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1722 WALNUT STREET

Use Permit #ZP2018-0021

Prepared: February 28, 2019

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

FOR BOARD ACTION  
NOVEMBER 8, 2018

## 1722 Walnut Street

**Use Permit/Variance #ZP2018-0021 to permit a ninth dwelling unit on a lot with an existing two-story, eight unit apartment building.**

### I. Background

#### A. Land Use Designations:

- General Plan: HDR – High Density Residential
- Zoning: R-4 – Multi-Family Residential

#### B. Zoning Permits Required:

- Use Permit to construct a new dwelling unit, under BMC Section 23D.40.030
- Administrative Use Permit (AUP) to reduce the rear yard setback for two or more Main Buildings which contain dwelling units under BMC 23D.40.070.D.1
- Administrative Use Permit (AUP) to reduce the required building separation between two or more main building that contain dwelling units under BMC 23D.40.070.D.2
- Variance to decrease the required left side yard setback below minimum requirement per BMC 23D.40.070.D
- Variance to further increase the non-conforming lot coverage over the maximum requirement per BMC 23D.40.070.E
- Variance to not provide and to further decrease the non-conforming Useable Open Space per dwelling below the minimum requirement per BMC 23D.40.070.F
- Variance to not provide the minimum parking requirement (one space) for a new dwelling unit per BMC 23D.40.080.A

**C. CEQA Determination:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).

#### D. Parties Involved:

- Applicant                      John Stevick, 1636 Walnut Street, Berkeley, CA 94709
- Property Owner                Elizabeth Scherer and Glen Stevick, 1636 Walnut Street, Berkeley, CA 94709

Figure 1: Vicinity Map

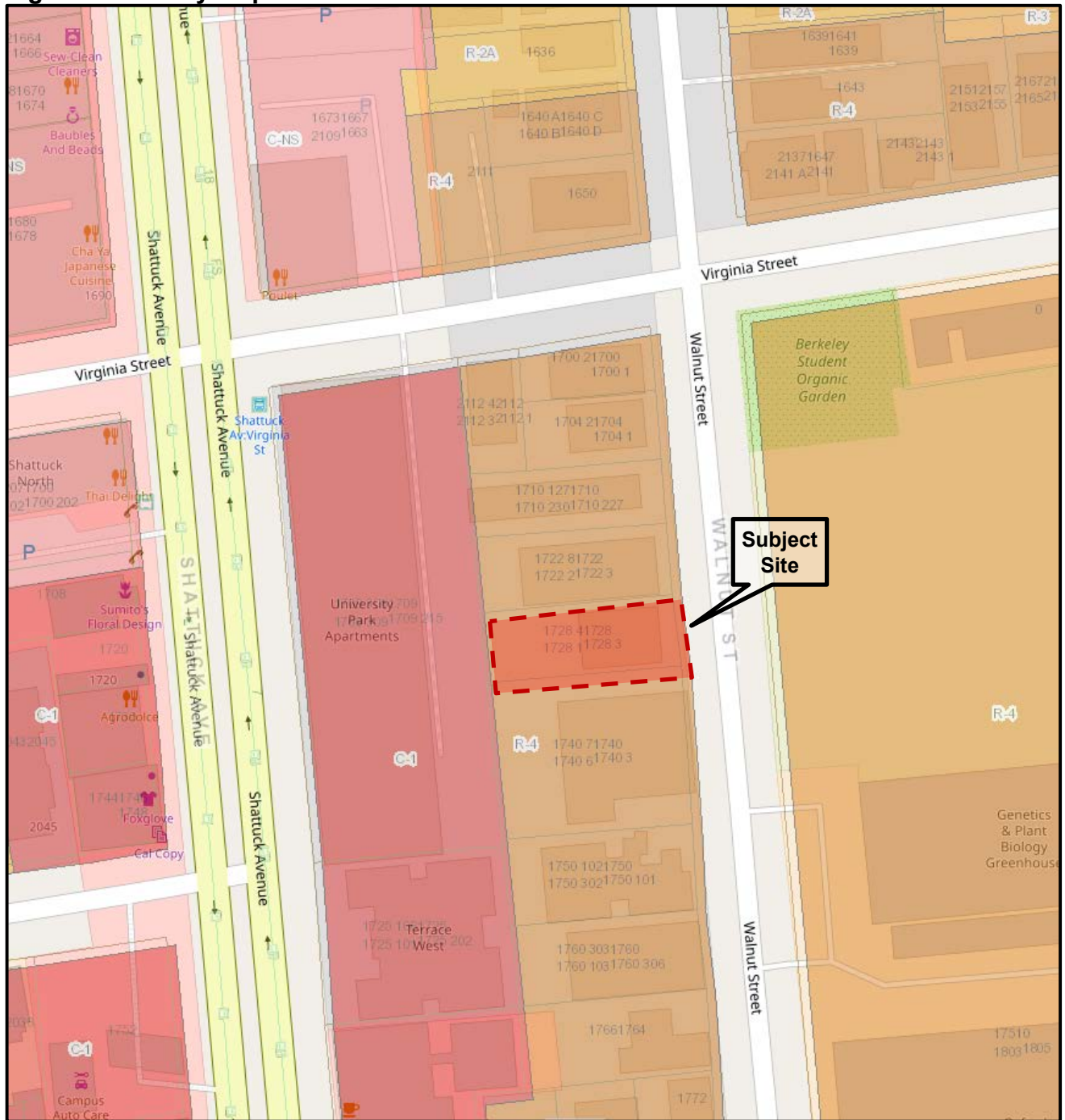
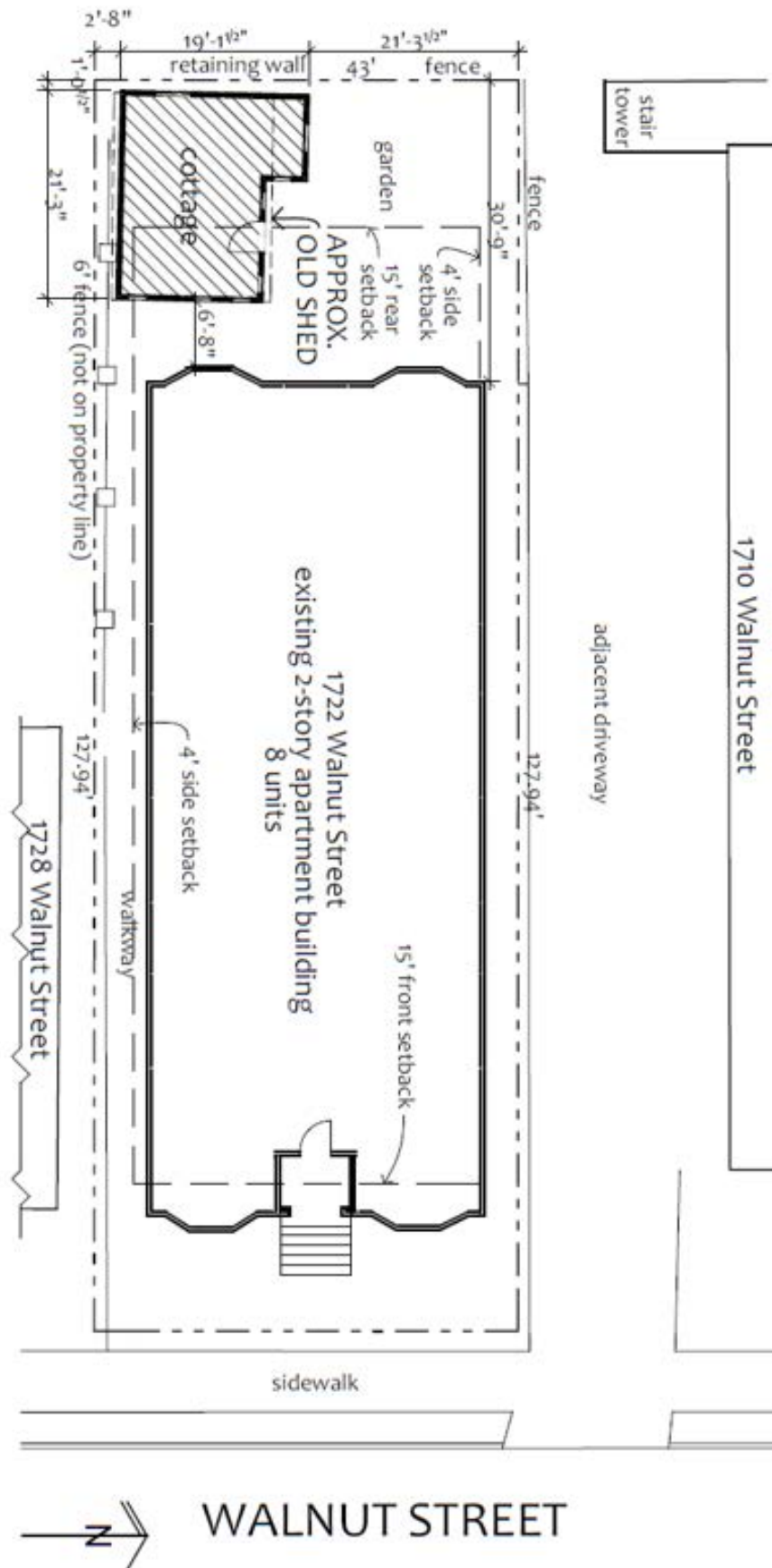


Figure 2: Proposed Site Plan





**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Multi-Family	R-4	High Density Residential
Surrounding Properties	North	Multi-Family	R-4	High Density Residential
	South	Multi-Family	R-4	High Density Residential
	East	Research, Laboratory (Oxford Tract Farm)	R-4	High Density Residential
	West	Multi-Family (University Park Apartments)	C-1	Avenue Commercial

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	As a project constructing less than five new dwelling units, this applies to the project.
Housing Accountability Act (Gov't Code Section 65589.5)	Yes	As a project use of residential units the HAA applies to the project.
Creeks	No	There are no creeks in or around the project.
Density Bonus	No	The project is requesting a Density bonus.
Historic Resources	No	The project site does not contain a City Landmark or a known historic resource.
Oak Trees	No	There are no oak trees on the site.
Rent Controlled Units	Yes	The eight units in the apartment building are subject to rent control.
Residential Preferred Parking (RPP)	Yes	The project site is in RPP Zone F.
Seismic Hazards (SHMA)	No	The site is not located in a seismic hazard zone.
Soil/Groundwater Contamination	No	There is no history of ground water contamination on the site and it is not located in the Environmental Management Area.
Transit	Yes	AC Transit and UC Berkeley Shuttle lines run on Shattuck Avenue and Hearst Avenue, both one block from the project site.

**Table 3: Project Chronology**

Date	Action
January 29, 2018	Application submitted
September 5, 2018	Application deemed complete
October 25, 2018	Public hearing notices mailed/posted
November 8, 2018	ZAB hearing

**Table 4: Development Standards**

Standard BMC Sections 23D.40.070-080		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		5,479	No change	5,000 min
Gross Floor Area (sq. ft.)		5,800	6,146	n/a
Dwelling Units	Total	8	9	n/a
	Below Market Rate	0	0	0 min
Building Height	Average (ft.)	Apartment: 29	Cottage: 11.25	35 max 65 w/UP
	Maximum (ft.)	Apartment: 30	Cottage: 11.25	n/a
	Stories	Apartment: 2	Cottage: 1	3 max 6 w/UP
Building Setbacks (ft.)	Front	<b><i>Apartment: 11.7</i></b>	Cottage: 105	15 min
	Rear	Apartment: 31	Cottage: 1	15 min AUP to reduce on lot w/ two or more buildings containing dus
	Left Side	Apartment: 5.2	<b><u>Cottage: 2.2</u></b>	1st-2 <sup>nd</sup> story: 4 min 3 <sup>rd</sup> story: 6 min 4 <sup>th</sup> story: 8 min
	Right Side	<b><i>Apartment: 3.4</i></b>	Cottage: 21.3	5 <sup>th</sup> Story: 10 min 6 <sup>th</sup> story: 12 min
Lot Coverage (%)		<b>60</b>	<b><u>61</u></b>	45 max (for 2 stories)
Usable Open Space (sq. ft.)		<b>1,098</b>	<b><u>990</u></b>	1,800 min (200 per du)
Automobile Parking		<b>0</b>	<b><u>0</u></b>	9 min (1 per du)

Items in ***bold italics*** are existing, lawful, non-conforming conditions.

Items in **underlined bold 11 pt. font** are requested Variances.

## II. Project Setting

**A. Neighborhood/Area Description:** The property is located approximately one quarter mile to the northwest of the UC Berkeley campus in an area bound by Shattuck Avenue to the west, Virginia Street to the north, Oxford Street to the east, and Delaware Street to the south. The neighborhood is a combination of commercial businesses along Shattuck Avenue, and numerous multi-family and mid-size (two- to four-story) multi-family buildings along Walnut Street. A large area is dedicated to the Oxford Tract Farm and greenhouses to the east. AC Transit lines 7, 18, and FS run along Shattuck Avenue, and line 67 runs along Oxford Street.

**B. Site Conditions and Background:** The project site is a 5,479-square-foot, rectangular (43' x 127.42') parcel that is developed with an approximately 6,000-square-foot, two-story, eight-unit apartment building that was constructed in 1926. No off-street parking exists on the site. Approximately six years ago, the property owners built a detached cottage (i.e. dwelling unit) without permits in the southwestern (rear left) corner of the property in a location where a shed had been located. The cottage is registered with the Rent Stabilization Board (RSB) along with an unpermitted

basement unit, listed on the RSB website as “Not Available for Rent since 8/1/2017” (<https://www.cityofberkeley.info/RentBoardUnitSearch.aspx>).

As early as 2016, the cottage was listed on Airbnb along with at least five other of the apartments in the main building (see Attachment 4). As the listings are for stays of a minimum of at least 14 days, they do not qualify as short term rentals. Staff raises this point as the applicant statement alludes to the region’s housing crisis. The applicant has written, “The rear cottage in question in a small one-bedroom unit that not only adds to the beauty of the backyard, but to the housing supply as well. As the area is in such short supply of housing, we would very much like to see this unit, which has already been in use for the past six years, be allowed to stay on the market.” Staff wishes to make clear from the current availability of the unit(s) as shown on the Airbnb site, as well as the frequency of the reviews, that these units are not being used as housing for families, or even for students during the school year; the use is more akin to an extended stay hotel.

### III. Project Description

After receiving a Notice of Violation from the Neighborhood Services Enforcement Division (Code Enforcement) in November 2017, the property owners submitted the current project application to the Planning Department for retroactive approval of the ninth dwelling unit on the property. The dwelling unit is located in the 354-square-foot, 11.25-foot tall detached one-bedroom cottage in the rear yard area.

### IV. Community Discussion

**A. Neighbor/Community Concerns:** Prior to submitting this application to the city in January 2018, the applicant installed a pre-application poster at the project site. On October 25, 2018, the City mailed public hearing notices to interested neighborhood organizations, and to property owners and occupants within 300 feet of the project site, and staff posted notices within the neighborhood at three locations.

At the time of this writing, staff has received public comment over the phone from a long time resident of the property, Lisa Klug. She stated that the property seems like a hotel now with people coming in and out; that her name is the only one left on the mailboxes as other residents are transient; that the property owner has offered to buy her out twice, but she turned down the offer; and that the cottage is taking up a large part of the rear yard area. The resident mentioned as a disclosure that she is currently in a lawsuit with the property owner. Ms. Klug subsequently submitted correspondence in opposition to the project that can be found in Attachment 5.

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

## V. Issues and Analysis

- A. The Housing Accountability Act:** The Housing Accountability Act §65589.5(j) requires that when a proposed housing development complies with the applicable, objective General Plan and Zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:
- (1) The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
  - (2) There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

There are multiple aspects of the proposed development project that do not meet the base regulatory standards of the BMC: 1) off street parking; 2) usable open space; 3) lot coverage; 3) side and rear yard setbacks; and 4) building-to-building separation. Therefore, §65589.5(j) **does not apply** to this project as currently proposed.

- B. Variances:** The project would require four Variances from the development standards of the R-4 District: (1) to permit a 2.2-foot side yard setback where a minimum of 4 feet is required for a first story (BMC 23D.40.070.D); (2) to not provide the required off-street parking for the new dwelling (BMC 23.D.40.080.A); (3) to further increase the existing non-conforming 60% lot coverage to 61% where a maximum of 45% is permissible for a property with a two-story building (BMC 23D.40.070.E); and (4) to not provide the required Useable Open Space and further reduce the existing non-8

Finding #1: There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same District.

In support of this Finding the applicant has provided the following evidence:

*"This building is within 0.5 miles of Downtown BART, 0.1 miles of the closes bus stop, 0.2 miles of the closest trans-bay bus stop, and 0.2 miles of the closed UC Berkeley shuttle. The existing cottage in question has been in existence for over 6 years and serves a relaxing and tranquil respite from the 4+ story buildings surround it and the greater and ever expanding Downtown Berkeley."*

Although the statements, some subjective, may be true, they do not highlight how they represent exceptional or extraordinary circumstance applying to this property that do not generally apply to other properties in the same zoning district. In fact, access to the existing transportation system applies to all the properties in the vicinity. Staff also does not believe that the existence of the illegal unit qualifies as an exceptional or extraordinary condition as any property owner could follow through with unpermitted development. In addition, staff cannot identify any other exception or extraordinary condition on the site that support this Finding to permit non-compliance with the development standards that apply to all other properties within the District. This finding cannot be made.

Finding #2: The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the subject property's owner.

In support of this Finding, the applicant provided the following evidence:

*"The surrounding neighborhood is very dense relative to the majority of Berkeley and becoming increasingly so each year with new, large-scale mixed use projects continuing to go up. We are simply asking for the same kind of coverage that neighboring lots enjoy on the very same block. Many other buildings in the immediate vicinity are over density as can be seen by referring to the attached vicinity map."*

Due to the age of buildings and the various changes made over time to the Zoning Ordinance, many buildings and sites are non-conforming in this District to varying degrees, including the subject site. This statement, however, does not address the required finding. Staff interprets property rights as a property owner's ability to use his or her property in a manner consistent with the applicable provisions of the Ordinance; the application cannot be used to support any condition that a property is in, or made to be, that is unlawful. Nor is it related to the financial viability or profitability of a property. The applicant has not provided evidence that the use of the property with its unpermitted condition is necessary for the preservation and enjoyment of substantial property rights. In fact, the property owners purchased, and have managed, a property with eight lawful, rental dwelling units for several years. This finding cannot be made.

Under the existing legal condition (i.e. eight dwelling units). In addition, is naturally limited to what is lawful (i.e. what zoning allows), and In conclusion, the applicant has not provided evidence that the use of the property in its permitted condition does not preserve the owner's substantial property rights. This finding cannot be made.

Finding #3: The establishment, maintenance or operation of the use or the construction of a building, structure or addition thereof, to be approved will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and that the granting of the Variance will promote the municipal health, welfare and safety and benefit the City as a whole.

In support of this Finding, the applicant has submitted the following evidence:

*"It is our pleasure to provide an additional safe and habitable living space within walking distance of Downtown Berkeley and UC Berkeley campus. We find that the cottage actually enhances the backyard aesthetic and compliments [sic] the garden for all property residents in comparison to the dilapidated shed that stood in the cottages place before."*

Staff agrees that the dwelling unit is aesthetically pleasing, and that at its current height and massing, has minimal impact to air, views, or light of the existing or neighboring properties. In addition, if the project were to be approved, the project would be conditioned to obtain a building and occupancy permit ensuring compliance with all current building and fire codes, thereby removing any potential life/safety impacts to



adjacent properties as well as guests and residents of the subject property. However, one of the purposes of the R-4 District is to “*Make available housing for persons who desire both convenience of location and a reasonable amount of Useable Open Space.*” The project site is currently non-conforming for Useable Open Space and exceeds allowable lot coverage, the proposed project exacerbates both these conditions. The project, therefore, also conflicts with the purposes of the Zoning Ordinance in that it exceed the appropriate intensity of development of land and buildings through excessive lot coverage (BMC 23A.04.030.C) and it does not provide for adequate usable open space, off-street parking (BMC 23A.04.030.E). This Finding cannot be made.

Finding #4: Any other variance findings required by the Section of the Ordinance applicable to that particular Variance.

This Finding is not applicable to the Variance requests.

In summary, the required Variances to approve the illegal dwelling cannot be made as there is no exceptional circumstance on the property (Finding 1), the variance is not necessary for the preservation of substantial property rights (Finding 2), and the project be generally detrimental (Finding 3),

**C. Reduction of Rear Yard Setback and Building to Building Separation:** The project proposes a 1-foot rear yard setback where a minimum of 15 feet is required and proposes a 6.75-foot building to building separation, where a minimum of 8 feet is required. Section 23D.40.070.1 and 2 of the Zoning Ordinance, allow both the rear yard and the building separation to be reduced with approval of an Administrative Use Permit (AUP) for two or more Main Buildings which contain Dwelling Units as applies to the subject project. In addition, as described in Variance Finding 3 above, in its current location, the cottage does not have detrimental impacts to air, light, or views. The findings to approve these reductions in the development standards can be made.

## VI. Recommendation

Because of the project’s inconsistency with the Zoning Ordinance and General Plan, staff recommends that the Zoning Adjustments Board

**DENY** Use Permit/Variance #ZP2018-0021 pursuant to Section 23B.32.040 and subject to the attached Findings (see Attachment 1).

### Attachments:

1. Findings
2. Project Plans, dated April 18, 2018
3. Notice of Public Hearing
4. Airbnb Listings, downloaded October 18, 2018
5. Correspondence Received (at the time of publication of this report)

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

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

OCTOBER 25, 2018

### 1722 Walnut Street

Use Permit/Variance #ZP2018-0021 to permit a ninth dwelling unit on a lot with an existing two-story, eight unit apartment building.

#### PERMITS REQUIRED

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- Use Permit to construct a new dwelling unit, under BMC Section 23D.40.030
- Administrative Use Permit (AUP) to reduce the rear yard setback for two or more Main Buildings which contain dwelling units under BMC 23D.40.070.D.1
- Administrative Use Permit (AUP) to reduce the required building separation between two or more main building that contain dwelling units under BMC 23D.40.070.D.2
- Variance to decrease the required left side yard setback below minimum requirement of BMC 23D.40.070.D
- Variance to further increase lot coverage over maximum requirement of BMC 23D.40.070.E
- Variance to further decrease the Useable Open Space per dwelling below minimum requirement of BMC 23D.40.070.F
- Variance to not provide the minimum parking requirement for a new dwelling unit of BMC 23D.080.A.

#### I. VARIANCE FINDINGS FOR DENIAL

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Pursuant to Berkeley Municipal Code Section 23B.44.030. (Variance Findings for Issuance and Denial), the City denies the Variances to: (1) to permit a 2.2-foot side yard setback where a minimum of 4 feet is required for a first story (BMC 23D.40.070.D); (2) to not provide the required off-street parking for the new dwelling (BMC 23.D.40.080.A); (3) to further increase the existing non-conforming 60% lot coverage to 61% where a maximum of 45% is permissible for a property with a two-story building (BMC 23D.40.070.E); and (4) to not provide the required Useable Open Space and further reduce the existing non-conforming open space to 990 square feet, where double that (1,800 square feet) is required by code (BMC 23D.40.070.F); as it is unable to make the following required findings:

- There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same District:*

The applicant has provided no evidence, nor can staff find evidence of circumstance or conditions that apply to the land, building or use which do not generally apply to land buildings and/or uses in the same District. Neither access to public transportation nor existence of an illegal condition are considered unique or otherwise exceptional or extraordinary. Similarly, due to the age of buildings and the various changes made over time to the Zoning Ordinance, many buildings and sites are non-conforming in this District to varying degrees, including the subject site. This finding cannot be made.

- The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the subject property's owner:*

Staff interprets property rights as a property owner's ability to use his or her property in a manner consistent with the applicable provisions of the Ordinance; the application cannot be used to support any condition that a property is in, or made to be, that is unlawful. Nor is it related to the financial viability or profitability of a property. The applicant has not provided evidence that the use of the property with its unpermitted condition is necessary for the preservation and enjoyment of substantial property rights. In fact, the property owners purchased, and have managed, a property with eight lawful, rental dwelling units for several years. This finding cannot be made.

- iii. The establishment, maintenance or operation of the use or the construction of a building, structure or addition thereof, to be approved will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and that the granting of the Variance will promote the municipal health, welfare and safety and benefit the City as a whole:*

One of the purposes of the R-4 District is to “*Make available housing for persons who desire both convenience of location and a reasonable amount of Useable Open Space.*” The project site is currently non-conforming for Useable Open Space and exceeds allowable lot coverage, the proposed project exacerbates both these conditions. The project, therefore, also conflicts with the purposes of the Zoning Ordinance in that it exceed the appropriate intensity of development of land and buildings through excessive lot coverage (BMC 23A.04.030.C) and it does not provide for adequate usable open space or off-street parking (BMC 23A.04.030.E). This Finding cannot be made.

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**II. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

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

**1. Conditions and Mitigation Monitoring and Reporting Program Shall be Printed on Plans**

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

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

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

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

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

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

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

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

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

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

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

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

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

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

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

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

**9. Indemnification Agreement**

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

**III. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

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

**(\*\*Use applicable conditions, delete this heading and delete the unneeded conditions )**

**Prior to Submittal of Any Building Permit:**

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

**Project Liaison** \_\_\_\_\_  
Name Phone #

- 11. Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee.



12. **"Projects in SS Plan Area or CDMU"** Compliance with Conditions and Environmental Mitigations. The building permit application is subject to verification of compliance to the adopted **Mitigation Monitoring and Reporting Program (Attachment - Exhibit )**. The applicant shall be responsible for demonstrating compliance with all conditions of approval and mitigation measures per the timeline set forth by this use permit. The applicant shall deposit \$10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.
13. **Address Assignment.** The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
14. **"(Large Projects Only - Keep unless already stated in the MMRP)"** Construction Noise Reduction Program. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
  - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
  - C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
  - D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
  - E. Prohibit unnecessary idling of internal combustion engines.
  - F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
  - G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
  - H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
  - I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.
15. **"(Large Projects Only - Keep unless already stated in the MMRP)"** Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with

demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall

- establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
- include written descriptions and photographs.

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair.

#### **Prior to Issuance of Any Building Permit:**

16. Parcel Merger. The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
17. **"(5 or more dwellings, new non-res bldg, over 10k+sf new GFA, except CDMU over 75' bldgs)"** Public for Art: Consistent with BMC §23C.23, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
18. Affordable Housing Mitigation Fee: Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.
19. **"(Large Projects Only - Keep unless already stated in the MMRP)"** Construction Noise Management - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is

responsible for responding to any local complaints, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

20. **"(Applies to new dwellings in areas with over 65dB on General Plan Noise Map)" Interior Noise Levels.** Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
21. **"(Large Projects Only - Keep unless already stated in the MMRP)" Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
22. **"Projects with Fee Deferrals" Fee Deferrals.** All zoning project application fees that were deferred at the time of application submittal shall be paid in full.
23. **"(Delete if no demo)" Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
24. **"(CDMU only)" Parking In-Lieu Fee.** Consistent with BMC 23E.28.080.D, the applicant shall pay a fee in lieu of providing each required vehicle parking. As set by the City Council, the graduated fee is as follows: \$15,000 for each space 1-5, \$20,000 for each space 6-15, \$25,000 for each space 16-25, and \$30,000 for each space above 25. The in lieu fee will be deposited into a fund established by the City that provides enhanced transit services.
25. **"(CDMU only)" Streets and Open Space Improvement Plan: Street Frontage Improvements.** Streets and Open Space Improvement Plan: Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along **"(enter names of streets along frontage)"** to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works and Fire Departments, and constructed prior to certificate of occupancy. (Optional language – check with Public Works) At the discretion of the City Engineer, the developer may be required to pay a fee in lieu of certain improvements as specified in COA # \_\_\_\_, below.
26. **"(CDMU only)" Streets and Open Space Improvement Plan: Impact Fee:** As required by BMC Section 23E.68.075, the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund

(SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23F.04.010, less any existing Gross Floor Area removed as part of the project.

At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a \$1 to \$1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

27. **"(CDMU only)"** SOSIP Improvements: At the discretion of the City Engineer, the developer shall make an in-lieu payment for roadway improvements which are not constructed as part of the project, with a maximum payment of \$\_\_\_\_\_ for expected improvements. Maximum payment amount shall be increased annually (if applicable) based on the Engineering News Record's construction prices for the San Francisco Bay Area. The first half of these payments shall be made prior to issuance of a building permit, and the second half shall be made prior to issuance of a certificate of occupancy.

28. **"(Applies to all new non-residential construction >7,500 SF or re-use of vacant bldg w/intensification)"** Affordable Housing. As required by Resolution No. 66,617-N.S., adopted June 3, 2014, Owner shall offset the estimated impacts of the project on affordable housing according to the following formulas:

USE	AFFORDABLE UNITS or FEE	
Office, Research + Development, Restaurant/Retail, Hotel	1 unit per 52,859 gross square feet	\$4.50 per gross square foot
Industrial/Manufacturing, Warehouse/Storage (except "self-storage")	1 unit per 105,719 gross square feet	\$2.25 per gross square foot
Self-Storage	1 unit per 54,432 gross square feet	\$4.37 per gross square foot

The requirement may be satisfied by:

**Housing Production** - Owner shall cause to be constructed in the City of Berkeley no less than **"(Enter number of units)"** of additional housing affordable to households with income at 30% of the SMSA median income. Owner must have site control and Use Permit approval for the required Affordable Housing project prior to receipt of the building permit for this non-residential project, and must secure an Occupancy Permit for the required Affordable Housing project no later than 18 months from the receipt of the Occupancy Permit for this non-residential project.

**-OR-**

**In-Lieu Fee** - Owner shall pay an equivalent in-lieu impact fee in the amounts and according to the schedule listed below

Prior to Building Permit	<b>\$29,435</b>
Prior to Occupancy Permit	<b>\$29,435</b>
1 Year from Occupancy Permit	<b>\$29,435</b>

The final payment shall be appropriately secured by the City, e.g., by a letter of credit, bond, Promissory Note, Deed of Trust or another appropriate form of security. Some payments carry interest from the date they would normally be due. Applicants may request reductions to these fee amounts, under the provisions of BMC Sections 22.20.070 or 22.20.080 relating to lower levels of impact, infeasibility, or overriding benefit to the City.

29. "(Applies to all new non-res>7,500 SF or re-use of vacant bldg w/intensification)" Child Care. As required by Resolution No. 66,618-N.S., adopted June 3, 2014, Owner shall offset the estimated impacts of the project on affordable child care according to the following formulas:

USE	FEE
Office, Restaurant/Retail	\$1.25 per gross square foot
Industrial/Manufacturing	\$0.75 per gross square foot
Hotel/lodging	\$1.50 per gross square foot
Warehouse/Storage	\$0.62 per gross square foot
Research & Development	\$0.80 per gross square foot

**In-Lieu Fee.** Owner shall pay a fee into the City's Child Care Operating Subsidy account in the amounts and according to the schedule listed below.

Prior to Building Permit	\$7,360
Prior to Occupancy Permit	\$7,360
1 Year from Occupancy Permit	\$7,360

The final payment shall be appropriately secured by the City, e.g., by a letter of credit, bond, Promissory Note, Deed of Trust or another appropriate form of security. Some payments carry interest from the date they would normally be due.

Applicants may request reductions to these fee amounts, under the provisions of BMC Sections 22.20.070 or 22.20.080 relating to lower levels of impact, infeasibility, or overriding benefit to the City.

30. "New buildings, or additions of more than 20,000 sf in downtown CDMU only)" Green Building Certification. The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.
31. "(Applies to new non-residential and mixed use projects > 10,000 sf)" (Not applicable to projects with less than 10,000 sf of new non-res floor area, although we do encourage new multifamily projects to take advantage of incentives offered through the [California Multifamily New Homes program](#).) Savings By Design. The applicant shall submit documentation to the project planner



verifying that an application to the [Savings By Design](#) program (either the [Whole Building form](#) or the [Systems Approach form](#)) was submitted to PG&E. This documentation shall include a copy of follow-up documentation between PG&E and the applicant, including a Savings By Design Energy Efficiency Form with a completed Preliminary Savings Estimate.

32. **"(Large Projects Only - Keep unless already stated in the MMRP)"** Electric Vehicle (EV) Charging. At least 10% of the project parking spaces for residential parking and 3% of the parking spaces for non-residential parking shall be pre-wired to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, as specified by the Office of Energy and Sustainable Development. Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable pre-wiring requirement. Pre-wiring for EV charging and EV charging station installations shall be noted on site plans.
33. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
34. **"(Applies to new landscape area of > 500 sf or rehabilitated landscape of > 2,500sf)"** Water Efficient Landscaping. Applicant shall provide an updated Bay-Friendly Basics Landscape Checklist that includes detailed notes of any measures that will not be fully met at the project. Landscape improvements shall be consistent with the current versions of the State's Water Efficient Landscape Ordinance (WELO) and the East Bay Municipal Utility District's Section 31: Water Efficiency Requirements.
35. Construction and Demolition. Applicant shall submit a Waste Diversion Form and Waste Diversion Plan that meet the diversion requirements of BMC Chapters 19.24 and 19.37.
36. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
37. Parking for Disabled Persons. Per BMC Section 23E.28.040.D of the Zoning Ordinance, "Notwithstanding any reduction in off-street parking spaces that may be granted for mixed-use projects in non-residential districts listed in Sub-title 23E, the requirement for off-street parking spaces for disabled persons in the project shall be calculated as if there had been no reduction in total parking spaces."
38. **"(First Source BMC 13.26: Applies to all non-residential use permits)"** First Source Agreement. The applicant and/or end user(s) shall enter into a First Source Agreement with the City of Berkeley. First Source promotes the hiring of local residents on local projects. The agreement requires contractors/employers to engage in good faith efforts to hire locally, including utilizing graduates of local job training programs. Please call (510) 981-4970 for further information, or visit the City's Employment Programs office at 2180 Milvia, 1<sup>st</sup> Floor.
39. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
  - A. Environmental Site Assessments:

- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old\*) shall be submitted to TMD for developments for:
    - All new commercial, industrial and mixed use developments and all large improvement projects.
    - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
    - EMA is available online at:
    - [http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)
  - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
  - 3) If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
  - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
  - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.
- D. Hazardous Materials Business Plan:
- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site

hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

#### **Prior to Demolition or Start of Construction:**

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

#### **During Construction:**

41. "(R District Projects Only)" Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

42. "(Non R Districts & Must include Const Noise Management & Reduction COAs)" Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

43. "(Large Projects Only - Keep unless already stated in the MMRP)" Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

44. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

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

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard

permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

45. **"(Large Projects Only - Keep unless already stated in the MMRP)" Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:
- Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
  - Calendar and schedule of daily/weekly/monthly construction activities
  - The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.
46. **Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
47. **Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
48. **"(Large Projects Only - Keep unless already stated in the MMRP)" Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk



screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

- B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

**49. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).**

Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

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

**50. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the



City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

51. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
52. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
  - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
  - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
  - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
  - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
  - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins,

outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

- G. **"(delete if less than 10k SF site)"** All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
- H. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- J. **"(delete if no loading)"** All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- K. **"(delete if not food service)"** Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.
- L. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- M. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
53. **"(Construction activities that involve one or more acre)"** Public Works - Construction. Construction must comply with the State-wide general permit requiring owner to (1) notify the State; (2) prepare and implement a Stormwater Pollution Prevention Plan (SWPPP); and (3) monitor the effectiveness of the plan. Additional information may be found online at <http://www.swrcb.ca.gov>. As part of the permit submittal, the Public Works Department will need a) a copy of the "Notice of Intent" filed with

the State Water Resources Control Board (SWRCB)/Division of Water Quality; b) the Waste Discharger Identification (WDID) number issued by the SWRCB for the project; c) a copy of the SWWPP prepared for each phase of the project; and d) the name of the individual who will be responsible for monitoring the site for compliance to the approved SWPPP.

54. **"(Keep unless already stated in the MMRP)"** Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
55. Public Works. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
56. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
57. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
58. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

- 59. Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
- 60. Public Works.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

**Prior to Final Inspection or Issuance of Occupancy Permit:**

- 61. Compliance with Conditions and Environmental Mitigations.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit. **Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.**
- 62. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **click and enter date stamped 'received'**, except as modified by conditions of approval.
- 63. **"(New units in CDMU Only)" Car Sharing Spaces.**** At least **\_\_\_\_\_** car share spaces shall be provided **within the parking garage** for the life of the building. In addition, these car share spaces are subject to the following requirements:
- A. At least 90 days prior to issuance of a certificate of occupancy, the property owner shall do one of the following if necessary to ensure that car share spaces are provided at this site: 1) purchase 2 cars for the use of a vehicle sharing service provider, or VSSP (e.g., City CarShare or Zipcar), or 2) provide a monthly subsidy to offset the costs to a VSSP to provide for the management of the cars at this site.
- B. Prior to issuance of a certificate of occupancy, the property owner shall provide one of the following: 1) a signed agreement with a VSSP to manage shared vehicles at the site, or 2) a plan to provide on-site management. If the vehicle sharing spaces are managed by a VSSP, these spaces shall be accessible to all VSSP members in the same manner and during the same hours as other vehicles offered by the VSSP.
- 64. Construction and Demolition Diversion.** A Waste Diversion Report, with receipts or weigh slips documenting debris disposal or recycling during all phases of the project, must be completed and submitted for approval to the City's Building and Safety Division. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A copy of the Waste Diversion Plan shall be available at all times at the construction site for review by City Staff.
- 65. **"(New buildings, or additions of more than 20,000 sf, in downtown (C-DMU) only)" Green Building Certification.**** The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.



66. "(Applies to new non-residential and mixed use projects > 10,000sf)" (Not applicable to projects with less than 10,000 sf of new non-res floor area, although we do encourage new multifamily projects to take advantage of incentives offered through the [California Multifamily New Homes program](#).) Savings By Design. The applicant shall provide the project planner with an updated Savings By Design Energy Efficiency Form that includes a completed Final Savings for the project. If the applicant has requested that PG&E complete this form and PG&E is unable to do so prior to occupancy permit or final inspection approval, the applicant may satisfy this condition by submitting documentation that PG&E intends to submit the form to the project planner with the expected date.

**"(applies to projects with 5 or more dwellings that are rented)" BELOW MARKET RATE UNITS**

67. Number of Below Market Rate Units. The project shall provide XXXX (XX) below market rate rental dwelling units ("BMR Units"), which are required to comply with the State Density Bonus Law (Government Code Section 65915) as well as XXXX additional below market rate units to comply with BMC Section 22.20.065.D. The BMR Units shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City.

68. Regulatory Agreement. Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development.

69. In addition, the following provisions shall apply:

- A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
- B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
- C. BMR units will be provided for the life of the project under Section 22.20.065.

70. Determination of Area Median Income (AMI).

- The "AMI" (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in

existence, the City will designate another appropriate source or method for determining the median household income.

- The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility for occupancy of an inclusionary unit) shall be determined in accordance with the following table:

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

71. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.

72. Affordability Requirements for Units Providing Qualification for Density Bonus Under Government Code Section 65915 shall be as follows:

Level	UNIT #	NAME	TYPE	SIZE
2				
3				
4				
5				

73. "(applies to projects with that are sold)" Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23C.12, which applies to the any of the following:
- A. Residential housing projects for the construction of five or more Dwelling Units;
  - B. Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter;
  - C. Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.

If a density bonus was granted for the project, the regulatory agreement shall reflect the number of qualifying units set forth in Section 65915(f)(4) that are needed to support the bonus that was granted.

#### At All Times:

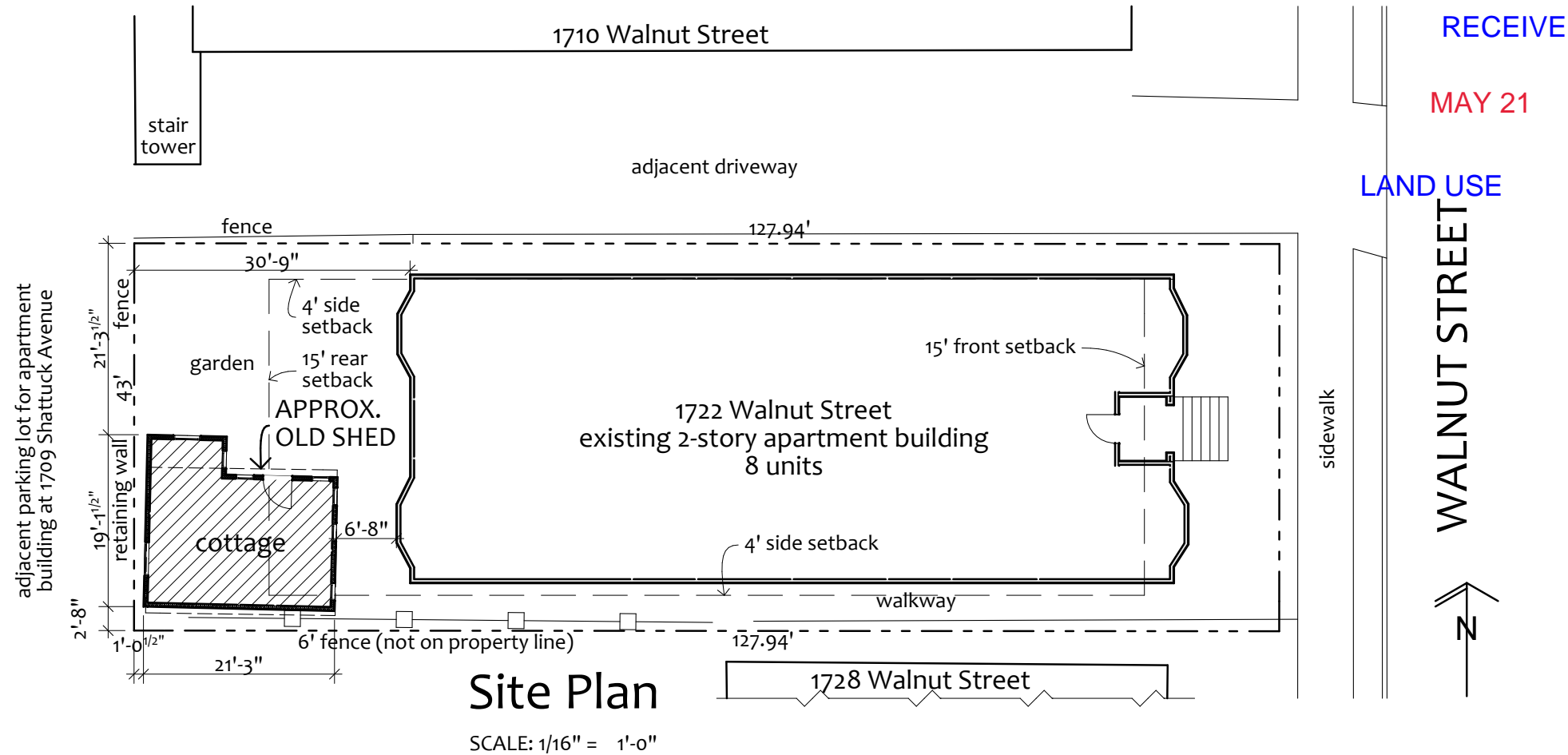
74. "(only applies to new construction/additions or alterations)" Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
75. "(only applies to new construction)" Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
76. "(only applies to new construction)" Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to "(PICK ONE)" Design Review and Landmarks Preservation Commission approval.
77. "(only applies to new construction)" Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
78. "(only applies to new construction)" Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
79. "(CDMU Only- with parking open to general public)" Public Parking. Consistent with BMC 23E.68.080.E, the public shall be notified of the availability of publicly available parking spaces via dynamic signage including, but not limited to, real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System or equivalent, as determined by the Zoning Officer in consultation with the Transportation Division Manager.
80. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
81. "(New units in CDMU or w/parking waiver of any #)" Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
82. "(New units in CDMU)" Parking to be Leased or Sold Separately. All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.
83. Bike Parking. Secure and on-site bike parking for at least "(ENTER NUMBER)" bicycles shall be provided for the life of the building.



84. **"(Check to make sure this condition applies)"** Tenant Notification. The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that **includes commercial, food service and entertainment uses**, and that each occupant shall not seek to impede their lawful operation.
85. **"(Check to make sure this condition applies)"** Transportation Demand Management. A Transportation Demand Management compliance report shall be submitted to the Transportation Division Manager, on a form acceptable to the City, prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is in compliance with the applicable requirements and the following:
- A. Consistent with BMC 23E.68.080.H, and subject to the review and oversight of the Transportation Division Manager, the cost equivalent to an unlimited local bus pass shall be provided on a Clipper Card, or equivalent card that can be used by major Bay Area transit systems, shall be provided, at no cost, to every employee.
  - B. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.
  - C. Exceeding BMC23E.68.080.H, and subject to the review and oversight of the Transportation Division Manager, the cost equivalent to an unlimited local bus pass shall be provided on a Clipper Card, or equivalent card that can be used by major Bay Area transit systems, shall be provided, at no cost, two per residential unit.
  - D. Transit information shall be provided in the residential lobby, updated at a minimum once a year. The information panels shall be shown in the construction drawings and shall be installed **prior to occupancy**.
  - E. Transportation Information Officer will gather and provide information regarding transit and other alternative transportation to residents and commercial tenants and their employees. Information may pertain to the City, regional transit agencies, car sharing, Spare the Air, 511 and other relevant programs. This information package shall be provided to all residents/employees on arrival plus once a year.
  - F. **The food service operation**, if qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the "Guarantee Ride Home" program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager
86. **"(Applies to employers w. 10+ employees)"** Transit Subsidy Condition. The applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
87. **"(Applies only to over 75' bldgs in CDMU in downtown)"** Additional Conditions Pursuant to Section 23E.68.070.B.3.b.
- A. The applicant shall submit an application for a building permit no later than 180 days after this Use Permit is approved;
  - B. Shall respond to all plan check comments no later than 30 days after they are issued; and
  - C. Shall pay all building permit-related fees promptly when due, and shall commence construction no later than 180 days after being notified of approval of the first building permit. Any extension

of any deadline in this condition shall be subject to approval by the Zoning Officer, except that no deadline for payment of any fees may be extended.

88. "(Applies only to uses and not to construction)" Subject to Review. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
-

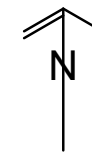


RECEIVE

MAY 21

LAND USE

WALNUT STREET



## PROJECT INFORMATION

OWNER/APPLICANT:  
John Stevick, Elizabeth Scherer & Glen Stevick  
1636 Walnut Street, Berkeley CA 94709  
510-540-6461

**PROJECT: Legalize existing cottage in rear yard of 8-unit apartment building.**

ASSESSOR'S PARCEL NO. 058-217700600  
LOT AREA: 5,479 sq.ft.

GROSS FLOOR AREAS:	Existing	Proposed
Apartments - Main Floor	2,920 sq.ft.	2,920 sq.ft.
Apartments - Upper Floor	2,872	2,872
Shed	312	0
Cottage	0	354 sq.ft.
	6,104 sq.ft.	6,146 sq.ft.

FOOTPRINT:	Existing	Proposed
Apartments	2,964 sq.ft.	2,964 sq.ft.
Shed	312	0
Cottage	0	354
	3,276 sq.ft.	3,318 sq.ft.

PARKING: none  
ZONING DISTRICT: R-4  
FIRE ZONE: 1  
CONSTRUCTION TYPE: V-B (wood-frame)  
FIRE SPRINKLER SYSTEM: none  
OCCUPANCY: R-1 (apartment building) + R-3 (dwelling)

UNIT 1	1 bedroom	590 sq.ft.
UNIT 2	1 bedroom	590 sq.ft.
UNIT 3	1 bedroom	620 sq.ft.
UNIT 4	1 bedroom	620 sq.ft.
UNIT 5	1 bedroom	590 sq.ft.
UNIT 6	1 bedroom	590 sq.ft.
UNIT 7	1 bedroom	620 sq.ft.
UNIT 8	1 bedroom	620 sq.ft.
COTTAGE	1 bedroom	354 sq.ft.



