



Housing Advisory Commission

Regular Meeting Thursday, January 9, 2024 7:00 pm	South Berkeley Senior Center 2939 Ellis Street Anna Cash, Secretary HAC@berkeleyca.gov
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Written communications submitted by mail or e-mail to the Housing Advisory Commission by 5:00 p.m. the day before the meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

All agenda items are for discussion and possible action.

Public comment policy: Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

1. **Roll Call**
2. **Land Acknowledgement** (Attachment 1)
3. **Agenda Approval**
4. **Public Comment**
5. **Approval of December 2, 2024 Meeting Minutes** (Attachment 2)
6. **Appeal Hearing of Administrative Citation: 65 Arden Road – Staff/All** (Attachment 3)
7. **Discussion and Possible Action: Single Family Home Rehabilitation (SFR) Loan Program for Fiscal Year (FY) 2026-2028 – Staff/All** (Attachment 4)
8. **Public Hearing on the City of Berkeley’s Draft Program Year 2025-2029 Consolidated Plan – Staff/All** (Attachment 5)
9. **Discussion and Possible Action: 2024 Statewide Housing Legislation Update – Commissioner Twu** (Attachment 6)
10. **Update on Council Items (Future Dates Subject to Change)**
 - a. **Affordable Housing for Artists: AB 812 Implementation and Cultural District Statutory Standardization (12/10/2024)**
<https://berkeleyca.gov/sites/default/files/documents/2024-12-03%20Item%2017%20Affordable%20Housing%20for%20Artists.pdf>

11. Announcements/Information Items

- a. People’s Park Housing Development Update
- b. Shelter + Care Voucher Program Update
- c. Inclusionary Housing In-Lieu Fee: Planning Commission & City Council Update

12. Future Items

- a. Chair & Vice-Chair Elections (February)

13. Adjourn

Attachments

- 1. Land Acknowledgment
- 2. Draft December 2, 2024 Meeting Minutes
- 3. Jeff Jensen & Darrell Chappell, Planning and Development Department, 65 Arden Road
Appeal Hearing Materials
- 4. Lourdes Chang and Barb Amaro, HHCS, Single Family Home Rehabilitation (SFR)
Loan Program for Fiscal Year (FY) 2026-2028
- 5. Kat Larrowe, HHCS, City of Berkeley’s Draft Program Year 2025-2029 Consolidated
Plan
- 6. Commissioner Twu, 2024 Statewide Housing Legislation Update

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 commission. 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 for further information.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

COMMUNICATION ACCESS INFORMATION:

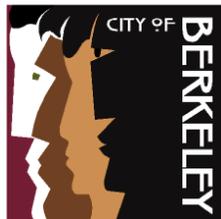


To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

ATTACHMENT 1

Land Acknowledgement Statement

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



Housing Advisory Commission

HOUSING ADVISORY COMMISSION
Monday, December 2, 2024

DRAFT MINUTES

Special Meeting Monday, December 2, 2024 7:08 pm	South Berkeley Senior Center 2939 Ellis Street Anna Cash, Secretary HAC@berkeleyca.gov
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1. Roll Call

Present: Sarah Bell, Truman Braslaw, Karen Haycox, Debbie Potter, David Shere, and Alfred Twu.

Absent: Mari Mendonca, Keyanna Ortiz-Cedeño, and Leah Simon-Weisberg.

Staff Present: Asavari Devadiga and Mike Uberti

Commissioners in attendance: 6 of 9.

Members of the public: 5

Public Speakers: 3.

2. Land Acknowledgement

3. Agenda Approval

Action: M/S/C (Twu/Haycox) to approve the agenda.

Vote: Ayes: Bell, Braslaw, Haycox, Potter, Shere, and Twu. Noes: none. Abstain: none.
Absent: Mendonca, Ortiz-Cedeño, and Simon-Weisberg.

4. Public Comment

There was one speaker during public comment.

5. Approval of October 10, 2024 Meeting Minutes

Action: M/S/C (Haycox/Braslaw) to approve the October 10, 2024 Regular Meeting minutes.

Vote: Ayes: Bell, Braslaw, Haycox, Potter, Shere, and Twu. Noes: none. Abstain: none.
Absent: Mendonca, Ortiz-Cedeño, and Simon-Weisberg.

6. Discussion and Possible Action to Approve the 2025 Housing Advisory Commission Meeting Calendar

Action: M/S/C (Bell/Shere) to approve the 2025 Housing Advisory Commission Meeting Calendar

Vote: Ayes: Bell, Braslaw, Haycox, Potter, Shere, and Twu. Noes: none. Abstain: none. Absent: Mendonca, Ortiz-Cedeño, and Simon-Weisberg.

7. Discussion and Possible Action on MLK House Predevelopment Funds and Haste Street Rehabilitation Funds

Action: M/S/C (Haycox/Bell) to recommend that the City Council:

- Authorize the City Manager or designee to disburse up to \$320,000 of Insight Housing's loan for MLK House for predevelopment; and
- Reserve \$500,000 for Northern Community Land Trust's rehabilitation of 2207

Vote: Ayes: Bell, Braslaw, Haycox, Potter, Shere, and Twu. Noes: none. Abstain: none. Absent: Mendonca, Ortiz-Cedeño, and Simon-Weisberg.

8. Update Possible Action on Inclusionary Housing In-Lieu Fee Recommendations
Public Comment: 3

Action: M/S/C (Shere/Twu) Recommend the City Council take the following actions:

- Adopt a resolution setting the Inclusionary Housing In-Lieu fee at \$56.25 per square foot of the Residential Unit Floor Area (RUFA) of a Housing Development Project; and
- Include a provision in the resolution to allow a project paying the full In-Lieu fee instead of providing Affordable Units to deduct 5,000 square feet from the RUFA calculation with the exception that the exemption will not apply to detached homes; and
- Include a provision in the resolution dedicating 80% of Very Low-Income Units for Section 8 and Shelter Plus Care voucher holders; and
- Continue to adjust the fee biennially by the Construction Cost Index (CCI) starting on July 1, 2025; and
- Adopt an amendment to Berkeley Municipal Code (BMC) Chapter 23.328 to remove the exemption for projects with 5,000 square feet or less of RUFA; and
- Conduct a new economic feasibility study on the in-lieu fee within three years following the adoption of any Middle Housing zoning amendments.

Vote: Ayes: Bell, Braslaw, Haycox, Potter, Shere, and Twu. Noes: none. Abstain: none. Absent: Mendonca, Ortiz-Cedeño, and Simon-Weisberg.

9. 2024 Statewide Housing Legislation Update

10. Update on Council Items (Future Dates Subject to Change)

11. Announcements/Information Items

12. Future Items

13. Adjourn

Action: M/S/C (Shere/Bell) to adjourn meeting at 10:02 pm.

Vote: Ayes: Bell, Braslaw, Haycox, Potter, Shere, and Twu. Noes: none. Abstain: none.
Absent: Mendonca, Ortiz-Cedeño, and Simon-Weisberg.



Building and Safety Division
Planning and Development Department

To: Housing Advisory Commission

From: Building & Safety Division, Planning & Development Department

Submitted by: Jeff Jensen, Assistant Building & Safety Manager
Darrell Chappell, Supervising Building Inspector

Subject: Appeal to Administrative Citation # 10574 for Building Code Violations at 65 Arden Road Berkeley, CA 94704

RECOMMENDATION

Conduct an appeal hearing and upon conclusion, make a determination as to the legitimacy of the citation. Reject the property owners' appeal to the administrative fines issued to them, for their failure to comply with the City's Building Code, and allow the administrative citation against 65 Arden Road to be upheld as written.

SUMMARY

For more than two years, the property owners at 65 Arden Road have initiated and/or completed construction projects without permits, despite the City issuing multiple Notices of Violations, Stop Work Orders and Notices and Orders to Correct. The citation subject to appeal was issued after two Notices of Violations were posted at the property and mailed to the owners, an Administrative Citation Warning Letter was mailed to the owners, and the property was Red Tagged for on-going work that was creating dangerous conditions.

PROPERTY/PARCEL INFORMATION

- Address: 65 Arden Road Berkeley, CA 94704
- Parcel numbers: 055 186203600, 055 186203500, and 055 186204902
- Located within Fire Zone 3 as determined by the California State Fire Marshal
- Located within the Alquist-Priolo Earthquake Fault Rupture Zone as determined by the California Geological Survey (CGS)
- Located within a landslide zone as determined by the Seismic Hazards Mapping Act

BACKGROUND

For more than two years, Ying (Doris) Tsao and Grigory Tikhomirov, the owners of record of 65 Arden Road, initiated four construction projects without permits. Three of these projects have been completed (a bathroom addition, a patio and a greenhouse), all bypassing proper Zoning and Building and Safety procedures as outlined in the City of Berkeley Municipal Code and without review for compliance with California Building Code and Fire Code standards. This appeal to citation #10574 concerns the fourth

(unfinished) project, which includes unpermitted concrete retaining walls, and redesign of the slope, including drainage, movement of soil and other structural activities that are regulated under local (BMC) and California State Building Code.

This property is located within the highly regulated Fire Zone 3, classified as such due to surrounding topography and accessibility challenges for First Responders because of limited ingress/egress. This property is also located within State designated landslide and earthquake fault rupture zones. Construction within these zones is required to comply with strict Fire/Life Safety and other building regulations at the State and local jurisdictional levels, to ensure buildings and structures are permitted and inspected by certified professionals to meet all applicable code requirements.

The property owners did not apply for permits or get inspections for work completed when they enclosed a front patio and constructed a greenhouse, poured several concrete retaining walls, and constructed a bathroom addition. The patio enclosure and retaining wall projects were both issued Stop Work Orders prior to project completion by the Building and Safety Division. These orders were ignored, violating several long-standing Berkeley Municipal Codes, Health and Safety Codes, and California Building Code regulations. These actions have not only endangered the occupants of the home, but also of the surrounding community.

The retaining walls (currently unfinished and the subject of the citation being appealed) pose a significant threat to the surrounding community should they fail and slide down the hill along with the immense amount of soil they are holding up. These types of projects require precise engineering and close scrutiny by City of Berkeley Building and Safety staff, to ensure compliance with strict standards and regulations before any work has commenced. Since this work was not permitted, plans were not reviewed. Once the City learned that work had commenced, Stop Work Orders were clearly posted at the property and accompanying Notices and Orders to Correct were mailed to the homeowners. All notices were ignored and work continued. Once the City issued the citation, the property owners reached out to the City. They claimed they had not seen the Stop Work Orders posted at their home and that they had not received the mailed Notices and Orders to Correct, despite occupying the home where notices were posted and sent.

BACKGROUND INFORMATION AND ITS EFFECTS

On September 23, 2022, Jeff Jensen, who was a Senior Building Inspector at the time and now serves as the Assistant Building Official, issued the first Notice of Violation and Stop Work Order (see Attachment 3) for constructing a patio enclosure on the front of the house without proper permit(s). He observed this work while performing his routine duties during the course of his day travelling from one inspection to another. A quick search of the permit database showed that there was no permit issued for this work.

The property owners submitted a building permit application for the patio enclosure and subsequent conversion to a greenhouse on June 5, 2023 (see Attachment 4). The plan checks performed resulted in two Corrections Letters (see Attachment 5) being issued by the Plan Check team. The permit application sat untouched for approximately 11 months with no response by the owners to the plan check corrections being filed. A

resubmittal was filed only after the owners received the Administrative Citation which is subject to this appeal.

Despite no permit being issued, Ying (Doris) Tsao and Grigory Tikhomirov continued construction and completed the patio enclosure, converting it into a greenhouse. This new greenhouse has not been approved for construction and has not been inspected, so the Building & Safety Division cannot assess whether the new framing is structurally sound, and no approved plans exist for this work to be inspected for conformity to the Berkeley Building Codes. Additionally, the greenhouse addition is located in Fire Zone 3 and the installed exterior finishes fail to meet the minimum fire code requirements for combustion.

On May 15, 2024, building inspector Daniel Lawrence posted a Notice of Violation and Stop Work Order on the same property for a different unpermitted construction project (see Attachment 6). This time the homeowners were in the process of building several large concrete retaining walls on the property. At the time of the posting, concrete forms were clearly visible with rebar added in preparation for concrete being poured. The inspector observed this work while performing an inspection at a neighboring property and became suspicious when he noticed the retaining walls were extending across property lines. Further investigation revealed that the property was located in a landslide zone and there were no measures being taken to address the potential for shifting soils or to manage water runoff.

On June 20, 2024, building inspector Daniel Lawrence posted a second Notice of Violation and Stop Work Order due to the homeowners' lack of compliance to the first order (see Attachment 7). At this time the concrete for the retaining walls was already poured, the walls completed and the concrete forms were removed despite not having obtained a building permit or inspections, and in defiance of the Stop Work Order that was issued on May 15, 2024. Unsafe conditions that were identified on May 15, 2024 had been made worse and the drainage pattern of the hillside located in a landslide zone has been permanently altered without approval and without permits. This work was performed without consulting a qualified geotechnical engineer who could best advise on how to mitigate any landslide risk posed by these modifications to the hillside. Furthermore, the modifications to the hillside and drainage have potentially increased the landslide risk to the homes located below on both Mosswood Road and Panoramic Way. The full extent of this risk cannot be ascertained without a thorough examination and report by a licensed geotechnical engineer familiar with Berkeley's landslide zones. Because of the homeowners' continued indifference toward the City's orders to immediately stop all work and apply for a permit, the Administrative Citation process was initiated.

On July 5, 2024 an Administrative Citation Warning Letter was generated by Supervising Building Inspector Darrell Chappell and sent to the homeowners, giving them one final opportunity to obtain the proper permit(s) before fines are assessed (see Attachment 8).

On July 7, 2024, upon receiving a tip from a neighbor of further retaining wall work underway, Supervising Building Inspector Darrell Chappell immediately went to the property and discovered a crew of workers digging trenches into the hillside in

preparation for more concrete forms. He had no other choice but to “Red Tag” the property for dangerous conditions, and he remained on site until the workers had all vacated the property (see Attachment 9). He talked to Mr. Tikhomirov who was home that day and explained the situation that the construction area was deemed to be unsafe, and that no one was to enter the area of work. The Inspector stressed again to the owner the requirement to get building permits, and that failure to do so would result in the assessment of monetary citations. Mr. Tikhomirov told Mr. Chappell that he would immediately start the process to obtain all permits required by the City to complete the work.

However, as before, our efforts to assist the homeowners in reaching compliance were ignored and we were compelled to issue citation #10574 for \$6,075 on August 27, 2024 (see Attachment 1). This amount was determined, based upon the following three code violations: Construction Work Without a Permit, disobeying posted Stop Work Orders, and Work Concealed Without Inspection. Each violation carried a fine of \$75/violation per calendar day covering the timeframe from July 5, 2024 (the date of the Administrative Citation Warning Letter) to July 31, 2024.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

At this time, it is undetermined what impacts the retaining walls will have due to altered drainage patterns and disturbing the in-situ soils. A soils report from a licensed geotechnical engineer would be required to determine possible impacts of the retaining walls on the surrounding hillside.

RATIONALE FOR RECOMMENDATION

The Building and Safety Division, in the course of this enforcement action, has provided the property owners ample opportunity to come into compliance. Since there have been multiple compliance dates that have passed in the last two years with no permits being issued and unpermitted construction continuing, the recommendation is to deny the homeowners’ appeal for citation leniency. Granting the homeowners’ appeal will only serve to reinforce the misguided concept that building permits are not required and that there are no consequences for continuing to build without proper oversight, permits and inspections. Further defiance by the homeowners will only result in additional fines being levied at an increased rate consistent with the Berkeley Municipal Code. This is the only means for the City of Berkeley to compel the homeowners into compliance and relieve the unsafe conditions that now exist.

ALTERNATIVE ACTIONS CONSIDERED

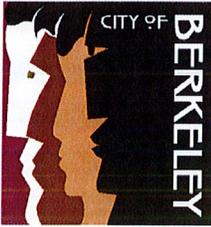
The City offered the owner to suspend further citations and enforcement of the Notices of Violation provided they diligently pursued obtaining Building Permits and halted any additional work at the site. The City also considered summary abatement by obtaining an abatement warrant allowing City personnel to remove the unpermitted hazards and mitigate the increased slide hazard.

CONTACT PERSON

Jeff Jensen, Assistant Building & Safety Manager, 510-981-7427
Darrell Chappell, Supervising Building Inspector, 510-981-7455

Attachments:

1. Citation #10574 (August 27, 2024)
2. Appeal Letter
3. Notice of Violation and Stop Work Order (June 2022)
4. Permit Application (June 2023)
5. Corrections Letter (June 2023)
6. Notice of Violation and Stop Work Order (May 15, 2024)
7. Second Notice of Violation and Stop Work Order (June 20, 2024)
8. Citation Warning Letter (July 5, 2024)
9. Red Tag notice (July 7, 2024)



Planning & Development Department
Building & Safety Division

NOTICE OF ADMINISTRATIVE CITATION

August 27, 2024

Tsao Ying and Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Tsao Ying and Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

PLEASE BE ADVISED:

The Building and Safety Division has confirmed that as of August 27, 2024 you have failed to comply with the Warning of Administrative Citation issued on July 5, 2024 which required you to stop all construction activities and obtain required building Permit(s) for unpermitted work.

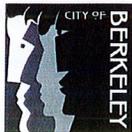
Since you have failed to comply with the requirements of the July 5, 2024 Warning of Administrative Citation, **I have issued the enclosed Administrative Citation for \$6,075 for violation of the Berkeley Municipal Code Section 19.28.20.**

If you fail to pay the citation penalties, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

If you have questions regarding this notice you may contact me at 510-981-7440, option 0 or buildingandsafety@berkeleyca.gov

Sincerely,

Darrell Chappell
Supervising Building Inspector
Building and Safety Division



CITY OF BERKELEY
ADMINISTRATIVE CITATION
Citation No. 10574

CITATION ISSUED:

Name Tsao Ying & Tikhomirov Grigory

Address 314 S Hill Avenue City Pasadena State CA Zip Code 91106
C.C. 65 Arden Road City Berkeley State CA Zip Code 94704

VIOLATION

Location of violation: 65 Arden Road Berkeley, CA 94704

July 5, 2024 – July 31, 2024
Date(s) of Violation(s)

Time

S M T W T F S
Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.28.20	Construction work performed without permit	\$75	Yes	30 days
19.28.20	Violated Stop Work order	\$75	Yes	Now
19.28.20	Work concealed without inspection	\$75	Yes	30 days
Total Penalty	27 calendar days @ \$225/day for three violations	\$6,075.00		

PLEASE TAKE NOTICE: You are hereby ordered to cease the violations set forth above and to prevent their repeated occurrence. **You are further hereby ordered** to correct any violations identified as "correctable."

PAYMENT: Please see reverse for payment options.

APPEAL: You may appeal the determination that you have violated a City ordinance, the penalty imposed, or both. **See reverse for instructions on how to appeal.**

DRIVERS LICENSE and EMPLOYER INFORMATION (if applicable)

ID no. _____ State _____ Birth Date _____
Sex _____ Eyes _____ Height _____ Weight _____
Employer _____ Phone _____
Address _____ City _____ State _____ Zip Code _____

Citing Officer Name Darrell Chappell **Department** Planning & Development

Citing Officer Signature  **Date** August 27, 2024

CITY OF BERKELEY ADMINISTRATIVE CITATION

PAYMENT OPTIONS

You must pay the fines imposed by this citation within 30 days of the date of this citation.

Mail: Finance will send you an invoice for this citation and you may pay by check once you receive it. Please list the building address associated with the citation on the memo of the check and make check payable to the City of Berkeley.

In Person: City of Berkeley, **Finance Customer Service Center, 1947 Center Street, 1st Floor, Berkeley, CA 94704**, Mon-Thu 8:30am-2pm; Closed on Fridays. Please bring your citation with you.

