single lot prior to subdivision.

C. *Protected Unit*. For purposes of this Chapter, a "Protected Unit" means a dwelling unit:

1. occupied by tenants at any time within the last five years prior to submittal of a subdivision application, or

2. subject to affordability restrictions, or

3. subject to rent-control provisions, or

4. located on a parcel on which an owner of residential real property has, within the past fifteen (15) years, exercised rights under Chapter 12.7 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code (the "Ellis Act") to withdraw accommodations from rent or lease.

D. *Vacant Lot.* For the purposes of this Chapter, "vacant" has the same meaning as in Government Code Section 66499.41(a)(2)(A).

21.30.30 – Applicability

A. *Zoning Districts*. This Chapter applies to:

1. Parcels in zoning districts where Multi-Family Dwellings are a permitted use; and

2. Vacant parcels zoned for single-family residential development as specified in Section 21.30.050(A)(1).

B. *Project Types*. This Chapter applies to Middle Housing Infill Projects (MHIP), as defined in Section 21.30.020 (Definitions).

21.30.040 – Application and Procedures

A. *Application*. Applications shall be filed on City forms with required fees and shall include

all of the following:

1. A parcel map prepared pursuant to Chapter 21.24 or a tentative map prepared pursuant to Chapter 21.16.

2. Project plans, including a site plan, floor plans, tabulation of dwelling units, open-space and parking diagrams, and massing elevations, sufficient to demonstrate objective compliance with Titles 21 and 23 at the parent parcel scale.

3. Housing development plans demonstrating compliance with applicable objective standards in Titles 21 and 23.

4. An affidavit of ownership, and a tenancy history for the 5 years prior to the submission of the application, for the parent parcel.

5. Evidence of access and utility service easements for each proposed lot.

6. Any other information necessary to verify compliance with applicable objective standards.

B. *Review Process*.

1. *SB 684 MHIPs*. Applications shall be processed ministerially, consistent with Government Code Section 66499.41. A decision shall be rendered within sixty (60) days of a complete map application.

2. *Parcel-Map MHIPs*. Applications shall be processed pursuant to BMC Chapter 21.24 (Parcel Maps).

C. *Approving Authority*. The Planning Director, or their designee, shall serve as the advisory agency for SB 684 MHIPs. The Planning Director shall serve as the advisory agency for Parcel-Map MHIPs.

D. *Appeals*. Decisions on SB 684 MHIPs, including any associated parcel maps processed ministerially pursuant to this Chapter, are ministerial determinations and are not subject to appeal.

21.30.050 – Qualifying Criteria

A. *Eligible Parcels*. An MHIP may be approved only if the parent parcel meets all of the following requirements:

1. The parent parcel is either:

(a) Zoned to allow Multi-Family residential uses, and is no larger than five(5) acres; or

(b) Vacant and zoned for single-family residential development, and is no larger than one and one-half (1.5) acres.

2. The parent parcel is located within an urbanized area or urban cluster and meets all locational eligibility requirements in Government Code Section 66499.41(a)(9).

(a) The parent parcel is not located on prime farmland or farmland of statewide importance, on land zoned or designated by a voter-approved ballot measure for agricultural protection or preservation, in wetlands, or on lands identified for conservation, habitat for protected species, or lands under a conservation easement, as described in Government Code Section 66499.41(a)(9)(A), (B), and (H) through (J).

(b) The parent parcel is not located within a Very High Fire Hazard Severity Zone, as identified by the State Fire Marshal and designated by the City pursuant to Government Code Sections 51178 through 51179. For purposes of this subsection, the City's "High Fire Hazard Severity Zone" designation alone does not render a parcel ineligible under this Chapter unless the parcel is also designated as a Very High Fire Hazard Severity Zone under Government Code Section 51178.

(c) If the parent parcel is located on a hazardous waste site, within an earthquake fault zone, a special flood hazard area, or a regulatory floodway, it shall be eligible under this Chapter only to the extent permitted by, and in compliance with, the conditions for such locations in Government Code Section 66499.41(a)(9)(D) through (G).

B. *Lot and Unit Count.*

1. An SB 684 MHIP may create two to ten lots and up to ten dwelling units.

2. A Parcel-Map MHIP may create two to four lots.

3. No MHIP shall result in more than ten dwelling units on the parent parcel.

C. *Protected Units***.**

1. No SB 684 MHIP shall require the demolition of, or result in the loss of, any Protected Units.

2. No Parcel Map MHIP shall require the demolition of, or result in the loss of, any Protected Units unless replacement housing is provided consistent with Government Code Section 66300.6 and BMC Chapter 23.326.

D. *Further Subdivision***.** The lot was not established pursuant to this section, including a designated remainder parcel described in Section 66499.41(a)(1)(B), or Section 66411.7 (SB 9 – Urban lot split).

21.30.60 – Development Standards

A. *Parent Parcel Compliance*. Zoning development standards, including minimum lot size, density, floor-area ratio, lot coverage, usable open space, setbacks, and parking, shall be applied at the parent parcel level prior to subdivision. The Planning Director shall waive or modify any such standard if its application would physically preclude construction of the minimum residential density required under Section 21.30.060(E). Any waiver or modification shall be the minimum necessary to achieve compliance with that density requirement.

B. *Minimum Lot Dimensions*.

1. *Multi-Family-zoned parent parcel*. The minimum lot size for each new lot shall be six hundred (600) square feet.

2. *Vacant single-family-zoned parent parcel*. The minimum lot size for each new lot shall be six hundred (600) square feet.

C. *Street Frontage.* Street frontage is required and may be satisfied through a public street, alley, or recorded access easement consistent with Fire and Building Codes.

D. *Access and Utilities*. Each lot shall have recorded vehicular and emergency access easements and recorded utility easements sufficient for water, sewer, power, and drainage service.

E. *Residential Density*.

1. SB 684 MHIPs shall satisfy one of the following:

(a) If the parent parcel is identified in the City's Housing Element for the current planning period, the development shall result in at least the number of dwelling units (and affordable units, if applicable) identified for that site; or

(b) If the parent parcel is not identified in the City's Housing Element, the development shall result in at least sixty-six percent of the maximum allowable residential density specified by the underlying zoning. If the underlying zoning district does not establish a minimum residential density, the project shall meet or exceed 20 dwelling units per acre.

2. Parcel-Map MHIPs shall meet or exceed the minimum residential density required by the underlying zoning district. If the underlying zoning district does not establish a minimum residential density, the project shall meet or exceed 20 dwelling units per acre.

F. *Floor Area Limits*. SB 684 MHIPs are subject to the floor area limits in BMC 23.304.160(D)(3).

G. *Parking*.

1. *Transit Exemption*. No parking shall be required if the parcel is located within one-half mile walking distance of either a stop in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b) or a major transit stop, as defined in Public Resources Code Section 21064.3.

2. *Application of Local Standards*. Where the transit exemption does not apply, off-street parking shall conform to the requirements of BMC Chapter 23.322, except where superseded by state law.

3. *Parking Configuration*. Shared driveways, tandem spaces, and unbundled parking are permitted, provided they meet dimensional standards.

4. *Consistency with State Law*. Where state law establishes fewer required off-street parking spaces than this Section, those rules shall govern.

H. *Inclusionary Housing*. All MHIP housing developments shall comply with the City's inclusionary housing requirements (BMC Chapter 23.328 or successor), including on-site affordable units and/or in-lieu fees, as applicable. For purposes of this section, "MHIP housing development" or "project" means the entire development approved under this Chapter, regardless of whether lots are subsequently sold, transferred, or developed separately.

1. **In-Lieu Fee Option.** For MHIP housing developments that elect to comply

via payment of an in-lieu fee pursuant to BMC Section 23.328.030(B), the in-lieu fee shall be due and payable upon issuance of the first Certificate of Occupancy for any unit within the MHIP housing development, or earlier at the applicant's election. No additional Certificates of Occupancy shall be issued until the in-lieu fee is paid. The in-lieu fee may not be prorated across the units.

2. **On-Site Affordable Units Option.** For MHIP housing developments that elect to comply via the construction of affordable units:

   (a) The required affordable units shall each be subject to a recorded affordability restriction consistent with BMC Chapter 23.328.

   (b) Prior to recordation of the final map, the subdivider shall record a covenant, in a form approved by the City, binding all parcels created under this Chapter to the inclusionary housing obligations of the MHIP housing development until those obligations are satisfied.

   (c) Phased Development Timing

      (1) At least fifty percent (50%) of the required affordable units shall have received building permits prior to the issuance of building permits for more than fifty percent (50%) of the market-rate units.

      (2) All required affordable units shall receive Certificates of Occupancy prior to the issuance of any Certificate of Occupancy for the final market-rate unit within the MHIP housing development.

I. *Sale or Financing Sequencing.* Parcels created under this Chapter may be sold, leased, or financed as permitted by Gov. Code Section 66499.41(e)(1). Notwithstanding Gov. Code Section 66499.41(e)(1), and pursuant to Gov. Code Section 66499.41(e)(2), the City authorizes the sale, lease, or financing of a parcel without a completed dwelling unit upon issuance of a building permit for at least one dwelling unit on that parcel. This authorization shall be secured by a recorded covenant under Section 21.30.070(D).

J. *Ownership Forms*. For SB 684 MHIPs, the resulting housing shall be constructed on fee-simple lots, or be part of a common-interest development, a housing cooperative, a community land trust, or a tenancy in common, consistent with Government Code Section 66499.41.

21.30.070 – Approval of SB 684 MHIPs and Recordation

A. SB 684 MHIPs shall be approved ministerially by the Planning Director within sixty (60) days of a complete map application.

B. *Approval*. Approval requires substantial conformance with the submitted project plans under Section 21.30.040(A)(2) and compliance with applicable objective standards and state law.

C. *Recordation*. A final or parcel map shall be recorded prior to issuance of building permits, unless otherwise allowed by the Planning Director with a recorded covenant ensuring consistency between the approved map and subsequent permits. Submission of building permits or certificates of occupancy shall not be a prerequisite to map recordation.

D. *Covenants*. A covenant shall be recorded against each lot created under this Chapter which prohibits further small-lot subdivision under Government Code Section 66499.41 (SB 684) and urban lot splits under Government Code Section 66411.7 (SB 9),

E. *CEQA.* Pursuant to Government Code Section 66499.41, SB 684 MHIPs are ministerial actions not subject to the California Environmental Quality Act (CEQA).

F. *Application Denial*. SB 684 MHIPs may be denied only upon written findings by the Planning Director that the proposed development would have a specific, adverse impact on public health and safety or the physical environment, and that no feasible method exists to satisfactorily mitigate or avoid the impact, consistent with Government Code Sections 65913.4.5, 66499.41, and 65852.28.

21.30.080 – Expiration

Tentative or parcel maps approved under this Chapter shall expire pursuant to applicable provisions of Berkeley Municipal Code Title 21 and relevant state law. The Planning Director may approve extensions consistent with such provisions.

21.30.090 – Enforcement

A. The City Attorney is authorized to enforce this Chapter by injunction, civil action, or any other remedy provided by law.

B. Any violation of this Chapter or conditions of approval shall constitute a violation of the Berkeley Municipal Code and may be enforced as provided in BMC Chapter 1.28.

C. Remedies are cumulative and not exclusive.

21.30.100 – Savings Clause

A. Each provision of this Chapter shall be applied only to the extent it is consistent with state law.

21.30.101 – Severability Clause

A. If any provision of this initiative is found to be invalid or unconstitutional, such finding shall not affect the validity or constitutionality of the remaining provisions.

Section 8. That BMC Section 23.202.030(E) be added to read as follows:

E. *Middle Housing Infill Projects*. Middle Housing Infill Projects, as defined in BMC Section 21.30.020(A) (Definitions), are permitted in any residential district where Multi-Family dwellings are an allowed use, subject to the underlying zoning standards, the standards in Section 23.304 (General Development Standards) and the subdivision procedures in Title 21.

Section 9. That BMC Section 23.204.030(F) be added to read as follows:

F. *Middle Housing Infill Projects*. Middle Housing Infill Projects that comply with the eligibility criteria of Government Code Section 66499.41 (SB 684 MHIPs), as defined in BMC Section 21.30.020(A) (Definitions), are permitted in any commercial district where Multi-Family dwellings are an allowed use, subject to the underlying zoning standards, the standards in Section 23.304 (General Development Standards) and the subdivision procedures in Title 21.

Section 10. That BMC Section 23.206.030(G) be added to read as follows:

G. *Middle Housing Infill Projects*. Middle Housing Infill Projects that comply with the eligibility criteria of Government Code Section 66499.41 (SB 684 MHIPs), as defined in BMC Section 21.30.020(A) (Definitions), are permitted in the Mixed-Use Residential (MU-R) zoning district, subject to the underlying zoning standards, the standards in Section 23.304 (General Development Standards) and the subdivision procedures in Title 21.

Section 11. That section 23.304.020(A)(5) be amended, and 23.204.020(A)(6) be added, to read as follows:

5. *Parent Parcel (Middle Housing Infill Projects)* For purposes of a Middle Housing Infill Project, zoning development standards shall be applied to the parent parcel as a single lot at the time of subdivision approval. Following subdivision, each newly created lot shall be deemed a separate lot for purposes of ownership and subsequent development. Compliance with zoning development standards shall be determined based on the parent parcel at the

time of subdivision approval, except that subsequently adopted regulations that are less restrictive shall apply.

6. *Projections Over Lot Lines.* A building or structure may not project over a lot line except that:

(a) Awnings and other architectural features may project over a lot line into the public right-of-way; and
(b) Fences may be erected on shared lot lines.

Section 12. That BMC Section 23.304.090(A) be amended to read as follows:

A. *Applicability.* The standards in this section apply to areas used to satisfy minimum usable open space requirements.

1. Southside Plan Area Standards.

(a) For parcels located in the R-3, R-S, R-SMU, or C-T districts within the Southside Plan boundaries, the minimum usable open space required is calculated on a per 1,000 square feet of gross residential floor area basis.

(b) Certain development projects located in the R-3, R-S, R-SMU or C-T districts within the Southside Plan boundaries may satisfy a portion of the required usable open space by providing residential amenities that meet the qualifying criteria in Section 23.304,090(D) and (E).

2. Middle Housing Infill Project Standards.

(a) Middle Housing Infill Projects shall provide a minimum of 150 square feet of usable open space per 1,000 square feet of Gross Residential Floor Area, evaluated at the parent parcel level, which may be in private balconies, patios, or rooftop areas or shared courtyards, terraces, or rooftop assemblies designed for use by all residents.

Section 13. That BMC Section 23.304.160 be added to read as follows:

23.304.160 – Middle Housing Infill Project Standards

A. *Applicability*. This Section applies to all Middle Housing Infill Projects (MHIPs) approved pursuant to BMC Chapter 21, including SB 684 MHIPs and Parcel Map MHIPs.

B. *Standards*. A proposed MHIP housing development shall comply with

all objective zoning, subdivision, and design review standards applicable to the parcel, as well as the Specific Standards included under subsection 23.304.160(D).

C. *Modifications*.

1. *SB 684 MHIPs*. The Planning Director shall waive or modify any objective standard if its application would physically preclude the construction of the minimum number of dwelling units required under Government Code Section 66499.41.

2. *Parcel Map MHIPs*. The Planning Director shall waive or modify any objective standard if its application would physically preclude the construction of the minimum residential density required by the underlying zoning district. If the zoning district does not establish a minimum residential density, the project shall meet or exceed sixty-six percent of a density of 30 dwelling units per acre.

D. *Specific Standards*.

1. No separation is required between units, except as required by the California Building Code.

2. Rear and side yard setbacks from the original parent parcel lot line shall be four (4) feet, except that:

   a. no setback is required for an existing legally created structure, or for a structure reconstructed in the same location and to the same dimensions as such legally created structure, and

   b. where the applicable zoning district allows a rear or side yard setback less than four (4) feet, the smaller standard shall apply.

3. Average Unit Size. For SB 684 MHIPs, the average net habitable floor area of dwelling units shall not exceed 1,750 square feet per unit. This limit shall not apply to Parcel Map MHIPs.

4. For development on a vacant lot zoned single-family, the applicable height limit shall be no less than the maximum height otherwise permitted in the zoning district.

Section 14. That BMC Section 23.502.020(M)(11) to (18) are amended to read as follows:

11. *Middle Housing Infill Project*. See 21.30.020(A) (Definitions)

12 *Mini-storage.* A storage warehouse characterized by individual separate spaces, which are accessible by customers for storing and retrieval of goods.

13. *Mixed Use.* The use of a lot or building with two or more different land uses including, but not limited to, residential, commercial retail, office or manufacturing, in a single structure or a group of physically integrated structures.

14. *Mixed-Use Residential.* A development project with both residential and non-residential uses which are either 1) located together in a single building; or
2) in separate buildings on a single site of one or more contiguous properties.

15. *Microcell.* A set of antenna nodes networked with each other and connected to a wireless service source, such that a one or more high-power antennas that serve a given area are replaced by a group of lower-power antennas to serve the same geographic area.

16. *Monopole.* A single pole support structure greater than 15 feet in height erected on the ground or on a structure to support antennas and related communications equipment.

17. *Motel, Tourist.* An establishment which provides overnight lodging and parking which contains six or more guest rooms used, designed or intended to be used, let or hired out for occupancy by six or more transient individuals for compensation, whether direct or indirect, and in which the rooms are usually accessible from an outdoor parking lot.

18. *Multi-Family Dwelling.* A building, group of buildings, or portion of a building used or designed as three or more dwelling units.

19. *Municipal Animal Shelter.* A City-owned facility providing services for humane animal care with programs and services focused on maximizing opportunities for animal adoption. Supporting facilities may include medical care (including spay/neuter), kennels, exercise areas and adoption centers.

Section 15. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of

this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on February 24, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, Taplin, Tregub, and Ishii.

Noes: None.

Abstain: O'Keefe.

Absent: None.

02

Office of the City Manager

CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Eleanor Hollander, Manager, Office of Economic Development

Subject: Re-Establishment of the Downtown Berkeley Property and Business Improvement District (DPBID)

RECOMMENDATION

Adopt a Resolution declaring intent to establish the Downtown Berkeley Property and Business Improvement District (DPBID) for the ten-year period beginning July 1, 2026, and ending June 30, 2036, with operations to occur over the ten-calendar year period beginning January 1, 2027, and ending December 31, 2036. Set a public hearing for May 19, 2026, on establishment of the DPBID, and direct the City Clerk to conduct all necessary proceedings for establishment of the DPBID.

SUMMARY

The DPBID provides services for environmental and economic enhancements in Berkeley's Downtown area including cleaning, hospitality and marketing services for Berkeley's premier commercial district. The current Downtown Berkeley Property and Business Improvement District (DPBID or the District) is scheduled to expire on December 31, 2026. The Downtown Berkeley Association (DBA), as the District's owners' association, has begun the legal process to re-establish the DPBID for a third term of 10 years. The DPBID was first established in 2011 for an initial term of 5 years and renewed in 2016 for a second term of 10 years. The new term for the District would be for ten years - beginning with Fiscal Year (FY) 2027, starting July 1, 2026 and ending June 30, 2036. Operations of the DPBID would span the ten-year period beginning January 1, 2027 and ending December 31, 2036.

The City of Berkeley owns parcels within the DBPID boundaries and is required by state law to pay into the DPBID. On December 2, 2025 Berkeley City Council indicated the desire to renew the DPBID and subsequently authorized the City Manager to sign the petitions and vote YES on any ballots of behalf of City-owned properties in the proposed Downtown PBID area.[1]The City of Berkeley owns 14 (fourteen) parcels included in the proposed re-established DPBID; this includes one parcel owned by the Berkeley Joint Powers Authority or JPA. The new annual assessment to the city will be approximately

[1] Berkeley City Council, Consent Calendar, Item 8, December 2, 2025.

$204,244 and could rise by as much as 5% per year. This amount accounts for 7.65% of the DPBID's overall assessment budget. The City will be asked to pay for the "general benefit" portion of the District budget in addition to the assessments on City-owned properties which is estimated to be $58,351 in the first year of the reestablished DPBID. The *DPBID Management District Plan* (Attachment 1, Exhibit A) provides a more thorough explanation of the background and calculation of the Downtown District's general benefit amount. Assessments on City-owned property and the general benefit payment will total $262,596 in the first year of the assessment (FY27).

The first step of the DPBID reestablishment process required that petitions representing at least 50% of the total amount of the proposed assessment be submitted to the City Clerk (completed February 4, 2026). With petitions representing 50% or more of the total assessment received (Attachment 2), the City Clerk is now empowered to send ballots to all of the proposed assessees within the DPBID boundary. Next, the authorizing legislation (California Streets and Highways Code, §36600. et. seq.) requires Council to approve Resolution of Intent to Re-Establish the DBPID (Attachment 1) and set a Public Hearing at least 45 days later, anticipated on May 19, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Under the provisions of Proposition 218 in the California Constitution, government agencies must pay assessments in PBIDs and other special benefit districts, just like private property owners, unless they receive no benefit. Payment is collected from private property owners through property tax bills typically submitted in November and February of each Fiscal Year (July 1 – June 30). Payments would be due from non-property tax-paying entities such as the City (and the University) at roughly the same time. The City's initial assessment payment in Fiscal Year 2027 (FY27) would be $204,244. In 2011 at the initial establishment of the Downtown PBID, the City increased parking rates at meters in the Downtown area to generate funds to pay for the City DPBID assessment costs. The DPBID board (per the adopted District Management Plan) would have the authority to raise assessment rates as much as 5% per year to keep pace with the consumer price index and other program costs. The DPBID board would continue to be primarily comprised of assessed property owners, including the City, who would themselves be subject to any assessment level increases.

In addition to assessments, the City will be asked to pay for the "general benefit" portion of the budget. As required by state law, the general benefits of an assessment district must be quantified so that the cost of the activities that are attributed to general benefit can be deducted from the amounts assessed against each specially benefitted parcel. In most California cities where there is a general benefit cost associated with a PBID, the municipality pays that portion of the budget. The engineer's report commissioned for the reestablishment of the DPBID in 2025 calculates that the general benefit for the district represents $58,351 of the total budget. Together assessments on City-owned property and general benefit payments will total $262,596 in the first year (FY27) and will continue annually for the following 10 years.

If the DPBID is re-established and expanded, Alameda County will collect the DPBID assessments for the ten years of its operation. The initial total proposed assessment would be approximately $2,668,086 in year one. Funds would be deposited and expended from the Downtown Property and Business Improvement District revenue fund, Fund 786. The City receives this revenue from Alameda County and disburses it to a private organization that manages services provided by the DPBID, the Downtown Berkeley Association (hereafter, the "DBA"). As described in the Management District Plan, the DPBID finances maintenance and marketing activities for the Downtown business district. It therefore indirectly enhances sales tax, business license tax and other business-related City revenue sources.

CURRENT SITUATION AND ITS EFFECTS

The renewal of the Downtown PBID is a Strategic Plan Priority Project, advancing our goals to:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- foster a dynamic, sustainable, and locally-based economy.

Formed in 2011 by Downtown Berkeley property owners, the DPBID is a special district that collects a self-governed assessment on property to provide environmental enhancements through hospitality, maintenance and beautification services, and economic enhancements to improve the Downtown business climate. The DPBID was formed with an initial five-year term in 2011 and renewed for 10 years in 2016. The DPBID is set to expire at the end of 2026, unless it is reestablished for a third term (proposed for 10 years) by Downtown property owners and the City of Berkeley.

Property and Business Improvement District (PBID) Reestablishment Process

As allowed by state law, the existing DPBID is working to reestablish itself for a second ten-year term, and a third term since its initial establishment in 2011. In February 2026, the city clerk received petitions signed by property owners representing greater than 50% of the District budget (Attachment 2), allowing the City of Berkeley to initiate a ballot procedure to officially reestablish the Downtown PBID. Governed by the Downtown Berkeley Association (DBA) board of directors, the reestablished DPBID work program would continue to provide both environmental and economic enhancements for parcels in the District. As described in the newly updated and adopted *DPBID Management District Plan* (Attachment 1, Exhibit A), the proposed DPBID would provide funding for enhanced maintenance, hospitality, beautification, placemaking, business support and attraction, event and marketing programs, above and beyond those baseline services provided by the City of Berkeley.

Location

The district boundaries encompass the core of the downtown area focused along the

Shattuck and University Avenue corridors in Downtown Berkeley (See DPBID Boundary Map, *DPBID Management District Plan*, Attachment 1, Exhibit A, page 6). To assess for the special benefit each parcel receives from the Downtown PBID activities, the two benefit zones (*Premium and Standard Zones*) will continue.

Downtown PBID Services
The DPBID will finance improvements and activities that will improve Downtown Berkeley's environment for property owners, residents, workers and visitors, including the following environmental and economic enhancements:

- Cleaning/Hospitality Ambassadors will provide sweeping, scrubbing and pressure washing sidewalks, litter and graffiti removal, trash removal, outreach and referrals for shelter and social services to unhoused persons in the district, visitor information, merchant outreach, and event support.
- The Economic Vitality team will support beautification and placemaking improvements to make Downtown Berkeley more visually attractive, which may include enhanced landscaping, public art, holiday décor, and streetscape improvements such as planters, banners, directional signage, etc.
- A new Safety Ambassador program will provide safety escorts, and address public safety concerns, including mental health crises, in addition to working with local police, business, and property owners to prevent crime and address quality of life issues.
- The Economic Vitality team will support Downtown Berkeley's evolution as a regional destination for arts, culture and entertainment, by:
  - Developing marketing and communications to support PBID activities and improvements and promote a positive image for Downtown Berkeley.
  - Producing special events and promotions to bring more customers and economic vitality to the Downtown.
  - Leading through research and community education to represent the downtown community with one clear voice.

Financing Method
Levy of assessments upon real property that benefit from improvements and activities is calculated like so:

[Assessment Rates] * [Lot + Building Square Footage]

Annual assessments are based upon an allocation of land use type, program costs, benefit zone, and a calculation of lot square footage plus building square footage.

Estimated annual maximum assessment rates for the first year of the district are:

Parcel Zone and Type	Assessment Rates
Premium – Commercial	0.3241
Premium – Residential	0.2463
Premium - Tax Exempt/Govt	0.1848
Standard – Commercial	0.2010
Standard – Residential	0.1232
Standard - Tax Exempt/Govt	0.0924

General Benefit Allowance
An allowance is made for general benefits that the district may provide to either the parcels outside the district boundary or to the public at large. Any PBID services that are found to provide general benefit cannot be paid for with assessment revenue. A certified engineer has estimated that the general benefit from services accounts for $58,351 of the estimated budget, resulting in a total assessment budget for year one of the renewed DPBID of $2,668,086 (not including general benefit).

Costs & Rates
Annual assessments are based upon an allocation of program costs within two benefit zones (“standard” and “premium”) and a calculation of land or lot square footage plus building square footage within each zone. Two benefit zones, “Premium” and “Standard” provide two different levels of service. The “Premium” service zone encompasses the area of highest intensity of use and receives more services. Environmental services (i.e. improved cleaning, hospitality, landscaping and placemaking) will be approximately twice as frequent in the “Premium” zone as in the “Standard” zone. Economic enhancements (i.e. marketing and business support) will be distributed equally throughout the district. Properties with residential, government and tax-exempt uses will pay an adjusted rate. Residential properties will fully benefit from environmental services, but they will not benefit from economic enhancements and their assessments will be adjusted accordingly. Tax-exempt and government properties will not gain the full benefit from environmental services as compared to commercial and residential properties, and their assessments are also adjusted accordingly.

Rate Adjustment & Cap
Over the past 10 years of the DPBID, which ends on December 31, 2026, rates will have increased an average of 2.2% per year. Some years, there was no rate increase indicated (i.e. 2020, 2021) and other years the DBA Board of Directors approved a 2.5% increase (2018, 2019) or a 4.5% increase (2025). The new rates listed above for the

reestablished DBPID project an approximate, one-time 18.4% rate adjustment over the 2026 assessment rates. The adjustment to a new base rate is needed to keep up with increasing labor costs associated with the Ambassador program and to launch new initiatives related to the cleaning, security and the marketing of the District. Following renewal of the Downtown PBID District, annual assessments may increase no more than 5% per year consistent with the increase in consumer price index (CPI) and increases in program costs. The determination of annual adjustments in assessment rates will be subject to the annual review and approval of the DBA Board of Directors.

Baseline City Services
The City of Berkeley will provide an accounting of baseline services that are currently provided within the District and will continue through the duration of the planned renewal.

Collection & Governance
PBID assessments appear as a separate line item on the annual Alameda County property tax bills. The DBA will directly invoice tax exempt/government entities which are not included in Alameda County property tax billing systems. The PBID will continue to be managed by the Downtown Berkeley Association (DBA) Board of Directors. A majority of the DBA board is composed of property owners and/or their representatives within the PBID.

District Reestablishment
California law for PBID district formation requires the submission of petitions signed by property owners in the proposed district who will pay more than 50% of the total assessments (i.e. petitions must represent more than *50% of the $2,668,086 to be assessed*). Petitions are submitted to the City of Berkeley's City Clerk, and ballots will be mailed to all affected property owners. The majority of ballots returned, as weighted by assessments to be paid, must be in favor of the PBID in order for the City Council to consider approval and reestablishment of the Downtown PBID.

Duration
Collection of the first year's assessments will be included in Alameda County's 2026-2027 or (Fiscal Year 2027 or FY27) tax bill. Services of the reestablished DPBID will begin January 1, 2027 and continue through December 31, 2036. A five-year review of the district will evaluate market conditions and the need for any adjustments to the Downtown PBID Management District Plan. Any subsequent renewal of the district (FY 2037) will require a new management plan, petition and mail ballot process.

The current DPBID is set to expire on December 31, 2016. The authorizing legislation (California Streets and Highways Code, §36600. et. seq.) requires Council to approve

Resolution of Intent to Re-Establish the DBPID and set a Public Hearing on the issue at least 45 days later (anticipated on May 19, 2026).

If there is no majority protest vote by the assessees at the public hearing on May 19, 2026, and if Council approves it, the DPBID would finance improvements and activities that would enhance Downtown Berkeley's environment for property owners, residents, workers and visitors.

BACKGROUND

In 2009, the DBA undertook a Strategic Action Planning process. As a result, in 2011 the DBA worked with property owners and City Council to establish a PBID to replace the existing business license-based district for five years. This new legal framework allowed for a considerable expansion of services including added hospitality staff, extensive upgrading of planters and landscaping services as well as added marketing and communications efforts. The district was renewed in 2016 for a term of 10 years, and the enabling legislation for that PBID is set to expire on December 31, 2026. This effort reestablishes the PBID for a second 10-year term – with collections coinciding with the start of the 2027 Fiscal year (July 1, 2026).

To prepare for the renewal of the DPBID, the DBA retained the services of Progressive Urban Management Associates, Inc. ("PUMA") to update the organization's strategic plan. With priorities gained from the DBA Board of Directors, stakeholder focus groups and responses to an online community improvement survey, the adopted DBA Strategic Plan (June 2025) and the DPBID *Management District Plan* (October 2025) offer support for the environmental and economic enhancement services outlined above. As with all Business Improvement Districts, these additional DPBID funded services would augment, not replace, the City's existing level of "baseline" services.

In December 2025, the DPBID Board launched a petition process to initiate the re-establishment and expansion of their PBID. As is required in the enabling legislation, DBA staff and DPBID Board members circulated a petition to all property owners within the boundaries of the proposed District. On February 4, 2026, the DBA presented City staff with petitions from property owners representing over 50% of the assessment value of the proposed DPBID (Attachment 2). This is a requirement for reestablishment of a District under BMC 7.94.030.

Majority Protest Process

In 1996, California voters adopted Proposition 218. Among other things, Proposition 218 defines the process for establishing or adjusting property-based assessments. The City has determined that the formation of property-based business improvement districts like the DPBID is subject to Proposition 218 regulations. The process requires that a notice of the proposed assessment be sent to all property owners within the boundaries of the district and that a public hearing be conducted by the City Council no less than 45 days after the notice is sent. During the 45-day period and up until the close of the public

hearing, a property owner may protest the assessment by submitting a written protest. If written protests against the proposed assessment, weighted according to the proportional financial obligation of the affected property, constitute a majority of weighted ballots cast, the City Council may not impose the assessment.

Staff recommends that the public hearing for the DPBID be scheduled for May 19, 2026.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the DPBID, the DBA creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District encompasses the area surrounding the Downtown BART Station and several AC Transit lines that provide easy accessibility for visitors coming to and from this popular regional destination.

RATIONALE FOR RECOMMENDATION

This private/public partnership will continue the significant resources for Downtown Revitalization and maintenance that has had a transformational effect on the physical and economic health of Berkeley's Downtown area since its initial establishment in 2011.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Eleanor Hollander, Office of Economic Development, 510-981-7536

Attachments:
1: Resolution of Intent
Exhibit A: Management District Plan and Engineer's Report
2: Property Owner Petitions and Verification Worksheet

RESOLUTION OF INTENTION TO REESTABLISH THE DOWNTOWN BERKELEY PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et Seq., hereafter the "Act") authorizes cities to fund property related improvements, maintenance and activities through the levy of assessments upon the real property that benefits from those assessments; and

WHEREAS, in accordance with the Act and City of Berkeley legislation to implement it (Berkeley Municipal Code Chapter 7.94), property owners in Downtown Berkeley have presented petitions asking the City of Berkeley to initiate special assessments proceedings to reestablish the Downtown Berkeley Property and Business Improvement District for the ten-year period beginning July 1, 2026 and ending June 30, 2036, with operations to occur over the ten calendar year period beginning January 1, 2027 and ending December 31, 2036, for the purpose of undertaking and implementing the services described in Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. Pursuant to Streets and Highways Code Section 36600 et seq. and Berkeley Municipal Code Chapter 7.94, the City Council declares its intent to consider the reestablishment of a property and business improvement district to be named the Downtown Berkeley Property and Business Improvement District for the ten-year period beginning July 1, 2026 and ending June 30, 2036, with operations to occur over the ten calendar year period beginning January 1, 2027 and ending December 31, 2036.

Section 2. The proposed boundaries of the District are to be as set forth in the description and map that are included in Exhibit A.

Section 3. The improvements and activities proposed are as provided in Exhibit A, and as are available in the complete Management District Plan that is available to all property owners at the address specified in Exhibit A.

Section 4. Council intends to levy assessments on property within the boundaries of the District according to the method and basis described in the Engineer's Report, Exhibit A, Attachment A.

Section 5. A public hearing shall be held before the City Council on May 19, 2026 in the Council Chambers. Following the hearing, the Council will consider adoption of a resolution reestablishing the District. At this hearing the Council will hear all interested persons for or against the reestablishment of the District, the extent of the District, and the furnishing of specified types of improvements and activities. If written protests are received from the owners of properties in the proposed District that constitute a majority (50%+1) of weighted ballots cast, no further proceedings to establish the District shall be

taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

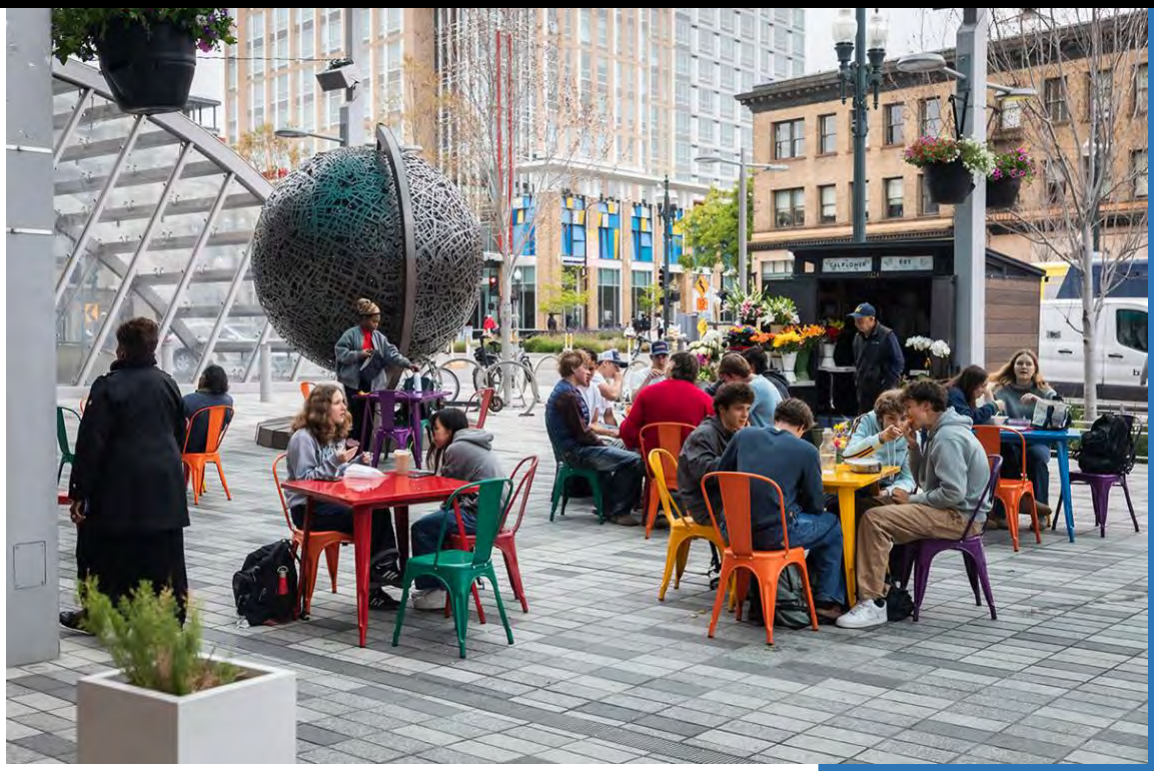
Section 6. The City Clerk is directed to give notice of said hearings as provided in section 36623 of the Act and section 53753 of the Government Code, which requires that the agency shall give notice by mail to the record owner of each identified parcel. The public hearing shall be held not less than 45 days after the adoption of this Resolution.

Section 7. The City Clerk shall certify to the passage of this Resolution and cause the same to be published in accordance with the Act.

Exhibit
A: Management District Plan and Engineer’s Report

Downtown Berkeley
Property-Based Business Improvement District
Berkeley, California

Management District Plan



October 24, 2025

Prepared by:
Kristin Lowell, Inc. and
Progressive Urban Management Associates, Inc.

Prepared pursuant to the State of California Property and Business Improvement District Law of 1994 and Article XIIID of the California Constitution to create a property-based business improvement district.

MANAGEMENT DISTRICT PLAN
for renewal of the
Downtown Berkeley
Property-Based Business Improvement District (PBID)

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ATTACHMENT

A. Engineer's Report
B. Base Level Services Agreement

SECTION 1: EXECUTIVE SUMMARY

The Downtown Berkeley Property-Based Business Improvement District ("PBID") was first formed in 2011 and renewed in 2016. Building on the success of the PBID over the last 15 years, Downtown property and business owners seek to renew the district for an additional 10 years. The Downtown Berkeley Association (DBA) board of directors has approved a new PBID Management District Plan that responds to market trends and respond to conditions that can be reasonably expected through the next ten years.

As part of the PBID renewal initiative, the DBA engaged Progressive Urban Management Associates (PUMA) to analyze downtown dynamics and prepare a Strategic Plan to help guide Downtown and the PBID for the next 10 years. More than 700 Downtown Berkeley stakeholders contributed to the strategic planning process, including property owners, merchants, nonprofits, residents, students and civic partners. The key takeaways from the strategic plan found that:

- Downtown has ongoing challenges related to the unhoused population and storefront vacancies.
- The DBA is under-capitalized to address these challenges and needs to build organizational and financial capacity to provide impactful solutions.

It was clear that Downtown stakeholders and the DBA have 4 clear objectives and goals:

1. Ensure Downtown is consistently clean, safe and welcoming
2. Attract, retain and support locally owned businesses and nonprofits
3. Bring residents and visitors Downtown to patronize businesses, nonprofits and the arts
4. Be the leading convener and advocate for Downtown Berkeley.

The new Management District Plan will provide services to help address these challenges and meet these goals. Specific enhancements to the Downtown improvement program include:

1. Continuation of current Clean, Safe, Beautification, Marketing & Activation services
2. Reinstating a Safety Ambassador program, and
3. Option of later adding a staff member solely focused on Economic Development and Placemaking.

Summary Management Plan

Pursuant to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code § 36600 et seq.) (the "PBID Law"), the PBID is proposed to be renewed for a 10-year term. Upon receipt of petitions signed by property owners representing greater than 50% of the PBID assessable budget, the City will initiate a ballot procedure to officially form the PBID. Governed by the Downtown Berkeley Association as the Owners' Association, the PBID will deliver enhanced services to improve and convey special benefits to properties located within the PBID boundary, above and beyond those provided by the City.

The PBID will provide enhanced environmental improvements and activities, such as cleaning the Downtown, improving safety, beautifying the Downtown; as well as economic vitality enhancements such as marketing, communications and special events. Each of the activities is designed to meet the goals of the District; to improve the appearance and safety of the PBID, to

increase building occupancy and lease rates, to encourage new business development and attract ancillary businesses and services.

Location	The District boundary encompasses the core of the Downtown area focused along the Shattuck and University Avenue corridors in Downtown Berkeley. To assess for the special benefit each parcel receives from the PBID activities, two benefit zones will continue. (See Section 2 for full description and boundary map.)
Services & Activities	The PBID will finance services that will enhance the experience within the Downtown area for property owners, businesses, residents, employees, and visitors, including: **Clean, Safe and Beautiful:** • Cleaning/Hospitality Ambassadors will provide sweeping, scrubbing and pressure washing sidewalks, litter and graffiti removal, trash removal, visitor information, merchant outreach, city services liaison, event support. • Homeless Outreach Ambassador will provide outreach and referrals for shelter and social services to unhoused persons in the district. • The Ambassadors and Economic Vitality team will provide beautification and placemaking improvements that make Downtown Berkeley more visually attractive, which may include enhanced landscaping, public art, holiday décor, signage, streetscape, planters, urban design, etc. • A new Safety Ambassador program will address public safety concerns, mental health crises, open drug use, and safety escorts, and work with local police and business and property owners to prevent crime and address quality of life issues. **Marketing & Activation:** • The Economic Vitality team will support Downtown Berkeley's evolution as a regional destination for arts, culture and entertainment, including: • Marketing and communications to support PBID activities and improvements and promote a positive image for Downtown Berkeley. • Special events and promotions to bring more customers and economic vitality to the Downtown. **Economic Development & Placemaking:** (*These services are proposed as an optional enhancement to the PBID, subject to DBA board approval, but are not included in Year 1 budget.*) • A new Economic Development Placemaking Manager will promote and support local business and property owners with a focused role on reducing empty storefronts, retaining and attracting businesses, compiling hyper-local market data, and other efforts that attract investment to the Downtown. • This new Manager will also focus on new placemaking programs to beautify Downtown and attract new investment and visitors to the

Downtown including murals, window graphics/displays, sculpture, sidewalk seating/commerce and other activations.

Advocacy, Management & Contingency:

- The CEO and the DBA team will advocate for policy issues that will improve the Downtown business environment,
- And demonstrate leadership through research and community education to represent the Downtown community with one clear voice,
- And provide daily management to carry out the day-to-day PBID operations,
- And manage contingency for unforeseen expenses.

Method of Financing

Levy of assessments upon real property that receive a special benefit from enhanced services.

Budget

The total budget for its first year of operations is **$2,917,537**, as follows:

EXPENDITURES	TOTAL BUDGET	% of Budget
Clean, Safe and Beautiful	$2,234,962	76.60%
Marketing and Activation	$438,672	15.04%
Management & Contingency	$243,903	8.36%
Total Expenditures	**$2,917,537**	**100.00%**
REVENUES		
PBID Assessments	$2,668,086	91.45%
General Benefit (1)	$58,351	2.00%
Other Revenues (2)	$191,100	6.55%
Total Revenues	**$2,917,537**	**100.00%**

(1) A certified engineer has estimated that the general benefit from the PBID services accounts for $58,351 of the estimated budget.

(2) Revenues from events, contract services and other sources.

Assessments

Annual assessments are based upon an allocation of land use type, program costs, benefit zone, and a calculation of lot square footage plus building square footage. Estimated annual maximum assessment rates for the first year of the district are:

Assessment Rates	Lot + Bldg SF
Premium – Commercial	0.3241
Premium – Residential	0.2463
Premium - Tax Exempt/Govt	0.1848
Standard – Commercial	0.2010
Standard – Residential	0.1232
Standard - Tax Exempt/Govt	0.0924

CPI Increase	Assessments will be subject to an annual increase of up to 5% per year to address changes in the cost of providing services. The determination of annual adjustments in assessment rates will be subject to review and approval by the PBID Owners' Association (i.e. the DBA Board of Directors) and City Council and will be subject to the requirements of the PBID Law. The Owners' Association will develop annual budgets and service programs each year which will be presented to the City Council for approval.
Optional Economic Development Boost	To add Economic Development / Placemaking services focusing on retail attraction, storefront activation, investment, placemaking and small business support to the PBID, the Owner's Association (i.e. DBA Board of Directors) may elect to boost the budget in any of the first five (5) years of the PBID but are not included in Year 1 budget.
City Services	The City has established and documented the baseline of pre-existing City services. The PBID will not replace any pre-existing general City services.
Collection	PBID assessments appear as a separate line item on the annual Alameda County property tax bills.
District Governance	The PBID will be managed by the Downtown Berkeley Association, a nonprofit organization that acts as the PBID Owners' Association. The Owners' Association is governed by a Board of Directors comprised of a majority of PBID property owners. The Board will determine PBID annual services and budgets.
District Formation	The PBID Law requires the submission of petitions signed by property owners in the proposed district who will pay more than 50% of the total assessments (i.e., petitions must represent **more than 50% of the $2,668,086** to be assessed). Petitions are submitted to the City Clerk, who then mails ballots to all assessed property owners. The majority of ballots returned, as weighted by assessments to be paid, must be in favor of the PBID for the City Council to approve the formation.
Duration	The PBID will have a 10-year term and will run from January 1, 2027, through December 31, 2036. Any subsequent renewal of the PBID will require a new Management District Plan, petition, and ballot process, and may be renewed up to 10 years.

SECTION 2: PBID BOUNDARY

PBID Boundary

The existing PBID district encompasses the core of the Downtown area along the Shattuck Avenue corridor bounded by Delaware Street to the north, Oxford/Fulton Streets to the east, Carleton Street to the south and Grant Street to the west.

Benefit Zones

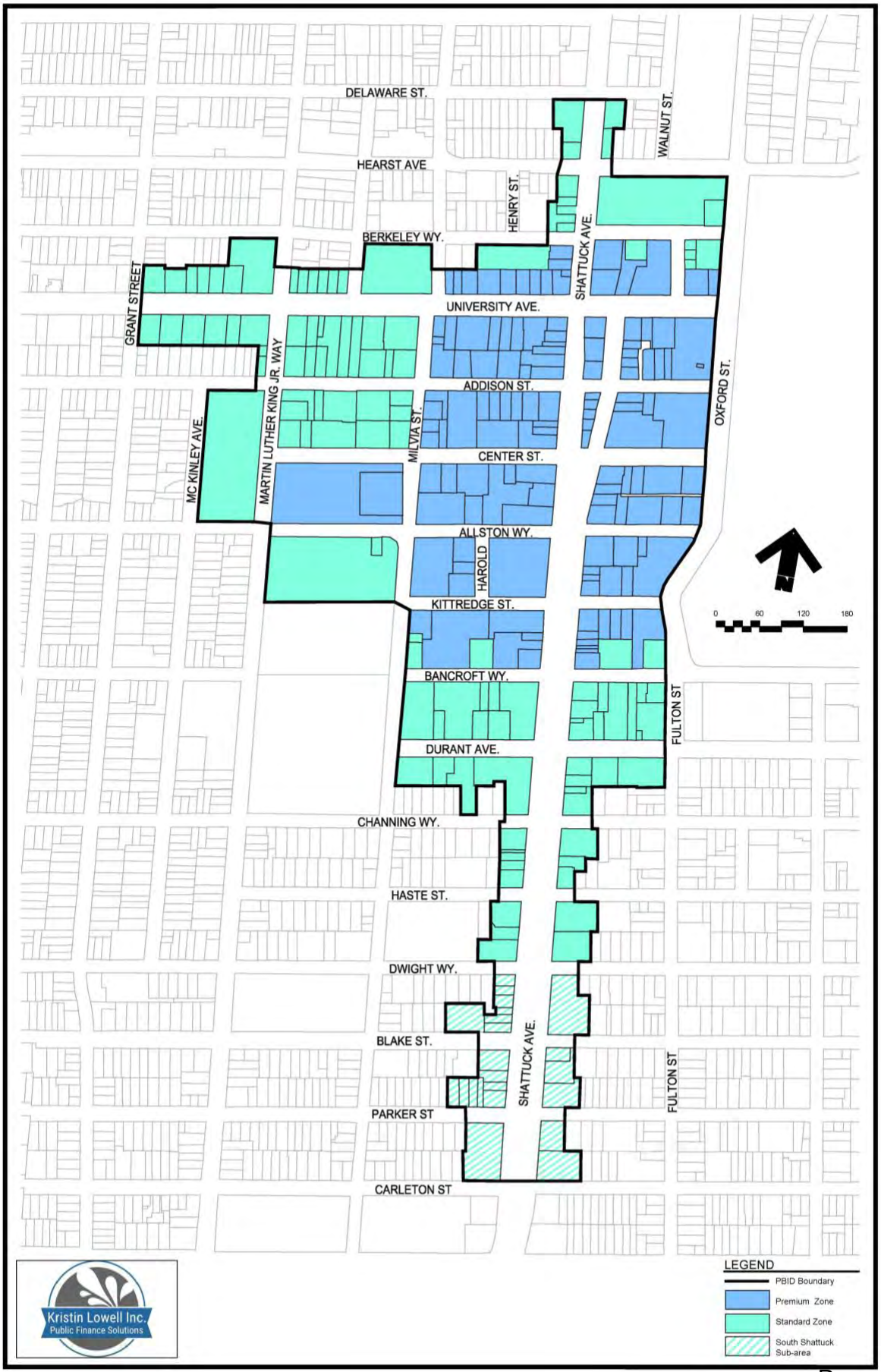
For the past 15 years the PBID has been allocated into two benefit zones that align with pedestrian traffic and the need for the PBID services:

Premium Zone: Encompasses the central Downtown core and the area of highest intensity of use (blue parcels on the boundary map). The Premium Zone requires more services due to its high concentration of commerce, tourism, and public activity, where higher foot traffic and business density requires the highest level of PBID services. Its services include but are not limited to more coverage of the Cleaning/Hospitality Ambassadors, with more frequent patrols, pressure washing, and litter and trash removal. The deployment frequencies for the clean and safe services will be approximately double the service level in the standard zone.

Standard Zone: Includes all other parcels not included in the Premium Zone and is primarily parcels on the periphery of the Downtown core to the north, west and south (green parcels on the boundary map). These areas have less commercial density and pedestrian traffic than the Premium Zone and do not require the same level or frequency of the PBID services.

The South Shattuck sub-area within the Standard Zone Includes three blocks along Shattuck Avenue between Dwight Way and Carleton Street (green hatched parcels on the boundary map). This area will receive the same Standard Zone level of services from the PBID; however, this area is also located in the City's Adeline Corridor Planning Area. A new PBID may be formed within the Adeline Corridor Planning Area within the next ten years. If a new PBID is formed, property owners within this sub-area may opt out of the Downtown PBID and become part of a new PBID.

A map of the proposed district boundary and benefit zones is on the following page.


DELAWARE ST.
HEARST AVE
BERKELEY WY.
UNIVERSITY AVE.
ADDISON ST.
CENTER ST.
ALLSTON WY.
KITTREDGE ST.
BANCROFT WY.
DURANT AVE.
CHANNING WY.
HASTE ST.
DWIGHT WY.
BLAKE ST.
PARKER ST
CARLETON ST
GRANT STREET
MC KINLEY AVE.
MARTIN LUTHER KING JR. WAY
MILVIA ST.
HAROLD
HENRY ST.
SHATTUCK AVE.
WALNUT ST.
OXFORD ST.
FULTON ST
FULTON ST
0
60
120
180
Kristin Lowell Inc.
Public Finance Solutions
LEGEND
PBID Boundary
Premium Zone
Standard Zone
South Shattuck Sub-area

SECTION 3: PBID ACTIVITY AND IMPROVEMENT PLAN

Background

Informed by a participatory strategic planning process that included extensive community outreach (including stakeholder roundtables with property, business owners, residents, and neighbors; online surveys; and meetings with the DBA Board of Directors), the PBID priorities continue to be, and will expand upon, the following improvements and activities:

- Clean, Safe and Beautiful
- Marketing, Activation and Economic Development
- Management and Operations

The specially benefited parcels within the boundaries of the PBID are a unique mix of retail, office, services, government, education, non-profit, and residential uses. The PBID improvements and activities are designed to provide special benefits to each of the individual assessed parcels: to improve the appearance and safety of the area, to increase building occupancy and lease rates, to encourage new business development and support existing businesses, and to attract visitors to venues and events. All PBID improvements and activities are over and above the City's baseline of services, and each of the PBID services provides particular and distinct benefits to each of the individual assessed parcels within the PBID. To ensure that parcels outside of the PBID will not specially benefit from the improvements and services funded with the assessment, improvements and services will only be delivered to individual assessed parcels within the boundaries of the PBID and will not extend beyond.

Based upon these findings, the following narrative provides recommendations for the PBID's first year of operation. PBID activities may be amended in subsequent years within the following general categories. Final activities and budgets will be subject to the review and approval of the DBA Board of Directors (the PBID Owners' Association).

Clean, Safe and Beautiful

The area of top concern with stakeholders is providing services that will make Downtown more secure, functional, and attractive. Safety is foundational to any urban environment – for people to visit, work or live in the district, they expect a welcoming and comfortable experience. Hence, the PBID will be strengthened by adding Safety Ambassadors moving forward. The Management Plan provides funding for both Cleaning/Hospitality and Safety Ambassador programs including labor costs, management personnel, equipment and supplies. The Plan also includes funding for Homeless Outreach support to the unhoused population in Downtown Berkeley.

These activities and improvements are intended to improve commerce and the quality of life by making each individual assessed parcel safer, cleaner and more attractive, which will encourage investment dollars Downtown and generate additional pedestrian traffic. Clean, Safe and Beautiful activities specially benefit each individual assessed parcel, including commercial, government, parking, education, nonprofits and residential properties. Ensuring Downtown is clean, safe, and well-maintained is essential for supporting businesses, promoting economic vitality, and enhancing the overall experience for tenants, residents and visitors alike.

Cleaning/Hospitality Ambassadors



To maintain consistently clean standards in the District, the Cleaning/Hospitality Ambassador program will continue to provide services as it has for the past 15 years. The purpose of Cleaning/Hospitality Ambassadors is to provide cleaning, sweeping, scrubbing and pressure washing of sidewalks, trash and graffiti removal, as well as visitor information, merchant outreach, event support. The special benefit to parcels from these services is increased commercial activity, which directly relates to increases in lease rates and customer usage. Further benefits include cleaner, healthier streets, and an improved pedestrian experience. A multi-dimensional approach has been developed consisting of the following elements.

Sidewalk Maintenance: Uniformed, radio-equipped Cleaning/Hospitality Ambassadors sweep and remove litter and other refuse from sidewalks and gutters in the District and clean all public hardscape in the District such as trash receptacles, benches, and parking meters.

Graffiti Removal: The Cleaning/Hospitality Ambassadors remove graffiti using solvents and pressure washing. The District maintains a zero-tolerance policy for graffiti reachable at safe levels. The goal it to remove all accessible graffiti within 48 hours of notification.

Sidewalk Pressure Washing: Sidewalk pressure washing is provided on a regular schedule basis as per below schedule. Also, spot washing is provided daily throughout the District on an as needed basis.

Trash Collection

Cleaning/Hospitality Ambassador top off trash cans as needed daily between pickups by the City. Trash receptacles are also cleaned and maintained regularly.

Landscape Maintenance: Cleaning/Hospitality Ambassadors maintain landscape areas including, circular planters, temporary planters and hanging baskets provided by the DBA. Tree wells are also maintained and kept free of litter and weeds and reported to the City for replanting dead or missing street trees.

Special Collections

Cleaning/Hospitality Ambassadors are also available to collect, and/or notify City for pick-up, bulky items such as bike carcasses, stolen shopping carts or other large items illegally dumped in the District.

Maintenance Problems Requiring Third Party Intervention

Cleaning/Hospitality Ambassadors also report to City problems in the District that create blighted or unsafe conditions, that are monitored but outside the scope the of the District responsibilities. Types of problems include blocked or damaged sewers or drains, damaged sidewalks/ streets/alleys, non-operating streetlights, damaged or missing street signs, etc.

Homeless Outreach Ambassador

The Homeless Outreach Ambassador engages with unhoused community members, builds trusting relationships, and connects people to critical resources such as emergency shelter, transitional and permanent housing, healthcare, mental health services, and substance abuse support. This outreach-driven approach is designed to reduce barriers to care, promote stability, and support individuals in navigating the path toward long-term housing and self-sufficiency. The Homeless Outreach Ambassador also responds to merchant and property owner requests for outreach at encampments at or near their business.

Safety Ambassadors *(New service addition)*

Safety Ambassadors will provide daily monitoring and patrol services. The Ambassadors will patrol regular routes by foot or bike and respond to on-demand service calls. The purpose of the Safety Ambassadors is to address safety concerns, mental health crises, open drug use, and safety escorts, and work with local police and business and property owners to prevent crime and address quality of life issues. The Safety Ambassadors will work to de-escalate anti-social behaviors and report illegal activities including criminal activities and vandalism. They also report maintenance issues and perform outreach to the unsheltered homeless. These Ambassadors, who act as the "eyes and ears" on the street will supplement, not replace, other ongoing police, security, and patrol efforts within the District. The Safety Ambassadors will maintain communication with the Berkeley Police Department, Code Enforcement, and Public Works with the intent of reporting illegal activity or an emergency infrastructure occurrence. The Safety Ambassadors will cover the entire District and communicate with businesses, visitors, residents, and employees within it.





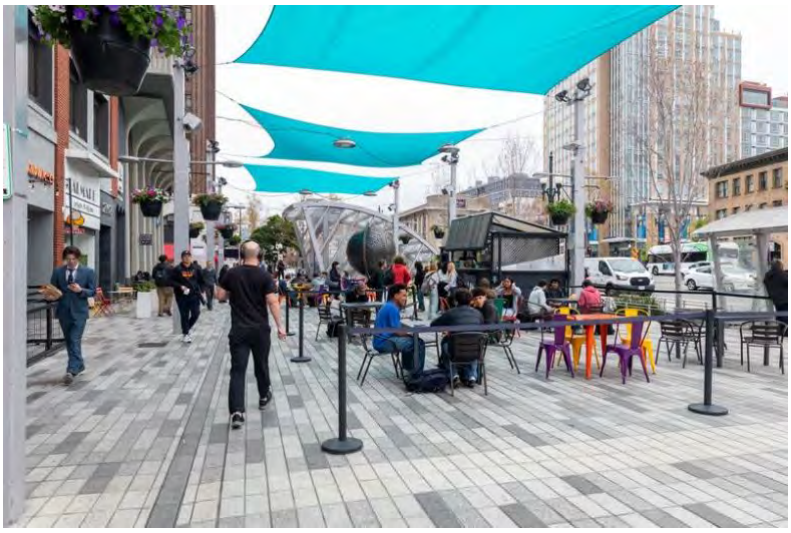
Vision of Downtown Berkeley's future from DBA Strategic Plan survey

Estimated deployment of the Cleaning/Hospitality Ambassadors and Safety Ambassadors and is anticipated as follows, subject to actual daily district needs:

Cleaning/Hospitality Ambassadors	Premium Zone	Standard Zone
Average Weekly Coverage	***840 hours per week (21 F.T.E.)***	
	7 days/week	**5 days/week**
Coverage in all areas	8-16 hours	6-8 hours
Method of coverage	Foot patrol	Foot patrol
Cleaning rounds	4 rounds per shift	2 rounds per shift
Litter removal / pan & broom	Twice per day	Once per day
Detail cleaning of public amenities	Twice per day	Once per day
Pressure washing - scheduled cleaning	Four times/year	Two times/year
Pressure washing - spot cleaning	Daily as needed	Daily as needed
Graffiti removal	Daily as needed	Daily as needed
Weed removal	Daily as needed	Daily as needed
Business contacts	6 per shift	3 per shift
Outreach with street populations	Daily	Daily
Reporting	Daily	Daily

Safety Ambassadors	Premium Zone	Standard Zone
Average Weekly Coverage	***112 hours per week (2.8 F.T.E.)***	
Method of coverage	Foot & Bike Patrol	Foot & Bike Patrol
Safety rounds	4 rounds per shift	2 rounds per shift
Business contacts	8 rounds per shift	4 rounds per shift
Quality of Life & Safety Incidents	Daily as needed	Daily as needed

Beautification/Placemaking.
In addition to clean and safe services, the PBID budget may include funds for beautification and placemaking improvements that are defined as cosmetic enhancements that improve the appearance and walkability within the PBID, in turn encouraging customer traffic and improved quality of life for residents, workers and visitors alike. Examples of beautification improvements might include:



- Landscaping, planters, hanging flower baskets and other green elements
- Seasonal holiday decorations and banners
- Cosmetic capital improvements, including street furniture, information kiosks, pedestrian lighting and other amenities
- Wayfinding and directional signage to help visitors navigate through the Downtown
- Temporary and permanent public art installations
- Installation of bicycle racks and other amenities to encourage bicycle use
- Programming of public spaces, such as BART Plaza
- Planning and design processes to improve public spaces throughout the Downtown
- Other improvements as determined year-to-year by the DBA board of directors
- Other cosmetic enhancements that improve the PBID's appearance.

Marketing, Activation and Economic Development

Downtown Berkeley's unique character and appeal are shaped by its vibrant mix of small, locally owned businesses; nonprofit organizations that serve diverse communities and a rich array of arts and cultural venues. Like many cities across the country, Berkeley's storefront economy was hit hard by the pandemic and continues to face challenges amid ongoing recovery efforts and broader economic uncertainty. These conditions have strained local businesses and slowed or stalled new development, contributing to a high storefront vacancy rate in the Downtown area. While the DBA has long supported business and property owners, there is now a clear opportunity to strengthen and formalize this area of work within the organization.

Arts, Culture, Entertainment
A key goal is to advance Downtown Berkeley's evolution as a regional destination for arts, culture and entertainment. Downtown has a rich and varied collection of arts and cultural venues. The Berkeley Repertory Theater is one of the most acclaimed community theaters in the nation. The University of California's Berkeley Art Museum and Pacific Film Archive (BAMPFA) is also located Downtown. Other venues, featuring both live and visual arts, restaurants and other entertainment options, are sprinkled throughout the Downtown. Arts, culture and entertainment create a differential advantage for Downtown and add to the quality of life for Berkeley residents. The PBID

will provide leadership and programs to enhance Downtown's image as a unique arts and cultural destination.

Marketing and Communications



The marketing and communications efforts of the Economic Vitality team will be strengthened to support all components of the PBID Management Plan. Overall, the Marcom program will promote the vision of the Downtown as the dynamic heart of the Berkeley community, inspiring commerce, culture, learning and stakeholder engagement. Additionally, the team will create awareness of environmental services program including cleaning, hospitality, safety, beautification and placemaking changes being made to improve the Downtown. Marcom related to the economic development portion of the work program will: advance the image and branding of the Downtown; highlight the unique startup ecosystem and the arts, culture and entertainment character of the Downtown; attract new and returning visitors to Downtown to live, work, eat, drink, play, engage, and be inspired; promote local businesses, cultural venues and nonprofits; support new investment opportunities for retail, office and housing; and promote easy and affordable access via transit and parking. The DBA Vitality team may also develop and promote events, often with strategic partners, that aligned with the Downtown vision and mission, bringing residents and visitors from the entire Bay Area to Downtown Berkeley.

Economic Development & Placemaking *(potential new initiative)*

Many place management organizations provide dedicated support to property owners and commercial brokers in attracting new retail, nonprofit, office, arts and culture ventures to their downtowns, by offering services such as technical assistance workshops, one-on-one permitting and licensing guidance, block-by-block commercial market data (foot traffic, local versus chain composition, price trends, etc.), storefront improvement grants, pop-up retail opportunities, and connecting entrepreneurs with local resources and funding opportunities. These activities aim to enhance Downtown Berkeley as a center for unique startups, shopping, food & drink, arts and entertainment while also meeting the growing needs of residents and employees. This area will focus on providing support services to help businesses thrive, such as a new advocacy and liaison role to navigate permitting processes. In addition many business improvement districts provide dedicated support for placemaking projects on both private and public property attracting visitors and new investment to the Downtown, including murals, sculpture, window film, signage, enhanced landscaping, and pop-up art. Advancing Downtown Berkeley's status as a unique destination for startups, arts, culture, shopping, and dining, with a blend of one-of-a-kind local and national tenants, in a welcoming and creative pedestrian oriented environment, is a clear priority for Downtown stakeholders.

Leadership

The PBID will support research and community education efforts that help to evaluate the impacts of public policies and issues on the Downtown business and investment climate. The PBID will

support efforts to advance policies that improve the overall quality of life and economic and cultural vitality of the Downtown. The PBID will also inform stakeholders of various policy initiatives and how they can engage in City and other agency processes, so their voices are heard and considered. The PBID may also partner with other local and regional organizations to more effectively achieve stakeholder goals.

Management, Operations & Contingency

Like any business, the PBID requires a professional staff to properly manage programs, communicate with stakeholders and provide leadership. To reduce administrative costs, leverage funding and avoid duplication of enhanced services, this plan anticipates that the DBA will continue to manage and provide the day-to-day PBID services. PBID funds can be further leveraged by sponsorships from special events, service contracts, advertising & promotions, grants, parking revenues and earned income. This professional staff represents the District's interests in advocacy and relationships with local government and media, in addition to coordinating and complying with all contractual obligations to the City of Berkeley and vendors. In support of these efforts, funding is allocated to pay for contract services; office, operations and storage rent; furniture, equipment and supplies, telephone/internet access; legal and accounting services; travel and conference expenses; insurance (workers compensation, general liability and directors/officers' liability); dues/subscriptions; and database maintenance. Personnel expenses include salaries, benefits and payroll taxes.

Reserve: An operating reserve will be maintained for the PBID as determined annually by the Board of Directors. The reserve can also be utilized as a contingency fund to address unforeseen expenses.

SECTION 4: PBID ASSESSMENT BUDGET

2027 PBID Assessment Budget

The following table outlines the PBID maximum assessment budget for 2027.

EXPENDITURES	TOTAL BUDGET	% of Budget
Clean, Safe and Beautiful	$2,234,962	76.60%
Marketing and Activation	$438,672	15.04%
Management and Contingency	$243,903	8.36%
Total Expenditures	**$2,917,537**	**100.00%**
REVENUES		
PBID Assessments	$2,668,086	91.45%
General Benefit	$58,351	2.00%
Other Revenues (1)	$191,100	6.55%
Total Revenues	**$2,917,537**	**100.00%**

(1) Revenues from events, contract services and other sources

Budget Adjustments

Assessments will be subject to an annual increase of up to 5% per year to address changes in the cost of providing services. Assessment budgets may also increase based on development in the PBID. The determination of annual adjustments in assessment rates will be subject to the review and approval of the DBA Board of Directors, serving as the PBID Owners' Association.

The table below illustrates the estimated maximum budget for each year of the PBID based on the maximum percentage increase discussed above.

	Clean, Safe and Beautiful	Marketing and Activation	Management	TOTAL
Year 1	$2,234,962	$438,672	$243,903	$2,917,537
Year 2	$2,346,710	$460,606	$256,098	$3,063,414
Year 3	$2,464,046	$483,636	$268,903	$3,216,585
Year 4	$2,587,248	$507,818	$282,348	$3,377,414
Year 5	$2,716,610	$533,209	$296,466	$3,546,284
Year 6	$2,852,441	$559,869	$311,289	$3,723,599
Year 7	$2,995,063	$587,862	$326,853	$3,909,779
Year 8	$3,144,816	$617,256	$343,196	$4,105,268
Year 9	$3,302,057	$648,118	$360,356	$4,310,531
Year 10	$3,467,160	$680,524	$378,374	$4,526,057

Economic Development & Placemaking Boost: To add economic development services focusing on retail attraction, storefront activation, placemaking and small business support to the PBID, the Owner's Association (i.e. Downtown Berkeley Association) may elect to boost the budget in any of the first five (5) years of the PBID. The chart below illustrates the impact of this boost to the budget, beginning in Year 2. *Note: Year 2 budget reflects both the maximum 5% increase plus the additional cost adding in economic development.*

	Clean, Safe and Beautiful	Marketing and Activation	Management	TOTAL
Year 1	$2,358,746	$314,888	$243,903	$2,917,537
Year 2	$2,476,684	$543,209	$256,098	$3,275,990
Year 3	$2,600,518	$570,369	$268,903	$3,439,790
Year 4	$2,730,544	$598,888	$282,348	$3,611,780
Year 5	$2,867,071	$628,832	$296,465	$3,792,368
Year 6	$3,010,424	$660,274	$311,289	$3,981,987
Year 7	$3,160,946	$693,288	$326,853	$4,181,086
Year 8	$3,318,993	$727,952	$343,196	$4,390,141
Year 9	$3,484,943	$764,349	$360,355	$4,609,648
Year 10	$3,659,190	$802,567	$378,373	$4,840,130

Any accrued interest or delinquent payments will be expended in the above categories. The cost of PBID improvements and activities may vary in any given year depending on market conditions and the cost of providing those services. Expenditures for each of the line items may be adjusted up or down 20% between them to continue the same level of service. The DBA Board of Directors shall make such a determination. In addition, any annual budget surplus, including those created through cost saving measures, unexpected reductions in expenses or unanticipated increases in income, will be rolled into the following year's budget. The budget will be adjusted accordingly consistent with the Management District Plan to adjust for surpluses that are carried forward to ensure that the PBID is spending these funds in a timely manner and is complying with applicable State laws and City policies. Any change in line-item expenditure and/or budget surplus will be approved by the DBA Board of Directors and submitted in the annual report, pursuant to Section 36650 of the State Law.

PBID Renewal

PBID funds may be used for renewing the district in 2037, or earlier if determined by the Board of Directors, to hire a consultant and pay the city administration fees to create a new management plan, initiate a petition drive, and assessment ballot initiative.

Bond Issuance

No bonds will be issued to finance improvements.

SECTION 5: ASSESSMENT METHODOLOGY

General

This Management District Plan provides for the levy of assessments for the purpose of providing improvements and activities that specially benefit real property in the PBID. These assessments are not taxes for the general benefit of the City but are assessments that convey special benefits to each individual assessed parcel for which the improvements and activities are provided.

Assessment Factors

The method used to determine proportional special benefits are measured by each parcel's lot square footage plus building square footage. Each parcel's proportional lot size and building square footage represents each parcel's proportional special benefit compared to other parcels within each respective benefit zone. Lot square footage is relevant to the best use of a property and will reflect the long term special benefit implications of the improvement district. Building square footage is relevant to the interim use of a property and is utilized to measure short and mid-term impacts.

Lot Square Footage Defined. Lot square footage is defined as the total amount of area within the borders of the parcel. The borders of a parcel are defined on the County Assessor parcel maps.

Building Square Footage Defined. Building square footage is defined as gross building square footage as determined by the outside measurements of a building.

Parcel Use Considerations

The methodology provides the following treatments for property used exclusively for residential, nonprofit and government, and parking structures:

- **Treatment of Residential Property:** Residential uses will fully benefit from the Clean, Safe and Beautiful services and will pay a full share of these services; however, Economic Development services will not benefit residential uses, and the residential rate is adjusted accordingly. The residential building square footage portion of commercial and mixed-use parcels will be subject to the adjusted residential assessment rate.
- **Assessment Policy on Nonprofit & Governmental Properties**: Properties that are exempt from property tax, including educational and governmental institutions, and nonprofit organizations (e.g. faith-based, low income housing, cultural, community services, etc.), will not benefit from increased commercial activity resulting from PBID services and thereby will receive reduced benefits from PBID services. An owner of real property located within the PBID boundaries may reduce their assessment if ALL the following conditions are met:

    1. The property owner is a nonprofit corporation that has obtained federal tax exemption under Internal Revenue Code section 501c3 or California franchise tax-exemption under the Revenue and Taxation Code Section 23701d.
    2. The class or category of real property has been granted an exemption, in whole or in part, from real property taxation.
    3. The nonprofit or governmental property owner occupies a majority of building square footage within the subject property.

4. The property owner makes the request in writing to the City of Berkeley prior to the submission of the PBID assessment rolls to the Alameda County Assessor (to accommodate periodic changes in ownership or use, on or before July 1 of each year), accompanied by documentation of the tax-exempt status of the property owner and the class or category of real property.
5. The City of Berkeley may verify the documentation of tax-exempt status and classification of the property for assessment purposes prior to submitting the assessments to the County Assessor.

If ALL of these conditions are met, the amount of the PBID assessment to be levied will be for three-quarters (75%) of the Clean, Safe and Beautiful services. In addition, these parcels will not benefit from the Economic Development services and thus will not be assessed for these services.

Treatment of Parking Structures: Parking structures receive different levels of benefit from PBID improvements and services based upon their use and ownership. Parking structures will be subject to one of the following methodologies:

a. Parking structure square footage that is integrated within and/or dedicated to a building, has the same ownership as the building, and the building has uses in addition to parking where parking is just an ancillary use, does not receive benefit from the PBID services and therefore square footage of the parking structure will not be assessed.
b. Stand-alone parking structures that are not ancillary to a building will receive the full benefit from PBID improvements and activities and will be assessed at standard assessment rates.

Benefit Units

Using the benefit zones and assessment factors described above we assign benefit units to each specially benefitted parcel. The total number of assessable Square Footage (SF) benefit units in the PBID are as follows:

Benefit Zone	Assessable Units Lot + Building SF
Premium Zone	
Commercial	6,208,030
Residential	2,630,490
Tax Exempt & Government	3,600,390
Total Premium Zone	***12,438,910***
Standard Zone	
Commercial	2,165,251
Residential	1,888,365
Tax Exempt & Government	1,840,319
Total Standard Zone	***5,893,935***
TOTAL:	**18,332,845**

Assessment Methodology

The proportionate special benefit each assessed parcel receives shall be determined in relationship to the entirety of the capital cost of the PBID improvements and activities. Due to the proportionate special benefits received by these individual parcels from the PBID services, these parcels will be assessed at a rate which is proportionate to the amount of special benefits received. Only special benefits are assessable, and these benefits must be separated from any general benefits. As required by the State Constitution Article XIIID Section 4(a), the general benefits of an assessment district must be quantified and separated out so that the cost of the activities that are attributed to general benefit are deducted from the cost assessed against each specially benefitted parcel. General benefits are benefits from the PBID activities and improvements that are not special in nature, are not "particular and distinct" and are not over and above the benefits that other parcels receive. The attached Engineer's Report has calculated that 2.0% of the PBID activities may be general in nature and will be funded from sources other than special assessments, see Section E of the Engineer's Report for discussion of special and general benefits.

Calculation of Assessments

Based on the assessment budget, benefit zone, land use type, and assessable benefit units, all of which are discussed above, the following tables illustrate the maximum first year annual assessment per assessable benefit unit. Note, assessment rates are rounded off to the fourth decimal place and a parcel's assessment may vary slightly when calculated using the assessment rates below.

Benefit Zone Adjustments: The assessments are adjusted to reflect anticipated service frequencies within each of two benefit zones:

- The Premium Zone, which includes the core of the PBID, provides a higher frequency of environmental enhancements.
- The Standard Zone, which includes areas on the periphery to the north, west and south, including the South Shattuck sub-area, offers a lower frequency of environmental enhancements.
- Commercial properties in both service areas will equally benefit from marketing, activation and economic development enhancements.

The resulting assessment calculation by service and benefit zone follows:

Assessment by Service	Per Sq.Ft. of Lot + Building
Clean, Safe and Beautiful: Premium Zone	$ 0.2463
Clean, Safe and Beautiful: Standard Zone	$ 0.1232
Marketing and Activation (commercial only)	$ 0.0778

Assessments rates by Benefit Zone and land use type will not exceed the following amounts during the first year of the renewed PBID:

Assessment Rates	Per Sq.Ft. of Lot + Building
Premium – Commercial	0.3241
Premium – Residential	0.2463
Premium - Tax Exempt/Govt	0.1848
Standard – Commercial	0.2010
Standard – Residential	0.1232
Standard - Tax Exempt/Govt	0.0924

Premium Zone - Sample Parcel Assessments

Commercial Parcel Assessment

To calculate the assessment for a commercial parcel in the Premium Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.3241 =
$5,671.75 total annual parcel assessment.

Residential Parcel Assessment

To calculate the assessment for a residential parcel in the Premium Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.2463 =
$4,310.25 total annual parcel assessment.

Tax Exempt/Government Parcel Assessment

To calculate the assessment for a tax exempt/government parcel in the Premium Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.1848 =
$3,234.00 total annual parcel assessment

Standard Zone - Sample Parcel Assessments

Commercial Parcel Assessment

To calculate the assessment for a commercial parcel in the Standard Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.2010 =
$3,517.50 total annual parcel assessment.

Residential Parcel Assessment

To calculate the assessment for a residential parcel in the Standard Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.1232 =
$2,156.00 total annual parcel assessment.

Tax Exempt/Government Parcel Assessment

To calculate the assessment for a tax exempt/government parcel in the Standard Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.0924 =
$1,617.00 total annual parcel assessment

Public Sector Participation

Existing City Services

The City Council, by adopting this plan, will confirm its intention to ensure an existing level of services in the District equivalent to the level that is being provided elsewhere in the City. Assessment funds will pay for services that are above and beyond those services provided by the City.

Rationale for Public Property Assessments

Proposition 218 states that no parcel is exempt from assessments if that parcel receives benefit from the improvements and activities. This includes government and Public use parcels. The City of Berkeley and any other government owned parcels within the PBID boundary will pay their assessment based on the special benefits conferred to those parcels. All publicly owned parcels specially benefit from the PBID activities as they make each assessed parcel cleaner, safer, more attractive, and economically vibrant. Specifically, these parcels specially benefit from: removing graffiti from their buildings, patrolling their sidewalks, connecting the homeless to available resources, cleaning up any debris or trash, pressure washing the sidewalks, beautifying the public right-of-ways, and increasing business development.

Therefore, government uses are assessed for the special benefits they receive from the PBID activities. The assessment methodology to allocate the cost of these improvements is consistent with all other land uses in the district: lot square footage plus building square footage as explained above.

Annual Assessment Adjustments

During the 10-year term assessments will be subject to an annual increase of up to 5% per year to address changes in the cost of providing services. Assessment budgets may also increase based on development in the PBID.

The Maximum Annual Assessments are shown below:

	Year 1	Year 2	Year 3	Year 4	Year 5
Premium: Commercial	$0.3241	$0.3404	$0.3574	$0.3752	$0.3940
Premium: Residential	$0.2463	$0.2587	$0.2716	$0.2852	$0.2994
Premium: Tax Exempt/Government	$0.1848	$0.1940	$0.2037	$0.2139	$0.2246
Standard: Commercial	$0.2010	$0.2110	$0.2216	$0.2327	$0.2443
Standard: Residential	$0.1232	$0.1293	$0.1358	$0.1426	$0.1497
Standard: Tax Exempt/Government	$0.0924	$0.0970	$0.1019	$0.1069	$0.1123

	Year 6	Year 7	Year 8	Year 9	Year 10
Premium: Commercial	$0.4137	$0.4344	$0.4561	$0.4789	$0.5029
Premium: Residential	$0.3144	$0.3301	$0.3466	$0.3640	$0.3822
Premium: Tax Exempt/Government	$0.2358	$0.2476	$0.2600	$0.2730	$0.2866
Standard: Commercial	$0.2565	$0.2693	$0.2828	$0.2969	$0.3118
Standard: Residential	$0.1572	$0.1651	$0.1733	$0.1820	$0.1911
Standard: Tax Exempt/Government	$0.1179	$0.1238	$0.1300	$0.1365	$0.1433

Economic Development & Placemaking Boost: To add economic development services focusing on storefront activation, placemaking and small business support to the PBID, the Owner's Association (i.e. Downtown Berkeley Association) may elect to boost the budget in any of the first three years of the PBID. The chart below illustrates the impact of this boost to the assessment rates, beginning in Year 2. *Note: Year 2 rates reflect both the maximum 5% increase plus the additional cost adding in economic development.*

	Year 1	Year 2	Year 3	Year 4	Year 5
Premium: Commercial	$0.3241	$0.3615	$0.3796	$0.3985	$0.4185
Premium: Residential	$0.2463	$0.2634	$0.2765	$0.2904	$0.3049
Premium: Tax Exempt/Government	$0.1848	$0.1975	$0.2074	$0.2178	$0.2287
Standard: Commercial	$0.2010	$0.2298	$0.2413	$0.2534	$0.2660
Standard: Residential	$0.1232	$0.1317	$0.1383	$0.1452	$0.1524
Standard: Tax Exempt/Government	$0.0924	$0.0988	$0.1037	$0.1089	$0.1143
	Year 6	**Year 7**	**Year 8**	**Year 9**	**Year 10**
Premium: Commercial	$0.4394	$0.4614	$0.4844	$0.5086	$0.5341
Premium: Residential	$0.3201	$0.3361	$0.3529	$0.3706	$0.3891
Premium: Tax Exempt/Government	$0.2401	$0.2521	$0.2647	$0.2779	$0.2918
Standard: Commercial	$0.2793	$0.2933	$0.3080	$0.3233	$0.3395
Standard: Residential	$0.1601	$0.1681	$0.1765	$0.1853	$0.1946
Standard: Tax Exempt/Government	$0.1200	$0.1260	$0.1324	$0.1390	$0.1459

PBID Guidelines

Time and Manner for Collecting Assessments

As provided by State Law, the District assessment will appear as a separate line item on annual property tax bills prepared by the County of Alameda. The City of Berkeley and/or the DBA may direct bill the first year's assessment for all property owners and may direct bill any property owners whose special assessment does not appear on the tax rolls for each year of the PBID term.

The assessments shall be collected at the same time and in the same manner as for the ad valorem property tax paid to the County of Alameda. These assessments shall provide for the same lien priority and penalties for delinquent payment as is provided for the ad valorem property tax.

However, assessments may be billed directly by the City for the first fiscal year of operation or for changes to assessments that occur during an assessment year and are prorated for a part of the year, and then by the County for all subsequent years. Any delinquent assessments owed for the first year will be added to the property tax roll for the following year as delinquent. These

assessments shall provide for the same lien priority and penalties for delinquent payment as is provided for the ad valorem property tax. The property owner means any person shown as the owner/taxpayer on the last equalized assessment roll or otherwise known to be the owner/taxpayer by the County. The City of Berkeley and/or the DBA is authorized to collect any assessments not placed on the County tax rolls, or to place assessments, unpaid delinquent assessments, or penalties on the County tax rolls as appropriate to implement this Management District Plan.

Disestablishment

State law provides for the disestablishment of a PBID pursuant to an annual process. The 30-day period begins each year on the anniversary day that the City Council first establishes the PBID. Within this annual 30-day period, if the owners of real property who pay more than 50% of the assessments levied submit a written petition for disestablishment, the PBID may be dissolved by the City Council. The City Council must hold a public hearing on the proposed disestablishment before voting on whether to disestablish the PBID.

Duration

The PBID will have a 10-year term commencing January 1, 2027, through December 31, 2036. Any major modifications or new or increased assessments during the term of the PBID that are not consistent with the provisions of the original Management District Plan will require a new mail ballot process.

Future Development

As a result of continued development, the PBID may experience the addition or subtraction of assessable footage for parcels included and assessed within the PBID boundaries. Parcels with a change in the building square or lot square footage need to provide notice of the change to the District by April 1st of each year. The future year's assessments will reflect the change.

Assessment Appeal Procedure

Property owners may appeal assessments that they believe are inaccurate. Appeals must be in writing, stating the grounds and providing proof of the appeal and filed with the DBA Board of Directors, serving as the Owners' Association prior to April 1 of each year. The Owners' Association shall review the appeal and will determine if the information provided warrants an adjustment to the assessment. Appeals shall be limited to the current assessment year. Any appeal not filed by April 1 shall not be valid. In any case, appeals will only be considered for the current year and will not be considered for prior years.

Implementation Timeline

The Downtown Berkeley PBID is expected to be renewed by July 2026 for inclusion of parcel assessments on the County of Alameda 2026/27 tax roll with an implementation date of the Management District Plan on January 1, 2027. Consistent with State law, the PBID will have a 10-year life through December 31, 2036.

SECTION 6: PBID GOVERNANCE

City Council

Following the submission of petitions from property owners representing more than 50% of the assessments to be paid, the City Council, upon holding a public hearing on the proposed PBID, may elect to renew the PBID. The PBID is renewed by a City Council resolution, including the levy of an assessment on property, if the assessment is first approved by parcel owners in a balloting process.

PBID Governance

The PBID Law establishes a governance framework that allows property owners who pay assessments the ability to determine how the assessments are used. This Management District Plan may be subject to changes if required by the state of California or the City of Berkeley.

The PBID shall continue to contract with the Downtown Berkeley Association (DBA), a nonprofit organization that acts as the Owners' Association and governing board for the PBID. The role of the Owners' Association is consistent with similar PBIDs and management organizations throughout California and the nation. The Owners' Association determines budgets, assessment adjustments and monitors service delivery. As part of the Management Plan, the nonprofit organization oversees the delivery of day-to-day PBID activities. The PBID Owners' Association Board of Directors will represent a cross section of property owners found throughout the district.

Brown Act & Public Records Act Compliance

The Owners' Association is subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association must act as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the Board of Directors of the Owners' Association and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

Annual Report

The Owners' Association shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650. The annual report is a prospective report for the upcoming year and must include:

1. Any proposed changes in the boundaries of the PBID or in any benefit zones or classification of property within the district;
2. The improvements, maintenance, and activities to be provided for that fiscal year;
3. The estimated cost of providing the improvements, maintenance, and activities to be provided for that fiscal year;
4. The method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that fiscal year;
5. The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and
6. The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this Plan.

SECTION 7: ASSESSMENT ROLL

The total assessment amount for FY 2026/27 is $2,668,086 apportioned to each individual assessed parcel, as follows.

APN	Owner	Site Address	Parcel Assessment
057- -2016-021-01	1812 University Ave Llc	1812 University Ave	$7,287.30
057- -2024-007-01	1935 Addison Street Llc	1935 Addison St	$11,396.24
057- -2022-019-01	1950 Addison Apartment Joint Venture Llc	1950 Addison St	$18,723.94
057- -2060-001-00	1950 Mlk Llc	1988 M L King Jr Way	$26,799.47
057- -2046-001-00	1951 Shattuck Llc	2108 Berkeley Way	$50,960.22
057- -2053-002-00	1974 Shattuck Avenue Llc	1974 Shattuck Ave	$2,933.54
057- -2026-007-02	2000 Center Street Llc	2175 Milvia St	$20,253.74
057- -2023-013-00	2001 Center Street Llc	2001 Center St	$14,151.33
057- -2025-002-00	2008 Shattuck Avenue Llc	2008 Shattuck Ave	$6,424.61
055- -1894-014-03	2025 Durant Avenue Llc	2025 Durant Ave	$15,301.78
055- -1894-015-01	2028 Bancroft Way Llc	2028 Bancroft Way	$5,021.84
057- -2025-017-03	2054 University Llc	2054 University Ave	$12,025.89
057- -2024-013-00	2099 Mlk Owner Llc	2099 M L King Jr Way	$11,187.84
057- -2023-001-00	2100 Shattuck Ave Lp	2104 Shattuck Ave	$17,382.11
057- -2030-001-00	2108 Allston Llc	2108 Allston Way	$14,250.19
057- -2029-013-00	2110 Kittredge Llc	2110 Kittredge St	$12,286.76
055- -1893-007-01	2124 Bancroft Way Llc	2124 Bancroft Way	$9,044.67
055- -1893-006-01	2125 Durant Avenue Llc	2125 Durant Ave	$481.53
057- -2031-011-00	2130 Center Llc	2130 Center St	$8,329.31
057- -2029-017-00	2176 Kittredge Owner Llc	2150 Kittredge St 100-728	$53,588.44
057- -2029-018-00	2176 Kittredge Owner Llc	2146 Kittredge St	$5,162.38
057- -2029-019-00	2176 Kittredge Owner Llc	2146 Kittredge St	$341.65
057- -2028-003-00	2274 Shattuck Qozb Llc	2274 Shattuck Ave	$18,650.18
055- -1894-017-04	2322 Shattuck Avenue Llc	2300 Shattuck Ave	$24,669.30
055- -1896-004-00	2420 Shattuck Avenue Llc	2428 Shattuck Ave	$1,619.24
055- -1896-004-00	2420 Shattuck Avenue Llc	2428 Shattuck Ave	$1,619.24
055- -1896-003-00	2420 Shattuck Llc	2420 Shattuck Ave	$2,081.88
055- -1896-003-00	2420 Shattuck Llc	2420 Shattuck Ave	$2,081.88
055- -1822-005-00	2524 Shattuck Blake Llc	2524 Shattuck Ave	$2,155.23
057- -2024-010-02	384 Promenade Llc & Wpg Promenade Llc Etal	1936 University Ave	$13,038.13
057- -2023-014-00	440 Jackson Street Llc	2115 Milvia St	$6,387.34
057- -2060-046-00	Acampora Rose Tr	1801 University Ave 309	$239.33
057- -2033-004-00	Addison Building Llc	2044 Kala Bagai Way	$7,841.14
057- -2022-014-01	Addison Llc	1912 Addison St	$1,277.94
057- -2060-041-00	Albanese Andres & Celina	1801 University Ave 407	$239.33
057- -2030-010-00	Amherst Ventures Llc	2231 Shattuck Ave	$8,559.70
057- -2050-031-01	Amistad House Llc	1810 Shattuck Ave	$6,581.98
055- -1821-026-00	Ampri Investments Inc	2030 Blake Stc	$308.55
055- -1821-027-00	Ampri Investments Inc	2030 Blake Stb	$307.94
057- -2028-013-00	Aochi Fusako J Tr	2000 Kittredge St	$4,612.95
057- -2030-008-00	Aquarius Twins Inc	2117 Kittredge St	$3,268.06

APN	Owner	Site Address	Parcel Assessment
057- -2031-008-00	Arding Jon D Tr & Martin David	2171 Shattuck Ave	$5,733.85
057- -2060-050-03	Arefi Ehsan & Arefy Katrin Tr	1809 University Ave	$528.96
057- -2032-018-00	Arlington Investment Co	134Berkeley Sq	$1,420.42
057- -2059-007-00	Ayyad Fred & Mona	1929 University Ave	$1,824.43
055- -1893-013-00	Baker Edward Tr	2327 Shattuck Ave	$410.19
057- -2032-016-00	Bancroft Susan E Trust	2115 Shattuck Ave	$1,964.66
055- -1894-016-00	Bancroft Way Properties Llc	2030 Bancroft Way	$1,547.08
057- -2032-022-00	Bank Of America	2129 Center St	$2,379.25
055- -1821-025-00	Belgrove Angela M & Swinderman Eric G	2030 Blake Std	$826.75
057- -2016-025-01	Berkeley Chamber Of Com	1834 University Ave	$1,263.78
057- -2032-021-00	Berkeley Downtown Hotel Owner	2121 Center St	$99,598.04
055- -1824-015-00	Berkeley Free Market Llc	2567 Shattuck Ave	$6,792.89
057- -2028-011-00	Berkeley Inn Llc	2001 Bancroft Way	$4,746.18
057- -2025-024-00	Berkeley Joint Powers Financin	2015 Addison St	$15,776.13
057- -2029-004-00	Berkeley Lodge No 270 I O O F	2288 Fulton St	$6,066.58
057- -2049-037-00	Berkeley Lofts Llc	1849 Shattuck Ave C1	$139.07
057- -2049-038-00	Berkeley Lofts Llc	1849 Shattuck Ave C2	$394.51
057- -2025-005-03	Berkeley Repertory Theatre	2071 Addison St	$1,724.39
057- -2025-008-00	Berkeley Repertory Theatre	2025 Addison St	$5,536.22
057- -2025-023-00	Berkeley Repertory Theatre	2009 Addison St	$9,896.06
057- -2023-021-02	Berkeley Traditional Music Fou	2026 Addison St	$2,811.90
057- -2023-021-03	Berkeley Traditional Music Fou	2020 Addison St	$3,082.21
055- -1894-007-02	Berkeley Unified School District	2000 Bancroft Way	$3,427.90
057- -2020-004-00	Berkeley Unified School District	1980 Allston Way	$4,424.23
057- -2020-005-03	Berkeley Unified School District	2223 M L King Jr Way	$26,213.08
055- -1822-009-01	Berkeley Vqof Ii Spe Llc	2035 Blake St	$14,388.08
057- -2032-010-00	Bettencourt Charles A & Jeanne K Trs	2109 Kala Bagai Way	$8,363.33
057- -2060-023-00	Biggs Ralph E	1801 University Ave 401	$239.33
055- -1821-024-02	Blake Street Sfc Llc & Blake S	2034 Blake St	$4,864.15
057- -2023-004-00	Bollibokka Shattuck Llc	2144 Shattuck Ave	$30,688.06
057- -2027-012-00	Bpr Properties Berkeley Llc	2060 Allston Way C	$40,805.37
057- -2049-030-00	Brooks Jody & Wiggin Annette	1849 Shattuck Ave 406	$120.83
057- -2060-050-01	Browning Robert P & Maio Linda R Trs	1801 University Ave A	$723.50
055- -1892-001-01	Buddhist Churches Of America	2140 Durant Ave	$5,231.09
057- -2022-008-00	Butler Larry Tr	1907 Center St	$1,893.20
057- -2023-003-00	C & V Shattuck Llc	2120 Shattuck Ave	$2,133.54
057- -2031-009-00	C S Company	2161 Shattuck Ave	$14,069.64
055- -1895-041-00	Ca Ag Logan Park Property Owner	2352 Shattuck Ave	$31,450.15
055- -1895-042-00	Ca Ag Logan Park Property Owner Phase Ii Llc	2370 Shattuck Ave	$16,224.36
057- -2027-011-00	Ca Student Living Berkeley Llc	2070 Allston Way	$14,452.14
057- -2034-007-00	Calif State Empl Cr Un	2033 Kala Bagai Way	$2,037.92
057- -2028-014-02	California Community Housing Agency	2022 Kittredge St	$41,395.10
055- -1893-011-00	California First Bank	2107 Durant Ave	$1,306.32
055- -1893-012-00	California First Bank	2333 Shattuck Ave	$5,505.05
057- -2060-030-00	Caloca Rosa N Tr	1801 University Ave 204	$239.33
057- -2029-015-00	Carlson Susan Tr	2138 Kittredge St	$3,021.48
057- -2030-003-00	Cerfam Llc	2134 Allston Way	$3,154.61

APN	Owner	Site Address	Parcel Assessment
055- -1891-012-00	Chan Kum L & Andrew Trs & Chan Kum L & Andrew Trs	2429 Shattuck Ave	$5,912.41
057- -2060-040-00	Chang Andy T & Terry L Etal	1801 University Ave 307	$239.33
057- -2032-012-00	Cheng Frank & Dorothy	2112 Addison St	$5,970.81
057- -2016-003-00	Cheng Te C Tr	2070 M L King Jr Way	$992.81
057- -2060-028-00	Chua Shirley C & Suisuilyn	1801 University Ave 303	$239.33
057- -2017-016-01	City Of Berkeley	2100 M L King Jr Way	$25,326.87
057- -2021-001-00	City Of Berkeley	2180 Milvia St	$21,423.76
057- -2021-002-00	City Of Berkeley	0 Center St	$22,561.90
057- -2022-006-00	City Of Berkeley	1947 Center St	$12,461.49
057- -2022-020-00	City Of Berkeley	0 Center St	$5,341.94
057- -2023-020-03	City Of Berkeley	2025 Center St	$52,152.34
057- -2028-005-00	City Of Berkeley	2031 Bancroft Way	$4,077.43
057- -2028-017-01	City Of Berkeley	2090 Kittredge St	$18,502.30
057- -2118-001-00	City Of Berkeley	2200 Fulton St	$0.00
057- -2119-001-00	City Of Berkeley	2200 Fulton Sta	$10,484.16
057- -2122-001-00	City Of Berkeley	2012 Berkeley Way	$13,704.20
057- -2122-002-00	City Of Berkeley	Berkeley Way	$604.36
057- -2122-003-00	City Of Berkeley	2020 Berkeley Way	$1,827.76
057- -2031-001-01	Core Berkeley Oxford Llc	2128 Oxford St	$6,454.76
057- -2031-013-00	Core Berkeley Oxford Llc	2142 Center St	$11,144.53
057- -2031-014-00	Core Berkeley Oxford Llc	2136 Center St	$3,740.34
057- -2060-026-00	Corr James C & Michaels Mary F Trs	1801 University Ave 402	$239.33
055- -1895-019-01	Cpf Berkeley Varsity Llc	2024 Durant Ave	$12,109.95
055- -1822-003-02	Creston Developments Llc	2514 Shattuck Ave	$2,279.24
057- -2026-013-00	Csq Fee Owner Ca Llc	2168 Shattuck Ave	$17,584.06
057- -2023-026-00	Cvbaf Acq Llc	2055 Center St	$52,993.72
057- -2049-021-00	Dang Dennis H	1849 Shattuck Ave 403	$120.83
057- -2120-001-00	David Brower Center	2150 Allston Way	$9,069.43
057- -2049-020-00	Delbonta Matthew A & Bell Jennifer M	1849 Shattuck Ave 303	$120.83
057- -2026-004-12	Dun Sherman S & Katherine Y Etal	2068 Center St	$2,814.25
055- -1892-015-00	Durant Berkeley Partners Lp	2367 Shattuck Ave	$2,226.18
055- -1892-016-00	Durant Berkeley Partners Lp	2349 Shattuck Ave	$3,762.22
057- -2031-003-00	Dwf Vi Vmg Allston Llc	2161 Allston Way	$14,237.82
055- -1893-005-03	Dwf Vi Vmg Stadium Llc	2310 Fulton St	$12,934.72
055- -1890-012-01	Dwight Way Residential Property Owner Llc	2121 Dwight Way	$15,909.79
057- -2024-004-00	East Bay Media Center	1939 Addison St	$780.71
057- -2024-008-01	East End Investors Group Inc	1950 University Ave	$5,233.34
055- -1892-013-01	Eastborough Properties Lp	2399 Shattuck Ave	$6,741.44
057- -2053-003-01	Fifth Keil Co	1998 Shattuck Ave	$6,656.06
057- -2053-003-02	Fifth Keil Co	1984 Shattuck Ave	$1,440.51
055- -1894-006-00	Figueroa Josefina D & Xavier M	2017 Durant Ave	$1,277.82
057- -2022-003-01	First Milvia Llc	2108 Milvia St	$1,396.76
057- -2022-017-01	First Milvia Llc	2100 Milvia St	$17,855.05
057- -2026-002-01	First Shattuck Llc	2150 Shattuck Ave	$60,078.24
057- -2026-005-01	First Shattuck Llc	2043 Allston Way	$7,216.51
057- -2026-012-03	First Shattuck Llc	2052 Center St	$40,491.27

APN	Owner	Site Address	Parcel Assessment
057- -2028-002-00	Fu Jihwa & Ji H Trs	2270 Shattuck Ave	$2,800.96
055- -1896-002-00	Fujikawa Mark A & Georgia Trs & Chun S R & Do Etal	2414 Shattuck Ave	$466.86
057- -2049-040-00	Gedr Hillside Llc	2102 Delaware St	$6,978.44
055- -1895-015-01	Genirberg Siblings Llc	2000 Durant Ave	$6,186.83
057- -2049-022-00	Giebeler Persis A	1849 Shattuck Ave 204	$120.83
057- -2049-026-00	Gilmour Susan R & Thomas S	1849 Shattuck Ave 305	$120.83
055- -1825-015-02	Global Alliance For Progress Llc	2621 Shattuck Ave	$9,711.42
055- -1825-019-00	Global Alliance For Progress Llc	2609 Shattuck Ave	$4,319.71
057- -2034-009-00	Golden Ca Property 1 Llc	2017 Kala Bagai Way	$2,306.64
055- -1892-014-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2375 Shattuck Ave	$1,176.30
055- -1897-006-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2450 Shattuck Ave	$5,637.29
057- -2024-021-01	Gordon John K & Mitchell Janis L Trs & Gordon Etal	1952 University Ave	$5,731.15
057- -2025-005-02	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2024 Shattuck Ave	$7,622.02
057- -2025-006-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2036 Shattuck Ave	$10,911.47
057- -2025-019-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2058 University Ave	$5,472.92
057- -2025-022-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2014 Shattuck Ave	$2,133.54
057- -2029-011-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2277 Shattuck Ave	$2,999.67
057- -2025-004-00	Gordon John K & Mitchell Janis Trs & Gordon M Etal	2020 Shattuck Ave	$3,873.24
057- -2030-011-00	Gordon John K & Mitchell Janis Trs & Gordon M Etal	2225 Shattuck Ave	$1,388.33
057- -2053-004-02	Gordon John K & Mitchell Janis Trs & Gordon M Etal	2071 University Ave	$3,436.62
057- -2049-029-00	Gottlieb Sharona D	1849 Shattuck Ave 306	$120.83
057- -2024-015-03	Greenlining Institute	1916 University Ave	$3,191.12
057- -2029-012-00	H Drake Corporation	2271 Shattuck Ave	$3,312.79
055- -1821-028-00	Ha Yangwon K	2030 Blake Sta	$334.42
057- -2016-027-02	Hadjian Simin & Payvand Etal	1840 University Ave	$4,291.98
057- -2060-036-00	Hammond Lucia Tr	1801 University Ave 206	$239.33
057- -2059-006-00	Han Chang S & Yoon J	1941 University Ave	$2,403.84
057- -2060-043-00	Hart Elizabeth	1801 University Ave 308	$239.33
057- -2027-002-02	Head Lama Tibetan Nyingma Meditation Center	2210 Harold Way	$2,307.68
057- -2027-002-03	Head Lama Tibetan Nyingma Meditation Center	2018 Allston Way	$7,728.24
057- -2027-004-00	Head Lama Tibetan Nyingmapa Meditation Center	2222 Harold Way	$10,137.92
057- -2060-037-00	Hernandez Karyn L	1801 University Ave 306	$239.33
057- -2031-006-00	Hirahara Family Limited Partnership	2187 Shattuck Ave	$7,306.30
057- -2027-010-00	Hsr Berkeley Investments Llc	2060 Allston Way A	$40,899.38
057- -2049-015-00	Hu Victoria L	1849 Shattuck Ave 401	$120.83
057- -2059-010-00	Hultgren Robert P & Susan S Trs	1909 University Ave	$1,941.80
057- -2049-019-00	Huynh Matthew & Regina Trs	1849 Shattuck Ave 203	$120.83
057- -2032-015-00	Janta Realty Inc & Batra Manjul Tr	2100 Kala Bagai Way	$2,018.47
055- -1894-002-00	Jindo Ventures Llc	2037 Durant Ave	$5,162.19
057- -2053-001-00	Jlljar Llc	1950 Shattuck Ave	$4,399.01
055- -1821-003-00	Johnston Stewart L	2558 Shattuck Ave	$2,410.27
055- -1821-004-00	Johnston Stewart L	2576 Shattuck Ave	$1,385.91
057- -2025-013-01	K & M 2000 University Llc	2000 University	$12,871.01
057- -2032-011-00	K K & C Holdings Llc	2101 Kala Bagai Way	$5,326.72
057- -2049-023-00	Kalofonos Angeliki & Maria S	1849 Shattuck Ave 304	$120.83
057- -2025-016-00	Kam Yiu Lam & Shun To Lo Lam Lp	2042 University Ave	$4,722.57