ENLARGED DETAIL  
FROM SANBORN  
MAP BOOK IN  
PLANNING OFFICE

## LIST OF DRAWINGS

- 1 Project Information & Site Plan
- 2 Vicinity Map & Tabulation Form
- 3 Main Floor Plan
- 4 Upper Floor Plan
- 5 East & West Elevations
- 6 North & South Elevations
- 7 Photographs of Cottage
- 8 Photographs of Context
- 9 Photo & Hazardous Waste Statement
- 10 Survey

**NEIGHBORS' STATEMENT:** I HAVE REVIEWED THE PLANS TO LEGALIZE THE 1-STORY COTTAGE CONSTRUCTED IN THE REAR YARD OF 1722 WALNUT STREET.

**NOTE: NEIGHBORS' SIGNATURES WERE SUBMITTED TO LAND USE PLANNING ON 30-Nov-17 DRAWING SET.**

Catherine Roha - Architect  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

**USE PERMIT & VARIANCE APPLICATION**  
Revision 1

Backyard Cottage  
1722 Walnut Street  
Berkeley, CA 94709

Page 1 of 10  
18-Apr-18



**PLANNING & DEVELOPMENT**

Land Use Planning, 1947 Center Street, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)

**TABULATION FORM**

Project Address: 1722 Walnut Street Date: 18-Apr-18  
Applicant's Name: John Stevick, Liz Scherer & Glen Stevick  
Zoning District R-4

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	with old shed <i>Existing</i>	with cottage <i>Proposed</i>	<i>Permitted/ Required</i>
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (#)	8	9	
Number of Parking Spaces (#)	none	none	9
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)			
<b>Yards and Height</b>			
Front Yard Setback (Feet)	apartment building: 11.7'	cottage: 105'	15'
Side Yard Setbacks: (facing property)			
Left: (Feet)	apt: 5.2'	cottage: 2.2'	4'
Right: (Feet)	apt: 3.4'	cottage: 21.3'	4'
Rear Yard Setback (Feet)	apt: 31.0'	cottage: 1'	15'
Building Height* (# Stories)	apt: 2+basement	cottage: 1	3
Average* (Feet)	apt: 29'	cottage: 11'-3"	35'
Maximum* (Feet)	apt: 30'	cottage: 11'-3"	65' w/UP
<b>Areas</b>			
Lot Area (Square-Feet)	5,479 sq.ft.	5,479 sq.ft.	5,000 sq.ft.
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors	6,104 sq.ft.	6,146 sq.ft.	
Building Footprint* (Square-Feet) Total of All Structures	3,276 sq.ft.	3,318 sq.ft.	
Lot Coverage* (%) (Footprint/Lot Area)	60%	61%	40%
Useable Open Space* (Square-Feet)	1,098 sq.ft.	990 sq.ft.	1,800 sq.ft.
Floor Area Ratio* Non-Residential only (Except ES-R)			

\*See Definitions – Zoning Ordinance Title 23F.

Revised: 05/15

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OLD SHED approx. 312 sq.ft.  
per Sanborn Map

BUILDING IS CONSIDERED 3-STORY DUE TO A  
LOW-CEILING STORAGE AREA IN REAR BASEMENT  
ON THIS SLOPING LOT

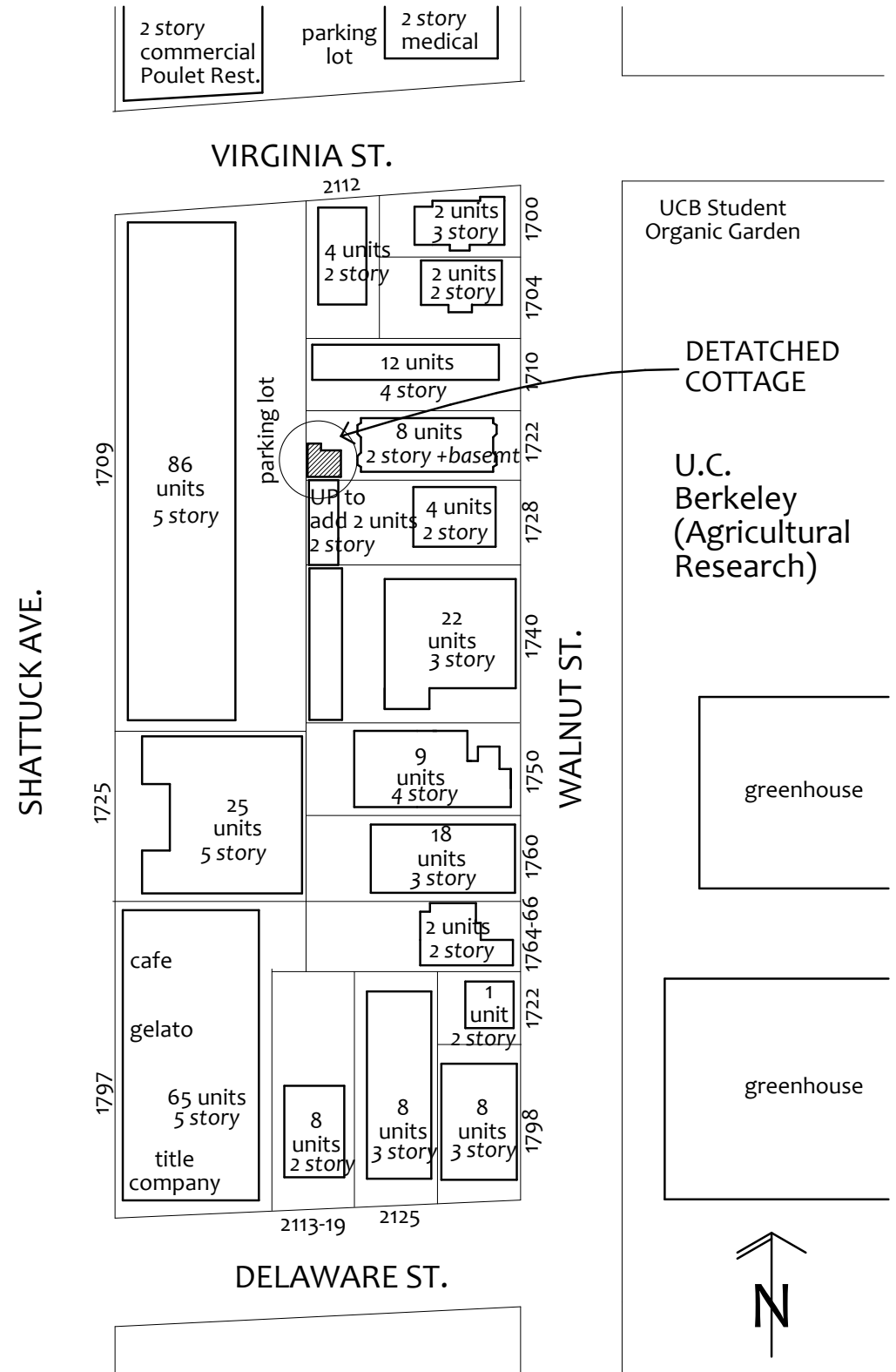
**USE PERMIT & VARIANCE APPLICATION**

Revision 1

**Catherine Roha - Architect**  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

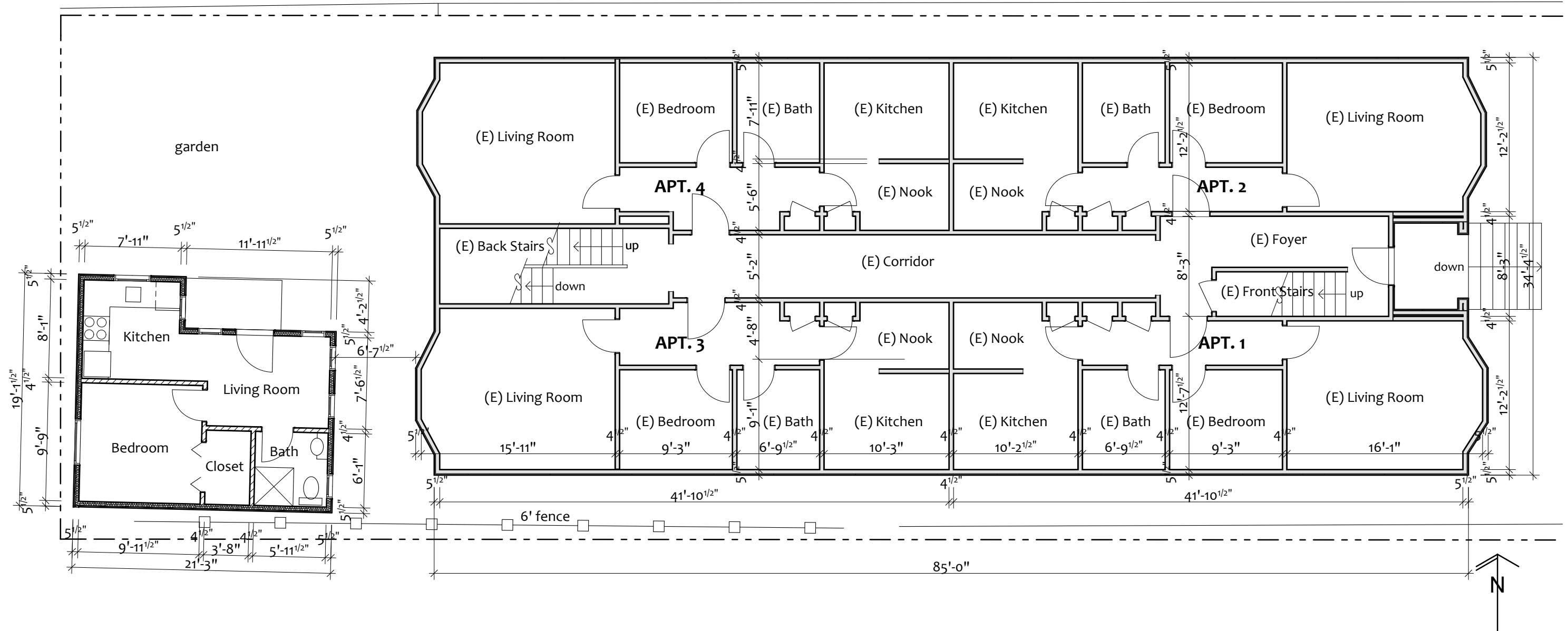
**Backyard Cottage**  
1722 Walnut Street  
Berkeley, CA 94709

Page 2 of 10  
18-Apr-18



**VICINITY MAP**

(E) = existing  
(N) = new



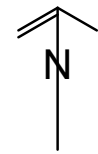
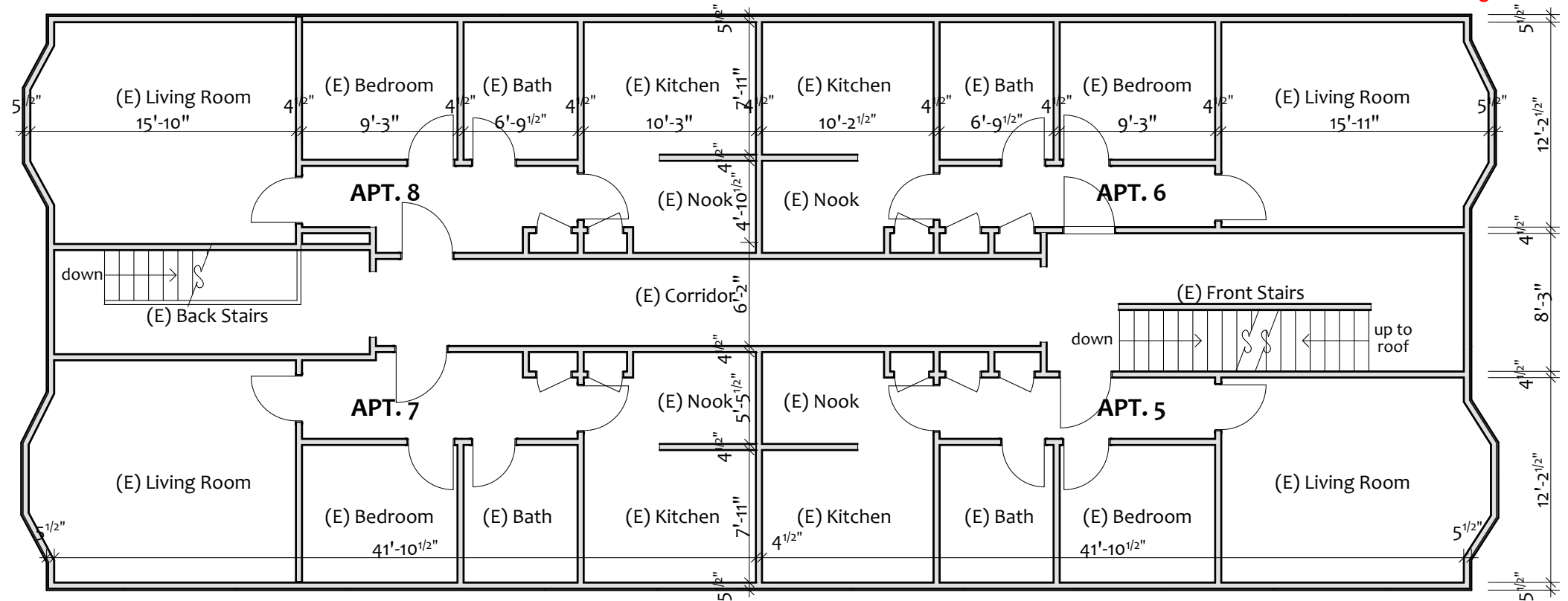
# Main Floor Plan

SCALE: 1/8" = 1'-0"

(E) = existing  
(N) = new

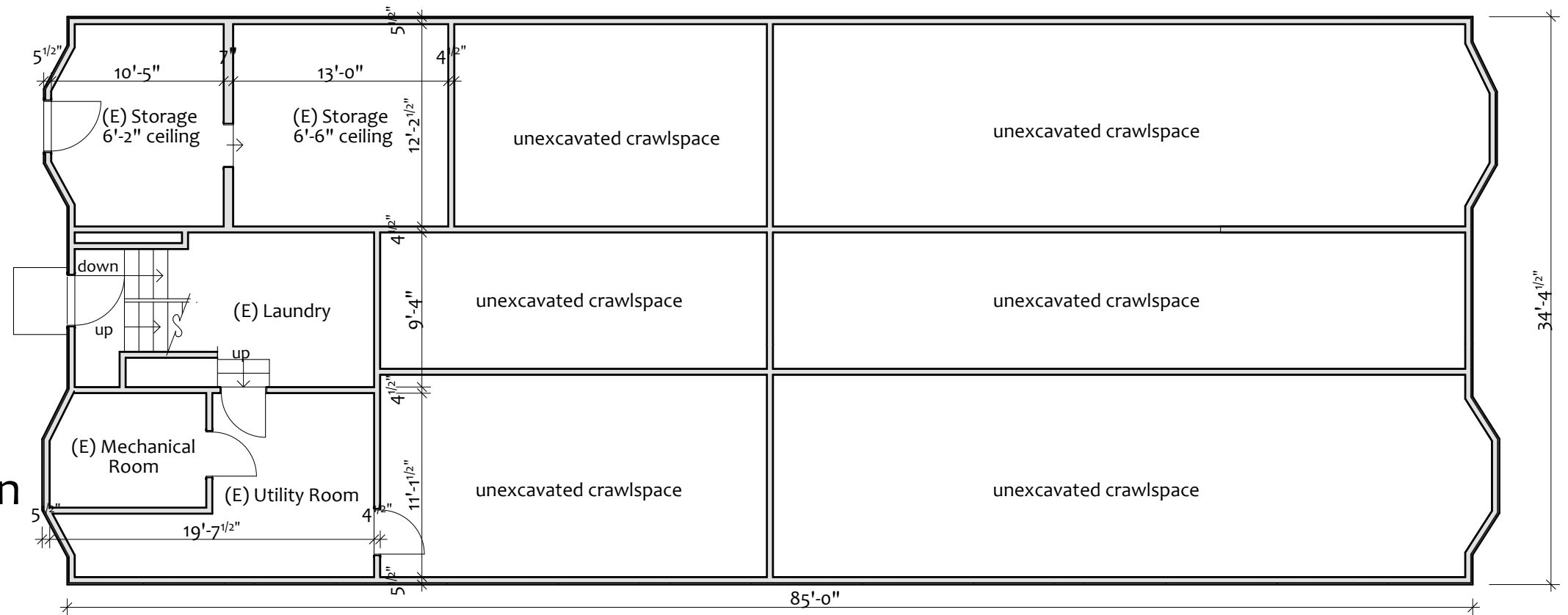
### Upper Floor Plan

SCALE: 1/8" = 1'-0"



### Basement Floor Plan

SCALE: 1/8" = 1'-0"

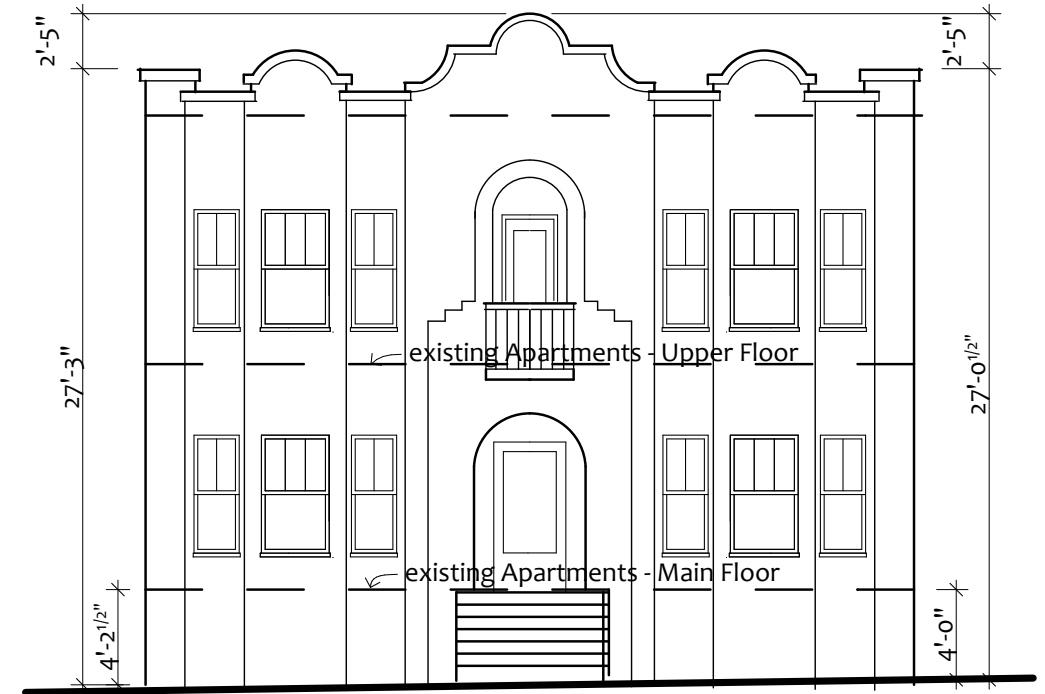






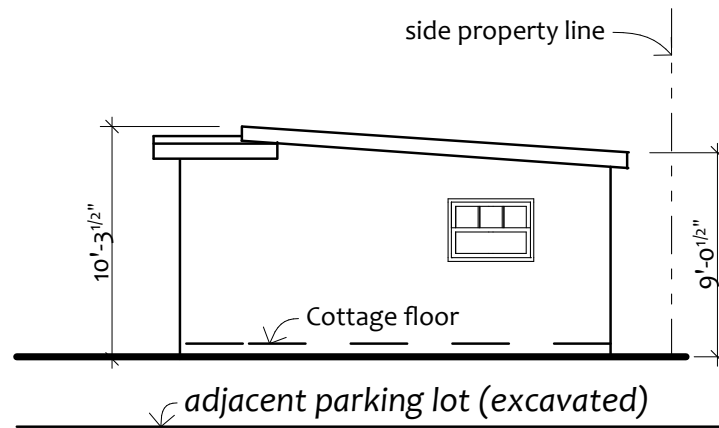
Apartments - West Elevation

SCALE: 1/8" = 1'-0"



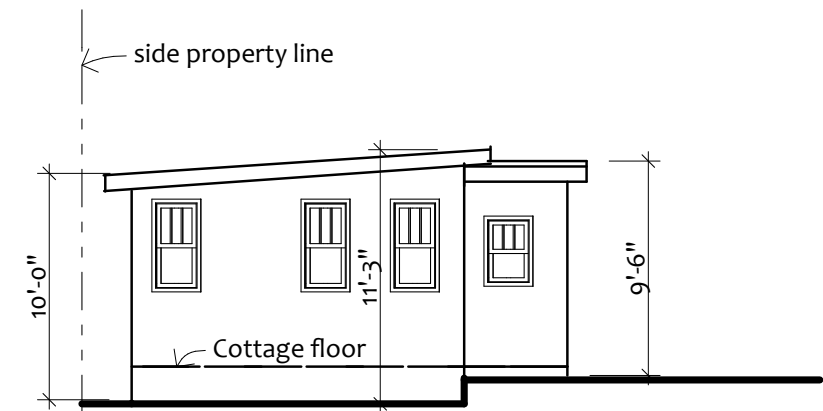
Apartments - East (Front) Elevation

SCALE: 1/8" = 1'-0"



Cottage - West Elevation

SCALE: 1/8" = 1'-0"



Cottage - East Elevation

SCALE: 1/8" = 1'-0"





Apartments & Cottage - North Elevation

SCALE: 1/8" = 1'-0"



Cottage & Apartments - South Elevation

SCALE: 1/8" = 1'-0"



**EAST SIDE OF COTTAGE**



**NORTH SIDE OF COTTAGE**





**CONTEXT OF COTTAGE**

parking lot for  
1709 Shattuck Avenue  
(86 units)



**WEST SIDE OF COTTAGE**



## PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420  
Email: [Planning@ci.berkeley.ca.us](mailto:Planning@ci.berkeley.ca.us)

### II.E. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/>

<http://www.envirostor.dtsc.ca.gov/public/>

<https://geotracker.waterboards.ca.gov/>

#### Applicant's Information:

Name: John Stevick, Liz Scherer & Glen Stevick  
Street Address: 1636 Walnut Street  
City, State, Zip Code: Berkeley, CA 94709  
Phone Number: 510-540-6461

#### Project Information:

Address: 1722 Walnut Street  
City, State, Zip Code: Berkeley, CA 94709  
Assessor's book, page, and parcel number: 058-217700600

#### Specify any list pursuant to Section 65962.5 of the Government Code:

none

Regulatory identification number: \_\_\_\_\_

Date of list: \_\_\_\_\_

#### Applicant's verification:

Signature: Catherine Roha, for the Owner/Applicant Date: 28-Nov-17

1728 Walnut Street

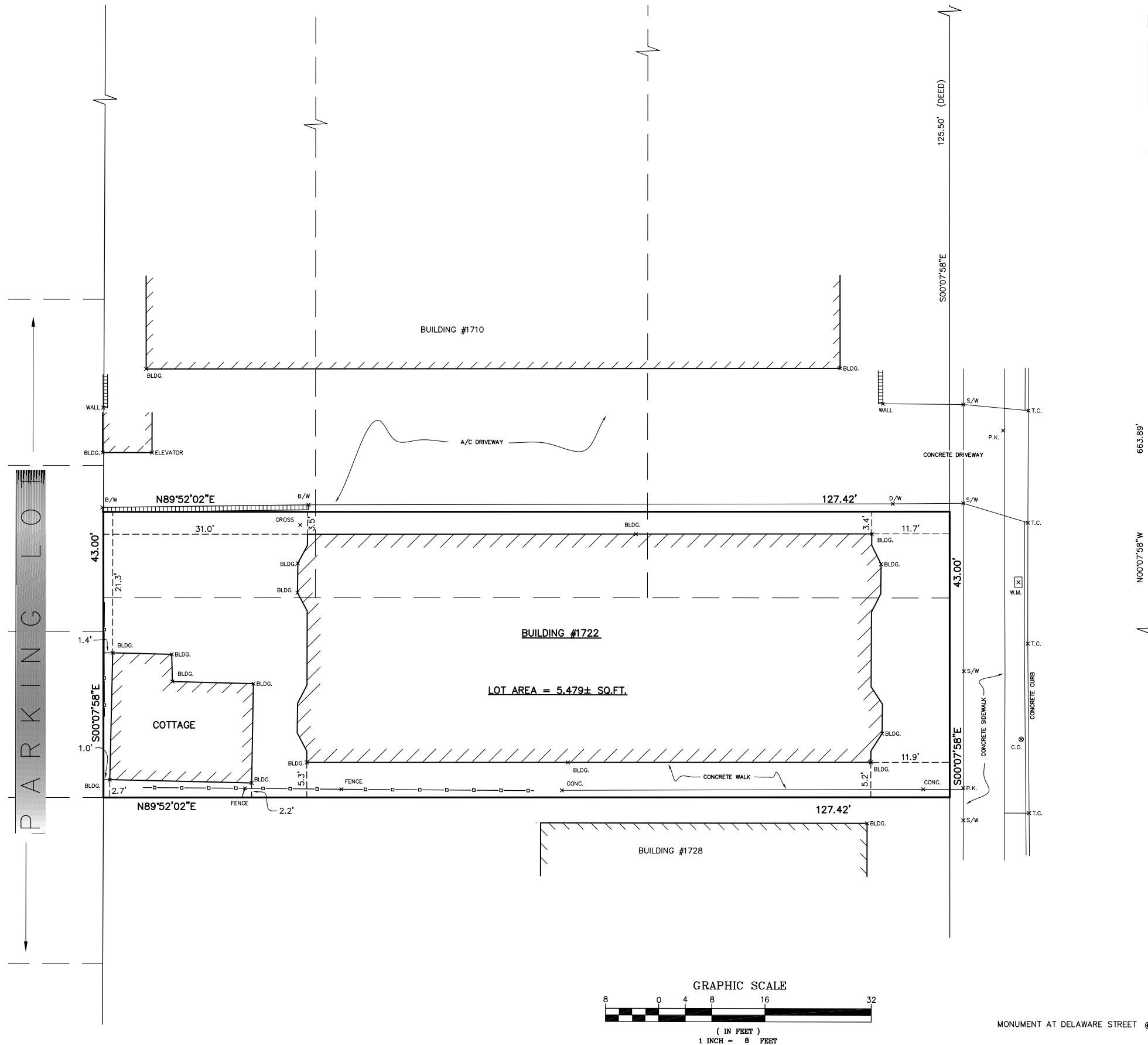
COTTAGE

1722 Walnut Street

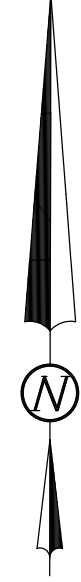


**COTTAGE AT END OF WALKWAY (behind tree)**





WALNUT STREET (60' WIDE ON ANGLE)



**LEGEND**

A/C	ASPHALT/CONCRETE
BLDG.	BUILDING
B/W	BASE OF WALL
C.O.	CLEAN OUT
CONC.	CONCRETE
D/W	DRIVEWAY
P.K.	NAIL
S/W	SIDEWALK
T.C.	TOP OF CURB
W.M.	WATER METER
⊙	FOUND CITY SURVEY MONUMENT

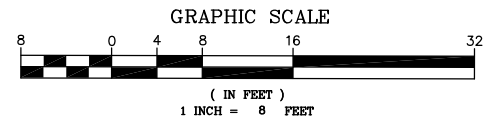
50% REDUCTION

**BUILDING LOCATION SURV**

LOT 18 AND PORTIONS OF LOTS 15, 16 AND 17, BLOCK B,  
MAP OF THE PERCY TRACT (7 M 52)  
LOCATED AT 1722 WALNUT STREET  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA  
SEPTEMBER, 2017 SCALE: 1" = 8'

**MORAN ENGINEERING, INC.**

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









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

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## NOTICE OF PUBLIC HEARING 1722 Walnut Street

**Use Permit/Variance #ZP2018-0021 to permit a ninth dwelling unit on a lot with an existing two-story, eight unit apartment building.**

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on **Thursday, November 8, 2018** at the Maudelle Shirek Building, 2134 Martin Luther King, Jr. Way, second floor Council chambers (wheelchair accessible). The meeting starts at 7:00 p.m.

### PERMITS REQUIRED:

- Use Permit to construct a new dwelling unit
- Administrative Use Permit (AUP) to reduce the rear yard setback for two or more Main Buildings which contain dwelling units
- Administrative Use Permit (AUP) to reduce the required building separation between two or more main building that contain dwelling units
- Variance to decrease the required left side yard setback below minimum requirement
- Variance to further increase the non-conforming lot coverage over the maximum requirement
- Variance to not provide and to further decrease the non-conforming Useable Open Space per dwelling below the minimum requirement
- Variance to not provide the minimum parking requirement (one space) for a new dwelling unit

**APPLICANT:** John Stevick, 1636 Walnut Street, Berkeley, CA 94709

**ZONING DISTRICT:** R-4 Multi-Family Residential

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt under Section 15303 of the California Environmental Quality Act (CEQA) Guidelines ("New Construction or Conversion of Small Structures").

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

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

### **Communication Disclaimer**

- Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

### **Communications and Reports**

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

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

### **Notice of Decision Requests**

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



### **Accessibility Information / ADA Disclaimer**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three

ATTACHMENT 3  
ZAB 11-08-18  
Page 3 of 4

1722 WALNUT STREET  
Page 3 of 4

Posted October 25, 2018

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business days before the meeting date. Please refrain from wearing scented products to this meeting.

**SB 343 Disclaimer**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Permit Service Center, Planning and Development Department located at 1947 Center Street, Third Floor, Berkeley, during regular business hours.

1722 WALNUT STREET  
Page 4 of 4

Posted October 25, 2018

**Notice Concerning Your Legal Rights**

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

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

**Further Information**

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



ENTIRE APARTMENT

## Sunny & Modern 1-BR Cottage in Downtown Berkeley

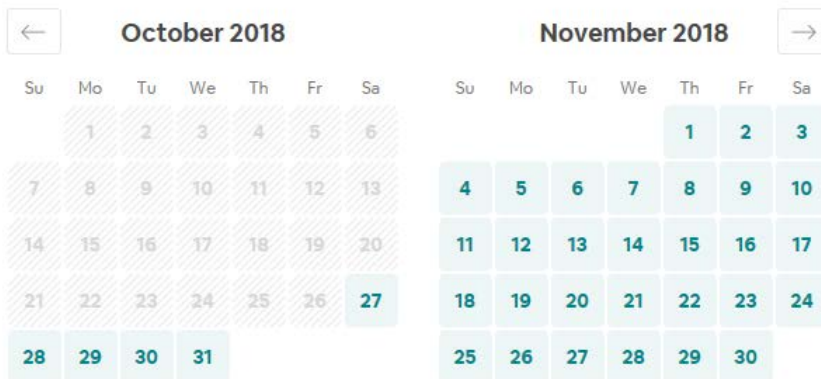


Berkeley

2 guests 1 bedroom 1 bed 1 bath

My place is close to UC Berkeley, Berkeley Cheese Board, Chez Panisse, Downtown Berkeley BART. You'll love my place because of the location, the people, the outdoors space, the ambiance, and the neighborhood. My place is good for couples, solo adventurers, and business travelers.

Updated 17 days ago



\$150 per night · Free cancellation

★★★★★ 4



Lived up to expectations



John was super helpful and responsive, and the cottage is very nicely appointed and modern. Would love to stay there again!

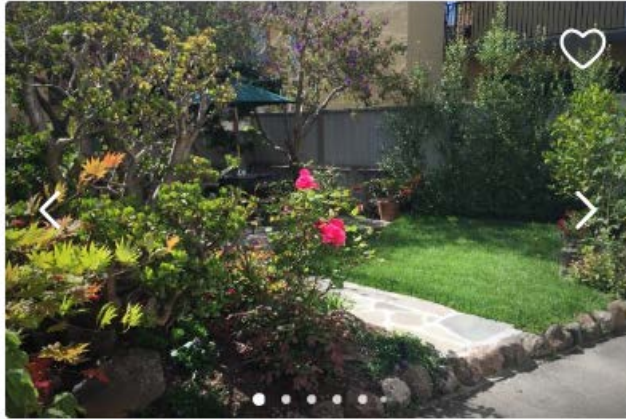


felt welcome, everything was accurate, and nice.



We had a wonderful time here. John's cottage is amazing: clean, private, perfectly furnished and ideally located. The bed is extremely comfo...[Read more](#)

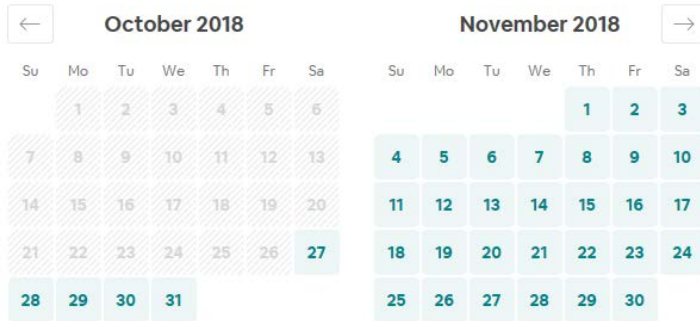




ENTIRE HOUSE · 1 BED  
**Large 1-BR Apartment with Old World Charm**  
\$145 per night · Free cancellation  
★★★★★ 3

Availability

Updated 17 days ago



ENTIRE HOUSE

# Large 1-BR Apartment with Old World Charm

Berkeley



John

3 guests 1 bedroom 1 bed 1 bath

My place is close to Taste of the Himalayas, Thai Delight Cuisine, Cha-Ya, The Green Yogi, Cedar Rose Park. You'll love my place because of the location, the ambiance, the outdoors space, and the neighborhood. My place is good for couples, solo adventurers, business travelers, and families (with kids).

3 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★



Kathryn  
October 2017

John was great at communication from the very start. He was upfront at the fact that I'd have to move units a week into my stay, and I agr...[Read more](#)



Christine  
July 2017

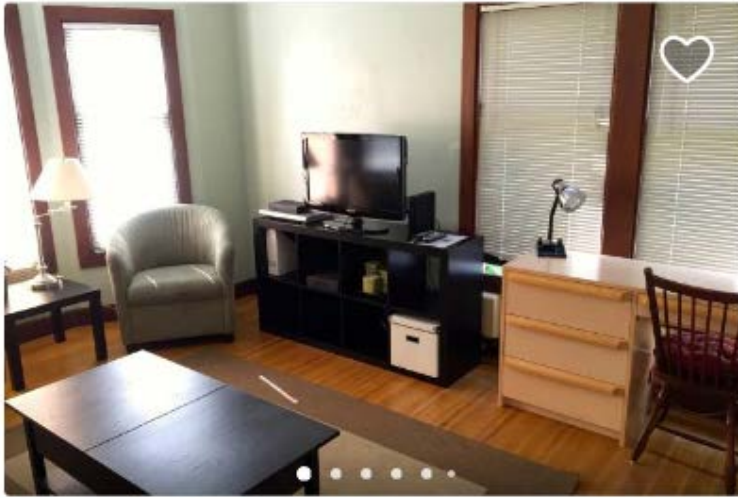
Great spot and a great host!



博雅  
August 2017

The apartment is lovely and very close to the campus(about 10 min's walk). It is in a safe and quiet place. It was very nice of John to pic...[Read more](#)





ENTIRE APARTMENT · 2 BEDS

### Quiet, Sunny Apartment Right by Campus

\$150 per night · Free cancellation

★★★★★ 7

ENTIRE APARTMENT

## Quiet, Sunny Apartment Right by Campus

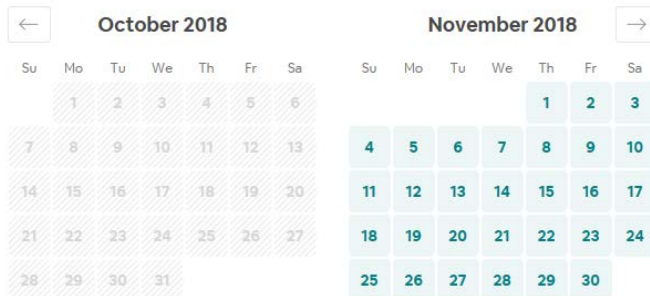
Berkeley



John

#### Availability

Updated 17 days ago



- PAul  
July 2017

Really good host!
- Vivian  
May 2017

Very nice property located within walking distance to the campus. The owner John is very helpful and efficient on all communications. I am...[Read more](#)
- Douglas  
July 2016

I really enjoyed my stay. The property was as described in the listing, was clean, well furnished and tastefully decorated. John met me prom...[Read more](#)
- June  
March 2018

The house is pretty and tidy, well decorated with nice taste. Excellent Location: Safeway, Walgreens,CVS are near. Every Thursday, farmer's ...[Read more](#)
- Diego  
December 2017

The apartment is very comfortable and the location is excellent. John is a great host, he's always there to help you when you need him. Than...[Read more](#)
- Cecilia  
August 2017

John's place is lovely and at a perfect location, I really enjoyed a good time there
- Yan  
August 2018

说实话,房子有点旧了。但是john是个很nice的房东,回复速度很快。很喜欢berkeley安静的生活,有机会会再来



ENTIRE APARTMENT · 2 BEDS  
**Bright, Clean 1BR with Old World Charm**  
\$150 per night · Free cancellation

★★★★★ 8

ENTIRE APARTMENT

**Bright, Clean 1BR with Old World Charm**

Berkeley



John

2 guests 1 bedroom 2 beds 1 bath

My place is close to UC Berkeley, Downtown Berkeley BART, The Gourmet Ghetto, Chez Panisse, Philz Coffee, The Cheese Board, Movie Theaters, parks, and more. You'll love my place because of the location, the ambiance, the outdoors space, the people, and the neighborhood. My place is good for couples, solo adventurers, business travelers, and families (with kids).

**Availability**

Updated 17 days ago

October 2018							November 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

- Gary  
September 2017

Good position, really quiet and safe during the night. The room is old but clean and stylish. John is also a great host who could offer his ...[Read more](#)
- Douglas  
July 2017

Great location, close to the University, Berkeley Lab and great restaurants, and an easy walk to BART. Very comfortable place to stay
- Sarah  
April 2017

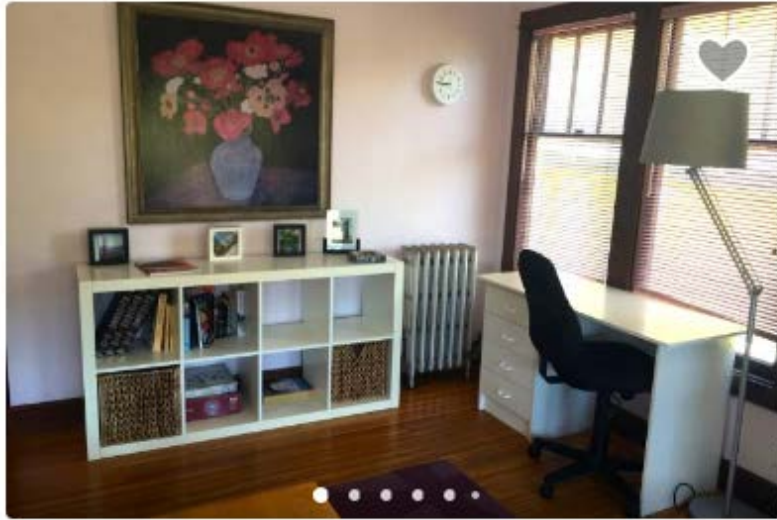
Location is extremely convenient to visit UC Berkeley and downtown Berkeley. Lots of light comes in thru the windows. Charm of on older buil...[Read more](#)
- Brian  
November 2016

Property is nice, bright, clean and wonderfully located. Greeted by the host to receive keys and learn the "lay of the land". It's decorate...[Read more](#)
- Dave  
July 2016

Exceptional experience, perfect location for people who want to visit UC Berkeley and dine in many of the local restaurants. John was very ...[Read more](#)
- Tom  
July 2016

Clean place. Great location. I would and plan to stay here again.
- Lucy  
July 2017

I extend my stay in John's apartment, it does mean something, doesn't it?



ENTIRE PLACE · 2 BEDS

### Cozy North Berkeley Apt in Prime Location

\$150 per night · Free cancellation

★★★★★ 5

ENTIRE PLACE

## Cozy North Berkeley Apt in Prime Location

Berkeley

4 guests 1 bedroom 2 beds 1 bath



John

#### Availability

Updated 17 days ago



Ryan  
March 2018

Great customer service!



Ihnsouk  
January 2018

The location is great and the apt is spacious. In an old building with a bay window overlooking Berkeley student gardens. John is a great ho...[Read more](#)



Hannah  
July 2017

John's place was lovely, cosy, close to campus and close to nice restaurants in the Gourmet Ghetto! He was very hospitable and accommodating...[Read more](#)



Li  
December 2017

Nearly perfect. Close to public transit and shops (Safeway, Trader Joe's). Seven minutes' walk to UCB.



Hanxiao  
August 2018

离伯克利校区比较远; 社区治安非常好; 附近有两家超市, 比较便捷; 房东很热心, 回复也比较及时; 设施如洗衣机需要询问, 投币式洗衣机的很不方便, 只接受25美分硬币; 厨房设施一应俱全; 热水供应充足; 室内光线和照明充足。







ENTIRE APARTMENT

# Spacious 2nd Floor 1-BR Apt in the Heart of Berk!

Berkeley



John

3 guests 1 bedroom 1 bed 1 bath

My place is close to Taste of the Himalayas, Thai Delight Cuisine, The Green Yogi, Cedar Rose Park, and Cha-Ya. You'll love my place because of the location, the neighborhood, the outdoors space, and the ambiance. My place is good for couples, solo adventurers, business travelers, and families (with kids).

\$145 per night

★★★★★ 9

Dates

Check in → Check out

Guests

1 guest



Davit  
May 2018

John was a great host and the place was exactly as I expected. The house is in a great place right in the heart of Berkeley.



Yadnyesh  
March 2018

Perfect location - close to all the restaurants, shops and bars. BART is at walking distance too. Place is one block away from the main stre...[Read more](#)



Yifu  
July 2017

John and his family are very friendly and he is reachable when we have questions. We had a good stay there.



Chris  
March 2017

We had a pleasant time at this condo. The location is unbeatable. A bit old, but this is normal for Berkeley. John is a great host and we ne...[Read more](#)



Ihnsouk  
December 2016

The host canceled this reservation 28 days before arrival. This is an automated posting.



Martha  
December 2016

The host canceled this reservation 7 days before arrival. This is an automated posting.



Mei  
October 2016

The host canceled this reservation 6 days before arrival. This is an automated posting.

### Availability

Updated 17 days ago

October 2018							November 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

**RECEIVED****OCT 31 2018****LAND USE PLANNING**

To ZAB members:

Re: Cottage at 1722 Walnut Street

The garden is much improved and is beautiful. It is much nicer and has improved the quality of life for all residents living in the apartments.

The shed which flooded often attracting mosquitoes and which was unusable by any resident, is now a lovely cottage and the garden has been opened up for all residents to enjoy, relax, read, have tea or sun bathe.

I lived there after the garden was completed and it is beautiful. I used it often and even invited my friends over to sit outside and have lunch, or wine and cheese in the evening.

Looking down on the cottage, the backyard area and garden is much improved. It looks better than it used to because it is not lean to which floods with a corrugated plastic roof where no one can use the space, not even for storage as it was open to the elements and things would get wet or stolen.

The Owners, the Scherer Stevicks, do an amazing job of maintenance. They respond immediately and keep the building immaculate. It is a joy to live there.

I have stayed at 1722 Walnut before and after the back structure was improved, and it became livable space, with the darling cottage being constructed. It is an amazing improvement to the back. I also have had the opportunity to stay in the Cottage. It is very small but has everything one needs. In fact, I always request the cottage and it is my favorite place to stay. You can see the hummingbirds frequently, hear the birds singing, the rose garden is fragrant, the Meyer lemons are delicious, and one can walk to everything downtown and can use public transportation.

Sincerely,

Benjamin Balsmeier

**RECEIVED****OCT 31 2018****LAND USE PLANNING**

To whom this may concern,

Between 2015 and 2017 I had the pleasure of living in Berkeley at the 1722 Walnut Street Apartments. During my time there I found the Garden and Cottage to be a wonderful addition to the community. It provided a tranquil space to gather with friends and family, and also safe space to relax and read while enjoying this beautiful California Weather. Before the cottage was finished the existing structure was tool shed that provided a habitat for rodents and other pests. It also provided an easy target for breaking into by some of the abundant criminal element that exists here in the Bay Area. The Cottage now offers a really wonderful opportunity for additional housing here in Berkeley. Of the places that I have lived in the Bay Area this is the most peaceful and relaxing urban setting I have found. The fruit trees in the Garden and the lunch tables also provide a Community space that allowed many of us living there to socialize and cultivate new friendships.

Hudson Lemon RN





RECEIVED

OCT 31 2018

LAND USE PLANNING

To whom it may concern,

We enjoyed our annual visit to Berkeley in August this year again. This is our tenth visit. The weather in Berkeley is very comfortable and people there are very friendly, so we enjoy ourselves every year.

However, what makes our visit the most enjoyable is Elizabeth's apartment house and cottage. We stayed at her apartments eight times and at her cottage twice. This year, we stayed at her clean and beautiful cottage. It has a very cute garden which one squirrel and two humming birds visited when we were there. They might have smelled the scent of beautiful roses in the garden as we did. It was as if we were in some fairy tale.

Her apartments are clean as well without any house mice or cockroaches. They are well furnished, so we can live in comfort. If anything doesn't function very well, Elizabeth, our landlady, listens to us and tries her best that she can. She is very kind to us. Also, to our happiness, she is very interested in Japanese culture, so we can talk about it. That is a lot of fun.

We are looking forward to seeing her and staying at one of her apartments next summer.



Yours sincerely,

Professor Hemmi and Mrs. Hemmi

**Mendez, Leslie**

---

**From:** Lisa Klug <lisaklug@aol.com>  
**Sent:** Wednesday, October 31, 2018 10:15 AM  
**To:** Mendez, Leslie  
**Subject:** 1722 Walnut Street

Dear Ms. Mendez and Members of the Zoning Adjustment Board:

My name is Lisa Klug. I am the only long-term tenant at [1722 Walnut Street](#), which has been my home for more than two decades. Although there once were many other long-term tenants, there are no longer. There is only one name still on the mailbox panel: my own. Every other tenant is now merely identified by the number of the unit.

Within the past decade, I have witnessed many other changes to the tone of this property. This includes the construction of two additional units: one in the basement on the north side of the building and another free-standing cottage in the backyard. As public records show, there has been no effort to legalize either of these units until now. Both units, however, have had legions of tenants, some of whom I have gotten to know personally, including Hudson Lemon, who lived in the basement rental unit for some time, among others, and who still receives random pieces of mail here.

The construction of the basement unit meant the elimination of a common storage for tenants' bicycles; I previously was given a key to this area and after some time was informed I had to remove my bicycle from this locked room. This part of the basement underwent construction to add a shower, toilet and kitchen. The lock was also changed.

The construction of the cottage also meant changes for tenants, including the demolition of a shelter for trash cans and other storage. In fact, a bike rack in this shelter had been another place we were told we could store bicycles. Once constructed, the new cottage ended that. We were told to store our bicycles in the hallway or our units. A break-in led to theft of these bicycles. And the new cottage took up considerable more real estate of the backyard. After the construction of the cottage, the trash cans were placed next to the southern wall of the building, outside my unit.

In their permit request at the link below, John Stevick incorrectly describes this storage and trash bin shelter as a dilapidated shed. It was never dilapidated. In fact, repeated improvements and updates were made to the shelter; eventually, it was closed off with plywood walls and a door.

[https://www.cityofberkeley.info/uploadedFiles/Planning and Development/Level 3 - PHN/web Walnut%201722 UP 2018-02-06.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_PHN/web_Walnut%201722_UP_2018-02-06.pdf)

This permit request states the new cottage was occupied by tenants for at least six years. Subsequent to the demolition of the shelter and construction of the cottage, winter rains no longer drained properly in the paved area of backyard to the west and south of my unit, where the trash bins were placed. When the area flooded, it

made it difficult for me to reach the trash bins outside without getting my shoes and clothing very wet due to standing water pooling around the cans. I reported this in writing to the landlords.

