



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

FOR BOARD ACTION  
OCTOBER 13, 2022

## 1262 Francisco Street

**Appeal of Zoning Officer's Decision to approve Administrative Use Permit #ZP2021-0006 to modify Administrative Use Permit ZP#2020-0122 to add 40 square feet on the first floor and a balcony on the second floor of an existing single-family dwelling unit.**

### I. Background

#### A. Land Use Designations:

- General Plan: Low Medium Density Residential (LMD)
- Zoning: Restricted Two-Family Residential District (R-2)

#### B. Zoning Permits Required:

- Administrative Use Permit for an addition greater than 14 feet in height, under BMC Section 23.202.080(D).

**C. CEQA Recommendation:** It is staff's recommendation that the project is categorically exempt pursuant to Section 153301 of the CEQA Guidelines ("Existing Facilities"). The determination is made by ZAB.

#### D. Parties Involved:

- Applicant Sunny Grewal (Architect), Oakland
- Property Owner Jonathan Miller, 1262 Francisco, Berkeley
- Appellants: Aimee Baldwin, 1256 Francisco, Berkeley  
John Vinopal, 1256 Francisco, Berkeley

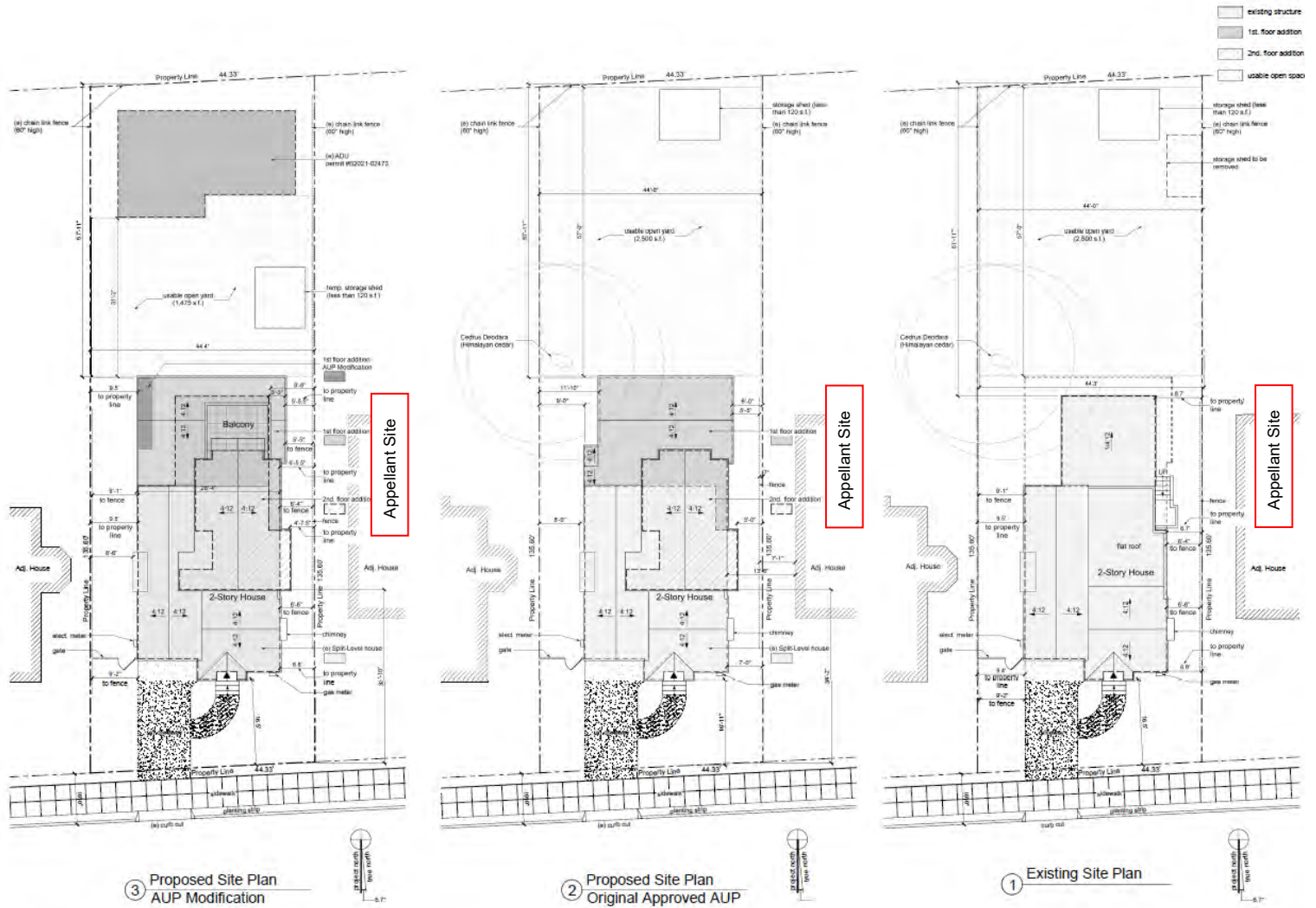
**Figure 1: Vicinity Map – 1262 Francisco (Project Site) + 1256 Francisco (Appellant Site)**



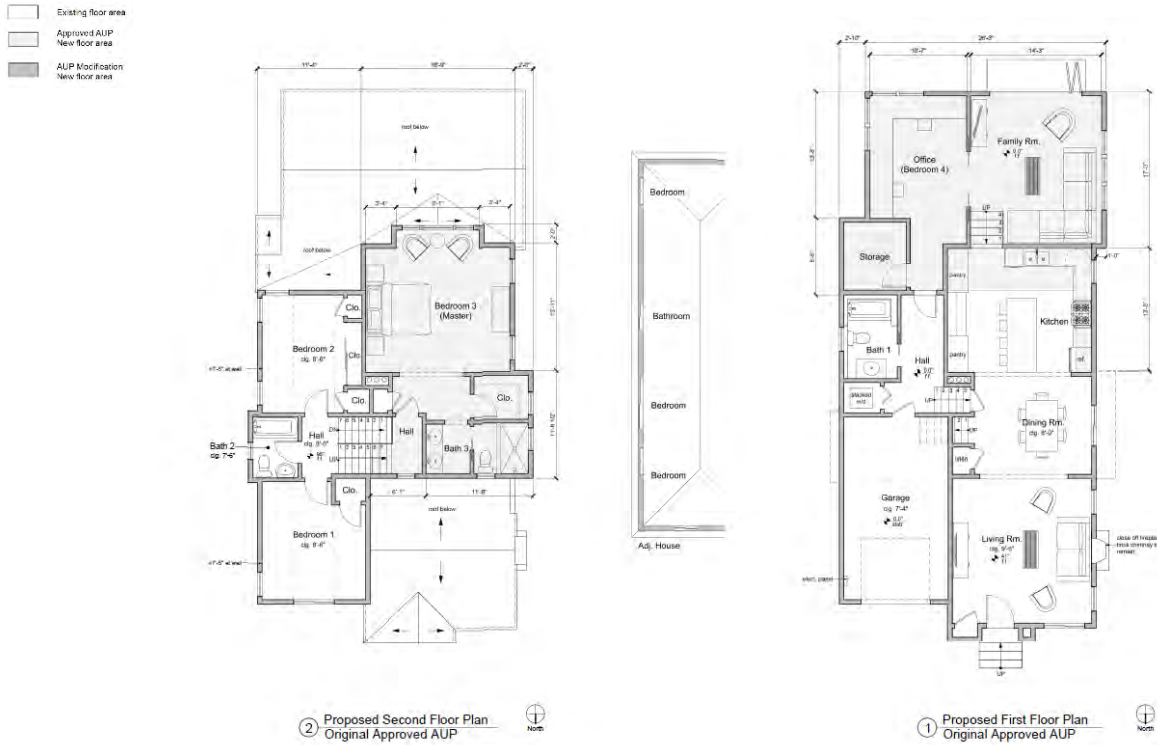
*\*Map not to scale.*

Yellow = R-2 Zoning District

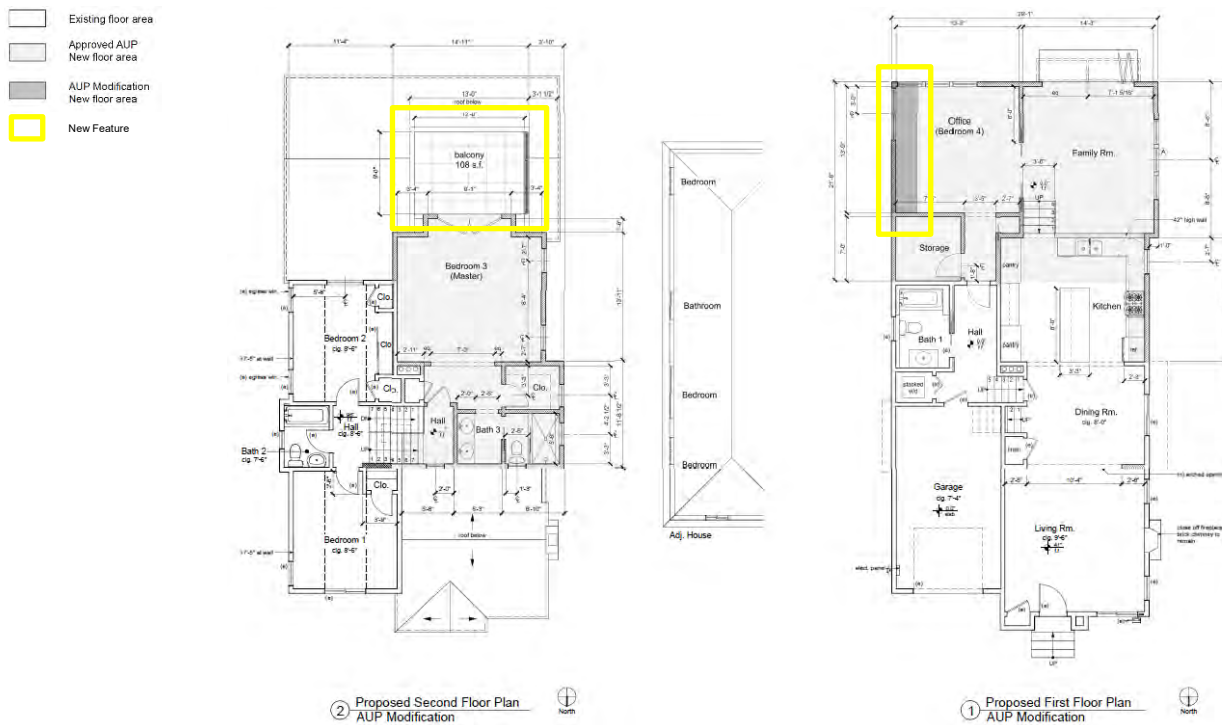
Figure 2: Site Plan



**Figure 3: Original Approved First and Second Floor Plans**



**Figure 4: Proposed Modified First and Second Floor Plans**



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single – Family Dwelling	R-2	LMD
Surrounding Properties	North			
	South			
	East			
	West			

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	The project involves only new residential floor area, and thus this requirement does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	This fee applies to projects with net new 7,500 square feet of non-residential floor area. The project involves only new residential floor area, and thus this requirement does not apply.
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	This fee applies to projects that propose 5 or more rental dwelling units. This project does not propose rental units.
Alcohol Sales/Service	No	The project is a residential project.
Creeks	No	The project is not located within the creek buffer.
Density Bonus	No	The project is not a density bonus project.
Natural Gas Prohibition (Per BMC 12.80.020)	No	The project is not subject to the natural gas prohibition.
Historic Resources	No	The project site is not designated as a Landmark by the City, nor is the application proposing to demolish the existing structure.
Housing Accountability Act (Gov't Code Section 65589.5(j))	No	A "housing development project" is defined as a project that is: residential units only, a mixed-use project with at least two-thirds of the square-footage residential, or for transitional or supportive housing. The project proposes modifications to an existing dwelling unit and does not meet the definition of a "housing development project," therefore HAA is not applicable.
Housing Crisis Act of 2019 (SB330)	No	The project is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing. However, the project proposes modifications to an existing dwelling unit and does not meet the definition of a "housing development project," therefore the Housing Crisis Act is not applicable.
Coast Live Oak Trees (BMC 6.52.010)	No	There are no coast live oak trees on or abutting the project site.
Rent Controlled Units	No	There are no rent controlled units on the subject site.
Residential Preferred Parking (RPP)	No	The neighborhood surrounding the subject site is not located in an RPP Zone.

Seismic Hazards (SHMA)	No	The project is not located within an area susceptible to liquefaction as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites), however it is located within the City's Environmental Management Area. Standard Toxics Conditions of Approval apply.
Transit	Yes	North Berkeley BART, AC Transit 72, 72M, 800

**Table 3: Project Chronology**

Date	Action
October 27, 2020	AUP (ZP2020-0122) application submitted
January 5, 2021	AUP (ZPA2020-0122) Approved
February 5, 2021	AUP Modification (ZP2021-0006) application submitted
June 28, 2022	Application deemed complete
August 3, 2022	Notice of Decision Issued
August 4, 2022	Appeal Received (#1)
August 23, 2022	Appeal Received (#2)
September 29, 2022	Public hearing notices for appeal hearing mailed/posted
October 13, 2022	ZAB appeal hearing

**Table 4: Development Standards (Does not include ADU)**

Standard		Existing	Approved AUP (ZP2021-0006)	Proposed/ Approved by Zoning Officer	Permitted/ Required
BMC Sections 23.202.080.070-080					
Lot Area (sq. ft.)		6,000	No change	No change	5,000 min
Gross Floor Area (sq. ft.)		1,518	2,235	2,275	N/A
Dwelling Units	Total	1	No change	No change	2 max
	Affordable	0	No change	No change	N/A
Building Height	Average (ft.)	16'-5"	21'-3"	No change	28 max
	Stories	2	No change	No change	max
Building Setbacks (ft.)	Front	16'-11"	No change	No change	20 min
	Rear	61'-11"	57'	No change	20 min
	Left Side (West)	6'-7"	4'-7.5"	No change	4 min
	Right Side (East)	9'-6"	9'-6"	No change	4 min
Lot Coverage (%)		25.6%	28.8%	29.5%	40 max
Usable Open Space (sq. ft.)		1,000+	No change	No change	400 min
Parking	Automobile	1	No change	No change	N/A

## II. Project Setting

- A. Neighborhood/Area Description:** The subject site is located midblock along Francisco Street, between Webster Street and Chestnut Street in North Berkeley. The site is located about two blocks east of San Pablo Avenue and a block and a half west from the North Berkeley Bart Station. The surrounding area is composed of single to two-family dwelling units.
- B. Site Conditions:** The project site is rectangular, generally level, and is currently developed with a two-story dwelling unit, shed, and an Accessory Dwelling Unit (ADU), which was approved subsequent to the approval of the Administrative Use Permit (ZP2020-0122). The lot is accessed by an existing driveway and curb cut located east of center towards the front of the lot.

## III. Project Description

The project approved by the Zoning Officer would modify the original Administrative Use Permit (AUP) (ZP2020-0122) by adding 40 square feet to the office (bedroom 4) located on the first floor and a 108 square foot balcony located on the second floor accessed off the primary bedroom suite (bedroom 3). The subject balcony is located atop the existing roof of the first floor.

The original AUP, issued on January 5, 2021, was for a two-story major residential addition greater than 14 feet in average height.

## IV. Community Discussion

- A. Neighbor/Community Concerns:** At the time of submitting this application, the City had temporarily waived the Neighborhood Contact and Project Yellow Poster requirements for proposed zoning project applications to comply with the Shelter-in-Place order issued by the County Health Official. Instead, the City mailed a Notice of Received Application on February 23, 2020 to July 2021.

Staff received several communications from the residents at 1256 Francisco about the proposed balcony and its potential impacts on privacy, site lines, and noise. Staff determined that the proposed modifications were consistent with the underlying development standards and would not unreasonably obstruct sunlight, air, or views, and would not be detrimental neighboring properties.

- B. Zoning Officer's Decision to Approve:** The Zoning Officer determined that the proposed project, which would add 40 square feet to the southeast corner of single-family dwelling on the first floor and a balcony on the second floor, would not result in detrimental air, views, light, or privacy impacts and would be consistent with the underlying development standards in BMC Section 23.202.080.

The first appeal of the administrative decision was filed on August 4, 2022 by one owner of 1256 Francisco. The second appeal was filed on August 23, 2022 by a second resident of 1256 Francisco.

**C. Public Notice:** On October 6, 2022, the City mailed public hearing notices to all adjacent property owners and occupants within 300 feet of the subject property. Staff also posted the Notice of Public Hearing at two locations within the immediate vicinity of the subject site. At the time of this writing, Staff has not received any communications, outside of the appellants, regarding this project.

## V. Appeal Issues and Analysis

The issues raised in the appellants' letter and staff's responses are as follows. For the sake of brevity, the appeal issues are not re-stated in their entirety. Other issues were raised in the appeal letter, however, only the appeal points and analysis that are within the purview of the Zoning Adjustments Board are discussed below. Please refer to the appeal letters (Attachment 3) for full text.

**A. Appeal Issue:** The appellants state the application should be denied based on the privacy, views, and noise detriments created by the proposed balcony. The appellants assert that the balcony should be designed and located elsewhere on the property to preserve existing conditions between the neighboring dwellings. In addition to the balcony, the appellants note privacy concerns with the location of the windows along the western portion of the primary bedroom suite.

### Staff Response:

- *Views* – The modifications would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary)<sup>1</sup>. This area is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley Hills or the Golden Gate Bridge from off-site view angles. Further, during a site visit of the subject properties conducted on September 1, 2022, staff observed that the views from 1256 Francisco looking eastward were not significant.
- *Noise* – Community noise is regulated pursuant to BMC Section 13.40 under the authority of the Environmental Health Department. The following information is provided for reference. Exterior noise limits are established to mitigate the detrimental impacts of specific sound levels and vibrations. Shown below, Table 13.40-1 outlines the exterior noise limit levels according to Zoning District.

### **Figure 5: Exterior Noise Limits by Zoning District**

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<sup>1</sup> *View Corridor.* A significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.



Table 13.40-1. EXTERIOR NOISE LIMITS

(Levels not to be exceeded more than 30 minutes any hour)

Zoning District	Time Period	Noise Level (dBA)
R-1, R-2, R-1A, R-2A, and ESR	7:00 a.m. – 10:00 p.m.	55
	10:00 p.m. – 7:00 a.m.	45
R-3 and above	7:00 a.m. – 10:00 p.m.	60
	10:00 p.m. – 7:00 a.m.	55
Commercial	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	60
Industry	Anytime	70

Noise levels at 55 decibels A<sup>2</sup> (dBA) is equivalent to conversation amongst a group of people about three feet apart or the noise generated by a coffee percolator<sup>3</sup>.

Activity on the residential balcony is not within the purview of the Zoning Ordinance, however, the noise levels noted above are applicable and enforceable through Environmental Health.

- *Privacy* – The propose balcony will not result in significant privacy impacts. As shown in Figures 2 and 4, the proposed balcony at the second-story level is setback 8 feet-8 inches from the western property line and over 20 feet from the eastern property line. The proposed balcony parallels an existing second floor bedroom at 1256 Francisco Street. To mitigate the potential impacts to privacy, a privacy screen is proposed along the west side of the balcony, between the subject properties. Further, Staff amended the approved Conditions of Approval, adding Condition of Approval #11 to ensure that the privacy screen shall be maintained throughout the life of the project.

The location of the new primary bedroom, bathroom, and closet windows were approved under the original AUP (ZP2020-0122), and are not subject to the modification request. Although outside the purview of the modification and appeal, staff notes that the previously approved windows and second floor addition are located outside of the required side setback.

## VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE #ZP2021-0006** pursuant to Section 23.406.030.F and subject to the attached Findings and Conditions (see Attachment 1) and **DISMISS the Appeal**.

<sup>2</sup> *Decibel*. A unit used to measure the intensity of a sound or the power level of an electrical signal by comparing it with a given level on a logarithmic scale.

<sup>3</sup> *Sound Effects Decibel Level Chart* <https://www.creativefieldrecording.com/2017/11/01/sound-effects-decibel-level-chart/>

**Attachments:**

1. Findings and Conditions, #ZP2021-0006 August 3, 2022
2. Project Plans, dated July 21, 2022
3. Survey, dated May 16, 2022
4. Appeal Letters
5. Notice of Public Hearing

**Staff Planner:** Katrina Lapira, [klapira@cityofberkeley.info](mailto:klapira@cityofberkeley.info), (510) 981-7488

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

AUGUST 3, 2022

### 1262 Francisco Street

#### Administrative Use Permit #ZP2021-0006

#### Modification of Administrative Use Permit #ZP2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.

#### PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.202.080(D) for an addition greater than 14 feet in height.

#### CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 153301 ("Existing Facilities).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### FINDINGS FOR APPROVAL

3. As required by BMC Section 23.406.030(F), the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - A. The subject property complies with the BMC Section 23D.202.080(D) (R-2 Restricted Two-Family Residential District Development Standards) for maximum residential density (one dwelling unit on the lot where two dwelling units are allowed for a lot of this size), maximum lot coverage (29.5 percent lot coverage where the maximum allowed is 40 percent), and usable open space (over 1,000 square feet where a minimum of 400 square feet is required per dwelling unit). There is a permitted Accessory Dwelling Unit located at the rear of subject lot. Additionally, a minor accessory structure- a tool shed

(non-habitable space) that is less than 120 square feet, is located along western property line, that is proposed to remain.

- B. An average height of 21 feet-3 inches was approved under #ZP2020-0122. The modification to allow a second story balcony will not increase the average height of the dwelling beyond that approval.
  - C. The site complies with the following required setbacks: left side setback is 9 feet-6 inches and the right-side setback is 4 feet-7 inches where 4 feet is required, and the rear setback is 57 feet-11 inches where 20 feet is required. The existing front setback is legally nonconforming, providing 16 feet-6 inches where 20 feet is required. The modifications to extend the walls of the addition approved under #ZP2020-0122 are outside of all required setbacks.
  - D. The modification on the first floor does not propose new openings different those that were approved under the previous administrative use permit, although one window will be located closer to the east lot line, and are not expected to be detrimental to the privacy of abutting neighbors.
  - E. The proposed balcony at the second-story level is accessed through the primary bedroom, and setback 8 feet-8 inches from the western property line and over 20 feet from the eastern property line. The proposed balcony parallels an existing second floor bedroom at 1256 Francisco Street. To mitigate potential impacts to privacy, a privacy screen is proposed along the west side of the balcony.
4. Pursuant to BMC Section 23.202.030(A)(2)(a), the Zoning Officer finds that the proposed modifications would not unreasonably obstruct sunlight, air, or views for the following reasons:
- A. Sunlight: The proposed modifications to the previously approved project under #ZP2020-0122 will not further increase shadow impacts on the surrounding neighborhood dwellings.
  - B. Air: The 40-square-foot addition to the east side of office (bedroom four) will slightly reduce the distance from the east neighbor (1266 Francisco), but exceeds the required left side setback. Therefore, there will be no impacts to air circulation.
  - C. Views: The modifications would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary). In addition, this area is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley Hills or the Golden Gate Bridge from off-site view angles.
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**STANDARD CONDITIONS**

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

**1. Conditions Shall be Printed on Plans**

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

**2. Compliance Required (BMC Section 23.102.050)**

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

**3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

**4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)**

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval

**5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)**

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

**6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

**7. Permit Modifications (BMC Section 23.404.070)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is issued is permitted unless approved by the review authority which originally approved the permit. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

**8. Permit Revocation (BMC Section 23.404.080)**

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

**9. Indemnification Agreement**

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

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

Pursuant to BMC Section 23.404.050(H), the Zoning Officer attaches the following additional conditions to this Permit:

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

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

**Project Liaison**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone #

**11. Privacy Screen.** As shown on Sheet A3.1 of the approved plan set, the privacy screen located towards the western portion of the balcony shall be maintained for the life of the project.

**Standard Construction-related Conditions Applicable to all Projects:**

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

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

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

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary, to protect the health, safety, or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

**13.** Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

14. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division and carry out any necessary corrective action to their satisfaction.
15. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
16. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
17. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand, or other loose materials shall be watered or covered.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
23. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
24. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique



archaeological resources accidentally discovered during construction” should be instituted. Therefore:

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

**25. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt, and the Alameda County Coroner shall be contacted to evaluate the remains and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1). If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**26. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the

1262 Francisco Street  
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NOTICE OF ADMINISTRATIVE DECISION - Findings and Conditions  
Administrative Use Permit #ZP2021-0006

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resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

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

- 27.** All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
- 28.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated July 21, 2022.

**At All Times (Operation):**

- 29.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 30.** Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.



---

Prepared by: Katrina Lapira  
For Samantha Updegrave, Zoning Officer

SITE PHOTOS



Street View



Rear View

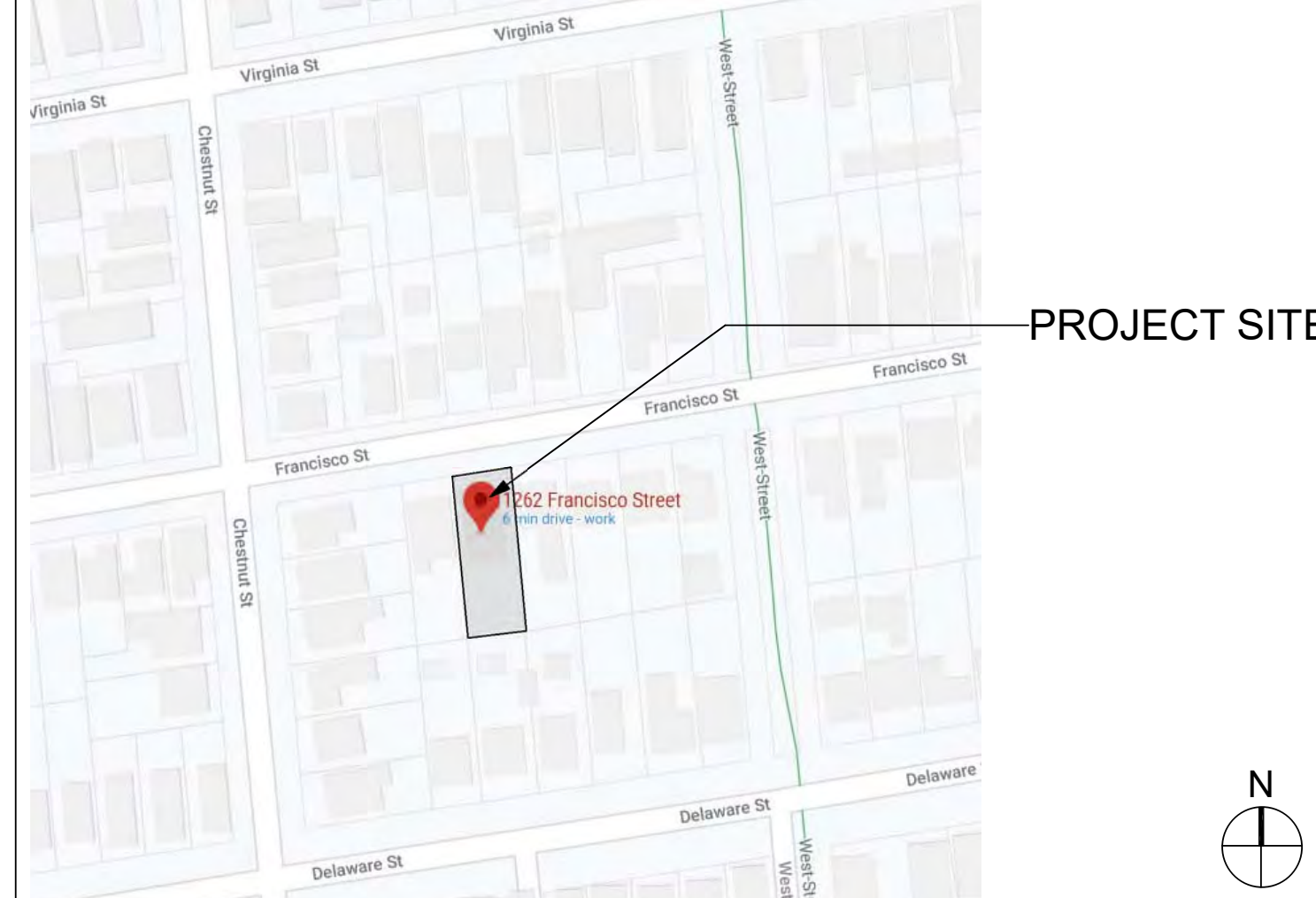
MILLER RESIDENCE  
 1262 Francisco St. Berkeley, CA 94702

SCOPE OF WORK

The proposed project includes a modification to an approved AUP (ZP2020-0122) for a second story addition

- Components of the project include:
- First floor:**
- Expand office (bedroom 4) by a 40 s.f. addition
- Second floor:**
- Create new balcony at master suite
  - Add new patio doors to access balcony
  - Add new transom window above balcony

VICINITY MAP



PROJECT DIRECTORY

**Owner:**  
 Jonathan Miller  
 1262 Francisco St.  
 Berkeley, CA 94702  
 Tel: 415-999-2797

**Project Address:**  
 1262 Francisco St.  
 Berkeley, CA 94702  
 APN: 058 213500300

**Architect:**  
 Studio G+S, Architects  
 2223 5th St.  
 Berkeley, CA 94710  
 Tel: 510-548-7448  
 sunny@sgsarch.com

PROJECT DATA

Occupancy: R-3 Duplex  
 U - Private garage

Proposed Construction: Type V-B

Fire Sprinkler System: No

**Zoning/General Plan Regulation**

Zoning District: R-2: Restricted Two-Family Residential  
 General Plan Area: LMDR  
 Downtown Arts District Overlay: No  
 Commercial District With Use Quotas: No

**Seismic Safety**

Earthquake Fault Rupture(Alquist-Priolo) Zone: No  
 Landslide (Seismic Hazards Mapping Act): No  
 Liquefaction (Seismic Hazards Mapping Act): No  
 Un-reinforced Masonry Building Inventory: No

**Historic Preservation**

Landmarks or Structure of Merit: No

**Environmental Safety**

Creek Buffer: None  
 Fire Zone: 1  
 Flood Zone(100-year or 1%): No

**Wildlife Urban Interface**

None

SHEET INDEX

- Architectural:**
- A0.0 Scope Of Work, Vicinity Map, Project Data, Sheet Index, Abbreviations, Applicable Codes, Project Directory, Photos
  - A0.1 Existing & Proposed Site Plan
  - A1.1 Existing Floor & Demo Plans
  - A1.2 Existing Exterior Elevations
  - A1.3 Proposed Floor Plans - Original Approved AUP
  - A1.4 Proposed Exterior Elevations - Original Approved AUP
  - A2.1 Proposed Floor Plans - AUP Modification
  - A3.1 Proposed Exterior Elevations, Renderings - AUP Modification
  - A4.1 Shadow Study - AUP Modification
  - A4.2 Shadow Study - Original Approved AUP
- Boundary Survey

APPLICABLE CODES

2019 California Building Code (CBC) Volume 1  
 2019 California Building Code (CBC) Volume 2  
 2019 California Residential Code (CRC)  
 2019 California Energy Code (CBES)  
 2019 California Green Building Standards Code (CALGreen)  
 2019 California Electrical Code (CEC)  
 2019 California Plumbing Code (CPC)  
 2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pt.	point
#	pound or number	flash.	flushing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	ptd.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	ftg.	footing	rgtr.	register
alum.	aluminum	furn.	furnace	rein.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal	gallon	rm.	room
asph.	asphalt	g.s.m.	galvanized sheet metal	rwd.	rough opening
bd.	board	gnd.	ground	r.w.l.	rain water leader
bidg.	building	gr.	grade	s.	south
blk.	block	gyp. bd.	gypsum board	s.c.	solid core
blkg.	blocking	h.b.	hose bibb	sched.	schedule
bm.	beam	hdwd.	hardwood	sect.	section
bot.	bottom	h.f.	hewn fir	sh.	shelf
b.p.	building paper	horiz.	horizontal	shr.	shower
btw.	between	hgt.	height	sim.	similar
cab.	cabinet	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cem.	cement	insul.	insulation	s.o.	sash opening
cer.	ceramic	int.	interior	spec.	specification
cl.	center line	jt.	joint	sq.	square
clg.	ceiling	kit.	kitchen	s.s.d.	see structural drawings
clg.	caulking	lav.	lavatory	stl.	stainless steel
c.o.	cleanout	loc.	location	std.	standard
clo.	closet	lt.	light	sti.	steel
clr.	clear	lt.	light	stor.	storage
col.	column	max.	maximum	struct.	structure
comp.	composition	m.c.	mechanical cabinet	sym.	symmetrical
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	manf.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tone & groove
dia.	diameter	misc.	miscellaneous	thk.	thick
dim.	dimension	mtd.	mounted	t.b.r.	to be removed
dir.	direction	mtl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	t.v.	television
dr.	door	neo.	neoprene	typ.	typical
drw.	drawer	neo.	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
encl.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frosted	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight

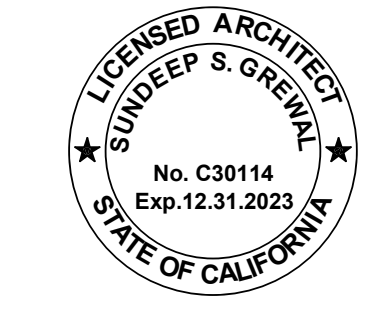
**Tabulations**

	Required/Allowed	Existing	Proposed
<b>Set Backs:</b>			
Front:	20'-0"	16'-6"	16'-6" to (e) structure 33'-10" to (n) addition
Rear:	20'-0"	61'-11"	57'-11"
Left side:	4'-0"	9'-5"	9'-6"
Right side:	4'-0"	6'-9.5"	4'-7.5"
<b>Habitable Floor Area:</b>			
First floor:		1,078 s.f.	1,393 s.f. (315 s.f. new)
Second floor:		440 s.f.	882 s.f. (442 s.f. new)
Total Area:		1,518 s.f.	2,275 s.f. (757 s.f. new)
<b>Bedroom Count:</b>		3	4
<b>Building Height:</b>			
Average Height:	28'-0" 35'-0" w/ AUP	16'-5"	21'-3"
<b>Parking:</b>	1	1	1
<b>Lot Size:</b>	5,000 s.f.	6,000 s.f.	6,000 s.f.
<b>Total Footprint:</b>			
House:	2,400 s.f.	1,334 s.f.	1,649 s.f.
Storage Shed:		202 s.f.	120 s.f.
Total footprint:		1,536 s.f.	1,769 s.f.
<b>Lot Coverage:</b>	40% (2 story building)	25.60%	29.48%
<b>Usable Open Space:</b>	400 s.f.	2,500 s.f.	2,608 s.f.

**ADU:** Not subject to lot coverage. Therefore, it is not included in the calculations above



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 Berkeley, CA 94702  
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Sheet Contents:  
 Sheet Index  
 Applicable Codes  
 Vicinity Map  
 Project Data  
 Scope of Work  
 Project Directory  
 Photos

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Drawn By: SSG

Checked By: SSG

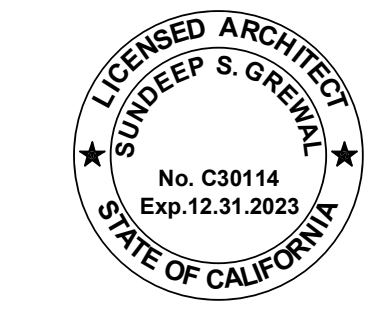
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Sheet  
A0.0



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**MILLER RESIDENCE  
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Sheet Contents:  
 Existing Site Plan  
 Proposed Site Plan

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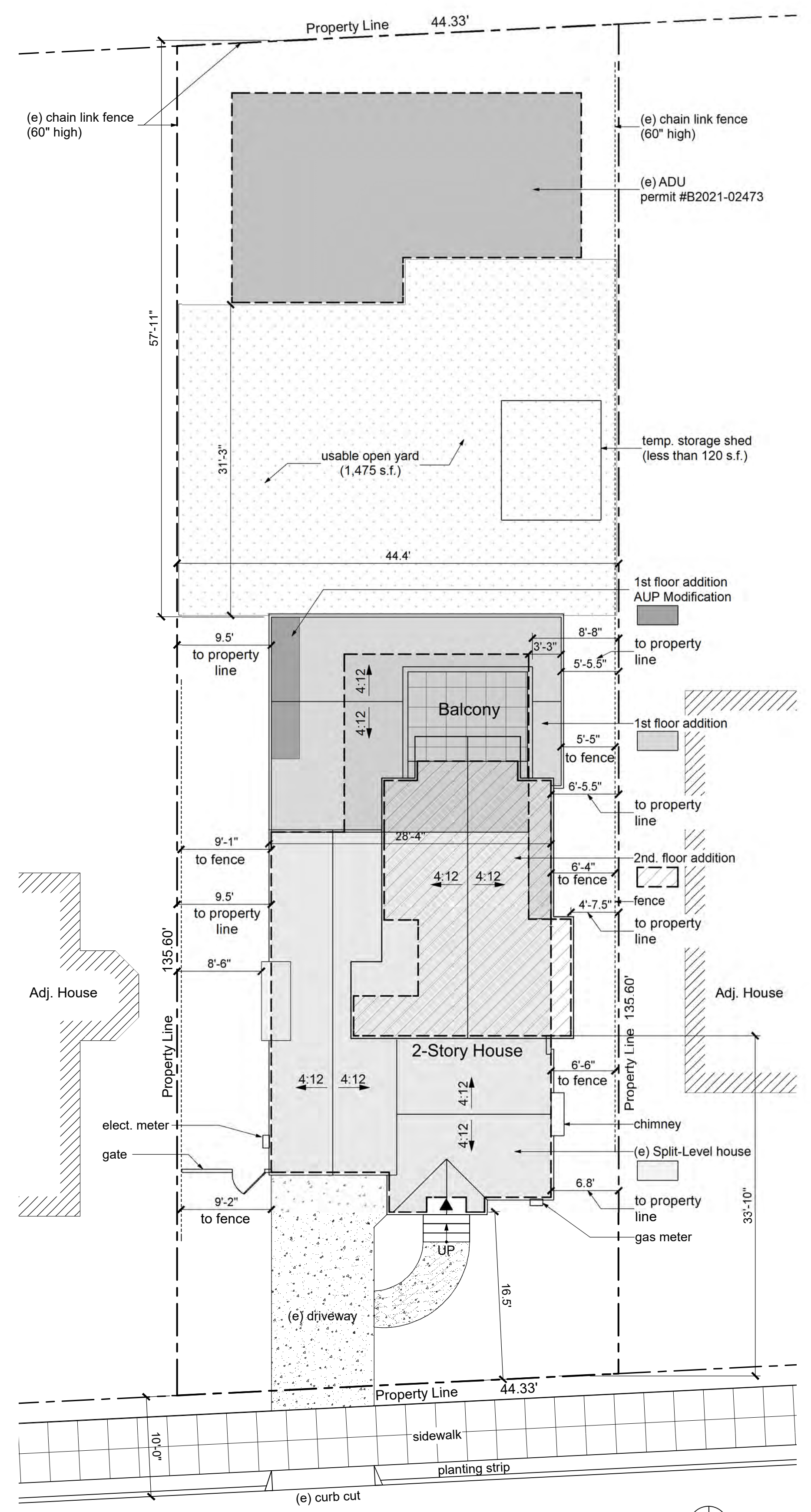
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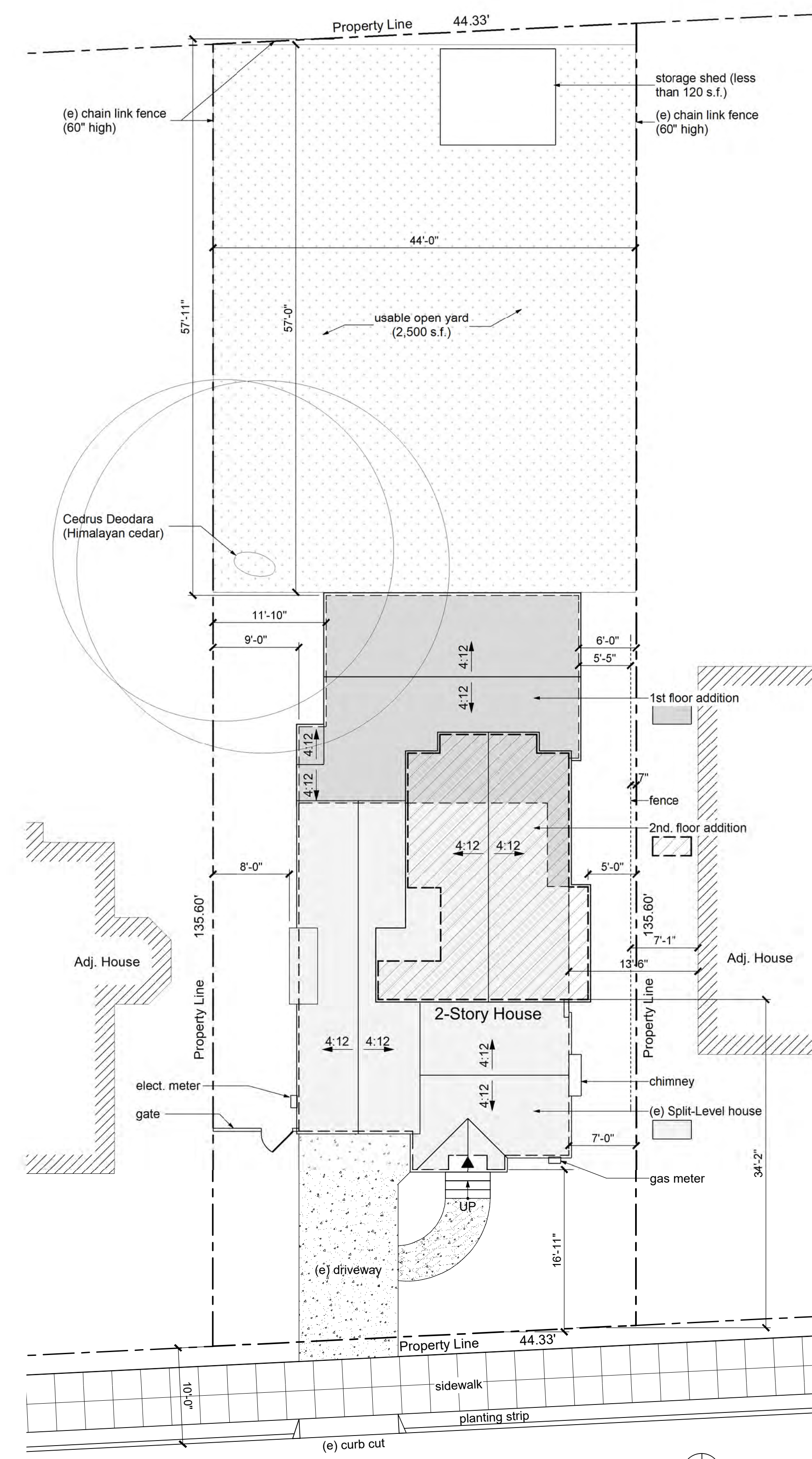
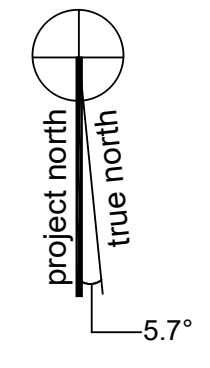
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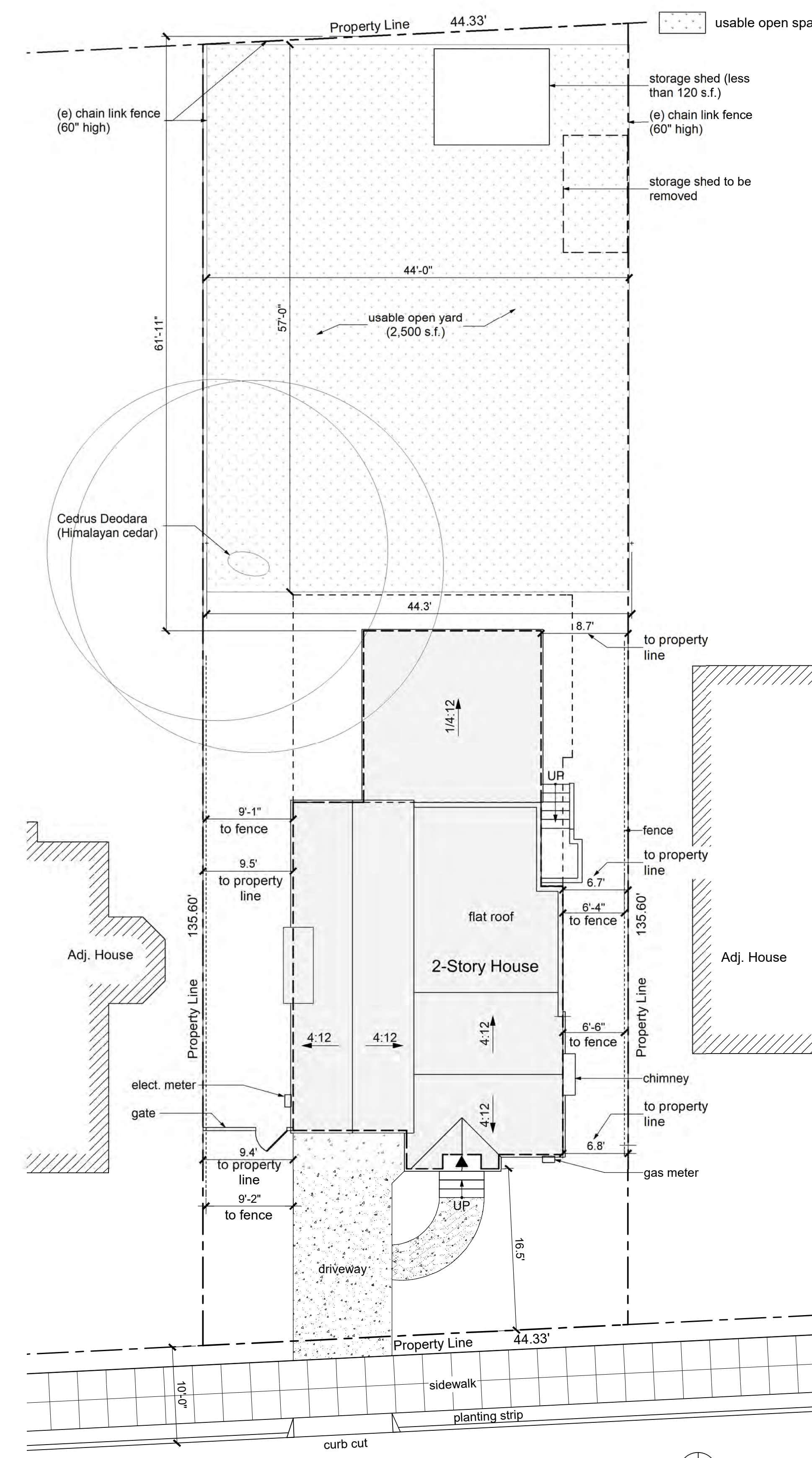
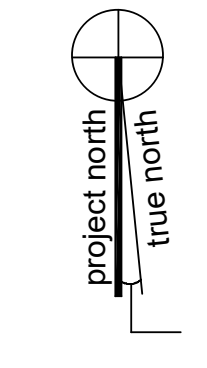
- existing structure
- 1st. floor addition
- 2nd. floor addition
- usable open space



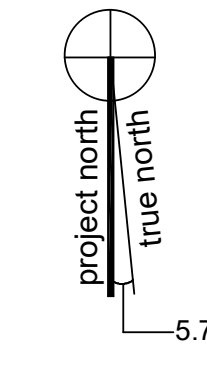
**3** Proposed Site Plan  
 AUP Modification



**2** Proposed Site Plan  
 Original Approved AUP

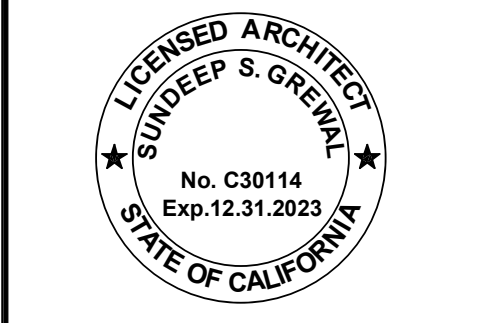


**1** Existing Site Plan





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Sheet Contents:  
 Existing Floor Plans

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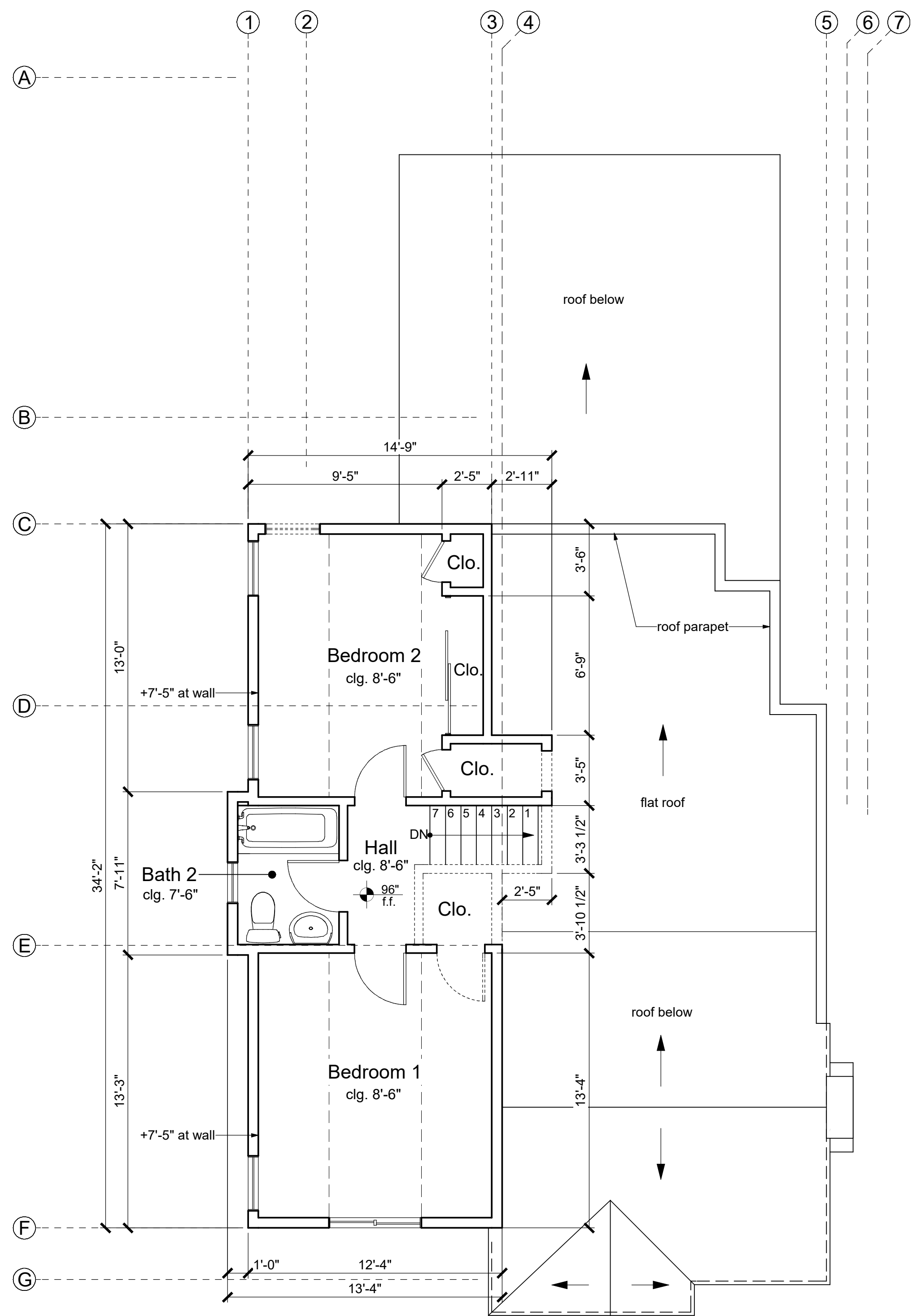
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Checked By:  
 SSG

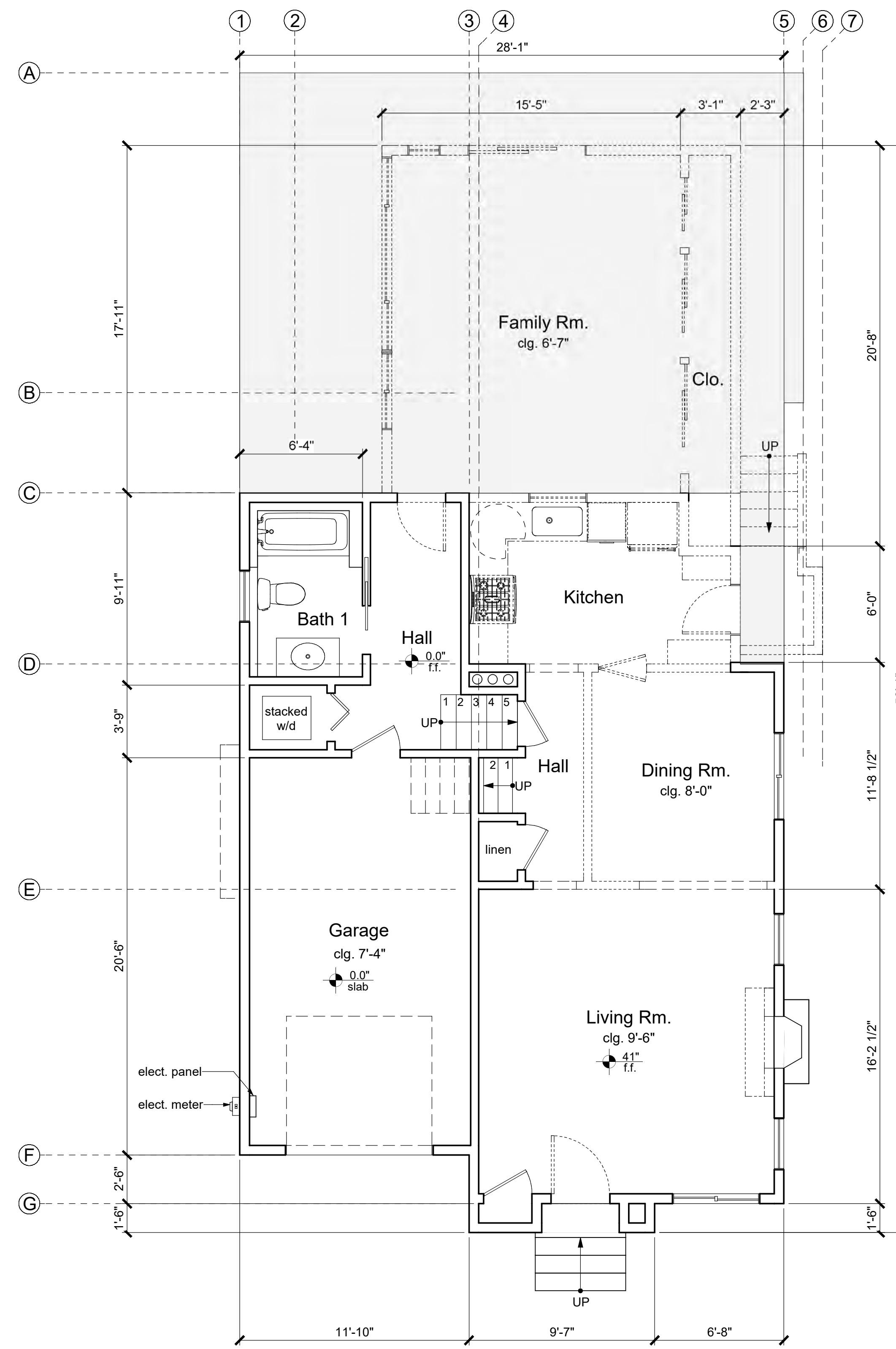
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 AUP Modification Submittal:  
 07-21-2022

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**A1.1**



2 Existing Second Floor Plan

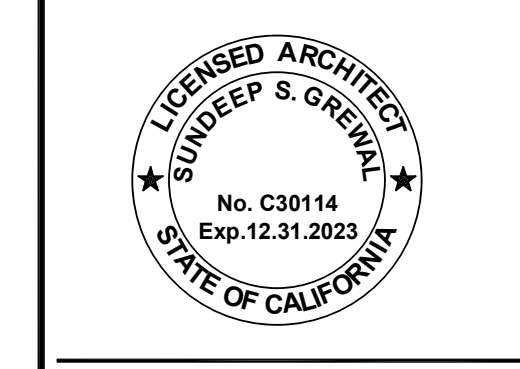


1 Existing First Floor Plan





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Sheet Contents:  
 Existing Exterior Elevations

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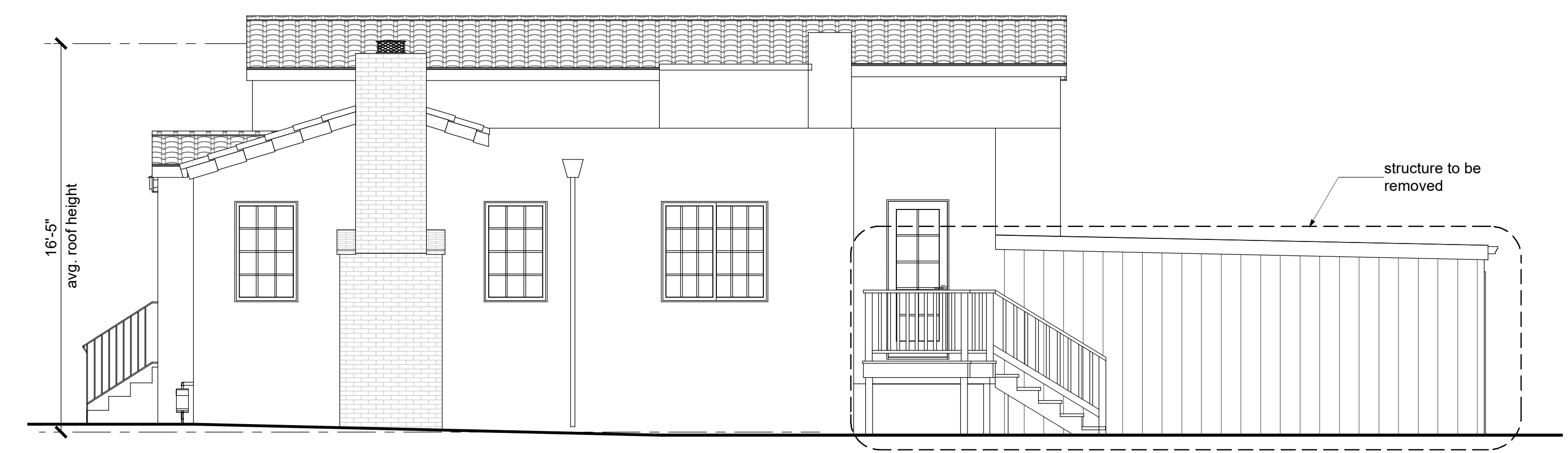
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Checked By:  
 SSG

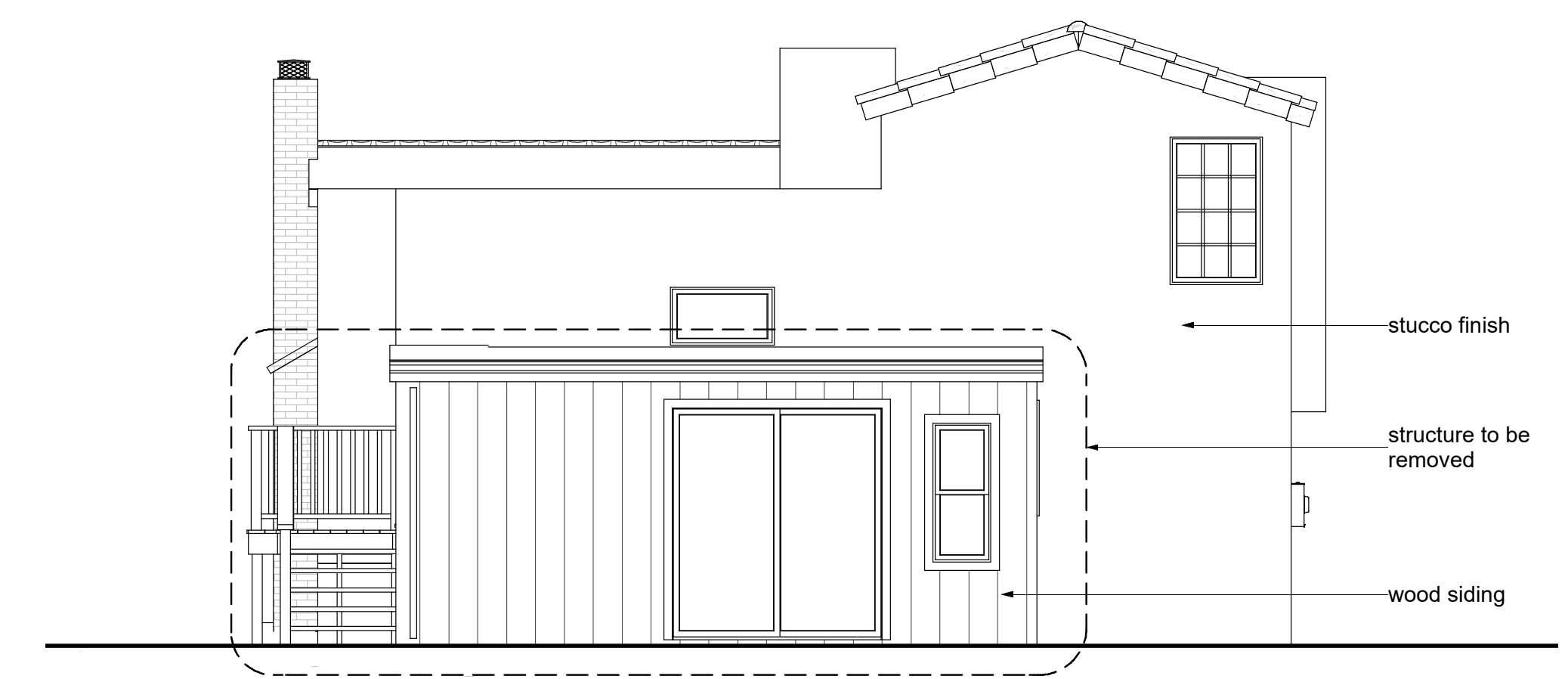
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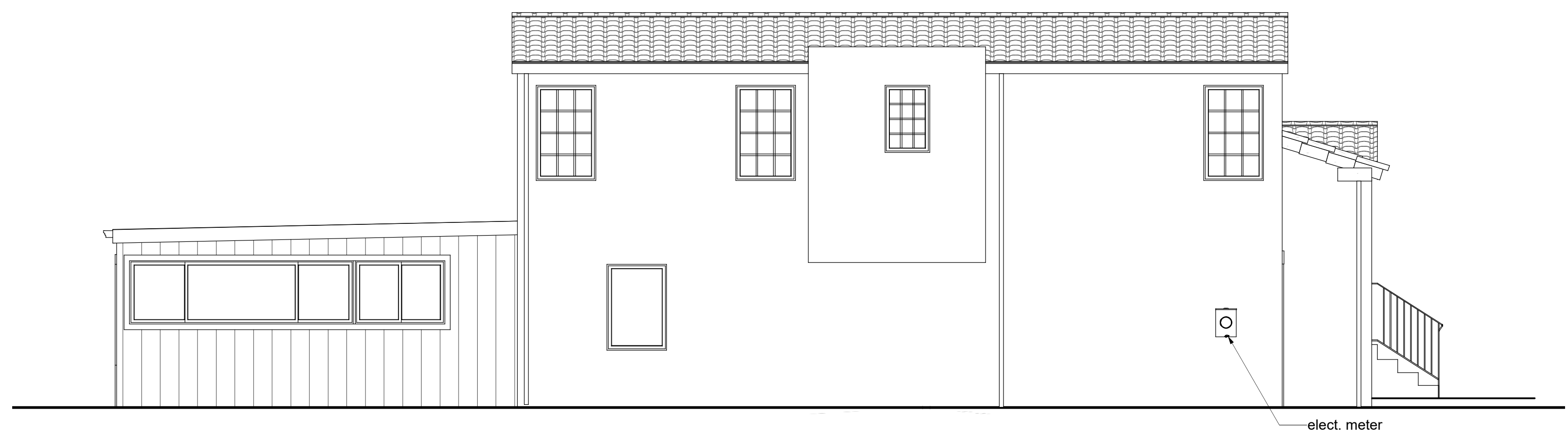
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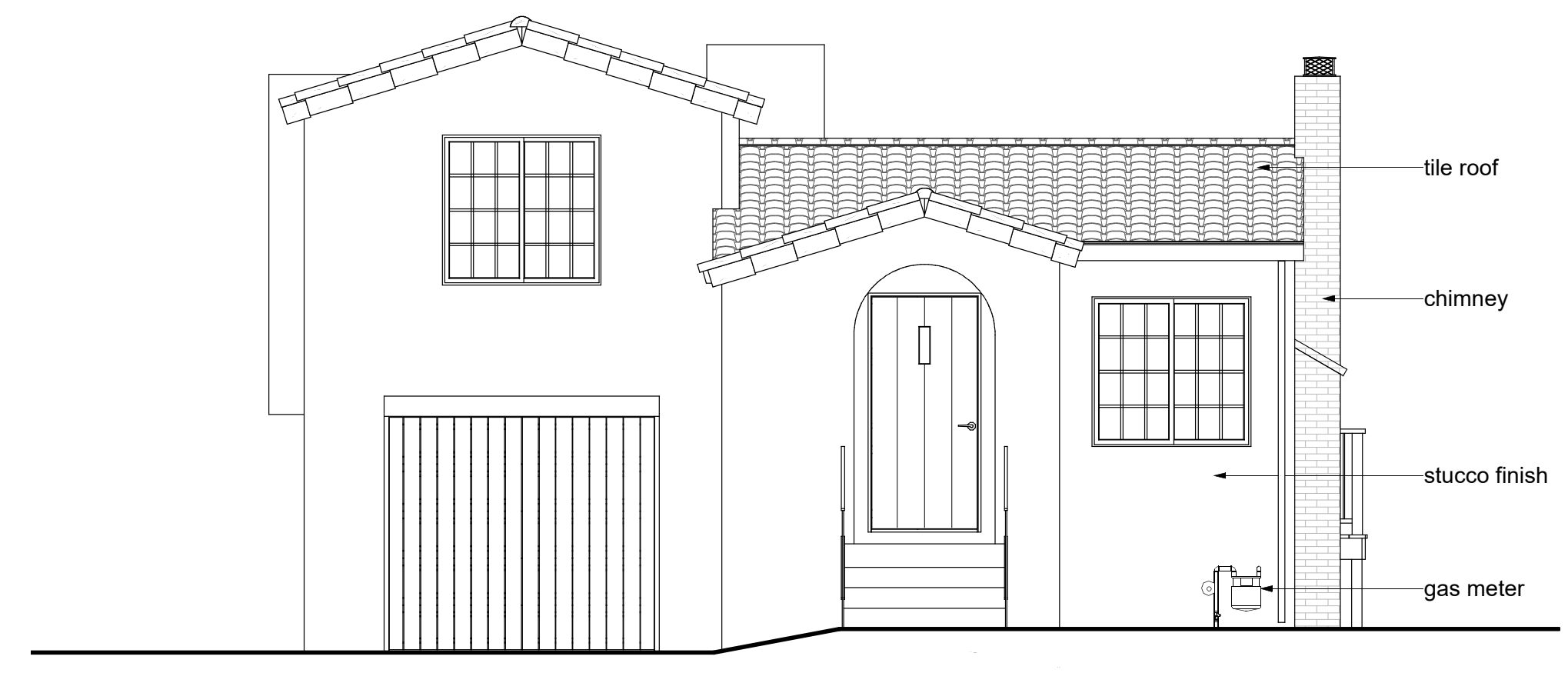
④ Existing West Elevation - Right Side



③ Existing South Elevation - Rear



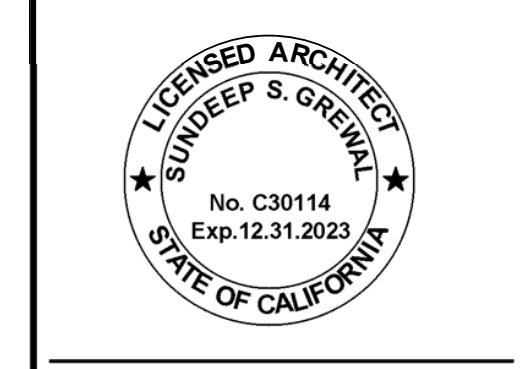
② Existing East Elevation - Left Side



① Existing North Elevation - Front



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Sheet Contents:  
 Approved AUP  
 Proposed Floor Plans

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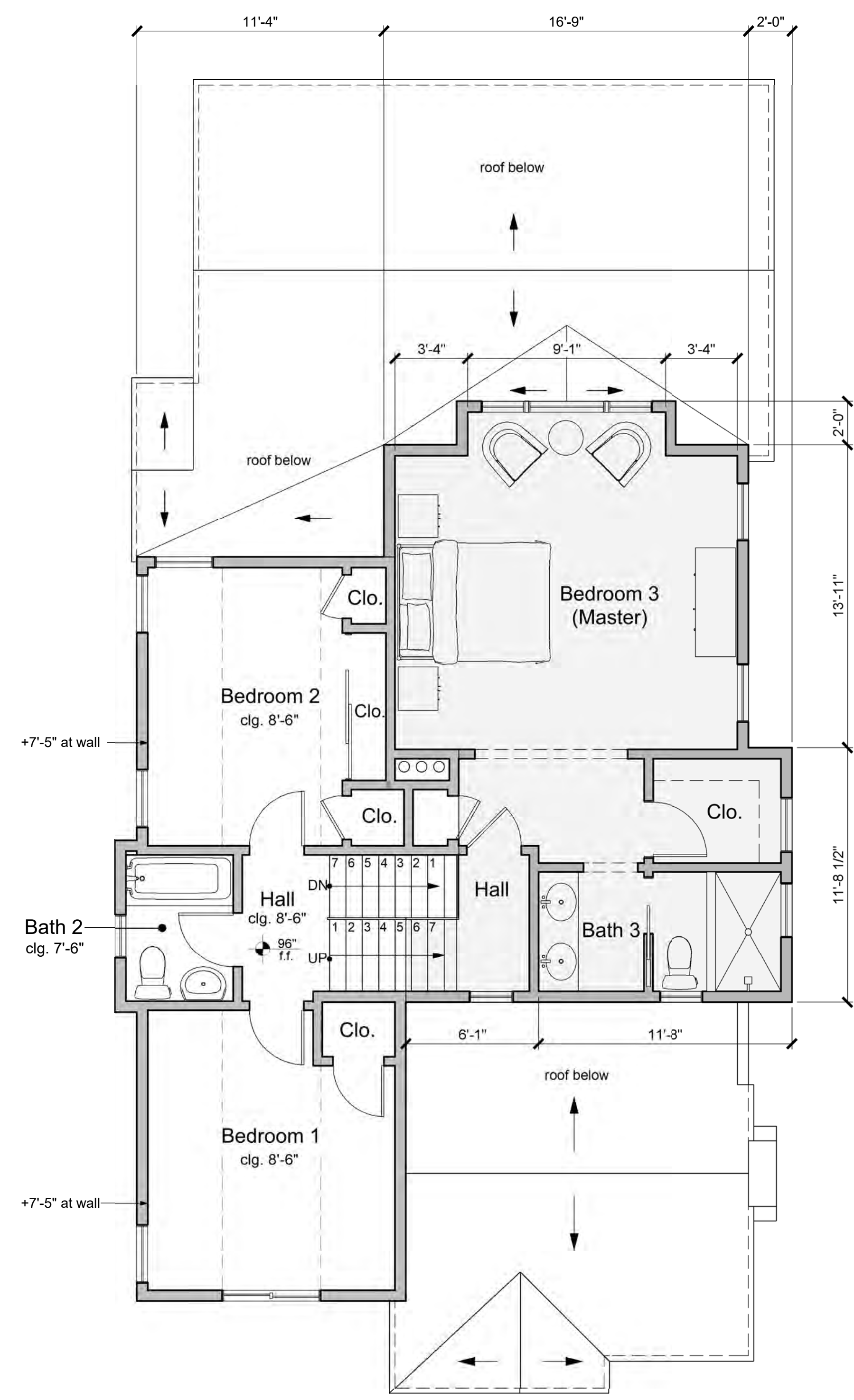
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Checked By:  
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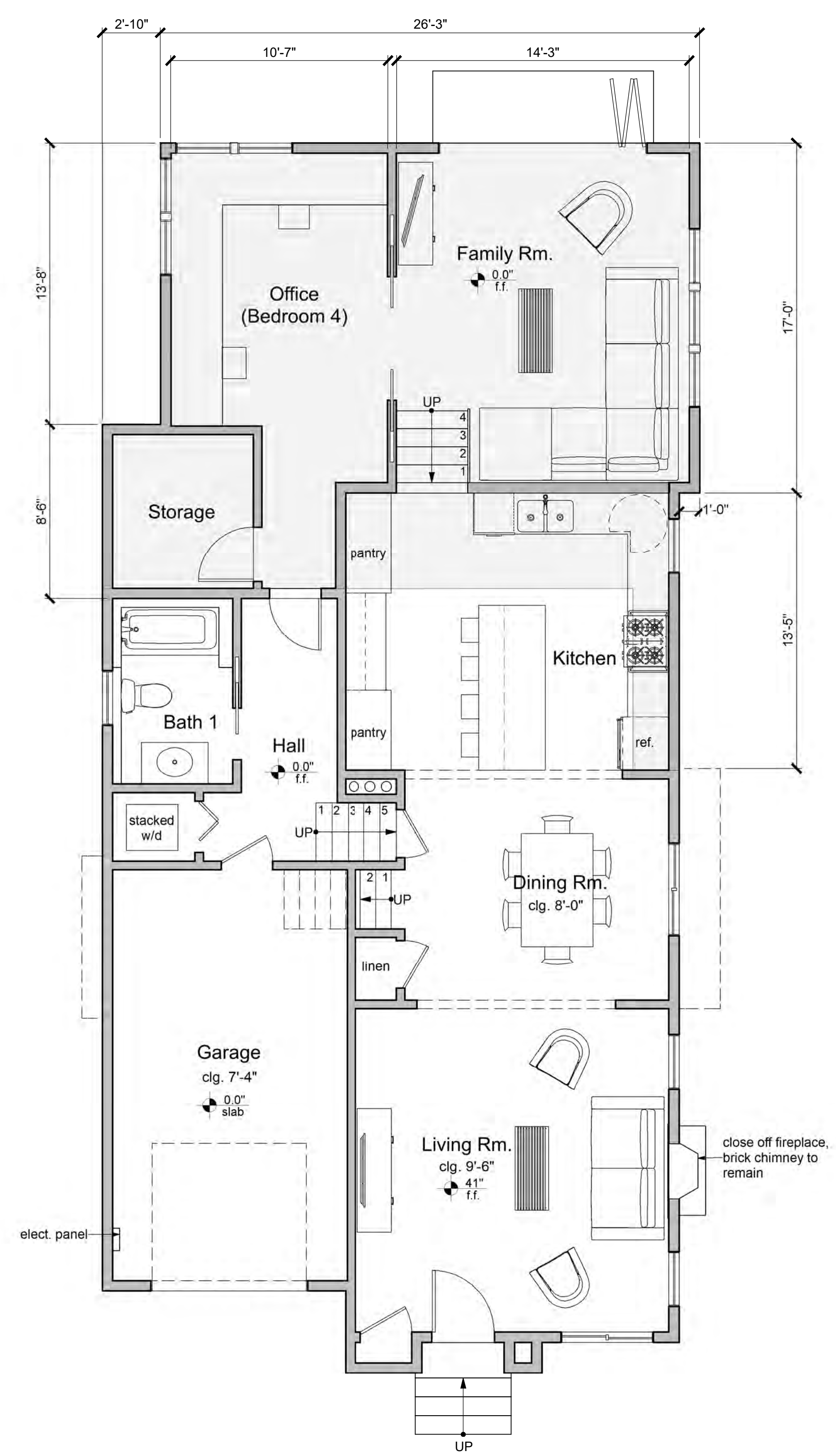
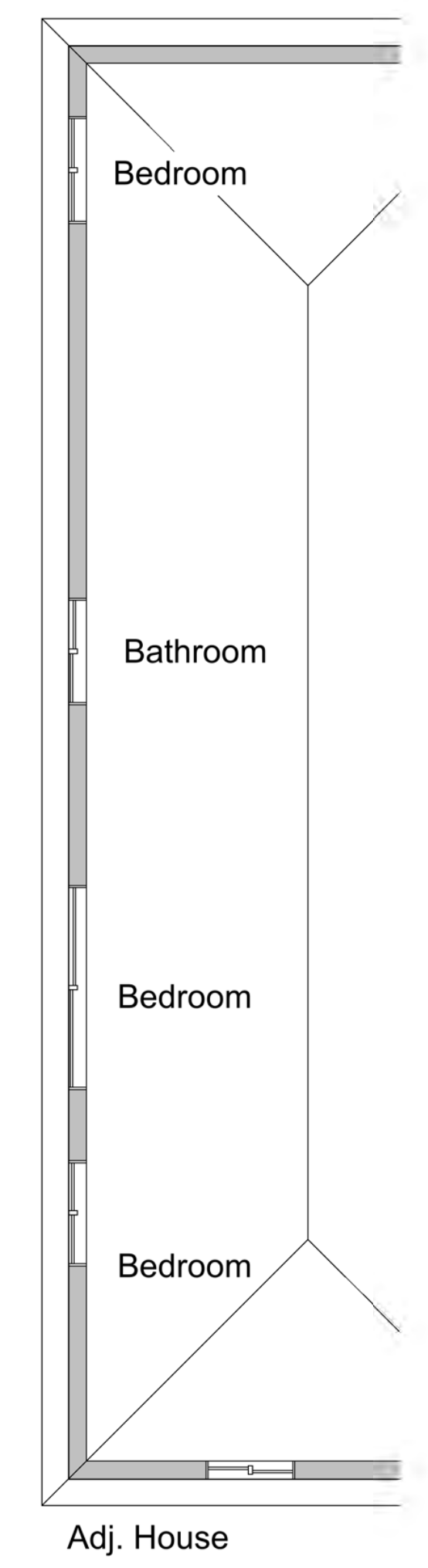
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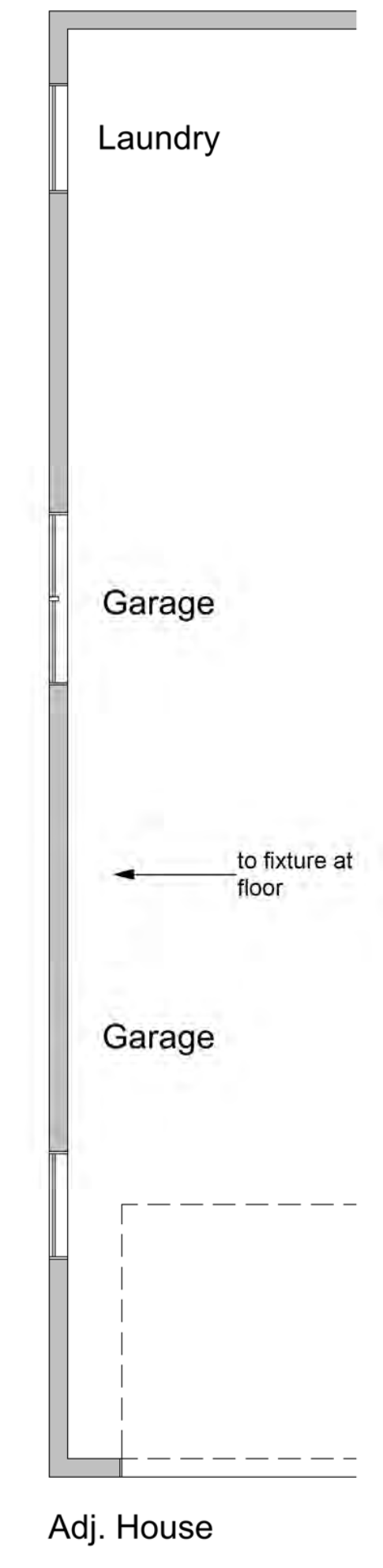
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② Proposed Second Floor Plan  
 Original Approved AUP



① Proposed First Floor Plan  
 Original Approved AUP





7 Right Rear View Of Proposed Addition



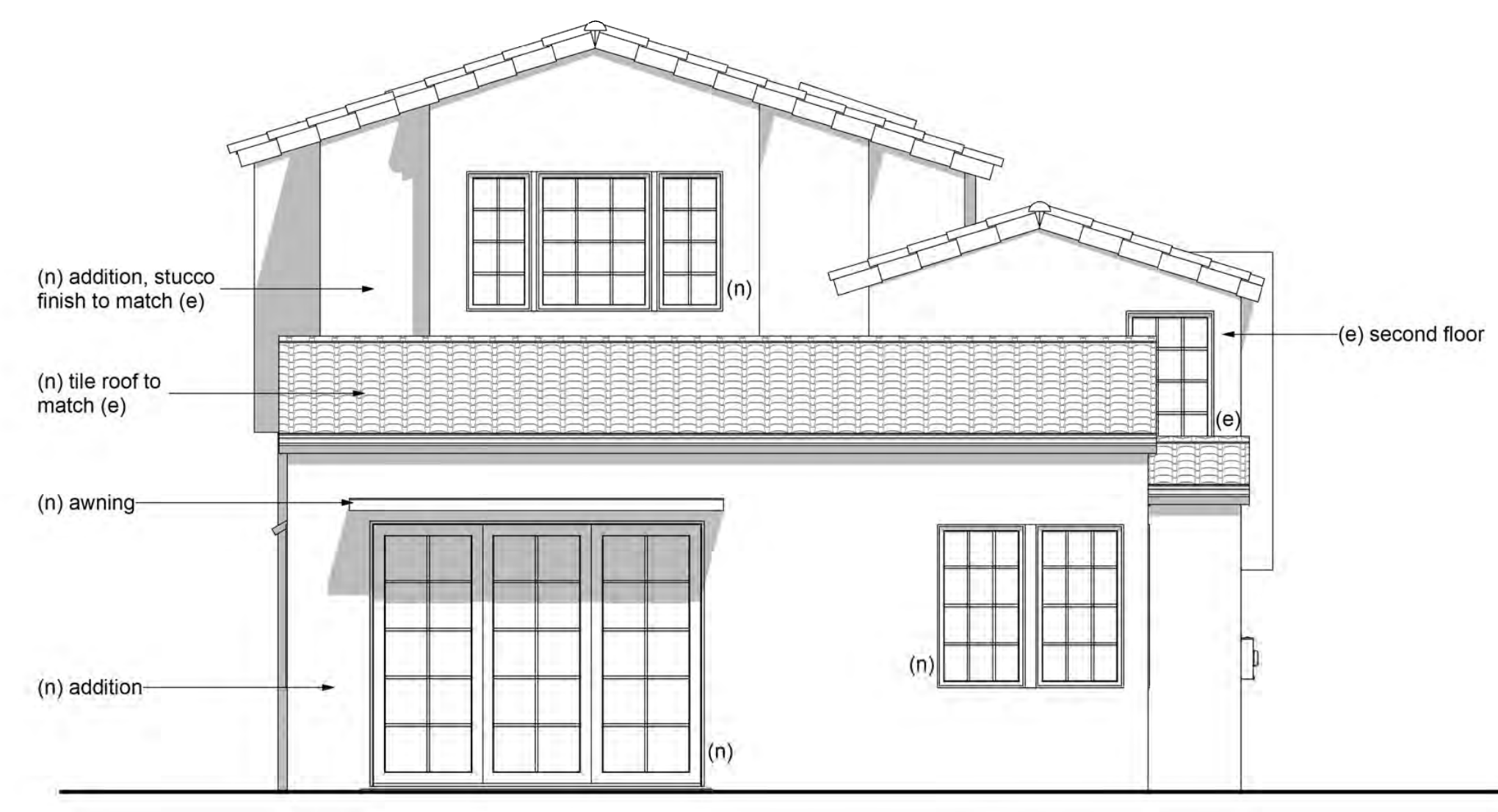
6 Left Rear View Of Proposed Addition



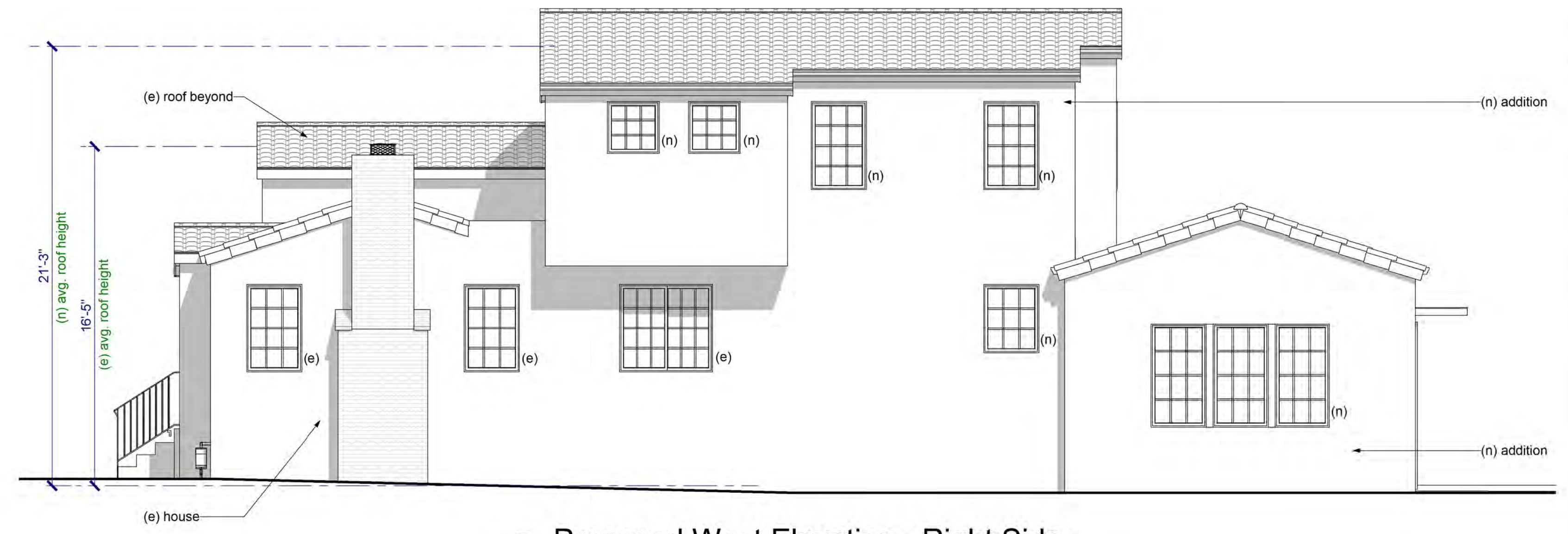
5 Street View Of Proposed Addition



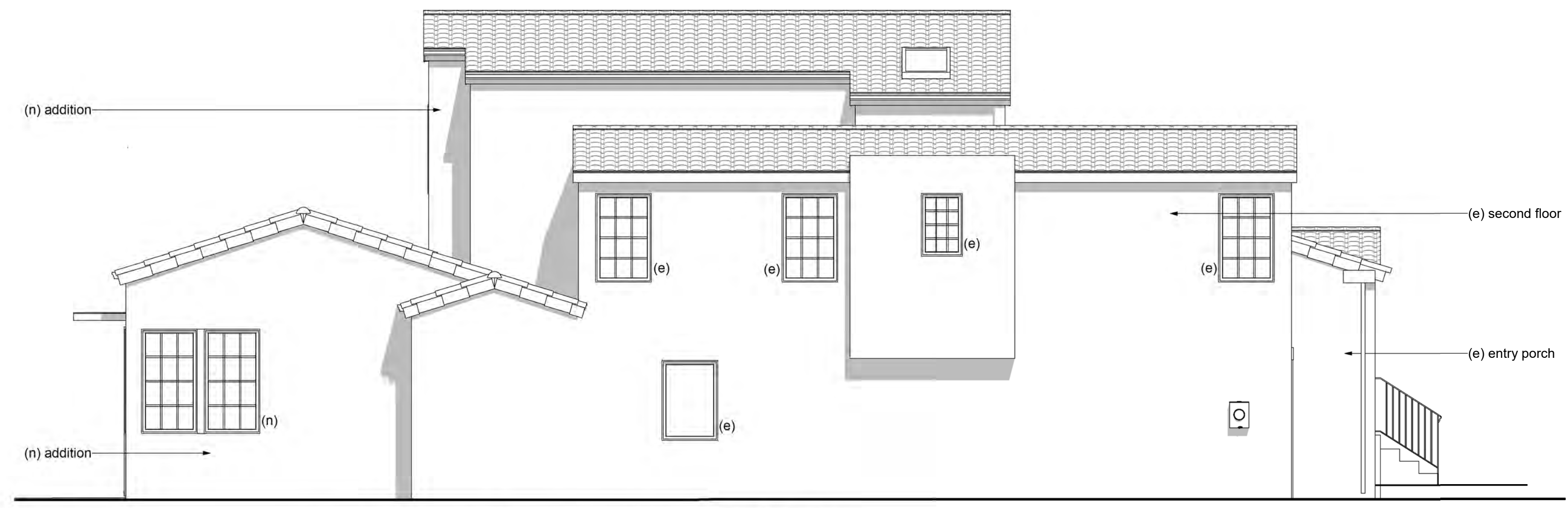
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4 Proposed South Elevation - Rear Original Approved AUP



3 Proposed West Elevation - Right Side Original Approved AUP



2 Proposed East Elevation - Left Side Original Approved AUP



1 Proposed North Elevation - Front Original Approved AUP

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 AUP Modification**  
 1262 Francisco St.  
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Sheet Contents:  
 Approved AUP  
 Proposed Exterior Elevations

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 SSG




Checked By:  
 SSG

Scale:  
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Revisions:  
 AUP Modification Submittal:  
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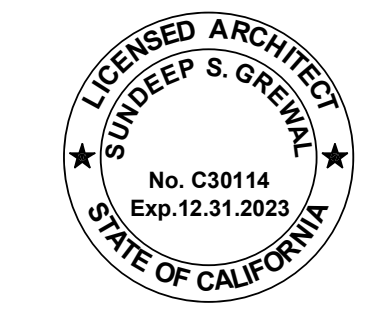
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-  Existing floor area
-  Approved AUP New floor area
-  AUP Modification New floor area



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Sheet Contents:  
 AUP Modification  
 Proposed Floor Plan

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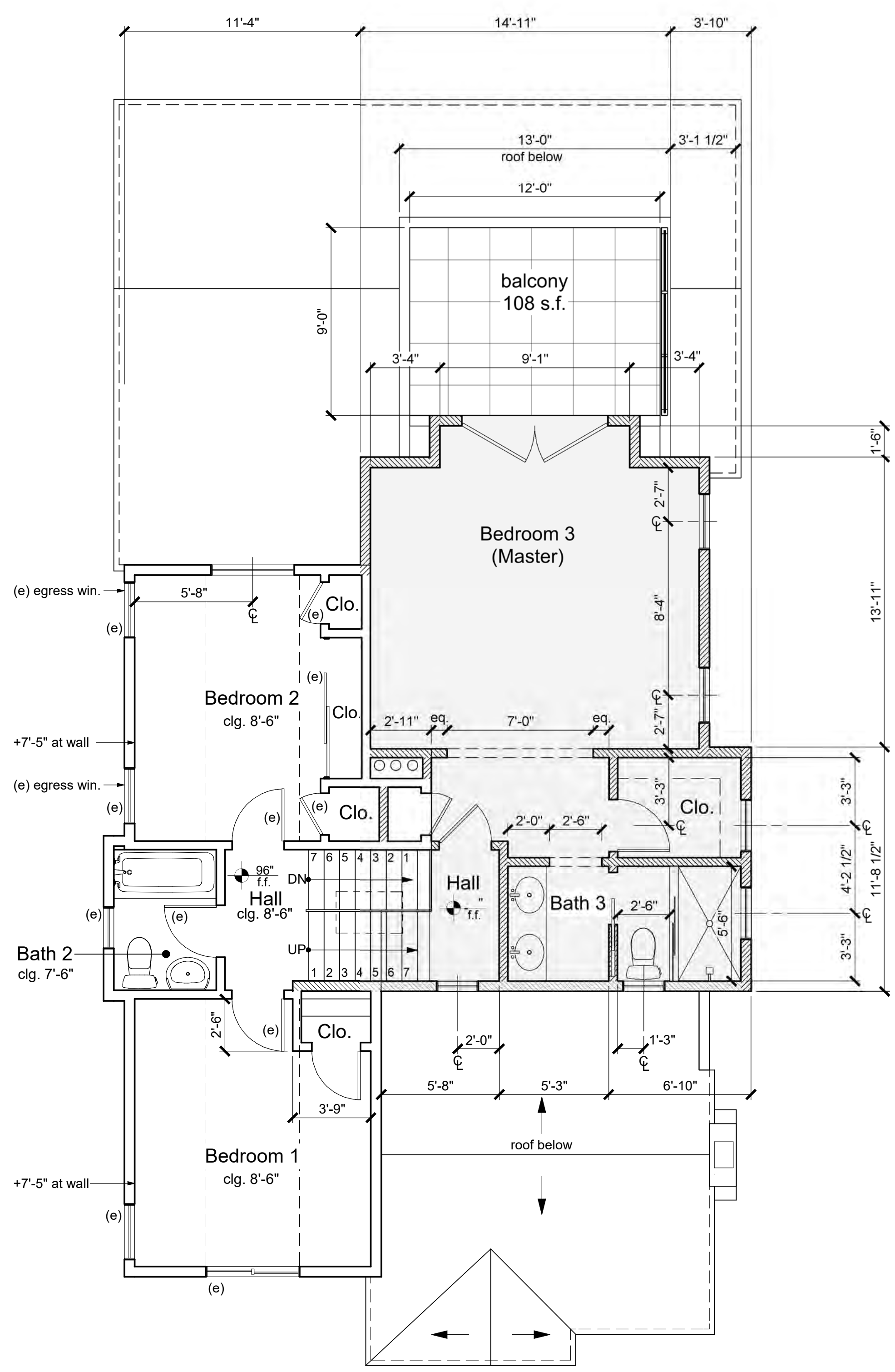
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Checked By:  
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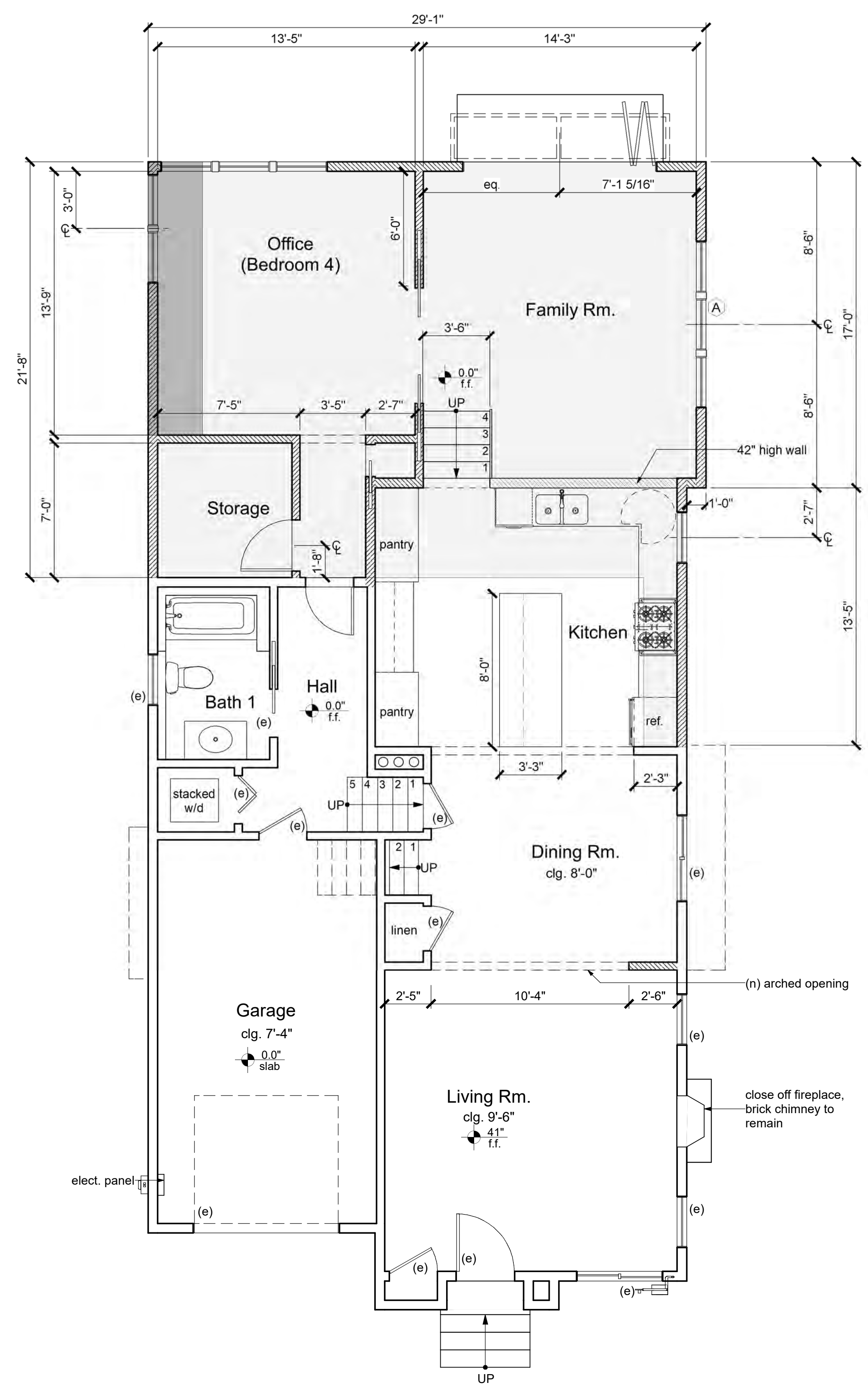
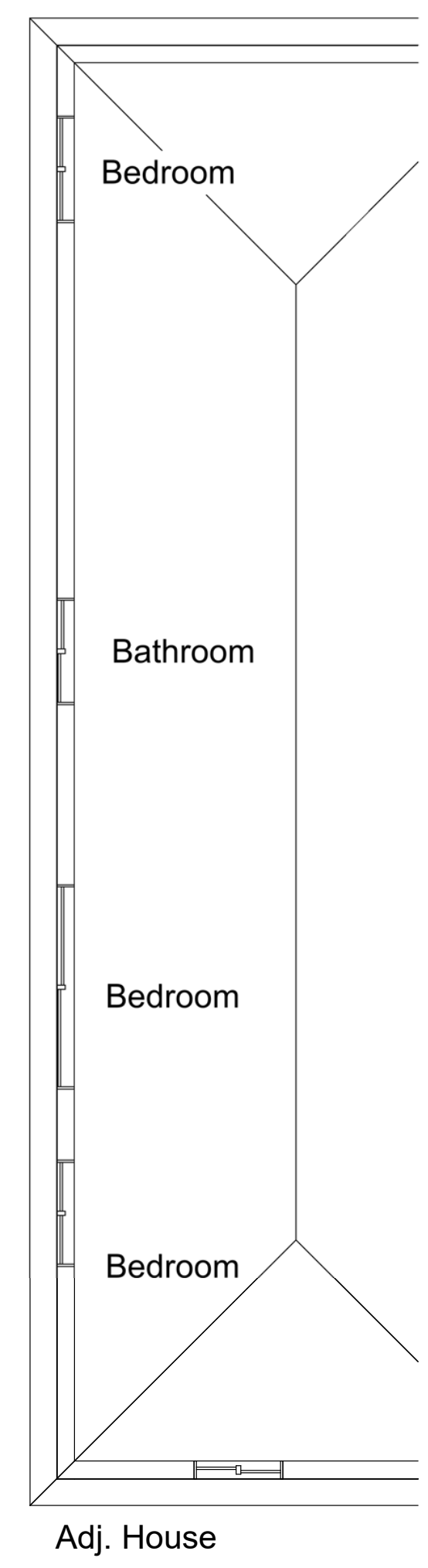
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 AUP Modification Submittal:  
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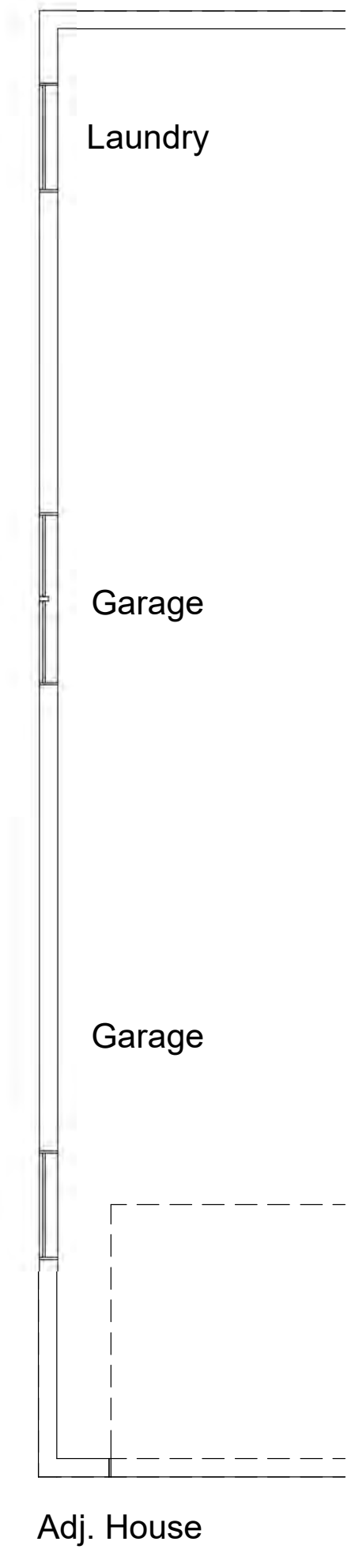
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② Proposed Second Floor Plan  
 AUP Modification

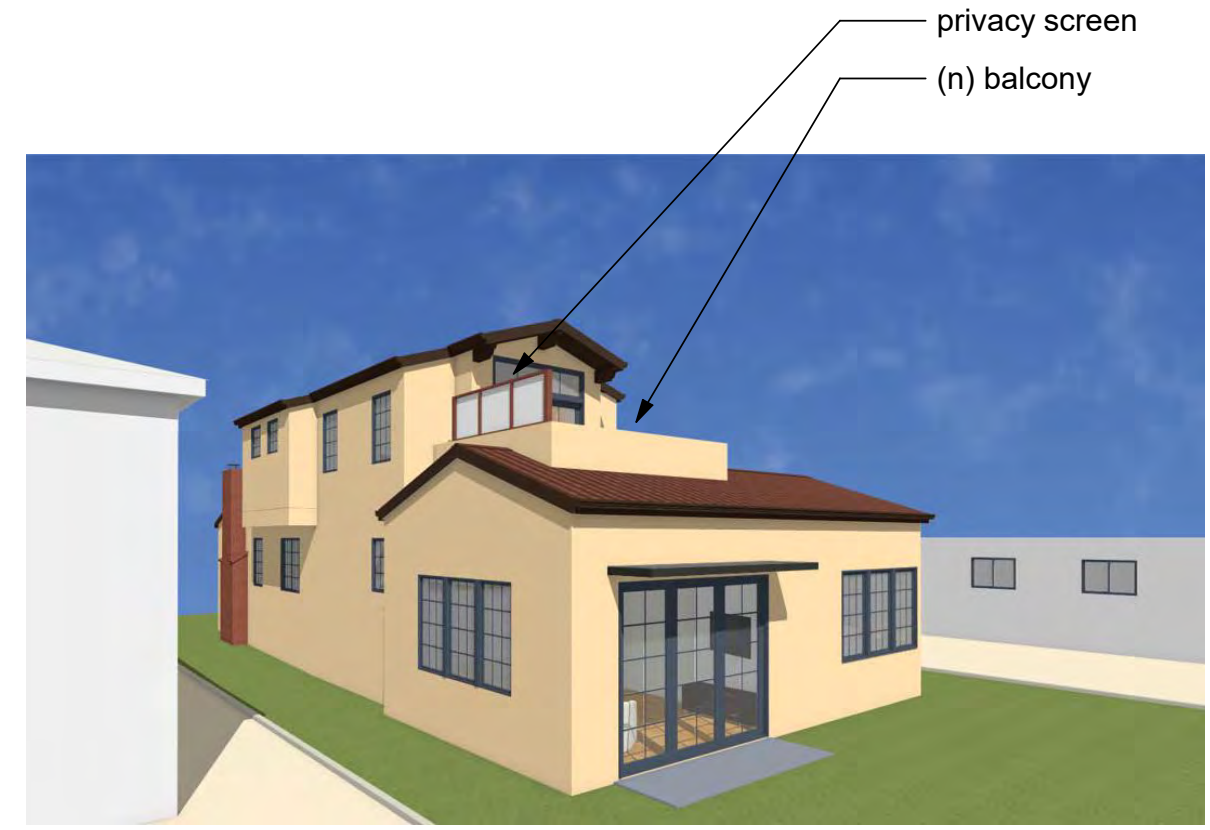


① Proposed First Floor Plan  
 AUP Modification





8 Aerial View Of Proposed Addition  
 AUP Modification



7 Right Rear View Of Proposed Addition  
 AUP Modification



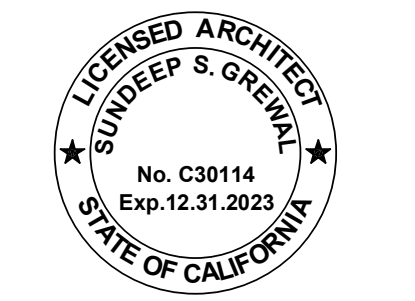
6 Left Rear View Of Proposed Addition  
 AUP Modification



5 Street View Of Proposed Addition  
 AUP Modification



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Sheet Contents:  
 AUP Modification  
 Proposed Exterior Elevations

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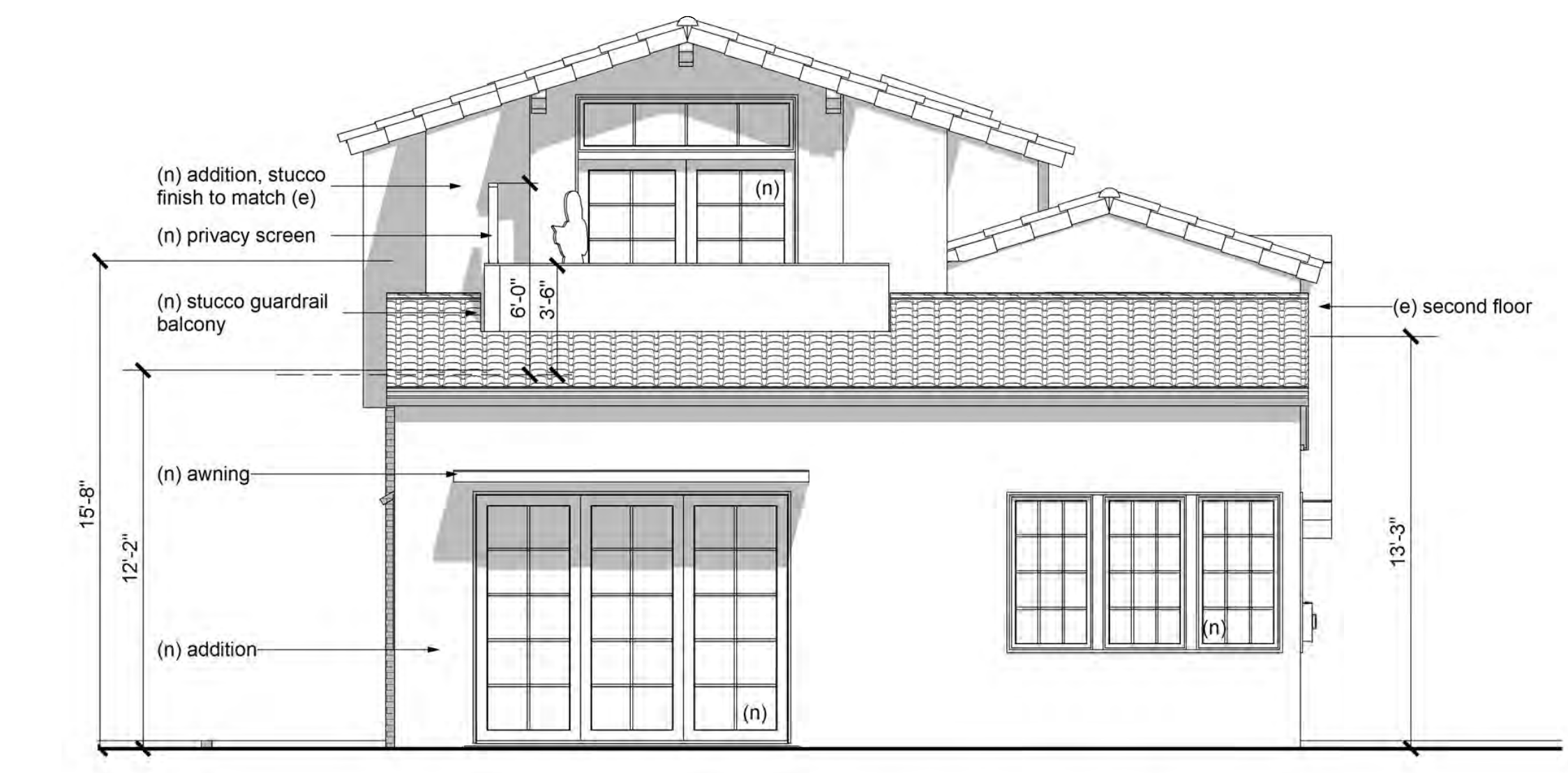
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 SSG

Checked By:  
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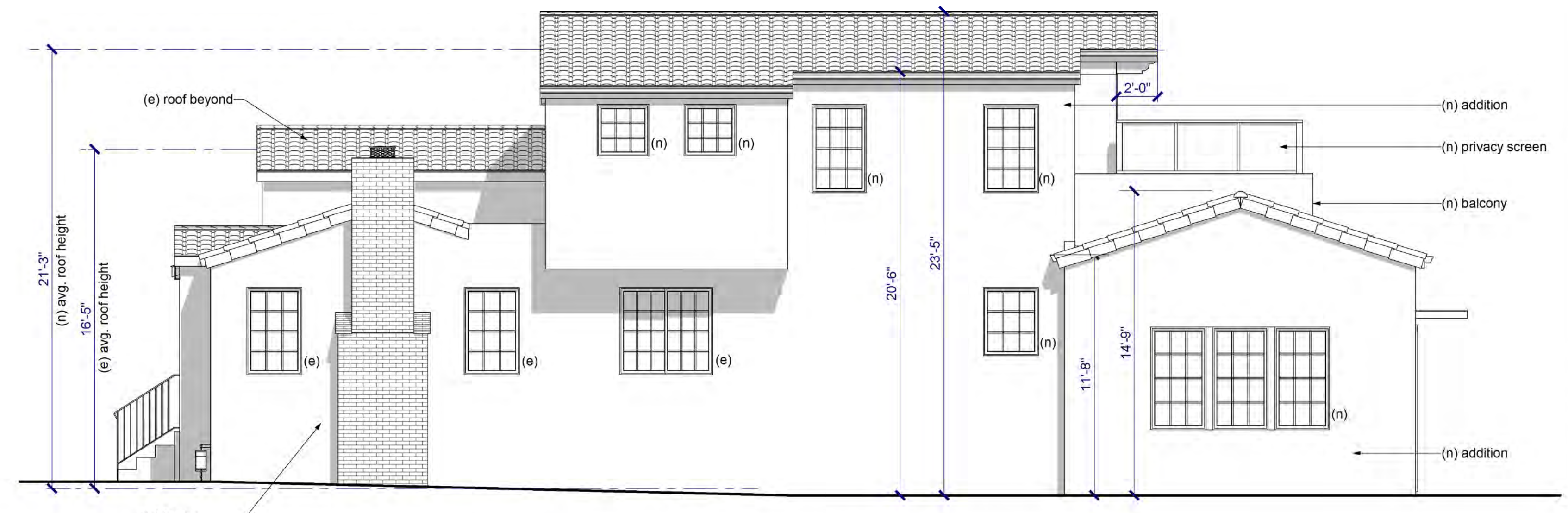
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 07-21-2022

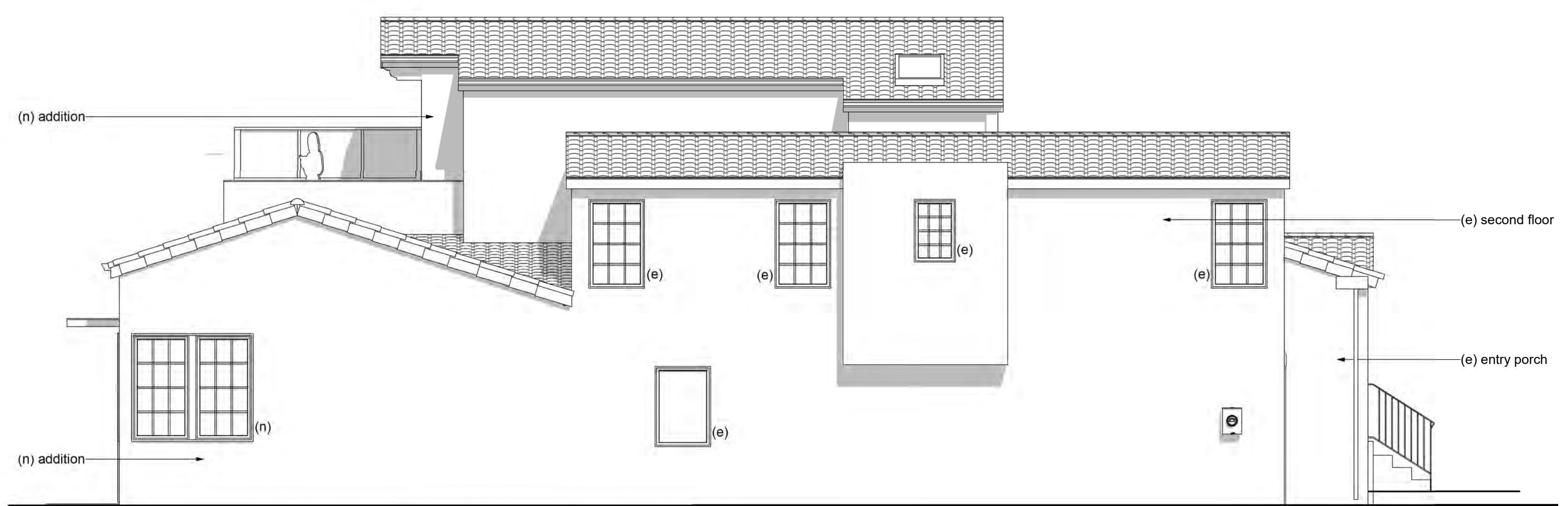
Sheet  
**A3.1**



4 Proposed South Elevation - Rear  
 AUP Modification



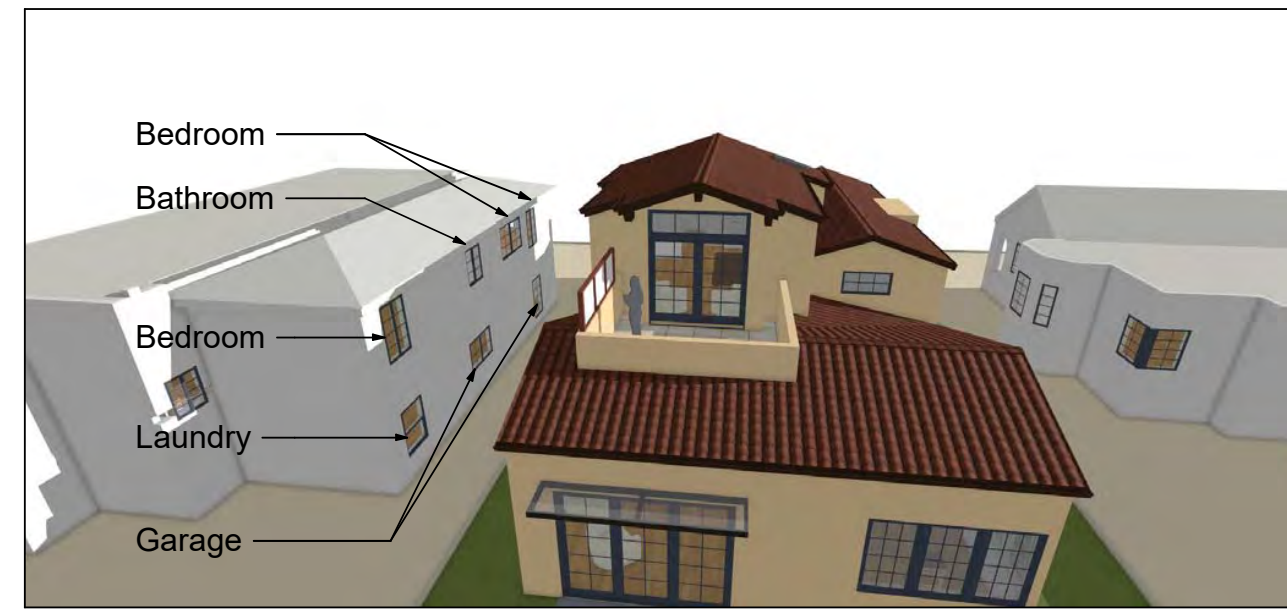
3 Proposed West Elevation - Right Side  
 AUP Modification



2 Proposed East Elevation - Left Side  
 AUP Modification



1 Proposed North Elevation - Front  
 AUP Modification



Proposed  
 6-21-2020 / 7:47 am



Proposed  
 12-21-2020 / 9:21 am



Proposed  
 6-21-2020 / 6:35 pm



Existing  
 6-21-2020 / 7:47 am



Existing  
 12-21-2020 / 9:21 am



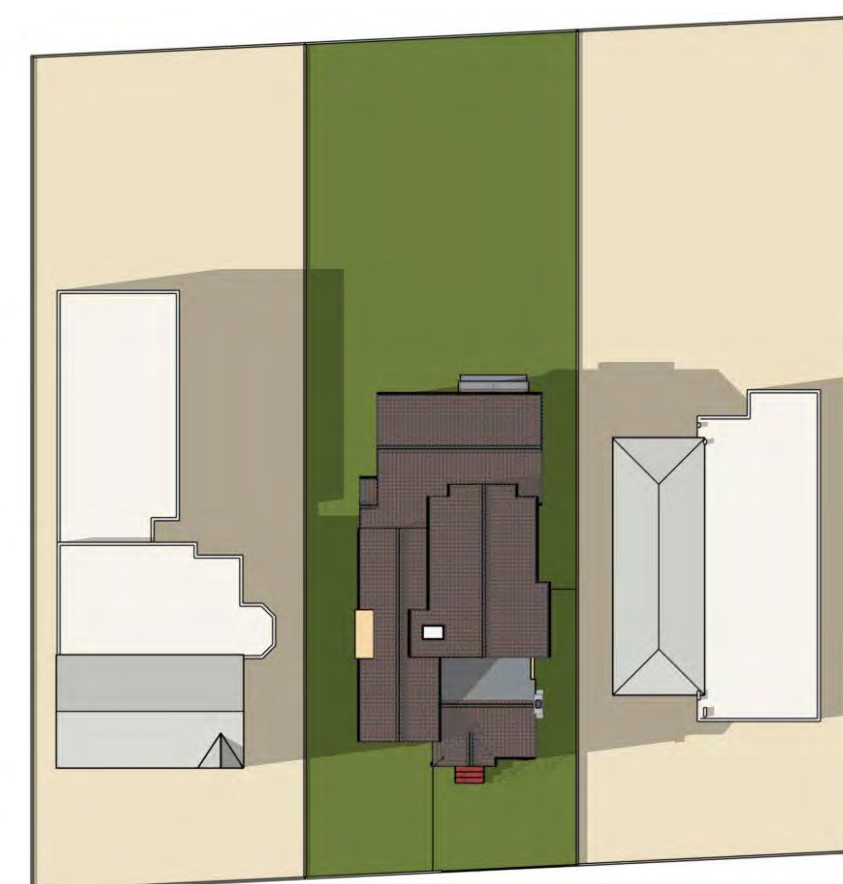
Existing  
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2223 Fifth St.  
 Berkeley, CA 94710  
 Ph: 510.548.7448  
 info@sgsarch.com  
 www.sgsarch.com

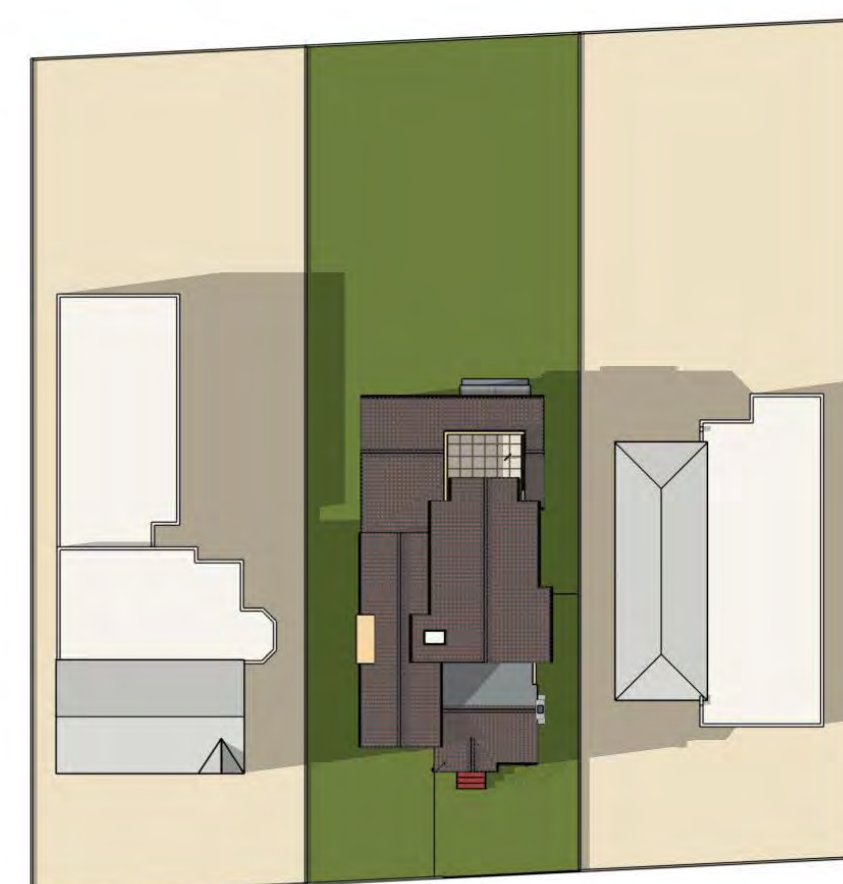


**MILLER RESIDENCE  
 AUP Modification**  
 1262 Francisco St.  
 Berkeley, CA 94702  
 APN: 058 213500300

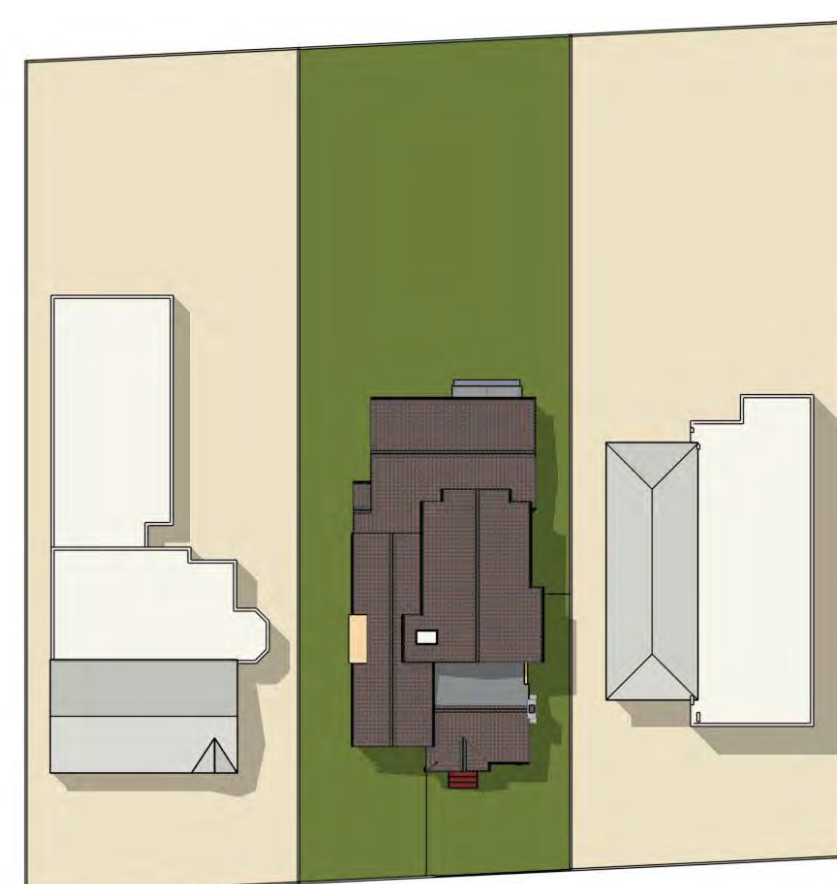


Approved Project

6-21-2020 / 7:47 am  
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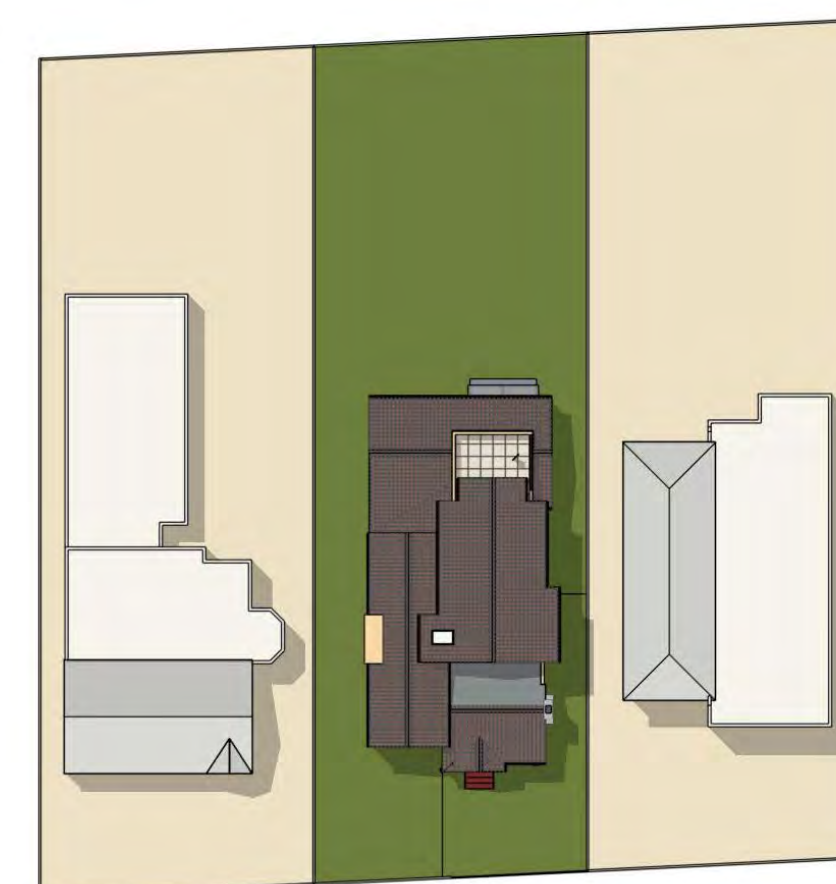


Proposed Modification

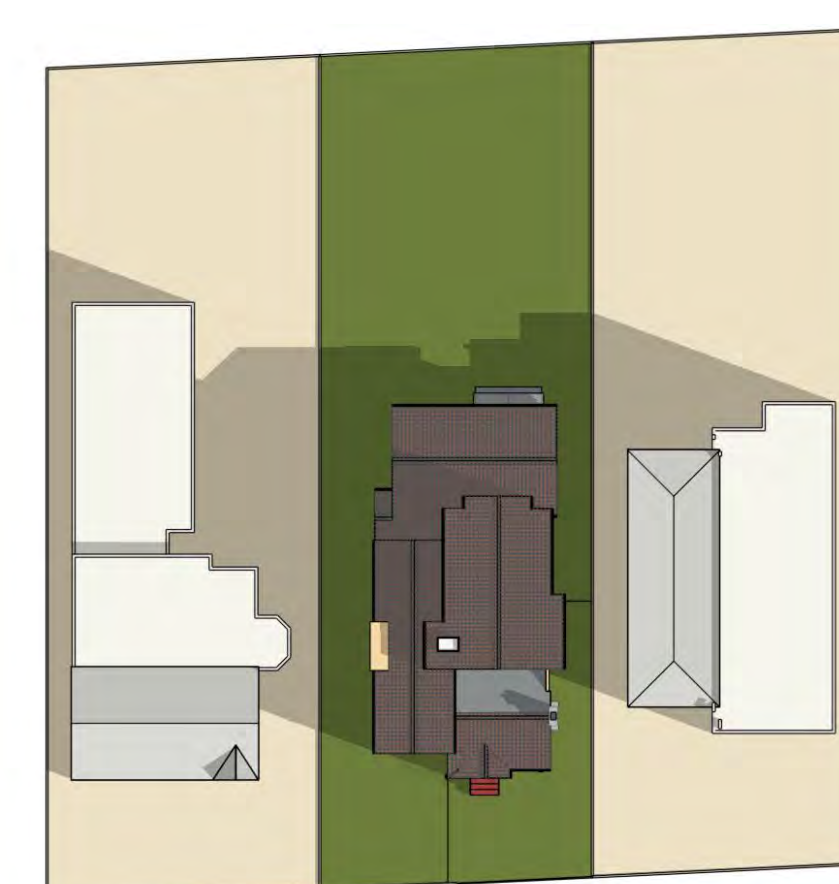


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6-21-2020 / 12:00 pm

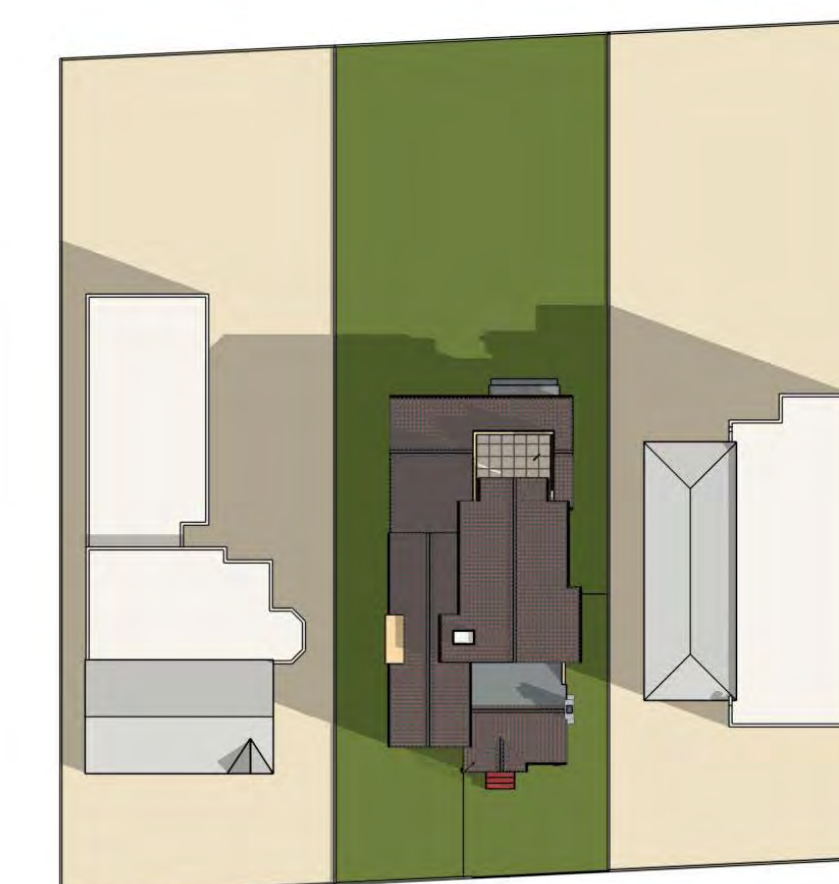


Proposed Modification



Approved Project

6-21-2020 / 6:35 pm  
 See Above



Proposed Modification

Sheet Contents:  
 AUP Modification  
 Shadows Studies

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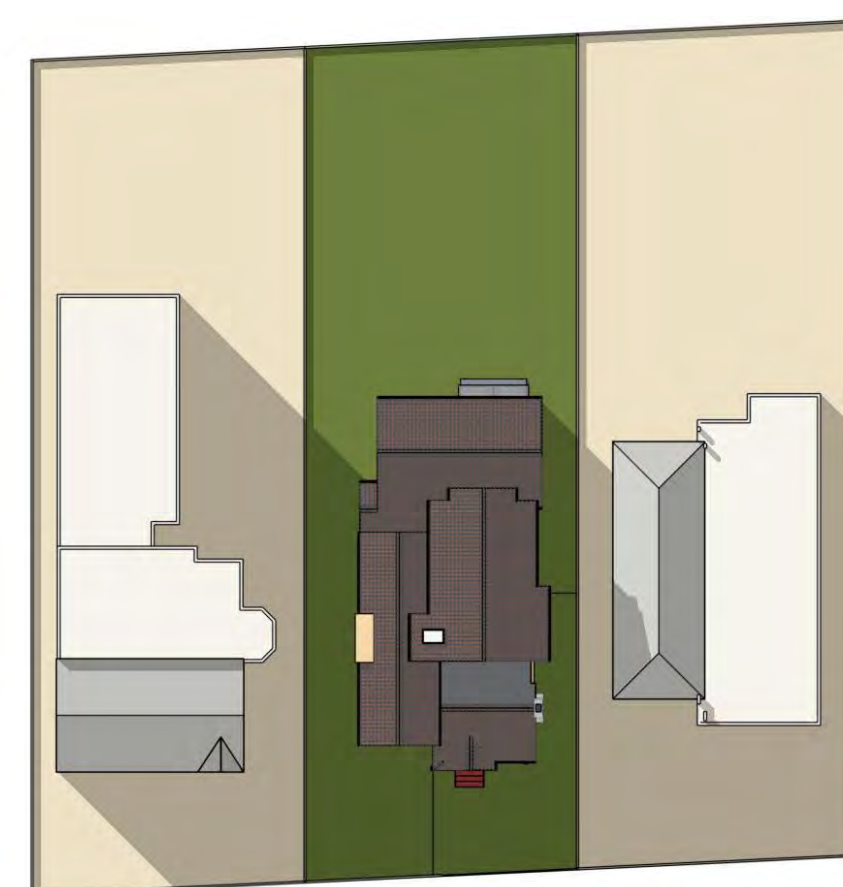
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 20-07-414

Drawn By:  
 SSG

Checked By:  
 SSG

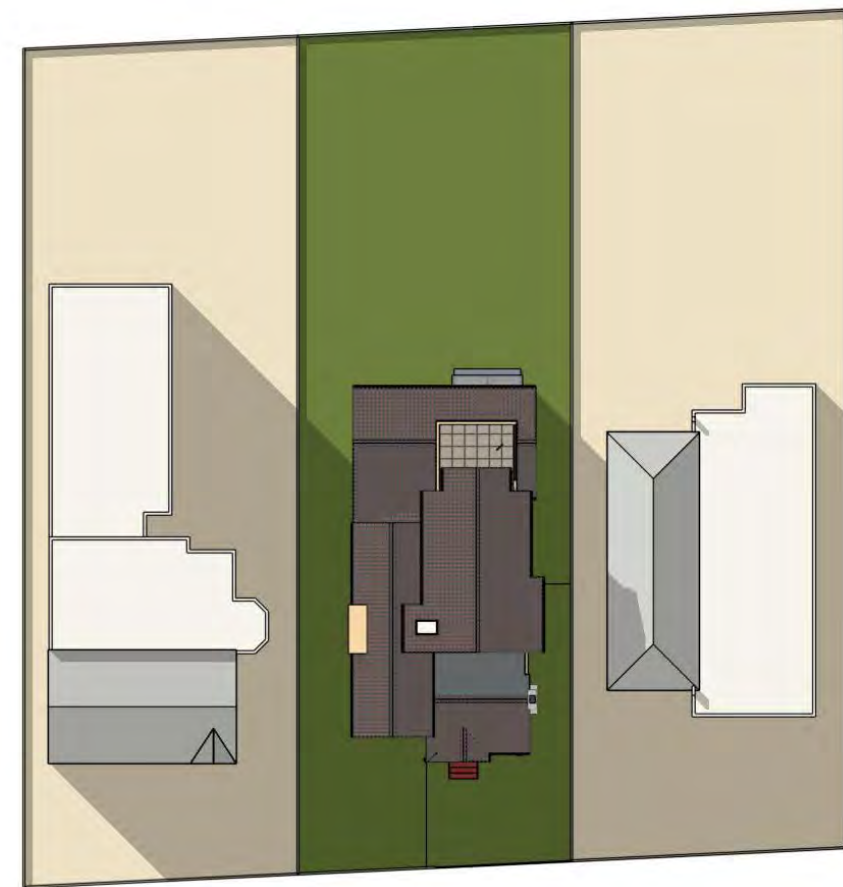
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Revisions:  
 AUP Modification Submittal:  
 07-21-2022

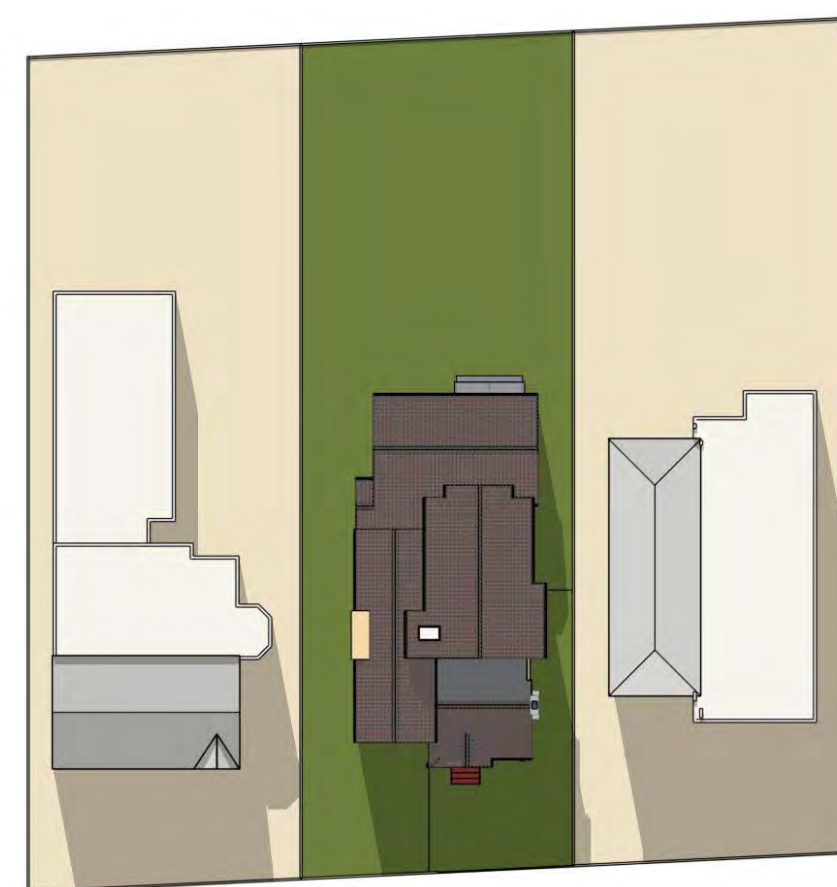


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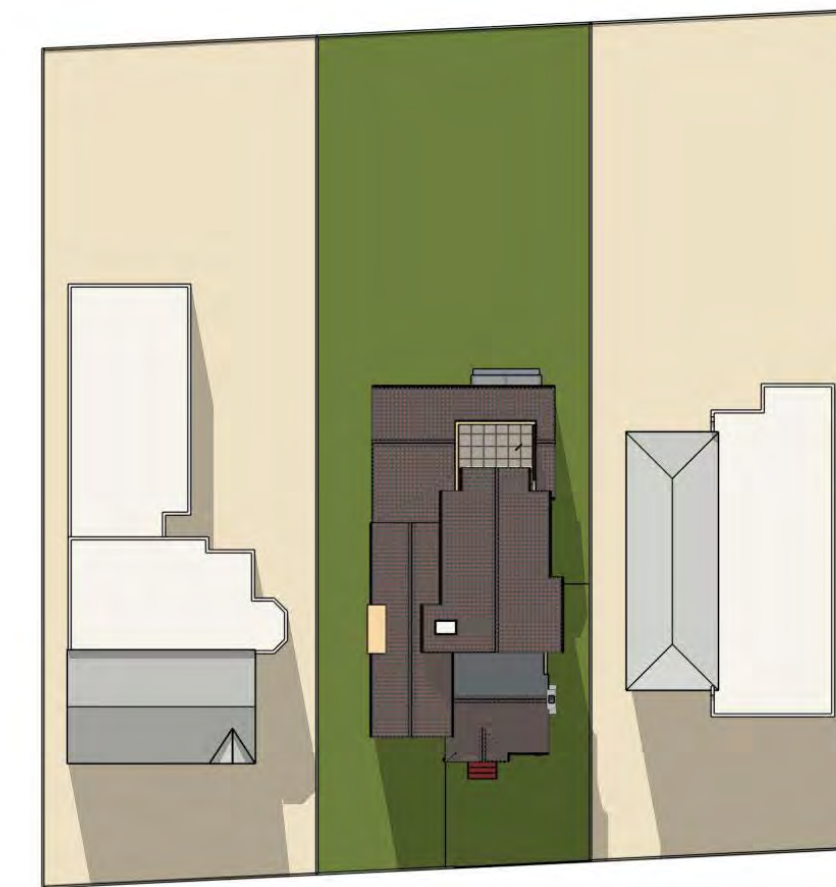


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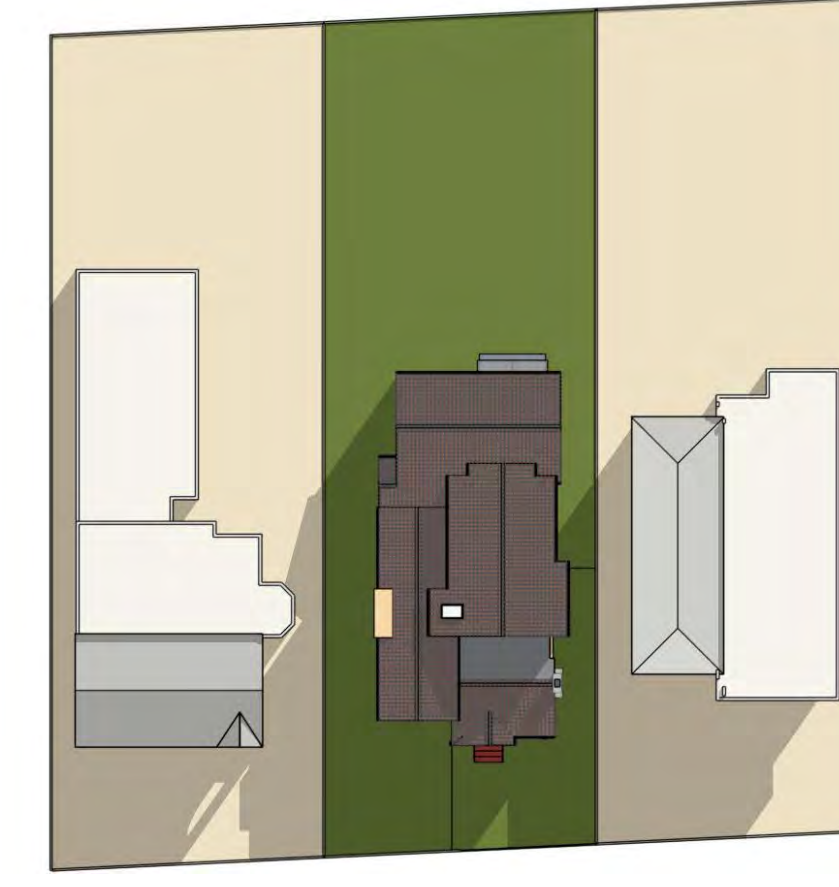


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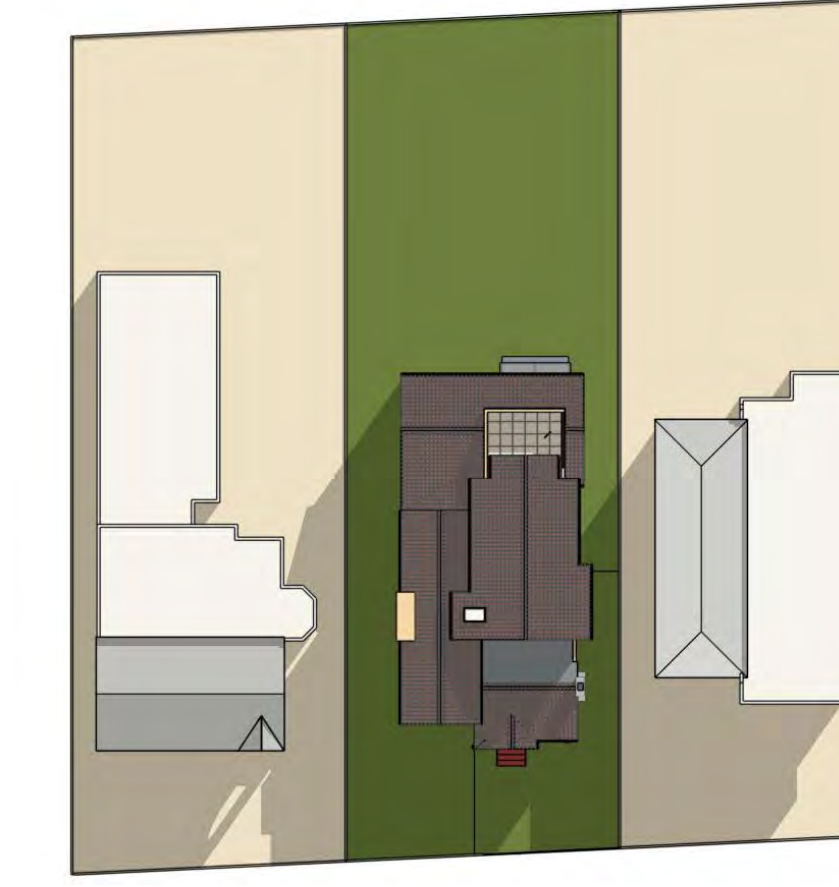


Proposed Modification



Approved Project

12-21-2020 / 2:54 pm



Proposed Modification



Sheet  
**A4.1**



Shadow Accuracy Simulation  
 6-09-2020 / 4:00 pm



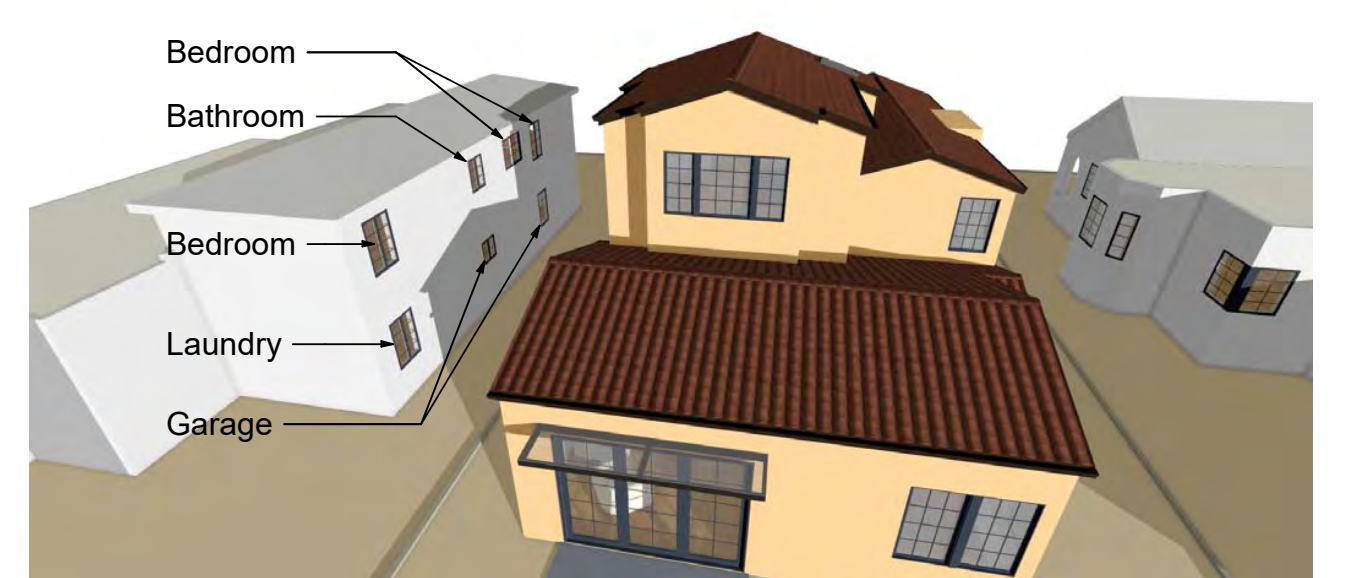
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Proposed  
 6-21-2020 / 7:47 am



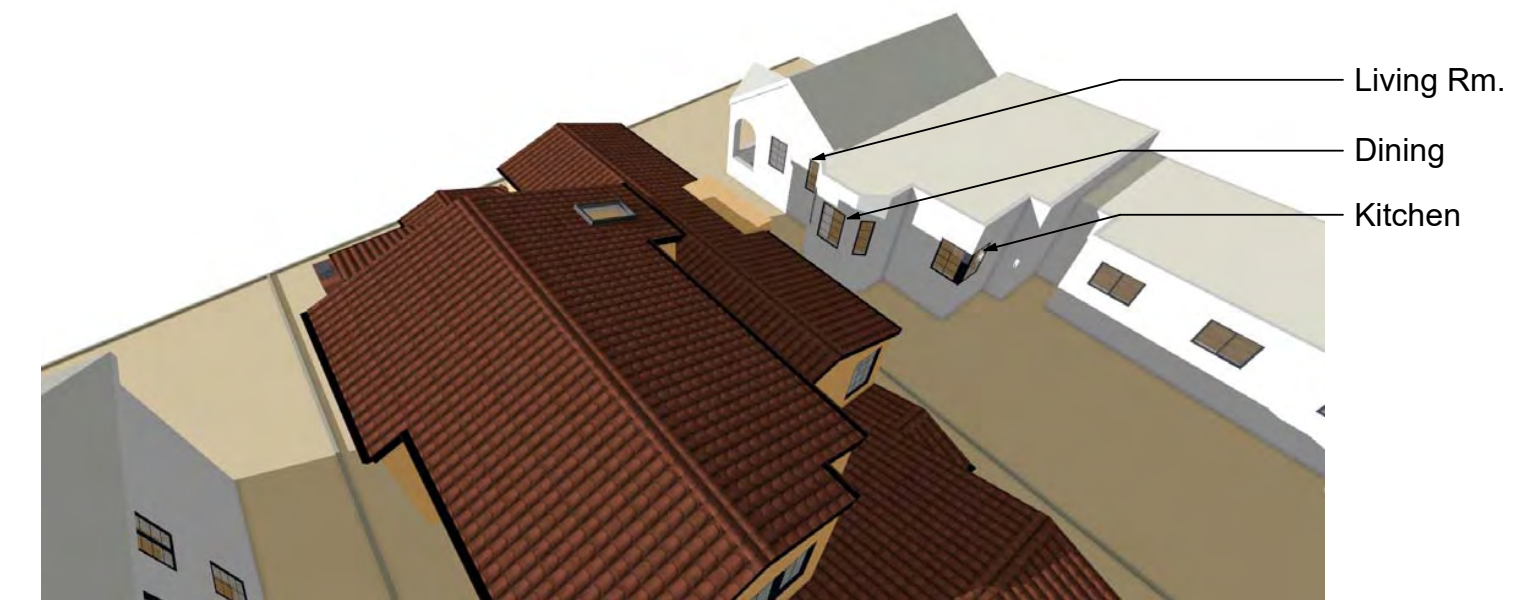
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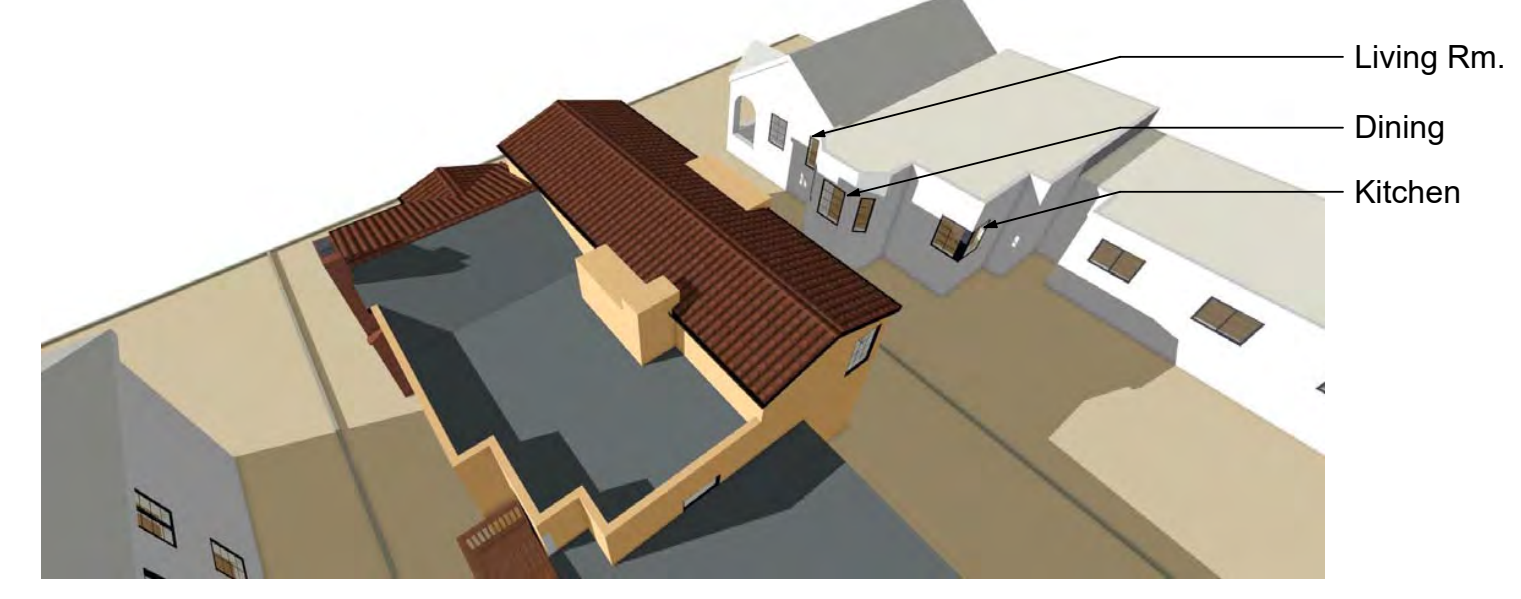
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Existing  
 12-21-2020 / 9:21 am



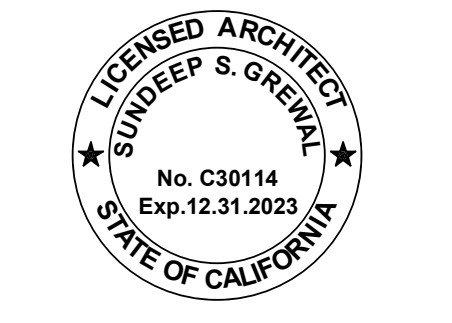
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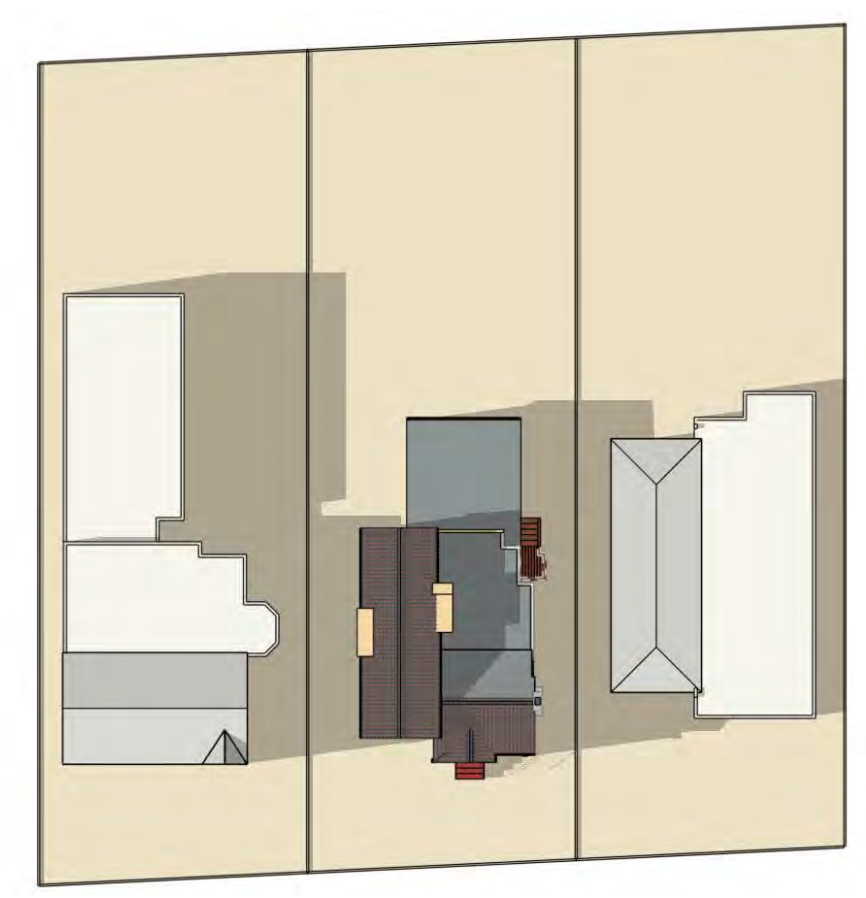
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 6-21-2020 / 6:35 pm



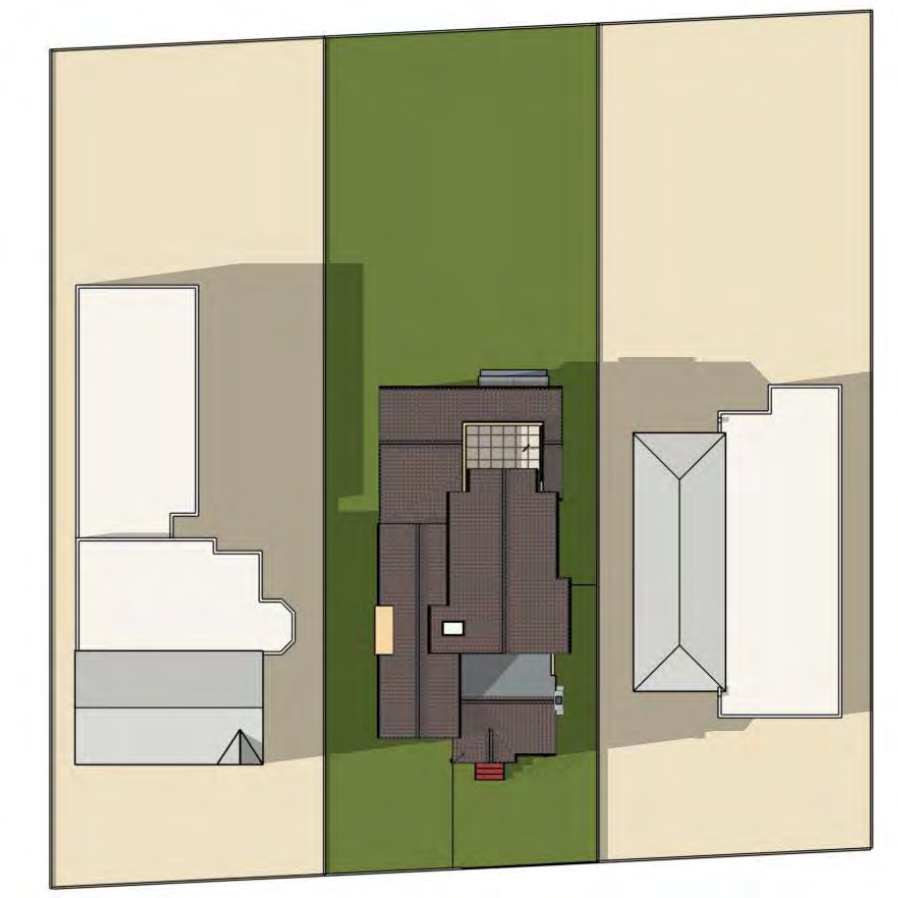
2223 Fifth St.  
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**MILLER RESIDENCE  
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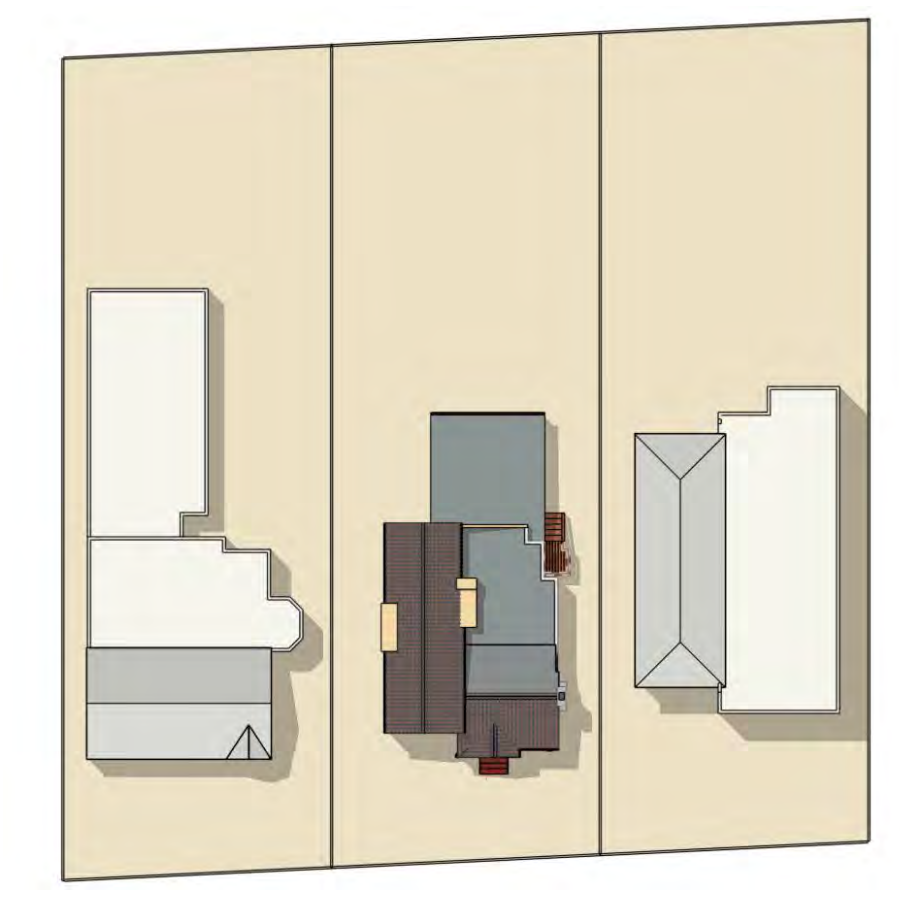