APN	Owner	Site Address	Parcel Assessment
057- -2060-006-00	Kami Barry G & Cathy J Trs	1813 University Ave	$2,716.95
057- -2060-004-00	Kang Bu U & Jeong H Trs & Kang Phillip T	1823 University Ave	$2,111.62
057- -2060-005-00	Kang Bu U & Jeong H Trs & Kang Phillip T	1821 University Ave	$1,681.14
057- -2032-019-00	Kaplan Educational Centers Inc	2144 Kala Bagai Way	$5,011.98
057- -2031-002-00	Kashani Nasser & Pamela L Trs	2171 Allston Way	$12,712.64
057- -2060-031-00	Keas Mabel E	1801 University Ave 304	$239.33
057- -2060-044-00	Kehret Joseph G	1801 University Ave 408	$239.33
057- -2060-050-05	Kennedy Patrick C & Julie M Trs	1805 University Ave	$127.62
057- -2060-050-06	Kennedy Patrick C & Julie M Trs	1807 University Ave	$136.26
057- -2060-050-07	Kennedy Patrick C & Julie Trs	1807 University Ave A	$40.40
057- -2049-034-00	Kho Eric L	1849 Shattuck Ave 208	$120.83
057- -2053-005-00	Kl2067 University Llc	2067 University Ave	$9,250.33
057- -2060-003-00	Klatt Thomas E	1849 University Ave	$2,520.20
057- -2030-012-00	Kooyman Steven P& Susan J Trs	2219 Shattuck Ave	$3,244.07
057- -2049-016-00	Lai Roger Y	1849 Shattuck Ave 202	$120.83
055- -1896-005-00	Lair Qozb Llc	2440 Shattuck Ave	$9,389.19
055- -1893-015-01	Lakireddy Prasad R & Santi	2323 Shattuck Ave	$5,750.42
057- -2024-018-01	Lakireddy Prasad R & Santi	1942 University Ave	$7,100.98
055- -1897-002-00	Lakireddy Prasad R & Santi & Hanimireddy	2484 Shattuck Ave	$11,569.62
057- -2059-008-00	Lam Pauline P Etal	1921 University Ave	$1,600.75
057- -2023-012-00	Language Studies Inc	2015 Center St	$5,668.38
057- -2025-001-00	Lauson Llc	2000 Shattuck Ave	$8,822.98
057- -2024-011-00	Lee Sang H & Chung Eunjung	1915 Addison St	$2,652.64
057- -2049-017-00	Lhakey Pema	1849 Shattuck Ave 302	$120.83
057- -2060-022-00	Lin Diana M Tr	1801 University Ave 301	$239.33
057- -2060-024-00	Lin Diana M Tr	1801 University Ave 202	$239.33
057- -2026-004-05	Lmp Shattuck Property Owner Llc	2190 Shattuck Ave	$24,100.73
057- -2034-010-00	Lore Bca 2120 L P	2015 Kala Bagai Way	$20,408.03
057- -2060-032-00	Lyon David	1801 University Ave 404	$239.33
057- -2031-004-00	Magnes Museum Foundation	2121 Allston Way	$8,259.25
057- -2053-012-00	Mahrat Abdul & Reem Trs	1949 Milvia St	$3,452.35
057- -2025-010-01	Maia Holdings Llc	2001 Addison St	$14,342.58
057- -2060-034-00	Mak Kwan & Lishan	1801 University Ave 305	$239.33
057- -2050-005-00	Malin Robert O Inc	1848 Shattuck Ave	$1,593.72
057- -2049-014-00	Mamin Adrienne & Mamin Harry J & Marjorie Trs	1849 Shattuck Ave 301	$120.83
057- -2060-025-00	Mao Yuli	1801 University Ave 302	$239.33
057- -2031-005-00	Martin David J & Reid B Etal	2115 Allston Way	$2,915.39
057- -2051-053-00	Martin Reid & John	1912Shattuck Ave	$961.66
057- -2031-007-00	Martin Reid B & David R Etal	2181 Shattuck Ave	$3,312.47
057- -2051-004-00	Martin Reid B & David R Etal	1920 Shattuck Ave	$1,266.33
057- -2046-008-04	Mcref Achenson Llc	2125 University Ave	$49,309.36
057- -2046-011-01	Mcref Achenson Llc	1987 Shattuck Ave	$22,092.08
057- -2046-009-00	Mcref Bachenheimer Llc	2119 University Ave	$15,197.58
057- -2049-036-00	Mejia Cesar A	1849 Shattuck Ave 408	$120.83
057- -2123-001-00	Mevlanarumi Llc	2025 Kala Bagai Way	$7,201.14
057- -2033-001-01	Mgm Shattuck Llc	2000 Kala Bagai Way	$11,051.50
057- -2023-016-01	Milvia Berkeley Llc	0 Milvia St	$2,353.64

APN	Owner	Site Address	Parcel Assessment
055- -1822-002-01	Mmp Chestnut Llc	2506 Shattuck Ave	$1,625.67
057- -2016-002-00	Moaven Saghi Tr	2054 M L King Jr Way	$464.37
057- -2051-006-01	Moran Everett S Jr & Catharine Trs	1936 Shattuck Ave	$3,000.53
055- -1821-001-01	Natural Green Corporation	2550 Shattuck Ave	$5,638.90
057- -2051-005-00	Nineteen Hundred Twenty Six Shattuck Investors	1926 Shattuck Ave	$1,222.52
057- -2049-031-00	Niramol Chitrcharatn 2016 Living Trust	1849 Shattuck Ave 207	$120.83
057- -2049-032-00	Nisen Frederick P	1849 Shattuck Ave 307	$120.83
057- -2024-014-00	Norcal Properties Llc	1900 University Ave	$5,015.38
057- -2016-024-01	Ohay Philip L & Barbara L Trs	1824 University Ave	$4,176.22
057- -2034-006-00	Okada Bros Inc	2037 Kala Bagai Way	$9,659.93
057- -2120-002-00	Oxford Commercial Llc	2200 Fulton St C	$11,452.47
057- -2121-001-00	Oxford Plaza Lp	2175 Kittredge St	$30,226.15
057- -2016-018-01	P P M&B Berkeley Llc	1800 University Ave	$3,414.73
055- -1893-019-00	P T & T Co 279-1-12-6	0 Durant Ave	$21,627.71
055- -1893-020-00	P T & T Co 279-1-1-4	0 Bancroft Way	$1,306.32
055- -1820-001-01	Parkershattuck Owner Llc	2600 Shattuck Ave	$27,452.95
055- -1821-005-00	Parkershattuck Owner Llc	2598 Shattuck Ave	$5,642.12
057- -2028-004-00	Pasand Courtyard Llc	2276 Shattuck Ave	$15,088.12
057- -2060-048-00	Pathmarajah Canagaratnam Tr	1801 University Ave 210	$239.33
057- -2029-014-00	Peleg Yoram & Barbara L Trs & Weil Ben	2124 Kittredge St	$3,999.66
057- -2022-005-01	Peralta Community College District	2118 Milvia St	$6,590.29
057- -2026-010-00	Peralta Community College District	2016 Center St	$1,801.43
057- -2026-014-00	Peralta Community College District	2048 Center St	$34,169.97
055- -1894-003-01	Persian Center	2029 Durant Ave	$1,303.68
057- -2025-021-00	Reddy Hanumandla J & Hanumandla J Trs	2066 University Ave	$7,388.03
057- -2053-006-00	Reddy Hanumandla J & Hanumandla J Trs	2057 University Ave	$7,772.75
057- -2046-002-00	Regency 2120 Berkeley Way Llc	2120 Berkeley Way	$10,848.73
055- -1891-014-01	Regents Of The University Of California	2401 Shattuck Ave	$8,629.70
057- -2029-007-02	Regents Of The University Of California	2113 Bancroft Way	$6,014.39
057- -2029-009-00	Regents Of The University Of California	2105 Bancroft Way	$15,062.19
057- -2032-014-01	Regents Of The University Of California	2120 Oxford St	$18,817.69
057- -2034-003-00	Regents Of The University Of California	0 Addison St	$1,019.89
057- -2034-004-00	Regents Of The University Of California	2123 Addison St	$337.75
057- -2034-011-00	Regents Of The University Of California	2138 University Ave	$978.87
057- -2034-012-00	Regents Of The University Of California	2154 University Ave	$2,553.42
057- -2034-014-02	Regents Of The University Of California	2199 Addison St	$92.57
057- -2034-014-03	Regents Of The University Of California	2199 Addison St	$9,291.89
057- -2045-006-01	Regents Of The University Of California	1950 Oxford St	$90,499.79
057- -2047-004-00	Regents Of The University Of California	1900 Oxford St	$51,069.17
057- -2054-012-01	Regents Of The University Of California	1995 University Ave	$22,423.97
057- -2023-023-00	Rilco Addison Llc	2030 Addison St	$14,722.15
057- -2023-024-00	Rilco Addison Llc	2040 Addison St	$6,314.40
057- -2023-025-00	Ruegg & Ellsworth	2072 Addison St	$16,715.52
057- -2049-033-00	Ryu David J & Wu Christina L Trs	1849 Shattuck Ave 407	$120.83
055- -1895-018-01	Satellite First Communities L P	2020 Durant Ave	$3,724.07
057- -2049-028-00	Schirle Ann M Tr	1849 Shattuck Ave 206	$120.83
055- -1893-016-00	Segerberg Kenneth Tr	2301 Shattuck Ave	$3,053.99

APN	Owner	Site Address	Parcel Assessment
057- -2024-016-02	Severy Michelle A Tr & Aaronia Michael Jr Tr	1926 University Ave	$763.85
057- -2022-009-02	Shamszad Sasha G & Merideth B Trs	2105 M L King Jr Way	$3,397.45
057- -2022-013-04	Shamszad Sasha G & Merideth B Trs	1900 Addison St	$5,147.12
057- -2024-002-02	Shamszad Sasha G & Merideth B Trs	2020 Milvia St	$11,473.95
057- -2033-003-00	Shamszad Sasha G & Merideth B Trs	2021 Shattuck Ave	$9,060.59
057- -2049-024-00	Sharma Gauri Tr	1849 Shattuck Ave 404	$120.83
055- -1891-013-01	Shattuck Senior Homes Associates	2421 Shattuck Ave	$1,984.96
055- -1897-001-03	Shattuck Wicks Partnership Ltd	2480 Shattuck Ave	$3,591.59
055- -1822-006-00	Shen Tsui Y & Wu Yeu B	2530 Shattuck Ave	$2,089.92
057- -2060-038-00	Shoji Joseph	1801 University Ave 406	$239.33
057- -2016-022-00	Shree Laxmi Llc	1822 University Ave	$4,601.88
057- -2053-014-02	Shrimatis Limited Inc	2011 University Ave	$2,915.06
057- -2060-045-00	Sikaffy Amal	1801 University Ave 209	$239.33
057- -2049-013-00	Song Jia Y	1849 Shattuck Ave 201	$120.83
055- -1824-016-00	Southwick Timothy K & Susan E Trs	2555 Shattuck Ave	$1,721.54
055- -1892-018-01	Southwick Timothy K & Susan E Trs	2110 Durant Ave	$3,918.97
055- -1896-001-00	Southwick Timothy K & Susan E Trs	2410 Shattuck Ave	$4,466.63
057- -2060-002-00	Southwick Timothy Sr & Susan Trs	1865 University Ave	$3,776.28
057- -2023-017-01	Sterling Berkeley Addison L P	2101 Milvia St	$8,988.01
057- -2030-002-00	Sterling Berkeley Allston Lp	2116 Allston Way	$24,874.12
055- -1890-013-02	Sterling Berkeley Haste Lp	2451 Shattuck Ave	$17,299.51
057- -2047-002-01	Sterling Berkeley Oxford Lp	1910 Oxford St	$7,377.36
057- -2025-014-00	Sterling Berkeley University Ave Lp	2004 University Ave	$9,467.45
057- -2024-001-02	Stonefire Partners Llc	1974 University Ave	$20,160.17
055- -1823-011-01	Sutter Bay Hospitals	2104 Dwight Way	$3,892.39
057- -2060-035-00	Swanson Linda L	1801 University Ave 405	$239.33
057- -2049-025-00	Sweeney Zephyr & Dennis A	1849 Shattuck Ave 205	$120.83
057- -2060-042-00	Szabo Marshika L	1801 University Ave 208	$239.33
057- -2053-008-01	Talai Mohammad E & Kokab S Trs & Kashani Mans	2035 University Ave	$7,145.52
057- -2060-033-00	Tavakolizadeh Mehdi	1801 University Ave 205	$239.33
055- -1824-014-00	Thallaug Kirsten Tr & Thallaug Haakon E	2105 Parker St	$5,204.00
057- -2060-027-00	Thevanayagam Sabanayagam & Vasuki Etal	1801 University Ave 203	$239.33
057- -2060-049-00	Thomas Herb Tr	1801 University Ave 310	$239.33
057- -2049-018-00	Tiphane Bibiane Tr	1849 Shattuck Ave 402	$120.83
057- -2051-051-00	Tipping Zeniada L Tr	1900 Shattuck Ave	$2,381.87
057- -2051-052-00	Tipping Zeniada L Tr	1908 Shattuck Ave	$1,240.41
057- -2053-007-00	Trilink Real Estate Investment & Development Inc	2041 University Ave	$9,863.18
057- -2025-015-00	U C Studios Lp	2018 University Ave	$16,603.49
057- -20270-05-00	United States Postal Service	0 Milvia St	$15,687.63
057- -2060-047-00	Vajjravel Muralli & Rajalakshmi Hema	1801 University Ave 409	$239.33
057- -2024-012-00	Vedensky Properties Llc	1911 Addison St	$3,401.27
055- -1893-018-00	Vero Properties Llc	2126 Bancroft Way	$1,316.99
057- -2051-007-00	Vinland Property Invetment Llc	2053 Berkeley Way	$1,503.06
057- -2060-039-00	Wagele Nicholas	1801 University Ave 207	$239.33
057- -2028-012-00	Wander Robert H & Ingrid	2235 Milvia St	$845.90
057- -2030-009-00	Wise Stanley & Wise Addington L Jr Heirs Of E Etal	2115 Kittredge St	$8,736.44
055- -1822-001-00	Wong Franklin & Pui T Etal	2500 Shattuck Ave	$2,250.25

APN	Owner	Site Address	Parcel Assessment
057- -2060-029-00	Wong Mei L & Kuochen	1801 University Ave 403	$239.33
057- -2031-010-00	Wu Shu F Tr	2124 Center St	$4,523.16
057- -2049-027-00	Yang Judy C Tr & Yang Lucinda Etal	1849 Shattuck Ave 405	$120.83
057- -2034-005-00	Yaniv Gershon Tr & Nevo Dalia Tr	2119 Addison St	$7,096.60
057- -2059-011-00	Yearwood Ines L & Kahlil & Rodriguez R U Trs Etal	1901 University Ave	$2,012.08
057- -2053-011-00	Yee David	2017 University Ave	$4,504.68
057- -2060-021-00	Yeh Jeng R & Yang Chingmei Trs	1801 University Ave 201	$239.33
057- -2029-010-02	Young James C & Eddie Jr	2281 Shattuck Ave	$1,262.88
057- -2029-010-01	Young James C & Young Eddie Jr	2283 Shattuck Ave	$945.86
057- -2022-018-00	Young Mens Christian Association Of The East Bay	2109 M L King Jr Way	$2,508.98
057- -2026-015-00	Young Mens Christian Association Of The East Bay	2001 Allston Way	$25,378.05
057- -2049-035-00	Yu David T & Lisa L Trs	1849 Shattuck Ave 308	$120.83
055- -1893-001-00	Yu Inn N Tr	2190 Bancroft Way	$2,641.59
055- -1822-004-00	Yu Wah Y & Rui C Trs	2520 Shattuck Ave	$964.67
057- -2059-009-00	Z & L Pm Llc	1915 University Ave	$1,933.96
057- -2023-002-00	Zac Enterprise Llc	2116 Shattuck Ave	$1,769.85
TOTAL:			**$2,668,086.26**

Attachment A

Downtown Berkeley Business Improvement District

Draft **Engineer's Report**

Berkeley, California
December 2025

Prepared by:
Kristin Lowell Inc.

Prepared pursuant to the State of California
Property and Business Improvement District Law of 1994
And Article XIIID of the California Constitution
to create a property-based business improvement district

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ENGINEER'S STATEMENT

This Report is prepared pursuant to Article XIIID of the California State Constitution (Proposition 218) and the State of California Property and Business Improvement District Law of 1994 as amended.

The Downtown Berkeley Property Based Business Improvement District ("PBID") will provide activities either currently not provided or are above and beyond what the City of Berkeley provides. These activities will specially benefit each individual assessable parcel in the PBID. Every individual assessed parcel within the PBID receives special benefit from the activities identified under Section B of this Report. Only those individual assessed parcels within the PBID receive the special benefit of these proposed activities.

The duration of the proposed PBID is ten (10) years, commencing January 1, 2027, and ending December 31, 2036. An estimated budget for the PBID improvements and activities is set forth in Section D. Assessments will be subject to an annual increase of up to 5% per year as determined by the Owners' Association. Assessment increases must stay between 0% and 5% in any given year. Funding for the PBID improvements and activities shall be derived from a property-based assessment of each specially benefitted parcel in the PBID. A detailed description of the methodology for determining the proportional special benefit each individual assessable parcel receives from the service and the assessment for each parcel is set forth in Section F.

I hereby certify to the best of my professional knowledge that each of the identified assessable parcels located within the PBID will receive a special benefit over and above the benefits conferred to those parcels outside of the PBID boundary and to the public at large and that the amount of the proposed special assessment is proportional to, and no greater than the special benefits received.

Respectfully submitted,



Terrance E. Lowell, P.E.

SECTION A: LEGISLATIVE AND JUDICIAL REVIEW

Property and Business Improvement District Law of 1994

The Property and Business Improvement District Law of 1994 (the "State Law") is the legislation that authorizes the City to levy assessments upon real property for the purposes of providing improvements and activities that specially benefit each individual assessed parcel in the PBID. The purpose of the PBID is to encourage commerce, investment, and business activities. To meet these goals PBIDs typically fund activities and improvements, such as enhanced safety and cleaning. Unlike other assessment districts which fund the construction of public capital improvements or maintenance thereof, PBIDs provide activities and improvements "to promote the economic revitalization and physical maintenance of the business districts of its cities in order to create jobs, attract new businesses, and prevent the erosion of the business districts." (Streets and Highways Code Section 36601(b)). The improvements and activities funded through the PBID are over and above those already provided by the City within the PBID's boundaries. Each of the PBID activities or improvements is intended to increase building occupancy and lease rates, to encourage new business development, attract businesses that benefit the parcels, and improve the economic vitality of parcels.

Specifically, the State Law defines "Improvements" and "Activities" as follows:

> *"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years…"*[1]
>
> *"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:*
> *(a) Promotion of public events.*
> *(b) Furnishing of music in any public place within the district.*
> *(c) Promotion of tourism within the district.*
> *(d) Marketing and economic development, including retail retention and recruitment.*
> *(e) Providing safety, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.*
> *(f)Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.*[2]

As of July 19, 2022, the State Law, Section 36615.5 (b), was amended to further define special benefit as it relates to the improvements and activities these districts provide. Specifically, the amendment states: "Special benefit also includes, for purposes of a property-based district, a particular and distinct benefit provided directly to each assessed parcel within the district. Merely because parcels throughout an assessment district share the same special benefits does not make the benefits general."[3]

[1] *California Streets and Highways Code, Section 36610.*
[2] *California Streets and Highways Code, Section 36606.*
[3] *California Streets and Highways Code, Section 36615.5(b)*

Article XIIID of the State Constitution

In 1996, California voters approved Proposition 218, codified in part as Article XIIID of the State Constitution. Among other requirements, Article XIIID changes the way local agencies enact local taxes and levy assessments on real property. Section 4 of Article XIIID states, in relevant part, that:

> *(a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.*
>
> *(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.*[4]

Section 2(i) of Article XIIID States in relevant part:
"Special benefit" means a particular and distinct benefit over, and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."[5]

Judicial Guidance

Since the enactment of Article XIIID, the courts have rendered opinions regarding various aspects of Article XIIID. The notable portion of a case that applies to PBIDs in particular is noted below.

> *"The engineer's report describes the services to be provided by the PBID [i.e. the PBID]; (1) security, (2) streetscape maintenance (e.g., street sweeping, gutter cleaning, graffiti removal), and (3) marketing, promotion, and special events. They are all services over and above those already provided by the City within the boundaries of the PBID. And they are particular and distinct benefits to be provided only to the properties within the PBID, not to the public at large—they 'affect the assessed property in a way that is particular and distinct from [their] effect on other parcels and that real property in general and the public at large do not share.'"*[6]

The contents of this Engineer's Report are prepared in compliance with the above noted authorizing State Law, the State Constitution and the judicial opinion.

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[4] *Section 4(a), Article XIIID of the State Constitution.*
[5] *Section 2(i), Article XIIID of the State Constitution.*
[6] *Dahms v. Downtown Pomona Property and Business Improvement District (2009) 174 Cal.App. 4th 708, 722.*

SECTION B: IMPROVEMENTS AND ACTIVITIES

Informed by a participatory strategic planning process that included extensive community outreach (including stakeholder roundtables with property, business owners, residents, and neighbors; online surveys; and meetings with the DBA Board of Directors), the PBID priorities continue to be, and will expand upon, Clean, Safe and Beautiful activities, as well as Marketing, Activation, Economic Development, Management and Operations. Specifically, the PBID shall provide the activities described in greater detail in Section 3 of this Management District Plan: District Improvement and Activity Plan.

SECTION C: BENEFITTING PARCELS

PBID Boundary Description and Benefit Zones

The description and map of the PBID district boundary and benefit zones is described in detail in Section 2 of this Management District Plan.

SECTION D: PROPORTIONAL BENEFITS

Methodology

Pursuant to Streets and Highways Code section 36622(k)(2), the PBID must "separate the general benefits, if any, from the special benefits conferred on the assessed parcels" and must ensure that "only special benefits are financed with assessment revenues."

In accordance with this requirement, the Downtown Berkeley PBID has identified and quantified the reasonably estimated general benefits associated with PBID improvements and activities. These general benefits have been expressly removed from the assessment budget and will be funded by sources other than assessment revenues.

The PBID's remaining budget funds only special benefits, defined as the particular and distinct benefits provided exclusively to parcels within the District and not shared by property outside the District boundary. Each parcel's assessment is therefore proportionate to, and no greater than, the special benefit received, consistent with the requirements of the California Constitution, Article XIII D (Proposition 218) and Streets and Highways Code section 36622(k)(2).

To comply with Section 36622(k)(2), all improvements and activities have been carefully evaluated to determine the share of services that provide general benefit to the public at large, and that portion—calculated at 2.0% of the total PBID budget—has been deducted from the assessment budget and will be funded separately from non-assessment sources.

Determining the proportionate special benefit among the parcels of real property within the proposed assessment district, which benefits from the proposed improvements, services, and activities is the result of a four-step process:

1. Defining the proposed activities,
2. Determining which parcels specially benefit from the proposed activities,
3. Determining the amount of special benefit each parcel receives,
4. Determining the proportional special benefit a parcel receives in relation to the amount of special benefit all other parcels in the PBID receive.

Each identified parcel within the PBID will be assessed based upon each parcel's unique characteristics in relationship to all other specially benefitted parcels' characteristics. Due to the proportionate special benefits received by each parcel from the PBID services, each parcel will be assessed a rate which is commensurate with the number of special benefits received.

Special Benefit Factor

The method used to determine proportional special benefits are measured by each parcel's lot square footage plus building square footage. Each parcel's proportional lot size and building square footage represents each parcel's proportional special benefit compared to other parcels within each respective benefit zone. Lot square footage is relevant to the best use of a property and will reflect the long term special benefit implications of the improvement district. Building square footage is relevant to the interim use of a property and is utilized to measure short and mid-term impacts. Together, these land use factors serve as the basic unit of measure to calculate how much special benefit each parcel receives in relationship to the district as a whole. This is the basis then to proportionately allocate the cost of the special benefits to each assessed parcel.

The PBID improvements and activities are designed to provide special benefits to the mix of land uses found within the district, i.e. commercial, office, retail, residential, and publicly owned. Each parcel's building square footage or lot square footage is the best unit of measure to convey the special benefits of the PBID services, as the intent of these services is to improve the safety and cleanliness of each individual parcel, to increase building occupancy and lease rates, to encourage new business development and attract ancillary businesses and services for parcels within the PBID. The most equitable way to determine each parcel's proportionate special benefit from the PBID services is to relate each individual parcel's Building Square Footage plus Lot Square Footage to the Building Square Footage plus Lot Square Footage of all other parcels in the PBID.

Lot Square Footage Defined. Lot square footage is defined as the total amount of area within the borders of the parcel. The borders of a parcel are defined on the County Assessor parcel maps.

Building Square Footage Defined. Building square footage is defined as gross building square footage as determined by the outside measurements of a building.

Each one of these land use factors represents the Benefit Units allocated to each specially benefitted parcel. The total number of assessable Benefit Units in the PBID by Benefit Zone are:

Benefit Zone	Assessable Units Lot + Building SF
Premium Zone	
Commercial	6,208,030
Residential	2,630,490
Tax Exempt & Government	3,600,390
Total Premium Zone	***12,438,910***
Standard Zone	
Commercial	2,165,251
Residential	1,888,365
Tax Exempt & Government	1,840,319
Total Standard Zone	***5,893,935***
TOTAL:	**18,332,845**

Parcel Use Consideration

The methodology provides the following treatments for property used exclusively for residential, nonprofit and government, and parking structures:

- **Treatment of Residential Property:** Residential uses will fully benefit from the Clean, Safe and Beautiful services and will pay a full share of these services; however, Economic Development services will not benefit residential uses, and the residential rate is adjusted accordingly. The residential building square footage portion of commercial and mixed-use parcels will be subject to the adjusted residential assessment rate.

- **Assessment Policy on Nonprofit & Governmental Properties**: Properties that are exempt from property tax, including educational and governmental institutions, and nonprofit organizations (e.g. faith-based, low income housing, cultural, community services, etc.), will not benefit from increased commercial activity resulting from PBID services and thereby will receive reduced benefits from PBID services. An owner of real property located within the PBID boundaries may reduce their assessment if ALL the following conditions are met:

    6. The property owner is a nonprofit corporation that has obtained federal tax exemption under Internal Revenue Code section 501c3 or California franchise tax-exemption under the Revenue and Taxation Code Section 23701d.
    7. The class or category of real property has been granted an exemption, in whole or in part, from real property taxation.
    8. The nonprofit or governmental property owner occupies a majority of building square footage within the subject property.
    9. The property owner makes the request in writing to the City of Berkeley prior to the submission of the PBID assessment rolls to the Alameda County Assessor (to accommodate periodic changes in ownership or use, on or before July 1 of each year), accompanied by documentation of the tax-exempt status of the property owner and the class or category of real property.
    10. The City of Berkeley may verify the documentation of tax-exempt status and classification of the property for assessment purposes prior to submitting the assessments to the County Assessor.

    If ALL of these conditions are met, the amount of the PBID assessment to be levied will be for three-quarters (75%) of the Clean, Safe and Beautiful services. In addition, these parcels will not benefit from the Economic Development services and thus will not be assessed for these services.

Treatment of Parking Structures: Parking structures receive different levels of benefit from PBID improvements and services based upon their use and ownership. Parking structures will be subject to one of the following methodologies:

c. Parking structure square footage that is integrated within and/or dedicated to a building, has the same ownership as the building, and the building has uses in addition to parking where parking is just an ancillary use, does not receive benefit from the PBID services and therefore square footage of the parking structure will not be assessed.
d. Stand-alone parking structures that are not ancillary to a building will receive the full benefit from PBID improvements and activities and will be assessed at standard assessment rates.

Change in Land Use: If at any time a parcel changes its land use that parcel then will be subject to the assessment methodology for the new land use. As a result, the PBID may experience the addition or subtraction of assessable lot or building square footage for parcels included and assessed within the PBID boundaries. The modification of land use of assessed parcels within the PBID may then change upwards or downwards the amount of total lot and building square footage assessment for these parcels. In future years, the assessments for the special benefits bestowed upon individual assessed parcels may change in accordance with the assessment methodology formula listed in the Management District Plan and Engineer's Report, provided the assessment formula does not change.

SECTION E: SPECIAL and GENERAL BENEFITS

Special Benefit Defined

PBID Law, Article XIIID of the State Constitution, and judicial opinions require that assessments be levied according to the estimated special benefit each assessed parcel receives from the activities and improvements. Article XIIID Section 4(a) of the California Constitution in part states that "only special benefits are assessable," which requires that we separate the general benefits, if any, from the special benefits provided by the proposed activities and improvements.

As of January 1, 2015, the State Legislature amended the PBID Law to clarify and define both special benefit and general benefit as they relate to the improvements and activities these districts provide. Specifically, the amendment (Section 36615.5 of the Streets and Highways Code) defines special benefit as follows: "'Special benefit' means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed."

In addition, the amendment (Section 36609.5 of the Streets and Highways Code) defines general benefit as follows: "'General benefit' means, for purposes of a property-based district, any benefit that is not a 'special benefit' as defined in Section 36615.5."

Furthermore, the amendment (Section 36601(h)(2)) states: "Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits."

Special Benefit Analysis

As required by Streets and Highways Code section 36622(l), this Management District Plan must state the total amount of all special benefits that will be financed with assessment revenues.

For the Downtown Berkeley PBID, the total amount of special benefits conferred on the assessed parcels and funded by PBID assessments for the first year of operation is $2,668,086. This amount represents the net special benefit budget, after deducting all general benefit costs in accordance with Streets and Highways Code section 36622(k)(2). Only this $2,668,086 amount is financed through property-based assessments, and it reflects the cost of improvements and activities that provide direct, particular, and distinct special benefits to the assessed parcels within the PBID.

General benefit costs have been identified, quantified, separated, and removed from the assessment budget consistent with Streets and Highways Code section 36622(k)(2); therefore, the stated amount of $2,668,086 represents only special-benefit expenditures.

All special benefits derived from the assessments outlined in this Management District Plan are for property-related activities that directly benefit each individual assessed parcel. A special benefit must provide an advantage or enhancement to a parcel that is particular and distinct from benefits enjoyed by non-assessed parcels, other parcels in general, or the public at large. No parcel's assessment shall exceed the reasonable cost of the proportional special benefit received.

Streets and Highways Code section 36601(e) states that "Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits: (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied. (2) Job creation. (3) Business attraction. (4) Business retention. (5) Economic growth. (6) New investments."

The PBID's goal is to fund improvements and activities that create a cleaner and safer environment, as outlined in Section B. Improving the economic vitality of the District includes enhancing the safety and cleanliness of each specially benefitted parcel to increase commerce, strengthen building occupancy and lease rates, and attract more customers, employees, tenants, and investors.

Each parcel will specially benefit from:

- Cleaner sidewalks, streets and common areas
- Real and perceived public safety improvements
- Greater pedestrian traffic
- Enhanced rental incomes
- Improved business climate
- New business and investment
- Well managed PBID programs and services

Specifically, each parcel benefits from each of the PBID activities as defined below.

Clean, Safe and Beautiful

Keeping Downtown Berkeley safe, clean, and welcoming is the top priority for local property and business owners. People who live, work, and visit the area want to feel comfortable and secure. The cleaning activities specially benefit each assessed parcel within the PBID by providing a clean and aesthetically appealing environment. The PBID will fund daily maintenance and security crews to help keep Downtown Berkeley clean and safe.

These efforts will help make each property more attractive, encourage more visitors, and bring new business investment to the corridor. A clean, safe, and well-maintained downtown benefits everyone — from small businesses and nonprofits to residents and customers.

The Clean, Safe and Beautiful activities are expected to provide special benefits to the assessed parcels in a variety of ways. For example:

- Security Ambassadors: Regular patrols by security personnel to deter crime and ensure safety.
- Cleaning/Hospitality Ambassadors: Sidewalk cleaning, pressure washing, trash collection, graffiti removal, bulky item collection, and landscaping.

- Homeless Outreach Ambassador: Engage with the unhoused community and connect them with critical resources.
- Beautification and Placemaking: Cosmetic enhancements that improve the appearance and walkability within the PBID.

These enhanced activities make the area more attractive for businesses, customers, residents, and ultimately private investment. When business location decisions are made, "lower levels of public safety lead to increased uncertainty in decision making and can be perceived as a signal of a socio-institutional environment unfavorable for investment. Uncertainty affects the investment environment in general. But in particular, it increases the fear of physical damage to investment assets (or to people) or their returns…Almost universally, places with lower crime rates are perceived as more desirable".[7] Once economic investment occurs within the district, pedestrian traffic and commercial activity will increase. The special benefit to assessed parcels from these services is the likelihood of increased lease rates and tenant occupancy due to the increase of commercial activity, and an increase in customers that follow from having a safer and more welcoming environment.

Marketing and Economic Development

The myriad of the marketing and economic development activities will specially benefit each assessed parcel by providing business support and innovation, and marketing efforts to enhance Downtown's image as a unique arts and cultural destination. This generates customer traffic which directly relates to increases in commercial activity including residential serving businesses, filling of vacant storefronts and offices, and ultimately increased lease rates for retail and office space.

Management

The PBID requires a professional staff to properly manage programs, communicate with stakeholders, advocate with City departments, and provide leadership. Each parcel will specially benefit from the PBID executive staff that will ensure that the PBID activities are provided and deployed to assessed parcels and will provide leadership to represent the community with one clear voice.

Special Benefit Conclusion

Based on the distinct special benefits that each assessed parcel receives from the PBID-funded activities, all proposed activities and improvements are determined to provide special benefits directly to the parcels within the district. Each parcel's assessment is proportionate to, and does not exceed, the reasonable cost of the special benefits conferred. Accordingly, each proposed PBID activity and improvement confers special benefits to the assessed parcels, and each parcel's assessment bears a direct relationship to the proportional special benefits it receives.

[7] "Accelerating economic growth and vitality through smarter public safety management" IBM Global Business Services Executive Report, September 2012, pg. 2

General Benefit Defined

As required by the State Constitution Article XIIID Section 4(a), the general benefits of an assessment district must be quantified and separated out so that the cost of the activities that are attributed to general benefit are deducted from the cost assessed against each specially benefitted parcel. General benefits are benefits from the PBID activities and improvements that are not special in nature, are not particular and distinct and are not over and above the benefits that other parcels receive.

General Benefit Analysis

The PBID improvements and activities are designed to provide service only to those parcels that are within the district boundary. As discussed above, these activities are determined to provide special benefits only to the assessed parcels. If there is any general benefit to property located in the district or to the public at large, it is incidental to providing special benefits to the assessed parcels. However, it is conceivable that there may be some general benefit that is not quantifiable, and it is judicious to allocate a portion of the budget to acknowledge this.

For the purposes of the PBID, we assigned 2.0%, or $58,351 of the total budget to general benefit. This portion of the budget will need to be funded from sources other than the special assessments.

SECTION F: COST ESTIMATE

2027 Operating Budget

The PBID's operating budget takes into consideration:

1. The improvements and activities needed to provide special benefits to each individual parcel within the PBID boundary (Section B),
2. The parcels that specially benefit from said improvements and activities (Section C), and
3. The costs associated with the special and general benefits conferred (Section E).

EXPENDITURES	TOTAL BUDGET	% of Budget
Clean, Safe and Beautiful	$2,234,962	76.60%
Marketing and Activation	$438,672	15.04%
Management and Contingency	$243,903	8.36%
Total Expenditures	**$2,917,537**	**100.00%**
REVENUES		
PBID Assessments	$2,668,086	91.45%
General Benefit	$58,351	2.00%
Other Revenues (1)	$191,100	6.55%
Total Revenues	**$2,917,537**	**100.00%**

Budget Notations

The cost of providing programs and services may vary depending on the market cost for those programs and services. Expenditures may require adjustment up or down to continue the intended level of programs and services. The Board of Directors of the Owner's Association shall have the right to reallocate up to 10% by line item of the budget allocation within the budgeted categories. Any change will be approved by the Owners' Association Board of Directors and submitted within its annual planning report, pursuant to Section 36650 of the California Streets and Highways Code. The overall budget shall remain consistent with this Management District Plan. Each assessed parcel pays 100% of the special benefit received based on the level of benefit received. Any annual budget surplus, including those created through cost saving measures, labor vacancies, unexpected reductions in expenses caused by one-time events or unanticipated increases to income, will be rolled into the following year's budget. The carryover funds will be applied to the same budget line-item as the line-item that was the source of the carryover funds. The budget will be set accordingly, within the constraints of the Management District Plan, to adjust for surpluses that are carried forward to ensure that the District is spending these funds in a timely manner and is complying with applicable State laws and City policies. The estimated budget surplus amount will be included in the Annual Planning Report each year. District funds may be used for renewal. Funds from an expired District shall be rolled over into the new District if one is established or returned to the property owners if one is not established, in accordance with Streets and Highways Code section 36671.

Bond Issuance

The District will not issue bonds.

SECTION G: APPORTIONMENT METHOD

Assessment Methodology

The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of an improvement or the cleaning and operation expenses of an improvement or the cost of the property service being provided. Due to the proportionate special benefits received by these individual parcels from the District services, these parcels will be assessed a rate which is proportionate to the amount of special benefits received.

As previously discussed above in Section D, the methodology for allocating the cost of the special benefits is allocated to Lot plus Building Lot Square Footage. The table below indicates the assessable footage for each respective of the benefit zone.

Benefit Zone	Assessable Units Lot + Building SF
Premium Zone	
Commercial	6,208,030
Residential	2,630,490
Tax Exempt & Government	3,600,390
Total Premium Zone	***12,438,910***
Standard Zone	
Commercial	2,165,251
Residential	1,888,365
Tax Exempt & Government	1,840,319
Total Standard Zone	***5,893,935***
TOTAL:	**18,332,845**

Calculation of Assessments

Based on the assessment budget, benefit zone, land use type, and assessable benefit units, all of which are discussed above, the following tables illustrate the maximum first year annual assessment per assessable benefit unit. Note, assessment rates are rounded off to the fourth decimal place and a parcel's assessment may vary slightly when calculated using the assessment rates below.

Benefit Zone Adjustments: The assessments are adjusted to reflect anticipated service frequencies within each of two benefit zones:

- The Premium Zone, which includes the core of the PBID, provides a higher frequency of environmental enhancements.
- The Standard Zone, which includes areas on the periphery to the north, west and south, including the South Shattuck sub-area, offers a lower frequency of environmental enhancements.
- Commercial properties in both service areas will equally benefit from marketing, activation and economic development enhancements.

The resulting assessment calculation by service and benefit zone follows:

Assessment by Service	Per Sq.Ft. of Lot + Building
Clean, Safe and Beautiful: Premium Zone	$ 0.2463
Clean, Safe and Beautiful: Standard Zone	$ 0.1232
Marketing and Activation (commercial only)	$ 0.0778

Assessments rates by Benefit Zone and land use type will not exceed the following amounts during the first year of the renewed PBID:

Assessment Rates	Per Sq.Ft. of Lot + Building
Premium – Commercial	0.3241
Premium – Residential	0.2463
Premium - Tax Exempt/Govt	0.1848
Standard – Commercial	0.2010
Standard – Residential	0.1232
Standard - Tax Exempt/Govt	0.0924

Public Property Assessments

There are publicly owned parcels in the PBID, all of which are identified as assessable and receive special benefit from the PBID services. All publicly owned parcels will pay their proportional share of costs based on the special benefits conferred to those individual parcels. Article XIIID of the California Constitution was added in November 1996 and provides for these assessments. It specifically states in Section 4(a) that "Parcels within a district that are owned or used by any agency…shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit."

Budget Adjustment

Any annual budget surplus will be rolled into the following year's District budget. The budget will be set accordingly, within the constraints of the Management District Plan to adjust for surpluses that are carried forward. Funds from an expired District shall be rolled over into the new District if one is established or returned to the property owners if one is not established, in accordance with the Streets and Highways Code section 36671.

The cost of providing improvements and activities may vary depending on the market cost for those improvements and activities. Expenditures may require adjustment up or down to continue the intended level of improvements and activities. The Owners' Association shall have the right to reallocate up to 15% between categories of the budget. Any change will be approved by the Owners' Association Board of Directors and submitted to the City of Berkeley within its annual report, pursuant to Section 36650 of the California Streets and Highways Code. The overall budget shall remain consistent with this Management District Plan. Each assessed parcel pays 100% of the special benefit received based on the square footage of the parcel.

Future Development

As a result of continued development, the District may experience the addition or subtraction of assessable lot size for parcels included and assessed within the District boundaries. Changes in lot square footage or use of parcel will be reflected in the following fiscal year.

In future years of the PBID term, the assessments amount for the special benefits bestowed upon the included PBID parcels may change in accordance with the assessment methodology formula listed in the Management District Plan, provided the assessment rate does not change. If the assessment formula changes, then State Law Section 36636 shall be followed.

Assessment Appeal Procedure

Property owners may appeal assessments that they believe are inaccurate. Appeals must be in writing, stating the grounds for appeal and filed with the Owners Association prior to April 1 of each year. Appeals shall be limited to the current assessment year. Any appeal not filed by April 1 shall not be valid. In any case appeals will only be considered for the current year and will not be considered for prior years.

Attachment B

Downtown Berkeley Business Improvement District

Baseline Services Agreement with the City of Berkeley

City Manager's Office

September 10, 2025

Mr. John Caner
Chief Executive Officer
Downtown Berkeley Association
2230 Shattuck Avenue# C
Berkeley, CA 94704

Dear Mr. Caner:

The City of Berkeley is supportive of Downtown Berkeley Association (DBA)'s work to reestablish the Property-Based Business Improvement District (PBID) in the Downtown area. We understand that reestablishing the PBID would ensure the resources available for Downtown revitalization and build the capacity of the DBA/City partnership in promoting a safe, clean and economically vital Downtown.

The City has historically provided a set of base level services in the Downtown area, as outlined in the attached document. Each relevant City department and division was asked to describe their services and staff is committed to continuing to deliver these services in a consistent and professional way into the future subject to funding availability. As the economy continues to fluctuate there may be times when monetary constraints cause the City to reduce budgets affecting base level services.

If you have any questions, please feel free to contact me or David White for further discussion or clarification.

Sincerely,

Paul Buddenhagen
City Manager

cc: David White, Deputy City Manager
Eleanor Hollander, Economic Development Manager

2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7000 • TDD: (510) 981-6903 • Fax: (510) 981-7099
E-Mail: cmanager@berkeleyca.gov Website: http://www.berkeleyca.gov

2025
City Of Berkeley Baseline Services
in the Downtown Property-Based Business Improvement District Area

The Downtown Baseline Services listed below are provided by the City Manager's Office, Department of Public Works, the Police Department, the Department of Parks, Recreation and Waterfront, the Office of Economic Development, and the Department of Health, Housing and Community Services. From time to time, the City may need to adjust the level of Downtown Baseline Services due to resource constraints and staffing availability. Also, funding for portions of these services comes through non-City grant sources and may be subject to budget pressures outside of City control.

Department of Public Works (PW)

PW provides the following services within the Downtown PBID boundaries:

Sidewalk Pressure Washing: Staff pressure washes five days per week within the following areas: University Avenue between Martin Luther King Jr. Way and Oxford Street; Shattuck Avenue between University Avenue and Bancroft Way. (Pressure washing for health and safety concerns).

Street Mechanical Sweeping: Staff mechanically sweep five nights per week in the following Downtown areas: University Avenue, Shattuck Avenue, Addison Street, Center Street, Allston Way, Oxford Street, Milvia Street and Martin Luther King Jr. Way.

Public Trash Receptacle Maintenance: Public trash receptacles are emptied daily. Repair of trash receptacles are scheduled as needed and generally within two weeks.

Street and Traffic Signal Maintenance: Street lights are re-lamped or replaced as needed and via regular preventative maintenance. Traffic signals undergo annual inspection and are repaired and maintained as needed. Reports of maintenance activities can be provided upon request.

Sidewalk Sweeping: Staff are assigned to sweep three (3) days per week between 7:30 AM and 11:00 AM on Shattuck Avenue between Hearst Avenue and Dwight Way; University Avenue between Martin Luther King Jr. Way and Oxford Street and Allston Way between Milvia Street and Shattuck Avenue; Center Street between Milvia Street and Center Street and Addison Street between Milvia Street and Shattuck Avenue.

Additional Sidewalk Sweeping or pressure washing: Staff are assigned to sweep or wash as scheduled as overtime funding becomes available for special events, holiday fairs and football games.

Public Graffiti Removal: Public areas are scheduled for weekly graffiti removal once per week performed by Public Works staff. Graffiti on public property service requests are

generally responded to within seven (7) working days. If PW staffing levels are unable to perform this work, PW will provide DBA with graffiti removal supplies at the City's cost.

Curb Painting and Sign Maintenance: Maintenance of curb and street markings is scheduled for renewal every eighteen (18) months or as needed when markings are no longer legible: Public traffic, warning or informational signs are scheduled for repair or replacement as needed. Service calls of this nature are generally handled within two weeks.

Hand-sweeping (Downtown Streets Team): Sweeping services are scheduled Sunday through Saturday for 70hrs. Ongoing service is subject to funding availability for Downtown Streets Team.

Illegal Dumping and Unattended Property Removal: Illegal dumping within the public-right of way is handled in two basic ways either Public Works staff removes the dumping, or the responsible party is located, and the responsible party removes it. Public Works is generally able to remove illegally dumped items within three business days.

Parking Services: Parking garages and maintenance of metered areas (pay stations).

Storm System Maintenance: Semi-annual cleaning of storm systems in commercial areas.

Sewer Maintenance: Sewer Maintenance 24-hour service.

Street Signage: As resources allow, replacement of street signage that is no longer legible or visible.

Protest or Demonstration Assistance: At the request of BPD, PW staff assists with traffic and pedestrian control for protest demonstrations and emergency board-ups.

Commercial Business Emergency Board-ups: PW staff will perform emergency board-ups during extreme weather or other emergencies adequate to ensure public safety. Otherwise, private property owners bear the responsibility to make vandalization repairs to secure against breaches. Request for this service from PW is directed at the request of BPD.

Berkeley Police Department

Community Services Bureau – Bicycle Officers and Area Coordinator
The Community Services Bureau (CSB) of the Berkeley Police Department is composed of the Area Coordinators and the Bicycle Team. One Area Coordinator is assigned specifically to the Downtown area, serving as a liaison to both businesses as well as residents. This role focuses on identifying and addressing ongoing public safety concerns using a problem-oriented policing framework emphasizing collaborative, tailored interventions that serve the community and the individual.

The Bicycle Team currently includes one (1) sergeant and five (5) officers. Their primary

responsibility is to provide patrol coverage in the city's business districts and other areas identified as high-priority based on community concerns and department data. While their core focus remains in retail districts, this team also functions as the Department's most flexible resource. As such, they are regularly tasked with supporting search warrant operations, assisting with community events, and filling unstaffed patrol beats. Like the Area Coordinator, the Bicycle Team applies a problem-solving approach to policing, prioritizing long-term, community-based solutions to locations that are part of the DBA.

Patrol Beat Coverage – Downtown Business District
The Department is committed to maintaining regular patrol coverage across all designated beats, including those in the Downtown Business District, which spans four patrol beats under the current configuration. This coverage ensures a consistent presence in the Downtown area, with four officers assigned during peak hours and two officers maintaining visibility during early morning hours. Staffing levels currently support the following schedule for DBA-related beats:

Monday – Thursday:
- Two officers on duty from 1:30 AM to 11:00 AM
- Four officers on duty from 11:00 AM to 1:30 AM the following morning

Friday – Sunday:
- Two officers on duty from 1:00 AM to 12:30 PM
- Four officers on duty from 12:30 PM to 1:00 AM the following morning

While the Department is committed to sustaining this level of service, actual deployment is dependent on staffing availability and cannot always be guaranteed

Department of Parks, Recreation and Waterfront

Within Downtown PBID boundaries the Parks Division maintains at least 860 trees, Civic Center Park, the Old City Hall landscape, and all the traffic medians, parking bay strips and other planters. Exceptions to this maintenance include bioswales; planter areas adopted by DBA, property owners; tree wells and designated areas for art installations. They provide the following specific services:

Landscape Maintenance Gardener Unit: This unit performs routine and responsive maintenance activities including, but not limited to the following:
1. As needed graffiti abatement;
2. Mowing, edging, and trimming;
3. Weed abatement;
4. Removal of unattended property; and
5. Collection of litter and debris in Civic Center Park, Old City Hall Park, 2180 Curtilage and the medians and all associated maintenance.

Urban Forestry Unit: This unit plants new trees in empty tree wells and elsewhere in Downtown (resources permitting), removes dead and diseased trees, prunes trees and roots,

responds to emergency calls (e.g., fallen trees and branches), and provides other maintenance as needed.

Building and Facilities Maintenance Unit: This unit oversees the maintenance of site furnishings such as benches and the upkeep of hardscape surfaces within Civic Center Park and the Old City Hall Park grounds. Responsibilities also include irrigation system maintenance, graffiti removal, and the repair of damage resulting from vandalism within both park areas and the associated traffic medians.

Office of Economic Development

The Office of Economic Development (OED) provides a range of services to Downtown businesses, cultural institutions, property owners and potential investors. OED staff provide permit assistance, site location assistance, marketing assistance and access to economic data. OED staff also work closely with the Downtown Berkeley Association and provide staffing support for the Downtown PBID Owners' Association Board.

Department of Health Housing and Community Services

Mobile Crisis Team: Mobile Crisis Team provides Downtown and City-wide crisis intervention services to persons needing assistance with a mental health crisis and respond to other requests for crisis assistance. Mobile Crisis Team services are provided where people are located at the time they need services.

Homeless Outreach: Homeless Outreach services, provided by community agency partners with whom the Department contracts, are available to persons who are homeless and wanting assistance with securing community resources. These services are designed to assist people who are having difficulty using housing, financial, medical, and social services resources.

Housing and Homeless Services Programs: The City contracts with community agency partners to provide homeless people in Downtown with a range of services including showers, case management and access to emergency, transitional and permanent housing opportunities. (See below for additional City Homeless Outreach / Home Response Team resources.)

City Manager’s Office, Neighborhood Services Division

Homeless Outreach/Homeless Response Team: Homeless Outreach services are available to persons who are homeless and wanting assistance with securing community resources. These services are designed to assist people who are having difficulty using housing, financial, medical, and social services resources. The Homeless Response Team prioritizes health and safety issues and unavoidable operational impacts when triaging requests for outreach across the City.

Code Enforcement Unit: This unit enforces the Berkeley Municipal Code against a wide range of Municipal Code violations in the Downtown, and coordinates with other departments to enforce other code violations (Fire, Building, Zoning, etc.) as needed. The enforcement activities of this unit are typically complaint-driven.

City Clerk Department

February 24, 2026

Memo to File

I hereby certify that 128 Petitions to renew the Downtown Berkeley Property-Based Business Improvement District were delivered to the City Clerk Department by representatives of the Berkeley Downtown Property-Based Business Improvement District (DPBID).

The database used to create and verify the petitions was created by the DPBID based on data provided by the City of Berkeley, with modifications made based on supplemental square footage data provided by the City and change of ownership documentation provided by the property owners.

Attached hereto is the spreadsheet demonstrating that the signed petitions exceed the weighted 50% majority threshold of assessments in the PBID as required in California Streets & Highways Code Sections 36600 et seq.

Mark Numainville
City Clerk

2/24/2026
Date

APN	Site Address	Owner	Parcel Assessment	Petition %	% Signed Petitions
057- -2024-007-01	1935 Addison St	1935 Addison Street LLC	$11,396.24	0.4319%	0.4319%
057- -2022-019-01	1950 Addison St	1950 Addison Apartment Joint Venture LLC	$18,723.94	0.7097%	0.7097%
057- -2026-007-02	2175 Milvia St	2000 Center Street LLC	$20,253.74	0.7677%	0.7677%
055- -1894-014-03	2025 Durant Ave	2025 Durant Avenue LLC	$15,301.78	0.5800%	0.5800%
055- -1894-015-01	2028 Bancroft Way	2028 Bancroft Way LLC	$5,021.84	0.1903%	0.1903%
057- -2024-013-00	2099 M L King Jr Way	2099 MLK Owner LLC	$11,187.84	0.4240%	0.4240%
057- -2023-001-00	2104 Shattuck Ave	2100 Shattuck Ave LP	$17,382.11	0.6588%	0.6588%
057- -2030-001-00	2108 Allston Way	2108 Allston LLC	$14,250.19	0.5401%	0.5401%
057- -2029-013-00	2110 Kittredge St	2110 Kittredge LLC	$12,286.76	0.4657%	0.4657%
055- -1890-012-01	2121 Dwight Way	2121 Dwight Way LLC	$15,909.79	0.6030%	0.6030%
055- -1893-007-01	2124 Bancroft Way	2124 Bancroft Way LLC	$9,044.67	0.3428%	0.3428%
057- -2031-011-00	2130 Center St	2130 Center LLC	$8,329.31	0.3157%	0.3157%
057- -2029-017-00	2150 Kittredge St 100-728	2176 Kittredge Owner LLC	$53,588.44	2.0311%	2.0311%
057- -2029-018-00	2146 Kittredge St	2176 Kittredge Owner LLC	$5,162.38	0.1957%	0.1957%
057- -2029-019-00	2146 Kittredge St	2176 Kittredge Owner LLC	$341.65	0.0129%	0.0129%
057- -2028-003-00	2274 Shattuck Ave	2274 Shattuck Qozb LLC	$18,650.18	0.7069%	0.7069%
055- -1894-017-04	2300 Shattuck Ave	2322 Shattuck Avenue LLC	$24,669.30	0.9350%	0.9350%
057- -2023-014-00	2115 Milvia St	440 Jackson Street LLC	$6,387.34	0.2421%	0.2421%
057- -2033-004-00	2044 Kala Bagai Way	Addison Building LLC	$7,841.14	0.2972%	0.2972%
055- -1895-041-00	2352 Shattuck Ave	Article Logan Park Property Owner	$31,450.15	1.1920%	1.1920%
055- -1895-042-00	2370 Shattuck Ave	Article Logan Park Property Owner Phase Ii LLC	$16,224.36	0.6149%	0.6149%
057- -2027-011-00	2070 Allston Way	Article Student Living Berkeley LLC	$11,420.71	0.4329%	0.4329%
055- -1894-016-00	2030 Bancroft Way	Bancroft Way Properties LLC	$1,547.08	0.0586%	0.0586%
057- -2016-025-01	1834 University Ave	Berkeley Chamber Of Com	$1,263.78	0.0479%	0.0479%
055- -1824-015-00	2567 Shattuck Ave	Berkeley Free Market LLC	$6,792.89	0.2575%	0.2575%
057- -2025-024-00	2015 Addison St	Berkeley Joint Powers Financin	$15,776.13	0.5980%	0.5980%
057- -2029-004-00	2288 Fulton St	Berkeley Lodge No 270 I O O F	$6,066.58	0.2299%	0.2299%
057- -2025-005-03	2071 Addison St	Berkeley Repertory Theatre	$1,724.39	0.0654%	0.0654%
057- -2025-008-00	2025 Addison St	Berkeley Repertory Theatre	$5,536.22	0.2098%	0.2098%
057- -2025-023-00	2009 Addison St	Berkeley Repertory Theatre	$9,896.06	0.3751%	0.3751%
057- -2032-017-00	130 Berkeley Sq	Berkeley Station Partners LLC	$1,708.91	0.0648%	0.0648%
057- -2023-021-02	2026 Addison St	Berkeley Traditional Music Fou	$2,811.90	0.1066%	0.1066%
057- -2023-021-03	2020 Addison St	Berkeley Traditional Music Fou	$3,082.21	0.1168%	0.1168%
057- -2032-010-00	2109 Kala Bagai Way	Bettencourt Charles A & Jeanne K Trs	$8,363.33	0.3170%	0.3170%
057- -2023-004-00	2144 Shattuck Ave	Bollibokka Shattuck LLC	$30,688.06	1.1632%	1.1632%
057- -2027-012-00	2060 Allston Way C	BPR Properties Berkeley LLC	$40,805.37	1.5466%	1.5466%
055- -1892-001-01	2140 Durant Ave	Buddhist Churches Of America	$5,231.09	0.1983%	0.1983%
057- -2031-009-00	2161 Shattuck Ave	C S Company	$14,069.64	0.5333%	0.5333%

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057- -2029-015-00	2138 Kittredge St	Carlson Susan Tr	$3,021.48	0.1145%	0.1145%
057- -2060-040-00	1801 University Ave 307	Chang Andy T & Terry L Etal	$239.33	0.0091%	0.0091%
057- -2017-016-01	2100 M L King Jr Way	City Of Berkeley	$25,326.87	0.9600%	0.9600%
057- -2021-001-00	2180 Milvia St	City Of Berkeley	$21,423.76	0.8120%	0.8120%
057- -2021-002-00	0 Center St	City Of Berkeley	$22,561.90	0.8552%	0.8552%
057- -2022-006-00	1947 Center St	City Of Berkeley	$12,461.49	0.4723%	0.4723%
057- -2022-020-00	0 Center St	City Of Berkeley	$5,341.94	0.2025%	0.2025%
057- -2023-020-03	2025 Center St	City Of Berkeley	$52,152.34	1.9767%	1.9767%
057- -2028-005-00	2031 Bancroft Way	City Of Berkeley	$4,077.43	0.1545%	0.1545%
057- -2028-017-01	2090 Kittredge St	City Of Berkeley	$18,502.30	0.7013%	0.7013%
057- -2118-001-00	2200 Fulton St	City Of Berkeley	$0.00	0.0000%	0.0000%
057- -2119-001-00	2200 Fulton Sta	City Of Berkeley	$10,484.16	0.3974%	0.3974%
057- -2122-001-00	2012 Berkeley Way	City Of Berkeley	$13,704.20	0.5194%	0.5194%
057- -2122-002-00	Berkeley Way	City Of Berkeley	$604.36	0.0229%	0.0229%
057- -2122-003-00	2020 Berkeley Way	City Of Berkeley	$1,827.76	0.0693%	0.0693%
057- -2031-001-01	2128 Oxford St	Core Berkeley Oxford LLC	$6,454.76	0.2447%	0.2447%
057- -2031-013-00	2142 Center St	Core Berkeley Oxford LLC	$11,144.53	0.4224%	0.4224%
057- -2031-014-00	2136 Center St	Core Berkeley Oxford LLC	$3,740.34	0.1418%	0.1418%
057- -2120-001-00	2150 Allston Way	David Brower Center	$9,069.43	0.3438%	0.3438%
057- -2049-020-00	1849 Shattuck Ave 303	Delbonta Matthew A & Bell Jennifer M	$120.83	0.0046%	0.0046%
057- -2027-010-00	2060 Allston Way A	FHI Shattuck Plaza, LLC	$17,889.40	0.6781%	0.6781%
057- -2053-003-01	1998 Shattuck Ave	Fifth Keil Co	$6,656.06	0.2523%	0.2523%
057- -2053-003-02	1984 Shattuck Ave	Fifth Keil Co	$1,440.51	0.0546%	0.0546%
055- -1894-006-00	2017 Durant Ave	Figueroa Josefina D & Xavier M	$1,277.82	0.0484%	0.0484%
057- -2022-003-01	2108 Milvia St	First Milvia LLC	$1,396.76	0.0529%	0.0529%
057- -2022-017-01	2100 Milvia St	First Milvia LLC	$17,855.05	0.6768%	0.6768%
057- -2026-002-01	2150 Shattuck Ave	First Shattuck LLC	$60,078.24	2.2771%	2.2771%
057- -2026-005-01	2043 Allston Way	First Shattuck LLC	$7,216.51	0.2735%	0.2735%
057- -2026-012-03	2052 Center St	First Shattuck LLC	$40,491.27	1.5347%	1.5347%
055- -1892-014-00	2375 Shattuck Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$1,176.30	0.0446%	0.0446%
055- -1897-006-00	2450 Shattuck Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$5,637.29	0.2137%	0.2137%
057- -2024-021-01	1952 University Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$5,731.15	0.2172%	0.2172%
057- -2025-004-00	2020 Shattuck Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$3,873.24	0.1468%	0.1468%
057- -2025-005-02	2024 Shattuck Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$7,622.02	0.2889%	0.2889%
057- -2025-006-00	2036 Shattuck Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$10,911.47	0.4136%	0.4136%
057- -2025-019-00	2058 University Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$5,472.92	0.2074%	0.2074%
057- -2025-022-00	2014 Shattuck Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$2,133.54	0.0809%	0.0809%
057- -2029-011-00	2277 Shattuck Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$2,999.67	0.1137%	0.1137%

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057- -2030-011-00	2225 Shattuck Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$1,388.33	0.0526%	0.0526%
057- -2053-004-02	2071 University Ave	Gordon John K & Mitchell Janis L Trs & Gordon Etal	$3,436.62	0.1303%	0.1303%
057- -2024-015-03	1916 University Ave	Greenlining Institute	$3,191.12	0.1210%	0.1210%
057- -2029-012-00	2271 Shattuck Ave	H Drake Corporation	$3,312.79	0.1256%	0.1256%
057- -2027-002-02	2210 Harold Way	Head Lama Tibetan Nyingma Meditation Center	$2,307.68	0.0875%	0.0875%
057- -2027-002-03	2018 Allston Way	Head Lama Tibetan Nyingma Meditation Center	$7,728.24	0.2929%	0.2929%
057- -2027-004-00	2222 Harold Way	Head Lama Tibetan Nyingma Meditation Center	$10,137.92	0.3843%	0.3843%
057- -2031-006-00	2187 Shattuck Ave	Hirahara Family Limited Partnership	$7,306.30	0.2769%	0.2769%
057- -2059-010-00	1909 University Ave	Hultgren Robert P & Susan S Trs	$1,941.80	0.0736%	0.0736%
057- -2032-015-00	2100 Kala Bagai Way	Janta Realty Inc & Batra Manjul Tr	$2,018.47	0.0765%	0.0765%
057- -2032-011-00	2101 Kala Bagai Way	K K & C Holdings LLC	$5,326.72	0.2019%	0.2019%
057- -2060-050-05	1805 University Ave	Kennedy Patrick C & Julie M Trs	$127.62	0.0048%	0.0048%
057- -2060-050-06	1807 University Ave	Kennedy Patrick C & Julie M Trs	$136.26	0.0052%	0.0052%
057- -2060-050-07	1807 University Ave A	Kennedy Patrick C & Julie M Trs	$40.40	0.0015%	0.0015%
055- -1896-005-00	2440 Shattuck Ave	Lair Qozb LLC	$9,389.19	0.3559%	0.3559%
057- -2025-001-00	2000 Shattuck Ave	Lauson LLC	$8,822.98	0.3344%	0.3344%
057- -2034-010-00	2015 Kala Bagai Way	LORE BCA 2120 L P	$20,408.03	0.7735%	0.7735%
057- -2031-004-00	2121 Allston Way	Magnes Museum Foundation	$8,259.25	0.3130%	0.3130%
057- -2120-002-00	2200 Fulton St C	Oxford Commercial LLC	$11,452.47	0.4341%	0.4341%
057- -2121-001-00	2175 Kittredge St	Oxford Plaza Lp	$30,226.15	1.1456%	1.1456%
057- -2028-004-00	2276 Shattuck Ave	Pasand Courtyard LLC	$15,088.12	0.5719%	0.5719%
057- -2046-002-00	2120 Berkeley Way	Regency 2120 Berkeley Way LLC	$10,848.73	0.4112%	0.4112%
057- -2032-021-00	2121 Center St	Regency Berkeley LLC	$99,598.04	3.7750%	3.7750%
055- -1891-014-01	2401 Shattuck Ave	Regents Of The University Of California	$8,629.70	0.3271%	0.3271%
057- -2029-007-02	2113 Bancroft Way	Regents Of The University Of California	$6,014.39	0.2280%	0.2280%
057- -2029-009-00	2105 Bancroft Way	Regents Of The University Of California	$15,062.19	0.5709%	0.5709%
057- -2032-014-01	2120 Oxford St	Regents Of The University Of California	$18,817.69	0.7132%	0.7132%
057- -2034-003-00	0 Addison St	Regents Of The University Of California	$1,019.89	0.0387%	0.0387%
057- -2034-004-00	2123 Addison St	Regents Of The University Of California	$337.75	0.0128%	0.0128%
057- -2034-011-00	2138 University Ave	Regents Of The University Of California	$978.87	0.0371%	0.0371%
057- -2034-012-00	2154 University Ave	Regents Of The University Of California	$2,553.42	0.0968%	0.0968%
057- -2034-014-02	2199 Addison St	Regents Of The University Of California	$92.57	0.0035%	0.0035%
057- -2034-014-03	2199 Addison St	Regents Of The University Of California	$9,291.89	0.3522%	0.3522%
057- -2045-006-01	1950 Oxford St	Regents Of The University Of California	$90,499.79	3.4302%	3.4302%
057- -2047-004-00	1900 Oxford St	Regents Of The University Of California	$51,069.17	1.9357%	1.9357%
057- -2054-012-01	1995 University Ave	Regents Of The University Of California	$22,423.97	0.8499%	0.8499%
057- -2023-025-00	2072 Addison St	Ruegg & Ellsworth	$16,715.52	0.6336%	0.6336%
057- -2026-013-00	2168 Shattuck Ave	Second Shattuck LLC	$17,584.06	0.6665%	0.6665%

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057- -2022-009-02	2105 M L King Jr Way	Shamszad Sasha G & Merideth B Trs	$3,397.45	0.1288%	0.1288%
057- -2022-013-04	1900 Addison St	Shamszad Sasha G & Merideth B Trs	$5,147.12	0.1951%	0.1951%
057- -2024-002-02	2020 Milvia St	Shamszad Sasha G & Merideth B Trs	$11,473.95	0.4349%	0.4349%
057- -2033-003-00	2021 Shattuck Ave	Shamszad Sasha G & Merideth B Trs	$9,060.59	0.3434%	0.3434%
055- -1897-001-03	2480 Shattuck Ave	Shattuck Wicks Partnership Ltd	$3,591.59	0.1361%	0.1361%
055- -1823-011-01	2104 Dwight Way	Sutter Bay Hospitals	$3,892.39	0.1475%	0.1475%
057- -2049-018-00	1849 Shattuck Ave 402	Tiphane Bibiane Tr	$120.83	0.0046%	0.0046%
057- -2051-051- 00	1900 Shattuck Ave	Tipping Zeniada L Tr	$2,381.87	0.0903%	0.0903%
057- -2051-052-00	1908 Shattuck Ave	Tipping Zeniada L Tr	$1,240.41	0.0470%	0.0470%
055- -1893-018-00	2126 Bancroft Way	Vero Properties LLC	$1,316.99	0.0499%	0.0499%
057- -2022-018-00	2109 M L King Jr Way	Young Mens Christian Association Of The East Bay	$2,508.98	0.0951%	0.0951%
057- -2026-015-00	2001 Allston Way	Young Mens Christian Association Of The East Bay	$25,378.05	0.9619%	0.9619%
055- -1893-001-00	2190 Bancroft Way	Yu Inn N Tr	$2,641.59	0.1001%	0.1001%
057- -2032-018-00	134Berkeley Sq	Arlington Investment Co	$1,420.42	0.0538%	0.0538%
057- -2016-021-01	1812 University Ave	1812 University Ave LLC	$7,287.30	0.2762%	
057- -2060-001-00	1988 M L King Jr Way	1950 MLK LLC	$26,799.47	1.0158%	
057- -2046-001-00	2108 Berkeley Way	1951 Shattuck LLC	$50,960.22	1.9315%	
057- -2053-002-00	1974 Shattuck Ave	1974 Shattuck Avenue LLC	$2,933.54	0.1112%	
057- -2023-013-00	2001 Center St	2001 Center Street LLC	$14,151.33	0.5364%	
057- -2025-002-00	2008 Shattuck Ave	2008 Shattuck Avenue LLC	$6,424.61	0.2435%	
057- -2025-017-03	2054 University Ave	2054 University LLC	$12,025.89	0.4558%	
055- -1893-006-01	2125 Durant Ave	2125 Durant Avenue LLC	$481.53	0.0183%	
055- -1896-004-00	2428 Shattuck Ave	2420 Shattuck Avenue LLC	$1,619.24	0.0614%	
055- -1896-003-00	2420 Shattuck Ave	2420 Shattuck LLC	$2,081.88	0.0789%	
055- -1822-005-00	2524 Shattuck Ave	2524 Shattuck Blake LLC	$2,155.23	0.0817%	
057- -2024-010-02	1936 University Ave	384 Promenade LLC & Wpg Promenade LLC Etal	$13,038.13	0.4942%	
057- -2060-046-00	1801 University Ave 309	Acampora Rose Tr	$239.33	0.0091%	
057- -2022-014-01	1912 Addison St	Addison LLC	$1,277.94	0.0484%	
057- -2060-041-00	1801 University Ave 407	Albanese Andres & Celina	$239.33	0.0091%	
057- -2030-010-00	2231 Shattuck Ave	Amherst Ventures LLC	$8,559.70	0.3244%	
057- -2050-031-01	1810 Shattuck Ave	Amistad House LLC	$6,581.98	0.2495%	
055- -1821-026-00	2030 Blake Stc	Ampri Investments Inc	$308.55	0.0117%	
055- -1821-027-00	2030 Blake Stb	Ampri Investments Inc	$307.94	0.0117%	
057- -2028-013-00	2000 Kittredge St	Aochi Fusako J Tr	$4,612.95	0.1748%	
057- -2030-008-00	2117 Kittredge St	Aquarius Twins Inc	$3,268.06	0.1239%	
057- -2031-008-00	2171 Shattuck Ave	Arding Jon D Tr & Martin David	$5,733.85	0.2173%	
057- -2060-050-03	1809 University Ave	Arefi Ehsan & Arefy Katrin Tr	$528.96	0.0200%	
057- -2059-007-00	1929 University Ave	Ayyad Fred & Mona	$1,824.43	0.0692%	

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055- -1893-013-00	2327 Shattuck Ave	Baker Edward Tr	$410.19	0.0155%	
057- -2032-016-00	2115 Shattuck Ave	Bancroft Susan E Trust	$1,964.66	0.0745%	
057- -2032-022-00	2129 Center St	Bank Of America	$2,379.25	0.0902%	
055- -1821-025-00	2030 Blake Std	Belgrove Angela M & Swinderman Eric G	$826.75	0.0313%	
057- -2028-011-00	2001 Bancroft Way	Berkeley Inn LLC	$4,746.18	0.1799%	
057- -2049-037-00	1849 Shattuck Ave C1	Berkeley Lofts LLC	$139.07	0.0053%	
057- -2049-038-00	1849 Shattuck Ave C2	Berkeley Lofts LLC	$394.51	0.0150%	
055- -1894-007-02	2000 Bancroft Way	Berkeley Unified School District	$3,427.90	0.1299%	
057- -2020-004-00	1980 Allston Way	Berkeley Unified School District	$4,424.23	0.1677%	
057- -2020-005-03	2223 M L King Jr Way	Berkeley Unified School District	$26,213.08	0.9935%	
055- -1822-009-01	2035 Blake St	Berkeley Vqof Ii Spe LLC	$14,388.08	0.5453%	
057- -2060-023-00	1801 University Ave 401	Biggs Ralph E	$239.33	0.0091%	
055- -1821-024-02	2034 Blake St	Blake Street Sfc LLC & Blake S	$4,864.15	0.1844%	
057- -2049-030-00	1849 Shattuck Ave 406	Brooks Jody & Wiggin Annette	$120.83	0.0046%	
057- -2060-050-01	1801 University Ave A	Browning Robert P & Maio Linda R Trs	$723.50	0.0274%	
057- -2022-008-00	1907 Center St	Butler Larry Tr	$1,893.20	0.0718%	
057- -2023-003-00	2120 Shattuck Ave	C & V Shattuck LLC	$2,133.54	0.0809%	
057- -2034-007-00	2033 Kala Bagai Way	Calif State Empl Cr Un	$2,037.92	0.0772%	
057- -2028-014-02	2022 Kittredge St	California Community Housing Agency	$41,395.10	1.5690%	
055- -1893-011-00	2107 Durant Ave	California First Bank	$1,306.32	0.0495%	
055- -1893-012-00	2333 Shattuck Ave	California First Bank	$5,505.05	0.2087%	
057- -2060-030-00	1801 University Ave 204	Caloca Rosa N Tr	$239.33	0.0091%	
057- -2030-003-00	2134 Allston Way	Cerfam LLC	$3,154.61	0.1196%	
055- -1891-012-00	2429 Shattuck Ave	Chan Kum L & Andrew Trs & Chan Kum L & Andrew Trs	$5,912.41	0.2241%	
057- -2032-012-00	2112 Addison St	Cheng Frank & Dorothy	$5,970.81	0.2263%	
057- -2016-003-00	2070 M L King Jr Way	Cheng Te C Tr	$992.81	0.0376%	
057- -2060-028-00	1801 University Ave 303	Chua Shirley C & Suisuilyn	$239.33	0.0091%	
057- -2060-026-00	1801 University Ave 402	Corr James C & Michaels Mary F Trs	$239.33	0.0091%	
055- -1895-019-01	2024 Durant Ave	Cpf Berkeley Varsity LLC	$12,109.95	0.4590%	
055- -1822-003-02	2514 Shattuck Ave	Creston Developments LLC	$2,279.24	0.0864%	
057- -2023-026-00	2055 Center St	CVBAF Acq LLC	$52,993.72	2.0086%	
057- -2049-021-00	1849 Shattuck Ave 403	Dang Dennis H	$120.83	0.0046%	
057- -2026-004-12	2068 Center St	Dun Sherman S & Katherine Y Etal	$2,814.25	0.1067%	
055- -1892-015-00	2367 Shattuck Ave	Durant Berkeley Partners Lp	$2,226.18	0.0844%	
055- -1892-016-00	2349 Shattuck Ave	Durant Berkeley Partners Lp	$3,762.22	0.1426%	
057- -2031-003-00	2161 Allston Way	DWF VI VMG Allston LLC	$14,237.82	0.5396%	
055- -1893-005-03	2310 Fulton St	DWF VI VMG Stadium LLC	$12,934.72	0.4903%	
057- -2024-004-00	1939 Addison St	East Bay Media Center	$780.71	0.0296%	

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057- -2024-008-01	1950 University Ave	East End Investors Group Inc	$5,233.34	0.1984%	
055- -1892-013-01	2399 Shattuck Ave	Eastborough Properties Lp	$6,741.44	0.2555%	
057- -2028-002-00	2270 Shattuck Ave	Fu Jihwa & Ji H Trs	$2,800.96	0.1062%	
055- -1896-002-00	2414 Shattuck Ave	Fujikawa Mark A & Georgia Trs & Chun S R & Do Etal	$466.86	0.0177%	
057- -2049-040-00	2102 Delaware St	Gedr Hillside LLC	$6,978.44	0.2645%	
055- -1895-015-01	2000 Durant Ave	Genirberg Siblings LLC	$6,186.83	0.2345%	
057- -2049-022-00	1849 Shattuck Ave 204	Giebeler Persis A	$120.83	0.0046%	
057- -2049-026-00	1849 Shattuck Ave 305	Gilmour Susan R & Thomas S	$120.83	0.0046%	
055- -1825-015-02	2621 Shattuck Ave	Global Alliance For Progress LLC	$9,711.42	0.3681%	
055- -1825-019-00	2609 Shattuck Ave	Global Alliance For Progress LLC	$4,319.71	0.1637%	
057- -2034-009-00	2017 Kala Bagai Way	Golden Ca Property 1 LLC	$2,306.64	0.0874%	
057- -2049-029-00	1849 Shattuck Ave 306	Gottlieb Sharona D	$120.83	0.0046%	
055- -1821-028-00	2030 Blake Sta	Ha Yangwon K	$334.42	0.0127%	
057- -2016-027-02	1840 University Ave	Hadjian Simin & Payvand Etal	$4,291.98	0.1627%	
057- -2060-036-00	1801 University Ave 206	Hammond Lucia Tr	$239.33	0.0091%	
057- -2059-006-00	1941 University Ave	Han Chang S & Yoon J	$2,403.84	0.0911%	
057- -2060-043-00	1801 University Ave 308	Hart Elizabeth	$239.33	0.0091%	
057- -2060-037-00	1801 University Ave 306	Hernandez Karyn L	$239.33	0.0091%	
057- -2049-015-00	1849 Shattuck Ave 401	Hu Victoria L	$120.83	0.0046%	
057- -2049-019-00	1849 Shattuck Ave 203	Huynh Matthew & Regina Trs	$120.83	0.0046%	
055- -1894-002-00	2037 Durant Ave	Jindo Ventures LLC	$5,162.19	0.1957%	
057- -2053-001-00	1950 Shattuck Ave	Jlljar LLC	$4,399.01	0.1667%	
055- -1821-003-00	2558 Shattuck Ave	Johnston Stewart L	$2,410.27	0.0914%	
055- -1821-004-00	2576 Shattuck Ave	Johnston Stewart L	$1,385.91	0.0525%	
057- -2025-013-01	2000 University	K & M 2000 University LLC	$12,871.01	0.4878%	
057- -2049-023-00	1849 Shattuck Ave 304	Kalofonos Angeliki & Maria S	$120.83	0.0046%	
057- -2025-016-00	2042 University Ave	Kam Yiu Lam & Shun To Lo Lam Lp	$4,722.57	0.1790%	
057- -2060-006-00	1813 University Ave	Kami Barry G & Cathy J Trs	$2,716.95	0.1030%	
057- -2060-004-00	1823 University Ave	Kang Bu U & Jeong H Trs & Kang Phillip T	$2,111.62	0.0800%	
057- -2060-005-00	1821 University Ave	Kang Bu U & Jeong H Trs & Kang Phillip T	$1,681.14	0.0637%	
057- -2032-019-00	2144 Kala Bagai Way	Kaplan Educational Centers Inc	$5,011.98	0.1900%	
057- -2031-002-00	2171 Allston Way	Kashani Nasser & Pamela L Trs	$12,712.64	0.4818%	
057- -2060-031-00	1801 University Ave 304	Keas Mabel E	$239.33	0.0091%	
057- -2060-044-00	1801 University Ave 408	Kehret Joseph G	$239.33	0.0091%	
057- -2049-034-00	1849 Shattuck Ave 208	Kho Eric L	$120.83	0.0046%	
057- -2053-005-00	2067 University Ave	Kl2067 University LLC	$9,250.33	0.3506%	
057- -2060-003-00	1849 University Ave	Klatt Thomas E	$2,520.20	0.0955%	
057- -2030-012-00	2219 Shattuck Ave	Kooyman Steven P& Susan J Trs	$3,244.07	0.1230%	

APN	Site Address	Owner	Parcel Assessment	Petition %	% Signed Petitions
057- -2049-016-00	1849 Shattuck Ave 202	Lai Roger Y	$120.83	0.0046%	
055- -1893-015-01	2323 Shattuck Ave	Lakireddy Prasad R & Santi	$5,750.42	0.2180%	
055- -1897-002-00	2484 Shattuck Ave	Lakireddy Prasad R & Santi	$11,569.62	0.4385%	
057- -2024-018-01	1942 University Ave	Lakireddy Prasad R & Santi	$7,100.98	0.2691%	
057- -2059-008-00	1921 University Ave	Lam Pauline P Etal	$1,600.75	0.0607%	
057- -2023-012-00	2015 Center St	Language Studies Inc	$5,668.38	0.2148%	
057- -2024-011-00	1915 Addison St	Lee Sang H & Chung Eunjung	$2,652.64	0.1005%	
057- -2049-017-00	1849 Shattuck Ave 302	Lhakey Pema	$120.83	0.0046%	
057- -2060-022-00	1801 University Ave 301	Lin Diana M Tr	$239.33	0.0091%	
057- -2060-024-00	1801 University Ave 202	Lin Diana M Tr	$239.33	0.0091%	
057- -2026-004-05	2190 Shattuck Ave	Lmp Shattuck Property Owner LLC	$24,100.73	0.9135%	
057- -2060-032-00	1801 University Ave 404	Lyon David	$239.33	0.0091%	
057- -2053-012-00	1949 Milvia St	Mahrat Abdul & Reem Trs	$3,452.35	0.1309%	
057- -2025-010-01	2001 Addison St	Maia Holdings LLC	$14,342.58	0.5436%	
057- -2060-034-00	1801 University Ave 305	Mak Kwan & Lishan	$239.33	0.0091%	
057- -2050-005-00	1848 Shattuck Ave	Malin Robert O Inc	$1,593.72	0.0604%	
057- -2049-014-00	1849 Shattuck Ave 301	Mamin Adrienne & Mamin Harry J & Marjorie Trs	$120.83	0.0046%	
057- -2060-025-00	1801 University Ave 302	Mao Yuli	$239.33	0.0091%	
057- -2031-005-00	2115 Allston Way	Martin David J & Reid B Etal	$2,915.39	0.1105%	
057- -2051-053-00	1912 Shattuck Ave	Martin Reid & John	$961.66	0.0364%	
057- -2031-007-00	2181 Shattuck Ave	Martin Reid B & David R Etal	$3,312.47	0.1256%	
057- -2051-004-00	1920 Shattuck Ave	Martin Reid B & David R Etal	$1,266.33	0.0480%	
057- -2046-008-04	2125 University Ave	MCREF Achenson LLC	$49,309.36	1.8690%	
057- -2046-011-01	1987 Shattuck Ave	MCREF Achenson LLC	$22,092.08	0.8373%	
057- -2046-009-00	2119 University Ave	MCREF Bachenheimer LLC	$15,197.58	0.5760%	
057- -2049-036-00	1849 Shattuck Ave 408	Mejia Cesar A	$120.83	0.0046%	
057- -2123-001-00	2025 Kala Bagai Way	Mevlanarumi LLC	$7,201.14	0.2729%	
057- -2033-001-01	2000 Kala Bagai Way	MGM Shattuck LLC	$11,051.50	0.4189%	
057- -2023-016-01	0 Milvia St	Milvia Berkeley LLC	$2,353.64	0.0892%	
055- -1822-002-01	2506 Shattuck Ave	Mmp Chestnut LLC	$1,625.67	0.0616%	
057- -2016-002-00	2054 M L King Jr Way	Moaven Saghi Tr	$464.37	0.0176%	
057- -2051-006-01	1936 Shattuck Ave	Moran Everett S Jr & Catharine Trs	$3,000.53	0.1137%	
055- -1821-001-01	2550 Shattuck Ave	Natural Green Corporation	$5,638.90	0.2137%	
057- -2051-005-00	1926 Shattuck Ave	Nineteen Hundred Twenty Six Shattuck Investors	$1,222.52	0.0463%	
057- -2049-031-00	1849 Shattuck Ave 207	Niramol Chitrcharatn 2016 Living Trust	$120.83	0.0046%	
057- -2049-032-00	1849 Shattuck Ave 307	Nisen Frederick P	$120.83	0.0046%	
057- -2024-014-00	1900 University Ave	Norcal Properties LLC	$5,015.38	0.1901%	
057- -2016-024-01	1824 University Ave	Ohay Philip L & Barbara L Trs	$4,176.22	0.1583%	

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057- -2034-006-00	2037 Kala Bagai Way	Okada Bros Inc	$9,659.93	0.3661%	
057- -2016-018-01	1800 University Ave	P P M&B Berkeley LLC	$3,414.73	0.1294%	
055- -1893-019-00	0 Durant Ave	P T & T Co 279-1-12-6	$21,627.71	0.8197%	
055- -1893-020-00	0 Bancroft Way	P T & T Co 279-1-1-4	$1,306.32	0.0495%	
055- -1820-001-01	2600 Shattuck Ave	Parkershattuck Owner LLC	$27,452.95	1.0405%	
055- -1821-005-00	2598 Shattuck Ave	Parkershattuck Owner LLC	$5,642.12	0.2139%	
057- -2060-048-00	1801 University Ave 210	Pathmarajah Canagaratnam Tr	$239.33	0.0091%	
057- -2029-014-00	2124 Kittredge St	Peleg Yoram & Barbara L Trs & Weil Ben	$3,999.66	0.1516%	
057- -2022-005-01	2118 Milvia St	Peralta Community College District	$6,590.29	0.2498%	
057- -2026-010-00	2016 Center St	Peralta Community College District	$1,801.43	0.0683%	
057- -2026-014-00	2048 Center St	Peralta Community College District	$34,169.97	1.2951%	
055- -1894-003-01	2029 Durant Ave	Persian Center	$1,303.68	0.0494%	
057- -2025-021-00	2066 University Ave	Reddy Hanumandla J & Hanumandla J Trs	$7,388.03	0.2800%	
057- -2053-006-00	2057 University Ave	Reddy Hanumandla J & Hanumandla J Trs	$7,772.75	0.2946%	
057- -2023-023-00	2030 Addison St	Rilco Addison LLC	$14,722.15	0.5580%	
057- -2023-024-00	2040 Addison St	Rilco Addison LLC	$6,314.40	0.2393%	
057- -2049-033-00	1849 Shattuck Ave 407	Ryu David J & Wu Christina L Trs	$120.83	0.0046%	
055- -1895-018-01	2020 Durant Ave	Satellite First Communities L P	$3,724.07	0.1412%	
057- -2049-028-00	1849 Shattuck Ave 206	Schirle Ann M Tr	$120.83	0.0046%	
055- -1893-016-00	2301 Shattuck Ave	Segerberg Kenneth Tr	$3,053.99	0.1158%	
057- -2024-016-02	1926 University Ave	Severy Michelle A Tr & Aaronia Michael Jr Tr	$763.85	0.0290%	
057- -2049-024-00	1849 Shattuck Ave 404	Sharma Gauri Tr	$120.83	0.0046%	
055- -1891-013-01	2421 Shattuck Ave	Shattuck Senior Homes Associates	$1,984.96	0.0752%	
055- -1822-006-00	2530 Shattuck Ave	Shen Tsui Y & Wu Yeu B	$2,089.92	0.0792%	
057- -2060-038-00	1801 University Ave 406	Shoji Joseph	$239.33	0.0091%	
057- -2016-022-00	1822 University Ave	Shree Laxmi LLC	$4,601.88	0.1744%	
057- -2053-014-02	2011 University Ave	Shrimatis Limited Inc	$2,915.06	0.1105%	
057- -2060-045-00	1801 University Ave 209	Sikaffy Amal	$239.33	0.0091%	
057- -2049-013-00	1849 Shattuck Ave 201	Song Jia Y	$120.83	0.0046%	
055- -1824-016-00	2555 Shattuck Ave	Southwick Timothy K & Susan E Trs	$1,721.54	0.0653%	
055- -1892-018-01	2110 Durant Ave	Southwick Timothy K & Susan E Trs	$3,918.97	0.1485%	
055- -1896-001-00	2410 Shattuck Ave	Southwick Timothy K & Susan E Trs	$4,466.63	0.1693%	
057- -2060-002-00	1865 University Ave	Southwick Timothy K & Susan E Trs	$3,776.28	0.1431%	
057- -2023-017-01	2101 Milvia St	Sterling Berkeley Addison L P	$8,988.01	0.3407%	
057- -2030-002-00	2116 Allston Way	Sterling Berkeley Allston Lp	$24,874.12	0.9428%	
055- -1890-013-02	2451 Shattuck Ave	Sterling Berkeley Haste Lp	$17,299.51	0.6557%	
057- -2047-002-01	1910 Oxford St	Sterling Berkeley Oxford Lp	$7,377.36	0.2796%	
057- -2025-014-00	2004 University Ave	Sterling Berkeley University Ave Lp	$9,467.45	0.3588%	

APN	Site Address	Owner	Parcel Assessment	Petition %	% Signed Petitions
057- -2024-001-02	1974 University Ave	Stonefire Partners LLC	$20,160.17	0.7641%	
057- -2060-035-00	1801 University Ave 405	Swanson Linda L	$239.33	0.0091%	
057- -2049-025-00	1849 Shattuck Ave 205	Sweeney Zephyr & Dennis A	$120.83	0.0046%	
057- -2060-042-00	1801 University Ave 208	Szabo Marshika L	$239.33	0.0091%	
057- -2053-008-01	2035 University Ave	Talai Mohammad E & Kokab S Trs & Kashani Mans Etal	$7,145.52	0.2708%	
057- -2060-033-00	1801 University Ave 205	Tavakolizadeh Mehdi	$239.33	0.0091%	
055- -1824-014-00	2105 Parker St	Thallaug Kirsten Tr & Thallaug Haakon E	$5,204.00	0.1972%	
057- -2060-027-00	1801 University Ave 203	Thevanayagam Sabanayagam & Vasuki Etal	$239.33	0.0091%	
057- -2060-049-00	1801 University Ave 310	Thomas Herb Tr	$239.33	0.0091%	
057- -2053-007-00	2041 University Ave	Trilink Real Estate Investment & Development Inc	$9,863.18	0.3738%	
057- -2025-015-00	2018 University Ave	U C Studios LP	$16,603.49	0.6293%	
057- -20270-05-00	0 Milvia St	United States Postal Service	$15,687.63	0.5946%	
057- -2060-047-00	1801 University Ave 409	Vajjravel Muralli & Rajalakshmi Hema	$239.33	0.0091%	
057- -2024-012-00	1911 Addison St	Vedensky Properties LLC	$3,401.27	0.1289%	
057- -2051-007-00	2053 Berkeley Way	Vinland Property Investment LLC	$1,503.06	0.0570%	
057- -2060-039-00	1801 University Ave 207	Wagele Nicholas	$239.33	0.0091%	
057- -2028-012-00	2235 Milvia St	Wander Robert H & Ingrid	$845.90	0.0321%	
057- -2030-009-00	2115 Kittredge St	Wise Stanley & Wise Addington L Jr Heirs Of E Etal	$8,736.44	0.3311%	
055- -1822-001-00	2500 Shattuck Ave	Wong Franklin & Pui T Etal	$2,250.25	0.0853%	
057- -2060-029-00	1801 University Ave 403	Wong Mei L & Kuochen	$239.33	0.0091%	
057- -2031-010-00	2124 Center St	Wu Shu F Tr	$4,523.16	0.1714%	
057- -2049-027-00	1849 Shattuck Ave 405	Yang Judy C Tr & Yang Lucinda Etal	$120.83	0.0046%	
057- -2034-005-00	2119 Addison St	Yaniv Gershon Tr & Nevo Dalia Tr	$7,096.60	0.2690%	
057- -2059-011-00	1901 University Ave	Yearwood Ines L & Kahlil & Rodriguez R U Trs Etal	$2,012.08	0.0763%	
057- -2053-011-00	2017 University Ave	Yee David	$4,504.68	0.1707%	
057- -2060-021-00	1801 University Ave 201	Yeh Jeng R & Yang Chingmei Trs	$239.33	0.0091%	
057- -2029-010-02	2281 Shattuck Ave	Young James C & Eddie Jr	$1,262.88	0.0479%	
057- -2029-010-01	2283 Shattuck Ave	Young James C & Young Eddie Jr	$945.86	0.0359%	
057- -2049-035-00	1849 Shattuck Ave 308	Yu David T & Lisa L Trs	$120.83	0.0046%	
055- -1822-004-00	2520 Shattuck Ave	Yu Wah Y & Rui C Trs	$964.67	0.0366%	
057- -2059-009-00	1915 University Ave	Z & L Pm LLC	$1,933.96	0.0733%	
057- -2023-002-00	2116 Shattuck Ave	Zac Enterprise LLC	$1,769.85	0.0671%	
			$2,638,343.74	**100.00%**	**57.2125%**

03

Office of the City Manager

CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Ashby BART East Lot Transit Oriented Development Request for Proposal Framework

RECOMMENDATION

Adopt a resolution authorizing the City Manager to release a Request for Proposals (RFP) and Notice of Funding Availability (NOFA) to solicit proposals from development teams (comprised of developers, service providers, and architects) regarding their plan, capacity, experience, and interest in developing the currently Bay Area Rapid Transit Agency (BART)-owned, future City-owned property known as the East Lot located at Adeline Street and Woolsey Street in South Berkeley.

SUMMARY

Beginning in 2018, the City and BART collaborated to plan transit-oriented development at the Ashby and North Berkeley BART sites. In 2024, BART and the City agreed that the City would relinquish its air rights over the Ashby BART West Lot in exchange for ownership of the East Lot. The agreement included some requirements about the future use of the East Lot and how the City would select development partners.

Council previously reserved a total of **$53 million** in Measure O bond funds and Affordable Housing Mitigation Fees (AHMF) to support affordable housing at the North Berkeley and Ashby BART sites. Of this total, **$26.5 million** was allocated to the North Berkeley BART project. The remaining **$26.5 million** was reserved for the Ashby BART sites, split as follows: **$18.5 million** for the West Lot (developer selected July 2025) and the final **$8 million** which is now being made available for the East Lot via this RFP/NOFA.

Health, Housing, and Community Services (HHCS) staff developed a framework for soliciting development proposals for the East Lot which are intended to serve as the basis for a forthcoming RFP and NOFA. The East Lot Framework details submission requirements, a selection process, proposal requirements (or thresholds), and City goals for the site. The East Lot Framework was updated to include feedback gathered from the City Council and the community during the October 28, 2025, meeting. Proposals will be evaluated relative to the criteria detailed in the East Lot Framework (Attachment 2). The City shall confirm adherence to the Surplus Lands Act (SLA) and

shall work with the California Department of Housing and Community Development to comply with all requirements under the SLA in connection with this RFP. It is the City's intent that any ground lease of the property in connection with the project will meet the requirements for the property to be declared "exempt surplus land" pursuant to Government Code section 54221(f)(1) (A), (F), (G), or other available exemptions. The City intends to declare the property surplus exempt, including all necessary findings, in connection with the City's consideration of the Exclusive Negotiating Agreement (ENA), ground lease or similar agreements between the City and the selected development team.

The project requirements were established through past Council actions, such as approval of the Ashby BART Station Transit-Oriented Development Exchange Agreement with BART, the Joint Vision and Priorities (JVP) for Transit-Oriented Development for Ashby and North Berkeley BART Stations, and other Council actions. Key proposal thresholds include:

- At least 35% of housing must be affordable, of which 20% shall be affordable to Extremely Low Income (ELI) households (7% of total units shall be ELI)
- At least 300 bedrooms
- Project must generate resources for the South Berkeley Community Fund

Project goals were identified in past Council actions, recent community planning efforts, the JVP, and through a stakeholder meeting HHCS held in the summer of 2025. Key goals include:

- 50% of housing is permanently affordable
- Maximize the number of new homes on the site
- Housing for seniors, families, people with physical or mental disabilities, and/or formerly homeless people
- Creating homeownership opportunities for households in South Berkeley

As a result of the feedback received at the October 28, 2025, City Council special meeting, the following goals and requirements were added:

- Requirement: Development teams seeking to build on the East Lot must demonstrate experience with Universal Design.
- Goal: 25% of affordable units reserved for persons with disabilities.

The Planning and Development Department developed Design Standards (Exhibit A) for the East Lot which are intended to be incorporated into the RFP. City staff intends to provide flexibility in the RFP to encourage creative, financially feasible proposals.

Consistent with the Exchange Agreement, the City Manager will establish an evaluation committee to review proposals for the East Lot. A shortlist of proposers will be invited

for interviews and public presentations. The Evaluation Committee will recommend a development team for the East Lot and HHCS will seek Council's approval to negotiate an ENA and ground lease with the selected team.

FISCAL IMPACTS OF RECOMMENDATION

The proposed NOFA will include up to $1,000,000 of AHMF (Fund # 120) to support predevelopment activities for the East Lot project. These funds were authorized by Council in resolution 69,833-N.S. and are available to a nonprofit developer to support the affordable housing project's pro rata share of any master planning or predevelopment costs. The chosen development team would need to work with HHCS staff to get Council authorization before these predevelopment funds are disbursed. The selected developer will also have access to an additional $7 million for construction activities. This will come before Council for approval at a later date.

CURRENT SITUATION AND ITS EFFECTS

BART owns two key sites near the Ashby station: The West Lot, which surrounds the BART station west of Adeline, and the East Lot, which is adjacent to Ed Roberts Campus (Figure 1). The East Lot is a 1.826-acre site located between Adeline Street and Tremont Street. BART currently owns and operates the East Lot.



Figure 1. Ashby BART East Lot and West Lot, both currently owned by BART. The City intends to acquire the East Lot, per the Exchange Agreement.

Starting in 2018, the City, in collaboration with BART, initiated a multi-phase planning process that included land use and infrastructure planning. The City has taken several actions to implement the community vision for the area including the actions listed below and discussed in more detail in the Background section of this report.

- Dedicated $26.5 Million in Housing Trust Fund (HTF) dollars to the Ashby East and West lots.
- Established a Community Advisory Group (CAG) comprised of a Council-appointed 15-member committee and engaged in a series of community engagement and stakeholder meetings from 2020-2021.
- Adopted updated zoning for the area, consistent with AB 2923.
- Adopted several agreements with BART specifying the agreements about future development on the site including a Memorandum of Understanding (MOU) and JVP.
- Adopted ordinance 7,939-N.S., authorizing an exchange agreement with BART, securing the City's right to ownership of the East Lot in exchange for providing BART with the West Lot air rights. This document is referred to as the "Exchange Agreement".

After soliciting a developer, the City will negotiate a series of agreements with the selected development team, including an Exclusive Negotiating Agreement (ENA), land deal terms, and a preliminary development plan. After this process is complete, the City will acquire the East Lot from BART to minimize holding costs and enable expeditious development,t, as authorized in Resolution 71,984 N.S. The exact timeline will be established in consultation with the selected developer. Generally, staff anticipates that the City would defer acquisition until just prior to the start of construction.

The Exchange Agreement includes several City commitments about the future use of the East Lot, including details on how the City will pursue development proposals. The East Lot Framework, which is discussed in the next section, builds on the recent planning work, proposes a framework for soliciting development on the site and provides a timeline to accomplish the steps necessary to create new homes on the East Lot.

From Planning to Building Housing

The Planning and Development Department led community planning, technical work and coordination with BART for the Adeline corridor including the Ashby BART East and West Lot Transit Oriented Development (TOD). HHCS will lead the implementation work for the East Lot, including soliciting development proposals, facilitating the evaluation of proposals, and ongoing negotiations with the future development team. HHCS, in conjunction with the Planning and Development Department and the City Manager's Office, developed an East Lot Development Solicitation Framework (East Lot Framework) and project timeline.

Creating the East Lot Development Solicitation Framework

Earlier this year HHCS, in close coordination with the City Manager's Office, the City Attorney's Office, and the Planning and Development Department, began work to establish the East Lot Framework (Attachment 2).

First, HHCS consulted all planning documents and council actions relevant to the East Lot (discussed in more detail in the Background Section). Some of these documents, such as the Exchange Agreement, included commitments the City made about future development on the site. Other elements of recent planning documents reflected community and City goals for the site. These goals are included in the East Lot Framework and proposers will be incentivized to achieve the various goals.

HHCS reviewed relevant existing City policies and programs, including the HTF Guidelines, the Zoning Code, and related requirements of City contracts. Also, HHCS reviewed recent solicitations for development on publicly owned land, including North Berkeley BART, the Ashby West Lot, and the City's most recent public lands project, Berkeley Way. The East Lot Framework includes known requirements for the site from various City codes and policies, as well as standard terms included in recent HHCS NOFAs.

To re-engage the community around the East Lot development specifically, HHCS hosted a stakeholder meeting on July 17, 2025. Key South Berkeley stakeholder groups were invited to review the East Lot Framework and provide input on additional considerations. The stakeholder priorities include high and deep levels of affordability, prioritization of a higher number of ADA accessible units as well as general incorporation of Universal Design elements, and that development teams demonstrate experience with projects addressing the needs of Black/African American communities. Stakeholders suggested that proposers acknowledge and incorporate the East Lot's proximity to the Ed Roberts Campus. Generally, participants supported the proposed East Lot Framework.

