



Housing Advisory Commission

Regular Meeting Thursday, January 15, 2026 7:00 pm	South Berkeley Senior Center 2939 Ellis Street Snow Zhu, 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 Acknowledgment** (Attachment 1)
3. **Agenda Approval**
4. **Public Comment**
5. **Approval of October 9, 2025 Regular Meeting Minutes** (Attachment 2)
6. **Approval of November 6, 2025 Regular Meeting Minutes** (Attachment 3)
7. **Receive Presentation on Exterior Elevated Elements Inspection Program (E3) – Staff/All**
8. **Appeal of Citation for 2210 Vine Street regarding Exterior Elevated Elements Violation – Staff/Appellant/All** (Attachment 4)
9. **Appeal of Determination by Building Official for 1615 Fairview Street regarding the Applicability of Exterior Elevated Elements Inspection Requirement – Staff/Appellant/All** (Attachments 5-8)
10. **Discussion and Possible Action: Feedback on State Legislative Priorities – All** (Attachment 9)
11. **Update on Council Items (Future Dates Subject to Change)**
12. **Announcements/Information Items**
 - a. Commissioner Income-Qualifying Stipend (Attachment 10)
13. **Future Items**
 - a. Officer Elections
14. **Adjourn**

Attachments

1. Land Acknowledgment
2. Draft October 9, 2025 Regular Meeting Minutes
3. Draft November 6, 2025 Regular Meeting Minutes
4. Galadriel Burr, Planning and Development: Building & Safety Division, Citation Appeal for 2210 Vine Street
 - a. Administrative Record (Attachment 1 of Staff Report)
 - b. State and Local Exterior Elevated Elements Legislation (Attachment 2 of Staff Report)
 - BMC 19.40.040 Section 404 Structural Maintenance
 - California Health and Safety Code Section 17973
5. David A. Lopez and Galadriel Burr, Planning and Development: Building & Safety Division, Appeal of Determination by Building Official for 1615 Fairview St regarding the Applicability of Exterior Elevated Elements Inspection Requirement
 - a. Appeal from Mr. Marowitz (Attachment 1 of Staff Report)
 - b. Building Official Determination (Attachment 2 of Staff Report)
 - c. State and Local Exterior Elevated Elements Legislation (Attachment 3 of Staff Report):
 - BMC 19.40.040 Section 404 Structural Maintenance
 - California Health and Safety Code Section 17973
 - d. Building and Safety Division Miscellaneous (Attachment 4 of Staff Report)
 - e. Administrative Record and Email Correspondence between Mr. Marowitz and Building and Safety staff (Attachment 5 of Staff Report)
6. Andrew Marowitz, 1615 Fairview Street Appellant, Appeal Documents
7. Andrew Marowitz, 1615 Fairview Street Appellant, RHSP Exemption Form
8. Andrew Marowitz, 1615 Fairview Street Appellant, Email Record and Images
9. Snow Zhu, HHCS, Feedback on State Legislative Priorities
10. Mark Numainville, City Clerk, Commission Low-Income Stipend Update

Correspondence

1. Carol Denney, Letter to HAC

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:

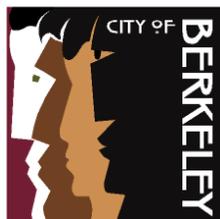


To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

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 DRAFT MINUTES

Regular Meeting Thursday, October 9, 2025 7:02 pm	South Berkeley Senior Center 2939 Ellis Street Snow Zhu, Secretary HAC@berkeleyca.gov
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1. Roll Call

Present: Sarah Bell (arrived at 7:04 pm), Syrak Micael, Debbie Potter, David Shere (arrived at 7:04 pm), Leah Simon-Weisberg, and Alfred Twu.

Absent: Karen Haycox (excused), Sean Vaughn Scott (unexcused).

Staff Present: Lourdes Chang, Mike Uberti, and Snow Zhu.

Commissioners in attendance: 6 of 7.

Members of the public: 3

Public Speakers: 0

2. Land Acknowledgement

3. Agenda Approval

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

Vote: Ayes: Micael, Potter, Simon-Weisberg, and Twu. Noes: None. Abstain: None.
Absent: Bell, Haycox, Shere, Scott.

4. Public Comment

There were zero speakers during public comment.

5. Approval of September 4, 2025 Regular Meeting Minutes

Action: M/S/C (Bell/Twu) to approve the September 4, 2025 Regular Meeting minutes.

Vote: Ayes: Bell, Micael, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Haycox, Scott.

7. Discussion and Possible Action: Loan Modification Requests for Housing Trust Fund Loans at 2577 San Pablo Avenue (Margaret Breland Homes) and 3250 Sacramento Street (Mable Howard Apartments)

Action: M/S/C (Simon-Weisberg/Twu) to recommend City Council to:

1. Approve the transfer of two existing Housing Trust Fund (HTF) properties – Margaret Breland Homes and Mable Howard Apartments - to Berkeley Senior Recap, L.P. (Partnership), a newly formed ownership entity for the purpose of applying for Low-Income Housing Tax Credits (LIHTC). An affiliate of Resources for Community

Development will serve as the Managing General Partner, with a tax credit investor to be identified at the close of the construction loan.

2. Approve the addition of the future tax credit investor limited partner to enter Berkeley Senior Recap, L.P. at the construction closing as required by the LIHTC program.

3. Approve the extension of the City's current loan terms to new 55-year periods, and conversion of the current interest rates of 6% to the Applicable Federal Rate (AFR) as determined at the month of the construction loan closing (currently about 4.8%)

4. Authorize the City Manager or their designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.

Vote: Ayes: Bell, Micael, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Haycox, Scott.

8. Receive Presentation on Displacement Prevention and Housing Preservation

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

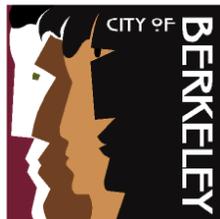
10. Announcements/Information Items

11. Future Items

12. Adjourn

Action: M/S/C (Simon-Weisberg/Shere) to adjourn at 8:51 pm.

Vote: Ayes: Bell, Micael, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Haycox, Scott.



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

DRAFT MINUTES

Regular Meeting Thursday, November 6, 2025 7:01 pm	South Berkeley Senior Center 2939 Ellis Street Snow Zhu, Secretary HAC@berkeleyca.gov
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1. Roll Call

Present: Sarah Bell, Karen Haycox, Syrak Micael, Debbie Potter (Arrived: 7:07), Sean Vaughn Scott, Leah Simon-Weisberg, and Alfred Twu.

Absent: David Shere (excused).

Staff Present: Asavari Devadiga, Kelly deWolfe, Anjanette Scott, and Snow Zhu.

Commissioners in attendance: 7 of 8.

Members of the public: 8

Public Speakers: 0

2. Land Acknowledgement

3. Agenda Approval

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

Vote: Ayes: Bell, Haycox, Micael, Scott, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Shere.

4. Public Comment

There were zero speakers during public comment.

5. Approval of October 9, 2025 Regular Meeting Minutes

6. Discussion and Possible Action to Extend Funding Reservations for Housing Trust Fund Projects at 1909-2919 Ninth St (Ashby Lofts) and 2556 Haste St (Supportive Housing in People's Park), 1708 Harmon St (Ephesian Legacy Court), and North Berkeley BART Station

Public Speakers: 2

Action: M/S/C (Simon-Weisberg/Potter) to recommend that City Council extend the duration of the previously approved funding reservations for Housing Trust Fund (HTF) projects by adopting a resolution to:

- 1) Reserve Housing Trust Funds and other currently available affordable housing funds, including local Measure O Bond funds, Measure U1 funds, Affordable Housing Mitigation Fees (AHMF), and State funds for the following projects:
 - Ashby Lofts (2909-2919 Ninth Street) at \$850,000;

- Supportive Housing in People’s Park (2556 Haste) at \$14,359,593;
 - Ephesian Legacy Court (1708 Harmon) at \$14,531,301; and
 - North Berkeley BART Project at \$21,500,000
- 2) Authorize the City Manager or designee to execute all original or amended documents or agreements to effectuate these actions.

For 2556 Haste St (Supportive Housing in People’s Park), the Housing Advisory Commission contends that having a developer in place is critical, and makes a recommendation that the selected developer (anticipated as Satellite Affordable Housing Associates) shall provide a presentation to the Housing Advisory Commission, and that the Housing Advisory Commission and City Council be provided updates on the project on a regular basis.

Vote: Ayes: Bell, Haycox, Micael, Potter, Scott, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Shere.

7. Receive Presentation on 2025 Small Sites Program

8. Discussion and Possible Action to Release Request for Proposals for Capacity Building for Emerging Nonprofit Affordable Housing Developers

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

- 1) Release a Request for Proposals (RFP) for \$400,000 (\$200,000 per year for fiscal years 2027 and 2028) to support capacity building for emerging nonprofit affordable housing developers; and
- 2) Authorize the City Manager or designee to execute all original or amended documents or agreements to effectuate these actions.

Vote: Ayes: Bell, Haycox, Micael, Potter, Scott, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Shere.

9. Discussion and Possible Action to Approve the 2026 Housing Advisory Commission Meeting Calendar

Action: M/S/C (Potter/Haycox) to approve the 2026 Housing Advisory Commission Meeting Calendar.

Vote: Ayes: Bell, Haycox, Micael, Scott, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Shere.

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

11. Announcements/Information Items

12. Future Items

13. Adjourn

Action: M/S/C (Bell/Scott) to adjourn at 8:58 pm.

Vote: Ayes: Bell, Haycox, Micael, Scott, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Shere.



Planning and Development Department
Building and Safety Division

STAFF REPORT

Date: January 15, 2026
To: Members of the Housing Advisory Commission
From: Galadriel Burr, Community Services Specialist III
Subject: Citation Appeal for 2210 Vine Street

RECOMMENDATION

Conduct a public hearing and, upon conclusion, deny the appeal and affirm the Building Officials determination that (1) 2210 Vine Street is not in compliance with the Exterior Elevated Elements (E3) Inspection Program, per Berkeley Municipal Code Section 19.40.040, and (2) uphold the Administrative Citation #10080, issued May 4, 2023 for \$500.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley Municipal Code and State Law requires owners of buildings of Group R-1 and R-2 Occupancies, as defined in the currently adopted Berkeley Building Code, with existing exterior elevated elements (E3), to retain the services of a licensed or certified professional to verify that the existing exterior elevated elements are in general safe condition and do not exhibit signs of deterioration.

The Housing Advisory Committee serves as the Board of Appeals to hear and decide appeals of any notice and order or any action of the Building Official under the Housing Code, pursuant to BMC Chapter 19.44.

The building at 2210 Vine St. is a three-unit apartment house, R-2 Occupancy Building, also known as a multifamily residential building. State law requires that all buildings containing three or more dwelling units with existing exterior elevated elements be inspected on a 6-year cycle, excluding condominium projects, which are required to be inspected on a 9-year cycle. The laws apply to buildings with existing exterior elevated elements six feet or more above grade, regardless of whether the building is owner-occupied, tenant-occupied or vacant.

The owners of 2210 Vine Street are appealing Citation #10080 because they have two vacant rental units and they have indicated they do not plan to rent them. The exterior elevated elements on the property are stairways providing secondary access to the vacant second floor

apartments. State and City law do not exempt buildings with vacant dwelling units from E3 Inspection Program requirements.

BACKGROUND

Following the tragic collapse of a balcony at 2020 Kittredge Street in 2015, the City of Berkeley passed a requirement that all buildings with three or more dwelling units and exterior elevated elements be inspected by a licensed professional on a cyclical basis to prevent future structural failures causing fatalities and injuries. In 2018, the State of California adopted a similar requirement. Berkeley's requirement is codified in BMC 19.40.040 Section 404. When first enacted, Berkeley's law required owners to have their E3 inspected every three years. It was amended to change the frequency to every five years, then amended again to align with state law, which set an inspection frequency for existing multifamily properties of every six years, and every nine years for condominium projects.

E3 Inspection Program Case and Citation History

On April 3, 2022, Thomas and Martha Viola emailed E3 Program staff stating "This email is to acknowledge our failure to meet our E3 compliance deadline of March 31, 2022, and to request an extension. It was our belief that since the two rental units are vacant, and we have no intention of renting them out, we would be eligible for an exemption. It appears that is not the case. At issue are two metal staircases that provide secondary access to the upstairs apartments. One of these has enough corrosion to impact its ability to pass inspection. We are in the process of finding someone to remediate the problem, and allow us to pass our E3 inspection."

Per BMC 19.40.040, Inspection Certification forms were due March 31, 2022. The deadline was subsequently extended twice, once to May 31, 2022, and then again to December 14, 2022, to provide owners with additional time to comply. In 2023, Thomas and Martha Viola were cited three times for failure to submit an E3 Inspection Certification form by the designated E3 cycle deadline. The three citations include Citation #9924 issued February 15, 2023 (\$250), Citation #10080 issued May 4, 2023 (\$500), and Citation #10233 issued September 28, 2023 (\$1,000).

On May 12, 2025, Thomas and Martha Viola were issued Citation #10920 (\$250) for failure to submit an E3 Inspection Certification Form by the March 28, 2025 deadline, and on November 10, 2025, were issued Citation #E00000294 (\$500).

On Nov 25, 2025, the Building and Safety Division received a Request for Hearing on Administrative Citation #E00000294 (\$500) stating this was the owner's sixth attempt to request a hearing. Building & Safety staff had previously received documentation regarding the October 2023 hearing request for Administrative Citation #10233, but it was not submitted within the 21 day deadline. Program staff recently became aware of the May 2023 hearing request for Citation #10080, but have no record of other timely hearing requests submitted by the owners of 2210 Vine Street.

The appellants were cited five times under the E3 Inspection Program and paid all five citations. Given that the owners of 2210 Vine Street were not granted the appeal rights they

were due in 2023, staff have rescinded four of the previously issued citations. This hearing is to retroactively address the May 2023 hearing request regarding Citation #10080 for \$500.

As of today, an E3 Inspection Certification Form has not been received for the current E3 cycle and staff have no record of corrective work being completed. 2210 Vine Street is not compliant with State and local E3 inspection requirements.

RATIONALE FOR THE RECOMMENDATION

The issues raised in the appellant's request for a hearing on administrative citation #10080 and staff's responses are detailed below.

ISSUE 1: The elements in question are two metal stairways that provide secondary access to second floor apartments.

RESPONSE 1: All exterior elevated elements (including stairways) six feet or more above grade in buildings with three or more dwelling units are subject to E3 inspection requirements.

ISSUE 2: These stairways are no longer in use as these units have been vacant for some time.

RESPONSE 2: The inspection requirement applies whether units are vacant or occupied. State and City law do not exempt buildings with exterior elevated elements that serve vacant units. The stairs are existing and need to be inspected. The stairs could potentially be used by guests, delivery people or other potential users.

ISSUE 3: We are no longer in the rental business. These units will not be rented while we are owners.

RESPONSE 3: E3 inspections are required for R-1 and R-2 occupancies regardless of whether they are occupied by tenants or owners. There are no exemptions for owner-occupied properties or vacant units under Health and Safety Code Section 17973 or Berkeley Municipal Code (BMC) Section 19.40.040.

CONCLUSION

The Exterior Elevated Elements (E3) Program is mandated by BMC 19.40.040 and California Health and Safety Code 17973. Staff find no procedural irregularities or statutory basis for fee reduction or exemption. All property owners in Berkeley with buildings containing three or more dwelling units and exterior elevated elements—at least six feet above grade, regardless of whether units are rented, vacant or owner-occupied—are required to retain the services of a licensed or certified professional to inspect the exterior elevated elements and complete and sign an E3 Inspection Certification form. If corrective work is identified, owners must also complete the corrective work and resubmit the inspection certification form. The inspection requirement applies to multifamily properties and condominium projects, whether vacant, rented or owner-occupied. The property at 2210 Vine St. is an existing R-2 Occupancy Building as defined in the Berkeley Building Code with three dwelling units and existing E3 elements.

Staff recommends the HAC uphold the May 4, 2023 citation issued to the property owners of 2210 Vine Street for noncompliance with the E3 Inspection program.

Attachments:

1: Administrative Record

2: State and Local Exterior Elevated Elements Legislation:

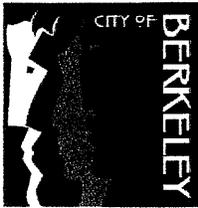
- BMC 19.40.040 Section 404 Structural Maintenance
- California Health and Safety Code Section 17973

INDEX TO ADMINISTRATIVE RECORD

2210 Vine St

Prepared: December 18, 2025

	DOCUMENT	DATE	PAGE	# of pages
APPEAL				
1	Request for Hearing on Administrative Citation #10080 issued 5/4/2023	5/22/2023	6	1
2	Postmark confirming appeal timely submitted within 21 days	5/23/2023	7	1
3	Notice of Administrative Citation and Citation 10080	5/4/2023	8	2
REMAINDER OF ADMINISTRATIVE RECORD				
4	Notification of E3 Inspection Requirement	6/30/2021	10	1
5	Email from Thomas and Martha Viola requesting extension and acknowledging E3 issues	4/3/2022	11	1
6	Compliance Reminder	4/5/2022	12	1
7	Notice of Violation and Warning of Administrative Citation	2/27/2025	13	1
8	Citation History		14	1
9	Notice of Administrative Citation and Citation 9924	2/15/2023	15	2
10	Notice of Administrative Citation and Citation 10233	9/28/2023	17	2
11	Email from Thomas and Martha Viola stating no responses received to appeals, stating property is not a rental	10/12/2023	19	1
12	Request for Hearing on Administrative Citation #10233 issued 9/28/2023	10/18/2023	20	1
13	Postmark indicated appeal was not submitted within 21 days	10/20/2023	21	1
14	Notice of Violation and Warning of Administrative Citation	2/27/2025	22	1
15	Notice of Administrative Citation and Citation 10910	5/12/2025	23	2
16	Notice of Administrative Citation and Citation Citation E00000294	11/10/2025	25	3
17	Request for Hearing on Administrative Citation #E00000294 issued 11/10/25 with date stamp indicating receipt on 11/25/25	11/20/2025	28	1



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.: 10080

Citation Issue Date: 5/4/23

Name: VIOLA, MARTIN M & THOMAS

Phone: 510-847-7455

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):

THIS IS OUR SECOND REQUEST FOR A HEARING. THE FIRST
WAS FILED 3/17/23 AT THE CUSTOMER SERVICE CENTER.
NO RESPONSE WAS RECEIVED. 2210 VINE ST. IS NO
LONGER A RENTAL PROPERTY. THE TWO UPSTAIRS APARTMENTS
ARE LONG VACANT. THE RENTAL BUSINESS LICENSE HAS
BEEN TERMINATED. THE EXTERIOR ELEVATED ELEMENTS
ARE NO LONGER IN USE.

DESPITE THE FACT THAT FINANCIAL HAS NOT SENT AN INVOICE

I have submitted the full amount of the citation as a required advance deposit in the amount of
\$ 500

(Signature of Contesting Party)

Date: 5/22/23

For City Manager's Department Use Only:

Received _____ Postmark Date _____

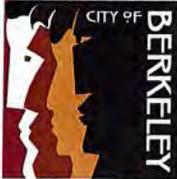
- Appeal Approved: Hearing Scheduled
- Appeal Denied: Not Timely (More than 14 days of the citation issue date)
- Insufficient Deposit

NOTICE OF ADMINISTRATIVE CITATION

APN: 059 225600200

ADDRESS: 2210 VINE ST

Case #: H2021-02026



Planning & Development Department
 Building & Safety Division
Housing Code Enforcement

CERTIFIED MAIL (Original Only)

May 4, 2023

VIOLA MARTHA M & THOMAS TRS
 2210 VINE ST A
 BERKELEY, CA 94709

Dear Berkeley Property Owner,

On February 15, 2023, you were issued an administrative citation for failure to comply with the Exterior Elevated Elements (E3) Inspection requirement. Per Berkeley Municipal Code (BMC) 19.40.040, Section 404.A, you were required to hire a licensed professional to inspect the exterior elevated elements and submit the required Inspection Certification form attesting that all exterior elevated elements at **2210 VINE ST** are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern, and confirm there is no evidence of active water intrusion in concealed spaces of the inspected elements. Inspection Certification forms were due March 31, 2022, and the deadline was extended twice, once to May 31, 2022 and then again to December 14, 2022 to provide owners with additional time to comply.

Properties subject to the Exterior Elevated Elements inspection requirement must have the inspection performed by the designated deadline for each six-year cycle. The due date was established in the Berkeley Municipal Code as January 14, 2016 with *cyclical inspections to be completed by March 31, 2022 and every six years thereafter*. The deadline is not based on the date of an owner's previous submission. If an owner was late in meeting the January 16, 2016 deadline, they were still required to submit an inspection certification form by the current cycle's deadline.

As of May 1, 2023, an Inspection Certification form has not been received by this office and you are being issued a \$500 Administrative Citation for violation of Section 19.40.040 of the Berkeley Municipal Code. Additional fines of increasing amounts may be issued on a monthly basis until your property is brought into compliance with E3 Inspection requirements. You are required to submit payment for the amount of the penalty shown on the citation. If you fail to pay the fine imposed in this citation on or before the due date, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

If corrective work is needed, submit the Inspection Certification form with the box checked stating that corrective work is required. Complete the work and submit a new Inspection Certification form. If a building permit is required, owners must apply for a permit within 60 days of the date of the inspection certification, respond to plan check comments (if any) within 10 days of the date of the correction letter, obtain a permit within 10 days of notification of plan approval and complete all work within 90 days of permit issuance.

If you have already submitted an Inspection Certification **for this cycle**, or if you believe this citation was issued in error, please contact us immediately by phone (510) 981-5444 or by email at E3@cityofberkeley.info. For additional information, including Frequently Asked Questions (FAQs), guidelines and periodic updates, please visit www.berkeleyca.gov (search: *Exterior Elevated Elements*).

Sincerely,
 Galadriel Burr
 Community Services Specialist III

Enclosures: Administrative Citation



CITY OF BERKELEY
ADMINISTRATIVE CITATION
Citation No. 10080

CITATION ISSUED:

Name VIOLA MARTHA M & THOMAS TRS

Address 2210 VINE ST A City BERKELEY State CA Zip Code 94709

VIOLATION

Location of violation: 2210 VINE ST

05/04/2023

_____ m.

S M T W **(T)** F S

Date(s) of Violation(s)

Time

Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.40.040	Failure to submit (E3) Inspection Certification Form.	\$500	Yes	30 Days
Total Penalty	\$500.00			

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 Galadriel Burr **Department** Planning & Development

Citing Officer Signature *Galadriel Burr* **Date** 05/04/2023



Planning & Development Department
 Building & Safety Division
Housing Code Enforcement

HAC 01/15/2025
EXTERIOR ELEVATED ELEMENTS (E3)
INSPECTION PROGRAM

Parcel Number: 059 225600200
 2210 VINE ST
 Case #: H2021-02026

June 30, 2021



2**841*****SCH 5-DIGIT 94705
 Viola Martha M & Thomas Trs
 2210 Vine St Apt A
 Berkeley CA 94709-1596

Dear Property Owner:

As the owner of 2210 VINE ST , a building with three or more residential units and exterior elevated elements in Berkeley, you are required to have those elements inspected and certified every five years per Section 19.40.035 of the Berkeley Municipal Code. As the registered owner, you must retain the services of a licensed professional to inspect the property and submit the Inspection Certification verifying your property is in compliance by **March 31, 2022**. The licensed professional may submit the form online at www.cityofberkeley.info/E3.

If corrective work is needed, submit the Inspection Certification with the appropriate box checked stating that corrective work is required. You must then have the corrective work completed and resubmit a new Inspection Certification to fully comply. Owners completing corrective work must apply for a permit within 60 days of the date of the certification, respond to plan check comments within 10 days of the date of the correction letter, obtain a building permit within 10 days of notification of plan approval and complete all work within 90 days of permit issuance.

Please note that failure to submit an Inspection Certification verifying the building is in compliance may result in code enforcement proceedings including but not limited to administrative citations and penalty fees under Berkeley Municipal Code Chapters 19.40 and 1.28.

You are required to have an inspection of exterior elevated elements performed during each five-year cycle of the Exterior Elevated Elements Program and to submit an Inspection Certification to the City. Certifications submitted to the City in the previous five-year cycle (January 14, 2016 to January 14, 2021) will not meet the second cycle's compliance deadline. Please submit a certificate of compliance from a licensed professional by March 31, 2022.

To submit the inspection certification online and for additional information, including Frequently Asked Questions (FAQs), guidelines and periodic updates, please visit www.cityofberkeley.info/E3/.

Enclosures: Inspection Certification Form

From: [Tom Viola](#)
To: [HCE](#)
Subject: case#H2021-02026
Date: Sunday, April 3, 2022 3:29:33 PM

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.

HCE staff,

This email is to acknowledge our failure to meet our E3 compliance deadline of March 31, 2022, and to request an extension. It was our belief that since the two rental units are vacant, and we have no intention of renting them out, we would be eligible for an exemption. It appears that is not the case. At issue are two metal staircases that provide secondary access to the upstairs apartments. One of these has enough corrosion to impact its ability to pass inspection. We are in the process of finding someone to remediate the problem, and allow us to pass our E3 inspection.

Thomas & Martha Viola

2210 Vine st Apt A

Berkeley Ca. 94709

Case# H2021-02026



Planning & Development Department
 Building & Safety Division
 Housing Code Enforcement

**EXTERIOR ELEVATED ELEMENTS (E3)
 INSPECTION PROGRAM
 COMPLIANCE REMINDER**
 Parcel Number: H2021-02026
 2210 VINE ST
 CASE: 059 225600200

April 5, 2022

2**585*****SCH 5-DIGIT 94705
 Viola Martha M & Thomas Trs
 2210 Vine St # A
 Berkeley, CA 94709-1596



**EXTERIOR ELEVATED ELEMENTS (E3) INSPECTION PROGRAM
 COMPLIANCE DATE HAS BEEN EXTENDED TO MAY 31, 2022**

(PLEASE DISREGARD THIS NOTICE IF YOU HAVE ALREADY SUBMITTED AN INSPECTION CERTIFICATION)

RE: Property located at 2210 VINE ST

Dear Berkeley Property Owner:

This is a reminder of the requirement to recertify your property at 2210 VINE ST with the City's Exterior Elevated Elements (E3) Inspection Program. Buildings with three or more units and exterior elevated elements are required to have these elements inspected and certified every five years per Chapter 19.40.035, Section 601.4 of the Berkeley Municipal Code. Our letter dated June 30, 2021, provided a due date of March 31, 2022, to retain the services of a licensed professional to inspect the exterior elevated elements at your property and submit the Inspection Certification verifying your property is in compliance. The City has extended this due date to **May 31, 2022**.

Property owners are required to have an inspection of exterior elevated elements performed during each five-year cycle and to submit an Inspection Certification to the City. Certifications submitted to the City prior to January 14, 2021, to comply with the January 14, 2016, deadline for the initial 5-year cycle do not comply with the second cycle's inspection requirement. Please submit a certificate of compliance from a licensed professional by **May 31, 2022**.

The licensed professional you hire may complete the form online at www.cityofberkeley.info/E3 or submit the form by mail to our office. If corrective work is needed, submit the Inspection Certification with the appropriate box checked stating that corrective work is required. You must complete the corrective work and resubmit a new Inspection Certification to fully comply. If corrective work is needed, owners must apply for a building permit within 60 days of the date of the certification, respond to plan check comments (if any) within 10 days of the date of the correction letter, obtain a building permit within 10 days of notification of plan approval and complete all work within 90 days of permit issuance.

Please note that failure to submit an Inspection Certification by **May 31, 2022** verifying the building is in compliance may result in code enforcement proceedings including but not limited to administrative citations under Berkeley Municipal Code Chapters 1.28 and 19.40.

For additional information, including Frequently Asked Questions (FAQs), guidelines and periodic updates, please visit www.cityofberkeley.info/E3/.

February 27, 2025

VIOLA MARTHA M (TE)/VIOLA THOMAS (TE)
2210 VINE ST APT A
BERKELEY, CA 94709

**RE: NOTICE OF VIOLATION AND WARNING OF ADMINISTRATIVE CITATION FOR
2210 VINE ST**

Dear Property Owner:

This is to notify you that you are in violation of Section 19.40.040 of Berkeley Municipal Code (BMC), which requires owners of buildings with three or more dwelling or sleeping units to hire a licensed or certified professional to inspect the building's exterior elevated elements and verify that the elements are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there is no evidence of active water intrusion in concealed spaces of the inspected elements. Per BMC 19.40.040, cyclical inspections shall be completed by March 31, 2022 and every six years thereafter.

If corrective work is required to be in full compliance with the E3 Inspection Program, you must complete all corrective work and also resubmit a new Inspection Certification form. As of the date of this letter, an Inspection Certification form has not been received by the City certifying that your building's exterior elevated elements are in a general safe condition and free of deterioration that could pose a safety hazard.

If you do not submit an E3 Inspection Certification form verifying all exterior elevated elements are in good working order within 30 days of the date of this letter, you may receive an administrative citation of \$250. Additional fines of increasing amounts may be issued subsequently on a monthly basis until you have your property inspected and submit an Inspection Certification form. You have until March 28, 2025 to submit your Inspection Certification form.

The City of Berkeley has notified property owners how to comply with the Exterior Elevated Elements (E3) Inspection requirements. 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.

For additional information, please visit the City of Berkeley website at <https://berkeleyca.gov/doing-business/operating-berkeley/landlords/exterior-elevated-elements-inspection-program-e3>

Sincerely,



Galadriel Burr
Community Services Specialist III
Building and Safety Division

CITATION HISTORY – 2210 VINE ST

CITATION DATE	CITATION #	CITATION AMOUNT	STATUS
February 15, 2023	9924	\$250	Rescinded
May 4, 2023	10080	\$500	Appealed for review by the HAC
September 28, 2023	10233	\$1,000	Rescinded
May 12, 2025	10910	\$250	Rescinded
November 10, 2025	E00000294	\$500	Rescinded

February 15, 2023

VIOLA MARTHA M & THOMAS TRS
2210 VINE ST A
BERKELEY, CA 94709

Dear Berkeley Property Owner,

On October 19, 2022, you were issued a Final Notice to Comply with the Exterior Elevated Elements (E3) Inspection requirement. Per Berkeley Municipal Code (BMC) 19.40.040, Section 404.A, you were required to hire a licensed professional to inspect the exterior elevated elements and submit the required Inspection Certification form attesting that all exterior elevated elements at **2210 VINE ST** are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern, and confirm there is no evidence of active water intrusion in concealed spaces of the inspected elements. Inspection Certification forms were due March 31, 2022, and the deadline was extended twice, once to May 31 and then again to December 14, 2022 to provide owners with additional time to comply.

Properties subject to the Exterior Elevated Elements inspection requirement must have the inspection performed by the designated deadline for each six-year cycle. The due date was established in the Berkeley Municipal Code as January 14, 2016 with *cyclical inspections to be completed by March 31, 2022 and every six years thereafter*. The deadline is not based on the date of an owner's previous submission. If an owner was late in meeting the January 16, 2016 deadline, they were still required to submit an inspection certification form by the current cycle's deadline.

Notifications were sent June 30, 2021 and April 5, 2022 explaining E3 Program Inspection requirements and warning of potential code enforcement proceedings, including but not limited to the issuance of administrative citations. **As of February 9, 2023, an Inspection Certification form has not been received by this office and you are being issued a \$250 Administrative Citation for violation of Section 19.40.040 of the Berkeley Municipal Code.** Additional fines of increasing amounts may be issued on a monthly basis until your property is brought into compliance with E3 Inspection requirements. You are required to submit payment for the amount of the penalty shown on the citation. If you fail to pay the fine imposed in this citation on or before the due date, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

If corrective work is needed, submit the Inspection Certification form with the box checked stating that corrective work is required. Complete the work and submit a new Inspection Certification form. If a building permit is required, owners must apply for a permit within 60 days of the date of the inspection certification, respond to plan check comments (if any) within 10 days of the date of the correction letter, obtain a permit within 10 days of notification of plan approval and complete all work within 90 days of permit issuance.

If you have already submitted an Inspection Certification **for this cycle**, or if you believe this citation was issued in error, please contact us immediately by phone (510) 981-5444 or by email at E3@cityofberkeley.info. For additional information, including Frequently Asked Questions (FAQs), guidelines and periodic updates, please visit www.berkeleyca.gov (search: *Exterior Elevated Elements*).

Sincerely,
Galadriel Burr
Community Services Specialist III

Enclosures: Administrative Citation
cc:



CITY OF BERKELEY
ADMINISTRATIVE CITATION
Citation No. 9924

CITATION ISSUED:

Name VIOLA MARTHA M & THOMAS TRS

Address 2210 VINE ST A City BERKELEY State CA Zip Code 94709

VIOLATION

Location of violation: 2210 VINE ST

02/15/2023

_____ m.

S M T W T F S

Date(s) of Violation(s)

Time

Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.40.040	Failure to submit (E3) Inspection Certification Form.	\$250	Yes	30 Days
Total Penalty	\$250.00			

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 Galadriel Burr Department Planning & Development

Citing Officer Signature *Galadriel Burr* Date 02/15/2023

September 28, 2023

VIOLA MARTHA M & THOMAS TRS
2210 VINE ST A
BERKELEY, CA 94709

Dear Berkeley Property Owner,

On May 4, 2023, you were issued an administrative citation for failure to comply with the Exterior Elevated Elements (E3) Inspection requirement. Per Berkeley Municipal Code (BMC) 19.40.040, Section 404.A, you were required to hire a licensed professional to inspect the exterior elevated elements and submit the required Inspection Certification form attesting that all exterior elevated elements at **2210 VINE ST** are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern, and confirm there is no evidence of active water intrusion in concealed spaces of the inspected elements. Inspection Certification forms were due March 31, 2022, and the deadline was extended twice, once to May 31, 2022 and then again to December 14, 2022 to provide owners with additional time to comply.

Properties subject to the Exterior Elevated Elements inspection requirement must have the inspection performed by the designated deadline for each six-year cycle. The due date was established in the Berkeley Municipal Code as January 14, 2016 with *cyclical inspections to be completed by March 31, 2022 and every six years thereafter*. The deadline is not based on the date of an owner's previous submission. If an owner was late in meeting the January 16, 2016 deadline, they were still required to submit an inspection certification form by the current cycle's deadline.

As of September 26, 2023, an Inspection Certification form has not been received by this office and you are being issued a \$1,000 Administrative Citation for violation of Section 19.40.040 of the Berkeley Municipal Code. Additional fines of increasing amounts may be issued on a monthly basis until your property is brought into compliance with E3 Inspection requirements. You are required to submit payment for the amount of the penalty shown on the citation. If you fail to pay the fine imposed in this citation on or before the due date, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

If corrective work is needed, submit the Inspection Certification form with the box checked stating that corrective work is required. Complete the work and submit a new Inspection Certification form. An exterior elevated element that the inspector advises poses an immediate threat to the safety of the occupants, or finds preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition and the owner of the building shall perform required preventive measures immediately. For all other corrective work requiring a building permit, owners must apply for a permit within 120 days of the date of the inspection certification, respond to plan check comments (if any) within 10 days of the date of the correction letter, obtain a permit within 10 days of notification of plan approval and complete all work within 120 days of permit approval.

If you have already submitted an Inspection Certification **for this cycle**, or if you believe this citation was issued in error, please contact us immediately by phone (510) 981-5444 or by email at E3@cityofberkeley.info. For additional information, including Frequently Asked Questions (FAQs), guidelines and periodic updates, please visit www.berkeleyca.gov (*search: Exterior Elevated Elements*).

Sincerely,
Galadriel Burr
Community Services Specialist III



CITY OF BERKELEY
ADMINISTRATIVE CITATION
Citation No. 10233

CITATION ISSUED:

Name VIOLA MARTHA M & THOMAS TRS

Address 2210 VINE ST A City BERKELEY State CA Zip Code 94709

VIOLATION

Location of violation: 2210 VINE ST

09/28/2023

_____ m.

S M T W T F S

Date(s) of Violation(s)

Time

Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.40.040	Failure to submit (E3) Inspection Certification Form.	\$1000	Yes	30 Days
Total Penalty	\$1000.00			

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 Galadriel Burr Department Planning & Development

Citing Officer Signature *Galadriel Burr* Date 09/28/2023

From: [Tom Viola](#)
To: [E3](#)
Subject: Case # H2021-02026
Date: Thursday, October 12, 2023 2:59:49 PM

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.

We have received citation #10233 and it will be paid. Included with payment of our three previous citations were appeals for a hearing on this issue, but we received no response to these written requests. Unfortunately, I overlooked this email address in the past. Hopefully, this email will help us obtain the desired hearing.

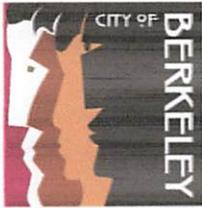
2210 Vine St. is no longer a rental property. The Exterior Elements in question are secondary access to the two upstairs apartments. These apartments are long vacant. We have allowed our Business License for rental of real property to expire. These apartments will never be rented again under our ownership. The staircases are no longer in use.

Hopefully, this communication will help resolve this issue.

Thomas & Martha Viola

2210 Vine St.

Berkeley Ca. 94709



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.: 10233
Name: VIOLA, MARTHA & THOMAS

Citation Issue Date: 9/28/23
Phone: 510-847-7455

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):

AS I HAVE WRITTEN THREE TIMES PREVIOUSLY, OUR HOME IS NO LONGER A RENTAL PROPERTY AND THE EXTENSION ELEMENTS IN QUESTION ARE NO LONGER IN USE. WE HAVE YET TO RECEIVE ANY RESPONSE TO OUR APPEAL REQUEST. THIS DOES NOT SEEM RIGHT. CITATION CLEARLY STATES WE ARE ENTITLED TO AN APPEAL.

I have submitted the full amount of the citation as a required advance deposit in the amount of \$ 1000.

(Signature of Contesting Party)

Date: 10/18/23

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



Mr. and Mrs. Tom Viola
Apt A
2210 Vine St
Berkeley, CA 94709-1596

OAKLAND CA 945

20 OCT 2023 PM 4 L

HAG 01/15/2025
Attachment 4a



LUNAR NEW YEAR
* FOREVER USA *

CITY OF BERKELEY
FINANCE CUSTOMER SERVICE CTR.
1947 CENTER ST.
BERKELEY CA. 94704

HAC PAGE 26

94704-116999



February 27, 2025

VIOLA MARTHA M (TE)/VIOLA THOMAS (TE)
2210 VINE ST APT A
BERKELEY, CA 94709

**RE: NOTICE OF VIOLATION AND WARNING OF ADMINISTRATIVE CITATION FOR
2210 VINE ST**

Dear Property Owner:

This is to notify you that you are in violation of Section 19.40.040 of Berkeley Municipal Code (BMC), which requires owners of buildings with three or more dwelling or sleeping units to hire a licensed or certified professional to inspect the building's exterior elevated elements and verify that the elements are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there is no evidence of active water intrusion in concealed spaces of the inspected elements. Per BMC 19.40.040, cyclical inspections shall be completed by March 31, 2022 and every six years thereafter.

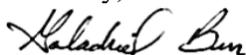
If corrective work is required to be in full compliance with the E3 Inspection Program, you must complete all corrective work and also resubmit a new Inspection Certification form. As of the date of this letter, an Inspection Certification form has not been received by the City certifying that your building's exterior elevated elements are in a general safe condition and free of deterioration that could pose a safety hazard.

If you do not submit an E3 Inspection Certification form verifying all exterior elevated elements are in good working order within 30 days of the date of this letter, you may receive an administrative citation of \$250. Additional fines of increasing amounts may be issued subsequently on a monthly basis until you have your property inspected and submit an Inspection Certification form. You have until March 28, 2025 to submit your Inspection Certification form.

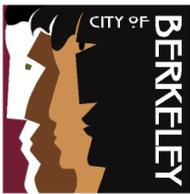
The City of Berkeley has notified property owners how to comply with the Exterior Elevated Elements (E3) Inspection requirements. If you fail to pay the citation penalties, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

For additional information, please visit the City of Berkeley website at <https://berkeleyca.gov/doing-business/operating-berkeley/landlords/exterior-elevated-elements-inspection-program-e3>

Sincerely,



Galadriel Burr
Community Services Specialist III
Building and Safety Division



Planning & Development Department
Building & Safety Division
E3 Inspection Program

NOTICE OF ADMINISTRATIVE CITATION
APN: 059 225600200 Attachment 4a
ADDRESS: 2210 VINE ST, Berkeley, CA
Case #: H2021-02026

CERTIFIED MAIL (Original Only)

05/12/2025

VIOLA MARTHA M (TE)/VIOLA THOMAS (TE)
2210 VINE ST APT A
BERKELEY, CA 94709

Dear Berkeley Property Owner,

Per Berkeley Municipal Code (BMC) 19.40.040, Section 404.A, you were required to hire a licensed professional to inspect the exterior elevated elements at **2210 VINE ST, Berkeley, CA** and submit the required Inspection Certification form verifying that all exterior elevated elements are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern, and confirm there is no evidence of active water intrusion in concealed spaces of the inspected elements. Inspection Certification forms were due March 31, 2022, and the deadline was extended twice, once to May 31, 2022 and then again to December 14, 2022 to provide owners with additional time to comply.

Properties subject to the Exterior Elevated Elements inspection requirement must have the inspection performed by the designated deadline for each six-year cycle. The due date was established in the Berkeley Municipal Code as January 14, 2016 with *cyclical inspections to be completed by March 31, 2022 and every six years thereafter*. The deadline is not based on the date of an owner's previous submission.

If corrective work is needed, please submit the Inspection Certification form with the box checked stating that corrective work is required. Complete the work and submit a *new* Inspection Certification form verifying all exterior elevated elements are in good working order. Any exterior elevated elements posing an immediate threat to the safety of the occupants, or preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition and the owner of the building shall perform required preventive measures immediately. For all other corrective work requiring a building permit, owners must apply for a permit within 120 days of the date of the inspection certification, respond to plan check comments (if any) within 10 days of the date of the correction letter, obtain a permit within 10 days of notification of plan approval and complete all work within 120 days of permit approval.

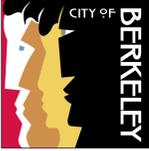
As of April 28, 2024, an Inspection Certification form verifying all exterior elevated elements are in good working order has not been received by this office and you are being issued a \$250 Administrative Citation for violation of Section 19.40.040 of the Berkeley Municipal Code.

Additional fines of increasing amounts may be issued on a monthly basis until your property is brought into compliance with E3 Inspection requirements. You are required to submit payment for the amount of the penalty shown on the citation. If you fail to pay the fine imposed in this citation on or before the due date, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

If you have already submitted an Inspection Certification **for this cycle**, or if you believe this citation was issued in error, please contact us immediately by phone (510) 981-5444 or by email at E3@berkeleyca.gov. For additional information, including Frequently Asked Questions (FAQs), guidelines and periodic updates, please visit www.berkeleyca.gov (search: *Exterior Elevated Elements*).

Sincerely,
Galadriel Burr
Community Services Specialist III

Enclosures: Administrative Citation



E3 Inspection Program
Building and Safety Division
Planning and Development

NOTICE OF ADMINISTRATIVE CITATION

APN: 059 225600200

ADDRESS: 2210 VINE ST

Case #: EEE21-002026

CERTIFIED MAIL (Original Only)

11/10/2025

MARTHA M and THOMAS VIOLA
2210 VINE ST APT A
BERKELEY CA 94709-1596

Dear Berkeley Property Owner,

Per Berkeley Municipal Code (BMC) 19.40.040 you were required to hire a licensed or certified professional to inspect the exterior elevated elements and submit the required Inspection Certification form attesting that the E3 elements at 2210 VINE ST are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern, and confirm there is no evidence of active water intrusion in concealed spaces of the inspected elements.

Properties subject to the E3 inspection requirement must have the inspection performed by the designated deadline for each six-year cycle. The due date was established in the Berkeley Municipal Code as January 14, 2016 with *cyclical inspections to be completed by March 31, 2022 and every six years thereafter*. The deadline is not based on the date of an owner's previous submission. If an owner is late in meeting the previous E3 Inspection Cycle deadline, they are still required to submit an inspection certification form by the current cycle's deadline.

As of 11/10/2025, an Inspection Certification form has not been received by this office certifying the exterior elevated elements are in good working order and you are being issued a \$500.00 Administrative Citation for violation of Section 19.40.040 of the Berkeley Municipal Code.

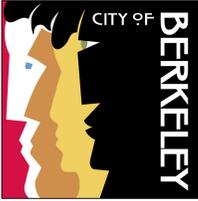
Additional fines of increasing amounts may be issued on a monthly basis until your property is brought into compliance with E3 Inspection requirements. You are required to submit payment for the amount of the penalty shown on the citation. If you fail to pay the fine imposed in this citation on or before the due date, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

If you have already submitted an Inspection Certification for this inspection cycle, or if you believe this citation was issued in error, please contact us immediately by phone (510) 981-7491 or by email at E3@berkeleyca.gov. For additional information, including Frequently Asked Questions (FAQs), guidelines and periodic updates, please visit www.berkeleyca.gov (*search: Exterior Elevated Elements*).

Sincerely,

A handwritten signature in blue ink that reads 'Galadriel Burr'.

Galadriel Burr
Community Services Specialist III



CITY OF BERKELEY
ADMINISTRATIVE CITATION
Citation No: E00000294

CITATION ISSUED

Name: MARTHA M and THOMAS VIOLA
Address: 2210 VINE ST APT A City: BERKELEY State: CA Zip Code: 94709-1596

VIOLATION

Location of Violation: 2210 VINE ST

11/10/2025

_____ m.

S (M) T W T F S

Date(s) of Violation(s)

Time

Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.40.040	Failure to submit (E3) Inspection Certification Form.	500.00	Yes	30 Days
Total Penalty	500.00			

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."