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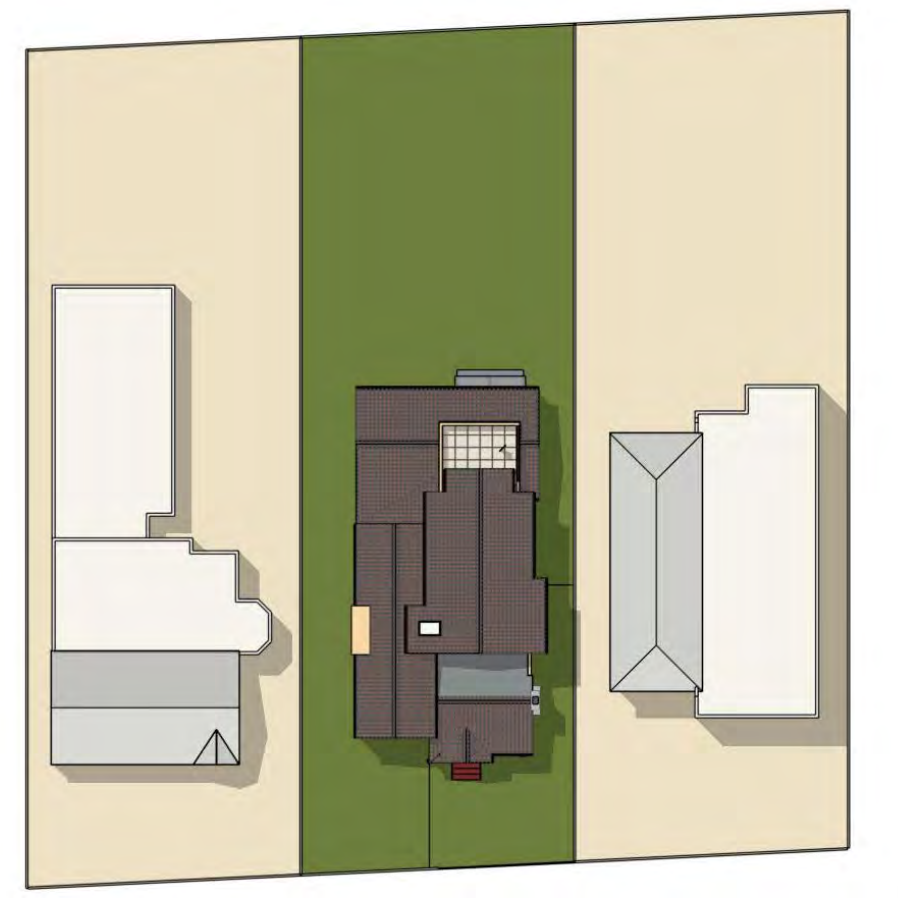


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6-21-2020 / 7:47 am  
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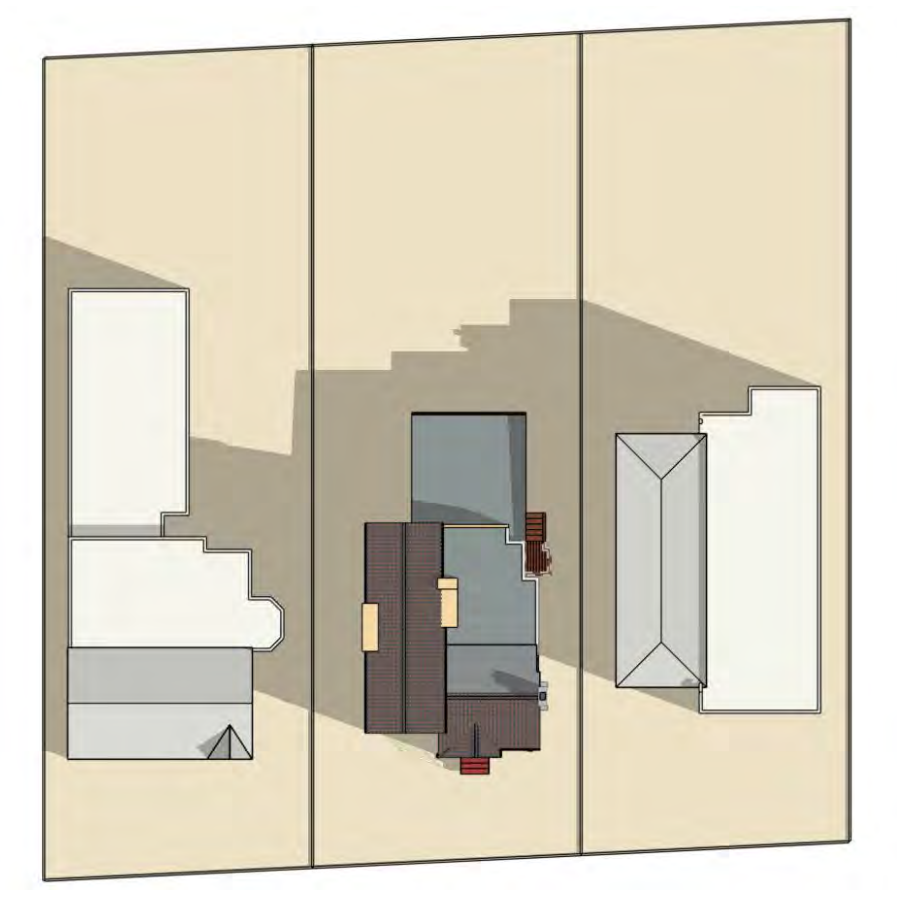


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Proposed Modification

6-21-2020 / 12:00 pm

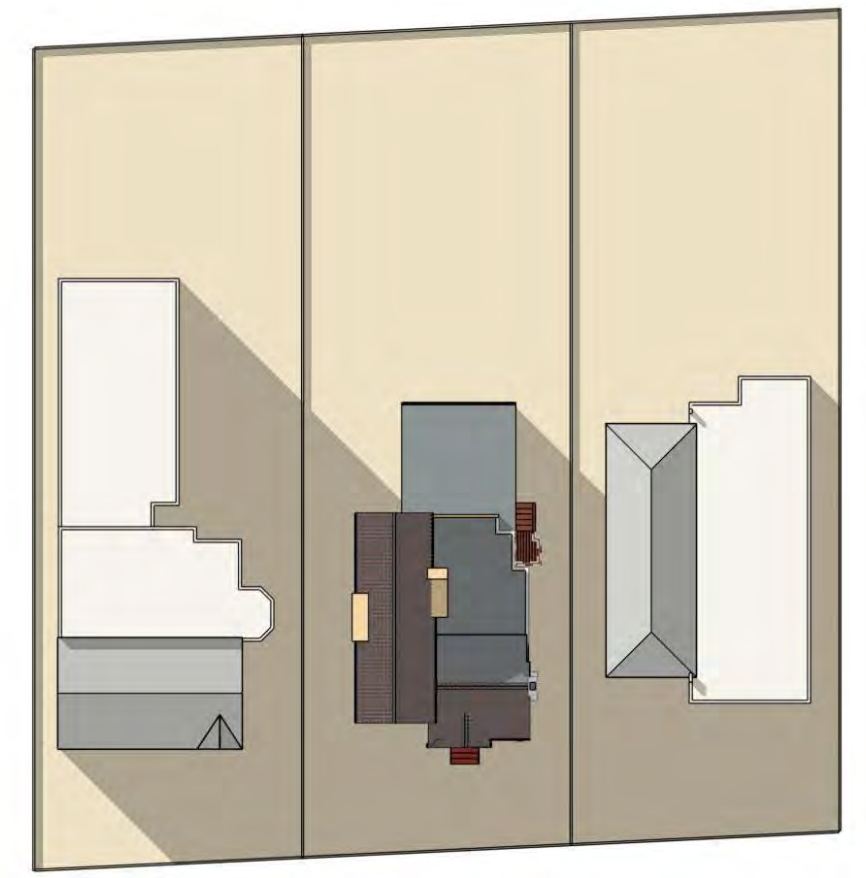


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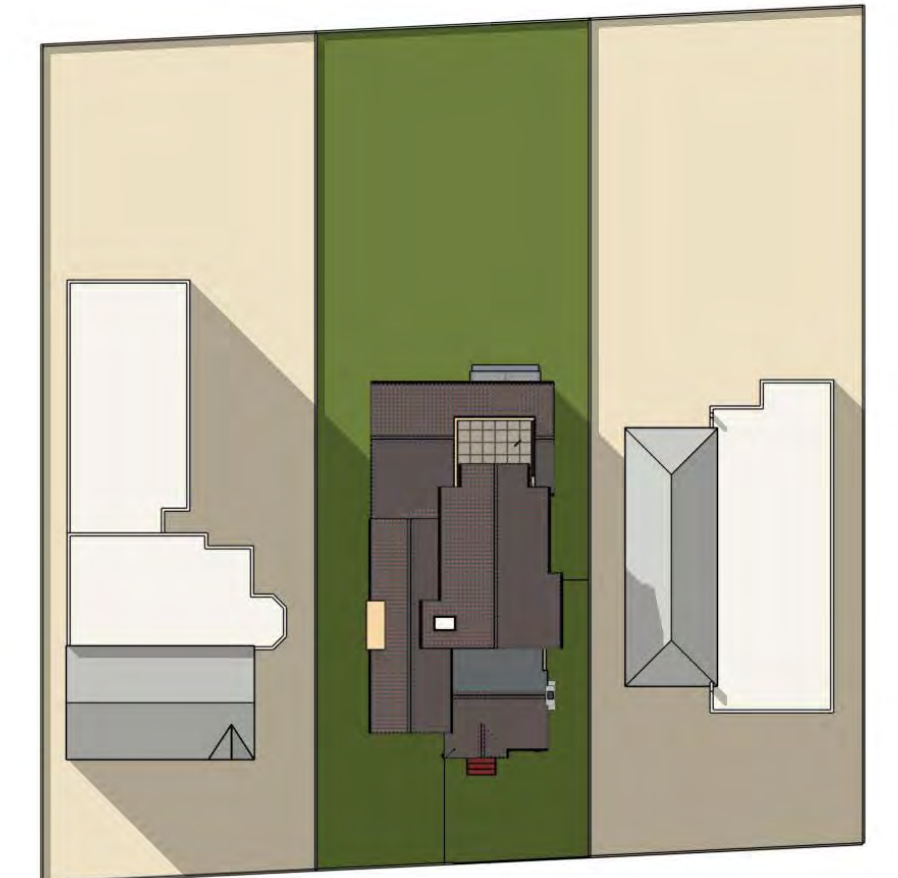


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6-21-2020 / 6:35 pm  
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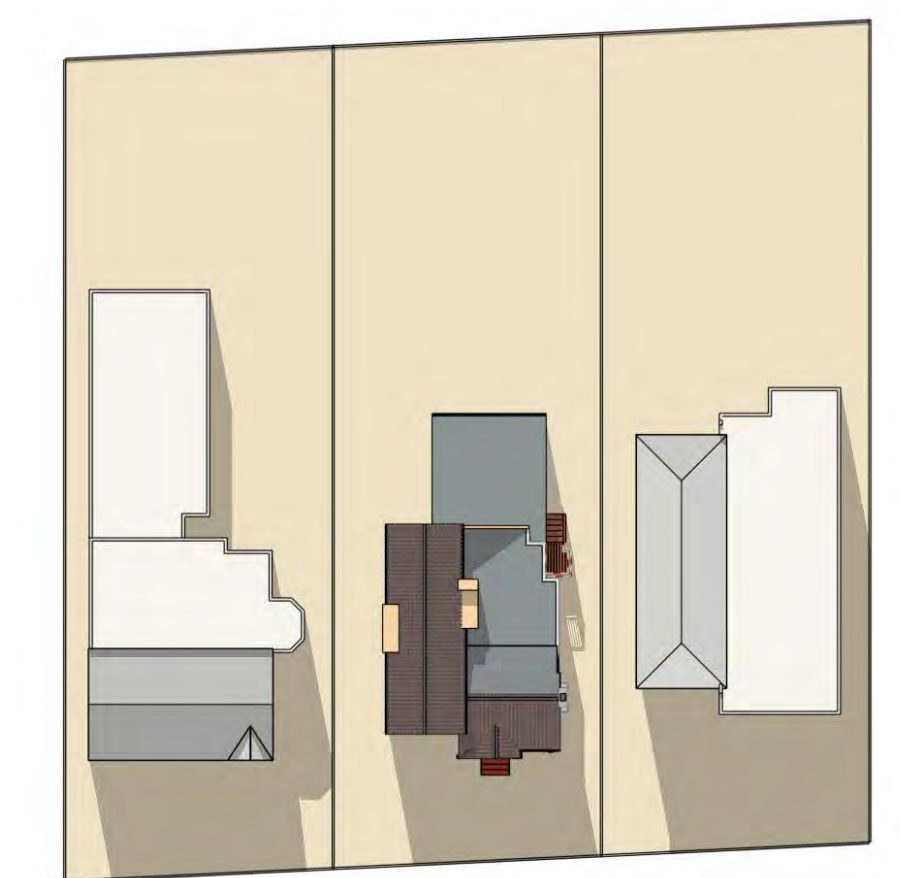


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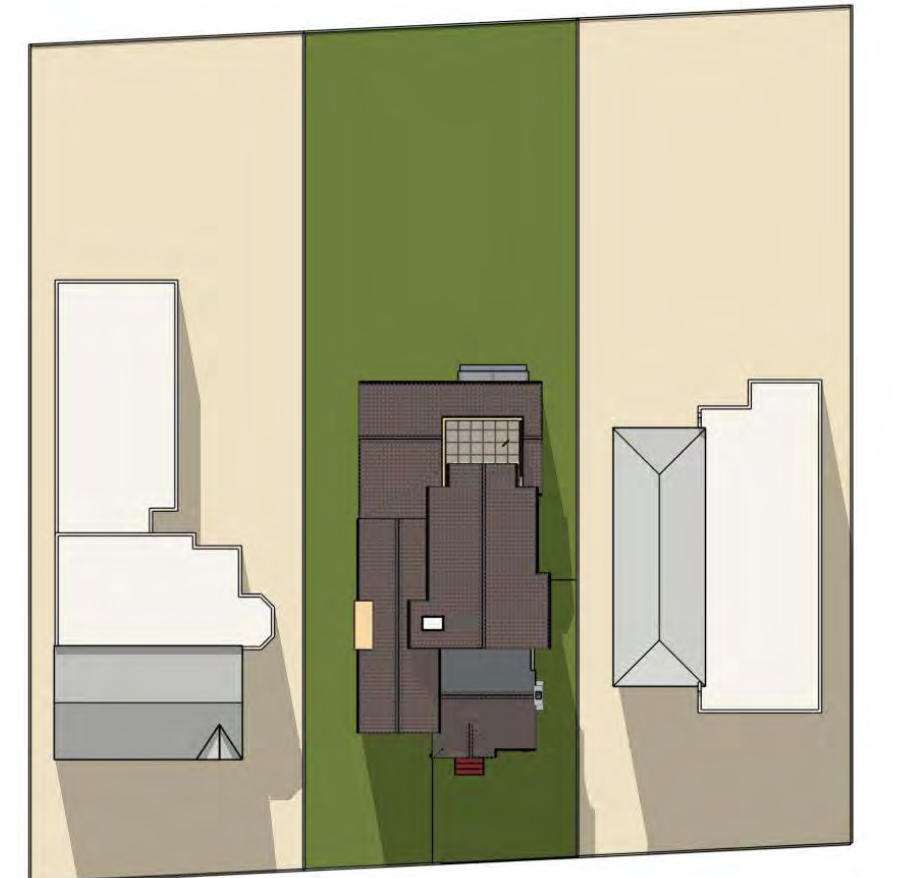


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12-21-2020 / 9:21 am  
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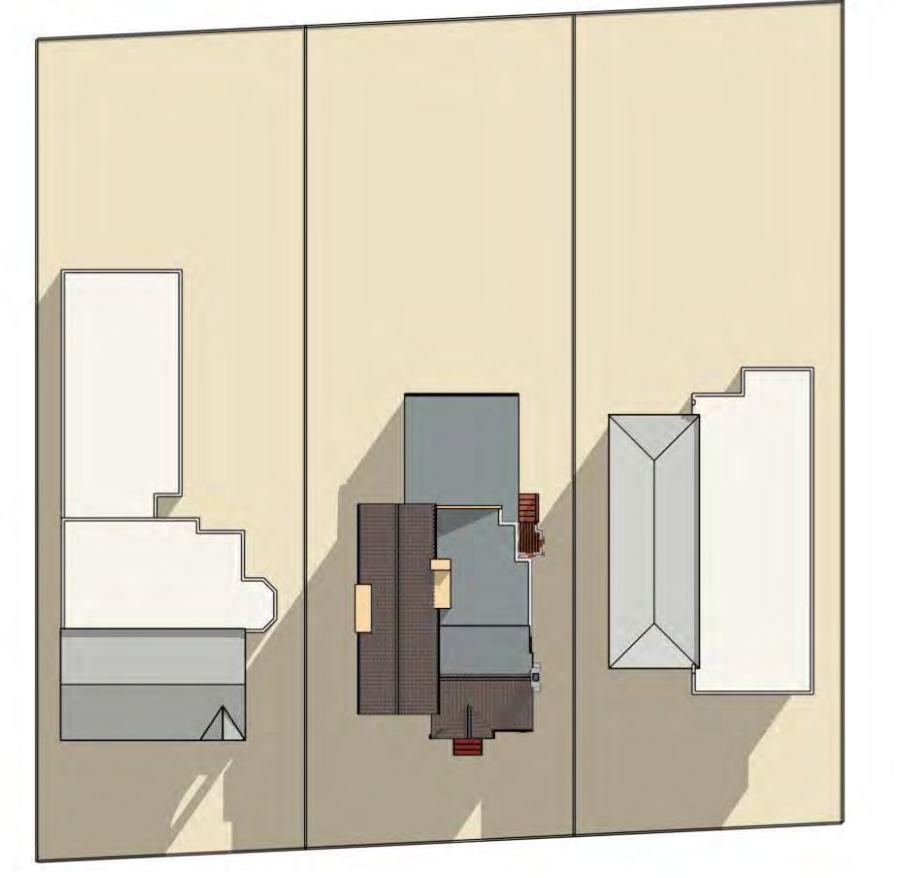


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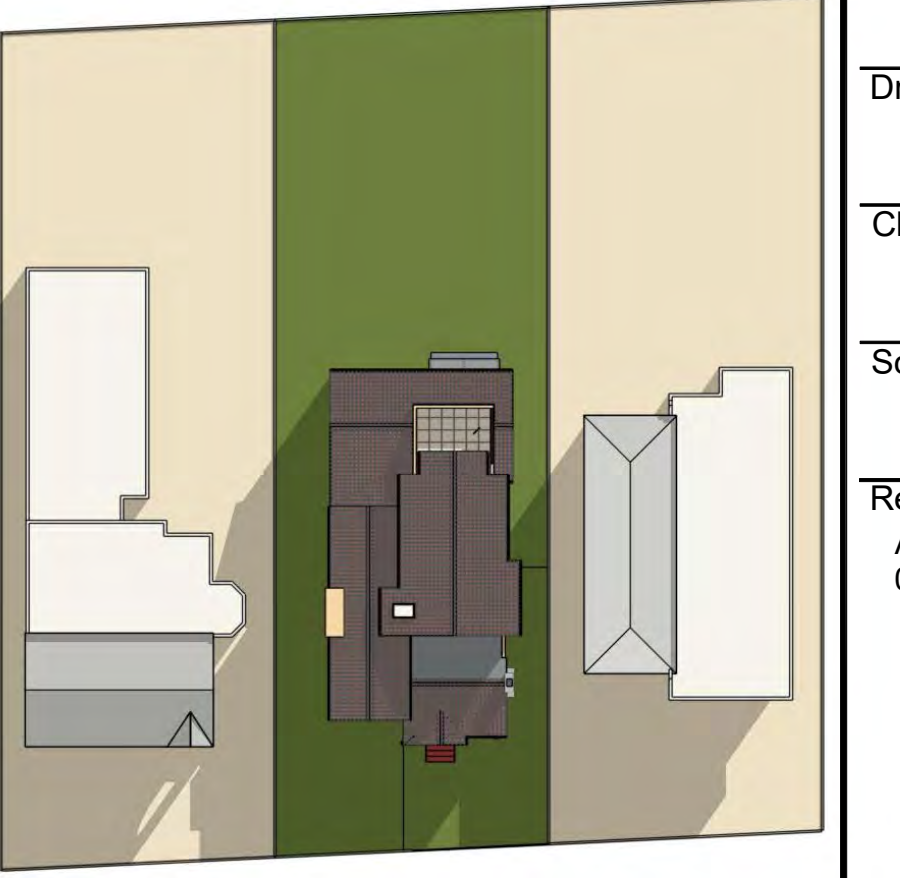


Proposed Modification

12-21-2020 / 12:00 pm



Existing



Proposed Modification

12-21-2020 / 2:54 pm

Sheet Contents:  
 Original Approved AUP  
 Shadows Studies

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Project No:  
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Checked By:  
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Scale:  
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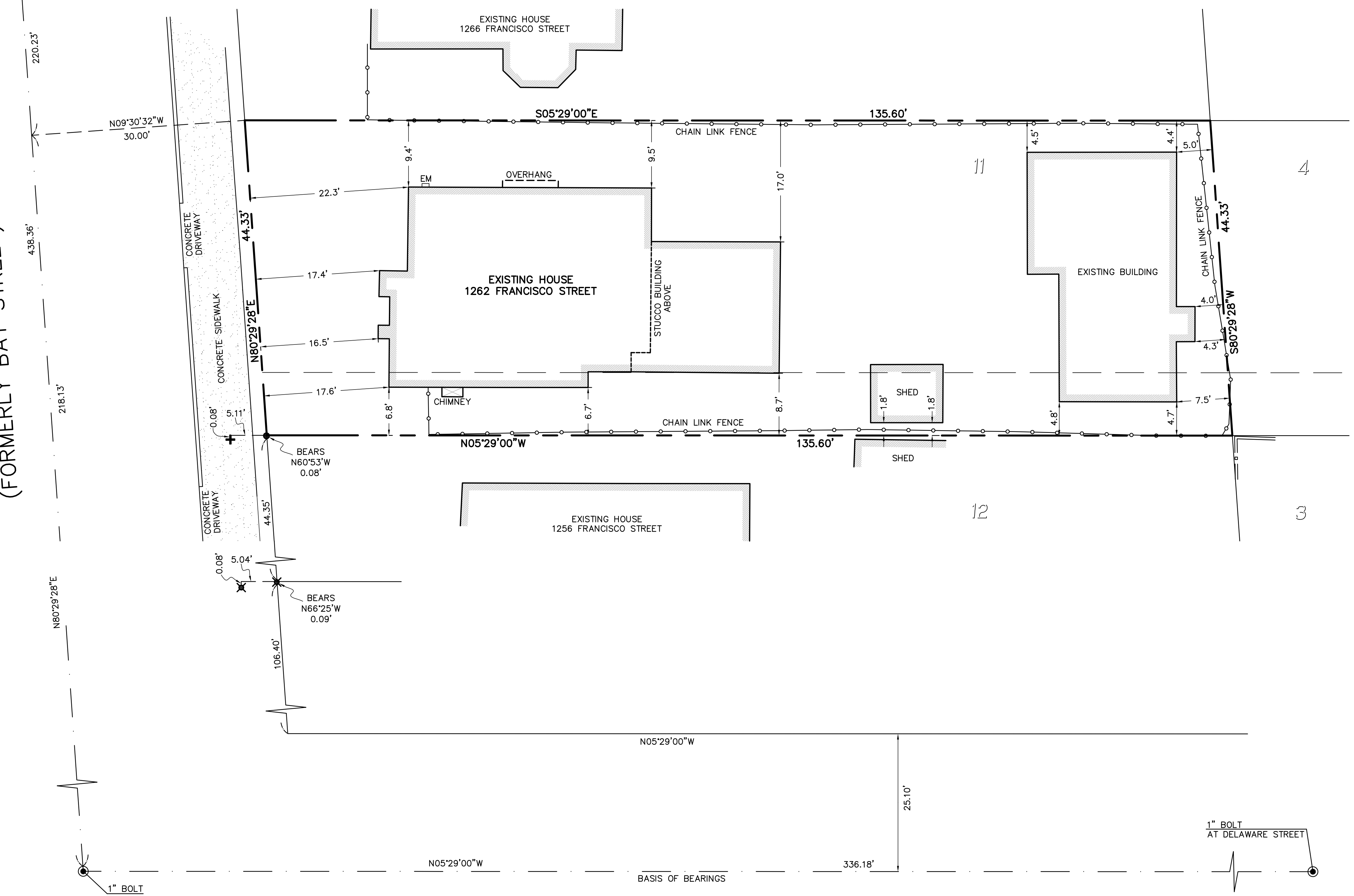
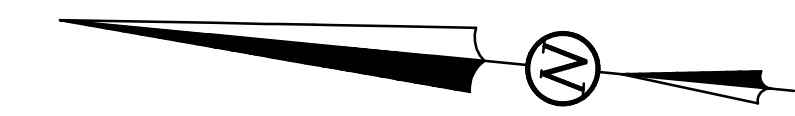
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 07-21-2022

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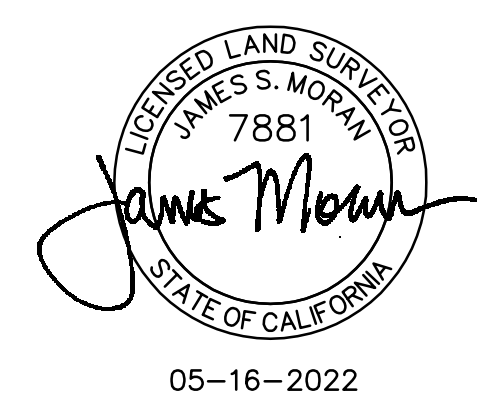
FRANCISCO STREET (50' WIDE)  
 (FORMERLY BAY STREET)

N09°30'32"W  
 5.00'  
 2" BRASS DISC WITH PUNCH  
 AT WEST STREET



- LEGEND**
- EM ELECTRIC METER
  - [Solid line] BUILDING LINE
  - [Dashed line] CONCRETE
  - [Dotted line] CHAIN LINK FENCE
  - [Circle with dot] FOUND MONUMENT IN WELL, AS NOTED
  - [Cross] FOUND CROSS PER RECORD OF SURVEY
  - [Cross with dot] IN PROGRESS, BEING PREPARED BY BATES AND BAILEY
  - [Cross with X] FOUND 3/4" TAG, LS 6745 PER RECORD OF SURVEY
  - [Cross with X and dot] IN PROGRESS, BEING PREPARED BY BATES AND BAILEY
  - [Circle with dot and X] FOUND 5/8" REBAR WITH PLASTIC CAP, LS 6745 PER RECORD OF SURVEY IN PROGRESS, BEING PREPARED BY BATES AND BAILEY

**GENERAL NOTES:**  
 DIMENSIONS ARE IN FEET AND DECIMAL FEET.  
 DIMENSIONS SHOWN FROM BUILDINGS TO PROPERTY LINES ARE MEASURED AT BUILDING CORNERS FROM THE EXTERIOR BUILDING FACE PERPENDICULAR TO THE PROPERTY LINE.  
 NO TITLE REPORT PROVIDED, EASEMENTS MAY EXIST.  
 ASSESSOR'S PARCEL NUMBER: 058-2135-003  
 PROPERTY AREA = 5,996± SQUARE FEET  
 DATE OF FIELD SURVEY: APRIL 20, 2022  
**BASIS OF BEARINGS:**  
 THE MONUMENT LINE IN CHESTNUT STREET WAS TAKEN AS NORTH 05°29'00" WEST AS SHOWN ON CORNER RECORD 7911 (75 CR 74).



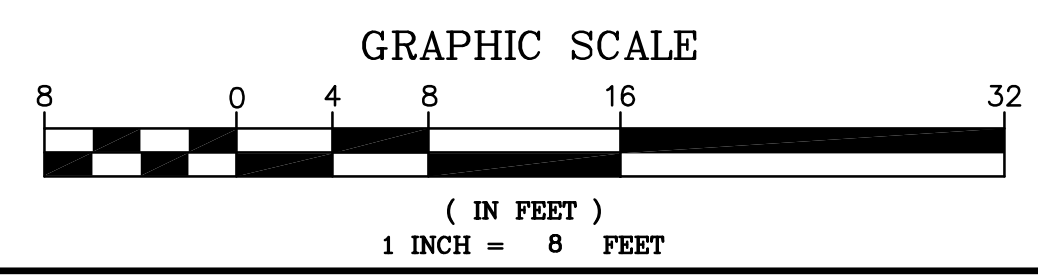
**HOUSE LOCATION SURVEY**  
 A PORTION OF LOTS 11 AND 12, BLOCK 6,  
 MAP OF THE CURTIS TRACT (6 M 5)  
 LOCATED AT 1262 FRANCISCO STREET  
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MAY 16, 2022 SCALE: 1" = 8'

**MORAN ENGINEERING, INC.**  
 CIVIL ENGINEERS \ LAND SURVEYORS  
 1930 SHATTUCK AVENUE, SUITE A  
 BERKELEY, CALIFORNIA 94704  
 (510) 848-1930

F.B. NO. 1889 FRANCISCO-HL.DWG JOB NO. 22-10930

CHESTNUT STREET (60' WIDE)



1" BOLT

1" BOLT  
 AT DELAWARE STREET

## Appeal Letter #1

1

Appeal of AUP Modification #ZP2021-0006 at 1262 Francisco Street  
Objections from Aimee Baldwin, resident and co-owner of adjacent  
property at 1256 Francisco Street

August 4, 2022

As the resident and co-owner of 1256 Francisco St., the house immediately adjacent (to the west, sharing a property line) to the subject property of AUP #ZP2021-0006, I object to the details of this AUP, and wish to appeal its design. I have the following objections:

1. Roof Deck creates a privacy detriment to my entire yard.
2. Roof Deck creates a noise detriment next to my bedroom (capacity for 18 people).
3. Roof Deck privacy screen creates a view detriment to my bedroom (it eliminates my view of the sky and Berkeley Hills).
4. Roof Deck privacy screen creates a light detriment to my bedroom (possibly mitigated with translucent obscuring glass).
5. Roof Deck privacy screen design needs to be legally enforceable for me to accept reliance upon it for privacy (there is major privacy invasion without privacy wall, and I distrust the applicant and architect).
6. Roof Deck is out of scale for the neighborhood. Other single-family homes with usable backyards do not have 100+ square foot roof decks immediately outside neighbors' bedrooms. Most balconies are less than 4 feet deep, often only 6-8 feet wide, and placed more respectfully to adjacent neighbors.
7. Windows of the second-story master bath and closet create a privacy detriment to two of my bedrooms: I request non-opening fixed windows, with obscuring glass.

I do not object to my neighbor having a roof deck: I object to this particular roof deck design and placement. Mr Miller presented me with the now approved house additions and remodel in AUP #ZP2020-0122 in October 2020. Major factors in my signed full approval of that design were that it maintained some privacy/tranquility in the back of my house and yard, left unobstructed one last eastern upstairs window, and Mr Miller's own assurance at the time that he had decided against a roof deck. Now this AUP Modification, this roof deck as it is currently designed, eliminates those factors.

As an alternative to this roof deck submitted in AUP #ZP2021-0006, I have designed a different roof deck, which I think would meet my neighbor's needs, and which I would approve immediately. Trying to discuss design solutions with my neighbor to mitigate the above described detriments has been made extremely difficult by the following factors:

- My neighbor Mr. Miller has repeatedly refused to discuss design solutions to mitigate these detriments.
- His architect Sunny Grewal has made numerous misrepresentations on the application: regarding neighbor consent (my own personal consent); inaccuracies in the plans including property relations/sizes, window sizes, shadowing studies, and the tabulation table; including his fabrication of the property line; and months of subsequent refusal to correct these misrepresentations.
- Any further ability to trust my neighbor has been precluded by his misrepresentation, in email to the Planning Department, the terms of our signed agreement reached in professional mediation in April 2021.

Please view the document "2022-06-17\_Neighbor Objections - Baldwin\_1262 Francisco.pdf", on the the City of Berkeley Zoning Applications Attachments page for AUP#ZP2021-0006 (posted June 28, 2022), which describes: the details of my objections to the initial AUP submission; the failure of subsequent design changes to address the detriments which I will experience as the immediately adjoining neighbor; the basis for my distrust of the applicant and architect; and my proposed solutions, including alternate roof deck designs, to address the detriments.

Signed,



Aimee Baldwin, resident and owner of 1256 Francisco St.

PLN 22-0074

Received

AUG 23 2022

Land Use Planning

Appeal Letter #2

**Appeal for AUP #ZP2021-0006, 1262 Francisco Street****John Vinopal, resident 1256 Francisco Street.**

As a non-owner resident of 1256 Francisco Street, I wish to appeal the approval of AUP Modification #ZP2021-0006. The design creates a clear detriment to 1256 Francisco and violates the agreed upon signlines and privacy established in AUP #ZP2020-0122. But more concerning are the Applicants' repeated misrepresentations: in the AUP signed under penalty of perjury, in personal email, and in email to the City of Berkeley Planning Department.

I believe if the architect Mr Sunny Grewal had followed standard City process, this AUP modification would have been less contentious and destructive to the long-standing amicable relationship with my neighbor Jonathan Miller. Jonathan has been my neighbor for 8 years, and my spouse Aimee's neighbor for 20 years. I've watered his tomatoes when he was on vacation. He has watched our house when we were on vacation. When Alameda County released us from mandatory lockdown in early 2021 I gave him a (socially distanced) celebratory margarita over the fence. He borrowed yard tools for a birthday gathering. Now we're more than 18 months, and 3 different Project Planners, into an intractable situation.

The architect Mr Grewal set us all up to fail. He failed to ensure that the neighbors were notified of the project. He misrepresented the neighbors' support. He mistated our property line. He designed an intensely invasive roof deck with zero privacy mitigations. He misdrafted the relationship of the two houses. None of these things were done by our neighbor Jonathan. Due to Mr Grewal's actions, all of us were put into an impossible position. Aimee and I reacted poorly to being blindsided by a filed AUP for a deck that looked directly into our bedroom, which misrepresented her consent, and which was rife with errors. Jonathan reacted poorly to a perceived threat and delay to his project.

Everyone brings their past trauma to a crisis: Aimee's is that she is a sexual assault survivor; mine is a broken home with parental violence; as neighbors we know that Jonathan had a grief-filled year. Certainly 2020 was extremely challenging for everyone. No one was at their best after a year of lockdown, with children at home, all routines upended, support structures undermined, a long dark covid winter following the long dark smoke-filled summer of 2020. But this does not excuse or explain the failures of a licensed architect who has practiced in Berkeley for 18 years. Mr Grewal knew how to do this AUP modification properly and chose not to.

The following are documented facts explaining how and why this AUP modification went so poorly.

- This AUP Modification updates a previously approved AUP #ZP2020-0122.
  - Mr Miller brought us the original AUP in October 2020.
  - Mr Miller told us then that he had considered but decided against a roof deck.
  - My spouse Aimee, the property owner, signed off on the original AUP.



- Applicants submitted this AUP Modification in early January 2021.
  - We talked with Mr Miller through the fence numerous times during the period. The deck was never mentioned.
  - Mr Miller has our email, phone, and was familiar with the process of showing designs as he had just done in October 2020.
  - Our first notice was at the end of February with a yellow card from the City.
  - For better or worse, this made us feel like we were getting a bait and switch.
- Mr Miller denied ever telling us that he was not building a deck.
  - *"In reference to the proposed roof deck, your claim that you "were told this project wouldn't exist" is simply false and unsubstantiated."* – Mr Miller, email 2021-03-03
  - Later in person, he said that while he had said that in October 2020, he had simply changed his mind.
- The original submitted deck design was large and contained no privacy mitigations.
  - The design was a 270 sqft deck at 13' base elevation and 13' from our house.
  - It had direct lines of sight down into our bedroom, bathroom, kitchen, and backyard.
- We found the following false claim in the AUP applicants statement:
  - *"The proposed project has support from the adjoining neighbors."* – AUP Item J
  - No "adjoining neighbors" had been notified: I asked the other neighbors and none said they had been notified.
  - Applicants have never explained or clarified this statement.
  - Aimee found this misrepresentation of her consent offensive, particularly coupled with the invasive nature of the roof deck design. Simply put, men who lie cannot be trusted.
- We found that the AUP plans contained numerous inaccuracies:
  - Sizes and positions of the two houses off by several feet.
  - Window sizes and placements on 1256 off by more than a foot.
  - Shadow studies inconsistent.
- We found that the AUP plans placed the property line 8" on our side of the shared fence.
  - The property line was calculated such that 1262 is set back exactly 7'.
  - The new second-floor addition adds 2', making the setback exactly 5'.
  - This is precisely 1' greater than than the required 4' R2 Zoning setback.
  - See original tabulation table.
- Faced with these problems, which were beyond our ability to deal with in a backyard conversation, we asked for mediation. This was 2 weeks since we had received notice of the AUP modification.
- Mr Miller reacted with hostility, writing:
  - *"Listen, I could be a total a-hole and cram my modified AUP down your throats, just to spite you, but that's not who I am. I consulted with one of my best friends, whose high school buddy is the chair of the Berkeley ZAB, and given our situation, she assured him that, while you could delay my construction, you would lose any type of eventual challenge to #ZP2021-0006, as it satisfies all of the zoning restrictions and requirements with margin. Also, it's already been approved, awaiting the appeals period. This is why I know that this new modified, modified AUP, which you helped convince me to explore, and which I like better anyway, will definitely have no problem passing muster and*

resisting any sort of opposition. I know this isn't what you want to hear, but trust me that this latest iteration is an excellent compromise that I'm confident you'll be cool with." – Mr Miller, email 2021-03-12

- "I expect you to pay the fee for said mediation" – Mr Miller, email 2021-03-14
- Rather than talking to us in mediation first, the Applicants submitted their second design two weeks before the scheduled mediation session (2021-03-26).
  - (There have been 3 different designs submitted to Planning.)
- SEEDS Mediation yielded a 4 part agreement, agreed to by all participants on 2021-04-17.
  1. *John and Aimee will refrain from accusing others of dishonesty or subterfuge and give Jonathan the benefit of the doubt.*
  2. *Jonathan will refrain from being reactive and keep his tone even.*
  3. *The plans need to reflect more accuracy. Sunny will re-measure and re-draw the plans. John and Aimee will review the revised plans and then decide how to go forward. A surveyor may have to be hired.*
  4. *They will all work together to determine sight-lines, and possibly do a series of story-poles.*
- Unfortunately, following mediation, the architect Mr Grewal maintained his claim about the property line which he backed up with curious math.
  - *"I measured 9'-1" and 9'-2" (two separate locations) from Jonathan's house to the fence on the left hand side. I measured 6'-4" and 6'-6" (two separate locations) from Jonathan's house to the fence on the right hand side (your side)."*
  - *From past experience, I know that fences are typically not precisely aligned with property lines. Therefore, I interpolated the above dimension to 9'-0" on the left side and 7'-0" on the right side."*
  - *"We know the width of the existing house is 28'-4" (based on my measurements) and the property width is 44.3' per the Alameda County Assessor's parcel map. The above leads to a 7'-3" dimension from Jonathan's house to the property line between his and your house. That's 3" more than what was originally shown."*
  - *"It appears that the fence is approximately 9" on Jonathan's side of the property line. The proposed addition setbacks are 6'-3" at the first floor (originally shown as 6'-0") and 5'-3" at the bathroom popout (originally shown as 5'-0"). The proposed project is well within the City of Berkeley's required minimum side yard setback of 4'-0" for projects of this nature."*
  - *"This is all based on my field measurements and not a boundary survey prepared by a licensed surveyor. A licensed survey is only required for new construction and any additions that are to be built within a specific proximity to property lines."*
  - – Mr Grewal, email 2021-04-28
- I asked why this method of rounding was used, as I am an engineer by trade.
  - *"Thanks for the numbers, but I'm not sure I follow your math. First, the width of the house (28'4") + interpolated left setback (9') + interpolated right setback (7'3") = 44'7" which is greater than the width of the lot. The second problem is that you're making a seemingly arbitrary choice to round DOWN the left setback and round UP the right setback. Can you explain your reasoning more fully?"*
  - *"In the enclosed photo I present two other interpolations. **Devil's Advocate** rounds UP the left setback and finds the left setback to be 9'8" and the right setback to be 6'4". **Even Steven** splits the difference evenly between the two setbacks and finds the left*

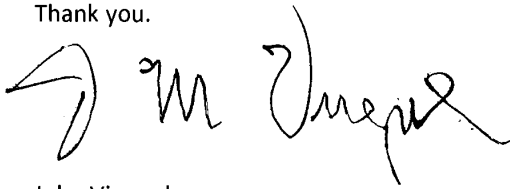
*setback to be 9'4.5" and the right setback to be 6'7.5". Can you please explain why your choice of interpolation is superior to either of these interpolations?"*

- – Me, email 2021-04-28
- Mr Grewal never responded.
- To determine if the rounding-off of measurements was common architectural practice, I examined 50 recent residential AUP submissions.
  - Zero AUPs round to the foot when changing the footprint as does this AUP.
  - 24% measure to the foot on one side, but do not change footprint.
    - (This is often 4', ie: built to the setback on one side.)
  - 4% measure to the foot on 2 sides, but do not change footprint.
  - 12% measure to the foot on 4 sides, but do not change footprint.
    - (This is generally larger lots in the hills.)
- Mr Miller told us that he was going to get a property survey as part of his ADU project.
  - *"One of the benefits to you is that I'll have to produce a professional survey of the property prior to construction, the results of which I'll be happy to share with you as well."* – Mr Miller, email 2021-05-05
  - Mr Miller may have misunderstood a survey vs the ADU staking diagram, but in the event no survey was done. This was communicated to us in early September 2021.
  - In October 2021, we paid \$3915 for our own property survey.
    - This survey found that the fence was in general alignment with the property line.
  - The Zoning Officer may have subsequently required Applicants to obtain their own property survey. The Planning Department has declined to make known any communications to the Applicants on this topic.
- A month later, Mr Miller chose to misrepresent the terms of our mediation agreement in an email to the Planning Department.
  - *"John, Aimee, Sunny and myself did participate in mediation through SEEDS and were able to arrive at a mutually acceptable compromise, including a balcony which is significantly smaller than the initially proposed deck, along with a permanently installed privacy screen on the West side of the balcony facing their property."* – Mr Miller, email 2021-11-13
  - We complained about this misrepresentation to the Planning Department.
- Mr Miller later characterized his statement as "aspirational".
  - *"I can see how that may have sounded aspirational, but I really did feel better after that 3-hour session and it seemed that we'd settled on a balcony with a privacy screen?"* – Mr Miller, email 2022-01-28.
- Even in this current 3<sup>rd</sup> submitted design, with a property survey in hand, Mr Grewal continues to misrepresent the property line.
  - Applicant's survey clearly shows the minimum right-side setback is 6.7' – this is 6'-8.4".
    - Yet Mr Grewal enters 6'-9.5" for the existing right-side setback.
    - How can any of Mr Grewal's measurements, entries, or calculations be trusted?
  - Additionally the shadow studies still show the shadows of 1256 Francisco varying.
    - Lacking consistency, how can any of the shadow studies be trusted?

The Planning Department is supposed to apply Objective Standards to Facts. When Applicants choose to misrepresent facts, this prevents the Planning Department from doing their job. The seriousness of misrepresentation is why AUPs are signed under penalty of perjury. I understand that the Planning Department does not want to adjudicate applicant's veracity. But if not them, then who keeps the system honest?

I filed a formal complaint against Mr Grewal with the California Architects Board and their finding is that this is a local matter and needs to be dealt with locally. I am asking the ZAB to take whatever steps they are able in order to discipline this architect and help keep the system honest.

Thank you.



2022-08-23

John Vinopal

Resident, 1256 Francisco.

john.vinopal@gmail.com



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

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## NOTICE OF PUBLIC HEARING

### 1262 Francisco Street

**Administrative Use Permit #ZP2021-0006**

**Modification of Administrative Use Permit #ZP2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.**

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.406.040.D, on October 13, 2022, conducted via Zoom, see the Agenda for details at:

[https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-10\\_13\\_ZAB\\_Agenda.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-10_13_ZAB_Agenda.pdf). The meeting starts at 7:00 p.m.

**PUBLIC ADVISORY:** This meeting will be conducted exclusively through videoconference and teleconference. Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

**A. Land Use Designations:**

- General Plan: Low Medium Density Residential (LMD)
- Zoning: Restricted Two-Family Residential District (R-2)

**B. Zoning Permits Required:**

- Administrative Use Permit for an addition greater than 14 feet in height, under BMC Section 23.202.080(D).

**C. CEQA Recommendation:** Categorically exempt pursuant to Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines. The determination is made by ZAB.

**D. Parties Involved:**

- Appellants: Aimee Baldwin and John Vinopal, 1256 Francisco, Berkeley
- Applicant: Sunny Grewal (Architect), Oakland
- Property Owner: Jonathan Miller, 1262 Francisco, Berkeley

**Further Information:**

All application materials are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days

1262 FRANCISCO STREET  
Page 2 of 3

NOTICE OF PUBLIC HEARING  
Posted SEPTEMBER 29, 2022

prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Katrina Lapira, at (510) 981-7488 or [klapira@cityofberkeley.info](mailto:klapira@cityofberkeley.info).

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

#### **Communication Disclaimer:**

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

#### **Communications and Reports:**

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info). All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

**Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board.** Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.

It will not be possible to submit written comments at the meeting.



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

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

**SB 343 Disclaimer:**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@cityofberkeley.info) to request hard-copies or electronic copies.

**Notice Concerning Your Legal Rights:**

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

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

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

THE PROJECT BEING APPEALED TONIGHT IS THE ZONING OFFICER'S DECISION TO APPROVE A USE PERMIT WHICH MODIFIES A PREVIOUSLY APPROVED AP BY ADDING TO THE FIRST AND SECOND FLOOR.

THE SUBJECT PROJECT IS LOCATED AT 1262 FRANCISCO STREET.

IT IS LOCATED BETWEEN WEBSTER AND CHESTNUT IN NORTH BERKELEY TWO BLOCKS EAST OF SAN PABLO.

IT IS ZONED AS THE APPELLANT'S PROPERTY AT 1256 FRANCISCO.

THE SUBJECT APPEALS MODIFICATIONS PREVIOUSLY APPROVED AP.

THE ORIGINAL AP WAS FOR A TWO-STOREY MAJOR RESIDENTIAL ADDITION CREATED 4 FEET IN AVERAGE HEIGHT.

THE MODIFIED AUP ADDED 40 SQUARE FEET TO THE FIRST FLOOR OF THE DWELLING ALONG THE EASTERN PROPERTY LINE AND ADDED A BALCONY OFF THE PRIMARY BEDROOM OFF THE SECOND FLOOR.

THE ISSUES RAISED BY THE APPELLANT ARE ON THE BALCONY.

ONLY THE APPEAL POINTS THAT ARE WITHIN ZAB'S PURVIEW ARE DISCUSSED IN THE STAFF REPORT AS WELL AS IN THIS RECOMMENDATION.

THREE MAIN ISSUES RAISED BY THE APPELLANT'S CONCERN THE POTENTIAL NEGATIVE IMPACTS ON VIEWS, NOISE AND PRIVACY.

STAFF FOUND THAT THE PROPOSED MODIFICATIONS WOULD NOT OBSTRUCT SIGNIFICANT VIEWERS.

THE SUBJECT AREA IS GENERALLY FLAT THAT OBSCURE MOST VIEWS THAT MAY BE AVAILABLE WHERE OTHER VIEWS ARE FOUND IN THE ZONING CODE.

FURTHER, DURING A SIGHT VISIT ON THE PROPERTIES, STAFF OBSERVED THAT THE VIEWS FROM 1256 FRANCISCO LOOKING EASTWARD WERE NOT



SIGNIFICANT.

ACTIVITY ON THE PRO -- THE BALCONY COMPLIES WITH UNDERLYING ZONING.

A PRIVACY SCREEN IS PROPOSED ALONG THE WEST SIDE OF THE BALCONY.

IN CONCLUSION BECAUSE OF THE CONSISTENCY WITH THE ZONING ORDINANCE, THE MINIMAL IMPACT ON SURROUNDING PROPERTIES, IT'S STAFF'S RECOMMENDATION THAT STAFF APPROVES THE SUBJECT AP FINDING SUBJECT TO FINDINGS AND CONDITIONS AND THAT IS THE APPEALS.

THIS CONCLUDES ZAB'S PRESENTATION.

LET ME KNOW IF YOU HAVE ANY QUESTIONS.

>> S. O'KEEFE: THANK YOU.

ANY QUESTIONS FOR STAFF FROM THE BOARD?

SO MOVING ON, LET'S HEAR AS OUTLINED BEFORE, WE'LL HEAR FROM THE APPELLANT FIRST AND ALREADY TWO APPELLANTS -- CAN WE PROMOTE THEM?

I DON'T MIND WHICH EVER ONE OF YOU WANTS TO GO FIRST.

YOU HAVE FIVE MINUTES EACH.

>> I'LL PROMOTE AMY FIRST.

>> IF THE OTHER APPELLANT WANTS TO GO FIRST, THAT'S OKAY WITH ME.

>> PLEASE LET JOHN SPEAK FIRST.

>> S. O'KEEFE: OKAY.

IS JOHN READY?

I'M HAPPY TO LET HIM SPEAK FIRST.

>> I DON'T SEE JOHN ON HERE.

>> I. TREGUB: I SEE HIM RAISING HIS HAND.

>> LET'S LET HIM ON.

>> SORRY, I COULDN'T RENAME MYSELF.

>> S. O'KEEFE: ARE YOU OKAY GOING FIRST?

>> YES, CAN I SHARE MY SCREEN?

>> I'M A RESIDENT ON FRANCISCO.

I'M MARRIED TO AMY, THE OWNER MUCH THE PROPERTY.

I HAVE TWO REQUESTS OF ZAB.

ONE TO ADJUST THE ROOF DECK TO REMOVE DETRIMENTS TO THE PEACE AND COMFORT OF MY WIFE AND SECOND TO DISCIPLINE ANY WAY YOU CAN THE ARCHITECT FOR MAKING FALSE STATEMENTS ON THE AP SIGNED UNDER PENALTY OF PERJURY.

THIS IS THE AUP MODIFICATION.

THE ORIGINAL AUP WAS BROUGHT TO YOU US OCTOBER OF 2020.

SECOND STOREY MASTER SUITE AGAINST OUR PROPERTY LINE.

JONATHAN HAS BEEN AMY'S NEIGHBOR OVER 20 YEARS.

HE DESCRIBES THIS PROJECT AS HIS DREAM AND AMY SIGNED OFF WITH NO MODIFICATIONS.

THIS HAS BEEN APPROVABLE SINCE JANUARY, 2021.

TWO DAYS AFTER IT WAS APPROVED, THE APPLICANT FILED TO APPROVE THE ROOF DECK.

FIRST NOTICE WE RECEIVED WAS TWO MONTHS LATER FROM THE CITY OF

BERKELEY.

WAS THIS SO CONTENTIOUS?

THERE IS A LARGE ROOF DECK THAT LOOKS INTO OUR BEDROOM.

WE FIND IN THE AUP THAT THEY ARE CLAIMING AMY SUPPORTED THIS  
ROOF DECK AND THEN THERE IS THE PROPERTY LINE.

ROOF DECK IS BIG.

HOW BIG?

270 SQUARE FOOT LOCATED 12 FEET FROM OUR HOUSE, OPEN METAL  
RAILINGS.

LOOKED DIRECTLY DOWN INTO OUR BROOM AND ON TO OUR BED.

IT'S PROBLEMATIC.

THE ADU CLAIMED THAT AMY HAD CONSENTED TO THIS PROJECT.

THIS PROJECT HAS THE SUPPORT OF THE ADJOINING NEIGHBORS WHICH  
WAS ABSOLUTELY FALSE.

WE HAD TO ASK OURSELVES, WAS THIS JUST BE ACCIDENT?

NEITHER APPLICANT WAS EITHER APOLOGIZED TO OR TRY TO EXPLAIN HOW  
THIS HAPPENED.

IN NOVEMBER 2021, JONATHAN OUR NEIGHBOR DID THE SAME THING  
AGAIN, MISREPRESENTING AMY'S SUPPORT ON HIS NEW DESIGN.

THE PROPERTY LINE SET CLAIMS TO BE EIGHT INCHES ON OUR SIDE OF  
THE FENCE AND STARTED TO BE CONTENTIOUS.

EIGHT INCHES PUT THE SETBACK OF NEW CONSTRUCTION FIVE FEET.

THIS IS NOT WHAT THE MEASUREMENTS SAY.

SUNNY GREWEL REFUSED TO REVISE THIS AFTER REMEDIATION.

IT TURNS OUT FIVE FEET IS WHAT IS NEEDED TO AVOID A MANDATORY PROPERTY SURVEY WHEN YOU'RE BUILDING CONSTRUCTION NEXT TO THE SETBACK.

WE TRIED PRETTY HARD TO MAKE THIS WORK THIS IS IN MARCH AND APRIL, ONE MONTH IN.

WE OFFERED TO PAY FOR CHANGES ASSOCIATED WITH THOSE DESIGNS AND THAT OFFER IS STILL ON THE BOARD.

WE ASKED FOR MEDIATION AND I EVEN OFFERED A COMPROMISED PROPERTY LINE AND GOT NO TRACTION.

THE APPLICANTS DID MAKE SOME CHANGES TO THIS SIGN.

THEY ADDED TO THE WINDOW LINE AND REDUCED THE SIZE OF THE DECK BUT STILL LOOKED DIRECTLY INTO OUR BEDROOM.

THEN THE APPLICANTS FILED THE NEW ROOF DECK PLAN TWO WEEKS PRIOR TO OUR MEDIATION SESSION.

AFTER MEDIATION, THERE WAS A BRIEF PERIOD OF DÉTENT AND JONATHAN PUT THIS ON HOLD IN ORDER TO BUILD HIS AUP.

I WOULD LIKE TO --

>> ONE MINUTE WARNING.

>> I WOULD LIKE TO CHANGE COURSE AND TALK ABOUT ERRORS THAT THE ARCHITECT HAS MADE IN THIS PLAN.

HE CLAIMED MY WIFE'S SUPPORT ON A PLAN SHE HAD NEVER SEEN.

HE MANUFACTURED A PROPERTY LINE USING TORTUROUS MATH.

HE HAD TO ROUND UP OUR SIDE AND PAD IT OUT WITH MISSING INCHES IN ORDER TO GET TO THAT FIVE FOOT NUMBER.

HE NEVER ADDRESSED IT.

THE ZONING OFFICER FORCED THEM TO GET A PROPERTY SURVEY, BUT AT THAT POINT WE HAD SPENT \$4,000 DOING ONE OURSELVES.

ON THE CURRENT AUP, THE NUMBER IS STILL NOT RIGHT.

IT'S NOT THE NUMBER GO THE SURVEY.

THE EXISTING ADU IS NOT ON THE EXISTING SITE PLAN AT ALL.

IT HAS A TENANT, NOT ON THE PLANS.

THE BEDROOM COUNT IN THE TABULATION TABLE IS INCORRECT.

THERE ARE TWO --

>> ONE, MINUTE, SIR.

>> THE APPLICANT WISHES TO HAVE TWO NEW BEDROOMS.

I BELIEVE THEY NEED TO FILE SPECIFICALLY TO ADD A FIFTH BEDROOM.

>> S. O'KEEFE: SIR, YOUR TIME IS UP.

THANK YOU SO MUCH FOR YOUR PRESENTATION.

AND WE FRESH.

YOU CAN STOP SHARING YOUR SCREEN UNLESS AMY IS GOING TO USE IT TOO.

>> SHE HAS HER OWN.

>> S. O'KEEFE: THANK YOU AGAIN.

EVERYONE IS BACK.

AMY, WE'D LOVE TO HEAR FROM YOU IF YOU'RE READY.

>> YES, I WOULD ALSO LIKE TO SHARE THE SCREEN.

>> S. O'KEEFE: STAFF WITH GET THAT SET UP.

IS SHE ABLE TO SHARE NOW?

>> YES.

>> S. O'KEEFE: AMY.

TRY IT.

>> ARE YOU SEEING THE SLIDE SHOW?

>> S. O'KEEFE: NOT YET.

THERE WE GO.

WE CAN SEE IT NOW.

AMY, SAME TIME THING, YOU HAVE FIVE MINUTES AND GET A ONE-MINUTE WARNING.

>> OKAY.

I'M AMY BALDWIN, CO-OWNER AND RESIDENT ON FRANCISCO.

I AM A SURVIVOR OF SEXUAL ASSAULT AND I DESERVE TO NEVER HAVE MY PRIVACY VIOLATED BY A MAN WHO REPEATEDLY GOING WITHOUT ANY CONSENT TO GET WHAT HE WANTS.

I'M GOING TO SUGGEST DESIGN CHANGES FOR PRIVACY.

FIRST MR. MILLER'S NEW BATHROOM AND CLOSET ARE DIRECTLY ACROSS FROM MY TWO BEDROOM WINDOWS HERE IN YELLOW.

I REQUEST THAT WINDOWS BE MADE OF FROSTED GLASS AND FIXED SHUT IN ORDER TO PRESERVE MY PRIVACY AND MR. MILLER WILL STILL HAVE HIS WINDOW FOR EVACUATION.

THIS IS THE VIEW FROM THE PROPOSED ROOF DECK LOCATION INTO MY PROPERTY.

IF THE PRIVACY SCREEN IS REMOVED, DAMAGED OR POORLY MAINTAINED, THIS WILL BE THE RESULT AND A MASSIVE PRIVACY INVASION IN THE

BACK OF MY BEDROOM.

I HAVE SENT MR. MILLER FOUR DIFFERENT DESIGNS FOR MONTHS, BUT HE'S NEVER OPEN TO DISCUSSION.

THIS IS THE DESIGN I WILL RECOMMEND.

IT'S BASICALLY TAKING THE LOCATION OF WHAT HE'S CALLING A BALCONY IF THERE IS A FAILURE, PRIVACY SCREEN LOOKS DIRECTLY INTO MY BEDROOM AND MOVING IN APPROXIMATELY 12 FEET HERE SO IT'S AROUND THE CORNER AND WILL NEVER SEE INTO MY BEDROOM.

THIS IS THE PROBLEM WITH THE CURRENT PRIVACY SCREEN DESIGN.

IT LOOKS LIKE IT WAS DESIGNED TO BE TEMPORARY AND MADE UP OF MATERIALS THAT WOULD DEGRADE AFTER FIVE YEARS.

ESPECIALLY WHERE THE WOOD SITS ON TOP OF THE STUCCO, IT WILL CATCH WATER.

THIS IS NOT ATTACHED TO THE HOUSE AND IT COULD BE EASY PUSHED OVER.

ON THIS END, YOU SEE THE PRIVACY SCREEN DOESN'T EVEN COME TO THE RAILING SO THAT OVER HERE WHEN SOMEBODY JUST LEANS ON THE RAILING LIKE THIS, THEY LOOK DIRECTLY INTO MY BEDROOM.

I DON'T HAVE TIME TO GO OVER THE LONG LIST OF MR. MILLER'S PAST ACTION SO I'LL SHARE ONE.

SIX MONTHS AFTER MEDIATION, HE LIES A SECOND TIME ABOUT MY AGREEMENT FOR DESIGN.

LATE WEATHER CONFRONTED, HE DENIED KNOWING OF SIGNING ANY AGREEMENT.

HE CANNOT TRUST THAT ANY PROMISE OR CLAIM WHICH MR. MILLER MAKES TODAY WILL HAVE ANY SUBSTANCE OR MEANING AT ALL TO MR. MILLER TOMORROW.

I AM BASICALLY ASKING FOR A ROOF DECK TO BE MOVED 12 FEET TO GUARANTEE MY PRIVACY.

I HAVE NEVER EXPECTED MR. MILLER TO GO WITHOUT A ROOF DECK OR BALCONY FOR A YEAR HE INSISTS HE HAS A RIGHT TO INVADE MY PRIVACY AND LIED TO ME AND THE PLANNING DEPARTMENT AND HAS BEEN COMPLETELY INFLEXIBLE ABOUT THE DESIGN SAYING HE'S ONLY STICKING TO THE DESIGN TO AFFORD HIM TO INVADE MY PRIVACY.

I'VE ALLOWED MR. MILLER TO HAVE LIGHT ON THE EAST SIDE OF MY HOUSE.

I'VE NEVER SEEN THE CITY TAKE ANY ACTION IN THE APPLICATION EVEN THOUGH IT CARRIES PENALTY OF PERJURY.

EVEN THE ADU SEEMS BEYOND THE PLANNING DEPARTMENT'S ABILITIES.

I BELIEVE THE PLANNING DEPARTMENT IS BUSY BUT GIVES ME NO FAITH IN THE ENFORCEMENT.

MR. MILLER AND MR. GREWEL HAVE GOTTEN AWAY WITH SO MANY LIES THAT I HAVE NO REASON TO THINK THIS HAS ANYBODY TO DO -- ANYTHING TO DO TO PROTECT MY PRIVACY.

THERE IS NOTHING TO INDICATES A PRIVACY SCREEN IS THE MAXIMUM ALLOWABLE PROTECTIONS.

IN THE ABSENCE OF CLEAR CITY POLICIES, THIS SHOULD NOT BE TO ALLOW PREDATORY BEHAVIOR.



WE CAN ONLY GUESS HIS INTENTIONS ON HIS ACTIONS.

THE CITY'S DISREGARD FOR HIS ACTIONS IS NAILING CAN BEHAVIOR  
WHICH IS TRIGGERING TO ME AS A SURVIVOR OF SEXUAL ASSAULT.

I DESERVE NEVER TO HAVE MY PRIVACY VIOLATED BY A MAN WHO INSISTS  
HE HAS THE RIGHT DO SO BECAUSE HE PAID MONEY.

I DESERVE TO FEEL SAFE IN MY OWN HOME.

THANK YOU.

>> S. O'KEEFE: OKAY.

SO NEXT -- ARE THERE ANY QUESTIONS FOR EITHER OF THE APPELLANTS?

I'D LIKE TO INVITE THE APPLICANT NOW.

I ASSUME THAT'S SUNNY.

ARE YOU REPRESENTING THE APPLICANTS?

LET'S PROMOTE HIM.

SONNY, ARE YOU HEAR TO REPRESENT THE APPLICANT?

>> YES, JONATHAN AND I BOTH, JONATHAN WILL SPEAK FIRST.

>> S. O'KEEFE: YOU TOGETHER WILL HAVE FIVE MINUTES, IS THAT  
CLEAR?

>> YES.

>> S. O'KEEFE: YOU CAN SPLIT IT UP HOWEVER YOU WANT.

WE'LL SET THE TIMER AND I'LL GIVE YOU A ONE-MINUTE WARNING.

>> HELLO.

CAN YOU HEAR ME?

>> YES.

WOULD YOU MIND ENABLING MY SCREEN, PLEASE.

>> S. O'KEEFE: WE WON'T START THE TIMER UNTIL HIS SCREEN IS SHARED.

>> I CAN START BY SAYING THANK YOU MEMBERS OF THE ZAB AND THOSE ATTENDING THIS MEETING FOR YOUR TIME AND ATTENTION TO THIS MATTER.

WOW!

TRYING TO PROCESS WHAT JUST HAPPENED.

LET ME KNOW WHEN YOU GUYS HAVE ME.

>> YOU'VE BEEN PROMOTED SO YOU SHOULD BE AIL TO SHARE YOUR SCREEN.

>> OKAY.

SORRY.

HOW DO I DO THAT?

SORRY.

I COULD SPEAK, BUT I WANT TO SHOW MY FACE SO YOU CAN SEE MY TRUE INTENTIONS.

>> S. O'KEEFE: DO YOU WANT TO SHOW YOUR FACE OR SHARE YOUR SCREEN?

>> JUST MY FACE.

>> S. O'KEEFE: DO YOU HAVE A START VIDEO BUTTON ANYWHERE ON ZOOM?

DEVICE ARE YOU ON?

>> MAC.

>> S. O'KEEFE: IT SHOULD BE THE BOTTOM LEFT CORNER.

>> I ONLY HAVE THE MUTE.

>> S. O'KEEFE: DO YOU HAVE A WEBCAM?

>> I DO.

IT ONLY GIVES ME MICROPHONE, SPEAKER, AUDIO SETTINGS.

>> S. O'KEEFE: SOUNDS LIKE IT MIGHT NOT BE CONNECTED TO YOUR  
CAMERA SO JUST GO AHEAD.

>> HOLD ON A SECOND.

>> I THINK THERE IS AN ISSUE.

I KEEP TRYING TO PROMOTE HIM TO PANELIST, BUT IT'S NOT LETTING  
ME.

>> OKAY.

I'M STILL HERE.

>> S. O'KEEFE: I PRESSED "TALKING PERMITTED" BUT HAVEN'T  
PROMOTED ANYBODY.

>> I THINK I'M A PANELIST.

I DON'T FEEL LIKE A PANELIST.

>> S. O'KEEFE: CAN YOU TURN ON YOUR CAMERA NOW?

>> I CAN'T.

WAIT.

START VIDEO!

I'M SORRY.

I'M SORRY.

I'M SORRY, SHOSHANA.

>> S. O'KEEFE: CHAIR O'KEEFE.

THANK YOU.

YOU CAN START NOW.

>> THANK YOU MEMBERS OF THE ZAB, CHAIR O'KEEFE.

I WOULD LIKE TO EXPRESS MY REGRET THAT THIS HAS BECOME SO  
CONTENTIOUS.

SORRY, I DID SCRIPT THIS OUT, SO I'M TRYING TO GET TO WHERE I  
AM.

I HOPE FOR A POSITIVE OUTCOME FOR ALL PARTIES.

I BOUGHT 1262 IN JULY OF 2021 BEFORE JOHN OR AMY RESIDED NEXT  
DOOR.

NOW WITH A SINGLE DAD WITH TWO TEENAGE BOYS I FOUND THAT THIS  
HOUSE IS TOO SMALL.

THROUGH A RIGOROUS VETTING PROCESS, I FOUND SUNNY GREWEL FOR  
REVISIONS AND HE EXPRESSED MY DESIRE FOR A MORE OPEN FLOOR PLAN  
AND FAMILY ROOM AND OFFICE.

I THINK THE APPELLANT IS THINKING THAT THE OFFICE IS A BEDROOM  
WHICH IS NOT.

I THINK IT'S TECHNICAL HEARSAY.

SUNNY'S DEVOTION TO ACCURACY MAKES WORKING WITH HIM A PURE  
PLEASURE.

WHILE FILING FOR THE INITIAL AUP, I WENT DOOR-TO-DOOR MASKED AND  
OUTDOORS TO HAVE MY ADJOINING NEIGHBORS SIGN OFF ON THE PLANS.

ALL EIGHT DID SO INCLUDING JOHN.

A COUPLE OF THE NEIGHBORS SUGGESTED I ADD ON A DECK.

I HAD SUNNY MODIFY THE PLANS TO ADD A DECK.

WHICH THEN WE WERE IN FULL COVID LOCKDOWN AND THE MODIFICATION NOTICE WAS MAILED TO NEIGHBORS AND JOHN AND AMY REACTED IMMEDIATELY AND ACRIMONIOUSLY.

I AGREED TO MEDIATION THROUGH SEEDS.

I REALIZED SUCH AN OUTSIDE DECK DIDN'T FIT WITH THE ESTHETIC OF THE HOUSE AND SURROUNDING AREA.

I COMPROMISED SHRINKS THE DECK DOWN TO A BALCONY ONLY OFF THE MASTER BEDROOM.

THEY CLAIMED THIS WOULD INFRINGE ON THEIR BEDROOM AND BACKDOOR PRIVACY SO I COMPROMISED AGAIN AND HAD SUNNY TO ADD A SCREEN.

THE FINAL IS THE MODIFIED AUP BEFORE YOU WHICH IS IN FULL COMPLIANCE OF THE PLANNING DEPARTMENT'S RULES AND REGULATIONS AND STILL A TASTEFUL DESIGN.

MY PROCESS WITH SUNNY HAS BEEN BY THE BOOK AND ABOVE BOARD.

WE NEVER INTENDED TO BE MISLEADING OR DEVIOS IN ANY WAY.

WE MAINTAINED TRANSPARENCY THROUGHOUT THE ENTIRE PLANNING AND PERMIT PROCESS AND FOLLOWED CITY PLANNING PROTOCOL EXACTLY AS REQUIRED.

WHILE IT MAY BE TRUE THAT COVID PUT A MONKEY WRENCH INTO THE CONTINUITY OF OUR PRESENTATION, AND SUNNY MADE SMALL ERRORS, WE COURSE CORRECTED AND MOVED ON.

I CAN'T CONTROL MY NEIGHBOR'S ACTIONS BUT ONLY CONTINUE TO MOVE FORWARD.

I DON'T WANT TO ADDRESS THE EMOTIONAL CONSENT OF THEIR APPEAL.

NOTHING OF THIS IS PERSONAL FROM MY PERSPECTIVE.

I JUST WANT TO EXPAND MY HOUSE TO MAKE IT A MORE SPACIOUS HOME FOR ME AND MY FAMILY.

I FULLY REJECT MR. VINOPAL'S ACCUSATIONS TOWARD ME AND MY ARCHITECT SUNNY.

I FIND MUCH OF THEIR APPEAL TO BE MISLEADING AND INSULTING.

THE ATTACKS ON SUNNY ARE FRIVOLOUS AND FALSE.

HIS INTEGRITY, REPUTATION, PROFESSIONALISM AND BODY OF WORK PRECEDE HIM AS DOES HIS ETHICAL APPROACH TO ARCHITECTURAL DESIGN AND THE PLANNING PROCESS.

>> ONE MINUTE WARNING.

>> KNOWING ADD, SUNNY?

>> SURE.

I NEVER SAID AT ALL THAT WE DIDN'T MAKE MISTAKES ON THE MEASUREMENTS ON THE SITE PLAN.

WHEN THOSE INACCURACIES WERE PRESENTED, I ADJUSTED THINGS AND SAID I'M MEASURING FROM THE HOUSE TO WHERE THE FENCES ARE AND THEN MAKING SOME INTERPRETATIONS, I KNOW WHAT THE OVERALL WIDTH OF THE PROPERTY AND HOW WIDE THE HOUSE IS.

THEY WERE HAPPY WITH IT.

THEY GOT IT SURVEYED AND WE GOT IT SURVEYED AND I WAS OFF BY SOME INKS, NOT A FOOT OR ANYTHING LIKE THAT.

CHANGES WERE MADE TO THE SITE PLAN TO REPRESENT THE ACTUAL

SURVEYS.

WE DID.

WE MADE MODIFICATIONS TO THE LARGE BALCONY.

WE MADE IT 60 OR 70% SMALLER.

WE ADDED SCREENING AND DID WHAT THEY ASKED FOR.

>> TIME IS UP.

>> S. O'KEEFE: THANK YOU VERY MUCH, APPLICANTS.

I APPRECIATE YOUR TESTIMONY.

ARE THERE ANY QUESTIONS FOR THE APPLICANTS BEFORE WE SEND YOU AWAY?

WE'LL GO AHEAD AND PUT THEM BACK AT APPLICANTS.

DEBORAH, DO YOU HAVE A QUESTION?

I THINK YOU ARE MUTED.

>> MY HAND TONIGHT IS UP ON MY SIDE.

>> DEBRA SANDERSON, SORRY.

>> FIRST QUESTION, I THINK GOES TO THE APPLICANTS.

CAN I DO THIS NOW?

>> WE JUST GOT RID OF THEM.

GO AHEAD, YOU CAN BRING THEM BACK.

>> WHEN I LOOK AT THE SITE PLAN, THE DECK IS ALMOST FOUR FEET FROM THE EDGE OF THE ROOF.

IT'S NOT RIGHT ON THE EDGE OF THE ROOF.

SO, IN THEIR PHOTOS, THEY SHOW IT AS RIGHT ON THE EDGE OF THE ROOF.

I NEED MAYBE STAFF TO CONFIRM LOOKING AT THE DRAWING HERE, THAT IT'S RECESSED FROM THE EDGE OF THE ROOF.

>> S. O'KEEFE: KATRINA.

>> YES, IT'S RECESSED FROM THE ROOF.

>> SO THE PICTURE THEY PROVIDE IS GOING TO BE 3.5 FEET OVER.

THE OTHER QUESTION I HAVE -- I GUESS ASKING STAFF DID WE REQUIRE THAT THE SCREENING BE THERE.

THEY SEEM UPSET ABOUT THE SCREENING.

THE SCREENING HAS TO BE, YOU KNOW, WELL-MADE.

AND TO LAST THROUGH THE WEATHER THAT WE HAVE OUT HERE.

SO, DO WE NEED TO ADDRESS ANYTHING TO ASSURE THAT?

OR DO WE JUST -- WE HAVE SPECIFICATIONS AND THE CONDITIONS ABOUT THE SCREENING?

>> THEY ARE WELL-DESIGNED SPECIFICATIONS AS TO WHAT MATERIALS THEY SHOULD USE.

WE HAVE CONDITIONED THE PROJECT SO THAT IT WOULD BE MAINTAINED AS LONG AS THE BALCONY IS THERE.

IN THE EVENT THAT IT WERE TO BLOW OVER, THAT WOULD BE A CODE ENFORCEMENT ISSUE.

>> OKAY.

>> S. O'KEEFE: DEBORAH, I THINK WE'LL HAVE TIME FOR QUESTIONS OF STAFF AFTER PUBLIC COMMENT.

QUESTIONS FOR THE APPLICANT OR APPELLANT WOULD BE WELCOMED NOW.

OTHERWISE I WOULD LIKE TO HEAR FROM THE REST OF THE PUBLIC AND



BRING IT BACK TO THE BOARD AND WHATEVER REQUESTS YOU WANT FROM STAFF.

DOES AT THAT SOUND OKAY?

OKAY.

ANY OTHER QUESTIONS FOR THE APPLICANTS OR APPELLANTS?

SEEING NONE, SO PUBLIC.

WE'D LIKE TO HEAR FROM YOU.

PLEASE -- EVERYBODY WHO WOULD LIKE TO SPEAK, PLEASE RAISE YOUR HAND NOW.

IT'S HELPFUL TO SEE HOW MANY PEOPLE ARE PLANNING TO SPEAK.

AND I SEE MISS BALDWIN HAS HER HAND UP.

I'M AFRAID YOU WON'T BE ALLOWED TO SPEAK ANY MORE.

WE'RE ONLY HEARING FROM MEMBERS OF THE PUBLIC WHO ARE NOT PART OF THE APPELLANT OR APPLICANT TEAM.

WE HAVE ONE, TWO, THREE, FOUR -- NINE PEOPLE HAVE THEIR HAND UP.

WE'LL GIVE TWO MINUTES PER SPEAKER.

AND IF YOU GET IN LINE BY RAISING YOUR HAND.

FIRST PERSON UP IS JODY REVELLE.

AND KAREN, ARE YOU DOING THE TIMER?

>> I'LL SHARE HIGH SCREEN AND START -- SHARE MY SCREEN.

>> S. O'KEEFE: I'M GOING TO ALLOW JODY TO TALK.

>> CAN EVERYBODY SEE MY SCREEN?

>> THE TWO MINUTE TIMER IS FOR YOU.

PLEASE BE RESPECTFUL OF THE TWO-MINUTE TIME SO EVERYONE HAS A

CHANCE TO SPEAK.

JODY.

>> HI.

THIS IS ACTUALLY JODY'S HUSBAND.

USING HER COMPUTER.

WE HAVE BEEN SPEAKING WITH JONATHAN THROUGHOUT THIS PROCESS.

HE SHOWED US THE PLANS.

HE AGREED ON WHAT HE WAS DOING AND THAT WAS THAT.

THEN WE HEARD ABOUT THE IDEA OF BUILDING A DECK.

TO US IT MADE SENSE.

IT MAKES A LOT OF SENSE TO HAVE A DECK IN YOUR OWN HOUSE.

BUT IT HAS TO BE DEFINITELY RESPECTFUL AND DONE PROPERLY SO

EVERYBODY'S PROPERTY IS SAFE.

YOU FEEL SAFE IN YOUR HOUSE.

SO I JUST WANT TO SAY THAT I DON'T HAVE A PROBLEM WITH THE

APPLICANT.

I THINK HE'S RESPECTFUL AND QUIET.

HIS TWO BOYS ARE LOVELY.

IT'S A GOOD FAMILY.

I JUST WISH THAT HE COULD FIND A COMPROMISE SOMEWHERE SO THEY

CAN MAKE IT HAPPEN FOR EVERYONE.

>> S. O'KEEFE: THANK YOU.

APPRECIATE IT.

YOU DON'T HAVE TO TAKE THE FULL TWO MINUTES.

THAT'S A MAXIMUM, NOT A MINIMUM.

NEXT UP WE'LL HEAR FROM ADAM.

I'LL JUST SAY FIRST NAMES.

>> CAN YOU HEAR ME?

>> YES, WE CAN.

>> I LIVE KIND OF IN THE NEIGHBORHOOD.

I ACTUALLY DON'T KNOW ANY OF THESE PEOPLE BUT I WANTED TO TALK AND I HAVE A BIT OF INTERACTION WITH SUNNY.

YOU KNOW, SUNNY HAS BEEN AN ARCHITECT IN BERKELEY FOR A LONG TIME.

THE KIND OF MISTAKES HE MADE HERE ARE NOT THE KIND OF THING THAT AN ARCHITECT WORKING IN BERKELEY FOR TWO DECADES [INDISCERNIBLE]

I FEEL ESPECIALLY WHEN SOMEONE HAS MADE ERRORS ON THEIR

SUBMISSIONS AND SIGNED A LEGAL DOCUMENT WHERE THEY SAY PENALTY UNDER PERJURY, WHERE THE CITY IS NOT TAKE ANYTHING ACTION

AGAINST THAT, YOU ALL AS MEMBERS OF THE CITY'S PROCESS REALLY

[INDISCERNIBLE] I WANT TO PUT IT OUT THERE BECAUSE IT'S

IMPORTANT FOR THE INTEGRITY OF BERKELEY'S LEGAL SYSTEM THAT

PLANNING PEOPLE -- IF THEY MADE ILLEGAL STATEMENTS LIKE SUNNY, A PERJURY STATEMENT.

I ALSO THINK IN TERMS OF THE DESIGN, YOU KNOW, I DON'T THINK THAT THE APPELLANTS ARE ASKING FOR ANYTHING EXTREME.

NUMBER ONE, A SCREEN THAT IS CLOSING AROUND THE EDGES TO ADD ON TO IT BEING A [INDISCERNIBLE] SEEMS LIKE A REASONABLE ASK.

IF THERE IS A WAY TO DO THIS TOMORROW, ADD A CORNER FOR THEM TO HAVE NO IMPACT TO USE THE SCREEN ANY MORE, SEEMS LIKE A REASONABLE THING FOR THE ZAB TO ASK THE APPLICANTS TO DO.

>> S. O'KEEFE: THANKS SO MUCH.

THAT WAS ADAM.

NEXT UP IS JONATHAN LIPSHITZ.

JONATHAN, ARE YOU THERE?

>> I AM HERE, CAN YOU HEAR ME OKAY?

>> YES, WE CAN.

>> I'M HERE TO SPEAK IN SUPPORT OF JONATHAN'S PROJECT.

I AM CURRENTLY IN THE PROCESS OF RENOVATING OUR HOME AND THE BOARD HERE AT ZAB WAS DILIGENT AND DID GREAT WORK IN ALLOWING US TO ADDRESS NEIGHBORS UNFOUNDED CONCERNS REGARDING OUR PROJECT. I KNOW JONATHAN HAS AN INCREDIBLY KIND, GENEROUS AND HONEST PERSON.

IT WOULD SEEM WHOLLY OUT OF CHARACTER TO LIE FOR HIM.

THE PROJECT SEEMS TO BE VERY REASONABLE AND WELL WITHIN THE CITY'S GUIDELINES.

IT'S BEEN APPROVED BY THE PLANNING DEPARTMENT.

AS FAR AS THE SCREEN IS CONCERNED, I UNDERSTAND THE APPELLANT'S DESIRE FOR PRIVACY.

A SLIGHT CHANGE IN THE SCREEN CAN ATTACH IT TO THE NORTH SIDE OF THE HOUSE, THEN MAYBE YOU CAN MOVE IT TO THE OTHER SIDE, GREAT. BUT MOVING THE DECK TO THE NORTHEAST WOULD ESSENTIALLY OBSCURE

OR RUIN THE VIEW THAT THEY'RE LOOKING TO GAIN BY THAT SMALL DECK.

SO I FULLY SUPPORT JONATHAN'S DESIRE TO MOVE AHEAD WITH THE PLANS, MAYBE A SLIGHT MODIFICATION OF THE SCREEN FOR PRIVACY, BUT OTHERWISE, IT SEEMS LIKE AN INCREDIBLY REASONABLE THING FOR ME.

THANK YOU.

>> S. O'KEEFE: THANK YOU JONATHAN.

NEXT UP IS IGNACIO.

GO AHEAD.

>> ALL RIGHT.

OKAY.

SO SORRY I AM NOT VISIBLE.

IS IT POSSIBLE TO CEDE A MINUTE OF MY TIME TO THE APPLICANT?

>> S. O'KEEFE: WE DON'T CEDE TIME AT ZAB.

>> SO AS FAR AS I CAN TELL, THE NUMBERS STILL DON'T ADD UP.

I'M REFERRING TO THE MISTAKES THAT THE ARCHITECT OF THE APPLICANT HAS ACTUALLY ADMITTED TO IN HIS STATEMENT.

I JUST FEEL THAT I HAVE SERIOUS DOUBTS ABOUT WHETHER THE PROJECT THAT THE ZAB AUTHORIZED ACTUALLY REFLECTS THE REALITY.

IF THE MEASUREMENTS ARE [INDISCERNIBLE]

IF THE APPELLANT HAS ACKNOWLEDGED THERE ARE MISTAKES IN IT, IT JUST FEELS LIKE WHAT WAS OFFERED AND SUBMITTED IS NOT ACTUALLY WHAT MIGHT TAKE PLACE.

YOU KNOW, THERE ARE SERIOUS QUESTIONS HERE.

JUST FOR THE BOARD, WHAT IT SAYS FOR YOUR ORGANIZATION IF YOU ARE NOT FULLY AWARE OF THE ITEMS THAT YOU SIGN OFF ON?

THAT'S EVEN LEAVING THE QUESTION OF PERSONALITY ASIDE WHETHER YOU'RE VETTING INACCURACIES IN THE APPLICATION SUBMITTED TO YOU, IS THE BOARD AWARE OF WHAT IS GOING TO BE CONSTRUCTED?

ARE THE NUMBERS CLEAR ASIDE FROM WHAT THE APPLICANT SAYS AWARE OF THE ACTUAL PROPOSAL IS NOW?

WHAT DOES IT SAY ABOUT THE BOARD IF YOU CANNOT POINT TO THE FACTS AND HAVE A CLEAR MEASUREMENT THE BOARD KNOWS TO SEPARATE FROM WHAT BOTH SIDES SAY.

>> S. O'KEEFE: THANK YOU IGNACIO.

NEXT UP IS CHRIS.

CHRIS, YOU'RE A PUTTING PRONOUNCE UP IS HELPFUL.

>> I APPRECIATE THIS TIME.

I'M HERE TO SPEAK ON BEHALF OF THE APPELLANT.

I'M A NATIVE AND FORMER BERKELEY RESIDENT.

I WOULD LIKE TO POINT OUT THAT THE BALDWIN FAMILY HAS LIVE AND CONTRIBUTED SIGNIFICANTLY TO CALIFORNIA HISTORY FOR OVER A HUNDRED YEARS.

THEY ARE NOT NEW RESIDENTS IN THIS HOME OR IN THIS NEIGHBORHOOD. AND THEY CONTINUE TO CONTRIBUTE SIGNIFICANTLY TO THE CULTURE AND POSITIVE HISTORY OF BERKELEY IN THE BAY AREA.

I REALLY WANT TO SPEAK TO THE FACT THAT JONATHAN, THEIR

NEIGHBOR, HAD THE OPTION TO BE FACT-BASED IN HIS PRESENTATION.

JONATHAN PRESENTED A TIMELINE, THEY PRESENTED PLANS, THEY PRESENTED WELL-REASONED ARGUMENTS SAYING ALL OF THE WAYS THAT THEY WANTED TO OPERATE TOGETHER IN GOOD FAITH IN ORDER TO TRY TO COME TO A SOLUTION.

IN CONTRAST, WE GOT SORT OF A -- I DON'T KNOW WHAT I WOULD SAY, A CONDESCENDING OPINION-BASED SORT OF RAMBLE FROM THE NEIGHBOR WHO I DON'T KNOW AND I JUST, TO ME, THE THING I PERSONALLY WANT TO SAY IS IT FEELS LIKE HE'S SAYING "TRUST ME" I DON'T FEEL LIKE HE'S GIVING JOHN ANY REASON TO TRUST HIM AND I FIND THAT PERSONALLY DISTURBING AND THAT IS WHAT I WOULD LIKE TO SAY.

I THINK THAT PEOPLE SHOULD MAKE THEIR ARGUMENTS IN FACTS.

AND -- YEAH, I THINK THE FACTS OFFER THE CASE ARE OBVIOUS.

>> S. O'KEEFE: THANK YOU, CHRIS.

NEXT UP IS MERRILL.

SORRY, MERRILL -- THERE WE GO.

GO AHEAD.

>> THANK YOU.

I AM REALLY SHOCKED AND JUST FEEL THAT THIS IS A NIGHTMARE SITUATION FOR ANY WOMAN TO HAVE SOMEBODY STARING DOWN INTO HER BEDROOM.

AND I'M SORRY ABOUT WHAT HAPPENED TO AMY AND EVERYONE I KNOW FELT THREE BADLY TO HEAR HER STORY.

IT'S DISGUSTING THAT THE PLANNING DEPARTMENT IS NOT MAKING SURE

THAT THINGS ARE DONE PROPERLY.

IT CAN'T BE THE WILD, WILD WEST IN THE PLANNING DEPARTMENT.

AMY SAID SHE GAVE HER CONSENT FOR ONE PROJECT AND THEN THAT  
CONSENT WAS TRANSFERRED OVER TO THE NEWER PROJECT.

A CHANGED PROJECT.

AND THAT WAS NOT HER INTENTION.

AND THEN, HER HUSBAND AND HERSELF HAVE TO SPEND LIKE THOUSANDS  
OF DOLLARS TO TRY TO EXPLAIN THEIR CASE AND THAT THERE WAS  
ACTUALLY AN ERROR MADE.

I MEAN, IS THIS JUSTICE?

IS THIS BERKELEY, CALIFORNIA?

YOU'VE GOT TO BE KIDDING ME.

SO I DON'T KNOW JONATHAN, I DON'T KNOW MANY OF THE DETAILS.

BUT WHAT I HAVE HEARD TONIGHT IS JUST SHOCKING AND APPALLING AND  
IT'S LIKE THE PLANNING DEPARTMENT SHOULD SHUT DOWN IMMEDIATELY  
AND SAY WHAT IS GOING ON?

IF SIMPLE MEASUREMENTS CANNOT BE VERIFIED, IT SENDS SHIVERS AND  
SHUDDERS UP EVERYONE'S SPINE WONDERING WHAT IS HAPPENING?

I HOPE THE ZAB VOTES IN FAVOR OF THE APPELLANT.

THANK YOU.

>> S. O'KEEFE: THANK YOU.

NEXT UP IS JUSTIN.

GO AHEAD, JUSTIN.

>> HI, CAN YOU HEAR ME?



>> UH-HUH.

>> THANK YOU FOR LETTING ME TAKE THIS TIME.

I'M HERE TO SPEAK AND REQUEST THE REJECTION OF THE PERMIT FOR  
1262 FRANCISCO STREET.

I WAS SHOCKED WHEN I READ ABOUT THE DETAILS OF THIS CASE.

THE TIMELINES SEEM SURPRISING.

THE FACT THAT MR. MILLER LIED OR MISREPRESENTED HIS INTENTIONS  
ABOUT NOT WANTING A ROOF DECK TO THE APPLICANTS TO SECURE THE  
INITIAL PERMIT DOES NOT INDICATE GOOD INTENT.

THE ARCHITECT SIGNED OFF ON AN INCORRECT PROPERTY LINE AND THEN  
THE APPELLANTS HAD TO SPEND THOUSANDS OF DOLLARS TO GET A SURVEY  
DONE.

WHERE ARE THE CONSEQUENCES FOR THAT LEVEL OF EITHER INACTION, OR  
INTENTIONAL MISREPRESENTATION OF THE FACTS?

THE APPLICATION DOESN'T TAKE INTO ACCOUNT AT ALL THE LINES OF  
THE NEIGHBORHOOD OF THE BUILDING.

I DID SOME RESEARCH AND IT TURNS OUT THE BALDWIN FAMILY HAS BEEN  
IF THAT HOUSE AT LEAST SINCE 1958.

THEY'RE NOT NEW TO THIS NEIGHBORHOOD.

PLEASE REJECT THIS PERMIT FOR 1226.

BECAUSE IT FEELS AS THOUGH IT'S BUILT ON A BED OF LIES AND SETS  
A DANGEROUS PRECEDENT ABOUT LIES BEING ACCEPTABLE TO BE GIVEN TO  
THIS BOARD FOR THEIR APPROVAL OF IMPORTANT MATTERS REGARDING  
HOUSING.

THANK YOU FOR YOUR TIME.

>> S. O'KEEFE: THANK YOU, JUSTIN.

NEXT UP IS TAMMY.

>> CAN YOU HEAR ME?

>> S. O'KEEFE: YES WE CAN.

>> I CAN'T TELL UNDER THESE CIRCUMSTANCES HOW TO TURN ON MY  
CAMERA EITHER SO I'M GOING TO SPEAK.

SO, I'VE LISTENED TO ALL OF THIS.

AS A WOMAN WHO OWNS PROPERTY IN BERKELEY, I'M DISTURBED TO HEAR  
ANYONE LIVING NEAR ME COULD BUILD A DECK INVADING ON MY PRIVACY  
WITHOUT MY CONSENT AND THIS COULD GET OKAYED BY THE ZONING  
BOARD.

IT'S CLEAR THE APPELLANTS DID NOT CONSENT TO THIS DESIGN AND HAD  
TO ARGUE ABOUT IT AFTER THE FACT IT WAS LIED ABOUT THAT THOUGH  
CONSENTED.

THEY'VE COME UP WITH LOTS OF ALTERNATIVES THAT SHOULDN'T BE A  
BIG DEAL.

SOUNDS LIKE THEY WANT TO BE A ROOF DECK.

THERE IS STILL A VIEW FROM THE SAN FRANCISCO SKYLINE FROM THE  
PROPOSED ROOF DECK.

I DON'T REALLY UNDERSTAND WHY THIS HAS BECOME SO IMPORTANT TO  
THE APPLICANT THAT THEY'RE UNWILLING TO DISCUSS ANYTHING WITH  
THE NEIGHBOR.

AND I DON'T UNDERSTAND WHY WE'RE TALKING ABOUT THE CHARACTER OF

THIS PERSON AND HIS LOVELY SONS.

HE COULD CHOOSE TO SELL THAT PROPERTY IN TWO YEARS, THE PERSON RENTS IT OUT TO A BUNCH OF COLLEGE STUDENTS AND PRIVACY SCREEN GETS KNOCKED OVER.

JUST BECAUSE THIS WONDERFUL HUMAN BEING THAT LIVES THERE NOW IS GOING TO BEHAVE THAT IN THE FUTURE THINGS WON'T CHANGE.

AGAIN, AS A HOMEOWNER IN BERKELEY, I'M DISTURBED TO THINK THIS COULD HAPPEN.

IF IT WERE TO HAPPEN THOUGH ME WITH MY NEIGHBORS, I WOULD START RAISING HELL EVERYWHERE I COULD.

THANK YOU.

>> S. O'KEEFE: THANK YOU.

NEXT UP WE'LL HEAR FROM MAGGIE.

GO AHEAD, MAGGIE.

>> THANKS.

CAN YOU HEAR ME?

>> S. O'KEEFE: WE CAN.

>> I AM A HOMEOWNER IN OAKLAND AND A FORMER BERKELEY RESIDENT SPEAKING ON BEHALF OF THE APPELLANT.

I FIND IT TROUBLING THAT THIS BOARD COULD CONSIDER ALLOWING A PLAN TO GO THROUGH WHEN THE DESIGN WAS SO DRAMATICALLY CHANGED AFTER THE APPELLANT APPROVED IT TO THE POINT OF NO LONGER BEING THE PROPOSED DESIGN.

ON LIGHT OF ALL THE INACCURACIES AND FALSEHOODS DOCUMENTED AND

PRESENTED HERE.

WHETHER THE DESIGN OF THE ROOF DECK IS WITHIN LEGAL PARAMETERS  
OR NOT, RESPECT AND COMMON DECENCY HAVE PREVAIL HERE.

IF A NEIGHBOR'S LIFE IS AFFECTED, A COMPROMISE HAS TO BE FOUND.  
PRIVACY IS A RIGHT, LUXURY IS A PLEASURE.

>> NEXT UP WE'LL HEAR FROM LISA.

>> CAN YOU HEAR ME?

THIS IS CHRIS, AND I'M LISA'S PARTNER.

ACTUALLY, A COUPLE OF FINE POINTS HAVE BEEN MADE WELL ALREADY.  
RECENTLY WE HAD A COMPLAINT FILED AGAINST US ABOUT A SHED THAT  
WE HAD BUILT MANY YEARS AGO.

THAT WAS PERHAPS INFRACTION OF MAYBE AN INCH OR INCH AND A HALF  
TOO CLOSE TO THE PROPERTY LINE SO WELD A SURVEY DONE AND IT  
TURNS OUT IT WAS FINE.

EIGHT INCHES SEEMS OUTRAGEOUS.

THAT IS NOT A SMALL MISTAKE AND IT'S ON A PIECE OF WORK BEING  
PROPOSED AND DRAWN UP BY ARCHITECTS.

I FIND IT A BIT MADDENING THAT THAT WOULD ACTUALLY GO THROUGH  
PLANNING AND BE OKAY AND NOT BE A BIG RED FLAG AND CAUSE CHANGES  
TO THE PLANS.

I THINK I WILL LEAVE IT AT THAT.

I THINK THIS PLAN IS A BAD PLAN.

I HOPE YOU DO REJECT IT TORE FIND IN FAVOR OF THE APPELLANTS.

THANK YOU CAN.

>> S. O'KEEFE: THANK YOU.

NEXT UP WE HAVE ERIN.

>> I DIDN'T PREPARE A SPEECH OR ANYTHING, BUT I'M GLAD I HAVE A MOMENT TO SPEAK.

I KNOW AMY THROUGH TEACHING ARGUMENT TOGETHER AND IT'S BEEN A LONG TIME NOW, A YEAR AND A HALF THAT SHE'S BEEN SUPER UPSET ABOUT THIS ROOF DECK BEING BUILT.

IT'S REALLY STRESSFUL AND SAD.

I REALLY FEEL FOR HER THAT THIS IS REALLY IMPACTING HER LIFE IN A NEGATIVE WAY.

IT SEEMED LIKE HER AND HER NEIGHBOR GOT ALONG FAIRLY FOR MANY YEARS.

THIS HAS BROUGHT A HUGE AMOUNT OF UNHAPPINESS IN HER LIFE.

OVER AND OVER, SHE'S EXPRESSED THAT THIS IS DIFFERENT THAN SHE EXPECTED.

THAT THE NEIGHBOR IS NOT SHOWING THE TRUE MEASUREMENTS AND THE TRUE DESIGN OF WHAT IS GOING TO COME.

I CAN IMAGINE BEING IN HER SHOES OF HOW STRESSFUL THAT IS OF SOMEONE LOOKING INTO MY WINDOW.

I JUST HOPE THAT BERKELEY WILL RECONSIDER LETTING THINGS GO AND REALLY PAY ATTENTION TO WHAT THOSE NUMBERS ARE.

I AGREE WITH WHOEVER THAT FIRST PERSON WAS THAT ANY ARGUMENT WORKING IN BERKELEY FOR DECADES OR MORE, THEY KNOW IF THEY'RE MAKING A MISTAKE OVER EIGHT INCHES.

IT'S NOT AN ACCIDENT IN MY VIEW.

IT FEELS SCARY TO ME AND STRESSFUL AND I HOPE THAT SOMEONE WAS GOING TO PAY ATTENTION TO THIS BECAUSE IT SHOULDN'T BE IGNORED. THIS IS A REALLY BIG IMPORTANT ISSUE FOR, YOU KNOW, PEOPLE TO FEEL GOOD IN THEIR HOME AND TO BE HAPPY.

THANKS FOR LISTENING CAN.

I JUST HOPE THAT MY VOICE CAN ENCOURAGE THE BERKELEY SYSTEM TO RUN IN THE WAY THAT THEY HAVE THE INTEGRITY OF BEING HONEST AND TRUE AND CLEAR.

>> S. O'KEEFE: THANK YOU.

NEXT AND THIS WILL BE THE LAST PERSON IS JODY.

JONATHAN MILLER HAS HIS HAND UP BUT USE' THE APPLICANT SO I'M NOT GOING TO RECOGNIZE HIM NOW.

JODY -- YES.

HAVE WE HEARD FROM JODY?

>> IT'S JODY HERSELF.

>> S. O'KEEFE: JODY, IF YOU'RE A DIFFERENT PERSON, YOU CAN TALK, IF YOU'RE THE SAME PERSON, WE HAVE TO LIMIT YOU.

I'LL RECOGNIZE YOU BUT YOU BETTER BE JODY IF THAT MAKES SENSE.

>> HI.

I AM JODY.

MY HUSBAND AND I ARE ON ONE COMPUTER.

I JUST WANTED TO SAY ALL THAT SAID, I REALLY APPRECIATE AND FEEL DEEPLY ABOUT THE STRUGGLE WITH IN-FILL AND DEVELOPMENT AND

BUILDING.

I GET IT EVERY DAY ALL DAY.

CHANGE IS HARD FOR ALL OF US AND WE ALL WISH WE COULD BOX AROUND OUR HOUSES AND I BELIEVE THAT AND FEEL EVERY DAY.

WE HAVE BART GOING IN AND THE SCHOOL AND ALL KINDS OF THINGS GOING ON IN OUR NEIGHBORHOOD.

BUT, WE'RE WORKING TOGETHER HERE HOW WE MOVE FORWARD AS A COMMUNITY TO ALLOW EVERYONE TO EXIST AND NOT ONLY EXIST BUT ENJOY THEIR LIVES.

IT'S HARD.

SO, I JUST WANTED TO ADD, I WANT TO SAY WE HAVE TO HAVE SOME FAITH IN PEOPLE HERE.

JONATHAN IS WORKING REALLY HARD FOR HIS NEIGHBORS.

HE LOVES HIS NEIGHBORS AND LOVES HIS NEIGHBORHOOD.

WE SEE HIM ALL THE TIME.

AND WE LOVE OUR NEIGHBORS TOO.

WE WANT MORE DEVELOPMENT?

NO.

NONE OF US DO.

BUT LIKE, YOU KNOW, RULES AND REGULATIONS, ADUS ARE NOT ALLOWED NOW THEY'RE ALLOWED.

IT'S ABOUT BLACK AND WHITE, IT'S COMING TO THE TABLE TOGETHER AND FIGURING OUT HOW THIS DEVELOPMENT CAN HAPPEN.

I APPRECIATE THE NEIGHBORS OFFERING A SUGGESTION BUT IT'S NOT

ABOUT APPROVED-DENY HERE.

THIS IS A DIFFICULT WORK AT THE COMMUNITY, LOCAL STREET LEVEL.

HOW DO WE WORK WITH EACH OTHER AND HELP BE JOYFUL AND SAFE.

ADDING MY COMMENTS TO SAY IT'S NOT BLACK AND WHITE.

I ENCOURAGE YOU YOU GUYS TO HAVE FAITH IN EACH OTHER.

THIS IS A WASTE OF TIME TO SLANDER EVERYBODY.

LET'S MOVE ON.

I FEEL LIKE EVERYBODY HAS BEEN TRYING HARD TO MAKE THIS WORK IN

A MODERN SOCIETY.

THANK YOU.

>> S. O'KEEFE: THANK YOU ACTUAL JODY.

NEXT UP WE HAVE TWO MORE HANDS.

DEVORA.

GO AHEAD.

YOU ARE A LITTLE QUIET, ARE YOU ABLE TO BE LOUDER?

>> I THINK THERE IS A PERSON PULL BETWEEN INDIVIDUAL PEOPLE AND

BERKELEY PEOPLE BELIEVE IN THAT.

COMMUNITY SPIRIT AND RESPECT FOR ONE ANOTHER.

WE SEE IT IN A LARGER SCALE IN OUR COUNTRY RIGHT NOW WHERE

INDIVIDUAL FREEDOMS ARE MOWING OVER MAYBE A LOT OF COMMUNITY

AND, YOU KNOW, NEIGHBORHOOD AND GROUP FEELING.

I HATE TO SEE THAT HAPPEN.

I THINK THAT I AGREE WITH JODY, THERE IS A HAPPY MEDIUM, BUT

IT'S NOT MET IN THIS PROJECT YET AT ALL.



I HOPE THAT YOU WILL DENY IT AND SEND EVERYONE BACK TO THE DRAWING BOARD AND TRY TO WORK OUT SOMETHING THAT IS CLOSER TO SOMEWHERE IN THE MIDDLE THAT'S ALL.

THANK YOU.

>> S. O'KEEFE: THANK YOU SO MUCH.

NEXT UP AND I THINK IS THE LAST PERSON, AARON C.

>> HELLO.

I'M A BERKELEY RESIDENT.

I'M NOT A DIRECT NEIGHBOR BUT IN THE NEIGHBORHOOD.

AND A LONG TIME FRIEND OF JONATHAN MILLER.

I JUST WANT TO SAY I'VE KNOWN JONATHAN FOR A LONG TIME AND KNOWN HIM TO BE A GOOD, KIND DECENT, TRUSTWORTHY PERSON.

IT SEEMS LIKE THE PLANS HAVE ALL BEEN APPROVED BY THE ZONING COMMISSION.

I THINK THE STRUCTURE SHOULD BE BUILT BY THOSE PLANS AND IF THEY'RE NOT, THAT'S AN ISSUE.

BUT THEY'VE BEEN APPROVED AND SHOULD BE BUILT BY THOSE PLANS.

ALSO, HE'S BUILT AN ADU WHICH HAS, YOU KNOW, THERE IS SOMEONE NOW RENTING IT HAS CREATED ADDITIONAL HOUSING FOR THE COMMUNITY.

SO, I DON'T KNOW ALL THE INS AND OUTS AND I JOINED A LITTLE LATE.

PEOPLE WERE SAYING A LOT OF THINGS.

I DON'T KNOW EXACTLY WHAT.

PEOPLE CAN PUT STUFF UP ON A SCREEN AND SAY THIS IS FACT.

I WANTED TO VOICE MY SUPPORT FOR JONATHAN MILLER AND HIS PROJECT.

THANK YOU.

>> S. O'KEEFE: AND WE HAVE ONE MORE HAND UP.

MOHEET.

>> HI.

I'M AN ACQUAINTANCE OF JONATHAN MILLER AND WORKED WITH SUNNY IN THE PAST.

I MISSED THE INITIAL DETAILS BUT I WAS HOPING THAT WE ARE GOING BY THE RULES.

IF THE PERMIT IS VALID, IF IT'S BASED ON FACTUAL SITUATION ON THE GROUND, REGARDLESS OF WHAT HAPPENED IN THE PAST.

IF IT ALL MAKES SENSE, LAWS ARE THERE FOR A REASON.

IF THEY WORK OUT AND THEY ARE PUTTING A PRIVACY SCREEN IN, HOPEFULLY BEYOND EMOTIONS WILL DEAL WITH THE FACTS.

>> S. O'KEEFE: I THINK THAT'S IT FOR THE PUBLIC.

SO.

BOARD.

BRING IT BACK FOR BOARD DISCUSSION.

I WILL FIRST RECOGNIZE DEBORAH SANDERSON.

>> D. SANDERSON: I HAVE A COUPLE OF QUESTIONS FOR STAFF.

FIRST IS THE SCREEN BIG PICTURE.

THERE WAS A PROJECT GROUP OF THE ZONING OFFICE APPEALED AND THE MEANTIME, THE PROJECT CHANGED.

SO WHAT WE ARE VOTING ON TONIGHT WOULD BE THE FINAL --

>> S. O'KEEFE: JUST ASK YOUR QUESTION.

>> D. SANDERSON: WHAT WE'RE VOTING ON TONIGHT WOULD BE THE PLANS WE WERE GIVEN WHICH ARE THE FINAL PLANS.

A-2-1 AND A-0-1.

I WANT TO BE CAREER WHAT WE'RE ACTING ON.

>> JUST TO CLARIFY, THE FIRST AUP THAT WAS APPROVED WAS APPROVED IN JANUARY 2021.

AND SO WHAT WE'RE LOOKING AT TONIGHT IS AUP MODIFICATION TO THE PREVIOUS AUP.

>> D. SANDERSON: SO THEY APPEALED THE AUP MODIFICATION.

>> CORRECT WHICH ADDS 40 SQUARE FEET ON THE FIRST FLOOR AND BALCONY ON THE SECOND FLOOR.

>> D. SANDERSON: MY NEXT QUESTION IS HOW TALL IS THE SCREEN THAT IS ON THE WEST SIDE.

>> LOOKING AT THE PLANS, IT'S ABOUT THREE FEET.

>> D. SANDERSON: AND WHAT IS THE WALL?

>> GIVE ME A SECOND.

ARE YOU ASKING ABOUT THE THICKNESS OF THE SCREEN?

>> NO, I WANTED TO UNDERSTAND THE HEIGHT OF THE SCREEN FROM FLOOR LEVEL.

THE RETAINING WALL AND A SCREEN.

WHAT IS THE TOTAL HEIGHT AT THE TOP OF THE SCREEN?

>> IT LOOKS LIKE IT'S ABOUT -- I CAN SHARE MY SCREEN AS WELL.

>> IT'S ABOUT SIX FEET.

>> D. SANDERSON: SO SIX FEET TALL AND -- IT'S SIX FEET TALL WHICH WOULD BE -- IT GOES ACROSS THE WEST SIDE OF THE DECK. I GUESS I AM PUZZLED.

WHY WOULD THIS PROPOSED MODIFICATION ON THE SCREEN, I DON'T SEE HOW THERE ARE PRIVACY IMPACTS IF THERE WAS NO SCREEN, I COULD SEE IT.

BUT MAYBE ONE OF THE BOARD MEMBERS CAN EXPLAIN THAT.

MY NEXT QUESTION IS -- I THINK THIS IS A STATEMENT AND YOU CAN CORRECT ME IF I'M WRONG --

>> S. O'KEEFE: IT SHOULD BE A QUESTION. IS THIS CORRECT?

>> D. SANDERSON: SO WHEREVER THE PROPERTY LINE REALLY IS, WHEN THE PROJECT IS BUILT, IT WILL BE BUILT ACCORDING TO THE FINAL PLANS.

AND BUILDING AND SAFETY WILL MAKE SURE THAT THEY HAVE A PROPERTY LINE THAT IS LEGITIMATE.

AND THEY WILL MEASURE OVER FROM THAT PROPERTY LINE.

IT'S REALLY UNFORTUNATE THAT THERE WAS ALL THIS ISSUES ABOUT ACCURACY AND MISTAKES AND MISUNDERSTANDINGS, BUT THAT IS ALL BEHIND US NOW.

THE PROJECT WE'RE LOOKING AT, IF THERE IS A MISTAKE ON THE DRAWINGS ABOUT WHERE THE PROPERTY LINE IS IN REALITY, BUILDING AND SAFETY WILL PERMIT THE BUILDING AS NOTED ON THE FINAL PLANS.

SO I'M HOPING THAT THAT WILL HELP REASSURE PEOPLE THAT EVEN IF THE SURVEY -- IF THERE IS CONFUSION, IN THE END, IT'S WHAT IS ON THE FINAL PLANS THAT BUILDING AND SAFETY WILL RELY ON.

THAT'S ALL.

>> S. O'KEEFE: GREAT.

THANK YOU.

IGOR.

>> I. TREGUB: THANK YOU.

THESE QUESTIONS ARE ALSO FOR STAFF.

ONE OF THE APPELLANTS PROVIDED A PROPOSAL TO USE FROSTED GLASS FOR, AS A UNDERSTAND, ONE OF THE WINDOWS.

BUT I WANTED TO SEE, OR JUST CONFIRM, WOULD THAT BE IN SCOPE OR IS IT OUT OF SCOPE?

BECAUSE ALL WE'RE DEALING WITH FOR THE PURPOSES OF TONIGHT IS THE DEPTH.

>> THE WINDOWS ARE BROUGHT UP WERE INCLUDED IN THE ORIGINAL AUP. SAMANTHA CAN CONFIRM IF THAT'S NOT WITHIN THE SCOPE OF THIS MODIFICATION.

IT'S NOT WITHIN THE SCOPE OF THE MODIFICATION ITSELF.

SAMANTHA, DO I HAVE ANYTHING TO ADD?

>> THAT'S CORRECT.

THOSE WINDOWS WERE PART OF THE ORIGINAL AUP THAT WAS APPROVED AND THE SCOPE OF THE MODIFICATION THAT WE'RE LOOKING AT NOW IS THE 40 SQUARE FOOT ADDITION ON THE FIRST FLOOR AND THE BALCONY

ON THE SECOND FLOOR.

>> I. TREGUB: AND MY OTHER QUESTION WAS GOING TO BE, I KNOW THIS DOES NOT RISE TO THE LEVEL OF THE TYPE OF PERMIT WHERE THERE WOULD TYPICALLY BE VERIFICATION AROUND SURVEYING.

HAVE THERE BE INSTANCES -- LIKE HAS THE CITY INDEPENDENTLY OR COULD THE CITY INDEPENDENTLY ASSURE ITSELF OF WHAT THE DIMENSIONS ARE GIVEN THERE SEEM TO BE QUESTIONS AND DISAGREEMENTS AROUND THE FINDINGS?

>> JUST TO CLARIFY, THERE WAS A SURVEY, IT'S ATTACHMENT THREE OF THE STAFF REPORT.

THE SURVEY THAT WAS PROVIDED AND DATED AS MAY 16TH, 2022. THAT INFORMATION IS INCORPORATED INTO THE PLANS THAT WERE APPROVED BY THE ZONING OFFICER.

AS FAR AS YOUR QUESTION CONCERNING THE CITY ASKING FOR A SURVEY, I DON'T BELIEVE THAT'S CUSTOMARY.

BUT IF SAMANTHA WOULD LIKE TO CLARIFY THAT.

>> THE CITY DOES NOT DO SURVEYS.

BUT THE SURVEY THAT WAS PROVIDED IS FROM A LICENSED SURVEYOR.

>> I. TREGUB: JUST TO CONFIRM AND I'M LOOKING AT THE SURVEY, WEAVE ALE DELTA WITH [INDISCERNIBLE]

THEY KNOW WHAT THEY'RE DOING.

MY NONPROFESSIONAL OPINION IS THAT MIRREN IS A PROFESSIONAL SURVEYOR AND KNOWS WHAT THEY'RE DOING.

WHO [INDISCERNIBLE]

>> WHO COMMISSIONED THE MIRREN SURVEY?

>> I. TREGUB: WAS AT THAT REQUIRED AS PART OF THE APPLICATION OF THE APPLICANT TO COMMISSION THIS SURVEY TO BE DONE?

>> THE APPLICANT PROVIDED THE SURVEY.

>> I. TREGUB: OKAY.

THANK YOU SO MUCH.

>> S. O'KEEFE: DEBORAH SANDERSON, DO YOU WANT TO ADD SOMETHING?

>> D. SANDERSON: SURVEYS ARE A LEGAL DOCUMENT.

THE CITY CAN'T DECLARE ONE IS BAD AND ONE IS GOOD.

THAT'S UP TO THE NEIGHBORS TO WORK IT OUT IN COURT.

I WOULD LIKE YOUR TAKE, THEY'LL BE REQUIRED TO DO A SURVEY

BEFORE THEY PUT A SHOVEL IN THE GROUND OR AT LEAST A POST.

THAT POST MUST BE THE SAME DISTANCE AS IN THE PLANS FROM THE REAL PROPERTY LINE THAT THEY WORK OUT.

SO WE'VE HAD NEIGHBOR WHOSE CHALLENGE EACH OTHER'S SURVEYS.

IT GOES ON AND ON IN COURT.

IT'S NOTHING FOR US TO DO.

BUT RECOGNIZE THAT THE DIMENSIONS ON THE PLAN FROM THE PROPERTY LINE ARE GOING TO BE THE SAME WHEREVER THE PROPERTY LINE IS.

THAT'S WHY WE ASK FOR ALL OF THESE LITTLE TINY NUMBERS I CAN'T READ ANY MORE ON THE PLAN.

>> S. O'KEEFE: ALL RIGHT.

IT'S OPEN FLOOR.

DEBORAH MATTHEWS.

I THINK YOU'RE MUTED, DEBORAH MATTHEWS.

>> IN LISTENING TO THIS, ONE OF THE THINGS THAT COMES UP FOR ME IMMEDIATELY IS THAT THE BURDEN OF RESPONSIBILITY IN ADDRESS THE PRIVACY ISSUE SHOULD NOT BE ON THE APPELLANT.

I CLEARLY THINK THAT -- AND IT LOOKS LIKE THE WEST WALL, THAT THERE ARE REALLY VERY CONVENIENT, ELEGANTLY DESIGNED SCREENING APPLICATIONS THAT FOLKS CAN INCLUDE NOW THAT ARE REASONABLY PRICED THAT COULD REALLY ADDRESS THIS WEST WALL ISSUE.

IT COULD EXTEND THE FULL LENGTH OFFER -- WHAT IS THE FULL LENGTH OF THAT WALL?

RATHER THAN HAVING AN OPENING ON ONE SIDE AND/OR THE OTHER.

STAFF, I'M ASKING, WHAT IS THE FULL LENGTH OF THAT WALL?

>> I'M NOT SEEING IN THE PLAN WHAT IS YOU'RE TALKING ABOUT, DEBORAH.

>> YOU KNOW --

>> I THINK IT'S 10 FEET.

>> THE DECK IS ABOUT 10 X 10.

>> OKAY.

ON THAT WALL WHERE THEY HAD THE FRAMING AND WHAT I'M SPEAKING TO, DEBORAH IS THEY HAVE ALREADY THE EXISTING SCREENING THAT'S THERE.

BUT IT'S ONLY PARTIAL.

YOU CAN -- IT DOESN'T ATTACH TO THE STRUCTURE.

SO THERE IS AN OPENING ON ONE OR THE OTHER SIDE.



THEY ALSO POINTED OUT IN THEIR PRESENTATION CAN YOU CAN LEAN ON THE BALCONY ON OTHER SIDE AND STILL LOOK INTO THE NEIGHBOR'S BACKYARD.

>> SO YOU'RE REFERRING TO THIS GAP?

>> YES.

>> THERE IS A GAP LIKE SIX OR EIGHT INCHES AT THE MAIN BUILDING CONNECTION.

>> RIGHT AND -- IN FOR THE NEED OF THE APPELLANT, BASICALLY HAVING GONE TRUE WHATEVER HER OWN PERSONAL, EMOTIONAL ISSUES ARE WHICH WE REALLY ARE SENSITIVE TO HERE ON THIS BOARD, I THINK EVERYONE COULD EASILY SAY THAT.

IF WE ADDRESSED THAT IT COULD BE A SIMPLE FIX.

>> IT SEEMS TO ME WE HAVE A [INDISCERNIBLE] -- A WALL THAT IS 10 FEET LONG.

I'M SURPRISED IT DOESN'T ATTACH TO THE BUILDING.

THE PICTURE I SAW SHOWED IT ON TOP OF THE RETAINING WALL, I MEAN THE SAFETY WALL.

WHICH WAS THREE OR FOUR FEET TALL AND THE SCREEN IS SIX FEET TALL.

>> S. O'KEEFE: I'M NOT SURE DEBORAH MATTHEWS IS FINISHED.

>> I'M SORRY.

>> THAT'S OKAY.

IT'S OKAY TO HAVE THE COLLABORATION OF THE POINT.

BUT IT WOULD BE IMPORTANT TO JUST COMPLETELY CLOSE THAT OFF AND

I THINK THAT GIVES TO THE APPELLANT A SENSE OF PRIVACY, A SENSE OF REALLY BEING HEARD AND A SENSE OF ADDRESSING WHAT HER CONCERNS ARE.

IF THERE IS A WAY TO DO THAT, I DON'T UNDERSTAND WHY THE APPLICANT HADN'T ALREADY ADDRESSED THAT.

WHATEVER IS GOING ON, LET'S MOVE IT OUT OF THE WAY SO WE CAN DO WHAT IS NECESSARY TO HAVE A POSITIVE OUTCOME FOR BOTH PARTIES.

>> S. O'KEEFE: I THINK -- I APPRECIATE YOUR COMMENTS DEBORAH MATTHEWS.

THIS IS EMOTIONALLY CHARGED CASE.

IF WE CAN REFRAIN FROM ASCRIBING ANY MOTIVES -- LET'S JUST TALK ABOUT THE FACTS WHICH YOU HAVE BEEN DOING.

LET'S REMIND OURSELVES TO TALK ABOUT -- I THINK IT'S IMPORTANT. ESPECIALLY IN THIS CASE.

THANK YOU FOR THAT.

IGOR.

>> I. TREGUB: I WANTED TO ECHO MANY OF COMMISSIONER MATTHEW'S COMMENTS.

I'LL JUST SAY, I DON'T LIVE TOO FAR FROM THIS PROPERTY.

I LIVE FAR ENOUGH THAT I'M ABLE TO VOTE AND HAVE AN IMPARTIAL OPINION.

I THINK IT'S REALLY UNFORTUNATE AS TO THE ACRIMONY THAT HAS OCCUR.

I DO WANT TO REINFORCE THE FACT THAT HERE IN THIS BODY THERE ARE

CERTAIN ISSUES CALLING INTO QUESTION INDIVIDUAL CHARACTER THAT WE JUST DO NOT AND CANNOT DEAL WITH.

SO, THE ONLY THING IN QUESTION THAT IS IN SCOPE APPEARS TO BE THIS 10 X 10 ENCLOSURE FOR LACK OF A BETTER DESCRIPTION.

I AGREE IF WE ARE TO JUST ADDRESS THE PRIVACY ISSUES HEAD ON, WHICH IS SOMETHING THAT IS WELL WITHIN A RIGHT AS THE ZONING ADJUSTMENTS BOARD TO DO.

WE ARE NOT SUGGESTING OR AT LEAST I'M NOT SUGGESTING UNLESS IT WOULD BE STRAIGHTFORWARD TO DO THIS.

I WOULD BE INTERESTED IN EXPLORING OTHER OPTIONS INCLUDING IF THERE IS A SLIGHT CHANGE TO ORIENTATION OF THE DECK THAT ALL THREE PARTIES WOULD BE SATISFIED WITH, I WOULD BE INTERESTED IN THAT AS WELL.

UNLESS I HEAR THAT IT SEEMS LIKE THE SIMPLEST AND MOST IMPACTFUL THING THAT WE CAN DO IS TO DIRECT THE APPLICANT TO CREATE A FULL ENCLOSURE THAT COMPLETELY MITIGATES FOR THE POTENTIAL PRIVACY IMPACTS.

I'M NOT AN ARCHITECT.

WE HAVE OTHER ARCHITECTS HERE.

SO I WILL DEFER TO THEM.

THAT IS SOMETHING THAT I WOULD BE INTERESTED IN SUPPORTING SO THAT WE CAN ADDRESS THE THING THAT WOULD HOPEFULLY DO THE MOST GOOD HERE AND ALLOW THE NEIGHBORS TO MOVE FORWARD HOPEFULLY -- I HOPE THAT THE SITUATION -- IF THAT CAN ADDRESS THE ACRIMONY, I

WOULD LOVE TO SUPPORT THAT.

>> YOU SAID A FULL ENCLOSURE, YOU MEAN ON THE ONE WALL OR THE WHOLE BALCONY.

>> I. TREGUB: I WOULD BE INTERESTED IN HEARING FROM OTHERS INCLUDING POTENTIALLY THE APPLICANT AND APPELLANTS.

BUT AT LEAST ON THE ONE WALL SOMETHING THAT CONNECTS TO THE REST OF THE STRUCTURE FULLY.

>> S. O'KEEFE: SIMILAR TO WHAT THEY WERE SUGGESTING.

THE DEBORAHS SUGGESTED.

LET'S HEAR FROM DOHEE.

>> D. KIM: I BELIEVE THERE IS A COMMENT DURING PUBLIC HEARING THAT TO ME SOUNDED LIKE WE NEED TO EMPHASIZE COMMUNITY BUILDING IN THESE PUBLIC FORUMS.

AND THAT REMINDED ME ALSO THAT THE ZONING ADJUSTMENT BOARD IS MADE UP OF CONSTITUENTS AND COMMUNITY MEMBERS.

WE'RE NOT A LEGAL BODY.

WE MAY BE A QUAZI-LEGAL BODY.

>> YOU MEAN QUASI-JUDICIAL.

>> RIGHT BUT WE'RE NOT A LEGAL BODY OF LAWYERS OR ANY OTHER PEOPLE WITHIN THAT OFFICIAL SYSTEM TO SPEAK ON PERJURY OR ANYTHING LIKE TO OR INTENT OR CHARACTER FLAWS OR THINGS LIKE THAT.

I WANTED TO EMPHASIZE THAT COMMUNITY BUILDING IS IMPORTANT AND WE ARE COMPRISED OF COMMUNITY MEMBERS WHICH INCLUDES PUBLIC

SPEAKERS COMING TO PUBLIC HEARINGS.

WE APPRECIATE YOUR COMMENTS FOR THE SCENARIO.

AND I ALSO WANTED TO GO BACK TO WHAT COMMISSIONER DEBORAH MATTHEWS STATED ABOUT HOW THE APPLICANT CAN BE MORE PROACTIVE IN ENSURING THAT THIS PROJECT IS EQUITABLE AND TO BE IN COMMUNICATION WITH NEIGHBORS AND TO REALLY CONSIDER THEIR CONCERNS AS THE APPLICANT PROPOSING A PROJECT THAT COULD BE DISRUPTIVE TO THEIR LIVES.

I WANTED TO AGREE WITH THAT.

I WANT TO STATE THAT HISTORICALLY IN ZAB, I'VE NOTICED SCENARIOS IN TERMS OF PRIVACY, THERE HAS BEEN A LOT OF HEAD-ON EASY SOLUTIONS.

YOU REMEMBER WHEN COMMISSIONER OLSON USED TO STATE OPAQUE WINDOWS, SCREENERS FOR THE WINDOWS.

THAT IS ONE EASY SOLUTION.

COMMISSIONER TREGUB ALSO STATED AT THE DISCRETION OF MORE ARCHITECT OPINION OF HOW TO CHANGE THE ORIENTATION.

WOULD I LIKE TO SAY AS A COMMISSIONER, I WOULD BE INTERESTED IN LEARNING MORE ABOUT THAT AS SOMEONE WHO IS NOT AN ARCHITECT.

BUT HAS READ THROUGH THE PLANS BUT STILL WANT YOUR EXPERT OPINION ON THE ORIENTATION.

I WOULD BE HAPPY TO SEE USE OF OPAQUE WINDOWS AND EXTENSION OF [INDISCERNIBLE] AND I WOULD BE INTERESTED IN WHAT YES OR OTHER ARGUMENTS ON THE BOARD WOULD SAY ABOUT CHANGING ORIENTATION.

THAT'S WHAT I WANT TO SAY AND END WITH IS WE ARE ALL HERE TO  
BUILD COMMUNITY.

EVERYONE PLAYS A ROLE IN IT.

>> S. O'KEEFE: THANK YOU.

AND WE'RE ABOUT TO HEAR FROM OUR TWO ARCHITECTS.

FIRST KIMBERLY AND THEN YES.

>> I WANT TO THANK ALL THOSE THAT SPOKE TOLD.

I WOULD LIKE TO ALSO -- I AGREE WITH COMMISSIONER MATTHEWS AND  
AGREE ON CREATING A PLAN THAT IS INTEGRATIVE TO THE ARCHITECT.

MAYBE THE RAILING COULD BE BROUGHT ALL THE WAY UP OR MIXED WITH  
SOME KIND OF SCREENING SO IT'S NOT A COMPLETELY FLAT WALL BUT BE  
ABLE TO MAYBE SHOW THE APPELLANT THE DETAILS OF THAT.

IT'S NOT JUST TACKED ON AND WOULD BLOW OVER.

THERE ARE WAYS TO MAKE IT MORE SUBSTANTIAL STRUCTURE.

I THINK MAYBE RAISING IT SIX INCHES.

SIX FEET SEEMS LOW TO ME.

THERE ARE PEOPLE WHO ARE SIX FEET TALL AND RAISING IT ANOTHER  
SIX INCHES WOULD BE USEFUL.

REGARDING THE ORIENTING IN A DIFFERENT WAY, I PERSONALLY WOULD  
[INDISCERNIBLE] ORIENTATION CHANGING THAT ORIENTATION.

IT'S AN INTERESTING DISCUSSION BUT OBVIOUSLY THAT WILL IMPACT  
DEPENDING ON WHERE THE ORIENTATION MIGHT BE COULD IMPACT OTHER  
NEIGHBORS SO VOTING TO ACTUALLY MAKE THAT HAPPEN.

I FEEL IT WOULD BE FAIR TO NEIGHBORS.

I ALSO THINK THAT JUST KIND OF MAKING THAT SCREEN -- MAKE SURE THAT IT'S GOING TO BE COMFORTABLE.

THOSE WITH MY COMMENTS.

>> S. O'KEEFE: THANK YOU.

YES.

>> THANK YOU AND I APPRECIATE EVERYONE'S PERSONAL COMMENT AND COMMITMENT TO THIS ISSUE.

MY COMMENTS TONIGHT ARE NOT GOING TO INCORPORATE THE INTENT OF AN APPLICANT OR THE CHARACTER OR RACE, INCOME, ATTITUDE OR RESIDENCY STATUS.

MY COMMENTS ARE ABOUT VIEWS, NOISE AND PRIVACY.

AND ALSO ABOUT MISREPRESENTATION AND REPRESENTATION OF DATA.

I THINK REGARDING DATA, IT SEEMS I APPRECIATE THAT -- IT SEEMS LIKE WE SOLVED THAT ISSUE.

GETTING A SURVEY IS IMPORTANT AND RESPONSIBLE.

AND I THINK WE SHOULD RELY ON A SURVEYOR.

I'M GOING TO RELY ON STAFF REGARDING COMPLETENESS AND REGARDING THE ACCURACY OF THE DATA AND STAFF'S RECOMMENDATION.

I APPRECIATE THAT THE PARTIES WENT TO MEDIATION.

I APPRECIATE THAT THE SURVEYS WERE DONE.

I APPRECIATE ALL OF THE COMPLETENESS IN THE PRESENTATION TODAY FOR ALL OF US.

THESE ARE COMPLICATED ISSUES.

I JUST APPRECIATE THAT THE LEVEL OF DETAIL AND CLARITY WAS, I

THINK, APPROPRIATE.

REGARDING -- ONE OTHER THING I WANTED TO MENTION, I ALSO APPRECIATE THE ACCOMMODATIONS THAT WERE MADE.

IF THIS WERE PRESENTED TO ME -- TO US AND WE HAD SEEN THIS IN ITS PREVIOUS STATE IN A LARGE ROOF DECK WITH OPEN GUARDRAILS, AND WE UNDERSTOOD THERE WAS A PRIVACY ISSUE AS WE DEAL WITH ALMOST EVERY MEETING.

I WOULD SUGGEST AN ACCOMMODATION, THAT SAID, COULD YOU REDUCE THE SIZE OF THE ROOF DECK.

MAYBE SMALLER SO YOU DON'T EVER HAVE A LARGE PARTY OUT THERE.

IT'S NOT 10 X 10 BUT IT'S 9 BY 13.

IT'S A SMALL ROOF DECK AT THIS POINT.

I WOULD SUGGEST YOU ADD A PRIVACY SCREEN WHICH WE SEE IN FRONT OF US TONIGHT.

THERE ARE CONCERNS ABOUT THE PRIVACY SCREEN NOT BEING ADEQUATE IF PARTICULAR LOOKING AROUND IT.

THAT COULD BE EASILY SOLVED BY MAKING A PRIVACY SCREEN THAT IS A LITTLE BIT WIDER.

LET'S SAY 18 INCHES ON EITHER SIDE.

AND THE ISSUE OF BEING ABLE TO LOOK AROUND THE PRIVACY SCREEN IS MITIGATED.

AND A TRANSLUCENT GLASS WORKING WONDERFULLY AND STRUCTURALLY THE ISSUES CAN BE SOLVED.

SIX FEET SEEMS TO WORK FOR ME.



I SIX FEET TALL, BUT MY EYES ARE LOWER.

FOR YOUR EYES TO BE AT 6 FEET, YOU HAVE TO BE ABOUT 6'4" OR  
6'5".

PRIVACY IS IMPORTANT HERE.

I HOPE HE CAN SOLVE THIS AND I HOPE THAT DESIGN CAN HELP  
MITIGATE SOME OF THE CONFLICTS HERE AND YOU CAN ALL MOVE  
FORWARD.

>> S. O'KEEFE: MICHAEL.

>> M. THOMPSON: I APPRECIATE ALL THE COMMENTS THAT EVERYONE HAS  
MADE SO FAR.

IT'S QUITE AN INTENSE CASE.

AND I HOPE WE CAN COME UP WITH A SOLUTION THAT PROVIDES THE  
PRIVACY AND THE SAFETY IN THE COMMUNITY.

AND I HOPE THAT THE NEIGHBORHOOD CAN HEAL AND I HOPE THAT  
EVERYONE CAN MOVE FORWARD AND HAVE THEIR NEEDS MET.

THAT'S IT.

>> S. O'KEEFE: THANK YOU.

I THINK EVERYONE HAS BEEN ABLE TO SPEAK.

THAT'S GREAT.

EVERYONE SAID SOMETHING AND NO ONE MADE A MOTION.

I'M HEARING CONSENSUS.

I'M HEARING THAT WE MAYBE WANT TO DO SOMETHING WITH THE PRIVACY  
SCREEN AND MAKE IT MORE SUBSTANTIAL.

WHO IS WILLING TO STATE THAT IN A MORE PERSON TERM?

DEBORAH SANDERSON.

>> D. SANDERSON: I'LL TAKE A STAB AT IT.

FIRST I HAVE A QUESTION.

WHEN YOU FOLKS WERE TALKING ABOUT ORIENTATION OF DECK, WHAT DID YOU MEAN?

>> S. O'KEEFE: WHO ARE YOU ADDRESSING.

>> D. SANDERSON: SOMEONE MENTIONED ORIENTATION THAT WE SHOULD HAVE THEM LOOK AT THE ORIENTATION OF THE DECK.

>> S. O'KEEFE: WAS THAT YOU IGOR?

>> I THINK THE PRESENTER SAID THAT.

>> S. O'KEEFE: OKAY.

GO AHEAD.

>> D. SANDERSON: I GUESS WE PROPOSE THAT WE ADOPT THE PROJECT AS PROPOSED WITH THE FOLLOWING CHANGES THAT THE SCREENING RUN FROM THE -- THE SCREENING WOULD HIT THE WALL OF THE BUILDING AND GO OUT AT LEAST ALONG THE LINE OF THE DECK.

I'M NOT SURE WHAT THE EXTRA 18 INCHES COMPRISE OF.

THAT SCREEN HAS TO BE SUBSTANTIAL AND IT HAS TO START AT THE BUILDING EDGE, NOT AT THE ROOF DECK EDGE.

I THINK THAT IS WHAT DEBORAH WAS SAYING.

IF WE THINK -- I THINK THE ORIENTATION, IF THE ROOF -- IF THE SCREENING IS MODIFIED TO BE COMPLETE, THEN I DON'T KNOW IF WE SHOULD BE MESSING WITH THE SIZE OF THE ROOF THERE.

WHICHEVER WAY, THE FIRST THREE OR FOUR FEET OF THE ROOF DECK,

WITHOUT THE SCREEN WOULD DEFINITELY IMPEDE ON HER PRIVACY.

WITH THE SCREEN, IT SHOULDN'T.

I WOULD MOVE THE PROJECT WITH MAKING THE SCREEN MORE SUBSTANTIAL AND LONGER SO THAT IT COMES FROM THE HOUSE ITSELF.

AND THAT THE UPPER BATHROOMS WHERE THERE ARE QUESTIONS ABOUT THE WINDOWS, THAT THOSE BE PRIVACY GLASS.

>> I'LL SECOND THAT MOTION.

>> S. O'KEEFE: WE HAVE A MOTION AND A SECOND.

STAFF, IS THAT MOTION CLEAR TO YOU?

DO YOU HAVE A QUESTION?

SAMANTHA?

>> BOARD SECRETARY: THE BATHROOM WINDOWS, I THINK, ARE NOT PART OF THE MODIFICATION.

WOULD THAT BE A RECOMMENDATION?

>> D. SANDERSON: I GUESS SO.

>> BOARD SECRETARY: INSTEAD OF A CONDITION.

>> S. O'KEEFE: JUST ON THE MODIFICATION PROPOSAL.

THAT MAKES SENSE.

>> I ACCEPT THAT.

>> S. O'KEEFE: WE HAVE AN ALL-DEBORAH MOTION HERE.

IGOR.

>> I. TREGUB: YEAH, I REALLY APPRECIATE COMMISSIONER SANDERSON AND COMMISSIONER MATTHEWS AND EVERYONE FOR HELPING US GET TO SOME CAN CLOSURE HERE.

I DO WANT TO NOTE, I DO SEE A HAND FROM THE APPLICANT AND IF IT WOULD BE OKAY WITH THE CHAIR, I WOULD BE INTERESTED TO HEAR WHAT HE HAS TO SAY, BUT WITH THE CAVEAT AND DISCLAIM THAT ARE OUR DECISION HERE IS OUR DECISION AND IT'S BINDING CAN.

>> S. O'KEEFE: I'M GOING TO SAY NO TO THAT BECAUSE IT'S A CONTENTIOUS CASE.

I'M GOING TO LEAVE A THE PUBLIC SPEAKING CLOSED.

>> I. TREGUB: I SUPPORT THE MOTION.

AS A NEIGHBOR WHO LIVES A FEW BLOCKS AWAY, IT PAINS ME TO SEE THIS LEVEL OF ACRIMONY AND WITHOUT COMMENTING ON WHAT CIRCUMSTANCES LED TO WHAT WE HAVE IN FRONT OF US AND HOW ACRIMONIOUS IT GOT.

I TRULY HOPE AND REITERATE WHAT I THINK EVERYONE ON THE BOARD HAS SAID, THAT HOPEFULLY THIS IS ONE THING THAT WE CAN DO FOR COMMUNITY THAT CAN PROVIDE A SENSE OF CLOSURE AT THE BEGINNING OF A HEALING PROCESS.

>> S. O'KEEFE: ANY OTHER COMMENTS?

I WOULD LIKE TO CALL INTO QUESTION AND I HAVE TO VOTE AND ALSO IF WE HURRY, WE CAN GET STAFF COMMUNICATIONS AND DRC BEFORE THE CAPTIONER BREAK.

I'M NOTICING THAT WE'RE ALMOST GOING TO [INDISCERNIBLE] OFF. BUT LET'S TAKE A VOTE, PLEASE.

>> BOARD SECRETARY: THIS IS TO APPROVE THE AUP AT 1262 FRANCISCO STREET WITH THE REVISED CONDITION RELATED TO THE PRIVACY

SCREENING, THE PRIVACY SCREENING BE MADE OF SUBSTANTIAL MATERIAL AND CONSTRUCTION AND START AT THE BUILDING EDGE AND RUN THE FULL LENGTH OF THE RAILING.

I BELIEVE THAT'S ON THE WEST SIDE THAT STAFF CAN CONFIRM THAT ON THE CONDITION.

AND A RECOMMENDATION TO USE FROSTING OR PRIVACY GLASS IN THE BATHROOM WINDOW AND DISMISS THE APPEAL.

>> D. SANDERSON: YES.

>> S. O'KEEFE: ALL RIGHT.

>> BOARD SECRETARY: BOARD MEMBER TREGUB.

>> YES.

>> DUFFY.

>> YES.

>> GAFFNEY.

>> YES.

>> THOMPSON.

>> YES.

>> CHAIR O'KEEFE.

>> YES.

>> MATTHEWS.

>> YES.

>> KIM.

>> YES.

>> AND SANDERSON.

>> YES.

>> S. O'KEEFE: ALL RIGHT.

SOUND LIKE IT CARRIES.

MOTION PASSES.

1262 FRANCISCO, YOU HAVE YOUR USE PERMIT APPEALABLE TO THE CITY

COUNCIL.

AND WE'RE DONE WITH THE ACTION CALENDAR.

# Zoning Project Application

*(This box for staff use only.)*

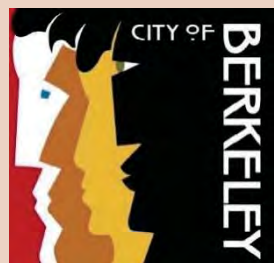
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ZP20 \_\_\_ - \_\_\_\_\_

- Administrative Use Permit       Variance  
 Use Permit                               Modification of any of the Above

Zoning District(s): \_\_\_\_\_

Intake Planner: \_\_\_\_\_



## Land Use / Zoning

Planning and  
Development

All new uses, structures, and modifications to structures in the City of Berkeley are required to be in conformance with the Zoning Ordinance.

Information on different types of permits can be found at the links below.

### Overview of the Permitting Process

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Permit\\_Service\\_Center/Permitting\\_Process.aspx](https://www.cityofberkeley.info/Planning_and_Development/Permit_Service_Center/Permitting_Process.aspx)

### Types of Permits

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Home/Types\\_of\\_Land\\_Use\\_Permits.aspx](https://www.cityofberkeley.info/Planning_and_Development/Home/Types_of_Land_Use_Permits.aspx)

### Zoning Project Submittal Requirements

<https://tinyurl.com/rahe81d>

## Land Use / Zoning

1947 Center Street  
2nd Floor

Berkeley, CA 94704  
Phone: 510-981-7410  
TDD: 510-981-7450  
[planning@cityofberkeley.info](mailto:planning@cityofberkeley.info)

### Project Information:

Project Address: 1262 Francisco St. Unit/Suite #: \_\_\_\_\_

Assessor Parcel Number: 058 213500300

**Project Description:** \_\_\_\_\_

The proposed project is for a modification to an approved AUP. New work include a 40 s.f. addition at the first floor and a new roof deck at the second floor.

**Expedited Services Requested?** Yes  No

**Property Owner's Name:** Jonathan Miller

Owner's Mailing Address: 1262 Francisco St. Berkeley CA 94702

Phone #: (415) 999-2797

Email: jonzo88@gmail.com

**Applicant's Name** (or enter "same"): Studio G+S Architects - Sundeep Grewal

Applicant's Mailing Address: 2223 5th. St. Berkeley, CA 94710

Phone #: 510-548-7448

Email: sunny@sgsarch.com

Under penalty of perjury, I certify that:

- (1) the application materials are true and complete to the best of my knowledge;**  
**(2) the attached paper and electronic copies of this application are the same; and**  
**(3) I agree to pay all expenses associated with this application.**

(\*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)

**Applicant Signature:**

Printed Name:

Sundeep Grewal

Date: 01-07-2021

**Owner Signature:**

Printed Name:

Jonathan Miller

Date: 01-07-2021

(This page is for staff use only)

Zoning District(s):	
Zoning Section	Description
1. 23___._____.	UP/AUP to
2. 23___._____.	UP/AUP to
3. 23___._____.	UP/AUP to
4. 23___._____.	UP/AUP to
5. 23___._____.	UP/AUP to
6. 23___._____.	UP/AUP to
7. 23___._____.	UP/AUP to
8. 23___._____.	UP/AUP to
9. 23___._____.	UP/AUP to
10. 23___._____.	UP/AUP to





Permit Service Center  
Building and Safety Division  
1947 Center St. 3rd Floor  
Berkeley, CA 94704

# INVOICE

Date: 01/11/21

**Invoice #:** 450960

**Record #:** ZP2021-0006

**Bill to:**

**Address:** 1262 FRANCISCO ST

Sundeep Grewal  
2223 5TH ST  
BERKELEY CA 94710-2216

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
1/11/2021	Records Management RM	\$50.00	(\$50.00)	\$0.00
1/11/2021	Community Planning Fee (15%) ADDCPF	\$60.00	(\$60.00)	\$0.00
1/11/2021	MODAUP: AUP Modification MOD010	\$400.00	(\$400.00)	\$0.00
<b>Totals:</b>		\$510.00	(\$510.00)	\$0.00



Permit Service Center  
 Building and Safety Division  
 1947 Center St. 3rd Floor  
 Berkeley, CA 94704

# INVOICE

Date: 01/11/21

**Invoice #:** 450960

**Record #:** ZP2021-0006

**Bill to:**

**Address:** 1262 FRANCISCO ST

Sundeep Grewal  
 2223 5TH ST  
 BERKELEY CA 94710-2216

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
1/11/2021	Records Management RM	\$50.00	\$0.00	\$50.00
1/11/2021	Community Planning Fee (15%) ADDCPF	\$60.00	\$0.00	\$60.00
1/11/2021	MODAUP: AUP Modification MOD010	\$400.00	\$0.00	\$400.00
<b>Totals:</b>		<b>\$510.00</b>	<b>\$0.00</b>	<b>\$510.00</b>



### **Applicant's Statement**

**Project address:**

1262 Francisco St.  
Berkeley, CA 94702

**Existing Conditions:**

The existing flat parcel contains a two-story, split level, single family house. The existing house is 1,518 square feet with three bedrooms and two bathrooms.

**Proposed project:**

The proposed project includes a modification to an approved AUP (ZP2020-0122) for a second story addition

Components of the project include:

**First floor:**

- Expand office (bedroom 4) by a 40 s.f. addition

**Second floor:**

- Create new roof deck at master suite
- Add new patio doors to access roof deck
- Add new transom window above patio door

**Planning Application includes:**

Administrative Use Permit (AUP) for building addition exceeding 14 feet in height.

**Arguments in support of this project are as follows:**

- A. The proposed first floor addition is only modest 40 s.f. in size and single story.
- B. The proposed second floor roof deck is located at the rear of the house and setback from side and rear property lines sufficiently.
- C. The proposed project meets all required height limits, setbacks and lot coverage and is substantially under the required limits.
- D. The usable open space requirement exceeds the minimum space requirement of 400 s.f. per dwelling unit. Total space provided is over 2,500 s.f.
- E. Has negligible impact to neighboring properties. (See shadow study)
- F. The scale and style of the new addition is compatible with other residences in this neighborhood.

- G. A respectful approach to design has been followed to blend in the surrounding natural elements of the site.
- H. The proposed addition matches the existing architectural style and materials of the existing house.
- I. This project seeks no variances.
- J. The proposed project has support from the adjoining neighbors.

A handwritten signature in black ink, appearing to read 'Sundeep Grewal', with a stylized flourish at the end.

Sundeep Grewal  
Project Architect

project site



Aerial View

1262 Francisco St.



1262 Francisco St.

Miller Residence  
1262 Francisco St.  
Berkeley, CA 94702

## Site Photos

2223 Fifth Street.  
Berkeley, CA 94710  
Ph: 510. 548. 7448  
www.sgsarch.com





1729 Chestnut St.



1256 Francisco St.

1729 Chestnut St.



1262 Francisco St.

Miller Residence  
1262 Francisco St.  
Berkeley, CA 94702

## Site Photos

2223 Fifth Street.  
Berkeley, CA 94710  
Ph: 510. 548. 7448  
www.sgsarch.com





1257 Francisco St.      1287 Francisco St.      1295 Francisco St.



1292 Francisco St.      1274 Francisco St.      1272 Francisco St.



1262 Francisco St.

Miller Residence  
1262 Francisco St.  
Berkeley, CA 94702

## Site Photos

2223 Fifth Street.  
Berkeley, CA 94710  
Ph: 510. 548. 7448  
www.sgsarch.com





1719 Chestnut St.

1245 Francisco St.

1247 Francisco St.



1247 Francisco St.

1249 Francisco St.

1253 Francisco St.



1253 Francisco St.

1255 Francisco St.

Miller Residence  
1262 Francisco St.  
Berkeley, CA 94702

# Site Photos

2223 Fifth Street.  
Berkeley, CA 94710  
Ph: 510. 548. 7448  
www.sgsarch.com





area of new addition



area of new addition




area of new addition

Miller Residence  
1262 Francisco St.  
Berkeley, CA 94702

# Site Photos

2223 Fifth Street.  
Berkeley, CA 94710  
Ph: 510. 548. 7448  
www.sgsarch.com



	<h1 style="margin: 0;">Zoning Project Application Submittal Requirements</h1>	Page 1 of 18
<i>(This box for staff use only.)</i>		DATE STAMP HERE
ZP202 - _____ <input type="checkbox"/> Administrative Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Use Permit <input type="checkbox"/> Modification to any of the Above		
Intake Planner: _____		

The Zoning Project Submittal Requirements packet describes all of the materials required to submit a complete Zoning Project Application to the Planning and Development Department, Land Use Division. Section 1 is a checklist of materials required for all projects; Sections 2-7 comprise a list of materials that may be required based on the project type or location. Other information not included on this checklist may be requested to address unique situations. All documents, reports and plans must be provided in hard copy and digital format.

Each submittal requirement on the checklist is described further in this packet, starting on page 3. Each description: 1) identifies whether an item is required, and 2) indicates how to prepare each document, drawing, material, and/or report.

Pages 1 and 2 of this packet must be completed and submitted with the Application. Staff will verify that the minimum submittal requirements have been included with your package during the application submittal appointment. Applications that are missing the materials in this checklist will not be accepted for review.

### Section 1 – Required for all Projects

- |   |  |
|---|--|
| <p>A. <input checked="" type="checkbox"/> Completed Zoning Project Application Packet comprised of the following individual sections:</p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Zoning Project Application Form</li> <li>2. <input checked="" type="checkbox"/> Completed copy of this Zoning Project Submittal Requirements Checklist (Pages 1-2)</li> </ol> <p>B. <input checked="" type="checkbox"/> Applicant Statement / Waiver Request</p> <p>C. <input type="checkbox"/> Payment of Application Fees (Please Refer to Current Fee Schedule)</p> <p>D. <input checked="" type="checkbox"/> Hazardous Waste and Substances Statement</p> | <p>E. <input checked="" type="checkbox"/> Tabulation Form</p> <p>F. <input type="checkbox"/> Zoning Use Questionnaire</p> <p>G. <input type="checkbox"/> Pre-Application Yellow Poster</p> <p>H. <input type="checkbox"/> Pre-Application Neighborhood Contact</p> |
|---|--|

### Section 2 – Required for All Development Projects

(Involving New Structures, Additions, Demolitions, or Exterior Alterations)

- |   |   |
|---|---|
| <p>A. <input checked="" type="checkbox"/> Site Plan</p> <p>B. <input checked="" type="checkbox"/> Lot Coverage/Usable Open Space Plan</p> <p>C. <input checked="" type="checkbox"/> Floor Plans</p> <p>D. <input checked="" type="checkbox"/> Building Elevations</p> | <p>E. <input type="checkbox"/> Street Strip Elevation</p> <p>F. <input type="checkbox"/> Section Drawings</p> <p>G. <input type="checkbox"/> Boundary and/or Topographic Survey</p> <p>H. <input type="checkbox"/> Grading Plan</p> |
|---|---|



# Zoning Project Application Submittal Requirements

Page 2 of 18

## Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

- |   |  |
|---|--|
| A. <input checked="" type="checkbox"/> Site Photographs | F. <input type="checkbox"/> Parking Survey                     |
| B. <input type="checkbox"/> Shadow Study                | G. <input type="checkbox"/> Traffic Impact Analysis Memorandum |
| C. <input type="checkbox"/> Story Pole Plan             | H. <input type="checkbox"/> Photo Simulations                  |
| D. <input type="checkbox"/> Arborist Report             | I. <input type="checkbox"/> Public Art Declaration             |
| E. <input type="checkbox"/> Structural Evaluation       |  |

## Section 4 –Environmental Review

- |   |   |
|---|---|
| A. <input type="checkbox"/> Creek Protection Documentation      | D. <input type="checkbox"/> Seismic Hazard Investigation      |
| B. <input type="checkbox"/> Historic Resource Evaluation        | E. <input type="checkbox"/> State General Construction Permit |
| C. <input type="checkbox"/> Phase I or Phase II Site Assessment | F. <input type="checkbox"/> Stormwater Requirements Checklist |

## Section 5 – Required for Projects Subject to Affordable Housing Requirements

- |  |   |
|--|---|
| A. <input type="checkbox"/> Housing Affordability Statement      | C. <input type="checkbox"/> Density Bonus Eligibility Statement       |
| B. <input type="checkbox"/> Anti-Discrimination Housing Policies | D. <input type="checkbox"/> Area of Potential Effects (APE) Statement |

## Section 6 – Landscape and Green Building Requirements

- |   |   |
|---|---|
| A. <input type="checkbox"/> Landscape Requirements  | C. <input type="checkbox"/> Green Building Requirements |
| B. <input type="checkbox"/> Natural Gas Prohibition, Berkeley Energy Code and Berkeley Green Code |   |

## Section 7 – Related Land Use Planning Division Applications

- |   |  |
|---|--|
| A. <input type="checkbox"/> Design Review | B. <input type="checkbox"/> Structural Alteration Permit |
|---|--|

## PLANNING & DEVELOPMENT

Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> Floor, Berkeley, CA 94704

Tel: 510.981.7410 TDD: 510.981.6903

Fax: 510.981.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)



# PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

## TABULATION FORM

Project Address: 1262 Francisco St. Date: 1-07-2021

Applicant's Name: Studio G+S Architects - Sundeep Grewal

Zoning District: R-2: Restricted Two-Family Residential

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

	<i>Existing</i>	<i>Proposed</i>	<i>Permitted/Required<sup>1</sup></i>
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (#)	1	1	1
Number of Parking Spaces (#)	1	1	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	2	3	N/A
<b>Yards and Height</b>			
Front Yard Setback (Feet)	16'-11"	34'-2" addition	20'-0"
Side Yard Setbacks: (facing property)			
Left: (Feet)	9'-0"	9'-0"	4'-0"
Right: (Feet)	7'-0"	5'-0" addition	4'-0"
Rear Yard Setback (Feet)	61'-11"	57'-11" addition	20'-0"
Building Height* (# Stories)	2	2	4
Average* (Feet)	16'-2"	21'-3"	28'-0"
Maximum* (Feet)			
<b>Areas</b>			
Lot Area (Square-Feet)	6,000 s.f.	6,000 s.f.	5,000 s.f.
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors	1,518s.f.	2,275s.f.	N/A
Building Footprint* (Square-Feet) Total of All Structures	1,536 s.f.	1,769s.f.	2,400 s.f.
Lot Coverage* (%) Residential only (Building Footprint/Lot Area)	25.60 %	29.48 %	40%
Useable Open Space* (Square-Feet)	2,500 s.f.	2,500 s.f.	400 s.f.
Floor Area Ratio* Non-Residential only (Except ES-R)	N/A	N/A	N/A

\*See Definitions – Zoning Ordinance Title 23F.

Revised: 11/19

<sup>1</sup> See development standards for your Zoning District, per the Berkeley Municipal Code, Sub-Titles 23D and 23E  
g:\landuse\forms & instructions\land use planning forms\word files\forms\_zoning project application\zoning project application\_tabulation form.docx



## PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704  
 Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420  
 Email: [Planning@cityofberkeley.info](mailto:Planning@cityofberkeley.info)

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

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

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

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

#### Applicant's Information:

Name: Studio G+S Architects - Sundeep Grewal

Street Address: 2223 5th. St.

City, State, Zip Code: Berkeley, CA 94710

Phone Number: (510) 548-7448 Email: sunny@sgsarch.com

#### Project Information:

Address: 1262 Francisco St

City, State, Zip Code: Berkeley, CA 94702

Assessor's book, page, and parcel number: 058 213500300

#### Specify any list that the site appears on:

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

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

#### Site Use (if known):

Past: \_\_\_\_\_ Present: \_\_\_\_\_

Proposed: \_\_\_\_\_

#### Submittals (check all that are available):

Phase I Report  Phase II Report  Closure Letter  Other: \_\_\_\_\_

#### Applicant's verification:

Signature:  Date: 1-07-2021

**Parcel Conditions**

**1262 FRANCISCO ST**

<b>Summary</b>	
APN:	058 213500300
Full Address:	1262 FRANCISCO ST
<b>Zoning / General Plan</b>	
<b>Regulation Applies</b>	
Zoning District:*	R-2
*Please check map for multiple zoning districts or contact City of Berkeley for official designations.	
General Plan Area:	LMDR
Downtown Arts District Overlay:	No
Commercial Districts with Use Quotas:	No
<b>Seismic Safety</b>	
Earthquake Fault Rupture (Alquist-Priolo) Zone:	No
Landslide (Seismic Hazards Mapping Act):	No
Liquefaction (Seismic Hazards Mapping Act):	No
Un-reinforced Masonry Building Inventory:	No
<b>Historic Preservation</b>	
Landmarks or Structure of Merit:	No
<b>Environmental Safety</b>	
Creek Buffer:	None
Fire Zone:	1
Flood Zone (100-year or 1%):	No
<b>Additional Parcel Info</b>	
Parcel Larger than or equal to 10,000 Square Feet:	No
Parcel Larger than or equal to one acre (43,560 square feet):	No
Redevelopment Area:	No
<b>BESO Data</b>	
Current Status:	Due at Sale
Associated Score:	
<b>Addresses on Parcel</b>	
<b>Type</b>	
1262 FRANCISCO ST	

**City of Berkeley Community GIS Portal** [Contact Us](#)

**Layer List**

Operational layers

- Property & Planning
- Transportation
- Recreation
- Environment
- Community Services
- Base Data

**Parcel Conditions**

Address APN Owner Export

Ex: 2180 Milvia St

**1262 FRANCISCO ST**

Summary	
APN:	058 213500300
Full Address:	1262 FRANCISCO ST
Zoning / General Plan	Regulation Applies
Zoning District:*	R-2
*Please check map for multiple zoning districts or contact City of Berkeley for official designations.	
General Plan Area:	LMDR
Downtown Arts District Overlay:	No
Commercial Districts with Use Quotas:	No
Seismic Safety	
Earthquake Fault Rupture (Alquist-Priolo) Zone:	No
Landslide (Seismic Hazards Mapping Act):	No
Liquefaction (Seismic Hazards Mapping Act):	No
Un-reinforced Masonry Building Inventory:	No
Historic Preservation	
Landmarks or Structure of Merit:	No
Environmental Safety	
Creek Buffer:	None
Fire Zone:	1
Flood Zone (100-year or 1%):	No
Additional Parcel Info	
Parcel Larger than or equal to 10,000 Square Feet:	No
Parcel Larger than or equal to one acre (43,560 square feet):	No
Redevelopment Area:	No
Addresses on Parcel	Type
1262 FRANCISCO ST	M

Permit Information by Address



**Building and Safety  
Permit Service Center**

Complete this form and submit it along with your building permit application when performing the following activities:

1. Any non-residential projects requiring building permits.
2. Residential new buildings.
3. Residential projects that increase a building's conditioned area, volume, or size.
4. Residential projects valued over \$100,000.
5. Demolition permits valued over \$3,000.

A minimum of 65% of the waste generated by construction and demolition activities must be diverted away from landfill disposal through any combination of recycling, salvage, reuse or composting.

**Building and Safety**  
1947 Center St. 3<sup>rd</sup> floor  
Berkeley, CA 94704  
510-981-7440 TTY 6903  
[buildingandsafety@cityofberkeley.info](mailto:buildingandsafety@cityofberkeley.info)

# CONSTRUCTION WASTE MANAGEMENT PLAN

**Project Information**

Project Address:

Permit Number:

**Construction Methods**

The following methods will be used to reduce waste generated during construction:

- Efficient design
- Careful and accurate material ordering
- Careful material handling and storage
- Panelized or prefabricated construction
- Other:

**Universal and Hazardous Waste**

Disposal of asbestos-containing materials, batteries, electronic waste, fluorescent bulbs, lead based paints, mercury containing equipment and refrigerants, require special processing prior to commencement of construction or demolition activities. Additional information can be found at the [Bay Area Air Quality Management District](#), Alameda County [Healthy Homes Department](#), and the City of Berkeley [Toxics Management Division](#).

- This project does not involve disposal of universal or hazardous waste.
- This project includes disposal of universal or hazardous waste in a responsible, safe and verifiable manner.

**Diversion Documentation**

Compliance Documentation will be tracked through one of the following:

- Green Halo Tracking Number:
- The manually completed table on the following page. Disposal receipts are required to be provided to the building inspector prior to or at final inspection.

I understand the waste diversion requirements of Berkeley Municipal Code Section 19.37 and submit this Construction Waste Management Plan pursuant to California Green Building Standards Code Section 4.408.2 or 5.408.1.1.

Sundeep Grewal		1-07-2021
----------------	--	-----------

Name Signature Date



# CONSTRUCTION WASTE MANAGEMENT PLAN

## Waste Processing

Waste will be sorted:  On Site  Bulk

Waste Quantity will be measured by:  Weight  Volume

WASTE MATERIALS*	Building Permit Application		Construction	
	FACILITY	DIVERSION RATE	WASTE QUANTITY	DIVERTED
Asphalt**		100%		
Brick, Masonry and Tile				
Bulk Waste				
Cardboard				
Carpet and Padding				
Ceiling Tile				
Concrete**		100%		
Drywall				
Packaging				
Glass				
Metal				
Paint				
Plastics				
Polyethylene				
Roofing				
Soil, Rock, and Land Debris**		100%		
Textiles				
Wood - Clean				
Wood - Treated or Painted				
Other:				

\* Receipts required at final inspection for all waste materials.

\*\*Disposal to the landfill or with bulk waste are prohibited by Berkeley Municipal Code Section 19.37.

Totals:

Diverted ÷ Waste Quantity:

65% Diversion rate required for compliance

SITE PHOTOS



Street View



Rear View

# MILLER RESIDENCE

1262 Francisco St. Berkeley, CA 94702

SHEET INDEX

Architectural:

- A0.0 Scope Of Work, Vicinity Map, Project Data, Sheet Index, Abbreviations, Applicable Codes, Project Directory, Photos
- A0.1 Existing & Proposed Site Plan
- A1.1 Existing Floor & Demo Plans
- A1.2 Existing Exterior Elevations
- A1.3 Proposed Floor Plans - Approved AUP
- A1.4 Proposed Exterior Elevations - Approved AUP
- A2.1 Proposed Floor Plans - AUP Modification
- A3.1 Proposed Exterior Elevations, Renderings - AUP Modification
- A4.1 Shadow Study - Approved AUP
- A4.2 Shadow Study - AUP Modification

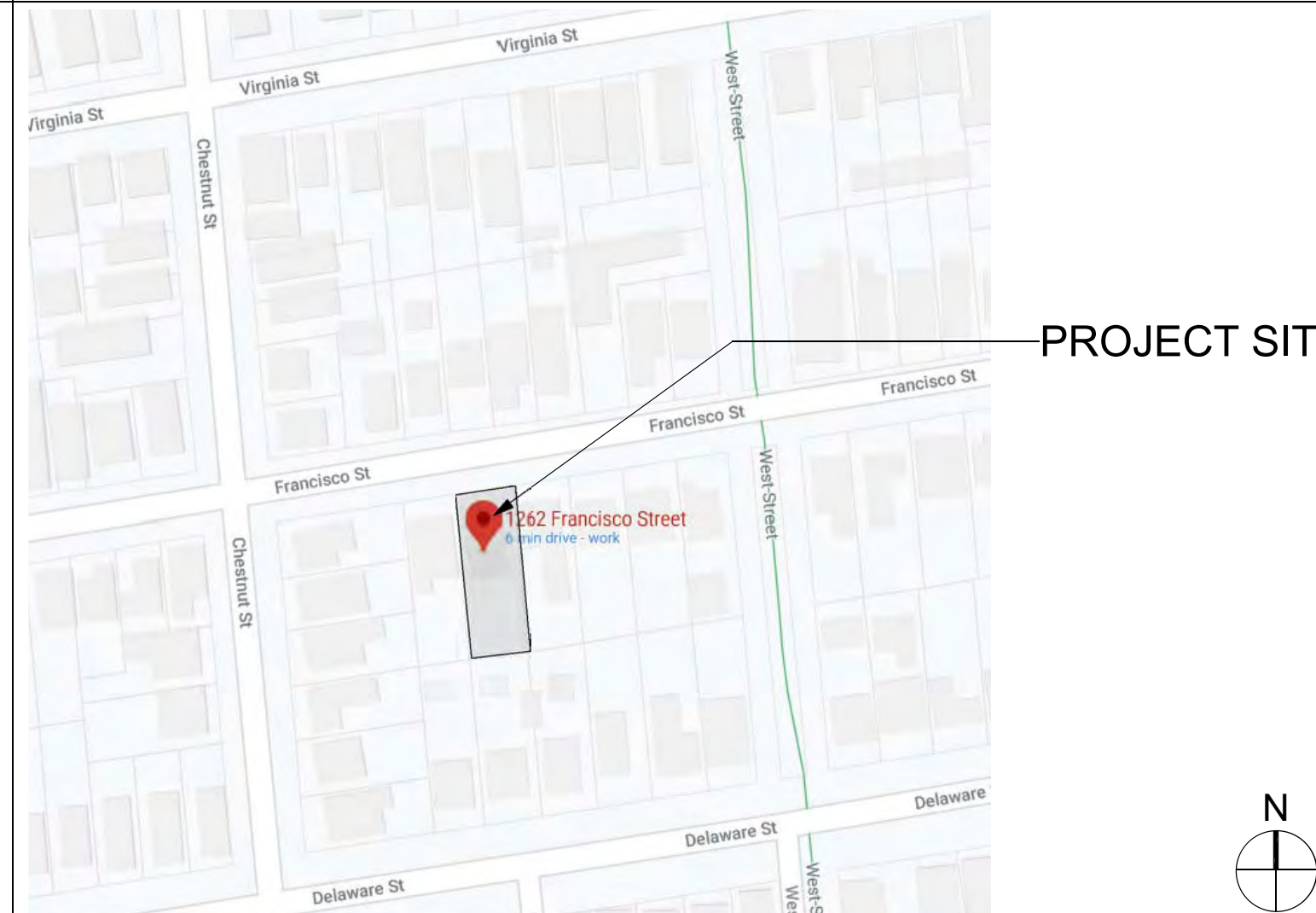
SCOPE OF WORK

The proposed project includes a modification to an approved AUP (ZP2020-0122) for a second story addition

Components of the project include:

- First floor:**
  - Expand office (bedroom 4) by a 40 s.f. addition
- Second floor:**
  - Create new roof deck at master suite
  - Add new patio doors to access roof deck
  - Add new transom window above patio door

VICINITY MAP



PROJECT DIRECTORY

**Owner:**  
Jonathan Miller  
1262 Francisco St.  
Berkeley, CA 94702  
Tel: 415-999-2797

**Project Address:**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

**Architect:**  
Studio G+S, Architects  
2223 5th St.  
Berkeley, CA 94710  
Tel: 510-548-7448  
sunny@sgsarch.com

PROJECT DATA

**Occupancy:** R-3 Duplex  
**Proposed Construction:** U - Private garage  
**Fire Sprinkler System:** Type V-B No

**Zoning/General Plan Regulation**  
**Zoning District:** R-2: Restricted Two-Family Residential  
**General Plan Area:** LMDR  
**Downtown Arts District Overlay:** No  
**Commercial District With Use Quotas:** No

**Seismic Safety**  
**Earthquake Fault Rupture(Alquist-Priolo) Zone:** No  
**Landslide (Seismic Hazards Mapping Act):** No  
**Liquefaction (Seismic Hazards Mapping Act):** No  
**Un-reinforced Masonry Building Inventory:** No

**Historic Preservation**  
**Landmarks or Structure of Merit:** No

**Environmental Safety**  
**Creek Buffer:** None  
**Fire Zone:** 1  
**Flood Zone(100-year or 1%):** No

**Wildlife Urban Interface** No

APPLICABLE CODES

2019 California Building Code (CBC) Volume 1  
2019 California Building Code (CBC) Volume 2  
2019 California Residential Code (CRC)  
2019 California Energy Code (CBEES)  
2019 California Green Building Standards Code (CALGreen)  
2019 California Electrical Code (CEC)  
2019 California Plumbing Code (CPC)  
2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

NEIGHBORS' SIGNATURES

I/We have reviewed the attached proposed plans.

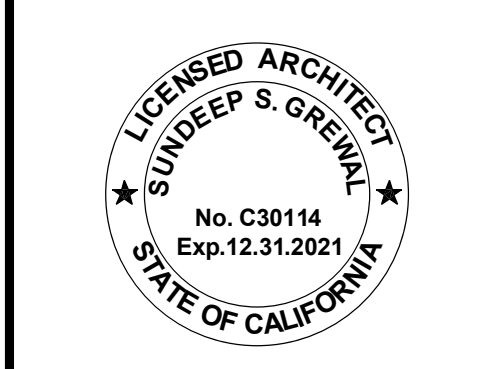
Name (print)	Signature	Owner or Renter	Date	Have no Objections	Have Objections (state briefly)	Have No Comments

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pt.	point
#	pound or number	flash.	flashing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	ptd.	partited
(n)	new	f.o.c.	face of concrete	r.	riser
(f)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	ftg.	footing	rgtr.	register
alum.	aluminum	furn.	furnace	reinfr.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal	gallon	rm.	room
asph.	asphalt	g.s.m.	galvanized sheet metal	r.o.	rough opening
bd.	board	gl.	glass	rwd.	redwood
bldg.	building	gnd.	ground	r.w.l.	rain water leader
bldg.	block	gr.	grade	s.	south
bkg.	blocking	gyp. bd.	gypsum board	s.c.	solid core
bm.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
b/w	between	horiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	sim.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	clearout	lav.	lavatory	sst.	stainless steel
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
col.	column	max.	maximum	stor.	storage
comp.	composition	m.c.	mechanical cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	torque & groove
dia.	diameter	misc.	miscellaneous	thk.	thick
dim.	dimension	mntd.	mounted	t.b.r.	to be removed
dir.	direction	mtl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	t.v.	television
dr.	door	nec.	necessary	typ.	typical
drw.	drawer	neo.	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.i.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
enc.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frosted	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight



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 1262 Francisco St.  
 Berkeley, CA 94702  
 APN: 058 213500300

Sheet Contents:  
Sheet Index  
Applicable Codes  
Vicinity Map  
Project Data  
Scope of Work  
Project Directory  
Photos

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Project No:  
20-07-414

Drawn By:  
SSG

Checked By:  
SSG

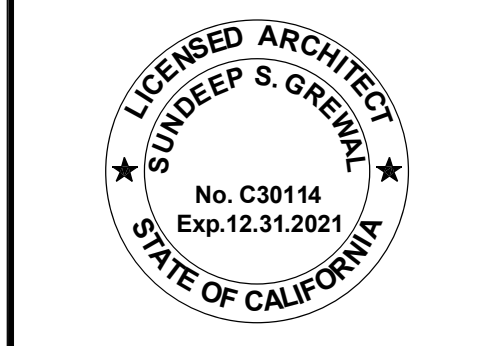
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AUP Modification Submittal:  
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Sheet  
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Sheet Contents:  
Existing Site Plan  
Proposed Site Plan

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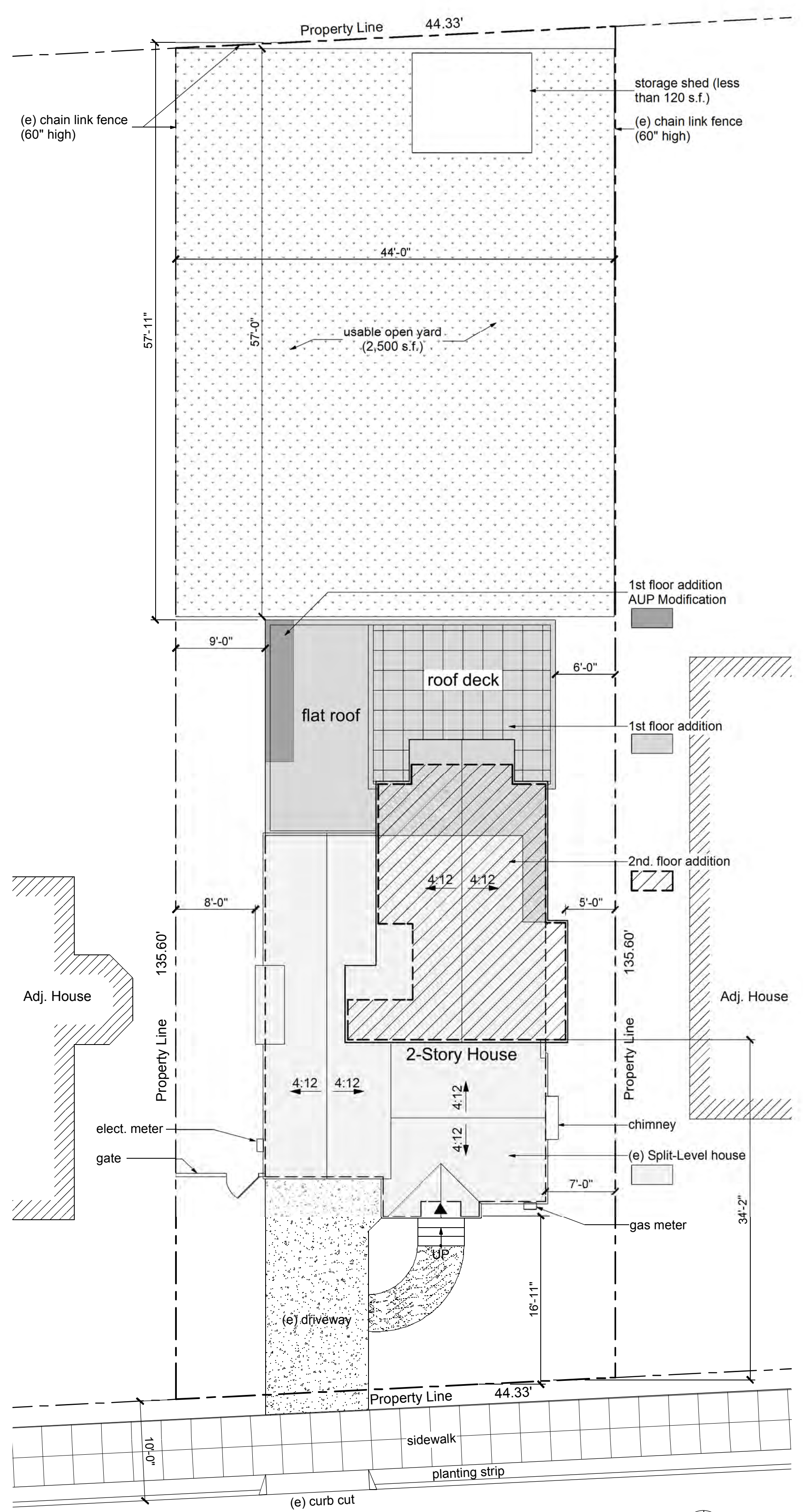
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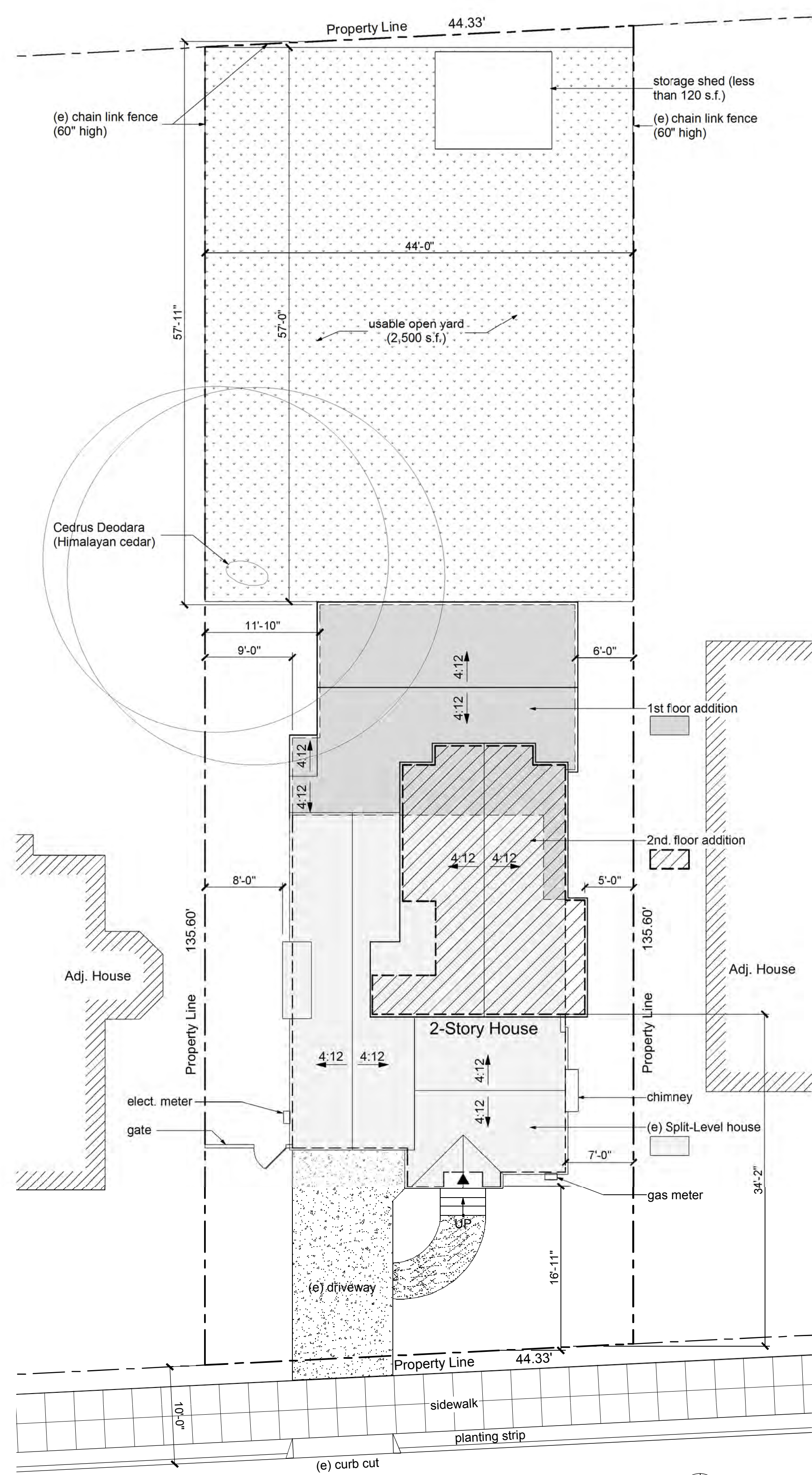
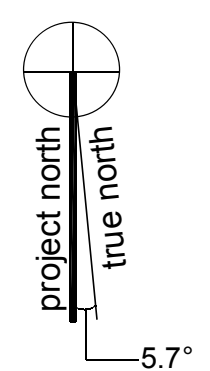
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01-07-2021

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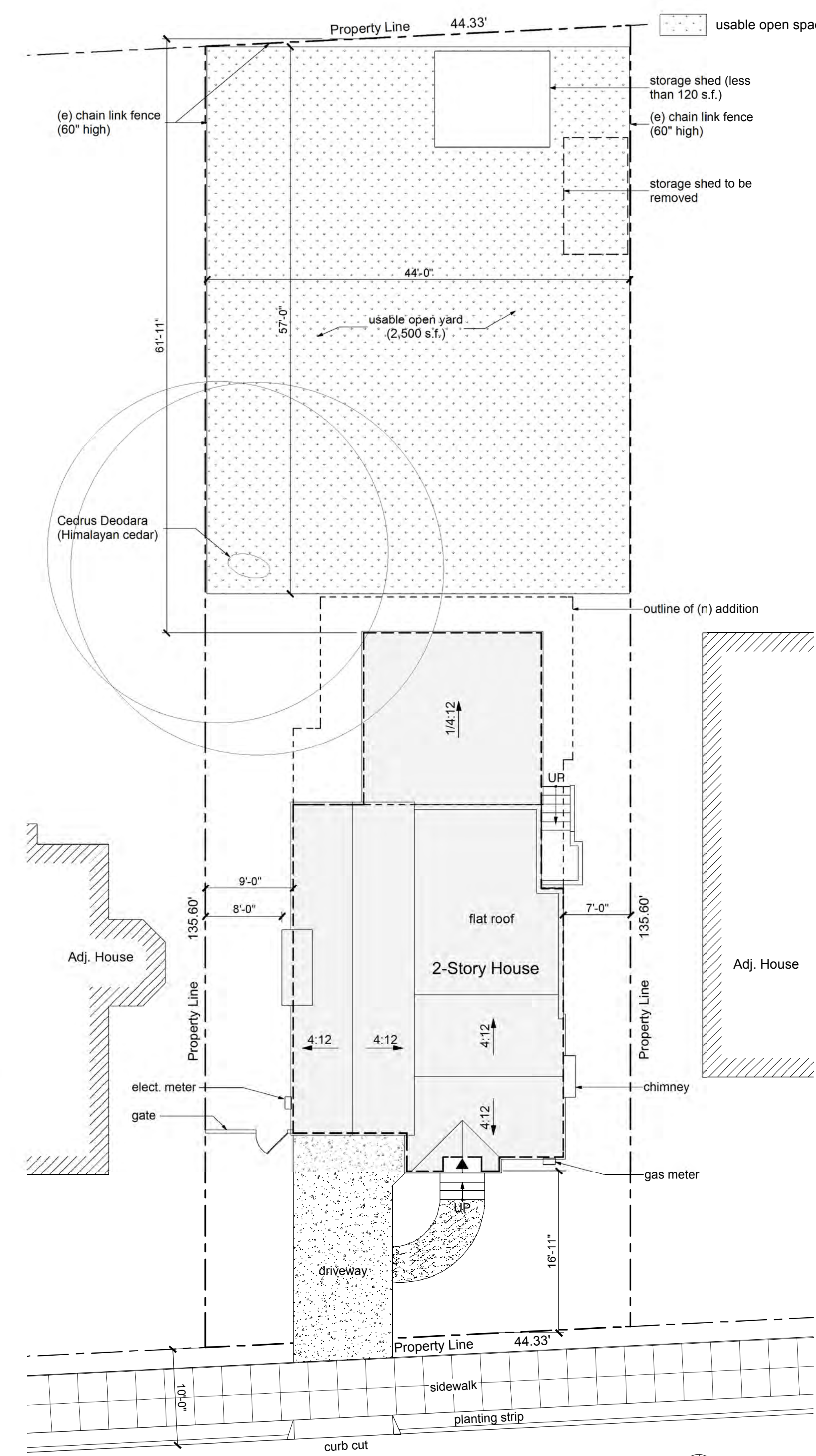
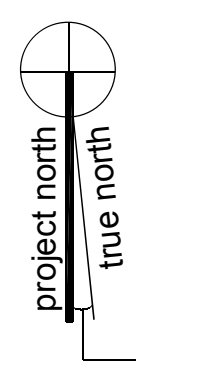
- existing structure
- 1st. floor addition
- 2nd. floor addition
- usable open space



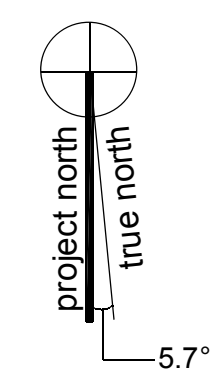
**3** Proposed Site Plan  
AUP Modification



**2** Proposed Site Plan  
Approved AUP

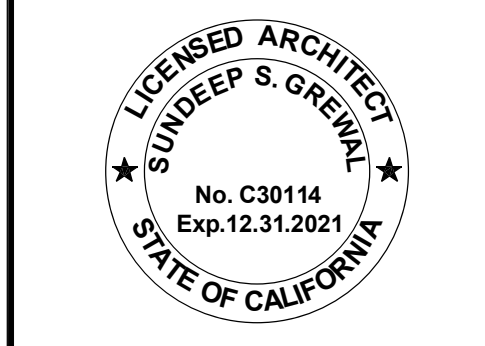


**1** Existing Site Plan





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Sheet Contents:  
Existing Floor Plans

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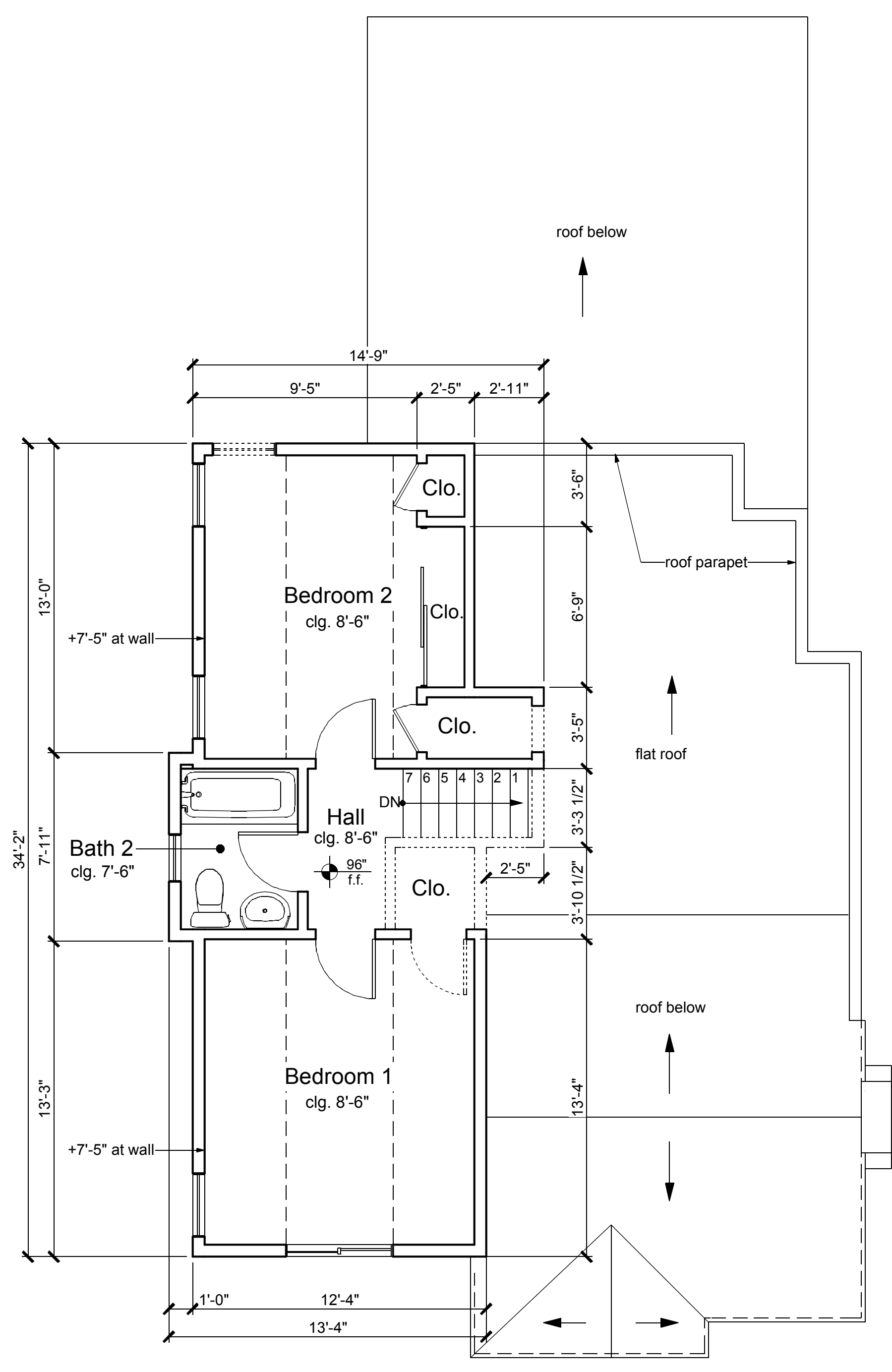
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SSG

Checked By:  
SSG

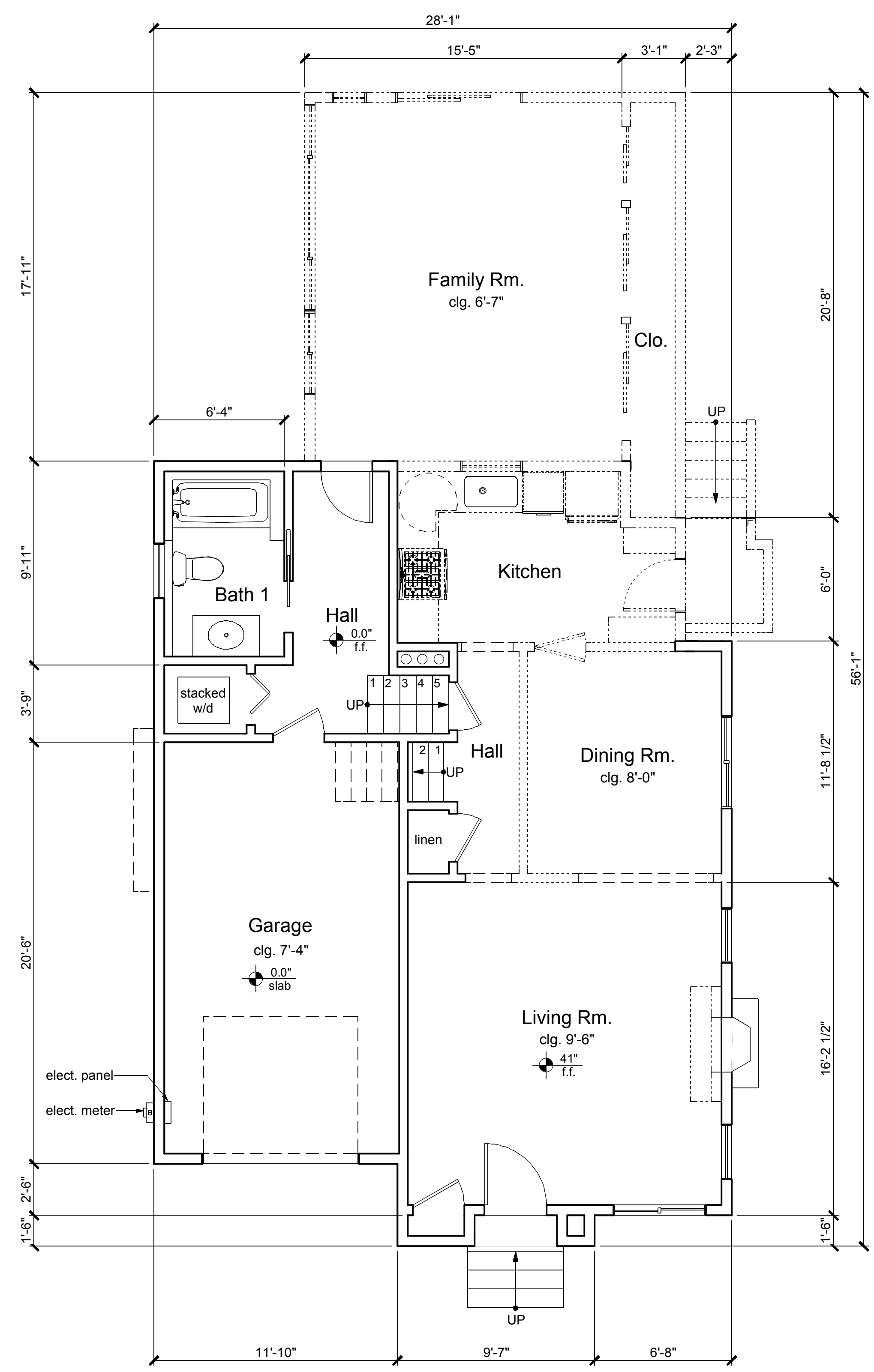
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Revisions:  
AUP Modification Submittal:  
01-07-2021

Sheet  
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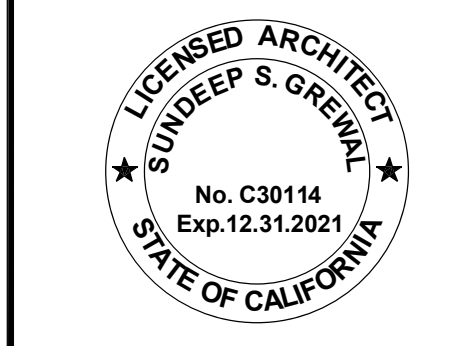
2 Existing Second Floor Plan



1 Existing First Floor Plan



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Existing Exterior Elevations

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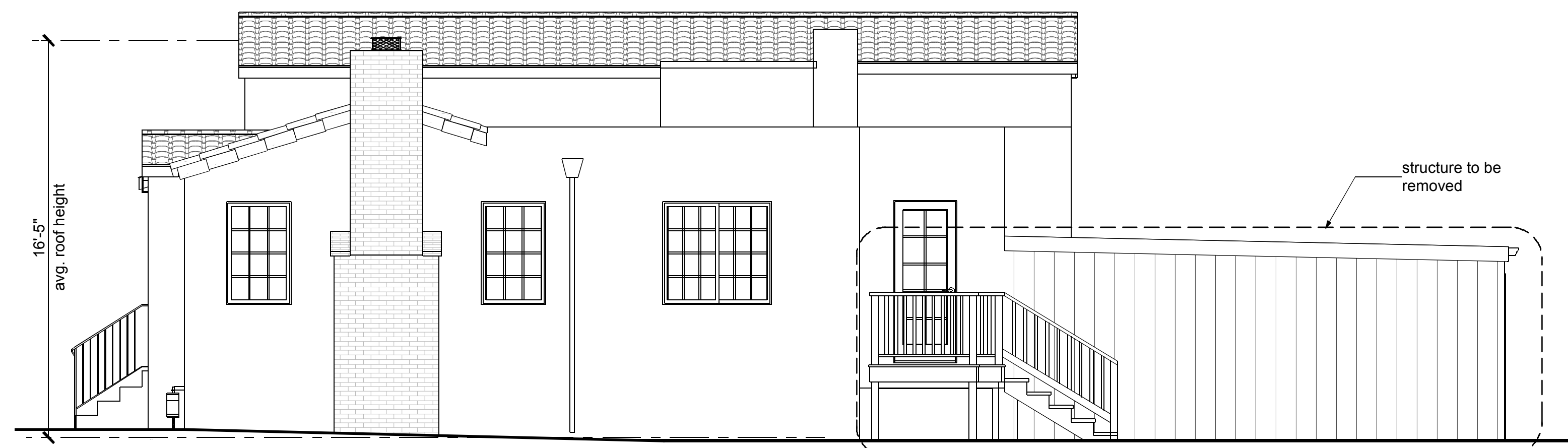
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Checked By:  
SSG

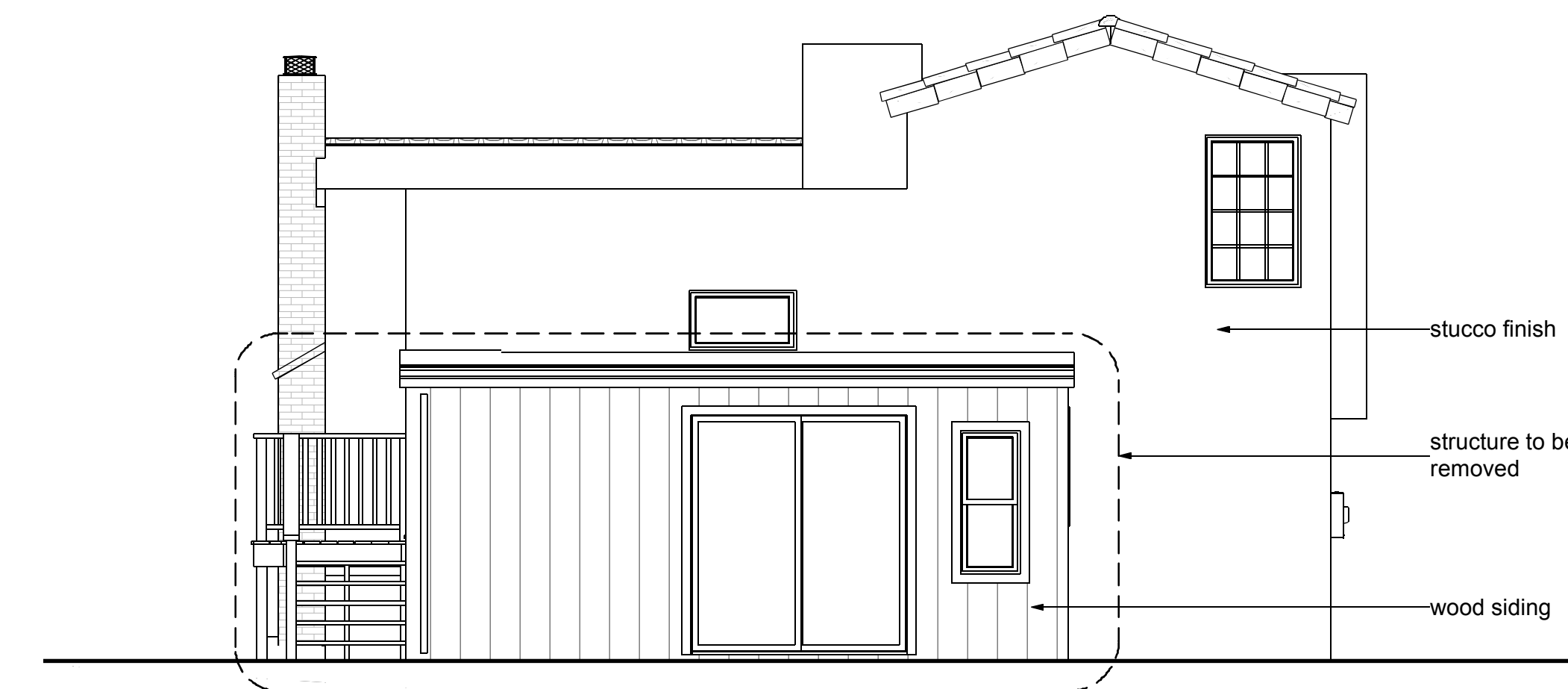
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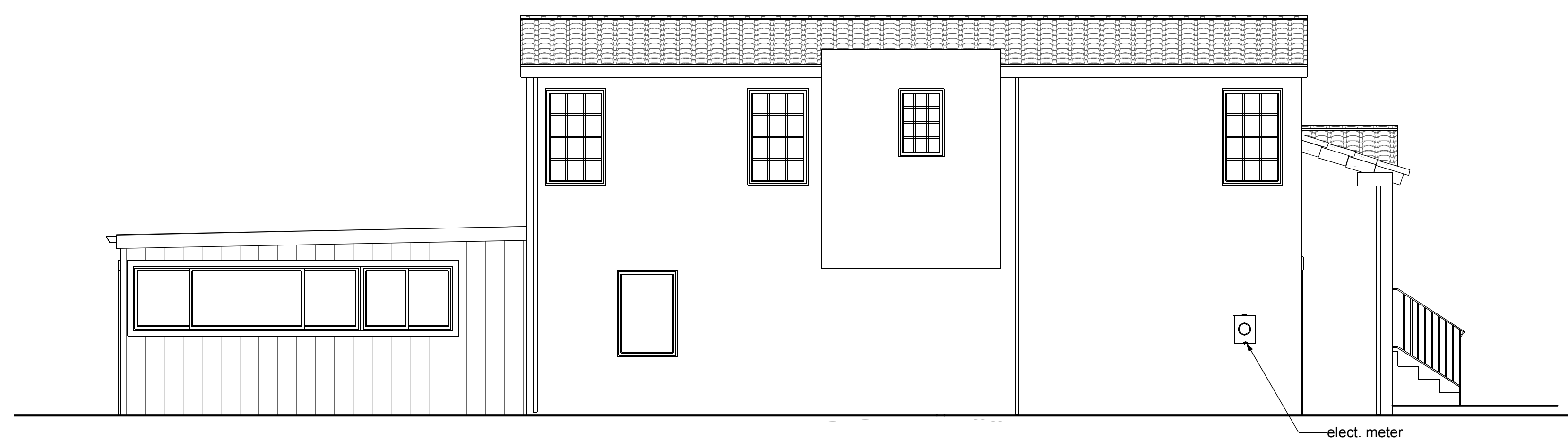
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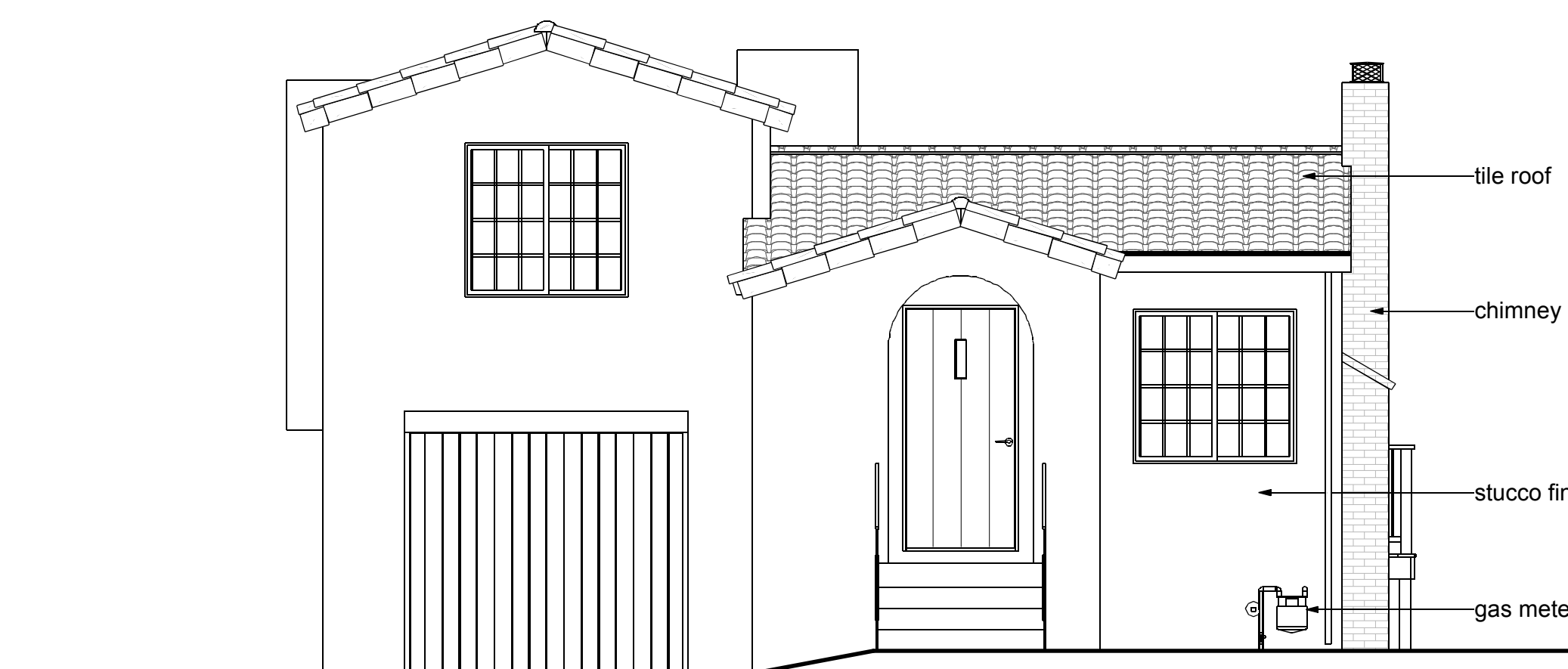
④ Existing West Elevation - Right Side



③ Existing South Elevation - Rear



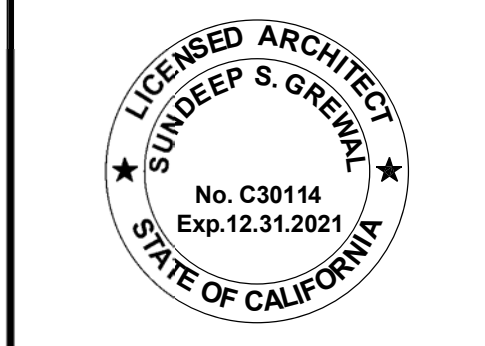
② Existing East Elevation - Left Side



① Existing North Elevation - Front



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Sheet Contents:  
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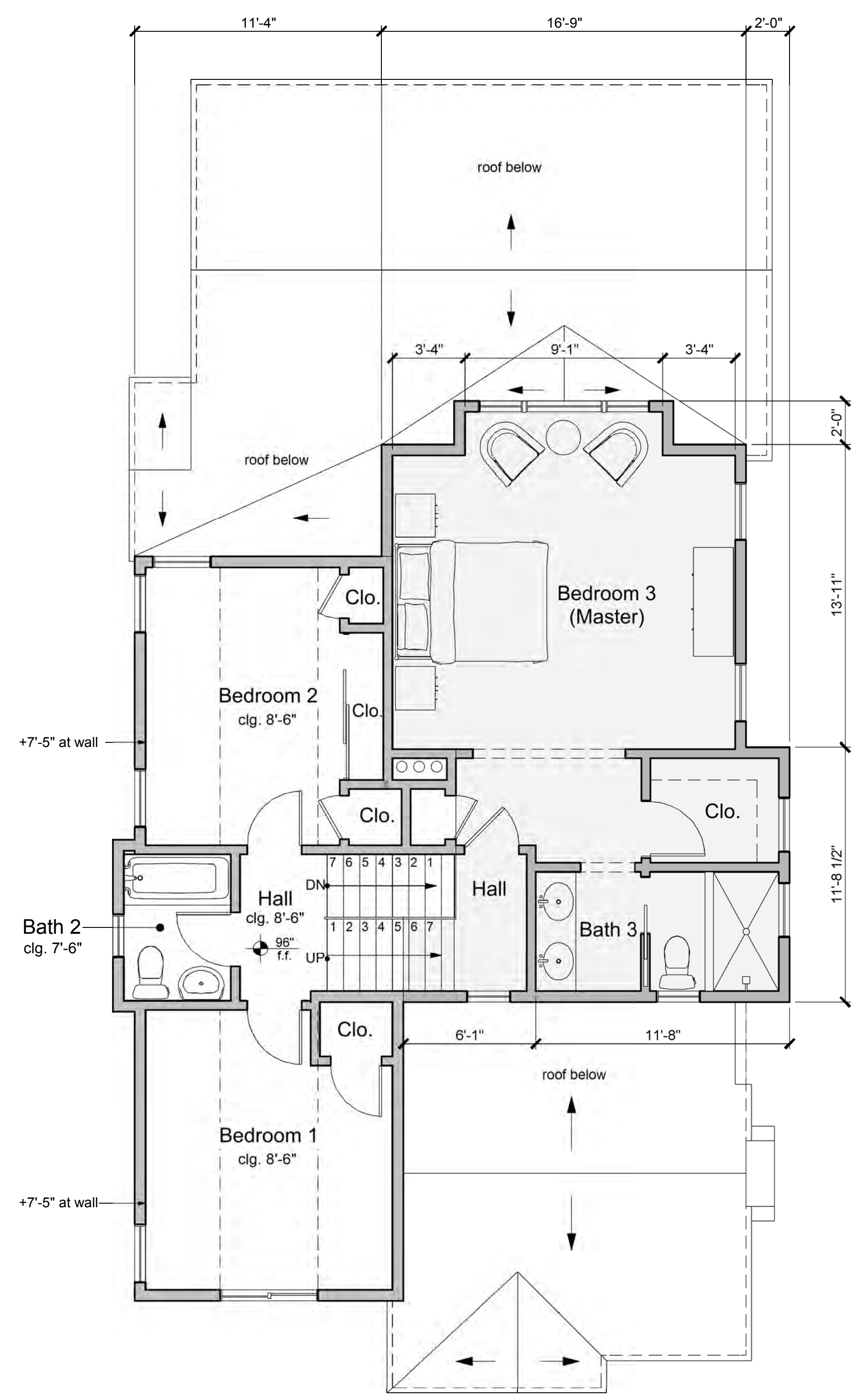
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SSG

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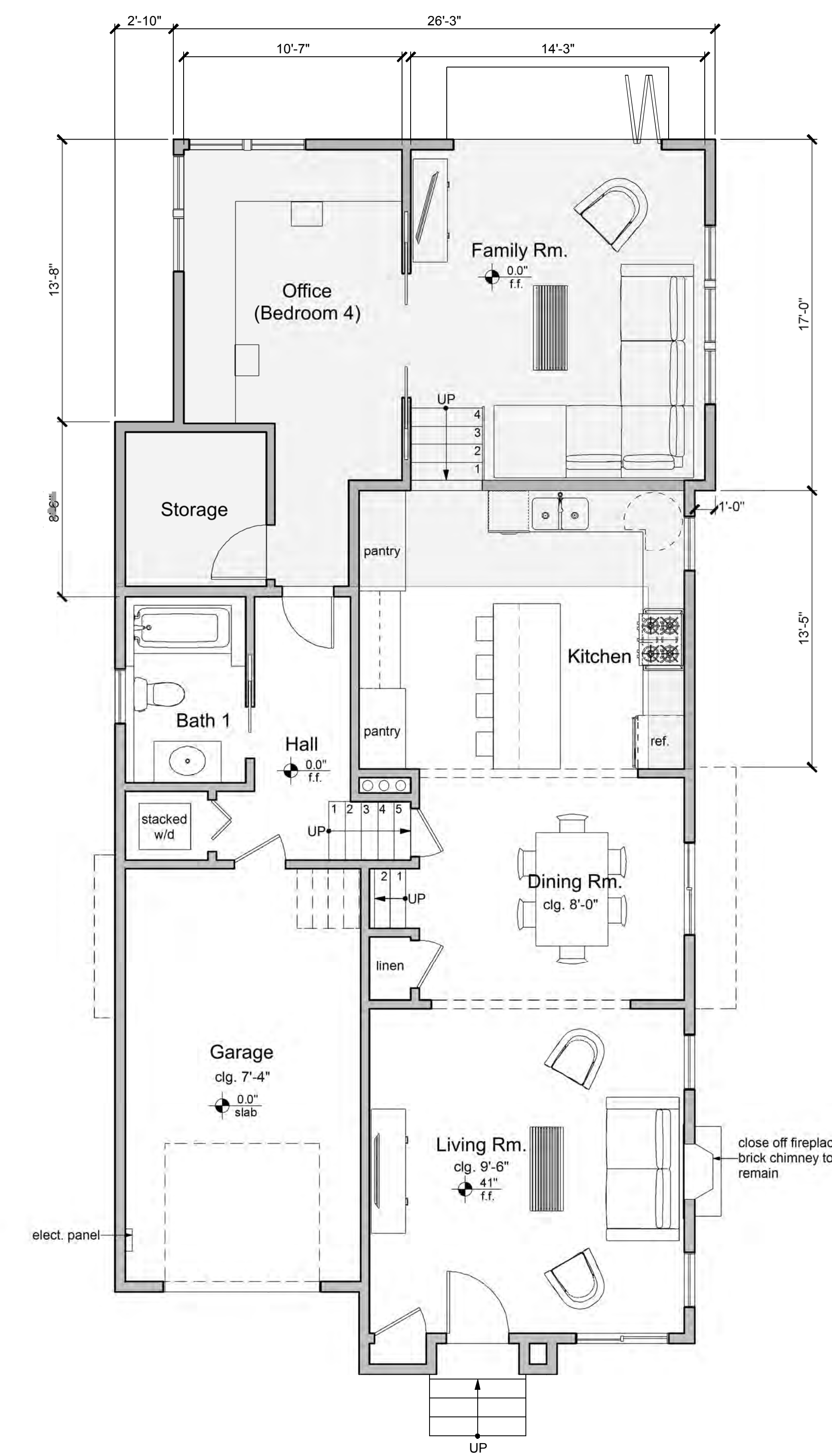
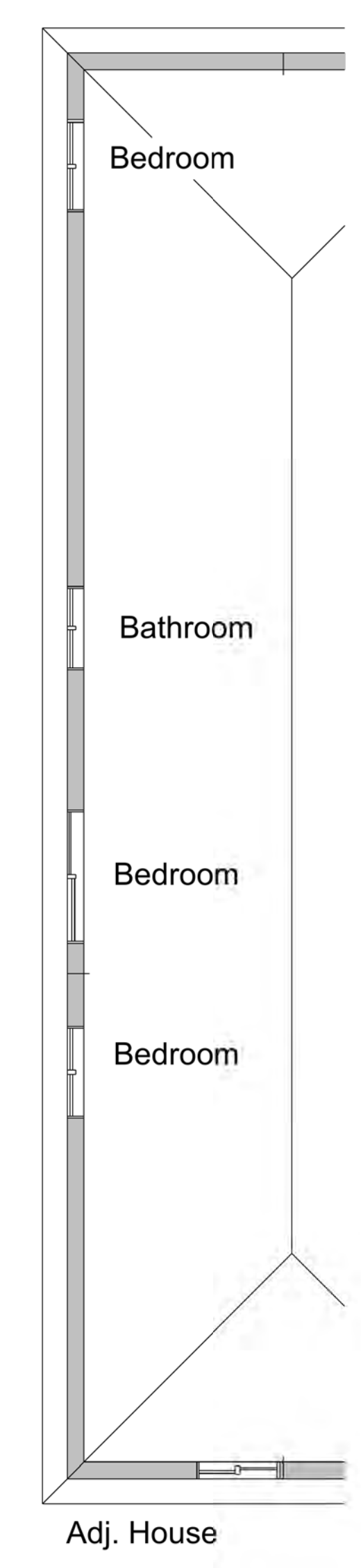
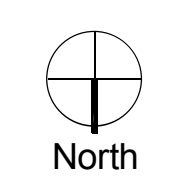
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AUP Modification Submittal:  
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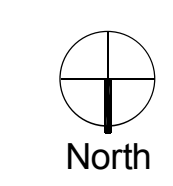
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**2 Proposed Second Floor Plan  
Approved AUP**

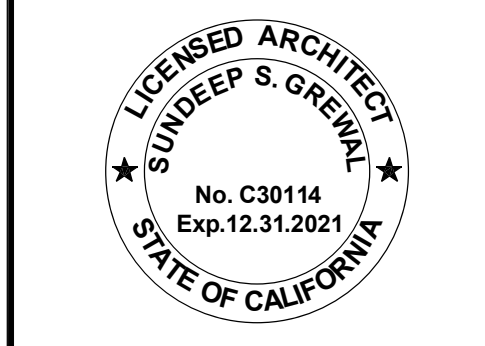


**1 Proposed First Floor Plan  
Approved AUP**



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**ARCHITECTS**

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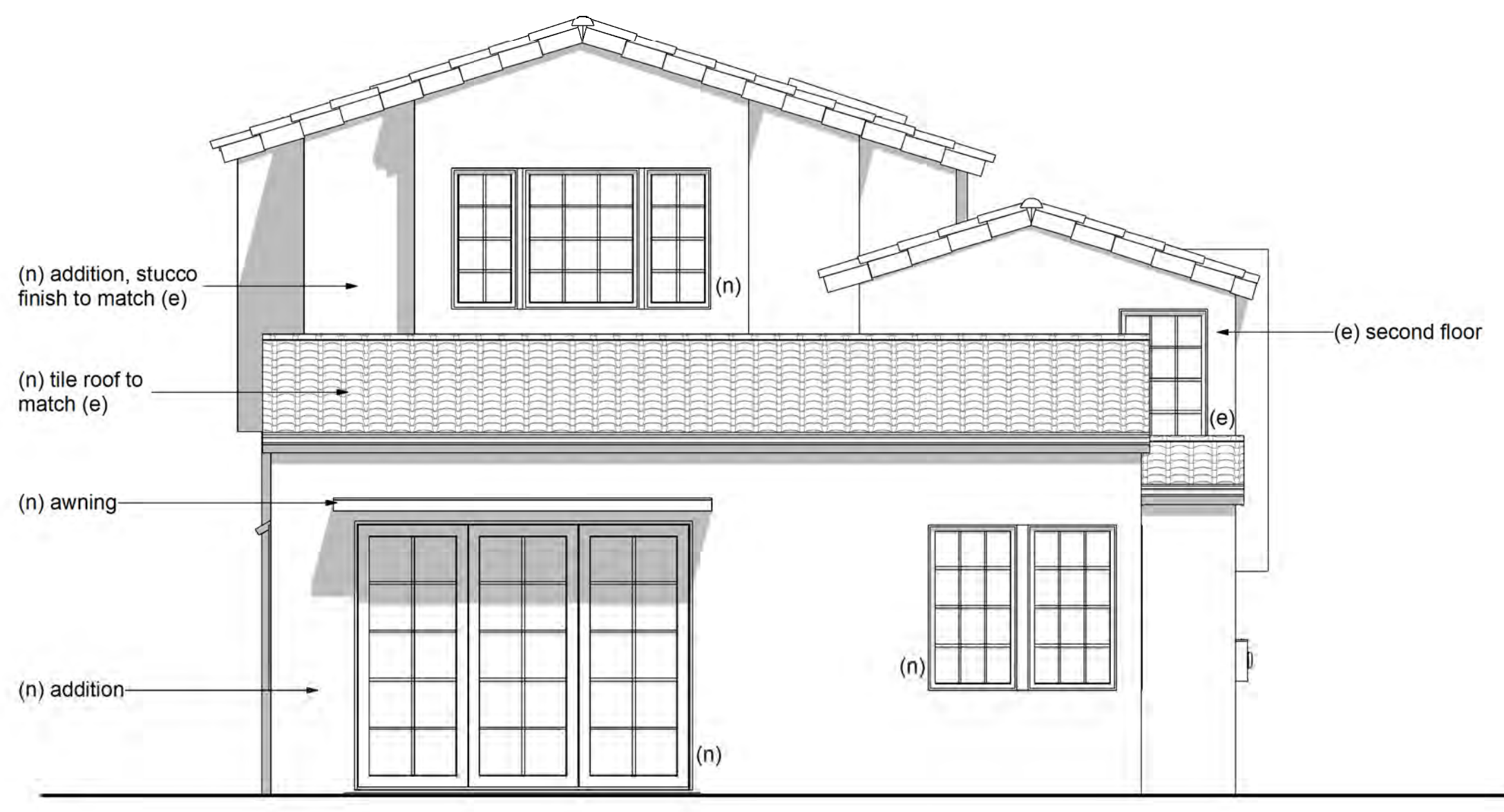
7 Right Rear View Of Proposed Addition



6 Left Rear View Of Proposed Addition



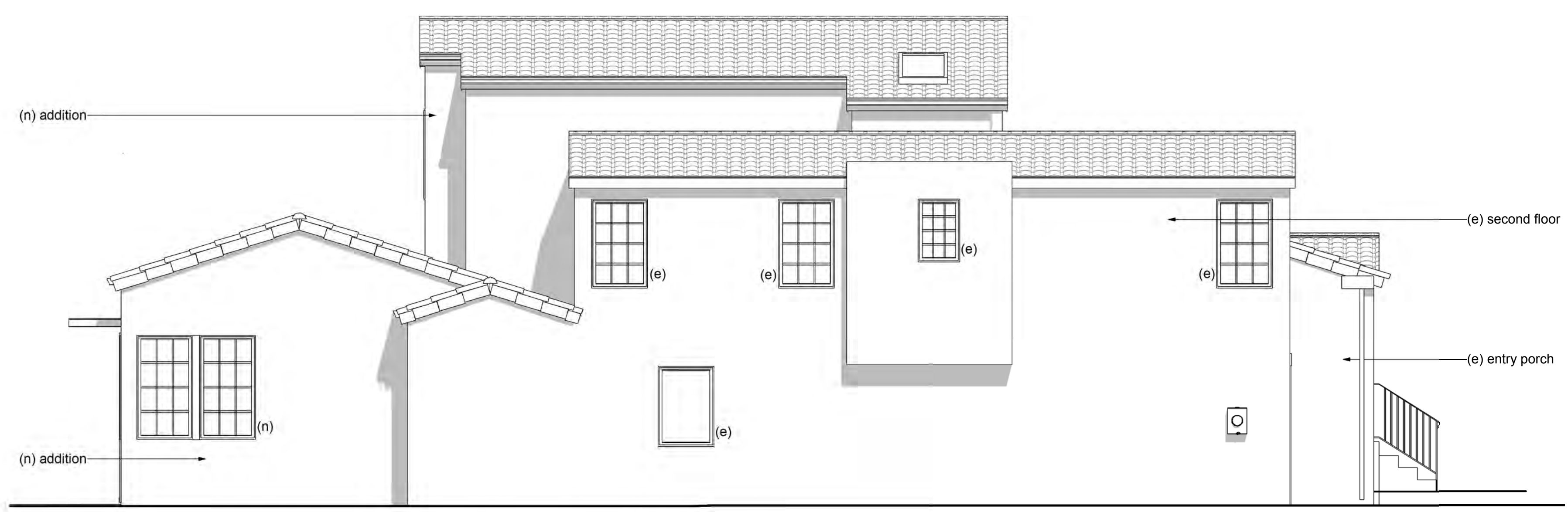
5 Street View Of Proposed Addition



4 Proposed South Elevation - Rear Approved AUP



3 Proposed West Elevation - Right Side Approved AUP



2 Proposed East Elevation - Left Side Approved AUP



1 Proposed North Elevation - Front Approved AUP

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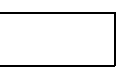

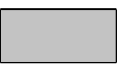
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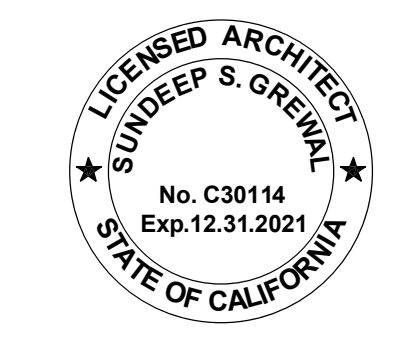
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AUP Modification Submittal:  
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Sheet  
**A1.4**

-  Existing floor area
-  Approved AUP New floor area
-  AUP Modification New floor area



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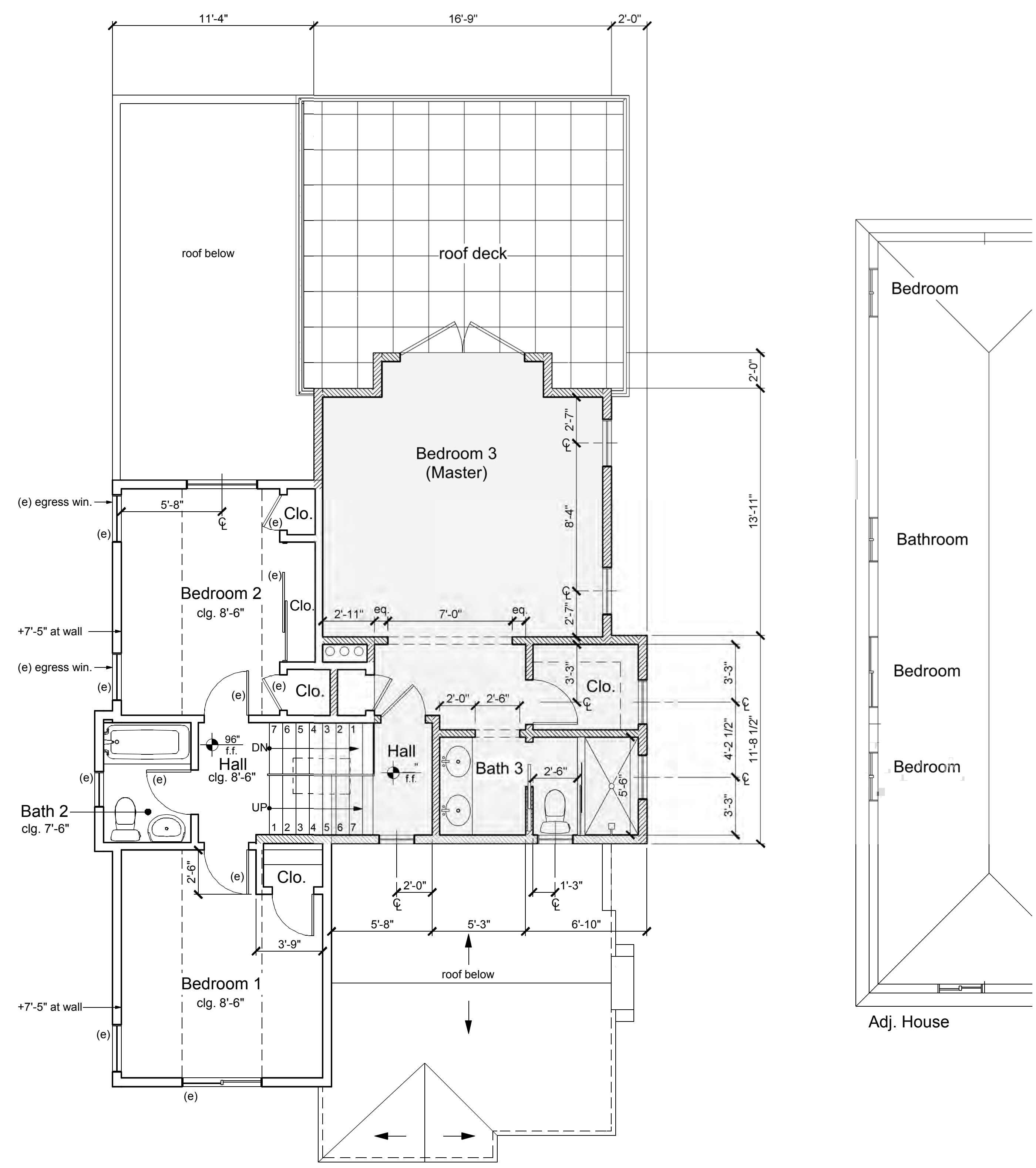
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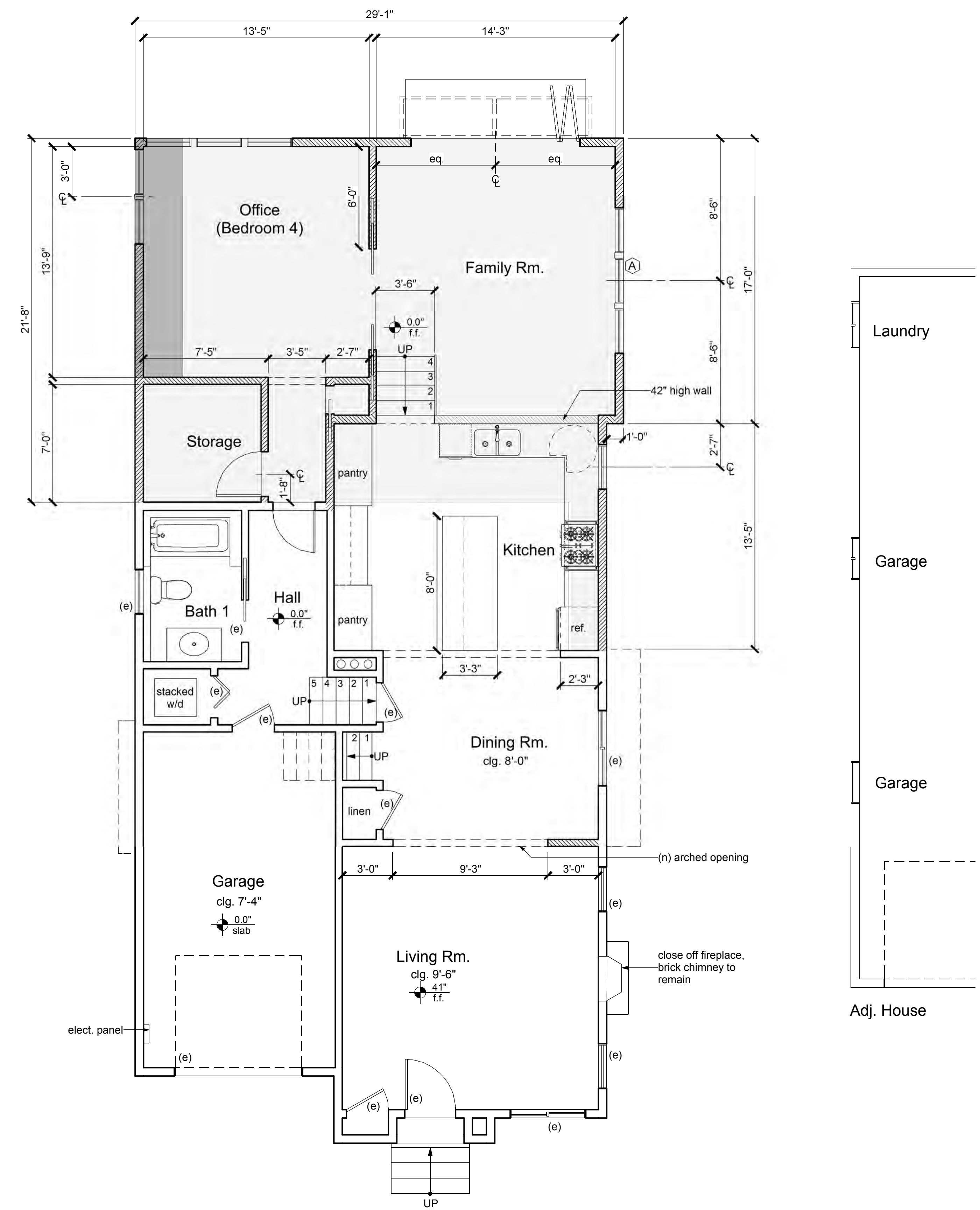
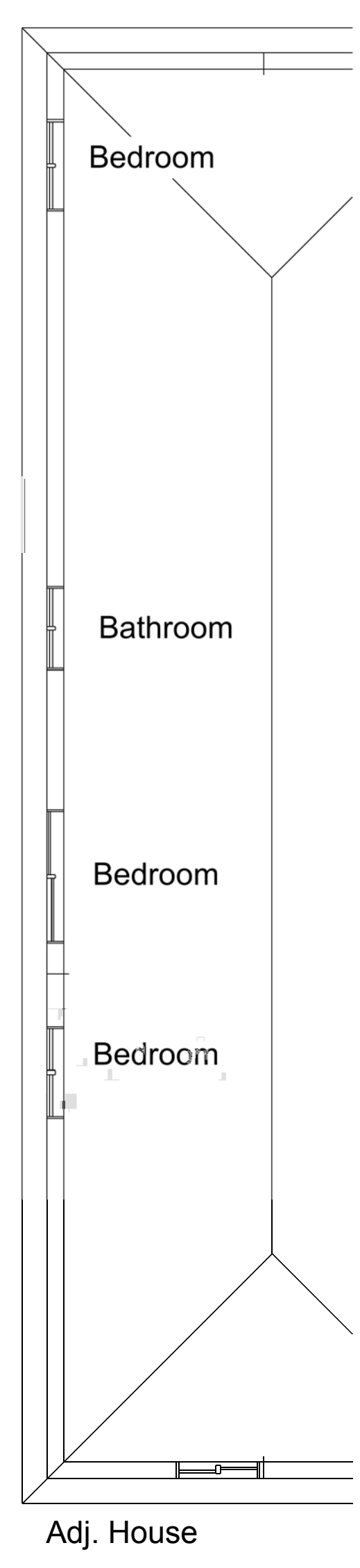
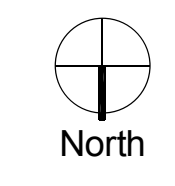
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AUP Modification Submittal:  
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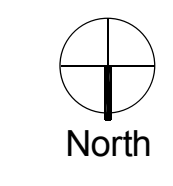
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**2 Proposed Second Floor Plan  
AUP Modification**



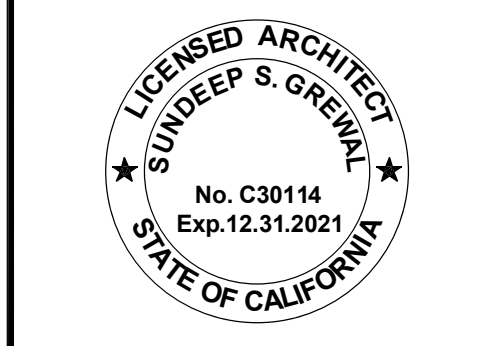
**1 Proposed First Floor Plan  
AUP Modification**







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7 Right Rear View Of Proposed Addition  
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6 Left Rear View Of Proposed Addition  
AUP Modification



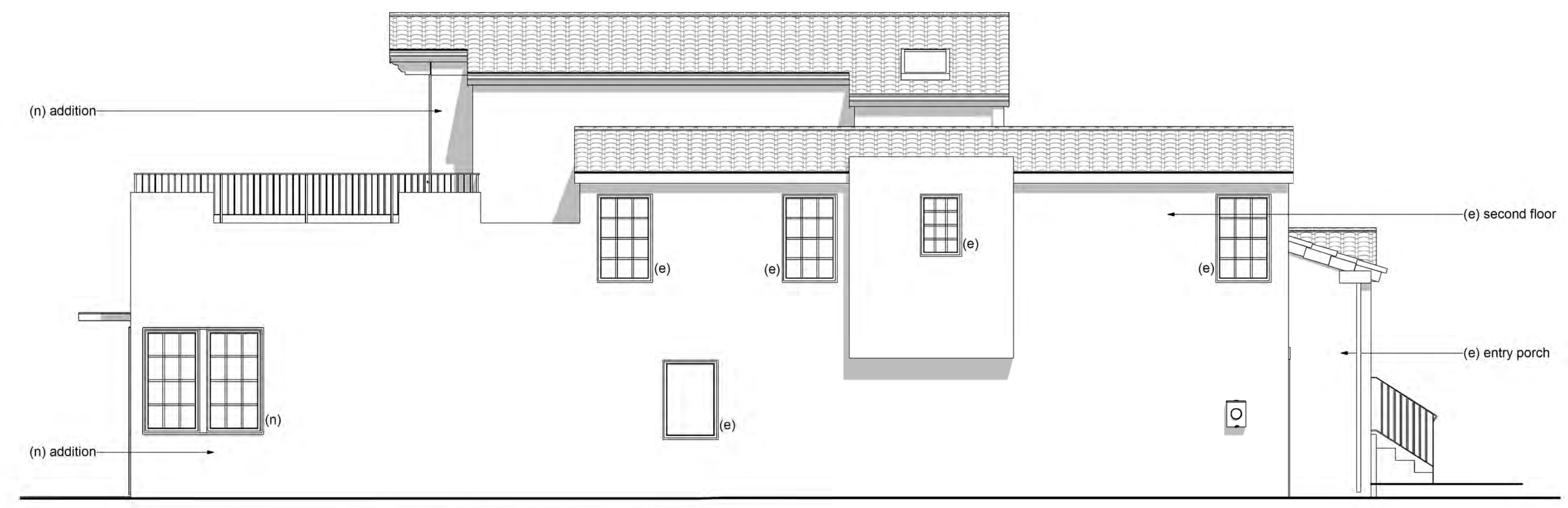
5 Street View Of Proposed Addition  
AUP Modification



4 Proposed South Elevation - Rear  
AUP Modification



3 Proposed West Elevation - Right Side  
AUP Modification



2 Proposed East Elevation - Left Side  
AUP Modification



1 Proposed North Elevation - Front  
AUP Modification

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Sheet Contents:  
AUP Modification  
Proposed Exterior Elevations

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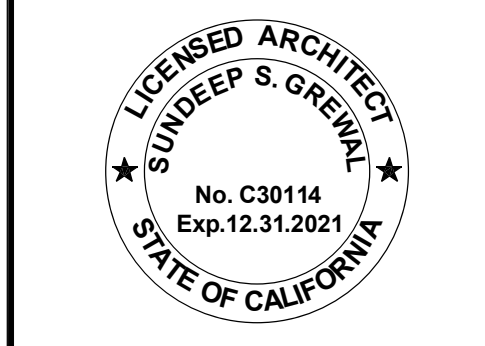
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Shadows Studies

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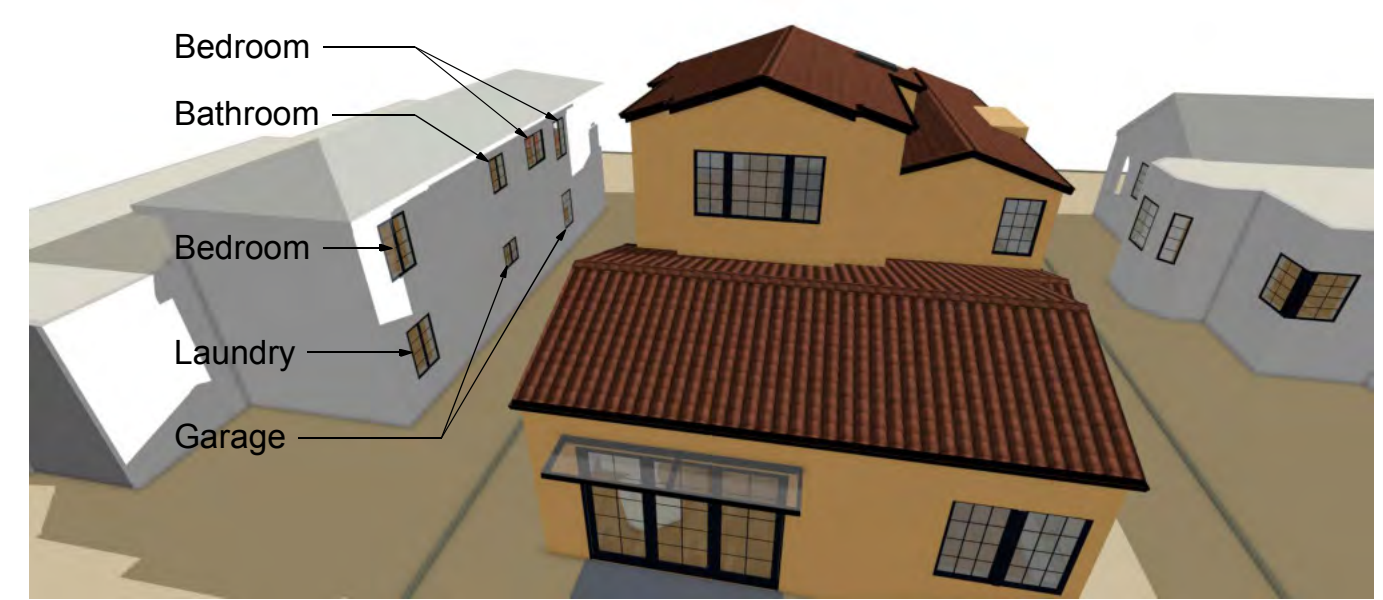
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Checked By: SSG

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AUP Modification Submittal:  
01-07-2021

Sheet **A4.1**



Shadow Accuracy Simulation

Proposed

Proposed

Proposed

Existing

Existing

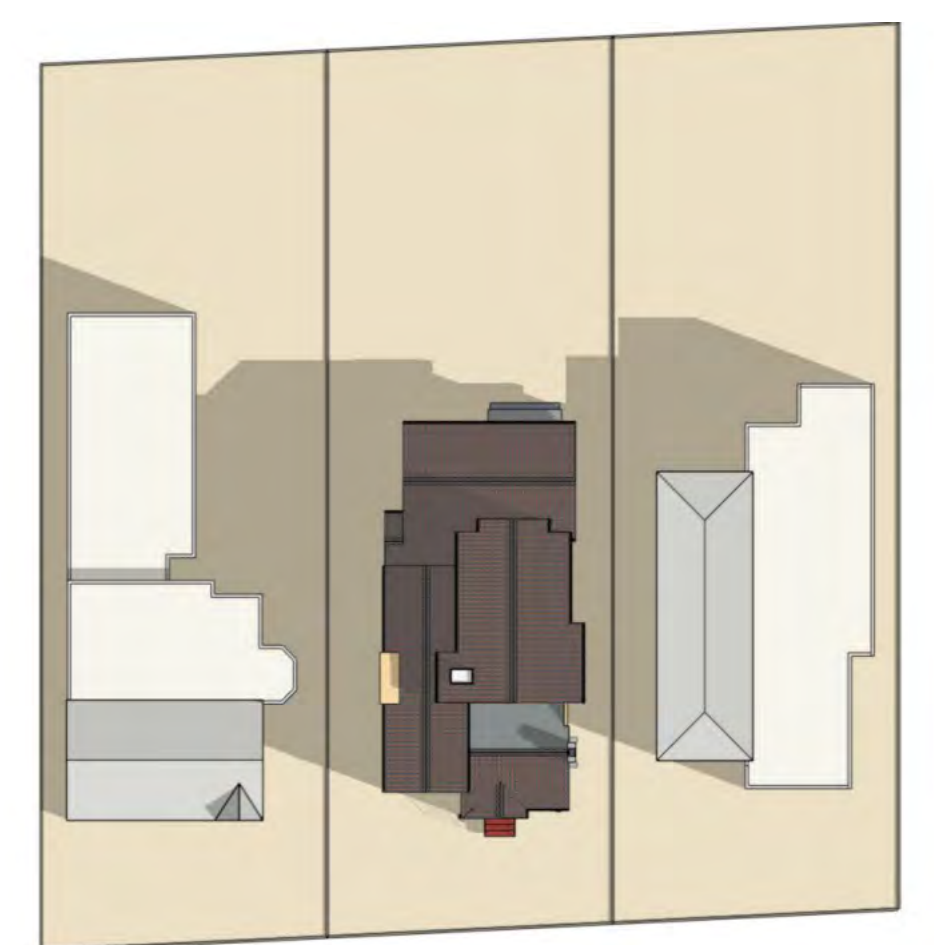
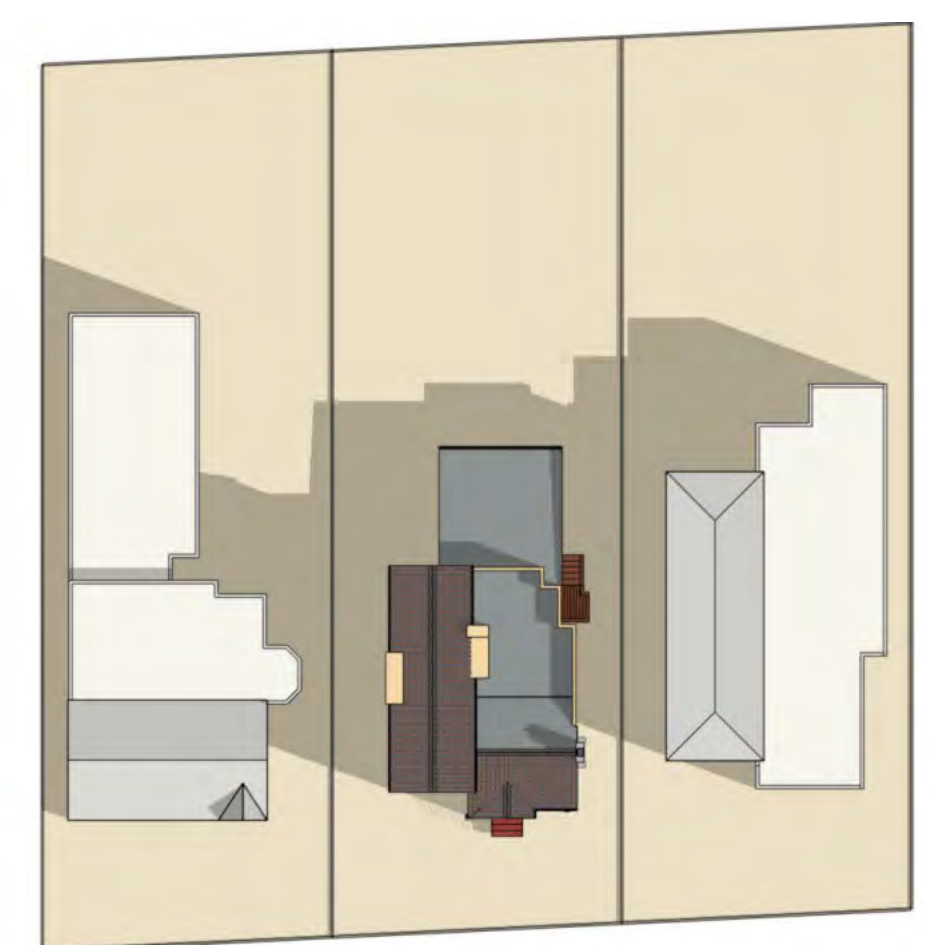
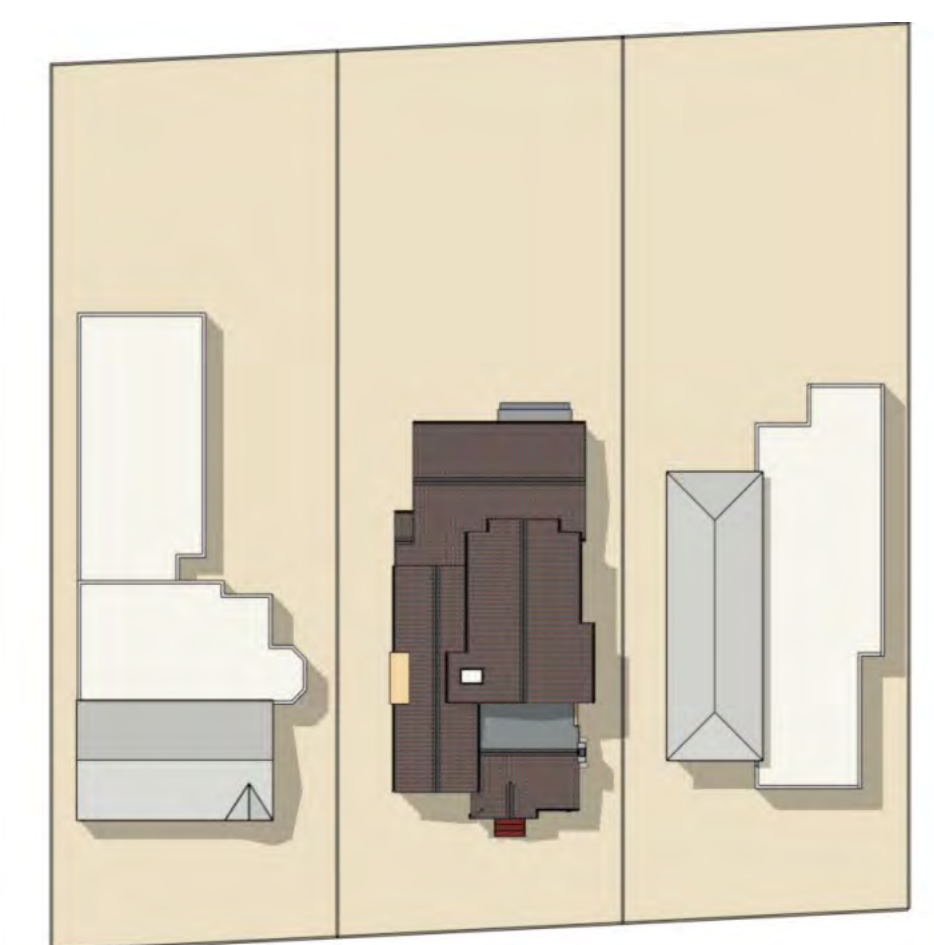
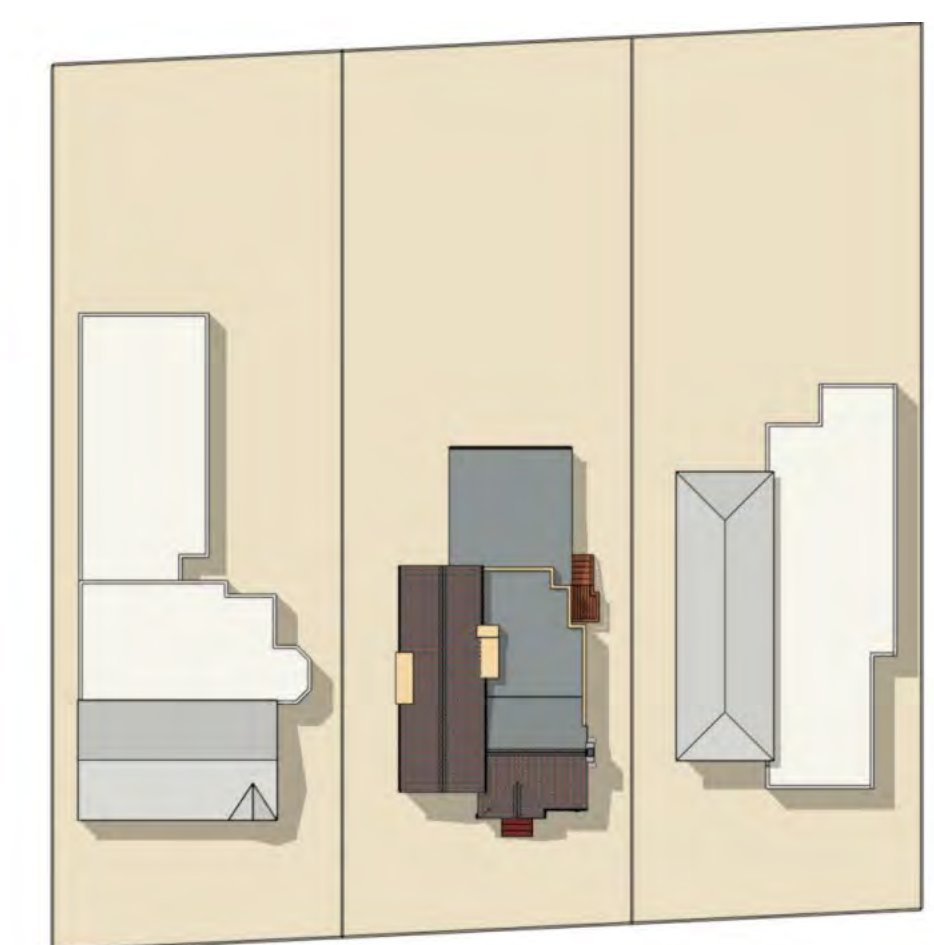
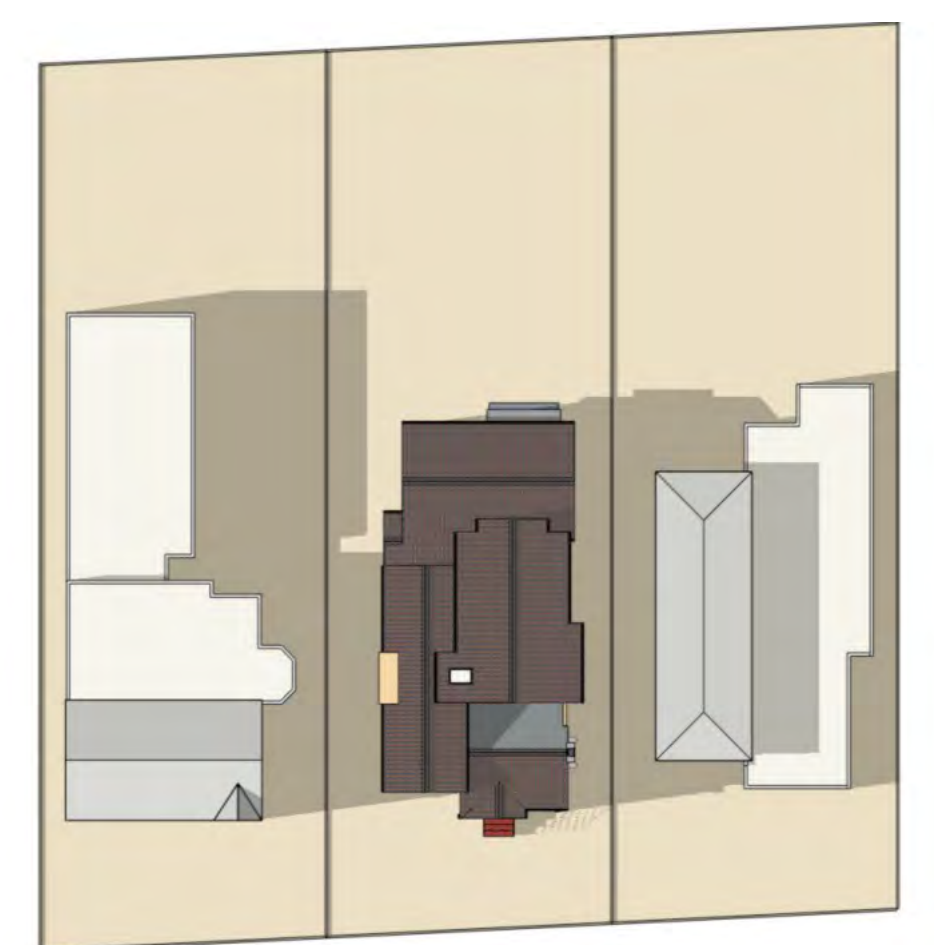
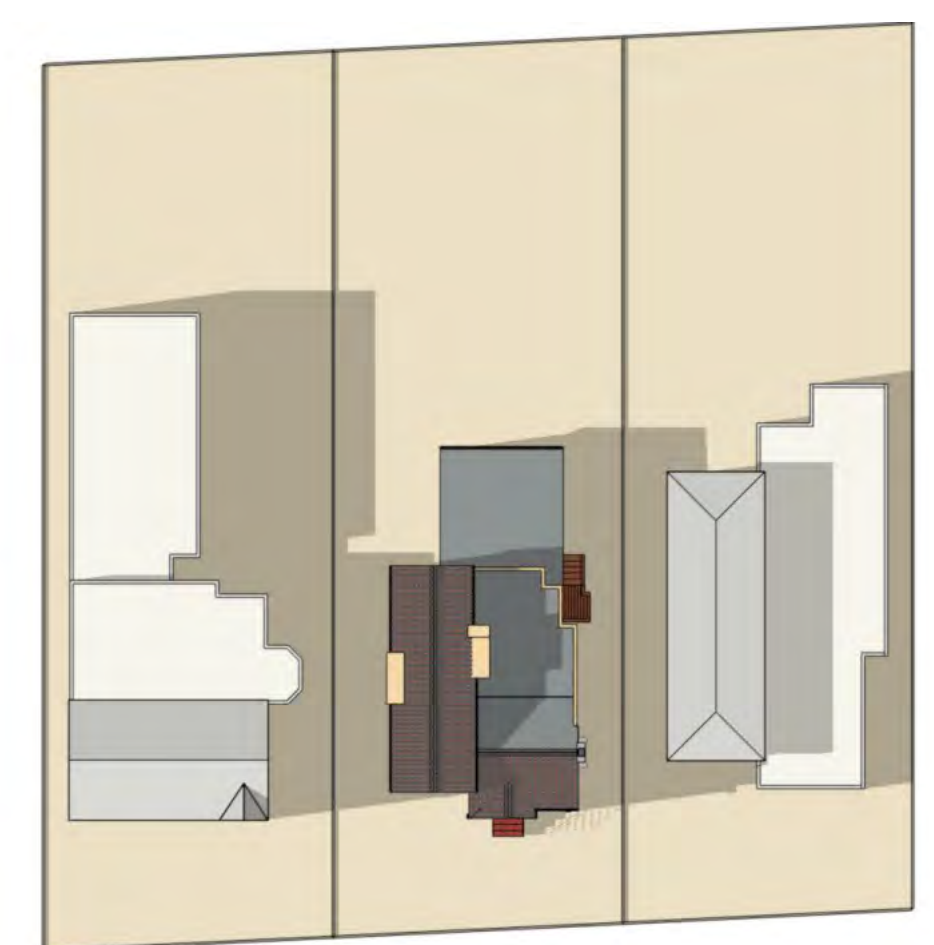
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6-21-2020 / 7:47 am

12-21-2020 / 9:21 am

6-21-2020 / 6:35 pm



Existing

Proposed

Existing

Proposed

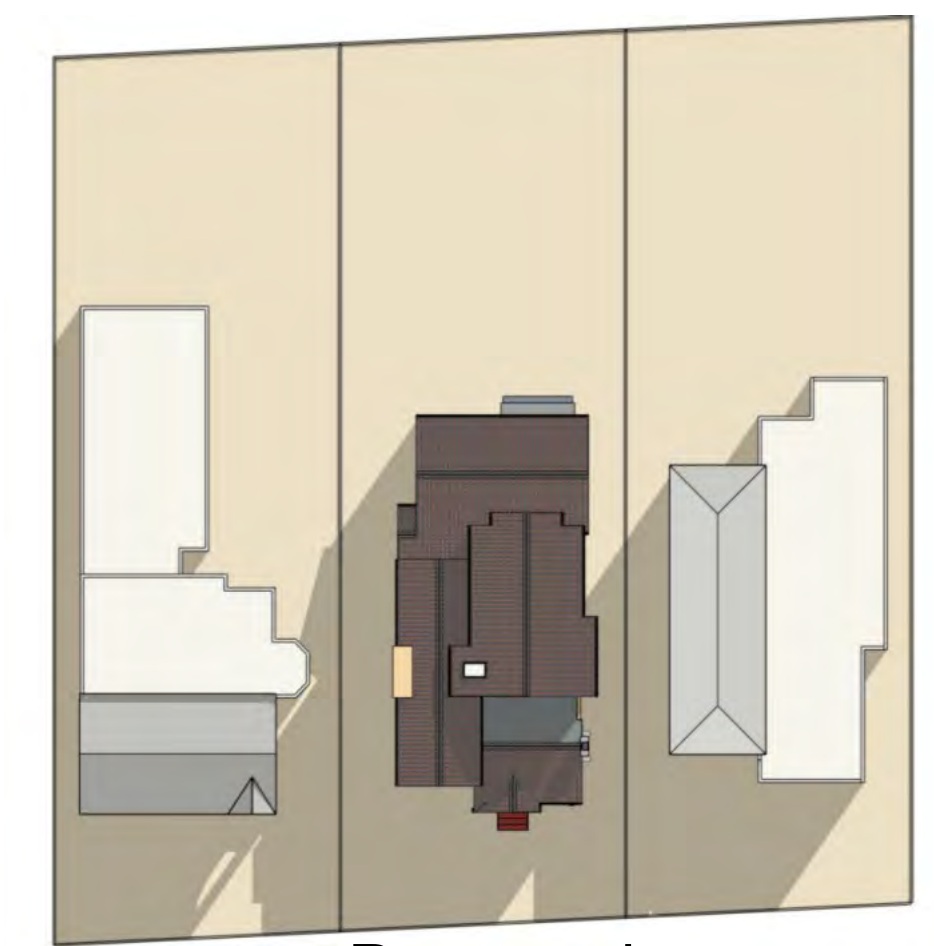
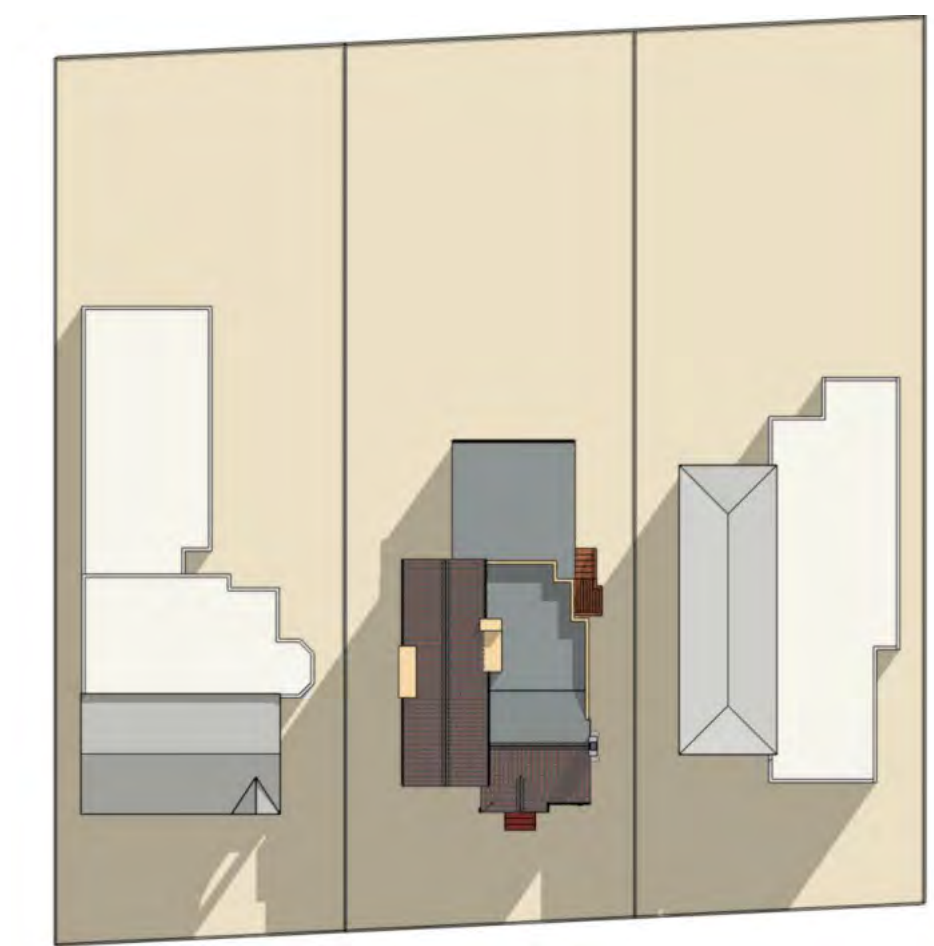
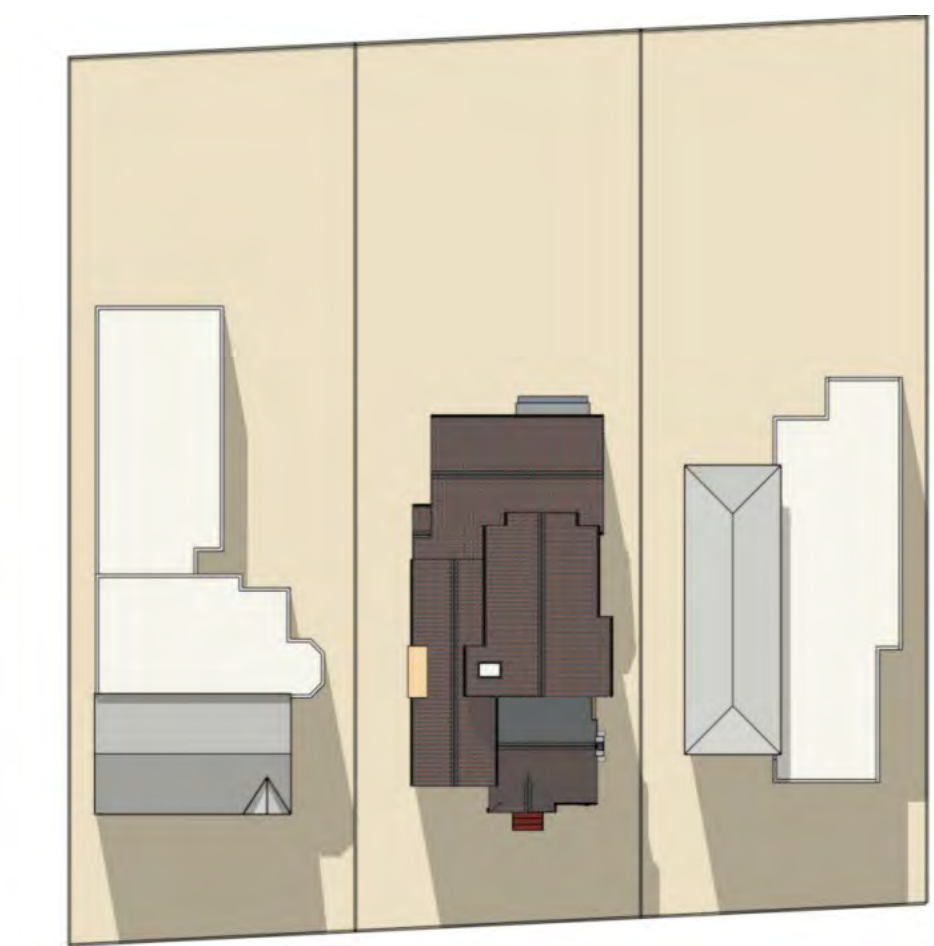
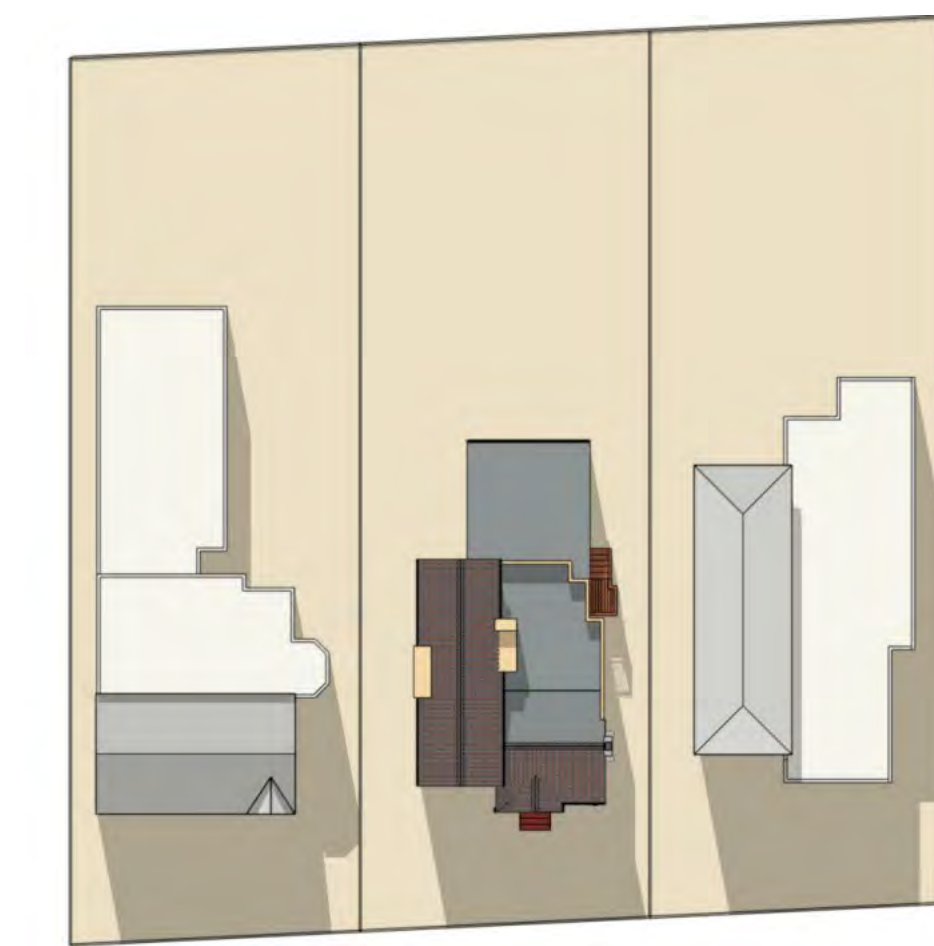
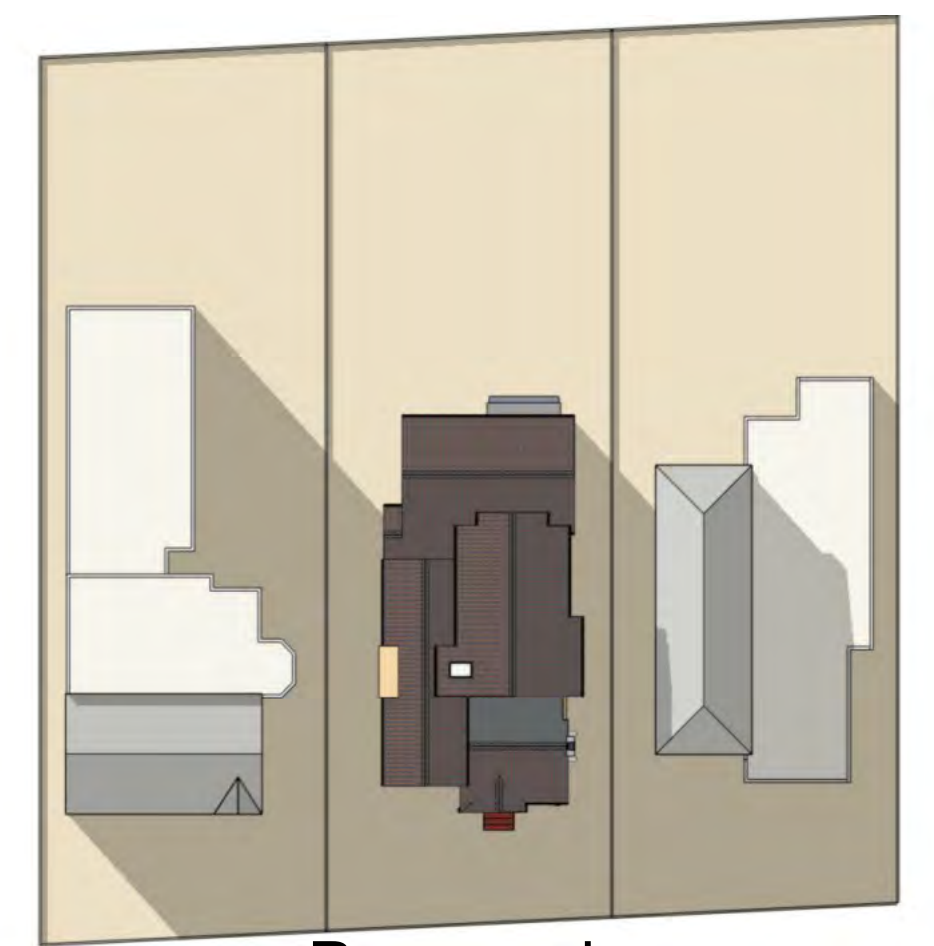
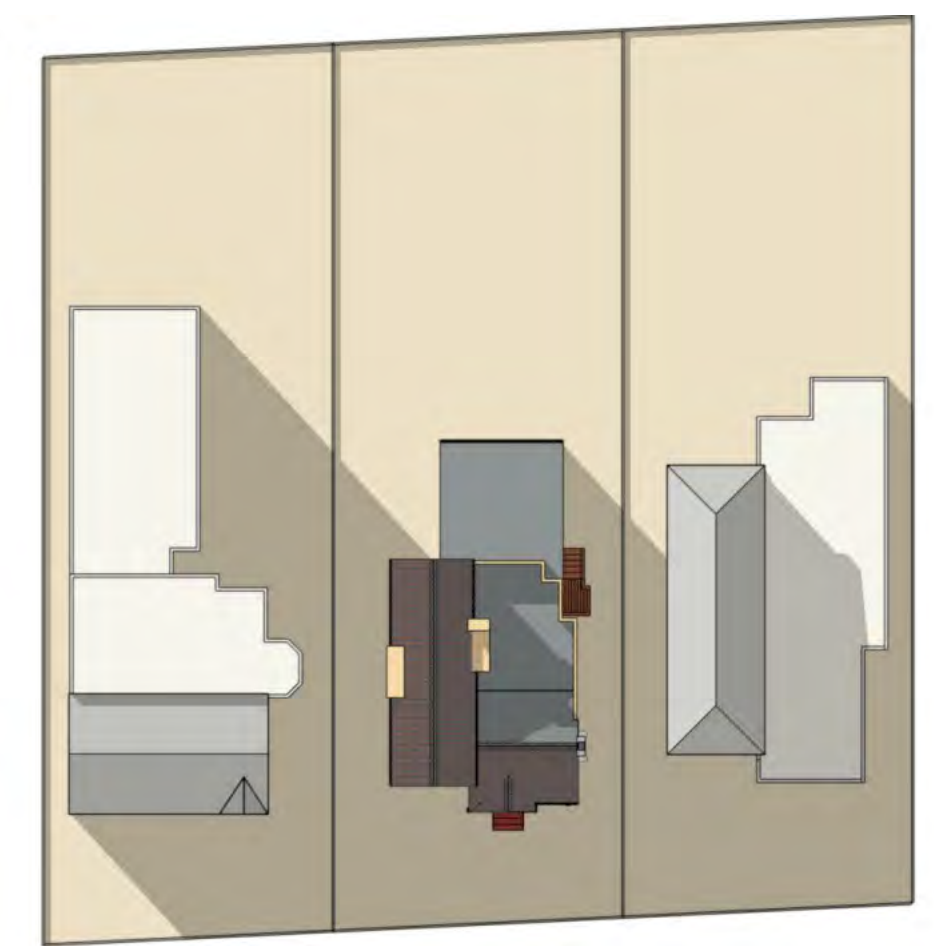
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6-21-2020 / 12:00 pm  
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See Above



Existing

Proposed

Existing

Proposed

Existing

Proposed

12-21-2020 / 9:21 am  
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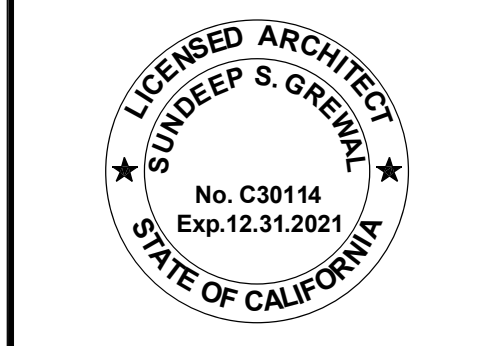
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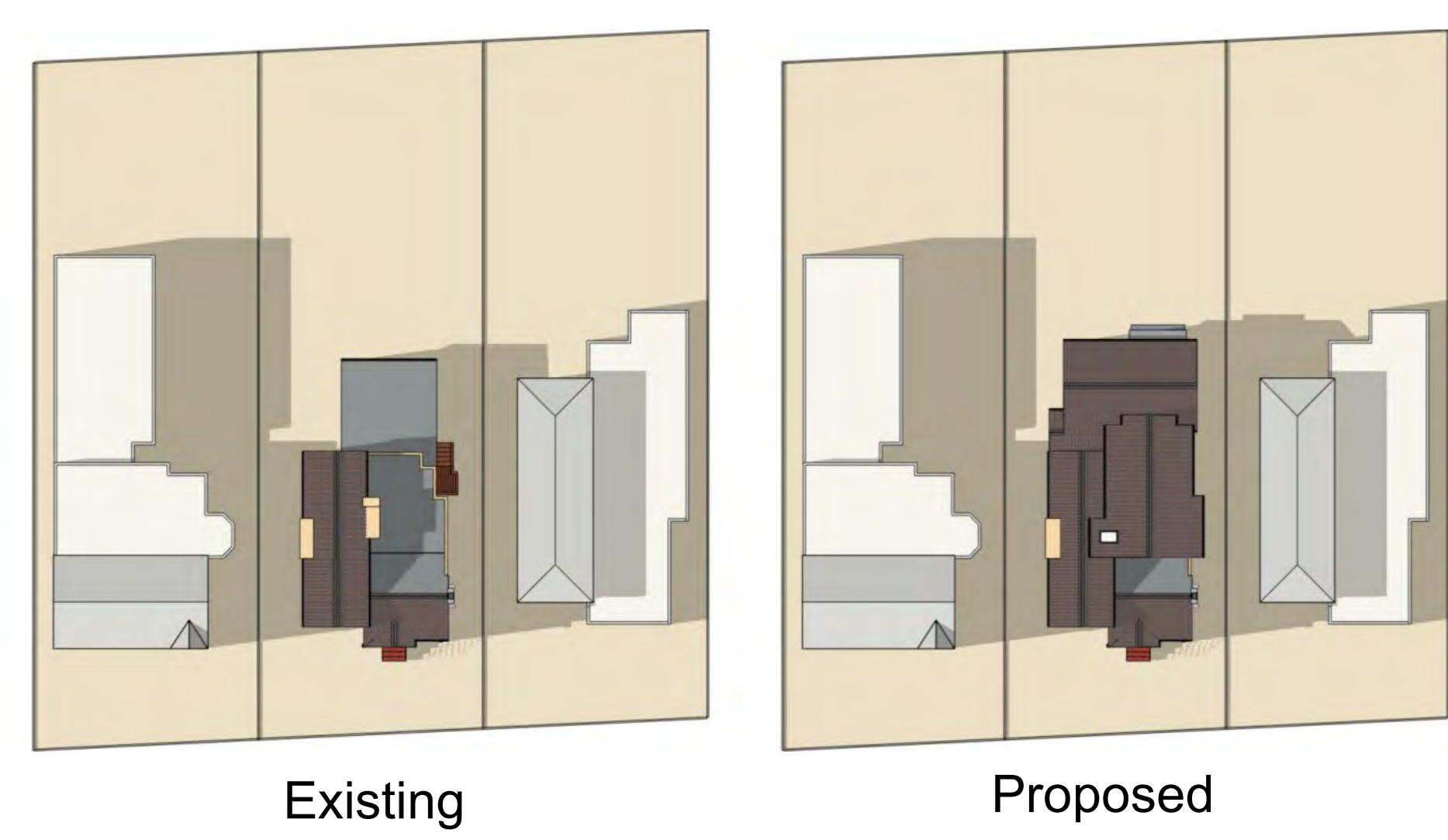
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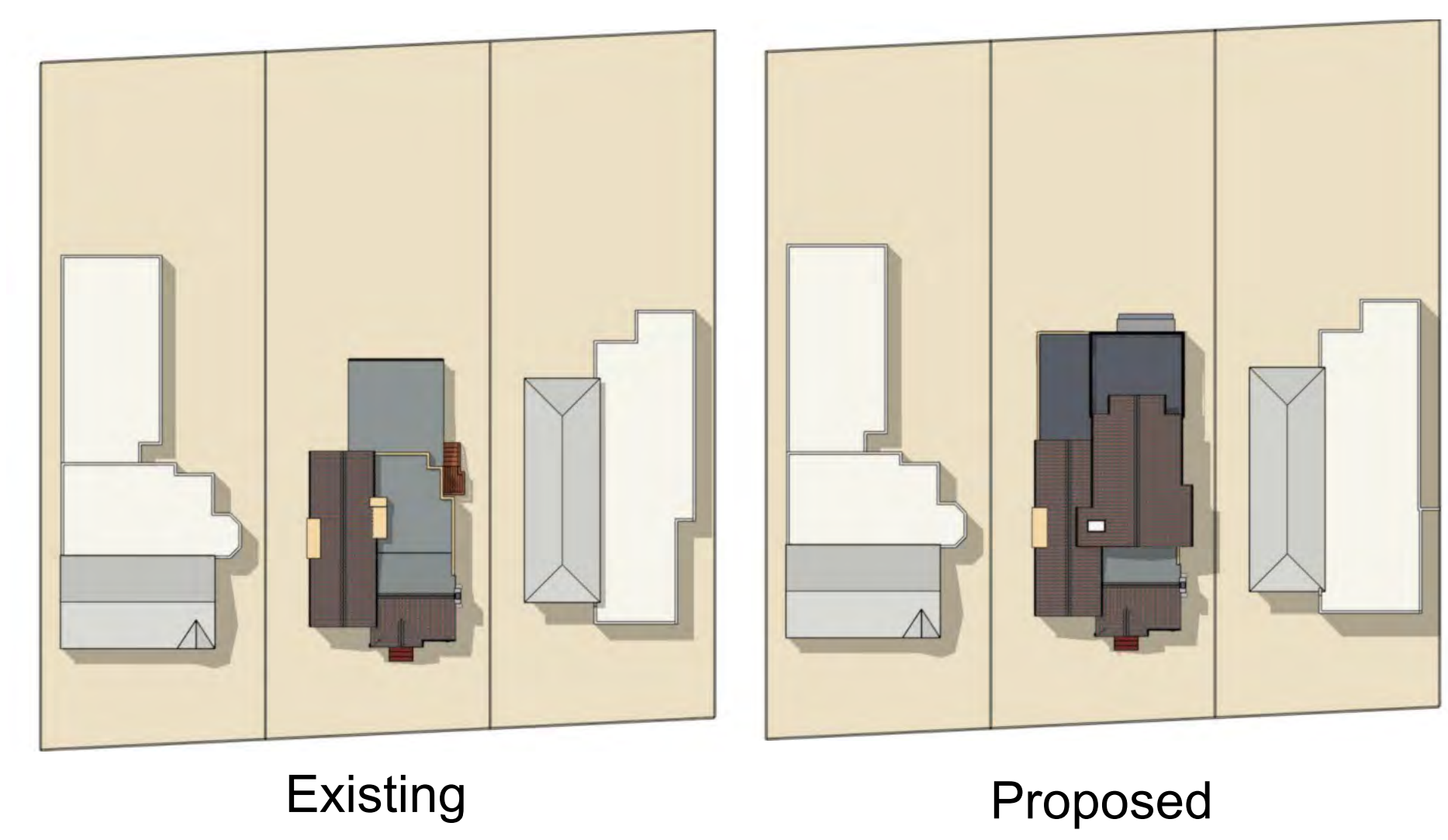
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Scale: NTS

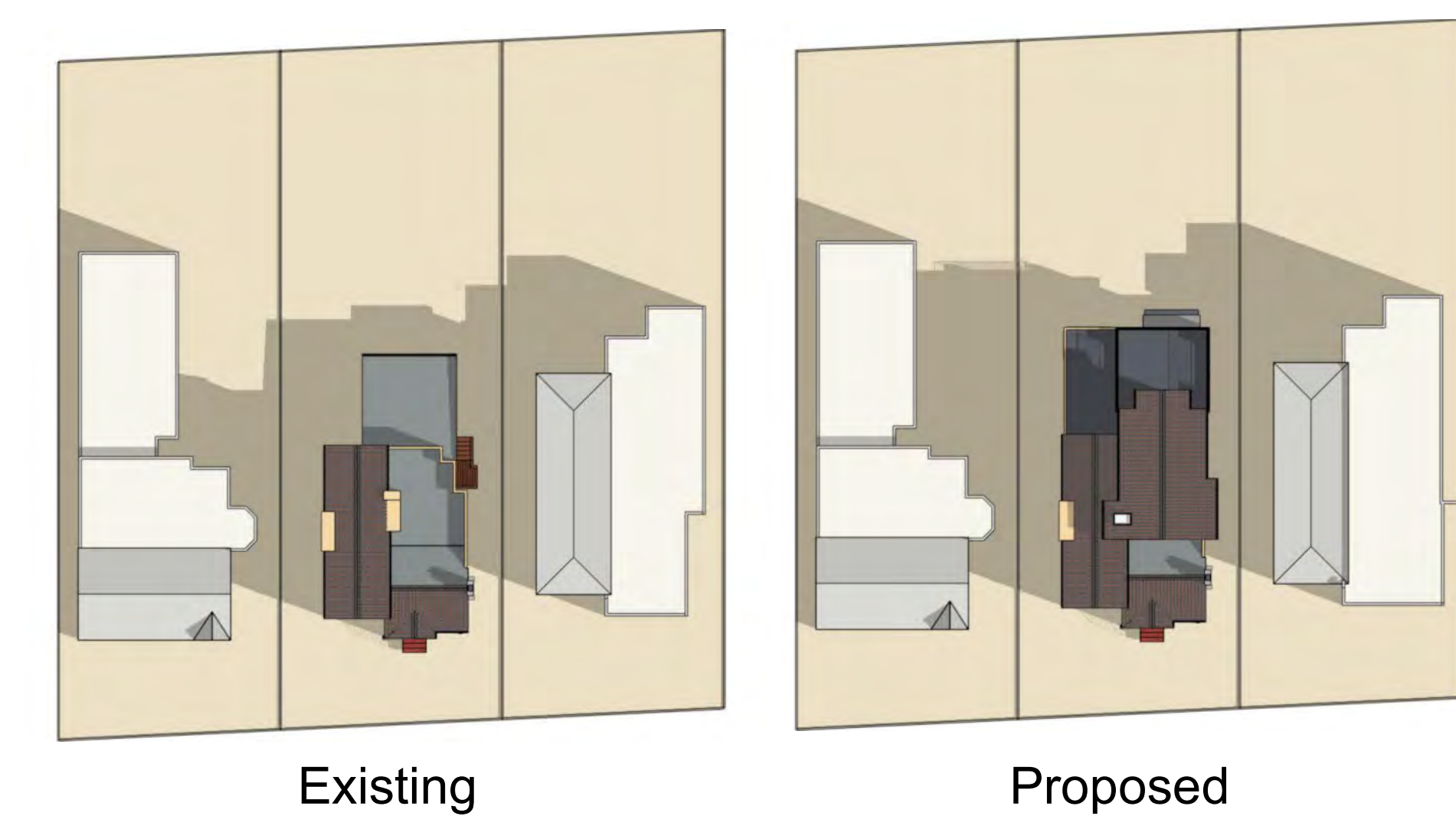
Revisions:  
AUP Modification Submittal:  
01-07-2021



6-21-2020 / 7:47 am



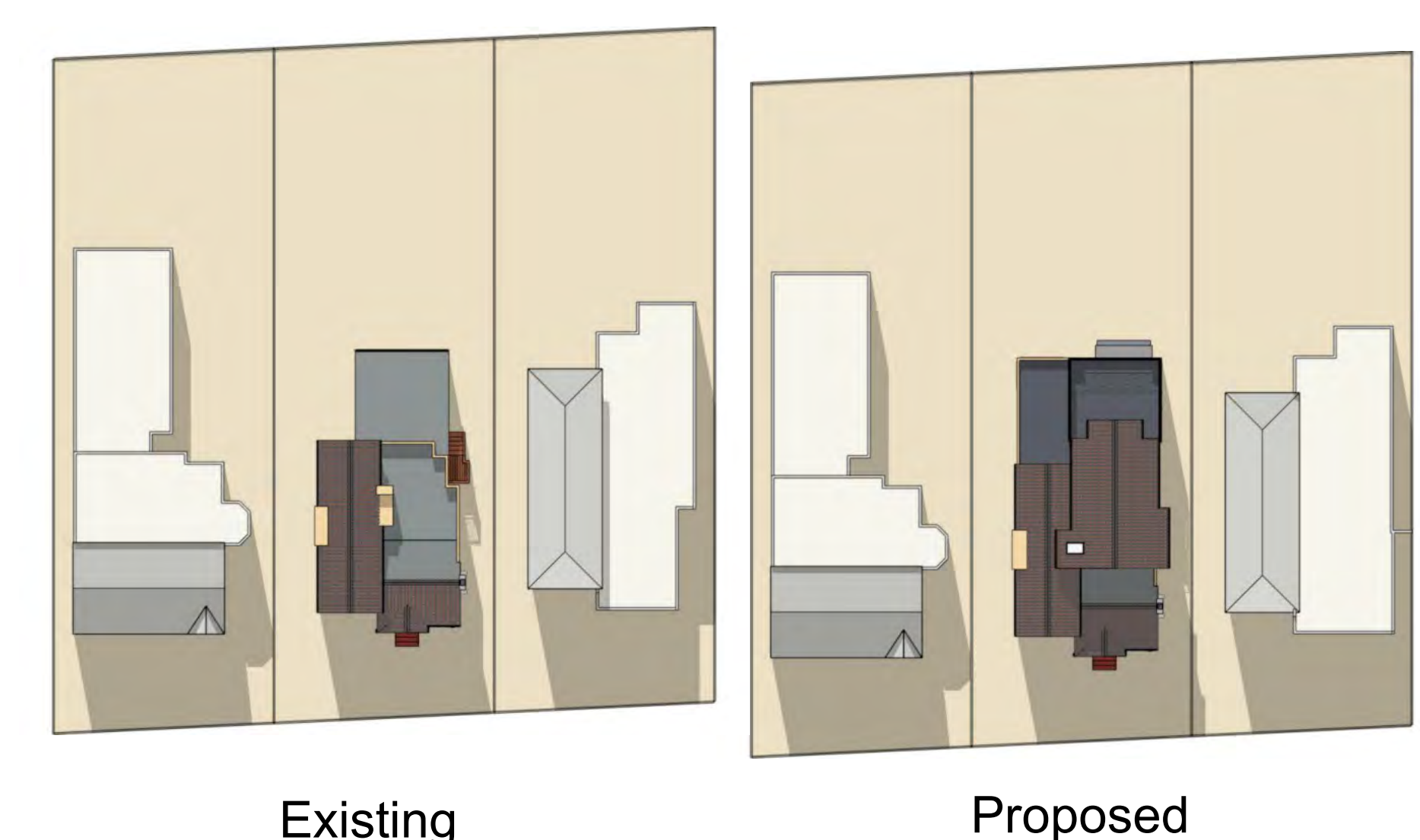
6-21-2020 / 12:00 pm



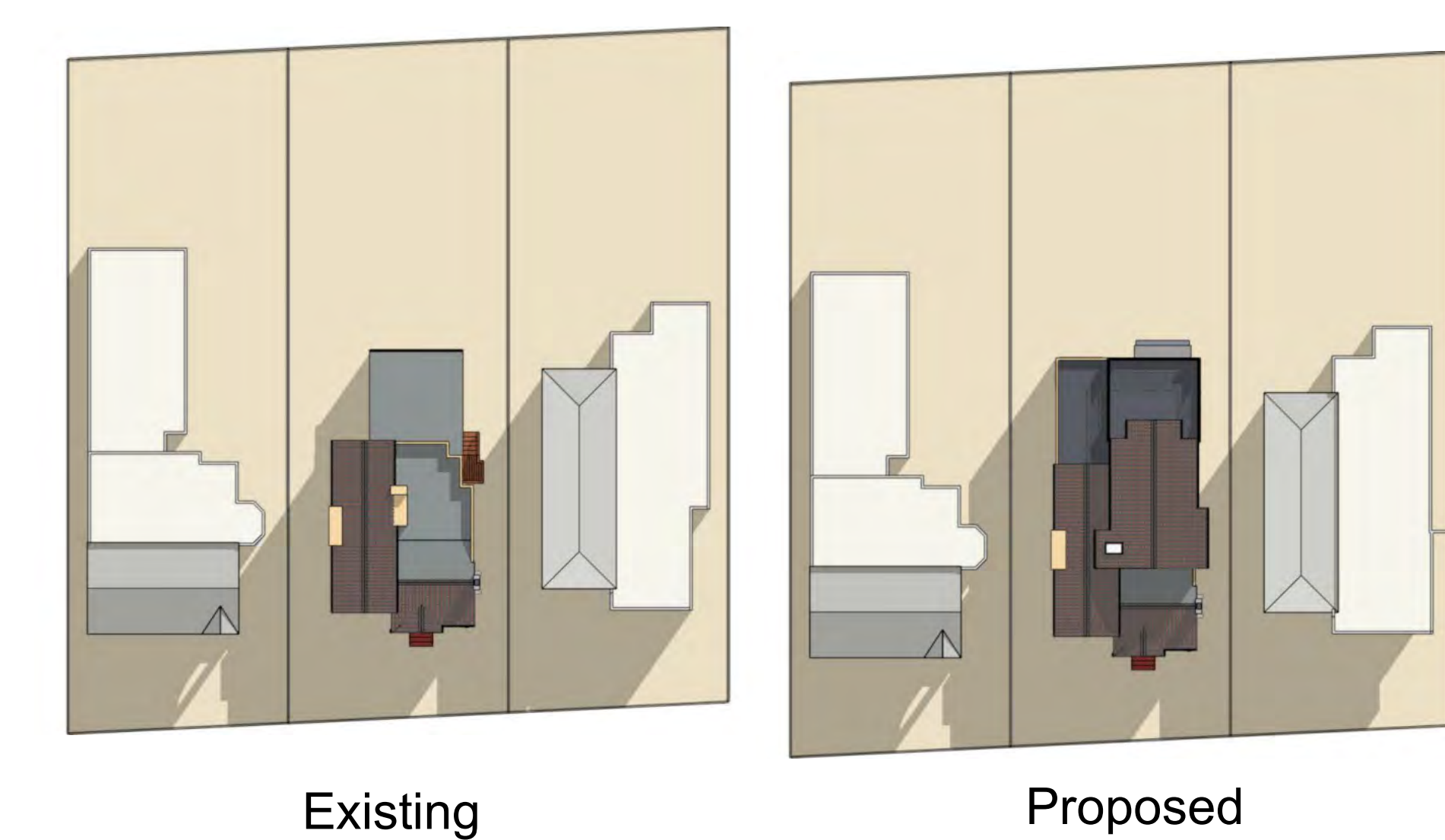
6-21-2020 / 6:35 pm



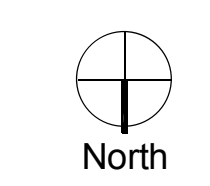
12-21-2020 / 9:21 am



12-21-2020 / 12:00 pm



12-21-2020 / 2:54 pm





Planning & Development Department  
Land Use Planning Division

February 19, 2021

Sundeep Grewal  
Studio G+S Architects  
2223 Fifth Street  
Berkeley, CA 94710

Sent via email:  
[sunny@sgsarch.com](mailto:sunny@sgsarch.com)

RE: 1262 Francisco Street, Application #ZP2021-0006

Administrative Use Permit:

Modification of ZP2020-0122 to add 40 SF and add roof deck.

Dear Applicant:

On behalf of the City of Berkeley, I would like to introduce myself as the project planner for the above referenced application. Your application is currently being reviewed by City departments, including the Building and Safety and Planning departments, as well as other interested parties, for their comments and to ensure that the project is complete as submitted. If any questions arise, City staff will either contact you in writing or via the telephone at the phone number supplied on the application you submitted. It is also prudent to expect site visits by various staff members over the course of the City's review of your project. These visits will be from the public right-of-way, unless an appointment is made with you in advance.

If you have any questions or concerns, please feel free to contact me at (510) 251-8210 or [sgabelscheinbaum@up-partners.com](mailto:sgabelscheinbaum@up-partners.com). If I have any questions, I will contact you within 30 days of your application date to follow-up with the status of the project and to request any additional information needed to complete the application. Please note that due to staffing reductions and the level of permit activity, applicants should be prepared to expect longer processing times than in the past. Answers to frequently asked questions related to Administrative Use Permits, including "what is the process" and "how long does it take" can be found on the City's website at: [http://www.ci.berkeley.ca.us/Planning\\_and\\_Development/Land\\_Use\\_Division/Administrative\\_Use\\_Permit.aspx](http://www.ci.berkeley.ca.us/Planning_and_Development/Land_Use_Division/Administrative_Use_Permit.aspx)

Please know that this application is subject to the Permits Streamlining Act, Government Code Section 65921, which (1) sets forth various time limits within which state and local government agencies must either approve or disapprove permits and (2) providing that these time limits may be extended once (and only once) by agreement between the parties.

I look forward to working with you.

Sincerely,

Sophie Gabel-Scheinbaum  
Staff Planner



Planning and Development Department  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

**Post and Mail Date:**  
**February 23, 2021**

## NOTICE OF RECEIVED APPLICATION

**AUP #ZP2021-0006 SUBMITTED on February 5, 2021**

**1262 Francisco Street**

To modify a previously approved AUP (#ZP2020-0122) to include a 40 square foot addition at the first floor and a new roof deck at the second floor.

**Contact information:** (see reverse side)

**All application materials may be viewed online:**

[www.cityofberkeley.info/zoningapplications](http://www.cityofberkeley.info/zoningapplications), or at  
[www.berkeley.buildingeye.com](http://www.berkeley.buildingeye.com)

«NAME1»

«NAME2»

«ADDRESS1» «ADDRESS2»

**NOTICE OF RECEIVED APPLICATION**

To comply with the Shelter In Place order issued by the County Health Official, the City of Berkeley's Land Use Division of the Planning Department has temporarily waived the Neighborhood Contact and Project Yellow Poster requirements for proposed Zoning Project applications. This postcard serves as a notification that an application has been received by the City of Berkeley, proposing a development project on an adjacent property that requires a Zoning Permit. This application is currently under review.

**Applicant Contact Information**

Sundeep Grewal, Studio G+S Architects  
(510) 548-7448  
sunny@sgsarch.com

**Project Planner Contact Information**

Sophie Gabel-Scheinbaum  
(510) 251-8210 ext. 1013  
sgabelscheinbaum@up-partners.com

All application materials may be viewed online: [www.cityofberkeley.info/zoningapplications](http://www.cityofberkeley.info/zoningapplications), or at [www.berkeley.buildingeye.com](http://www.berkeley.buildingeye.com)

If you have questions on this application, or would like to submit a comment, **please contact the above-listed Project Planner.**

NAME1	NAME2	ADDRESS1	ADDRESS2
GRUEN DARRYL J & EMILY O TRS & GRUEN LEE G TR	1245 FRANCISCO ST B	BERKELEY CA	94702
HOM RICHARD L & LUM SUSAN B	1249 FRANCISCO ST	BERKELEY CA	94702
SNYDER ANDREA L & SIDHU SUNINDER	1253 FRANCISCO ST	BERKELEY CA	94702
PRITT JACKSON D & JOHANNA W	1255 DELAWARE ST	BERKELEY CA	94702
ARCEKASKIRIS VANESSA M & KASKIRIS CHARIS	1255 FRANCISCO ST	BERKELEY CA	94702
GARSHELIS DAREN & FERNANDEZ KATHERINE	1261 DELAWARE ST	BERKELEY CA	94702
MILLER JONATHAN D & KURLAENDER TAMAR ETAL	1262 FRANCISCO ST	BERKELEY CA	94702
METUMARAAHANOTU AUSTIN & AHANOTU ADELE J TRS	1266 FRANCISCO ST	BERKELEY CA	94702
LUNDEN MELISSA M	1271 DELAWARE ST	BERKELEY CA	94702
RAVEL JODI L & MEDERICK	1272 FRANCISCO ST	BERKELEY CA	94702
BALDWIN ROBERT E TR & BALDWIN AIMEE J	1345 CALIFORNIA ST	BERKELEY CA	94703
FISHBEIN LAURENCE & GILLET SYDNEY TRS	1729 CHESTNUT ST	BERKELEY CA	94702
DORAN ANDREW & JONES ANDREA	1731 CHESTNUT ST	BERKELEY CA	94702
CHUNG ROBERT E & BARBIERI MAGALI	1735 CHESTNUT ST	BERKELEY CA	94702
ALLEN WILMER K TR	1737 CHESTNUT ST	BERKELEY CA	94702
ALABI OLUWABUSAYO & JENNIFER TRS	1743 CHESTNUT ST	BERKELEY CA	94702
PHAM THANH & VO LY T	1812 SHORT ST	BERKELEY CA	94702
GAYLORD KRISTIN Z TR	912 HAWTHORNE DR	WALNUT CREEK CA	94596
Occupant(s)	1245 1/2 FRANCISCO ST	BERKELEY CA	94702
Occupant(s)	1245 FRANCISCO ST	BERKELEY CA	94702
Occupant(s)	1245 FRANCISCO ST A	BERKELEY CA	94702
Occupant(s)	1247 1/2 FRANCISCO ST	BERKELEY CA	94702
Occupant(s)	1247 FRANCISCO ST	BERKELEY CA	94702
Occupant(s)	1247 FRANCISCO ST A	BERKELEY CA	94702
Occupant(s)	1255 FRANCISCO ST 2	BERKELEY CA	94702
Occupant(s)	1255 FRANCISCO ST A	BERKELEY CA	94702
Occupant(s)	1255 FRANCISCO ST B	BERKELEY CA	94702
Occupant(s)	1256 FRANCISCO ST	BERKELEY CA	94702
Occupant(s)	1281 DELAWARE ST	BERKELEY CA	94702



# LAND USE PLANNING

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## NOTICE OF RECEIVED APPLICATION

### 1262 Francisco Street

**Administrative Use Permit #ZP2021-0006 to modify a previously approved AUP (#ZP2020-0122) to include a 40 square foot addition at the first floor and a new roof deck at the second floor.**

To comply with the Shelter In Place order issued by the County Health Official, the City of Berkeley's Land Use Division of the Planning Department has temporarily waived the Neighborhood Contact and Project Yellow Poster requirements for proposed Zoning Project applications. This notice serves as a notification that an application has been received by the City of Berkeley, proposing a development project on an adjacent property that requires a Zoning Permit. This application is currently under review.

#### A. Land Use Designations:

- Zoning: R-2, Restricted Two-Family Residential District

#### B. Zoning Permits Requested:

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.28.070 (C) for an addition greater than 14'-0" in height as a modification per BMC Section 23B.56.020.

#### D. Parties Involved:

- Applicant                      Sundeep Grewal, Studio G+S Architects, 2223 5<sup>th</sup> Street, Berkeley, CA 94710
- Property Owner              Jonathan Miller, 1262 Francisco St., Berkeley, CA 94702

#### E. Project Planner

- Sophie Gabel-Scheinbaum, [sgabelscheinbaum@up-partners.com](mailto:sgabelscheinbaum@up-partners.com), 510-251-8210 ext. 1013

#### Further Information:

- All application materials are available online at: [www.cityofberkeley.info/zoningapplications](http://www.cityofberkeley.info/zoningapplications) or at [www.berkeley.buildingeye.com](http://www.berkeley.buildingeye.com)



**Gong, Sharon**

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**From:** Gong, Sharon  
**Sent:** Wednesday, March 3, 2021 2:54 PM  
**To:** Gong, Sharon  
**Subject:** Berkeley AUP #ZP2020-0122

---

**From:** John Vinopal <john.vinopal@gmail.com>  
**Sent:** Wednesday, March 3, 2021 10:52 AM  
**To:** Sophie Gabel-Scheinbaum <SGabelScheinbaum@up-partners.com>  
**Cc:** sunny@sgsarch.com; jonzo88@gmail.com; aimee baldwin <junk.menagerie@gmail.com>  
**Subject:** [EXT] Berkeley AUP #ZP2020-0122

To Whom It May Concern

In relation to AUP #ZP2020-0122 at 1262 Francisco Street, on a subject entirely unrelated to roof decks (really), we have questions about the changes to the 1262 Francisco storm water drainage system. Specifically we, the downhill neighbors at 1256 Francisco Street, believe that 1262 Francisco needs installation of a proper drainage system to correct an ongoing nuisance. We have had a multi-year project dealing with drainage on the east side of our house. We have worked to mitigate a number of issues:

- Flooding at the downstairs back door and along the east side of 1256.
  - Purchased (2016) and installed a sump pit + sump at SE corner of 1256.
- High humidity levels in the finished downstairs.
  - Purchased (2017) and installed a dehumidifier.
- Flooding and standing water in the unfinished basement.
  - Purchased (2019) and installed an additional sump pit + sump in the basement.
- Continued saturation along the east side of 1256 and in the basement.
  - Purchased and installed (2019) a 50 linear foot French drain between 1256 and 1262, plumbed to a sump pit + sump at NE corner of 1256.
- Seasonal subsidence leading to off-kilter door frames and cracking plaster.
  - Endless caulking and repainting.

After a multi-year process of eliminating variables, we're fairly certain that our drainage problems are due to poor storm water control from 1262 Francisco. This has been difficult to ascertain due to the highly variable nature of Berkeley's rainfall, several years of drought condition, the fact that our sewer line runs between the houses, and the long period of time required for a basement to dry out. That said we've pursued this scientifically:

- We eliminated the possibility that we have a plugged sewer line by snaking the sewer.
- We eliminated the possibility that we have a cracked sewer line by observing a correlation between rainfall and subsequent basement flooding.
- We've determined a rough direction of water origin by digging a number of 3" x 1' test holes between the properties and observing the fill rates during/after rainfall.
- We've observed the questionable quality of 1262 downspouts (see below).
- Most tellingly, we dried out the basement by installing a French drain.
- We have a large collection of dated photo documentation.

Having had an opportunity to assess the drains of 1262 Francisco with the small amount of rain we've received this year, my observations are as follows:

- The 1262 back addition downspout (SW corner) drains to a corrugated pipe connected to a "dry well" of unknown capacity / unknown location. This is likely undersized and/or compromised by the pine tree. It may be

inappropriate due to the soil geology. We see our SE corner sump pit fill with water shortly after a 0.2" rainfall (2021-02-11 5:00pm); it is very likely that the dry well is the source suggesting it is unable to deal with even limited runoff. (We believe this water, following tree roots, to be a secondary source of basement flooding.)

- The 1262 main roof drains to a plugged downspout between the two houses. Most (all?) water runs over the outside of the downspout, wells out of the buried corrugated pipe, and pools in the setback. (We believe this water to be the source of our east side saturation and primary source of basement flooding, caused by water following the sewer line under our slab foundation.)
- The 1262 front downspout (NW corner) pools at corner of house. While there is a corrugated pipe, it runs uphill and does not move water. This is likely a small source of water compared to the main and back addition roof drains.

The good news is that, while it took two years to do it, our French drain has successfully dried out our basement. Granted we've received only 4" of rain this year, but we have not seen any water in the basement sump pit. This is a marked improvement over years past where we had 2" of standing water and a hearty breeding population of the native California Arboreal salamander, *Aneides lugubris*. (Literally.)

The bad news is that this requires us to run two sumps that are primarily pumping what we believe to be runoff from 1262 Francisco Street. It is our belief that the storm water discharge from 1262 Francisco needs to be moved to the curb. If a dry well is used, it needs to be engineered to account for the impermeable adobe layer of the neighborhood geology. It needs to be sized appropriately for the square footage of runoff and 1.5"/hour peak rainfall as specified in Chapter 11 of the California Plumbing Code (and table D 101.1). It needs to deal with failure by directing water to the street – and not into our basement.

Per AUP #ZP2020-0122, it is clear that all downspouts of 1262 Francisco will be redone. We would appreciate clarification about engineering related to storm water drainage that would alleviate the above documented nuisance.

Sincerely,

1256 Francisco Street

Berkeley, CA 94702

Aimee Baldwin

John Vinopal

2021-03-03

---

**From:** John Vinopal <john.vinopal@gmail.com>

**Sent:** Wednesday, March 3, 2021 10:31 AM

**To:** Sophie Gabel-Scheinbaum <SGabelScheinbaum@up-partners.com>

**Cc:** sunny@sgsarch.com; jonzo88@gmail.com; aimee baldwin <junk.menagerie@gmail.com>

**Subject:** [EXT] Berkeley AUP #ZP2021-0006, 1262 Francisco Street

To Whom It May Concern

It comes as an unpleasant surprise to receive a card asking if we have any concerns about a proposed roof-deck at 1262 Francisco Street (reference: AUP #ZP2021-0006).

We are totally opposed to a roof deck that is "detrimental" due to the substantial loss of privacy that such a hypothetical structure might cause to our property at 1256 Francisco Street. We have not had the opportunity to review any plans related to such a roof deck, and in point of fact had verbal acknowledgement that such a thing would not exist.

Our concerns are as follows:

- We don't know anything about a roof deck.
  - Size, location, elevation – entirely unknown.
- The last conversation we had with Jonathan (owner 1262), when we were signing the AUP (#ZP2020-0122), he specifically stated that he had considered a balcony / roof deck and had decided not to pursue it.
- This hypothetical balcony / roof deck, that we don't know anything about, and had previously been told would not exist, likely results in substantial loss to our privacy in the following manner:
  - Visible lying down in our bed
  - Visible from the shower, or sitting on the toilet
  - Visible from my (currently COVID-enforced) full-time M-F / 9-5 office
  - Almost certainly visible from our entire backyard
  - Likely visible from the kitchen table
  - Possibly visible from the downstairs toilet
- In addition to the hypothetical roof deck, we know nothing about the proposed extra 40 sqft addition. Does this enter the setback? Is this even on our side of the property? Who knows; certainly not us.

To be clear, we enjoy sitting on our roof to watch the sunset and would be happy for Jonathan to also sit on his roof to watch the sunset. The problem is the permanent nature of infrastructure and the mutable nature of use. A hypothetical roof deck could be a small balcony with a potted plant, or a large party-deck with a heat lamp, fire pit, and BBQ. It could add flood lights directed into our windows and into our backyard. How would the usage of the proposed structure change as Jonathan's children grow? Would this become the new hangout for teenage boys and their teenage friends? (While we are strong proponents of a comprehensive sexual education, school might be more appropriate.) If Jonathan were to rent out his house, what would be our recourse to prevent the deck from becoming the home of the Cigar Aficionado Club or the Resurrect Jerry Memorial Drum Circle? (Some friends in town are currently pursuing litigation in the matter of unreasonable drum circles with their neighbor, so this is not entirely hypothetical.) It might be a useful thought experiment for Jonathan to consider what mitigations he would want in place if we were to remove our peaked roof, add a party deck, and rent the house to 8 Cal students.

We have no reason to believe we won't be neighbors with Jonathan for the next 30 years. We value good neighbor relations. Nothing in Jonathan's past backyard use leads us to believe that flood lights, cigar clubs, drum circles, or peep shows are to be expected. We signed the original AUP despite loss of sky, loss of (all) screening trees, and the creation of a construction project of indeterminate duration 15' from my fulltime office. We'd like to believe we're (mostly) reasonable neighbors.

That said, springing this on us in this particular manner strikes us as particularly unreasonable. Obviously this was hived out of the original AUP, as a potentially contentious item, with the hopes it could be slipped in later. This is a disrespectful way to treat your neighbors.

As it stands, there is no way we can sign on to this AUP (#ZP2021-0006) and are prepared to challenge, appeal, contest, and fight it. Get back to us with plans, options, mitigations, binding promises, what you would do in the circumstance, how this might work for everyone, why we were told this project wouldn't exist – and you might find a different answer.

Sincerely,

1256 Francisco Street

Berkeley, CA 94702

Aimee Baldwin

John Vinopal

2021-03-03



**Sanford, David**

---

**From:** Sophie Gabel-Scheinbaum <SGabelScheinbaum@up-partners.com>  
**Sent:** Monday, March 8, 2021 8:18 AM  
**To:** Gong, Sharon  
**Cc:** Buckley, Steven; Sanford, David  
**Subject:** FW: [EXT] Proposed roof deck AUP #ZP2021-0006

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Just to keep you in the loop for this project.

David, please save the forwarded email to the project file for AUP #2021-0006 at your earliest convenience.

Thank you!

**Sophie Gabel-Scheinbaum**  
**URBAN PLANNING PARTNERS, INC.**  
(510)-251-8210 Ext. 1013

388 17<sup>th</sup> Street, Suite 230  
Oakland, CA 94612  
510.251.8210

[sgabelscheinbaum@up-partners.com](mailto:sgabelscheinbaum@up-partners.com)

PLEASE NOTE: In response to the COVID-19 virus, UPP staff is working remotely. The best way to contact me at this time is through email or by leaving a voicemail message which will be transcribed and sent directly to my email. My working hours are 8:30 AM to 5:30 PM PST, Monday through Friday. This will not interfere with the quality of service that UPP provides to our clients in creating better places together.

---

**From:** aimee baldwin <junk.menagerie@gmail.com>  
**Sent:** Sunday, March 7, 2021 9:33 PM  
**To:** jonzo88@gmail.com  
**Cc:** Sophie Gabel-Scheinbaum <SGabelScheinbaum@up-partners.com>; sunny@sgsarch.com  
**Subject:** [EXT] Proposed roof deck AUP #ZP2021-0006

Dear Jonathan,

I feel you haven't put enough thought or effort into addressing our privacy and noise concerns. It is a severe oversight of your architect not to do simple sightline estimates revealing the substantial privacy invasion the proposed roof deck will cause to the entire back of our house and garden. Unless your architect has a motive to extend your need for his services, he has failed you by not recommending that you get my signature on the designs prior to filing this AUP with the City. As an example, I have attached some basic sketches comparing the differences in sight-lines we agreed to on the original AUP, compared to the proposed roof deck.

I know your project will affect the rest of both of our times in these houses and as neighbors, however long that may be. I can appreciate you wishing to watch the sunset, but your roof deck proposal is basically a second-story family room without walls, large enough to accommodate 18+ people, pushed as close to our property line as possible, giving yourself maximum sightlines into our spaces and yard, without having any permanent sound mitigation or visual obstruction. It is hardly a small place where only you, and maybe one or two companions, would occasionally spend half an hour at sunset time. If your intention was merely to view the sky with a few people, you could see just as much sky 25' away from our bedroom window as from 12', and you wouldn't need 280+ square feet as is proposed. It feels as if you have intentionally designed this deck to maximize your options to leer into our private spaces with a great number of people while lounging on large furniture.

We have already agreed that nobody, no matter their intentions, can anticipate future events. None of your personal reassurances can guarantee who will use this proposed roof deck while I am still in my house. I have added a concept sketch to help you find empathy to our situation: what if we added an extra story and back addition on our house that overshadowed your new addition, and added a roof deck large enough for 18+ people, giving us unobstructed views into your master bedroom, back of your house, roof deck, and entire yard...and then might rent or sell the house to people you don't know? Would you think a planter box would solve all the potential problems of privacy and noise?

We have been very generous with the drastic changes your upstairs addition will have on our upstairs living spaces, as nearly all of our upstairs windows are on the east side of the house. We are giving up nearly all of our view of the sky and Berkeley Hills from these east facing windows for your addition. We are empathetic to your need to expand your house to make room for your growing children, and to have a good professional space for your business. We have been able to anticipate the upstairs addition from several casual through-the-fence conversations in the past. Because we had time to think about it, and because we are sympathetic to your family and professional needs, it was not difficult to overlook our personal preferences to accommodate the house additions in your first AUP. However, this giant roof deck was never discussed. The proposed roof deck addition would cause your remodeling project to have a great privacy impact on all east-facing and all south facing-living spaces of our entire home, and extends your view above my shed and any legal fence height, to nearly all spaces of our backyard; impacting more than 70% of my entire house and property. If your roof deck proposal were essential to your original plan, it should have been in the first AUP. You should have approached us to discuss design, rather than letting us find out by a yellow card sent by the City.

John and I have discussed measures we could take to change our own house to mitigate the impacts your house expansion will have on our privacy and quality of life, but we find it incredibly unreasonable for you to expect us to spend our time and money to mitigate major problems caused by your project. I would like to think this is not representative of what we can expect from you during this development and in our future relations as neighbors.

If you want to renegotiate the entire project, we are willing to tear up the original AUP and go back to square 1. We would definitely need full site-line mockups, so everyone is clear what we are discussing.

At this point, we are inclined to appeal this project to the ZAB. We do not believe that they will be at all sympathetic to an unannounced stealth filing, made with zero neighbor input, that contains such dramatic privacy-violating changes. Our next steps would be to seek legal council, and to look into professional appraisals of impact to my property value.

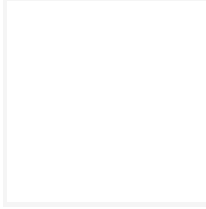
Sincerely,  
Aimee Baldwin

Attached images:

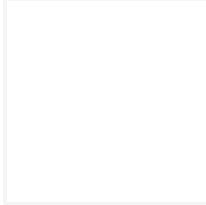
- 1.
2. ApprovedSightlinesBedroom:
3. shaded red areas on my house indicate areas of my back bedroom that could be viewed only from the approved AUP #ZP2020-0122 house addition. Only a small corner of my bedroom near the windows would be visible from a limited area in the master bedroom of the
4. approved house addition.
- 5.
- 6.
7. ProposedSightlinesBedroom:
8. Shaded areas on my house indicate areas of my back bedroom that could be viewed from large areas of the proposed roof deck AUP #ZP2021-0006. More than half of my bedroom would be visible from many locations of the proposed roof deck.
- 9.
- 3.
4. ApprovedSightlinesHouse:
5. shaded red areas on my house indicate areas of my bedroom, kitchen, and half-bathroom that could be viewed from the approved AUP #ZP2020-0122 house addition. Only small corners of each room would be visible from a limited area in the master bedroom of the
6. approved house addition.
- 7.
- 8.
9. ProposedSightlinesHouse:
10. shaded red areas on my house indicate areas of my bedroom, kitchen, and half-bathroom that could be viewed from different positions on the proposed roof deck AUP #ZP2021-006. Large portions
11. of all of the rooms on the south of my house: bedroom, kitchen, and half-bathroom, would be visible from many locations on the proposed roof deck.
- 12.
- 5.
6. Visualize:
7. If I built an extension, extra story, and a roof deck, on the east and south portion of my house, it would give me unobstructed views into at least half your master bedroom, entire proposed roof deck, and across nearly the entire yard of 1262. Is it ok for
8. me to assume you don't need any privacy in those places, and just move ahead with constructing this without consulting you?
- 9.
- 10.
- 11.

12.

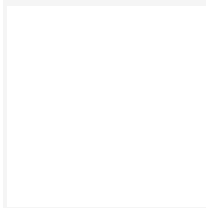
[ProposedSightlinesBedroom.jpeg](#)



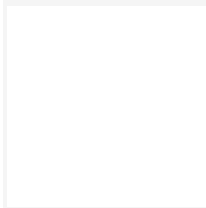
[ApprovedSightlinesBedroom.jpeg](#)



[ProposedSightlinesHouse.jpeg](#)



[ApprovedSightlinesHouse.jpeg](#)



[Visualize.jpeg](#)



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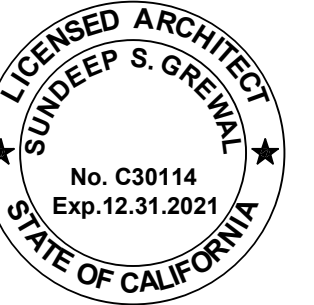








2223 Fifth St.  
Berkeley, CA 94710  
Ph: 510.548.7448  
info@sgsarch.com  
www.sgsarch.com



**MILLER RESIDENCE  
AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:

Existing Site Plan  
Proposed Site Plan

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Project No: 20-07-414

Drawn By: SSG

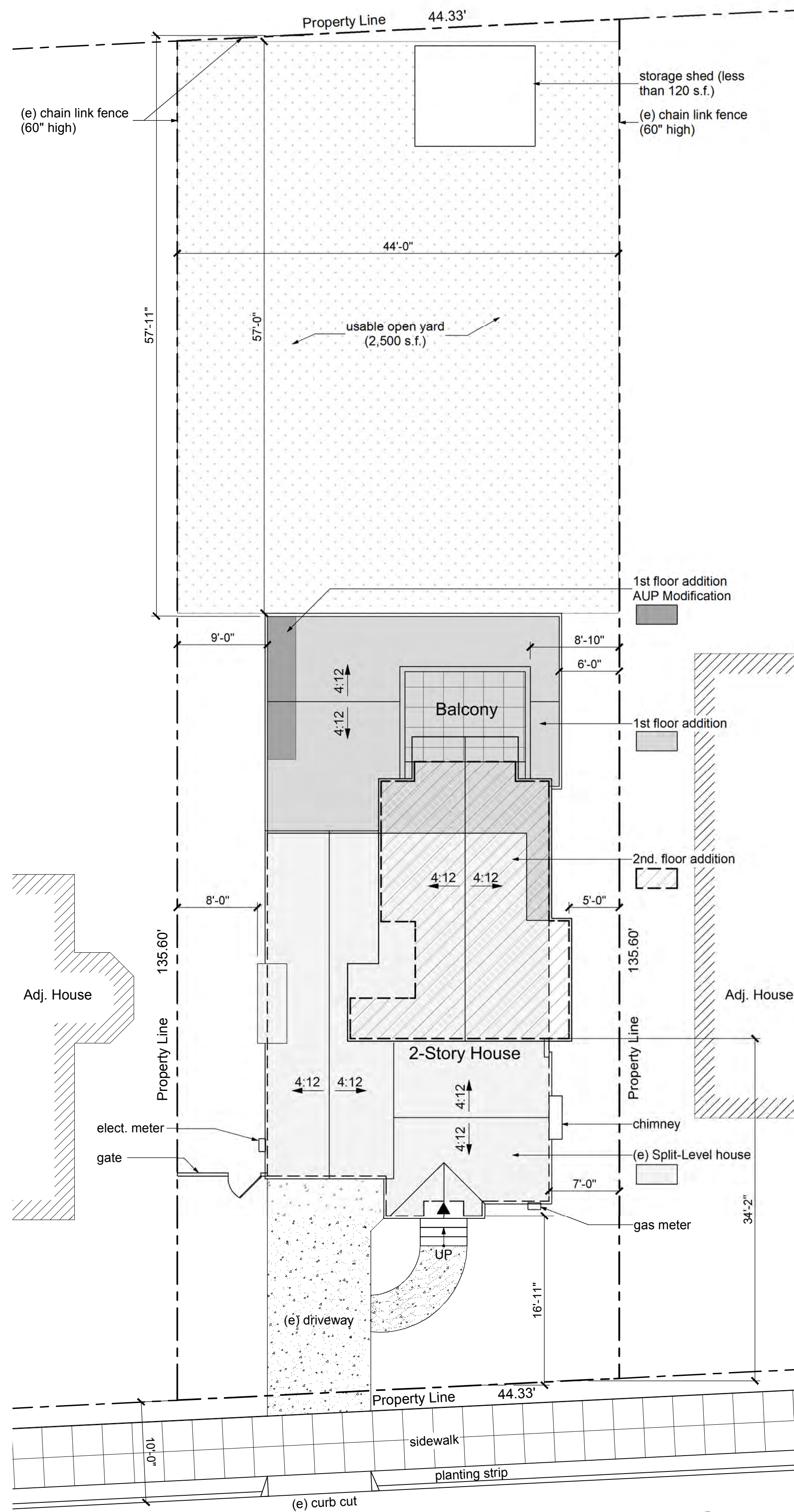
Checked By: SSG

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

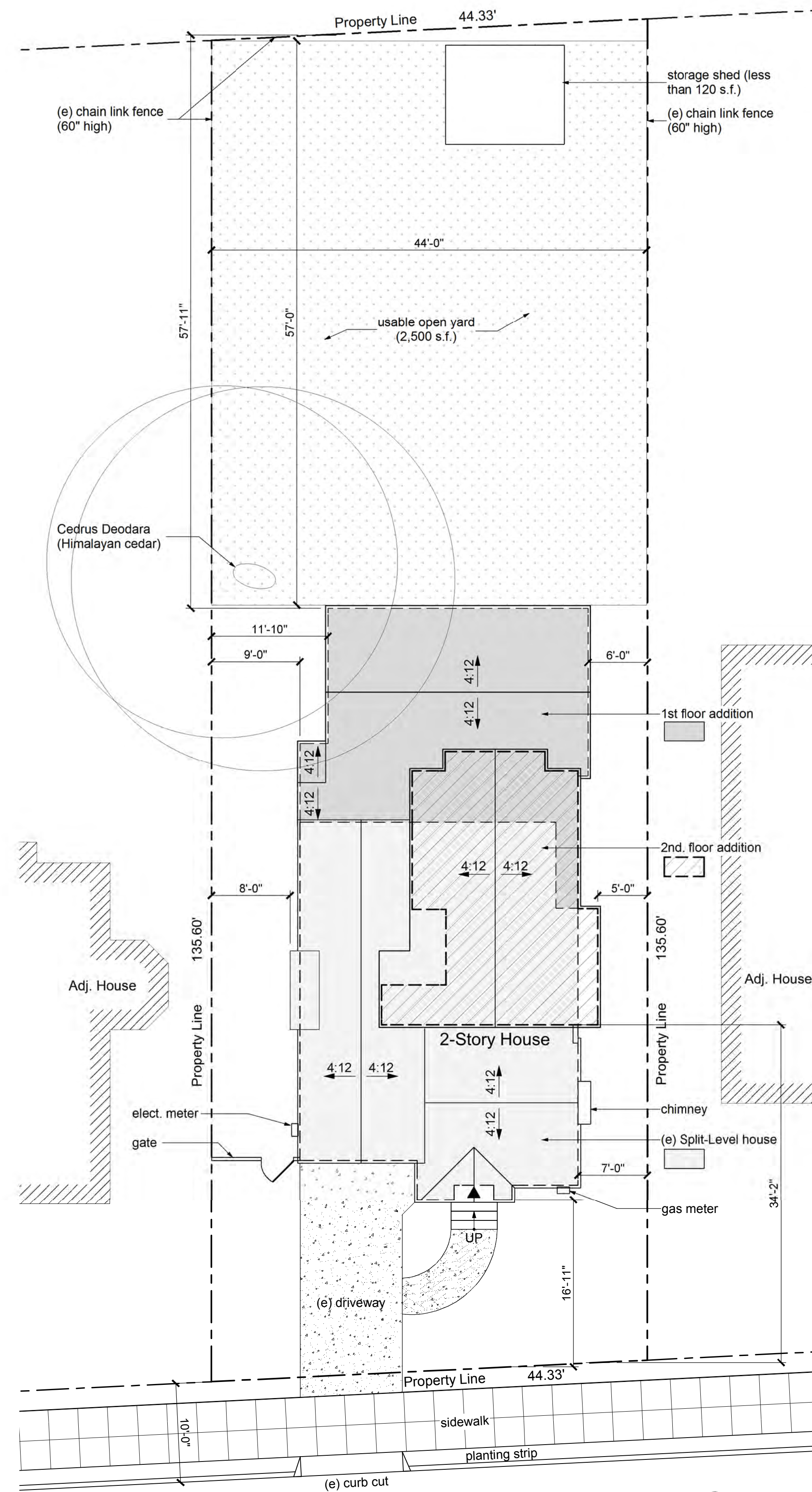
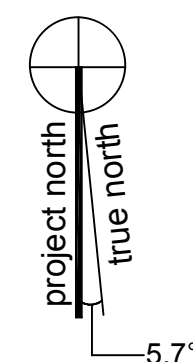
Revisions:  
AUP Modification Submittal: 01-07-2021

Design Change: 03-26-2021

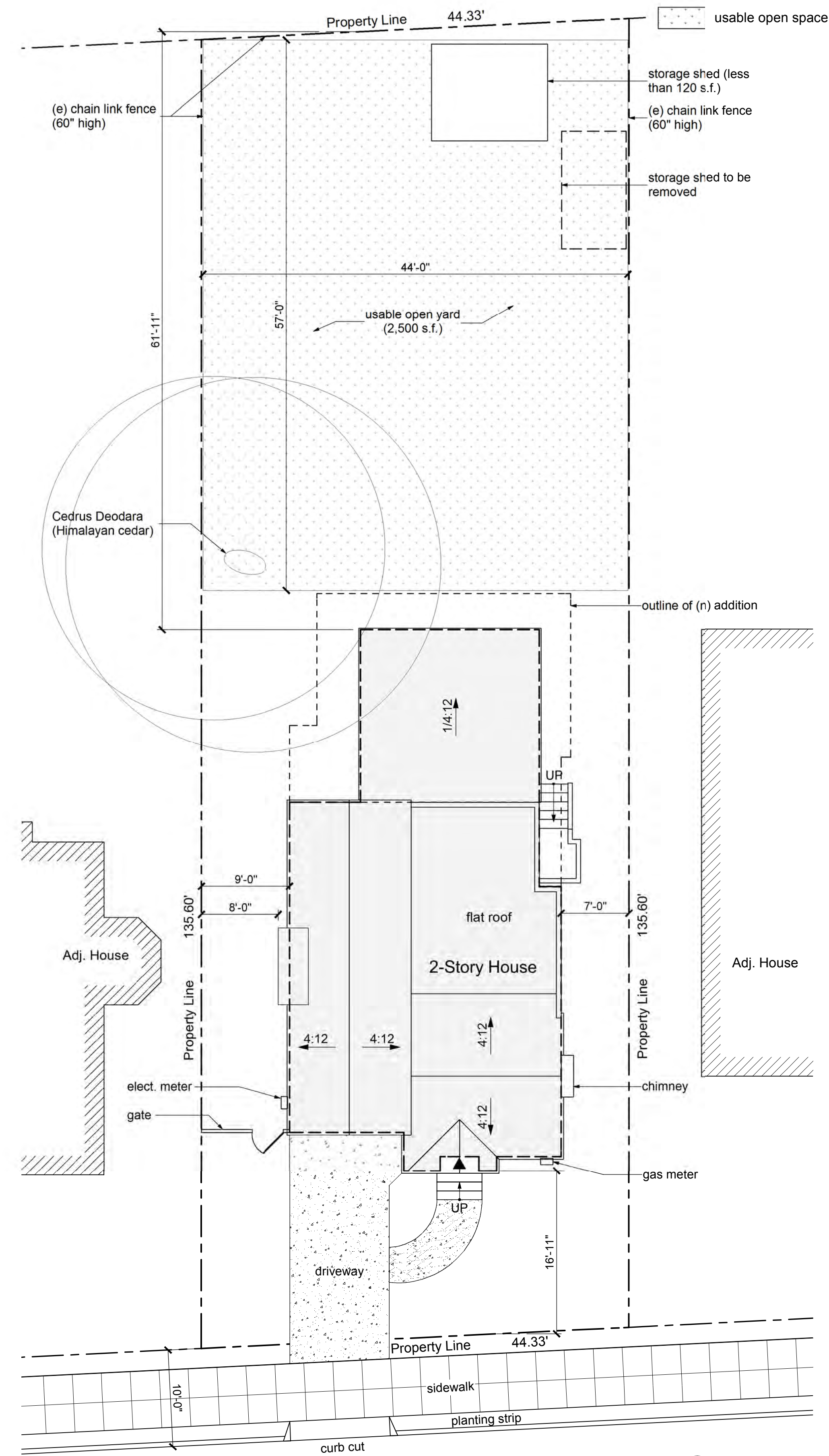
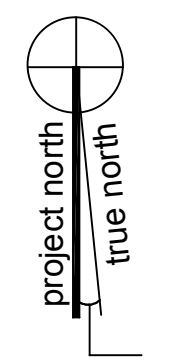
- existing structure
- 1st. floor addition
- 2nd. floor addition
- usable open space



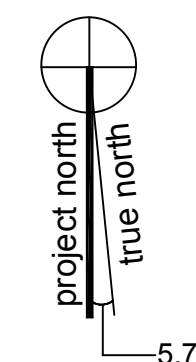
**3** Proposed Site Plan  
AUP Modification



**2** Proposed Site Plan  
Approved AUP

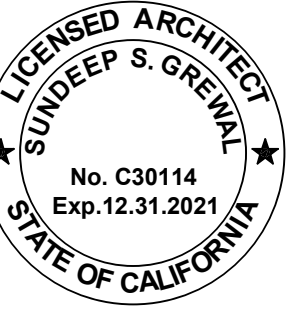


**1** Existing Site Plan





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**MILLER RESIDENCE**  
**AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:  
Existing Floor Plans

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20-07-414

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SSG

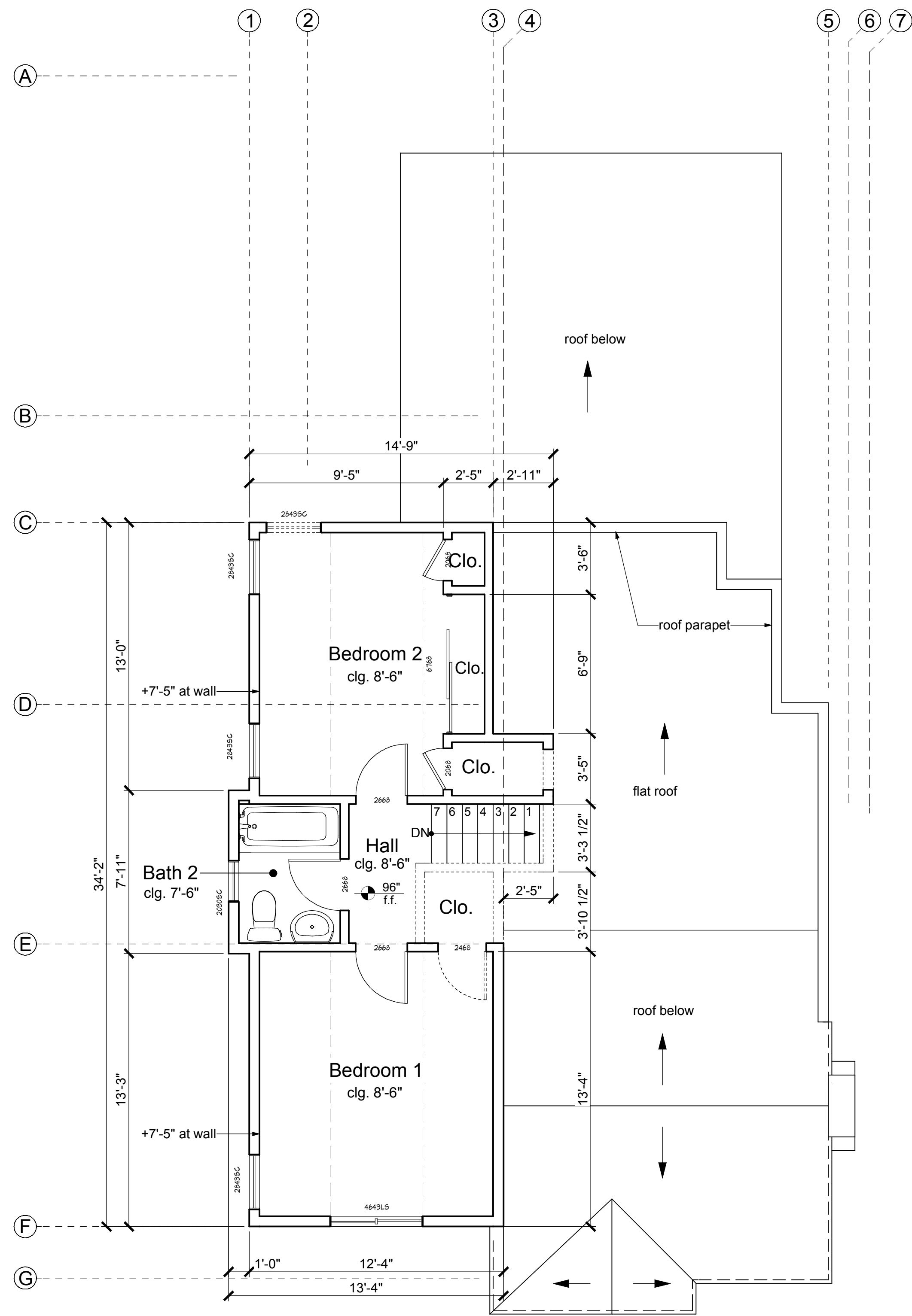
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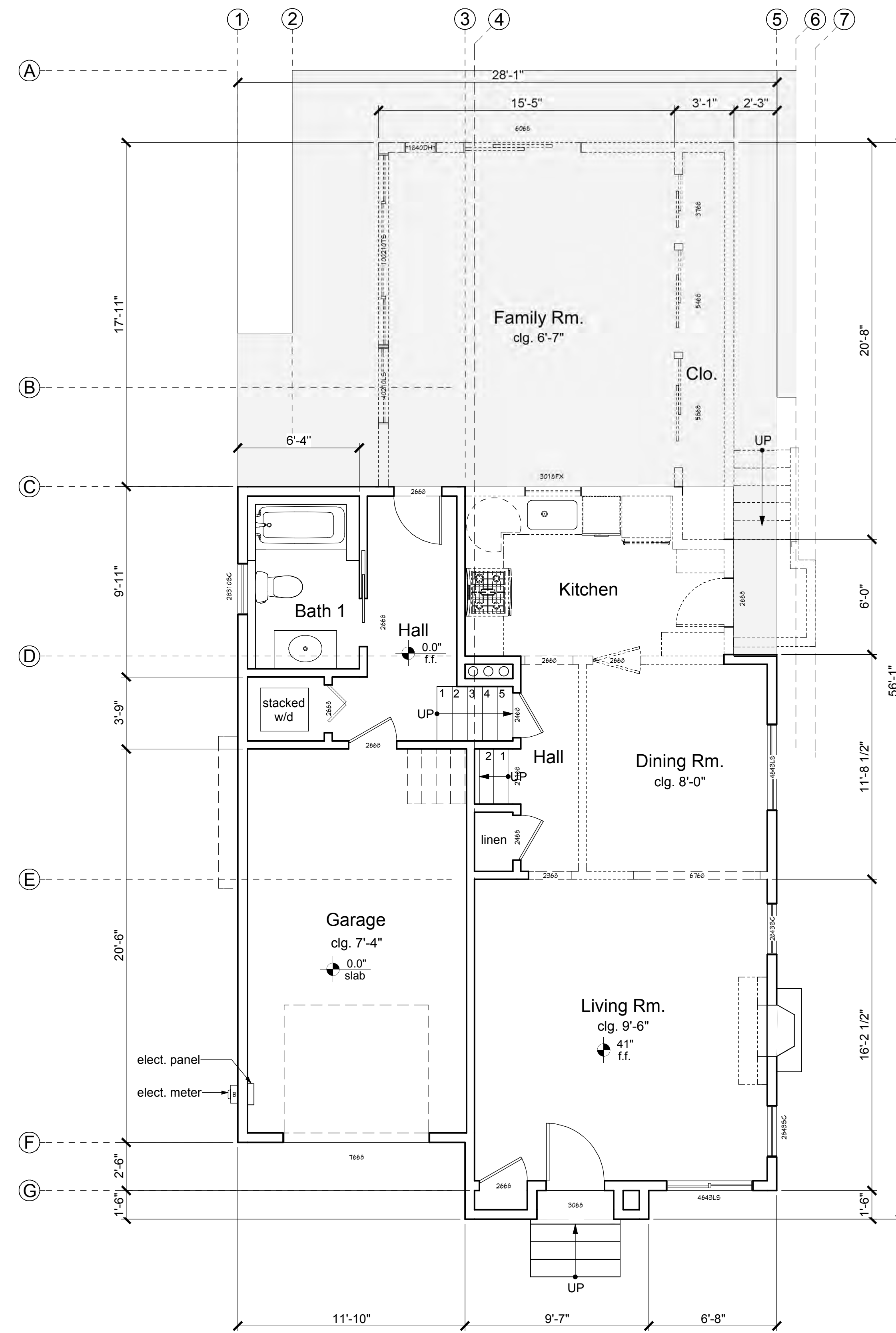
Revisions:  
AUP Modification Submittal:  
01-07-2021

Design Change: 03-26-2021

Sheet  
**A1.1**



2 Existing Second Floor Plan



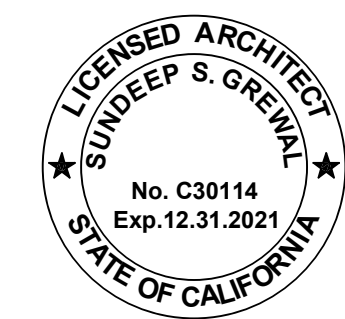
1 Existing First Floor Plan







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**MILLER RESIDENCE**  
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Existing Exterior Elevations

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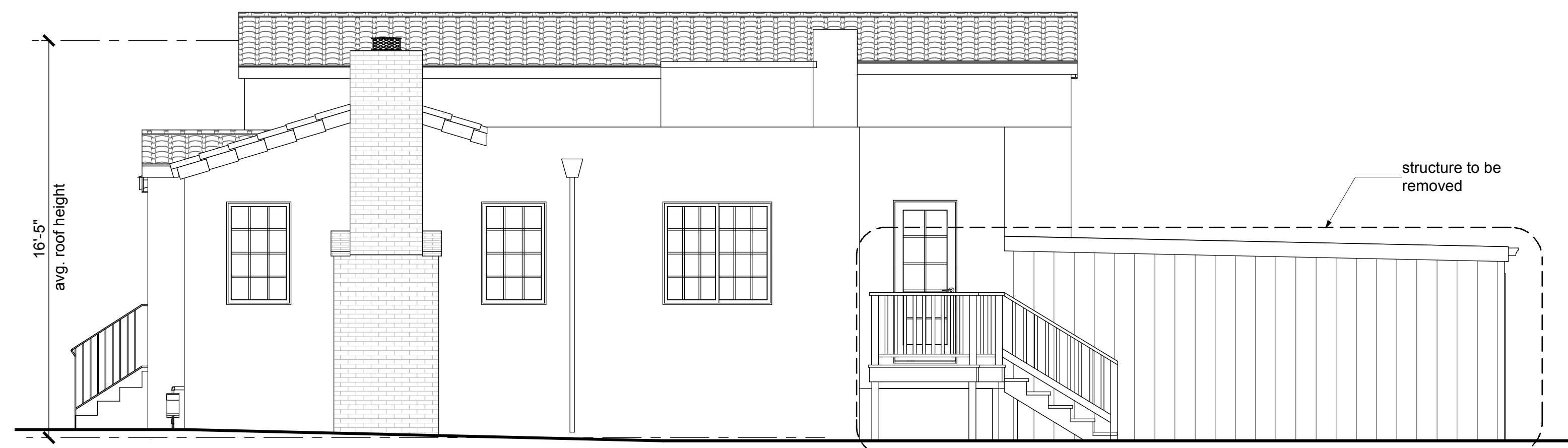
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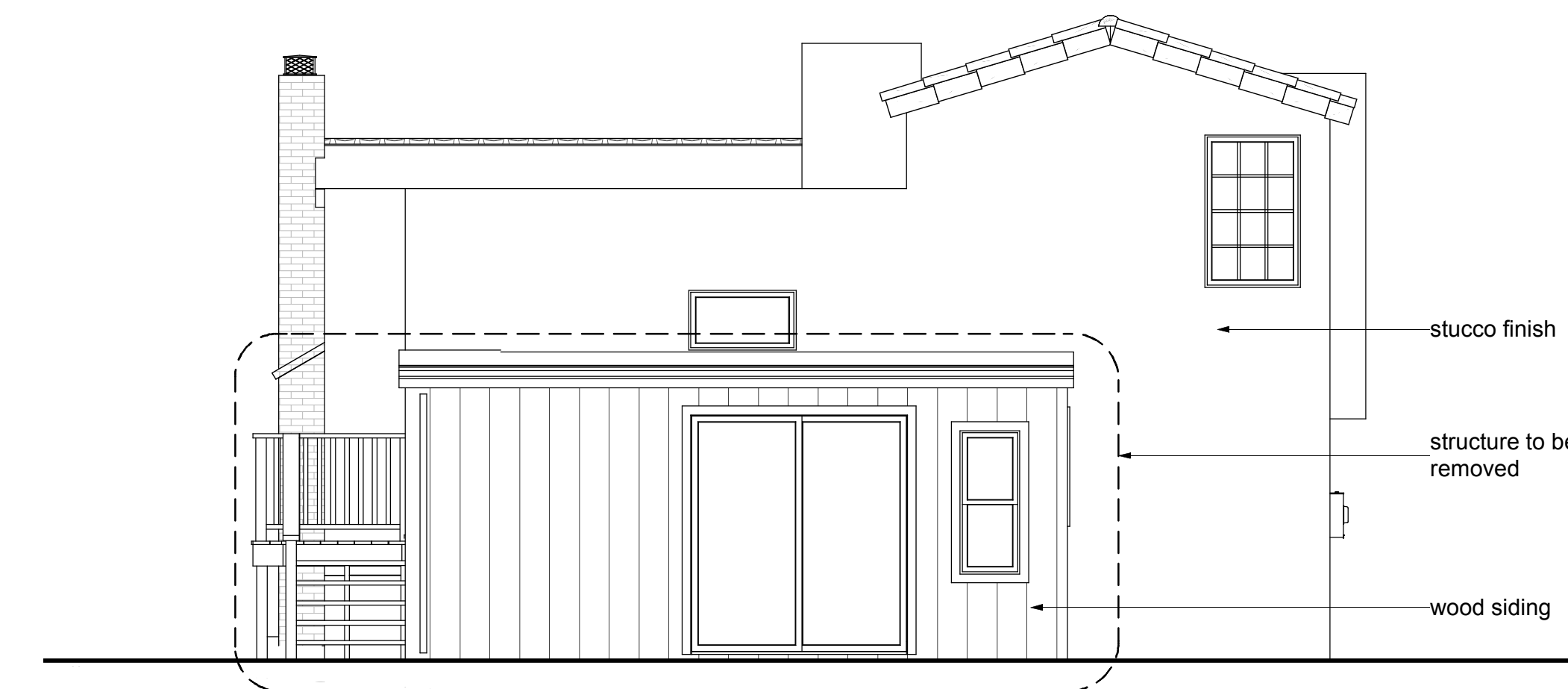
Revisions:  
AUP Modification Submittal: 01-07-2021

Design Change: 03-26-2021

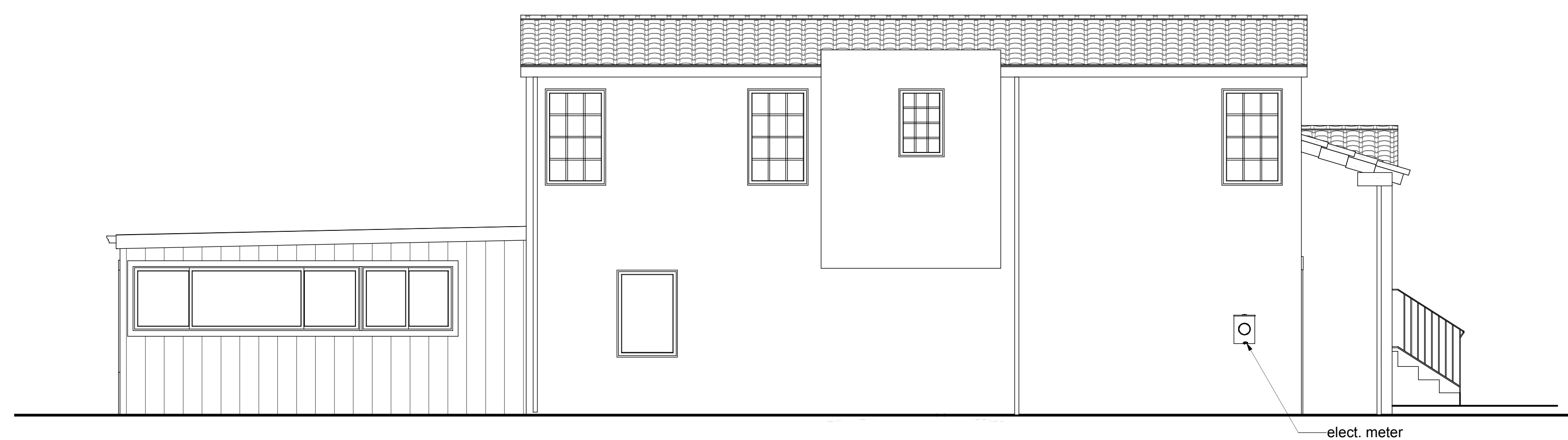
Sheet **A1.2**



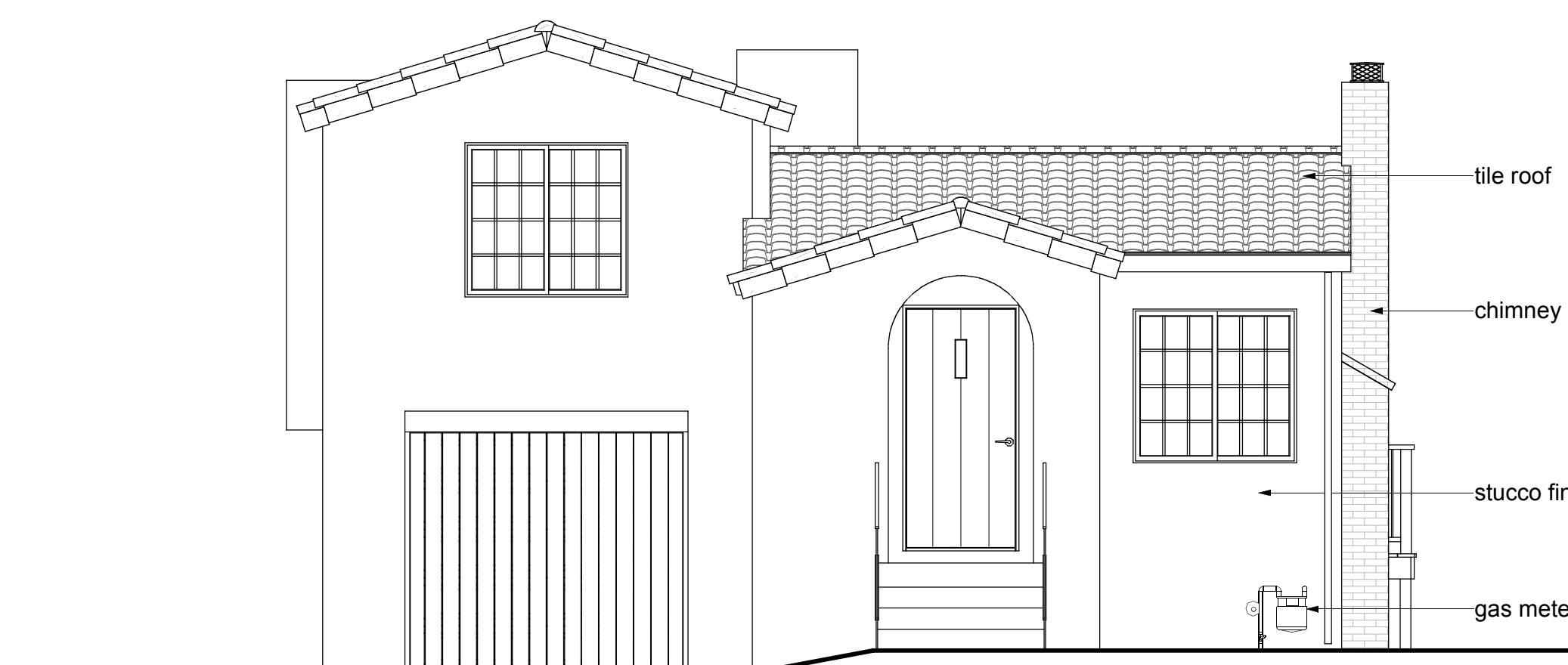
④ Existing West Elevation - Right Side



③ Existing South Elevation - Rear



② Existing East Elevation - Left Side



① Existing North Elevation - Front



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**MILLER RESIDENCE  
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Sheet Contents:  
Approved AUP  
Proposed Floor Plans

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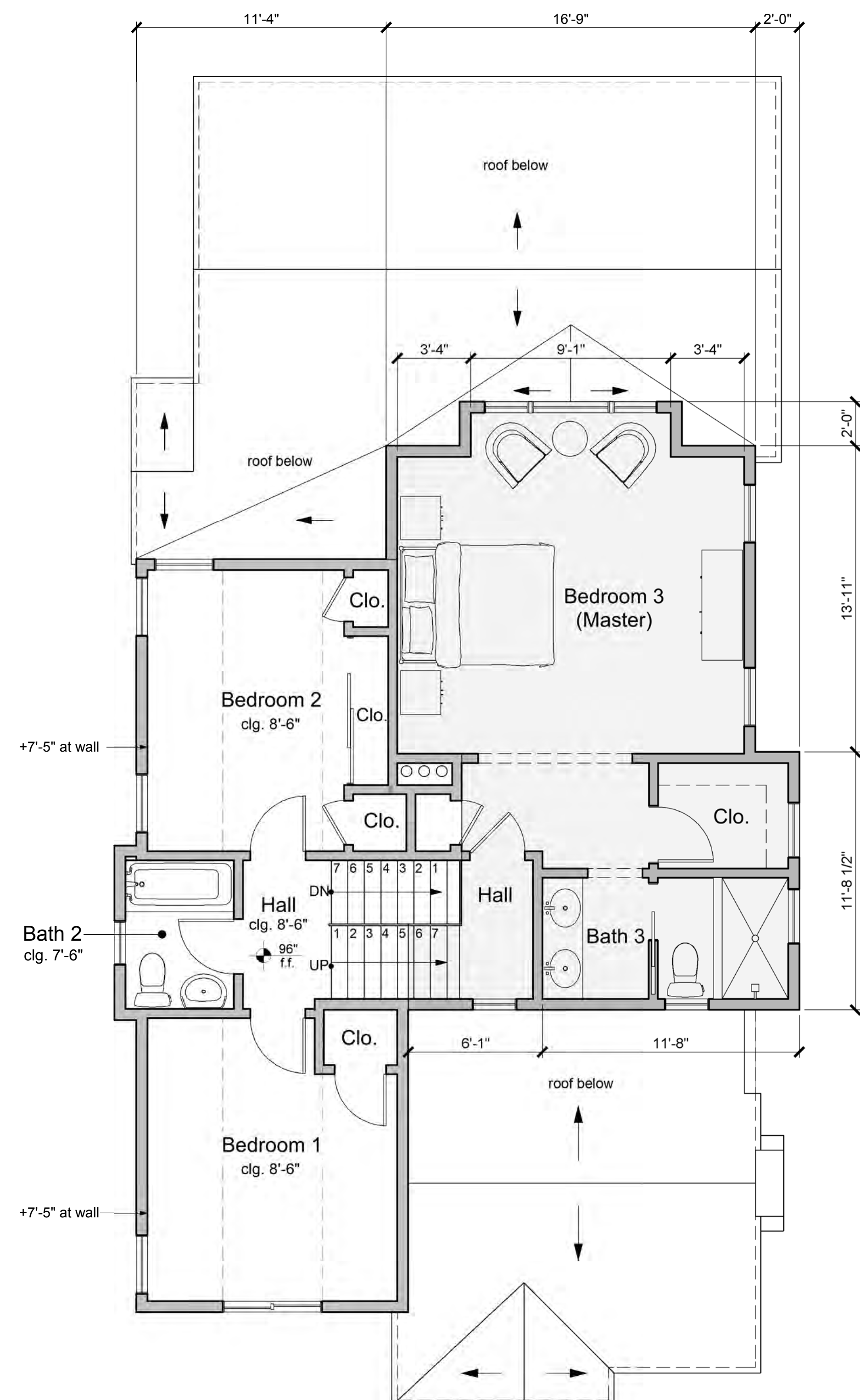
Drawn By:  
SSG

Checked By:  
SSG

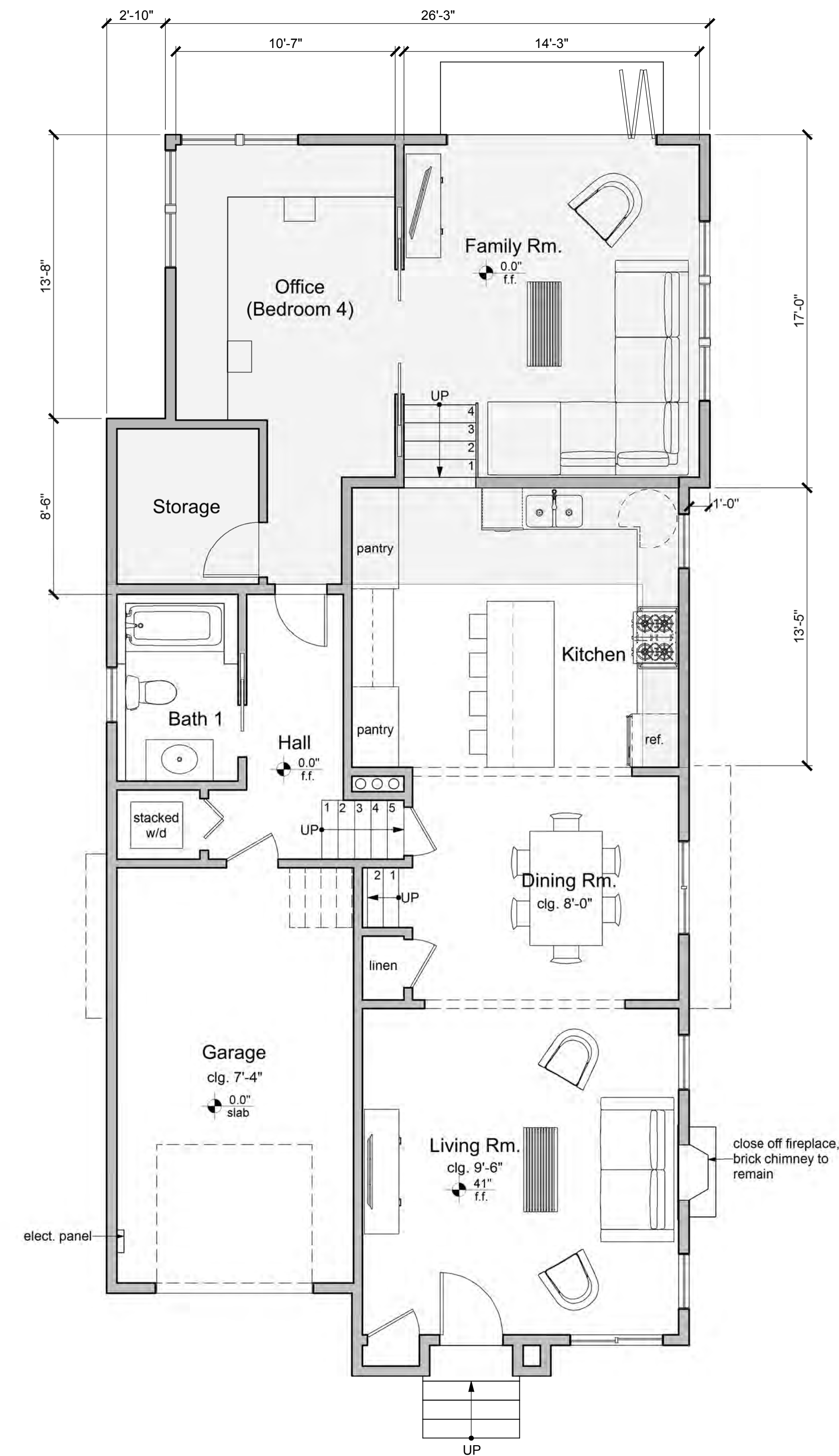
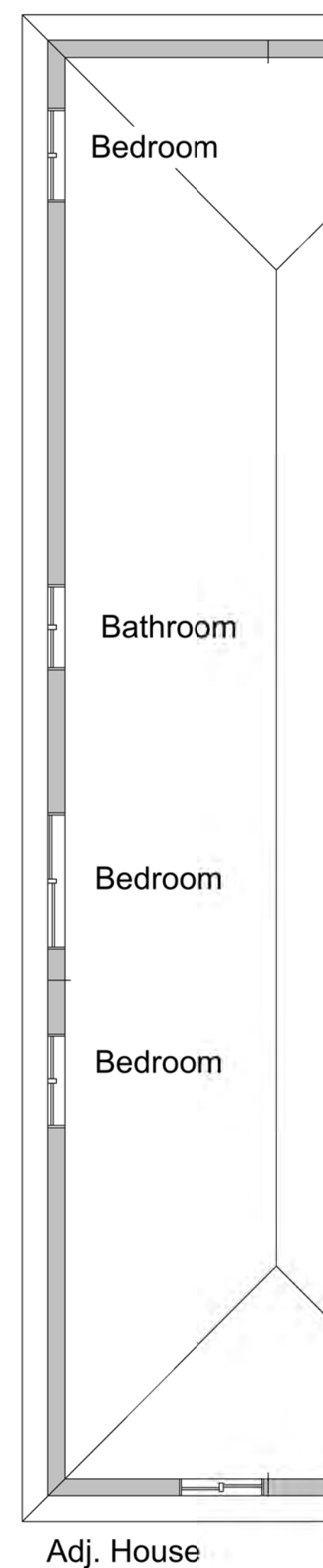
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Revisions:  
AUP Modification Submittal: 01-07-2021  
Design Change: 03-26-2021

Sheet  
**A1.3**



**2 Proposed Second Floor Plan  
Approved AUP**

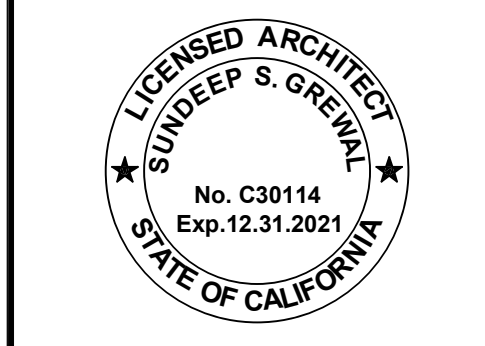


**1 Proposed First Floor Plan  
Approved AUP**



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**gs+**  
**ARCHITECTS**

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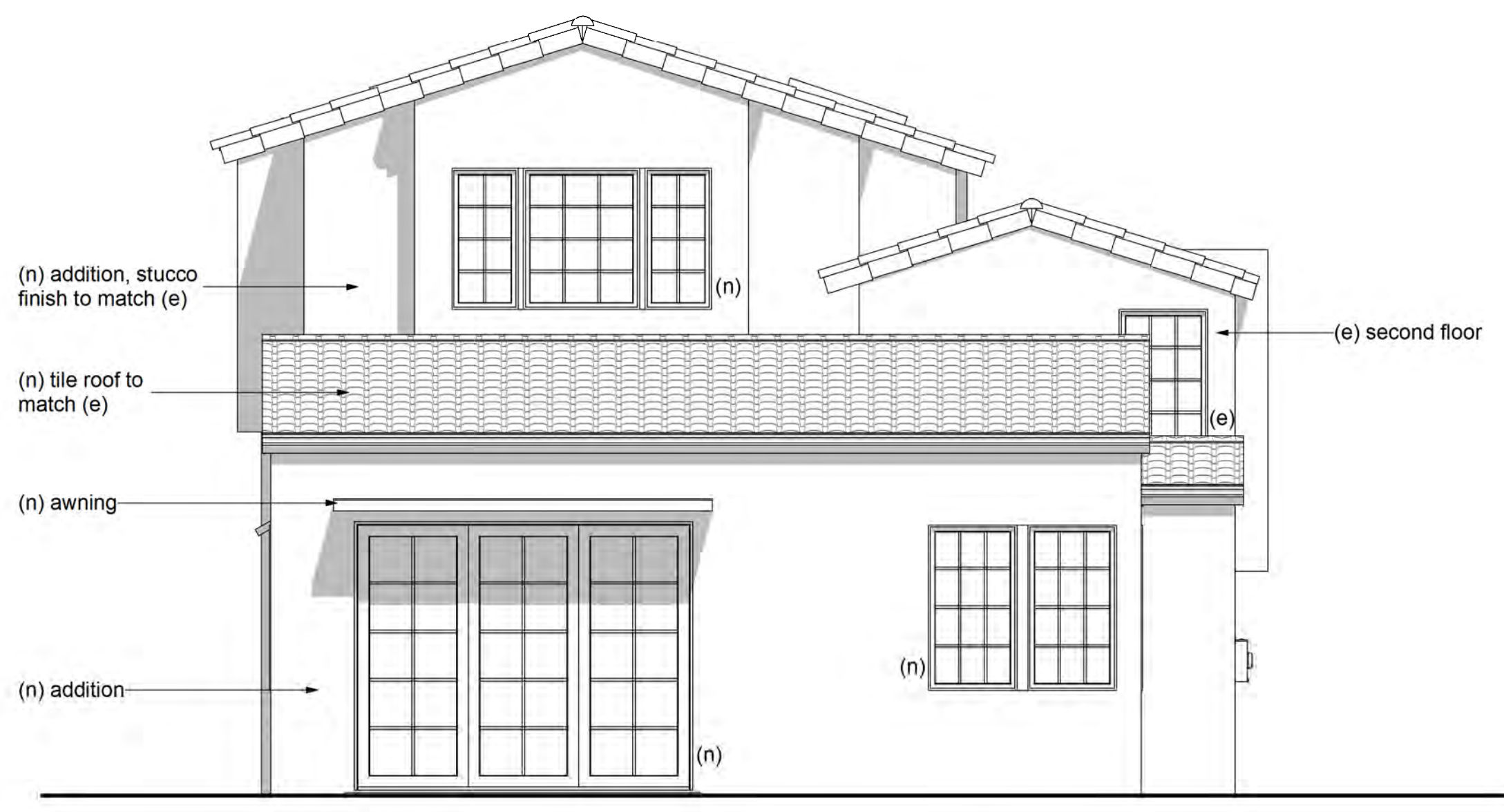
7 Right Rear View Of Proposed Addition



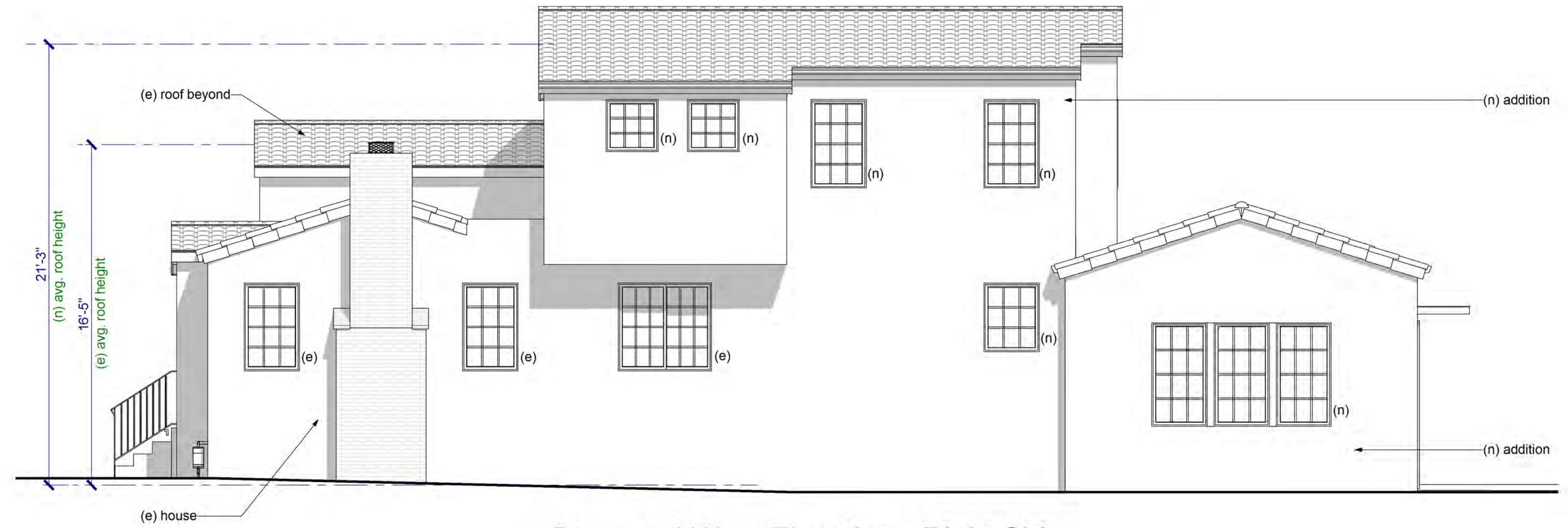
6 Left Rear View Of Proposed Addition



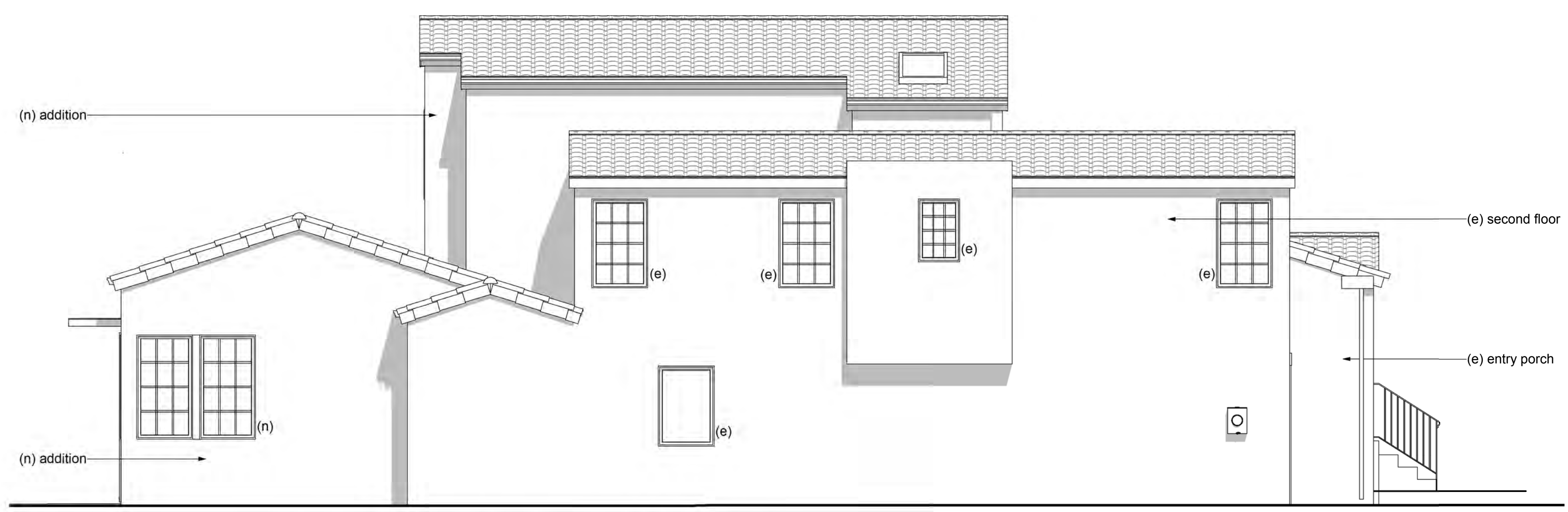
5 Street View Of Proposed Addition



4 Proposed South Elevation - Rear Approved AUP



3 Proposed West Elevation - Right Side Approved AUP



2 Proposed East Elevation - Left Side Approved AUP



1 Proposed North Elevation - Front Approved AUP

**MILLER RESIDENCE**  
**AUP Modification**  
1262 Francisco St.  
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APN: 058 213500300

Sheet Contents:  
Approved AUP  
Proposed Exterior Elevations

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Checked By:  
SSG

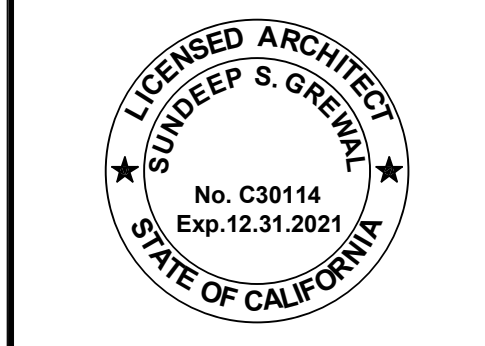
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Revisions:  
AUP Modification Submittal: 01-07-2021  
Design Change: 03-26-2021

Sheet  
**A1.4**



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**MILLER RESIDENCE**  
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Sheet Contents:  
AUP Modification  
Proposed Floor Plan

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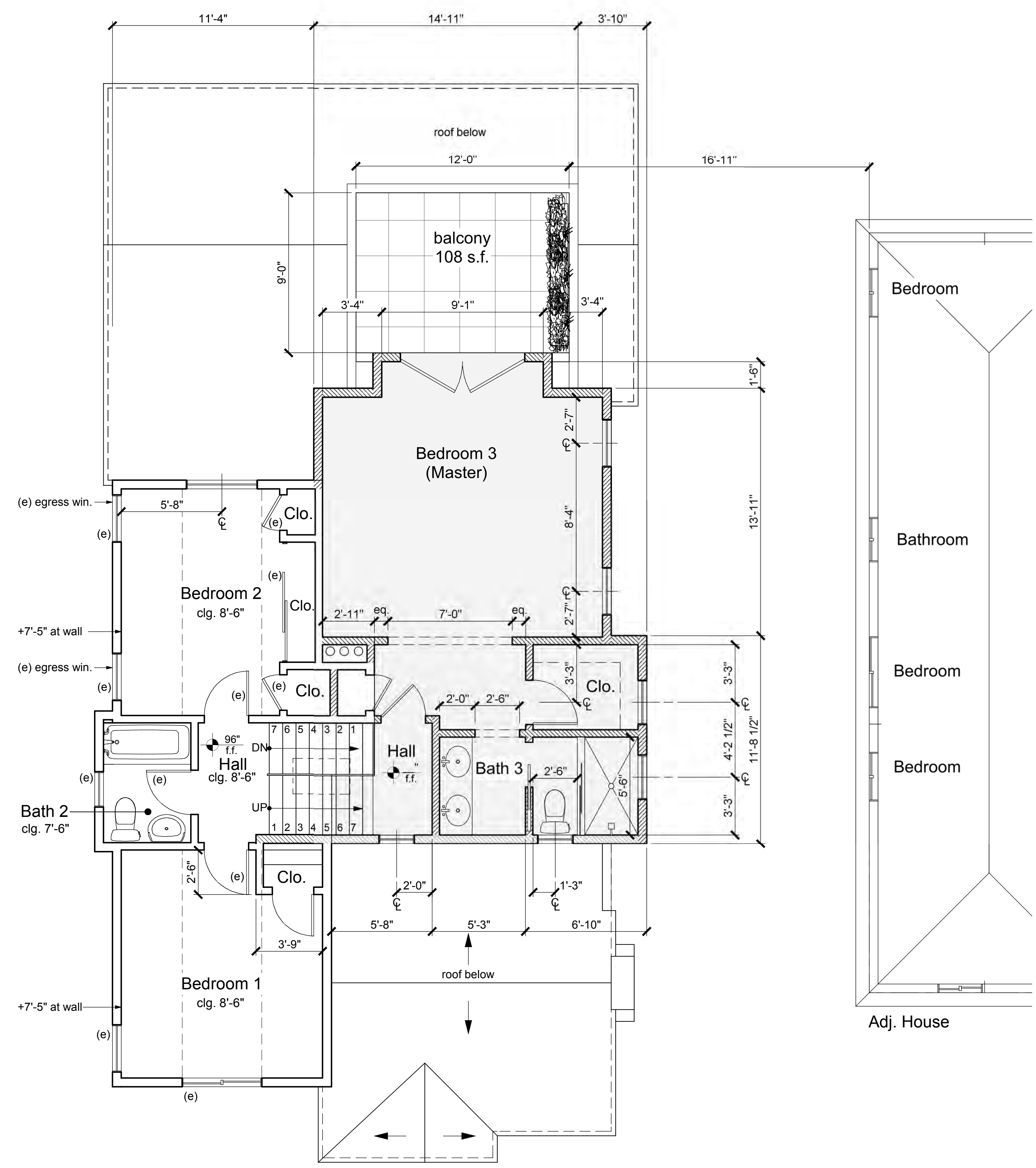
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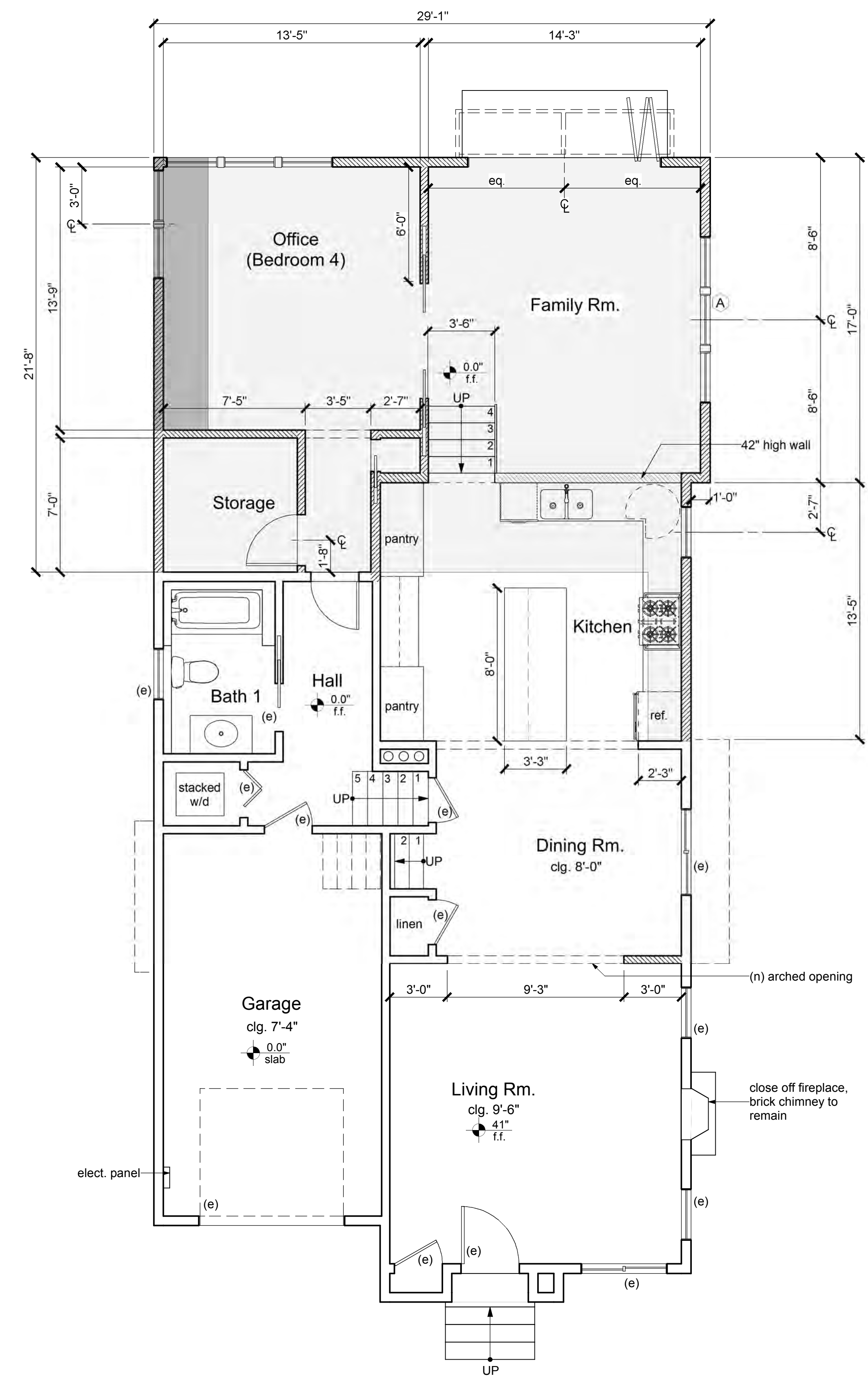
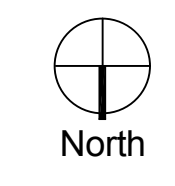
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AUP Modification Submittal: 01-07-2021  
Design Change: 03-26-2021

Sheet **A2.1**

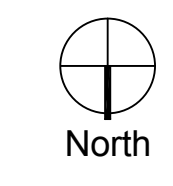
- Existing floor area
- Approved AUP New floor area
- AUP Modification New floor area



**2** Proposed Second Floor Plan  
AUP Modification

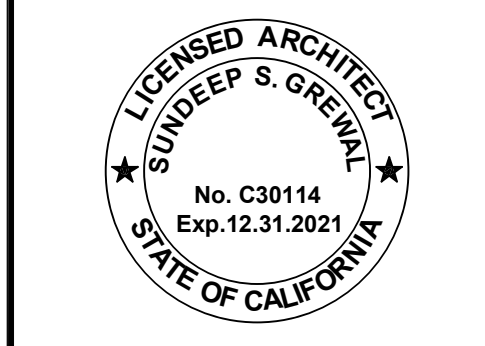


**1** Proposed First Floor Plan  
AUP Modification





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8 Aerial View Of Proposed Addition  
AUP Modification



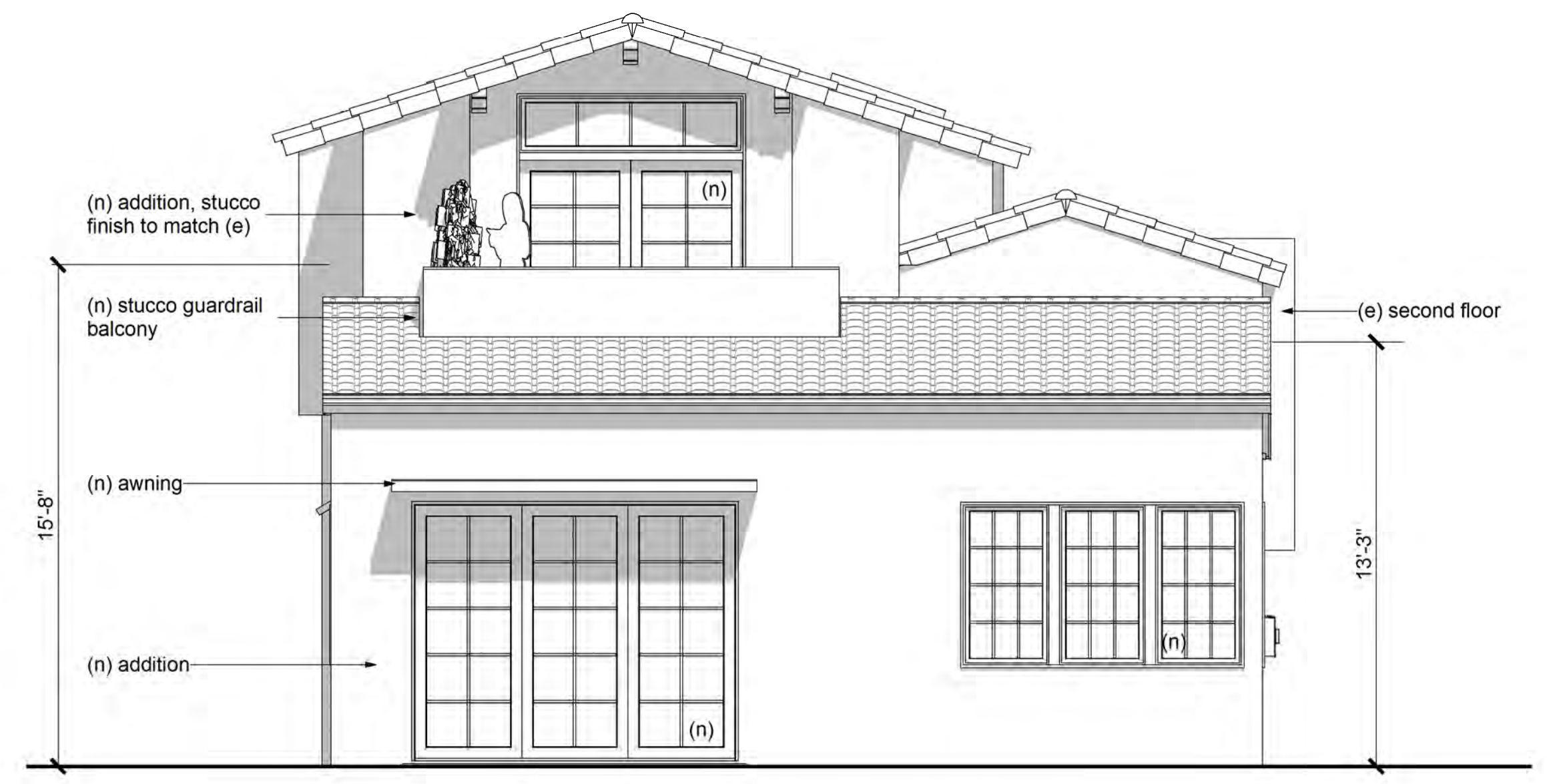
7 Right Rear View Of Proposed Addition  
AUP Modification



6 Left Rear View Of Proposed Addition  
AUP Modification



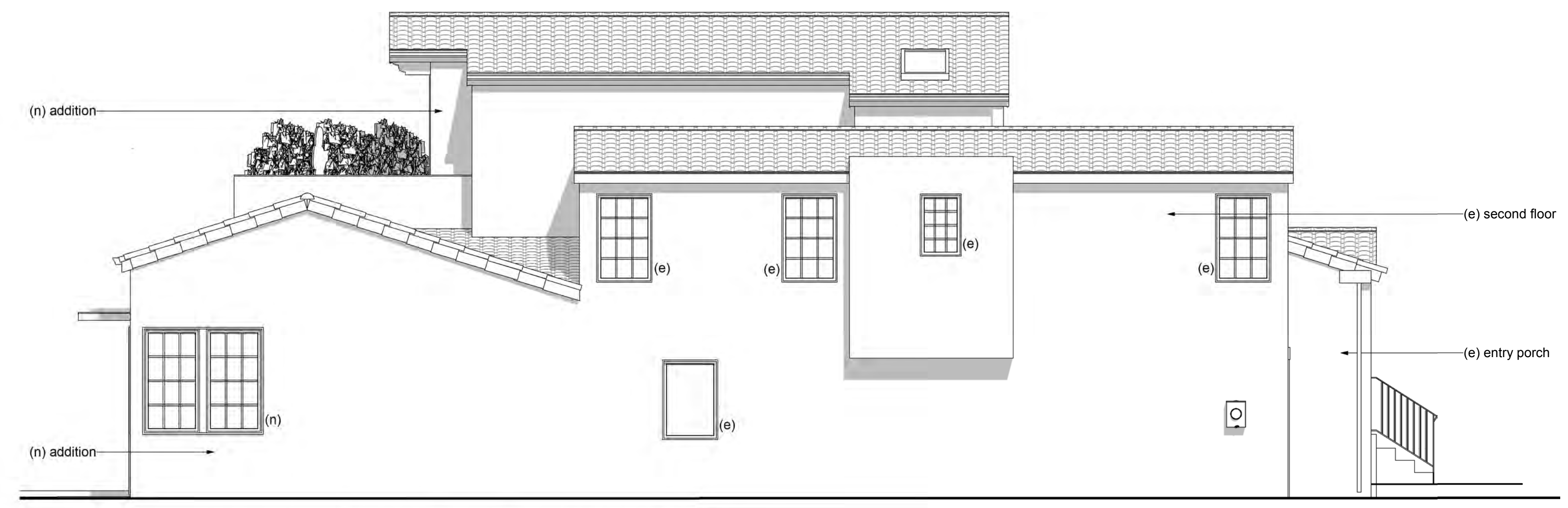
5 Street View Of Proposed Addition  
AUP Modification



4 Proposed South Elevation - Rear  
AUP Modification



3 Proposed West Elevation - Right Side  
AUP Modification



2 Proposed East Elevation - Left Side  
AUP Modification



1 Proposed North Elevation - Front  
AUP Modification

**MILLER RESIDENCE  
AUP Modification**  
1262 Francisco St.  
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APN: 058 213500300

Sheet Contents:  
AUP Modification  
Proposed Exterior Elevations

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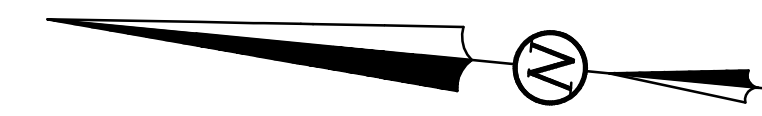
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Scale:  
1/4" = 1'-0"

Revisions:  
AUP Modification Submittal: 01-07-2021  
Design Change: 03-26-2021

Sheet  
**A3.1**

FRANCISCO STREET (50' WIDE)  
(FORMERLY BAY STREET)

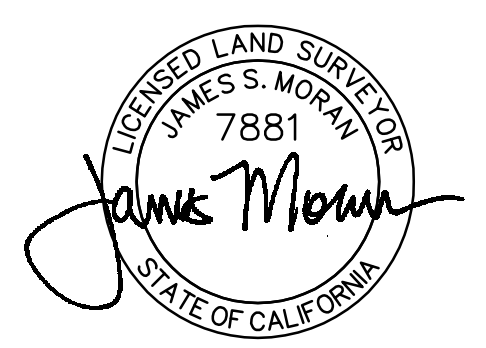


**LEGEND**

- EM ELECTRIC METER
- BUILDING LINE
- CONCRETE
- CHAIN LINK FENCE
- FOUND MONUMENT IN WELL, AS NOTED
- FOUND CROSS PER RECORD OF SURVEY
- FOUND 3/4" TAG, LS 6745 PER RECORD OF SURVEY
- FOUND 5/8" REBAR WITH PLASTIC CAP, LS 6745 PER RECORD OF SURVEY IN PROGRESS, BEING PREPARED BY BATES AND BAILEY

**GENERAL NOTES:**

DIMENSIONS ARE IN FEET AND DECIMAL FEET.  
 DIMENSIONS SHOWN FROM BUILDINGS TO PROPERTY LINES ARE MEASURED AT BUILDING CORNERS FROM THE EXTERIOR BUILDING FACE PERPENDICULAR TO THE PROPERTY LINE.  
 NO TITLE REPORT PROVIDED, EASEMENTS MAY EXIST.  
 ASSESSOR'S PARCEL NUMBER: 058-2135-003  
 PROPERTY AREA = 5,996± SQUARE FEET  
 DATE OF FIELD SURVEY: APRIL 20, 2022  
**BASIS OF BEARINGS:**  
 THE MONUMENT LINE IN CHESTNUT STREET WAS TAKEN AS NORTH 05°29'00" WEST AS SHOWN ON CORNER RECORD 7911 (75 CR 74).



05-16-2022

**HOUSE LOCATION SURVEY**

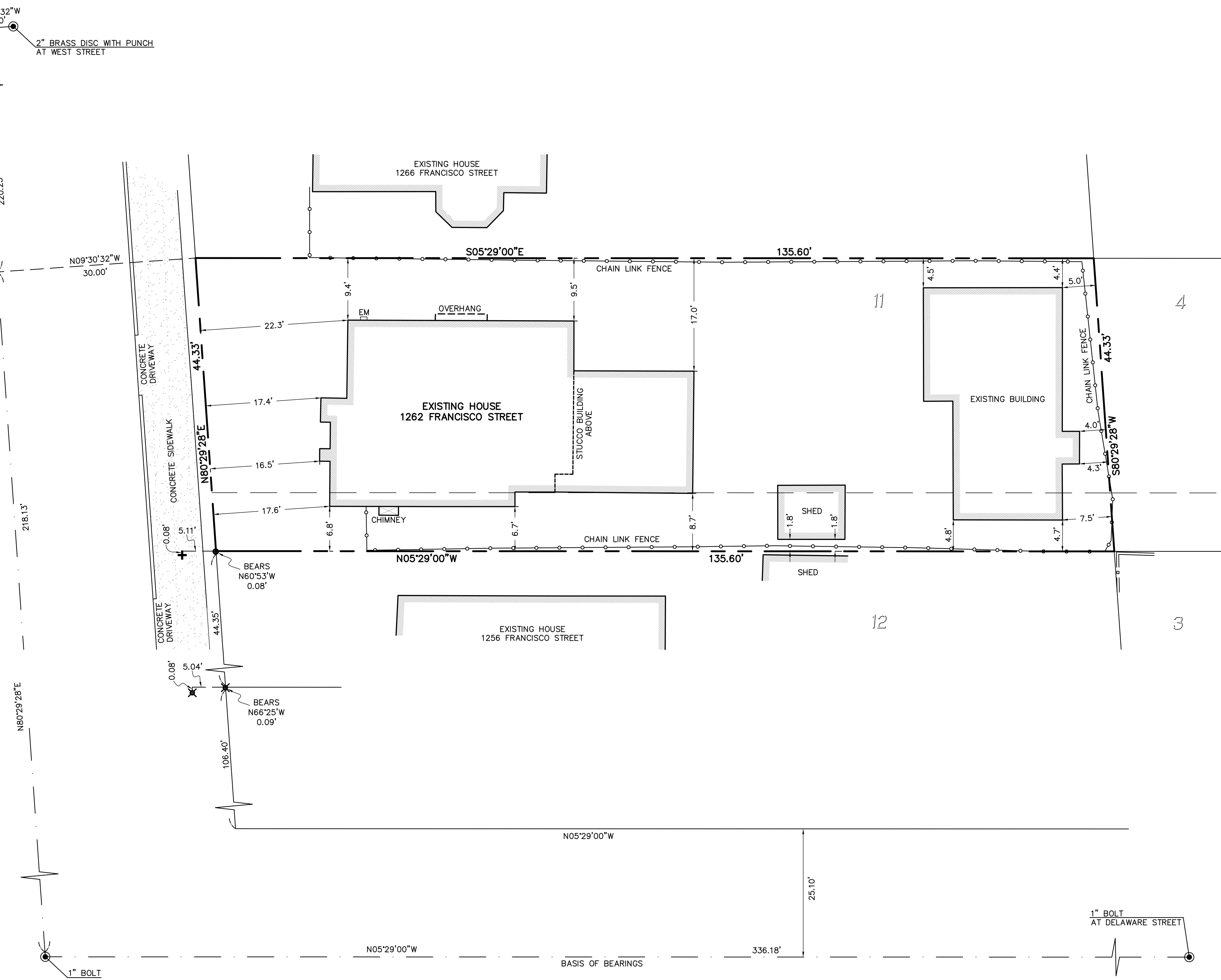
A PORTION OF LOTS 11 AND 12, BLOCK 6,  
 MAP OF THE CURTIS TRACT (6 M 5)  
 LOCATED AT 1262 FRANCISCO STREET  
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MAY 16, 2022 SCALE: 1" = 8'

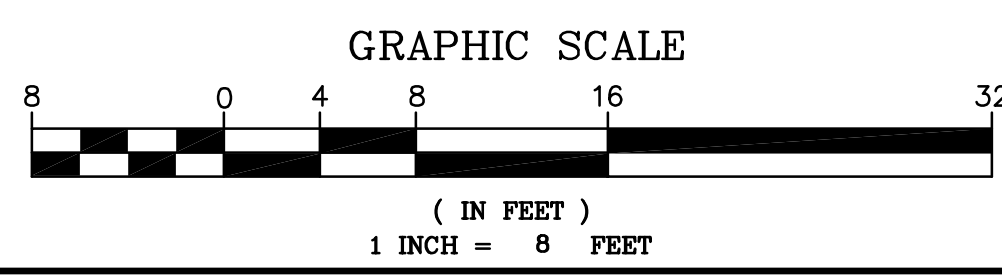
**MORAN ENGINEERING, INC.**

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

F.B. NO. 1889 FRANCISCO-HL.DWG JOB NO. 22-10930



**CHESTNUT STREET (60' WIDE)**



Objections from Aimee Baldwin, co-owner of 1256 Francisco Street,  
regarding AUP Modification #ZP2021-0006 at 1262 Francisco Street.

June 15, 2022

I wish to submit a single document to cover all details of my objections to the AUP modification #ZP2021-0006, as of June 15, 2022, along with my proposed solutions which the applicant Mr Miller has repeatedly refused to discuss.

This AUP modification has been complicated by a number of problems:

- Mr Miller's assertion in October 2020 that he did not plan to build a roof deck
- the submission of the AUP Modification without my knowledge
- subsequent repeated refusals by Mr Miller to discuss design solutions to mitigate the detrimental impacts to my privacy, peace, light, and views
- the frequent and ongoing misrepresentations of process, material details, and my personal consent by both Mr Miller and the architect Mr Grewal
- lack of updates to the AUP webpage by the Planning Department for over a year

I want to emphasize that I have supported, and still support the approved AUP #ZP2020-0122 remodel and expansion of Mr Miller's house at 1262 Francisco Street. When signing this original AUP, I asked for no changes or mitigations. I support Mr Miller's need for a larger house to accommodate his growing family and home business, despite Mr Miller's second-story master suite causing an obvious detriment to the light and views from 3 of the 4 upstairs rooms of my home. Mr Miller's house expansion and remodel was approved in January 2021, and could have begun construction then. Mr Miller chose to put off his remodel in order to add the roof deck proposed in AUP #ZP2021-0006. After months of trying to come to a compromise with Mr Miller about the roof deck, Mr Miller himself put off moving forward on AUP #ZP2021-0006 between May 5, 2021<sup>1</sup>, until after completion of his ADU. Discussions of the roof deck only resurfaced in the winter of 2021, when we asked Mr Miller to explain his **false** assertion to the Planning Department in November 2021<sup>2</sup> that our mediation resulted in an agreement on the roof deck (see actual mediated agreement<sup>3</sup>).

To be clear, I only object to the roof deck *design*, which is severely invasive and detrimental to my privacy, and which blocks my last remaining east-facing upstairs window. Mr Miller's roof deck is a non-essential, luxury add-on to his house remodel: he has plenty of outdoor space, and could have a roof deck in adjacent spaces which would not pose any detriment to me. I fully support Mr Miller having a roof deck in a *different location, not right outside my bedroom window*.

---

<sup>1</sup> Email from Miller, dated May 5, 2021, page 31

<sup>2</sup> Email from Miller to Planning Department, dated Nov 13, 2021, pages 32-33

<sup>3</sup> Mediation agreement, dated Apr 17, 2021, page 34

## Privacy Concerns

### Privacy Detriment from Roof Deck

- Original Design dated Jan 7, 2021 is incredibly invasive. The 270 sq ft deck is as close to my property as possible, with open railings, maximizing the view into about 90% of my bedroom. The deck could support 45 people. The height of the roof deck floor is about 3 feet above my floor, allowing for clear views of everything below the line of my window sill, including my bed.
- Second Design dated Mar 26, 2021 is still incredibly invasive. While smaller and set back by 1.5', it still affords a view down into >50% of my bedroom. The deck could support 18 people. This is not a partial, oblique sliver of a view into my bedroom. See below photos and illustrations of the loss of privacy.

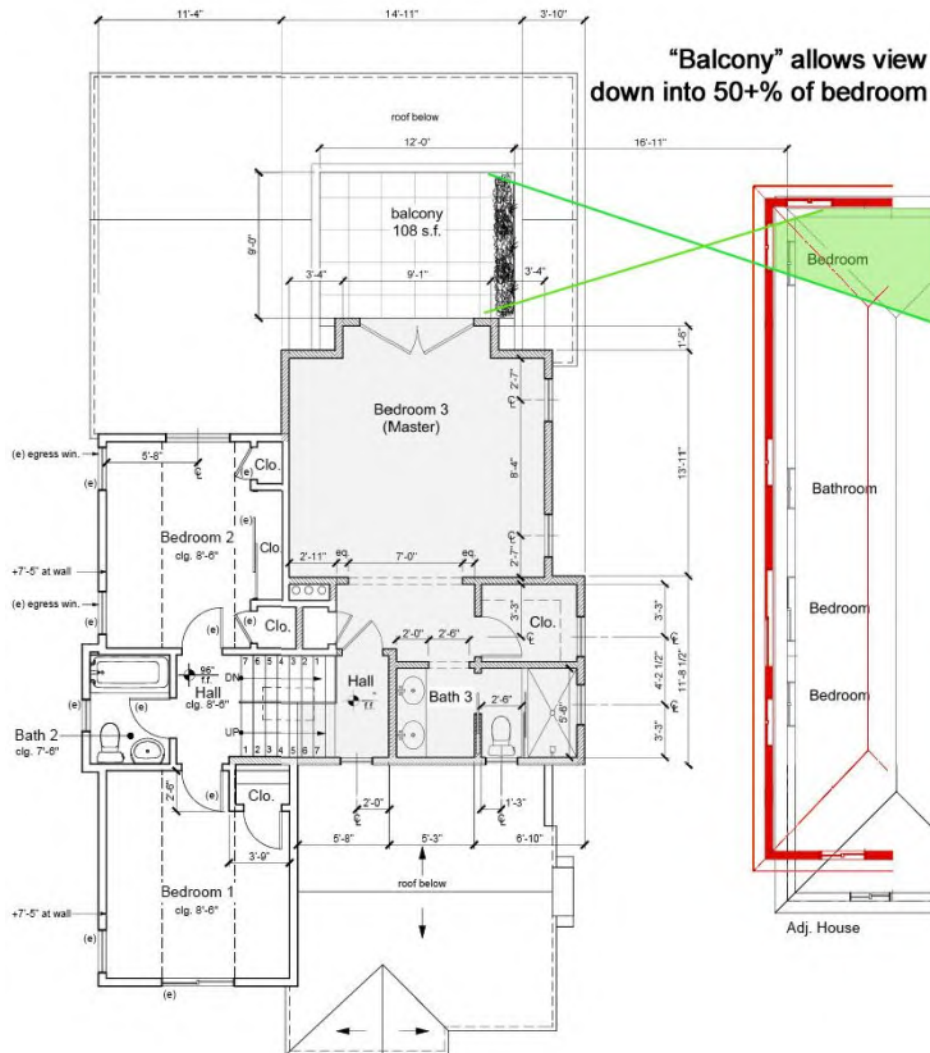


Photo of me on my bed taken from the proposed Second Design roof deck location. After mediation in April of 2021, all parties collaboratively made a close approximation of the proposed deck. We used a tape outline and ladders, on top of Mr Miller's existing family room/office, in order to clarify the sightlines of the proposed deck. This photo was taken from the perspective of an adult standing near the SW corner of the proposed deck, at approximately 19' elevation.



### Privacy Detriment from Roof Deck (continued)

- Drawing illustrating the sightlines into my bedroom from the proposed Second Design roof deck.
- Black outline is the architect Mr Grewal's submitted, inaccurate schematic.
- Red outline is my corrected, accurate schematic.



## Privacy Detriment from Roof Deck (continued)

- As well as my bedroom, the proposed Second Design roof deck would eliminate my privacy in my kitchen and half bath at the back of my house, as well as my entire backyard.
- Here is the photo from the roof of Mr Miller's current family room, from a viewpoint of the proposed roof deck. It shows a clear view into the windows at the back of my house, and into all of my yard.



The large cedar tree in the photo is slated to be removed (and was erroneously omitted from the submitted plans). Mr Miller has no other foliage planted along the fence.

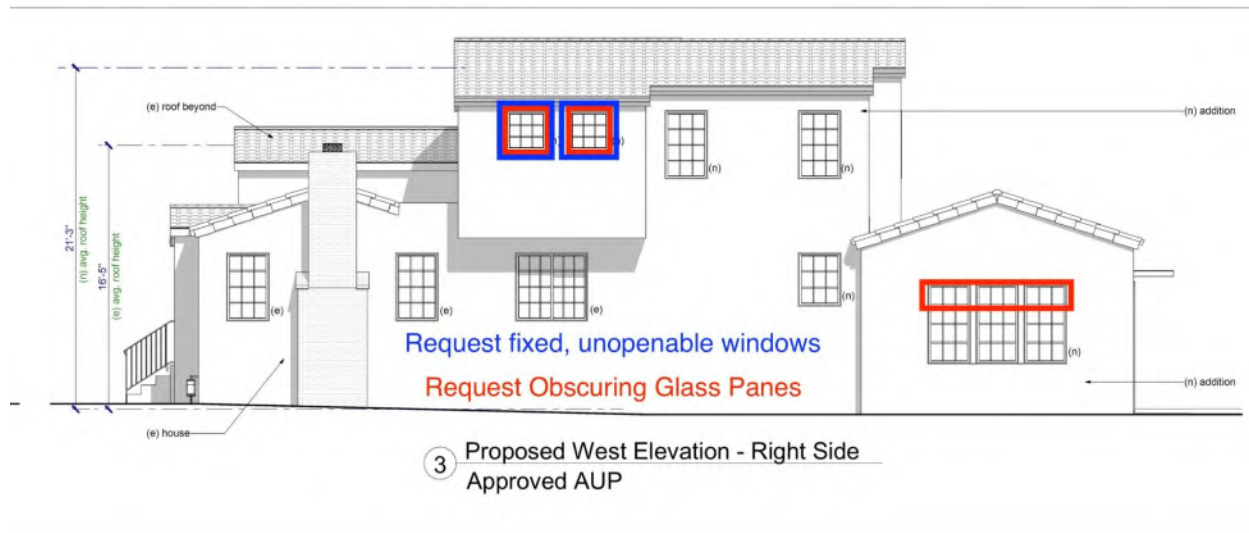
I have numerous plants along the fence, and have placed my shed in order to create privacy in my backyard from the current structures and windows at Mr Miller's house. It will be impossible for me to recreate my current privacy using plants or fences (see section on proposed solution regarding "Fences and Plants"). I have always spent large amounts of time in my backyard, however since Covid it is my second living and dining room. While I might not mind occasional glimpses into my yard, a full view into the entirety of my yard, for extended periods, with numerous people, is an invasive detriment.

## Privacy Detriment from New Windows

Aside from the proposed roof deck, the new construction causes a privacy detriment due to newly added windows. However, this detriment is easily mitigated.

- Privacy concerns from new bathroom and closet windows facing two of my bedrooms.
  - I request both west-facing bathroom and closet windows be required to be fixed (unopenable), obscuring glass.
  - Master bathroom plan for 1262 has a second window on the north side which can open for ventilation.
- Privacy concerns into my kitchen and the back of my house.
  - I request that the top panel of the west-facing ~8' height family room windows be obscuring glass down to approximately 6'.
  - Alternatively the whole window could be reduced to ~6' height maximum.

[image: 1262WestElevation]



## Noise Concerns

Deck design should mitigate potential issues by limiting the deck capacity, adjusting location, or other design choices. I am concerned that a large party space in immediate proximity to my bedroom window will force me into tense interactions with Mr Miller, his sons, or future renters. I am not suggesting that Mr Miller refrain from large or boisterous gatherings, but simply that they be further from my bedroom. A large deck will invite large gatherings in immediate proximity to my bedroom window.

- Original Design dated Jan 7, 2021 provided capacity for 45 people, or 30 people at a fully seated sit-down banquet with furniture<sup>4</sup>, located 12 feet from my bedroom window with no solid, permanent, immovable noise mitigation.

Mr Miller stated that *"I simply want to create a private outdoor open space, accessible only off the master bedroom, to enjoy the casual setting, such as the sunset - or simply soaking up some morning sun with coffee."*<sup>5</sup>

If form follows function, a 270 square foot roof deck with a 45 person capacity is a giant party deck, large enough for a BBQ, a hot tub, and a fire pit. It is **not** an intimate space for coffee.

- Second Design dated Mar 26, 2021 has capacity for 18 people, or 12 people at a fully seated sit-down banquet with furniture<sup>6</sup>. It is only 13.5 feet from my bedroom with no solid, permanent, immovable noise mitigation.
- Roof deck sounds carry further than garden level sound.  
After construction Mr Miller will have a 24' x 44' yard space between his house and ADU for social gatherings. Noise mitigation at ground level is easier.
- Change in residents could raise potential conflict.  
If Mr Miller moves out or rents his home, future tenants may wish to fully use a large deck. Proper design now will reduce the likelihood of disturbances in the future.

For examples of respectful yet functional decks, see section Examples Of Neighborhood Balcony and Roof Deck Designs below.

---

<sup>4</sup> Calculation from <https://www.banquettablespro.com/space-and-capacity-calculator> follows standard people per space calculations, similar can be found at other event rental sites, page 35

<sup>5</sup> Email from Miller, dated Mar 8, 2021, page 36

<sup>6</sup> Banquet Calculator, as above, page 37

## Views & Sunlight Detriment

### Roof Deck Causes Loss Of Views And Sunlight

The previously approved second-story master suite addition in AUP #ZP2020-0122 will block all views of the sky and morning sun from 3 of my 4 east-facing upstairs windows. The addition of a roof deck eliminates the sky and morning sun from my last east-facing upstairs window.

I have already agreed to a large compromise in the loss of the views and morning sunlight with the approved AUP. My center bedroom and bathroom will look straight onto a wall, in place of the current view of sky and sunshine above my neighbor's roof. I voluntarily agreed to this design in Mr Miller's original AUP, as I understand Mr Miller's need for more space for his growing family in his house.

However, the approved AUP preserved the view from one remaining window in my upstairs. This bedroom window has a view of the Berkeley Hills, the rising moon, and gets direct eastern sunlight from the sunrise. This would be eliminated by placing a roof deck on top of Mr Miller's family room.

The proposed AUP design requires me to yield ALL of my upstairs eastern sky and hills views and light for Mr Miller's roof deck. This is an obvious detriment.

## Proposed Solution To Resolve Detriments From AUP#ZP2020-0006

1. Relocation of the roof deck.
2. Fixed, obscuring glass as noted in Privacy Detriment from New Windows above.
3. The City Attorney takes action against the negligent practices of Architect Sunny Grewal.

### Proposed Solution Part 1: Relocating the Roof Deck

Relocating the Roof Deck to the far side of the Master Bedroom (see Alternative Roof Deck A) will resolve privacy, noise, view/light detriments, and reduce the chances of needing to interact with Mr Miller to address potential future noise or roof deck use complaints. To reiterate, I do not object to Mr Miller having a roof deck or balcony, I only object to its current design.

1. Regardless of design, any solution for privacy mitigation must be *permanent and legally binding*. I can not trust someone who has repeatedly lied to me and to the Planning Department, who uses intimidation, and who has refused to discuss design throughout this whole process. Our problems with Mr Miller in trying to negotiate a compromise have included:
  - a. Subterfuge: submission of AUP#ZP2021-0006 with zero notice, after explicitly telling us he wasn't adding a roof deck.
  - b. Threats: *"I could be a total a-hole and cram my modified AUP down your throats, just to spite you..."*. Mr Miller also adds *"...but that's not who I am."*<sup>7</sup>
  - c. Intimidation coupled with cronyism: *"I consulted with one of my best friends, whose high school buddy is the chair of the Berkeley ZAB, and given our situation, she assured him that, while you could delay my construction, you would lose any type of eventual challenge to #ZP2021-0006, as it satisfies all of the zoning restrictions and requirements with margin."*<sup>8</sup>
  - d. Intimidation coupled with lies about the planning process: *"it's already been approved, awaiting the appeals period."*<sup>9</sup>
  - e. False peer pressure, lying about neighbors' support: the ones I have talked to have absolutely no interest in taking either side of the roof deck issue.
  - f. Lying directly to the Planning Department about my consent, by misrepresenting<sup>10</sup> agreements reached in mediation.<sup>11</sup>
  - g. Continued failure to meet terms of mediation agreement (as of June 15, 2022).

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<sup>7</sup> Email from Mr Miller dated Mar 12, 2021, pages 38-39

<sup>8</sup> *ibid*

<sup>9</sup> *ibid*

<sup>10</sup> Email from Mr Miller to Planning Department, dated Nov 13, 2021, pages 32-33

<sup>11</sup> Mediation agreement, signed by Baldwin, Vinopal, Miller, dated Apr 17, 2021, page 34

2. My experience with Mr Miller is that he has steadfastly stonewalled any substantive discussion of design, has operated in bad faith, and has had no genuine interest in working towards a mutually acceptable compromise.
  - a. I sent my own design options for Mr Miller to consider on March 13<sup>12</sup> and April 1<sup>13</sup>. He never responded to my designs, and when pressed replied that he wasn't interested.
  - b. During March 2021, Mr Miller seemed interested in discussing his design outside of mediation. However, when we asked him about discussing our designs or sightline concerns, Mr Miller turned us down, showing a preference to wait until mediation. On March 15, Mr Miller writes *"I'd prefer to defer any determinations of distance and/or angle of view measurements until the outcome of our upcoming mediation."*<sup>14</sup>
  - c. But prior to mediation, Mr Miller submitted a new design to the City<sup>15</sup> without obtaining our feedback (Mar 29, 2021). This indicates absolutely no intention of any actual effort in working towards a mutually beneficial outcome.
  - d. Also prior to mediation, Mr Miller stated Mar 30 *"I'm not really open to other design alternatives"*<sup>16</sup>
  - e. Also prior to mediation, Mr Miller stated that *"the only positive outcome from mediation would be for me to erect the story poles which you've requested"*<sup>17</sup>. While Mr Miller agreed to mediation, he approached it in bad faith, and had no intention of discussing design details and alternatives.
  - f. Mr. Miller asserts that one reason for not considering alternative roof deck designs is cost<sup>18</sup>. We offered to cover Mr Miller's costs of redesigning roof deck to a mutual compromise Apr 1, 2021<sup>19</sup> but he has not accepted as of Jun 15, 2022.
  - g. Despite any amount of both cordial and less cordial communications between November 2021 and February 2022, Mr Miller restates Feb 24, 2022 *"I don't intend to further modify my remodel plans."*<sup>20</sup>

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<sup>12</sup> Email from Baldwin, dated Mar 13, 2021, pages 40-41

<sup>13</sup> Email from Vinopal, dated Apr 1, 2021, pages 42-43

<sup>14</sup> Email from Miller, dated Mar 15, 2021, page 44

<sup>15</sup> Email from Miller, dated Mar 29, 2021, page 45

<sup>16</sup> Email from Miller, dated Mar 30, 2021, pages 46-47

<sup>17</sup> ibid

<sup>18</sup> ibid

<sup>19</sup> Email from Vinopal, dated Apr 1, 2021, pages 42-43

<sup>20</sup> Email from Miller, dated Feb 23, 2022, page 48

Mr Miller's behavior has ranged from insensitive to bullying, and has been extremely triggering to me as a survivor of sexual assault and domestic violence. He has not only lied to me about the plans, the process, and his intentions, but directly lied about *my consent*, in writing to the Planning Department (see 1f above). The AUP Applicant Statement also lied about my consent (see Inaccuracies In Applicant Statement below). Mr Miller defends his privacy-invading roof deck design with bad behavior, and I deeply fear and distrust his reasons for doing this.

As I can not trust my future sense of privacy, tranquility, and safety in my own home, to the whims of my neighbor, I wish to see the conditions of approval of a roof deck absolutely guarantee my privacy: not to depend on impermanent plants, or a potentially removable wall; to include a clear legally binding requirement for guaranteed privacy; to prevent removal of any privacy wall, or other privacy features; to allow me clear legal recourse to re-establish all privacy mitigation at the full expense of the neighbor, with penalties for failure to do so.

3. Plants are insufficient to provide privacy and sound mitigation.
  - a. Ground level plantings need to be 20' tall to block a second story roof deck.
  - b. Larger plantings entail a sewer line and foundation risk. My foundation and sewer line on the east side of my house would likely be ruined by any plants which could grow tall and dense enough to act as substantial sound mitigation.
  - c. Plantings on Mr Miller's roof deck cannot provide permanent, guaranteed privacy.
4. Fences are insufficient to provide privacy and sound mitigation.
  - a. Fences provide privacy at ground level, but not for roof decks. I can not legally build a fence to ensure my privacy and sound mitigation from an adjacent roof deck.
  - b. A privacy wall placed on Mr Miller's roof deck will result in the complete elimination of the eastern sunlight and views of the hills and sky from my entire upstairs of my house. I was willing to give up three of my four upstairs eastern windows for Mr Miller's house expansion, but I ask to keep my one last east facing upstairs window from complete obstruction.
5. This project's detriments are focused almost entirely upon my property.
  - a. Second Story Suite addition: I am affected by the upstairs addition which blocks my sky views, and shadows my side yard garden. The upstairs bulbout moves a portion of Mr Miller's house from 13'-6" to 11'-6" from my house. Two of my three upstairs windows, plus my bathroom window, will have substantially less privacy, light, and sky views because of the upstairs addition. Mr Miller's house expansion does not affect privacy and views of neighbors at 1266 nearly as much as 1256, and other surrounding neighbors even less.
  - b. Family Room Addition: I am affected by the addition of the family room, as it will add several feet of height, and bring the existing wall from 15'-8" to 12'-6" from



my house. Our neighbors at 1266 will be affected by the family room expansion, but the family room is still 28' from their house.

- c. In Alternative Roof Deck A (see below), a basic 42" tall wall in that position would still not substantially add more shadowing to 1266 (house to east of 1262), than the approved Master Bedroom addition, and would have similar sightlines towards 1266 as the existing "Bedroom 2".
6. Relocating the roof deck solves all of these problems.
- a. Mitigates detriments.
  - b. Solves safety, privacy, and noise concerns.
  - c. Hews to the original agreed-upon sightlines in AUP #ZP2020-0122.
  - d. Balances the project's impacts between both adjoining neighbors.
  - e. Provides a private outdoor open space.

## Proposed Solution Part 1: Alternate Design Suggestions

- My objections to the roof deck in AUP #ZP2021-0006 are specific to **design choices**. I have **never**, in over a year's worth of tense discussions with my neighbor, ever said that Mr Miller should not have a roof deck. I only object to specific design elements which threaten to cause long-term detriment to my privacy, sense of safety, and ability to enjoy tranquility at home. There are many alternative designs which would give Mr Miller a private, sunny, outdoor space off his master bedroom with views of San Francisco, while also guaranteeing solutions to my concerns.
- I am presenting four design alternatives:
  - I believe the Alternative A design would suit both my needs and my neighbor's needs and budget most closely.
  - I have designed four alternative roof decks to illustrate that there are many options that provide functional space, while avoiding detriment.
- Mr Miller has sizable open garden space on his property:  
Even after the expansion of his house, and with the new ADU, Mr Miller will still have a contiguous 44' x 24' large garden gathering space in the middle of his lot, not including the additional space of the front yard, and setback spaces. A roof deck is not the only option for Mr Miller to have a pleasant, sunny outdoor gathering space. Please see the section Examples Of Neighborhood Balcony and Roof Deck Designs below to see how others in the neighborhood enjoy modest-sized balconies, which are not located directly outside neighbors' bedrooms.
- Impact on other neighbors:  
In March 2021, we reached out to all of the adjoining neighbors regarding the Original Design roof deck. Because the roof deck mainly affects my home, none of the neighbors expressed privacy or noise concerns. While the Alternative A and Alternative B designs I propose below would put noise closer to the kitchen and dining room of our neighbors at 1266 Francisco (to the East of 1262 Francisco), the capacity is smaller than Mr Miller's Original Design to which those neighbors did not object.

Alternative Roof Deck A : Our First Choice

What I gain:

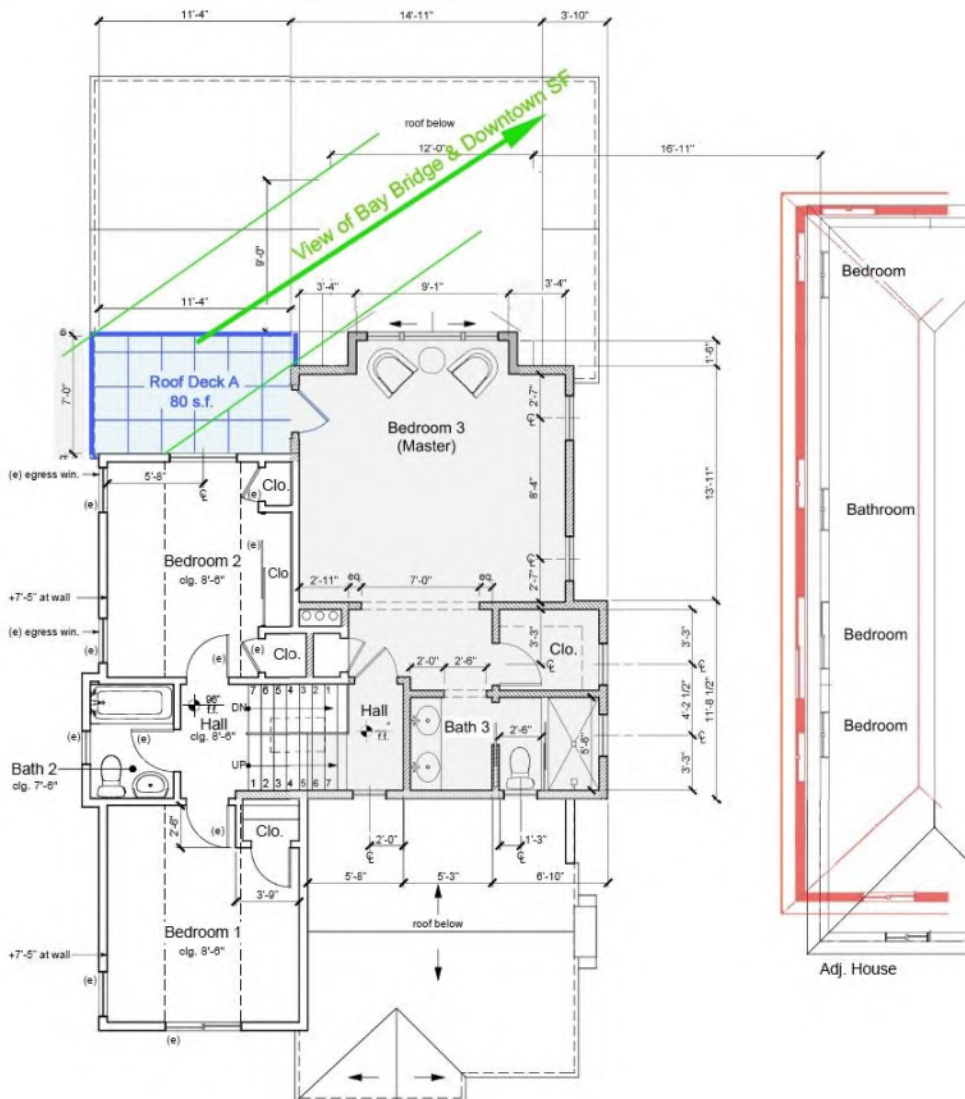
- Guarantees my privacy (not reliant on potentially removable wall and closely follows sight-lines between houses agreed to on original approved AUP #ZP2020-0122)
- Social noise mitigated by distance, around a corner from my bedrooms
- Maintains eastern light/view from my rear bedroom

What Mr Miller gains:

- Level with Master Bedroom (no additional steps)
- Private: only accessible from Master Bedroom
- 80 sq ft: sized for for 8+ people plus furniture
- Southern light/sky (including view of downtown San Francisco and Bay Bridge)

Impacts:

- Minor impact from deck railings on 1266 Francisco (neighbors to the East) over the rest of the house addition and remodel already approved in AUP #ZP2020-0122.



## Alternative Roof Deck B

What I gain:

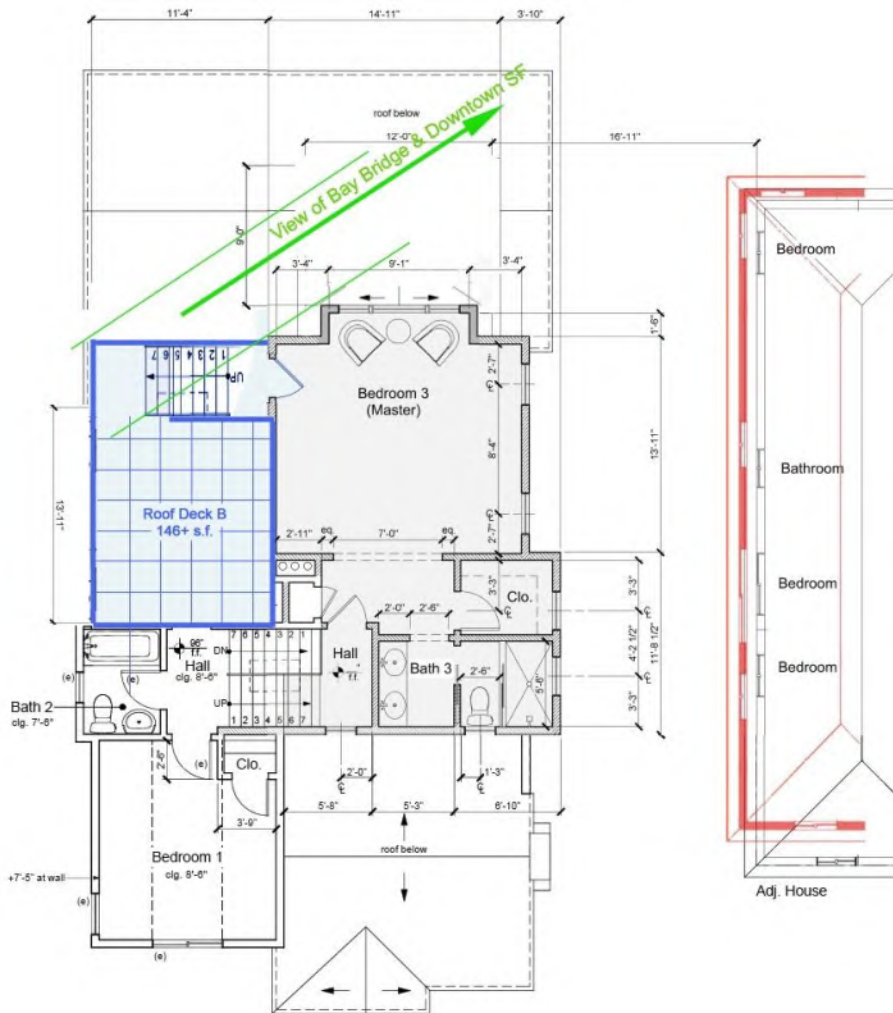
- Guarantees my privacy (not reliant on potentially removable wall and closely follows sight-lines between houses agreed to on original approved AUP #ZP2020-0122)
- Social noise mitigated by distance, and around a corner from my bedrooms
- Maintains eastern light/view from my rear bedroom

What Mr Miller gains:

- Private: only accessible from Master Bedroom
- 145 sq ft: sized for 15+ people plus furniture
- Use of under-stairway space could expand second floor 'Bedroom 2' by 20+ square feet
- Extremely wide Eastern and Southern sky view

Impacts:

- Slight increase in shadow impact on 1266 Francisco (neighbors to the East) over the rest of the house addition and remodel already approved in AUP #ZP2020-0122.



### Alternative Roof Deck C

What I gain:

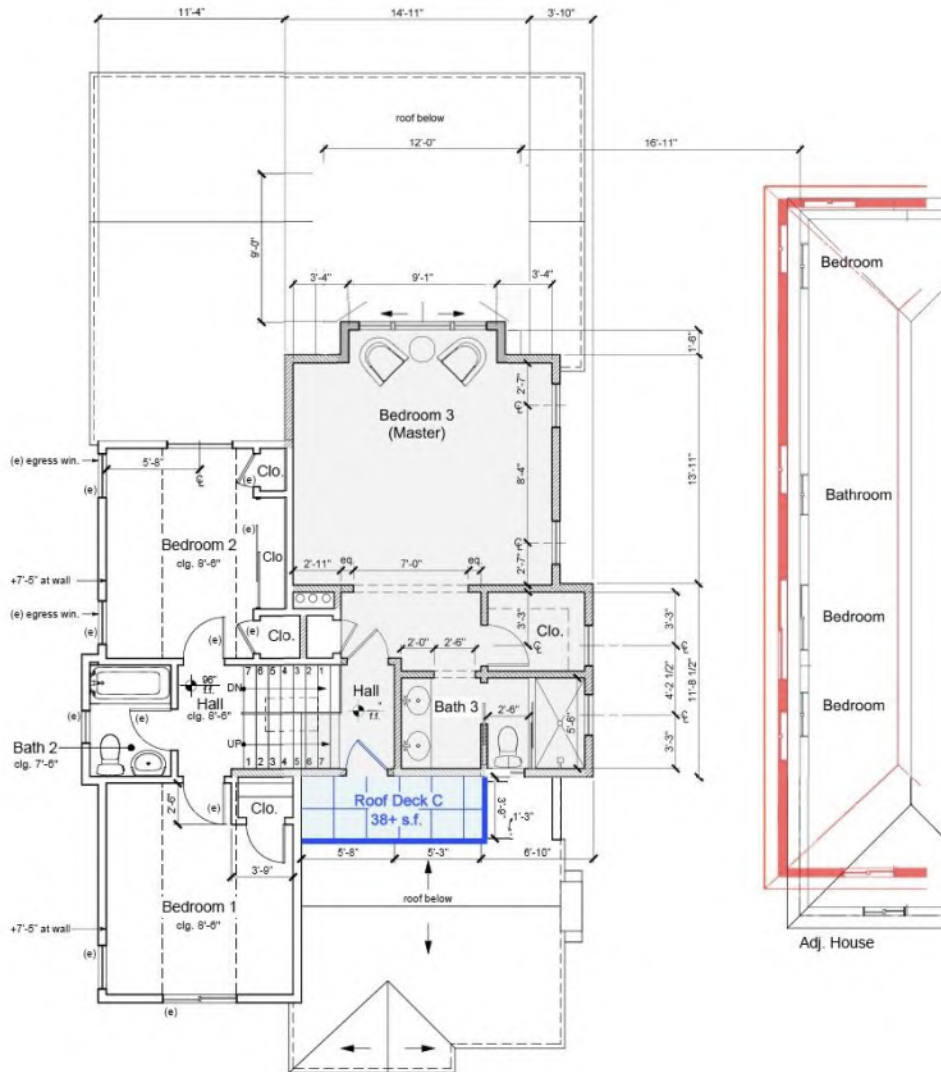
- Relative privacy from distance and angle from bedroom (not reliant on potentially removable wall)
- Social noise mitigated by limited capacity of smaller size deck, distance, and slight corner from my bedrooms
- Maintains eastern light/view from my rear bedroom

What Mr Miller gains:

- Level with Master Bedroom (no steps)
- Size for 3-6 people plus small furniture
- North-western views to Mt Tamalpais and summer sunsets

Impact:

- No more impact on 1266 Francisco (neighbors to the East), than the rest of the house addition and remodel already approved in AUP #ZP2020-0122.



### Alternative Roof Deck D

What I gain:

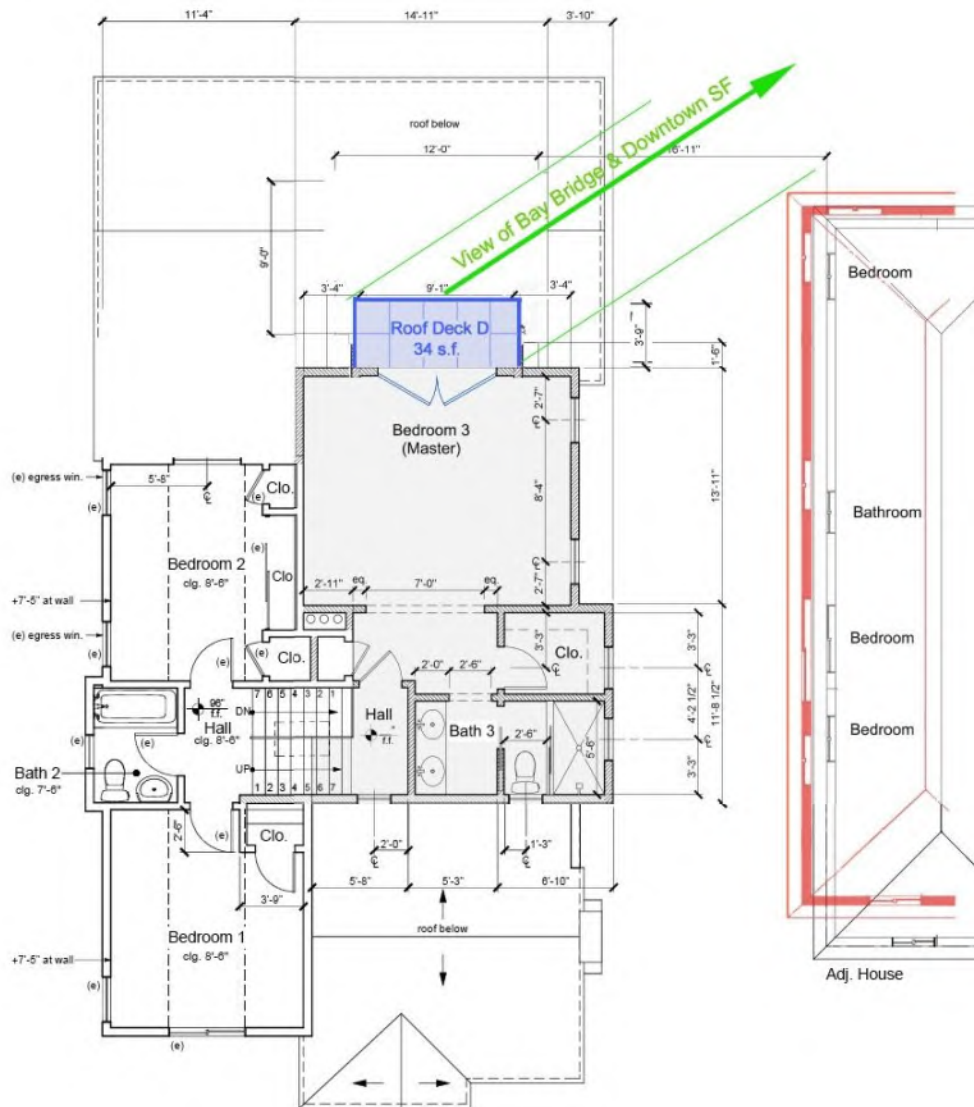
- Social noise mitigated by limited capacity of smaller size deck
- Some privacy mitigation from viewing angle (not reliant on removable wall)
- Maintains eastern light/view from my rear bedroom

What Mr Miller gains:

- Level with Master Bedroom (no additional steps)
- Private: only accessible from Master Bedroom
- Size for 2-3 people plus small furniture
- Southern light/sky (including view of downtown San Francisco and Bay Bridge)

Impact:

- No more impact on 1266 Francisco (neighbors to the East), than the rest of the house addition and remodel already approved.



## Examples Of Neighborhood Balcony and Roof Deck Designs

Here are a few samples of other roof deck and balcony spaces in my neighborhood, which clearly show that smaller-sized spaces still provide enjoyment to their owners, and that it is absolutely not typical to have a balcony or roof deck located right outside of a neighbor's bedroom window.

Narrow Balconies, less than 6' deep, on the backs of neighborhood homes, **not** outside neighbors' bedroom windows. Many balcony spaces are less deep than the height of the railing: if railings are 42", balconies 40" deep x 8' long are sufficient in size to enjoy a coffee and the outdoors.



Several balconies with solid side walls, not necessarily open railings. Sometimes placed on the front of houses facing the street. Generally less than 4' deep, and **not** outside neighbors' bedroom windows.



Open balconies, less than 6' deep, but still **not** right outside neighbors' bedroom windows; including on apartments in Emeryville without other private outdoor space.



Larger roof deck below in the neighborhood, still **not** right outside neighbors' bedroom window, and not maximizing available roof space. This is on a built-out lot *shared by three separate households* without other outdoor areas to enjoy.



Mr Miller's roof deck design is unnecessarily large to serve as a private space for him and a partner to sit and enjoy coffee outdoors. It is also unnecessarily placed right outside my bedroom window, when he has other options to place a roof deck somewhere else, and has other outdoor space to use for gatherings. Other neighborhood balcony or roof deck designs are far more respectful of adjoining neighbors.



## Proposed Solution Part 3: City Attorney to Take Action Against The Negligent Practices of Architect Sunny Grewal

I am requesting the Planning Department or Zoning Adjustments Board to urge the Berkeley City Attorney to take action against architect Sunny Grewal because it is his obligation as a State Licensed Architect to adhere to State and City laws, the rules of the Planning Department, and to provide a level of accuracy and completeness expected from a professional architect practicing in Berkeley for 18 years. In this matter, Mr Grewal has failed on all counts.

The central complaints against architect Sunny Grewal are:

1. Designing a roof deck (first submitted design 1-7-2021) which would clearly violate the City's privacy protections.
2. The lie about neighbor consent on the AUP, signed under penalty of perjury.
3. The fabricated property line on the AUP, signed under penalty of perjury.
4. Repeated misrepresentations of my adjoining property in the submitted plan, giving a false sense of scale to the proposed project.
5. Willful refusal to correct the fabricated property line and plan misrepresentations, as stipulated in the signed mediation agreement, thereby sabotaging communications with my neighbor post-mediation.
6. Failure in his professional obligation to guide Mr Miller through the Planning Department's guidelines to talk to neighbors before submitting designs, and to reasonably address design concerns.
7. All of these complaints are fully documented below and have been provided in a formal complaint to the California Architects Board.

Mr Grewal's misrepresentations in AUP #ZP2021-0006 subvert the planning process. The Planning Department's job is to review factual plan drawings, and other supporting submitted materials, in order to carry out objective design reviews. Mr Grewal's lack of accuracy in his submitted plans, his lies about consent, and his fabrication of the property line undermine the Planning Department's entire purpose, as well as poisoning my 20-year cordial relationship with my neighbor.

It was Mr Grewal's professional obligation to guide Mr Miller through the Planning Department's process. Rather than promoting clear communication ahead of time, Mr Grewal caused to be wasted a massive amount of the Planning Department's time, Mr Miller's time, and my family's time. Rather than a potentially difficult neighbor conversation, Mr Grewal forced an outright conflict when my first notification of this project was a yellow card from the City almost two months after the AUP filing.

While the Planning Departments retracted its signature requirement for AUPs during COVID, it didn't eliminate its suggestion to contact and inform neighbors ahead of time. Mr Miller has my email, my phone number, and we live right next door. He could have left letters in my mailbox to reach out to me regarding design prior to filing the AUP. In October 2020, Mr Miller had brought

over his house remodel plans (ZP2020-0122): obviously he wasn't unfamiliar with the process of contacting neighbors. (It was at this time that Mr Miller told me that he had considered but was not building a roof deck.) We spoke with Mr Miller repeatedly during the Winter of 20/21 over the fence, to meet his new dog, and when he borrowed assorted gardening tools. Mr Miller never mentioned the roof deck. Mr Grewal should have insisted that Mr Miller contact me about the roof deck design prior to filing the AUP.

As was, the AUP modification was filed on Jan 11, 2021, two days after the original AUP was approved and my first notification was a yellow card from the City on Feb 27, 2021.

A surprise roof deck filing would have been a strain even on the 20-year amicable relationship with my neighbor. But when coupled with Mr Grewal's misrepresentations of my consent, the property line, and just about every measurement of my house, this became an existential crisis. Mr Grewal has wasted over a year of both Mr Miller's and my time fighting over a roof deck design. He has caused me to spend nearly \$5000 on a property survey.

I believe that if Mr Grewal had counseled Mr Miller against the invasive first roof deck design, and urged Mr Miller to work with me, his long-term neighbor who would be most affected by the deck design, prior to the submission of the AUP modification, that much of the existing tension between us could have been substantially reduced. Mr Grewal failed in his duty and has failed in his professional obligations as a licensed architect.

## Inaccuracies and Misrepresentations in AUP

### #ZP2021-0006

#### Inaccuracies In Applicant Statement (See Attachment pages 49-50)

1. Item J in the Applicant Statement claims: "*The proposed project has support from the adjoining neighbors.*" As one of the adjoining neighbors, I can attest that this is false. At the time of the first application submission Jan 7, 2021, I had no idea that the plans for the modification AUP #ZP2021-0006 existed and certainly could not support something I didn't know about. After learning about it from the city, I definitely have not supported the position of the roof deck in the two forms which have been submitted as of June 15, 2022.
2. Item E in the Applicant Statement claims: "*Has negligible impact to neighboring properties (see shadow study)*". This statement is subjective at best. The privacy detriment of the roof deck design submitted Jan 7, 2021 with this statement is severe. Looking at the shadow study, it is clear that there is something completely inaccurate, as the shadow at 1256 Francisco *changes* between "existing" and "proposed". Looking more closely at the whole plan drawings, my house at 1256 Francisco is consistently portrayed as substantially larger and farther away from the neighbor's house, misleading the proportion of "impact on neighboring properties". (See Inaccurate Size/Location below.)
3. Item D in the Applicant Statement states: "*Total space provided is over 2,500 s.f.*" This is no longer correct in 2022, as an ADU has been added to the property.
4. Item F in the Applicant Statement states: "The scale and style of the new addition is compatible with other residences in this neighborhood." If the "new addition" refers to balcony/roof deck space, then this is not accurate. It is not typical to have a balcony/roof deck deeper 3-4 feet on any single family home; and none of them seem to look directly into neighbor's bedrooms. See "Examples Of Neighborhood Balcony and Roof Deck Designs" above.

#### Fabrication Of Property Line

While the AUP plans and tabulation table show a Right-Side setback of exactly 7'-0", the measured distance from 1262 Francisco to the western fence is 6'-4" (laser-measured, several locations). Accurate representation on plan drawings would be to label the western line as "fence line", and correct the measurement to 6'-4". Until a property survey is completed, the actual location of the property line is unknown.

Mr Grewal's claim of a 7'-0" setback places his fictitious "interpolated" property line approximately 8" on our side of the fence. This 7'-0" setback is not supported by the existing incised property marker on the sidewalk in front of the houses. Additionally, we found it unlikely that Mr Grewal was able to measure the front and rear setbacks to the inch, but somehow the

right and left setbacks only to the foot. We left mediation with an agreement that Mr Grewal would “re-measure and re-draw the plans”. Instead Mr Grewal provided his fraudulent arithmetic where he rounds down the left-side and rounds up the right-side and pads the right-side for good measure.<sup>21</sup>

When we pointed out that his arithmetic had yielded a lot width larger than that shown on County records, and asked why we shouldn’t round it the other way, or indeed split the difference, Mr Grewal never responded. Mr Grewal has never communicated with us again.

Using the fabricated 7’-0” setback number, the upstairs addition of the Master Bathroom and Closet are exactly 12 inches from the R2 Zoning mandatory 4’ setback. Even one inch less should trigger a property survey, if following the regulation of Guideline #2 on City Form #100 “Guidelines for Survey Requirements”.

*“Any addition, vertical or horizontal. When the proposed construction is located within 12 inches of a required setback distance for fire resistive protection of exterior walls or openings as set forth in CBC Section 705 and CRC Section R302. Generally, only the affected property lines and their relationship to the existing and new construction will have to be verified. Staking of affected property lines or offset lines may be acceptable as determined by the Building Plans Examiner.”*

By submitting a fabricated setback of 7’-0”, rather than using the measured distance of 6’-4” to the fence as a guide, we suspect Mr Grewal was enabling his client to avoid the City’s requirement of a survey. In the AUP filing, Mr Grewal signed and attested to the correctness of this number under penalty of perjury. Mr Grewal either did not recognize or chose to ignore the existing incised property marker on the sidewalk in front of the houses that contradicts his fabrication.

As of Jun 15, 2022, the Planning Department page still does not indicate any request for a survey by the city, nor any survey materials provided by the applicants<sup>22</sup>.

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<sup>21</sup> Email from Grewal, Vinopal both dated Apr 28, 2021, pages 51-52

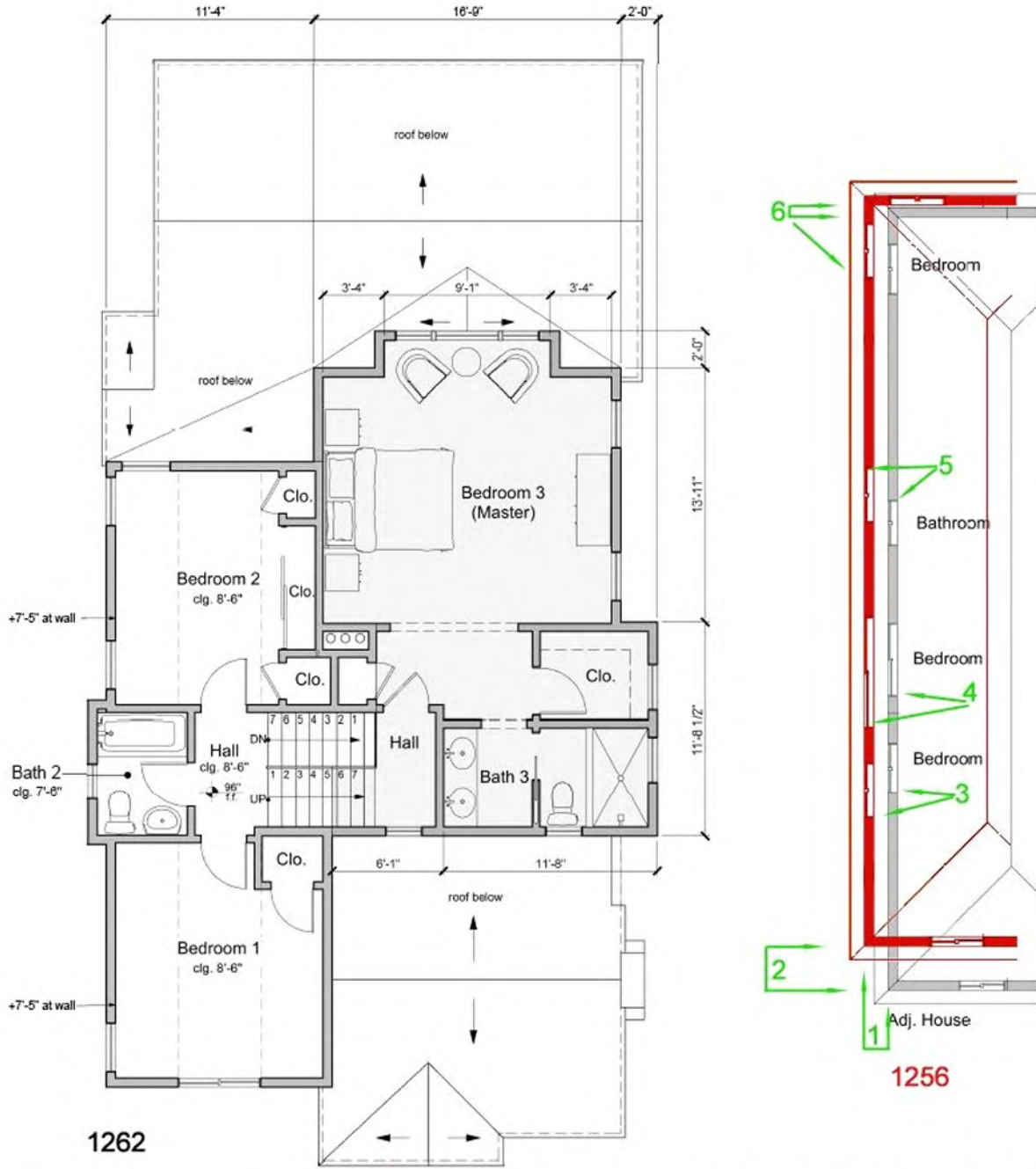
<sup>22</sup> Screenshot of Zoning Website, taken June 12, 2022, page 53

## **Inaccurate Size/Location Of 1256 Francisco House/Windows** **("Adj House" on "Proposed Second Floor Plan")**

I measured out the side of my own house with my father, Robert Baldwin, who co-owns 1256 Francisco Street, and who is a retired land surveyor. See attached scale drawing of the east facing side of 1256 Francisco St; and drawing of corrected relative placement of houses.

See corrected schematic on the next 2 pages.

1. Scale plan drawing submitted in AUP depiction of distance between houses is incorrect by about 1.5'. Plan drawing shows 15 feet; actual measurable distance between houses is 13.5'.
2. Scale plan drawing submitted in AUP depicts the upper story of 1256 is incorrect by about 2'. Plan shows 1256 set back about 8' from the front of 1262 (not including porch protrusion); set back measured is 10'.
3. Scale plan drawing submitted in AUP of 1256 front bedroom is off by over 1'.
4. Scale plan drawing submitted in AUP of 1256 middle bedroom window is shortened by at least 2'. Plan depicts a 4' window, while the actual window measurement is 6'.
5. Scale plan drawing submitted in AUP placement of 1256 bathroom window is incorrect by about 2'. Actual location of the bathroom window is 2' further to the south than on the plan.
6. Rear of house alignment is off by about 1'.

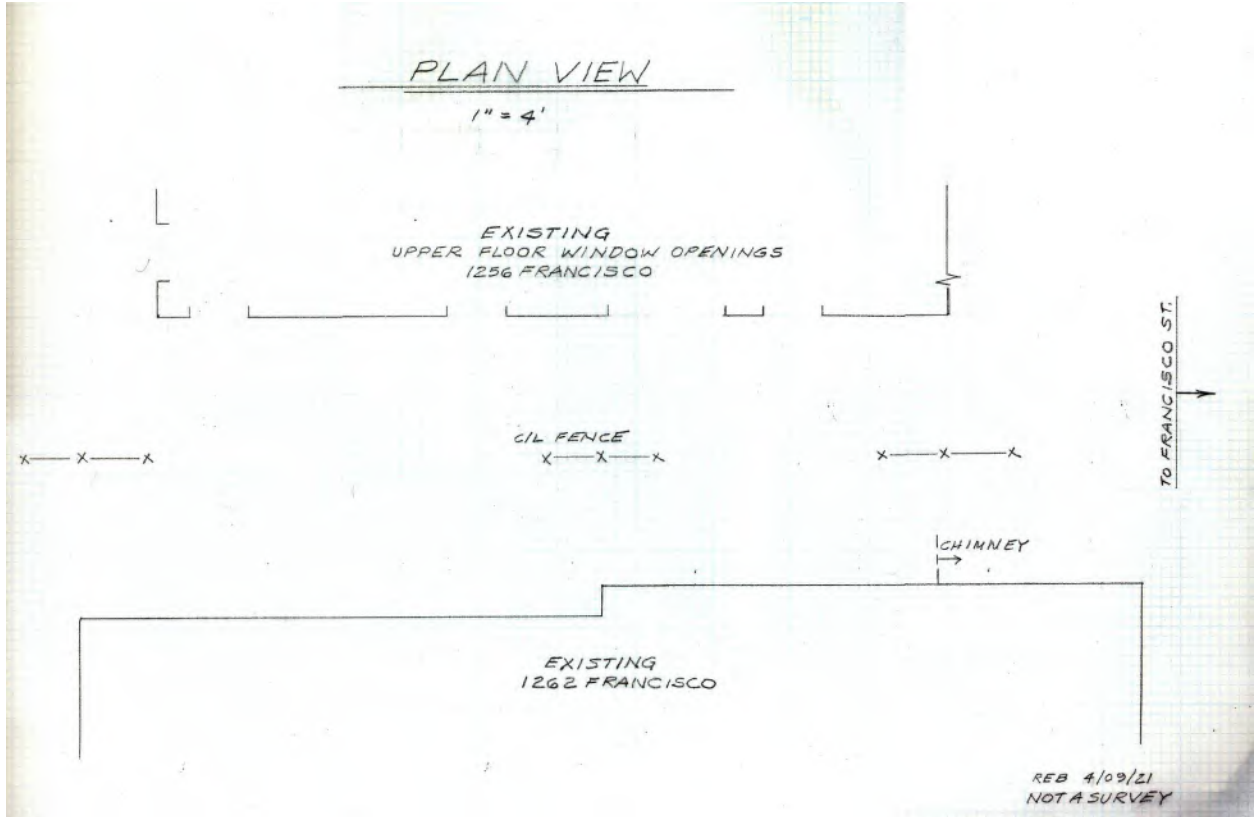


**Corrected window placement+size, and size+relative position of  
 1256 Francisco "Adj. House" in RED  
 Original submitted Adj House in GRAY**

② Proposed Second Floor Plan  
 Approved AUP

⊕  
North

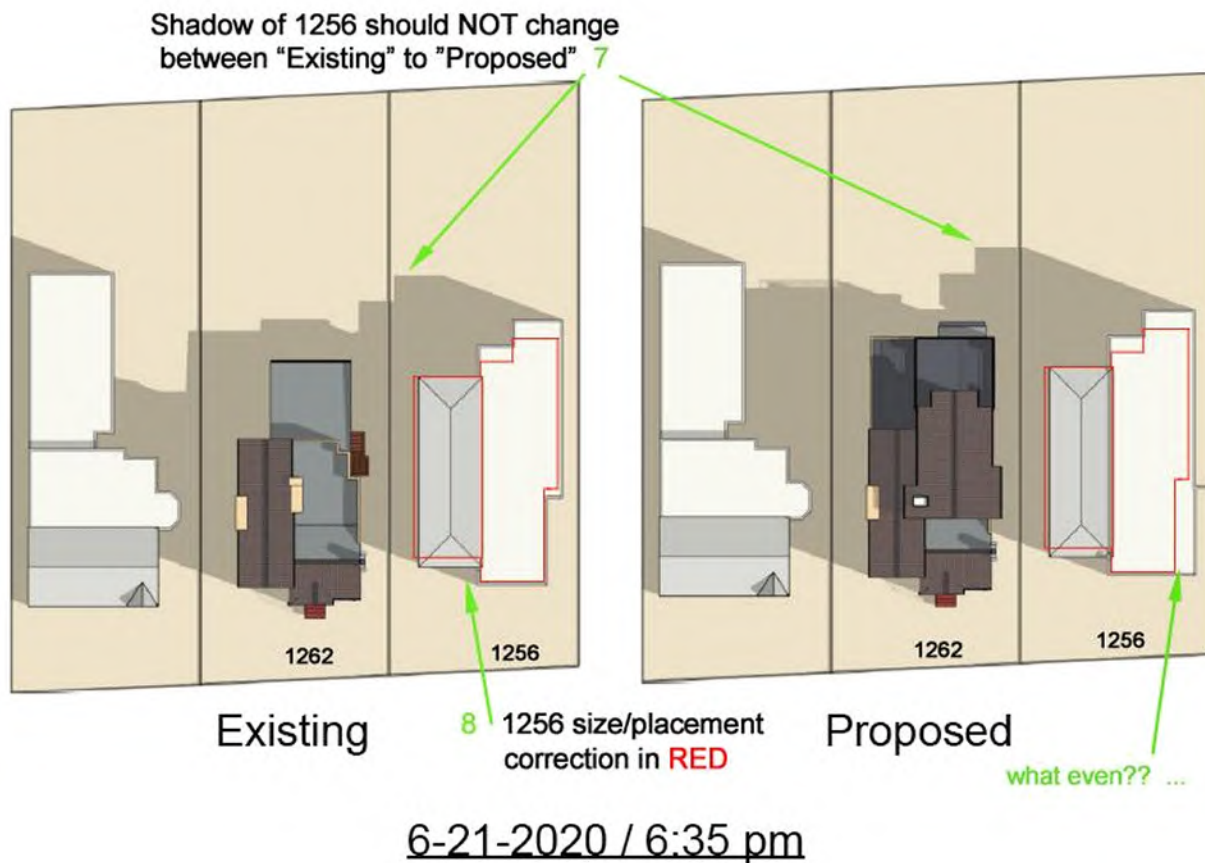
Corrected Plan above is based on measurements and scale drawings by Robert Baldwin (co-owner of 1256 Francisco Street).



Scale drawing by Robert Baldwin, based on measurements by Robert Baldwin, retired land-surveyor, and co-owner of 1256 Francisco Street.

## Inaccurate House Size And Shadows On Shadow Study

- 1) I don't know how shadow studies are created, but I assume they should be computer generated, based on factual measurements. The depiction of shadows cast in the study, "6-21-2020 / 12:00 pm" and "6-21-2020 / 6:35 pm" (page 27 of AUP submitted 01-07-2021), depicts the shadow of my house at 1256 as **changing** between "existing" vs. "proposed". The shadow being cast from my own house should not change. The footprint of my house should not change between "existing" and "proposed".
- 2) The entire house was misrepresented as being larger than in reality.



By inaccurately enlarging my house at 1256 Francisco by over a foot in the front, and over four feet at the back, and exaggerating the space between 1262 and 1256 by over a foot, these misrepresentations artificially reduce the impact of the project at 1262.

- Eastern portion of 1256 is set back further from the street than in the submitted plan shadow study. This misrepresentation artificially reduces the impacts of the second floor addition.
- Rear portion of 1256 extending South into the yard is substantially shorter than is illustrated on the submitted plan. This misrepresentation artificially reduces the impact of the family room expansion on the back of my house.



## **Inaccuracies in “Existing Site” Plan Drawing**

### **1. Chain Link fence is 72” high.**

Measured at North West corner post from base at cement, to top of chainlink. I have not measured the fence at the South or East sides, but it is likely the same on the Eastern portion of the fence. North Western portion of chainlink fence does not extend to the sidewalk, it ends between chimney and window towards front of house on western wall. See Item #1 in [Turquoise](#) on the following page.

### **2. ADU has been added to 1262 Francisco**

Since the drafting of the most recent submission of AUP#ZP2021-0006 on Mar 26, 2021, Mr Miller added an ADU to the rear of the lot. Thus this AUP no longer correctly represents the site. See Item #2 in [Orange](#) on the following page.

### **3. Shed moved to along western fence**

Since the drafting of the most recent submission of AUP#ZP2021-0006 on Mar 26, 2021, Mr Miller moved a shed from the rear of the lot to the western fence. This AUP no longer correctly represents the site. See Item #3 in [Blue](#) on the following page.

### **4. Tree missing from site plan**

Existing site plan fails to include a second large Cedar tree, which sits at the southwest corner of the existing family room, near the fence. See Item #4 in [Green](#) on the following page.

### **5. Claimed “Property Line” is not proven**

As of June 15, 2022, there is no county record, or additional documentation available from the Planning Department of a property survey proving this “Property Line”. The distance from 1262 Francisco to the western fence is 6’-4”. Accurate representation would be to label western line as “fence line”, and correct the measurement to 6’-4”. Given the details of fabrication of this “Property Line”, provided by Mr. Grewal in (See also “Fabricated Property Line”), numbers given for between 1262 and Eastern “Property Line”, are not confirmed either. I have no fence line measurements for east side of 1262. #5 in [Red](#) on the following page.

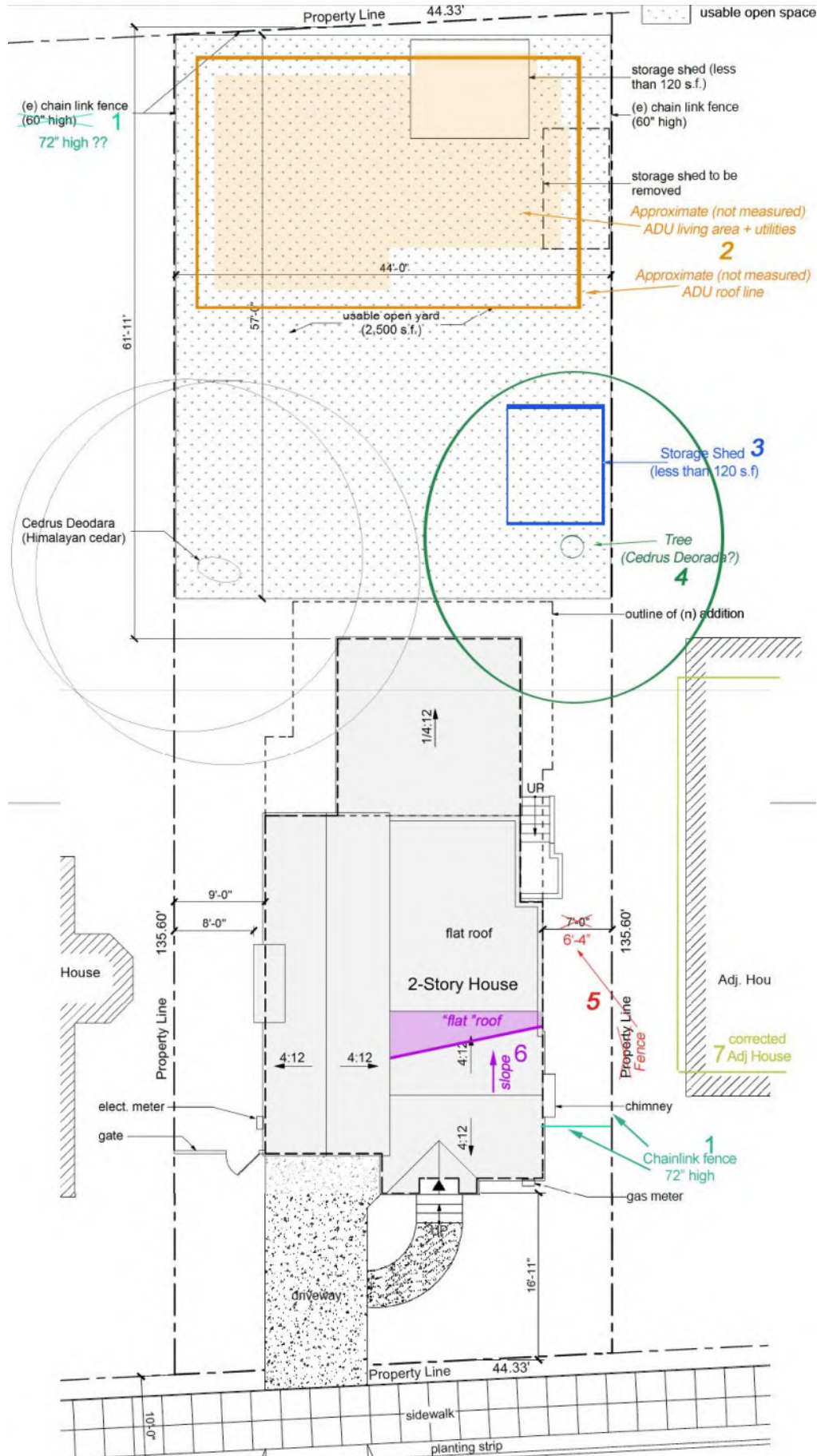
### **6. Slope shape of roof over living room is incorrect.**

I have no measurements for roof line slope; demarcations on illustration are approximate, based on view from above. See Item #6 in [Purple](#) on the following page.

### **7. Outline for Adjacent house, 1256 Francisco (to the west of 1262), incorrect.**

Corrected placement/size Item #7 in [Light green](#) on the following page.

(See also “[Fabricated Property Line](#)” and “[Inaccurate Size/Location Of 1256 Francisco House...](#) “ above).



**Inaccuracies In Tabulation Table** (See Attachment, Page 54)**1. Outdated Measurements From Newly-Constructed ADU**

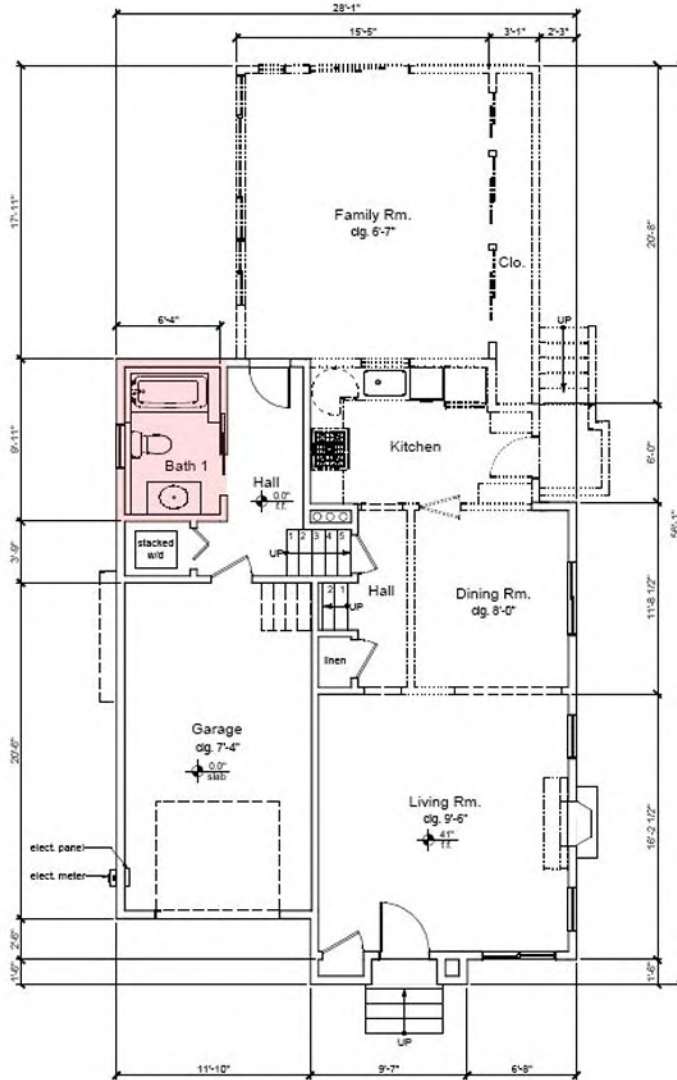
- a. Highlighted in **YELLOW** in attachment.
- b. "Number of Dwelling Units" is no longer accurate with addition of the ADU.
- c. If "Number of Bedrooms" applies to the entire property, then it is no longer accurate with addition of the ADU.
- d. "Building Footprint\* (Square-Feet) Total of All Structures" no longer accurate with addition of the ADU.
- e. Lot Coverage\* Residential only (Building Footprint/Lot Area) (%) no longer accurate with addition of the ADU.
- f. Useable Open Space\* (Square-Feet)" no longer accurate with addition of ADU.
- g. Gross Floor Area\* Total Area Covered by All Floors" no longer accurate with addition of the ADU.

**2. Incorrect Right (and Left) Set Backs**

- a. Highlighted in **PINK** in attachment.
- b. The Right-side Set Back is claimed to be 7'-0". As the fence is 6'-4" from the existing wall of 1262 Francisco, there needs to be a survey of the property in order to prove or disprove that the property line is not at the existing fence.
- c. See also "**Fabricated Property Line**" above.

### Property Records List 1262 Francisco As "2 Bedroom, 1 Bath"

"Existing" house plan shows a second bathroom, added within the last ten years. There is no City Building Permit on record for this addition.



Unpermitted bathroom added within last ten years

① Existing First Floor Plan





aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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## Ladders, etc.

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**Jonathan Miller** <jonzo88@gmail.com>  
To: aimee baldwin <junk.menagerie@gmail.com>  
Cc: John Vinopal <john.vinopal@gmail.com>

Wed, May 5, 2021 at 7:32 PM

Hi Guys, hope you're both well. Amy - I hope your presentation went as well as you hoped it would be. John - PLMK when I can get you your cones and pole/tape. I will probably return the beach chairs, unless you guys want to buy them off of me.

In an effort to be as amicable and transparent as possible, I have an update for you:

After speaking with contractors putting in bid proposals for my project(s), I've decided to (most probably) switch gears a bit. I'm not sure if I mentioned my plans to build an ADU since last summer, but that was actually my original, original plan. The contractors, Sunny and myself feel like it would be in my best interest, both financially and emotionally (to avoid having to completely move out) to begin with the ADU construction, which would allow us to move into it while the eventual remodel is being done. Timeline is TBD, but we're hoping to break ground this Fall.

I'm happy to share the ADU plans with you, but there is no requirement for an AUP (that's a lot of acronyms!), and the permitting process is fairly straightforward and more efficient than the remodel would be.

One of the benefits to you is that I'll have to produce a professional survey of the property prior to construction, the results of which I'll be happy to share with you as well. Of course, I still plan to complete the remodel, but it looks like that will be pushed back by about a year or so. So balcony-gate can wait for now 😊

Another contractor is coming out for a site visit Friday, after which time I can discuss more details with you if you'd like. I really do want to keep it friendly, so please reach out directly to me in person so we can avoid any email miscommunication.

Warmly,  
Jonathan

[Quoted text hidden]



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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**Re: AUP #ZP2021-0006, 1262 Francisco Street**

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**Jonathan Miller** <jonzo88@gmail.com>

Sat, Nov 13, 2021 at 1:18 PM

To: "Gong, Sharon" &lt;SGong@cityofberkeley.info&gt;

Cc: Sunny Grewal &lt;sunny@sgsarch.com&gt;, John Vinopal &lt;john.vinopal@gmail.com&gt;, aimee baldwin &lt;junk.menagerie@gmail.com&gt;

Hi Sharon,

Please excuse my late reply - I was totally unaware of the City's inactivity policy with AUP applications, and have been consumed with my ADU project as well, which is currently underway. We do not wish to withdraw the remodel application.

John, Aimee, Sunny and myself did participate in mediation through SEEDS and were able to arrive at a mutually acceptable compromise, including a balcony which is significantly smaller than the initially proposed deck, along with a permanently installed privacy screen on the West side of the balcony facing their property.

I definitely would like to resume the application. I'll consult with Sunny ASAP to see if we need to submit any additional materials.

Thanks for your patience and understanding. I look forward to continuing the process where we left off.

Sincerely,  
Jonathan

On Fri, Nov 12, 2021 at 2:46 PM Gong, Sharon <SGong@cityofberkeley.info> wrote:

Dear Mr. Grewal,

I am checking in about the open application you still have with the City – AUP #ZP2021-0006, 1262 Francisco Street. There has been no activity on this application since March of this year. Our last communication was on March 30, where the owner indicated that he was going to SEEDS for mediation with the neighbor.

Our standard practice is if there is no action taken on the application for a period of 60 days, the application may be deemed withdrawn and returned to you. At this point we are well over the inaction period. Therefore, unless you take action immediately to continue with the application, staff is deeming the application withdrawn.

Please let me know if you intend to resume the application with the submittal of any revised materials.

Regards,

Sharon



**Sharon Gong** (she/her/hers)

Principal Planner

Planning and Development, Land Use Division

1947 Center St., 2<sup>nd</sup> Floor, Berkeley, CA 94704

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Jonathan D. Miller  
415.999.2797  
[www.jonathandmiller.com](http://www.jonathandmiller.com)



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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**Mediation Agreement - Case #20777**

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aimee baldwin &lt;junk.menagerie@gmail.com&gt;

Sat, Apr 17, 2021 at 12:19 PM

To: Jonathan Miller &lt;jonzo88@gmail.com&gt;

Cc: Wynd Kaufmyn &lt;kaufmyn@aol.com&gt;, "John Vinopal" &lt;john.vinopal@gmail.com&gt;

I agree.

Aimee

On Sat, Apr 17, 2021 at 12:08 Jonathan Miller &lt;jonzo88@gmail.com&gt; wrote:

I agree.

Thanks all.

Jonathan

On Sat, Apr 17, 2021 at 12:08 PM Wynd Kaufmyn &lt;kaufmyn@aol.com&gt; wrote:

Client Evaluations <https://bit.ly/2V3Axta>

By replying "I agree" to this email, the individuals whose names appear below have resolved to do the following:

1. John and Aimee will refrain from accusing others of dishonesty or subterfuge and give Jonathan the benefit of the doubt.
2. Jonathan will refrain from being reactive and keep his tone even.
3. The plans need to reflect more accuracy. Sunny will re-measure and re-draw the plans. John and Aimee will review the revised plans and then decide how to go forward. A surveyor may have to be hired.
4. They will all work together to determine sight-lines, and possibly do a series of story-poles.

We agree with this statement because we believe it will **help resolve the issues** between us.

We understand this is **not a legally binding agreement.**

Aimee Baldwin  
John Vinopal  
Jonathan Miller

--  
Jonathan D. Miller  
415.999.2797



banquettablespro.com

### Space Calculator for Banquet & Meeting Rooms

**Instructions Below**

How many square feet do you have?

How many people do you have?

Cocktail Parties	# of People	Space Required
Guests Standing	45	270
Both Standing and Seated	33	270

Banquet Style	# of People	Space Required
Round Tables Served	22	270
Rectangle Tables Served	27	270
Round Tables Buffet	24	270
Rectangle Tables Buffet	30	270

Theater or Auditorium Style	# of People	Space Required
Spacious Rows of Chairs	33	270
Maximum Rows of Chairs	45	270

Classroom Style	# of People	Space Required
18 Inch Wide Desks	19	270
24 Inch Wide Desks	16	270
30 Inch Wide Desks	15	270

Conference Style	# of People	Space Required
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aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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## Proposed roof deck AUP #ZP2021-0006

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Jonathan Miller <jonzo88@gmail.com>

Mon, Mar 8, 2021 at 6:46 PM

To: aimee baldwin <junk.menagerie@gmail.com>, John Vinopal <john.vinopal@gmail.com>, Sophie Gabel-Scheinbaum <SGabelScheinbaum@up-partners.com>, Sunny Grewal <sunny@sgsarch.com>

Aimee and John,

I was really surprised and disappointed when I read your email last night. After our civil and friendly conversation last week where we opened up a neighborly discussion about my project and established a concrete conversation about addressing and resolving your concerns, your missive seems completely premature, unnecessary and antagonistic.

I thought we wanted to maintain an amicable relationship, not one in which we're slinging accusations, insults and legal threats. Not only is your email confrontational in tone, but also inappropriate in the context of what I thought was open, mature discourse in which I listened to and showed a desire and willingness to work with you in resolving your concerns. In fact, to show good will and to move in that direction, I immediately consulted with Sunny the very next day to have him quickly illustrate a possible first step in finding a solution to your privacy objections. Of course, you have every prerogative to reject or disapprove of any suggestions, but I thought we agreed to try to work together?! Why did you feel the sudden impulse to go nuclear just when we'd begun the discussion?

Please let me reiterate that **I never intended to hide any of my plans from you** or to deceive you in any way, as you are clearly implying - this is a ridiculous accusation, especially when considering our history over the past 20 years, and that you're referring to a **public** AUP, in which our proposed changes are completely transparent and publically available. You have completely mischaracterized my behavior and intentions, and your response has been totally passive aggressive and provocative. As Sophie suggested, I'd hoped we could find a direct and civil way to conduct our conversations. That was, and still is, my intention.

I understand that you feel encroached upon, upset and afraid of such a big change - I know I would feel similarly to a project next door.

However, I want you to understand that I'm not doing anything furtive or invasive. I get that someone on the proposed deck could potentially attempt to peer into your bedroom window or backyard, but that's already possible from my side deck and roof right now - have you ever seen me, my boys or anyone else attempting to invade your privacy, from up there or from the yard? I'm sure that when standing up on your roof as you've done so many times to watch the sunset, that you could see into other neighbors' homes and yards as well. So it seems a bit hypocritical to have you so vehemently accuse me or my family of such hypothetical abuses of privacy.

I want to apologize once again if I neglected to tell you about my change of plans regarding the back addition. In retrospect, I should have not only done so, but should have consulted you prior to drawing up specific plans. However, like I mentioned in our conversation, I simply want to create a **PRIVATE** outdoor open space, accessible only off the master bedroom, to enjoy the casual setting, such as the sunset - or simply soaking up some morning sun with coffee. With that in mind, I feel like it's totally possible to create a space like this while also solving your privacy concerns.

Sunny and I have again discussed your concerns, and are committed to devising a proper design solution that will fulfill both our needs. He's considering a much smaller balcony off the master bedroom, set back significantly from the Western edge of the building, and an obscured glass window on that side of the room as well. These are compromises I'd be willing to consider. I'd like to include you in this process; moving forward, can I count on you to participate in a rational and cooperative manner? If so, we'd like to meet, either via Zoom (preferable, so he can present his designs) or conference call, to make this work. I'm confident that if we communicate calmly, clearly and amicably, that we can resolve this together and without further conflict.

Sincerely,

Jonathan

banquettablespro.com

**Banquet Tables Pro**

Layout Generator      Setup Diagrams      How Many Tables Fit

Table Spacing      Table Heights

**Space Calculator for Banquet & Meeting Rooms**

**Instructions Below**

How many square feet do you have?

How many people do you have?

Cocktail Parties	# of People	Space Required
Guests Standing	18	108
Both Standing and Seated	13	108
Banquet Style	# of People	Space Required
Round Tables Served	9	108
Rectangle Tables Served	10	108
Round Tables Buffet	9	108
Rectangle Tables Buffet	12	108
Theater or Auditorium Style	# of People	Space Required
Spacious Rows of Chairs	13	108
Maximum Rows of Chairs	18	108
Classroom Style	# of People	Space Required
18 Inch Wide Desks	7	108
24 Inch Wide Desks	6	108



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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## Proposed roof deck AUP #ZP2021-0006

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Jonathan Miller &lt;jonzo88@gmail.com&gt;

Fri, Mar 12, 2021 at 12:58 AM

To: John Vinopal &lt;john.vinopal@gmail.com&gt;, aimee baldwin &lt;junk.menagerie@gmail.com&gt;

John and Aimee,

Thanks for your frank and personal email, John. I'm responding directly to only you two, because I don't want to further embarrass anyone here, and that neither the urban planners nor the zoning and permit people give a shit about our feelings or interpersonal relationships, they just want us to come to an agreement and to move on. Of course I understand your work demands, and that it can be challenging working from home. And I empathize with the amount of time and emotional energy you're experiencing with this difficult process, but it seems that it doesn't have to be as fraught as this, especially in light of our friendly meeting last week.

I apologize if I came off as condescending or censorious in my emails, but your responses to my attempts at negotiation have been both frustrating and confusing. There seem to be two distinct voices reflecting back at me - one angrily reactionary and the other conciliatory and measured. Those, combined with your circuitous communication, have made any attempts at negotiation fruitless.

Please let me reiterate that I was being genuine and open during our conversation last week, and that I never had any intention of deceiving either of you; I simply changed my mind about the design and spaced running it by you. I never needed your permission to do so, but I wish now that I'd at least discussed it with you prior to filing the second AUP. I hope you appreciate that I'm still mourning the loss of both my parents, going through a protracted divorce, dating, trying to grow my own business, planning a major remodel/addition to my home, all while co-parenting two teen-age boys during a global pandemic. Definitely doing too much. Maybe this helps you understand why you guys were not paramount in my mind when I asked Sunny to modify the design. I think that sometimes my happy-go-lucky exterior belies my interior stress. Regardless, there was nothing deceitful about it.

Now I'm gonna respond to your asterisks:

\* I feel that there was no intentional miscommunication on my part, and that as soon as you reacted to reading the modified AUP I responded with as direct and attentive communication as I could.

\* I'm not sure why this is relevant, considering the ample time frame neighbors have to review and respond as they deem necessary during the AUP period, but it is unfortunate that you feel this way.

\* You mischaracterize my relationship with Sunny - he is my architect and does NOT represent me. I represent me. I hired Sunny for his excellent architectural and administrative skills, not for any negotiation or mediation responsibility of any kind. In fact, I chided him today for not talking me out of the huge roof deck design, which I now deem unsightly and kind of ridiculous. I don't see what relevance any type of attorney, real estate or other, has to this situation. Nothing illegal has occurred or been proposed. Both of my parents were attorneys. My brother-in-law is an attorney. I can assure you that any advice or information a lawyer could give you can be found online for free. Your money would be spent more wisely elsewhere. This is not a legal fight. This is not even a fight, unless you intend to pick one. If that is the case, lawyer up and prepare to get fleeced.

\* I have no intention of intervening in or prying into your guys' relationship - you've been great neighbors and I wish nothing less than security, prosperity and happiness for you both, together or apart.

\* Sunny will provide clear and accurate sightlines, and anything else needed to satisfy both your requests and the city's regulations. One of the reasons we both want to Zoom with you guys is to show you all of this in 3D. Sunny will be working further on this for most of tomorrow morning. We hope you can be available to confer with us tomorrow after 2.

I really feel that this discussion can be done without the aid of a third party architect or mediation, unless for some

reason it becomes contentious. I do not intend to be contentious in any way. I know I haven't been the ideal neighbor, but I think I've treated you both with cordial kindness and respect throughout the years. We may not be friends in the classic sense, but I feel like I've been pretty considerate and friendly. I try to respect your privacy and to refrain from complaining about things that I might find unsightly or intrusive. And while I know this is going to be a big change in the immediate environment, and that construction next door sucks, I feel that there's no reason we can't cooperate.

Listen, I could be a total a-hole and cram my modified AUP down your throats, just to spite you, but that's not who I am. I consulted with one of my best friends, whose high school buddy is the chair of the Berkeley ZAB, and given our situation, she assured him that, while you could delay my construction, you would lose any type of eventual challenge to #ZP2021-0006, as it satisfies all of the zoning restrictions and requirements with margin. Also, it's already been approved, awaiting the appeals period. This is why I know that this new modified, modified AUP, which you helped convince me to explore, and which I like better anyway, will definitely have no problem passing muster and resisting any sort of opposition.

I know this isn't what you want to hear, but trust me that this latest iteration is an excellent compromise that I'm confident you'll be cool with.

I understand that it's your prerogative to seek counsel and mediation, but I really think you should check out the new design first. You have nothing to lose, and you stand to save yourselves much energy, time and expense if you just let us show it to you. I'm not seeking your permission or your signatures, I just want you to see it and if you don't like it, at least you could accept it. If you truly are eager to discuss design, meet with us tomorrow. You don't have to express an opinion of any kind or give us a thumbs up; think of it as an informational session. We'll be happy to give you the drawings, which you can then feel free to bring to any of your pros to consult with if you deem necessary. Either way, please let us know tomorrow - Sunny's keeping 2:15-6 open and flexible for you per my request - he has several other projects he's working on as well, and I know he'd appreciate knowing when you can meet.

Thanks.

Optimistically,  
Jonathan

[Quoted text hidden]



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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## It's better with balcony

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aimee baldwin <junk.menagerie@gmail.com>

Sat, Mar 13, 2021 at 12:54 PM

To: Jonathan Miller <jonzo88@gmail.com>

Cc: John Vinopal <john.vinopal@gmail.com>, sunny@sgsarch.com

Hi Jonathan,

Thank you for considering alternative options. Is it possible to get drawings with accurate measurements for the whole plans, particularly heights of floors, roofs -both at side and peaks, base of windows --which seem to be missing from the drawings I have seen so far?

John and I still wish to seek professional mediation: it was the first suggestion, and standard procedure, from the City to creating a resolution to this kind of dispute for AUPs; and perhaps if we had followed the recommendation earlier, we could have avoided much misunderstanding that has happened in the past week. Because of the complications of our past direct communications, I believe it is best for everyone to continue with the assistance of professional mediation, the City's own recommended standard procedure. The sooner we seek mediation, the sooner we can resolve our differences. Perhaps it was inevitable that the first week would be rife with conflict, but let's make a plan to find our way out of it.

To demonstrate that we are honestly trying to think of resolutions, I am sharing with you and your architect, this rudimentary alternative design I made using print outs of the architect's drawings, scissors and tape. Clearly, I am not an architect, and this rough kindergarten-quality "sketch" is not in any way meant to be read as an actual plan, nor as a confirmation that we are prepared to commit to my sketch without a architectural version with accurate measurements and elevations. I am trying to brainstorm alternatives which could match the privacy of the sightlines and sound concerns which we agreed upon in the approved AUP; yet still offer you options for viewing the sky/sunset, or outdoor access from the upper story of your house. It is unlikely we will approve of a plan for a roof deck or balcony that reduces the light and view from our last remaining upstairs eastern window. We are looking for a design that maintains the privacy and sitelines of the original AUP.

Aimee

Positive:

-You get a substantial sized deck.

-You get nearly 360 degree unobstructed views of the sky, and extremely wide horizon views over much of the neighborhood.

-For us, it maintains nearly all aspects of the original AUP as viewed from our property: it maintains our privacy in the back rooms of our house, and privacy in nearly all of our garden, and we do not have all of our eastern upstairs windows blocked.

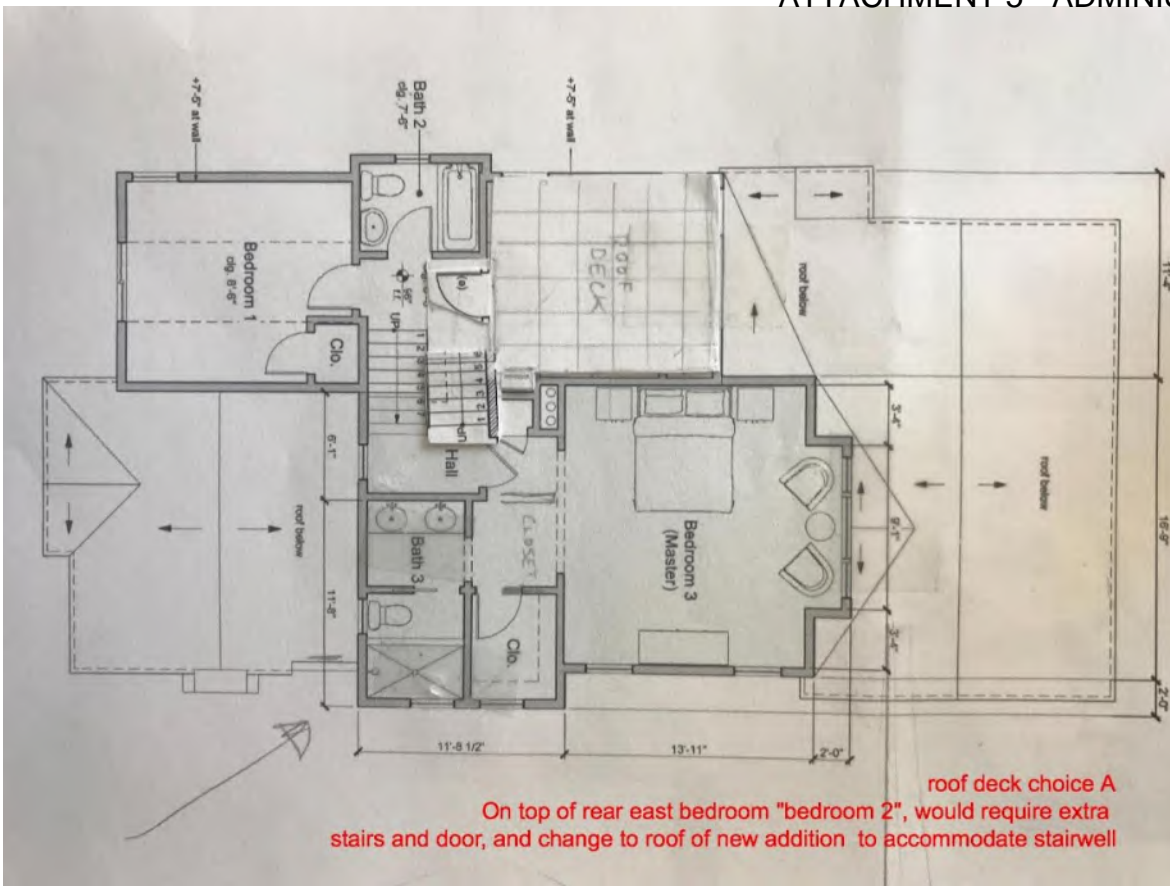
Negative:

-Noise nuisance might be further spread over rooftops across the whole neighborhood rather than focused to immediate neighbors at rear/sides of 1262.

-Might overly adversely affect 1266.

-Not at floor level of your Master Bedroom.

-requires extra staircase and changing roof of "Bedroom 2"



On Fri, Mar 12, 2021 at 8:47 PM Jonathan Miller <jonzo88@gmail.com> wrote:  
Aimee and John,

This totally new design is appx. 60% less area than the proposed roof deck and is set back significantly more from the perimeter of the house:

I feel that this smaller, more tasteful space, with the addition of a privacy screen such as the pictured plant, provides ample space for me while respecting your desire for privacy.



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

## Alternative plan ideas

**John Vinopal** <john.vinopal@gmail.com>  
 To: Jonathan Miller <jonzo88@gmail.com>  
 Cc: aimee baldwin <junk.menagerie@gmail.com>

Thu, Apr 1, 2021 at 8:39 PM

Hi Jonathan,

Here are 2 additional plans we could go for.

The first is a smaller balcony, suitable for southern views while providing privacy. (Rear Balcony pics 1,2)

The second shifts a larger deck to the eastern side. It provides privacy while giving you a larger space and south/south-east views. (East Balcony pics 3,4,5)

We understand that you are concerned about your sunk costs in your design. Depending on the sort of agreement we could reach, we could see contributing to design changes that would leave everyone satisfied. We're here for at least 30 more years; amortized, all sorts of things become good value for money.

- John & Aimeé

### 5 attachments

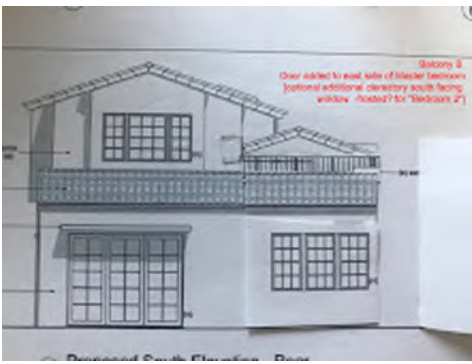


**RearBalcony\_Eastview.jpg**  
276K



**rearbalconyfloorplan~2.jpeg**  
1228K





EastBalcony\_rear.jpg  
308K



EastBalcony\_floorplan.jpg  
317K



EastBalcony\_east.jpg  
250K



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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## It's better with balcony

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**Jonathan Miller** <jonzo88@gmail.com>

Mon, Mar 15, 2021 at 8:47 AM

To: John Vinopal <john.vinopal@gmail.com>

Cc: aimee baldwin <junk.menagerie@gmail.com>, Sunny Grewal <sunny@sgsarch.com>

John and Aimee,

Thanks for sharing your perspective. However, I'd prefer to defer any determinations of distance and/or angle of view measurements until the outcome of our upcoming mediation.

I look forward to discussing this with an impartial professional who can give us both an opportunity to voice our concerns and to work this out reasonably.

Please let us know as soon as you have some dates.

Thanks,  
Jonathan

[Quoted text hidden]



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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**1262 Francisso St AUP Modification Updated 03-26-2021.pdf**

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**Jonathan Miller** <jonzo88@gmail.com>

Mon, Mar 29, 2021 at 12:58 PM

To: aimee baldwin &lt;junk.menagerie@gmail.com&gt;, John Vinopal &lt;john.vinopal@gmail.com&gt;

Hi Guys,

Here's the updated AUP mod that we're submitting to the City.

As you can see, the balcony is appx 60% smaller and set much further back from the West side of the structure. I have a hard copy which I'll bring over this evening as well.

Please let me know if you have any questions about measurements or angles, etc. and I'll be happy to get Sunny to provide what he has.

Hopefully this allays any concerns or questions you have about the project; I really think this is a great compromise and a more aesthetic and privacy-minded design as well. I hope we can discuss this directly without the hassle or expense of mediation.

Warmly,  
Jonathan

Jonathan D. Miller  
[jonzo88@gmail.com](mailto:jonzo88@gmail.com)  
415.999.2797

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 **1262 Francisso St AUP Modification Updated 03-26-2021.pdf**  
9736K



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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**1262 Franciso St AUP Modification Updated 03-26-2021.pdf**

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Jonathan Miller <jonzo88@gmail.com>  
To: John Vinopal <john.vinopal@gmail.com>  
Cc: aimee baldwin <junk.menagerie@gmail.com>

Tue, Mar 30, 2021 at 1:37 AM

John and Aimee,

Please forgive me if I've been unclear. I **absolutely** intend to amicably resolve and repair our neighbor relationship. I thought I was very clear and sincere in our conversation last week while pulling screws and nails from the eventual story poles, when I said as much. I've wanted to discuss this latest design modification since it's earliest iteration, which is why I requested several times that we virtually meet with Sunny via Zoom to go over the details and measurements.

I did review Aimee's suggested move of the deck to the Eastern side of my proposed addition, but I didn't want to react in a way that seemed like I wasn't taking it seriously. In retrospect, I should have responded that it simply was not a viable consideration since my goal is to have an outdoor space that extends from the new bedroom french door facing South to allow for optimal light and views towards the San Francisco skyline, if possible. Aimee's suggested design not only opposed this goal by facing East, but when consulting with my architect, it was also not structurally possible with the budget available to me. In addition, (no pun intended) it simply wasn't what I wanted, but I didn't want to sound dismissive. At the time, I was feeling defensive and contentious and wanted to avoid confrontation, thus my non-response. However, Aimee's idea DID help me realize that I don't need/want a deck at all, and encouraged me to ask Sunny to create a design solution that made more sense with the original AUD proposal and which totally scrapped the entire flat-roof deck design. A balcony.

In all honesty, I guess I'm not really open to other design alternatives, not only because I've come to what I feel is an excellent compromise which addresses your concerns of proximity, size and privacy, but also because I've spent a lot of time and a considerable amount of money arriving at this place. If you choose to see this as 'unilateral', then I guess generally designing my own home remodel is just that. I wish I'd had a partner to help me with this, but I hired an excellent architect to help me realize my vision. I really do care what you guys think, but I don't feel the need to invite you to join in this process, just as you haven't considered asking me to join in any of your home or yard improvement projects either.

As for mediation, I'm not opposed to it, it's that I just don't think that spending any more time or money on it will give either one of us the satisfaction we're looking for, but rather I feel that it will only cause further resentment in the end. I predict that the only positive outcome from mediation would be for me to erect the story poles which you've requested, and I'm prepared to go through with that if you still insist. To me, that's time and money better spent. I much prefer a less formal approach where we just sit down and discuss the facts and our feelings. I never intended to cause any undue friction or contention, so rather than sit at virtual opposing ends of a non-legally binding \$300, 3-hour negotiation table, I'd much rather sit at a real table where we can communicate clearly and directly.

Even though I think it would be beneficial to us both to have Sunny meet with the three of us to communicate the nuts and bolts of the designs, I respect your wishes to keep him out of it. At the time you emailed him directly, Aimee, I DID think we were going in the mediation direction, thus my request for him to wait until then to share design details. I felt it was inappropriate for you to contact him directly, since I've contracted him - I'm his client, and I feel that you should have CC'd me with this request, or go through me. However, I'm giving you the benefit of the doubt that you spaced CC'ing me, just like I spaced sharing the deck modification with you guys - I truly thought I HAD. I'm letting that all go, it's water under the bridge at this point.

After my intake interview with SEEDS, I realized some clarity; let's sit down together and discuss this directly, which is why I'm supplying you with any and all details of this final modification in as transparent a way as possible. I NEVER intended to hide my changes from you or to deceive you in any way. Really! I feel that mediation would only enable us each to dig our heels in deeper, rather than amicably discuss and resolve this as neighbors.

I'm well aware of your letter campaign to raise the awareness of our adjoining/surrounding neighbors, and that's totally

your prerogative. While I'm not stoked that you've done this, I'm OK with it and I'm not going to make it an issue. Of course, I was happy to openly discuss my project with them all as well and to share with them both the deck AUP as well as my current proposed modified balcony designs. They receive the postcards in the mail, just as you do. Everyone (Adele and Chidi, Laurence and Sydney, Andy and Andy, Robert and Juliette) I've spoken to seems to agree that the balcony is the best compromise, and I hope that you'll join us as well.

So please, let's not make this any more contentious or divisive than it has to be. I'm here if you want to talk, or shout, or vent. I'm accessible, I'm a good guy, I'm a good neighbor (or at least I'm trying to be) and I'm an open book. Please feel free to speak with me directly - I'm happy to talk anytime when I'm not at work or feeding my kids.

With sincere good will (and some sleep deprivation),

Jonathan

[Quoted text hidden]

--

Jonathan D. Miller

415.999.2797

[www.jonathandmiller.com](http://www.jonathandmiller.com)



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

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## Proposed letter to Sharon Gong

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Jonathan Miller <jonzo88@gmail.com>

Wed, Feb 23, 2022 at 1:41 PM

To: John Vinopal <john.vinopal@gmail.com>, aimee baldwin <junk.menagerie@gmail.com>

As a follow up to our meeting yesterday, here is my latest proposed email to Sharon Gong:

Ms. Gong,

After a productive and comprehensive Zoom with John and Aimée of 1256 Francisco St., in which we reviewed our SEEDS mediation agreement and further discussed our goals going forward, I'd like to update you on the current status of our discussion.

They indicated that they do not plan to dispute our adjoining property line. However, they have requested that Sunny Grewal adjust his plans to more accurately reflect the actual locations of architectural details and proximity of the buildings to the property line so as to correctly determine current and proposed setbacks. In order for Mr. Grewal to accurately achieve their request in making these changes, we have requested access to the site survey they commissioned land surveyors of Bates & Bailey to perform and record. As soon as they provide those survey drawings/plans, he will then adjust his plan set and fulfill their request ASAP.

I informed them that **I do not intend to further modify the most recent version of my remodel plans** as submitted to the City for approval, but that I respect their concerns of privacy and that I will do everything outside of altering the plans to address those concerns and to protect their privacy, including installation of a permanent privacy screen on the balcony as well as privacy plantings/shrubs alongside the fence between our respective backyards.

Finally, we all agreed that it is in our mutual interest to maintain an amicable, neighborly relationship since we will most likely be living next door to each other for decades to come. It is my sincere hope to continue in that tone.

Thanks again for your patience and thoroughness.

Best,  
Jonathan

Unless you have any objections, I'll send this to Ms. Gong tomorrow morning. Thanks,  
Jonathan

[Quoted text hidden]



### **Applicant's Statement**

#### **Project address:**

1262 Francisco St.  
Berkeley, CA 94702

#### **Existing Conditions:**

The existing flat parcel contains a two-story, split level, single family house. The existing house is 1,518 square feet with three bedrooms and two bathrooms.

#### **Proposed project:**

The proposed project includes a modification to an approved AUP (ZP2020-0122) for a second story addition

Components of the project include:

#### **First floor:**

- Expand office (bedroom 4) by a 40 s.f. addition

#### **Second floor:**

- Create new roof deck at master suite
- Add new patio doors to access roof deck
- Add new transom window above patio door

#### **Planning Application includes:**

Administrative Use Permit (AUP) for building addition exceeding 14 feet in height.

#### **Arguments in support of this project are as follows:**

- A. The proposed first floor addition is only modest 40 s.f. in size and single story.
- B. The proposed second floor roof deck is located at the rear of the house and setback from side and rear property lines sufficiently.
- C. The proposed project meets all required height limits, setbacks and lot coverage and is substantially under the required limits.
- D. The usable open space requirement exceeds the minimum space requirement of 400 s.f. per dwelling unit. Total space provided is over 2,500 s.f.
- E. Has negligible impact to neighboring properties. (See shadow study)
- F. The scale and style of the new addition is compatible with other residences in this neighborhood.

- G. A respectful approach to design has been followed to blend in the surrounding natural elements of the site.
- H. The proposed addition matches the existing architectural style and materials of the existing house.
- I. This project seeks no variances.
- J. The proposed project has support from the adjoining neighbors.



Sundeep Grewal  
Project Architect





aimee baldwin &lt;junk.menagerie@gmail.com&gt;

---

## 1262 Francisco St - Updated Site plans

---

**Sunny Grewal** <sunny@sgsarch.com>

Wed, Apr 28, 2021 at 4:00 PM

To: Jonathan Miller &lt;jonzo88@gmail.com&gt;, aimee baldwin &lt;junk.menagerie@gmail.com&gt;, John Vinopal &lt;john.vinopal@gmail.com&gt;

Hi John/Aimee,

Attached is the updated site plan per my site measurements from last week.

Please note the following:

- I measured 9'-1" and 9'-2" (two separate locations) from Jonathan's house to the fence on the left hand side.
- I measured 6'-4" and 6'-6" (two separate locations ) from Jonathan's house to the fence on the right hand side (your side).
- From past experience, I know that fences are typically not precisely aligned with property lines. Therefore, I interpolated the above dimension to 9'-0" on the left side and 7'-0" on the right side.
- We know the width of the existing house is 28'-4" (based on my measurements) and the property width is 44.3' per the Alameda County Assessor's parcel map.
- The above leads to a 7'-3" dimension from Jonathan's house to the property line between his and your house. That's 3" more than what was originally shown.
- It appears that the fence is approximately 9" on Jonathan's side of the property line.
- The proposed addition setbacks are 6'-3" at the first floor (originally shown as 6'-0") and 5'-3" at the bathroom popout (originally shown as 5'-0").
- The proposed project is well within the City of Berkeley's required minimum side yard setback of 4'-0" for projects of this nature.

This is all based on my field measurements and not a boundary survey prepared by a licensed surveyor. A licensed survey is only required for new construction and any additions that are to be built within a specific proximity to property lines.

### Sunny Grewal

**studio g+s** ARCHITECTS

2223 5th. Berkeley, CA 94710

510.548.7448 office

510-393-5691 cell

[www.sgsarch.com](http://www.sgsarch.com)

---

 **1262 Francosco St Site plans 4-28-2021.pdf**  
515K



aimee baldwin &lt;junk.menagerie@gmail.com&gt;

---

## 1262 Francisco St - Updated Site plans

---

**John Vinopal** <john.vinopal@gmail.com>

Wed, Apr 28, 2021 at 6:06 PM

To: Sunny Grewal <sunny@sgsarch.com>

Cc: Jonathan Miller <jonzo88@gmail.com>, aimee baldwin <junk.menagerie@gmail.com>

Hi Sunny,

Thanks for the numbers, but I'm not sure I follow your math. First, the width of the house (28'4") + interpolated left setback (9') + interpolated right setback (7'3") = 44'7" which is greater than the width of the lot.

The second problem is that you're making a seemly arbitrary choice to round DOWN the left setback and round UP the right setback. Can you explain your reasoning more fully?

In the enclosed photo I present two other interpolations:

**Devil's Advocate** rounds UP the left setback and finds the left setback to be 9'8" and the right setback to be 6'4".

**Even Steven** splits the difference evenly between the two setbacks and finds the left setback to be 9'4.5" and the right setback to be 6'7.5".

Can you please explain why your choice of interpolation is superior to either of these interpolations?

Alternatively we can just get a property survey and stop guessing.

Thanks for any clarifications you can provide.

-john

[Quoted text hidden]



**PXL\_20210429\_010146169.jpg**

3179K

The screenshot shows a web browser window with the URL [permits.cityofberkeley.info](https://permits.cityofberkeley.info). The page header includes the City of Berkeley logo and navigation links for Home, Building Permits, Housing, Zoning (highlighted), Fire Permits, and Public Works. A search bar is present with the text "Search...".

The main content area displays the record details for **Record ZP2021-0006: Zoning Permit**, with a **Record Status: Pending**. Below this, there are tabs for **Record Info** (selected), **Payments**, and **Custom Component**.

The **Attachments** section includes a warning: "The maximum file size allowed is 195 MB. html;htm;mht;mhtml are disallowed file types to upload." Below this is a table of attachments:

Name	Record ID	Record Type	Entity Type	Type	Size	Latest Update	Act
<a href="#">2021-02-19_LTR_WELCOME_1262 Francisco.pdf</a>	ZP2021-0006	Zoning Permit	Record	Archive	75.27 KB	02/19/2021	Ac
<a href="#">2021-02-05_APP_PCKT_1262 Francisco.pdf</a>	ZP2021-0006	Zoning Permit	Record	Archive	10.99 MB	02/19/2021	Ac
<a href="#">2021-03-02_Neighbor Objections-Vinopal_1262 Francisco.pdf</a>	ZP2021-0006	Zoning Permit	Record	Archive	169.22 KB	03/05/2021	Ac
<a href="#">2021-03-07_RESUB_Sightlines_Email_1262 Francisco.pdf</a>	ZP2021-0006	Zoning Permit	Record	Archive	7.20 MB	03/08/2021	Ac
<a href="#">2021-03-26_RESUB_Plans_1262 Francisco.pdf</a>	ZP2021-0006	Zoning Permit	Record	Archive	9.51 MB	05/04/2022	Ac

At the bottom of the page, there are links for [Web Policy](#), [Contact PSC](#), and [Contact Building and Safety](#).



# PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704

Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

## TABULATION FORM

Project Address: 1262 Francisco St. Date: 1-07-2021

Applicant's Name: Studio G+S Architects - Sundeep Grewal

Zoning District: R-2: Restricted Two-Family Residential

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

	<i>Existing</i>	<i>Proposed</i>	<i>Permitted/ Required<sup>1</sup></i>
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (#)	1	1	1
Number of Parking Spaces (#)	1	1	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	2	3	N/A
<b>Yards and Height</b>			
Front Yard Setback (Feet)	16'-11"	34'-2" addition	20'-0"
Side Yard Setbacks: (facing property)			
Left: (Feet)	9'-0"	9'-0"	4'-0"
Right: (Feet)	7'-0"	5'-0" addition	4'-0"
Rear Yard Setback (Feet)	61'-11"	57'-11" addition	20'-0"
Building Height* (# Stories)	2	2	4
Average* (Feet)	16'-2"	21'-3"	28'-0"
Maximum* (Feet)			
<b>Areas</b>			
Lot Area (Square-Feet)	6,000 s.f.	6,000 s.f.	5,000 s.f.
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors	1,518s.f.	2,275s.f.	N/A
Building Footprint* (Square-Feet) Total of All Structures	1,536 s.f.	1,769s.f.	2,400 s.f.
Lot Coverage* (%) Residential only (Building Footprint/Lot Area)	25.60 %	29.48 %	40%
Useable Open Space* (Square-Feet)	2,500 s.f.	2,500 s.f.	400 s.f.
Floor Area Ratio* Non-Residential only (Except ES-R)	N/A	N/A	N/A

\*See Definitions – Zoning Ordinance Title 23F.

Revised: 11/19

<sup>1</sup> See development standards for your Zoning District, per the Berkeley Municipal Code, Sub-Titles 23D and 23E  
g:\landuse\forms & instructions\land use planning forms\word files\forms\_zoning project application\zoning project application\_tabulation form.docx

SITE PHOTOS



Street View



Rear View

MILLER RESIDENCE  
1262 Francisco St. Berkeley, CA 94702

SHEET INDEX

**Architectural:**

- A0.0 Scope Of Work, Vicinity Map, Project Data, Sheet Index, Abbreviations, Applicable Codes, Project Directory, Photos
  - A0.1 Existing & Proposed Site Plan
  - A1.1 Existing Floor & Demo Plans
  - A1.2 Existing Exterior Elevations
  - A1.3 Proposed Floor Plans - Original Approved AUP
  - A1.4 Proposed Exterior Elevations - Original Approved AUP
  - A2.1 Proposed Floor Plans - AUP Modification
  - A3.1 Proposed Exterior Elevations, Renderings - AUP Modification
  - A4.1 Shadow Study - AUP Modification
  - A4.2 Shadow Study - Original Approved AUP
- Boundary Survey

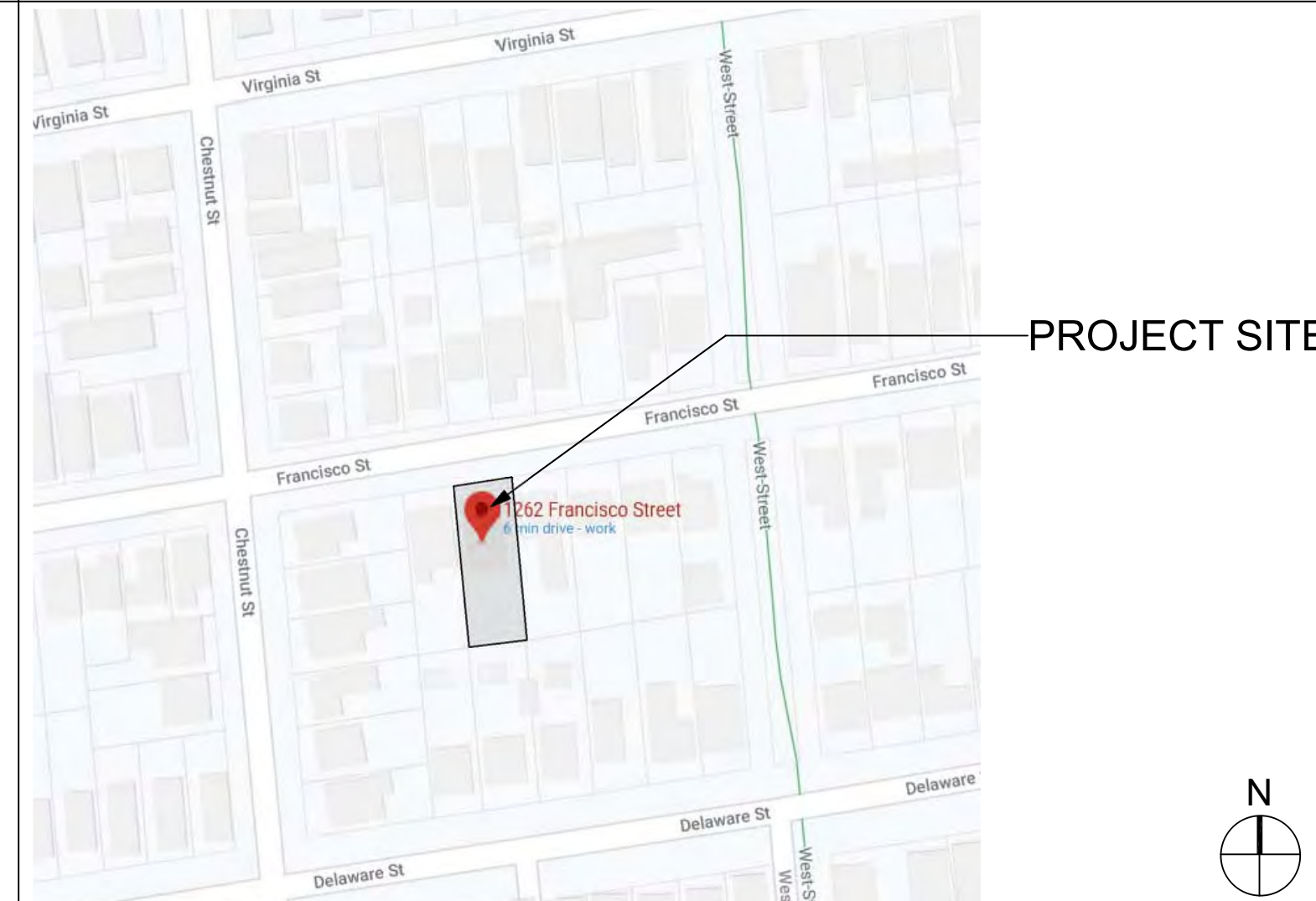
SCOPE OF WORK

The proposed project includes a modification to an approved AUP (ZP2020-0122) for a second story addition

Components of the project include:

- First floor:**
  - Expand office (bedroom 4) by a 40 s.f. addition
- Second floor:**
  - Create new balcony at master suite
  - Add new patio doors to access balcony
  - Add new transom window above balcony

VICINITY MAP



PROJECT DIRECTORY

**Owner:**  
Jonathan Miller  
1262 Francisco St.  
Berkeley, CA 94702  
Tel: 415-999-2797

**Project Address:**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

**Architect:**  
Studio G+S, Architects  
2223 5th St.  
Berkeley, CA 94710  
Tel: 510-548-7448  
sunny@sgsarch.com

PROJECT DATA

**Occupancy:** R-3 Duplex  
**Proposed Construction:** U - Private garage  
**Fire Sprinkler System:** Type V-B  
**No**

**Zoning/General Plan Regulation**  
**Zoning District:** R-2: Restricted Two-Family Residential  
**General Plan Area:** LMDR  
**Downtown Arts District Overlay:** No  
**Commercial District With Use Quotas:** No

**Seismic Safety**  
**Earthquake Fault Rupture(Alquist-Priolo) Zone:** No  
**Landslide (Seismic Hazards Mapping Act):** No  
**Liquefaction (Seismic Hazards Mapping Act):** No  
**Un-reinforced Masonry Building Inventory:** No

**Historic Preservation**  
**Landmarks or Structure of Merit:** No

**Environmental Safety**  
**Creek Buffer:** None  
**Fire Zone:** 1  
**Flood Zone(100-year or 1%):** No

**Wildlife Urban Interface** No

APPLICABLE CODES

- 2019 California Building Code (CBC) Volume 1
- 2019 California Building Code (CBC) Volume 2
- 2019 California Residential Code (CRC)
- 2019 California Energy Code (CBEES)
- 2019 California Green Building Standards Code (CALGreen)
- 2019 California Electrical Code (CEC)
- 2019 California Plumbing Code (CPC)
- 2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pt.	point
#	pound or number	flash.	flashing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	ptd.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	ftg.	footing	rgtr.	register
alum.	aluminum	furn.	furnace	reinf.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal	gallon	rm.	room
asph.	asphalt	g.s.m.	galvanized sheet metal	r.o.	rough opening
bd.	board	gl.	glass	rwd.	redwood
blk.	building	gnd.	ground	r.w.l.	rain water leader
blk.	block	grp.	grade	s.	south
blkg.	blocking	grp. bd.	gypsum board	s.c.	solid core
bm.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
b/w	between	horiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	sim.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	cleanout	lav.	lavatory	sst.	stainless steel
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
col.	column	max.	maximum	stor.	storage
comp.	composition	m.c.	mechanical cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tone & groove
dia.	diameter	misc.	miscellaneous	thk.	thick
dim.	dimension	mlt.	mounted	t.b.r.	to be removed
dir.	direction	mtl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	t.v.	television
dr.	door	rec.	necessary	typ.	typical
drw.	drawer	neo.	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.t.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	on center	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
encl.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o.	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frosted	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight

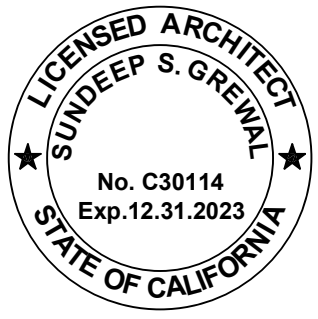
Tabulations

	Required/Allowed	Existing	Proposed
<b>Set Backs:</b>			
Front	20'-0"	16'-6"	16'-6" to (e) structure
Rear:	20'-0"	61'-11"	33'-10" to (n) addition
Left side:	4'-0"	9'-5"	57'-11"
Right side:	4'-0"	6'-9.5"	9'-6"
			4'-7.5"
<b>Habitable Floor Area:</b>			
First floor:		1,078 s.f.	1,393 s.f. (315 s.f. new)
Second floor:		440 s.f.	882 s.f. (442 s.f. new)
Total Area:		1,518 s.f.	2,275 s.f. (757 s.f. new)
<b>Bedroom Count:</b>		3	4
<b>Building Height:</b>			
Average Height:	28'-0" 35'-0" w/ AUP	16'-5"	21'-3"
<b>Parking:</b>	1	1	1
<b>Lot Size:</b>	5,000 s.f.	6,000 s.f.	6,000 s.f.
<b>Total Footprint:</b>			
House:	2,400 s.f.	1,334 s.f.	1,649 s.f.
Storage Shed:		202 s.f.	120 s.f.
Total footprint:		1,536 s.f.	1,769 s.f.
<b>Lot Coverage:</b>	40% (2 story building)	25.60%	29.48%
<b>Usable Open Space:</b>	400 s.f.	2,500 s.f.	2,500 s.f.

ADU: Not subject to lot coverage. Therefore, it is not included in the calculations above



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**MILLER RESIDENCE  
AUP Modification**  
 1262 Francisco St.  
 Berkeley, CA 94702  
 APN: 058 213500300

Sheet Contents:

- Sheet Index
- Applicable Codes
- Vicinity Map
- Project Data
- Scope of Work
- Project Directory
- Photos

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Project No:

20-07-414

Drawn By:

SSG

Checked By:

SSG

Scale:

as noted

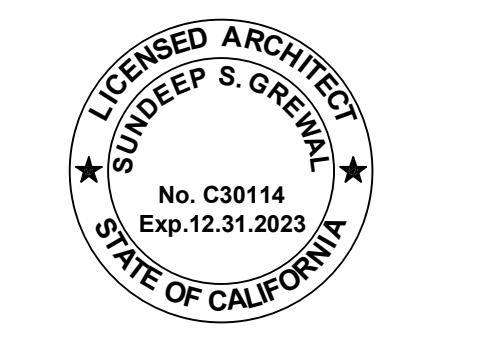
Revisions:

AUP Modification Submittal:  
06-24-2022

Sheet  
**A0.0**



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**MILLER RESIDENCE**  
**AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:  
Existing Site Plan  
Proposed Site Plan

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Project No: 20-07-414

Drawn By: SSG

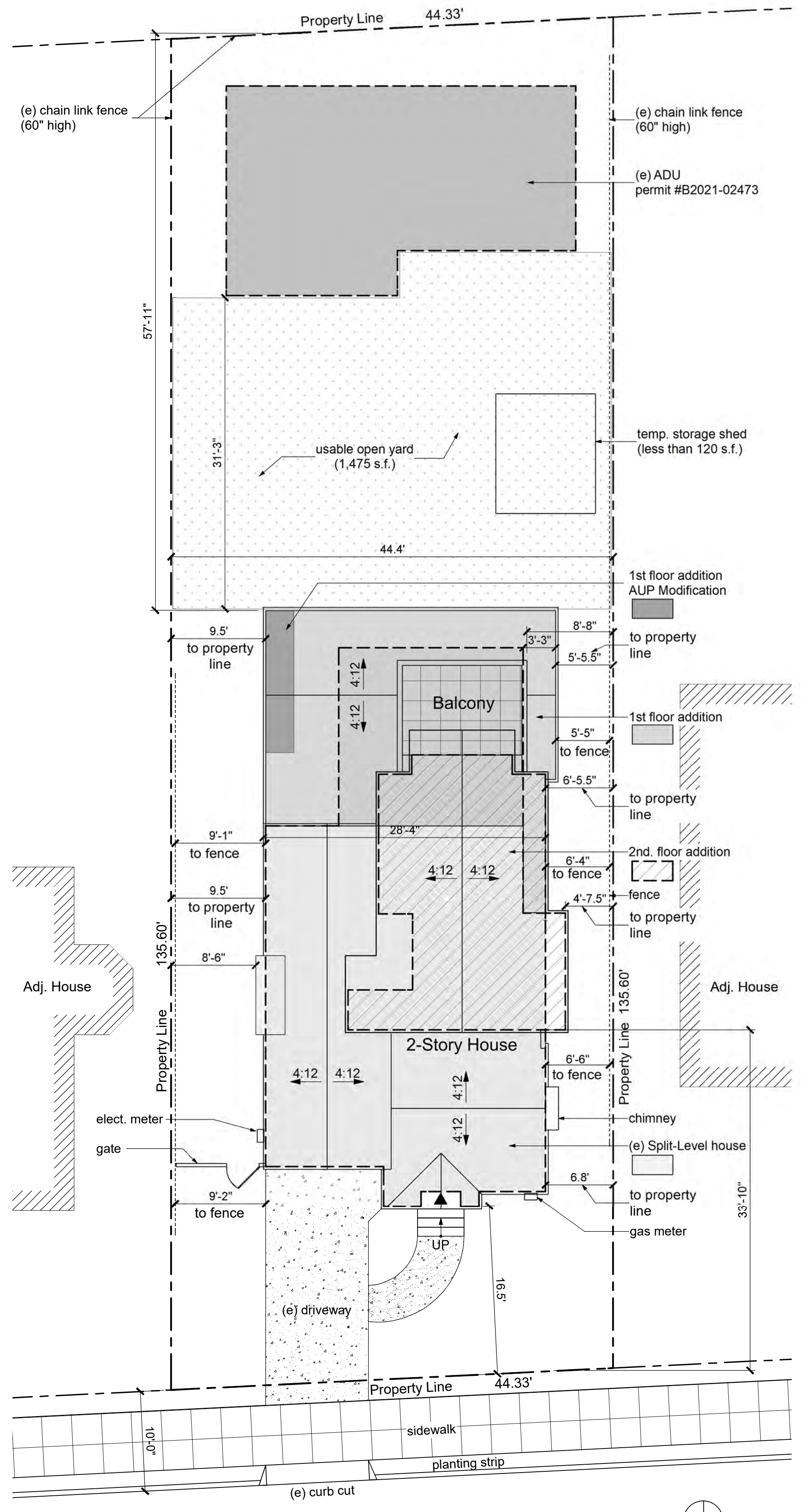
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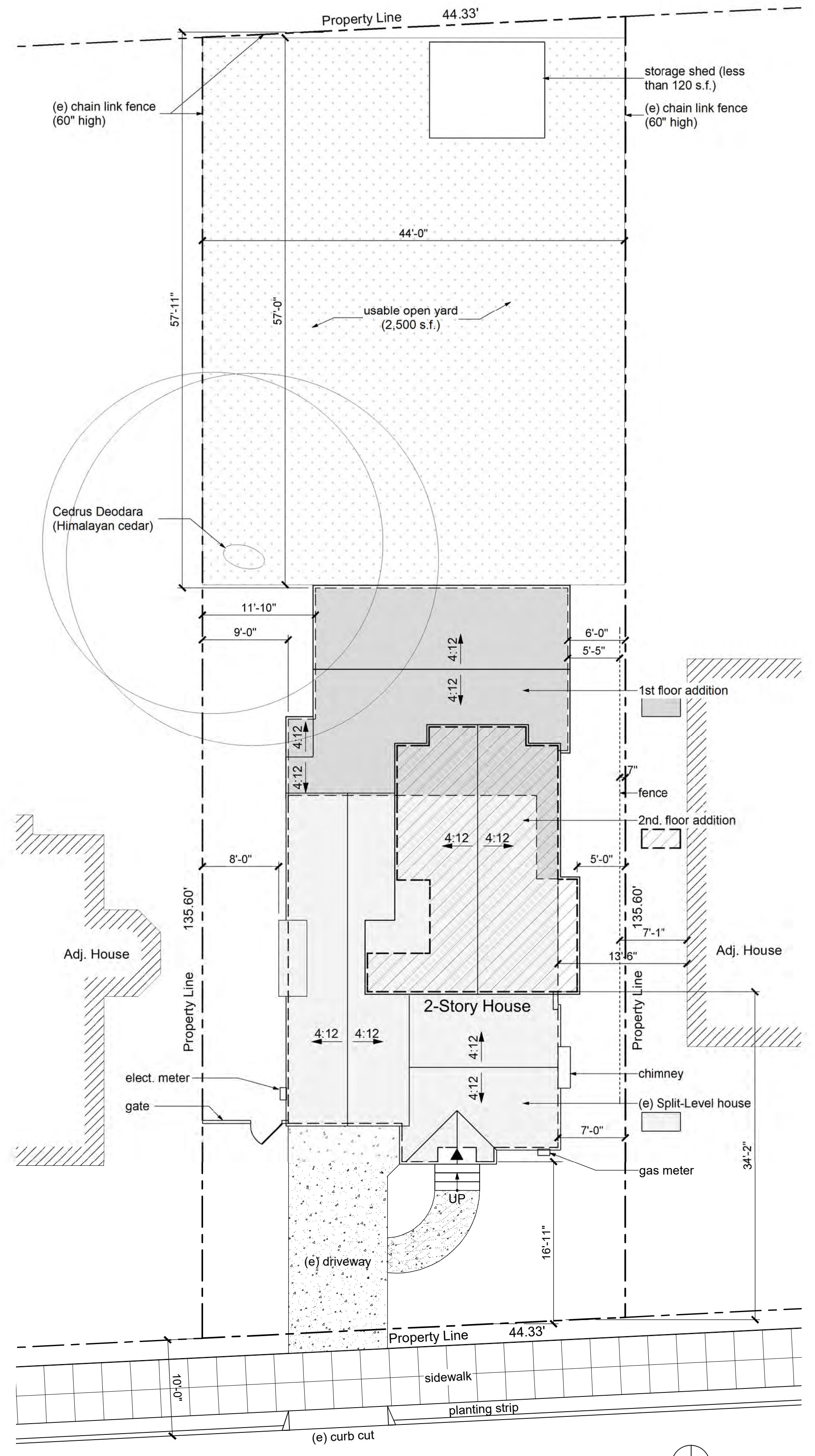
Revisions:  
AUP Modification Submittal:  
06-24-2022

Sheet **A0.1**

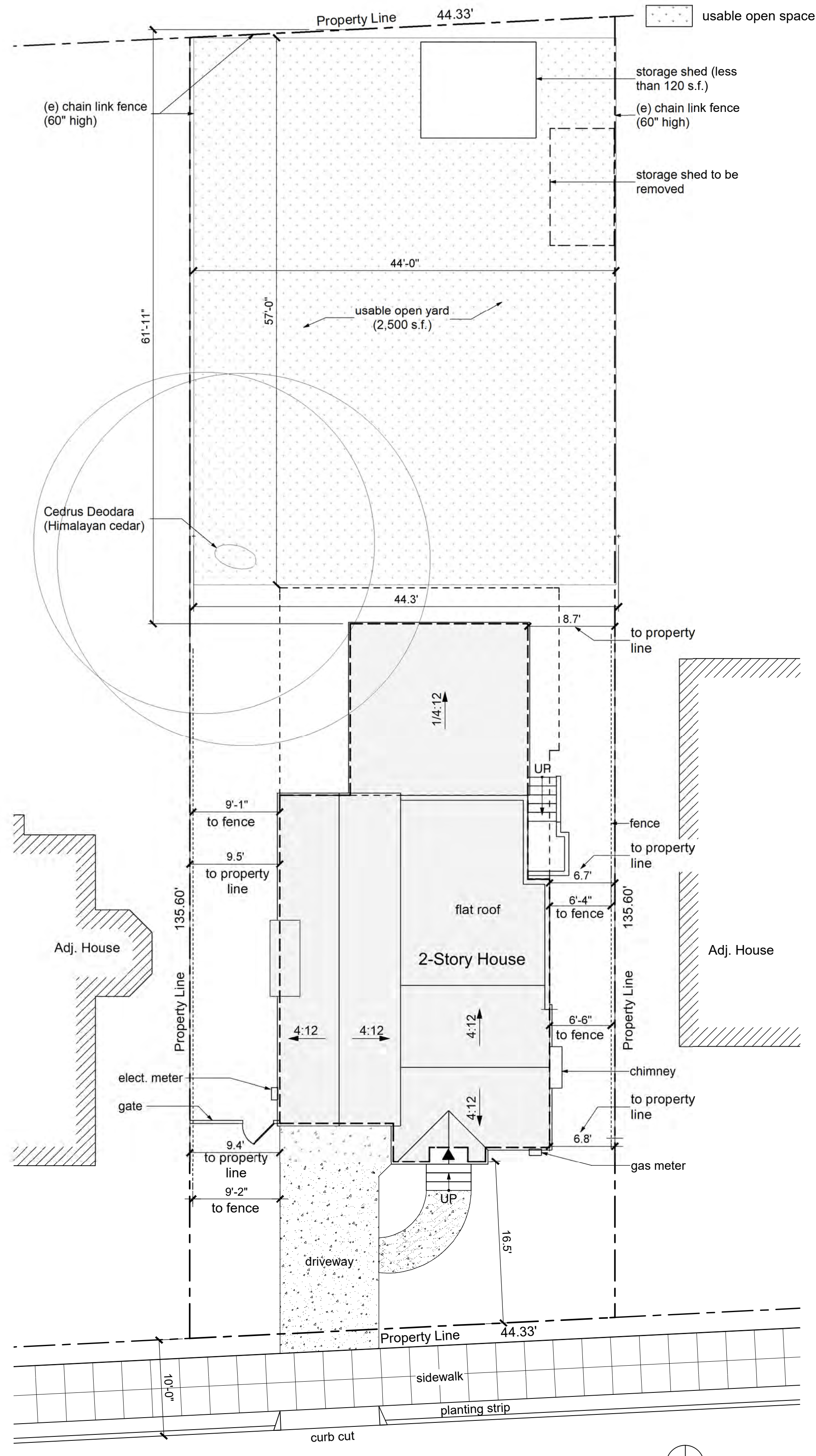
- existing structure
- 1st. floor addition
- 2nd. floor addition
- usable open space



**3** Proposed Site Plan  
AUP Modification



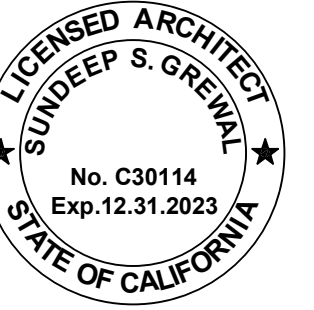
**2** Proposed Site Plan  
Original Approved AUP



**1** Existing Site Plan



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**MILLER RESIDENCE  
AUP Modification**  
1262 Francisco St.  
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Sheet Contents:  
Existing Floor Plans

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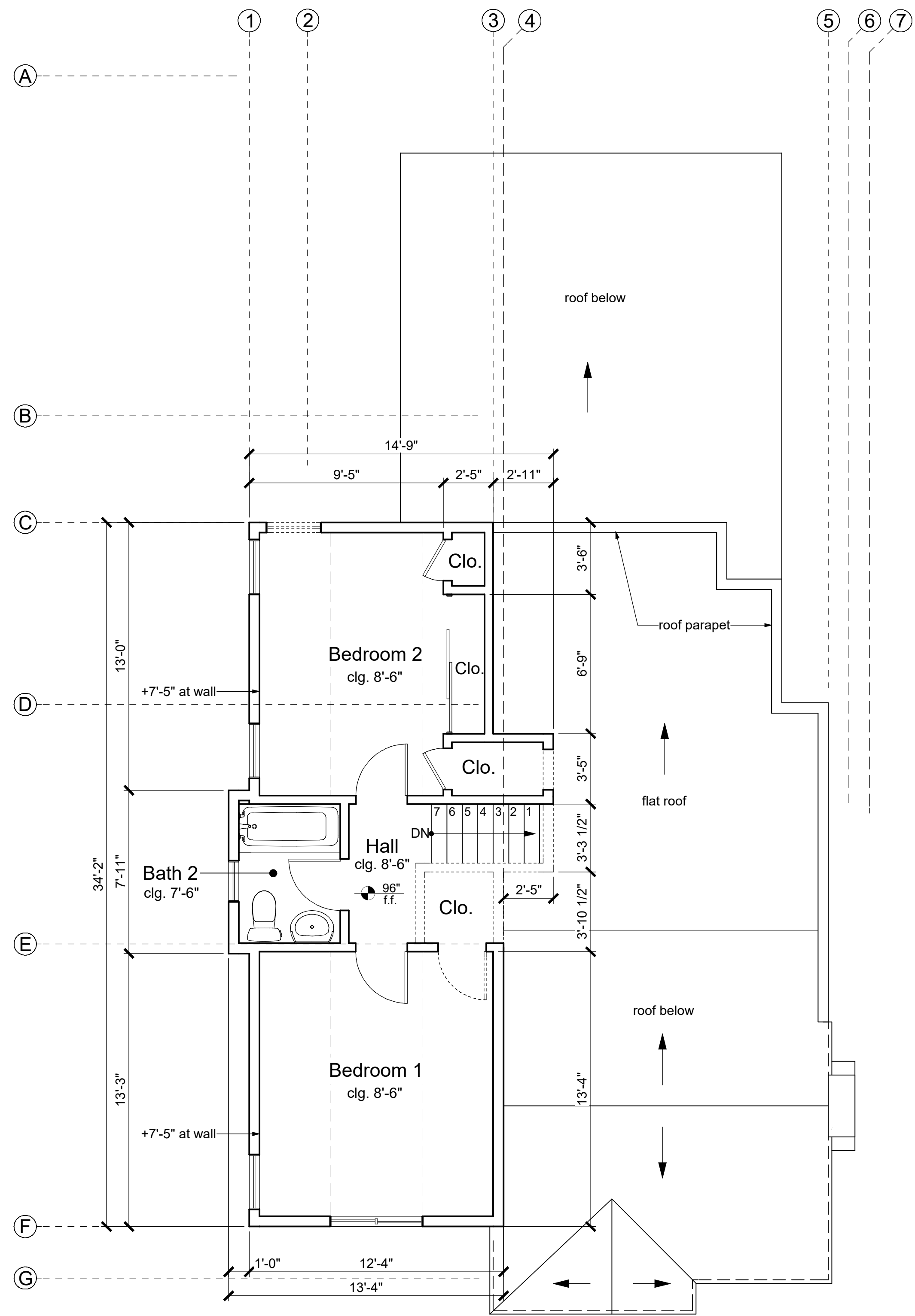
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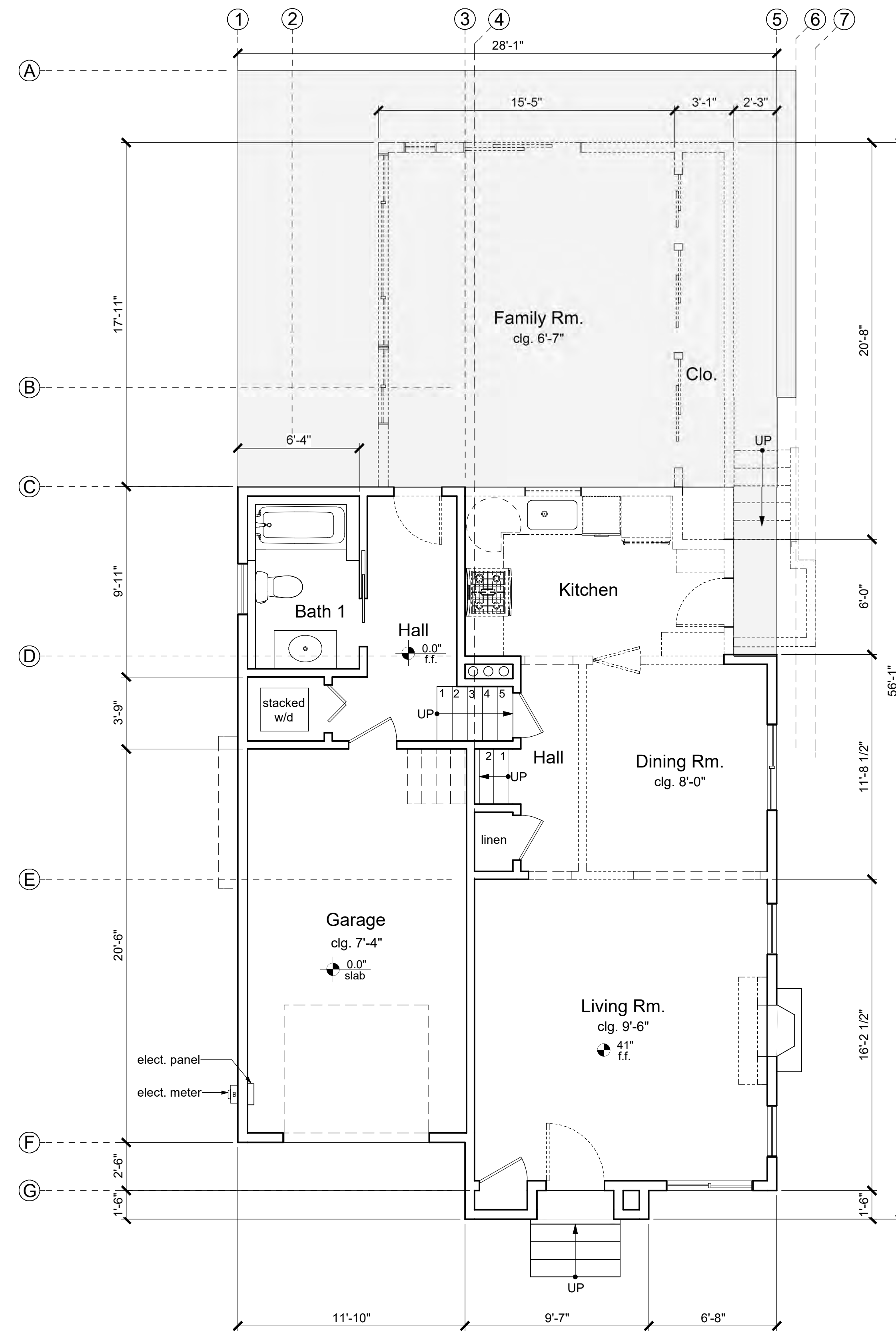
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Revisions:  
AUP Modification Submittal:  
06-24-2022

Sheet **A1.1**



2 Existing Second Floor Plan

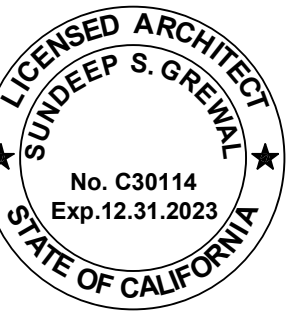


1 Existing First Floor Plan





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**MILLER RESIDENCE**  
**AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:  
Existing Exterior Elevations

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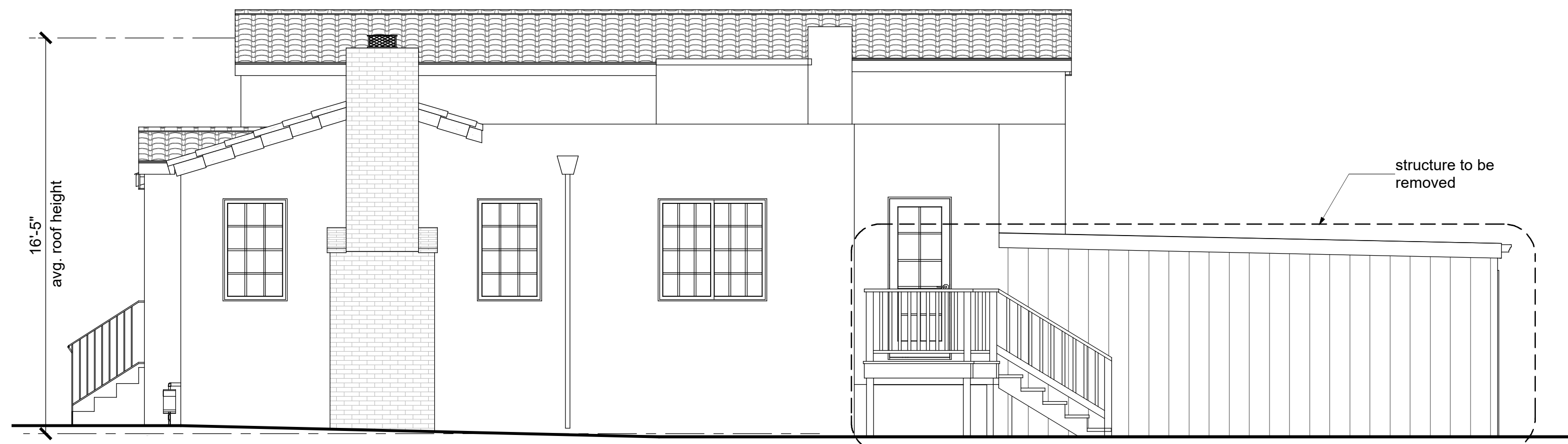
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Checked By: SSG

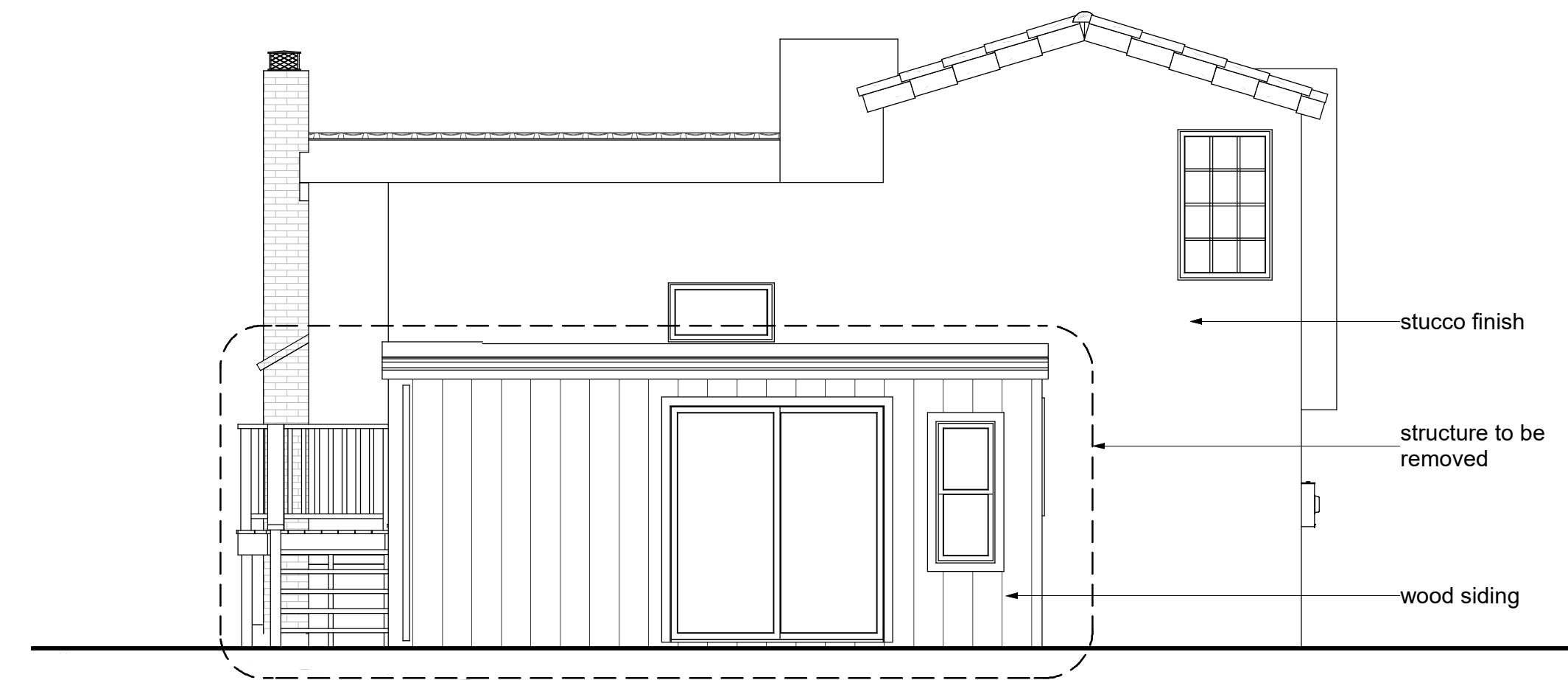
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Revisions:  
AUP Modification Submittal:  
06-24-2022

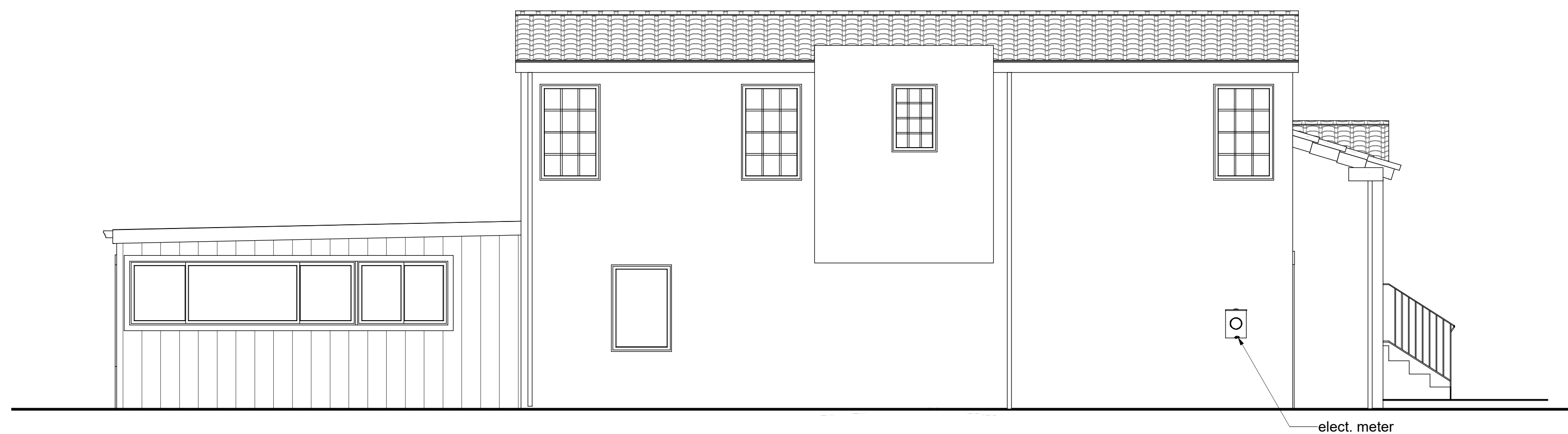
Sheet **A1.2**



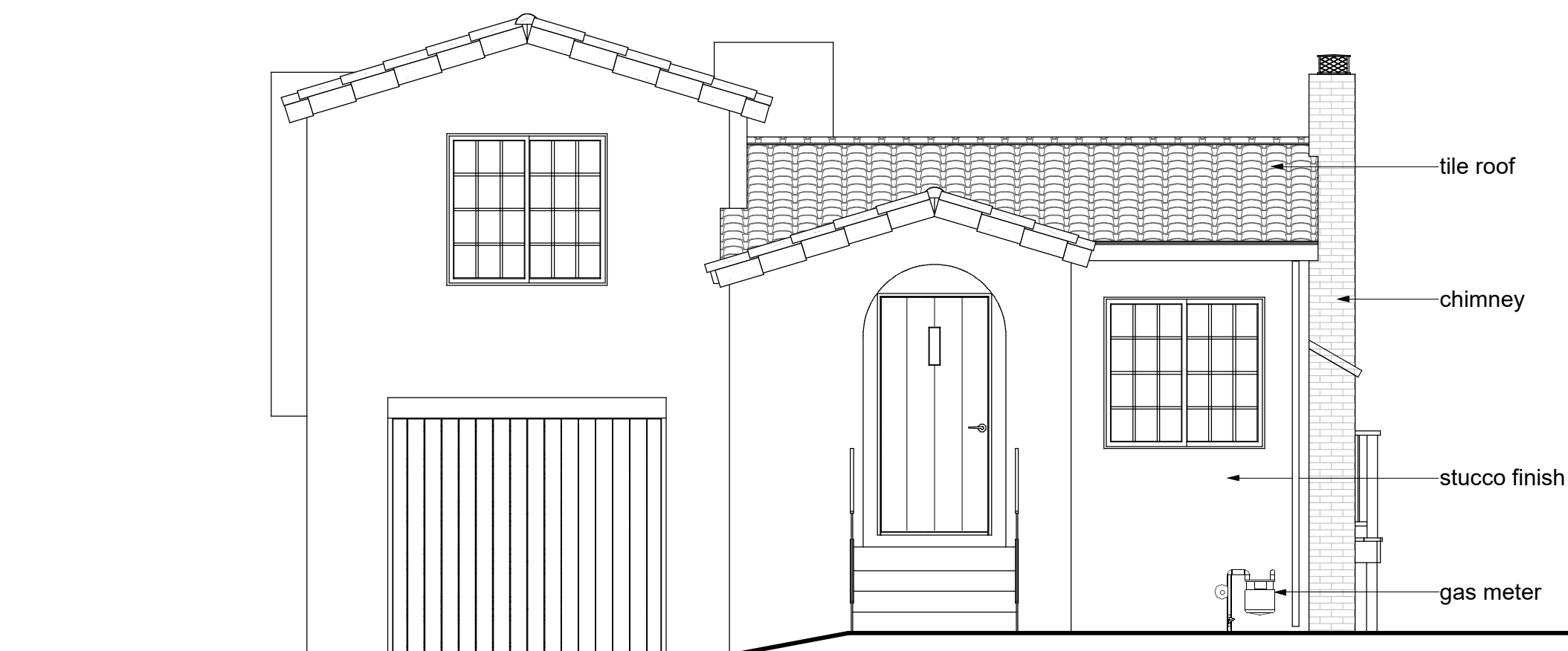
④ Existing West Elevation - Right Side



③ Existing South Elevation - Rear



② Existing East Elevation - Left Side

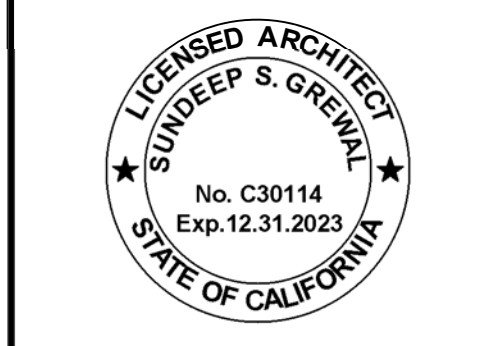


① Existing North Elevation - Front





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**MILLER RESIDENCE  
AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:  
Approved AUP  
Proposed Floor Plans

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20-07-414

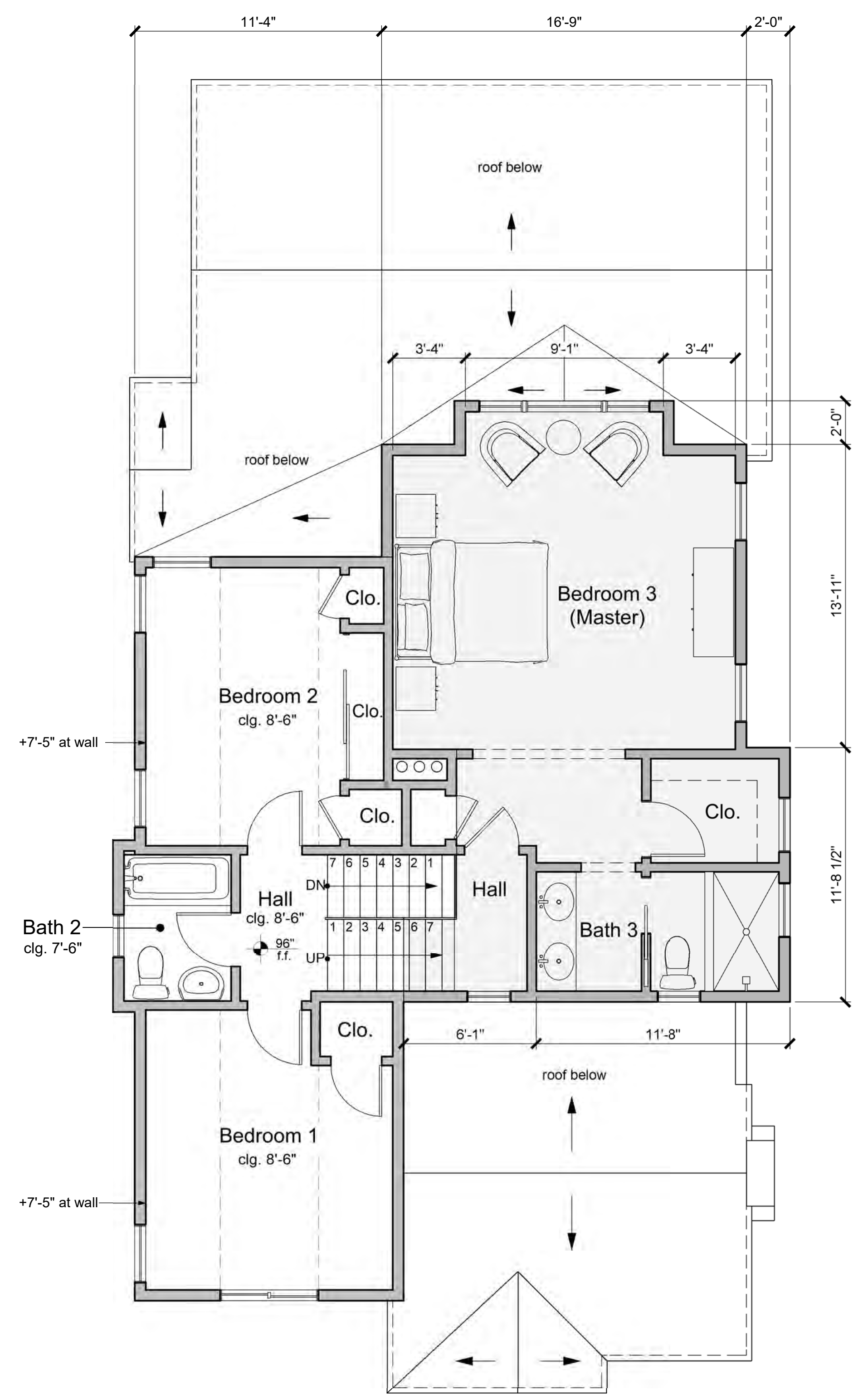
Drawn By:  
SSG

Checked By:  
SSG

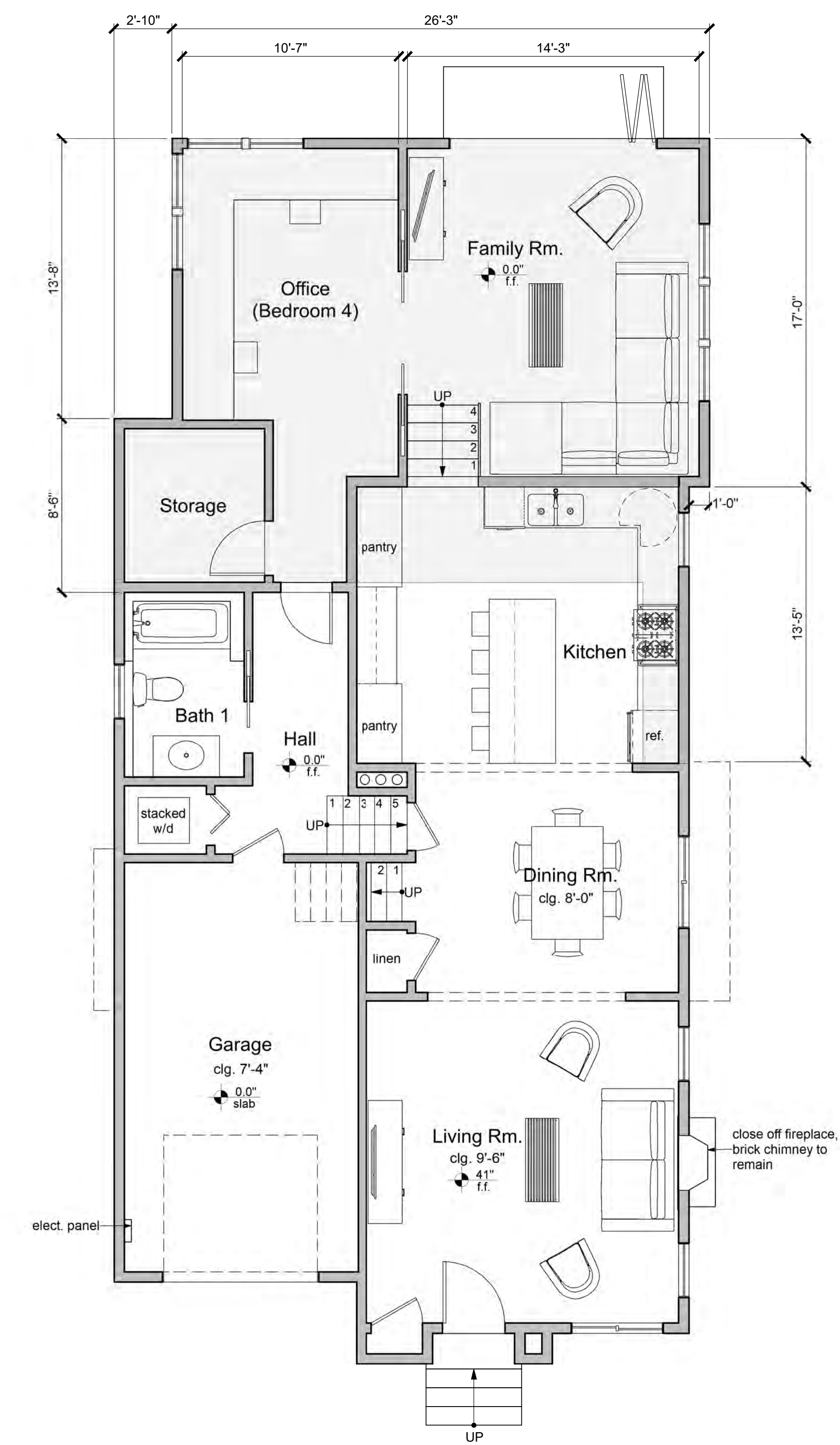
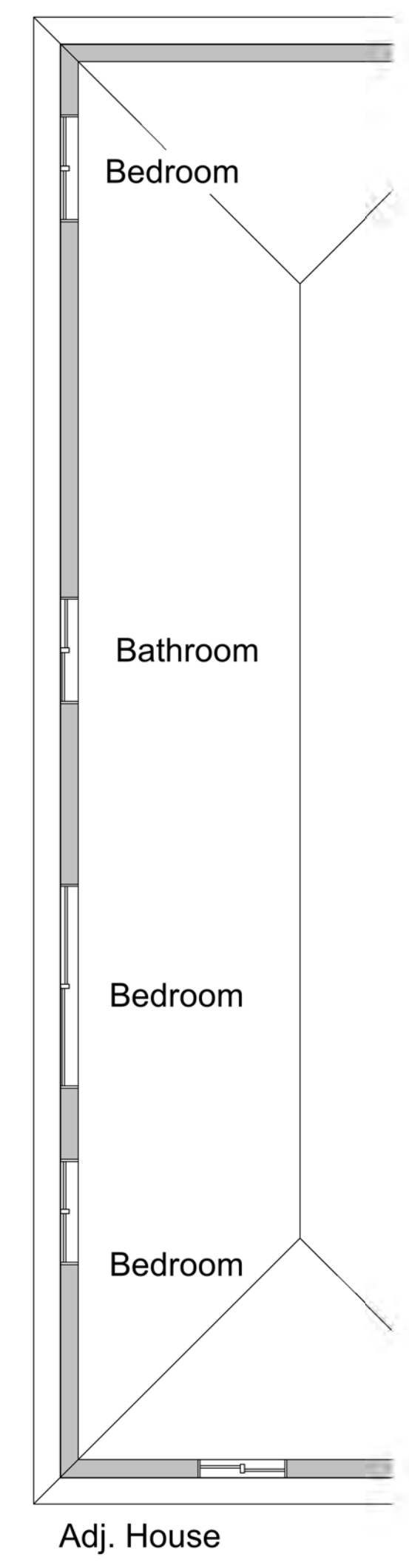
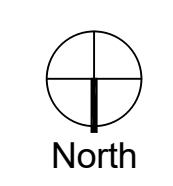
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Revisions:  
AUP Modification Submittal:  
06-24-2022

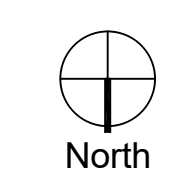
Sheet  
**A1.3**



2 Proposed Second Floor Plan  
Original Approved AUP

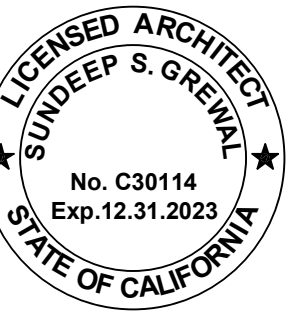


1 Proposed First Floor Plan  
Original Approved AUP





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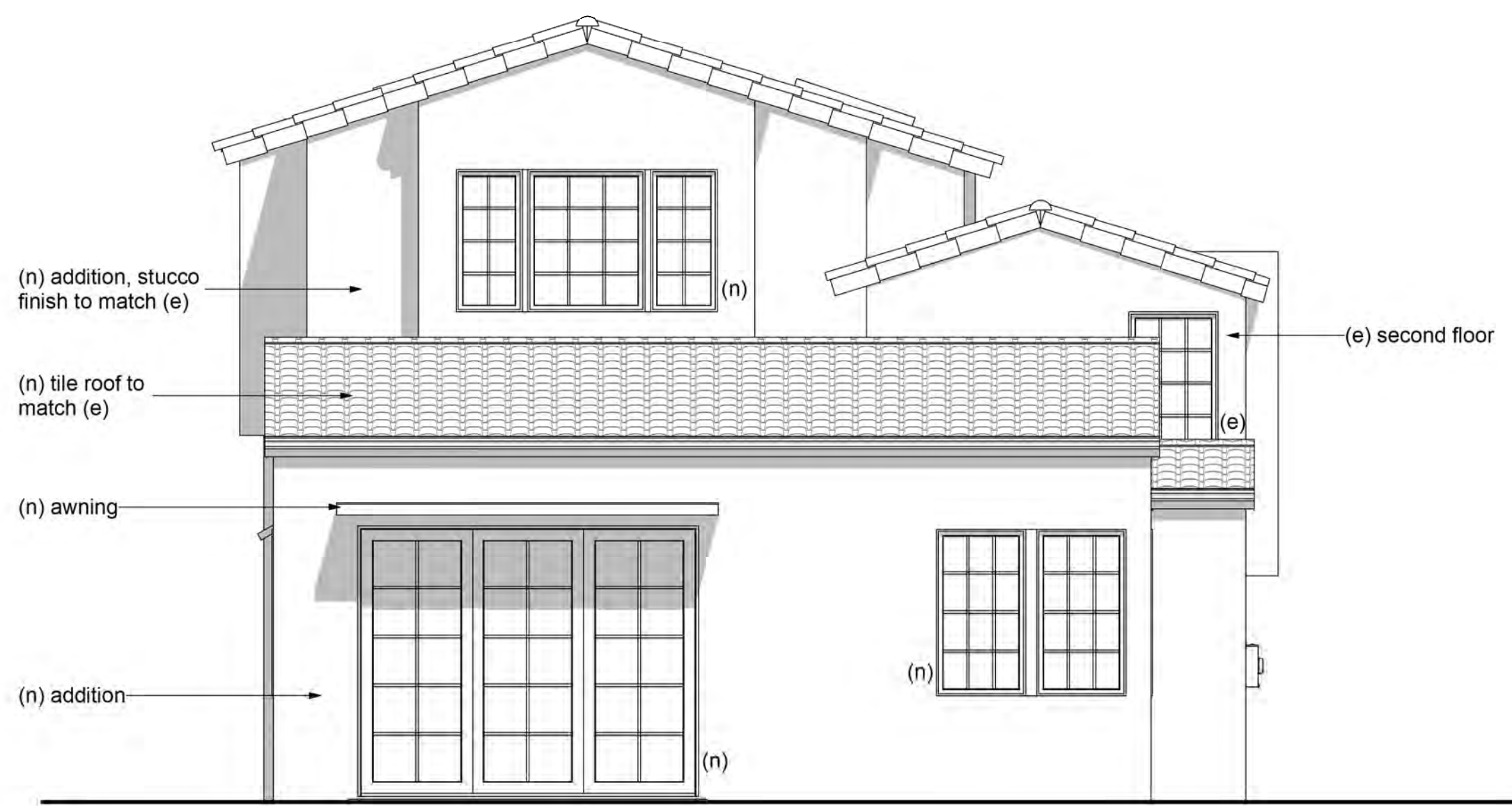
7 Right Rear View Of Proposed Addition



6 Left Rear View Of Proposed Addition



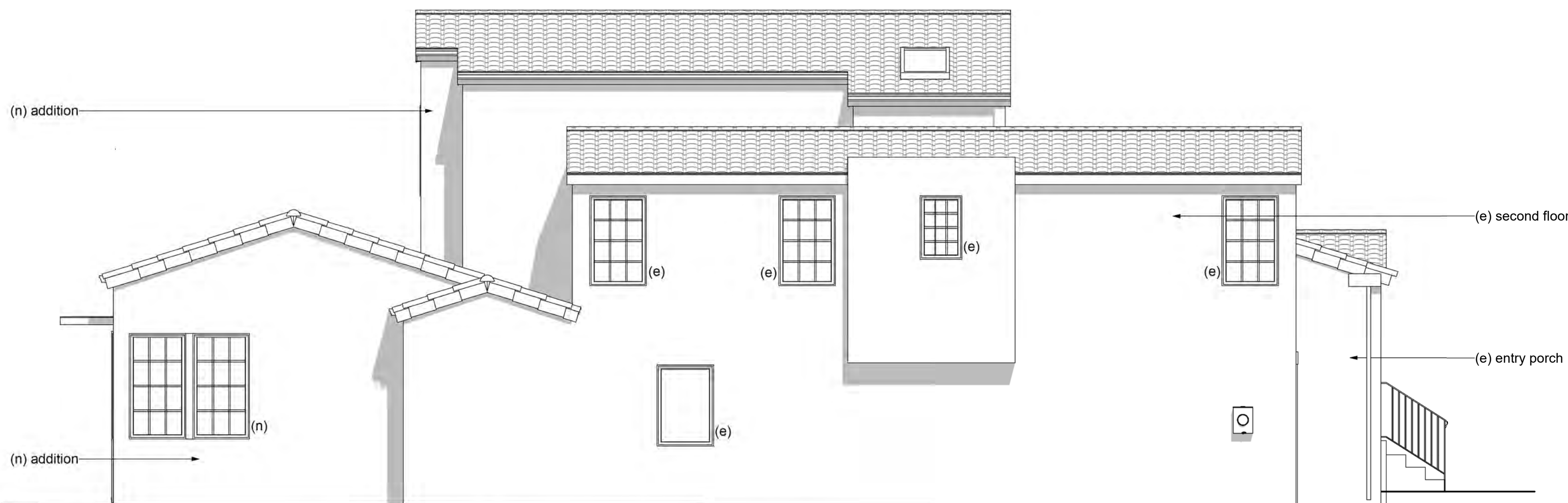
5 Street View Of Proposed Addition



4 Proposed South Elevation - Rear  
Original Approved AUP



3 Proposed West Elevation - Right Side  
Original Approved AUP



2 Proposed East Elevation - Left Side  
Original Approved AUP



1 Proposed North Elevation - Front  
Original Approved AUP

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Sheet Contents:  
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Proposed Exterior Elevations

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SSG

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SSG

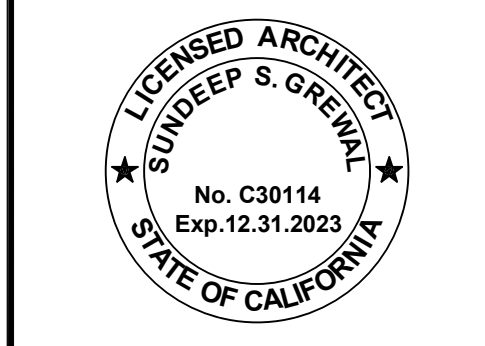
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Revisions:  
AUP Modification Submittal:  
06-24-2022

Sheet  
A1.4



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Sheet Contents:  
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Proposed Floor Plan

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SSG

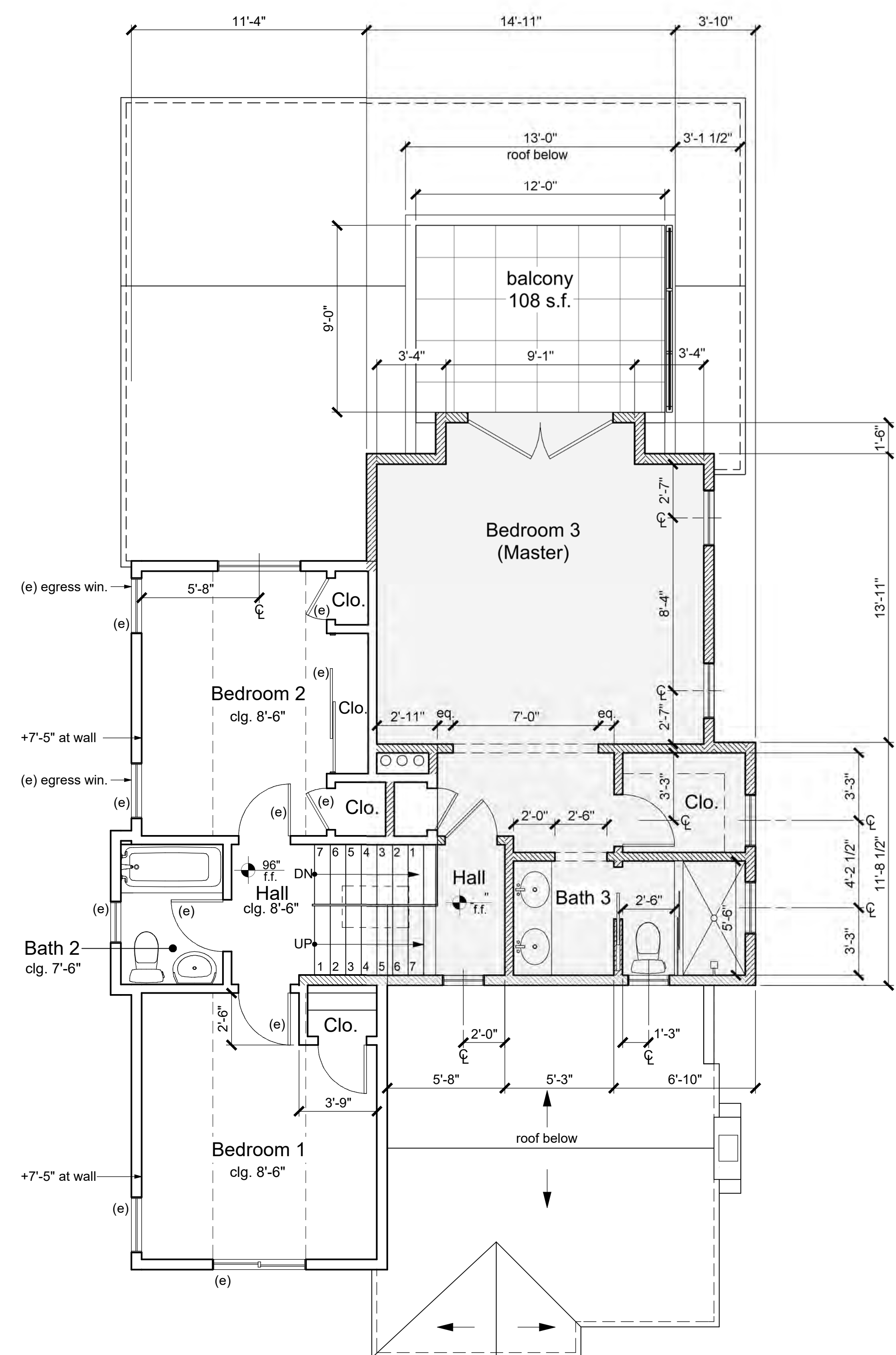
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SSG

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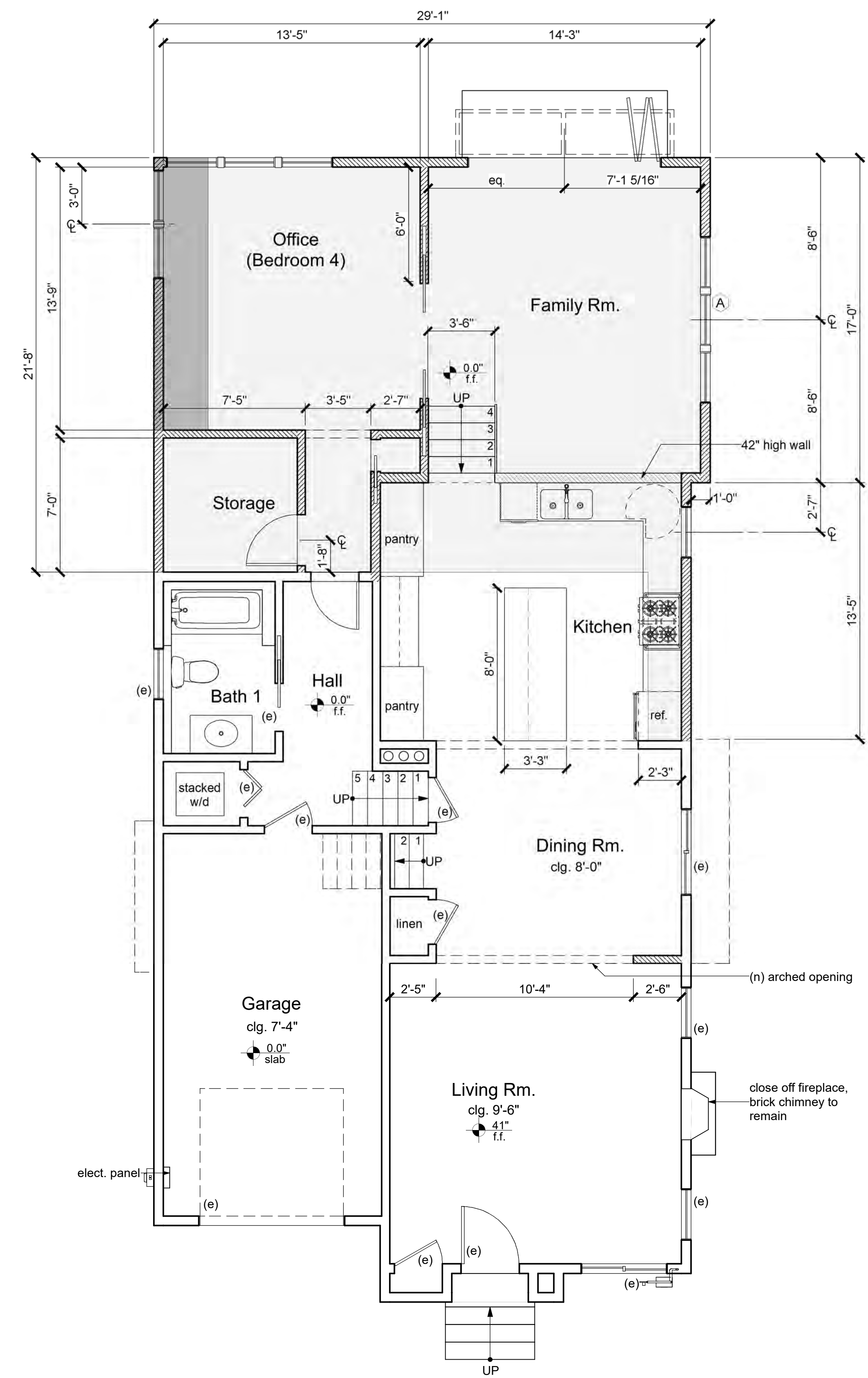
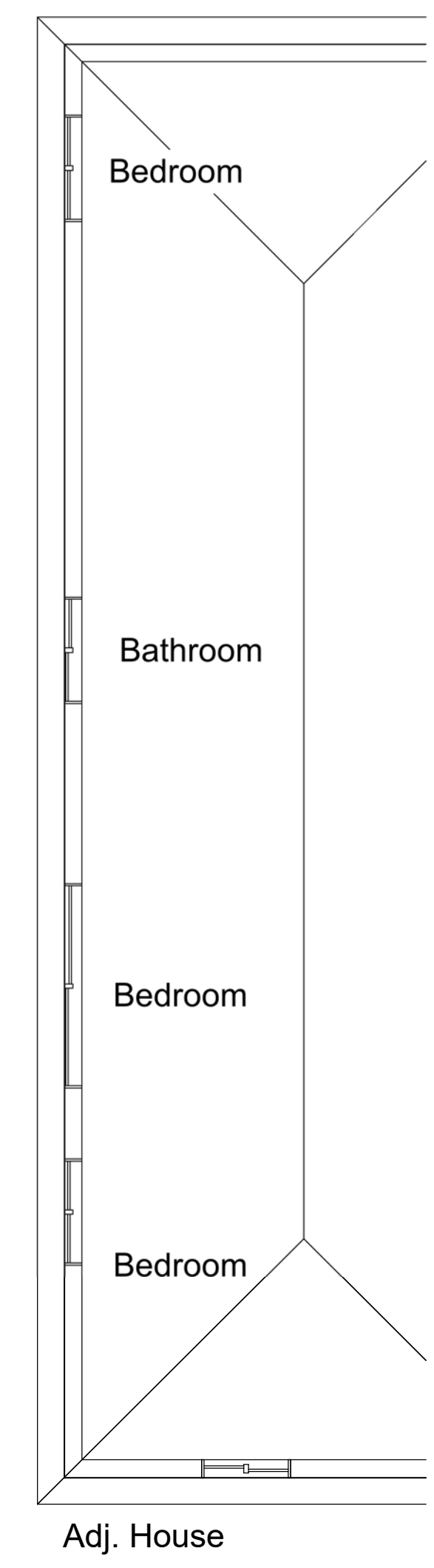
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AUP Modification Submittal:  
06-24-2022

Sheet  
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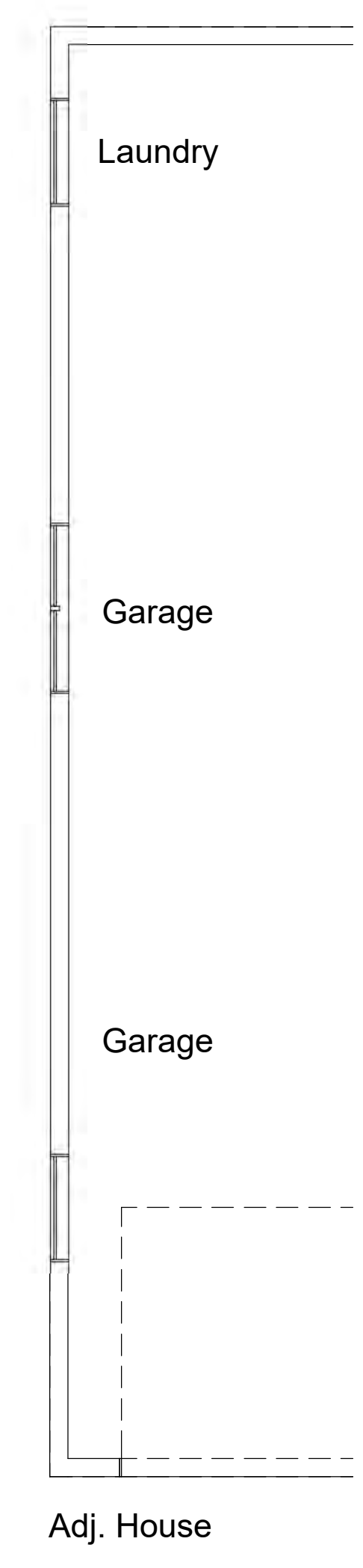
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- Approved AUP New floor area
- AUP Modification New floor area



**2** Proposed Second Floor Plan  
AUP Modification

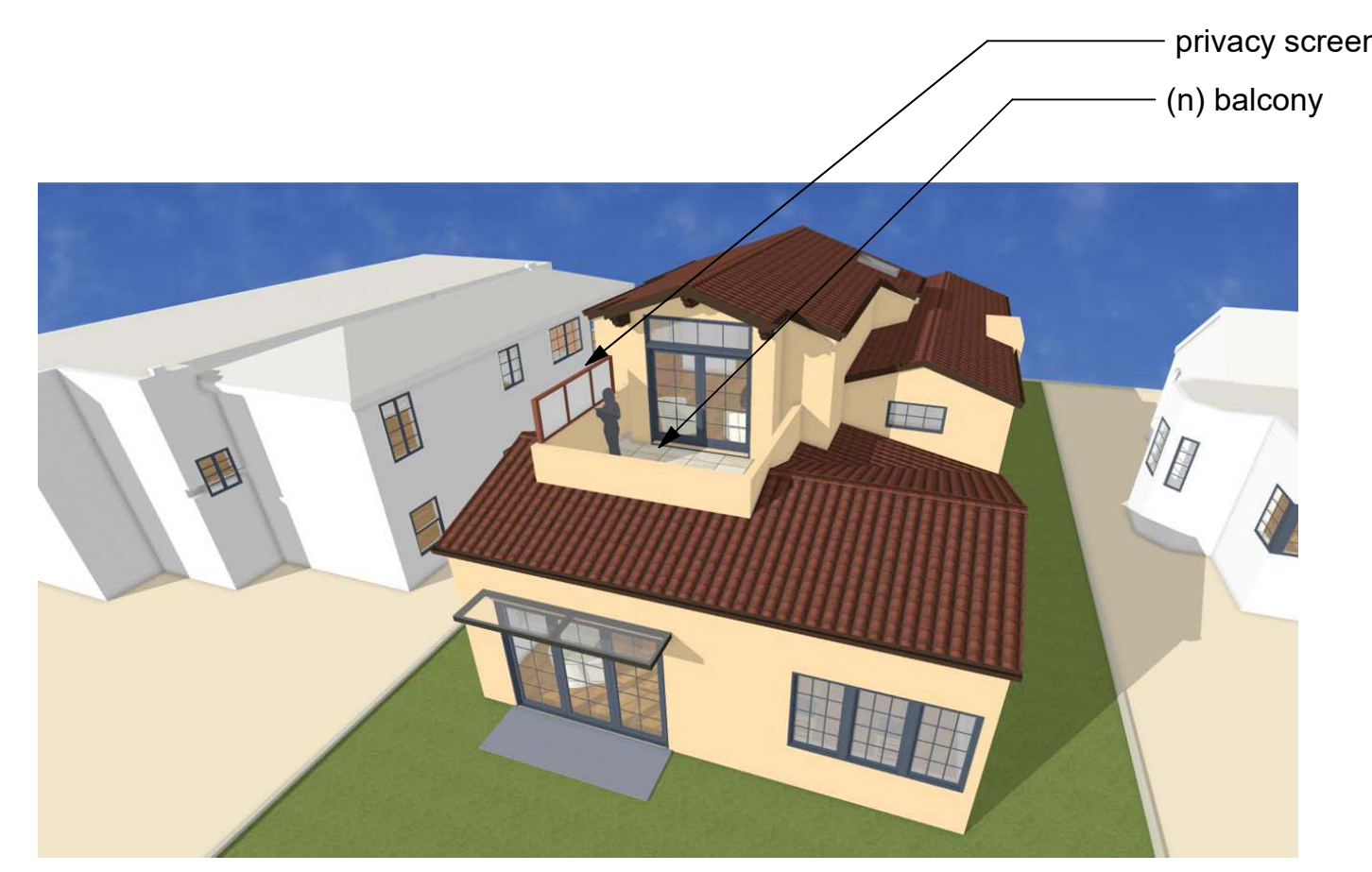
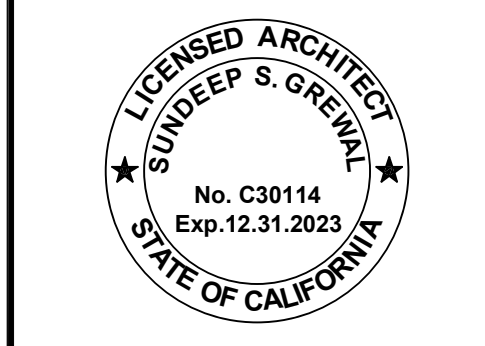


**1** Proposed First Floor Plan  
AUP Modification

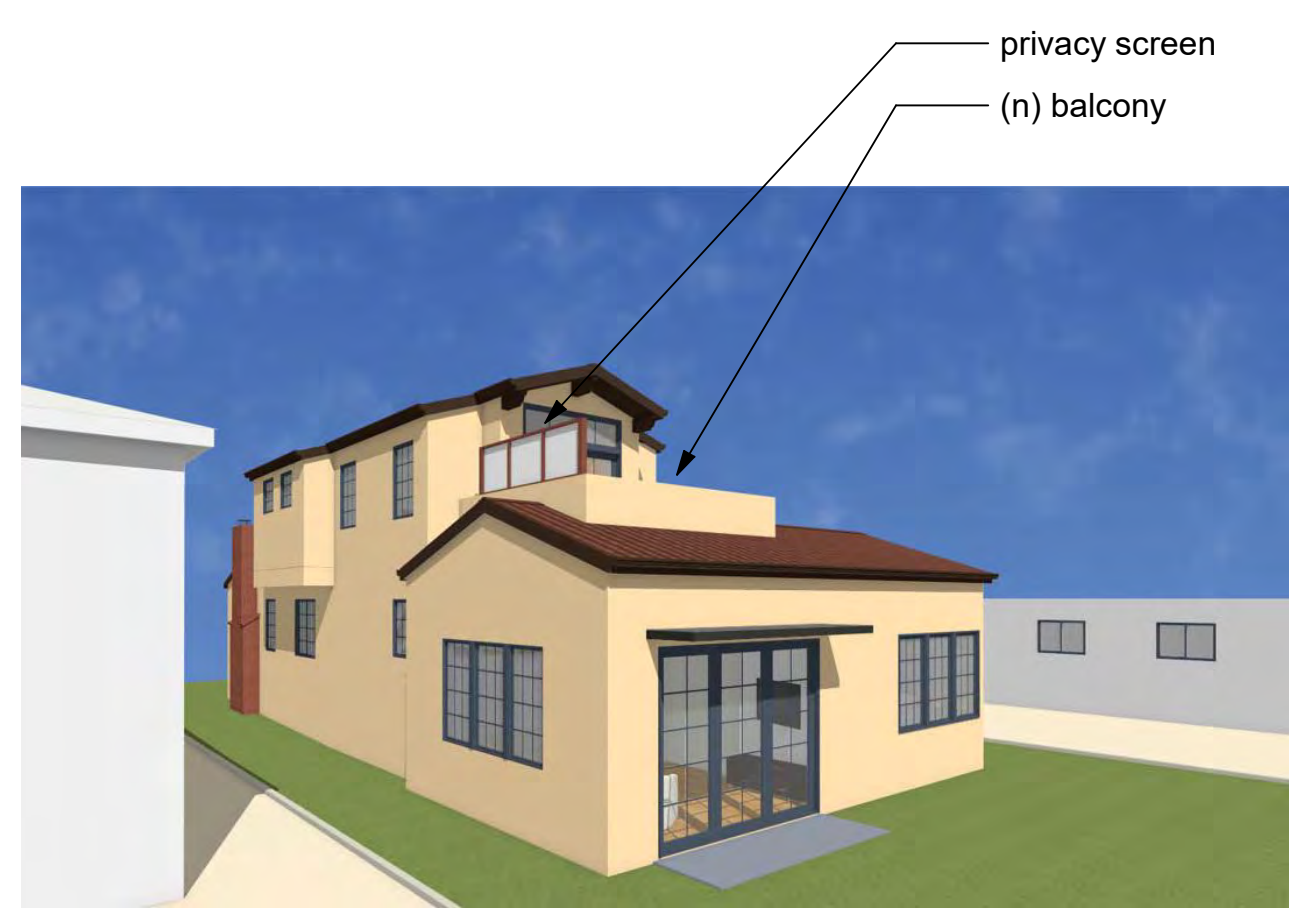




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8 Aerial View Of Proposed Addition  
AUP Modification



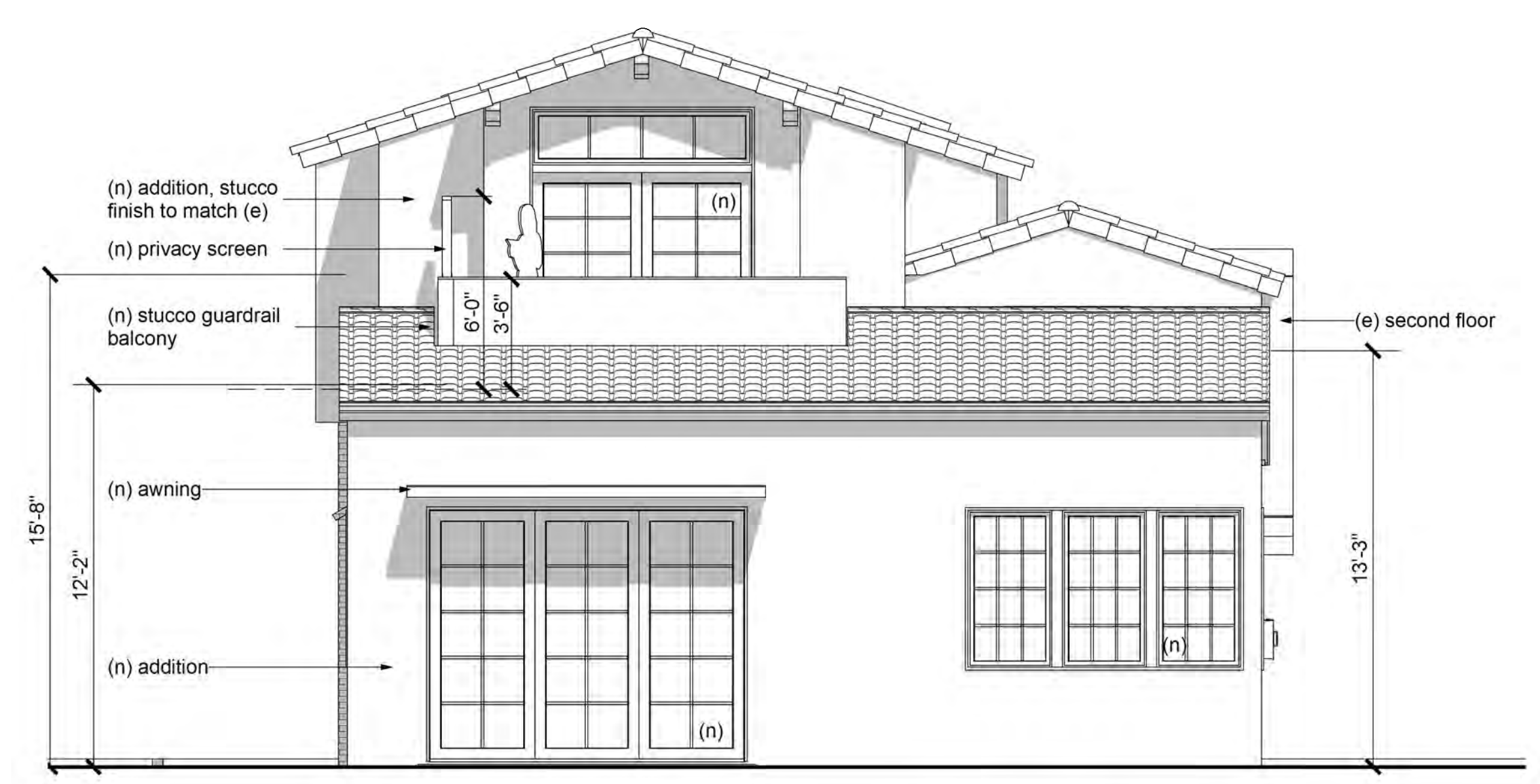
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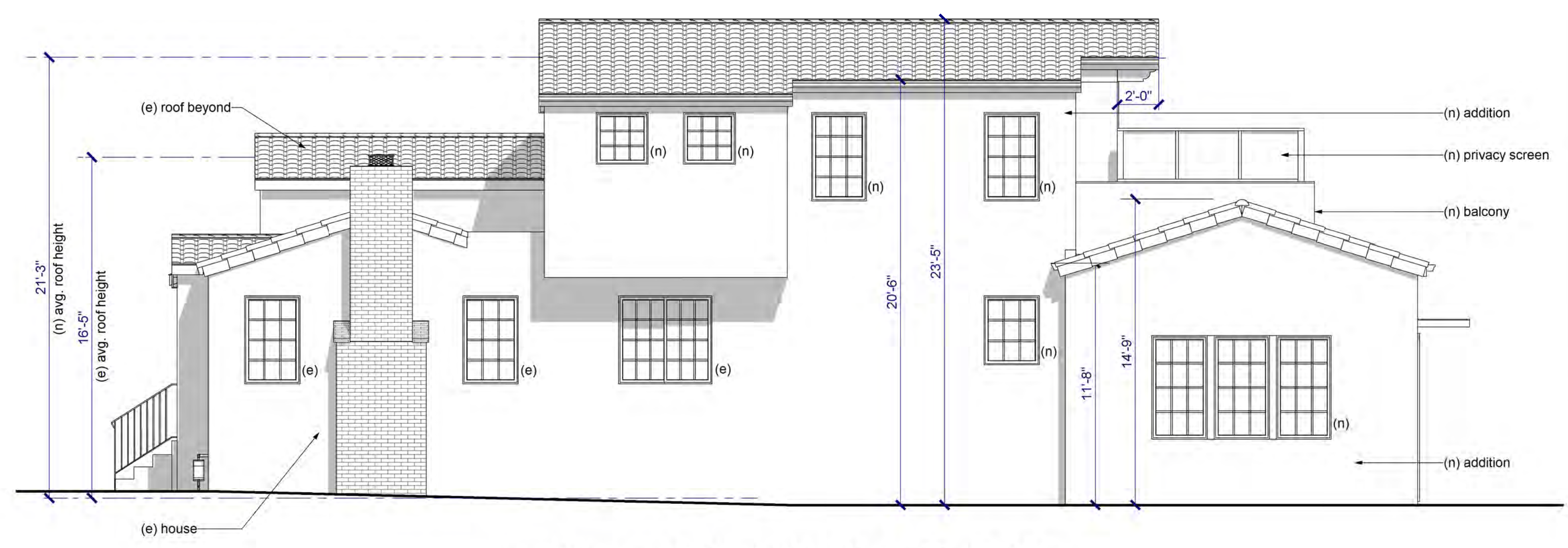
6 Left Rear View Of Proposed Addition  
AUP Modification



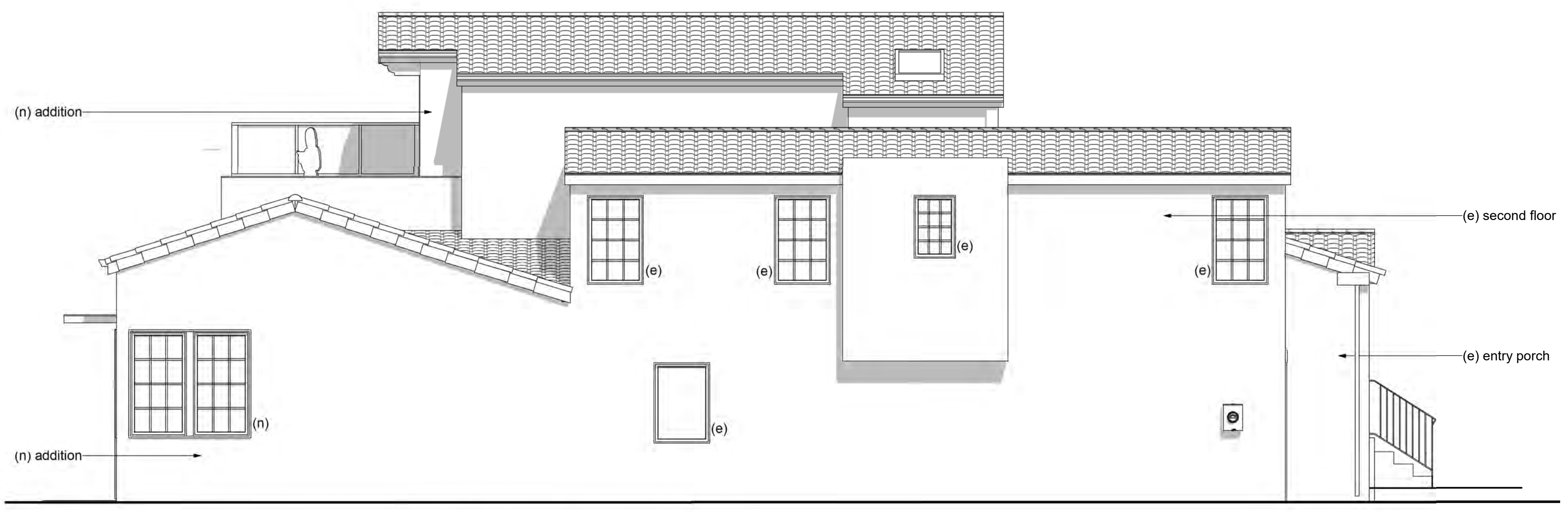
5 Street View Of Proposed Addition  
AUP Modification



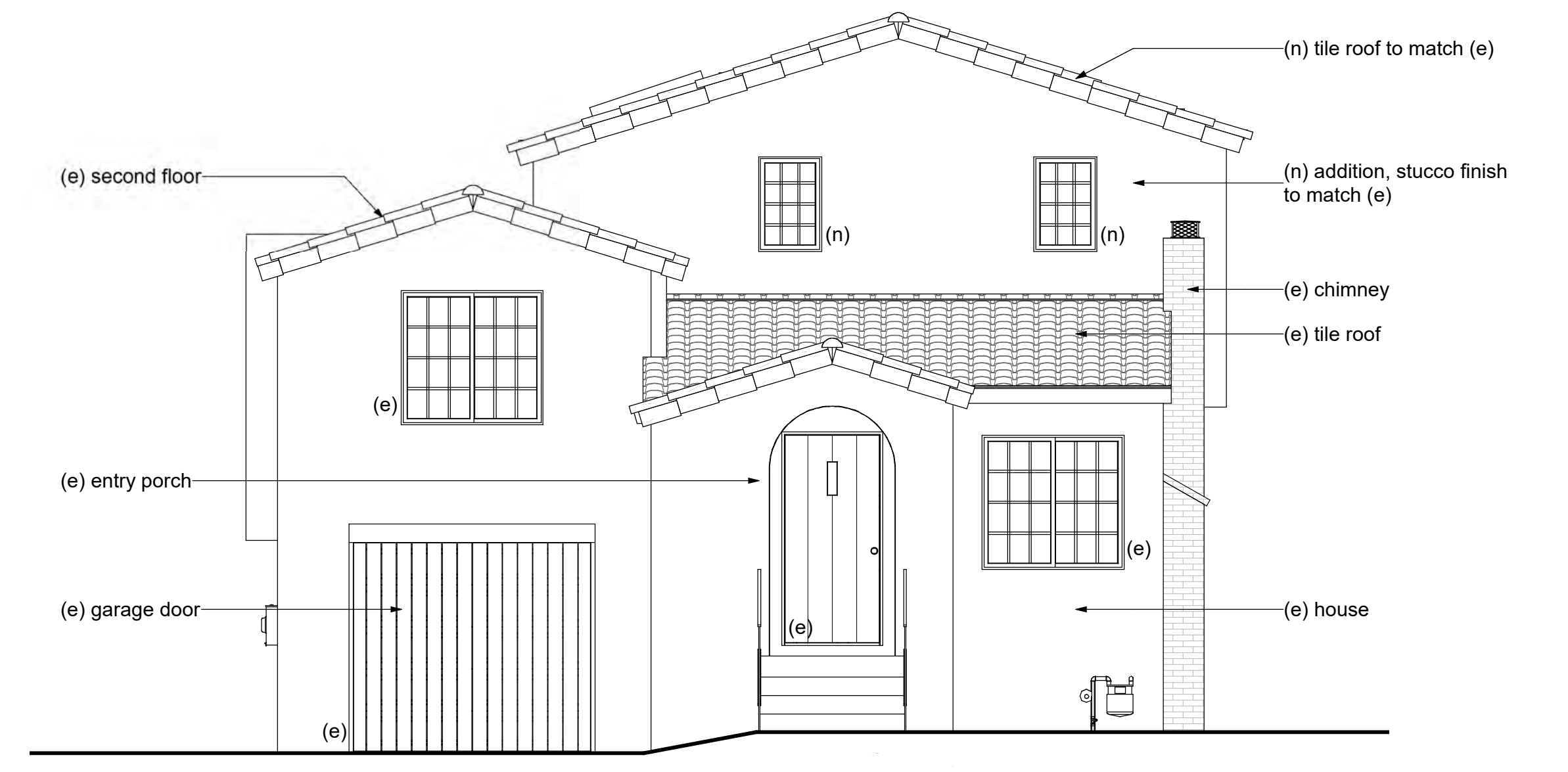
4 Proposed South Elevation - Rear  
AUP Modification



3 Proposed West Elevation - Right Side  
AUP Modification



2 Proposed East Elevation - Left Side  
AUP Modification



1 Proposed North Elevation - Front  
AUP Modification

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Sheet Contents:  
AUP Modification  
Proposed Exterior Elevations

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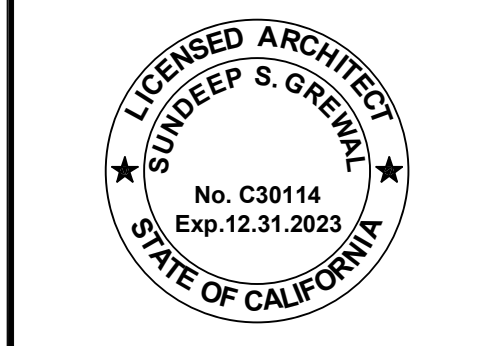
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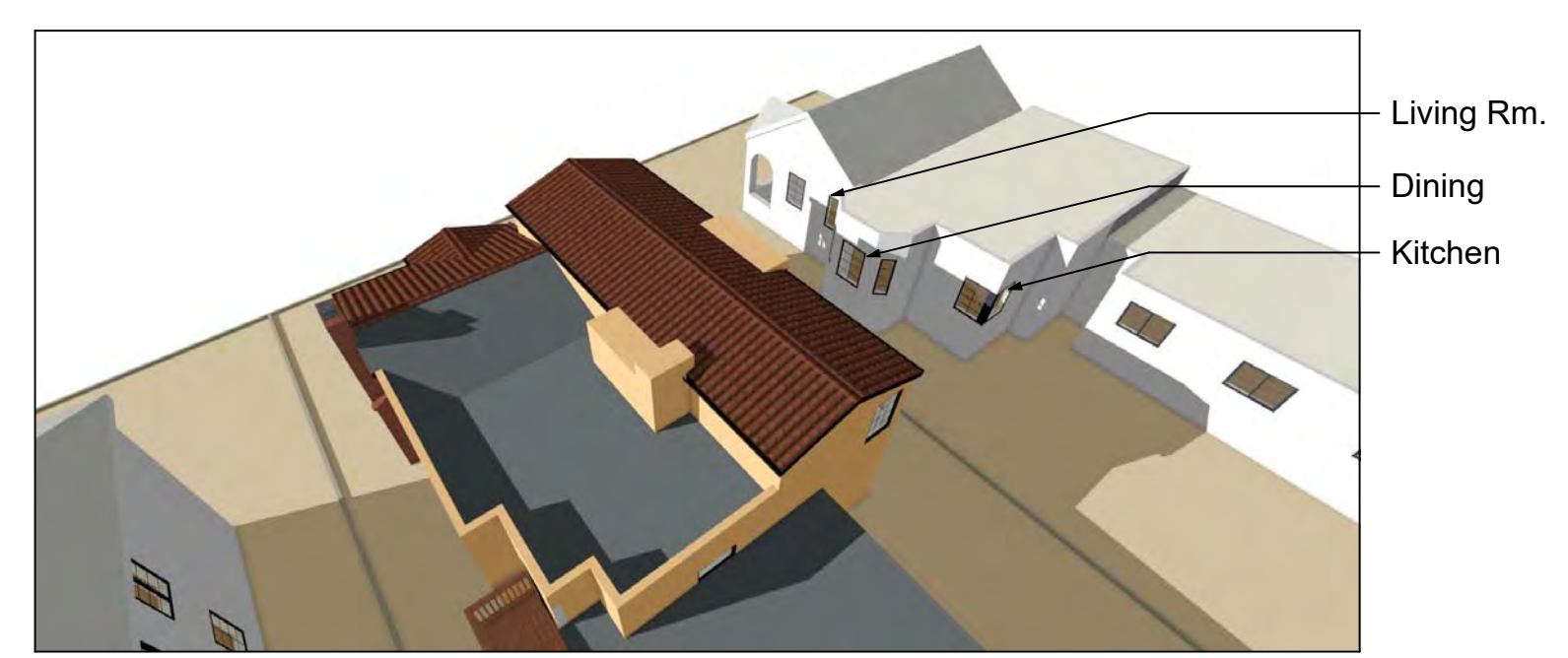
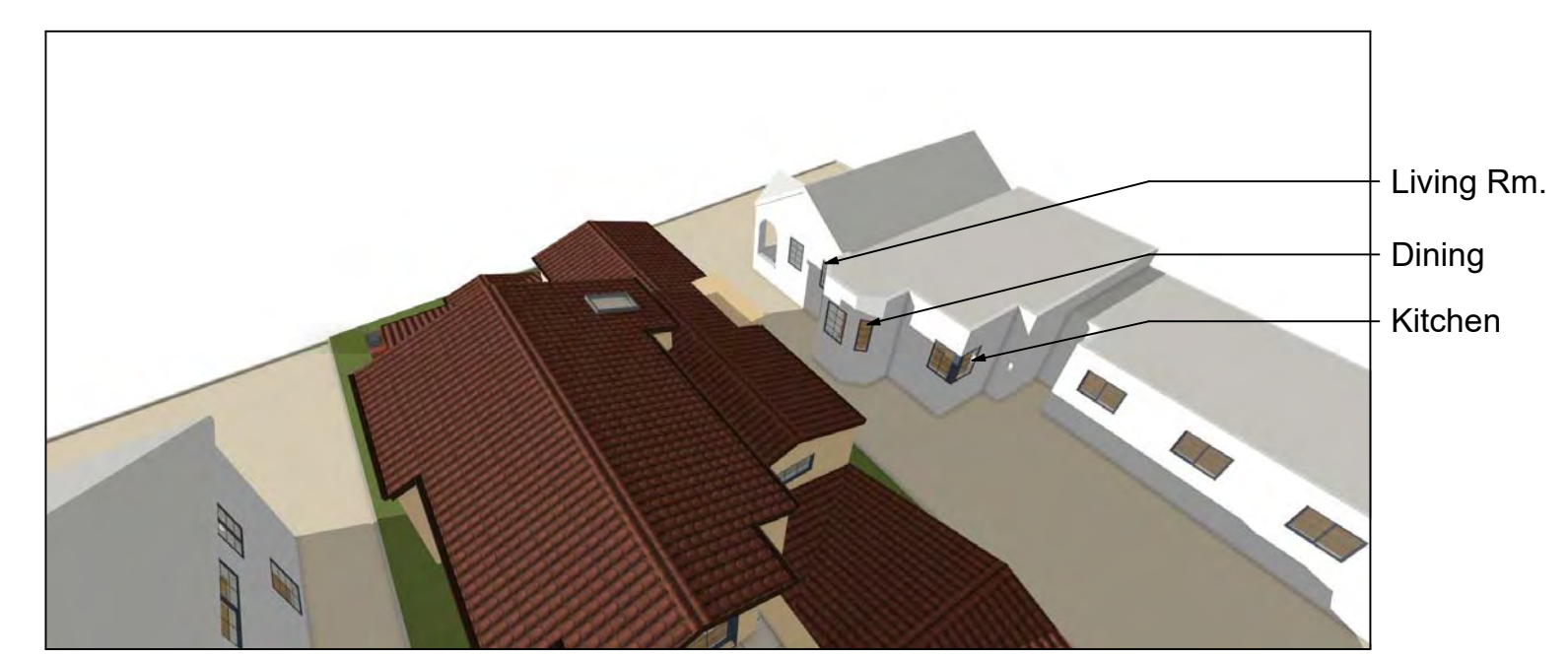
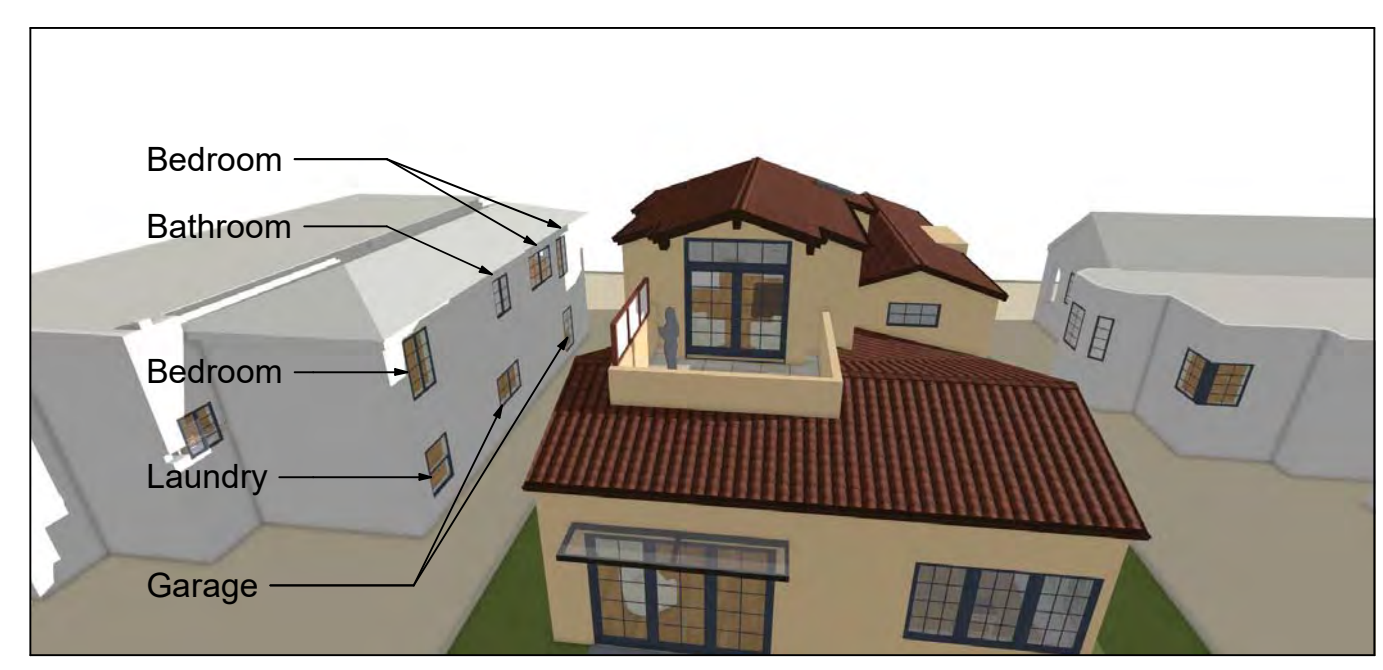
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AUP Modification Submittal:  
06-24-2022



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Existing

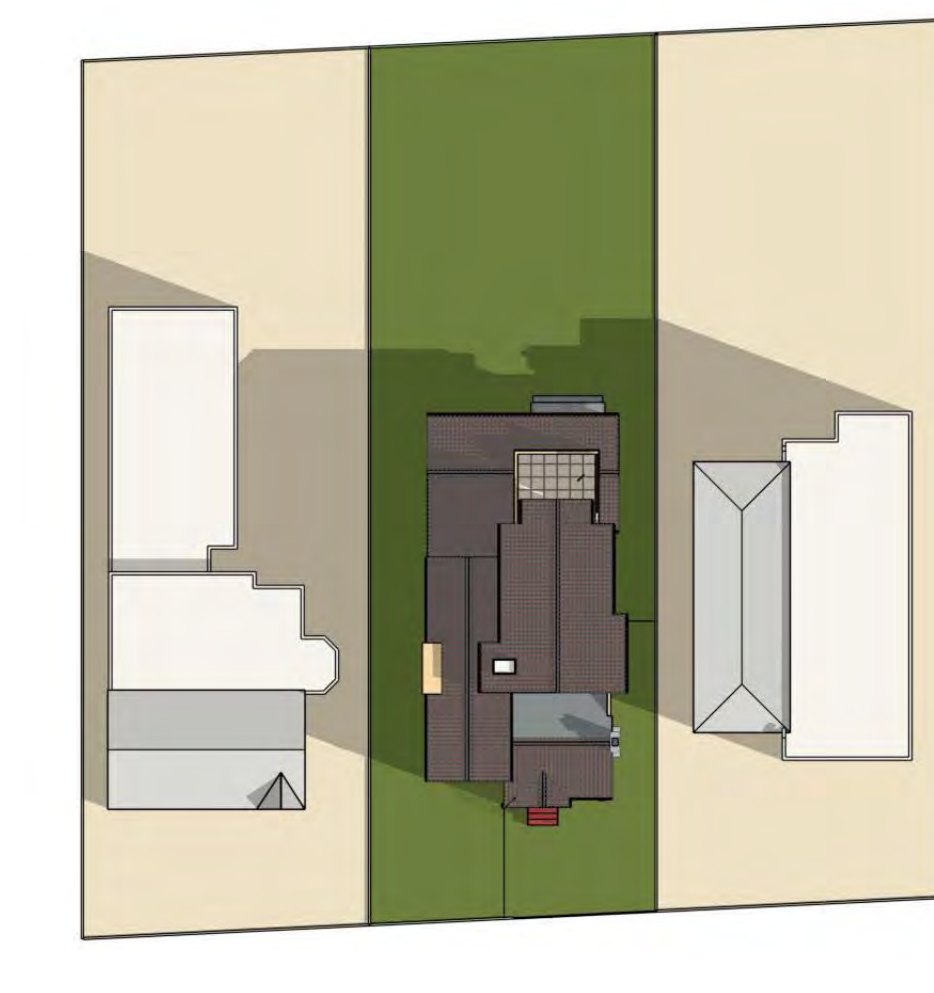
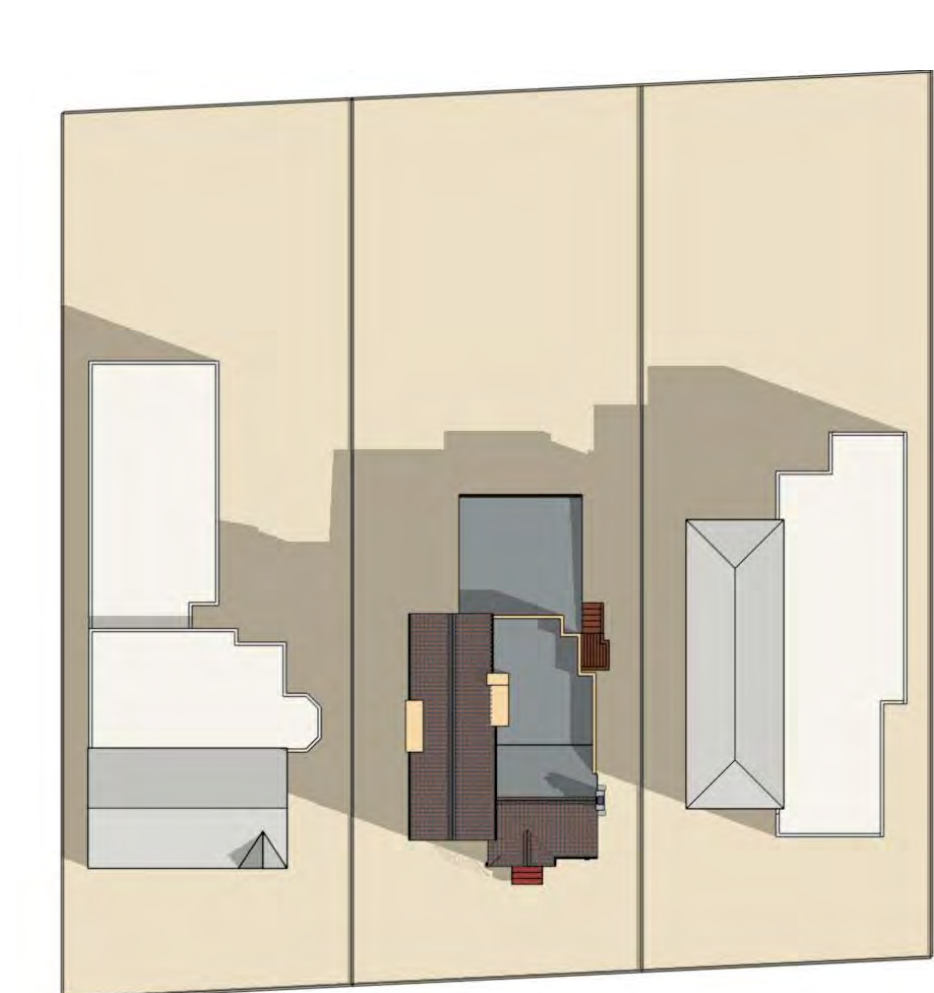
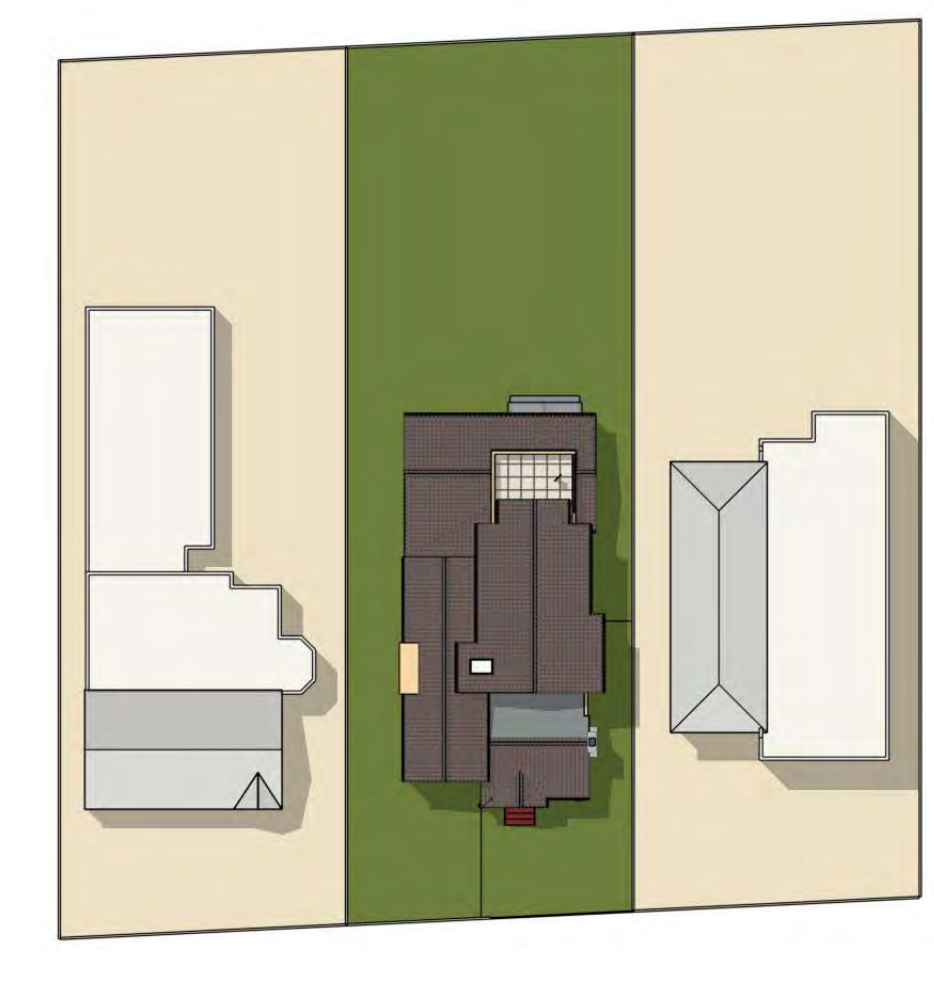
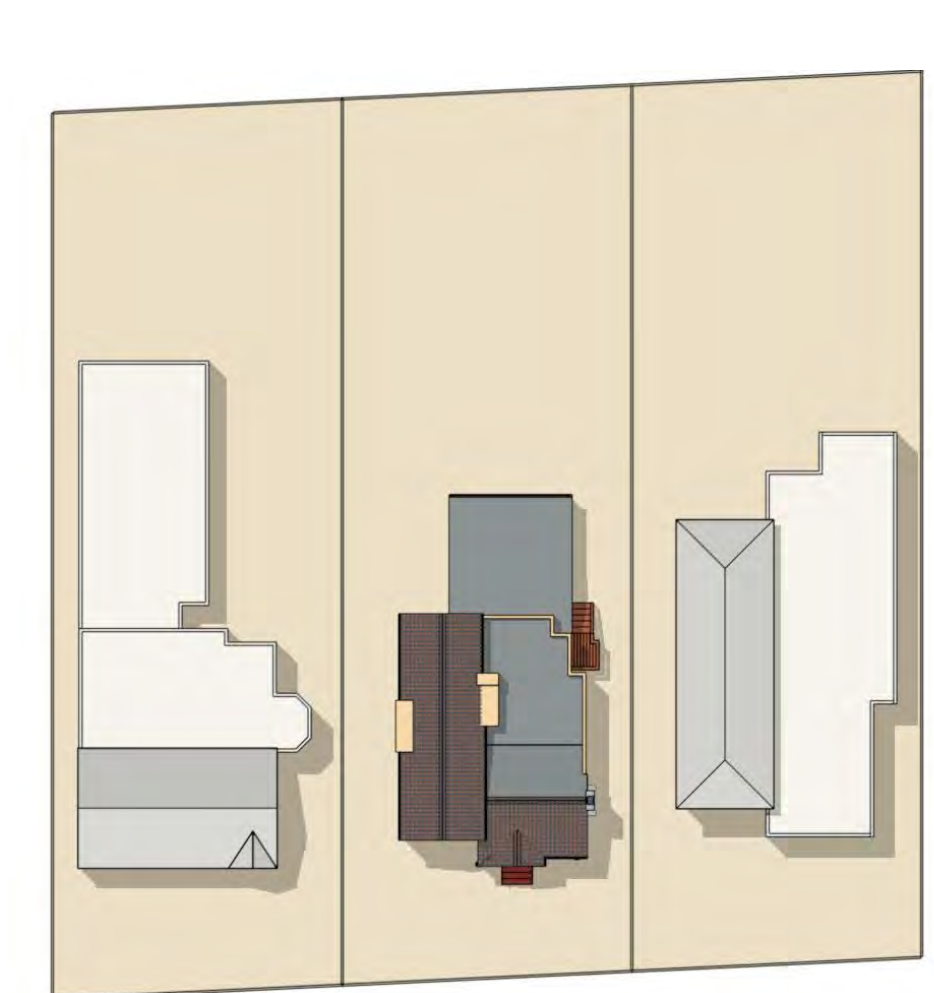
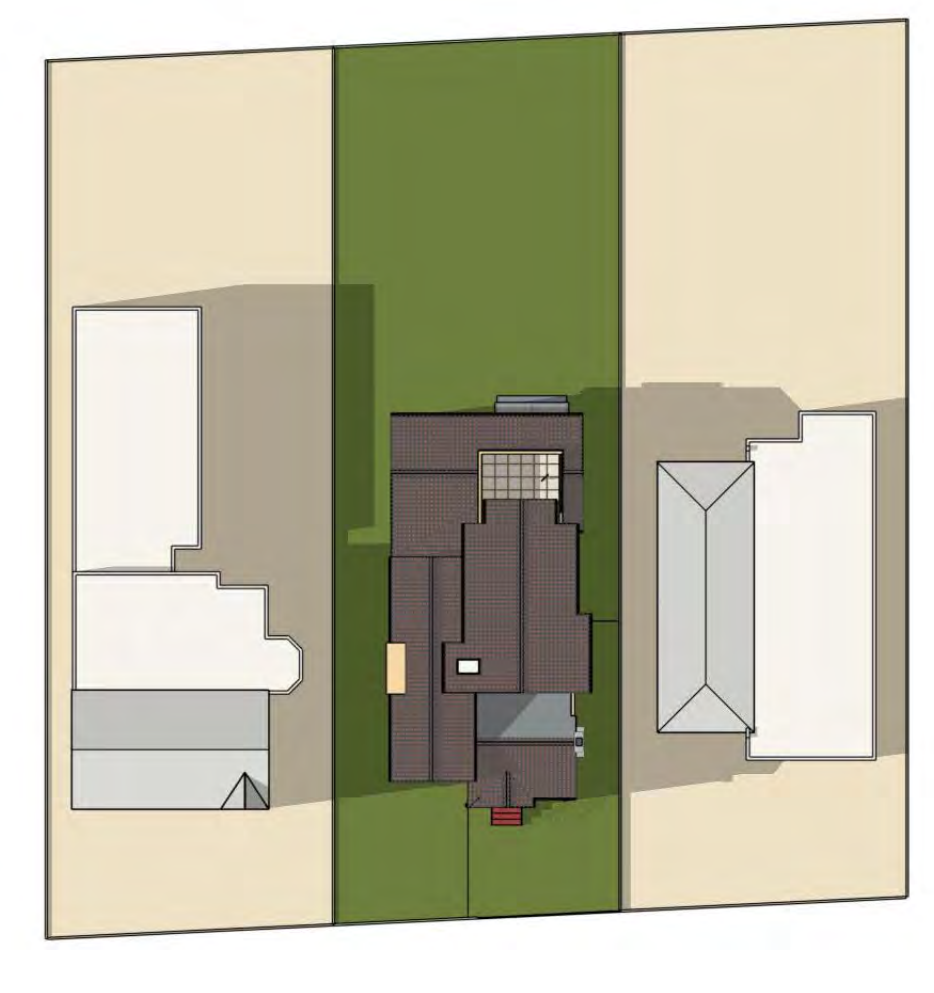
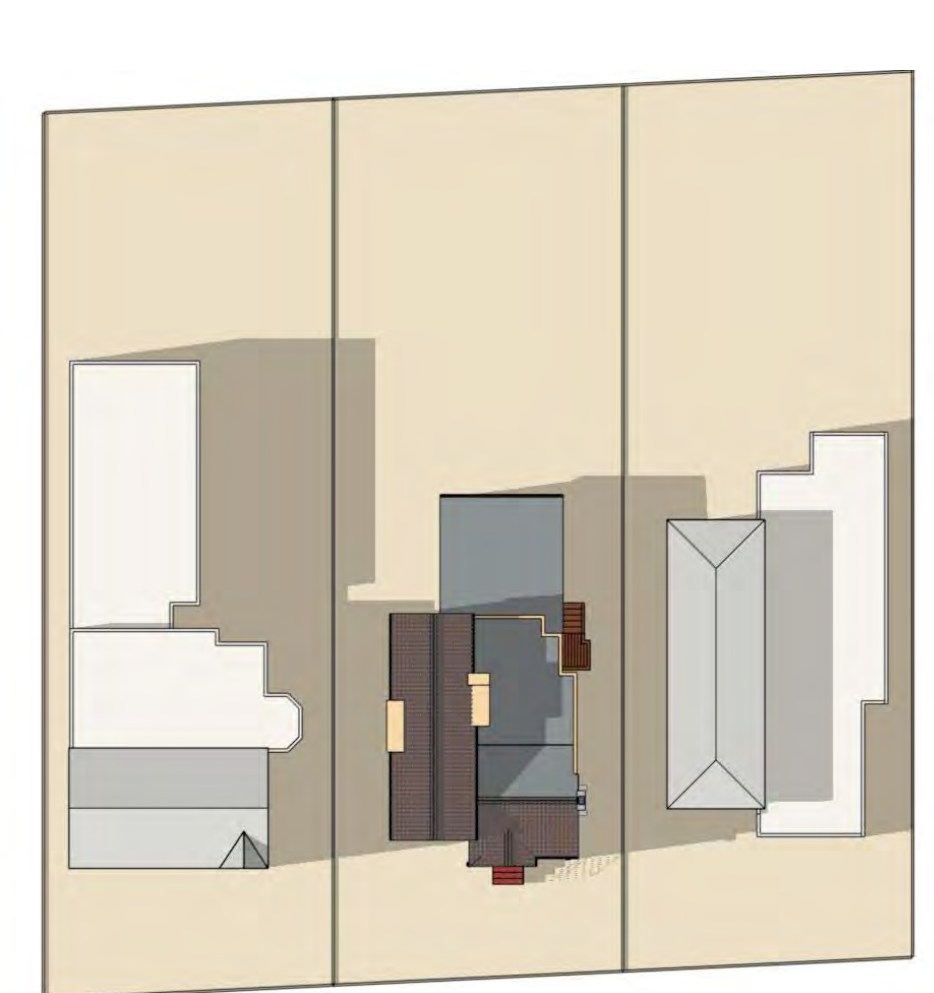
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Existing

**6-21-2020 / 7:47 am**

**12-21-2020 / 9:21 am**

**6-21-2020 / 6:35 pm**



Existing

Proposed

Existing

Proposed

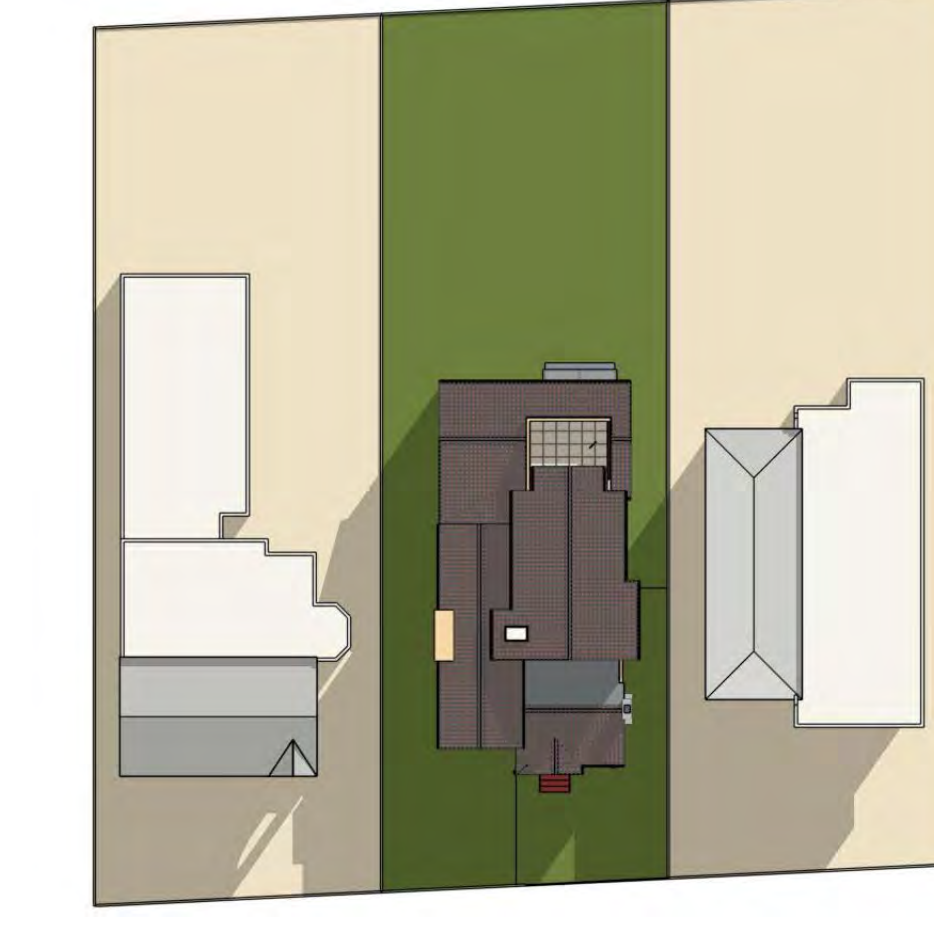
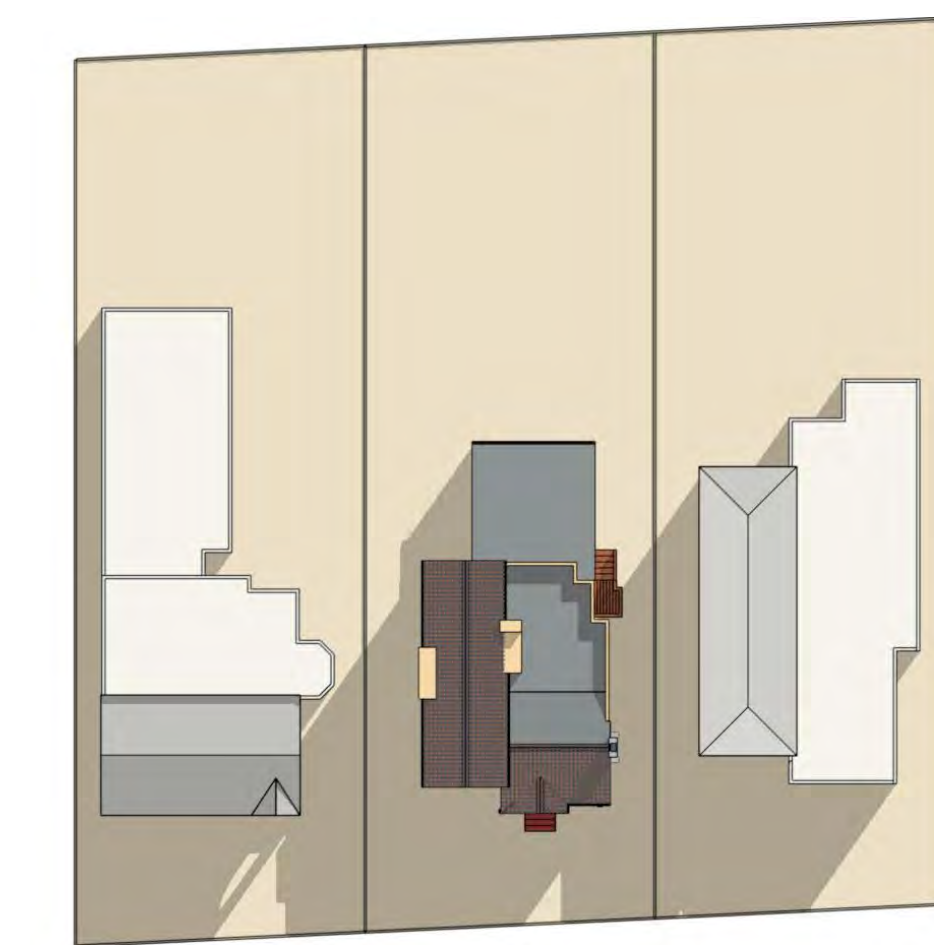
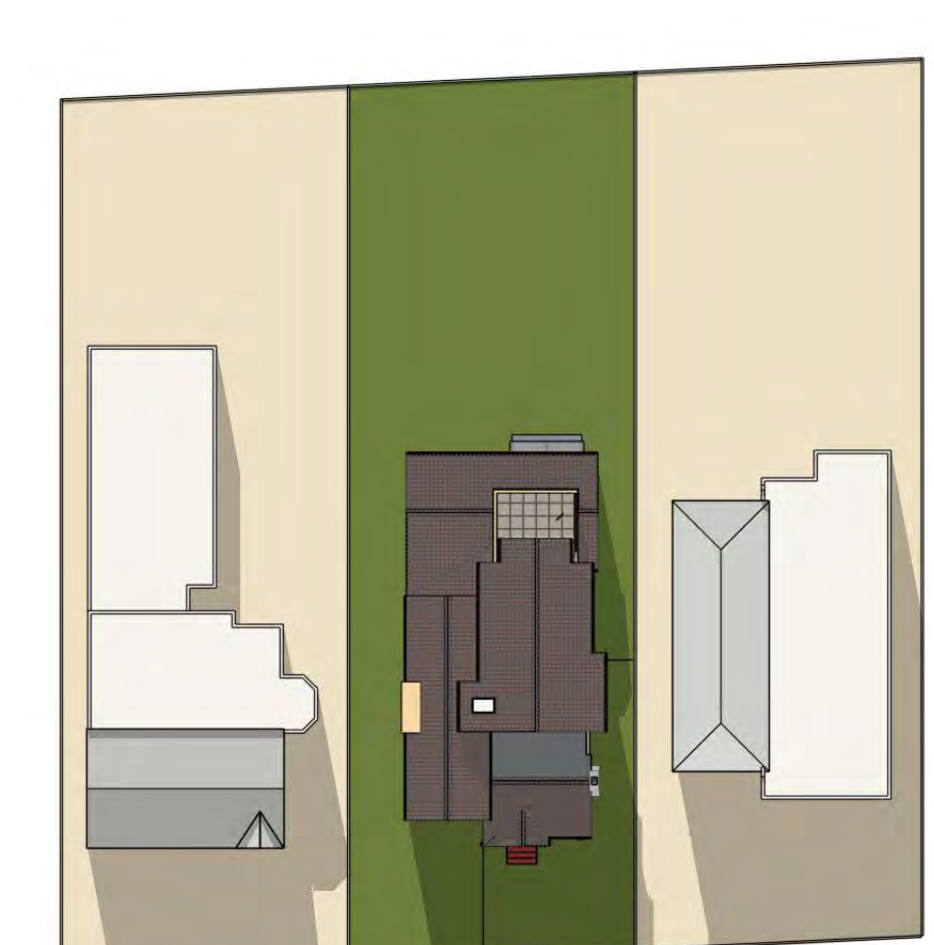
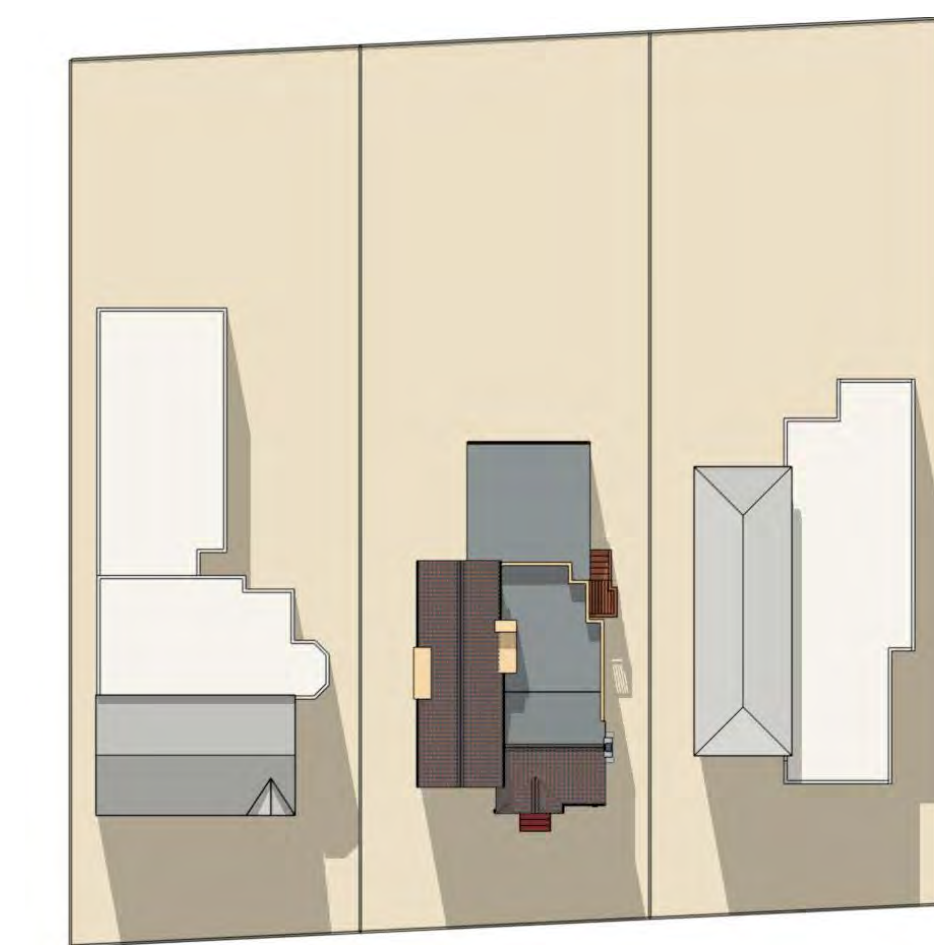
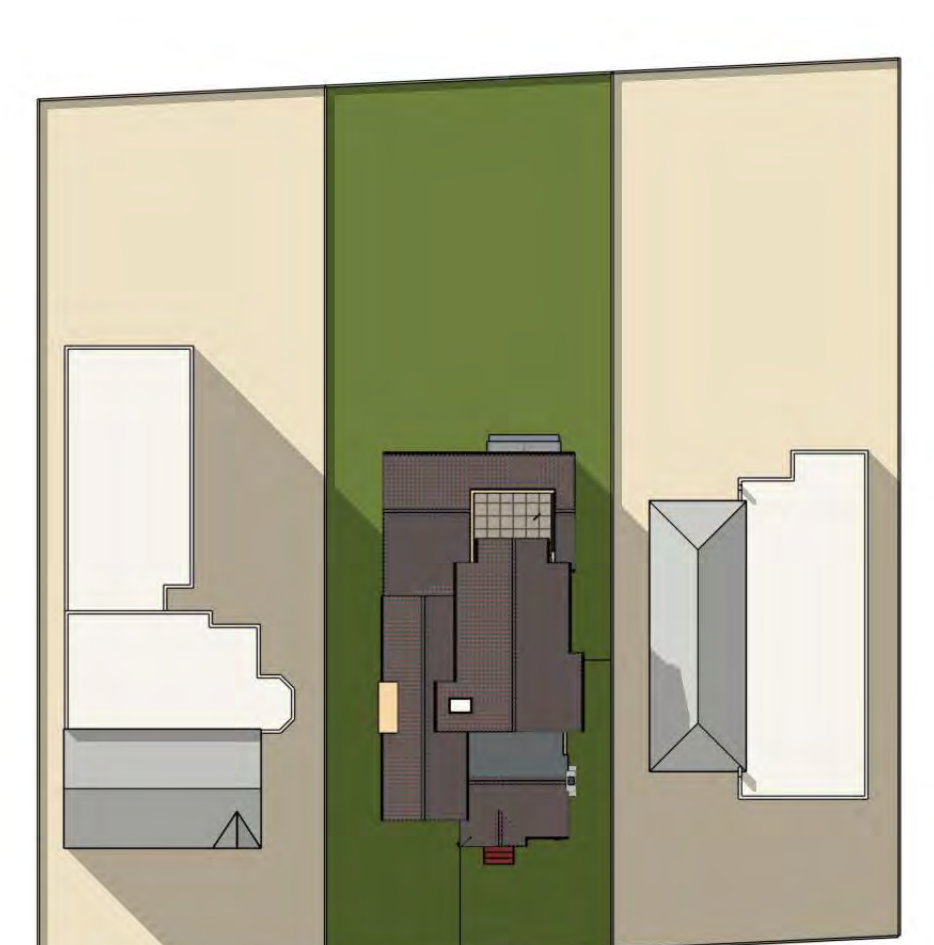
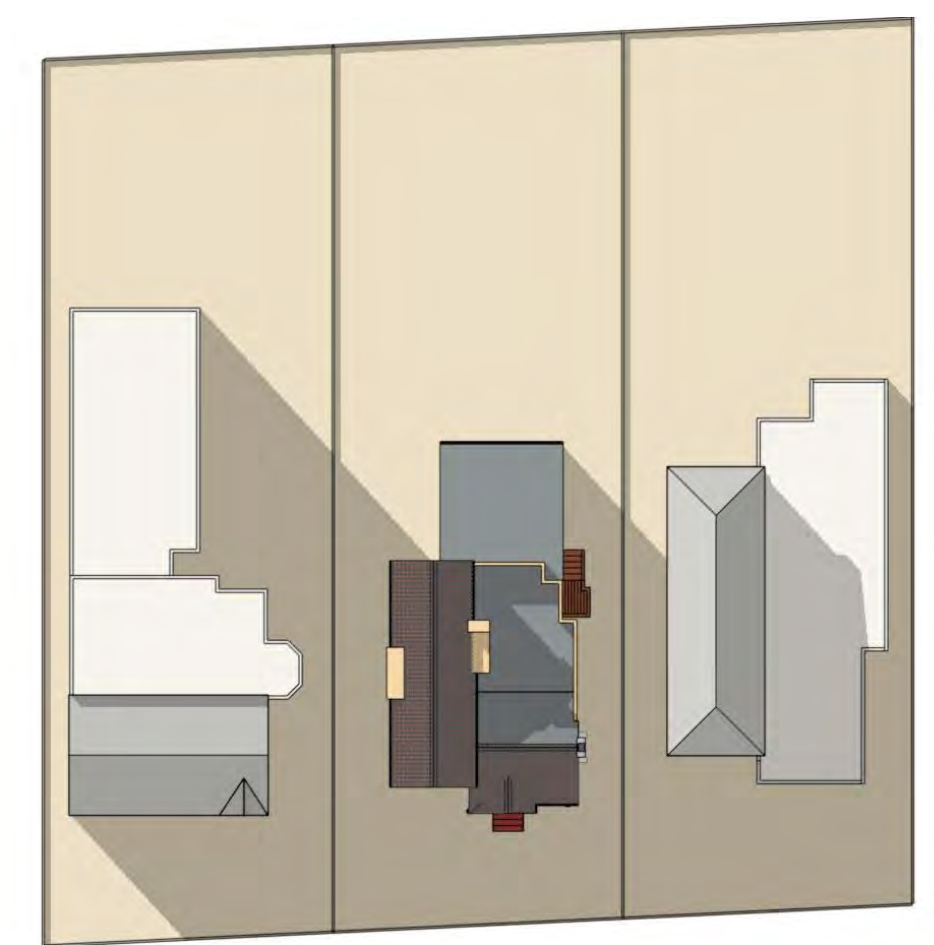
Existing

Proposed

**6-21-2020 / 7:47 am**  
See Above

**6-21-2020 / 12:00 pm**  
No Effect

**6-21-2020 / 6:35 pm**  
See Above



Existing

Proposed

Existing

Proposed

Existing

Proposed

**12-21-2020 / 9:21 am**  
See Above

**12-21-2020 / 12:00 pm**  
No Effect

**12-21-2020 / 2:54 pm**  
No Effect

Sheet Contents:  
AUP Modification  
Shadows Studies

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Drawn By: SSG

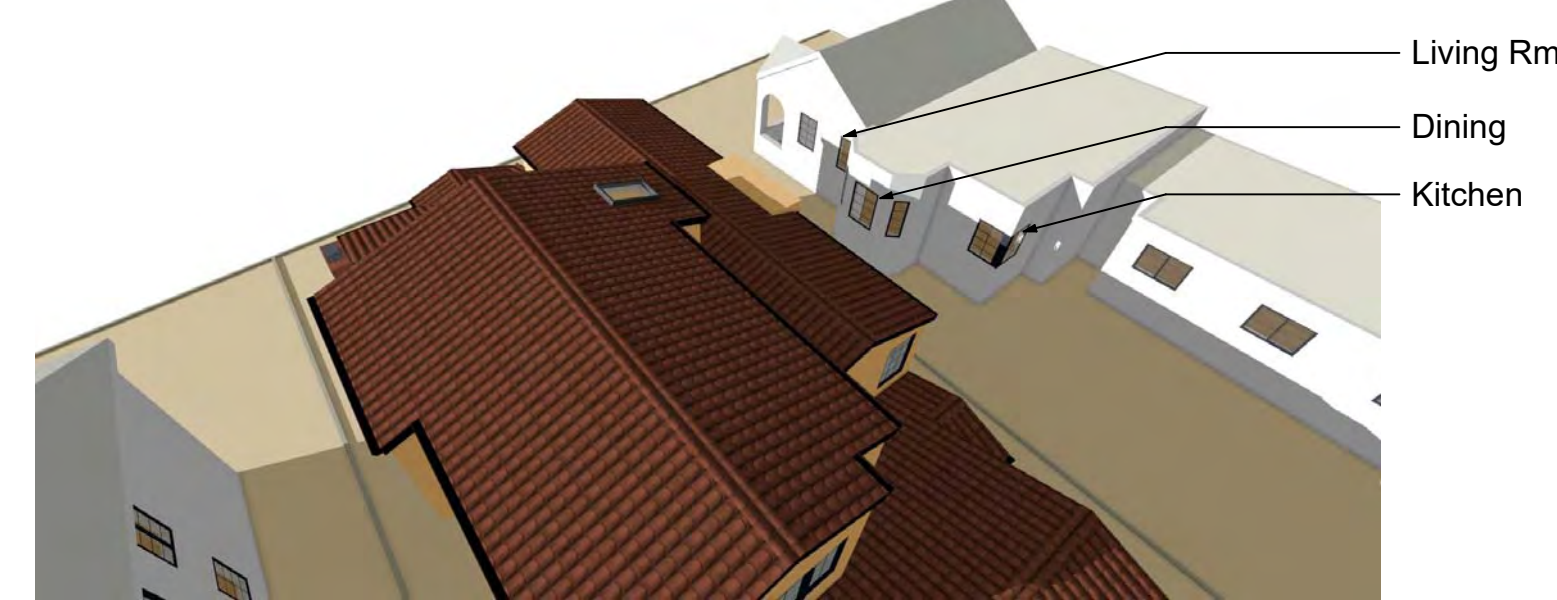
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Scale: NTS

Revisions:  
AUP Modification Submittal:  
06-24-2022



Sheet **A4.1**



Shadow Accuracy Simulation

Proposed

Proposed

Proposed

Existing

Existing

Existing

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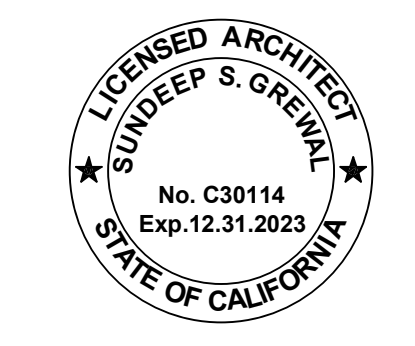
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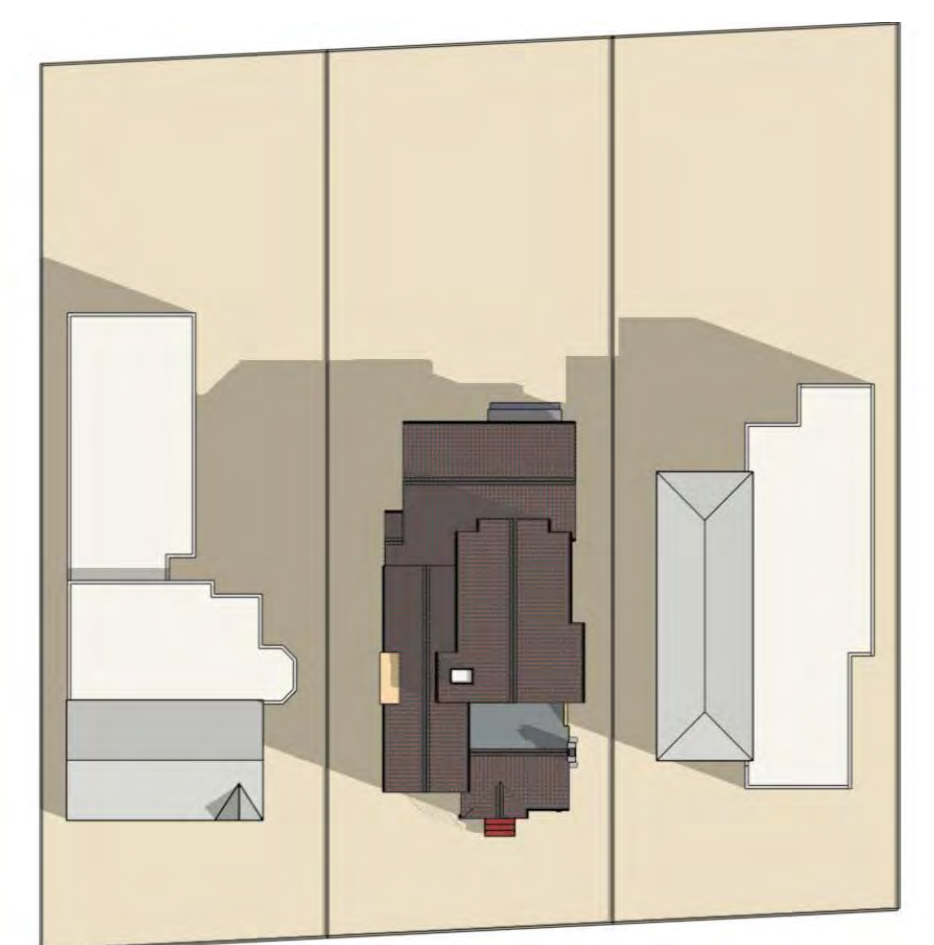
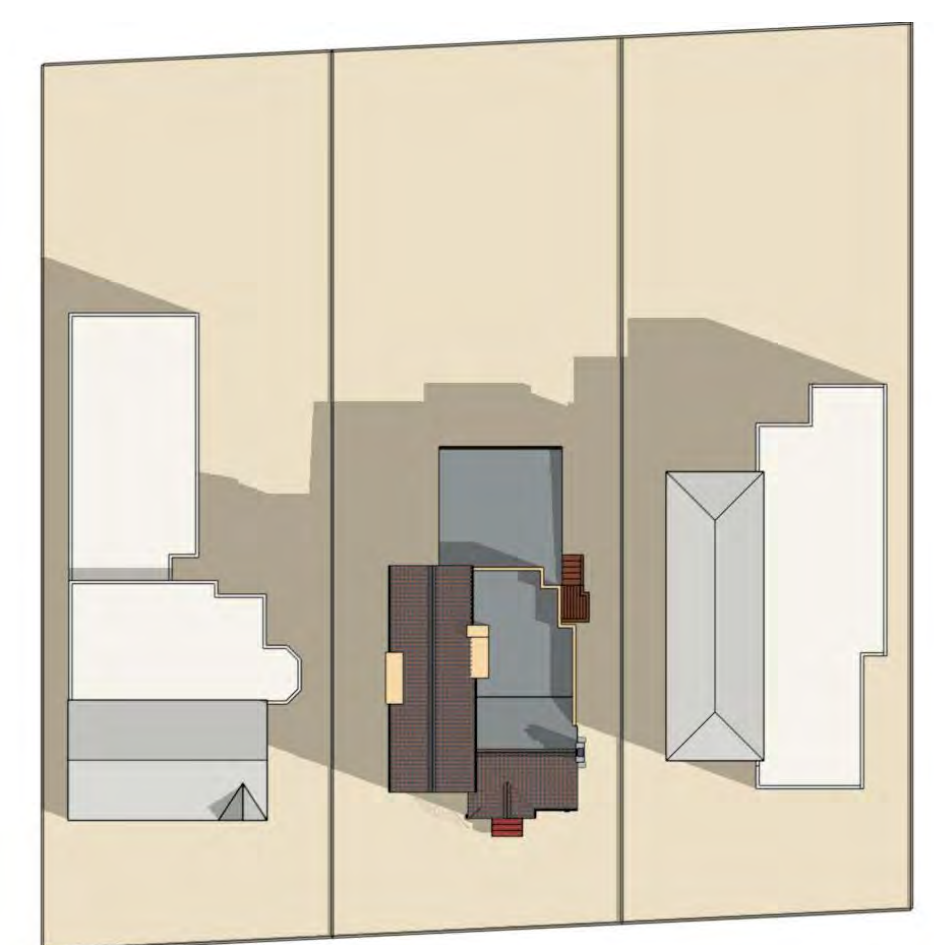
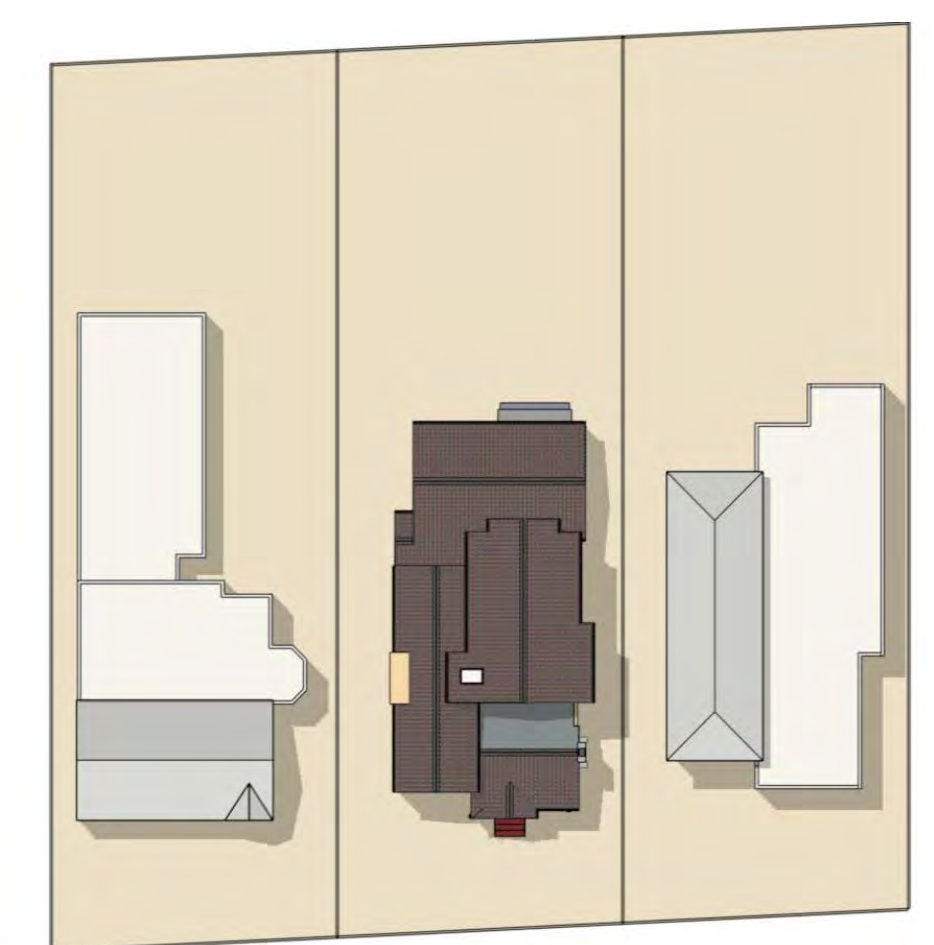
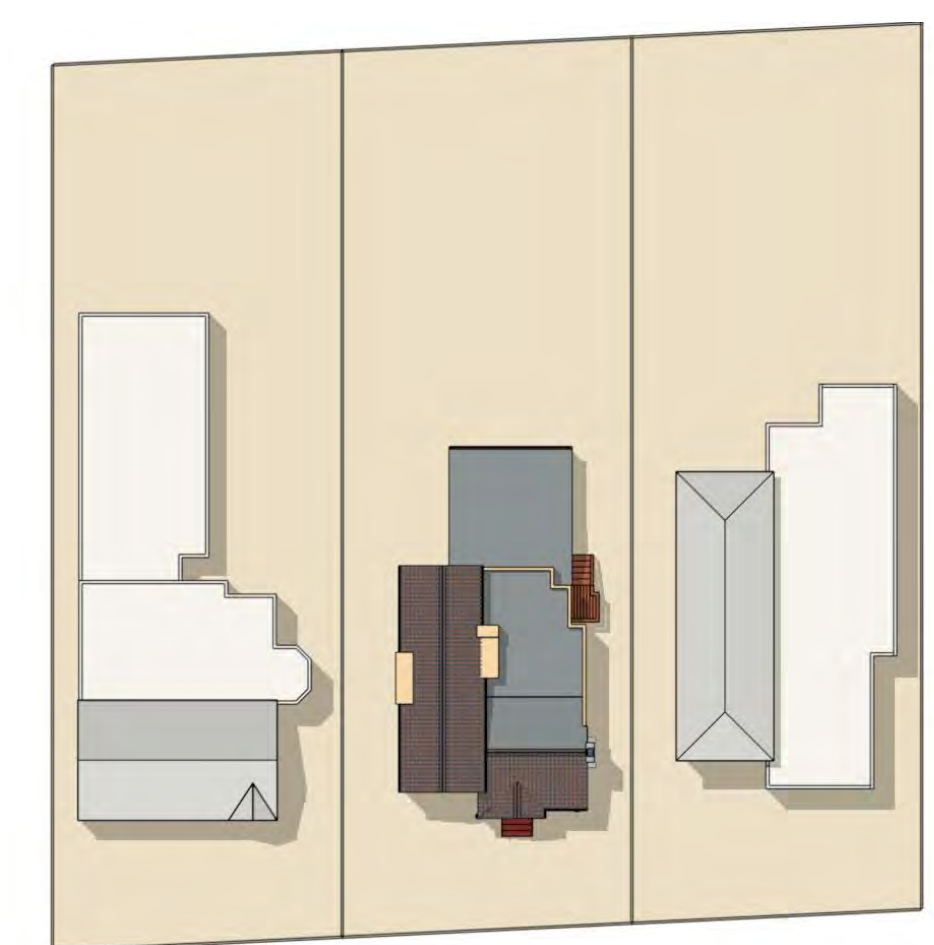
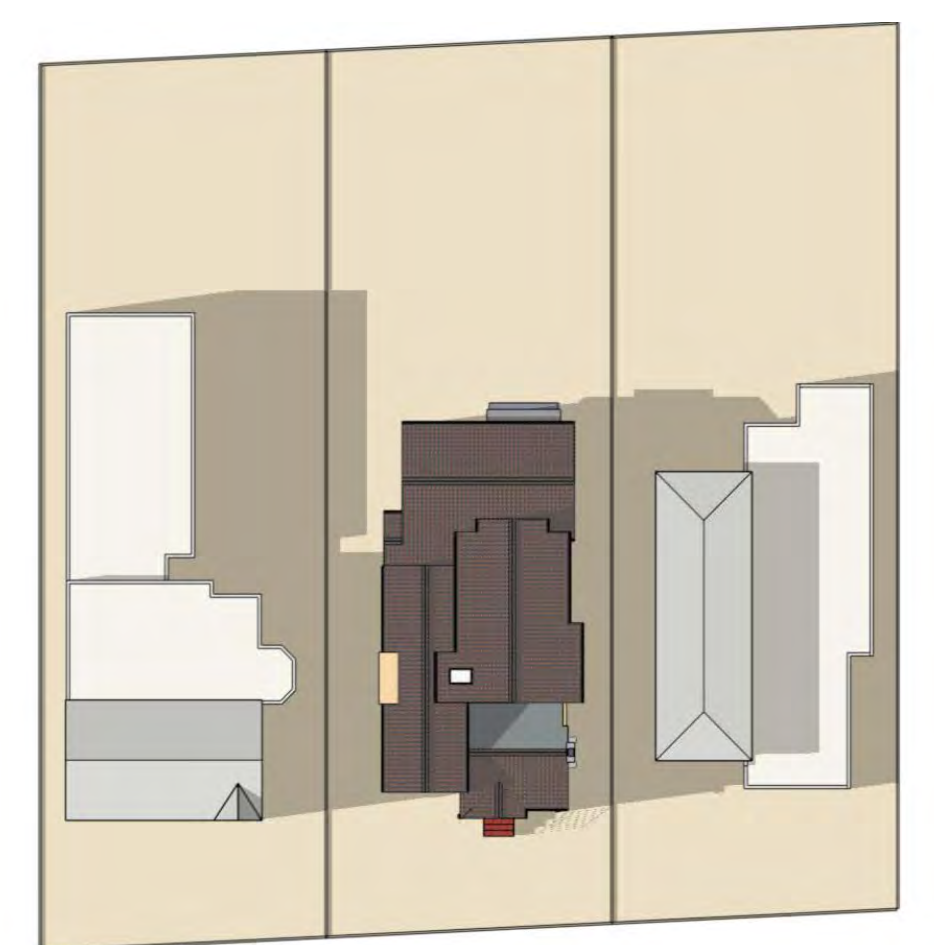
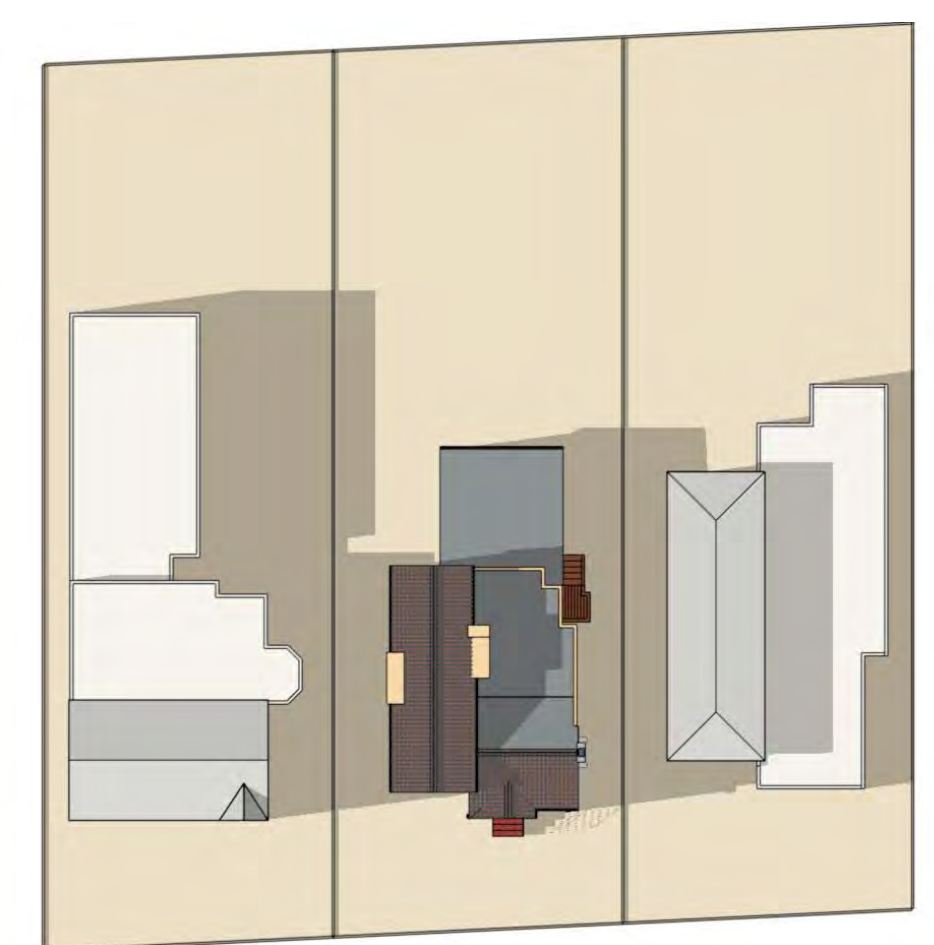
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Sheet Contents:  
Original Approved AUP  
Shadows Studies

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Existing

Proposed

Existing

Proposed

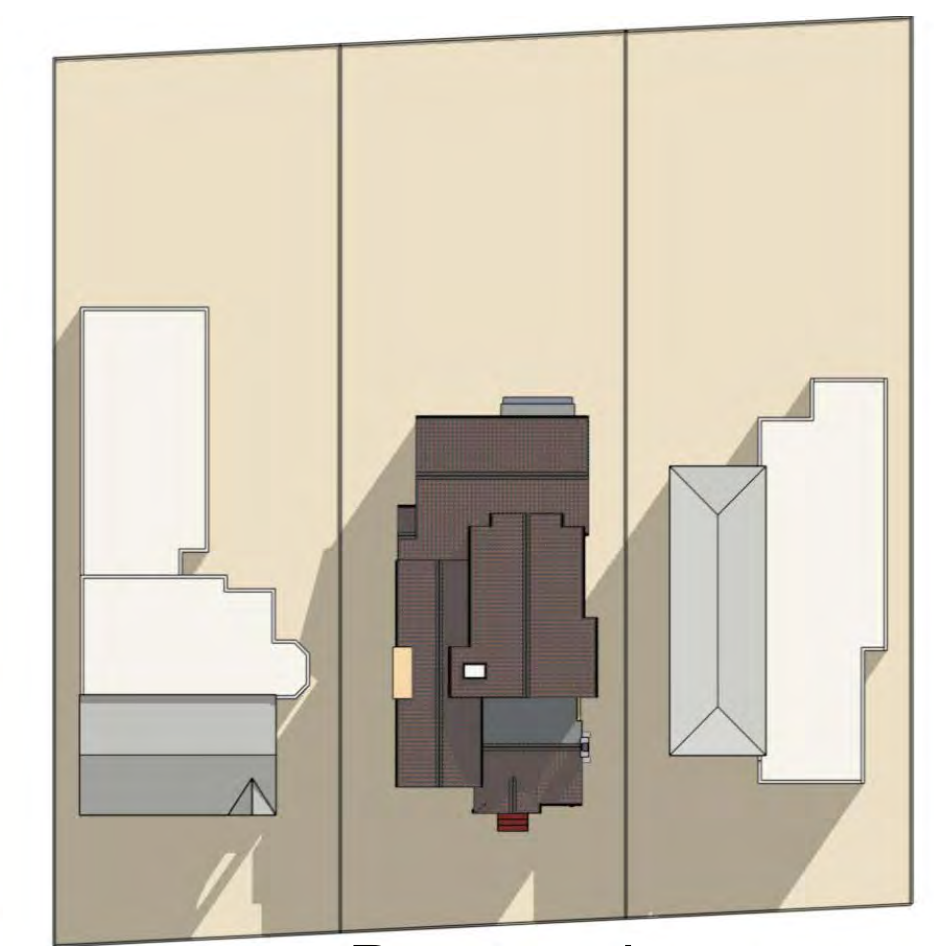
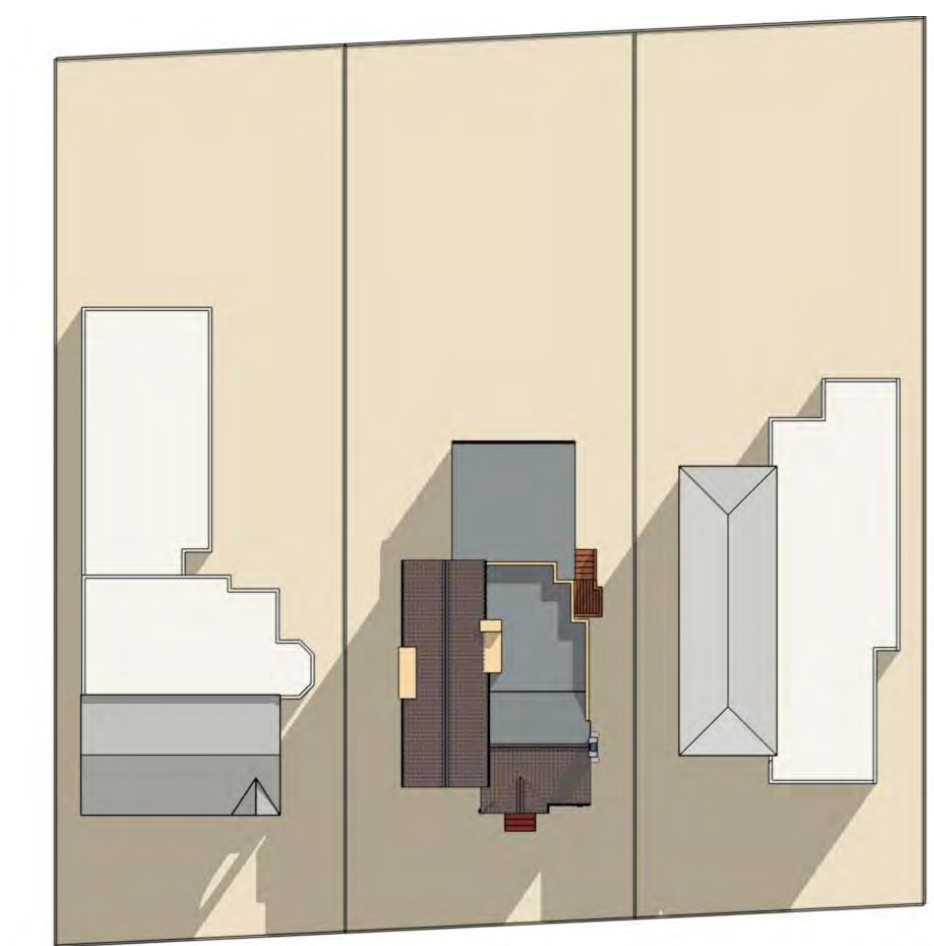
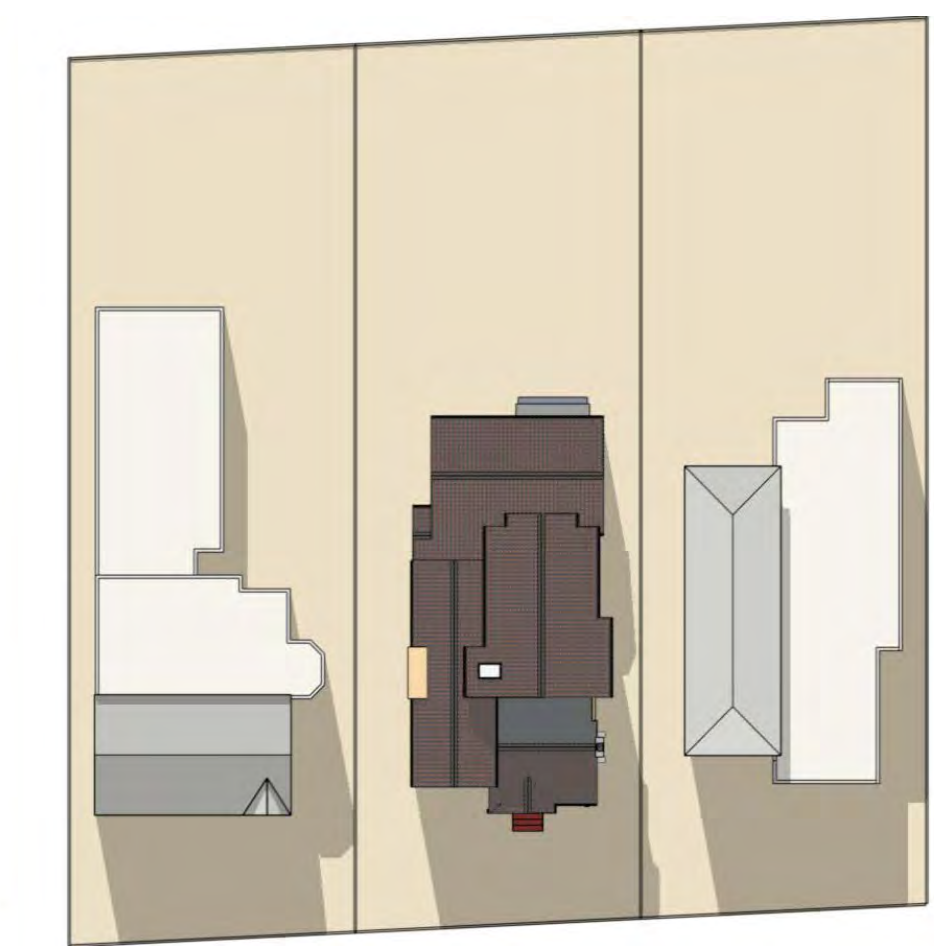
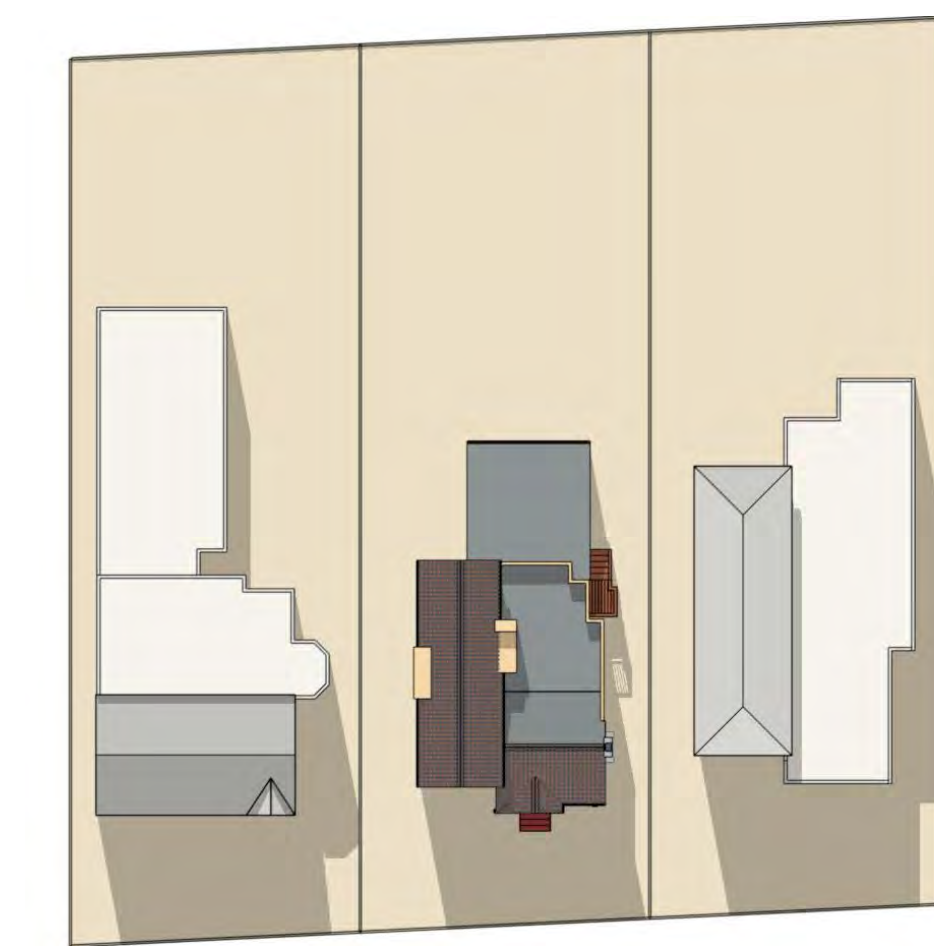
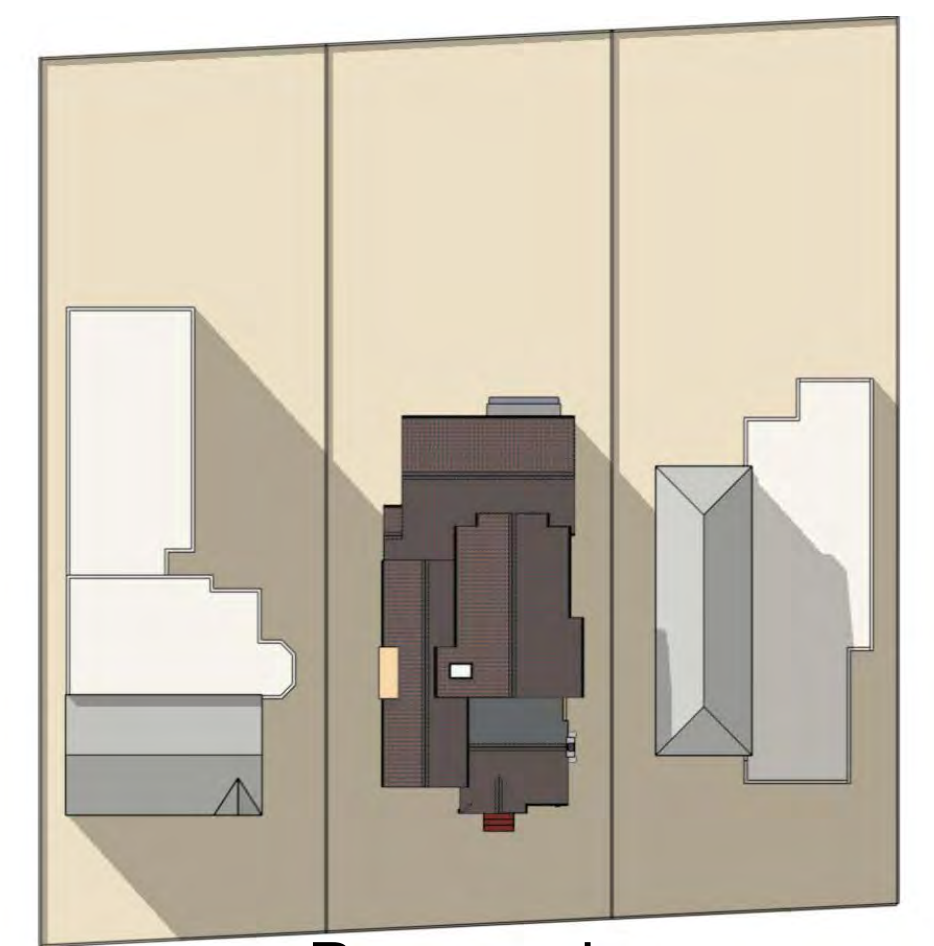
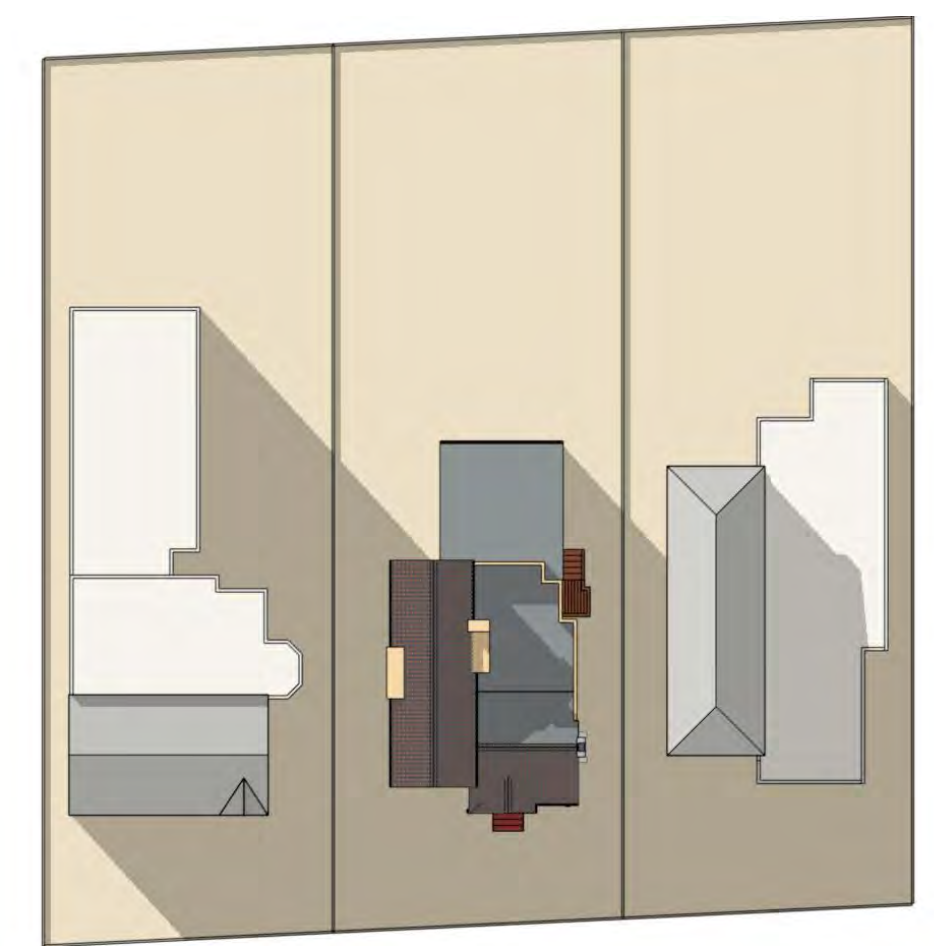
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Proposed

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See Above

6-21-2020 / 12:00 pm  
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See Above



Existing

Proposed

Existing

Proposed

Existing

Proposed

12-21-2020 / 9:21 am  
See Above

12-21-2020 / 12:00 pm  
No Effect

12-21-2020 / 2:54 pm  
No Effect



Public



Planning and Development Department  
Land Use Planning Division

June 28, 2022

Sundeeep Grewal  
Studio G+S Architects  
2223 Fifth Street  
Berkeley, CA 94710

Sent via email:

[sunny@sgsarch.com](mailto:sunny@sgsarch.com)

**Re: Administrative Use Permit #ZP2021-0006 for 1262 Francisco -  
Complete Letter**

Dear Sunny Grewal,

The Land Use Division has reviewed the above referenced application, resubmitted on June 24, 2022 to modify an approved Administrative Use Permit #ZP2020-0122 by adding a 40 square-foot addition on the first floor and 108 square-foot roof deck on the second floor of an existing single- family dwelling unit. Staff has determined that the following permits apply to your application:

1. **Administrative Use Permit** pursuant BMC Section 23.202 (Table 23.202-1 R-1 Development Standards) to establish an addition over 14 feet in height.

Staff has reviewed your submittal package and assessed that your application is complete and that the level of environmental review for the project is: CEQA - exempt.

Please contact me if you have any questions via email at [klapira@cityofberkeley.info](mailto:klapira@cityofberkeley.info).

Thanks,

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

Katrina Lapira (she/her)  
Associate Planner

SITE PHOTOS



Street View



Rear View

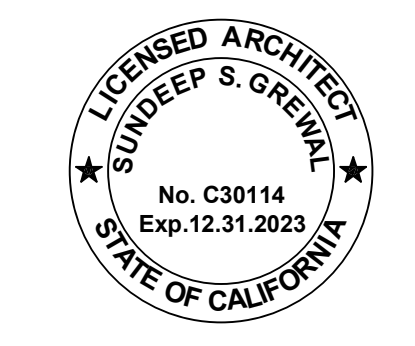
MILLER RESIDENCE  
1262 Francisco St. Berkeley, CA 94702

SHEET INDEX

- Architectural:
A0.0 Scope Of Work, Vicinity Map, Project Data, Sheet Index, Abbreviations, Applicable Codes, Project Directory, Photos
A0.1 Existing & Proposed Site Plan
A1.1 Existing Floor & Demo Plans
A1.2 Existing Exterior Elevations
A1.3 Proposed Floor Plans - Original Approved AUP
A1.4 Proposed Exterior Elevations - Original Approved AUP
A2.1 Proposed Floor Plans - AUP Modification
A3.1 Proposed Exterior Elevations, Renderings - AUP Modification
A4.1 Shadow Study - AUP Modification
A4.2 Shadow Study - Original Approved AUP
Boundary Survey



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MILLER RESIDENCE AUP Modification 1262 Francisco St. Berkeley, CA 94702 APN: 058 213500300

Sheet Contents: Sheet Index, Applicable Codes, Vicinity Map, Project Data, Scope of Work, Project Directory, Photos

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Project No: 20-07-414

Drawn By: SSG

Checked By: SSG

Scale: as noted

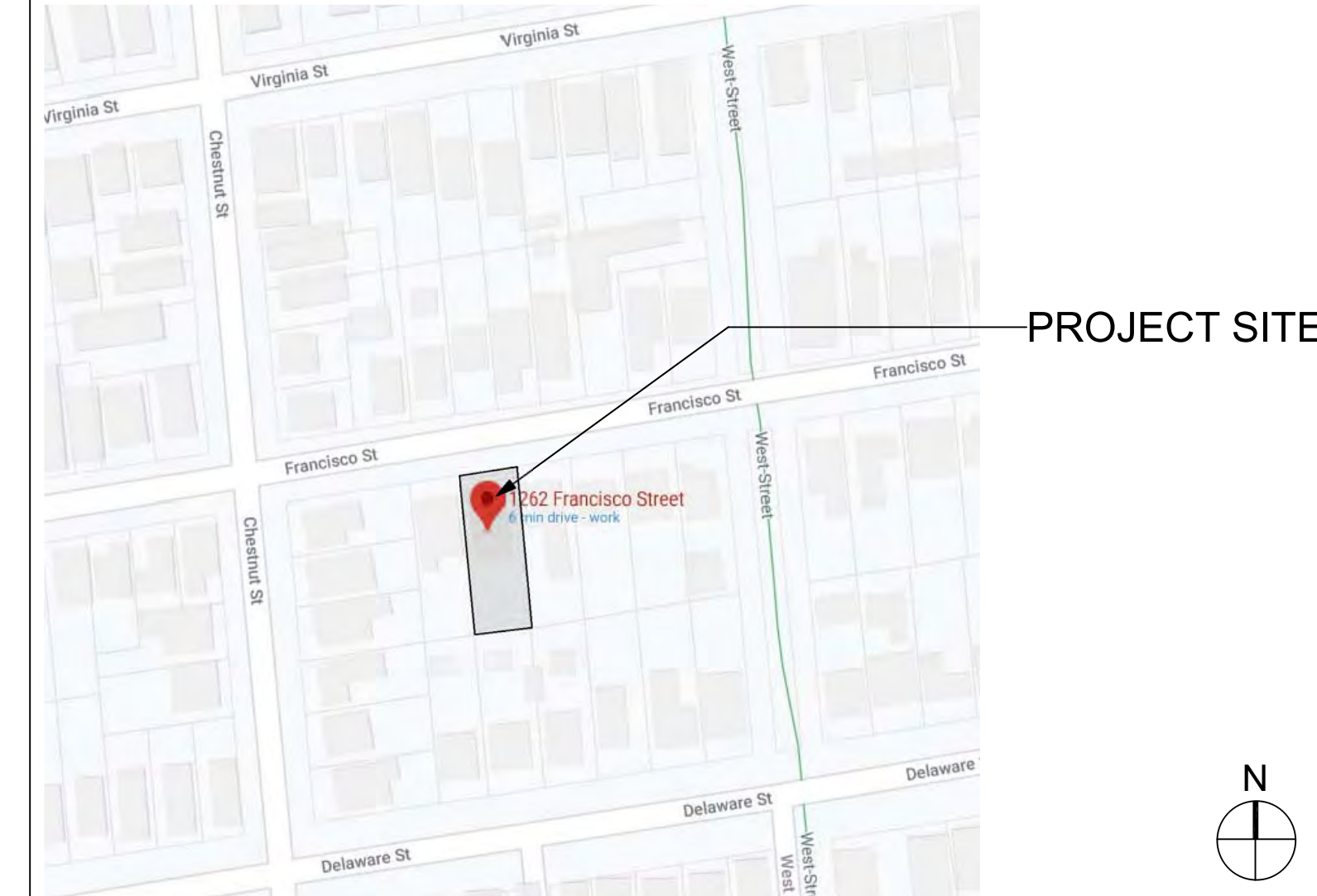
Revisions: AUP Modification Submittal: 07-21-2022

SCOPE OF WORK

The proposed project includes a modification to an approved AUP (ZP2020-0122) for a second story addition

- Components of the project include:
First floor:
• Expand office (bedroom 4) by a 40 s.f. addition
Second floor:
• Create new balcony at master suite
• Add new patio doors to access balcony
• Add new transom window above balcony

VICINITY MAP



PROJECT DIRECTORY

Owner: Jonathan Miller, 1262 Francisco St., Berkeley, CA 94702, Tel: 415-999-2797
Project Address: 1262 Francisco St., Berkeley, CA 94702, APN: 058 213500300
Architect: Studio G+S, Architects, 2223 5th St., Berkeley, CA 94710, Tel: 510-548-7448, sunny@sgsarch.com

PROJECT DATA

Table with project data including Occupancy (R-3 Duplex), Proposed Construction (U - Private garage), Zoning/General Plan Regulation (R-2: Restricted Two-Family Residential), Seismic Safety, Historic Preservation, Environmental Safety, and Wildlife Urban Interface.

APPLICABLE CODES

- 2019 California Building Code (CBC) Volume 1
2019 California Building Code (CBC) Volume 2
2019 California Residential Code (CRC)
2019 California Energy Code (CBEES)
2019 California Green Building Standards Code (CALGreen)
2019 California Electrical Code (CEC)
2019 California Plumbing Code (CPC)
2019 California Mechanical Code (CMC)
This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

Tabulations

Table with 4 columns: Required/Allowed, Existing, Proposed, and Tabulations. Rows include Set Backs, Habitable Floor Area, Bedroom Count, Building Height, Parking, Lot Size, Total Footprint, Lot Coverage, Usable Open Space, and ADU.

ABBREVIATIONS

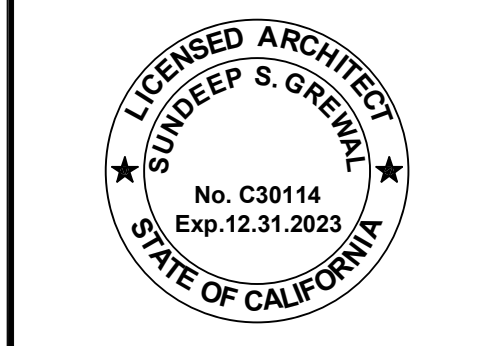
Table of abbreviations and their meanings, such as 'fdn.' for foundation, 'pl.' for plumbing, 'sq.' for square, etc.

ADU: Not subject to lot coverage. Therefore, it is not included in the calculations above

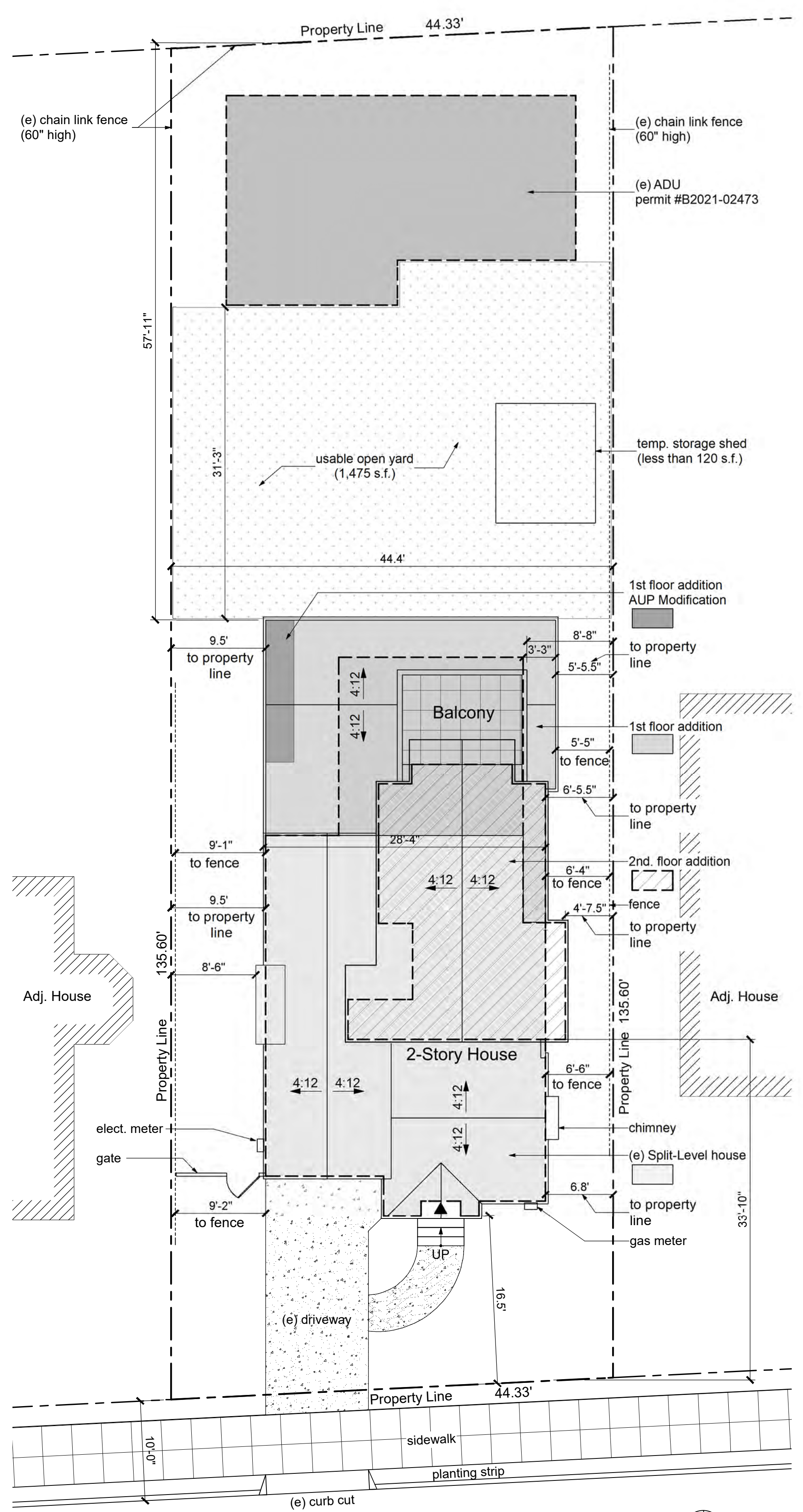




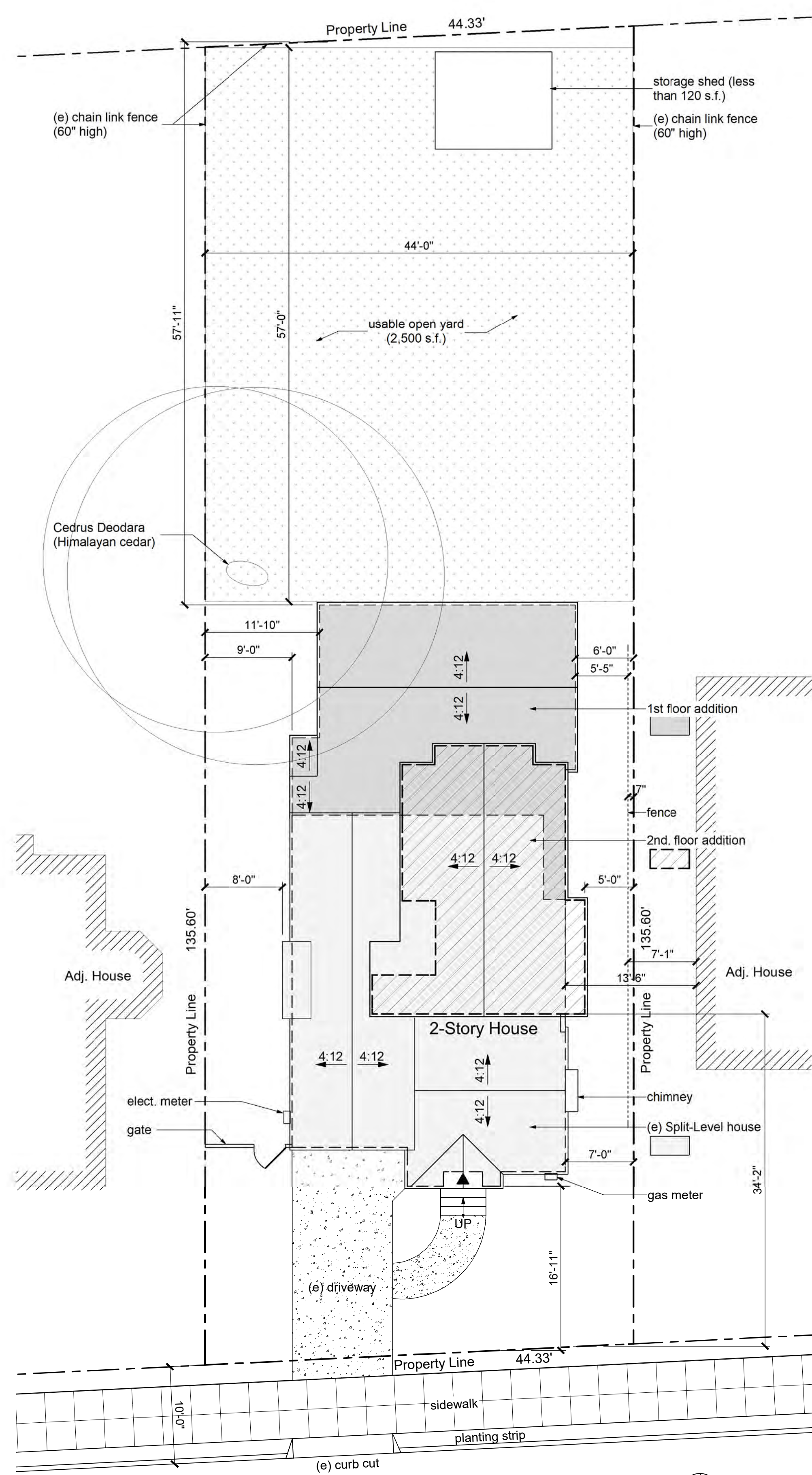
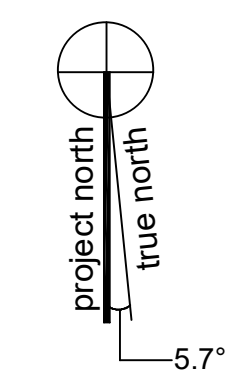
2223 Fifth St.  
Berkeley, CA 94710  
Ph: 510.548.7448  
info@sgsarch.com  
www.sgsarch.com



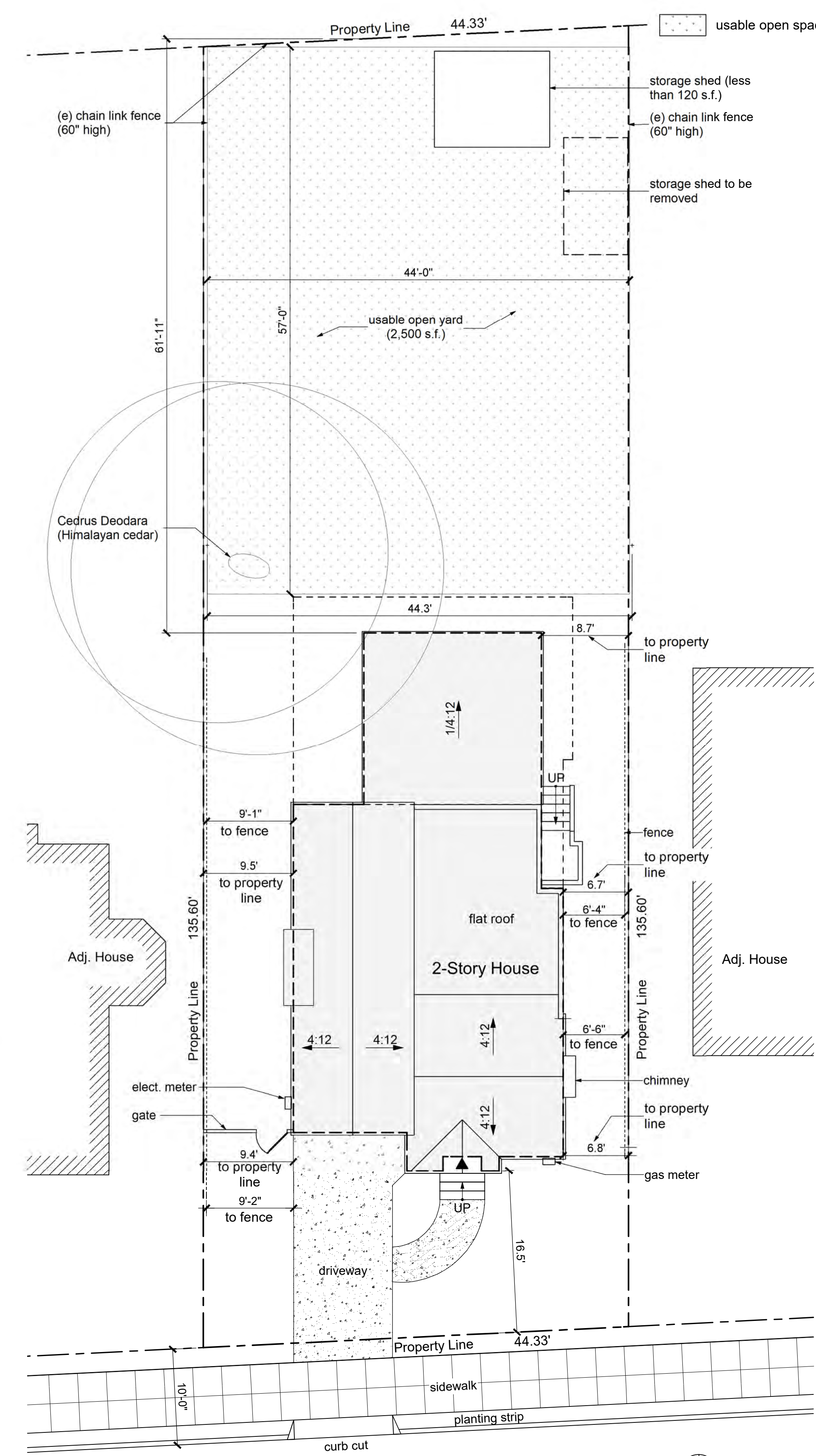
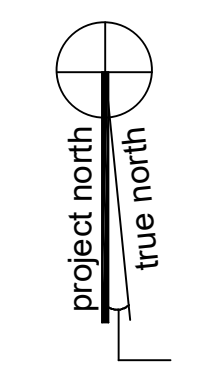
- existing structure
- 1st. floor addition
- 2nd. floor addition
- usable open space



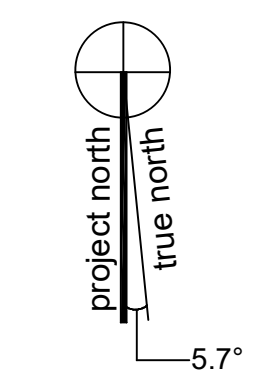
3 Proposed Site Plan  
AUP Modification



2 Proposed Site Plan  
Original Approved AUP



1 Existing Site Plan



**MILLER RESIDENCE  
AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:  
Existing Site Plan  
Proposed Site Plan

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Project No: 20-07-414

Drawn By: SSG

Checked By: SSG

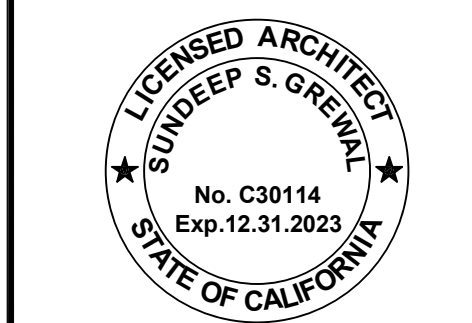
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Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet **A0.1**



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Sheet Contents:  
Existing Floor Plans

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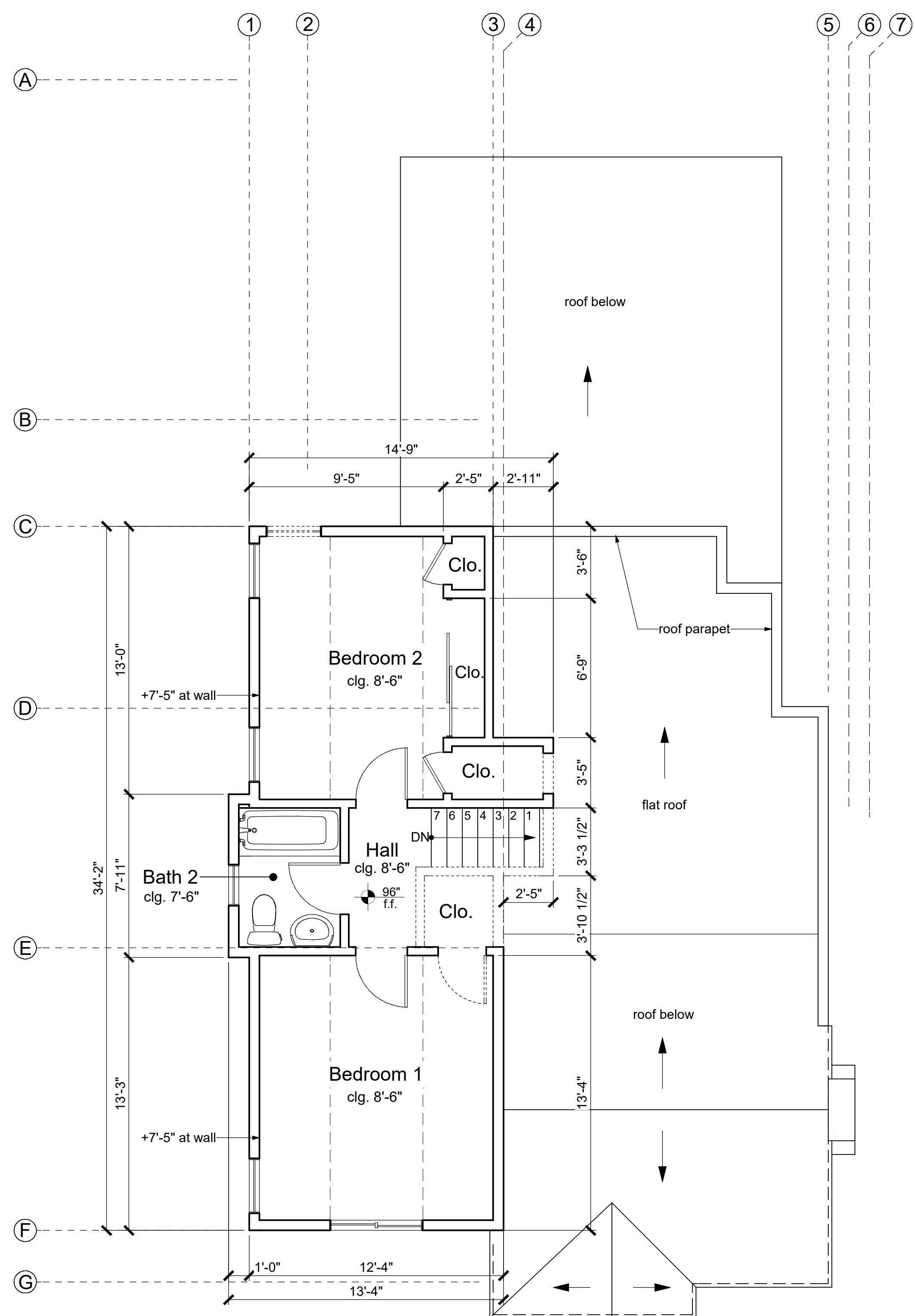
Drawn By: SSG

Checked By: SSG

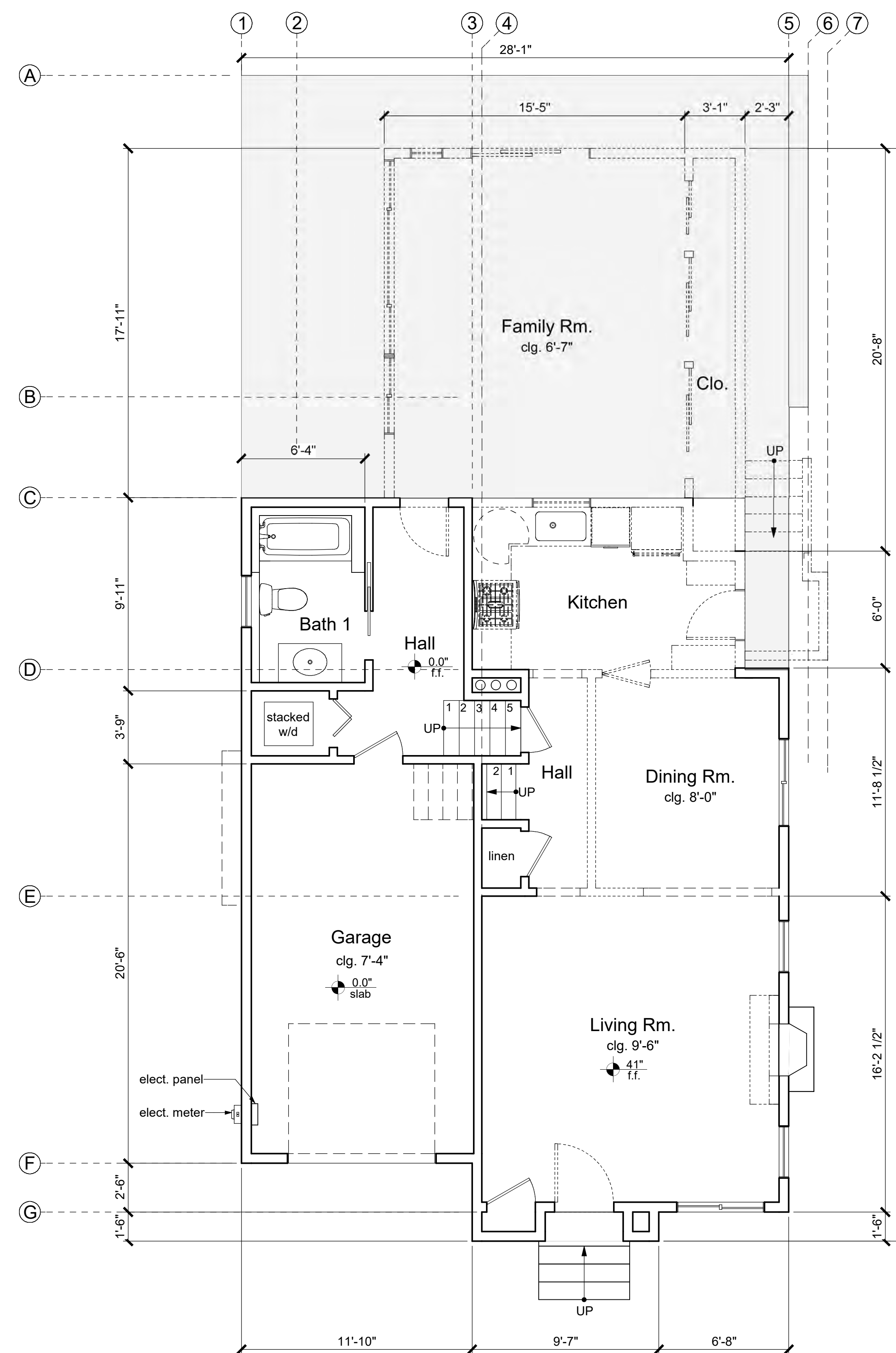
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Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet **A1.1**



2 Existing Second Floor Plan

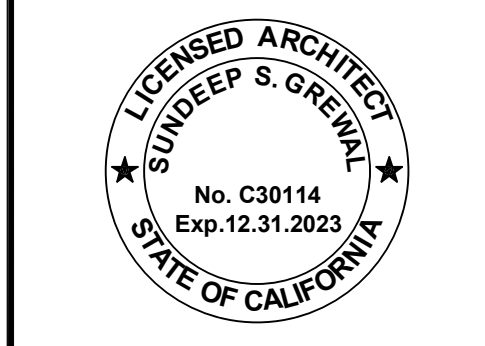


1 Existing First Floor Plan

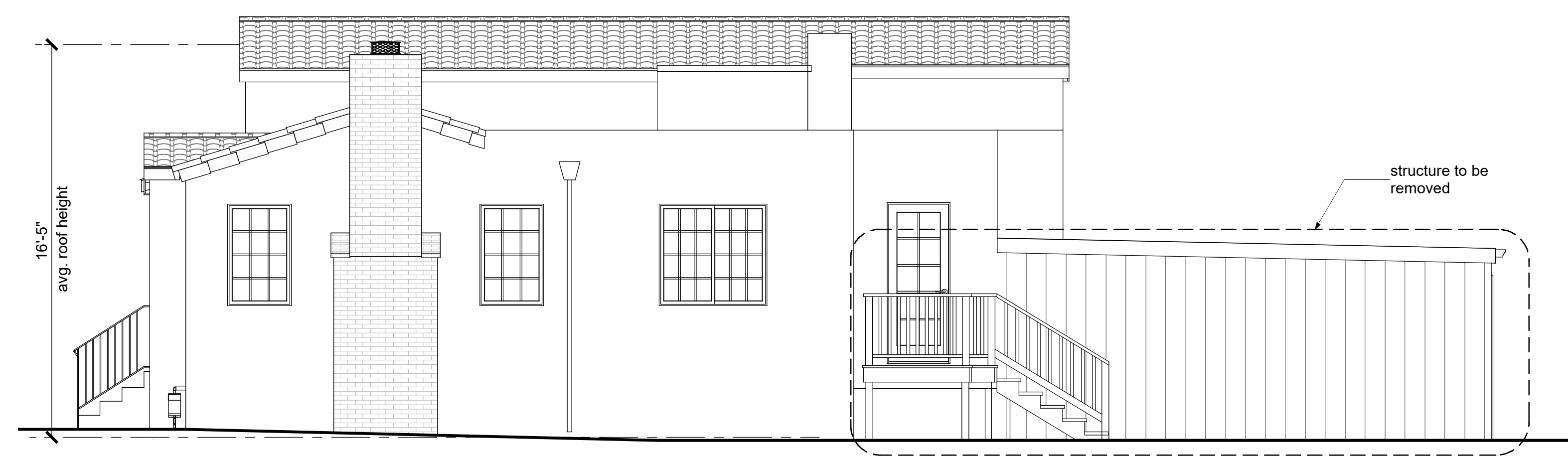




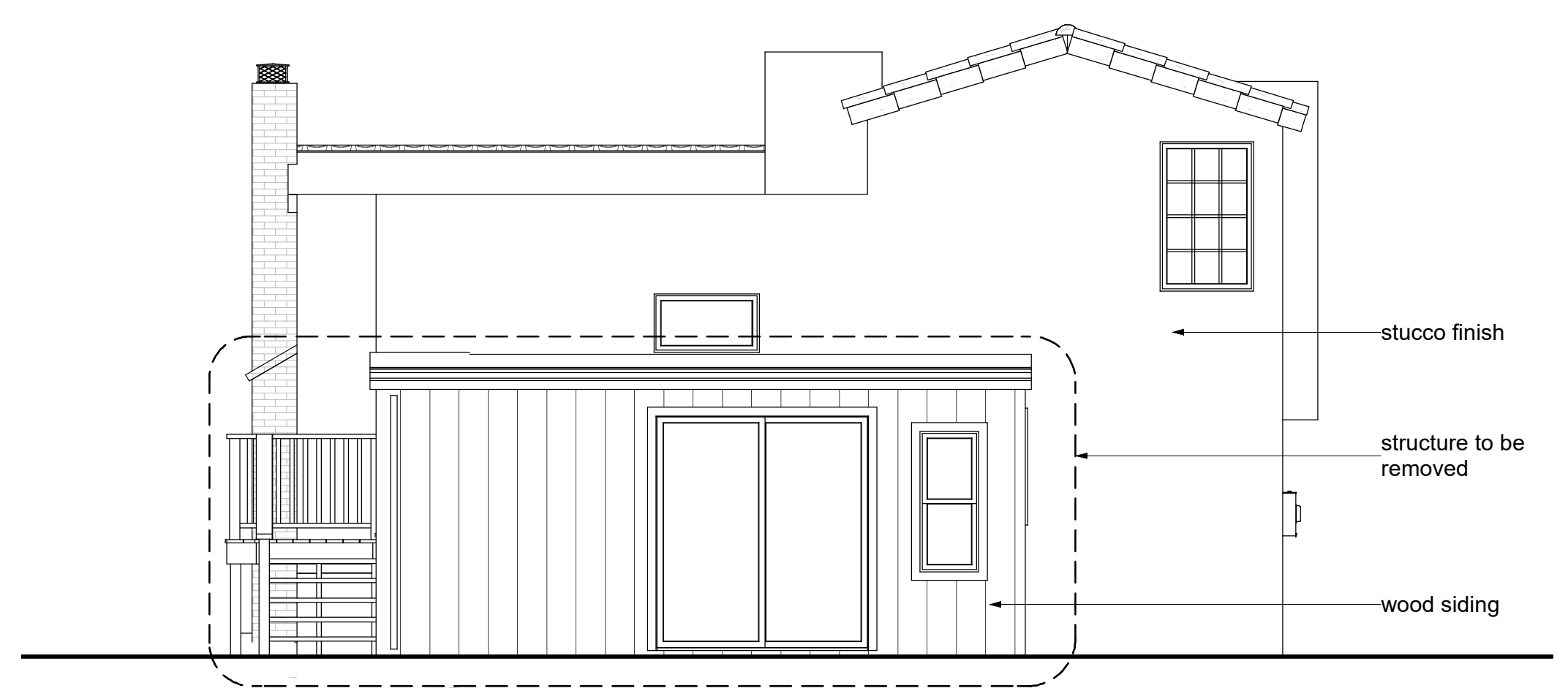
2223 Fifth St.  
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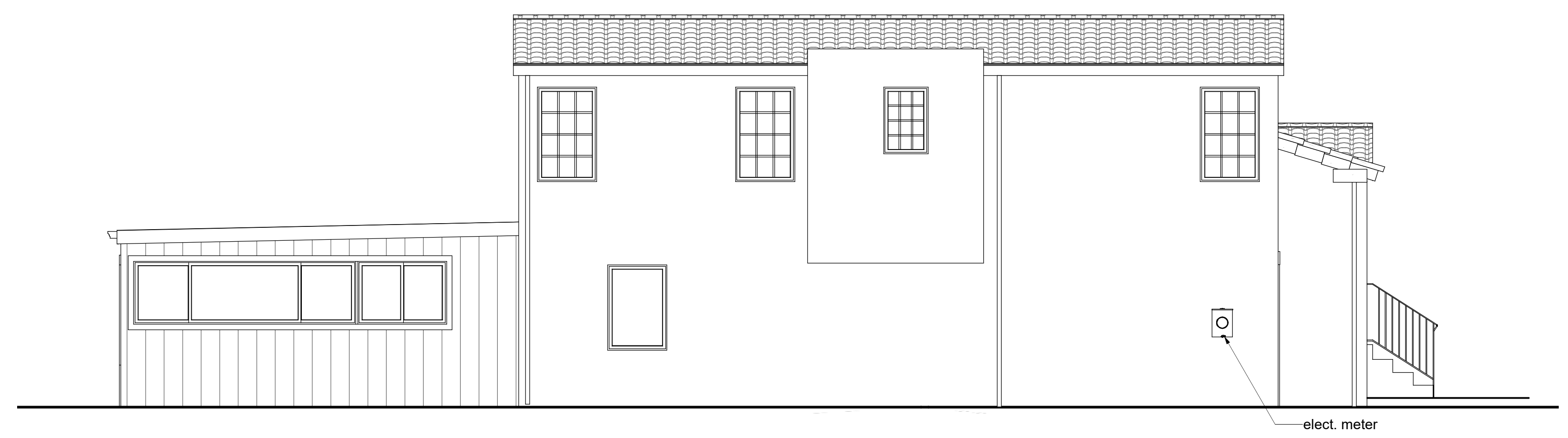
**MILLER RESIDENCE**  
**AUP Modification**  
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APN: 058 213500300



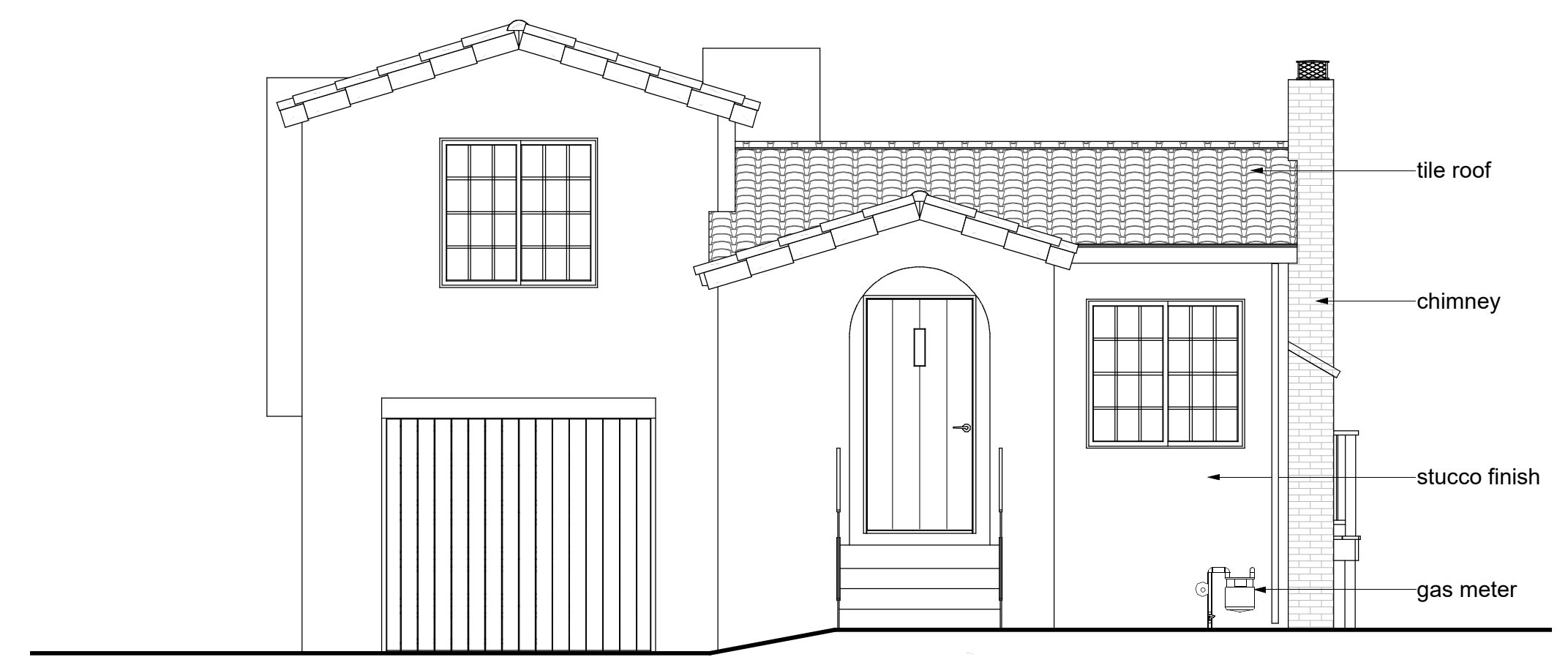
④ Existing West Elevation - Right Side



③ Existing South Elevation - Rear



② Existing East Elevation - Left Side



① Existing North Elevation - Front

Sheet Contents:  
Existing Exterior Elevations

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20-07-414

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SSG

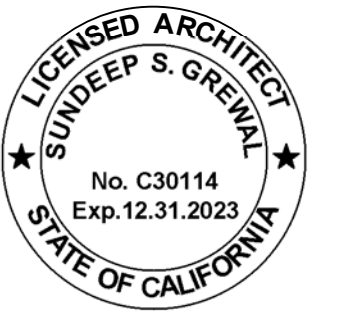
Checked By:  
SSG

Scale:  
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Revisions:  
AUP Modification Submittal:  
07-21-2022



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Sheet Contents:  
Approved AUP  
Proposed Floor Plans

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20-07-414

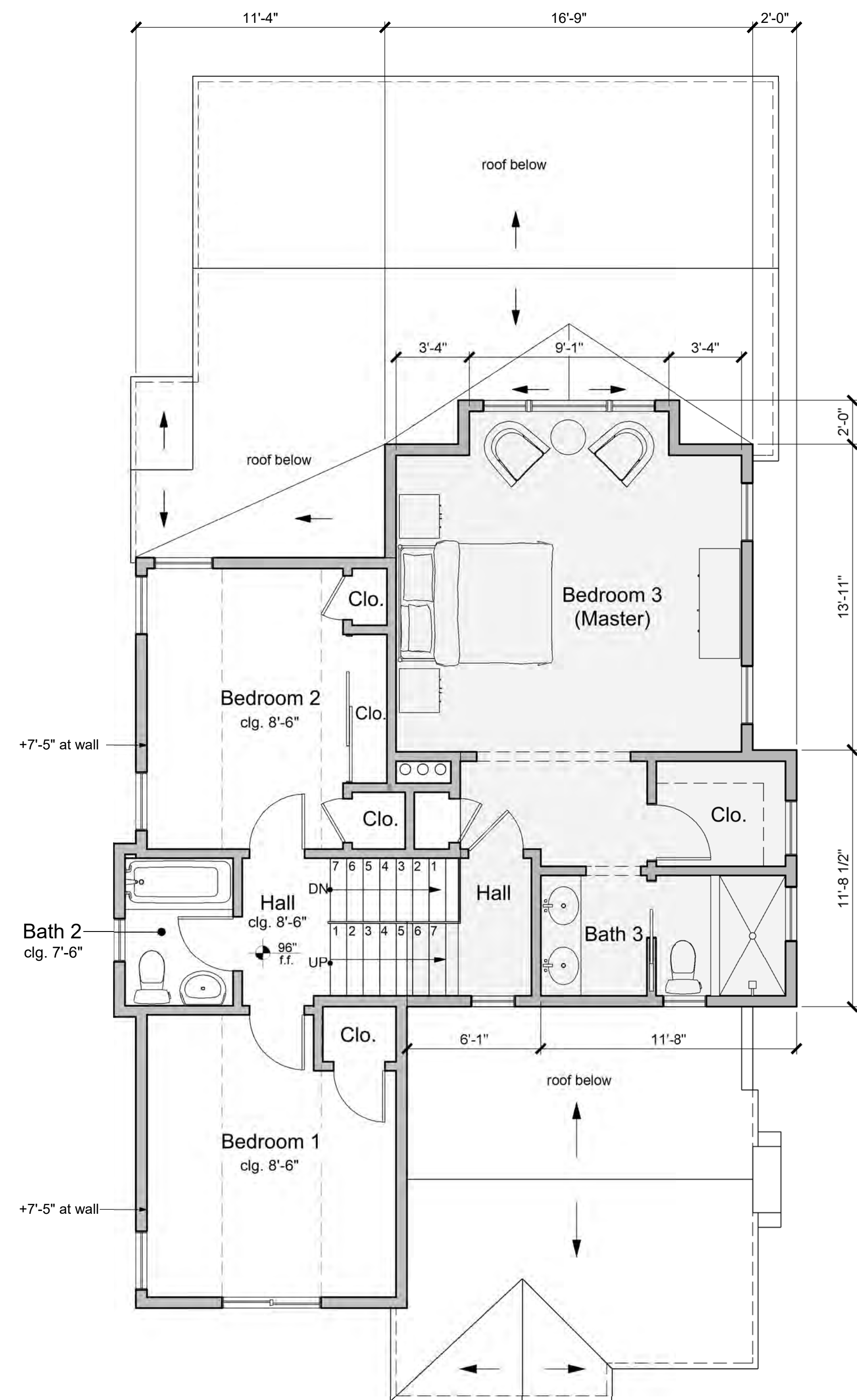
Drawn By:  
SSG

Checked By:  
SSG

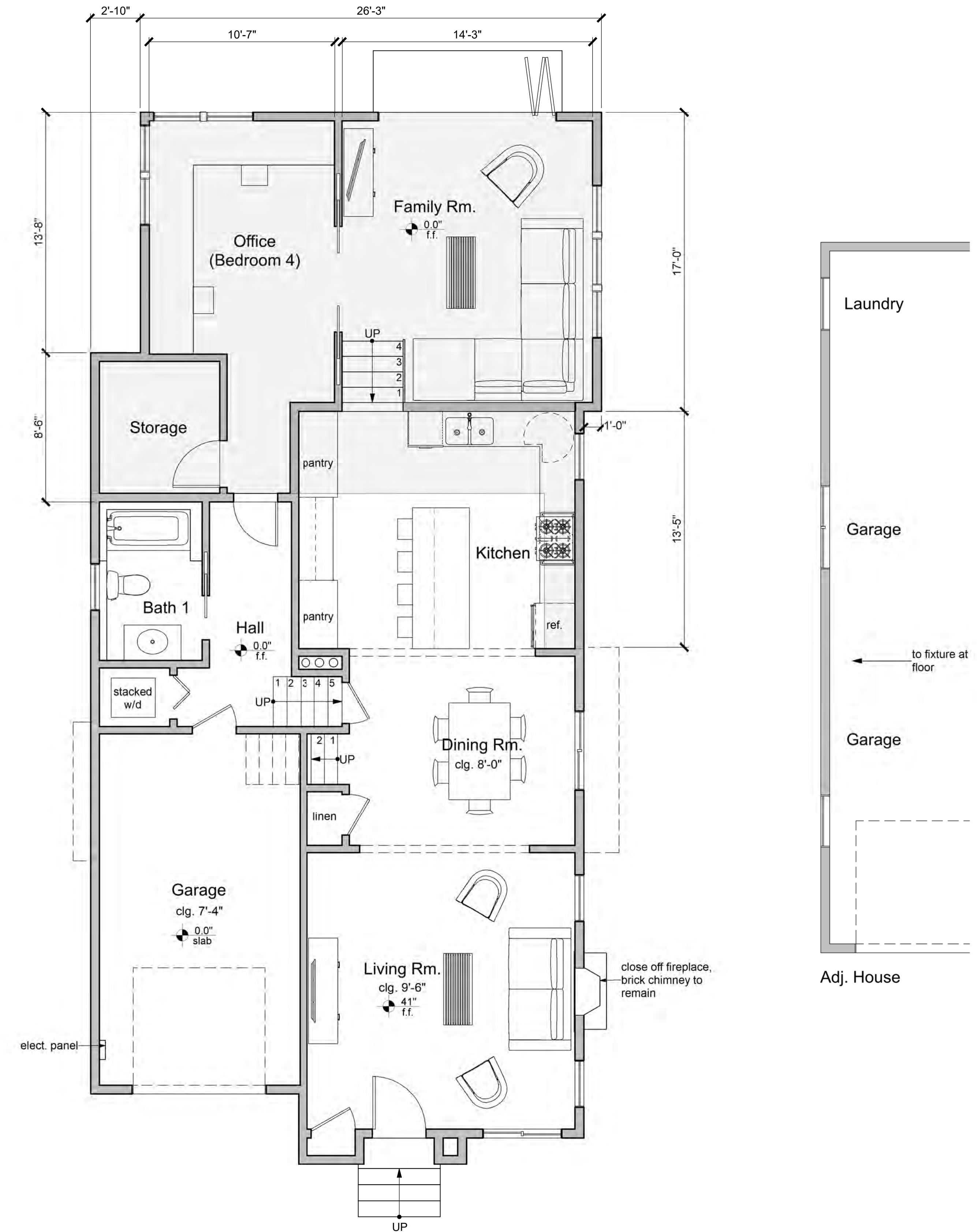
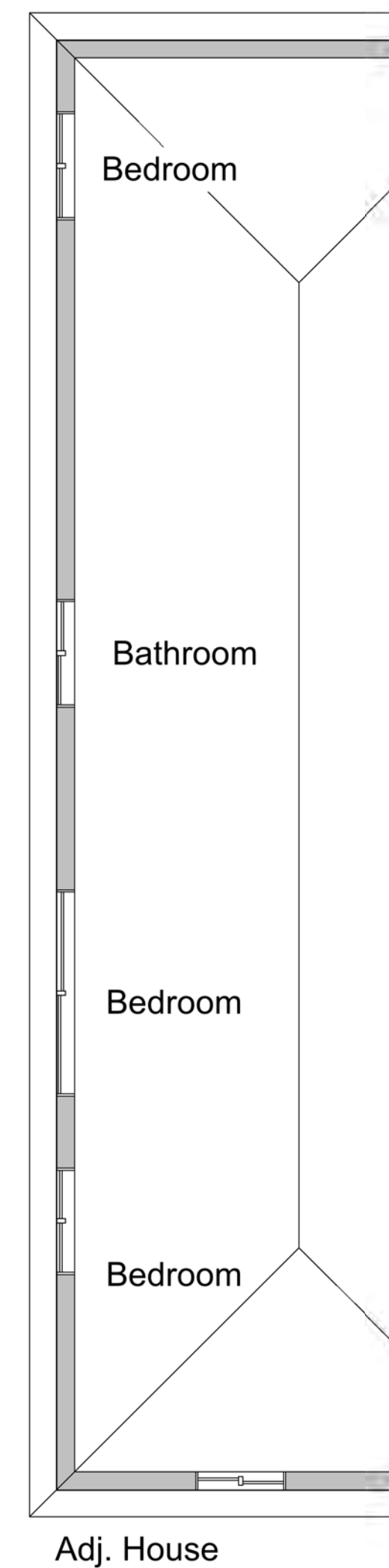
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Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet  
**A1.3**



**2** Proposed Second Floor Plan  
Original Approved AUP



**1** Proposed First Floor Plan  
Original Approved AUP





7 Right Rear View Of Proposed Addition

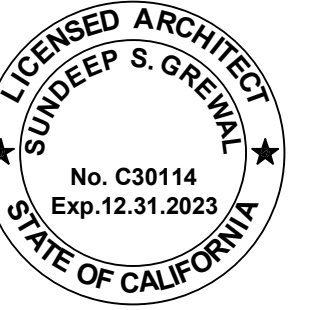


6 Left Rear View Of Proposed Addition

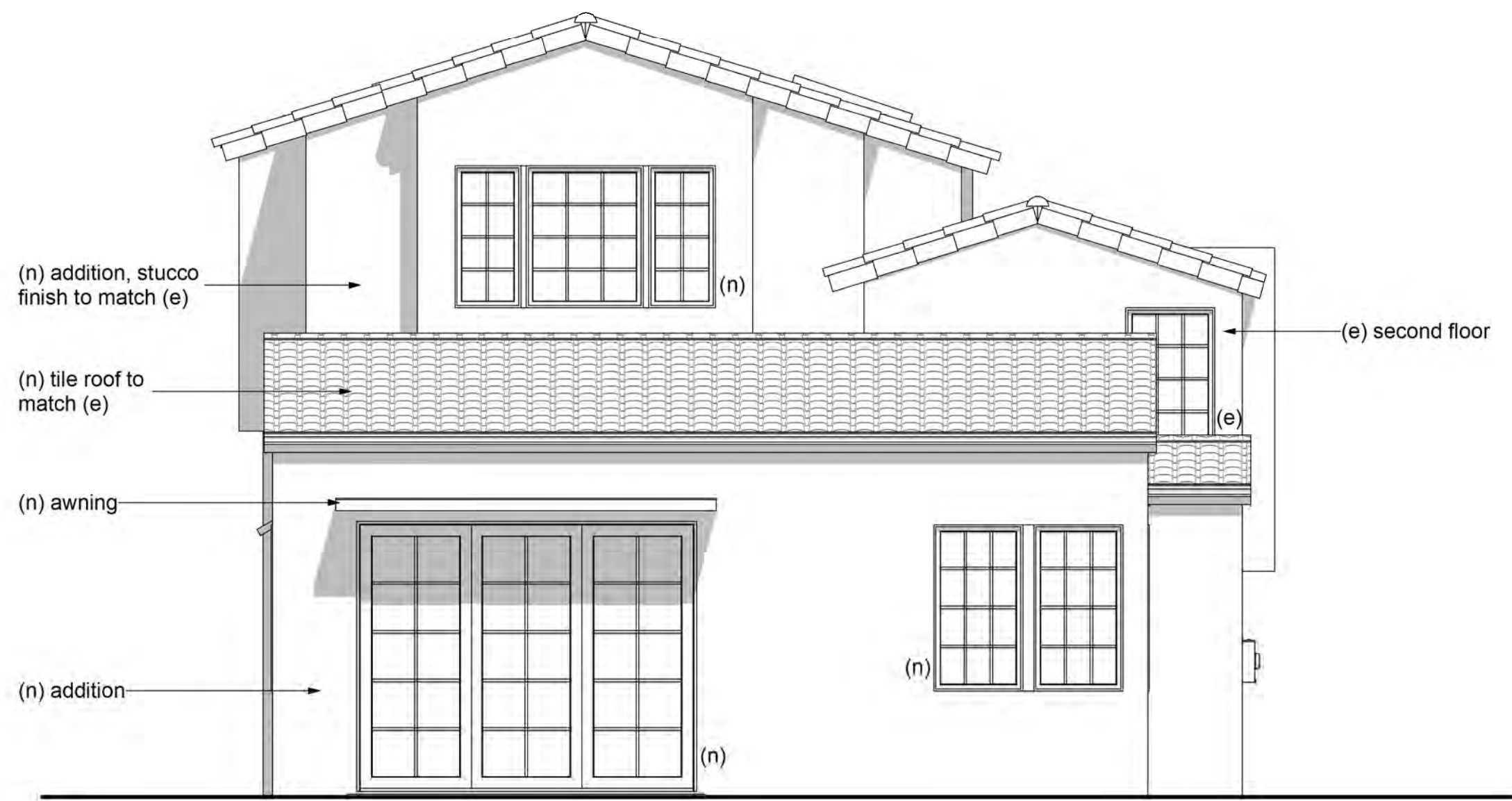


5 Street View Of Proposed Addition

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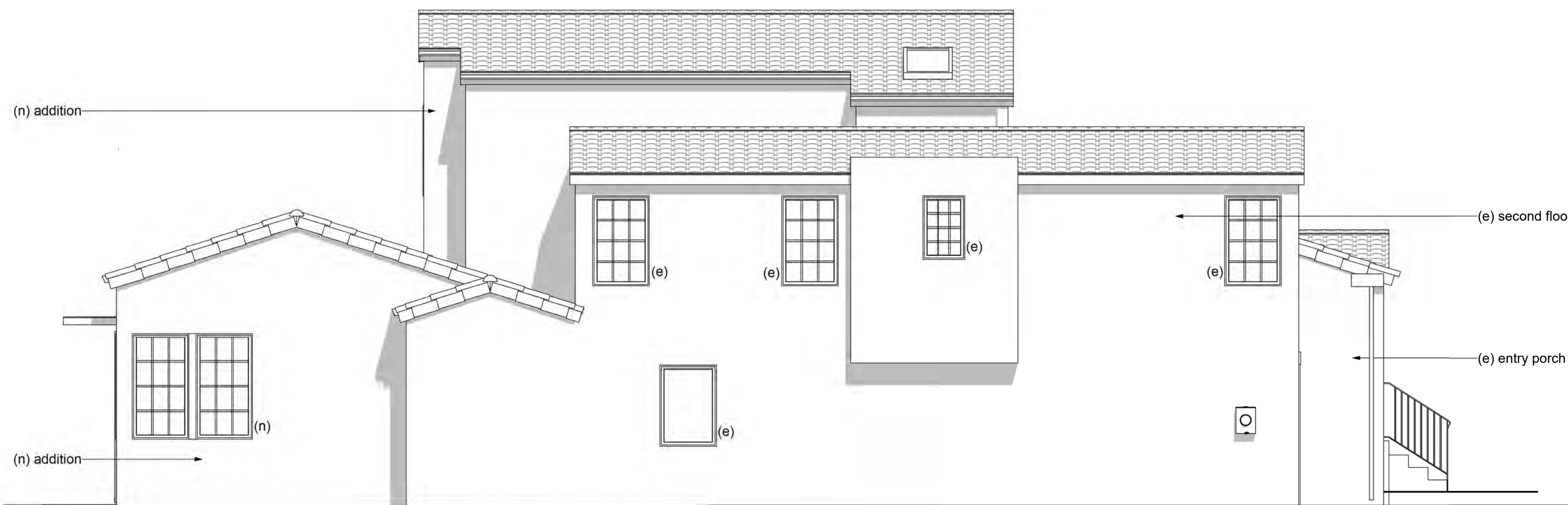
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Berkeley, CA 94702  
APN: 058 213500300



4 Proposed South Elevation - Rear  
Original Approved AUP



3 Proposed West Elevation - Right Side  
Original Approved AUP



2 Proposed East Elevation - Left Side  
Original Approved AUP



1 Proposed North Elevation - Front  
Original Approved AUP

Sheet Contents:  
Approved AUP  
Proposed Exterior Elevations

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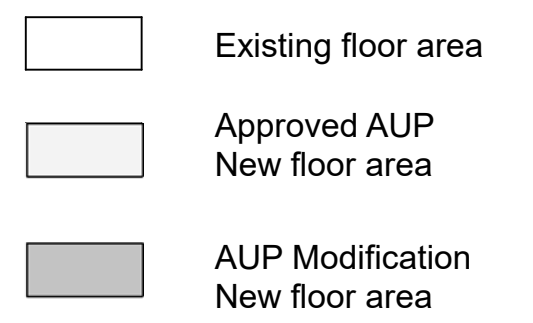
Project No:  
20-07-414

Drawn By:  
SSG

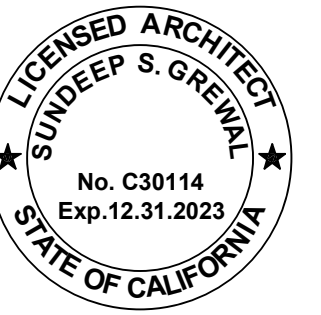
Checked By:  
SSG

Scale:  
1/4" = 1'-0"

Revisions:  
AUP Modification Submittal:  
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Sheet Contents:  
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Proposed Floor Plan

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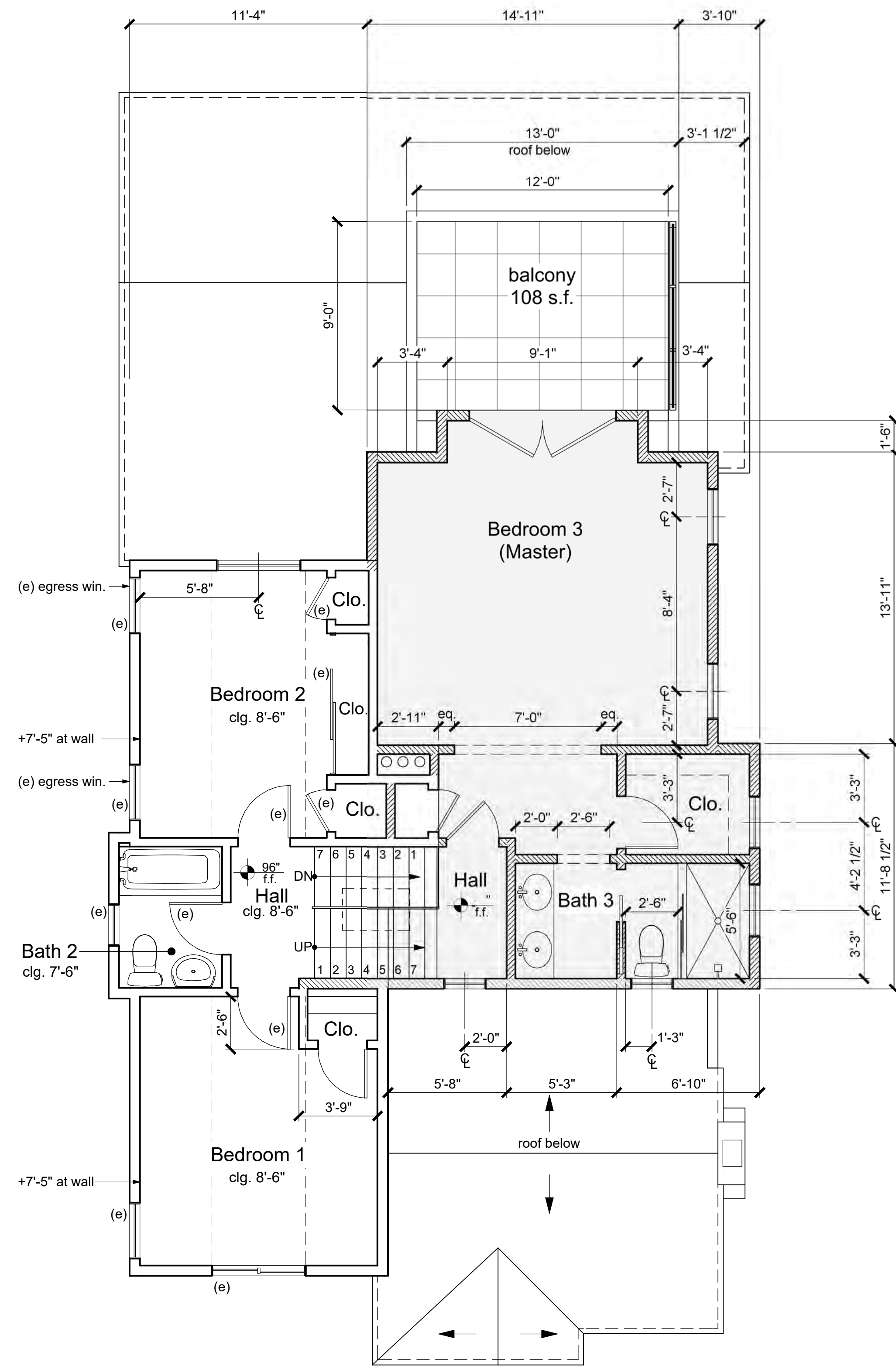
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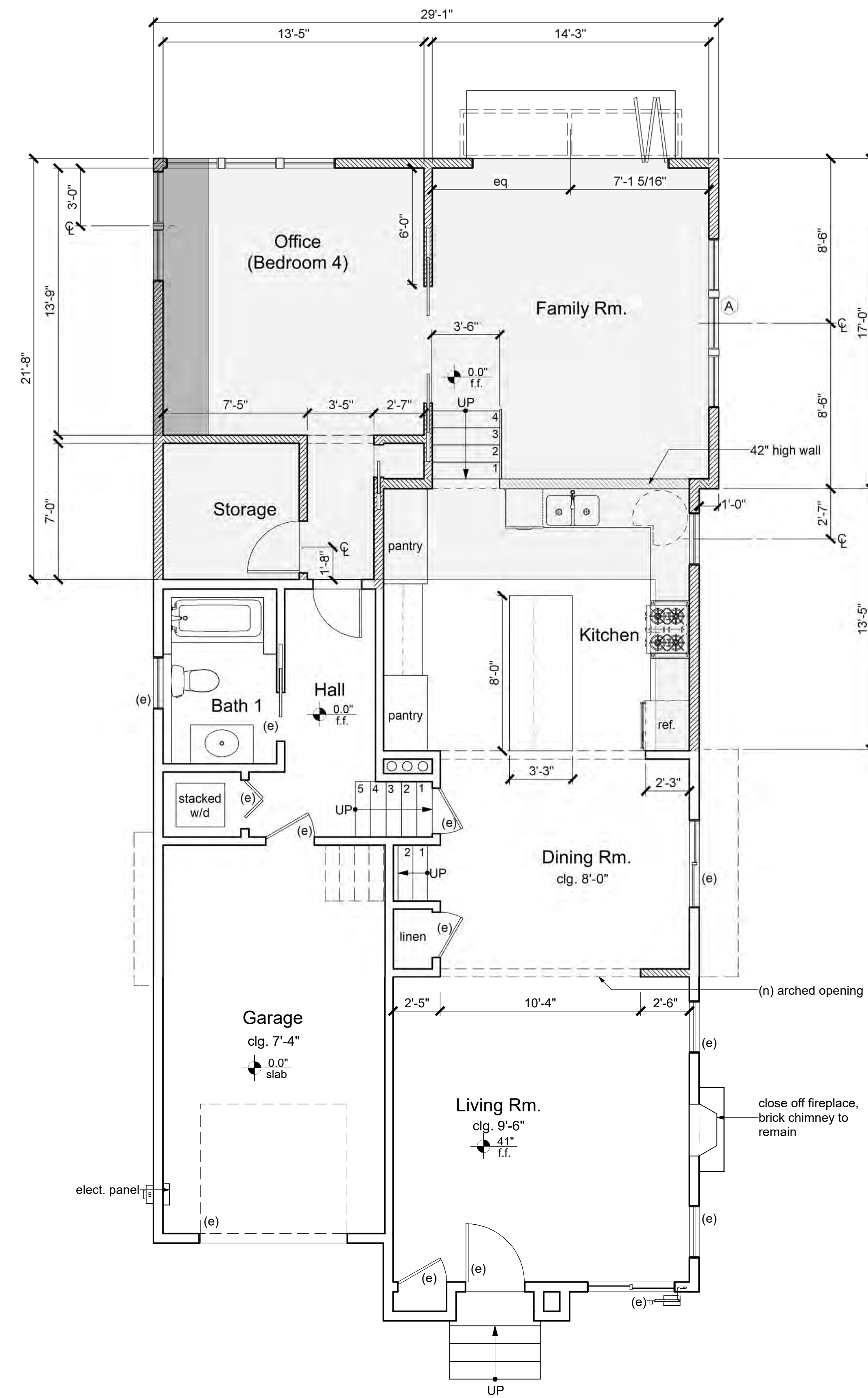
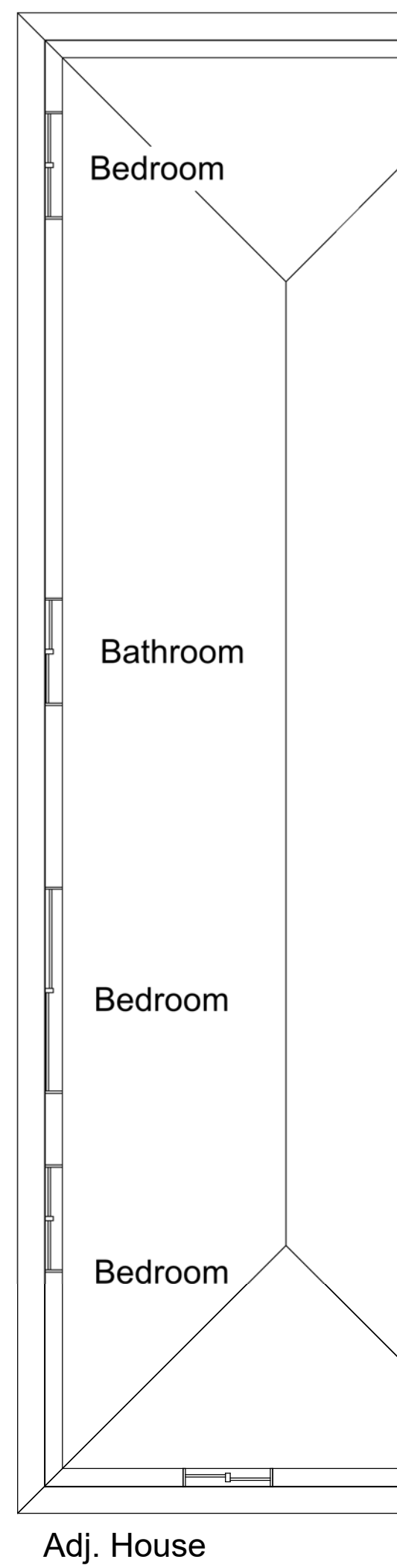
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Revisions:  
AUP Modification Submittal:  
07-21-2022

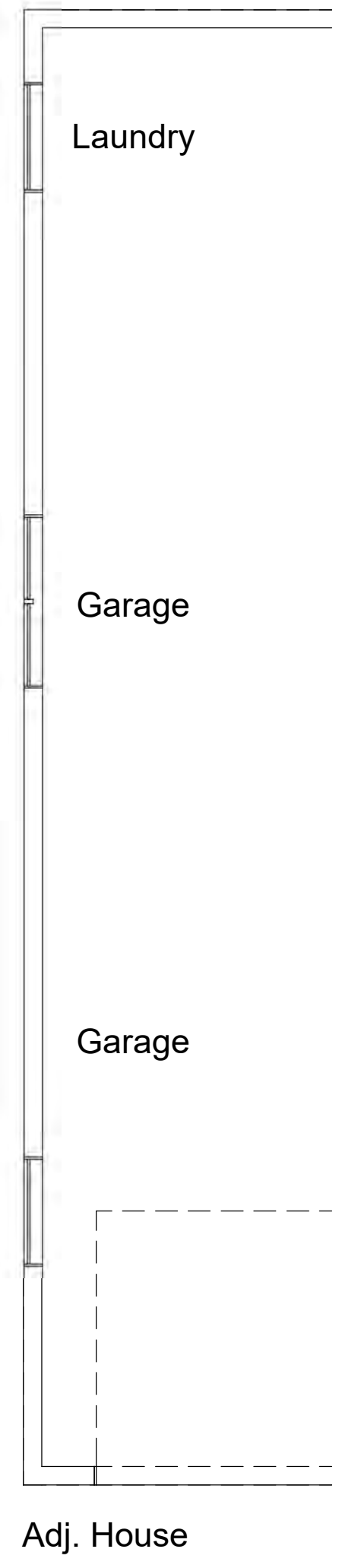
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**2** Proposed Second Floor Plan  
AUP Modification

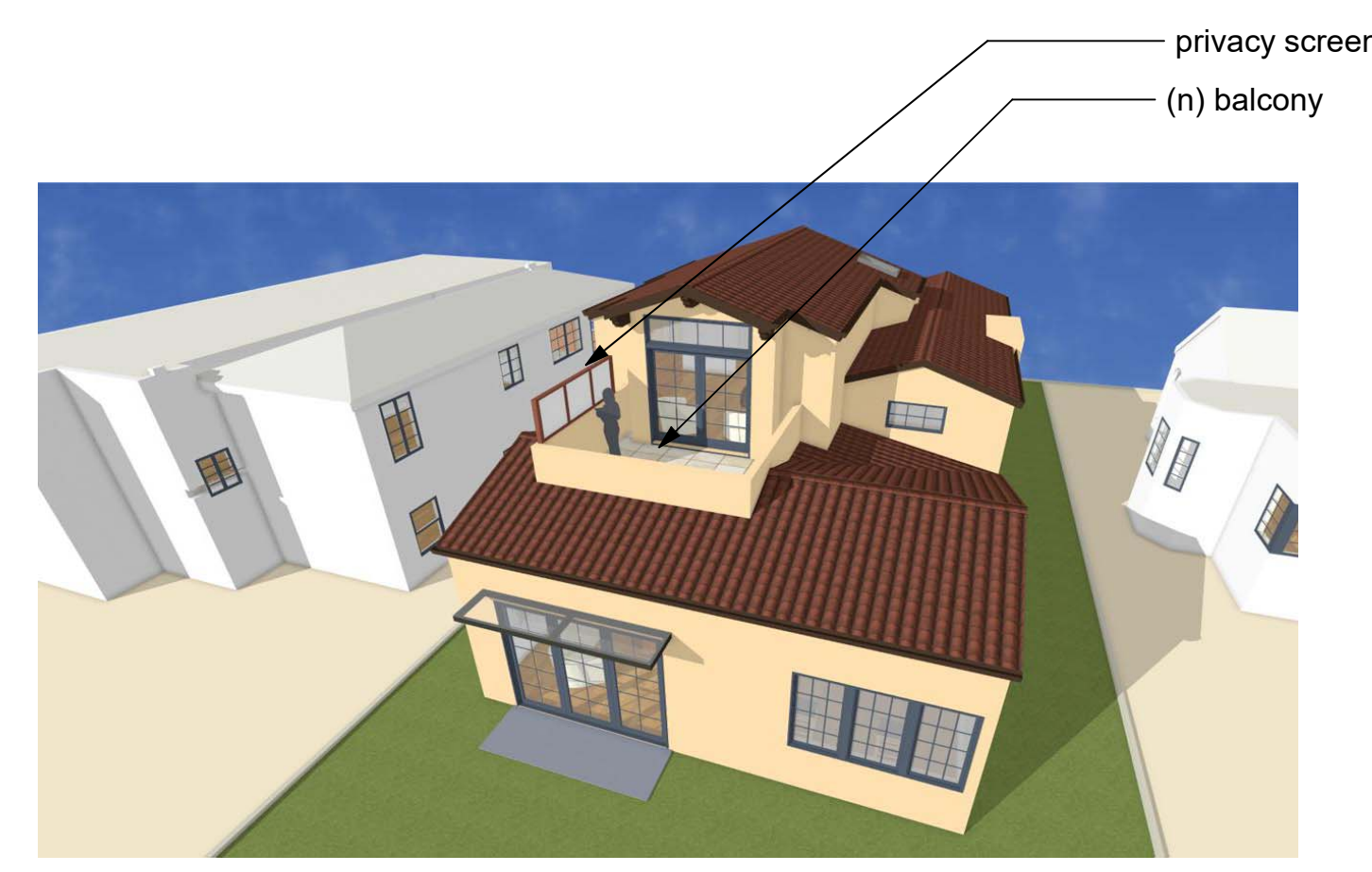
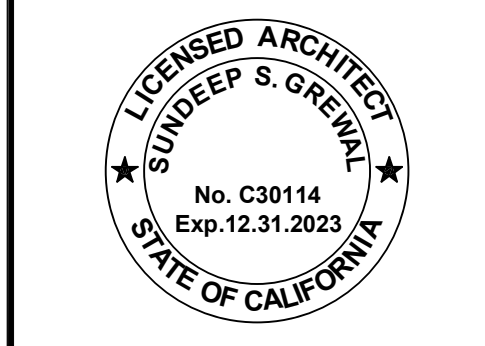


**1** Proposed First Floor Plan  
AUP Modification

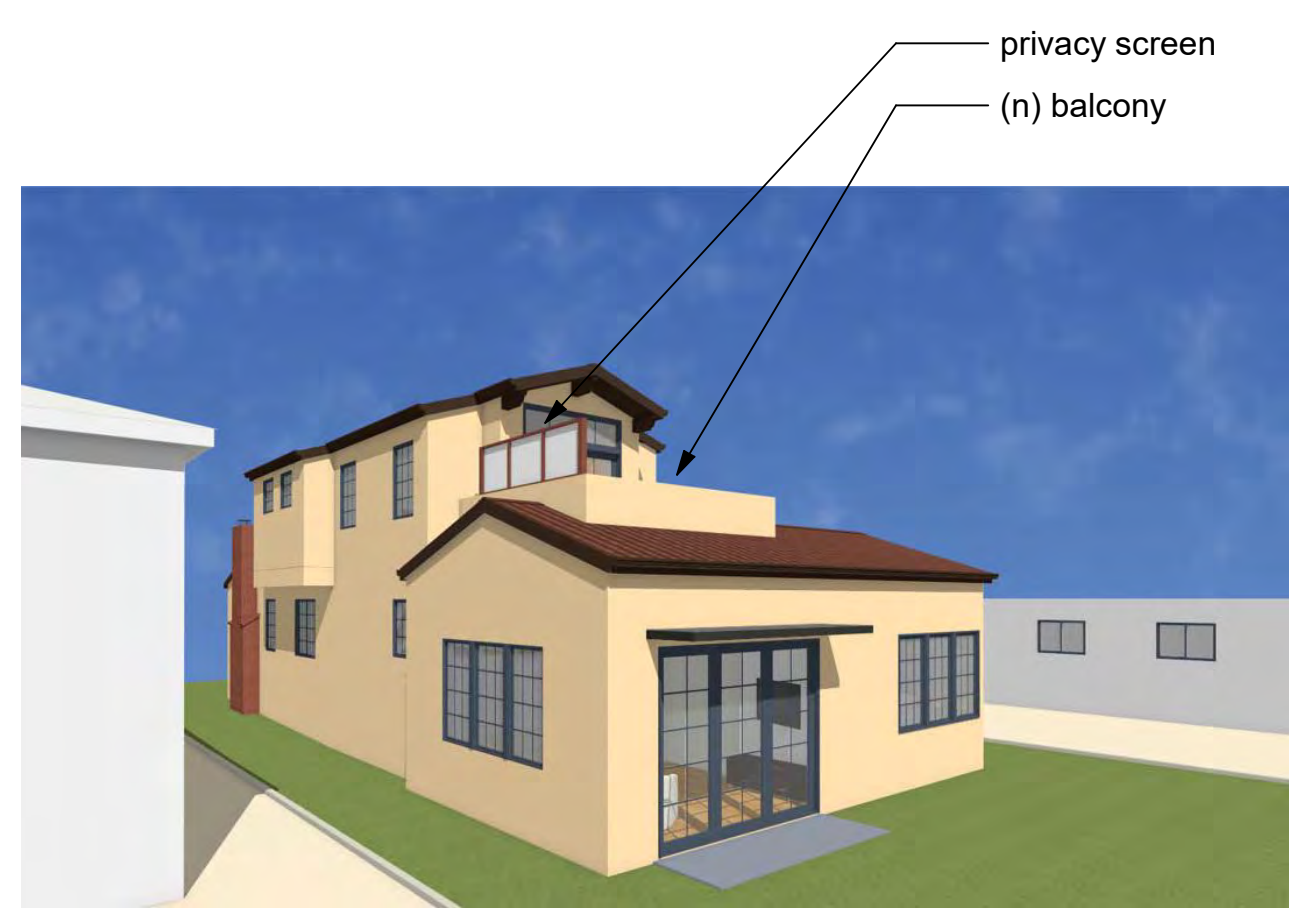




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8 Aerial View Of Proposed Addition  
AUP Modification



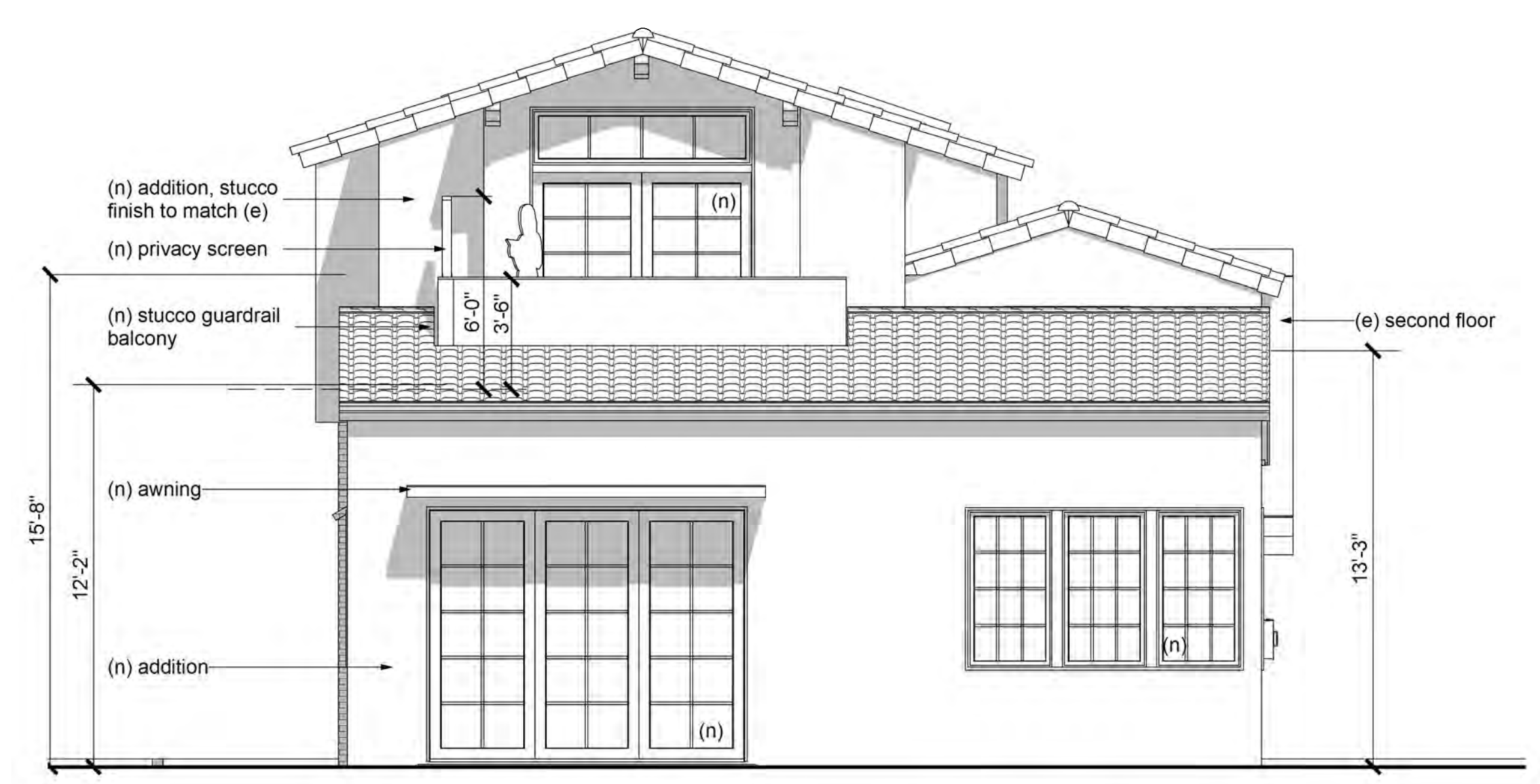
7 Right Rear View Of Proposed Addition  
AUP Modification



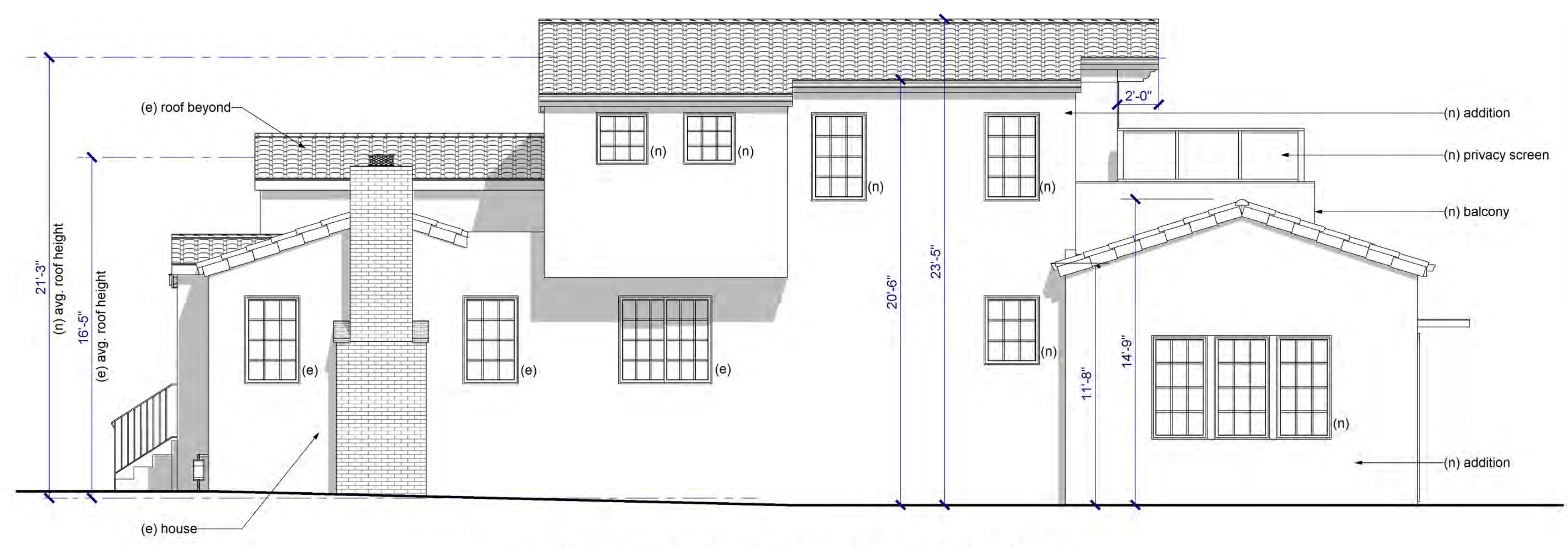
6 Left Rear View Of Proposed Addition  
AUP Modification



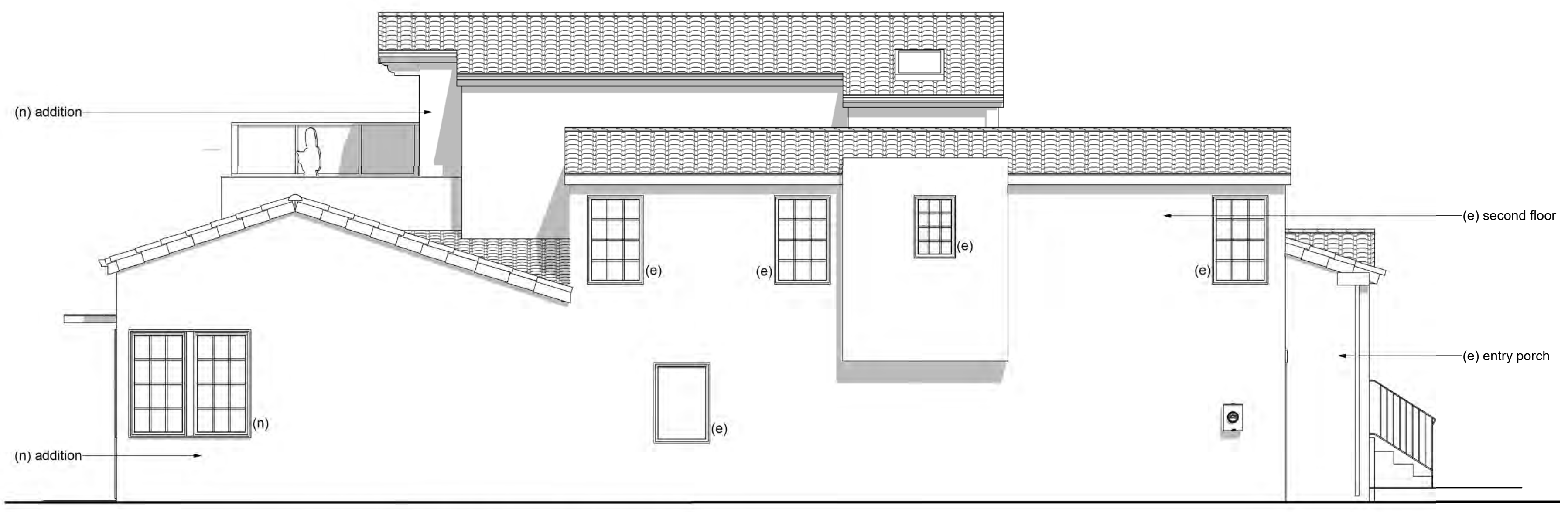
5 Street View Of Proposed Addition  
AUP Modification



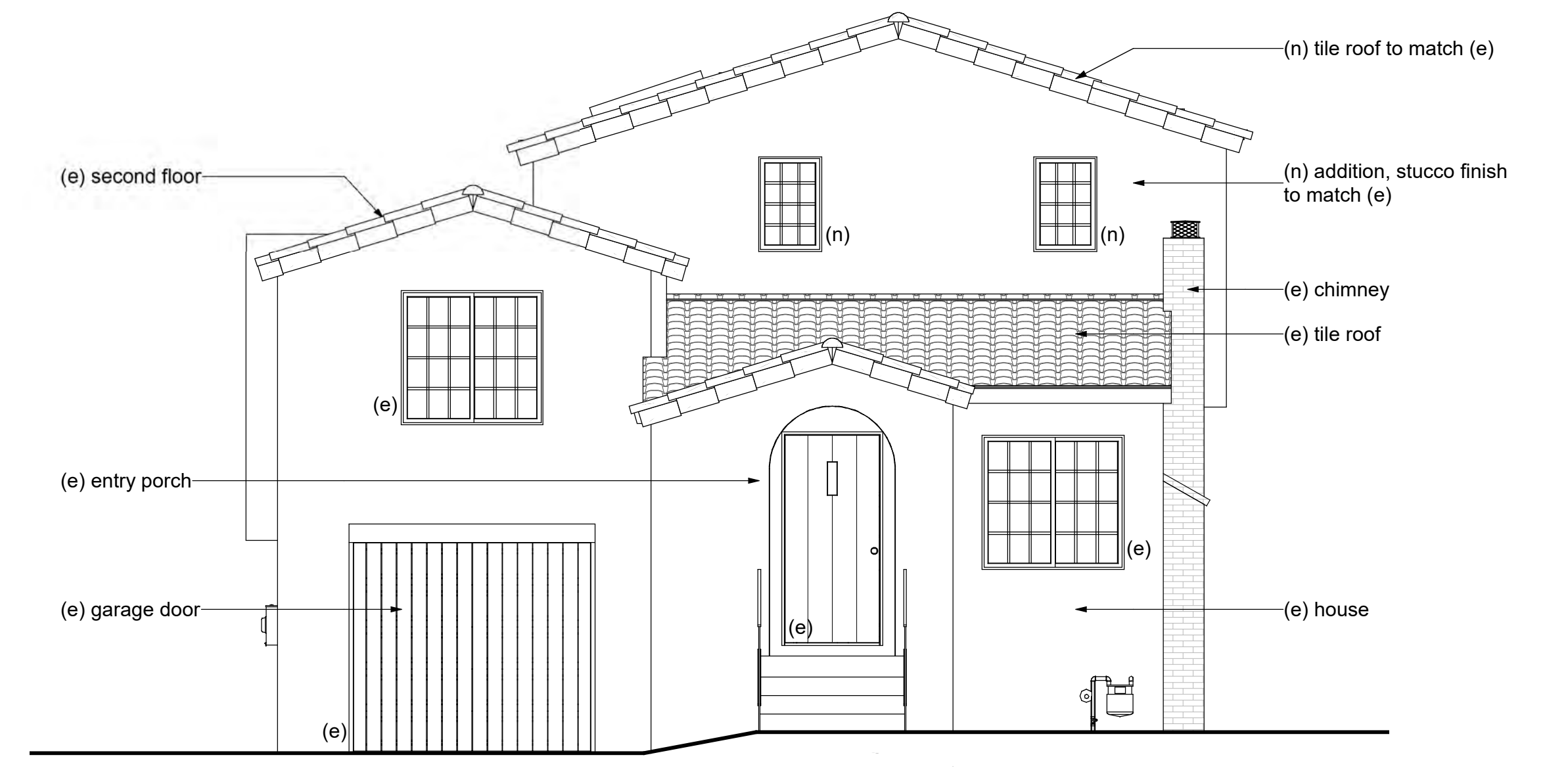
4 Proposed South Elevation - Rear  
AUP Modification



3 Proposed West Elevation - Right Side  
AUP Modification



2 Proposed East Elevation - Left Side  
AUP Modification



1 Proposed North Elevation - Front  
AUP Modification

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AUP Modification  
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Sheet Contents:  
AUP Modification  
Proposed Exterior Elevations

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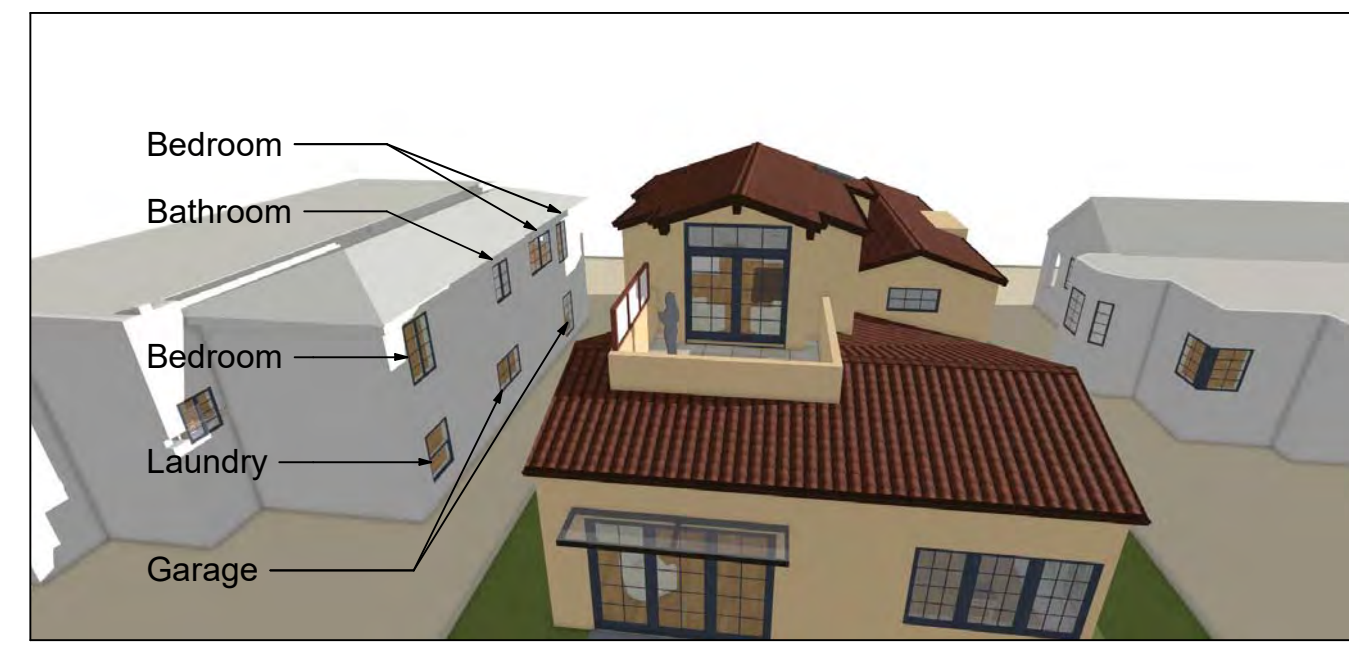
Project No:  
20-07-414

Drawn By:  
SSG

Checked By:  
SSG

Scale:  
1/4" = 1'-0"

Revisions:  
AUP Modification Submittal:  
07-21-2022



Proposed  
**6-21-2020 / 7:47 am**



Proposed  
**12-21-2020 / 9:21 am**



Proposed  
**6-21-2020 / 6:35 pm**



Existing  
**6-21-2020 / 7:47 am**



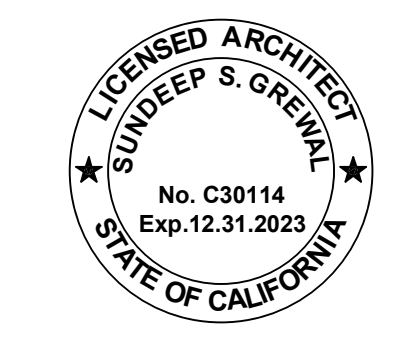
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**12-21-2020 / 9:21 am**



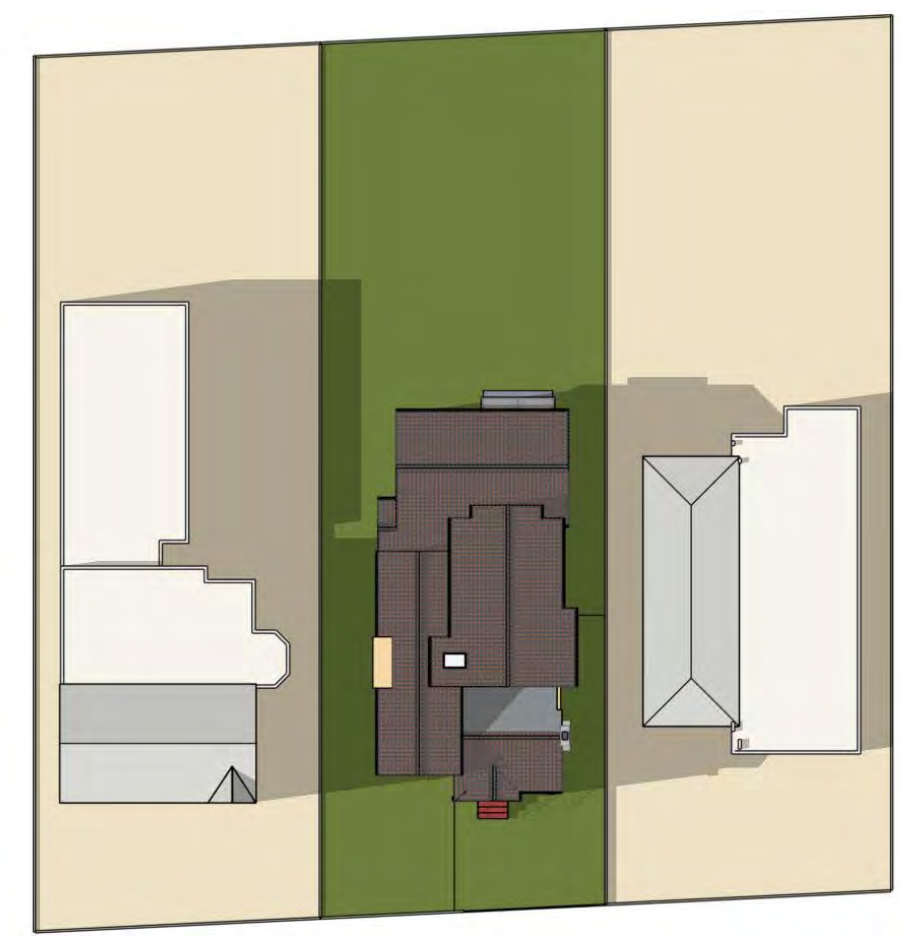
Existing  
**6-21-2020 / 6:35 pm**



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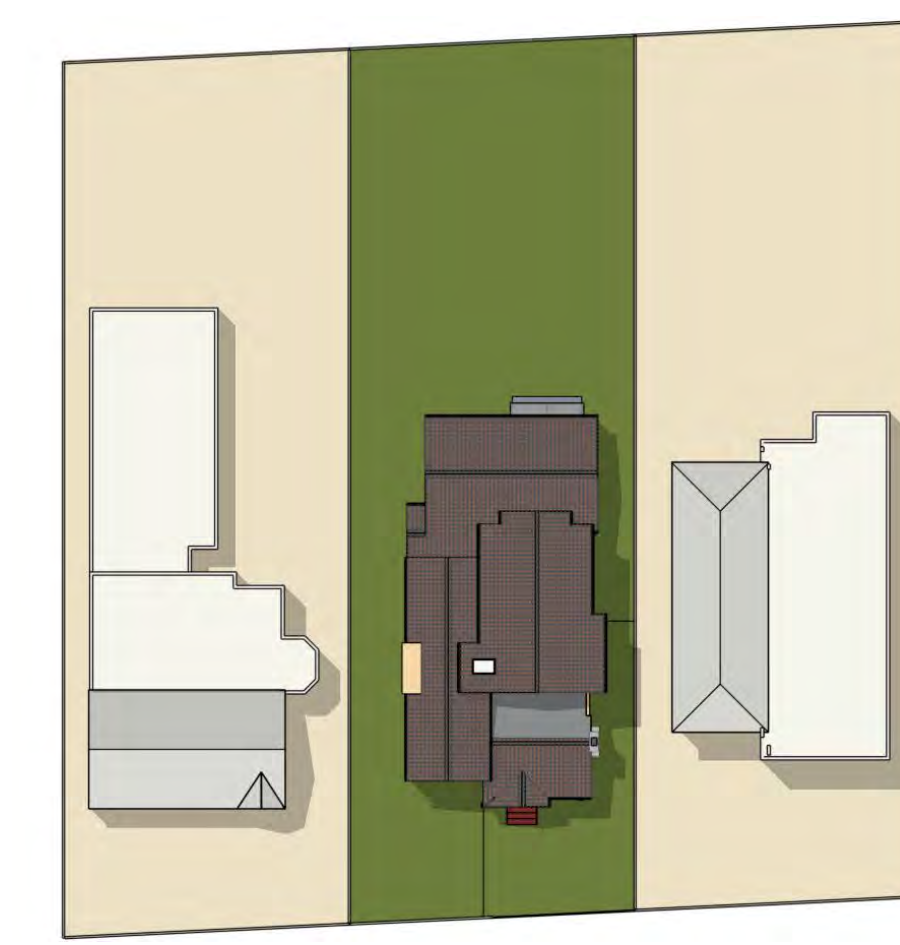


Approved Project

**6-21-2020 / 7:47 am**  
See Above

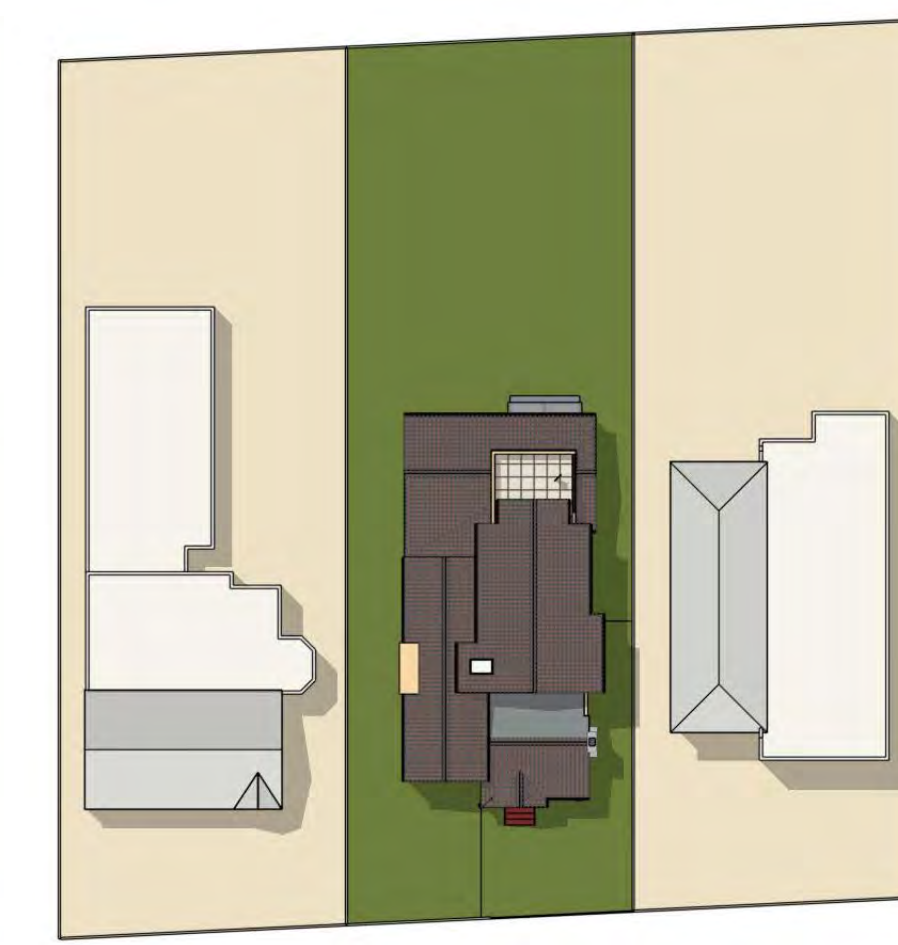


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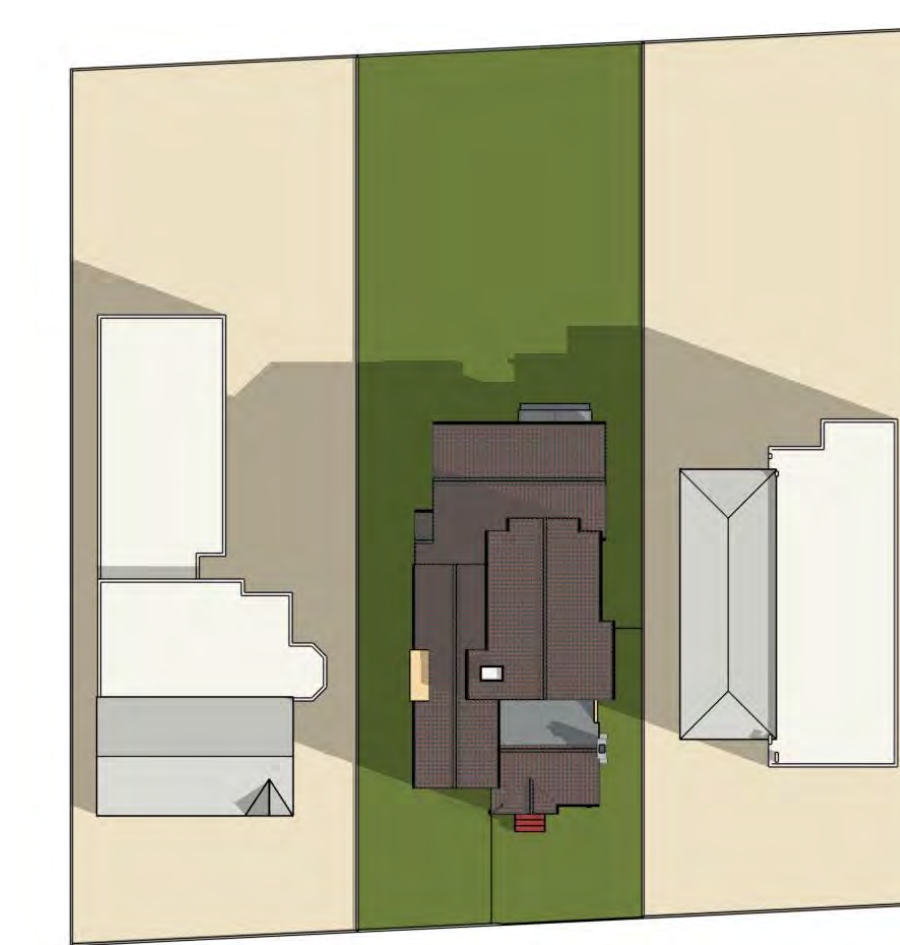


Approved Project

**6-21-2020 / 12:00 pm**

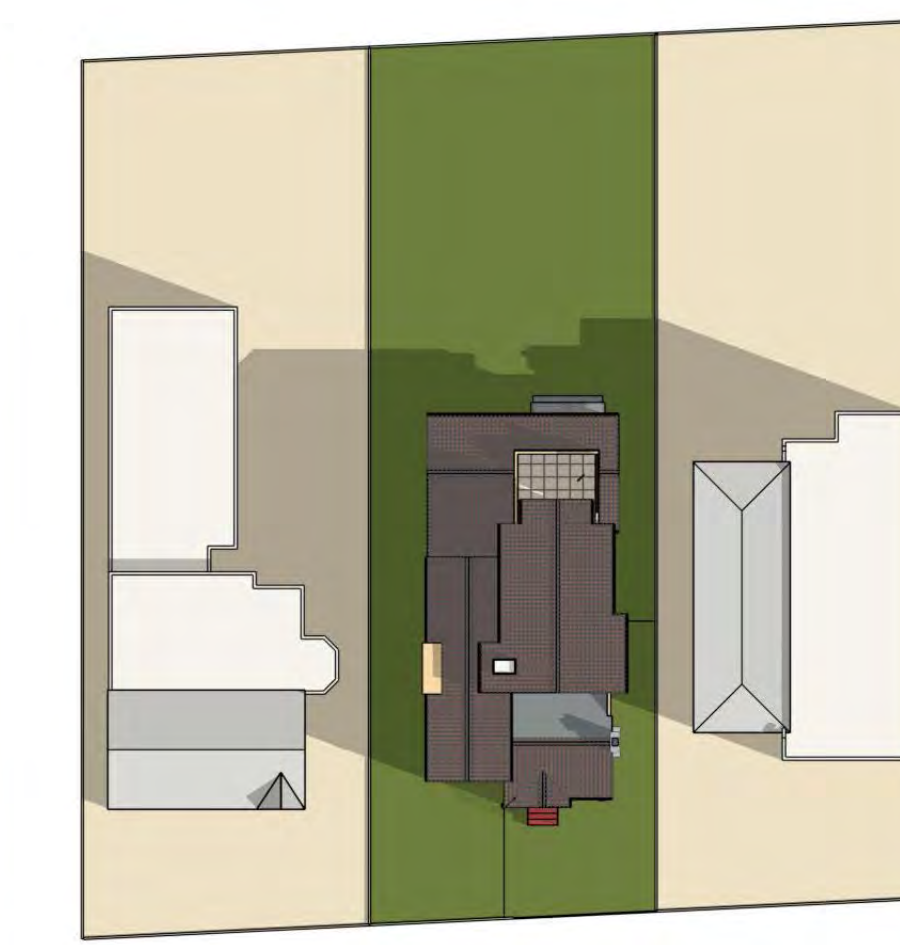


Proposed Modification



Approved Project

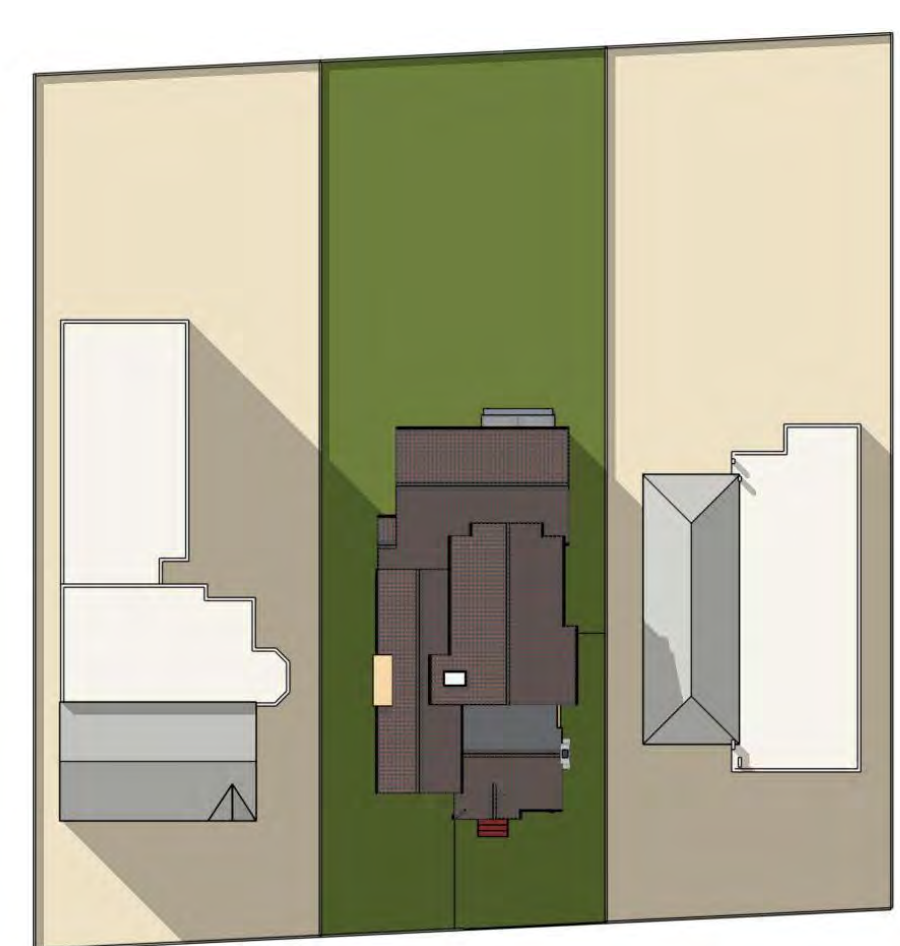
**6-21-2020 / 6:35 pm**  
See Above



Proposed Modification

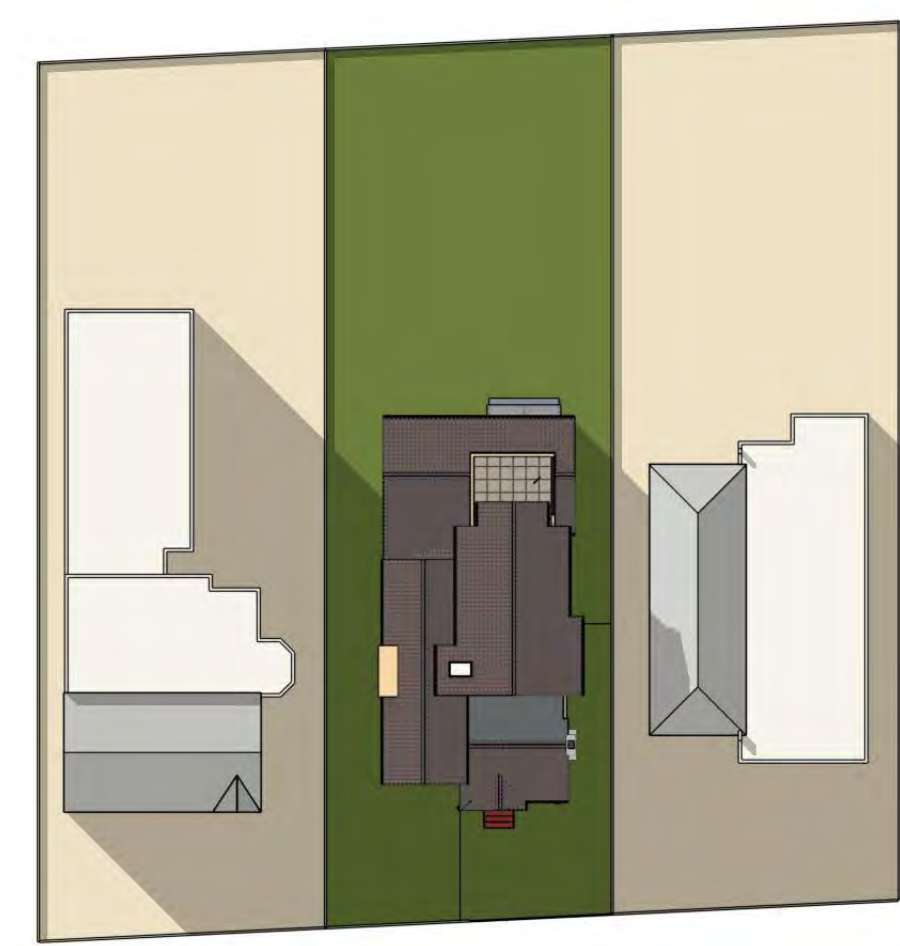
Sheet Contents:  
AUP Modification  
Shadows Studies

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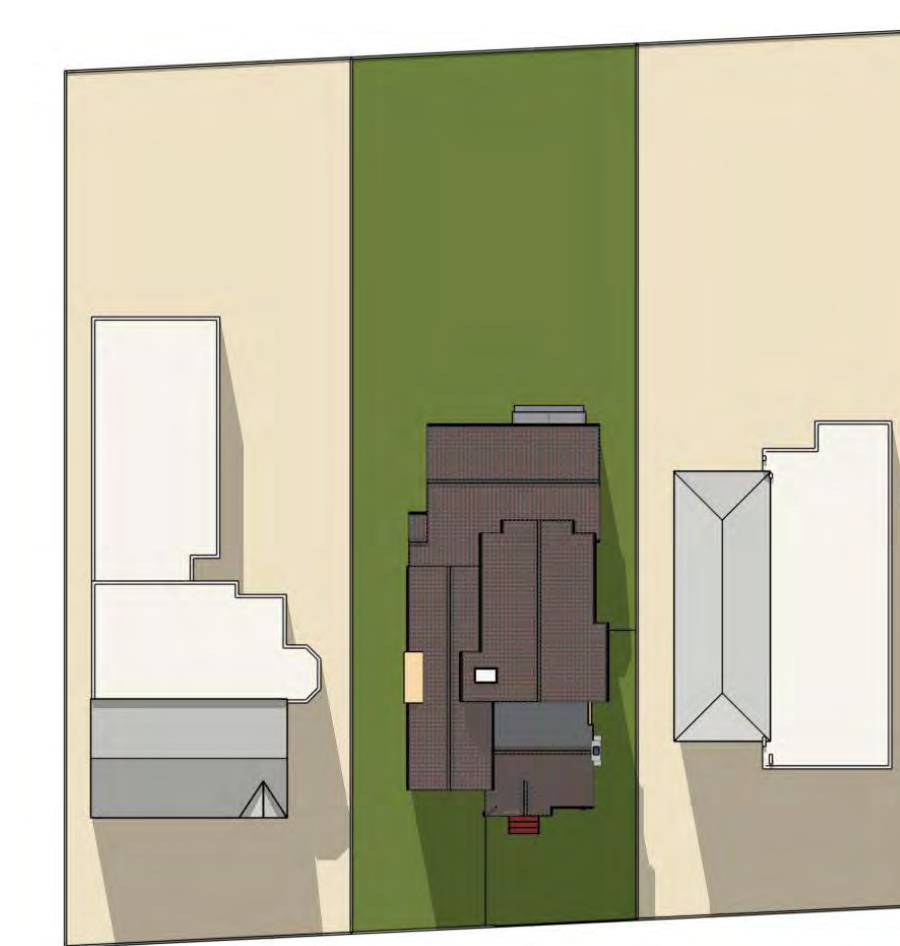


Approved Project

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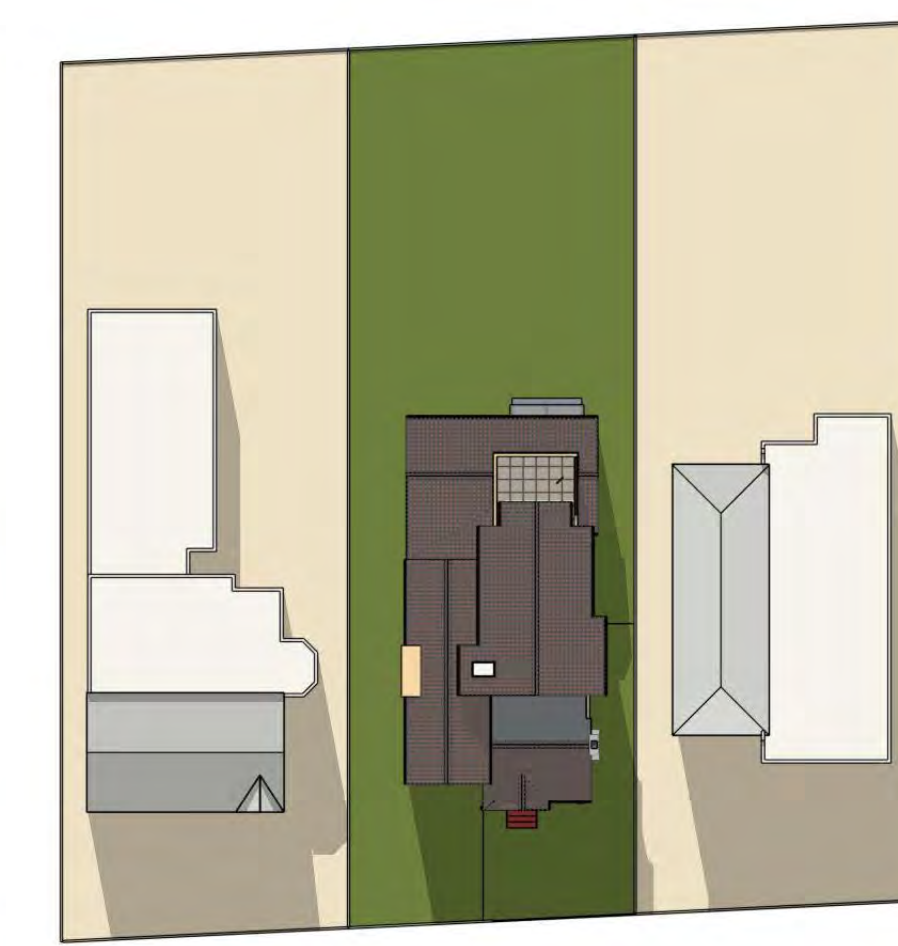


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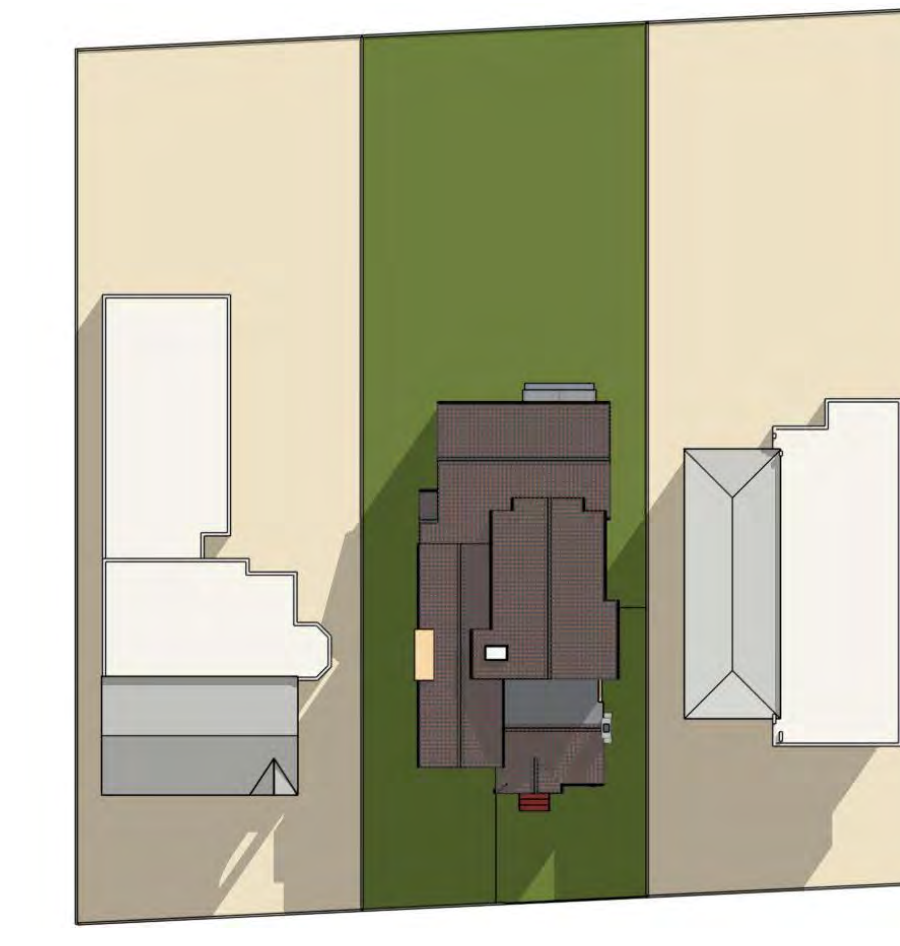


Approved Project

**12-21-2020 / 12:00 pm**

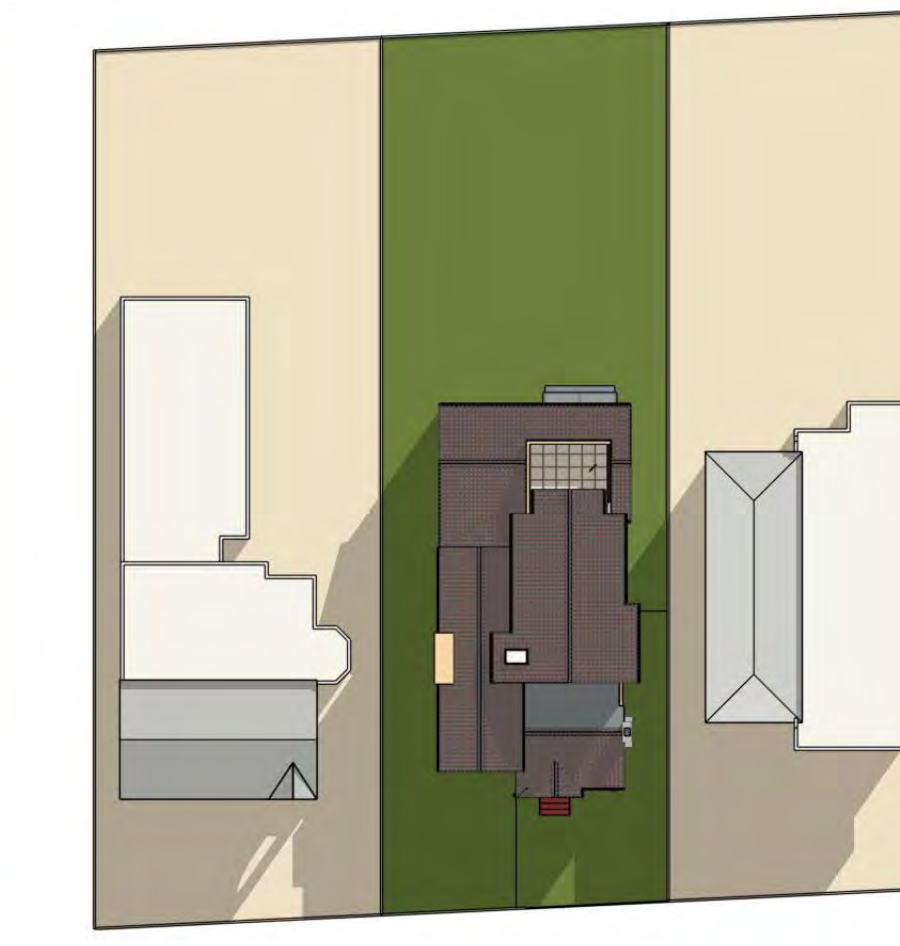


Proposed Modification



Approved Project

**12-21-2020 / 2:54 pm**



Proposed Modification







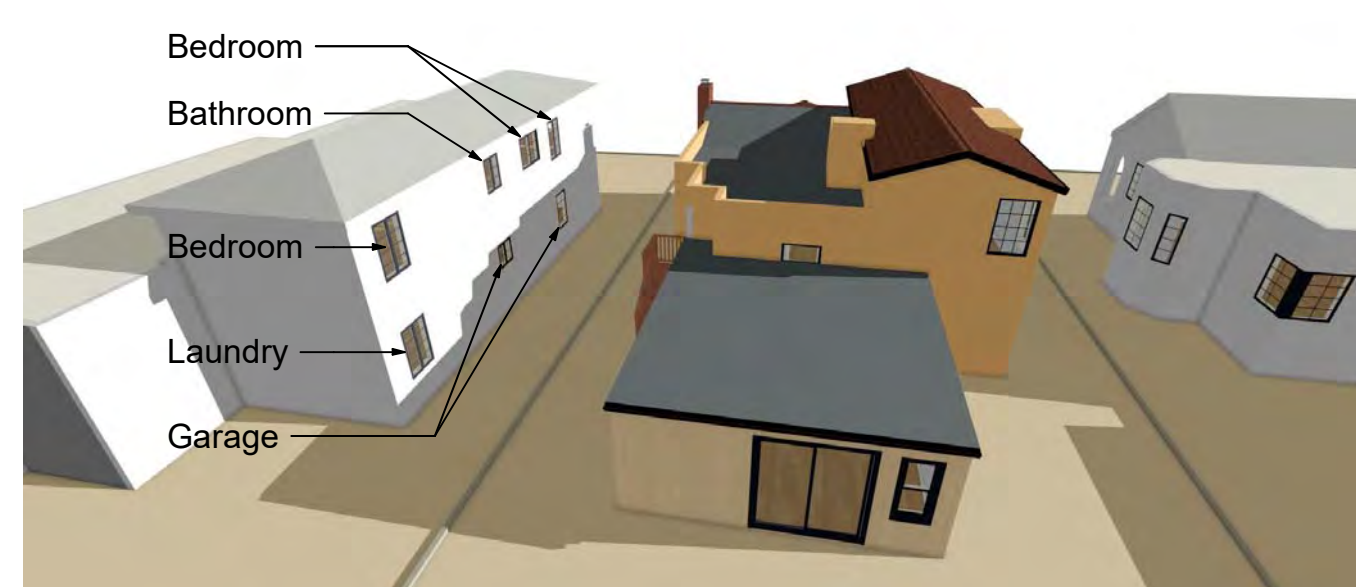
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6-09-2020 / 4:00 pm



Shadow Accuracy Simulation  
6-09-2020 / 4:00 pm



Proposed  
6-21-2020 / 7:47 am



Existing  
6-21-2020 / 7:47 am



Proposed  
12-21-2020 / 9:21 am



Existing  
12-21-2020 / 9:21 am



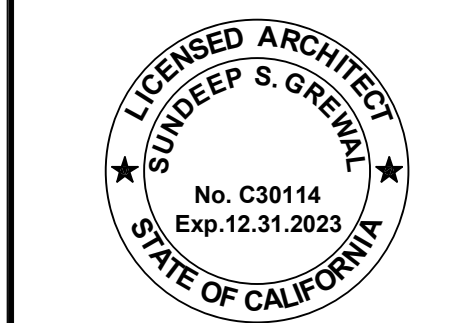
Proposed  
6-21-2020 / 6:35 pm



Existing  
6-21-2020 / 6:35 pm



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Sheet Contents:  
Original Approved AUP  
Shadows Studies

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Project No:  
20-07-414

Drawn By:  
SSG

Checked By:  
SSG

Scale:  
NTS

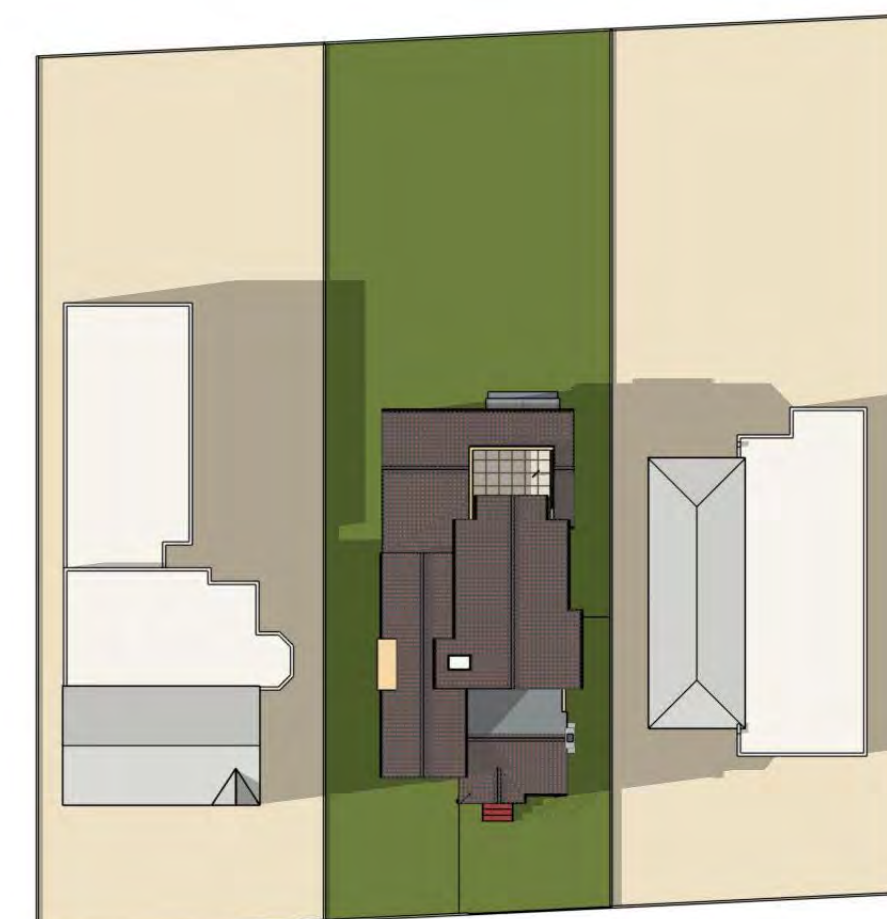
Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet  
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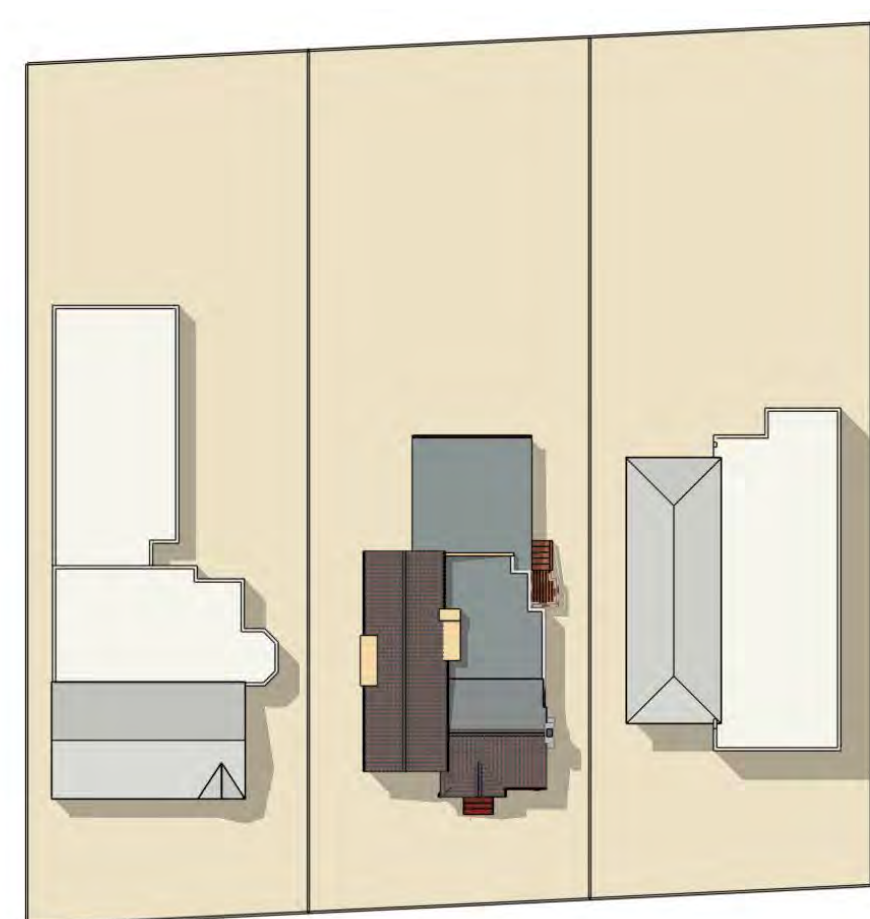


Existing

6-21-2020 / 7:47 am  
See Above

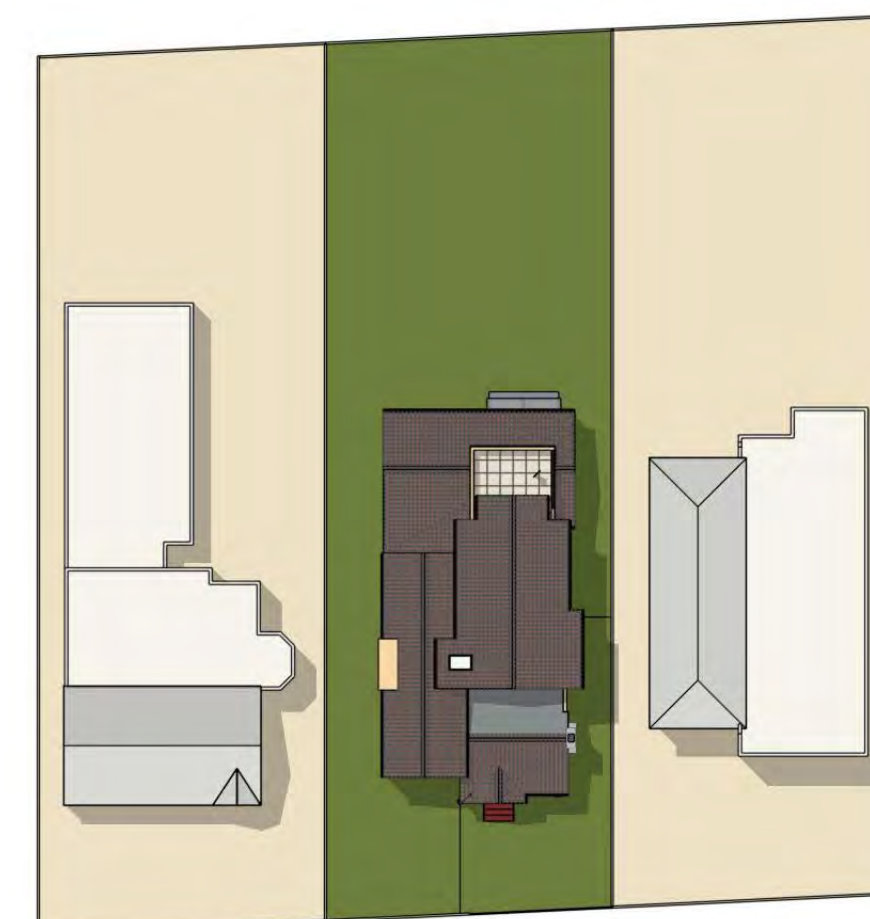


Proposed Modification



Existing

6-21-2020 / 12:00 pm



Proposed Modification

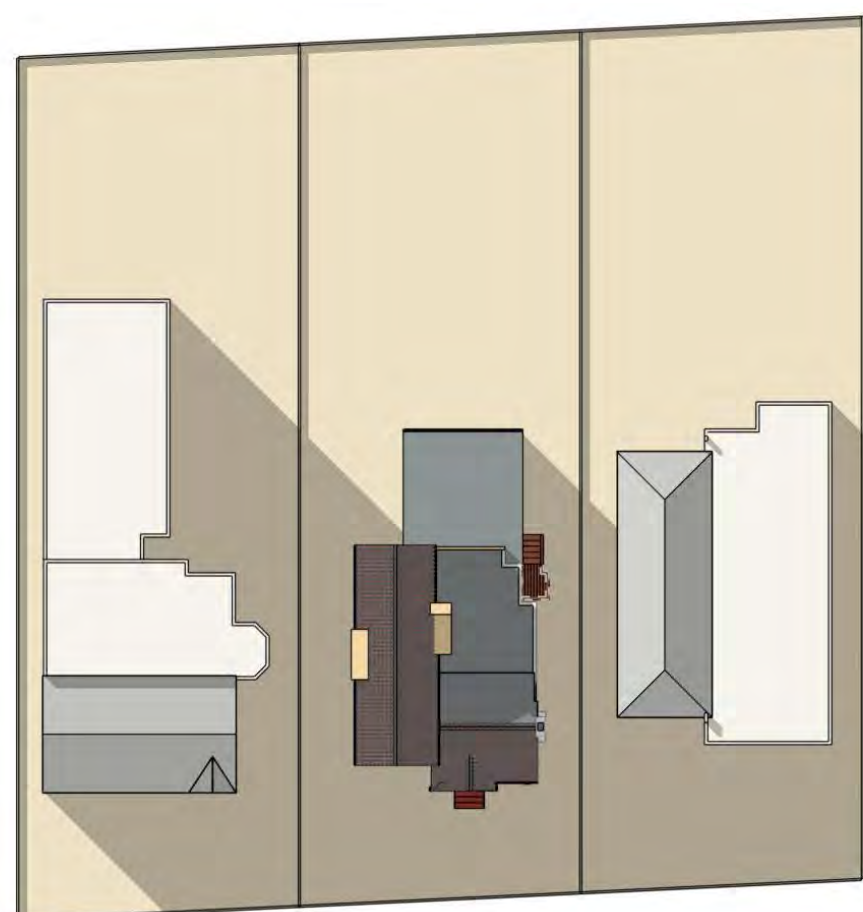


Existing

6-21-2020 / 6:35 pm  
See Above

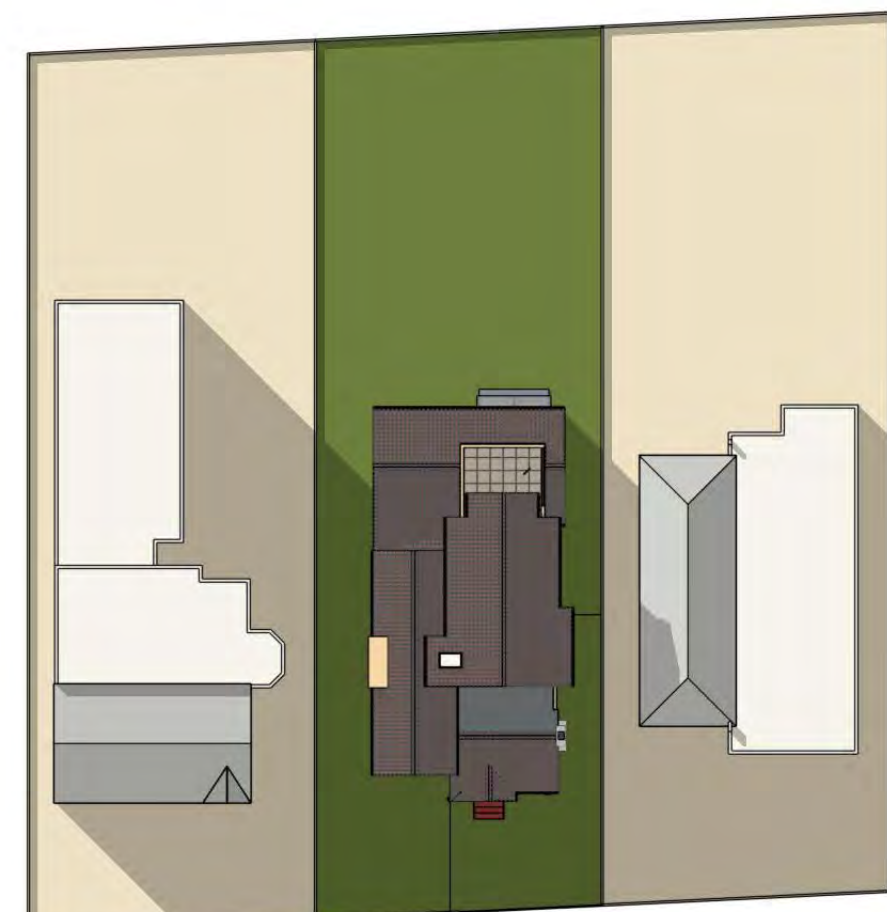


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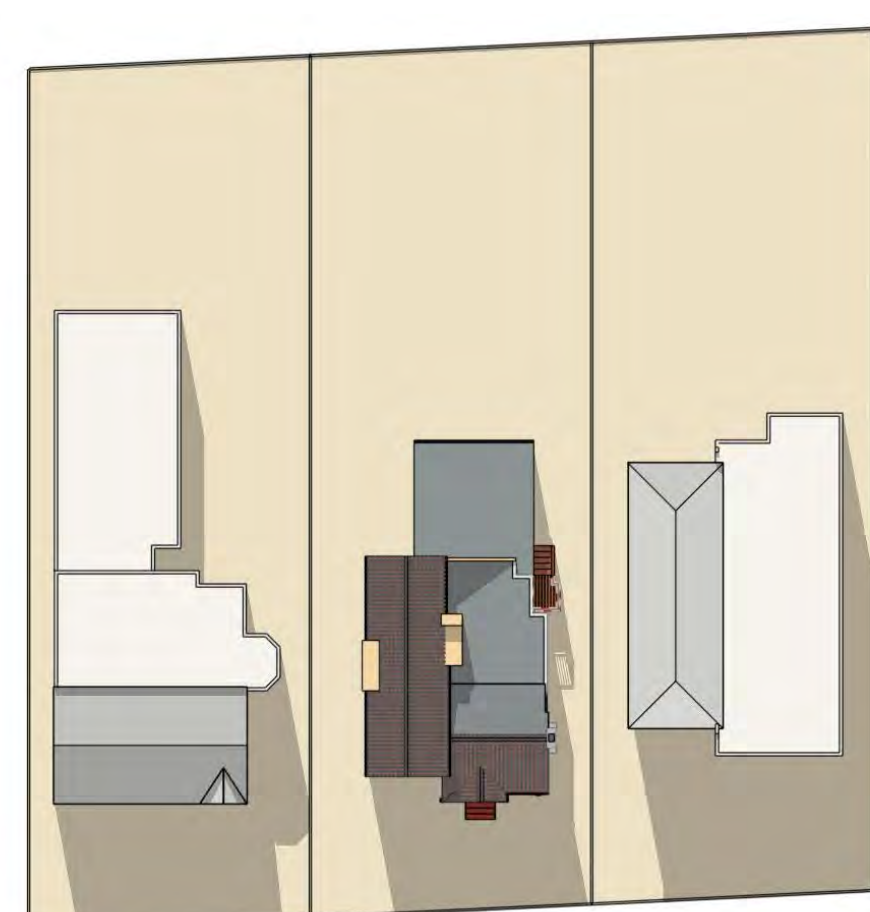


Existing

12-21-2020 / 9:21 am  
See Above

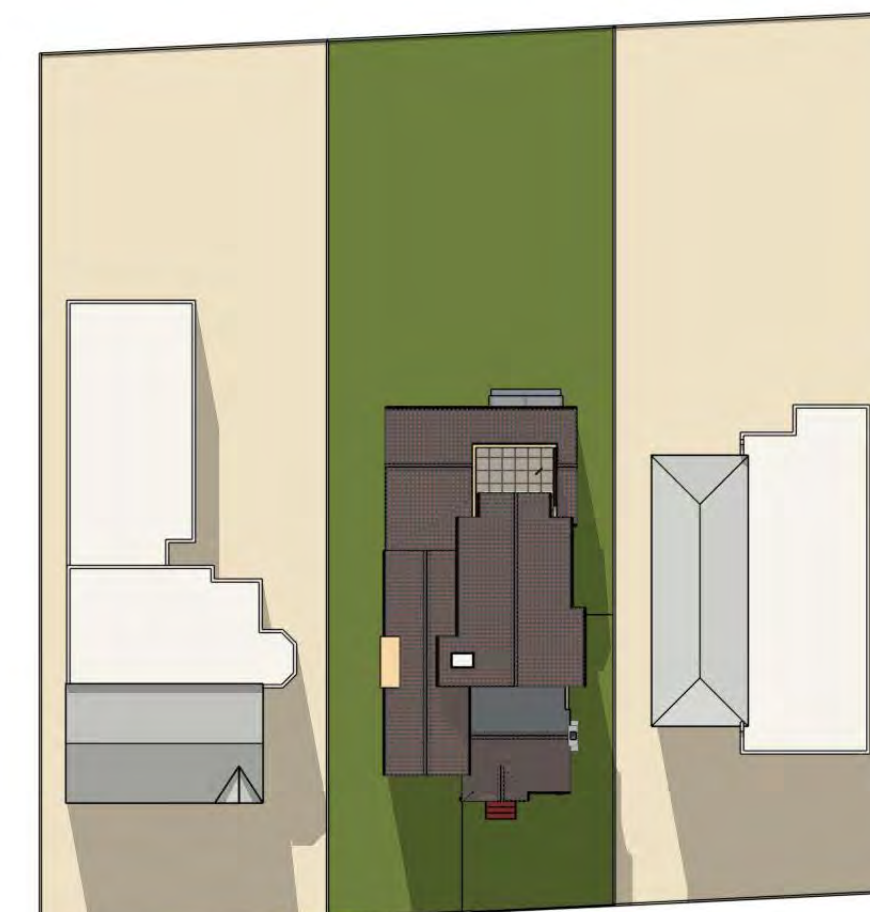


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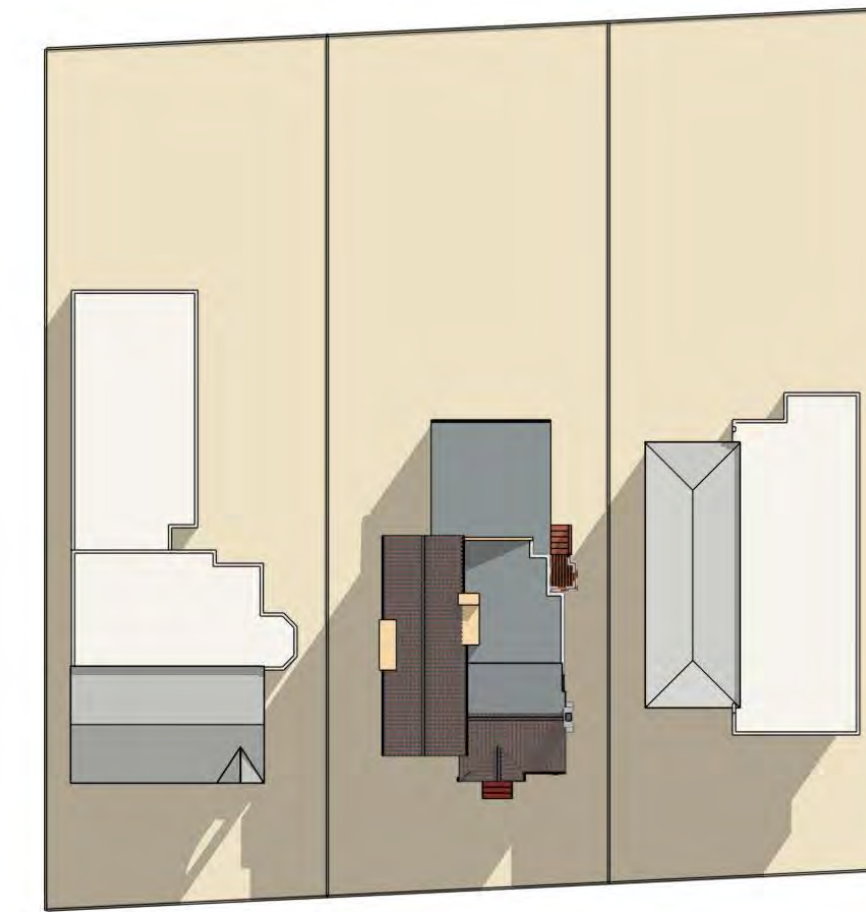


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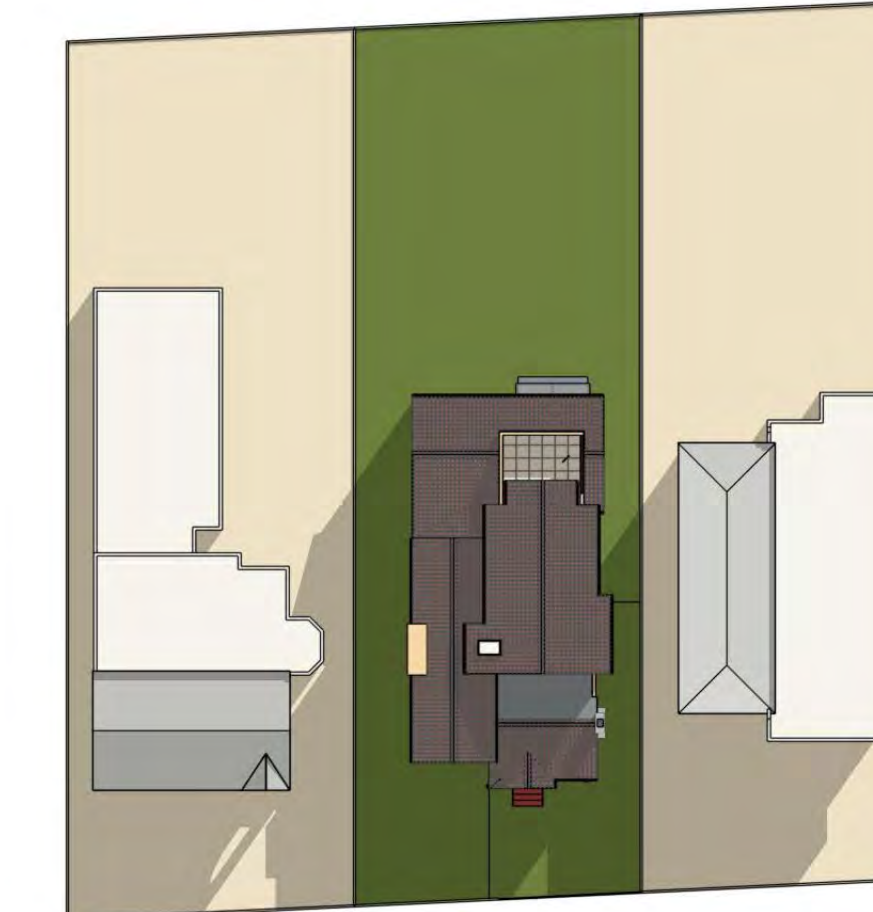


Proposed Modification



Existing

12-21-2020 / 2:54 pm



Proposed Modification





Planning and Development Department  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

**Post and Mail Date:**  
**August 3, 2022**

## NOTICE OF ADMINISTRATIVE DECISION

### **AUP #ZP2021-0006 -- APPROVED**

#### **1262 Francisco Street**

Modification of Administrative Use Permit #ZP2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.

**Appeal Period: August 4, 2022 to August 24, 2022** (see reverse)

#### **All application materials may be viewed online:**

All application materials for this project are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

Questions about the project should be directed to the project planner, Katrina Lapira at (510) 981-7488 or

[klapira@cityofberkeley.info](mailto:klapira@cityofberkeley.info).

«NAME1»

«NAME2»

«ADDRESS1» «ADDRESS2»

**TO APPEAL THIS DECISION (see Section 23B.28.060 of the Berkeley Municipal Code):**

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1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the Zoning Officer, at the Permit Service Center, 1947 Center Street, 3<sup>rd</sup> Floor, Berkeley. You may contact the Land Use Planning Division by phone at (510) 981-7410 if you have any questions.
2. The appeal must be received prior to 2:00 p.m. on the last day of the appeal period shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
  - A. The basic fee for appeals of a Zoning Officer decision to the Zoning Adjustments Board is \$500. This fee may be reduced to \$200 if the appeal is signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less.
  - B. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - C. The fee for all appeals by Applicants is \$3,680.

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in an appeal of the decision.
  2. You must appeal to the Zoning Adjustments Board within twenty (20) days after the Notice of Decision of the action of the Zoning Officer is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
  3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
  4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
  5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the following information:
    - A. That this belief is a basis of your appeal.
    - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
    - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.
- If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City and in court.

Internal

NAME1	NAME2	ADDRESS1	ADDRESS2
Milvia-King Alliance	1731 MILVIA ST	BERKELEY CA 94709	
Schoolhouse-Lincoln Creeks Watershed Neighborhood Assoc.	1546 MILVIA ST	BERKELEY CA 94709	
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	Berkeley, CA 94720-1382	
Urban Creeks Council	861 REGAL RD	BERKELEY CA 94708	
California Delaware McGee Neighborhood Association	1612 DELAWARE ST	BERKELEY CA 94703	
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA 94618	
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA 94704	
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SOUTH SAN FRANCISCO CA 94080	
GRUEN DARRYL J & EMILY O TRS & GRUEN LEE G TR	1245 FRANCISCO ST B	BERKELEY CA	94702
HOM RICHARD L & LUM SUSAN B	1249 FRANCISCO ST	BERKELEY CA	94702
SNYDER ANDREA L & SIDHU SUNINDER	1253 FRANCISCO ST	BERKELEY CA	94702
PRITT JACKSON D & JOHANNA W	1255 DELAWARE ST	BERKELEY CA	94702
GARSHELIS DAREN & FERNANDEZ KATHERINE	1261 DELAWARE ST	BERKELEY CA	94702
MILLER JONATHAN D	1262 FRANCISCO ST	BERKELEY CA	94702
METUMARA A HANOTU AUSTIN & A HANOTU ADELE J TRS	1266 FRANCISCO ST	BERKELEY CA	94702
LUNDEN MELISSA M	1271 DELAWARE ST	BERKELEY CA	94702
RAVEL JODI L & MEDERICK	1272 FRANCISCO ST	BERKELEY CA	94702
BALDWIN ROBERT E TR & BALDWIN AIMEE J	1345 CALIFORNIA ST	BERKELEY CA	94703
FISHBEIN LAURENCE & GILLET SYDNEY TRS	1729 CHESTNUT ST	BERKELEY CA	94702
DORAN ANDREW & JONES ANDREA	1731 CHESTNUT ST	BERKELEY CA	94702
CHUNG ROBERT E & BARBIERI MAGALI	1735 CHESTNUT ST	BERKELEY CA	94702
ALLEN WILMER K TR	1737 CHESTNUT ST	BERKELEY CA	94702
ALABI OLUWABUSAYO & JENNIFER TRS	1743 CHESTNUT ST	BERKELEY CA	94702
PHAM THANH & VO LY T	1812 SHORT ST	BERKELEY CA	94702
ARCEKASKIRIS VANESSA M & KASKIRIS CHARIS	743 WOODHAVEN RD	BERKELEY CA	94708
GAYLORD KRISTIN Z TR	912 HAWTHORNE DR	WALNUT CREEK CA	94596
OCCUPANT(S)	1245 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1245 FRANCISCO ST A	BERKELEY CA	94702
OCCUPANT(S)	1247 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1247 FRANCISCO ST A	BERKELEY CA	94702
OCCUPANT(S)	1255 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1255 FRANCISCO ST 2	BERKELEY CA	94702
OCCUPANT(S)	1255 FRANCISCO ST A	BERKELEY CA	94702
OCCUPANT(S)	1255 FRANCISCO ST B	BERKELEY CA	94702
OCCUPANT(S)	1256 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1281 DELAWARE ST	BERKELEY CA	94702
Sundeep Grewal, G+S Architects	2223 Fifth Street	Berkeley CA	94710



# N O T I C E O F A D M I N I S T R A T I V E D E C I S I O N

## 1262 Francisco Street

### Administrative Use Permit #ZP2021-0006

### Modification of Administrative Use Permit #ZP2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.

**ZONING OFFICER DECISION:** The Zoning Officer of the City of Berkeley has APPROVED the following permits pursuant to Berkeley Municipal Code (BMC) Section 23.406.030.F, and based on the attached findings and conditions (attachment 1) and plans (attachment 2):

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.202.080(D) for an addition greater than 14 feet in height.

**DATE NOTICE IS ISSUED:** August 3, 2022

**APPEAL PERIOD:** August 4, 2022 to August 24, 2022

#### ATTACHMENTS:

1. Findings and Conditions
2. Project Plans, dated received July 21, 2022

#### FOR FURTHER INFORMATION:

All application materials for this project are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>. Questions about the project should be directed to the project planner, Katrina Lapira at (510) 981-7488 or [klapira@cityofberkeley.info](mailto:klapira@cityofberkeley.info).

#### PUBLIC NOTICE, PURSUANT TO BMC SECTION [23.404.040.A](#):

This Notice of Administrative Decision was:

1. Forwarded to the Zoning Adjustments Board and sent to the Main Library;
2. Posted at three visible locations in the vicinity of the subject property and at a bulletin board at the Zoning counter.
3. Mailed to neighborhood and community organizations for which the project falls within their expressed area of interest, as set forth in BMC Section [23.404.040.E](#);
4. Mailed to owners and residents of properties abutting and confronting the subject property.
5. The validity of the proceedings, however, shall not be affected by the failure of any such property owner, occupant or neighborhood or community organization to receive such mailed notice.

**TO APPEAL THIS DECISION, PURSUANT TO BMC SECTION [23.410](#):**

To appeal this decision, you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal, along with the required fee (see below) to the Zoning Officer, at the Permit Service Center, 1947 Center Street, 3rd Floor, Berkeley.
2. The appeal and required fee (see below) must be received prior to 2:00 p.m. on the last day of the appeal period shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee to the Permit Service Center (see above; checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for appeals of a Zoning Officer decision to the Zoning Adjustments Board is \$500. This fee may be reduced to \$200 if the appeal is signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less.
  - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - c. The fee for all appeals by Applicants is \$3,680.

If an appeal is filed, the Zoning Officer shall set the matter for consideration by the Zoning Adjustments Board. An appeal stays the issuance and exercise of the AUP until a decision is rendered or the appeal is withdrawn. If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in an appeal of the decision.
2. You must appeal to the Zoning Adjustments Board within twenty (20) days after the Notice of Decision of the action of the Zoning Officer is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
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4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
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  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City and in court.

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

AUGUST 3, 2022

### 1262 Francisco Street

#### Administrative Use Permit #ZP2021-0006

#### Modification of Administrative Use Permit #ZP2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.

#### PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.202.080(D) for an addition greater than 14 feet in height.

#### CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 153301 ("Existing Facilities).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### FINDINGS FOR APPROVAL

3. As required by BMC Section 23.406.030(F), the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - A. The subject property complies with the BMC Section 23D.202.080(D) (R-2 Restricted Two-Family Residential District Development Standards) for maximum residential density (one dwelling unit on the lot where two dwelling units are allowed for a lot of this size), maximum lot coverage (29.5 percent lot coverage where the maximum allowed is 40 percent), and usable open space (2,108 square feet where a minimum of 400 square feet is required per dwelling unit). There is a permitted Accessory Dwelling Unit located at the rear of subject lot. Additionally, a minor accessory structure- a tool shed (non-habitable space) that is less than 120 square feet, is located along western property line, that is proposed to remain.

- B. An average height of 21 feet'-3 inches was approved under #ZP2020-0122. The modification to allow a second story balcony will not increase the average height of the dwelling beyond that approval.
- C. The site complies with the following required setbacks: left side setback is 9 feet-6 inches and the right side setback is 4 feet-7 inches where 4 feet is required, and the rear setback is 57 feet-11 inches where 20 feet is required. The existing front setback is legally nonconforming, providing 16 feet-6 inches where 20 feet is required. The modifications extend the walls of the addition approved under #ZP2020-0122, and do not further reduce previously approved setbacks.
- D. The modification on the first floor does not propose new openings different those that were approved under the previous administrative use permit, and are not expected to be detrimental to the privacy of abutting neighbors. The proposed balcony at the second-story level is setback 8 feet-8 inches from the western property line and over 20 feet from the eastern property line. The proposed balcony parallels an existing second floor bedroom at 1256 Francisco Street. To mitigate potential impacts to privacy, a privacy screen is proposed along the west side of the balcony.
4. Pursuant to BMC Section 23.202.030(A)(2)(a), the Zoning Officer finds that the proposed modifications would not unreasonably obstruct sunlight, air, or views for the following reasons:
- A. Sunlight: The proposed modifications to the previously approved project under #ZP2020-0122 will not further increase shadow impacts on the surrounding neighborhood dwellings.
- B. The Air: The 40-square-foot addition to the east side of Office/Bedroom four will slightly reduce the distance from the east neighbor (1266 Francisco), but the provided setbacks of approximately 27 feet on the left (east) provide a significant buffer. Therefore, there will be no impacts to air circulation.
- C. Views: The modifications would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary). In addition, this area is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley Hills or the Golden Gate Bridge from off-site view angles.
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## STANDARD CONDITIONS

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

### 1. Conditions Shall be Printed on Plans

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

### 2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

### 3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

### 4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval

### 5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

**6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

**7. Permit Modifications (BMC Section 23.404.070)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is issued is permitted unless approved by the review authority which originally approved the permit. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

**8. Permit Revocation (BMC Section 23.404.080)**

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

**9. Indemnification Agreement**

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

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

Pursuant to BMC Section 23.404.050(H), the Zoning Officer attaches the following additional conditions to this Permit:

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

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

**Project Liaison**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone #

**Standard Construction-related Conditions Applicable to all Projects:**

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

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

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

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary, to protect the health, safety, or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

**12.** Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

**13.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division and carry out any necessary corrective action to their satisfaction.

14. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
15. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
16. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand, or other loose materials shall be watered or covered.
17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
20. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
21. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
22. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
23. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
  - A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources

shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian, or paleontologist to assess the significance of the find.

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

**24. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt, and the Alameda County Coroner shall be contacted to evaluate the remains and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1). If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**25. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

1262 Francisco Street  
Page 8 of 8

NOTICE OF ADMINISTRATIVE DECISION - Findings and Conditions  
Administrative Use Permit #ZP2021-0006

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

26. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
27. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated July 21, 2022.

**At All Times (Operation):**

28. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
29. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.



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Prepared by: Katrina Lapira  
For Samantha Updegrave, Zoning Officer

SITE PHOTOS



Street View



Rear View

MILLER RESIDENCE  
1262 Francisco St. Berkeley, CA 94702

SHEET INDEX

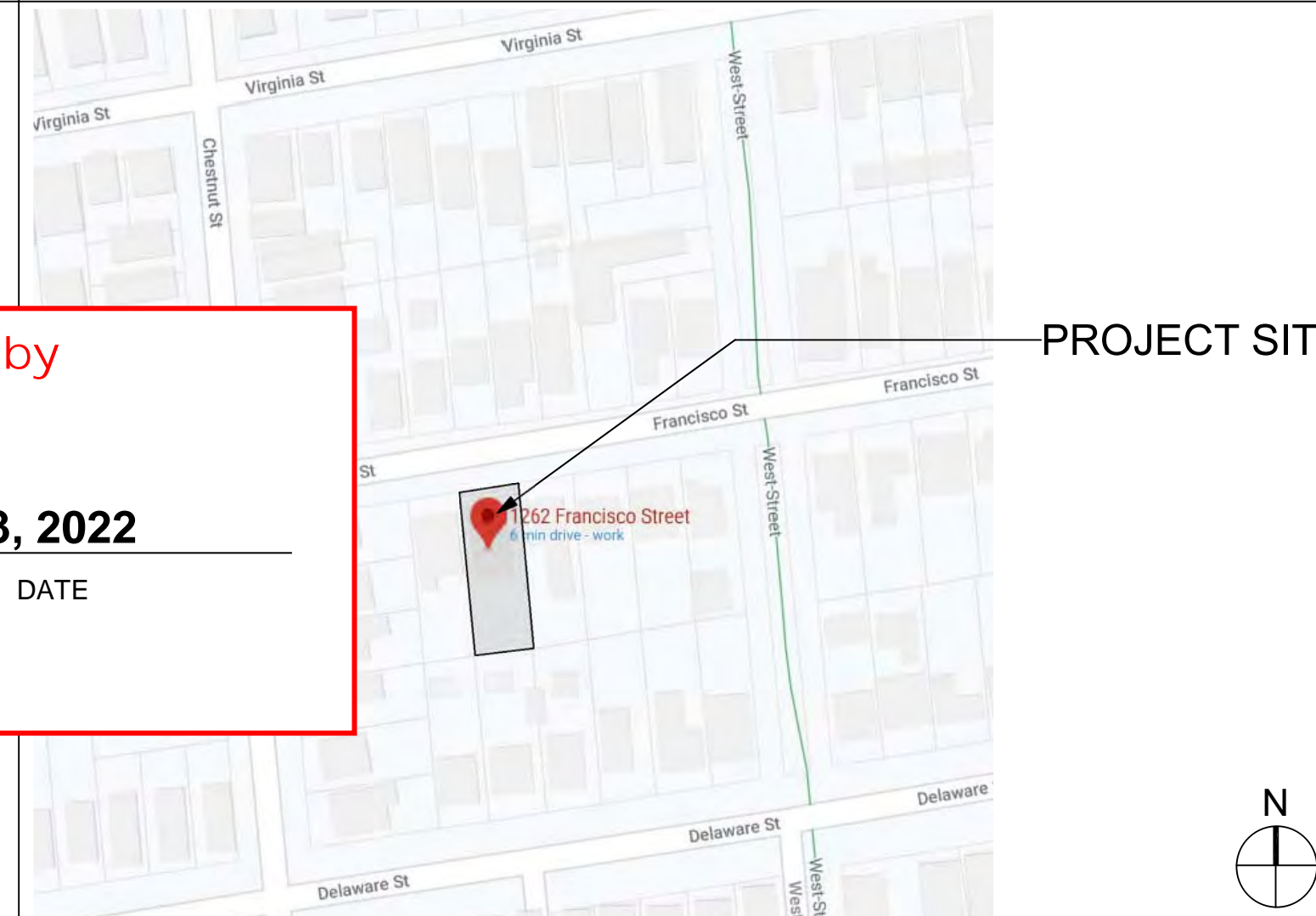
Architectural:

- A0.0 Scope Of Work, Vicinity Map, Project Data, Sheet Index, Abbreviations, Applicable Codes, Project Directory, Photos
- A0.1 Existing & Proposed Site Plan
- A1.1 Existing Floor & Demo Plans
- A1.2 Existing Exterior Elevations
- A1.3 Proposed Floor Plans - Original Approved AUP
- A1.4 Proposed Exterior Elevations - Original Approved AUP
- A2.1 Proposed Floor Plans - AUP Modification
- A3.1 Proposed Exterior Elevations, Renderings - AUP Modification
- A4.1 Shadow Study - AUP Modification
- A4.2 Shadow Study - Original Approved AUP
- Boundary Survey

SCOPE OF WORK

VICINITY MAP

The proposed project includes a modification to an approved AUP (ZP2020-0122) for a second story addition



Components of the project include:

- First floor:**
- Expand office (bedroom 4) by a 40 s.f. addition
- Second floor:**
- Create new balcony at master suite
  - Add new patio doors to access balcony
  - Add new transom window above door

PLANS APPROVED by

August 3, 2022

SIGNATURE

DATE

\*AUP Findings and Conditions Attached

PROJECT DIRECTORY

PROJECT DATA

APPLICABLE CODES

**Owner:**  
Jonathan Miller  
1262 Francisco St.  
Berkeley, CA 94702  
Tel: 415-999-2797

**Project Address:**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

**Architect:**  
Studio G+S, Architects  
2223 5th St.  
Berkeley, CA 94710  
Tel: 510-548-7448  
sunny@sgsarch.com

**Occupancy:** R-3 Duplex  
U - Private garage  
Type V-B

**Proposed Construction:** U - Private garage  
**Fire Sprinkler System:** No

**Zoning/General Plan Regulation**  
**Zoning District:** R-2: Restricted Two-Family Residential  
**General Plan Area:** LMDR  
**Downtown Arts District Overlay:** No  
**Commercial District With Use Quotas:** No

**Seismic Safety**  
**Earthquake Fault Rupture(Alquist-Priolo) Zone:** No  
**Landslide (Seismic Hazards Mapping Act):** No  
**Liquefaction (Seismic Hazards Mapping Act):** No  
**Un-reinforced Masonry Building Inventory:** No

**Historic Preservation**  
**Landmarks or Structure of Merit:** No

**Environmental Safety**  
**Creek Buffer:** None  
**Fire Zone:** 1  
**Flood Zone(100-year or 1%):** No

**Wildlife Urban Interface** No

2019 California Building Code (CBC) Volume 1  
2019 California Building Code (CBC) Volume 2  
2019 California Residential Code (CRC)  
2019 California Energy Code (CBEES)  
2019 California Green Building Standards Code (CALGreen)  
2019 California Electrical Code (CEC)  
2019 California Plumbing Code (CPC)  
2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pt.	point
#	pound or number	flash.	flashing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	ptd.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	ftg.	footing	rgtr.	register
alum.	aluminum	furn.	furnace	reinf.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal	gallon	rm.	room
asph.	asphalt	g.s.m.	galvanized sheet metal	r.o.	rough opening
bd.	board	gl.	glass	rwd.	redwood
blk.	building	gnd.	ground	r.w.l.	rain water leader
blk.	block	gr.	grade	s.	south
blk.g.	blocking	gyp. bd.	gypsum board	s.c.	solid core
bm.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
b/w	between	horiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	sim.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	cleanout	lav.	lavatory	sst.	stainless steel
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
col.	column	max.	maximum	stor.	storage
comp.	composition	m.c.	mechanical cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tongue & groove
dia.	diameter	misc.	miscellaneous	thk.	thick
dim.	dimension	mtd.	mounted	t.b.r.	to be removed
dir.	direction	mtl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	t.v.	television
dr.	door	nec.	necessary	typ.	typical
drw.	drawer	neo.	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.i.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
encd.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o.	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frosted	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight

Tabulations

	Required/Allowed	Existing	Proposed
<b>Set Backs:</b>			
Front	20'-0"	16'-6"	16'-6" to (e) structure 33'-10" to (n) addition
Rear:	20'-0"	61'-11"	57'-11"
Left side:	4'-0"	9'-5"	9'-6"
Right side:	4'-0"	6'-9.5"	4'-7.5"
<b>Habitable Floor Area:</b>			
First floor:		1,078 s.f.	1,393 s.f. (315 s.f. new)
Second floor:		440 s.f.	882 s.f. (442 s.f. new)
Total Area:		1,518 s.f.	2,275 s.f. (757 s.f. new)
<b>Bedroom Count:</b>		3	4
<b>Building Height:</b>			
Average Height:	28'-0" 35'-0" w/ AUP	16'-5"	21'-3"
<b>Parking:</b>	1	1	1
<b>Lot Size:</b>	5,000 s.f.	6,000 s.f.	6,000 s.f.
<b>Total Footprint:</b>			
House:	2,400 s.f.	1,334 s.f.	1,649 s.f.
Storage Shed:		202 s.f.	120 s.f.
Total footprint:		1,536 s.f.	1,769 s.f.
<b>Lot Coverage:</b>	40% (2 story building)	25.60%	29.48%
<b>Usable Open Space:</b>	400 s.f.	2,500 s.f.	2,608 s.f.

ADU: Not subject to lot coverage. Therefore, it is not included in the calculations above



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MILLER RESIDENCE  
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1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:

- Sheet Index
- Applicable Codes
- Vicinity Map
- Project Data
- Scope of Work
- Project Directory
- Photos

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Project No:  
20-07-414

Drawn By:  
SSG

Checked By:  
SSG

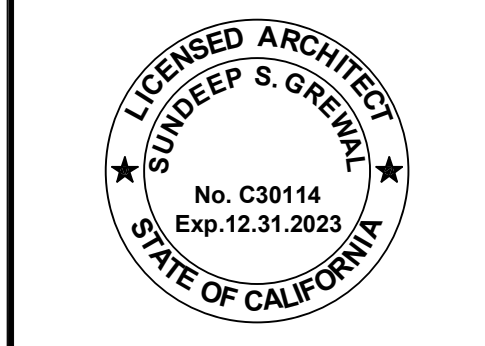
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as noted

Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet  
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Sheet Contents:  
Existing Site Plan  
Proposed Site Plan

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Drawn By: SSG

Checked By: SSG

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

Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet **A0.1**

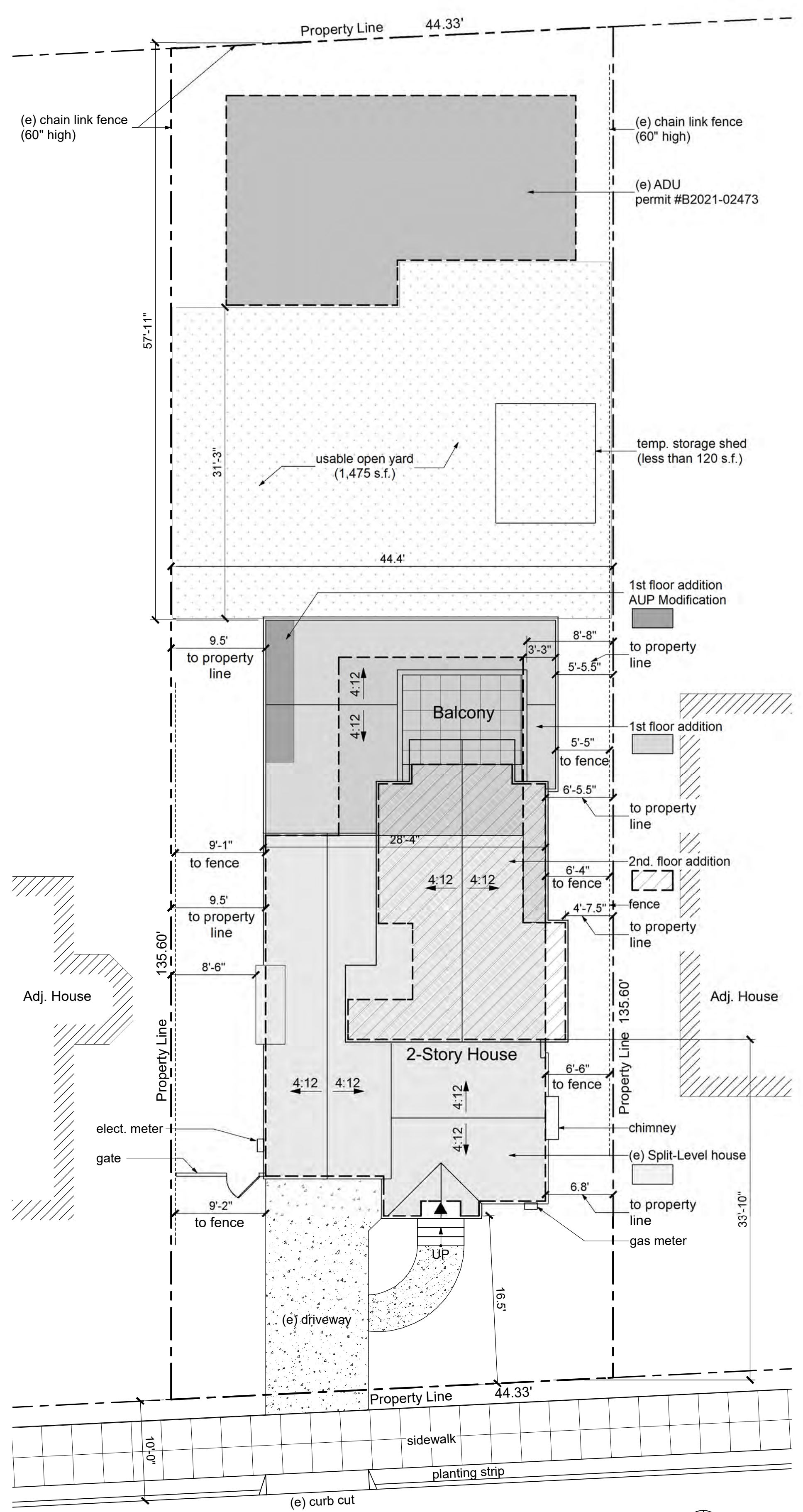
PLANS APPROVED by

*[Signature]*  
**August 3, 2022**

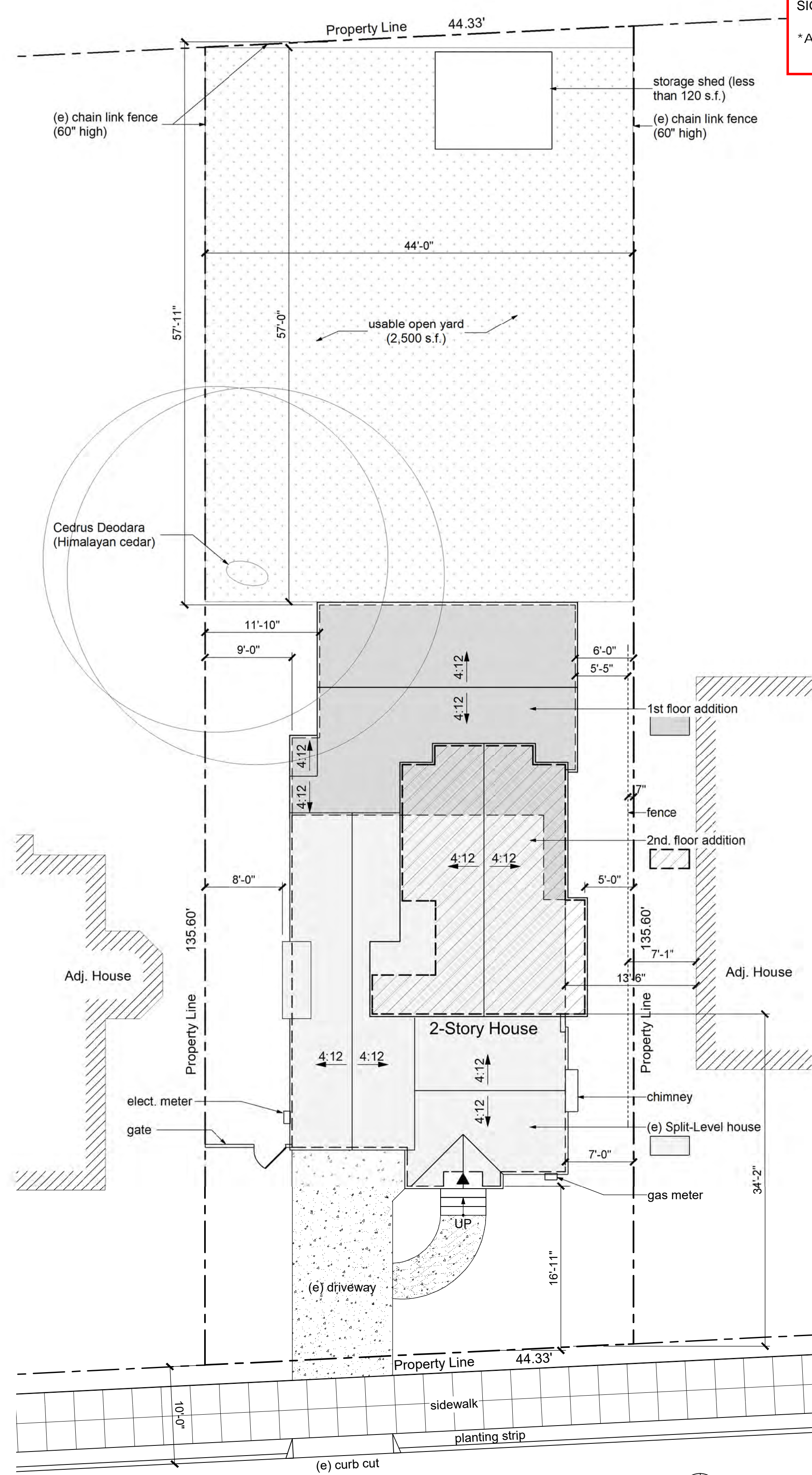
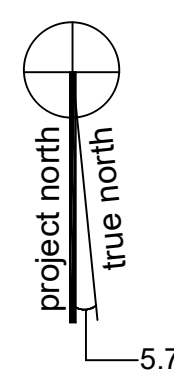
SIGNATURE DATE

\*AUP Findings and Conditions Attached

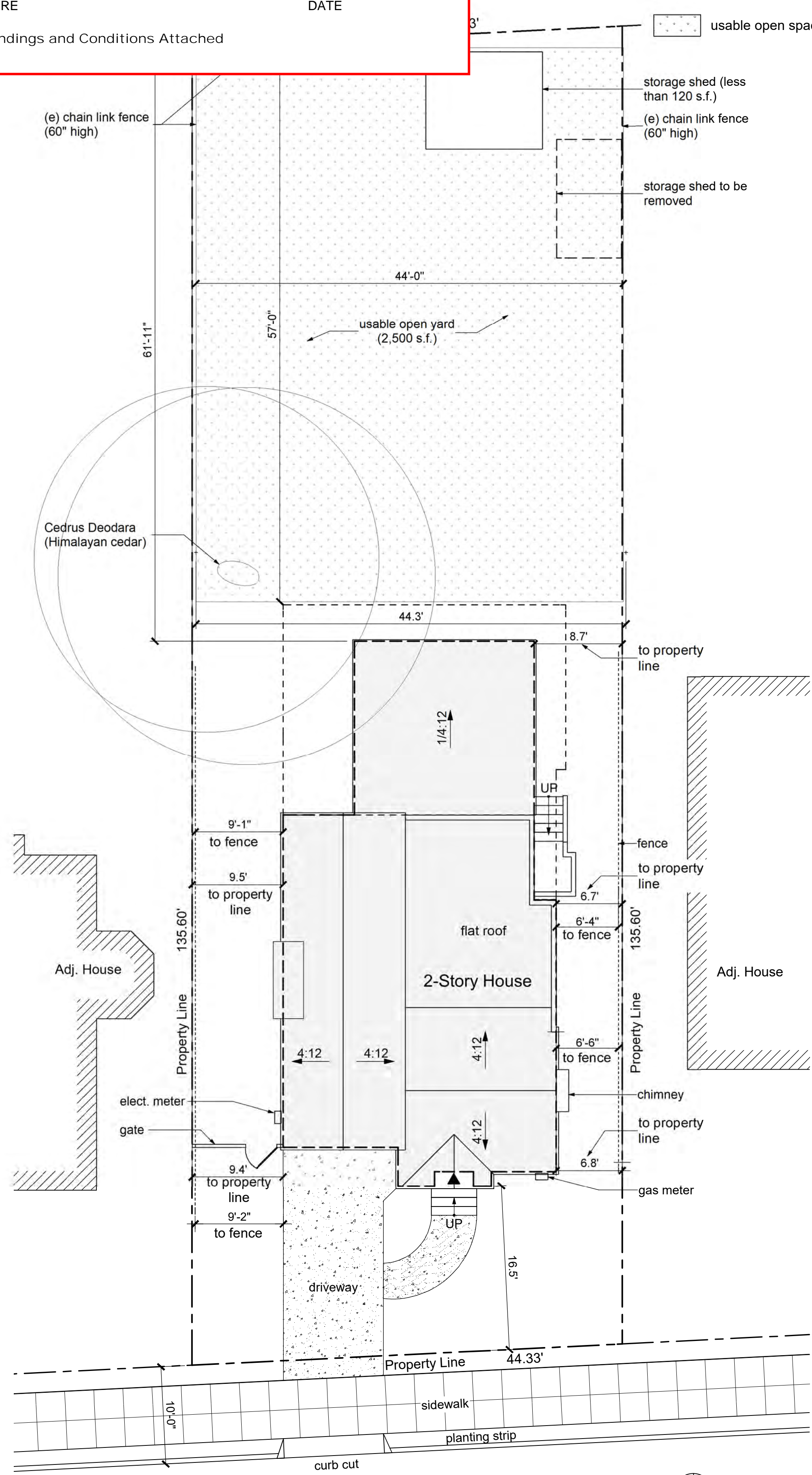
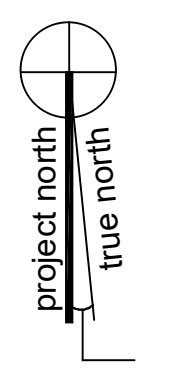
- existing structure
- 1st. floor addition
- 2nd. floor addition
- usable open space



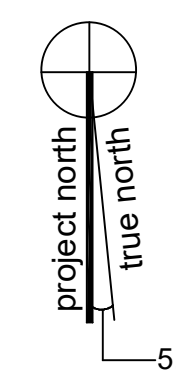
**3** Proposed Site Plan  
AUP Modification



**2** Proposed Site Plan  
Original Approved AUP



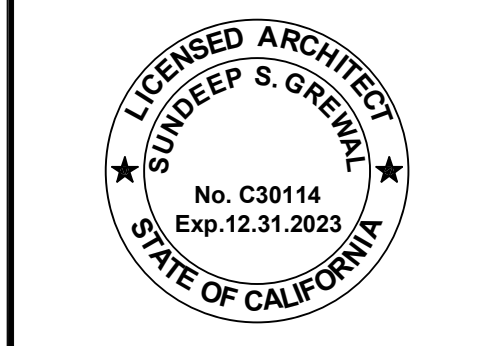
**1** Existing Site Plan







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Sheet Contents:  
Existing Floor Plans

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Drawn By:  
SSG

Checked By:  
SSG

Scale:  
1/4" = 1'-0"

Revisions:  
AUP Modification Submittal:  
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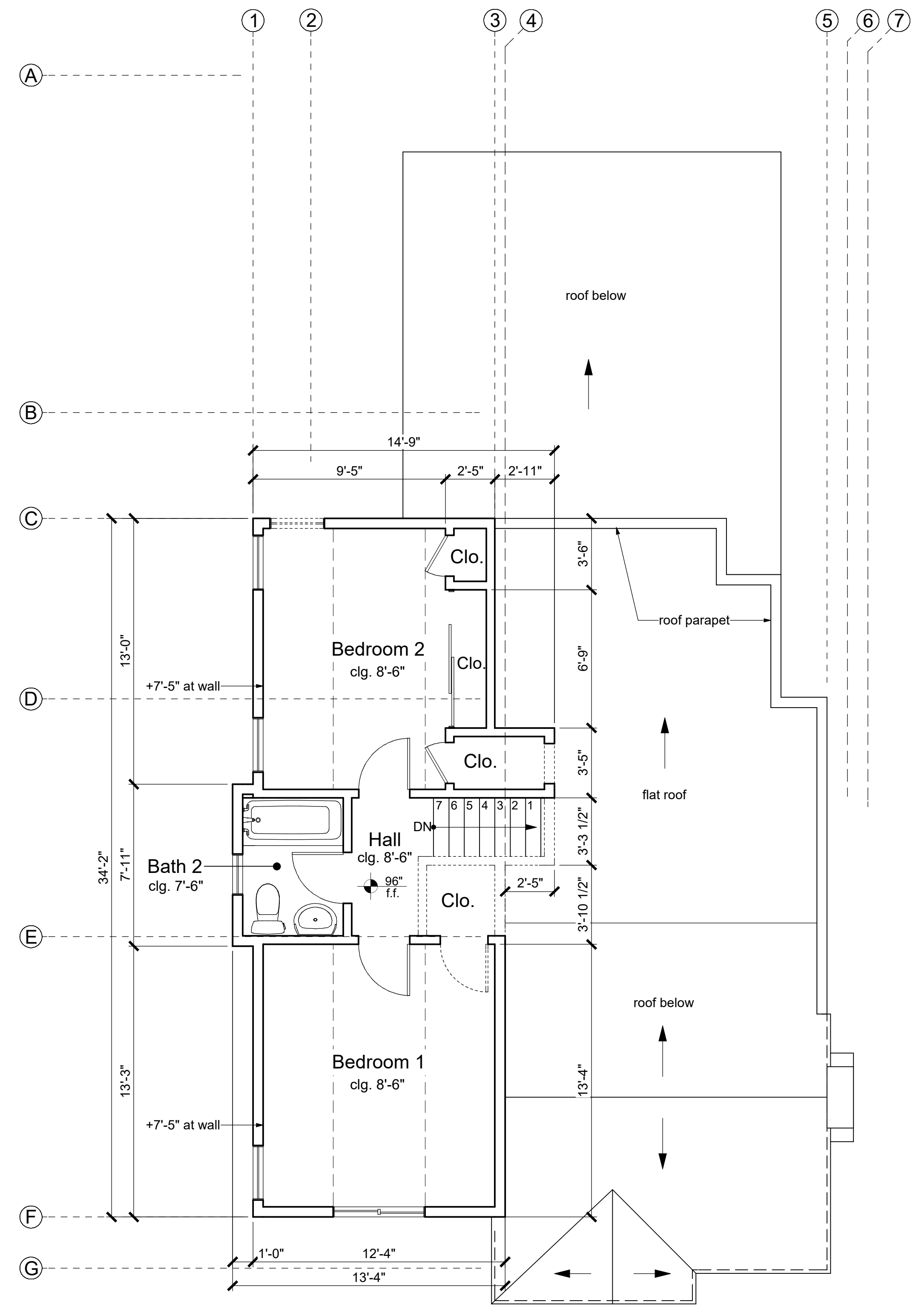
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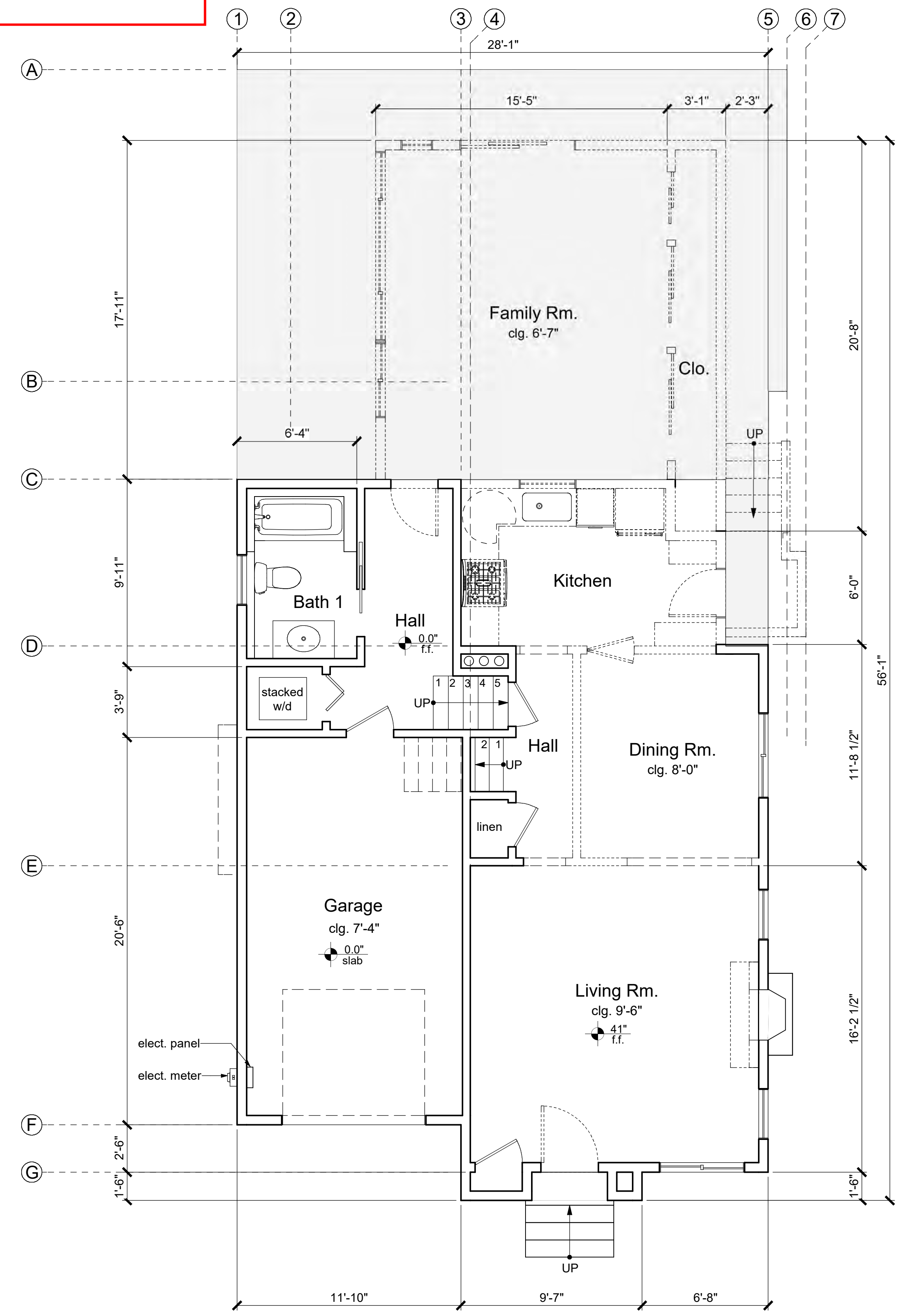
*[Signature]*  
**August 3, 2022**

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\*AUP Findings and Conditions Attached



2 Existing Second Floor Plan



1 Existing First Floor Plan

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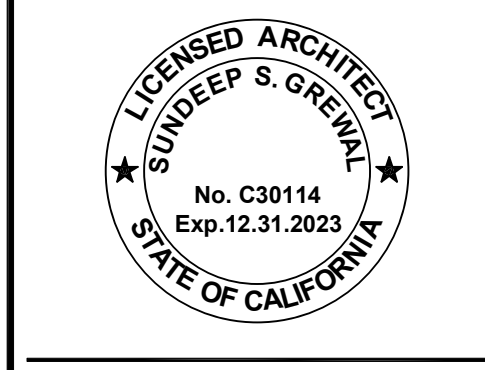
  
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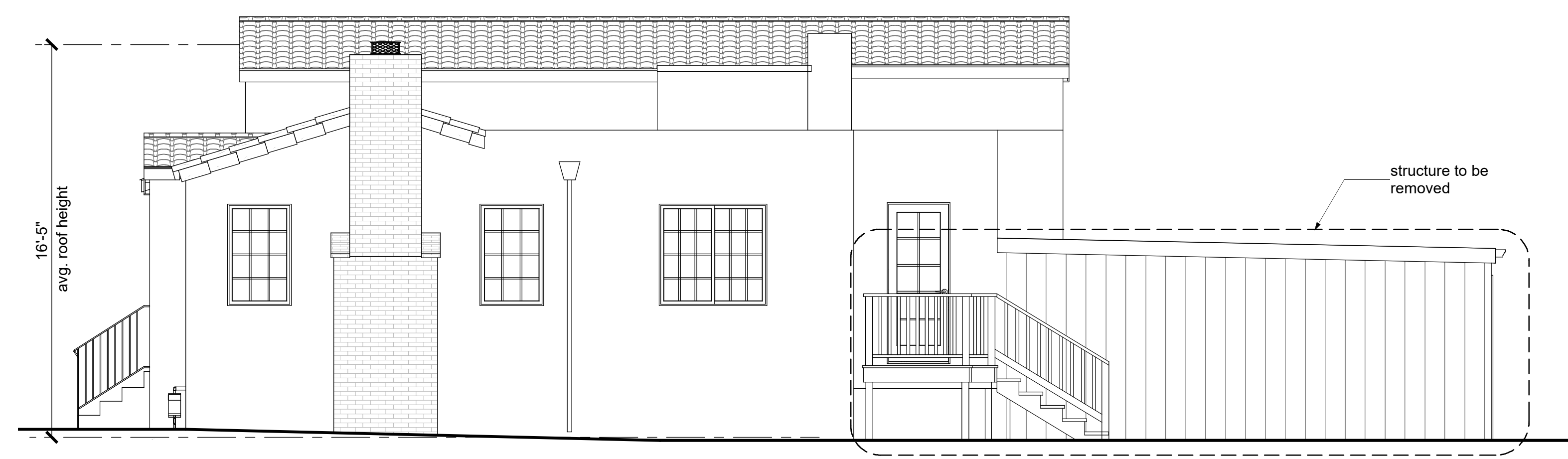
**studio**  
**gs+**  
**ARCHITECTS**

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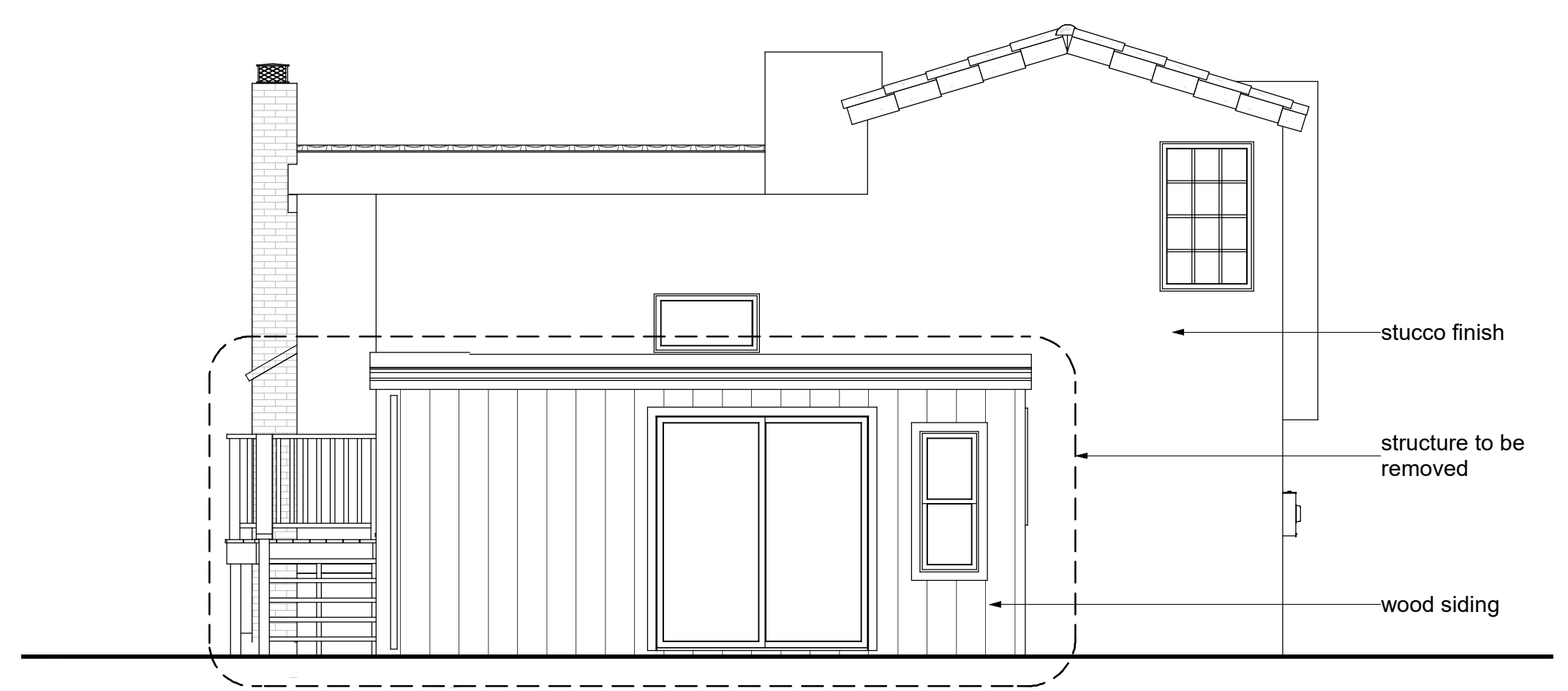


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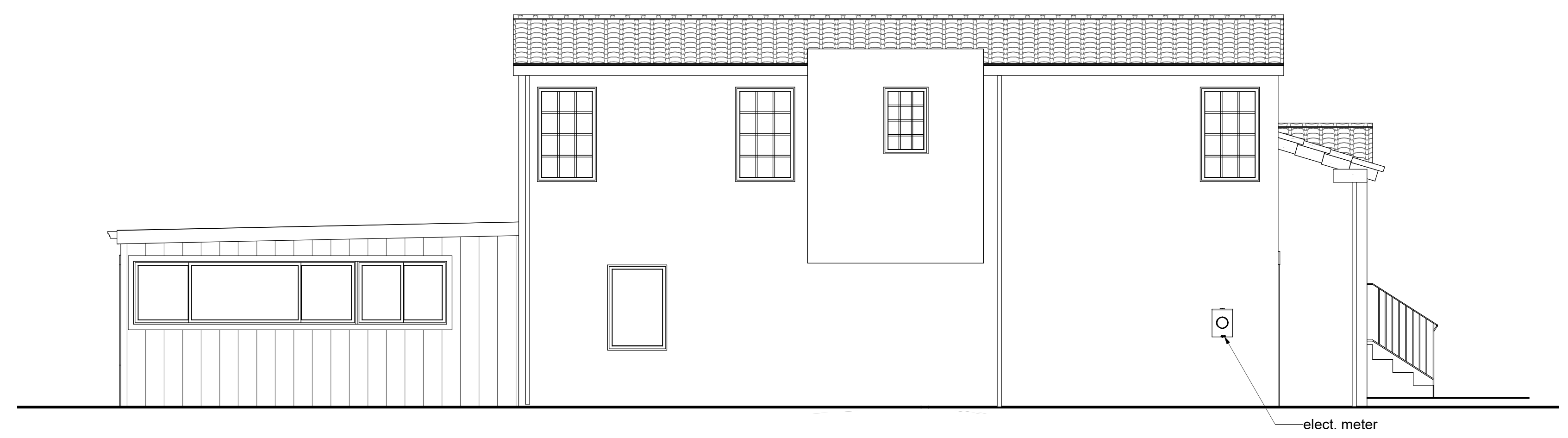
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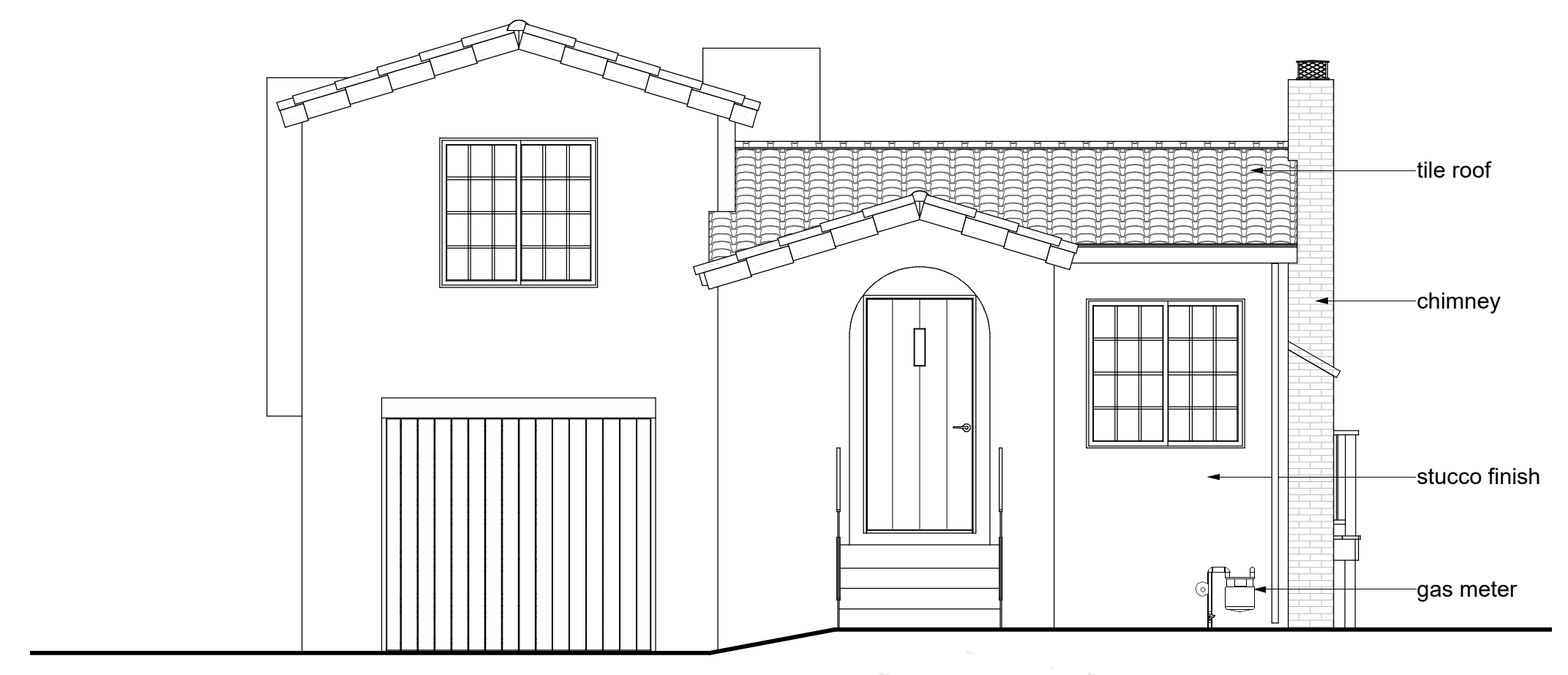
④ Existing West Elevation - Right Side



③ Existing South Elevation - Rear



② Existing East Elevation - Left Side



① Existing North Elevation - Front

Sheet Contents:  
Existing Exterior Elevations

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Drawn By:  
SSG

Checked By:  
SSG

Scale:  
1/4" = 1'-0"

Revisions:  
AUP Modification Submittal:  
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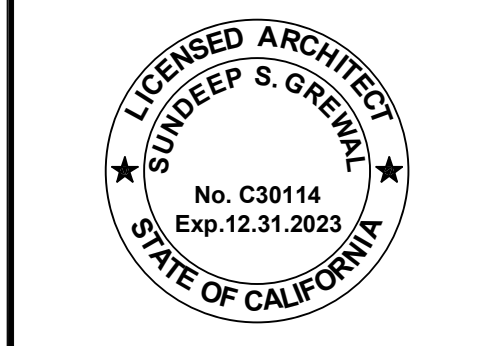
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Sheet Contents:  
AUP Modification  
Proposed Floor Plan

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Drawn By: SSG

Checked By: SSG

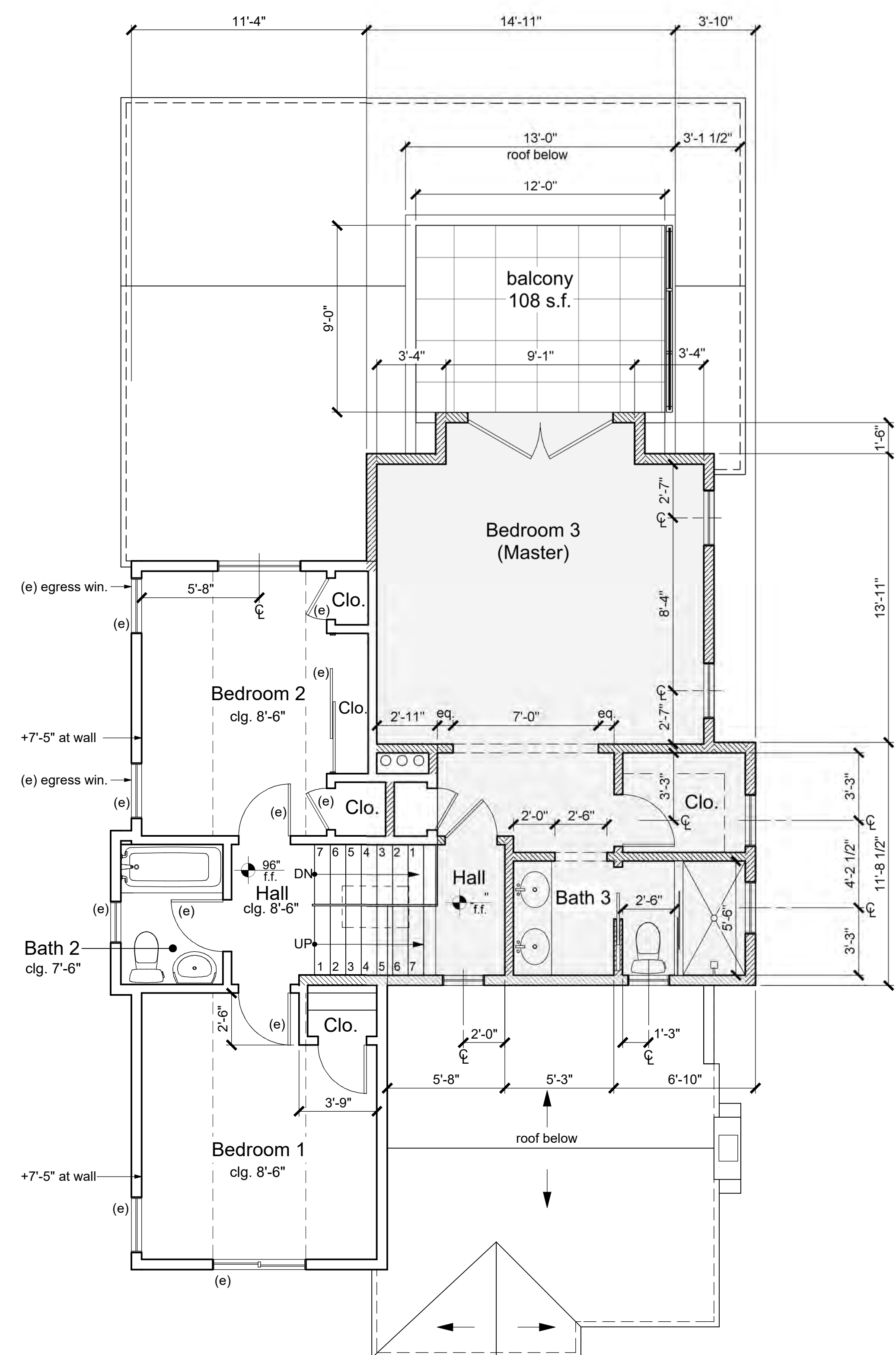
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Revisions:  
AUP Modification Submittal:  
07-21-2022

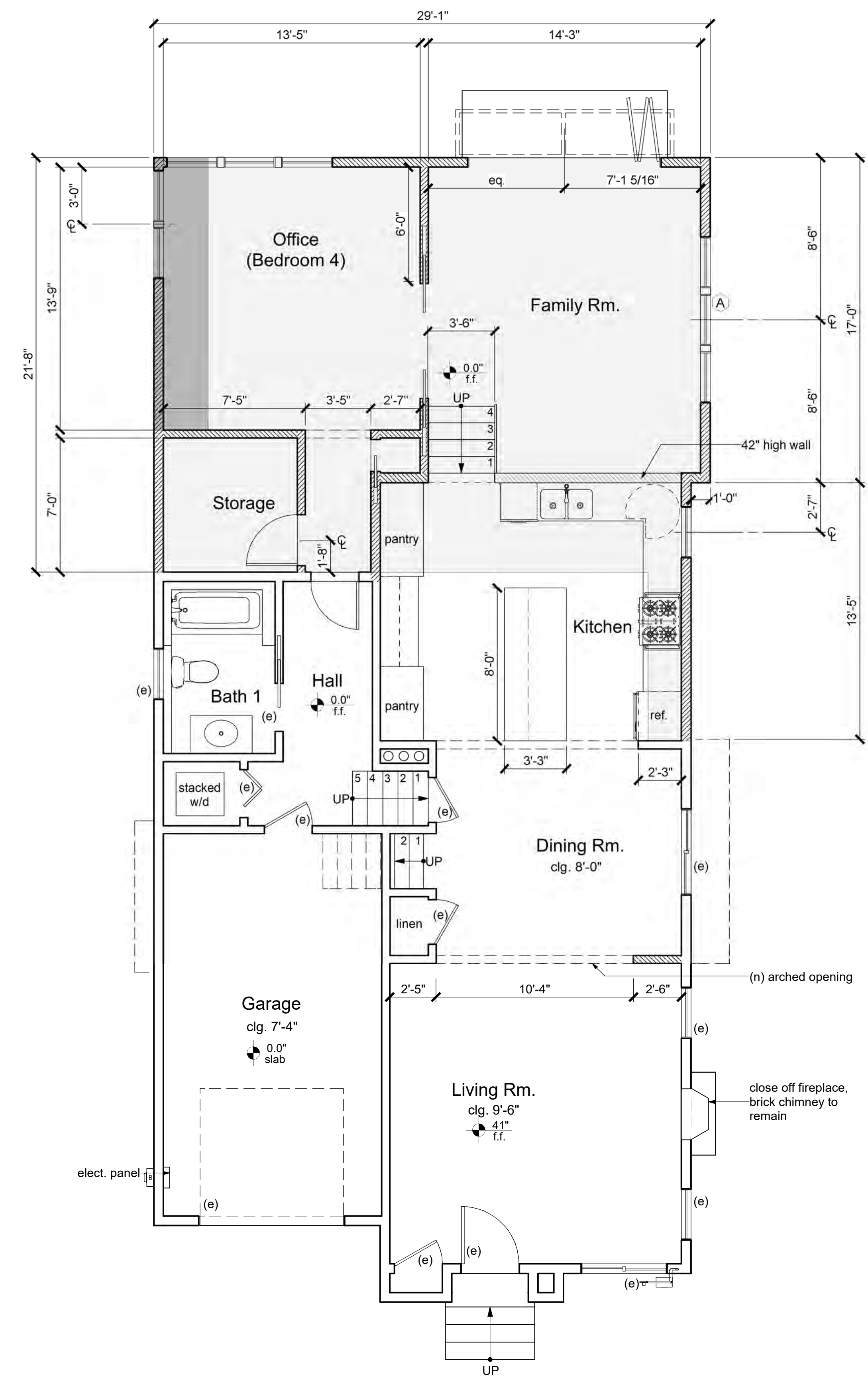
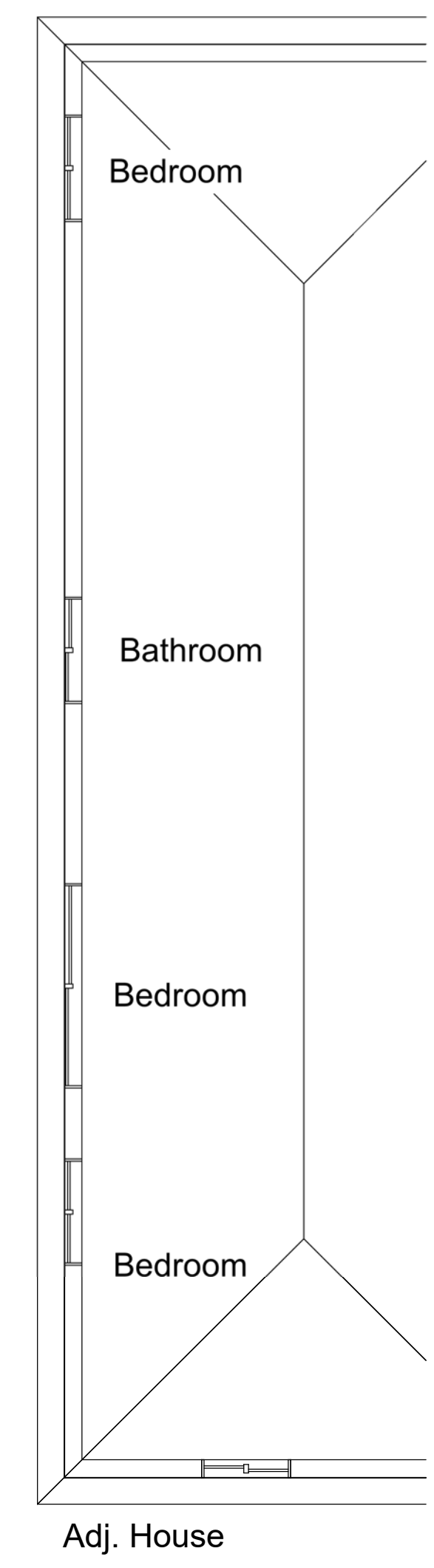
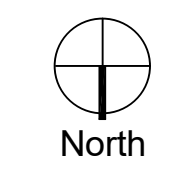
Sheet **A2.1**

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*[Signature]*  
August 3, 2022  
SIGNATURE DATE  
\*AUP Findings and Conditions Attached

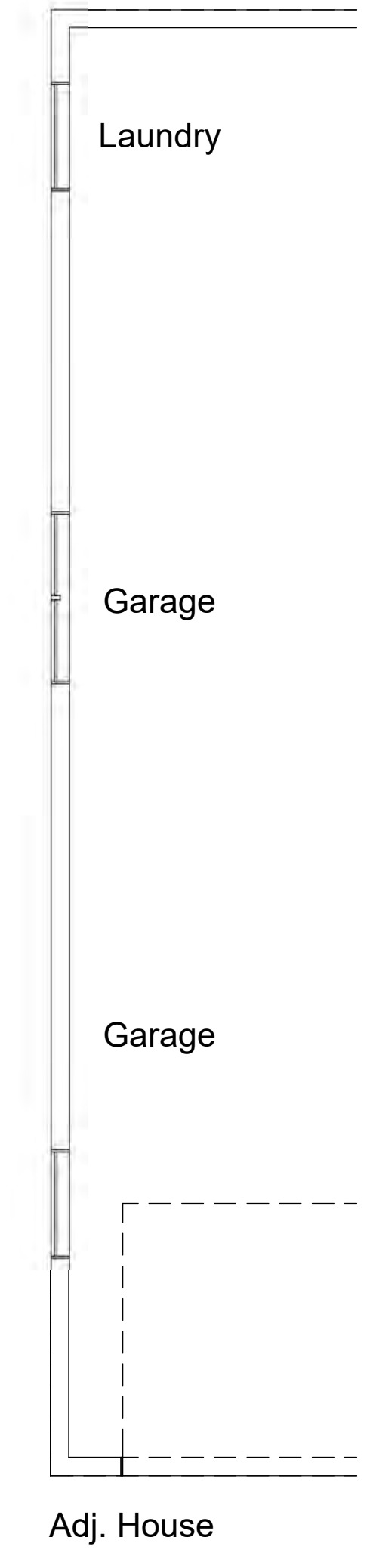
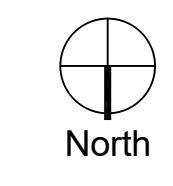
- Existing floor area
- Approved AUP New floor area
- AUP Modification New floor area



**2** Proposed Second Floor Plan  
AUP Modification



**1** Proposed First Floor Plan  
AUP Modification





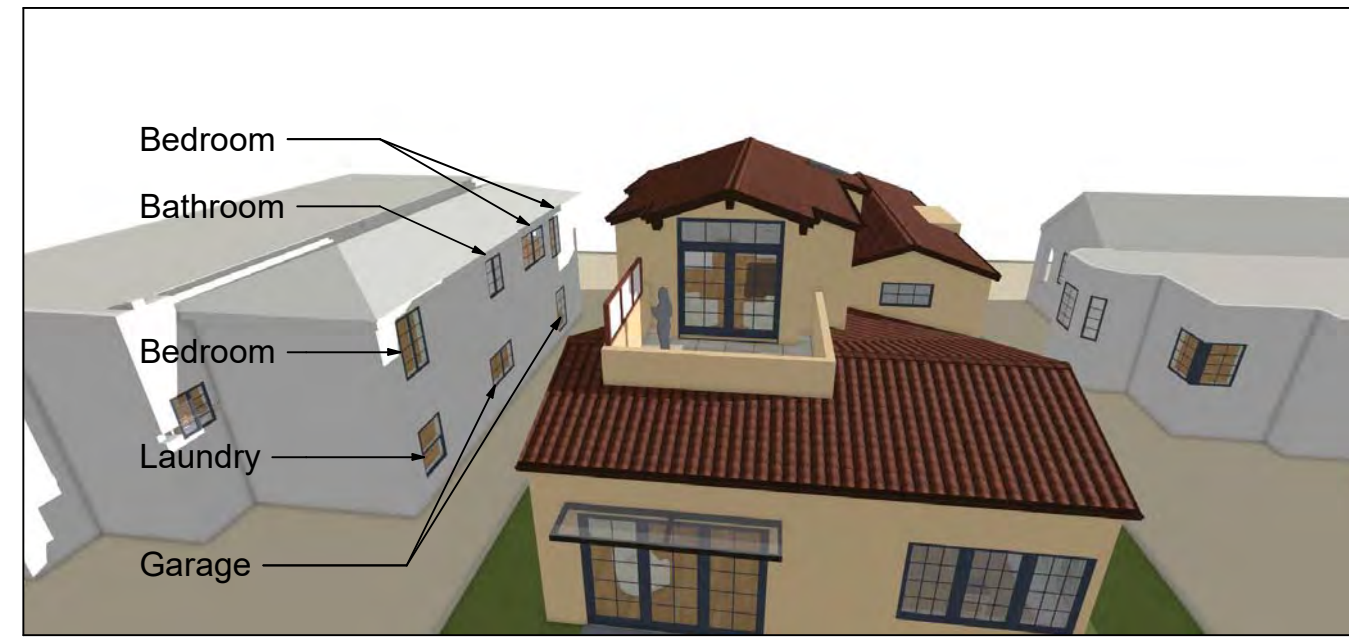
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August 3, 2022

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DATE

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Proposed  
**6-21-2020 / 7:47 am**



Proposed  
**12-21-2020 / 9:21 am**



Proposed  
**6-21-2020 / 6:35 pm**



Existing  
**6-21-2020 / 7:47 am**



Existing  
**12-21-2020 / 9:21 am**



Existing  
**6-21-2020 / 6:35 pm**



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Sheet Contents:  
AUP Modification  
Shadows Studies

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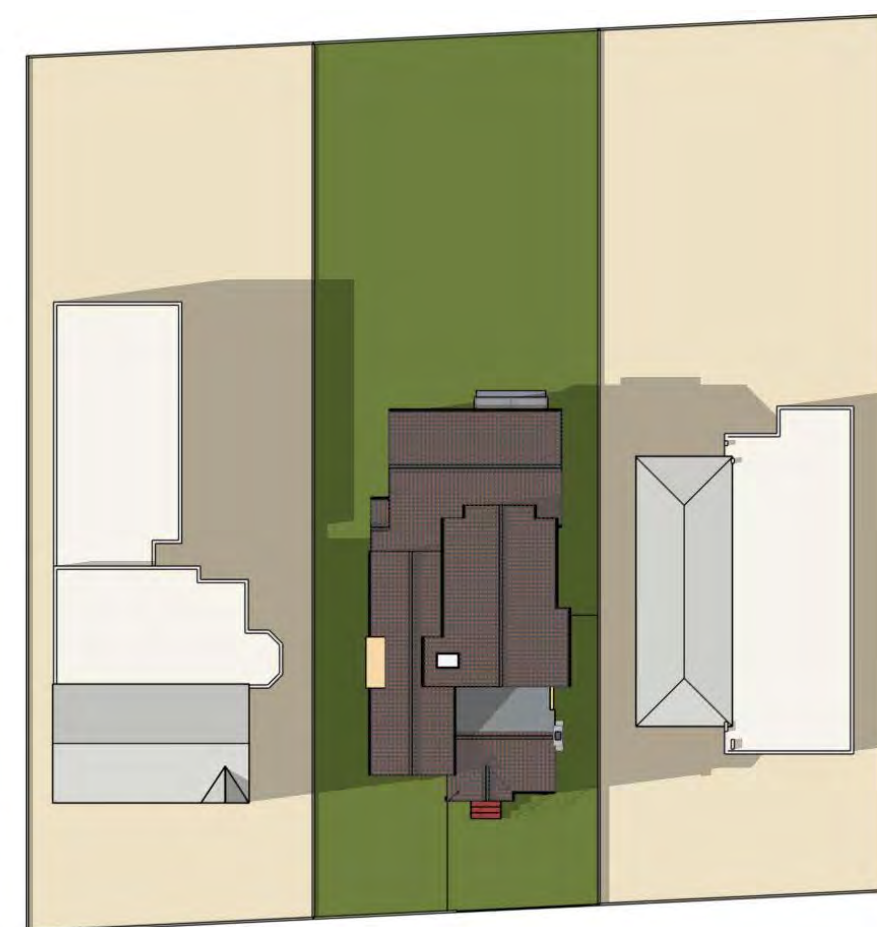
Drawn By:  
SSG

Checked By:  
SSG

Scale:  
NTS

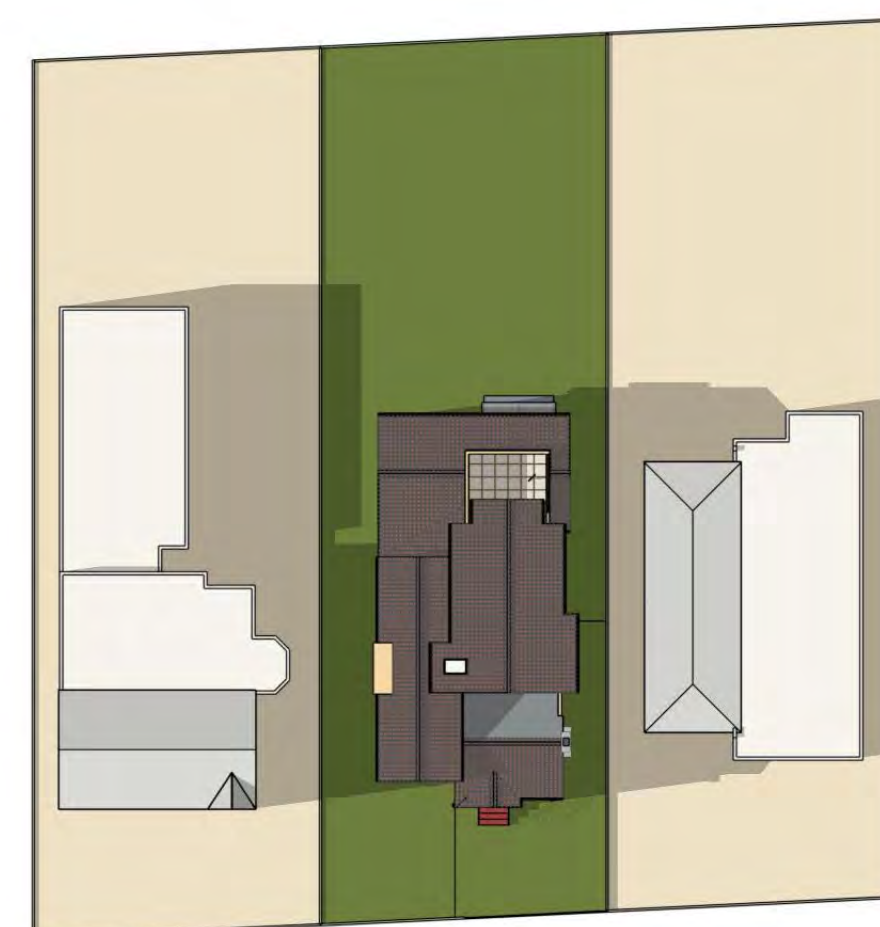
Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet  
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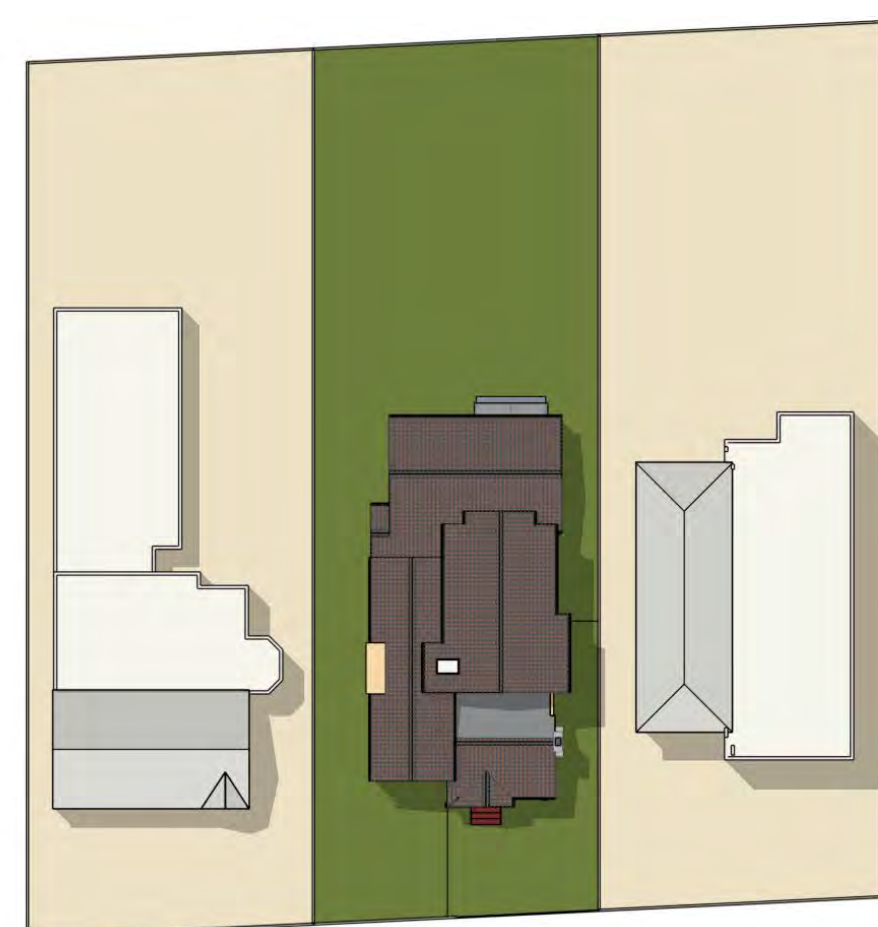


Approved Project

**6-21-2020 / 7:47 am**  
See Above

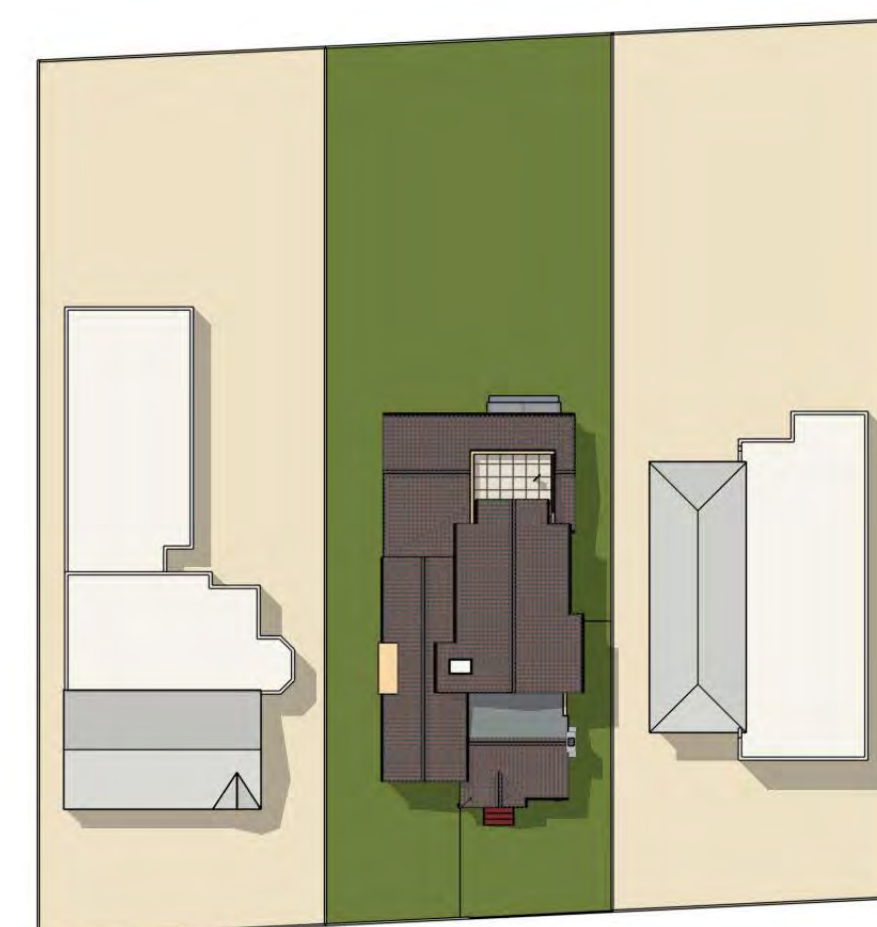


Proposed Modification

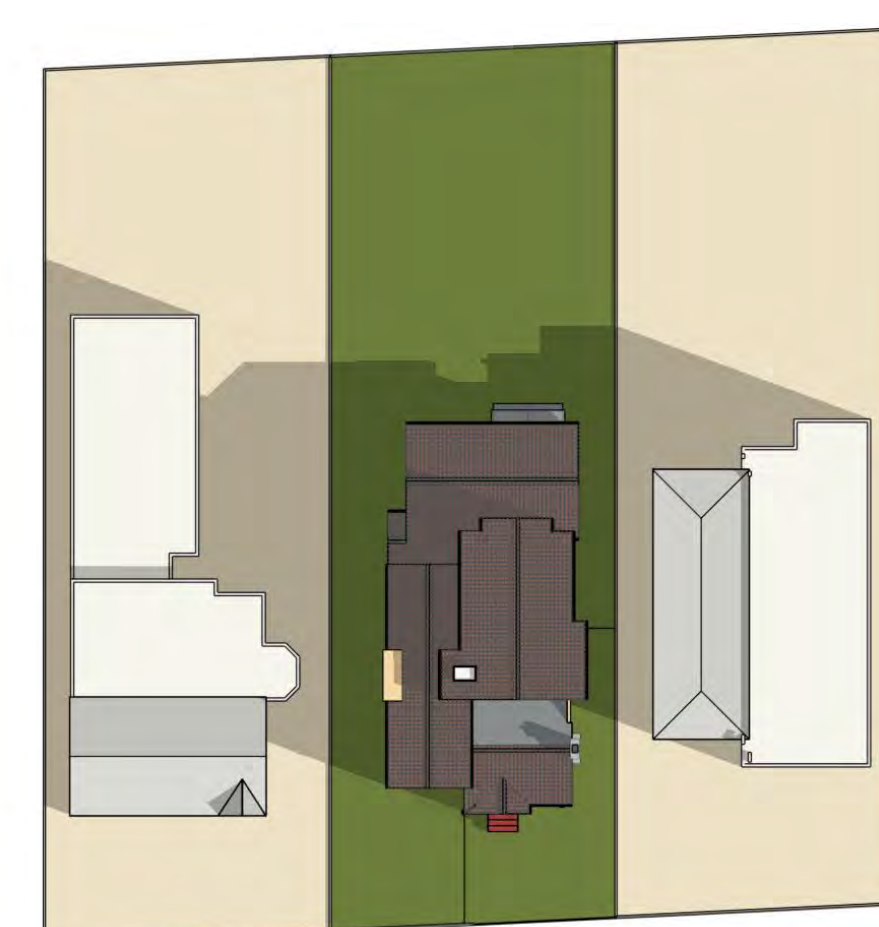


Approved Project

**6-21-2020 / 12:00 pm**



Proposed Modification

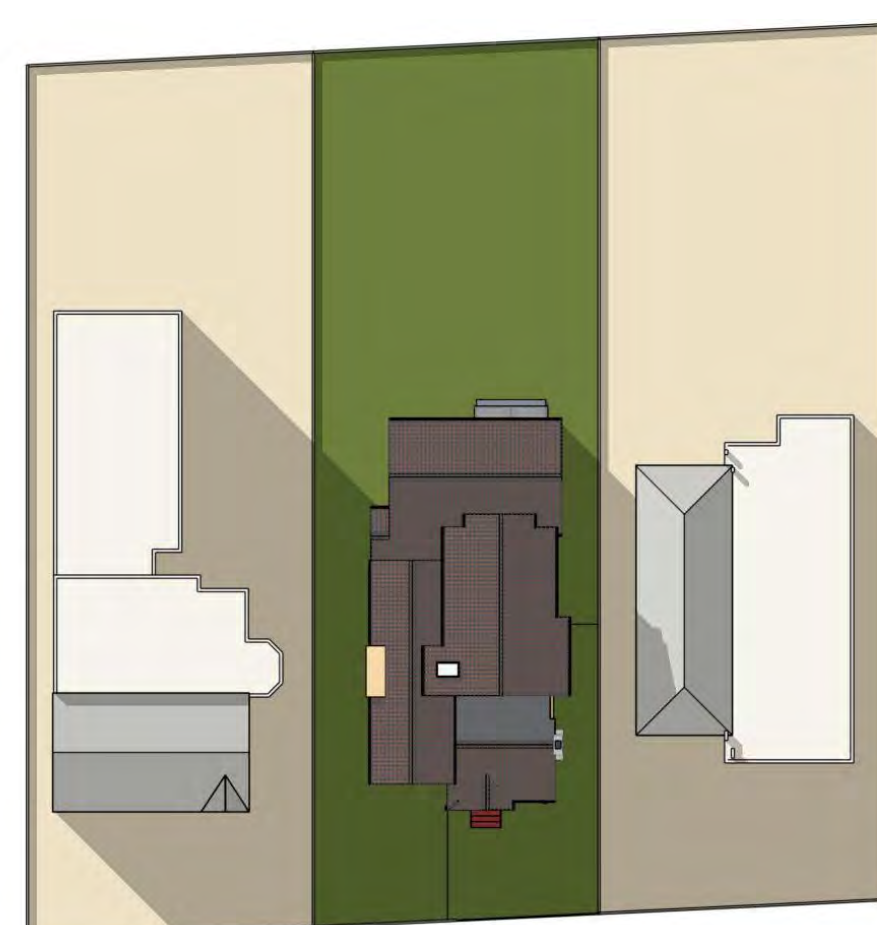


Approved Project

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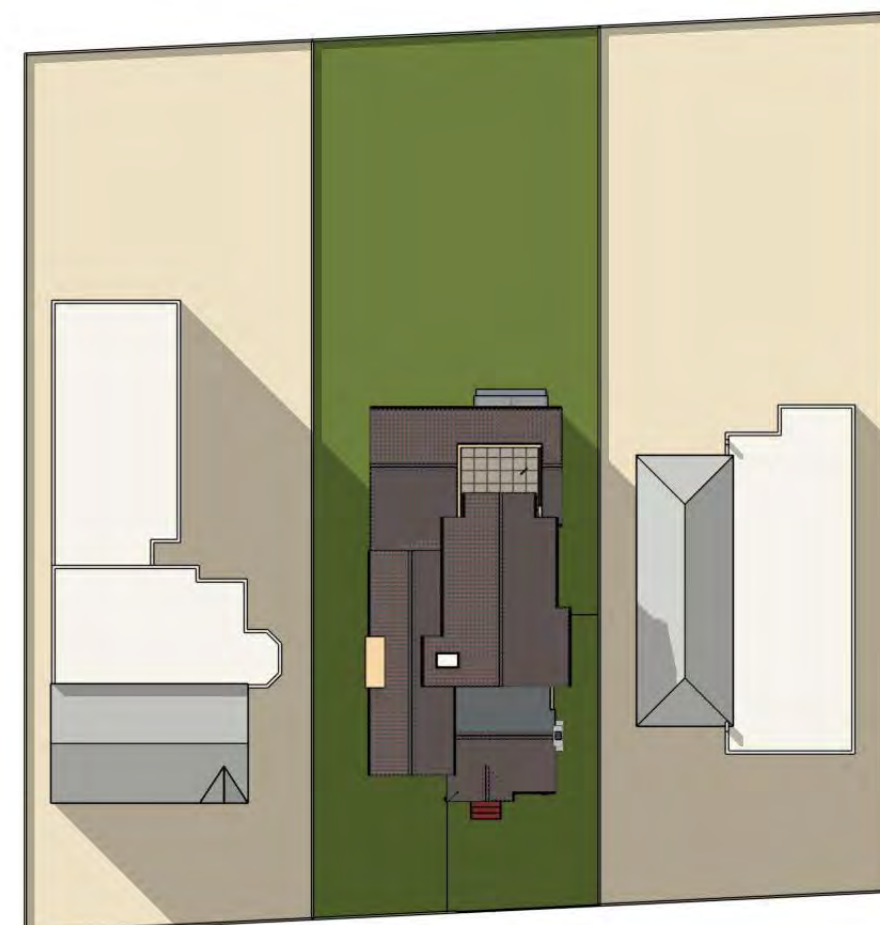


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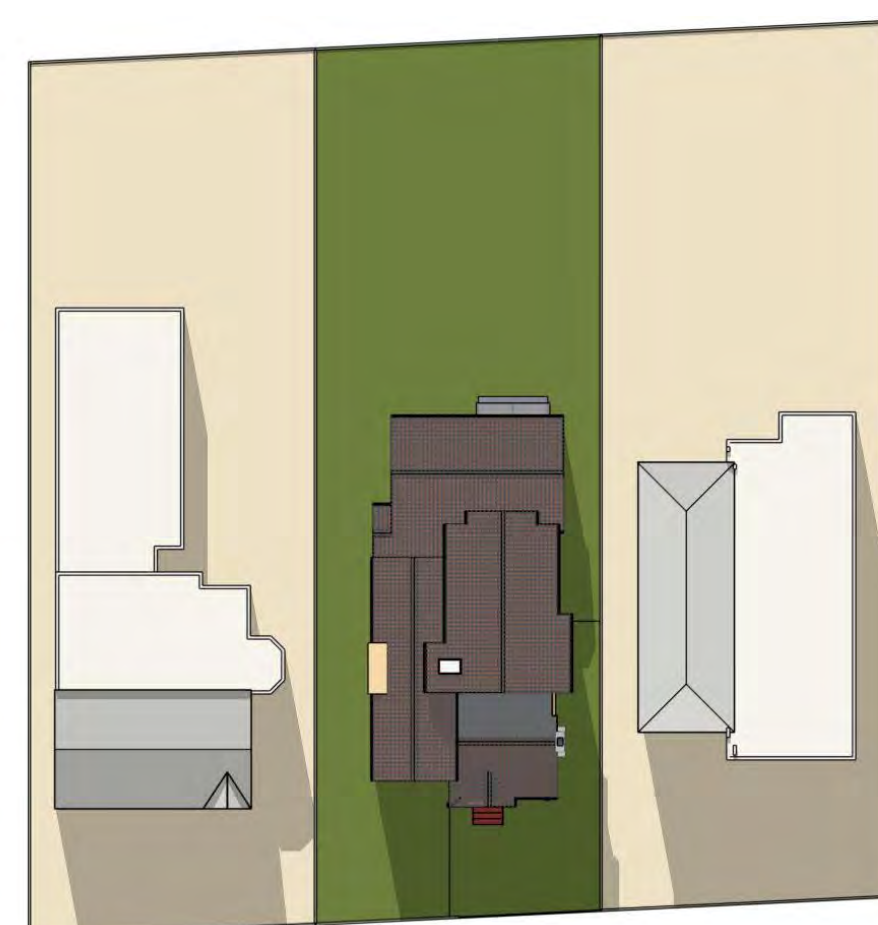


Approved Project

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See Above

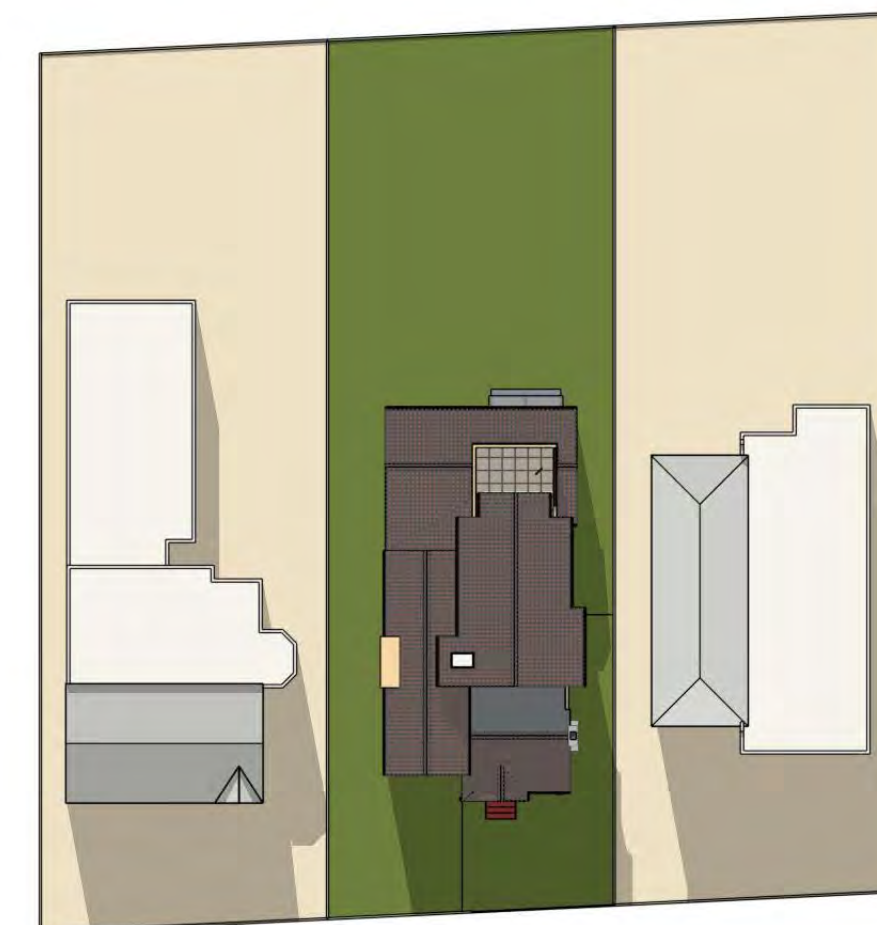


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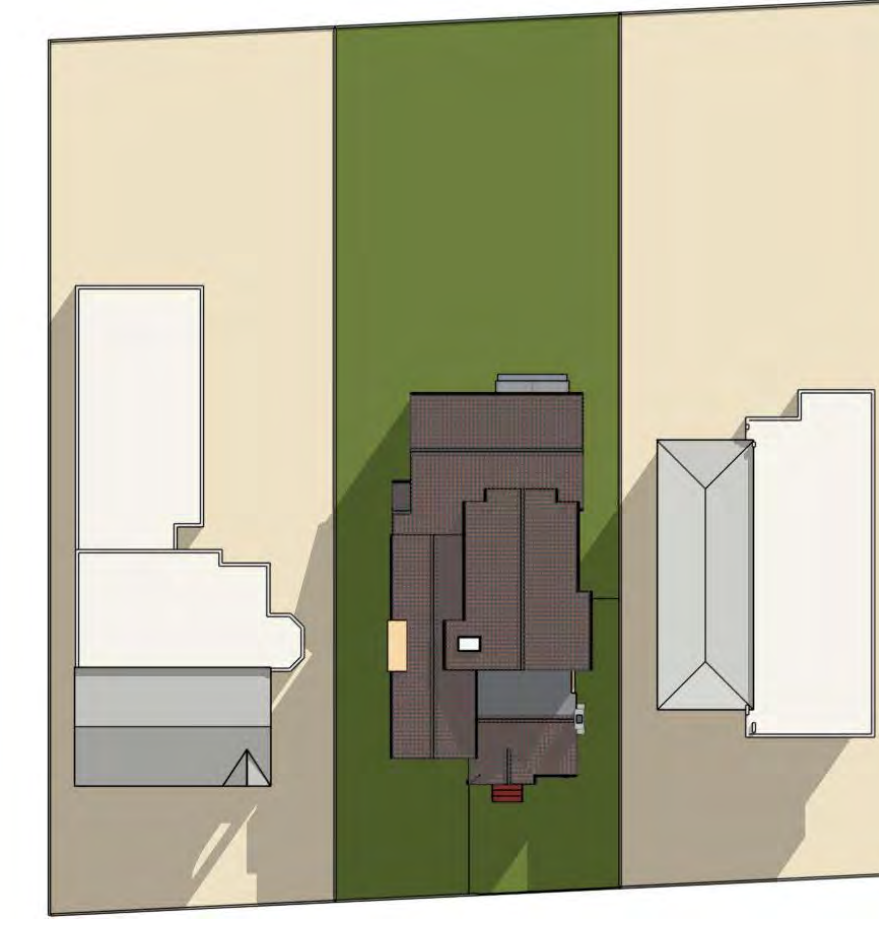


Approved Project

**12-21-2020 / 12:00 pm**

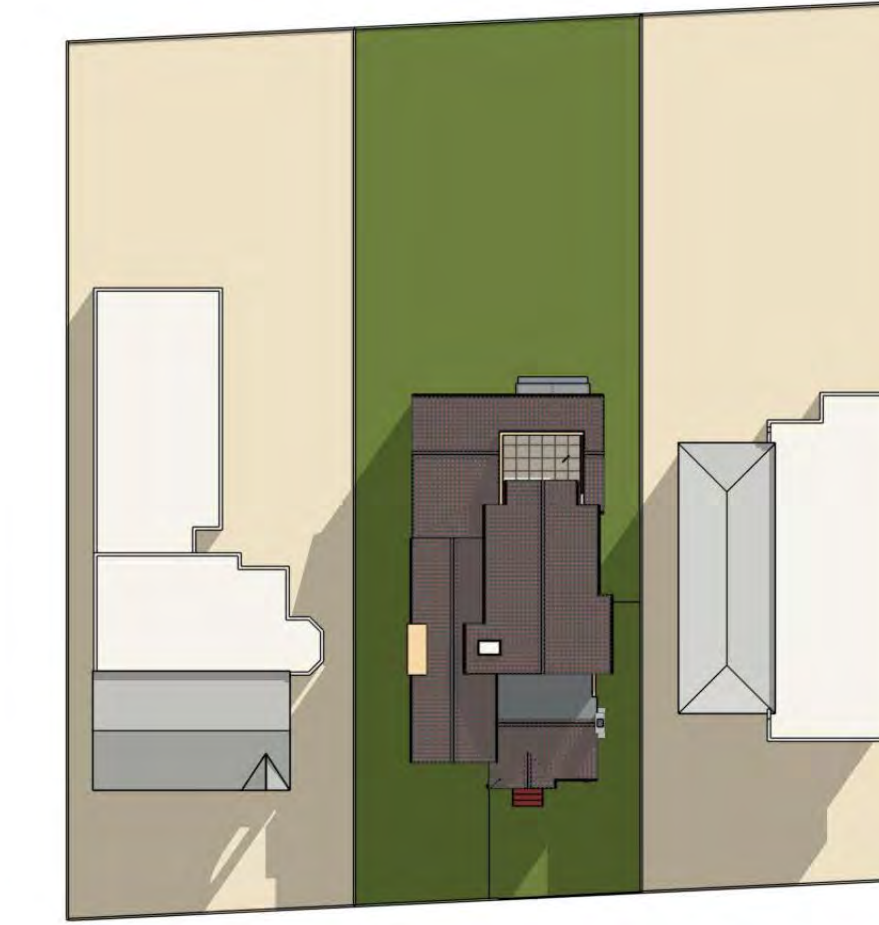


Proposed Modification



Approved Project

**12-21-2020 / 2:54 pm**

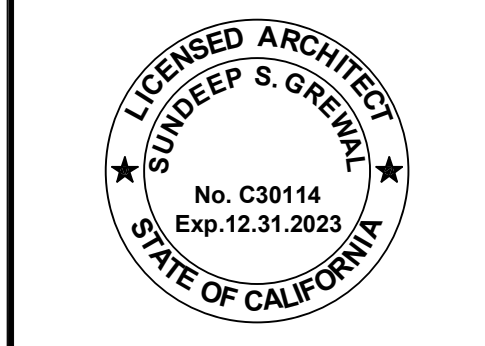


Proposed Modification





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**MILLER RESIDENCE  
AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:  
Original Approved AUP  
Shadows Studies

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Project No: 20-07-414

Drawn By: SSG

Checked By: SSG

Scale: NTS

Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet **A4.2**



Shadow Accuracy Simulation  
**6-09-2020 / 4:00 pm**



Shadow Accuracy Simulation  
**6-09-2020 / 4:00 pm**

**PLANS APPROVED by**

*[Signature]*  
**August 3, 2022**

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

\*AUP Findings and Conditions Attached



Proposed  
**6-21-2020 / 7:47 am**



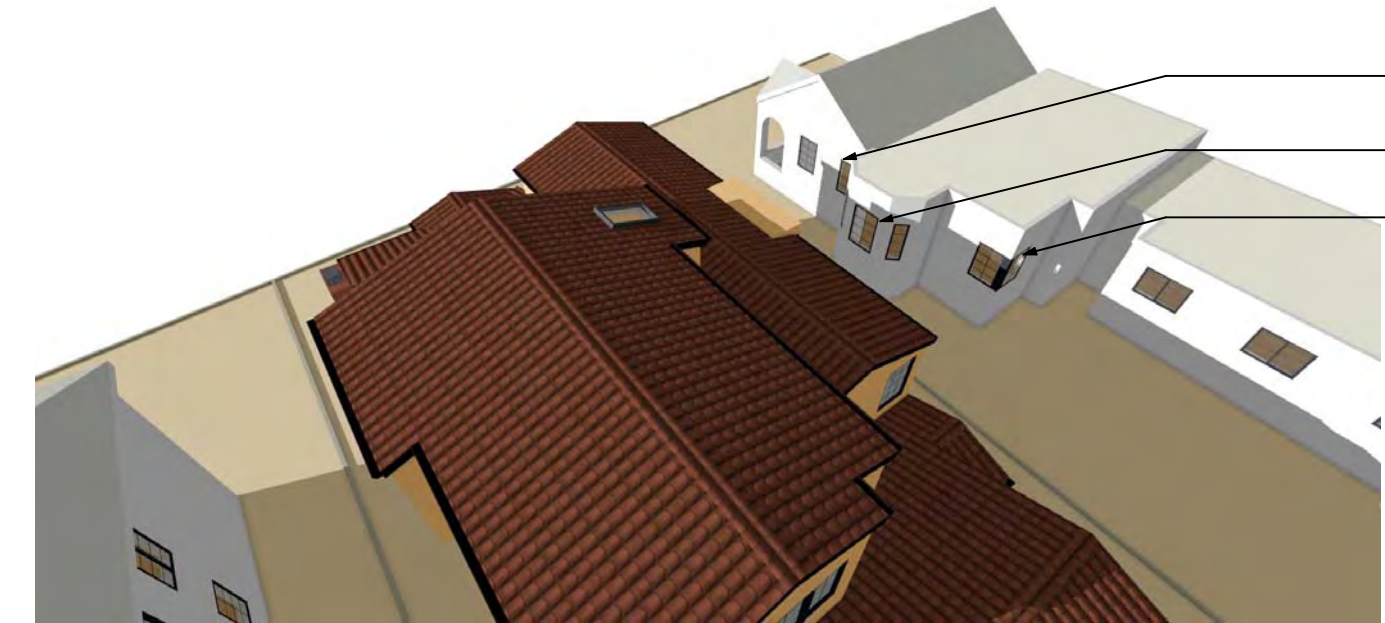
Existing  
**6-21-2020 / 7:47 am**



Proposed  
**12-21-2020 / 9:21 am**



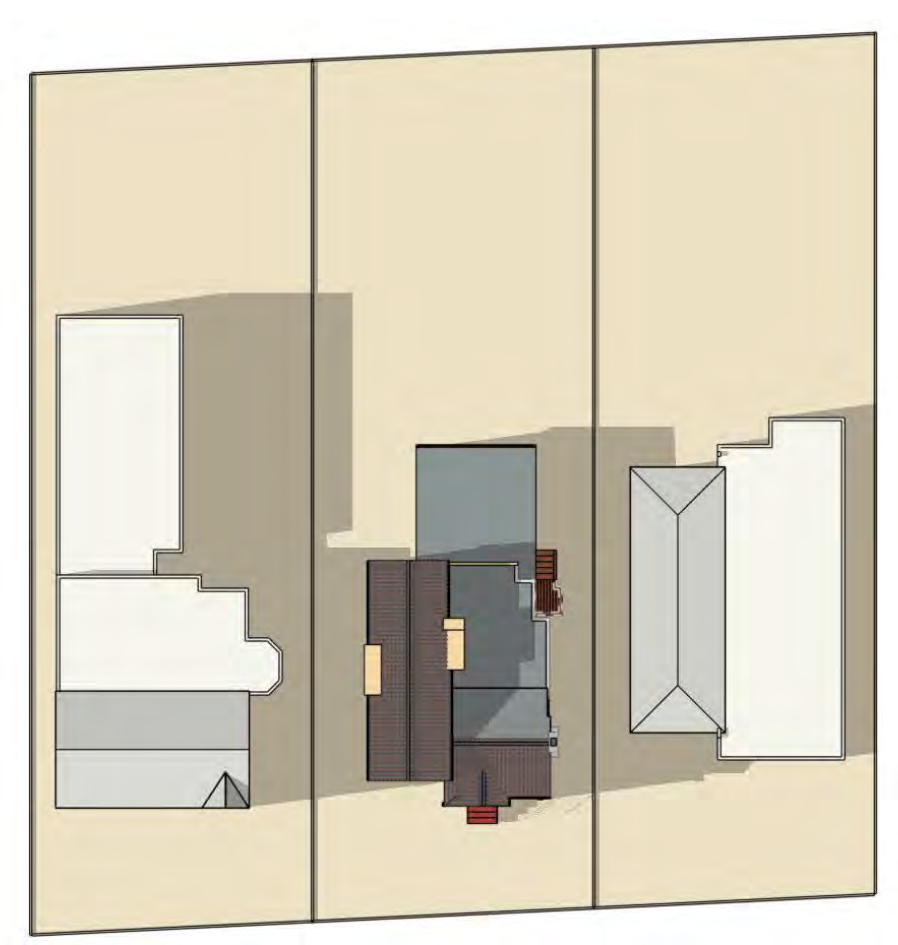
Existing  
**12-21-2020 / 9:21 am**



Proposed  
**6-21-2020 / 6:35 pm**

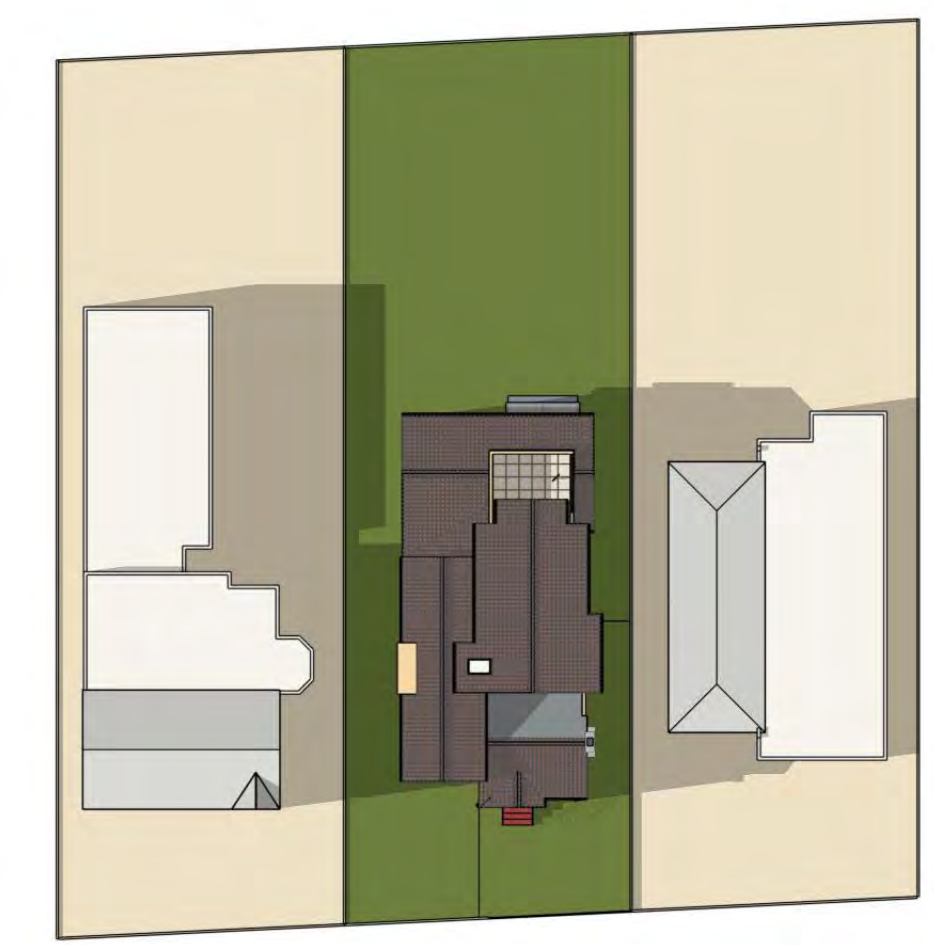


Existing  
**6-21-2020 / 6:35 pm**

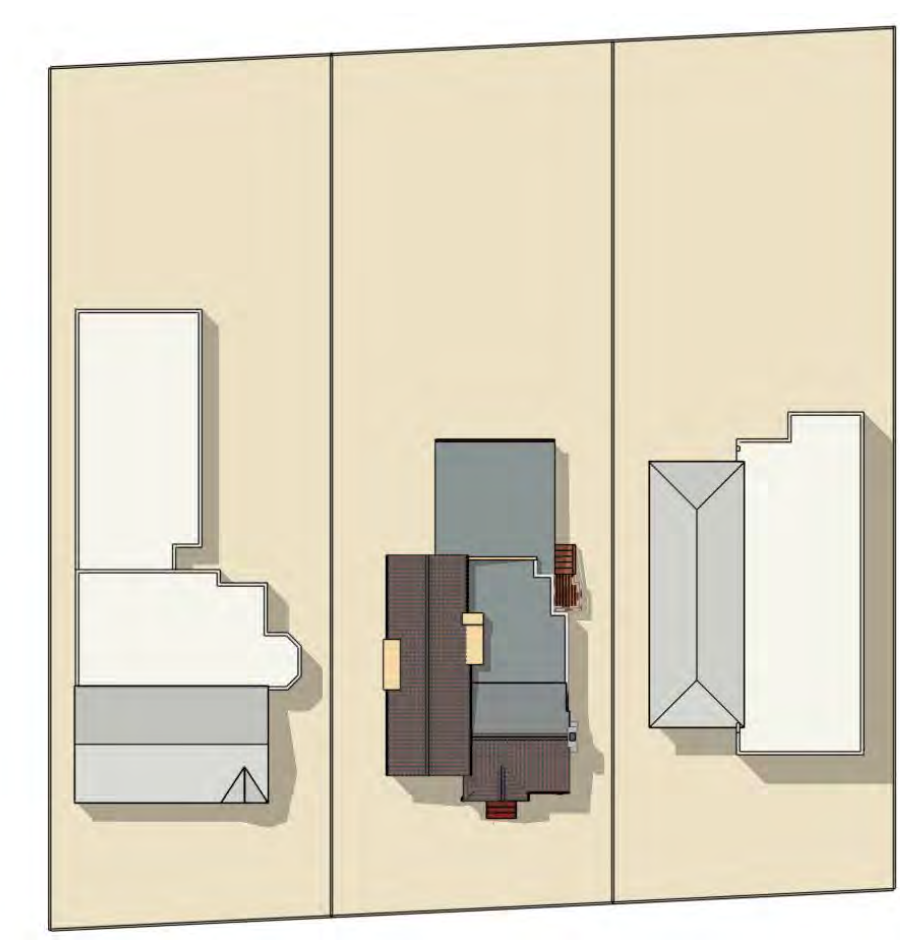


Existing

**6-21-2020 / 7:47 am**  
See Above

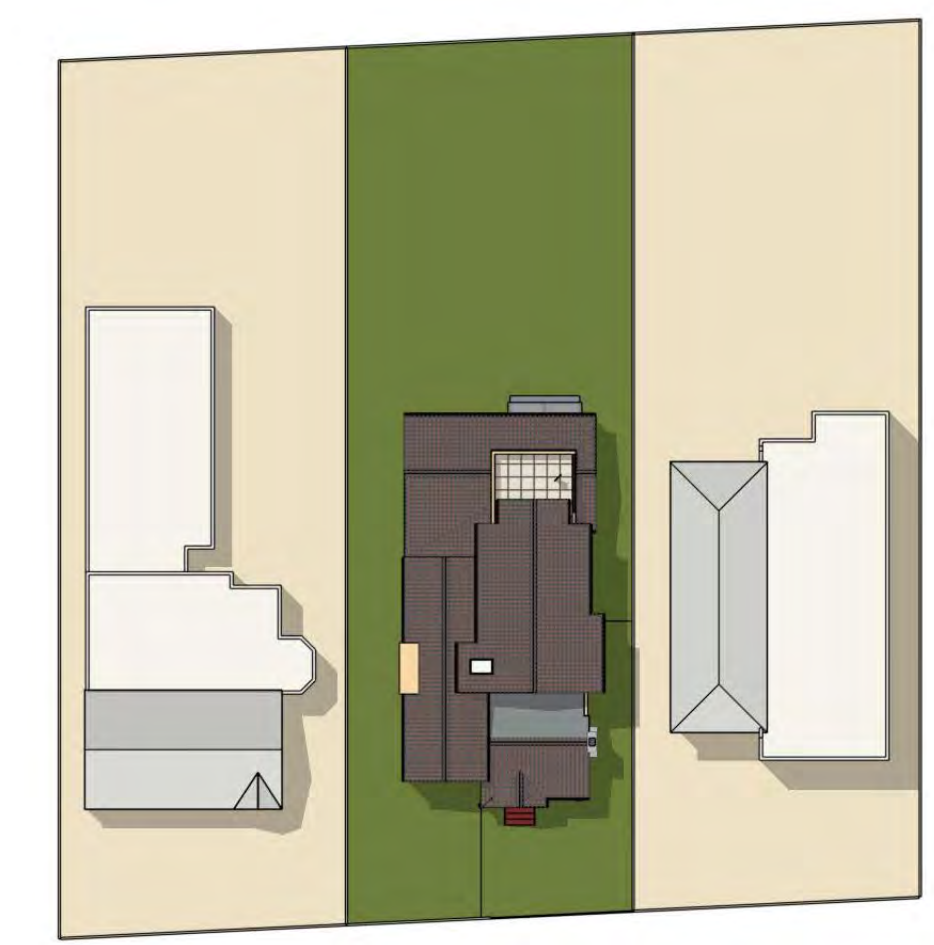


Proposed Modification

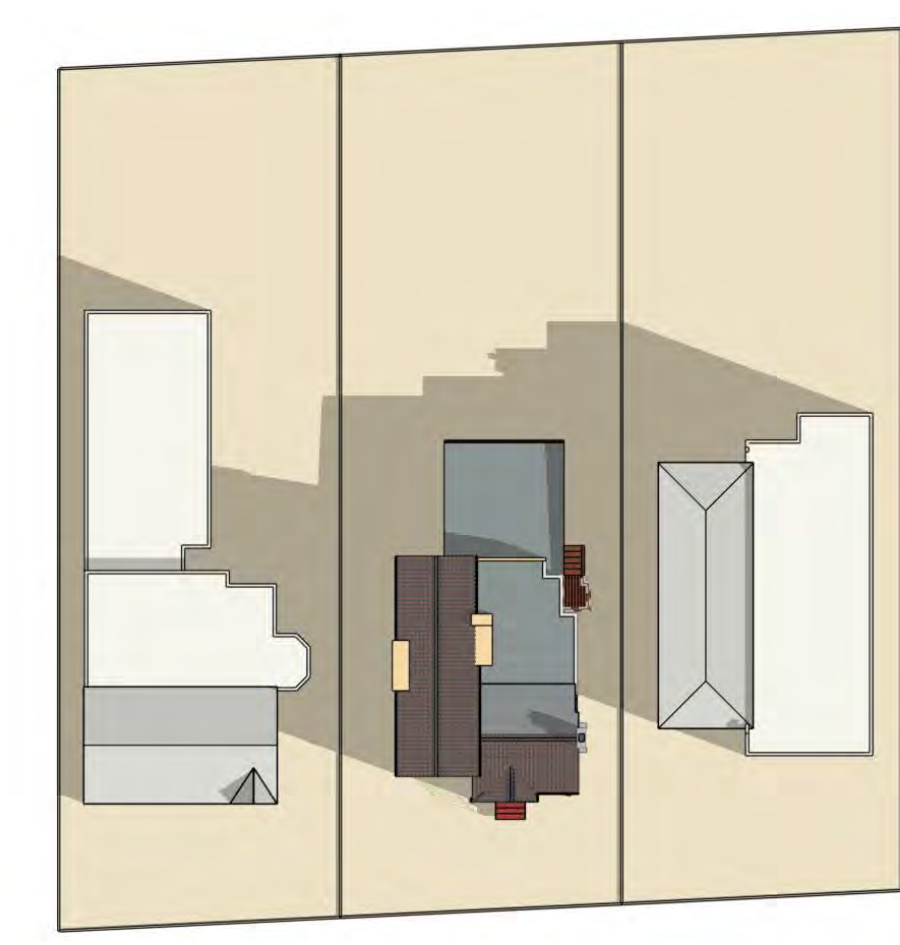


Existing

**6-21-2020 / 12:00 pm**

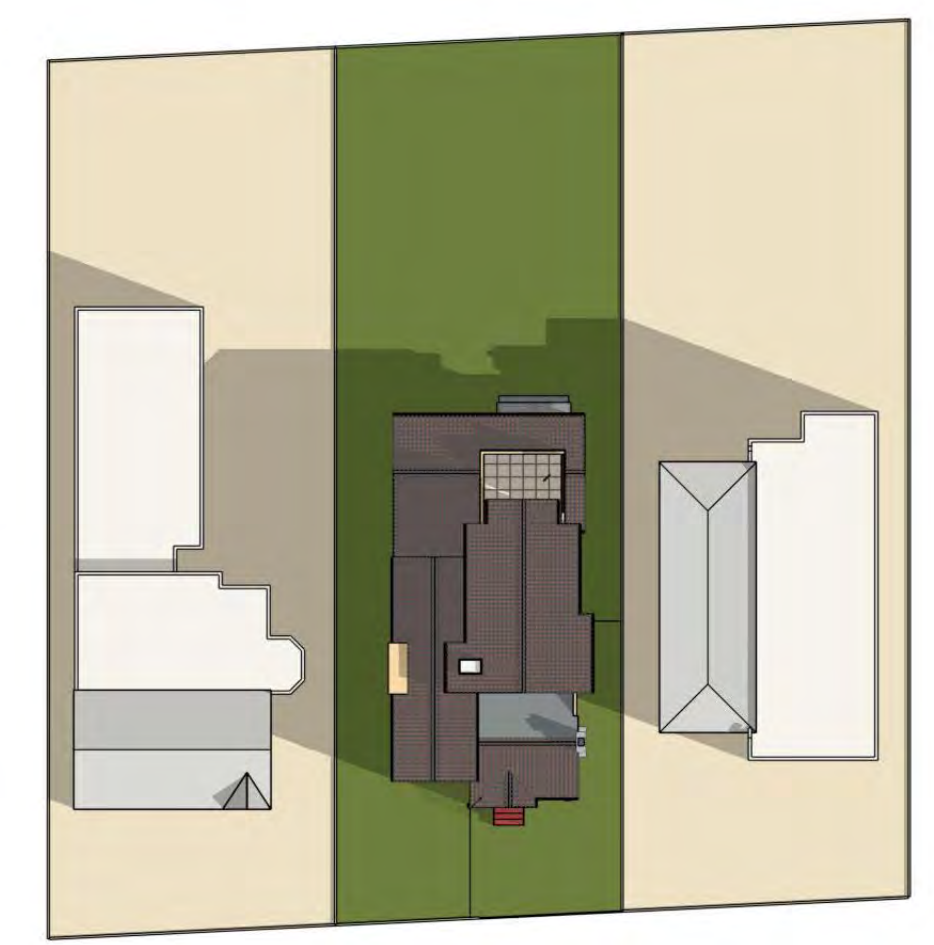


Proposed Modification

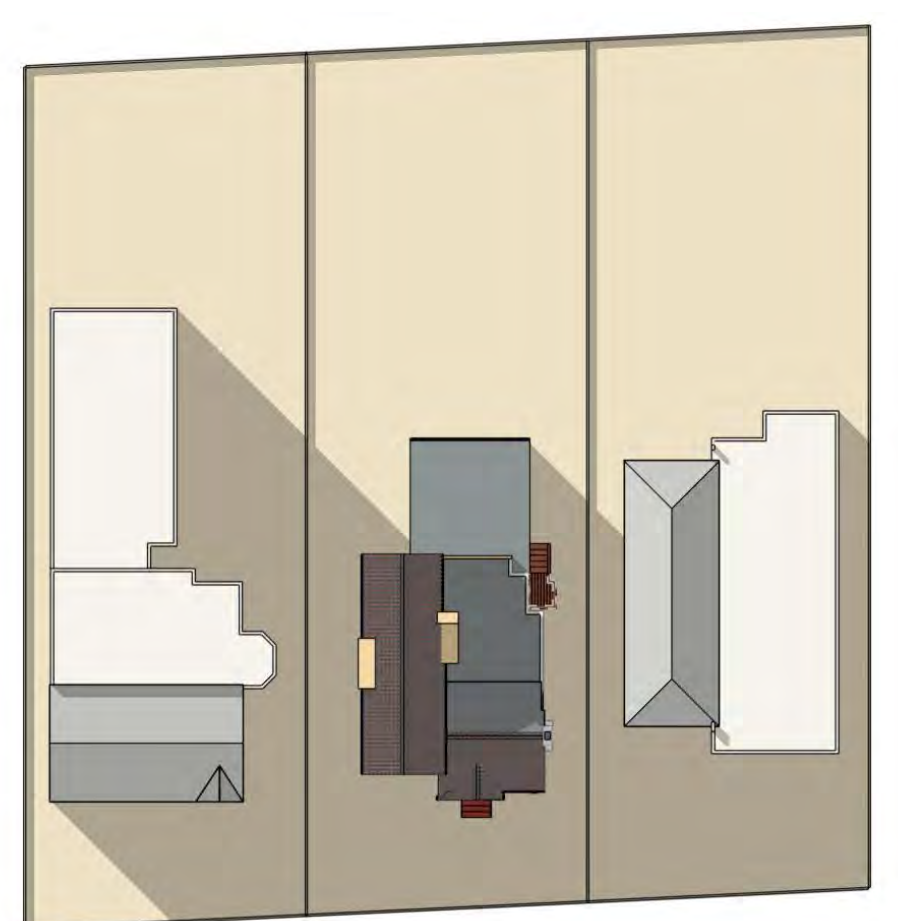


Existing

**6-21-2020 / 6:35 pm**  
See Above

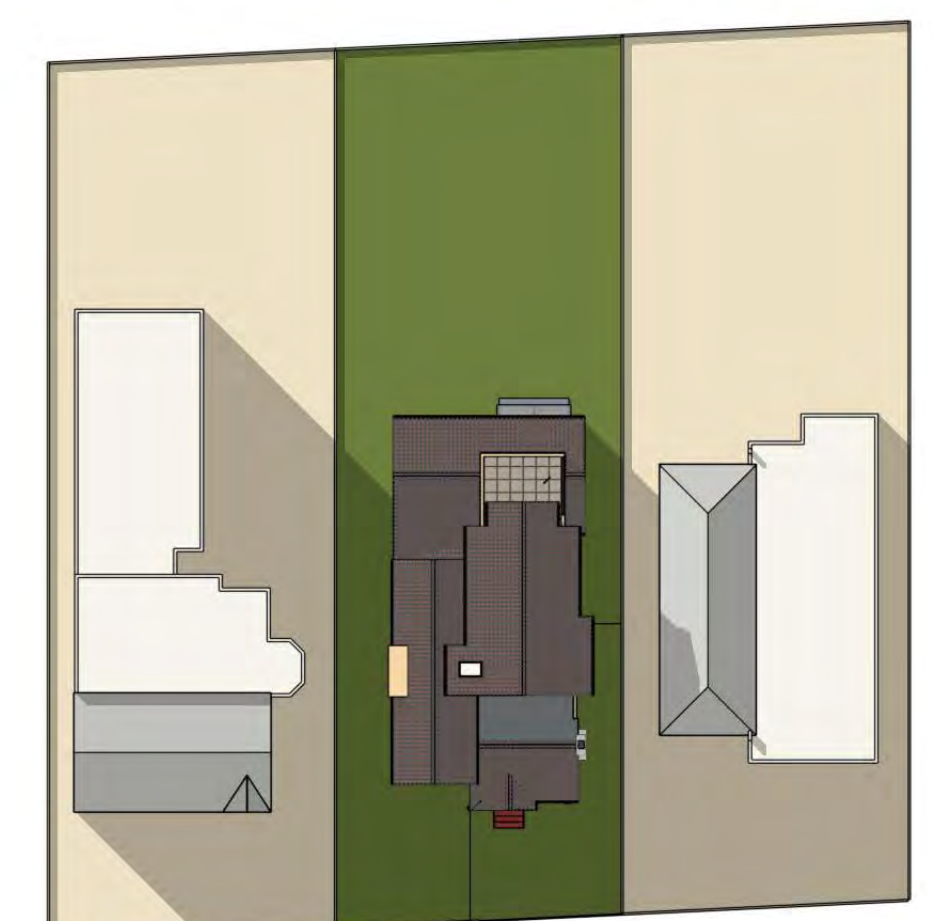


Proposed Modification

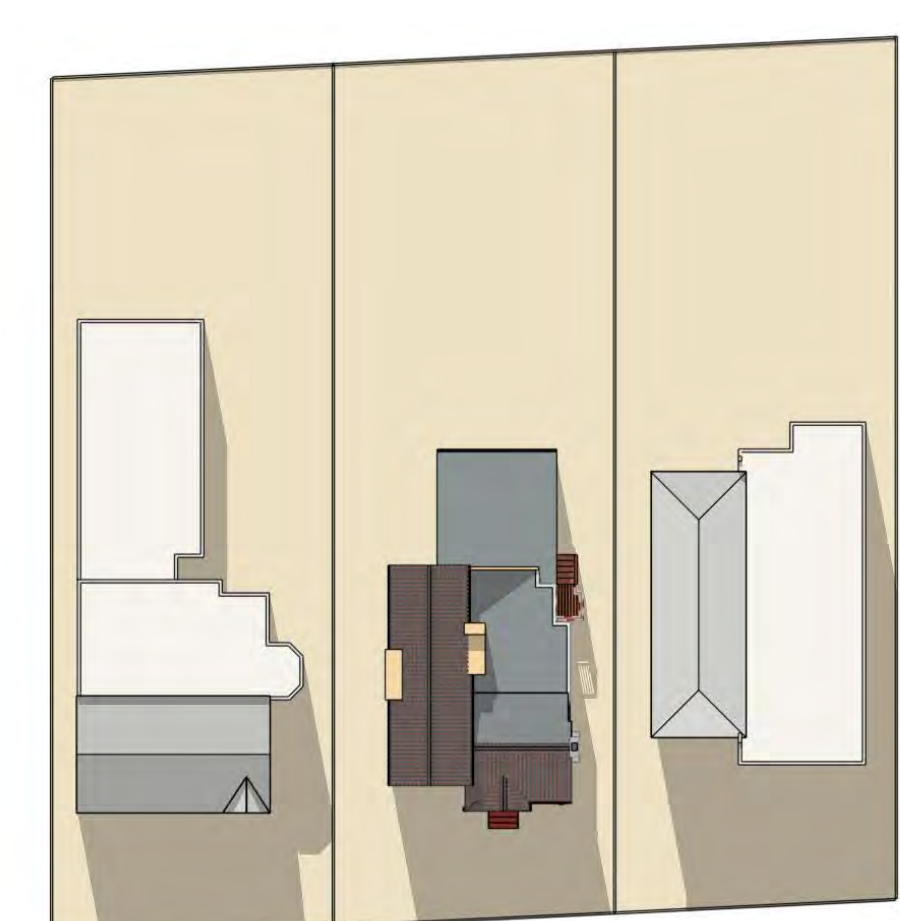


Existing

**12-21-2020 / 9:21 am**  
See Above

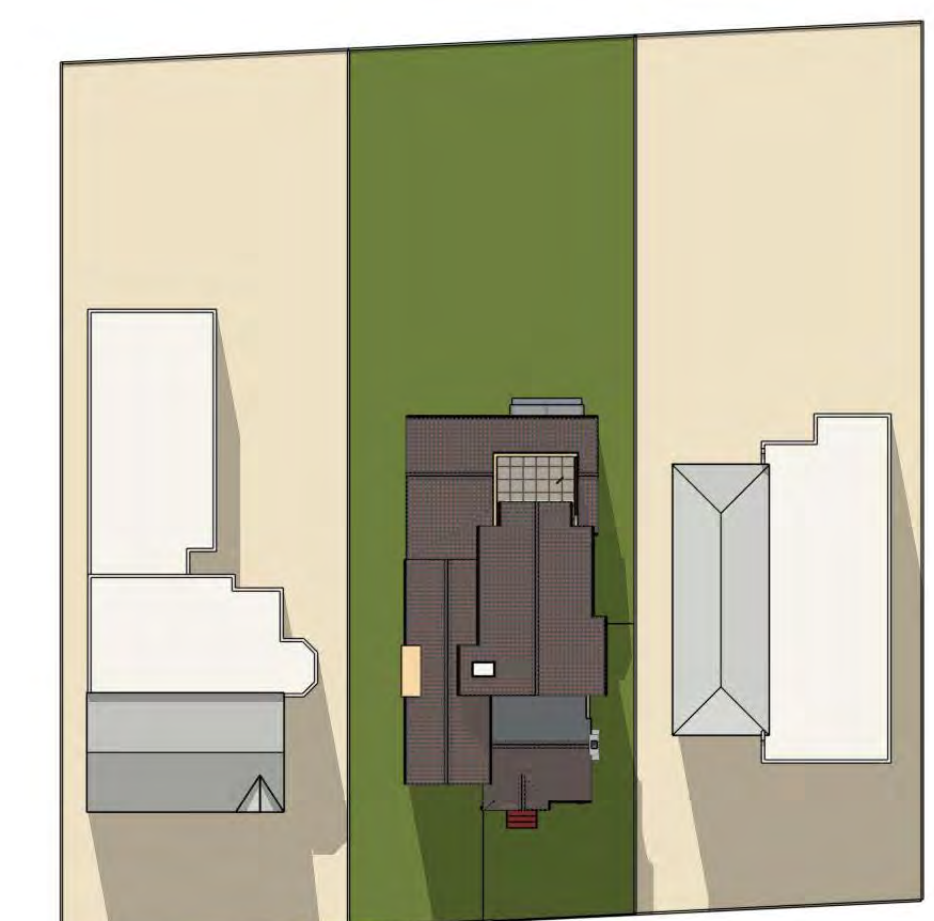


Proposed Modification

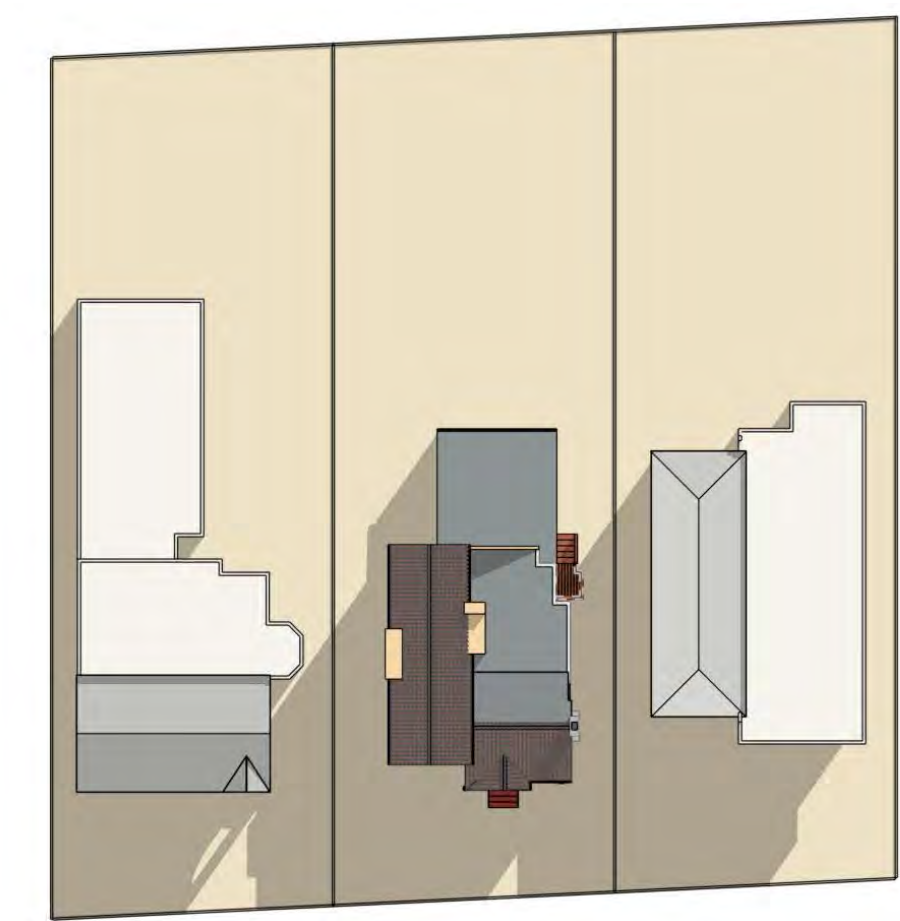


Existing

**12-21-2020 / 12:00 pm**

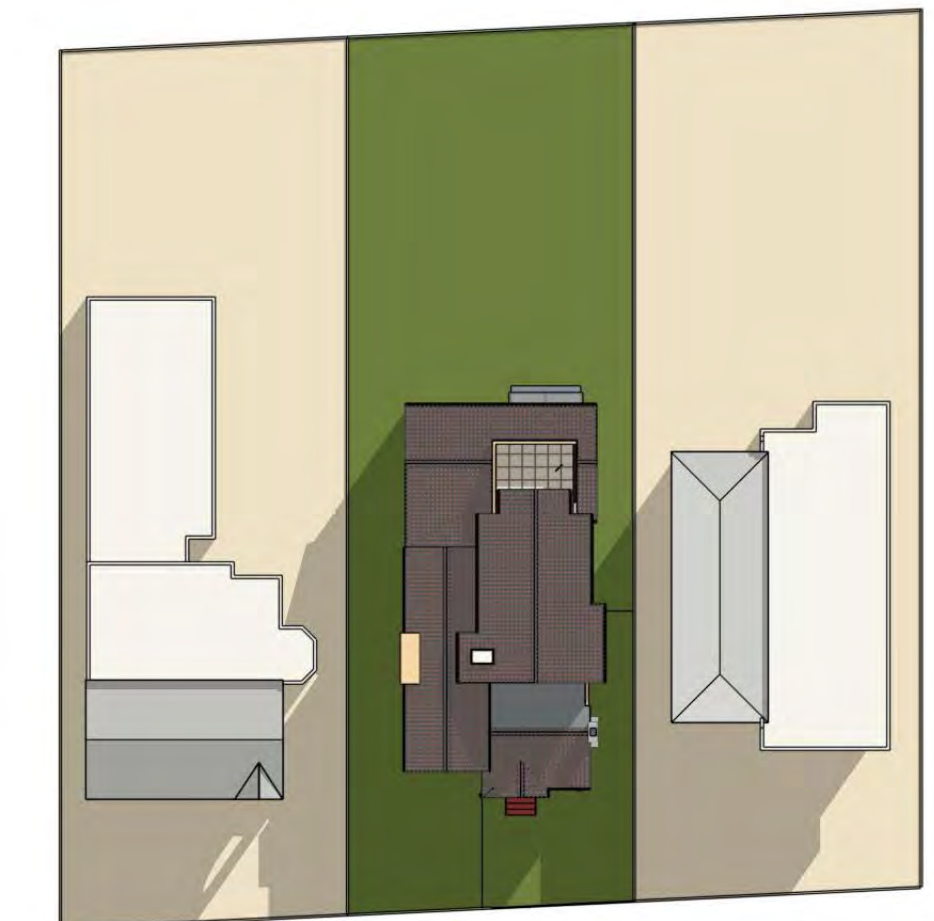


Proposed Modification



Existing

**12-21-2020 / 2:54 pm**



Proposed Modification





Appeal of AUP Modification #ZP2021-0006 at 1262 Francisco Street  
Objections from Aimee Baldwin, resident and co-owner of adjacent  
property at 1256 Francisco Street

August 4, 2022

As the resident and co-owner of 1256 Francisco St., the house immediately adjacent (to the west, sharing a property line) to the subject property of AUP #ZP2021-0006, I object to the details of this AUP, and wish to appeal its design. I have the following objections:

1. Roof Deck creates a privacy detriment to my entire yard.
2. Roof Deck creates a noise detriment next to my bedroom (capacity for 18 people).
3. Roof Deck privacy screen creates a view detriment to my bedroom (it eliminates my view of the sky and Berkeley Hills).
4. Roof Deck privacy screen creates a light detriment to my bedroom (possibly mitigated with translucent obscuring glass).
5. Roof Deck privacy screen design needs to be legally enforceable for me to accept reliance upon it for privacy (there is major privacy invasion without privacy wall, and I distrust the applicant and architect).
6. Roof Deck is out of scale for the neighborhood. Other single-family homes with usable backyards do not have 100+ square foot roof decks immediately outside neighbors' bedrooms. Most balconies are less than 4 feet deep, often only 6-8 feet wide, and placed more respectfully to adjacent neighbors.
7. Windows of the second-story master bath and closet create a privacy detriment to two of my bedrooms: I request non-opening fixed windows, with obscuring glass.

I do not object to my neighbor having a roof deck: I object to this particular roof deck design and placement. Mr Miller presented me with the now approved house additions and remodel in AUP #ZP2020-0122 in October 2020. Major factors in my signed full approval of that design were that it maintained some privacy/tranquility in the back of my house and yard, left unobstructed one last eastern upstairs window, and Mr Miller's own assurance at the time that he had decided against a roof deck. Now this AUP Modification, this roof deck as it is currently designed, eliminates those factors.

As an alternative to this roof deck submitted in AUP #ZP2021-0006, I have designed a different roof deck, which I think would meet my neighbor's needs, and which I would approve immediately. Trying to discuss design solutions with my neighbor to mitigate the above described detriments has been made extremely difficult by the following factors:

- My neighbor Mr. Miller has repeatedly refused to discuss design solutions to mitigate these detriments.
- His architect Sunny Grewal has made numerous misrepresentations on the application: regarding neighbor consent (my own personal consent); inaccuracies in the plans including property relations/sizes, window sizes, shadowing studies, and the tabulation table; including his fabrication of the property line; and months of subsequent refusal to correct these misrepresentations.
- Any further ability to trust my neighbor has been precluded by his misrepresentation, in email to the Planning Department, the terms of our signed agreement reached in professional mediation in April 2021.

Please view the document "2022-06-17\_Neighbor Objections - Baldwin\_1262 Francisco.pdf", on the the City of Berkeley Zoning Applications Attachments page for AUP#ZP2021-0006 (posted June 28, 2022), which describes: the details of my objections to the initial AUP submission; the failure of subsequent design changes to address the detriments which I will experience as the immediately adjoining neighbor; the basis for my distrust of the applicant and architect; and my proposed solutions, including alternate roof deck designs, to address the detriments.

Signed,

A handwritten signature in blue ink that reads "Aimee Baldwin". The signature is written in a cursive, flowing style.

Aimee Baldwin, resident and owner of 1256 Francisco St.

Appeal of AUP Modification #ZP2021-0006 at 1262 Francisco Street  
Objections from Aimee Baldwin, resident and co-owner of adjacent  
property at 1256 Francisco Street

August 4, 2022

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I do not object to my neighbor having a roof deck: I object to this particular roof deck design and placement. Mr Miller presented me with the now approved house additions and remodel in AUP #ZP2020-0122 in October 2020. Major factors in my signed full approval of that design were that it maintained some privacy/tranquility in the back of my house and yard, left unobstructed one last eastern upstairs window, and Mr Miller's own assurance at the time that he had decided against a roof deck. Now this AUP Modification, this roof deck as it is currently designed, eliminates those factors.

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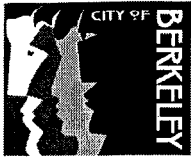
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Signed,



Aimee Baldwin, resident and owner of 1256 Francisco St.



Permit Service Center  
 Building and Safety Division  
 1947 Center St. 3rd Floor  
 Berkeley, CA 94704

# INVOICE

Date: 08/04/22

Invoice #: 507194

Record #: PLN2022-0070

Bill to:

Address: 1262 FRANCISCO ST

Aimee Baldwin  
 1256 FRANCISCO ST  
 BERKELEY CA 94702-1465

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
8/4/2022	APPEAL of AUP - Non Applicant APPL010	\$500.00	\$0.00	\$500.00
<b>Totals:</b>		\$500.00	\$0.00	\$500.00



Planning and Development Department  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

## ZONING ADJUSTMENTS BOARD NOTICE OF PUBLIC HEARING

**SUBJECT:** 1262 Francisco Street  
Use Permit #ZP2021-0006

**WHEN:** Thursday, October 13, 2022.  
Meeting starts at 7:00 pm.

**WHERE:** *This meeting will be conducted exclusively through videoconference and teleconference; there will not be a physical meeting location available. Please see link to agenda at:*  
[https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-10\\_13\\_ZAB\\_Agenda.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-10_13_ZAB_Agenda.pdf) *for details.*

«NAME1»

«NAME2»

«ADDRESS1» «ADDRESS2»



**SUBJECT: 1262 Francisco Street, Appeal of Zoning Officer's decision to approve Use Permit #ZP2021-0006 to modify Administrative Use Permit #ZP2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.**

**CEQA RECOMMENDATION:** Categorically exempt pursuant to Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines. The determination is made by ZAB.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing.

**Post and Mail Date:  
September 29, 2022**

**All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.**

Send written comments to the Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Second Floor, Berkeley, CA 94704 or via e-mail to: [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info). For further information, see the Agenda at: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-10\\_13\\_ZAB\\_Agenda.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-10_13_ZAB_Agenda.pdf) or call the Land Use Planning division (510) 981-7410.

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

PLEASE NOTE: If your contact information is included in any communication to the Board, it will become part of the public record, and will be accessible on the City Website.

All application materials are available at the Land Use Planning Division online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>

. The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at:

<https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

Internal

NAME1	NAME2	ADDRESS1	ADDRESS2
Milvia-King Alliance	1731 MILVIA ST	BERKELEY CA 94709	
Schoolhouse-Lincoln Creeks Watershed Neighborhood Assoc.	1546 MILVIA ST	BERKELEY CA 94709	
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	Berkeley, CA 94720-1382	
Urban Creeks Council	861 REGAL RD	BERKELEY CA 94708	
California Delaware McGee Neighborhood Association	1612 DELAWARE ST	BERKELEY CA 94703	
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA 94618	
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA 94704	
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SOUTH SAN FRANCISCO CA 94080	
MAHRER GREGORY TR	10300 MOONSHINE RD	SEBASTOPOL CA	95472
ALEXANDER FLORENCE L TR	1221 DELAWARE ST	BERKELEY CA	94702
WILLIAMS JOYCE TR	1224 FRANCISCO ST	BERKELEY CA	94702
REIFER JOSEPH A & ENGLISH JENNIFER A	1225 DELAWARE ST	BERKELEY CA	94702
FINCH DEBORAH TR	1225 FRANCISCO ST	BERKELEY CA	94702
WRIGHT ANDRE R & BRAXTON JEAN E	1227 FRANCISCO ST	BERKELEY CA	94702
HARRIS DAVID TR	1231 FRANCISCO ST	BERKELEY CA	94702
CHAO TING H & DERCHANG TRS	12425 BURR CT	SAN DIEGO CA	92129
GLASS MICHAEL A & SRISOONTORN CHITLADA TRS	1244 DELAWARE ST	BERKELEY CA	94702
GRUEN DARRYL J & EMILY O TRS & GRUEN LEE G TR	1245 FRANCISCO ST B	BERKELEY CA	94702
HOM RICHARD L & LUM SUSAN B	1249 FRANCISCO ST	BERKELEY CA	94702
AMODT IVAN & MOOKHERJEE BONNIEE	1251 DELAWARE ST	BERKELEY CA	94702
TOJI GARY M & KIMIKO TRS	1252 DELAWARE ST	BERKELEY CA	94702
SNYDER ANDREA L & SIDHU SUNINDER	1253 FRANCISCO ST	BERKELEY CA	94702
PRITT JACKSON D & JOHANNA W	1255 DELAWARE ST	BERKELEY CA	94702
GARSHELIS DAREN & FERNANDEZ KATHERINE	1261 DELAWARE ST	BERKELEY CA	94702
MILLER JONATHAN D	1262 FRANCISCO ST	BERKELEY CA	94702
METUMARA AHANOTU AUSTIN & AHANOTU ADELE J TRS	1266 FRANCISCO ST	BERKELEY CA	94702
LUNDEN MELISSA M	1271 DELAWARE ST	BERKELEY CA	94702
PARDEE RUTH M TR	1272 DELAWARE ST	BERKELEY CA	94702
RAVEL JODI L & MEDERICK	1272 FRANCISCO ST	BERKELEY CA	94702
TWOREK CHRISTINA J TR	1274 FRANCISCO ST	BERKELEY CA	94702
VELASQUEZ CARLOS A & GRACIELA I	1280 DELAWARE ST	BERKELEY CA	94702
CASTELLI EMILY E	1287 FRANCISCO ST	BERKELEY CA	94702
FUENTES EMMA H & SWEETCORDERO DAVID	1290 DELAWARE ST	BERKELEY CA	94702
MIELE JOSHUA & RUHLAND ELIZABETH TRS	1292 DELAWARE ST	BERKELEY CA	94702
FEIX DAVID C TR	1294 DELAWARE ST	BERKELEY CA	94702
MIEDZINSKI SANJEN TR	1295 DELAWARE ST	BERKELEY CA	94702
KIM STEPHANIE B & YOW JASON S	1295 FRANCISCO ST	BERKELEY CA	94702
LEIMBACH ERIC S & RAO ASHA G	1299 DELAWARE ST	BERKELEY CA	94702
ADAMS NICHOLAS J	1304 VIRGINIA ST	BERKELEY CA	94702
WESTCOTT IAN	1306 VIRGINIA ST	BERKELEY CA	94702
SHER ZALMAN TR	1312 VIRGINIA ST	BERKELEY CA	94702
KRIEGER Yael & LADON JOSHUA	1318 VIRGINIA ST	BERKELEY CA	94702



Internal

DUGGAN LYNN L & LEE JAMES	1322 VIRGINIA ST	BERKELEY CA	94702
STONE ABRAHAM D & LINDA J TRS	1326 VIRGINIA ST	BERKELEY CA	94702
SPORER STEPHEN F	1330 FRANCISCO ST	BERKELEY CA	94702
BROWNING VIRGINIA & GILMARTIN STEVEN	1330 VIRGINIA ST	BERKELEY CA	94702
WHITE KENNETH L & ZHU LING TRS	1332 FRANCISCO ST	BERKELEY CA	94702
KONNER THOMAS S & NOBLE JEANNE A	1341 FRANCISCO ST	BERKELEY CA	94702
BALDWIN ROBERT E TR & BALDWIN AIMEE J	1345 CALIFORNIA ST	BERKELEY CA	94703
SINSHEIMER THOMAS A & PAMELA A TRS	1395 ADA ST	BERKELEY CA	94702
BENNETT TAYLOR H TR	1569 SOLANO AVE #549	BERKELEY CA	94707
ENRIQUEZ LAURA J & ROBERT G TRS	1706 CHESTNUT ST	BERKELEY CA	94702
CHINKARLAPRANG DHONYO ETAL	1707 CHESTNUT ST	BERKELEY CA	94702
WEBB EMMA & STEVEN	1710 CHESTNUT ST	BERKELEY CA	94702
KAUFMAN ILANA TR	1711 CHESTNUT ST	BERKELEY CA	94702
WOLFMAN KAREN H TR	1715 CHESTNUT ST	BERKELEY CA	94702
SCOTT THOMAS M & VICKTORIYA G	1716 CHESTNUT ST	BERKELEY CA	94702
DONOHUE MAUREEN TR & DONOHUE ETHNA T TR	1719 CHESTNUT ST	BERKELEY CA	94702
FISHBEIN LAURENCE & GILLET SYDNEY TRS	1729 CHESTNUT ST	BERKELEY CA	94702
DORAN ANDREW & JONES ANDREA	1731 CHESTNUT ST	BERKELEY CA	94702
FOX LINDA S TR	1732 CHESTNUT ST	BERKELEY CA	94702
HERNANDEZ ROBERTO & SANSORES LAYDA M	1734 CHESTNUT ST	BERKELEY CA	94702
CHUNG ROBERT E & BARBIERI MAGALI	1735 CHESTNUT ST	BERKELEY CA	94702
ALLEN WILMER K TR	1737 CHESTNUT ST	BERKELEY CA	94702
ALABI OLUWABUSAYO & JENNIFER TRS	1743 CHESTNUT ST	BERKELEY CA	94702
WARSHALL SOPHIA & CAMILLE JEAN P	1801 CHESTNUT ST	BERKELEY CA	94702
LIEBERT JONAH & TREVOR BETH E	1807 CHESTNUT ST	BERKELEY CA	94702
PHAM THANH & VO LY T	1812 SHORT ST	BERKELEY CA	94702
MARTINS JEFFREY	1887 CATALINA AVE	BERKELEY CA	94707
CARROLL JOHN E TR	209 MAYNELL AVE	MODESTO CA	95354
LEUNG CATHERINE TR	2120 SACRAMENTO ST 2	BERKELEY CA	94702
FINALY MEGAN TR	450 ELEANOR AVE	SEBASTOPOL CA	95472
YEE GUM J & CYNTHIA TRS	4539 QUEEN ANNE DR	UNION CITY CA	94587
YOUSEFI FARAMARZ & JILLA	606 N HILLCREST RD	BEVERLY HILLS CA	90210
FRANKLIN FRED O	6544 KENSINGTON AVE	RICHMOND CA	94805
ARCEKASKIRIS VANESSA M & KASKIRIS CHARIS	743 WOODHAVEN RD	BERKELEY CA	94708
GAYLORD KRISTIN Z TR	912 HAWTHORNE DR	WALNUT CREEK CA	94596
CHANG JOHN S & HUEY AGNES M TRS	P O BOX 22098	SAN FRANCISCO CA	94122
WEST STREET MANAGEMENT	PO BOX 464	BERKELEY CA	94701
HAMILTON ROBERT L	PO BOX 9495	BERKELEY CA	94709
OCCUPANT(S)	1226 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1227 DELAWARE ST	BERKELEY CA	94702
OCCUPANT(S)	1244 DELAWARE ST A	BERKELEY CA	94702
OCCUPANT(S)	1244 DELAWARE ST B	BERKELEY CA	94702
OCCUPANT(S)	1245 FRANCISCO ST	BERKELEY CA	94702

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OCCUPANT(S)	1246 DELAWARE ST B	BERKELEY CA	94702
OCCUPANT(S)	1247 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1247 FRANCISCO ST A	BERKELEY CA	94702
OCCUPANT(S)	1250 DELAWARE ST	BERKELEY CA	94702
OCCUPANT(S)	1255 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1255 FRANCISCO ST 2	BERKELEY CA	94702
OCCUPANT(S)	1255 FRANCISCO ST A	BERKELEY CA	94702
OCCUPANT(S)	1255 FRANCISCO ST B	BERKELEY CA	94702
AIMEE BALDWIN	1256 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1257 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1257 FRANCISCO ST 1	BERKELEY CA	94702
OCCUPANT(S)	1257 FRANCISCO ST 2	BERKELEY CA	94702
OCCUPANT(S)	1257 FRANCISCO ST 3	BERKELEY CA	94702
OCCUPANT(S)	1257 FRANCISCO ST 4	BERKELEY CA	94702
OCCUPANT(S)	1257 FRANCISCO ST 5	BERKELEY CA	94702
OCCUPANT(S)	1257 FRANCISCO ST 6	BERKELEY CA	94702
OCCUPANT(S)	1270 DELAWARE ST	BERKELEY CA	94702
OCCUPANT(S)	1276 DELAWARE ST	BERKELEY CA	94702
OCCUPANT(S)	1278 DELAWARE ST	BERKELEY CA	94702
OCCUPANT(S)	1281 DELAWARE ST	BERKELEY CA	94702
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OCCUPANT(S)	1294 FRANCISCO ST	BERKELEY CA	94702
OCCUPANT(S)	1294 FRANCISCO ST A	BERKELEY CA	94702
OCCUPANT(S)	1294 FRANCISCO ST B	BERKELEY CA	94702
OCCUPANT(S)	1301 DELAWARE ST	BERKELEY CA	94702
OCCUPANT(S)	1302 VIRGINIA ST	BERKELEY CA	94702
OCCUPANT(S)	1305 DELAWARE ST	BERKELEY CA	94702
OCCUPANT(S)	1305 DELAWARE ST A	BERKELEY CA	94702
OCCUPANT(S)	1305 DELAWARE ST B	BERKELEY CA	94702
OCCUPANT(S)	1310 VIRGINIA ST	BERKELEY CA	94702
OCCUPANT(S)	1310 VIRGINIA ST A	BERKELEY CA	94702
OCCUPANT(S)	1310 VIRGINIA ST B	BERKELEY CA	94702
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OCCUPANT(S)	1316 VIRGINIA ST	BERKELEY CA	94702
OCCUPANT(S)	1320 VIRGINIA ST	BERKELEY CA	94702
OCCUPANT(S)	1320 VIRGINIA ST A	BERKELEY CA	94702
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OCCUPANT(S)	1330 VIRGINIA ST B	BERKELEY CA	94702

OCCUPANT(S)	1330 VIRGINIA ST C	BERKELEY CA	94702
OCCUPANT(S)	1330 VIRGINIA ST D	BERKELEY CA	94702
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OCCUPANT(S)	1339 FRANCISCO ST A	BERKELEY CA	94702
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OCCUPANT(S)	1709 CHESTNUT ST	BERKELEY CA	94702
OCCUPANT(S)	1718 CHESTNUT ST	BERKELEY CA	94702
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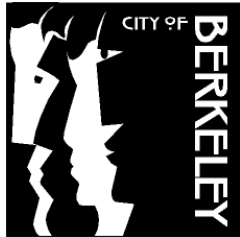
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Sundeep Grewal, Studio G+S Architects

2223 Fifth Street

Berkeley CA

94710



Planning and Development Department  
Land Use Planning Division

## **PROOF OF SERVICE**

DATE: October 26, 2022

TO: Whom It May Concern

FROM: Melinda Jacob, OSII

SUBJECT: **USE PERMIT #ZP2021-0006 – 1262 FRANCISCO STREET**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age; that I am not a party to the within action; and that my business address is 1947 Center Street, Berkeley, California 94704. On this date, I served the following documents:

### **ZONING ADJUSTMENTS BOARD NOTICE OF DECISION**

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

Jonathan Miller  
1262 Francisco Street  
Berkeley, CA 94702

Sunny Grewal  
Studio G+S Architects  
2223 Fifth Street  
Berkeley, CA 94710

Aimee Baldwin & John Vinopal  
1256 Francisco Street  
Berkeley, CA 94702

- By First Class Mail - I am readily familiar with the City's practice for collecting and processing of correspondence for mailing. Under the practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with First Class postage thereon fully prepaid, in Berkeley, California, for mailing to the addressee following ordinary business practices.
- By Personal Service - I caused each such envelope to be given to the City of Berkeley mail service person to personally deliver to the office of the addressee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 26, 2022 at Berkeley, California.

Melinda Jacob, OSII



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

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N O T I C E O F D E C I S I O N

**DATE OF BOARD DECISION:** October 13, 2022

**DATE NOTICE MAILED:** October 26, 2022

**APPEAL PERIOD EXPIRATION:** November 9, 2022

**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)<sup>1</sup>:** November 10, 2022

## 1262 Francisco Street

**Appeal of Zoning Officer's Decision to approve Administrative Use Permit #ZP2021-0006 to modify Administrative Use Permit ZP#2020-0122 to add 40 square feet on the first floor and a balcony on the second floor of an existing single-family dwelling unit.**

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **DISMISSED** the appeal and **APPROVED** the following permit:

- Administrative Use Permit for an addition greater than 14 feet in height, under BMC Section 23.202.080(D).

**ZONING:** Restricted Two-Family Residential District (R-2)

**APPLICANT:** Sunny Grewal (Architect), Studio G+S Architects, 2223 Fifth Street, Berkeley CA 94710

**PROPERTY OWNER:** Jonathan Miller, 1262 Francisco Street, Berkeley CA 94702

**APPELLANTS:** Aimee Baldwin and John Vinopal, 1256 Francisco Street, Berkeley, CA 94702

**ENVIRONMENTAL REVIEW STATUS:** It is staff's recommendation that the project is categorically exempt pursuant to Section 153301 of the CEQA Guidelines ("Existing Facilities"). The determination is made by ZAB.

<sup>1</sup> Pursuant to BMC Section 23.410.050(C), the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

ZONING ADJUSTMENTS BOARD  
October 13, 2022

1262 FRANCISCO STREET  
Page 2 of 4


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**FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

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	Yes	No	Abstain	Absent
DUFFY	x			
MATTHEWS	x			
KIM	x			
O'KEEFE	x			
SANDERSON	x			
THOMPSON	x			
GAFFNEY	x			
TREGUB	x			
<b>BOARD VOTE:</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>

**ATTEST:**

  
Samantha Updegrave, Zoning Adjustments Board  
Secretary

**PUBLICATION OF NOTICE:**

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Pursuant to BMC Section 23B.32.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

**FURTHER INFORMATION:**

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Questions about the project should be directed to the project planner, Katrina Lapira, at (510) 981-7488 or [klapira@cityofberkeley.info](mailto:klapira@cityofberkeley.info). All project application materials, including full-size plans, may be viewed online at: <https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx> or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

**TO APPEAL THIS DECISION (see Section 23B.32.050 of the Berkeley Municipal Code):**

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
  - A. The fee for persons other than the applicant is \$1500. This fee may be reduced to \$500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
  - B. The fee for all appeals by Applicants is \$5,520.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

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



ZONING ADJUSTMENTS BOARD

October 13, 2022

1262 FRANCISCO STREET

Page 4 of 4

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If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

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# ATTACHMENT 1

## FINDINGS AND CONDITIONS

AUGUST 3, 2022

### 1262 Francisco Street

#### Administrative Use Permit #ZP2021-0006

#### Modification of Administrative Use Permit #ZP2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.

#### PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.202.080(D) for an addition greater than 14 feet in height.

#### CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 153301 ("Existing Facilities).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### FINDINGS FOR APPROVAL

3. As required by BMC Section 23.406.030(F), the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - A. The subject property complies with the BMC Section 23D.202.080(D) (R-2 Restricted Two-Family Residential District Development Standards) for maximum residential density (one dwelling unit on the lot where two dwelling units are allowed for a lot of this size), maximum lot coverage (29.5 percent lot coverage where the maximum allowed is 40 percent), and usable open space (over 1,000 square feet where a minimum of 400 square feet is required per dwelling unit). There is a permitted Accessory Dwelling Unit located at the rear of subject lot. Additionally, a minor accessory structure- a tool shed

(non-habitable space) that is less than 120 square feet, is located along western property line, that is proposed to remain.

- B. An average height of 21 feet-3 inches was approved under #ZP2020-0122. The modification to allow a second story balcony will not increase the average height of the dwelling beyond that approval.
  - C. The site complies with the following required setbacks: left side setback is 9 feet-6 inches and the right-side setback is 4 feet-7 inches where 4 feet is required, and the rear setback is 57 feet-11 inches where 20 feet is required. The existing front setback is legally nonconforming, providing 16 feet-6 inches where 20 feet is required. The modifications to extend the walls of the addition approved under #ZP2020-0122 are outside of all required setbacks.
  - D. The modification on the first floor does not propose new openings different those that were approved under the previous administrative use permit, although one window will be located closer to the east lot line, and are not expected to be detrimental to the privacy of abutting neighbors.
  - E. The proposed balcony at the second-story level is accessed through the primary bedroom, and setback 8 feet-8 inches from the western property line and over 20 feet from the eastern property line. The proposed balcony parallels an existing second floor bedroom at 1256 Francisco Street. To mitigate potential impacts to privacy, a privacy screen is proposed along the west side of the balcony.
4. Pursuant to BMC Section 23.202.030(A)(2)(a), the Zoning Officer finds that the proposed modifications would not unreasonably obstruct sunlight, air, or views for the following reasons:
- A. Sunlight: The proposed modifications to the previously approved project under #ZP2020-0122 will not further increase shadow impacts on the surrounding neighborhood dwellings.
  - B. Air: The 40-square-foot addition to the east side of office (bedroom four) will slightly reduce the distance from the east neighbor (1266 Francisco), but exceeds the required left side setback. Therefore, there will be no impacts to air circulation.
  - C. Views: The modifications would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary). In addition, this area is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley Hills or the Golden Gate Bridge from off-site view angles.
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**STANDARD CONDITIONS**

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

**1. Conditions Shall be Printed on Plans**

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

**2. Compliance Required (BMC Section 23.102.050)**

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

**3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

**4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)**

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval

**5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)**

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

**6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

**7. Permit Modifications (BMC Section 23.404.070)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is issued is permitted unless approved by the review authority which originally approved the permit. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

**8. Permit Revocation (BMC Section 23.404.080)**

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

**9. Indemnification Agreement**

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

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

Pursuant to BMC Section 23.404.050(H), the Zoning Officer attaches the following additional conditions to this Permit:

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

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

**Project Liaison**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone #

**11. Privacy Screen.** All applicable plan sheets shall be revised to include a permanent privacy screen located along the western portion of the balcony, affixed to the main dwelling, to be maintained for the life of the project.

**Standard Construction-related Conditions Applicable to all Projects:**

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

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

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

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary, to protect the health, safety, or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

**13.** Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

14. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division and carry out any necessary corrective action to their satisfaction.
15. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
16. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
17. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand, or other loose materials shall be watered or covered.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
23. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
24. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique

archaeological resources accidentally discovered during construction” should be instituted. Therefore:

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

**25. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt, and the Alameda County Coroner shall be contacted to evaluate the remains and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1). If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**26. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the



1262 Francisco Street  
Page 8 of 8

NOTICE OF ADMINISTRATIVE DECISION - Findings and Conditions  
Administrative Use Permit #ZP2021-0006

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resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

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

- 27.** All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
- 28.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated July 21, 2022.

**At All Times (Operation):**

- 29.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 30.** Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.




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Prepared by: Katrina Lapira  
For Samantha Updegrave, Zoning Officer



PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

  
 SIGNATURE

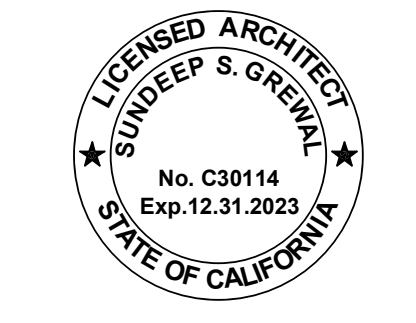
**October 13, 2022**  
 DATE

\* Findings and Conditions Attached

existing structure  
 1st. floor addition  
 2nd. floor addition  
 usable open space



**2223 Fifth St.**  
**Berkeley, CA 94710**  
**Ph: 510.548.7448**  
**info@sgsarch.com**  
**www.sgsarch.com**



**MILLER RESIDENCE**  
**AUP Modification**  
 1262 Francisco St.  
 Berkeley, CA 94702  
 APN: 058 213500300

Sheet Contents:  
 Existing Site Plan  
 Proposed Site Plan

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Project No:  
**20-07-414**

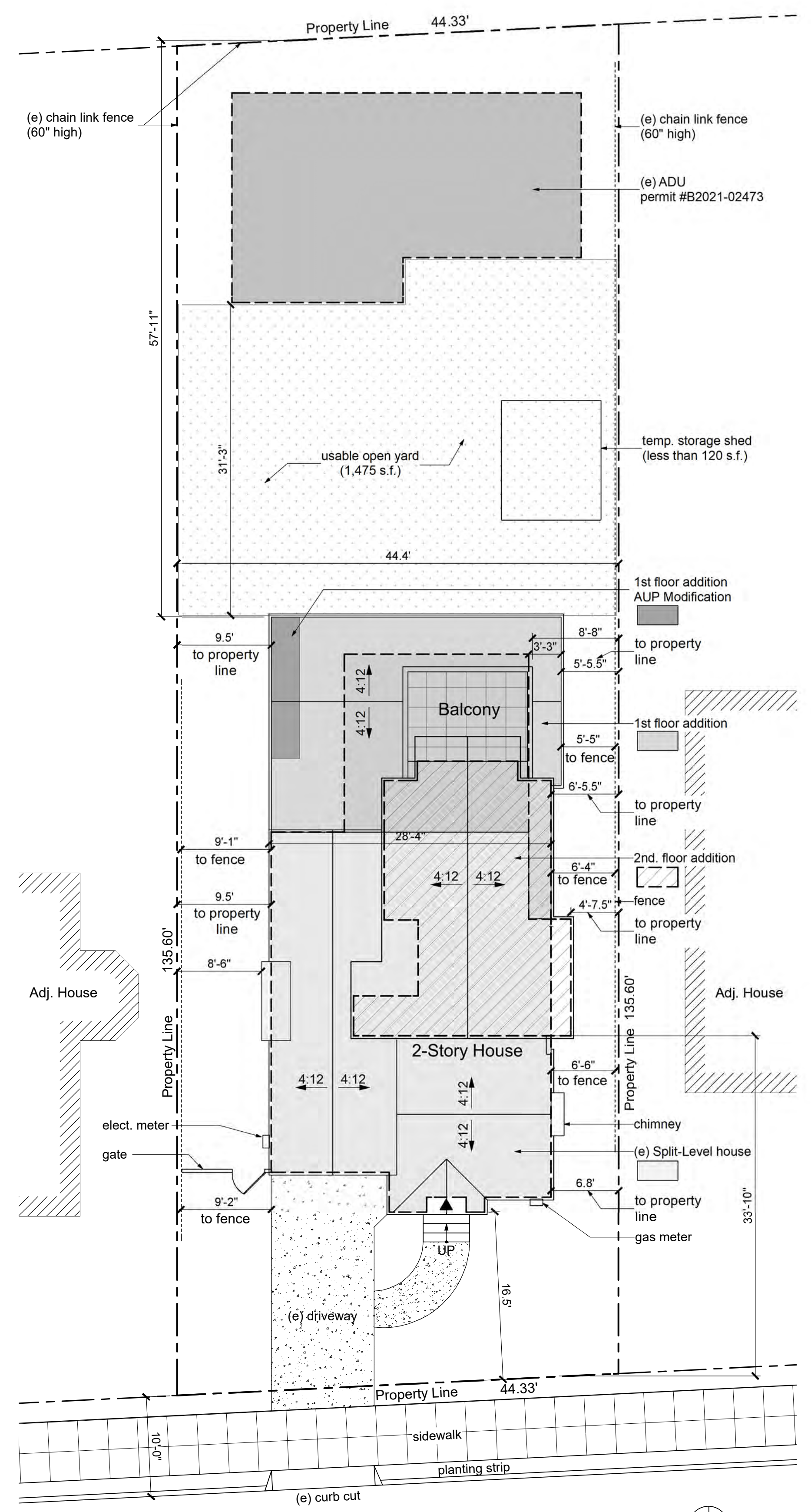
Drawn By:  
**SSG**

Checked By:  
**SSG**

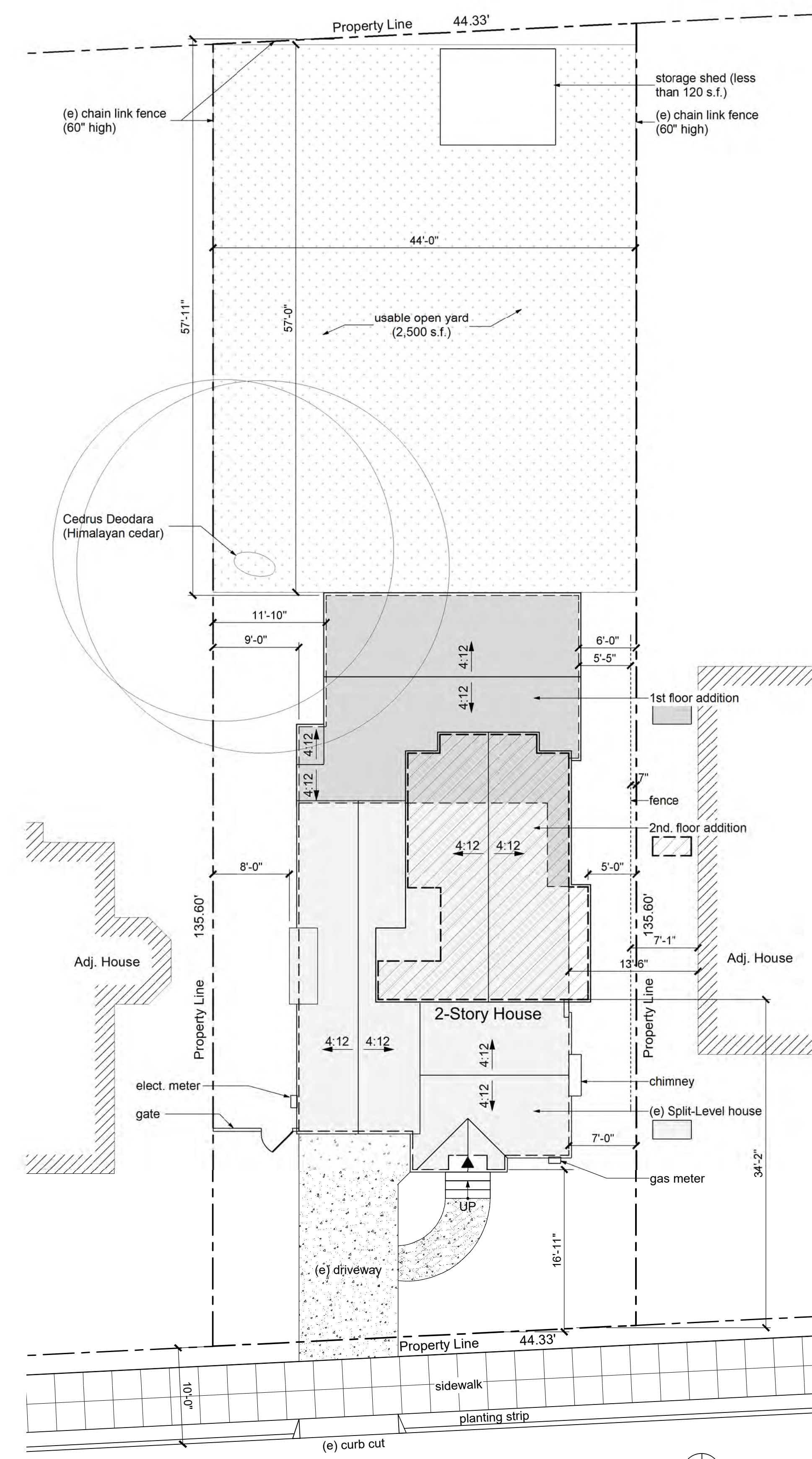
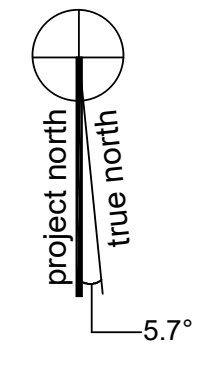
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Revisions:  
 AUP Modification Submittal:  
 07-21-2022

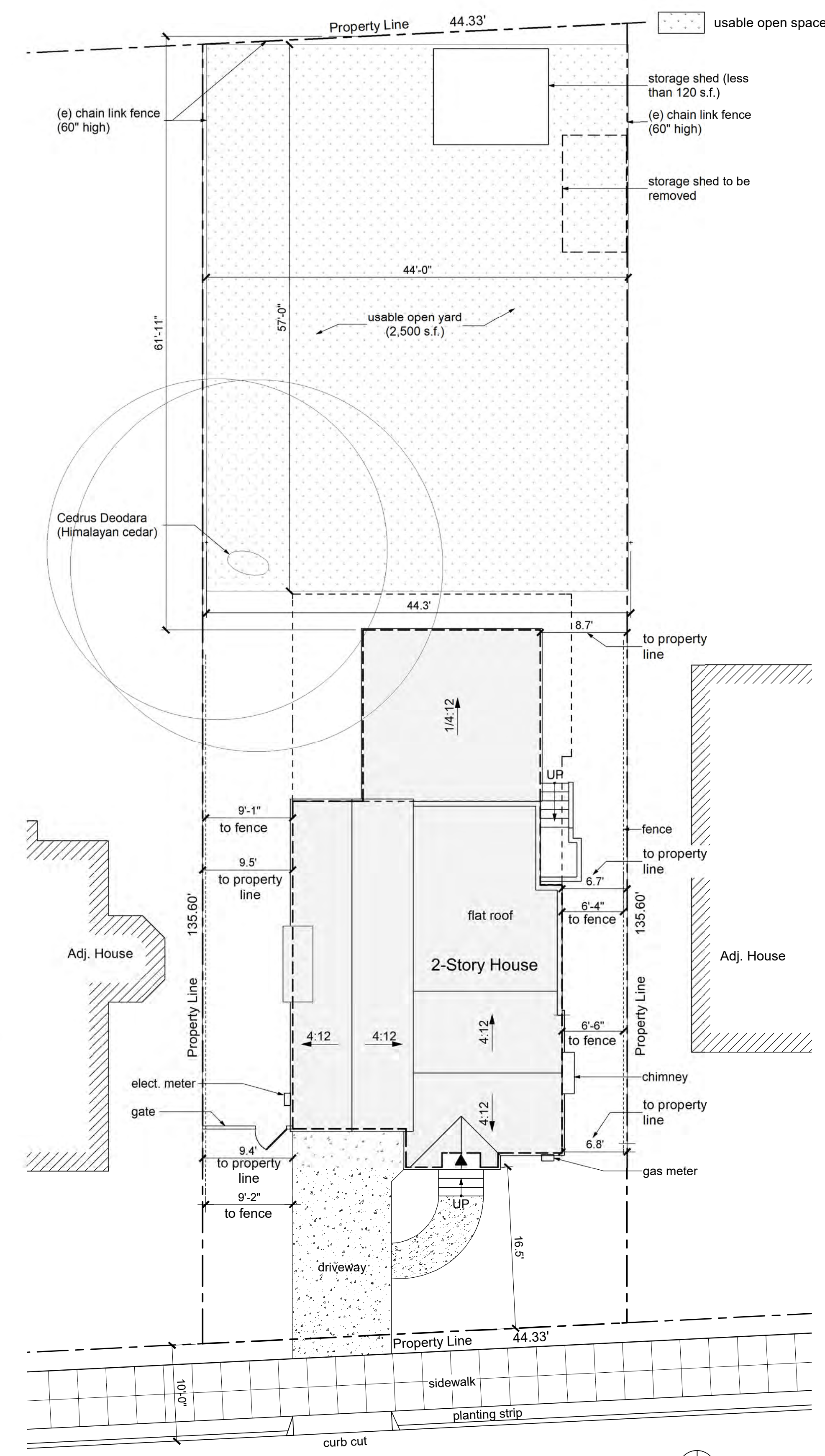
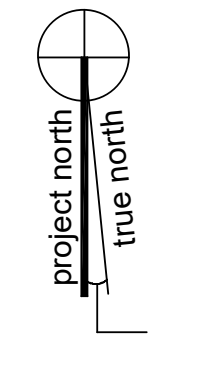
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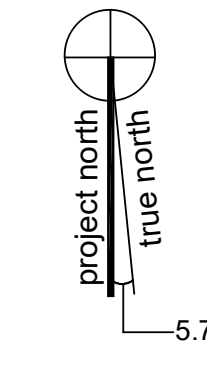
3 Proposed Site Plan  
AUP Modification



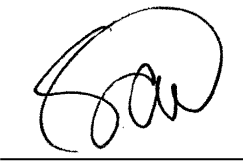
2 Proposed Site Plan  
Original Approved AUP



1 Existing Site Plan

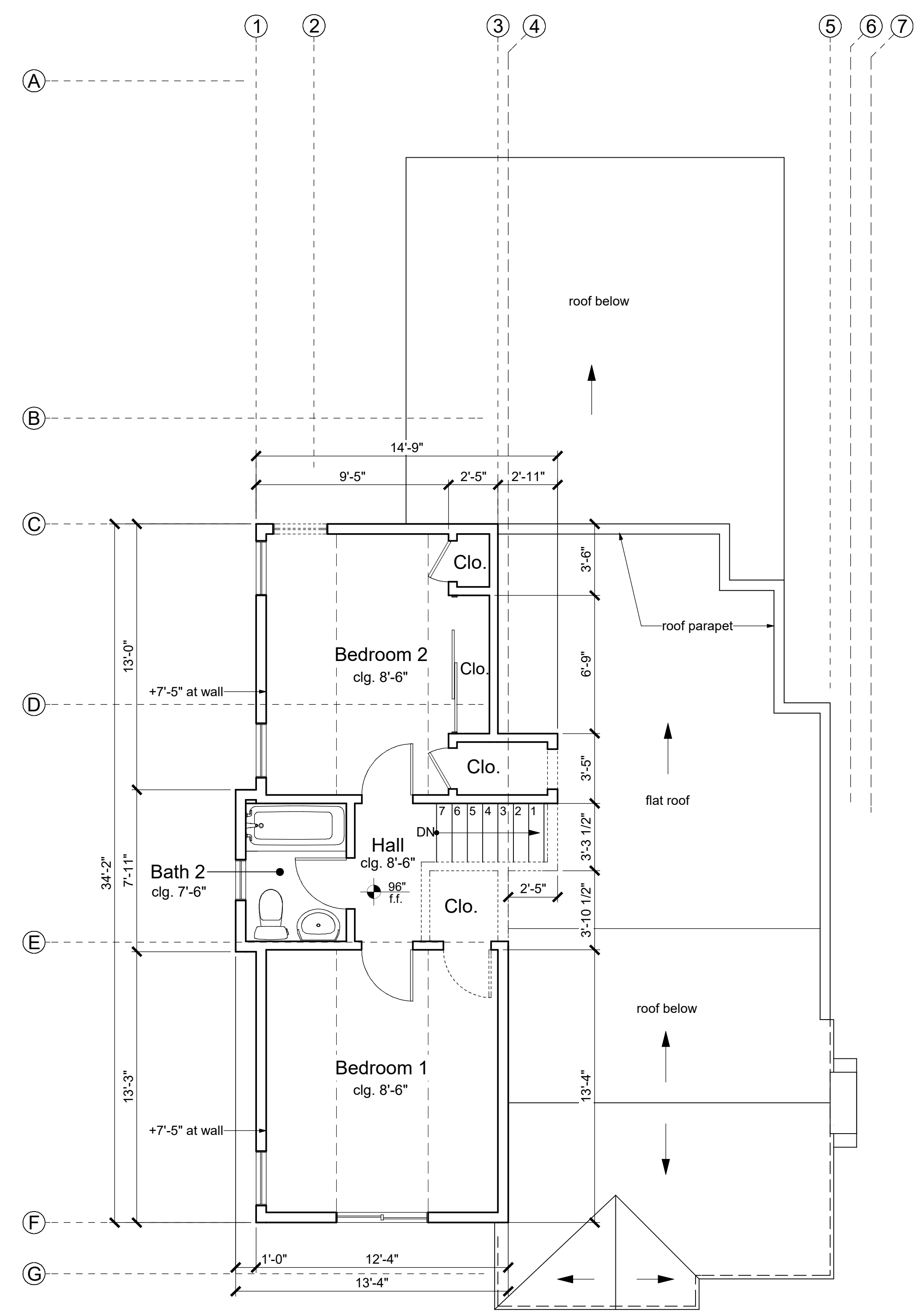


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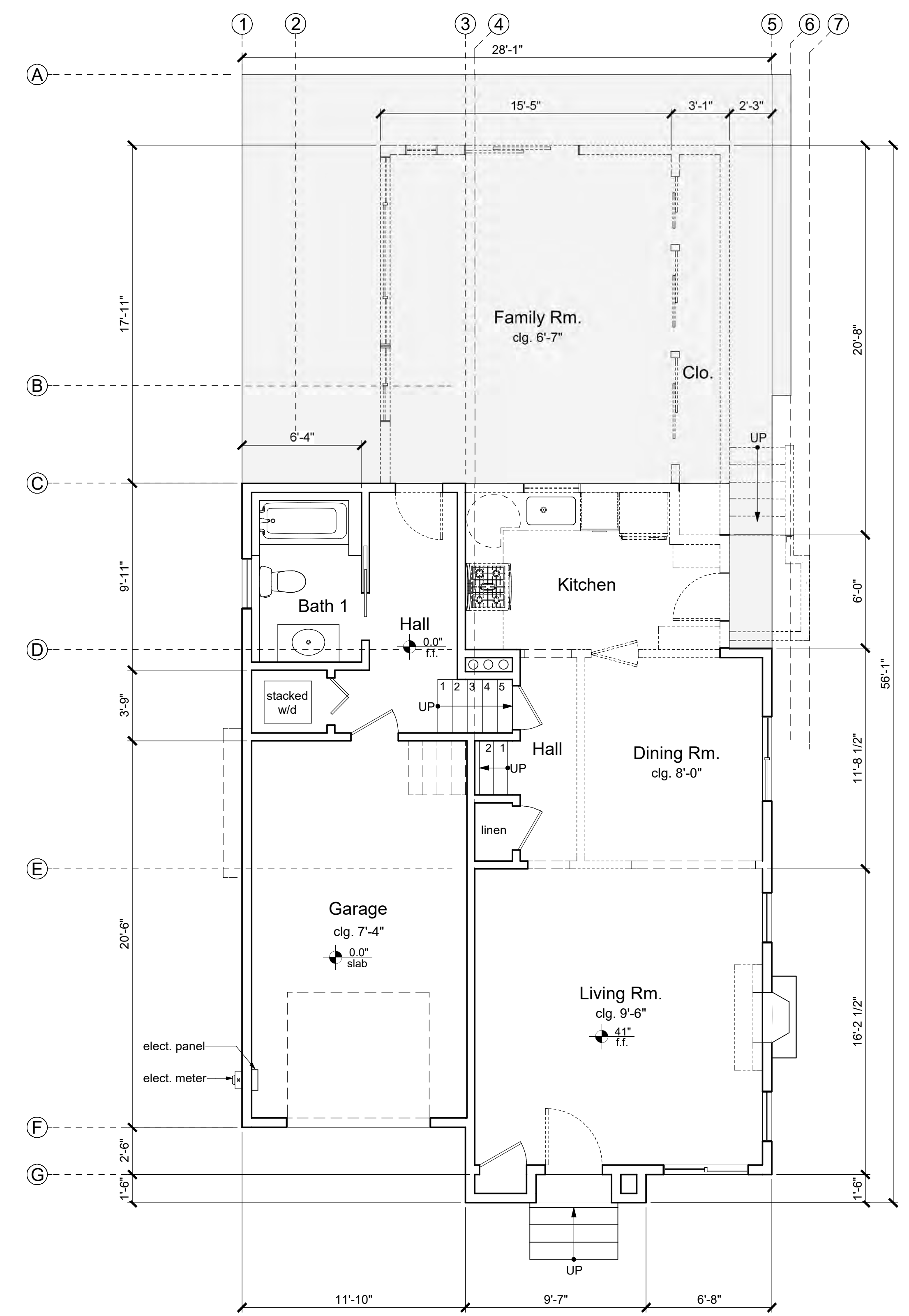
  
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**October 13, 2022**  
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\* Findings and Conditions Attached



2 Existing Second Floor Plan 



1 Existing First Floor Plan 

**studio**  
**g+**  
**ARCHITECTS**

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**MILLER RESIDENCE**  
**AUP Modification**

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Sheet Contents:  
 Existing Floor Plans

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Drawn By: SSG

Checked By: SSG

Scale: 1/4" = 1'-0"

Revisions:  
 AUP Modification Submittal:  
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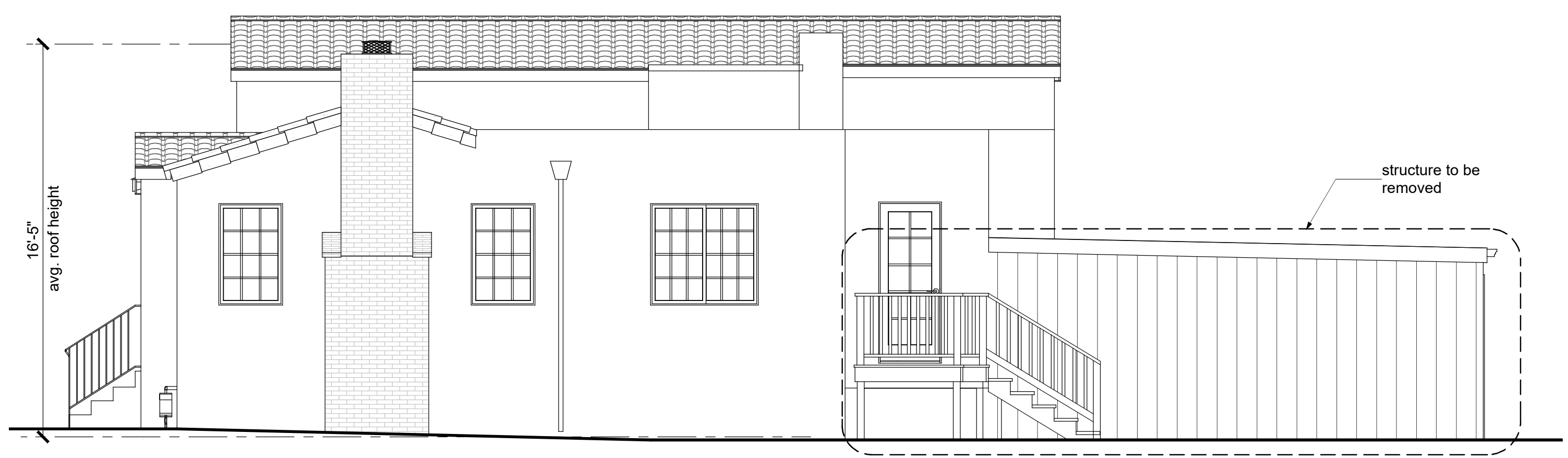
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PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

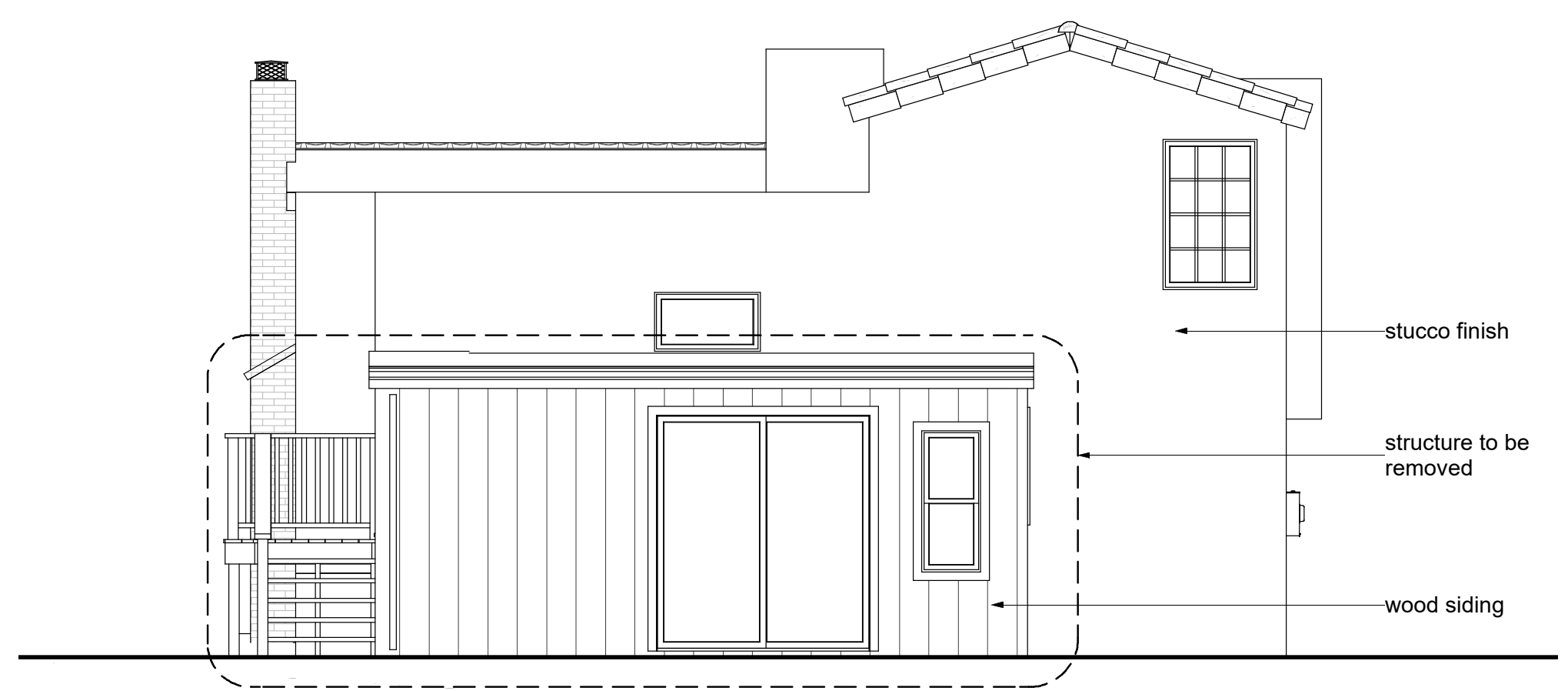
 **October 13, 2022**

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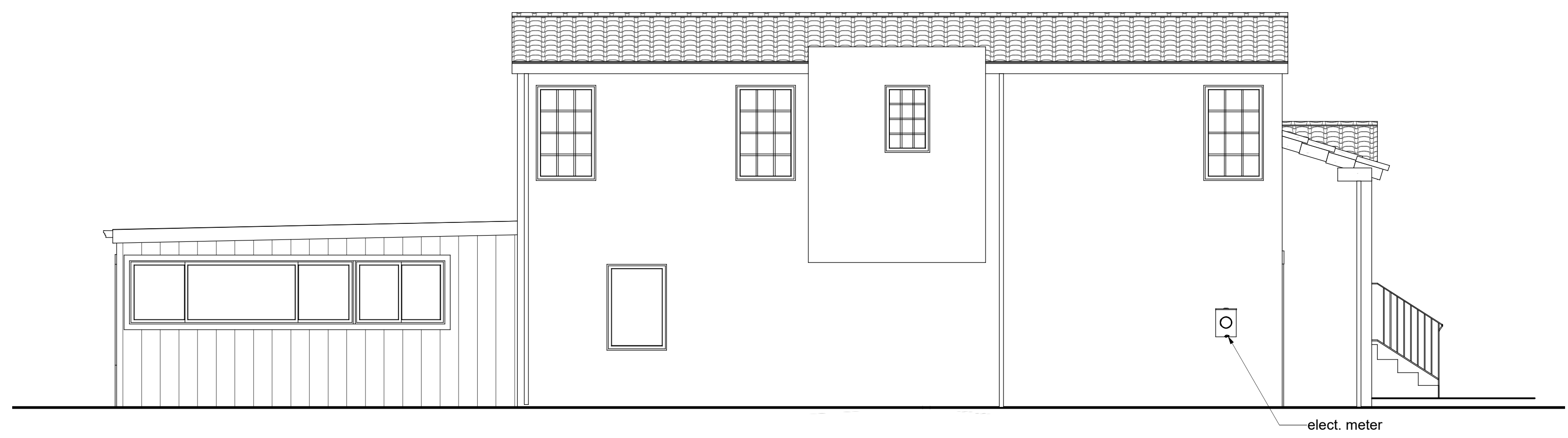
\* Findings and Conditions Attached



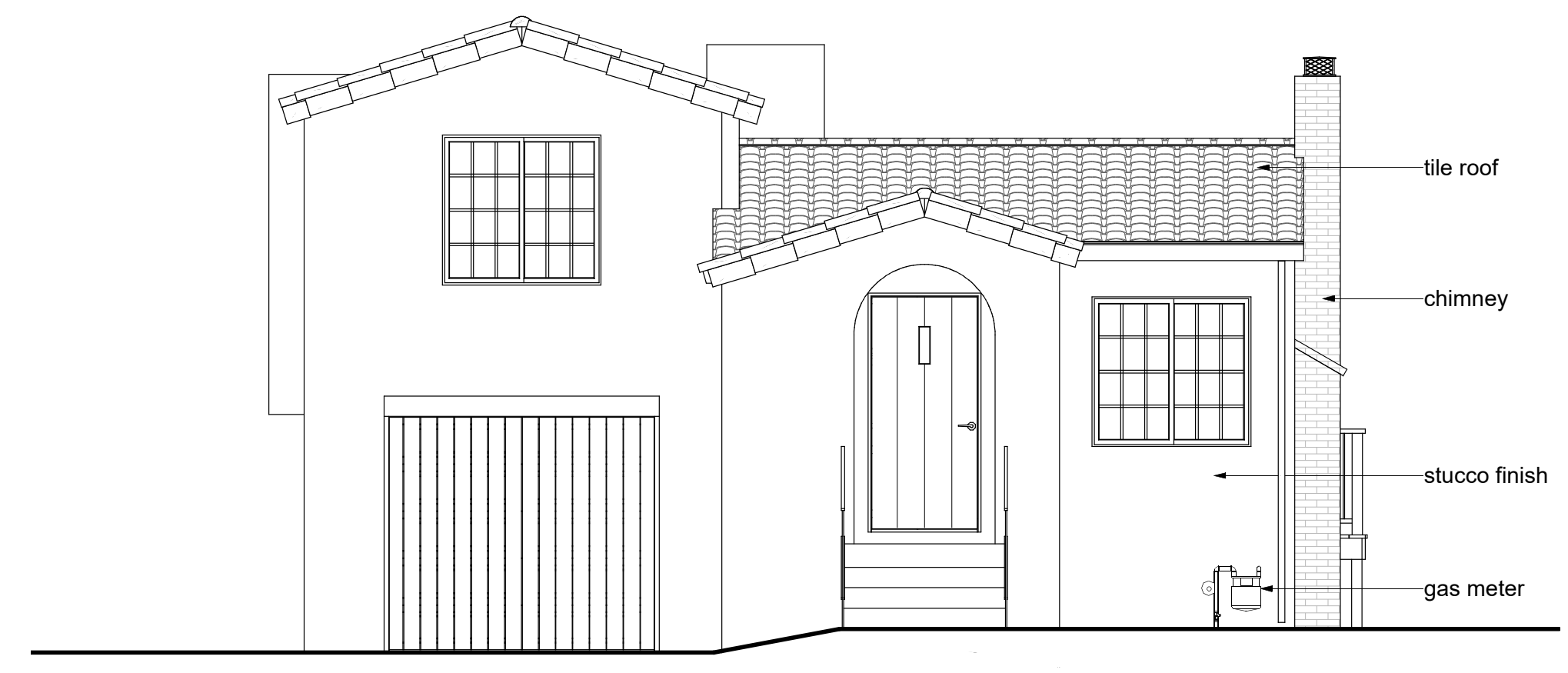
④ Existing West Elevation - Right Side



③ Existing South Elevation - Rear



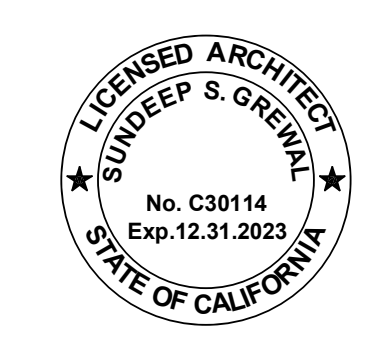
② Existing East Elevation - Left Side



① Existing North Elevation - Front



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Sheet Contents:  
 Existing Exterior Elevations

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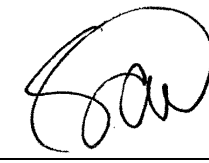
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Revisions:  
 AUP Modification Submittal:  
 07-21-2022

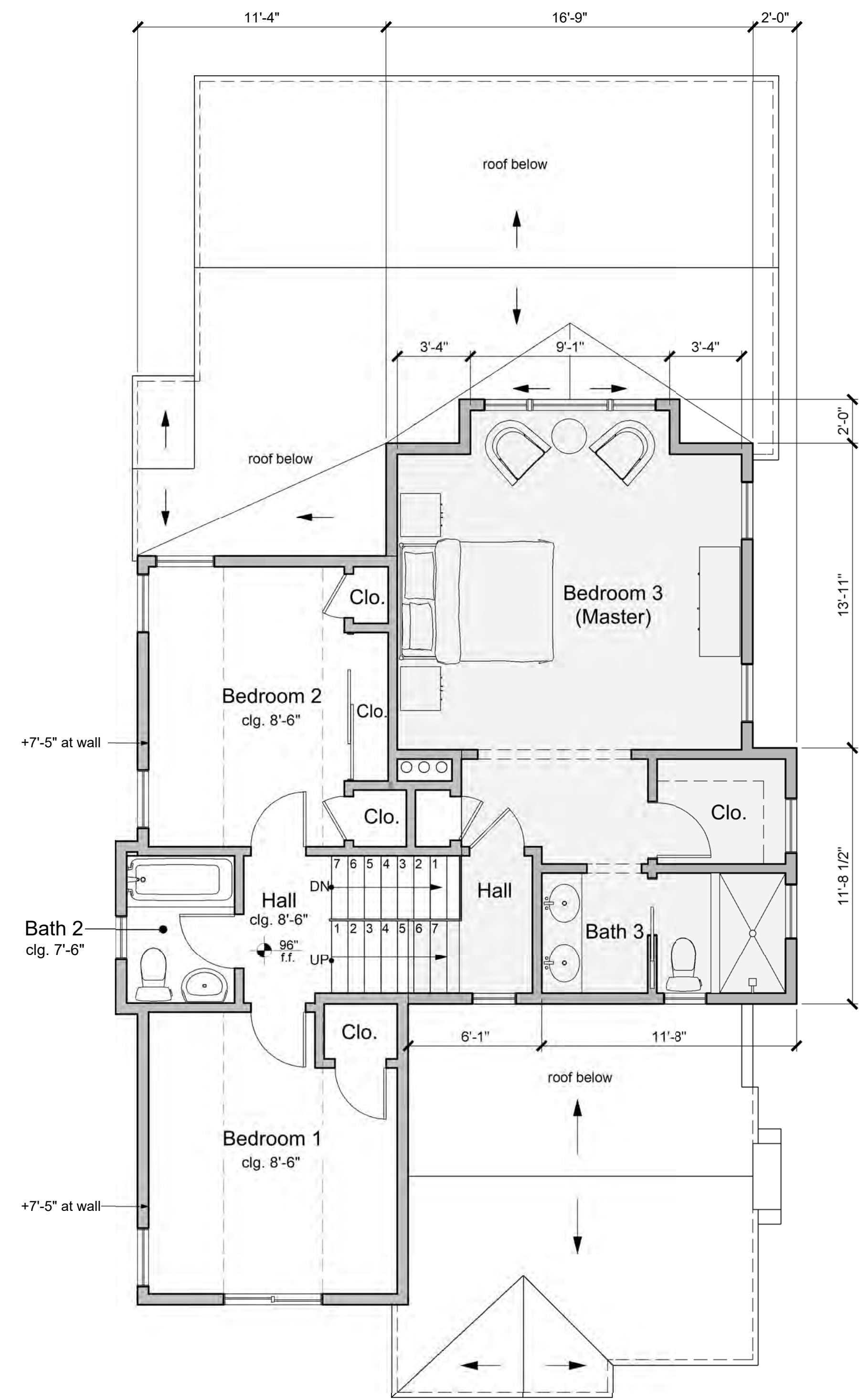
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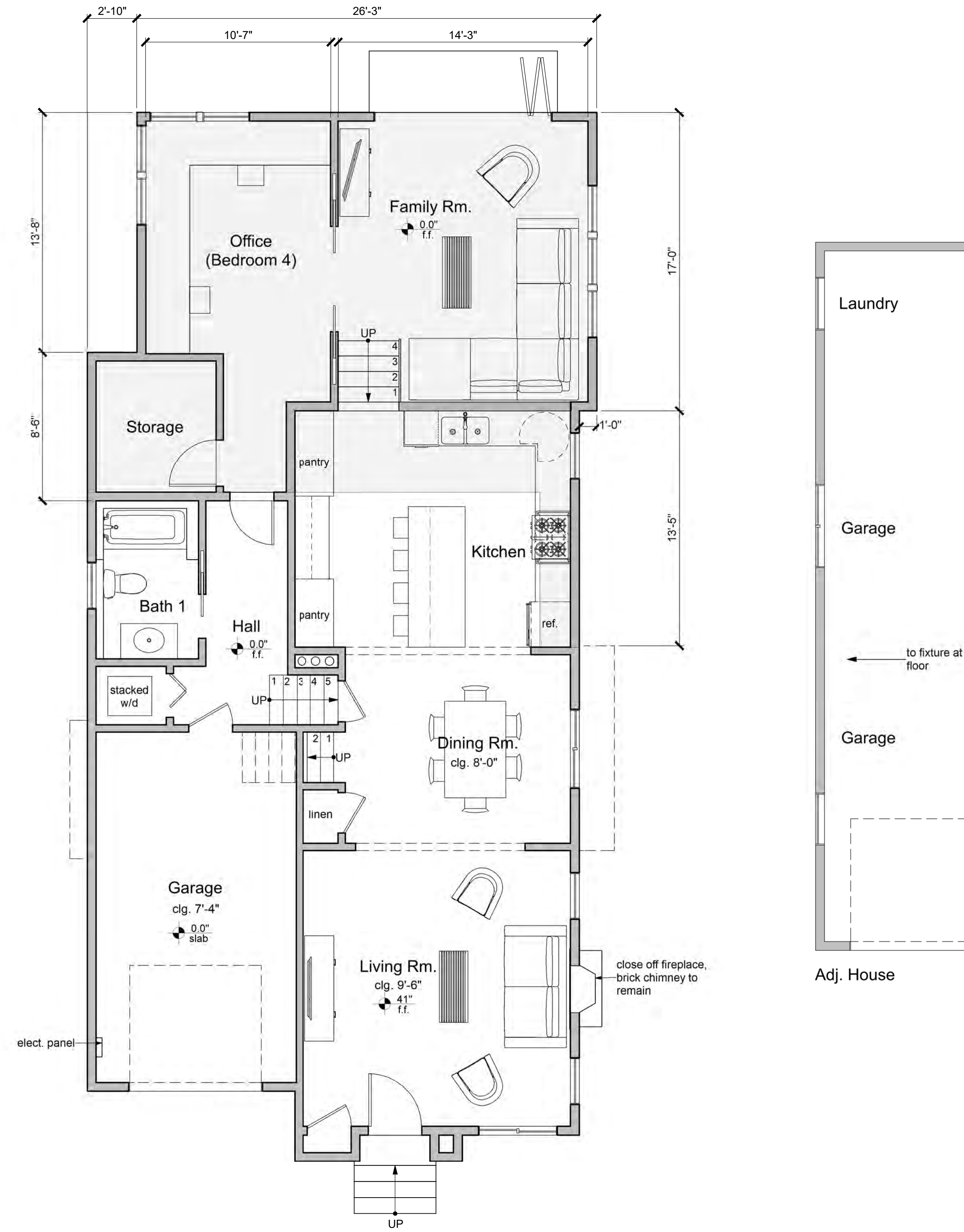
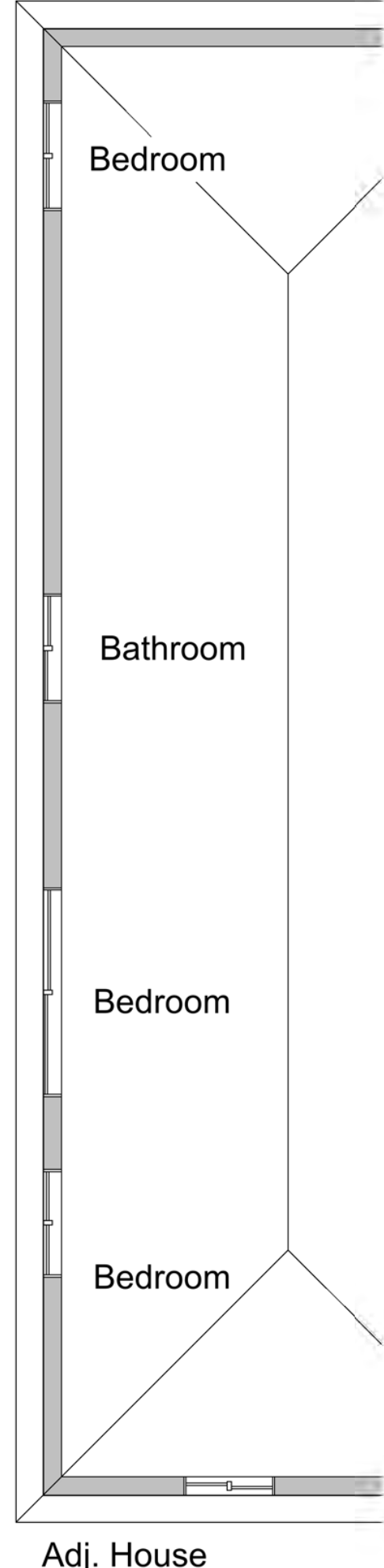
  
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\* Findings and Conditions Attached



② Proposed Second Floor Plan  
 Original Approved AUP



① Proposed First Floor Plan  
 Original Approved AUP



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Sheet Contents:  
 Approved AUP  
 Proposed Floor Plans

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Scale:  
 1/4" = 1'-0"

Revisions:  
 AUP Modification Submittal:  
 07-21-2022

Sheet  
**A1.3**



7 Right Rear View Of Proposed Addition



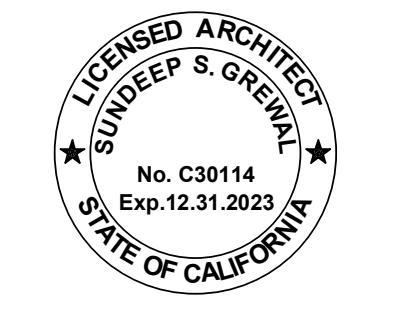
6 Left Rear View Of Proposed Addition



5 Street View Of Proposed Addition



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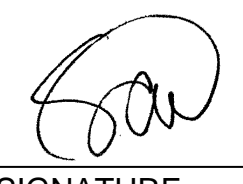
Drawn By:  
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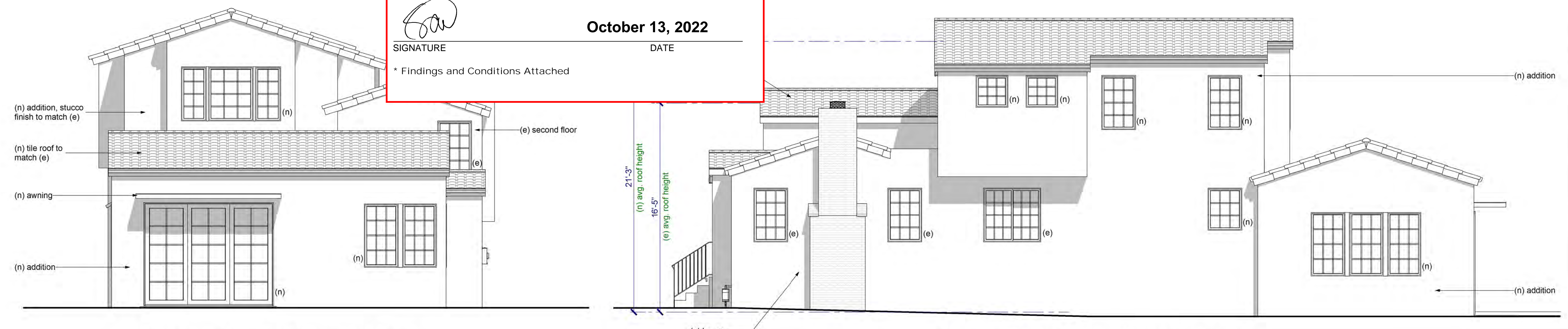
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Revisions:  
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 07-21-2022

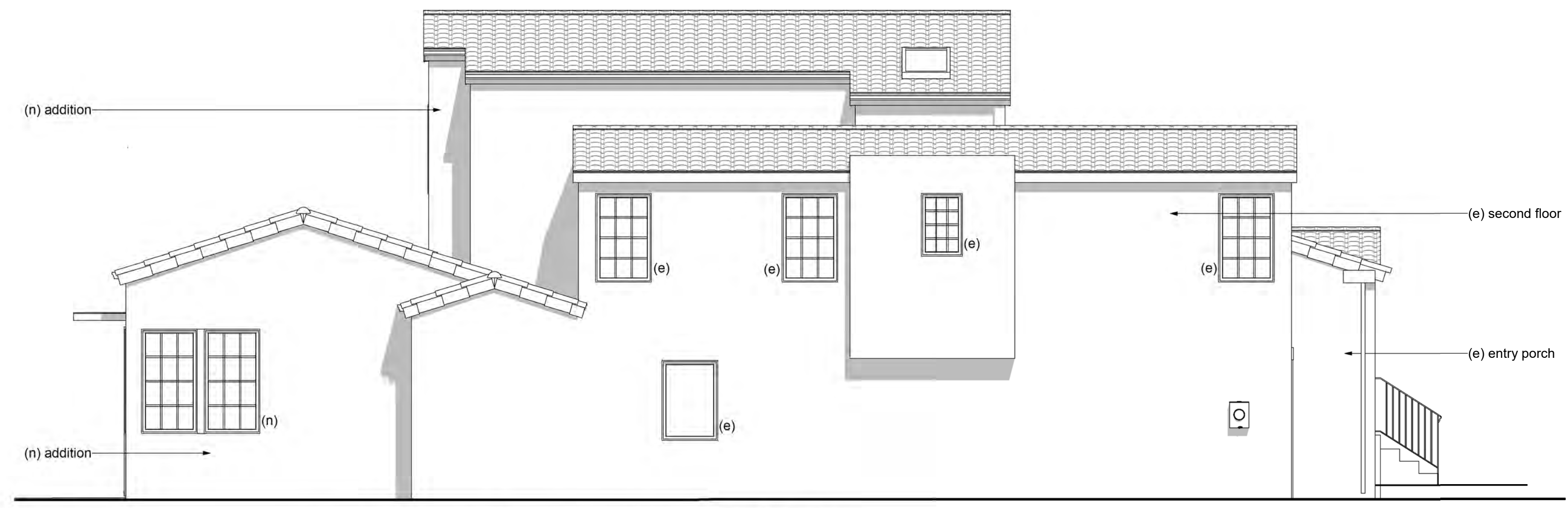
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 DATE  
 October 13, 2022  
 \* Findings and Conditions Attached



4 Proposed South Elevation - Rear Original Approved AUP

3 Proposed West Elevation - Right Side Original Approved AUP




2 Proposed East Elevation - Left Side Original Approved AUP



1 Proposed North Elevation - Front Original Approved AUP

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD



**October 13, 2022**

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Existing floor area  
 Approved AUP  
 New floor area  
 AUP Modification  
 New floor area



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Sheet Contents:  
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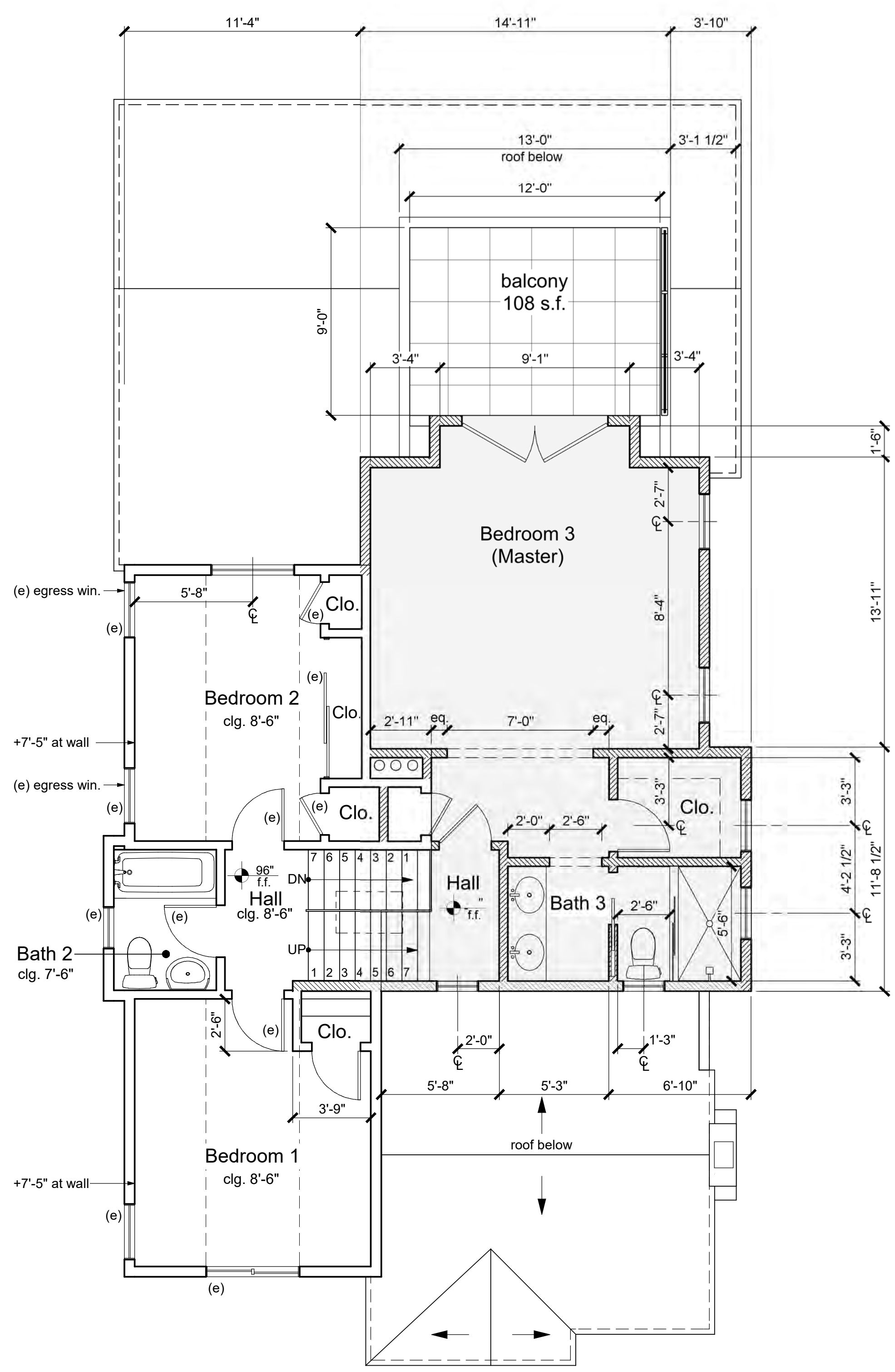
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 SSG

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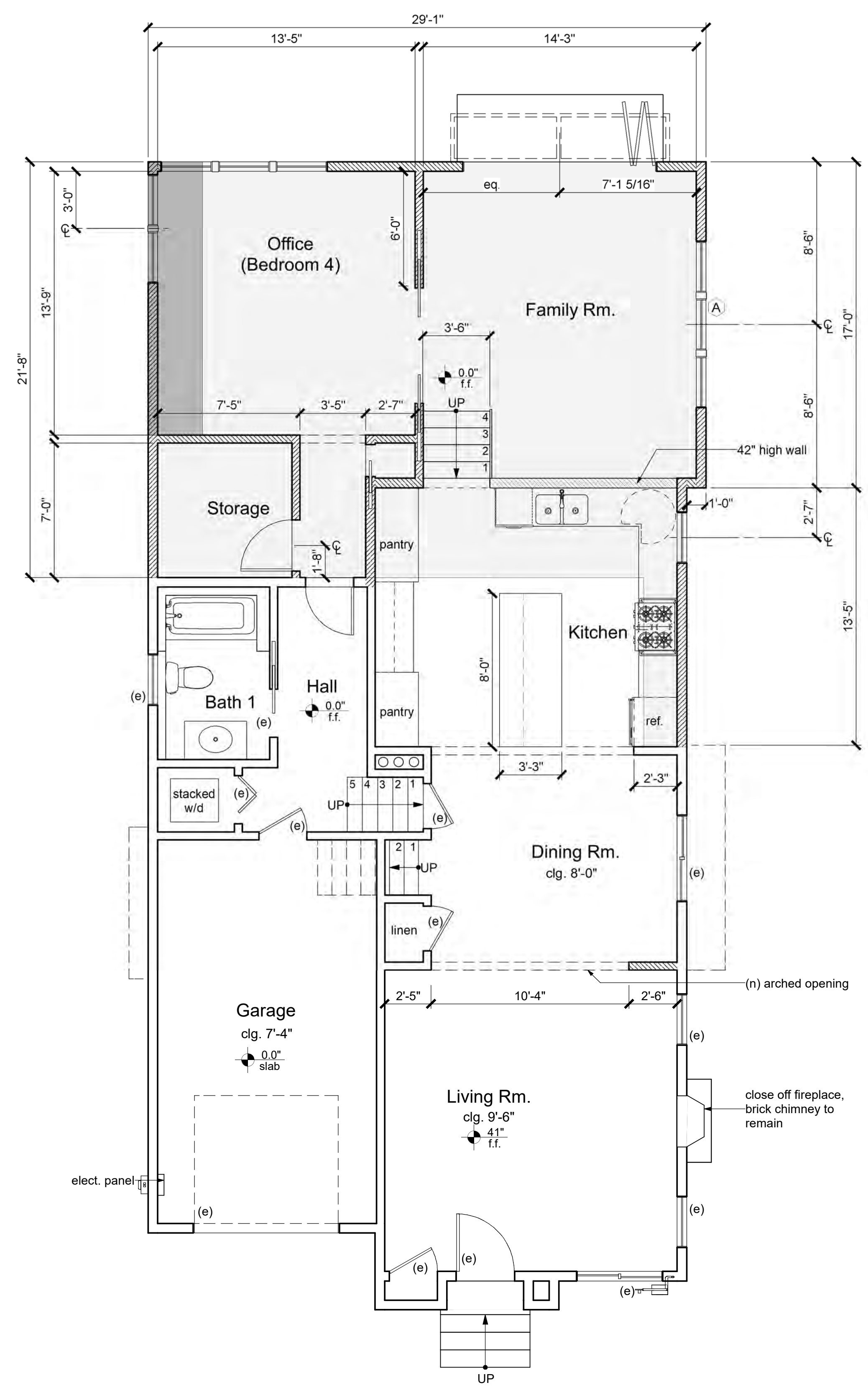
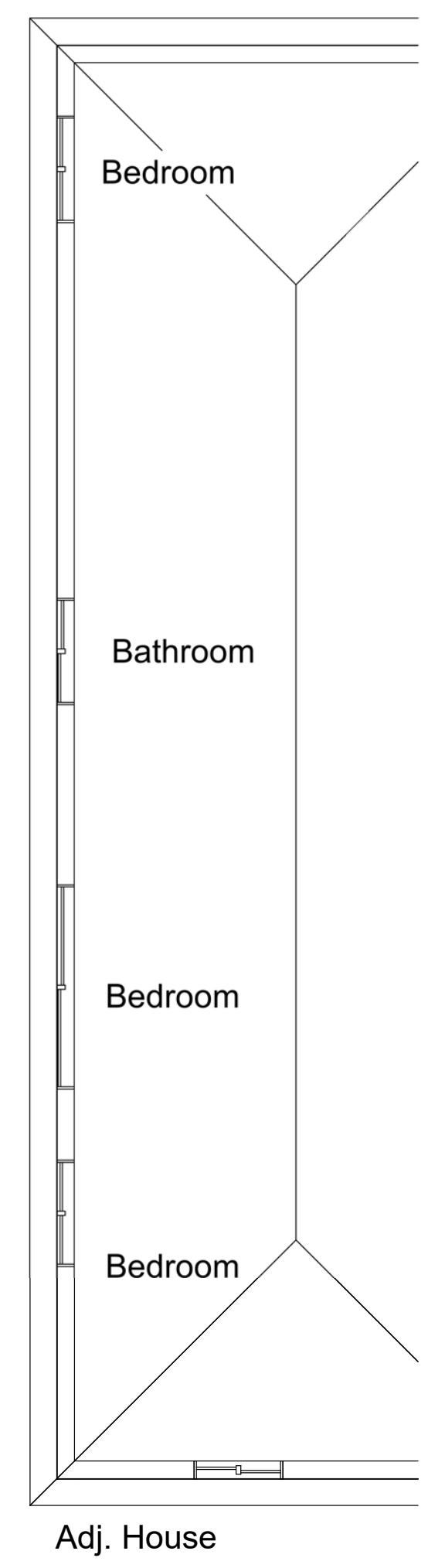
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 AUP Modification Submittal:  
 07-21-2022

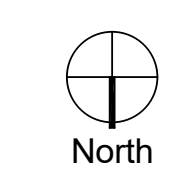
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② Proposed Second Floor Plan  
 AUP Modification



① Proposed First Floor Plan  
 AUP Modification





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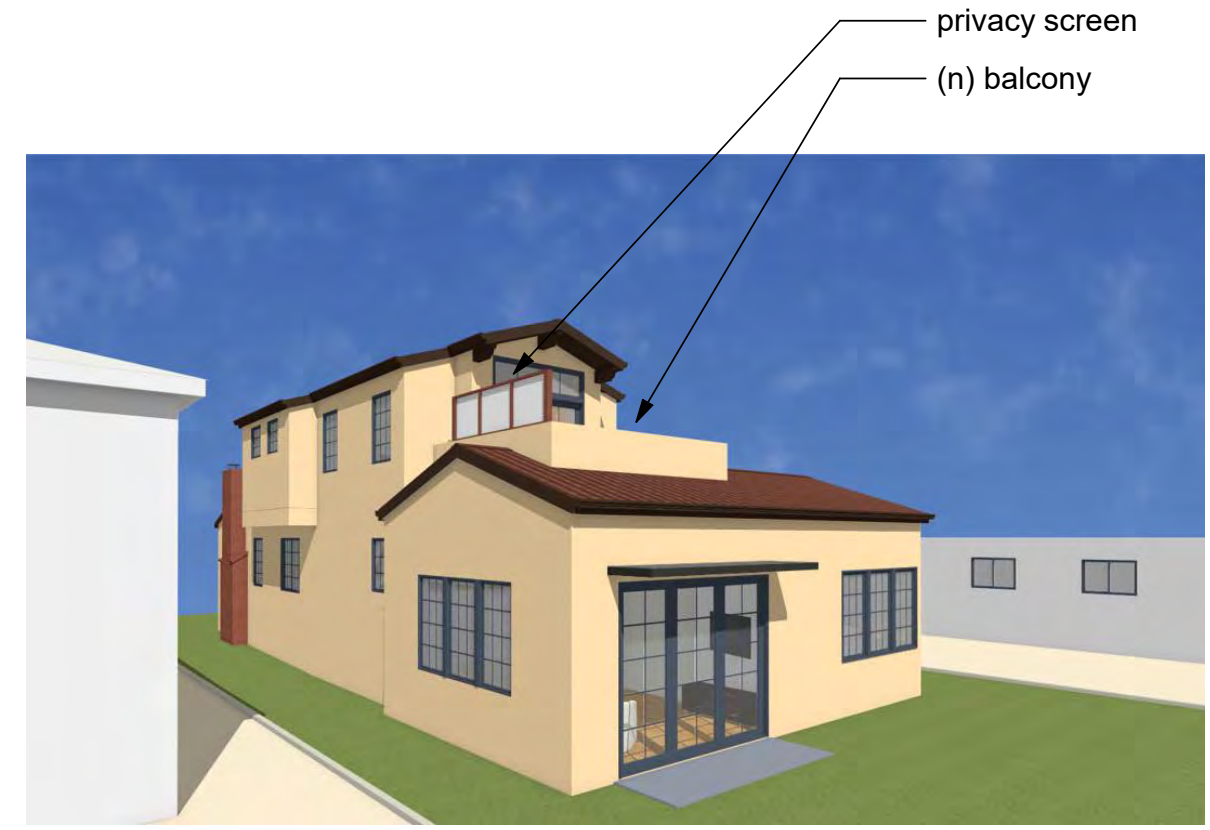
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October 13, 2022  
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\* Findings and Conditions Attached



8 Aerial View Of Proposed Addition  
 AUP Modification



7 Right Rear View Of Proposed Addition  
 AUP Modification



6 Left Rear View Of Proposed Addition  
 AUP Modification



5 Street View Of Proposed Addition  
 AUP Modification



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Sheet Contents:  
 AUP Modification  
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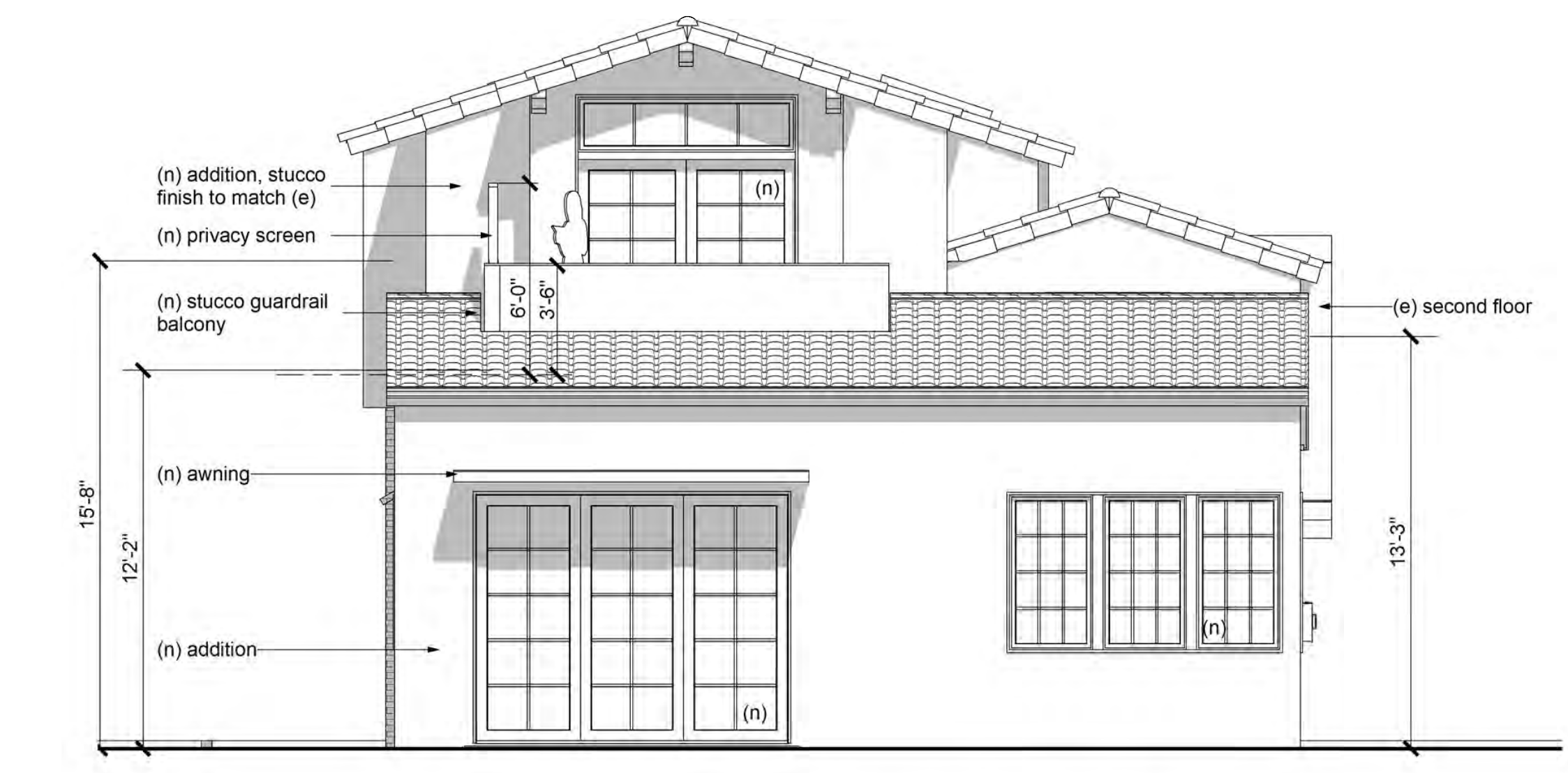
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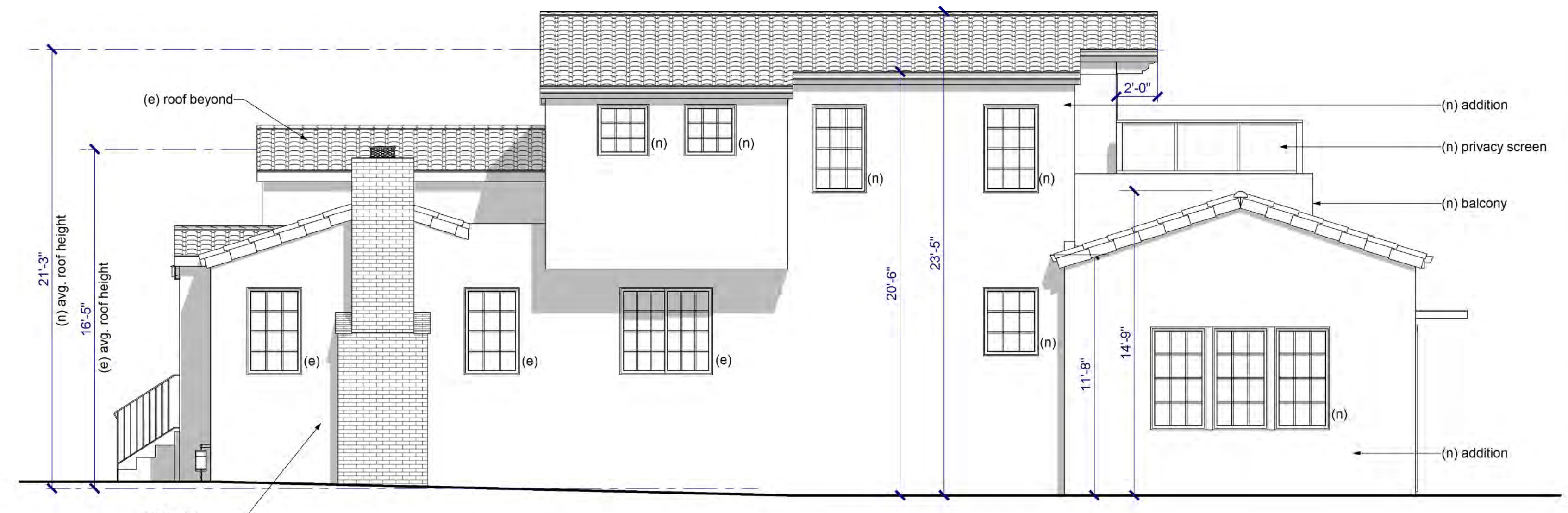
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Revisions:  
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 07-21-2022

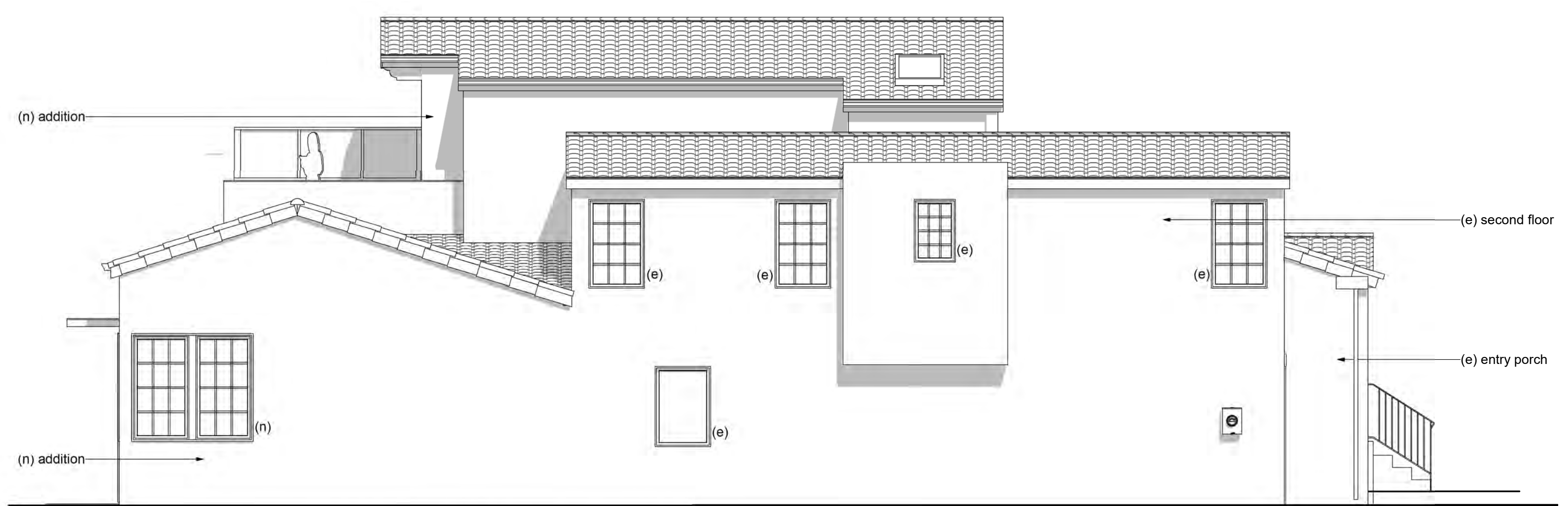
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4 Proposed South Elevation - Rear  
 AUP Modification



3 Proposed West Elevation - Right Side  
 AUP Modification




2 Proposed East Elevation - Left Side  
 AUP Modification



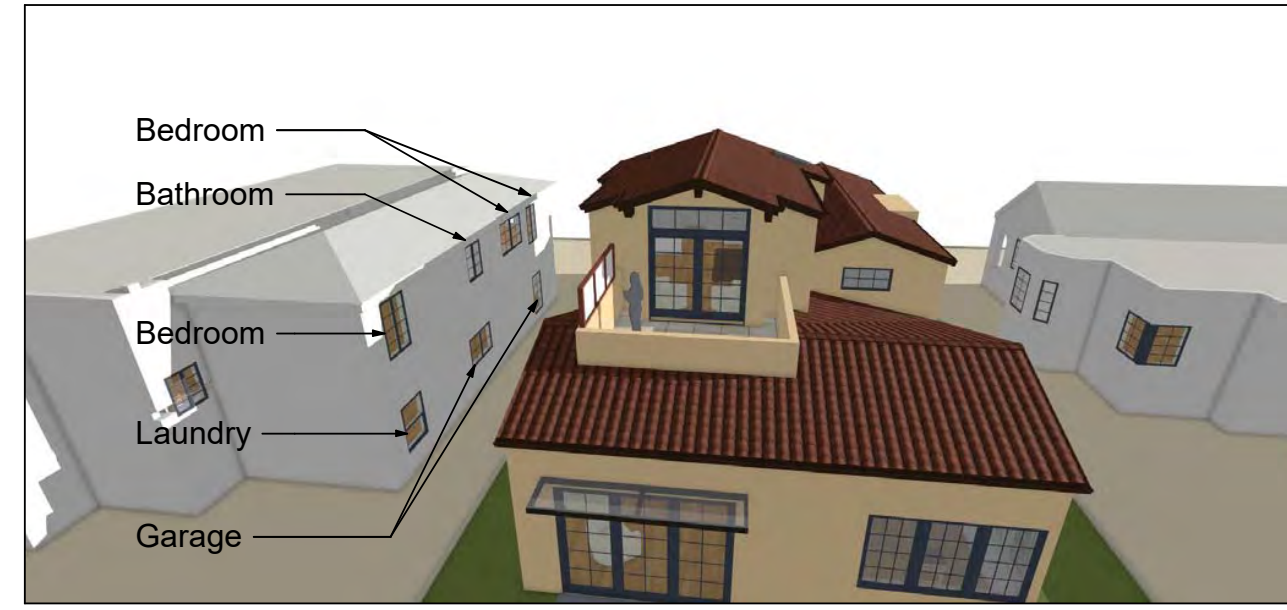
1 Proposed North Elevation - Front  
 AUP Modification

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\* Findings and Conditions Attached



Proposed  
 6-21-2020 / 7:47 am



Proposed  
 12-21-2020 / 9:21 am



Proposed  
 6-21-2020 / 6:35 pm



Existing  
 6-21-2020 / 7:47 am



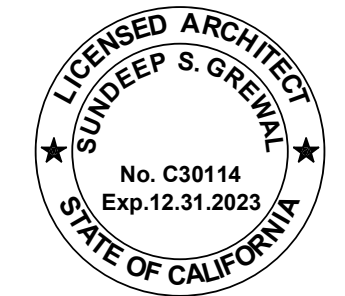
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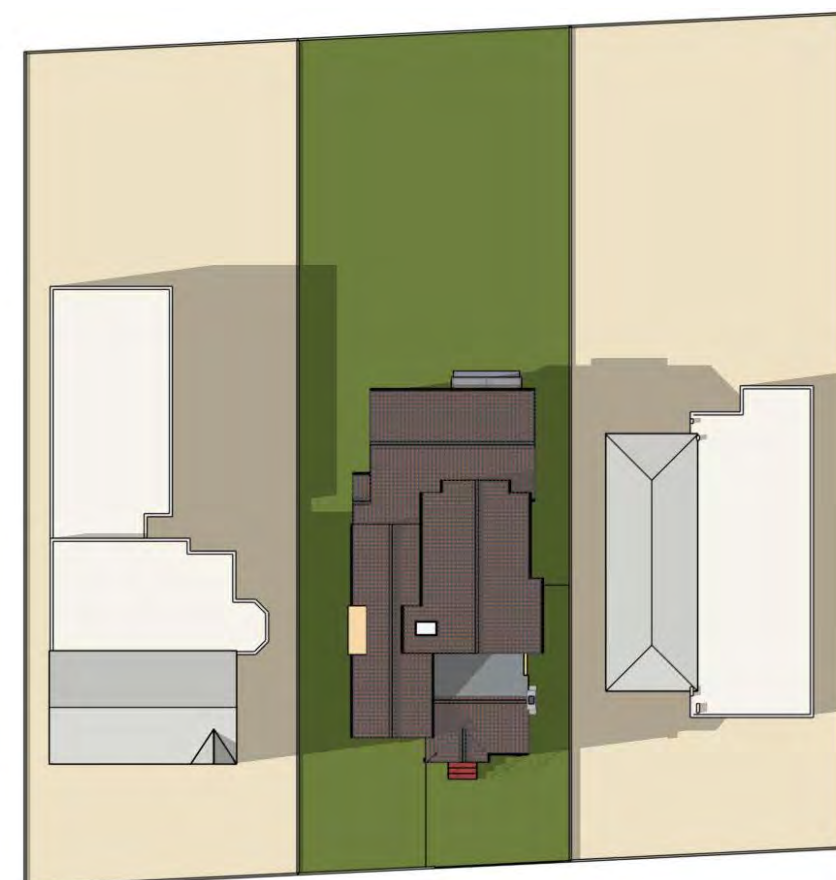
Existing  
 6-21-2020 / 6:35 pm



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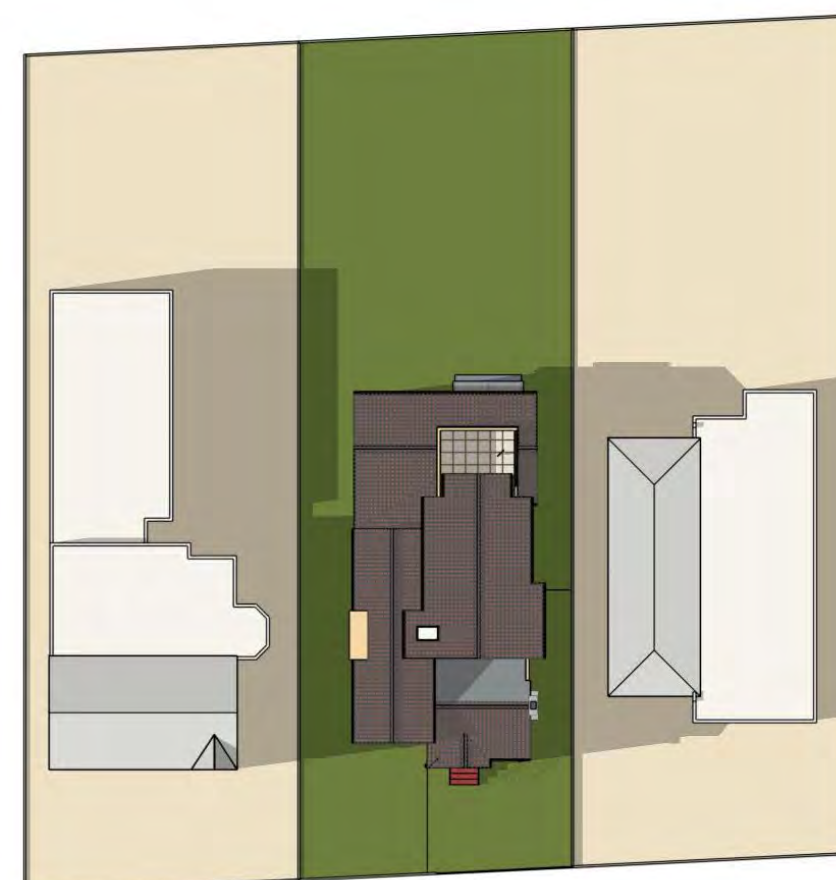


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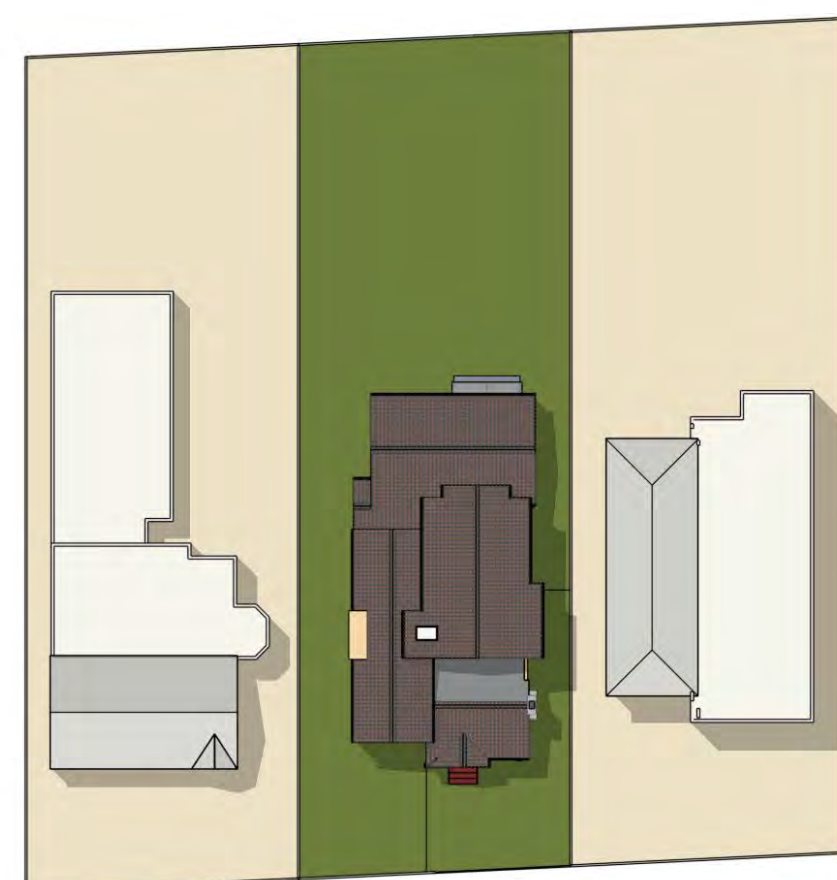


Approved Project

6-21-2020 / 7:47 am  
 See Above

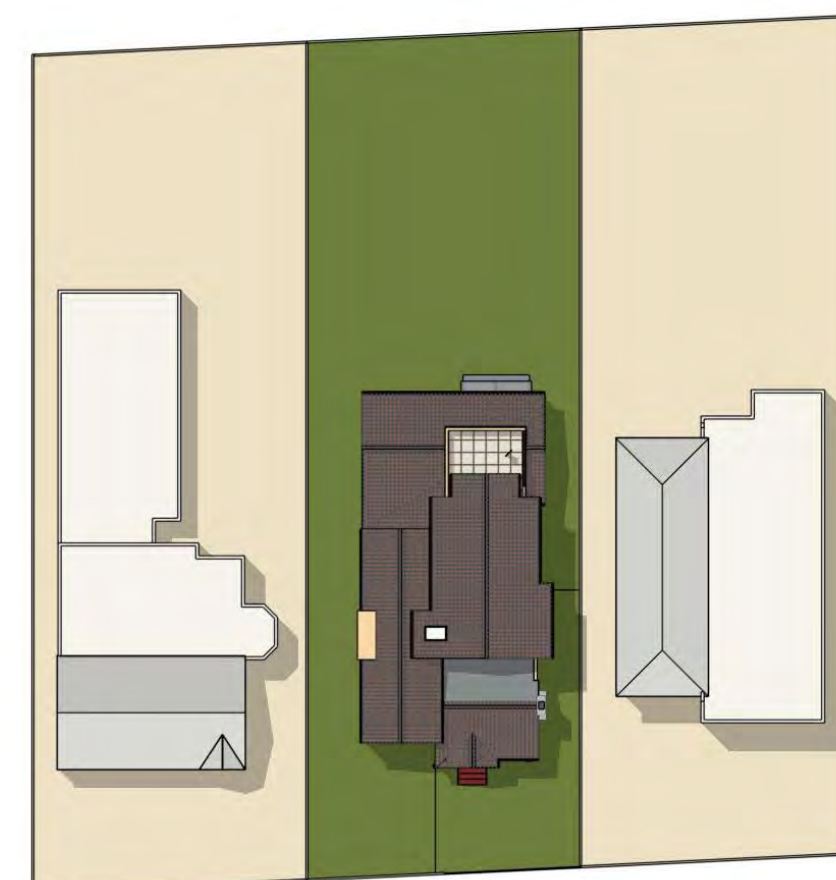


Proposed Modification



Approved Project

6-21-2020 / 12:00 pm

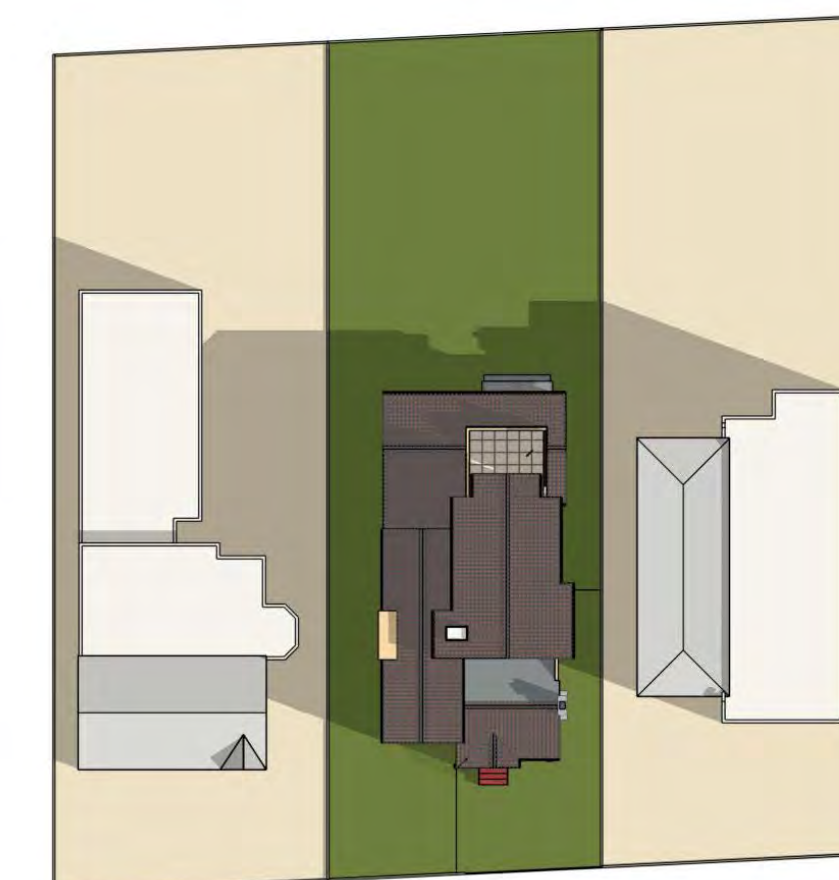


Proposed Modification



Approved Project

6-21-2020 / 6:35 pm  
 See Above



Proposed Modification

Sheet Contents:  
 AUP Modification  
 Shadows Studies

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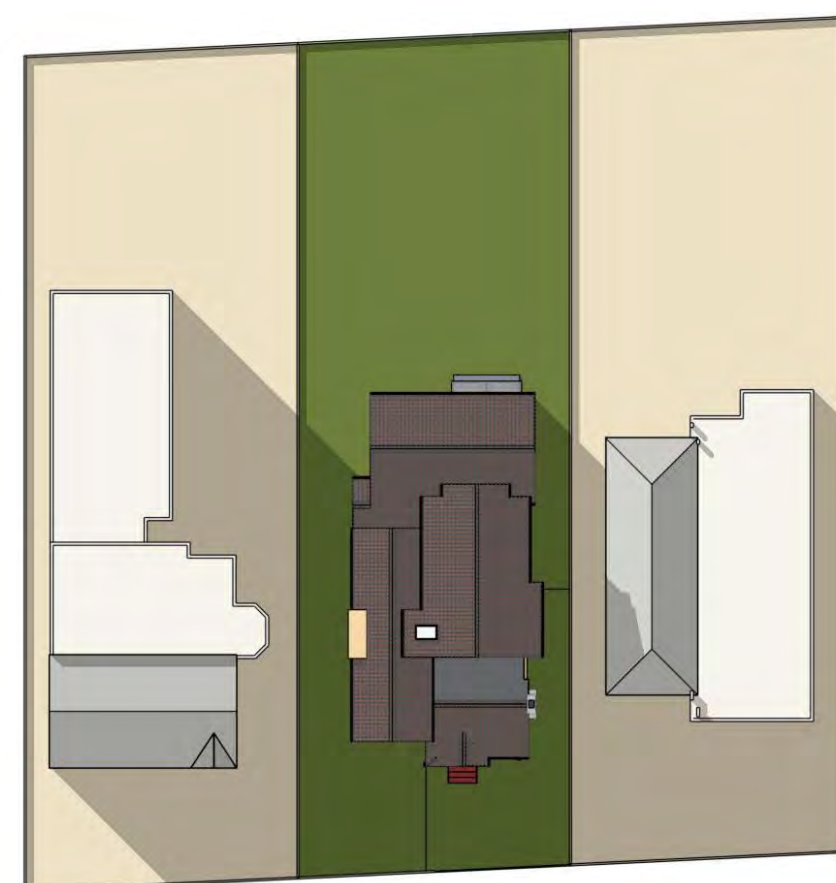
Project No:  
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Drawn By:  
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Checked By:  
 SSG

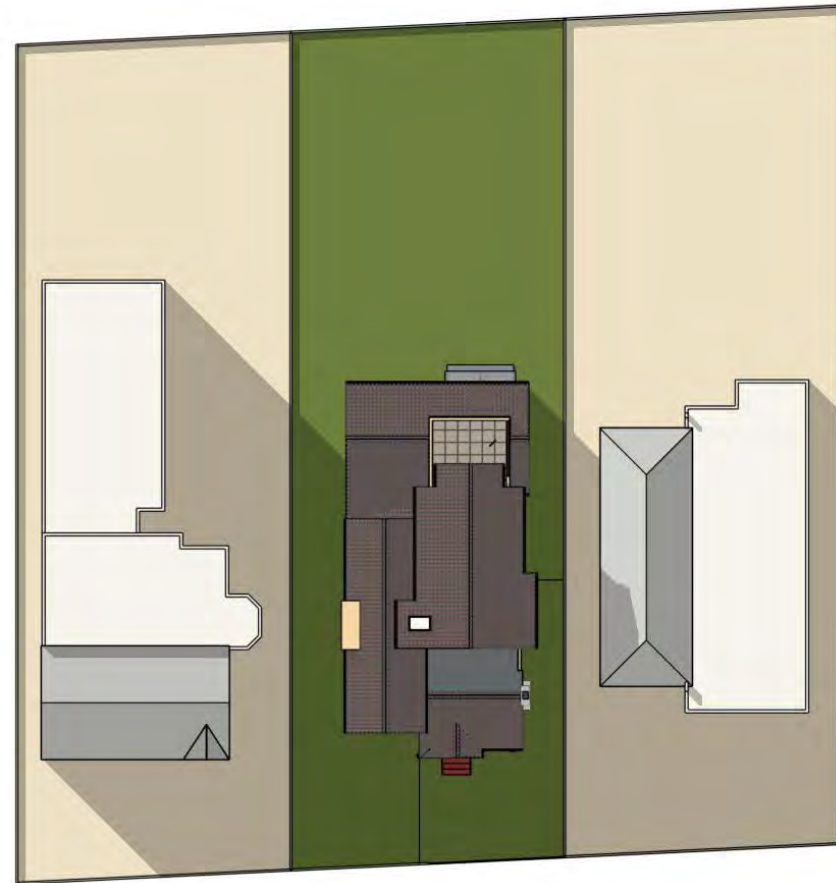
Scale:  
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Revisions:  
 AUP Modification Submittal:  
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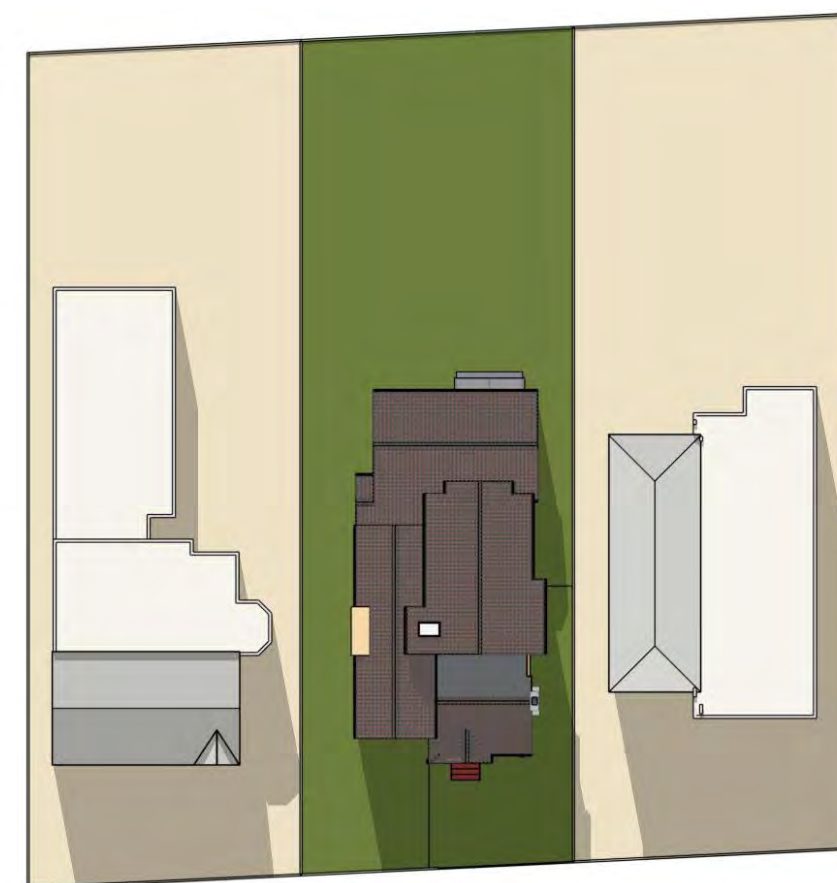


Approved Project

12-21-2020 / 9:21 am  
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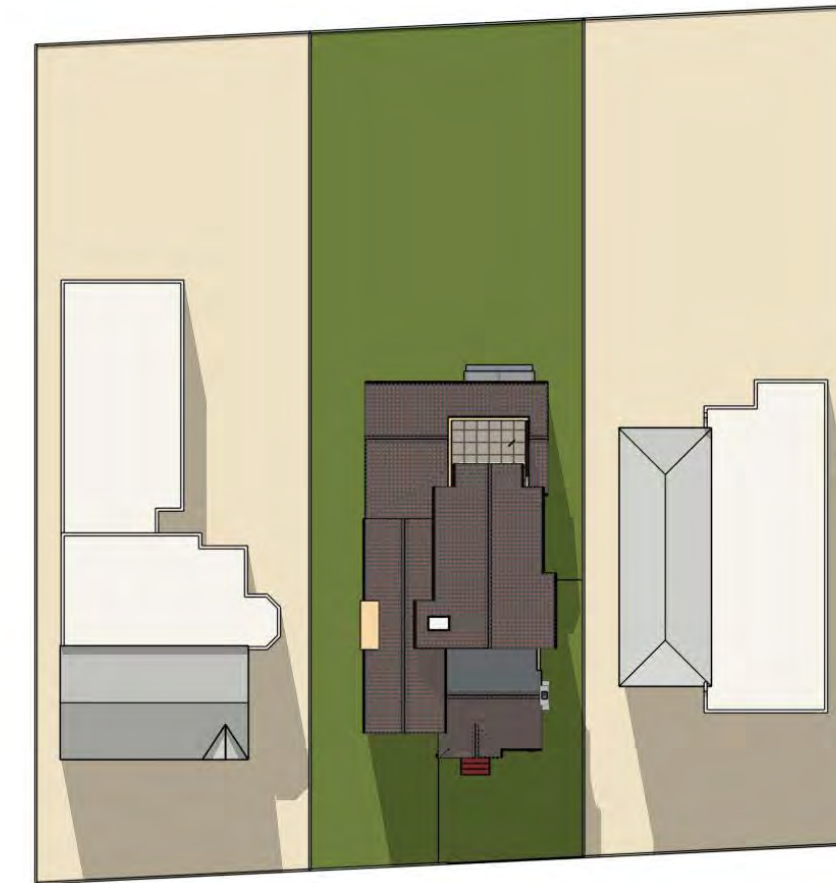


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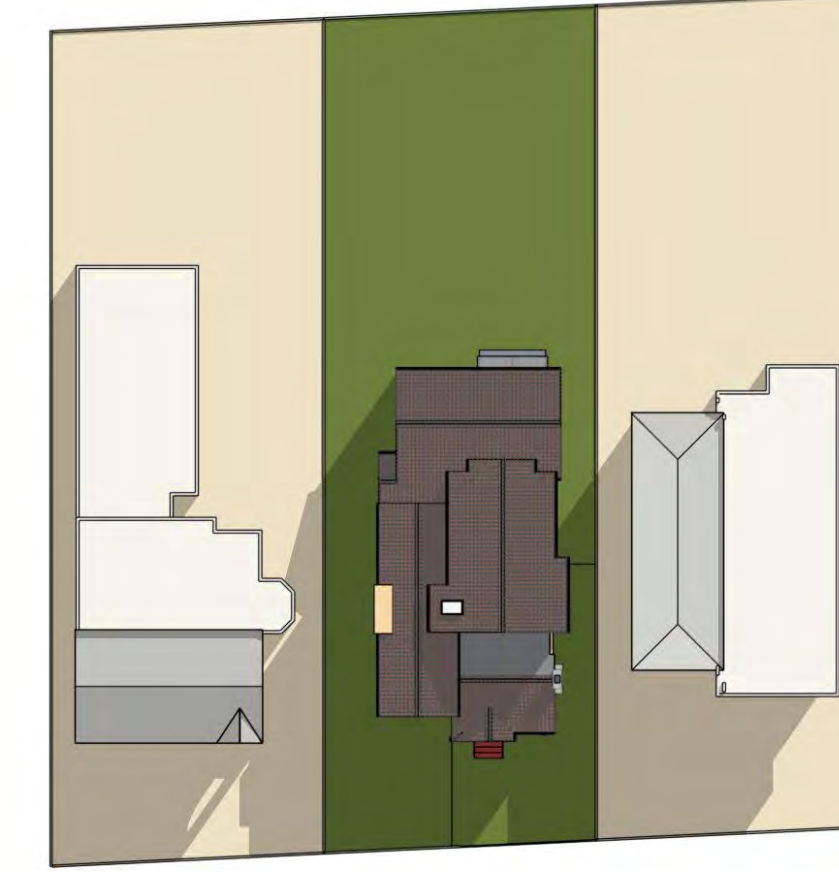


Approved Project

12-21-2020 / 12:00 pm

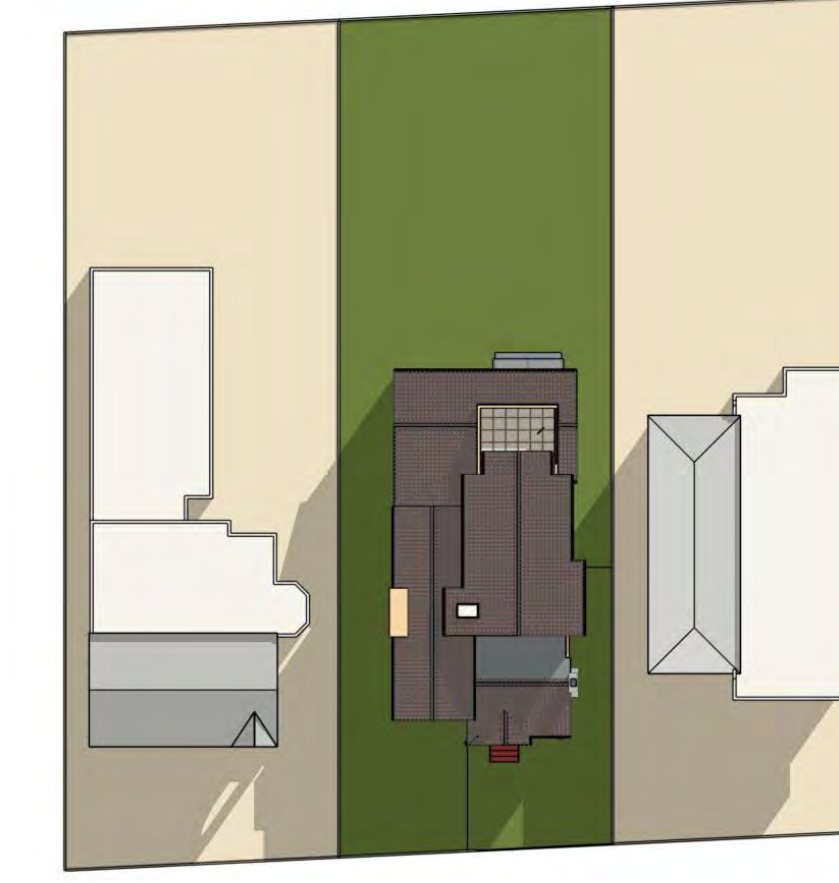


Proposed Modification



Approved Project

12-21-2020 / 2:54 pm




Proposed Modification



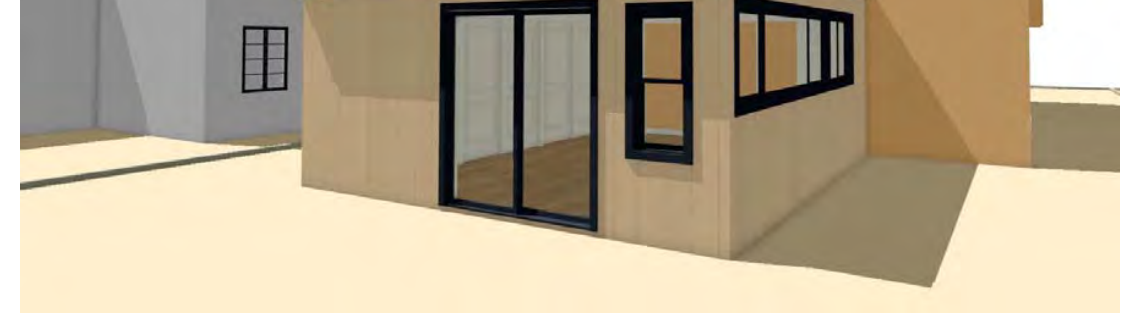
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 **October 13, 2022**

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Shadow Accuracy Simulation  
**6-09-2020 / 4:00 pm**



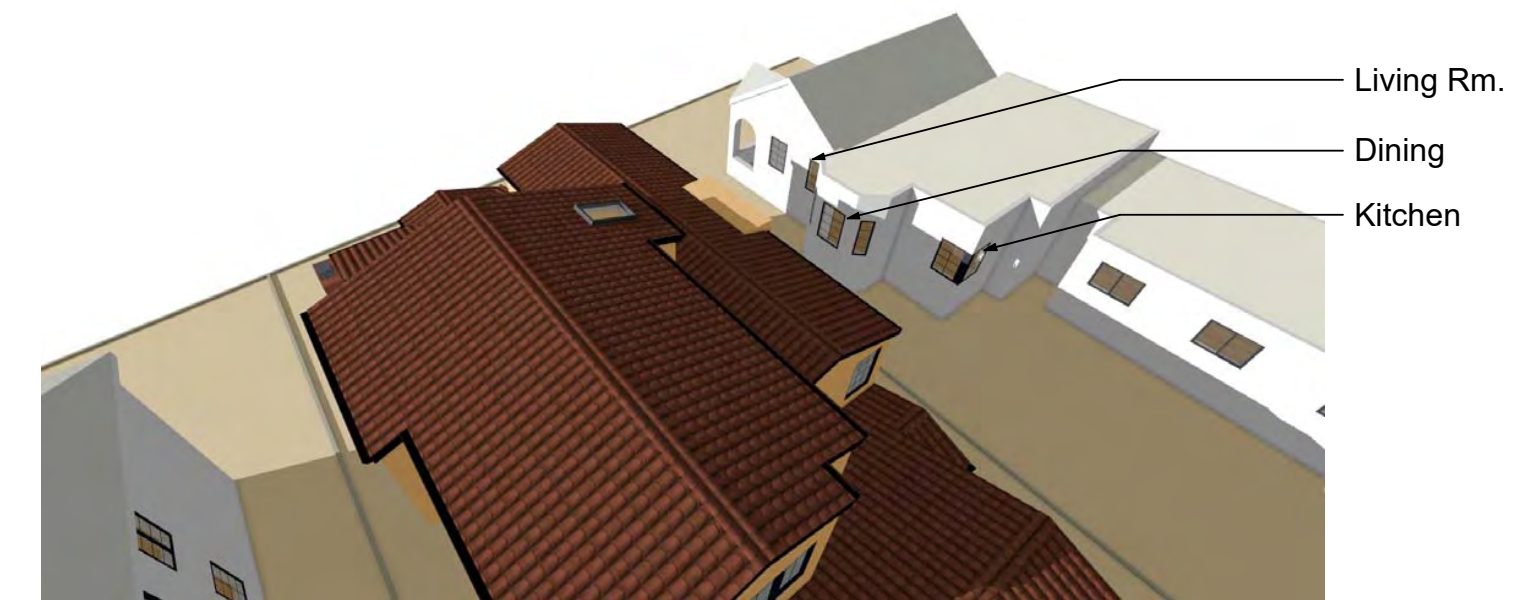
Shadow Accuracy Simulation  
**6-09-2020 / 4:00 pm**



Proposed  
**6-21-2020 / 7:47 am**



Proposed  
**12-21-2020 / 9:21 am**



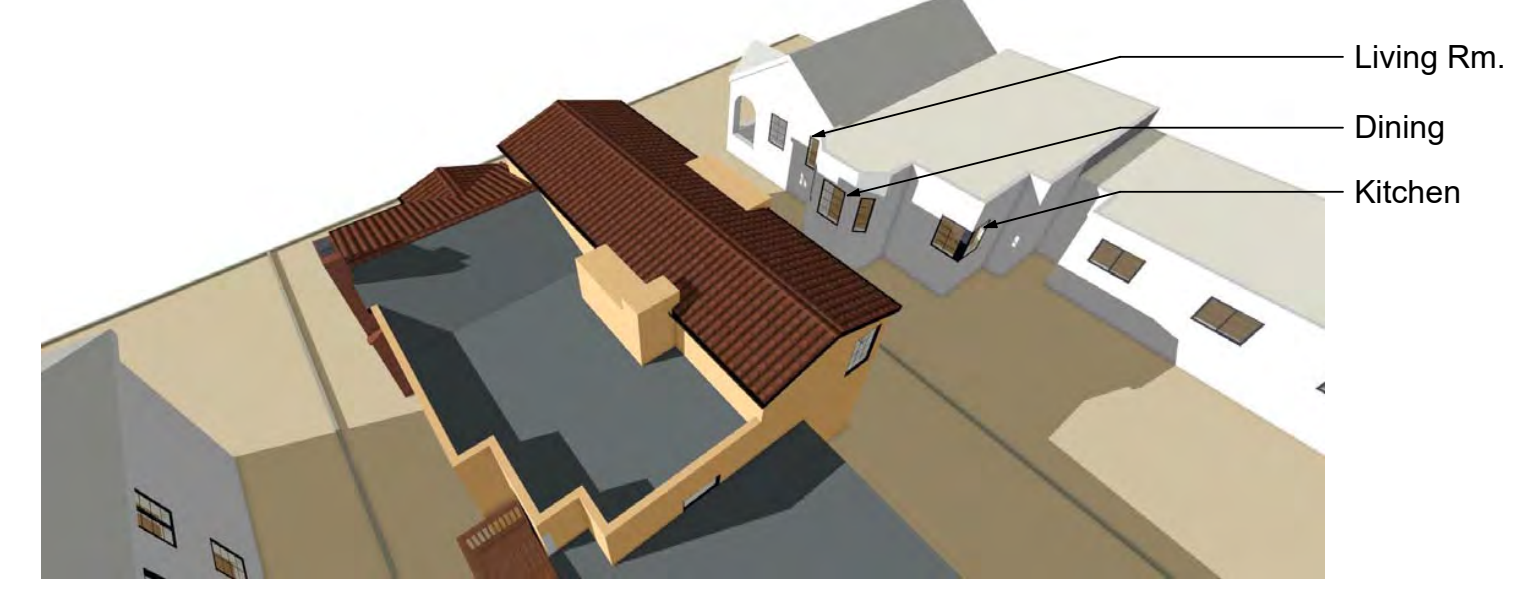
Proposed  
**6-21-2020 / 6:35 pm**



Existing  
**6-21-2020 / 7:47 am**



Existing  
**12-21-2020 / 9:21 am**



Existing  
**6-21-2020 / 6:35 pm**



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Sheet Contents:  
 Original Approved AUP  
 Shadows Studies

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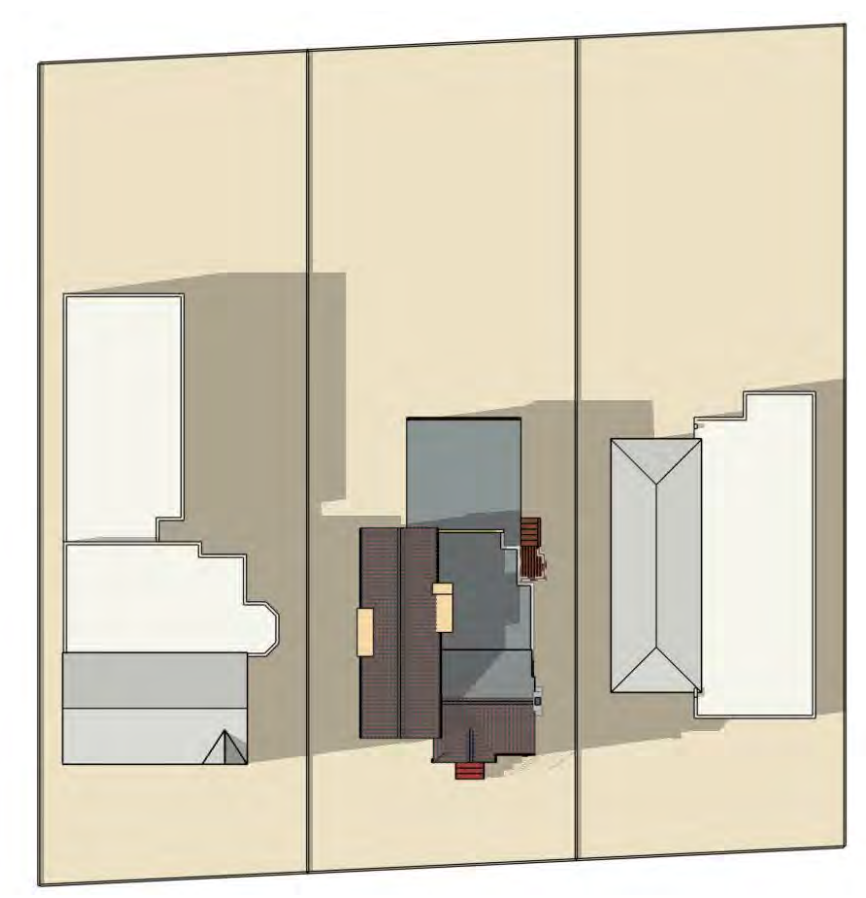
Drawn By:  
 SSG

Checked By:  
 SSG

Scale:  
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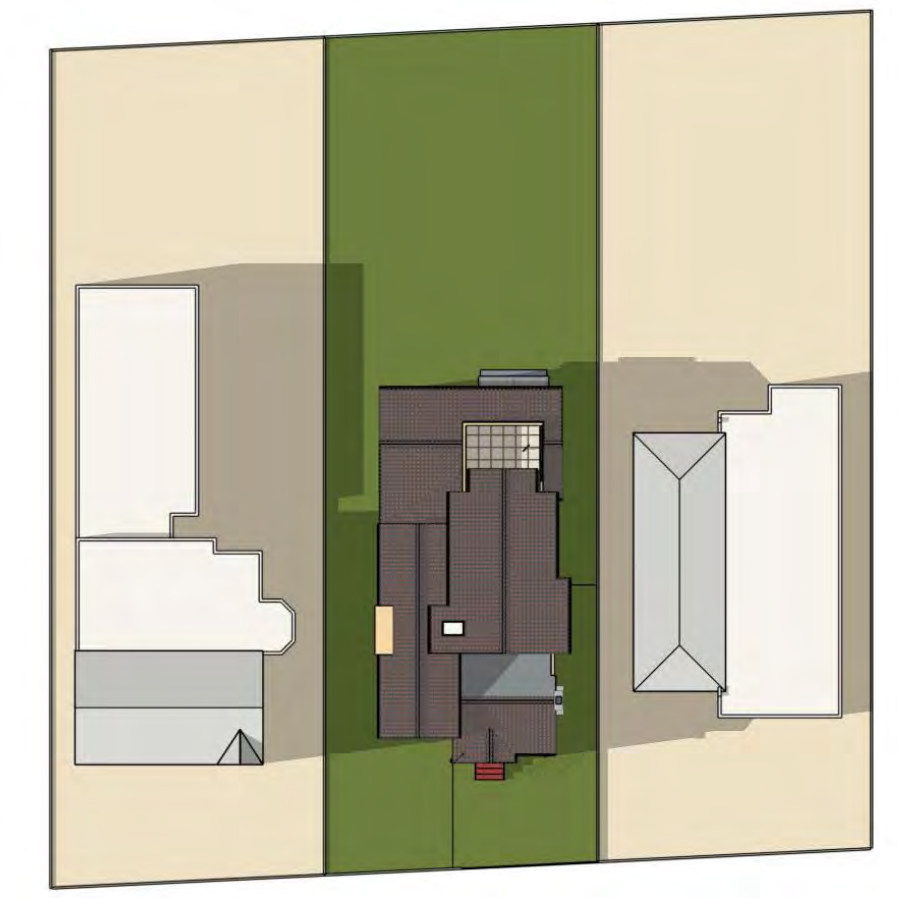
Revisions:  
 AUP Modification Submittal:  
 07-21-2022

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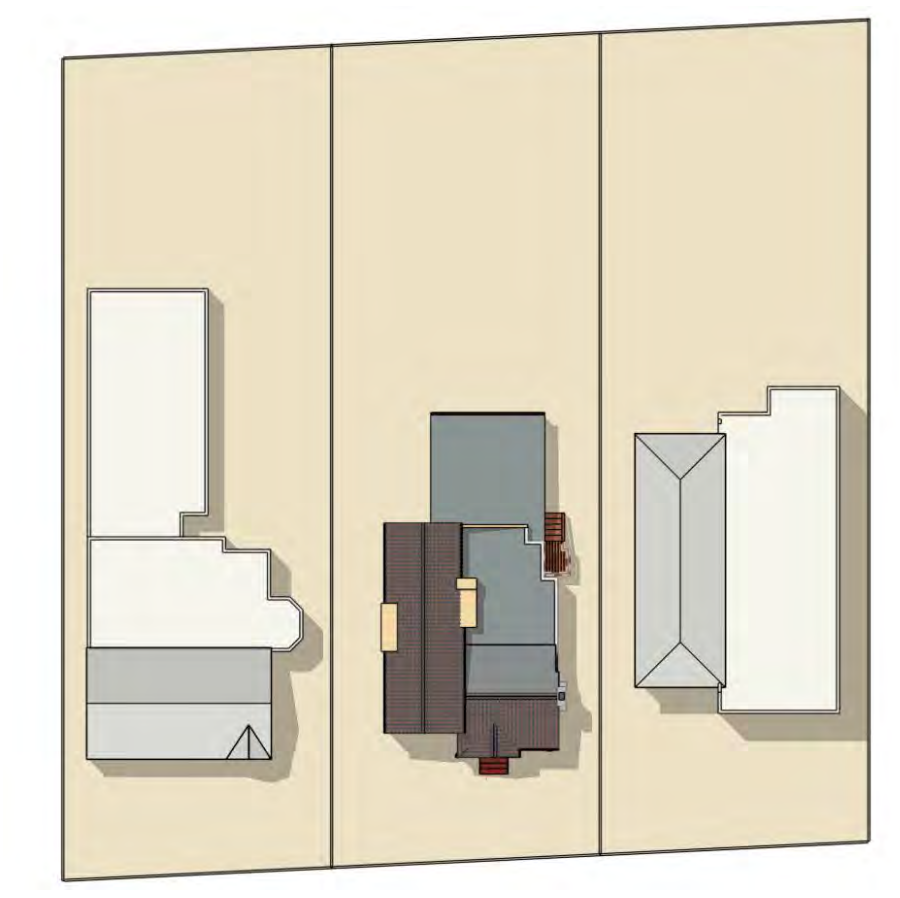


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**6-21-2020 / 7:47 am**  
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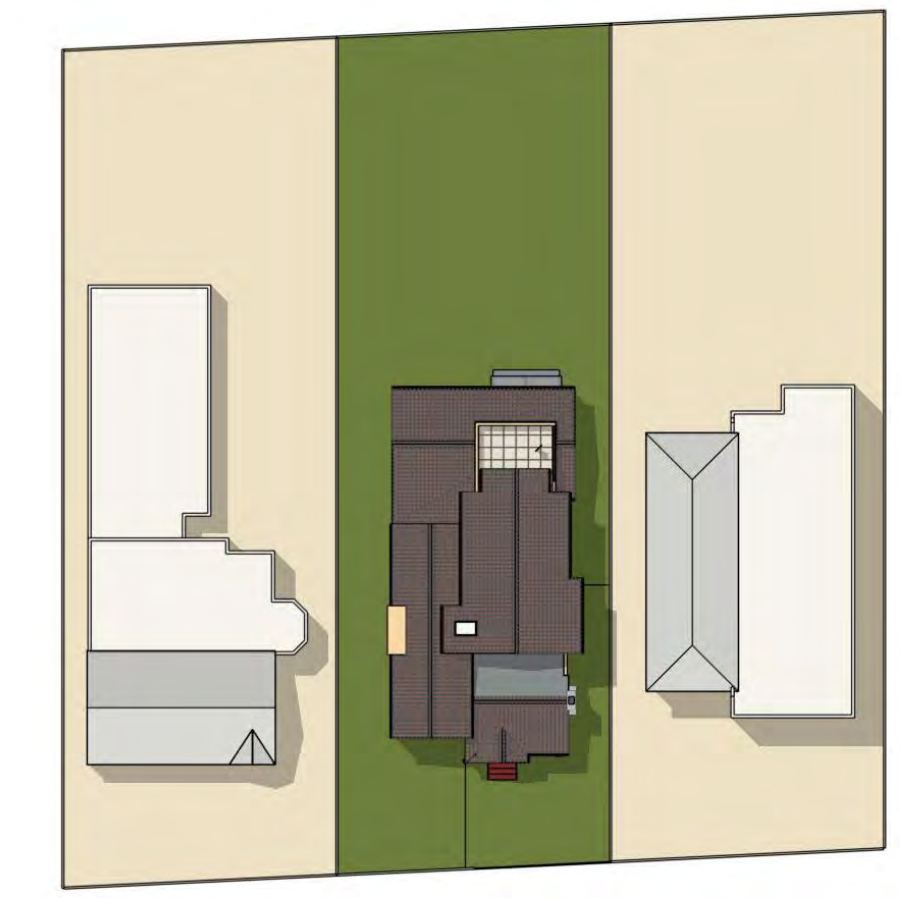


Proposed Modification



Existing

**6-21-2020 / 12:00 pm**

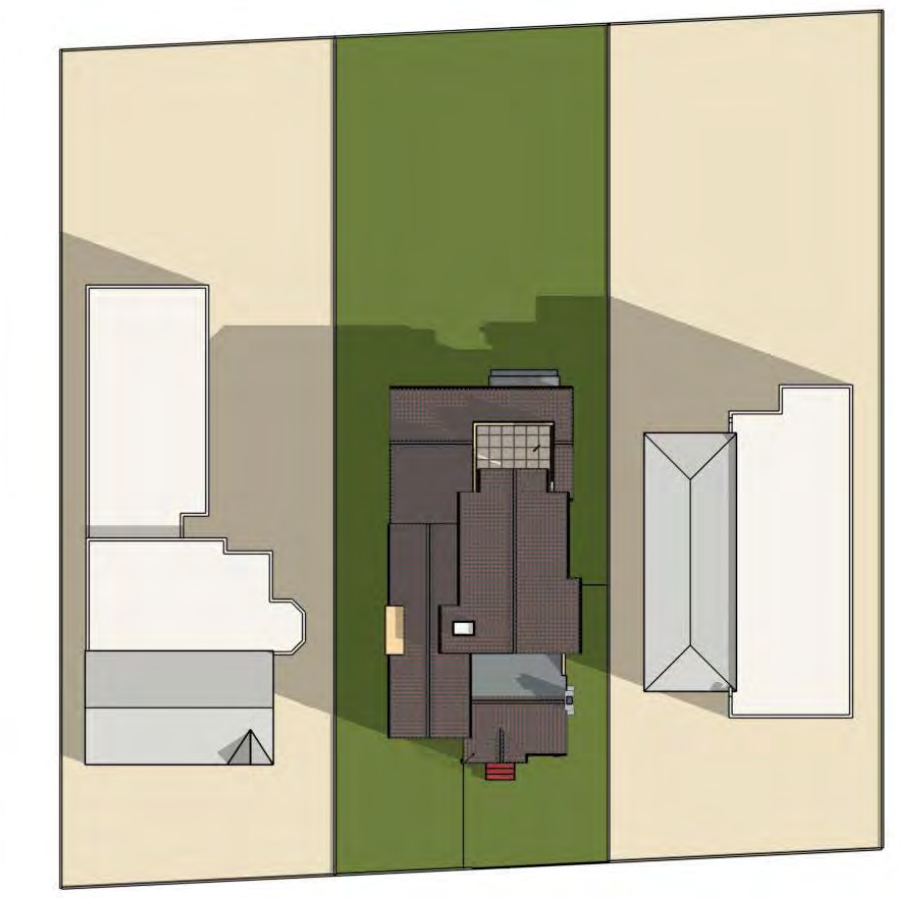


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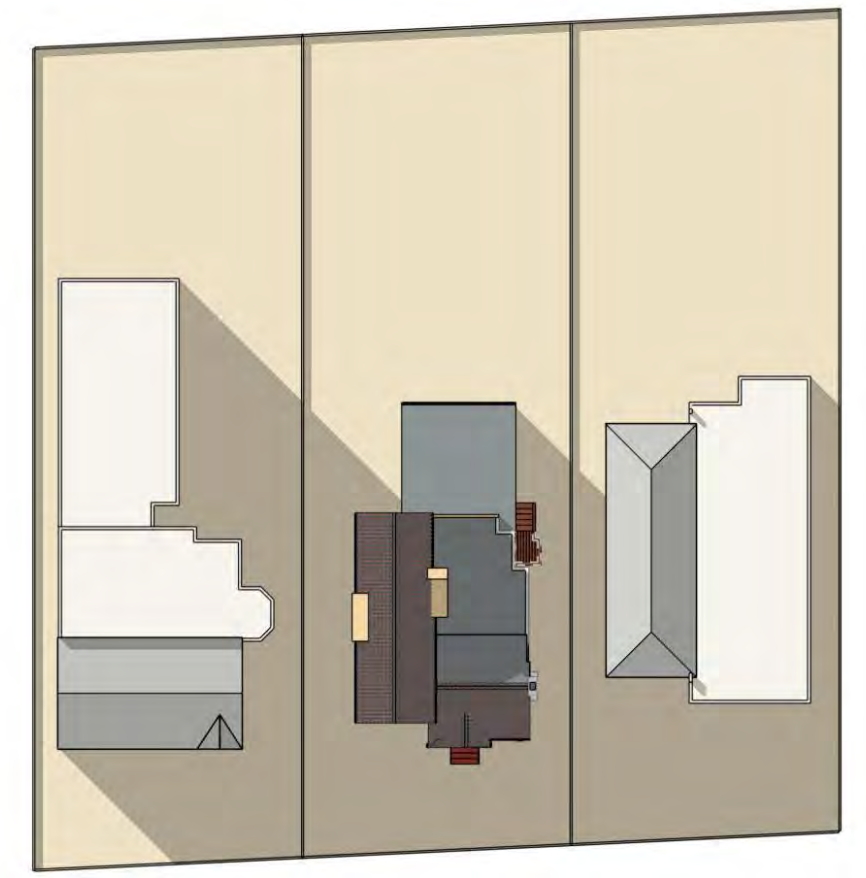


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**6-21-2020 / 6:35 pm**  
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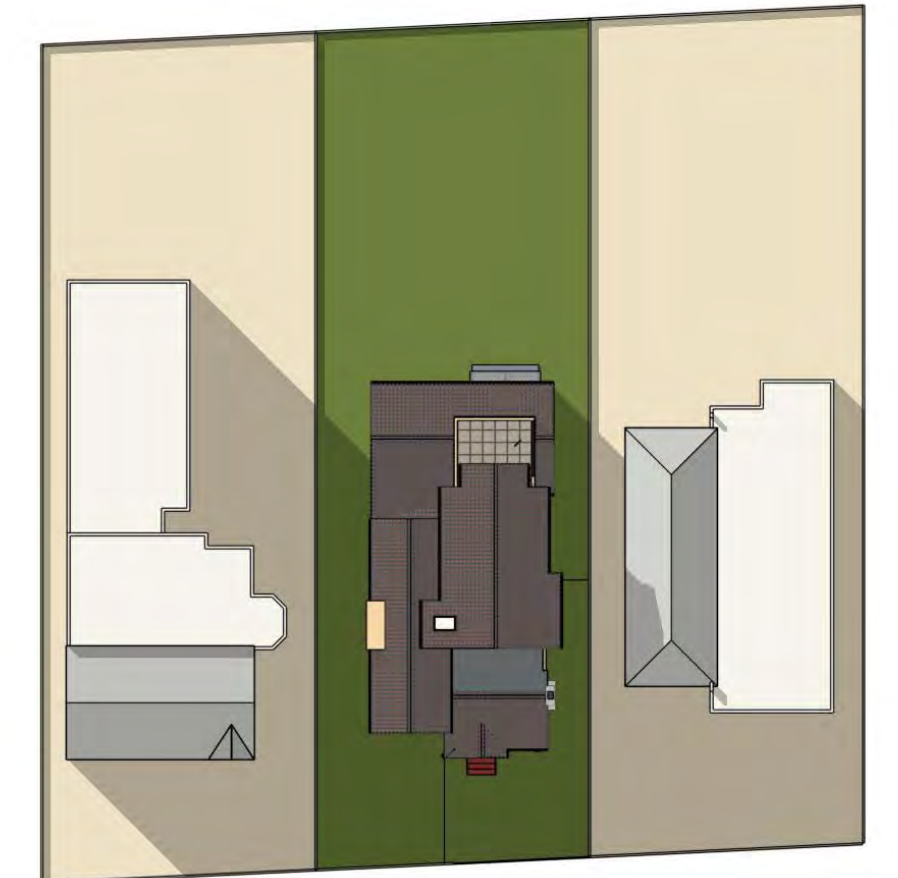


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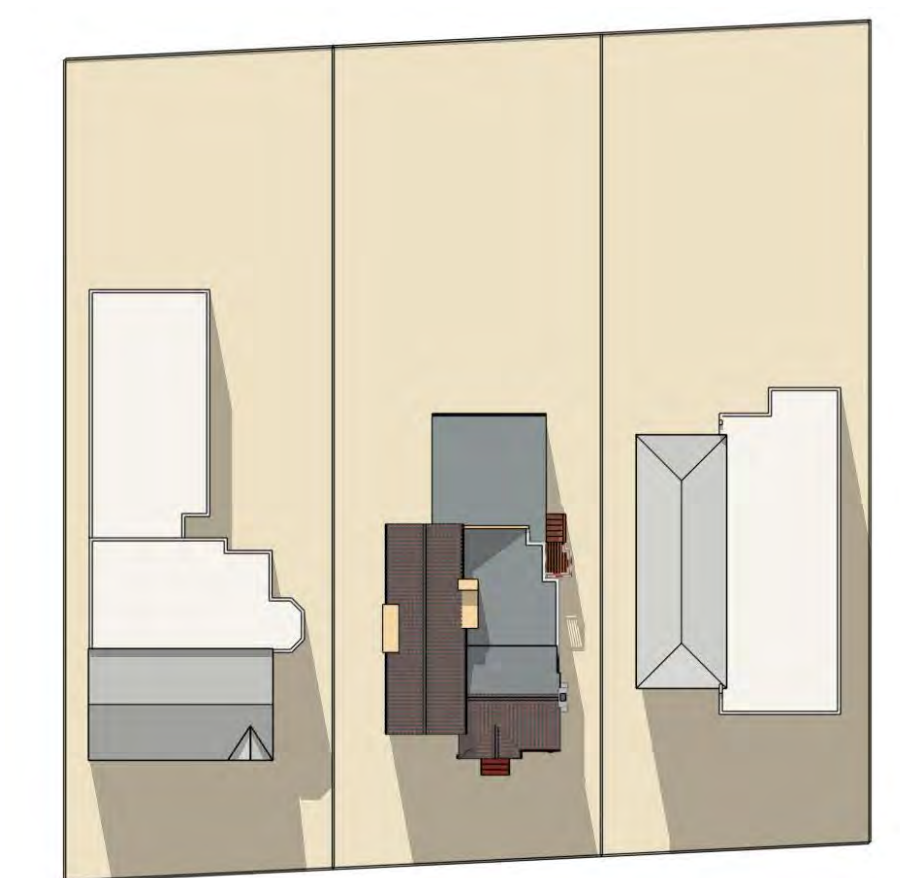


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**12-21-2020 / 9:21 am**  
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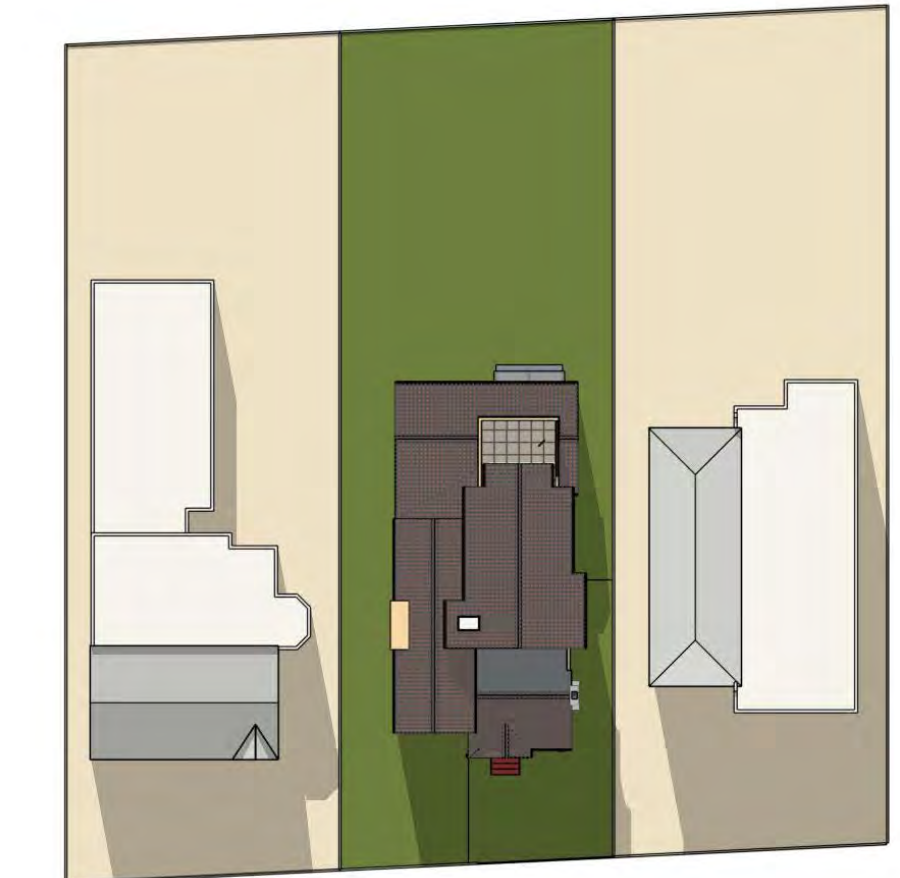


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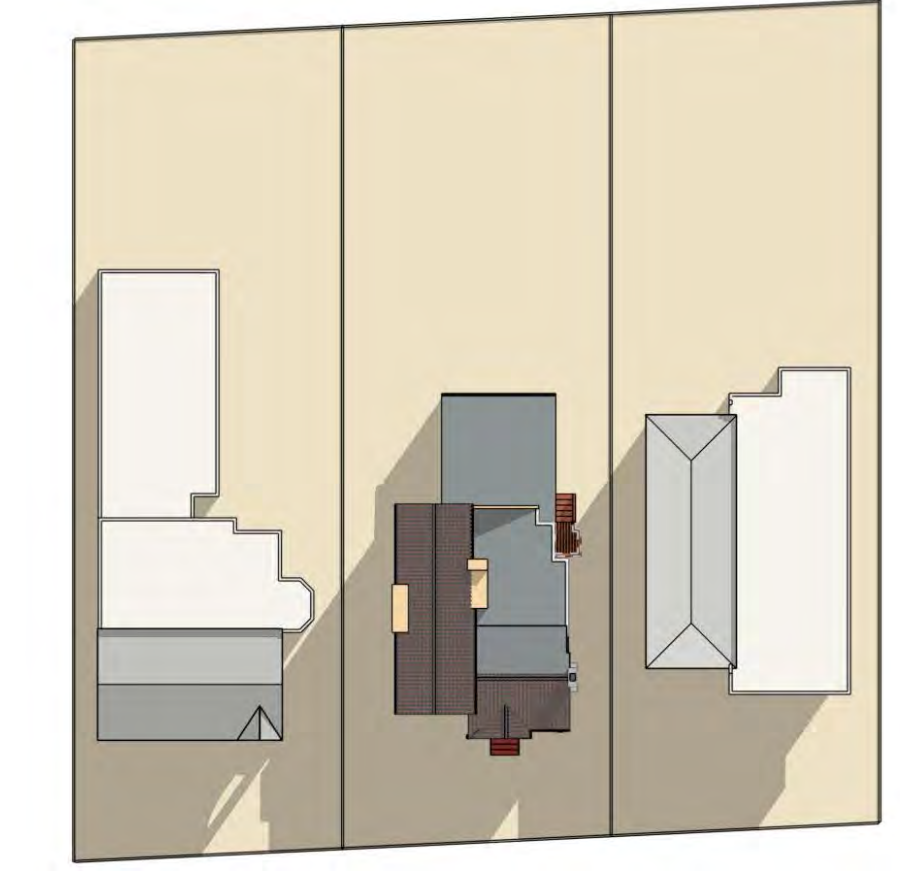


Existing

**12-21-2020 / 12:00 pm**

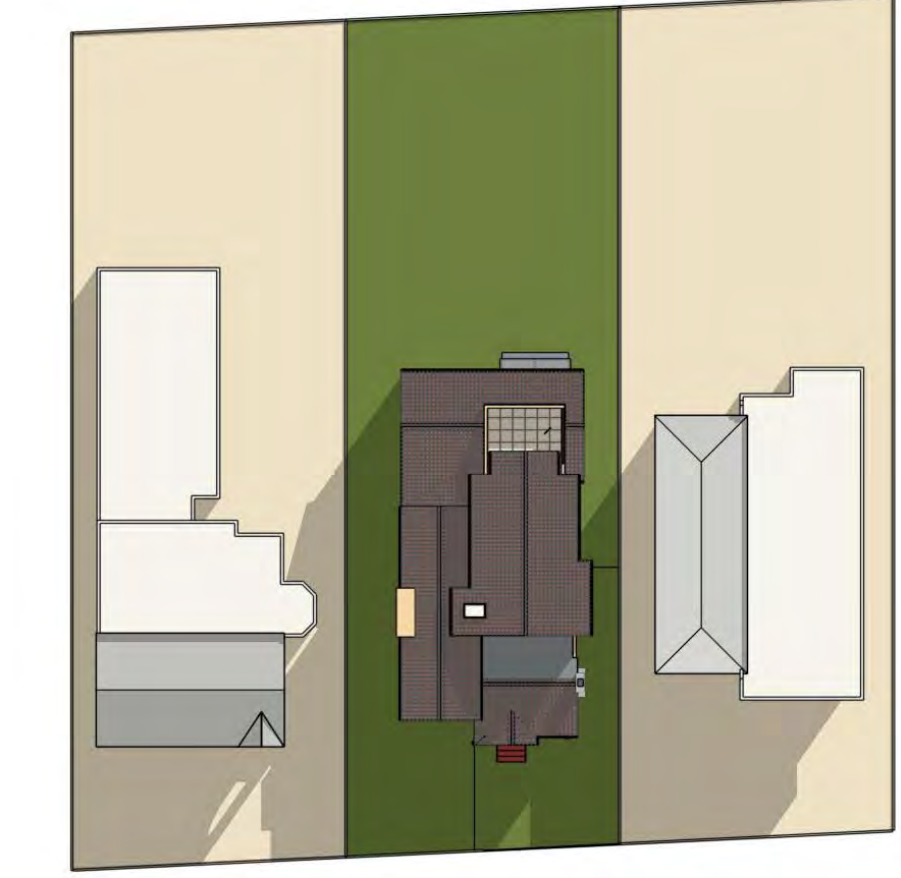


Proposed Modification



Existing

**12-21-2020 / 2:54 pm**



Proposed Modification



CITY OF BERKELEY - CITY CLERK  
2022 NOV 9 PM 4:22

Dear City Council,

I wish to appeal the Zoning Officer's Decision to approve Administrative Use Permit #ZP2021-0006, which modifies AUP ZP#2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.

I wish to appeal on two grounds:

1. A failure to disclose ex-parte communication between the Applicant (and/or his proxy) and the ZAB Acting-Chair Shoshana O'Keefe.
2. The inability of the ZAB to address the material misrepresentations made by the Architect Sunny Grewal in his AUP submission.

As to the first item regarding ex-parte disclosure, it became obvious during the ZAB Action Calendar of October 13 2022, that the Acting-Chair Shoshana O'Keefe was personally acquainted with the Applicant Mr Miller, to the degree that Mr Miller felt comfortable referring to Acting-Chair O'Keefe by her first name during his presentation.

Further, Acting-Chair O'Keefe failed to disclose an ex-parte communication from the Applicant (or his proxy) made to the ZAB Chair in March 2021. According to City records, the ZAB Chair at that time was Shoshana O'Keefe. The existence of this communication was clearly stated in my Appeal Letter.

I was unaware during the October 13 2022 meeting that Acting-Chair O'Keefe was the Chair referenced by the Applicant Mr Miller. The ZAB Secretary has been unable or unwilling to clarify the presumed acquaintanceship.

Berkeley's Commissioners Manual states:

*Commissioners shall verbally disclose all ex parte contacts concerning the subject of the hearing. Commissioners shall also submit a report of such contacts in writing prior to the commencement of the hearing. Ex parte contacts includes any contact between a commissioner and a person that is a party to the public hearing regarding the subject matter of the hearing.*

The communication from the Applicant Mr Miller in March 2021 stated:

*"I consulted with one of my best friends, whose high school buddy is the chair of the Berkeley ZAB, and given our situation, she assured him that, while you could delay my construction, you would lose any type of eventual challenge to #ZP2021-0006, as it satisfies all of the zoning restrictions and requirements with margin. Also, it's already been approved, awaiting the appeals period."*

If the Acting-Chair is acquainted with the Applicant and/or received communications on his behalf, this should have been disclosed.

As to the second item regarding the Architect Sunny Grewal, Mr Grewal made two false claims in the AUP filing for ZP2021-0006. Furthermore after mediation he refused to revise these claims. This led to a breakdown in the relationship with our neighbor and directly contributed to out-of-pockets costs exceeding \$5000.

1. Sunny Grewal claimed that the adjoining neighbors supported the proposed project.
  - a. My wife was never advised of, nor supported, a large roof deck 13' from our bedroom looking directly down onto our bed.
2. Sunny Grewal used dodgy arithmetic to claim a property line sufficient to avoid a required property survey.
  - a. Eventually the Planning Department required a property survey, but this took over 9 months – at which point we had already paid for our own.

While AUPs are signed under penalty of perjury, this is a high bar. Mr Grewal's claims were more in the realm of "little white lies" – meant to ease the passage of his submission through the Planning Department.

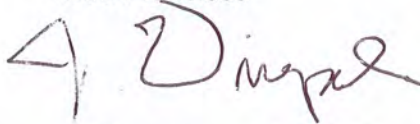
The Planning Department works with Applicants in a collegiate manner, asking for corrections where they are required. But this leaves them ill-equipped to deal with or discipline an Architect who intentionally chooses to make material misrepresentations. Asking residents to have their own laser measure and to double-check an Architect's measurements seems like a failure of the process.

How then can a progressive City act on the behalf of its residents in order to protect them against an Architect who might be tempted to put his thumb on the scale?

It would be helpful for the City to unambiguously state that Architect misrepresentation is unacceptable.

Be honest with your numbers. Be honest with your neighbors. Respect the mediation process.

John Vinopal  
1256 Francisco

  
2022-11-09



City Clerk Department

November 18, 2022

John Vinopal  
1256 Francisco St.  
Berkeley, CA 94702

RE: 1262 Francisco St. – Appeal ZAB Decision Use Permit #ZP2021-0006

Dear Appellant:

This will acknowledge receipt of your appeal of the Zoning Adjustments Board decision of October 13, 2022, approving the following permits:

- Administrative Use Permit for an addition greater than 14 feet in height, under BMC Section 23.202.080(D).

Your appeal has been referred to the Planning Department.

The Planning Department will transmit to Council a statement setting forth the reasons for the Zoning Adjustments Board decision. This report, as well as a copy of the appeal, will appear on the Council agenda of **February 28, 2023**.

**This meeting of the Council will commence at 6:00 p.m. and will be held in the School District Board Room located at 1231 Addison Street. However, depending on future conditions, this meeting may be held exclusively through videoconference and teleconference to ensure the health and safety of the public.**

Pursuant to the City Council Rules of Procedure, this appeal will appear on the City Council's agenda as a public hearing. Time shall be provided for five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants collectively shall have five minutes to comment and the applicant shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment.

After the conclusion of the five-minute comment periods, members of the public may comment on the appeal pursuant to the Rules of Procedure in effect for the Council meeting.

The Council will then deliberate and determine to do one of three things: 1) continue the public hearing; 2) based on the record of the Council's consideration and hearing, reverse or affirm, wholly or partly, or modify any decision, determination, condition or

RE: 1262 Francisco St. – Appeal ZAB Decision Use Permit #ZP2021-0006

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requirement of the Board's original action; or 3) remand the matter to the Board to reconsider the application, or any revisions thereto submitted after the Board's action.

Communications to the City Council that are received by the City Clerk pursuant to the following deadlines will be accepted and distributed as follows:

Submission Deadline	Distributed	Packet
February 13, 2023, by 5:00 p.m. (Monday)	Twelve days before the meeting (Thursday)	Agenda Packet
February 21, 2023, by 5:00 p.m. (Tuesday)	Five days before the meeting (Thursday)	Supplemental 1
February 27, 2023, 12:00 p.m. (Monday)	By 5:00 pm the day before the meeting (Monday)	Supplemental 2

Communications should be submitted directly to the City Clerk to ensure receipt by all Councilmembers. Electronic communications may be submitted to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) for immediate distribution to the Mayor, each City Councilmember, and the City Clerk for inclusion in the official record. Please note that for communications submitted in hardcopy, if the communication includes maps or photos or any other material not reproducible on a copy machine, fifteen copies should be provided to the City Clerk.

Please note that Berkeley's Lobbyist Registration Act (Berkeley Municipal Code Chapter 2.09) is effective beginning on January 1, 2020. Information and resources regarding the Lobbyist Registration Act are available from the City's website at:

<https://berkeleyca.gov/your-government/lobbyist-registration>

If you have any additional questions regarding this matter, please do not hesitate to contact me at (510) 981-6908.

A copy of the staff report and a City Council agenda will be available from this office upon request after 4:00 p.m. on Thursday, February 16, 2023 or can be viewed on our website at: <https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Sincerely,

Rose Thomsen  
Deputy City Clerk

cc: Jordan Klein, Director of Planning  
Steven Buckley, Land Use Planning Manager  
Katrina Lapira, Staff Planner  
Farimah Brown, City Attorney  
Sunny Grewal (Applicant)  
Jonathan Miller (Owner)  
Aimee Baldwin and John Vinopal (Interested Party)

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) Pursuant to Government Code Section 66020(d)(1), the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period. 3) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.