On October 28, 2025, HHCS presented the East Lot Framework to Council and the community to gather feedback. HHCS also held individual meetings with the Center for Independent Living and Friends of Adeline to further engage community members and discuss the progress of the development. As a result of this feedback, three key changes were made to the East Lot Framework:

1. Additional representative of South Berkeley added to the developer selection committee.
2. Development teams seeking to build on the East Lot must demonstrate experience with Universal Design.
3. A goal of 25% of affordable units reserved for persons with disabilities.

These revisions reflect the community's desire for increased involvement in the selection process and a focus on housing solutions for the disabled community through the use of innovative Universal Design principles.

The East Lot Framework

The City of Berkeley will use the East Lot Framework to solicit development proposals for the East Lot. The City intends to provoke ambitious and creative responses from the development community. Specifically, the City intends to seek proposals that meet and exceed basic requirements and artfully achieve community and City goals. For this reason, the East Lot Framework offers a measure of flexibility for respondents while standing firm on the key priorities and project requirements.

The East Lot Framework:

- Identifies the key submission components.
- Describes the East Lot proposal evaluation process, including an evaluation committee.
- Identifies East Lot proposal thresholds or required project elements.
- Describes the Evaluation Criteria and Project Goals which will be incentivized through the evaluation process.

Key submission components. Development teams will be asked to submit a detailed proposal including a development concept, details about the development team's experience, a proposed schedule, a proposed community engagement plan, a reparative framework narrative, and a financing plan, including a fair market proposal for the land.

Proposal Evaluation. Proposals will be evaluated by a committee relative to the thresholds, criteria and goals provided by the East Lot Framework. A seven-member evaluation committee will evaluate the projects, with more detail described below. Teams with high scoring proposals will be invited to participate in a public presentation and an interview with the evaluation committee.

East Lot Proposal thresholds, required project elements. Project proposals must meet or exceed threshold requirements. Threshold requirements are established in the Exchange Agreement with BART, as a term required for the City to acquire the East Lot; or terms in other City requirements such as the HTF Guidelines. Key thresholds include:

- Minimum densities: 300 Bedrooms, and 248 units.
- 35% affordable to low-income households (averaging up to 60% Area Median Income, of which 20% is reserved for Extremely Low Income (ELI).
- Minimum contribution to the South Berkeley Community Fund for South Berkeley.

- Minimum developer experience.
- Design team has demonstrated Universal Design experience and expertise.

East Lot Proposal Evaluation Criteria and Goals. Proposals will be evaluated based on the East Lot Framework criteria, including standard evaluation criteria and project goals, which proposals will be incentivized to achieve. The most successful projects will achieve the evaluation criteria and also achieve one or more of the project goals. Some of the Evaluation Criteria and Project Goals are established in the Exchange Agreement, the JVP or the City's HTF Guidelines.

Fifty percent affordability will be heavily incentivized through the evaluation process. This level of affordability was achieved at the North Berkeley BART Station and required at the Ashby BART Station West Lot.

A reparative framework is critical, as indicated in the key documents including the JVP and Exchange Agreement. The Exchange Agreement establishes a threshold requirement for operating proceeds from the East Lot project to establish and support a South Berkeley Fund, with a minimum annual contribution of $150,000. Projects whose proposals address impacts on Black/African American businesses and cultural institutions will receive additional points.

Developer Selection Process

Upon Council's direction, HHCS will prepare an RFP and NOFA to solicit development proposals for the East Lot. The RFP and NOFA will reflect the East Lot Framework and provide details on the site to enable detailed proposals for the City's consideration. HHCS intends to issue the RFP in the first quarter of CY2026.

HHCS will convene an evaluation committee to review all submitted development proposals. The seven-member Evaluation Committee will include four representatives from the City of Berkeley, one representative from BART, and two representatives from South Berkeley. All members will be appointed by the City Manager. The committee will evaluate proposals based on the criteria detailed in the East Lot Framework. Teams with high scoring proposals will be invited to participate in a public presentation and an interview with the evaluation committee. HHCS anticipates this evaluation process will occur between June and December of 2026.

HHCS intends to seek Council approval to initiate negotiations with the top-ranking development team. The City expects to negotiate an ENA, ground lease and predevelopment loan agreement with the selected team. City staff presume a ground lease structure, but will entertain alternative land ownership structures, particularly for highly competitive projects, aligned with City and community priorities. HHCS anticipates this process will occur in CY2026 or CY2027.

The selected development team will lead a community engagement process as part of their project refinement and subsequent entitlement process. Once the project receives entitlements, HHCS will negotiate a development loan agreement and other necessary documents identified in the ENA or ground lease.

HHCS intends to acquire the East Lot after the ENA has been signed, and when most negotiations are complete, with the most opportune time to be determined by the City Manager and staff. In connection with the City's acquisition of the East Lot, it is City's intent to declare the property "exempt surplus land" pursuant to Government Code section 54221(f)(1) (A), (F), (G), or other available exemptions.

The development team will lead all development work including securing additional funding, pursuing relevant permits and approvals, and constructing new housing.

NOFA for the East Lot

HHCS anticipates releasing the aforementioned NOFA in conjunction with the RFP to enable a nonprofit developer on the selected team to access up to $1M in predevelopment funds. These funds, as authorized by City Council resolution 69,833 N.S., will provide the nonprofit developer with crucial early funding to conduct predevelopment activities. The NOFA will ask the development teams to provide documentation to demonstrate compliance with the HTF guidelines, including demonstration of development experience, nonprofit status and project details. The affordable housing developer may request the remaining $7M allocated to the East Lot when the affordable housing project is further along in predevelopment.

The City typically provides two types of loans through the HTF: 1) predevelopment loans that are short-term (five years) and support preconstruction work including pursuing competitive funding at the state level; and 2) development loans that are longer term (55 years), and are closed after all other funding is secured, just prior to construction start.

Other Resources and Incentives for Affordability

The City has taken every effort to enhance the development opportunity at the East Lot, with the intention of enticing excellent proposals which that best achieve the City and community goals for the site and offer the maximum return on the City's land.

Recent community planning, re-zoning, site specific design standards and detailed goals for the project establish clear expectations and enable a more direct review and approval process for consistent projects. Further, the East Lot is not expected to build or fund offsite infrastructure improvements beyond the standard improvements on adjacent sidewalks, as required by all development projects. In preparation for the RFP, the City has performed some pre-development work on the site, including some environmental

analysis (Phase II), Title work, and related activities. This work will result in more informed proposals and reduce costs for proposers.

To incentivize affordable housing, the City has made an early and meaningful financial commitment of $8 million, some, but not all, of which will be made available to support predevelopment costs. Development teams may propose land discounts for affordable housing, and therefore projects offering more affordability could receive greater land discounts. Also, projects may qualify for entitlement under SB 35.

As a further step, the City will include guidance in the RFP on working with the Berkeley Housing Authority to follow federal guidelines to seek Project Based Vouchers (PBVs). This option would be open to projects that are consistent with federal rules and requirements, based on their success in the East Lot proposal evaluation process.

Design Standards

The Design Standards for the Ashby East Lot complement the underlying R-BMU zoning and set clear parameters for site planning, building massing, facade design, and open space. The standards will be included in the RFP, providing clarity to respondents and allowing them to assess how the requirements may affect project design and cost.

BACKGROUND

Since 2018, the City has been working closely with BART on the development of the North Berkeley and Ashby BART sites. The two entities entered into an MOU in March 2020 that provided a framework for the collaboration, including processes for public participation and an estimated timeline for selecting developers.

The MOU was amended in December 2020 to reflect schedule delays due to the pandemic. The City subsequently created the CAG, made up of 15 members of the public to develop a vision for affordable housing, land use, station access, building form, and new public spaces. The CAG met throughout 2020 and 2021 at public meetings and community workshops and provided feedback on the new zoning regulations impacting the BART sites. The City and BART entered into a Memorandum of Agreement (MOA) in June 2022 to address additional aspects of the collaboration. Concurrent with the public engagement process, the Berkeley City Council unanimously adopted Resolution 69,833- N.S. in April 2021 which, in part, provisionally reserved $53 million of City controlled funds as the subsidy needed to achieve at least 35% affordable housing at the North Berkeley and Ashby BART Station sites and allowed for a portion of the funding to be allocated to predevelopment uses. In accordance with Resolution No. 69,833-N.S., the $53 million is comprised of $40 million in bond funds pursuant to Measure O passed by Berkeley voters on November 6, 2018, and $13 million in AHMF. $26.5 million was allocated to the developer team selected for the North Berkeley BART site. $18.5 million of the total BART funds are available to support affordable housing on the Ashby West Lot, for which a developer was selected in July 2025. The remaining $8M in funds will be designated for the Ashby East Lot.

Subsequently, the City and BART co-authored two key documents that have been referenced throughout this report. The JVP outlines the City and BART's shared vision for the Berkeley TOD developments, and includes among others the following priorities that apply to the East Lot:

- Maximize the number of new homes, with a variety of unit sizes
- Provide affordable housing, with a minimum 35% affordability of housing
- Expand the availability of green space for the neighborhood
- Prioritize the inclusion of residents with disabilities, specifically at the East Lot
- Prevent displacement of South Berkeley residents
- Reinforce South Berkeley's historic role as a hub for African American culture and life in the Bay Area

Also, informed by the JVP, CAG, and additional analysis, the Exchange Agreement was approved by council in ordinance 7,939-N.S. and finalizes the terms of a land exchange. In this exchange, the City relinquishes its air rights over the West Lot and any interests in the West Lot parcel, with the exception of utility easements. In return, BART will transfer full ownership of the East Lot to the City. This agreement builds on a previously approved nonbinding Term Sheet and includes provisions ensuring significant community benefits which have been outlined earlier in this report – most notably, minimum affordable housing requirements (50% on the West Lot and 35% on the East Lot), public spaces, infrastructure improvements, and compliance with City design standards and AB 2923. The property transfers and development will proceed in phases, contingent on developer selection and satisfaction of specified conditions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed RFP would require developers to demonstrate experience building energy-efficient, sustainable developments.

Additionally, creating new infill affordable housing in Berkeley that allows lower income individuals and families to live closer to transit will advance the goal of making the City more economically and racially equitable, and reduces greenhouse gas emissions by reducing vehicle-miles-traveled and decreasing reliance on personal vehicles.

RATIONALE FOR RECOMMENDATION

The proposed action implements prior Council actions, especially the Exchange Agreement.

ALTERNATIVE ACTIONS CONSIDERED

Council has authorized the ownership exchange, development of the East Lot and developer selection process as outlined in the Exchange Agreement.

The City Council could propose additional feedback to the RFP framework. This would result in a delay in RFP release by several months or more. Any delays will result in

increased costs to the project, because costs associated with development may increase over time, including material costs and fees. The City's investment of $8 million will not go as far to support affordable housing, and the project may be less competitive for state and federal funding.

The City Council could decide not to authorize the release of the RFP, but staff do not recommend this as it would conflict with or delay the City's compliance with ordinance 7,939-N.S., or the Exchange Agreement, and will result in significant delays in developing the site.

CONTACT PERSON

Jenny Wyant, Program Manager, HHCS, (510) 981-5228
Kelly deWolfe, Community Development Project Coordinator, HHCS, (510) 981-5424
Uttara Ramakrishnan, Associate Planner, Planning and Development Department, (510) 981-7483

Attachments:
1. Resolution
   Exhibit A: Ashby BART East Lot TOD RFP Design Standards
2. East Lot Developer Selection Framework (developed by Street Level Advisors)

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

AUTHORIZING THE CITY MANAGER TO RELEASE A REQUEST FOR PROPOSALS AND NOTICE OF FUNDING AVAILABILITY FOR THE DEVELOPMENT OF THE ASHBY EAST LOT

WHEREAS, the City and the San Francisco Bay Area Rapid Transit District (BART) are collaborating on the development of the North Berkeley and Ashby BART sites, and articulated shared goals in a Memorandum of Understanding, Memorandum of Agreement, Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley Stations, and Ashby BART Station Transit-Oriented Development Exchange Agreement; and

WHEREAS, BART agreed to transfer ownership of the Ashby BART East Lot to the City in exchange for the City's air rights on the Ashby BART West Lot, in accordance with the terms of the Exchange Agreement; and

WHEREAS, the Exchange Agreement sets expectations for a competitive selection of a development team, as well as minimum development standards for the East Lot, including a minimum affordability of 35%; and

WHEREAS, the Exchange Agreement identifies the need for site-specific Design Standards for the East Lot; and

WHEREAS, the Department of Planning and Development has provided the Ashby BART East Lot TOD Design Standards that outline these design standards; and

WHEREAS, the City Council established a Housing Trust Fund Program (HTF) to guide the City's work to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley (City), and authorized the City Manager to implement the Program; and

WHEREAS, on April 27, 2021, with Resolution 69,833-N.S., the City Council reserved $53 million, to be divided between the North Berkeley and Ashby BART sites, as the subsidy needed to achieve 35% affordability, and allowed for a portion of that funding to be considered for predevelopment costs associated with affordable housing; and

WHEREAS, the $53 million includes $40 million in Measure O funds, and $13 million in Affordable Housing Mitigation Fees.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager may release a Request for Proposals for the Ashby East Lot, along with a Notice of Funding Availability for up to $1 million in predevelopment funds for a qualified nonprofit developer selected through the Request for Proposals process.

BE IT FURTHER RESOLVED that the Ashby BART East Lot TOD RFP Design Standards shall be incorporated into the Request for Proposals for the Ashby East Lot and subsequent implementing agreements.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute all documents required to effectuate this action.

Exhibit:
A: Ashby BART East Lot TOD RFP Design Standards

Ashby BART East Lot TOD RFP Design Standards

Admin Draft 1.5 – September 4, 2025, Updated Comments

Site Planning

Required Circulation

A. An access drive shall be maintained from Adeline Street to Woolsey Street. (See diagram in Section 3)
B. Access drive shall meet requirement set forth in the 08.14.2008 *Reciprocal Easements Agreement*
C. The access drive shall be a minimum 20 feet in width to provide for waste removal and fire apparatus access (assuming aerial apparatus access is from Tremont Street).
D. The access drive shall include 4-6 ADA loading spaces along the interior sidewalk adjacent to the east side the Ed Roberts Campus building. The loading spaces shall have a minimum width of 8 feet.
E. The access drive shall have a minimum 45 feet building-to-building dimension.
F. Landscaping is encouraged between the access drive and the new building.

Publicly Accessible Open Space

The *R-BMU* zoning requires 35 square feet of public open space per unit.

Publicly accessible open space should be located adjacent to a public street.

Streetscape Design

A. Tremont Street and Woolsey Street sidewalks shall be widened to 13 feet in width and should include a 5 ft curb and amenity/planting area and a 8 ft wide sidewalk throughway. The stormwater management feature on Woolsey Street shall be maintained and is in excess of the required sidewalk dimensions.
B. The following standards apply to sidewalk street tree planting.
    1. *Pattern.* Trees shall be planted with a minimum of one tree per 25 linear feet of sidewalk length. Exceptions may be made in locations where existing infrastructure, utilities, or BART tunnel prohibit planting of trees. Existing trees should be maintained where possible.

    2. *Location.* Trees shall be evenly spaced between the curb and sidewalk or evenly spaced within the width of a planting strip. Trees shall be planted so that at maturity the trunk is at least three feet from the face of curb where loading occurs.

3. *Ground Plane.* Trees shall be provided in planters a minimum of three feet wide and a minimum of six feet long located 18 inches from the face of curb. Exceptions may be made in locations where existing infrastructure, utilities, or BART tunnel prohibit planting of trees.
4. *Subsurface Design.*

    a) A minimum of 120 cubic feet of well aerated soil per inch of trunk diameter at maturity shall be located within six feet of each tree.

    b) Continuous structure soil with a minimum width of four feet shall connect all consecutive street trees.

Building Setbacks

The R-BMU zoning regulates building setbacks, residential ground floor character, and location/frequency of building entrances. The following standards complement the zoning and provide additional detail and clarity. Please note: "*R-BMU F.11.b. Ground Floor Residential Entries. All ground floor residential units shall provide entries to the street in the form of stoops or other exterior entries, or balcony or patio without entrance to the street, with a minimum area of 20 square feet*."

A. **Tremont Street and Woolsey Street Frontages.** Where public open space is located, buildings are exempt from *R-BMU F*.4.b requiring buildings to be located up to the setback line at intersection corners.

B. **Ground Floor Residential.** Portions of a building with ground floor residential units shall have a minimum ground floor setback of 10 feet.

C. **Northern Property Line.** Retaining the existing tree planting along the northern property line is encouraged.

Building Design

Building Massing

A. **Front Upper-story Step Backs.** Portions of building located within the minimum front setback of 5 ft and maximum front setback of 15 feet shall have an upper-story step back above the 4th story with a minimum depth of 15 feet from the primary building façade.

B. **Maximum Building Length/Major Breaks.** The maximum continuous building facade length facing Woolsey Street or Tremont Street shall not exceed 170 feet. Continuous façades are measured from a corner of a building to a courtyard or a major façade break with a minimum 15 feet by 15 feet plan dimension.

Facade Design

A. **Vertical Rhythm and Pattern.** Building facades facing Woolsey Street and Tremont Street shall express a vertical rhythm and pattern that reflects the size and scale of a residential unit and/or individual rooms or shall be designed with custom details to create an ornamental facade.

B. **Ground Floor Residential Units.** To provide privacy to ground floor residential units, the finished floor of units facing Woolsey Street and Tremont Street shall be raised a minimum 2 feet above sidewalk grade and windowsills shall be a minimum 3 feet above finish floor.

C. **Fenestration.** Windows shall meet one of the following requirements:

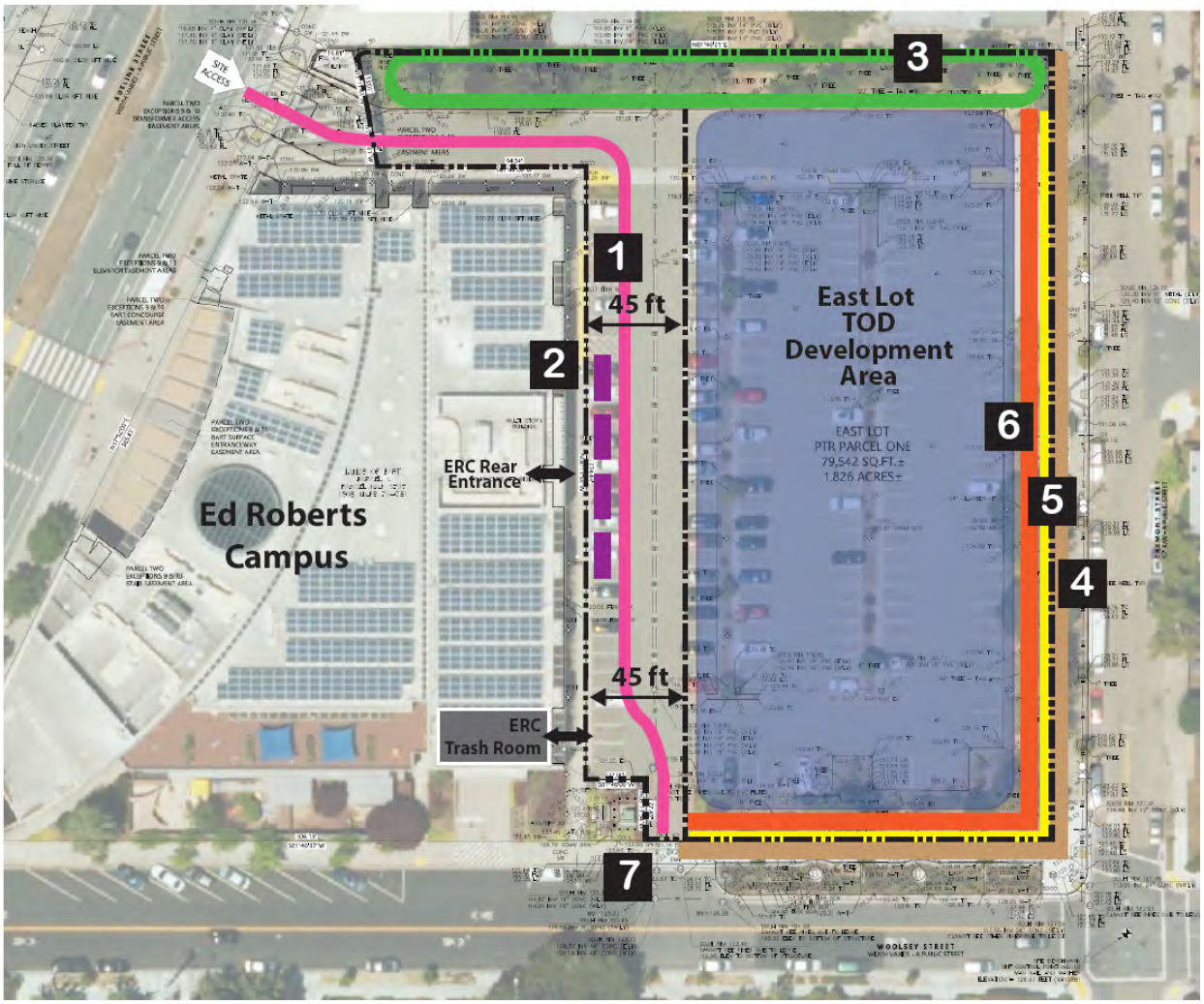
1. Windows shall be punched with a minimum recess of 2 inches from the facade or shall be framed with a minimum projection of 4 inches from the facade. Built-up stucco trim or molding (also known as “plant-ons”) are prohibited.

2. Windows that are flat or flush with the facade are prohibited unless applied to a recessed portion of the building facade with a minimum of four inches in depth. Vertical window edges shall be directly adjacent to recess.

C. **Materials**. No single material shall cover more than 80% of the cumulative facade area (excluding windows, doors, garage doors, and building trim) of a building except for high-quality materials such as brick, stone, ceramics, metals, fiber-cement panels, or other composite panel systems.

Site Diagram

Summary Diagram of Design Standards



Legend

1. Provide access drive from Adeline St to Woolsey St; Minimum 45 feet easement width required from west property line (approximate width, see 08.14.2008 *Reciprocal Easements Agreement* for more detail)
2. Provide 4-6 ADA loading spaces for Ed Roberts Campus
3. Maintain existing trees and landscape buffer
4. Improve sidewalks
5. Building Setback: minimum 5 ft to 15 ft
6. Step back upper story facades above the 4th story
7. Woolsey Street Access: Woolsey Street vehicle access shall be maintained for emergency vehicles, refuse removal, and vendors, commercial carriers, and other parties to make deliveries to the ERC building. Private vehicles may be limited to Adeline Street access point to reduce traffic conflicts with the bicycle boulevard on Woolsey Street.

Ashby BART East Lot
Developer Selection Framework

This document establishes the framework the City of Berkeley intends to use to solicit development proposals for the Ashby BART Station East Lot (East Lot).

- Section 1: East Lot Proposals – Key Submission Components
- Section 2: Proposal Evaluation and Selection
- Section 3: Proposal Thresholds for East Lot
- Section 4: East Lot Proposal Evaluation Criteria and Goals

Section 1: East Lot Proposals – Key Submission Components
Respondents will be asked to submit proposals which include:

- A letter of intent describing the development team and their interest in the East Lot.
- A detailed description of the development team, including their relevant experience in community engagement, design, development and affordable housing; and their organizational capacity to implement their proposal.
- A preliminary development concept plan, including a Site Plan, Elevations, and Sections that demonstrates proposed layout, uses, facades, massing, design and aesthetics, and renderings.
- A development program that meets or exceeds East Lot thresholds and goals, as defined in this solicitation.
- A description of how the program maximizes the number of new homes.
- A proposed project schedule, including any detail on phasing and marketability.
- A community engagement proposal, including detail on the team's approach to community outreach.
- A reparative framework that demonstrates how their proposal addresses the negative impacts to African American residents, businesses, and cultural institutions displaced by construction of the Ashby BART Station.
- A financial proposal for the lease of the East lot, which offers a fair market value for land, provides funds for the Community Benefits Fund for South Berkeley (as described in the Exchange Agreement and summarized below), and may assume discounts for permanently affordable housing.
- A development financing plan, which details the project's expected financial structure including potential sources (amounts of equity and debt financing, and any expected public financing) and uses of funds.
- An Affordable Housing Compliance Plan, which describes proposals to meet affordable housing requirements, including developer contributions to affordable housing.
- A detailed proforma demonstrating how the development team could potentially achieve 50% Affordable Housing.
- Additional materials demonstrating compliance with various City programs and codes, including City labor requirements, Affordable Housing Preference Policy, various sections of the Zoning Code including Public Art on Private Projects,

Transportation Demand Management, and other local requirements as deemed relevant.

Section 2: Proposal Evaluation and Selection
The Health, Housing, and Community Services (HHCS) Department will establish an Evaluation Committee for the East Lot Request for Proposals and Notice of Funding Availability. The seven-member Evaluation Committee will be appointed by the City Manager and will include four representatives from the City of Berkeley, one representative from BART, and two South Berkeley representatives pending availability and interest. The Evaluation Committee will review and score proposals in accordance with the City of Berkeley East Lot Project Goals. A short list of top scoring proposals will be invited to interview with the Evaluation Committee and make presentations to the public. The Evaluation Committee will score interviews and presentations and recommend the most qualified respondent to the Director of HHCS and City Council for approval. Upon selection by the City Council, next steps will include an Exclusive Negotiation Agreement (ENA), a ground lease, and a Housing Trust Fund predevelopment loan.

Section 3: Proposal Thresholds for East Lot
Project proposals must meet or exceed threshold requirements. Threshold requirements are established in the Exchange Agreement with BART, as a term required for the City to acquire the East Lot; or in other City regulations such as the Housing Trust Fund Guidelines. The City committed to these thresholds in prior Council actions.[i]

Project thresholds for the East Lot will include:

	Threshold Requirement	**Related Document**
1	Minimum 300 bedrooms.	Exchange Agreement
2	Minimum 35% affordable to low-income households (averaging up to 60% Area Median Income, of which 20% is reserved for Extremely Low Income (ELI).	Exchange Agreement
3	Contribute Community Benefits fund for South Berkeley at a minimum of $150,000 annually, plus indexing, beginning at stabilized occupancy or before the project's fourth year of occupancy, whichever comes first.	Exchange Agreement
4	Minimum Developer Experience	HTF Guidelines
5	Design team has demonstrated Universal Design experience and expertise.	

Section 4: East Lot Proposal Evaluation Criteria and Goals
All proposals will be evaluated based on the criteria summarized in the table below. The first column describes the standard evaluation criteria the Evaluation Committee will apply to all proposals. The second column identifies Project Goals that proposals will

be incentivized to achieve through the evaluation process. The most successful projects will achieve the Evaluation Criteria and also achieve one or more of the Project Goals.

Some of the Evaluation Criteria and Project Goals are established in the **Exchange Agreement (shown in bold)**. Some Project Goals are established in the *Joint Vision and Priorities (Shown in Italics)*. Many of the Evaluation Criteria are reflected in the City's Housing Trust Fund Guidelines.

Fifty percent affordability will be heavily incentivized through the evaluation process. This level of affordability was achieved at the North Berkeley BART Station and required at the Ashby BART Station West Lot. Proposers may be incentivized to levels of affordability greater than the 35% required through greater potential land discounts. Also, proposals that achieve the City's 50% affordability goal would qualify for expedited entitlement through SB 35.

Evaluation CRITERIA	**PROJECT GOALS, INCENTIVIZED**
1. PRELIMINARY DEVELOPMENT CONCEPT AND PROPOSED PROJECT. 25%	
Maximizes housing, units and bedrooms.	
Affordability Plan. Proposal meets or exceeds affordability thresholds. Proposal reflects reasonable assumptions for State and local funding.	• **50% affordable housing.** • **Prioritizes specified amounts of low and Very Low-Income housing.** • Project creates Homeownership opportunities in South Berkeley.
Households served, especially affordable housing.	• *Prioritize the inclusion of residents with disabilities, who are likely to benefit from proximity to the Ed Roberts Campus, with a goal of 25% of units for people with disabilities.* • *Housing for seniors, families, people with physical or mental disabilities, and/or formerly homeless people.* • A creative and innovative approach to universal design, demonstrating how the proposal exceeds minimum requirements.
Reparative Framework. Describe how the proposal addresses the negative impacts to African American residents, businesses, and cultural institutions.	• Proposals directly address the negative impacts to African American residents, businesses and cultural institutions.
Project Design conforms with City Design Standards.	
Project Feasibility. Proposal demonstrates a deep understanding of each proposed product type (Market rate and affordable). Proposal balances market feasibility with project goals.	

Evaluation CRITERIA	PROJECT GOALS, INCENTIVIZED
2. QUALITY OF DEVELOPMENT TEAM EXPERIENCE. 15%	
Master Planning. Development team has successfully completed comparable, mixed-use projects at similar scale including new construction of projects with multiple buildings and mid-rise housing of 6+ floors.	
Public Private Partnerships. Development team has experience with joint development on public land, especially ground lease deals.	
Design team is experienced with projects reflecting the broader community vision.	
Design team has demonstrated Universal Design experience and expertise.	
Community Engagement. Experience leading effective community dialogue about design and programming of sites, and possible tradeoffs. Experience addressing concerns related to development impact from neighboring residents, business, and property owners. Community engagement proposal builds on and continues recent planning work.	
3. DEVELOPMENT TEAM FIT. 10%	
Financial capability of team. Demonstrated ability to secure funding and financing for similar projects.	
Nonprofit/Community Based Organization. Team includes a nonprofit, especially for affordable housing development roles.	
Acceptance of City's proposed transaction terms. Willingness to execute ENA in substantially the same form provided.	
4. ROLES AND RESPONSIBILITIES. 10%	
Firms identified offer strong overall qualifications for key predevelopment needs. Project manager experience is highly relevant to this Project.	
If a team, relationship between parties is clearly defined, as exhibited by Joint Venture (JV) agreement or similar.	
If supportive housing is included in program, team includes service provider with demonstrated success serving the population identified.	
5. FINANCIAL OFFER. 20%	
Financial Assumptions are reasonable and realistic.	
Proposal includes reasonable values and schedule of ground lease payments.	
Proposal includes resources for the Community Benefits Fund for South Berkeley residents.	
6. PUBLIC PRESENTATION. 8%	
Ability to present in public setting, communication skills.	

Evaluation CRITERIA	PROJECT GOALS, INCENTIVIZED
7. TEAM INTERVIEW. 12%	
Understanding of the issues. Ability to balance the needs of multiple stakeholders. Ability to address critical issues; Ability to think strategically. Presentation, interview and communication skills.	

[i] Ordinance 7,939-N.S. authorized the Exchange Agreement.
Resolution 69,683-N.S. authorized the most current Housing Trust Fund Guidelines

04

Office of the City Manager

CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Contract No. 32300149 Amendment: mySidewalk, Inc. for HHCS Web-Based Population Health Data Platform

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 32300149 with mySidewalk, Inc. for an additional $50,618 for a total not to exceed amount of $207,928, and to extend the contract term end date to April 24, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the additional scope of work in the amount of $50,618 will be provided from the Fiscal Year 2026 budgets:

- $14,693.56 General Fund (Fund 011)
- $4,913.42 Health Realignment Fund (Fund 156)
- $31,011.02 One-Time Grant Fund (Fund 336)

CURRENT SITUATION AND ITS EFFECTS

The proposed amendment will extend the contract term and upgrade the current subscription for the mySidewalk web-based data platform. This platform is the central infrastructure for the City's Community Health Assessment (CHA) and Community Health Improvement Plan (CHIP).

As the City moves from the planning phase into the implementation phase of the CHIP, continuous access to this platform is required to track Results-Based Accountability (RBA) data.

Without this extension, the Department would lose the technical ability to:

- Fulfill the data monitoring requirements mandated by the California Future of Public Health funding.

- Maintain real-time dashboards that track program outcomes for the Department.

BACKGROUND
In late 2022, the City issued RFP Specification No. 23-11553-C to identify a vendor capable of providing a comprehensive, user-friendly and public facing health data platform. Following a competitive bidding process, mySidewalk, Inc. was selected as the best-qualified vendor due to their ability to integrate local, regional, and national data sets into a singular, interactive interface.

Council originally authorized Contract No. 32300149 on March 14, 2023 (Resolution No. 70,714-N.S.). A subsequent amendment in January 2024 allowed the Health, Housing, and Community Services (HHCS) Department to expand the number of subscriptions and licenses to cover additional divisions.

This contract extension ensures the ongoing support and maintenance of this established digital infrastructure. By continuing this partnership, the City avoids the significant administrative burden and high costs associated with migrating multi-year public health data to a new platform or reverting to manual data tracking methods that lack public accessibility.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental sustainability and climate impact effects or opportunities associated with the action requested in this report.

RATIONALE FOR RECOMMENDATION
This amendment will further allow HHCS staff to engage in continuous improvement efforts driven by program performance data, as well as provide timely and informative communications of the progress of the Community Health Improvement Plan over time.

ALTERNATIVE ACTIONS CONSIDERED
Instead of choosing technological solutions, the City could continue as it has historically, without having Results-Based Accountability data easily accessible to the community. Since protecting public health requires public engagement, staff do not recommend this approach.

CONTACT PERSON
Kellie Knox, Community Services Specialist III, HHCS 510-981-5301

Attachments:
1: Resolution

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

CONTRACT AMENDMENT NO. 32300149: MYSIDEWALK, INC FOR HHCS WEB-BASED POPULATION HEALTH DATA PLATFORM

WHEREAS, the City of Berkeley has issued an RFP to obtain a web-based subscription solution to support residents and stakeholders of the City of Berkeley in viewing health data from local, regional, and national sources in an easy-to-understand format and to support the implementation of a Community Health Assessment (CHA) and a Community Health Improvement Plan (CHIP); and

WHEREAS, the City conducted RFP Specification No. 23-11553-C with proposals due no later than December 1, 2022, resulting in the selection of mySidewalk, Inc. as the best-qualified vendor, and

WHEREAS, March 14, 2023, Council adopted Resolution No. 70,714-N.S. and the City entered into Contract No. 32300149 with mySidewalk on April 24, 2023, for an amount not to exceed $128,315 for a term from April 24, 2023, to April 24, 2026; and

WHEREAS, the City amended Contract No. 32300149 with mySidewalk on January 30, 2024, by Resolution No. 71,188-N.S. increasing the amount by $30,000 for a total not to exceed $158,315; and

WHEREAS, HHCS staff have been satisfied with the performance of mySidewalk, Inc., thus far.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute a contract amendment with mySidewalk Inc through April 24, 2027, for an additional $50,618 for a total not to exceed amount of $207,928. A record signature copy of said contract and any amendments to be on file with the Office of the City Clerk.

05

Office of the City Manager

CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Health, Housing, and Community Services

Subject: Filling Human Welfare and Community Action Commission Public Sector Vacancies

RECOMMENDATION
Adopt a Resolution confirming the appointment of Catherine Gelsinger to the Human Welfare and Community Action Commission (HWCAC).

FISCAL IMPACTS OF RECOMMENDATION
There are no fiscal impacts associated with this recommendation.

CURRENT SITUATION AND ITS EFFECTS
The HWCAC advises City Council on social welfare needs in the community. Failure to maintain full membership of the HWCAC, which also acts as the Board of the Berkeley Community Action Agency (CAA), could result in a loss of Community Services Block Grant (CSBG) funding. Vacancies on the Berkeley CAA Board were noted as a "finding" during the most recent monitoring audit of this program conducted by the State Department of Community Services and Development (CSD). The HWCAC has significant vacancies with only three of nine seats filled after losing several members to moving out of Berkeley in 2025. The low vacancy rate is a critical issue with CSD and jeopardizes the City's funding.

BACKGROUND
The HWCAC has a nine-seat, tripartite board structure with three low-income elected, three private sector, and three public sector representatives, which may include officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served. The three public sector representatives are appointed by Berkeley City Council per Berkeley Municipal Code (BMC) Section 3.78.020 (b); the low-income members are appointed through an election process per BMC Section 3.78.020 (c); and the private-sector representatives are identified by existing HWCAC members for appointment by Council per BMC Section 3.78.020 (d).

City staff and existing HWCAC members coordinate community outreach to encourage and solicit applications for Council consideration and approval.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no known environmental impacts associated with the recommendation of this report.

RATIONALE FOR RECOMMENDATION
Failure to maintain full membership of the HWCAC is in violation of the City's CSBG revenue contract and may jeopardize future funding (about $300,000 per year).

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Kat Larrowe, Community Services Specialist III, HHCS, (510) 981-7555

Attachments:
1: Resolution
2: Catherine Gelsinger HWCAC Application

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

FILLING HUMAN WELFARE AND COMMUNITY ACTION COMMISSION PUBLIC SECTOR VACANCIES

WHEREAS, the Human Welfare and Community Action Commission (HWCAC) shall consist of nine members. Three public sector representatives are appointed by Berkeley City Council per Berkeley Municipal Code (BMC) Section 3.78.020 (b); three low-income members appointed through an election process per BMC Section 3.78.020 (c); and three representatives for the private sector identified by existing HWCAC members for appointment by Council per BMC Section 3.78.020 (d); and

WHEREAS, Berkeley Municipal Code Section 3.78.020 (b) stipulates that three public sector representatives are appointed to the HWCAC by Berkeley City Council as a whole; and

WHEREAS, Catherine Gelsinger applied to serve on December 8, 2025.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Catherine Gelsinger is appointed to the Human Welfare and Community Action Commission as public sector representative her term beginning March 11, 2026, ending March 10, 2030.

APPLICATION FOR APPOINTMENT TO BERKELEY BOARDS AND COMMISSIONS

Redistricting Commissioners may not be eligible to serve. Contact the City Clerk to verify.

NAME: Catherine Gelsinger

PREFERRED PRONOUN(S): she/her

RESIDENCE ADDRESS: [redacted]
Street City Zip

BUSINESS NAME/ADDRESS: LifeLong Medical Care [redacted]
Street City Zip

EMAIL ADDRESS: [redacted]

OCCUPATION/PROFESSION: Registered Nurse

HOME PHONE: [redacted] **BUSINESS PHONE:** [redacted]

I have been a resident of Berkeley since: Feb 2025

I am interested in being considered for appointment to the following Berkeley board(s)/commission(s):

Name of board/commission: Human Welfare and Community Action Commission

Name of board/commission:

List any qualifications (work experience, education, attributes and training) which you feel would provide positive input to the work of the commission and the reason why you are interested in being appointed:

My work experience includes over a decade of nursing roles, including significant time working with vulnerable populations in community and public health fields. Additionally, I used my graduate education in public health to focus on population health and policy from a data analysis and systems perspective which allowed me to deepen my understanding of community-based health and programs. I feel my direct experience working with populations who utilize programs evaluated by this committee would make my input valuable and I would like the opportunity to contribute to city-level decisions that impact the patients I work with on a daily basis

Please use another sheet of paper, if necessary.

The following individuals are qualified to comment on my capabilities:

NAME	ADDRESS	PHONE NO
[redacted]		
[redacted]		

*****PLEASE COMPLETE DEMOGRAPHIC SURVEY *****

Please indicate gender: ☐ **Male** ☑ **Female** ☐ **Nonbinary** ☐ **Prefer not to say**

Please indicate whether you are currently a student: ☐ **Yes** ■ **No**

Please indicate the racial / ethnic category which you most closely identify with below (*response optional - please check only one category*):

- ☑ ***WHITE (not of Hispanic or Latino origin):*** All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East
- ☐ ***BLACK or AFRICAN AMERICAN (not of Hispanic or Latino origin):*** All persons having origins in any of the Black racial groups of Africa
- ☐ ***HISPANIC or LATINO:*** All persons of Central / South America or other Spanish culture or origin, regardless of race
- ☐ ***ASIAN (not of Hispanic or Latino origin):*** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent. This includes, Cambodia, China, Japan, India, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
- ☐ ***AMERICAN INDIAN / ALASKAN NATIVE (not of Hispanic or Latino origin):*** All persons having origins in any of the original peoples of North, Central, and South America, and who maintain cultural identification through tribal affiliation or community recognition.
- ☐ ***NATIVE HAWAIIAN / PACIFIC ISLANDER (not of Hispanic or Latino origin):*** All persons having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- ☐ ***TWO or MORE RACES (not of Hispanic or Latino origin):*** All persons who identify with more than one of the above six races

*The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions except the Youth Commission and Commission on Status of Women to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY*

I, Catherine Gelsinger, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: _____ Date: 12/08/2025

*Not required for Police Accountability Board, Loan Administration Board, Elmwood BID Advisory Board, Solano BID Advisory Board, or BUSD appointees

Return this form to the City Clerk Department: 2180 Milvia Street, Berkeley, 94704

APPOINTMENT FORM - BOARDS AND COMMISSIONS
(For Mayor and Council use only)

MAYOR/COUNCILMEMBER _____

NAME OF APPOINTEE _____

RESIDENCE ADDRESS _____
Street **City** **Zip**

BUSINESS NAME/ADDRESS _____
Name

_____
Street **City** **Zip**

EMAIL ADDRESS _____

OCCUPATION/PROFESSION _____

HOME PHONE: _____ **BUSINESS PHONE:** _____

Check appropriate box: ☐ **New Appointment** ☐ **Reappointment** ☐ **Temporary Appt.**

Temporary Appt.: From (date) _____ **To (date)** _____
(only if appointing for more than one meeting)

Please send mail to: ☐ **Home** ☐ **Business**

Please indicate the name of the board/commission to which you are appointing this individual

Board/Commission Name: _____

***Please indicate the SPECIAL CATEGORY being fulfilled, if appointment is to ANY of the following boards or commissions:** Elmwood BID Advisory Board, Human Welfare & Community Action Commission, Loan Administration Board, Solano Avenue BID Advisory Board.

Special Category _____

Signature: _____ **Date:** _____
Mayor/Councilmember

For Mayor/Councilmember and City Use Only:

Interview Date	Appoint. Date	Process Date

06

BERKELEY CITY AUDITOR

CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: City Contracts: Outdated Process Led to Non-Competitive Contracts

RECOMMENDATION

We recommend City Council request that the City Manager report back by Fall 2026, and annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Finance Department and other relevant departments. The audit includes 13 recommendations to clarify for staff when non-competitive contracts and amendments are appropriate, as well as to improve transparency and efficiency in the contracts process overall. The City management agreed or partially agreed to our findings and recommendations. Please see our report for their complete response.

FISCAL IMPACTS OF RECOMMENDATION

Reducing the use of non-competitive contracts could help the City ensure it is not overpaying for services. As the City faces a budget deficit, it is important that the City gets the best value for the goods and services it purchases. Updating the Purchasing Manual and related training and procedures will likely take an upfront investment of staff time but could reduce the workload for General Services and staff in the long run. Getting a comprehensive and integrated electronic contract management system, as recommended by the audit, would require financial investment, but could address the challenges we identified related to current paper contract process, including delays and lost contracts.

CURRENT SITUATION AND ITS EFFECTS

In fiscal year 2024, 94 of the 218 contracts executed did not have documented evidence of competition. The total value of these contracts was approximately $43 million compared to $102 million in competitive contracts. The non-competitive contracts included 26 authorized by Council Resolution, 53 through waivers of competition approved by the City Manager, and 15 through other or unclear means.

Most of the City's largest active contracts had documented evidence of going through competition or meeting the Purchasing Manual criteria for exceptions, but two recycling contracts did not. In fiscal year 2022, Berkeley executed contracts for recycling services for nearly $85 million over ten years without seeking bids from other contractors. Although pursuing competition is an established best practice and the City's Purchasing Manual states that service contracts above $50,000 must go through formal competition, neither the City Charter nor the Berkeley Municipal Code explicitly required service contracts like these recycling contracts to be competitive.

Of the 53 approved waivers of competition, 38 percent did not clearly meet the criteria in the Purchasing Manual, meaning the City could likely have pursued competition. For example, while waivers for classification and compensation studies were used, there was no documentation that this was an emergency. By requesting waivers for the same service from different contractors in a similar time period, this indicated that it would have been feasible to request quotes instead.

Once a contract is in place, the City can use amendments to increase the dollar amount. Our audit found the City had 95 active service contracts that began at or below the formal competition threshold of $50,000 but were later amended above the threshold. On average, these amendments added $218,026 in total to each contract. According to Finance, there are circumstances when contract amendments are reasonable. To comply with this, staff need clear guidance to understand when amendments are appropriate or when the contract should be re-competed.

Paper contracts, unclear guidance, and short staffing led to delays and the overuse of non-competitive contracts. For example, in a sample of 23 amended service contracts, 16 contracts (or 70 percent) lasted for over five years. According to the Director of Finance, the general rule is for most contracts to go back out to bid every five to seven years. However, this guidance was not written in the City's purchasing policy. In fact, Berkeley did not have any published guidance for staff on contract amendments. Additionally, in fiscal year 2024, most of Berkeley's contracts were still reviewed and signed on paper, meaning staff hand-delivered them to different departments for approvals. During our audit, the City adopted DocuSign for some parts of the contracting process and an interdepartmental team was looking into purchasing a digital contracting system. However, short staffing and turnover in General Services and across the City made it more difficult to improve the contract process.

BACKGROUND

The City uses contracts for most services that are not done by city staff, like public artwork and towing, and for specialized goods like fire trucks. The City typically uses simpler purchase orders rather than contracts to buy goods, like office furniture and equipment for parks maintenance. The General Services Division in the Finance Department reviews and processes all purchases of goods and services for the entire City, but staff in each department have a responsibility in purchasing goods and services for their department.

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value for Berkeley residents. However, competition is not always possible or appropriate, so City policies allow for non-competitive contracts in specific circumstances, such as when emergency maintenance is needed. This primarily occurs through either Council authorization or a waiver of competition approved by the City Manager.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Implementing our recommendations will decrease reliance on non-competitive contracts. Additionally, they will improve the contracting process overall through clearer, more consistent guidance and improved systems.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

1: Audit Report: City Contracts: Outdated Process Led to Non-Competitive Contracts

Audit Report

February 19, 2026

City Contracts: Outdated Process Led to Non-Competitive Contracts



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor

Caitlin Palmer, Audit Manager

Katie Wysong, Auditor I

City Contracts: Outdated Process Led to Non-Competitive Contracts

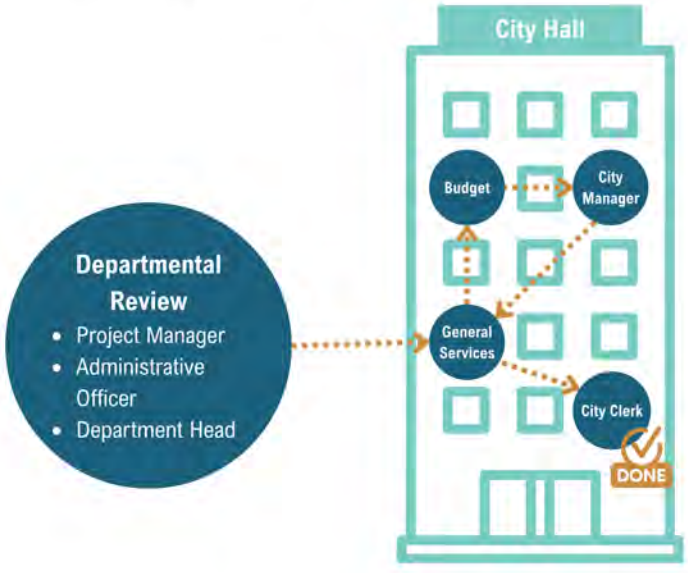
Report Highlights

February 19, 2026

Findings

1. In fiscal year 2022, the City authorized nearly $85 million in recycling contracts over 10 years without competition. Inconsistent rules made it difficult for staff to know when to waive competition. Our analysis of fiscal year 2024 waivers found that 38 percent did not clearly meet the Purchasing Manual criteria. City Council authorized additional non-competitive contracts for community-based organizations. Additionally, amended service contracts that started below the threshold for Council approval increased by an average of $218,026 per contract without competition.
2. Berkeley used paper contracts hand-delivered between departments and lacked a centralized digital system, creating delays and misplaced contracts. Additionally, the Purchasing Manual was missing key guidance, and training for staff was limited. Short staffing and turnover also made it difficult for the City to address these concerns and improve the contracting process.

Moving paper contracts throughout City Hall created opportunities for delays.



Source: Auditor analysis of contract review sheet for new expenditure contracts

Objectives

1. How does Berkeley use non-competitive contracts?
2. Why does Berkeley use non-competitive contracts when competition is possible?

Recommendations

We recommend the City add explicit competition requirements to the Berkeley Municipal Code for service contracts. We also recommend the City update the Purchasing Manual and contract forms for consistency and clarity, as well as expand training for staff. We recommend the City continue pursuing a comprehensive, integrated digital contracting system, as budget allows.

Why This Audit Is Important

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value and best fit for Berkeley residents. Open and fair competition for contracts promotes ethical and inclusive purchasing practices. However, in fiscal year 2024, Berkeley executed 94 contracts without documented competition for a total value of $43 million. While it is not practical or possible for every contract to go through competition, it is important that the City uses competition when feasible.

BERKELEY CITY AUDITOR

For the full report, visit the City Auditor's website.

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Introduction

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value for Berkeley residents. Best value may include not only lowest price, but also the quality of the good or service and fit with Berkeley's specific needs. However, Berkeley spends millions of dollars on contracts that are not competitive. While it is appropriate, even necessary, for some contracts to be non-competitive, it is important that the City pursues competition when possible. Although we found no evidence of misconduct in Berkeley during our audit, contract corruption cases in neighboring jurisdictions emphasize the importance of having open, competitive contracting processes. A competitive process can discourage favoritism and guard against waste and fraud.

Competition has additional benefits for equity and fairness. According to a consultant report commissioned by the Berkeley City Council, "minority and women-owned business enterprises" lost out on an estimated $21.7 million in contract dollars with the City of Berkeley between 2016-2019. In general, a fair and open competitive process can encourage additional contractors to seek City contracts, including from historically excluded groups.

This audit focuses on contracts that were not competitive and were subject to the requirements of the Berkeley Municipal Code and the City's Purchasing Manual. We did not evaluate the City's competitive selection processes or staff's compliance with them, nor the management of contracts after execution.

Objectives

The objectives of this audit are to address the following questions:

1. How does Berkeley use non-competitive contracts?
2. Why does Berkeley use non-competitive contracts when competition is possible?

Scope and Methodology

We reviewed expenditure contracts executed between July 1, 2023, and June 30, 2024 (fiscal year 2024). We also analyzed subsets of all expenditure contracts active in the City's financial system as of March 6, 2025, including the largest dollar value contracts and service contracts approved at or below the threshold for City Council approval, then later amended to exceed it. Additionally, we reviewed Berkeley's laws, policies and procedures related to contracts, researched best practices and other jurisdictions' policies, and interviewed relevant staff and

leadership. This audit focused on the City's contracting processes, and we did not audit individual contracts or contractors.

Background

Berkeley uses formal and informal competition to select contractors depending on the cost and type of purchase.

Depending on the expected cost and type of purchase, the City uses different formal and informal competition to select a contractor (Table 1).

- **Formal competition involves a structured public process.** For supplies, equipment and materials, the City Charter requires the City to select the vendor with the lowest bid that meets the City's criteria after publicly issuing an Invitation for Bids (IFB). For more complex purchases, such as professional services, the City selects the contractor with the best value based on the criteria set in the posted Request for Proposals (RFP).
- **For informal competition,** departments are required to reach out directly to at least three contractors for written quotes and then select the contractor with the lowest cost or best value. Informal competition allows for more flexible timelines and does not require City Council approval.

The General Services Division in the Finance Department reviews and processes all purchases of goods and services for the entire City, but staff in each department have a responsibility in purchasing goods and services for their department. The City uses contracts for most services that are not done by City staff, like public artwork and towing, and for specialized goods like fire trucks. The City typically uses simpler purchase orders rather than contracts to buy goods like office furniture and equipment for parks maintenance.

Table 1: City Purchasing Requirements by Price and Type[1]

Purchase Value	Competitive Purchasing Process
Services	
Under $5,000	Purchase Order with 3 verbal quotes
$5,000 - $25,000	Purchase Order with informal competition (3 written quotes)
$25,000 - $50,000	Contract with informal competition (3 written quotes)
Over $50,000	Contract with formal competition (Request for Proposal or Request for Qualifications)
Goods	
Under $5,000	Purchase Order with 3 verbal quotes
$5,000 - $100,000	Purchase Order with informal competition (3 written quotes)
Over $100,000	Purchase Order or contract with formal competition (Invitation for Bid)
Construction	
Under $5,000	Purchase Order with 3 verbal quotes
$5,000 - $25,000	Purchase Order with informal competition (3 written quotes)
$25,000 - $200,000	Contract with informal competition (3 written quotes)
Over $200,000	Contract with formal competition (Invitation for Bid)

Source: Auditor analysis of Berkeley's Purchasing Manual as of end of fiscal year 2024

The benefits of competitive contracts are well-established. According to the U.S. Government Accountability Office, competitive contracts can save taxpayers money, improve contractor performance, curb fraud, and promote accountability for results. Competition is a critical tool for achieving the best return on the government's investment. Berkeley's Purchasing Manual requires all purchases to be made through a competitive process unless they meet specific criteria described in the next section.

In some cases, the City can select a contractor without competition.

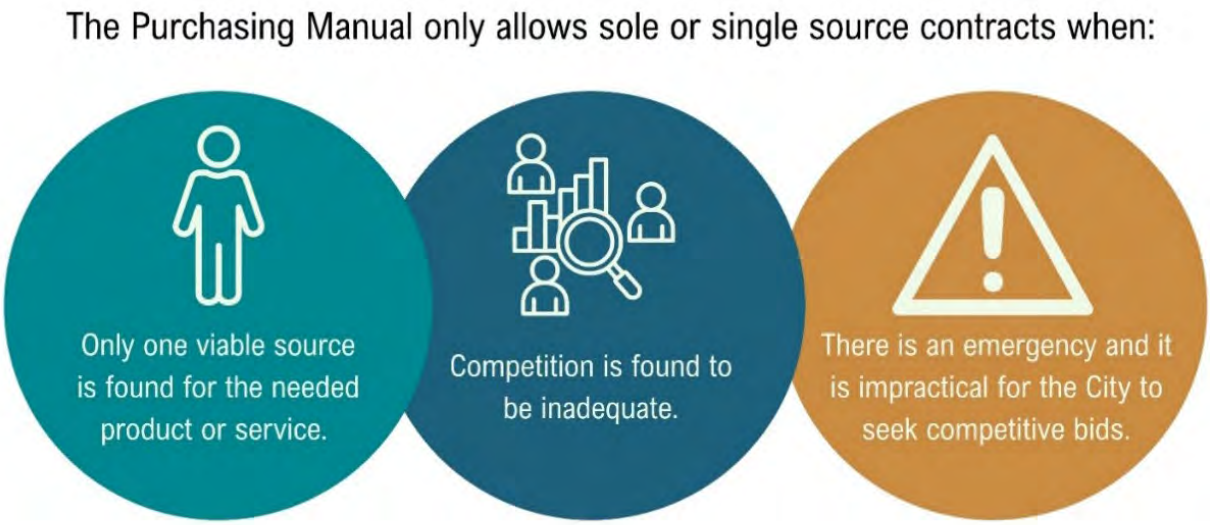
Competition is not always possible or appropriate, so City policies allow for non-competitive contracts in specific circumstances, such as when emergency maintenance is needed. In these cases, non-competitive contracts give the City flexibility to respond quickly to emergencies or meet a need where competition is not feasible or practical.

During the audit period, the Purchasing Manual allowed the City Manager to waive the competition requirement for contracts under the cost threshold for formal competition in specific circumstances (Figure 1). Departments could request waivers of competition if there was only one contractor that provided a good or service, or competition was otherwise found to be inadequate. Waivers were also allowed in emergencies when competition was not feasible or practical. The Purchasing Manual also required departments to conduct market research to

[1] Solicitation is the process of reaching out to contractors, which ideally results in competition among contractors. We use the term competition to refer to competitive solicitation for simplicity.

justify the business case for the waiver, and whenever possible, avoid requesting items that could only be obtained from a sole or single source.

Figure 1: Purchasing Manual Criteria for Non-Competitive Contracts



Source: Auditor analysis of Berkeley's Purchasing Manual as of end of fiscal year 2024

City Council can also waive competition for specific contracts or broader categories of purchases. Once a contract is in place, the City can use amendments to increase the dollar amount and extensions to extend the duration of a contract without new competition. Even if the contractor offered the best value when selected, years later, a different contractor may be more affordable or better suited for the City's needs.

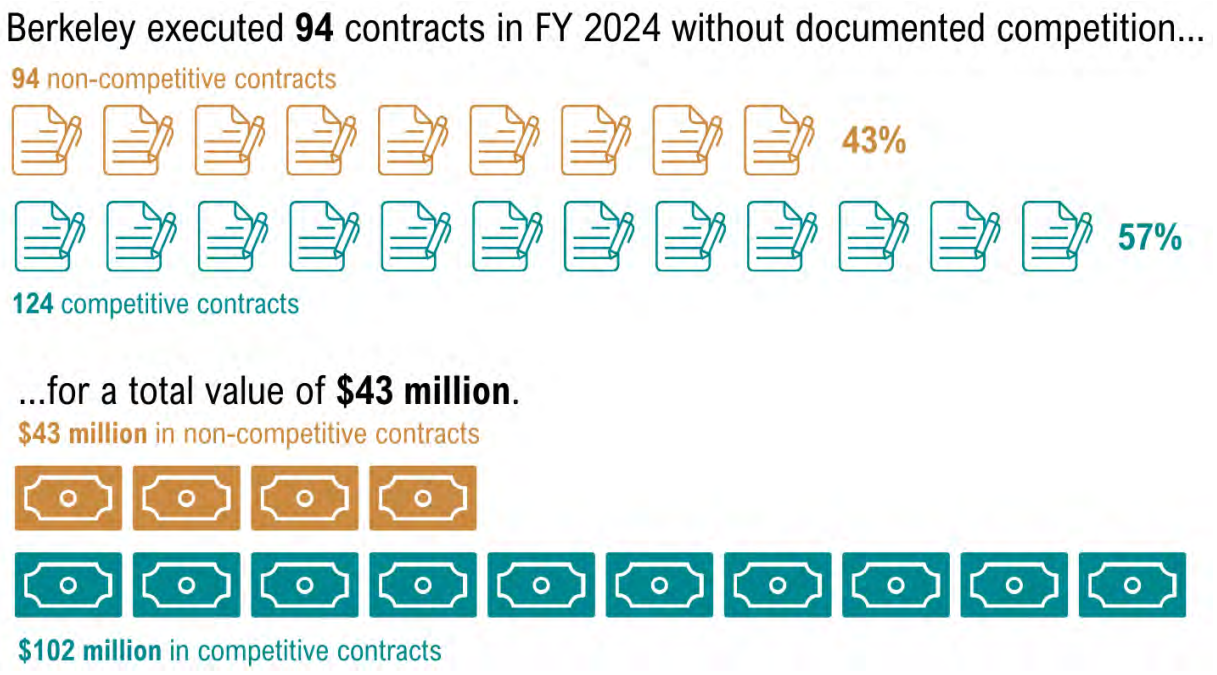
Though non-competitive contracts are sometimes the most appropriate or practical option, if the City over-relies on non-competitive contracts, it runs the risk of:

- Overpaying for services,
- Not getting the best quality service,
- Having fewer opportunities for new and small businesses, including historically marginalized contractors, and
- Creating more opportunities for bribery or corruption between staff, officials, and contractors.

Over 40% of the contracts executed in fiscal year 2024 did not clearly go through competition.

Ninety-four of the 218 contracts executed, or formally approved, in fiscal year 2024 did not have documented competition (Figure 2). The total value of these contracts was approximately $43 million compared to $102 million in competitive contracts. Competitive contracts include both those with formal and informal competition, as well as contracts that piggybacked on other jurisdictions' contracts.

Figure 2: Berkeley executed 94 contracts in fiscal year (FY) 2024 without documented competition for a total value of $43 million.



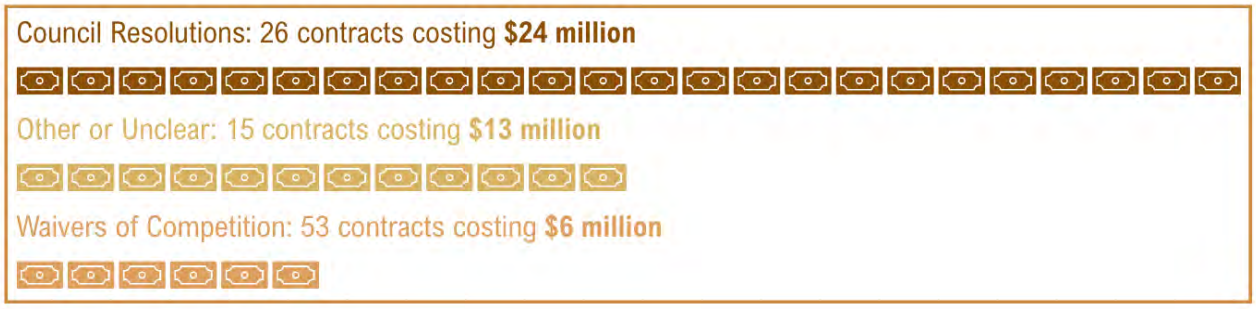
Source: Auditor analysis of expenditure contracts executed in fiscal year 2024 from Records Online and Berkeley's financial system

Berkeley awarded 30 percent of contract dollars without competition in fiscal year 2024. According to a recent benchmarking survey of public procurement entities from NIGP: The Institute of Public Procurement (NIGP), Berkeley was similar to the median responding jurisdiction, which awarded 30 percent of contract dollars without competition.

City Council authorized 26 non-competitive contracts through Council Resolutions, which made up the majority of the cost associated with non-competitive contracts (Figure 3). The group of non-competitive contracts with the second highest total cost were 15 "other or unclear" contracts. These included contacts that were missing in Records Online, the City's electronic document repository, or where competition was marked as "not required" on the contract review

form, such as leases or the City Attorney's contracts for legal services.[2] Most of the non-competitive contracts executed in fiscal year 2024 had a waiver of competition, but that group had the lowest total cost.

Figure 3: Breakdown of non-competitive contracts



Source: Auditor analysis of expenditure contracts executed in fiscal year 2024 from Records Online and Berkeley's financial system

Note: "Other or unclear" include contracts missing from Records Online, leases, license agreements, contracts with no evidence of competition, or where marked as not required. The dollar amounts for the contracts missing from Records Online are based on data in the City's financial system.

[2] The City Charter (Section 113) and Berkeley Municipal Code (2.56.040) give the City Attorney independent contracting authority for legal services contracts. The Berkeley Municipal Code does not address competition for service contracts, including legal services. Other jurisdictions, such as the City of Santa Monica, as well as California state agencies, explicitly exempt legal services from competitive process requirements.

Berkeley spent millions of dollars on non-competitive contracts when competition was likely possible.

We found that most of the City's largest active expenditure contracts had evidence of competition or of meeting the Purchasing Manual criteria for exceptions, but two non-competitive recycling contracts totaling nearly $85 million did not. Additionally, inconsistent rules may have made it difficult for staff to know when it was appropriate to waive competition. As a result, 38 percent of waivers in fiscal year 2024 did not clearly meet the criteria set in the Purchasing Manual. City Council authorized additional non-competitive contracts with community-based organizations. Furthermore, service contracts that started at or below the $50,000 formal competition threshold and were later amended increased by an average of $218,026 per contract. We did not audit individual contracts or contractors.

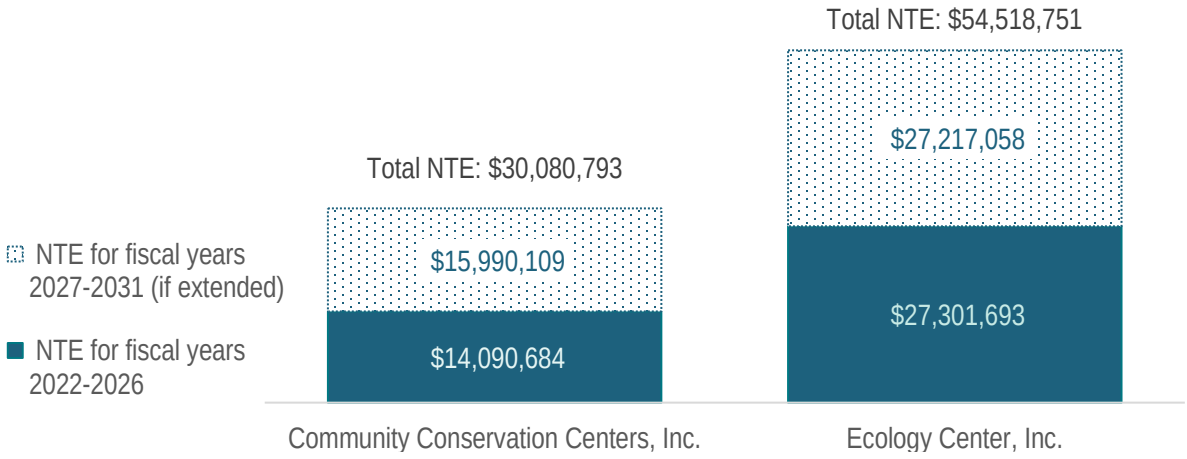
The City authorized nearly $85 million in recycling contracts over 10 years without competition.

In fiscal year 2022, Berkeley executed recycling contracts with the Ecology Center, Inc. and Community Conservation Centers, Inc. for nearly $85 million over ten years without seeking bids from other contractors. Together, the contracts have a not-to-exceed amount of $41,392,377 for fiscal years 2022 through 2026, with optional five-year extensions which would bring to total not-to-exceed amount to $84,599,544 (Figure 4). We found that most of the City's 100 largest contracts had documented evidence of competition or of meeting the Purchasing Manual criteria for exceptions, but these two recycling contracts did not.[3]

Berkeley has contracted with the Ecology Center and Community Conservation Centers for recycling services since the 1980s (Appendix 1). A review of public City records since the 1980s found no documented evidence of competition. We reviewed the authorizing Council Resolutions to understand the City's process for awarding and amending these contracts, but did not audit these individual contracts or contractors. While these contracts may offer the best value or best fit for Berkeley, it is difficult for the City to determine that without open competition among all potential contractors.

[3] We reviewed the 100 largest expenditure contracts in the City's financial system. We found that 22 were likely expired because they had an expiration date before June 30, 2025 in the City's financial system. The remaining 78 contracts also included one legal services contract, one lease, and one settlement agreement that fell outside the City's standard expenditure contract process.

Figure 4: The recycling contracts will have a total not-to-exceed (NTE) of nearly $85 million dollars if the City takes the optional five-year extensions.



Source: Auditor analysis of current recycling contracts

Note: NTE stands for "not-to-exceed." City Council authorizes the City to spend up to that amount on the contract. We did not assess how much the City has spent on each contract.

Prior to authorizing these non-competitive contracts, there were proposals to pursue competition for the City's recycling services. In 2011, an outside consultant recommended that the City issue an RFP for the recycling materials processing operations performed by Community Conservation Centers, and end the contract with the Ecology Center to have the City take over recycling pick-up. The Zero Waste Commission disagreed with the report's recommendations citing incomplete and missing information and cost-benefit analyses, and a lack of an adequate and inclusive process. In 2020, Public Works staff requested that City Council authorize an RFP for the recycling processing operations done by Community Conservation Centers, but City Council voted to remove it from the list of proposed RFPs. According to Public Works staff reports to Council in 2021, third-party reviews found both contractors' costs reasonable when compared to surrounding communities. The report also stated that both contractors received mostly "satisfied" or "very satisfied" responses to a third-party customer satisfaction survey. Ultimately in 2021, City Council voted to authorize new sole source contracts with both contractors without issuing RFPs.

Although pursuing competition is an established best practice, neither the City Charter nor the Berkeley Municipal Code explicitly required service contracts like these recycling contracts to be competitive (Table 2). The City Charter required purchases of supplies, equipment, and materials above a dollar amount set by the Municipal Code to be awarded to the lowest responsive bidder. It also required City Council to authorize these purchases. The language in the corresponding Municipal Code section only discusses the thresholds for Council approval.

The Purchasing Manual states service contracts above $50,000 must go through formal competition. However, this policy was not included in the City Charter and Berkeley Municipal Code. In other jurisdictions like Oakland and San Francisco, city codes explicitly require competition for service contracts with some exceptions. During the audit, Berkeley's Purchasing Manual also said only City Council can waive competition for contracts over the Council approval threshold. However, there was no guidance on how City Council should decide and document these decisions.

Table 2: Neither the City Charter nor the Berkeley Municipal Code explicitly requires service contracts to be competitive.

City Charter	Berkeley Municipal Code
Discusses purchases of **supplies, equipment or materials** above BMC threshold but does not specifically require competition for service contracts.	Sets thresholds for Council Approval, but does not discuss competition: • Public Projects and Facility Improvements - $200,000 • Supplies, Equipment and Materials - $100,000 • Other Expenditures, which includes services - $50,000

Source: Berkeley City Charter, Article XI and Berkeley Municipal Code 7.18

It may be reasonable for City Council to waive competition in unique circumstances, but the lack of clear standards allows large contracts to be awarded without competition when they could have been opened to competition. Overusing non-competitive contracts may make it difficult to assess if the City is getting the best value or best fit for goods and services. Berkeley may also be perceived as operating on favoritism.

City management approved some waivers that did not meet the Purchasing Manual criteria.

Thirty-eight percent of waivers City management approved in fiscal year 2024 did not clearly meet the criteria set in the Purchasing Manual at the time, meaning the City could likely have pursued competition under the current policy. For example, Human Resources used six waivers in a month and half, including three for classification and compensation studies. There may have been an urgent need for these services, but the form did not document that this was an emergency. By requesting three waivers for the same service from three different contractors, this indicated that it would have been feasible to request quotes from at least three contractors (Table 3).

In another example, a waiver for drug and alcohol testing cited immediate need because the previous contract had already been expired over two years. However, the long timeframe

indicates that it was not an emergency. The waiver form even states that the lack of advanced planning does not constitute an immediate need.

Finally, a department requested a waiver for legislative services because the contractor previously worked effectively with the City and had knowledge of the region and the City's lobbying. However, the rationale did not explain why another firm would be unable to provide the same or better services. The General Services Manager at the time noted on the waiver that the department should consider competing soon.

There were also many cases when the rationale for waivers did meet the Purchasing Manual's criteria, according to our assessment. For example, the City's labor contracts require the City to provide staff memberships to the YMCA, therefore the City must contract with the YMCA specifically.

We also found cases when departments unnecessarily completed and attached the waiver of competitive solicitation. In several cases, contract packets included both waivers of competition and City Council approval of the sole-source negotiations of contracts. In another example, a department had already done informal competition. In this case, General Services staff explained that the department already had the necessary documentation and did not need to complete a waiver, creating additional work and confusion.

Table 3: Many waivers met the Purchasing Manual criteria, but 38 percent did not.

Examples that Likely Met the Purchasing Manual Criteria

Purchase	Department Rationale	Why Likely Eligible
Hazardous Vegetation Treatments & Removal	The previous RFP only resulted in one response. The City needed three vendors, so awarded two additional single source contracts while preparing a new RFP.	**Competition inadequate:** The RFP did not attract sufficient interest. The City needed to continue the work while taking steps to attract more responses.
Transfer Station Rain/Stream Gauge	The City needs equipment in place at the transfer station within three months to comply with a legal mandate.	**Emergency:** The City had a limited time to make the purchase before facing legal consequences.
Employee Fitness Memberships	Labor contracts require the City to provide staff memberships to the YMCA.	**One viable source**: There was only one source the City could provide the fitness memberships that complied with the labor contracts.

Examples that Likely Did NOT Meet the Purchasing Manual Criteria

Purchase	Department Rationale	Why Likely Ineligible
Classification & Compensation Studies	Human Resources had six waivers in a month and half, including three for classification and compensation studies. All cited a “dire situation” and the fact that “an informal or formal RFP process would be further detrimental” to addressing the situation.	There may have been an urgent need for these services, but there was no documented evidence that it was an emergency. By requesting three waivers for the same service from three vendors, they indicate that it would have been feasible to request quotes from at least three vendors.
Drug & Alcohol Testing Services	The previous contract expired over two years earlier. Publicly competing these services would create a gap in services and negatively impact multiple operational processes.	Since the contract had already been expired for two years, the long timeframe indicates it was not an emergency.
Tailored Legislative Funding & Advocacy Strategy	The vendor has previously worked effectively with the City and has knowledge of the region and the City’s lobbying.	This does not explain why another firm would not be able to provide these services. Familiarity is not a sufficient reason for a sole source contract and can be seen as favoritism. Additionally, the General Services Manager noted on the waiver, "Consider competing in near future.”

Source: Auditor analysis of contracts with waivers of competitive solicitation in fiscal year 2024 from Records Online

A potential cause of the inconsistent use of waivers is the fact that, during the audit period, the City's Purchasing Manual and waiver of competition form had different criteria for when waivers are justified (Table 4). For example, the waiver form had categories for "specialized service" and "immediate need," which were different than the categories specified in the Purchasing Manual. As a result, inconsistent criteria may have made it difficult for staff to understand when it is appropriate to use a waiver of competitive solicitation. According to the Procurement Excellence Network, document consistency can reduce review time.

Table 4: The categories on the form staff use to request approval for a waiver did not match the criteria in the Purchasing Manual.

Purchasing Manual	Waiver of Competition Form
Sole or single source procurement, or non-competitive solicitation, may only be used following informal or formal solicitation when: • Only one viable source is found for the needed product or service; • Competition is found to be inadequate; or • There is an emergency and it is impractical for the City to seek competitive bids.	Explanation must clearly state why this exception meets the required criteria. • Service is very specialized; • This product or service can only be provided by this contractor (sole source); • This service and/or product must be provided immediately; or • Other category. *Note: The lack of advanced planning does not constitute an immediate need.*

Source: Berkeley's Purchasing Manual and Waiver of Competitive Solicitation form as of the end of fiscal year 2024

City Council authorized additional non-competitive contracts for community-based organizations.

Beyond waivers of competition approved by the City Manager, City Council also authorized non-competitive contracts for community-based organizations through a separate process. In fiscal year 2024, we found three instances where City Council awarded new contracts totaling $417,400 to community-based organizations through budget referrals without any competition. According to an April 2025 Council item for Resolution 71,719, community-based organizations seeking one-time financial assistance have historically appealed directly to councilmembers to sponsor a budget referral outside of the City's established procurement process. While it is appropriate for the City to contract with community-based organizations, it is important that the process is open and transparent for all community-based organizations and does not privilege certain organizations above others who may be equally or more deserving of financial support. To help address this issue, City Council passed a resolution to establish a more open

and transparent application process for community-based organizations to apply for emergency funding.

To promote fair and transparent procurement, it is important that decisions about contracts meet ethical standards to prevent conflicts of interest, but Berkeley's process to do that was limited. Berkeley requires certain employees and officials to complete the Form 700 financial interest disclosure form to comply with California state law, which includes disclosure of involvement in non-profit organizations. However, the Form 700 does not collect information about other relationships that may exist, such as friendships, that may bias a decision. In Berkeley, the only contractors required to complete a Form 700 were consultants that make government decisions or act in a staff capacity that would require a Form 700 if that role was held by a City employee. Berkeley's RFP and RFQ boilerplates also required interested contractors to disclose potential conflicts of interest, but these do not apply to non-competitive contracts.

In comparison, a best practice analysis from Atlanta's Ethics Office found that requiring potential contractors, in addition to City officials and employees, to continuously disclose relationships, serves as a checks and balance system between the two groups. It also helps maintain compliance and transparency in the government procurement process. In addition to the Form 700, San Francisco requires City officers and employees to publicly disclose any personal, professional, or business relationships with anyone involved in a government decision they make.

Contracts starting below the formal competition threshold were amended by an average of $218,026 per contract without additional competition.

As of March 2025, the City had 95 active service contracts that began at or below the formal competition threshold of $50,000 but were later amended above the threshold. On average, these amendments added $218,026 in total to each contract. Since these service contracts started below $50,000, they did not require City Council approval or formal competition. The contracts then increased without meeting the requirements for competition that apply to larger dollar values. We found some contracts which originally had waivers of competitive solicitation and were later amended by large amounts. For example, one contract that started at $50,000 was amended to $737,092 over 6 years, nearly 15 times the original cost. All of the service

contract amendments over $50,000 in our sample received City Council or Board approval,[4] as required by the Finance Department. According to Finance staff, there are circumstances when contract amendments are reasonable. To comply with this, staff need clear guidance to understand when amendments are appropriate or when the contract should be re-competed.

While Berkeley's policy sets dollar thresholds for when a new contract must go through a formal competitive process, there was no documented citywide guidance for when existing contracts should be re-competed rather than amended. According to the U.S. Government Accountability Office, competitive contracts can help save taxpayers money. When Berkeley relies on existing contractors without competition, the City may lose out on the potential financial benefits of competition. In a sample of 23 amended contracts, 16 contracts (or 70 percent) lasted for over five years. According to the Director of Finance, the general rule is for most contracts to go back out to bid every five to seven years. However, this guidance was not written in the City's purchasing policy. In fact, Berkeley did not have any published guidance for staff on contract amendments. Standard guidance on when amendments are appropriate and when contracts need to be re-competed could help address confusion about the amendment process that staff shared. Clear expectations may help reduce use of amendments instead of competition.

We also identified three City Attorney contracts for legal services which grew by over 20 times their original amount, including one which started at $50,000 in 2018 and grew to $4,167,000 as of August 2025. Because the City Charter and Berkeley Municipal Code give the City Attorney the authority to enter into legal services contracts,[5] the amendments do not require City Council approval unlike other City contracts above the Council approval threshold. This different process for the City Attorney's Office does not provide the same level of public oversight and transparency compared to new contracts and contract amendments that are reviewed by City Council at public meetings.

[4] In our sample, contracts from the Library and the Rent Board received authorization from their boards rather than City Council.

[5] The City Charter (Section 113) and Berkeley Municipal Code (2.56.040) give the City Attorney independent contracting authority for legal services contracts. The Berkeley Municipal Code does not address competition for service contracts, including legal services. Other jurisdictions, such as the City of Santa Monica, as well as California state agencies, explicitly exempt legal services from competitive process requirements. We did not evaluate best practices for competition of legal services contracts.

Recommendations

1.1. To ensure Berkeley is getting the best value for recycling services, we recommend that Public Works pursue open competition on the City's recycling contracts.

1.2. To ensure large contracts have adequate competition, we recommend City Council work with City management and the City Attorney to propose updates to the Berkeley Municipal Code Chapter 7.18 to require competition for service contracts that City Council approves.

1.3. To ensure clear standards for waiving competition, we recommend that the Finance Department update the waiver of competitive solicitation form to be consistent with the Purchasing Manual.

1.4. To ensure transparency, we recommend that City management work with the Finance Department, Human Resources, and the City Attorney's office to strengthen the City's existing ethical standards, including guidance for City officials, staff, and contractors regarding disclosing personal, professional, and business relationships.

1.5. To ensure City staff have guidance on how to appropriately use amendments, we recommend that the Finance Department develop and distribute written policies and procedures on contract amendments, including when contracts are required to go back out for competition.

1.6. To increase transparency of spending on legal services contracts, we recommend that the City Attorney's Office regularly report legal services contracts and amendments to City Council.

Paper contracts, unclear guidance, and short staffing led to delays and overuse of non-competitive contracts.

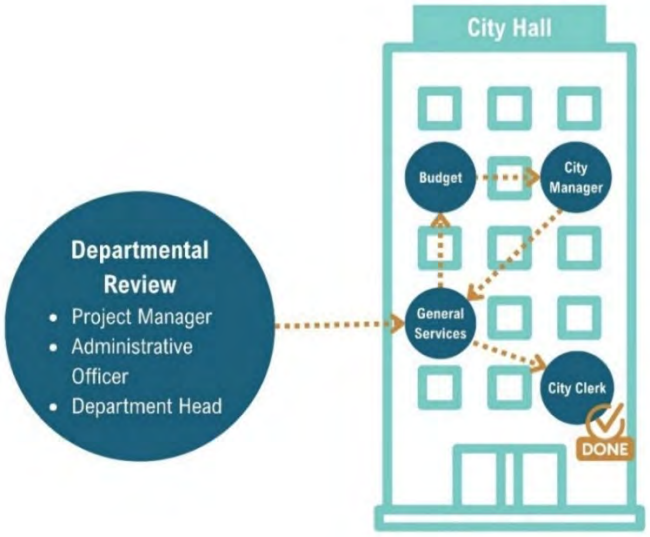
During our audit period, Berkeley used paper contracts that needed to be hand-delivered between departments, creating some delays and misplaced contracts. Lack of electronic tracking of waivers or the type of competition used for contracts made it difficult for management to analyze or monitor the use of waivers or analyze competition citywide. Additionally, the Purchasing Manual was missing key guidance, and training for staff was limited. Short staffing and turnover also made it difficult for the City to address these concerns and improve the contract process. Together, these conditions caused delays, errors, and greater reliance on non-competitive contracting to keep City services running.

Berkeley used paper contracts that need to be hand-delivered between departments.

In fiscal year 2024, most of Berkeley's contracts were still reviewed and signed on paper, meaning staff hand-delivered them to different departments for approvals (Figure 5). During the scope of our audit, Berkeley did not have a comprehensive digital contract management system. In fiscal year 2024, it took an average of 37 days between when the contract was dropped off to General Services and when it was given to the City Clerk's office, according to an internal tracking spreadsheet. Departments conducted additional levels of review prior to it arriving at General Services, meaning the entire process took even longer.[6]

[6] This does not include the City Attorney review, which is only required when not using a pre-approved contract boilerplate, according to the Purchasing Manual and review form. However, the City Attorney has said they should review all contracts.

Figure 5: Moving paper contracts throughout City Hall created opportunities for delays.



Source: Auditor analysis of contract review sheet for new expenditure contracts

Some department staff said this outdated process created delays, so they had to use the shorter non-competitive contract process to maintain City services. Some staff stated that they needed to amend a contract or use a waiver of competition for a contract that could have been competed because they needed additional time to complete the full RFP and contract review processes, especially if they were short staffed. One General Services staff member also said that many of the waivers of competition they reviewed came from a lack of planning for future contracts. However, the waiver form specifically notes that the lack of advanced planning does not constitute an immediate need. If the City continuously amends contracts instead of going out to competition, it could potentially miss out on new contractors and savings. According to the Procurement Excellence Network, streamlining the procurement process is essential to freeing up staff time to focus on improving the performance of programs and services and, in turn, results for residents.

Staff also explained that it was hard to track where a contract was in the review process. Figure 6 shows some locations where staff dropped off paper contracts throughout the routing process. Contracts awaiting signatures could sit unsigned at staff members' desks for days while they were out of the office, or could even be misplaced or lost. During our audit, General Services staff found four unsigned contract amendments for $500,000 each sitting in a box under a desk. The contracts were approved, and the department could spend the money. However, the contracts were not formally amended, so the liability terms of the contract were not finalized.

Figure 6: Staff had to deliver paper contracts between departments.



Source: Auditor photos of Finance Department and the City Clerk contract locations

Since the City's financial system did not track the contract review process, General Services staff created a separate spreadsheet to give departments some insight into where the contract was in the approval process. However, at the start of the audit period, any Berkeley staff member could edit the sheet, leading to the potential for intentional or accidental changes to the information. This has since been addressed.

While waivers of competition were available in the individual contract file, the City did not centrally track waivers overall in an electronic format nor the type of competition used for contracts, making it difficult for management to understand the use of waivers across all city departments or identify trends over time. Berkeley's current system makes it very time-consuming to conduct this analysis, especially determining how much money is spent competitively versus non-competitively. For this report, we manually reviewed hundreds of contract PDFs to assess if they were competitive or not. Regular analysis of the City's spending on purchases is important for supporting management decisions and better oversight of contractor relationships.

The City has begun to explore options for digitizing the contracts process. During our audit, Berkeley adopted DocuSign, a more efficient and trackable digital signature software for some parts of the City's contracting process, such as approving waivers of competition and extension letters. However, various General Services staff members explained that the software is not set up to effectively manage the full contract review process. Additionally, a cross-departmental team led by the City Manager's Office is looking into purchasing a digital contract management system to improve the contracting process. However, given the City's current budget limitations, they want to make sure it provides significant value to the City.

The Purchasing Manual was missing key guidance and training for staff was limited.

Berkeley's Purchasing Manual was missing sixteen of the minimum necessary parts of a procurement policy manual defined as industry best practices during the audit (Table 5). For example, Berkeley's Purchasing Manual did not have a definitions section to help ensure that all staff understand the terms referenced in the manual and how they are used in the City of Berkeley. It also did not include a process for suspending or debarring contractors who violate City law or fail to meet contract obligations.

The Purchasing Manual also had limited or conflicting guidance on key purchasing topics. Information on sole or single-source contracts was separated across three different sections and did not align with the information on the required waiver form itself, making it difficult for staff to know how to use them correctly. There was also no written guidance on amendments or extensions, in the Purchasing Manual or elsewhere, including when they should go back out to competition. There was also very limited guidance on piggybacking or cooperative agreements, which allow staff to use a competitively bid contract from another jurisdiction. Piggybacking could be a way to save staff time while ensuring the best price, but only if staff have appropriate guidance. In our analysis of fiscal year 2024 contracts, departments used different procedures for piggybacked contracts from waivers of competition to authorizing Council Resolutions to no contract at all.

Table 5: Berkeley's Purchasing Manual was missing key elements, as defined by industry best practices.

Element	Element Aspects that are Missing or Incomplete	Element Aspects that are Included
Definitions - Defines key terms	**1**	**0**
Organizational Structure - Establishes roles and responsibilities	**2**	**1**
Vendor Selection – Provides guidance for evaluating vendor proposals and developing a contract	**1**	**5**
Specifications – Provides guidance for drafting specifications to ensure maximum competition	**1**	**0**
Ethics – Includes guidelines to ensure the procurement process is fair and resolve violations to stated policy	**5**	**2**
Personnel – Outlines required qualifications and training for procurement staff	**3**	**0**
Other Initiatives – Provides guidance for procurement-related initiatives, such as prioritizing minority and women-owned businesses or local businesses	**3**	**3**
TOTAL	**16**	**11**

Source: Auditor analysis of NIGP: The Institute for Public Procurement's Principles and Practices of Public Procurement and the City of Berkeley's Purchasing Manual as of the end of fiscal year 2024.

Staff in each City department have responsibilities related to purchasing goods and services for their department, but the City did not have clear policies and procedures so that staff could easily navigate the purchasing process. In a listening session hosted by the City Manager in February 2025, some staff members representing most City departments shared that they did not understand the rules of purchasing. This confusion can end up requiring more General Services staff time to either individually walk staff through the process or correct errors once submitted. According to best practices, the Purchasing Manual should simplify, clarify, and reflect the laws governing purchasing in way that is useable for staff across the City. To fill in the gaps from the citywide Purchasing Manual, some departments have created their own manuals to support their staff.

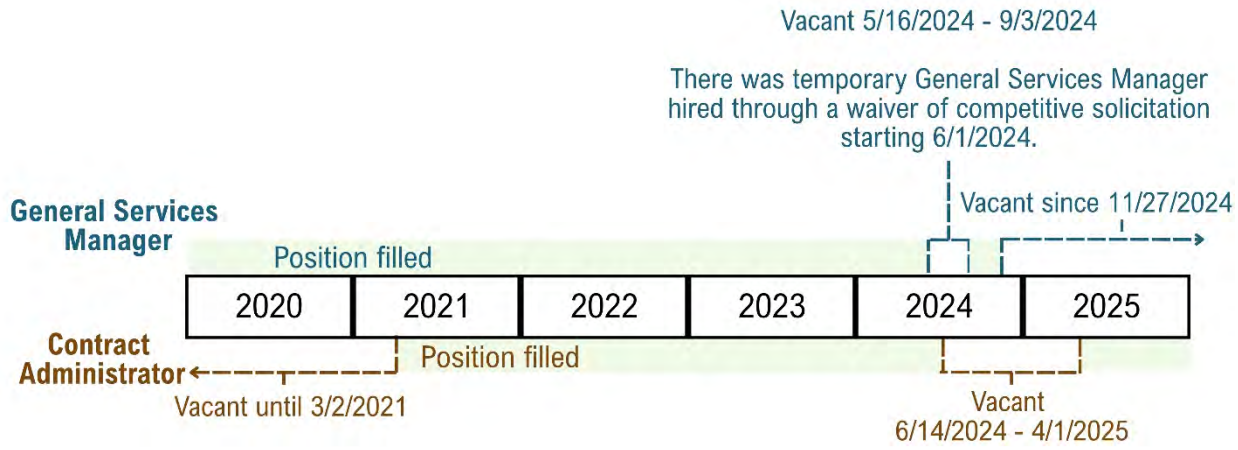
Staff also shared that there were few training opportunities or resources for department staff to learn about the contract process. In addition to a clear Purchasing Manual, it is important that all staff with a role in procurement have a clear and consistent understanding of the rules. Prior to May 2025, contract training was inconsistent. However, between May and July 2025, the Finance Department conducted five contract trainings. The Procurement Excellence Network recommends continuous training and coaching of staff on procurement best practices. Having

clear, documented policies and procedures also increases consistent application of purchasing rules during times of transition or understaffing.

Short staffing and turnover made it more difficult to improve the contract process.

The General Services Division has had repeated vacancies in key positions in the past five years making it difficult to improve the contract process. The General Services Manager position leading the division has been vacant since November 2024 (Figure 7). The Director of Finance is primarily acting in that role after the previous General Services Manager left the City after less than three months. Previously, the Finance Department used a waiver of competition to contract a consultant to cover the position while they hired a full-time staff member. Another key position, the Contract Administrator, was vacant for almost a year until April 2025, and for substantial time prior to 2021. Government finance departments across the country have also struggled to fill purchasing positions. According to a 2022 report from the Government Finance Officers Association, procurement clerks, buyers and purchasing agents are in high demand and have a high ratio of job postings per filled positions. Positions with a relatively higher ratio will take longer to fill since competition for candidates is higher.

Figure 7: Key General Services positions have been repeatedly vacant, especially in the last two years.



Source: Finance Department and auditor review of employee data

These Finance Department vacancies strained General Services staff capacity, and they reported taking on the work of these vacant positions in addition to their own responsibilities. The turnover and understaffing made it difficult for General Services staff to review and provide substantive feedback on contract documents, and delayed contracts during our audit period,

according to staff. Overworked staff may also not be able to appropriately prioritize procurements and focus resources on the highest risk purchases, including non-competitive contracts. Short staffing and turnover made it difficult for the division to make changes to improve the contracting process that could limit non-competitive contracts, such as implementing additional training and updating manuals.

Limited General Services staff capacity also means that while the City has started to collect contractor demographic information, they have not had the capacity to complete a formal analysis of this data. City leadership has not determined responsibility for managing demographic data from potential contractors to facilitate data analytics. The analysis could inform changes to the City's policy to promote fairness and increased competition.

Recommendations

2.1. To increase efficiency and accountability in the contract process, we recommend that City management work with the Finance Department to adopt a comprehensive and integrated electronic contract management system, as funds are available.

2.2. To more easily assess the use of non-competitive contracts, we recommend that the Finance Department track what type of competition is used for each contract and maintain documentation in an accessible format as part of the new contract management system.

2.3. To ensure consistent application of standards, we recommend the Finance Department update the Purchasing Manual and any additional guidance documents for staff to include complete sections on key topics such as amendments, piggybacking, ethics, and suspension or debarment of contractors who engage in misconduct.

2.4. To ensure clarity in the primary guidance on purchasing for all City staff and consistent application of standards, we recommend the Finance Department work with the City Attorney and City management to update the Purchasing Manual with a table of contents, clear definitions, and consistent language and standards across the Purchasing Manual and related forms, boilerplates, templates, and other additional guidance documents.

2.5. To ensure that City staff know how to use the contracting process correctly and efficiently, we recommend that the Finance Department offer and publicize a regular procurement training program for staff from other departments.

2.6. To ensure adequate resource support for City contracts, we recommend that City management assess Finance Department staff positions needed to provide oversight and prioritize filling these positions when possible.

2.7. To ensure the City makes progress towards promoting fairness in contracts, we recommend that City management formally assign responsibility for managing the demographic data from potential contractors to facilitate data analytics and implementing prior recommendations related to contractor outreach and the contracting process.

Management Response

We provided a draft of this report to the City Manager, the Finance Department, and the City Attorney for review and comment. City management agreed or partially agreed with our findings, conclusions, and recommendations. We generally expect the City to implement audit recommendations within two years of report issuance. City management provided the implementation dates and corrective action plan below. We will be conducting our standard recommendation follow-up process after the audit is issued. We have not yet confirmed to what extent any recommendations may have been implemented prior to the audit release date.

Recommendation 1.1: To ensure Berkeley is getting the best value for recycling services, we recommend that Public Works pursue open competition on the City's recycling contracts.

Management Response: Agree

Implementation Date: To be determined

Corrective Action Plan: Will assess and develop timeframe for 2026

Recommendation 1.2: To ensure large contracts have adequate competition, we recommend City Council work with City management and the City Attorney to propose updates to the Berkeley Municipal Code Chapter 7.18 to require competition for service contracts that City Council approves.

Management Response: To be determined

Implementation Date: To be determined

Corrective Action Plan: To be determined

Recommendation 1.3: To ensure clear standards for waiving competition, we recommend that the Finance Department update the waiver of competitive solicitation form to be consistent with the Purchasing Manual.

Management Response: Agree, this was completed in November 2025

Implementation Date: November 2025

Corrective Action Plan: The language in both the Competitive Solicitation Waiver form and the Purchasing Manual has been updated to be consistent.

Recommendation 1.4: To ensure transparency, we recommend that City management work with the Finance Department, Human Resources, and the City Attorney's office to strengthen the City's existing ethical standards, including guidance for City officials, staff, and contractors regarding disclosing personal, professional, and business relationships.

Management Response: Partially agree

Implementation Date: To be determined

Corrective Action Plan: Will incorporate into guidance for staff. Will work on solutions for contractor disclosures but need to determine how best to incorporate given potential enforcement challenges.

Recommendation 1.5: To ensure City staff have guidance on how to appropriately use amendments, we recommend that the Finance Department develop and distribute written policies and procedures on contract amendments, including when contracts are required to go back out for competition.

Management Response: Agree

Implementation Date: November 2025

Corrective Action Plan: This information is in the updated purchasing manual and the contract training class.

Recommendation 1.6: To increase transparency of spending on legal services contracts, we recommend that the City Attorney's Office regularly report legal services contracts and amendments to City Council.

Management Response: Agree

Implementation Date: April 30, 2026

Corrective Action Plan: The City Attorney's Office will report new legal services contracts and amendments to the City Council on an annual basis beginning with contracts entered into Q1 2026. The reports will not include any confidential or attorney-client privileged information.

Recommendation 2.1: To increase efficiency and accountability in the contract process, we recommend that City management work with the Finance Department to adopt a comprehensive and integrated electronic contract management system, as funds are available.

Management Response: Agree

Implementation Date: Partially implemented July 2025

Corrective Action Plan: Several departments have implemented Docusign for the full contract routing process (about 65% of city contracts). Citywide, Docusign has been adopted for all extension letters and waivers. There are budget and resource constraints to purchasing software that would integrate with the City's current financial system. However, a multi departmental work group has been working for several months on bringing electronic contracts management system recommendations to the City Manager for a new system.

Recommendation 2.2: To more easily assess the use of non-competitive contracts, we recommend that the Finance Department track what type of competition is used for each contract and maintain documentation in an accessible format as part of the new contract management system.

Management Response: Partially Agree

Implementation Date: July 2025

Corrective Action Plan: By implementing Docusign for all waivers, the process itself has all the necessary information to track quantity, date, and all approvals. This solution will not add additional steps, time or expense which is helpful given limited resources and financial constraints. We continue to assess for use in potential new systems.

Recommendation 2.3: To ensure consistent application of standards, we recommend the Finance Department update the Purchasing Manual and any additional guidance documents for staff to include complete sections on key topics such as amendments, piggybacking, ethics, and suspension or debarment of contractors who engage in misconduct.

Management Response: Agree

Implementation Date: November 2025

Corrective Action Plan: The updates have been made.

Recommendation 2.4: To ensure clarity in the primary guidance on purchasing for all City staff and consistent application of standards, we recommend the Finance Department work with the City Attorney and City management to update the Purchasing Manual with a table of contents, clear definitions, and consistent language and standards across the Purchasing Manual and related forms, boilerplates, templates, and other additional guidance documents.

Management Response: Agree

Implementation Date: Partially implemented

Corrective Action Plan: Ongoing process to improve guidelines and process flows.

Recommendation 2.5: To ensure that City staff know how to use the contracting process correctly and efficiently, we recommend that the Finance Department offer and publicize a regular procurement training program for staff from other departments.

Management Response: Agree

Implementation Date: May 2025

Corrective Action Plan: We have already had several sessions of Contract Training classes and will continue them in 2026.

Recommendation 2.6: To ensure adequate resource support for City contracts, we recommend that City management assess Finance Department staff positions needed to provide oversight and prioritize filling these positions when possible.

Management Response: Agree

Implementation Date: In process

Corrective Action Plan: All vacancies in the Finance Department are in the process of being filled including the General Services Manager and Buyer.

Recommendation 2.7: To ensure the City makes progress towards promoting fairness in contracts, we recommend that City management formally assign responsibility for managing the demographic data from potential contractors to facilitate data analytics and implementing prior recommendations related to contractor outreach and the contracting process.

Management Response: Agree

Implementation Date: September 24, 2025

Corrective Action Plan: This was assigned to the DEI Officer.

Methodology and Compliance

To gain an understanding of General Services operations and internal controls, and to achieve our audit objectives, we used the following methodology:

- We reviewed the City Charter, Berkeley Municipal Code, Purchasing Manual, other internal policies and procedures, review forms, and past reports and audits. We also attended one of the contract training sessions offered by the Finance Department.
- We compared Berkeley's practices against published best practices and guidance from organizations such as NIGP: The Institute for Public Procurement, the Procurement Excellence Network, and the U.S. Government Accountability Office. We also reviewed related audits from other jurisdictions and spoke with the auditors.
- We interviewed a range of stakeholders to understand how the contract process works both within General Services and from the perspective of other departments. This included General Services staff and staff from six other city departments regularly involved in the contracts process

Our scope focused on two datasets from the City's financial system: (1) all expenditure contracts marked as posted in the City's financial system as of March 6, 2025 and (2) expenditure contracts executed in fiscal year 2024. Since the City's largest contracts often last years, they likely would not have been captured in our dataset of contracts executed in fiscal year 2024, even though these contracts were active in this year. Therefore, we also reviewed 100 of the City's largest expenditure contracts in the City's financial system. We found that 22 were likely expired because they had an expiration date in the City's financial system before June 30, 2025. We did not verify if there were cases when the contracts were extended, but the expiration date in the City's financial system had not been updated. We included only the remaining 78 active contracts in our analysis. Additionally, we identified the largest contracts based on the revised total in the City's financial system. It is possible the not-to-exceed written in some contracts was greater than what was listed in the financial system depending on variations in how the amount is entered, such as entering only one year's worth of funds at a time for a multi-year contract. We did not include purchase orders in our definition of contracts.

We performed a risk assessment of the City's contract practices and procedures to identify potential internal control weaknesses, including fraud risks, within the context of our audit objectives. This included a review of selected policies and procedures, as well as interviews with internal staff.

The City's financial system does not indicate the type of competition the City used for each contract. Therefore, we used the publicly available contract information in Records Online to determine the competition for all expenditure contracts executed in fiscal year 2024 and the 100 largest active contracts. We reviewed the contract packet for each contract to assess if it was competitive or not, as well as to ensure consistency in contract information between the City's financial system and the contract itself. We validated the determination of the non-competitive contracts with the responsible department. We did not assess the effectiveness of the competition – i.e., if they received multiple bids – only if the department reported using competition.

We did additional testing of a subset of the contracts identified above. For example, among the contracts from fiscal year 2024 that used waivers of competitive solicitation, we also assessed if they met the Purchasing Manual criteria for waivers. We also analyzed the active service contracts that began at or below $50,000 and were later amended above that threshold. We tested a sample of 25 contracts amended under the City Manager, as well as five additional amended City Attorney contracts, for competition and compliance with policy requirements for review and approval. We also reviewed the Contracts Log spreadsheet managed by the General Services team. For specific contracts, we also reviewed additional documentation from Council Resolutions, Council Items and other documentation.

Data Reliability

We assessed the reliability of the City's financial system and Records Online data by reviewing it for reasonableness and completeness. We also interviewed staff responsible for managing the systems and inputting the data. We were also able to validate the information across the two systems to ensure the data matched. We identified a few instances of incomplete data, however, we determined that the data is sufficiently reliable to address the audit objectives.

Independence

According to Article XI of the Berkeley Charter, the City Auditor is responsible for countersigning, numbering and registering all contracts for the City of Berkeley. Given updates in technology, in recent years, this responsibility involved no actual oversight as contracts were already executed by the time they reached the City Auditor's office. The City Auditor's Office assigned the executed contract a number and recorded it. The City Auditor's Office did not have a role in reviewing or approving contracts, or ensuring that contracts followed City policy.

In November 2018, the City began using the ERMA financial system, which automatically numbered all contracts. To reduce redundant steps, the City Auditor officially designated responsibility to countersign contracts as registrant to the Finance Department. In 2024, the City updated the Berkeley Municipal Code (2.24.050.C) to reflect this change.

To reduce the threat to our independence, we limited our work by excluding areas overseen by our office.

Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix 1: Timelines of the City's Recycling Contracts

Figure 8 and Figure 9 show the history of the City's contracts with the Ecology Center and Community Conservation based on review of authorizing Council Resolutions and other related documents. We reviewed the authorizing Council Resolutions to understand the City's process for awarding and amending these contracts, but we did not audit these individual contracts or contractors.

Figure 8: Berkeley has contracted with the Ecology Center since the 1980s.

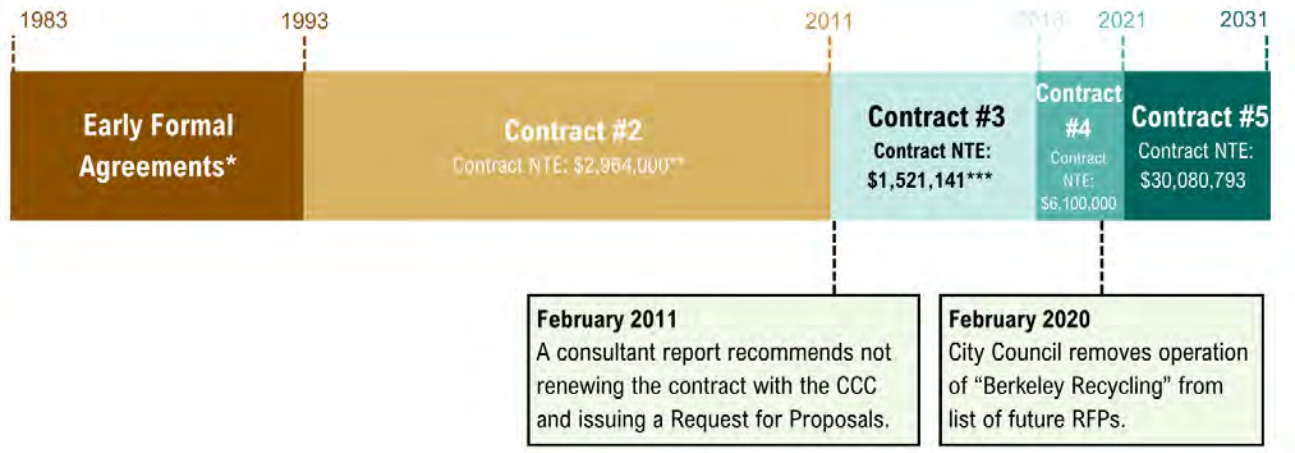


Source: Auditor analysis of Council Resolutions and contract documents on Records Online

*The resolutions authorizing the early contracts and amendments did not include dollar amounts, so we were unable to assess the not-to-exceed amount for these contracts.

Note: NTE stands for "not-to-exceed." City Council authorizes the City to spend up to that amount on the contract. We did not assess whether the City spent the full amount on each contract.

Figure 9: Berkeley has contracted with Community Conservation Centers (CCC) since the 1980s.



Source: Auditor analysis of Council Resolutions and contract documents on Records Online

*The resolutions authorizing the early contracts and amendments did not include dollar amounts, so we were unable to assess the not-to-exceed (NTE) amount for these contracts.

**We were unable to calculate the contract NTE prior to 2005 due to inconsistent reporting and documentation.

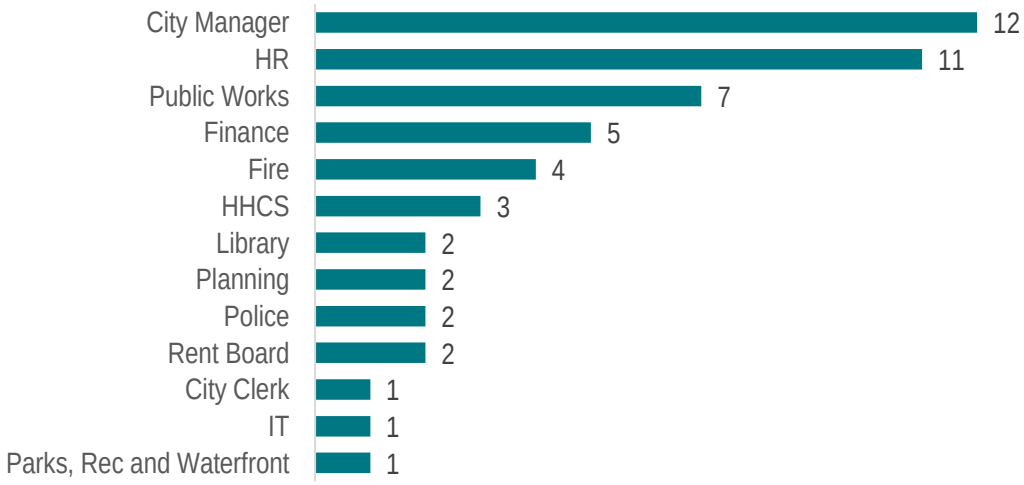
***This is an underestimate of the total cost of this contract, as the original not-to-exceed was the total gross receipts resulting from the sale of the City's recyclable materials minus 7.5 percent of those gross receipts which was to be paid to the City annually. Later amendments added additional one-time payments which account for the reported NTE. We did not analyze or calculate the total gross receipts for this report.

Note: City Council authorizes the City to spend up to that amount on the contract. We did not assess whether the City spent the full amount on each contract.

Appendix 2: Contracts with Waivers Executed in Fiscal Year 2024

Figure 10 shows the total number of contracts executed in fiscal year 2024 that used a waiver of competition, broken down by department.

Figure 10: Number of non-competitive contracts executed via waiver in fiscal year 2024 by department.



Source: The City's financial system and auditor assessment of contracts in Records Online

Appendix 3: Largest Active Non-Competitive Contracts

In Table 6, the term "active" refers to the contract's status in the City's financial system. The contractor and description also come from the City's financial system. The contract length in years is based on the expiration date in the City's financial system as of September 29, 2025. The total contract amount is based on the contract itself and any subsequent amendments as of September 29, 2025.

Table 6: List of non-competitive contracts among the City's 100 largest active contracts, largest to smallest

Contractor	Description	Total Contract Length (in years)	Total Contract Amount	Met PM Criteria?
ECOLOGY CENTER, INC	RESIDENTIAL RECYCLING COLLECTION SERVICES	5	$54,518,752	NO
COMMUNITY CONSERVATION CENTER, INC	RESIDENTIAL & COMMERCIAL REYCYCLING OPERATIONS	5	$30,080,783	NO
BAY AREA COMMUNITY SERVICES	PATHWAY STAIR CENTER	8	$15,168,616	YES
EVICTION DEFENSE CENTER	HOUSING RETENTION PROGRAM	5	$8,294,683	YES
BERKELEY CONVENTION & VISITOR	TOURISM BSNSS IMPROV DIST MKTG SVCS	8	$7,966,000	YES
TELEGRAPH PROPERTY & BUSINESS	TELEGRAPH BUS. IMPROVE DIST.	10	$7,410,024	YES
INSIGHT HOUSING	INTERM HOUSING AT SUPER 8 MOTEL	5	$7,295,634	YES
DOWNTOWN BERKELEY ASSOCIATION	PROPERTY BASE BID ASSESSMENT (DPBID)	5	$7,285,257	YES
EBMUD	EBMUD PW SEWER BILLING SERVICES / COLLECTIONS	10	$6,100,000	YES
MOTOROLA SOLUTIONS INC	MUNICIPAL LEASE - RADIO & EQUIPMENT LEASE	7	$5,818,116	YES

Contractor	Description	Total Contract Length (in years)	Total Contract Amount	Met PM Criteria?
RENNE PUBLIC LAW GROUP	MISCELLANEOUS SERVICES, NO. 1 - Legal Services	7	$4,167,000	N/A*
SENTRY CONTROL SYSTEMS, INC	PARKING ACCESS & REVENUE COLL	9	$2,915,355	YES

Source: The City's financial system and auditor assessment of contracts in Records Online

* N/A indicates that we did not assess whether this contract met the Purchasing Manual criteria for competition because the City Charter (Section 113) and Berkeley Municipal Code (2.56.040) give the City Attorney independent contracting authority for legal services contracts. The Berkeley Municipal Code does not address competition for service contracts, including legal services.

Appendix 4: Active Service Contracts Amended Over the Threshold for Competition

The contracts listed in Table 7 are the top 10 active service contracts by total dollar value that began at or below the formal competition threshold of $50,000 and were later amended to increase the cost of the contracts. The term "active" refers to the contract's status in the City's financial system.

The contractor, department, description, and revised total come from the City's financial system. The original total is based on the contract posted in Records Online. The revised total includes any amendments recorded in the financial system as of March 2025.

We did not review the contract file for every contract nor determine which ones were initially competitive. This list is intended to highlight that the amendment process can lead to increases for contracts with no guidance for when competition may be needed.

Table 7: List of ten largest service contracts which began at or below $50,000 and were amended above $50,000 as of March 2025, largest to smallest

Contractor	Department	Description	Original Total	Revised Total
RENNE PUBLIC LAW GROUP	City Attorney	MISCELLANEOUS SERVICES, NO. 1 - Legal Services	$50,000	$4,167,000
BURKE, WILLIAMS & SORENSEN, LLP	City Attorney	EXTERNAL LEGAL COUNSEL	$10,000	$1,208,266
L.J. KRUSE CO	Library	BPL HVAC Building Maintenance	$16,000	$843,020
YOUTH SPIRIT ARTWORKS	Health, Housing, and Community Services	TAY CASE MANAGEMENT & LINKAGE SVCS.	$50,000	$737,092
BRISCOE IVESTER & BAZEL LLP	City Attorney	Outside Legal Counsel re: Ruegg & Ellsworth v. COB	$30,000	$725,000
CIVICMAKERS, LLC	IT	Coaching & Training Svcs	$35,000	$529,025
SLOAN SAKAI YEUNG & WONG LLP	HR	LEGAL SVCS-LABOR NEGO SUPPORT	$45,000	$484,587
MSR MECHANICAL, LLC	Public Works	ON-CALL HVAC SVCS	$50,000	$448,515
ATTHOWE FINE ART SERVICES	City Manager	As-Needed Fine Art Services	$49,950	$400,000

Contractor	Department	Description	Original Total	Revised Total
ACCUTITE ENVIROMENTAL ENGINEER	Public Works	STORAGE TANK MAINT & TESTING	$50,000	$382,496

Source: Records Online and the City's financial system

Mission Statement

Promoting transparency and accountability in Berkeley government.

Contributors

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Copies of our audit reports are available on our website.

Cover photograph by the City Auditor's Office.

BERKELEY CITY AUDITOR

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

07

CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Rashi Kesarwani (Co-Sponsor), Councilmember Cecillia Lunaparra (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)

Subject: Entertainment Zone Ordinance

RECOMMENDATION
Refer for drafting to the City Attorney an ordinance enabling entertainment zones in Berkeley:

Refer to the City Manager for the initiation of a merchant stakeholder engagement process and develop entertainment zone management plans for potential zones in the vicinity of the following locations and organizational leads:

- Downtown Downtown Business Association
- Gilman Gilman District Merchants Association
- South Side Telegraph Business Improvement District
- San Pablo University Avenue Association

POLICY COMMITTEE RECOMMENDATION
On February 11, 2026, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Tregub/O'Keefe) to send item to Council with a qualified positive recommendation to encourage staff discretion in determining additional zones for entertainment. Vote: All Ayes.

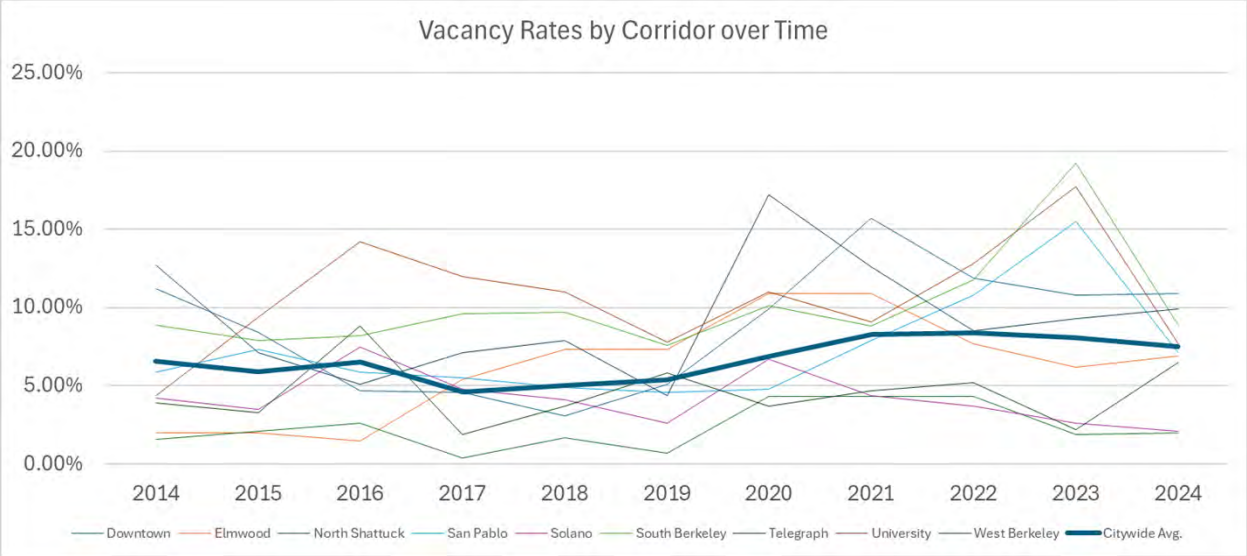
SUMMARY:
Establishing Entertainment Zones would increase foot traffic, stimulate local spending, and support community-building by enabling outdoor events and pedestrian-oriented commercial activity. Initial zones in Downtown, South Side/Telegraph, and Gilman would build on existing arts, food, and entertainment assets to help stimulate and invest in key commercial corridors.

FISCAL IMPACTS OF RECOMMENDATION
Ordinance Drafting and Management Plan development will require staff time over a multi-month period. Drafting and development should leverage existing allocated resources. Continuing work alongside the entertainment zone leads would be covered

by related fees for events and existing allocated resources thus making the program self-funding. No additional funding is anticipated.

CURRENT SITUATION AND ITS EFFECTS

Since the 2020 pandemic we have seen far higher store front vacancies than in the years prior to the pandemic. While some corridors have seen improvements since pre-pandemic levels, the citywide average continues to lag behind even the highest of pre-pandemic levels.

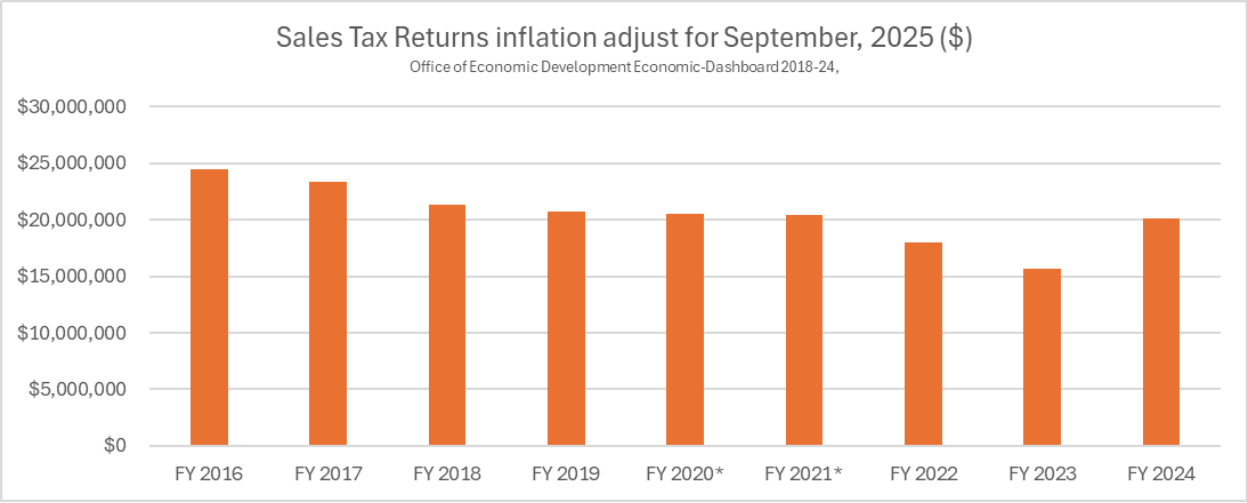


The commercial vacancy crisis has hit the entire country, the transition to online work has led many office buildings to remain low. The San Francisco Bay Area has been particularly hard with office vacancies continuing to sit above 20%[1]. These trends lead to lower overall economic activity. As workers are not moving through spaces as much, they physically pass less businesses, thus spending is down[2]. We can see this reflected in the city's real year-over-year sales tax returns. Despite an increase in July 2021, we still see waning returns particularly since the pandemic.

[1] https://www.commercialcafe.com/blog/national-office-report/

[2] Dinh, Emily, "Commercial Property Vacancies in American Cities" (2024). *University Honors Theses.* Paper 1505. https://doi.org/10.15760/honors.1537

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2



Implementing Entertainment Zones will lead to an increase in pedestrian activity. Opening businesses to pedestrian pathways leads to an increase in economic activities in those areas[3]. On top of economic growth, there is an opportunity for community development. Street closures have shown to lead to getting to know neighbours better and walking on the street being more pleasant[4].

Designated areas allow for infrastructure for street closures to exist. Support for these areas would allow the city and event planners to create permanent installations to support street events. Such as lowering bollards, street narrowing, and other accommodations.

These are the areas we are proposing to start with entertainment zones:

Downtown Entertainment Zone:

Downtown Berkeley functions as the City's primary commercial hub. It is represented by the Downtown Business Association founded in 2012 from predecessors dating back to 1989. It represents 187 property owners on the corridor[5]. The district contains a high share of arts and entertainment uses, 15.3% of all ground-floor commercial space, compared with 4.8% citywide-strengthening its role as a regional destination. The Q4

[3] Yoshimura, Yuji, et al. "Street pedestrianization in urban districts: Economic impacts in Spanish cities." *Cities*, vol. 120, 1 Jan. 2022, p. 103468, https://doi.org/10.1016/j.cities.2021.103468.
[4] Kingham, Simon, et al. "Streets for Transport and Health: The Opportunity of a temporary road closure for neighbourhood connection, activity and Wellbeing." *Journal of Transport & Health*, vol. 18, Sept. 2020, p. 100872, https://doi.org/10.1016/j.jth.2020.100872.
[5] https://www.downtownberkeley.com/about/

2024 ground floor commercial vacancy rate was 10.91%, up slightly from 10.78% in 2023 and higher than the 9.9% recorded in 2020.[6]

South Side Entertainment Zone:

South Side focuses on Telegraph making up a large amount of the city's student population and businesses targeted towards the student demographic. The corridor has the city's highest percentage of food & Beverage at 32% of ground floor space. The corridor is represented by the Telegraph Businesses comprising property owners. Telegraph's ground floor inventory of retail accounts for 37.2% of the business mix, slightly more than the 31.3% observed citywide. The Q4 2024 ground floor commercial vacancy rate was 9.9%, slightly higher than 2023 (9.3% but much lower than the 17.20% recorded in 2020.[6]

Gilman Entertainment Zone:

The Gilman District Entertainment Zone is focused around the series found south of Gilman along the low traffic Fourth and Fifth streets. The Gilman commercial district area is represented by the The Gilman District Merchants Association founded as a merchant's association in 2025. The area has the highest concentration of wineries in the City. Data is not currently available for the ground floor commercial vacancy rate of the neighborhood. However, with the growth of the Gilman District Street Fair and Hammerling First Fridays there is already lots of activity in street events to further invest in.[6]

San Pablo Area Entertainment Zone:

The San Pablo Area Entertainment Zone is on the road just south of University Avenue. The zone will be represented by the University Avenue Association founded in 1969. The San Pablo Area is reported as the entire street from the borders of the city, the area in question is mostly food and beverage businesses. The Q4 2024 ground commercial vacancy has seen a drop in 2024 from 15.55% in 2023 to 7.09% in 2024, this is still above the pre-pandemic level of 4.90% but a trend in the right direction. The retail sales tax has also increased in the last year, up 13% from 2023.[6]

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[6]https://berkeleyca.gov/sites/default/files/documents/Attachment2_Commercial%20District%20Dashboards_2024_Q4.pdf

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

Each Entertainment Zone will require an individual Management Plan. The Management Plan will be written by the City Manager's office and will include legal drinking age enforcement system, days and hours of operation of the entertainment zone, types of alcoholic beverages allowed, and the approved cup types.

BACKGROUND

In early American history, consumption of alcohol was common in all manner of places. Despite the perception of puritanism restricting alcohol availability, there were essentially no towns in which you could not find an establishment or home making a distributing alcohol. While early public consumption laws did exist, they were more targeted at public drunkenness not at public consumption.

In the beginning of the 20th century, the temperance movement had started. States and counties across the country adopted stricter and stricter alcohol controls from banning sales on Sunday to allowing local municipalities to go fully dry.

The 18th amendment was ratified in 1933 and created a comprehensive national prohibition on alcohol. No sales or consumption of any alcoholic drinks were allowed in any public place. This created a nationwide ban on public alcohol consumption, the first of their kind. The 21st amendment would later repeal the 18th, allowing states to regulate their alcohol consumption laws locally. Many states or locals opted to maintain prohibition operating as dry or damp counties and continue to do so to this day.

Modern open container laws became widespread after World War II. Urban renewal pushed to regulate street behaviors and reduce perceived disorder, particularly that of lower-class residents, leading to restrictions on public consumption. Vagrancy-laws failed to take hold and work arounds to target homeless people were written, such as public consumption. The rise of the automobile led to adoption of open-container-in-vehicle laws to discourage drunk driving.

California allowed its counties and municipalities to handle local open container laws while tackling age limitations at the state level. This was enforced with the California Department of Alcoholic Beverage Control (ABC) created by constitutional amendment in 1955. Major cities such as San Francisco, Los Angeles, and San Diego all enacted bans on public consumption.

In 2023 Senate Bill No. 76 was signed into law. This allowed the City and County of San Francisco to create "Entertainment Zones". These zones would be designated areas for

businesses to sell alcohol for consumption off premises. Since the bill passed, San Francisco has implemented 15 entertainment zones throughout the city.

In 2024 Senate Bill No. 969 was signed into law. This expanded the Entertainment Zone items statewide. Thus far only two additional cities have implemented them: Sacramento with two zones and Santa Monica with one. Additional cities in California have begun the process of implementing their own Entertainment Zones under SB 969 such as Oakland, San Jose, Auburn and others.

Entertainment Zones allow for alcoholic beverages to be consumed off the premises of an establishment selling them. Cities must decide the bounds of the entertainment zone by ordinance. The city must have a process or procedure to ensure people consuming alcohol within the zone are of legal drinking age. The following must be established and shared with California Department of Alcoholic Beverage Control:

1. A copy of the ordinance establishing (or modifying) the entertainment zone.
2. Information to identify the boundaries of the entertainment zone.
3. The days and hours of operation of the entertainment zone.
4. The types of alcoholic beverages permitted within the entertainment zone.
5. The approved nonglass and nonmetal containers in which alcoholic beverages may be authorized.

The Zones must include at least one business licensed to sell alcohol.
Before enacting the ordinance to create an entertainment zone, the city must notify local law enforcement and request feedback on:

1. Potential health and safety impacts of the entertainment zone
2. The entertainment zone;s boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved containers.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Concentration of events towards transit accessible locations could lower carbon output.

RATIONALE FOR RECOMMENDATION

Activating public spaces in commercial districts will streamline special events, encourage arts and cultural programming, facilitate economic cross-pollination across nightlife industries, and attract commercial tenants[7].

[7] Behmanesh, Hossein, and Andre Brown. “Improving the design and management of temporary events in public spaces by applying urban design criteria.” *Journal of Urban Management*, 5 July 2025, https://doi.org/10.1016/j.jum.2025.06.010.

ALTERNATIVE ACTIONS CONSIDERED

No Action
The Council could elect not to establish Entertainment Zones and continue to rely on authorizing temporary street closures and special events on a case-by-case basis without creating permanent Entertainment Zones. This option allows flexible targeted activation and would avoid new implementation efforts and costs. However, it requires repeated staff review, provides limited predictability for businesses and residents, and does not support long-term infrastructure investments or sustained activation of public space.

Alternative Economic Development Strategies
The Council could pursue other economic development measures. Such as business assistance programs, zoning adjustments, or corridor marketing efforts, without permitting off-premises alcohol consumption. While these strategies may contribute to commercial recovery, they do not directly address pedestrian activation, cultural programming, or nightlife-related economic cross-pollination at the scale enabled by Entertainment Zones.

CONTACT PERSON
Terry Taplin, Councilmember, District 2, (510) 981-7120

Attachments:
1: Draft Ordinance
2: Reference Map of Downtown Entertainment Zone
3: Reference Map of South Side Entertainment Zone
4: Reference Map of Gilman Entertainment Zone
5: Reference Map of San Pablo Entertainment Zone
6: San Francisco Entertainment Zone Ordinance
7: San Francisco Front Street Entertainment Zone Management Plan
8: Oakland Entertainment Zone Ordinance

DRAFT CITY OF BERKELEY ENTERTAINMENT ZONE ORDINANCE

I. BMC 13.45.010 – Definitions
   A. The following definitions apply in this chapter:
      1. "ABC" means the California Department of Alcoholic Beverage Control.
      2. "Alcoholic beverage" has the same meaning as in California Business and Professions Code section 23004.
      3. "City manager" means the city manager or designee.
      4. "Entertainment zone" has the same meaning as in California Business and Professions Code section 23039.5.
      5. "Entertainment zone event" means a street event during which the consumption of one or more types of alcoholic beverages is authorized on public streets, sidewalks, or public rights-of-way within the boundaries of an entertainment zone established in accordance with this chapter.
      6. "Entertainment Zone Activation Plan" means a plan approved by the city manager for the management and regulation of the entertainment zone and during permitted special events.
      7. "Open container" means any bottle, can, glass, jug, box, or other receptacle that is open or has been opened and contains any alcoholic beverage.

II. BMC 13.45.020 - Entertainment zone controls
   A. No person shall conduct an entertainment zone event without obtaining a street event permit issued pursuant to chapter 13.44.
   B. The issuance of a street event permit for an entertainment zone event does not excuse a person selling alcoholic beverages from complying with all applicable state and local laws and regulations, including the following:
      1. ABC license and permitting requirements;
      2. California Business and Professions Code sections 23357, 23358, and 23396;
      3. All other laws governing the sale and consumption of alcoholic beverages;
      4. Chapter 13.44;
      5. Any conditions attached by the City Manager or designee upon issuance of a street event permit.
   C. A person may possess an open container and consume an alcoholic beverage on any public street, sidewalk, or public right-of-way within an

entertainment zone during an entertainment zone event if the open container or alcoholic beverage was purchased from either:

1. A premises that is authorized to permit consumers to leave the premises with open containers for consumption off the premises within an entertainment zone, pursuant to California Business and Professions Code section 23357, 23358, or 23396; or
2. A person that is authorized by an ABC permit or license to sell alcoholic beverages within the entertainment zone.

III. BMC 13.45.030 - Implementation

A. The city manager has the authority to issue administrative policies for the implementation of this chapter.

B. The city manager shall not issue a street event permit authorizing an entertainment zone event in an entertainment zone before doing the following:

1. Issuing an entertainment zone activation plan that:
    a. Establishes a process or procedure to readily identify individuals in possession of alcoholic beverages within the entertainment zone as being 21 years of age or older;
    b. Requires any person seeking a street event permit for an entertainment zone event to comply with the applicable insurance requirements, rules, and regulations; and
    c. Imposes requirements not otherwise imposed by state or local law, including additional requirements for permissible beverage containers, additional restrictions on the hours of operation for entertainment zone events, and other restrictions on time, place, and manner.
2. Transmitting a copy of this plan to ABC.
3. In consultation with the City Manager's Office and the Police Department, providing the following information to ABC, pursuant to California Business and Professions Code section 25690, subdivision (b):
    a. A copy of the ordinance establishing or modifying the entertainment zone;
    b. Information necessary to identify the boundaries of the entertainment zone;
    c. The days and hours of operation of the entertainment zone;
    d. The types of alcoholic beverages allowed within the entertainment zone; and
    e. The approved non-glass and non-metal containers in which alcoholic beverages may be possessed within the entertainment zone.

C. Any holder of an ABC license or permit that wishes to allow customers to leave the premises with open containers for consumption off the premises during an entertainment zone event shall provide the city manager with a copy of the notice required under California Business and Professions Code sections 23357, 23358, or 23396, as applicable. The notice shall be provided to the city manager at the same time the notice is provided to ABC.

IV. BMC 13.45.040 – Entertainment Zone Locations

A. Pursuant to California Business and Professions Code sections 23039.5 and 25690, the City Council hereby establishes the following entertainment zones, which include adjacent sidewalks, and adjacent premises specified in section 13.45.020.B.1.

1. Downtown Arts District Entertainment Zone. All public streets, sidewalks, and public rights-of-way on: Addison Street from the center of the right-of-way line of Milvia Street to the eastern right-of-way line of Shattuck Avenue; Shattuck Avenue from the center of the right of-way of University Avenue to the southern right-of-way line of Addison Street; Eastern side of Milvia Street from the center of right-of-way of University Avenue to the southern right-of-way of Addison Street; and Southern side of University Avenue from center of the right-of-way on Milvia to eastern right-of-way line of Shattuck Avenue.
2. Gilman District Entertainment Zone. Camelia Street from the eastern right-of-way line of Fifth Street to the eastern right-of-way line of the UPRR right-of-way; Fifth Street from the southern right-of-way line of Camelia Street to the southern right-of-way line of Gilman Street; and Fourth Street from the southern right-of-way line of Page Street to the southern right-of-way line of Gilman Street.
3. Southside Entertainment Zone. Durant Avenue from the eastern right-of-way line of Sather Lane to a delineated line of the eastern edge of Assessor's Parcel Number 55-1872-14; and Telegraph Avenue from the northern right-of-way line of Durant Avenue to the northern right-of-way line of Channing Way.
4. San Pablo Area Entertainment Zone. San Pablo Avenue from the southern right-of-way line of University Avenue to the northern right-of-way line of Cowper Street.

V. BMC 13.45.050 Hours of an entertainment zone event

An entertainment zone event may only occur between the hours of 10:00 a.m. and 11:59 p.m., subject to any additional limitations imposed by any of the following:

A. ABC permit or license;

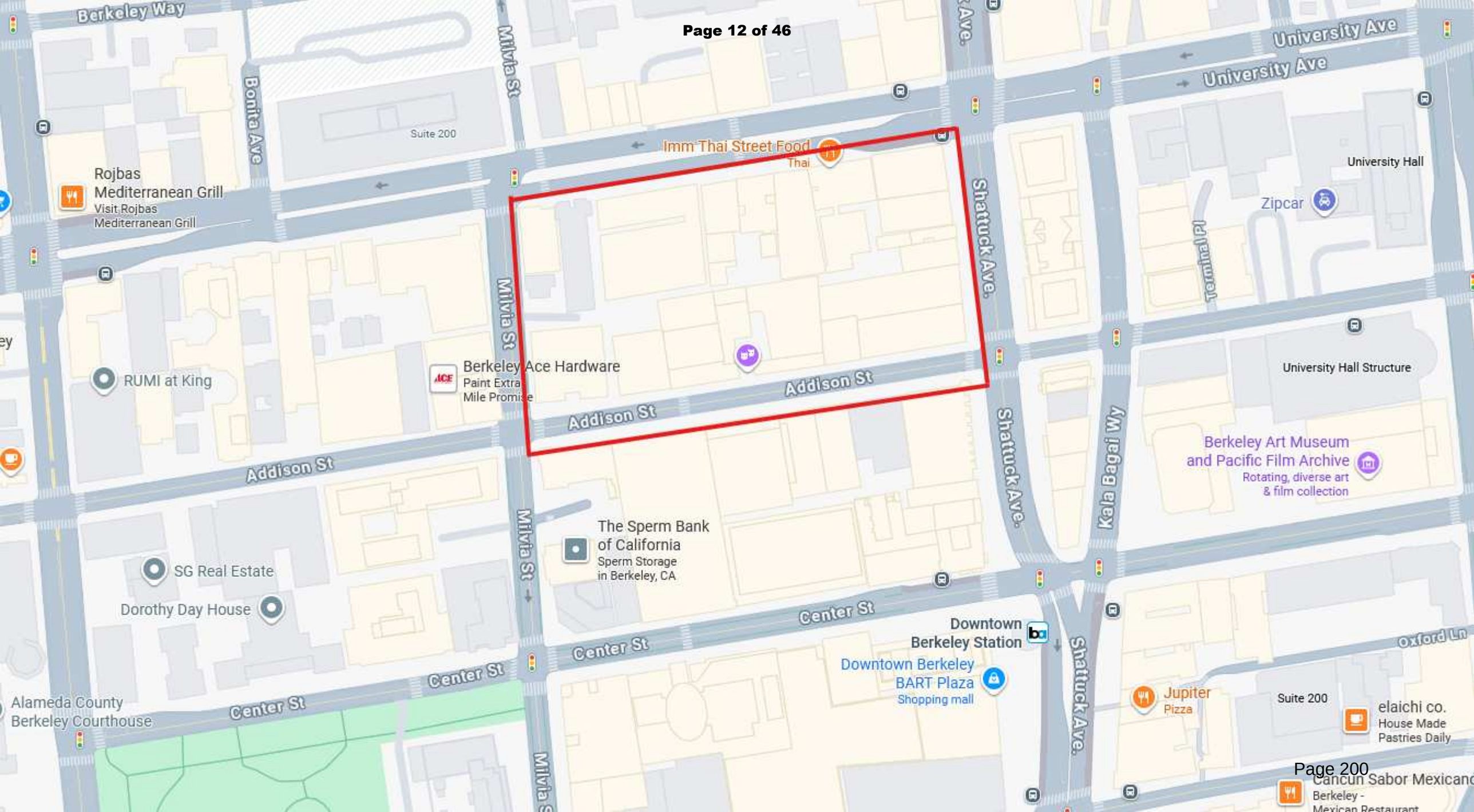
B. The entertainment zone activation plan; or
C. The street event permit for the entertainment zone event.

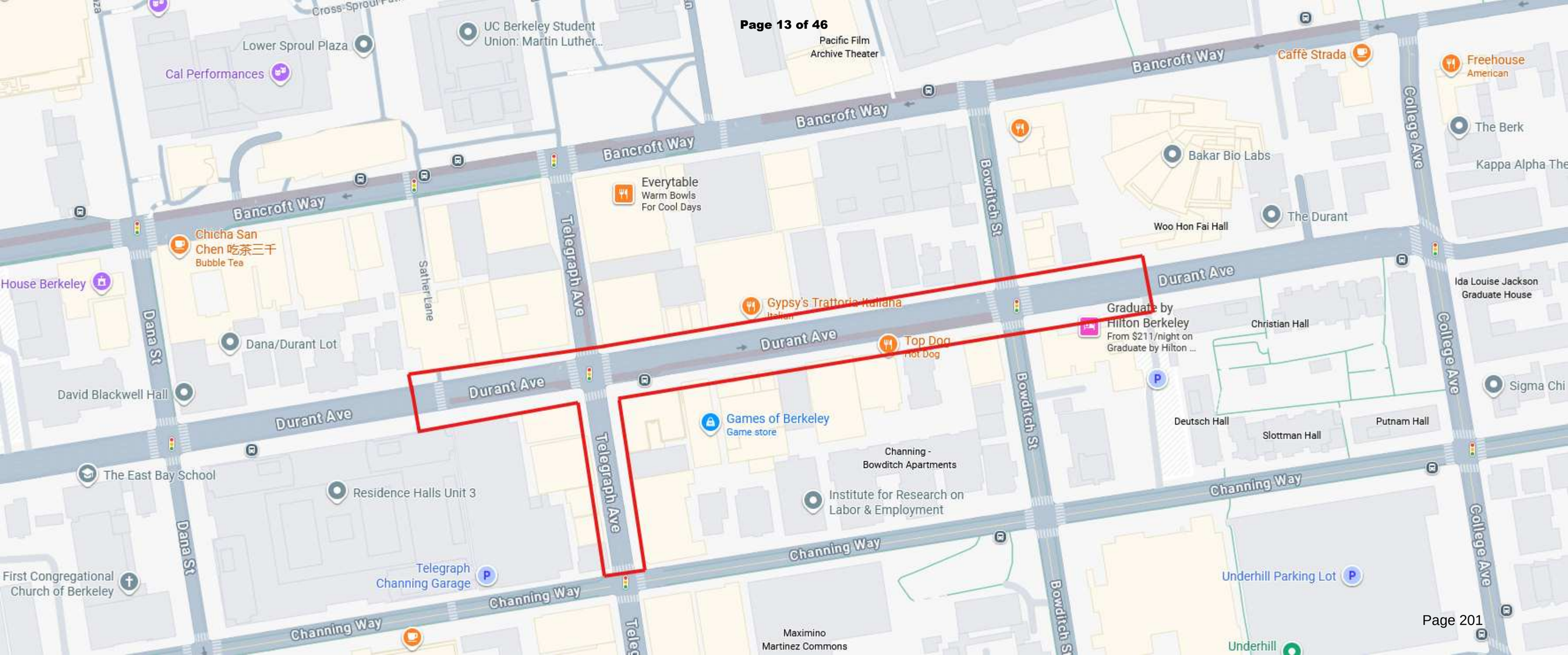
VI. BMC 13.45.060 Entertainment Zone insurance and indemnity requirements

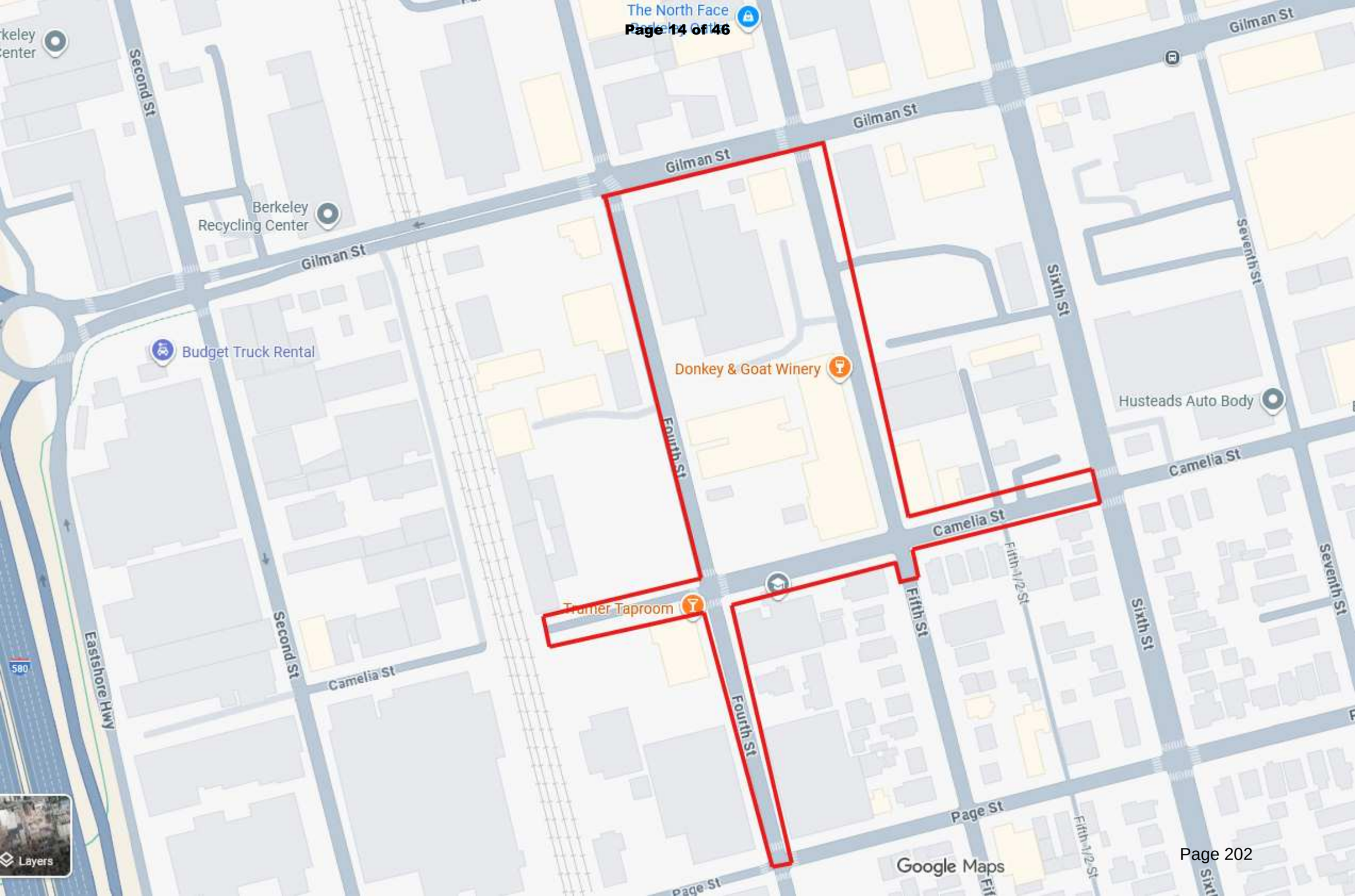
A. Prior to issuance of a street event permit for an entertainment zone event, the permit applicant shall submit evidence of general liability insurance coverage, which must be at no cost to the city, and which must comply with all of the following:
    1. The policy limit per occurrence must be in an amount as determined by the city manager;
    2. The policy must cover all losses and damages as specified in subsection C of this section;
    3. The policy must be endorsed to provide that the city, its officers, employees, and agents are named as additional insureds;
    4. The policy must be endorsed to stipulate that the policy will operate as primary insurance and that no other insurance covering the city or other named insured will be called on to contribute to a covered loss; and
    5. The policy must include a liquor liability endorsement.
B. No person shall conduct an entertainment zone event without the insurance required by this section being in full force and effect.
C. The street event permit holder shall defend, indemnify, and hold harmless the City, its officers, agents, volunteers and employees from and against all actions, losses, damages, liability, costs, and expenses of every type and description, including attorneys' fees, arising directly or indirectly, in whole or in part, from the acts or omissions of the permit holder or its officers, agents, volunteers and employees.

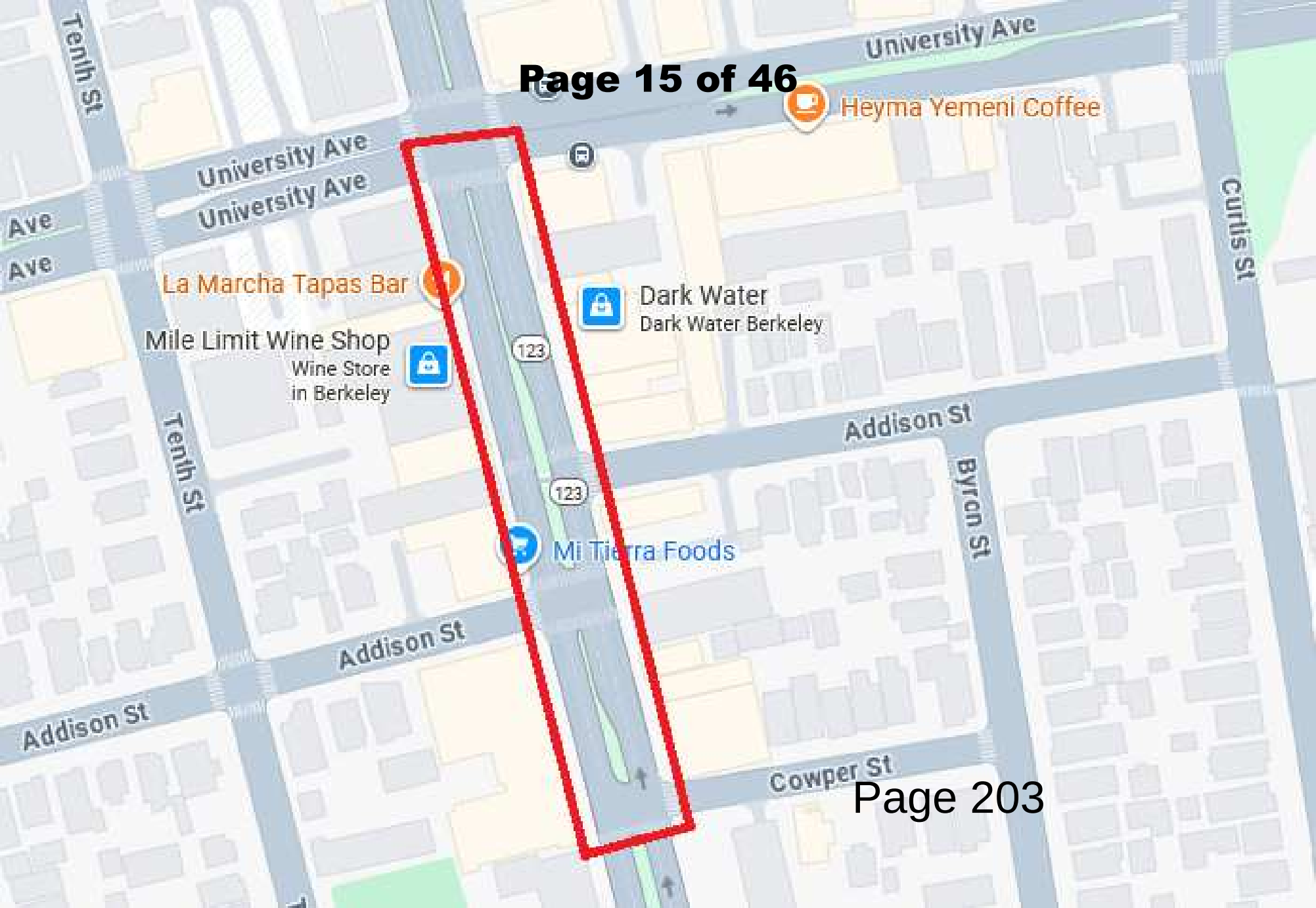
VII. BMC 1345.070 Violation – Penalty

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to BMC Chapter 1.20.
B. Violations of this chapter are hereby declared to be a public nuisance.
C. Any person who violates a provision of this chapter is liable for civil penalties. Amount of the penalty shall be as follows:
    1. First violation: up to $500
    2. Second violation within one year: up to $1,000
    3. Third and subsequent violations within one year: up to $2,500
D. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.


Berkeley Way
Bonita Ave
Milvia St
Suite 200
Imm Thai Street Food
Thai
University Ave
University Ave
Shattuck Ave.
University Hall
Zipcar
Terminal Pl
Rojbas
Mediterranean Grill
Visit Rojbas
Mediterranean Grill
RUMI at King
Berkeley Ace Hardware
Paint Extra
Mile Promise
Addison St
Addison St
Addison St
University Hall Structure
Kala Bagai Wy
Berkeley Art Museum
and Pacific Film Archive
Rotating, diverse art
& film collection
The Sperm Bank
of California
Sperm Storage
in Berkeley, CA
SG Real Estate
Dorothy Day House
Center St
Center St
Center St
Center St
Downtown
Berkeley Station
Downtown Berkeley
BART Plaza
Shopping mall
Oxford Ln
Jupiter
Pizza
Suite 200
elaichi co.
House Made
Pastries Daily
Alameda County
Berkeley Courthouse
Cancun Sabor Mexicano
Berkeley -
Mexican Restaurant


Lower Sproul Plaza
UC Berkeley Student Union: Martin Luther...
Pacific Film Archive Theater
Cal Performances
Bancroft Way
Caffè Strada
Freehouse
American
The Berk
Kappa Alpha The
College Ave
Bowditch St
Bakar Bio Labs
Everytable
Warm Bowls For Cool Days
Chicha San Chen 吃茶三千
Bubble Tea
House Berkeley
Sather Lane
Telegraph Ave
Dana St
Woo Hon Fai Hall
The Durant
Durant Ave
Gypsy's Trattoria Italiana
Italian
Dana/Durant Lot
Top Dog
Hot Dog
Graduate by Hilton Berkeley
From $211/night on Graduate by Hilton ...
Christian Hall
Ida Louise Jackson Graduate House
David Blackwell Hall
Games of Berkeley
Game store
Deutsch Hall
Slottman Hall
Putnam Hall
Sigma Chi
Channing - Bowditch Apartments
The East Bay School
Residence Halls Unit 3
Institute for Research on Labor & Employment
Channing Way
First Congregational Church of Berkeley
Telegraph Channing Garage
Underhill Parking Lot
Maximino Martinez Commons
Underhill


The North Face
Gilman St
Second St
Berkeley
Recycling Center
Budget Truck Rental
Donkey & Goat Winery
Husteads Auto Body
Fourth St
Sixth St
Seventh St
Camelia St
Fifth St
Fifth 1/2 St
Turner Taproom
Eastshore Hwy
580
Page St
Layers
Google Maps


Tenth St
University Ave
Heyma Yemeni Coffee
University Ave
University Ave
Ave
Ave
La Marcha Tapas Bar
Dark Water
Dark Water Berkeley
Mile Limit Wine Shop
Wine Store
in Berkeley
123
Curtis St
Addison St
Tenth St
123
Byron St
Mi Tierra Foods
Addison St
Addison St
Cowper St

FILE NO. 240475 ORDINANCE NO. 165-24

[Administrative, Police, Transportation Codes - Entertainment Zones]

Ordinance amending the Administrative, Police, and Transportation Codes to allow the establishment and management of Entertainment Zones in which the outdoor consumption of alcoholic beverages during designated events is allowed, subject to certain conditions; to establish insurance requirements for Entertainment Zone events; to establish an Entertainment Zone on Front Street between California Street and Sacramento Street; to allow the outdoor consumption of alcoholic beverages in areas subject to a Shared Space permit where the permit holder also holds a permit or license from the California Department of Alcoholic Beverage Control; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. General Findings.

(a) The COVID-19 pandemic had a devastating impact on San Francisco's restaurants, bars, and entertainment venues. Finding new ways to attract residents, workers, and visitors to our downtown and neighborhood commercial corridors will be critical to the continued recovery of our nightlife sector and our economy.

(b) Across the country, numerous states, including Michigan, Ohio, North Carolina, and Kansas, have found success enlivening communities through the designation of areas where businesses may sell alcoholic beverages for consumption within public spaces adjacent to their licensed premises.

(c) In 2023, the State of California adopted Senate Bill 76, which authorizes the City and County of San Francisco to create by ordinance entertainment zones to enable restaurants and bars to sell open containers of approved alcoholic beverages for consumption during special events.

Section 2. CEQA Findings.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 240475 and is incorporated herein by reference. The Board affirms this determination.

Section 3. The Administrative Code is hereby amended by adding Chapter 94B, consisting of Sections 94B.1 to 94B.4, to read as follows:

CHAPTER 94B. ENTERTAINMENT ZONES

SEC. 94B.1. DEFINITIONS.

For the purposes of this Chapter 94B, the following definitions shall apply:

(a) "ABC" means the California Department of Alcoholic Beverage Control.

(b) "Entertainment Zone" has the meaning set forth in Section 23039.5 of the California Business and Professions Code, as may be amended from time to time.

(c) "Entertainment Zone Event" means a special event permitted or licensed by ABC that occurs within the boundaries of an Entertainment Zone established in accordance with this Chapter 94B and within the hours permitted by this Chapter 94B and the Management Plan for the Entertainment Zone.

(d) "Management Plan" means a plan approved by the Office of Economic and Workforce Development (OEWD) for the management and regulation of Entertainment Zone Events.

SEC. 94B.2. ENTERTAINMENT ZONE CONTROLS.

(a) All commercial entities and organizations sponsoring or selling alcoholic beverages at an Entertainment Zone Event shall comply with all applicable state and local laws and regulations, including but not limited to the following:

(1) All applicable ABC license and permitting requirements;

(2) Sections 23357, 23358, and 23396 of the California Business and Professions Code, as may be amended from time to time;

(3) All other laws governing the sale and consumption of alcoholic beverages and any and all permits and licenses issued pursuant thereto;

(4) Transportation Code, Division I, Article 6;

(5) Transportation Code, Division II, Article 200, Sections 205 and 206; and

(6) Any applicable Management Plan issued by the Office of Economic and Workforce Development under this Chapter 94B.

(b) Open alcoholic beverages may be consumed on any public street, avenue, sidewalk, stairway, alley, or thoroughfare within an Entertainment Zone during an Entertainment Zone Event, as set forth in Police Code Section 21, subject to any other restrictions imposed by state or local law.

(c) All open alcoholic beverages consumed during an Entertainment Zone Event shall be purchased only from a premises located within the Entertainment Zone that is authorized under California Business and Professions Code Section 23357, 23358, or 23396, as may be amended from

time to time, to permit consumers to leave the premises with open containers of alcoholic beverages for consumption off the premises, or an organization that is authorized by an ABC special event permit or license to make such sales within the Entertainment Zone.

SECTION 94B.3. IMPLEMENTATION.

(a) Within 90 days of the effective date of this Chapter 94B, OEWD shall issue rules for the implementation of this Chapter. OEWD may revise these rules from time to time as it deems appropriate.

(b) Within 90 days of the establishment or modification of an Entertainment Zone, OEWD shall do the following:

(1) in consultation with the Police Department, provide the following information to ABC, pursuant to Section 25690 of the California Business and Professions Code:

(A) A copy of the ordinance establishing or modifying the Entertainment Zone;

(B) Information as may be necessary to identify the boundaries of the Entertainment Zone;

(C) The days and hours of operation of the Entertainment Zone;

(D) The types of alcoholic beverages permitted within the Entertainment Zone; and

(E) The approved nonglass and nonmetal containers in which alcoholic beverages may be authorized; and

(2) issue a Management Plan for the Entertainment Zone, as follows:

(A) The Management Plan shall establish a process or procedure to readily identify individuals purchasing or consuming alcoholic beverages within the Entertainment Zone as being 21 years of age or older;

(B) The Management Plan shall require that any person or organization seeking a City permit under Division I, Article 6 or Division II, Section 206 of the Transportation Code for an

Entertainment Zone Event shall comply with the insurance requirements applicable to that permit, and all rules and regulations authorized by the Transportation Code;

(C) The Management Plan may include requirements not otherwise imposed by state or local law, including but not limited to additional requirements for approved beverage containers, additional restrictions on the hours of operation for Entertainment Zone Events, and other time, place, and manner restrictions; and

(D) Upon issuance or revision of a Management Plan, the Office of Economic and Workforce Development shall transmit a copy of that Plan to ABC.

(c) Any holder of an ABC license or permit that wishes to allow customers to leave the premises with open containers of alcoholic beverages for consumption off the premises during an Entertainment Zone Event shall provide to the Office of Economic and Workforce Development a copy of the notice provided to ABC under Section 23357, 23358, or 23396 of the California Business and Professions Code, as applicable, at the same time such notice is provided to ABC.

SEC. 94B.4. FRONT STREET ENTERTAINMENT ZONE.

(a) All public streets, sidewalks and public rights-of-way on Front Street between California Street and Sacramento Street are hereby designated as the Front Street Entertainment Zone under Sections 23039.5 and 25690 of the California Business and Professions Code.

(b) An Entertainment Zone Event within the Front Street Entertainment Zone must receive a permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or Transportation Code Division II, Section 206.

(c) Outdoor consumption of alcoholic beverages within this Entertainment Zone is authorized during any Entertainment Zone Event on any day of the year between the hours of noon and 11:59pm, inclusive, subject to any additional limitations imposed by any ABC permit or license and by the Management Plan for this Entertainment Zone.

Section 4. Article 1 of the Police Code is hereby amended by revising Section 21 to read as follows:

SEC. 21. CONSUMING ALCOHOLIC BEVERAGES ON PUBLIC STREETS, ETC., OR ON PUBLIC PROPERTY OPEN TO PUBLIC VIEW PROHIBITED; PENALTY.

(a) *Except as specified in this Section 21,* ~~N~~no person shall consume any alcoholic beverage in any quantity on any public street, avenue, sidewalk, stairway, alley, or thoroughfare within the City and County of San Francisco; nor shall any person consume any alcoholic beverage within 15 feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, *the owner's* ~~*his*~~ agent, or the person in lawful possession thereof~~,~~ ~~*provided, however, that*~~ .

(b) ~~t~~The provisions of this Section *21* shall not apply to

(1) the interior portion of any private dwelling, habitat, or building~~,~~*;*

(2) ~~to~~ the consumption by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content~~,~~*;* ~~or~~ *and*

(3) ~~to~~ those persons consuming alcoholic beverages while viewing a parade for which a permit has been granted pursuant to Section 367 of this Code.

(c) Further, this Section *21* shall not be applicable in *the following areas:*

(1) those prescribed areas and during such time for which permission for temporary use or occupancy of public streets and appurtenant areas has been granted by:

~~(1)~~*(A)* The Board of Supervisors pursuant to the provisions of Section 2.70 of the Administrative Code;

~~(2)~~*(B)* The Department of Public Works pursuant to the provisions of Article 5.2 of the Public Works Code for a business establishment anywhere in San Francisco

that meets the requirements of a Restaurant *or Bar* use, defined in Planning Code Section 102, as interpreted by the Zoning Administrator; ~~or~~

~~(3)~~*(C)* The Department of Public Works pursuant to the provisions of Article 5.2 of the Public Works Code for a business establishment that had a valid tables and chairs permit and California Department of Alcoholic Beverage Control beverage license or permit on the effective date of this Section 21.*; and*

(D) Any Shared Spaces permit under Administrative Code Chapter 94A where the business establishment holding that permit has a California Department of Alcoholic Beverage Control beverage license or permit allowing the consumption of alcoholic beverages in the area designated by the Shared Spaces permit; and

(2) Any Entertainment Zone under Administrative Code Chapter 94B during an Entertainment Zone Event.

(*d*~~b~~) **Penalty.** Any person who shall violate the provisions of this Section *21* shall be guilty of an infraction, the penalty for which shall be a fine of not less than $25 nor more than $100.

Section 5. Division I, Article 6 of the Transportation Code is hereby amended by revising Section 6.7, to read as follows:

SEC. 6.7. CONDITIONS.

Any permission for the temporary use or occupancy of a public street authorized by the City shall be subject to the following conditions:

* * * *

(l) Applicants for permission to hold a street fair on a predominantly commercial street shall comply with the following requirements for insurance coverage. For purposes of this subsection (l), a "predominantly commercial street" shall mean a street block on which at least

50% of front footage of private property on the ground floor of the street is used for commercial purposes. A street block shall be measured from street intersection to street intersection, but shall not include any alley intersection.

(1) Applicants shall maintain in force, during the full term of the permit, insurance as follows:

(A) General Liability Insurance with limits not less than $500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations Coverages;

(B) If any vehicles will be operated by the applicant in connection with street fair activities under the permit, Automobile Liability Insurance with limits not less than $500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage, including owned, non-owned and hired auto coverages, as applicable; and

(C) If the applicant has employees, Workers' Compensation with Employers' Liability limits not less than $500,000 each accident.

(2) General Liability and Automobile Liability Insurance policies shall be endorsed to provide the following:

(A) Name as additional insureds the City and County of San Francisco, its officers, agents, and employees; *and*

(B) That such policies are primary insurance to any other insurance available to the Additional Insureds with respect to any claims arising out of activities under the permit, and that insurance applies separately to each insured against whom claim is made or suit is brought.

(3) Certificates of insurance, in format and with insurers satisfactory to the City evidencing all applicable coverages shall be furnished to the City not less than 10 working

days prior to the date of the event and before commencing any operations under the permit, with complete copies of policies to be furnished to the City upon request.

(4) The insurance requirement of this subsection (l) shall be waived by the Board of Supervisors if the applicant certifies in writing that (A) the purpose of the street fair is First Amendment expression and (B) the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable prior restraint on the right of First Amendment expression, or that it has been impossible for the applicant to obtain insurance coverage.

(5) Notwithstanding subsection (l)(1) of this Section 6.7, an applicant seeking permission for the temporary use or occupancy of a public street for an Entertainment Zone Event under Administrative Code Chapter 94B shall maintain insurance coverage in a form and amount satisfactory to the City, which shall not be less than the coverage required by subsection (l)(1) of this Section 6.7.

* * * *

(p) Entertainment Zone Events. In addition to complying with all applicable provisions of this Article 6, any person or organization seeking permission for the temporary use or occupancy of a portion of a public street for an Entertainment Zone Event as defined in Administrative Code Section 94B.1 shall comply with all applicable provisions of Administrative Code Chapter 94B.

Section 6. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Victoria Wong
VICTORIA WONG
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240475 **Date Passed:** June 25, 2024

Ordinance amending the Administrative, Police, and Transportation Codes to allow the establishment and management of Entertainment Zones in which the outdoor consumption of alcoholic beverages during designated events is allowed, subject to certain conditions; to establish insurance requirements for Entertainment Zone events; to establish an Entertainment Zone on Front Street between California Street and Sacramento Street; to allow the outdoor consumption of alcoholic beverages in areas subject to a Shared Space permit where the permit holder also holds a permit or license from the California Department of Alcoholic Beverage Control; and affirming the Planning Department's determination under the California Environmental Quality Act.

June 10, 2024 Rules Committee - RECOMMENDED

June 18, 2024 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

June 25, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240475

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/25/2024 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

7/3/24
Date Approved

Front Street Entertainment Zone Management Plan

Updated March 12, 2025

San Francisco Office of Economic and Workforce Development

SECTION I: SAN FRANCISCO ENTERTAINMENT ZONE PROGRAM OVERVIEW 2
SECTION II: FRONT STREET ENTERTAINMENT ZONE ORDINANCE 2
SECTION III: FRONT STREET ENTERTAINMENT ZONE VISION 3
SECTION IV: ENTERTAINMENT ZONE OPERATING REQUIREMENTS 5

SECTION I: SAN FRANCISCO ENTERTAINMENT ZONE PROGRAM OVERVIEW

1. **About San Francisco Entertainment Zones**

   Entertainment Zones are designated areas in San Francisco where people can buy open container drinks (alcoholic drinks "to-go") from local bars, restaurants, wineries, and breweries and enjoy them outside in common spaces like plazas, sidewalks, and streets during certain hours. Learn more at www.sf.gov/entertainmentzones.

2. **Program Objectives**

   Guiding objectives for San Francisco's Entertainment Zone Program include:

   a. Activate commercial corridors downtown and citywide
   b. Increase revenue for San Francisco restaurants and bars
   c. Catalyze broader economic stimulus
   d. Ensure equitable distribution of program benefits
   e. Amplify the perception of San Francisco as a vibrant cultural hub

SECTION II: FRONT STREET ENTERTAINMENT ZONE ORDINANCE

1. **San Francisco Admin. Code Sec. 94B.4**

   San Francisco Admin. Code Sec. 94B.4 specifies the location, hours, and permit requirements for the Front Street Entertainment Zone.

   a. **Permissible Area -** All public streets, public rights-of-way, and sidewalks on Front Street between California Street and Sacramento Street, and all establishments holding permits or licenses from ABC that are adjacent thereto, are hereby designated as the Front Street Entertainment Zone under Sections 23039.5 and 25690 of the California Business and Professions Code.

   b. **Permissible Hours -** Outdoor consumption of alcoholic beverages within this Entertainment Zone is authorized during any Entertainment Zone Event on any day of the year between the hours of noon and 11:59pm, inclusive, subject to any additional limitations imposed by any ABC permit or license and by the Management Plan for this Entertainment Zone.

   c. **Street Closure Permit Requirement -** An Entertainment Zone Event within the Front Street Entertainment Zone must receive a permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or Transportation Code Division II, Section 206, or other applicable authority of the SFMTA.

SECTION III: FRONT STREET ENTERTAINMENT ZONE VISION

1. Overview

The Front Street Entertainment Zone Operators aim to create a dynamic entertainment destination that reshapes how people perceive downtown San Francisco. Their vision is to establish a flexible urban amenity that caters to both the local community and visitors. See the Front Street Entertainment Zone Vision Rendering in the Appendices (Section V.1). Three main objectives steer their vision:

a. Implement signature special events that draw attention and signal change

b. Offer more frequent and reoccurring events that keep people staying downtown longer and engaging in new ways

c. Create a "third place" that supports impromptu and planned gatherings and entertainment through temporary and permanent streetscape improvements

2. Operators

The Front Street Entertainment Zone is operated in partnership by the following groups:

a. Entertainment Zone Lead

As Entertainment Zone Lead, **Downtown SF Partnership** coordinates the Participating Businesses and Community Partners to manage the Entertainment Zone in alignment with the Management Plan and serves as the Point of Contact for inquiries (see Section IV.2)

b. Participating Businesses

As participating businesses, **Schroeder's, Harrington's Bar and Grill, and Royal Exchange** may serve open containers for consumption within the Entertainment Zone.

c. Community Partners

As Community Partners, **BOMA San Francisco (Building Owners and Managers Association of San Francisco) and BXP** provide input and support on the operation of the Entertainment Zone.

3. Activation and Programming

a. Events

The Front Street Entertainment Zone Operators plan to offer various types of events that cater to a range of interests:

- **Signature Events:** Special one-day events aim to attract a cross-section of downtown workers and visitors. Examples include celebrations for national or cultural holidays, wine walks, movie screenings, themed parties, art showcases, and dance parties. Signature events could attract thousands of people over an eight-hour period.

- **Regular Activation:** Recurring events, held monthly or weekly, could include live music performances and games.

b. Design

The Front Street Entertainment Zone Operators aim to enhance the area with low-cost physical and programmatic interventions that cultivate a sense of place and pride.

- **Physical Improvements:** This might involve planters with lush greenery, movable furniture for flexible use, overhead string lighting, branded banners affixed to street poles, and street and wall murals.
- **Programmatic Elements:** This might include performances by small musical groups, bands, and DJs, along with engaging activities such as ping-pong tables, kid-friendly games, and book readings.

c. Arts, Culture, and Entertainment

The Front Street Entertainment Zone Operators will curate artistic, cultural, and entertainment programming that draws on the district's layered cultural history to create a welcoming and inclusive experience.

4. Economic Development and Community Benefit

a. Maximizing Economic Benefit for Participating Businesses

The Front Street Entertainment Zone Operators will prioritize strategies that enhance economic benefits for brick-and-mortar bars selling open containers, including:

- **Placemaking as Economic Development:** The proposed activation and programming can draw new customers to Front Street. By creating a clean, safe, and sociable street atmosphere with engaging signature and regular events, the Front Street Entertainment Zone will encourage people to socialize and linger, ultimately benefiting Participating Businesses.
- **Media Promotion:** The Entertainment Zone Lead will leverage its social media channels and collaborate with the public relations firm BerlinRosen to generate positive media coverage about Front Street's success as California's first Entertainment Zone. This can attract more visitors to boost sales for participating bars.

b. Collaboration for Broader Economic Stimulus

The Front Street Entertainment Zone Operators are committed to collaborating with diverse businesses to stimulate economic growth throughout the neighborhood. The Entertainment Zone Lead has a history of collaboration and cross-promotion with ground-floor businesses for event programming and activation.

SECTION IV: ENTERTAINMENT ZONE OPERATING REQUIREMENTS

1. Compliance, Modification, and Evaluation

The operating requirements established in this section shall be considered mandatory and binding conditions for the operation of the Front Street Entertainment Zone. Failure to comply with these conditions or the creation of any significant health or safety concerns resulting from the operation of the Entertainment Zone may result in the modification or suspension of the Entertainment Zone. The Office of Economic and Workforce Development reserves the right to publish an updated management plan with revised operating requirements at any time.

Additionally:

- Any Participating Business holding a liquor license that fails to comply with these operating requirements will be reported to the San Francisco Police Department, which may transmit the information to the California Department of Alcoholic Beverage Control. Non-compliance could result in the business's future ineligibility to participate within the Entertainment Zone.

- The San Francisco Office of Economic and Workforce Development will evaluate the Entertainment Zone's compliance with the conditions of this Management Plan every two years. Both the Entertainment Zone Lead and Participating Business must promptly respond to requests for information during this evaluation process. Failure to meet these conditions may lead to modification or suspension of the Entertainment Zone.

2. Entertainment Zone Lead and Point of Contact

The Entertainment Zone Lead must serve as the designated Point of Contact that should be contacted with inquiries about the operation of the Entertainment Zone. The designated Entertainment Zone Lead and Point of Contact for the Front Street Entertainment Zone is:

Downtown SF Partnership
Address: 235 Montgomery Street, Suite 828
Email: info@downtownsf.org
Phone: 415-634-2251

3. Participating Businesses

Only licensed restaurants, bars, breweries, and wineries are eligible to participate in selling open containers for consumption within the Entertainment Zone. The following establishments are confirmed to participate in the Entertainment Zone:

Schroeder's
Address: 240 Front Street

Harrington's Bar and Grill
Address: 245 Front Street

Royal Exchange
Address: 301 Sacramento Street (with patrons entering the Entertainment Zone only through Royal Exchange's Front Street entrance)

Any other businesses wishing to participate must notify the San Francisco Office of Economic and Workforce Development and the California Department of Alcoholic Beverage Control.

4. Location, Hours and Information

a. Location of Operation

Subject to all other applicable requirements, the Front Street Entertainment Zone may operate within the entire area permitted by S.F. Admin Code Sec. 94B.4, Front Street between Sacramento and California Streets. A map can be found in the Appendix (Section V.2).

b. Hours of Operation

The Front Street Entertainment Zone may operate **any Wednesday, Thursday, Friday, and Saturday year-round between 12:00 PM to 11:00 PM**, subject to all requirements included in this management plan, including a street closure permit from SFMTA**.**

Additional **"signature events" may be permitted outside these regular operating hours, on any day of the year between 12:00 PM and 11:59 PM** with the required permit from SFMTA and prior approval from OEWD.

Businesses may only sell open containers for consumption within the Entertainment Zone during these hours. Businesses are prohibited from selling open containers for consumption within the Entertainment Zone outside these hours.

c. Event Notification

In order to host an Entertainment Zone event, at least 14 days prior to the event the Entertainment Zone Lead must:

- Email notification to all of the following OEWD and SFPD addresses: entertainmentzones@sfgov.org; tobius.l.moore@sfgov.org; gregory.d.burchard@sfgov.org; loren.chiu@sfgov.org
    - Email notification must include:
        - event date and hours of operation
        - event name
        - brief description
        - attendance estimate
    - The Entertainment Zone Lead must receive confirmation of receipt from OEWD prior to operating the Entertainment Zone for the event.

d. Website

The Entertainment Zone Lead must provide the following accurate, up-to-date information on a public website or event page:

- Location and basic information on the operation of the Entertainment Zone
- Calendar or list of upcoming events
- Contact information for the Entertainment Zone Lead
- Link to the City's dedicated Entertainment Zone web page (www.sf.gov/entertainmentzones) and email address (entertainmentzones@sfgov.org)

5. Health and Safety Measures

a. Age Verification

Patrons of all ages may be admitted into the Entertainment Zone. Alcohol-serving businesses may admit patrons under the age of 21 if allowed by their liquor license.

During the duration of any Entertainment Zone event, every patron purchasing an alcoholic beverage for consumption in the Zone or drinking an alcoholic beverage within the Zone must be wearing a wristband identifying them as 21 years of age or over. All of the businesses within the Zone must use a single style of wristband agreed upon prior to the operation of any Entertainment Zone event.

If a patron is not wearing a wristband, staff within licensed businesses may check patrons' IDs to confirm their age and provide them wristbands. For larger events, staff or volunteers may also choose to check patrons' IDs and distribute wristbands at the entrances to the Entertainment Zone or other locations within the Zone.

b. Safety and Security

Every business participating within the Entertainment Zone is responsible for the safety and security of their patrons and the surrounding neighborhood. A security plan shall be submitted to the appropriate San Francisco Police Department (SFPD) District Station prior to any Entertainment Zone event, and the SFPD-approved security plan shall be followed during the entirety of the event.

Where Entertainment Zone events follow a recurring format/site plan (i.e., recurring weekday afternoon happy hours), the Entertainment Zone events may operate pursuant to one security plan governing all of the events of that format. For any unique or larger-scale event, a unique security plan shall be submitted to and approved by SFPD prior to the event.

During Entertainment Zone events, each business participating within the Entertainment Zone shall always have at least one staff member on site who is able to provide a copy of this management plan and the approved security plan and is aware of all relevant conditions within these plans.

Within 24 hours of any violent incident, or any time SFPD responds to a call for service at or within the Entertainment Zone, any business connected to that incident or call for service,

or the permit holder of the SFMTA street closure permit for the Entertainment Zone, shall complete and send an incident report to their SFPD District Station Permit Officer.

c. Signage

The boundaries of the Entertainment Zone must be clearly marked by easily visible signage posted at every intersection around the perimeter of the zone. This signage must instruct patrons not to carry alcoholic beverages outside the Entertainment Zone (e.g., "No Alcoholic Beverages Beyond This Point").

Signs must be illuminated well enough to be sufficiently visible during nighttime hours of the Zone's operation.

6. Cup Requirements

a. Material

A licensed business within the Zone must serve any alcoholic beverage for consumption in the Zone in a compostable or reusable cup.

A business may not serve any alcoholic beverage for consumption in the Zone in any metal or glass container.

b. Disposal

The Entertainment Zone Lead or Participating Businesses will provide receptacles sufficient for patrons to dispose of their compostable cups or return their reusable cups before exiting the Entertainment Zone.

7. Permits

a. Street Closure Permit

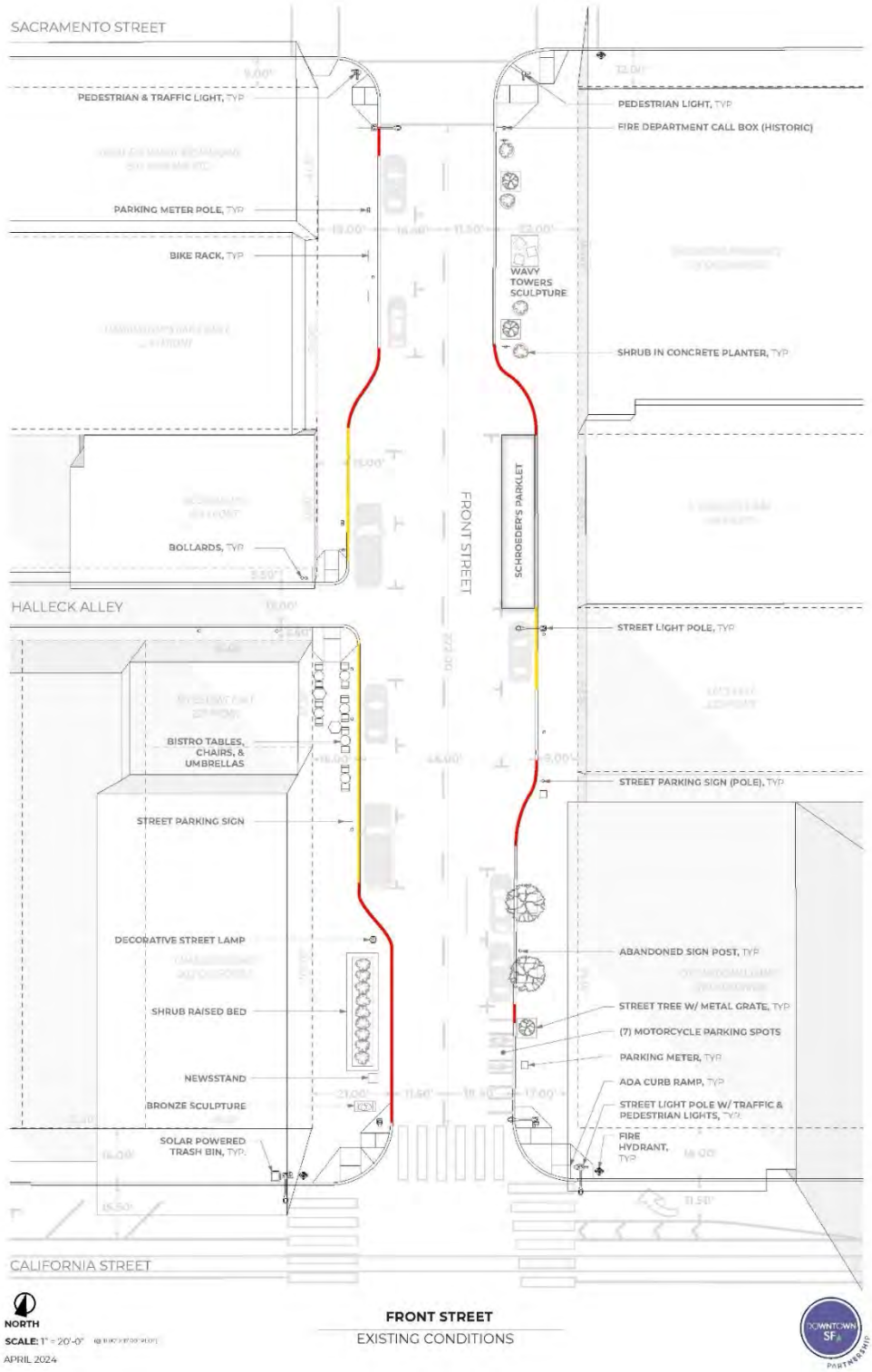
An Entertainment Zone event may only be held in conjunction with an approved street closure permit issued through the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). The operation of the Entertainment Zone shall be subject to any conditions imposed upon the street closure permit.

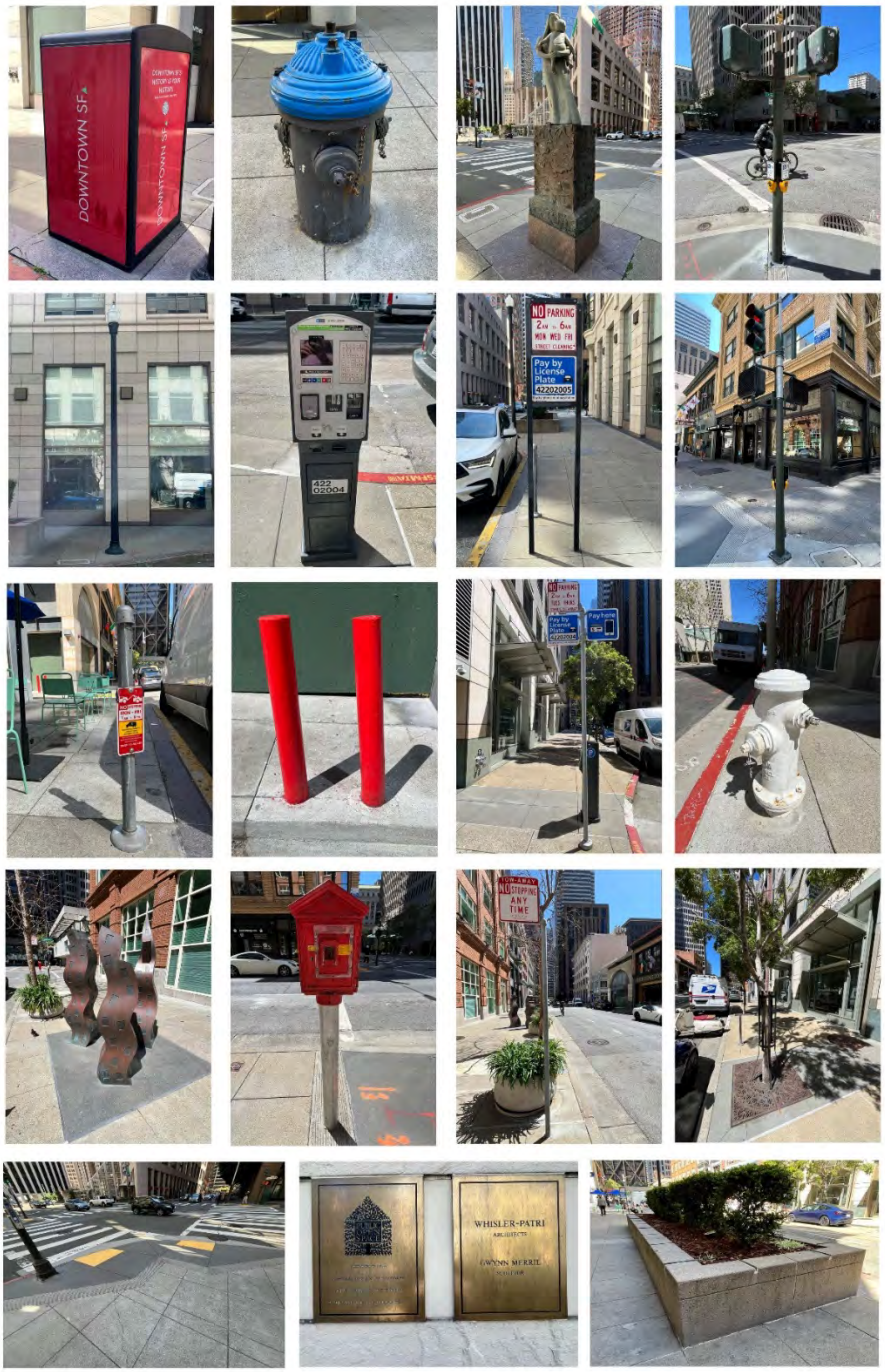
8. Insurance

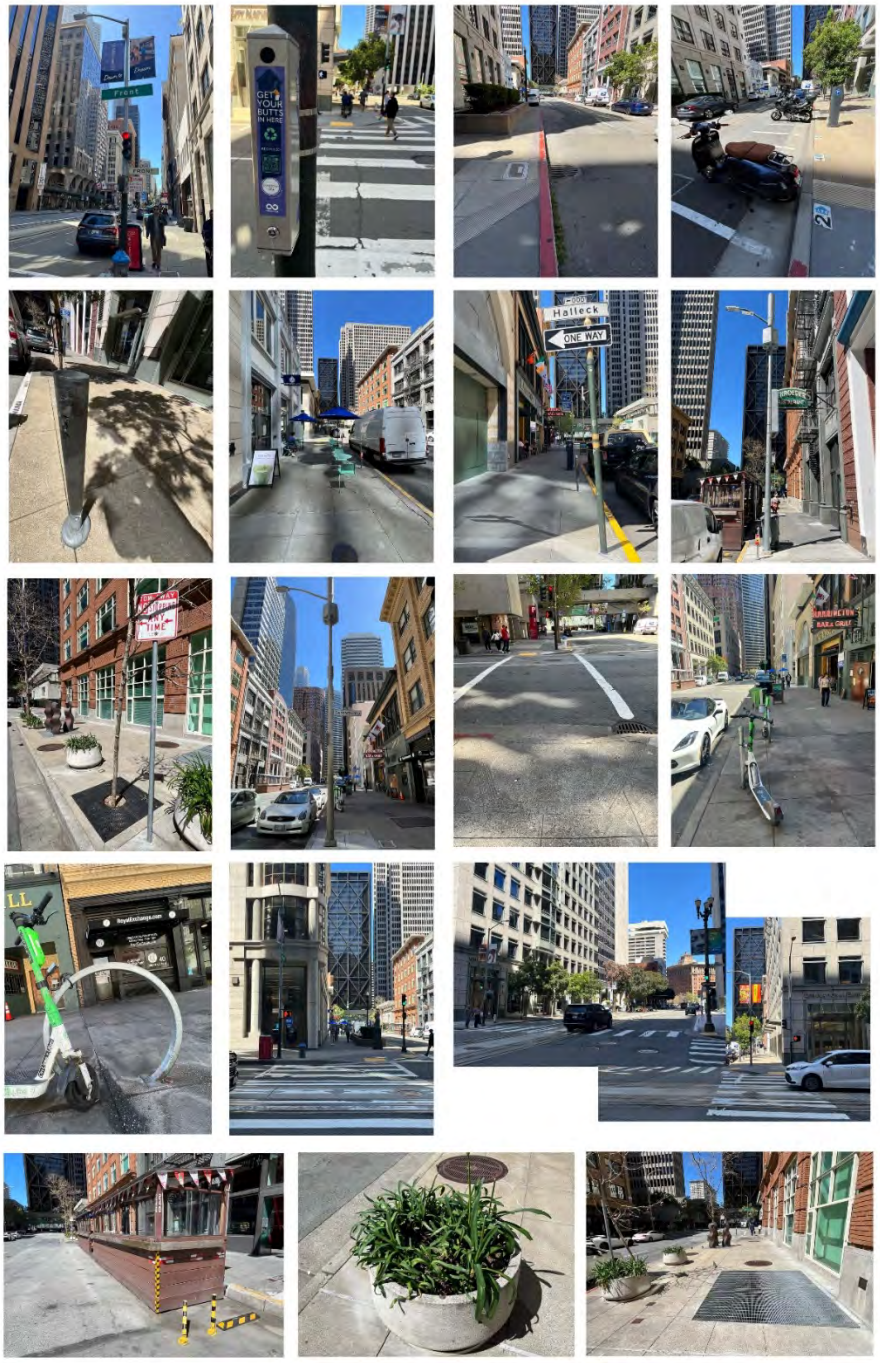
The holder of the street closure permit shall maintain sufficient insurance as required by ISCOTT during the operation of any Entertainment Zone event.

SECTION V: APPENDICES

1. Front Street Entertainment Zone Map and Existing Infrastructure




DOWNTOWN SF
NO PARKING
Pay by License Plate
WHISLER-PATRI
GWYNN MERRIL



APRIL 2024

FRONT STREET

EXISTING INFRASTRUCTURE CONT.

2. Front Street Entertainment Zone Vision Rendering



Rendering courtesy of Gensler

CITY OF OAKLAND

AGENDA REPORT

TO:	City Council and Members of the Public	**FROM:**	At-Large Councilmember Rowena Brown
SUBJECT:	Town Alive: Economic Activation Zones	**DATE:**	November 13, 2025

RECOMMENDATION

Adopt The Following Pieces Of Legislation:

(A) A RESOLUTION (1) ESTABLISHING ECONOMIC ACTIVATION ZONES UNDER THE TOWN ALIVE PROGRAM TO SUPPORT ENTERTAINMENT ZONES AND RESPONSIBLE ARTIFICIAL INTELLIGENCE (AI) ACTIVATION ZONES IN THE CITY OF OAKLAND, BRINGING INNOVATIVE PROGRAMMING TO PUBLIC AND COMMUNITY SPACES; AND (2) AUTHORIZING THE CITY ADMINISTRATOR TO AWARD, NEGOTIATE AND EXECUTE A GRANT AGREEMENT WITH THE OAKLAND FUND FOR PUBLIC INNOVATION IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS ($1,000,000) TO IMPLEMENT THE TOWN ALIVE PROGRAM FOR A TWO-YEAR TERM FROM NOVEMBER 1, 2025, THROUGH OCTOBER 31, 2027

(B) AN ORDINANCE (1) ADDING CHAPTER 9.54 OF TITLE 9 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH AND REGULATE ENTERTAINMENT ZONES PURSUANT TO SB 969 (2024) TO PROMOTE ECONOMIC ACTIVATION; (2) MAKING OTHER CONFORMING CHANGES TO SECTIONS 9.08.180 AND 9.08.190 OF THE OAKLAND MUNICIPAL CODE; (3) CLASSIFYING AN ENTERTAINMENT ZONE EVENT AS A TIER TWO OR TIER THREE SPECIAL EVENT PURSUANT TO CHAPTER 9.52 OF THE OAKLAND MUNICIPAL CODE; AND (4) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

EXECUTIVE SUMMARY

The **Town Alive** initiative establishes **Economic Activation Zones**—designated areas that re-energize Oakland's public spaces, strengthen small businesses, and connect residents to innovation opportunities.

The program launches with two pilot components:

1. **Entertainment Zones** to activate commercial corridors with family-friendly outdoor events and cultural festivals
2. **Responsible Artificial Intelligence (AI) Activation Zones** to foster equitable, community-based innovation and create hubs for community-based AI programming

Together, these pilots make Oakland's economy more vibrant, inclusive, and future-ready.

The proposed pieces of legislation formally launch the Town Alive initiative; enable four pilot Entertainment Zones (Jack London District, Broadway Valdez/Northlake District, Temescal District, and Uptown Downtown), which permit outdoor alcohol consumption as authorized by Senate Bill 969 (2024); and authorize $1,000,000 in grant funding to provide initial support for programming across Oakland, administered by the Oakland Fund for Public Innovation.

BACKGROUND / LEGISLATIVE HISTORY

Since the COVID-19 pandemic, Oakland has been rebuilding its local economy to address several significant challenges, such as employment recovery, downtown revitalization, consumer confidence, and tourism generation. Many of our commercial corridors are in particular need of structured opportunities for economic and cultural activation.

Town Alive bridges that gap by:

- Reviving local commercial corridors through safe, family-friendly programming.
- Partnering with community institutions to expand access to the growing responsible AI economy.

Oakland's economic recovery depends on reconnecting people to places—and ensuring innovation benefits every neighborhood.

Entertainment Zones Under Senate Bill 969

Senate Bill (SB) 969 (Weiner, 2024) authorizes cities to establish designated "entertainment zones" where to-go alcoholic beverages from licensed bars, restaurants, breweries, and wineries may be consumed in public streets, sidewalks, or other public rights-of-way during permitted special events. Cities across California—including San Francisco, San Jose, Santa Monica, and Sacramento—have already established or launched Entertainment Zones to support local businesses, activate commercial corridors, and enhance cultural life.

SB 969 requires a city, county, or city and county that establishes an entertainment zone to (1) establish a process or procedure by which persons in possession of alcoholic beverages in the entertainment zone may be readily identifiable as being 21 years of age or older; and (2) provide to the California Department of Alcoholic Beverage Control (ABC) a copy of the ordinance establishing or modifying the entertainment zone and identifying the entertainment zone's boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved non-glass and nonmetal containers, pursuant to Section 25690 of the California Business and Professions Code.

Before enacting an ordinance to establish or modify an entertainment zone, a city, county, or city and county shall notify local law enforcement and request feedback about both of the following: (1) potential health and safety impacts that might be generated by the entertainment zone and strategies to mitigate those impacts; and (2) the entertainment zone's proposed boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved non-glass and nonmetal containers, pursuant to Section 25692 of the California Business and Professions Code.

SB 969 requires that a city that establishes an entertainment zone, or its designated subordinate officer or body, shall review the operation of the entertainment zone every two years following the adoption of the entertainment zone to ensure that the entertainment zone is being maintained in a manner that protects the health and safety of the general public.

Responsible AI

AI is technology that can perform tasks that would normally require human intelligence. The pace of AI adoption and commercialization has increased significantly in recent years. Current estimates count tens of thousands of AI-related companies worldwide, as startups and existing businesses work to build products spanning the spectrum from narrow daily tools to large generative models.

Private investment in AI crossed the $100 billion mark in 2024 and accounted for a major share of global venture capital, with generative AI companies receiving particular focus. Business adoption has increased as well, with surveys showing AI use by organizations jumping from about 55% in 2023 to roughly 78% in 2024.

AI has also spurred a historic amount of policy and legislation compared to past emerging technologies. At the state level alone, over 1,600 AI bills have been proposed nationwide since 2019.

Responsible AI refers to the use of AI systems in ways that are ethical, transparent, accountable, and aligned with community wellbeing. Responsible AI presents the opportunity to leverage the rapid development of AI to advance Oakland's economic and community development goals and transform how the City delivers services.

ANALYSIS AND POLICY ALTERNATIVES

Entertainment Zones

Entertainment Zones will create opportunities for outdoor gatherings, performances, and cultural festivals in Oakland's commercial corridors to celebrate Oakland's diversity and creativity. Utilizing SB 969 (as detailed above), adjacent bars and restaurants will be permitted to sell alcohol in to-go containers for on-site consumption within the designated zones during permitted events. Entertainment Zone programming is proposed to launch in summer 2026.

Implementation Landscape

Several jurisdictions across the state have already launched Entertainment Zones to revitalize their commercial corridors:

City	Program Status	Key Features
San Francisco	It was the first City to receive state authorization and launched its program in June 2024. Now has 21 Entertainment Zones.	Includes Chase Center, Valencia St, Front St, and Fisherman's Wharf zones
San Jose	Established Entertainment	Location selection prioritized

	Zones in June 2025.	existing pedestrian-friendly spaces, like the Post Street Pedestrian Mall.
Santa Monica	Established the Third Street Promenade Entertainment Zone in May 2025.	The Entertainment Zone has standard hours every weekend, and isn't reliant on specific events.
Sacramento	Established three Entertainment Zones in June 2025.	Includes an Entertainment Zone surrounding the city's Convention Center.

Pilot Entertainment Zone Locations

To promote public safety, maintain manageable capacity, and effectively test the model, Oakland will launch four pilot Entertainment Zones. Potential locations were evaluated based on the following criteria:

- Concentration of bars and restaurants that serve alcohol
- Potential Entertainment Zone lead organizer has a strong track record of hosting similar events in the neighborhood
- Geography that easily enables street and/or plaza closures
- Impacts to public transit & alternatives for traffic diversion
- Public safety impacts

The four pilot locations are:

- Jack London District (D2 & D3)
- Broadway Valdez/Northlake District (D3)
- Temescal District (D1)
- Uptown Downtown (D3)

Precise zone boundaries are depicted in **Attachment A**.

Future Entertainment Zone Locations

Any neighborhood commercial corridor in Oakland can become an Entertainment Zone in the future.

Beginning in 2026, new Entertainment Zones will be designated through the following process:

1. Contacting their Councilmember and the Economic & Workforce Development Department (EWD) to begin the process
2. Receiving City Council approval by ordinance establishing the zone
3. Developing a Management Plan with EWD outlining programming, safety, and operations
4. Applying for Entertainment Zone event funding (if applicable)

Management Plans

Management Plans are tailored plans for each Entertainment Zone to establish location-specific requirements for operations, public health, and public safety during Entertainment Zone events. The plans will be produced by the Economic & Workforce Development Department and the lead community partner for the Entertainment Zone (e.g., a Business Improvement District), in collaboration with community partners and relevant City departments.

Management Plans will include:

- The lead community partner for the Entertainment Zone and businesses that will be selling to-go alcoholic drinks in the Zone
- A description of the potential programming to activate the Zone
- The precise Zone boundaries, hours, advance notice window and other logistical details
- Measures to ensure public health and public safety at events
- Procedures for ensuring that anyone in the Entertainment Zone with alcohol is at least 21 years old
- Requirements for uniform cups for outdoor alcohol consumption
- City permits that apply to the Zone's proposed programming

Several peer cities also require Management Plans for their Entertainment Zones, including San Francisco and Santa Monica.

Responsible AI Activation Zones

The City of Oakland recognizes the growing role of Responsible AI and emerging technologies in shaping economic opportunity, workforce development, and public service delivery. Responsible AI Activation Zones will serve as physical and programmatic hubs to advance equitable, community-based AI innovation, ensuring that AI technologies are developed, implemented, and governed in alignment with Oakland's values of equity, transparency, and inclusion.

Programming within the Responsible AI Activation Zones will connect residents, students, and small businesses to opportunities in the technology sector, including:

- Community education events and professional conferences
- Civic technology pilots
- Student internships & showcases
- Small business support for responsible AI adoption
- Workforce development programs

Programming will prioritize preparing local workers, especially those from historically disadvantaged communities, for opportunities in AI-related and impacted industries, ensuring that the economic benefits of AI are shared equitably, mitigating negative impacts, and promoting digital literacy.

Programs will be led and coordinated through the **Oakland Fund for Public Innovation (OFPI)**, in partnership with **Laney College**, the **Unity Council's Unity Tech Hub**, and **Mills College at Northeastern University**, providing citywide access to resources and training.

Programming Partners

Responsible AI Zone programming will be located in three hubs across the city, which will host community programming:

- **Laney College**: Laney College launched the first Applied AI program in California, and anchors an area adjacent to downtown that includes the Oakland Museum of California and the Henry J. Kaiser Center for the Arts.
- **Unity Tech Hub**: The Unity Tech Hub is a partnership between the Unity Council and Google to increase community access to tech education, workforce development, and business development. The Unity Tech Hub will ensure access for Central Oakland neighborhoods to programming.
- **Mills College at Northeastern University**: Mills at Northeastern already hosts several AI initiatives, including the Bridge to AI program for Oakland Unified School District students, and partnerships with the business community. Mills at Northeastern will ensure access for East Oakland neighborhoods to programming.

Oakland Fund for Public Innovation

OFPI is a 501(c)(3) nonprofit organization whose mission is to improve the prosperity, safety, and quality of life for all Oaklanders by establishing innovative public-private partnerships in our most vulnerable communities. OFPI achieves its mission by partnering with government agencies to pilot new strategies to meet the needs of Oaklanders, and by scaling the most promising solutions

OFPI's mission and approach are strongly aligned with the vision for the Town Alive program. OFPI is proposed to be the project manager for program implementation, which will entail:

- Serving as the fiscal sponsor for the program, receiving and managing funds in accordance with nonprofit accounting and compliance standards, including disbursements, contracting, and reporting
- Supporting program design, curriculum development, and project management in coordination with City departments
- Hiring and supervising a Program Manager, who will be employed through OFPI and dedicated to advancing the Town Alive program, particularly stewarding the development of the Responsible AI Activation Zones
- Supporting future fundraising efforts, in partnership with the **Kapor Foundation**, which works to ensure equitable access to the technology industry, to sustain and expand the Town Alive program

FISCAL IMPACT

On June 11, 2025, the City Council adopted Resolution No. 90827 C.M.S., which approved the FY 2025–2027 Biennial Budget, including One Million Dollars ($1,000,000) for "Economic Opportunity Zones" across two years with Five Hundred Thousand Dollars ($500,000) in each year. The proposed legislation will support initial Town Alive programming with these funds.

Funding for "Economic Opportunity Zones" is available in the General Purpose Fund (1010), Economic Development Organization (85411), Third-Party: Grant Contracts Earned Account (54912), Entertainment & Activate Project (1008217), Administration Program (IP03).

The funding will include an allowable administrative fee not to exceed Ten Percent (10%) or One Hundred Thousand Dollars ($100,000) and a program management fee not to exceed Two Hundred Fifty Thousand Dollars ($250,000) total over the two years.

Program	FY26 Budget	FY27 Budget	Total
Entertainment Zones	$100,000	$300,000	**$400,000**
AI Activation Zones	$250,000	Fundraise	**$250,000**
Program Manager	$125,000	$125,000	**$250,000**
Administrative Costs (10%)	$50,000	$50,000	**$100,000**
Total	**$500,000**	**$500,000**	**$1,000,000**

PUBLIC OUTREACH / INTEREST

Councilmember Brown's office has engaged extensively with community members and community partners in developing this proposal over the last six months via direct meetings, including ongoing collaboration with potential Entertainment Zone lead organizations and Responsible AI Activation Zone programming partners.

COORDINATION

Councilmember Brown's office consulted with the City Administrator's Office, Economic and Workforce Development Department, Department of Transportation, Public Works Department, Police Department, Planning & Building Department, City Attorney's Office, and the Port of Oakland to develop this legislation.

SUSTAINABLE OPPORTUNITIES

Economic: The Town Alive program will energize local commercial corridors and expand access to the responsible AI economy. This initiative implements a two-pronged strategy to advance Oakland's continued economic recovery by supporting small businesses, increasing tax revenue, and offering new workforce development opportunities.

Environmental*:* At present, AI is incredibly energy- and water-intensive, and AI data centers also have negative local environmental impacts on neighboring communities, such as air and noise pollution. As the City increases its use of AI to improve services and works to ensure equitable access for Oaklanders to economic opportunities in the AI sector, it will be imperative to collaborate with state and federal government partners on legislation and regulations to address the environmental impacts of AI.

Race & Equity*:* **Entertainment Zones** will strengthen small businesses and revitalize Oakland's commercial corridors. As the program expands citywide, it will create greater economic opportunity for businesses owned by historically disadvantaged communities—improving outcomes in entrepreneurship, employment, and neighborhood vitality. Energizing

these corridors will also drive tax growth, helping sustain and expand key City services that advance equity across multiple areas, including economic development, housing, public health, education, public safety, environmental quality, and transportation. Similarly, **Responsible AI Activation Zones** will promote equitable access to one of the fastest-growing sectors of the economy. These zones will help close gaps in education, income, and wealth—mitigating downstream inequities that affect overall community wellbeing. Finally, the City must continue to collaborate with state and federal partners to address the racialized environmental impacts emerging from the global proliferation of AI technologies.

ACTION REQUESTED OF THE CITY COUNCIL

Adopt The Following Pieces Of Legislation:

(A) A RESOLUTION (1) ESTABLISHING ECONOMIC ACTIVATION ZONES UNDER THE TOWN ALIVE PROGRAM TO SUPPORT ENTERTAINMENT ZONES AND RESPONSIBLE ARTIFICIAL INTELLIGENCE (AI) ACTIVATION ZONES IN THE CITY OF OAKLAND, BRINGING INNOVATIVE PROGRAMMING TO PUBLIC AND COMMUNITY SPACES; AND (2) AUTHORIZING THE CITY ADMINISTRATOR TO AWARD, NEGOTIATE AND EXECUTE A GRANT AGREEMENT WITH THE OAKLAND FUND FOR PUBLIC INNOVATION IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS ($1,000,000) TO IMPLEMENT THE TOWN ALIVE PROGRAM FOR A TWO-YEAR TERM FROM NOVEMBER 1, 2025, THROUGH OCTOBER 31, 2027

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For questions regarding this report, please contact Chiamaka Ogwuegbu, Policy Director for At-Large Councilmember Rowena Brown, at COgwuegbu@oaklandca.gov.

Respectfully submitted,



Rowena Brown
City of Oakland, Councilmember At Large

Attachments (3):

Attachment A: Entertainment Zone Maps
Attachment B: Town Alive Program Summary
Attachment C: City of Oakland AI Equity Statement

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

IGOR TREGUB
COUNCILMEMBER, DISTRICT 4

08

CONSENT CALENDAR

March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author) and Councilmember Igor Tregub (Co-Author)

Subject: The Berkeley Rule: Artificial Intelligence Municipal Framework

RECOMMENDATION

1. Adopt a resolution which affirms Berkeley's commitment to innovation in service of liberty, dignity, and the public good.
2. The City hereby endorses "The Berkeley Rule" and encourages City staff, commissions, and community partners to consider its Ten Principles in the planning, evaluation, and oversight of artificial intelligence systems. The Berkeley Rule: Put Residents First; Modernize City Services; Empower the Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth. The principles are meant to encourage the Artificial Intelligence (AI) industry to develop products and services aligned with these goals.