Citing Officer Name Galadriel Burr

Department Planning & Development

Citing Officer Signature: *Galadriel Burr*

Date 11/07/2025

Pay Online with Credit Card or Echeck Using QR Code



To pay online scan the QR Code or go to www.citizenserve.com/berkeley and login with the credentials below. Click the Make a Payment option. We've assigned you the following temporary username and password:

User Name: XAYRCW255
Password: EMXG343

If you are not paying online, please detach and return bottom portion with payment. **Write your E3 Account # on your check.** Make checks payable to City of Berkeley. If you have a change of address, you can update your address on the portal or include your new address with payment.

Mail To:
RHSP Payment Processing
1947 Center Street, 3rd Floor
Berkeley, CA 94704

Drop Box:
Located in the 1st floor lobby
1947 Center St
Just inside the front entrance
on the left by the service elevator

Payment Information:
E3#: EEE21-002026
2210 VINE ST
Due Date: 11/10/2025
Total Due: 500.00

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.

Online: Go to <https://www.citizenserve.com/berkeley> click **PAY A CITATION**, you'll need your citation number **E00000294** to complete payment.

Mail: Please list E3# **EEE21-002026** on the citation invoice on the memo of the check and make the check payable to the City of Berkeley. Mail to City of Berkeley, E3 Payments, 1947 Center St, 3rd Floor, Berkeley CA 94704.

In Person: City of Berkeley, 1947 Center Street, 1st Floor, Berkeley, CA 94704. Once you enter the building, turn left before the staircase. The drop box, labeled Rental Housing Safety Program Payments, is on your right, in front of the service elevator.

FILING AN APPEAL

If you intend to appeal this citation, you must submit your appeal to the Building Official within thirty days from the date of the service of this citation, unless a shorter appeal time is indicated above. Pursuant to BMC 19.44.040, the appeal should include: a brief statement of the appellant's legal interest in the property; the specific order or action being contested and any material facts to support the contentions; a brief statement of the relief sought; signatures of all parties appealing the action and their official mailing addresses; as well as a verification of at least one appellant as to the truth of the information provided in the appeal. The appeal 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 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 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. At the hearing, you may testify and present evidence concerning the citation, within the parameters set by BMC Section 19.44.040 and 19.44.070. **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.**

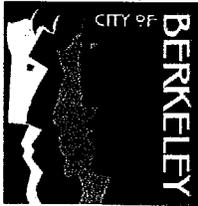
MORE INFORMATION

This citation was issued under the authority of Berkeley Municipal Code (BMC) Chapter 1.28 and 19.44. You may review the BMC at the City Clerk's Office at 2180 Milvia Street, Berkeley, California 94704, at the Berkeley Public Library, or on the City's website at: <https://berkeley.municipalcodes/BMC/>.

BMC Section Violated

Certificate of Correction (signature)

Date



Office of the City Manager

HOUSING CODE ENFORCEMENT
RCVD NOV 25 2025

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.: E0000294
Name: THOMAS AND MARTHA VIOLA

Citation Issue Date: 11/10/2025
Phone: 510-845-3022

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):

THIS IS OUR SIXTH REQUEST FOR A HEARING. NONE OF
THE PREVIOUS REQUESTS HAVE BEEN ACKNOWLEDGED. THE
ELEMENTAL QUESTION ARE TWO METAL STAIRWAYS THAT
PROVIDE SECONDARY ACCESS TO SECOND FLOOR APARTMENTS.
THESE UNITS HAVE BEEN VACANT FOR SOME TIME. WE ARE
NO LONGER IN THE RENTAL BUSINESS. THESE UNITS WILL NOT
BE RENTED WHILE WE ARE OWNERS. THESE STAIRWAY ARE
NO LONGER IN USE.

I have submitted the full amount of the citation as a required advance deposit in the amount of
\$ 500.

Thomas Viola
(Signature of Contesting Party)
Date: 11/20/25

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

19.40.040 Structural Requirements.

404--Structural Maintenance

A. Pursuant to the requirements of Health and Safety Code Section [17973](#) (inspection deadlines in subsection (d) notwithstanding) projecting exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof in weather-exposed areas of Group R-1 and R-2 Occupancies, as defined in the most recent edition of the California Building Code, shall be inspected within six months of adoption of this section, and every six years thereafter by a licensed general contractor, licensed architect, licensed civil or structural engineer, or certified building inspector or building official who are not employees of the City of Berkeley to verify that the elements are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there is no evidence of active water intrusion in concealed spaces of the inspected elements. The inspection schedule set forth above shall apply retroactively to the original enactment of the City's Exterior Elevated Elements inspection program on July 14, 2015; cyclical inspections shall be completed by March 31, 2022 and every six years thereafter.

B. Pursuant to the requirements of Code of Civil Procedure Section [5551](#), projecting exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof in weather-exposed areas of condominium projects containing 3 or more dwelling units shall be inspected by January 1, 2025, and then at least once every nine years. The inspection shall be conducted by a licensed structural engineer or architect of a random and statistically significant sample of exterior elevated elements for which the association has maintenance or repair responsibility.

The inspection reports shall comply with the requirements of Health and Safety Code Section [17973](#) Subsections (c) and (d). The property owner shall be responsible for complying with the repair requirements set forth in Health and Safety Code Section [17973](#) Subsections (g), (h) and (i). Property owners shall provide proof of compliance with this section by submitting an affidavit form provided by the City. The affidavit shall be signed by the responsible inspecting party and submitted to the Housing Code Enforcement Office. If the inspector indicates corrective work is required, a second affidavit form shall be submitted once the work is completed. For the purpose of this section, elevated "weather-exposed areas" mean those areas which are not interior building areas, extend beyond exterior walls and are located more

than six feet above adjacent grade. For newly constructed residential buildings, inspections shall occur no later than six years following issuance of the Certificate of Occupancy for such buildings. (Ord. 7840-NS § 2, 2022)


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HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION [17910 - 17998.3] (*Part 1.5 added by Stats. 1961, Ch. 1844.*)

CHAPTER 5. Administration and Enforcement [17960 - 17992] (*Chapter 5 added by Stats. 1961, Ch. 1844.*)

ARTICLE 2.2. Exterior Elevated Elements: Inspections. [17973- 17973.] (*Article 2.2 added by Stats. 2018, Ch. 445, Sec. 2.*)

17973. (a) Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected. The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the "A," "B," or "C-5" license classifications issued by the Contractors State License Board, with a minimum of five years' experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. These individuals shall not be employed by the local jurisdiction while performing these inspections. The purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered. The person or business performing the inspection shall be hired by the owner of the building.

(b) For purposes of this section, the following terms have the following definitions:

(1) "Associated waterproofing elements" include flashings, membranes, coatings, and sealants that protect the load-bearing components of exterior elevated elements from exposure to water and the elements.

(2) "Exterior elevated element" means the following types of structures, including their supports and railings: balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support or stability of the exterior elevated element.

(3) "Load-bearing components" are those components that extend beyond the exterior walls of the building to deliver structural loads from the exterior elevated element to the building.

(c) The inspection required by this section shall at a minimum include:

(1) Identification of each type of exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

(2) Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements identified in paragraph (1) using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. For purposes of this section, a sample of at least 15 percent of each type of exterior elevated element shall be inspected.

(3) The evaluation and assessment shall address each of the following as of the date of the evaluation:

(A) The current condition of the exterior elevated elements.

(B) Expectations of future performance and projected service life.

(C) Recommendations of any further inspection necessary.

(4) A written report of the evaluation stamped or signed by the inspector presented to the owner of the building or the owner's designated agent within 45 days of completion of the inspection. The report shall include photographs, any test results, and narrative sufficient to establish a baseline of the condition of the components inspected that can be compared to the results of subsequent inspections. In addition to the evaluation required by this section, the report shall advise which, if any, exterior elevated element poses an immediate threat to the safety of the occupants, and whether preventing occupant access or conducting emergency repairs, including shoring, are necessary.

(d) (1) The inspection shall be completed by January 1, 2026, and by January 1 every six years thereafter. The inspector conducting the inspection shall produce an initial report pursuant to paragraph (4) of subdivision (c) and, if requested by the owner, a final report indicating that any required repairs have been completed. A copy of any report that recommends immediate repairs, advises that any building assembly poses an immediate threat to the safety of the occupants, or that preventing occupant access or emergency repairs, including shoring, are necessary, shall be provided by the inspector to the owner of the building and to the local enforcement agency within 15 days of completion of the report. Subsequent inspection reports shall incorporate copies of prior inspection reports, including the locations of the exterior elevated elements inspected. Local enforcement agencies may determine whether any additional information is to be provided in the report and may require a copy of the initial or final reports, or both, be submitted to the local jurisdiction. Copies of all inspection reports shall be maintained in the building owner's permanent records for not less than two inspection cycles, and shall be disclosed and delivered to the buyer at the time of any subsequent sale of the building.

(2) Notwithstanding paragraph (1), if the owner of the building confirms the presence of asbestos containing material (ACM) during the inspection process and is unable to complete the inspection as a result, the owner of the building shall have up to nine months to complete the necessary ACM abatement in accordance with applicable federal, state, and local laws. Upon completion of ACM abatement, the owner of the building shall have no more than three months to complete the inspection in paragraph (1). The owner of the building shall retain records confirming the presence of ACM and its abatement for three years after completion of the inspection.

(e) The inspection of buildings for which a building permit application has been submitted on or after January 1, 2019, shall occur no later than six years following issuance of a certificate of occupancy from the local jurisdiction and shall otherwise comply with the provisions of this section.

(f) If the property was inspected within three years prior to January 1, 2019, by an inspector as described in subdivision (a) and a report of that inspector was issued stating that the exterior elevated elements and associated waterproofing elements are in proper working condition and do not pose a threat to the health and safety of the public, no new inspection pursuant to this section shall be required until January 1, 2026.

(g) An exterior elevated element found by the inspector that is in need of repair or replacement shall be corrected by the owner of the building. All necessary permits for repair or replacement shall be obtained from the local jurisdiction. All repair and replacement work shall be performed by a qualified and licensed contractor in compliance with all of the following:

(1) The recommendations of a licensed professional described in subdivision (a).

(2) Any applicable manufacturer's specifications.

(3) The California Building Standards Code, consistent with subdivision (d) of Section 17922 of the Health and Safety Code.

(4) All local jurisdictional requirements.

(h) (1) An exterior elevated element that the inspector advises poses an immediate threat to the safety of the occupants, or finds preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition and the owner of the building shall perform required preventive measures immediately. Immediately preventing occupant access to the exterior elevated element until emergency repairs can be completed constitutes compliance with this paragraph. Repairs of emergency conditions shall comply with the requirements of subdivision (g), be inspected by the inspector, and reported to the local enforcement agency.

(2) The owner of the building requiring corrective work to an exterior elevated element that, in the opinion of the inspector, does not pose an immediate threat to the safety of the occupants, shall apply for a permit within 120

days of receipt of the inspection report. Once the permit is approved, the owner of the building shall have 120 days to make the repairs unless an extension of time is granted by the local enforcement agency.

- (i) (1) The owner of the building shall be responsible for complying with the requirements of this section.
- (2) If the owner of the building does not comply with the repair requirements within 180 days, the inspector shall notify the local enforcement agency and the owner of the building. If within 30 days of the date of the notice the repairs are not completed, the owner of the building shall be assessed a civil penalty based on the fee schedule set by the local authority of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day until the repairs are completed, unless an extension of time is granted by the local enforcement agency.
- (3) In the event that a civil penalty is assessed pursuant to this section, a building safety lien may be recorded in the county recorder's office by the local jurisdiction in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.
- (j) (1) A building safety lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the street address, the legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the building.
- (2) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in paragraph (1) shall be recorded by the governmental agency. A safety lien and the release of the lien shall be indexed in the grantor-grantee index.
- (3) A building safety lien may be foreclosed by an action brought by the appropriate local jurisdiction for a money judgment.
- (4) Notwithstanding any other law, the county recorder may impose a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the owner of the building. A city may recover from the owner of the building any costs incurred regarding the processing and recording of the lien and providing notice to the owner of the building as part of its foreclosure action to enforce the lien.
- (k) The continued and ongoing maintenance of exterior elevated elements in a safe and functional condition in compliance with these provisions shall be the responsibility of the owner of the building.
- (l) Local enforcement agencies shall have the ability to recover enforcement costs associated with the requirements of this section.
- (m) For any building subject to the provisions of this section that is proposed for conversion to condominiums to be sold to the public after January 1, 2019, the inspection required by this section shall be conducted prior to the first close of escrow of a separate interest in the project and shall include the inspector's recommendations for repair or replacement of any exterior elevated element found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, and would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants. The inspection report and written confirmation by the inspector that any repairs or replacements recommended by the inspector have been completed shall be submitted to the Department of Real Estate by the proponent of the conversion and shall be a condition to the issuance of the final public report. A complete copy of the inspection report and written confirmation by the inspector that any repairs or replacements recommended by the inspector have been completed shall be included with the written statement of defects required by Section 1134 of the Civil Code, and provided to the local jurisdiction in which the project is located. The inspection, report, and confirmation of completed repairs shall be a condition of the issuance of a final inspection or certificate of occupancy by the local jurisdiction.
- (n) This section shall not apply to a common interest development, as defined in Section 4100 of the Civil Code.
- (o) The governing body of any city, county, or city and county, may enact ordinances or laws imposing requirements greater than those imposed by this section.
- (Amended by Stats. 2025, Ch. 22, Sec. 32. (AB 130) Effective June 30, 2025.)*



Planning and Development Department
Building and Safety Division

STAFF REPORT

Date: January 15, 2026

To: Members of the Housing Advisory Commission

From: David A. Lopez, Chief Building Official, Building and Safety Division Manager
Galadriel Burr, Community Services Specialist III

Subject: Appeal of Determination by Building Official for 1615 Fairview St regarding the Applicability of Exterior Elevated Elements Inspection Requirement

RECOMMENDATION

Conduct a public hearing and, upon conclusion, deny the appeal and affirm the Building Official's determination that (1) 1615 Fairview Street is not in compliance with the Exterior Elevated Elements (E3) Inspection Program and (2) uphold the associated fees consistent with Council-adopted policy and State law.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley Municipal Code and State Law requires owners of buildings of Group R-1 and R-2 Occupancies, as defined in the most recent edition of the California Building Code, with existing exterior elevated elements, to retain the services of a licensed professional to verify that the existing exterior elevated elements are in general safe condition and do not exhibit signs of deterioration.

On October 9, 2025, the Building Official sent a determination to Andrew Marowitz, which is summarized below. The complete determination is included as Attachment 2.

Summary of Determination of the Building Official

The Building Official determined that the property at 1615 Fairview Street contains four dwelling units, is classified as an R-2 occupancy and is not exempt from E3 inspection requirements, regardless of owner occupancy. The owner was directed to provide a completed inspection certification form by October 16 (extendable to November 14 upon proof of hiring a qualified professional), or face citations for noncompliance.

On Oct 27, 2025 Mr. Marowitz, the legal property owner of 1615 Fairview St., appealed the Building Official's determination regarding the applicability of the Exterior Elevated Elements

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inspection requirement. The Housing Advisory Committee serves as the Board of Appeals to hear and decide appeals of any notice and order or any action of the Building Official under the Housing Code, pursuant to BMC Chapter 19.44.

Staff researched and confirmed that the building at 1615 Fairview St. is, in fact, a four-unit building and therefore is considered an R-2 Occupancy Building and a Multifamily Dwelling Building. State law requires E3 inspections in all buildings containing three or more multifamily dwelling units with existing E3 elements. The laws apply to buildings with existing exterior elevated elements six feet or more above grade, regardless of whether they are owner-occupied, tenant-occupied or vacant. Mr. Marowitz asserts that the E3 requirement does not apply to his property, since the exterior elevated elements were part of an owner-occupied unit. State and City law do not exempt dwelling units that are owner occupied. Even condominium buildings with three or more condominiums, considered an R-2 occupancy, are required to certify that existing E3 elements are certified safe per [California Civil Code Division 4, Part 5, Chapter 7, Article 3 Section 5551](#). Condominiums are for the most part owner occupied.

BACKGROUND

Following the tragic collapse of a balcony at 2020 Kittredge St. in 2015, the City of Berkeley passed a requirement that all buildings with three or more dwelling units and exterior elevated elements be inspected by a licensed professional on a cyclical basis to prevent future structural failures from causing fatalities and injuries. In 2018, the State of California adopted a similar requirement. Berkeley's requirement is codified in BMC 19.40.040 Section 404. When first enacted, Berkeley's law required owners to have their E3 inspected every three years. It was amended to change the frequency to every five years, then amended again to align with state law, which set an inspection frequency for existing multifamily rental properties every six years.

E3 Inspection Program – Case History

In 2016, Mr. Marowitz submitted an E3 Exemption Declaration Form, signed March 1, 2016, declaring under penalty of perjury under the laws of the State of California that Inspection Certification requirements do not apply to his property at 1615 Fairview St because:

- “Wood-framed or steel-framed exterior elements (i.e. exterior balconies, decks, stairs, landings, terraces, walkways, guardrails, handrails, or similar appurtenances) elevated more than six feet above adjacent grade DO NOT EXIST at this building.”

Subsequently, Mr. Marowitz submitted an E3 Inspection Certification form signed by a licensed professional on June 30, 2016, verifying that the building at 1615 Fairview is, in fact, a four-unit apartment house with exterior elevated elements subject to the City of Berkeley's E3 Inspection Program. The completed 2016 E3 Inspection Certification form brought 1615 Fairview into compliance with the 2016 E3 Inspection cycle.

Under the 2021 E3 Inspection cycle, Mr. Marowitz again submitted an E3 Exemption Declaration Form, signed August 1, 2021, declaring under penalty of perjury under the laws of the State of California that Inspection Certification requirements do not apply to his property at 1615 Fairview St because:

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1. “Wood-framed or steel-framed exterior elements (i.e. exterior balconies, decks, stairs, landings, terraces, walkways, guardrails, handrails, or similar appurtenances) elevated more than six feet above adjacent grade DO NOT EXIST at this building”
2. “This building is not an R-1 or R-2 occupancy. It does not have 3 or more dwelling units and is not one of the other building types listed above. (Please note, R-1 and R-2 occupancies as defined in the California Building Code do not correspond to Berkeley’s R-1 and R-2 zoning districts.)”
3. Mr. Marowitz also checked the box indicating the building type to be “Residential Condo Building” and added a notation that the building is a “Multi-Unit Home House”.

Subsequently, Mr. Marowitz did not submit a completed E3 Inspection Certification form signed by a licensed professional for the 2021 E3 Inspection Cycle.

On September 16, 2025 staff issued a Notice of Violation and Warning of Administrative Citation to notify Mr. Marowitz that he was in violation of Section 19.40.040 of the Berkeley Municipal Code, which requires owners of buildings with three or more dwelling or sleeping units to retain the services of a licensed or certified professional to inspect the building’s exterior elevated elements and verify that the elements are in general safe condition. Mr. Marowitz was given until October 16, 2025 to comply with the Notice of Violation. The exemption declaration and inspection certification forms submitted and the Notice of Violation and Warning of Administrative Citation are part of the administrative record, Attachment 5.

In response to the Notice of Violation and Warning of Administrative Citation, Mr. Marowitz submitted a letter to staff on September 25, 2025, stating Apartment #4 does have exterior elevated elements, but is exempt from E3 Inspection Program requirements because it is owner occupied. On October 9, 2025, the Building Official sent a determination to Mr. Marowitz regarding 1615 Fairview and E3 Inspection requirements under Health and Safety Code (HSC) 17973 and Berkeley Municipal Code (BMC) Section 19.40.040.

RATIONALE FOR THE RECOMMENDATION

The issues raised in the appellant’s letter (Attachment 1) and staff’s responses are detailed below. For the sake of brevity, the appeal issues are summarized and not restated in their entirety, with duplicative points combined.

ISSUE 1: The Rental Housing Safety Program (RHSP) exempts units from inspections if they are owner occupied. The appellant asserts that this exemption should also apply to the E3 program.

RESPONSE 1: The E3 inspection program has no relation to the Rental Housing Safety Program, so any exemptions applicable to RHSP are irrelevant to E3 inspections. California Health and Safety Code (HSC), Article 2.2. requires that “Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected.” These inspections are required regardless of whether they are occupied by tenants or owners. There are no exemptions for owner-occupied properties or vacant units under Health and Safety Code Section 17973 or Berkeley Municipal Code (BMC) Section 19.40.040. State law requires owner-occupied units, including condominiums, to

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comply with the inspection certification requirement by hiring a licensed professional to do an inspection of exterior elevated elements.

The Rental Housing Safety Program is a separate program which conducts inspections of rental units for compliance with the Berkeley Housing Code to ensure tenant safety. While that program does exempt owner-occupied units from housing inspections, such exemption carries no relevance with the present issue.

ISSUE 2: The appellant contends the 2015 Berkeley balcony collapse was caused partly by occupant overload overcrowding, not moisture intrusion. He argues the City ignored this factor and used the tragedy to justify the costly E3 program, which he says serves mainly as a revenue generator benefiting staff salaries rather than safety.

RESPONSE 2: The design of the balcony that tragically failed at the Kittredge Street building was found to have been compliant with the building code it was constructed under. Investigations by subject matter experts found dry-rot and water intrusion to be the cause of the balcony collapse.

Regardless of the details of the tragedy that precipitated the adoption of local and state legislation that underly the E3 program, the City of Berkeley's Building and Safety Division is responsible for enforcing those local and state codes and have done so correctly in this case.

Revenues collected by the E3 program are restricted to program administration.

ISSUE 3: The appellant asserts that because he is low income and chooses not to rent out his rental units, his rental units should not be subject to compliance with the E3 program.

RESPONSE 3: The E3 program requirements apply to Group R-1 and R-2 occupancies with exterior elevated elements at least 6 feet above grade, regardless of the property owner's income level or whether units are rented, vacant or owner-occupied.

ISSUE 4: The appellant alleges the appeal fee of \$1,000 was arbitrarily decided upon by the Building Official.

RESPONSE 4: The \$1,000 Appeal of Building Official Determination fee is explicitly listed on the Planning Department fee schedule, adopted on June 17, 2025 by City Council with Resolution 71,834-N.S. The following explanation for the fee was included in the staff report for Council:

Appeals of Building Official Determinations. Certain decisions under the authority of the City Building Official are subject to appeal, including violations and penalties under BMC Chapter 19.40, the Housing Code. While not common, the City does on occasion receive appeals of these determinations, which requires staff to research and prepare hearing materials and the conduct of the hearing itself. The proposed rate for this new fee is \$1,000, representing four hours of staff time at the standard department hourly rate.

ISSUE 5: The appellant objects to the non-refundable nature of the \$1,000 fee and questions the impartiality of the Building Official and Commission. He requests that the Planning

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Commission order his appeal fee returned and state by ordinance that the appeal fee shall be specifically defined and a reasonable fee so an appeal is not deterred. He requests an exception or hardship exemption to reduce the appeal fee amount, because he is a low-income senior.

RESPONSE 5: The appeal fee was adopted by the City Council and was specifically defined. The fee is not refundable as its purpose is to offset the cost of staff time spent responding to the appeal.

There is no exception for low-income seniors. The appellant, by his own admission, has chosen not to rent the three other units in his property at 1615 Fairview Street.

In the Building Code, an unreasonable hardship exception is specific to mandated accessibility upgrades when alterations to a building are proposed under a building permit, and where the cost to comply with accessibility requirements would cost disproportionately to the overall cost of the project and only applies to non-residential public accommodations and public housing. See the California Building Code 11B-202.4 Exception 8. The miscellaneous fee to review unreasonable hardship exceptions does not apply to this case. For property owners appealing a citation, there is an advance deposit hardship waiver (BMC 1.28.070), but in this case, no administrative citation has been issued, so this does not apply.

ISSUE 6: The appellant expresses a desire to convert the four-plex into a single-family dwelling since he uses the other units only for storage, claims that state and local housing mandates (e.g., housing homeless people, released prisoners, and illegal immigrants) result in restrictions on his freedom, and characterizes these regulations as a government “taking” through over-regulation.

RESPONSE 6: Conversion from multi-unit to single-family occupancy requires discretionary zoning review and is generally prohibited under BMC 23.326 *Demolition and Dwelling Unit Controls*. Regardless, this has no bearing on or relevance to the Building Official’s determination of the need for an E3 inspection.

CONCLUSION

The appellant’s principal concerns relate to fees, hardship relief, and regulatory burden rather than error in interpretation of the regulations and enforcement. The Exterior Elevated Elements (E3) Program is mandated by BMC 19.40.040 and California Health and Safety Code 17973. Staff find no procedural irregularities or statutory basis for fee reduction or exemption. All property owners in Berkeley with buildings containing three or more dwelling units and exterior elevated elements are required to retain the services of a licensed professional to inspect the exterior elevated elements and complete and sign an E3 Inspection Certification form. The inspection requirement applies to multifamily rental properties as well as condominium projects. Mr. Marowitz’s property at 1615 Fairview St. is an existing R-2 Occupancy Building as defined in the Berkeley Building Code with four dwelling units. The building has existing E3 elements and does not meet the criteria for an exemption.

Due to the clarity of the law on this matter, staff recommends denying the appeal and affirming the Building Official’s determination to uphold enforcement of the Exterior Elevated Elements

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(E3) Inspection Program at 1615 Fairview Street and uphold associated fees consistent with Council-adopted policy and State law.

Attachments:

- 1: Appeal from Mr. Marowitz
- 2: Building Official Determination, included in email dated 10-9-25
- 3: State and Local Exterior Elevated Elements Legislation:
 - BMC 19.40.040 Section 404 Structural Maintenance
 - California Health and Safety Code Section 17973
- 4: Building and Safety Division Miscellaneous Fees, Page 8 from 2025 Planning Department Fee Schedule
- 5: Administrative Record and Email Correspondence between Mr. Marowitz and Building and Safety staff

Attachment 1 Appeal from Mr. Marowitz

To: Mr. David Lopez, Building Official City of Berkeley
CC: Mr. Ben Bartlett, City Council District 3
CC: Andrew Marowitz, Appellant/ Impacted Stakeholder/ Property Owner 1615 Fairview St.
Berkeley, CA 94703

Mr. Lopez:

Given that you intend to impose a \$1000 non compliance penalty fee on October 29th, 2025, after substantial thought and consideration, I am NOW preparing to Appeal, regardless of your truly obscene Appeal fee of \$1000, which is arbitrary and capricious on your part, as well as an undeniable deterrent to my original intentions to Appeal.

Accordingly, I will RE document and Re-Submit my Appeal and , **I will pay the \$1000 Appeal fee, though it will cause me to be unable to pay my property taxes in full. I will deliver the \$1000 Appeal Fee, UNDER EMPHATIC PROTEST AND OBJECTION ON MONDAY OCTOBER 27TH, 2025, AND HAND IT TO YOU OR THE INDIVIDUAL AT THE FRONT COUNTER 3RD FLOOR, IF YOU ARE UNABLE TO RECEIVE IT**

I will now prepare the various bases , in the form of bullet points, to set forth the NUMEROUS issues that you have generated, in addition to my bases for Appeal as to the EEE enforcement . You shall not mandate how the form of my Appeal should be prepared ,so that you can find fault with it.

1) I am Appealing based on you ,as building director have arbitrarily decided that the Appeal fee shall be \$1000, which is an overwhelming deterrent to anyone submitting an Appeal/. As previously stated by me, I discovered in your City Council Resolution Fee Schedule 71, 834 N.S. , dated July 17, 2025, on Page 5, Chapter XVII, under miscellaneous, " Any Fee NOT Explicitly Covered in This Fee Schedule, , shall have a Fee of \$250. You willfully disregarded that documented component, and arbitrarily stated that the Appeal would take hours and require 4 City employees. However, interestingly, I spoke only to Guilead Burr AND You. . Yet here you are saying Four people. If Four People will be involved and take numerous hours, then Ms. Burr AND YOU deprived me of Full and Complete Due Process, as addressed by the U.S. Constitution, under the 14th Amendment. However, this specific basis for Appeal will be addressed in detail later on in this Appeal.

2) I also asked you ,regarding 71,834 N.S. ,Page 5 Miscellaneous XVII, the guidelines for " UNREASONABLE HARDSHIP EXCEPTION". I asked you what was the criteria for eligibility, as I believe that I was financially eligible, being a low income senior citizen.

You responded by stating in your email, that you would need 3-5 days to provide said criteria. If you were immediately aware of the criteria, you would have disclosed it immediately in a few sentences. However, 3-5 days later, you responded by email, that the criteria, whatever it was, was only for Commercial Properties, and not for Residential Properties. Why did you delay that simple response? Of course, as building director, you made it up / created it to deny any opportunity by me, to be eligible for said exception. And then you followed up by stating that

you would not respond to any further emails. Ironically, you stated that ,simply, you follow the laws that the State and City ZCouncil provided to you. But tha5t was a lie. You fabricated this eleigibility issue, and imposed it on me, to motivate me, along with the \$1000 Appeal Fee, to falll in line and beggrudgingly comply with the EEE compliance mandate. You,sir, are abusing your authority, as City Council and the State laws, allow you to make artitrary and capricious determinations and interpretations, ANY WAY YOU WANT, without regard for the impact on the impacted property owner.. As such, you come off as a bully.

3) I am a low income senior, retired,, refuse to rent out my Berkeley property, because the City of Berkeley knowingly victimizes landlords, in so many ways, that being a landlord in the City of Berkeley is a most terrible experience, and no one in the City will even address said topic. Tjhere is a Tenant Protection Ordinance, but no Landlord Protection Ordinance,. There are a expansive mine field of Ordinances that benefit tenants, but there are no ordinances that benefit landlords, AND statutory attorney fees against landlords, if they fail to do, or do in violation , while there are no such statutory attorney fees that protect landlords. There is no equal protection, there is nothing that aids and benefots landlords, so I have refused to rent out my units, and as far as City Council and State laws, mum's the word. Eviction Moratorium? And then the Vacancy Parcel Tax, if a landlord was victimized. It is obscene and unjust, and no one addresses such injustices. It ought to be a crime, but it isn't. Tenants make up 65% of the voters, and our legislators cater to the majority of voters for re-election, so City Council will never raise a finger in support of landlords. Is that Corruption?

4) I raised and relied on the issues of the Rental Housing SAFETY Program, for it benefits to landlords, specifically, the Owner Occupoancy Exemption if he resides in a subject unit. I addressed the Owner's right to seld certify his property, based on a cprinted checklist, which includes the same EEE components. However, I spoke to the Supervising Housing Inspector, Andre Sineran (sp), and he states that you are his boss, so whatever you disctate, he will defer to (or you will descipline him) But that is an Abuse of Process, as the RHSP clearly provides an Owner with documented rights and protections, which you clearly refuse to recognize and willfully ignore as an arbitrary and capricious act, on your part, yet another arguable abuse and violation of Due Process.

5) When being addressed by Galadriel Burr, "Community Services Specialist III, When I asked the process of Appeal and the cost of Appeal, she indicated that she would forward my emails to her supervisor. I then asked her the name and title of the supervisor who she forwarded my emails to, and sjhe repeatedly failed / refused to respond. Anmd I am certain you are not her direct supervisor, which means that her supervisor, her manager, and the director of EEE were, somehow bypassed , when I was intending on following through on my intended Appeal. I have heard the names Jenson , as manager, I have not heard the name of her direct supervisor. I have heard the name of the ddirector of EEE as McNulty(?) and all of them ,apparently have you as their booss. Accordingly, arguably, I was deprived of Due Process by Ms.. Burr's direct supervisor, , Mr. Jensen , and Ms. McNulty/ McNealy? of a name that sounds similar.

So, how and why did my intended Appeal wind up on your desk/ for the building official attention, without any Due Process from these intermediate supervisors, manager, and directir of EEE? Is it becauseonly YOU, as bui;lding official, with unlimited interpretation and determination to decide any way youwant , any fee you might decide on, and decide what is and

isn't in the building services component of the City? I submit that the fact that I Ms. Burr, her direct supervisor, Mr. Jensen as EEE manager, and the Director of EEE all refused to address my concerns, refused to address my rights and protections of RHSP, and refused to provide me with an Appeal fee, all relate to a deprivation of my rights to Due Process, while you arbitrarily and capriciously impose a \$1000 Appeal fee, the same fee amount as non compliance penalty fee. I respectfully believe that you regularly abuse your authority, because the City and State have decided to not create specific detail of laws, ordinances and regulations, thereby allowing you to interpret any which way you want, and disregard the interests of the property owner, while benefitting the City, especially the revenues generated by the EEE program.

6) I elect to Appeal the fact that both the City and the State have arbitrarily chosen to disregard the truth, as it pertains to the tragic balcony collapse that occurred in 2015. The City stilled lawsuits for defective building standards, but no less significant, and perhaps more significant, the City and State never mentioned one word about the fact that the incident/ event occurred because there were at least 12 adults that were on that 4'x8' balcony at one time, a serious overload of load bearing weights, that, either in part, or in whole, caused the collapse of that balcony. according to the news article, six people died instantly and 6 others were critically injured. The weight of those people were more than 2000 pounds. The load was simply too much that is was major component, of the failure of that balcony. Yet there was not one word of mention of this component. I expect that pointing to this component was too emotionally a ugly issue, regardless of such truths. So, the City and the news pointed to a lack of caulk, leading to entry of moisture, leading to structure weakness, which was also a component, but not the root cause. I honestly believe the root cause was too many people and too much weight. Had there been 1/2/3/4 people on that balcony, on that fateful day, the collapse would never have occurred. Just like elevators, there should be warning signs, stating person and weight limits, but to this day, no such warning signs are posted, unlike elevators. This then, is yet another arguable failure that led to the collapse.

And, as building official, you arbitrarily refuse to address this issue, despite my requests that you calculate the load bearing limits of said balcony. Should such a balcony be sufficient to support a moving load of 2000 pounds, or more? Your refusal to address this issue is yet further irresponsibility and arbitrary discretion of the building official.

If my assessment is correct, then property owners are being unjustly subjected to thousands of dollars of cost burden to comply with EEE mandates. All the while, the EEE program is raking in millions of dollars of revenue to the general fund, allegedly to pay the cost of operation of the EEE program. But said costs are relatively minimal, but pays the salaries, benefits, and pensions of related city staff, as well as city wide staff general funding. I submit, this is one of dozens, if not hundred or more taxes, fees, and penalties for the City employee funding. This is especially unjust, if the source reason for the tragic incident was in part or in whole, the overload issue of that balcony.

It is unjust enrichment by the City to require property owners to pay and pay and pay for something that these well intended young adults unknowingly might have caused.

In fact, I inquired with you, as building official, why the Building Department refuses to engage in performing these same inspections. It would relieve property owners of the cost of hiring an independent 3rd party to inspect. Your response was the City doesn't have the manpower to inspect the EEE program. If question if that is the real reason. The Building Department doesn't want to engage in inspections, for the potential liability, if the inspection is

,somehow less than effective. The building department could 1) spread the workload amongst the RHSP personnel, the building inspectors, or even hire another inspector, on a temporary basis, to accommodate the workload. Isn't that the truth? The City, time and time again, has no problem making the size and cost of government larger and more expensive. Suddenly, on this concern, they cannot add an employee? That sounds pretty far fetched to me, by itself.

You have stated that you rely on State laws, but the truth is that you mix, match, apply to either and both State law and City Ordinances, whichever provides you with full and complete authority, to do and say, whatever you choose, in maximizing your authority and discretion, and, the property owner and the cost burden, be damned. Who cares how much this costs the burdened property? Not the building official, that is for certain. And much of the cost finds its way to City revenues, as previously stated, another revenue funding tool to pay for city staff, including, but not limited to, City employees having more paid holidays than any other city in the State, also dollar for dollar matching staff retirement funding, and also the benefit of working from home 2-3 days per week. Recently I observed a person, who was working from home, walking the dog 4 times a day, most likely to de-stress, but paid by the employer. Working from home, employees rarely pick up the phone when the public calls. calls back at THEIR convenience in 24/48 hours. And there is a ton of abuse, long breaks and lunches, bathroom breaks, cooking and washing, smoking whatever, drinking alcohol, naps, and the potential abuses are limitless. As a City employee myself, decades ago, as a City employee, just do the job, (4=5 hours a day maximum. All paid by taxpayers. In my opinion the City of Berkeley pampers and spoils City staff, all paid by ever rising taxes., but that is only an educated opinion. City staff, always say they work long and hard. As an ex-City employee, Why do I tend to disbelieve that?

7) If I were allowed to apply certain components of the Rental Housing SAFETY Program, my second floor flat, Apt. #4, as Owner Occupied, would be exempt. If my second floor flat were exempt, then the entire property would be exempt, as there are no EEE components on the first/ground floor that exceed the six foot height limits. In fact, the ground floor units #1/#2/ and #3 have no EEE elements at all, being two feet about the soil. Accordingly, I am Appealing on this basis. If I caused injury to myself as the sole occupant of #4, I couldn't and wouldn't file a lawsuit against myself. Yet the EEE department is adamant to mandate that I correct anything on the second floor, of which I am the sole occupant. All the while, the EEE program is generating millions of dollars in revenue. How many buildings are subjected to the mandates of the EEE program? Thousands? Fees, building permits, the cost of the 3rd party contractor, architect, engineer. I attempted to have a 3rd party inspector come and do a visual inspection. For an official inspection, the inspectors charge \$800-1000. The building Permit costs, minimum \$365, repairs and materials? I refuse to rent out my units, and will never do so, and waiting for interest rates to come down, and sell my property. So, my income is low, and I am a senior with low income? How can I afford these costs? I can't.. And what is depressing is the building official, and apparently, the City of Berkeley doesn't care in the least. What if there are some noteworthy corrections that are required to be addressed? What if the corrections cost \$10,000 or more? How could I possibly have the money to pay for such costs? I can't.. Will the building department place a lien on my property? Will they take my property, because I cannot afford to make such exorbitant corrections? This is also a basis for my Appeal.

8) The rules state that the Appeal Fee is non-refundable. But, what if the Building Official is arbitrarily charging an Appeal Fee that is obscenely too much. ie \$260?

I ask that the the Administrative authority, apparently, the Berkeley Planning Commission consider and / or order my Appeal fee refunded/ returned, and state by Ordinance, that the Appeal Fee shall be specifically and explicitly defined, and a reasonable fee, so that an Appeal is not deterred, as the building official has arbitrarily and unilaterally has decided. I believe that THIS was why the intended Appeal bypassed all of the intermediate staff, and went straight to the building official; because he, and only he has the authority to impose whatever fee he decides, and he calculates a deterrent of any Appeal. The building official should never have been involved until the Appeal was already in process. Accordingly, the supervisor, or the manager, or the EEE director should have set/decided on the amount of the Appeal fee, not the building Official. I asked Mr. Lopez to recuse himself, and to allow an independent individual, who would not be BIASED, to referee the processes of my Appeal, but, clearly, Mr. Lopez has refused. He enjoys his power, and his authority to decide any way and anyhow, that he chooses.

I wanted someone else who would be fair and impartial, as that is how the Due Process Rights work. But, Mr. Lopez, as Building Official, is anything BUT FAIR AND IMPARTIAL. It is a completely rigged game. Every employee within the building department answers to him, including the Rental Housing SAFETY program supervising Housing Inspector, and that individual will never disagree with Mr. Lopez, the Building Official. Accordingly, he defers to anything the Building Official decides, every time. THAT..., is NOT FAIR and/OR IMPARTIAL.

I respectfully, inquire, is the Planning Commission FAIR AND IMPARTIAL? Respectfully, under Due Process Rights, under the 14th Amendment, I am entitled to a Fair and Impartial Hearing/Appeal.. Respectfully, I am unsure if the Planning Commission is/ can be Fair and Impartial?

Accordingly, this is a basis for my Appeal.

9). Does the City / the Planning Commission regulations have a basis for allowing the subject property owner some form of Low Income Senior exception /exemption, that provides avoidancer of the cost budens of this extremely expensive program? Does the XVII Miscellanious provision of "Unreasonable Hardhip Exception " as stated in the Fee Schedule of City Council, under 71, 834 N.S. apply to me, as the subject property owner, especially when factoring in the totolity of the circumstances of Apartments #1/#2/and #3 as exempt from EEE as having no EEE components and the owner occupying the 2nd floor #4?

Aside from having to pay property taxes, my recurring expenses are Food and Drink, Fuel, Insurance, Internet, Utilities, , Vehicle Registration, and some etc.....

10) Another arguable issue in this dispute, that is valid, is that I could/ were allowed, I would prefer to convert my 4plex into a single family dwelling, as I treat it currently, using the three vacant units as storage only. But, as always the government runs the show, and my freedom to do what I wish with my property. But, instead, both the City and the WState refuse to allow me to downsize/ reduce to a single family dwelling, becaius of the housing shortage that the State has created, by housing the homeless who flooded California, housing early release jail inmates, because it costs the state too much money to maintain the prison system, anmd allowing/ require housing so many illegal immigrnats into the State of California. And so, government has taking control of my housing choices and oportunties. Freedom, or the lack thereof, just the way I

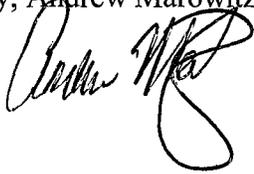
pictured it. I I have no say in my property, Only to put my name on the title, and to pay tax, after tax, after tax. Freedom? Where? Is this a Taking by over-regulation? The Courts have interpreted, NOT unless such a taking has caused my property and property value to lose 90%. What a disgraceful system we/I live in.

This is yet another basis for my Appeal, of course. I would very much choose to convert my building into a single family dwelling.

In closing, I just want to be left alone, in peace, in my property, that I live alone in, until I sell, or die, whichever comes first. But, government is simply not ever going to leave me alone. Government is paid and authorized to make people miserable, in particular property owners, with the never ending parcel taxes, Government is the owner of my property, when one strips away all the pretense and gets real. Freedom? Where. Local government taxes everything. There is no freedom. There is government authority, control, and a hundred different taxes, or fees, and/or penalties for not complying with government control and taxation. The majority of people's wallets are constantly near empty/ie living paycheck to paycheck. As such, life sucks, thanks to government.

This is a basis for Appealing, but no one in government is listening. or cares. Who is watching the watcher? Not the legislators. In my opinion, The legislators never say no to government. Government is not the public interest, it is government serving the interests of government, and embedding itself in the public interest.

Respectfully, Andrew Marowitz 510-356-6813



Attachment 2 Building Official Determination

E3 requirements for 1615 Fairview St.

From Lopez, David <dlopez@berkeleyca.gov>
Date Thu 10/9/2025 4:37 PM
To 'andrewmarowitz@sbcglobal.net' <andrewmarowitz@sbcglobal.net>
Cc Jensen, Jeff <JJensen@berkeleyca.gov>

 4 attachments (6 MB)

2025-09-16 E3 Warning Letter_1615 Fairview.pdf; 2016 Inspection Certification 052 154301400_1615 Fairview.pdf; 2016 ED 052 154301400_1615 Fairview.pdf; Property Detail Report_1615 Fairview St.pdf;

Good afternoon Mr. Marowitz,

Your numerous recent communications have been forwarded to me by staff. I understand that you were frustrated while awaiting my response.

First, I must address the tone of your communications to staff. Your messages have been unprofessional and discourteous. This is unacceptable. If similar communications continue, I will cease direct correspondence and refer the matter to my Director. City staff must be treated with respect.

Second, the information provided to you by Ms. Burr—both by email and in person—is accurate. She has reviewed your case with me, and I have confirmed that her guidance reflects the City's interpretation of applicable codes.

To clarify the matter: this is my formal determination. If you disagree, you may appeal my interpretation of the code in accordance with Berkeley Municipal Code (BMC) Title 19.28.020, Section 113 and 19.44. The notice of appeal shall be filed, along with the payment of the appeal fee, at my office within 30 days of this email and must contain the information listed in BMC Section 19.44.40.

1. There seems to be some confusion and comingling of Berkeley Municipal Code programs in your communications. You frequently refer to RHSP when addressing E3 compliance concerns. The two programs are two different and distinct programs. Ms. Burr is not associated with RHSP. She is only associated with the E3 program.
 - a. The Rental Housing Safety Program is tasked with enforcing the housing code and the City requires that all rental units in the City of Berkeley be inspected for conformance to the housing code per BMC 19.40. The authority is provided by the State under California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Sections 17910, 17920, and 17970, and other housing related Codes as adopted by the City.
 - i. Owner-occupied units are exempt from RHSP inspections because the program's intent is to protect tenants from substandard housing conditions.

- b. The Exterior Elevated Elements Program is tasked with enforcing State law found under California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973. The authority is given to us under BMC 19.40.040. The BMC requires, that all “projecting exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof in weather-exposed areas of Group R-1 and R-2 Occupancies, as defined in the most recent edition of the California Building Code, shall be inspected within six months of adoption of this section, and every six years thereafter.....” State law says, “Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected.” Multifamily dwelling unit building is defined as housing where multiple separate dwelling units for residential inhabitants are contained within one building.
- i. Buildings that contain three or more dwelling units are classified as R-2 occupancy buildings. The building at 1615 Fairview is considered an R-2 Occupancy building and it has been confirmed that the building contains three or more dwelling units.
 - ii. Both State law and City law do not exempt dwelling units that are owner occupied. Even condominium buildings with 3 or more condominiums, considered an R-2 occupancy, are required to certify that existing E3 elements are certified safe per California Civil Code Division 4, Part 5, Chapter 7, Article 3 Section 5551. Condominiums are for the most part owner occupied.