FILING AN APPEAL

If you intend to appeal this citation, you must complete a request for hearing form and return it to the City at the address shown on the form. The request for hearing form must be received or postmarked no later than **21 days** from the date of this citation. The request for hearing form **must be accompanied by** either (1) an advance deposit of the fine(s) imposed by this citation, or (2) notice that a request for an advance deposit hardship waiver form has been filed. You may obtain the request for hearing form and, if applicable, the request for an advance deposit hardship waiver from: <https://berkeleyca.gov/city-services/report-pay/administrative-citation-appeals> or by contacting the City Manager's Office, 2180 Milvia Street, 5th Floor, Berkeley, California 94704, (510) 981-7000.

ADVANCE DEPOSIT WAIVERS

If you are financially unable to make the advance deposit of the fine, you may file a request for an advance deposit hardship waiver using the advance deposit hardship waiver form **within 10 days** of the date of the citation. If you do so, you do not need to pay the advance deposit of the fine unless or until the City denies your request for a waiver. The City must issue a written determination of its reasons for granting or denying your request for a waiver and serve it upon you by first class mail. The City may grant the waiver only if you submit a sworn declaration, together with any supporting documents or materials, which demonstrates your financial inability to deposit with the City the full amount of the fine in advance of the hearing. If the City denies your request for a waiver, you must remit the deposit to the City within 10 days of the date of that decision or 30 days from the date of the citation, whichever is later. **If you fail to do so, you will not be entitled to a hearing.**

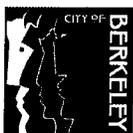
HEARING

If you timely appeal this citation, you will be notified of the time and place of your hearing at least 10 days prior to the date of the hearing. If the citing officer submits an additional written report concerning the citation to the hearing officer for consideration at the hearing, a copy of that report will be sent to you at least five days prior to the date of the hearing. The hearing will be held not less than 15 days and not more than 30 days from the date you file your request for a hearing and advance deposit or notice of request for a waiver. At the hearing, you may testify and present evidence concerning the citation. If you fail to appear at the hearing, you will forfeit the fine and be deemed to have consented to any order prohibiting further occurrence of the violation and/or to correct the violation.

MORE INFORMATION

This citation was issued under the authority of Berkeley Municipal Code (BMC) Chapter 1.28. You may review the BMC at the City Clerk's Office at 2180 Milvia Street, Berkeley, California 94704, at the Berkeley Public Library, or on the City's website at: <http://www.ci.berkeley.ca.us/bmc/>.

BMC Section Violated	Certificate of Correction (signature)	Date



CITY OF BERKELEY
ADMINISTRATIVE CITATION REMITTANCE SLIP
Citation No. 10574

Please send this copy with payment.

Name _____

Address _____ City _____ State _____ Zip Code _____

Property Address _____

Total Due: \$

Make check payable to City of Berkeley and mail to:

City of Berkeley
Finance-Treasury Division
PO Box 1910
Berkeley, CA 94701

PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 1947 Center Street, 3rd Floor, Berkeley, California 94704. On this date, I served City of Berkeley Administrative **ADMINISTRATIVE CITATION No. 10574** on:

Tsao Ying & Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Tsao Ying & Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

by the following means of service:

- By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

Description of location where posted

- By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.
- By Certified Mail, Return Receipt Requested - I mailed the notice by certified mail at the U.S. Post office, return receipt requested.
- By Hand Delivery - I personally handed the Notice of Violation to the person whose name appears above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 27, 2024** at Berkeley, California.



Christina F Franco
OS Supervisor

9589 0710 5270 2163 8296 93

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	

Postage
\$

Total Postage
\$

Sent To
Tsao Ying & Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Street and Apt.
City, State, ZIP

Postmark Here

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 2163 8297 09

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	

Postage
\$

Total Postage a
\$

Sent To
Tsao Ying & Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

Street and Apt.
City, State, ZIP

Postmark Here

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 1947 Center Street, 3rd Floor, Berkeley, California 94704. On this date, I served City of Berkeley Administrative **ADMINISTRATIVE CITATION No. 10574** on:

Tsao Ying & Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Tsao Ying & Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

by the following means of service:

- By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

Description of location where posted

- By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.
- By Certified Mail, Return Receipt Requested - I mailed the notice by certified mail at the U.S. Post office, return receipt requested.
- By Hand Delivery - I personally handed the Notice of Violation to the person whose name appears above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 28, 2024** at Berkeley, California.



Christina F Franco
OS Supervisor

PROOF OF SERVICE

Case: **Notice of Hearing on Administrative Citation #10566/10574**

Date: November 7, 2024

I declare as follows:

I the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 2180 Milvia Street, Berkeley, California 94704. On this date, I served the following document:

Notice of Hearing on Administrative Citation #10566/10574

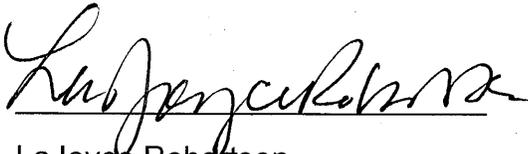
on

Tsao Ying & Grigory Tikhomirov
314 S Hill Ave
Pasadena, CA 91106

by first class mail.

I am readily familiar with the City's practice for collection and processing correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **November 7, 2024** at Berkeley, California.



LaJoyce Robertson

Administrative Assistant

RE: Citation #10574 - Message (HTML)

File Message Insert Options Format Text Review Help Acrobat Tell me what you want to do

Paste Calibri (Bo... 11 A A Basic Text Address Check Attach Attach Signature Attach File Assign Follow Up High Importance Low Importance View My Templates

Clipboard Basic Text Names Include Adobe Acrobat Tags My Templates

Valderas, Lester X: Automatic reply: " Thank you for your email. I will be out of the office starting October 24 and returning on November 12. If you need immediate assistanc...

To... dortsao@berkeley.edu

Cc...

Bcc... Valderas, Lester

Send

Subject RE: Citation #10574

From: Robertson, LaJoyce
Sent: Wednesday, October 16, 2024 2:52 PM
To: dortsao@berkeley.edu
Subject: Citation #10574

Hello,

I am writing to you regarding your citation #10574 to let you aware that we are scheduling you for a hearing at our earliest convenience. We are scheduling you for Monday, November 18, 2024 from 12:00PM – 1:00PM. Please met us at 2180 Milvia St, Berkeley, CA 94704 at least 5 mins before your scheduled time. Once you arrive, please sign in and someone will greet you. You will also be receiving all paperwork regarding this citation. Since this is further out then our normal scheduling time, I wanted to provide enough time for you to plan accordingly. If you have any questions, please contact me here via email or call me at 510-981-7005. Thank you.

Kind Regards,

LaJoyce Robertson
Temp Admin for Deputy City Managers
LaTanya Bellow and Anne Cardwell

Statement in system showing payment of \$7,200.00 on 8/27/2024.

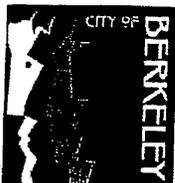
CITY OF BERKELEY
Miscellaneous Receivables Inquiry

Combined Detail

Dist	Trans	Date	Code	Description	Report	Orig	Bank	Cl	Balance	Type	Code	1

Bottom

PE PE PE Pending



Office of the City Manager

CITY OF BERKELEY
REQUEST FOR HEARING ON ADMINISTRATIVE CITATION

Request must be received or postmarked no later than 21 days of the citation issue date. Send request to:

City of Berkeley
Finance Customer Service Center
1947 Center Street
Berkeley, CA 94704

Citation No.: 128675

Citation Issue Date: 8/9/24

Name: Doris Tsao

Phone: 626 298 5448

I hereby request an administrative hearing to contest the administrative citation issued to me. I am contesting this citation for the following reasons (attach separate sheet if necessary):
Please see attached

I have submitted the full amount of the citation as a required advance deposit in the amount of \$ 7200

(Signature of Contesting Party)

Date: 8/22/2024

For City Manager's Department Use Only:

Received _____ Postmark Date _____

- Appeal Approved: Hearing Scheduled
Appeal Denied: Not Timely (More than 14 days of the citation issue date)
 Insufficient Deposit

From: Doris Ying Tsao & Grigory Tikhomirov
65 Arden Road Berkeley CA
94704

To: City of Berkeley Finance Customer Service Center
1947 Center Street Berkeley CA
94704

August 21, 2024

To whom it may kindly concern:

I am writing to appeal the Berkeley Permit Citation (Invoice #12998, Customer # 128675) of \$7200 that was issued on August 8, 2024.

The citation states 24 working days @100/day/violation and cites 3 violations:

- Construction work performed without permit (30 days correction)
- Violated stop work order (immediate)
- Work concealed without inspection (30 days correction)

We had previously been issued a notice that we needed to file permits for our greenhouse, retaining wall, and bathroom additions that had been constructed without permit on July 5, 2024. That notice had given us 21 days (i.e., until July 26) to submit permits for these projects.

First, we wish to unequivocally state that **we are profoundly apologetic for constructing these structures without permit**. We sent a long and detailed email to David Lopez, Jeff Jensen, and Darell Chappell on July 9, 2024 explaining what happened and providing assurances that we would do everything to rectify the situation (enclosed). In a nutshell:

- Retaining wall: As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. We thereafter **took immediate steps to apply for the necessary permit and submitted it on Monday July 22, 2024, before the deadline imposed by the city of July 26.**
- Greenhouse: We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction. After the visit from the city on July 5, **we took**

immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to resubmit the plans and address the comments. The designer is planning to submit the files today (8.22.2024) and has been able to address most of the comments that had been previously raised.

- Bathroom: We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision. After the visit from the city on July 5, **we took immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to submit plans.** The designer informed us that the permitting process will be very complicated, as we will need to apply for a lot merger. We have commissioned the necessary land survey of our entire property (Steven Rohfs, Mountain Pacific Surveys) and the our designer believes he can submit the plans by Sept 15, 2024.

Given the above steps **which we took immediately following the visit from the city on July 5, 2024**, we were truly shocked to receive the fine of \$7200 on Aug 8:

- We note that we did immediately stop construction on July 5, and thus are confused why were we nevertheless levied \$100/day for 30 days for this.
- With respect to the other two fines (performing construction work without permit and concealing work without inspection), it seems exorbitant to fine us for both of these violations, given that the underlying cause is the first violation (construction without permit).
- Finally, since in the letter from July 5, 2024 we were given until July 26, 2024 to file the permits, the maximum fine should be \$100/day * 13 days = **\$1300**. And since we actually filed the permit for the retaining wall, we believe this should be further significantly reduced.

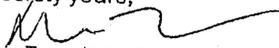
Most importantly, we would like to note that my husband and I **visited the permit office on Thursday July 11, 2024 and spoke to Jeff Jensen**, as we were desperate to comply with city regulations and avoid the fines threatened in the warning letter of July 5. Jeff gave valuable advice to us, encouraging us to hire a new designer right away, Thereafter, we immediately hired Sam Saleh of Altus Draft and Design. Sam got to work right away, and **reassured us that the city always grants extensions in situations like this**. The very next day after our visit with Jeff, Sam emailed David Lopez, Jeff Jensen, and Darrell Chapell, and **requested an extension (see email #1, enclosed)**. He also at the same time began a correspondence with Senior Building Plans Examiner Andrew Cockrell to seek clarification on items in our previous Greenhouse permit application (demonstrating that he was actively working on a permit application). Sam reiterated the request for an extension on July 16. **Assistant Building Official Jeff Jensen wrote back on July 16 asking "When do you expect to submit?" (see email #2, enclosed)**. Sam wrote back a detailed response explaining all the items that needed to be done (including a survey) and requesting a 60 day extension. Thereafter, he did not receive any response from Jeff. Sam sent another follow up reminder about the extension request of July 19 (see email #3, enclosed).

While it is true that we never received an explicit extension, our designer led us to believe that in such situations extensions are always granted, and **the record shows clearly that we have been doing everything possible to submit permits for the greenhouse and bathroom addition as expeditiously as possible, and we did submit the retaining wall permit within the original deadline stated in the letter on July 5.**

For all these reasons, we kindly ask the City to waive the fine. We do recognize that we made a major lapse of judgement in constructing these structures without permit, and we truly are eager to rectify the situation. We are extremely grateful to the staff in the City Permit office, including Jeff Jensen and Darrell Chappell, for their kind assistance in explaining the permitting process to us (as well as this appeals process).

We very much hope you may grant our appeal.

Sincerely yours,



Doris Tsao (626 298 5448)

Greg Tikhomirov (650-739-5189)

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road



Doris Tsao <dortsao@berkeley.edu>

65 Arden road

Doris Tsao <dortsao@berkeley.edu>

To: Dlopez@berkeley.ca.gov

Tue, Jul 9, 2024 at 5:00 PM

Cc: DChappell@berkeleyca.gov, Grigory Tikhomirov <gt3@berkeley.edu>

Dear David (cc Darrell Chappell),

We received a visit from Supervising Building Inspector Darrell Chappell of the Permit Office today (7/9/24) regarding lack of proper permits for work done on our house and yard at 65 Arden Road, Berkeley 94704. Following his recommendation, we are writing to (1) explain how we got into our current situation and (2) explain the steps we are taking to rectify the situation. In a nutshell, as new homeowners without any previous experience dealing with permitting and remodeling, we made some very stupid mistakes. We are now doing everything we can to get the proper permits in place in a timely manner. We beg for your kind understanding and hope we may receive an extension on the necessary permit applications. Supervisor Chappell told us that fines amounting to \$1000/day per violation may begin to accumulate starting next week. This would be ruinous for our family. Even though we are doing everything possible to get the permits (as detailed below), we fear it will be impossible to secure the completed drawings by next week.

How we got into current situation: We understand that we are being cited for construction of greenhouse, bathroom, retaining wall, and fences without permit.

- **Retaining wall:** As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. As detailed below, *we took immediate steps to apply for the necessary permit and expect to have it submitted in early August.*
- **Greenhouse:** We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction.
- **Bathroom:** We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision.
- **Fence:** We thought it was permissible to construct fences up to 6 feet without permit, and our fence is 6 feet measured from ground level. Inspector Chappell explained to us that the height is measured from a 3 ft radius, and because our backyard has a downward slope, the effective height is higher than 6 feet and requires a permit.

Steps moving forward: We are doing everything we can to rectify the situation:

- **Retaining wall:** After receiving the second visit from Inspector Lawrence on 6/19/24, we immediately contacted a structural engineer, Engin Yagmur (ECR Engineering, www.ecrengineering.com). We signed a contract with Yagmur to produce the plans for the retaining wall on 6/27/24. He promised that the whole process would take him 5 weeks, so we hope to submit the detailed plans for the retaining wall in early August. During Yagmur's initial site visit to our property, accompanied by his company's chief engineer, he commented that the retaining wall we have built is actually *significantly stronger than it needs to be* (e.g., it has two rows of rebar instead of the one row required for this height). We have been in contact with Yagmur regularly to get

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-a:r-2940964455658402776&siml=msg-a:r-29409644556584...> 1/2

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road

updates on his progress. In his last email from this morning, he promised that he will provide an update at the end of next week. In parallel, we also have tried repeatedly to get in touch with Inspector Lawrence to update him on our progress and reassure him that we were taking all the necessary steps towards a permit application for the retaining wall (the record of our multiple phone calls to 510-981-7440 attests to this); however, he did not return any of our calls, and we learned from Supervisor Chappell today that Inspector Lawrence has been on vacation—a case of very unfortunate timing.

- Greenhouse, Bathroom, and Fence: Following today's visit from Supervisor Chappell, we asked Yagmur if his firm can also (1) draw up plans for our greenhouse and address the comments that were raised at the last round of review of our permit application so we can complete this process, and (2) draw and submit new plans for the bathroom and fence. He has kindly agreed to do so. However, since these are new projects for him, we anticipate that it may take longer to complete.

We are extremely apologetic for our stupid decisions, which result from new homeowner ignorance, and we want to do everything to rectify the situation and apply for all the needed permits. If it is possible, we would be very grateful for the opportunity to meet with you in person to explain our situation and get your advice on the best path forward. We cannot express how remorseful and embarrassed we feel and how much we want to make everything right. We hope you will take pity on us and grant us an extension so we can have the time necessary to clear up our mistakes without incurring \$1000+/day fines. We hope we have convinced you that we have a concrete plan to make all the necessary applications.

Please let us know if we can provide more information. The contact for our structural engineer is:

Engin Yagmur / ECR Engineering
Principal
T: (415) 205-3804
www.ecrengineering.com

Yours sincerely,

Doris (626 298 5448) and Greg (650 739 5189)

Doris Y. Tsao, PhD
Professor of Neuroscience
HHMI Investigator
UC Berkeley
tsaolab.berkeley.edu

Email #1

8/22/24, 1:46 PM

UC Berkeley Mail - Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

Case#24-000218, 65 Arden Rd Berkeley CA

Sam Saleh <sam@altusdrafting.com>
To: dchappell@berkeleyca.gov
Cc: dortsao@berkeley.edu, gt3@berkeley.edu, jjensen@cityofberkeley.info

Fri, Jul 12, 2024 at 5:07 PM

Hello Mr's Chappell and Jensen. We will be assistant the homeowners at 65 Arden Rd with plans to address the Notice of Violation for the rear bathroom and deck addition as well as the front sunroom.

We are contacting you to request an extension. As it would be very difficult to meet your current deadline of July 21st.

Also, Can you tell us if a fire rated application can be applied over the rear deck and bathroom addition to comply with the fire codes for the area?

An extension and a response to the above question would be greatly appreciated.

Thank you,

Sam Saleh
Altus Draft & Design
1305 Franklin Street Ste 408
Oakland CA 94612
P 510 506 8056

Altus Draft Design
4136 Del Rey Ave #613
Marina Del Rey CA 90292
P 310 800 3957

----- Forwarded message -----
From: **Grigory Tikhomirov** <gt3@berkeley.edu>
Date: Fri, Jul 12, 2024, 4:35 PM
Subject:
To: Doris Tsao <dortsao@berkeley.edu>

3 attachments

Email #12

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

Re: Case#24-000218, 65 Arden Rd Berkeley CA

Sam Saleh <sam@altusdrafting.com>

Tue, Jul 16, 2024 at 11:57 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Hello Jeff, I reached out to Andrew Cockreil in Building who is out of the office, Jesse Bright just reached out to me in his place and is waiting on me to send him a set of questions. Which I will do later today.

I also reached out to Desiree Dougherty in Planning and Steve Burkhardt in Fire

It will most likely be one submittal.

The last designer has been unresponsive and the homeowners are unsure of next steps.

Per the comments a boundary survey is required and quite a few other things need to be considered regarding the feasibility of the project.

This will all take awhile. If you could grant a 60 extension this would allow time to have a discussion with the different plan checkers regarding the comments, find a surveyor to perform the survey and address everything.

The homeowners really do want to resolve this and would be very appreciative if an extension can be granted.

Best,

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P 310 800 3957

On Tue, Jul 16, 2024, 08:21 Jensen, Jeff <JJensen@berkeleyca.gov> wrote:

Hello Sam,

Who did you speak with in plan check?

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

When do you expect to submit?

Are you planning to submit separate projects or everything as one?

Jeff Jensen

Assistant Building Official

Building & Safety Division

1947 Center Street 3rd Floor, Berkeley, CA 94704

Desk: 510-981-7427

jjensen@berkeleyca.gov

From: Sam Saleh <sam@altusdrafting.com>

Sent: Monday, July 15, 2024 8:44 PM

To: Chappell, Darrell <DChappell@berkeleyca.gov>

Cc: dortsao@berkeley.edu; gt3@berkeley.edu; Jensen, Jeff <JJensen@berkeleyca.gov>

Subject: Re: Case#24-000218, 65 Arden Rd Berkeley CA

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

Hello Darrell and Jeff, we have reached out to the plan checkers requesting clarification on a few items and hope that you guys would grant an extension to address the comments.

The homeowners are sincere in wanting to resolve this and would very much appreciate an extension of the deadline.