POLICY COMMITTEE RECOMMENDATION

On January 28, 2026, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Taplin/Tregub) to send the item to Council with a positive recommendation, and that items 3 and 4 in the recommendation be amended to be less prescriptive.. Vote: All Ayes.

BACKGROUND

The Berkeley Rule serves as a mental model for City staff, guiding effective, ethical AI deployment in municipal operations. This framework also signals to the private sector the AI tools and innovations Berkeley seeks to procure and pilot for municipal challenges.

Artificial Intelligence (AI) refers to computer systems and robotics technologies, including autonomous or semi-autonomous machines, that perform tasks typically requiring human intelligence, movement, or judgment. This includes, but is not limited to: recognizing speech, interpreting images, decision-support

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systems, independent analysis of information, generating text and images, and performing physical tasks through autonomous movement, manipulation, or interaction with the environment.

More specifically, AI systems use large datasets and advanced algorithms to identify patterns, make predictions, or generate content based on input data. Generative AI, a rapidly growing family of AI models, powers tools such as ChatGPT, Claude, Llama, and Gemini, which generates human-like text, images, or code. AI is having widespread impact across sectors. In government, it is being used to streamline service delivery, detect fraud, assist in emergency response, and analyze infrastructure maintenance needs. According to a 2023 report by the McKinsey Global Institute, generative AI could add up to $4.4 trillion annually to the global economy, while also reshaping labor markets and intensifying debates around fairness, transparency, and data privacy.[1] In the public sector, cities like New York, San Francisco, and Washington, D.C. are beginning to implement AI use policies that emphasize accountability, human oversight, and equity.[2]

The adoption of AI technologies is rapidly expanding, with an increasing number of individuals incorporating AI into their daily lives. According to a 2024 report by Statista, nearly 40% of Americans reported using AI-powered tools, such as virtual assistants, search engines, or recommendation systems, daily.[3] Furthermore, a 2024 survey by McKinsey found that 65% of businesses are already utilizing AI in some capacity, with significant integration into customer service, data analysis, and process automation.[4] These figures indicate that AI is not only being widely adopted by consumers but also becoming integral to various sectors, highlighting its broad utility and growing presence. Additionally, the AI services market is projected to reach $243 billion by 2025, highlighting the increasing reliance on AI across industries.[5] A significant 25% of enterprises are expected to deploy AI agents this year, demonstrating the growing adoption of AI-driven solutions to improve efficiency and decision-making.[6] McKinsey's 2023 report reveals that nearly half (49%) of tech leaders now say AI is fully integrated into their business

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[1] McKinsey & Company. *The Economic Potential of Generative AI: The Next Productivity Frontier*. June 2023. https://www.mckinsey.com/business-functions/mckinsey-digital/our-insights/the-economic-potential-of-generative-ai-the-next-productivity-frontier.

[2] City of New York. *AI Action Plan*. 2023 https://www.nyc.gov/assets/oti/downloads/pdf/reports/artificial-intelligence-action-plan.pdf

[3] Statista. (2024). Percentage of U.S. population using AI tools regularly. https://www.statista.com/forecasts/1480449/ai-tools-popularity-share-usa-adults

[4] McKinsey & Company. (2024). State of AI in Busineshttps://www.mckinsey.com/capabilities/quantumblack/our-insights/the-state-of-ai-2024

[5] Marr, B. (2025, March 10). 15 Mind-Blowing AI Statistics Everyone Must Know About Now. Forbes. https://www.forbes.com/sites/bernardmarr/2025/03/10/15-mind-blowing-ai-statistics-everyone-must-know-about-now/

[6] Marr, B. (2025, March 10). 15 Mind-Blowing AI Statistics Everyone Must Know About Now. Forbes. https://www.forbes.com/sites/bernardmarr/2025/03/10/15-mind-blowing-ai-statistics-everyone-must-know-about-now/

strategy, a clear indication of its essential role in modern organizational operations.[7] This widespread integration reflects the remarkable increases in AI usage, with enterprises harnessing its potential to streamline operations, enhance customer experiences, and drive growth.

The global AI market is projected to grow from $208 billion in 2023 to $1.85 trillion by 2030,[8] and over 65% of organizations worldwide are expected to adopt AI by 2024, a significant increase from just 20% in 2017.[9] Cities are already utilizing AI technologies in areas such as law enforcement, traffic management, and tenant screening, with over 40 major U.S. cities employing tools like predictive policing, automated license plate readers, and AI-powered chatbots, often without adequate oversight.[10] While the White House Blueprint for an AI Bill of Rights and NIST's AI Risk Management Framework offer valuable guidance on AI governance, neither provides enforcement mechanisms.[11] Additionally, over 45 states are now drafting or debating AI-specific legislation, signaling the growing need for formal regulation.[12]

As AI technology rapidly evolves, public and private institutions continue to develop coherent policies and frameworks. At the same time, public sentiment reveals growing concerns that aren't always reflected in the integration and use of AI. For example, in the YouGov[13] poll on AI regulation, many U.S. citizens still believe that there should be more regulation of AI. Accordingly, policy should meet the public's demand for proactive, growth-oriented regulation, while avoiding federal pre-emption.

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[7] McKinsey & Company. (2023). The State of AI. https://www.mckinsey.com/capabilities/quantumblack/our-insights/the-state-of-ai

[8] Artificial Intelligence - Worldwide ttps://www.statista.com/outlook/tmo/artificial-intelligence/worldwide

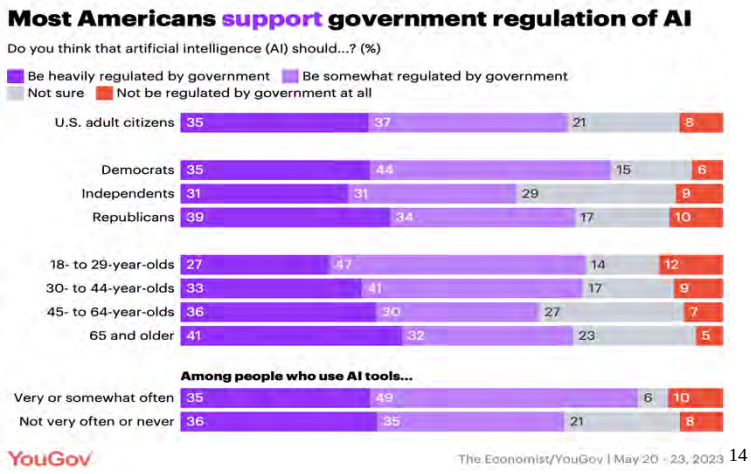
[9] McKinsey & Company. (2024)). The State of AI.https://www.mckinsey.com/capabilities/quantumblack/our-insights/the-state-of-ai-2024

[10] Brookings Institution (2023). The Geography of AI: Which Cities Will Drive the Artificial Intelligence Revolution? https://www.scirp.org/reference/referencespapers?referenceid=3933815

[11] The White House. (2022). Blueprint for an AI Bill of Rights https://bidenwhitehouse.archives.gov/ostp/ai-bill-of-rights/

[12] National Conference of State Legislatures. (2023). State Artificial Intelligence Legislation. https://www.ncsl.org/technology-and-communication/artificial-intelligence-2024-legislation

[13] Orth, Taylor. "Americans Are Divided on AI's Societal Impact, but Most Support Government Regulation." *YouGov*, May 25, 2023https://today.yougov.com/politics/articles/45747-americans-are-divided-artificial-intelligence-poll



[14]

AI Alignment

AI alignment is the process of incorporating human values and public goals into artificial intelligence systems to ensure they operate safely, ethically, and as intended.[15] Alignment helps mitigate unintended consequences, ensuring that AI systems operate as intended and are consistent with human values and goals. For example, if one were to ask a generative AI chatbot how to build a weapon, it may either respond with instructions or refuse to provide potentially dangerous information. Unlike older logic-based AI and software approaches whose responses are manually coded by human programmers, a modern machine learning based AI model's response is determined by how the creators arranged it. In addition, modern AI systems learn from vast amounts of data based on how people behave online. That data reflects real human beliefs and habits, including many conscious and unconscious biases. As a result, today's AI systems can only be guided in general terms rather than precisely aligned with human values. While using human-like language can help us understand how AI systems work, it may also lead to distorted notions about AI's capabilities.[16]

Any municipal AI framework should incorporate principles of alignment and transparency. A major challenge is that, since nearly every principle conflicts with others, nontrivial processes are needed to resolve contradictions that confront AI Alignment.[17] Deployments of AI systems should specify such processes.

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[14] Orth, Taylor. "Americans Are Divided on AI's Societal Impact, but Most Support Government Regulation."*YouGov*, May 25, 2023. https://today.yougov.com/politics/articles/45747-americans-are-divided-artificial-intelligence-poll

[15] Jonker, Alexandra, and Alice Gomstyn. "What Is AI Alignment?" IBM, April 17, 2025. https://www.ibm.com/think/topics/ai-alignment.

[16] De Kai. *Raising AI: An Essential Guide to Parenting Our Future*. 2025. MIT Press. https://dek.ai/raising-ai.

[17] De Kai. "Should A.I. Accelerate? Decelerate? The Answer Is Both." *New York Times*, December 10 2023. https://www.nytimes.com/2023/12/10/opinion/openai-silicon-valley-superalignment.html

Aligning AI with Berkeley's Values & Strategic Goals

When aligned with Berkeley values, AI can help advance the city's strategic goals, including social advancement, improved public services, environmental protection, and civic trust. As Berkeley adopts new technologies, AI could be used to support, not replace, human judgment, expand access to essential services, and accelerate progress on the priorities most important to residents. The following sections describe how AI can support the values and goals set forth in the City of Berkeley Strategic Plan:

1) **Improve residents' lives by delivering accessible and innovative services.**
   AI presents the opportunity to liberate residents from bureaucratic friction and unnecessary expense. When thoughtfully implemented, AI can streamline processes, support both residents and staff, and promote fairer access to public resources. The result is a more efficient, responsive, and inclusive city that better serves the community**.**

2) **Safeguarding civil liberties, equity, and democratic participation.**

   Berkeley's commitment to civil liberties and democratic governance requires that any use of AI protects privacy, free expression, and due process. As AI is integrated into City services, it must align with Berkeley's civil liberties framework and strengthen the protection of fundamental rights.

   AI systems should be transparent, include public input, and remain subject to human oversight. When guided by equity and democratic accountability, AI can support fair employment practices, workforce development, and inclusive economic growth while safeguarding labor rights.

   With strong privacy protections and meaningful community engagement, AI can reduce bureaucratic barriers, expand access to public resources, and advance Berkeley's commitments to justice, sustainability, and democracy.

3) **Create affordable housing and support services for our most vulnerable community members.**[18]

[18] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

AI-aligned decision tools can help Berkeley distribute housing assistance more equitably and improve planning for affordable housing..[19][20] These systems could identify high-need areas, streamline application processes, and inform land-use decisions, making housing support more accessible and effective. AI can also support the City's efforts to produce, preserve, and protect housing by improving financing strategies, prioritizing maintenance, and targeting subsidies to prevent displacement and preserve existing units.

For example, this approach can directly support Berkeley's Middle Housing ordinance by enabling more efficient planning for duplexes, triplexes, and fourplexes across the city.[21] By expanding housing options and improving affordability, aligned AI tools can help advance Berkeley's commitment to housing security for its most vulnerable residents.[22]

4) Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

AI alignment can help advance the city's climate sustainability plans and goals such as the Berkeley's Climate Action Plan and Realize Vision 2050[23] by improving infrastructure condition assessments, emissions tracking, energy optimization, and environmental justice analysis. These tools can support smarter infrastructure planning, including water reuse systems, grid modernization, and targeted decarbonization efforts.[24]

AI can also strengthen climateresilience through monitoring of heat, air quality, and wildfire risk,[25] while supporting urban greening, irrigation management, solar and heat pump permitting, and enforcement in underserved neighborhoods.[26] By directing investments where they have the

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[19] Orozco, D., & Das, S. (2023). *How AI Can Help Cities Advance Housing Equity*. Brookings Institution. https://www.brookings.edu/articles/building-ai-cities-how-to-spread-the-benefits-of-an-emerging-technology-across-more-of-america/

[20] University of California, Berkeley Urban Displacement Project. (2022). *Using Data and Technology to Advance Housing Justice*. https://www.urbandisplacement.org/

[21] City of Berkeley. (2024). *Middle Housing Ordinance Overview*. https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/middle-housing-zoning#:~:text=Project%20overview,in%20a%20range%20of%20sizes.

[22] California Department of Housing and Community Development. (2023). *Affirmatively Furthering Fair Housing in Local Planning* *https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing*

[23] https://berkeleyca.gov/sites/default/files/documents/2025-12-02%20Special%20Item%2001%20Sharing%20the%20Final%20Report%20of%20the%20Mayor.pdf

[24] World Economic Forum. (2022). *Harnessing Artificial Intelligence for the Earth*. https://www3.weforum.org/docs/Harnessing_Artificial_Intelligence_for_the_Earth_report_2018.pdf

[25] National Institutes of Health (2023). *Smart City Tools for Air Quality and Heat Monitoring* https://pmc.ncbi.nlm.nih.gov/articles/PMC10280551/

[26] Climate TRACE. (2023). *AI-Based Emissions Tracking Platform*. https://climatetrace.org/explore/#admin=&gas=co2e&year=2024&timeframe=100&sector=&asset=

greatest impact, AI can help Berkeley reduce emissions, optimize energy use, and promote environmental justice for a healthier, more sustainable future.

5) **Champion Social Advancement.**[27]

AI aligned with Berkeley's social advancement goals can help strengthen labor protections, uphold civil rights, and prioritize community needs across health, housing, and employment programs. By monitoring for disparate impacts and incorporating ongoing feedback from historically marginalized communities,[28], these systems can support equity, social mobility, and resident well-being.

AI can also expand public participation by making local democracy more accessible and understandable. Tools such asplain-language summaries, multilingual public comment translation, and participatory budgeting simulations can help residents engage more meaningfully in City decision-making[29].[30] Together, these uses of AI can make local government more transparent, inclusive, and responsive to the community.

6) **Provide an efficient and financially-healthy City government.**[31]

AI can help Berkeley shift away from regressive revenue models that rely on fines and fees and toward support, prevention, and equity. AI audits can identify the City's reliance on penalties that disproportionately impact low-income residents,[32] , while predictive tools can prevent fines through real-time reminders, hardship-based forgiveness, sliding-scale assessments, and service-based alternatives. This approach moves enforcement from punishment to restoration.

AI can also help the City maximize public assets and improve operational efficiency. By reusing proven models across departments, adopting open-source frameworks, and automating administrative oversight, Berkeley can reduce costs and increase transparency. AI tools can modernize lease and asset management by standardizing data, tracking city-owned properties in

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[27] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[28] City of Berkeley. (2021). *Health Equity and Racial Justice Framework*. https://berkeleyca.gov

[29] Introducing OpenAI for Government https://openai.com/global-affairs/introducing-openai-for-government/

[30] Mozilla Foundation. (2023). *Building Inclusive AI for Public Engagement*.https://www.mozillafoundation.org/en/research/library/public-ai/

[31] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[32] *Upturn. (2021). The Use of Fines and Fees in U.S. Cities. https://www.upturn.org*

real time, and flagging inconsistencies or renewal risks, addressing long-standing gaps in oversight.

In addition, AI can support responsible revenue generation by identifying underutilized assets, improving compliance, and optimizing systems such as parking, business licensing, and short-term rental enforcement. By modernizing asset and revenue management, Berkeley can strengthen accountability, improve efficiency, and support long-term fiscal health while advancing its equity goals.

7) **Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.**[33]

AI can help Berkeley monitor, maintain, and improve public infrastructure through predictive maintenance that identifies wear and tear in roads, water systems, lighting, and civic buildings. This approach allows the City to prioritize repairs, extend asset lifespans, and reduce costs and service disruptions.

AI can also improve transportation and mobility by reducing congestion, lowering emissions, and enhancing safety. Smart traffic systems can support Vision Zero goals, while accessible, real-time transit tools and AI-assisted public input can ensure community needs shape infrastructure decisions.

Within the education and youth service sectors, AI can help close opportunity gaps through personalized academic support, multilingual college and career guidance, and better targeting of resources. Together, these uses can help ensure Berkeley's public services are inclusive, efficient, and future-ready.

8) **Foster a dynamic, sustainable, and locally-based economy**[34]

AI could strengthen Berkeley's economy by connecting residents to emerging job markets and supporting small businesses with accessible, data-driven tools. By analyzing labor trends, AI could guide job training programs, inform local hiring, and support the City's Economic Dashboards and procurement strategies. For job seekers, AI-powered tools like resume builders, interview simulators, and job-matching platforms (e.g., Jobscan, LinkedIn AI Coach) help level

[33] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.
[34] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

the playing field, especially for historically under-resourced communities.[35] Entrepreneurs benefit from AI assistants that explain permitting, grants, and legal basics in clear terms, lowering barriers to small business ownership.[36] AI assistants can help draft small business setup documents, such as incorporation forms, operating agreements, and basic contracts, lowering barriers to entry and reducing start-up costs. In the workplace, large language models (LLMs) integrated with tools like Microsoft 365 and Slack automate tasks like summarizing meetings, drafting emails, or translating documents boosting productivity and job satisfaction[37].[38] In fields like law and healthcare, they support professionals with document review and compliance checks.[39] For contractors, AI-powered rendering tools can generate visualizations and design options, making project planning faster, clearer, and more affordable.

The City can make these AI tools available to the broader community through libraries, workforce training centers, and small business resource hubs, ensuring that all residents benefit from the efficiencies and opportunities AI provides.

9) **Create a resilient, safe, connected, and prepared City**.

Aligned AI systems could are essential for enhancing public safety, emergency response, and urban resilience in Berkeley. These tools could support wildfire risk mapping, aiding zoning decisions and enforcement of defensible space in hillside neighborhoods, where threats are most acute. AI also enhances community preparedness, facilitates hazard response coordination, and supports data-driven resilience planning, as outlined in the City's Resilience Strategy. AI could improve public safety outcomes without expanding surveillance. The use of real-time language translation and medical history alerts during emergency calls enable quicker and more equitable responses for non-English speakers and individuals with disabilities. AI-assisted acoustic systems could distinguish between fireworks and gunfire more accurately, thereby reducing false alarms and fostering community trust. Predictive models analyzing heat, crime, and public health data

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[35] Koustas, D., et al. (2023). Barriers to Employment and AI Tools. NBER. https://conference.nber.org/confer/2025/DTs25/farronato.pdf

[36] Ghosh, R. (2022). AI and Small Business Resilience. Brookings. https://www.brookings.edu/articles/hybrid-jobs-how-ai-is-rewriting-work-in-finance/

[37] Binns, R., et al. (2023). AI in Knowledge Work. Oxford Internet Institute.https://www.oii.ox.ac.uk/news-events/2023-the-year-ai-redefined-work-skills-and-the-future-of-employment/

[38] California State Bar. (2024). Ethical AI Use in Legal Services. https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf

[39] Simbo.ai, "The Role of Artificial Intelligence in Streamlining Document Review Processes for Legal Practitioners in 2024," *Simbo.ai Blog*, accessed July 14, 2025, https://www.simbo.ai/blog/the-role-of-artificial-intelligence-in-streamlining-document-review-processes-for-legal-practitioners-in-2024-251528/.

could direct emergency outreach or mental health crisis teams to areas of highest need, avoiding reliance on carceral tools. In health and social services, AI could extend the City's reach to vulnerable residents. Tools could guide users through enrollment in programs like CalFresh, Medi-Cal, and city wellness initiatives using plain language and mobile-first design. Mental health chatbots could provide anonymous, culturally competent emotional support, encouraging early access to care. For frontline staff, AI could flag service gaps, track referrals, and monitor outcomes, creating a more coordinated and compassionate care system.

10) **Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community**[40]

Properly aligned AI can help Berkeley deliver faster, fairer, and more accessible public services. AI-powered virtual assistants can enhance 311 services, streamline workflows, and support public health communications by providing clear, real-time responses to resident inquiries around the clock, reducing wait times and service backlogs.AI dashboards can give City staff real-time insights to proactively address community needs, reinforcing Berkeley's commitment to transparency and responsive governance. Tools such as permit chatbots, proactive alerts, and simplified dispatch systems can reduce administrative burdens for both residents and staff.

Aligned AI can also modernize ticketing and permitting by making traditionally punitive processes more transparent and equitable. AI tools can guide residents through contesting tickets by explaining violations, assisting with evidence submission, supporting multilingual appeals, and tracking cases in real time. In permitting, AI can help complete applications, flag errors, triage requests, and accelerate low-risk approvals. Together, these tools can improve accountability, reduce bias, and make everyday interactions with City Hall more efficient and just.

11) **Attract and retain a talented and diverse City government workforce**[41]

AI alignment can modernize Berkeley's human resources systems by supporting inclusive hiring, reducing bias in recruitment, and strengthening employee training and advancement. AI tools can

[40]City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[41]City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

help forecast staffing needs, identify skill gaps, and recommend professional development pathways, supporting the City's goal of building a diverse and future-ready workforce.

Properly aligned AI should support workers rather than replace them, reinforcing Berkeley's commitment to fair employment practices and workforce development. Public-sector examples show how AI can help identify internal talent, reduce turnover, and monitor indicators of burnout or attrition to support employee well-being.

To ensure these benefits, AI systems shouldoperate transparently and with ongoing oversight to enhance human decision-making. Emerging governance frameworks highlight the importance of fairness, explainability, and accountability when using AI in public-sector workforce management.

Potential Pitfalls of AI Systems

While holding significant promise, artificial intelligence also presents serious risks if not carefully governed. Without appropriate safeguards, AI systems could produce inaccurate or misleading outputs, often referred to as "hallucinations," that may result in flawed decisions in high-stakes areas such as housing, public benefits, policing, and financial catastrophe.[42] AI tools could also reinforce systemic biases if trained on incomplete or discriminatory data, leading to unequal treatment or outcomes, especially for communities of color, low-income residents, and people with disabilities.[43] Moreover, without transparent processes, the use of AI in surveillance or decision-making could violate privacy rights, reduce public trust, and erode due process protections, particularly when algorithms are used to allocate resources, flag individuals, or influence enforcement actions.[44]These dangers are amplified when AI systems operate without public scrutiny or accountability mechanisms. To successfully realize the benefits of AI while minimizing harm, the City of Berkeley should adopt a formal AI framework.

Toward Artificial Intelligence Municipal Use Guidelines

Currently, the city lacks a consistent, citywide approach to AI deployment. Often, AI tools are independently applied, without a centralized inventory or standardized procurement and oversight protocols. This fragmented approach could result in operational vulnerabilities.

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[42]DigitalOcean. (2023). What Is AI Hallucination? https://www.digitalocean.com/resources/articles/ai-hallucination

[43]U.S. Government Accountability Office. (2021). Artificial Intelligence: An Accountability Framework for Federal Agencies and Other Entities. https://www.gao.gov/products/gao-21-519sp

[44] AI Now Institute. (2018). Algorithmic Accountability Policy Toolkit https://ainowinstitute.org/publications/algorithmic-accountability-policy-toolkit

To reap the benefits of AI while mitigating its risks, the City of Berkeley should develop an Artificial Intelligence Systems and Alignment framework that includes: Put Residents First; Modernize City Services; Empower Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth. Any framework should consider the elements herein referred to as the Berkeley Rule.

The Berkeley Rule:

I. **Put Residents First**

The City of Berkeley is committed to ensuring that any AI framework prioritizes the well-being of residents above all else. This policy aims to liberate residents from bureaucratic friction, eliminate unnecessary expense, and expand fair access to city services.

The City could seek to streamline internal operations, reduce operational costs, enhance the coordination and delivery of public services. Thoughtfully implemented, AI could improve workflows such as permitting, resident request routing, and document processing, resulting in faster and more consistent outcomes across departments. Cities like New York and San José are already seeing results: New York uses AI to prioritize housing inspections and assist with city service requests.[45] Likewise, San José uses predictive maintenance tools to identify infrastructure issues before they become costly emergencies.[46] More efficient permitting and service response times reduce delays and frustration for individuals and businesses. Improved infrastructure management powered by predictive tools means fewer service disruptions, better street conditions, and faster emergency responses. By enhancing coordination across departments, residents experience a more connected, responsive, and equitable government.

The City of Berkeley could use AI to rapidly review its municipal code to eliminate unnecessary reports and cut red tape. By automating routine administrative tasks, AI could allowBerkeley staff to focus on higher-impact work that encourages critical thinking, creativity, and direct public engagement. Moreover, AI-driven data analysis could also help departments identify gaps, target resources more efficiently, and support long-term planning in areas such as housing, workforce

[45] Mayor's Office of the Chief Technology Officer, City of New York. (2023). *AI Action Plan*. pg 2 https://www.nyc.gov/assets/oti/downloads/pdf/reports/artificial-intelligence-action-plan.pdf

[46] City of San José. (2023). *AI and Emerging Technology Strategy*. https://www.sanjoseca.gov

development, and public health by exploring cooperative care models that address current institutional insecurity. For example, this could include shared health coverage pools for freelancers and families, collective care planning for gig workers, wellness reward programs to encourage healthy habits, and neighborhood networks for exchanging caregiving services. The City should also consider recognizing and rewarding residents who contribute to improving city systems through civic dividends and benefits, thus ensuring that modernization directly supports the people who live and work in Berkeley.

The ultimate goal of AI adoption is to improve the lives of Berkeley residents. Any framework should be guided by the principle of improving service quality and efficiency, ultimately contributing to a higher quality of life for all community members and the eventual elimination of regressive fines, fees, and taxes.

II. Modernize City Services

The city should advocate for responsible use of AI in modernizing its municipal operations to improve efficiency, responsiveness, and service delivery. Potential use cases include 311 service triage, service kiosks, assistance with permits and licensing, emergency dispatch optimization, autonomous service delivery, maintenance, and transport, and emergency air deployments. AI systems could provide predictive solutions for vital infrastructure, such as roads, energy systems, and sidewalks, water systems, public health, and public buildings before routine problems become critical issues.

Berkeley could also utilize AI to develop and pilot new service models to make city services more accessible. For example, prepaid service savings programs might help residents secure discounted utilities, while optimized parking revenue systems and a community-owned broadband network could improve affordability and equity. Smart licensing processes and value-based pricing might guide development toward inclusivity. Additionally, predictive dashboards, better use of idle fleets, and AI-powered maintenance scheduling could streamline operations, reduce downtime, and make everyday services more reliable.

A key area for modernization is the city’s permitting process. The City could explore AI-powered tools to pre-check construction and building permit applications for compliance with zoning and building codes. This is likely to provide immediate feedback to applicants, reduce the

potential for costly errors, and significantly decrease staff review time and backlogs. To implement this without direct cost to taxpayers, the City could adopt models like CivCheck Permitting AI in Seattle, where the permit applicants pay a small pre-screening fee directly to the vendor.

Finally, to ensure accountability and public trust, the City could mandate explicit documentation of human oversight protocols and backup measures for all AI systems used in time-sensitive or safety-critical situations. This includes determining when and how much human intervention should be encouraged, as well as ensuring that non-automated options are available where applicable.

III. Empower the Community

Community trust is the foundation of ethical AI governance. For Berkeley to harness the benefits of artificial intelligence while safeguarding civil rights, residents should have a direct voice in how these systems are adopted and used.

AI Advisory Board: If resources permit the City of Berkeley could consider establishing an advisory board composed of labor representatives, community leaders, civil rights and disability advocates, entrepreneurs, ethicists, technologists, and academic experts to ensure that AI is utilized in an ethical, equitable, and transparent manner.

Digital Ombudsman: To further strengthen accountability, the City could consider implementing a dedicated AI Ombudsman, an AI bot, to serve as a public-facing point of contact for questions, concerns, and complaints regarding municipal AI use. This solution would support algorithmic redress by helping residents understand how decisions are made by AI systems, and by facilitating rapid review, appeal, or correction when errors or harms occur.

AI Sandbox: Similarly, the City should consider creating an AI Sandbox program to pilot innovative tools in low-risk environments. These pilot programs would be reviewed by the AI Advisory Board, evaluated with public input, and include opt-in participation only. This approach ensures that new AI technologies are tested responsibly, with community involvement and safeguards in place prior to broader implementation.

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IV. Ensure Transparency and Accountability

The City of Berkeley could consider maintaining a public AI use registry. This registry couldpresent a clear and accessible listing of every AI tool being used by City departments. For each system, the registry would provide detailed information, including what the system does, what data it uses, who oversees it, and how residents can ask questions or challenge its outcomes.

This registry could becritical for systems that impact high-stakes processes such as permits, housing applications, benefits, and enforcement. All entries should be written in plain language to ensure accessibility and kept up to date as new tools are adopted. By implementing this approach, the City can enhance public accountability and make sure residents are informed partners in the use of the new technology.

Moreover, vendors should demonstrate maximum possible explainability in AI systems deployed in high-stakes areas. Explainable AI means systems are designed so that their outputs can be interpreted by experts and made understandable to the public. Explainable AI is subject to significant technical limits, including misleading, contradictory, unstable, mismatched, counterintuitive explanations, as well as the illusion of explainability which is logically unavoidable.[47] User misinterpretation and human factors can lead to explainability pitfalls. While acknowledging the limitations, this registry could help build trust in the AI systems by improving the transparency and comprehensibility of their decision-making processes.

Building on its AI registry, Berkeley could expand transparency by introducing consent portals where residents manage how their data is used. Algorithmic bias tracking might help identify and address systemic inequities, while municipal data exchanges and open licensing marketplaces could create clear, accountable systems for sharing public data. These measures would ensure that the value of information is managed with fairness, oversight, and full resident awareness, and economic inclusion in the deployment of automated decision-making systems across all City operations.

[47] De Kai. *Raising AI: An Essential Guide to Parenting Our Future*, chapter 16. 2025. MIT Press. https://dek.ai/raising-ai

V. **Standardize Operations**

Berkeley should consider strengthening its AI governance by centralizing inventory management, streamlining procurement, and applying uniform oversight procedures across all departments. AI tools deployed in City operations should align with certain cybersecurity standards, including encryption in transit and at rest, regular audits, and protections against injection or tampering. To further strengthen privacy and civil liberties safeguards the city could employ:

a. Privacy Impact Assessments (PIAs) could include a public comment period and could be reviewed by the AI Advisory Board before AI system deployment.
b. Integrate the Resident Data Rights Charter, a clear process for residents to opt out of AI-processed data collection, modeled after the California Consumer Privacy Act (CCPA) principles.

To ensure strong compliance, the City could consider adopting the following operational standards:

1. Risk-Based Tiering Framework: The City should establish a risk-based tiering framework to classify AI systems based on their potential impact on residents. This framework, to be developed by the City Manager and reviewed by the AI Advisory Board, would include at a minimum:
    a. Tier 1: Low-Risk Systems: AI tools that support internal administrative tasks and do not directly impact the public's rights or safety. Examples: meeting summarizers, internal project management software.
    b. Tier 2: Medium-Risk Systems: AI tools that interact with the public in non-critical ways or assist City employees in making decisions with a low-to-moderate impact. Examples: public information chatbots, initial sorting tools for permit applications.
    c. Tier 3: High-Risk Systems: AI systems that have a significant direct impact on residents' rights, safety, finances, or access to essential services, or that manage critical infrastructure. Examples: systems used in housing or benefits eligibility, law enforcement, or critical infrastructure management. The principles outlined in the Berkeley Rule would apply to all tiers, with specific procedural suggestions scaling with the level of risk.

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2. National Institute of Standards and Technology (NIST) Guidelines: All AI systems should consider adhering to the NIST frameworks as the foundation for enforcement mechanisms.
    a. External Applications: For constituent-facing use cases, the City should considerpursuing ISO27001 and/or ISO9001 certifications, ideally within 12 months of deployment. For applications involving personally identifiable information (PII), SOC2 compliance would be encouraged. Tools like Vanta or Workstreet can support these efforts.
        i. ISO 27001 and ISO 9001 are internationally recognized standards that help organizations manage information security and quality
        ii. ISO 27001 focuses on establishing an Information Security Management System (ISMS)
        iii. ISO 9001 focuses on establishing a Quality Management System (QMS).
        iv. SOC2, or System and Organization Controls 2, is a framework developed by the American Institute of Certified Public Accountants (AICPA) to assess and report on the controls of a service organization relevant to security, availability, processing integrity, confidentiality, and privacy.
    b. Internal Applications: Policies should consider enforcing NIST standards with periodic internal audits. Vendors such as can provide cost-effective solutions to ensure compliance.
    c. Regulatory Parallels: Identify existing policies and referrals that regulate the use of technologies, hard and software.
        i. Example: Council's 2017 referral to develop a franchise application policy for robotic deliveries.[48]

3. Procurement Standards: All external vendors, whether providing platform applications or custom development work for the City, would comply with these measures. A procurement framework should include a checklist to verify compliance or establish reasonable timelines for vendors to meet these guidelines. Standard contract templates

[48] Councilmember Ben Bartlett. (2017, December 19). *Personal Delivery Service Franchise Agreements*. City of Berkeley, District 3. https://records.cityofberkeley.info/PublicAccess/api/Document/AY6Z5utuMHPCP6K72V2ETpqWhGYOZF7GÉhPtOJPDmkxowc51ObuEKBjeoFzegHorIARtR4LfcRwbJpbwojXg3yY%3D/

(MSAs) would include language for correction timelines in response to adverse events or audit findings.

4. Considerations for Return on Investment (ROI) Posture:
    a. Direct ROI: Key performance indicators (KPIs) for AI deployments would include measurable benchmarks, such as time saved in administrative tasks, reduced turnaround times for policy implementation, and other quantifiable outcomes. Pilot programs should follow a structured framework to validate vendor claims.
    b. Indirect ROI: AI initiatives should align with Berkeley's core values, such as affordability, access, education, environmental sustainability, and social advancement. Vendors might justify how their solutions support these goals, ensuring no adverse impacts on these key pillars. Agentic LLM deployments would include guiding principles in their context windows to notify users and administrators of any misalignment with City values.
5. Possible Ongoing Governance and Evaluation: deployed systems could benefit from the following:
    a. Annual Re-validation: The AI Advisory Board could conduct and publish an annual review of all Tier 3 (High-Risk) systems to re-validate their safety, performance, and equity impacts.
    b. Incident Response: All issues reported to the Digital Ombudsman could be investigated and logged in the public AI Use Registry to further assure transparency. Significant incidents would be escalated to the AI Advisory Board for formal review and remediation.
6. System Decommissioning: A formal decommissioning plan could be encouraged for all Tier 3 (High-Risk) systems and specify the protocols for data processing, retention and disposal in compliance with City Auditor and public records requirements, and include a plan for the transition of public services to ensure continuity.
7. Government AI (GovAI) Coalition: the city should consider joining the Government AI (GovAI) Coalition facilitated by the City of San Jose[49] at no cost and partner with other cities to evaluate the adoption of its toolkits and practices.

[49] https://www.sanjoseca.gov/your-government/departments-offices/information-technology/ai-reviews-algorithm-register/govai-coalition

By implementing these suggested operational standards, compliance measures, and procurement accountability practices, Berkeley can ensure that AI systems are deployed responsibly, transparently, and in alignment with the City's strategic goals, while maximizing both direct and indirect benefits for its residents.

VI. Certify Ethical Use

The City of Berkeley could consider collaborating with not-for-profit organizations to establish independent AI ethics certification programs, ensuring safety, fairness, and accountability in its work with vendors who build and deploy artificial intelligence systems. These certifications should establish clear guidelines for safety, environmental responsibility, justice, and transparency. To achieve this, the City can partner with organizations with expertise in technology, policy, civil rights, and public interests to develop standards for its procurement procedures.

Certifications should include independent audits, inclusive design principles, and community impact protections to ensure that AI systems align with Berkeley's values. The City should prioritize workforce transition plans, explicit equitable targets, and methods to track performance and results over time in all AI-related contracts.

To further support ethical use, the City could establish a formal appeals mechanism for decisions made or influenced by AI systems. This mechanism would allow citizens to contest outcomes, request human review, and receive timely and accessible explanations.

By implementing an ethical use certification program and ensuring accountability measures, Berkeley should set a high standard for the responsible and transparent deployment of AI technologies.

VII. Protect and Prepare Our Workforce

As the City introduces more AI tools into its government operations, it should ensure that its workforce is supported and protected. Before rolling out a new system, departments could prepare a Workforce Impact Statement that examines how the technology may alter job duties, identifies any trainings, and outline opportunities for employees to transition into new roles. These plans should be reviewed by a labor-management team that includes union representatives, with the goal of no layoffs resulting from AI adoption. Instead, AI should be utilized to automate repetitive tasks, freeing up time for public service and creating space for meaningful work.

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The City should also invest in retraining and upskilling programs, ensuring that employees have access to continuing education, technical certifications, and cross-training opportunities to remain competitive and fulfilled in their roles. New professional development pathways should be created to help staff grow alongside advancing technology, reinforcing Berkeley's commitment to a strong, future-ready public workforce. During its implementation, to foster an inclusive approach to regulation development,staff engagement initiatives could be pursued through employee surveys and internal research to better understand their attitudes, expectations, and knowledge of AI threats and capabilities, while also empowering them to take the lead in developing case proposals.

As part of its ethical AI framework, the City could invest in public-sector innovation fellowships, rotational learning programs, and incentives for internal talent development. By protecting worker rights and preparing employees for the future of municipal service, Berkeley can lead in equitable workforce transformation.

VIII. Defend Civil Liberties

The City of Berkeley should safeguard civil liberties by not using facial recognition, biometric surveillance, or real-time tracking unless approved by the City Council, and then only after a robust public process is conducted and clear legal safeguards are in place. One potential use could be the use of a Privacy Impact Assessment (PIA). These AI systems assessments should not use sensitive or personal data, and any use thereafter should require a formal PIA to be completed before deployment. The privacy and civil liberties protections would identify what data is being used, how it is protected, and whether there are safer alternatives. The results of these assessments would be made public to ensure transparency and accountability.

The City could consider developing a set of Resident Data Rights to accentuate transparency andgive people more control over their information in order to ensure it is as transparent as possible when AI is being used, how decisions are being made, and how to request human review or deletion of their data.

Furthermore, the City of Berkeley affirms that all AI systems with enforcement capabilities should preserve human judgment at the point of action. No automated system may take punitive or coercive measures, such as issuing citations, restricting access, or initiating legal consequences

without meaningful human oversight, and rapid appeal. Nor may any AI system employ martial force under any circumstance. These safeguards ensure that innovation serves to protect due process, community trust, and individual freedom.

IX. Social Advancement and Accessibility

AI developers could be encouraged to create a productized approach for Risk Assessment for high-impact AI technologies, particularly those used in housing, public safety, and transportation, and code enforcement to encourage AI systems to improve life for all residents. These evaluations should include pre-deployment social impact forecasts, conducted by third-party auditors using demographic data, scenario modeling, and participatory input to identify and mitigate potential harms. If these evaluations uncover biased outcomes, harmful system behavior, or deeper structural inequities, the City could take immediate action to correct both the technology and the underlying condition.

Berkeley can ensure that its AI systems promote fairness and inclusive outcomes by adopting standardized bias assessment frameworks. Tools developed by the Algorithmic Justice League and requirements such as New York City's Local Law 144 can help measure, disclose, and mitigate disparate impacts across communities.

Berkeley could use AI to promote cultural growth and shared prosperity. With AI as an accessible tool for social advancement, residents might have opportunities to co-invest in local solar and renewable energy projects, crowdfund green infrastructure, and share in the benefits of climate impact returns. Housing equity programs and land stewardship trusts could expand access to stable homes. Meanwhile, cultural life would be free to flourish through community-funded art restoration, neighborhood business pools, festival revenue sharing, and pop-up market activations. By blending sustainability with cultural vitality, these initiatives could ensure that AI benefits every resident in our community.

X. Catalyze Civic Wealth

Cities everywhere struggle with budget deficits and shrinking revenue bases. Berkeley has the opportunity to move beyond this scarcity model. Beyond compliance and cost recovery, AI offers a transformational path to design new forms of civic wealth and municipal entrepreneurship. This approach opens pathways to shared value creation and community-owned innovation rather than relying on regressive fines, fees, or incremental efficiencies.

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Artificial intelligence presents opportunities for the City of Berkeley, in partnership with nonprofit organizations, local innovators, and mission-aligned enterprises, to explore new ways of maximizing the value of public assets and advancing shared prosperity. Potential applications include identifying underutilized land, supporting dynamic leasing strategies, and forecasting value-based permitting opportunities responsive to changing economic conditions. Predictive tools may help surface untapped revenue potential, inform collaborative public-private and public-benefit partnerships, and support innovative models of municipal and community entrepreneurship.

Through such partnerships, AI-enabled systems could help activate vacant land, open rooftops for solar energy and urban farming, and optimize public facilities for broader community use. Digital billboards and archival collections may be responsibly licensed to generate cultural revenue, while vehicles and public equipment could be managed through shared-use models that return value to the community. Concepts such as community venture funds, real estate investment pools, and land value growth sharing illustrate ways residents might participate more directly in the city's prosperity. Emerging data-driven opportunities, including municipal data markets, neighborhood sentiment exchanges and digital twin licensing, further highlight Berkeley's potential role as a hub of civic and digital innovation.

More broadly, AI creates space to prototype new civic economies through cross-sector collaboration, where services are co-produced, benefits are equitably shared, and public data serves as a platform for innovation. Illustrative examples include decentralized licensing for local creators, micro-contracting opportunities for small businesses, and revenue-sharing models that support community infrastructure. In this context, public benefit–sharing approaches in civic technology collaborations reflect Berkeley's values, including shared intellectual property arrangements, royalty structures, open-source access, and reinvestment of proceeds into community-led initiatives and digital equity efforts.

In this vision, AI becomes a catalyst for inclusive prosperity and long-term fiscal resilience.

The City's commitment to its strategic plan would benefit from a high-level framework being codified into operational AI standards. The absence of a formal review process for algorithmic systems has allowed for multiple pathways of adoption, each with variable levels of risk, due process protection, and labor input. These Ten guidelines should serve as the foundation of Berkeley's AI Framework and be

embedded in the Berkeley Rules: Put Residents First; Modernize City Services; Empower Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth.

Comparative Civic Innovation Models

San Jose - Human-centered design principles guide the development of systems, and privacy safeguards protect sensitive information.[50] Security and safety are ensured through safeguards, and personnel empowerment is prioritized through education, training, and collaborative opportunities. These concepts should be linked to community benefits and human monitoring to ensure reliable AI deployment.

Boston - The 2023 "Interim Guidelines for Using Generative AI"[51] from the City of Boston emphasize that public servants are still responsible for AI-generated material and offer a framework for responsible experimentation with programs like ChatGPT, Bard, and DALL·E. While cautioning against relying too heavily on unconfirmed AI results and encouraging the equitable, open, and safe use of these tools, the City encourages learning through workshops and provides contacts and resources for further research.[52]

Seattle - The City of Seattle has announced its Generative Artificial Intelligence (AI) policy, which enables staff to utilize new technologies while adhering to established standards. The policy requires employees to obtain AI technology through approved procurement channels, review output to ensure consistency with City standards, attribute AI-generated content to the AI system, and ensure data is free of harmful bias, privacy concerns, and complies with the State of Washington Public Records Act and City policies. The guideline also requires a human to oversee the AI technology review.[53]

Washington, D.C.- Washington, D.C.'s AI Values and Strategic Plan outlines[54] a citywide approach for the safe, equitable, and effective use of artificial intelligence in local government. The plan, based on five

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[50] AI Reviews & Inventory | city of san josé. Accessed June 30, 2025. https://www.sanjoseca.gov/your-government/departments-offices/information-technology/digital-privacy/ai-reviews-algorithm-register

[51] City of Boston, *Interim Guidelines for Using Generative AI*, Version 1.1, prepared by Santiago Garces, Chief Information Officer, May 18, 2023.https://www.boston.gov/sites/default/files/file/2023/05/Guidelines-for-Using-Generative-AI-2023.pdf

[52] City of Boston. *City of Boston Interim Guidelines for Using Generative AI*. Boston, MA: City of Boston, May 2023.https://www.boston.gov/sites/default/files/file/2023/05/Guidelines-for-Using-Generative-AI-2023.pdf

[53] "Responsible Artificial Intelligence (AI) Program." Responsible Artificial Intelligence (AI) Program - Tech. Accessed June 30, 2025. https://www.seattle.gov/tech/data-privacy/the-citys-responsible-use-of-artificial-intelligence

[54] District of Columbia Office of the Chief Technology Officer, *DC's AI Values and Strategic Plan*, 2023.https://techplan.dc.gov/page/dcs-ai-values-and-strategic-plan

guiding principles: transparency, accountability, justice, privacy, security, and inclusivity; emphasizes the wise application of AI to enhance public services while protecting the rights of residents.

Denver - The act mandates high-risk AI and system developers and deployers to protect the public from the risks of algorithmic discrimination. Developers must provide detailed disclosures, publicly summarize their systems, and notify the attorney general. Employers might implement risk management policies, conduct impact assessments, notify consumers, and provide mechanisms for data correction. Compliance with risk management framework provides an affirmative defense. [55]

Chicago- Chicago's AI Principles[56], which place a strong emphasis on accountability, transparency, equity, dependability, privacy, and public involvement, provide a framework for the moral and efficient application of AI in local government. The city also places a high priority on public trust through interdisciplinary cooperation and participatory governance, emphasizing ongoing assessment and adapting AI systems in response to public input and real-world effects.

New York - The New York State Comprehensive guidelines for the responsible use of AI systems by state agencies, especially those that could have an immediate impact on the public, are established under NYS-P24-001: Acceptable Use of Artificial Intelligence Technologies. The regulation requires human oversight, which means that no entirely automated judgments that have a significant impact on the public are permitted. Instead, humans must continue to be held accountable and participate in the decision-making process. It encourages transparency by requiring public-facing systems to disclose their use of AI and places a strong emphasis on fairness by mandating authorities to monitor and correct bias. Agencies are required to maintain an AI inventory, which is submitted to the Office of Information Technology Services (ITS), and conduct risk assessments using the NIST AI Risk Management Framework. Strict privacy and data security guidelines are also included in the policy.

City Investments and Capacity Development

Berkeley has already committed significant internal resources toward digital transformation. The City's Information Technology Department has expanded cloud capabilities and data infrastructure. The Office

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[55] "Consumer Protections for Artificial Intelligence." Consumer Protections for Artificial Intelligence | Colorado General Assembly, May 8, 2024. https://leg.colorado.gov/bills/sb24-205.

[56] City of Chicago. *AI Principles*. Department of Innovation and Technology. Accessed June 30, 2025. https://www.chicago.gov/city/en/sites/chitech/home/roadmap-for-AI/ai-principles.html.

of Economic Development has initiated pilot partnerships with local tech firms and universities.[57] Departments, including Planning, Finance, and Public Works, are exploring data-driven tools to increase responsiveness and optimize staffing.

Summary: Berkeley's Path to Responsible AI Governance

The proposed guidelines of the Berkeley Rule: Put Residents First; Modernize City Services; Empower Community; Standardize Operations; Ensure Transparency and Accountability; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth provide an aspirational framework for the responsible use of AI which prioritizes civil liberties, public trust and benefit with substantial human oversight. Such policies should anchor AI oversight in procurement discretion, ethical review, and internal use controls.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

City of Berkeley Strategic and Policy Commitments

The City of Berkeley has adopted numerous strategic plans, ordinances, and administrative regulations that implicitly support but do not yet explicitly govern the responsible deployment of artificial intelligence (AI) within municipal operations. While these policies reflect strong commitments to transparency, social justice, privacy, and technological innovation, none currently provide detailed standards for the procurement, oversight, or ethical evaluation of AI systems.

Context at the State and Federal Level

California Consumer Privacy Act (CCPA): Provides baseline privacy rights for California residents, including the right to access, delete, and opt out of the sale of personal data. While not designed for municipal use cases, its principles inform best practices for consent, transparency, and data minimization in AI deployment.[58]

Automated Decision Systems Accountability Act (AB 2930): The **Automated Decision Systems Accountability Act (AB 2930)** is proposed California legislation that would require government agencies to assess the risks and impacts of automated decision systems (ADS) used in public services. It mandates

[57] U.S. Economic Development Administration, *Regional Technology and Innovation Hubs Program*, accessed June 25, 2025, https://www.eda.gov/funding/programs/regional-technology-and-innovation-hubs.

[58] California Department of Justice, *California Consumer Privacy Act (CCPA)* 5, https://oag.ca.gov/privacy/ccpa.

transparency, equity analysis, and documentation of how such systems affect individuals, particularly in high-stakes areas like housing, healthcare, education, and public safety. Agencies would be required to conduct impact assessments, mitigate potential harms, and disclose the use and function of these systems to the public.

In alignment with AB 2930, the City of Berkeley could proactively collaborate with the **California Office of Data and Innovation (ODI)** to ensure that local AI deployments meet the highest standards of transparency, equity, and ethical oversight. This partnership would support Berkeley's efforts to pilot responsible AI practices, contribute to statewide standards, and share best practices for municipal implementation of ADS accountability frameworks.

ENVIRONMENTAL SUSTAINABILITY

The proposed resolution could advance Berkeley's environmental sustainability and climate resilience goals by guiding the ethical and strategic use of artificial intelligence (AI) within city operations. AI can support emission reductions, infrastructure efficiency, and climate adaptation through applications like smart energy management, predictive climate analytics, and digital permitting for green infrastructure. The framework ensures that these tools are deployed in alignment with the City's Climate Action Plan and Resilience Strategy, while centering on environmental justice and equitable access to environmental data.

Recognizing AI's substantial resource demands, particularly from energy-intensive model training and data processing, the resolution includes measures to assess and mitigate the environmental footprint of high-computation systems. Vendors should disclose projected energy usage and emissions, and the City should favor cloud-native, carbon-conscious, and open-source solutions that minimize resource consumption. These safeguards ensure that Berkeley's use of AI enhances, rather than undermines, its long-term environmental and equity commitments.

PROJECTED FISCAL OUTCOMES WITH AI

The fiscal impacts of implementing the proposed Artificial Intelligence (AI) governance resolution are expected to be moderate and manageable within existing departmental budgets, particularly in the early phases. The proposal is designed to leverage existing staff capacities, align with current procurement and digital modernization practices, and utilize external certification infrastructure rather than creating new regulatory bodies or bespoke municipal frameworks.

Artificial Intelligence should be considered for its potential to help staff workload and operational costs by automating routine tasks and streamlining service delivery. Establishing ethical safeguards, workforce protections, and oversight mechanisms may demand upfront time and coordination, but doing so is essential to ensure that AI deployment aligns with City values and avoids unintended harm.

Short-term costs primarily involve staff time for compliance integration, legal review, and development of an AI Use Registry, activities that could be absorbed through existing resources or targeted grants. Over the mid-term, minor capacity adjustments may support equity reviews and staff training.

Long-term benefits are anticipated through improved operational efficiency, enhanced revenue recovery, reduced legal exposure, and increased access to external innovation funding.

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ATTACHMENTS AND MATERIALS

1. Resolution

ATTACHMENT 1

Resolution establishing “The Berkeley Rule” artificial intelligence framework and vision to maximize public benefit through innovation and accountability.

WHEREAS, Artificial Intelligence (AI) technologies offer transformative potential to improve the lives of residents, enhance municipal services and operational efficiency, and support data-driven policymaking within the City of Berkeley; and

WHEREAS, responsibly deployed AI could streamline service delivery, reduce bureaucratic friction, improve emergency response, and enhance infrastructure resilience, while ensuring alignment with Berkeley’s values of transparency, sustainability, and social advancement; and

WHEREAS, the City acts solely in its proprietary capacity as a municipal service provider and market participant, exercising discretion over its own procurement, deployment, operations, and service delivery, and does not regulate or impose obligations on private-sector or individual uses of AI outside of City contracts or activities; and

WHEREAS, the City recognizes the risks associated with AI, including algorithmic bias, privacy violations, and procedural opacity, and is committed to mitigating these risks through ethical oversight, transparency, and public accountability; and

WHEREAS, the City of Berkeley hereby endorses "The Berkeley Rule," a values-based framework for the ethical adoption, procurement, deployment, and oversight of AI systems, ensuring alignment with Berkeley’s strategic goals and community values; and

WHEREAS, "The Berkeley Rule" incorporates the following principles to guide the use of Artificial Intelligence systems in municipal operations:

1. *Put Residents First*: Centering AI use on serving the health, safety, prosperity, and well-being of residents by improving access to essential services, reducing bureaucratic friction and eliminating unnecessary expense.

2. *Modernize City Service*s: Leveraging AI with human oversight to upgrade service delivery. Ensure fairness and reliability by enhancing efficiency, responsiveness, and accessibility in City operations, including 311 services, permitting, and faster emergency response.

3. *Empower the Community*: Consider participatory governance models, such as an AI Oversight Advisory Board of diverse stakeholders to ensure ethical use, with public reporting, a Digital Ombudsman to support algorithmic review and redress, and an AI Sandbox to test new tools with community input, foster learning, and spark innovation and entrepreneurship.

4. *Ensure Transparency and Accountability*: AI Use Registries to provide residents accessible information about AI systems, their purpose, data use, and oversight mechanisms.

5. *Standardize Operations*: Operational consistency and safeguards, including centralized inventory management, streamlined procurement procedures, uniform oversight protocols, and adherence to robust cybersecurity and compliance standards, and rapid communication, to ensure responsible, transparent, and equitable adoption of AI systems.

6. *Certify Ethical Use*: Collaborating with independent organizations to establish AI ethics certification programs, ensuring voluntary vendor compliance with principles of fairness, transparency, environmental responsibility, and the preservation of humanity.

7. *Protect and Prepare Our Workforce*: Ensure that City employees grow alongside technological change by requiring Workforce Impact Statements for AI systems, providing retraining opportunities, and empowering existing workers via AI adoption.

8. *Defend Civil Liberties*: Build community trust, protect privacy, due process, and individual freedom. Prohibit unchecked surveillance, ban martial force, ensure residents control their data, encourage privacy impact assessments, and guarantee that all enforcement-related AI includes human oversight and the right to rapid appeal.

9. *Social Advancement and Accessibility*: Ensure AI expands opportunity and representation, reflecting the needs of all residents. Encourage equity risk evaluations for high-impact systems, pro-actively address harms and disparities, and design accessible tools through inclusive, community-led processes.

10. *Catalyze Civic Wealth*: Harness AI to optimize non-regressive revenue streams and spark new civic economies through municipal entrepreneurship. Generate public wealth for community reinvestment and deliver material benefits to all residents.

NOW, THEREFORE, BE IT RESOLVED, that the City of Berkeley affirms its values of ethical, aligned, and transparent AI use by endorsing "The Berkeley Rule," a municipal AI Framework for consideration that prioritizes commitment to innovation in service of liberty, dignity, and the public good.

09

Igor Tregub, **Councilmember, District 4**

CONSENT CALENDAR
MARCH 10, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Councilmember Brent Blackaby (Co-Sponsor)

Subject: Referral: Strengthen Berkeley's Micromobility Regulatory Framework to Improve Public Safety, ADA Accessibility, and Operator Accountability

RECOMMENDATION

Refer to the City Manager and Transportation and Infrastructure Commission the development of recommendations to enhance safety and eliminate or reduce conflicts between shared micromobility devices and pedestrians/wheelchair users on Berkeley's sidewalks.

POLICY COMMITTEE RECOMMENDATION

On February 4, 2026, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Humbert/Taplin) To forward the item to Council with a positive recommendation. Vote: All Ayes.

RATIONALE FOR RECOMMENDATION

This item supports a key priority for the District 4 Council office and the City of Berkeley as a whole: ensuring that our public spaces are safe and accessible to all. Following consultation with city staff, various community stakeholders, and micromobility providers, in response to comments from the Facilities, Infrastructure, Transportation, and Environmental Sustainability (FITES) Committee, and in recognition of limited City resources, the recommendation prioritizes the required education of micromobility users

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by micromobility companies in safety requirements and protocols to ensure our sidewalks remain safe and accessible to all.

Such recommendations may include:

- Requiring operators to implement rewards and incentive programs based on clear metrics for responsible ridership behavior and to reduce sidewalk obstructions, repeat violations, or unsafe riding behaviors. App-based nudges and targeted outreach can also help to promote safe, equitable practices across the community.
- Requiring operators to provide mandatory certifiable rider safety training with recurring reminders through apps and other means.
    - Training should cover safe riding practices, proper parking, and the impact on vulnerable populations, including children, seniors, and people with disabilities.

The intent of this recommendation to allow interested council offices and other stakeholders, through relevant committees and with the expertise of applicable commissions, to advise on the development of an education program and make other recommendations to enhance safety and eliminate or reduce conflicts between micromobility devices and pedestrians/wheelchair users on Berkeley's sidewalks. Micromobility companies should be responsible for continuously educating their users on safety practices and enforcing rider requirements. Focus areas of such an education program could include: (1) protocols for proper parking of shared micromobility devices following the conclusion of the ride; (2) prohibitions on micromobility use on public sidewalk; and (3) applicable state law concerning the use of helmets in conjunction with uses of micromobility devices.

We expect micromobility companies to be responsible stewards of their industry and trusted partners in the community, as safe and inclusive micromobility benefits everyone, including the companies themselves. Should these educational efforts be insufficient in and of themselves to affect the abovementioned goal, a range of potential options, outlined in the "Alternative Measures Considered" section of this report, could also be considered as staff capacity and financial resources become available.

FINANCIAL IMPLICATIONS

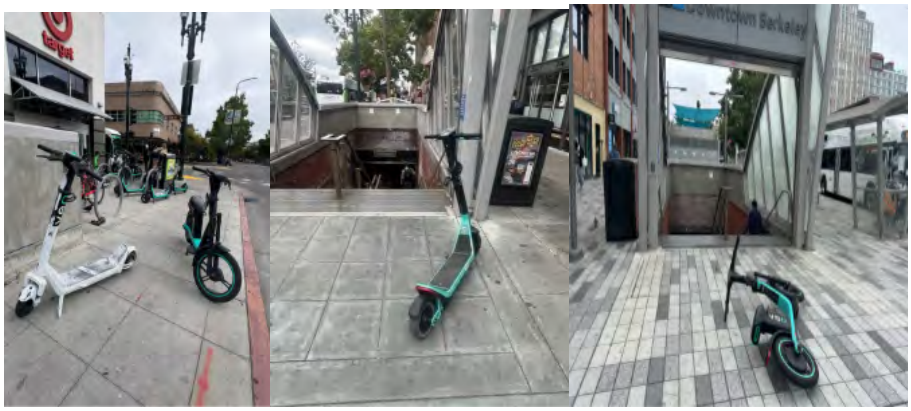
The goal of implementing the recommendation in this revised referral is to not require additional staffing to support the City's micromobility coordinator (1 full-time equivalent) and can be achieved through partnerships with external stakeholders such as UC Berkeley. The recommendation is intended to leverage ongoing improvements to

infrastructure updates the cost of which is intended to be anticipated to be offset through revised fee and penalty structures incorporated into operator contracts. By requiring micromobility companies to contribute to the costs of enforcement, signage, designated parking, and other safety infrastructure, the City of Berkeley is minimizing or obviating additional impacts to the General Fund.

CURRENT SITUATION AND ITS EFFECTS

Micromobility devices including e-scooters, bikes, e-bikes, skateboards, and hoverboards have become an increasingly popular mode of transportation in Berkeley, providing sustainable, low-emission, and convenient first- and last-mile travel options.[1] Currently, Berkeley has approximately 200 Lime scooters and 800 devices, including stand scooters and sit scooters, operated by Veo Micromobility,[2] reflecting the growing presence of shared micromobility options. However, current regulations and enforcement mechanisms have not kept pace with the challenges posed by their growing use and need to be closer aligned with Vision Zero Action Plan passed by the City in 2018.[3]

Improperly parked devices routinely block sidewalks, curb ramps, and transit access points, creating hazards for seniors, people with disabilities, and pedestrians. Unsafe riding behaviors including sidewalk riding, speeding, and double riding continue to be reported, yet the city lacks clear, publicly accessible reporting channels specific to micromobility.[4]



[1] U.S. Department of Transportation, Climate Change Center “Shared Micromobility & Micro Transit” https://www.transportation.gov/sites/dot.gov/files/2025-01/Shared%20Micromobility%20%26%20Microtransit.pdf

[2] Kwok, Iris. Berkeleyside. https://www.berkeleyside.org/2024/07/05/berkeley-fleet-of-lime-rental-e-scooters

[3] Berkeley Vision Zero Action Plan https://berkeleyca.gov/sites/default/files/2022-02/Vision-Zero-Annual-Report-2020-2021.pdf

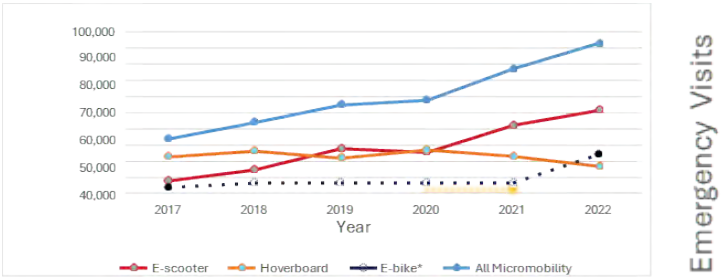
[4] Berkeley Police Department, “Annual Traffic Safety Report,” 2023 (internal document).

Examples of improperly parked Veo Micromobility and personal micromobility devices on Shattuck Avenue, Berkeley, CA, Summer 2025.

In Berkeley, micromobility vendors have the primary responsibility for enforcing the rules on their customers and to address noncompliance, including through disincentives (e.g., penalties on riders who violate the terms of their agreement with the vendor up to a prohibition on future use of the platform) and physically addressing issues in the field (e.g., picking up and moving poorly parked vehicles for example within a defined timeframe).

The City of Berkeley, particularly the Public Works Transportation Department, has a secondary role in inspecting the streets, document poor behavior, notify device operators, and, when necessary, fine vendors for poor performance of the terms of their contract with the city. The City of Berkeley currently provides detailed information for members of the public to report poor behavior and how to help us monitor and report items to the device operators. Public participation helps expand the reach of our inspection and data collection. While this information is currently concentrated on a single webpage, opportunities exist to disseminate it more broadly beyond providing it through mayor and council newsletters.[5] Micromobility operators should increase educational requirements in their app and conduct safety outreach at more community events.

The U.S. Consumer Product Safety Commission reports over 50,000 emergency department visits linked to e-scooter use nationwide in recent years, underscoring the urgent need for clear enforcement, public education, and infrastructure improvements to mitigate risks and enhance public safety. Overall emergency department visits associated with micromobility increased significantly from 2017 to 2022.[6]



Emergency Department Visits Associated with Micromobility Devices, 2017-2022

[5] City of Berkeley, https://berkeleyca.gov/city-services/getting-around/shared-bikes-and-scooters
[6] https://www.cpsc.gov/s3fs-public/Micromobility-Products-Related-Deaths-Injuries-and-Hazard-Patterns-2017-2022.pdf

In addition to a documented increase in collisions involving micromobility devices in Berkeley, several of which have tragically led to serious injuries or even fatalities[7],[8], the District 4 office routinely receives complaints of shared micromobility devices in the downtown being improperly parked (e.g., blocking sidewalks and points of ingress to crosswalks and BART stations) or users of shared micromobility devices riding on the sidewalk.

Based on a number of instances of noncompliance with terms of micromobility contracts with the city (e.g., documented instances of illegally parked scooters not being picked up within the designated time frame required per their contract), the accountability structure appears to be less than adequate. The current City of Berkeley micromobility payment structure is $1500 per vendor application fee, a $15,000 Annual Operating Fee per vendor, and a permitting fee of $64 per vehicle. The penalty structure is $27 per violation if the City of Berkeley or member of the public submits a violation ticket, and the vendor does not respond within 72 hours. The penalty rises to $127 per violation if the noncompliance occurs in an ADA zone or the blocking a sidewalk or entrance way. Several jurisdictions with comparable micromobility use cases appear to have a fee and penalty structure that imposes higher fees and penalties than Berkeley.[9] Public Works Department staff agree that the City of Berkeley's goal should be to revise these fees for next permit cycle.

On September 30, 2025, the City Council unanimously adopted a referral to the City Manager in collaboration with the City Attorney's Office to develop proposed increases to the shared micromobility program fees and return to Council within 120 days. The proposed amendments would evaluate adjustments to the application fee, operating fee, fee per vehicle, and fee per ride.[10]

Since this item was first introduced, several positive changes have been observed, including improved organization of micromobility devices within designated areas, indicating that the City's efforts are beginning to pay off. Transportation Division staff have confirmed that the Public Works Parking Services and Traffic Maintenance team did an excellent job expediting the design and rollout of a pilot involving physical infrastructure improvements such as dedicated corrals and designated parking locations

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[7] https://www.berkeleyscanner.com/2026/01/06/uc-berkeley-crime/berkeley-father-dies-scooter-crash-uc-berkeley/
[8] https://www.berkeleyscanner.com/2025/12/14/traffic-safety/man-dead-berkeley-solo-scooter-crash/
[9] City of Berkeley, https://berkeleyca.gov/sites/default/files/documents/2025-09-30%20Item%2015%20Refer%20to%20the%20City%20Manager%20in%20Collaboration%20with%20the%20CAO.pdf
[10] *ibid.*

for shared micromobility devices. These improvements have been discussed with micromobility device vendors and are anticipated to be funded through possible future increases in micromobility vendor and/or user fees subject to the abovementioned Council referral.

As part of the pilot, the primary objective remains maintaining clear, continuous, ADA-compliant pedestrian access at all times, with placement prioritized in daylit areas and red-curbed zones where feasible to minimize sidewalk impacts. In many locations, this approach is working well and likely explains some of the improved organization observed; however, there are a few constrained locations where no daylit areas or red curbing are available. In those limited cases, sidewalk placement may be used only where required ADA clearances can be fully maintained, and this is intended to be the exception, not the norm.

In addition to a documented increase in collisions involving micromobility devices in Berkeley, several of which have tragically led to serious injuries or even fatalities, the District 4 office routinely receives complaints of shared micromobility devices in the downtown being improperly parked (e.g., blocking sidewalks and points of ingress to crosswalks and BART stations) or users of shared micromobility devices riding on the sidewalk.

The District 4 office has been in communication with the micromobility vendors regarding other technological advances to help them monitor and modify user behavior in real time, which at least one of the vendors is expecting to roll out in the future. These include geofencing, pavement-sensing speed regulators, and AI guidance to ensure that a ride can only be completed once a shared micromobility device is parked in a designated or acceptable location.

Our office looked at several other local jurisdictions with programs and technologies that improve micromobility use.

San Francisco, CA

- San Francisco's Powered Scooter Share Permit Program requires application and annual permit fees, along with fleet size caps, effectively shifting enforcement costs to operators and ensuring responsible management.[11]

[11] SFMTA, "Powered Scooter Share Permit Program," https://www.sfmta.com/projects/powered-scooter-share-permit-program

- San Francisco's multi-channel outreach includes the "Three Golden Rules" campaign, social media messaging, and community events coordinated with local law enforcement.[12]
- San Francisco uses geofencing to limit speeds and restrict sidewalk riding, empowers parking officers with citation authority, and incentivizes compliant parking through dedicated programs.

Austin, TX

- Austin employs operator limits, fleet caps, and cost recovery mechanisms to fund enforcement and infrastructure improvements.[13]
- Austin enforces nighttime speed limits and deploys "force-park" technology to ensure proper device placement.

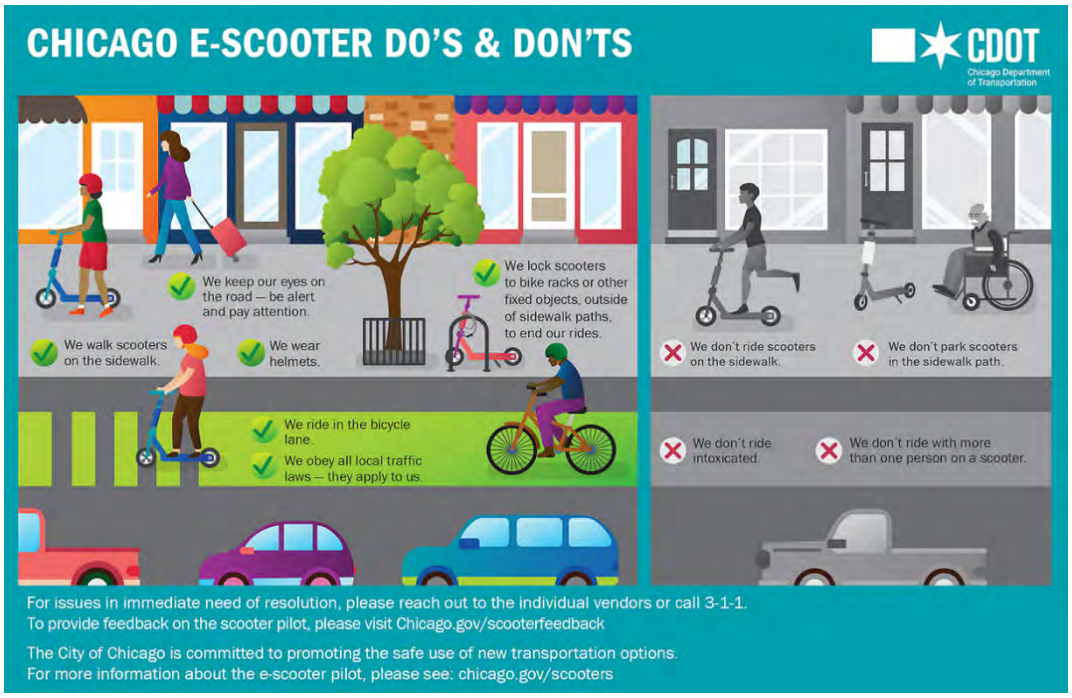
Portland, Oregon

- Portland integrates in-app reminders and widespread public education to promote safe riding and proper parking.[14]
- Portland mandates secure locking of devices post-trip and rapid removal of improperly parked scooters, supported by centralized 311 reporting.

Chicago, Illinois

- Chicago developed a sweep of educational campaigns to provide comprehensive and easy to assess and intake resources, including Rider Tips for How to Safely and Properly Use Shared Scooters.[15]

[12] SFMTA, "Scooter Safety Campaign 2023," https://www.sfmta.com/scooter-safety-campaign-2023
[13] City of Austin, "Micromobility Program," https://www.austintexas.gov/department/micromobility
[14] Portland Bureau of Transportation, "Shared Electric Scooter Program," https://www.portland.gov/transportation/escooter
[15] City of Chicago, Rider Tips for How to Safely and Properly Use Shared Scootershttps://www.chicago.gov/city/en/depts/cdot/supp_info/escooter-share-pilot-project.html



An example of educational campaign material provided by Chicago, IL around safe use of microbiology devices.

BACKGROUND

Micromobility offers substantial benefits, including reduced greenhouse gas emissions, lower transportation costs, and increased access to transit.[16] A survey in neighboring Oakland found that 37% of e-scooter riders used them to connect to public transportation at least once a week.[17] Micromobility devices are used by a wide range of residents, including students, commuters, seniors, and visitors, offering convenient first- and last-mile connections to transit and local destinations.

Berkeley already has a vast library of materials relevant to the topic of micromobility, including laws, rules and regulations and contracts with operators, including the:

- Draft Plan for the 2025 Berkeley Bike Plan;[18,19]

[16] California Air Resources Board, "Reducing Greenhouse Gas Emissions from Transportation," accessed August 2025, https://ww2.arb.ca.gov/our-work/programs/transportation-sector
[17] City of Oakland Department of Transportation, "Micromobility Survey Report," 2023, https://www.oaklandca.gov/documents/e-scooter-evaluation-report
[18] City of Berkeley, Draft Plan for the 2025 Berkeley Bike Plan https://berkeleybikeplan.org/storage/app/media/uploaded-files/draft/DRAFT_Berkeley_Bike_Plan_08072025.pdf
[19] City of Berkeley, This Draft Plan for the 2025 Berkeley Bike Plan Update, https://berkeleybikeplan.org/#/recommendations

- Berkeley Electric Bike Equity Project (BEEP) 2025;[20]
- City of Berkeley, Public Works – Transportation Division; Shared Electric Micromobility Permit Program – Terms, Conditions, and Application 2024;[21]
- City of Berkeley Electric Mobility Roadmap 2020[22]

Berkeley has the opportunity to leverage an anticipated increase in shared micromobility vendor fees to further enhance its micromobility framework by drawing on successful approaches from peer cities that integrate safety, accountability, and infrastructure through clear regulations, effective enforcement, and robust public education.

ALTERNATIVE MEASURES CONSIDERED

Following numerous conversations with Transportation Division staff and based on FITES guidance when this referral was discussed in September 2025, the current version of this item prioritizes the development of an education program as a first step but outlines each of the below-referenced recommendations for completeness. Nothing in this section should be construed as precluding staff from implementing the elements below subject to alignment with existing City of Berkeley policy and existing staff resources.

1. **Improved Incentives and Enforcement**
    a. Provide clear channels for residents, pedestrians, and people with disabilities to report issues quickly and easily.
    b. The enforcement structure should be such that operators would consider progressive accountability measures for individual users (e.g., mandatory classes, increased fines, revoking ridership privileges). To the extent that, per conversations with shared micromobility vendors, these enforcement structures are already implemented, the vendors should be enforcing this directive.
    c. Suggest mechanisms for imposing additional penalties by the city on operators failing to address violations in a timely and effective manner.

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[20] City of Berkeley, Berkeley Electric Bike Equity Project (BEEP) 2025. https://berkeleyca.gov/sites/default/files/documents/BEEP%20Data%20Analysis%20Summary%20Report%20February%202025-reduced.pdf

[21] City of Berkeley, Shared Electric Micromobility Permit Program (SEMPP) Terms and Conditions Revised 2024 https://berkeleyca.gov/sites/default/files/documents/SEMPP%20T%26C_Revised%202024_0.pdf

[22] City of Berkeley, Electric Mobility Roadmap. https://berkeleyca.gov/sites/default/files/2022-01/City%20of%20Berkeley%20Electric%20Mobility%20Roadmap_2020.pdf

d. Include mechanisms for sharing enforcement data with the public, such as dashboards or annual reports, to increase trust and allow the community to monitor safety and compliance trends.
e. Enforcement can be more effective when paired with physical or digital infrastructure[23], like clearly marked parking zones, geofenced no-ride areas, and device-locking features when they attempt to ride on the sidewalk or travel at excessive speeds.
f. Recommend any additional operator-funded city incentive programs that reward evidence-based best operational practices by operators.

2. Cost Recovering Fee and Penalty Structure

a. Implement an operator-paid fee and penalty schedule that fully covers the city's costs of staff time and enforcement infrastructure.[24]
b. On a pilot basis, explore additional infrastructure contributions from operators, such as funding a specified number of parking corrals, bike racks, or signage based on fleet size, following models such as Bay Wheels in San Francisco.[25] Such improvements should be subject to an engineering assessment for safety and feasibility.
c. Explore and negotiate leveraging data collected by micromobility devices for other city use.[26]
d. Consider the expansion of the agreed upon fee, incentive, and enforcement model beyond current e-scooter contracts (Veo Micromobility and Lime) to include other current or future micromobility options (e.g., Bay Wheels).

3. Right of Way and Accessibility Enforcement

Research and recommend additional effective and low-cost infrastructure upgrades,[27] including standardized markings for appropriate parking zones,

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[23] City of Berkeley, Hundreds more e-bikes added to Berkeley's bike share stations, https://berkeleyca.gov/community-recreation/news/hundreds-more-e-bikes-added-berkeleys-bike-share-stations

[24] City of Berkeley, https://berkeleyca.gov/sites/default/files/documents/2025-09-30%20Item%2015%20Refer%20to%20the%20City%20Manager%20in%20Collaboration%20with%20the%20CAO.pdf

[25] SFMTA, https://www.sfmta.com/blog/sfmta-and-bay-wheels-reach-agreement

[26] USDOT, Studying the Use of Low-Cost Sensing Devices to Report Roadway Pavement Conditions, https://rosap.ntl.bts.gov/view/dot/78991#:~:text=This%20report%20investigates%20the%20application,network%20longevity%20and%20user%20satisfaction

[27] Nesic, Alex. The Medium. https://alexnesic88.medium.com/parking-compliance-unleashing-the-potential-of-shared-micromobility-d979b1e3c950

creating parking corrals in daylighted zones to reduce sidewalk obstruction, and improve compliance with the Americans with Disability Act (ADA) (e.g., eliminating or mitigating for instances of micromobility devices impeding public right of way access to those with physical disabilities). Operators should consider enhancing ADA compliance and accessibility by incorporating features such as Braille labels on devices, emergency buttons accessible to wheelchair users, and prominently displayed contact information that is easily visible at all times of day, subject to technological and contractual feasibility. The operator fee should, to the extent possible, incorporate the costs of all such measures.

4. Stronger Accountability Measures

The City of Berkeley should continue, through contracting tools, to reflect the shared responsibility of operators in ensuring that unsafe behaviors and public nuisances are proactively addressed, as negative perceptions could threaten the long-term viability of these services. Operators should be held accountable to protect the public perception and social acceptance of micromobility.

a. Revise operator reporting requirements. Expand the currently required frequency of quarterly submission by operators to City staff with the production of biannual (twice per year) reports to the full Council, including, but not limited to detailing moving and parking violations, number of repeat offenders, safety class attendance, warnings issued, penalties applied, and any ridership privileges revoked.
b. The City of Berkeley can reinforce shared responsibility by holding operators accountable for unsafe behaviors and public nuisances, recognizing that public perception affects the long-term success of micromobility.

5. Community Engagement and Education

a. Centralize and streamline the city's website to ensure all micromobility program details, rules, safety guidance, maps, and reporting instructions are easy to find and access in one location. The City might explore developing a comprehensive micromobility information hub—either as a standalone site or a robust, dedicated webpage—that consolidates policies, maps, FAQs, safety regulations, ADA requirements, and incident-reporting tools in plain, user-friendly language that could be visible to the public.

b. Expand operator led education campaigns via signage, classes, media, and social media to increase awareness of proper micromobility use.
c. All materials should be available in multiple, most used languages in Berkeley and should be designed for varying levels of familiarity, from first-time riders to frequent users, and should include visual guides and real-world examples.
d. Operators should be required to lead outreach efforts with City support when possible:
    i. Align public education efforts with in-app onboarding, user prompts, and enforcement tools that are specific to each device type. Public–private partnerships should extend to schools, colleges, community organizations, advocacy groups, and affordable housing providers to ensure equitable, mode-appropriate outreach. Pay special attention to family and youth education. Operators and the City should partner with schools and community groups to equip parents with resources to educate their children on micromobility safety.
e. The City should consider including outreach requirements in contracts with operators (i.e. tabling at a minimum # of outreach events, minimum # of in-person training classes with community organizations, etc.).

These coordinated approaches could integrate infrastructure improvements, rider safety, enforcement, operator accountability, public education, and rider incentives, providing a framework for a safer, more equitable, and sustainable micromobility system in Berkeley.

COMMUNITY IMPACT

Strengthening Berkeley's micromobility regulations will enhance public safety, protect ADA accessibility, and reduce sidewalk obstructions. Consistent enforcement and updated operator contracts ensure accountability and equity, while expanded public education campaigns and improved infrastructure promote safe, orderly, and sustainable micromobility use.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Well-regulated micromobility directly supports Berkeley's Climate Action Plan by providing low-emission alternatives to short car trips, helping to reduce greenhouse gas emissions, air pollution, and traffic congestion. By investing in safe infrastructure, accessible parking, and public education, the City of Berkeley can encourage more people to adopt micromobility options, increasing the share of sustainable transportation in daily travel.

CONTACT PERSON

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Igor Tregub
Councilmember District 4

CONSENT CALENDAR
MARCH 10, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Tregub

Subject: Resolution Opposing Bureau of Land Management Oil and Gas Leasing and Drilling on California Public Lands and Parks

RECOMMENDATION

Adopt a Resolution opposing the Bureau of Land Management's (BLM) proposed oil and gas leasing and development on approximately 1.6 million acres of California public lands, including areas adjacent to Bay Area parks such as Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, and Black Diamond Mines Regional Preserve; and refer to the City Manager to send a letter to the BLM Central Coast Field Office, the U.S. Secretary of the Interior, and California's Congressional delegation urging withdrawal of the Draft Supplemental Environmental Impact Statements and cessation of all new oil and gas lease sales on California public lands.

CURRENT SITUATION AND ITS EFFECTS

On January 13, 2026, the Bureau of Land Management (BLM) published a Notice of Availability for the Draft Supplemental Environmental Impact Statement (SEIS) for the Central Coast Field Office Oil and Gas Leasing and Development program. Under this proposal, the BLM would open approximately 683,100 acres of federal mineral estate across 12 counties (Alameda, Contra Costa, Monterey, San Benito, San Mateo, Santa Clara, Santa Cruz, Fresno, Merced, and San Joaquin) to new oil and gas leasing and hydraulic fracturing (fracking). A parallel process through the Bakersfield Field Office covers an additional approximately 800,000 acres in south-central California.

The proposed leasing areas include lands directly adjacent to treasured Bay Area parks and open spaces, including Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, and Black Diamond Mines Regional Preserve. Due to the "split estate" nature of federal mineral rights, where the federal government owns subsurface mineral rights beneath state or locally managed surface lands, drilling operations could be authorized beneath or immediately adjacent to these protected areas, threatening their ecological integrity and recreational value.

This proposal directly threatens Berkeley residents and the broader Bay Area community in several critical ways:

- **Air Quality and Public Health:** Oil and gas extraction and fracking operations release volatile organic compounds, particulate matter, and hazardous air pollutants that degrade regional air quality and endanger public health, particularly for vulnerable populations including children, elderly residents, and those with respiratory conditions.

- **Water Resources:** Fracking operations require millions of gallons of water and generate toxic wastewater that risks contaminating groundwater and surface water supplies upon which Bay Area communities depend.

- **Climate Change:** The BLM's own Preferred Alternative (Alternative F) estimates that the Central Coast proposal alone would release approximately 660,977 metric tons of CO_2 equivalent emissions over a 30-year project life, directly undermining California's climate goals and the City of Berkeley's Climate Action Plan.

- **Biodiversity and Habitat:** The proposed leasing areas encompass critical habitat for threatened and endangered species, and drilling operations would fragment wildlife corridors connecting Bay Area open spaces.

- **Conflict with State Law:** California's oil and gas setback law (SB 1137) prohibits new drilling within 3,200 feet of sensitive locations including homes, schools, and parks. The BLM proposal would allow federal lessees to circumvent these state health protections on federal mineral estate.

This item aligns with the City of Berkeley Strategic Plan goals to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment, and to create a resilient, safe, connected, and prepared city.

BACKGROUND

The BLM's effort to open California public lands to new oil and gas leasing originated during the first Trump administration in 2019, when the agency released proposals covering approximately 1.2 million acres under the Bakersfield Field Office and approximately 800,000 acres under the Central Coast Field Office. Environmental organizations, including the Center for Biological Diversity, Sierra Club, and Earthjustice, along with Monterey and Santa Cruz Counties, filed lawsuits alleging that the BLM's environmental reviews failed to adequately assess the impacts of fracking.

In 2020, the administration auctioned 4,000 acres in Kern County, but development was blocked by additional litigation. In December 2022, a federal court approved settlement agreements that suspended all new oil and gas leasing across more than one million acres of California public lands until the BLM produced new, adequate environmental analyses.

The current Draft Supplemental EIS represents the BLM's attempt to satisfy those settlement requirements. However, environmental organizations and public health advocates have stated that the new analyses remain inadequate, noting that the 100-page review's conclusions that environmental and health impacts would be "minimal" fail to account for the cumulative effects of oil and gas development on regional air quality, water resources, and community health.

The public comment period for the Central Coast Field Office Draft SEIS closes on March 13, 2026, with a final decision expected by July 2026.

In 2017, the Berkeley City Council adopted a resolution opposing offshore drilling and fracking off the California coast. The current proposal presents analogous threats to public health, the environment, and community well-being on lands directly adjacent to Bay Area parks and communities.

RATIONALE FOR RECOMMENDATION

A resolution opposing BLM oil and gas leasing on California public lands and directing the City Manager to transmit a formal letter to federal officials is supported by the following considerations:

- The proposal threatens the ecological integrity of regionally significant parks and open spaces that Berkeley residents and Bay Area communities rely upon for recreation, clean air, and quality of life.
- New fossil fuel extraction is inconsistent with the City of Berkeley's Climate Action Plan, its declaration of a climate emergency, and its commitment to environmental justice.
- The BLM's environmental review has been challenged as inadequate by leading environmental organizations and was previously found deficient by federal courts.
- A formal resolution during the public comment period adds the City's voice to the record and strengthens the legal and political case for protecting these lands.
- Numerous municipalities, counties, and community organizations across California have opposed these leasing proposals, and Berkeley's voice as a leader in environmental policy carries significant weight.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This resolution directly advances the City's environmental sustainability and climate goals. The proposed BLM leasing program would enable new fossil fuel extraction that is fundamentally incompatible with the City's commitment to addressing climate change. The estimated 660,977 metric tons of CO_2 emissions from the Central Coast proposal alone would work against regional greenhouse gas reduction targets. Additionally, drilling operations adjacent to Bay Area parks would threaten natural habitats,

biodiversity, tree canopy, and watersheds—all of which the City has committed to preserving and protecting. Adoption of this resolution reinforces Berkeley's leadership in protecting the environment and advancing a just transition away from fossil fuels.

FINANCIAL IMPLICATIONS

There are no direct financial implications to the City from adopting this resolution and transmitting the associated letter. Staff time required to transmit the letter is minimal and can be absorbed within existing resources.

ALTERNATIVE ACTIONS CONSIDERED

The alternative of taking no action was considered. However, given the urgency of the public comment deadline (originally March 6, and extended to March 13, 2026 due to issues with the BLM's website), the proximity of the affected areas to Berkeley and the Bay Area, and the potential irreversible environmental harm, taking no action would represent a missed opportunity to formally register the City's opposition during the critical public comment period.

CONTACT PERSON

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510-981-7140

Attachments:

1. Resolution Opposing BLM Oil and Gas Leasing on California Public Lands
2. Draft Letter to the Bureau of Land Management and U.S. Secretary of the Interior

RESOLUTION NO. _____ - N.S.

OPPOSING THE BUREAU OF LAND MANAGEMENT'S PROPOSED OIL AND GAS LEASING AND DEVELOPMENT ON CALIFORNIA PUBLIC LANDS AND PARKS, AND URGING THE WITHDRAWAL OF THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENTS FOR THE CENTRAL COAST AND BAKERSFIELD FIELD OFFICES

WHEREAS, The Bureau of Land Management (BLM) published on January 13, 2026, a Notice of Availability for the Draft Supplemental Environmental Impact Statement (SEIS) for the Central Coast Field Office Oil and Gas Leasing and Development program, proposing to open approximately 683,100 acres of federal mineral estate across 12 California counties to new oil and gas leasing and hydraulic fracturing; and

WHEREAS, A parallel BLM planning process through the Bakersfield Field Office proposes to open approximately 800,000 additional acres in south-central California to oil and gas leasing, bringing the total proposed acreage to approximately 1.6 million acres of California public lands; and

WHEREAS, The proposed leasing areas include lands directly adjacent to regionally and nationally significant parks and protected areas, including Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, Black Diamond Mines Regional Preserve, and areas near Los Padres National Forest and the Pacific Crest Trail; and

WHEREAS, The "split estate" nature of federal mineral rights means that the federal government may authorize oil and gas extraction beneath or adjacent to state and locally managed parklands, threatening the ecological integrity and recreational value of these protected areas; and

WHEREAS, Oil and gas extraction and hydraulic fracturing operations release volatile organic compounds, particulate matter, methane, and other hazardous air pollutants that degrade air quality and endanger public health, with disproportionate impacts on low-income communities and communities of color; and

WHEREAS, Fracking operations require millions of gallons of water and produce toxic wastewater that poses risks to groundwater and surface water resources; and

WHEREAS, The BLM's Preferred Alternative (Alternative F) for the Central Coast proposal estimates the release of approximately 660,977 metric tons of CO_2 equivalent emissions over the 30-year life of the project, directly undermining California's climate goals and the Paris Agreement targets; and

WHEREAS, California enacted SB 1137, establishing health and safety setback zones that prohibit new oil and gas wells within 3,200 feet of homes, schools, parks, and other sensitive receptors, and the BLM proposal would allow federal lessees to circumvent these state health protections; and

WHEREAS, In December 2022, a federal court approved settlement agreements suspending all new oil and gas leasing across more than one million acres of California public lands after courts found the BLM's prior environmental reviews inadequate; and

WHEREAS, Leading environmental organizations, including the Center for Biological Diversity, Sierra Club, Earthjustice, and the Natural Resources Defense Council, have stated that the current Draft SEIS analyses remain inadequate and fail to account for cumulative impacts on public health and the environment; and

WHEREAS, The City of Berkeley has declared a climate emergency and adopted a Climate Action Plan committing to significant greenhouse gas reductions, and new fossil fuel extraction on nearby public lands directly undermines these commitments; and

WHEREAS, The City of Berkeley's Strategic Plan includes goals to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment, and to preserve and protect natural habitats, biodiversity, tree canopy, and watersheds; and

WHEREAS, In 2017, the Berkeley City Council adopted a resolution opposing offshore drilling and fracking off the California coast, establishing a precedent for the City's opposition to fossil fuel development that threatens California's environment and communities; and

WHEREAS, The public comment period for the Central Coast Field Office Draft SEIS closes on March 13, 2026, making timely action by the City Council essential to ensuring Berkeley's voice is included in the public record.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley strongly opposes the Bureau of Land Management's proposed oil and gas leasing and development on California public lands as set forth in the Draft Supplemental Environmental Impact Statements for the Central Coast Field Office and Bakersfield Field Office, and calls upon the BLM to withdraw these proposals and refrain from holding any new oil and gas lease sales on California public lands.

BE IT FURTHER RESOLVED that the City of Berkeley calls upon the BLM to honor the spirit and intent of the 2022 federal court settlement agreements that suspended oil and gas leasing on these lands, and to conduct thorough, adequate environmental review that fully accounts for the cumulative impacts of oil and gas development on public health, air quality, water resources, climate, wildlife, and environmental justice.

BE IT FURTHER RESOLVED that the City of Berkeley urges the BLM to respect and not preempt California's health and safety protections, including the setback requirements established by SB 1137, on all oil and gas operations on federal mineral estate within the state.

BE IT FURTHER RESOLVED that the City Manager is directed to transmit a letter on behalf of the City Council to the BLM Central Coast Field Office, the BLM Bakersfield Field Office, the U.S. Secretary of the Interior, and California's U.S. Senators and Congressional representatives, conveying the City's opposition and requesting that the

BLM withdraw the Draft Supplemental Environmental Impact Statements and cease all new oil and gas leasing on California public lands.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to organizations working to protect California public lands from oil and gas development.

Date

Bureau of Land Management
Central Coast Field Office
940 2nd Avenue
Marina, CA 93933

Bureau of Land Management
Bakersfield Field Office
3801 Pegasus Drive
Bakersfield, CA 93308

The Honorable Doug Burgum
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Re: Opposition to Proposed Oil and Gas Leasing on California Public Lands — Central Coast Field Office and Bakersfield Field Office Draft Supplemental Environmental Impact Statements

Dear Secretary Burgum and BLM Field Office Managers:

On behalf of the City of Berkeley, California, I write to express our strong opposition to the Bureau of Land Management's proposed oil and gas leasing and development program as set forth in the Draft Supplemental Environmental Impact Statements (SEIS) for the Central Coast Field Office and Bakersfield Field Office. We respectfully urge the BLM to withdraw these proposals and refrain from holding any new oil and gas lease sales on California public lands.

The Berkeley City Council adopted Resolution No. _____ on March 10, 2026, unanimously opposing the BLM's proposal to open approximately 1.6 million acres of California public lands to new oil and gas leasing and hydraulic fracturing. This letter conveys the substance and intent of that Resolution.

Threat to Bay Area Parks and Protected Lands

The proposed leasing areas include lands directly adjacent to some of the Bay Area's most treasured parks and open spaces, including Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, and Black Diamond Mines Regional Preserve. These parks serve millions of visitors annually and provide critical habitat, watershed protection, and recreational opportunities for the residents of Berkeley and the surrounding region. The "split estate" nature of federal mineral rights means that drilling

and fracking could occur beneath or immediately adjacent to these protected lands, causing irreversible harm to their ecological integrity.

Public Health and Environmental Concerns

Oil and gas extraction operations, particularly hydraulic fracturing, release volatile organic compounds, particulate matter, methane, and other hazardous pollutants that degrade air quality and endanger public health. These impacts are borne disproportionately by low-income communities and communities of color, raising serious environmental justice concerns. Furthermore, fracking operations consume millions of gallons of water and generate toxic wastewater that threatens groundwater and surface water resources throughout the region.

Climate Impacts

The BLM's own analysis estimates that the Central Coast proposal alone would generate approximately 660,977 metric tons of CO_2 equivalent emissions over its 30-year lifespan. At a time when the scientific consensus demands rapid decarbonization to avert the worst consequences of climate change, authorizing new fossil fuel extraction on public lands is unconscionable. The City of Berkeley has declared a climate emergency and adopted ambitious greenhouse gas reduction targets; new oil and gas development on nearby public lands directly undermines these efforts and the State of California's climate goals.

Inadequacy of Environmental Review

We note that the BLM's prior environmental reviews for these same leasing proposals were found deficient by federal courts, resulting in the 2022 settlement agreements that suspended leasing on more than one million acres. Leading environmental and public health organizations have stated that the current Draft SEIS analyses remain inadequate, failing to properly assess cumulative impacts on air quality, water resources, public health, and environmental justice communities. We urge the BLM to conduct a thorough, legally adequate environmental review before any leasing decisions are made.

Conflict with California Law

California's SB 1137 establishes health and safety buffer zones prohibiting new oil and gas wells within 3,200 feet of sensitive locations, including homes, schools, and parks. The BLM's proposal would effectively allow federal lessees to circumvent these vital state protections. We urge the BLM to respect California's democratically enacted health and safety laws and to refrain from authorizing operations that would undermine them.

Request

For the foregoing reasons, the City of Berkeley respectfully requests that the Bureau of Land Management:

1. Withdraw the Draft Supplemental Environmental Impact Statements for both the Central Coast Field Office and Bakersfield Field Office oil and gas leasing programs;
2. Refrain from holding any new oil and gas lease sales on California public lands;
3. Honor the intent of the 2022 federal court settlement agreements that recognized the inadequacy of prior environmental review;
4. Conduct thorough, legally adequate environmental analysis that fully accounts for cumulative impacts on public health, air quality, water resources, climate, wildlife, and environmental justice; and
5. Respect and not preempt California's health and safety protections, including the setback requirements established by SB 1137.

We appreciate your consideration of the City of Berkeley's position on this critically important matter. Our community stands with the many municipalities, counties, environmental organizations, and public health advocates across California who are working to protect our public lands, parks, air, water, and climate from the harms of new fossil fuel extraction.

Sincerely,

Mayor Adena Ishii and Members of the Berkeley City Council

cc:
U.S. Senator Alex Padilla
U.S. Senator Adam Schiff
U.S. Representative Lateefah Simon

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Shoshana O'Keefe
CITY COUNCILMEMBER DISTRICT 5

CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council
From: Councilmember Shoshana O'Keefe (Author), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Igor Tregub (Co-Sponsor)
Subject: Citywide Guidelines on Artificial Intelligence

RECOMMENDATION

Refer to the City Manager to develop official, citywide guidelines for the secure, ethical, and effective use of Artificial Intelligence (AI) tools by City of Berkeley employees. The policy should align with Berkeley's values, promote innovation and progress, and safeguard privacy and public trust.

The City Manager should review policies adopted by other California cities and develop Berkeley-specific principles to guide staff usage of AI. The following principles should form the foundation of Berkeley's policy:

1. Create safeguards against introduction of bias through use of AI systems
2. Protect data privacy and ensure cybersecurity compliance
3. Maintain human oversight and accountability
4. Explore opportunities to integrate AI into operations management
5. Foster collaboration and cross-departmental exchange of AI knowledge
6. Ensure transparency and compliance with Public Records Laws
7. Periodic review and improvement

Developing a clear and responsible AI policy will help the City of Berkeley harness emerging technologies to better serve the community while upholding equity, integrity, and public confidence in city operations and services.

POLICY COMMITTEE RECOMMENDATION

On Wednesday, February 11, 2026 the Health Policy Committee adopted the following action: M/S/C (Taplin/Tregub) to send item to Council with a positive recommendation. Vote: All Ayes.

BACKGROUND

In recent years, the development and adoption of generative artificial intelligence tools – or AI that can generate text, images, and other content based on prompts from a user and the data it

was trained on – has accelerated dramatically. California, specifically, is at a unique juncture as both the birthplace of AI and the home to a majority of top AI companies in the world.[1]

The rapid rise of AI provides both an opportunity and a challenge for public and private sector employers and organizations. According to a survey conducted by the National Bureau of Economic Research, "as of late 2024, nearly 40 percent of the U.S. population age 18-64 uses generative AI. 23 percent of employed respondents had used generative AI for work at least once in the previous week, and 9 percent used it every work day."[2]

When used responsibly, artificial intelligence can automate repetitive tasks, facilitate efficiency, support decision making and advanced data analysis, and minimize errors. For local governments operating with limited resources and navigating staffing shortages, these tools can assist with communications and the delivery of public goods and services. However, the usage of AI is not without its risks and concerns. The technology also introduces ethical, legal, and operational risks including those related to privacy, cybersecurity, bias in decision making, accuracy, and transparency.

As the usage of AI becomes more common in the workplace, cities and counties across California have developed guidelines for employees including San Francisco[3], San Jose,[4] Long Beach,[5] and Santa Cruz County.[6] With no official citywide policy, City of Berkeley employees are left using their best judgement when it comes to the appropriate uses of AI. Therefore, the City must ensure that the use of AI aligns with its values of equity, innovation, and progress. This item proposes the development of guidelines for City of Berkeley staff based on best practices from other jurisdictions, which include the following:

Addressing Bias
City Staff should use caution when procuring or using any artificial intelligence systems that have documented or reasonably identifiable bias, discriminatory outcomes, or fairness concerns. Numerous instances of AI bias have been documented in the law enforcement,

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[1] California, S. of. (2025, September 29). Governor Newsom signs SB 53, advancing California's world-leading artificial intelligence industry. Governor of California. https://www.gov.ca.gov/2025/09/29/governor-newsom-signs-sb-53-advancing-californias-world-leading-artificial-intelligence-industry/
[2] Bick, A., Blandin, A., & Deming, D. (2024). The rapid adoption of Generative AI. National Bureau of Economic Research . https://doi.org/10.3386/w32966
[3] San Francisco generative AI guidelines. City of San Francisco . (2025, July 8). https://www.sf.gov/reports--july-2025--san-francisco-generative-ai-guidelines
[4]San José AI guidelines and policies. City of San José. (2025). https://www.sanjoseca.gov/your-government/departments-offices/information-technology/itd-generative-ai-guideline
[5] Generative AI guidance. City of Long Beach . (n.d.). https://www.longbeach.gov/smartcity/projects/generative-ai-guidance/
[6] County of Santa Cruz Artificial Intelligence Appropriate Use Policy . County of Santa Cruz . (2023, September 13). https://www2.santacruzcountyca.gov/personnel/vpolandproc/ProceduresManual/PM6476.pdf

criminal justice, and healthcare industries.[7][8][9] San Francisco's guidelines include monitoring for and manually correcting instances of bias.

Data Protection
The City should develop careful and detailed policies surrounding the input of sensitive, confidential, or legally protected data – such as personally identifiable information, health information, or privileged communications – into AI tools. Though there are AI tools designed to work specifically with private data, all AI usage must comply with City data protection policies, cybersecurity standards, and state and federal privacy laws. Long Beach prohibits the use of certain AI systems that carry serious concerns about privacy, transparency, and security.

Human Oversight
While AI may support human judgement in decision-making, it must never replace human oversight. Staff remain responsible for the content, recommendations, and decisions made with the assistance of AI. Consequential decisions that impact human welfare and stand to have a high-impact – such as those affecting rights, benefits, or public services – must undergo human review and sign-off. In certain cases, the use of AI should be prohibited entirely. Santa Cruz County prohibits the use of AI to make decisions related to hiring, benefits, or other sensitive matters where bias could play a role.

AI Integration in Operations
Incorporating AI into operations management could help improve efficiency, consistency, and service quality. When implemented thoughtfully, AI could help support staff and increase organizational resilience. Other potential positive benefits could include improved service delivery and maximizing the impact of limited public resources.

Cross-Department Collaboration
The City should consider how best to encourage the proactive sharing of insights and best practices across departments. This could include quarterly or annual staff meetings that promote the exchange of information, ensuring refinement over time and continuous innovation.

Public Records Act Compliance
AI-generated materials created or used for official City business are city records and may be subject to the California Public Records Act (PRA). Staff should preserve such records accordingly.