To answer your question of why aren't the EEE protocols addressed exactly the same way?

Nowhere in the E3 laws does it give the City any authority to exempt owner occupied dwellings in an R-2 building. The history of the program started when the tragic incident occurred on June 16, 2015 when the exterior balcony collapsed and 6 young people died and 7 others were injured. Immediately after, the City passed an emergency ordinance to require all E3 components in R-2 buildings to be inspected and certified. The State followed suit, and California regulations were signed into law requiring that E3 elements in R-2 buildings be inspected and certified. When an E3 component fails it can kill or injure the person using the E3 component. For this reason, E3 protocols are not addressed in the manner you would like. RHSP guidelines do not apply to the E3 program.

Regarding your insistence that the building is not an R-2 building and should be considered a family building: all our records and by your own admission clearly indicate that your building is a 4 unit building which is considered an R2 occupancy. Berkeley law uses the definition in the Berkeley Building Code to define R-2 buildings. Dwelling units in R-2 buildings are not exempt regardless of who lives in the dwelling or whether the units are vacant.

Regarding your insistence that you, as an owner, should be able to self-inspect your own property: State law is clear in who is to perform the inspection. Per California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973, “The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the “A,” “B,” or “C-5” license classifications issued by the Contractors State License Board, with a minimum of five years’ experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building

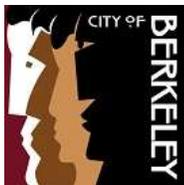
official from a recognized state, national, or international association, as determined by the local jurisdiction.” State law prohibits the owner from self-certifying their E3 components.

In conclusion:

The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building. You have been issued a Citation Warning Letter for not complying with State and City laws. In the warning letter (attached) you have been given a deadline of October 16th to provide a completed and signed, by the retained professional, the [Exterior Elevated Elements Inspection Program Inspection Certification](#) form. If this does not occur, citations will be levied. I do have the authority to provide a onetime extension on when the form will be due. If you confirm that you have hired a licensed professional, compliant with State Law, by either sending me a copy of your signed contract with the licensed professional -or- an email thread with the professional confirming the date of their scheduled inspection and that you will be sending me a completed and signed inspection certification form, I will extend the due date for us receiving the form to November 14th.

If the certification does indicate that corrective work is required, then apply for a building permit within 120 days of the date signed on the form, respond to plan check comments within 10 days of the date of the correction letter, obtain a building permit within 10 days of notification of plan approval and complete all work within 120 days of permit issuance.

Regards,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

FRAUD ALERT! Do not provide payment information by telephone. City of Berkeley Building and Safety staff will NEVER call to ask for payment. If you receive such a call, please HANG UP! Email Planning@berkeleyca.gov about it, and report the fraud attempt to the Berkeley Police Dept. at (510) 981-5900.

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19.40.040 Structural Requirements.

404--Structural Maintenance

A. Pursuant to the requirements of Health and Safety Code Section [17973](#) (inspection deadlines in subsection (d) notwithstanding) projecting exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof in weather-exposed areas of Group R-1 and R-2 Occupancies, as defined in the most recent edition of the California Building Code, shall be inspected within six months of adoption of this section, and every six years thereafter by a licensed general contractor, licensed architect, licensed civil or structural engineer, or certified building inspector or building official who are not employees of the City of Berkeley to verify that the elements are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there is no evidence of active water intrusion in concealed spaces of the inspected elements. The inspection schedule set forth above shall apply retroactively to the original enactment of the City's Exterior Elevated Elements inspection program on July 14, 2015; cyclical inspections shall be completed by March 31, 2022 and every six years thereafter.

B. Pursuant to the requirements of Code of Civil Procedure Section [5551](#), projecting exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof in weather-exposed areas of condominium projects containing 3 or more dwelling units shall be inspected by January 1, 2025, and then at least once every nine years. The inspection shall be conducted by a licensed structural engineer or architect of a random and statistically significant sample of exterior elevated elements for which the association has maintenance or repair responsibility.

The inspection reports shall comply with the requirements of Health and Safety Code Section [17973](#) Subsections (c) and (d). The property owner shall be responsible for complying with the repair requirements set forth in Health and Safety Code Section [17973](#) Subsections (g), (h) and (i). Property owners shall provide proof of compliance with this section by submitting an affidavit form provided by the City. The affidavit shall be signed by the responsible inspecting party and submitted to the Housing Code Enforcement Office. If the inspector indicates corrective work is required, a second affidavit form shall be submitted once the work is completed. For the purpose of this section, elevated "weather-exposed areas" mean those areas which are not interior building areas, extend beyond exterior walls and are located more

than six feet above adjacent grade. For newly constructed residential buildings, inspections shall occur no later than six years following issuance of the Certificate of Occupancy for such buildings. (Ord. 7840-NS § 2, 2022)

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Search Phrase: **HEALTH AND SAFETY CODE - HSC****DIVISION 13. HOUSING [17000 - 19997]** (*Division 13 enacted by Stats. 1939, Ch. 60.*)**PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION [17910 - 17998.3]** (*Part 1.5 added by Stats. 1961, Ch. 1844.*)**CHAPTER 5. Administration and Enforcement [17960 - 17992]** (*Chapter 5 added by Stats. 1961, Ch. 1844.*)**ARTICLE 2.2. Exterior Elevated Elements: Inspections. [17973- 17973.]** (*Article 2.2 added by Stats. 2018, Ch. 445, Sec. 2.*)

17973. (a) Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected. The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the "A," "B," or "C-5" license classifications issued by the Contractors State License Board, with a minimum of five years' experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. These individuals shall not be employed by the local jurisdiction while performing these inspections. The purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered. The person or business performing the inspection shall be hired by the owner of the building.

(b) For purposes of this section, the following terms have the following definitions:

(1) "Associated waterproofing elements" include flashings, membranes, coatings, and sealants that protect the load-bearing components of exterior elevated elements from exposure to water and the elements.

(2) "Exterior elevated element" means the following types of structures, including their supports and railings: balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support or stability of the exterior elevated element.

(3) "Load-bearing components" are those components that extend beyond the exterior walls of the building to deliver structural loads from the exterior elevated element to the building.

(c) The inspection required by this section shall at a minimum include:

(1) Identification of each type of exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

(2) Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements identified in paragraph (1) using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. For purposes of this section, a sample of at least 15 percent of each type of exterior elevated element shall be inspected.

(3) The evaluation and assessment shall address each of the following as of the date of the evaluation:

(A) The current condition of the exterior elevated elements.

(B) Expectations of future performance and projected service life.

(C) Recommendations of any further inspection necessary.

(4) A written report of the evaluation stamped or signed by the inspector presented to the owner of the building or the owner's designated agent within 45 days of completion of the inspection. The report shall include photographs, any test results, and narrative sufficient to establish a baseline of the condition of the components inspected that can be compared to the results of subsequent inspections. In addition to the evaluation required by this section, the report shall advise which, if any, exterior elevated element poses an immediate threat to the safety of the occupants, and whether preventing occupant access or conducting emergency repairs, including shoring, are necessary.

(d) (1) The inspection shall be completed by January 1, 2026, and by January 1 every six years thereafter. The inspector conducting the inspection shall produce an initial report pursuant to paragraph (4) of subdivision (c) and, if requested by the owner, a final report indicating that any required repairs have been completed. A copy of any report that recommends immediate repairs, advises that any building assembly poses an immediate threat to the safety of the occupants, or that preventing occupant access or emergency repairs, including shoring, are necessary, shall be provided by the inspector to the owner of the building and to the local enforcement agency within 15 days of completion of the report. Subsequent inspection reports shall incorporate copies of prior inspection reports, including the locations of the exterior elevated elements inspected. Local enforcement agencies may determine whether any additional information is to be provided in the report and may require a copy of the initial or final reports, or both, be submitted to the local jurisdiction. Copies of all inspection reports shall be maintained in the building owner's permanent records for not less than two inspection cycles, and shall be disclosed and delivered to the buyer at the time of any subsequent sale of the building.

(2) Notwithstanding paragraph (1), if the owner of the building confirms the presence of asbestos containing material (ACM) during the inspection process and is unable to complete the inspection as a result, the owner of the building shall have up to nine months to complete the necessary ACM abatement in accordance with applicable federal, state, and local laws. Upon completion of ACM abatement, the owner of the building shall have no more than three months to complete the inspection in paragraph (1). The owner of the building shall retain records confirming the presence of ACM and its abatement for three years after completion of the inspection.

(e) The inspection of buildings for which a building permit application has been submitted on or after January 1, 2019, shall occur no later than six years following issuance of a certificate of occupancy from the local jurisdiction and shall otherwise comply with the provisions of this section.

(f) If the property was inspected within three years prior to January 1, 2019, by an inspector as described in subdivision (a) and a report of that inspector was issued stating that the exterior elevated elements and associated waterproofing elements are in proper working condition and do not pose a threat to the health and safety of the public, no new inspection pursuant to this section shall be required until January 1, 2026.

(g) An exterior elevated element found by the inspector that is in need of repair or replacement shall be corrected by the owner of the building. All necessary permits for repair or replacement shall be obtained from the local jurisdiction. All repair and replacement work shall be performed by a qualified and licensed contractor in compliance with all of the following:

(1) The recommendations of a licensed professional described in subdivision (a).

(2) Any applicable manufacturer's specifications.

(3) The California Building Standards Code, consistent with subdivision (d) of Section 17922 of the Health and Safety Code.

(4) All local jurisdictional requirements.

(h) (1) An exterior elevated element that the inspector advises poses an immediate threat to the safety of the occupants, or finds preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition and the owner of the building shall perform required preventive measures immediately. Immediately preventing occupant access to the exterior elevated element until emergency repairs can be completed constitutes compliance with this paragraph. Repairs of emergency conditions shall comply with the requirements of subdivision (g), be inspected by the inspector, and reported to the local enforcement agency.

(2) The owner of the building requiring corrective work to an exterior elevated element that, in the opinion of the inspector, does not pose an immediate threat to the safety of the occupants, shall apply for a permit within 120

days of receipt of the inspection report. Once the permit is approved, the owner of the building shall have 120 days to make the repairs unless an extension of time is granted by the local enforcement agency.

- (i) (1) The owner of the building shall be responsible for complying with the requirements of this section.
- (2) If the owner of the building does not comply with the repair requirements within 180 days, the inspector shall notify the local enforcement agency and the owner of the building. If within 30 days of the date of the notice the repairs are not completed, the owner of the building shall be assessed a civil penalty based on the fee schedule set by the local authority of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day until the repairs are completed, unless an extension of time is granted by the local enforcement agency.
- (3) In the event that a civil penalty is assessed pursuant to this section, a building safety lien may be recorded in the county recorder's office by the local jurisdiction in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.
- (j) (1) A building safety lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the street address, the legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the building.
- (2) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in paragraph (1) shall be recorded by the governmental agency. A safety lien and the release of the lien shall be indexed in the grantor-grantee index.
- (3) A building safety lien may be foreclosed by an action brought by the appropriate local jurisdiction for a money judgment.
- (4) Notwithstanding any other law, the county recorder may impose a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the owner of the building. A city may recover from the owner of the building any costs incurred regarding the processing and recording of the lien and providing notice to the owner of the building as part of its foreclosure action to enforce the lien.
- (k) The continued and ongoing maintenance of exterior elevated elements in a safe and functional condition in compliance with these provisions shall be the responsibility of the owner of the building.
- (l) Local enforcement agencies shall have the ability to recover enforcement costs associated with the requirements of this section.
- (m) For any building subject to the provisions of this section that is proposed for conversion to condominiums to be sold to the public after January 1, 2019, the inspection required by this section shall be conducted prior to the first close of escrow of a separate interest in the project and shall include the inspector's recommendations for repair or replacement of any exterior elevated element found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, and would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants. The inspection report and written confirmation by the inspector that any repairs or replacements recommended by the inspector have been completed shall be submitted to the Department of Real Estate by the proponent of the conversion and shall be a condition to the issuance of the final public report. A complete copy of the inspection report and written confirmation by the inspector that any repairs or replacements recommended by the inspector have been completed shall be included with the written statement of defects required by Section 1134 of the Civil Code, and provided to the local jurisdiction in which the project is located. The inspection, report, and confirmation of completed repairs shall be a condition of the issuance of a final inspection or certificate of occupancy by the local jurisdiction.
- (n) This section shall not apply to a common interest development, as defined in Section 4100 of the Civil Code.
- (o) The governing body of any city, county, or city and county, may enact ordinances or laws imposing requirements greater than those imposed by this section.
- (Amended by Stats. 2025, Ch. 22, Sec. 32. (AB 130) Effective June 30, 2025.)*

PLANNING AND DEVELOPMENT FEE SCHEDULE**BUILDING & SAFETY**

FEE TYPE / DESCRIPTION	FEE	Remarks
XVII. MISCELLANEOUS		
Duplication Fees		<i>Amount specified in A.R. 3.8</i>
Pre-submittal Review/Consultation	\$250	<i>per hour, with a minimum of one hour</i>
City Staff Review (For items that require review and which are not otherwise explicitly covered in Fee Schedule, such as Alternate Method Applications, Requests for Unreasonable Hardship Exceptions, Requests for Determinations, BORP Submittals, etc)	\$250	<i>per hour, with a minimum of one hour</i>
Staff time required to follow-up on non-compliance	\$250	<i>per hour, with a minimum of one hour</i>
Address Assignment	\$250	<i>per hour, with a minimum of one hour</i>
Inspections for which no fee is specifically indicated	\$250	<i>per hour, with a minimum of one hour</i>
Processing fee for refunds	Per BMC 7.20.050	<i>or hourly charges based on time spent, with a minimum of one hour at staff time rate of \$250</i>
Seismic Evaluation Report: Report Review (includes 1 recheck)	\$612	
Administrative Services Fee	\$250	<i>For services provided by administrative staff outside of plan check or permitting services charged elsewhere; e.g. processing documents, recording notices, researching records</i>
Appeal of Building Official Determination	\$1,000	<i>Assumes four hours staff time. Appeals are heard by hearing body as specified in BMC Title 19</i>

Attachment 5 Administrative Record and Email Correspondence between Mr. Marowitz and Building and Safety Staff

Index for Administrative Record for 1615 Fairview St

1. Staff Response (10-3-2025) to Letter from Mr. Marowitz (submitted 9-25-2025)
2. Letter from Mr. Marowitz (submitted 9-25-2025)
3. RealQuest Report for 1615 Fairview St (9-22-2025)
4. E3 Warning Letter and Proof of Service (9-16-2025)
5. E3 Exemption Declaration Form (signed 8-01-2021)
6. E3 Inspection Certification Form (signed 6-30-2016)
7. E3 Exemption Declaration Form (signed 3-1-2016)
8. Emails Communications between Mr. Marowitz and Staff



Building & Safety Division
E3 Inspection Program

October 3, 2025

Mr. Andrew Marowitz,

The following is a response to your letter submitted in-person on September 25, 2025, regarding E3 Inspection Program requirements for your property located at 1615 Fairview St, Berkeley.

California Health and Safety Code (HSC), Article 2.2., [Section 17973\(a\)](#), requires that **“Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected.”** These inspections are required regardless of whether they are occupied by either tenants or owners. There are no exemptions for owner-occupied properties or vacant units under Health and Safety Code Section 17973 or Berkeley Municipal Code (BMC) Section 19.40.040. In fact, condominiums that have Exterior Elevated Elements (E3) are also required to be inspected. Condominiums are, for the most part, owner occupied.

In 2016, an E3 Exemption Declaration Form was submitted, signed March 1, 2016, (attached) declaring under penalty of perjury under the laws of the State of California that Inspection Certification requirements do not apply to your property at 1615 Fairview St because:

1. “Wood-framed or steel-framed exterior elements (i.e. exterior balconies, decks, stairs, landings, terraces, walkways, guardrails, handrails, or similar appurtenances) elevated more than six feet above adjacent grade DO NOT EXIST at this building.”

Subsequently, an E3 Inspection Certification form (attached) was submitted, signed by a licensed professional on June 30, 2016, verifying that your building at 1615 Fairview is 4-unit apartment house with exterior elevated elements subject to the City of Berkeley’s E3 Inspection Program. You also confirmed in your letter dated September 25, 2025 that your building is a 4-unit apartment house with exterior elevated elements. A 4-unit apartment house is considered an R-2 occupancy per California Building Code Section 310.

In 2021, an additional E3 Exemption Declaration Form was submitted, signed August 1, 2021, (attached) declaring under penalty of perjury under the laws of the State of California that Inspection Certification requirements do not apply to your property at 1615 Fairview St because:

1. “Wood-framed or steel-framed exterior elements (i.e. exterior balconies, decks, stairs, landings, terraces, walkways, guardrails, handrails, or similar appurtenances) elevated more than six feet above adjacent grade DO NOT EXIST at this building”
2. “This building is not an R-1 or R-2 occupancy. It does not have 3 or more dwelling units and is not one of the other building types listed above. (Please note, R-1 and R-2 occupancies as defined in the California Building Code do not correspond to Berkeley’s R-1 and R-2 zoning districts.)”
3. You also checked the box indicating the building type to be “Residential Condo Building” and added a notation that the building is a “Multi-Unit Home House”.

Your letter received on September 25, 2025, states that Apartment #4 does have exterior elevated elements, but is exempt from E3 Inspection Program requirements because it is owner occupied. As

stated above, there are currently no exemptions for owner-occupied properties under Health and Safety Code (HSC) 17973 or Berkeley Municipal Code (BMC) Section 19.40.040.

To clarify any confusion, the Berkeley Municipal Code [Section 25.502.020 S.16](#) defines single-family dwellings and multi-family dwellings as follows:

- *Single-Family Dwelling* - A building designed for and occupied exclusively by one household, or may provide accommodations for six or fewer employees as "employee housing" pursuant to Healthy and Safety Code Section [17021.5](#)."
- *Multi-Family Dwelling*. - A building, group of buildings, or portion of a building used or designed as three or more dwelling units.

By your own admission and by confirming in our research of property records the property at 1615 Fairview is a 4-unit multi-family dwelling. Whether the units are occupied or not, has no bearing on whether the building is a multi-family dwelling or not. As defined by BMC Section 25.502.020 S.16 the structure at 1615 Fairview is a Multi-Family Dwelling building.

Per Berkeley Municipal Code, the inspection schedule set forth in [BMC 19.40.040](#) shall apply retroactively to the original enactment of the City's Exterior Elevated Elements inspection program on July 14, 2015; cyclical inspections of all buildings subject to E3 Inspection Program requirements shall be completed by March 31, 2022 and every six years thereafter. The E3 Inspection Certification form dated June 30, 2016 placed your property in compliance with the prior E3 inspection cycle, but no E3 Inspection Certification form was received by the March 31, 2022 deadline.

On September 16, 2025 staff issued a Notice of Violation and Warning of Administrative Citation (attached) to notify you that you are in violation of Section 19.40.040 of the Berkeley Municipal Code, which requires owners of buildings with three or more dwelling or sleeping units to hire a licensed or certified professional to inspect the building's exterior elevated elements and verify that the elements are in general safe condition. You were given until October 16, 2025 to comply with the Notice of Violation.

According to California Health and Safety Code (HSC), Article 2.2., Section 17973, paragraph (o) "The governing body of any city, county, or city and county, may enact ordinances or laws imposing requirements greater than those imposed by this section." The City *must* comply with State law and *may* impose more stringent requirements, but *cannot* impose less stringent requirements than dictated by State law. Therefore, your property at 1615 Fairview, which is a 4-unit multi-family dwelling with exterior elevated elements is subject to E3 Inspection Program requirements under Berkeley Municipal Code Section 19.40.040.

Per your request, I have included a copy of your previously submitted Inspection Certification form dated June 30, 2016, as well as copies of your Exemption Declaration forms from 2016 and 2021.

Regards,

Galadriel Burr
Community Services Specialist III
Building & Safety Division
gburr@berkeleyca.gov

SEP 25 2025

RECEIVED BY G.B.

To: Mr. Galadriel BURR: Community Services Specialist III

From: Andrew MAROWITZ, OWNER OCCUPANT --~1615 Fairview St. Berkeley CA 94703

Re: Your Warning Letter (Back) Dated September 16th, 2025 Postmarked Sept 18th EEE Notice of Violation.

First of all you have omitted several truths and facts. They are as follows:

1) I did not falsely state that the building does not have any EEE components. What I stated in the exemption application form is that the rental units #1, #2, and #3 all/each are on the ground floor and have no EEE components that exist at or below six feet, per the guidelines. Being on the ground floor, there are no railings, no balconies, and no handrails for the rental units, #1, #2, or/and #3. Therefore, they are exempt from any enforcement of the EEE protocols. However, Apartment #4 is located on the second floor, has no balcony, but has railings and a handrail above 6 feet, BUT, that unit is OWNER OCCUPIED, since 2018, and therefore is EXEMPT. Not a rental. No tenants.

Further, the EEE Ordinance was specifically created as an outgrowth because of the balcony collapse of the apartment on Shattuck and Dwight Way, where several friends of the tenant died as a result. City Council created this Ordinance to protect tenants from such misfortune in the future.

In my exemption Form Application, estimated submission date 2020, more than 5 years ago, I stated that my building was exempt, because there are no tenants/ no renters, only me, as OWNER OCCUPANT. The three units on the ground floor (Apartments 1/2/and 3) remain unrented and vacant, and have been vacant and unrented for more than five years.

In the exemption application form, the exemption states that the building is described as " Multi-Unit. Muti-Family. And you stated that Multi-Family the same as Multi-Unit. However, Multi-Unit, as in my 4plex, is by implied definition, already Multi-Family. So, therefore, Multi-Family is a second separate condition. As such, I, as Owner Occupant is a family, one and only one family, and I use the downstairs rental units for my personal use. Accordingly, I, as a single family, not multi-family, are/am occupying all the units, rendering the building EXEMPT, as stated in the Exemption application form itself.

If you choose to dispute this issue, I will APPEAL, before October 15th, 2025, which will freeze any action on your part until the APPEAL DUE PROCESS REMEDIES have been exhausted, ie Your boss, the Building *Planning* Director, the Planning Commission, and ultimately, if and as needed, a Superior Court of Law to define the wording of the EXEMPTION APPLICATION FORM. This, in turn, will defer any enforcement of the EEE, AS YOU CHOOSE TO INTERPRET IT, ON HOLD, PERHAPS FOR A YEAR, or you might choose to exempt my property as a a single family unit/ SFR, which I recall checking that box, and if so, which you omitted any reference to or comment, based on the then submitted exemption form, 5 years ago.

You also omitted the fact that, Previously when I rented out the property, I did get the EEE inspection and correction that the City mandates. Why did you omit that relevant component? There is a record/ file of that inspection, estimated submission date of 2017. You did mention it days ago, after I brought to the attention of the Deputy Fire Marshall, Dori Tieu. Also, the time period for EEE inspections t

renewal period of 3 years (now six years) , I inquired with EEE individual/ City employee , over the phone, and advised him that I stopped renting any units and only I, as OWNER OCCUPANT occupied my building. He advised me of the history of the balcony catastrophe, that the ordinance was to protect tenants/ renters, AND that as long as there were no renters, I should file an exemption form stating that the building was exempt as unrented/ vacant. **That is EXACTLY what I did**, in 2020.. This is certainly relevant, so why did you omit that component? As best as I can remember, I also checked the box for SFR, as Owner Occupant, not renting out #1, #2, or #3.. So, I would ask, why did you fail to address the SFR check mark, as a basis for exemption? That omission by you seems dishonest and evasive. Apt #1 has been vacant and unrented since 2020, Apt. #2 has been vacant and unrented since 2019, and Apt. #3 has been vacant and unrented since 2017. I repeat #1,#2, and #3 have been vacant and unrented for many years, and I engage in personal use of #1,#2, and #3 , ads Owner- Occupant.

Also, I researched the history of the creation of the balcony bill , legislated by Nancy Skinner and Jerry Hill. Nancy Skinner chose to place the legislation on the building, , not on the owner Occupant, because buildings have no rights, but Owners do have rights. Add to that , Skinner indicated no interest in providing Ower Occupants having rights, stating this position to "PROTECT THE PUBLIC". But ironically, Skinner had no such concerns to protect the public , in 1/2/3 unit buildings, thus this justification is utter hypocrisy, and renders the Owner Occupant having no rights of any sort, arguably in violation of the 5th and 14th Amendments. Owner Occupants, in this instance should have such an exemption, as in no tenants/ renters, and no EEE elements under six feet. Owner Occupied over six feet and one single family=, EXEMPT !!!!!

Conversely, If not to protect tenants safety , why else was EEE created?

Accordingly, the entire building is exempt from EEE protocols, based on no EEE components above 6 feet for the rental units, and #4 is exempt as Owner – Occupied. And you made no effort whatsoever in ascertaining the truth, before attacking me with your letter of violation and mandated warning of compliance. It would seem as if as if you have an agenda of omissions and false records to punish/ harm/ impose large financial burdens/ threats, substantial and intentional infliction of emotional distress/ and liberal interpretation of the law/ the facts / and the truth

2. Again, This issue came to your attention because I brought it to Ms. Dori Tieu attention, as a supporting basis for exemption from the fire extinguisher inspection and fees. You omitted that detail as well.

3. You deliberately omitted the time frame for the inspection period, being six years. You also stated that I checked the box for the building being a residential condo building, In 2020, with housing prices at all time highs, and interest rates at all time lows, I was seriously inquiring a conversion to condos for sale . So, I listed that 3rd optional box checked at that time. BUT, interest rates ratcheted up in 2020, causing the real estate sales market to die, so the possibility of converting to a condo sales program died in 2020 as well..

I am, and I remain the Owner- Occupant, and I will continue to remain so until I die, or sell the building, whichever comes first. . I have elected to not rent any vacant apartments, because I hate being

a landlord in the City of Berkeley. It is a most terrible experience being a landlord. I have no control of my business, and no possession of my units, once rented out. indefinitely. No one in the City of Berkeley wants to talk about that ugly truth/ reality.

Interestingly/ ironically, you omitted any response to my only checked box of my checked box of Single family dwelling/ Owner Occupied. Why did you fail to address that checked box? There are no other occupants, I may have checked the box above "N/A, see below" in conjunction with "SFD", but not the boxes "residential condo building " or that 'EEE do not exist" If those boxes are checked, that is your form/ evidence tampering.

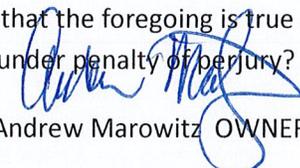
If you disagree with this letter, Please respond in writing. Further, please provide me with 1) a copy of the EEE compliance report/file dated approximately in 2017. 2) Please provide a copy of the exemption form application estimated date in 2020, and in which I marked the exemption box and basis as Owner Occupant / Unrented , **AND my original signature.**

I intend to , after exhausting all administrative remedies, take the entire matter to Court. MY BUILDING IS EXEMPT, AS STATED ABOVE. = Due Process. I am the Owner occupant, ie SFD . There are no tenants /renters. Check with the Rent Board.

I would be OK in showing/ proving to the Planning and Building Commissioner , per Appeal Rules, that all units are vacant and unrented/ occupied by me solely. (and will remain that way indefinitely.) In an effort to resolve this, under the right circumstances, I may be OK proving to an honest and unbiased City Employee , that no one else occupies the building,/ #1,#2, and #3 are vacant and unrented.

I, Andrew Marowitz, swear under penalty of perjury that the foregoing is true and correct. Are you also willing to provide a legal verification of truthfulness under penalty of perjury? Please do so.

Dated: September 20th,2025


Andrew Marowitz OWNER OCCUPANT

1003.5 Appeals. Orders of the Building Official may be appealed as set forth in Chapter 19.44. For purposes of this Code, orders of the Building Official, or, on appeal, of the Commission or City Council, shall be final as set forth in Chapter 19.44.

Except as otherwise provided by ordinance, the appeal shall be filed within thirty days from the date of the service of such order or action of the Building Official, provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 1103 of the Berkeley Housing Code, such appeal shall be filed within ten days from the date of service of the notice and order of the Building Official.

B.Effect of Failure to Appeal. Failure of any person to file an appeal as provided for herein shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

C.Processing of Appeal and Decision. Upon receipt of any appeal filed pursuant to this section, the Building Official shall present it for hearing to the Commission within forty-five days from

receipt of the appeal. The Commission may continue the hearing for good cause shown, and shall render a decision no later than ten days after the hearing on the appeal is closed.

D.Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

E.Staying of Order Under Appeal. Except for vacation orders made pursuant to Section 1103 of the Berkeley Housing Code as adopted by the City, enforcement of any notice and order of the Building Official issued under this Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. (Ord. 7407-NS § 1, 2015; Ord. 7367-NS § 3, 2014; Ord. 6475-NS § 11 (part), 1999)

- 1.To call and examine witnesses on any matter relevant to the issues of the hearing;
- 2.To introduce documentary and physical evidence;
- 3.To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- 4.To impeach any witness regardless of which party first called the witness to testify;
- 5.To rebut the evidence;
- 6.To be represented by anyone who is lawfully permitted to do so. (Ord. 6475-NS § 11 (part), 1999)

19.44.080Method and form of decision.

The validity of any decision by the City Council under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty days after it becomes final. (Ord. 6475-NS § 11 (part), 1999)

What's Nearby

TITLE CHAPTER

Except as otherwise provided by ordinance, the appeal shall be filed within thirty days from the date of the service of such order or action of the Building Official, provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 1103 of the Berkeley Housing Code, such appeal shall be filed within ten days from the date of service of the notice and order of the Building Official.

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E.Rights of Parties. Each party shall have these rights, among others:

- 1.To call and examine witnesses on any matter relevant to the issues of the hearing;
- 2.To introduce documentary and physical evidence;
- 3.To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- 4.To impeach any witness regardless of which party first called the witness to testify;
- 5.To rebut the evidence;

B.Form and Notice of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested.

C.Effective Date of Decision. The effective date of decision shall be the earlier of the dates of delivery or mailing pursuant to subsection B of this section, unless the decision itself expressly specifies a later effective date. (Ord. 6475-NS § 11 (part), 1999)

A.Except as otherwise provided by ordinance, decisions of the Commission may be appealed to the City Council by filing a notice of appeal which substantially conforms to Section 19.44.040, with the City Clerk, within ten days of the effective date of the decision. The City Clerk shall

provide the Council with the written appeal or appeals, and shall set the matter for a public hearing before the Council in consultation with the Building Official, and give notice of the time and place of said hearing in the same manner and to the same recipients as for the Housing Advisory Commission hearing.

B. Each hearing shall be open to the public, which shall be given the opportunity to present their views and to be heard in accordance with established procedures.

C. After opening the public hearing on the appeal, the Council may do any one of the following:

1. Continue the public hearing;
2. Remand the matter to the Commission to reconsider the appeal, in which case the Council shall specify which issues the Commission is directed to reconsider.
3. Reverse or affirm wholly or partly, or modify any decision, determination, or requirement of the Commission, and may make decisions or determinations or may impose such conditions as the facts warrant and may grant a variance.

D. The decision of the Council shall be final. The form, notice of and effective date of City Council decisions shall be as set forth in Section 19.44.080B and C. (Ord. 7367-NS § 4, 2014; Ord. 6475-NS § 11 (part), 1999)

The validity of any decision by the City Council under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty days after it becomes final. (Ord. 6475-NS § 11 (part), 1999)

Property Detail Report

For Property Located At :
1615 FAIRVIEW ST, BERKELEY, CA 94703-2363



Owner Information

Owner Name: **MAROWITZ ANDREW**
 Mailing Address: **1615 FAIRVIEW ST, BERKELEY CA 94703-2363 C010**
 Vesting Codes: **SM //**

Location Information

Legal Description:	LOT 7	APN:	052-1543-014
County:	ALAMEDA, CA	Alternate APN:	052154301400
Census Tract / Block:	4240.01 / 3	Subdivision:	HAMON
Township-Range-Sect:		Map Reference:	4-A3 /
Legal Book/Page:		Tract #:	
Legal Lot:	7	School District:	BERKELEY
Legal Block:	R	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:	07/18/1994 /	1st Mtg Amount/Type:	/
Sale Price:	\$12,400	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	254557	2nd Mtg Amount/Type:	/
Deed Type:	TRUSTEE DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$4.24
New Construction:		Multi/Split Sale:	
Title Company:			
Lender:			
Seller Name:	PETRAK JOHN H		

Prior Sale Information

Prior Rec/Sale Date:	04/02/1993 /	Prior Lender:	/
Prior Sale Price:	\$40,000	Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	103633	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	TRUSTEE DEED		

Property Characteristics

Gross Area:	2,922	Parking Type:		Construction:	WOOD
Living Area:	2,922	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:		Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	15	Basement Area:		Patio Type:	
Bedrooms:	5	Finish Bsmnt Area:		Pool:	
Bath(F/H):	4 /	Basement Type:		Air Cond:	
Year Built / Eff:	1903 / 1903	Roof Type:		Style:	L-SHAPE
Fireplace:	/	Foundation:		Quality:	AVERAGE
# of Stories:	2	Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:		Acres:	0.15	County Use:	RES PROPERTY OF 2,3 OR 4 UNITS (2800)
Lot Area:	6,750	Lot Width/Depth:	x	State Use:	
Land Use:	MULTI FAMILY DWELLING	Res/Comm Units:	4 /	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

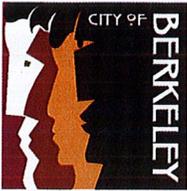
Total Value:	\$125,970	Assessed Year:	2025	Property Tax:	\$7,135.08
Land Value:	\$67,184	Improved %:	47%	Tax Area:	13000
Improvement Value:	\$58,786	Tax Year:	2024	Tax Exemption:	
Total Taxable Value:	\$125,970				

NOTICE OF VIOLATION

Parcel Number: 052154301400

1615 FAIRVIEW St

Case #: H2021-00330



Planning & Development Department
E3 Inspection Program

September 16, 2025

MAROWITZ ANDREW
1615 FAIRVIEW ST
BERKELEY CA 94703-2363

**RE: NOTICE OF VIOLATION AND WARNING OF ADMINISTRATIVE CITATION FOR
1615 FAIRVIEW ST**

Dear Property Owner:

It has come to our attention that you submitted an inaccurate E3 Exemption Declaration form indicating your property at 1615 Fairview is not subject to E3 Inspection Program requirements. You falsely stated that your property does not have exterior elevated elements, has fewer than three units, and is a residential condo building. This is to notify you that you are in violation of Section 19.40.040 of Berkeley Municipal Code (BMC). BMC Chapter 19.40 requires owners of buildings with three or more dwelling or sleeping units to hire a licensed or certified professional to inspect the building's exterior elevated elements and verify that the elements are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there is no evidence of active water intrusion in concealed spaces of the inspected elements. Per BMC 19.40.040, cyclical inspections shall be completed by March 31, 2022 and every six years thereafter.

As of the date of this letter, the City has not received an Inspection Certification form for the current E3 cycle certifying that your building's exterior elevated elements are in a general safe condition and free of deterioration that could pose a safety hazard.

If you do not submit an E3 Inspection Certification form within 30 days of the date of this letter, you will receive an initial administrative citation of \$1,000. Additional fines of increasing amounts may be issued subsequently on a monthly basis until you have your property inspected and submit an Inspection Certification form. You have until October 16, 2025 to submit your Inspection Certification form. If you fail to pay citation penalties, the total amount plus any administrative fees will be added to your property tax as a special assessment lien.

For additional information, please visit the City of Berkeley website at <https://berkeleyca.gov/doing-business/operating-berkeley/landlords/exterior-elevated-elements-inspection-program-e3>

Sincerely,

Galadriel Burr
Community Services Specialist III
Building and Safety Division

PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is **1947 Center Street, 3rd Floor**, Berkeley, California 94704. On this date, I served a City of Berkeley Notice of Warning of Administrative Citation for **1615 FAIRVIEW ST** and Compliance with Berkeley Municipal Code 19.40.

MAROWITZ ANDREW
1615 FAIRVIEW ST
BERKELEY CA 94703-2363

by the following means of service:

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

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

Description of location where posted

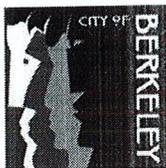
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **September 16, 2025** at Berkeley, California.


Galadriel Burr

9589 0710 5270 2163 8254 66
99 4529 EPT2 0225

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	Postmark Here
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 \$ _____	
\$ Sen Stre City,	MAROWITZ ANDREW 1615 FAIRVIEW ST BERKELEY CA 94703-2363
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

Handwritten signature



Planning & Development Department
Building and Safety Division
Housing Code Enforcement

HAC 01/15/2025
Attachments 5a-5e

EXTERIOR ELEVATED ELEMENTS INSPECTION PROGRAM EXEMPTION DECLARATION

HOUSING CODE ENFORCEMENT
AUG 10 2021
RECEIVED BY: _____

Property owners or property managers: Please complete this declaration only if the inspection certification requirements of Section 601.4 of the Berkeley Housing Code do not apply to your property. Submit this declaration online at www.cityofberkeley.info/E3/ or by mail to be removed from the City's inventory of buildings subject to the program.

PROPERTY INFORMATION:

Building Address: 1615 FAIRVIEW ST. BERKELEY CA 94703

Building Type: (Select one)

- Apartment House
- Congregate/Boarding/Dormitory/Fraternity/Sorority
- Other (Live/work, Tenants in Common, Clubhouse, Convent, Residential Assisted Living Facility, Social Rehabilitation Residential Facility)

- Residential Condo Building
- Hotel/Motel
- N/A (See Below) *MULTI-UNIT HOME HOUSE*

REASON FOR EXEMPTION:

Inspection Certification requirements do NOT apply to this building because (select all that apply):

- Wood-framed or steel-framed exterior elements (i.e. exterior balconies, decks, stairs, landings, terraces, walkways, similar appurtenances) elevated more than six feet above adjacent grade DO NOT EXIST at this building.
- This building is not an R-1 or R-2 occupancy. It does not have 3 or more dwelling units and is not one of the other building types listed above. (Please note, R-1 and R-2 occupancies as defined in the California Building Code do not correspond to Berkeley's R-1 and R-2 zoning districts.)
- There are more than 2 units on the parcel BUT no more than 2 units in any building.
- This a Single Family Dwelling (SFD) or Duplex.

PROPERTY OWNER:

Name of Property Owner: ANDREW MAROWITZ

Name of Property Management Company (if applicable): _____

Mailing Address: 1615 FAIRVIEW ST. BERKELEY CA 94703

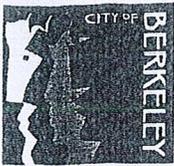
Phone #: 510-356-6813 E-mail: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

ANDREW MAROWITZ _____ AUG 1, 2021

Name Signature Date

If you have any questions, contact Housing Code Enforcement staff at (510) 981-5444. **Submit completed & signed declarations online at www.cityofberkeley.info/E3/ or send to Housing Code Enforcement at 1947 Center Street, 3rd Floor, Berkeley, CA 94704.**



Planning & Development Department
Building and Safety Division
Housing Code Enforcement



052 154301400

HAC 01/15/2025
Attachments 5a-5e

EXTERIOR ELEVATED ELEMENTS INSPECTION PROGRAM INSPECTION CERTIFICATION

HOUSING CODE ENFORCEMENT

JUL 05 2016

RECEIVED BY:

This certification must be completed by a licensed professional. Complete the form online at www.cityofberkeley.info/E3/ or complete this hard copy and send it by mail to Housing Code Enforcement at 2120 Milvia Street, Berkeley, CA 94704.

LICENSED PROFESSIONAL INFORMATION:

Type of professional:

- General Contractor
- Architect
- Civil Engineer
- Structural Engineer
- Structural Pest Control Operator (for wood-framed elements only)

Name of Licensed Professional: John Clark Company: Ironwood Engineering
 Mailing Address: P.O. Box 2790, Berkeley, CA 94707
 License #: 44427 Phone #: 510-367-9014 E-mail: ironengineering.com

PROPERTY INFORMATION:

Building Address: 1615 FAIRVIEW ST. Year Built 1910 Number of Units 4
 Property Owner Name(s): ANDREW MAROWITZ
 Property Owner Email (if available): andrewmarowitz@sbcglobal.net

Building Type: (Select one)

- Apartment House
- Congregate/Boarding/Dormitory/Fraternity/Sorority
- Other (Live/work, Tenants in Common, Clubhouse, Convent, Residential Assisted Living Facility, Social Rehabilitation Residential Facility)
- Residential Condo Building
- Hotel/Motel

VERIFICATION BY LICENSED PROFESSIONAL:

- Wood-framed or steel-framed exterior elements elevated more than 30 inches above adjacent grade EXIST at the subject building. Check all that apply

Elements:

- Balconies/Decks
- Stairways/Landings
- Guardrails/Handrails
- Walkways/Terraces

Materials:

- Regular Sawn Lumber
- Engineered Lumber
- Pressure Treated Wood
- Naturally Durable Wood
- Steel

At the time of my inspection on June 30, 2016

All elevated wood-framed and steel-framed decks, balconies, landings, stairway systems, walkways, terraces, guardrails, handrails, or any parts thereof in weather-exposed areas at the subject building did not exhibit signs of hazardous deterioration, decay, corrosion or similar damage that could pose a safety concern and there was no evidence of active water intrusion in concealed spaces of the inspected elements.

Corrective Work is required. Briefly describe work and locations: _____

If the box is checked indicating that corrective work is required, apply for a permit within 60 days of the date on this form, respond to plan check comments within 10 days of the date of the correction letter, obtain a building permit within 10 days of notification of plan approval and complete all work within 90 days of permit issuance. 6-30-16

Signature of Licensed Professional indicated above

Date Signed June 30, 2016

If you have any questions, please contact Housing Code Enforcement staff at (510) 981-5444.

2120 Milvia Street, Berkeley, CA 94704 Tel: 510.981.5444 TDD: 510.981.7474 Fax: 510.981.7450

E-mail: HCE@cityofberkeley.info

HAC PAGE 74

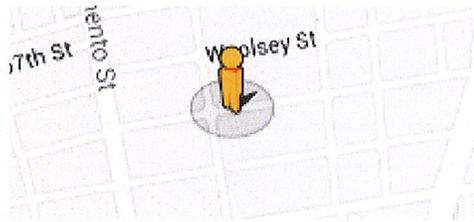
Fairview St



Image capture: Jan 2015 © 2016 Google

Berkeley, California

Street View - Jan 2015



Google Maps

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Sent: Friday, November 14, 2025 1:26 PM

To: McNulty, Jenny <JMcNulty@berkeleyca.gov>

Subject: Re: Request for waiver of penalty payment administrative citation

<https://www.theguardian.com/us-news/gallery/2015/jun/17/berkeley-balcony-collapse-california-pictures>

This photo was taken by the guardian, as referenced above. If you go to that website and initiate the search as stated above, that website will allow you to enlarge/ blow up the photo to double size, thereby clearly showing the distance of the balcony and the exterior wall, as closely estimated by the guy using the tape measure. By my eye, he is measuring 16-18" from the wall, for ALL of the beams, not just a few..

BUT the Getty photo that I provided demonstrates that the balcony floor beams broke off right at the building for four out of seven of those beams. INCREDIBLE !!!

This means that a decision was made to tamper with the beams, by shortening them, and arguing that water penetration and wood rot was the basis for the collapse, not the weight and number of people. Assuming that the distance by the tape measure was 16/18" , that is not quite half of the 48" deep balcony, which is where the sloping angle begins. And the balcony flipped over and was perched upside down on the lower balcony

It also deflects away from the notion that pressure treated lumber was never used and never required, an undeniable flaw of the building code and the building official. BUT, tampering with evidence???? WOW !!!!

This, then, was a full blown cover up by the City and the building dept.

Where are the photos that were taken from the investigation of that balcony? What entity was the investigative team?

Andrew Marowitz 510-356-6813



From: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Sent: Wednesday, November 5, 2025 4:48 PM
To: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Subject: Request for waiver of penalty payment administrative citation

Dear Mr. Marowitz,

If you are cited, you may appeal a citation, and you may submit a Request for Waiver of Penalty Payment Administrative Citation Issued in the City of Berkeley, with accompanying documentation. You have not been issued a citation. Therefore, you do not have a citation to appeal and have no reason to submit a Request for Waiver of Penalty Payment Administrative Citation.

Sincerely,

Jenny McNulty, Resilient Buildings Program Manager

Special Projects / Building & Safety Division

Phone: (510) 981-7451

Email: jmcnulty@berkeleyca.gov

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Wednesday, November 5, 2025 4:32 PM
To: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Subject: Re: Unreasonable hardship exception

Is this an appropriate form and format to request a financial hardship waiver of the unaffordable costs of the EEE compliance mandates? SEE BELOW.

Mr. Klein : I just discovered yet another question that relates to the basis for my Appeal. I asked Mr. Lopez, what is the unreasonable hardship exemption criteria, because I believe that my income level would result in me being eligible.

Mr. Lopez stated that there is no exemption for residential properties, only commercial properties.

What I clearly alluded to is my financial limitations, of which Mr. Lopez should have recognized that was my concern. He should have directed me to this request for waiver of payment. BUT I have not been issued a citation of any sort. Mr. Lopez is not in the business of providing assistance to individuals. He is in the business of imposing his authority and generating revenue for the City. Thank you very much.