I also discovered that inside the building, flooding extended to another basement area. This second, previously open and unlocked basement area, is located directly beneath my unit. Here, I was previously permitted to store cardboard boxes after my move-in. (That later changed with no notice. One day I simply discovered they were gone.)

Subsequent to the flooding, I reported a mouse infestation in writing to the landlords. No investigation of mouse holes or potential vector openings occurred and subsequently, my entire apartment became infested over several months with droppings and animal waste. Damage was extensive in my kitchen, bedroom drawers, closets, and to my clothing, living room couch and more. Repeated visits (by my request) that are documented in reports by Ernesto Jacobo of Vector/Environmental led to the identification of multiple potential vector openings around the building.

In addition, repeated visits by Sarah Erspamer of Alameda County Mosquito Abatement led to the identification of multiple potential breeding grounds for mosquitos in three pits of standing water inside the building and outside in a new pit next to the cottage that was partially obscured by a new large potted plant. During this time, the basement area which contained two new pits for sump pumps was locked and marked "no trespassing." A third pit is located in the laundry room area, which remains open to tenants.

Subsequently, many repeat inspections were required by all three parties--Frank Darling, Ernesto Jacobo and Sarah Erspamer--until all their recommendations were completely implemented, as their many written reports show. This was a long and drawn-out process that dragged on for many months. It required many requests and concerted follow-up efforts on my part to make sure these multiple health and safety code and public health recommendations were fully completed to the satisfaction of these inspectors.

Earlier, during construction of the cottage, I raised concerns with the landlords and the contractors, namely Mack Rankin and his son, Randall Rankin, that construction on the property had not been accompanied by any public notice to the neighborhood. I was told both by Rankin and the landlords' adult son, John Stevick, who joined the property as a manager, that all permits had been obtained.

From time to time, I observed the Rankins progress building the cottage. However, my father, who passed in June 2014, was dying. I was also under contract with a publisher to promote my second book, which required travel, so I was very limited in my ability to research and address any potential legal issues concerning construction.

I have since discovered this website, operated by the state, where the Rankins are not listed as licensed contractors:

[https://www2.cslb.ca.gov/serp.html?q=Randall+Rankin&cx=001779225245372747843%3Amdsmtl\\_vila&cof=FORID%3A10&ie=UTF-8&nojs=1&submit.x=0&submit.y=0](https://www2.cslb.ca.gov/serp.html?q=Randall+Rankin&cx=001779225245372747843%3Amdsmtl_vila&cof=FORID%3A10&ie=UTF-8&nojs=1&submit.x=0&submit.y=0)

Subsequent to the mouse infestation, Mack Rankin was engaged to plug three mouse holes I identified in my unit and repair a wall that was falling apart in living room (near where the trash cans had been placed until Frank Darling later required they be moved). On this wall, Rankin hung dry wall. The permit record on the property does not show any permits to hang dry wall in my unit. The permit history does, however, show that molded wood was removed directly underneath my unit. During these and other repairs required to come into compliance with housing code violations, other concerns developed. Repeatedly, I wrote the landlord about air quality, excessive airborne particulate matter, bad odors, theft and damage to my personal property within my unit and incomplete clean-up. I did not receive appropriate response. As a result, I contacted various city offices. Some issues remain to this day.

As I am the only historically rent-controlled tenant in the building, the landlords have extended buy-out offers in writing to me on three occasions. The first two were not in compliance with the Berkeley Tenant Protection Ordinance. Subsequent to my first decline, the landlords communicated in writing with the Rent Board asserting that I presented a health hazard to the building and caused the mouse infestation I described above. After receiving this letter, I requested a housing code inspection. The landlord attended the first inspection by Frank Darling in the company of an attorney representing me. I was found to be doing no wrong. However, a police report shows that within a number of days, the owner called the police with a "5150" about 15 minutes before sunset [Friday evening](#), when I observe the Jewish sabbath, in an attempt to have me detained.

Despite the significant investment of constructing these two additional units, housing code inspections show other repairs and maintenance on the building were neglected over time. At least three housing code inspections on my unit and an adjacent unit, #4, led to approximately 40 violations.

Public record shows one of the owners requesting the legalization of the cottage constructed without permits is former elected rent board official Elizabeth Scherer (1996). [http://www.tenant.net/Other\\_Areas/Calif/berkeley/8roster.html](http://www.tenant.net/Other_Areas/Calif/berkeley/8roster.html)

With her husband, Glen Stevick, Scherer owns and operates other properties in Berkeley. One of them is located at the rear of her home at [1636 Walnut Street](#), but no apartment at this address is listed at the City of Berkeley rental unit listings. A search at [whitepages.com](#) lists tenants in addition to the Stevicks.

As a longterm tenant at [1722 Walnut Street](#) and the witness of numerous questionable actions under state law, local rental ordinances and the Berkeley Tenant Protection Ordinance, I am writing against the proposed ninth unit project at [1722 Walnut Street](#).

Thank you for your attention to this matter,

Lisa Klug  
[1722 Walnut Street, Apt. 3](#)



Planning and Development Department  
Land Use Planning Division

## MEMORANDUM

DATE: November 7, 2018

TO: Zoning Adjustments Board

FROM: Leslie Mendez, Senior Planner

SUBJECT: Use Permit/Variance ZP2018-0021 1722 Walnut Street: Corrections to Staff Report and Findings (Attachment 1)

Staff was made aware that both the staff report and Findings (Attachment 1) that were published in the packet for the above referenced project (Use Permit/Variance ZP2018-0021) were not the final versions.

Below are track change revisions to the staff report. Added text is underlined and deleted text is ~~strikethrough~~.

- On page 8 of the staff report, the final paragraph under Section V. B. Finding #2 should be deleted as follows:

~~*Under the existing legal condition (i.e. eight dwelling units). In addition, is naturally limited to what is lawful (i.e. what zoning allows), and In conclusion, the applicant has not provided evidence that the use of the property in its permitted condition does not preserve the owner's substantial property rights. This finding cannot be made.*~~

- The final paragraph under Section V.B. on page 9 of the staff report should be as follows:

*In summary, the required Variances to approve the illegal dwelling cannot be made as there is no exceptional circumstance on the property (Finding 1), the variance is not necessary for the preservation of substantial property rights (Finding 2), and the project would be generally detrimental (Finding 3).*

The Findings sent out with the packet had the incorrect date, as well as included Conditions that are inapplicable to staff's recommendation to deny the project. For clarification, the corrected Attachment 1 document is attached.



## 1722 Walnut Street Cottage

- One block to AC Transit . . . Five blocks to BART
- Barely visible from tangent properties
- Beautiful example of urban infill with a green garden . . .
- Currently occupied by a UC Berkeley student
- Covers almost same space as the shed it replaced
- Provides NEEDED housing and open space
- Surrounding buildings feature wall-to-wall concrete

## 1722 Walnut Street Cottage

- Much higher density housing exists throughout the block in addition to what is being approved right now on Shattuck and University
- Re-addressing Finding #2: The Granting of this application is necessary for the preservation of the property owner's *right to provide housing where desperately needed*
- The Planning Staff Report states that "*many buildings and sites are non-conforming in the District...*" As the City has and continues to grant non-conforming projects with higher densities and lower open area square footages, we only ask for the same treatment
- By denying approval you are treating us differently than those around us which is fundamentally unfair and unconstitutional

## 1722 Walnut Street Cottage

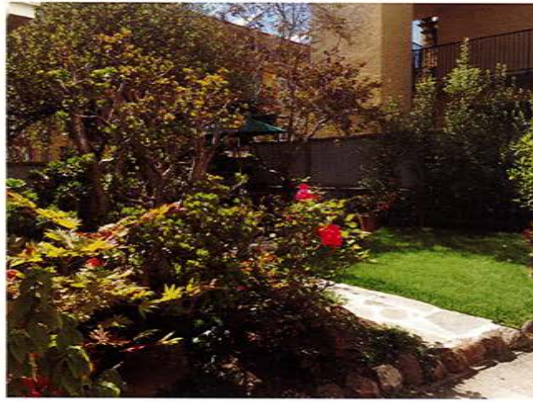
- 1722 Walnut Street is not a hotel
- The average lease is four to six months and many residents stay for years at a time
- Our family has provided housing and jobs for dozens of Bay Area residents including our long-time tenant

SUPPLEMENTAL COMMUNICATIONS - 1722 WALNUT  
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SUPPLEMENTAL COMMUNICATIONS - 1722 WALNUT  
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SUPPLEMENTAL COMMUNICATIONS - 1722 WALNUT  
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November 7, 2017

Re: The Cornell Cottage, 1722 Walnut Street

First, I want to apologize for not acquiring the proper permits when replacing the shed behind our property. I understand my fault and take full responsibility.

Our main intent is to help with the much needed housing crisis in our neighborhood.

We have owned the Cornell Apartments on Walnut Street for over 30 years. It was my first home and both of my sons were born there. My son John, now 28, had his first birthday party in the back yard under the shed with corrugated roofing. That was the first and last time that anyone ever used the shed. Since buying the building in 1978, I dreamed of changing the shed into usable rental space with a beautiful garden for the tenants to sit in and admire. Finally, six years ago, I had the money and time to design and build a beautiful, yet very small cottage. As you can see from the letters, the cottage is unobtrusive and the garden provides a space of peace, quiet, and beauty for all tenants to enjoy.

I have served four years as a commissioner on the rent board trying to dissolve the antagonism between renters and owners. My parents owned rental property and I grew up in the hospitality business, helping greet guests, clean apartments, and helping with the landscaping. It is in my blood. Owners are reliant on renters and renters are reliant on owners and it should be a very symbiotic and friendly relationship, with both sides appreciating the other. I enjoy property management and maintain many close and long-lasting friendships with our renters. My husband has a successful business and employs over 20 people and takes in 5 to 7 engineering interns each summer. Our family businesses serve the community, and the cottage we built is simply does the same.

A close friend working for Mill Creek Developers recently told me that last week, ZAB approved their Berkeley Tower Project 6 to 2. It will have 18 floors, 2 levels of underground parking and approximately 275 rental units. On average, they will cost \$750,000 per unit. The approval came at the cost of a long-enjoyed view, but the housing it provides is more important. ZAB also approved the development of the Modera Acheson Commons for 205 rental units at 2145 University Avenue. These developers do not live in Berkeley, or even California. I have lived here in Berkeley for over 40 years. It is my home. I only wish to contribute to housing as well, but with the small-business, local charm that we have always provided over the years.

Concerning our long-term resident, Lisa Klug, we unfortunately do not have the best relationship. Nonetheless, I and my family have kept a professional relationship. Before the cottage was built, she understandably complained about water accumulating in the back area under the shed. It had cement flooring so the water could not seep through. When the shed was rebuilt into rentable space, we were able to add drainage so that there is never any pooled water. The garden has become a beautiful area for all residents in the building to use and enjoy. Lisa's bay windows looks out on the beautiful garden.

Please refer to the three letters written by residents from the building, two have stayed both in the Cornell Cottage and in the apartment building. Lisa herself expressed her desire to live in the Cottage after it was built. I was hesitant due to a noticed hoarding and am concerned with the potential fire hazard. Lisa has complained to us and everyone in the building about poisoned air, mosquitoes, bugs, roaches, chemicals, noise from the apartment above, and mice infestations. Despite hiring pest control and using air monitors to sense chemicals and particulates, she drilled a hole in the ceramic tile to claim

## SUPPLEMENTAL COMMUNICATIONS - 1722 WALNUT

ZAB 11-08-18

Page 9 of 9

it was chewed out by a mouse. She has refused required annual inspections and tried to get restraining order against us, the owners. When I followed the rent board's advice about her hoarding, she did not clean her apartment but rather began calling city offices regarding unrelated problems and harassing us day and night. We clearly do not have a good relationship, yet we accommodate her professionally. According to her, she has sued at least four people and companies for various reasons since moving into our apartment building, and now we have become her fifth.

I would like to emphasize that we are very attentive managers living one block away on the same street. I now and have always put much love and care into the building at considerable expense. We constantly work to maintain and improve the living space in terms of functionality, aesthetic, and most importantly, safety.

I am requesting approval from ZAB for our small, one-unit project which adds much needed housing to the area. We are in a highly dense residential corridor, surrounded and dwarfed by 4-5 story apartment buildings. The unit is five blocks from BART, and walkable to downtown and many restaurants, shops, cafes, markets, and bakeries. Very few of our residents have cars because they are simply not needed.

I welcome all of you to please come by to see our building, the garden and the darling cottage in the back. I once again apologize for not acquiring the necessary permits but ask that you allow us to use the cottage properly.

Elizabeth Scherer

# ATTACHMENT 1

## FINDINGS FOR DENIAL

NOVEMBER 8, 2018

### 1722 Walnut Street

**Use Permit/Variance #ZP2018-0021 to permit a ninth dwelling unit on a lot with an existing two-story, eight unit apartment building.**

#### PERMITS REQUIRED

- Use Permit to construct a new dwelling unit, under BMC Section 23D.40.030
- Administrative Use Permit (AUP) to reduce the rear yard setback for two or more Main Buildings which contain dwelling units under BMC 23D.40.070.D.1
- Administrative Use Permit (AUP) to reduce the required building separation between two or more main building that contain dwelling units under BMC 23D.40.070.D.2
- Variance to decrease the required left side yard setback below minimum requirement per BMC 23D.40.070.D
- Variance to further increase the non-conforming lot coverage over the maximum requirement per BMC 23D.40.070.E
- Variance to not provide and to further decrease the non-conforming Useable Open Space per dwelling below the minimum requirement per BMC 23D.40.070.F
- Variance to not provide the minimum parking requirement (one space) for a new dwelling unit per BMC 23D.40.080.A

#### I. VARIANCE FINDINGS

Pursuant to Berkeley Municipal Code Section 23B.44.030.B, the City cannot make the findings required by Berkeley Municipal Code Section 23B.44.030.A, and therefore must deny the Variances to: (1) to permit a 2.2-foot side yard setback where a minimum of 4 feet is required for a first story by BMC 23D.40.070.D; (2) to not provide off-street parking space that is required for the new dwelling by BMC 23D.40.080.A; (3) to further increase the existing non-conforming 60% lot coverage to 61% where the maximum is 45% for a property with a two-story building per BMC 23D.40.070.E; and (4) to not provide the required Useable Open Space and further reduce the existing non-conforming open space to 990 square feet, where double that (1,800 square feet) is required by BMC 23D.40.070.F, for the following reasons:

- There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same District:*

The applicant has provided no evidence, nor can staff find evidence of circumstance or conditions that apply to the land, building or use which do not generally apply to land buildings and/or uses in the same District. Neither access to public transportation nor existence of an illegal condition are considered unique or otherwise exceptional or extraordinary. Similarly, due to the age of buildings and the various changes made over time to the Zoning Ordinance, many buildings and sites are non-conforming in this District to varying degrees, including the subject site. This finding cannot be made.

- ii. *The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the subject property's owner:*

Staff interprets property rights as a property owner's ability to use his or her property in a manner consistent with the applicable provisions of the Ordinance; the application cannot be used to support any condition that a property is in, or made to be, that is unlawful. Nor is it related to the financial viability or profitability of a property. The applicant has not provided evidence that the use of the property with its unpermitted condition is necessary for the preservation and enjoyment of substantial property rights. In fact, the property owners purchased, and have managed, a property with eight lawful, rental dwelling units for several years. This finding cannot be made.

- iii. *The establishment, maintenance or operation of the use or the construction of a building, structure or addition thereof, to be approved will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and that the granting of the Variance will promote the municipal health, welfare and safety and benefit the City as a whole:*

One of the purposes of the R-4 District is to "Make available housing for persons who desire both convenience of location and a reasonable amount of Useable Open Space." The project site is currently non-conforming for Useable Open Space and exceeds allowable lot coverage, the proposed project exacerbates both these conditions. The project, therefore, also conflicts with the purposes of the Zoning Ordinance in that it exceed the appropriate intensity of development of land and buildings through excessive lot coverage (BMC 23A.04.030.C) and it does not provide for adequate usable open space or off-street parking (BMC 23A.04.030.E). This Finding cannot be made.

---



ITEM #: 5 ZAB DATE: 11-8-18 ✓

CITY OF BERKELEY  
ZONING ADJUSTMENTS BOARD  
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1722 Walnut ADU  
(Project Address)

NAME Glen Sterick  
(Please Print- to be sure we spell your name correctly)

SUPPORT  OPPOSITION \_\_\_\_\_  
(Optional)

RESIDENT \_\_\_\_\_ BUSINESS OWNER   
OTHER \_\_\_\_\_

SIGNATURE: [Signature]

PHONE 510 540-6461 DATE 11-8-18  
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: \_\_\_\_\_ ✓

CITY OF BERKELEY  
ZONING ADJUSTMENTS BOARD  
REQUEST TO ADDRESS THE BOARD

*applicant*

AGENDA TOPIC 1722 Walnut St.  
(Project Address)

NAME Tahn Sterick  
(Please Print- to be sure we spell your name correctly)

SUPPORT  OPPOSITION \_\_\_\_\_  
(Optional)

RESIDENT  BUSINESS OWNER   
OTHER \_\_\_\_\_

SIGNATURE: [Signature]

PHONE 510 325-5247 DATE 11/8/2018  
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: 11-8-18

CITY OF BERKELEY  
ZONING ADJUSTMENTS BOARD  
REQUEST TO ADDRESS THE BOARD

*applicant*

AGENDA TOPIC 1722 WALNUT ST.  
(Project Address)

NAME CATHERINE ROHA  
(Please Print- to be sure we spell your name correctly)

SUPPORT  OPPOSITION \_\_\_\_\_  
(Optional)

RESIDENT \_\_\_\_\_ BUSINESS OWNER \_\_\_\_\_  
OTHER ARCHITECT

SIGNATURE: [Signature]

PHONE 510-845-1833 DATE 11-8-18  
(In case we would like to contact you)

ITEM #: 5 ZAB DATE: \_\_\_\_\_

CITY OF BERKELEY  
ZONING ADJUSTMENTS BOARD  
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1722 Walnut  
(Project Address)

NAME Liz Scherer  
(Please Print- to be sure we spell your name correctly)

SUPPORT  OPPOSITION \_\_\_\_\_  
(Optional)

RESIDENT  BUSINESS OWNER   
OTHER \_\_\_\_\_

SIGNATURE: [Signature]

PHONE 510-289-3881 DATE 11/8/18  
(In case we would like to contact you)



**Public Testimony Guidelines:**

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

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

ITEM #: 5 ZAB DATE: \_\_\_\_\_ ✓

**CITY OF BERKELEY  
ZONING ADJUSTMENTS BOARD  
REQUEST TO ADDRESS THE BOARD**

AGENDA TOPIC 1722 WALNUT

NAME Lisa Klug (Project Address) (#1009)  
(Please Print- to be sure we spell your name correctly)

SUPPORT \_\_\_\_\_ OPPOSITION \_\_\_\_\_  
(Optional)

OTHER RESIDENT  BUSINESS OWNER \_\_\_\_\_

SIGNATURE: [Signature]

PHONE 510-519-3757 DATE 11/8/18  
(In case we would like to contact you)

*plz do not make public*

ITEM #: 5 ZAB DATE: 11-8-18 ✓

**CITY OF BERKELEY  
ZONING ADJUSTMENTS BOARD  
REQUEST TO ADDRESS THE BOARD**

AGENDA TOPIC 1722 Walnut Cottage

NAME Joe Priest (Project Address)  
(Please Print- to be sure we spell your name correctly)

SUPPORT  OPPOSITION \_\_\_\_\_  
(Optional)

OTHER RESIDENT \_\_\_\_\_ BUSINESS OWNER

SIGNATURE: Joseph Priest

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

ITEM #: 5 ZAB DATE: 11-8-18 ✓

**CITY OF BERKELEY  
ZONING ADJUSTMENTS BOARD  
REQUEST TO ADDRESS THE BOARD**

AGENDA TOPIC 1722 Walnut Cottage

NAME Margrett Lewis (Project Address)  
(Please Print- to be sure we spell your name correctly)

SUPPORT \_\_\_\_\_ OPPOSITION \_\_\_\_\_  
(Optional)

OTHER RESIDENT \_\_\_\_\_ BUSINESS OWNER

SIGNATURE: [Signature]

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

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CITY OF BERKELEY  
ZONING ADJUSTMENTS BOARD  
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NOVEMBER 8, 2018

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totally verbatim record of the proceedings.**

\* \* \* \* \*

>> VICE CHAIR D. PINKSTON: WITH AN EXISTING TWO-STORY UNIT APARTMENT BUILDING, STAFF WOULD YOU PLEASE GIVE US A BRIEF STAFF REPORT.

>> YES, THANK YOU, GOOD EVENING.

A USE PERMIT VARIANCE CP2018-0021 TO PERMIT A 9TH DWELLING UNIT WITH AN EIGHT-STORY UNIT APARTMENT BUILDING.

IT HAS BEEN THERE FOR QUITE SOME TIME.

UNDER RENT CONTROL.

ABOUT SIX YEARS AGO THE PROPERTY OWNER BUILT A COTTAGE, WHICH IS A DWELLING UNIT AT THE REAR OF THE PROPERTY.

THEY WERE REPORTED BY CODE ENFORCEMENT AND SUBMITTED THIS APPLICATION.

THE APPLICATION REQUIRES THE FOLLOWING PERMIT.

WHICH IS A USE PERMIT TO CONSTRUCT A NEW DWELLING UNIT AND ADMINISTRATIVE USE PERMIT TO REDUCE THE REAR YARD SETBACK AND TO REDUCE THE REQUIRED BUILDING SEPARATION BETWEEN TWO MAIN BUILDINGS.

AND IT REQUIRES FOUR VARIANCES.

ONE IS TO DECREASE THE REQUIRED LEFT SIDE YARD SETBACK.

A VARIANCE TO FURTHER INCREASE NONCONFORMING LOT COVERAGE, TO FURTHER DECREASE NON-USEABLE OPEN SPACE FOR DWELLING UNITS.

AND THE VARIANCE TO NOT PROVIDE THE MINIMUM PARKING REQUIREMENT.

AS A STAFF REPORT OUTLINES, FIRST OF ALL, I WANT TO APOLOGIZE, YOU RECEIVED A VERY ODD COPY OF THE STAFF REPORT AND FINDINGS.

THE REVISED WENT OUT IN THE SUPPLEMENTAL INCLUDING A STRIKING OUT OF LAST PARAGRAPH ON PAGE 8 OF THE STAFF REPORT.

THE FINAL PARAGRAPH UNDER SECTION 5D FINDING NUMBER 2. AND THE OTHER CORRECTION IN THE STAFF REPORT IS ON PAGE 9.

THE FINAL PARAGRAPH, THERE SHOULD BE AN ADDED WORD, WOULD, WHICH IS UNDER LINED IN THE SUPPLEMENTAL MEMORANDUM AND A PERIOD INSTEAD OF A COMMA.

SO I APOLOGIZE ABOUT THAT.

THE REVISED FINDING FOR DENIAL WHICH SHOULD HAVE WENT DATE DON'T HAVE CONDITIONS ATTACHED.

SO ANY WAY AS OUTLINED IN THE STAFF REPORT, THE FINDINGS REQUIRED TO APPROVE THE ADMINISTRATIVE USE PERMIT CAN BE MADE BUT THE FINDINGS TO PROVE THE REQUIRED VARIANCES CANNOT BE MADE.

THE FINDINGS ARE THAT ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLYING TO THE LAND, BUILDING OR USE REFERRED TO IN THE APPLICATION WHICH CIRCUMSTANCE OR CONDITIONS DO NOT GENERALLY APPLY TO LAND BUILDINGS AND/OR USES IN THE SAME DISTRICT.

AND AMONG OTHER REASONING, THE EXIST OF THE LEGAL UNIT DOES NOT QUALIFY AS AN EXCEPTIONAL CONDITION. THE SECOND



FINDING THAT MUST BE MADE TO APPROVE EACH VARIANCES THE GRANTING OF THE APPLICATION IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF SUBSTANTIAL PROPERTY RIGHTS OF THE SUBJECT PROPERTY OWNER.

I WANTED TO CLARIFY THAT THE CITY ATTORNEY'S OFFICE INTERPRETS PROPERTY RIGHTS AS THE PROPERTY OWNER'S ABILITY TO USE HIS OR HER PROPERTY IN A MANNER CONSISTENT WITH THE APPLICABLE PROVISIONS OF THE ORDINANCE.

THE APPLICATION CAN NOT BE USED TO SUPPORT ANY CONDITION THAT A PROPERTY IS IN OR MADE TO BE THAT IS UNLAWFUL.

NOR, IS IT RELATED TO THE FINANCIAL VIABILITY OR PROFITABILITY OF A PROPERTY.

THE THIRD FINDING THAT MUST BE MADE IS THAT THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF THE USE OR CONSTRUCTION OF THE BUILDING, STRUCTURE OR ADDITION THERE OF, NOT APPROVED UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE MATERIAL -- EXCUSE ME, MATERIALLY EFFECT ADVERSELY THE HEALTH OR SAFETY OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD AS A PROPERTY OF THE APPLICANT AND NOT UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE BE MATERIAL DETRIMENTAL TO THE PUBLIC WELFARE OR TO PROPERTY IMPROVEMENTS IN SAID NEIGHBORHOOD AND BLAH, BLAH, BLAH.

ANY WAY, STAFF DOES AGREE THE COTTAGE IS ESTHETICALLY PLEASING.

WE CAN'T COMMENT ON THE SAFETY OF IT BUT IT IS  
CONTRARY TO SEVERAL GOALS OF THE DISTRICT.

THE DISTRICT PURPOSES AND STAFF DOES THOUGHT BELIEVE  
FINDINGS CAN BE MADE.

THE FOURTH FINDING AND STAFF DIDN'T FIND ANYTHING  
APPLICABLE.

THAT IS THE BRIEF PRESENTATION I HAVE.

AS YOU KNOW, THERE WAS COMMENTS THAT CAME IN IN THE  
PACKET TO THE WRITING OF THE STAFF REPORT AND SOME CAME IN AFTER  
THE STAFF REPORT WERE PUBLISHED, LETTERS OF SUPPORT THAT WEREN'T  
REFERENCED IN THE STAFF REPORT SO I WANT TO POINT THAT OUT IN  
ADDITION TO THE ONE PHONE CALL I HAD AS WELL AS THE SUPPLEMENTAL  
LETTER IN OPPOSITION SO THANK YOU.

>> VICE CHAIR D. PINKSTON: THANK YOU.

QUESTIONS OF STAFF?

TERESA.

>> T. CLARKE: DID YOU STATE THERE ARE ALL UNDER IN  
CONTROL OR JUST THE 8.

>> THE EIGHTH.

IF YOU WERE TO APPROVE THE 9TH UNITS THAT WOULD BE  
EXEMPT FROM RENT CONTROL AS IT WAS BUILT SIX YEARS AGO.

>> T. CLARKE: REMIND ME THERE IS A SECTION WHERE YOU  
CAN BUILD -- USE AN ACCESSORY BUILDING, RENT IT OUT WITHOUT A  
FULL KITCHEN, DOES THAT APPLY HERE TO THIS ACCESSORY BUILDING IN

THAT CONDITION -- WOULD THAT, IF THIS WAS AN ACCESSORY BUILDING WITH A BATHROOM AND KITCHENETTE, WOULD THIS BE ALLOWED?

>> IF THIS APPLICATION WAS FOR AN ACCESSORY BUILDING THAT COULD BE APPLIED FOR BUT THE PARKING WOULDN'T BE REQUIRED BUT IT WOULD STILL REQUIRE TWO VARIANCES.

ONE WOULD BE THE LOT COVERAGE; THE PROPERTY IS ALREADY OVER LOT COVERAGE AND IT'S FURTHER REDUCING THE LOT COVERAGE AND THE USABLE OPEN SPACE THAT IS ALREADY NONCONFORMING.

SO NO LONGER NEED THE PARKING VARIANCE OR THE BUILDING --

>> T. CLARKE: THIS BUILDING WAS BUILT WITHOUT PARKING, RIGHT?

>> CORRECT.

>> T. CLARKE: DID IT EVER HAVE PARKING?

>> NO.

>> T. CLARKE: IT'S ALWAYS GOING TO BE NONCONFORMING FOR PARKING?

>> CORRECT, THE VARIANCE FOR EXISTS CONDITION WHEN YOU DO NEW CONSTRUCTION YOU ARE SUBJECT TO THE CODE AND NEED --

>> T. CLARKE: EVEN FOR AN ACCESSORY BUILDING?

>> IF THIS PROJECT WERE FOR AN ACCESSORY BUILDING PARKING WOULD NOT BE REQUIRED AND THE VARIANCE WOULD GO AWAY. LOT COVERAGE AND USABLE OPEN SPACE.

>> T. CLARKE: LOT COVERAGE AND USEABLE OPEN SPACE WOULD BE THERE AND ALSO THE SIDE YARD SETBACK?

DO YOU HAVE IT CLOSE TO THE EDGE?

>> WITH AN ACCESSORY BUILDING ONE COULD APPLY FOR ADMINISTRATIVE USE PERMIT TO REDUCE THE SIDE YARD SETBACK.

>> T. CLARKE: WHY IS IT A VARIANCE?

>> THIS IS APPLIED FOR AS A DWELLING UNIT AND IT REQUIRES A FOUR-FOOT SIDE YARD SETBACK AND A 20-FOOT MINIMUM REAR YARD SETBACK, IT ALLOWS YOU TO MODIFY THAT REAR-YARD SETBACK WITH AN ADMINISTRATIVE USE PERMIT.

>> T. CLARKE: IF IT WAS AN ACCESSORY BUILDING APPLIED FOR AS AN ACCESSORY BUILDING, THE ONLY VARIANCES WOULD HAVE BEEN THE TWO?

>> TWO VARIANCES.

CORRECT.

>> VICE CHAIR D. PINKSTON: ANY OTHER QUESTIONS?

ALL RIGHT.

I HAVE A NUMBER OF CARDS ON THIS ITEM.

IS THE APPLICANT HERE?

CAN YOU COME FORWARD AND MAKE A PRESENTATION?

>> I HAVE A QUESTION.

>> VICE CHAIR D. PINKSTON: GO AHEAD, CHARLES, GIVE US A SECOND.

>> C. KAHN: IF WE SUPPORT THE STAFF'S POSITION HERE BECAUSE WE CAN'T APPROVE THE VARIANCES, WHAT HAPPENS?

ARE THEY REQUIRED TO DEMOLISH THE STRUCTURE OR NOT BE ABLE TO HAVE A UNIT?

IT WOULD STILL BE AN ACCESSORY STRUCTURE --

>> NO, IT WAS AN ILLEGAL STRUCTURE BUILT WITHOUT PERMITS, WE WOULD HAVE SAID, NO YOU ARE NOT ALLOWED TO DO THAT.

AS BUILT, THERE IS NO STATUTE OF LIMITATIONS FOR LET LETTING IT BE LEGAL.

IT WOULD NEED TO BE DEMOLISHED TO FURTHER REDUCE THE OPEN SPACE IF YOU WERE TO NOT APPROVE WOULD APPLY WHETHER IT'S A DWELLING UNIT OR NOT.

>> C. KAHN: THE DIAGRAM SUBMITTED BY THE APPLICANT, IS THAT SOMETHING YOU THINK IS INACCURATE?

>> I'M NOT SURE WHAT YOU MEAN BY INACCURATE.

IT'S A LITTLE --

>> C. KAHN: THE MAP REDATES -- THE SAND BORN MAPS PREDATE THE DATED TIME THAT THIS IS BUILT.

>> CORRECT.

THIS WAS A SHED THAT WAS APPARENTLY USED TO STORE BICYCLES.

IF IT WAS NOT OFFICIALLY NOT LEGAL, IF IT WERE THE ZONING DISTRICT AT THAT TIME THE SHED WERE ERECTED, IT EXCEEDS LOT COVERAGES, HOWEVER THAT SHED WAS PROBABLY A BUY RIGHT SHED MEANING LESS THAN 10 FEET IN HEIGHT.

I DON'T KNOW BECAUSE I HAVEN'T SEEN IT SHED.

AND NOT USED FOR HABITABLE PURPOSES.

THE COTTAGE IS LARGER THAN THE SHED WAS.

>> I HAVE ONE MORE QUESTION FOR YOU.



IT ALREADY EXCEEDS WITHOUT THE SHED AND WITHOUT THE COTTAGE, IT EXCEEDS THE LOT COVERAGE AND DOES NOT HAVE ENOUGH OPEN SPACE?

>> CORRECT.

>> THOSE EXIST AND THIS WOULD EXACERBATE THAT, THEY ARE ALREADY WAY OVER?

>> THE NON-CONFORMITY --

>> 60% EXISTING ON LOT COVERAGE, WHAT WOULD BE REQUIRED?

I DON'T SEE THE PERMITTED REQUIRED.

YOU SAY 45, IS THAT PERCENT?

>> YES.

>> BECAUSE THEY ARE 15% OVER WITHOUT IT ALREADY.

>> CORRECT.

>> AND THEY ARE SUPPOSED TO HAVE --

>> TERESA, IF YOU HAVE QUESTIONS, LET'S KNOW WHAT THEY ARE, OTHERWISE LET'S GET THROUGH THE PRESENTATION.

>> VICE CHAIR D. PINKSTON: I THINK MAYBE YOU AND YOUR BROTHER, GLEN AND JOHN, ARE YOU BOTH PART OF THE APPLICANT TEAM. THE SON, OKAY.

ARE YOU HERE AS THE APPLICANT AND THEN YOUR OTHER TEAM MEMBERS, LOOKS LIKE YOUR ARCHITECTURE, ARE THEY A PART OF THE FIVE-MINUTE PRESENTATION?

>> YEAH, LET'S START AND SEE WHERE WE GO.

I HAVE BEEN A BERKELEY RESIDENT SINCE THE '70S.

OWNED THE BUILDING SINCE 1987, MY TWO SONS WERE BORN THERE, JOHN AND JAMES GREW UP THERE.

THE UNIT IN QUESTION IS UNDER RENT CONTROL.

IT BARELY EXCEEDS WHAT THE SHED WAS.

THESE BUILDINGS WERE USED FOR HORSES AND ALL KINDS OF THINGS FROM WAY BACK.

AND IF YOU LOOK, IF YOU TAKE A VIEW OF THIS AREA, WE'RE THE ONLY ONES THAT HAVE ANY GREEN OPEN SPACE AT ALL.

THE BUILDINGS SOUTH OF US, NORTH OF US, WEST OF US, WALL TO WALL CONCRETE, PARKING LOTS, WE'RE THE ONLY GREENERY THIS IS.

A LOT OF THIS IS SIMPLY NOT TRUE.

IN TERMS OF STORAGE, WE HAVE MORE NOW BECAUSE WE DID WITH PERMITS, PAVED THE AREA UNDERNEATH THE BUILDING WITH ROUGHLY 7-FOOT OF CLEARANCE, INCREASED IT A LITTLE BIT.

WE HAVE MORE STORAGE NOW THAN THEN, AT THE SAME TIME WE FIXED THE DRAINAGE HAVE SUMP PUMPS AND IT'S CLEAR.

I URGE YOU TO GO LOOK AT THE BUILDING.

IT'S A BEAUTIFUL COTTAGE.

IT'S THE ONLY GREEN WITHIN 100 YARDS, EVERYTHING ELSE IS WALL TO WALL CONCRETE.

THE UNIT ITSELF, WE HAVE USED IT AS AN ACCESSORY UNIT.

AS LANDLORDS, WE HAVE BEEN LANDLORDS FOR A LONG TIME, YOU THINK YOU APPRECIATE HAVING PEOPLE OR FRIEND DESPERATE FOR A PLACE TO SAY SO YES, WE CONVERTED THE SHED TO A COTTAGE.

WE'RE INVOLVED WITH OUR TENANTS.

WE'RE NOT NEW YORK DEVELOPERS.

THE ONE COMPLAINT, THE ONE OBJECTOR YOU WILL HEAR FROM TODAY OVER THE YEARS WE HAVE HIRED HER TWICE AT MY LABORATORY WHEN SHE SAID SHE WAS DESPERATE FOR MONEY.

THIRD TIME WE STORED HER CAR FOR A YEAR AT MY LABORATORY FOR FREE.

WE LET FRIENDS STAY IN APARTMENTS.

EMPLOY THEM AT MY LABORATORY OR THAT THEM STAY FREE WHEN THEY ARE DESPERATE.

YOU WON'T SEE DEVELOPERS DOING THAT.

WE'RE VERY INVOLVED WITH OUR TENANTS.

I SAID THIS IS WAS A RENT CONTROLLED APARTMENT.

IT IS, WE PAY FEES FOR RENT CONTROL.

WE'RE PROVIDING NEEDED HOUSING.

I THINK WE TURNED IN PICTURES TODAY OF THE TENT CITIES DOWN ON HILLMAN STREET NOT TOO FAR FROM MY LAB.

I TOOK THEM THIS MORNING IN CASE YOU ARE WONDERING.

WE'RE IN DRES ARE DESPERATE NEED OF HOUSING.

IN TERMS OF PARKING, THIS IS ONE BLOCK FROM A MAJOR BUS LINE AND BUS STOP.

FIVE BLOCKS FROM B.A.R.T.

THAT'S WHY THEY CHOOSE THE BUILDING.

NONE OF OUR TENANTS DRIVE.

AND I MIGHT ADD THE STAFF DOES SAY, THEY AGREE IT'S ESTHETICALLY PLEASING AND CURRENT HEIGHT AND MASS HAVE MINIMAL IMPACT ON THE AIR, THE VIEW, THE LIGHT OF ANYTHING IN THE NEIGHBORHOOD. IN FACT, IT'S ALMOST HARD TO SEE BECAUSE OF ALL THE VEGETATION AROUND IT.

IT'S ONE STORY.

IT WAS BUILT HEAVIER THAN USUAL.

I'M AN ENGINEER, I WASN'T INVOLVED WITH THE BUILDING BUT WE WOULD BE MORE THAN HAPPY TO PUT HOLES IN THE WALL SO YOU CAN CHECK EVERYTHING AND REBUILD ANYTHING NOT UP TO CODE.

IN TERMS OF ADDRESSING FINDING TWO, THE STAFF NOTES THAT MANY OF THE BUILDINGS IN OUR AREA ARE NONCONFORMING AND IMPACT THEIR NEIGHBORS AND WE DON'T IMPACT THE NEIGHBORS AND PROVIDE HOUSING.

WE'RE ASKING TO BE TREATED EQUALLY.

WE'RE PROBABLY THE ONLY ONE THAT IS GOING TO COME IN FRONT OF YOU THAT HAVE HELPED WITH TENANTS IN NUMEROUS WAYS, MOST OF THEM ARE LONG-TERM TENANTS INCLUDING WHO IS THERE NOW.

IT WOULD BE A SHAME TO TEAR THIS DOWN.

THIS IS THE UNIT, THIS IS THE BACK YARD.

IT'S MORE GREENER THAN YOU WILL SEE ANY WHERE AROUND THE NEIGHBORING BUILDINGS.

[ BEEPING].

>> VICE CHAIR D. PINKSTON: THANK YOU VERY MUCH.

IF STAFF COULD PASS THROUGH DOWN.

I'M ASSUMING YOU SON AND ARCHITECTURE ARE PART OF THE PROJECT TEAM SO I'M NOT GOING TO -- ALL RIGHT, YOU SHOULD HAVE BEEN PART OF THE FIRST FIVE MINUTES RATHER THAN A SEPARATE SPEAKER BUT WE'LL GIVE YOU A COUPLE OF MINUTES.

>> THANK YOU.

I WAS BROUGHT ON BOARD ABOUT A YEAR AGO.

-- PUBLIC WORKS FOR THIS PROJECT FOR THE APPLICATION.

IT IS A GOOD LITTLE COTTAGE.

I HOPE THAT YOU WILL APPROVE IT BECAUSE IT'S AN MODEST INCREASE TO THE HOUSING AND AN IMPORTANT LOCATION IN BERKELEY.

YES, MY CLIENTS HAVE PAID DOUBLE FEES BECAUSE THEY BUILT WITHOUT PERMITS, STILL HAVE TO GO THROUGH THE PERMIT PROCESS AND MAKE SURE THE STRUCTURE IS BROUGHT UP TO CODE.

THEY WILL BE CHARGED DOUBLE FEES THERE, BUT PROVIDE A VERY MODEST EXTRA DWELLING UNIT AND IT CAN BE AN ACCESSORY BUILDING IF YOU PREFER.

WE CAN DOWNSIZE THE KITCHEN LOOKING AT THE CODE ISSUES WITH THE BUILDING.

LOOK AT THE CONTEXT OF WHERE IT IS.

IT BACKS UP TO THE PARKING LOT FOR AN 86 UNIT BUILDING, BETWEEN A 12 UNIT BUILDING THAT DOESN'T HAVE GREEN SPACE AND THAT WHOLE BLOCK IS FULL OF DENSE HOUSING.

THIS IS A VERY SMALL CONTRIBUTION TO HOUSING NEEDED IN THE CITY OF BERKELEY.

THANK YOU VERY MUCH.



>> VICE CHAIR D. PINKSTON: LIZ SHEER FOLLOWED BY LOIS  
AND JOE.

YOU ARE ALSO WITH THE APPLICANT TEAM?

SORRY, YOU HAD YOUR FIVE MINUTES.

I REALIZE THAT.

IF YOUR PART OF THE DESIGN TEAM YOU --

>> THE PROPERTY OWN.

>> VICE CHAIR D. PINKSTON: YOU ARE THE PROPERTY OWNER.

IF YOU ARE THE APPLICANT YOU GET THE FIRST FIVE  
MINUTES FOR THE APPLICANT TEAM.

>> [OFF MIC] THE APPLICANT.

>> VICE CHAIR D. PINKSTON: OKAY, WE'LL GIVE YOU TWO  
MINUTES AS WELL.

TYPICALLY, WE DON'T FOR FUTURE REFERENCE.

YOUR WHOLE TEAM, MEANING YOU, YOUR ARCHITECTURE AND  
FOLKS, GOT FIVE MINUTES WHICH THE FIRST GUY TOOK.

COME FORWARD FOR TWO MINUTES.

IF ANYONE ELSE FROM THE APPLICANT TEAM IS REMAINING, I  
WILL NOT ALLOW YOU TO SPEAK.

YOU GOT TWO MINUTES, USE IT WELL AND WE'LL KEEP  
MOVING.SHATTUC

>> HI, THANK YOU ALL FOR ACCEPTING OUR APPLICATION.

I WANT TO APOLOGIZE FOR NOT APPLYING THE PROPER  
PERMITS WHEN REPLACING THE SHED BEHIND OUR PROPERTY SIX YEARS  
AGO.

IT WAS MY FAULT AND I TAKE FULL RESPONSIBILITY.

I HAVE BEEN PARENT OF THE BERKELEY COMMUNITY FOR 40  
YEARS.

I HAVE ATTENDED CAL AND STAYED.

MY CHILDREN WERE BORN IN HIS BUILDING AND GROWN UP  
HERE.

1987 I DREAMED OF CHANGING THE SHED INTO USABLE  
RENTABLE SPACE AS A GARDEN FOR THE RESIDENTS TO USE.

THAT HAS GIVEN US INCREASES USABLE SPACE BY PUTTING IT  
IN.

SIX YEARS AGO, I HAD THE MONEY AND TIME TO DESIGN AND  
BUILD A SMALL, ONE-BEDROOM COTTAGE KEEPING THE SAME FOOTPRINT,  
THERE WAS ALSO A FOUNDATION OF A LARGER PLACE THERE PROBABLY IN  
THE EARLY 19 HUNDRED.

THE COTTAGE IS SMALL AND THE GARDEN PROVIDES A SPACE  
OF PEACE, QUIET AND BEAUTY FOR ALL TENANTS TO ENJOY.

A GOOD FRIEND OF MY WORKS FOR MILL CREEK DEVELOPERS HE  
SAID LAST WEEK ZAB APPROVED THE TOWER PROJECT 6 TO 2.

18 FLOORS, 275 RENTAL UNITS AND 750 THOUSAND PER UNIT.

THE APPROVAL CAME AT THE CRUX OF A LONG VIEW BUT THE  
HOUSING IS PROVIDING IS MORE IMPORTANT.

>> MY NAME IS LISA KLUG, LONG TIME RESIDENT OF  
BERKELEY.

I'M THE ONLY SIGNIFICANTLY LONG-TERM TENANT AT WALNUT STREET, I'VE LIVED THERE ALMOST 25 YEARS AND NO ONE ELSE THERE HAS LIVED THERE THAT AMOUNT OF TIME.

MAYBE ONE YEAR MAX, YOU COULD ASK THE LANDLORD.

I'M HERE BECAUSE ALL PUBLIC RECORDS SHOW THAT THE LANDLORD HAS BEEN NOT IN COMPLIANCE IN A NUMBER OF AREAS FOR A NUMBER OF YEARS.

BASED ON PUBLIC RECORDS ALONE, I'M SPEAKING ABOUT THAT TONIGHT, THE PROPERTY OWNERS BUILT AN ILLEGAL UNIT BETWEEN THE BASEMENT LISTED ON THE WEBSITE UNDER ILLEGAL UNITS.

THAT WAS BEFORE THE COTTAGE WHICH WAS BUILT SIX YEARS AGO.

BASED ON THE RENT CEILING, ESTIMATED \$200,000 HAS BEEN GENERATED BY THAT UNIT ALONE DURING THAT TIME PERIOD.

YET, BY THEIR OWN ADMISSION THEIR LANDLORD HAD BEEN RENTING THAT PROPERTY OUT.

THE GREEN SPACE, HE MENTIONED THE AREAS NORTH, SOUTH AND WEST, HE FAILED TO MENTION THE EAST SIDE OF THE BUILDING.

WE FACE THAT GIANT BEAUTIFUL BERKELEY RESEARCH FIELD, INCLUDING ORGANIC GARDEN ON THE CORNER.

SO THE CONCEPT THERE WAS NO GREEN SPACE IN THIS NEIGHBORHOOD IS CLEARLY FALSE.

THERE ARE A NUMBER OF OTHER THINGS I WANT TO BRING UP.

THAT IS DURING THIS SAME PERIOD OF TIME WHILE THE COTTAGE WAS GENERATING ALL THIS MONEY AND BASEMENT UNIT.

>> VICE CHAIR D. PINKSTON: YOU ARE RUNNING OUT OF TIME.

YOU HAVE 12 SECONDS.

>> MORE THAN 50 HOUSING CODE VIOLATIONS, THERE WERE SEVERAL REPEATED SECTOR VIOLATIONS, THERE WERE A NUMBER OF RECOMMENDATIONS BY ALAMEDA COUNTY MOSQUITO ABATEMENT BECAUSE CONSTRUCTION CAUSED FLOODING, DIRECTLY BENEATH MY --

>> VICE CHAIR D. PINKSTON: ARE THESE COMMENTS IN ADDITION BECAUSE WE DID GET YOUR LETTER.

>> EXCELLENT, THE LAST THING I WANT TO POINT OUT, HE IS A MECHANICAL ENGINEER WITH A PH.D. AND ELIZABETH SCHERER WHO ADMITTED SHE DIDN'T FILE THESE PERMITS IS A FORMER ELECTED BERKELEY RENT BOARD OFFICIAL.

THANK YOU.

>> VICE CHAIR D. PINKSTON: THANK YOU.

JOE PRIEST, FOLLOWED BY MARGARET LEWIS AND THEN THAT'S ALL THE CARDS I HAVE ON THIS ITEM.

>> HI, THE COMMENTS I WANT TO MAKE WERE JUST AS A LOCAL BUSINESS OWNER WITH GOOD CREDIT, A LONG COMMUTE, I'M VERY ATTRACTED TO A PROPERTY LIKE THIS THAT HAS AN AT MARKET OR BELOW MARKET RENT.

THERE'S A HUGE NEED FOR THAT HERE AND THERE'S VERY FEW PROPERTIES LIKE THIS.

I JUST WANT TO ALSO POINT OUT THAT, IT'S A VERY ATTRACTIVE, IMMACULATE, VERY SMALL, BUT NICE UNIT.

IT HAS A NICE GARDEN AROUND IT.

I THINK IF ANYTHING IT WOULD BE GREAT IF WE HAD MORE THINGS LIKE THIS IN THE CITY AND WE DON'T.

I THINK TO CONSIDER REDUCING SOMETHING OF THIS QUALITY, SOMETHING OF THIS BEAUTY WOULD BE EXTREMELY UNFORTUNATE.

>> VICE CHAIR D. PINKSTON: THANK YOU.

>> I WOULD LOVE TO DO THIS AS A POTENTIAL LONG TERM RENTAL, I WOULD LIKE TO HAVE THAT OPTION WITH THIS UNIT AND OTHERS LIKE IT.

>> VICE CHAIR D. PINKSTON: THANK YOU.

MARGARET LEWIS?

>> THANK YOU.

I HAVE LIVED WHERE MY HOUSE IN SONOMA.

I AM LOOKING FOR A PLACE TO RENT.

I DO APPRECIATE THAT THIS IS YOUR CIVIC DUTY.

I JUST WANT TO SAY I AM CURRENTLY LOOKING FOR A PLACE.

MY HUSBAND AND I DO THIS LONG COMMUTE, I HAVE TO RETURN HOME TONIGHT AND BE BACK AT WORK IN THE MORNING.

PLEASE CONSIDER THAT WHEN LOOKING AT THE QUALITY.

WHEN THINKING OF THE TYPES OF SITUATIONS AND CIRCUMSTANCES.

I DO EMPLOY SOME PEOPLE.

I HAVE HAD NEED TO PUT PEOPLE IN SHORT-TERM USES AND THEY HAVE COME THROUGH, THESE LANDLORDS HAVE DONE THAT FOR US.



THAT'S PART OF THE REASON MY HUSBAND AND I ARE STILL  
LOOKING.

WE OPTED TO LET SOMEONE GO IN FRONT OF US.

WE WANT TO CONTINUE TO SEE BERKELEY GROW, THANK YOU  
FOR THE HARD WORK EACH OF YOU DOES.

>> VICE CHAIR D. PINKSTON: THANK YOU.

THAT'S ALL THE CARDS I HAVE, SO WE WILL BRING IT BACK  
TO THE ZAB.

I HAVE A QUESTION FOR THE APPLICANT OR WHOEVER IS  
AUTHORIZED TO SPEAK ON BEHALF OF THE APPLICANT TEAM.

CAN ONE OF YOU GUYS COME FORWARD?

A LOT OF YOUR WRITTEN TESTIMONY AND SPOKEN TESTIMONY  
HAD TO DO WITH THE HOUSING SHORTAGE AND THE NEED FOR HOUSING.

AND WHAT WE SEEM TO HAVE IN OUR PACKET ARE EXAMPLES  
HOW THE STUDIO IN PARTICULAR, BUT ALSO UNITS WITHIN THE  
APARTMENT BUILDING ARE MOSTLY RENTED ON SHORT-TERM LEASES.

>> THAT'S NOT TRUE, ACTUALLY.

WE HAVE ONLY RENTED SHORT-TERM WHEN WE ARE FIXING AND  
CONSTRUCTING.

WE HAD TO REPLACE ALL THE PIPES IN THE BUILDING  
RECENTLY, SO WE DO RENT SHORT-TERM WHEN THERE'S CONSTRUCTION AND  
WE ARE TAKING UNITS IN AND OUT OF SERVICE.

WE INTEND TO RENT FOR A MINIMUM OF A YEAR REALLY.

>> VICE CHAIR D. PINKSTON: THANK YOU.

ANY OTHER QUESTIONS FOR ZAB MEMBERS?

>> T. CLARKE: I HAD A QUESTION.

WHAT ARE THE RENTS?

MOST OF THESE HAVE VACANCIES, THEY ARE RENT  
CONTROLLED.

>> THEY ARE ALL RENT CONTROLLED, YES.

>> T. CLARKE: WHAT ABOUT THE BASEMENT UNIT, WHAT'S  
THAT?

>> THE BASEMENT UNIT WE TOOK OUT OF SERVICE, IT'S  
STORAGE.

THERE WERE COMPLAINTS.

IT WAS UNDER RENT CONTROL ALSO.

BUT THAT ONE WAS VERY INEXPENSIVE, UNFORTUNATELY.

>> VICE CHAIR D. PINKSTON: ALL RIGHT.

THANK YOU.

THE STAFF RECOMMENDATIONS HERE IS FOR DENIAL OF THE  
VARIANCES BECAUSE WE CAN'T MAKE OUR VARIANCE FINDINGS GIVEN THE  
SIZE OF THE PROPERTY AND ITS TYPICAL CONFIGURATION.

SO THAT'S THE RECOMMENDATION WE NEED TO TALK ABOUT.

WHO WOULD LIKE TO PICK A THOUGHT?

SHOSHANA?

>> S. O'KEEFE: I HAVEN'T HEARD ANYTHING IN THE  
TESTIMONY THAT ADDRESSES THE VARIANCE FINDINGS AND I DON'T THINK  
WE CAN MAKE THEM.

>> VICE CHAIR D. PINKSTON: OTHER THOUGHTS? TERESA?

>> T. CLARKE: WHAT I WAS THINKING OF WAS THE EXISTING BUILDING AS A HISTORICAL BUILDING.

AND I WANTED TO MAYBE GET CARRIE'S INPUT.

IT SEEMS TO ME THAT PHYSICALLY THIS DOES NOT CHANGE WHAT HAD BEEN THERE IN THE PAST, HISTORICALLY.

AND IN THAT WAY, I THINK IT DOES MEET ONE OF THE CRITERIA BECAUSE WHAT HAPPENED, WE DIDN'T HAVE ZONING CODES, YOU KNOW, WHEN THIS WAS BUILT, RIGHT?

AND HERE WE HAD A BUILDING BUILT WITH EIGHT UNITS AND A SHED IN THE BACK.

OR SOME SORT OF ACCESSORY BUILDING IN THE BACK.

SO TO ME, THAT'S A UNIQUE CIRCUMSTANCE FOR THIS PROPERTY, RIGHT?

BECAUSE YOU HAD A BUILDING THAT THEN LATER ON, A ZONING CODE WAS IMPOSED ON IT.

WHICH DID NOT MATCH.

AND THAT'S WHY IT'S NON CONFORMING AND IT'S AT 60% COMPARED TO 45%.

BUT WHEN IT WAS BUILT, IT COMPLIES WITH EVERYTHING.

WE ARE NOT -- IT SEEMS TO ME, IT'S NOT PHYSICALLY BEING CHANGED VERY MUCH.

THE BUILDING IN FRONT STAYING THE SAME.

WE HAVE A SMALL ACCESSORY DWELLING IN THE BACK.

THAT'S WHERE I THINK IT MAKES SENSE TO LOOK.

BECAUSE TO ME THAT'S UNIQUE.

>> VICE CHAIR D. PINKSTON: LET ME ASK A QUESTION.  
ARE YOU SUGGESTING WE CAN CONTINUE THIS UNTIL WE CAN  
THINK HOW WE MIGHT MAKE THE VARIANCE FINDINGS?

>> T. CLARKE: YEAH, I THINK SO.  
I DON'T KNOW HOW WE COULD MAKE THEM.  
BUT TO ME, I THINK THAT'S WHERE IT IS A UNIQUE  
SITUATION ON THIS PROPERTY.

>> VICE CHAIR D. PINKSTON: OTHER THOUGHTS?  
SHOSHANA?

>> T. CLARKE: I WOULD HATE TO SEE IT TORN DOWN, THAT  
DOESN'T MAKE SENSE.

I KNOW IT WASN'T DONE LEGALLY.  
THEY DIDN'T FOLLOW THE RULES.  
BUT IT DOES SEEM CRAZY IF THAT HAS TO BE TORN DOWN.  
THAT MAKES ME FEEL VERY UNCOMFORTABLE HAVING A  
BUILDING POTENTIALLY TORN DOWN WHICH IS RENT CONTROLLED.

>> VICE CHAIR D. PINKSTON: OKAY, LET'S KEEP MOVING.  
SHOSHANA?

>> S. O'KEEFE: THE BUILDING CODE ISN'T JUST ABOUT  
BUILDING, PHYSICAL OCCUPANCY OF SPACE HASN'T CHANGED MUCH, BUT  
THE USE CHANGED AND OUR BUILDING CODE COVERS USE.

IT WAS A SHED AND IT COULD HAVE REMAINED A  
NON-CONFORMING SHED FOREVER, AND OUR LAWS ALLOW THAT BECAUSE  
THAT'S WHAT IS THERE.

BUT WHEN YOU START INHABITING IT, THAT'S VERY, VERY DIFFERENT USE AND DIFFERENT IMPACT AND OUR ZONING CODE DOES NOT ALLOW THAT.

I ALSO DON'T WANT TO TEAR IT DOWN, IT'S LOVELY.

NONE OF THAT IS RELEVANT.

IN ORDER TO KEEP IT LEGALLY, YOU HAVE TO MAKE THESE FINDINGS.

I WOULD LOVE TO HEAR AN ARGUMENT.

>> VICE CHAIR D. PINKSTON: JOHN?

>> J. SELAWSKY: DID YOU MOVE THIS, SHOSHANA?

>> S. O'KEEFE: NO.

>> J. SELAWSKY: NO?

WELL, I'M GOING TO MOVE THE STAFF RECOMMENDATION BASED ON THE FINDINGS THAT STAFF PRESENTED TO US.

WITH THE SUPPLEMENTAL NOTIFICATION AS WELL.

I HAVE A HARD TIME ACCEPTING SOME OF THE EXPLANATIONS THAT HAVE GONE ON HERE.

AND IN A WAY THAT'S NOT EVEN RELEVANT BECAUSE IT'S AN ILLEGAL STRUCTURE AND THE FINDINGS, WE CAN'T MAKE THE FINDINGS THAT WE NEED TO MAKE AT THIS POINT.

NOW THEY COULD COME BACK WITH OTHER ITERATIONS OF THIS AND POSSIBLY DO SOMETHING WITH IT.

I DON'T WANT TO SEE IT TORN DOWN EITHER.

BUT I DON'T WANT TO GRANT THIS VARIANCE TONIGHT.

>> VICE CHAIR D. PINKSTON: CARRIE?



>> C. OLSON: I'M GOING TO SUGGEST THAT WE CONTINUE IT AND THAT WE ASK STAFF TO WORK WITH THE APPLICANT TO SEE IF THERE IS SOMETHING WE CAN APPROVE.

CLEARLY, I RELY ON SHOSHANA.

WHEN SHE SAYS SHE CAN'T MAKE THE FINDINGS, I BELIEVE HER.

BUT IF WE GIVE STAFF CONFIDENCE THAT WE WOULD LIKE TO BE ABLE TO APPROVE THIS, THEN MAYBE THEY WILL BE ABLE TO BRING BACK SOMETHING THAT WE CAN APPROVE.

AND IF NOT, I'M HAPPY TO GO FORWARD AT THAT POINT AND DO DENIAL.

I DON'T THINK ANY OF US NEED ANY CONVINCING THAT WE NEED MORE HOUSING IN BERKELEY.

THAT'S NOT WHAT WE ARE GRAPPLING WITH.

WE ALL KNOW THAT.

WE KNOW THAT.

WE SIT HERE TWICE A MONTH, WE KNOW THAT.

BUT WE NEED TO HAVE A PROJECT WE CAN APPROVE LEGALLY.

AND THAT MEANS BEING ABLE TO MAKE FINDINGS.

AND STAFF IS REALLY THOROUGH ABOUT GIVING US WHAT WE NEED TO BE ABLE TO MAKE A DECISION.

AND THEY MAY SAY THERE'S NO WAY WE CAN.

BUT I WOULD LIKE TO GIVE IT A CONTINUANCE TO TRY.

>> VICE CHAIR D. PINKSTON: ALL RIGHT.

SO I WILL ASSUME THAT WE NOW HAVE A MOTION TO APPROVE  
AND A MOTION TO CONTINUE.

IS THERE A SECOND FOR THE MOTION TO CONTINUE?  
MOTION TO DENY.

MOTION TO CONTINUE?

>> P. SHEAHAN: I WILL SECOND THE FIRST MOTION.

>> VICE CHAIR D. PINKSTON: BECAUSE WE ALREADY HAVE A  
SUBSTITUTE TO CONTINUE.

>> C. OLSON: WHO SECONDED IT?

>> VICE CHAIR D. PINKSTON: PATRICK.

NOW I'M CONFUSED.

NOW WE HAVE A FIRST MOTION SECONDED TWICE AND MOTION  
TO CONTINUE THAT HASN'T BEEN SECONDED AT ALL.

SO IT DIES FOR A LACK OF SECOND.

>> T. CLARKE: I'M SECONDING IT.

>> VICE CHAIR D. PINKSTON: NOW WE HAVE TWO MOTIONS.

THANK YOU VERY MUCH.

>> T. CLARKE: I BELIEVE THAT THE FINDINGS UNDER NUMBER  
ONE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS  
APPLYING TO THE LAND COULD BE USED BECAUSE OF A  
HISTORICAL -- YES.

>> VICE CHAIR D. PINKSTON: DO WE HAVE TO DISCUSS THIS  
A LOT OR CAN WE TRY TO VOTE ON THE SUBSTITUTE MOTION AND SEE  
WHAT HAPPENS?

>> T. CLARKE: CONTINUE THE PROJECT AND DIRECT STAFF TO FIND, WHAT I WOULD SUGGEST IS A HISTORICAL NON-CONFORMANCE OF THE PROPERTY AND TO FIND THEM -- NOT MY SUGGESTION.

I'M NOT AN EXPERT ON VARIANCE FINDINGS, BUT TO ME THAT'S UNIQUE TO THIS PROPERTY.

>> P. SHEAHAN: I WOULD LIKE TO MAKE A COMMENT BEFORE IT'S CALLED.

>> VICE CHAIR D. PINKSTON: YEP.

>> P. SHEAHAN: I THINK PART OF OUR DUTY IN THIS PARTICULAR CASE IS TO SET ASIDE THE FACT THIS IS EVEN THERE AND TO CONSIDER THIS AS IF IT WERE COMING TO US FOR THE FIRST TIME.

WITH A SHED.

OTHER THAN LET'S SAY PLUS OR MINUS THE SAME FOOTPRINT.

AND YOU KNOW, YOU MAY BE ABLE TO MAKE A FINDING FOR ONE OF THE VARIANCES, MAYBE TWO OF THEM, BUT I AM SOMEWHAT AN EXPERT ON VARIANCES.

I HAVE DONE A LOT OF THEM IN THE COURSE OF MY WORK.

DENY THIS TO ALLOW THE APPLICANT TO COME BACK WITH AN ACCESSORY DWELLING AND THAT COULD BE CONSIDERED.

BUT I'M NOT GOING TO SUPPORT THE CONTINUATION OR ANYTHING OTHER THAN DENIAL.

>> VICE CHAIR D. PINKSTON: OKAY, CHARLES?

DO YOU WANT TO WEIGH IN?

>> C. KAHN: I SUPPORT JOHN'S MOTION.

I APPRECIATE IT'S AN ATTRACTIVE BUILDING, NICELY DONE,  
WITHOUT PERMITS.

BUT I AGREE WITH PATRICK.

HAD THIS BEEN PRESENTED TO US BEFORE THEY BUILT IT I  
WOULD HAVE HAD TO VOTE AGAINST IT.

I AGREE WITH LESLIE THE VARIANCE FINDINGS ARE THERE.

>> VICE CHAIR D. PINKSTON: WHAT I WOULD LIKE TO DO IS  
CALL THE QUESTION ON THE SUBSTITUTE MOTION TO CONTINUE, VOTE  
THAT UP OR DOWN AND SEE WHERE WE ARE ON THE MOTION TO DENY.

>> T. CLARKE: COULD I MAKE ONE MORE ON THE SUBSTITUTE.

IF YOU LOOK ON PAGE OF 7 OF 9 ON ISSUES AND ANALYSIS,  
IT'S THE STAFF REPORT, IT'S UNDER VARIANCES.

WE HAVE FINDING NUMBER ONE.

IT SAYS ARE THERE EXCEPTIONAL OR EXTRAORDINARY  
CIRCUMSTANCES.

I ARGUE THAT YES THERE ARE.

BECAUSE THIS BUILDING WAS BUILT IN A TIME PRIOR TO THE  
ZONING CODE BEING IMPOSED ON IT.

SO THAT TO ME IS EXCEPTIONAL FOR THIS PARTICULAR  
PROPERTY.

IF YOU LOOK AT FINDING NUMBER TWO, THE GRANTING OF THE  
APPLICATION IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF  
THE SUBSTANTIAL PROPERTY RIGHTS.

SO THAT ONE I'M NOT SO CLEAR ON HOW THAT WORKS.

>> VICE CHAIR D. PINKSTON: PRETTY MUCH, YOU CAN'T MAKE THAT FINDING.

>> T. CLARKE: I DON'T KNOW IF YOU HAVE TO MAKE ALL THREE.

>> YOU DO.

>> T. CLARKE: THEN YOU LOOK AT NUMBER THREE.

PERHAPS THE OWNER HAS TO WORK ON FIGURING OUT A WAY TO MAKE THAT CASE ON THAT ONE.

NUMBER THREE, THAT ONE SEEMS IT COULD BE MADE BECAUSE THERE'S NO MATERIAL EFFECT THAT'S ADVERSE IN THE NEIGHBORHOOD THAT I COULD SAY BY APPROVING THIS.

IT'S REALLY NUMBER TWO THAT I THINK, I DON'T KNOW IF THERE ARE HISTORICAL DOCUMENTS.

>> VICE CHAIR D. PINKSTON: LET'S SEE IF THERE'S ANY TRACTION ON THE MOTION TO CONTINUE.

WE HAVE A MOTION TO CONTINUE, MOVED AND SECONDED.

ALL THOSE IN FAVOR TO CONTINUE THIS ITEM, SAY AYE.

I HEAR TWO VOTES.

MAYBE WE SHOULD DO A ROLL CALL JUST SO WE AREN'T CONFUSED.

>> THIS IS TO CONTINUE.

>> J. SELAWSKY: THIS IS FOR CONTINUANCE NO.

>> CLARK, NO.

CLARKE NO.

WRIGHT NO, SHEAHAN NO, PINKSTON NO.



>> VICE CHAIR D. PINKSTON: THE MOTION TO CONTINUE FAILS, THE NEXT MOTION IS TO DENY TO FOLLOW THE STAFF RECOMMENDATION, PLEASE CALL THE ROLL.

>> SELAWSKY YES.

CLARKE NO.

WRIGHT YES.

O'KEEFE YES.

OLSON YES.

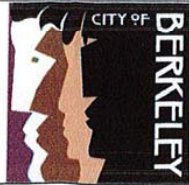
SHEAHAN YES.

KAHN YES.

VICE CHAIR PINKSTON YES.

>> VICE CHAIR D. PINKSTON: ALL RIGHT.

SO WE DENIED YOUR REQUEST FOR VARIANCES TO KEEP THE COTTAGE AND THAT DECISION IS APPEALABLE TO THE CITY COUNCIL, IF YOU SO CHOOSE.



# I. ZONING PROJECT APPLICATION FORM

(This box for staff use only.)

ZP201 8-0021 PLN201 \_\_\_\_\_  
 Administrative Use Permit  
 Use Permit / Variance  
 Modification of any of the Above  
 Pre-Application  
 Intake Planner: JF

DATE STAMP HERE  
**RECEIVED**  
 JAN 29 2018  
**LAND USE PLANNING**

• **Project Address:** 1722 Walnut Street Unit/Suite #: \_\_\_\_\_  
**Project Description:** The legalization of an existing cottage in the rear of the property

• **Property Owner Name:** Elizabeth Scherer and Glen Stevick  
**Owner's Mailing Address:** 1636 Walnut Street  
**Phone #:** (570) 540-6461  Home  Mobile  Business **E-mail:** lizstevick@gmail.com

• **Applicant Name** (or write "same"): John Stevick  
**Applicant's Mailing Address:** 1636 Walnut St.  
**Phone #:** (570) 325-5247  Home  Mobile  Business **E-mail:** john.stevick@gmail.com

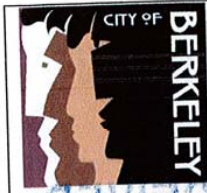
**For projects involving only the following four items and none of the items on pages 2-3 of this form, please refer to the handout indicated in the right-hand column instead of filling out this form.**

1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?	Refer to the "Condominium Conversion Procedures: Guide for Applicants"
2. Demolition of, or exterior alterations to, a designated City of Berkeley Landmark, Structure of Merit, or structure in a City Historic District (or interior alterations to such buildings if publicly owned)?	Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements"
3. Application to designate a City Landmark, Structure of Merit or Historic District?	Refer to the "Landmark, Structure of Merit or Historic District Designation Form"
4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District?	Refer to the Design Review Submittal Packet

Continued on Page 2

**PLANNING & DEVELOPMENT**  
 Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> Floor, Berkeley, CA 94704  
 Tel: 510.981.7410 TDD: 510.981.6903  
 Fax: 510.981.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)





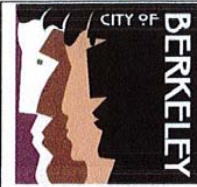
# I. ZONING PROJECT APPLICATION FORM

## Submittal Requirements Checklist – Instructions

1. Complete the checklist below and **sign the bottom of page 3.** (Owner must also sign, or provide a letter authorizing the applicant to sign on the owner's behalf.)
2. For each question for which you check "yes", review the Zoning Project Submittal Requirements to learn more and to provide the item indicated in the right-hand column.
3. **Submit a pdf copy of the entire application, along with the paper application to the Planner at the Permit Service Center, Zoning Counter.**

Does the project include:	No	Yes	Handout / Application Requirement
1. Any work requiring an Administrative Use Permit, Use Permit, Variance, or Modification of any these permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Required For All Projects
2. Any new structure(s), addition(s), demolition(s), exterior alteration(s), or change(s) of use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Required For All Projects Involving Construction
3. A new main building, OR a new accessory building/structure or main building addition within 2 feet of a required setback?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Boundary/Topographic Survey
4. More than 50 cubic yards of grading?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Grading Plan
5. A request to waive or reduce required parking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Survey
6. (1) a building over three stories in height, (2) a Density Bonus, (3) an FAR over 2.0, (4) over 10,000 sq. ft. of gross floor area; OR any wireless installation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photo Simulations
7. A new main building or an addition exceeding 14 feet in average height in the 'H' Overlay District?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Section Drawings Story Poles
8. A new main building or an addition exceeding 14 feet in average height on a site adjacent to a residential use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shadow Study
9. A new main building (except accessory buildings/structures)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Street Strip Elevation
10. Creation of (1) 5 or more dwelling or live/work units, or (2) additional condominium units resulting in 5 or more condominium units on the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Housing Affordability Statement Applicant Anti-Discriminatory Housing Policies
11. Under Government Code Section 65915: a. A request for a Density Bonus? b. A request for any concessions or incentives in addition to a Density Bonus?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Housing Affordability Statement Additional Incentives or Concessions Documents
12. Creation of (1) 10 or more dwelling units, (2) 5,000 sq. ft. of floor area, OR (3) 25 or more peak hour vehicle trips (based on ITE trip generation rates)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Traffic Impact Analysis
13. Creation or replacement of 2,500 square feet or more of impervious surface area? (Includes additions and new buildings but not routine maintenance and re-surfacing).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stormwater Requirements Checklist
14. Any new dwelling unit(s), or addition or renovation of 10,000 sq. ft. or more of non-residential space?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Green Building Checklist Energy Efficiency Analysis (nonresidential mixed-use only)
15. 2,500 sq. ft. or more of new landscape area or 2,500 sq. ft. or more of rehabilitated landscape?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Berkeley Water Efficient and Bay Friendly Landscape Requirements
16. A new building on a site with a history of soil and/or groundwater contamination or within Environmental Management Areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Phase I or II Assessment
17. A new building or addition in a liquefaction, landslide, or fault zone shown on the "Environmental Constraints Map"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Seismic Hazard Investigation
18. Federal funding, either directly or through the City of Berkeley Housing Trust Fund?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Area of Potential Effects (APE) Statement
19. A new business, or a new commercial space with tenant/operator already selected? (Does not include home occupations.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Zoning Use Questionnaire





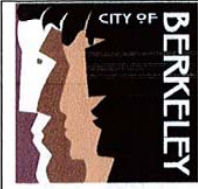
# I. ZONING PROJECT APPLICATION FORM

You must disclose whether or not any of the following are true of the project:	No	Yes
<ul style="list-style-type: none"> <li>Over 7,500 square feet of office, retail, restaurant, hotel, lodging, manufacturing, light industrial, research and development, warehouse or storage? If so, Affordable Child Care and Affordable Housing Fees apply. Refer to Council Resolutions #66,618-N.S. &amp; #66,617-N.S.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Any new commercial or industrial building, more than five or more Dwelling Units; or an addition or more than 10,000 square feet. If so, Percent for Public Art on Private Projects Program applies, per BMC Chapter 23C.23.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Project involves the elimination or rehabilitation of any dwelling units, and/or are any of the dwelling units on the property controlled rental units? If so, your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Construction activity within the drip line of a Coast Live Oak tree with circumference over 18" at 4'-6" above ground (or 26" aggregate circumference for multi-trunked trees)? If so, the Moratorium on the removal of Coast Live Oaks Ordinance applies, per BMC Chapter 6.52.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Removal of 25% or more of a main building's exterior walls and roof (including replacement of existing structural members)? If so, the Demolition Ordinance may apply, per BMC Chapter 23C.08.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Smoke Shops or Drug Paraphernalia?</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Cultivation, Distribution, Manufacture or Sale of Cannabis?</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Demolition or substantial change of a building &gt;40 years old? If so, the Demolition Ordinance will apply, per BMC Chapter 23C.08, as well as Section 15300.2 of the CEQA Guidelines.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Construction on a parcel that is within 40' of an open creek or 25' of a culverted creek? If so, the Preservation and Restoration of Natural Watercourses Ordinance applies, per BMC Chapter 17.08</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Under penalty of perjury, I certify that:  
**(1) the above information is true and complete to the best of my knowledge, and**  
**(2) the attached paper and electronic copies of this application are the same.**  
 (\*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications.)

Applicant Signature: John Sterick  
 Printed: John Sterick  
 Date: 1/28/18

Owner's Signature: Elizabeth Scherer  
 Printed: Elizabeth Scherer  
 Date: 1/28/18

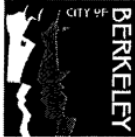


# I. ZONING PROJECT APPLICATION FORM

*(This page is for staff use only.)*

Zoning District(s):

Zoning Section	Description
1. 23 <u>D 40.070</u>	UP/AUP to <u>OVER coverage</u>
2. 23 _____	UP/AUP to <u>over density</u>
3. 23 _____	UP/AUP to
4. 23 _____	UP/AUP to
5. 23 _____	UP/AUP to
6. 23 _____	UP/AUP to
7. 23 _____	UP/AUP to
8. 23 _____	UP/AUP to
9. 23 _____	UP/AUP to



**CITY OF BERKELEY**

Permit Service Center  
1947 Center St, 3rd floor  
Berkeley, CA 94704

**Receipt Date:**

1/29/2018

**Receipt Number:**

510336

**RECEIPT  
ZP2018-0021**

**Applicant Information**

John Stevick  
1636 WALNUT ST  
BERKELEY CA 94709-1606

**Property Information**

Parcel Number: 058 217700600

**Project Information**

Type: Planning  
Group: Zoning Permit  
Category: NA  
Sub-Category: NA

**Location**

1722 WALNUT St  
BERKELEY, CA 94709

Project:

Work Description: Legalizing and a 9th unit on a property that is over coverage, over density, and lacking in usable open space.

<b>Payor:</b> SCHERER ELIZABETH A & STEVICK	<b>Payment Status:</b> Paid	<b>Date Printed:</b> 1/29/2018
<b>Cashier:</b> RASMITH	<b>Payment Method:</b> Check	<b>Check #:</b> 2865
<b>Fees:</b>		<b>Amount</b>
UPPH060 - UPPH: Additional Use Permit (on same project)		\$400.00
UPPH010 - UPPH: Base Tier 1 (all other projects)		\$3600.00
UPPH070 - UPPH: ZAB Public Hearing Fee		\$1025.00
RM - Records Management		\$50.00
ADDCPF - Community Planning Fee (15%)		\$600.00
<b>Property Address:</b> 1722 WALNUT St BERKELEY, CA 94709	<b>Total:</b>	<b>\$5675.00</b>



**Applicant Statement**

1722 Walnut Street  
Rear Cottage Legalization Application  
January 28, 2018

To the City of Berkeley,

1722 Walnut Street features a historic 1930s two-story, 8-unit apartment building covering the majority of the lot.

I personally grew up on the property (Apt. #5) from birth through the age of 5. My family then moved less than a block away, to 1636 Walnut Street. As a team, we have taken great pride in managing the property throughout the years.

The building is entirely comprised of one-bedroom apartments and is now occupied by a majority of UC Berkeley postdocs, faculty, and professors.

Six years ago, my family and I converted the space occupied by a dilapidated shed to a small one-bedroom cottage. The shed had been overgrown with weeds and flooded often. The decision for the replacement improved the beauty of the backyard and allowed us to provide an additional housing unit to local supply. Like the majority of the other one-bedroom apartments, the cottage has served as housing to graduate students, faculty, and professors over the years.

1722 Walnut Street is shadowed by a 12-unit property immediately to the north, and an 84-unit apartment complex immediately west. Recently the four-plex, immediately south, was approved for two additional two-story units in the rear. These looming buildings, coupled with the immediate proximity to campus, downtown, and transportation nodes, reflect the high-density and pedestrian-oriented status of the neighborhood.

The rear cottage in question is a small one-bedroom unit that not only adds to the beauty of the backyard, but to the housing supply as well. As the area is in such short supply of housing, we would very much like to see this unit, which has already been in use for the past six years, be allowed to stay on the market.

We understand that we are over lot coverage, however, this was the case before our family purchased the property as the previous shed was of similar square footage to the now existing cottage.

The cottage compliments the garden well and makes the area more inviting for all residents to enjoy a book or relax in. No longer burdened by a dilapidated shed, the rear area is a place where we can more often find our residents passing time. As stated before, the cottage has been there for the past six years. The previous residents of the cottage have thoroughly enjoyed their time there and, to date, we have only heard positive comments from the surroundings residents.

We feel that we are providing a much needed dwelling unit to the area and hope to work with the City of Berkeley to bring the unit into full compliance with codes and standards.

Thank you for your time and consideration,

The Stevick Family

Please contact John Stevick if any questions:  
(510) 325-5247  
john.stevick@gmail.com

1/28/2018

Gmail - 1722 Walnut Street: Cottage Legalization Process - Thank you



John Stevick <john.stevick@gmail.com>

---

## 1722 Walnut Street: Cottage Legalization Process - Thank you

1 message

---

**John Stevick** <john.stevick@gmail.com>  
To: Sara Kaplan <sarakap@gmail.com>

Sun, Jan 28, 2018 at 9:55 PM

Sara,

I wanted to thank you again so much for allowing me access to pass out flyers about our cottage legalization efforts as well as the informational meeting notice back on 1/15/2018 to all the residents of 1709 Shattuck Ave and 1710 Walnut Street.

We held the informational meeting this past Saturday (1/27). Only one person attended, Linda Hunt (resident of 1709 Shattuck Ave - Apt 314). She was very friendly and just wanted to introduce herself. We talked mostly about family and she was able to sign her signature of support before leaving which means a lot to us.

Thank you so much,  
John

--

John Stevick  
[john.stevick@gmail.com](mailto:john.stevick@gmail.com)  
(510) 325 5247

**Neighborhood Interest Project Notification Efforts**

1722 Walnut Street  
Rear Cottage Legalization Application  
January 28, 2018

To the City of Berkeley,

As the legalization of the cottage in the rear of 1722 Walnut Street has been defined as a project of Neighborhood Interest, we have made a concerted effort to notify all property owners, occupants/residents, and neighborhood organizations within 300 feet as specified by the Land Use Planning Division of (a) the proposed project and (b) the 1/27/18 informational meeting.

Please find our summary of efforts outlined in the attached Excel mailing list spreadsheet.

We personally delivered flyers to each apartment door located at 1709 Shattuck Avenue and 1710 Walnut Street after gaining permission and access from Sara Kaplan, the manager. A follow-up / thank you email to Sara is attached.

We personally delivered flyers to each of the four apartments located at 1728 Walnut Street. However, Apartment 1, 2, and 3 are vacant and undergoing remodeling at the time. Helen Kim, of Apartment 4, was able to give us her signature on 1/19/18.

Each of the residents of 1722 Walnut signed the project plans, except for the resident of Apartment #3. We made sure to notify her of the 1/27/18 informational meeting by delivering a flyer to her on 1/15/18. She did not attend the informational meeting.

On 1/17/18, I sent all the identified owners and organizations informational flyers on the project and respective 1/27/18 informational meeting via certified mail. Pictures of the letters and certification slips are attached.

On 1/27/18, the informational meeting was held from 12:00 to 3:00 PM at 1636 Walnut Street. The architect, Catherine Roha, was in attendance for the first hour to answer any questions anyone might have. Only one attendee came by. A copy of the sign-in sheet is attached. The attendee, Linda Hunt, of 1709 Shattuck Ave. Apt 314 was able to give us her signature after discussing her acknowledgment and approval of the cottage's existence. We also discussed the beautiful view from the fourth-floor laundry room at 1709 Shattuck Avenue, family matters, and mutual acquaintances in the neighborhood.

Thank you kindly,

The Stevick Family

Please contact John Stevick if any questions:  
(510) 325-5247  
john.stevick@gmail.com





# PROPOSED PROJECT

## PROJECT INFORMATION

**1722 WALNUT STREET**  
Legalization of existing 354 square foot Cottage  
in rear yard of 8-unit apartment building.



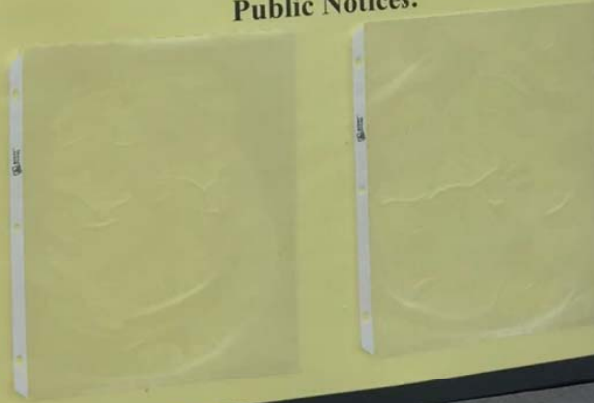
north side of Cottage

### APPLICANT INFORMATION

John Stevick,  
Elizabeth Scherer  
& Glen Stevick  
1636 Walnut Street  
Berkeley, CA 94709  
510-540-6461

For more information check the  
Planning Department Web Page:  
[www.ci.berkeley.ca.us/planning](http://www.ci.berkeley.ca.us/planning)  
or call 510-981-7410

### Public Notices:









**PLANNING & DEVELOPMENT**

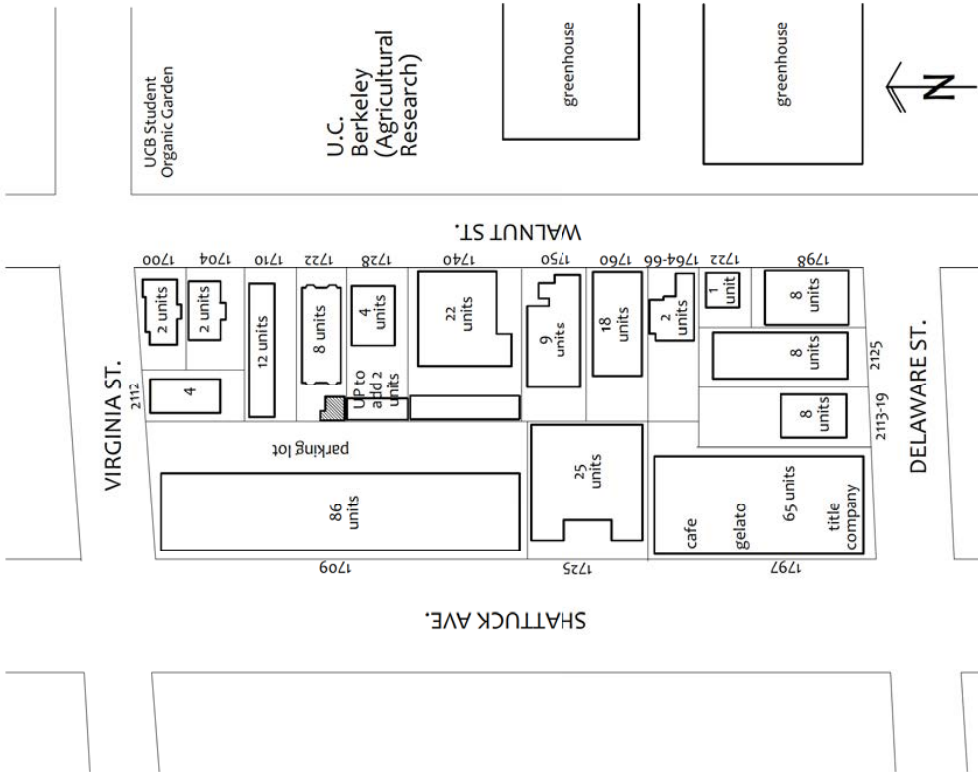
Land Use Planning, 1947 Center Street, Berkeley, CA 94704  
Tel: 910.981.7410 TDD: 910.981.6902 Fax: 910.981.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)

**TABULATION FORM**

Project Address: 1722 Walnut Street Date: 30-Nov-17  
Applicant's Name: John Stevick, Liz Scherer & Gler Stevick  
Zoning District: R-4

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/Required
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (#)	8	9	
Number of Parking Spaces (#)	none	none	9
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)			
Front Yard Setback (Feet)	apartment building: 11.7'	cottage: 105'	15'
Side Yard Setbacks: (facing property)			
Left: (Feet)	apt: 5.2'	cottage: 2.2'	4'
Right: (Feet)	apt: 3.4'	cottage: 21.3'	4'
Rear Yard Setback (Feet)	apt: 31.0'	cottage: 1'	15'
Building Height* (# Stories)	apt: 2	cottage: 1	3
Average* (Feet)	apt: 29'	cottage: 11'-3"	35'
Maximum* (Feet)	apt: 29'	cottage: 11'-3"	65' w/UP
<b>Areas</b>			
Lot Area (Square-Feet)	5,479 sq.ft.	5,479 sq.ft.	5,000 sq.ft.
Gross Floor Area* (Square-Feet)	5,962 sq.ft.	6,146 sq.ft.	
Total Area Covered by All Floors (Square-Feet)	3,134 sq.ft.	3,318 sq.ft.	
Lot Coverage* (Footprint/Lot Area) (%)	57%	61%	45%
Useable Open Space* (Square-Feet)	1,240 sq.ft.	990 sq.ft.	1,800 sq.ft.
Floor Area Ratio* Non-Residential only (Except ES-R)			
*See Definitions - Zoning Ordinance Title 23F.			Revised: 05/15



**VICINITY MAP**

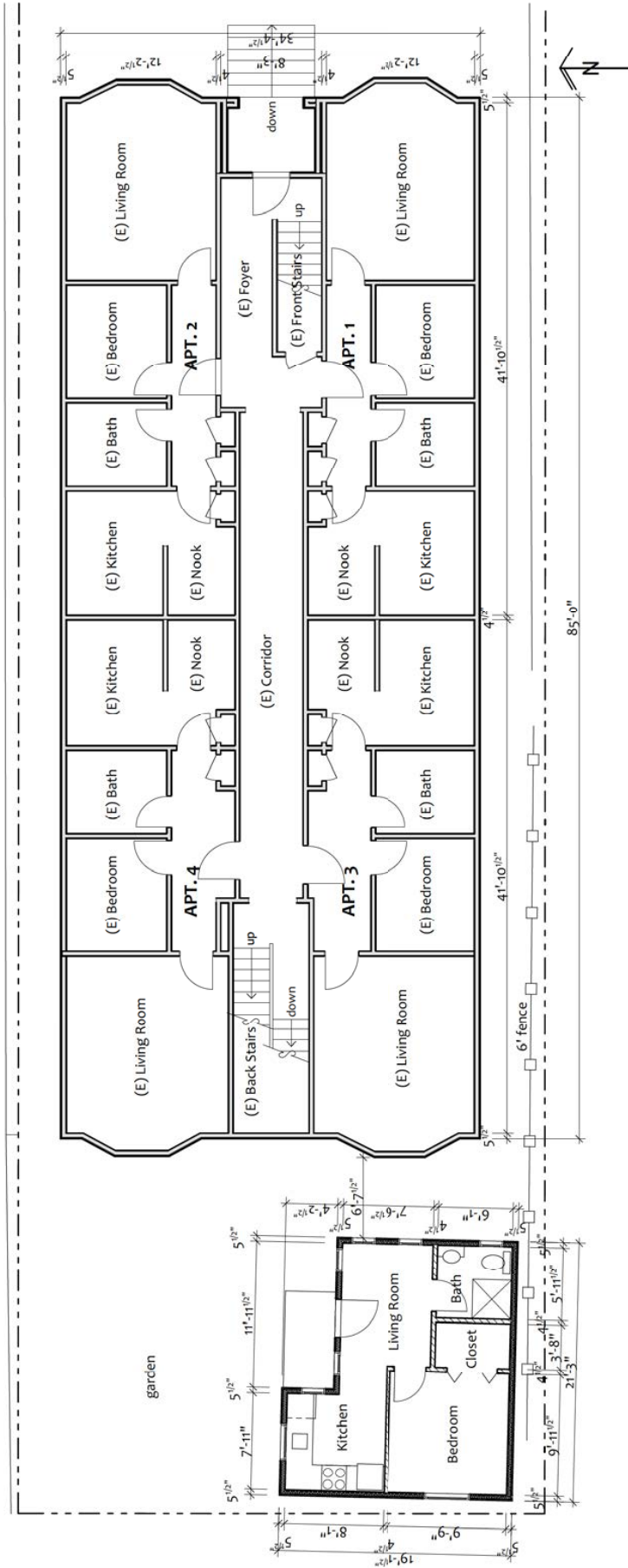
**Catherine Roha - Architect**  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

**USE PERMIT & VARIANCE APPLICATION**

**Backyard Cottage**  
1722 Walnut Street  
Berkeley, CA 94709

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(E) = existing  
(N) = new



# Main Floor Plan

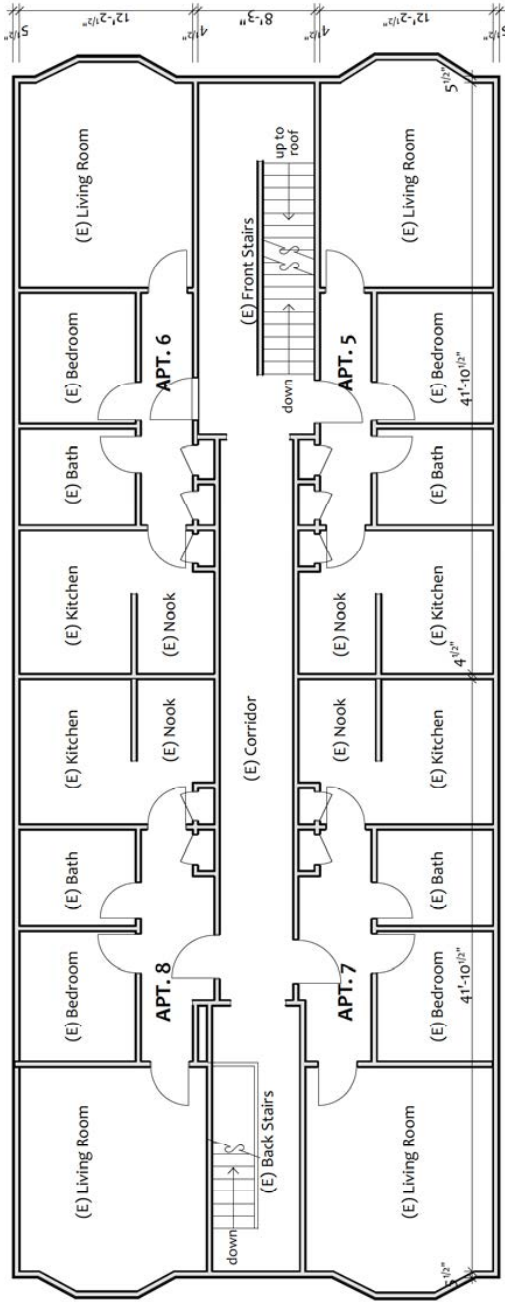
SCALE: 1/8" = 1'-0"

**Catherine Roha - Architect**  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

**USE PERMIT & VARIANCE APPLICATION**

**Backyard Cottage**  
1722 Walnut Street  
Berkeley, CA 94709

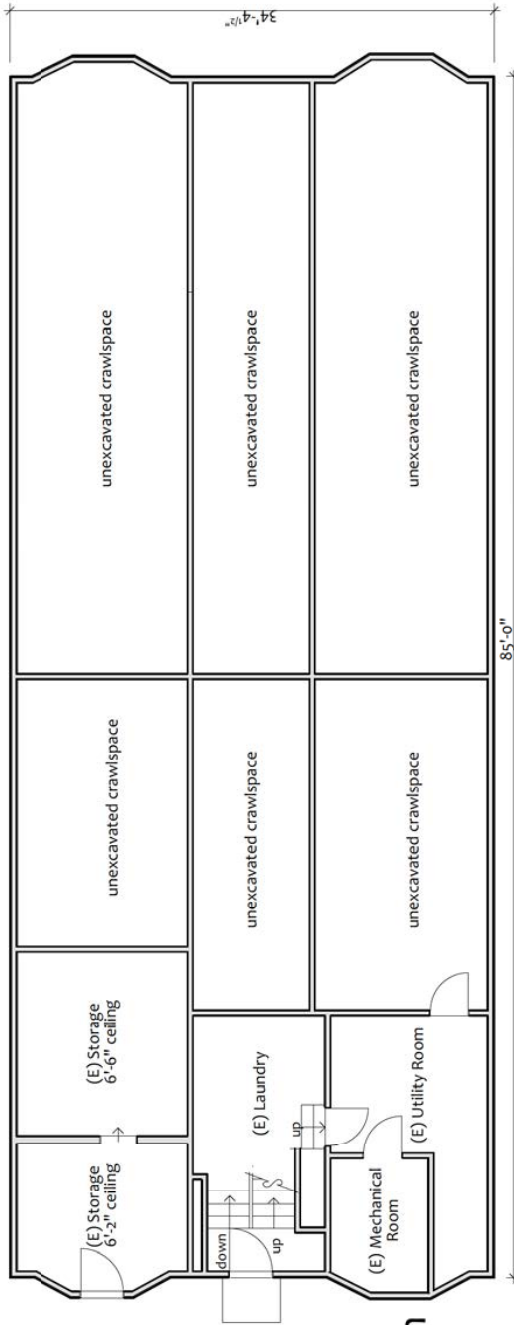
Page 3 of 10  
30-Nov-17



(E) = existing  
(N) = new

### Upper Floor Plan

SCALE: 1/8" = 1'-0"



### Basement Floor Plan

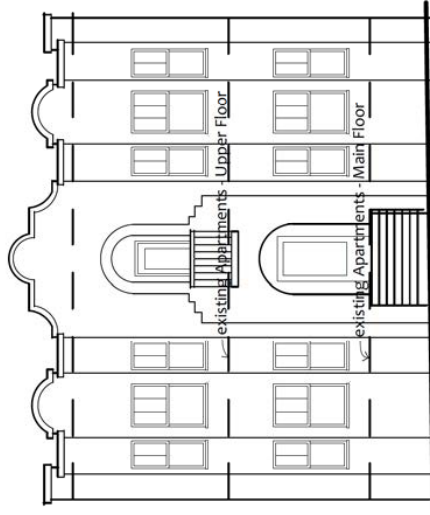
SCALE: 1/8" = 1'-0"

**Catherine Roha - Architect**  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

**USE PERMIT & VARIANCE APPLICATION**

**Backyard Cottage**  
1722 Walnut Street  
Berkeley, CA 94709

Page 4 of 10  
30-Nov-17



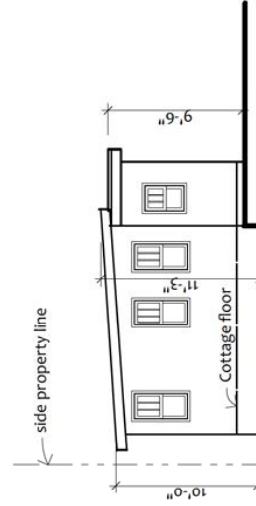
Apartments - East (Front) Elevation

SCALE: 1/8" = 1'-0"



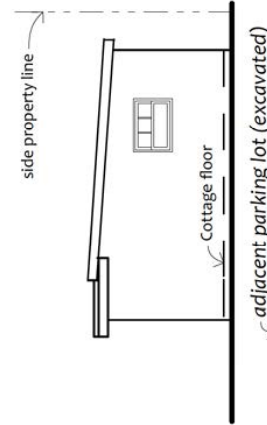
Apartments - West Elevation

SCALE: 1/8" = 1'-0"



Cottage - East Elevation

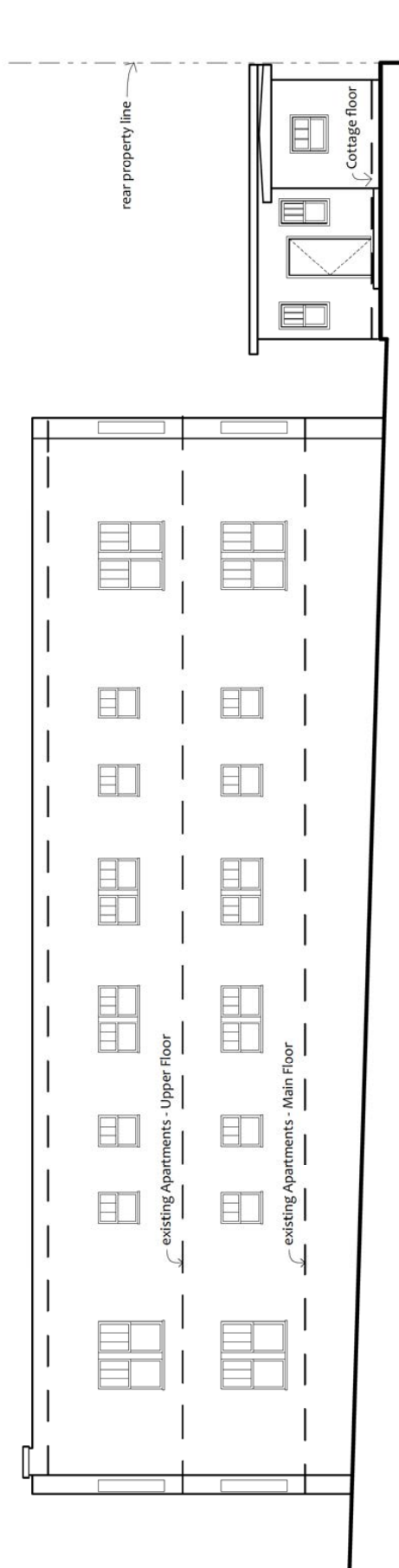
SCALE: 1/8" = 1'-0"



Cottage - West Elevation

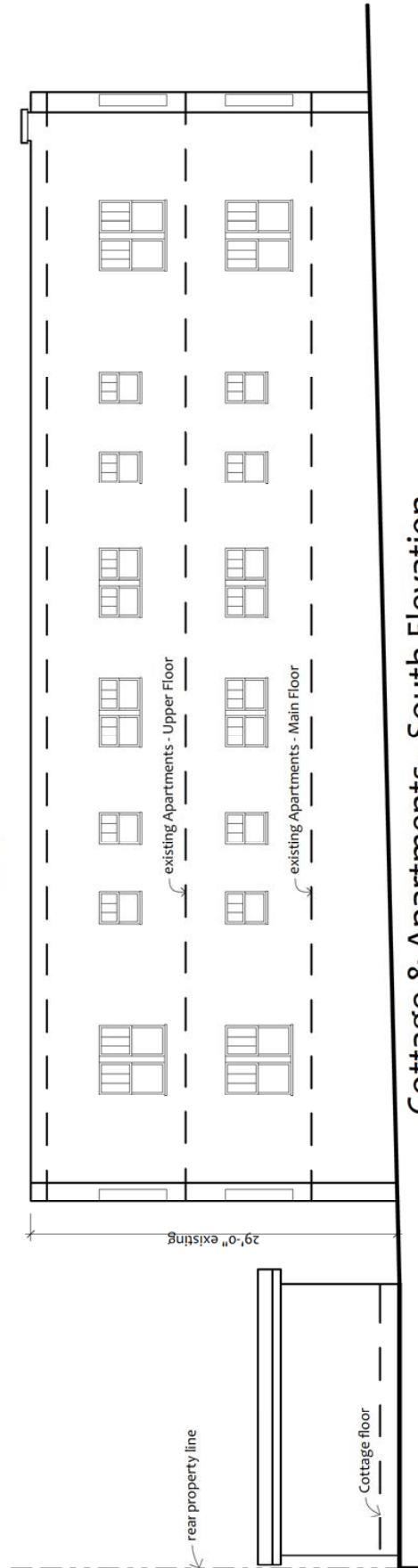
SCALE: 1/8" = 1'-0"





### Apartments & Cottage - North Elevation

SCALE: 1/8" = 1'-0"



### Cottage & Apartments - South Elevation

SCALE: 1/8" = 1'-0"

**Catherine Roha - Architect**  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

**Backyard Cottage**  
1722 Walnut Street  
Berkeley, CA 94709

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30-Nov-17



NORTH SIDE OF COTTAGE



EAST SIDE OF COTTAGE

USE PERMIT & VARIANCE APPLICATION



WEST SIDE OF COTTAGE



CONTEXT OF COTTAGE

**USE PERMIT & VARIANCE APPLICATION**





**PLANNING & DEVELOPMENT**  
Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7428  
Email: [Planning@cityofberkeley.ca.us](mailto:Planning@cityofberkeley.ca.us)

**II.E. HAZARDOUS WASTE AND SUBSTANCES STATEMENT**

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):  
<http://www.calepa.ca.gov/SiteCleanup/CorteseList/>  
<http://www.envirostor.dtsc.ca.gov/public/>  
<https://geotracker.waterboards.ca.gov/>

**Applicant's Information:**

Name: John Stevick, Liz Scherer & Glen Stevick  
Street Address: 1636 Walnut Street  
City, State, Zip Code: Berkeley, CA 94709  
Phone Number: 510-540-6461

**Project Information:**

Address: 1722 Walnut Street  
City, State, Zip Code: Berkeley, CA 94709  
Assessor's book, page, and parcel number: 058-217700600

**Specify any list pursuant to Section 65962.5 of the Government Code:**

none  
Regulatory identification number: \_\_\_\_\_  
Date of list: \_\_\_\_\_

**Applicant's verification:**

Signature: Catherine Roha, for the Owner/Applicant Date: 28-Nov-17

**Catherine Roha - Architect**  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

1728 Walnut Street

COTTAGE

1722 Walnut Street

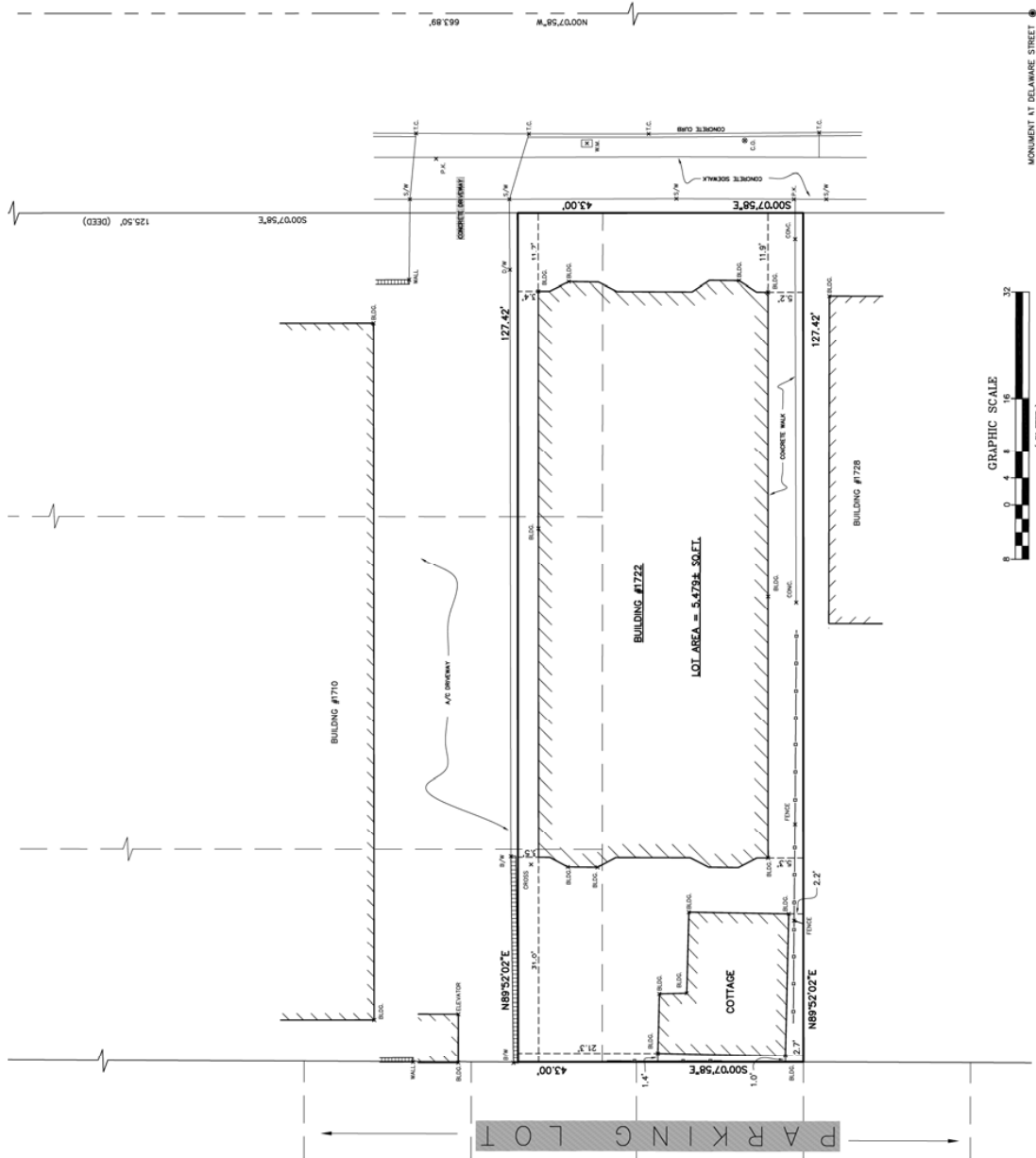


COTTAGE AT END OF WALKWAY (behind tree)

**USE PERMIT & VARIANCE APPLICATION**

**Backyard Cottage**  
1722 Walnut Street  
Berkeley, CA 94709

WALNUT STREET (60' WIDE ON ANGLE)



**LEGEND**

- A/C ASPHALT/CONCRETE
- BLDG. BUILDING
- B/W. BASE OF WALL
- C.O. CLEAN OUT
- CONC. CONCRETE
- D/W. DRIVEWAY
- F.P. FIRE PLUG
- S.W. SIDEWALK
- T.C. TOP OF CURB
- W.M. WATER METER
- FOUND CITY SURVEY MONUMENT

50% REDUCTION

**BUILDING LOCATION SURV**

LOT 13 AND PORTIONS OF LOTS 15, 16 AND 17, BLOCK B,  
MAP OF THE PERCY TRACT (7 M. 52)  
LOCATED AT 1722 WALNUT STREET  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA  
SEPTEMBER, 2017 SCALE: 1" = 8'

**MORAN ENGINEERING, INC.**

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

F.B. NO. 1641 WALNUT-BUILDING LOCATION SURV JOB NO. 17-0770





Planning & Development Department  
Land Use Planning Division

February 5, 2018

John Stevick  
1636 Walnut St.  
Berkeley, CA 94709

Sent via email:  
[John.Stevick@gmail.com](mailto:John.Stevick@gmail.com)

RE: 1722 Walnut St., Application #ZP2018-0021

Use Permit to:

*The legalization of an existing cottage in the rear of the property*

Dear Applicant:

On behalf of the City of Berkeley, I would like to introduce myself as the project planner for the above referenced application. Staff from various City departments will be reviewing your application, including the Building and Safety, Land Use Planning and Transportation divisions, as well as other interested parties, to ensure that the project application is complete. If any questions arise, City staff will either contact you in writing or by phone at the number supplied on your application. Unless you inform us otherwise, you will be the primary contact during the application process

You can expect site visits by various staff members in the next couple of weeks. These visits will be from the public right-of-way, unless staff makes an appointment with you in advance. I will be contacting you within 30 days of your application date to follow-up with the status of the project and to request any additional information needed for your application to be deemed complete. Answers to frequently asked questions related to Use Permits, including "what is the process" and "how long does it take" can be found on the City's website at: <http://www.ci.berkeley.ca.us/contentdisplay.aspx?id=820>

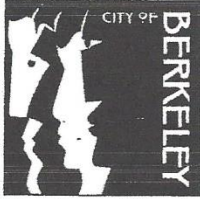
Please note that due to staffing reductions and the level of permit activity, applicants should be prepared to expect longer processing times than in the past. The City has consultants available to expedite applications for an additional fee.

Please feel free to contact me if you are interested in using this service to expedite your application or if you have other questions or comments about your application. I can be reached by email at [jfrank@cityofberkeley.info](mailto:jfrank@cityofberkeley.info) or by phone at (510)981-7548.

I look forward to work with you.

Sincerely,

Jim Frank  
Assistant Planner



Planning and Development Department  
Current Planning Division

**AGREEMENT TO EXTEND PSA TIME LIMIT**

Project Address: 1722 Walnut St.

Application Number: ZP2018-0021

Current PSA Deadline: 3/7/18

Extended PSA Deadline: 6/7/18  
*(Not to exceed 90 days from date of this agreement)*

Pursuant to California Government Code Section 65957, the project applicant and the City of Berkeley hereby mutually agree to extend the time limit for action on the above-referenced project as indicated above.

*[Signature]*  
 Signature of Project Applicant

John Sterick  
 Print Name of Project Applicant

2/27/18  
 Date

\_\_\_\_\_  
 Signature of Project Planner

\_\_\_\_\_  
 Print Name of Project Planner

\_\_\_\_\_  
 Date

Filename: G:\TEMPLATE\Misc Letters\PSA Extension.Dot



Planning and Development Department  
Land Use Planning Division

March 19, 2018

John Stevick  
1636 Walnut Street  
Berkeley, CA 94709

Re: Administrative Use Permit #ZP2018-0021 for 1722 Walnut Street

Dear Mr. Stevick,

On January 29, 2018, you submitted an application for variances and use permit to legalize a cottage on the rear property line. Based on a preliminary review, the following permits are needed for your project:

1. Variance to increase allowable lot coverage under BMC Section 23B.44;
2. Variance to provide less than the required amount of usable open space under BMC Section 23B.44;
3. Variance to provide fewer than the required number of parking spaces under BMC Section 23B.44;
4. Variance to reduce a required south-side yard setback under BMC Section 23B.44
5. Use Permit to establish a new dwelling unit under BMC Section 23D.40.030;
6. Administrative Use Permit to reduce the required building separation under BMC Section 23D.40.070; and
7. Administrative Use Permit to reduce the required rear yard under BMC Section 23D.40.070.

The Land Use Planning Division has reviewed your submittal package and determined that your application is incomplete and the following items are needed to complete our review of your application:

- 1) Please provide all documentation on file with the Rent Stabilization Board (RSB) including any information relating to the basement apartment.
- 2) Your RSB includes information about a basement apartment. Does an apartment exist or has one ever existed in the basement? Has it ever been rented out even for one night? Please provide recent pictures of this space.
- 3) How much of the back storage space was demolished when you built the cottage? Was the footprint the same? Please include a dotted line on the site plan that shows the old footprint and provide evidence how that was ascertained. Was any of the work ever inspected? Is there any other information that is relevant to telling the story of how this unit came into existence?

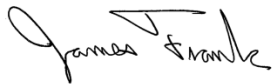
- 4) On the vicinity map, please include the following information:
  - a) Building footprints, number of floors and units for buildings on the north side of Virginia Street;
  - b) Number of floors on all buildings in the subject block;
  - c) Call out the subject lot and subject cottage on so it stands out visually.
- 5) Please fill out a tabulation form for the existing apartment building. On this form, please provide the coverage and useable open space (UOS) calculations for the apartment building and the old storage space (without the new cottage). I ask for this so that we can show what the coverage and USO were before the cottage was added.
- 6) Add dimensions and square footage amount for each room in the cottage and apartment building. Create a table on the cover sheet that shows the # of bedrooms and square footage of each unit in the apartment building. Include the cottage as well.
- 7) The existing apartment building appears to be three stories in the rear. If the basement in the rear is over 6 feet above grade, it is considered a floor under BMC 23F (definitions). To verify this, please call out the height measurement on the rear elevation from existing grade to the finished floor on the floor above. If this measurement is more than 6 feet, the basement is considered a story. In the R-4 District lot coverage is reduced to 40% from 45% for a three story building.
- 8) Please add average and maximum height measurements for both structures on all elevations.
- 9) Please provide answers to the three required variance findings. I have provided these questions from BMC Section 23B.44.030 below. I have also included as an attachment a recent example of variance findings to help you.
- 10) I may request a shadow study for the cottage in the future, but not at this point.
- 11) You have collected a good number of signatures from the apartment buildings nearby, but not all of them. You may either knocks on doors of all the apartments or send them registered mail. Please send proof of mailing or signatures. This would include all apartments at 1722, 1728, and 1710 Walnut, 1709 Shattuck, and The UC Berkeley farm to the east.

Given the complexity of your proposed project, I will likely have more questions and request more revisions to the submitted materials.

In your resubmittal, include a cover letter stating how you have addressed the incomplete items. Please deliver two sets of scaled plans (11 x 17 or 12 x 18). Please submit both a paper and an electronic copy of the resubmittals to the zoning counter during normal business hours (Monday, Wednesday, Thursday 8:30 am – 4:00 pm and Tuesday 8:30 am – 2:00 pm).

If you take no action to address the above items within 60 days, the application may be deemed withdrawn and returned to you. Please contact me if you have any questions at (510) 981-7548.

Sincerely,

A handwritten signature in black ink that reads "James Frank". The signature is written in a cursive style with a large initial "J" and a distinct "F".

Jim Frank, Assistant Planner  
CC: Shannon Allen, Principal Planner



**Section 23B.44.030 Findings for Issuance and Denial**

- A. After the Board has conducted a public hearing, it shall act on the application. The Board may approve a Variance application, either as submitted or modified, only if it makes all of the following findings:
1. There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same District;
  2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the subject property's owner;
  3. The establishment, maintenance or operation of the use or the construction of a building, structure or addition thereof, to be approved will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and that the granting of the Variance will promote the municipal health, welfare and safety and benefit the City as a whole;
  4. Any other variance findings required by the Section of the Ordinance applicable to that particular Variance.
- B. The Board shall deny an application for a Variance if it determines that it is unable to make any of the required findings, in which case it shall state the reasons for that determination. (Ord. 6478-NS § 4 (part), 1999)

The basement space was inspected by the Code Enforcement Department at the time of inspecting the Rear Cottage. They did not consider the space rentable or able to be described as an apartment.

At the time of inspection, many pictures and notes were taken by Wanda of the basement space. I have called and emailed her requesting a copy of the report they have on file, inclusive of the many pictures.

Please find the two emails I wrote to her in PDF form attached.

RECEIVED

MAY 21 2018

LAND USE PLANNING

5/16/2018

Gmail - 1722 Walnut Street: Cottage Legalization Process - Favor to Ask



John Stevick <john.stevick@gmail.com>

---

## 1722 Walnut Street: Cottage Legalization Process - Favor to Ask

2 messages

---

**John Stevick** <john.stevick@gmail.com>  
To: "Drouillard, Wanda" <WDrouillard@cityofberkeley.info>

Wed, Mar 28, 2018 at 11:23 AM

Wanda,

How are you? I hope all is well.

I recently received a letter with some requests from our project planner, Jim Frank, as we further revise and add to our application. One of his requests asks for pictures of the basement space.

I remember you and Nick were very diligent in taking pictures of the space during your inspection visit. Would it be possible for you to share the pictures you took of the space with me so that I can include them in my response to Jim?

Thank you,  
John

--

John Stevick  
[john.stevick@gmail.com](mailto:john.stevick@gmail.com)  
(510) 325 5247

---

**John Stevick** <john.stevick@gmail.com>  
To: "Drouillard, Wanda" <WDrouillard@cityofberkeley.info>

Fri, Apr 13, 2018 at 9:57 AM

Hi Wanda,

I hope all is well!

I wanted to follow up on this request. Is it possible for you to share all pictures you and Nick took on your initial 1722 Walnut Street inspection visit.

They would be helpful to provide our project planner as we continue working to complete our application.

Thank you kindly,  
John

[Quoted text hidden]

RECEIVED

MAY 21 2018

May 18, 2018

LAND USE PLANNING

**Administrative Use Permit #ZP2018-0021 for 1722 Walnut Street**

**Second Submission of Submittal Package in Response to Jim Frank's First Review**

The digital submission file is comprised of numbered subfiles that correspond with Jim Frank's eleven items from his March 19th letter.

The paper resubmittal is comprised of two copies of 11" x 17" scaled plans.

Thank you kindly for your time,

John Stevick

510-325-5247

john.stevick@gmail.com

RECEIVED

MAY 21 2012

James,

LAND USE PLANNING

All of the files within this Neighborhood Contact folder, other than this letter, were included in my first submission.

**UC Berkeley**

The excel file notes that certified mail was sent to UC Berkeley.

**1709 Shattuck**

After being let into the building by Sara Kaplan, the property manager, I personally placed the project information and notice of our informational meeting in front of every apartment door at 1709 Shattuck. I opted for this method because the costs can really tally up by going with Certified Mail. I have gathered a signature from only one unit, as only one tenant attended the informational meeting we held.

**1710 Walnut**

I attempted to gain signatures from all units by knocking on each unit door several times on different days and varying times of each day. I was ultimately able to gain signatures for two of the units. Sara Kaplan is also the manager for 1710 Walnut and can confirm that I left project information and notice of our informational meeting in front of the door of each unit. There is also attached an email to Sara in PDF form, confirming that I personally distributed the information to each unit at 1709 Shattuck and 1710 Walnut.

**1722 Walnut (Our Building)**

I have gained signatures for 6 of the 8 units in our building. The tenant in Apartment #3 has not been back to her apartment for months. What do you recommend I do as further effort to gain her signature? The current tenant in Apartment #4 is only here for 6 weeks and I would rather not bother them in requesting their signature. In light of this, do you still require their signature?

**1728 Walnut**

I was able to gain the signature for only 1 of the 4 units because the other three were vacant at the time, January 2018. Would you like me to check back in with the building and try to gain signature from the new tenants, if any?

**The remaining properties within 300 feet of 1722 Walnut Street**

Taking note of the excel file attached which details the steps I have taken thus far, do you require I make further efforts to gain signatures from the properties **other than** the Oxford Tract (UC Berkeley), 1709 Shattuck, 1710 Walnut, 1722 Walnut, and 1728 Walnut?

Thanks for all the time and support on this project!

John



**Neighborhood Interest Project Notification Efforts**

1722 Walnut Street  
Rear Cottage Legalization Application  
January 28, 2018

To the City of Berkeley,

As the legalization of the cottage in the rear of 1722 Walnut Street has been defined as a project of Neighborhood Interest, we have made a concerted effort to notify all property owners, occupants/residents, and neighborhood organizations within 300 feet as specified by the Land Use Planning Division of (a) the proposed project and (b) the 1/27/18 informational meeting.

Please find our summary of efforts outlined in the attached Excel mailing list spreadsheet.

We personally delivered flyers to each apartment door located at 1709 Shattuck Avenue and 1710 Walnut Street after gaining permission and access from Sara Kaplan, the manager. A follow-up / thank you email to Sara is attached.

We personally delivered flyers to each of the four apartments located at 1728 Walnut Street. However, Apartment 1, 2, and 3 are vacant and undergoing remodeling at the time. Helen Kim, of Apartment 4, was able to give us her signature on 1/19/18.

Each of the residents of 1722 Walnut signed the project plans, except for the resident of Apartment #3. We made sure to notify her of the 1/27/18 informational meeting by delivering a flyer to her on 1/15/18. She did not attend the informational meeting.

On 1/17/18, I sent all the identified owners and organizations informational flyers on the project and respective 1/27/18 informational meeting via certified mail. Pictures of the letters and certification slips are attached.

On 1/27/18, the informational meeting was held from 12:00 to 3:00 PM at 1636 Walnut Street. The architect, Catherine Roha, was in attendance for the first hour to answer any questions anyone might have. Only one attendee came by. A copy of the sign-in sheet is attached. The attendee, Linda Hunt, of 1709 Shattuck Ave. Apt 314 was able to give us her signature after discussing her acknowledgment and approval of the cottage's existence. We also discussed the beautiful view from the fourth-floor laundry room at 1709 Shattuck Avenue, family matters, and mutual acquaintances in the neighborhood.

Thank you kindly,

The Stevick Family

Please contact John Stevick if any questions:  
(510) 325-5247  
john.stevick@gmail.com



UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 2219 Dwight  
Berkeley CA 94709  
U.S. POSTAGE  
BERKELEY, CA  
JAN 11 10 58 AM '08  
\$1.35  
PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 1720 N California  
Walnut Creek CA  
U.S. POSTAGE  
BERKELEY, CA  
JAN 11 10 58 AM '08  
\$1.35  
PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: 1636 Walnut St  
Berkeley CA 94709  
To: 70 Hillcrest  
Orinda CA 94585  
U.S. POSTAGE  
BERKELEY, CA  
JAN 11 10 58 AM '08  
\$1.35  
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UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: 1636 Walnut St  
Berkeley CA 94709  
To: 59 Tennessee  
San Francisco CA  
U.S. POSTAGE  
BERKELEY, CA  
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UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 5232 Claremont  
Oakland CA 94618  
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BERKELEY, CA  
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UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: 1636 Walnut St  
Berkeley CA 94709  
To: 9075 Rio 25  
San Diego CA  
U.S. POSTAGE  
BERKELEY, CA  
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\$1.35  
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UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 1111 Franklin St  
Oakland CA 94607  
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UNITED STATES POSTAL SERVICE® Certificate of Mailing  
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1636 Walnut Street  
Berkeley, CA 94709  
To: 951 Arlington  
Berkeley CA 94709  
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BERKELEY, CA  
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1636 Walnut Street  
Berkeley, CA 94709  
To: F. Marthinon  
A/E Building  
Berkeley CA 94720  
U.S. POSTAGE  
BERKELEY, CA  
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UNITED STATES POSTAL SERVICE® Certificate of Mailing  
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1636 Walnut Street  
Berkeley, CA 94709  
To: 2090 Kittling  
Berkeley CA  
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1636 Walnut Street  
Berkeley, CA 94709  
To: PO Box 3303  
San Francisco CA  
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BERKELEY, CA  
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From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 538 Santa Barbara  
Berkeley CA  
U.S. POSTAGE  
BERKELEY, CA  
JAN 11 10 58 AM '08  
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PS Form 3817, April 2007 PSN 7530-02-000-9065





Certificate Of Mailing

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From:

MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To:

1640 Walnut St.  
Berkeley CA 94709

PS Form 3817, April 2007 PSN 7530-02-000-9065

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U.S. POSTAGE  
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BERKELEY, CA  
94709  
JAN 17 18  
AMOUNT  
**\$1.35**  
R2304M111050-24



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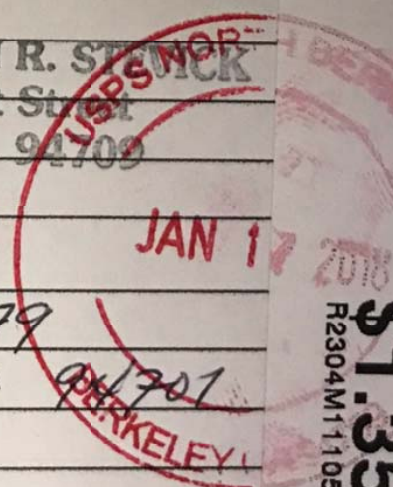
MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To:

PO Box 1179  
Berkeley CA 94701

PS Form 3817, April 2007 PSN 7530-02-000-9065

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BERKELEY, CA  
94709  
JAN 17 18  
AMOUNT  
**\$1.35**  
R2304M111050-24

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PAID  
BERKELEY, CA  
94709

JAN 17 18  
AMOUNT

**\$1.35**

R2304M111050-24



0000

BERKELEY CA 94709  
JAN 17 18  
USPS

PS Form 3817, April 2007 PSN 7530-02-000-9065

To: 1690 Shattuck Ave  
Berkeley CA 94709

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

Certificate Of Mailing  
UNITED STATES POSTAL SERVICE

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BERKELEY, CA  
94709

JAN 17 18  
AMOUNT

**\$1.35**

R2304M111050-24



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BERKELEY CA 94709  
JAN 17 18  
USPS

PS Form 3817, April 2007 PSN 7530-02-000-9065

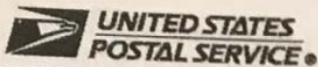
To: 1683 Shattuck Ave  
Berkeley CA 94709

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

Certificate Of Mailing  
UNITED STATES POSTAL SERVICE

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MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To:

PO Box 9754  
Berkeley CA 94709

PS Form 3817, April 2007 PSN 7530-02-000-9065



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USPS NORTH BERKELEY, CA  
JAN 17 18  
PAID  
BERKELEY, CA  
94709  
AMOUNT  
\$1.35  
R2304M111050-24



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From:

1636 Walnut St  
Berkeley CA 94709

To:

1201 Glen Cove Pkwy  
Vallejo CA 94591

PS Form 3817, April 2007 PSN 7530-02-000-9065



0000

USPS NORTH BERKELEY, CA  
JAN 17 18  
PAID  
BERKELEY, CA  
94709  
AMOUNT  
\$1.35  
R2304M111050-24





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From:

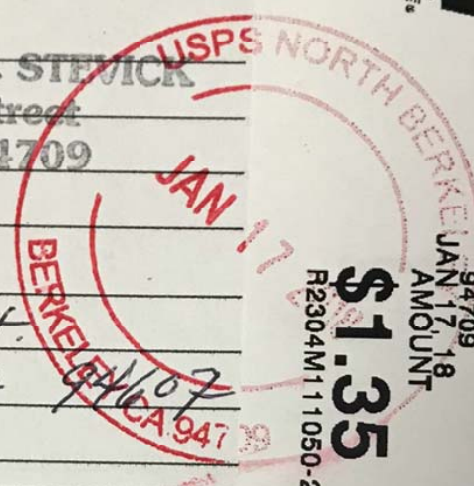
MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To:

EBMUD  
375 11th St.  
Oakland CA 94612

PS Form 3817, April 2007 PSN 7530-02-000-9065

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R2304M111050-24

\$1.35

AMOUNT

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BERKELEY, CA  
94709  
JAN 17 2009

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Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mail. This form may be used for domestic and international mail.

From:

MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To:

861 Regal Hill  
Berkeley CA 94709

PS Form 3817, April 2007 PSN 7530-02-000-9065

0000



R2304M111050-24

\$1.35

U.S. POSTAGE  
PAID  
BERKELEY, CA  
94709  
JAN 17 2009



UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94702  
To: 1601 Berkeley Way  
Berkeley CA 94702  
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UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 1650 Walnut St  
Berkeley CA 94702  
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UNITED STATES POSTAL SERVICE® Certificate of Mail  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 1 Lane Pl  
Albion CA 94002  
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BERKELEY, CA  
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\$1.35  
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UNITED STATES POSTAL SERVICE® Certificate of Mail  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 437 Kentucky Ave  
Berkeley CA 94707  
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PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94702  
To: 1640 Walnut St B  
Berkeley CA 94707  
U.S. POSTAGE  
PAID  
BERKELEY, CA  
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PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 1700 Walnut St  
Berkeley CA 94707  
U.S. POSTAGE  
PAID  
BERKELEY, CA  
JAN 17 '08  
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PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 1489 Synoma Ave  
Berkeley CA 94706  
U.S. POSTAGE  
PAID  
BERKELEY, CA  
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UNITED STATES POSTAL SERVICE® Certificate of Mail  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 300 S. Drexel Ave  
Columbus OH 43201  
U.S. POSTAGE  
PAID  
BERKELEY, CA  
JAN 17 '08  
AMOUNT  
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R2304M11050-24  
PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 139 Mitchell Ave 236  
South San Francisco CA  
U.S. POSTAGE  
PAID  
BERKELEY, CA  
JAN 17 '08  
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PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE® Certificate of Mailing  
From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709  
To: 601 Gateway Blvd St  
South San Francisco CA  
U.S. POSTAGE  
PAID  
BERKELEY, CA  
JAN 17 '08  
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PS Form 3817, April 2007 PSN 7530-02-000-9065



UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 1740 Walnut St  
Berkeley CA 94709

U.S. POSTAGE  
BERKELEY, CA  
JAN 17 '08  
AMOUNT  
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PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 1618 Walnut St  
Berkeley CA 94709

U.S. POSTAGE  
BERKELEY, CA  
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AMOUNT  
\$1.35  
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PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 2286 Shattuck Ave  
Berkeley CA 94709

U.S. POSTAGE  
BERKELEY, CA  
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PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 1771 Milvia St  
Berkeley CA 94709

U.S. POSTAGE  
BERKELEY, CA  
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R2304M11050-24

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 1546 Milvia  
Berkeley CA 94709

U.S. POSTAGE  
BERKELEY, CA  
JAN 17 '08  
AMOUNT  
\$1.35  
R2304M11050-24

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 1546 Milvia St  
Berkeley CA 94709

U.S. POSTAGE  
BERKELEY, CA  
JAN 17 '08  
AMOUNT  
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UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 24 Sand Harbor Rd  
Alameda CA 94502

U.S. POSTAGE  
BERKELEY, CA  
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\$1.35  
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PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 23 Vicente Rd  
Berkeley CA 94705

U.S. POSTAGE  
BERKELEY, CA  
JAN 17 '08  
AMOUNT  
\$1.35  
R2304M11050-24

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 1727 Sonoma Ave  
Berkeley CA 94709

U.S. POSTAGE  
BERKELEY, CA  
JAN 17 '08  
AMOUNT  
\$1.35  
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PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE®  
Certificate of Mailing

From: MR. & MRS. GLEN R. STEVICK  
1636 Walnut Street  
Berkeley, CA 94709

To: 1752 Shattuck  
Berkeley CA 94709

U.S. POSTAGE  
BERKELEY, CA  
JAN 17 '08  
AMOUNT  
\$1.35  
R2304M11050-24

PS Form 3817, April 2007 PSN 7530-02-000-9065



ORG_NAM	CNTCT_A	ADDR_T	CITY_STATE_T	1st Attempt	2nd Attempt	3rd Attempt
North Shattuck Neighborhood Alliance	MELINDA & JOHN LOPEZ	1618 WALNUT ST	BERKE CA 94709	Certified Mail - Flyer Sent 1/17/18		
Urban Creeks Council	CAROLE SCHEMMERLING	1861 REGAL RD	BERKE CA 94708	Certified Mail - Flyer Sent 1/17/18		
Bananas Inc.	ARLYCE CURRIE	5232 CLAREMONT AVE	OAKL CA 94618	Certified Mail - Flyer Sent 1/17/18		
Berkeley Central Library	MAIN REFERENCE DESK	2090 KITTREDGE STREET	BERKE CA 94704	Certified Mail - Flyer Sent 1/17/18		
Adams Broadwell Joseph & Cardoza	Janet Laurain	601 GATEWAY BLVD. Su 1000	SOUT CA 94080	Certified Mail - Flyer Sent 1/17/18		
University of California, Facilities Services	E. Marthinsen	A&E Building, Room 300	BERKE CA 94720	Certified Mail - Flyer Sent 1/17/18		
Public Notice Journal	Philip Millenbah	PO Box 330356	San Fr CA 94133	Certified Mail - Flyer Sent 1/17/18		
Milvia-King Alliance	ERIKA SHORE	1731 MILVIA ST	BERKE CA 94709	Certified Mail - Flyer Sent 1/17/18		
Neighbors of the Schoolhouse Lincoln Creeks	Jennifer Mary Pearson	1546 MILVIA ST	BERKE CA 94709	Certified Mail - Flyer Sent 1/17/18		
Schoolhouse-Lincoln Creeks Watershed Neigh	JENNIFER PEARSON	1546 MILVIA ST	BERKE CA 94709	Certified Mail - Flyer Sent 1/17/18		
	LEMMON BARBARA S TR	1 LANE PL	ATHEI 94027	Certified Mail - Flyer Sent 1/17/18		
	REGENTS OF THE UNIVERSI	1111 FRANKLIN ST 6	OAKL 94607	Certified Mail - Flyer Sent 1/17/18		
	WARSAWA BUILDING PAR	1201 GLEN COVE PKWY 1610	VALLE 94591	Certified Mail - Flyer Sent 1/17/18		
	KG BERKELEY INVESTORS LI	139 MITCHELL AVE 236	SOUT 94080	Certified Mail - Flyer Sent 1/17/18		
	ROBINSON SCOTT C & CHR	1489 SONOMA AVE	BERKE 94706	Certified Mail - Flyer Sent 1/17/18		
	SCHWARTZ MICHELLE J	1601 BERKELEY WAY	BERKE 94703	Certified Mail - Flyer Sent 1/17/18		
Glen Stevick & Liz Scherer	SCHERER ELIZABETH A & ST	1636 WALNUT ST	BERKE 94709	Signed 12/6/17		
	SOMMER SALLY	1640 WALNUT ST B	BERKE 94709	Not Home 12/12/17	Certified Mail - Flyer Sent 1/17/18	
	EDWARDS LAURIE D	1640 WALNUT ST D	BERKE 94709	Not Home 12/12/17	Certified Mail - Flyer Sent 1/17/18	
Frank Statton (New Owner)	CROCKER RICHARD L & GLC	1643 WALNUT ST	BERKE 94709	Signed 12/12/17		
	PEDIATRIC BUILDING	1650 WALNUT ST	BERKE 94709	Certified Mail - Flyer Sent 1/17/18		
	AMERICAN COMMONWEAL	1683 SHATTUCK AVE A	BERKE 94709	Certified Mail - Flyer Sent 1/17/18		
	ERDMANN JOHN C & ANNE	1690 SHATTUCK AVE	BERKE 94709	Certified Mail - Flyer Sent 1/17/18		
	PIERCE CHUNFEN S	1700 WALNUT ST	BERKE 94709	Certified Mail - Flyer Sent 1/17/18		
Steve Rogic	ROGIC STEPHEN & LEE AGN	1704 WALNUT ST	BERKE 94709	Signed 12/12/17		
	KELEMAN STANLEY TR	1727 SONOMA AVE	BERKE 94707	Certified Mail - Flyer Sent 1/17/18		
	WALNUT HOUSE COOPERA	1740 WALNUT ST	BERKE 94709	Certified Mail - Flyer Sent 1/17/18		
	CAMPUS AUTO CARE	1752 SHATTUCK AVE	BERKE 94709	Certified Mail - Flyer Sent 1/17/18		
	COMMON AREA FOR PM 9	1990 N CALIFORNIA BLVD	WALN 94596	Certified Mail - Flyer Sent 1/17/18		
	LAKIREDDY VENKATESWAR	2219 DWIGHT WAY	BERKE 94704	Certified Mail - Flyer Sent 1/17/18		
	LAKIREDDY PRASAD R & SA	2286 SHATTUCK AVE	BERKE 94704	Certified Mail - Flyer Sent 1/17/18		
	BLUME JAMES B & FRANK	123 VICENTE RD	BERKE 94705	Certified Mail - Flyer Sent 1/17/18		
	YI CHONG S	24 SAND HARBOR RD	ALAM 94502	Certified Mail - Flyer Sent 1/17/18		
	STEINMAN SUSAN B & MO	300 S DREXEL AVE	COLU 93209	Certified Mail - Flyer Sent 1/17/18		
	EAST BAY MUNICIPAL UTILI	375 11TH ST	OAKL 94607	Certified Mail - Flyer Sent 1/17/18		
	TEHRANI HAMID M & AZAR	437 KENTUCKY AVE	BERKE 94707	Certified Mail - Flyer Sent 1/17/18		
	FLUSHMAN BRUCE S & BET	538 SANTA BARBARA RD	BERKE 94707	Certified Mail - Flyer Sent 1/17/18		
	QUOCK WINCHELL & JEAN	59 TEMESCAL TER	SAN F 94118	Certified Mail - Flyer Sent 1/17/18		
	HOJATI RAMIN & MASLANI	70 HILLCREST DR	ORINI 94563	Certified Mail - Flyer Sent 1/17/18		
	SC HILLSIDE BERKELEY INC	9095 RIO 250	SAN C 92108	Certified Mail - Flyer Sent 1/17/18		
	CHANG PAI & GRACE P TRS	931 ARLINGTON AVE	BERKE 94707	Certified Mail - Flyer Sent 1/17/18		
	HUANG KATY TR	PO BOX 1179	BERKE 94701	Certified Mail - Flyer Sent 1/17/18		
	A Z ASSOCIATES	PO BOX 9754	BERKE 94709	Certified Mail - Flyer Sent 1/17/18		
Glen Stevick & Liz Scherer	Occupant	1636 WALNUT ST	Berke 94709	Signed 12/6/17		
	Occupant	1639 1/2 WALNUT ST	Berke 94709	Not Home 12/12/17		
Matthew Chu	Occupant	1639 WALNUT ST	Berke 94709	Signed 12/12/17		
	Occupant	1640 WALNUT ST A	Berke 94709	Not Home 12/12/17		
	Occupant	1640 WALNUT ST B	Berke 94709	Not Home 12/12/17		
	Occupant	1640 WALNUT ST C	Berke 94709	Not Home 12/12/17		
	Occupant	1640 WALNUT ST COM	Berke 94709	Not Home 12/12/17		
	Occupant	1640 WALNUT ST D	Berke 94709	Not Home 12/12/17		
Austin Mendoza	Occupant	1641 WALNUT ST	Berke 94709	Signed 12/12/17		
Frank Statton (New Owner)	Occupant	1643 WALNUT ST	Berke 94709	Signed 12/12/17		
Sabrina Hua	Occupant	1647 WALNUT ST	Berke 94709	Signed 12/12/17		
	Occupant	1647 WALNUT ST A	Berke 94709	Not Home 12/12/17		
	Occupant	1650 WALNUT ST	Berke 94709	Not Home 12/12/17		
	Occupant	1663 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1665 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1667 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1669 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1671 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1673 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1675 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1676 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1677 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1678 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1680 SHATTUCK AVE	Berke 94703	Not Home 12/12/17		
	Occupant	1681 SHATTUCK AVE	Berke 94703	Not Home 12/12/17		
	Occupant	1683 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1685 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1686 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1687 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1688 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1690 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE 101	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE 102	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE 104	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE 111	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE 201	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE 202	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE 205	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE 206	Berke 94709	Not Home 12/12/17		
	Occupant	1700 SHATTUCK AVE 207	Berke 94709	Not Home 12/12/17		
Chunfen Pierce	Occupant	1700 WALNUT ST	Berke 94709	Signed 12/12/17		
	Occupant	1700 WALNUT ST 1	Berke 94709	Not Home 12/12/17		
	Occupant	1700 WALNUT ST 2	Berke 94709	Not Home 12/12/17		
Steve Roja	Occupant	1704 WALNUT ST	Berke 94709	Signed 12/12/17		
	Occupant	1704 WALNUT ST 1	Berke 94709	Not Home 12/12/17		
	Occupant	1704 WALNUT ST 2	Berke 94709	Not Home 12/12/17		
	Occupant	1708 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1709 SHATTUCK AVE	Berke 94709	Not Home 12/12/17		
	Occupant	1709 SHATTUCK AVE 100	Berke 94709	Flyer Left 1/15/18		





	Occupant	1710 WALNUT ST 327	Berke 94709	Not Home 12/12/17	Flyer Left 1/15/18
	Occupant	1710 WALNUT ST 328	Berke 94709	Not Home 12/12/17	Flyer Left 1/15/18
Steven Sluweit	Occupant	1710 WALNUT ST 329	Berke 94709	Signed 12/12/17	
	Occupant	1710 WALNUT ST 330	Berke 94709	Not Home 12/12/17	Flyer Left 1/15/18
	Occupant	1720 SHATTUCK AVE	Berke 94709	Not Home 12/12/17	Flyer Left 1/15/18
	Occupant	1722 WALNUT ST	Berke 94709	N/A	
Diego Dalman	Occupant	1722 WALNUT ST 1	Berke 94709	Signed 12/10/17	
Li Yu	Occupant	1722 WALNUT ST 2	Berke 94709	Signed 12/12/17	
	Occupant	1722 WALNUT ST 3	Berke 94709	Not Home 12/12/17	Flyer Left Outside Door, 1/15/18
	Occupant	1722 WALNUT ST 4	Berke 94709	Vacant	
Akira Okamoto	Occupant	1722 WALNUT ST 5	Berke 94709	Signed 12/10/17	
Frank Barthe	Occupant	1722 WALNUT ST 6	Berke 94709	Signed 12/14/17	
Boya Li	Occupant	1722 WALNUT ST 7	Berke 94709	Signed 12/10/17	
Tsuyoshi Nakamoto	Occupant	1722 WALNUT ST 8	Berke 94709	Signed 12/10/17	
	Occupant	1725 SHATTUCK AVE	Berke 94709	N/A	
	Occupant	1725 SHATTUCK AVE 101	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 102	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 103	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 104	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 105	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 106	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 107	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 108	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 201	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 202	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 203	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 204	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 205	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 206	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 207	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 208	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 301	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 302	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 303	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 304	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 305	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 306	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 307	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 308	Berke 94709	Not Home 12/12/17	
	Occupant	1725 SHATTUCK AVE 400	Berke 94709	Not Home 12/12/17	
	Occupant	1728 WALNUT ST	Berke 94709	N/A	
	Occupant	1728 WALNUT ST 1	Berke 94709	Vacant	Flyer Left 1/15/18
	Occupant	1728 WALNUT ST 2	Berke 94709	Vacant	Flyer Left 1/15/18
	Occupant	1728 WALNUT ST 3	Berke 94709	Vacant	Flyer Left 1/15/18
Helen Kim	Occupant	1728 WALNUT ST 4	Berke 94709	Signed 1/19/18	
	Occupant	1730 SHATTUCK AVE	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 1	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 10	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 11	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 12	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 13	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 14	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 15	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 16	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 17	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 18	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 19	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 2	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 20	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 21	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 22	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 3	Berke 94709	Not Home 12/16/17	
Marilla Arguelles	Occupant	1740 WALNUT ST 4	Berke 94709	Signed 12/16/17	
	Occupant	1740 WALNUT ST 5	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 6	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 7	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 8	Berke 94709	Not Home 12/16/17	
	Occupant	1740 WALNUT ST 9	Berke 94709	Not Home 12/16/17	
	Occupant	1741 WALNUT ST	Berke 94720	Not Home 12/16/17	
	Occupant	1744 SHATTUCK AVE	Berke 94709	Not Home 12/16/17	
	Occupant	1746 SHATTUCK AVE	Berke 94709	Not Home 12/16/17	
	Occupant	1748 SHATTUCK AVE	Berke 94709	Not Home 12/16/17	
	Occupant	1750 WALNUT ST	Berke 94709	N/A	
	Occupant	1750 WALNUT ST 101	Berke 94709	Not Home 12/6/17	Not Home 12/15/17
	Occupant	1750 WALNUT ST 102	Berke 94709	Not Home 12/6/17	Not Home 12/15/17
Aideh Khodar	Occupant	1750 WALNUT ST 103	Berke 94709	Not Home 12/6/17	Signed 12/6/17
	Occupant	1750 WALNUT ST 201	Berke 94709	Not Home 12/6/17	Not Home 12/15/17
Julic Ann Aecorna	Occupant	1750 WALNUT ST 202	Berke 94709	Not Home 12/6/17	Signed 12/15/17
Katherine Young	Occupant	1750 WALNUT ST 203	Berke 94709	Not Home 12/6/17	Signed 12/18/17
	Occupant	1750 WALNUT ST 301	Berke 94709	Not Home 12/6/17	Not Home 12/15/17
Lincoln Adler	Occupant	1750 WALNUT ST 302	Berke 94709	Not Home 12/6/17	Signed 12/18/17
	Occupant	1750 WALNUT ST 303	Berke 94709	Not Home 12/6/17	Not Home 12/15/17
	Occupant	1751 WALNUT ST	Berke 94720	Not Home 12/6/17	Not Home 12/18/17
	Occupant	1752 SHATTUCK AVE	Berke 94709	Not Home 12/6/17	
	Occupant	1760 WALNUT ST	Berke 94709	N/A	
	Occupant	1760 WALNUT ST 101	Berke 94709	Not Home 12/6/17	
	Occupant	1760 WALNUT ST 102	Berke 94709	Not Home 12/6/17	
	Occupant	1760 WALNUT ST 103	Berke 94709	Not Home 12/6/17	
	Occupant	1760 WALNUT ST 104	Berke 94709	Not Home 12/6/17	
	Occupant	1760 WALNUT ST 105	Berke 94709	Not Home 12/6/17	
	Occupant	1760 WALNUT ST 106	Berke 94709	Not Home 12/6/17	
	Occupant	1760 WALNUT ST 201	Berke 94709	Not Home 12/6/17	
	Occupant	1760 WALNUT ST 202	Berke 94709	Not Home 12/6/17	



Occupant	2112 VIRGINIA ST 4	Berke 94709	Not Home 12/13/17
Occupant	2125 DELAWARE ST	Berke 94709	N/A
Occupant	2125 DELAWARE ST A	Berke 94709	Not Home 12/13/17
Occupant	2125 DELAWARE ST B	Berke 94709	Not Home 12/13/17
Occupant	2125 DELAWARE ST C	Berke 94709	Not Home 12/13/17
Occupant	2125 DELAWARE ST D	Berke 94709	Not Home 12/13/17
Occupant	2125 DELAWARE ST E	Berke 94709	Not Home 12/13/17
Occupant	2125 DELAWARE ST F	Berke 94709	Not Home 12/13/17
Occupant	2125 DELAWARE ST G	Berke 94709	Not Home 12/13/17
Occupant	2125 DELAWARE ST H	Berke 94709	Not Home 12/13/17
Occupant	2137 VIRGINIA ST	Berke 94709	Not Home 12/13/17
Occupant	2141 VIRGINIA ST	Berke 94709	N/A
Occupant	2141 VIRGINIA ST A	Berke 94709	Not Home 12/13/17
Occupant	2141 VIRGINIA ST B	Berke 94709	Not Home 12/13/17
Occupant	2143 1/2 VIRGINIA ST	Berke 94709	Not Home 12/13/17
Occupant	2143 VIRGINIA ST	Berke 94709	Not Home 12/13/17
Occupant	2143 VIRGINIA ST 1	Berke 94709	Not Home 12/13/17
Occupant	2151 VIRGINIA ST	Berke 94709	Not Home 12/13/17
Occupant	2153 VIRGINIA ST	Berke 94709	Not Home 12/13/17
Occupant	2155 VIRGINIA ST	Berke 94709	Not Home 12/13/17
Occupant	2157 VIRGINIA ST	Berke 94709	Not Home 12/13/17
Occupant	2195 HEARST AVE	Berke 94720	Not Home 12/13/17

1/28/2018

Gmail - 1722 Walnut Street: Cottage Legalization Process - Thank you



John Stevick <john.stevick@gmail.com>

---

## 1722 Walnut Street: Cottage Legalization Process - Thank you

1 message

---

**John Stevick** <john.stevick@gmail.com>  
To: Sara Kaplan <sarakap@gmail.com>

Sun, Jan 28, 2018 at 9:55 PM

Sara,

I wanted to thank you again so much for allowing me access to pass out flyers about our cottage legalization efforts as well as the informational meeting notice back on 1/15/2018 to all the residents of 1709 Shattuck Ave and 1710 Walnut Street.

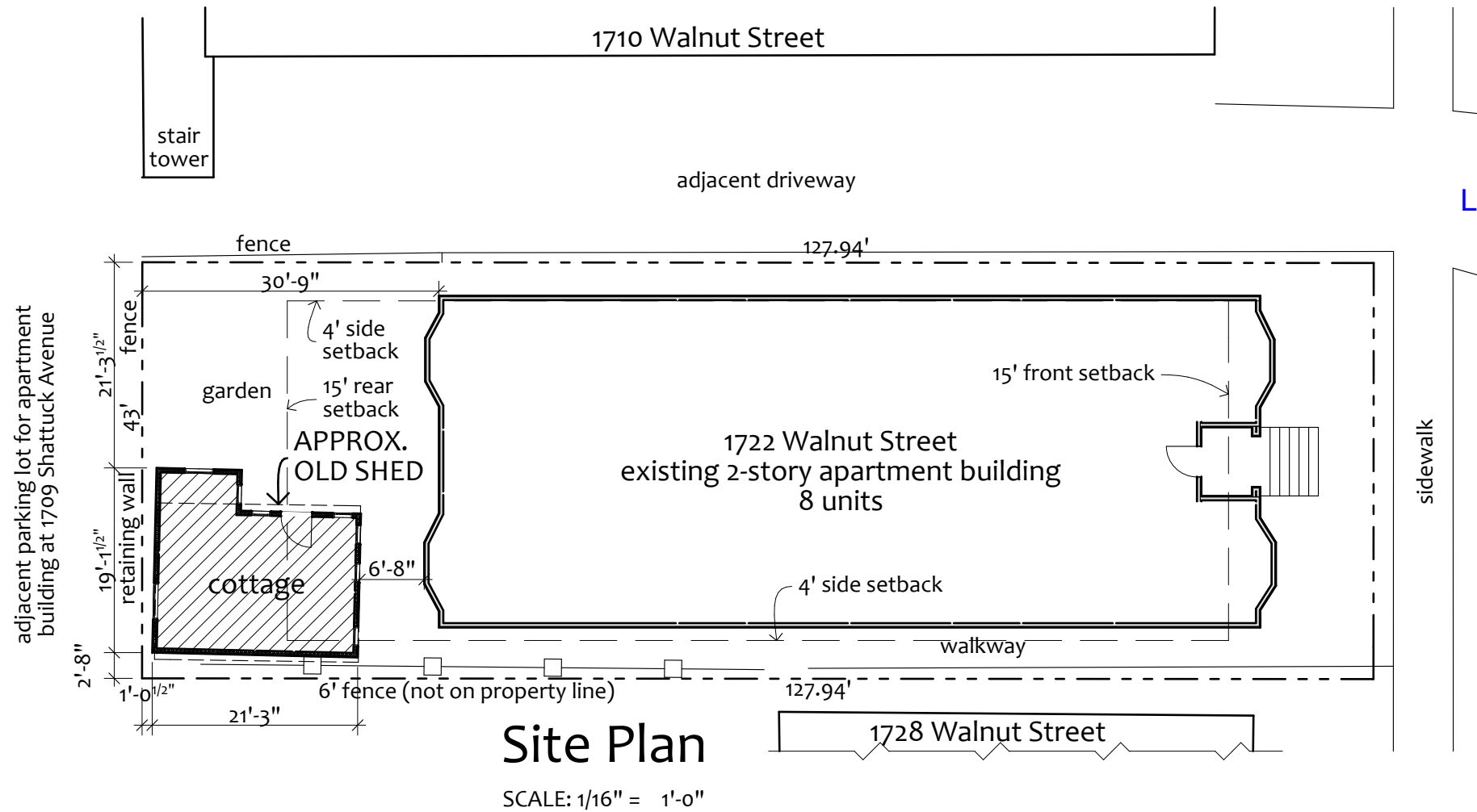
We held the informational meeting this past Saturday (1/27). Only one person attended, Linda Hunt (resident of 1709 Shattuck Ave - Apt 314). She was very friendly and just wanted to introduce herself. We talked mostly about family and she was able to sign her signature of support before leaving which means a lot to us.

Thank you so much,  
John

--

John Stevick  
[john.stevick@gmail.com](mailto:john.stevick@gmail.com)  
(510) 325 5247





RECEIVED

MAY 21 2018

LAND USE PLANNING

WALNUT STREET

**PROJECT INFORMATION**

OWNER/APPLICANT:  
John Stevick, Elizabeth Scherer & Glen Stevick  
1636 Walnut Street, Berkeley CA 94709  
510-540-6461

**PROJECT: Legalize existing cottage in rear yard of 8-unit apartment building.**

ASSESSOR'S PARCEL NO. 058-217700600  
LOT AREA: 5,479 sq.ft.

GROSS FLOOR AREAS:	Existing	Proposed
Apartments - Main Floor	2,920 sq.ft.	2,920 sq.ft.
Apartments - Upper Floor	2,872	2,872
Shed	312	0
Cottage	0	354 sq.ft.
	6,104 sq.ft.	6,146 sq.ft.

FOOTPRINT:	Existing	Proposed
Apartments	2,964 sq.ft.	2,964 sq.ft.
Shed	312	0
Cottage	0	354
	3,276 sq.ft.	3,318 sq.ft.

PARKING: none  
ZONING DISTRICT: R-4  
FIRE ZONE: 1  
CONSTRUCTION TYPE: V-B (wood-frame)  
FIRE SPRINKLER SYSTEM: none  
OCCUPANCY: R-1 (apartment building) + R-3 (dwelling)

UNIT 1	1 bedroom	590 sq.ft.
UNIT 2	1 bedroom	590 sq.ft.
UNIT 3	1 bedroom	620 sq.ft.
UNIT 4	1 bedroom	620 sq.ft.
UNIT 5	1 bedroom	590 sq.ft.
UNIT 6	1 bedroom	590 sq.ft.
UNIT 7	1 bedroom	620 sq.ft.
UNIT 8	1 bedroom	620 sq.ft.
COTTAGE	1 bedroom	354 sq.ft.



**ENLARGED DETAIL FROM SANBORN MAP BOOK IN PLANNING OFFICE**

**LIST OF DRAWINGS**

- 1 Project Information & Site Plan
- 2 Vicinity Map & Tabulation Form
- 3 Main Floor Plan
- 4 Upper Floor Plan
- 5 East & West Elevations
- 6 North & South Elevations
- 7 Photographs of Cottage
- 8 Photographs of Context
- 9 Photo & Hazardous Waste Statement
- 10 Survey

**NEIGHBORS' STATEMENT:** I HAVE REVIEWED THE PLANS TO LEGALIZE THE 1-STORY COTTAGE CONSTRUCTED IN THE REAR YARD OF 1722 WALNUT STREET.

**NOTE: NEIGHBORS' SIGNATURES WERE SUBMITTED TO LAND USE PLANNING ON 30-Nov-17 DRAWING SET.**

**Catherine Roha - Architect**  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

**USE PERMIT & VARIANCE APPLICATION**  
Revision 1

**Backyard Cottage**  
1722 Walnut Street  
Berkeley, CA 94709

Page 1 of 10  
18-Apr-18



**PLANNING & DEVELOPMENT**

Land Use Planning, 1947 Center Street, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)

**TABULATION FORM**

Project Address: 1722 Walnut Street Date: 18-Apr-18

Applicant's Name: John Stevick, Liz Scherer & Glen Stevick

Zoning District R-4

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	with old shed <i>Existing</i>	with cottage <i>Proposed</i>	<i>Permitted/ Required</i>
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (#)	8	9	
Number of Parking Spaces (#)	none	none	9
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)			
<b>Yards and Height</b>			
Front Yard Setback (Feet)	apartment building: 11.7'	cottage: 10.5'	15'
Side Yard Setbacks: (facing property)			
Left: (Feet)	apt: 5.2'	cottage: 2.2'	4'
Right: (Feet)	apt: 3.4'	cottage: 21.3'	4'
Rear Yard Setback (Feet)	apt: 31.0'	cottage: 1'	15'
Building Height* (# Stories)	apt: 2+basement	cottage: 1	3
Average* (Feet)	apt: 29'	cottage: 11'-3"	35'
Maximum* (Feet)	apt: 30'	cottage: 11'-3"	65' w/UP
<b>Areas</b>			
Lot Area (Square-Feet)	5,479 sq.ft.	5,479 sq.ft.	5,000 sq.ft.
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors	6,104 sq.ft.	6,146 sq.ft.	
Building Footprint* (Square-Feet) Total of All Structures	3,276 sq.ft.	3,318 sq.ft.	
Lot Coverage* (%) (Footprint/Lot Area)	60%	61%	40%
Useable Open Space* (Square-Feet)	1,098 sq.ft.	990 sq.ft.	1,800 sq.ft.
Floor Area Ratio* Non-Residential only (Except ES-R)			

\*See Definitions – Zoning Ordinance Title 23F.

Revised: 05/15

g:\landuse\forms & instructions\land use planning forms\word files\forms\_all\tabulation\_form\_05-15.doc

OLD SHED approx. 312 sq.ft.  
per Sanborn Map

BUILDING IS CONSIDERED 3-STORY DUE TO A  
LOW-CEILING STORAGE AREA IN REAR BASEMENT  
ON THIS SLOPING LOT

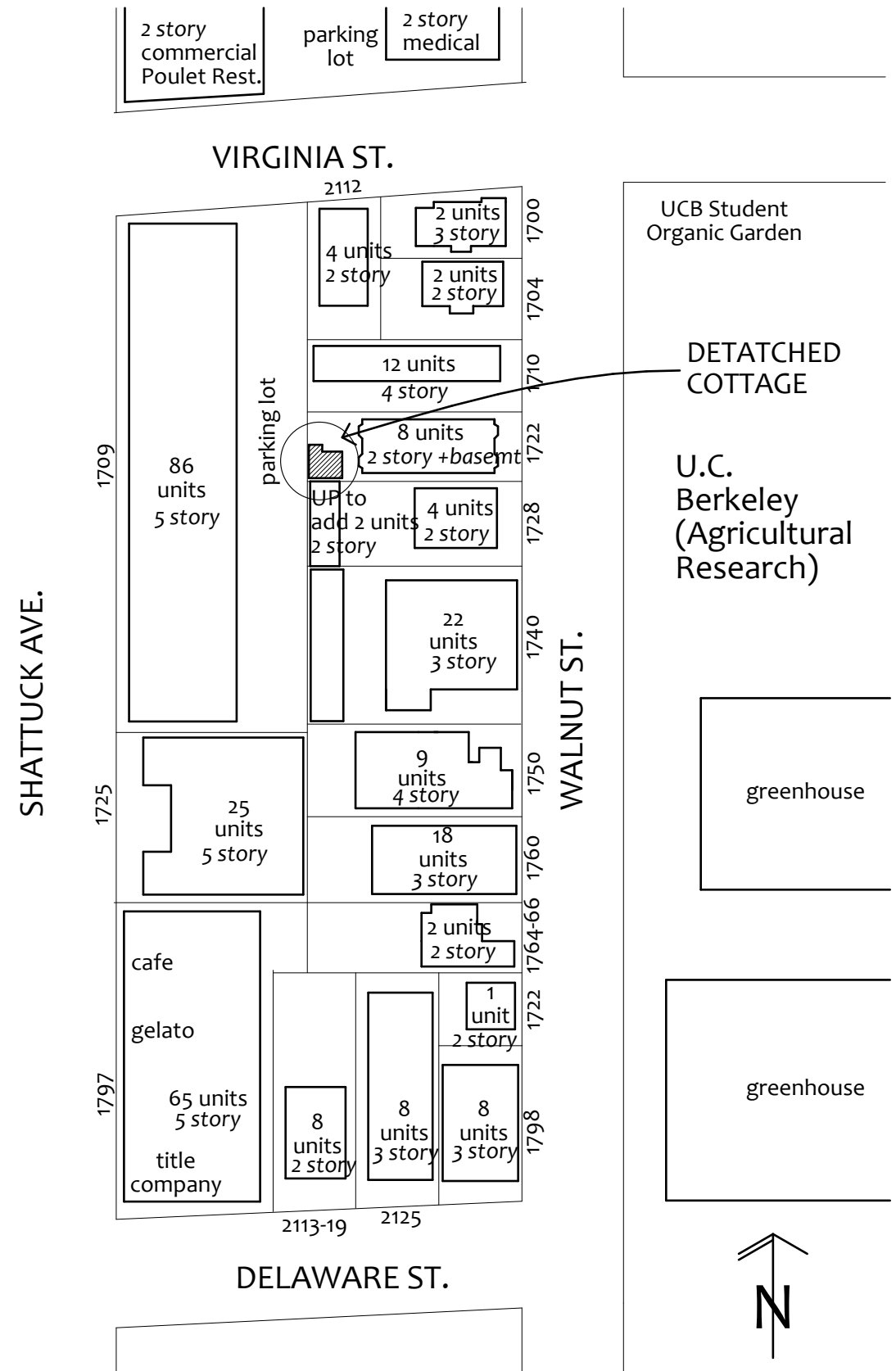
**USE PERMIT & VARIANCE APPLICATION**

Revision 1

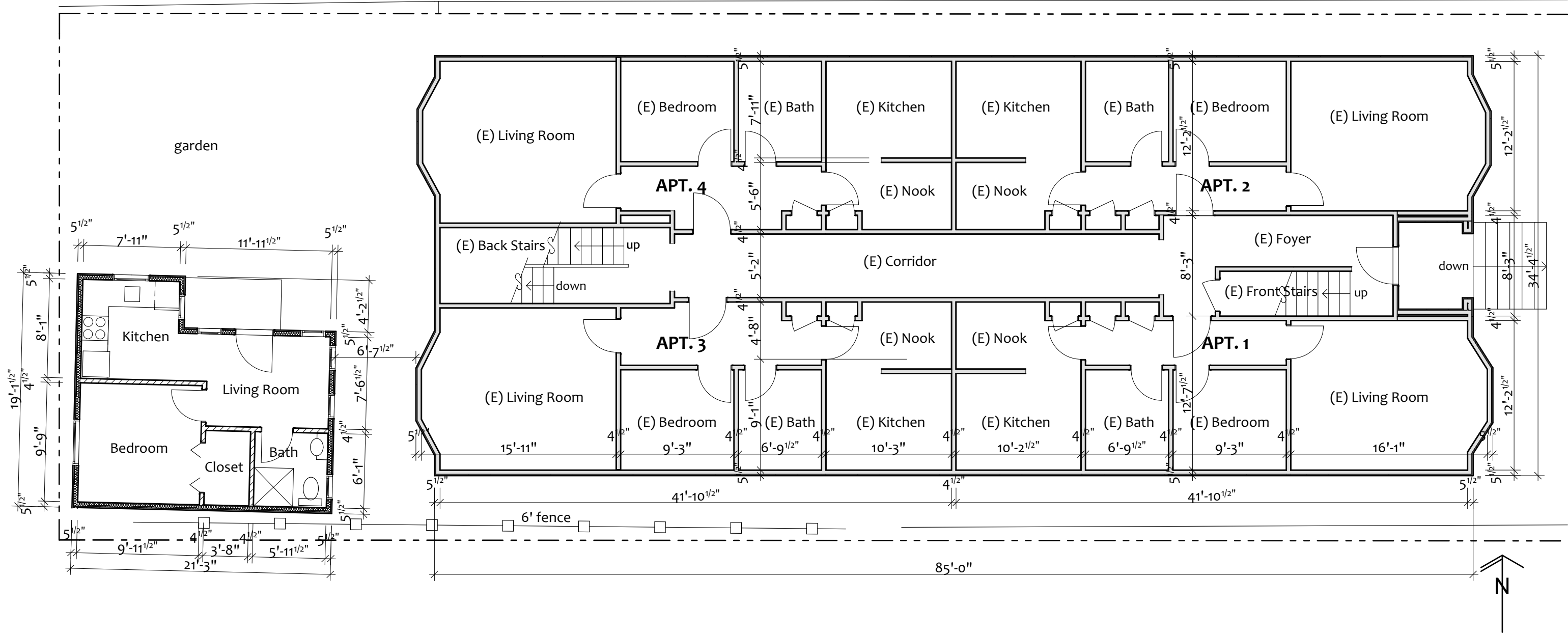
**Catherine Roha - Architect**  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

**VICINITY MAP**

**Backyard Cottage**  
1722 Walnut Street  
Berkeley, CA 94709



(E) = existing  
(N) = new



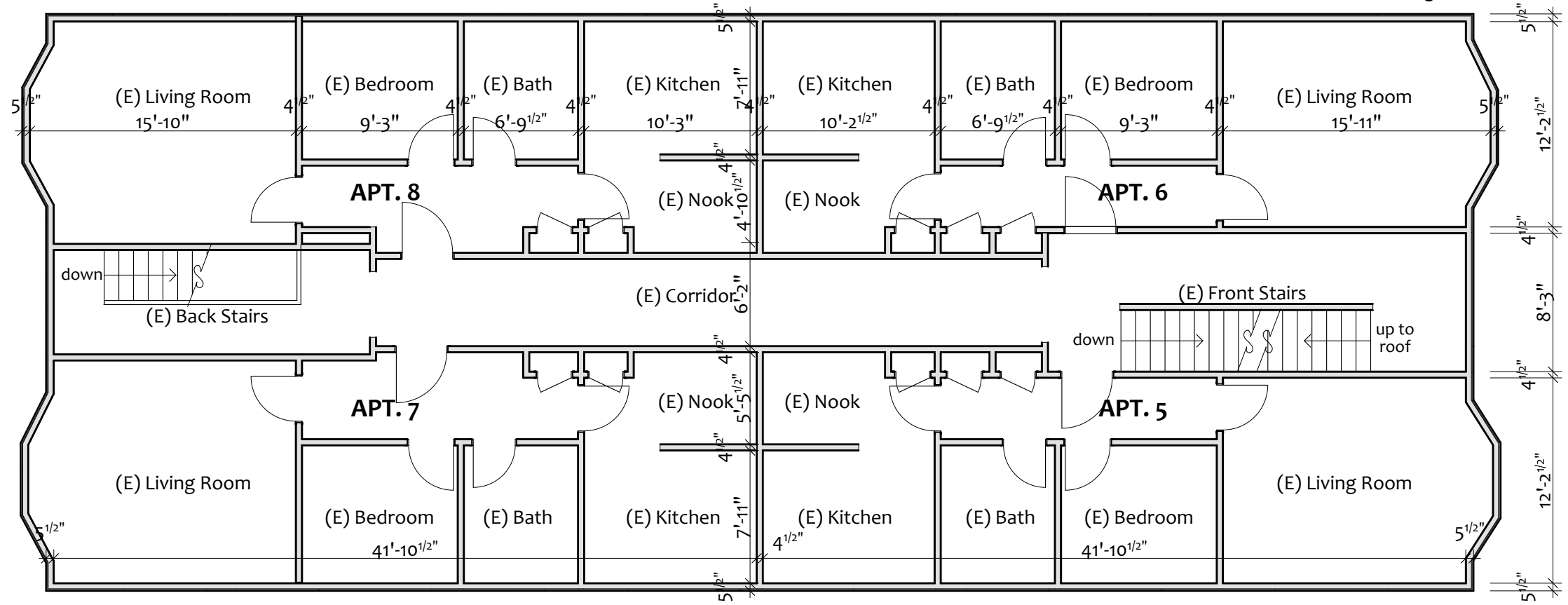
# Main Floor Plan

SCALE: 1/8" = 1'-0"

(E) = existing  
(N) = new

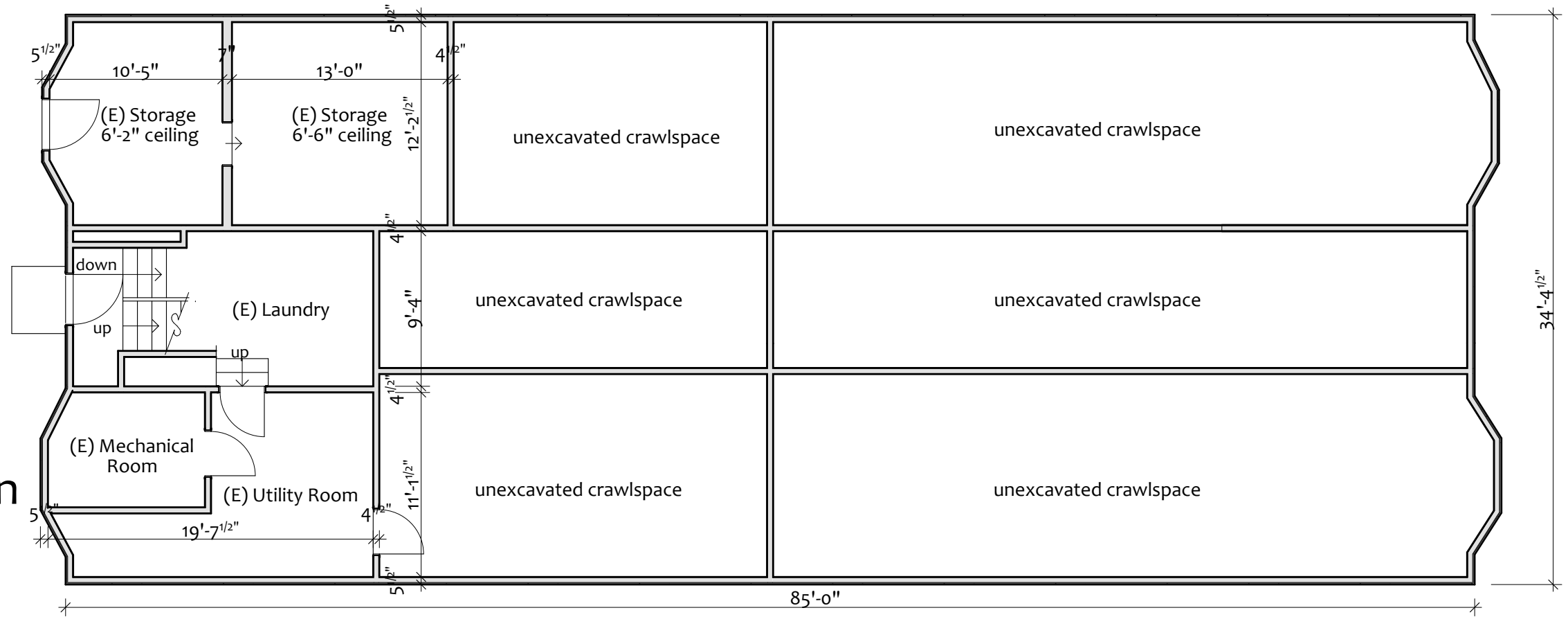
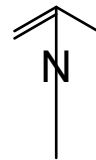
### Upper Floor Plan

SCALE: 1/8" = 1'-0"

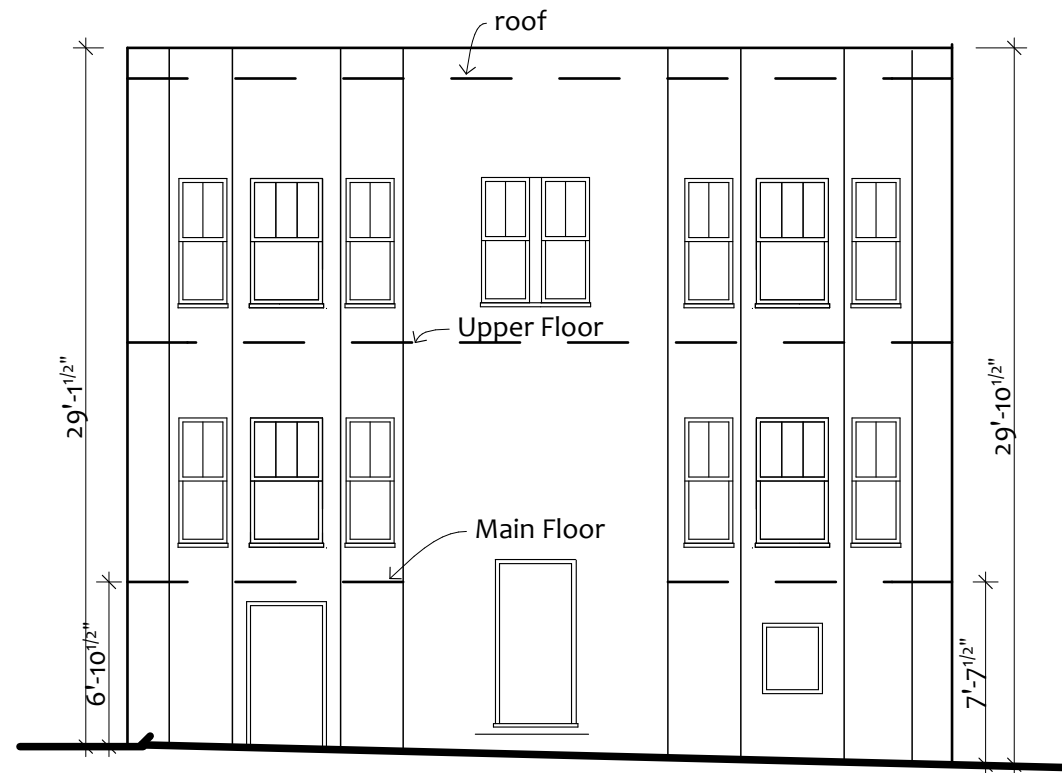


### Basement Floor Plan

SCALE: 1/8" = 1'-0"

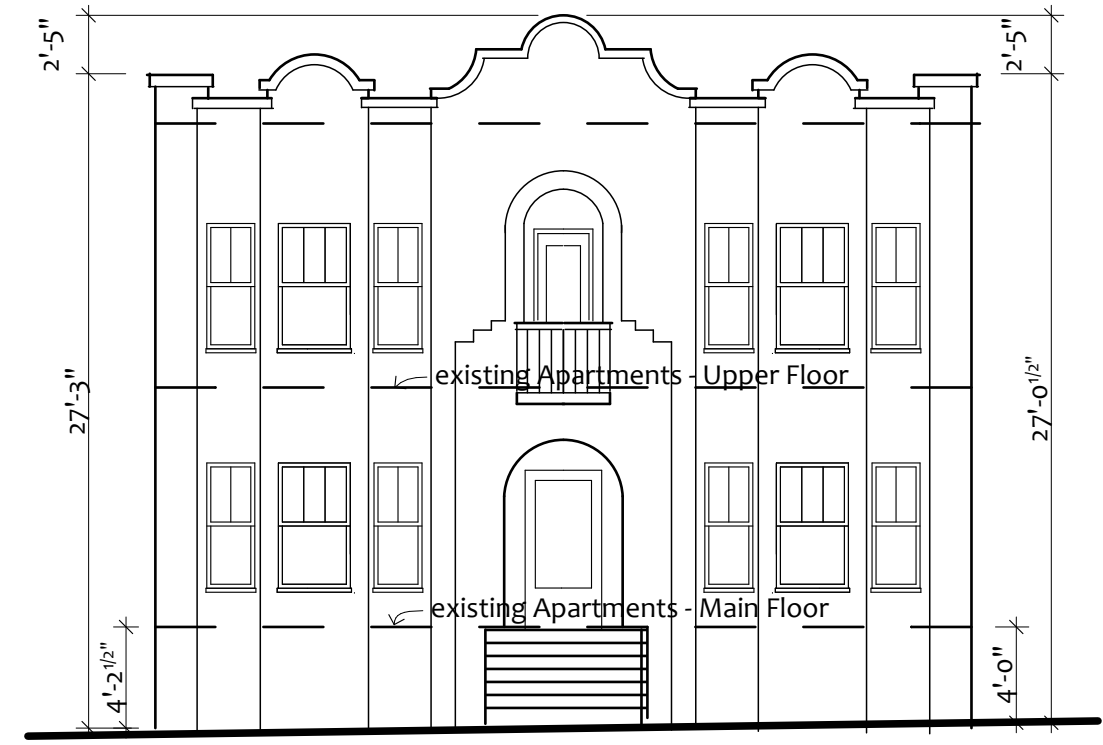






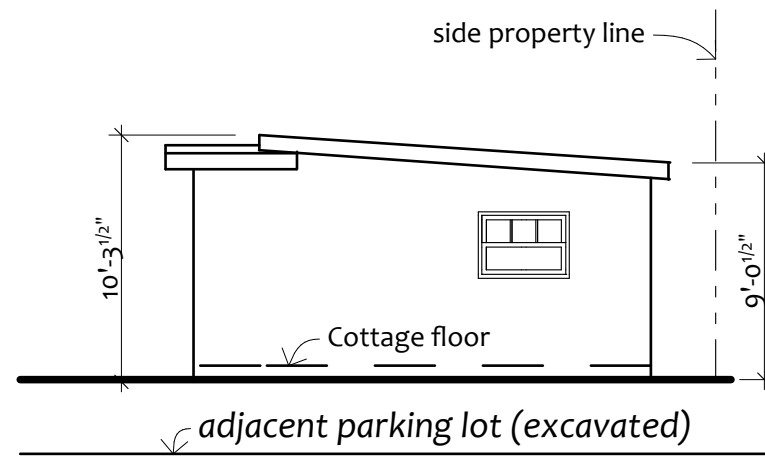
**Apartments - West Elevation**

SCALE: 1/8" = 1'-0"



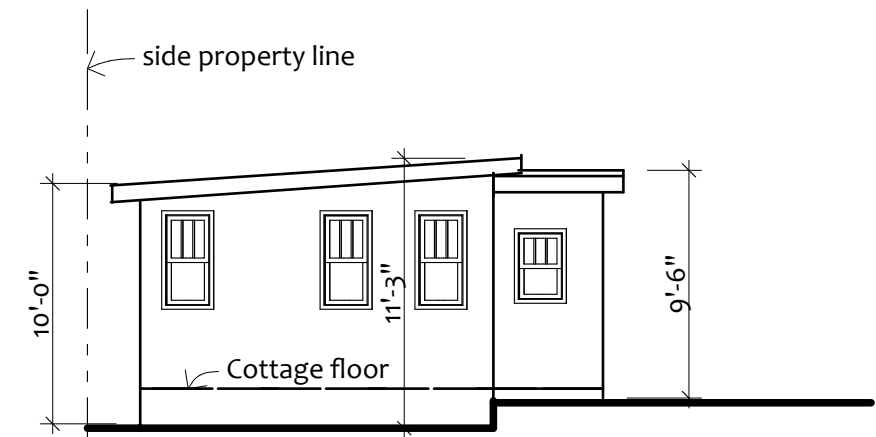
**Apartments - East (Front) Elevation**

SCALE: 1/8" = 1'-0"



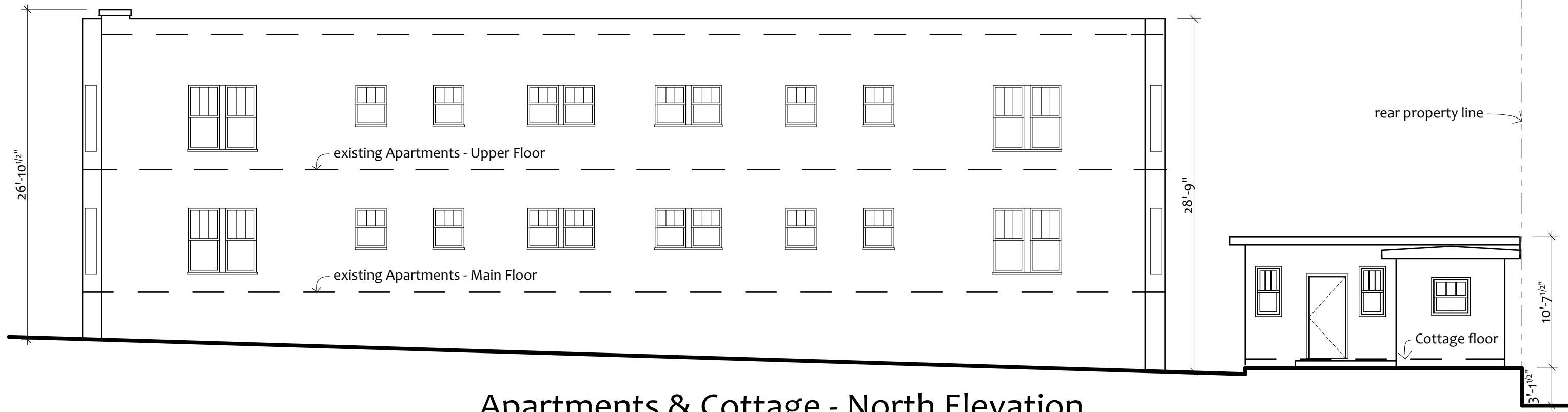
**Cottage - West Elevation**

SCALE: 1/8" = 1'-0"



**Cottage - East Elevation**

SCALE: 1/8" = 1'-0"



### Apartments & Cottage - North Elevation

SCALE: 1/8" = 1'-0"



### Cottage & Apartments - South Elevation

SCALE: 1/8" = 1'-0"



**EAST SIDE OF COTTAGE**



**NORTH SIDE OF COTTAGE**



**CONTEXT OF COTTAGE**

parking lot for  
1709 Shattuck Avenue  
(86 units)



**WEST SIDE OF COTTAGE**



# PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420  
Email: [Planning@ci.berkeley.ca.us](mailto:Planning@ci.berkeley.ca.us)

## II.E. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/>

<http://www.envirostor.dtsc.ca.gov/public/>

<https://geotracker.waterboards.ca.gov/>

### Applicant's Information:

Name: John Stevick, Liz Scherer & Glen Stevick  
Street Address: 1636 Walnut Street  
City, State, Zip Code: Berkeley, CA 94709  
Phone Number: 510-540-6461

### Project Information:

Address: 1722 Walnut Street  
City, State, Zip Code: Berkeley, CA 94709  
Assessor's book, page, and parcel number: 058-217700600

### Specify any list pursuant to Section 65962.5 of the Government Code:

none

Regulatory identification number: \_\_\_\_\_

Date of list: \_\_\_\_\_

### Applicant's verification:

Signature: Catherine Roha, for the Owner/Applicant Date: 28-Nov-17

1728 Walnut Street

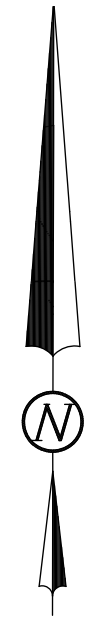
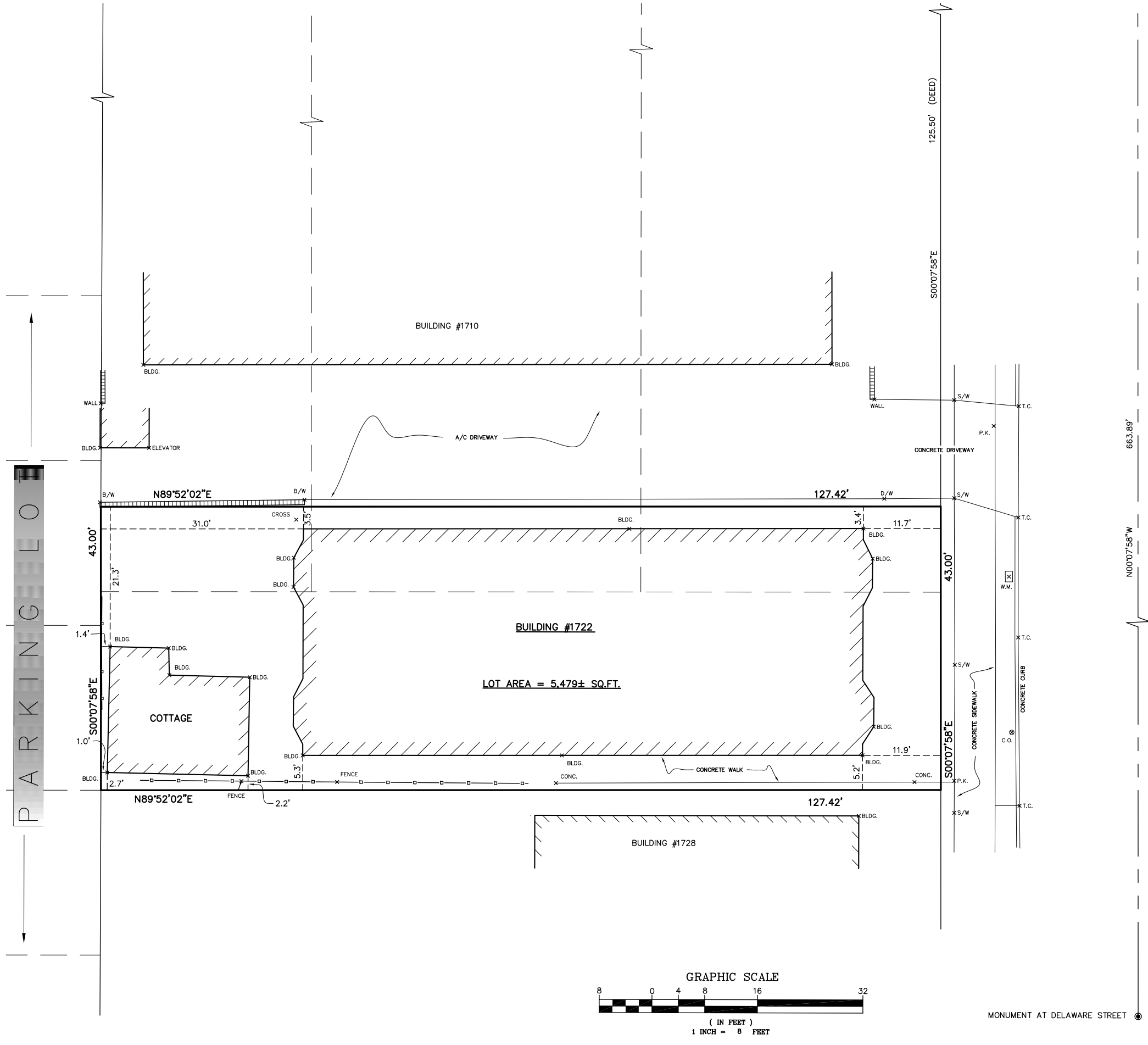
COTTAGE

1722 Walnut Street



**COTTAGE AT END OF WALKWAY (behind tree)**





**LEGEND**

A/C	ASPHALT/CONCRETE
BLDG.	BUILDING
B/W	BASE OF WALL
C.O.	CLEAN OUT
CONC.	CONCRETE
D/W	DRIVEWAY
P.K.	NAIL
S/W	SIDEWALK
T.C.	TOP OF CURB
W.M.	WATER METER
⊙	FOUND CITY SURVEY MONUMENT

WALNUT STREET (60' WIDE ON ANGLE)

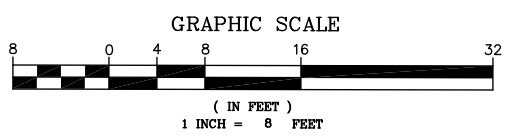
50% REDUCTION

**BUILDING LOCATION SURV**

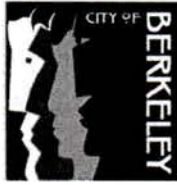
LOT 18 AND PORTIONS OF LOTS 15, 16 AND 17, BLOCK B,  
MAP OF THE PERCY TRACT (7 M 52)  
LOCATED AT 1722 WALNUT STREET  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA  
SEPTEMBER, 2017 SCALE: 1" = 8'

**MORAN ENGINEERING, INC.**

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







Rent Stabilization Board  
GLEN STEVICK  
1636 WALNUT ST  
BERKELEY CA 94709

1722 WALNUT ST  
BERKELEY CA 94709

RECEIVED

MAY 21 2018

LAND USE PLANNING

Receipt No: 104638

Received On	Description	Check Number	Receipt Amount
09/07/2017	CK# 2774 PAST DUE FEES & PENALTIES \$2598	2774	2598.00

A handwritten signature in black ink, appearing to read "Anna Wilson".

If not cash payment, attach check below

# City of Berkeley

Rent Stabilization Program  
RECEIVED 125 Milvia Street, Berkeley, CA 94704  
Phone: (510) 981-7368 (981-RENT) Fax: (510) 981-4910

For Office Use Only	
Date:	_____
Amt. Pd.:	_____
Ck. #	_____
Rept.#	_____
Initials:	_____

17 SEP -7 03:53  
**INITIAL REGISTRATION STATEMENT**

In order to be legally registered you have sixty (60) days to submit all requested information and to pay the registration fee. After Initial Registration an annual registration fee is due by the first day of July of each year.

### PART I. PROPERTY IDENTIFICATION

The following information must be submitted for all units covered by the Rent Stabilization Ordinance of the City of Berkeley.

A. **Property Address:** 1722 Walnut St.  
Zip Code: \_\_\_\_\_

**Account/Parcel Number** \_\_\_\_\_ **Tract** \_\_\_\_\_ **Owner Code** \_\_\_\_\_

B. **Owner Name:** \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

C. **Manager Name:** \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

D. **Send information to:** Owner \_\_\_\_\_ Manager \_\_\_\_\_

E. **Date Titled Acquired:** (Purchase or Transfer) \_\_\_\_ / \_\_\_\_ / \_\_\_\_

F. **Name(s) of additional owner(s) and percentage of interest held:**

Name	%	Name	%
_____	_____	_____	_____
_____	_____	_____	_____

G. **Total number of residential units on the property:** 10

- H. **Type of Building:**
- Single Family Dwelling
  - Duplex
  - Rooming House
  - Apartment Building
  - Combined commercial and residential units
  - Other: \_\_\_\_\_

**Reminder:** If you move, change the exempt status, change managers or sell the property, you must notify the Rent Stabilization Board in writing within sixty (60) days.





# City of Berkeley

## Rent Stabilization Program

2125 Milvia Street, Berkeley, CA 94704  
Phone: (510) 981-7368 [981-RENT] FAX: (510) 981-4910  
E-mail: rent@cityofberkeley.info Web: www.cityofberkeley.info/rent

17 SEP -7 P3:53

### VACANCY REGISTRATION FORM

INSTRUCTIONS PROVIDED ON BACK

Please do not file this form for fully or partially exempt tenancies such as those under Section 8.

For Office Use Only

Date: \_\_\_\_\_

Initials: \_\_\_\_\_

VR# \_\_\_\_\_

Berkeley Rental Property Address: **PLEASE PRINT LEGIBLY OR TYPE**

1722	WALNUT ST.	cottage		10
Street Number	Street Name	Unit #	# of Bedrooms	# of Units/Prop

**Owner/Agent Information** (If new owner or agent, please complete an Amended Registration Statement also):

**Owner:** (Check if new owner/address) \_\_\_\_\_ **Agent/Manager:** (Check if new agent/address) \_\_\_\_\_

Name: ELIZABETH SCHERER

Name: \_\_\_\_\_

Address: 1636 Walnut St.

Address: \_\_\_\_\_

City, State, Zip: BERKELEY CA 94709

City, State, Zip: \_\_\_\_\_

Phone: (510) 540-6461

Phone: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Email: john.stevick@gmail.com

Send all future correspondence and bills to: **OWNER** \_\_\_\_\_

**AGENT/MANAGER**

**Current Tenancy Information:** Tenant names and other tenant information will be kept confidential in accordance with the Information Practices Act of 1977.

Beginning date of this tenancy: 8/28/17 Number of tenants 2 Initial Rent \$ 2950

Name: Ben Baltzimer

Name: \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

**Housing Services:** Check the Housing Services provided or paid by the Landlord for the individual unit.

Storage  Gas  Electricity  Water  Garbage  Parking  Laundry Access  Heat   
Appliances  Other \_\_\_\_\_

Does Lease Prohibit Smoking?  Yes  No Effective date of smoking prohibition: 1/1

Does the Lease Include an Automatic Renewal Provision?  Yes  No

**Prior Tenancy Information:** Ending date of prior tenancy: 8/1/17 Voluntary vacancy

Termination by landlord \_\_\_\_\_ Other (explain): \_\_\_\_\_

Check one: I am the landlord or the landlord's agent.  I am the tenant (please attach lease agreement). \_\_\_\_\_

**Declaration:** I hereby declare under penalty of perjury that all the information in this Vacancy Registration Form is true and correct to the best of my knowledge and belief.

JOHN STEVICK  
Print Name

[Signature]  
Signature

9/7/17  
Date



# City of Berkeley

Rent Stabilization Program  
2125 Milvia Street, Berkeley, CA 94704

Phone: (510) 981-7368 (981-RENT) Fax: (510) 981-4910

RECEIVED  
17 SEP -7 P3:53

For Office Use Only	
Date:	_____
Amt. Pd.:	_____
Ck. #	_____
Rept.#	_____
Initials:	_____

## AMENDED REGISTRATION STATEMENT RENT PROGRAM

Complete this form for any changes in status of a **previously registered** unit on the property, or for any change in ownership, management, or mailing address for this property. This form must be completed and submitted, and the fee paid, **within sixty (60) days** of the change in status, or **BEFORE** July 1, of any year, if July 1 occurs before the end of the sixty days.

If the PROPERTY, or the individual unit(s), you are now registering has never been registered, complete an **INITIAL REGISTRATION STATEMENT**.

Berkeley Property Address: **PLEASE PRINT LEGIBLY, OR TYPE**

<u>1722</u>	<u>Walnut St.</u>	<u>94709</u>	<u>10</u>
Street Number	Street Name	Zip	Number of Units on the property

### PART I. CHANGE IN OWNERSHIP

Complete this section if you are a new owner. List all owners of record (as reflected by the County Recorder's Office) and each owner's percentage of ownership.

- Date of purchase, or title transfer: \_\_\_\_\_
- The names of all owners of record, and the percentage of ownership for each owner must be listed for all changes in ownership.

Name	%	Name	%
a) _____	_____	c) _____	_____
b) _____	_____	d) _____	_____

### PART II. CHANGE IN MAILING ADDRESS

Complete this section if you wish to change the address to which bills and other correspondence are sent. If there are multiple owners or a property manager, **YOU MUST CHOOSE ONLY ONE** name and address to receive all correspondence from the Rent Stabilization Program.

Owner     Manager

**PLEASE PRINT LEGIBLY, OR TYPE**

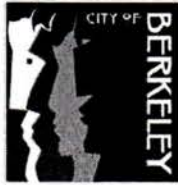
Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_





## RENT VALIDATION REPORT

Rent Stabilization Board

GLEN STEVICK  
1636 WALNUT ST  
BERKELEY, CA 94709

09/12/2017

Re: 1722 WALNUT ST #COTTAGE

Enclosed is a copy of the Vacancy Registration Form recently filed with our office. The information on the form has been entered into the Board's Rent Tracking System, and the information below reflects what the Board's records currently show as the rental unit's current registered status, lawful rent and services included in the rent paid by the tenant. Information contained in this report does not constitute a binding determination regarding the rent paid or services provided.

Tenancy Started 08/28/2017  
Initial Rent \$ 2950.00  
Occupancy 2  
Services Gas, Electricity, Water, Garbage, Sewer

If you feel any of this information is incorrect, please contact a Housing Counselor in our Public Information Unit as soon as possible. Our office hours are 9:00 a.m - 4:45 p.m. on Monday, Tuesday, Thursday and Friday; and noon - 6:30 p.m. on Wednesday.

# City of Berkeley

## Rent Stabilization Program

2125 Milvia Street, Berkeley, CA 94704

Phone: (510) 981-7368 [981-RENT] FAX: (510) 981-4910

E-mail: rent@cityofberkeley.info Web: www.cityofberkeley.info/rent

17 SEP -7 P3:53

### VACANCY REGISTRATION FORM

INSTRUCTIONS PROVIDED ON BACK

*Please do not file this form for fully or partially exempt tenancies such as those under Section 8.*

For Office Use Only

Date: 9/12/17

Initials: AS

VR# 110457

Berkeley Rental Property Address: PLEASE PRINT LEGIBLY OR TYPE

<u>1722</u>	<u>WALNUT ST.</u>	<u>cottage</u>		<u>10</u>
Street Number	Street Name	Unit #	# of Bedrooms	# of Units/Prop

**Owner/Agent Information** (If new owner or agent, please complete an Amended Registration Statement also):

Owner: (Check if new owner/address) \_\_\_\_\_ Agent/Manager: (Check if new agent/address) \_\_\_\_\_

Name: ELIZABETH SCHERER

Name: \_\_\_\_\_

Address: 1636 Walnut St.

Address: \_\_\_\_\_

City, State, Zip: BERKELEY CA 94709

City, State, Zip: \_\_\_\_\_

Phone: (510) 540-6461

Phone: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Email: john.stevick@gmail.com

Send all future correspondence and bills to: OWNER \_\_\_\_\_ AGENT/MANAGER

**Current Tenancy Information:** Tenant names and other tenant information will be kept confidential in accordance with the Information Practices Act of 1977.

Beginning date of this tenancy: 8/28/17 Number of tenants 2 Initial Rent \$ 2950

Name: Ben Baltzimer

Name: \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

**Housing Services:** Check the Housing Services provided or paid by the Landlord for the individual unit.

Storage  Gas  Electricity  Water  Garbage  Parking  Laundry Access  Heat  Appliances  Other \_\_\_\_\_

Does Lease Prohibit Smoking? Yes  No  Effective date of smoking prohibition:   /  /  

Does the Lease Include an Automatic Renewal Provision? Yes  No

**Prior Tenancy Information:** Ending date of prior tenancy: 8/1/17 Voluntary vacancy

Termination by landlord \_\_\_\_\_ Other (explain): \_\_\_\_\_

Check one: I am the landlord or the landlord's agent.  I am the tenant (please attach lease agreement). \_\_\_\_\_

**Declaration:** I hereby declare under penalty of perjury that all the information in this Vacancy Registration Form is true and correct to the best of my knowledge and belief.

JOHN STEVICK  
Print Name

[Signature]  
Signature

9/7/17  
Date



*Wk*  
**City of Berkeley**  
Rent Stabilization Program  
RECEIVED 1215 Milvia Street, Berkeley, CA 94704  
Phone: (510) 981-7368 (981-RENT) Fax: (510) 981-4910

For Office Use Only  
Date: \_\_\_\_\_  
Amt. Pd.: \_\_\_\_\_  
Ck. # \_\_\_\_\_  
Rept.# \_\_\_\_\_  
Initials: \_\_\_\_\_

17 SEP -7 10:53

**INITIAL REGISTRATION STATEMENT**

In order to be legally registered you have **sixty (60) days** to submit all requested information and to pay the registration fee. After Initial Registration an annual registration fee is due by the first day of July of each year.

**PART I. PROPERTY IDENTIFICATION**

The following information must be submitted for all units covered by the Rent Stabilization Ordinance of the City of Berkeley.

A. **Property Address:** 1722 Walnut St.  
Zip Code: \_\_\_\_\_

**Account/Parcel Number** \_\_\_\_\_ **Tract** \_\_\_\_\_ **Owner Code** \_\_\_\_\_

B. **Owner Name:** \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

C. **Manager Name:** \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

D. **Send information to:** Owner \_\_\_\_\_ Manager \_\_\_\_\_

E. **Date Titled Acquired:** (Purchase or Transfer) \_\_\_\_ / \_\_\_\_ / \_\_\_\_

F. **Name(s) of additional owner(s) and percentage of interest held:**

Name	%	Name	%
_____	_____	_____	_____
_____	_____	_____	_____

G. **Total number of residential units on the property:** 10

H. **Type of Building:**  
 Single Family Dwelling  
 Duplex  
 Rooming House  
 Apartment Building  
 Combined commercial and residential units  
 Other: \_\_\_\_\_

**Reminder:** If you move, change the exempt status, change managers or sell the property, you must notify the Rent Stabilization Board in writing within sixty (60) days.



**PART II. RENT HISTORIES, DEPOSITS AND HOUSING REPAIRS**

The following information must be submitted for each unit. If you do not know the answer to one of the items, you should submit a **Request for Review of Rent Registration Status**. The Board will review the request and determine if the property is properly registered without the requested information. If a question does not apply, please write "N/A".

A. Apt or Unit #	<u>cottage</u>	<u>bsmt</u>	_____	_____	_____
B. # of Bedrooms (Studio = 0)	<u>1</u>	<u>0</u>	_____	_____	_____
C. Check if Kitchen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Amount of Deposits	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
E. Date first rented	<u>2/1/15</u>	<u>2/1/15</u>	<u>1/1</u>	<u>1/1</u>	<u>1/1</u>
F. Rent on that date	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
G. Rent 6/6/78	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
H. Rent 12/30/79	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
I. Rent 5/31/80 <b>OR</b>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
J. *Rent 12/31/81	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

\*if formerly exempt owner-occupied triplex or fourplex.

**HOUSING SERVICES**

Check the housing services provided on 5/31/80 (or 12/31/81 if formerly exempt owner-occupied three or four unit property). For each unit, check box:  , if provided by owner. If not provided by owner, write the amount of fee if service is paid separately by tenant: \$ \_\_\_\_\_.

Service	Unit #:	_____	_____	_____	_____	_____
Storage	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____
Gas	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____
Electricity	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____
Water	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____
Laundry	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____
Refuse Removal	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____
Furnishings	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____
Parking	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____
Other	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____	<input type="checkbox"/>	\$ _____

**Please Note:** Designating a rental unit as properly registered does not constitute certification of the lawful base rent, current lawful rent ceiling or any other information provided on the registration statement and shall not preclude the Board or any person from challenging the accuracy of any information provided. (Regulation 801 (C))

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge and belief.

Signature  Date 9/7/17



RECEIVED

17 SEP -7 P 3:53

# City of Berkeley

Rent Stabilization Program  
2125 Milvia Street, Berkeley, CA 94704

Phone: (510) 981-7368 (981-RENT) Fax: (510) 981-4910

For Office Use Only	
Date:	_____
Amt. Pd.:	_____
Ck. #	_____
Rept.#	_____
Initials:	_____

## AMENDED REGISTRATION STATEMENT

RENT PROGRAM

Complete this form for any changes in status of a **previously registered** unit on the property, or for any change in ownership, management, or mailing address for this property. This form must be completed and submitted, and the fee paid, **within sixty (60) days** of the change in status, or **BEFORE July 1**, of any year, if July 1 occurs before the end of the sixty days.

If the PROPERTY, or the individual unit(s), you are now registering has never been registered, complete an **INITIAL REGISTRATION STATEMENT**.

Berkeley Property Address: PLEASE PRINT LEGIBLY, OR TYPE

<u>1722</u>	<u>WA/WAT ST.</u>	<u>94709</u>	<u>10</u>
Street Number	Street Name	Zip	Number of Units on the property

### PART I. CHANGE IN OWNERSHIP

Complete this section if you are a new owner. List all owners of record (as reflected by the County Recorder's Office) and each owner's percentage of ownership.

- Date of purchase, or title transfer: \_\_\_\_\_
- The names of all owners of record, and the percentage of ownership for each owner must be listed for all changes in ownership.

Name	%	Name	%
a) _____	_____	c) _____	_____
b) _____	_____	d) _____	_____

### PART II. CHANGE IN MAILING ADDRESS

Complete this section if you wish to change the address to which bills and other correspondence are sent. If there are multiple owners or a property manager, **YOU MUST CHOOSE ONLY ONE** name and address to receive all correspondence from the Rent Stabilization Program.

Owner     Manager    PLEASE PRINT LEGIBLY, OR TYPE

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_



**PART III. UNIT STATUS CHANGE FOR UNITS THAT HAVE BEEN PREVIOUSLY REGISTERED**

- Complete this section when you are changing the status of any previously registered unit.
- This form must be completed and the fee paid within 60 days from the date a unit is rented to avoid the assessment of a penalty.
- Complete an **Initial Registration Statement** for any unit(s) being registered for the **first time**.

**A. Registration of Formerly Exempt Units**  
(If new tenancy, a *Vacancy Registration* form is also required.)

Unit Designation	Date Rented	Rent Per Month	Unit Designation	Date Rented	Rent Per Month
1) <del>_____</del>	_____	\$ _____	4) _____	_____	\$ _____
2) _____	_____	\$ _____	5) _____	_____	\$ _____
3) _____	_____	\$ _____	6) _____	_____	\$ _____

**B. Claim of Exemption**

All claims of exemption are subject to verification. If you are unclear whether an exemption applies to your unit, you should consult with a housing counselor. You may be liable for fees and possibly penalties if your units are determined, at any time, to be ineligible for the exemption you claim.

If you are claiming an exemption for more than 3 units, please use an additional form.

Unit Designation	Exemption Designation <small>*See list</small>	Date of Exemption	If Owner Occupied, Owner's Name
1) <u>bsmnt</u>	<u>NATL</u>	<u>8/1/17</u>	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____

**\* List of common Exemption Designations:**

Status	Designation
OWNER OCCUPIED	Owner of 50% or more occupies the unit and/or shares kitchen and/or bath with tenant.
SECTION 8	Registered with BHA, Section 8 program.
VACANT and NOT AVAILABLE FOR RENT	This unit is not now occupied by an owner or tenant, and is not available to be rented.
OCCUPIED RENT-FREE	This unit is provided to the tenant by the owner, rent-free, AND does not require any service(s) from the tenant in exchange for the rent-free privilege.
**OTHER	**If you use this designation, you must explain why the unit is exempt.

\*\*Explanation \_\_\_\_\_

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge and belief.

X \_\_\_\_\_  
Signature

X 9/7/17  
Date

BERKELEY RENT BOARD  
RCVD 17DEC13PM2:06

**City of Berkeley**  
Rent Stabilization Program  
2125 Milvia Street, Berkeley, CA 94704  
Phone: (510) 981-7368 (981-RENT) Fax: (510) 981-4910

For Office Use Only	
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Ck. #	_____
Repl.#	_____
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1722 Walnut St 94709 9  
 Street Number Street Name Zip Number of Units on the property

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a) _____	_____	c) _____	_____
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Owner  Manager

**PLEASE PRINT LEGIBLY, OR TYPE**

Name: Jim Jones

Address: 1035 San Pablo Ave, Suite 12

City, State, Zip: Albany CA 94706

Phone Number: 510-528-1900

E-mail: jjones@kands.com

*Handwritten initials and date: JJ 12/13/17*



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1) _____	_____	_____	_____
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3) _____	_____	_____	_____

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\*\*Explanation \_\_\_\_\_

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature

12/13/17  
Date



RECEIVED

MAY 21 2018

**Answers to Three Required Variance Findings**

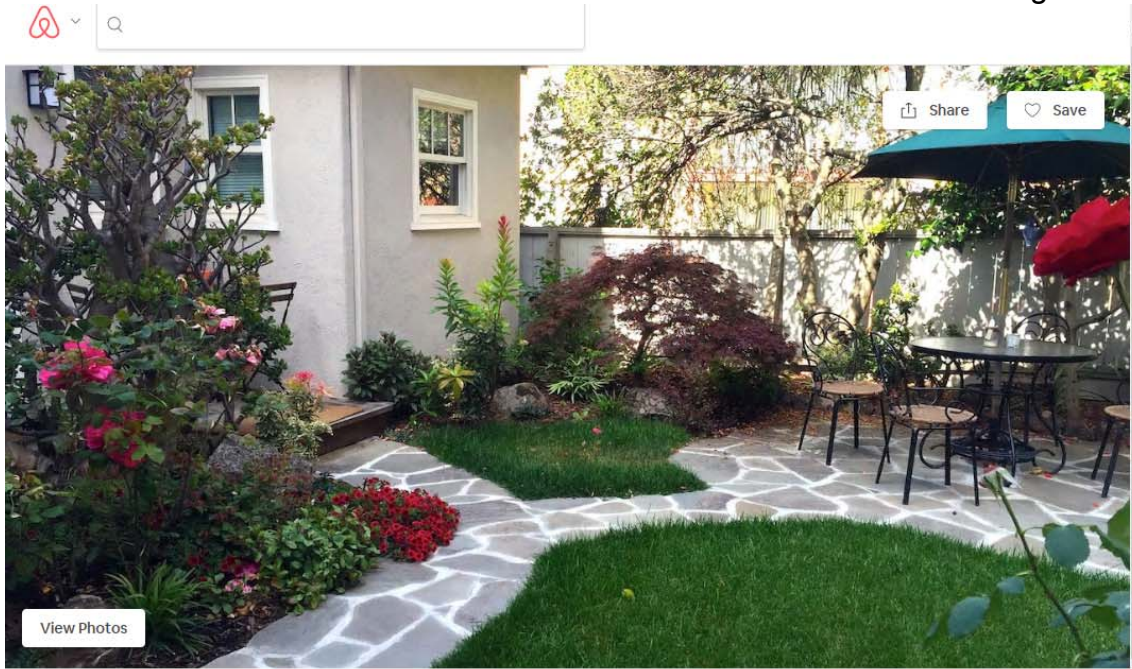
**LAND USE PLANNING**

1. This building is within 0.5 miles of Downtown BART, 0.1 miles of the closest bus stop, 0.2 miles of the closest trans-bay bus stop, and 0.2 miles of the closest UC Berkeley shuttle. The existing cottage in question has been in existence for over 6 years and serves a relaxing and tranquil respite from the 4+ story buildings surrounding it and the greater and ever expanding Downtown Berkeley.

2. The surrounding neighborhood is very dense relative to the majority of Berkeley and becoming increasingly so each year with new, large-scale mixed use projects continuing to go up. We are simply asking for the same kind of coverage that neighboring lots enjoy on the very same block. Many other buildings in the immediate vicinity are over density as can be seen by referring to the attached vicinity map.

3. It is our pleasure to provide an additional safe and habitable living space within walking distance of Downtown Berkeley and UC Berkeley campus. We find that the cottage actually enhances the backyard aesthetic and compliments the garden for all property residents in comparison to the dilapidated shed that stood in the cottages place before.

**James, if you would be so kind as to help us further refine and craft the answers I've prepared above, it would be much appreciated. Please let me know your thoughts.**



View Photos

Share Save

ENTIRE APARTMENT

## Sunny & Modern 1-BR Cottage in Downtown Berkeley

Berkeley



John

2 guests 1 bedroom 1 bed 1 bath

### HOME HIGHLIGHTS

**John is a Superhost** · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Helpful · Not helpful

**Air conditioning** · This is one of few homes in this area that has this feature.

Helpful · Not helpful

My place is close to UC Berkeley, Berkeley Cheese Board, Chez Panisse, Downtown Berkeley BART. You'll love my place because of the location, the people, the outdoors space, the ambiance, and the neighborhood. My place is good for couples, solo adventurers, and business travelers.

Contact host

### Amenities

Kitchen

Wifi

Air conditioning

Laptop friendly workspace

Hangers

Dryer

Show all 11 amenities

### House Rules

No smoking

Not suitable for pets

No parties or events

Check-in is anytime after 3PM

Check out by 10AM

\$150 per night  
★★★★★ 3

Request to Book



Anywhere

Become a host

Earn credit

Help

Sign up

Log in



Share



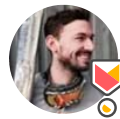
Save

[View Photos](#)

ENTIRE APARTMENT

# Sunny & Modern 1-BR Cottage in Downtown Berkeley

Berkeley



John


2 guests


1 bedroom

1 bed

1 bath

HOME HIGHLIGHTS

**John is a Superhost** · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.  
 Helpful  · Not helpful


**Air conditioning** · This is one of few homes in this area that has this feature.  
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Contact host

**Amenities**

 Kitchen

 Laptop friendly workspace

 Wifi

 Hangers

 Air conditioning

 Dryer

Show all 11 amenities

**House Rules**

No smoking

Not suitable for pets

No parties or events

Check-in is anytime after 3PM

Check out by 10AM

**Cancellations**

Moderate



Cancel up to 5 days before check in and get a full refund (minus service fees). Cancel within 5 days of your trip and the first ni...Read more

[Get details](#)

### Availability

**14 nights** minimum stay · Updated 1 month ago

← October 2018							November 2018 →						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	<b>1</b> \$150	<b>2</b> \$150	<b>3</b> \$150	<b>4</b> \$150	<b>5</b> \$150	<b>6</b> \$150					<b>1</b> \$150	<b>2</b> \$150	<b>3</b> \$150
<b>7</b> \$150	<b>8</b> \$150	<b>9</b> \$150	<b>10</b> \$150	<b>11</b> \$150	<b>12</b> \$150	<b>13</b> \$150	<b>4</b> \$150	<b>5</b> \$150	<b>6</b> \$150	<b>7</b> \$150	<b>8</b> \$150	<b>9</b> \$150	<b>10</b> \$150
<b>14</b> \$150	<b>15</b> \$150	<b>16</b> \$150	<b>17</b> \$150	<b>18</b> \$150	<b>19</b> \$150	<b>20</b> \$150	<b>11</b> \$150	<b>12</b> \$150	<b>13</b> \$150	<b>14</b> \$150	<b>15</b> \$150	<b>16</b> \$150	<b>17</b> \$150
<b>21</b> \$150	<b>22</b> \$150	<b>23</b> \$150	<b>24</b> \$150	<b>25</b> \$150	<b>26</b> \$150	<b>27</b> \$150	<b>18</b> \$150	<b>19</b> \$150	<b>20</b> \$150	<b>21</b> \$150	<b>22</b> \$150	<b>23</b> \$150	<b>24</b> \$150
<b>28</b> \$150	<b>29</b> \$150	<b>30</b> \$150	<b>31</b> \$150				<b>25</b> \$150	<b>26</b> \$150	<b>27</b> \$150	<b>28</b> \$150	<b>29</b> \$150	<b>30</b> \$150	

### 3 Reviews ★★★★★

Accuracy	★★★★★
Communication	★★★★★
Cleanliness	★★★★★
Location	★★★★★
Check-in	★★★★★
Value	★★★★★



**Stephanie**

March 2017



★★★★★

John was super helpful and responsive, and the cottage is very nicely appointed and modern. Would love to stay there again!



**Chas, Wen-Chien**

September 2016



★★★★★

felt welcome, everything was accurate, and nice.



**Franziska**

August 2017



★★★★★

We had a wonderful time here. John's cottage is amazing: clean, private, perfectly furnished and ideally located. The bed is extremely comfortable and the walk in closet has tons of space! The bathroom is incredibly clean and the shower is very luxurious. The little garden is so ...Read more

This host has 45 reviews for other properties.

[View other reviews](#)

## Hosted by John

Berkeley, California, United States · Joined in June 2011



★ 53 Reviews Verified

**John is a Superhost** · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.



Berkeley, CA Native Endlessly seeking to Travel, Learn, and Adventure

Response rate: 100%

Response time: within a day

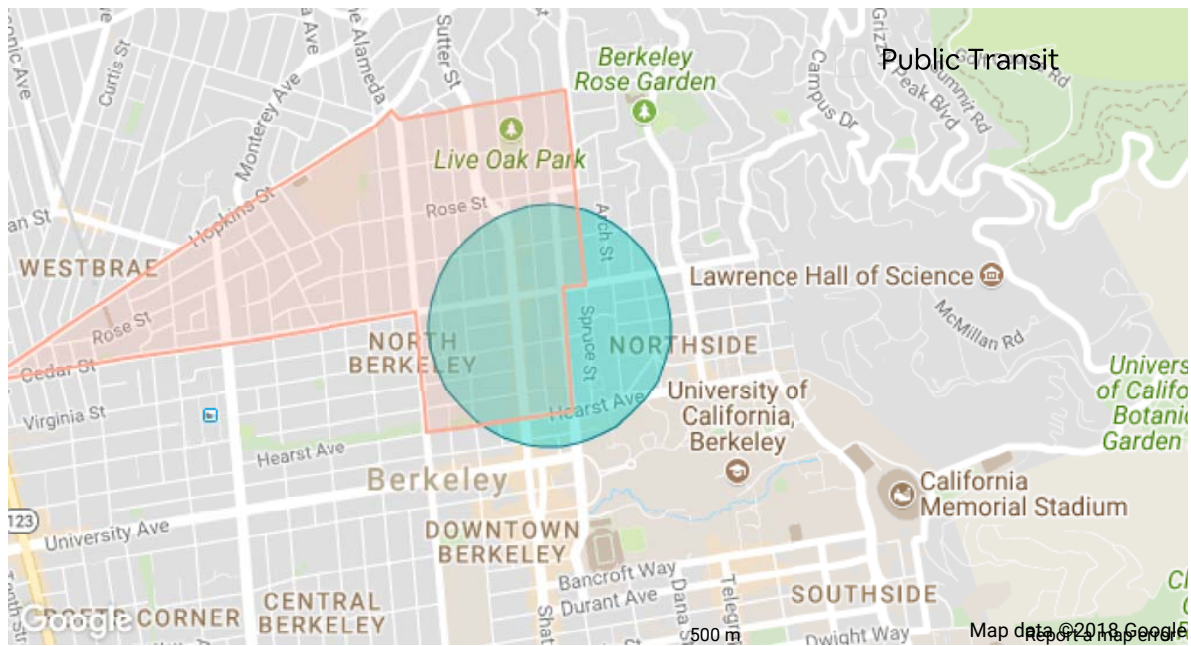
Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

### The neighborhood

John's home is located in Berkeley, California, United States.

#### Things to do in San Francisco



Exact location information is provided after a booking is confirmed.

**Similar listings**  
 \$150 per night  
 ★★★★★ 3

## Explore other options in and around Berkeley

Dates

Check In → Check Out

More places to stay in Berkeley:

Houses · Bed and breakfasts · Lofts · Villas · Condominiums


Guests

1 guest

**Request to Book**

You won't be charged yet

Berkeley Vacation Rentals	Petaluma Vacation Rentals
Santa Cruz Vacation Rentals	San Rafael
San Jose	Oakland
Redwood City	Menlo Park
Sunnyvale	San Francisco
San Mateo	Carmel
Ponderosa	Clarkston
Bull Shoals	Tucker
Bridgeport	Tomales

 Report this listing

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Diversity & Belonging

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Travel Credit

Gift Cards

Airbnb Citizen

Business Travel

Guidebooks

Airbnbmag

Events New

Hosting

Why Host

Hospitality

Responsible Hosting

Community Center



Terms

Privacy



Site Map

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 © Airbnb, Inc.

English ▾ USD ▾



Planning and Development Department  
Land Use Planning Division

June 12, 2018

John Stevick  
1636 Walnut Street  
Berkeley, CA 94709

**Re: Use Permit ZP2018-0021 – 1722 Walnut Street**

Mr. Stevick,

I am the reassigned planner for the Use Permit application referenced above. I apologize in advance for any new or repeated requests for information as I get familiarized with the project and review the application for completeness. I reviewed the items you resubmitted on May 21, 2018 and have determined that the application is incomplete. Follows are staff comments as well as items required for completion. Please submit both one paper copy and an electronic copy of all requested documents.

**Items Required for Submittal or Correction:**

- Application Fees – The project is subject to the following discretionary items:
  1. \$5,520: Tier 2 Use Permit to construct a new main building (dwelling unit) pursuant to BMC 23D.40.030;
  2. \$460: Additional Administrative Use Permit (AUP) to reduce the rear yard setback for two or more Main Buildings which contain dwelling units, pursuant to BMC 23D.40.070.D.1;
  3. \$460: Additional Administrative Use Permit (AUP) to reduce the required building separation between two or more main building that contain dwelling units, pursuant to BMC 23D.40.070.D.2;
  4. \$1,150: Variance to decrease the required left side yard setback below minimum requirement of BMC 23D.40.070.D;
  5. \$460: Additional Variance to further increase lot coverage over maximum requirement of BMC 23D.40.070.E
  6. \$460: Additional Variance to further decrease the Useable Open Space per dwelling below minimum requirement of BMC 23D.40.070.F;
  7. \$460: Additional Variance to not provide the minimum parking requirement for a new dwelling unit of BMC 23D.080.A.

The total base application fee is \$8,970. The penalty for legalization of work done without permits is 100% of all required Land Use Planning fees for a total of

\$17,940. In addition, all Use Permit/Variations require the \$1,025 public hearing fee and the \$50 records management fee. The total project application fee is, therefore, **\$19,015**. At the time of project intake you paid a total of \$5,675. I have included an invoice for the remaining \$13,340. Either send a check to me directly, made out to the City of Berkeley, or remit payment directly to the Permit Service Center 3<sup>rd</sup> floor 1947 Center Street. Please be aware that this is a cost recovery project. The base fee covers a total of 28 hours of staff time. If processing time exceeds this, you will be invoiced for staff time at the rate of \$230 per hour.

- Useable Open Space Schematic – Provide a to-scale schematic showing the Useable Open Space as defined by the Zoning Ordinance:

**BMC 23D.04.050 Usable Open Space**

*The area of each lot which is reserved for Usable Open Space purposes shall be for active or passive recreation use and shall be accessible to the occupants of the building, unless otherwise specified in individual District standards. In addition, such areas shall satisfy the following conditions.*

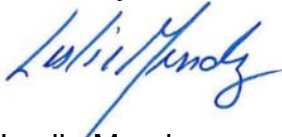
- A. *No area shall qualify as usable open space unless it has a minimum width and length of ten feet, except that no balcony area may be used to satisfy a usable open space requirement unless it has a minimum width and length of six feet and has at least one exterior side open and unobstructed except for required railings.*
- B. *No more than 50% of the total usable open space required may be satisfied by balconies.*
- C. *An area which is accessible and/or usable only by the occupants of a particular dwelling unit shall be used to satisfy the usable open space area requirements of only that particular dwelling unit.*
- D. *Except in the case of balconies, usable open space shall be at least 75% open to the sky.*
- E. *No area which exceeds 8% grade shall qualify as usable open space.*
- F. *At least 40% of the total area required as usable open space, exclusive of balconies above the first floor, shall be a landscaped area. For multiple dwelling uses, such landscaped areas shall incorporate automatic irrigation and drainage facilities adequate to assure healthy growing conditions for plants.*
- G. *Any usable open space which is not planted shall be developed to encourage outdoor active or passive recreational use and shall include such elements as decks, sports courts, outdoor seating, decorative paved areas and walkways which do not serve as entrance walkways.*
- H. *Areas of the lot which do not qualify as usable open space and which are not designated as driveways, off-street parking spaces or required walkways, shall be retained as landscaped areas.*
- I. *No area designated for off-street parking and loading areas, service areas, driveways, required walkways or portions thereof or any features that are used for required access to dwelling units, shall be counted as satisfying any usable open space area requirement. (Ord. 6478-NS § 4 (part), 1999)*

**Staff Comments:**

As I hope Jim already relayed to you, staff will be unable to make the required Variance findings and will move forward with a recommendation of denial.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Leslie Mendez".

Leslie Mendez  
Senior Planner





2180 Milvia St  
Berkeley CA, 94704

# INVOICE

Date: 1/29/2018 12:30:30 PM

**Invoice #:** 375510

**Record #:** ZP2018-0021

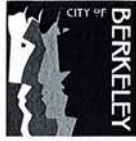
**Bill to:**

**Address:** 1722 WALNUT ST

John Stevick  
1636 WALNUT ST  
BERKELEY CA 94709-1606

Invoiced Fee Item	Qty	Fee	Adjusted	Adjusted Fee
Records Management	1	\$50.00		\$50.00
UPPH: Additional Use Permit (on same project)	1	\$400.00		\$400.00
<b>Community Planning Fee (15%)</b>	15%	<b>\$600.00</b>	<b>\$540.00</b>	<b>60.00</b>
UPPH: ZAB Public Hearing Fee	1	\$1,025.00		\$1,025.00
<b>UPPH: Base Tier 1 (all other projects)</b>	1	<b>\$3,600.00</b>	<b>\$3,600.00</b>	<b>0.00</b>
UPPH: Base Tier 2 - Complex Projects (< 24 hrs staff time)	2	\$9,600.00		\$9,600.00
VAR: Base Tier 1 - Yard, Height, Usable Open Space, Lot Coverage, Parking	2	\$2,000.00		\$2,000.00
AUP: Additional Administrative Use Permits	3	\$1,200.00		\$1,200.00
VAR: Additional Variances	6	\$2,400.00		\$2,400.00
Community Planning Fee (15%)	15%	\$2,280.00		\$2,280.00
<b>Totals:</b>		<b>\$23,155.00</b>	<b>\$4,140.00</b>	<b>\$19,015.00</b>

Total Fee: \$19,015.00  
 Total Paid: \$5,675.00  
 Total Balance Due: \$13,340.00



**CITY OF BERKELEY**

Permit Service Center  
1947 Center St, 3rd floor  
Berkeley, CA 94704

**Receipt Date:**

8/1/2018

**Receipt Number:**

541515

**RECEIPT  
ZP2018-0021**

**Applicant Information**

John Stevick  
1636 WALNUT ST  
BERKELEY CA 94709-1606

**Property Information**

Parcel Number: 058 217700600

**Project Information**

Type: Planning  
Group: Zoning Permit  
Category: NA  
Sub-Category: NA  
Project:

**Location**

1722 WALNUT St  
BERKELEY, CA 94709

Work Description: Legalizing and a 9th unit on a property that is over coverage, over density, and lacking in usable open space.

**RECEIVED**  
AUG 01 2018  
LAND USE PLANNING

<b>Payor:</b> SCHERER ELIZABETH A & STEVICK GLEN	<b>Payment Status:</b> Paid	<b>Date Printed:</b> 8/1/2018
<b>Cashier:</b> RASMITH	<b>Payment Method:</b> Check	<b>Check #:</b> 2922
<b>Fees:</b>		<b>Amount</b>
ADDCPF - Community Planning Fee (15%)		\$1560.00
UPPH020 - UPPH: Base Tier 2 - Complex Projects (< 24 hrs staff time)		\$6000.00
VAR010 - VAR: Base Tier 1 - Yard, Height, Usable Open Space, Lot Coverage, Parking		\$2000.00
AUP080 - AUP: Additional Administrative Use Permits		\$1200.00
CPF1 - Community Planning Fee		\$180.00
VAR040 - VAR: Additional Variances		\$2400.00
<b>Property Address:</b> 1722 WALNUT St BERKELEY, CA 94709	<b>Total:</b>	<b>\$13340.00</b>



2180 Milvia St  
Berkeley CA, 94704

## INVOICE

Date: 1/29/2018 12:30:30 PM

Invoice #: 375510

Record #: ZP2018-0021

**Bill to:**

Address: 1722 WALNUT ST

John Stevick  
1636 WALNUT ST  
BERKELEY CA 94709-1606

RECEIVED

AUG 01 2018

LAND USE PLANNING

Invoiced Fee Item	Fee
Community Planning Fee	\$180.00
AUP: Additional Administrative Use Permits	\$1,200.00
Community Planning Fee (15%)	\$1,560.00
VAR: Base Tier 1 - Yard, Height, Usable Open Space, Lot Coverage, Parking	\$2,000.00
VAR: Additional Variances	\$2,400.00
UPPH: Base Tier 2 - Complex Projects (< 24 hrs staff time)	\$9,600.00
<b>Total Fee:</b>	<b>\$16,940.00</b>



2180 Milvia St  
Berkeley CA, 94704

**INVOICE**

Date: 1/29/2018 12:30:30 PM

Invoice #: 375510

Record #: ZP2018-0021

Bill to:

John Stevick  
1636 WALNUT ST  
BERKELEY CA 94709-1606

Address: 1722 WALNUT ST

*check #2922 PAID 7/18/18 XG*

**RECEIVED**

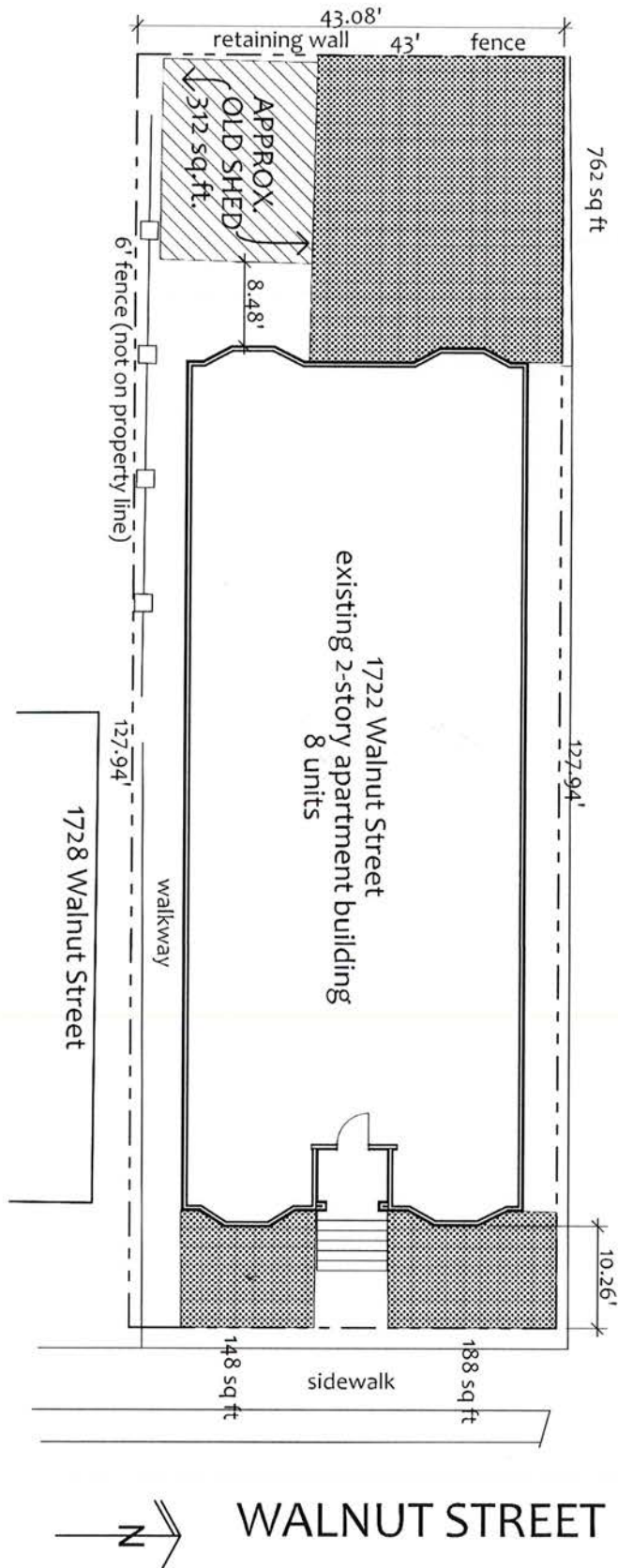
AUG 01 2018

LAND USE PLANNING

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Total Fee: \$19,015.00  
 Total Paid: \$5,675.00  
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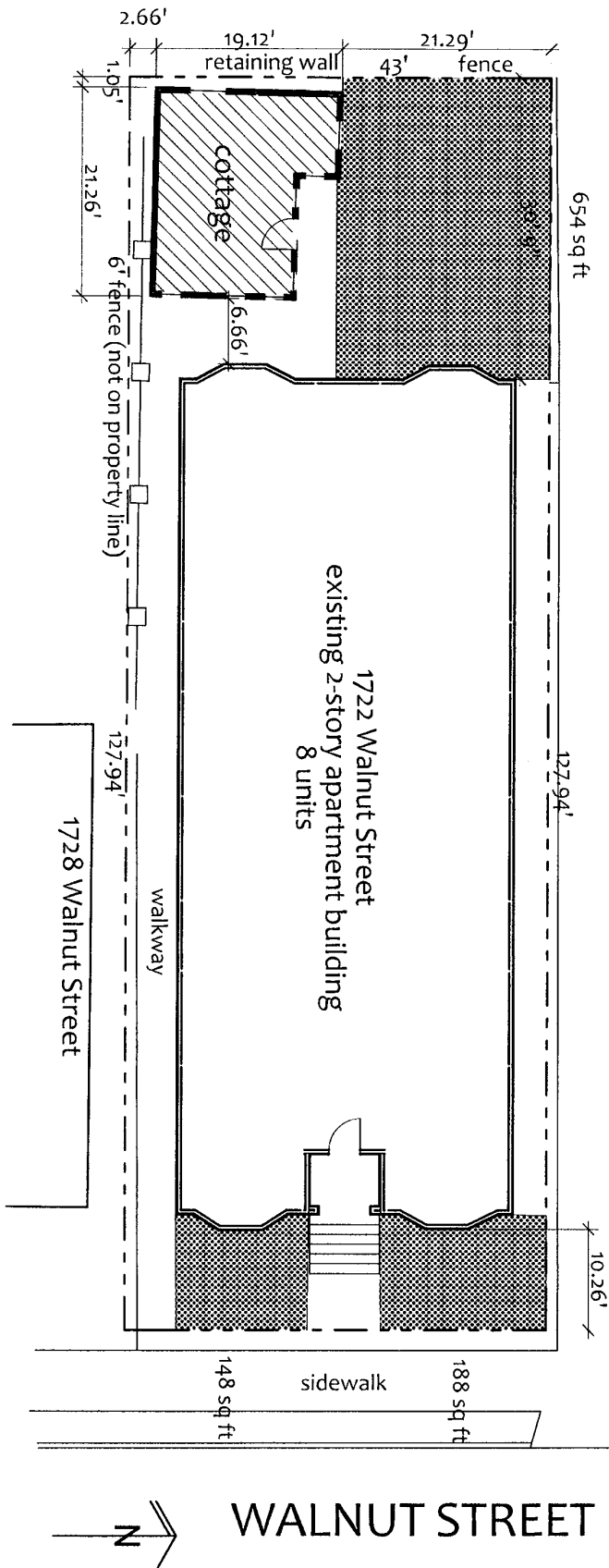
Usable Open Space - Prior - 1098 sq.ft.

**Catherine Roha - Architect**  
1705 Parker St., Berkeley CA 94703  
510-845-1833 roha.arch@att.net

**Use Permit ZP2018-0021**  
1/16" = 1'-0" 23-Jul-18

**1722 Walnut Street**  
Berkeley, CA 94709





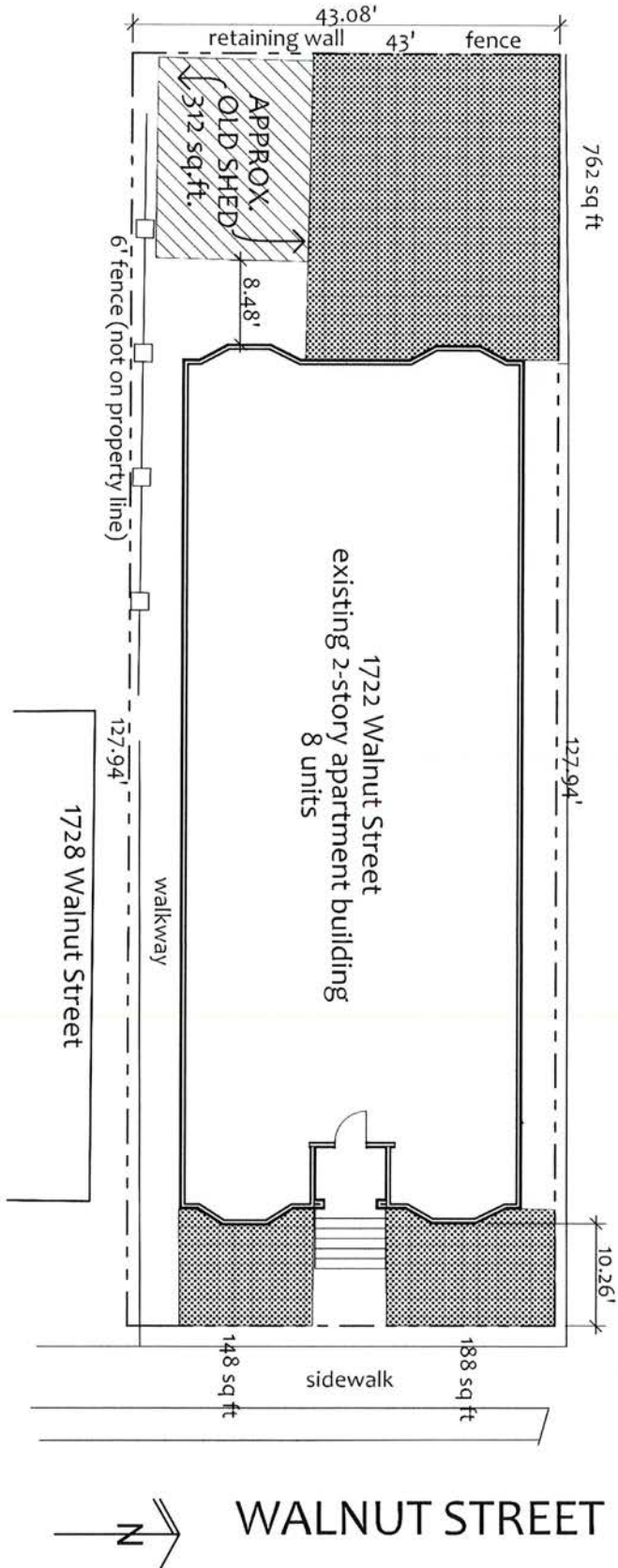
# Usable Open Space - Proposed - 990 sq.ft.

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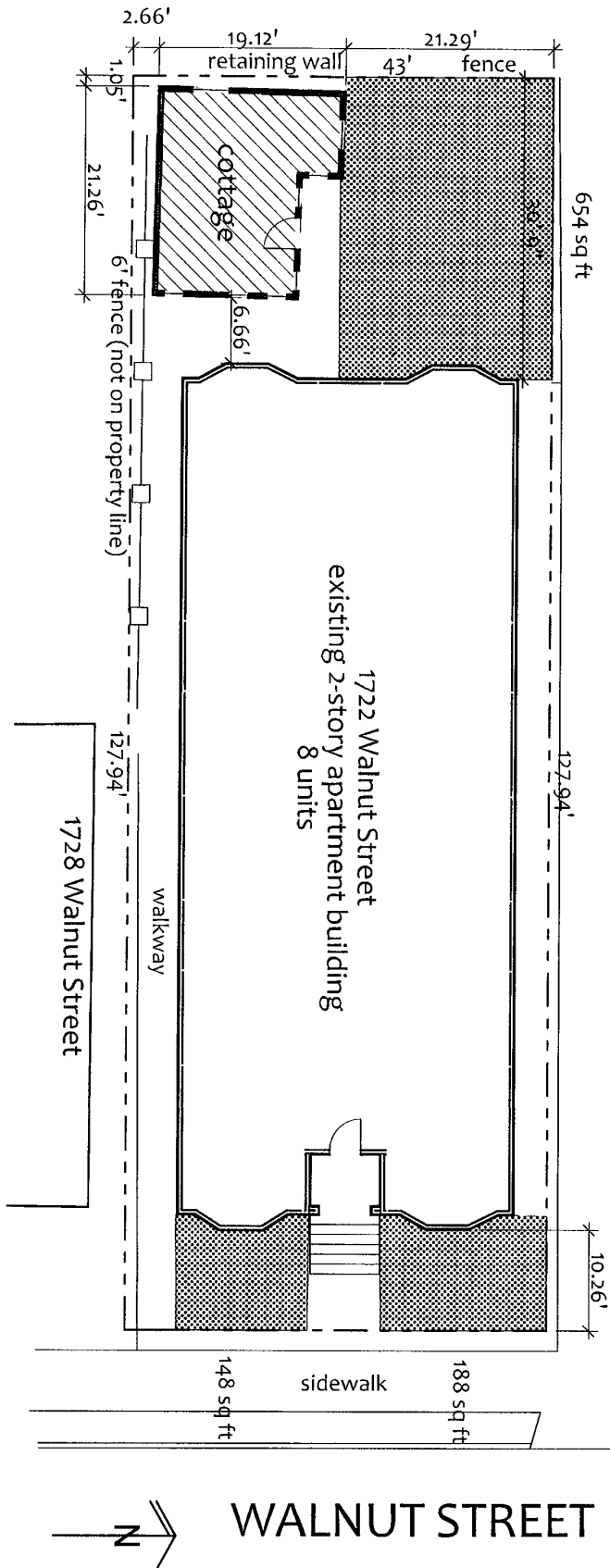


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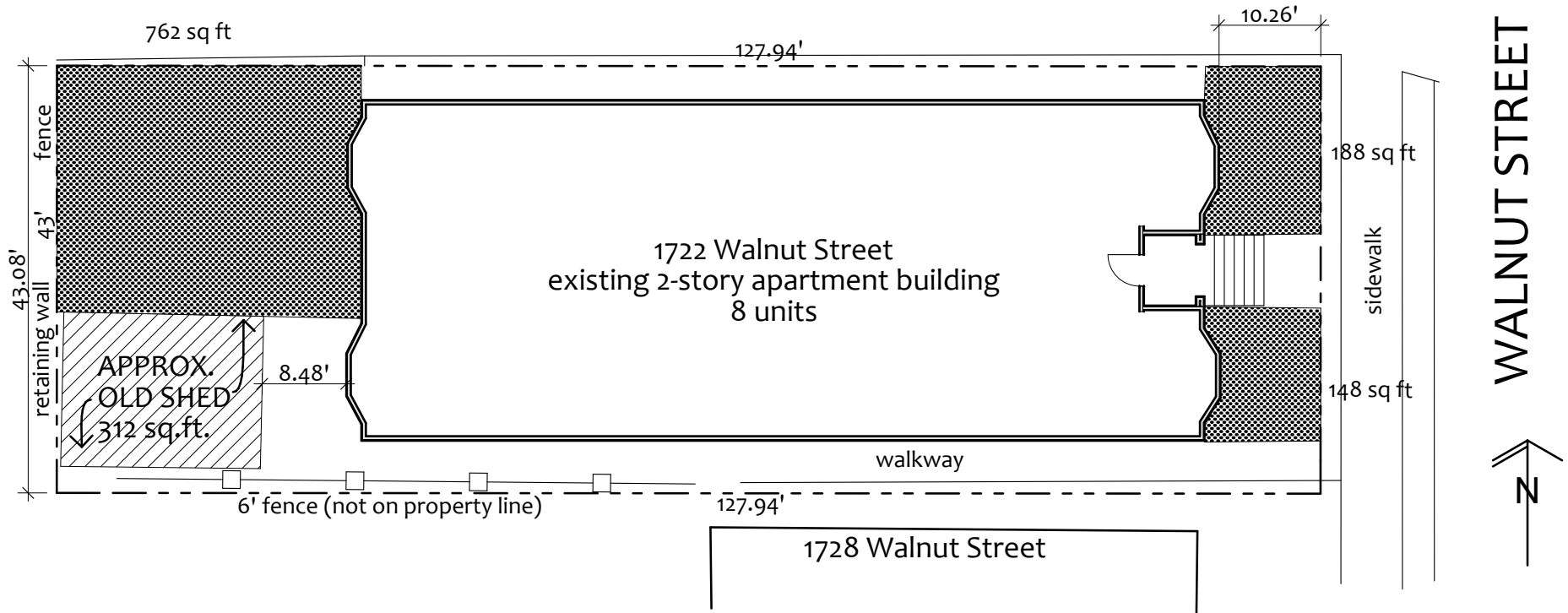
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LAND USE PLANNING

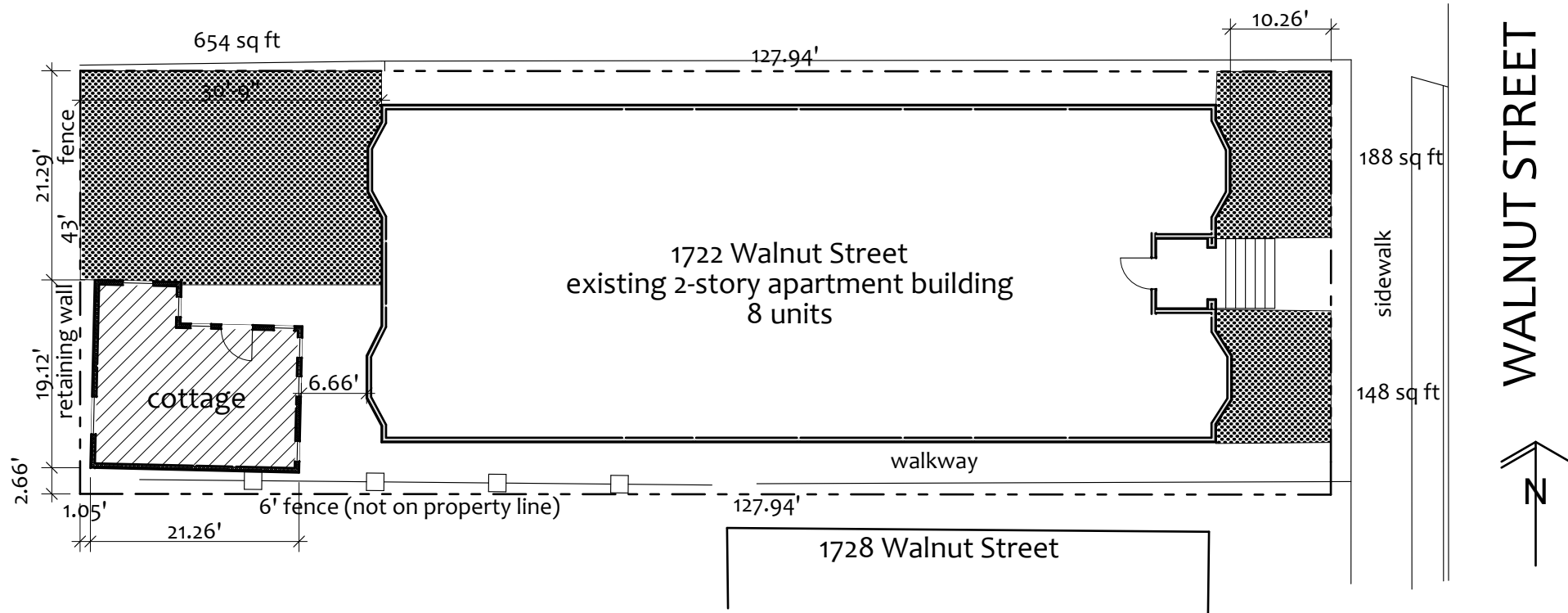


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1/16" = 1'-0" 23-Jul-18

**1722 Walnut Street**  
Berkeley, CA 94709





Planning and Development Department  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

## ZONING ADJUSTMENTS BOARD NOTICE OF PUBLIC HEARING

**SUBJECT:** 1722 Walnut Street  
Use Permit #ZP2018-0021

**WHEN:** Thursday, November 8, 2018.  
Meeting starts at 7:00 pm.

**WHERE:** Council Chambers, Maudelle Shirek Bldg.  
2134 Martin Luther King Jr. Way, 2<sup>nd</sup> Floor.  
Wheelchair accessible.

«NAME1»

«NAME2»

«ADDRESS1», «ADDRESS2»



**SUBJECT: 1722 Walnut Street  
Use Permit/Variance #ZP2018-0021** to permit a ninth dwelling unit on a lot with an existing two story, eight unit apartment building.  
**CEQA STATUS:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures").

**NOTICE CONCERNING  
YOUR LEGAL RIGHTS:**

If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the Board at, or prior to, the public hearing.

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Send written comments to: Zoning Adjustments Board, 1947 Center Street, 2nd Floor, Berkeley, CA 94704, or e-mail to: [ZAB@CityofBerkeley.info](mailto:ZAB@CityofBerkeley.info). To ensure inclusion in the packet, submit correspondence seven (7) days before the hearing. For any correspondence submitted less than seven days before the meeting, submit 15 copies for staff to deliver to the Board at its meeting. For more information, call the Land Use Planning division (510) 981-7410.

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418(V) or 981-6347(TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

**Post and Mail Date:  
October 25, 2018**

PLEASE NOTE: If your contact information is included in any communication to the Board, it will become part of the public record, and will be accessible on the City Website.

The Zoning Application for this project is available at the Permit Service Center, 1947 Center Street, Berkeley, and at our website:  
<http://www.cityofberkeley.info/zoningapplications>

The agenda and staff report for this meeting will be available 3 to 5 days prior to this meeting at the Permit Service Center, 1947 Center Street, Berkeley, and at our website:  
<http://www.cityofberkeley.info/zoningadjustmentsboard>

1722 Walnut Street

405 notices

mailed out 10-25-18

NAME1	NAME2	ADDRESS1	ADDRESS2
Milvia-King Alliance	1731 MILVIA ST	BERKELEY, CA	94709
North Shattuck Neighborhood Alliance	1618 WALNUT ST	BERKELEY, CA	94709
Schoolhouse-Lincoln Creeks Watershed Neighborhood Assoc.	1546 MILVIA ST	BERKELEY, CA	94709
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	BERKELEY, CA	94720-138;
Urban Creeks Council	861 REGAL RD	BERKELEY, CA	94708
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND, CA	94618
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY, CA	94704
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SO SAN FRANCISCO, CA	94080
Public Notice Journal	PO Box 330356 San Francisco	SAN FRANCISCO, CA	94133
LEMMON BARBARA S TR	1 LANE PL	ATHERTON CA	94027
REGENTS OF THE UNIVERSITY OF CALIFORNIA	1111 FRANKLIN ST	OAKLAND CA	94607
PERKINS BENJAMIN D & MARY TRS	1149 HAWKSHEAD CIR	SAN RAMON CA	94583
MARTIN BRET A & SUSANTI J TRS	12 EDGEWOOD RD	ORINDA CA	94563
PIERACKI ANDRZEJ TR	1201 GLEN COVE PKWY	VALLEJO CA	94591
KG BERKELEY INVESTORS LLC	139 MITCHELL AVE	SO SAN FRANCISCO CA	94080
ROBINSON SCOTT C & CHRISTINA C TRS	1489 SONOMA AVE	ALBANY CA	94706
VANBOURG ANDREW	1507 WATERS EDGE CIR	NORTHFIELD MN	55057
SCHWARTZ MICHELLE J	1601 BERKELEY WAY	BERKELEY CA	94703
SCHERER ELIZABETH A & STEVICK GLEN R TRS	1636 WALNUT ST	BERKELEY CA	94709
EDWARDS LAURIE D	1640 WALNUT ST	BERKELEY CA	94709
STRATTON FRANK R & CHRISTINA J	1643 WALNUT ST	BERKELEY CA	94709
PEDIATRIC BUILDING PARTNERSHIP	1650 WALNUT ST	BERKELEY CA	94709
AMERICAN COMMONWEALTH ASSOCIATES	1683 SHATTUCK AVE	BERKELEY CA	94709
ERDMANN JOHN C & ANNE M TRS	1690 SHATTUCK AVE	BERKELEY CA	94709
PIERCE CHUNFEN S	1700 WALNUT ST	BERKELEY CA	94709
ROGIC STEPHEN & LEE AGNES	1704 WALNUT ST	BERKELEY CA	94709
KELEMAN STANLEY TR	1727 SONOMA AVE	BERKELEY CA	94707
WALNUT HOUSE COOPERATIVE	1740 WALNUT ST	BERKELEY CA	94709
CAMPUS AUTO CARE	1752 SHATTUCK AVE	BERKELEY CA	94709
BEARY URY & ARELA TRS	1860 SAN JUAN AVE	BERKELEY CA	94707
COMMON AREA FOR PM 9506	1990 N CALIFORNIA BLVD	WALNUT CREEK CA	94596
LAKIREDDY VENKATESWARA R & PARAMESWARI TRS	2219 DWIGHT WAY	BERKELEY CA	94704
LAKIREDDY PRASAD R & SANTI	2286 SHATTUCK AVE	BERKELEY CA	94704
BLUME JAMES B & FRANK KATHRYN W TRS	23 VINCENTE RD	BERKELEY CA	94705
YI CHONG S	24 SAND HARBOR RD	ALAMEDA CA	94502
CHAN JEREMY & DENG ZABRINA	2431 CONSTELLATION DR	HAYWARD CA	94545
SILVERTEST YAKOV & RUTH TRS	2608 MCGEE AVE	BERKELEY CA	94703
STEINMAN SUSAN B & MOSES LARRY S	300 S DREXEL AVE	BEXLEY OH	43209
SC HILLSIDE BERKELEY INC	4333 PARK TERRACE DR	WESTLAKE VILLAGE CA	91361

1722 Walnut Street

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TEHRANI HAMID M & AZARM FARIMAH	437 KENTUCKY AVE	BERKELEY CA	94707
FLUSHMAN BRUCE S & BETTE L & ELI J TRS & JENS ETAL	538 SANTA BARBARA RD	BERKELEY CA	94707
FUKUDA HAROLD	5532 BAYVIEW AVE	RICHMOND CA	94804
QUOCK WINCHELL & JEANNE ETAL	59 TEMESCAL TER	SAN FRANCISCO CA	94118
CANBAZOGLU HALIT	6279 BAY CLUB DR	FORT LAUDERDALE FL	33308
HOJATI RAMIN & MASLAND MARY C	70 HILLCREST DR	ORINDA CA	94563
WILLIAMSHUGHES SHARON K & HUGHES ALEX J ETAL	77-162 LAALOA AVE	KAILUA-KONA HI	96740
CHANG PAI & GRACE P TRS	931 ARLINGTON AVE	BERKELEY CA	94707
BEARY LEOR	P O BOX 7413	BERKELEY CA	94707
HUANG KATTY TR	PO BOX 1179	BERKELEY CA	94701
EAST BAY MUNICIPAL UTILITY DISTRICT	PO BOX 24055	OAKLAND CA	94623
A Z ASSOCIATES	PO BOX 9754	BERKELEY CA	94709
OCCUPANT	1639 1/2 WALNUT ST	BERKELEY CA	94709
OCCUPANT	1639 WALNUT ST	BERKELEY CA	94709
OCCUPANT	1640 WALNUT ST A	BERKELEY CA	94709
OCCUPANT	1640 WALNUT ST B	BERKELEY CA	94709
OCCUPANT	1640 WALNUT ST C	BERKELEY CA	94709
OCCUPANT	1640 WALNUT ST COM	BERKELEY CA	94709
OCCUPANT	1640 WALNUT ST D	BERKELEY CA	94709
OCCUPANT	1641 WALNUT ST	BERKELEY CA	94709
OCCUPANT	1647 WALNUT ST	BERKELEY CA	94709
OCCUPANT	1647 WALNUT ST A	BERKELEY CA	94709
OCCUPANT	1663 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1665 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1667 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1669 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1671 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1673 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1675 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1676 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1677 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1678 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1680 SHATTUCK AVE	BERKELEY CA	94703
OCCUPANT	1681 SHATTUCK AVE	BERKELEY CA	94703
OCCUPANT	1685 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1686 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1687 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1688 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1700 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1700 SHATTUCK AVE 101	BERKELEY CA	94709

1722 Walnut Street

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OCCUPANT	1700 SHATTUCK AVE 102	BERKELEY CA	94709
OCCUPANT	1700 SHATTUCK AVE 104	BERKELEY CA	94709
OCCUPANT	1700 SHATTUCK AVE 111	BERKELEY CA	94709
OCCUPANT	1700 SHATTUCK AVE 201	BERKELEY CA	94709
OCCUPANT	1700 SHATTUCK AVE 202	BERKELEY CA	94709
OCCUPANT	1700 SHATTUCK AVE 205	BERKELEY CA	94709
OCCUPANT	1700 SHATTUCK AVE 206	BERKELEY CA	94709
OCCUPANT	1700 SHATTUCK AVE 207	BERKELEY CA	94709
OCCUPANT	1700 WALNUT ST 1	BERKELEY CA	94709
OCCUPANT	1700 WALNUT ST 2	BERKELEY CA	94709
OCCUPANT	1704 WALNUT ST 1	BERKELEY CA	94709
OCCUPANT	1704 WALNUT ST 2	BERKELEY CA	94709
OCCUPANT	1708 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 100	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 101	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 102	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 103	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 104	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 105	BERKELEY CA	94709
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OCCUPANT	1709 SHATTUCK AVE 123	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 124	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 125	BERKELEY CA	94709



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OCCUPANT	1709 SHATTUCK AVE 200	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 201	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 202	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 203	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 204	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 205	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 206	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 207	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 208	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 209	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 210	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 211	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 212	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 213	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 214	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 215	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 216	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 217	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 218	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 219	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 220	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 221	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 222	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 223	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 224	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 225	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 226	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 300	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 301	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 302	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 303	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 304	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 305	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 306	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 307	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 308	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 309	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 310	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 311	BERKELEY CA	94709

1722 Walnut Street

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OCCUPANT	1709 SHATTUCK AVE 312	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 313	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 314	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 315	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 316	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 317	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 318	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 319	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 320	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 321	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 322	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 323	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 324	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 325	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 326	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 400	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 401	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 402	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 403	BERKELEY CA	94709
OCCUPANT	1709 SHATTUCK AVE 404	BERKELEY CA	94709
OCCUPANT	1710 WALNUT ST	BERKELEY CA	94709
OCCUPANT	1710 WALNUT ST 127	BERKELEY CA	94709
OCCUPANT	1710 WALNUT ST 128	BERKELEY CA	94709
OCCUPANT	1710 WALNUT ST 129	BERKELEY CA	94709
OCCUPANT	1710 WALNUT ST 130	BERKELEY CA	94709
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OCCUPANT	1710 WALNUT ST 330	BERKELEY CA	94709
OCCUPANT	1720 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1722 WALNUT ST	BERKELEY CA	94709
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OCCUPANT	1722 WALNUT ST 2	BERKELEY CA	94709
OCCUPANT	1722 WALNUT ST 3	BERKELEY CA	94709
OCCUPANT	1722 WALNUT ST 4	BERKELEY CA	94709
OCCUPANT	1722 WALNUT ST 5	BERKELEY CA	94709

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OCCUPANT	1722 WALNUT ST 6	BERKELEY CA	94709
OCCUPANT	1722 WALNUT ST 7	BERKELEY CA	94709
OCCUPANT	1722 WALNUT ST 8	BERKELEY CA	94709
OCCUPANT	1725 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1725 SHATTUCK AVE 101	BERKELEY CA	94709
OCCUPANT	1725 SHATTUCK AVE 102	BERKELEY CA	94709
OCCUPANT	1725 SHATTUCK AVE 103	BERKELEY CA	94709
OCCUPANT	1725 SHATTUCK AVE 104	BERKELEY CA	94709
OCCUPANT	1725 SHATTUCK AVE 105	BERKELEY CA	94709
OCCUPANT	1725 SHATTUCK AVE 106	BERKELEY CA	94709
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OCCUPANT	1725 SHATTUCK AVE 108	BERKELEY CA	94709
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OCCUPANT	1725 SHATTUCK AVE 308	BERKELEY CA	94709
OCCUPANT	1725 SHATTUCK AVE 400	BERKELEY CA	94709
OCCUPANT	1728 WALNUT ST	BERKELEY CA	94709
OCCUPANT	1728 WALNUT ST 1	BERKELEY CA	94709
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OCCUPANT	1728 WALNUT ST 3	BERKELEY CA	94709
OCCUPANT	1728 WALNUT ST 4	BERKELEY CA	94709
OCCUPANT	1730 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 1	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 10	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 11	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 12	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 13	BERKELEY CA	94709

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OCCUPANT	1740 WALNUT ST 14	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 15	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 16	BERKELEY CA	94709
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OCCUPANT	1740 WALNUT ST 19	BERKELEY CA	94709
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OCCUPANT	1740 WALNUT ST 5	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 6	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 7	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 8	BERKELEY CA	94709
OCCUPANT	1740 WALNUT ST 9	BERKELEY CA	94709
OCCUPANT	1741 WALNUT ST	BERKELEY CA	94720
OCCUPANT	1744 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1746 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1748 SHATTUCK AVE	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST 101	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST 102	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST 103	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST 201	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST 202	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST 203	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST 301	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST 302	BERKELEY CA	94709
OCCUPANT	1750 WALNUT ST 303	BERKELEY CA	94709
OCCUPANT	1751 WALNUT ST	BERKELEY CA	94720
OCCUPANT	1760 WALNUT ST	BERKELEY CA	94709
OCCUPANT	1760 WALNUT ST 101	BERKELEY CA	94709
OCCUPANT	1760 WALNUT ST 102	BERKELEY CA	94709
OCCUPANT	1760 WALNUT ST 103	BERKELEY CA	94709
OCCUPANT	1760 WALNUT ST 104	BERKELEY CA	94709
OCCUPANT	1760 WALNUT ST 105	BERKELEY CA	94709
OCCUPANT	1760 WALNUT ST 106	BERKELEY CA	94709
OCCUPANT	1760 WALNUT ST 201	BERKELEY CA	94709

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OCCUPANT	1760 WALNUT ST 202	BERKELEY CA	94709
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OCCUPANT	1760 WALNUT ST 204	BERKELEY CA	94709
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OCCUPANT	1760 WALNUT ST 305	BERKELEY CA	94709
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OCCUPANT	1772 WALNUT ST	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE	BERKELEY CA	94709
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OCCUPANT	1797 SHATTUCK AVE 213	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 214	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 215	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 216	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 217	BERKELEY CA	94709
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OCCUPANT	1797 SHATTUCK AVE 219	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 301	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 302	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 303	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 304	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 305	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 306	BERKELEY CA	94709



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OCCUPANT	1797 SHATTUCK AVE 307	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 308	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 309	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 310	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 311	BERKELEY CA	94709
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OCCUPANT	1797 SHATTUCK AVE 315	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 316	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 317	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 318	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 319	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 401	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 402	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 403	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 404	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 405	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 406	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 407	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 408	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 409	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 410	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 411	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 412	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 413	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 414	BERKELEY CA	94709
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OCCUPANT	1797 SHATTUCK AVE 417	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 501	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 502	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 503	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 504	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 505	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 506	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 507	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 508	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 509	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE 510	BERKELEY CA	94709

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OCCUPANT	1797 SHATTUCK AVE A	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE B	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE C	BERKELEY CA	94709
OCCUPANT	1797 SHATTUCK AVE D	BERKELEY CA	94709
OCCUPANT	1801 WALNUT ST	BERKELEY CA	94720
OCCUPANT	1803 WALNUT ST	BERKELEY CA	94720
OCCUPANT	1805 WALNUT ST	BERKELEY CA	94720
OCCUPANT	2043 FRANCISCO ST	BERKELEY CA	94709
OCCUPANT	2045 FRANCISCO ST	BERKELEY CA	94709
OCCUPANT	2109 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2111 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2112 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2112 VIRGINIA ST 1	BERKELEY CA	94709
OCCUPANT	2112 VIRGINIA ST 2	BERKELEY CA	94709
OCCUPANT	2112 VIRGINIA ST 3	BERKELEY CA	94709
OCCUPANT	2112 VIRGINIA ST 4	BERKELEY CA	94709
OCCUPANT	2113 DELAWARE ST A	BERKELEY CA	94709
OCCUPANT	2113 DELAWARE ST B	BERKELEY CA	94709
OCCUPANT	2113 DELAWARE ST COM	BERKELEY CA	94709
OCCUPANT	2115 DELAWARE ST A	BERKELEY CA	94709
OCCUPANT	2115 DELAWARE ST B	BERKELEY CA	94709
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OCCUPANT	2117 DELAWARE ST B	BERKELEY CA	94709
OCCUPANT	2119 DELAWARE ST A	BERKELEY CA	94709
OCCUPANT	2119 DELAWARE ST B	BERKELEY CA	94709
OCCUPANT	2125 DELAWARE ST	BERKELEY CA	94709
OCCUPANT	2125 DELAWARE ST A	BERKELEY CA	94709
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OCCUPANT	2125 DELAWARE ST D	BERKELEY CA	94709
OCCUPANT	2125 DELAWARE ST E	BERKELEY CA	94709
OCCUPANT	2125 DELAWARE ST F	BERKELEY CA	94709
OCCUPANT	2125 DELAWARE ST G	BERKELEY CA	94709
OCCUPANT	2125 DELAWARE ST H	BERKELEY CA	94709
OCCUPANT	2137 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2141 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2141 VIRGINIA ST A	BERKELEY CA	94709
OCCUPANT	2141 VIRGINIA ST B	BERKELEY CA	94709
OCCUPANT	2143 1/2 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2143 VIRGINIA ST	BERKELEY CA	94709

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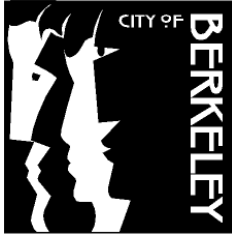
OCCUPANT	2143 VIRGINIA ST 1	BERKELEY CA	94709
OCCUPANT	2151 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2153 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2155 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2157 VIRGINIA ST	BERKELEY CA	94709
OCCUPANT	2195 HEARST AVE	BERKELEY CA	94720

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Planning and Development Department  
Land Use Planning Division

**PROOF OF SERVICE**

DATE: November 15, 2018  
TO: Whom It May Concern  
FROM: Melinda Jacob, OSII  
SUBJECT: **USE PERMIT/VARIANCE #ZP2018-0021 – 1722 WALNUT STREET**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age; that I am not a party to the within action; and that my business address is 2120 Milvia Street, Berkeley, California 94704. On this date, I served the following documents:

**DECISION OF ZONING ADJUSTMENTS BOARD FOR  
USE PERMIT/VARIANCE #ZP2018-0021 – 1722 WALNUT STREET**

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

John Stevick  
1636 Walnut Street  
Berkeley, CA 94709

Elizabeth Scherer & Glen Stevick  
1636 Walnut Street  
Berkeley, CA 94709

- By First Class Mail - I am readily familiar with the City's practice for collecting and processing of correspondence for mailing. Under the 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 addressee following ordinary business practices.
- By Personal Service - I caused each such envelope to be given to the City of Berkeley mail service person to personally deliver to the office of the addressee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 15, 2018 at Berkeley, California.

*Melinda A. Jacob*

Melinda Jacob, OSII





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

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N O T I C E O F D E C I S I O N

**DATE OF BOARD DECISION: November 8, 2018**  
**DATE NOTICE MAILED: November 15, 2018**  
**APPEAL PERIOD EXPIRATION: November 29, 2018<sup>1</sup>**  
**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)<sup>2</sup>: November 30, 2018**

## 1722 Walnut Street

**Use Permit/Variance #ZP2018-0021 to permit a ninth dwelling unit on a lot with an existing two-story, eight unit apartment building.**

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **DENIED** the following permits:

- Use Permit to construct a new dwelling unit, under BMC Section 23D.40.030
- Administrative Use Permit (AUP) to reduce the rear yard setback for two or more Main Buildings which contain dwelling units under BMC 23D.40.070.D.1
- Administrative Use Permit (AUP) to reduce the required building separation between two or more main building that contain dwelling units under BMC 23D.40.070.D.2
- Variance to decrease the required left side yard setback below minimum requirement per BMC 23D.40.070.D
- Variance to further increase the non-conforming lot coverage over the maximum requirement per BMC 23D.40.070.E
- Variance to not provide and to further decrease the non-conforming Useable Open Space per dwelling below the minimum requirement per BMC 23D.40.070.F
- Variance to not provide the minimum parking requirement (one space) for a new dwelling unit per BMC 23D.40.080.A

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<sup>1</sup> Pursuant to BMC Section 23A.08.030, the appeal period begins on the first business day following the date the Notice of Decision is mailed. Pursuant to BMC Section 1.04.080, any deadline that falls on a non-business day is extended until the next business day.

<sup>2</sup> Pursuant to BMC Section 23B.32.090, the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

ZONING ADJUSTMENTS BOARD  
NOTICE OF DECISION  
Use Permit #ZP2018-0164  
59 The Plaza Drive  
November 15, 2018  
Page 2 of 5

**APPLICANT:** John Stevick, 1636 Walnut Street, Berkeley, CA 94709

**ZONING DISTRICT:** R-4 – Multi-Family Residential

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).

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

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**FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

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**BOARD VOTE: 7-1-0-1**

**YES:** KAHN, O’KEEFE, OLSON, PINKSTON, SELAWSKY, SHEAHAN, WRIGHT

**NO:** CLARKE

**ABSTAIN:**

**ABSENT:** KIM

**TO APPEAL THIS DECISION (see Section 23B.32.050 of the Berkeley Municipal Code):**

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley; or by facsimile to (510) 981-6901. The City Clerk’s telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to “City of Berkeley”):
  - a. The fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
  - b. The fee for all appeals by Applicants is \$2500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

ZONING ADJUSTMENTS BOARD  
NOTICE OF DECISION  
Use Permit #ZP2018-0164  
59 The Plaza Drive  
November 15, 2018  
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If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

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If you object to this decision, the following requirements and restrictions apply:

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

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

ZONING ADJUSTMENTS BOARD  
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59 The Plaza Drive  
November 15, 2018  
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**PUBLIC COMMENT:**

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Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

**FURTHER INFORMATION:**


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Questions about the project should be directed to the project planner, Leslie Mendez, at (510) 981-7410 or [lmendez@cityofberkeley.info](mailto:lmendez@cityofberkeley.info). All project application materials, including full-size plans, may be viewed at the Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> floor, Monday through Friday from 8:30 a.m. to 4 p.m. (except on holidays and reduced service days; check City's website for details).

**ATTACHMENTS:**

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1. Findings for Denial

  
**ATTEST:**  
Greg Powell, Secretary  
Zoning Adjustments Board

cc: City Clerk  
Building and Safety Division  
Central Library - Reference Desk  
Public Works Engineering Division  
ZAB Members  
First Source  
Amy Davidson, Housing Department  
Applicant:  
John Stevick

ZONING ADJUSTMENTS BOARD  
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59 The Plaza Drive  
November 15, 2018  
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1636 Walnut Street  
Berkeley, CA 94709

Property Owner:

Elizabeth Scherer and Glen Stevick  
1636 Walnut Street  
Berkeley, CA 94709



# ATTACHMENT 1

## FINDINGS FOR DENIAL

NOVEMBER 8, 2018

### 1722 Walnut Street

**Use Permit/Variance #ZP2018-0021 to permit a ninth dwelling unit on a lot with an existing two-story, eight unit apartment building.**

#### PERMITS REQUIRED

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- Use Permit to construct a new dwelling unit, under BMC Section 23D.40.030
- Administrative Use Permit (AUP) to reduce the rear yard setback for two or more Main Buildings which contain dwelling units under BMC 23D.40.070.D.1
- Administrative Use Permit (AUP) to reduce the required building separation between two or more main building that contain dwelling units under BMC 23D.40.070.D.2
- Variance to decrease the required left side yard setback below minimum requirement per BMC 23D.40.070.D
- Variance to further increase the non-conforming lot coverage over the maximum requirement per BMC 23D.40.070.E
- Variance to not provide and to further decrease the non-conforming Useable Open Space per dwelling below the minimum requirement per BMC 23D.40.070.F
- Variance to not provide the minimum parking requirement (one space) for a new dwelling unit per BMC 23D.40.080.A

#### I. VARIANCE FINDINGS

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Pursuant to Berkeley Municipal Code Section 23B.44.030.B, the City cannot make the findings required by Berkeley Municipal Code Section 23B.44.030.A, and therefore must deny the Variances to: (1) to permit a 2.2-foot side yard setback where a minimum of 4 feet is required for a first story by BMC 23D.40.070.D; (2) to not provide off-street parking space that is required for the new dwelling by BMC 23D.40.080.A; (3) to further increase the existing non-conforming 60% lot coverage to 61% where the maximum is 45% for a property with a two-story building per BMC 23D.40.070.E; and (4) to not provide the required Useable Open Space and further reduce the existing non-conforming open space to 990 square feet, where double that (1,800 square feet) is required by BMC 23D.40.070.F, for the following reasons:

- i. *There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same District:*

The applicant has provided no evidence, nor can staff find evidence of circumstance or conditions that apply to the land, building or use which do not generally apply to land buildings and/or uses in the same District. Neither access to public transportation nor existence of an illegal condition are considered unique or otherwise exceptional or extraordinary. Similarly, due to the age of buildings and the various changes made over time to the Zoning Ordinance, many buildings and sites are non-conforming in this District to varying degrees, including the subject site. This finding cannot be made.

- ii. *The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the subject property's owner:*

Staff interprets property rights as a property owner's ability to use his or her property in a manner consistent with the applicable provisions of the Ordinance; the application cannot be used to support any condition that a property is in, or made to be, that is unlawful. Nor is it related to the financial viability or profitability of a property. The applicant has not provided evidence that the use of the property with its unpermitted condition is necessary for the preservation and enjoyment of substantial property rights. In fact, the property owners purchased, and have managed, a property with eight lawful, rental dwelling units for several years. This finding cannot be made.

- iii. *The establishment, maintenance or operation of the use or the construction of a building, structure or addition thereof, to be approved will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and that the granting of the Variance will promote the municipal health, welfare and safety and benefit the City as a whole:*

One of the purposes of the R-4 District is to "Make available housing for persons who desire both convenience of location and a reasonable amount of Useable Open Space." The project site is currently non-conforming for Useable Open Space and exceeds allowable lot coverage, the proposed project exacerbates both these conditions. The project, therefore, also conflicts with the purposes of the Zoning Ordinance in that it exceed the appropriate intensity of development of land and buildings through excessive lot coverage (BMC 23A.04.030.C) and it does not provide for adequate usable open space or off-street parking (BMC 23A.04.030.E). This Finding cannot be made.

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November 28, 2018

CITY OF BERKELEY  
CITY CLERK DEPT

808 Gilman Street  
Berkeley, CA 94710

Berkeley City Clerk  
2180 Milvia Street, 1st Fl  
Berkeley, CA 94704

2018 NOV 28 PM 4: 52

**Re: Appeal to the City Council of Zoning Adjustment Board Decision  
Use Permit/Variance #ZP2018-0021  
1722 Walnut Street, Berkeley, CA 94709**

Dear City Clerk,

As local business owners, we strongly object to the decision made by the Zoning Adjustment Board (ZAB) in this case; **it is offensive that this beautiful cottage should be demolished.** We work here in Berkeley and would like to rent a place like this to reduce our significant commutes. We and many others have problems with Berkeley's lack of affordable housing. It is our hope that the City Council will recognize the value of keeping this rent-controlled unit in place.

In summary, we feel that both the Planning Department and ZAB's recommendations and rulings directly contradict their mission to maintain and grow the housing supply, particularly of rent controlled units. Their explanations given for their findings do not support their conclusions and further, the ZAB is not treating this property the same as others in the City of Berkeley. Following a brief summary, I will address each ZAB Finding Conclusion in detail and in order.

The City of Berkeley acknowledges that *Berkeley and Alameda County are in the midst of an unprecedented housing crisis.*<sup>1</sup> And yet, ZAB is insisting the one-bedroom cottage shown below be demolished



despite noting in their own findings that *“the dwelling unit is aesthetically pleasing, and that at its current height and massing, has minimal impact to air, views, or light of the existing or neighboring properties, is within 0.5 miles of Downtown BART, 0.1 miles of the closest bus stop, 0.2 miles of the closest trans-bay bus stop, and 0.2 miles of the closed UC Berkeley shuttle.”*<sup>2</sup>

<sup>1</sup> <https://www.cityofberkeley.info/homeless-entry/>.

<sup>2</sup> ZAB Staff Report for Board Action re 1722 Walnut Street, November 8, 2018.

It was also noted by the ZAB that the zoning rules being applied by the Staff to demand demolition were not in place when the building and shed were built in the early 1900's. As evidenced by fire map records and illustrated by Architect, Catherine Roha, the cottage has existed for 6 years within a footprint barely larger than that of the shed it replaced (and smaller than the shed's concrete pad).

We attended the ZAB November 8<sup>th</sup> meeting. ZAB Staff appeared to have gone out of their way to treat the application by John Stevick differently than others in several ways. In addition to the unsupported and contradictory reasoning in the Planning Department's Findings, the Staff failed to distribute the pictures and information provided as it did for the applicants of other projects at the same meeting. The Staff did not allow the applicant to rebut testimony or provide further comment as it did for other applicants at the same meeting.

ZAB's demand that this cottage be demolished is: (i) a clear physical and monetary stand which contradicts the US Constitution, (ii) an example of the ZAB treating the owners, long time Berkeley residents, differently than other large developers, (iii) a direct contradiction of Berkeley's stated goals of providing housing, and (iv) a lost opportunity to work with an owner to develop smart infill that is aesthetically pleasing, has no impact on neighboring properties, is walkable to public transportation, and, most importantly, helps mitigate the **unprecedented housing crisis** Berkeley states we are in on their own website.<sup>3</sup>

Each of the Planning Department's three findings will now be addressed in detail:

- i. There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same District.*

The ZAB staff concluded that there are no exceptional or extraordinary circumstances or conditions applying to the land or building. Nothing could be further from the truth. The subject property is unique in that it has a location where an infill unit could and has been added without affecting current residents, impacting adjacent properties, or reducing green space. And it has owners who would be willing to add infill units at their own cost, to provide much needed housing. Further, the ZAB's failure to recognize the added value of the cottage has resulted in a lost opportunity of providing an additional rent-controlled unit to the City of Berkeley. It goes without saying, each and every additional housing unit is desperately needed.

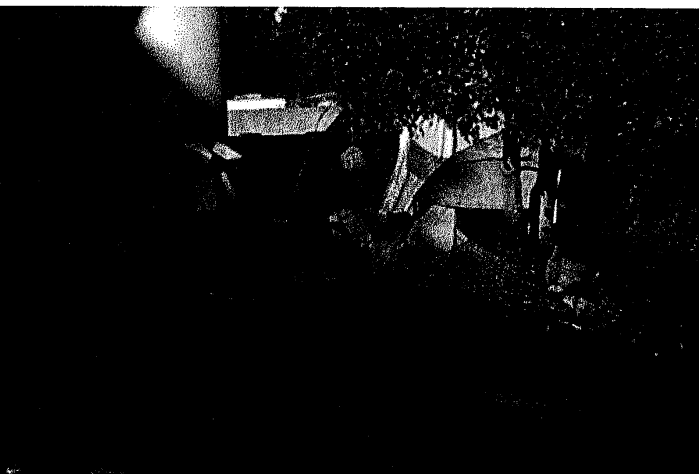
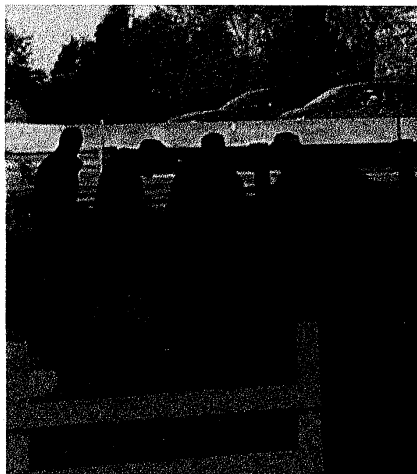
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<sup>3</sup> <https://www.cityofberkeley.info/homeless-entry/>.

The subject building is shown below and is the only commercial residential building with a garden among the adjacent properties. The garden boxed in red:

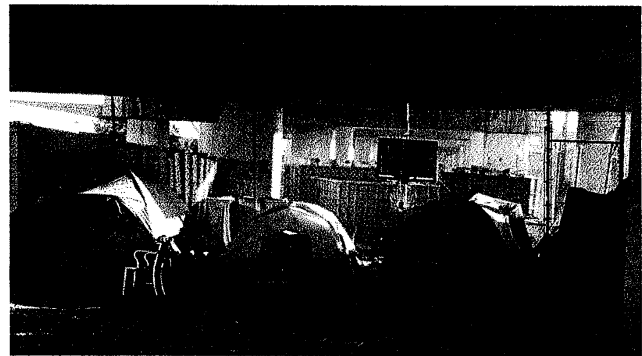
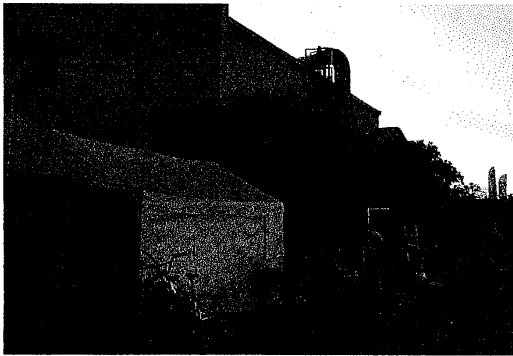


There clearly are exceptional or extraordinary circumstances or conditions, in terms of homelessness. The pictures below were taken in Berkeley on the morning of the ZAB hearing on November 8<sup>th</sup>. Many of these folks could manage to live in an apartment with Section 8 or other assistance.





It is also very important to note that several ZAB board members proudly stated that they would not be able, in good conscience, to eliminate or take any existing rent-controlled units off the market during the November 8<sup>th</sup> meeting. However, when addressing our project, they ruled against keeping the rent-controlled unit in place, a direct contradiction to one of their most important and loudly stated missions.



The ZAB Staff's argument that exceptional or extraordinary circumstances or conditions (e.g. ***Berkeley and Alameda County being in the midst of an unprecedented housing crisis***) can be ignored simply because they judge the circumstance to be widespread "in the same District" is both hypocritical and nonsensical. The owners would be more than happy to meet with ZAB to show how the unit was constructed and currently serves as a unique, safe, and habitable home.

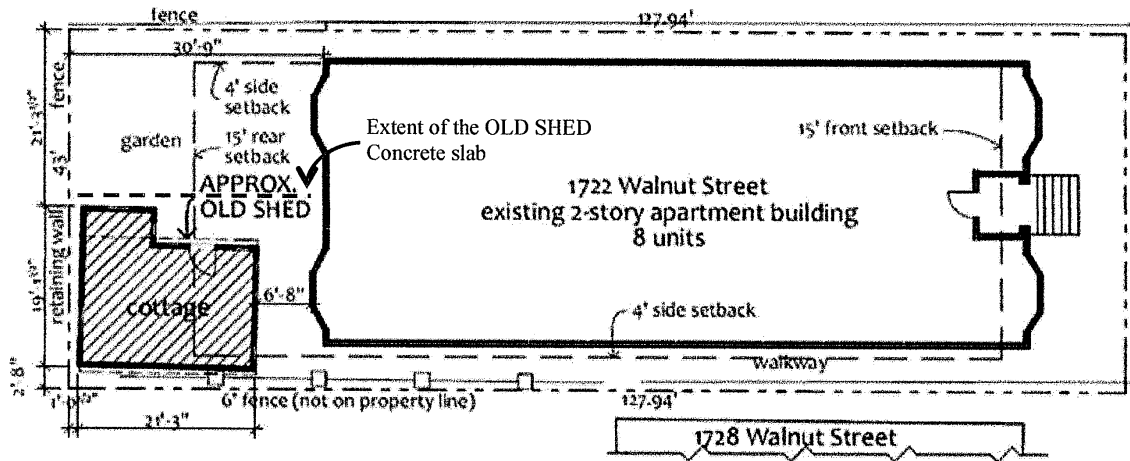
***ii. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the subject property's owner:***

*"Staff interprets property rights as a property owner's ability to use his or her property in a manner consistent with the applicable provisions of the Ordinance; the application cannot be used to support any condition that a property is in, or made to be, that is unlawful. Nor is it related to the financial viability or profitability of a property."* The Planning Department Staff states they have restricted their interpretation of property rights to be confined to the provisions of "the Ordinance," which flies in the face of the U.S. Constitution. This is clearly a physical and monetary taking of the owner's property. Staff also ignored the owner's other stated use and enjoyment of the subject property, which is providing much needed housing.

***iii. The establishment, maintenance or operation of the use or the construction of a building, structure or addition thereof to be approved will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and that the granting of the Variance will promote the municipal health, welfare and safety and benefit the City as a whole.***

In regards to this Finding, Staff initially states: "One of the purposes of the R-4 District is to *"Make available housing for persons who desire both convenience of location and a reasonable amount of Useable Open Space."* Then illogically concludes "this Finding cannot be made," because

of coverage and parking conditions. As was noted by ZAB member Clarke, the coverage has not significantly changed as the cottage essentially takes up the same space as the shed that has been in existence since the building was constructed in the early 1900's (we believe 1917), see the plan view below:



The building was constructed within the applicable rules and laws of the time. The cottage barely extends beyond the footprint of the pre-existing shed and is well within the original concrete pad of the shed. **The garden size is actually larger than it was previously** as the shed included an eight foot wide uncovered concrete slab in front of it that was removed. And as shown above, this garden is the only green area among the adjacent commercial rental properties.

During the previous applicant's (John Stevick) application preparation, he personally canvassed the many multi-residential buildings within 300 feet of the subject property. Every conversation he had was concluded with a signature of support. He did not run into a single criticism of the existing cottage. The one and only request presented to him in order to secure support was a letter from the owners of the 84-unit building immediately west expressing support so long as the owners agree that future costs incurred to maintain the retaining wall between the two properties be split. As no objections to the cottage's existence have been presented, we ask that the cottage be legalized as its presence does not impact anyone.

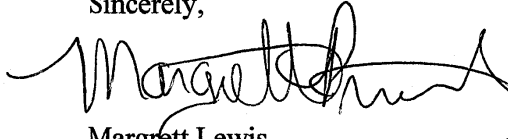
In regards to treating property owners equally, Berkeley has approved the building of two two-story units on the concrete parking lot of 1728 Walnut Street. In regards to parking, the ZAB staff has noted *"the dwelling unit [cottage] is aesthetically pleasing, and that at its current height and massing, has minimal impact to air, views, or light of the existing or neighboring properties, is within 0.5 miles of Downtown BART, 0.1 miles of the closest bus stop, 0.2 miles of the closest trans-bay bus stop, and 0.2 miles of the closed UC Berkeley shuttle."*<sup>4</sup> Few of the tenants in this area actually own cars or need a parking spot. One of Berkeley's stated goals is to reduce driving, congestion and greenhouse gases produced by automobiles.

We are also of the understanding that if 1722 Walnut Street were to be a completely empty lot today, the subject property could be approved for the development of 19 or more units, many more than what currently exists on the property. This appears to me as one of the most important realities to note. If the lot itself would support additional housing units under current state and local codes, legalization of the cottage should be granted.

<sup>4</sup> ZAB Staff Report for Board Action re 1722 Walnut Street, November 8, 2018.

In summary, this aesthetically pleasing cottage has no negative impacts on neighboring properties, is situated very close to public transportation eliminating the need for parking, and would continue providing a home to Berkeley residents. I fully hope the Council reconsiders the ZAB's demand for demolition.

Sincerely,

  
Margrett Lewis

  
Joe Priest

### **A list of facts and statements for consideration:**

- The ZAB written explanations are not, in our opinion, accurate. The Planning Department's Findings should have concluded this unit could be allowed.
- The ZAB board's verbal comments: "this cottage has no negative impacts to the community and only adds to the housing supply and aesthetic appeal of the neighborhood."
- Several ZAB board members stated that they would not be able, in good conscience, to eliminate or take any existing rent-controlled units off the market during the November 8<sup>th</sup> meeting. However, when addressing this project, they ruled against keeping the rent-controlled unit.
- It was stated by the ZAB that the zoning rules now being applied by the Staff to demand demolition were **not** in place when the building and shed were built in the early 1900's.
- The cottage has existed for 6 years within the footprint of the shed it replaced, in this exact location (as evidenced by fire map records and illustrated by Architect, Ms. Catherine Roha, it is smaller than the shed's concrete pad.
- The November 8<sup>th</sup> staff findings did not support their conclusions and further, the ZAB treated this property differently than others in the City of Berkeley.
- Staff failed to distribute the pictures and substantial information provided, for this applicant, as it did for the applicants of other projects at the same meeting.
- ZAB staff stated that there are no exceptional or extraordinary circumstances or conditions applying to the land or building. Nothing could be further from the truth. The Board members stated that it does have historical precedence. The subject property is unique in that it has a location where an infill unit could and has been added without affecting current residents, impacting adjacent properties, or reducing green space.
- The owners added an infill unit without any negatives at their own cost, to provide much needed housing. During the previous applicant's (John Stevick) application preparation, he personally canvassed the many multi-residential buildings within 300 feet of the subject property. Every conversation he had was concluded with a signature of support. He did not run into a single criticism of the existing cottage. The one and only request presented to him in order to secure support was a letter from the owners of the 84-unit building immediately west expressing support so long as the owners agree that future costs incurred to maintain the retaining wall between the two properties be split. As no objections to the cottage's existence have been presented, we ask that the cottage be legalized as its presence does not impact anyone. (This was not acknowledged at November 8<sup>th</sup> ZAB meeting).
- Further, the ZAB's failure to recognize the added value of the cottage has resulted in a lost opportunity of providing an additional rent-controlled unit to the City of Berkeley.