Review and Improvement

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[7] Artificial Intelligence in Predictive Policing Issue Brief. NAACP. (n.d.). https://naacp.org/resources/artificial-intelligence-predictive-policing-issue-brief
[8] Taylor, J. (n.d.). Code without conscience: How ai discrimination puts black lives at risk. NCNW. https://ncnw.org/code-without-conscience-how-ai-discrimination-puts-black-lives-at-risk/
[9] Glass , M. (2023, February 23). Algorithms were supposed to reduce bias in criminal justice-do they?. Boston University. https://www.bu.edu/articles/2023/do-algorithms-reduce-bias-in-criminal-justice/

The artificial intelligence landscape is quickly evolving. The City should consider reviewing and amending its AI guidelines annually to reflect feedback from staff, changes in state and federal law, and advances in technology.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

While currently the City of Berkeley has not yet adopted a formal policy guiding staff usage of artificial intelligence, it is our understanding that a draft AI Administrative Regulation is under development by the City Manager, and this item is intended to inform that process.

Recognizing the AI sector is ripe for regulation, the State of California recently became the first in the nation to adopt an artificial intelligence transparency and safety law – dubbed the Transparency in Frontier Artificial Intelligence Act. Additionally, the state also recently adopted a new series of regulations, specifically addressing Automated Decision-Making Technology in employment decisions due to concerns over bias.[10] With the state recognizing the impact and consequences of unregulated artificial intelligence, there is also opportunity for local leadership and governance.

ACTIONS/ALTERNATIVES CONSIDERED

While the City may choose not to take action on artificial intelligence, City employees may already be using AI tools to support their work. Without proper guidance and oversight, there could be many consequences to unregulated AI use, including the spread of misinformation, data and privacy risks, poor or biased decision making, and more. Right now, the City has an opportunity to lead by providing its workforce with a guided approach.

Should the City Manager decide not to pursue official guidelines, the City could consider creating risk tiers – based on San Jose's model – that can help employees understand when additional review is necessary.[11]

[10]California, S. of. (2025a, June 30). Civil Rights Council secures approval for regulations to protect against employment discrimination related to Artificial Intelligence. Civil Rights Department. https://calcivilrights.ca.gov/2025/06/30/civil-rights-council-secures-approval-for-regulations-to-protect-against-employment-discrimination-related-to-artificial-intelligence/

[11]San José AI guidelines and policies . City of San José. (n.d.). https://www.sanjoseca.gov/your-government/departments-offices/information-technology/itd-generative-ai-guideline

AI Risk Levels for Generative AI

Risk Level	What It Means	Example Uses
Low Risk	No private info, for internal drafts	Writing internal emails
Medium Risk	Needs careful review, public-facing	Drafting a City memo
High Risk	Could affect people's rights or safety	Hiring decisions, legal info – not allowed without special approval

CONSULTATION/OUTREACH OVERVIEW AND RESULTS
Councilmember O'Keefe's office consulted with the City Manager's office on the guidelines and the City Manager expressed interest in pursuing the policy. Councilmember O'Keefe has also consulted with the Office of the City Attorney.

RATIONALE FOR RECOMMENDATION
The City of Berkeley currently has no official citywide policy or guidance for employees who wish to use artificial intelligence to support their work. While a draft AI Administrative Regulation is under development by the City Manager, the City has an opportunity to use this item to help inform and shape that forthcoming guidance. With other cities adopting policies to ensure that AI is used securely, responsibly, and transparently, Berkeley should similarly work toward developing its own framework grounded in best practices.

As AI continues to integrate across all sectors, its role in municipal operations is likely to expand. To keep pace with this evolving technological landscape, the City of Berkeley should proactively advance policy development that safeguards privacy, maintains public trust, and provides clear direction for staff use of AI tools. Consideration of this item by the City Council will help ensure that the final Administrative Regulation reflects both policy priorities and community values.

ENVIRONMENTAL SUSTAINABILITY
N/A

FISCAL IMPACTS
Staff time.

CONTACT
Shoshana O'Keefe, sokeefe@berkeleyca.gov, 510-981-7150

Cecilia Lunaparra
Councilmember Berkeley District 7

12

CONSENT CALENDAR
March 10, 2026

To: Honorable Members of the City Council

From: Vice Mayor Lunaparra (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Mayor Ishii (Co-Sponsor)

Subject: Berkeley Free Clinic Critical Renovations: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Vice Mayor Lunaparra's discretionary fund, $500 from Councilmember Taplin's discretionary fund, and funds from any other Councilmembers who would like to contribute, to the Berkeley Free Clinic for critical renovations at its new location at 830 University Avenue, with funds relinquished to the City's general fund for this purpose.

BACKGROUND

Founded in 1969 during the People's Park era, the Berkeley Free Clinic (BFC) has served as a cornerstone of community health for over five decades. Operated as a volunteer-run collective, the BFC provides 100% free acute medical care to anyone in need—regardless of income, insurance, or immigration status. Its services include STI and UTI testing and treatment, HIV linkage and PREP, TB testing, and peer counseling. It also assists clients with benefits enrollment, housing referrals, and access to community resources. The BFC primarily serves unhoused, uninsured, undocumented, and low-income residents who often face the greatest barriers to care. By offering zero-cost services, the BFC reduces pressure on local safety nets and contributes to better public health outcomes across the city.

CURRENT SITUATION AND ITS EFFECTS

After operating for decades at 2339 Durant Avenue in District 7, the BFC was forced to relocate when that building, owned by a local church, was sold and deemed unsuitable for occupation. Its move to 830 University Avenue (formerly the Ann Chandler Public Health Center) allows the BFC to maintain continuity of care in the city it has proudly served for over 50 years. To meet OSHPD standards, the BFC undertook extensive renovations, including demolition, carpentry, plumbing, HVAC, drywall, flooring, and expansion of exam and restroom areas. These upgrades, which cost $196,809, a major investment for a volunteer-driven organization, were necessary to bring the facility into compliance with OSHPD standards for medical settings and to ensure safe, high-quality care for Berkeley residents. The renovated facility will allow the BFC to expand

capacity, extend clinic hours, and continue serving Berkeley's most vulnerable residents in a safe and compliant environment. Financial assistance from the Berkeley City Council for the renovations would help the BFC maintain its vital role in the local safety net and support equitable healthcare in our community.

ENVIRONMENTAL SUSTAINABILITY
No anticipated impacts.

FISCAL IMPACTS
No General Fund impact. $500 is available from both Vice Mayor Lunaparra and Councilmember Taplin’s office budget discretionary accounts.

Attachments:
1. Resolution

CONTACT PERSON
Vice Mayor Cecilia Lunaparra, (510) 981-7170
Jonah Gottlieb, Chief of Staff

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

SUPPORT FOR CRITICAL RENOVATIONS AT THE BERKELEY FREE CLINIC

WHEREAS, the Berkeley Free Clinic (BFC), a registered 501c(3) nonprofit organization operated as a volunteer-run collective, has provided 100% free acute medical care to anyone in need—regardless of income, insurance, or immigration status—for over five decades; and

WHEREAS, the BFC's services include STI and UTI testing and treatment, HIV linkage and PREP, TB testing, and peer counseling. The BFC also assists clients with benefits enrollment, housing referrals, and access to community resources; and

WHEREAS, the BFC primarily serves unhoused, uninsured, undocumented, and low-income residents who often face the greatest barriers to care. By offering zero-cost services, the BFC reduces pressure on local safety nets and contributes to better public health outcomes across the city; and

WHEREAS, after operating for decades at 2339 Durant Avenue in District 7, the BFC was forced to relocate when that building, owned by a local church, was sold and deemed unsuitable for occupation; and

WHEREAS, the BFC's move to 830 University Avenue (formerly the Ann Chandler Public Health Center) allows the BFC to maintain continuity of care in the city it has proudly served for over 50 years; and

WHEREAS, to meet OSHPD standards, the BFC undertook extensive renovations, including demolition, carpentry, plumbing, HVAC, drywall, flooring, and expansion of exam and restroom areas; and

WHEREAS, these upgrades were necessary to bring the facility into compliance with OSHPD standards for medical settings and to ensure safe, high-quality care for Berkeley residents. The renovated facility will allow the BFC to expand capacity, extend clinic hours, and continue serving Berkeley's most vulnerable residents in a safe and compliant environment; and

WHEREAS, the BFC seeks funds in the amount of $500 from Vice Mayor Lunaparra's office, $500 from Councilmember Taplin's office, and up to $500 from each Councilmember to help cover the cost of renovations. Vice Mayor Lunaparra and Councilmember Taplin each have surplus funds in their office expenditure accounts.

NOW THEREFORE, BE IT RESOLVED by the Berkeley City Council that up to $500 relinquished by Councilmembers – including $500 from Vice Mayor Lunaparra and $500 from Councilmember Taplin – shall be granted to the Berkeley Free Clinic to help cover renovations at its new location.

Berkeley City Councilmember
Mark Humbert, District 8
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
mhumbert@cityofberkeley.info
www.MarkHumbert.com

13

CONSENT CALENDAR
March 10, 2026

To: Members of the Berkeley City Council

From: Councilmember Mark Humbert (Author);
Mayor Adena Ishii (Co-Author);
Councilmember Ben Bartlett (Co-Author)

Subject: Project to Increase Telegraph and Claremont Housing (PITCH) Rezoning

RECOMMENDATION

Refer to the City Manager the Project to Increase Telegraph and Claremont Housing (PITCH) as a standalone rezoning effort to proactively and equitably increase housing stock in southeast Berkeley's high-resource areas. This project would seek to:

1. Rezone the Telegraph Avenue corridor south of Parker Street to the Oakland border at Woolsey Street from the current C-C (Commercial-Corridor) district to the C-T (Telegraph Avenue Commercial) district (or similar), allowing for taller mixed-use housing development, with a goal of base zoning of 8 stories/85 feet.
2. Identify and upzone specific auto-oriented C-N (Neighborhood Commercial) parcels in the Claremont and Ashby area (near Domingo Avenue) from their current 2–3 story limits to 4–6 stories using existing or new zoning districts.
3. Allocate funding from the District 8 office budget to begin required planning and California Environmental Quality Act (CEQA) review for the proposed zoning changes.

POLICY COMMITTEE RECOMMENDATION

On February 2, 2026 the Land Use, Housing & Economic Development Policy Committee adopted the following action: M/S/C (Bartlett/Tregub) to send the item to the City Council with a qualified positive recommendation with the following amendments: 1. Provide a more precise description of where the balance of the proposed funding would come from. 2. Look at a variety of density bonus scenarios for projections related to units and stories. 3. Clarify that the boundary runs from south of Parker Street to the Oakland border. Vote: All Ayes.

SUMMARY

This item proposes a new, targeted rezoning effort to deliver a substantial and equitable increase in zoned housing capacity in District 8 (and limited portions of District 3 along

Telegraph). The Project to Increase Telegraph and Claremont Housing (PITCH) focuses on the under-utilized Telegraph Avenue corridor, which offers significant capacity (estimated up to 5,700 new units), excellent transit access, and larger, more easily developable parcels.

By simultaneously applying targeted upzoning to auto-oriented sites in the highest-resource Claremont neighborhood, the project would fulfill Affirmatively Furthering Fair Housing (AFFH) and other Housing Element goals by expanding housing opportunities into the highest-resource parts of Berkeley. This strategic approach ensures a significant and geographically equitable contribution to Berkeley's housing goals, while potentially relieving pressure on more commercially and architecturally sensitive areas.

FINANCIAL IMPLICATIONS

The estimated cost to execute the necessary initial planning, staff time, and comprehensive environmental review (CEQA) for PITCH is $250,000. To ensure the viability and timely commencement of this project, Councilmember Humbert commits to funding:

- $~~100,000~~180,000 from his Fiscal Year (FY) 2026 office budget.
- $~~50,000~~70,000 from his FY 2027 office budget.

The total contribution of $~~1~~250,000 helps make the project viable for immediate launch, allowing ~~the~~any unexpected balance or contingency to be secured from ~~other general City funds~~the City's general fund and/or grant opportunities in FY 2027/2028.

CURRENT SITUATION AND ITS EFFECTS

Telegraph Avenue, from Parker Street south to the Oakland border, is currently zoned C-C, which sets a base zoning for development of 3-story mixed-use or residential buildings. This represents a severe under-utilization of a key corridor located in a High Resource zone (slated to be upgraded to a Highest Resource area by 2026 TCAC maps) and which features wide street sections (~66' of traffic lanes) and large parcels ideal for higher-density housing.

Furthermore, new housing production has been disproportionately low in the highest-resource neighborhoods of District 8, such as Claremont. Although certain portions of the Claremont area have recently seen their housing capacity increase due to the City's Middle Housing efforts, fire risks and a limited number of underutilized non-residential parcels mean that, absent this project, this area is unlikely to contribute appreciably to the creation of new homes in Berkeley.

BACKGROUND

The City of Berkeley has a State mandate and made local commitments to increase housing production in high-resource, transit-rich areas. Telegraph Avenue's length, infrastructure, and under-developed parcels present an excellent opportunity for high-density housing. The State of California's new law (SB 79) will already require upzoning near Ashby BART (District 3) and the

adjacent Telegraph/Alcatraz area, making a comprehensive upzoning of the entire Telegraph corridor both a logical and proactive step.

RATIONALE FOR RECOMMENDATION

This project is an effective approach to better meeting Berkeley's housing and equity goals:

- Increasing Housing Capacity on Telegraph: Rezoning Telegraph to C-T (8-stories) is projected to create a zoned housing capacity of up to around 5,700 units—a vital contribution to Berkeley's housing stock.
- Equitable Development:
    - The Telegraph corridor is located in a High Resource area and the project will better satisfy Affirmatively Furthering Fair Housing goals.
    - Including the Claremont area (targeting auto-oriented uses near Ashby and Domingo) creates new housing opportunities in one of Berkeley's highest resource neighborhoods, diversifying housing options and providing walkable retail access to residents.
- Infrastructure Alignment: The project aligns new development with the City's investment in the Telegraph Multimodal Corridors project, which includes bus lanes and a protected cycletrack to improve transit and cycling infrastructure.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project promotes environmental sustainability and climate action by increasing housing development along the high-frequency 6-Telegraph AC Transit bus route, which also features good access to jobs, shopping, and other urban amenities. This location encourages car-free or car-lite living and would serve to reduce the carbon footprint associated with auto use relative to housing in other areas of Berkeley and especially outside Berkeley.

Encouraging infill development also has the effect of reducing development pressure on agricultural and wildland areas, helping preserve them as natural and working lands.

Subsequent CEQA review will ensure all environmental impacts are fully assessed and, if necessary, mitigated before zoning changes are enacted.

POSSIBLE FUTURE ACTION

This referral represents the first step in a longer process that would involve substantial additional staff work, public engagement, subsequent Council input, environmental review, and subsequent Council votes to approve any rezoning and associated CEQA documentation.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The project is made more fiscally viable by the immediate financial commitment from Councilmember Humbert's office. Subsequent fiscal impacts include increased property tax revenue from new housing development, increased sales tax revenue from more residents and subsequent foot traffic, and increased transit ridership on the 6-line, which will help AC Transit address its fiscal shortfall.

CONTACT PERSON

Councilmember Mark Humbert — mhumbert@berkeleyca.gov, 510-981-7180

ATTACHMENTS

Attachment 1 Preliminary Buildout Analysis

ATTACHMENT 1 Preliminary Buildout Analysis

Improving Corridor Upzoning in District 8

Telegraph Avenue is currently zoned C-C and allows for just 3 stories, mixed-use or fully residential. By continuing the C-T zone from the Southside Plan down Telegraph Avenue, District 8 would be making possible thousands of new housing units on a corridor with plentiful underutilized automotive land-use, office properties, drive-thrus, and parking lots, and with streets wide enough for homes taller than 4-6 stories. Telegraph is equal to College Ave. in state resource designation. North of Ashby is High Resource and south of Ashby is Highest Resource.

To estimate the housing unit capacity of a Telegraph Avenue re-zoning, assume 1,000 sqft units with first-floor commercial uses. If a building is 7 stories, then the housing capacity is 6 stories by the number of 1,000 sqft units that fit within the parcel. Telegraph Avenue has more space for much higher-density housing than is being proposed on all the corridors, and has high-density zoning that can be extended from the Southside Plan (C-T zone).

	College (Current D8 proposal)	Telegraph (Proposed)
Acreage	7 acres (only 1.9 acres likely to be developed)	20 acres
Zoned Housing Capacity	Proposed C-E up-zoning (**only 130 units are expected, best case,** on likely to be developed parcels.): 4-stories: 615 units 6-stories: 1,025 units	C-T Zoning (8 stories/FAR 8.0): 5,705 units

The gas station parcel on the northwest corner at Ashby and Telegraph alone fits 259 units, pre-density bonus, more than the best-case scenario for the entire proposed College Ave. rezoning.

In addition to adding Telegraph Avenue to the Corridors Plan and changing the Elmwood upzoning to a spot-zoning of the least sensitive lots without contingent commercial structures, the Claremont neighborhood has several car-oriented parcels ideal for new housing. Claremont is the Highest Resource neighborhood in Berkeley. Housing on the gas stations and auto shops in the C-N zone around Ashby and Domingo Avenue would provide future residents with walkable retail, a 5-minute walk to Star Grocery, and a local bus line.

The following is a comprehensive table of zoned capacity under the proposed changes to District 8 rezoning.

Location	**Current Zoning**	**Proposed Zoning**	**Rationale**	**APN (if applicable)**	**Dwelling Unit Zoned Capacity**
Telegraph Ave south of Parker Street	**C-C** 2-3 stories	**C-T** 85 feet (8 stories)	Good transit service, wide street, many suitable sites. 5 minute walk to Elmwood shopping district; Whole Foods, Berkeley Bowl within walking range.		8 stories w/ ground floor retail: 5,705 units
Claremont & Ashby: two gas stations, a car repair shop, and a parking lot	**C-N** 2-3 stories	4 - 6 stories (Same as Solano)	Creates new housing in the wealthiest district of Berkeley. 5 min. walk to Star Grocery. Domingo Ave. businesses next door. 12 minutes to BART by bus. Gas stations will be obsolete in the near future as the population continues shift to EVs.	'64-4234-3-3' '64-4235-8-4' '64-4236-4', '64-4236-2'	4 stories w/ ground floor retail: 159 units. 6 stories w/ ground floor retail: 265 units. 4 stories: 212 units 6 stories: 318 units.
Elmwood: 7-11 strip mall, Wells Fargo Lot, and Post Office	**C-E** 2-3 stories	4 - 6 stories (Same as Solano)	Rezone three parking lot parcels on College. Would allow building types such as senior or affordable housing, to be added to the Elmwood.	52-1567-62-6, 53-1696-15, 52-1567-16	4 stories w/ ground floor retail: 84 units. 6 stories w/ ground floor retail: 140 units.
Total Units Zoned Proposed					~6,100 units zoned

Current Plan (C-E)	**C-E**	4 - 6 stories	Entirety of College commercial re-zoned		615 - 1,025 units

Additional Notes:

1. The Telegraph Multimodal Corridors project is investing in transportation for future population growth along Telegraph Ave.
2. SB 79 will likely require some rezoning of or near the west side of Telegraph Ave., via Ashby BART in District 3. This is an opportunity to rezone Telegraph comprehensively, rather than rely on the state and a portion of Telegraph and the LeConte neighborhood in District 3, only.

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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 and Development Department

Subject: Amendments to BMC Title 23 (Zoning) to update the regulation of Nonconforming Lot Coverage, Floor Area Ratio and Density for Residential Uses in selected Zoning Districts

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending BMC Title 23 Section 23.324.050 to update the regulation of nonconforming lot coverage, FAR and density for residential uses in the Residential Multi-Unit 1 (R-1), Residential Multi-Unit 2 (R-2), Residential Multi-Unit 2A (R-2A), and Mixed Use-Residential (MU-R) Zoning Districts.

FISCAL IMPACTS OF RECOMMENDATION

Adoption of the recommended amendment would not result in any costs or revenues for the City.

BACKGROUND

The need for the proposed amendment to BMC Section 23.324.050 (Conforming and Nonconforming Structures and Buildings) was identified during the implementation of the Middle Housing zoning changes, which were adopted on July 8, 2025. The Middle Housing zoning changes allow multi-family uses and residential additions through ministerial approval (i.e., with a Zoning Certificate) in the R-1, R-2, R-2A and MU-R zoning districts.

Middle Housing established new objective development standards and a minimum density that define a project's allowable density and maximum building envelope. Projects that meet these objective development standards can be approved ministerially.

The provisions of BMC Section 23.324.050 conflict with the intent of Middle Housing because they require applicants to obtain a Use Permit to expand structures that do not conform with the parcel's required minimum density, even though they would otherwise

meet the objective development standards. BMC Section 23.324.050 also conflicts with Middle Housing because it includes a provision that permits nonconforming residential uses to exceed maximum lot coverage and FAR by obtaining a Use Permit, even though Middle Housing standards were established to definitively define the building envelope through objective standards that cannot be exceeded with additional permits.

On January 21, 2026, staff presented a proposed Zoning Ordinance amendment to the Planning Commission at a duly noticed public hearing (**Attachment 2**). The Planning Commission unanimously adopted a resolution recommending an amended version of the staff recommendation for adoption by City Council.

CURRENT SITUATION AND ITS EFFECTS

The existing provisions of BMC Section 23.324.050 maintain discretionary approval pathways for residential projects, and therefore conflict with the legislative intent of the Middle Housing zoning changes in two primary ways:

1) By requiring a Use Permit for residential additions that comply with objective development standards, they contradict City Council's intent to allow ministerial approval of code-compliant additions in the R-1, R-2, R-2A and MU-R zoning districts; and
2) By allowing a project to exceed the maximum lot coverage standard with a Use Permit, they establish a discretionary pathway to exceed objective development standards that were established to definitively proscribe the maximum building envelope.

DISCUSSION

The proposed amendments would remove the Use Permit requirement for residential projects that do not conform with minimum density and prohibit residential projects from exceeding maximum lot coverage and FAR through the Use Permit process in the R-1, R-2, R-2A, & MU-R zoning districts by exempting them from the provisions of BMC Section 23.324.050(D)(3) (*Nonconforming Coverage, FAR, and Density*) (**Attachment 1)**, as follows:

3. Nonconforming Coverage, FAR, and Density.

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

(b) The ZAB may approve the Use Permit only if the project does not:

i. Increase or exacerbate the nonconformity; or

ii. Exceed the height limit.

(c) The provisions of this section do not apply to Residential Uses in the R-1, R-2, R-2A or MU-R Zoning Districts.

RATIONALE FOR RECOMMENDATION

By exempting residential projects in the Middle Housing zoning districts from the provisions of 23.324.050(D)(3), the proposed amendment would:

- Reflect Middle Housing's intent to permit ministerial approval of code-compliant residential projects by removing the requirement for a Use Permit when a proposed residential addition to a nonconforming structure complies with objective development standards.

- Reflect Middle Housing's intent to have a single set of objective development standards that definitively proscribe the maximum building envelope by removing a discretionary pathway to exceed the Middle Housing development standards.

ALTERNATIVE ACTIONS CONSIDERED

At its January 21, 2026 meeting the Planning Commission agreed that BMC Section 23.324.050(D)(3) conflicts with the legislative intent of Middle Housing by retaining discretionary approval pathways for additions to, and enlargements of, nonconforming residential structures in the R-1, R-2, R-2A and MU-R zoning districts. The Planning Commission amended the proposed Zoning Ordinance language intending to prevent nonconforming projects from further exacerbating nonconformities:

D. Expansion and Alteration

3. *Nonconforming Coverage, FAR, and Density.*

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

(b) The ZAB may approve the Use Permit only if the project does not:

i. Increase or exacerbate the nonconformity; or

ii. Exceed the height limit.

(c) The provisions of this section do not apply to Residential Uses in the R-1, R-2, R-2A or MU-R Zoning Districts, as long as the project does not increase or exacerbate the nonconformity nor exceed the height limit.

The Planning Commission's intent was to ensure that the exemption did not inadvertently exclude projects that would otherwise comply with development standards. However, staff finds that the Commission's proposed language retains a discretionary approval pathway that would permit projects to exceed Middle Housing development standards that were established to definitively proscribe the maximum building envelope. The Planning Commission's language exempts projects from the requirements 23.324.050(D)(3), "as long as the project does not increase or exacerbate the nonconformity nor exceed the height limit." This language implies that if a project *does* increase or exacerbate a nonconformity, it would be subject to this section, and could therefore apply for a Use Permit to exceed maximum lot coverage. At its meeting of January 21, 2026, the Planning Commission members agreed that they did not want to create a discretionary pathway to exceed Middle Housing standards. Their proposed language, however, preserves a discretionary pathway. To address this, the Ordinance presented with this report reflects staff revisions to the Planning Commission language, to meet its intent of removing the discretionary pathway.

In addition, BMC Section 23.324.050(D)(1) permits additions or enlargements to nonconforming structures, as long as "the addition or enlargement complies with all applicable laws." An addition, therefore, can be added to a nonconforming structure as long as it complies with all other Middle Housing development standards.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed Zoning Ordinance amendment does not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendment would in no way have a significant effect on the environment and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

The Middle Housing zoning changes are intended to encourage dense, infill development in existing urbanized areas. Such development is associated with fewer transportation-related emissions and greater overall energy efficiency, helping the City meet the goals of its Climate Action Plan.

CONTACT PERSON

Faye Mingham, Assistant Planner, Planning and Development Department, (510) 981-7484

Attachments:
1: Ordinance
2: PC Staff Report 01-21-2026
3: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO THE CONFORMING AND NONCONFORMING STRUCTURES AND BUILDINGS CHAPTER (BMC 23.324.050) TO UPDATE THE REGULATION OF NONCONFORMING LOT COVERAGE, FLOOR AREA RATIO (FAR) AND DENSITY FOR RESIDENTIAL USES IN THE RESIDENTIAL MULTI-UNIT 1 (R-1), RESIDENTIAL MULTI-UNIT 2 (R-2), RESIDENTIAL MULTI-UNIT 2A (R-2A), AND MIXED USE-RESIDENTIAL (MU-R) ZONING DISTRICTS.

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23.324.050(D)(3) is amended to read as follows:

23.324.050 Conforming and Nonconforming Structures and Buildings.

D. Expansion and Alteration

3. *Nonconforming Coverage, FAR, and Density.*

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

(b) The ZAB may approve the Use Permit only if the project does not:

i. Increase or exacerbate the nonconformity; or

ii. Exceed the height limit.

(c) The provisions of this section do not apply to Residential Uses in the R-1, R-2, R-2A or MU-R Zoning Districts.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: January 21, 2026

To: Members of the Planning Commission

From: Faye Mingham, Assistant Planner

Subject: Amendments to BMC Title 23 (Zoning) to update the regulation of Nonconforming Lot Coverage, Floor Area Ratio (FAR) and Density for Residential Uses in the Residential Multi-Unit 1 (R-1), Residential Multi-Unit 2 (R-2), Residential Multi-Unit 2A (R-2A), and Mixed Use-Residential (MU-R) Zoning Districts.

RECOMMENDATION:

Conduct a public hearing, receive public comment, and upon conclusion, make a recommendation to the City Council to adopt proposed amendments (**Attachment 1**) to BMC Title 23 (Zoning) Section 23.324.050 to update the regulation of nonconforming lot coverage, FAR and density for residential uses in the R-1, R-2, R-2A, & MU-R zoning districts.

BACKGROUND AND DISCUSSION

The proposed amendments to BMC Section 23.324.050 (Conforming and Nonconforming Structures and Buildings) were identified during the implementation of the Middle Housing zoning changes, which were adopted on July 8, 2025, to allow multi-family uses and residential additions through ministerial approval (i.e. with a Zoning Certificate) in the R-1, R-2, R-2A and MU-R zoning districts.

The provisions of BMC Section 23.324.050 require applicants to obtain a Use Permit for residential additions to, or enlargements of, structures that do not conform with the parcel's required minimum density. BMC Section 23.324.050 also includes a provision that permits nonconforming residential uses to exceed maximum lot coverage and FAR by obtaining a Use Permit.

These existing provisions conflict with the legislative intent of the Middle Housing zoning changes in two primary ways:

1) By requiring a Use Permit for residential additions that comply with objective development standards, they contradict City Council's intent to allow ministerial approval of code-compliant additions in the R-1, R-2, R-2A and MU-R zoning districts; and
2) By allowing a project to exceed the maximum lot coverage standard, they establish a discretionary pathway to exceed objective development standards that were established to proscribe the maximum building envelope.

The proposed amendments would remove the Use Permit requirement for residential projects that do not conform with minimum density and prohibit residential projects from exceeding maximum lot coverage and FAR through the Use Permit process in the R-1, R-2, R-2A, & MU-R zoning districts by exempting them from the provisions of BMC Section 23.324.050(D)(3) (*Nonconforming Coverage, FAR, and Density*) (**Attachment 1)**, as follows:

3. Nonconforming Coverage, FAR, and Density.

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

(b) The ZAB may approve the Use Permit only if the project does not:

i. Increase or exacerbate the nonconformity; or

ii. Exceed the height limit.

(c) The provisions of this section do not apply to Residential Uses in the R-1, R-2, R-2A or MU-R Zoning Districts.

ENVIRONMENTAL REVIEW

The proposed amendments do not expand permissible development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

NEXT STEPS

Staff recommends that the Planning Commission conduct a public hearing, receive public comment, discuss the proposed ordinance amendments, and forward a recommendation

to the City Council to adopt the amendments, including any modifications identified through Commission discussion and action.

CONTACT PERSON
Faye Mingham, Assistant Planner fmingham@berkeleyca.gov, (510) 981-7484.

Attachments:
1. Resolution
    Exhibit A: Ordinance Amendments
2.Public Hearing Notice

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO BMC TITLE 23 ZONING

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, MARCH 10, 2026** at **6:00 P.M.** a public hearing will be conducted to consider the Planning and Development Department proposal to update the regulation of Nonconforming Lot Coverage, Floor Area Ratio (FAR) and Density for Residential Uses in the Residential Multi-Unit 1 (R-1), Residential Multi-Unit 2 (R-2), Residential Multi-Unit 2A (R-2A), and Mixed Use-Residential (MU-R) Zoning Districts.

The hearing will be held on March 10, 2026 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Faye Mingham, Assistant Planner at (510) 981-7484.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of February 26, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: February 27, 2026 - The Berkeley Voice

Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 26, 2026.

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Mark Numainville, City Clerk
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15

Fair Campaign Practices Commission

PUBLIC HEARING
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Fair Campaign Practices Commission

Submitted by: Kitt Saginor, Chair, Fair Campaign Practices Commission

Subject: Amendments to the Berkeley Election Reform Act

RECOMMENDATION
Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Election Reform Act, BMC Chapter 2.12.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
The proposed amendments to the Berkeley Election Reform Act (BERA) were adopted by the Fair Campaign Practices Commission (FCPC or Commission) at its regular meeting of January 15, 2026.

Action: *Approve the BERA amendments as presented and submit to City Council with cover report for consideration and adoption.*

Vote: M/S/C: Lee/Haugh; Ayes: Lee, Ching, Silverberg, Soichet, Lazarus, Haugh, Saginor ; Noes: none; Absent: Shere, Sudharsen

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the "double green light" process. This process requires that the FCPC adopt the amendments by a two-thirds vote and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

BACKGROUND
During the 2024 election year, the Commission and Commission staff identified a number of areas for possible amendments to BERA based upon requests received from City candidates regarding their obligations under BERA and the Commission's experience with administering BERA.

The attached Ordinance (Attachment 1) was adopted by the Commission at its January 15, 2026 regular meeting and would amend BERA in the following ways:

1. **Expressly add the "one bank account" rule to BERA**

Under state law, all candidate campaign expenditures must be made from the candidate's campaign committee bank account. (Cal. Gov. Code § 85201.) This includes any of the candidate's personal funds expended to promote the election of the candidate, with the exception of the candidate's payment for a filing fee and statement of qualifications. (Id.) This requirement is known as the "one bank account" rule. While BERA currently requires the creation of a campaign checking account, it does not expressly require that all expenditures be made from that account. The attached Ordinance would amend Section 2.12.250.A of BERA to expressly require that all candidate campaign expenditure be made from the bank account, including personal funds of the candidate used to promote the candidate's election, except for payment for a filing fee and statement of qualifications, which the candidate may pay directly.

Including this language in BERA would provide clear authority for the Commission to enforce the "one bank account" rule in City elections.

2. **Revisions to the timeline for returning unspent Fair Elections funds**

Under the City's public financing program, a participating City candidate can receive public matching funds provided the candidate adheres to additional requirements, including being subject to a lower contribution limit. (BMC § 2.12.500.A.7.)

Following the election, the candidate must return to the City all unspent campaign funds up to the total amount of public matching funds received by the candidate. (BMC § 2.12.505.) Currently, the deadline for returning unspent funds is sixty days after the election. As a result, the deadline to return unspent funds for the 2024 election was January 4, 2025.

Because the semi-annual reporting period immediately following the election ends on December 31st, the Committee's disposition of unspent funds could remain unreported until the reports for the subsequent semi-annual reporting period are filed on July 31st.

Additionally, BERA currently requires the Clerk to "immediately" notify the FCPC if any candidate has not returned unspent funds. This has resulted in the Clerk notifying the Commission that a participating candidate "may" have not returned unspent funds when no funds were returned by the sixty-day deadline. However, candidates may have outstanding debts and expenditures which are not reported until January 31st or even July 31st for which the remaining funds are spent. As a result, it is difficult for the Clerk to effectuate the "immediate" notification required by BERA.

This Ordinance would revise the deadline for a participating candidate to return unspent funds from sixty days after the election to the end of the semi-annual reporting period

immediately following an election (e.g., December 31st). This will mean that unspent funds must be returned a few days sooner (four days sooner in the case of the 2024 election). However, as a result, a participating candidate's obligation to return funds would end with the calendar year and the disposition of any returned funds would be reported on the year-end semi-annual report due January 31st.

The ordinance would also revise the requirement that the Clerk "immediately" notify the FCPC of candidate's failure to return any unspent funds. Instead, the Clerk would be required to refer to the FCPC a candidate who has not returned unspent funds following the reporting deadline for the semi-annual campaign statement occurring immediately after the election (i.e. the report due January 31st covering the period ending December 31st). This would mean that such a referral would only occur after unspent funds were due and the report for that period indicating whether the candidate had any unspent funds was filed.

3. Allowing for the reuse of campaign materials from a prior election

During the 2024 election, the Commission received a request for an opinion from a candidate who asked whether he could reuse plastic yard signs left over from his 2020 campaign. For both elections, the candidate participated in public financing. The Commission concluded that BERA's public financing provisions prohibited the candidate from reusing the leftover 2020 campaign signs in support of his 2024 campaign.

The Commission noted that reuse of the signs would constitute a contribution from the candidate's 2020 committee to his 2024 committee. (*See* Fair Political Practices Commission, *Menis* Advice Letter I-20-007 (reused campaign signs are in-kind contribution to new committee from prior committee).) BMC Section 2.12.530.B.3.c prohibits a publicly financed campaign committee from making contributions to any other committee, and Section 2.12.500.A prohibits a publicly financed candidate from accepting non-monetary contributions with a fair market value greater than $60.

This Ordinance would expressly permit the reuse of campaign materials such as signs, mailers, posters, door hangers and similar items provided they were initially purchased with the intention of being used in the previous election. This would be permitted where the materials were either initially purchased with public matching funds or where the candidate is presently participating in public financing.

The Commission has discussed the concern that a candidate who previously participated in public financing would be receiving the benefit of public funds twice through the reuse of campaign materials previously purchased with public matching funds. Likewise, the Commission discussed the concern that a candidate currently participating in public financing would receive an unfair advantage over other participating candidates who would otherwise not be able to circumvent the in-kind contribution limit for publicly financed candidates. As a result, the Ordinance requires the candidate to submit payment for the fair market value of the materials into the City's public financing fund.

4. Cleanup amendment to cost of living adjustment rounding language

A number of dollar amounts in BERA are subject to cost-of-living adjustments in odd-numbered years. This Ordinance would simplify the language in Section 2.12.545 describing how the adjusted amounts are to be rounded to the nearest ten or thousand dollars.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Possible reductions in waste from reuse of campaign materials.

RATIONALE FOR RECOMMENDATION
The proposed amendments provide administrative clarity for the City and campaigns, permit the reuse of campaign materials by publicly financed candidates and simplify BERA language.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Kitt Saginor, Chair, Fair Campaign Practices Commission, 981-6998
Samuel Harvey, Commission Secretary, Fair Campaign Practices Commission, 981-6998

Attachments:
1: Ordinance

ORDINANCE NO. _____

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.12

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 2.12.250.A is amended to read as follows:

A. A campaign treasurer for each candidate and for each and every committee shall establish and manage a campaign expenditure and contribution checking account for the candidate or committee. All monetary contributions to the candidate, to a person on behalf of the candidate or to a person on behalf of a committee shall be placed in the candidate's or committee's checking account promptly. All campaign expenditures shall be made from the campaign account. Any personal funds of a candidate which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure, except for a candidate's payment for a filing fee and statement of qualifications which may be made from the candidate's personal funds.

Section 2. That Berkeley Municipal Code Section 2.12.505 is amended to read as follows:

2.12.505 Fair Elections fund payments.

A. A candidate who is certified as an eligible participating candidate shall receive payment of Fair Elections funds equal to six-hundred percent (600 percent) of the amount of qualified contributions received by the candidate during the election cycle with respect to a single election subject to the aggregate limit on the total amount of Fair Elections funds payments to a candidate specified in Section 2.12.505.B.

B. The aggregate amount of Fair Elections funds payments that may be made to a participating candidate during an election cycle may not exceed:

1) $129,000* for a candidate running for the office of Mayor;

2) $43,000* for a candidate running for the office of City Council;

3) $20,000* for a candidate running for the office of Auditor;

4) $20,000* for a candidate running for the office of Board of Education;

5) $8,000* for a candidate running for the office of Rent Stabilization Board.

C. A participating candidate's application for Fair Elections funds, including an initial request submitted with an application for certification as a participating candidate, shall be made using a form prescribed by the Commission and shall be accompanied by qualified contribution receipts and any other information the Commission deems necessary. This application shall be accompanied by a signed statement from the candidate indicating that all information on the qualified contribution receipts is complete and accurate to the best of the candidate's knowledge.

1) All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publicly disclosed with the contributor information required under Sections 2.12.280 and 2.12.283.

2) All campaign filings must be current in order for a Participating Candidate to receive a disbursement of Fair Elections funds and the Participating Candidate and a Participating Candidate's controlled committee must not have any outstanding fines related to campaign filings or violations of municipal, state or federal election law. All applications for Fair Elections funds shall include a certification by the Participating Candidate that the Participating Candidate or his or her controlled committee does not have any outstanding fines or penalties related to campaign filings. Upon submission of outstanding campaign filings and payment of any outstanding fines, withheld Fair Elections funds will be disbursed at the next regularly scheduled distribution for that election cycle.

D. The City shall verify that a candidate's qualified contributions meet all of the requirements and restrictions of this Act prior to the disbursement of Fair Elections funds to the candidate. A participating candidate who receives a qualified contribution that is not from the person listed on the qualified contribution receipt shall be liable to pay the Fair Elections Fund the entire amount of the inaccurately identified contribution, in addition to any penalties.

E. The City shall make an initial payment of Fair Elections funds within seven business days of the City's certification of a participating candidate's eligibility, or as soon thereafter as is practicable. City staff shall report a certification or denial to the Commission no later than the Commission's next regular meeting, consistent with the Brown Act.

F. The Commission shall establish a schedule for the submission of Fair Elections funds payment requests, permitting a candidate to submit a Fair Elections funds payment request at least once per month. However, the Commission shall schedule a minimum of

three payment request submission dates within the thirty days prior to an election.

G. The City shall provide each participating candidate with a written determination specifying the basis for any non-payment of Fair Elections funds. The Commission shall provide participating candidates with a process by which they may immediately upon receipt of such determination petition the Commission for reconsideration of any such non-payment and such reconsideration shall occur within seven business days of the filing of such petition. In the event that the Commission denies such petition then it shall immediately notify the candidate of his or her right to seek judicial review of the Commission's denial pursuant to Section 2.12.235.

H.

1. Unspent campaign funds of any Participating Candidate who does not qualify as a candidate for the ballot at the election for which the funds were distributed, up to the total amount of funds that the participating candidate received as Fair Election Funds distributions in that election cycle and after accounting for campaign debts and expenditures, must be returned to the City no later than the date of the election for which the funds were distributed. All funds returned under this paragraph must be accompanied by any required supporting documentation. In such cases, the participating candidate must return the unspent funds to the City, up to the total amount of funds that the participating candidate received as Fair Election Funds distributions, prior to refunding any contributions to individual contributors.

2. Any campaign funds that remain unspent by a Participating Candidate following the date of the election for which they were distributed, up to the total amount of funds that the Participating Candidate received as Fair Elections Funds distributions in that elections cycle and after accounting for campaign debts and expenditures, must be returned to the City, no later than the close of the semi-annual reporting period immediately following ~~within sixty (60) days after~~ the date of the election. All funds returned under this paragraph must be accompanied by any required supporting documentation.

3. All unspent campaign funds returned to the City shall be deposited in the Fair Elections Fund pursuant to the City Charter.

4. Following the deadline for filing the semi-annual campaign statement occurring immediately after the election, t~~T~~he City Clerk shall ~~immediately~~ refer to the Commission for enforcement any participating candidate who has not~~does not~~ returned unspent funds as required by this subsection.

5. After the deadline to return unspent funds in 2.12.505.H.2, a participating candidate may continue to raise funds in accordance with Article 8 of Chapter 2.12 to pay campaign-related debt from the most recent election. Any such contributions received shall not be eligible for matching funds.

I. Any request by a Participating Candidate for a refund of any amount of unspent campaign funds previously repaid to the City, for a qualified campaign expenditure or other permissible campaign purpose, shall be submitted to the Commission to approve, in whole or in part, or deny. The Commission shall make a final determination on the refund within 45 days of receipt.

J. Requests for matching funds may be submitted no later than 30 days after Election Day for the election at which the participating candidate qualified as a candidate.

K. Upon approval of a participating candidate's Initial Qualifying Request, the candidate is prohibited from withdrawing from the Public Financing Program and receiving contributions pursuant to Section 2.12.415 for the same office at the same election for which they are a participating candidate.

Section 3. That Berkeley Municipal Code Section 2.12.530 is amended to read as follows:

2.12.530 Use of Fair Elections funds.

A. A participating candidate shall use Fair Elections funds and contributions only for direct campaign purposes to further the candidate's own campaign for the relevant office and election cycle.

B. A participating candidate shall not use Fair Elections funds or contributions for:

1) Costs of legal defense in any campaign law enforcement proceeding under this Act, or penalties arising from violations of any local, state, or federal campaign laws;

2) The candidate's personal support or compensation to the candidate the candidate's family, or a business in which the candidate or candidate's immediate family member has a ten (10) percent or greater ownership interest;

3) Indirect campaign purposes, including but not limited to:

a) Any expense that provides a direct personal benefit to the candidate, including clothing and other items related to the candidate's personal appearance;

b) Capital assets having a value in excess of five hundred dollars ($500)* and useful life extending beyond the end of the current election period determined in accordance with generally accepted accounting principles;

c) A contribution or loan to the campaign committee of another candidate or to a party committee or other political committee;

d) An independent expenditure as defined in Berkeley Municipal Code Section 2.12.142 as may be amended;

e) Any payment or transfer for which compensating value is not received

C. Notwithstanding any provision of this Chapter, a candidate may use campaign materials, including campaign signs, mailers, posters, door hangers and similar items, purchased by a committee for the same candidate during a previous election so long as the campaign materials were purchased with the intention of being used in the previous campaign, in the following circumstances:

a. A candidate may use campaign materials paid for with Fair Elections funds in a previous election provided that the candidate submits payment to the City in an amount equivalent to the fair market value of such items for deposit in the Fund.

b. A participating candidate may use campaign materials purchased by a committee for the same candidate in a previous election provided that the candidate submits payment to the City in an amount equivalent to the fair market value of such items for deposit in the Fund.

D. For the purposes of subsection C of this section, the fair market value shall be the purchase price of the campaign materials at the time they were initially purchased for the previous campaign minus any cost to affix updated disclaimer language to the campaign materials. All campaign materials must comply with Section 2.12.335 and any other applicable disclaimer requirements.

~~C~~E. The term "Contribution" is defined in 2.12.100 and includes "Qualified Contributions" as defined in 2.12.167 and contributions from non-residents of Berkeley as described in 2.12.500.A.7.

~~D~~F. The dollar amounts in Section 2.12.530.B.3.b may be adjusted for cost-of-living changes by the Commission through regulation, pursuant to Section 2.12.545**.**

Section 4. That Berkeley Municipal Code Section 2.12.545 is amended to read as follows:

2.12.545 Cost of living adjustments.

A. The Commission shall adjust the dollar amounts specified in Sections 2.12.167, 2.12.271, 2.12.335, 2.12.500.A.3, 2.12.500.A.6, 2.12.500.A.7, 2.12.500.A.8, 2.12.505.B and 2.12.530.B.3.b for cost of living changes pursuant to Section 2.12.075 in January of every odd-numbered year following Council implementation. All s~~S~~uch adjustments shall be rounded to the nearest ten dollars ($10), except for adjustments to the amount specified in Section 2.12.505.B, which shall be rounded to the nearest one thousand dollars ($1,000). ~~with respect to Sections 2.12.167, 2.12.500.A.3 and 2.12.530.B.3.b and one thousand dollars ($1,000) with respect to Section 2.12.505.B.~~

B. As soon as practicable after adoption of the amendments providing for the adjustment of Sections 2.12.271 and 2.12.335, but no later than December 31, 2024, the Commission shall perform an initial adjustment of the dollar amounts in those sections.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT

The Fair Campaign Practices Commission is proposing amendments to the Berkeley Election Reform Act. The hearing will be held on **Tuesday, March 10, 2026 at 6:00PM** in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of February 26, 2026. For further information, please contact Samuel Harvey, Commission Secretary at 981-6998.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Posted: Thursday, February 26, 2026
Pursuant to Berkeley Municipal Code section 2.12.051
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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 26, 2026.

_____
Mark Numainville, City Clerk
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16

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.

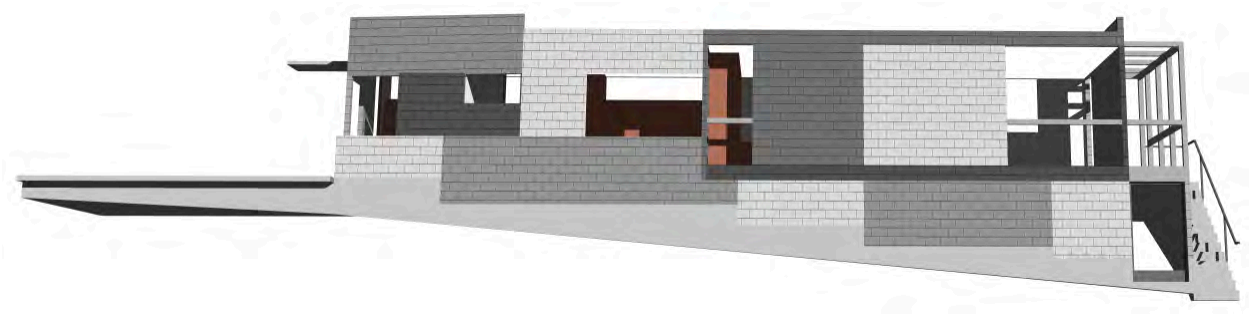
We herein request a hearing as allowed to present all related evidence to support our position with Berkeley City Council and its representatives.

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

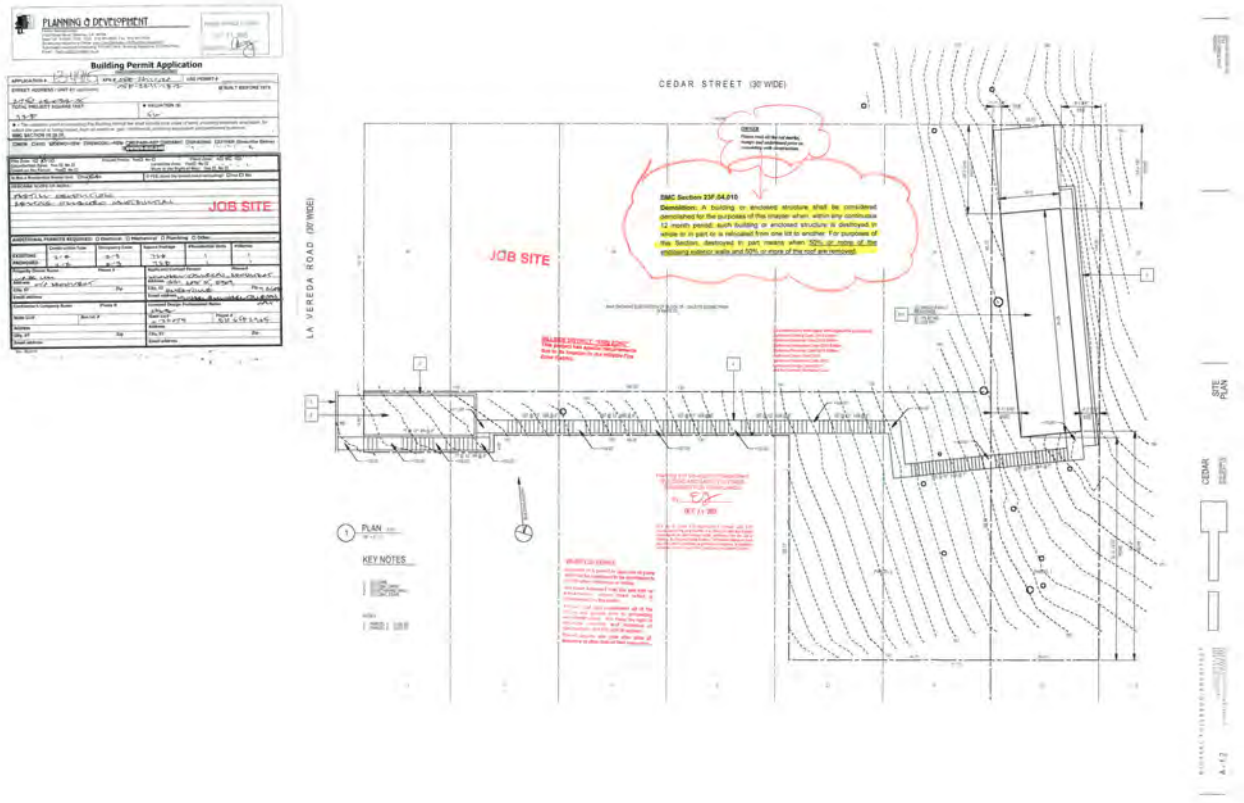
Search on '14-236' returned 1 match. To see more details, click on App# in the table below.

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

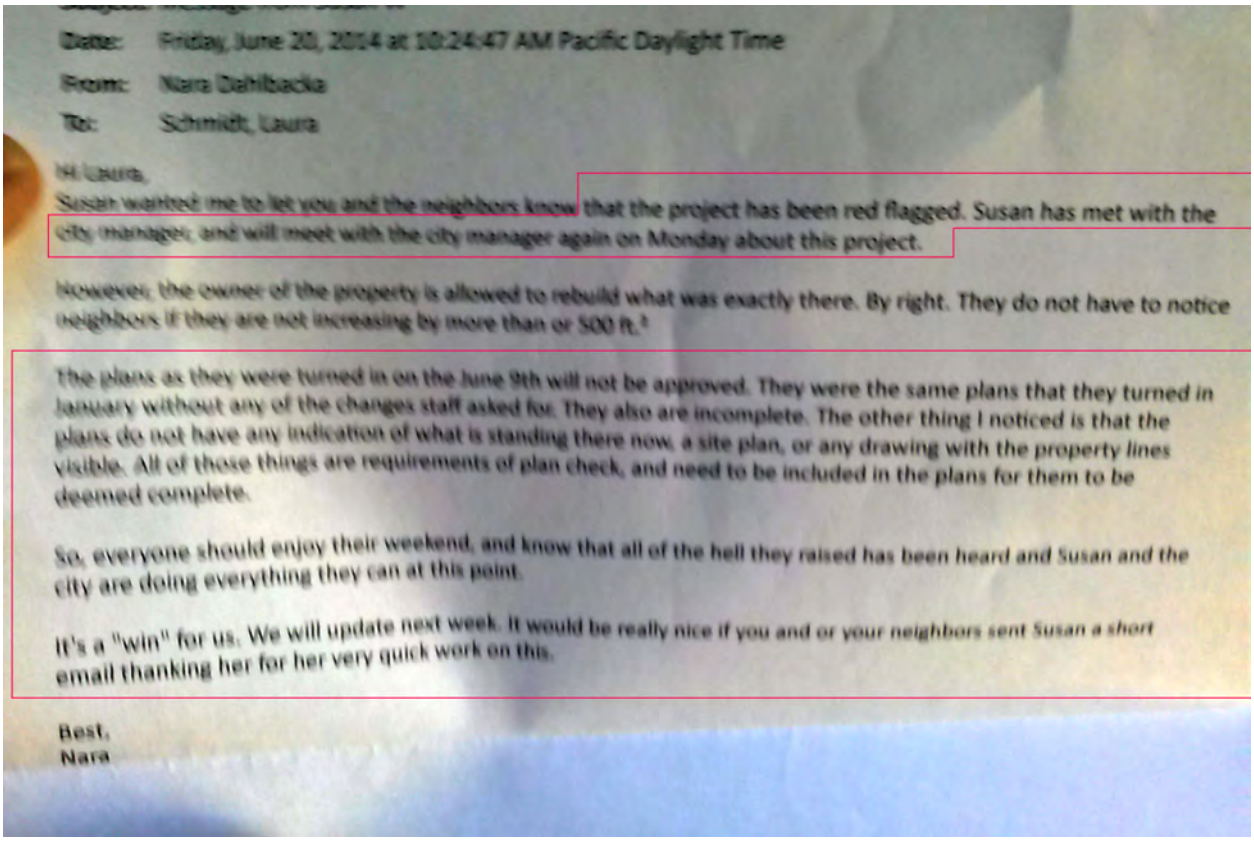
Addendum 3

50% Demoliiton Approval



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).

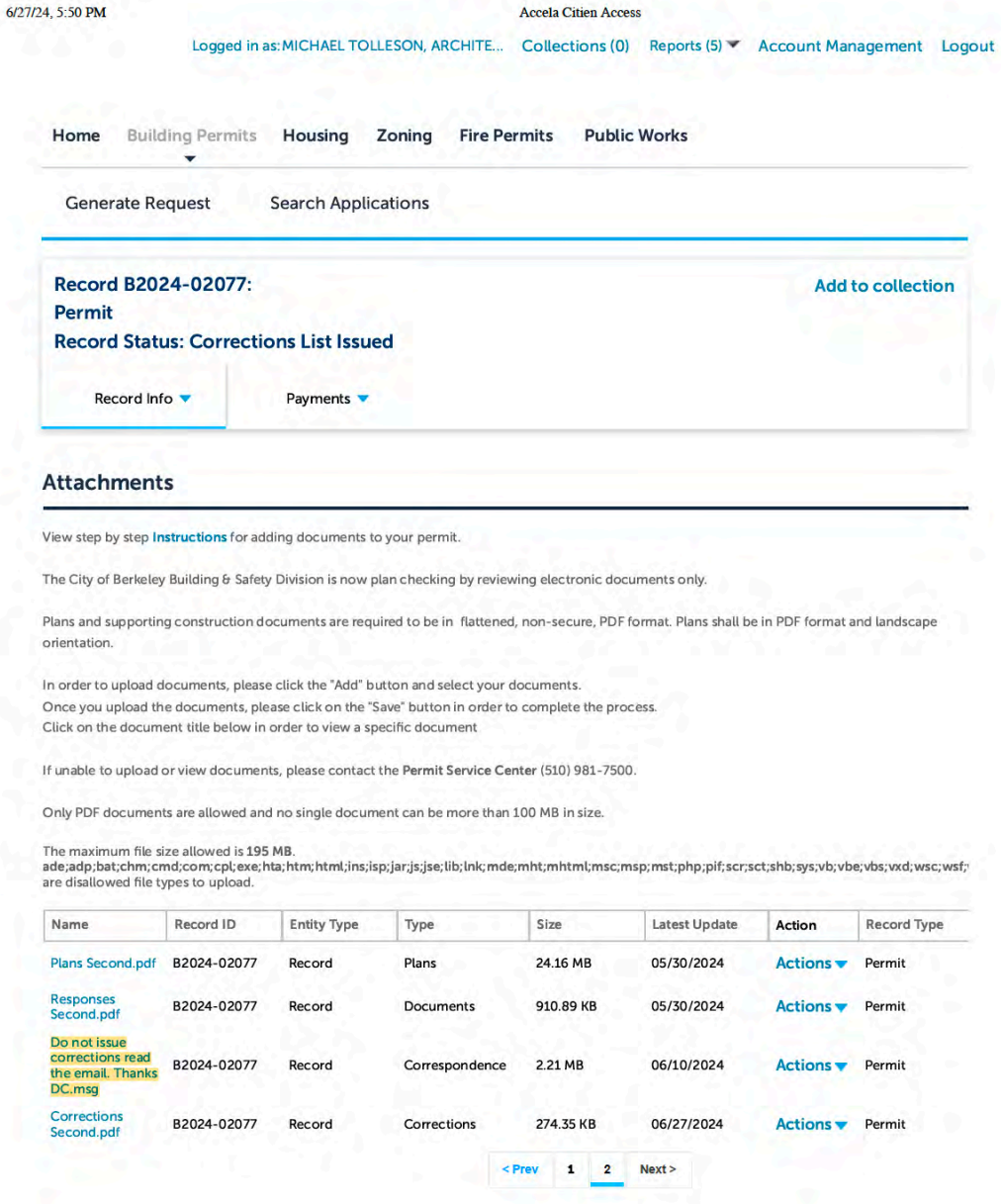
The plans as they were turned in on June 9th will not be approved. They were the same plans that they turned in in January without any of the changes staff asked for. They are also incomplete. The other thing I noticed is that the plans do not have any indication of what was standing there now, a site plan, or a drawing with the property lines 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

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



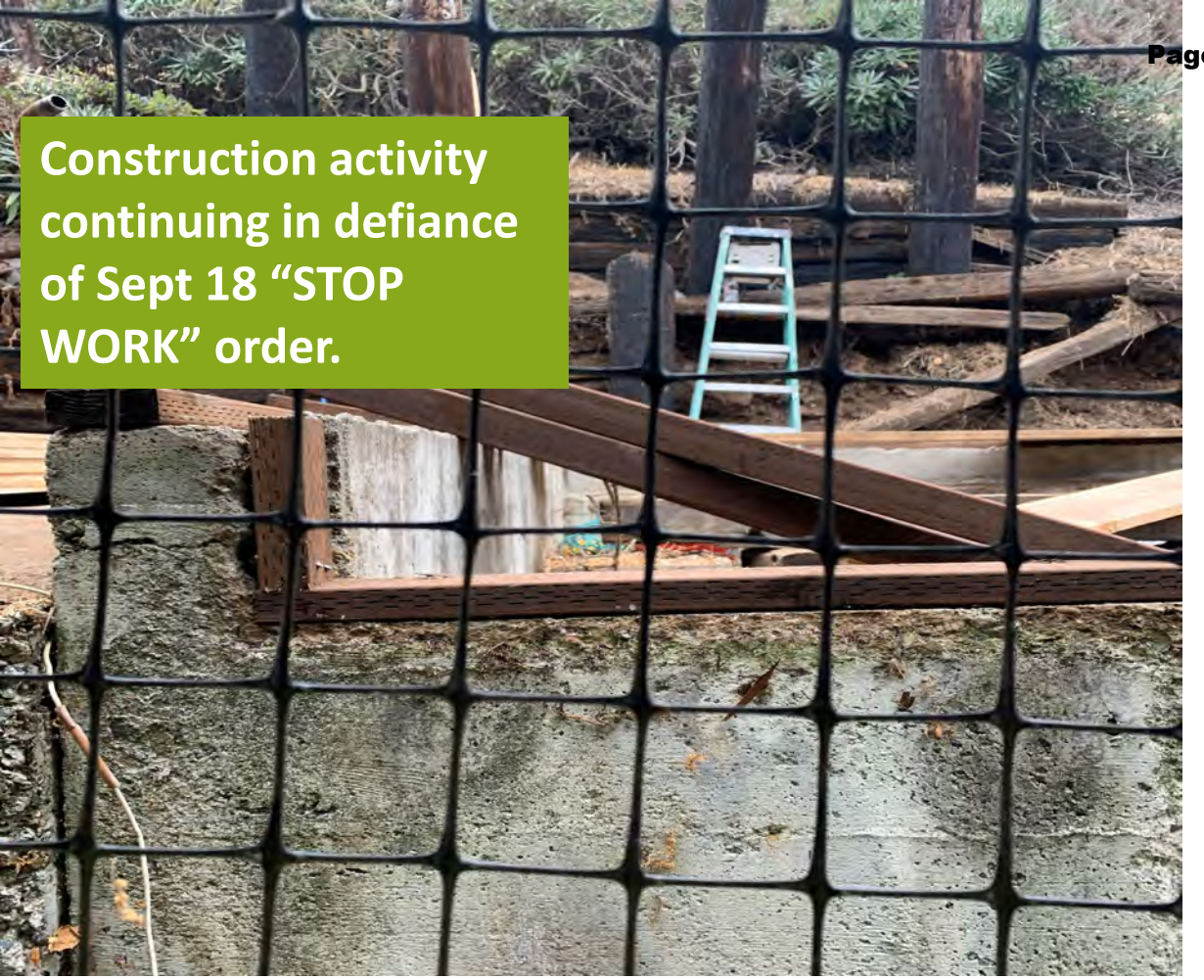


North and east walls removed here.

Center wall and floor removed.

SEPT 18, 2024, WEST ELEVATION

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





SEPT 19, 2024

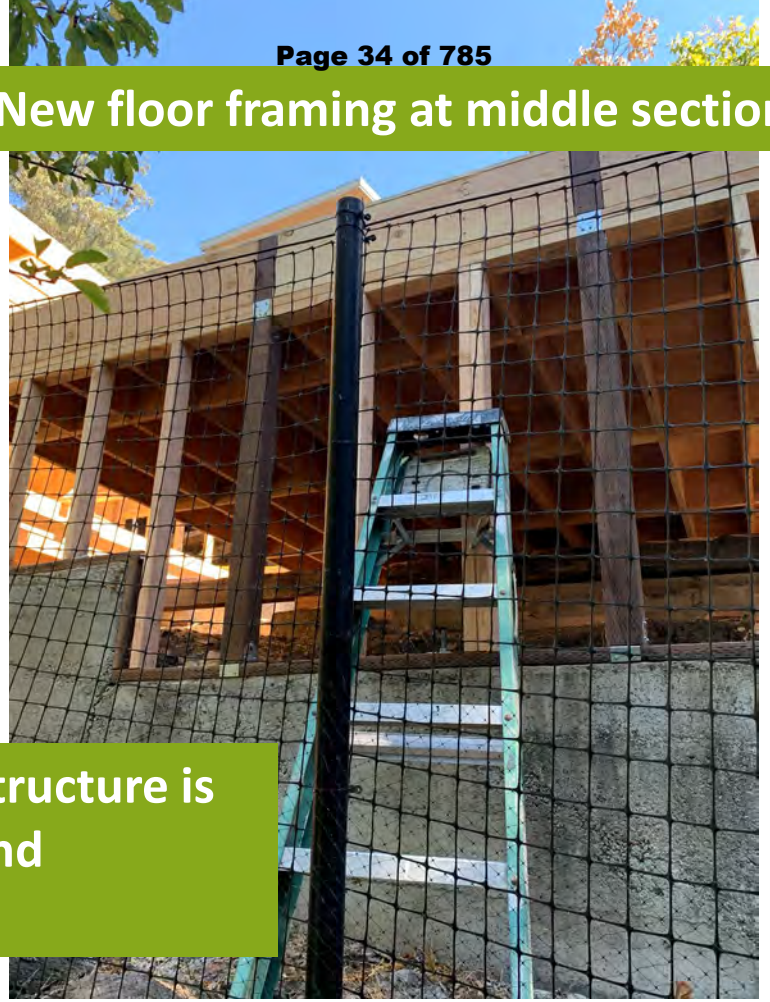
CONSTRUCTION ACTIVITY CONTINUING. MR TOLLESON PRESENT, STATED THEY WOULD CONTINUE BUILDING AND DENIED PERMISSION TO ENTER; PHOTOS ARE TAKEN FROM 1601 LA VEREDA. INSPECTOR MONTES ADVISED WORK IN VIOLATION OF STOP WORK ORDER AND POSTED 2ND NOV.



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



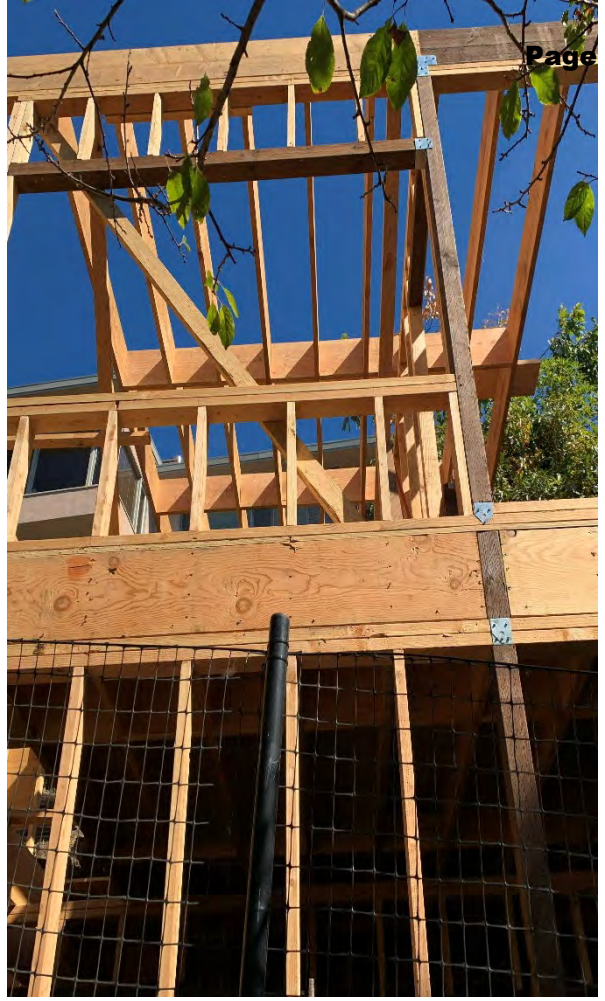


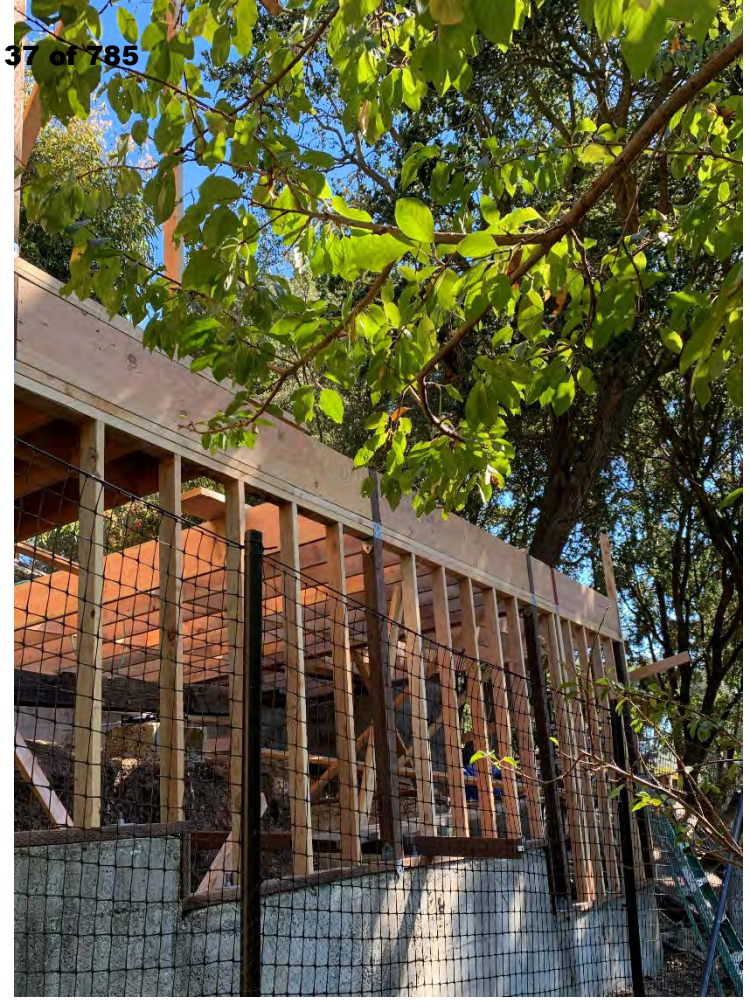


OCTOBER 9, 2024

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

101346558

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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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.

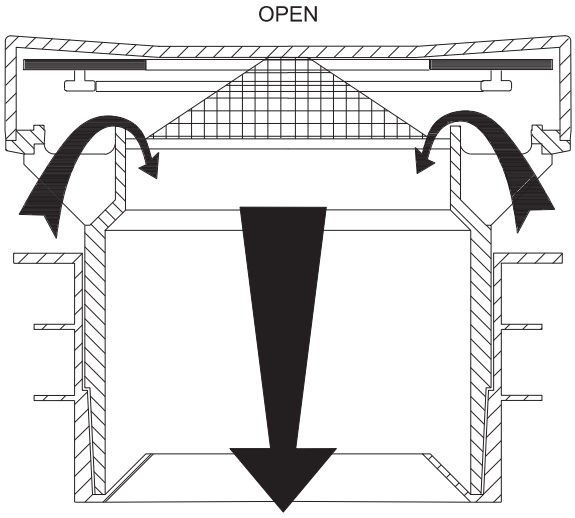
[MP] AIR ADMITTANCE VALVE. A one-way valve designed to allow air into the plumbing drainage system where a negative pressure develops in the piping. This device shall close by gravity and seal the terminal under conditions of zero differential pressure (no flow conditions) and under positive internal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

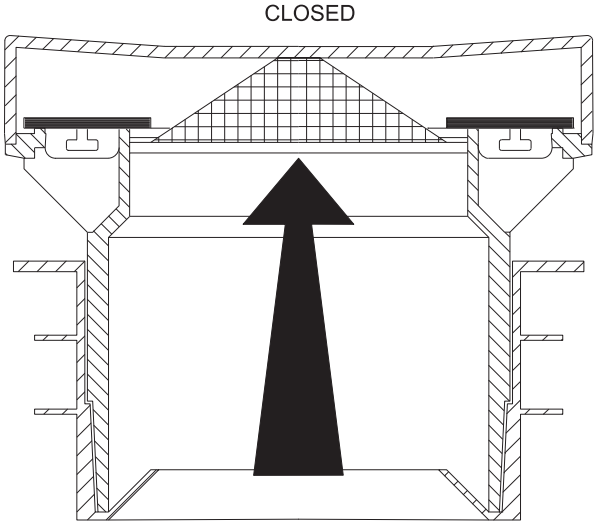
[RE] AIR BARRIER. For the definition applicable in Chapter 11, see Section N1101.6.

[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

NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- [x] FIRST NOTICE
- [ ] SECOND NOTICE
- [x] REVISED NOTICE
- [ ] OTHER

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)
- [x] 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.
- [x] 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 Per Emmerson 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

Revised 06/2/11

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.

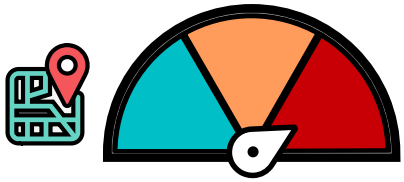
Defensible space violations must be corrected within 30 days. A reinspection will occur 30 days or more after the initial discovery of a violation. If during the reinspection violations have not been corrected, a second notice will be issued, and a second reinspection will occur after an additional 14 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.

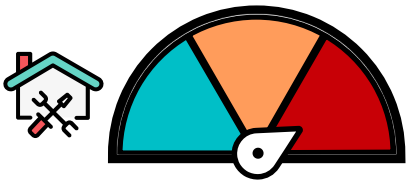
5 Home Hardening Details were observed.

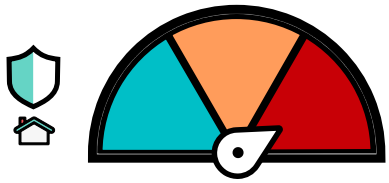
"Home Hardening" using fire and ember resistant construction materials and features is often the most important factor in determining whether a structure will survive a wildfire. Evaluators have assessed your home to help you understand its vulnerability. These are recommendations only, and should be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

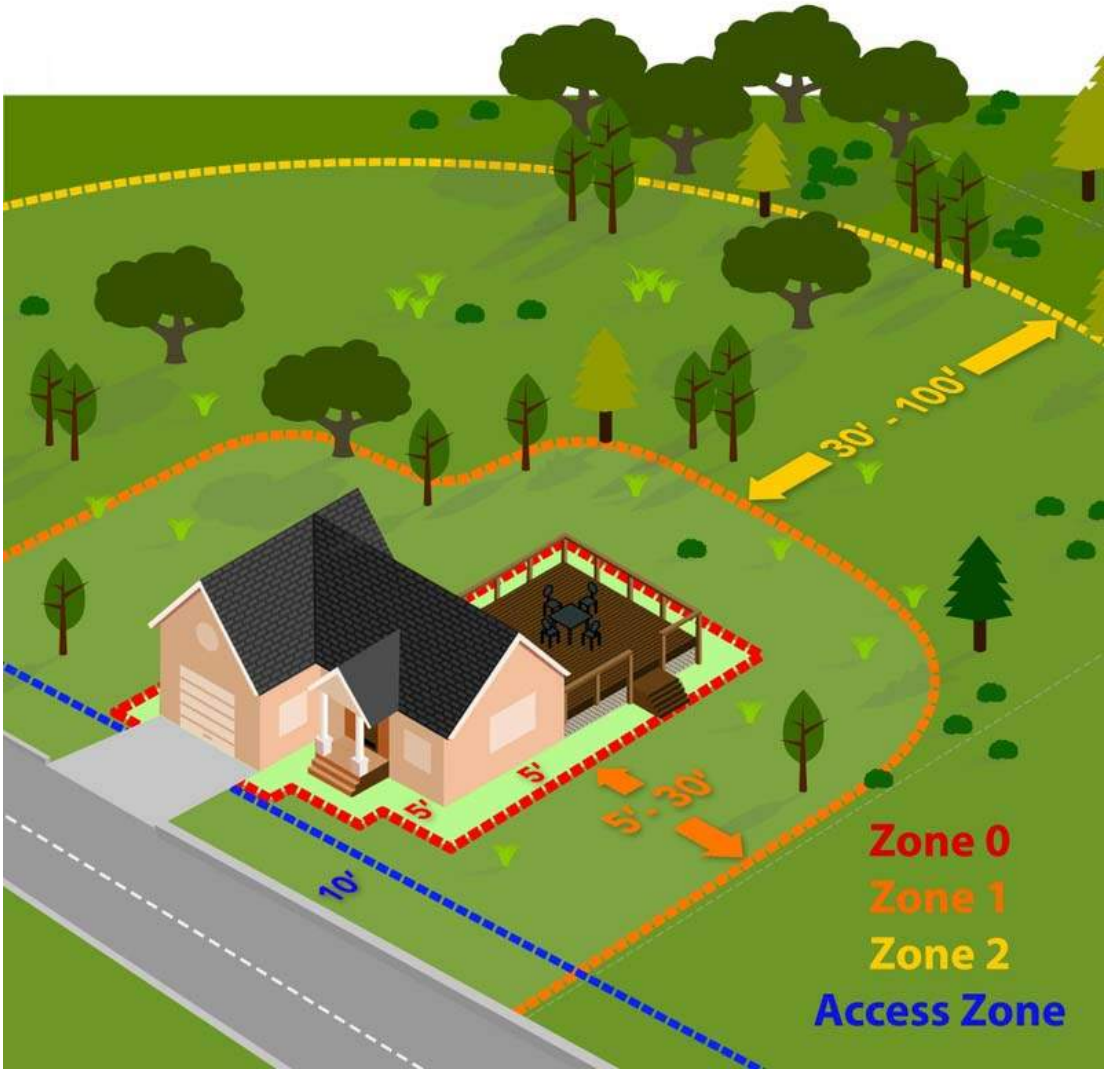
Wildfire Risk

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 >

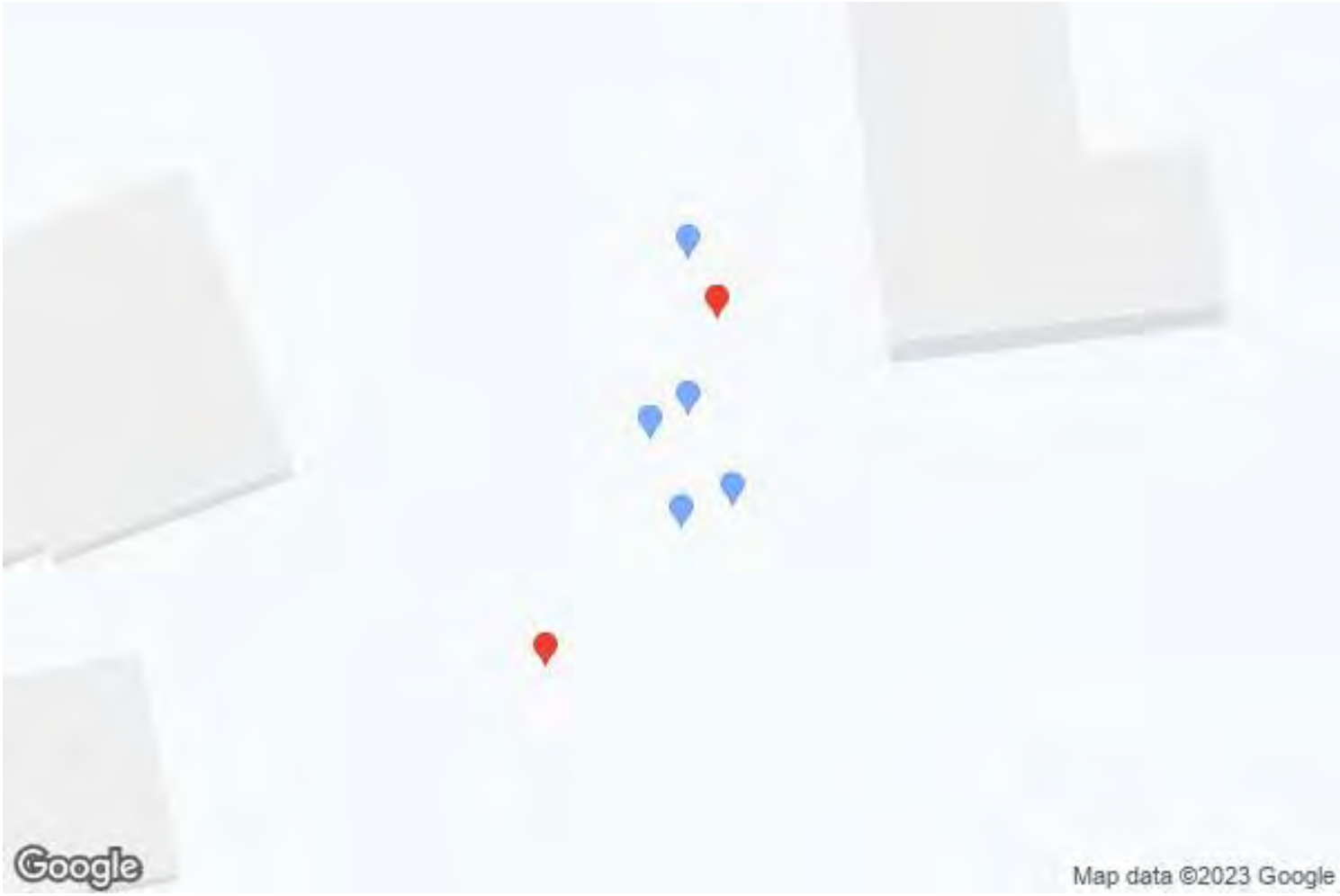
(From Road to Property)

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

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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:
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.

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

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.

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:	/ /

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				

La Verdad Rd



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: 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:
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.

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

Please Note:
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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***.

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

Last Revised 06/28/23

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

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

Planning and Development Department
BUILDING & SAFETY DIVISION

APR 05 20

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

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michael@michaeltolleson.com
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<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
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510 658 2945
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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
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.

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

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

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michael@michaeltolleson.com

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

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)]

5 1 0 3 3 2 9 5 2 0
5 1 0 9 9 0 6 3 3 5
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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

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

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]

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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PlanningPermits@CityofBerkeley.info

Tel: (510) 981-7500
TDD: (510) 981-7450
Fax: (510) 981-7450

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

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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.

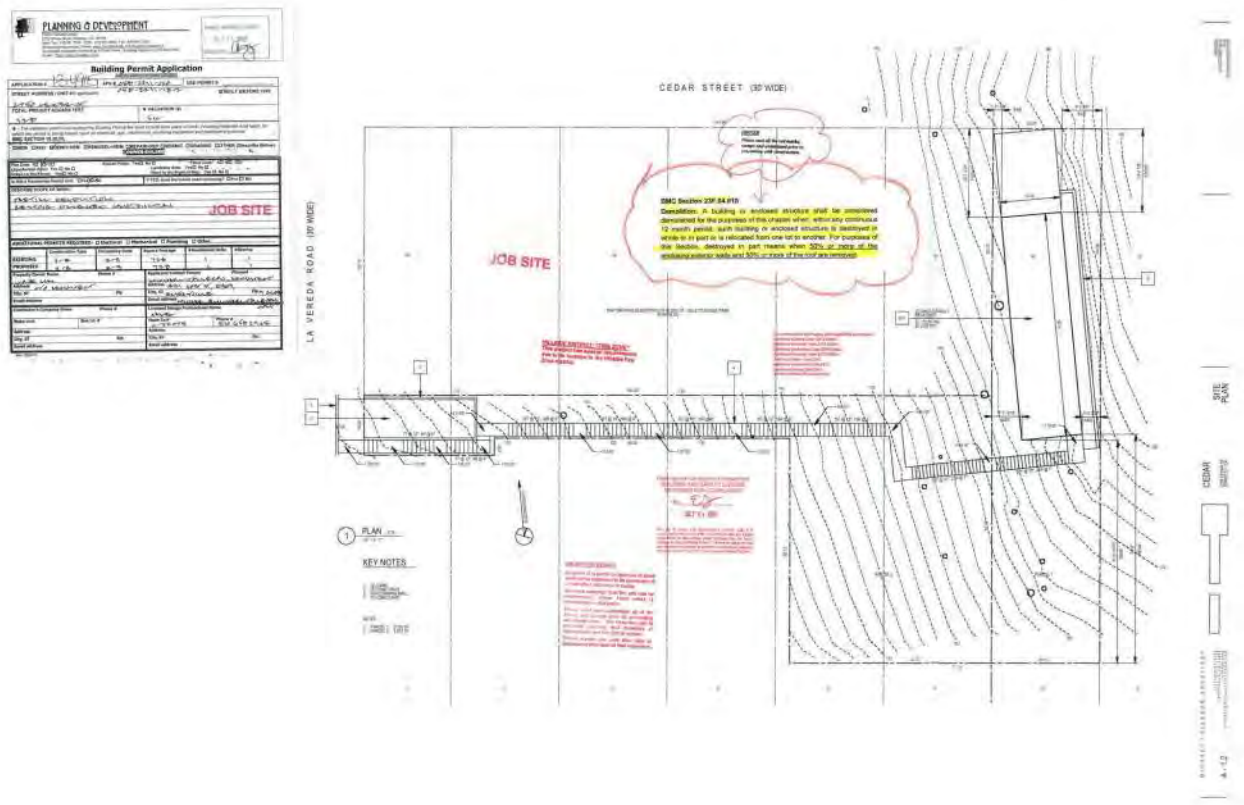
As well, we find that BMC 23F.04.10 has been supplanted by BMC 23.324.050 Conforming and Nonconforming Structures and Buildings, which states:

"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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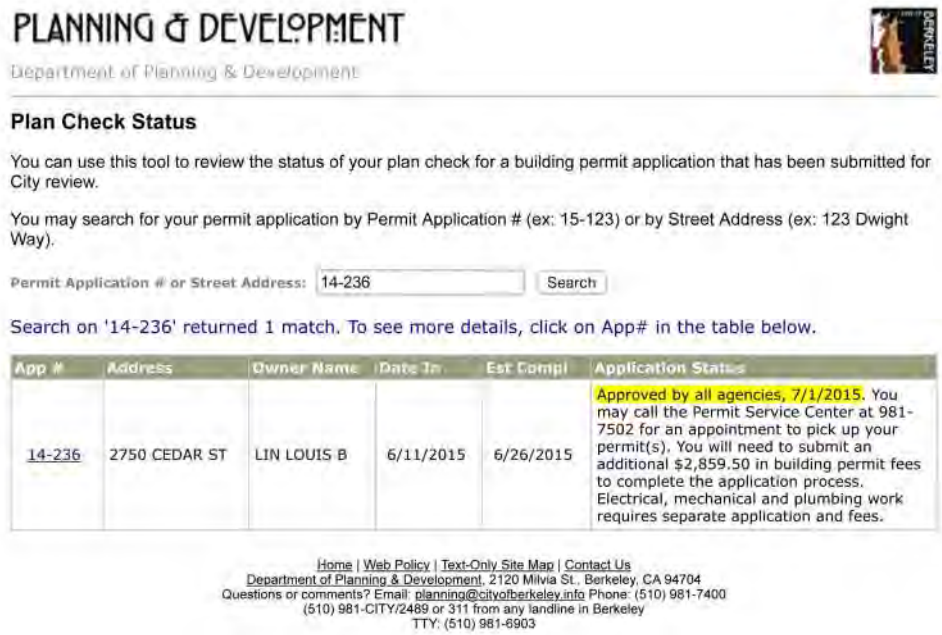


Site Plan, Partial Demolition, Permit 13-4915, A-1.2

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.

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.

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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 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]

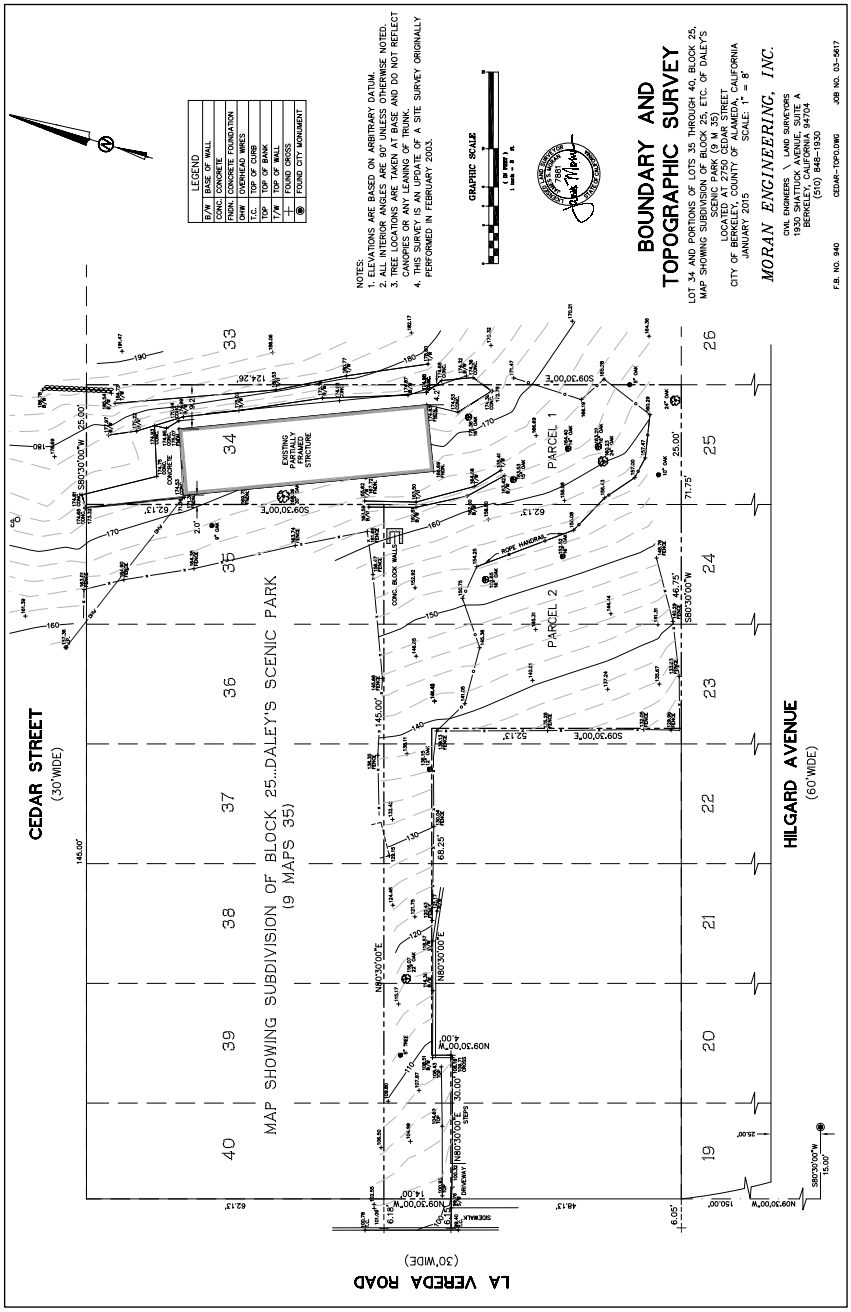
The Index of Drawings is correct and provides Sheet Numbers, Descriptions, (Titles) and Digital (File) Names.
The sheet numbers are provided in the lower right corner of the sheet.

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.

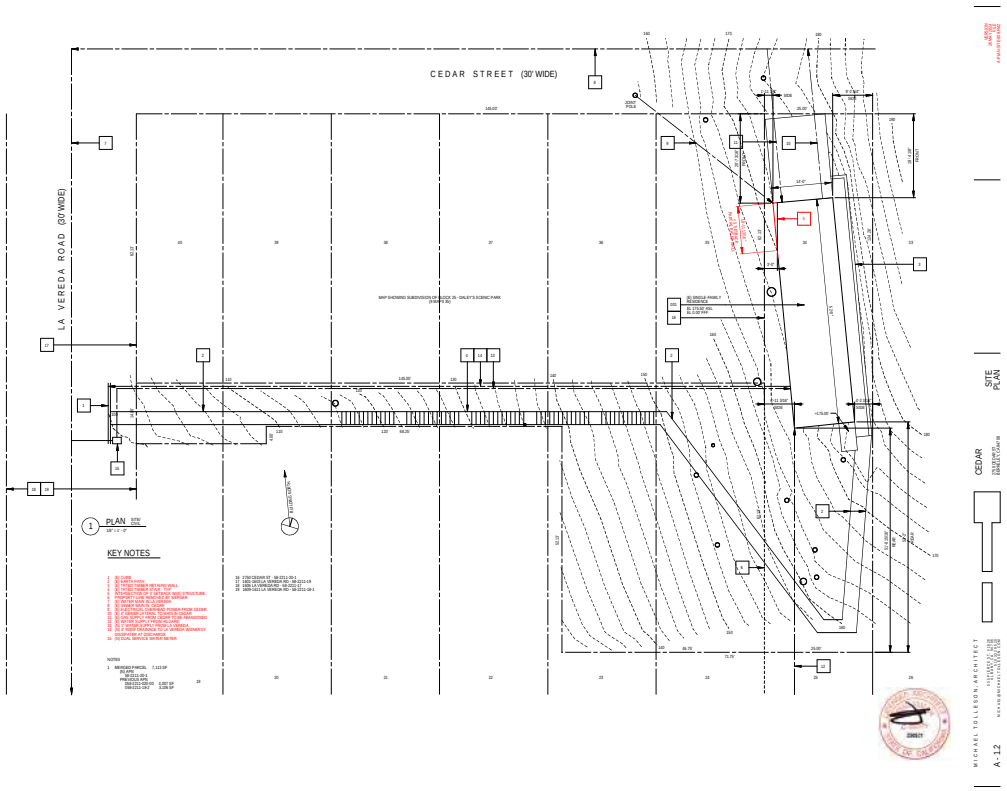
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The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco 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.



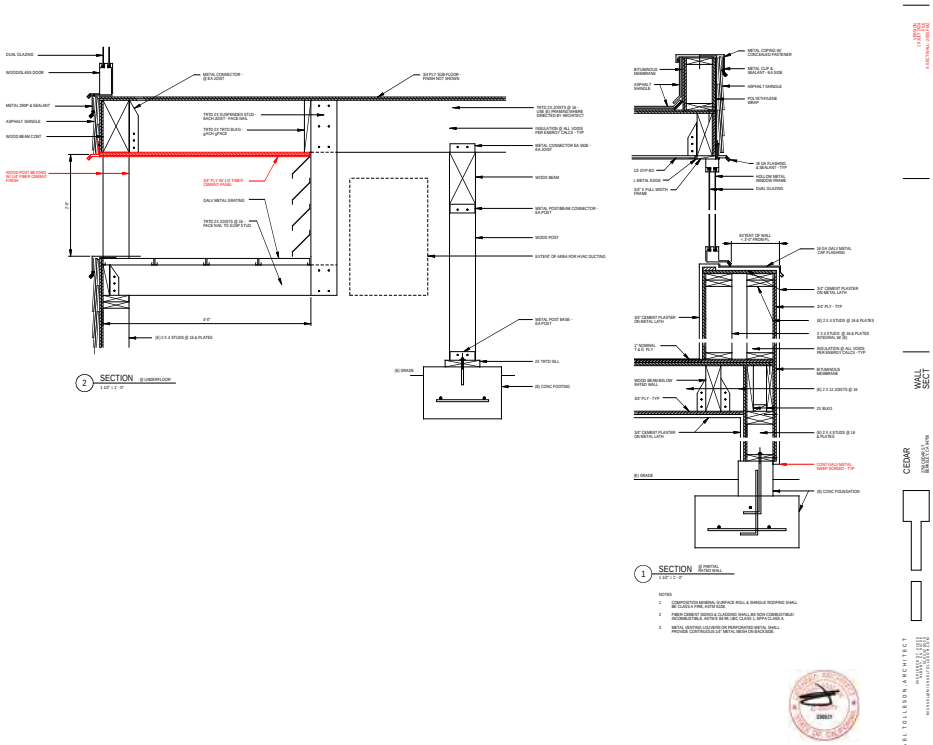
Site Plan, A-1.2

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.

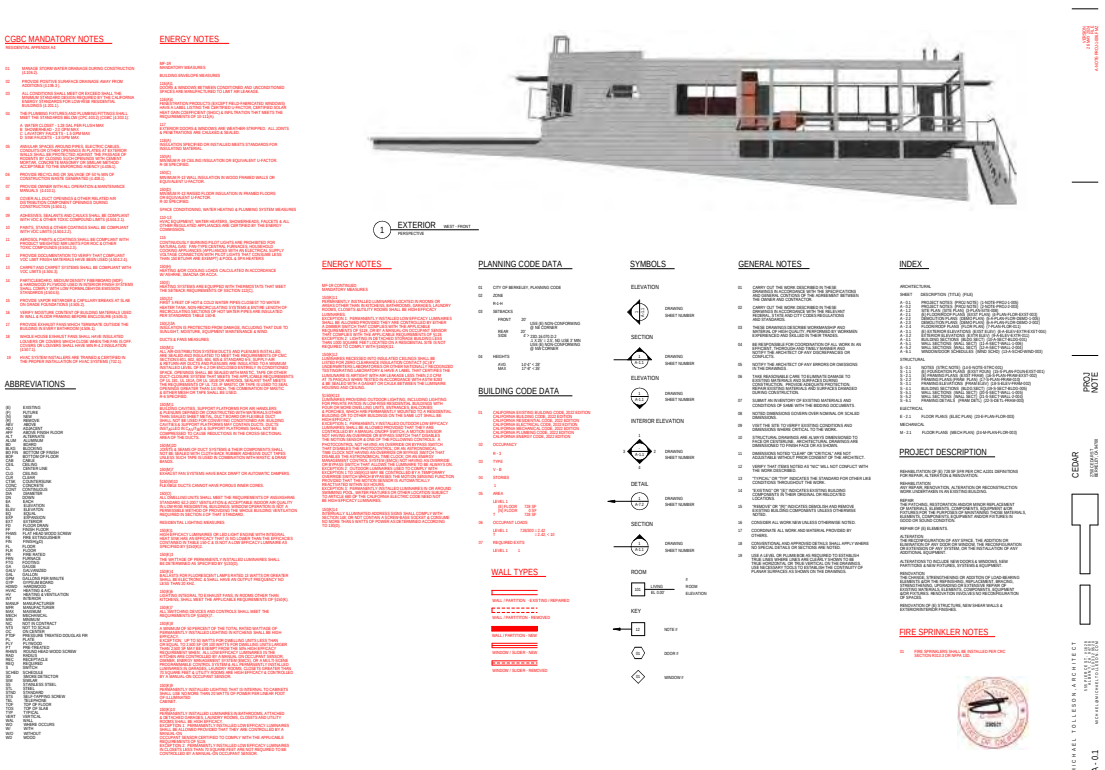
See Wall Section (A-5.1), Notes, directly below.
1
COMPOSITION MINERAL-SURFACE ROLL & SHINGLE ROOFING SHALL
BE CLASS A FIRE, ASTM E108.
2
FIBER CEMENT SIDING & CLADDING SHALL BE NON-COMBUSTIBLE/
INCOMBUSTIBLE, ASTM E 84-99, UBC CLASS 1, NFPA CLASS A.
3
METAL VENTING LOUVERS OR PERFORATED METAL SHALL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

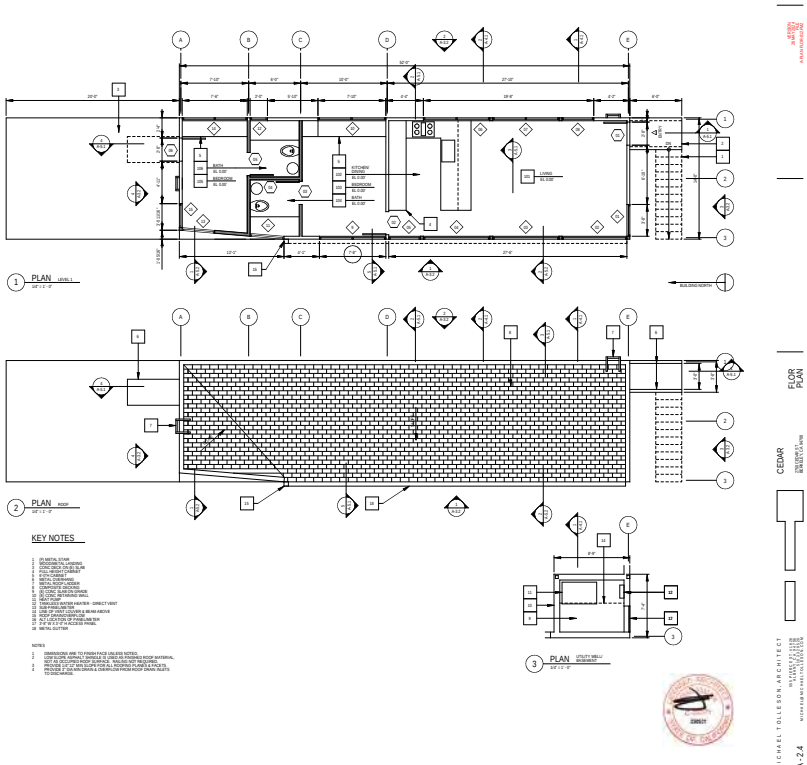
5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]
PC2: Applications for phased submittals require prior approval from the City 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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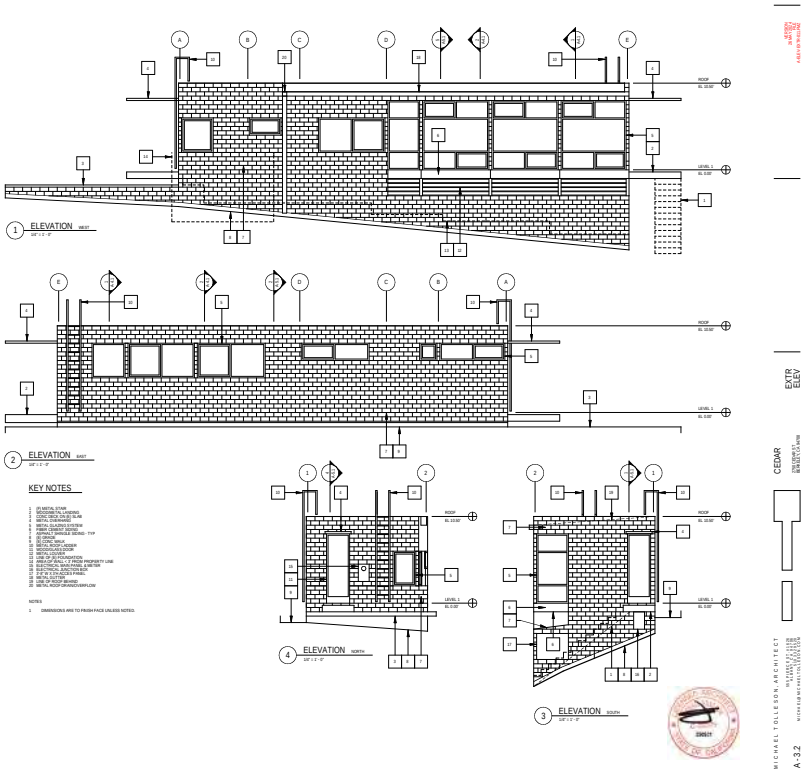
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Floor & Roof Plan, A-2.4

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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

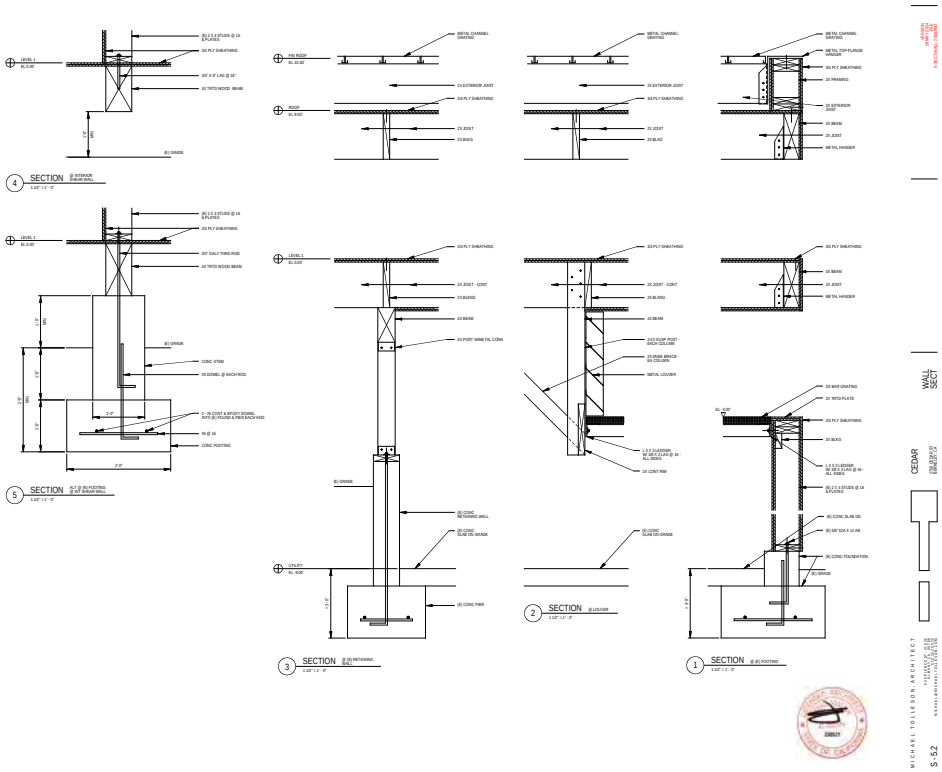
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PROVIDE 3" DIA MIN DRAIN & OVERFLOW FROM ROOF DRAIN INLETS
TO DISCHARGE."