I just discovered this financial needs "Request for Waiver of Penalty Payment Administrative Citation Issued in the City of Berkeley"

The person requesting the waiver will, following completion of the review by the processing agency and/or the issuing agency, be mailed the results of the review. Please complete this form and submit it to: City of Berkeley City Manager's Office 2180 Milvia Street Berkeley, CA 94704 Please note that you are making this application under penalty of perjury. Any information omitted may result in the denial of this motion. I hereby request a temporary waiver of the required deposit of penalty and that the City of Berkeley City Manager's Office proceed to schedule the appeal on the listed Administrative Citations for the following reasons:

Date: _____ Total Amount Due: \$ _____ Citant's Name: _____

Telephone: () __ Citation #: _____

_____ Address:

_____ Street City State Zip Social Security # _____ - _____ - _____ CDL

_____ FINANCIAL INFORMATION: Employer Name:

Employer Address:

_____ Street City State Zip 1. EMPLOYMENT 2. SUPPORTED BY: 3. PERSONS SUPPORTED: _____

Employed _____ Self _____ Self _____ Full Time _____ Spouse _____ Spouse _____ Part Time
_____ Parents _____ Children (# of) _____ Unemployed _____ Welfare _____ Other
_____ Student _____ S.S.I. _____ Total _____ Disabled _____

A.F.D.C. _____ Homemaker _____ Unemployment _____ Military _____ Other:

_____ Other : _____ FOR CITY OF BERKELEY CITY MANAGER'S

OFFICE USE ONLY: WAIVER OF PENALTY: [] GRANTED [] DENIED

_____ Date

_____ 4. Monthly gross income (include income from all earnings of
your household) \$ _____ a. Pay Schedule: Weekly Bi-Weekly: Monthly

(Please enter the date for monthly) NOTE: YOU MUST PROVIDE PAY CHECK STUBS FOR ONE
MONTH OR VERIFICATION OF OTHER SOURCE OF INCOME. b. Payroll deductions are (specify
purpose and amount): (1) _____

\$ _____ (2) _____

\$ _____ (3) _____

\$ _____ (4) _____

\$ _____ (5) _____

\$ _____ Total Payroll Deductions \$ _____ c. Net Income

(take home pay) \$ _____ d. Other money received each month (specify
source and amount): NOTE: MUST PROVIDE OFFICIAL DOCUMENT OF PROOF OF INCOME. (1)

_____ \$ _____ (2)

_____ \$ _____ TOTAL

\$ _____ e. TOTAL MONTHLY INCOME (c+d) \$ _____ 5.

ASSETS: (Value) MONTHLY EXPENSES: Motor Vehicle(s) \$ _____

Rent/Mortgage \$ _____ Home \$ _____ Utilities

\$ _____ Property \$ _____ Loans/Credit Card(s)

\$ _____ Savings Account (s) \$ _____ Food/Clothing

\$ _____ Checking Account(s) \$ _____ Transportation

\$ _____ Cash on Hand \$ _____ Medical/Dental Payments

\$ _____ All Other \$ _____ All Other \$ _____

TOTAL ASSETS \$ _____ TOTAL EXPENSES \$ _____ I understand if

I am found liable I will be required to pay the delinquent amount due. I further understand if I fail to resolve this matter I may be subject to one of the following: 1. A trial in civil court with subsequent garnishment of my earnings. 2. A lien placed against my California Franchise Tax return. 3. This claim assigned to a collection agency. Signature:

_____ Date _____

From: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Sent: Wednesday, November 5, 2025 4:12 PM
To: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Subject: Re: Unreasonable hardship exception

Dear Mr. Marowitz,

You have appealed a determination of the Building Official and stated your concerns in your appeal. The next step in the process is the appeal hearing. The Building and Safety Division will provide a report to the Housing Advisory Appeal responding to the points you raised in your appeal, along with your appeal letter and any documents pertaining to the Exterior Elevated Elements case at 1615 Fairview. I will mail these materials to you at least ten days in advance of the hearing. You requested a hearing date in January, rather than an earlier date in November.

Sincerely,

Jenny McNulty, Resilient Buildings Program Manager
Special Projects / Building & Safety Division
Phone: (510) 981-7451
Email: jmcnulty@berkeleyca.gov

From: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Sent: Wednesday, November 5, 2025 3:29 PM
To: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Subject: Unreasonable hardship exception

Dear Mr. Marowitz,

In the Building Code, an unreasonable hardship exception is specific to mandated accessibility upgrades when alterations to a building are proposed under a building permit, and where the cost to comply with accessibility requirements would cost disproportionately to the overall cost of the project. It only applies to non-residential public accommodations and public housing. The miscellaneous fee to review unreasonable hardship exceptions does not apply to the inspection requirement for Exterior Elevated Elements.

Sincerely,

Jenny McNulty

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Wednesday, November 5, 2025 2:35 PM
To: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Subject: Re: Automatic reply: Scheduling a Hearing for your Appeal

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.

Ms. McNulty:

Last question.

What is the criteria for implementing the Unreasonable Hardship Exception, or more commonly described as the Hardship Waiver, as set forth on the Fee Schedule of July 17th, 2025 as set forth by City Council, in Resolution 71, 834 N. S. Chapter XVII, Miscellaneous, on Page 5.?

Andrew Marowitz

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Monday, November 3, 2025 10:44 AM
To: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Subject: Re: Automatic reply: Scheduling a Hearing for your Appeal

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.

Ms. McNulty:

I have submitted several questions and sought information regarding issues of the EEE compliance mandate, and you are considered as the Director of the EEE program.

You indicated that you would be out/ unavailable until this week.

Accordingly, could you please address my questions.

I don't remember how many and exactly which questions I asked, so I will repeat some/all of them.

1) What is the EEE appropriate and proper Appeal fee, factoring into that question is the added priority in the EEE FAQs that the fee should not be so much , so as to deter a person or persons from Appealing?

2) Why was my interest to Appeal forwarded to Mr. Lopez, as Building Official, rather than Galareal Burr forwarding my emails to her Direct Supervisor, who she refused to identify, and then Mr. Jensen, as manager, and then YOU , as Director? All of these people ,apparently were by-passed, and Mr. Lopez intervened, and imposed his unlimited interpretive determination authority to discretionarily to decide that the Appeal Fee shall be \$1000, not \$250m as referenced in the Fee Schedule Set by City Council on July 17th,2025, where it states " Any fee not explicitly covered by this fee schedule, shall have a fee of \$250, from the Fee schedule of resolution # 71, 834 N.S. Chapter XVII Miscellaneous, Page 5.??

3) The creation of the EEE compliance mandates, both Berkeley and Stat eLaw were based on the balcony collapse of 2015. The finger pointing blame was placed on the developer for not caulking and water penetration leading to wood rot.

But, for some absurd reason, NO one, not one person ever considered, publicly, that the primary cause of the balcony collapse was due to OVER LOAD of weight and persons causing extreme stresses on the balcony, a 4' x 8' balcony = 32 square feet. There were at least 13 people on that balcony , six of which died instantly, and 7 critically injured. 13 people , male and female, thin, medium and heavy weights, adds up to 2300 pounds of moving load, (more than a

TON) not a static load, and for a duration of time of at least 30 minutes. There were party folks inside the apartment who also came onto the balcony to smoke, not wanting smoke inside the apartment. Add another 700 pounds of weight= 3000 pounds at moments, concentrated in a tightly confined space.

I have engaged in substantial research, which states that 13, or more people were packed in like sardines, and created a dangerous condition. I asked Mr. Lopez, as building Official to conduct a load bearing stress calculation. He refused, and sent the email to the Planning Director, who instructed me to stop sending any further emails to Mr. Lopez, and who has refused to address the issue, whatsoever, of the balcony collapse and the over load of people and weight over a longer duration of time.

They refuse to even speak on the topic, dodging all my repeated inquiries of this issue, which is a form of dishonesty by omission.

EEE and state law was based on that balcony collapse. Had it not occurred, there would never have been any EEE laws, rules, or requirements of any sort, much more a laundry list of additional requirements. And the argued basis for the collapse is mis-information and mischaracterization, , arguably a pack of lies.

I believe this is why no one wants to speak on this issue of overload and related stresses. So, NOW there is a laundry list of regulations, and regulations always creates revenues by fees and enforcement penalties for non compliance.

I have recommended that any balcony be treated EXACTLY like an elevator, with posted warning placards limiting weight and number of people, to ??? 4-5 and 800-900 pounds. This would, effectively solve the problem without the need of EEE inspections, and which generates a large sum of revenue for the City of Berkeley, and places a large financial burden on impacted property owners. Government at its worst.

So, the question is, why is everyone, probably including yourself, knowingly and willfully avoiding addressing this issue, an extremely relevant basis for consideration. It is tantamount to the EEE compliance mandate being based on a fraud by omission of the overload of stresses causing the collapse. Even if there was some wood rot, if only 4-5 people would have been on that balcony, it would not have collapsed. If the 13 or more people were on that balcony for only a few minutes, the balcony would not have collapsed. According to my research, the space/area necessary to fit a single person requires 2.67 square feet. multiply that by 13, results in 34.71 square feet, more than 32 square feet, more than the balcony dimensions= SARDINES tightly packed. A Dangerous condition.

Had the building code required pressure treated wood to support those balconies, even if there was water penetration, there would never have been wood rot.

So, for the record, I ask you, why is EVERYONE ducking the question and issue of the primary reason for the collapse was due to OVER LOAD stresses of 13 pr more people over an extended time period. If you duck the question, why are you ducking/ avoiding the question?

4) Given that I am required to have my Appeal to be adjudicated by the Housing Advisory Committee, what is the process of moving for disqualification of one (or more) of a person who is a committee member?

I want to move to disqualify Ms. Leah-Simon Weisberg, FOR CAUSE, for being such an extremely BIASED and radical tenant advocate for decades. There is no way in ther world she can be FAIR AND IMPARTIAL trier of fact, and would influence the thinking and decision making of the other volunteers, padding their resume, many of which have zero direct knowledge of buildings and building codes,etc, being employed as tech oriented individuals.

PLEASE RESPOND, as you stated you would.

Very Truly Yours, Andrew Marowitz

From: Klein, Jordan

Sent: Sunday, November 2, 2025 9:38 AM

To: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Subject: RE: I just reviewed the Housing Advisory Committee volunteers. , and at least one is seriously BIASED

>> I respectfully demand that she step away from my Appeal, before ANYTHING relating to my Appeal begins.

You can address your demand to the Housing Advisory Commission at hac@berkeleyca.gov or to City Council at council@berkeleyca.gov.

>> AND I ask you AGAIN, what is the proper Appeal fee, such that it is not construed as a deterrent of initiating an Appeal.. I am of the belief and opinion that \$250, at most, should be the proper amount for an Appeal FEE

As we have conveyed to you repeatedly, the appeal fee is set in our Council-adopted fee schedule. There is no hardship provision for a reduction of the fee. Any reduction of the fee would require action by City Council, which staff will not pursue in this case. You may send a request for a fee waiver or reduction directly to City Council.

Jordan Klein

Director, Department of Planning & Development

City of Berkeley

Phone: (510) 774-1337

jklein@berkeleyca.gov

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Sent: Saturday, November 1, 2025 3:49 PM

To: Klein, Jordan <JKlein@berkeleyca.gov>

Subject: I just reviewed the Housing Advisory Committee volunteers. , and at least one is seriously BIASED

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.

Mr. Klein, for the record, I respectfully demand that Ms. Leah Simon Weisberg recuse herself from my Appeal, as SERIOUSLY BIASED as a totally TENANT favoring Volunteer.

It would be IMPOSSIBLE for her to be FAIR AND IMPARTIAL at my Appeal. She MUST RECUSE HERSELF. I have here entire resume in front of me. SHE IS TOXIC TO RENTAL HOUSING PROVIDERS. SHE WILL UNDOUBTEDLY INFLUENCE AND STEER ALL OF THE COMMISSIONERS TO BE BIASED, .

AND THAT IS IF THEY ARE NOT ALSO BIASED THEMSELVES.

As you know, I have repeatedly asked you whether the Housing Advisory Committee will be FAIR AND IMPARTIAL. And you have repeatedly avoided responding to that question, which screams

LOUDLY, that the Housing Advisory Committee, all volunteers, most having little to no experience or direct knowledge in EEE compliance mandates, or hands on housing repairs and the like, and "appointed " by the respective City Council Person of that specific District.

I could raise some SERIOUS concerns of Mr. Bartlett's appointee, but I will reserve that concern until I ask him of his qualifications and ability to be FAIR AND IMPARTIAL, his degrees that he acquired in prison, etc

But, Ms. Weisberg is so EXTREME , that any person in my capacity, reviewing her resume, would think exactly the same as me. SHE IS A RADICAL TENANT ADVOCATE, in every sense of her resume.

AGAIN< this is for the record, and I respectfully demand that she step away from my Appeal, before ANYTHING relating to my Appeal begins.

AND I ask you AGAIN, what is the proper Appeal fee, such that it is not construed as a deterrent of initiating an Appeal.. I am of the belief and opinion that \$250, at most, should be the proper amount for an Appeal FEE

As Planning Director, PLEASE RESPOND . This is certainly a reasonable question, and deserves to be answered, if you, yourself, are not totally BIASED.

Andrew Marowitz

Andrew Marowitz 510-356-6813

From: Klein, Jordan

Sent: Friday, October 31, 2025 1:00 PM

To: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Subject: RE: Request for information regarding the 2015 balcony collapse tragedy

Mr. Lopez has correctly advised you that based on codified regulations, a hardship waiver does not apply to your case.

Jordan Klein

Director, Department of Planning & Development

City of Berkeley

Phone: (510) 774-1337

jklein@berkeleyca.gov

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Sent: Friday, October 31, 2025 10:42 AM

To: Klein, Jordan <JKlein@berkeleyca.gov>

Subject: Re: Request for information regarding the 2015 balcony collapse tragedy

Mr. Klein : I just discovered yet another question that relates to the basis for my Appeal. I asked Mr. Lopez, what is the unreasonable hardship exemption criteria, because I believe that my income level would result in me being eligible.

Mr. Lopez stated that there is no exemption for residential properties, only commercial properties.

What I clearly alluded to is my financial limitations, of which Mr. Lopez should have recognized that was my concern. He should have directed me to this request for waiver of payment. BUT I have not been issued a citation of any sort. Mr. Lopez is not in the business of providing assistance to individuals. He is in the business of imposing his authority and generating revenue for the City. Thank you very much.

I just discovered this financial needs "Request for Waiver of Penalty Payment Administrative Citation Issued in the City of Berkeley"

The person requesting the waiver will, following completion of the review by the processing agency and/or the issuing agency, be mailed the results of the review. Please complete this form and submit it to: City of Berkeley City Manager's Office 2180 Milvia Street Berkeley, CA 94704 Please note that you are making this application under penalty of perjury. Any information omitted may result in the denial of this motion. I hereby request a temporary waiver of the required deposit of penalty and that the City of Berkeley City Manager's Office proceed to schedule the appeal on the listed Administrative Citations for the following reasons:

Date: _____ Total Amount Due: \$ _____ Citant's Name: _____
_____ Telephone: () _____ Citation #: _____

_____ Address: _____

____ Street City State Zip Social Security # _____ - _____ - _____ CDL # _____ FINANCIAL INFORMATION: Employer Name: _____

Employer Address: _____

Street City State Zip 1. EMPLOYMENT 2. SUPPORTED BY: 3. PERSONS SUPPORTED: _____
Employed _____ Self _____ Self _____ Full Time _____ Spouse _____ Spouse _____ Part Time _____
Parents _____ Children (# of) _____ Unemployed _____ Welfare _____ Other _____
Student _____ S.S.I. _____ Total _____ Disabled _____
A.F.D.C. _____ Homemaker _____ Unemployment _____ Military _____ Other: _____
Other : _____ FOR CITY OF BERKELEY CITY MANAGER'S

OFFICE USE ONLY: WAIVER OF PENALTY: [] GRANTED [] DENIED

_____ Date

_____ 4. Monthly gross income (include income from all earnings of

your household) \$ _____ a. Pay Schedule: Weekly Bi-Weekly: Monthly
(Please enter the date for monthly) NOTE: YOU MUST PROVIDE PAY CHECK STUBS FOR ONE
MONTH OR VERIFICATION OF OTHER SOURCE OF INCOME. b. Payroll deductions are (specify
purpose and amount): (1) _____
\$ _____ (2) _____
\$ _____ (3) _____
\$ _____ (4) _____
\$ _____ (5) _____
\$ _____ Total Payroll Deductions \$ _____ c. Net Income
(take home pay) \$ _____ d. Other money received each month (specify
source and amount): NOTE: MUST PROVIDE OFFICIAL DOCUMENT OF PROOF OF INCOME. (1)
_____ \$ _____ (2)
_____ \$ _____ TOTAL
\$ _____ e. TOTAL MONTHLY INCOME (c+d) \$ _____ 5.

ASSETS: (Value) MONTHLY EXPENSES: Motor Vehicle(s) \$ _____
Rent/Mortgage \$ _____ Home \$ _____ Utilities
\$ _____ Property \$ _____ Loans/Credit Card(s)
\$ _____ Savings Account (s) \$ _____ Food/Clothing
\$ _____ Checking Account(s) \$ _____ Transportation
\$ _____ Cash on Hand \$ _____ Medical/Dental Payments
\$ _____ All Other \$ _____ All Other \$ _____
TOTAL ASSETS \$ _____ TOTAL EXPENSES \$ _____ I understand if

I am found liable I will be required to pay the delinquent amount due. I further understand if I
fail to resolve this matter I may be subject to one of the following: 1. A trial in civil court with
subsequent garnishment of my earnings. 2. A lien placed against my California Franchise Tax
return. 3. This claim assigned to a collection agency. Signature:
_____ Date _____

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Friday, October 31, 2025 10:01 AM
To: Klein, Jordan <JKlein@berkeleyca.gov>
Subject: Re: Request for information regarding the 2015 balcony collapse tragedy

Mr. Klein:

1) according to the guidelines for EEE Appeals, the Planning Commission is the proper Appeal hearing official. I specifically read that.

2) according the the guidelines for the Housing Advisory Hearing Appeals, their specific responsibility for hearing Appeals is for BUILDING VIOLATIONS, NOT EEE Appeals. I am not Appealing a building code violation, nor am I being subjected to a building code violation, but the EEE inspection mandate. If I'm correct, the proper and correct trier of Appeals is the Planning Commission, not the Housing Advisory Committee.

I feel like I'm being bullied by authorities interpreting rules any way they choose.

Please review the EEE Appeals processes for the reference of Appeals to the Planning Commission. Perhaps you can email the specific rules that reference wither and / or both.

And why do you continue to refuse to address ANY of my other reasonable inquiries for information and /or questions that I seek responses to ? Are my questions and requests unreasonable?

Andrew Marowitz 510-356-6813

On Friday, October 31, 2025 at 09:48:05 AM PDT, Klein, Jordan <jklein@berkeleyca.gov> wrote:

Mr. Marowitz:

You submitted an appeal of a determination of the Building Official. Per the Berkeley Municipal Code chapter 19.44, the Housing Advisory Commission and not the Planning Commission is responsible for hearing and making a determination regarding this appeal. Jenny McNulty, working under my overall direction, is responsible for coordinating with you to schedule the appeal hearing.

Jordan

Jordan Klein

Director, Department of Planning & Development

City of Berkeley

Phone: (510) 774-1337

jklein@berkeleyca.gov

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Sent: Friday, October 31, 2025 9:31 AM

To: Klein, Jordan <JKlein@berkeleyca.gov>

Subject: Re: Request for information regarding the 2015 balcony collapse tragedy

Mr. Klein:

A few days ago, you emailed me for the express purpose of scheduling my Appeal, presumably with the Berkeley Planning Commission, per the rules of Appeal for EEE.

Then, for some reason, the following day, Ms. McNulty emails me for the exact same purpose, and wants to schedule an Appeal ASAP, but with the Housing Advisory Committee, which is NOT the Planning Commission. Further, the Appeals that the Housing Advisory Committee, is for Appeals regarding Building Violations, not EEE inspections.

Accordingly, how and why did Ms. McNulty ALSO initiate contact for the purpose of an Appeal, and with the Housing Advisory Committee? This is a duplicated event, and causes confusion, as well as more people involved.

Please address this concern and respond. Thank you for your expected response.

PLEASE DO NOT STAY SILENT ON THIS ISSUE.

Sincerely, Andrew Marowitz 510-356-6813

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Thursday, October 30, 2025 10:59 PM
To: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Subject: Re: Automatic reply: Scheduling a Hearing for your Appeal

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.

Ms. McNulty:

It just occurred to me that, now Mr. Lopez can argue that 4 individuals have been in contact with me, and which then justifies have 4 staff people for several hours , to justify the \$1000 Appeal Fee.

Simply have the Planning Director and the EEE Director initiate a communication, thereby having an exchange , and thereby being a relevant witness.

Ad Mr. Lopez, and Ms. Burr, and Mr. Lopez has 4 individuals .

But, ironically, not one of these four have answered any of my questions that will address any of my bases for Appeal. Silence is the agenda. Don't address any requests for information, and don't respond to any questions he might ask. Don't arm Marowitz with information.

In the interests of justice, I can only hope that I receive said responses and requests for information , in a FAIR AND IMPARTIAL MANNER. .

I will not get angry. I will not get angry.

Sincerely, Andrew Marowitz

On Thursday, October 30, 2025 at 06:11:40 PM PDT, McNulty, Jenny <jmcnulty@berkeleyca.gov> wrote:

Thank you for your email. I am out of the office returning Monday Nov 3 and will respond to your message then.

Best regards,

Jenny McNulty, Resilient Buildings Program Manager
City of Berkeley, Building and Safety Division
1947 Center Street, 3rd floor, Berkeley, CA 94704
Phone:(510) 981-7451
Email: jmcnulty@berkeleyca.gov

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Thursday, October 30, 2025 6:23 PM
To: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Subject: Re: Scheduling a Hearing for your Appeal

Ms. McNulty:

I will add that the Appeal Fee check of \$1000 has already been debited against my checking account. The fee, in my belief and opinion is obscenely high, and as already stated, was interpreted by Mr. Lopez, as a deterrent to Appealing, and apparently , you are not issuing any comment on this subject matter. I can't afford the \$1000 appeal fee, but I needed to Appeal. The EEE system is filled with injustices, and I need for you to know it.

All I am requesting is truth, open and forthcoming. All I want is reasonable and honest responses to my questions.

Please respond.

Andrew Marowitz

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Thursday, October 30, 2025 6:14 PM
To: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Subject: Re: Scheduling a Hearing for your Appeal

Ms. Mcnulty:

Am I not entitled to responses to my questions? If not, why not? If so, then PLEASE respond to my questions, as Director of the EEE program.

Andrew Marowitz

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Thursday, October 30, 2025 6:11 PM
To: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Subject: Re: Scheduling a Hearing for your Appeal

Ms. McNulty:

Is it unreasonable that I seek answers and responses? As director, why can't /won't you provide responses to my questions?

You don't know me, and I don't know you. But , I truly think and believe that my questions are not unreasonable and seeks truths.

So, why are you not responding to them? Are we seeking the truth , or doing everything to avoid the truths? I had hoped that you would be FAIR AND IMPARTIAL. Not responding to my questions is suggestive that you are not interested in being informative, FAIR AND IMPARTIAL.. It is becoming a pattern of BIAS and I suggest that you are fully aware of exactly what I am speaking of.

May I request an Appeal by the Planning Commission, or will you be forcing the Housing Committee down my throat? Who comprises the Housing Committee? Am I allowed to know the individuals on that committee? How are they deemed as FAIR AND IMPARTIAL?

Respectfully, you appear to be on a mission. What is the proper and correct fee for engaging in an Appeal of the EEE compliance mandate? If that is not a FAIR AND REASONABLE question, I truly am unable to grasp why not?

Please respond to each of my questions, if you are about fairness and impartiality. Is there something improper about my questions?

Very Truly Yours, Andrew Marowitz 510-356-6813

On Thursday, October 30, 2025 at 03:09:09 PM PDT, McNulty, Jenny
<jmcnulty@berkeleyca.gov> wrote:

Dear Mr. Marowitz,

Thank you for your response. Based on your preference, we will schedule your hearing at the January HAC meeting. I will be in touch with the meeting date and materials as we get closer.

Sincerely,

Jenny McNulty

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Sent: Thursday, October 30, 2025 1:22 PM

To: McNulty, Jenny <JMcNulty@berkeleyca.gov>

Subject: Re: Scheduling a Hearing for your Appeal

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.

Ms. McNulty:

First, it was my understanding from the rules of Appeals, that the body that hears Appeals is the Berkeley Planning Commission. There was no mention of the Housing Advisory Committee.

Secondly, for some reason, the processing of my property, based on Galadriel Burr, and her steps taken for Appeal was to forward my emails to her Supervisor, of which there was apparently a direct supervisor, followed by Mr. Jensen, as EEE manager, followed by you, as the EEE director, aside from your title as Resilient Building Program Manager, yet, somehow, for some reason, my emails and my intended Appeal was forwarded by someone to Mr. David Lopez, Building Official. Respectfully, I would like to find out exactly how and why this bypassing of all of these intermediate supervisory personnel occurred.

To me, this is very important, as I am inclined to believe that I was deprived of Procedural Due Process, by bypassing each of these intermediate Supervisory Personnel, and going directly to Mr. Lopez.

Thirdly, I would like to know what the proper and correct Appeal Fee has been defined to be by City Council, as the \$1000 Appeal Fee that Mr. Lopez arbitrarily decided is and was a deterrent

from Appealing , which I believe that Mr. Lopez intended, in order to motivate me to falling in line with compliance of the EEE compliance mandate.

As to allowing me an option of Early November or Early January, I believe I would prefer an early January date, which provides me with an opportunity to more thoroughly prepare my Appeal , to make inquiries with each party above Ms. Burr, and below Mr. Lopez, to find out exactly what and why Mr. Lopez involved himself.

Additionally, I wish to ask you,as City of Berkeley EEE director, regardless of your official title, if you are certain that City employees, staff, any Appeal conducted , can be conducted with TRUE FAIRNESS AND IMPARTIALITY. I am inclined to believe that any and every City of Berkeley employee has undeniable loyalty and allegiance to all other City of Berkeley employees, supervisors, as well as City of Berkeley protocols, policies, as well as protecting the City of Berkeley interests , no matter what, that each City employee will communicate with any and all supervisory personell, to decide on a course of decision making and action thatr will almost certainly protect and benefit the City of Berkeley and its staff.

"The City of Berkeley Housing Advisory Commission is a board that **advises the City Council on housing issues**, reviews and makes recommendations on housing programs, and hears appeals related to code violations. It advises on the allocation of funds for affordable housing, such as the [Housing Trust Fund](#), and handles appeals from tenants and **property owners regarding building code violations**. The commission also reviews programs funded by grants like the [Community Development Block Grant](#) (CDBG) and makes recommendations for policies that promote social justice and address inequities in housing."

Google Search

I just pulled the above summary of the Housing Advisory Committee above.

Respectfully, Ms. Mcnulty, as of this moment , I question whether I have any official building code violations, as opposed to EEE compliance violation. Again, the entire intermediate supervisory personell was bypassed and forwarded to Mr. Lopez. WHY?

I also have not so respectfully demanded that I should be entitled to apply to the protocols, abd benefits and rights associated with the Rental Housing **Safety** Program, including the benefit of self certification, which therefrom relieves the City of Berkeley from potential financial liability if

a tenant is, somehow injured, the right to assert Owner Occupancy Exemption for his/her residential unit, and though I have a very obvious back -up. any vacant rental unit is also treated as exempt. The RHSP is a kinder, more liberal, more considerate set of protocols, while the EEE compliance mandates are EXTREMELY OVER_REACHING, creates victims out of any and every impacted stakeholder/ property owner, has no regard for that property owner in terms of financial burden.

Yet, Mr. Lopez refuses to recognize the RHSP in any way. I believe this is due, in part, to Mr' Lopez' authoritative ego, his undeniable BIAS, and also, in part, because the EEE compliance mandate generates a ton of City of Berkeley revenue, based on the thousands of buildings that are subject to the EEE mandate, which the various employees , including Mr. Lopez , NEVER makes reference to.

Prior to this set of events, I had submitted a RHSP exemption form, which stated that 1) Apartment #4 is occupied by me, as sole Occupant / Owner Occupant, and therefore EXEMPT; 2) Because the City of Berkeley and the Rent Board neverendingly victimizes landlords, from which I absolutely hate being a landlord in the City of Berkeley, I have decided to keep my rental units vacant, which renders these units as EXEMPT, though they have no EEE components over 6 feet/ no components at all. And 3) I LOVE the right/ benefit/ privilege of self certification. I have been a remodeler for 35 years, and truly am competent, so self certification is perfect for my needs and interests, and causes the City of Berkeley relief from liability.

These EXEMPTIONS have been in place since 2020, and I have enjoyed the opportunity from being left alone and in peace from the oppressive authority of the City of Berkeley. I LOVE IT!!!!!!

I have spoken to Angel Sinewen, who wouldn't disagree with my perspective, but, due to the fact that he answers to his boss, Mr. Lopez,

he deferes to Mr. Lopez. The RHSP ,does , in fact make mention of Chapter 19 for the Exterior Elevated Elements guidelines.

I have proposed to staff of state Assembly person, Jessie Arriguin. ex- Berkeley Mayor, that the Balcony Collapse was tragic, but that NO ONE, NOT ONE PERSON ever questioned the relevant issue of Load Bearing STRESSES on the fateful balcony incident. After substantial research, I have concluded that the balcony collapse was PRIMARILY caused by the OVERLOAD of persons and weight bearing stresses, and that the issue of failure to caulk, and residual water penetration was a secondary contributing factor

I have provided these research details to BOTH Mr. Lopez and to Mr. Jordan Klein, Planning Director, but surprisingly, neither wants to engage in a load bearing calculation to ascertain whether, or not, the stresses placed on that balcony, based on 12 young adults on a 32 square foot balcony was, in fact the primary cause of that fateful, tragic event.

Respectfully, I find such willful conduct as less than honest, less than truthful, less than FAIR AND IMPARTIAL.

In any case, when I spoke to Mr. Arriguin's staff person, she asked ME for my research details, as well as MY proposed solutions that might adjust the State LAW, without completely changing the law.

AND SO, I submitted my research that stated that 12 people, (actually more, as people were coming from the interior to the balcony , adding further weight and load bearing stresses,

AND I recommended that 1) The balconies be treated EXACTLY like an elevator, having posted placards that indicate weight and person limits, ie 4-5 people on the balcony at one time MAXIMUM,= 700- 900 pounds , which I believe would never have caused or resulted in that balcony collapse; that the placard MUST BE POSTED by the Owner or Landlord, and enforced by the City of Berkeley,

AND that the inspection requirements , associated with EEE be TEMPORARILY in Suspense, while testing the effectiveness of the

weight and person limit be put into practice for a given amount of time.

I also added that the balcony structural beams be pressure treated lumber, to prevent wood rot, in the event of water penetration, and the connection to the floor joints inside have a designated attachment bolting pattern, for maximum strength.

It is my hope that the State of California will strongly consider adopting these modifications, without trying to change the law.

I would recommend the City of Berkeley modify its protocols, to something similar, and discontinue victimizing owners and landlords constantly reaching into our wallets, and showing some concern for leaving our wallets intact (discretionary money in our wallets = freedom.)

I believe that similar protections be applied to decks. Beyond that, I believe that any and all other EEE imposed compliance guidelines are based on extensions and OVER REACH of the balconies and DECKS. That some individuals collectively decided more and more things that would cover any and every other scenario.

I also believe that the EEE compliance requirements have no regard for the cost burden on owners. If there are noteworthy wood rot issues, or handrail issues or other, the cost can compound to \$10,000 or more, not to mention the cost of inspection(\$800-\$1000 for a mere contractor, not an architect or engineer) Most people hate spending money, and most people simply do not have that kind of money.

I certainly don't have sufficient funds. I am a low income senior, in large part, because I will no longer subject myself to being a landlord in the City of Berkeley. It is a most terrible experience, one in which no Berkeley authorities refuse to discuss in a Fair-minded perspective.

My agenda is to wait for interest rates to come back down, when it becomes a new seller market , AND SELL MY PROPERTY. TO BE HONEST, THE CITY OF BERKELEY IS DRIVING PROPERTY OWNERS AND LANDLORDS OUT WITH THEIR EXHORBITANT TAXES, FEES AND PARCEL TAXES EVERY TWO YEARS, MOST OF WHICH PAYS FOR CITY EMPLOYEE PAYCHECKS, BENEFITS AND PENSIONS.

Can we be honest? Apparently NOT, as Mr. Lopez and Mr. Klein refuse to address the truth, that the Young Party attendants caused their own demise, innocently and recklessly. If they were honest, they would complete a load bearing stress calculation. These young adults

packed themselves in like sardines, and stayed out on that deck. More than 2000 pounds/a ton, not for a few minutes, but for a decent block of time, thereby increasing the stresses, minute by minute. and they were not a static load, but a moving load, adding still more load bearing stresses. Had 12 people been out there for a few minutes, the collapse would likely never occurred.

And so, the EEE people want to mandate that every owner pay large sums of money to inspect, something that the City of Berkeley should do, and be accountable for, but refuse, claiming lack of resources, same ol, same ol dodge ball game, pointing fingers everywhere but to themselves.

The lack of honesty by Mr. Lopez, and Ms. Burr, demonstrate the BIAS and AGENDA, by ALL City STAFF, cooperating with each other, thereby arguably unable to be FAIR AND IMPARTIAL. Simply, the processes and protocols are rigged by BIAS.

But, I AM REQUIRED to avail myself of all Administrative Remedies, BEFORE filing in Court, where there would be a FAIR and IMPARTIAL trier of fact.

Respectfully AND HONESTLY YOURS, Andrew Marowitz 510-356-6813

On Wednesday, October 29, 2025 at 02:31:26 PM PDT, McNulty, Jenny
<jmcnulty@berkeleyca.gov> wrote:

Dear Mr. Marowitz,

The Housing Advisory Committee will next meet on Thursday November 6th at 7pm and can conduct a hearing to consider your appeal at that meeting. The meeting will take place at the South Berkeley Senior Center located at 2939 Ellis St in the multipurpose room on the 1st floor. The City of Berkeley typically provides ten days notice to appellants of the date of their hearings. With your consent, we can proceed with eight days notice, so you can be heard as quickly as possible. If not, their next meeting will take place in early January. The date for their January meeting will be set when they meet on Nov 6th. Please email me to confirm your preference: meeting on November 6th or meeting in early January 2026 date TBD. Please email me by tomorrow at 10am if you would like for the appeal to take place on November 6th, as our response documents are due to the hearing body secretary tomorrow if you decide to meet on November 6th.

Sincerely,

Jenny McNulty, Resilient Buildings Program Manager

Special Projects / Building & Safety Division

Phone: (510) 981-7451

Email: jmcnulty@berkeleyca.gov

On Wednesday, October 29, 2025 at 01:54:29 PM PDT, Andrew Marowitz
<andrewmarowitz@sbcglobal.net> wrote:

Mr. Klein:

Today, I spoke to the analyst for the Senate Housing and Community Development, and the Apartment Owner's Association, and the Staff person for State Assembly Jessie Arriguin.

No one ever even started a question of load bearing stresses on the structural support for that collapsed balcony. And no one from legislators wants to even consider it now, not really. I am continuing to pursue this, as I think the mandated inspection protocol is truly a "passing the buck" to property owners protocol, regardless of the financial burden scenario. Government seems to always reach into the property owner's wallet time and time, ie parcel taxes, and I have heard that property taxes in Berkeley have increased by 24% in this current year. If so, Is that obscene , of what?

It is part of my Appeal, and I expect that no one in the City of Berkeley government can be FAIR AND IMPARTIAL in hearing my Appeal, which is why I am expecting to Appeal this in Superior , or perhaps, Federal Court, for an Inpartial trier of fact.

I suspect, now that I have begun sharing my information with the Cal Apartment Assoc., they will provide their support.

This subject matter MUST BE CoNSIDERED as the primary basis for that Balcony Collapse. Water Penetration wouedl be a contributing factor.

Had there been 5 or less people, on that balcony, there would never have been a collapse= 875 pounds, 1000 for a 5 overweight people.MAX.

The balcony could have held up with 900 pounds. But 2100 pounds and more if there were interior party attendants coming onto the balcony.....

And you and Mr. Lopez refuse to address this issue , and be honest? C'mon, guy. Be honest. Do a load caluclation. A moving load calc, not a static load calc. Why are you refusing to be honest and truthful?

The City of Berkeley is making a ton of revenue off the EEE mandates. How many buildings are being required to comply?

Andrew Marowitz 510-356-6813

On Monday, October 27, 2025 at 05:22:30 PM PDT, Andrew Marowitz
<andrewmarowitz@sbcglobal.net> wrote:

Mr. Klien:

As coincidence as may be, I had to meet someone for a lunch @ 11:30 this morning. What makes this noteworthy is that this individual actually spoke to someone from that Irish group. after the tragic event. She was told by one of the Irish group, that there were actually several others /additional people coming out to the balcony and going back inside. It was a party , inside and outside, and as such at times there were even more individuals out on that balcony,, adding load bearing weight, a moving weight, rather than a static weight.

I calculated 2000 pounds for 12 people, but adding even more people would add ??? 700 pounds= 4 more people ???

What is amazing is that this issue was never even considered as the primary source of the collapse. 1/2/3/4/5 people out on the deck would never have caused the collapse, I submit.

This event has caused owners across Berkeley , and now California, to be burdened with the inspection protocols. And for a mere secondary reason, caulking and drain holes. Interestingly, the only changes to the Berkeley building code is inspections, not any changes to the building code as to weight limits, treating it exactly like elevators, or how about requiring that the structural beams for the balcony be required to attach structurally to the floor joists, thereby extending the floor joists beyond the building to the ends of the balcony?

More and more, this begins to appear thagt the City of Berkeley has done little but finger pointing away from themselves, respectfully. Doesn't the City of Berkeley truly want to know the truth? Or prefers to avoid the truth?

Very truly yours, Andrew Marowitz

Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Monday, October 27, 2025 4:43 PM
To: Lopez, David
Subject: My timely submitted Appeal and Appeal fee of \$1000(obscene)

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.

Mr. Lopez:

Under the circumstances, I submitted my Appeal and Appeal Fee to the assistant to Mr. Angel Sinewen(sp) , Supervising RHSP inspector, today, October 27th, 2025, at 11:35am.

Apparently, you were not in the office to accept the Appeal and Apeal Fee payment, so I submitted it to said lady, a lady with glasses, [REDACTED], stating she was the assistant for Angel Sinewen, and who came out to the public area, and took my Appeal and payment, and I could no longer wait for her to return , as I had another appointment at 11:30am and I was late, so I left the third floor. The counter person, refused to accept, and alerted his supervisor(s).

Accordingly, my Appeal and fee payment was timely submitted, per your time deadline of October 28th,2025. I submitted the Appeal on October 27th,2025

I will be waiting for my scheduled Appeal before the Planning Commission.

Thank you for your accountable attention to this matter.

Andrew Marowitz 510-356-6813

*Note, irrelevant and inappropriate content redacted above.

On Monday, October 27, 2025 at 04:31:51 PM PDT, Andrew Marowitz
<andrewmarowitz@sbcglobal.net> wrote:

M. Klein:

As you may know, at exactly 11:15 am, today, October 27th, 2025 I attempted to submit my Appeal AND the Appeal fee of \$1000 as interpreted arbitrarily by Mr. Lopez, or in the alternative to the front counter person. As it turns out, Mr. Lopez was not present, and the front counter person refused to accept the Appeal and Appeal fee payment. The front counter person then alerted several supervisors to come out and accept the Appeal and payment. I waited at least 5 minutes, and demanded that the front counter person hail a supervisor immediately for that task. Apparently, he summoned Angel Sineran (sp). Instead of Mr. Sinewen coming out to the front, a lady describing herself as Mr. Sinewen's assistant came out, and instructed me to wait to see if Mr. Sinewen would accept it. I had repeatedly stated to both the front counter person and the lady, that I could not wait, as I had another obligation appointment at 11:30. I waited, again, five minutes, and no one came out. I had to leave and so I left.

For you to, at 12:30, indicate that I would be submitting my Appeal and payment for Appeal, seems highly irregular. It is as if there is a conspiratorial dance among staff, to decide how a submitted Appeal and payment will or won't be accepted. If Mr. Lopez was not available to accept the Appeal and Payment, someone MUST accept the Appeal and Payment. And, an hour later you state that I will be submitting my Appeal and Appeal payment. Respectfully, c'mon, people in this office are dancing every which way, playing, who will accept the Appeal, as if, no one wants to accept the Appeal and payment. What are you all afraid of?

As such, I consider the Appeal and payment of Appeal fee served and accepted by the lady, who was about 5' 6" [REDACTED]*, and wore glasses, and presented herself as Mr. Sinewen's assistant. * Irrelevant and inappropriate content redacted.

As to the issue of the analysis of the load bearing weight of that balcony, that issue is a very logical question, one in which the building department official should readily know. Also, respectfully, one in which the Planning Director should know, as well, I expect.. Now, why would the building official send you the question of load bearing weight calculations, but not provide an update, moment to moment, of the Appeal and \$1000 Appeal fee, as interpreted by Mr. Lopez.? Is that honesty, or what? When did you receive his email forwarding the load bearing weight?

Mr. Lopez, in his authority as building official provided that on or before October 28th, I could comply, or Appeal, or I would be subjected to a \$1000 penalty fee for non-compliance. I attempted to initiate compliance, having two inspectors perform a quick visual inspection, They

respectively stated their inspection fee(s) would hbe \$975 and \$775. And there might be some elements on the second floor that demonstrated indications of wood rot. I live in the second floor flat, as the sole occupant, and have done so since 2018. As a low income senior, I do not have funds to pay for minimal costs, much more any issues of EEE compliance. I am wanting to claim applicability of RHSP protections and rights, ie, Owner Occupancy exemption, self certification and vacancy rental units as exempt, though they are also exempt, based on haveing no EEE elements over six feet, no elements at all.

In any case, I consider that my Appeal and obscenely high Appeal fee as served and accepted, by and fpor Angel Sinewen. RHSP supervising Housing Inspector. Mr . Sinewen has done NOTHING improper. His boss is David Lopez, and must defer any issues to his boss, Mr. Lopez.

I consider Mr. Lopez, as a bully, being the building nofficial with unlimited interpretation authority, so he says.

My Appeal and it's sub components are bona fide, and arguably violate 14 amednment due process rights, Fairness and Impartiality, among other issues.

Respectfully, Andrew Marowitz 510-356-6813

On Monday, October 27, 2025 at 12:32:12 PM PDT, Klein, Jordan <jklein@berkeleyca.gov> wrote:

Mr. Marowitz:

I have directed David Lopez to stop responding to your messages.

I understand that you plan to submit an appeal of a determination of the Building Official. That will be processed accordingly. If you would like to submit a request for public information, you may do so here: <https://cityofberkeleyca.nextrequest.com/>

If you have any further questions you can send them to me and I will make sure that they get routed accordingly.

Jordan Klein

Director, Department of Planning & Development

City of Berkeley

Phone: (510) 774-1337

jklein@berkeleyca.gov

Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Sunday, October 26, 2025 5:24 PM
To: Lopez, David
Cc: Andrew Marowitz; Bartlett, Ben
Subject: In light of my present circumstances and your intentions..... I HAVE DECIDED TO FILE AN APPEAL

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.

Mr. Lopez:

Given that you intend to impose a \$1000 non compliance penalty fee on October 29th, 2025, after substantial thought and consideration, I am NOW preparing to Appeal, regardless of your truly obscene Appeal fee of \$1000, which is arbitrary and capricious on your part, as well as a undeniable deterrent to my original intentions to Appeal.

Accordingly, I will RE document and Re-Submit my Appeal and, **I will pay the \$1000 Appeal fee, though it will cause me to be unable to pay my property taxes in full. I will deliver the \$1000 Appeal Fee, UNDER EMPHATIC PROTEST AND OBJECTION ON MONDAY OCTOBER 27TH, 2025, AND HAND IT TO YOU OR THE INDIVIDUAL AT THE FRONT COUNTER 3RD FLOOR, IF YOU ARE UNABLE TO RECEIVE IT**

I will now prepare the various bases, in the form of bullet points, to set forth the NUMEROUS issues that you have generated, in addition to my bases for Appeal as to the EEE enforcement. You shall not mandate how the form of my Appeal should be prepared, so that you can find fault with it.

1) I am Appealing based on you, as building director have arbitrarily decided that the Appeal fee shall be \$1000, which is an overwhelming deterrent to anyone submitting an Appeal. As previously stated by me, I discovered in your City Council Resolution Fee Schedule 71, 834 N.S., dated July 17, 2025, on Page 5, Chapter XVII, under miscellaneous, "Any Fee NOT Explicitly Covered in This Fee Schedule, shall have a Fee of \$250. You willfully disregarded that documented component, and arbitrarily stated that the Appeal would take hours and require 4 City employees. However, interestingly, I spoke only to Guilelead Burr AND You. Yet here you are saying Four people. If Four People will be involved and take numerous hours, then Ms. Burr AND YOU deprived me of Full and Complete Due Process, as addressed by the U.S. Constitution, under the 14th Amendment. However, this specific basis for Appeal will be addressed in detail later on in this Appeal.

2) I also asked you, regarding 71,834 N.S., Page 5 Miscellaneous XVII, the guidelines for "UNREASONABLE HARDSHIP EXCEPTION". I asked you what was the criteria for eligibility, as I believe that I was financially eligible, being a low income senior citizen.

You responded by stating in your email, that you would need 3-5 days to provide said criteria. If you were immediately aware of the criteria, you would have disclosed it immediately in a few sentences. However, 3-5 days later, you responded by email, that the criteria, whatever it was, was only for Commercial Properties, and not for Residential Properties. Why did you delay that simple response? Of course, as building director, you made it up / created it to deny any opportunity by me, to be eligible for said exception. And then you followed up by stating that you would not respond to any further emails. Ironically, you stated that, simply, you follow the laws that the State and City Council provided to you. But that was a lie. You fabricated this eligibility issue, and imposed it on me, to motivate me, along with the \$1000 Appeal Fee, to fall in line and begrudgingly comply with the EEE compliance mandate. You, sir, are abusing your authority, as City Council and the State laws, allow you to make arbitrary and capricious determinations and interpretations, ANY WAY YOU WANT, without regard for the impact on the impacted property owner. As such, you come off as a bully.

3) I am a low income senior, retired, refuse to rent out my Berkeley property, because the City of Berkeley knowingly victimizes landlords, in so many ways, that being a landlord in the City of Berkeley is a most terrible experience, and no one in the City will even address said topic. There is a Tenant Protection Ordinance, but no Landlord Protection Ordinance. There are a expansive mine field of Ordinances that benefit tenants, but there are no ordinances that benefit landlords, AND statutory attorney fees against landlords, if they fail to do, or do in violation, while there are no such statutory attorney fees that protect landlords. There is no equal protection, there is nothing that aids and benefits landlords, so I have refused to rent out my units, and as far as City Council and State laws, mum's the word. Eviction

Moratorium? And then the Vacancy Parcel Tax, if a landlord was victimized. It is obscene and unjust, and no one addresses such injustices. It ought to be a crime, but it isn't. Tenants make up 65% of the voters, and our legislators cater to the majority of voters for re-election, so City Council will never raise a finger in support of landlords. Is that Corruption?

4) I raised and relied on the issues of the Rental Housing SAFETY Program, for it benefits to landlords, specifically, the Owner Occupancy Exemption if he resides in a subject unit. I addressed the Owner's right to self certify his property, based on a printed checklist, which includes the same EEE components. However, I spoke to the Supervising Housing Inspector, Andre Sineran (sp), and he states that you are his boss, so whatever you dictate, he will defer to (or you will discipline him) But that is an Abuse of Process, as the RHSP clearly provides an Owner with documented rights and protections, which you clearly refuse to recognize and willfully ignore as an arbitrary and capricious act, on your part, yet another arguable abuse and violation of Due Process.

5) When being addressed by Galadriel Burr, "Community Services Specialist III, When I asked the process of Appeal and the cost of Appeal, she indicated that she would forward my emails to her supervisor. I then asked her the name and title of the supervisor who she forwarded my emails to, and she repeatedly failed / refused to respond. And I am certain you are not her direct supervisor, which means that her supervisor, her manager, and the director of EEE were, somehow bypassed , when I was intending on following through on my intended Appeal. I have heard the names Jensen , as manager, I have not heard the name of her direct supervisor. I have heard the name of the director of EEE as McNulty(?) and all of them , apparently have you as their boss. Accordingly, arguably, I was deprived of Due Process by Ms. Burr's direct supervisor, , Mr. Jensen , and Ms. McNulty/ McNealy? of a name that sounds similar.

So, how and why did my intended Appeal wind up on your desk/ for the building official attention, without any Due Process from these intermediate supervisors, manager, and director of EEE? Is it because only YOU, as building official, with unlimited interpretation and determination to decide any way you want , any fee you might decide on, and decide what is and isn't in the building services component of the City? I submit that the fact that I Ms. Burr, , her direct supervisor, Mr. Jensen as EEE manager, and the Director of EEE all refused to address my concerns, refused to address my rights and protections of RHSP, and refused to provide me with an Appeal fee, all relate to a deprivation of my rights to Due Process, while you arbitrarily and capriciously impose a \$1000 Appeal fee, the same fee amount as non compliance penalty fee. I respectfully believe that you regularly abuse your authority, because the City and State have decided to not create specific detail of laws, ordinances and regulations, thereby allowing you to interpret any which way you want, and disregard the interests of the property owner , while benefitting the City, especially the revenues generated by the EEE program.

6) I elect to Appeal the fact that both the City and the State have arbitrarily chosen to disregard the truth, as it pertains to the tragic balcony collapse that occurred in 2015. The City settled lawsuits for defective building standards, but no less significant , and perhaps more significant, the City and State never mentioned one word about the fact that the incident/ event occurred because there were at least 12 adults that were on that 4'x8' balcony at one time, a serious overload of load bearing weights, that, either in part ,or in whole, caused the collapse of that balcony . according to the news article , six people died instantly and 6 others were critically injured. The weight of those people were more than 2000 pounds. The load was simply too much that is was major component, of the failure of that balcony. Yet there was not one word of mention of this component. I expect that pointing to this component was too emotionally a ugly issue, regardless of such truths. So, the City and the news pointed to a lack of caulk, leading to entry of moisture, leading to structure weakness, which was also a component, but not the root cause. I honestly believe the root cause was too many people and too much weight. Had there been 1/2/3/4 people on that balcony, on that fateful day, the collapse would never have occurred. Just like elevators, there should be warning signs, stating person and weight limits, but to this day, no such warning signs are posted, unlike elevators. This then, is yet another arguable failure that led to the collapse.

And, as building official, you arbitrarily refuse to address this issue, despite my requests that you calculate the load bearing limits of said balcony. Should such a balcony be sufficient to support a moving load of 2000 pounds, or more? Your refusal to address this issue is yet further irresponsibility and arbitrary discretion of the building official.

If my assessment is correct, then property owners are being unjustly subjected to thousands of dollars of cost burden to comply with EEE mandates. All the while, the EEE program is raking in millions of dollars of revenue to the general fund, allegedly to pay the cost of operation of the EEE program. But said costs are relatively minimal, but pays the salaries, benefits, and pensions of related city staff, as well as city wide staff general funding. I submit, this is one of dozens, if not hundred or more taxes, fees, and penalties for the City employee funding. This is especially unjust, if the source reason for the tragic incident was in part or in whole, the overload issue of that balcony..

It is unjust enrichment by the City to require property owners to pay and pay and pay for something that these well intended young adults unknowingly might have caused.

In fact, I inquired with you, as building official, why the Building Department refuses to engage in performing these same inspections. It would relieve property owners of the cost of hiring an independent 3rd party to inspect. Your response was the City doesn't have the manpower to inspect the EEE program. If question if that is the real reason. The Building Department doesn't want to engage in inspections, for the potential liability, if the inspection is , somehow less than effective. The building department could 1) spread the workload amongst the RHSP personnel, the building inspectors,

or even hire another inspector, on a temporary basis, to accommodate the workload. Isn't that the truth? The City, time and time again, has no problem making the size and cost of government larger and more expensive. Suddenly, on this concern, they cannot add an employee? That sounds pretty far fetched to me, by itself.

You have stated that you rely on State laws, but the truth is that you mix, match, apply to either and both State law and City Ordinances, whichever provides you with full and complete authority, to do and say, whatever you choose, in maximizing your authority and discretion, and, the property owner and the cost burden, be damned. Who cares how much this costs the burdened property? Not the building official, that is for certain. And much of the cost finds its way to City revenues, as previously stated, another revenue funding tool to pay for city staff, including, but not limited to, City employees having more paid holidays than any other city in the State, also dollar for dollar matching staff retirement funding, and also the benefit of working from home 2-3 days per week. Recently I observed a person, who was working from home, walking the dog 4 times a day, most likely to de-stress, but paid by the employer. Working from home, employees rarely pick up the phone when the public calls. calls back at THEIR convenience in 24/48 hours. And there is a ton of abuse, long breaks and lunches, bathroom breaks, cooking and washing, smoking whatever, drinking alcohol, naps, and the potential abuses are limitless. As a City employee myself, decades ago, as a City employee, just do the job, (4=5 hours a day maximum. All paid by taxpayers. In my opinion the City of Berkeley pampers and spoils City staff, all paid by ever rising taxes., but that is only an educated opinion. City staff, always say they work long and hard. As an ex-City employee, Why do I tend to disbelieve that?

7) If I were allowed to apply certain components of the Rental Housing SAFETY Program, my second floor flat, Apt. #4, as Owner Occupied, would be exempt. If my second floor flat were exempt, then the entire property would be exempt, as there are no EEE components on the first/ ground floor that exceed the six foot height limits. In fact, the ground floor units #1/#2/ and #3 have no EEE elements at all, being two feet above the soil. Accordingly, I am Appealing on this basis. If I caused injury to myself as the sole occupant of #4, I couldn't and wouldn't file a lawsuit against myself. Yet the EEE department is adamant to mandate that I correct anything on the second floor, of which I am the sole occupant. All the while, the EEE program is generating millions of dollars in revenue. How many buildings are subjected to the mandates of the EEE program? Thousands? Fees, building permits, the cost of the 3rd party contractor, architect, engineer. I attempted to have a 3rd party inspector come and do a visual inspection. For an official inspection, the inspectors charge \$800-1000. The building Permit costs, minimum \$365, repairs and materials? I refuse to rent out my units, and will never do so, and waiting for interest rates to come down, and sell my property. So, my income is low, and I am a senior with low income? How can I afford these costs? I can't.. And what is depressing is the building official, and apparently, the City of Berkeley doesn't care in the least. What if there are some noteworthy corrections that are required to be addressed? What if the corrections cost \$10,000 or more? How could I possibly have the money to pay for such costs? I can't.. Will the building department place a lien on my property? Will they take my property, because I cannot afford to make such exorbitant corrections? This is also a basis for my Appeal.

8) The rules state that the Appeal Fee is non-refundable. But, what if the Building Official is arbitrarily charging an Appeal Fee that is obscenely too much. ie \$260?

I ask that the the Administrative authority, apparently, the Berkeley Planning Commission consider and / or order my Appeal fee refunded/ returned, and state by Ordinance, that the Appeal Fee shall be specifically and explicitly defined, and a reasonable fee, so that an Appeal is not deterred, as the building official has arbitrarily and unilaterally decided. I believe that THIS was why the intended Appeal bypassed all of the intermediate staff, and went straight to the building official; because he, and only he has the authority to impose whatever fee he decides, and he calculates a deterrent of any Appeal. The building official should never have been involved until the Appeal was already in process. Accordingly, the supervisor, or the manager, or the EEE director should have set/decided on the amount of the Appeal fee, not the building Official. I asked Mr. Lopez to recuse himself, and to allow an independent individual, who would not be BIASED, to referee the processes of my Appeal, but, clearly, Mr. Lopez has refused. He enjoys his power, and his authority to decide any way and anyhow, that he chooses.

I wanted someone else who would be fair and impartial, as that is how the Due Process Rights work. But, Mr. Lopez, as Building Official, is anything BUT FAIR AND IMPARTIAL. It is a completely rigged game. Every employee within the building department answers to him, including the Rental Housing SAFETY program supervising Housing Inspector, and that individual will never disagree with Mr. Lopez, the Building Official. Accordingly, he defers to anything the Building Official decides, every time. THAT..., is NOT FAIR and/OR IMPARTIAL.

I respectfully, inquire, is the Planning Commission FAIR AND IMPARTIAL? Respectfully, under Due Process Rights, under the 14th Amendment, I am entitled to a Fair and Impartial Hearing/Appeal.. Respectfully, I am unsure if the Planning Commission is/ can be Fair and Impartial?

Accordingly, this is a basis for my Appeal.

9). Does the City / the Planning Commission regulations have a basis for allowing the subject property owner some form of Low Income Senior exception /exemption, that provides avoidance of the cost burdens of this extremely expensive program? Does the XVII Miscellaneous provision of "Unreasonable Hardship Exception" as stated in the Fee Schedule of City Council, under 71, 834 N.S. apply to me, as the subject property owner, especially when factoring in the totality of

the circumstances of Apartments #1/#2/and #3 as exempt from EEE as having no EEE components and the owner occupying the 2nd floor #4?

Aside from having to pay property taxes , my recurring expenses are Food and Drink, Fuel, Insurance, Internet, Utilities, , Vehicle Registration, and some etc.....

10) Another arguable issue in this dispute, that is valid, is that I could/ were allowed, I would prefer to convert my 4plex into a single family dwelling, as I treat it currently, using the three vacant units as storage only. But , as always the government runs the show, and my freedom to do what I wish with my property. But, instead, both the City and the WState refuse to allow me to downsize/ reduce to a single family dwelling, because of the housing shortage that the State has created, by housing the homeless who flooded California, housing early release jail inmates, because it costs the state too much money to maintain the prison system, and allowing/ require housing so many illegal immigrants into the State of California. And so, government has taken control of my housing choices and opportunities. Freedom, or the lack thereof , just the way I pictured it. I have no say in my property, Only to put my name on the title , and to pay tax, after tax, after tax. Freedom? Where? Is this a Taking by over-regulation? The Courts have interpreted , NOT unless such a taking has caused my property and property value to lose 90%. What a disgraceful system We/ I live in.

This is yet another basis for my Appeal, of course. I would very much choose to convert my building into a single family dwelling.

In closing, I just want to be left alone, in peace, in my property, that I live alone in, until I sell, or die, whichever comes first. But, government is simply not ever going to leave me alone. Government is paid and authorized to make people miserable, in particular property owners, with the never ending parcel taxes, Government is the owner of my property, when one strips away all the pretense and get real. Freedom? Where. Local government taxes everything. There is no freedom. There is government authority , control, and a hundred different taxes, or fees, and/ or penalties for not complying with government control and taxation. The majority of people's wallets are constantly near empty/ ie living paycheck to paycheck. As such, life sucks, thanks to government.

This is a basis for Appealing, but no one in government is listening. or cares. Who is watching the watcher? Not the legislators. In my opinion, The legislators never say no to government Government is not the public interest, it is government serving the interests of government, and embedding itself in the public interest.

Respectfully, Andrew Marowitz 510-356-6813

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Sent: Saturday, October 25, 2025 12:45 PM

To: Lopez, David <dlopez@berkeleyca.gov>

Subject: Request for information regarding the 2015 balcony collapse tragedy

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.

Mr. Lopez, as building director, I believe that you might know the weight limits of that balcony.

The balcony was 4'x 8' , based on information I received.

There were (at least) 12 people , males/ females, light , medium, and heavy. 6 people died and 6 were critically injured.

The load is reasonably estimated at 160 to 175 per person (at least) (not including clothing) that adds up to 1920-2100 pounds, not a dead load, but a moving load (somewhat)

Are you able and willing to determine the load bearing weight of that balcony? And if you can, will you disclose that estimated bearing load for that balcony?

Why wasn't this issue considered as even a contributing factor?

Or, perhaps the City of Berkeley never wanted that issue to be considered, might place the City in a powerfully compromised position? To this day, that issue has never been addressed? Don't you find that reality unreal? Maybe no one wanted to point the finger at the people on that balcony?

The blame was placed on the owner for allegedly not caulking?

Could this incident have occurred if only 3 to 4 people were on that deck? 4 people brings a load bearing weight of 700 pounds.

I am truly and seriously curious why the weight issue was never even mentioned.

In any case, as stated ad nauseum, I do not have sufficient financial resources to pay for compliance , and pay property taxes, not to mention, my normal bills, ie food,gas, utilities, insurance, vehicle registration is soon due, garbage, internet,

Is all of this totally irrelevant to you?

Andrew Marowitz

It seems to me that Every property owner is suffering financial losses forever as a result

Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Friday, October 24, 2025 5:28 PM
To: Lopez, David
Subject: Re: 1615 Fairview St. attempting to comply

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.

Mr. Lopez:

Re: the second inspector. After conducting the visual inspection, he went back to his office and spoke to his lead guy. The lead guy indicated that the official inspection should take place AFTER I complete the minor repairs, so that the initial official inspection would be the final inspection, which, in turn would save me a decent amount of money.

I will be doing business with these people. But, as it is, there will be a deliberate delay in the official inspection. But the paperwork will not be generated on October 28th.

I expect that you will issue a non compliance penalty fee. But, I have shown good faith effort in compliance. I will undertake the minor repairs which I hope to complete in a week. or so.

Accordingly, I am requesting an extension of time to complete repairs and schedule an official inspection followed by eventual paperwork, which I will deliver, once the processes are complete.

You might consider me for the unreasonable hardship exception, unless you can show that your interpretation of exclusivity of commercial properties , is a rule that is codified.

I really want/ hope to pay my property taxes. As you know, paying one day late for property taxes is a 10% penalty. My taxes are approximated to be about \$6500 per year.

Andrew Marowitz

On Friday, October 24, 2025 at 02:25:11 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez:

I just had the second contractor/ inspector complete a visual inspection. He is less expensive and found a few items.

He advised that the office manager will prepare the paperwork for the issues, the repairs, and the cost of the inspection. This paperwork is expected to be generated by email , and likely agreed to on Monday, October 28th.

I hope he and I will agree to the cost of inspection, of which I can afford a deposit, AND pay my property taxes, if he/ the company accepts only a deposit/ portion of the cost

Again, I cannot afford all the costs of EEE compliance. And I feel the building director and the City are heartless , when considering affordability and low income property owners. . You couldn't care less, in other words. Again, I reference 71,834 N.S. of unreasonable hardship exception, regardless of the made up interpretation you assert that that relates to only commercial buildings, not residential. This falsehood clearly demonstrates the revenues generated by the EEE is a top priority for the building official.

No one is talking about the fact that too many people were on that balcony collapse. That is the primary reason, that the tragedy occurred. I re-read the news article. 6 people died instantly, and 6 others were critically injured, meaning there were at least 12 people on that fateful balcony. They blame in on lack of caulk and water penetration, but the true reason was there were wayyyy too many people on that balcony.. If only 3 people, even with dry rot, there would never have

been a collapse. At least 12 people carries a weight of 2000 pounds, maybe more. Had there been weight/people limits on warning signs, this never would have occurred. But the politicians don't want to deal in that truth, so they keep quiet.

I hope that this inspection company will financially work with me. Great Escapes is the company name.

Andrew Marowitz

Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Friday, October 24, 2025 12:16 PM
To: Lopez, David
Subject: Re: 1615 Fairview Ave.

Mr. Lopez:

An inspector just came by and is/ was willing to write a proposal, but before he issues a dollar amount, he would need me to remove various pieces of shiplap and plywood to expose the structural components. He sees some woodrot underneath my porch, and if that bears out, he suggests a possible repair of up to \$10,000, which I simply do not have.

As I have already disclosed to you, I can either pay the EEE fees or pay my property taxes, but not both. And certainly not \$10,000. His fee is \$950 for two elements, the stairs (fully concrete) and the covered porch of my upper flat.

I called several contractors from the BPOA list. I am expecting another inspector to come by sometime today.

What if I cannot afford the cost of inspection, much more the repair? Will you punish for non compliance of \$1000 for/ of a low income senior who lives here alone? Clearly, City Council has provided you, in your role, with limitless interpretive determination and discretion.

That is punishing the low income person who can't afford the huge cost of EEE, and making me even more financially deeper in a hole.

Is that the ripple effect of the EEE requirements? To break the backs of limited income seniors?

Your thoughts. if you choose to offer them?

Andrew Marowitz

On Thursday, October 23, 2025 at 12:23:09 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez:

I just spoke to the Supervising Housing Inspector of the RHSP, and he indicates that **you are his boss**, so he will defer to anything you say. What a dam scandal.

He says this is about safety, but it more about revenue than safety, and you know it. Every building subject to EEE enforcement generates a huge amount of money for the building department and the City of Berkeley. All my mind and spirit are screaming "RIP OFF".

That said, I initiated a search of contractors listed on the EEE department list, and the City doesn't even list those qualified contractors who are licensed for EEE inspection in the City of Berkeley. In other words the Building Dept /EEE is so lazy, they don't even list those contractors who are eligible to inspect. Since you are the GUY, who sets up this program, it is you who refuses to list eligible contractors to call. There is nothing legitimate about this EEE program. The true solution is to require Owners to post a person/ weight limit on any balcony /deck, etc, no differently from every elevator that exists and operates.

Then you make up rules for the Appeal fee, not explicitly listed, and you make up rules that invalidate the unreasonable hardship exemption.

Sir, as building director, you are exercising excessive discretion and interpretation, and hiding the truth, and unjustly forcing property owners to pay a large sum of money, which pays for City employees paychecks/ benefits and pensions,

for a City government that is constantly growing in size and cost, all paid by us taxpayers. This, to me is disgusting and despicable. And suddenly, you refuse to respond as these newly made up rules. This is barely more than a rip-off, hiding behind a safety concern.

I will now endeavor to call dozens of contractors to find out if they are licensed in the City of Berkeley, something that you should have done, and made readily available to us victims of the building departments greed.

What a con job. And you run it all.

I will initiate a compliance of the EEE program farce immediately. I will have a contractor lined up by October 28th, as you require.

What a con job. I bet you think you are honorable. I am a highly educated person and I can see clearly through this scam operation. This EEE program is a scam operation, hiding behind a safety concern, which can and should be accomplished with a weight/ person limit, no differently than any elevator. But, then, the building dept wouldn't generate any revenue, right?

I wish I could sue the city and you in court. You constantly victimize people for revenue. The building dept rakes in the cash for the City of Berkeley. Dam pick pockets.

Depressed, Andrew Marowitz

On Wednesday, October 22, 2025 at 09:03:23 AM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez:

In your email on Tuesday, you referenced a line item in the City's fee schedule regarding items that require review and **are not explicitly listed, such as Alternate Method applications**, Requests for Unreasonable Hardship Exceptions, and Requests for Determinations. **Those items are not assigned fixed fees because they are project-specific and billed hourly.** For example, an Alternate Method review may require dozens of staff hours, potentially totaling thousands of dollars. **Unreasonable Hardship Exceptions are specific to accessibility issues in non-residential properties. These items relate to design-based determinations on current proposed construction projects and are not considered appeals.**

Respectfully, how do I know for sure that you didn't just make this stuff up so that you could continue to insist on a Building Official Determination?

PLEASE, SIR, PROVIDE ME THE BASIS FOR YOUR DETERMINATION AND INTERPRETATION. IF YOU CANNOT SUPPORT THESE STATEMENTS WITHOUT DOCUMENTARY SUPPORT, IT MUST BE CONSIDERED THAT YOU ARE MAKING THIS STUFF UP, AS YOU REPEATEDLY ASSERT THAT YOU FOLLOW THE LAWS, NOT MERELY INTERPRET THEM.

IF YOU FAIL OR REFUSE TO RESPOND, AS YOU HAVE STATED THAT YOU WILL NO LONGER RESPOND, I WILL, MOST CERTAINLY REFER THIS TO MY CITY COUNCIL PERSON, TO REQUEST HIS INVOLVEMENT, AND IF ANY INVOLVEMENT REQUIRES SUBSTANTIAL TIME THAT EXCEEDS THE OCTOBER 28TH DEADLINE TO SUBMIT AN APPEAL, I WILL ADVOCATE THAT HE REQUEST/DEMAND THAT YOU EXTEND THAT DEADLINE IN LIGHT OF YOUR BIAS. AS YOU MAY RECALL, I REQUESTED THAT YOU DELEGATE SOMEONE WHO IS NOT BIASED/ NOT PART OF THE EEE DEPARTMENT, AND CLEARLY, YOU HAVE REFUSED TO ALLOW THAT TO OCCUR.

PLEASE BEAR IN MIND, THAT I HAVE REPEATEDLY REQUESTED THAT ANGEL SINEYAN, THE SUPERVISING HOUSING INSPECTOR FOR THE RHSP PROGRAM BE DELEGATED TO STEP IN, SINCE I HAVE REPEATEDLY STATED THAT THE RHSP PROVIDES FOR EVERY EEE COMPONENT FOR SAFETY PURPOSES, WHICH YOU REFUSE TO CONSIDER.

RENTAL HOUSING SAFETY PROGRAM (RHSP) SELF-CERTIFICATION CHECKLIST (Formerly Schedule A)
Website: <http://www.berkeleyca.gov> (Search: RHSP) Property Address: (Please print legibly and use one form per

address/unit.) Street Address: Unit #: DOOR LOCKS Pass N/A All exterior doors open and close properly, latch and lock and unlock easily. All individual apartment entry doors have working deadbolts and entry knobs with dead locking latches. SMOKE DETECTORS Smoke alarms are installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedroom(s), and on each occupiable story including basements and habitable attics. All smoke detectors work properly, are less than 10 years old, and the alarm sounds when tested. Hardwired smoke detectors have a functioning battery back-up. CARBON MONOXIDE ALARMS & DETECTORS If the building contains a fossil fuel burning heater, appliance, fireplace or attached garage, carbon monoxide (CO) devices are required to be installed in accordance with local building standards and the manufacturer's installation instructions. See the floor plan in the notes for guidance on location. Operational CO alarms are installed outside of all sleeping areas in the immediate vicinity of each bedroom, in a bedroom where a gas burning appliance is located and on each occupiable level inside the unit including basements and habitable attics. Alarms are current and have not expired per manufacturers date stamp on the unit. HEATING AND WATER HEATERS All heating equipment is operational, in safe working condition and properly maintained. The gas heater is operating normally and is provided with minimum combustion air. For buildings with a thermostat not under the control of the tenants, the temperature setting on the thermostat is set at 68°F minimum. All gas lines are free of leaks and any gaseous odors. (Immediately report gas leaks or gaseous odors to PG&E and owner/manager). All gas lines in the unit have accessible shut-off valves. Water heaters are installed correctly and meet the following requirements: (If the water heaters were installed prior to any of these code requirements, you may check N/A for those line items.) a) Earthquake straps are secured on the bottom 1/3 and the upper 1/3 portions; b) Water heater has a temperature and pressure relief valve. Rigid piping for the TPR valve is installed maintaining a downward slope terminating between 6 and 24 inches above grade; c) A drain pan is installed where damage from a leaking water heater may occur; d) The draft hood to the vent is secured with a minimum of 3 screws and the vent connector slopes upward maintaining a minimum slope of 1/4 inch per foot; e) A bond wire is connected between the metal hot and cold water supply lines and gas piping. VENTILATION / WINDOWS Windows open, close and lock easily and can remain open. The windows required for egress in sleeping rooms open completely. If there are security bars on the required emergency egress window, ensure there is an operable quick release mechanism on the inside. All window glass is in good condition, free of damage and properly sealed at the edges. If bathrooms have fixed windows or no windows, verify the mechanical ventilation system is in working order. APPLIANCES All built-in appliances are in good working condition. Gas stoves are free of odors indicating a gas leak and all indicator lights are working on electric stoves. I RHSP Self-Certification Check List (Schedule A)

ELECTRICAL WIRING Pass N/A Accessible electrical outlets, junction boxes and light switches are functional, secure and all have faceplates in good condition. There are no unprotected exposed electrical wires or electrical cables. All receptacles that have been replaced in the kitchen, bathroom, laundry, garage or in exterior weatherexposed locations, are Ground Fault Circuit Interrupter (GFCI) protected outlets. PLUMBING All faucets are in working condition and all handles, valves, diverters are free of leaks and visible damage. Hot and cold water have sufficient flow. All plumbing and sewer piping drain properly and are free of leaks. Toilets are secure in place, in good working condition and free of leaks. FIRE EXTINGUISHER (Building with 3 or more units only) Fire extinguishers are provided within a maximum travel distance of 75 feet. Each extinguisher has been tagged and serviced by a state licensed contractor within the last year. Each fire extinguisher is fully charged, operable and readily available for use. WEATHER PROTECTION Exterior walls, roofs and ceilings are free from leaks. HANDRAIL & GUARDRAIL CONDITION Handrails and guardrails are tightly fastened, sound and in good condition.

INTERIOR STAIRWAY CONDITION Stairways, including treads, risers and landings, are in good condition, adequately fastened, with no damaged, missing or loose structural members.

EXTERIOR ELEVATED DECKS, BALCONIES, STAIRWAYS OR WALKWAYS All elevated wood-framed and steel-framed decks, balconies, landings, stairway systems, walkways, terraces, guardrails, handrails, or any parts thereof in weather-exposed areas at the subject building did not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there was no evidence of active water intrusion in concealed spaces of the inspected elements.

WALKWAYS AND PATHWAYS All exit pathways and stairways are clear of open storage, trash and debris. All electrical fixtures providing lighting and directional signage for the common areas are in working condition. FLOORS & TRIP HAZARDS All floors and floor coverings are free of significant trip hazards due to damage or structural defect. The bathroom floor is finished with a non-absorbent material and is sealed to prevent moisture intrusion. ELECTRICAL PANELS WITH SCREW IN FUSES Are the fuses in the panel box that serve each unit rated at 15 amps or less? For fuse panels with 20 amps or larger fuses, the wiring is sized properly and is capable of handling the load or has been inspected by a licensed electrical contractor. ACKNOWLEDGEMENTS I certify I have inspected the aforementioned unit and the information above is true and correct. I acknowledge I am required to provide a copy of this Self-Certification Checklist to the tenant(s). I certify I was unable to inspect the aforementioned unit because the tenant(s) refused to allow entry. I agree to send a copy of this checklist to RHSP@berkeleyca.gov or RHSP | 1947 Center Street, 3rd Floor | Berkeley, CA 94704. Name of Certifier (Please print): _____ Relationship to Property:

Owner or Manager

Name _____

Mailing Address and Phone #:

Signature and Date: _____

AS YOU CAN SEE, I HAVE COPIED AND HIGHLIGHTED IN BOLD BLACK PRINT, THE EXACT SAFETY COMPONENTS AS THE EEE DEPARTMENT REQUIREMENTS.

I WILL BE SENDING THIS LETTER TO MY CITY COUNCIL PERSON AND REQUESTING A MEETING ASAP, TO DEMONSTRATE YOUR EXCESS OF INTERPRETATION, DETERMINATIONAL EXCESS, AND ABUSE OF EXCESS OF YOUR AUTHORITY, RESPECTFULLY, OF COURSE.

IN SHORT, YOU ARE PROVIDED TOO MUCH AUTHORITY TO DETERMINE ANYTHING YOU WANT, ANY WAY YOU WANT.

AGAIN, PLEASE PROVIDE THE BASIS FOR YOUR ASSERTIONS RELATING TO DISREGARD OF THE RHSP PROTOCOLS, THE UNREASONABLE HARDSHIP EXCEPTION, AND THE "NOT EXPLICITLY COVERED FEE OF \$250, WHICH CAN BE ADDRESSED BY A SINGLE PERSON, NOT MULTIPLE STAFF PERSONS FOR MULTIPLE HOURS, WHICH IS AN INTERPRETATION THAT I BELIEVE IS COMPLETELY ARBITRARY AND CAPRICIOUS, RESPECTFULLY, OF COURSE.

VERY TRULY YOURS, ANDREW MAROWITZ 510-356-6813 andrewmarowitz@sbcglobal.net dated october 22nd,2025

On Tuesday, October 21, 2025 at 09:39:36 AM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good Morning Mr. Marowitz,

As Manager, it is my responsibility to remain impartial and avoid providing preferential treatment to anyone, including yourself. What you are requesting would require me to alter established rules for your individual case, and that is not something I can do. My role is to enforce, to the best of my ability, the regulations adopted by the City and the State laws under my jurisdiction.

While the City and State have granted me the authority to administer and interpret these laws and regulations, you do have the right to appeal any determination I have made. Such an appeal is reviewed by an independent hearing body, which will determine whether my interpretation of the regulations in your specific case is correct.

I previously sent you a detailed email on October 9 outlining your available options. We also met recently to review this same information, during which I provided you with a copy of Resolution 71,834—an item you had asserted did not exist.

In your email on Tuesday, you referenced a line item in the City’s fee schedule regarding items that require review and are not explicitly listed, such as Alternate Method applications, Requests for Unreasonable Hardship Exceptions, and Requests for Determinations. Those items are not assigned fixed fees because they are project-specific and billed hourly. For example, an Alternate Method review may require dozens of staff hours, potentially totaling thousands of dollars. Unreasonable Hardship Exceptions are specific to accessibility issues in non-residential properties. These items relate to design-based determinations on current proposed construction projects and are not considered appeals.

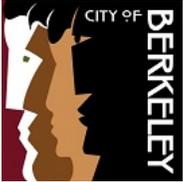
There is, however, a clearly defined and specific fee titled “Appeal of Building Official Determination,” which applies to your case and represents the correct fixed fee for filing an appeal.

At this point, I believe I have provided you with a thorough explanation of both the E3 Program requirements and the appeal process. Additionally, I have granted an extension to allow you time to determine your next steps.

Please let me know which option you intend to pursue.

This will be my final communication on this matter. Continued lengthy or repetitive email exchanges will not be productive, and future correspondence on this subject will not receive a response.

Sincerely,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

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 Please consider the environment before you print

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Wednesday, October 15, 2025 1:00 PM
To: Lopez, David <dlopez@berkeleyca.gov>
Subject: Re: 1615 Fairview Ave.

Mr. Lopez: given your busy schedule, and my belief that you and perhaps everyone in the EEE department is biased to the EEE protocol, including Mr. Jensen who is the supervisor of Ms Burr, and ridiculous fees, can you consider delegating to an outside staff person, who might attempt to research independently the answer to the hardship exception criteria?

That person wouldn't have a 3-5 day delay, and which could likely result in the two week period expiring.

That would not be fair, and I think you would agree.

Andrew Marowitz

On Wednesday, October 15, 2025 at 12:21:29 PM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good Afternoon Mr. Marowitz,
I appreciate your persistence and the thoroughness of your email communications. Please understand that my schedule is quite full with management responsibilities, and while I will respond as soon as I am able, my replies may take 3 to 5 working days.
Thank you for your patience and understanding.
Best regards,



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

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From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Wednesday, October 15, 2025 11:27 AM

To: Lopez, David <dlopez@berkeleyca.gov>

Subject: Re: 1615 Fairview Ave.

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Mr. Lopez:

I know that you are trying to steer me to EEE compliance , and therefore not trying to provide full and open cooperation for my continued attempts to Appeal or other alternatives. But I ask that you cooperate with my attempts and be 100 % forthcoming and honest.

I now have , not one , but TWO avenues for strict EEE compliance, and I formally request you to respond appropriately, not biased.

They are as follows:

1) pursuant to your reliance to your City Resolution 71, 834 N.S. In Chapter XVII, on page 5, under Miscellaneous category of your Resolution there exists TWO apparent and obvious avenues of exception. The first being " Items that require review which are not otherwise explicitly covered in the Fee Schedule indicate a fee of \$250.

In citing that /referencing that exception, it effectively eliminates you from engaging in interpretation or determination of a \$1000 fee for land use. This EEE Appeal is NOT explicitly covered and therefore FALLS within the parameters of this alternate path and fee of \$250.

2) The same exact alternate path of exception provides for a "Unreasonable Hardship Exception" appears to provide an alternate path for Exception or some form of either/ or exemption, or fee waiver in its entirety.

That said, what are the specific guidelines for this Exception? What is/are the criteria that creates and provides for that Exception/exemption?

I do not want to rely on any interpretation(s) that you may elect to exercise or implement. This should be documented and readily available.

If the specific criteria is not a specified as a part of this resolution, then I would ask that you delegate/assign this request for specific criteria to someone OTHER THAN YOU, as I see you as 100% biased, even with the 2 week pause, which is still rooted in unwavering insistence of compliance with the standard EEE provisions.

Please respond and do not defer or fail to respond to this request for information that will tend to lead to alternative paths from EEE compliance.

Because time is a important consideration, please respond ASAP.

Thank you, Andrew Marowitz andrewmarowitz@sbcglobal.net

On Tuesday, October 14, 2025 at 05:51:54 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez, ,I refer you to **Chapter XVII on page 5 of the 71,834 N.S.**

"not explicitly described service shall be a fee of \$250 (and not allowq you the discretion or interpretation of the \$1000 Appeal fee.)

Please respond to this basis for the Appeal.

I included that issue in the follow up email, of which you have not reviewed or responded to.

Andrew Marowitz

On Tuesday, October 14, 2025 at 05:37:34 PM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good Afternoon Mr. Marowitz,

Thank you for stopping by our offices. I believe we had a productive meeting.

As discussed in our meeting, I am writing to summarize our agreement and next steps.

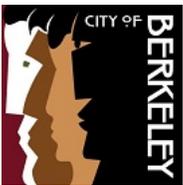
Thank you for describing and confirming the existing E3 components of the building, and for acknowledging that State Law does not allow for owner self-certification or exemptions for owner-occupied units.

I will place a two-week hold on any further actions by the Building and Safety Division regarding potential citations. During this time, you may choose one of the following options:

1. Appeal the Building Officials determination regarding the applicability of the E3 Program to owner-occupied units (as outlined in my email sent Thursday, October 9, 2025, at 4:38 PM).
 - o Please note that an appeal requires a \$1,000 fee and a written letter containing the information specified in BMC 19.44.040.
2. Submit a completed Exterior Elevated Elements Inspection Program Certification Form.
 - o As noted in my October 9 email, you must confirm that a licensed professional—compliant with State Law—has been retained to perform the inspection. This confirmation can be provided by either:
 - A copy of your signed contract with the licensed professional, or
 - An email thread with the professional confirming the scheduled inspection date.

As we concluded our meeting, you mentioned that you would most likely retain the services of a contractor to perform the inspection and provide the required certification. Whichever option you decide, please confirm your intended course of action within the two-week hold period.

Sincerely,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

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 Please consider the environment before you print

Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Tuesday, October 14, 2025 3:21 PM
To: Lopez, David
Subject: Re: 1615 Fairview

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Mr. Lopez:

if you look at Chapter XVII, page 5 Miscellaneous you will see a detail which states "For items that require review and which are not otherwise explicitly covered in Fee Schedule, such as Alternate method applications, Requests for Unreasonable Hardship Exceptions, Requests for Determinations, etc." has/have a Fee of \$250.

I submit that the Appeal is exactly a fit for this Appeal.

The Appeal is not explicitly addressed, not to mention hardship exceptions.

This is not an interpretation, by you as you have liberally exercised as Appeal of a land use hearing Appeal, It is not explicitly covered.

Andrew Marowitz

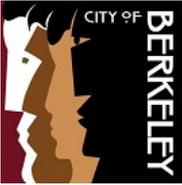
On Wednesday, October 8, 2025 at 03:27:53 PM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good Afternoon Mr. Marowitz,

I want to inform you that Ms. Burr has forwarded me all your communications. I will be responding to you in the next several days.

I know you are being insistent for a response but rest assured I will respond. Please discontinue sending emails to Ms. Burr.

Regards,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

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 Please consider the environment before you print

Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Tuesday, October 14, 2025 12:22 PM
To: Lopez, David
Subject: Re: E3 requirements for 1615 Fairview St.

Mr. Lopez:

It occurs to me, and I will document for the record that

- 1) You stated that I admitted to EEE needs. I asked that you provide that email, and you refused (silently)
- 2) You stated that in my emails, I provided photographs of the EEE issues. I asked that you provide the email with the photos, and you refused to provide that email (silently).
- 3) You stated, falsely that RHSP deals only with habitability, when, in fact the Rental Housing SAFETY program provides certification by Owner for SAFETY, including but not limited to VEEE and handrails, etc.

It is perfectly clear to me that you are staging your responses to slant any Appeal I submit.

- 4) You cited City of Berkeley rule 71,834 N.S. to impose a \$1000 Appeal fee. And here, again, there is no such rule, and that you deliberately misled me, in your coercion to force me to pay \$1000 for an Appeal Fee for a NON LAND USE APPEAL.

Clearly, you are BIASED and should be held strictly accountable for your unconscionable bad conduct. You speak of respect, but, you have communicated cordially, but with lies, with fact manipulation, with misrepresentation, and if that is not disrespect and thuggery, I do not know the meaning of disrespect and deliberate misrepresentation. You should be apologetic and regretful of your contemptible conduct.

I will forward this to City Council, and you should be recused for providing false responses repeatedly

On Tuesday, October 14, 2025 at 09:20:46 AM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good Morning Mr. Marowitz,

You would submit the appeal letter at our office

1947 Center Street, 3rd Floor

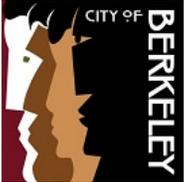
Berkeley, CA 94704

The appeal fee per City Council approved resolution 71,834 N.S. is \$1000.00.

The code reference you provide is correct. The catalyst code section is in BMC 19.28.010 section 113.1 which then refers you to BMC 19.44.020 of which body will hear the appeal and then under the same BMC title is what is required in an appeal letter BMC 19.44.040. A letter from you that has all the information you listed below is adequate.

When you arrive please let the welcome station person know your name and that I am expecting you. I am not available from 10 to noon.

Regards,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

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 Please consider the environment before you print

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Friday, October 10, 2025 8:05 PM
To: Lopez, David <dlopez@berkeleyca.gov>
Subject: Re: E3 requirements for 1615 Fairview St.

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Mr. Lopez:

As of NOW, I have completed preparation of the form for Appeal, specifically, the REQUEST FOR HEARING ON ADMINISTRATIVE CITATION.

IT INDICATES THAT I MUST PAY THE APPEAL FEE IN ADVANCE, BUT THUS FAR, I DO NOT KNOW HOW MUCH THAT FEE IS, SINCE YOU NOR MS. BURR HAVE DISCLOSED THAT INFORMATION.

AGAIN, WHAT IS THE SPECIFIC AMOUNT OF MONEY FOR THE APPEAL HEARING, SO THAT I CAN INCLUDE A CHECK FOR THAT AMOUNT?

I WILL BE HAND DELIVERING THE HEARING REQUEST FOR APPEAL ON OR BEFORE OCTOBER 15TH,. TO THE FINANCE CUSTOMER SERVICE CENTER AT 1947 CENTER ST., AS REFERENCED IN THE FORM FOR AN ADMINISTRATIVE HEARING REQUEST.

Form of Appeal. Any person entitled to service under Section 1101 of the Berkeley Housing Code may appeal any notice and order or any action of the Building Official under this code by filing at the Office of the Building Official a written appeal containing:

IT APPEARS THAT I AM TO SUBMIT MY APPEAL REQUEST TO THE OFFICE OF THE BUILDING OFFICIAL. APPARENTLY, THAT IS YOU.

AND ,APPRENTLY THE FORM I HAVE PREPARED IS NOT THE CORRECT FORM. PURSUANT TO BMC 1944.040, I AM SUPPOSED TO CREATE MY OWN APPEAL REQUEST FORM.

1. A heading in the words: "Before the Housing Advisory Commission of the City of Berkeley"
2. A caption reading: "Appeals of.....," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building of the land involved in the notice and order.
4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

I will be coming to 1947 Center St. on Tuesday, October 14th, 2025. If you could update me as to the most appropriate room/suite/ office, so that I know exactly where to submit my request for Appeal. Thank you.

Very Truly Yours, Andrew Marowitz 510-356-6813 Owner and Sole Occupant 1615 Fairview St. Berkeley CA 94703

Mr. Lopez:

I ask you again, how much is the Appeal Fee AND where or who do I submit my Appeal to? Time is of the essence now, since I am six days from the deadline and Monday is another holiday for the City of Berkeley.

Please inform me as soon as possible/ not later than Tuesday.

I believe that I'm being reasonable and honest. Are you?

Please respond.

Andrew Marowitz 510-356-6813

On Friday, October 10, 2025 at 08:16:52 AM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

What is the precise dollar amount for the fee imposed to file an Appeal in the EEE debate?

cer·ti·fi·ca·tion

/sərdəfəkāSHən/



noun

NORTH AMERICAN ENGLISH

- 1.
- 2.

3. the action or process of providing someone or something with an official document [attesting](#) to a status or level of achievement.

"a fundamental requirement for organic certification"

- o an official document attesting to a status or level of achievement.

plural noun: **certifications**

"graduates who want to gain industry-recognized certifications

- o
- o Why can't an Owner "Certify" the level of safety? Do you think an owner will lie and put himself in a position to be sued for falsifying and a serious accident occurs from a handrail disconnecting?
- o What are the odds of that occurring?
- o About a 1000 times less than a balcony collapsing because 10 people are all in a balcony exceeding the limits of the structure. 10 people of adult size amounts to at least 1500 pounds, if not 1800 pounds, on one wood based balcony. Is that considered a safety hazard/ safe? How about a telephone booth?
- o

- Why is a handrail which is located on the second floor landing , calculated as being above six feet from the ground? why not within 6 feet from the landing? Does that make sense? Not in my reality, but maybe in an agenda to impose authority and fees, such an interpretation is somehow justifiable.

4. Andrew Marowitz

On Thursday, October 9, 2025 at 10:06:32 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Sorry, another point.

You state "The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building.

What about the fact that the City of Berkeley refuses to allow me to downsize to a single family dwelling? How unfair is that? Where is my control of my own property. It doesn't exist. I would downsize to R1.

What components did I confirm that need to be certified?

What photods in one of my documents confirm that E3 elements exist in my building. Please provide ththose pictures ASAP. I do not recall ever providing pictures.

Andrew Marowitz

On Thursday, October 9, 2025 at 04:37:45 PM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good afternoon Mr. Marowitz,

Your numerous recent communications have been forwarded to me by staff. I understand that you were frustrated while awaiting my response.

First, I must address the tone of your communications to staff. Your messages have been unprofessional and discourteous. This is unacceptable. If similar communications continue, I will cease direct correspondence and refer the matter to my Director. City staff must be treated with respect.

Second, the information provided to you by Ms. Burr—both by email and in person—is accurate. She has reviewed your case with me, and I have confirmed that her guidance reflects the City's interpretation of applicable codes.

To clarify the matter: this is my formal determination. If you disagree, you may appeal my interpretation of the code in accordance with Berkeley Municipal Code (BMC) Title 19.28.020, Section 113 and 19.44. The notice of appeal shall be filed, along with the payment of the appeal fee, at my office within 30 days of this email and must contain the information listed in BMC Section 19.44.40.

1. There seems to be some confusion and comingling of Berkeley Municipal Code programs in your communications. You frequently refer to RHSP when addressing E3 compliance concerns. The two programs are two different and distinct programs. Ms. Burr is not associated with RHSP. She is only associated with the E3 program.
 - a. The Rental Housing Safety Program is tasked with enforcing the housing code and the City requires that all rental units in the City of Berkeley be inspected for conformance to the housing code per BMC 19.40. The authority is provided by the State under California Health and Safety Code, Division 13, Part 1.5

Regulation of Buildings Used for Human Habitation, Sections 17910, 17920, and 17970, and other housing related Codes as adopted by the City.

- i. Owner-occupied units are exempt from RHSP inspections because the program's intent is to protect tenants from substandard housing conditions.

- b. The Exterior Elevated Elements Program is tasked with enforcing State law found under California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973. The authority is given to us under BMC 19.40.040. The BMC requires, that all "projecting exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof in weather-exposed areas of Group R-1 and R-2 Occupancies, as defined in the most recent edition of the California Building Code, shall be inspected within six months of adoption of this section, and every six years thereafter....." State law says, "Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected." Multifamily dwelling unit building is defined as housing where multiple separate dwelling units for residential inhabitants are contained within one building.
 - i. Buildings that contain three or more dwelling units are classified as R-2 occupancy buildings. The building at 1615 Fairview is considered an R-2 Occupancy building and it has been confirmed that the building contains three or more dwelling units.
 - ii. Both State law and City law do not exempt dwelling units that are owner occupied. Even condominium buildings with 3 or more condominiums, considered an R-2 occupancy, are required to certify that existing E3 elements are certified safe per California Civil Code Division 4, Part 5, Chapter 7, Article 3 Section 5551. Condominiums are for the most part owner occupied.

To answer your question of why aren't the EEE protocols addressed exactly the same way?

Nowhere in the E3 laws does it give the City any authority to exempt owner occupied dwellings in an R-2 building. The history of the program started when the tragic incident occurred on June 16, 2015 when the exterior balcony collapsed and 6 young people died and 7 others were injured. Immediately after, the City passed an emergency ordinance to require all E3 components in R-2 buildings to be inspected and certified. The State followed suit, and California regulations were signed into law requiring that E3 elements in R-2 buildings be inspected and certified. When an E3 component fails it can kill or injure the person using the E3 component. For this reason, E3 protocols are not addressed in the manner you would like. RHSP guidelines do not apply to the E3 program.

Regarding your insistence that the building is not an R-2 building and should be considered a family building: all our records and by your own admission clearly indicate that your building is a 4 unit building which is considered an R2 occupancy. Berkeley law uses the definition in the Berkeley Building Code to define R-2 buildings. Dwelling units in R-2 buildings are not exempt regardless of who lives in the dwelling or whether the units are vacant.

Regarding your insistence that you, as an owner, should be able to self-inspect your own property: State law is clear in who is to perform the inspection. Per California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973, "The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the "A," "B," or "C-5" license classifications issued by the Contractors State License Board, with a

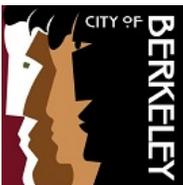
minimum of five years' experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction." State law prohibits the owner from self-certifying their E3 components.

In conclusion:

The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building. You have been issued a Citation Warning Letter for not complying with State and City laws. In the warning letter (attached) you have been given a deadline of October 16th to provide a completed and signed, by the retained professional, the [Exterior Elevated Elements Inspection Program Inspection Certification](#) form. If this does not occur, citations will be levied. I do have the authority to provide a onetime extension on when the form will be due. If you confirm that you have hired a licensed professional, compliant with State Law, by either sending me a copy of your signed contract with the licensed professional -or- an email thread with the professional confirming the date of their scheduled inspection and that you will be sending me a completed and signed inspection certification form, I will extend the due date for us receiving the form to November 14th.

If the certification does indicate that corrective work is required, then apply for a building permit within 120 days of the date signed on the form, respond to plan check comments within 10 days of the date of the correction letter, obtain a building permit within 10 days of notification of plan approval and complete all work within 120 days of permit issuance.

Regards,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

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Please consider the environment before you print

Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Tuesday, October 14, 2025 11:27 AM
To: Lopez, David
Subject: Re: E3 requirements for 1615 Fairview St.

Mr. Lopez:

I have forwarded our emails to a City Council staff person for review, while complaining on the arbitrary imposition of the Appeal Fee for a non land use EEE Appeal being \$1000, the same on non compliance penalty.

She is reviewing, and depending on what she preliminarily concludes, will be calling you, and perhaps, the Planning Director, if and as needed.

Again, to impose a \$1000 Appeal fee for EEE, a non-land use Appeal , and for a Rule that apparently doesn't exist, is the building director acting with Bias and bully like tactics.

Please respond. I will be delivering the Appeal WITHOUT a fee at this time, and we can decide what is appropriate. To reject my timely Appeal , due to no Appeal fee would not be fair, in light of the dispute of the amount of the Appeal fee .

Andrew Marowitz

On Tuesday, October 14, 2025 at 10:38:07 AM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez:

There are clear indications that the City of Berkeley does not want to impose such a high sanction that it deters, and discourages an Appeal.

It appears by you imposing a \$1000 Appeal fee, that you are willfully setting the table to discourage me from Appealing. This is contrary to the City of Berkeley protocols not to deter Appeals. **Further, this /my Appeal is NOT a land use Appeal**, it is Appealing the protocols of the EEE enforcement, not a land use Appeal. It is clear to me that you are unwaveringly BIASED, Prejudiced and cannot be trusted to be fair and impartial. You have ,again, misrepresented the truth, by referencing the fee for a land use Appeal. I request that you recuse yourself, and assign someone who can be fair, impartial AND HONEST.

Moreover, I researched your citation. It states "

"The claim that the City of Berkeley's appeal fee is \$1,000 per Resolution 71,834 N.S. is misleading. The \$1,000 fee is the reduced cost for a specific type of land-use appeal, and the actual fee varies depending on the type of decision being appealed and who is filing the appeal. No record of Resolution 71,834 N.S. could be found, suggesting the reference is either outdated, incorrect, or applies to a different department".

Here are the accurate details on appeal fees for planning and land use decisions in Berkeley:

Land use and zoning appeals

For appeals regarding decisions made by the Zoning Adjustments Board (ZAB) or the Landmarks Preservation Commission (LPC), the fee structure for non-applicants is:

- **Standard fee:** \$3,000.
- **Reduced fee: \$1,000.** To qualify for this rate, the appeal must be signed by at least 50% of the parcels or dwelling units within 300 feet of the project site, or 25 such persons (excluding dependent children), whichever is less.

Other appeal types

The City of Berkeley lists several other appeal fees, all of which are subject to change by city council resolution:

- **Administrative Use Permit (AUP) decisions:**
 - **Standard fee:** \$2,000.
 - **Reduced fee:** \$800, which requires the signatures of at least 35% of the parcels or dwelling units within 300 feet of the project site, or 20 such people (whichever is less).
- **Design review decisions:** \$2,000 for non-applicants.
- **Administrative citation appeals:** To appeal a citation, you must pay an advanced deposit of the fine amount. Fee waivers are available for those with financial hardship.
- **Right-of-way permit appeals:** The fee is set by a resolution of the City Council. Waivers can be requested to ensure equal access to the appeals process.

Key takeaways

- **Resolution 71,834 N.S. is not the current source of authority for these fees.** A more recent city council resolution amends the Land Use Planning Division fee schedule.
- The \$1,000 fee is a specific discounted rate for land-use appeals, not the default cost.
- The applicable appeal fee depends on the type of decision and the number of people involved in the appeal.
- Always check the official City of Berkeley website for the most current fee information, as it is subject to change.
- **Filing an Appeal on a Zoning or Land Use Decision**

Filing an Appeal on a Zoning or Land Use Decision. Learn how to appeal a project. Discover the timeline and costs. Anyone may appe...

The City of Berkeley (.gov)

- **16.10.150 Appeals - Berkeley Municipal Code**

This section is included in your selections. * A. An applicant for a PROW permit under this Chapter or any resident or owner of pr...

Berkeley Municipal Code

- **Resolution - City Council Report ##-##-####**

Mar 11, 2025 – This policy implements Council and community-identified goals to prevent and reverse displacement from Berkeley, as we...

The City of Berkeley (.gov)

Show all

On Tuesday, October 14, 2025 at 09:20:46 AM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good Morning Mr. Marowitz,

You would submit the appeal letter at our office

1947 Center Street, 3rd Floor

Berkeley, CA 94704

The appeal fee per City Council approved resolution 71,834 N.S. is \$1000.00.

The code reference you provide is correct. The catalyst code section is in BMC 19.28.010 section 113.1 which then refers you to BMC 19.44.020 of which body will hear the appeal and then under the same BMC title is what is required in an appeal letter BMC 19.44.040. A letter from you that has all the information you listed below is adequate.

When you arrive please let the welcome station person know your name and that I am expecting you. I am not available from 10 to noon.

Regards,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

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From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Friday, October 10, 2025 8:05 PM
To: Lopez, David <dlopez@berkeleyca.gov>
Subject: Re: E3 requirements for 1615 Fairview St.

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

Mr. Lopez:

As of NOW, I have completed preparation of the form for Appeal, specifically, the REQUEST FOR HEARING ON ADMINISTRATIVE CITATION.

IT INDICATES THAT I MUST PAY THE APPEAL FEE IN ADVANCE, BUT THUS FAR, I DO NOT KNOW HOW MUCH THAT FEE IS, SINCE YOU NOR MS. BURR HAVE DISCLOSED THAT INFORMATION.

AGAIN, WHAT IS THE SPECIFIC AMOUNT OF MONEY FOR THE APPEAL HEARING, SO THAT I CAN INCLUDE A CHECK FOR THAT AMOUNT?

I WILL BE HAND DELIVERING THE HEARING REQUEST FOR APPEAL ON OR BEFORE OCTOBER 15TH,. TO THE FINANCE CUSTOMER SERVICE CENTER AT 1947 CENTER ST., AS REFERENCED IN THE FORM FOR AN ADMINISTRATIVE HEARING REQUEST.

Form of Appeal. Any person entitled to service under Section 1101 of the Berkeley Housing Code may appeal any notice and order or any action of the Building Official under this code by filing at the Office of the Building Official a written appeal containing:

IT APPEARS THAT I AM TO SUBMIT MY APPEAL REQUEST TO THE OFFICE OF THE BUILDING OFFICIAL. APPARENTLY, THAT IS YOU.

AND ,APPRENTLY THE FORM I HAVE PREPARED IS NOT THE CORRECT FORM. PURSUANT TO BMC 1944.040, I AM SUPPOSED TO CREATE MY OWN APPEAL REQUEST FORM.

1. A heading in the words: "Before the Housing Advisory Commission of the City of Berkeley"
2. A caption reading: "Appeals of.....," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building of the land involved in the notice and order.
4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

I will be coming to 1947 Center St. on Tuesday, October 14th, 2025. If you could update me as to the most appropriate room/suite/ office, so that I know exactly where to submit my request for Appeal. Thank you.

Very Truly Yours, Andrew Marowitz 510-356-6813 Owner and Sole Occupant 1615 Fairview St. Berkeley CA 94703

On Friday, October 10, 2025 at 06:37:22 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez:

I ask you again, how much is the Appeal Fee AND where or who do I submit my Appeal to? Time is of the essence now, since I am six days from the deadline and Monday is another holiday for the City of Berkeley.

Please inform me as soon as possible/ not later than Tuesday.

I believe that I'm being reasonable and honest. Are you?

Please respond.

Andrew Marowitz 510-356-6813

On Friday, October 10, 2025 at 08:16:52 AM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

What is the precise dollar amount for the fee imposed to file an Appeal in the EEE debate?

cer·ti·fi·ca·tion

/sərdəfə'kāSHən/



noun

NORTH AMERICAN ENGLISH

- 1.
- 2.

3. the action or process of providing someone or something with an official document [attesting](#) to a status or level of achievement.

"a fundamental requirement for organic certification"

- o an official document attesting to a status or level of achievement.

plural noun: **certifications**

"graduates who want to gain industry-recognized certifications"

- o
- o Why can't an Owner "Certify" the level of safety? Do you think an owner will lie and put himself in a position to be sued for falsifyiing and a serious accident occurs from a handrail disconnecting?
- o What are the odds of that occurring?
- o About a 1000 times less than a balcony collapsing because 10 people are all in a balcony exceeding the limits of the structure. 10 people of adult size amounts to at least 1500 pounds, if not 1800 pounds, on one wood based balcony. Is that considered a safety hazard/ safe? How about a telephone booth?
- o
- o Why is a handrail which is located on the second floor landing , calculated as being above six feet from the ground? why not within 6 feet from the landing? Does that make sense? Not in my reality, but maybe in an agenda to impose authority and fees, such an interpretation is somehow justifiable.

4. Andrew Marowitz

On Thursday, October 9, 2025 at 10:06:32 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Sorry, another point.

You state "The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building.

What about the fact that the City of Berkeley refuses to allow me to downsize to a single family dwelling? How unfair is that? Where is my control of my own property. It doesn't exist. I would downsize to R1.

What components did I confirm that need to be certified?

What photods in one of my documents confirm that E3 elements exist in my building. Please provide ththose pictures ASAP. I do not recall ever providing pictures.

Andrew Marowitz

On Thursday, October 9, 2025 at 04:37:45 PM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good afternoon Mr. Marowitz,

Your numerous recent communications have been forwarded to me by staff. I understand that you were frustrated while awaiting my response.

First, I must address the tone of your communications to staff. Your messages have been unprofessional and discourteous. This is unacceptable. If similar communications continue, I will cease direct correspondence and refer the matter to my Director. City staff must be treated with respect.

Second, the information provided to you by Ms. Burr—both by email and in person—is accurate. She has reviewed your case with me, and I have confirmed that her guidance reflects the City's interpretation of applicable codes.

To clarify the matter: this is my formal determination. If you disagree, you may appeal my interpretation of the code in accordance with Berkeley Municipal Code (BMC) Title 19.28.020, Section 113 and 19.44. The notice of appeal shall be filed, along with the payment of the appeal fee, at my office within 30 days of this email and must contain the information listed in BMC Section 19.44.40.

1. There seems to be some confusion and comingling of Berkeley Municipal Code programs in your communications. You frequently refer to RHSP when addressing E3 compliance concerns. The two programs are two different and distinct programs. Ms. Burr is not associated with RHSP. She is only associated with the E3 program.
 - a. The Rental Housing Safety Program is tasked with enforcing the housing code and the City requires that all rental units in the City of Berkeley be inspected for conformance to the housing code per BMC 19.40. The authority is provided by the State under California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Sections 17910, 17920, and 17970, and other housing related Codes as adopted by the City.
 - i. Owner-occupied units are exempt from RHSP inspections because the program's intent is to protect tenants from substandard housing conditions.

b. The Exterior Elevated Elements Program is tasked with enforcing State law found under California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973. The authority is given to us under BMC 19.40.040. The BMC requires, that all “projecting exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof in weather-exposed areas of Group R-1 and R-2 Occupancies, as defined in the most recent edition of the California Building Code, shall be inspected within six months of adoption of this section, and every six years thereafter.....” State law says, “Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected.” Multifamily dwelling unit building is defined as housing where multiple separate dwelling units for residential inhabitants are contained within one building.

i. Buildings that contain three or more dwelling units are classified as R-2 occupancy buildings. The building at 1615 Fairview is considered an R-2 Occupancy building and it has been confirmed that the building contains three or more dwelling units.

ii. Both State law and City law do not exempt dwelling units that are owner occupied. Even condominium buildings with 3 or more condominiums, considered an R-2 occupancy, are required to certify that existing E3 elements are certified safe per California Civil Code Division 4, Part 5, Chapter 7, Article 3 Section 5551. Condominiums are for the most part owner occupied.

To answer your question of why aren't the EEE protocols addressed exactly the same way?

Nowhere in the E3 laws does it give the City any authority to exempt owner occupied dwellings in an R-2 building. The history of the program started when the tragic incident occurred on June 16, 2015 when the exterior balcony collapsed and 6 young people died and 7 others were injured. Immediately after, the City passed an emergency ordinance to require all E3 components in R-2 buildings to be inspected and certified. The State followed suit, and California regulations were signed into law requiring that E3 elements in R-2 buildings be inspected and certified. When an E3 component fails it can kill or injure the person using the E3 component. For this reason, E3 protocols are not addressed in the manner you would like. RHSP guidelines do not apply to the E3 program.

Regarding your insistence that the building is not an R-2 building and should be considered a family building: all our records and by your own admission clearly indicate that your building is a 4 unit building which is considered an R2 occupancy. Berkeley law uses the definition in the Berkeley Building Code to define R-2 buildings. Dwelling units in R-2 buildings are not exempt regardless of who lives in the dwelling or whether the units are vacant.

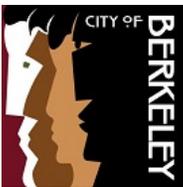
Regarding your insistence that you, as an owner, should be able to self-inspect your own property: State law is clear in who is to perform the inspection. Per California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973, “The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the “A,” “B,” or “C-5” license classifications issued by the Contractors State License Board, with a minimum of five years’ experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction.” State law prohibits the owner from self-certifying their E3 components.

In conclusion:

The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building. You have been issued a Citation Warning Letter for not complying with State and City laws. In the warning letter (attached) you have been given a deadline of October 16th to provide a completed and signed, by the retained professional, the [Exterior Elevated Elements Inspection Program Inspection Certification](#) form. If this does not occur, citations will be levied. I do have the authority to provide a onetime extension on when the form will be due. If you confirm that you have hired a licensed professional, compliant with State Law, by either sending me a copy of your signed contract with the licensed professional -or- an email thread with the professional confirming the date of their scheduled inspection and that you will be sending me a completed and signed inspection certification form, I will extend the due date for us receiving the form to November 14th.

If the certification does indicate that corrective work is required, then apply for a building permit within 120 days of the date signed on the form, respond to plan check comments within 10 days of the date of the correction letter, obtain a building permit within 10 days of notification of plan approval and complete all work within 120 days of permit issuance.

Regards,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

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Burr, Galadriel

From: Lopez, David <dlopez@berkeleyca.gov>
Sent: Tuesday, October 14, 2025 9:21 AM
To: 'Andrew Marowitz'
Cc: Jensen, Jeff
Subject: RE: E3 requirements for 1615 Fairview St.

Good Morning Mr. Marowitz,

You would submit the appeal letter at our office

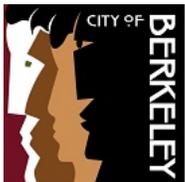
1947 Center Street, 3rd Floor
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Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Tuesday, October 14, 2025 8:57 AM
To: Lopez, David
Subject: Re: E3 requirements for 1615 Fairview St.

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

Mr. Lopez:

It is now 8:45 am on Tuesday, October 14th, 2025. I am preparing to hand deliver my completed Appeal for Request of Administrative Hearing, and do not know where I should deliver it, and here at my computer expecting you to provide instructions.

I have also included a copy of the RHSP self certification checklist, which includes the Elevated Exterior Decks, Balconies, landings and handrails on the rear page. This should provide a reasonable basis for Appeal.

Waiting for your email to advise me where to deliver my Appeal ASAP. If I do not receive any communication within one hour, I will go to the 3rd floor of 1947 Center street and ask the guy at the front counter. Maybe he will be able to advise me.

Please respond ASAP.

Andrew Marowitz 510-356-6813

On Friday, October 10, 2025 at 08:04:43 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez:

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cer·ti·fi·ca·tion

/ˌsɜrdəfəˈkɑːʃən/



noun

NORTH AMERICAN ENGLISH

- 1.
- 2.

3. the action or process of providing someone or something with an official document [attesting](#) to a status or level of achievement.

"a fundamental requirement for organic certification"

- o an official document attesting to a status or level of achievement.
plural noun: **certifications**

"graduates who want to gain industry-recognized certifications"

- o
- o Why can't an Owner "Certify" the level of safety? Do you think an owner will lie and put himself in a position to be sued for falsifying and a serious accident occurs from a handrail disconnecting?
- o What are the odds of that occurring?
- o About a 1000 times less than a balcony collapsing because 10 people are all in a balcony exceeding the limits of the structure. 10 people of adult size amounts to at least 1500 pounds, if not 1800 pounds, on one wood based balcony. Is that considered a safety hazard/ safe? How about a telephone booth?
- o

- Why is a handrail which is located on the second floor landing , calculated as being above six feet from the ground? why not within 6 feet from the landing? Does that make sense? Not in my reality, but maybe in an agenda to impose authority and fees, such an interpretation is somehow justifiable.

4. Andrew Marowitz

On Thursday, October 9, 2025 at 10:06:32 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Sorry, another point.

You state "The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building.

What about the fact that the City of Berkeley refuses to allow me to downsize to a single family dwelling? How unfair is that? Where is my control of my own property. It doesn't exist. I would downsize to R1.

What components did I confirm that need to be certified?

What photods in one of my documents confirm that E3 elements exist in my building. Please provide ththose pictures ASAP. I do not recall ever providing pictures.

Andrew Marowitz

On Thursday, October 9, 2025 at 04:37:45 PM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good afternoon Mr. Marowitz,

Your numerous recent communications have been forwarded to me by staff. I understand that you were frustrated while awaiting my response.

First, I must address the tone of your communications to staff. Your messages have been unprofessional and discourteous. This is unacceptable. If similar communications continue, I will cease direct correspondence and refer the matter to my Director. City staff must be treated with respect.

Second, the information provided to you by Ms. Burr—both by email and in person—is accurate. She has reviewed your case with me, and I have confirmed that her guidance reflects the City's interpretation of applicable codes.

To clarify the matter: this is my formal determination. If you disagree, you may appeal my interpretation of the code in accordance with Berkeley Municipal Code (BMC) Title 19.28.020, Section 113 and 19.44. The notice of appeal shall be filed, along with the payment of the appeal fee, at my office within 30 days of this email and must contain the information listed in BMC Section 19.44.40.

1. There seems to be some confusion and comingling of Berkeley Municipal Code programs in your communications. You frequently refer to RHSP when addressing E3 compliance concerns. The two programs are two different and distinct programs. Ms. Burr is not associated with RHSP. She is only associated with the E3 program.
 - a. The Rental Housing Safety Program is tasked with enforcing the housing code and the City requires that all rental units in the City of Berkeley be inspected for conformance to the housing code per BMC 19.40. The authority is provided by the State under California Health and Safety Code, Division 13, Part 1.5

Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Thursday, October 9, 2025 9:58 PM
To: Lopez, David
Subject: Re: E3 requirements for 1615 Fairview St.

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

Sorry , one more point. Because of one and only one balcony tragedy, in which there have been none before or since, we, the thousands of owners are being imposed to pay this EEE fee set structure, a revenue generator for the City of Berkeley. Justice is blind deaf and dumb,

It tears me up inside that this fee/revenue structure silently exists. And City employees laugh straight to their bank with their paycheck.

On Thursday, October 9, 2025 at 09:52:10 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez:

One added point. You want compliance and will provide an extension if I hire a contractor by October 16. But, I would need to pay him half or all by October 16. But what if my available money is dedicated for property taxes, including ongoing parcel taxes by the City of Berkeley? Does that matter? Not to the City. Authority and Control and Mandated Compliance.....

and a hundred revenue generating sources, including EEE and the contractor's business license and tax..

Government is my oppressor in life. My worst enemy in life.

Very honestly, Andrew marowitz

On Thursday, October 9, 2025 at 09:43:10 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez:

Respectfully, Respect is a two way street. Ms. Burr had a duty to disclose the name of her supervisor, who she forwarded the emails to. She, in refusing that repeated request, was dishonest and totally disrespectful.

You probably know, but I should not automatically assume that, contained in the State Law, it defers their law to the local municipality laws, since State Law essentially rubber stamped the Berkeley law, but then went further.

In many ways, you pretty much carbon copied Ms. Burr, and also in omitting responses to my counterpoints, while re-directing to your points. Honestly, if I'm correct, I find that to be biased, disrespectful, and treats me like an ignorant person. It feels as if you are talking at me, citing your interpretation for the purpose of prevailing on Appeal, and warning me of the financial cost of that Appeal.

Respectfully, you are telling me that local ordinance provisions are what they are, and then telling me that there are no exemptions, , that RHSP deals with Habitability (**but you omit that there are inherent inclusions of safety, AS IT RELATES TO THE RENTAL UNITS, ie electrical, roofing, flooring, structure, etc.** THE OWNER OCCUPANT SIGNS OFF ON ALL THOSE SAFETY INSPECTIONS IN EACH THE TENANT'S PREMISES.

Under RHSP, If the City/the EEE section had any concern from imposing this cost burden in the least, the City could advocate to City Council for the adoption of Owner Occupied Exemptions of their own units. Instead, you position your points as if that is impossible, when it is not, and the truth is that you/ the EEE section and the City couldn't care less about the cost burden imposed on me/us.

" i. YOU STATE "Owner-occupied units are exempt from RHSP inspections because the program's intent is to protect tenants from substandard housing conditions." BUT, That is only partially true and accurate.

In the RHSP, The owner in a fourplex is provided with Owner Occupied Exemption of his unit. not merely because the program's intent is to protect tenants, but the inferred detail is that the Owner-OCCUPANT TAKES RESPONSIBILITY FOR HIS OWN SAFETY, IF HE HURTS HIMSELF. HE CAN'T SUE HIMSELF. The property Owner-Occupant states, under penalty of perjury, and assures that all of these inherent safety concerns are in fact, not ONLY habitable, but also that there are no unsafe conditions that exist.. I truly do not understand why you appear to omit any reference to these safety assurances. It is a significant basis for me advocating adoption of the protocols of the RHSP. I respectfully believe and assert that you insist on keeping the protocols without contemplation of the benefits of the protocols of the RHSP.

Moreover, the Owner Occupant assumes any and all liability if any safety based accident occurs, and releases the City from Liability, though Anyone can sue the City regardless of assignment of liability to the Owner.

You know very well, the underlying basis for the City's building inspectors not doing the EEE inspections and being accountable for such inspections is potential liability, and so the City burdens the Owner financially for paying for the services of a 3rd party licensed professional who assumes liability. So the City burdens me with \$400 and up. Gotta love it. Can we be honest? The licensed contractor will likely cost \$400. If a Building permit is required, that is another \$350, If repair materials and labor are needed, then it goes to \$1000. Just a low cost compliance program, to protect from accidents from balconies and decks.

If the City gave a damn about the property owner's money, they would implement that concern by reducing/ eliminating the cost burden. Instead, to protect the City from the balcony liability, the City requires us to pay as much as \$1000 and sometimes more. As always, we property owners must pay, and pay, and pay, and pay..... fire extinguisher fees, RHSP, property taxes, parcel taxes, rent registration fees, business tax, building permit fees, planning fees, penalty enforcement everywhere,

Moreover, the State Law language applies a focus on "LOAD BEARING ELEMENTS" . In my world, handrails are not load bearing elements, but balconies and decks are. In fact, my handrail going up to the second floor is NOT WOOD< BUT METAL, so no rotten or weathered wood.

It is so convenient to burden the Owner, and extend the reach and intention of the enforcement of the Ordinance. Why not include elements that are ground level and potentially hazardous? Lead Paint? When , if ever does the City stop extending its reach and authority, and leave the Owner and / or Owner Occupant in peace, and provide some benefits. ANSWER, NEVER. That is what City Employees are paid to do.

And all of these taxes, fees, and penalties go to pay to the general fund, 80% paying for salaries, benefits, and pensions and colas for City Employees. Is it possible that Ordinances place regulations on Property Owners to generate revenue, the unspoken priority? I guess the fact that Berkeley City employees have more paid holidays than any other city in the state is irrelevant and not to be co-mingled with the revenue generating EEE fee generation. ie building permit, business license and tax on the licensed contractor, who must be registered business in the City of Berkeley, or cannot be hired. Yes, the EEE program is a serious revenue generator when closely examining the entire structure. Government regulation and government revenue. General fund, salaries, benefits and pensions.

What is amazing is that government, in all of its forms, places no limits on their taxation that it takes from the citizens. The government , in all of its forms is relatively unconcerned with what amount of money remains in the citizens wallet. They are , more or less, only concerned with funding the ever increasing size and cost of government. But, in your mind, I have migrated away from the relevancy of this "debate". Or, maybe that is what underlies the various revenue generating taxes, fees and penalties???

And , sometimes the City is the negligent entity. Ironically, the City merely says Shortage of Resources and/ or manpower, so we can't provide that service . Like cleaning up the fallen/ windblown desiduous leaves leaves from the streets/sidewalks, and even inside my property. The City never cleans up this mess for months, along Alcatraz Ave. Double Standard.

Why can't the citizens point the finger at the City, and it counts as much/ holds the City strictly accountable/ the same degree of accountability, as when the City points the finger at the citizens, nd holds us accountable? Double Standard.

Can we be honest and comprehensive? Wil you agree with anything I say in my emails, in this email response

Interestingly, I respect the extension (if I hire a licensed contractor, but if I appeal, and continue to proceed to a Court of law, and the enforcement remains pending, compliance would be deferred by almost a year, if not longer.

If I present sound counterpoints, as I believe that I have done, I think, then the Planning Commission should not impose a high Appeal Fee, that I'm seeking a reasonable decision, one that is not so biased as Ms. Burr's or Your one sided interpretation.

Isn't it possible that the EEE section/YOU can recommend to City Council to approve of a change in EEE protocol, thereby providing an Owner Occupancy Exemption. YES OR NO?

But, that Ms. Burr, and/ or you REFUSE to forward such a recommendation to City Council, that it is possible, but that the EEE section refuses to make any such proposed and recommended modification. ISN'T THAT THE ACCURATE TRUTH? yes or no?

ANDREW MAROWITZ 510-356-6813

On Thursday, October 9, 2025 at 04:37:45 PM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good afternoon Mr. Marowitz,

Your numerous recent communications have been forwarded to me by staff. I understand that you were frustrated while awaiting my response.

First, I must address the tone of your communications to staff. Your messages have been unprofessional and discourteous. This is unacceptable. If similar communications continue, I will cease direct correspondence and refer the matter to my Director. City staff must be treated with respect.

Second, the information provided to you by Ms. Burr—both by email and in person—is accurate. She has reviewed your case with me, and I have confirmed that her guidance reflects the City's interpretation of applicable codes.

To clarify the matter: this is my formal determination. If you disagree, you may appeal my interpretation of the code in accordance with Berkeley Municipal Code (BMC) Title 19.28.020, Section 113 and 19.44. The notice of appeal shall be filed, along with the payment of the appeal fee, at my office within 30 days of this email and must contain the information listed in BMC Section 19.44.40.

1. There seems to be some confusion and comingling of Berkeley Municipal Code programs in your communications. You frequently refer to RHSP when addressing E3 compliance concerns. The two programs are two different and distinct programs. Ms. Burr is not associated with RHSP. She is only associated with the E3 program.
 - a. The Rental Housing Safety Program is tasked with enforcing the housing code and the City requires that all rental units in the City of Berkeley be inspected for conformance to the housing code per BMC 19.40. The authority is provided by the State under California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Sections 17910, 17920, and 17970, and other housing related Codes as adopted by the City.
 - i. Owner-occupied units are exempt from RHSP inspections because the program's intent is to protect tenants from substandard housing conditions.
 - b. The Exterior Elevated Elements Program is tasked with enforcing State law found under California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973. The authority is given to us under BMC 19.40.040. The BMC requires, that all "projecting exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts

thereof in weather-exposed areas of Group R-1 and R-2 Occupancies, as defined in the most recent edition of the California Building Code, shall be inspected within six months of adoption of this section, and every six years thereafter.....” State law says, “Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected.” Multifamily dwelling unit building is defined as housing where multiple separate dwelling units for residential inhabitants are contained within one building.

i. Buildings that contain three or more dwelling units are classified as R-2 occupancy buildings. The building at 1615 Fairview is considered an R-2 Occupancy building and it has been confirmed that the building contains three or more dwelling units.

ii. Both State law and City law do not exempt dwelling units that are owner occupied. Even condominium buildings with 3 or more condominiums, considered an R-2 occupancy, are required to certify that existing E3 elements are certified safe per California Civil Code Division 4, Part 5, Chapter 7, Article 3 Section 5551. Condominiums are for the most part owner occupied.

To answer your question of why aren't the EEE protocols addressed exactly the same way?

Nowhere in the E3 laws does it give the City any authority to exempt owner occupied dwellings in an R-2 building. The history of the program started when the tragic incident occurred on June 16, 2015 when the exterior balcony collapsed and 6 young people died and 7 others were injured. Immediately after, the City passed an emergency ordinance to require all E3 components in R-2 buildings to be inspected and certified. The State followed suit, and California regulations were signed into law requiring that E3 elements in R-2 buildings be inspected and certified. When an E3 component fails it can kill or injure the person using the E3 component. For this reason, E3 protocols are not addressed in the manner you would like. RHSP guidelines do not apply to the E3 program.

Regarding your insistence that the building is not an R-2 building and should be considered a family building: all our records and by your own admission clearly indicate that your building is a 4 unit building which is considered an R2 occupancy. Berkeley law uses the definition in the Berkeley Building Code to define R-2 buildings. Dwelling units in R-2 buildings are not exempt regardless of who lives in the dwelling or whether the units are vacant.

Regarding your insistence that you, as an owner, should be able to self-inspect your own property: State law is clear in who is to perform the inspection. Per California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973, “The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the “A,” “B,” or “C-5” license classifications issued by the Contractors State License Board, with a minimum of five years’ experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction.” State law prohibits the owner from self-certifying their E3 components.

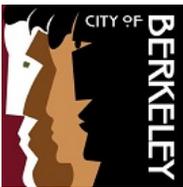
In conclusion:

The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building. You have been issued a Citation

Warning Letter for not complying with State and City laws. In the warning letter (attached) you have been given a deadline of October 16th to provide a completed and signed, by the retained professional, the [Exterior Elevated Elements Inspection Program Inspection Certification](#) form. If this does not occur, citations will be levied. I do have the authority to provide a onetime extension on when the form will be due. If you confirm that you have hired a licensed professional, compliant with State Law, by either sending me a copy of your signed contract with the licensed professional -or- an email thread with the professional confirming the date of their scheduled inspection and that you will be sending me a completed and signed inspection certification form, I will extend the due date for us receiving the form to November 14th.

If the certification does indicate that corrective work is required, then apply for a building permit within 120 days of the date signed on the form, respond to plan check comments within 10 days of the date of the correction letter, obtain a building permit within 10 days of notification of plan approval and complete all work within 120 days of permit issuance.

Regards,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

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Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Thursday, October 9, 2025 5:40 AM
To: Lopez, David
Subject: Re: 1615 Fairview

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.

Mr. Lopez:

I am unsure how to respond to you.

Ms. Burr indicated that she forwarded my emails to " her supervisor". Initially and based on numerous attempts to " motivate" a response from Ms. Burr, she unwaveringly refused to provide the name and title of her supervisor. Then, you show up, the top official in the Building sub-division, not just a mere supervisor. It might seem as if there is a serious jump in authority , not a mere supervisor. And here might be a serious agenda in the works, from someone far more authoritative, not a mere supervisor, given that I have disclosed my intentions to Appeal.

It feels like there has been a deception by Ms. Burr, and her (mere) Supervisor who decided to forward this to you, as Chief Building Official, one with the highest authority. I tend to not believe that you are her direct supervisor, but the top authority, with the most expertise and authority, one in which will carry extreme weight in the Appeal process and with the Planning Commission. I suspect the mere mention of an Appeal has caused the direct supervisor to decide to bring you into the debate/ dispute of interpretations of contradicting protocols of the EEE and the RHSP protocols.

Lastly, as the Building Director, I am of the notion that the Chief Building Official may tend to not be fair-minded and open to (reasonable) counterpoints, but may provide a position to unwaveringly support and defend the EEE protocols, rather than provide reasonable legitimacy to the legitimacy of the protocols of the Rental Housing Safety Program.

If all/ most of my suspicions are close to accurate, then you will chew me up , and spit me out. A mere supervisor doesn't have your authority , nor level of knowledge and expertise. And it would seem you will structure your position such that EEE will not be contradicted by the protocols of the RHSP , which are far more preferable and favorable to the property owner and Owner Occupant, both in serving the interests of the Owner Occupant, as well as cost burden to the Owner and/ or Owner Occupant, as well as create/ facilitate a mechanism to protect/release the City of Berkeley from potential liability, in the event of a hypothetical injury. This, in turn, alleviates the Owner Occupant from spending about \$1000 for a third party contractor, the building permit component for some repairs.

As absurd as this may sound, as an Owner Occupant, wanting an exemption from EEE, I just want to be left alone, and the RHSP protocols, generally provide such an Exemption.

My three rental units, all on the ground floor are all vacant/ not being rented **and will remain so until I sell this building**. Further, these ground floor rental units have no EEE components above six feet, or even 3 feet. Accordingly, these three units should be exempt from EEE.

Because of Rent Control, Just Cause, Attorney Fees by Statute, and \$45,000 buy-out mandates, and Tenant Protection Ordinances (but no equal landlord protection Ordinance or any protections/ rights) AND MORE.

I hate being a landlord in the City of Berkeley,

and no one wants to discuss, why it is terrible for landlords to be landlords. Landlords have zero rights , protections or control of his business or possession of his property, once he rents it out. Why would anyone want to be a landlord? I do not want to wear a sign on my back that says " Victim, Please kick me."

And the punishing City of Berkeley, instead of being tolerant of my preference to keep my rental units vacant willfully, now have the vacancy parcel tax, to punish owners who hate being landlords, who were massively victimized by the Eviction Moratorium and refuse to continue to be victimized. The City of Berkeley has regulated all avenues , thereby the Owner is not really the Owner, but merely the name of the deed. The City owns the property, via the never ending regulations, despite what the 5th and 14th Amendment say.

But, as Owner Occupant, I am exempt from the Vacancy Parcel Tax.

So, I suppose you will state that you are Ms. Burr's Supervisor, despite what appears to be a sizable authority jump, which may be fact manipulation, and the rest of the agenda, given my intentions to Appeal. Clearly, to me, there is BIAS and City Employees fully supporting each other and the City of Berkeley, to defend the EEE protocols, no matter what. But the RHSP protocols provide a win-win, for both the EEE/ the City, and the Owner/ Owner Occupant.

Respectfully, Andrew Marowitz, Owner and Owner Occupant/ sole Occupant of my building.

No one will be occupying space in my building until I sell m building. That is how much I hate being a landlord in the City of Berkeley. Nothing but a pain in my reality, It's(the headaches) are not worth the rental income. Thre is so much more to being a landlord than simply the money. I have been a landlord for 35 years. I know all of the ugly truths. Interest rates are beginning to come down.

On Wednesday, October 8, 2025 at 03:27:53 PM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good Afternoon Mr. Marowitz,

I want to inform you that Ms. Burr has forwarded me all your communications. I will be responding to you in the next several days.

I know you are being insistent for a response but rest assured I will respond. Please discontinue sending emails to Ms. Burr.

Regards,



David A. Lopez

Chief Building Official/Building and Safety Manager

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Phone:510-981-7441

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Burr, Galadriel

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Sunday, October 5, 2025 8:42 PM
To: Burr, Galadriel
Subject: Re: City Response to Owner Letter Received 2025-09-25_1615 Fairview St Berkeley

Ms. Burr:

Additionally , you knowingly, willfully and deliberately qavoided and omitted any reference and inconsistency of the protocols that I submitted to you, AND YOUR BOSS, REGARDING THE RENTAL HOUSING SAFETY PROGRAM, which provides an exemption for Owner Occupied Units and self inspected and stated habitability and safety of all components and oiperations of the building. Why shouldn't the EEE have the exact same protocols and procedures?

As such, you omitted any comment on the compaison of EEE and RHSP/

You have conducted yourself , not with "best regards" for me, but to omit any of my counterpoints and reasonable arguments in contradiction to EEE and protocols. By omitting so many /all of my counterpoints, you refused to concede on any of my logic. You didn't conduct yourself or the boss, with willingness to grant any of my points, thereby you were even remotely fair and reasonable, but with the agenda to impose your position regardless of its weaknesses.

You truly conducted this exchange by way of FRAUD BY OMISSION. This is hardly different than a crook trying to get away with a crime.

The government is supposed to be fair and honest, and let the chips fall where they may. But, not in the City of Berkeley/ This EE department. In Berkeley, Complete Authority/ Control, and as always \$\$\$\$\$, even by lies by Omission.

But, instead you acted with complete dishonesty by Omission. To me, this / your frequent omissions of my points are dishonest and despicable. You should be willing to admit to such conduct. But, I expect you to avoid any mention of your conduct and my points and the comarison of the RHSP.

Do you consider/ believe that , by omission, you were completely honest and fair?

Do you believe that honesty requires addressing the opposing point of view, not just your biased , one sided position?

Please RESPOND, and address my points , not by re-directing the reader to your points, but by directly addressing MY POINTS.

Andrew Marowitz 510-356-6813

On Sunday, October 5, 2025 at 04:43:05 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Ms. Burr:

After having reviewed the entire series of documents, please disregard the prior request for the exemption documents.. I see them and have reviewed them.

Please provide the names and titles of those persons that advised or instructed you.

I will now review the state laws that you have referenced, though the state law(s) have made it perfectly clear that the state law defers to the local law(s), which ,effectively renders the state law(s) as moot. I will research and provide the specific law that advises deference to local laws.

Depending on what I research, I am recovering from my hip replacements and need some added time for good cause. I can re-attach the handrail, and will attempt to screw the few loose stair treads on the back stairs. AND/BUT I do not have

available funds to pay for a contractor and have dedicated my funds to property taxes due on December 10th or before. I suppose that your relentless protocols provide no tolerance for disabled and low income individuals and that property taxes are irrelevant to the timeline, is that correct?

Again, the rental units aside from being vacant and unrented, have no EEE components 6 feet or over, and all three are on the ground floor will be 2 feet above the ground. Interestingly, you clearly omitted any commentary as to that component, Should that omission be construed as dishonest by omission? I specifically request a comment as to this disputed omission, immediately.

You also omitted any commentary as to my referencing that the second floor unit is exclusively Owner Occupied, and not a rental. I have repeatedly referenced this issue, asserting that I should be provided with an Owner Occupancy exemption, and would Appeal, based on said Owner Occupancy. Why did you omit any commentary as to this assertion.

As I previously stated in researching the original enactment of this issue by Nancy Skinner and Jerry Hall, Ms Skinner refused to include Owner Occupancy Exemptions claiming to "protecting the public", but that appears to be hypocritical/ "arbitrary and capricious", since she expressed no concern for the public in SFRs, Duplexes and Tri-Plexes.

Accordingly, I would respectfully demand a response as to your/ your bosses interpretation of these seeming contradictions of enforcement and exemptions. It would seem that Skinner elected to base the legislation on the building, which has no rights or protections, while Owner's/ persons have rights and protections. Please provide a response, since it appears that you omitted any commentary of anything that provides a controversy of any sort, which may tend to weaken your/ your bosses/ the City's position.

Also, you omitted the distinction of the definitions of Multi-Unit as opposed to Multi-Family. What does it take for you to provide full and complete honest answers and responses, Ms. Burr, and you boss? As I have repeatedly stated, I am the only Occupant, and therefore a single family occupant, and I use all 4 units for my personal use, effectively making this a SFR. I cannot control the fact that the State and the City refuse to allow me to re-classify my Multi-Unit building as a SFR, though being the Owner and Occupant. It is not my fault, or agenda that government has decided to refuse any legal conversion to a SFR, because the State and City have taken away my rights to use my property as a legal SFR, due to their reckless creation of shortage of available housing to illegal immigrants, early release prisoners, and the homeless. The City and State, by self serving regulatory power, has refused my right to use my property as a single family dwelling. In other words, the government is toxic to my rights to use my property as a single family dwelling, and now states that I must pay fees for my use of the vacant rental units. When, if ever, do we/ society question or challenge government as self serving and disregards my 5th and 14th Amendment rights of ownership? NEVER? When, if ever, is government viewed as toxic? NEVER, unfortunately. Maybe, the Courts should ask such questions, rather than granting unquestioned authority over the citizens and property owners and owner Occupants????
PLEASE RESPOND.

I respectfully believe and suggest that your frequent use of omissions could be construed as fraud by Omission. What do you think and say about your frequent use of City / self serving practice of selective omissions. Is it/ should it be considered as honest, or dishonest?

I strongly believe that the Planning Commission or the Courts should consider and decide on the possibility of providing Owner Occupancy Rights and, in this case, Exemptions if the particular set of facts clearly demonstrate that Owner Occupancy Exemption is, or should be, a legitimate right, protection, and benefit provided to Owner Occupants in their own property. Clearly, the relationship to protecting the public, is a convenient, but inconsistent with the same reasoning for SFR's Duplexes and Tri-Plexes, and "arbitrary and capricious" justification to deny Owner Occupancy status any rights, protections, or exemptions. And it should be viewed as such

Any further and continued avoidance of responses by willful and deliberate omission should and will be viewed as fraud by Omission, and will be argued as such, in my expected Appeal and any Court filing for a Judge to consider.

Government constantly endeavors to reduce the rights of Property Owners and Owner Occupants until they have no rights, that all rights are merely hollow words. I am profoundly offended by the elimination of virtually all rights and protections of Owned Real Estate and Owner Occupancy.

Andrew Marowitz 510-356-6813

On Sunday, October 5, 2025 at 03:38:52 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Ms. Burr:

As of now, I have NOW read the first attachment of your series of documents/ emails.

My first response is, you should provide the names and titles of anyone who assisted you, or advised you, or instructed you such that you prepared this/these documents. They should not stay anonymous for the purposes of this series of letters, and of course you should include the names and titles of your supervisor and manager, Mr Jensen, as I recall.

You elected to make statements without providing the actual exemption application documents, thereby slightly mistating what I stated, or you did not state. Accordingly, per your statements of those documents, please provide me with the actual exemption documents, which will indicate the boxes I checked, the basis for my claimed exemptions, as well as exactly what the form states. Please provide these immediately, since the timing of the Appeal, if submitted, must be submitted on or before October 16th, 2025.

More to come, as I review these series of documents as well as your cited state laws.

Andrew Marowitz 510-356-6813

On Friday, October 3, 2025 at 04:02:34 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Ms. Burr:

I just got to my computer, seeing your series of responses, but have not read them as yet.

It occurs to me that, with respect to the EEE protocol, there is no reason why the EEE protocol cannot resemble the RHSP protocol, in which the Owner inspects, repairs, verifies under penalty of perjury, that there are no indications of EEE violations, and that he is/will be responsible, as he presumably is in the RHSP protocols, thereby removing / arguably removing the City from any potential future liability.

It works/ functions/ operates no differently than the RHSP protocols, and potentially saves the Owner (Occupant) hundreds of dollars by eliminating the 3rd party delegate, and potentially any permits. It is a Win-Win scenario. Would you agree or disagree?

Please respond ASAP.

Now, I will review the attachments, maybe tomorrow.

Andrew Marowitz

On Friday, October 3, 2025 at 01:20:50 PM PDT, Burr, Galadriel <gburr@berkeleyca.gov> wrote:

Hello Andrew,

Please find attached my response to your letter received September 25, 2025 in-person at the Permit Service Center, along with the corresponding attachments.

Kind regards,

Galadriel

Galadriel Burr

Community Services Specialist III

Resilient Buildings and Seismic Programs

City of Berkeley

Building & Safety Division

1947 Center Street, 3rd Floor, Berkeley, CA 94704

Phone: 510.981.7475

Email: | gburr@berkeleyca.gov

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Thursday, October 2, 2025 8:45 AM
To: Burr, Galadriel <GBurr@berkeleyca.gov>
Subject: Re: EEE inspection and enforcement 1615 Fairview St Berkeley

- **Permits are not required for ordinary repairs to structures performed for the purpose of maintenance. The repair work is limited to work on the affected item and does not include reframing, replacement or any other alteration or new work.**

- Permits are required for any code regulated activities, including but not limited to the following: cutting, notching or replacement of any structural framing elements or structural supports; replacement of membranes; replacement of exterior finishes; guardrail replacements; installation of ventilation openings; and similar activities.

On Thursday, October 2, 2025 at 08:20:08 AM PDT, Burr, Galadriel <gburr@berkeleyca.gov> wrote:

Hello Mr. Marowitz,

My apologies for the delay. I will have a response to your letter received September 25, 2025 by tomorrow.

To be clear, I did not make sure to advise you that “the minor repairs do not require a permit”, but rather provided you with additional information regarding when a permit is required for E3 corrective work, as stated in my email below.

Please note that my refrain from responding to your general negative thoughts and opinions about government in prior emails and voicemails does not constitute agreement on my part.

Kind regards,
Galadriel

Galadriel Burr
Community Services Specialist III
Resilient Buildings and Seismic Programs
City of Berkeley
Building & Safety Division
1947 Center Street, 3rd Floor, Berkeley, CA 94704
Phone: 510.981.7475
Email: | gburr@berkeleyca.gov

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Wednesday, October 1, 2025 2:43 PM
To: Burr, Galadriel <GBurr@berkeleyca.gov>
Subject: Re: EEE inspection and enforcement 1615 Fairview St Berkeley

Ms. Burr:

I am concerned that you will not be issuing a definitive response regarding my informail appeal/ of the arbitrary and capricious position of EEE and its mandate of refusal of Owner Occupancy exemption on the second floor flat. The RHSP contradicts the policies and protocols of EEE 100%.

You made sure to advise me that the minor repairs do not require a permit, but I'm not, nor am I in a fiscal comfort level to pay for a third party inspection and approval, given the expected cost of \$350-400, because the City refuses to be accountable for inspections and potential liability if its employees are less than competent.

Accordingly, in your most recent email, you indicated that you would be responding soon, but no response as of this date. Respectfully, I will not Appeal, at least until Monday, October 6th, thereby allowing you and your boss to compare and decide issues for 4 business days. After October 7th, if no definitive response is sent to me, I will process a formal Appeal thereafter.

In responding, if you do, please do not omit or withhold detail(s), as your position should be comprehensive and sufficient to address all of my counterpoints.

Yours very truly, Andrew marowitz.

P.S a reason for not even trying to do the repairs immediately is due to my recovery period for my hip replacement surgery. It doesn't matter to you, but it is vitally important to me/ my health.

On Tuesday, September 30, 2025 at 01:57:53 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Ms. Burr:

The problem with government is that government endeavors to give itself authority and control over everything, and thereby regulates everything and attaches fees,taxes, and penalties on everything. You mentioned fresh air is free. After further thought, , aside from requiring smog checks from vehicle owners, the government reaches further, by taxing the test shops and the repair shops for smog, taxing the business income and parts.

Government taxes .fees and penalizes everything in life. They do so, by regulating the freedom of citizens in every nuance in life.

In short, government is toxic and hostile to citizens, We are merely wallets, to fund government employees paychex, benefits and pensions. It is a total con job. The biggest pick pocket on earth. I challenge you to challenge this set of beliefs, and look not just at the surfact, but throughout the 1000 txes,fees and penalties. Then question the productivity of government , with longer breaks, lunches, paid holidays. Did you know thhat the City of Berkeley employees have more paid holidays than any other city in the State of Californiia, all paid by us taxpayers. We, the citizens/taxpayers are being ripped off at every angle/vantage point.

Then they screw all property owners with parcel taxes every two years, to pay for COLAS, and new taxes, like the vacancy parcel tax, even when an owner chooses to not be victimized over and over again, by putting himself in the role of landlord.

Government is the citizen's worst enemy, and you know it. But government refuses to be honest. Embedding themselves in the "Public Interest. What a con game !!!

Back on topic, why does the RHSP provide Owner Occupancy Exemptions, while the EEE completely disregards Owner Occupancy Exemptions. It is arbitrary and capricious. This is a legal phrase that addresses the self serving con games of government.

EEE rules place total control and discretion on government, disregards Owwner Occupancy Exemptions because it serves the interests and benefit of government. I should be allowed to make such repairs on my own , or not at qall, until I decide when, how, how much, . But, then, we wouldn't need so many government employees, or laws/ regulations. We'd have more discretionary money in our wallets. Government never ever limits the extent of taxation. It just keeps taxing to fund its operations, no matter if it is waste, excessive spending,etc..

I will be mindful of the suggested repairs, without permits, if the toxic City of Berkeley insists that they have authority of my owner occupied flat, AKA , the ownetr's unit. This is EXACTLY WHY LEGISLATOR'S LIKE SKINNER AND HALL REFUSED TO PROVIDE OWNER'S AND LANDLORDS WITH RIGHTS. ACCORDINGLY, THEY CREATE LEGISLATION ON THE BUILDING, WHICH HAS NO RIGHTS. . TO ME, ALL OF THIS IS DISGUSTING AND DESPICABLE!!! FREEDOM IS AN EMPTY , HOLLOW WORD. i BET YOUR BOSS DISAGREES, BUT HE WOULD BE SERIOUSLY CHALLENGED IN DISPUTING MY POINTS AND , 4ESPECIALLY MY FINANCIAL COMPONENTS OF TRUTH AND GOVERNMENT.

As owner Occupant, I should not have government hovering over my back , telling what to do in my own residence. Freedom? Where? Government over-reach? Everywhere, because it provides ample workload for government and numerous avenues of taxation, fees, and enforcement penalties. TOXICITY AND CONTROL. Government should be serving the taxpayers,. Instead, the citizens / taxpayers, serve the interests of government. If government trul served the interests of the taxpayers, then government would be constantly striving to reduce taxation, and the size of cost of government. Government, is strving to constantly get larger and more cowstly to the taxpayers= our worst enemy. in life.

It is not just my opinion, it is 100% truth.

Your bias as a taxpayer funded employee prevents you from embracing these truths.

Andrew Marowitz

On Tuesday, September 30, 2025 at 11:14:08 AM PDT, Burr, Galadriel <gburr@berkeleyca.gov> wrote:

Hello Andrew,

I will soon be responding to your letter received September 25, 2025, but I wanted to provide you with copies of the most recent State legislation for exterior elevated elements, per your request. Please find Health and Safety Code Section 17973 and Civil Code Section 5551 (Condos).

Also, when we met in the Permit Serve Center you had some questions about when a permit is required to do E3 corrective work. The following information can be found in our *Frequently Asked Questions* document on the City's website:

- Permits are not required for ordinary repairs to structures performed for the purpose of maintenance. The repair work is limited to work on the affected item and does not include reframing, replacement or any other alteration or new work.
- Permits are required for any code regulated activities, including but not limited to the following: cutting, notching or replacement of any structural framing elements or structural supports; replacement of membranes; replacement of exterior finishes; guardrail replacements; installation of ventilation openings; and similar activities.

For more information about the E3 Inspection Program, please visit <https://berkeleyca.gov/doing-business/operating-berkeley/landlords/exterior-elevated-elements-inspection-program-e3>.

Regards,
Galadriel

Galadriel Burr (she/her)
Community Services Specialist III
Resilient Buildings and Seismic Programs
City of Berkeley
Building & Safety Division
1947 Center Street, 3rd Floor, Berkeley, CA 94704
Phone: 510.981.7475
Email: | gburr@berkeleyca.gov

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Thursday, September 25, 2025 4:28 PM
To: Burr, Galadriel <GBurr@berkeleyca.gov>
Subject: EEE inspection and enforcement 1615 Fairview St Berkeley

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.

Ms. Burr:

I am to ask you what is the most recent State Legislation and the other request is ? Can't remember

BUT, after further thought the protocols of the Rental Housing Safety Progrqm is the perfect supporting example, regardless of the amount of the fees.

The required documentation is that I, as Owner/landlord, am required to inspect, repair, and sign off under oath, the long list of tenant premises conditions, ie the building, and sign off on those items listed in the lengthy list. I am required to sign under penalty of perjury. And subject to enforcement and penalty if there becomes a tenant complaint/problem.

As to the same list, sign off,etc for owner occupied premises, I, as Owner Occupant, am exempt,as is the premises of my owner occupied unit.

In other words, the RHSP guidelines and protocol protects the building AND the tenants premises. BUT, simultaneously exempts the Owner Occupied premises.and conditions.

The question that looms is why isn't the EEE protocols addressed EXACTLY the same way?

Further ,I reviewed Skinner and Hill's legislation/ AB 721, the balcony bill for Berkeley., and it addresses , numerous times the phrase " Multi-Unit, but never, ever combines the phrase " Multi_unit/Multifamily" as contained in the exemption application form. Combining the two as if Multi Family is the same as Multi-Unit is not only a improper redundancy, it is wholly unnecessary. The phrase "Multi-family is, or should address the assumption/inference that Multi-Unit is housed by "Multi Families". Assuming my belief and argument are accurate, I, as, Owner Occupant is considered a Family, and thus, if I personally use all 4 Multi-units, I must be considered as a Single Family Resident/Occupant in the Multi-Unit building. Accordingly, the building is Multi Unit, providing housing and use to a Single Family/ AKA Owner Occupant= Exempt

And the guidelines and protocols of the RHSP are perfectly consistent with that approach, in which the building conditions are addressed and the tenants protected, while the Owner Occupant's unit is exempt from any involvement by the Housing Inspectors , in the event that they elect to inspect.

This is part and parcel of my argument NOW, in support of the Owner Occupant's Exemption from enforcement. Please raise this comparable to your supervisor and the Planning Official.

Again, I can provide access to demonstrate no tenants, as confirmed by the RHSP paperwork and affidavit, signed under penalty of perjury.

To do otherwise from the EEE protocols are inconsistent and contradictory.

Andrew Marowitz

RE: ~~EEE~~ APPEAL DOCUMENTS FOR THE HOUSING ADVISORY COMMITTEE
2:30 PM DELIVERED NOV 10TH 2025 → LOOK ← PLEASE FORWARD TO HOUSING ADVISORY COMMITTEE
AC 01/15/2025 Attachment
City Response to Owner Letter Received 2025-09-25_1615 Fairview St Berkeley 12 TO
Yahoo Mail/Inbox

• Burr, Galadriel

From: gburr@berkeleyca.gov

To: Andrew Marowitz

Cc: E3

Fri, Oct 3 at 1:20 PM

Hello Andrew,

Please find attached my response to your letter received September 25, 2025 in-person at the Permit Service Center, along with the corresponding attachments.

Kind regards,
Galadriel

Galadriel Burr
Community Services Specialist III
Resilient Buildings and Seismic Programs
City of Berkeley
Building & Safety Division
1947 Center Street, 3rd Floor, Berkeley, CA 94704
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Email: | gburr@berkeleyca.gov

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From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Thursday, September 25, 2025 4:28 PM
To: Burr, Galadriel <GBurr@berkeleyca.gov>
Subject: EEE inspection and enforcement 1615 Fairview St Berkeley

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Ms. Burr:

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To do otherwise from the EEE protocols are inconsistent and contradictory.

Andrew Marowitz

Download all attachments as a zip file

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Burr, Galadriel

Fri, Oct 3 at 4:02 PM

Ms. Burr:

I just got to my computer, seeing your series of responses, but have not read them as yet.

It occurs to me that , with respect to the EEE protocol, there is no reason why the EEE protocol cannot resemble the RHSP protocol, in which the Owner inspects, repairs , verifies under penalty of perjury, that there is no indications of EEE violations, and that he is/will be responsible, as he presumably is in the RHSP protocols, thereby removing / arguably removing the City from any potential future liability.

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Please respond ASAP.

Now, I will review the attachments, maybe tomorrow.

Andrew Marowitz

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Burr, Galadriel

Sun, Oct 5 at 3:38 PM

Ms. Burr:

As of now, I have NOW read the first attachment of your series of documents/ emails.

My first response is, you should provide the names and titles of anyone who assisted you, or advised you, or instructed you such that you prepared this/these documents. They should not stay anonymous for the purposes of this series of letters, and of course you should include the names and titles of your supervisor and manager, Mr Jensen, as I recall.

appears to be hypocritical/ "arbitrary and capricious", since she expressed no concern for the public in SFRs , Duplexes and Tri-Plexes.

Accordingly, I would respectfully demand a response as to your/ your bosses interpretation of these seeming contradictions of enforcement and exemptions . It would seem that Skinner elected to base the legislation on the building, which has no rights or protections, while Owner's/ persons have rights and protections. Please provide a response, since it appears that you omitted any commentary of anything that provides a controversy of any sort, which may tend to weaken your/ your bosses/ the City's position.

Also , you omitted the distinction of the definitions of Multi-Unit as opposed to Multi-Family. What does it take for you to provide full and complete honest answers and responses, Ms. Burr, and you boss? As I have repeatedly stated, I am the only Occupant, and therefore a single family occupant, and I use all 4 units for my personal use, effectively making this a SFR. I cannot control the fact that the State and the City refuse to allow me to re-classify my Multi-Unit building as a SFR, though being the Owner and Occupant. It is not my fault , or agenda that government has decided to refuse any legal conversion to a SFR, because the State and City have taken away my rights to use my property as a legal SFR, due to their reckless creation of shortage of available housing to illegal immigrants, early release prisoners, and the homeless. The City and State , by self serving regulatory power, has refused my right to use my property as a single family dwelling. In other words, the government is toxic to my rights to use my property as a single family dwelling, and now states that I must pay fees for my use of the vacant rental units. When, if ever, do we/ society question or challenge government as self serving and disregards my 5th and 14th Amendment rights of ownership? NEVER? When, if ever, is government viewed as toxic? NEVER, unfortunately. Maybe , the Courts should ask such questions, rather than granting unquestioned authority over the citizens and property owners and owner Occupants????

PLEASE RESPOND.

I respectfully believe and suggest that your frequent use of omissions could be construed as fraud by Omission. What do you think and say about your frequent use of City / self serving practice of selective omissions. Is it/ should it be considered as honest , or dishonest?

I strongly believe that the Planning Commission or the Courts should consider and decide on the possibility of providing Owner Occupancy Rights and , in this case, Exemptions if the particular set of facts clearly demonstrate that Owner Occupancy Exemption is , or should be, a legitimate right, protection, and benefit provided to Owner Occupants in their own property. Clearly, the relationship to protecting the public , is a convenient , but inconsistent with the same reasoning for SFR's Duplexes and Tri-Plexes, and "arbitrary and capricious" justification to deny Owner Occupancy status any rights, protections, or exemptions. And it should be viewed as such

Any further and continued avoidance of responses by willful and deliberate omission should and will be viewed as fraud by Omission, and will be argued as such , in my expected Appeal and any Court filing for a Judge to consider.

Government constantly endeavors to reduce the rights of Property Owners and Owner Occupants until they have no rights, that all rights are merely hollow words. I am profoundly offended by the elimination of virtually all rights and protections of Owned Real Estate and Owner Occupancy.

Andrew Marowitz 510-356-6813

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

nails have loosened. The load bearing is for decks and balconies, for supporting structures for porches, for framing structures for stairs. These are ALL weight/load bearing structures, none of which relate to railings, or loose treads.

Yet the local city sees fit to interpret anything and everything associated with the load bearing components.
= Over reach.

Please respond.

Andrew Marowitz

Andrew Marowitz

From: andrewmarowitz@sbcglobal.net

To: Burr, Galadriel

Sun, Oct 5 at 8:42 PM

Ms. Burr:

Additionally, you knowingly, willfully and deliberately avoided and omitted any reference and inconsistency of the protocols that I submitted to you, AND YOUR BOSS, REGARDING THE RENTAL HOUSING SAFETY PROGRAM, which provides an exemption for Owner Occupied Units and self inspected and stated habitability and safety of all components and operations of the building. Why shouldn't the EEE have the exact same protocols and procedures?

As such, you omitted any comment on the comparison of EEE and RHSP/

You have conducted yourself, not with "best regards" for me, but to omit any of my counterpoints and reasonable arguments in contradiction to EEE and protocols. By omitting so many/all of my counterpoints, you refused to concede on any of my logic. You didn't conduct yourself or the boss, with willingness to grant any of my points, thereby you were even remotely fair and reasonable, but with the agenda to impose your position regardless of its weaknesses.

You truly conducted this exchange by way of FRAUD BY OMISSION. This is hardly different than a crook trying to get away with a crime.

The government is supposed to be fair and honest, and let the chips fall where they may. But, not in the City of Berkeley/ This EE department. In Berkeley, Complete Authority/ Control, and as always \$\$\$\$\$, even by lies by Omission.

Andrew Marowitz 510-356-6613

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Burr, Galadriel

Tue, Oct 7 at 6:47 PM

Ms. Burr:

I respectfully asked for the name of your supervisor and their title. Thus far, you have not responded back. I also requested response on the omissions and the RHSP protocols.

Please provide this information, since you have stated that you have forwarded my emails to your supervisor, and that person has not made any effort to discuss the matter. Your letters were a one sided authoritative letter, without any reasonable opportunity for consideration of my counterpoints.

I believe my request is reasonable, and continued non responsiveness would add to the one sidedness of your letters with omissions to my points.

Respectfully, Andrew Marowitz

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Burr, Galadriel

Wed, Oct 8 at 1:28 PM

Ms. Burr:

I am still waiting for your cooperative response. What is the name and title of your supervisor?

Your clear refusal to provide that information clearly shows the adversity and tenor of the onesidedness of your letter, in which you refused to place any weight or explanation to /from my counterpoints. This demonstrates the level and extent of the dishonesty and abuse of authority by your onesided dictatorial positioning, in which you refused to address my points. This is further demonstrated by your refusal to provide the identity of your supervisor, who you stated that you forwarded my email to.

There is no honesty and fairness in your approach to my points and attempts to compare and contrast my counterpoints and legitimate arguments that might create weakness in your department position.

It is tantamount to Mr. Marowitz, your points are not recognized, and the inconsistency of various City protocols is irrelevant.

This is clearly a dictatorial practice, and such conduct desperately needs to be addressed by higher authorities, if not in a Court of law.

From: andrewmarowitz@sbcglobal.net

To: bbartlett@berkeleyca.gov

Tue, Oct 21 at 4:26 PM

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

To: Burr, Galadriel <gburr@berkeleyca.gov>

Sent: Sunday, October 5, 2025 at 06:08:15 PM PDT

Subject: Re: City Response to Owner Letter Received 2025-09-25_1615 Fairview St Berkeley

(2) "Exterior elevated element" means the following types of structures, including their supports and railings: balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support or stability of the exterior elevated element.

(c) The inspection required by this section shall at a minimum include:

(1) Identification of each type of exterior elevated element that, if found to be defective, decayed, or **deteriorated to the extent that it does not meet its load requirements**, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

Ms. Burr:

A railing does not have any relevance to meeting load bearing requirements, nor does a metal railing meet load

City of Berkeley

Building & Safety Division 1947 Center Street, 3rd Floor, Berkeley, CA 94704

Phone: 510.981.7475

Email: gburr@berkeleyca.gov

From: Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Sent: Thursday, October 2, 2025 8:45 AM

To: Burr, Galadriel <GBurr@berkeleyca.gov>

Subject: Re: EEE inspection and enforcement 1615 Fairview St Berkeley

• **Permits are not required for ordinary repairs to structures performed for the purpose of maintenance. The repair work is limited to work on the affected item and does not include reframing, replacement or any other alteration or new work.**

• Permits are required for any code regulated activities, including but not limited to the following: cutting, notching or replacement of any structural framing elements or structural supports; replacement of membranes; replacement of exterior finishes; guardrail replacements; installation of ventilation openings; and similar activities.

On Thursday, October 2, 2025 at 08:20:08 AM PDT, Burr, Galadriel <gburr@berkeleyca.gov> wrote:

Hello Mr. Marowitz,

My apologies for the delay. I will have a response to your letter received September 25, 2025 by tomorrow.

To be clear, I did not make sure to advise you that "the minor repairs do not require a permit", but rather provided you with additional information regarding when a permit is required for E3 corrective work, as stated in my email below.

Please note that my refrain from responding to your general negative thoughts and opinions about government in prior emails and voicemails does not constitute agreement on my part.

Kind regards,

Galadriel

Galadriel Burr

Community Services Specialist III

Resilient Buildings and Seismic Programs

City of Berkeley

Building & Safety Division

1947 Center Street, 3rd Floor, Berkeley, CA 94704

like the vacancy parcel tax, even when an owner chooses to not be victimized over and over again, by putting himself in the role of landlord.

Government is the citizen's worst enemy, and you know it. But government refuses to be honest. Embedding themselves in the "Public Interest. What a con game !!!

Back on topic, why does the RHSP provide Owner Occupancy Exemptions, while the EEE completely disregards Owner Occupancy Exemptions. It is arbitrary and capricious. This is a legal phrase that addresses the self serving con games of government.

EEE rules place total control and discretion on government, disregards Owner Occupancy Exemptions because it serves the interests and benefit of government. I should be allowed to make such repairs on my own, or not at all, until I decide when, how, how much. But, then, we wouldn't need so many government employees, or laws/ regulations. We'd have more discretionary money in our wallets. Government never ever limits the extent of taxation. It just keeps taxing to fund its operations, no matter if it is waste, excessive spending, etc..

I will be mindful of the suggested repairs, without permits, if the toxic City of Berkeley insists that they have authority of my owner occupied flat, AKA, the owner's unit. This is EXACTLY WHY LEGISLATOR'S LIKE SKINNER AND HALL REFUSED TO PROVIDE OWNER'S AND LANDLORDS WITH RIGHTS. ACCORDINGLY, THEY CREATE LEGISLATION ON THE BUILDING, WHICH HAS NO RIGHTS. TO ME, ALL OF THIS IS DISGUSTING AND DESPICABLE!!! FREEDOM IS AN EMPTY, HOLLOW WORD. I BET YOUR BOSS DISAGREES, BUT HE WOULD BE SERIOUSLY CHALLENGED IN DISPUTING MY POINTS AND, ESPECIALLY MY FINANCIAL COMPONENTS OF TRUTH AND GOVERNMENT.

As owner Occupant, I should not have government hovering over my back, telling what to do in my own residence. Freedom? Where? Government over-reach? Everywhere, because it provides ample workload for government and numerous avenues of taxation, fees, and enforcement penalties. TOXICITY AND CONTROL. Government should be serving the taxpayers. Instead, the citizens / taxpayers, serve the interests of government. If government truly served the interests of the taxpayers, then government would be constantly striving to reduce taxation, and the size of cost of government. Government, is striving to constantly get larger and more costly to the taxpayers= our worst enemy. in life.

It is not just my opinion, it is 100% truth.

Your bias as a taxpayer funded employee prevents you from embracing these truths.

Andrew Marowitz

On Tuesday, September 30, 2025 at 11:14:08 AM PDT, Burr, Galadriel <gburr@berkeleyca.gov> wrote:

Hello Andrew,

I will soon be responding to your letter received September 25, 2025, but I wanted to provide you with copies of the most recent State legislation for exterior elevated elements, per your request. Please find Health and Safety Code Section 17973 and Civil Code Section 5551 (Condos).

Also, when we met in the Permit Serve Center you had some questions about when a permit is required to do E3 corrective work. The following information can be found in our *Frequently Asked Questions* document on the City's website:

As to the same list, sign off, etc for owner occupied premises, I, as Owner Occupant, am exempt, as is the premises of my owner occupied unit.

In other words, the RHSP guidelines and protocol protects the building AND the tenants premises. BUT, simultaneously exempts the Owner Occupied premises and conditions.

The question that looms is why isn't the EEE protocols addressed EXACTLY the same way?

Further, I reviewed Skinner and Hill's legislation/ AB 721, the balcony bill for Berkeley, and it addresses, numerous times the phrase " Multi-Unit, but never, ever combines the phrase " Multi_unit/Multifamily" as contained in the exemption application form. Combining the two as if Multi Family is the same as Multi-Unit is not only a improper redundancy, it is wholly unnecessary. The phrase "Multi-family is, or should address the assumption/inference that Multi-Unit is housed by "Multi Families". Assuming my belief and argument are accurate, I, as, Owner Occupant is considered a Family, and thus, if I personally use all 4 Multi-units, I must be considered as a Single Family Resident/Occupant in the Multi-Unit building. Accordingly, the building is Multi Unit, providing housing and use to a Single Family/ AKA Owner Occupant= Exempt

And the guidelines and protocols of the RHSP are perfectly consistent with that approach, in which the building conditions are addressed and the tenants protected, while the Owner Occupant's unit is exempt from any involvement by the Housing Inspectors, in the event that they elect to inspect.

This is part and parcel of my argument NOW, in support of the Owner Occupant's Exemption from enforcement. Please raise this comparable to your supervisor and the Planning Official.

Again, I can provide access to demonstrate no tenants, as confirmed by the RHSP paperwork and affidavit, signed under penalty of perjury.

To do otherwise from the EEE protocols are inconsistent and contradictory.

Andrew Marowitz

• **Lopez, David**

From:dlopez@berkeleyca.gov

To:andrewmarowitz@sbcglobal.net

Wed, Oct 8 at 3:27 PM

Good Afternoon Mr. Marowitz,

I want to inform you that Ms. Burr has forwarded me all your communications. I will be responding to you in the next several days.

I know you are being insistent for a response but rest assured I will respond. Please discontinue sending emails to Ms. Burr.

Regards,

David A. Lopez

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

FRAUD ALERT! Do not provide payment information by telephone. City of Berkeley Building and Safety staff will NEVER call to ask for payment. If you receive such a call, please HANG UP! Email Planning@berkeleyca.gov about it, and report the fraud attempt to the Berkeley Police Dept. at (510) 981-5900.

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Lopez, David

Thu, Oct 9 at 5:39 AM

Mr. Lopez:

I am unsure how to respond to you.

Ms. Burr indicated that she forwarded my emails to " her supervisor". Initially and based on numerous attempts to " motivate" a response from Ms. Burr, she unwavering refused to provide the name and title of her supervisor. Then, you show up, the top official in the Building sub-division, not just a mere supervisor. It might seem as if there is a serious jump in authority , not a mere supervisor. And here might be a serious agenda in the works, from someone far more authoritative, not a mere supervisor, given that I have disclosed my intentions to Appeal.

It feels like there has been a deception by Ms. Burr, and her (mere) Supervisor who decided to forward this to you,as Chief Building Official, one with the highest authority. I tend to not believe that you are her

Respectfully, Andrew Marowitz, Owner and Owner Occupant/ sole Occupant of my building.

No one will be occupying space in my building until I sell m building. That is how much I hate being a landlord in the City of Berkeley. Nothing but a pain in my reality, It's(the headaches) are not worth the rental income. Thre is so much more to being a landlord than simply the money. I have been a landlord for 35 years. I know all of the ugly truths. Interest rates are beginning to come down.

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Lopez, David

Tue, Oct 14 at 3:20 PM

Mr. Lopez:

if you look at

Chapter XVII,page 5 Miscelaneous you will see a detail which states

"For items that require review and which are not otherwise explicitly covered in Fee Schedule, such as Alternate method applications, Requests for Unreasonable Hardship Exceptions, Requests for Determinations ,etc." has/have a Fee of \$250.

I submit that the Appeal is exactly a fit for this Appeal.

The Appeal is not explicitly addressed, not to mention hardship exceptions.

This is not an interpretation, by you as you have liberally exercised as Appeal of a land use hearing Appeal, It is not explicitly covered.

Andrew Marowitz

Re: E3 requirements for 1615 Fairview St.12

Yahoo Mail/Inbox

• **Andrew Marowitz**

Mr. Lopez: Respectfully, Respect is a two way street. Ms. Burr had a duty to disclose the name of her supervisor, who she forwarded the emails to. She, in refusing that repeated request, was dishonest and totally disrespectful. You probably know, but I should not automatically assume that, contained in the State Law, it defers their law to the local municipality laws, since State Law essentially rubber stamped the Berkeley law, but then went further. In many ways, you pretty much carbon copied Ms. Burr,and also in omitting responses to my counterpoints, while re-directing to your points. Honestly, if I'm correct, I find that to be biased, disrespectful, and

From: andrewmarowitz@sbcglobal.net

To: Lopez, David

Thu, Oct 9 at 10:06 PM

Sorry, another point.

You state "The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building.

What about the fact that the City of Berkeley refuses to allow me to downsize to a single family dwelling? How unfair is that? Where is my control of my own property. It doesn't exist. I would downsize to R1.

What components did I confirm that need to be certified?

What photos in one of my documents confirm that E3 elements exist in my building. Please provide those pictures ASAP. I do not recall ever providing pictures.

Andrew Marowitz

On Thursday, October 9, 2025 at 04:37:45 PM PDT, Lopez, David <dlopez@berkeleyca.gov> wrote:

Good afternoon Mr. Marowitz,

Your numerous recent communications have been forwarded to me by staff. I understand that you were frustrated while awaiting my response.

First, I must address the tone of your communications to staff. Your messages have been unprofessional and discourteous. This is unacceptable. If similar communications continue, I will cease direct correspondence and refer the matter to my Director. City staff must be treated with respect.

Second, the information provided to you by Ms. Burr—both by email and in person—is accurate. She has reviewed your case with me, and I have confirmed that her guidance reflects the City's interpretation of applicable codes.

To clarify the matter: this is my formal determination. If you disagree, you may appeal my interpretation of the code in accordance with Berkeley Municipal Code (BMC) Title 19.28.020, Section 113 and 19.44. The notice of appeal shall be filed, along with the payment of the appeal fee, at my office within 30 days of this email and must contain the information listed in BMC Section 19.44.40.

1. There seems to be some confusion and comingling of Berkeley Municipal Code programs in your communications. You frequently refer to RHSP when addressing E3 compliance concerns. The two programs are two different and distinct programs. Ms. Burr is not associated with RHSP. She is only associated with the E3 program.

require all E3 components in R-2 buildings to be inspected and certified. The State followed suit, and California regulations were signed into law requiring that E3 elements in R-2 buildings be inspected and certified. When an E3 component fails it can kill or injure the person using the E3 component. For this reason, E3 protocols are not addressed in the manner you would like. RHSP guidelines do not apply to the E3 program.

Regarding your insistence that the building is not an R-2 building and should be considered a family building: all our records and by your own admission clearly indicate that your building is a 4 unit building which is considered an R2 occupancy. Berkeley law uses the definition in the Berkeley Building Code to define R-2 buildings. Dwelling units in R-2 buildings are not exempt regardless of who lives in the dwelling or whether the units are vacant.

Regarding your insistence that you, as an owner, should be able to self-inspect your own property: State law is clear in who is to perform the inspection. Per California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973, "The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the "A," "B," or "C-5" license classifications issued by the Contractors State License Board, with a minimum of five years' experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction." State law prohibits the owner from self-certifying their E3 components.

In conclusion:

The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building. You have been issued a Citation Warning Letter for not complying with State and City laws. In the warning letter (attached) you have been given a deadline of October 16th to provide a completed and signed, by the retained professional, the Exterior Elevated Elements Inspection Program Inspection Certification form. If this does not occur, citations will be levied. I do have the authority to provide a onetime extension on when the form will be due. If you confirm that you have hired a licensed professional, compliant with State Law, by either sending me a copy of your signed contract with the licensed professional -or- an email thread with the professional confirming the date of their scheduled inspection and that you will be sending me a completed and signed inspection certification form, I will extend the due date for us receiving the form to November 14th.

- About a 1000 times less than a balcony collapsing because 10 people are all in a balcony exceeding the limits of the structure. 10 people of adult size amounts to at least 1500 pounds, if not 1800 pounds, on one wood based balcony. Is that considered a safety hazard/ safe? How about a telephone booth?
 -
 - Why is a handrail which is located on the second floor landing , calculated as being above six feet from the ground? why not within 6 feet from the landing? Does that make sense? Not in my reality, but maybe in an agenda to impose authority and fees, such an interpretation is somehow justifiable.
-

2. Andrew Marowitz

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Lopez, David

Fri, Oct 10 at 6:37 PM

Mr. Lopez:

I ask you again, how much is the Appeal Fee AND where or who do I submit my Appeal to? Time is of the essence now, since I am six days from the deadline and Monday is another holiday for the City of Berkeley.

Please inform me as soon as possible/ not later than Tuesday.

I believe that I'm being reasonable and honest. Are you?

Please respond.

Andrew Marowitz 510-356-6813

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Lopez, David

Fri, Oct 10 at 8:04 PM

Mr. Lopez:

As of NOW, I have completed preparation of the form for Appeal, specifically, the REQUEST FOR HEARING ON ADMINISTRATIVE CITATION.

To:Lopez, David

Tue, Oct 14 at 8:56 AM

Mr. Lopez:

It is now 8:45 am on Tuesday, October 14th, 2025. I am preparing to hand deliver my completed Appeal for Request of Administrative Hearing, and do not know where I should deliver it, and here at my computer expecting you to provide instructions.

I have also included a copy of the RHSP self certification checklist, which includes the Elevated Exterior Decks, Balconies, landings and handrails on the rear page. This should provide a reasonable basis for Appeal.

Waiting for your email to advise me where to deliver my Appeal ASAP. If I do not receive any communication within one hour, I will go to the 3rd floor of 1947 Center street and ask the guy at the front counter. Maybe he will be able to advise me.

Please respond ASAP.

Andrew Marowitz 510-356-6813

Lopez, David

From:dlopez@berkeleyca.gov

To:Andrew Marowitz

Cc:Jensen, Jeff

Tue, Oct 14 at 9:20 AM

Good Morning Mr. Marowitz,

You would submit the appeal letter at our office

1947 Center Street, 3rd Floor
Berkeley, CA 94704

The appeal fee per City Council approved resolution 71,834 N.S. is \$1000.00.

The code reference you provide is correct. The catalyst code section is in BMC 19.28.010 section 113.1 which then refers you to BMC 19.44.020 of which body will hear the appeal and then under the same BMC title is what is required in an appeal letter BMC 19.44.040. A letter from you that has all the information you listed below is adequate.

When you arrive please let the welcome station person know your name and that I am expecting you. I am not available from 10 to noon.

5.A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6.The signatures of all parties named as appellants and their official mailing addresses.

7.The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

I will be coming to 1947 Center St. on Tuesday, October 14th, 2025. If you could update me as to the most appropriate room/suite/ office, so that I know exactly where to submit my request for Appeal. Thank you.

Very Truly Yours, Andrew Marowitz 510-356-6813 Owner and Sole Occupant 1615 Fairview St. Berkeley CA 94703

On Friday, October 10, 2025 at 06:37:22 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Mr. Lopez:

I ask you again, how much is the Appeal Fee AND where or who do I submit my Appeal to? Time is of the essence now, since I am six days from the deadline and Monday is another holiday for the City of Berkeley.

Please inform me as soon as possible/ not later than Tuesday.

I believe that I'm being reasonable and honest. Are you?

Please respond.

Andrew Marowitz 510-356-6813

On Friday, October 10, 2025 at 08:16:52 AM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

On Thursday, October 9, 2025 at 10:06:32 PM PDT, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Sorry, another point.

You state "The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building.

What about the fact that the City of Berkeley refuses to allow me to downsize to a single family dwelling? How unfair is that? Where is my control of my own property. It doesn't exist. I would downsize to R1.

What components did I confirm that need to be certified?

considered an R-2 Occupancy building and it has been confirmed that the building contains three or more dwelling units.

ii. Both State law and City law do not exempt dwelling units that are owner occupied. Even condominium buildings with 3 or more condominiums, considered an R-2 occupancy, are required to certify that existing E3 elements are certified safe per California Civil Code Division 4, Part 5, Chapter 7, Article 3 Section 5551. Condominiums are for the most part owner occupied.

To answer your question of why aren't the EEE protocols addressed exactly the same way?

Nowhere in the E3 laws does it give the City any authority to exempt owner occupied dwellings in an R-2 building. The history of the program started when the tragic incident occurred on June 16, 2015 when the exterior balcony collapsed and 6 young people died and 7 others were injured. Immediately after, the City passed an emergency ordinance to require all E3 components in R-2 buildings to be inspected and certified. The State followed suit, and California regulations were signed into law requiring that E3 elements in R-2 buildings be inspected and certified. When an E3 component fails it can kill or injure the person using the E3 component. For this reason, E3 protocols are not addressed in the manner you would like. RHSP guidelines do not apply to the E3 program.

Regarding your insistence that the building is not an R-2 building and should be considered a family building: all our records and by your own admission clearly indicate that your building is a 4 unit building which is considered an R2 occupancy. Berkeley law uses the definition in the Berkeley Building Code to define R-2 buildings. Dwelling units in R-2 buildings are not exempt regardless of who lives in the dwelling or whether the units are vacant.

Regarding your insistence that you, as an owner, should be able to self-inspect your own property: State law is clear in who is to perform the inspection. Per California Health and Safety Code, Division 13, Part 1.5 Regulation of Buildings Used for Human Habitation, Section 17973, "The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the "A," "B," or "C-5" license classifications issued by the Contractors State License Board, with a minimum of five years' experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction." State law prohibits the owner from self-certifying their E3 components.

In conclusion:

The building at 1615 Fairview is considered an R-2 Occupancy building and, by your own admission on several occasions, you have confirmed that there are existing E3 components on the building that need to be certified. The pictures in one of your documents confirms that E3 elements exist on your building. You have been issued a Citation Warning Letter for not complying with State and City laws. In the

-----"The claim that the City of Berkeley's appeal fee is \$1,000 per Resolution 71,834 N.S. is misleading.

The \$1,000 fee is the reduced cost for a specific type of **land-use appeal**, and the actual fee varies depending on the type of decision being appealed and who is filing the appeal. **No record of Resolution 71,834 N.S. could be found, suggesting the reference is either outdated, incorrect, or applies to a different department".**

Here are the accurate details on appeal fees for planning and land use decisions in Berkeley:

Land use and zoning appeals

For appeals regarding decisions made by the Zoning Adjustments Board (ZAB) or the Landmarks Preservation Commission (LPC), the fee structure for non-applicants is:

- **Standard fee:** \$3,000.
- **Reduced fee: \$1,000.** To qualify for this rate, the appeal must be signed by at least 50% of the parcels or dwelling units within 300 feet of the project site, or 25 such persons (excluding dependent children), whichever is less.

Other appeal types

The City of Berkeley lists several other appeal fees, all of which are subject to change by city council resolution:

- **Administrative Use Permit (AUP) decisions:**
 - **Standard fee:** \$2,000.
 - **Reduced fee:** \$800, which requires the signatures of at least 35% of the parcels or dwelling units within 300 feet of the project site, or 20 such people (whichever is less).
- **Design review decisions:** \$2,000 for non-applicants.
- **Administrative citation appeals:** To appeal a citation, you must pay an advanced deposit of the fine amount. Fee waivers are available for those with financial hardship.

I have forwarded our emails to a City Council staff person for review, while complaining on the arbitrary imposition of the Appeal Fee for a non land use EEE Appeal being \$1000, the same on non compliance penalty.

She is reviewing, and depending on what she preliminarily concludes, will be calling you, and perhaps, the Planning Director, if and as needed.

Again, to impose a \$1000 Appeal fee for EEE, a non-land use Appeal , and for a Rule that apparently doesn't exist, is the building director acting with Bias and bully like tactics.

Please respond. I will be delivering the Appeal WITHOUT a fee at this time, and we can decide what is appropriate. To reject my timely Appeal , due to no Appeal fee would not be fair, in light of the dispute of the amount of the Appeal fee .

Andrew Marowitz

Andrew Marowitz

From: andrewmarowitz@sbcglobal.net

To: Lopez, David

Tue, Oct 14 at 12:21 PM

Mr. Lopez:

It occurs to me, and I will document for the record that

1) You stated that I admittred to EEE needs. I asked that you provide that email, and you refused (silently)

2) You stated that in my emails, I provided photographs of the EEE issues. I asked that you provide the email with the photos, and you refused to provide that email (silently).

3) You stated ,falsely that RHSP deals only with habitsability, when ,in fact the Rental Housing SAFETY program provides certification by Owner for SAFETY, including but not limited to vEEE and handrails, etc.

It is perfectly clear to me that you are staging your responses to slant any Appeal I submit.

4) You cited City of Berkeley rule 71,834 N.S. to impose a \$1000 Appeal fee. And here, again, there is no such rule, and that you deliberately misled me, in your coercion to force me to pay \$1000 for an Appeal Fee for a NON LAND USE APPEAL.

Clearly, you are BIASED and should be held strictly accountable for your unconscionable bad conduct.. You speak of respect, but, you have communicated cordially, but with lies, with fact manipulation, with misrepresentation, and if that is not disrespect and thuggery, I do not know the meaning of disrespect and deliberate misrepresentation. You should be apologetic and regretful of your contemptible conduct.

I will forward this to City Council, and you should be recused for providing false responses repeatedly

1947 Center Street, 3rd Floor
Berkeley, CA 94704
Phone:510-981-7441

FRAUD ALERT! Do not provide payment information by telephone. City of Berkeley Building and Safety staff will NEVER call to ask for payment. If you receive such a call, please HANG UP! Email Planning@berkeleyca.gov about it, and report the fraud attempt to the Berkeley Police Dept. at (510) 981-5900.

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Lopez, David

Tue, Oct 14 at 5:51 PM

Mr. Lopez, ,I refer you to **Chapter XVII on page 5 of the 71,834 N.S.**

"not explicitly described service shall be a fee of \$250 (and not allowq you the discretion or interpretation of the \$1000 Appeal fee.)

Please respond to this basis for the Appeal.

I included that issue in the follow up email, of which you have not reviewed or responded to.

Andrew Marowitz

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Lopez, David

Wed, Oct 15 at 11:26 AM

Mr. Lopez:

I know that you are trying to steer me to EEE compliance , and therefore not trying to provide full and open cooperation for my continued attempts to Appeal or other alternatives. But I ask that you cooperate with my attempts and be 100 % forthcoming and honest.

I now have , not one , but TWO avenues for strict EEE compliance, and I formally request you to respond appropriately, not biased.

They are as follows:

1) pursuant to your reliance to your City Resolution 71, 834 N.S. In Chapter XVII, on page 5, under Miscellaneous category of your Resolution there exists TWO apparent and obvious avenues of exception.

To:Lopez, David

Fri, Oct 17 at 7:58 AM

Mr. Lopez:

It has been 2-3 business days, and I have not received any response.

I need to know, pretty much immediately, what is the criteria for a unreasonable hardship exception. I am certain I will be eligible/ qualify

under the notion that either I pay for the EEE complince or I pay my property taxes, but cannot do both.

I also believe/ am certain that the Appeal fee is \$250, which I will pay, assuming I don't qualify for the hardship exception. I need answers ASAP, and I am not getting them, causing me concern for a timely submitted Appeal fee, and a more detailed Appeal letter, I suppose, per your advisory, though I believe that my letter of Appeal provides the necessary essentials

Please respond ASAP

Andrew Marowitz

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Lopez, David

Cc:bbartlett@berkeleyca.gov

Wed, Oct 22 at 9:03 AM

Mr. Lopez:

In your email on Tuesday, you referenced a line item in the City's fee schedule regarding items that require review and **are not explicitly listed, such as Alternate Method applications**, Requests for Unreasonable Hardship Exceptions, and Requests for Determinations. **Those items are not assigned fixed fees because they are project-specific and billed hourly.** For example, an Alternate Method review may require dozens of staff hours, potentially totaling thousands of dollars. **Unreasonable Hardship Exceptions are specific to accessibility issues in non-residential properties. These items relate to design-based determinations on current proposed construction projects and are not considered appeals.**

Respectfully, how do I know for sure that you didn't just make this stuff up so that you could continue to insist on a Building Official Determination?

PLEASE, SIR, PROVIDE ME THE BASIS FOR YOUR DETERMINATION AND INTERPRETATION. IF YOU CANNOT SUPPORT THESE STATEMENTS WITHOUT DOCUMENTARY SUPPORT, IT MUST BE

ELECTRICAL WIRING Pass N/A Accessible electrical outlets, junction boxes and light switches are functional, secure and all have faceplates in good condition. There are no unprotected exposed electrical wires or electrical cables. All receptacles that have been replaced in the kitchen, bathroom, laundry, garage or in exterior weatherexposed locations, are Ground Fault Circuit Interrupter (GFCI) protected outlets. **PLUMBING** All faucets are in working condition and all handles, valves, diverters are free of leaks and visible damage. Hot and cold water have sufficient flow. All plumbing and sewer piping drain properly and are free of leaks. Toilets are secure in place, in good working condition and free of leaks. **FIRE EXTINGUISHER** (Building with 3 or more units only) Fire extinguishers are provided within a maximum travel distance of 75 feet. Each extinguisher has been tagged and serviced by a state licensed contractor within the last year. Each fire extinguisher is fully charged, operable and readily available for use. **WEATHER PROTECTION** Exterior walls, roofs and ceilings are free from leaks. **HANDRAIL & GUARDRAIL CONDITION** Handrails and guardrails are tightly fastened, sound and in good condition.

INTERIOR STAIRWAY CONDITION Stairways, including treads, risers and landings, are in good condition, adequately fastened, with no damaged, missing or loose structural members.

EXTERIOR ELEVATED DECKS, BALCONIES, STAIRWAYS OR WALKWAYS All elevated wood-framed and steel-framed decks, balconies, landings, stairway systems, walkways, terraces, guardrails, handrails, or any parts thereof in weather-exposed areas at the subject building did not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there was no evidence of active water intrusion in concealed spaces of the inspected elements.

WALKWAYS AND PATHWAYS All exit pathways and stairways are clear of open storage, trash and debris. All electrical fixtures providing lighting and directional signage for the common areas are in working condition. **FLOORS & TRIP HAZARDS** All floors and floor coverings are free of significant trip hazards due to damage or structural defect. The bathroom floor is finished with a non-absorbent material and is sealed to prevent moisture intrusion. **ELECTRICAL PANELS WITH SCREW IN FUSES** Are the fuses in the panel box that serve each unit rated at 15 amps or less? For fuse panels with 20 amps or larger fuses, the wiring is sized properly and is capable of handling the load or has been inspected by a licensed electrical contractor. **ACKNOWLEDGEMENTS** I certify I have inspected the aforementioned unit and the information above is true and correct. I acknowledge I am required to provide a copy of this Self-Certification Checklist to the tenant(s). I certify I was unable to inspect the aforementioned unit because the tenant(s) refused to allow entry. I agree to send a copy of this checklist to RHSP@berkeleyca.gov or RHSP | 1947 Center Street, 3rd Floor | Berkeley, CA 94704. Name of Certifier (Please print):

_____ Relationship to Property:
_____ Owner or Manager
Name _____
_____ Mailing Address and Phone #:

Signature and Date: _____

AS YOU CAN SEE, I HAVE COPIED AND HIGHLIGHTED IN BOLD BLACK PRINT, THE EXACT SAFETY COMPONENTS AS THE EEE DEPARTMENT REQUIREMENTS.

I WILL BE SENDING THIS LETTER TO MY CITY COUNCIL PERSON AND REQUESTING A MEETING ASAP, TO DEMONSTRATE YOUR EXCESS OF INTERPRETATION, DETERMINATIONAL EXCESS, AND ABUSE OF EXCESS OF YOUR AUTHORITY, RESPECTFULLY, OF COURSE.

IN SHORT, YOU ARE PROVIDED TOO MUCH AUTHORITY TO DETERMINE ANYTHING YOU WANT, ANY WAY YOU WANT.

What a con job. I bet you think you are honorable. I am a highly educated person and I can see clearly through this scam operation. This EEE program is a scam operation, hiding behind a safety concern, which can and should be accomplished with a weight/ person limit, no differently than any elevator. But, then, the building dept wouldn't generate any revenue, right?

I wish I could sue the city and you in court. You constantly victimize people for revenue. The building dept rakes in the cash for the City of Berkeley. Dam pick pockets.

Depressed, Andrew Marowitz

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Lopez, David

Fri, Oct 24 at 12:15 PM

Mr. Lopez:

An inspector just came by and is/ was willing to write a proposal, but before he issues a dollar amount, he would need me to remove various pieces of shiplap and plywood to expose the structural components. He sees some woodrot underneath my porch , and if that bears out, he suggests a possible repair of up to \$10,000, which I simply do not have.

As I have already disclosed to you, I can either pay the EEE fees or pay my property taxes, but not both. And certainly not \$10,000. His fee is \$950 for two elements, the stairs (fully concrete) and the covered porch of my upper flat.

I called several contractors from the BPOA list. I am expecting another inspector to come by sometime today.

What if I cannot afford the cost of inspection, much more the repair? Will you punish for non compliance of \$1000 for/ of a low income senior who lives here alone? Clearly, City Council has provided you, in your role, with limitless interpretive determination and discretion.

That is punishing the low income person who can't afford the huge cost of EEE, and making me even more financially deeper in a hole.

Is that the ripple effect of the EEE requirements? To break the backs of limited income seniors?

Your thoughts. if you choose to offer them?

Andrew Marowitz

• **From:** Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Sent: Saturday, October 25, 2025 12:45 PM
To: Lopez, David <dlopez@berkeleyca.gov>
Subject: Request for information regarding the 2015 balcony collapse tragedy

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.

Mr. Lopez, as building director, I believe that you might know the weight limits of that balcony.

The balcony was 4'x 8' , based on information I received.

There were (at least) 12 people , males/ females, light , medium, and heavy. 6 people died and 6 were critically injured.

The load is reasonably estimated at 160 to 175 per person (at least) (not including clothing) that adds up to 1920-2100 pounds, not a dead load, but a moving load (somewhat)

Are you able and willing to determine the load bearing weight of that balcony? And if you can, will you disclose that estimated bearing load for that balcony?

Why wasn't this issue considered as even a contributing factor?

Or, perhaps the City of Berkeley never wanted that issue to be considered, might place the City in a powerfully compromised position? To this day, that issue has never been addressed? Don't you find that reality unreal? Maybe no one wanted to point the finger at the people on that balcony?

The blame was placed on the owner for allegedly not caulking?

Could this incident have occurred if only 3 to 4 people were on that deck? 4 people brings a load bearing weight of 700 pounds.

I am truly and seriously curious why the weight issue was never even mentioned.

In any case, as stated ad nauseum, I do not have sufficient financial resources to pay for compliance , and pay property taxes, not to mention, my normal bills, ie food,gas, utilities, insurance, vehicle registration is soon due, garbage, internet,

Is all of this totally irrelevant to you?

Andrew Marowitz

It seems to me that Every property owner is suffering financial losses forever as a result

• **Andrew Marowitz**

From:andrewmarowitz@sbcglobal.net

To:Klein, Jordan

Mon, Oct 27 at 4:31 PM

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Klein, Jordan

Mon, Oct 27 at 5:22 PM

Mr. Klien:

As coincidence as may be, I had to meet someone for a lunch @ 11:30 this morning. What makes this noteworthy is that this individual actually spoke to someone from that Irish group. after the tragic event. She was told by one of the Irish group, that there were actually several others /additional people coming out to the balcony and going back inside. It was a party , inside and outside, and as such at times there were even more individuals out on that balcony., adding load bearing weight, a moving weight, rather than a static weight.

I calculated 2000 pounds for 12 people, but adding even more people would add ????? 700 pounds= 4 more people ????

What is amazing is that this issue was never even considered as the primary source of the collapse. 1/2/3/4/5 people out on the deck would never have caused the collapse, I submit.

This event has caused owners across Berkeley , and now California, to be burdened with the inspection protocols. And for a mere secondary reason, caulking and drain holes. Interestingly, the only changes to the Berkeley building code is inspections, not any changes to the building code as to weight limits, treating it exactly like elevators, or how about requiring that the structural beams for the balcony be required to attach structurally to the floor joists, thereby extending the floor joists beyond the building to the ends of the balcony?

More and more, this begins to appear thagt the City of Berkeley has done little but finger pointing away from themselves, respectfully. Doesn't the City of Berkeley truly want to know the truth? Or prefers to avoid the truth?

Very truly yours, Andrew Marowitz

Andrew Marowitz

From:andrewmarowitz@sbcglobal.net

To:Klein, Jordan

Wed, Oct 29 at 1:54 PM

Mr. Klein:

Today, I spoke to the analyst for the Senate Housing and Community Development, and the Apartement Owner's Association, and the Staff person for State Assembly Jessie Arriguin.

Accordingly, how and why did Ms. McNulty ALSO initiate contact for the purpose of an Appeal, and with the Housing Advisory Committee? This is a duplicated event, and causes confusion, as well as more people involved.

Please address this concern and respond. Thank you for your expected response.

PLEASE DO NOT STAY SILENT ON THIS ISSUE.

Sincerely, Andrew Marowitz 510-356-6813

Klein, Jordan

From: jklein@berkeleyca.gov

To: Andrew Marowitz

Cc: McNulty, Jenny

Fri, Oct 31 at 9:48 AM

Mr. Marowitz:

You submitted an appeal of a determination of the Building Official. Per the Berkeley Municipal Code chapter 19.44, the Housing Advisory Commission and not the Planning Commission is responsible for hearing and making a determination regarding this appeal. Jenny McNulty, working under my overall direction, is responsible for coordinating with you to schedule the appeal hearing.

Jordan

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

Andrew Marowitz

From: andrewmarowitz@sbcglobal.net

To: Klein, Jordan

Fri, Oct 31 at 10:01 AM

Mr. Klein:

I just discovered this financial needs "Request for Waiver of Penalty Payment Administrative Citation Issued in the City of Berkeley"

The person requesting the waiver will, following completion of the review by the processing agency and/or the issuing agency, be mailed the results of the review. Please complete this form and submit it to: City of Berkeley City Manager's Office 2180 Milvia Street Berkeley, CA 94704 Please note that you are making this application under penalty of perjury. Any information omitted may result in the denial of this motion. I hereby request a temporary waiver of the required deposit of penalty and that the City of Berkeley City Manager's Office proceed to schedule the appeal on the listed Administrative Citations for the following reasons:

_____ Total Amount Due: \$ _____ Citant's Name: _____ Date: _____
_____ Telephone: () _____ Citation #: _____
_____ Address: _____

Street City State Zip Social Security # _____ - _____ - _____ CDL # _____
FINANCIAL INFORMATION: Employer Name: _____
Address: _____ Employer _____

Street City State Zip 1. EMPLOYMENT 2. SUPPORTED BY: 3. PERSONS SUPPORTED: _____
Employed _____ Self _____ Self _____ Full Time _____ Spouse _____ Spouse _____ Part Time _____
Parents _____ Children (# of) _____ Unemployed _____ Welfare _____ Other _____
_____ Student _____ S.S.I. _____ Total _____ Disabled _____ A.F.D.C. _____
Homemaker _____ Unemployment _____ Military _____ Other: _____ Other: _____

FOR CITY OF BERKELEY CITY MANAGER'S OFFICE USE ONLY: WAIVER OF PENALTY: [] GRANTED [] DENIED _____ Date _____

4. Monthly gross income (include income from all earnings of your household) \$ _____ a. Pay Schedule: Weekly Bi-Weekly: Monthly (Please enter the date for monthly) NOTE: YOU MUST PROVIDE PAY CHECK STUBS FOR ONE MONTH OR VERIFICATION OF OTHER SOURCE OF INCOME. b. Payroll deductions are (specify purpose and amount): (1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
(5) _____ \$ _____ Total Payroll _____

Deductions \$ _____ c. Net Income (take home pay) \$ _____ d. Other money received each month (specify source and amount): NOTE: MUST PROVIDE OFFICIAL DOCUMENT OF PROOF OF INCOME. (1) _____ \$ _____
(2) _____ \$ _____

TOTAL \$ _____ e. TOTAL MONTHLY INCOME (c+d) \$ _____
5. ASSETS: (Value) MONTHLY EXPENSES: Motor Vehicle(s) \$ _____
Rent/Mortgage \$ _____ Home \$ _____
Utilities \$ _____ Property \$ _____ Loans/Credit Card(s) \$ _____
Savings Account (s) \$ _____ Food/Clothing \$ _____
Checking Account(s) \$ _____ Transportation \$ _____
Cash on Hand \$ _____ Medical/Dental Payments \$ _____
All Other \$ _____ All Other \$ _____ TOTAL

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

From:andrewmarowitz@sbcglobal.net

To:Klein, Jordan

Sat, Nov 1 at 9:51 AM

Mr. Klein:

Here is the State law you reference " 1.The Commission shall hear and determine appeals of all matters respecting the abatement of substandard or deficient buildings pursuant to the provisions of Chapter 19.40 of this code."

Has there been ANY determination that my building is substandard or deficient building ? Or is an Appeal of the EEE protocols a declaratory definition of a substandard building?

And further, where, EXACTLY , if anywhere, is there a documented and codified regulation that " an unreasonable hardship exception" is located in the regulatory structure, in which such an exception is limited to only commercial structures? What is the specific regulatory number assigned to this specific regulatory definition.?

If , in fact, such a codified regulation exists, why did Mr. Lopez fail or refuse to direct me to, or provide me with, that specific codified regulation, since he allegedly located it?

Moreover, if there is in fact, such a specific codified regulation that exists, why is such a regulation limited to Commercial structures, and/ or their respective owners, and not allowed for residential structures , and/ or the owners of those structures? What is the documented criteria that provides for such "unreasonable hardship exceptions/ waivers? Are/ is those criteria guidelines specifically documented in the alleged codified regulation? If not, why not?

Has City Council created provisions for exceptions/ waivers for low income senior citizens, who can't afford the sizable financial burdens of compliance with the EEE compliance mandates?, especially when I have decidedly proven that the basis for the EEE compliance mandate was initiated and codified on an allegedly fraudulent assertion that never considered, or refused to consider that the balcony collapse was based on an OVERLOAD-bearing of physical stresses, based on the weight and amount of persons on that collapsed balcony?



HOUSING DEPT. CERTIFICATE
 F.C.O.D. NOV 18 2025

This form should only be filled out if you are requesting an exemption or to correct the total number of units located at your property.

A residential rental unit is defined as any building or portion thereof that is rented or is available for rent during the fiscal year and contains living facilities including provisions for sleeping, eating, cooking, and sanitation. A residential rental room is defined as a room that is rented or available for rent during the fiscal year and is used, or is designed or intended to be used, for sleeping for a period of 14 consecutive days or more and is not a complete dwelling unit or a tourist hotel room.

BE ADVISED:

- You will be billed annually based on the total number of Units/Rooms on your property, regardless of whether the unit(s) are rental or owner-occupied.
- Your bill will be adjusted once this form has been received and processed. The adjustment will apply for one billing cycle.
- Exemption request claiming units as vacant or owner occupied are required to be verified through a verification inspection. Failure to meet the inspector will nullify the exemption request.
- You should remit your payment based upon the total number of rental units.
- If the exemption is not granted you will be notified.

Property Information

Property Address: 1615 FAIRVIEW ST. BERKELEY, CA 94703
 Owner Name: ANDREW MAROWITZ
 Mailing Address: 1615 FAIRVIEW ST #4 BERKELEY CA 94703
 Phone Number: (510) 356-6813
 Account (License) Number: RHSP 25 - 015 070 (please refer to your bill)

To Claim a Fee Exemption: (only complete applicable items)

- Number of **owner or family member occupied** is: Units ONE **OR** Boarding Rooms _____
 (Owner or family member occupy with no exchange of money/rent or services.)
- Total number of Units/Rooms that have been **continuously vacant** for over one year is: THREE
- This **is not a rental property** as of 2020 / July (date)
 (If any rental occurred during the previous Fiscal Year (July 1 – June 30), the fee is still due.)

To Correct the Account: (only complete applicable items)

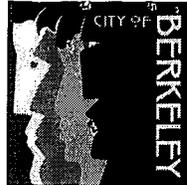
- Total number** of Units/Boarding Rooms is: Units FOUR **OR** Boarding Rooms _____
 (Total number of units or boarding rooms on the property, not the number that are rented.)
- I am **no longer the owner** of this property effective _____ (date)
 (The owner of record as of July 1st is responsible for the entire annual fee.)

I declare under penalty of perjury that the foregoing is true & correct to the best of my knowledge.

Signature: [Signature]

Date: 11/17/2025

Print Name: ANDREW MAROWITZ



ANNUAL SELF-CERTIFICATION CHECKLIST (SCC) Form

www.berkeleyca.gov/housing/RHSP

Property Address: (Please print legibly and use one form per address/unit.)

Street Address: 1615 Fairview St.

Unit #:

#1

DOOR LOCKS

Pass N/A

All exterior doors open and close properly, latch and lock and unlock easily.

All individual apartment entry doors have working deadbolts and entry knobs with dead locking latches.

SMOKE DETECTORS

Smoke alarms are installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedroom(s), and on each occupiable story including basements and habitable attics.

All smoke detectors work properly, are less than 10 years old, and the alarm sounds when tested.

Hardwired smoke detectors have a functioning battery back-up.

CARBON MONOXIDE (CO) ALARMS & DETECTORS CABC 915

Carbon monoxide alarms are required in all buildings that contain an attached garage or fuel-burning appliances, such as stoves, heaters, and fireplaces. See RHSP Notes floor plan for required locations

Operational CO detectors/alarms are installed outside each separate sleeping area in the immediate vicinity of the bedrooms; on every occupiable level of the dwelling, including the basement; in any bedroom where a fuel-burning appliance is located within the bedroom or its attached bathroom; and in sleeping units served by a forced-air furnace.

HEATING AND WATER HEATERS

All heating equipment is operational, in safe working condition and properly maintained.

The gas heater is operating normally and is provided with minimum combustion air.

For buildings with a thermostat not under the control of the tenants, the temperature setting on the thermostat is set at 68°F minimum.

All gas lines are free of leaks and any gaseous odors. (Immediately report gas leaks or gaseous odors to PG&E and owner/manager).

All gas lines in the unit have accessible shut-off valves.

Water heaters are installed correctly and meet the following requirements: (If the water heaters were installed prior to any of these code requirements, you may check N/A for those line items.)

a. Earthquake straps are secured on the bottom 1/3 and the upper 1/3 portions;

b. Water heater has a temperature and pressure relief valve. Rigid piping for the TPR valve is installed maintaining a downward slope terminating between 6 and 24 inches above grade;

c. A drain pan is installed where damage from a leaking water heater may occur;

d. The draft hood to the vent is secured with a minimum of 3 screws and the vent connector slopes upward maintaining a minimum slope of 1/4 inch per foot;

e. A bond wire is connected between the metal hot and cold water supply lines and gas piping.

VENTILATION / WINDOWS

Windows open, close and lock easily and can remain open.

The windows required for egress in sleeping rooms open completely.

If there are security bars on the required emergency egress window, ensure there is an operable quick release mechanism on the inside.

All window glass is in good condition, free of damage and properly sealed at the edges.

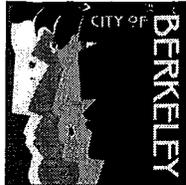
If bathrooms have fixed windows or no windows, verify the mechanical ventilation system is in working order.

APPLIANCES

All built-in appliances are in good working condition.

Gas stoves are free of odors indicating a gas leak and all indicator lights are working on electric stoves.

PAGE 2 - SEE TURN OVER



Rental Housing Safety Program (RHSP) ANNUAL SELF-CERTIFICATION CHECKLIST (SCC) Form

www.berkeleyca.gov/housing/RHSP

Property Address: (Please print legibly and use one form per address/unit.)

Street Address: 1615 Fairview St.

Unit #:

#2

DOOR LOCKS

Pass N/A

All exterior doors open and close properly, latch and lock and unlock easily.

All individual apartment entry doors have working deadbolts and entry knobs with dead locking latches.

SMOKE DETECTORS

Smoke alarms are installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedroom(s), and on each occupiable story including basements and habitable attics.

All smoke detectors work properly, are less than 10 years old, and the alarm sounds when tested.

Hardwired smoke detectors have a functioning battery back-up.

CARBON MONOXIDE (CO) ALARMS & DETECTORS CABC 915

Carbon monoxide alarms are required in all buildings that contain an attached garage or fuel-burning appliances, such as stoves, heaters, and fireplaces. See RHSP Notes floor plan for required locations

Operational CO detectors/alarms are installed outside each separate sleeping area in the immediate vicinity of the bedrooms; on every occupiable level of the dwelling, including the basement; in any bedroom where a fuel-burning appliance is located within the bedroom or its attached bathroom; and in sleeping units served by a forced-air furnace.

HEATING AND WATER HEATERS

All heating equipment is operational, in safe working condition and properly maintained.

The gas heater is operating normally and is provided with minimum combustion air.

For buildings with a thermostat not under the control of the tenants, the temperature setting on the thermostat is set at 68°F minimum.

All gas lines are free of leaks and any gaseous odors. (Immediately report gas leaks or gaseous odors to PG&E and owner/manager).

All gas lines in the unit have accessible shut-off valves.

Water heaters are installed correctly and meet the following requirements: (If the water heaters were installed prior to any of these code requirements, you may check N/A for those line items.)

a. Earthquake straps are secured on the bottom 1/3 and the upper 1/3 portions;

b. Water heater has a temperature and pressure relief valve. Rigid piping for the TPR valve is installed maintaining a downward slope terminating between 6 and 24 inches above grade;

c. A drain pan is installed where damage from a leaking water heater may occur;

d. The draft hood to the vent is secured with a minimum of 3 screws and the vent connector slopes upward maintaining a minimum slope of 1/4 inch per foot;

e. A bond wire is connected between the metal hot and cold water supply lines and gas piping.

VENTILATION / WINDOWS

Windows open, close and lock easily and can remain open.

The windows required for egress in sleeping rooms open completely.

If there are security bars on the required emergency egress window, ensure there is an operable quick release mechanism on the inside.

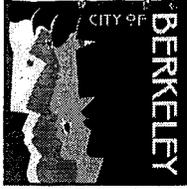
All window glass is in good condition, free of damage and properly sealed at the edges.

If bathrooms have fixed windows or no windows, verify the mechanical ventilation system is in working order.

APPLIANCES

All built-in appliances are in good working condition.

Gas stoves are free of odors indicating a gas leak and all indicator lights are working on electric stoves.



Rental Housing Safety Program (RHSP) ANNUAL SELF-CERTIFICATION CHECKLIST (SCC) Form

www.berkeleyca.gov/housing/RHSP

Property Address: (Please print legibly and use one form per address/unit.)

Street Address: 1615 Fairview St. **Unit #:** #3

DOOR LOCKS	Pass	N/A
All exterior doors open and close properly, latch and lock and unlock easily.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All individual apartment entry doors have working deadbolts and entry knobs with dead locking latches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SMOKE DETECTORS	Pass	N/A
Smoke alarms are installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedroom(s), and on each occupiable story including basements and habitable attics.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All smoke detectors work properly, are less than 10 years old, and the alarm sounds when tested.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hardwired smoke detectors have a functioning battery back-up.	<input type="checkbox"/>	<input type="checkbox"/>

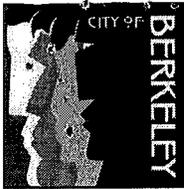
CARBON MONOXIDE (CO) ALARMS & DETECTORS CABC 915	Pass	N/A
<i>Carbon monoxide alarms are required in all buildings that contain an attached garage or fuel-burning appliances, such as stoves, heaters, and fireplaces. See RHSP Notes floor plan for required locations</i>		
Operational CO detectors/alarms are installed outside each separate sleeping area in the immediate vicinity of the bedrooms; on every occupiable level of the dwelling, including the basement; in any bedroom where a fuel-burning appliance is located within the bedroom or its attached bathroom; and in sleeping units served by a forced-air furnace.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

HEATING AND WATER HEATERS	Pass	N/A
All heating equipment is operational, in safe working condition and properly maintained.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The gas heater is operating normally and is provided with minimum combustion air.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
For buildings with a thermostat not under the control of the tenants, the temperature setting on the thermostat is set at 68°F minimum.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All gas lines are free of leaks and any gaseous odors. (Immediately report gas leaks or gaseous odors to PG&E and owner/manager).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All gas lines in the unit have accessible shut-off valves.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water heaters are installed correctly and meet the following requirements: (If the water heaters were installed prior to any of these code requirements, you may check N/A for those line items.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Earthquake straps are secured on the bottom 1/3 and the upper 1/3 portions;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water heater has a temperature and pressure relief valve. Rigid piping for the TPR valve is installed maintaining a downward slope terminating between 6 and 24 inches above grade;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A drain pan is installed where damage from a leaking water heater may occur;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The draft hood to the vent is secured with a minimum of 3 screws and the vent connector slopes upward maintaining a minimum slope of 1/4 inch per foot;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. A bond wire is connected between the metal hot and cold water supply lines and gas piping.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VENTILATION / WINDOWS	Pass	N/A
Windows open, close and lock easily and can remain open.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The windows required for egress in sleeping rooms open completely.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If there are security bars on the required emergency egress window, ensure there is an operable quick release mechanism on the inside.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All window glass is in good condition, free of damage and properly sealed at the edges.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If bathrooms have fixed windows or no windows, verify the mechanical ventilation system is in working order.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPLIANCES	Pass	N/A
All built-in appliances are in good working condition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gas stoves are free of odors indicating a gas leak and all indicator lights are working on electric stoves.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Page 2 - TURN OVER



Rental Housing Safety Program (RHSP) ANNUAL SELF-CERTIFICATION CHECKLIST (SCC) Form

www.berkeleyca.gov/housing/RHSP

Property Address: (Please print legibly and use one form per address/unit.)

Street Address: 1615 Fairview St.

Unit #:

#4

DOOR LOCKS

Pass N/A

All exterior doors open and close properly, latch and lock and unlock easily.

All individual apartment entry doors have working deadbolts and entry knobs with dead locking latches.

SMOKE DETECTORS

Smoke alarms are installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedroom(s), and on each occupiable story including basements and habitable attics.

All smoke detectors work properly, are less than 10 years old, and the alarm sounds when tested.

Hardwired smoke detectors have a functioning battery back-up.

CARBON MONOXIDE (CO) ALARMS & DETECTORS CABC 915

Carbon monoxide alarms are required in all buildings that contain an attached garage or fuel-burning appliances, such as stoves, heaters, and fireplaces. See RHSP Notes floor plan for required locations

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HEATING AND WATER HEATERS

All heating equipment is operational, in safe working condition and properly maintained.

The gas heater is operating normally and is provided with minimum combustion air.

For buildings with a thermostat not under the control of the tenants, the temperature setting on the thermostat is set at 68°F minimum.

All gas lines are free of leaks and any gaseous odors. (Immediately report gas leaks or gaseous odors to PG&E and owner/manager).

All gas lines in the unit have accessible shut-off valves.

Water heaters are installed correctly and meet the following requirements: (If the water heaters were installed prior to any of these code requirements, you may check N/A for those line items.)

a. Earthquake straps are secured on the bottom 1/3 and the upper 1/3 portions;

b. Water heater has a temperature and pressure relief valve. Rigid piping for the TPR valve is installed maintaining a downward slope terminating between 6 and 24 inches above grade;

c. A drain pan is installed where damage from a leaking water heater may occur;

d. The draft hood to the vent is secured with a minimum of 3 screws and the vent connector slopes upward maintaining a minimum slope of 1/4 inch per foot;

e. A bond wire is connected between the metal hot and cold water supply lines and gas piping.

VENTILATION / WINDOWS

Windows open, close and lock easily and can remain open.

The windows required for egress in sleeping rooms open completely.

If there are security bars on the required emergency egress window, ensure there is an operable quick release mechanism on the inside.

All window glass is in good condition, free of damage and properly sealed at the edges.

If bathrooms have fixed windows or no windows, verify the mechanical ventilation system is in working order.

APPLIANCES

All built-in appliances are in good working condition.

Gas stoves are free of odors indicating a gas leak and all indicator lights are working on electric stoves.

 Outlook

Re: Housing Advisory Commission Hearing 1/15/2025

From Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Date Mon 1/5/2026 2:17 PM

To Housing Advisory Commission <HAC@berkeleyca.gov>

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.





<https://www.theguardian.com/us-news/gallery/2015/june/17/berkeley-balconycollapse-california-pictures>

Ms. Zhu, I have provided two photos from independent 3rd parties. The first is from Getty Photos. The Second Photo is from the Guardian. In the guardian photo, I have provided a link.... because I would want you to visit that specific photo, which will allow you to click on the Guardian photo to blow it up to a larger size, thereby providing you with the measurement that is being photographed in which the distance from the vertical wall is far greater(estimated to be 16=18 inches) than the Getty Photo. It also shows the slope of the wood in which the balcony was angled down. The balcony guardrail flipped over landing upside down onto the 4th floor balcony.

Accordingly, these photos demonstrate an undeniable inconsistency of location of Getty Photo apparently showing balcony broke off right up against the vertical wall, while the other photo clearly demonstrates that the distance of the collapse was measured and completely different distance from the vertical wall, as well as the slope is measured by the investigative crew to the slope of the balcony sliding down.

I had a third photo which showed rough redwood lumber providing support to the balcony, but was omitted and now deleted by those who want to cover up the cover up of the apparent fraudulent conclusion of wood rot, not weight and number of people.

I was provided 15 + photos as a result of my FOIA, but a thorough investigation would have yielded 100+ photos of the broken beams, the columns, the balcony itself and the debris from the balcony, either on the fourth floor balcony, or the sidewalk. BUT there was none of these photos in what I was provided. This is a cover up, and I am beginning to believe that a cover up of the cover up is being implemented. I will continue my challenge of the photos provided and the photos that should be there, but not included.

Where is Mr. Umberti?

Andrew Marowitz 510-356-6813



Re: Housing Advisory Commission Hearing 1/15/2025

From Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Date Mon 1/5/2026 2:52 PM

To Housing Advisory Commission <HAC@berkeleyca.gov>

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.



Ms. Zhu:

Here is a photo of the 5th floor balcony beams from underneath the balcony. If you look closely, the broken beams extend about 24 inches to the measured slope, where, presumably the balcony slid down. Also take notice that the beams appear to have minimal water damage/ wood rot. There is only surface staining of the water, but not wood rot. Also, this photo shows the black plastic membrane cut open to show what was behind the plastic, but no existing broken beams beyond the break/slope. Where did they go? Did they vaporize into thin air? Of the entire balcony, in this photo, there are no balcony parts, or debris. Did they also vaporize into thin air?

This is exactly why I am challenging the missing photos from the FOIA request.

All of this fact finding and FOIA takes time, and the City is not cooperating with transparency, accountability and forthcomingness= a cover up. And NOW, apparently, efforts are being made to cover up the cover up, Photos have disappeared.

AND NOW, they are doing everything possible to be uncooperative. If there was nothing to hide, then they should conduct themselves as if there is nothing to hide. Instead, there is clear effort to hide photos, factual evidence, and false conclusions.

If the EEE inspection mandate is based on a fraudulent set of facts which led to the EEE inspection mandate, then the EEE inspection mandate is based on a fraud, and the EEE mandate should be withdrawn, especially in light of the Rental Housing Safety Program Checklist and exemptions.

I may be biased, but my questions, challenges and observations are KEEN, ASTUTE, and seemingly accurate.

Andrew Marowitz 510-356-6813



Re: Housing Advisory Commission Hearing 1/15/2025

From Andrew Marowitz <andrewmarowitz@sbcglobal.net>

Date Mon 1/5/2026 4:40 PM

To Housing Advisory Commission <HAC@berkeleyca.gov>

Ms. Zhu: This email of a 4th photo is being emailed @ 4:40pm

I have found another photo (photo #4) of the broken beams that is even more detailed as to the possibility of water wood rot, or the lack thereof.

PLEASE, include this 4th photo as well for the meeting dated January 15th. There is indication of water stains, but not rot, and there is a clearer demonstration of the slope of the balcony sliding . Wood rot typically has saw dust, but the wood deonstrates strands of wood cut off. There is no indication of staining on the bottom of the beams. Mosr importantly where is the balcony after collapsing? Where are the remnants and debris of the balcony? Also, the wood blocking that separates the beams and directly below the vertical wall shows no indications of water at all.





Re: Housing Advisory Commission Hearing 1/15/2025

From Andrew Marowitz <andrewmarowitz@sbcglobal.net>
Date Tue 1/6/2026 11:19 AM
To Housing Advisory Commission <HAC@berkeleyca.gov>

Ms. Zhu:

One final addition. Regarding my EEE Appeal, The Appeal was routed to the building official, Mr. David Lopez, for some reason, bypassing other subordinates.

The Protocol of an Appeal of EEE has contained language that states that the cost of an Appeal should not be so high such that EEE Appeals are not deterred from Appealing.

Further, the Fee Schedule that City Council had drafted in mid 2025 indicates that any fee not explicitly covered shall have a fee set at \$250. Yet, Mr. Lopez, nevertheless imposed a \$1000 fee, claiming that he interpreted that the Appeal would require 4 staff personell for 4 hours each. This is utter hogwash. He imposed the \$1000 fee to deter my effort to Appeal.

I have a payment receipt from the permit service center for \$1000 / Receipt Number 803187 with a fee description of "F700- Appeal of Building Official Determination"

I would request that the HAC decide that my \$1000 payment be refunded for good cause. I can and will produce said receipt at the EEE Appeal hearing.

Andrew Marowitz 510-356-6813

ALSO, I asked Mr. Uberti to submit my TWO requests relating to my Appeal. There are 1) that Ms. Leah Weisburg recuse herself as a biased, radical tenant advocate who is biased against landlords. 2) I asked that my EEE Appeal be continued until such time as my challenge to the factual evidence in the Balcony Collapse and my FOIA processes be completed in its entirety.

Mr Uberti never updated me as to the results of my requests. Accordingly, I am requesting an update by Mr. Uberti since the requests were made to him.

Andrew Marowitz 510-356-6813

On Tuesday, January 6, 2026 at 10:57:56 AM PST, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

Ms. Zhu:

If you click your mouse on the blue box "View Request 25-2830, the information I am NOW including BELOW WHAT IS REVEALED BY CLICKING ON THE BLUE BOX. It indicates that my request was sent anonymously with all departments and names being REMOVED.

This is part and parcel of the cover up. If the City staffers have nothing to hide, why are they hiding and why are they omitting countless photos and, presumably documents.

The HAC should scrutinize every bit of my FOIA and all responses to my FOIA. I will be preparing a challenge of omitted photos and documents pursuant to the FOIA request.

Then, if and as needed, I intend on filing a Petition for Writ of Mandate in a Federal Court.

THIS IS CLEARLY A COVER UP. AND NOW, SOMEHOW, THE CITY HAS CAUSED DELETION OF VITALLY PERTINENT EMAILS AND PHOTOS EXCHANGED WITH MY CITY COUNCIL PERSON/ CHIEF OF STAFF. I NOW BELIEVE THAT THERE IS AN ONGOING COVER UP OF THE INITIAL COVER UP OF THE BALCONY COLLAPSE, WHICH IS/ WAS THE BASIS FOR THE CREATION OF THE EEE INSPECTION MANDATE.

Department assignment

Added: Multi-Department. Removed: Planning and Development .

November 25, 2025, 10:25am by Staff

Department assignment

Added: Planning and Development . Removed: Multi-Department.

November 25, 2025, 10:20am by Staff

Anyone with access to this request

Department assignment

Added: Multi-Department. Removed: City Attorney.

November 20, 2025, 7:48am by Staff

Anyone with access to this request

Department assignment

Added: City Attorney. Removed: Planning and Development .

November 20, 2025, 7:47am by Staff

Department assignment

Added: Planning and Development . Removed: Public Works.

November 18, 2025, 2:10pm by Staff

Anyone with access to this request

Department assignment

Public Works

November 18, 2025, 1:25pm by Staff

Anyone with access to this request

Request opened

Request received in person

November 18, 2025, 1:25pm by Staff

Anyone with access to this request

On Tuesday, January 6, 2026 at 10:37:15 AM PST, Andrew Marowitz <andrewmarowitz@sbcglobal.net> wrote:

[Document Released] City of Berkeley public records request #25-2830
Yahoo Mail/Inbox

□



□
City of Berkeley Public Records
From:messages@nextrequest.com
To:andrewmarowitz@sbcglobal.net

□
Mon, Dec 15, 2025 at 4:28 PM

□

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City of Berkeley Public Records

Documents have been released for record request #25-2830 along with the following message:

This is in response to your November 18, 2025 Public Records Act request for:

[Records relating to 6/16/15 Balcony Collapse (See attached Request on Next Request)]

Your request is granted. The City has completed its search for responsive documents and as a courtesy has attached them to this letter. With this response, staff have completed their work to process and respond to your Public Records Act request.

Certain documents and portions of documents have been withheld based upon the deliberative process privilege. (Cal. Gov. Code §§ 7922.000& 7927.705 (formerly Gov. Code §§ 6254(a) & 6255)).

If you have any questions concerning your request, please feel free to contact ceseals@berkeleyca.gov or kperez@berkeleyca.gov.

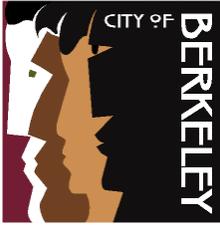
- o 2015-6-23 Memo 2020 Kittredge.pdf
- o 2020 Kittridge St 06-16-2015 Incident Report.pdf
- o 2020 Kittredge St Schedule A Notice.pdf
- o 2020_Kittredge_NOV.pdf
- o 2020_Kittredge_Struct_Observ_062315.pdf
- o 02-858 BUILDING PERMIT DOCUMENTATION.pdf
- o 2020_Kittredge_Struct_Observ_061815.pdf
- o 20220 Kittridge St 06-16-2015 Dispatch Summary_Redacted.pdf
- o 7_14_2015 CLK - Agenda Pkt (Pub); Plng and Dev; 0; ; Local Amdnts to Calif Bldg Code and Berkeley Hsg Code to Improve Bldg Sfty.pdf
- o 2020_Kittredge_St_Scan_2.pdf
- o Bal_Coll_2020_Kittredge_St 001.pdf
- o Bal_Coll_2020_Kittredge_St 002.pdf
- o Bal_Coll_2020_Kittredge_St 004.pdf
- o Bal_Coll_2020_Kittredge_St 005.pdf
- o Bal_Coll_2020_Kittredge_St 003.pdf
- o Bal_Coll_2020_Kittredge_St 006.pdf
- o 2020_Kittredge_St_Scan_1.pdf
- o Bal_Coll_2020_Kittredge_St 007.pdf
- o Bal_Coll_2020_Kittredge_St 009.pdf
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- o Bal_Coll_2020_Kittredge_St 020.pdf
- o Bal_Coll_2020_Kittredge_St 022.pdf
- o Bal_Coll_2020_Kittredge_St 025.pdf
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- o BAL_COL_2020_KITTREDGE_ST_CORP_YRD 002.JPG.jpg
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- o BAL_COL_2020_KITTREDGE_ST_CORP_YRD 003.JPG.jpg
- o BAL_COL_2020_KITTREDGE_ST_CORP_YRD 004.JPG.jpg
- o BAL_COL_2020_KITTREDGE_ST_CORP_YRD 005.JPG.jpg
- o BAL_COL_2020_KITTREDGE_ST_CORP_YRD 006.JPG.jpg

- o BAL_COL_2020_KITTREDGE_ST_CORP_YRD 007.JPG.jpg
- o BAL_COL_2020_KITTREDGE_ST_CORP_YRD 008.JPG.jpg
- o Berkeley - FAQs E3 Draft.pdf
- o Clarification_SEAONC delegates to City of Berkeley working group.pdf
- o DOC071315.pdf
- o Deck Task Force.pdf
- o E3 webpage with final forms.pdf
- o EEE Certification Form.pdf
- o FW_Alex Roshal.pdf
- o FW_Berkeley Code Amendments.pdf
- o From SF_S-10 dated 07-16-15_pdf.pdf
- o FW_Library Gardens Building Inspections.pdf
- o FW_For Printer.pdf
- o Reminder for tomorrow's task force meeting.pdf
- o FW_SEAONC representatives to City of Berkeley_ Thank you and next steps.pdf
- o FW_Written Comments on 7-14-15 City Council agenda item no. 48, "Local Amendments to CA Bdg Code and Berkeley Hsg Code to Improve Public Sfty".pdf
- o Rescheduling working group for Thursday July 23.pdf
- o RE_2020 Kittredge Ave - Balcony.pdf
- o Re_2020 Kittredge Street - Unit Occupancy.pdf
- o RE_2020 Kittredge St_Balcony.pdf
- o RE_2020 Kittredge Street.pdf
- o Re_Library Gardens_Second Miyamoto Report.pdf
- o RE_Scanned image from MX-4111N.pdf
- o RE_Task Force_Permit Requirements.pdf
- o RE_Task Force Next Steps and Revised Draft Verification Statement.pdf
- o RE_TUCC Multi-Family Subcommittee - New Urgent Item for Balcony Vents.pdf
- o SEAONC publication of balcony collapse.pdf
- o SEAOC letter for CBSC Meeting of October 21_2015 [Prop REDACT].pdf
- o SEAOC letter for CBSC Meeting of October 21_2015.pdf
- o SF Balcony Certifications.pdf
- o Staff Report and Attachments.pdf
- o RE_Letter sent to Building Standards Commission.pdf

View Request 25-2830

<https://cityofberkeleyca.nextrequest.com/requests/25-2830>

Document links are valid for one month. After January 16, you will need to sign in to view the document(s).



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Snow Zhu, Community Development Project Coordinator

Date: January 15, 2026

Subject: **Feedback on State Legislative Priorities**

The City Manager's Office is soliciting the Housing Advisory Commission's feedback on a Legislative Platform for the City of Berkeley. The Legislative Platform was prepared by Townsend Public Affairs, Inc. (TPA) in 2024 and is currently being updated. Specifically, the City Manager's Office seeks the Housing Advisory Commission's feedback on housing-related items (see Attachment 1). The City's legislative platform will reflect the priorities of the Mayor, the City Council, and the people of Berkeley. The platform will include advocating for legislation, regulations, and funding that is consistent with the City's adopted goals.

Attachments

1. Housing Legislative Priorities

Attachment 1: Housing Legislative Priorities

Policy Priorities:

- 1) Help promote and support housing legislation to enable the construction of more housing at various income levels; fight to repeal Article 34
- 2) Support legislation that advances the creation or funding of affordable housing projects
- 3) Pursue updates to the State building code, if necessary, and to promote innovative forms of housing construction
- 4) Reasonable reform to CEQA to streamline development and housing opportunities
- 5) Support legislative and funding efforts relating to housing preservation and acquisition and operation
- 6) Support legislative efforts to extend the State rent relief program and to bring back the eviction moratorium/eviction protections
- 7) Support legislative efforts to reduce the voter threshold for passage of affordable housing bonds
- 8) Support legislative efforts to repeal or reform the Ellis Act and the Costa–Hawkins Rental Housing Act
- 9) Support policy efforts to utilize the enhanced, lower bond finance threshold of 25% for the Low-Income Housing Tax Credit (LIHTC), supplement other affordable housing development programs
- 10) Work with UC Regents to help support more opportunities for student housing
- 11) Support legislative efforts that clarify recent ADU related legislation and count ADUs towards RHNA goals
- 12) Support efforts that also encourage other forms of housing such as co-ops, land trusts, social housing, public housing, and other efforts
- 13) Seek amendments to ADU legislation to establish additional conditions/protections on ADU construction in high fire hazard zones
- 14) Strongly support efforts to restore any proposed reductions in funding to affordable housing programs including the Multifamily Housing Program, Transit Oriented Development Program, Infill and Infrastructure Grant Program, and others

Funding Priorities:

- 15) Support for soft-story seismic retrofits
- 16) Funding for housing programs that advance racial equity
- 17) Funding for innovative programs to prevent displacement and address hazardous housing conditions

Attachment 1 (Continued): Housing Legislative Priorities

- 18) Enhance funding of state programs for operating costs that support permanent affordable housing for individuals with area median income up to 120 percent (which includes extremely low-income up to moderate incomes, i.e., workforce housing)
- 19) Enhance funding opportunities for existing state programs to help support bicycle and pedestrian infrastructure in connection to housing
- 20) Develop a state funding program that can support small sites acquisition and rehab (like San Francisco)
- 21) Expand funding for affordable housing on transit agency sites
- 22) Support funding for remediation of hazardous sites (to make viable for housing)
- 23) Support efforts to create more student housing funding opportunities



City Clerk Department

August 21, 2025

To: Commission Secretaries
From: Mark Numainville, City Clerk
Subject: Commission Low-Income Stipend Update

On March 9, 2021, the City Council adopted Resolution No. 69,739-N.S., stating that eligible members are authorized to receive \$100 for each official meeting attended, not to exceed four meetings each month, and reimbursement of actual eligible expenses incurred. The new stipend rate went into effect on July 1, 2021.

Resolution No. 69,739-N.S. also stipulated that the \$100 stipend amount should be adjusted annually according to the Bay Area Consumer Price Index (CPI). In 2024, the stipend amount was adjusted to \$113. According to the [2025 Bay Area Consumer Price Index chart](#), **the 2025 stipend has increased to the amount of \$115.00 per meeting.** As per 2025 State Income Limits, the annual income threshold for a 3-person household at 50% AMI in Alameda County is **\$71,950.**

Please share this memorandum with your commissioners and the individual in your department/division who is responsible for processing the stipend payments in ERMA.

If you have any questions, please do not hesitate to contact the City Clerk Department at (510) 981-6908 or email commission@berkeleyca.gov.

Attachments:

1. A.R. 3.2
2. Resolution No. 69,739-N.S.

cc: Finance Department