Best,

Sam Saleh

ALTUS Draft & Design

1305 Franklin Street Ste 408

Oakland Ca 94612

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1804763146320037816&simpl=msg-f:18047631463200378...> 2/4

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

P 510 506 8056

ALTUS Draft & Design

4136 Del Rey Ave #613

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<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1804763146320037816&simpl=msg-f:18047631463200378...> 3/4

8/22/24, 1:53 PM

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----- Forwarded message -----
From: **Grigory Tikhomirov** <gt13@berkeley.edu>
Date: Fri, Jul 12, 2024, 4:35 PM
Subject:
To: Doris Tsao <dortsao@berkeley.edu>

5 mail 43

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

Re: Case#24-000218, 65 Arden Rd Berkeley CA

Sam Saleh <sam@altusdrafting.com>

Fri, Jul 19, 2024 at 9:52 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Good morning Jeff, just following up on my prior email regarding an extension. The homeowners are concerned with the deadline approaching. They are not familiar with the process and all that is involved and were counting on the designer that they were working with.

An extension would be immensely appreciated.

Best,

Sam Saleh
ALTUS Draft & Design
1305 Franklin Street Ste 408
Oakland Ca 94612
P 510 506 8056

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8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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1947 Center Street 3rd Floor, Berkeley, CA 94704
Desk: 510-981-7427
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Sent: Monday, July 15, 2024 8:44 PM
To: Chappell, Darrell <DChappell@berkeleyca.gov>
Cc: dortsao@berkeley.edu; gt3@berkeley.edu; Jensen, Jeff <JJensen@berkeleyca.gov>
Subject: Re: Case#24-000218, 65 Arden Rd Berkeley CA

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8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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1305 Franklin Street Ste 408

Oakland Ca 94612

P 510 506 8056

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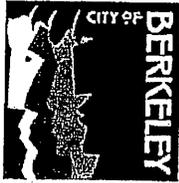
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Date: Fri, Jul 12, 2024, 4:35 PM
Subject:
To: Doris Tsao <dortsao@berkeley.edu>

Robertson, LaJoyce

From: Chappell, Darrell
Sent: Friday, August 30, 2024 2:23 PM
To: Robertson, LaJoyce
Subject: RE: Citation #10566 Tsao Ying & Tikhomirov Grigory 65 Arden Road Berkeley, CA

Internal

Yes, please rescind this citation. It was amended under citation #10574. Thank you. Have a great weekend.



Darrell Chappell
Supervising Building Inspector
Building & Safety Division
1947 Center Street 3rd Floor, Berkeley, CA 94704
Desk: 510-981-7455
dchappell@berkeleyca.gov

From: Robertson, LaJoyce <LRobertson@berkeleyca.gov>
Sent: Friday, August 30, 2024 1:54 PM
To: Chappell, Darrell <DChappell@berkeleyca.gov>
Subject: Citation #10566 Tsao Ying & Tikhomirov Grigory 65 Arden Road Berkeley, CA

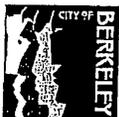
Hello,

I just received the case for Citation #10566. Would you like to rescind this? If not, do you have all documents (evidence)? If so, please can you send them to me? Thank you in advance.

Kind Regards,

LaJoyce Robertson
Temp Admin for Deputy City Managers
LaTanya Bellow and Anne Cardwell

Internal



CITY OF BERKELEY
ADMINISTRATIVE CITATION
Citation No. 10566

CITATION ISSUED:

Name Tsao Ying & Tikhomirov Grigory

Address 65 Arden Road City Berkeley State CA Zip Code 94704

VIOLATION

Location of violation: 65 Arden Road Berkeley, CA 94704

August 8, 2024
Date(s) of Violation(s)

11:30 a.m.
Time

S M T W **(T)** F S
Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.28.20	Construction work performed without permit	\$100	Y	30 days
19.28.20	Violated Stop Work order	\$100	Y	immed.
19.28.20	Work concealed without inspection	\$100	Y	30 days
Total Penalty	24 working days @ \$100/day per violation	\$7200		

PLEASE TAKE NOTICE: You are hereby ordered to cease the violations set forth above and to prevent their repeated occurrence. **You are further hereby ordered** to correct any violations identified as "correctable."

PAYMENT: Please see reverse for payment options.

APPEAL: You may appeal the determination that you have violated a City ordinance, the penalty imposed, or both. **See reverse for instructions on how to appeal.**

DRIVERS LICENSE and EMPLOYER INFORMATION (if applicable)

ID no. _____ State _____ Birth Date _____

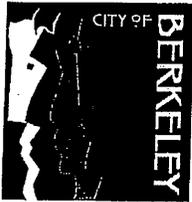
Sex _____ Eyes _____ Height _____ Weight _____

Employer _____ Phone _____

Address _____ City _____ State _____ Zip Code _____

Citing Officer Name Darrell Chappell Department Planning & Development

Citing Officer Signature *Darrell Chappell* Date 8/8/2024



Planning & Development Department
Building & Safety Division

NOTICE OF ADMINISTRATIVE CITATION

August 27, 2024

Tsao Ying and Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Tsao Ying and Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

PLEASE BE ADVISED:

The Building and Safety Division has confirmed that as of August 27, 2024 you have failed to comply with the Warning of Administrative Citation issued on July 5, 2024 which required you to stop all construction activities and obtain required building Permit(s) for unpermitted work.

Since you have failed to comply with the requirements of the July 5, 2024 Warning of Administrative Citation, **I have issued the enclosed Administrative Citation for \$6,075 for violation of the Berkeley Municipal Code Section 19.28.20.**

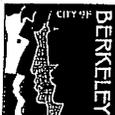
If you fail to pay the citation penalties, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

If you have questions regarding this notice you may contact me at 510-981-7440, option 0 or buildingandsafety@berkeleyca.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Chappell".

Darrell Chappell
Supervising Building Inspector
Building and Safety Division



CITY OF BERKELEY
ADMINISTRATIVE CITATION
Citation No. 10574

CITATION ISSUED:

Name Tsao Ying & Tikhomirov Grigory

Address 314 S Hill Avenue City Pasadena State CA Zip Code 91106

C.C. 65 Arden Road City Berkeley State CA Zip Code 94704

VIOLATION

Location of violation: 65 Arden Road Berkeley, CA 94704

July 5, 2024 – July 31, 2024

Date(s) of Violation(s)

Time

S M T W T F S
Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.28.20	Construction work performed without permit	\$75	Yes	30 days
19.28.20	Violated Stop Work order	\$75	Yes	Now
19.28.20	Work concealed without inspection	\$75	Yes	30 days
Total Penalty	27 calendar days @ \$225/day for three violations	\$6,075.00		

PLEASE TAKE NOTICE: You are hereby ordered to cease the violations set forth above and to prevent their repeated occurrence. **You are further hereby ordered** to correct any violations identified as "correctable."

PAYMENT: Please see reverse for payment options.

APPEAL: You may appeal the determination that you have violated a City ordinance, the penalty imposed, or both. See reverse for instructions on how to appeal.

DRIVERS LICENSE and EMPLOYER INFORMATION (if applicable)

ID no. _____ State _____ Birth Date _____

Sex _____ Eyes _____ Height _____ Weight _____

Employer _____ Phone _____

Address _____ City _____ State _____ Zip Code _____

Citing Officer Name Darrell Chappell Department Planning & Development

Citing Officer Signature

Date August 27, 2024

Planning/B & S

CITY OF BERKELEY ADMINISTRATIVE CITATION

PAYMENT OPTIONS

You must pay the fines imposed by this citation within 30 days of the date of this citation.

Mail: Finance will send you an invoice for this citation and you may pay by check once you receive it. Please list the building address associated with the citation on the memo of the check and make check payable to the City of Berkeley.

In Person: City of Berkeley, **Finance Customer Service Center, 1947 Center Street, 1st Floor, Berkeley, CA 94704**, Mon-Thu 8:30am-2pm; Closed on Fridays. Please bring your citation with you.

FILING AN APPEAL

If you intend to appeal this citation, you must complete a request for hearing form and return it to the City at the address shown on the form. The request for hearing form must be received or postmarked no later than **21 days** from the date of this citation. The request for hearing form **must be accompanied by** either (1) an advance deposit of the fine(s) imposed by this citation, or (2) notice that a request for an advance deposit hardship waiver form has been filed. You may obtain the request for hearing form and, if applicable, the request for an advance deposit hardship waiver from: <https://berkeleyca.gov/city-services/report-pay/administrative-citation-appeals> or by contacting the City Manager's Office, 2180 Milvia Street, 5th Floor, Berkeley, California 94704, (510) 981-7000.

ADVANCE DEPOSIT WAIVERS

If you are financially unable to make the advance deposit of the fine, you may file a request for an advance deposit hardship waiver using the advance deposit hardship waiver form **within 10 days** of the date of the citation. If you do so, you do not need to pay the advance deposit of the fine unless or until the City denies your request for a waiver. The City must issue a written determination of its reasons for granting or denying your request for a waiver and serve it upon you by first class mail. The City may grant the waiver only if you submit a sworn declaration, together with any supporting documents or materials, which demonstrates your financial inability to deposit with the City the full amount of the fine in advance of the hearing. If the City denies your request for a waiver, you must remit the deposit to the City within 10 days of the date of that decision or 30 days from the date of the citation, whichever is later. **If you fail to do so, you will not be entitled to a hearing.**

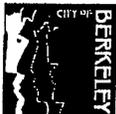
HEARING

If you timely appeal this citation, you will be notified of the time and place of your hearing at least 10 days prior to the date of the hearing. If the citing officer submits an additional written report concerning the citation to the hearing officer for consideration at the hearing, a copy of that report will be sent to you at least five days prior to the date of the hearing. The hearing will be held not less than 15 days and not more than 30 days from the date you file your request for a hearing and advance deposit or notice of request for a waiver. At the hearing, you may testify and present evidence concerning the citation. If you fail to appear at the hearing, you will forfeit the fine and be deemed to have consented to any order prohibiting further occurrence of the violation and/or to correct the violation.

MORE INFORMATION

This citation was issued under the authority of Berkeley Municipal Code (BMC) Chapter 1.28. You may review the BMC at the City Clerk's Office at 2180 Milvia Street, Berkeley, California 94704, at the Berkeley Public Library, or on the City's website at: <http://www.ci.berkeley.ca.us/bmc/>.

BMC Section Violated	Certificate of Correction (signature)	Date



CITY OF BERKELEY
ADMINISTRATIVE CITATION REMITTANCE SLIP
Citation No. 10574

Please send this copy with payment.

Name _____

Address _____ City _____ State _____ Zip Code _____

Property Address _____

Total Due: \$

Make check payable to City of Berkeley and mail to:

City of Berkeley
Finance-Treasury Division
PO Box 1910
Berkeley, CA 94701

PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 1947 Center Street, 3rd Floor, Berkeley, California 94704. On this date, I served City of Berkeley Administrative **ADMINISTRATIVE CITATION No. 10574** on:

Tsao Ying & Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Tsao Ying & Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

by the following means of service:

- By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

Description of location where posted

- By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.
- By Certified Mail, Return Receipt Requested - I mailed the notice by certified mail at the U.S. Post office, return receipt requested.
- By Hand Delivery - I personally handed the Notice of Violation to the person whose name appears above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 27, 2024** at Berkeley, California.



Christina F Franco
OS Supervisor

9589 0710 5270 2163 8297 93

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage	\$	

Sent To **Tsao Ying & Tikhomirov Grigory**
314 S Hill Avenue
Pasadena, CA 91106

Street and Apt.
City, State, ZIP

Postmark Here

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 2163 8297 04

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage	\$	

Sent To **Tsao Ying & Tikhomirov Grigory**
65 Arden Road
Berkeley, CA 94704

Street and Apt.
City, State, ZIP

Postmark Here

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 1947 Center Street, 3rd Floor, Berkeley, California 94704. On this date, I served City of Berkeley Administrative **ADMINISTRATIVE CITATION No. 10574** on:

Tsao Ying & Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Tsao Ying & Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

by the following means of service:

- By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

Description of location where posted

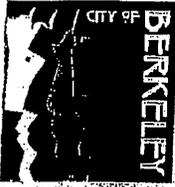
- By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.
- By Certified Mail, Return Receipt Requested - I mailed the notice by certified mail at the U.S. Post office, return receipt requested.
- By Hand Delivery - I personally handed the Notice of Violation to the person whose name appears above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 28, 2024** at Berkeley, California.



Christina F Franco
OS Supervisor

Internal



Building and Safety Division
Planning and Development Department

July 5, 2024

Tsao Ying & Tikhomirov Grigory
314 S Hill Ave
Pasadena, CA 91106

Re: 65 ARDEN ROAD, BERKELEY, CA 94704

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

WARNING OF ADMINISTRATIVE CITATION FOR FAILURE TO COMPLY WITH NOTICES OF VIOLATION AND ORDERS TO CORRECT DATED 5/16/24 and 6/20/24.

Case #24-00000218

Dear Property Owner,

This letter is to reiterate that as of July 5, 2024, the property at 65 Arden Road, is in Violation of BMC 19.28.020 and California Building Code section 105.

On May 16, 2024 the City of Berkeley issued a Notice of Violation and Order to Correct for work without permit. This Notice was posted on your property and sent in the mail to your home address. You were ordered to stop all work immediately, file for and obtain a building permit within the time frames specified in the Notice of Violation. You have failed to respond in accordance with the timelines and procedures specified in the Notice of Violation.

On June 20, 2024 the City of Berkeley issued a Second Notice of Violation and Order to Correct, due to your failure to respond to the first Notice of Violation. To date you have failed to respond in accordance with the timelines and procedures specified in the first and second Notice of Violation.

The City is providing you this last opportunity to achieve compliance and avoid citations for failure to correct the violations noted in the previously issued Notices of Violation and Orders to Correct. To avoid penalties due to your non-compliance, you must do the following within the time frame established below.

1. Apply for all required permits to correct the Building Violations identified in the Notice of Violation within 21 days of this Warning.

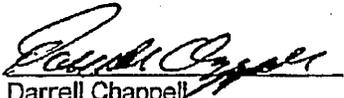
Internal

2. Fully respond to all plan review comments within 10 days of notification by the Permit Service Center.
3. Obtain all permits within 10 days of plan approval by the City.
4. Complete all work and obtain an approved final inspection within 180 days of issuance of the permit.

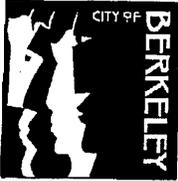
Failure to meet any of these deadlines will result in the issuance of daily administrative citations beginning at \$100 per day from the date of this letter and increasing in amount until such time that you address the violations in the Notice of Violation. Administrative penalties can be as much as \$5000 per violation, and up to \$10,000 per violation if any injury results. The City may impose a special assessment lien on your property for any unpaid citations which is collected at the same time and in the same manner as property taxes for any unpaid fines.

If you have any questions you may contact the undersigned at 510 981-7455 or by email at dchappell@berkeleyca.gov.

Sincerely,



Darrell Chappell
Supervising Building Inspector



Planning & Development Department
Building & Safety Division

June 20, 2024

Second Notice and Order to Correct

APN 055- -1862-036-00

Case # 24-00000218

TSAO YING & TIKHOMIROV GRIGORY
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**
Berkeley, California

Dear Property Owner:

On May 15, 2024 an inspection occurred at **65 ARDEN RD**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

On May 16, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On June 20, 2024 Inspector DANNY LAWRENCE reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results**. Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call (510) 981-7440 between 8:00AM - 4:00PM.

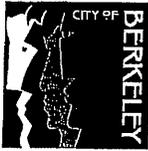
Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Chappell".

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation
BSCE002.DOC



NOTICE OF VIOLATION
Planning and Development Department
Building and Safety Division

Case #: 24-218

- FIRST NOTICE
- SECOND NOTICE
- REVISED NOTICE
- OTHER

Address 65 ARDEN RD Date 6/20/24
Occupancy/Use R3
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent DORIS TSAO Phone # _____
Mailing Address 65 ARDEN RD City BERKELEY ZIP 94704
Person contacted at site _____ Phone # _____

DESCRIPTION OF VIOLATION:

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

VIOLATION :

Code Section

<u>- STOP WORK ORDER VIOLATION -</u>	BMC	<u>19.28.020</u>
	CBC	<u>105.1 & 105.2</u>
<u>HOMEOWNER WAS MADE AWARE OF VIOLATION ON 5/15/24 & IGNORED THE STOP WORK ORDER NOTICE.</u>		
	BMC	<u>19.28.020</u>
<u>RETAINING WALL WAS COMPLETED WITHOUT A PERMIT.</u>	CBC	<u>110.6</u>

CORRECTIVE ACTION: (You must comply with ALL checked boxes below)

- STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- File for a Building Permit Application at Permit Service Center.
 - No plans are required, file within _____ working days.
 - Plans are required, file within 14 working days.
 A copy of this Notice must accompany the permit application.
- Respond to plan review correction letter(s) within _____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- Obtain BUILDING ELECTRICAL MECHANICAL PLUMBING permit(s) within 10 days of approval notification.
- Complete all work and obtain the final inspection and sign-off within 10 days of permit issuance.
- Correct all violations within _____ days of this notice.
- Land Use Planning approval is required. Call **510-981,7410**.
- You failed to comply with the notice(s) dated 5/15/2024. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

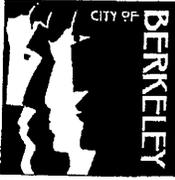
Additional comments: _____
- STOP WORK ORDER VIOLATION -

Inspector Name (print) D. LAWRENCE Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature [Signature] Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@CityofBerkeley.info

Revised 3/12/19



Planning & Development Department
Building & Safety Division

May 16, 2024

First Notice and Order to Correct

APN 055- -1862-036-00

Case # 24-00000218

TSAO YING & TIKHOMIROV GRIGORY
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**
Berkeley, California

Dear Property Owner:

On May 15, 2024 Inspector DANNY LAWRENCE inspected your property at **65 ARDEN RD**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on June 18, 2024.

If you do not correct the (these) violation(s) in accordance with the timelines and procedures specified in the attached notice, you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of this notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results**. Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DANNY LAWRENCE at (510) 981-7440, between 8:00AM to 4:00PM.

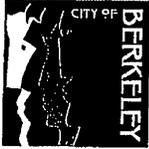
Sincerely,



Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation



NOTICE OF VIOLATION
Planning and Development Department
Building and Safety Division

Case #: 24-218
 FIRST NOTICE
 SECOND NOTICE
 REVISED NOTICE
 OTHER

Address 105 ARDEN RD Date 5 / 15 / 24
 Occupancy/Use R3
 This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
 Owner/Agent DORIS TSAO Phone # _____
 Mailing Address 65 Arden Rd City Berkeley ZIP 94704
 Person contacted at site _____ Phone # _____

DESCRIPTION OF VIOLATION:

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

VIOLATION :

Code Section

VIOLATION :	Code Section
<u>WORK WITHOUT A PERMIT</u>	<u>BMC 19.28.020</u>
	<u>CBC 105.1 105.2</u>
<u>STOP ALL WORK IMMEDIATELY</u>	

CORRECTIVE ACTION:

(You must comply with ALL checked boxes below)

6/18/24

- STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- File for a Building Permit Application at Permit Service Center.
 - No plans are required, file within _____ working days.
 - Plans are required, file within _____ working days.
 A copy of this Notice must accompany the permit application.
- Respond to plan review correction letter(s) within _____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- Obtain _____ BUILDING _____ ELECTRICAL _____ MECHANICAL _____ PLUMBING permit(s) within _____ days of approval notification.
- Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- Correct all violations within _____ days of this notice.
- Land Use Planning approval is required. **Call 510-981.7410**
- You failed to comply with the notice(s) dated _____. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments:

RETAINING WALL BUILT W/O A PERMIT

Inspector Name (print) D. LAWRENCE Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature [Signature] Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
 Email: BuildingandSafety@CityofBerkeley.info

Revised 3/12/19

Property Detail Report
For Property Located At :
65 ARDEN RD, BERKELEY, CA 94704-1808



Owner Information			
Owner Name:	TSAO YING/TIKHOMIROV GRIGORY		
Mailing Address:	314 S HILL AVE, PASADENA CA 91106-3406 C077		
Vesting Codes:	//		
Location Information			
Legal Description:	LOT 30		
County:	ALAMEDA, CA	APN:	055-1862-036
Census Tract / Block:	4227.00 / 1	Alternate APN:	055186203600
Township-Range-Sect:		Subdivision:	UNIVERSITY HILL
Legal Book/Page:		Map Reference:	2-D7 /
Legal Lot:	30	Tract #:	
Legal Block:		School District:	BERKELEY
Market Area:		School District Name:	BERKELEY
Neighbor Code:		Munic/Township:	BERKELEY INCORP
Owner Transfer Information			
Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			
Last Market Sale Information			
Recording/Sale Date:	08/06/2020 / 07/27/2020	1st Mtg Amount/Type:	\$1,540,000 / CONV
Sale Price:	\$2,200,000	1st Mtg Int. Rate/Type:	2.50 / ADJ
Sale Type:	FULL	1st Mtg Document #:	189655
Document #:	189654	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$896.13
New Construction:		Multi/Split Sale:	MULTIPLE
Title Company:	CHICAGO TITLE CO		
Lender:	GUARANTEED RATE INC		
Seller Name:	FERGUSON CHARLES H		
Prior Sale Information			
Prior Rec/Sale Date:	07/29/1994 /	Prior Lender:	BARCLAYS AMERICAN MTG CORP
Prior Sale Price:	\$495,000	Prior 1st Mtg Amt/Type:	\$396,000 / CONV
Prior Doc Number:	265182	Prior 1st Mtg Rate/Type:	/ FIXED RATE LOAN
Prior Deed Type:	GRANT DEED		
Property Characteristics			
Gross Area:	2,455	Parking Type:	GARAGE
Living Area:	2,455	Garage Area:	
Tot Adj Area:		Garage Capacity:	2
Above Grade:		Parking Spaces:	380
Total Rooms:	13	Basement Area:	
Bedrooms:	5	Finish Bsmnt Area:	
Bath(F/H):	3 / 1	Basement Type:	BASEMENT
Year Built / Eff:	1938 / 1946	Roof Type:	
Fireplace:	Y / 3	Foundation:	RAISED
# of Stories:	1.5	Roof Material:	WOOD SHAKE
Other Improvements:	LAUNDRY ROOM	Construction:	WOOD
		Heat Type:	FORCED AIR
		Exterior wall:	WOOD SHAKE/SHINGLE
		Porch Type:	
		Patio Type:	
		Pool:	
		Air Cond:	
		Style:	UNKNOWN
		Quality:	AVERAGE
		Condition:	
Site Information			
Zoning:		Acres:	0.17
		County Use:	TWO, THREE OR FOUR SINGLE FAMI (2100)
Lot Area:	7,519	Lot Width/Depth:	x
Land Use:	SFR	Res/Comm Units:	1 /
Site Influence:		State Use:	
		Water Type:	PUBLIC
		Sewer Type:	PUBLIC SERVICE
Tax Information			
Total Value:	\$1,664,640	Assessed Year:	2023
Land Value:	\$364,140	Improved %:	78%
Improvement Value:	\$1,300,500	Tax Year:	2023
Total Taxable Value:	\$1,664,640	Property Tax:	\$26,493.40
		Tax Area:	13000
		Tax Exemption:	



Planning & Development Department
Building & Safety Division

September 23, 2022

First Notice and Order to Correct

APN 055- -1862-036-00

Case # 22-00000621

TSAO YING & TIKHOMIROV GRIGORY
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**
Berkeley, California

Dear Property Owner:

On September 23, 2022 Inspector Jeff Jensen inspected your property at **65 ARDEN RD**.

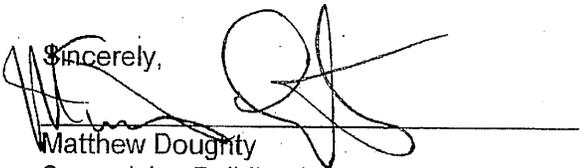
This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on October 20, 2022.

If you do not correct the (these) violation(s) in accordance with the timelines and procedures specified in the attached notice, you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of this notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results**. Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call Jeff Jensen at (510) 981-7440, option 0 between 8:00AM to 3:30PM.

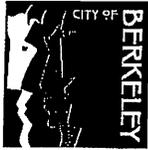
Sincerely,



Matthew Doughty
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation



NOTICE OF VIOLATION
Planning and Development Department
Building and Safety Division

Case #: 22-6021

- FIRST NOTICE
- SECOND NOTICE
- REVISED NOTICE
- OTHER

Address 65 Arden Rd Date 9/23/22
Occupancy/Use SFR
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
Owner/Agent _____ Phone # _____
Mailing Address _____ City _____ ZIP _____
Person contacted at site _____ Phone # _____

DESCRIPTION OF VIOLATION:

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

VIOLATION :

VIOLATION :	Code Section
<u>Building patio cover at front of house without permit</u>	<u>BMC 19.28.020</u>
	<u>CBC 105.1</u>
	<u>CBC 105.2</u>

CORRECTIVE ACTION: (You must comply with ALL checked boxes below)

10/20/2022

- STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- File for a Building Permit Application at Permit Service Center.
 - No plans are required, file within _____ working days.
 - Plans are required, file within 21 working days.
 A copy of this Notice must accompany the permit application.
- Respond to plan review correction letter(s) within 10 days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- Obtain BUILDING ___ ELECTRICAL ___ MECHANICAL ___ PLUMBING permit(s) within 10 days of approval notification.
 - Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
 - Correct all violations within _____ days of this notice.
 - Land Use Planning approval is required. **Call 510-981.7410**
 - You failed to comply with the notice(s) dated _____. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) Jeff Jensen Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature [Signature] Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450
Email: BuildingandSafety@CityofBerkeley.info

Revised 3/12/19

Robertson, LaJoyce

From: Chappell, Darrell
Sent: Friday, August 30, 2024 2:23 PM
To: Robertson, LaJoyce
Subject: RE: Citation #10566 Tsao Ying & Tikhomirov Grigory 65 Arden Road Berkeley, CA

Internal

Yes, please rescind this citation. It was amended under citation #10574. Thank you. Have a great weekend.



Darrell Chappell

Supervising Building Inspector
Building & Safety Division
1947 Center Street 3rd Floor, Berkeley, CA 94704
Desk: 510-981-7453
dchappell@berkeleyca.gov

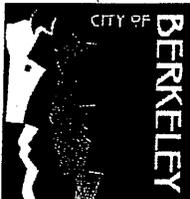
From: Robertson, LaJoyce <LRobertson@berkeleyca.gov>
Sent: Friday, August 30, 2024 1:54 PM
To: Chappell, Darrell <DChappell@berkeleyca.gov>
Subject: Citation #10566 Tsao Ying & Tikhomirov Grigory 65 Arden Road Berkeley, CA

Hello,

I just received the case for Citation #10566. Would you like to rescind this? If not, do you have all documents (evidence)? If so, please can you send them to me? Thank you in advance.

Kind Regards,

LaJoyce Robertson
Temp Admin for Deputy City Managers
LaTanya Bellow and Anne Cardwell



Office of the City Manager

CITY OF BERKELEY
REQUEST FOR HEARING ON ADMINISTRATIVE CITATION

Request must be received or postmarked no later than 21 days of the citation issue date. Send request to:

City of Berkeley
Finance Customer Service Center
1947 Center Street
Berkeley, CA 94704

Citation No.: 10574

Citation Issue Date: 8/27/24

Name: Doris Tsao

Phone: 626-298-5448

I hereby request an administrative hearing to contest the administrative citation issued to me. I am contesting this citation for the following reasons (attach separate sheet if necessary):

Please see attached letter

I have submitted the full amount of the citation as a required advance deposit in the amount of \$ _____ N/A. We had mailed check for \$7200 for the same violation on 8/21/24 (see letter)

[Signature]
(Signature of Contesting Party)

Date: 9/20/24

For City Manager's Department Use Only:

Received _____ Postmark Date _____

- Appeal Approved: Hearing Scheduled
- Appeal Denied: Not Timely (More than 14 days of the citation issue date)
- Insufficient Deposit

From: Doris Ying Tsao & Grigory Tikhomirov
65 Arden Road Berkeley CA
94704

To: City of Berkeley Finance Customer Service Center
1947 Center Street Berkeley CA
94704

September 20, 2024

To whom it may kindly concern:

I am writing to appeal the Berkeley Permit Citation (Citation #10574) of \$6075 that was issued on August 27, 2024.

The citation states 27 working days @75/day/violation and cites 3 violations:

- Construction work performed without permit (30 days correction)
- Violated stop work order (immediate)
- Work concealed without inspection (30 days correction)

This citation appears to be very similar to a previous citation we received, with a slightly lower fine: On August 8, 2024, we had received a Berkeley Permit Citation (Invoice #12998, Customer # 128675) of \$7200

This citation stated 24 working days @100/day/violation and cited 3 violations:

- Construction work performed without permit (30 days correction)
- Violated stop work order (immediate)
- Work concealed without inspection (30 days correction)

Thus we assume that the new citation (Citation #10574) is a correction of the old citation. We had already mailed a check for the old citation with the higher fine (\$7200) on August 21, 2024 to the City of Berkeley Finance Customer Service Center. Therefore, we assume we do not have to mail a second check for \$6075, and **the City will refund us at minimum for the difference \$7200-\$6075 = \$1125.**

We also assume that our previous appeal letter (re Invoice #12998, Customer # 128675) can be transferred to the new citation (re Citation #10574).

In case our previous appeal cannot transfer, we include it again below with reference to the new citation:

Summary of Appeal

We had previously been issued a notice that we needed to file permits for our greenhouse, retaining wall, and bathroom additions that had been constructed without permit on July 5, 2024. That notice had given us 21 days (i.e., until July 26) to submit permits for these projects.

First, we wish to unequivocally state that **we are profoundly apologetic for constructing these structures without permit**. We sent a long and detailed email to David Lopez, Jeff Jensen, and Darell Chappell on July 9, 2024 explaining what happened and providing assurances that we would do everything to rectify the situation (enclosed). In a nutshell:

- Retaining wall: As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. We thereafter **took immediate steps to apply for the necessary permit and submitted it on Monday July 22, 2024, before the deadline imposed by the city of July 26**.
- Greenhouse: We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction. After the visit from the city on July 5, **we took immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to resubmit the plans and address the comments**. The designer submitted the files on 8.22.2024, addressing most of the comments that had been previously raised.
- Bathroom: We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision. After the visit from the city on July 5, **we took immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to submit plans**. The designer informed us that the permitting process will be very complicated, as we will need to apply for a lot merger. We have commissioned the necessary land survey of our entire property (Steven Rohlf, Mountain Pacific Surveys) and our designer plans to submit the plans by Sept 27, 2024.

Given the above steps **which we took immediately following the visit from the city on July 5, 2024**, we were truly shocked to receive the fine of \$6075 on Aug 27:

- We note that **we did immediately stop construction on July 5**, and thus are confused why were we nevertheless levied \$75/day for 30 days for this.
- With respect to the other two fines (performing construction work without permit and concealing work without inspection), it seems exorbitant to fine us for both of these violations, given that the underlying cause is the first violation (construction without permit).

- Finally, since in the letter from July 5, 2024 **we were given until July 26, 2024 to file the permits**, the maximum fine should be \$75/day * 13 days = **\$975**. And since we actually filed the permit for the retaining wall, we believe this should be further significantly reduced.

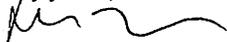
Most importantly, we would like to note that my husband and I **visited the permit office on Thursday July 11, 2024 and spoke to Jeff Jensen**, as we were desperate to comply with city regulations and avoid the fines threatened in the warning letter of July 5. Jeff gave valuable advice to us, encouraging us to hire a new designer right away. Thereafter, we immediately hired Sam Saleh of Altus Draft and Design. Sam got to work right away, and **reassured us that the city always grants extensions in situations like this**. The very next day after our visit with Jeff, Sam emailed David Lopez, Jeff Jensen, and Darrell Chapell, and **requested an extension (see email #1, enclosed)**. He also at the same time began a correspondence with Senior Building Plans Examiner Andrew Cockrell to seek clarification on items in our previous Greenhouse permit application (demonstrating that he was actively working on a permit application). Sam reiterated the request for an extension on July 16. **Assistant Building Official Jeff Jensen wrote back on July 16 asking "When do you expect to submit?" (see email #2, enclosed)**. Sam wrote back a detailed response explaining all the items that needed to be done (including a survey) and requesting a 60 day extension. Thereafter, he did not receive any response from Jeff. Sam sent another follow up reminder about the extension request of July 19 (see email #3, enclosed).

While it is true that we never received an explicit extension, our designer led us to believe that in such situations extensions are always granted, and **the record shows clearly that we have been doing everything possible to submit permits for the greenhouse and bathroom addition as expeditiously as possible, and we did submit the retaining wall permit before the original deadline stipulated by the City in the letter on July 5.**

For all these reasons, we kindly ask the City to waive the fine. We do recognize that we made a major lapse of judgement in constructing these structures without permit, and we truly are eager to rectify the situation. We are extremely grateful to the staff in the City Permit office, including Jeff Jensen and Darrell Chappell, for their kind assistance in explaining the permitting process to us (as well as this appeals process).

We very much hope you may grant our appeal.

Sincerely yours,



Doris Tsao (626 298 5448)

Greg Tikhomirov (650-739-5189)

Email #1

8/22/24, 1:46 PM

UC Berkeley Mail - Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

Case#24-000218, 65 Arden Rd Berkeley CA

Sam Saleh <sam@altusdrafting.com>

To: dchappell@berkeleyca.gov

Fri, Jul 12, 2024 at 5:07 PM

Cc: dortsao@berkeley.edu, gt3@berkeley.edu, jjensen@cityofberkeley.info

Hello Mr's Chappell and Jensen. We will be assistant the homeowners at 65 Arden Rd with plans to address the Notice of Violation for the rear bathroom and deck addition as well as the front sunroom.

We are contacting you to request an extension. As it would be very difficult to meet your current deadline of July 21st.

Also, Can you tell us if a fire rated application can be applied over the rear deck and bathroom addition to comply with the fire codes for the area?

An extension and a response to the above question would be greatly appreciated.

Thank you,

Sam Saleh
Altus Draft & Design
1305 Franklin Street Ste 408
Oakland CA 94612
P 510 506 8056

Altus Draft Design
4136 Del Rey Ave #613
Marina Del Rey CA 90292
P 310 800 3957

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

From: **Grigory Tikhomirov** <gt3@berkeley.edu>

Date: Fri, Jul 12, 2024, 4:35 PM

Subject:

To: Doris Tsao <dortsao@berkeley.edu>

3 attachments

Email #2

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

Re: Case#24-000218, 65 Arden Rd Berkeley CA

Sam Saleh <sam@altusdrafting.com>

Tue, Jul 16, 2024 at 11:57 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Hello Jeff, I reached out to Andrew Cockreil in Building who is out of the office, Jesse Bright just reached out to me in his place and is waiting on me to send him a set of questions. Which I will do later today.

I also reached out to Desiree Dougherty in Planning and Steve Burkhardt in Fire

It will most likely be one submittal.

The last designer has been unresponsive and the homeowners are unsure of next steps.

Per the comments a boundary survey is required and quite a few other things need to be considered regarding the feasibility of the project.

This will all take awhile. If you could grant a 60 extension this would allow time to have a discussion with the different plan checkers regarding the comments, find a surveyor to perform the survey and address everything.

The homeowners really do want to resolve this and would be very appreciative if an extension can be granted.

Best,

Sam Saleh
Altus Draft & Design
1305 Franklin Street Ste 408
Oakland CA 94612
P 510 506 8056

Altus Draft Design
4136 Del Rey Ave #613
Marina Del Rey CA 90292
P 310 800 3957

On Tue, Jul 16, 2024, 08:21 Jensen, Jeff <JJensen@berkeleyca.gov> wrote:

Hello Sam,

Who did you speak with in plan check?

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

When do you expect to submit?

Are you planning to submit separate projects or everything as one?

Jeff Jensen

Assistant Building Official

Building & Safety Division

1947 Center Street 3rd Floor, Berkeley, CA 94704

Desk: 510-981-7427

jjensen@berkeleyca.gov

From: Sam Saleh <sam@altusdrafting.com>

Sent: Monday, July 15, 2024 8:44 PM

To: Chappell, Darrell <DChappell@berkeleyca.gov>

Cc: dortsao@berkeley.edu; gt3@berkeley.edu; Jensen, Jeff <JJensen@berkeleyca.gov>

Subject: Re: Case#24-000218, 65 Arden Rd Berkeley CA

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

Hello Darrell and Jeff, we have reached out to the plan checkers requesting clarification on a few items and hope that you guys would grant an extension to address the comments.

The homeowners are sincere in wanting to resolve this and would very much appreciate an extension of the deadline.

Best,

Sam Saleh

ALTUS Draft & Design

1305 Franklin Street Ste 408

Oakland Ca 94612

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1804763146320037816&simpl=msg-f:18047631463200378...> 2/4

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

P 510 506 8056

ALTUS Draft & Design
4136 Del Rey Ave #613
Marina Del Rey CA 90292
P 310 800 3957

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Oakland CA 94612

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1804763146320037816&simpl=msg-f:18047631463200378...>

3/4

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

P 510 506 8056

Altus Draft Design
4136 Del Rey Ave #613
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----- Forwarded message -----

From: Grigory Tikhomirov <gt3@berkeley.edu>
Date: Fri, Jul 12, 2024, 4:35 PM
Subject:
To: Doris Tsao <dortsao@berkeley.edu>

Email #3

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

Re: Case#24-000218, 65 Arden Rd Berkeley CA

Sam Saleh <sam@altusdrafting.com>

Fri, Jul 19, 2024 at 9:52 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Good morning Jeff, just following up on my prior email regarding an extension. The homeowners are concerned with the deadline approaching. They are not familiar with the process and all that is involved and were counting on the designer that they were working with.

An extension would be immensely appreciated.

Best,

Sam Saleh
ALTUS Draft & Design
1305 Franklin Street Ste 408
Oakland Ca 94612
P 510 506 8056

ALTUS Draft & Design
4136 Del Rey Ave #613
Marina Del Rey CA 90292
P 310 800 3957

On Tue, Jul 16, 2024 at 11:57 AM Sam Saleh <sam@altusdrafting.com> wrote:

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8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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1305 Franklin Street Ste 408
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Jeff Jensen

Assistant Building Official
Building & Safety Division
1947 Center Street 3rd Floor, Berkeley, CA 94704
Desk: 510-981-7427
jjensen@berkeleyca.gov

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Sent: Monday, July 15, 2024 8:44 PM
To: Chappell, Darrell <DChappell@berkeleyca.gov>
Cc: dortsao@berkeley.edu; gt3@berkeley.edu; Jensen, Jeff <JJensen@berkeleyca.gov>
Subject: Re: Case#24-000218, 65 Arden Rd Berkeley CA

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

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<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1805027055846247155&simpl=msg-f:18050270558462471...>

2/4

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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ALTUS Draft & Design
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Oakland Ca 94612
P 510 506 8056

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8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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Thank you,

Sam Saleh
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Altus Draft Design
4136 Del Rey Ave #613
Marina Del Rey CA 90292
P 310 800 3957

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

From: Grigory Tikhomirov <gt3@berkeley.edu>
Date: Fri, Jul 12, 2024, 4:35 PM
Subject:
To: Doris Tsao <dortsao@berkeley.edu>

Email - July 9

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road



Doris Tsao <dortsao@berkeley.edu>

65 Arden road

Doris Tsao <dortsao@berkeley.edu>
To: Dlopez@berkeley.ca.gov
Cc: DChappell@berkeleyca.gov, Grigory Tikhomirov <gt3@berkeley.edu>

Tue, Jul 9, 2024 at 5:00 PM

Dear David (cc Darrell Chappell),

We received a visit from Supervising Building Inspector Darrell Chappell of the Permit Office today (7/9/24) regarding lack of proper permits for work done on our house and yard at 65 Arden Road, Berkeley 94704. Following his recommendation, we are writing to (1) explain how we got into our current situation and (2) explain the steps we are taking to rectify the situation. In a nutshell, as new homeowners without any previous experience dealing with permitting and remodeling, we made some very stupid mistakes. We are now doing everything we can to get the proper permits in place in a timely manner. We beg for your kind understanding and hope we may receive an extension on the necessary permit applications. Supervisor Chappell told us that fines amounting to \$1000/day per violation may begin to accumulate starting next week. This would be ruinous for our family. Even though we are doing everything possible to get the permits (as detailed below), we fear it will be impossible to secure the completed drawings by next week.

How we got into current situation: We understand that we are being cited for construction of greenhouse, bathroom, retaining wall, and fences without permit.

- Retaining wall: As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. As detailed below, *we took immediate steps to apply for the necessary permit and expect to have it submitted in early August.*
- Greenhouse: We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction.
- Bathroom: We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision.
- Fence: We thought it was permissible to construct fences up to 6 feet without permit, and our fence is 6 feet measured from ground level. Inspector Chappell explained to us that the height is measured from a 3 ft radius, and because our backyard has a downward slope, the effective height is higher than 6 feet and requires a permit.

Steps moving forward: We are doing everything we can to rectify the situation:

- Retaining wall: After receiving the second visit from Inspector Lawrence on 6/19/24, we immediately contacted a structural engineer, Engin Yagmur (ECR Engineering, www.ecrengineering.com). We signed a contract with Yagmur to produce the plans for the retaining wall on 6/27/24. He promised that the whole process would take him 5 weeks, so we hope to submit the detailed plans for the retaining wall in early August. During Yagmur's initial site visit to our property, accompanied by his company's chief engineer, he commented that the retaining wall we have built is actually *significantly stronger than it needs to be* (e.g., it has two rows of rebars instead of the one row required for this height). We have been in contact with Yagmur regularly to get

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road

updates on his progress. In his last email from this morning, he promised that he will provide an update at the end of next week. In parallel, we also have tried repeatedly to get in touch with Inspector Lawrence to update him on our progress and reassure him that we were taking all the necessary steps towards a permit application for the retaining wall (the record of our multiple phone calls to 510-981-7440 attests to this); however, he did not return any of our calls, and we learned from Supervisor Chappell today that Inspector Lawrence has been on vacation—a case of very unfortunate timing.

- Greenhouse, Bathroom, and Fence: Following today's visit from Supervisor Chappell, we asked Yagmur if his firm can also (1) draw up plans for our greenhouse and address the comments that were raised at the last round of review of our permit application so we can complete this process, and (2) draw and submit new plans for the bathroom and fence. He has kindly agreed to do so. However, since these are new projects for him, we anticipate that it may take longer to complete.

We are extremely apologetic for our stupid decisions, which result from new homeowner ignorance, and we want to do everything to rectify the situation and apply for all the needed permits. If it is possible, we would be very grateful for the opportunity to meet with you in person to explain our situation and get your advice on the best path forward. We cannot express how remorseful and embarrassed we feel and how much we want to make everything right. We hope you will take pity on us and grant us an extension so we can have the time necessary to clear up our mistakes without incurring \$1000+/day fines. We hope we have convinced you that we have a concrete plan to make all the necessary applications.

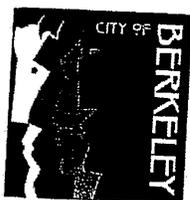
Please let us know if we can provide more information. The contact for our structural engineer is:

Engin Yagmur / ECR Engineering
Principal
T: (415) 205-3804
www.ecrengineering.com

Yours sincerely,

Doris (626 298 5448) and Greg (650 739 5189)

~~~~~  
Doris Y. Tsao, PhD  
Professor of Neuroscience  
HHMI Investigator  
UC Berkeley  
[tsaolab.berkeley.edu](mailto:tsaolab.berkeley.edu)



Office of the City Manager

**CITY OF BERKELEY**  
**REQUEST FOR HEARING ON ADMINISTRATIVE CITATION**

Request must be received or postmarked no later than 21 days of the citation issue date. Send request to:

**City of Berkeley**  
**Finance Customer Service Center**  
**1947 Center Street**  
**Berkeley, CA 94704**

Citation No.: 128675

Citation Issue Date: 8/9/24

Name: Doris Tsao

Phone: 626 298 5448

I hereby request an administrative hearing to contest the administrative citation issued to me. I am contesting this citation for the following reasons (attach separate sheet if necessary):  
Please see attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have submitted the full amount of the citation as a required advance deposit in the amount of \$ 7200

[Signature]  
(Signature of Contesting Party)

Date: 8/22/2024

*For City Manager's Department Use Only:*

Received \_\_\_\_\_ Postmark Date \_\_\_\_\_

- Appeal Approved:  Hearing Scheduled
- Appeal Denied:  Not Timely ( More than 14 days of the citation issue date)
- Insufficient Deposit

From: Doris Ying Tsao & Grigory Tikhomirov  
65 Arden Road Berkeley CA  
94704

To: City of Berkeley Finance Customer Service Center  
1947 Center Street Berkeley CA  
94704

August 21, 2024

To whom it may kindly concern:

I am writing to appeal the Berkeley Permit Citation (Invoice #12998, Customer # 128675) of \$7200 that was issued on August 8, 2024.

The citation states 24 working days @100/day/violation and cites 3 violations:

- Construction work performed without permit (30 days correction)
- Violated stop work order (immediate)
- Work concealed without inspection (30 days correction)

We had previously been issued a notice that we needed to file permits for our greenhouse, retaining wall, and bathroom additions that had been constructed without permit on July 5, 2024. That notice had given us 21 days (i.e., until July 26) to submit permits for these projects.

First, we wish to unequivocally state that **we are profoundly apologetic for constructing these structures without permit**. We sent a long and detailed email to David Lopez, Jeff Jensen, and Darell Chappell on July 9, 2024 explaining what happened and providing assurances that we would do everything to rectify the situation (enclosed). In a nutshell:

- Retaining wall: As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. We thereafter **took immediate steps to apply for the necessary permit and submitted it on Monday July 22, 2024, before the deadline imposed by the city of July 26.**
- Greenhouse: We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction. After the visit from the city on July 5, we **took**

**immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to resubmit the plans and address the comments.** The designer is planning to submit the files today (8.22.2024) and has been able to address most of the comments that had been previously raised.

- Bathroom: We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision. After the visit from the city on July 5, **we took immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to submit plans.** The designer informed us that the permitting process will be very complicated, as we will need to apply for a lot merger. We have commissioned the necessary land survey of our entire property (Steven Rohlfs, Mountain Pacific Surveys) and the our designer believes he can submit the plans by Sept 15, 2024.

Given the above steps **which we took immediately following the visit from the city on July 5, 2024**, we were truly shocked to receive the fine of \$7200 on Aug 8:

- We note that we did immediately stop construction on July 5, and thus are confused why were we nevertheless levied \$100/day for 30 days for this.
- With respect to the other two fines (performing construction work without permit and concealing work without inspection), it seems exorbitant to fine us for both of these violations, given that the underlying cause is the first violation (construction without permit).
- Finally, since in the letter from July 5, 2024 we were given until July 26, 2024 to file the permits, the maximum fine should be \$100/day \* 13 days = **\$1300**. And since we actually filed the permit for the retaining wall, we believe this should be further significantly reduced.

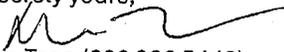
Most importantly, we would like to note that my husband and I **visited the permit office on Thursday July 11, 2024 and spoke to Jeff Jensen**, as we were desperate to comply with city regulations and avoid the fines threatened in the warning letter of July 5. Jeff gave valuable advice to us, encouraging us to hire a new designer right away, Thereafter, we immediately hired Sam Saleh of Altus Draft and Design. Sam got to work right away, and **reassured us that the city always grants extensions in situations like this.** The very next day after our visit with Jeff, Sam emailed David Lopez, Jeff Jensen, and Darrell Chapell, and **requested an extension (see email #1, enclosed).** He also at the same time began a correspondence with Senior Building Plans Examiner Andrew Cockrell to seek clarification on items in our previous Greenhouse permit application (demonstrating that he was actively working on a permit application). Sam reiterated the request for an extension on July 16. **Assistant Building Official Jeff Jensen wrote back on July 16 asking "When do you expect to submit?" (see email #2, enclosed).** Sam wrote back a detailed response explaining all the items that needed to be done (including a survey) and requesting a 60 day extension. Thereafter, he did not receive any response from Jeff. Sam sent another follow up reminder about the extension request of July 19 (see email #3, enclosed).

While it is true that we never received an explicit extension, our designer led us to believe that in such situations extensions are always granted, and **the record shows clearly that we have been doing everything possible to submit permits for the greenhouse and bathroom addition as expeditiously as possible, and we did submit the retaining wall permit within the original deadline stated in the letter on July 5.**

For all these reasons, we kindly ask the City to waive the fine. We do recognize that we made a major lapse of judgement in constructing these structures without permit, and we truly are eager to rectify the situation. We are extremely grateful to the staff in the City Permit office, including Jeff Jensen and Darrell Chappell, for their kind assistance in explaining the permitting process to us (as well as this appeals process).

We very much hope you may grant our appeal.

Sincerely yours,

  
Doris Tsao (626 298 5448)  
Greg Tikhomirov (650-739-5189)

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road



Doris Tsao <dortsao@berkeley.edu>

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## 65 Arden road

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Doris Tsao <dortsao@berkeley.edu>  
To: Dlopez@berkeley.ca.gov  
Cc: DChappell@berkeleyca.gov, Grigory Tikhomirov <gt3@berkeley.edu>

Tue, Jul 9, 2024 at 5:00 PM

Dear David (cc Darrell Chappell),

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8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road

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Please let us know if we can provide more information. The contact for our structural engineer is:

Engin Yagmur / ECR Engineering  
Principal  
T: (415) 205-3804  
www.ecrengineering.com

Yours sincerely,

Doris (626 298 5448) and Greg (650 739 5189)

~~~~~  
Doris Y. Tsao, PhD
Professor of Neuroscience
HHMI Investigator
UC Berkeley
tsaolab.berkeley.edu

Email # 1

8/22/24, 1:46 PM

UC Berkeley Mail - Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

Case#24-000218, 65 Arden Rd Berkeley CA

Sam Saleh <sam@altusdrafting.com>

Fri, Jul 12, 2024 at 5:07 PM

To: dchappell@berkeleyca.gov

Cc: dortsao@berkeley.edu, gt3@berkeley.edu, jjensen@cityofberkeley.info

Hello Mr's Chappell and Jensen. We will be assistant the homeowners at 65 Arden Rd with plans to address the Notice of Violation for the rear bathroom and deck addition as well as the front sunroom.

We are contacting you to request an extension. As it would be very difficult to meet your current deadline of July 21st.

Also, Can you tell us if a fire rated application can be applied over the rear deck and bathroom addition to comply with the fire codes for the area?

An extension and a response to the above question would be greatly appreciated.

Thank you,

Sam Saleh
Altus Draft & Design
1305 Franklin Street Ste 408
Oakland CA 94612
P 510 506 8056

Altus Draft Design
4136 Del Rey Ave #613
Marina Del Rey CA 90292
P 310 800 3957

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From: **Grigory Tikhomirov** <gt3@berkeley.edu>

Date: Fri, Jul 12, 2024, 4:35 PM

Subject:

To: Doris Tsao <dortsao@berkeley.edu>

3 attachments

Email #12

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

Re: Case#24-000218, 65 Arden Rd Berkeley CA

Sam Saleh <sam@altusdrafting.com>

Tue, Jul 16, 2024 at 11:57 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Hello Jeff, I reached out to Andrew Cockreil in Building who is out of the office, Jesse Bright just reached out to me in his place and is waiting on me to send him a set of questions. Which I will do later today.

I also reached out to Desiree Dougherty in Planning and Steve Burkhardt in Fire

It will most likely be one submittal.

The last designer has been unresponsive and the homeowners are unsure of next steps.

Per the comments a boundary survey is required and quite a few other things need to be considered regarding the feasibility of the project.

This will all take awhile. If you could grant a 60 extension this would allow time to have a discussion with the different plan checkers regarding the comments, find a surveyor to perform the survey and address everything.

The homeowners really do want to resolve this and would be very appreciative if an extension can be granted.

Best,

Sam Saleh
Altus Draft & Design
1305 Franklin Street Ste 408
Oakland CA 94612
P 510 506 8056

Altus Draft Design
4136 Del Rey Ave #613
Marina Del Rey CA 90292
P 310 800 3957

On Tue, Jul 16, 2024, 08:21 Jensen, Jeff <JJensen@berkeleyca.gov> wrote:

Hello Sam,

Who did you speak with in plan check?

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

When do you expect to submit?

Are you planning to submit separate projects or everything as one?

Jeff Jensen

Assistant Building Official

Building & Safety Division

1947 Center Street 3rd Floor, Berkeley, CA 94704

Desk: 510-981-7427

jjensen@berkeleyca.gov

From: Sam Saleh <sam@altusdrafting.com>

Sent: Monday, July 15, 2024 8:44 PM

To: Chappell, Darrell <DChappell@berkeleyca.gov>

Cc: dortsao@berkeley.edu; gt3@berkeley.edu; Jensen, Jeff <JJensen@berkeleyca.gov>

Subject: Re: Case#24-000218, 65 Arden Rd Berkeley CA

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

Hello Darrell and Jeff, we have reached out to the plan checkers requesting clarification on a few items and hope that you guys would grant an extension to address the comments.

The homeowners are sincere in wanting to resolve this and would very much appreciate an extension of the deadline.

Best,

Sam Saleh

ALTUS Draft & Design

1305 Franklin Street Ste 408

Oakland Ca 94612

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8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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Email #3

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UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

Re: Case#24-000218, 65 Arden Rd Berkeley CA

Sam Saleh <sam@altusdrafting.com>

Fri, Jul 19, 2024 at 9:52 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Good morning Jeff, just following up on my prior email regarding an extension. The homeowners are concerned with the deadline approaching. They are not familiar with the process and all that is involved and were counting on the designer that they were working with.

An extension would be immensely appreciated.

Best,

Sam Saleh
ALTUS Draft & Design
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8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

The homeowners are sincere in wanting to resolve this and would very much appreciate an extension of the deadline.

Best,

Sam Saleh

ALTUS Draft & Design

1305 Franklin Street Ste 408

Oakland Ca 94612

P 510 506 8056

ALTUS Draft & Design

4136 Del Rey Ave #613

Marina Del Rey CA 90292

P 310 800 3957

On Fri, Jul 12, 2024 at 5:07 PM Sam Saleh <sam@altusdrafting.com> wrote:

Hello Mr's Chappell and Jensen. We will be assistant the homeowners at 65 Arden Rd with plans to address the Notice of Violation for the rear bathroom and deck addition as well as the front sunroom.

We are contacting you to request an extension. As it would be very difficult to meet your current deadline of July 21st.

Also, Can you tell us if a fire rated application can be applied over the rear deck and bathroom addition to comply with the fire codes for the area?

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

An extension and a response to the above question would be greatly appreciated.

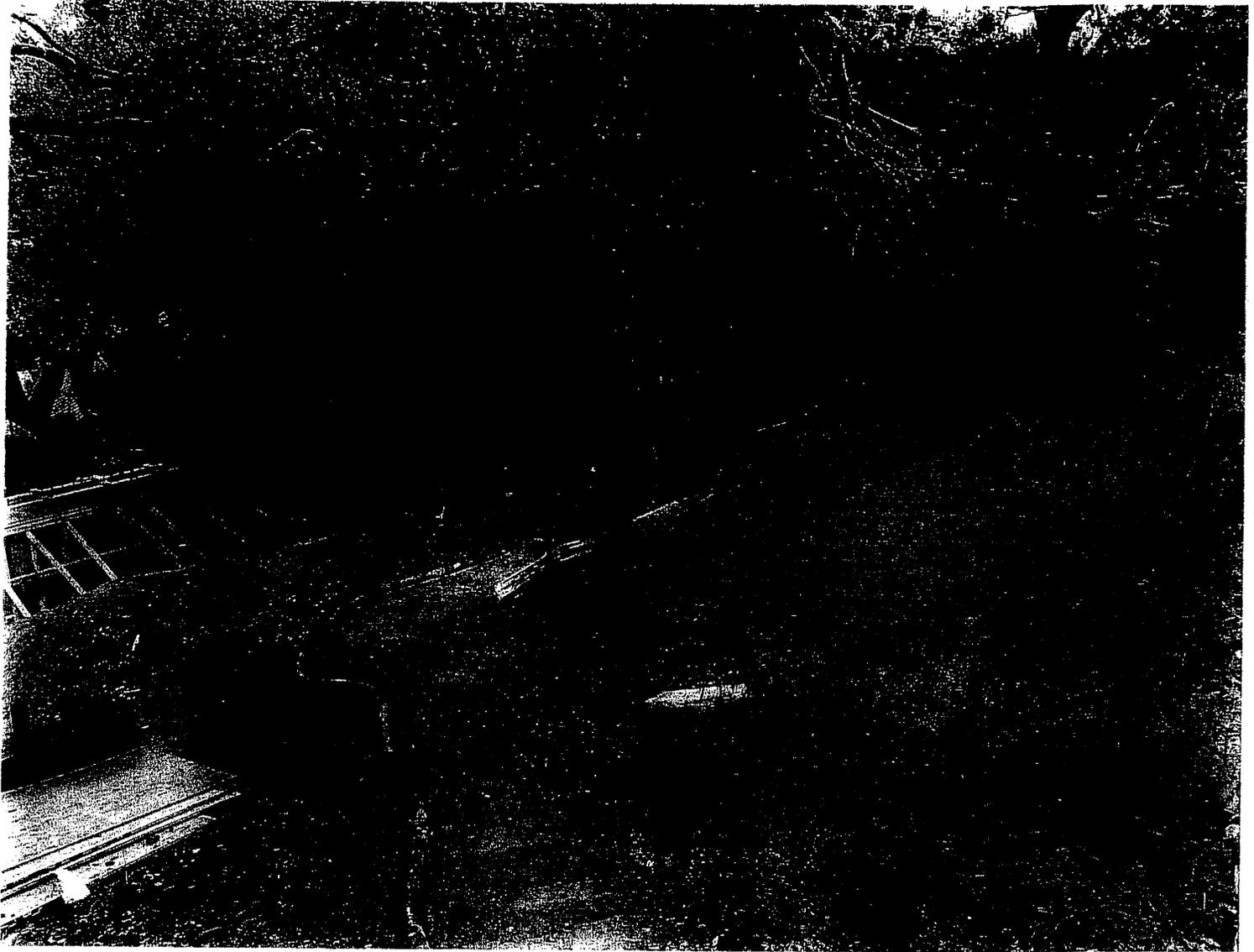
Thank you,

Sam Saleh
Altus Draft & Design
1305 Franklin Street Ste 408
Oakland CA 94612
P 510 506 8056

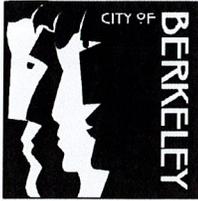
Altus Draft Design
4136 Del Rey Ave #613
Marina Del Rey CA 90292
P 310 800 3957

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

From: Grigory Tikhomirov <gt3@berkeley.edu>
Date: Fri, Jul 12, 2024, 4:35 PM
Subject:
To: Doris Tsao <dortsao@berkeley.edu>







Planning & Development Department
Building & Safety Division

September 23, 2022

First Notice and Order to Correct

APN 055- -1862-036-00
Case # 22-00000621

TSAO YING & TIKHOMIROV GRIGORY
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**
Berkeley, California

Dear Property Owner:

On September 23, 2022 Inspector Jeff Jensen inspected your property at **65 ARDEN RD.**

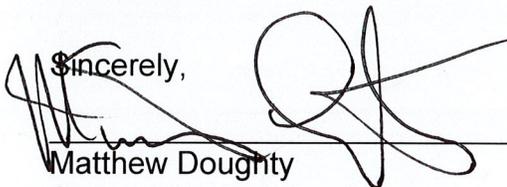
This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on October 20, 2022.

If you do not correct the (these) violation(s) in accordance with the timelines and procedures specified in the attached notice, you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of this notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

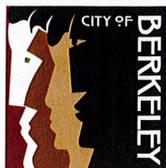
If you have any questions, please call Jeff Jensen at (510) 981-7440, option 0 between 8:00AM to 3:30PM.

Sincerely,


Matthew Doughty
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation



NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- FIRST NOTICE
- SECOND NOTICE
- REVISED NOTICE
- OTHER

Address 65 Arden Rd. Date 9/23/22
 Occupancy/Use SFR
 This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
 Owner/Agent _____ Phone # _____
 Mailing Address _____ City _____ ZIP _____
 Person contacted at site _____ Phone # _____

DESCRIPTION OF VIOLATION:

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

VIOLATION :

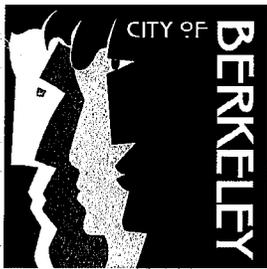
VIOLATION :	Code Section
<u>Building patio cover at front of house without permits</u>	<u>BMC 19.28.020</u>
	<u>CBC 105.1</u>
	<u>CBC 105.2</u>

CORRECTIVE ACTION: (You must comply with ALL checked boxes below)

- STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- File for a Building Permit Application at Permit Service Center.
 - No plans are required, file within _____ working days.
 - Plans are required, file within 21 working days.
 A copy of this Notice must accompany the permit application.
- Respond to plan review correction letter(s) within 10 days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- Obtain BUILDING ___ ELECTRICAL ___ MECHANICAL ___ PLUMBING permit(s) within 10 days of approval notification.
 - Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
 - Correct all violations within _____ days of this notice.
 - Land Use Planning approval is required. **Call 510-981.7410**
 - You failed to comply with the notice(s) dated _____. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: _____

Inspector Name (print) Jeff Jensen Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM
 Inspector Signature [Signature] Phone: 510-981.7440



PERMIT APPLICATION

Building - Electrical - Mechanical - Plumbing - Sign

**Building and Safety
Permit Service Center**

All plans and supporting documents must be submitted in electronic format as unsecured, flattened PDF(s) with embedded fonts. Minimum 11"x17" sheet size.

The valuation used in computing the building permit fee shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. BMC Section 19.28.20.

California Licensed General, Electrical, Mechanical, and Plumbing Contractors are required to have a City of Berkeley Business License and must provide Worker's Compensation Carrier and Policy Number prior to or at the time of permit issuance.

RECEIVED
PERMIT SERVICE CENTER
Jun 5, 2023
By A. Maltbie

Permit Service Center
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7500 TTY 6903
permits@cityofberkeley.info

Project Information

Permit #: **B2023-02883** **33**

Address: **65 Arden Rd Berkeley**

Valuation: **15,000** APN: _____

Parcel Conditions

Fire Zone: 1 2 3 Landslide Area Alquist Priolo
Flood Zone: A B C Liquefaction Zone Creek on the Parcel

Project Specific Information

Occupancy: Single-Family/Duplex/ADU Multi-Family Commercial/Industrial

Work Type: New Addition Alteration Demolition Sign

Other: _____

Permit(s): Building Electrical Mechanical Plumbing

Description of Work: **Add a lean-in greenhouse (windows, plexiglas roof panels) to an existing patio space**

Work in the public right of way is required: Yes No

	Construction Type	Occupancy Class	Square Footage	No. of Stories	No. of Residential Units	No. of Bedrooms
Existing	V	R3	2500	2	1	4
Proposed	V	R3	2500	2	1	4

Residential Rental Units: Yes No Is tenant relocation required? Yes No

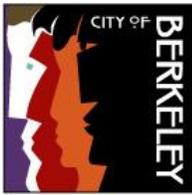
Applicant Information Owner Agent Contractor Design Professional

Name: **Doris Tsao** Phone #: **626-298-5448**
Company: _____ Bus Lic #: _____
State Lic #: _____ Lic Class: _____
Address: **65 Arden Rd** City, Zip: **Berkeley CA 94704**
Email: **dorttsao@berkeley.edu**

Owner Information

Name: **Doris Tsao** Phone: **626-298-5448**
Address: **65 Arden Rd** City/ST/zip: **Berkeley CA 94704**
Email: **dorttsao@berkeley.edu**

Internal



Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2023-02883

June 22, 2023

Project Address: 65 Arden Rd.

Dear Project Applicant,

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

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

Document formatting requirements:

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

Document submittal options (choose one):

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

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

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

1947 Center Street – 3rd Floor
Berkeley, CA 94704-1113
<https://permits.cityofberkeley.info>

Tel: (510) 981-7500
TDD: (510) 981-7450
Permits@CityofBerkeley.info

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

June 13, 2023

Building and Safety

Prepared by: Andrew Cockrell

Application #: B2023-02883

65 Arden Road

acockrell@berkeleyca.gov

Administrative

1. The submitted drawings are incomplete and lack essential information necessary for plan review and construction, some of which are delineated by the following comments. Please note that since this was an incomplete submittal, additional comments may follow our review of the completed drawings. [CRC R106.1.1]

Nonstructural

1. Please provide a complete set of construction documents including, for example, a site plan, fire separation distances, floor and roof plans, elevations, sections, construction details, plan notes, material specifications and all other information necessary to construct the building's elements and sufficient to cover the scope of work for this project. The current set of plans lacks most of the necessary information and therefore we are not able to provide a complete review at this time. Additional comments will be provided when complete construction documents are provided. [CRC R106.1]
2. Please note that the subject building is located in Fire Zone Three. Please revise the drawings to demonstrate compliance with relevant requirements of CRC R337 and BMC 19.29.050.

Structural

1. Provide complete construction documents for the structural scope of work including floor/roof framing plans, foundation plan, construction details, material specifications, design loads, a structural analysis and all other information pertinent to the required structural construction. [CBC 1603.1]

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

June 21, 2023

Fire Prevention Division

Prepared by: Steven Burkhart

Application #: B2023-02883

65 Arden Rd.

sburkhart@berkeleyca.gov

Corrections

A. General Requirements

1. Please provide a complete set of drawings to fully represent all of the work to be performed. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. [§R106.1.1]
2. Please revise the site plan to show the streets fronting the property and show the size and location of new construction and existing structures on the site and distances from lot lines. [§R106.2]

B. Building Code Requirements

1. Please be advised that the property is located in Fire Zone 3 and all Zone 3 provisions for Fire Hazard Severity Zones in Wildland Urban Interface Areas required by the California and Berkeley Residential Codes shall apply. [BRC §R337.1.1] It is strongly advised that all of the requirements in BRC §R337.12, CRC §337, and CFC §4906 and §4907 be addressed in the next submittal.

Please be advised that additional comments may follow based on the response to these comments.

~ END OF COMMENTS ~

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

June 21, 2023

Land Use Planning

Prepared by: **Desiree Dougherty**

Application #: [B2023-02883](#)

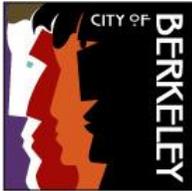
65 Arden Road

ddougherty@cityofberkeley.info

Land Use Planning Requirements

- 1) Please provide a dimensioned site plan with setbacks called out.
- 2) Provide height dimensions for the proposed structure. If there is an existing structure that the proposal is building from, please provide photos and/or plans for the existing conditions.

Internal



Plan Check Correction List

Permit Service Center
Building & Safety Division
Planning and Development Department

Application #: B2023-02883

September 11, 2023

Project Address: 65 Arden Rd.

Dear Project Applicant,

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

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

Document formatting requirements:

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

Document submittal options (choose one):

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

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

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

1947 Center Street – 3rd Floor
Berkeley, CA 94704-1113
<https://permits.cityofberkeley.info>

Tel: (510) 981-7500
TDD: (510) 981-7450
Permits@CityofBerkeley.info

Building and Safety

Prepared by: Andrew Cockrell

Application #: B2023-02883

65 Arden Road

acockrell@berkeleyca.gov

Administrative

1. The submitted drawings are incomplete and lack essential information necessary for plan review and construction, some of which are delineated by the following comments. Please note that since this was an incomplete submittal, additional comments may follow our review of the completed drawings. [CRC R106.1.1]

PC2: Comment stands; see additional comments below.

2. ***PC2: The proposed design does not comply with prescriptive structural provisions of the California Residential Code. When any portion of a structure deviates from substantial compliance with conventional construction found in the CRC, the building official shall require the construction documents to be approved and stamped by a California licensed architect or engineer for that non-conforming portion of work. [CRC R301.1.3.1]***
3. ***PC2: The new drawings show the garage used as a “den” with large openings in each side of the space. The plans examiner cannot find permit records of approval of the conversion of the garage to habitable space. Please provide record of previous City approval or, if not previously approved, revise the drawings to include this scope in the current permit application.***

Nonstructural

2. Please note that the subject building is located in Fire Zone Three. Please revise the drawings to demonstrate compliance with relevant requirements of CRC R337 and BMC 19.29.050.

PC2: Comment stands. Please revise to address exterior wall and roof covering requirements for wildfire exposure. R337.10.3.1 requires noncombustible or ignition resistant materials, whereas the drawings currently show exposed wood members and wood siding.

In addition, please also address Fire Zone Three requirements including fire warning system, automatic fire sprinkler system, etc.

3. ***PC2: The revised drawings indicate that the proposed addition will be located less than 2 feet from the adjacent property line; it is unclear where fire separation distance is measured to within the public right of way. Please provide a stamped and signed survey prepared by a licensed surveyor indicating the property line, the public walkway, and the distance from the centerline of the public way to the exterior face of the exterior wall. Additional comments may follow pending verification of subject requirements. [CRC R302.1 and R106.2]***
4. ***PC2: The plans dimension the exterior door opening from face of jamb to face of jamb. Please revise to indicate that the egress door opening shall provide a clear width of not less than 32 inches where measured between the face of the door and the stop, with the door open 90 degrees. [CRC R311.2]***

Structural

1. Provide complete construction documents for the structural scope of work including floor/roof framing plans, foundation plan, construction details, material specifications, design loads, a structural analysis and all other information pertinent to the required structural construction. [CBC 1603.1]

PC2: Comment stands; please see Administrative comment 2. The proposed design requires engineering analysis and the plans must be prepared by a registered architect or engineer. Structural review will follow submittal of the complete structural documents. Please ensure that the structural drawings fully detail the proposed construction, including the connection to the existing structure, construction of the existing concrete landscape wall, etc.

Plumbing

1. ***PC2: Please clarify how the proposed roof will drain stormwater and where the drainage will terminate. [CPC 1101.12.1 and 1101.2]***

Fire Prevention Division

Prepared by: Steven Burkhart

Application #: B2023-02883

65 Arden Rd.

sburkhart@berkeleyca.gov

Corrections

A. General Requirements

1. Please provide a complete set of drawings to fully represent all of the work to be performed. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. [§R106.1.1]

PC2: Comment outstanding. Fire concurs with Administrative comments #1, #2, and #3 from Building and Safety.

2. Please revise the site plan to show the streets fronting the property and show the size and location of new construction and existing structures on the site and distances from lot lines. [§R106.2]

PC2: Comment outstanding. Fire concurs with Nonstructural comment #3 from Building and Safety.

B. Building Code Requirements

1. Please be advised that the property is located in Fire Zone 3 and all Zone 3 provisions for Fire Hazard Severity Zones in Wildland Urban Interface Areas required by the California and Berkeley Residential Codes shall apply. [BRC §R337.1.1] It is strongly advised that all of the requirements in BRC §R337.12, CRC §337, and CFC §4906 and §4907 be addressed in the next submittal.

PC2: Comment outstanding. CRC §R337 and BRC §R337, and all subsections, apply to the exterior design and construction of new structures, additions, and alterations of buildings in Fire Zone 3.

- 1.1. **PC2: Please demonstrate how the roof system for the structure meets the requirement in §R337.5.1 that roof assemblies in Fire Hazard Severity Zones be Class A assemblies when tested in accordance with ASTM E108 or UL790. [§R337.10.4]**
- 1.2. **PC2: Accessory structures attached to homes shall be constructed of non-combustible or ignition resistant materials. [§R337010.3.1] Fire concurs with Nonstructural comment #2 from Building and Safety.**
- 1.3. **PC2: The exterior wall covering at the opening to the existing tree branch shall be of noncombustible material, ignition-resistant material, or fire-retardant-treated wood. [§R337.7.3]**
2. **PC2: Vegetation shall be controlled as required by the Berkeley Fire Code. [BRC §R337.12.5] Fire Zone 3 properties shall comply with the vegetation management**

requirements of California Fire Code sections 4906 and 4907, including California Public Resources Code 4291 or California Government Code Section 51182. [R337.1.5] A landscape/vegetation management plan shall be provided.

2.1. PC2: The landscape/vegetation management plan shall include development and maintenance requirements for vegetation management in each defensible space zone. The contents of the landscape plans shall include but not be limited to:

1. **Delineation of fuel management zones from all structures:**
Zone 0: 0-5 feet (Ember Resistance Zone);
Zone 1: 5 feet to 30 feet;
Zone 2: 30 feet to 100 feet.
***Cal Fire guidance can be found [here](#).**
2. **Identification of existing vegetation to remain and proposed new vegetation with a plant legend with both botanical and common names, and identification of all plant material symbols.**
3. **Current and maximum height and diameter of all plants.**
4. **Setbacks from vegetation groupings between each other and separation from buildings.**
5. **Identification of ground coverings within Zones 0 and 1.**
6. **Identification of irrigated areas.**
7. **A plan to prevent “ladder fuels” based on the slope of the lot.**
8. **A “guide” for use by the owner or landscaper on fire-safe landscape planting and maintenance, such as defensible spaces and trimming.**

2.2. PC2: Hazardous vegetation and fuels around all buildings and structures shall be maintained in accordance with the following laws and regulations:

1. **Public Resources Code, Section 4291.**
2. **California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.**
3. **California Government Code, Section 51182.**
4. **California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.**

2.3. PC2: The existing tree is immediately adjacent to the greenhouse structure, which as proposed, is not of noncombustible or ignition-resistant construction, and is attached at the roof to the existing home. This exposes the home to a higher risk of fire spreading from the tree to the home than currently exists. Please propose a means of mitigating the risk. (Please refer to Building Code comment #1.2.)

3. **PC2: Residences in Fire Zone 3 shall be equipped with an audible exterior alarm bell meeting the requirements of NFPA 72 and generate 45 decibels ten feet from the alarm. [BRC §R337.12.2]**

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

August 30, 2023

Please be advised that additional comments may follow based on the response to these comments.

~ END OF COMMENTS ~

Internal

Permit Service Center
Building & Safety Division
Planning and Development Department

September 11, 2023

Land Use Planning

Prepared by: **Desiree Dougherty**

Application #: B2023-02883

65 Arden Road

ddougherty@cityofberkeley.info

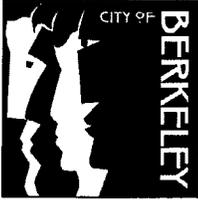
Land Use Planning Requirements

- 1) Residential additions within a non-conforming setback require an Administrative Use Permit (AUP).

I am including links to the application form and submittal requirements below. You may schedule an appointment at the Zoning Counter to submit your application once you have compiled all the necessary documents.

Zoning Project Application: <https://berkeleyca.gov/sites/default/files/2022-02/Zoning-Project-Application.pdf>

Zoning Project Submittal Requirements:
<https://berkeleyca.gov/sites/default/files/documents/Zoning%20Project%20Application%20Submittal%20Requirements.pdf>



Planning & Development Department
Building & Safety Division

May 16, 2024

First Notice and Order to Correct

APN 055- -1862-036-00

Case # 24-00000218

TSAO YING & TIKHOMIROV GRIGORY
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**
Berkeley, California

Dear Property Owner:

On May 15, 2024 Inspector DANNY LAWRENCE inspected your property at **65 ARDEN RD**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on June 18, 2024.

If you do not correct the (these) violation(s) in accordance with the timelines and procedures specified in the attached notice, you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of this notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results**. Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DANNY LAWRENCE at (510) 981-7440, between 8:00AM to 4:00PM.

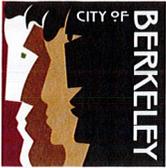
Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Chappell", written over a horizontal line.

Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation



NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- FIRST NOTICE
- SECOND NOTICE
- REVISED NOTICE
- OTHER

Address 65 ARDEN RD Date 5 / 15 / 24
 Occupancy/Use R3
 This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
 Owner/Agent DORIS TSAO Phone # _____
 Mailing Address 65 Arden Rd City Berkeley ZIP 94704
 Person contacted at site _____ Phone # _____

DESCRIPTION OF VIOLATION:

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

VIOLATION :

Code Section

<u>WORK WITHOUT A PERMIT.</u>	<u>BMC</u>	<u>19.28.020</u>
	<u>CBC</u>	<u>105.1 & 105.2</u>
<u>STOP ALL WORK IMMEDIATELY</u>		

CORRECTIVE ACTION: (You must comply with ALL checked boxes below)

6/18/24

- STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- File for a Building Permit Application at Permit Service Center.
 - No plans are required, file within _____ working days.
 - Plans are required, file within _____ working days.
 A copy of this Notice must accompany the permit application.
- Respond to plan review correction letter(s) within _____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- Obtain _____ BUILDING _____ ELECTRICAL _____ MECHANICAL _____ PLUMBING permit(s) within _____ days of approval notification.
- Complete all work and obtain the final inspection and sign-off within _____ days of permit issuance.
- Correct all violations within _____ days of this notice.
- Land Use Planning approval is required. **Call 510-981.7410**
- You failed to comply with the notice(s) dated _____. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: RETAINING WALL BUILT W/O A PERMIT

Inspector Name (print) D. LAWRENCE Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature [Signature] Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD:510.981.6903 FAX:510.981.7450

Email: BuildingandSafety@CityofBerkeley.info

Revised 3/12/19

Property Detail Report
For Property Located At :
65 ARDEN RD, BERKELEY, CA 94704-1808



Owner Information

Owner Name: **TSAO YING/TIKHOMIROV GRIGORY**
Mailing Address: **314 S HILL AVE, PASADENA CA 91106-3406 C077**
Vesting Codes: **//**

Location Information

Legal Description:	LOT 30	APN:	055-1862-036
County:	ALAMEDA, CA	Alternate APN:	055186203600
Census Tract / Block:	4227.00 / 1	Subdivision:	UNIVERSITY HILL
Township-Range-Sect:		Map Reference:	2-D7 /
Legal Book/Page:		Tract #:	
Legal Lot:	30	School District:	BERKELEY
Legal Block:		School District Name:	BERKELEY
Market Area:		Munic/Township:	BERKELEY INCORP
Neighbor Code:			

Owner Transfer Information

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

Last Market Sale Information

Recording/Sale Date:	08/06/2020 / 07/27/2020	1st Mtg Amount/Type:	\$1,540,000 / CONV
Sale Price:	\$2,200,000	1st Mtg Int. Rate/Type:	2.50 / ADJ
Sale Type:	FULL	1st Mtg Document #:	189655
Document #:	189654	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$896.13
New Construction:		Multi/Split Sale:	MULTIPLE
Title Company:	CHICAGO TITLE CO		
Lender:	GUARANTEED RATE INC		
Seller Name:	FERGUSON CHARLES H		

Prior Sale Information

Prior Rec/Sale Date:	07/29/1994 /	Prior Lender:	BARCLAYS AMERICAN MTG CORP
Prior Sale Price:	\$495,000	Prior 1st Mtg Amt/Type:	\$396,000 / CONV
Prior Doc Number:	265182	Prior 1st Mtg Rate/Type:	/ FIXED RATE LOAN
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	2,455	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	2,455	Garage Area:		Heat Type:	FORCED AIR
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	WOOD SHAKE/SHINGLE
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	13	Basement Area:	380	Patio Type:	
Bedrooms:	5	Finish Bsmnt Area:		Pool:	
Bath(F/H):	3 / 1	Basement Type:	BASEMENT	Air Cond:	
Year Built / Eff:	1938 / 1946	Roof Type:		Style:	UNKNOWN
Fireplace:	Y / 3	Foundation:	RAISED	Quality:	AVERAGE
# of Stories:	1.5	Roof Material:	WOOD SHAKE	Condition:	
Other Improvements:	LAUNDRY ROOM				

Site Information

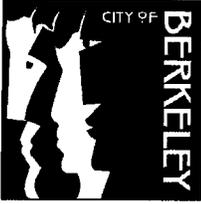
Zoning:		Acres:	0.17	County Use:	TWO, THREE OR FOUR SINGLE FAMI (2100)
Lot Area:	7,519	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	1 /	Water Type:	PUBLIC
Site Influence:				Sewer Type:	PUBLIC SERVICE

Tax Information

Total Value:	\$1,664,640	Assessed Year:	2023	Property Tax:	\$26,493.40
Land Value:	\$364,140	Improved %:	78%	Tax Area:	13000
Improvement Value:	\$1,300,500	Tax Year:	2023	Tax Exemption:	
Total Taxable Value:	\$1,664,640				







Planning & Development Department
Building & Safety Division

June 20, 2024

Second Notice and Order to Correct

APN 055- -1862-036-00

Case # 24-00000218

TSAO YING & TIKHOMIROV GRIGORY
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**
Berkeley, California

Dear Property Owner:

On May 15, 2024 an inspection occurred at **65 ARDEN RD**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

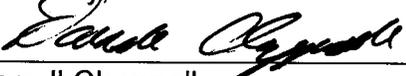
On May 16, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On June 20, 2024 Inspector DANNY LAWRENCE reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results**. Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call (510) 981-7440 between 8:00AM - 4:00PM.

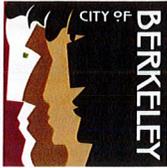
Sincerely,



Darrell Chappell
Supervising Building Inspector

CC: Code Enforcement File
Area Building Inspector

Attachment: Notice of Violation
BSCE002.DOC



NOTICE OF VIOLATION

Planning and Development Department
Building and Safety Division

- FIRST NOTICE
- SECOND NOTICE
- REVISED NOTICE
- OTHER

Address 65 ARDEN RD Date 6/20/24
 Occupancy/Use R3
 This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.
 Owner/Agent DORIS TSAO Phone # _____
 Mailing Address 65 ARDEN RD City BERKELEY ZIP 94704
 Person contacted at site _____ Phone # _____

DESCRIPTION OF VIOLATION:

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

VIOLATION :

VIOLATION :	Code Section
- STOP WORK ORDER VIOLATION -	BMC 19.28.020 CBC 105.1 & 105.2
HOMEOWNER WAS MADE AWARE OF VIOLATION ON 5/15/24 & IGNORED THE STOP WORK ORDER NOTICE.	
RETAINING WALL WAS COMPLETED WITHOUT A PERMIT.	BMC 19.28.020 CBC 110.6

CORRECTIVE ACTION: (You must comply with ALL checked boxes below)

- STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)
- File for a Building Permit Application at Permit Service Center.
 - No plans are required, file within _____ working days.
 - Plans are required, file within 14 working days.
 A copy of this Notice must accompany the permit application.
- Respond to plan review correction letter(s) within _____ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**
- Obtain BUILDING ELECTRICAL MECHANICAL PLUMBING permit(s) within 10 days of approval notification.
- Complete all work and obtain the final inspection and sign-off within 10 days of permit issuance.
- Correct all violations within _____ days of this notice.
- Land Use Planning approval is required. **Call 510-981-7410**
- You failed to comply with the notice(s) dated 5/15/2024. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.
- Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

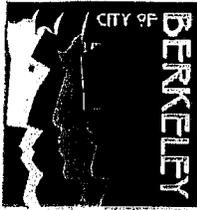
Additional comments: _____

 - STOP WORK ORDER VIOLATION -

Inspector Name (print) D. LAWRENCE Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature _____ Phone: 510-981.7440

Internal



Building and Safety Division
Planning and Development Department

July 5, 2024

Tsao Ying & Tikhomirov Grigory
314 S Hill Ave
Pasadena, CA 91106

Re: 65 ARDEN ROAD, BERKELEY, CA 94704

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

WARNING OF ADMINISTRATIVE CITATION FOR FAILURE TO COMPLY WITH NOTICES OF VIOLATION AND ORDERS TO CORRECT DATED 5/16/24 and 6/20/24.

Case #24-00000218

Dear Property Owner,

This letter is to reiterate that as of July 5, 2024, the property at 65 Arden Road, is in Violation of BMC 19.28.020 and California Building Code section 105.

On May 16, 2024 the City of Berkeley issued a Notice of Violation and Order to Correct for work without permit. This Notice was posted on your property and sent in the mail to your home address. You were ordered to stop all work immediately, file for and obtain a building permit within the time frames specified in the Notice of Violation. You have failed to respond in accordance with the timelines and procedures specified in the Notice of Violation.

On June 20, 2024 the City of Berkeley issued a Second Notice of Violation and Order to Correct, due to your failure to respond to the first Notice of Violation. To date you have failed to respond in accordance with the timelines and procedures specified in the first and second Notice of Violation.

The City is providing you this last opportunity to achieve compliance and avoid citations for failure to correct the violations noted in the previously issued Notices of Violation and Orders to Correct. To avoid penalties due to your non-compliance, you must do the following within the time frame established below.

1. Apply for all required permits to correct the Building Violations identified in the Notice of Violation within 21 days of this Warning.

Internal

2. Fully respond to all plan review comments within 10 days of notification by the Permit Service Center.
3. Obtain all permits within 10 days of plan approval by the City.
4. Complete all work and obtain an approved final inspection within 180 days of issuance of the permit.

Failure to meet any of these deadlines will result in the issuance of daily administrative citations beginning at \$100 per day from the date of this letter and increasing in amount until such time that you address the violations in the Notice of Violation. Administrative penalties can be as much as \$5000 per violation, and up to \$10,000 per violation if any injury results. The City may impose a special assessment lien on your property for any unpaid citations which is collected at the same time and in the same manner as property taxes for any unpaid fines.

If you have any questions you may contact the undersigned at 510 981-7455 or by email at dchappell@berkeleyca.gov.

Sincerely,


Darrell Chappell
Supervising Building Inspector



UNSAFE

HAC 01/09/2025

Attachment 3

**DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)**

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Date JULY 9, 2024

Time 11:40 AM

STRUCTURAL RETAINING
WALLS, RESIDENTIAL ADDITION,
AND GREENHOUSE ALL
BUILT WITHOUT PERMITS

DEFIED STOP WORK ORDERS

This facility was inspected under emergency conditions for the City of Berkeley

ASTAL LIVE OAK CUT DOWN ILLEGALLY

Do not enter, except as specifically authorized in writing by the City of Berkeley. Entry may result in death or injury.

Inspector ID/Agency

D. CHAPPELL

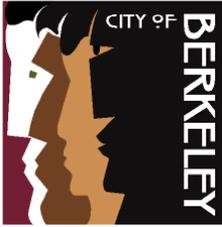
Facility Name and Address

CITY OF BERKELEY
BUILDING & SAFETY

69 ARDEN ROAD
BERKELEY 94704

**Do Not Remove, Alter or Cover this Placard until
Authorized by the Building Official of the City of Berkeley**
Per Berkeley Municipal Code (BMC) Section 19.28.050

HAC PAGE 109



Health, Housing, and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: SDRLP Team -

- Lourdes Chang, Senior Community Development Project Coordinator (Asset Management/Preservation)
- Barbara Amaro, Community Services Specialist II (SFR Programming Coordinator/SDRLP Loan Administrator)
- Kim Cobb, Building Inspector (SDRLP Construction Project Manager)

Date: January 9, 2025

Subject: Single Family Rehabilitation (SFR) FY26 – FY28 Programming

RECOMMENDATION

Continue to fund the Single-Family Rehabilitation (SFR) Programming including the City's Senior & Disabled Rehabilitation Loan Program (SDRLP) at current levels as approved in the FY25-FY28 Request for Proposal as it supports a balanced Single-Family Rehabilitation program, and approve a SDRLP pilot program aimed at creating streamlined implementation from FY26 to FY28, with the primary goals of using Community Development Block Grant (CDBG) and CalHome funding more effectively, increasing the number of low-income homeowners served annually, and maintaining essential CDBG Program Income that could be reinvested in the City's public facility projects.

OVERVIEW OF SINGLE-FAMILY REHABILITATION PROGRAMS

The City of Berkeley has provided Single-Family Rehabilitation (SFR) programming since the early 1970s with the goals of 1) assisting low-income households living in Berkeley with completing home repairs and ADA access improvements so residents can safely age in place without causing financial strains; 2) preserving the City's aging housing stock, thereby reducing the risk of further deterioration of property and the surrounding neighborhood; 3) assisting low-income households with building generational wealth, and 4) maintaining vital Program Income to support City-funded Public Facility Improvements.

The SFR is a multi-pronged approach that consists of partnerships with nonprofits that undertake single-family home renovation projects, and the SDRLP, which is implemented directly by City staff. For the programming years FY25-FY28, The Center of Independent Living (CIL) solely focuses on providing low-income residents with ADA access improvement repair grants (13 projects annually) supported by CDBG funding. Rebuilding Together East Bay North (RTEBN) provides home repair grants including emergency repairs and is supported by General

A Vibrant and Healthy Berkeley for All

Funds (15 projects annually). SDRLP provides deferred loans with no interest with the support of CDBG and CalHome funding (6 projects annually). Along with these programs, Habitat for Humanity East Bay/Silicon Valley, Inc., (HEBSV) grant program was also recommended for funding by both staff and the HAC during the community agency RFP and would have had assisted low-income households, providing loans of up to \$15,000, for health and safety repairs for owner-occupied, single family homes. Since then, HEBSV decided to withdraw their application for CDBG funding for their own organizational operational reasons. HEBSV exit from the City’s SFR program has left a vacancy that the SDLRP program can fill with the current and proposed pilot program.

In the previous five-year programming funding cycle (FY20-FY24) CIL completed 53 projects, RTEBN completed 59, Habitat for Humanity East Bay/Silicon Valley, Inc., completed 53 projects and SDRLP completed 7 projects, with each program serving a unique slice of the Berkeley population.

Single Family Rehabilitation Programming, FY20-FY24 Period

	CIL	RTEBN	SDLRP	HEBSV No Longer Available, FY25-FY28
Program description	Grants, up to an estimated \$15K for ADA-access improvements	Grants, \$1k-\$5k for minor home and emergency repairs	0% interest, deferred payment loans, up to \$100k for health and safety and ADA access improvements	Grants, up to \$15K for health and safety repairs
Population served	Low-Income Individuals living with a Physical Disability	Open to All Qualified Low-Income Households	Low-Income Seniors 62+ and/or Low Income living with a Physical Disability	Open to All Qualified Low-Income Households
# of households served in prior cycle	53	59	7	53

Current SFR Programming

In addition to the City-funded SFR programs, the Renew Alameda County (Renew AC) program administered by HEBSV provides low interest loans up to \$200,000 to qualifying Alameda County homeowners. While Renew AC and SDRLP programs both offer rehabilitation loans to low-income homeowners there are some slight differences in their framework (Attachment A). Overall, this funding opportunity has been complimentary of the City’s SFR programming

because it serves properties with higher rehabilitation needs. The program was funded through the voter-approved Measure A1 Affordable Housing Bond, and the County expects the program to sunset, with final enrollment by the end of FY26.

It is possible that in years past there may have been some program duplication with HEBSV's programming and the City's SDRLP program. However, with HEBSV's exit from the City's SFR programming and the long-term uncertainty of the Measure A1 funds and/or similar programs, the SDLRP fills a need for more substantial rehabilitation for low-income households in Berkeley.

Single Family Rehabilitation Programming, FY25-FY28 Period

	CIL	RTEBN	SDLRP
Program description	Grants, up to an estimated \$15K for ADA access improvements	Grants, \$1k-\$5k for minor home and emergency repairs	0% interest, deferred payment loans, up to \$100k for health and safety and ADA access improvements
Population served	Low-Income Individuals living with a Physical Disability	Open to All Qualified Low-Income Households	Low-Income Seniors 62+ and/or Low Income living with a Physical Disability
Projected Program Outcomes (# of households served annually)	13	15	6
Estimated Annual Program Delivery Cost – Administration	\$121,600	\$85,060	\$393K ¹
Estimated Annual Program Delivery Cost– available for Home Repair Projects	\$90,000 ²	\$29,104 ³	\$100k - CDBG-funded \$200k - CalHome-funded
TOTAL	\$211,600	\$114,164	\$493k (CDBG) + \$200k (CalHome)
Note: (1) Administration Costs noted under SDRLP includes loan administration which consists of providing technical assistance to homeowner, such as developing SOW,			

facilitating contractor bid walk, reviewing contractor's work for pay draw, and executing the City's loan agreements. Administration Costs also include costs related to SFR programming overall, including contract monitoring, providing technical assistance to community service agencies and annual reporting as required by the City. (2) Program Delivery Costs for CIL grant program does not reflect leveraging and in-kind services provided by CIL staff. Actual monetary amounts for leveraging will be available at year end reporting. (3) Program Delivery Costs for RTEBN Emergency Repair Program does not reflect in-kind volunteer services and value of donations for materials, equipment and supplies. Construction management is provided by in-house RTEBN staff

FISCAL IMPACTS OF RECOMMENDATION

The FY25-FY28 funding for this recommendation has already been approved through Resolution Nos. 71,278-N.S. and 71,433-N.S. which includes \$100,000 in CDBG funding to cover loan financing directly to SDRLP Borrowers and leveraging CDBG funds with available funds from the CalHome Reuse Account that has an estimated balance of \$977,000. In addition, CIL and RTEBN's approve budget includes approximately \$90,000 to support grants for ADA access improvements and \$30,000 for grants for minor home repairs.

CURRENT SITUATION AND ITS EFFECTS

SDRLP plays a vital role within the SFR programming, yet the lengthy process for project completion has hampered its effectiveness. By supporting this pilot to streamline the SDRLP's FY26-FY28 programming, staff recommends: 1) establishing a list of eligible repairs based on the most requested SDRLP repairs over the past 10 years; 2) reducing the overall loan amount to a maximum of \$60,000 per project, and 3) enforcing Borrowers' project deadlines as they relate to developing projects' Scopes of Work (SOWs) and Primary Contractor selections to ensure timely spending of CDBG funds and project completion.

In the last program cycle, FY20 to FY24, SDRLP completed seven projects. The lengthy process for completing projects is one of the main factors that hampered the program's effectiveness. In addition, there were staffing changes during 2018 and 2019 which slowed down productivity as staff underwent training and familiarized themselves with the projects that were already progress. The program was further impacted by the onset of the pandemic when SDRLP staff were unable to implement the program at full capacity due to contractor's availability, COVID-19 outbreaks among homeowners and contractors' workers, chain supplies issues, etc. During this period, the SDRLP team took the opportunity to evaluate the program and explore ways to address some of the challenges in implementation of the program.

Some of the changes staff have already implemented to date include: (1) holding an initial in-person meeting with the applicant to review proposed scope of work and requirements of the SDRLP; and (2) finalizing the scope of work and not allowing for changes once the homeowner has approved the scope of work. These changes have allowed staff to clarify the program requirements up front and provide the homeowner an overview of the process, from scope and project budget development and contractor selection to loan execution. Although these small changes have helped, there are other factors in the development and construction process outside the purview of the SDRLP that continue to slow down the process, such as City review and approval of building permits which could take up to 6 months for more complex projects,

and completion of environmental review and lead assessment/abatement as required by HUD for the CDBG-funded projects. This could add on another 6 weeks to the process.

Proposed Changes to the SDRLP

1. More Focused Eligible Home Rehabilitation Repair List:

The following list of repairs is based on a survey of the most commonly requested SDRLP repairs over the last 10 years. Staff reviewed the completed projects and compiled the number of times each item was requested.

The resulting eligible repair list includes primarily non-emergency rehabilitation home repairs with an estimated construction time frame under 6 months:

- Roof (Health & Safety)
- Exterior house painting (Health & Safety)
- Inadequate or hazardous heating or air condition systems (Health & Safety)
- Windows (Weatherization/Energy Savings)
- Inadequate or defective plumbing system (Health & Safety)
- Inadequate or hazardous electrical system (Health & Safety)
- Insulation-attic and crawl space (Weatherization/Energy Savings)
- ADA access improvements*
- Solar Panels (Weatherization/ Energy Savings)

*ADA access repairs may require a longer construction time frame depending on the complexity of the project. Additional time for architectural plans and permitting may be required.

These types of repairs will not require a full set of plans and would be eligible for over-the-counter review and approval.

2. Proposed Loan Limits:

Council authorized SDRLP loans of up to \$100,000 in response to the need for housing rehabilitation in aging properties, and to address more extensive rehabilitation needs, energy efficiency improvements and ADA access improvements. The increased loan cap greatly expanded the SOWs for most SDRLP projects, but had the unintended consequence of slowing down program implementation.

Over the past decade the program has faced difficulties in allocating funds to the community due to challenges in the construction phases of these larger and more complex projects. The rehabilitation projects require plans and permits, environmental reviews, lead testing, more inspections, additional punch list items, increased change orders requests, longer permitting processes, and delays in contractor selection and scope of work developments. These factors are contributing to slower project completion times.

Additionally, the expanded SOWs often require more detailed architectural drawings, engineering plans, and, in some cases, professional design services which take on average 2 - 6 months to be approved by the City's Permit Service Center. This increased complexity of the SOW puts a strain on SDRLP's ability to efficiently manage and administer funds.

By creating a loan limit of \$60,000 it will ensure that the SDRLP program has funding for FY25-FY28 to meet its goal of serving approximately six projects annually (\$60,000 x 6 = \$360,000, including leveraging \$260k of available CalHome Re-use funds). At \$60,000, most of the types of repairs listed on the proposed home repair list could be addressed. In addition, each project will most likely require one to two subcontractors to perform the repair work, and the permit process for these non-emergency repairs will consist of over-counter approval. On average, it is expected that the construction phase would now be completed under six months rather than 12 months or more.

Rationale for Streamlining:

The need for timely and effective housing rehabilitation support is more crucial than ever. By streamlining SDRLP the program can reduce project timelines, enhance accessibility, and ensure efficient use of funds. This initiative will not only benefit individual homeowners but will also foster a stronger, more resilient community. The pilot program is intended to have the following impacts:

- **Reduced Project Timelines:** Shorter construction timelines mean that homeowners can return to safe, functional living conditions sooner, improving their quality of life and reducing the potential for further property deterioration.
- **Increased Program Accessibility for Homeowners:** By reducing the construction timeline more homeowners can be assisted.
- **Efficient Use of Resources:** With shorten project completions timelines the program can expend funding more effectively.
- **Enhanced Project Management:** With a clear and focused SOW and adjusting the maximum financing limit, both staff and contractors can plan and execute projects more effectively.
- **Increased Community Impact:** By serving more homeowners in a shorter time frame, the program hopes it can amplify the program's positive impact on the community.
- **Greater Program Sustainability:** By demonstrating efficiency and effectiveness, SDRLP can potentially attract additional funding sources or grants.

BACKGROUND

On November 27, 1990, the Berkeley City Council established the SDRLP. This initiative aimed to preserve the City's housing stock by offering low-interest loans to very low-income seniors, enabling them to make essential repairs to their homes (Resolution No. 55,664-N.S.). SDRLP evolved on May 24, 1994, when the program was expanded to include individuals with disabilities (Resolution No. 57,486-N.S.).

Further adjustments to SDRLP were made through the following Council actions:

- December 14, 2004: increased the maximum loan amount from \$70,000 to \$80,000 (Resolution No. 62,912-N.S.)
- December 16, 2008: increased the threshold for borrower eligibility from 50% to 80% of the Area Median Income, allowing a larger number of residents to benefit from the program while still adhering to federal and state requirements (Resolution No. 64,295-N.S.)
- July 19, 2016: increased the loan limit to \$100,000 to meet the rising costs of construction (Resolution No. 67,619-N.S.).

The City of Berkeley's Health, Housing & Community Services (HHCS) Department funds and manages the SFR programs, including SDRLP. Each SDRLP loans is secured by a deed of

trust on the borrower's property, and is repaid when a repayment clause(s) is met. The program is funded with a combination of CDBG and CalHome.

Reducing Homeowners' Financial Burden

Under the program, the City provides a zero-interest loan to eligible homeowners for the primary purpose of rehabilitating and repairing substandard conditions and ADA access improvements on their property. The program's structure—offering deferred loans with no monthly payments and zero interest—ensures that financial burdens are lifted from those who need it most. This unique model allows seniors and individuals with disabilities to receive assistance without the added stress of immediate repayment.

Preserving Affordable Housing

SDRLP empowers vulnerable populations by allowing low-income seniors and individuals with disabilities address critical rehabilitation, maintain their independence and quality of life. Additionally, the program aims at creating community cohesion and stability by allowing the homeowners to remain in their homes resulting in more cohesive neighborhoods, affordable housing preservation and investing in housing rehabilitation proactively than the consequences of neglect.

Leveraging City Funds

Over the past decades the City applied for and received \$2,350,000 in CalHome funding to leverage the SDRLP portfolio's loan financing. The City received the following CalHome allocations:

- 2001: \$250,000
- 2004: \$500,000
- 2007: \$600,000
- 2012: \$1,000,000

All the original CalHome funding allocations have been expended in the form of SDRLP loans to qualifying homeowners. Loan repayments go into the CalHome Reuse account, and those funds are then used for new SDRLP loans and administrative costs to implement the program. The estimated CalHome balance is \$977,000.

CalHome allows the City to use up to 5% of the total CalHome Reuse funds to help pay for administrative and loan serving costs which may include but are not limited to a portion of personnel cost for program administration, the cost of notary services, and preliminary title reports. In FY26, the City expects to leverage about \$50,000 in administrative costs through the CalHome Reuse account.

SDRLP's Impacts

In FY14 through FY24, a total of \$1,943,855 has been issued through CalHome and/or CDBG-funded loans. During the same reporting period, the City received \$1,039,300 in repayments from CalHome loans and \$876,167 in program income from CDBG loan repayments. The CDBG program income has historically been allocated to public facility improvement projects awarded through the City's community agency Notice of Funding Availability process.

According to the latest information available for the most recent 10-year period through 2023 SDRLP completed 28 unduplicated projects (31 total projects). Of the 28 unduplicated homeowners served, 26 households were low-income while two households were moderate

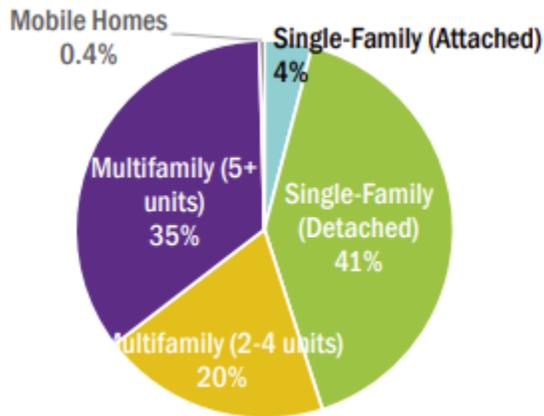
income. The primary borrowers identified themselves as the following: 16 female heads of household, 26 seniors (62+), and 13 individuals living with a disability. For Race/Ethnicity the 28 primary borrowers identified as the following: 12 White, 13 African-American, and three Asian. Two borrowers noted they identified as having Hispanic origin.

FY25 SDRLP Projects

Addresses & Zip Codes	Funding	Status	Primary Repair(s)
California Street 94703	CDBG \$18,000	Completed FY25	Roof repair
Stuart Street 94703	CDBG \$79,000	Completed FY25	Roof repair; solar panels
Dwight Way 94710	CDBG \$100,000	Active: Construction Expected Completion FY25	Addition
Jefferson Street 94703	CDBG \$100,000	Active: Construction Expected Completion FY25	Roof; path of travel back steps
Harmon Street 94703	CalHome \$100,000	Active: Construction	Drainage, HVAC, ADA porch repair
Chestnut Street 94702	CDBG \$100,000	Active: Financing/ Construction	ADA bathroom; 4 windows, electrical
Otis Street 94703	CDBG \$100,000	Active: Financing /Construction	Exterior painting, ADA access improvement path of travel; HVAC
Byron Street 94702	CalHome \$100,000	Active: Loan Processing	ADA path of travel (front house entrance)

Responding to Community Need

SDRLP purpose is to assist with eliminating conditions that pose a threat to homeowners' health and safety and to help preserve the City's housing inventory as noted in the adopted City of Berkeley's 2023-2031 Housing Element Plan's Program 18. According to the report, the age of a community's housing can reveal important information about its maintenance and repair requirements. Generally, buildings that are more than 30 years old tend to need considerable rehabilitation, which may involve repairs to the roof, foundation, and plumbing systems. In Berkeley, a significant number of residences are older, with nearly half built before 1939. By the end of the current Housing Element planning cycle, about 95 percent of the housing in Berkeley will be over 30 years old, and 86 percent will exceed 50 years in age. Additionally, detached single-family homes account for 41 percent of all housing units in the city.



Affirmatively Furthering Fair Housing (AFFH) is a policy framework aimed at addressing housing discrimination and promoting fair housing opportunities. The concept of AFFH requires jurisdictions that receive federal funding related to housing and urban development to actively take steps to address barriers to fair housing choice. This includes not only refraining from discriminatory practices but also taking proactive measures to overcome patterns of segregation and unequal access to housing opportunities. The Single-Family Rehabilitation programming addresses the AFFH’s Housing Mobility.

To meet this objective, the SFR programming is performing targeted outreach to specific zip codes as identified by California Tax Credit Allocation Committee (CTCAC)/California Department of Housing & Community Development (HCD) map as low or moderate resource census tracts and formerly redlined neighborhoods. The four relevant outreach zip codes based on the CTCAC/HCD Opportunity Maps and formerly redlined neighborhoods are the following: **94702**, **94703** (Adeline Corridor), **94704**, and **94710**. The current SDRLP projects are serving the following zip codes: **94702** (2); **94703** (5); **94710** (1). Agencies are providing data regarding their outreach efforts that include date, location and type of outreach methods in their agencies’ quarterly program reports per their executed FY25-FY28 community agencies contracts.

Furthermore, a recent 2024 analysis by the Joint Center for Housing Studies of home repair initiatives in large cities shows that standard loan or grant amounts generally fall between \$10,000 and \$25,000 per residence, with some reaching as high as \$50,000. Another study by the Joint Center for Housing studies notes how substandard housing not only threatens physical health but also negatively affects mental well-being. The study shows that housing deficiencies can increase family stress and financial strain. The consequences of inaction are evident: residents in deteriorating homes and neighborhoods face significant mental health challenges.

The report also references a study conducted by Ecotone Analytics for Rebuilding Together in 2021. The report indicated, “the analysis concluded that every dollar invested by Rebuilding Together generated \$2.84 in social value. The residents enjoyed \$1.19 in benefits such as improved quality of life, prevented falls, improved respiratory health, and other outcomes. Benefits also accrued to the health care system. For every dollar invested by Rebuilding Together, Medicare and Medicaid received \$1.32 in reduced costs from fewer falls, less lead exposure, less use of assisted-living facilities, and other health improvements”.

Conclusion

The City is not currently considering reallocating CDBG funds from its Senior & Disabled Rehabilitation Loan Program (SDRLP) due to several key factors:

The City is committed to maintaining the integrity of the SDRLP which offers a unique delivery service to the other two supported single-family rehabilitation programming, The Center for Independent Living (ADA access improvements only) and Rebuilding Together East Bay-North (emergency repairs/minor repairs) ensuring continued support for ongoing and future housing rehabilitation efforts.

Additionally, the Renew AC Rehabilitation Loan Program will cease enrolling new applicants this year. Moreover, HEBSV, Inc. has not renewed its contract with the City for FY25-FY28 to provide housing rehabilitation services, further reducing available options for low-income homeowners to benefit from these essential services.

Furthermore, there are five active Public Facility Improvement projects underway, utilizing approximately \$3,000,000 of CDBG funds which includes a portion of program income generated from the SDRLP. This program is one of the few remaining sources of revenue for the City's housing initiatives.

SDRLP is not just a financial initiative; it is a compassionate commitment to Berkeley residents. It ensures that those who have lived in our community can continue to age in place and live with dignity while maintaining program income for the City to redirect to other community services programming and supporting affordable housing preservation by reducing further property deterioration. Moreover, SDRLP has the potential to assist families with maintaining and building generational wealth, increase property values, reduce financial strain, and social cohesion. Maintaining this program, and advancing the pilot program, is essential not only for the individuals it directly serves but for the community as a whole.

Attachments:

Attachment A, City of Berkeley's Senior & Disabled Rehabilitation Loan Program's & Renew AC Key Features

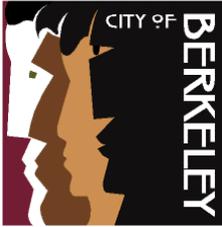
ATTACHMENT A

City of Berkeley's Senior & Disabled Rehabilitation Loan Program's & Renew AC Key Features

Key Feature	SDRLP	Renew AC – Alameda County
Income eligibility	At or below 80% AMI	At or below 80% AMI
Eligible repairs	Health/Safety Hazards, Accessibility, Correction of Code Violations	Health and Safety Hazard, Accessibility, and Structural Rehabilitation
Ineligible repairs/fees	New construction of a detached or attached J/ADU Pre-Approved/ Direct reimbursements to Borrowers not exceeding \$5,000 No relocation fees/grants available No Brace & Bolt repairs	New construction of a detached or attached J/ADU is not an eligible use of the Renew AC funds. Fees paid directly by Homeowner Relocation Fees are not an eligible use of loan funds but Habitat has funding for a relocation grant, that may be available for the remainder of the program
Eligible properties	Single Family Detached Homes Condominiums One to Two Units Properties (rehabilitation is limited to the owner-occupied unit, along with system-wide/structure-wide rehabilitation improvements) No mobile homes	Single Family Detached Homes Townhomes Condominiums (interior improvements only) Two to Four Unit Properties (rehabilitation is limited to the owner-occupied unit, along with system-wide/structure-wide rehabilitation improvements)
Closing Fees (e.g. cost of title reports, recording fees, etc.)	\$130 for Bank Account Setup	Approximately \$1500-2000 (Title Fees, Credit Report Fee, flood certification fee, notary fee, recording service fee, escrow fee)
Interest Fees	\$0.00	1% (capped at 50% of the original loan amount)
Credit Score	N/A	N/A- However, there is a limited number of late payments that an eligible Homeowner can have over the last year to qualify for the program
Type of 1st Mortgages (e.g. any restrictions)	No explicit restrictions but loan to value ratio should not exceed 90%	No explicit restrictions, but must meet 90% CLTV requirement, so loan must include a way to determine a maximum amount due

Minimum loan amount Maximum loan amount	Minimum \$10,000 Max: \$100,000	Minimum \$15,000 Max: \$200,000 (but loan amount determined by Scope of Work prepared by Habitat's inspector)
Loan Maturity	30 Yrs deferred loans for CalHome option to extend additional 30 years due to hardship; CDBG repayment clauses met	30 years deferred loan, option to extend for additional 30 years
What happens to Loan Repayments	Program Income for other COB programming	The funds are sent back to Alameda County
Loan to Debt Ratio	Up to 90%.	Up to 90%
Title reports with liens	Borrowers may be required to remove selected liens (e.g. garbage payments, delinquent taxes, etc.). However, some liens may not be required to be removed prior to loan funding (e.g. credit card lien)	Borrowers may be required to remove selected liens (e.g. garbage payments, delinquent taxes, etc.)
Subordination Agreement	Allowable; as long as the property has enough equity in the property to repay COB loan. Exceptions may be made to approve Subordination with higher risk of repayment	New subordinate loans, including equity lines of credit, are not permitted except as expressly approved by the County in writing
Hardship cause for repayment when repayment clause is met	CDBG – none CalHome – may extend an additional 30 years	N/A
Are loans assumable	No.	This loan can be assumed by another person if: (a) you are not in default; (b) the subsequent borrower is a low-income household, as determined by the County; and (c) the County consents to the assumption
Contractor Agreement	COB provides template; Borrowers & Contractors sign an Owner-Contractor Contract; the City is not a party to it	The Homeowner and Contractor sign a Construction Contract. Habitat for Humanity is not a party to it
Bid Walks/Assistance with Contractor Selection	Yes. Borrowers are provided all submitted proposals and are reviewed with SDRLP staff.	Yes. Homeowner is provided a bid matrix comparing the various Contractor bids.

Payment Disbursement of Funds	SDRLP staff process Progress Payments/Retention Payment with Borrowers/Contractors authorizations	Habitat for Humanity staff signs off on payment applications, as does the Homeowner and Contractor
Common reasons for loan denials	Household income/assets exceed program's maximum Property is not eligible (more than two housing units).	Too many late payments on credit report Too many unresolved liens/judgments Household income or household assets exceed program's maximum
Does Lead Safety Housing Rule apply?	CDBG loans: Yes CalHome ReUse loans: No	Yes, we have to do lead tests
Are projects required to undergo Environmental Review/SHPO	CDBG loans: Yes CalHome ReUse loans: No	Not Required
Project Completion timeline	1 – 3 years depending on the complexity of the Scope of Work (e.g. engineering reports, permits - set backs, etc.)	12-16 months depending on complexity, Homeowner engagement, and Contractor and material availability
Program End Date, if applicable	CDBG Funding made available through FY28 CalHome Reuse program income from loan repayments	This program will stop approving files around the end of FY26. Project completions of these final applications to follow shortly thereafter



Health, Housing, and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Kat Larrowe, Community Services Specialist III

Date: January 9, 2025

Subject: Public Hearing on Draft Program Year 2025-2029 Consolidated Plan

The City of Berkeley is an entitlement jurisdiction which receives federal Department of Housing and Urban Development (HUD) funds. This means that Berkeley receives an annual allocation of Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME) and Emergency Solutions Grant (ESG) funds. As an entitlement jurisdiction, the City is required to prepare a Five-Year Consolidated Plan detailing how the City will spend all HUD funds.

The Consolidated Plan examines housing needs and establishes funding priorities in the areas of affordable housing and services for a wide range of low-income populations. In May 2025, Berkeley will submit the Program Year 2025-2029 (Fiscal Year 2026-2030) Consolidated Plan to HUD.

The HAC acts as the Advisory Commission to Council on the allocation of CDBG, HOME and ESG funds. At its March 2024 meeting, the HAC hosted a public meeting specifically reviewing the requests for CDBG, HOME, and ESG funding. The recommendations from that meeting were further reviewed and adopted at the May 7, 2024 Council meeting. These funding awards will be reflected in this Consolidated Plan.

We are currently preparing a preliminary draft of the Consolidated Plan for the HAC's initial review during the January 2025 meeting. The draft will be available for review approximately three to seven days in advance on the City's website at: <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>

Subsequently, we will prepare and submit a final of the Consolidated Plan draft for the HAC to consider at its February or March 2025 meeting. At that meeting the HAC shall

A Vibrant and Healthy Berkeley for All

consider, discuss, and make a final recommendation to Council on the Program Year 2025-2029 Consolidated Plan.

Additionally, Under the National Affordable Housing Act, localities which are eligible to receive federal funding from housing and community development programs administered by HUD are required to prepare an Analysis of Impediments to Fair Housing Choice (AI) concurrently with the Consolidated Plan for the period covered under the Consolidated Plan. The AI is a planning document regarding fair housing and is crafted with public participation. The purpose of the Regional AI is to gather data and community feedback, identify specific impediments or barriers to fair housing within the jurisdiction, and then to come up with viable solutions, or actions to take against identified impediments. Berkeley's last AI was updated in 2020.

The draft Regional AI outlines prior fair housing efforts, regional demographics, contributing factors impacting fair housing, a housing analysis, and a disability and access analysis. The report concludes with a description of goals and actions that the region as a whole, and each jurisdiction, will take to reduce barriers to fair housing choice. The draft report will be available for review and comment in January/February 2025 through Alameda County's official public process.

Written comments may be submitted via email to Kat Larrowe klarowe@berkeleyca.gov or in person at 2180 Milvia Street, 2nd Floor, Berkeley, CA 94704.



Housing Advisory Commission

January 9, 2024

To: Housing Advisory Commission

Submitted by: Alfred Twu, District 4

Subject: 2024 Statewide housing legislation update and discussion

INTRODUCTION

This year's state housing legislation has new laws that affect tenant laws, zoning, permit fees, and affordable housing funding.

CURRENT SITUATION AND ITS EFFECTS

State housing laws are sometimes followed by technical edits to local laws or policies to implement or clarify, while other laws create opportunities that the city can use. Some laws have budget impacts.

BACKGROUND

2024 laws that may have a notable effect on Berkeley include:

Tenant Laws

AB 846 - Limits rent increases in affordable housing funded by the LIHTC program. Limits will be set by the California Tax Credit Allocation Committee (TCAC).

AB 2347 - Gives tenants 10 days (up from 5) to respond to an eviction.

AB 2493 - Application fees can only be charged if either the landlord accepts first qualified tenant and refunds subsequent applicants, or refunds all applications not selected.

AB 2801 - Limits deductions from security deposits, and documentation requirements for landlords that want to deduct from a security deposit at move out for repair costs.

AB 2802 - Allows residents of transitional housing to share a room or unit with a roommate, partner, parent, or child.

AB 2898 - Allows section 8 vouchers to cover parking, even if building otherwise has unbundled parking.

SB 611 - Bans several types of landlord junk fees, such as fees for paying by check.

SB 1465 - Expanded habitability enforcement and tenant rights in nonresidential buildings used for housing anyway.

Housing Production

AB 2533 – Legalizing unpermitted ADUs built before 2020.

AB 2694 - Allows residential care facilities for elderly to use Density Bonus

AB 3116 - Student housing density bonus for group housing that contains rooms or beds for low income students.

SB 450 - Cleanup bill to make it easier to use SB9 to build up to 2 duplexes on a lot in a single family zone.

SB 1123 - Allows up to 10 homes to be built on vacant single family zoned lots.

SB 1211 - Increasing the number of detached ADUs allowed on multifamily properties.

SB 1395 – Extends and expands CEQA exemption for Low Barrier Navigation Centers (housing for homeless individuals that allow partners, pets, possessions, and privacy)

Fees

AB 2430 - Bans cities from charging a monitoring fee for inclusionary units.

AB 2729 - Delays due date of school, park, road, etc. fees until home is complete.

SB 937 – Allows building permit fees to be paid when building is done, instead of before construction.

Affordable Housing

AB 1053 - Expands state loan program to cover construction loans, in addition to regular loans.

AB 2897 - Expands tax exemptions to subsidiaries of a community land trust.

AB 2926 - Requirements for owner of affordable housing where restrictions are about to expire and for which an offer to buy has been made by someone wanting to extend affordability. Owner has to either sell to them, or hold the property but extend affordability themselves.

SB 440 - Allows local governments to join together and create regional housing finance agencies.

SB 1140 - Makes it easier to form an Enhanced Infrastructure Financing District.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Varies based on action.

POSSIBLE FUTURE ACTION

Discuss if any local action is needed on any of the issues covered by the new state laws.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Varies based on action.