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.



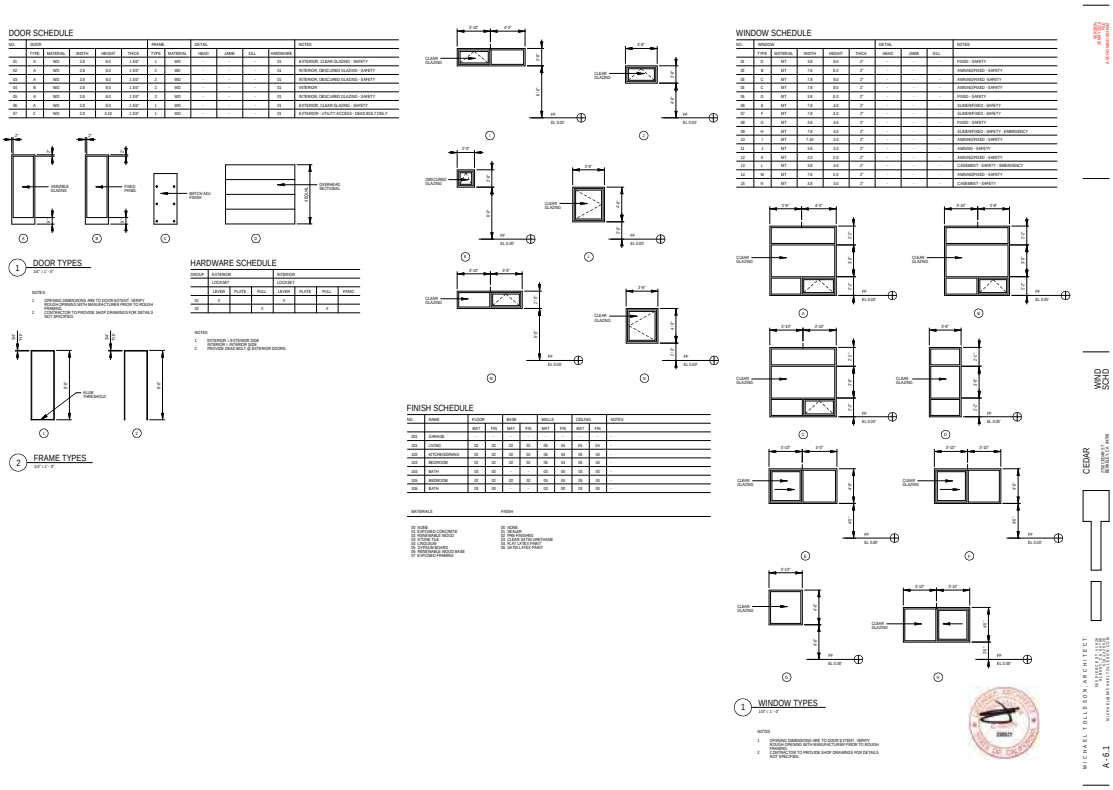
Wall Section, S-5.2

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]

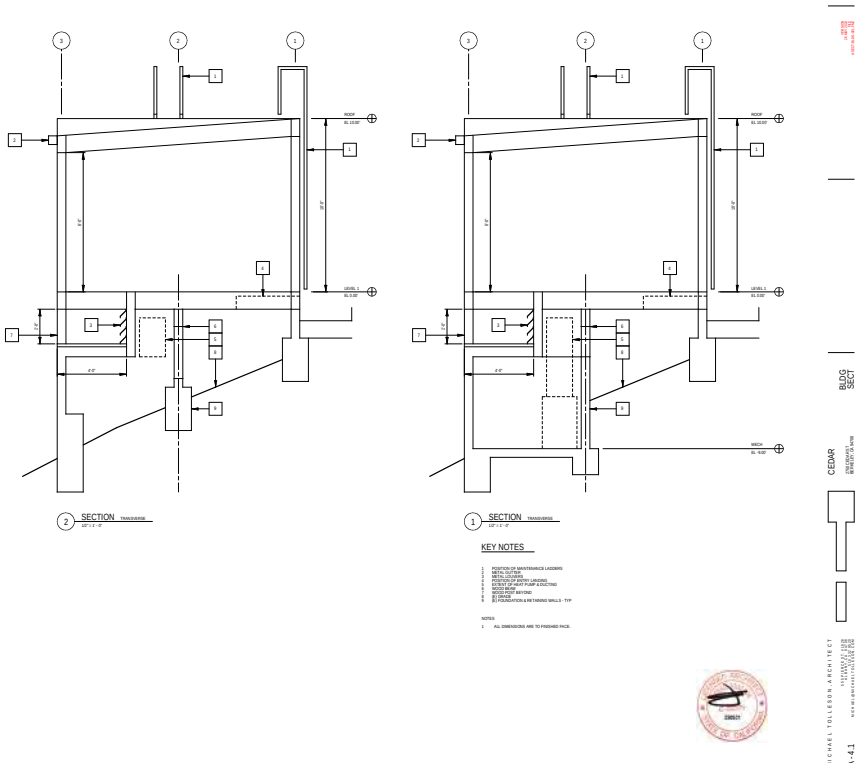
The Mechanical (Utility) Well is an exterior space with a single-unit exterior heat pump and floor drain for incidental weather conditions.
The R703.1 requirement for a “weather-resistant exterior wall envelope” is provided throughout.
The R903.1 “roof assembly” includes multiple layers as noted previously 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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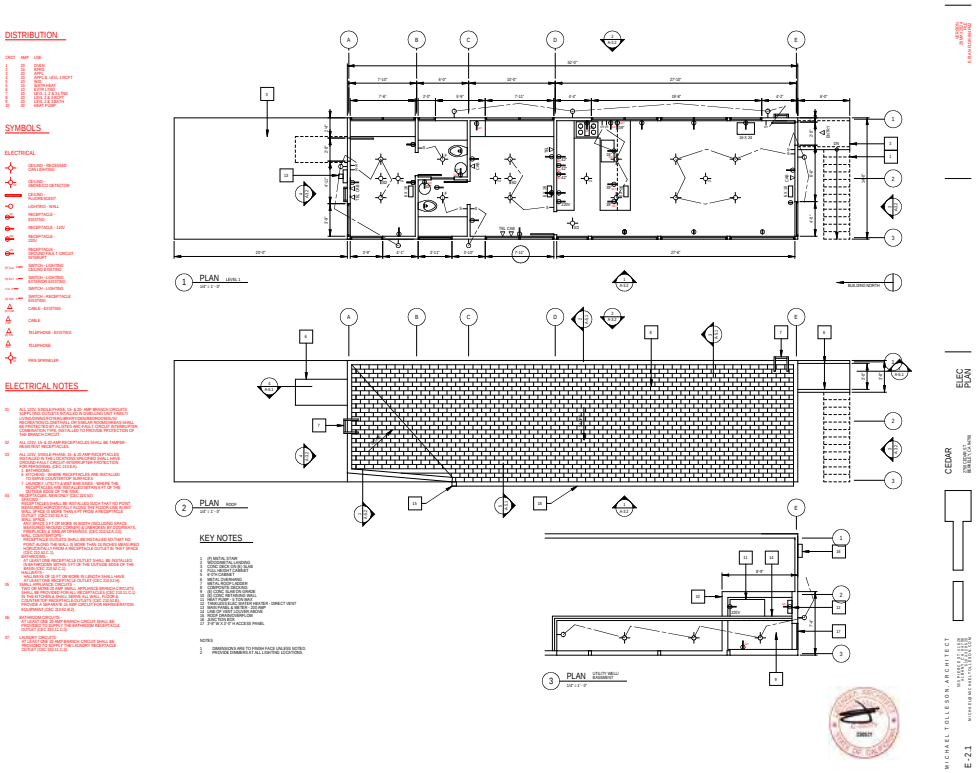
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Building Sections, A-4.1

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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.

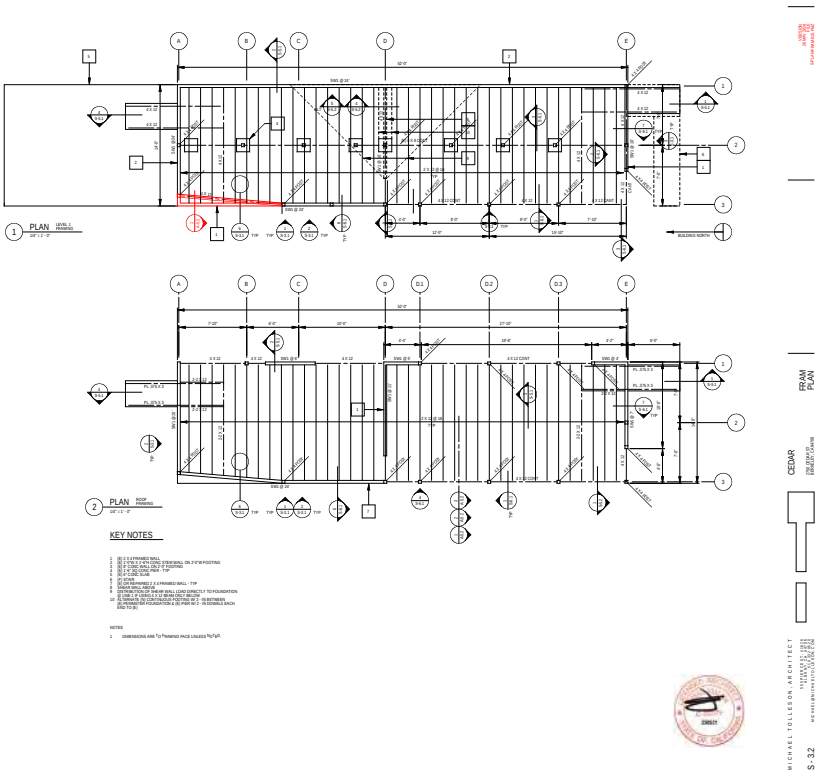
Structural
1.
Revise the plans to show that the structure will comply with the bracing requirements of the California Residential Code for the new opening. Where a building, or portion thereof, does not comply with one or more of the bracing requirements, the construction documents shall be designed, 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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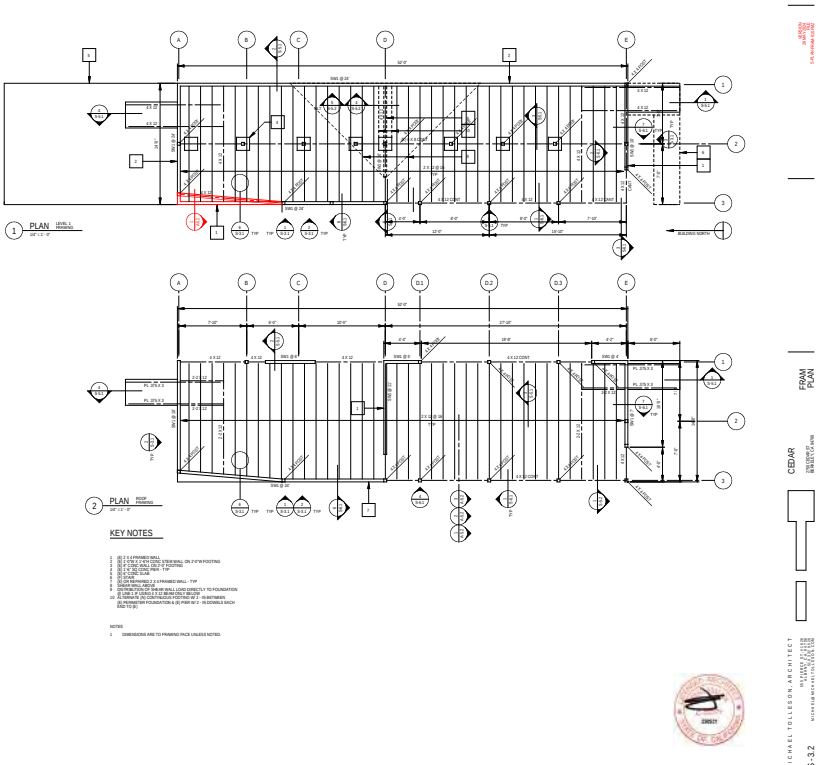
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members fastened to every individual existing member.
The entire building will then be tarped and fumigated, assuring that any hidden damage in existing members is resolved.

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.

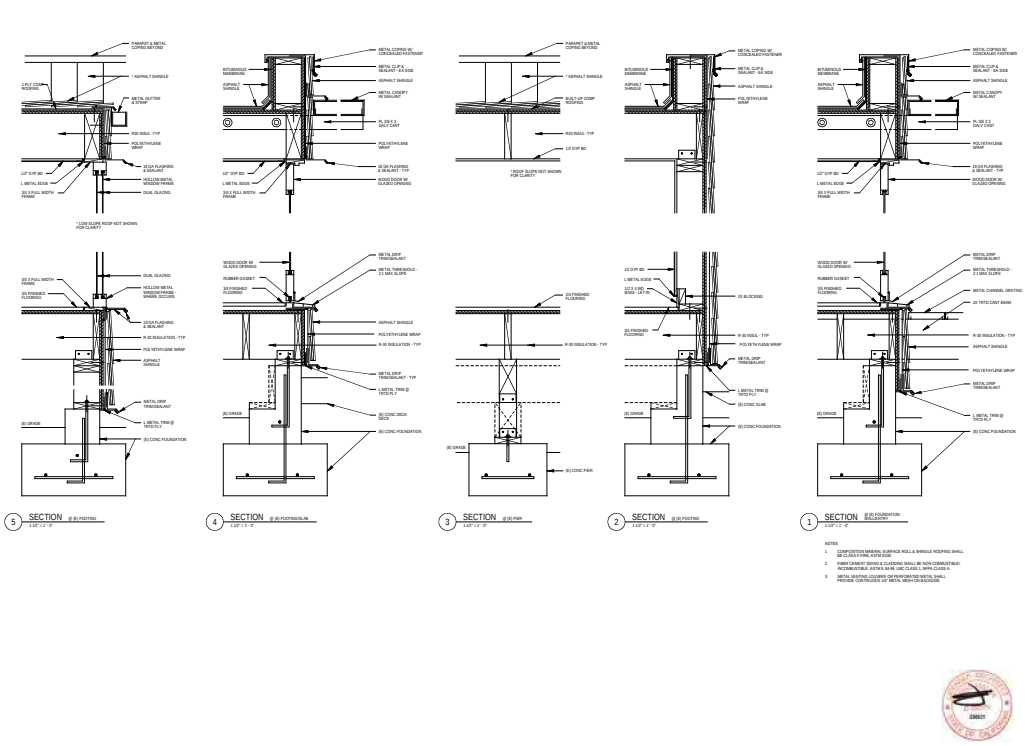
The landing uses the simple eave-type cantilever of 4 x 12 each side in the Floor Framing to a perpendicular 4 x 12 at the backspan extent.
This framing only supports the 3' x 6' landing.
The future stair (shown in dashed line) is concrete on-grade, so delivers no additional load to the landing.



Framing Plans, 1 & 2/S-3.2

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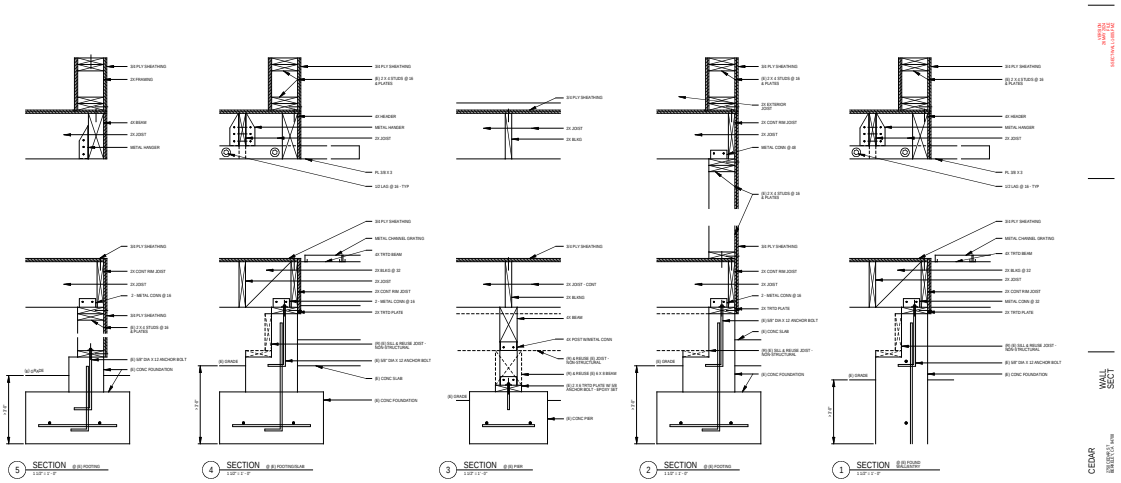


CEDAR
WALL SECT
A-5.1
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Wall Section, 1/A-5.1

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5 1 0 9 9 0 6 3 3 5
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Wall Section, 1/S-5.1

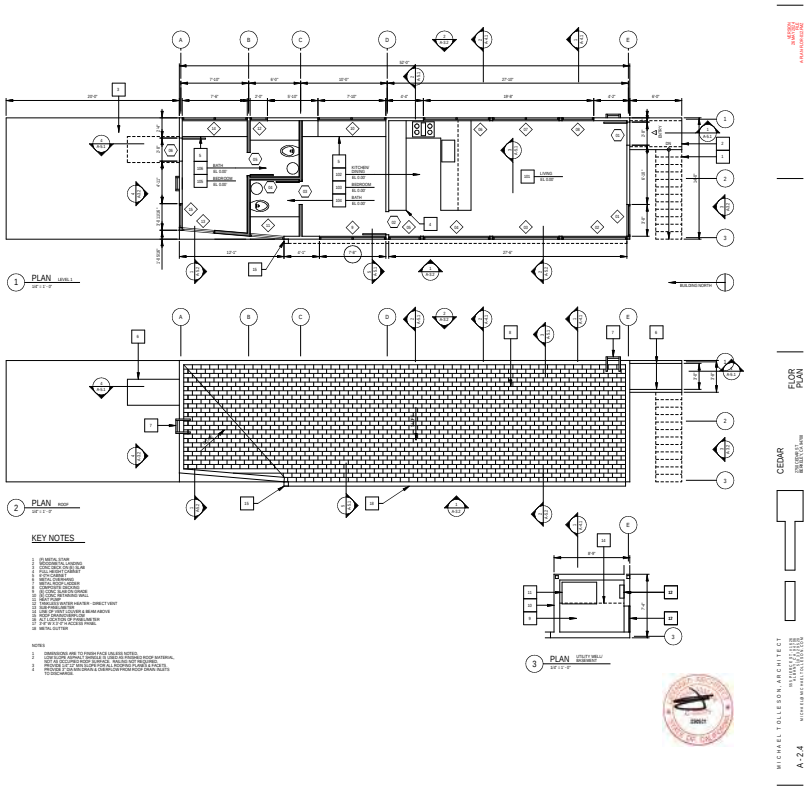
4.
PC2: The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

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]

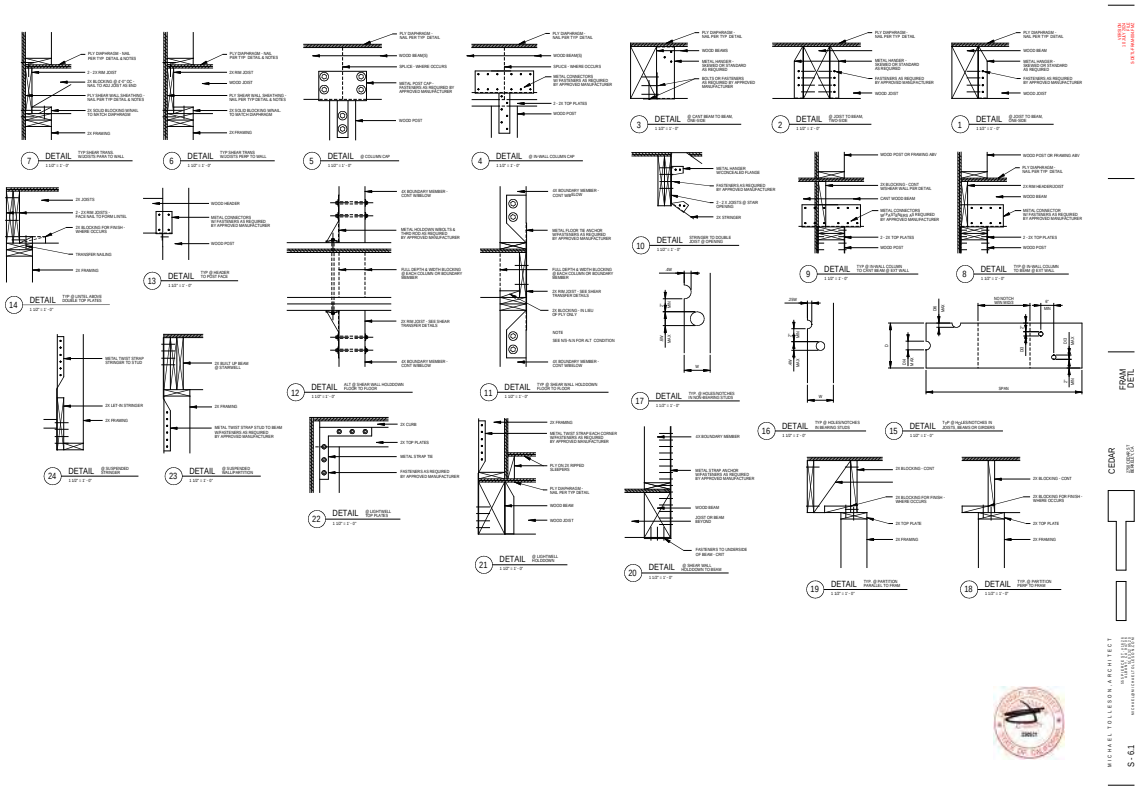
Again, CEBC and CGBC do not require more than the existing strength basis per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent.as stated above.
Enhancements to the construction do not trigger CBC, CRC or ASCE.

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.

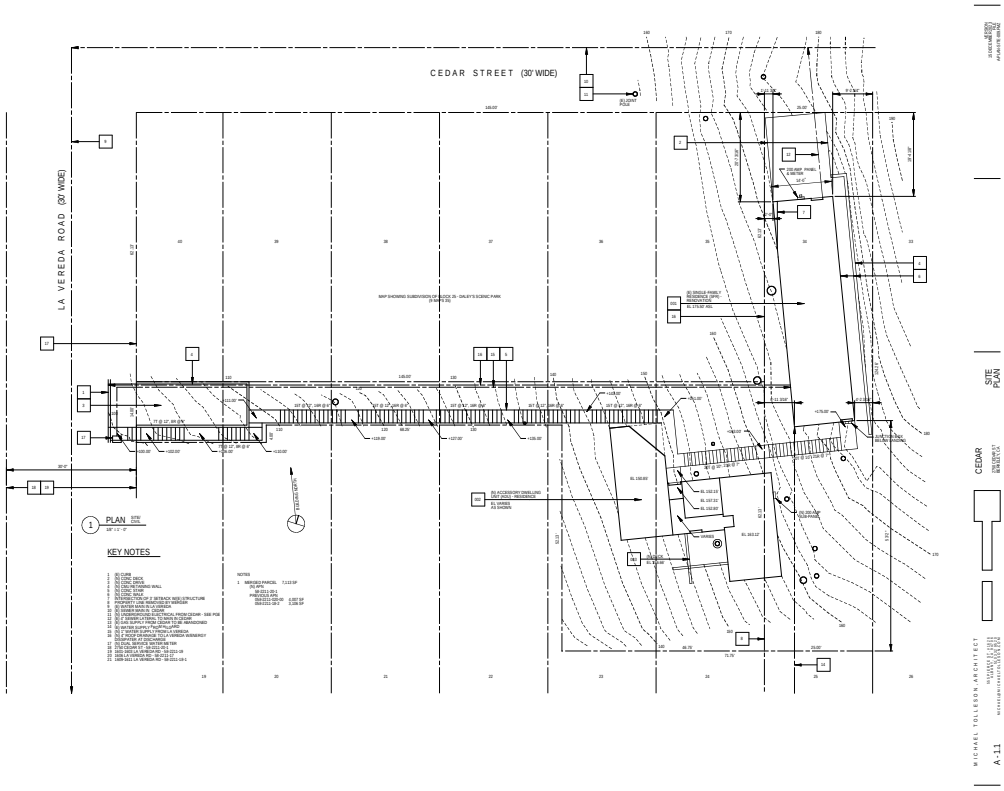
See all pages 1-8 above, Introduction to Conclusion.
Project requires only a Zoning Certificate.

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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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

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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

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

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

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.

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)

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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."

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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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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

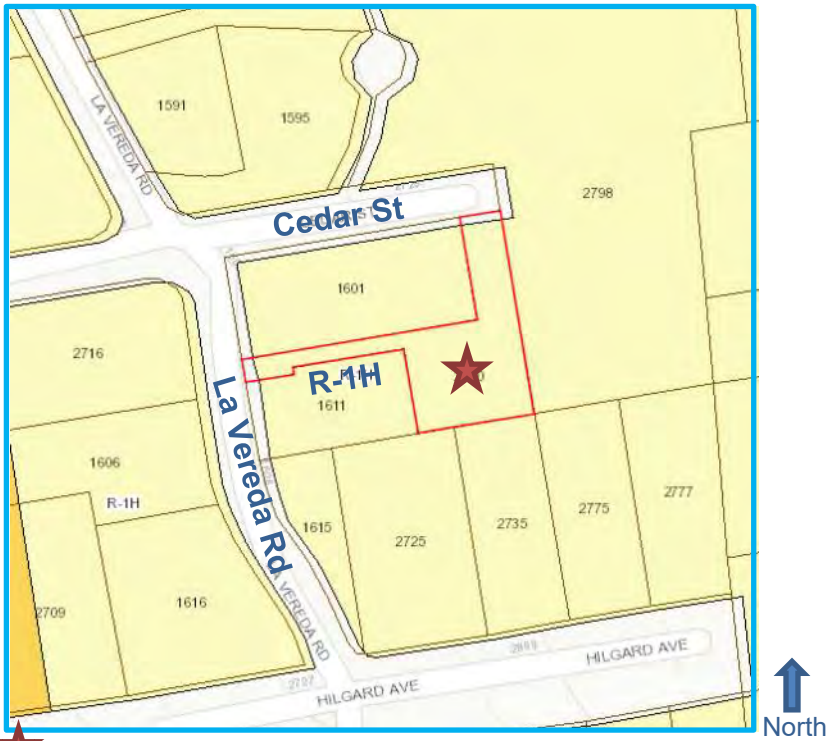
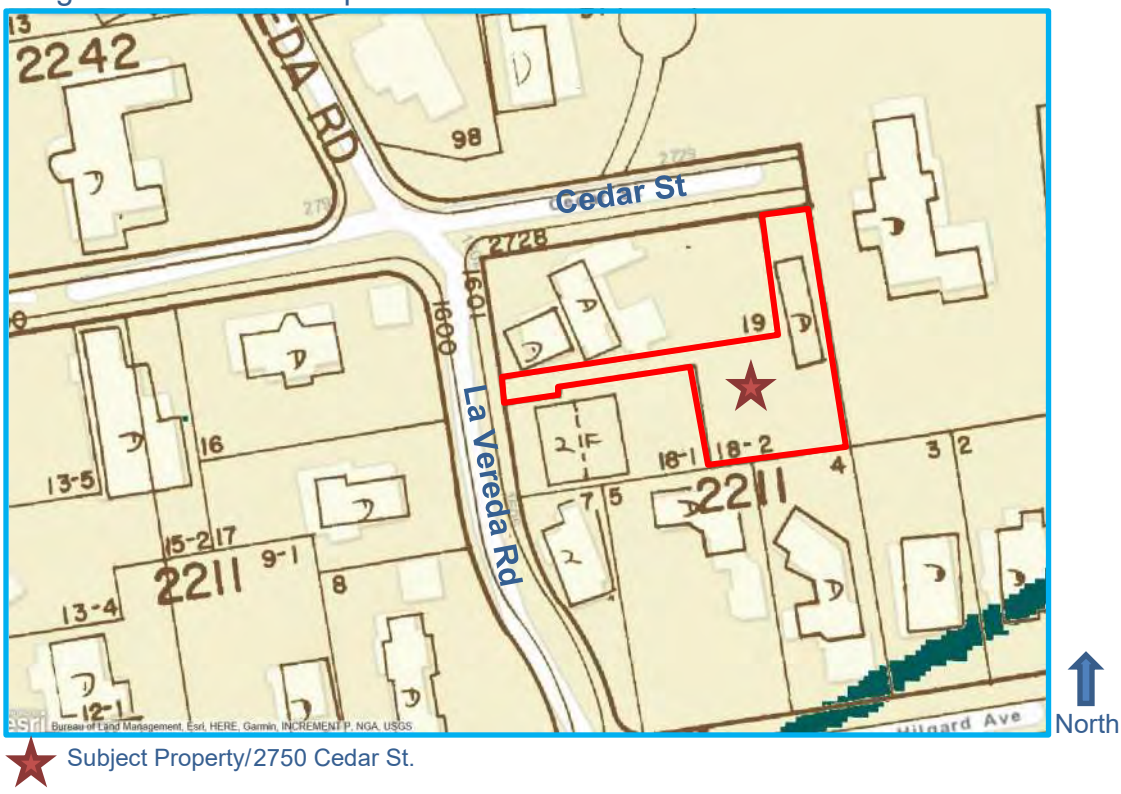
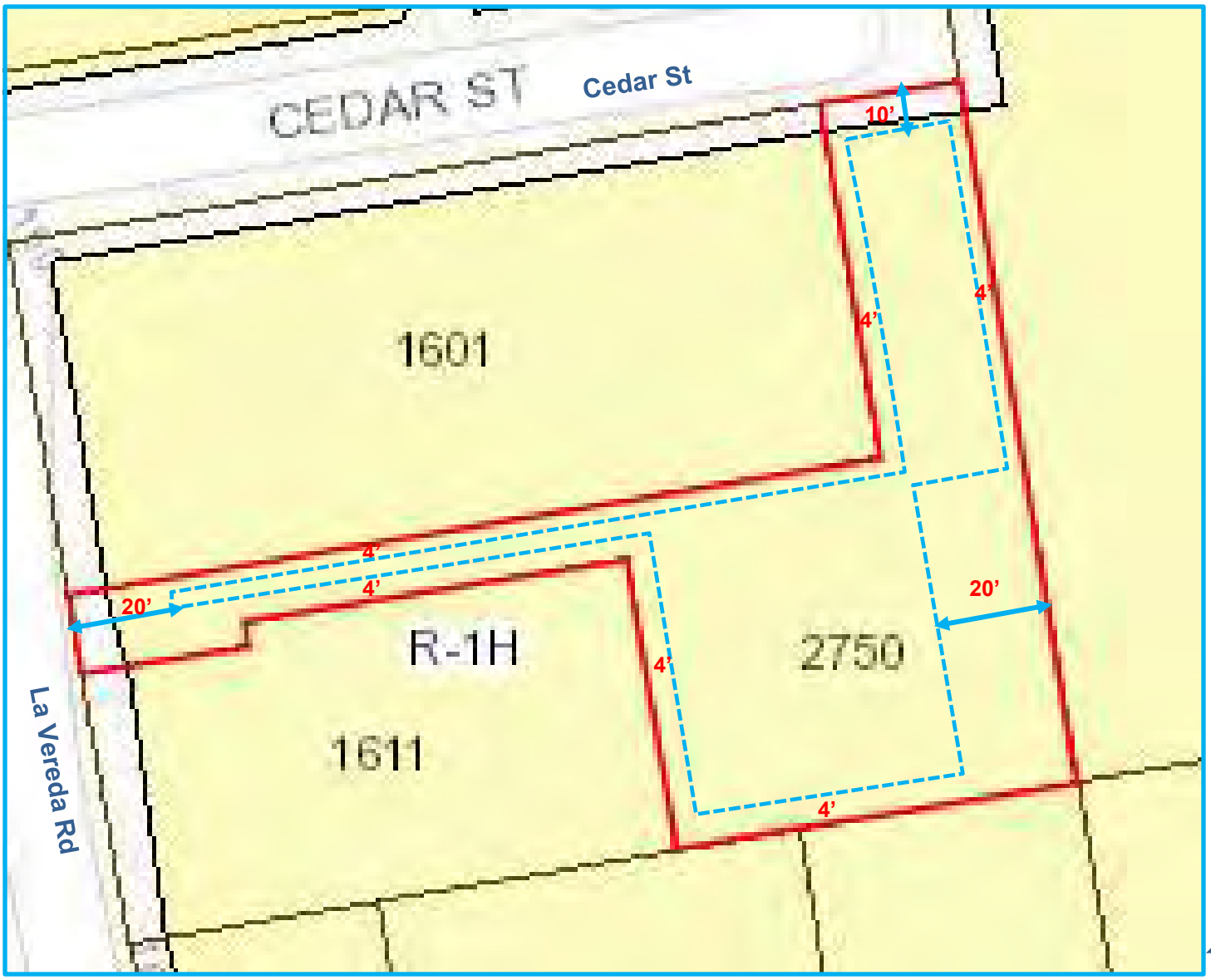


Image #2: Land Use Map



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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:**

MICHAEL TOLLESON , ARCHITECT
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

510 332 9520
510 990 6335
michael@michaeltolleson.com

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."

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2024

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*

Permit Service Center
Building & Safety Division
Planning and Development Department

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

Permit Service Center
Building & Safety Division
Planning and Development Department

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]

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

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

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

1947 Center Street, 3rd Floor Berkeley, CA. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@berkeleyca.gov

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 | Date: 9-25-24

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

Administrative citation rev. 08/17
Code §53069.4

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.

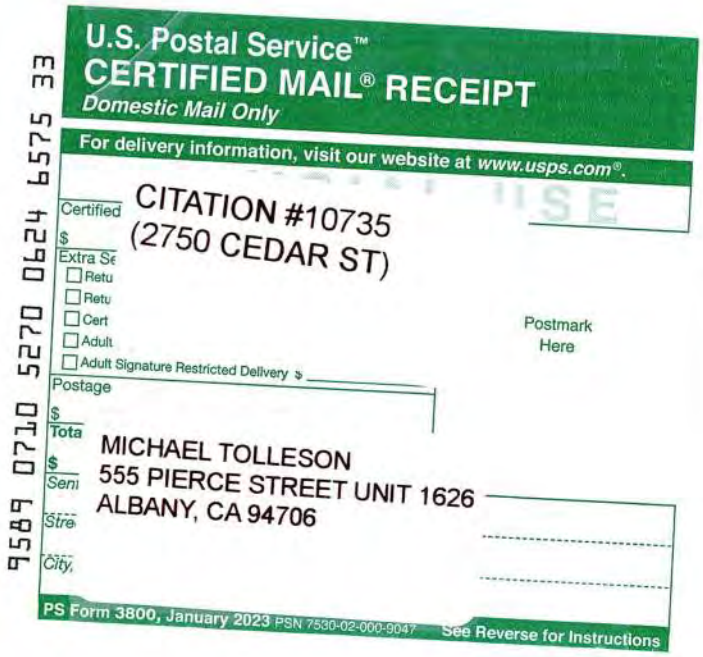
___ By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

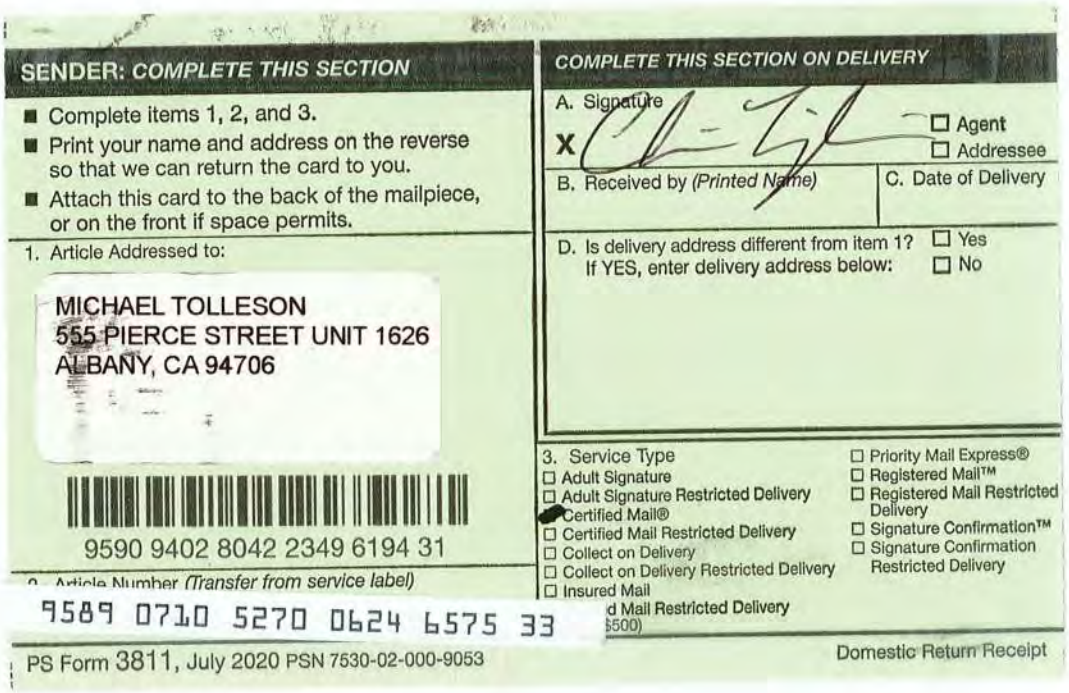
_____
Description of location where posted

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


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
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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 26


U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
For delivery information, visit our website at www.usps.com®.
Certified
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Adult
Adult Signature Restricted Delivery $
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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
9589 0710 5270 0624 6575 33



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
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

d Mail Restricted Delivery
$500)

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

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@CityofBerkeley.info

Revised 3/12/19

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
Ashley Carter, Deputy City Attorney SBN 340403
BERKELEY CITY ATTORNEY'S OFFICE
2180 Milvia Street, Fourth Floor
Berkeley, CA 94704
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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

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@CityofBerkeley.info

Revised 3/12/19

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

1947 Center Street, 3rd Floor Berkeley, CA. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@berkeleyca.gov

Revised 07/09/2023

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

Revised 3/12/19

EXHIBIT B-2

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

1947 Center Street, 3rd Floor Berkeley, CA. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@berkeleyca.gov

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
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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.

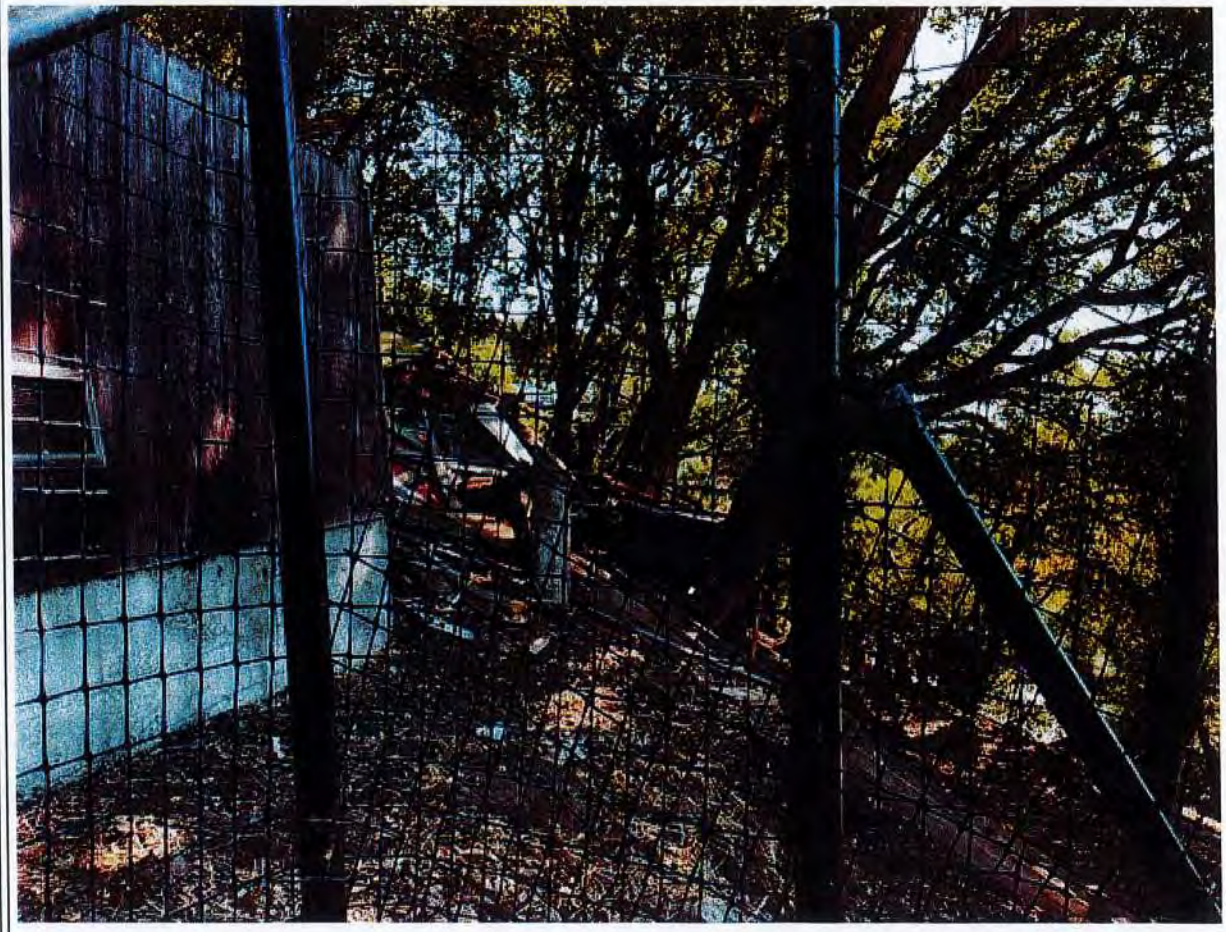
2. I am over the age of 18 and am competent to testify in a court of law, and I am also qualified to testify to the matters contained in this declaration. I have personal knowledge of all the matters stated herein and, if called as a witness, could and would competently testify thereto, except as to 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.

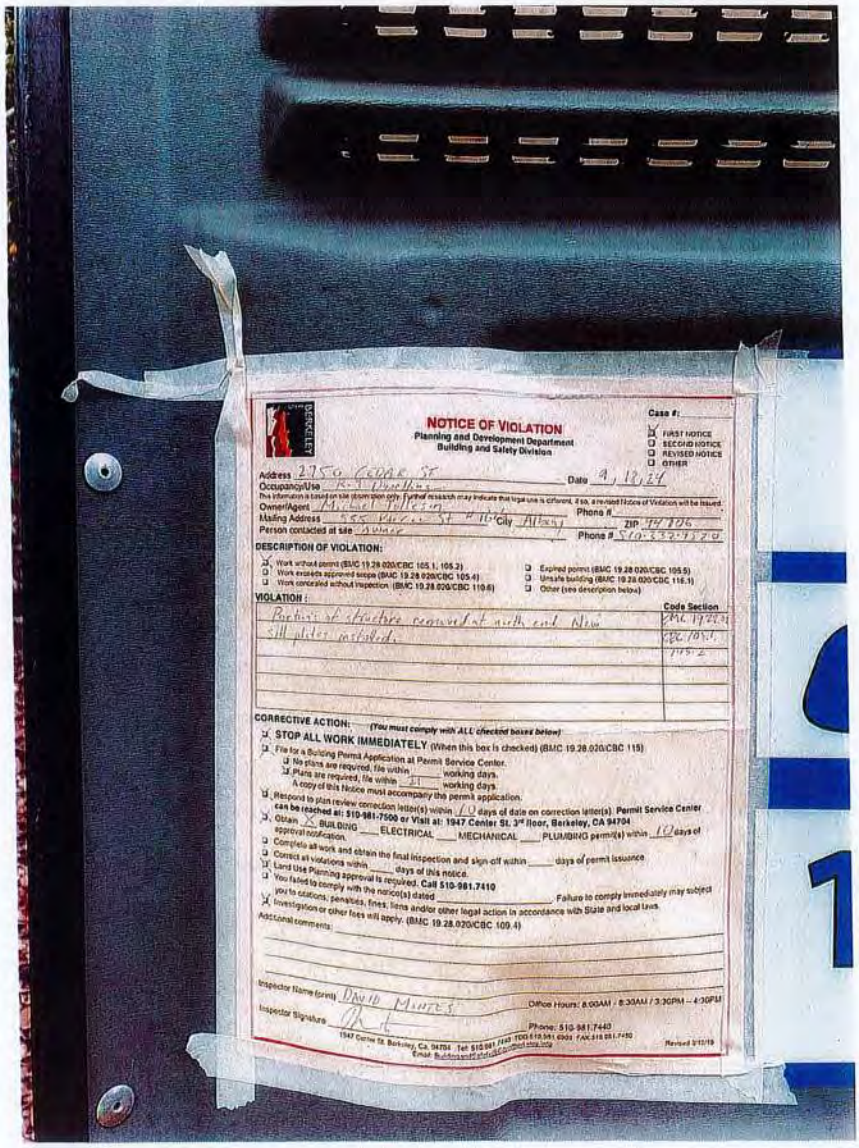
4. As a Senior Building Inspector, I personally inspect properties in the City of Berkeley for compliance with the California Building Code ("CBC") by way of the Berkeley Municipal Code ("BMC") Chapter 19.28; also referred to as the Berkeley Building Code.

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:



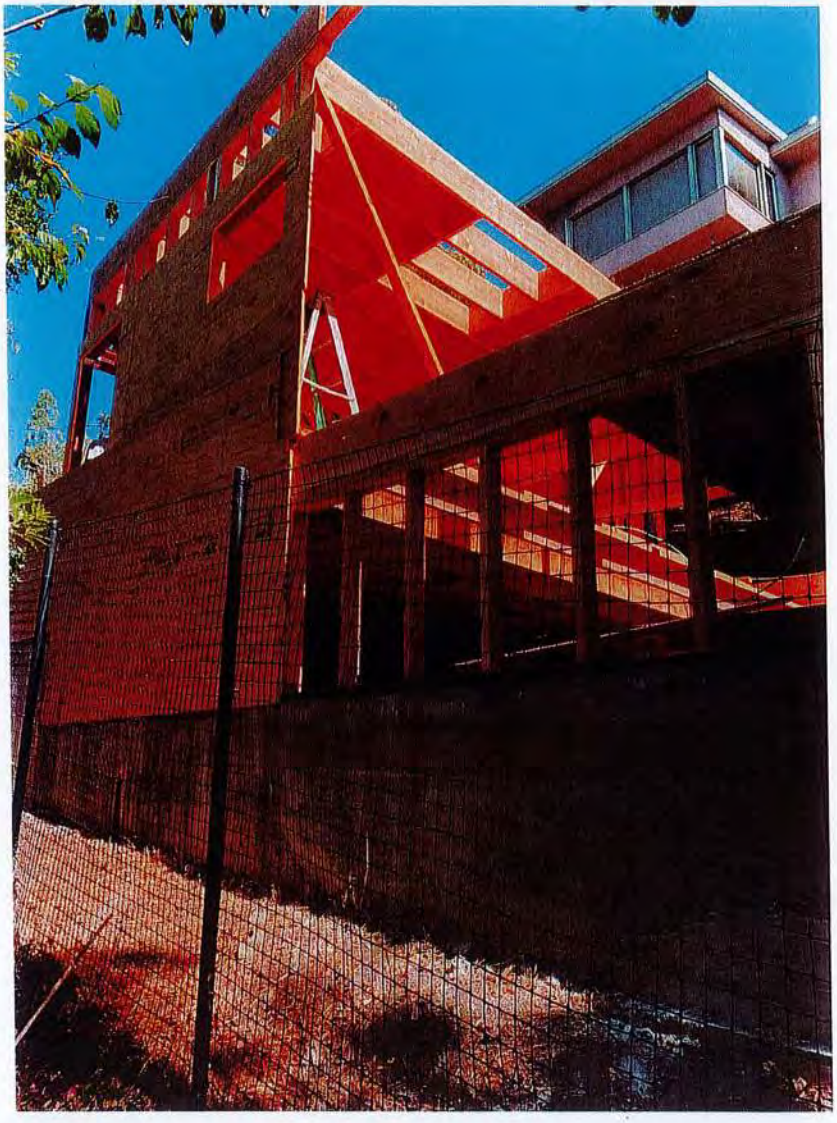


8. On September 19, 2024 I returned to the property for inspection and found that work had continued in violation of the stop work order. I reminded Mr. Tolleson about the Notice of Violation and the stop work order, and I asked Mr. Tolleson if he is continuing to work in violation of the stop work order, 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:

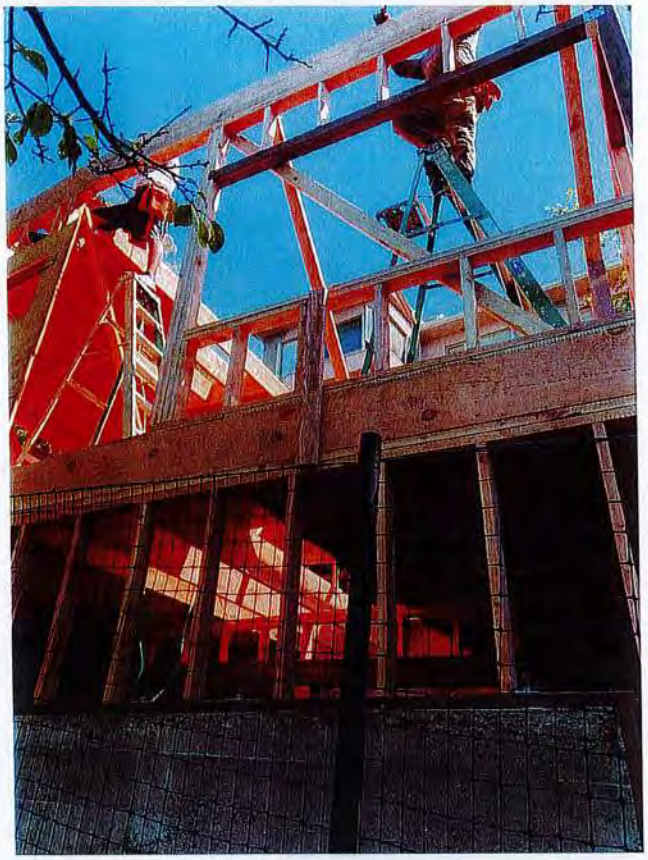


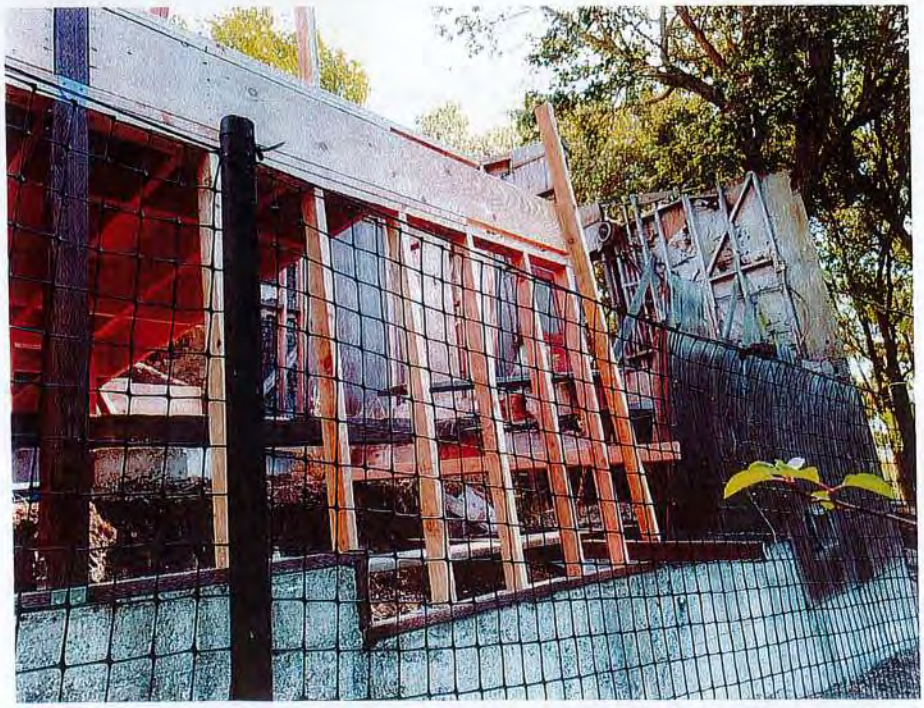
10. On October 2, 2024 I again inspected the property from the adjoining parcel (1601 La Vereda) and observed progress in the construction, including new floor framing and sheathing, as well as framing for what appear to be roof joists. Additional sections of wall on the east and west sides of the dilapidated 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
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

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 Ahrel 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

~~[PROPOSED]~~ **INSPECTION AND ABATEMENT WARRANT**

[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

Administrative citation rev. 08/17

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
$
Sent To
Street and Apt. No., or P
City, State, ZIP+4®
Postmark Here
PAUL T. MAK / PING H. MAK
3819 BLUFF STREET
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 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 19.28.020

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

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@CityofBerkeley.info

Revised 3/12/19

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.

510 332 9520
510 990 6335
michael@michaeltolleson.com

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

510 332 9520
510 990 6335
michael@michaeltolleson.com

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

510 332 9520
510 990 6335
michael@michaeltolleson.com

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

510 332 9520
510 990 6335
michael@michaeltolleson.com

---------- 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

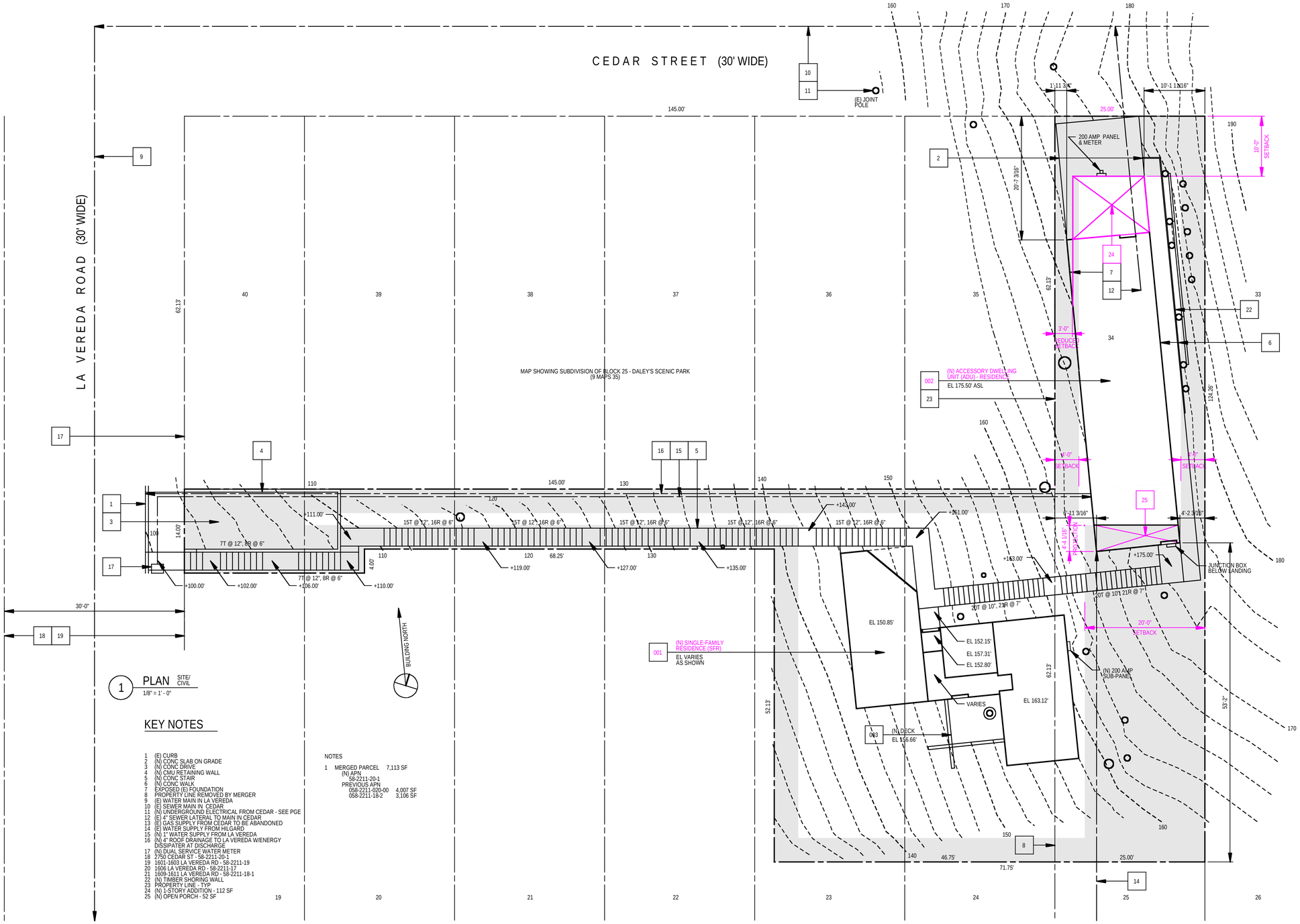
Dear Paul Mak:

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

VERSION
02-APR-2020
FILE
A-PLAN-SITE-012.PWZ

SITE PLAN

CEDAR
2750 CEDAR ST
BERKELEY, CA

MICHAEL TOLLESON - ARCHITECT
555 PIERCE ST #1026
ALBANY, CA 94706
510 292 8520
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.

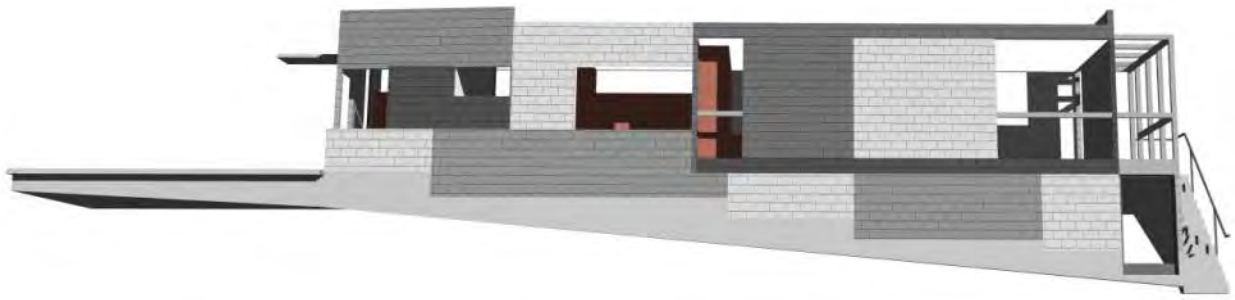
We herein request a hearing as allowed to present all related evidence to support our position with Berkeley City Council and its representatives.

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

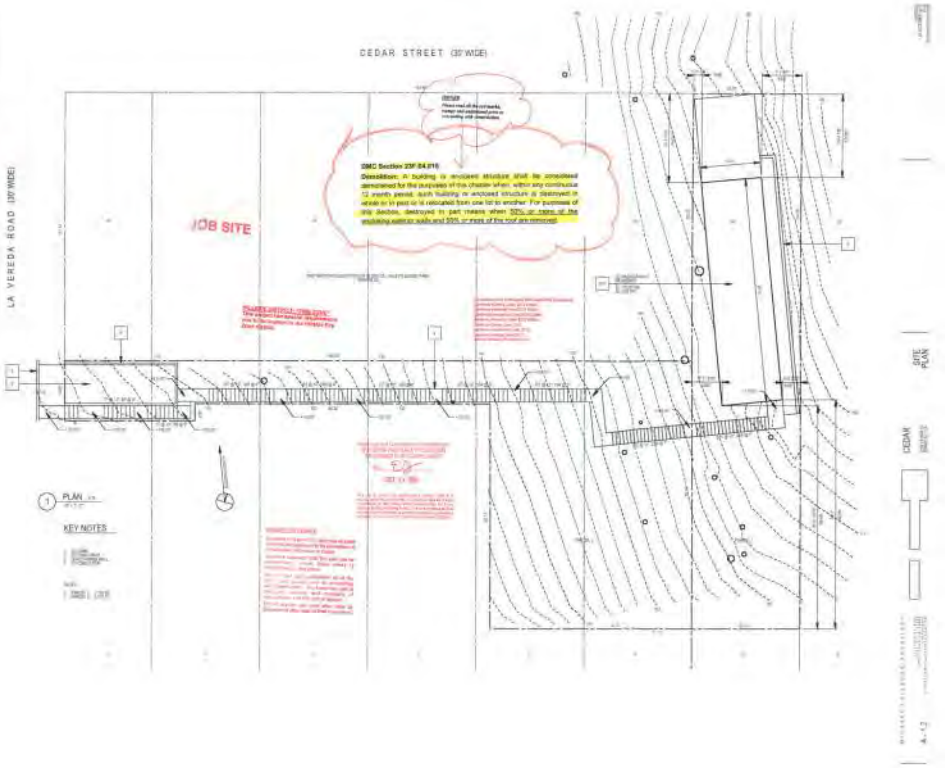
Addendum 3

50% Demoliiton Approval


PLANNING & DEVELOPMENT

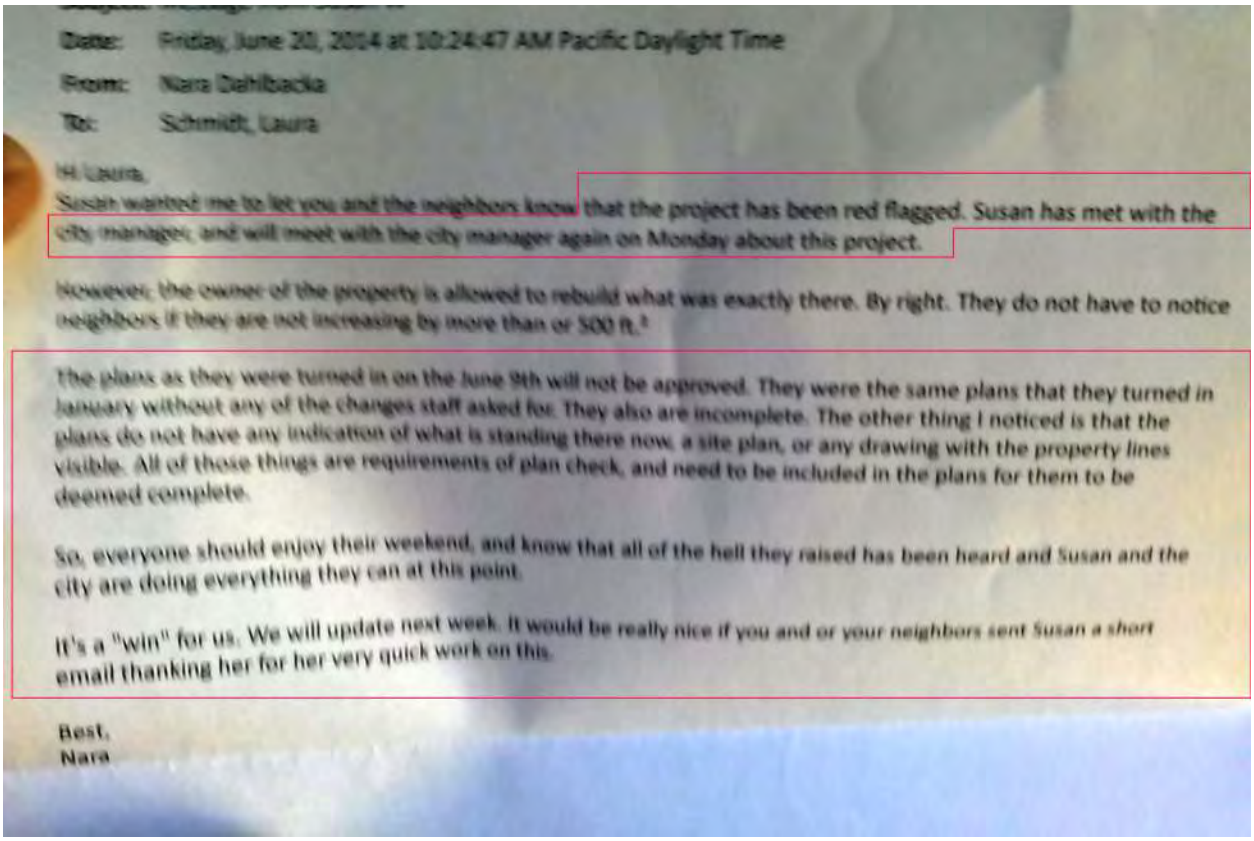
Building Permit Application

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).

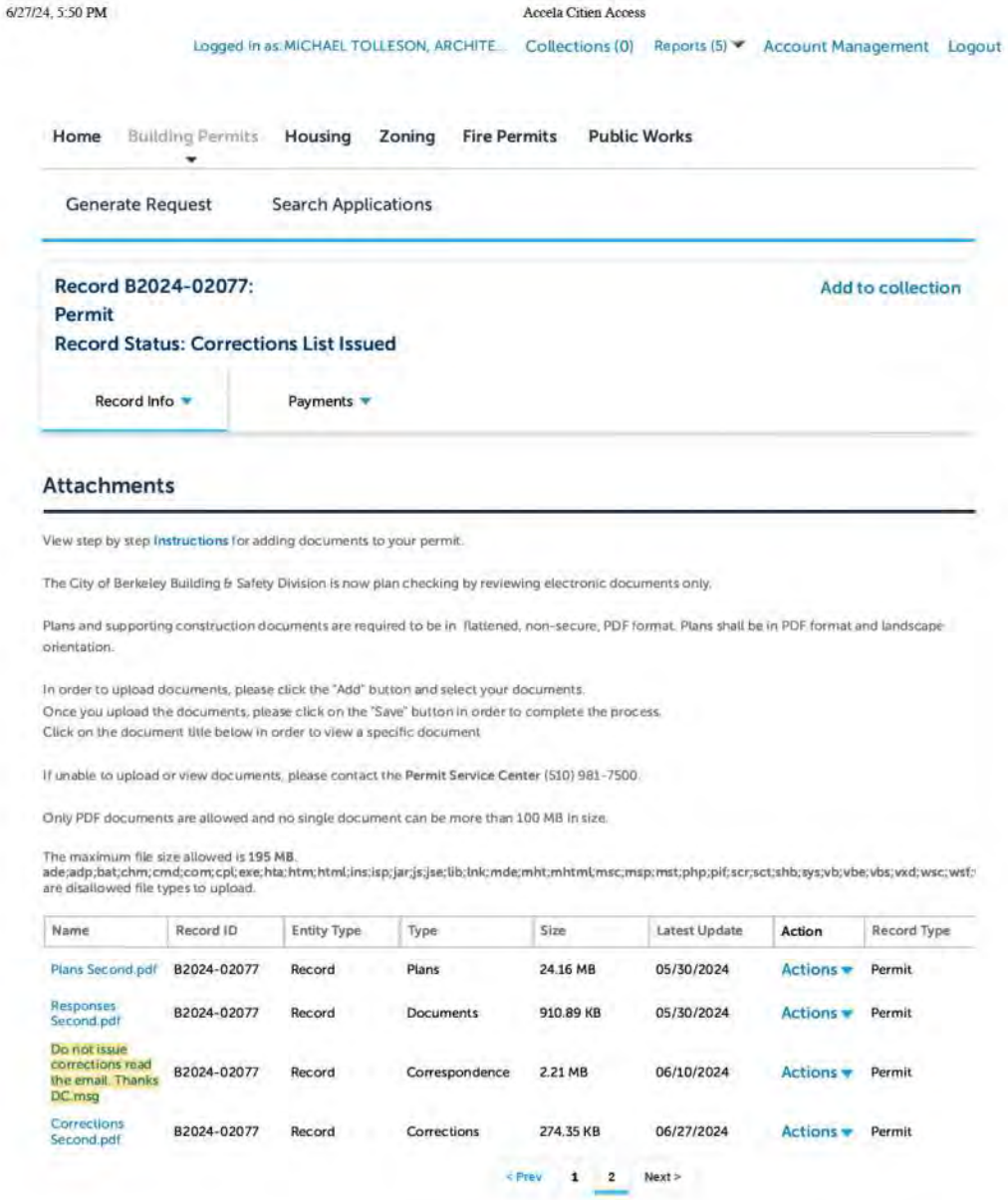
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It's a "win" for us. We will update next week. It would be really nice if you and you neighbors sent Susan a short email thanking her for her very quick work on this.

Best
Nara

Addendum 5
City Council



6/27/24, 5:50 PM Accela Citizen 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:
Permit
Record Status: Corrections List Issued

Add to collection

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

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
#1626
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.

MICHAEL TOLLESON , ARCHITECT
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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

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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

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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]

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.

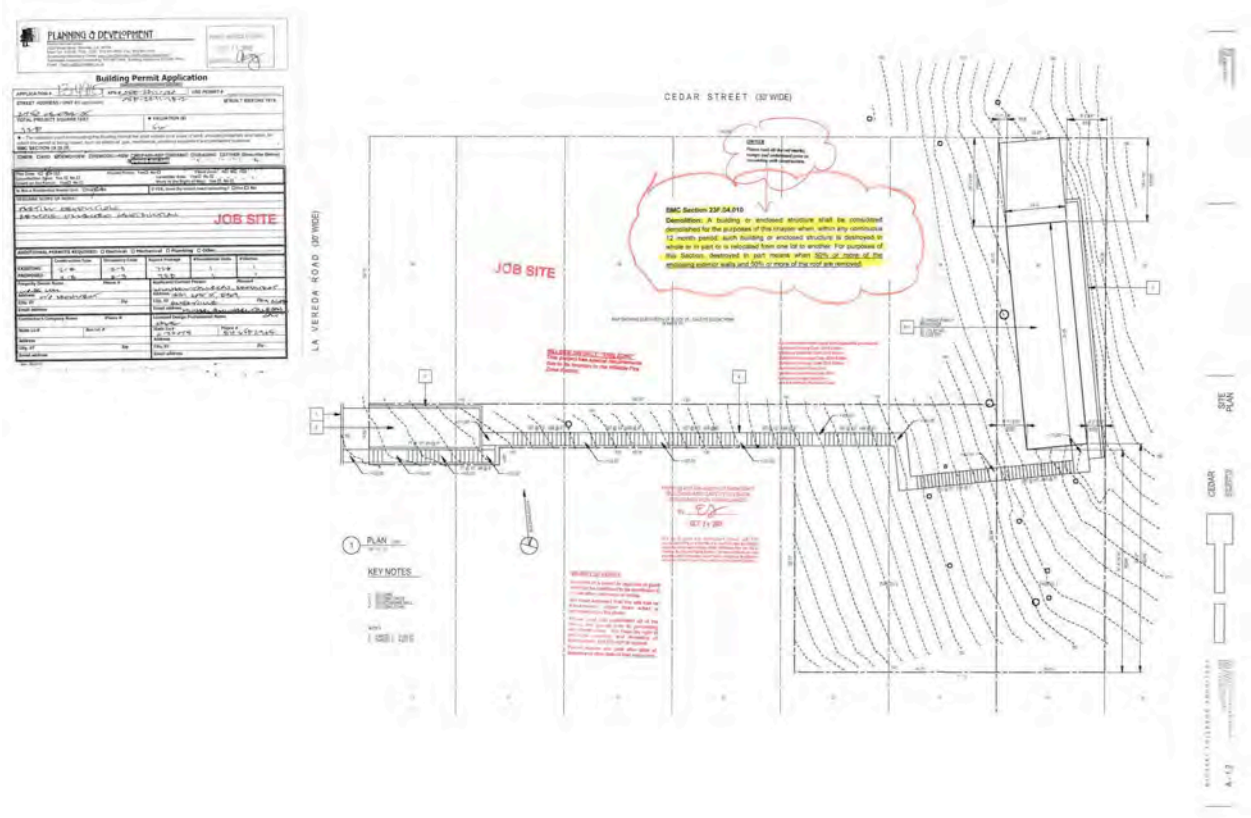
As well, we find that BMC 23F.04.10 has been supplanted by BMC 23.324.050 Conforming and Nonconforming Structures and Buildings, which states:

"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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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

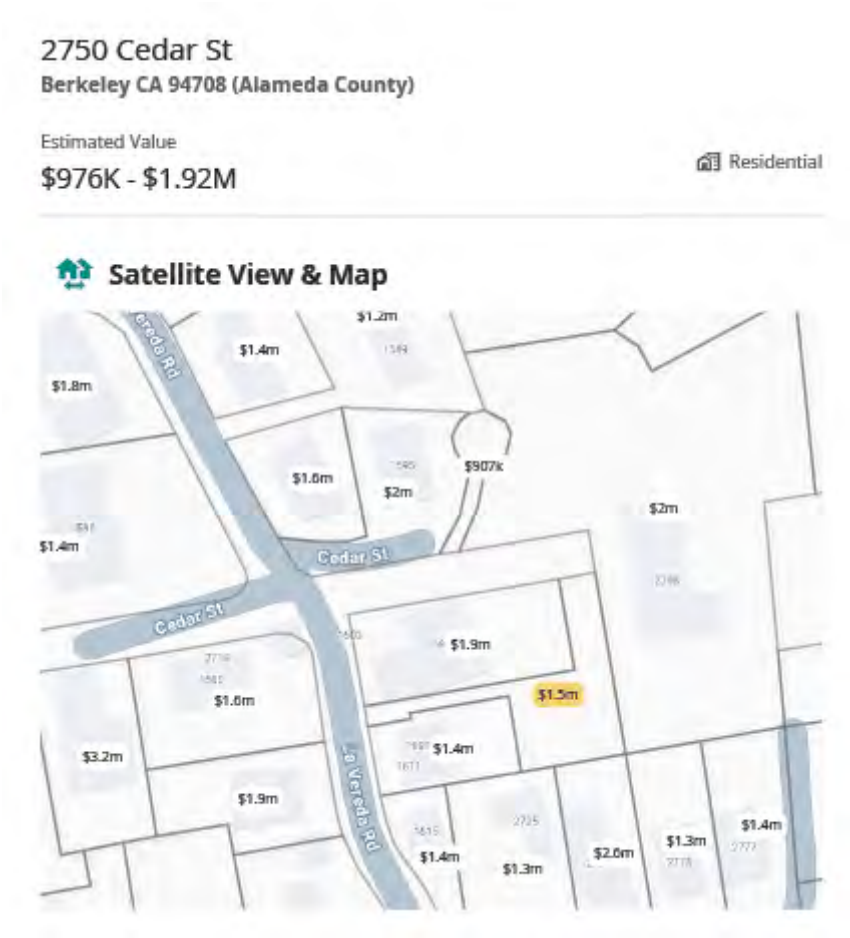
Project Permit Approval, 14-236, Original

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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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 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]

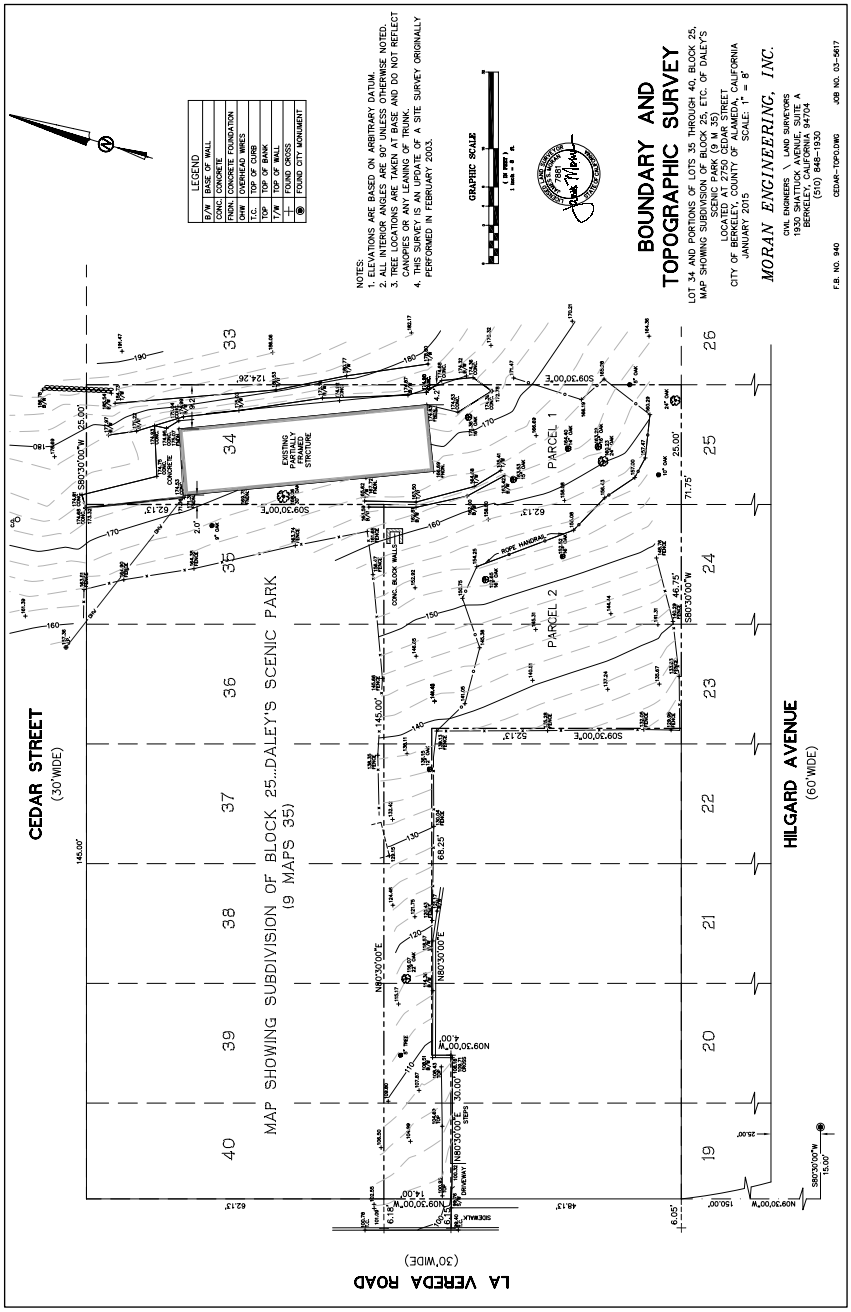
The Index of Drawings is correct and provides Sheet Numbers, Descriptions, (Titles) and Digital (File) Names.
The sheet numbers are provided in the lower right corner of the sheet.

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.

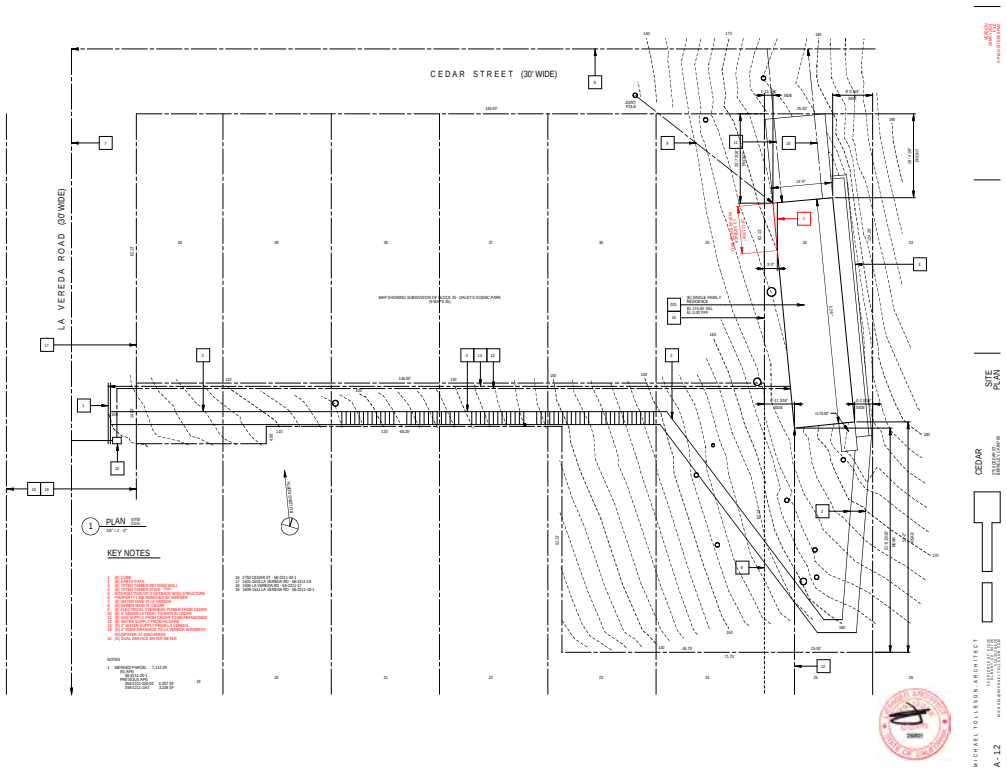
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The water-resistive barrier shall be 60-minute Grade D paper or have a water resistance equal to or greater than one layer of a water-resistive barrier complying with ASTM E2556, Type II. The water-resistive barrier shall be separated from the stucco 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.



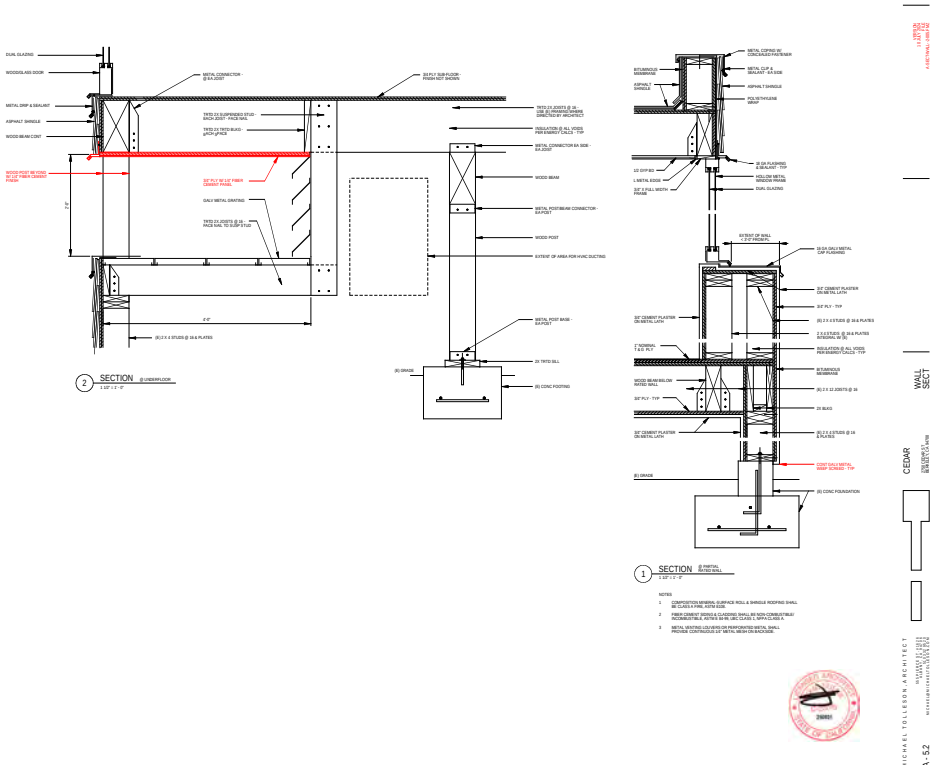
Site Plan, A-1.2

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.

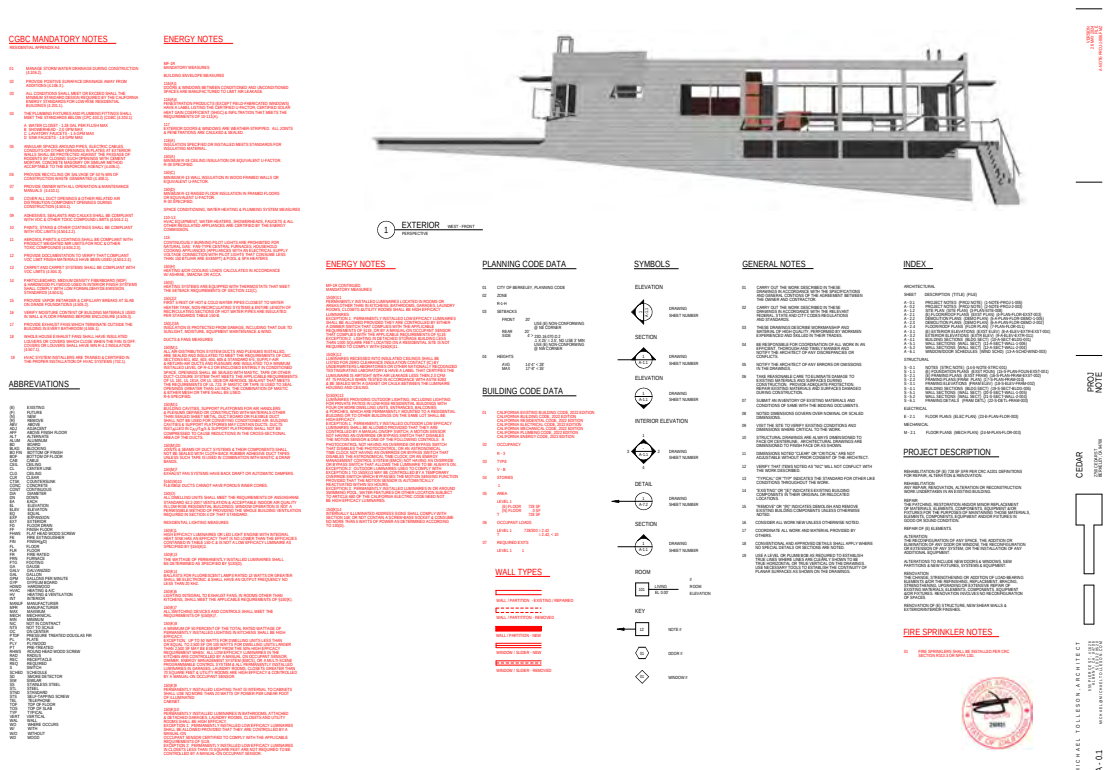
See Wall Section (A-5.1), Notes, directly below.
1
COMPOSITION MINERAL-SURFACE ROLL & SHINGLE ROOFING SHALL
BE CLASS A FIRE, ASTM E108.
2
FIBER CEMENT SIDING & CLADDING SHALL BE NON-COMBUSTIBLE/
INCOMBUSTIBLE, ASTM E 84-99, UBC CLASS 1, NFPA CLASS A.
3
METAL VENTING LOUVERS OR PERFORATED METAL SHALL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

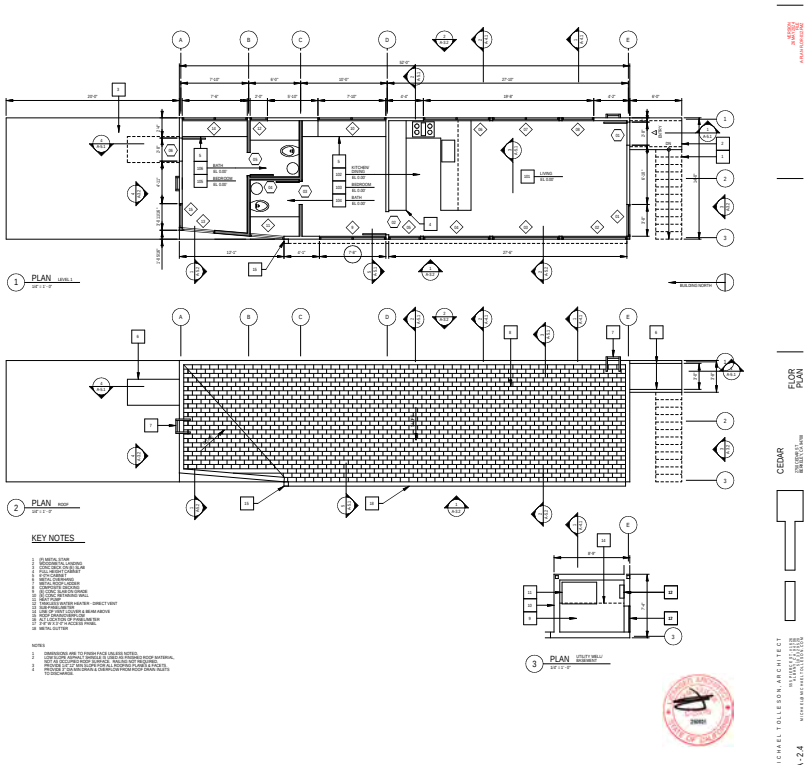
5. Revise the drawings to provide details and specifications demonstrating that the proposed stairs will comply with the applicable requirements for sizing, clearance, landings, guards, handrails and illumination. [CRC R311.7]
PC2: Applications for phased submittals require prior approval from the City 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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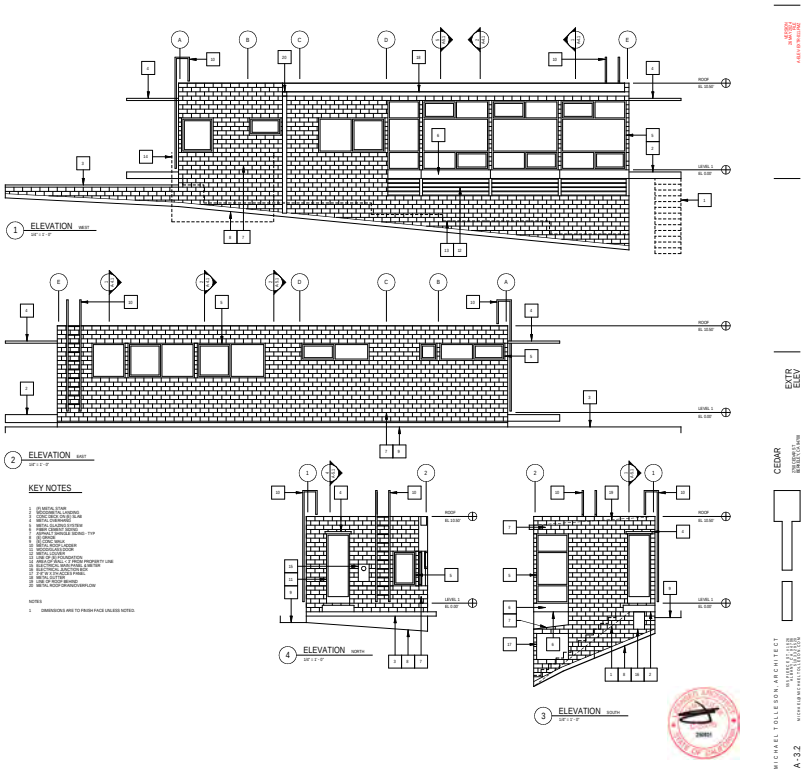
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Floor & Roof Plan, A-2.4

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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

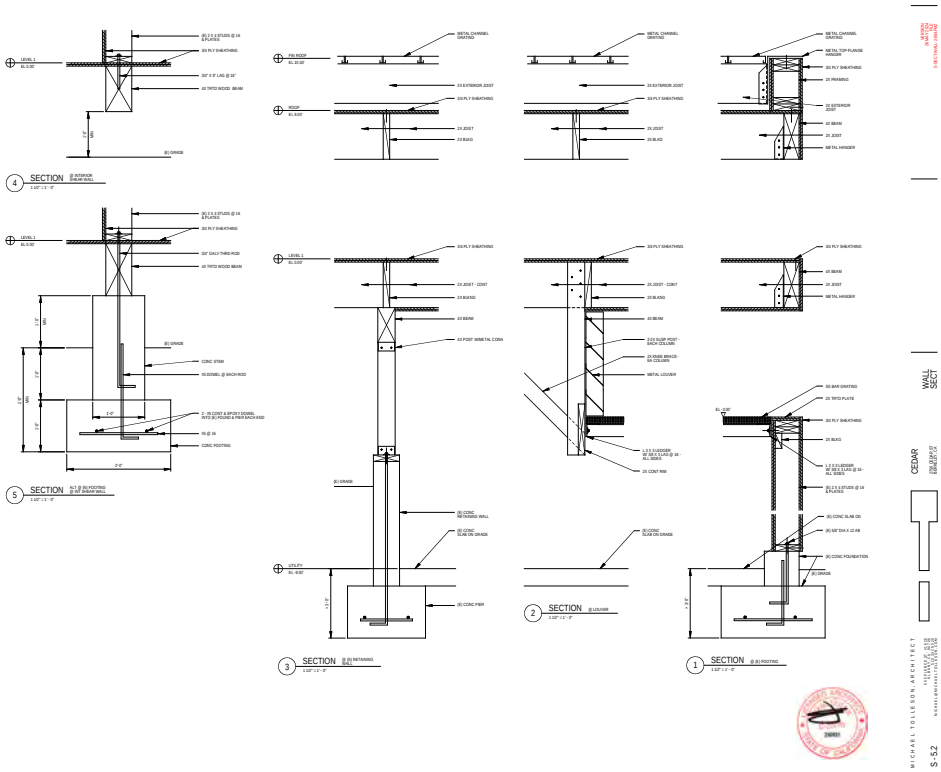
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PROVIDE 3" DIA MIN DRAIN & OVERFLOW FROM ROOF DRAIN INLETS
TO DISCHARGE."

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.



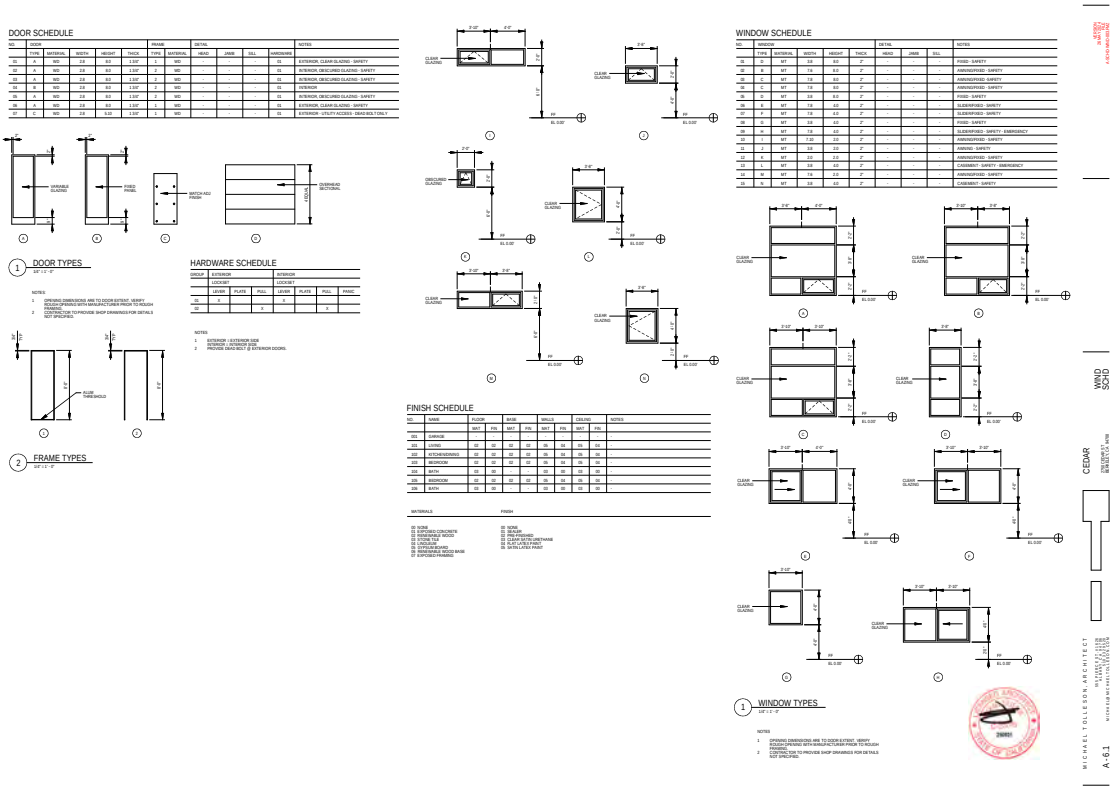
Wall Section, S-5.2

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]

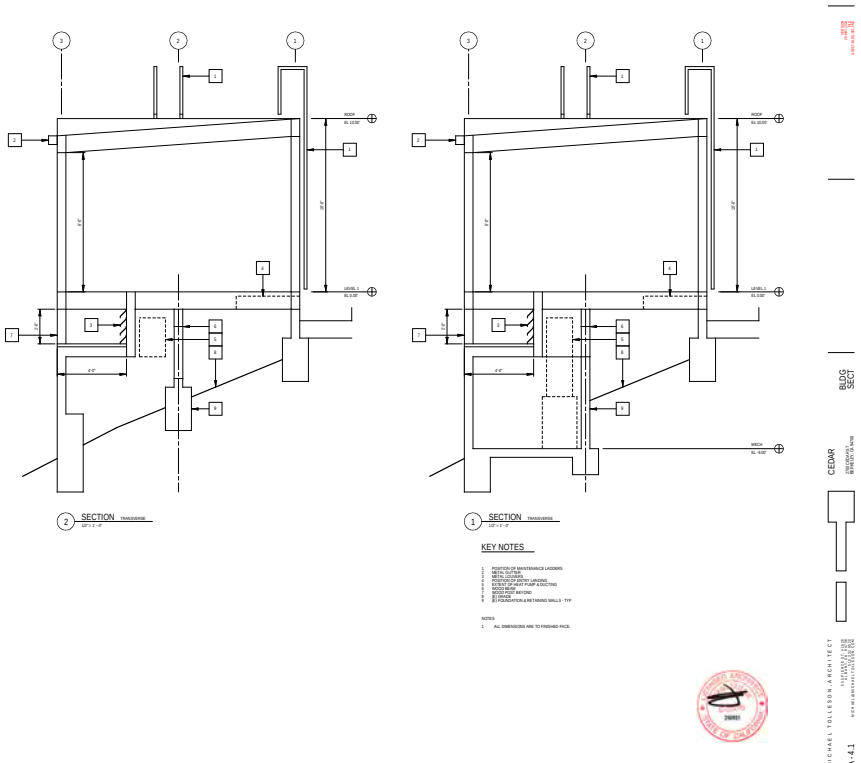
The Mechanical (Utility) Well is an exterior space with a single-unit exterior heat pump and floor drain for incidental weather conditions.
The R703.1 requirement for a “weather-resistant exterior wall envelope” is provided throughout.
The R903.1 “roof assembly” includes multiple layers as noted previously 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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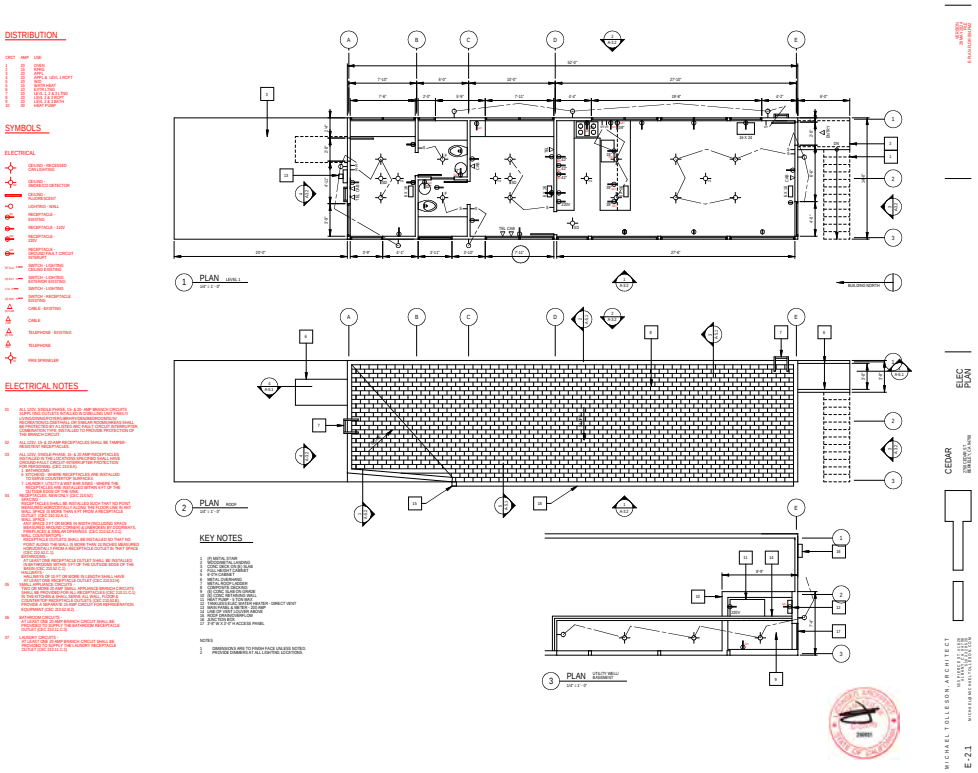
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Building Sections, A-4.1

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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."

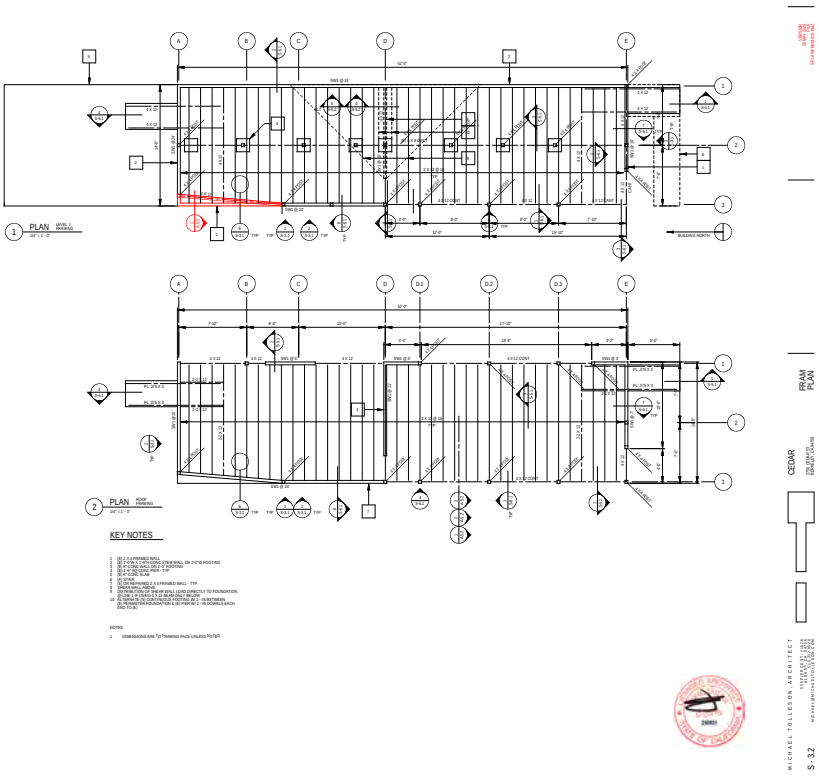
See Wall Sections provided previously above for layered roofing using both R905.1.1 "underlayment" and asphalt shingles. The low slope composition roofing provides the weather-resistance, while the asphalt shingles are both redundant and aesthetic. The use of the same exterior material for both the walls & 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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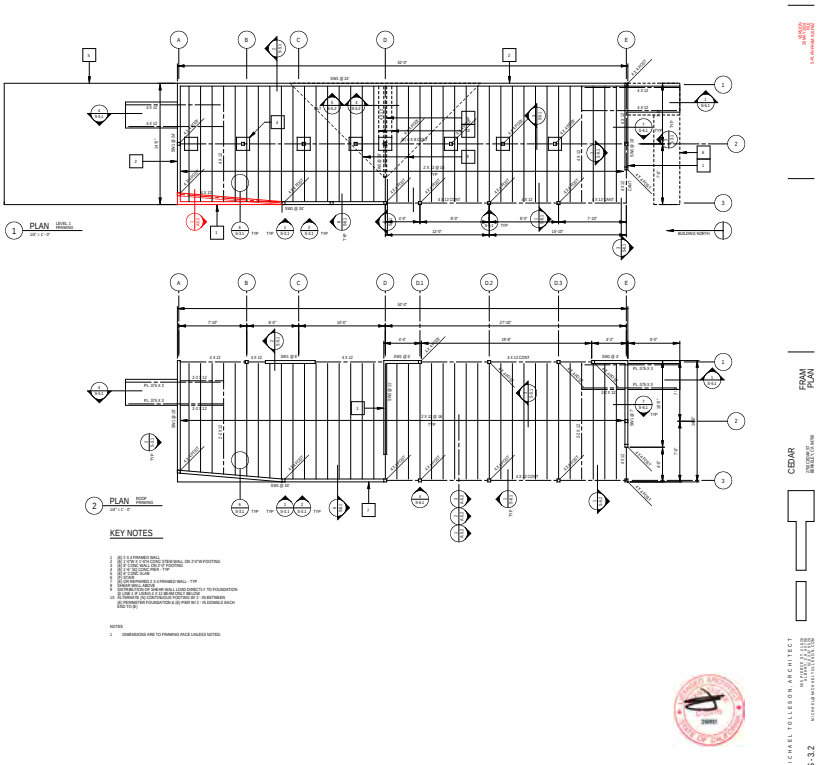
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members fastened to every individual existing member.
The entire building will then be tarped and fumigated, assuring that any hidden damage in existing members is resolved.

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.

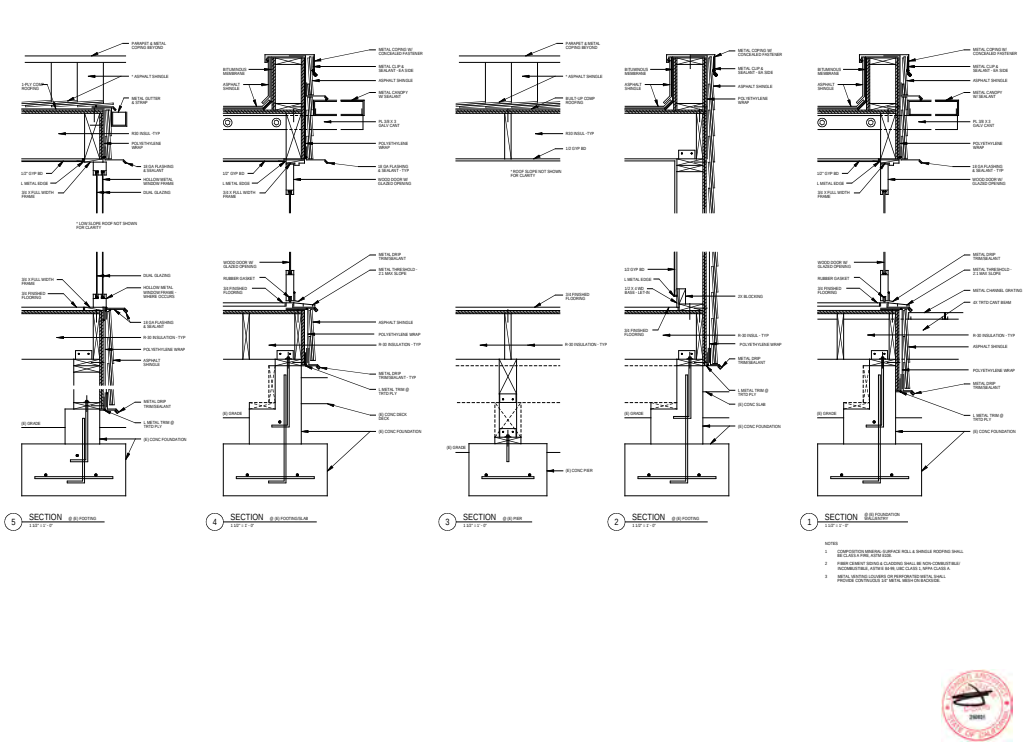
The landing uses the simple eave-type cantilever of 4 x 12 each side in the Floor Framing to a perpendicular 4 x 12 at the backspan extent.
This framing only supports the 3' x 6' landing.
The future stair (shown in dashed line) is concrete on-grade, so delivers no additional load to the landing.



Framing Plans, 1 & 2/S-3.2

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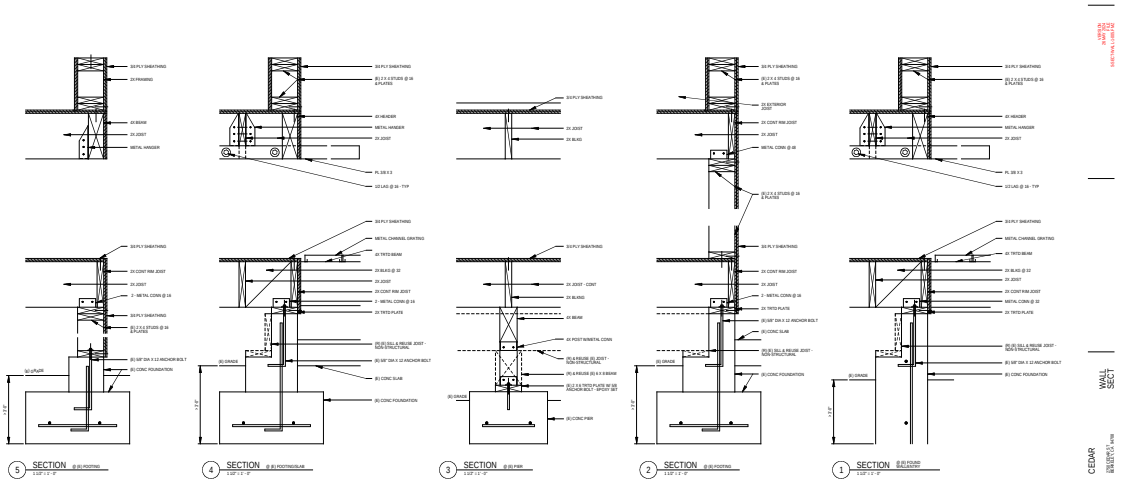
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Wall Section, 1/A-5.1

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Wall Section, 1/S-5.1

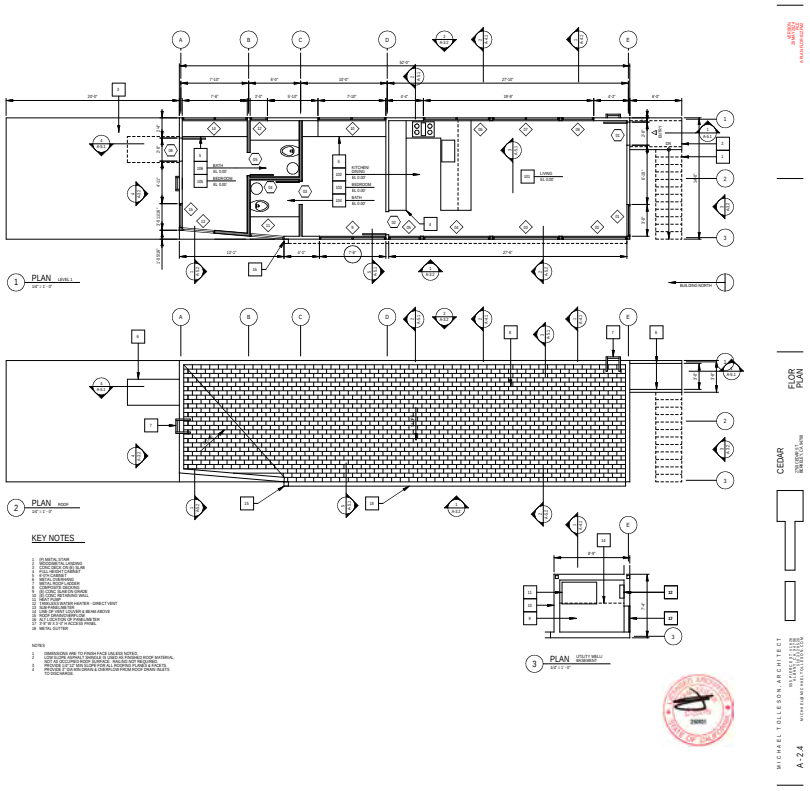
4.
PC2: The architectural drawings show multiple roof planes; however, the structural drawings only show and detail a single slope shed roof. Please revise the drawings to coordinate the proposed design and provide complete details and specifications of construction. [CRC R106.1.1]

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]

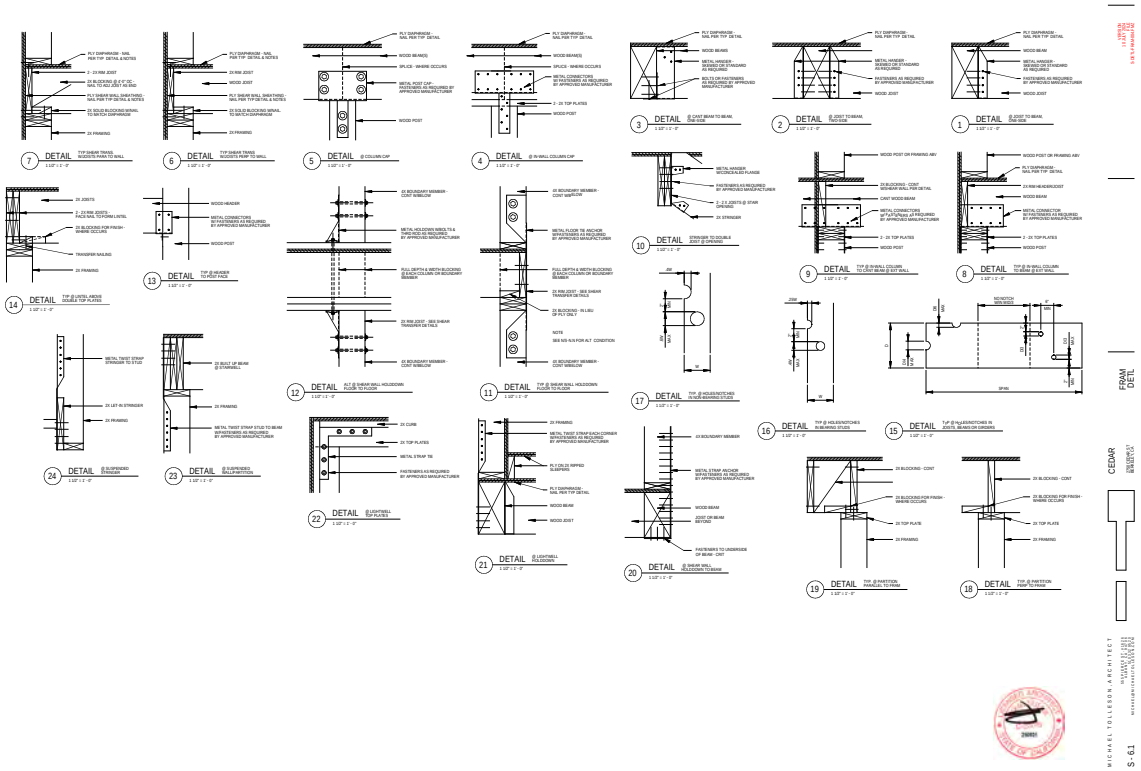
Again, CEBC and CGBC do not require more than the existing strength basis per CEBC 401.2 Compliance, CEBC 405.2.1 Repairs and F. Damage and Reconstruction. 2. Damage Less than 50 Percent.as stated above.
Enhancements to the construction do not trigger CBC, CRC or ASCE.

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.

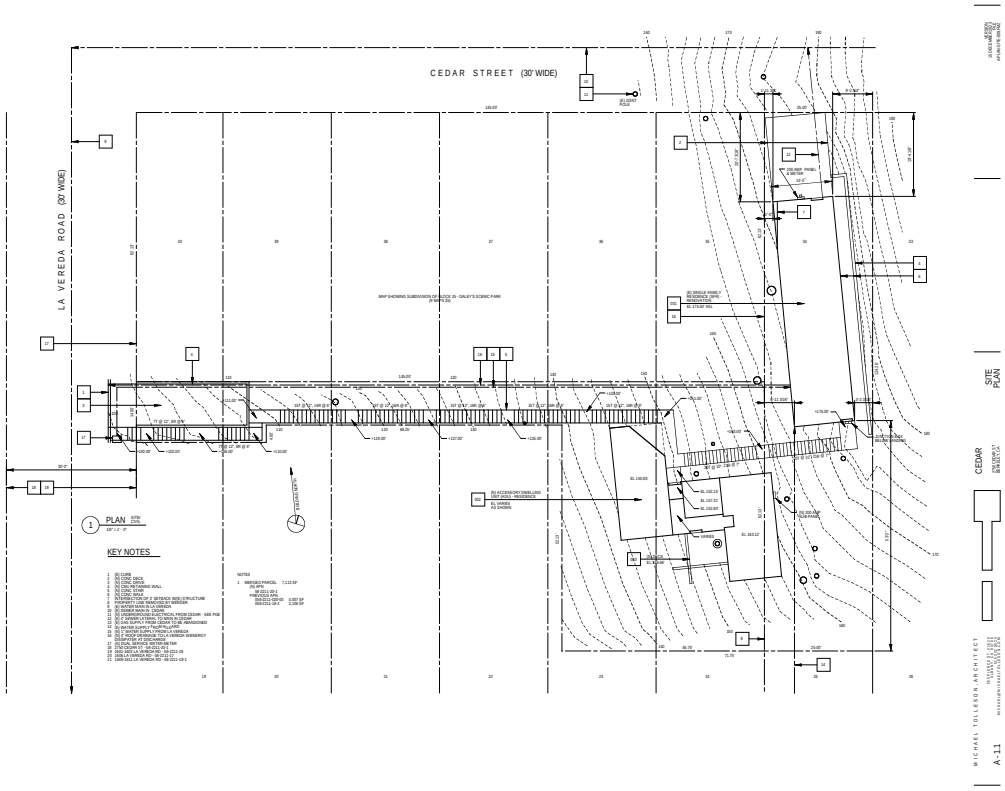
See all pages 1-8 above, Introduction to Conclusion.
Project requires only a Zoning Certificate.

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.

510 332 9520
510 990 6335
michael@michaeltolleson.com

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



SFR & ADU, Site Plan, A-1.1

510 332 9520
510 990 6335
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.

1947 Center Street
Berkeley, CA 94704-1113
PlanningPermits@CityofBerkeley.info

Tel: (510) 981-7500
TDD: (510) 981-7450
Fax: (510) 981-7450

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

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

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

"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

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

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.**

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- 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.

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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]

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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.

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.

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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
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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
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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.

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Image #1: Zoning Map

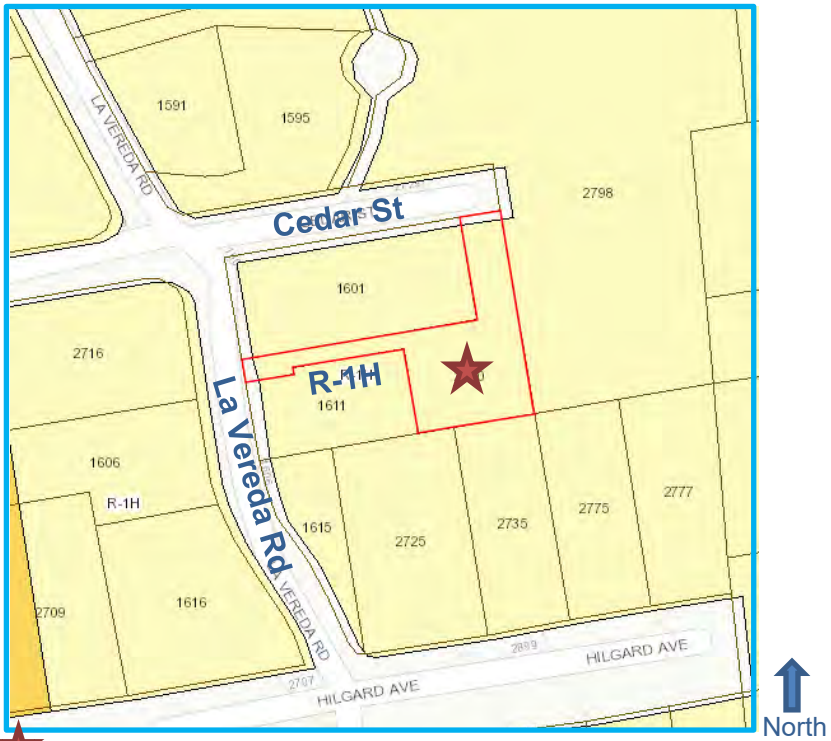
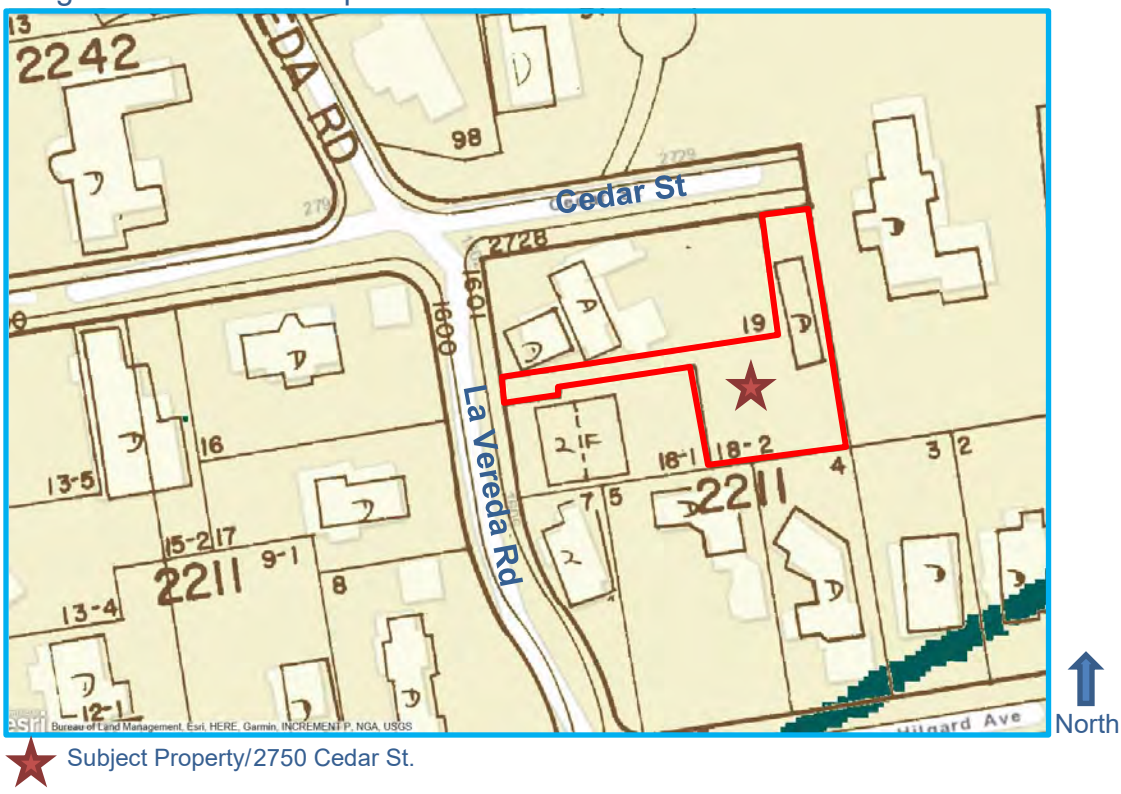
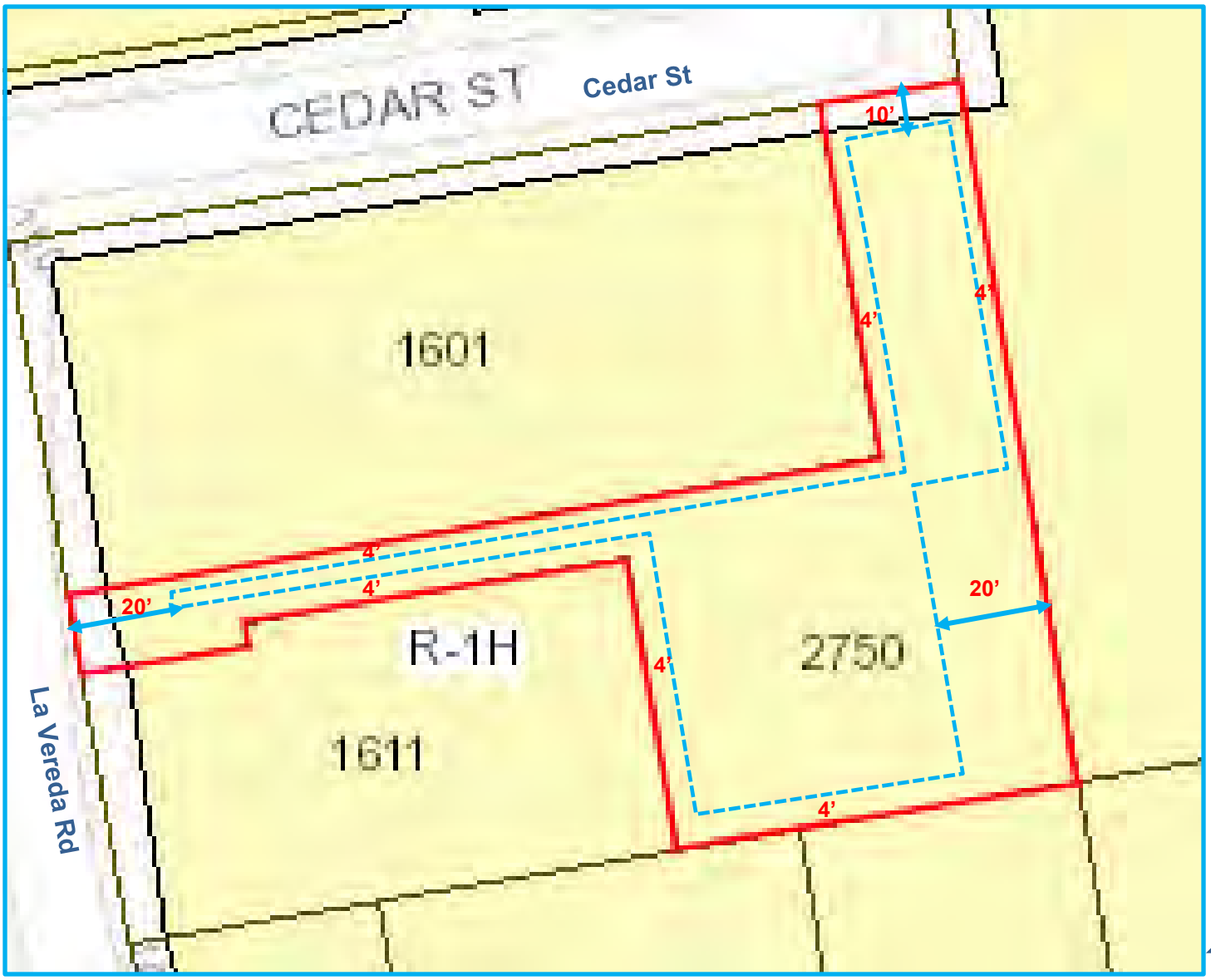


Image #2: Land Use Map



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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:**

MICHAEL TOLLESON , ARCHITECT
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

510 332 9520
510 990 6335
michael@michaeltolleson.com

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."

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2024

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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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

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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]

Permit Service Center
Building & Safety Division
Planning and Development Department

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 ~

1947 Center Street - 3rd Floor
Berkeley, CA 94704-1113
Permits@Berkeleyca.gov

Tel: (510) 981-7447
TDD: (510) 981-7450
Fax: (510) 981-7505

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

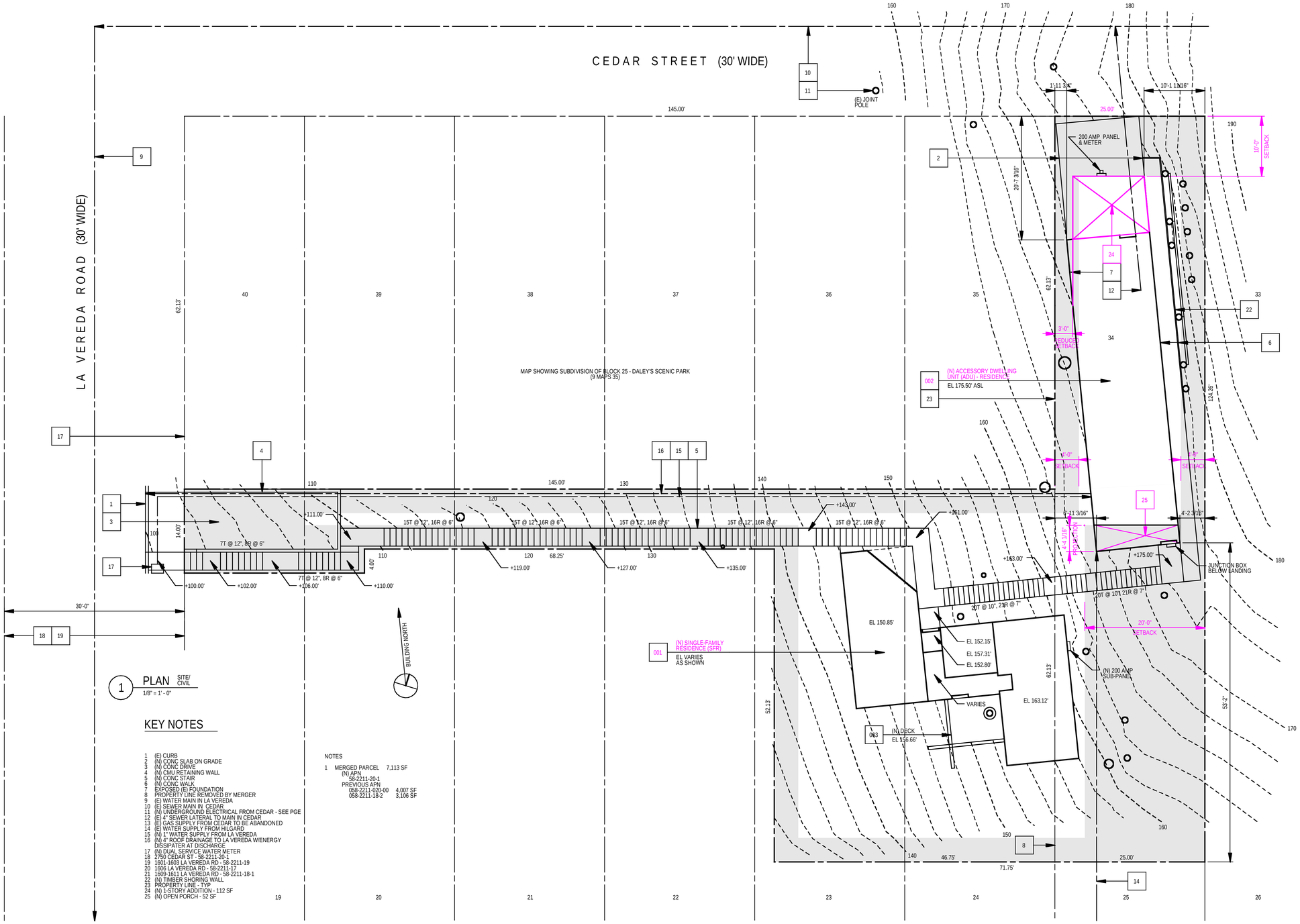
2. PC4--Additionally, please provide elevations, floor plans, and site plan depicting an existing, proposed, and demolition plan for your project.

   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-APR-2020
FILE
A-PLAN-SITE-012.PWZ

SITE PLAN

CEDAR
2750 CEDAR ST
BERKELEY, CA

MICHAEL TOLLESON - ARCHITECT
555 PIERCE ST #1026
ALBANY, CA 94706
(510) 520-8500
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

APPLICATION # 134116 | APN # 048D-2311-022 | USE PERMIT #

STREET ADDRESS / UNIT # (if applicable) | BUILT BEFORE 1978

TOTAL PROJECT SQUARE FEET: 338 | VALUATION ($): 6K

• The valuation used in computing the Building Permit fee 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.
BMC SECTION 19.28.20

OWNER ☐ADD ☐DEMO>DEM ☐REMODEL>REM ☐REPAIR>REP ☐SEISMIC ☐GRADING ☐OTHER (Describe Below)
☑OWNER-BUILDER

Eq Zone 1☐ 2☐ 3☐ | Airport Prelim: Yes☐ No☐ | Flood Zone: A☐ AE☐ OT☐
Liquefaction Zone: Yes☐ No☐ | Landslide Area: Yes☐ No☐
Creek on the Parcel: Yes☐ No☐ | Work in the Right of Way: Yes☐ No☐

Is this a Residential Rental Unit: ☐Yes ☐No | If YES, does the tenant need relocating? ☐Yes ☐No

DESCRIBE SCOPE OF WORK:

JOB SITE

ADDITIONAL PERMITS REQUIRED: ☐ Electrical ☐ Mechanical ☐ Plumbing ☐ Other

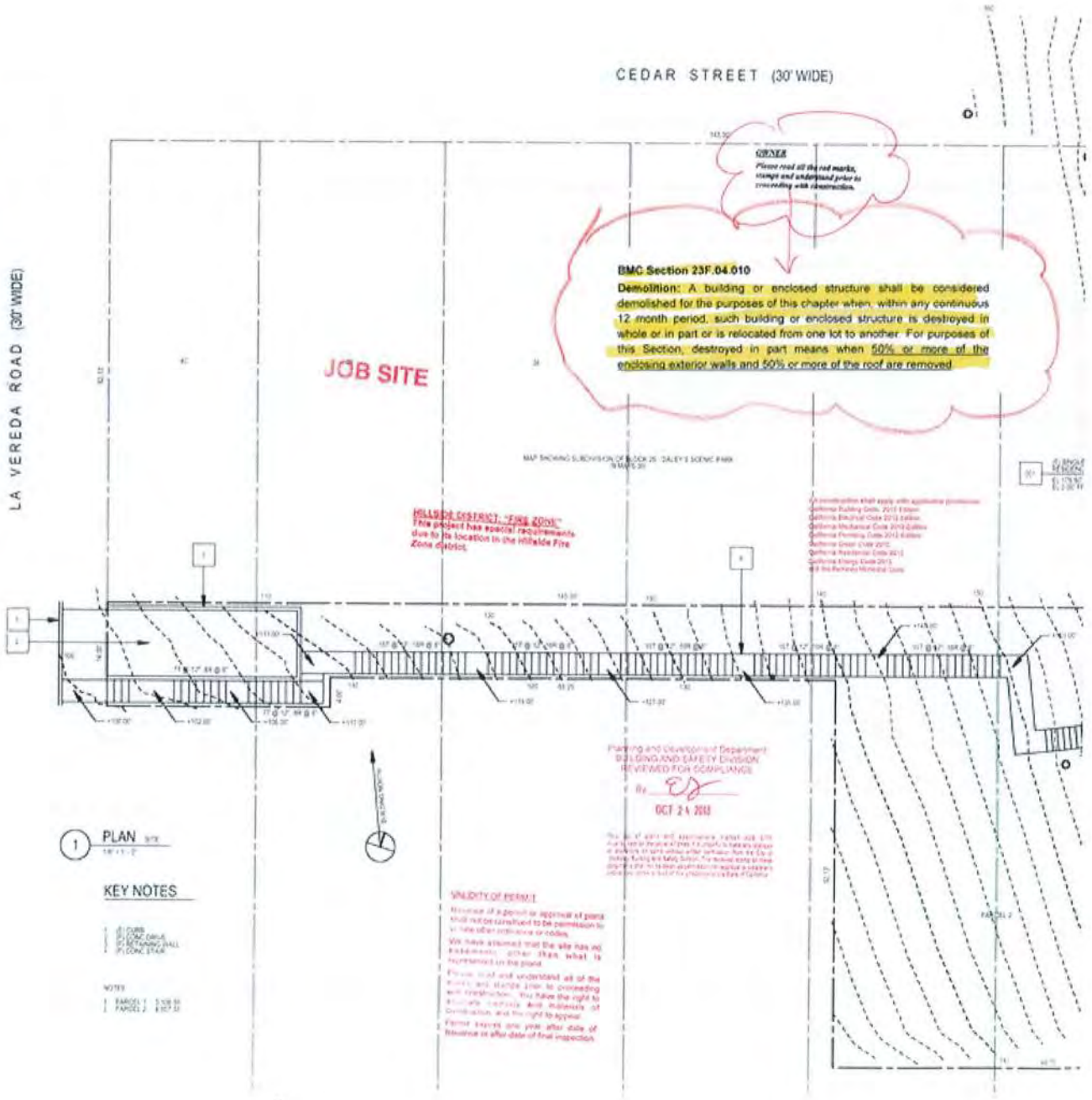
	Construction Type	Occupancy Code	Square Footage	#Residential Units	#Stories
EXISTING	V-B	R-3	338	1	1
PROPOSED	V-B	R-3	338	1	1

Property Owner Name | Phone #
Address
City, ST | Zip
Email address

Applicant/Contact Person | Phone #
Address
City, ST | Zip
Email address

Contractor's Company Name | Phone #
State Lic.# | Bus Lic. #
Address
City, ST | Zip
Email address

Licensed Design Professional Name
State Lic.# | Phone #
Address
City, ST | Zip
Email address





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.
<image.png>

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

<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



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

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

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
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>

On Nov 16, 2022, at 12:26 PM, Roshal, Alexander <ARoshal@cityofberkeley.info> wrote:

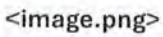
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It's quite obvious from your email that this structure is in need of extensive remediation work. Since you are the property owner and the Architect of Record on the original project summitted in 2014, please update the construction documents as necessary 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.

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Chief Building Official
Manager of Building and Safety Division

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Subject: Re: 2750 Cedar St > 14-00236

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Alexander & All,

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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

<Logo.gif>

<1.jpeg>

<1.jpg>

On Nov 10, 2022, at 12:06 PM, Roshal, Alexander <ARoshal@cityofberkeley.info> wrote:

Mr. Tolleson,

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This application also received two extensions with the latest extension dated July 21, 2015.
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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,

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

<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

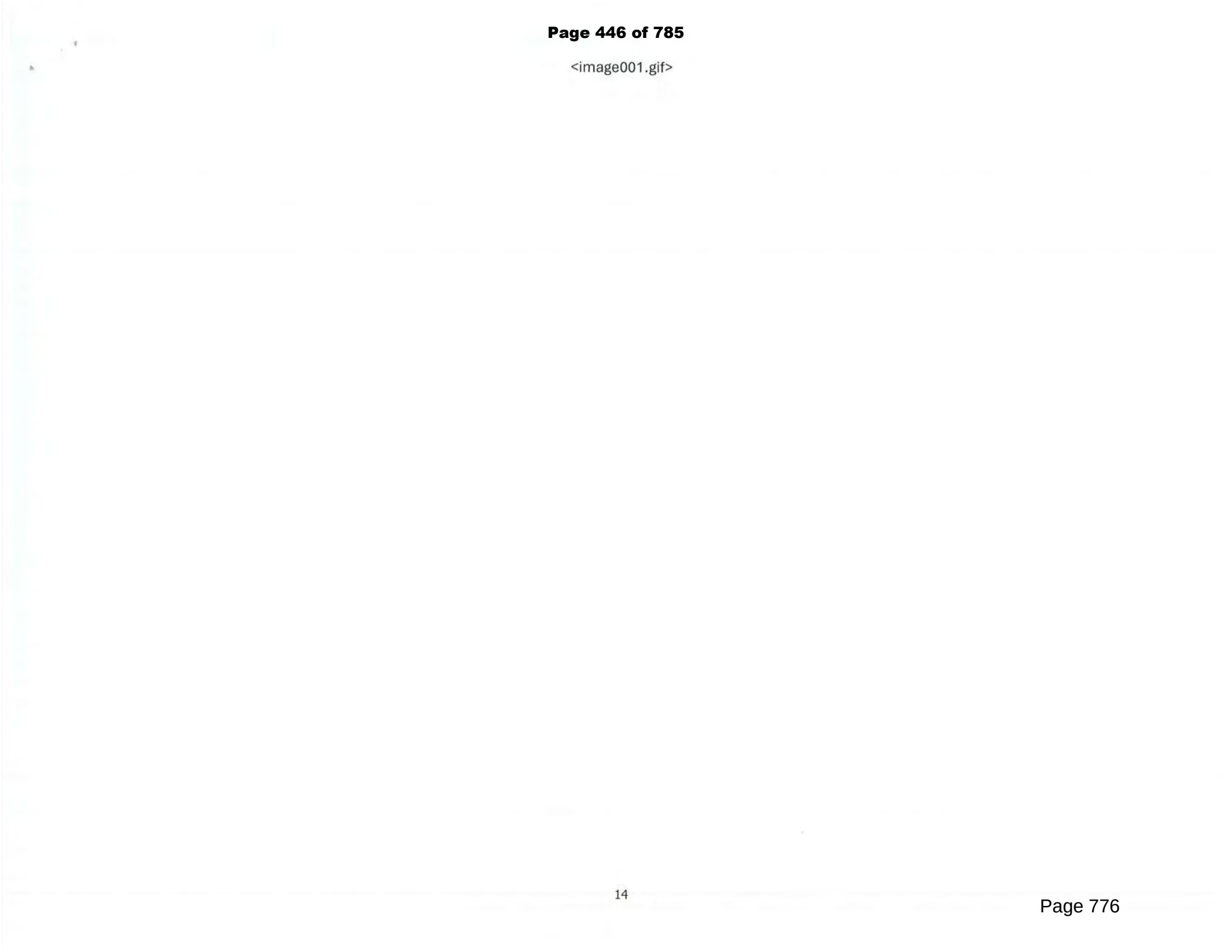
Subject: 2750 Cedar St > 14-00236

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


<image001.gif>

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



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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.
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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.
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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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This message came from outside your organization.

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

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

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

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,

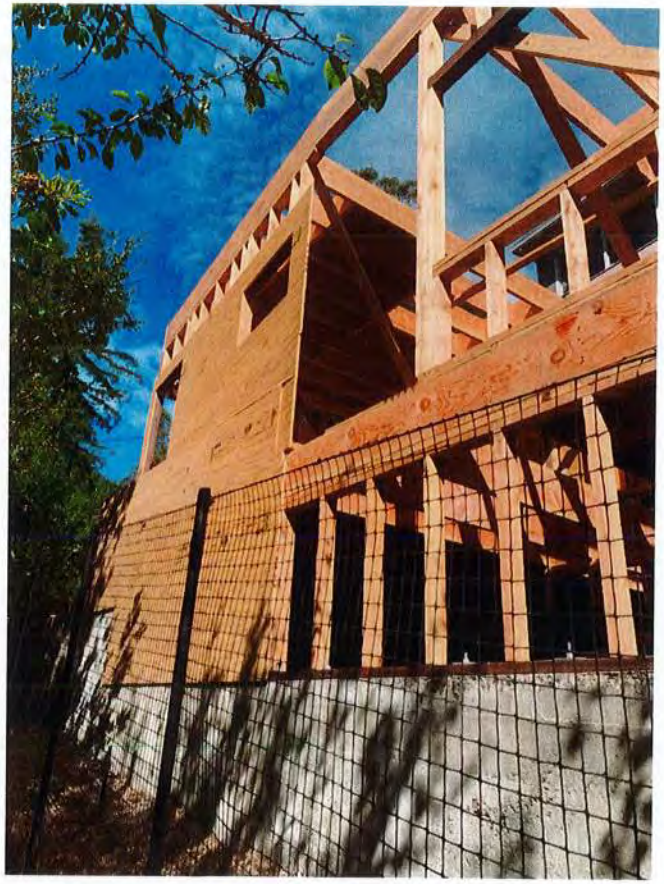
Wahid Amiri, PE
Deputy Director of Public Works
510-981-6396

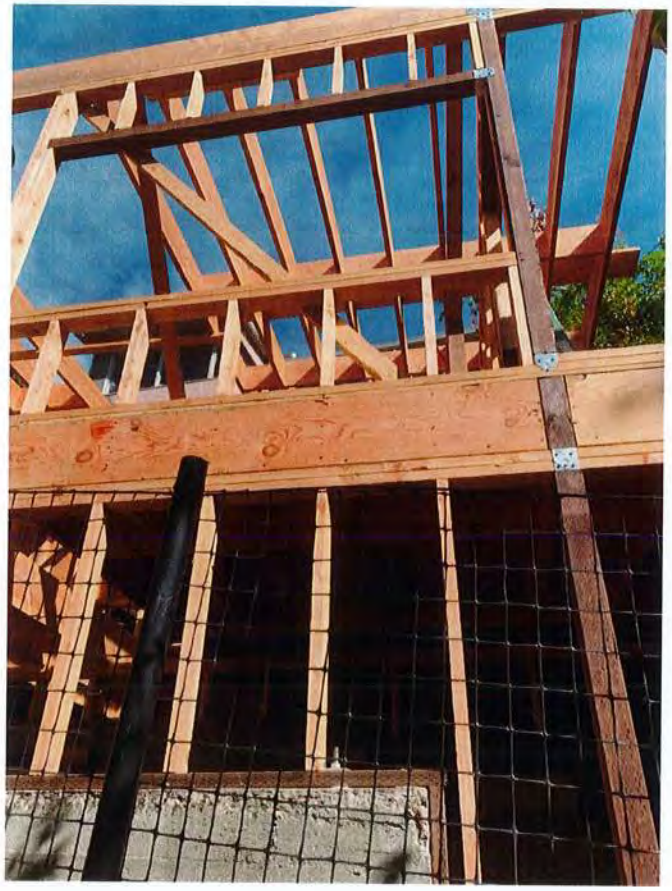
From: Lopez, David <dlopez@berkeleyca.gov>
Sent: Monday, October 28, 2024 6:12 PM
To: Darrow, Brendan <Bdarrow@berkeleyca.gov>; Whyte, Andrew <AWhyte@berkeleyca.gov>; Lopez, David <dlopez@berkeleyca.gov>; Kapfer, Elmar <ekapfer@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>; Davis, Terrance <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.

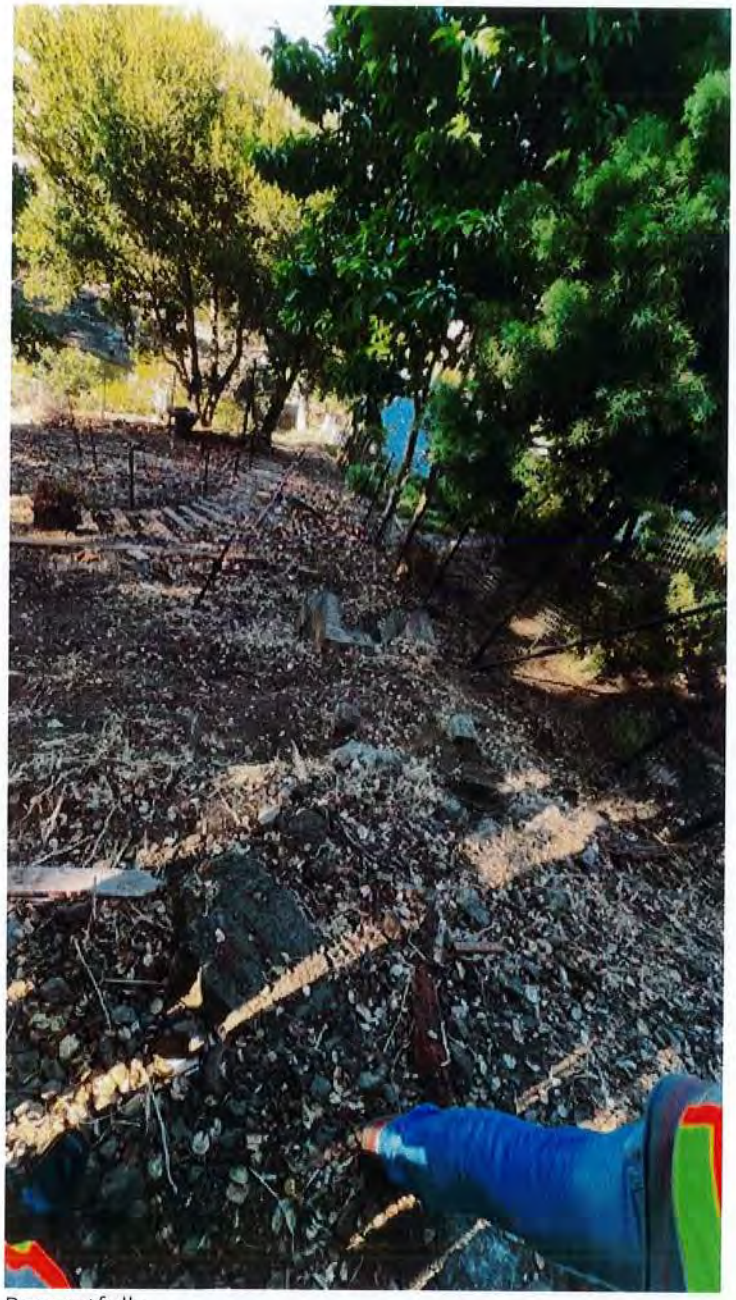
I've attached pictures of the stockpile and other images highlighting the steep slopes and the challenges of moving equipment in and out, as well as the salvage materials. Since we need to complete this by Monday the 28th, I need your feedback and commitments by close of business tomorrow.

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

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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











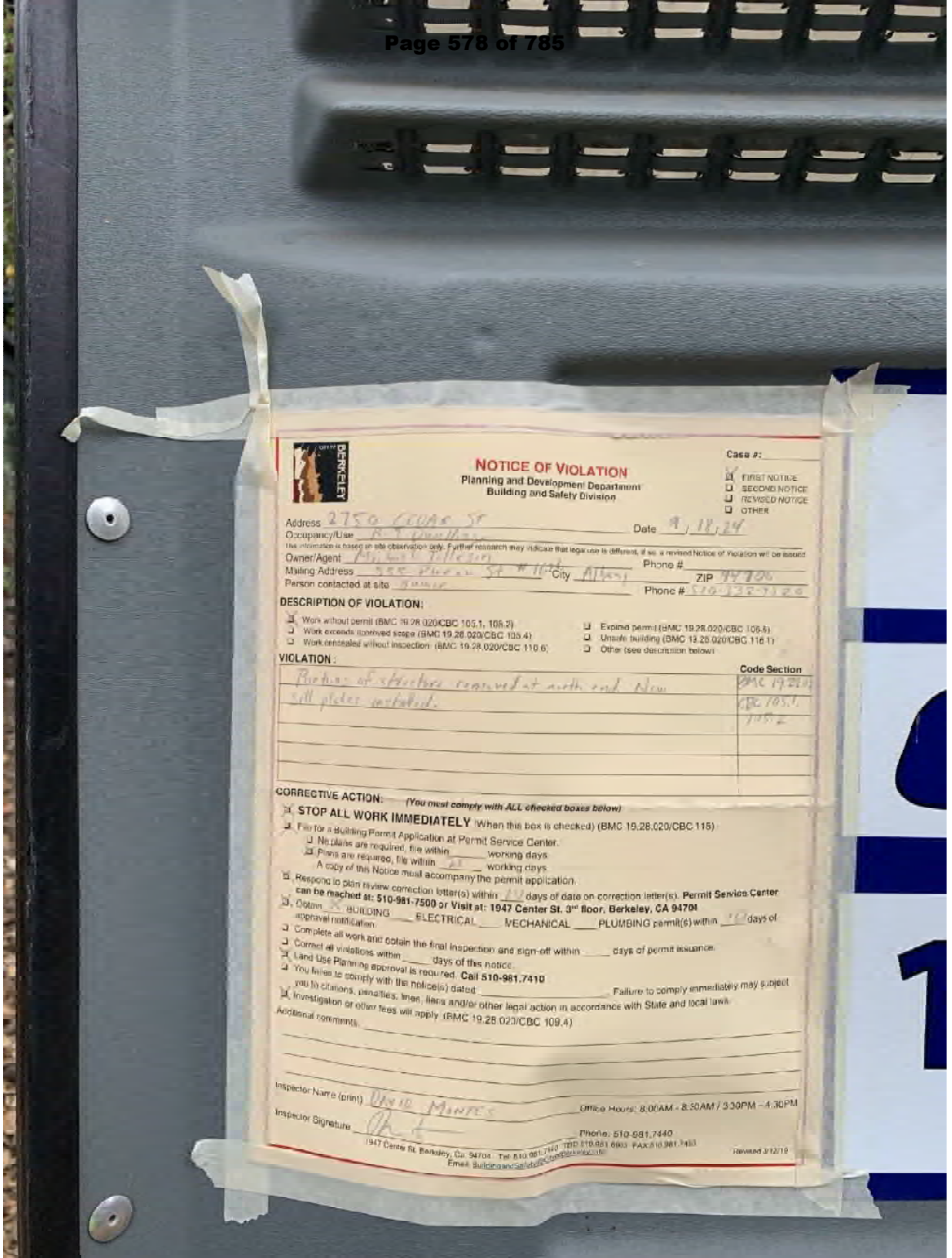

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9-18-2024

Inspection Photos

1st NOV



CITY OF BERKELEY

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

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 Tilleson Phone #

Mailing Address 555 Pierce St #1024 City Albany ZIP 94706

Person contacted at site Owner Phone # 510-332-7126

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
Portion of structure removed at north end. New	BMC 19.28.020
sill plates installed.	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 116)
- [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 30 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**
- [x] Obtain 1 BUILDING ____ ELECTRICAL ____ MECHANICAL ____ PLUMBING permit(s) within 120 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, liens, 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 Mantes 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










2798


LIPPINCOTT


Clean Site
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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
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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 Tollefson 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

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@CityofBerkeley.info

Revised 3/12/19


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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 NOH

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 TOLLESON 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	BMC 19.28.
posted 10/9/24 Work currently in progress STOP WORK	CBC 105.1,
IMMEDIATELY.	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

Revised 3/12/19


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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


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NO PARKING
DANGER
CONSTRUCTION AREA
KEEP OUT



10-25-2024
Inspection Photos
Deadline date










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


EVERBILT
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
SCORED FOR SPACING


MAGNUM
Sikaflex
APA
RATED SHEATHING






MAGNUM
RECEIVED




























MAGNUM


MAGNUM




RECEIVED
Sikaflex
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
CORTAR.
E LA TIRA
RA ROMPER.


PRO5
FOR COMMERCIAL USE
FIRST ALERT
Sikaflex
RECEIVED


798444
24
11
MEDIUM DUTY TARP
40 ft x 60 ft
TARP
5 MIL COVERS 2,400 sq ft






Sikaflex
2090-36NC


SIMPSON
Strong-Tie
FIRST ALERT
PR05
Sikaflex®
Sikaflex®









10-30-2024
Inspection Photos
Abatement Continues








FIRST ALERT
PROS




MAGNUM


4X4




C32 103067


MAGNUM
RECEIVED
Tajima
DURAMETE






2190-36NC




MITSUBISHI
36NC

10-31-2024
Inspection Photos
Abatement Complete


2090-36NC


2090-36NC






















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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)

Rashi Kesarwani
Councilmember, District 1

ACTION CALENDAR
March 10, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement

RECOMMENDATION

Adopt a resolution rescinding Berkeley Police Department's current required notification process for reporting pepper spray via the Berkeley Police Department Use of Pepper Spray Report after each incident. Further, maintain the recording of pepper spray use within the existing use of force reporting system to minimize the administrative burden on staff. The department's current transparency measures already provide the public with detailed data on all use of force incidents.

POLICY COMMITTEE RECOMMENDATION

On Thursday, January 29, 2025, the Public Safety Policy Committee adopted the following action: M/S/C (Blackaby/O'Keefe) to send the item with a qualified positive recommendation to Council that includes

1) Inviting Police Accountability Board review,
2) Reaffirming the existing reporting requirements that remain in effect, and
3) Direction to the Berkeley Police Department to work to maximize the availability of the reports through the Transparency Hub[1] and the Annual Report.

Vote: All Ayes.

Per the recommendation of the Public Safety Policy Committee this item seeks to reaffirm the goal of enhancing transparency within our police department and welcomes the Police Accountability Board's input in reviewing this item and information shared about officers' use of force.

[1] Berkeley Police Transparency Hub: https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7110 ● TDD: (510) 981-6903 ● Fax: (510) 981-7111
E-Mail: rkesarwani@cityofberkeley.info

This item also recommends a referral to the City Manager requesting the Berkeley Police Department edit the Transparency Hub Use of Force webpage to:

- Enhance the definitions for the various Use of Force levels and clearly identify pepper spray use as Level 3;
- Include clear navigational guidelines so users can more easily access the open data portal and seek information on chemical agent use.

CURRENT SITUATION AND ITS EFFECTS

Currently, the Berkeley Police Department (BPD) must notify the City Council and the Police Accountability Board within seven days every time pepper spray is used by the Police Department. The required BPD Use of Pepper Spray Report is comparable to the Use of Force Report, which is also required to be filed for these types of incidents. This duplicates both staff's efforts and the information captured and creates an unnecessary administrative burden.

Under current policy, every deployment of pepper spray goes through the full review structure required by Policy 300 which includes documentation and supervisory evaluation. Under the current policy, officers must additionally prepare a second report for Council and the Police Accountability Board that contains nearly the same facts already captured in the use-of-force review. The two processes run side by side and track nearly identical information, which creates extra work without adding anything meaningful to the record.

The documentation and supervisory evaluation for reporting an incident that gets uploaded to the Open Data Portal on the Transparency Hub and also gets reported using the BPD Use of Pepper Spray Report (see attachment 2) is largely identical and outlined below.

Scenario 1 is the anatomy of a pepper spray use incident that gets uploaded onto the Transparency Hub:

When there is any use of force incident involving a BPD officer, including use of force incidents involving pepper spray:

- Officers will fill out a report that includes information about:
    - The incident itself, including time, date, location where the incident occurred and level of use of force. This includes use of force incidents involving chemical agents (including pepper spray), listed as level 3, and whether the incident resulted in an arrest;
    - The suspect themselves, including age, race, sex, subject altered state, and use of force reason;
    - The Officer involved, including the officer role (for example, trainee, Primary Officer, Cover Officer, etc.)

- Once the report has been completed, the Supervising Officer/Sergeant of the team will fill out a report for the use of force incident. This involves looking for completion and compliance in reporting. This process includes:
    - Reviewing the case report, and
    - Reviewing the Body Worn Camera videos

- Once the Supervising Officer report has been completed, it is then reviewed by:
    - The Lieutenant of the unit, then handed off to
    - A police captain who approves the report

Once finalized, the information is added to the database and the Transparency Hub.

Scenario 2 is the anatomy of a pepper spray use incident that gets filled out and reported using the BPD Use of Pepper Spray Report:

When there is any use of force incident involving pepper spray:

- The officer involved will complete the *entire* process explained in scenario 1 above. *In addition,*
- The officer involved will separately fill out the BPD Use of Pepper Spray Report form (attachment 2)
- Officers will fill out a report that includes information about:
    - The incident itself, including time, date, location where the incident occurred. This includes use whether first aid was administered for the subject.
    - The suspect themselves, including age, race, sex, and use of force reason;
    - The Officer involved, including the officer role (for example, trainee, Primary Officer, Cover Officer, etc.)
- The report is reviewed by:
    - The Supervising Officer/Sergeant of the unit, then handed off and reviewed by
    - The Lieutenant of the unit, then handed off and reviewed by
    - A Captain in the department, then handed off and reviewed by
    - The Police Chief, who then shares the information with
    - The City Manager, who then sends an email sharing the report to
    - The City Council including the Mayor, for their situational awareness.

The notable areas where the two systems of reporting are not exactly the same are:

1) Personally identifiable information is NOT included on the open data portal on the Transparency Hub to maintain privacy of individuals; this type of information could be included in the BPD Use of Pepper Spray Report; and
2) The information reported on the BPD Use of Pepper Spray Report is NOT shared with the public.

The Department already publishes detailed information on all use of force incidents through its Transparency Hub which is continuously updated and always available to the public at all times. That system shows when pepper spray is used and places it within the broader context of overall use of force reporting. Because the public already receives this comprehensive, routine data an additional stand-alone pepper spray report no longer serves a unique purpose. That report is neither available to the public nor does it further the department's transparency goals. The proposed change is an efficiency measure that would simply eliminate the additional and duplicative reporting mechanism; it would maintain the reporting of pepper spray use as it currently exists within the Transparency Hub.

BACKGROUND

In 1997, the Berkeley City Council instituted a separate notification process for reporting pepper spray use.[2] That requirement helped build accountability and oversight during an era of evolving police practices and before reporting mechanisms were significantly improved. That time pre-dated the Department's Transparency Hub and came before BPD implemented a comprehensive use of force reporting mechanism that contains vast quantities of data and documents all related incidents, including all those involving pepper spray. Currently this website is updated daily. This overhaul of reporting procedures has made the separate pepper spray notification via the BPD Use of Pepper Spray Report obsolete.

PROPOSED CHANGES AND RATIONALE FOR RECOMMENDATION

The proposed resolution would eliminate the mandate requiring Council notification for every use of pepper spray via the BPD Use of Pepper Spray Report. All incidents will continue to be documented through the existing use of force reporting system and be readily available to the public on the Transparency Hub. This adjustment simplifies administrative procedures and avoids duplicative reporting while preserving transparency and accountability. The current reporting framework captures all instances of pepper spray use alongside other use of force incidents. Maintaining a separate notification requirement burdens staff with redundant documentation and is not readily available to the public. The change will streamline operations and allow personnel to devote more attention to critical matters without sacrificing public oversight.

[2] See Attachment 3

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7110 ● TDD: (510) 981-6903 ● Fax: (510) 981-7111
E-Mail: rkesarwani@cityofberkeley.info

FISCAL IMPACTS

No significant additional expenditures are anticipated. The proposed change is expected to yield administrative efficiencies that may result in minor cost savings.

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1 (510) 981-7110

ATTACHMENTS

1) Resolution
2) Berkeley Police Department Use of Pepper Spray Report
3) Minutes for the Regular City Council Meeting, September 16, 1997

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7110 ● TDD: (510) 981-6903 ● Fax: (510) 981-7111
E-Mail: rkesarwani@cityofberkeley.info

RESOLUTION NO. ##,###-N.S.
RESOLUTION RESCINDING THE PEPPER SPRAY INCIDENT NOTIFICATION REQUIREMENT

WHEREAS, in 1997 the City Council established a requirement for the Berkeley Police Department to notify Council each time pepper spray is used as a measure to bolster accountability; and

WHEREAS, the separate notification process was introduced at a time when reporting mechanisms were limited and provided necessary oversight; and

WHEREAS, the Berkeley Police Department has since implemented a comprehensive use-of-force reporting system that documents all related incidents, including those involving pepper spray; and

WHEREAS, the continued requirement for separate notification creates redundant administrative tasks that strain City resources; and

WHEREAS, rescinding the notification requirement will simplify reporting procedures and allow staff to concentrate on more critical operational matters while preserving public transparency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that:

1. The requirement for the Berkeley Police Department to notify the City Council every time pepper spray is used is hereby rescinded.
2. All pepper spray incidents shall be recorded as part of the established use-of-force reporting system in accordance with current departmental protocols.

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7110 ● TDD: (510) 981-6903 ● Fax: (510) 981-7111
E-Mail: rkesarwani@cityofberkeley.info

Berkeley Police Department
Use of Pepper Spray Report

(Note – this is a public document)

This report is to be completed by any Department employee who use "Oleoresin Capsicum" OC spray during the performance of his or her duties. The authorization for this report comes from City of Berkeley Council action taken September 16, 1997, directing that any use of "OC" be reported to the City council and the Police Review Commission via the Police Department's Chain of Command as a public record within seven (7) days of its use.

Date: _____
Date of Pepper Spray Report

From: _____
Note: This for is to be completed by the Department employee using the spray. If that person is unable to complete this form due to injury, it shall be completed by his or her immediate supervisor.

Case Number(s):

Incident Date:

Incident Time:

Incident Location:

Application was: ☐ **Effective** ☐ **Ineffective**

Subject: ☐ **Adult** ☐ **Juvenile**

Subject description: _____ **Sex** _____ **Height** _____ **Weight**

First Aid for Subject: **Paramedic responded and administered First Aid** **Yes** ☐ **No** ☐

Additional comments on First Aid rendered:

Nature of Incident:

Summary and justification of the Actions of Officer(s) Involved:

Please print and route through Chain of Command to the Office of the Chief.

_____ **Duty Supervisor**
_____ **Watch Commander**
_____ **Operations Captain**
_____ **Chief of Police**

MINUTES
BERKELEY CITY COUNCIL
REGULAR MEETING

Tuesday, September 16, 1997

Section A. Preliminary Matters

1. **Roll Call:** 8:00 p.m.

   Present: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington, Mayor Dean and Deputy City Manager Rucker.
   Absent: None.

2. **Ceremonial Matters:**

   a. Proclaimed September 20 as Berkeley Coastal Clean-up Day
   b. Proclaimed the 25th Anniversary for Telegraph Avenue Arts and Crafts Vendors
   c. Proclaimed September 14 - September 20 as Constitution Week

3. **Comments From The Public:** Lenore Anderson; Nancy Delaney; Ashley Krey; Sally Hindman; Howard Jeter; Ed Joseph; Charles Robinson; David Todtfeld; Margaret Bartelt; Russell Bates; Tom McAninley

Section B. Action On Minutes

Meetings of May 13 (regular), June 3 (regular), June 10 (regular), June 17 (regular, special), June 24 (regular, special), July 8 (regular), July 15 (regular), July 22 (regular, special), July 25 (special), and July 31 (special), 1997.
Action: Minutes held over at the request of Mayor Dean.

Section D. Consent Calendar

The Consent Calendar was moved by Councilmember Breland, seconded by Councilmember Spring, and adopted by unanimous vote of the Council, unless otherwise stated:

(a) From City Manager:

1. **Loan Agreements with the Redevelopment Agency**
Recommendation: Adopt a Resolution authorizing the City Manager to prepare loan agreements with the Redevelopment Agency for the purpose of financing Agency administration, overhead and capital projects in the West Berkeley Redevelopment Project Area and presenting for final approval on October 28, 1997. The debt obligations to conform substantially to the following: 1) a multi-year loan agreement for an aggregate amount to pay for administrative and overhead expenses through the year 2012 and 2) a loan from the City to fund Capital Projects. Expense: Not to exceed $3.31 million.
Action: Adopted **Resolution No. 59,150-N.S.** (Abstain: Olds, Dean)

2. **Contract: Totland Park Renovations**
Recommendation: Adopt a Resolution approving plans and specifications for Totland Park renovations; accepting the bid of CLD Construction; authorizing the City Manager to execute a contract and any amendments for a period of 120 days. Expense: $49,950
Action: Adopted **Resolution No. 59,151-N.S.**

3. **Donation for San Pablo Park Play Equipment Project**
Recommendation: Adopt a Resolution accepting a donation from Eminent Software Inc. through Berkeley Partners for Parks for planned improvements within the tot area at San Pablo Park. Donation: $3,000
Action: Adopted **Resolution No. 59,152-N.S.**

4. **Contract: University Avenue Interconnect Replacement Project**
Recommendation: Adopt a Resolution approving plans and specifications for the University Avenue Interconnect Replacement Project; accepting the bid of St. Francis Electric, Inc.; and authorizing the City Manager to execute a contract and any amendments to install traffic signal interconnect cable along University Avenue between Milvia and Sixth Street for the period September 15, 1997 to June 30, 1998. Expense: $340,000
Action: Adopted **Resolution No. 59,153-N.S.**

5. **Contract: Municipal Parking Lot at Dwight Way and Eighth Street**
Recommendation: Adopt a Resolution appropriating funds from the Off-Street Parking Fund; and authorizing the City Manager to execute a contract and any amendments with the Berkeley Chamber of Commerce to manage and operate the new City Parking Facility at Dwight Way and Eighth Street for a time period of two years. Expense: $23,170
Action: Adopted **Resolution No. 59,154-N.S.**

6. **Contract: West Campus Swim Center Pool Renovation Project**
Recommendation: Adopt a Resolution approving plans and specifications for the West Campus Swim Center Pool Renovation Project; accepting the bid of Western Water Features, Inc.; and authorizing the City Manager to execute a contract and any amendments to upgrade the swimming pool at the West Campus Swim Center for the period September 15, 1997 to June 30, 1998. Expense: $223,700
Action: Adopted **Resolution No. 59,155-N.S.**

7. **Contract: West Berkeley Senior Center Roof Replacement**
Recommendation: Adopt a Resolution approving plans and specifications for the West Berkeley Senior Center roof replacement; accepting the bid of Pioneer Roofing Organization; authorizing the City Manager to execute a contract and any amendments for a period of 35 calendar days. Expense: $44,952
Action: Withdrawn by the City Manager.

8. **Contract: North Berkeley Senior Center Upper Exterior Siding Repair**
Recommendation: Adopt a Resolution approving the plans and specifications for North Berkeley Senior Center upper exterior siding repair; accepting the bid of the lowest responsible bidder; authorizing the City Manager to execute a contract and any amendments for the period September 26, 1997 to January 1, 1998. Expense: $115,000
Action: Adopted **Resolution No. 59,156-N.S.**

(b) From Mayor and Council:

1. **Gray Panthers Proclamation**
From: Councilmember Maio
Recommendation: That Council approve the reading of a proclamation at the September 23rd Council meeting declaring Friday, September 26, 1997 as Gray Panthers Day and allowing representatives from the Gray Panthers to comment.
Action: Approved recommendation to add proclamations to September 23rd meeting.

2. **Support Survival of the Traditional Hopi/Dineh (Navajo) Peoples**
From: Councilmember Worthington
Recommendation: That Council: 1) Adopt a Resolution which outlines the severity of the situation at Big Mountain regarding survival of the cultural existence of the Traditional Hopi/Dineh (Navajo) Peoples, 2) Send letters to President Clinton, Congressman Dellums and Senators Feinstein and Boxer urging them to establish new emergency hearings to investigate the issues occurring in northeast Arizona and a request for creation of a National Historic Cultural and Environmental Preserve and the return of those relocatees to the Joint Use Area and nearby lands, 3) Formally request the elders of both the Hopi and Dineh tribes be sought out and included in these hearings, 4) Call upon other U.S. cities to join us in lobbying Congress and the President to put an end to the injustices being performed with our government's approval, 5) Send a letter to Executives of Peabody Coal and the parent company, Hanson, Inc. asking them to put an end to the ecosystem destruction and devastationof cultural existence of the native peoples, 6) Send a letter to the Bureau of

Indian Affairs in Arizona and to Ada Deer, Assistant Secretary for Indian Affairs, calling upon them to act upon their responsibilities to protect and preserve the traditional cultures, and 7) Send letters to the Hopi Tribal Council and Tribal Police Chief, and Senator McCain voicing the City of Berkeley's disapproval of their actions and encouraging interest of the traditional peoples, culture and sustainment of the ecosystem ahead of corporate interests, such as those of Peabody Coal, or others.
Action: Adopted **Resolution No. 59,157-N.S.**

3. **Enforcement of Permit Parking Zone**
From: Councilmember Spring
Recommendation: That Council 1) request the City Manager inform all City staff and the Berkeley Unified School District of the rules regarding the preferential permit parking zones in the Civic Center area, 2) continue the project started by MAGNA representatives of daily identification of individual license plate numbers and car owners that park for more than two hours in Zone C and 3) report back to Council in seven months.
Action: Approved recommendation.

4. **Establish an Additional Zoning Adjustments Board**
From: Mayor Dean
Recommendation: That Council refer to the Zoning Adjustments Board (ZAB) and the City Manager the question of establishing an additional Zoning Adjustments Board and request a report back with recommendations by the end of November 1997.

Action: Removed from Consent Calendar by Councilmember Maio. Moved, seconded, carried (Shirek/Maio; Noes - Woolley, Dean) to table the item.

5. **Prevention of Storm Damage from Expected Early and Heavy Winter Rains**
From: Councilmembers Armstrong, Olds, Woolley and Mayor Dean
Recommendation: That Council direct the City Manager to take immediate steps to prevent storm damage expected to occur as a result of early and heavy rains due to El Nino. Steps should include but not be limited to the following: 1) Clean out all storm drains throughout the City, paying special attention to areas where past problems have occurred, 2) Plan ahead to prevent damage from occurring in landslide areas and 3) Take action to ensure that creeks are inspected prior to the onset of winter storms. In addition, request the City Manager prepare an oral report including a City-wide schedule of cleaning storm drains no later than the October 7th Council meeting.

Action: Removed from Consent Calendar by Councilmember Maio. Moved, seconded, carried (Spring/Maio; Abstain - Armstrong, Olds, Woolley, Dean) to ask the City Manager to schedule a Council discussion with a report back in October on Public Works' work plan and priorities and schedule for storm drain cleanouts. The report should also include information on what is being done by the County and by other cities to prepare for El Nino. Mayor Dean and Councilmembers Armstrong, Olds and Woolley asked that the record reflect that they abstained because they feel that the storm related issues are not being addressed.

6. **Investigation of California Gas Prices**
From: Mayor Dean
Recommendation: That Council support Senator Boxer in her investigation of the rise in California gas prices by sending letters of support to Senator Boxer, Attorney General Reno and Secretary of Energy Pena and endorse a letter writing campaign allowing Berkeley residents to express their support for the investigation.
Action: Approved recommendation.

7. **Dragonfly Preschool**
From: Councilmember Breland
Recommendation: That Council direct the City Manager to investigate the financial status and any assistance needed to keep the Dragonfly Preschool Program in the community and to include low-income residents, and report back by October 7th Council Meeting.

Action: Removed from Consent Calendar by Councilmember Olds. Moved, seconded, carried (Breland/Olds) to adopt the recommendation as amended to also request the City Manager to report back on October 7th or as soon as possible thereafter as to why the Preschool did not receive funding from the Housing Advisory Commission; how community welfare reform monies might be utilized; and a list of other preschools that might be eligible for welfare reform monies.

8. **Waiver of Fees for Youth Forum for West Berkeley Youth**
From: Councilmember Breland
Recommendation: Adopt a Resolution waiving fees for the rental of the James Kenny Recreation Center, providing for the taping of a film by BTV Channel 25, providing for staff support, and for all necessary permits; and directing the City Manager to find financial support for the West Berkeley Youth Forum sponsored by the West Berkeley Council Subcommittee.
Action: Adopted **Resolution No. 59,158-N.S.**

9. **25th Anniversary of Arts and Crafts Vendors on Telegraph**
From: Councilmember Worthington
Recommendation: That Council issue a proclamation at the September 16th City Council meeting in honor of the 25th Anniversary of the Arts and Crafts on Telegraph Avenue to be held on September 21, 1997.

Action: Removed from Consent Calendar by Councilmember Worthington. Moved, seconded, carried (Worthington/Spring) to approve recommendation. Proclamation presented by Councilmember Worthington.

Section G. Reports For Action

(a) From City Manager:

1. **Memorandum of Understanding for Fire Protection**
Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with the cities of El Cerrito, Richmond, Kensington Fire Protection District, Contra Costa County Fire Protection District and the East Bay Regional Park Fire Department for the exchange of fire protection. Expense: None

Action: Moved to Consent Calendar by Councilmember Armstrong. Adopted **Resolution No. 59,159-N.S.**

2. **Air/Surface Easement at 1904 Sixth Street**
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an Easement Grant Deed with Rue-ell Enterprises for a ten-foot wide by 152-foot deep air/surface easement over the southerly portion of City-owned lot at 1904 Sixth Street. Revenue: $16,000
Action: Withdrawn by the Deputy City Manager.

(b) From Mayor and Council:

1. **Interim Measures on the Use of Pepper Spray**
From: Councilmember Spring
Recommendation: That Council: 1) approve an interim policy that every time pepper spray is used by the Police Department, that the Officer involved will fill out a Use of Pepper Spray Report similar to the Use of Force Report presently in effect, and send to the Council and Police Review Commission within 7 days, 2) put seals on the triggers of the canisters, 3) no pepper spray will be used as crowd control by the Berkeley Police Department, 4) the City of Berkeley will investigate legal and other actions to be taken against UC Berkeley Police over abuse of pepper spray and other weapons, and 5) Council will view up to ten minutes of the video of UC Berkeley Police use of pepper spray on demonstrations for affirmative action at the September 16, 1997 Council meeting.

Actions: The video was shown.

Moved, seconded, carried (Maio/Spring) to approve an interim policy for City of Berkeley Police Department use of pepper spray to include: 1) Every time pepper spray is used by the Police Department a Use of Pepper Spray Report similar to the Use of Force Report presently in effect will be completed and sent through regular Police Department channels and to the Council and Police Review Commission; 2) the Report will be sent to the Council as an off-agenda report within seven days, 3) Seals will be put on the triggers of the canisters, 4) No pepper spray will be used as crowd control, and 5) The Police Chief will return to the Council with a report on all past and present uses of Pepper Spray.

Moved, seconded, carried (Maio/Spring) to 1) Ask the City Attorney to advise the Council on any legal actions Council might pursue as it relates to the University and University Police Department's actions to protect the students and their civil rights and any other effective actions the Council might take, and 2) The City continue working with the University of California at Berkeley to promote improved oversight and training to better equip the University Police to handle sensitive and volatile situations.

Moved, seconded, carried (Armstrong/Olds) to endorse the ASUC Bill in support of reforming the UC Police Review Board as presented by ASUC Senators at this meeting, and send a letter to the University officials informing them of Council's endorsement.

Section H. Reports For Information

(a) From City Manager:

1. **South Side Pedestrian Lighting Study (CR 97-53)**
Action: Received and filed.

2. **Unsafe Bedroom Window Security Bars (CR 97-64)**
Action: Received and filed.

3. **Survey Regarding Economic Impact of Smoking Ordinance (to be delivered)**
Action: Withdrawn by the City Manager.

(c) From Others:

1. **Notices of Decision for 2683 Le Conte Avenue and City Right-of-Way and Eastern Portion of Daley's Scenic Park District**
From: Landmarks Preservation Commission
Action: Councilmember Maio moved to Action. Received and filed.

Section I. Priority Items

1. **PRESENTATION ON ELECTRIC POWER SUPPLY OPTIONS**
a. City Manager Information Report

Action: Presentation made. Moved, seconded, carried (Maio/Worthington; Absent - Woolley) to adopt the following staff recommendations: 1) The City should not join the ABAG electric power purchase pool this year. This pool applies to electricity serving municipal facilities only. The team believes that greater savings may be available through other vehicles and that the relatively modest projected savings are offset by price uncertainty, administrative cost, metering costs, and advance payments. If Council decides

otherwise, it must act by September 16 or wait for another year; 2) The City should explore other options for electric power supply for municipal facilities. Those options should include participating in the State of California's power pool, pooling with another public agency(ies) or pooling with loads in the Berkeley community. The City should explore opportunities to include electricity generated from renewable resources into its supply contract(s). Staff will explore these options; 3) The City will need to change its procedures to collect revenues related to electricity sales pursuant to the utility users tax, franchise ordinance and business license tax. Staff are working on the new procedures; 4)The City should explore opportunities to increase competition for electric services within the community (not just for municipal facilities). Options range from encouraging private companies to market in Berkeley, to encouraging non-governmental buyers' groups to aggregating municipal and community loads for bulk power purchase. Staff intends to initiate a preliminary study of these options in 1998 after there is some experience with this new market.

2. **LIBRARY PROJECT UPDATE BY BOARD OF LIBRARY TRUSTEES**
Action: Presentation postponed at the request of the Library Board.

Section J. Communications

The following communications were read, noted and filed unless referred to the City Manager as noted:

1. Joan M. Torykian, P.O. Box 9267, regarding parking places at 2555 Virginia Street. **Referred by Breland.**

2. Patrick R. Craig, P.O. Box 545, regarding Parking Citation Center. **Referred by Breland, Maio, Spring, Woolley and Mayor Dean.**

3. Charles L. Smith, 61 San Mateo Road, regarding tall trees as a hazard in the City. **Referred by Shirek.**

4. Russell G. Clemens PhD EE, Caja 93 San Blas, Nayarit, Mexico, regarding the discontinuance of oil.

5. Damien Curry, 1815 Curtis Street, regarding commuters using Curtis, Delaware and Hearst Streets. **Referred by Maio.**

6. Emilie Keas, 2141 Virginia Street, regarding building units at under-market prices.

7. Bernard J. Finkle, 21 Kingston Road, regarding affordable homes to be built at 1320 and renovate at 1314 Haskell Street. **Referred by Breland.**

8. Charles V. Shank, Director, Lawrence Berkeley National Laboratory, regarding soil containing tritium. **Referred by Olds.**

9. Richard C. Atkinson, President, University of California, 300 Lakeside Drive, Oakland, regarding on-site burial of tritium waste at Lawrence Berkeley National Laboratory.

10. Deborah Walton, Richard Graham, Carol Jenkins and Ronaldo Beber, 2319, California Street, regarding Kragen Use Permit. **Referred by Breland and Mayor Dean.**

11. Anne Ireland, 10944 San Pablo Avenue, regarding Roisin McAliskey's release. **Referred by Breland.**

12. Communications regarding off-leash dog use from Doug Manson, 5228 Felicia Avenue, Livermore and Josie Lemon, 6429 Regent Street, Oakland. **Referred by Breland and Woolley.**

13. John Woodbury, Director and Matt Williams, Director, Alameda-Contra Costa Transit, 1600 Franklin, Oakland, regarding BART strike.

14. Ellen Marionthal, The Cutting Room, 2079 University Avenue, regarding Parole Office located on University Avenue. **Referred by Olds, Spring, Woolley and Mayor Dean.**

15. Sydney Twinshek, 1805 Bonita Avenue, regarding homeless people occupying Ohlone Park. **Referred by Breland, Maio and Spring.**

16. Jeff Issenberg, Program Coordinator, Friday Night Live, 39355 California Street, Fremont, regarding supporting Berkeley's Youth Commission's Youth Day Celebration.

17. Jeff Hobson, 2315A Russell Street, regarding 1320 Haskell Street. **Referred by Breland.**

Section K. Adjournment

Meeting adjourned at 10:50 p.m. in memory of Albert Perez, Jason Jenkins and Connie Barton.

This is to certify that the foregoing is a true and correct copy of the minutes of September 16, 1997, as approved by the Berkeley City Council.

Attest: _____
City Clerk

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ADENA ISHII
MAYOR OF BERKELEY

ACTION CALENDAR
March 10, 2026
(Continued from February 24, 2026)

To: Honorable Mayor and Members of the City Council

From: Mayor Adena Ishii

Subject: City of Berkeley's 2026 State and Federal Legislative Platform

RECOMMENDATION

Adopt a Resolution approving the City of Berkeley's 2026 State and Federal Legislative Platform.

CURRENT SITUATION AND ITS EFFECTS

The proposed 2026 State and Federal Legislative Platform outlines the City's legislative priority areas related to homelessness, housing, economic development, infrastructure, public safety, sustainability and the environment, and health. In addition, the platform supports the City's efforts to seek federal and state funding assistance in the areas of affordable housing and homelessness, infrastructure improvements and climate resiliency. These legislative priorities support the City's long-term Strategic Plan goals, including providing state-of-the-art, well-maintained infrastructure; creating affordable housing and housing support services; creating a resilient and safe city, and continuing to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

RATIONALE FOR RECOMMENDATION

A formally adopted legislative platform clearly indicates the City's policy and funding priorities, allowing for more effective, targeted advocacy for the City's needs at the state and federal level.

BACKGROUND

The City Manager and City Department Directors provided input regarding the priority areas and projects to include within the 2026 legislative platform. The 2026 legislative platform largely updates the prior City Council approved 2024 platform.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
While adopting the legislative platform will not directly impact climate or improve environmental sustainability, these items will be supported by the platform through related policy and funding priorities.

FISCAL IMPACTS OF RECOMMENDATION
Formal adoption and use of a legislative platform, by clearly indicating the City of Berkeley's priorities, may increase the City's effectiveness when competing for federal or state funding opportunities.

ALTERNATIVE ACTIONS CONSIDERED
The City could choose not to formally adopt a legislative platform. This could result in missing funding opportunities and a less clear position, voice or impact during state and federal level policy discussions and decisions.

CONTACT PERSON
Mayor Adena Ishii
(510) 981-7100

Attachments: 1: Resolution Exhibit A: City of Berkeley's 2026 State and Federal Legislative Platform

RESOLUTION NO. ##,###-N.S.
CITY OF BERKELEY 2026 STATE AND FEDERAL LEGISLATIVE PLATFORM

WHEREAS, the City of Berkeley has an interest in indicating to state and federal government the City's own legislative platform; and

WHEREAS, said platform can improve the City's ability to influence state and federal policy; and

WHEREAS, said platform can improve the City's effectiveness when competing for state and federal funding opportunities; and

WHEREAS, the City of Berkeley 2026 State and Federal Legislative Platform clearly outlines the City's policy and funding priorities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves Exhibit A, the City of Berkeley's 2026 State and Federal Legislative Platform.

Exhibits A: City of Berkeley 2026 State and Federal Legislative Platform

TOWNSEND
PUBLIC AFFAIRS
EST TPA 1998

M E M O R A N D U M

To: **The Honorable Adena Ishii and Members of the Berkeley City Council**
CC: **Paul Buddenhagen, City Manager**

From: Christopher Townsend, President, Townsend Public Affairs, Inc.
Niccolo De Luca, Vice President
Carlin Shelby, Deputy Director
Kerri West, Senior Associate
Joseph Melo, Federal Deputy Director
Joe Hansen, Federal Legislative Analyst

Date: **February 24, 2026**
Subject: **Draft 2026 State and Federal Legislative Agenda**

In consultation with the City of Berkeley, Townsend Public Affairs, Inc. (TPA) has prepared this draft 2026 Legislative Platform. The City's legislative platform for 2026 reflects the priorities of the Mayor, the City Council, and the people of Berkeley. The platform will include advocating for legislation, regulations, and funding that is consistent with the City's adopted goals.

Once adopted, this blueprint will be shared with key stakeholders in the State Legislature and Governor's Administration as well as Congress. However, it will be necessary to remain nimble and responsive as we move through the legislative year. Our legislative agenda will be fluid as some issues will be addressed with introduced legislation.

TPA has proudly partnered with the City of Berkeley for nearly 16 years, delivering meaningful results through sustained advocacy and strategic engagement. Over the course of this partnership, we have advanced seven City-sponsored legislative proposals signed into law, collaborated on more than 90 pieces of legislation, and helped secure over $23 million in state and federal funding for the City's priority projects.

Proposed Legislative Priorities for 2026

It is expected that the State Legislature in 2026 will maintain its focus on its recent priorities including efforts to counter federal actions, homelessness and behavioral health, housing and greater access, public safety, and transportation and infrastructure. This will also be Governor Newsom's final year in office. The State Legislature reconvened on January 5, 2026 to resume legislative activities. Legislators may begin introducing new pieces of legislation, many of which may be like bills that did not advance in 2025, the second year of the two-year legislative cycle.

In Washington, DC, Congressional Leaders and the White House have primarily focused on non-local issues, though opportunities remain in infrastructure, transportation, housing, and public safety. Many funding opportunities and programs are restarting operations following mass layoffs of federal civil service employees and structural changes to program administration. The federal government shutdown having significantly delayed legislative action this fall, we expect substantive activity in the Spring of 2026.

Federal and State Legislative Monitoring and Potential Action

The following legislative priorities are being recommended for monitoring, analysis, and potential action. The City Council may choose to take a position on a piece of legislation, continue to monitor without a position, or determine if any further response is required.

TPA maintains a constantly updated matrix of state legislation and in years past have presented recommendations after session has started then providing rolling updates. TPA will monitor legislative activity in the following areas.

Homelessness
Policy Priorities: 1) Prevent displacement of tenants and residents 2) Expand emergency, transitional, and permanent housing opportunities 3) Expand resources and housing alternatives for unhoused persons who suffer with severe mental illness or substance use disorder who may also require conservatorship 4) Support legislative efforts that require counties to partner with cities when receiving direct allocation of homeless funds and have a regional focus in the expenditure of state funds 5) Support legislative efforts that will allocate State homeless dollars such as the HHAP program and others, based off city point-in-time count numbers 6) Support legislative changes to Coordinated Entry requirements that allow local governments to prioritize based on local unsheltered needs and encampment resolution for housing placements 7) Support legislative efforts that have a focus on keeping people in housing, once placed, for many years which could include legislative changes to emergency shelter crisis declarations 8) Support legislative efforts that address racial disparities in homelessness 9) Support legislative efforts that provide state funded minimum basic income for those who are unhoused or at risk of becoming unhoused
Funding Priorities: 1) Expand funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing), non-congregate shelters and emergency shelters, as well as operating costs for permanent supportive housing 2) Funding for permanent housing interventions that reduce and prevent homelessness 3) Support for more mental health and behavioral health outreach services; incentivize County provision of In-Lieu of Services in the CalAIM system change 4) Funding for targeted homeless prevention programs that provide financial assistance, legal and housing navigation services 5) Funding for employment, wage-earning programs for homeless people 6) Funding for substance abuse services 7) Support funding efforts for non-congregate shelter and allow existing rent subsidies sources to be used to subsidize the rent at these programs 8) Support funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing) and emergency shelters, as well as operating costs for permanent supportive housing 9) Investment in extremely low income housing for those experiencing homelessness 10) Investment in mental health treatment across the continuum of care, including efforts to support or encourage creation of additional board and care beds as well as subacute treatment and psychiatric skilled nursing facilities
Housing
Policy Priorities: 1) Help promote and support housing legislation to enable the construction of more housing at various income levels; fight to repeal Article 34 which requires a local vote to authorize building affordable housing.

2) Support legislation that advances the creation or funding of affordable housing projects
3) Pursue updates to the State building code, if necessary, and to promote innovative forms of housing construction, including Prohousing codes like single stair.
4) Support legislative and funding efforts relating to housing preservation and acquisition and operation
5) Support legislative efforts to reduce the voter threshold for passage of affordable housing bonds
6) Oppose legislative efforts to limit the ability of voters to raise revenues for local government services either by raising voter threshold requirements or prohibiting them from approving real estate transfer tax increases.
7) Support legislative efforts to repeal or reform the Ellis Act and the Costa–Hawkins Rental Housing Act
8) Support policy efforts to utilize the enhanced, lower bond finance threshold of 25% for the Low-Income Housing Tax Credit (LIHTC), supplement other affordable housing development programs
9) Work with UC Regents to help support more opportunities for student housing
10) Support legislative efforts that clarify recent ADU related legislation and count ADUs towards RHNA goals
11) Support efforts that also encourage other forms of housing such as co-ops, land trusts, social housing, public housing, and other efforts
12) Advocate for the restoration of any proposed reductions in funding to affordable housing programs including the Multifamily Housing Program, Transit Oriented Development Program, Infill and Infrastructure Grant Program, and others.
13) Streamline Surplus Lands Act
14) Housing Element reform – shorten the time HCD has from 18 months to 6 months (or just generally less) to give local jurisdictions the additional year to complete the housing element. Current timelines are too short for local jurisdictions.

Funding Priorities:

1) Support for soft-story seismic retrofits
2) Funding for housing programs that that support Affirmatively Furthering Fair Housing
3) Funding for innovative programs to prevent displacement and address hazardous housing conditions
4) Enhance funding of state programs for operating costs that support permanent affordable housing for individuals with area median income up to 120 percent (which includes extremely low-income up to moderate incomes, i.e., workforce housing)
5) Enhance funding opportunities for existing state programs to help support bicycle and pedestrian infrastructure in connection to housing
6) Develop a state funding program that can support small sites acquisition and rehab (like San Francisco)
7) Expand funding for transit-oriented development and affordable housing on transit agency sites
8) Support funding for remediation of hazardous sites (to make viable for housing)
9) Support efforts to create more student housing funding opportunities
10) Support funding for rehabilitation of low-income housing for older adults

Economic Development

Policy Priorities:

1) Support funding for arts and cultural spaces, arts education, and outdoor commerce
2) Measures providing for new tax increment financing opportunities (i.e., business district establishment or Enhanced Infrastructure Financing Districts) to support commercial districts as well as infrastructure and affordable housing
3) Efforts to encourage the development of sectors (and real estate sites) that align with quality job opportunities in local manufacturing, light industrial, bioscience, research and development, and other priority industry sectors. This includes environmental remediation of large industrial sites for redevelopment into research and development and/or life sciences use

4) Cannabis Tax reform which includes lowering taxes and tax simplification
5) Support efforts to address the digital divide
6) Support legislation relating to Online Sales Tax Distribution Formula reform that enhances city revenue
7) Support legislative and other efforts for programs that create pathways out of poverty, including guaranteed income programs
8) Support State funded small business displacement funds similar to tenant relocation funds to help small businesses relocate if their existing space is lost due to building demolition for housing.

Funding Priorities:

1) Support funding for environmental remediation at the Pacific Steel site and other toxic sites throughout the City
2) Support funding for the seismic retrofit and renovation of public landmarked municipal buildings (Civic Center, Veterans Building)
3) Loan access for minority- and women-owned businesses who experience difficulties in accessing loans from private banks

Infrastructure

Policy Priorities:

1) Support developing climate smart, resilient infrastructure to address growing climate threats and address deferred maintenance
2) Funding for programmatic implementation of hardware and software to ensure security
3) Funding for programmatic initiatives to advance use of technology in partnership with delivering cutting edge and strategic programs
4) Funding for upgrading and updating outdated technological infrastructure
5) Measures affecting funding for roads, transit, “last mile” projects and goods movement as well as alternative modes of transportation (bikes, ebikes, e-scooters, etc.), and support the needs of the disabled community
6) Support efforts to ensure funding programs within the federal 2026 Surface Transportation Reauthorization Act will support locally controlled urban infrastructure projects, multi-modal projects, and projects in disadvantaged communities
7) Support efforts to help commuters and increase public transportation and last mile expansion
8) Measures that tax ride sharing networks and help reduce vehicle congestion
9) Measures that support data sharing of TNCs with local government
10) Support regional transportation projects that would provide a benefit to the City and surrounding communities
11) Support for public infrastructure projects including the Ashby/North Berkeley BART Development, Berkeley Pier/Ferry Terminal Project, Maudelle Shirek (Old City Hall), Veterans Building, Transfer Station, Dispatch Center Modernization and San Pablo Park and Pool
12) Increasing resiliency of public infrastructure from threats of climate change
13) Support for public infrastructure that supports ADA access to all City facilities including buildings, Right of Way, and Parks
14) Support equity in infrastructure by improving City facilities and amenities in South and West Berkeley
15) Expand EIFD resources to include services for underserved communities

Funding Priorities:

1) Increased funding for bicycle and pedestrian safety improvements to reduce traffic collisions and achieve Vision Zero objectives
2) Increased funding for utility undergrounding, especially in high fire zones
3) Increased funding to address the wildland urban interface and fire safety
4) Funding to electrify and add e-charging in public facilities and for the public fleet and to provide public e-charging stations

5) Funding for the Safe Routes to School program
6) Funding to enhance and build recreation facilities to address neighborhood youth engagement and enrichment. (i.e., San Pablo Park and Pool)
7) Funding for cyber security and necessary, related technological improvements
8) Funding for riding transit especially when linked to housing

Public Safety

Policy Priorities:

1) Support automated speed enforcement legislation and seek alternatives to sworn traffic/parking enforcement
2) Support efforts to have non-sworn staff to investigate and report taking
3) Support disaster preparedness, training, response, and resilience efforts, particularly WUI wildfire safety
4) Criminal justice reform
5) Support additional efforts to help prevent violence such as mental health services, supporting street outreach teams, focusing on other individuals before they are at risk
6) Support efforts that reimagine public safety and incorporate community-based organizations to help address problems
7) Support efforts to increase peace officer accountability and provide a means of decertifying police officers who engage in serious misconduct
8) Support legislative efforts that seek to legalize safe crossings for pedestrians aka 'jaywalking', allows cyclists to treat stop signs as yield signs, red lights as stop signs and yield at traffic light intersections if they're making a right-hand turn, and other related efforts
9) Support legislative modifications to the CalVIP program to help cities such as Berkeley
10) Support legislation and funding to improve fire safety, including undergrounding utilities

Funding Priorities:

1) Support funding opportunities for alternative traffic enforcement efforts
2) Support funding opportunities for violence prevention services
3) Support funding opportunities for dispatch and service redesign or expansion
4) Support funding opportunities to modernize law enforcement efforts that enhance situational awareness, and help officers respond faster and more effectively to ongoing crimes
5) Support wildland fire mitigation grants to support home hardening, vegetation management and suppression and response such as low or no-interest loan/grant programs to assist homeowners in clearing hazardous vegetation and hardening homes in high fire hazard zones
6) Support funding opportunities for community paramedicine and alternative destination protocols
7) Support funding/resources for analysis, development and implementation of road network for wildfire evacuation programs
8) Support funding for park access and ADA amenities
9) Support funding for criminal justice diversion initiatives and ensure programs funded levels committed under Proposition 47 are maintained
10) Support funding for law enforcement engagement and community-centered collaborative approaches in support of reimagining public safety efforts (Gun Violence Intervention and Prevention Program)

Sustainability and the Environment

Policy Priorities:

1) Support legislative efforts to incentivize Low-Carbon Construction: ability to and tools for incentivizing lower-carbon construction with fees from higher-carbon construction projects
2) Support legislative efforts relating to electric bicycles: legislation to subsidize electric bicycle purchase, in coordination with electric vehicle subsidies
3) Support legislative efforts to expand transportation alternatives by water (ferry)
4) Support legislative efforts to expand funding for electric vehicle charging in the public right of way

5) Measures that provide new tools and potential revenue opportunities to address illegal dumping
6) Measures that support regional planning for a climate change strategy which includes sea level rise
7) Support efforts for gray water capture
8) Remediation of open space to expand public green/open space

Funding Priorities:

1) Support technological advancements that reduce our draw on paper and nonrenewable resources
2) Support development of software infrastructure to support current and emerging initiatives in the most sustainable way possible
3) Funding to support ongoing movement towards sustainable systems that require forward thinking processes and modern technological systems
4) Support funding to address sea level rise along waterfront and Aquatic Park (inclusive of state lands)
5) Support funding for electrification and seismic retrofitting of care and shelter facilities
6) Support funding for low-income solar and battery installation
7) Support for reaching Climate Action Plan, Clean Water, and Resilience Plan goals
8) Support funding for Zero Waste efforts
9) Support funding for more EV charging stations at apartments and elsewhere

Health

Policy Priorities:

1) Support legislative efforts to enhance greater access to hospitals and health care
2) Support legislative efforts that will require counties to partner with cities relating to unspent Prop 63 mental health funds
3) Support legislative efforts that support and increase psychiatric care facilities and acute care facilities
4) Support legislative efforts to protect the rights of women and reproductive health
5) Support legislative efforts that increase services such as mental health, substance abuse, treatment beds and other services for people living in encampments and in unsheltered settings
6) Support legislative efforts that existing mental health and substance programming prioritize people who are referred by the homeless system
7) Support legislative efforts that soften data sharing constraints at the Federal level: HIPAA contains broad information-sharing allowances among “treatment providers” for the purposes of “care coordination”—issue guidance defining homeless encampment or homeless-serving teams as “treatment providers” and making it clear that information can be shared on a need-to-know basis
8) Support federal legislative efforts to ensure health care access for all Berkeley residents.
9) Support legislative efforts related to oversight of guardians, receivership, conservatorship and other forms of care

Funding Priorities:

1) Support funding and regulatory changes to advance for emergency readiness, particularly in relation to public health
2) Support funding efforts relating to mental health treatment, substance abuse treatment, and other relates services
3) Support funding efforts for CARE Court implementation
4) Focus on funding health services for underserved communities

Miscellaneous

Policy Priorities:

1) Support funding for adopted state legislative items-- no more unfunded mandates
2) Support efforts by national groups, including the US Conference of Mayors, National Association of County Organizations, Association of Metropolitan Planning Organizations, National Low Income Housing Coalition, and Local Officials in Transportation (LOT) Coalition that align with City priorities.

One Time State and Federal Funding Priorities for "Member Request" Consideration

As we have seen at both the Federal and State level, new initiatives and various funding opportunities have taken form over the last year. This also includes both legislative provisions that direct approved funds to be spent on specific projects, sometimes referred to as "Member Requests" or "Congressionally Directed Spending".

As it relates to state and federal "Member Requests"/ "Congressionally Directed Spending", our recommended strategy is for the adopted Legislative Platform to include a handful of funding buckets that capture various project themes. This provides the City with the highest amount of flexibility as it is important to not only reflect the priorities of the state and federal lawmakers who sponsor these requests, but also to ensure that the City's projects fit the eligibility requirements of the various state and federal funding sources.

These buckets include:

- *Affordable Housing/Homelessness* which could include funding to reduce unsheltered homelessness including outreach and mental health services, non-congregate shelter, housing subsidies and gap funding for affordable housing and permanent supportive housing projects including new construction and acquisition and rehabilitation of housing.

- *Infrastructure Improvements* which could include funding for enhancements to public infrastructure including landmark sites, active transportation enhancements which include bicycle and pedestrian upgrades at various city locations such as the Car Free Telegraph project.

- *Climate Resiliency* which could include funding for reducing risk of fires in the wildland urban interface, sea level rise, and other related items.

Process for Reporting/Next Steps

In addition to weekly legislative updates and other communications we send to the City Team, TPA suggests verbal reports to the City Council when the State Legislature is on recess. For example, we would report out in April while they are on Spring Recess, during July while they are on Summer Recess, and in November or December when Session has concluded.

Due to the ever-changing nature of legislation in Sacramento and Washington, TPA will provide monthly updates which can be shared with the City Council.

Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online
https://records.cityofberkeley.info/

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF