### INDEX TO ADMINISTRATIVE RECORD

1533 BEVERLY PLACE

Administrative Use Permit #ZP2018-0153

Prepared: June 16, 2020

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<td>Correspondence from Robin Ramsey &amp; Hank Roberts (opposition)</td>
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<td>50</td>
<td>Correspondence from Amy Di Costanzo</td>
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<td>51</td>
<td>Incomplete letter</td>
<td>6/26/2019</td>
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<td>52</td>
<td>Correspondence from Amy Di Costanzo</td>
<td>6/27/2019</td>
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<td>53</td>
<td>Resubmittal: application materials</td>
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<td>54</td>
<td>Resubmittal: shadow studies</td>
<td>7/24/2019</td>
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<td>55</td>
<td>Resubmittal: shadow studies</td>
<td>7/30/2019</td>
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<td>56</td>
<td>Correspondence from Amy Di Costanzo</td>
<td>8/1/2019</td>
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<td>57</td>
<td>Notice of Administrative Decision postcard with mailing list</td>
<td>8/12/2019</td>
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<td>58</td>
<td>Notice of Administrative Decision</td>
<td>8/12/2019</td>
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<td>59</td>
<td>Appeal letter from Amy Di Costanzo</td>
<td>8/28/2019</td>
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<td>60</td>
<td>Appeal letter from Hank Roberts and Robin Ramsey</td>
<td>9/3/2019</td>
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<td>61</td>
<td>ZAB Notice of Public Hearing postcard with mailing list</td>
<td>1/30/2020</td>
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<td>62</td>
<td>Request for NOD from Amy Di Costanzo</td>
<td>2/14/2020</td>
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<td>Request for NOD from Rena Rickles</td>
<td>2/24/2020</td>
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<td>ZAB Notice of Decision</td>
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<td>65</td>
<td>Letter appealing ZAB Decision filed by Rena Rickles</td>
<td>3/11/2020</td>
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1533 Beverly Place

Appeal of the Zoning Officer’s decision to approve Administrative Use Permit #ZP2018-0153 to enlarge an existing 1,212 sq. ft., 1-story single-family dwelling with a non-conforming front setback on a 4,200 sq. ft. lot by: 1) adding a 1,035 sq. ft. addition, including a new second story, with an average height of 23 ft.-7 ½ in., and 2) adding a fifth bedroom.

I. Background

A. Land Use Designations:
   - General Plan: LRD – Low Density Residential
   - Zoning: R-1 – Single Family Residential

B. Zoning Permits Required:
   - Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.070.C to construct a residential addition greater than 14 ft. in average height;
   - Administrative Use Permit pursuant to BMC Section 23D.16.030 to construct a major (more than 600 sq. ft.) residential addition;
   - Administrative Use Permit pursuant to BMC Section 23D.16.050.A to add a fifth bedroom to a parcel; and
   - Administrative Use Permit pursuant to BMC Section 23C.04.070.B for an addition which vertically extends the non-conforming front yard.

C. CEQA Determination: Categorically exempt pursuant to Sections 15301 and 15303 (“Existing Facilities” and “New Construction or Conversion of Small Structures”).

D. Parties Involved:
   - Applicant Stacy Eisenmann, Eisenmann Architecture, 1331 Seventh Street, Suite G, Berkeley
   - Appellants Amy Di Costanzo, 1710 Sonoma Avenue, Berkeley; and Hank Roberts and Robin Ramsey, 1529 Beverly Place, Berkeley.
Figure 1: Vicinity Map

Subject Property: 1533 Beverly

Appellant: 1710 Sonoma

Appellant: 1529 Beverly

North
Figure 2: Proposed Site Plan
### Table 1: Land Use Information

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<tr>
<th>Location</th>
<th>Existing Use</th>
<th>Zoning District</th>
<th>General Plan Designation</th>
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<tbody>
<tr>
<td>Subject Property</td>
<td>Single-family residence</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Surrounding Properties</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Single-family residences (one lot to the northwest and one lot to the northeast)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>Single-family residence with detached ADU to the southwest; single-family residence to the southeast</td>
<td>R-1</td>
<td>LDR – Low Density Residential</td>
</tr>
<tr>
<td>East</td>
<td>Single-family residence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Single-family residence</td>
<td></td>
<td></td>
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### Table 2: Other Non-Zoning Regulatory Requirements/Special Characteristics

<table>
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<tr>
<th>Regulatory Topic</th>
<th>Applies to Project?</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>Coast Live Oak Trees (BMC Section 6.52.010)</td>
<td>No</td>
<td>There are no Coast Live Oak trees at or near the project site.</td>
</tr>
<tr>
<td>Creeks</td>
<td>No</td>
<td>No creek or culvert defined by BMC Chapter 17.08 exists on this site.</td>
</tr>
<tr>
<td>Green Building Score</td>
<td>No</td>
<td>The project does not involve a new main dwelling unit. The Green Building Checklist is not required.</td>
</tr>
<tr>
<td>Housing Accountability Act (Gov’t Code Section 65589.5(j))</td>
<td>No</td>
<td>No new units are proposed. The proposed project is a renovation of an existing single-family home.</td>
</tr>
<tr>
<td>Historic Resources</td>
<td>No</td>
<td>The project does not involve the demolition of the existing residential building that is greater than 40 years old, and Landmarks staff determined that a Historic Resource Evaluation was not required for the proposed changes to the existing dwelling.</td>
</tr>
<tr>
<td>Residential Preferred Parking (RPP) (Per BMC Chapter 14.72)</td>
<td>No</td>
<td>The project area is not included in a RPP area.</td>
</tr>
<tr>
<td>Seismic Hazards</td>
<td>No</td>
<td>The project site is not located within an area susceptible to earthquake fault rupture, landslide, or liquefaction as shown on the State Seismic Hazard Zones map.</td>
</tr>
<tr>
<td>Transit</td>
<td>Yes</td>
<td>The project site is within 0.1 miles of a bus stop at Monterey Avenue and Posen Avenue.</td>
</tr>
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### Table 3: Project Chronology

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
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<tbody>
<tr>
<td>July 20, 2018</td>
<td>Application submitted</td>
</tr>
<tr>
<td>August 16, 2018</td>
<td>Application deemed incomplete</td>
</tr>
<tr>
<td>October 2, 2018</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>October 4, 2018</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>October 31, 2018</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>November 2, 2018</td>
<td>Application deemed incomplete</td>
</tr>
<tr>
<td>November 13, 2018</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>December 12, 2018</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>May 1, 2019</td>
<td>Revised design presented to neighbors</td>
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### Table 3: Project Chronology

<table>
<thead>
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<th>Action</th>
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<tbody>
<tr>
<td>May 30, 2019</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>June 26, 2019</td>
<td>Application deemed incomplete</td>
</tr>
<tr>
<td>July 1, 2019</td>
<td>Revised application materials submitted</td>
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<tr>
<td>July 24, 2019</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>July 30, 2019</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>July 31, 2019</td>
<td>Application deemed complete</td>
</tr>
<tr>
<td>August 12, 2019</td>
<td>Notice of Administrative Decision issued</td>
</tr>
<tr>
<td>August 28, 2019</td>
<td>Appeal filed by Amy Di Costanzo of 1710 Sonoma Avenue</td>
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<tr>
<td>September 3, 2019</td>
<td>Appeal filed by Hank Roberts and Robin Ramsey of 1529 Beverly Place</td>
</tr>
<tr>
<td>January 30, 2020</td>
<td>Appeal filed by Hank Roberts and Robin Ramsey of 1529 Beverly Place</td>
</tr>
<tr>
<td>February 13, 2020</td>
<td>Appeal filed by Hank Roberts and Robin Ramsey of 1529 Beverly Place</td>
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### Table 4: Development Standards

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<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Permitted/Required</th>
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<tbody>
<tr>
<td>Lot Area (sq. ft.)</td>
<td>4,200</td>
<td>No Change</td>
<td>5,000</td>
</tr>
<tr>
<td>Total Gross Floor Area (sq. ft.)</td>
<td>1,212</td>
<td>2,247</td>
<td>N/A</td>
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<tr>
<td>Dwelling Units</td>
<td>Total 1</td>
<td>1</td>
<td>1 per parcel</td>
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<tr>
<td>Building Height</td>
<td>Average</td>
<td>16’ – 3 ½”</td>
<td>23’ – 7 ½”</td>
</tr>
<tr>
<td>Building Height</td>
<td>Stories</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>Front</td>
<td>18.2’</td>
<td>18.2’</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>Rear</td>
<td>34.9’</td>
<td>34.9’</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>Left Side</td>
<td>9’ – 8 ½”</td>
<td>8’ – 4”¹</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>Right Side</td>
<td>4’</td>
<td>4’</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>41.83</td>
<td>39.45</td>
<td>40 max</td>
</tr>
<tr>
<td>Usable Open Space (sq. ft.)</td>
<td>600+</td>
<td>600+</td>
<td>400 per unit</td>
</tr>
<tr>
<td>Parking</td>
<td>Automobile</td>
<td>1</td>
<td>1 per unit</td>
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</tbody>
</table>

### II. Project Setting

#### A. Neighborhood/Area Description:

The subject site is located in a neighborhood which consists of a mixture of one- and two-story single-family dwellings in the Northbrae neighborhood near the City of Albany. Sonoma Avenue is directly north of the subject site, and the dwellings along Sonoma Avenue are at a higher elevation than the subject building.

#### B. Site Conditions:

The subject parcel contains a one-story single-family dwelling. A detached garage is at the rear northwest corner of the parcel. There is a deck off the rear of the dwelling, and a paved patio near the northeast corner of the parcel.

¹ The proposed left setback on the Tabulation chart on sheet A0.0 of the plans is incorrect as it does not measure the setback to the new kitchen bump out. The addition is still outside of the required left setback.

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File: `\cobnas1\Planning\LANDUSE\Projects by Address\Beverly Pl;1533\ZP2018-0153\DOCUMENT FINALS\ZAB\2020-02-13\ZAB_SR_1533 Beverly Pl.docx`
III. Project Description

The project approved by the Zoning Officer would involve the addition of 1,035 square-feet to the existing 1,212 square-foot one-story single-family home to add a second story, and a fifth bedroom. The front, rear, and right-side setbacks would remain the same, including an existing non-conforming front setback. The left side setback would be reduced by 1 ft. 5 ½ in. with a new kitchen bump-out, from 9 ft. 8 ½ in. to 8 ft. 4 in. A wood trellis would be added over the front entry steps that are parallel with the dwelling. A new garage door would be added to the existing garage, and the covered patio would be removed from the rear yard.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the city, the applicant erected a pre-application poster and contacted abutting and confronting neighboring property owners and occupants to show them a copy of the proposed project plans and obtain their signature on the proposed plans. Two neighboring owners/tenants could not be reached in person, so the applicant sent a certified letter explaining the project and included a copy of the plans, and submitted to staff a copy of the certified receipt.

Many letters were received in regards to the proposed project prior to the approval of the project by the Zoning Officer.

In response to staff's insistence that view impacts be better addressed, the project was revised to reduce the height and slope of the roof. The previous average height was 26 ft. ¾ in., with the revisions the average height is 23 ft. 7 ½ in. The revised plans were presented to the neighbors at a neighborhood meeting on May 1, 2019. Staff posted the Notice of Administrative Decision on August 12, 2019, at the site and three nearby locations, and sent notices to abutting and confronting property owners and occupants and to interested neighborhood groups.

Staff recommended mediation services (SEEDS) to the applicants in August 2018 and March 2019. The applicants and appellants attended a mediation session on October 29, 2019, but the appellants' issues were not resolved.

B. Zoning Officer's Decision to Approve: The Zoning Officer determined that the proposed project would not be detrimental to those living and working in the neighborhood because the property would continue to conform with the R-1 Single Family Residential District; the privacy of the abutting neighbors would be maintained as the addition is outside of the required side and rear setbacks and the non-conforming front setback would not be further encroached upon; and the addition of a fifth bedroom would not result in an increase in dwelling unit density.

Furthermore, the Zoning Officer found that the major residential addition would not unreasonably obstruct sunlight, air, or views. Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout
the day during the summer and winter solstice. Two hours after sunrise on the winter solstice, shadows on the east side of the dwelling at 1529 Beverly Place would increase and cover a kitchen window, and partially cover a dining room window, but the two living room windows would not be affected. Two hours after sunrise on the summer solstice, shadows on the east side of the dwelling at 1529 Beverly Place would increase and cover the living room and dining room windows, but the kitchen window would not be affected. Two hours before sunset on the winter solstice, the shadows on the west side of the dwelling at 1535 Beverly Place would increase slightly, but would only reach a small corner of a bedroom window. Two hours before sunset on the summer solstice, shadows on the west side of the dwelling at 1535 Beverly Place would increase and cover the bedroom and living room windows. Although shadow conditions would slightly increase on the aforementioned portions of neighboring residential properties, shadows would be relatively short in duration, occurring only in the morning or evening hours, not both. Therefore, proposed shading is found to be typical of urban settings and no substantially detrimental shading would occur.

The addition was also found to be consistent with the existing development and building-to-building separation pattern – or air – in the R-1 neighborhood because the addition would be outside of all required setbacks (while maintaining the non-conforming front setback), and would not exceed height or story limits.

To assist with the assessment of views, the applicant installed story poles, provided photos of the story poles and a key to photo locations, and the heights of the story poles were verified by a licensed surveyor. As documented by the story poles, the second-story addition would be within the view corridor of the properties to the north. 1708 Sonoma Avenue currently has views of the San Francisco Bay over/beyond Emeryville, and the hills of the Peninsula south of San Francisco from their deck, bedroom, and kitchen that would be eliminated with the addition; however, views of the San Francisco skyline and the Marin Headlands would remain. 1710 Sonoma Avenue currently has views of the San Francisco Bay and the lower portion of the San Francisco skyline from their deck, kitchen, and first floor bedroom that would be eliminated with the addition; however, views of the Golden Gate Bridge, the Marin Headlands, the upper portion of the San Francisco skyline, the upper portion of the Bay Bridge, and the hills of the Peninsula south of San Francisco would remain, and views from the second floor would remain open. 1716 Sonoma Avenue currently has a view of the Golden Gate Bridge from the kitchen nook that would be reduced with the addition; however, views of one of the towers of the Golden Gate Bridge would continue to be visible from the kitchen nook, and a partial view of the San Francisco skyline, and a full view of the Golden Gate Bridge from the kitchen and dining rooms would remain. Since the current expansive views are reduced, but not eliminated, view impacts are determined to be non-detrimental.

The first appeal of the administrative decision was filed on August 28, 2019, and the second appeal was filed on September 3, 2019.

**C. Public Notice:** On January 30, 2020 the City mailed 69 public hearing notices to property owners and occupants within 300 feet of the subject property, and to interested
neighborhood organizations. Staff also posted the Notice of Public Hearing at three locations within the immediate vicinity of the subject site. Correspondence received in response to this notice is attached to this report (Attachment 5).

V. Issues and Analysis

A. Appeal Issue 1 – View Impacts: The first appellant resides at 1710 Sonoma Avenue and contends that the project would substantially decrease her enjoyment of her property as she would lose the view of the San Francisco Bay from the French doors by the kitchen table, and would lose the view of the Bay, most of the Bay Bridge, and the San Francisco skyline from the deck. Furthermore, the appellant disagrees with the Finding in the Administrative Use Permit that views of the Golden Gate Bridge and Marin Headlands would remain, because those are not views the appellant enjoys from her kitchen.

The appellant submitted photos of the view from their kitchen toward San Francisco in their appeal letter. Photo 1 below was taken from a seated position at the table at the back of the kitchen, with the doors to the deck open. The original story poles are in the photo, and the height of the proposed building after the plans were revised is indicated by the red horizontal line.

Photo 1: Story Poles with Design Revision Indicated, As Seen from the Kitchen Table of 1710 Sonoma Avenue. Photo by Amy Di Costanzo.

Staff Response: The BMC defines a view corridor as 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." The photos submitted by the appellant show the story poles at the height of the original design for the addition, with a string at a lower height to reflect the revisions to the project. The string between the story poles indicates how the applicants lowered the proposed height and replaced the sloped roof with a flat roof. With the revised addition, the Bay Bridge and San Francisco Skyline would still be visible from the kitchen of 1710 Sonoma Avenue. Although the view of the water below the Bay Bridge and San Francisco Skyline would
be removed, staff does not find that the addition would unreasonably obstruct views of the Bay Bridge and San Francisco Skyline from the kitchen.

Staff does concur that the view of the Golden Gate Bridge and Marin Headlands is not visible from the kitchen, and regrets that it was not clear in the AUP Findings that the view of the Golden Gate Bridge and Marin Headlands is visible from the deck and a first floor bedroom, but not the kitchen.

Staff finds the addition to be reasonable. With the proposed addition the residence at 1533 Beverly would be two stories and 2,247 square feet; the average size of a two-story dwelling on this block of Beverly Place and the block of Sonoma Avenue to the rear is 2,018 sq. ft. As the appeal does not provide evidence that the Zoning Officer’s approval was made in error, staff recommends the ZAB dismiss this appeal point.

B. Appeal Issue 2 – Loss of Light/Shadow Impacts: The second appeal letter is from the appellants at 1529 Beverly Place. They disagree with the finding that the new shadows would occur on a limited area, and contend that the shadows that fall on the living room, dining room, and kitchen windows are detrimental because they spend 90 percent of their morning hours in these rooms. The appellants find that the shadow studies provided by the applicants only represent individual moments in time, not the entirety of the loss that would occur. Their dining room would be impacted every day, and the living room and kitchen would be impacted for 9 months of the year. According to the appellants, the loss of sunlight is not insignificant.

The second issue appellants bring up is that staff asked the applicants to address neighbors’ concerns in the first incomplete letter, and they failed to do what they were asked as the revised design does not address the increased shadows at 1529 Beverly Place. Lastly, the third reason the appellants appealed the project is that the shadow studies provided by the applicants did not follow City guidelines as the applicants failed to submit shadow studies to document new shading that would result from the proposed project projected for the time of application submittal, and did not include photos of the affected structures.

Staff Response: Shadow studies are required for additions exceeding 14 feet in average height on sites adjacent to a residential use so that staff and residents can review changes to shadows, and be a basis for Findings. Shadow studies are requested for the summer and winter solstice as those are the longest and shortest days of the year, representing the worst case scenarios. Staff looks at shadow studies in plan and elevation view to determine the location and extent of shadows. Since the shadow studies provided by the applicants shows shading on the dwelling at 1529 Beverly Place two hours after sunrise on the summer and winter solstice, but not at noon or two hours before sunset on the summer and winter solstice, and not all of the windows on the east elevation are shaded, staff finds that the shadow impacts are not detrimental.

In regards to the appellants’ second issue, the paragraph from the first incomplete letter the appellants reference consists of the following:
“Thank you for providing a table of neighbor concerns. Please respond to the neighbors’ comments in a written statement, addressing how their concerns have been/will be addressed, and/or explaining why their concerns cannot be addressed. You may want to consider mediation through SEEDS.”

The applicants responded in their resubmittal:

“The 3D shadow studies clarify that in December the Kitchen window is affected 2 hours after sunrise; however, the proposed house is located to the East of 1529 Beverly so the shadows subsequently move to the backyard. In the summer the morning shadows drop beneath the Kitchen and Dining Room windows so they are not affected. The 3D model also clarifies that none of the solar tubes would be shaded.”

Understandably, the appellants wanted a thorough response that addressed their concerns and/or explained why the applicants could not address their concerns. The response from the applicants discusses the shadow impacts on 1529 Beverly Place, but the appellants likely would prefer there were no shadow impacts on their property. The applicants were asked to respond to the neighbors’ concerns, and they did respond.

In regards to the third point raised by the appellants, the shadow studies submitted by the applicants were adequate as they documented the existing and proposed shadows at the required three times of day for the summer and winter solstice. Staff waived the requirement for separate studies at the date of application because the application was submitted in July, which is fairly close to the June summer solstice and the shadow studies for the time of submittal would be similar to the shadow studies for the summer solstice. Shadow studies for the time of application submittal are requested in the shadow study guidelines because they are a way to confirm that the applicant/architect has prepared the shadow studies correctly, but they are not used to make a Finding. Photos of existing shadows on the affected buildings are useful, but plan view and elevation view drawings of the proposed shadows are more important for preparing Findings.

As described above, staff finds that the shadow impacts are not detrimental. Furthermore, the addition would be outside of the required side setbacks, and there would be a building-to-building separation of 20 ft. between 1529 Beverly Place and 1533 Beverly Place. As the appeal does not provide evidence that the Zoning Officer’s approval was made in error, staff recommends the ZAB dismiss this appeal point.

VII. 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 Administrative Use Permit #ZP2018-0153** pursuant to Section 23B.28.060.C.1 subject to the attached Findings and Conditions (see Attachment 1), and **DISMISS the Appeal**.
Attachments:
1. Findings, Conditions, and Approved Project Plans, August 12, 2019
2. Notice of Public Hearing
3. 1710 Sonoma Avenue Appeal Letter, received August 28, 2019
4. 1529 Beverly Place Appeal Letter, received September 3, 2019
5. Correspondence Received

Staff Planner: Allison Riemer, ariemer@cityofberkeley.info, (510) 981-7433
1533 Beverly Place

Administrative Use Permit #ZP2018-0153

To enlarge an existing 1,212 sq. ft., 1-story single-family dwelling with a non-conforming front setback on a 4,200 sq. ft. lot by: 1) adding a 1,035 sq. ft. addition, including a new second story, with an average height of 23 ft.-7 ½ in., and 2) adding a fifth bedroom.

PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.070.C to construct a residential addition greater than 14 ft. in average height;
- Administrative Use Permit pursuant to BMC Section 23D.16.030 to construct a major (more than 600 sq. ft.) residential addition;
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to add a fifth bedroom to a parcel; and
- Administrative Use Permit pursuant to BMC Section 23C.04.070.B for an addition which vertically extends the non-conforming front yard.

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 Sections 15301 and 15303 ("Existing Facilities" and "New Construction or Conversion of Small Structures"). 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

2. As required by BMC Section 23B.28.050.A, 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 will continue to conform to the applicable provisions of BMC Sections 23D.16.070-080 including density, height, yards, lot coverage, usable open space, and minimum on-site parking: one dwelling unit on the lot, where only one dwelling unit is allowed; an average height of 23 ft.-7 ½ in. with the addition, where the
average height limit is 28 ft.; side yards of 9.6 ft. and 4 ft. where 4 ft. is required; rear yard of 34.9 ft., were 20 ft. is required; 39% lot coverage, where the maximum allowed is 40%; over 600 sq. ft. of usable open space, where a minimum of 400 sq. ft. is required; and the required off-street parking space within the existing garage.

B. The addition will maintain the privacy of the abutting neighbors as it is outside of the required side and rear setbacks, and the non-conforming front setback is retained. The windows within the second story could potentially allow views to adjacent properties. However, staff believes the project will not unreasonably impact the privacy of neighboring dwellings because while windows would now face second floor windows on the properties to the north, they would be more than 35 ft. from the neighboring dwellings to the north, thereby minimizing privacy impacts. While the addition will be approximately 4 ft. from the edge of the one-story garage attached to the west façade of the neighboring dwelling to the east at 1535 Beverly Place, the garage does not contain habitable space and thus, will not be affected by new window openings; and the addition will be approximately 10 ft. from the wall of the dwelling at 1535 Beverly Place. The addition will be approximately 19 ft. from the dwelling adjacent to the west at 1529 Beverly Place.

C. While the project increases the number of bedrooms on this parcel, as defined in BMC Section 13.24.020 (Definitions), from three to five, the addition of a fifth bedroom would provide more room for residents within the single-family residence and would not result in an increase in dwelling unit density.

3. Pursuant to BMC Section 23D.16.090.B, the Zoning Officer finds that the major residential addition would not unreasonably obstruct sunlight, air, or views for the following reasons:

A. Sunlight: The 1,035 sq. ft. addition will not result in a significant loss of direct sunlight on neighboring dwellings. Shadow studies submitted by the applicant document the addition’s projected shadow angles and lengths at three times throughout the day during the summer and winter solstice.

a. Two hours after sunrise on the winter solstice, shadows on the east side of the dwelling at 1529 Beverly Place will increase and cover a kitchen window, and partially cover a dining room window.

b. Two hours before sunset on the winter solstice, the shadows on the west side of the dwelling at 1535 Beverly Place will increase slightly, but will only reach a small corner of a bedroom window.

c. Two hours after sunrise on the summer solstice, shadows on the east side of the dwelling at 1529 Beverly Place will increase and cover the living room and dining room windows.

d. Two hours before sunset on the summer solstice, shadows on the west side of the dwelling at 1529 Beverly Place will increase and cover the bedroom and living room windows.

Because the impacts to neighboring properties will occur on limited areas, and will only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition will not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental.

B. Air: The addition is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-1 neighborhood because the addition will be outside of all required setbacks (while maintaining the non-conforming front setback), and will not exceed height or story limits. Therefore, there will be no impacts to air.
C. Views: BMC Chapter 23F.04 defines view corridors as 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, or any other significant vista that substantially enhances the value and enjoyment of real property. The topography of this neighborhood slopes generally from the east down towards the west and lots located on the north side of Beverly Place in the vicinity of the project site are situated lower in elevation than lots to the north, including the adjacent lots on Sonoma Avenue.

As documented by the story poles, the second-story addition will be within the view corridor of the properties to the north. 1708 Sonoma Avenue currently has views of the San Francisco Bay over Emeryville, and the hills of the Peninsula south of San Francisco from their deck, bedroom, and kitchen that will be eliminated with the addition; however, views of the San Francisco skyline and the Marin Headlands will remain. 1710 Sonoma Avenue currently has views of the San Francisco Bay and the lower portion of the San Francisco skyline from their deck, kitchen, and first floor bedroom that will be eliminated with the addition; however, views of the Golden Gate Bridge, the Marin Headlands, the upper portion of the San Francisco skyline, the upper portion of the Bay Bridge, and the hills of the Peninsula south of San Francisco will remain, and views from the second floor will remain open. 1716 Sonoma Avenue currently has a view of the Golden Gate Bridge from the kitchen nook that will be reduced with the addition; however, views of one of the towers of the Golden Gate Bridge will continue to be visible from the kitchen nook, and a partial view of the San Francisco skyline, and a full view of the Golden Gate Bridge from the kitchen and dining rooms will remain. Since the current expansive views are reduced, but not eliminated, view impacts are determined to be non-detrimental.

4. Pursuant to BMC Section 23C.04.070.B, the Zoning Officer finds that:
   A. Although the addition would vertically extend a non-conforming front yard, the addition may be authorized as the existing use of the property is conforming (single-family dwelling in the R-1 Single-Family Residential District);
   B. The existing entry steps, porch, and roof will be replaced, and will not exceed the average height limit; and
   C. The addition will not further reduce the existing non-conforming front yard.
STANDARD CONDITIONS

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

3. **Uses Approved Deemed to Exclude Other Uses (BMC Section 23B.56.010)**
   A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
   B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. **Modification of Permits (BMC Section 23B.56.020)**
   No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer.

5. **Plans and Representations Become Conditions (BMC Section 23B.56.030)**
   Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. **Subject to All Applicable Laws and Regulations (BMC Section 23B.56.040)**
   The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. **Exercised Permit for Use Survives Vacancy of Property (BMC Section 23B.56.080)**
   Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.
8. Exercise and Lapse of Permits (BMC Section 23B.56.100)
   A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
   B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
   C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

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

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER
Pursuant to BMC Section 23B.28.050.D, 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 #

   Please designate the name of this individual below:
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 \(\text{(Ongoing throughout demolition, grading, and/or construction)}\). 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 \(\text{(Ongoing throughout demolition, grading, and/or construction)}\). 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.

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 received July 1, 2019.

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. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood. This shall include noise created by employees working on the premises before or after patrons arrive.

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.

31. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
Prepared by: Allison Riemer
For Greg Powell, Zoning Officer
1533 Beverly Place

Appeal of the Zoning Officer’s decision to approve Administrative Use Permit #ZP2018-0153 to enlarge an existing 1,212 sq. ft., 1-story single-family dwelling with a non-conforming front setback on a 4,200 sq. ft. lot by: 1) adding a 1,035 sq. ft. addition, including a new second story, with an average height of 23 ft.-7 ½ in., and 2) adding a fifth bedroom.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on February 13, 2020, at the Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible). The meeting starts at 7:00 p.m.

A. Land Use Designations:
   - General Plan: LDR – Low Density Residential
   - Zoning: R-1 – Single Family Residential

B. Zoning Permits Required:
   - Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.070.C to construct a residential addition greater than 14 ft. in average height;
   - Administrative Use Permit pursuant to BMC Section 23D.16.030 to construct a major (more than 600 sq. ft.) residential addition;
   - Administrative Use Permit pursuant to BMC Section 23D.16.050.A to add a fifth bedroom to a parcel; and
   - Administrative Use Permit pursuant to BMC Section 23C.04.070.B for an addition which vertically extends the non-conforming front yard.

C. CEQA Determination:  Categorically exempt pursuant to Sections 15301 and 15303 (“Existing Facilities” and “New Construction or Conversion of Small Structures”).

D. Parties Involved:
   - Applicant: Stacy Eisenmann, Eisenmann Architecture, 1331 Seventh Street, Suite G, Berkeley
   - Appellants: Amy Di Costanzo, 1710 Sonoma Avenue, Berkeley; and Hank Roberts and Robin Ramsey, 1529 Beverly Place, Berkeley.
Further Information:
All application materials are available at the Land Use Planning Division, during normal office hours or online at: http://www.cityofberkeley.info/zoningapplications. The Zoning Adjustments Board agenda and all agenda materials regarding this project will be available online 6 days prior to this meeting at: http://www.cityofberkeley.info/zoningadjustmentsboard.

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@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.

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. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: https://www.cityofberkeley.info/zoningadjustmentboard/.

Correspondence received by 8:00 AM, on the Thursday before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a 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 Noon Tuesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #1, which is released the end of the day Tuesday, two days before the public hearing;
- **Correspondence received by Noon Wednesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #2, which is released the end of the day Wednesday, one day before the public hearing; or
- **Correspondence received by 3 PM Thursday** will be given to the Zoning Adjustment Board just prior to the public hearing.

Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.
Accessibility Information / ADA Disclaimer:
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Land Use Planning Division, during regular business hours.

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

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.

2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.

3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.

4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.

5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
   A. That this belief is a basis of your appeal.
   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

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

(ZP2018-0153)

- Project Address: 1533 Beverly Place
- Project Description: Second story addition appeal of Decision re: ZP2018-0153

- Property Owner Name: Bryn & John Smallwood-Garcia
- Owner's Mailing Address: 26 White Pine Drive, Brookfield, CT 06804
- Phone #: Home: Mobile: Business: E-mail: 

- Applicant Name (or write "same"): Amy Di Costanzo
- Applicant's Mailing Address: 1710 Sonoma Ave, Berkeley CA 94707
- Phone #: 510-772-6326 Home: Mobile: Business: E-mail: amyamydc@gmail.com

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

1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums? Refer to the "Condominium Conversion Procedures: Guide for Applicants"

2. Demolition of, or exterior alterations to, a designated City of Berkeley Landmark, Structure of Merit, or structure in a City Historic District (or interior alterations to such buildings if publicly owned)? Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements"

3. Application to designate a City Landmark, Structure of Merit or Historic District? Refer to the "Landmark, Structure of Merit or Historic District Designation Form"

4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District? Refer to the Design Review Submittal Packet

Continued on Page 2

PLANNING & DEVELOPMENT
Land Use Planning Division, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903
Fax: 510.981.7420 Email: Planning@CityofBerkeley.info
## ZONING PROJECT APPLICATION FORM

**You must disclose whether or not any of the following are true of the project:**

<table>
<thead>
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<th></th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
</table>
| **Over 7,500 square feet of office, retail, restaurant, hotel, lodging, manufacturing, light industrial, research and development, warehouse or storage?**  
   If so, Affordable Child Care and Affordable Housing Fees apply. Refer to Council Resolutions #66,618-N.S. & #66,617-N.S. |   |   |
| **Any new commercial or industrial building, more than five or more Dwelling Units; or an addition or more than 10,000 square feet.**  
   If so, Percent for Public Art on Private Projects Program applies, per BMC Chapter 23C.23. |   |   |
| **Project involves the elimination or rehabilitation of any dwelling units, and/or are any of the dwelling units on the property controlled rental units?**  
   If so, your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions. |   |   |
| **Construction activity within the drip line of a Coast Live Oak tree with circumference over 18" at 4'-6" above ground (or 26" aggregate circumference for multi-trunked trees)?**  
   If so, the Moratorium on the removal of Coast Live Oak Ordinance applies, per BMC Chapter 6.52. |   |   |
| **Removal of 25% or more of a main building’s exterior walls and roof (including replacement of existing structural members)?**  
   If so, the Demolition Ordinance may apply, per BMC Chapter 23C.08. |   |   |
| **Smoke Shops or Drug Paraphernalia?** |   |   |
| **Cultivation, Distribution, Manufacture or Sale of Cannabis?** |   |   |
| **Demolition or substantial change of a building >40 years old?**  
   If so, the Demolition Ordinance will apply, per BMC Chapter 23C.08, as well as Section 15300.2 of the CEQA Guidelines. |   |   |
| **Construction on a parcel that is within 40’ of an open creek or 25’ of a culverted creek?**  
   If so, the Preservation and Restoration of Natural Watercourses Ordinance applies, per BMC Chapter 17.08 |   |   |

Under penalty of perjury, I certify that:

1. The above information is true and complete to the best of my knowledge, and
2. The attached paper and electronic copies of this application are the same.

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

---

**Applicant Signature:** ____________  
**Owner's Signature:**

**Printed:** ____________  
**Printed:**

**Date:** ____________  
**Date:**

**Date:** 8-28-2019  
**Date:**
Date: August 20, 2019

To: The City of Berkeley Zoning Adjustments Board (ZAB)

From: Amy Di Castanzo – 1710 Sonoma Ave.

RE: APPEAL of DECISION

With this letter I am appealing the Zoning Officer Decision which approves the 2nd story addition Permit at 1533 Beverly Place – ZF2018-0153 dated 8/12/2019.

Background: I have been the owner of and have resided at 1710 Sonoma Ave. for almost 40 years. My husband and I bought a small, fixer-upper bungalow because we loved the view from the back.

Our kitchen, primarily while seated at the kitchen table, near the French doors to the back deck, is the "hub" of the house, where we eat, talk, work, relax, play games, do puzzles, etc., while enjoying the unobstructed view of Berkeley greenery, the SF Bay, the Bridge, and the SF Skyline. It is the only public room in the house that has a view. In good weather we also sit outside on the back deck where we enjoy the same view. I now find myself in an unsettling situation, facing neighbors who wish to return to Berkeley after 10 years away, and whose 2nd story addition, as now designed, will unreasonably diminish my view while gaining an unobstructed view for themselves.

Therefore, I am appealing the Notice of Decision on the following grounds:

The evidence used by the Staff regarding my view and my loss of view is not supported by the facts; thus, the facts cannot support the findings.

BMC 23F.94, describes significant views (among which are the SF bay, the Bay Bridge, and the SF skyline), as elements which substantially enhance the value and enjoyment of real property.

The decision correctly describes the view I will lose; i.e. eliminated by the approved addition – San Francisco Bay and the Bay Bridge. I have attached five photographs with story poles that show what we currently can see and what we would lose, three are taken while seated at the kitchen/dining table, two are while seated on a deck chair. The relevant portion is the red tape which shows exactly which of my views would be eliminated. (We would also lose our view of the bay and SF skyline from our garden and from the stairs going down to our garden, which is not mentioned.)

The decision erroneously states: Beginning with "However" "[despite losing the view elements listed]...views of the Golden Gate Bridge and the Marin Headlands...remain." I do not now have any view of the Golden Gate Bridge or the Marin Headlands from the kitchen. While the decision correctly states that because I would keep the view of "...the upper portion of the Bay Bridge and the upper portion of the San Francisco skyline and the hills of South San Francisco", it takes no account of the fact that my current unobstructed view corridor from the kitchen table and seated on the deck would be reduced to partial, fragmented, and insignificant views, in that I lose the view of the Bay while at the table, and I lose the Bay, and most of the Bay Bridge and the SF skyline from the deck. Nor does the decision factor in vents, flues, pipes, chimneys, skylights, fans, satellite dishes, nor solar panels or other protrusions from the roof. Each one of those elements would further block important pieces of my remaining view.

The decision dismisses my main floor view loss on the grounds that I would retain my views from the second floor, "However......the views from the second floor will remain open". This is a false equivalency: Retaining a private-area second floor view does not make losing a first floor view from a public area inconsequential, they are not interchangeable. The decision implies that if I relocate the activities, for myself, my family, and visitors to my bedroom, then my loss is not unreasonable.
The decision incorrectly characterizes my view loss as insignificant. That conclusion ignores the facts of this case and applicable Berkeley laws:

B. To deny a Use Permit for a major residential addition or residential addition subject to 2318.07 the Zoning Officer or Board must find that although the proposed residential addition satisfies all other standards of this Ordinance, the addition would unreasonably obstruct sunlight, air or views. (Ord. 7426-NS § 8, 2015; Ord. 6980-NS § 1 (part), 2007; Ord. 6763-NS § 7 (part), 2003: Ord. 6478-NS § 4 (part), 1999).

The Applicants' Statement re: the purpose of their addition, "To provide additional (rooms) for a retiring couple planning to have extended visits from their children and grandchildren". This purpose can be attained in such a way that will not impose the undeniably permanent harm to my significant view. This harm **substantially decreases the enjoyment of my property and is unreasonable,** and I am therefore appealing this Decision.

Sincerely,

Amy Di Costanzo

1710 Sonoma Ave.
Explanation of Photographs

Re: Permit #ZP2018-0153 Appeal Letter (1710 Sonoma Ave.)

There are five photographs attached to the Appeal Letter showing the view from the back of my house towards San Francisco. The red tape on the story poles represents the flat roof of the proposed second story at 1533 Beverly Place. The area enclosed by the poles and under the red tape would be eliminated from view.

Three photos are taken from the seated position at the breakfast/dining table at the back of the kitchen. The double doors are shown open onto the deck. Photo #1 and photo #2 show the view from different seats around the table. Photo #3 is the same as photo #2 but zoomed in.

Two photos are taken from the seated position on a deck chair. Photo #5 is the zoomed in version of photo #4.

Amy Di Costanzo
CITY OF BERKELEY
Receipt Date: 8/28/2019
Receipt Number: 588917

RECEIPT
PLN2019-0051

Applicant Information
Amy Di Costanzo
1710 SONOMA AVE
BERKELEY CA 94707-2550

Property Information
Parcel Number: 061 262902400

Project Information
Type: Planning
Group: Special Request
Category: NA
Sub-Category: Appeal
Project: Appeal of ZP2018-0153 - 1533 Beverly Place

Location
1533 BEVERLY PI
BERKELEY, CA 94706

Payor: Amy DiConstando
Cashier: DCOWANS
Fees: APPL010 - APPEAL of AUP - Non Applicant

cash

Date Printed: 8/28/2019
Payment Method: Credit Card
Auth: 0717

Total: $200.00

Property Address:
1533 BEVERLY PI
BERKELEY, CA 94706
Date: September 3, 2019

To: The City of Berkeley Zoning Adjustments Board (ZAB)

From: Hank Roberts and Robin Ramsey, 1529 Beverly Place, Berkeley

Re: APPEAL of DECISION for AUP #ZP2018-0153, 1533 Beverly Place

We appeal the Zoning Officer Decision which approved the application to build a second story at 1533 Beverly Place, dated 8/12/2019.

Background: We are the owners of and have resided at 1529 Beverly Place for 26 years. The amount of sunlight our house receives is the reason we bought this house, and Berkeley Municipal Code protects this valuable asset. The process by which this application was evaluated and reviewed was incomplete and flawed, by the standards of the Berkeley Municipal Code (BMC) and the Planning Department's own requirements.

Therefore, we are appealing the Notice of Decision on the following grounds:

1: The interpretation of Significant Loss of Direct Sunlight is unreasonable and the logic presented to support the Decision is faulty.

2: The applicants never fulfilled the requirement the City established in the first Incomplete Letter to address our concerns, and the City failed to enforce this requirement.

3: The shadow studies submitted failed to meet City of Berkeley requirements.

First ground of objection: The BMC requires a negative finding that a project would not cause Significant Loss of Direct Sunlight, and this legal requirement is not met here. The logic used to conclude that the shading impact would not be detrimental is faulty.

The 8/12/19 Decision correctly states that our property would be subject to increased shading at two hours after sunrise on June 21 and December 21. But the Decision incorrectly states that this shading does not represent a significant loss of direct sunlight because it "will occur on limited areas" and "only for a few hours a day."

1533 Beverly Place and all the houses adjacent to it sit on rectangular parcels. In particular, 1533 and 1529 are adjacent, with 1533 to the east of 1529, and the front of both houses face almost due south. Therefore, by definition and the laws of geometry, the loss of direct sunlight that would be caused by a second-story addition at 1533 affects "only" our eastern elevation. However, the eastern elevation represents the entire public portion of our house, the rooms in which we spend 90% of our morning hours: the kitchen, the dining room, and the living room. This is not a "limited area"; it is the large majority of the space in which we spend our waking hours.
We currently receive several hours of direct sunlight on our eastern elevation per day. A second-story addition at 1533 would eliminate the majority of what we currently receive, starting shortly after sunrise, when the sun clears the hills to the east of us and the current ridge of 1533, and continuing through mid-to-late morning. The shadow studies represent only individual moments in time; they do NOT represent the entirety of the loss this project would cause to us.

Our dining room, being in the middle of the elevation, would be impacted EVERY DAY OF THE YEAR, and the living room and the kitchen would each be impacted for approximately 9 months a year.

On 9/2/17, at 9:17 am, our eastern windows were receiving FULL SUN. If the addition were in place, our windows would NOT have been receiving ANY FULL SUN. We would lose hundreds of hours of direct sunlight per year, and we would lose these hours of direct sunlight during the time of day that we use these rooms for our morning routines, including making and eating breakfast, exercising, and planning our day. This does represent significant loss. We dispute the characterization in the Decision that this loss is not significant.

Second ground of objection: The Applicants failed to fulfil the requirement to address our concerns, and the City failed to enforce the obligation to address our concerns.

On August 16, 2018, in Item #4 of the first Incomplete Letter issued for this application, the City directed the Applicants to address our concerns. We had expressed directly to the homeowners and the architect in email on 8/19/18, and in a letter to the City and the architect dated 9/7/18. Our 9/7/18 letter is attached to this appeal.

Our objections included, and still include, the detrimental health, safety, and financial impacts that loss of direct sunlight would impose on us. There is NO DOUBT that a second-story addition at 1533 Beverly Place would make our house darker, for multiple hours a day, all year round. Sunlight has beneficial health effects. A darker house is more dangerous, requires more electricity to replace illumination currently received from the sun. We also object to the shading that would occur on our front and back yards, which is also protected in the City's Municipal code.

The architect submitted a brief statement dated 9/20/18 that makes NO MENTION of our objections to detrimental health, safety, and financial impacts, and which makes inaccurate and misleading statements.

On 11/16/18, we documented to the City how the applicants’ 9/20/18 statement DID NOT address our concerns, and asked that the city enforce the requirement that had been placed on the applicants to do so before the application was deemed complete and ready to review. Our 11/16/18 letter is attached to this appeal.

In 2019, the applicants prepared a revised version of their design. This revised design lowers the horizontal roofline (which is what determines the shading impact this addition would cause) by only two feet; thus the revised design retains almost all of the height of the earlier/original design. This is not
enough of a reduction in impact to alleviate our objections, as we would still lose a substantial portion of the direct sunlight we currently receive.

The reduction of detrimental shading impact is in fact negligible, as shown by the diagrams in the shadow study dated 7/30/19. On both solstices, ALL of our eastern windows are currently COMPLETELY unshaded at 2 hours after sunrise – their current roofline is BELOW the bottom edge of our tallest east-facing windows (the living room windows). Their current proposal shows that even their revised proposed addition would be still be casting shade on our ROOF at those same points in time. Windows that are currently FULLY in direct sun would be FULLY shaded.

On 6/18/19, we informed the City that our concerns were STILL unaddressed, even by the revised design. The revised design would still cause the loss of hundreds of hours of direct sunlight. This is a substantial impact. In fact, at the meeting held at the home of the applicants on 5/1/19, Architect Stacy Eisenmann acknowledged to me directly, in person, that this revised design does not address our concerns.

The City failed to enforce the obligation that the City itself had imposed on the applicants (to address our concerns). It was inappropriate for the City to review this application before the obligation imposed in Item #4 of the City’s Incomplete letter of 8/16/18 had been met. Our 6/18/19 letter is attached to this appeal.

Third ground of objection: The Applicants Failed to Submit Shadow Studies that Meet City Requirements.

In Item #6 of the City’s 8/16/18 Incomplete Letter, the City (a) informed the Applicants that their original shadow study was not prepared per the guidelines, (b) Directed them to resubmit a revised shadow study, and (c) provided a link to these guidelines.

The Applicants never submitted shadow studies that met all of the requirements specified in the guidelines, as detailed below:

Requirement #1 of the document titled III.A.7 SHADOW STUDY – STEP-BY-STEP INSTRUCTIONS: Submit diagrams showing shadows cast by the project for three times of the year, the third time being within one week of the application date.

Requirement #2 of the document titled III.A.7 SHADOW STUDY – STEP-BY-STEP INSTRUCTIONS: Include photographs of the structures that would be affected taken within one week of the application date, to corroborate the accuracy of the shadow study.

The Applicants never included diagrams or photographs dated within one week of submission/application. They failed to meet these two requirements in any of the shadow studies they submitted, and the City failed to enforce these requirements.
SUMMARY

- The revised proposal to build a second-story addition at 1533 would cause significant loss of direct sunlight to the windows of our eastern elevation, which illuminate half of our house, for multiple hours per day, resulting in hundreds of hours of loss of direct sunlight per year. This would be a significant loss.

- Light flows from our living room, dining room, and kitchen through doorways to the other areas of our house. Therefore, the proposed addition would cause our entire house to be darker.

- The City used an inappropriate interpretation of “significant loss” in the Decision to approve this application. To lose the majority of what we currently have – to lose 2/3, or 3/4 or more of the direct sunlight we currently receive – would be a significant loss.

- This significant loss of direct sunlight would cause us multiple detrimental impacts, including health and safety, wellbeing, and financial.

- We are strongly opposed to enduring these detrimental impacts, and we have expressed these objections repeatedly.

- The City imposed a requirement on the Applicants to address our concerns, and the Applicants failed to do so.

- The City failed to require the Applicants to fulfill their obligation to address our concerns.

- The City used faulty logic to deem that the shading impacts would not be detrimental. We currently receive several hours of direct sunlight (in the morning only) on our eastern windows, which we would lose most of. To say that the loss is “only for a few hours of the day,” and so therefore, the loss is not detrimental, is unreasonable.

- The City failed to enforce the obligations that were imposed on the applicants: To address our concerns, and to submit shadow studies that meet the requirements specified in the Shadow Study Step-by-Step instructions.

The decision by the City to approve this application was reached by a flawed process that ignored key legal requirements, as described above. Therefore, the decision itself is unsupported by the findings listed in the decision.

Robin Ramsey & Hank Roberts 1529 Beverly Place, Berkeley CA

Ramsey-Appeal_Planning_Decision_2019-08-12
Re: ZP2018-0153
### Applicant Information
Robin Ramsey  
1529 BEVERLY PL  
BERKELEY CA 94706-2507

### Property Information
Parcel Number: 061 262902500

### Project Information
- **Type:** Planning  
- **Group:** Special Request  
- **Category:** NA  
- **Sub-Category:** Appeal  
- **Project:**  
- **Work Description:** APPEAL OF ZP2018-0153 1533 BEVERLY PL

### Location
1529 BEVERLY PL  
BERKELEY, CA 94706

### Fees

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<td>APPL010 - APPEAL of AUP - Non Applicant</td>
<td>$200.00</td>
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</table>

**Total:** $200.00

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**Note:** The document contains a receipt from the City of Berkeley for a planning project related to an appeal, with details on the applicant, property information, project description, and fees.
# Invoice

**Date:** 09/03/19  
**Invoice #:** 414680  
**Record #:** PLN2019-0053  
**Address:** 1529 BEVERLY PL

**Bill to:**  
Robin Ramsey  
1529 BEVERLY PL  
BERKELEY CA 94706-2507

**Received**  
SEP 03 2019  
Land Use Planning

## Invoiced Fee Item

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<td>$200.00</td>
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**Totals:** $200.00 | $0.00 | $200.00

**Print Date:** 9/3/2019
Date: September 7, 2018

To: Allison Riemer, Assistant Planner for the City of Berkeley, and Stacy Eisenmann, Architect

From: Hank Roberts and Robin Ramsey, 1529 Beverly Place, Berkeley

Re: Impacts of and Objections to a 2nd-story addition at 1533 Beverly Place, Berkeley

1: Introduction

This letter describes some of the detrimental impacts a 2nd-story addition at 1533 Beverly Place would impose on neighbors, both on Beverly Place and Sonoma Avenue, and expresses our objections to this project.

We’ve examined the shadow studies included in the initial application for this project. It’s problematic that the shadow study was incomplete when it was submitted, and that the elements that are missing are the diagrams that document the new shadows this addition would cast on adjacent residences. At this time, since we do not have a complete shadow study, our objections are expressed in general/estimated terms. We have also observed the shadow lines in real-time for the last week, created by the recently-installed story poles and flagging tape that connects them.

1.1: A note about terminology used in this letter:

We use the phrase Ambient Daylight to describe the light we receive from direct exposure to the sky - the illumination that is reflected within the atmosphere all day long. We have this exposure to the sky in the upper one-third of all our eastern windows. It accounts for a substantial portion of the total illumination we currently receive from the sun.

Reflected daylight describes daylight that is reflected off solid objects, such as walls. This is the least-desirable and least-useful category of daylight. This would be a large portion of what our eastern windows would receive if this 2nd-story addition was built.

1.2: A note about the layouts of our houses:

The original floor plans for 1529 and 1533 Beverly Place are very similar, near-mirror images. Some differences include placement of interior doors and closets, and our house does not have a living room bay window, but otherwise, they both have the same layout: living room, dining room, and kitchen on the driveway side; and 3 bedrooms and 1 bathroom on the non-driveway side.

We have 4 windows on our eastern wall: one large kitchen window, the set of dining room windows combined (2 small double-hung windows on the sides and one larger picture window in the middle), and two living room windows (northern and southern).

These windows all receive a combination of: (1) Direct Sunlight (in the morning hours) and (2) Ambient Daylight (all day long, from sunrise to sunset).

Many aspects of our home exist to increase and utilize the amount of natural illumination we receive (both Direct Sunlight and Ambient Daylight), and to distribute this illumination within and throughout the house as much as
possible over the course of the entire day. This includes 4 sun tubes and 6 doors with glass panes (3 interior and 3 exterior).

1.3: Windows toward the center of our eastern elevation:
All of the Direct Sunlight and all of the Ambient Daylight we receive from our dining room windows and the northern living room window comes directly over 1533 Beverly Place.

1.4: Windows toward the corners of our eastern elevation:
Our kitchen window and southern living room window receive most of their Direct Sunlight and Ambient Daylight over 1533 Beverly, and some of their Direct Sunlight and Ambient Daylight over 1533’s back yard (summertime) or front yard (wintertime).

2: DETRIMENTAL IMPACTS

2.1: Impact #1: Significant Loss of Direct Sunlight on eastern windows and 4 sun tubes:
The shadows currently being cast by the story poles and connecting tape show that a 2nd-story addition at 1533 Beverly would cast new shadows on our eastern windows until mid-morning (10:15am on Aug. 31st). The shadow diagrams that were included in the initial submission for this project show that at both summer and winter solstice, our eastern windows currently receive Direct Sunlight PRIOR to 2 hours after sunrise (on June 21st, that is 7:47 am, and on December 21st, that is 9:21 am).

That is, both of the shadow lines on the street view diagrams that are marked as (E) for existing intersect our eastern elevation below the tops of the windows on our east wall at those times. If the average amount of Direct Sunlight we would lose is 1.25 or 1.5 hours per day (an estimate), that means we would lose 450-550 hours of Direct Sunlight over the course of a year. This loss would occur during one of the primary times we use these rooms, early to mid-morning.

On June 21st, sunrise is 5:47 am, and on Dec. 21st, it is 7:21 am. Our eastern rooms currently receive Direct Sunlight in the morning hours starting early and lasting until mid-to-late morning. This is when we use the kitchen for preparing breakfast and lunch, and eat breakfast in the dining room. The proposed addition would not only be shading our eastern windows completely at 2 hours after sunrise year-round, it would block Direct Sunlight to the sun tube in our dining room, which was installed to further brighten the eastern side of our house.

We have a total of 4 sun tubes in our house. In addition to the one in the dining room, we have two in the central hallway, and one in the middle bedroom. The plan view shadow diagrams included on page 26 of the initial application show that our roof would receive significantly increased amounts of shading over the course of an entire year. This would result in a loss of hours of Direct Sunlight on our sun tubes year round, negatively impacting their effectiveness at providing interior illumination, especially to our western rooms.

This additional illumination we currently receive from the sun tube in the Dining room contributes to increased illumination in the living room and kitchen as well, since these rooms are all connected, AND in the central hallway. We have an interior door with 10 glass panes in the doorway connecting our Dining room and the central hall, specifically chosen to allow light to travel between these spaces, even when the door is closed.
We also have an interior door to the 3rd bedroom with a glass panel (66”H by 19”W), and the original bathroom door has a glass panel (25”H x 19”W); both of these doors function to distribute the light from windows and sun tubes among and within the rooms on the west side of our house.

The illumination from sun tubes to the western rooms of our house is important to us, as the west-facing rooms get less Direct Sunlight and less Ambient Daylight via their windows, due to being closer to our neighbors on that side.

2.2: Impact #2: Substantial Loss of Ambient Daylight (Illumination received from exposure to the sky):
We would also lose all the Ambient Daylight we currently receive from direct exposure to the sky in the dining room, and from the northern living room window on the east wall, most of the Ambient Daylight from the kitchen window, and some of the Ambient Daylight received from the southern living room window on the east wall.

This Ambient Daylight illuminates the windows prior to and following the portion of the day that they receive Direct Sunlight in the mornings. This loss would negatively impact us all day long, from sunrise to sunset, all year round.

2.3: Impact #3: Increased shading of Outdoor Spaces (front & back yards) and corresponding darkening of the rooms facing the front and back of our house:
This project would increase the percentage of outdoor space that is shaded at 2 hours after sunrise from approximately 50% of our front yard (on June 21st) and 50% of our back yard (on Dec. 21st), to 100% shaded on those dates. Doubling the amount of outdoor shading we would experience due to this addition is another substantial, detrimental impact.

A 50% increase in how much our outdoor spaces are shaded in the morning would darken the rooms that face south (living room and 1st bedroom) and north (3rd bedroom and kitchen), as they face spaces that would be shaded rather than sunny.

These losses of Direct Sunlight and Ambient Daylight would cause serious and detrimental impacts in the following categories: Health and Safety, Aesthetics and Wellbeing, and Financial, as described below:

3: OBJECTIONS

3.1: Loss of Direct Sunlight & Ambient Daylight is hazardous – Health and Safety Objections:
A 2nd-story addition at 1533 Beverly would have detrimental impacts on our safety: Age-related changes in vision mean that a darker house is more dangerous than a well-illuminated house. The American Optometric Association notes that as we age, we need more light to see as well as we used to. This is why we’ve added sun tubes and installed interior and exterior doors with glass panels. The US National Library of Medicine, National Institutes of Health, documents that “optical changes in the aged eye contribute to aging-related contrast sensitivity deficits”. Darker rooms have lower levels of contrast than well-illuminated rooms.

The sky itself is a significant source of light, separate and apart from the light received from Direct Sunlight. Our house has 180 degrees of sky-exposure north-to-south in all the windows along the eastern wall, and nearly 180 degrees of sky-exposure east-to-west, due to having one-story houses on both sides.
All of our east-facing windows provide significant amounts of illumination ALL DAY LONG, due to the Ambient Daylight received from this exposure to the sky. This is a different category of illumination than Direct Sunlight. The loss of the illumination received from Ambient Daylight is not shown in the shadow studies. Instead of receiving light from the sky, we would be facing a solid mass with walls and a roof that rise higher than our line of sight from our eastern windows.

Thus, the loss of Ambient Daylight illumination we would experience is much greater than just the number of hours that a second story would shade our east-facing windows and suntubes, since it would impact us from sunrise to sunset. Even at the end of the day, our eastern windows provide a great deal of illumination, due to how bright the sky is from the sun shining from the west over the houses on our block.

3.2: Loss of Direct Sunlight and Ambient Daylight – Aesthetic and Wellbeing Objections:
The detrimental impact would be the change from bright and cheerful to dark and gloomy. Currently, we are able to see both the sun rise and the moon rise over 1533 Beverly from our eastern rooms. It is very meaningful to us to sit at the dining room table, or stand at the kitchen sink, and see the sunrise in the morning, and the moonrise in the evening. We love seeing so much sky, including clouds, birds, and the reflection of the sunset in the eastern sky. This has a major positive impact on our wellbeing. The amount of light our house gets and the amount of sky we can see are the primary reasons we bought this house.

A recent Harvard Business Review article addresses this aspect of the indoor experience; the article is about employees and the workplace environment, but the results and conclusions are just as relevant to us as human beings within our own home. The article, entitled “The #1 Office Perk? Natural Light”, dated 9/3/2018 (https://hbr.org/2018/09/the-1-office-perk-natural-light) presents these findings:

In a research poll of 1,614 North American employees, we found that access to natural light and views of the outdoors are the number one attribute of the workplace environment.

The study also found that the absence of natural light and outdoor views hurts the employee experience. Over a third of employees feel that they don’t get enough natural light in their workspace. 47% of employees admit they feel tired or very tired from the absence of natural light or a window at their office, and 43% report feeling gloomy because of the lack of light.

Research by Cornell University Professor Dr. Alan Hedge reinforces the connection of natural light and employee wellbeing. Dr. Hedge’s recent research study found optimization of natural light in an office significantly improves health and wellness among workers. In fact, this research revealed that workers in daylight office environments reported a 51% drop in the incidence of eyestrain, a 63% drop in the incidence of headaches and a 56% reduction in drowsiness.

3.3: Loss of Direct Sunlight and Ambient Daylight – Financial Objections:
Financial Objection #1: Trying to replace illumination that we currently receive from Direct Sunlight and Ambient Daylight using electricity would have a significant, detrimental, and unwelcome financial impact. Electric illumination is an expensive and inadequate substitute for natural sunlight and daylight.
Financial Objection #2: The additional amount of shading this project would cause on our roof would reduce the options we currently have for installing solar panels. There are trade-offs to where panels are placed on a roof with a north-south ridge, and we do not want to lose the options we currently have for future panel placement.

3.4: Loss of Sunlight and Daylight – Whole House and Lot Objections:
The shadow studies and story poles make it clear that our entire house would be darker, less safe, and less enjoyable, due to:

1. Loss of Direct Sunlight on our eastern windows,
2. Loss of Direct Sunlight on our sun tubes, affecting both the rooms on the west and the dining room,
3. Loss of sky exposure from our eastern windows, which supplies substantial Ambient Daylight Illumination separate from and in addition to Direct Sunlight,
4. Loss of sky exposure from our eastern windows which allows us to see the sun rise, the moon rise, reflections of the sunset in the evening in the eastern sky, and to watch clouds and birds move in the sky, and
5. Our living room and 3rd bedroom windows facing exterior portions of our lot that would be shaded significantly more than they are now.

3.5: Loss of Privacy, and Scale of Neighborhood Objections:
The height and mass of the proposed addition, and the kitchen and 2nd-story bump-outs, would combine to create a looming feeling. Both of 1533 Beverly’s next-door neighbors are one-story houses, and all three of the houses across the street (1532, 1534, and 1538) are one story as well.

Overall, 1533 Beverly is higher than our lot, which increases the impact that the height and mass of this project would have on us. Being in our backyard, and walking back and forth in our side yard/driveway since the story poles have been installed, and imagining the space being occupied by the mass of a 2nd story, including the bump-outs on the west and north sides, makes being outdoors feel like being down in a canyon. Sitting at an outdoor dining table outside our kitchen door would mean looking at a house taller than any of its surroundings, with a mass that is nearly doubled from the volume of its existing square footage.

4: Summary

4.1: Project Benefits to Applicants and Costs to Neighbors:
The proposed addition would benefit the applicants, at substantial cost to multiple neighbors, both on Sonoma Avenue and on Beverly Place. There are no corresponding benefits to the neighbors that would offset or ameliorate the losses – of Significant Views, Direct Sunlight, Ambient Daylight, and Privacy – that this project would impose.

4.2: Applicants’ stated need is Occasional, Intermittent, and Part-Time.
Neighbors’ losses would be Substantial and Full-Time:
The applicants stated that their need is to have space for visiting relatives. This describes an occasional and part-time use of space, occurring intermittently.

The losses this project would impose on multiple neighbors would be substantial and full-time. Neighbors would lose significant views, sunlight, daylight, and privacy 365 days a year, whether applicants’ relatives were visiting or not.

Objection from 1529 Beverly Place to application for 2nd-story addition at 1533 Beverly Place
The contrast between part-time occasional benefit to the applicants, and full-time substantial losses to the neighbors is stark and disturbing, and we consider the lopsided Benefit/Loss ratio, which favors the applicants and disfavors a number of the surrounding neighbors, to be incompatible with the character of the neighborhood.

4.3: Applicants have other option(s)?
There appear to be other alternatives for the applicants to gain extra space: Expanding into space below the house (nearby examples: 1208 Monterey and 1102 Colusa), and/or possibly remodeling the back building into a (one-story) ADU, could give the applicants additional space to host visiting relatives while avoiding the detrimental impacts that a 2nd-story addition would impose on the neighbors.

4.4: The Berkeley Municipal Code protects neighbors from detrimental impacts caused by loss of sunlight and privacy, obstruction of significant views, and construction incompatible with the character of the neighborhood:

How does staff decide whether to approve an AUP? (from the AUP FAQ page):
To approve an AUP, staff must find that the project would not be “detrimental” to neighbors or to the City’s general welfare, and make any other findings required by the Zoning Ordinance. Staff may place conditions on a project if necessary to make the required findings or promote the public welfare.

“Detriment” is determined on a case-by-case basis, depending on the project type and setting. Staff can provide further guidance during preliminary review as to whether or not a particular project may cause detriment. In general, a project may be considered detrimental if it has the following impacts:

a) Residential areas:

- Substantial loss of direct sunlight or privacy in a dwelling or an adjacent dwelling
- Unreasonable obstruction of a neighbor’s significant view
- Construction that is incompatible with the scale and character of the neighborhood

5: Conclusion
We believe that this application does not meet the criteria required for project approval. This addition, if built, would cause substantial detrimental impacts to multiple neighbors in all three of the categories listed above, which would negatively affect our health and safety, and our general and financial wellbeing, as described in Items 3.1 through 3.5 above.

Berkeley’s Municipal Code protects our welfare from these detrimental impacts. Therefore, we ask the City of Berkeley to deny a Use Permit for the application to build a 2nd-story addition at 1533 Beverly Place.

Please let us know if you have any questions.

Thank you,

Robin Ramsey & Hank Roberts
1529 Beverly Place, Berkeley CA
<table>
<thead>
<tr>
<th>Objections and Concerns: Summarized from our letter of 9/7/2018</th>
<th>Comments on Architect’s response, in relation to each of our objections:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Loss of Direct Sunlight on eastern windows and 4 sun tubes</td>
<td>Inaccurate, Misleading, and Incomplete: The architect seems to be implying that any impact would only occur twice a year, at two hours after sunrise on June 21st and Dec. 21st. This is of course false. It also ignores the reality of when we benefit from receiving direct sunlight, which includes the hours both before and after the “two hours after sunrise” points in time represented in the shadow study. The reality is that the proposed 2nd-story addition would create hours of shading that would impact both our windows and our sun tubes, every day of the year, in the hours before, at, and after “two hours after sunrise.” We have been photographing the shadows created by the story poles and flagging tape to gauge the impact on our windows and sun tubes. It is simply not true to state that none of our solar tubes would be shaded. The shading impact is multiple hours a day at this time of year, which means we would be detrimentally impacted for hundreds of hours per year. We are developing and will submit an analysis which quantifies the impact on each window and each suntube.</td>
</tr>
<tr>
<td>Substantial Loss of Ambient Daylight (Illumination received from exposure to the sky all day long)</td>
<td>Incomplete - the architect did not address this concern.</td>
</tr>
<tr>
<td>Increased shading of Outdoor Spaces (front &amp; back yards) and corresponding darkening of the rooms facing the north and south elevations of our house (living room, front bedroom, kitchen, back bedroom)</td>
<td>Incomplete - the architect did not address this concern. Additionally, the architect tried to use the movement of shadows to the backyard in December as a mitigating point in response to the objection to the shading of the east-facing kitchen window, which highlights how this objection (to shading of our outdoor space) was ignored.</td>
</tr>
<tr>
<td>Loss of Direct Sunlight &amp; Ambient Daylight is hazardous – Health and Safety Objections</td>
<td>Incomplete - the architect did not address this concern. This is a serious concern, which the architect ignored. The proposed 2nd-story would make our house significantly darker. This would create safety hazards, as detailed in our original letter of objection. We emphatically object to being subjected to conditions detrimental to our own safety.</td>
</tr>
<tr>
<td>Loss of Direct Sunlight and Ambient Daylight – Aesthetic and Wellbeing Objections</td>
<td>Incomplete - the architect did not address this concern.</td>
</tr>
<tr>
<td>Loss of Direct Sunlight and Ambient Daylight – Financial Objections: Cost of Electric Illumination</td>
<td>Incomplete - the architect did not address this concern. This is a serious concern, which the architect ignored. The proposed 2nd-story would make our house significantly darker. It would be expensive to replace the natural illumination that we currently receive (from sunlight and daylight) with artificial lighting (using electricity). This would be a permanent detrimental impact, and we emphatically object to absorbing this expense for the benefit of the applicants.</td>
</tr>
<tr>
<td>Loss of Direct Sunlight and Ambient Daylight – Financial Objections: Reduction of Solar Panel Placement options</td>
<td>Incomplete - the architect did not address this concern.</td>
</tr>
</tbody>
</table>
Date: April 4, 2019

To: Allison Riemer, Assistant Planner; Greg Powell, Principal Planner
City of Berkeley Planning and Development Department (BPDD)

From: Robin Ramsey and Hank Roberts, 1529 Beverly Place, Berkeley

Re: AUP #ZP2018-0153, application for proposed 2nd story at 1533 Beverly Place

Subject: Request for an update on the status of this project

Dear Ms. Riemer;

I appreciate you letting me know that you received our correspondence of Nov. 16, 2018. That letter described the ways that the Response to Neighbor Concerns, contained in a 9/20/18 letter to the city from Eisenmann Architecture, failed to address our concerns.

I also thank you very much for the time you spent with me in your office in January 2019. I am following up on that conversation; you asked me to send you some of the pictures we reviewed, which I am enclosing in my next email to you. I have additional pictures taken after that day, which I am also including.

Item #4 in the BPDD’s Incomplete letter of 8/16/18 calls for the applicants to explain, in writing:

- **HOW** our concerns are or will be addressed, and/or
- **WHY** they cannot be addressed

We have not yet received either of these explanations.

The city’s website shows the status of this application as Incomplete as of today. Is this accurate? Can you please update us regarding the status of Item #4, from the city’s Incomplete letter of 8/16/18 in particular?

I see from other letters uploaded recently that we are not the only neighbors whose concerns have not been addressed yet. Can we expect that they will be addressed in the future? What are the next steps going forward?

Thank you very much for your time and attention to these questions, and I look forward to your response.

Sincerely,

Robin Ramsey and Hank Roberts
1529 Beverly Place, Berkeley CA
Date: June 18, 2019

To: Allison Riemer, Assistant Planner; and Greg Powell, Principal Planner; City of Berkeley Planning and Zoning Department

Re: AUP #ZP2018-0153, 1533 Beverly Place – Objections based on Substantial Loss of Direct Sunlight

Dear Ms. Riemer and Mr. Powell:

We are writing to let you know that the applicants have not fulfilled the requirement to address our concerns, which was placed on them in Item #4 of the city’s Incomplete Letter dated 8/16/2018.

They have not addressed our concerns in writing; they have not addressed our concerns in person; and they have not addressed our concerns via the revisions they have made to the original design that they submitted for this project last July.

We have requested data that would quantify the shading impact this project would have on us 3 times: last year on 8/19/2018, in relation to their initial design; and this year, in relation to their revised design, on 5/10/2019 and 6/5/2019.

On 6/5/2019, Eisenmann Architecture told us that we could pay them to produce data that would quantify the amount of shading this project would cause, but that they would not do so without payment from us. We were surprised to receive this response because when we first requested this data (last year, on 8/19/2018), Ms. Eisenmann wrote, on 8/20/2018, that they would respond in depth by the end of the week. We never received the in-depth response that Ms. Eisenmann said they would send us.

We asked again for data that would help quantify the loss of sunlight (that the revised design would cause) on 5/10/2019, and on that day, Ms. Wieloch-Kim, Studio Director for Eisenmann Architecture, wrote that “We will contact Bryn and John and we will respond to your request next week.” They did not keep that commitment either, and we wrote to them again on 6/5/2019.

They have produced shadow study diagrams that show the shading impact of their proposed designs at various points in time, but individual shadow study diagrams do not quantify how much loss of direct sunlight this project would cause over time.

Reducing the height of the roof edge by 24 inches does not take this project out of the category that would cause “substantial loss of direct sunlight.” The fundamental basis of our objection to this proposal is the TOTAL AMOUNT of direct sunlight we would lose every day, year-round.

This loss would be substantial and it would impose significant and detrimental health, safety, and financial impacts on us and our wellbeing.

This application cannot be deemed complete unless and until they have met their obligation to address our concerns. Please confirm your receipt of this letter, and thank you for your attention to this issue.

Robin Ramsey & Hank Roberts
1529 Beverly Place, Berkeley CA
INVITE TO ZONING ADJUSTMENTS BOARD MEMBERS

Land Use Planning Division ( Attn: ZAB Secretary)

Chair O’ Keefe and Zoning Adjustments Board (“ZAB”) members:

Date: February 4, 2020

Re: Case #ZP2018-0153, 1533 Beverly Place, February 13, 2020 hearing; invitation for site visit to my house at 1710 Sonoma Ave.

Dear Chair O’ Keefe and ZAB members,

I am one of the Appellants to the Staff Approval of 1533 Beverly Place. The basis of my complaint is that the project as now designed removes the entire view corridor from the only main floor room where I have a view. I understand that I do not own my entire existing view, but here, with modifications, part of my view corridor can be restored.

The only way that you can appreciate my view loss is by a site visit to my home. When Staff visited my home a year ago, prior to the revision now before you, they were surprised by the view loss, which photographs could not adequately convey.

This is also true for the Applicant’s architect. She came last September to visit along with her client and family members to view the impacts of the design now before you. She, too, stated, “I get it, I understand”. Moreover, she suggested a compromise, one her client rejected. She, too, did not understand the unreasonable detriment to my view corridor until she saw it from my kitchen and deck.

Therefore, I am asking you to please come see for yourselves the impact of the current design upon my view corridor. There is really no other way that you will have the evidence you’ll need to make your decision.

My contact information is as follows:

Phone: 510 772-6324 (ok to text)
Email: amyamydc@gmail.com

I can make myself available to meet with you (at separate times if necessary) upon 24-hour notice, or if it’s a very clear day please call and I will welcome you that morning.

I thank you in advance for your courtesy and attention to this very important issue to me. Please reply with your availability.

Sincerely,

Amy Di Costanzo

1710 Sonoma Ave.
-----Original Message-----
From: Joan Kovach [mailto:squecal87@yahoo.com]
Sent: Tuesday, February 11, 2020 3:11 PM
To: Jacob, Melinda <MJacob@cityofberkeley.info>
Cc: squecal87@yahoo.com
Subject: 1533 Beverly Place Zoning Meeting Feb. 13, 2020

RE: AUP ZP2018-0153
From: Joan Kovach at 1716 Sonoma Avenue

On May 21, 2019, I submitted a letter accepting, with conditions and some reluctance, a May 1, 2019, revision of the rooftop for an added second story on 1533 Beverly Place, and the update of the story poles on May 2, 2019. This revision left part of my view of the Golden Bridge and San Francisco Bay open. I reserved my right to submit further comments and/or objections.

When I received the Notice of Public Hearing by the Zoning Adjustments Board for February 13, I reviewed the May 1 proposal and noticed that the revised rooftop does not take into consideration any additions on the roof. These could include vent stacks, ventilation units, skylights, and solar panels. Adding any of these would effectively raise the rooftop into the minimum space needed for keeping my view of the Golden Gate Bridge, San Francisco Bay, and the Marin Headlands. If there was any error in the height of the story poles, that could worsen the problem.

I have seen the proposed alternatives submitted by Amy Di Costanzo to further lower the rooftop by eighteen inches. I believe this additional lowering of the rooftop could protect the minimum view corridor acceptable to retain my right to enjoyment of my property and to minimize loss of value for my property. I am therefore asking that Amy Di Costanzo’s proposed revisions be given full consideration and acceptance.

Thank you for your consideration.

Sincerely,
Joan Kovach

Sent from my iPad
Presentation to City of Berkeley Zoning Adjustments Board

Meeting on 2/13/2020 for Appeal of AUP#ZP2018-0153

By Robin Ramsey and Hank Roberts
1529 Beverly Place, Berkeley

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10. Appendix B: Comparisons with diagrams produced by Eisenmann Architecture 17-18
Section 1: Introduction—Summary of Points Raised in Appeal

We are the neighbors directly to the west of 1533 Beverly Place (1533). Our living room, dining room, and kitchen are the rooms that face 1533; these are the rooms that would lose several hours of direct sunlight every day under the current design for 1533; the loss would affect other rooms in our house as well (described in Section 8). This chart shows why we oppose the current version of this project:

It shows the impact the 2nd-story addition at 1533 Beverly Place would have on us, in the rooms we use the most in the morning, during the time of day we use those rooms. The height of each column shows much sunlight we currently receive in the hours between sunrise and 9 am, when we are home and using these rooms. The columns are divided to show how much sunlight we would lose each month (the gray portions) and how much we would retain (the yellow portions.) For HALF of the year—the six months from October to March—we would receive no direct sunlight at all in our kitchen or dining room before 9 am. Over the course of a full year, we would lose approximately 74% of the total sunlight we currently receive before 9 am in the kitchen and dining room.

Our appeal is rooted in our disagreement with the City’s conclusion that these shadow impact would not be detrimental. The City stated since our loss would only be in the morning, (and only on one side of the house), it would not be detrimental. We strongly disagree with this conclusion—it’s like saying “If a person only has $100, and loses $74 of it, it’s not a substantial loss, because $100 isn’t that much money.”

We believe that a loss of 74% of these morning hours of sunlight represents a substantial and significant detrimental impact.

The detrimental impacts this loss would cause are described in Section 2.
Section 2: Documentation of Detrimental Impacts from Increased Shading

The sunlight we currently receive, and the heat gain from solar radiation in winter, are important to us. Losing a substantial portion of our current sunlight would have multiple detrimental impacts on us, including to our wellbeing, our health and safety, and financially. Vision is affected by aging:

“As we age, muscles that control our pupil size and reaction to light lose some strength. This causes the pupil to become smaller and less responsive to changes in ambient lighting.

“Because of these changes, **people in their 60s need three times more ambient light for comfortable reading than those in their 20s.**”

*Source: https://www.allaboutvision.com/over60/vision-changes.htm*

A darker house is less safe than a house with better illumination:

“One of the top ways to prevent falls in older adults is to make sure that their living space is always well-lit. Being able to see clearly helps seniors maintain balance and avoid obstacles.”

*Source: https://dailycaring.com/better-lighting-for-seniors-reduces-fall-risk/*

The sunlight we currently receive contributes to our house being well-lit. If we replaced the illumination we currently receive from sunlight with electric illumination, our utility bills would increase. We object to the prospect of paying higher monthly utility bills. We would also lose the benefit of warmth gained from early morning sunlight in the winter months, an additional financial impact.

The staff report states that the applicants have addressed our concerns, but they really haven’t. Saying ‘the [winter] shadows subsequently move to the backyard’ does not address our concerns. **Our concern is losing the early morning sunlight we currently have because we use those rooms in the early morning.**

The applicants wrote “In the summer the morning shadows drop beneath the Kitchen and Dining Room windows so they are not affected.” Their own diagram shows that both of our Living Room windows and all of our Dining Room windows would be fully shaded at 2 hours after sunrise on June 21st, and in fact, the shadow would not even have cleared our roof. Our windows clearly are affected.

The applicants have never responded to our objections that this project would cause (1) negative impacts specifically affecting our health and safety, and (2) increased utility bills. Stating that ‘eventually the shadows move below the windows’ is not a substantive response to our concerns.

We first raised these objections when the applicants submitted their original design. Their revised design is only 2 feet lower at the roof edge; it retains approximately 80% of the height of the original design.

A height reduction of only 20% at the edge of the roof would still create significant and substantial impact, described and quantified in Section 7.

We have expressed these objections repeatedly, to the applicants, their architect, and to the City. Because we recognize that this project has generated competing interests, we have also repeatedly attempted to identify solutions that would meet the applicants’ need for more space while reducing the full-time negative shading impacts that the project (both the original and the revised design) would cause.
Section 3: Attempts to Identify Less-Detrimental Solutions

Our appeal is premised on the existence of alternatives that would gain the applicants the space they are seeking without building a 2\textsuperscript{nd}-story on top of the existing house:

In October of 2018, we, along with neighbors Amy Di Costanzo and Dan & Karen Warrick, wrote to the applicants and their architect to express our desire to find a solution that would meet the needs of all parties affected by the proposed project. We described one idea, which was to raise the house several feet and excavate below, creating room for new living space below the existing house, and made it clear that we hoped we could work together to find a mutually-agreeable solution. We felt confident that alternatives that would cause less harm were possible.

1533 Beverly Place is approximately 15 steps above sidewalk level, and thus, there is a significant elevation difference between sidewalk level and the current floor level. A number of projects in the surrounding neighborhood have added substantial living space below a 1-story house without raising the existing house at all, including 1220 Monterey Ave., 1102 Colusa Ave., and 1220 Colusa Ave.

The idea we described in our letter of 10/17/18 proposed raising the applicants’ existing house 3 feet and creating new living space below. We did not receive a response from the applicants or the architect to this letter. We continued to reiterate our concerns to the city over the following months.

On May 1, 2019, the applicants presented their revised design to the neighbors. When we understood what the changes were, we realized that a reduction of 2 feet in the height of the roof edge would only slightly reduce the amount of shading the proposed 2\textsuperscript{nd}-story would cause.

After the presentation of the revised design, I approached Ms. Eisenmann to express our concern that the shading impact would still be substantial, and described the nearby project at 1220 Colusa Avenue to her, including showing her several photos of this house.

This project created substantial square footage (779 square feet) below the existing house without lifting it, and it includes full-height French doors that open to a terrace at the front. The approval notice for this project noted that “The project would not enlarge the shell of the existing house and therefore would not impact surrounding neighbor’s light or views.” Ms. Eisenmann told me she would look at this project as a possible approach for addressing our concerns.

In the fall of 2019, several months after presenting the revised design, the applicants invited us to mediation. We welcomed the invitation, and accepted it with the hope that mediation would be an opportunity to explore alternatives that would have less harmful impacts.

We fully supported then, and still support now, Ms. Di Costanzo’s efforts to identify such alternatives.
Section 4: Multiple Attempts to Obtain Shading Data

In our letter appealing the approval of this project, we stated that we were concerned that we would lose “2/3, or 3/4 or more of the direct sunlight we currently receive.” This was our estimate at the time, based on observing the shadow lines made by the tape attached to the story poles during the hours when we are at home and using our kitchen and dining room.

We had asked the architect repeatedly for information that would allow us to quantify the shading impact that this project would cause (both for the original design and the revised design):

On 8/19/18, in an email to the applicants and the architect’s office, we asked “Can you quantify what the percentage of loss of direct sunlight-exposure would be, both to all four windows on the east wall, and the four suntubes?”

The next day, Ms. Eisenmann responded “John, Bryn and I have a discussion scheduled Wednesday afternoon so please give us to the end of the week to respond in depth.” They did not respond in depth; instead, on 8/22/18, Ms. Eisenmann wrote “We discussed your concerns today and feel it would be helpful to put up story poles so that everyone can directly view the impacts.”

The story poles did go up the following week, but they do not provide enough information to quantify how many hours of shading this project would cause. The story poles allowed us to perceive the shading impact at any given point in time; we needed to understand how much sunlight we would lose on an ongoing basis, in different seasons, over the course of a full year. The story poles do not meet this need.

We were, and still are, very concerned about how much sunlight we would lose, and we repeatedly communicated to the city that the applicants had not addressed our concerns (in writing on 9/7/18 and 11/16/18, in person with Allison Riemer on 1/25/19, and after the revised design was submitted, in writing again on 6/18/19.)

Finally, more than a month after the applicants presented their revised design to the neighbors on 5/1/19, on 6/5/19 we received a response from Ms. Wieloch-Kim, Studio Director for Eisenmann Architecture in response to our request to get the data necessary to understand what the impact on us would be.

She informed us that Eisenmann Architecture was willing to provide the information we had been seeking for nearly a year—if we would pay them to produce it. They estimated it would take them a week to prepare the data, and that the cost would be between $3,500-5000.

We decided to model the project ourselves. We used SketchUp, which has shading capability built-in. The analysis in Section 7 is based on a model that includes both existing 1-story houses (1533 and 1529 Beverly Place) as well as the revised 2-story design for 1533 Beverly Place. Our model is corroborated by matching photos we’ve taken over the last year with shadow diagrams for the same dates and times. Five pairs of photos and diagrams are included in Appendix A.
Section 5: Clarification of Estimate in Appeal

Because we had never received the information we sought from the applicants that would have quantified what the shading impact on our house would be, we had been attempting to determine the percentage of loss ourselves.

In our letter appealing the city’s decision to approve this application, we said a second-story addition at 1533 Beverly Place would shade us for multiple hours per day, resulting in hundreds of hours of lost sunlight per year. We also said that to lose the majority of what we currently have would be a significant loss. These are both true statements.

However, in that letter, we estimated that we might lose 2/3 or 3/4 of the direct sunlight we currently receive, and this estimate needs clarification:

The estimates in that letter were based on what we had been able to observe from the story poles and the tape attached to them. Our observations occurred during the time that we are at home and using those rooms, to prepare and eat breakfast, to pack lunch to take to work, to prep dinner, checking email, weather, and traffic forecasts, etc., and various other activities that are part of our daily routines. The morning hours between 6 and 9 am are the prime daylight hours we spend in the kitchen and dining room, and it is during those hours that the severest impact would occur.

In general and on average, we would lose nearly 2 hours a day of sunlight, and we would lose those hours during the time of day we use those rooms the most. On most days, we are both out of the house by 9 am on average. Retaining a portion of the sunlight we currently receive later in the mornings when we are not at home does not compensate for the loss we would incur earlier in the mornings, since the sunlight that would not be lost occurs during the timeframe when we’re not at home. We would lose most of the sunlight we currently receive during the hours we use those east-facing rooms, and this would be a significant and substantial loss.

We would also lose the illumination that occurs before the sun even reaches our eastern elevation, and this is a significant loss as well. Even though it is not itself “direct sunlight,” it provides valuable (and free) illumination at the beginning of the day, and we would have to pay to replace it using electricity.

The photo below shows illumination we receive from having exposure to the sky, even before the sun clears the roof of this house. Instead of receiving this illumination, we would be facing a dark, shaded 2-story wall.

Photo taken on 2/3/19 at 7:28
Section 6: Analysis Methodology

We built our model using SketchUp software, a program with built-in shadow-modeling functionality. Our model includes both existing 1-story houses (1529 and 1533 Beverly Place) and the revised design for a second story at 1533 Beverly Place.

The accuracy of our model is corroborated by comparing individual photos with diagrams generated at the same date and time. While we do not present this model as being a professional-grade effort, it serves our purpose—estimating/quantifying the shading impacts this project would cause. The graphs in the Section 7 are based on the following data and methodology:

After the houses were built in the model, we adjusted the Date and Time selectors for one day of each month of the year to find when the shading impacts would begin and end. We used the 21st of each month, so that the results would correspond with the diagrams included in the applicants’ shadow studies for 2 hours after sunrise on June 21 and Dec 21.

Using the Date and Time selectors, we recorded:

- (1) when the shadow cast by the roof of 1533 Beverly Place (for both the existing house and the proposed 2-story house) moves below the top of our east-facing windows in the early morning (when we start receiving sunlight);
- (2) when the shadows cast by 1533 move below the level of the bottom edge of our living room windows (when our windows are in full sun);
- (3) when our own eaves begin shading our windows (the end of the period of the windows being in full sun); and
- (4) when our windows are fully shaded (when the shadow of our own eaves reaches the bottom of our living room windows).

We then created formulas to calculate the amount of time between (1) when the east-facing windows currently begin receiving sunlight on the 21st of each month and (4) when they are no longer receiving any sunlight, for both the existing house and with the 2-story design. We also used formulas to determine the portion of total sunlight we currently receive between sunrise and 9 am, and how much of that we would lose. All measurements and calculations are based on sun time.
Section 7: Graphs: Current Hours of Sunlight and Projected Loss, with Percentages of Loss

Section 7 contains four graphs, presented in two pairs. The first graph in each pair shows the status quo, the current state. The second graph in each pair shows the current state subdivided into how much sunlight would be lost and how much sunlight would be retained:

First pair of graphs:
Graph 7.1.A: The total number of hours of sunlight we currently receive on the 21st of each month.

Graph 7.1.B: How much of the sunlight we currently receive would be shaded by the revised design. On average, we would lose close to two hours of sunlight a day (approximately 1.8 hours a day), resulting in a loss of over 650 hours per year.

This loss would be the earliest hours of sunlight we receive each day. This is when we are using our east-facing rooms in the morning, primarily the kitchen and dining room. Retaining sunlight later in the mornings—the hours we would not lose—does not compensate us for what we would lose, since generally we are both out of the house by 9 am. The hours of early-morning sunlight, and how much of it would be shaded, are detailed in Graphs 7.2.A and 7.2.B

Second pair of graphs:
Graph 7.2.A: The hours of sunlight we receive in the dining room and kitchen each day before 9 am.

Graph 7.2.B: The hours shown in 7.2.A subdivided into how much sunlight would be lost and how much sunlight would be retained. Over the course of a full year, we currently receive approximately 680 hours of sunlight in the dining room and kitchen before 9 am. We would lose over 500 of those hours; a loss of approximately 74%.

The loss would be most severe during the time of year we need the sunlight the most—the winter. For nearly six months of the year—October 1st through March 21st—we would receive no sunlight at all on our kitchen and dining room windows before 9 am. We would lose 100% of those hours.

And in the darkest and coldest part of the winter—November 22 through February 12—we would not receive any sun on our kitchen window until after 10 am.

The sun provides more than illumination—it also provides solar heat gain. Our kitchen faces east and north, and our dining room has only east-facing windows. The warmth we gain in those rooms in the morning from the winter sun is important to us. This loss would also cause detrimental financial impact.

In summary: We would lose the majority of the sunlight in our kitchen and dining room that we currently receive during the hours we spend in these rooms in the morning.

This would be a substantial loss—the shading would cause significant detrimental impact.
Graph 7.1.A:

Hours of Direct Sunlight Currently Received on Eastern Elevation

- Jul: 6
- Aug: 6
- Sep: 6
- Oct: 5
- Nov: 4
- Dec: 4
- Jan: 4
- Feb: 4
- Mar: 4
- Apr: 5
- May: 6
- Jun: 7

Graph 7.1.B:

Hours of Direct Sunlight Currently Received on Eastern Elevation Subdivided into Hours Lost and Hours Retained

- Jul: 5
- Aug: 4
- Sep: 4
- Oct: 4
- Nov: 4
- Dec: 4
- Jan: 4
- Feb: 4
- Mar: 4
- Apr: 4
- May: 5
- Jun: 6

- Hours of Sunlight Lost to New Shading
- Existing Hours of Sunlight Retained
Graph 7.2.A:

Kitchen and Dining Room: Hours of Direct Sunlight Received before 9 am

Graph 7.2.B:

Kitchen and Dining Room: Hours of Direct Sunlight Lost, Hours Retained, and Hours Lost as a Percentage of Total Hours of Direct Sunlight before 9 am

- Existing Hours of Sunlight before 9 am that would be lost
- Existing Hours of Sunlight before 9 am that would be retained
- Loss as a percentage of total
Section 8: Sunlight reaches other parts of our house through the dining room

The loss of early-morning sunlight would darken other rooms, including our central hallway and the middle bedroom on the west side of the house

We currently receive some sunlight that comes in at a low angle, shining through our dining room into our central hallway and the middle bedroom on the west side of the house. This sunlight makes the hallway and that bedroom brighter in the morning when we are getting ready. We would lose all of this sunlight, and thus, these areas of our house would be darker as well.

Photographs do not capture the full impact. All the surfaces (walls, ceiling, and floor of our hallway) are light in color, and the floor has a reflective satin sheen. The light that enters the hallway in the mornings from the dining room reflects off all of these surfaces contributes to illuminating the central and western areas of our house.
Section 9: Appendix A—Photos & Diagrams corroborating our model

Dec. 23 at 9:20 AM:
Sept. 20 at 8:55 AM (7:55 AM sun time):
May 22 at 8:00 AM (7:00 AM sun time):
Section 10: Appendix B—Comparisons with diagrams produced by Eisenmann Architecture

Dec. 21, Sunrise at 7:21 AM; 2 hours after sunrise = 9:21 AM

Eisenmann Architecture diagram:

Note: The diagram above does not accurately represent the size of the windows on our house, which are larger than shown above. The diagram below, produced from our SketchUp model, more accurately shows the size of the windows on our eastern elevation. However, in comparing both diagrams, the size, shape, and position of the shadows on our wall and on our roof correspond to each other.

Ramsey/Roberts diagram:
Section 9, continued: Appendix B—Comparisons with diagrams produced by Eisenmann Architecture

June 21: Sunrise at 5:47 am; 2 hours after sunrise = 7:47 am  
(minus 1 hour sun time adjustment = 6:47 am)

Eisenmann Architecture diagram:

Ramsey/Roberts diagram:
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Modifications requested by Appellant, Amy Di Costanzo, can be and were done when she created her 2nd story.</td>
</tr>
<tr>
<td>3</td>
<td>The finding of “unreasonable detriment” can be made: The “modification” before you, blocks the view corridor from the only public room on the main floor of 1710 Sonoma Ave. that has a view.</td>
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<td>Applicants throughout every stage have failed to address my view loss.</td>
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<td>When the Subject is Views: Inches Matter</td>
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<td>Modest Suggestions to Mitigate were rebuffed: “Negotiations” were not in good faith.</td>
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<tr>
<td>7</td>
<td>Applicants Rejected their own Architect’s Suggested Compromise. Option 1 – View Corridor and lowered 18”</td>
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<tr>
<td>8</td>
<td>Appellant's Architect Suggestion and Rationale: Option 2 – Everything lowered 24”</td>
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2/11/2020

Shoshana O'Keefe, Chairperson
Zoning Adjustments Board ("ZAB")
1947 Center Street
Berkeley, CA 94704

Re: 1533 Beverly Place: Appeal; Request for Mitigations; Findings in Support

Dear Chair O'Keefe and ZAB Members:

This office represents Amy Di Costanzo ("Amy"), who is requesting reasonable mitigations to the proposed project, mitigations which are both architecturally reasonable and financially feasible. The design before you will totally block Amy's view of the SF Bay as well as her View Corridor from the only public room in her house: her kitchen/dining table/family gathering room. From her deck she would lose the Bay, most of the San Francisco skyline and the Bay Bridge. "[U]nder the circumstances of the particular case existing at the time the decision is granted," the Findings cannot be made that the impacts of this application constitute an unreasonable detriment.

STATEMENT OF FACTS
In 1980, Amy Di Costanzo and her husband bought 1710 Sonoma; by the 1990's they realized that they would need a 2nd story to provide bedrooms for their growing family (four children). Before doing so they met with every neighbor who could be impacted and designed their 2nd story accordingly. True, there were some "interesting design features" but they were able to move quickly through the process because they did not have opposition. (See Tab 2) She is asking no more from you tonight: Allow Applicants their desired 2nd story and restore some of Amy's SF Bay View Corridor and view of SF Bay.

---

1 Architect for Applicant, in fact, after seeing the impact from Amy's kitchen suggested one of the modification options before you. See Tab 7.
2 See Tab 8, report and recommendation by Maurice Levitch.
3 To this writer, the most important words in the Zoning Ordinances Findings for Issuance of Use Permit is the "application will not detract from the important view corridor to the Golden Bridge from her windows."
The Factual Basis for Staff's AUP Decision Was Based on a Material Mistake of Fact; as Such, Rendering Their Conclusion erroneous. Even Without that Error, Staff’s Assertion, Staff Should Have Concluded That The Elimination of the View of San Francisco Bay, and the Blocking of the Entire View Corridor Constitutes Detriment.

In the AUP Decision, Staff accurately assessed Amy’s view loss; but erred in concluding that loss to be “non-detrimental.” Staff wrote that Amy still had a full view of the Golden Gate Bridge and the Marin Headlands; that simply is not true.

In her Appeal, Amy proved, and Staff admitted that she never had those views from the kitchen. Staff should have, but did not, change its finding of “non-detriment”.

The public rooms on the main floor have little to no natural light or privacy, except the kitchen which functions as a family room, dining table, conversation and game room. Currently, from that room and the deck, Amy’s views are unobstructed (See Tab 3). Staff concurs that “the current views of the San Francisco Bay and lower portion of the San Francisco skyline from the deck will be eliminated by the addition”, leaving her with the Bay Bridge, upper SF skyline. Contrary to Staff conclusion, that loss is detrimental.

Where, as here, part of a view loss can be mitigated by making modest design changes, a finding of non-detriment cannot be made without requiring those modifications. There are two modifications that can reduce Amy’s view loss. Both of them are recommended by architects: one Applicant’s, the second, Amy’s.

Option 1 made by Applicant’s architect during her client’s photo shoot site visit. After sitting with Amy at the kitchen table, staring at the story poles and tapes, Stacy Eisenmann had an epiphany, she got that Amy’s entire view corridor was now a wall. She suggested cutting back part of the 2nd story study to open the View Corridor. Amy liked the idea and asked if the rest of the house could also be lowered. Amy’s tenant, Teymor Ismayilov was present during that conversation. (Tab 7)

Option 2, Maurice Levitch, AIA, a well-known Berkeley architect spent significant time visiting the site, reviewing the plans and topography recommends lowering the height of the rear of the house by 2'. (See Tab 8) While under most cases, reducing the height of a house by 2', would not be cost or design feasible due to the costs of a new foundation and excavation. But under the circumstances of this case, it is. Here, the foundation must be excavated and

---

6 There is also one bedroom that is rented out and thus is not public.
7 Our photo exhibits of before and after are labeled as “standing” or “sitting” in that Applicants’ photos were, rebutting the existence of detriment to Amy, taken from a standing position. Staff correctly determined that the view from a sitting position is the accurate baseline.

2
replaced; and, dirt must be excavated. This proposal adds only incidental costs to the development. (See Tab 8 for details and costs)

Benefits to Amy: her view of SF Bay is restored resulting in putting the Bay Bridge and SF skyline in perspective. Minor detriment to Applicants: Incidental additional costs of additional excavation but they retain their expansive view from their master bedroom and deck. The basement rooms retain safe egress and access to the outdoor patio.

When the subject is views: inches matter. Where there are discrepancies between the plans and the story poles, Conditions must be imposed to assure that the addition as built conforms with the ZAB’s and Appellants’ understanding of the impact. (Tab 5)

Discussions on view impact and locations of roof extensions revolve around the perceived height of the “red tape” used to depict the reduction in height from the initial application. The height of the red tape was not verified by a survey. The poles to which they are attached were found by the surveyor to be 2-3” lower than on the plans. In addition, the plans show height discrepancies of almost 3”. (Tab 5, A3.1 East and West elevations) Finally Applicants’ architect, represented to Amy that “nothing” will be higher than the red tape.

To assure accuracy and prevent controversy during discussion, we request the following Conditions:

- the height of the red tape be surveyed before construction and serve as the benchmark height from which maximum height is calculated/negotiated, or, of amount of reduced height imposed as part of this approval;
- Chimneys, vents, and solar panel be placed west side of house out of view of 1710 Sonoma as represented by Ms. Eisenmann to Amy.

CONCLUSION: Throughout this entire process, Applicants refused to consider or even look at the modifications suggested by Amy’s architect. Where there is a loss of a view corridor, and a significant view element from the only public room in a home, that is a major detriment. When there are modest and feasible modifications that can mitigate at least some of view loss while allowing the Applicant to achieve all of their stated goals, then that impact, without mitigation constitutes “unreasonable detriment”. As such, under the requirements for Findings for Issuance of Use Permits combined with the circumstances/facts of this case, this Use Permit must be DENIED.

Very truly yours,

RENA RICKLES
TAB 2

Modifications requested by Appellant, Amy Di Costanzo, can be and were done when she created her 2nd story.

Background  My husband and I bought 1710 Sonoma Ave., a 3 bdrm/1 bath, 1200 sq.ft. bungalow with a tall pointed attic/roof in 1980. As our family grew to 4 children we needed more bedrooms, so we dug out the foundation, created more basement space, added a few square feet here and there, and built a second story addition which, due to the already tall roof, did not harm the neighbors. The work was done on a lean budget. We met with our neighbors so that neither their views nor their sunlight were harmed by the addition.

We created an oblique wall at one corner so that our neighbor at 1716 Sonoma Ave. could retain her important view corridor to the Golden Bridge from her windows.

See attached:

photo of tall roof 1995 and house today

photo of oblique wall created for the benefit of neighbor to preserve her view of GG bridge
Oblique wall to preserve view corridor for 1716 Sonoma Ave.
TAB 3

The finding of “unreasonable detriment” can be made: The “modification” before you, blocks the view corridor from the only public room on the main floor of 1710 Sonoma Ave. that has a view.

The Back of the Kitchen and the Deck

- All of the public /shared space in the house is on the main floor. All public rooms on this floor, except the kitchen/dining table area, have limited natural light and no “view”.
  There is one back bedroom which is a rental (I have been a single mother for 15 years and am approaching retirement, renting this room is financially necessary). (see photo montage of public rooms)
- The back of the kitchen that leads to the deck has an unobstructed view corridor of the Berkeley flats, the SF Bay, the Bay Bridge, and the SF skyline. This is the main reason we bought this house.
- Now we are able to enjoy this view while seated as well as when standing.
- The Kitchen is the hub of our house: This is where I and the other people who live there, and our visitors, spend the majority of our time, gathered at the large dining table to eat, work, talk, and entertain (See photo of kitchen table + view from kitchen table). 
  In good weather we are likely to be sitting on the deck chairs enjoying the same view.

EA’s first design submitted in 2018 would have blocked my entire San Francisco view even when standing. In January 2019, Planning Staff came out to see the situation and within a few months Eisenmann Architecture had redesigned their project. The features of the current design are: A flat roof (instead of a hipped roof) and the house is lowered 24” (no floor will be below grade). With the revised design, standing up in my kitchen and on the deck, the viewer can now see the bay and SF skyline directly above the flat roof, but the view corridor is lost.

OBJECTIONS TO THE REVISED DESIGN:

The revised design ignores the fact that we currently primarily enjoy the unobstructed view from a SEATED POSITION at the kitchen table and deck.

-This revised design would leave me, WHILE STANDING: a boxed-in vs. the current expansive VIEW CORRIDOR. The flat roof (represented by the red tape across the story poles) would lie precisely under the bay (but only if standing upright and being tall enough to see), eliminating the view of the Berkeley flats. Thus the significant bay and SF views will have lost their context. (See photo “Standing at back of kitchen” showing the current design)
Tab 3 cont.

-WHILE SITTING: whether at the kitchen table or on the deck, I lose the view of the Bay, and only the SF skyline can be seen above the flat roof. Once again, the view corridor would disappear. This would also impact people of short stature, children, and people using a wheelchair, therefore some people would lose even more view than I would. (see photos of “Seated at the kitchen table” and “Seated on deck chair”)

-The outline of the building resembles a parking structure more than a house, with no gaps on either side to offer a visually pleasing view corridor. It has the effect of being walled in.
Other than the back of the kitchen, no public room has a view.
View from seated at the table.

The kitchen table.
Standing at back of kitchen. View through story poles.

Standing at back of kitchen. Current design.
View Seated on Deck Chair
TAB 4

The Applicants throughout every stage have failed to address my view loss.

On August 16th, 2018, after several neighbors had publicly objected to Eisenmann Architecture’s first design, The City Planning Dept. sent Stacy Eisenmann an “Incomplete Letter”.
Incomplete Letter Item #4 stated:
“Respond to neighbors’ comments in a written statement, addressing how their concerns have been/will be addressed, and/or explaining why they cannot be addressed.”

On September 20, 2018, Stacy Eisenmann wrote a “Response to Neighbor Concerns” which did not address my concerns, but was instead inaccurate and dismissive. She addressed each of three objecting neighbors very briefly, and prefaced the response to all three neighbors by stating:

“It’s our understanding that views are not protected in this area of Berkeley as it is not a hill location”.
While this may explain why my requests were ignored: it is not a correct reading of the Zoning Ordinance.

**********

During the process of revising their design, which they submitted in May of 2019, they did not attempt to contact me, visit my house, nor ask for my input. The new design was generated solely from a virtual person standing on my deck. It ignores the real life impact.

The Architect’s cover letter to the new design falsely states:
“For Amy Di Costanzo, who’s (sic) view was impacted the most, the updated roof height of 1533 Beverly Place should be low enough for an unobstructed view of the SF skyline & waterline. The height of the house matches the top of Ms. Di Costanzo’s own garage when viewed from the kitchen, therefore we assume it is a fair datum line to use.”

The “fair datum line” used is neither fair nor accurate. The Facts are: From our kitchen, the garage (of which only a partial view of the back can be seen) forms one edge of our view corridor which is so important to us. Using my garage as the datum line for their flat roof will eliminate our view corridor and create the illusion of a continuous wall from my garage to the house of their neighbor to the east. (See attached: EA’s computer generated design and a photo-shopped rendering)
Existing View - 2019
(View: Standing On Patio)

1.3 Modified Design - Flat Roof & Lowered
(View: Standing On Patio)
- Hidden Story Poles
TAB 5

When the Subject is Views: Inches Matter

An important view can be blocked by a protuberance of a few inches. With Eisenmann Architecture’s flat roof cut so closely “under” the bay (while standing), chimneys, vents, and elevated solar panels could all wipe out a section of my bay or skyline views.

The story poles for 1533 Beverly Place were erected and certified for EA’s taller first design version. At the presentation meeting for the current design last May, Stacy Eisenmann told us that they would put new tape across all the existing perimeter story poles (24” down from the top of each pole) to show the height of the new flat roof. I asked if she would have the new tape certified so that we would know the exact height of the roof. They said certification wasn’t necessary and instead attached yard sticks to each perimeter pole to mark them at 24” down.

DISCREPANCIES

On drawing A3.1 Eisenmann Architecture’s current design shows the top of roof height at the east elevation to be 19’-9.5” from the average bottom of building. At the south elevation, that same dimension is 19’-6.75”.

Moran Engineering, Inc. who did the story pole survey and report for the first design, showed that two top ridge poles were short by 2.5” and 2.75”. He said that all “poles were consistent with the building plans within a few inches”. He did not specify the perimeter poles.

What is within a legal tolerance for story poles and building height discrepancies could end up harming my view. Therefore I ask that the current red tape be used as the baseline, surveyed and certified, before any agreement is finalized.

Attachments:

EA Drawing A.31 Current Design

Moran Engineering letter

Moran drawing showing EA first design with taller roof, poles a few inches short.
September 24, 2018
18-9874

Aska Wieloch-Kim
Eisenmann Architecture
1331 Seventh Street  Suite G
Berkeley, CA. 94710

Re: 1533 Beverly Place, Berkeley

Dear Ms. Wieloch-Kim:

At your direction, a survey crew, under my direction, located all story pôes which had been erected on the roof of the existing structure. The height of the pôes were consistent with the building plans within a few inches.

Please contact me if I can be of further assistance.

Very truly yours,

Jeffrey Black
Licensed Land Surveyor
Modest Suggestions to Mitigate were rebuffed: “Negotiations” were not in good faith

After I filed this appeal, Applicant requested a visit to my home in the below Sept. 16, 2019 email:

- Bryn (Applicant) asking to visit my home “I wanted to reach out to you personally......in order to enter mediation with the hope of seeing something from another person’s perspective,......ACTUALLY seeing things from the other person’s perspective might be helpful” (note: All previous requests by me to the Applicants/Architects to visit my home had been declined). “Would you be willing to show us around?...I would love to have the Architects (Aska and Stacy) come with us.....this way they could ask intelligent follow-up questions and take pictures if necessary...Thanks again for being open to further conversation”....Bryn

Of course I agreed. Unfortunately, it became immediately clear from their actions and words that the Applicants’ purpose was to document my views, not discuss nor negotiate. I determined this based on the following:

**Actions:** Immediately upon arrival, all 5 people, the applicants, their adult daughter and both architects, began taking photos and videos. Almost no conversation with me – just photos and videos of my views inside and out, from every possible angle, primarily while standing on my deck, for over an hour. I approached Stacy while she was photographing and asked her if she wanted to talk, she said “no, this is not a good time”.

**Words:** Bryn and John made statements that were not conducive to meaningful discussion. e.g :
- “We don’t need to make any changes, our design has already been approved by the City” (several times)
- “We are not going to change anything.” She mentioned how much money this was already costing them because of me.
- “We don’t want to dig down at all, we don’t want to sleep in a basement/underground”
- “We don’t want your Architect to redesign our house. We already have an approved design. He would be designing what YOU want, not what WE want!”
- “We want what YOU have, a second floor bedroom with a view!” Repeated by both Bryn and John.

AND MOST TELLING OF LACK OF GOOD FAITH: I emailed a request for a reciprocal visit for me and my architect to see things from their perspective, a request limited to the front window and outside perimeter. I wanted to understand their basement, access, and egress loss, and if there would be a detrimental view loss if they lowered their house. *(See attached email chain):*

- “As we explained before, more visits to our house will not be possible” (Bryn)
- “Requesting access to their home in order to redesign their project is not going to be granted” (Stacy)
- “We will need to decline participation in this exercise” (Aska)
Request for a pdf drawing
5 messages

Amy Di Costanzo <mailto:amycostanzo@...>
To: Stacy Eisenmann <mailto:staccy@...>
Cc: Aska Wieloch-Kim <mailto:aska@...>, Maurice Levitch <mailto:levitch@...>

Mon, Sep 23, 2019 at 12:30 PM

Dear Stacy,

Thank you for coming by on Thursday evening with Aska and John and Bryn. I was glad to get a brief chance to talk with you about ideas for options.

As part of my continuing investigation into alternative designs that would possibly be beneficial for both parties, my Architect is requesting the following drawings (the description is his):

"Please ask Stacy for a pdf of the existing and proposed longitudinal cross sections through the house and site with front and rear yards showing."

Please let us know if you have that drawing or Information. Thank you.

I may want to take Maurice back to see the outside of 1533 Beverly Pl, again, and possibly the basement and crawl space and the view from the front window. I will of course get in touch with Bryn and John if and when that comes up.

Thank you,

Amy

---

From: Aska Wieloch-Kim <mailto:aska@...>
Date: September 24, 2019 at 4:05:38 PM PDT
To: Amy Di Costanzo <mailto:amycostanzo@...>
Subject: Re: Request for a pdf drawing

Dear Amy,

I am writing back to you on Stacy's behalf, who is away from the office this week, and with the support of Bryn and John. Amy, we appreciate your efforts in trying to find a solution that meets your needs; however, I am afraid it would not be in our clients' best interest to involve your former architect in re-designing our project.

For one, there is an obvious conflict of interest, and furthermore, Maurice does not know our clients' design vision, nor their budget, so his suggestions would be purely theoretical. Therefore, we will need to decline participation in this exercise. Also, I just wanted to point out, that everything you need to know should be available to you on the city's website. Please do keep in mind all the expensive and significant structural modifications our clients have already offered to our original plan.

Best,
Aska

---

EISEN MANN
Architecture

Aska Wieloch-Kim, Studio Director
A California Corporation
1331 7th Street Suite G | Berkeley CA 94710 | 510.556.8442
Visit to your house
7 messages

Amy Di Costanzo
To: bryn*

Dear Bryn,

Thank you for coming to my house last Thursday. I'm glad you and your Architects were able to take many photos and stay long enough to get a sense of my perspective. I agree that it's important to have all the facts and some key photos in order to have a meaningful discussion in mediation and at the ZAB hearing.

To that end, and in light of what you wrote me on September 16th: "In order to enter mediation with the hope of seeing something from another person's perspective, it sort of goes without saying that ACTUALLY seeing things from the other person's perspective might be helpful." I would like your permission to visit your house along with Maurice LeVitch. We would need access to the front of the house inside, and to be able to walk around the perimeter, and possibly look under the floor - basement-crawl space.

Just to be clear, I have not hired Maurice to re-design your house; it was never his intention to design anything, simply to study the existing conditions. As I have said before, I have hired him to support me in understanding what is and what is not possible, because as I believe you will agree, there is no way to effectively enter mediation without this knowledge. Please let me know as soon as possible how and when we may come to see your house.

Sincerely,

Amy

Amy Di Costanzo
To: Bryn Smallwood-Garcia, Bryn & John Smallwood-Garcia
Cc: Stacy Eisenmann, Maurice LeVitch

Dear Bryn,

This is a friendly reminder that I emailed you a request to visit your house - along with my Architect - almost a week ago. I sent it to the same email address you used when you asked to visit my house. I have not received a response from you yet. Please let me know by this Friday when and how we can visit. If you do not wish to extend this same courtesy to me, please let me know this as well.

Sincerely,

Amy

Bryn Smallwood-Garcia
To: Amy Di Costanzo
Cc: John Smallwood-Garcia, Stacy Eisenmann, Maurice LeVitch, Aska Wieloch-Kim

As we explained to you before, more visits to our house will not be possible.
As you perhaps can see from my email message I do not have access to email at the present time as I am on a family visit out of state.

Stacy Eisenmann
To: Amy Di Costanzo
Cc: Bryn & John Smallwood-Garcia, Maurice LeVitch, Aska Wieloch-Kim

Hello Amy,

I believe that Bryn has had a full week and may have responded more quickly than she would have otherwise.

As you might understand, requesting complete access to the Smallwood Garcia's home while they are not present is a different level of sharing than what was offered to them in seeing your home. It should be possible to understand the slope and site conditions of their property from the drawings that have been publicly posted with the city.

Best,

Stacy
Visit to your house
4 messages

Amy Di Costanzo  Sat, Oct 5, 2019 at 1:14 PM
To: Stacy Eisenmann  
Cc: Bryn Smallwood-Garcia

Dear Stacy,

Thank you for the reasonable tone of your last email. I understand that Bryn would not want me to have "complete access" to the inside of her house while they are away.

However, that is not what I asked for. My request was limited to the access that I provided to Bryn and her team in my house. Specifically, I'd like to observe and photograph the views from the windows in her house. In addition, I would like to have access to being on her property with my Architect, on the outside of her house. That inspection would include bringing a ladder in order to obtain the experience of her (their) perspective. This experience is exactly what she asked of me and I, of course, obliged without hesitation and with no time limits imposed.

We would like to visit sometime this coming week or at the latest, the weekend of October 12th. If I need a response no later than this Tuesday October 8th. If Bryn refuses either or both of these highly reasonable requests, I would interpret it as attempting to prevent me from obtaining relevant information prior to Mediation and the ZAB Hearing.

I await a response from Bryn.

Sincerely,

Amy

Stacy Eisenmann  Sat, Oct 5, 2019 at 4:44 PM
To: Amy Di Costanzo  
Cc: Bryn & John Smallwood-Garcia, Bryn & John Smallwood-Garcia

Hello Amy,

Please understand that your request is not the same. The tour of your house was offered to Bryn & John on several occasions, and out of consideration they felt they should accept it since it seemed important to you. They did not seek it. Requesting access to their home in order to redesign their project is not going to be granted, and we will be happy to discuss this further at mediation.

Best,

Stacy

EISEN MANN
Architecture

Stacy Eisenmann, Principal AIA
A California Corporation
9817 7th Street Suite G | Studio 8 CA 91710 | 420.551.8142
www.eisenmannarchitecture.com

Find us on houzz.com
https://www.houzz.com/profile/122648148097398192/
Applicants Rejected their own Architect’s Suggested Compromise - Option 1

The one encouraging event during Applicant/Architect visit to my house: “Stacy” Eisenmann, lead Architect, sat with me at my kitchen table and listened as I pointed out my objections to the design:

- The SF Bay is eliminated from view once seated
- The addition looks like a wall and gives the feeling of being boxed in
- The east side front corner looks out of place. There is no view corridor between houses.

STACY PROPOSED THE FOLLOWING TO ALLOW SOME BREAK IN THE (AS NOW DESIGNED) TOTALLY BLOCKED VIEW CORRIDOR:

- What if we eliminate the front corner?
- She pointed to the story poles that represented the area of the house that she would open up to give me a view corridor (see photo of story poles). It’s the section with the bay bridge tower. She said “I get it, I understand” and we walked onto the deck where she confirmed which walls would open up. A part of the study would be eliminated, much like what I did for my neighbor years ago. (see photo shop of Design 1 when seated at table). Drawing by Maurice Levitch: Option 1 (concept only).
Statement by a witness to the conversation.

OUR DISCUSSION

- I asked Stacy how she would cut out the corner. She said she could design something that would work.
- I told her I would still like the house to be lowered to preserve my view of the remaining bay while seated. I would be able to decide by how much lower when new tape is placed (below the existing red tape) at the story poles.
- We discussed chimney, vent, and solar panel placement. She said they would be on the west side of the roof out of my line of sight.
- She assured me that with the current design, no part of the roof would protrude above the current red tape line.*

*Because EA’s drawings have, per the original survey (see Tab 5), discrepancies in the height depicted in the plans and the story poles height, and because the story poles themselves were never changed or re-certified as part of the new design submission, I suggest that we use the height of the existing red tape line (once certified) as the baseline height of all solution discussions.

As soon as Bryn heard about the discussion she rejected Stacy’s idea.

I really like Option 1 because it eliminates the “walled-in” aspect from many perspectives by providing an opening. The walled-in feeling would be most acute when in my garden. Eliminating the front corner would allow a partial view of San Francisco and the bay to remain (see photo from my garden at sunset – Option 1).
Option Number 1
Seated at kitchen table. Eliminate front corner 18", lower.

Seated at kitchen table. View through story poles.
January 20, 2020
1710 Sonoma Ave.

To the Members of the Berkeley Zoning Adjustments Board,

Re: 1533 Beverly Place

My name is Teymur Ismayilov. I am a software developer from Azerbaijan, and I have been living at Amy’s house for some months.

I am a witness to part of a negotiation process between Amy and the neighbor who is planning to build a second floor. The negotiation was about finding a solution that would work for both sides in a view dispute. Currently, the latest provided project of adding the second floor still blocks most of Amy’s beautiful view to the Bay and San Francisco. Basically, the view from the kitchen, the only room with a view on the main floor, and where we usually gather and have our meals will be significantly blocked. Apart from that, sometimes I take my laptop and work on the balcony and at the same time enjoying the beautiful view. So, if they build the second floor, as presently designed, obviously nobody is going to enjoy it.

One of the meetings happened at Amy’s house and since I am living there, I was present to see how this negotiation was going on. The owner of the house arrived together with her relatives, and architect designers. Amy was very welcoming and let them take many photographs, and was trying to explain why that view is so important to her. However, I was shocked, how the owner of the other house was acting so emotional and rude. She was acting like Amy did some damage to her property, but in fact what Amy is doing is just wanting to keep her beautiful view of the bay. I remember how she was emotionally blaming Amy – “Because of you we are already spending $100,000”. For me personally it is not clear how come it is possible. If let’s say for example, a tree from Amy’s backyard fell on the property of that woman and damaged her house, it would make sense, but here Amy just wants to keep her view.

Apart from blaming Amy for expenses, she let herself giving some advice to Amy in a bad tone – “If you need a view, lift up your balcony and put tall chairs on your balcony, and lift your kitchen table.” For the rest of the time she spoke to Amy in the same rude manner which is not acceptable, in particular when you are a guest in the owner’s house!

Meanwhile, I saw that her architect designer Stacy was sitting next to Amy, [I was seated at the same table] and was trying to find a solution that would work for both sides. I heard Stacy say, and she repeated this a couple of times, that now she understands Amy’s concerns; she saw that Amy lost her view corridor. They were working together to come up with something. I heard Stacy suggest a compromise which would let Amy maintain some of her view corridor open from the kitchen. As I heard Stacy describe it, the idea was about cutting some of the area off the 2nd floor, part of the den, leaving
the master suite from where her clients would have an amazing view, untouched. Stacy's compromise would restore some of Amy's view corridor. From what I heard; I'm felt hopeful that a compromise could be reached.

Teymur Ismayilov
01/24/2020

[Signature]
TAB B  Appellant's Architect Suggestion and Rationale: Option 2: Everything lowered 24"

Under the circumstances of this case, it is both reasonable and feasible, as part of the foundation replacement, to lower 1533 Beverly Place an additional 24".

I hired Architect Maurice Levitch, President of Levitch Associates, Inc., who made several site visits (from a neighbor's driveway, see Tab 6), reviewed the current design plan, and attempted to provide his suggestions to the Applicants and their architect.

The evidentiary basis for this suggestion is the following:

- The Applicants' house is elevated from the sidewalk by a small hill. The main floor is quite high at the front due to a sloping lot.
- Although Design Option 2 creates a more wall-like appearance than Design Option 1, I would accept it as an alternative to the current design.
- Applicants would retain basically the same views from their second story bedroom, study, and deck as their current design;
- It would not change the room configuration inside the house as currently designed;
- Some of the Appellant's view corridor would remain;
- Due to the slope of their lot, the below-grade portion of the main floor would begin towards the back of the house, which is the kitchen and back bedroom, the 24" would be at the back wall;
- The back bedroom would have a patio and steps up to the yard;
- Safe egress would be assured;
- I cannot comment on the impact to views from their main floor front window, as Applicant and her architects denied me access to their home after I had provided them access to my home (see Tab 6). While at my house, Applicants stated several times they wanted a second story bedroom with a view.

Maurice Levitch Letter
Maurice Levitch drawing Option 2
Photos of 1533 Beverly Place
Photo shop photos of Option 2 (24" down).
Maurice Levitch, AIA, Architect
1029 Heitz Ave., Berkeley, CA 94710  maurice@levitch.com  510-773-0606

Zoning Adjustments Board
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: 1533 Beverly Place

Attn: ZAB Secretary

I was asked to review the current design of 1533 Beverly Place by the Appellant, Amy DJ Costanzo, who lives behind the project to the east, at 1710 Sonoma Ave.

She believes that the Applicants have the right to expand their home as long as they do not cause significant impacts to neighboring properties.

The project, as designed, blocks the View Corridor of and the Significant View of the San Francisco Bay that 1710 now has. The impact takes place at the only public area, the Kitchen and Dining Room, on the main floor that has a View Corridor and Significant View.

Here are two alternative design solutions that could allow the Applicant to develop their property without causing the impact as described.

Alternative #1: Remove a corner of the Study. Lower house by 18" (not 24")
This alternative (suggested originally by the Architect to the Appellant at her home on a project walkthrough 9/19/10). This option would eliminate the front east corner (a portion of the Study) allowing for an important section of the View Corridor to be maintained. The house in this case would be lowered by 18" (not 24").

Alternative #2: Lower the building by 24"
Lowering the building, as currently designed, by 24" will reduce the impact on 1710 to an acceptable level.

The effect to the project would be that instead of walking out directly to grade from the Kitchen and Bedroom one would walk out to a landing and then step up to reach the rear yard area.

The Applicants' Architect claims that lowering the building any further is not feasible due to cost and the need for emergency egress.

Cost
Since the design already includes lowering the building and because the entire foundation will be replaced anyway this solution is viable as it would add only a small percentage to the total project cost (estimate $20,000 to $30,000) to cover the additional 60 to 70 cubic yards of earth to remove and the construction of 2' high retaining walls.

Design and construction detailing options are many and can be handled as a matter of course.

Emergency Egress
At Bedroom #1 in the rear the Applicant can choose to keep a sliding door or change it to a window without compromising egress. If changing to a window the sill height could be set as low as 32" above the floor where a maximum sill height of 44" is allowed.

Sincerely,

Maurice Levitch, AIA
Standing at back of kitchen.
Current design.

Standing at back of kitchen.
24" lower.
Seated at kitchen table. Current design.

Seated at kitchen table. 24" lower
February 10, 2020

To: Berkeley Zoning Adjustments Board
From: Sheridan & Karen Warrick, 1708 Sonoma Ave.
Re: AUP ZP2018-0153 at 1533 Beverly Place

We live directly behind the house at 1533 Beverly Place, for which a proposed second-story addition is now under review by the board. We last wrote on this matter—to planners Alison Riemer and Greg Powell—on May 9, 2019.

In that letter we noted that the revised plan, presented in person that month by Stacy Eisenmann and associates, only somewhat lessened the impacts to our significant view, the sunlight in our yard, and our privacy. However, we wrote then: “We accept that the Smallwood-Garcias have adjusted their plans in good faith.” We did not then envision how further changes could diminish the impacts on our view, sun, and privacy.

In a recent conversation with our immediate neighbor Amy Di Costanzo we have learned that additional revisions to the architectural plans for 1533 Beverly (which we understand are to be reviewed by the board) could further lower the height of the second story as seen from our bedroom, kitchen, and adjacent deck.

This lowering of the roofline would restore a portion of the view we would lose to the addition—as presented in the 2019 revised design—and would likewise restore some lost sunlight and help with our privacy concerns.

In summary, we are writing in support of Amy Di Costanzo’s request for further reworking of the architectural plan for the addition at 1533 Beverly. We ask that Ms. Di Costanzo’s proposed plans be considered promptly and seriously. Assuming the new ideas meet local standards, we support adopting a plan that lowers the roofline further.
Maurice S. Levitch, AIA
Architect
President, Levitch Associates Inc.
1029 Heinz Ave., Berkeley, CA 94710
Maurice@levitch.com
510.773.0606 Cell

Profile
I have nearly 30 years of experience as an Architect and Builder, leading the family design/build business for at least the last 20 years. I am a motivated, proactive leader able to work with laborers, carpenters, other architects, and home and business owners in the conception to completion of complicated remodeling and new construction projects. I look at challenges whether on a jobsite, on the drawing board or in the boardroom as opportunities to excel, be creative and constructive in finding solutions that benefit all parties. I raised my family in the same community in Berkeley and in the same Public Schools that I attended.

Work Experience
Levitch Associates, Inc., Berkeley, CA; 1984 - Present
President, Lead Architect, and General Contractor
Plan, organize, and manage the overall residential and light construction business for a well-known architecture and construction firm in Berkeley, California. Responsibilities include new business; overseeing design process and staff including documenting existing conditions, designing, reviewing drawing sets, analyzing projects, and preparing construction documents; obtaining planning and building permits; overseeing field teams and work including project budgets, bidding, scheduling, material purchasing and building code compliance.

Areas of Expertise
• Architecture and construction for:
  o Residential remodels and additions
  o Residential new construction
  o Commercial projects including offices, restaurants, and other tenant improvements; and veterinary hospitals
  o Light industrial projects
• Drawing preparation and review for complex design and construction projects
• Preparation of construction specifications, contracts, and payment schedules
• Construction project estimating including quantity take-offs, labor, material, and specialty trade contractor costing
• Working with City plan checkers in Zoning, Planning, Building, Public Works, Traffic Engineering and Transportation
• Work with outside consultants such as structural, civil, ADA, building code, acoustical and MEP consultants
• Reviewing credentials of potential subcontractors, material suppliers, and consultants
• Construction sequencing and scheduling using Gantt charts
• Post-disaster safety assessments - Northridge Earthquake 1994, Camp Fire Incident 2018
• Green building techniques and materials

Key Accomplishments and Awards
• Designed a new two-story duplex on a double lot in Berkeley. Project and client have encountered strong resistance from neighbors, requiring multiple rounds of preliminary design to address concerns. Project is currently in the Zoning approvals process, 2015-present
• Owners of a single-story home were looking for more living space on a compact lot. During construction, we took the house down to the floor structure, so now it’s practically a brand-new home. We were able to preserve the existing nonconforming side setback by retaining a corner of the foundation, thus eking out more width than would have been allowable under today’s standards, 2014-2017
• Designed, developed, and built a $1.7M new construction project, consisting of two homes with a Green Point Rating of 200 points per house (qualifying structures need a minimum of 50 points). Challenge: Integrating as many Green products as possible, 2007
• Attended various Community and Landmark Preservation Commission meetings to obtain approval from the City and Neighbors to conserve and redevelop a landmark structure in the City of Berkeley. Challenge: Neighbors against modern redevelopment of structure, 2005
• Participated in depositions and testified on the stand in court (Alameda County Superior Court) defending a contractor being sued for not constructing a job based on a supposed oral agreement he made with the homeowner, resulting in the Contractor being found not liable to being held to the oral agreement.
• Participated in a deconstruction process for an expert witness in a waterproofing case
• Wrote a monthly series of articles on design/build and business topics, published in Builder/Architect magazine, 2005-2008
• “Best of Houzz” awards to the firm for Design and Service, 2017-2018 and for Service, 2015-2016
• Maintained company status as a “Top 500 Remodeler” (Qualified Remodeler), 2017-2018, 2004-2011
• Worked with staff and established a “greener” office environment, achieving a Green Certified Business of Alameda County, 2008-current
• Won the Build It Green Home Tour Award in 2005, Best Larger Home Renovation and the 2006 People’s Choice Award in Alameda County

Education
• Bachelor of Arts, Architecture, University of California, Berkeley, 1984
• Seminar in being an Expert Witness with Douglas L. Field (The Expert Expert)
• Build It Green, Certified Green Building Professional and Green Point Rater training, 2004 and 2006
• Local 36 Carpentry Apprenticeship Program, 1982
• Graduate, Berkeley High School, 1978

Software and Tools
• Proficient in hand drafting, Microsoft Office and BuilderTrend CRM package
• Familiar with Chief Architect CAD software, ProEst estimating software, Sage and QuickBooks accounting software
• Proficient in commonly used field measurement and construction tools
• Performed Safety evaluations using specialized software and methods after the Camp Fire Incident in 2018 and after the Northridge Earthquake in 1994

Organizations and Activities
• Member, American Institute of Architects, (AIA) 1992-present
• Licensed General Contractor, 1992-present
• California Office of Emergency Services Safety Assessment Program Evaluator
• Promoted STEM education by providing tours to local high school students as part of East Bay STEM Career Awareness Day, approximately 2016-2019
• Educated community through valuable public seminars along with our vendor, Truitt and White Lumber Company, offering alternate building materials and energy efficient products
• Rebuilding Together House Captain for multiple projects, 2006-present
February 10, 2020

To: Berkeley Zoning Adjustments Board  
From: Sheridan & Karen Warrick, 1708 Sonoma Ave.  
Re: AUP ZP2018-0153 at 1533 Beverly Place

We live directly behind the house at 1533 Beverly Place, for which a proposed second-story addition is now under review by the board. We last wrote on this matter—to planners Alison Riemer and Greg Powell—on May 9, 2019.

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This lowering of the roofline would restore a portion of the view we would lose to the addition—as presented in the 2019 revised design—and would likewise restore some lost sunlight and help with our privacy concerns.

In summary, we are writing in support of Amy Di Costanzo’s request for further reworking of the architectural plan for the addition at 1533 Beverly. We ask that Ms. Di Costanzo’s proposed plans be considered promptly and seriously. Assuming the new ideas meet local standards, we support adopting a plan that lowers the roofline further.

[Signature]

Sheridan & Karen Warrick
1533 BEVERLY PLACE
APPELLANT AMY DI COSTANZO'S
REQUEST FOR ADDITIONAL CONDITIONS

1. **Height certification:** Surveyor certified elevation of red tape currently on story poles.
   **Rationale:** The red tape has become the “base” during all discussions regarding height and view impact. It’s height has not been certified. There is reason to do so: 1) surveyor’s notes show some of the story pole heights to be 2-3” short; 2) plans show an almost 3” difference in roof height; 3) Applicant has made height representations relative to the height of the red tape—“nothing will be higher than the red tape.” 4) Appellant to select the Surveyor.

2. **Location of roof features, including but not limited to vents, solar panels, ducts, chimneys, cable dishes etc..**
   **Rationale:** Architect has told Appellant Amy di Costanzo that all roof features will be placed on the west side and won’t be visible from her view window. **Unless made a Condition, not enforceable.**

3. **Roof color:** Paint on the flat roof should be a dark color – such as brown, as Appellant’s eyes are sensitive to light and sun reflection. The color on the roof of 1708 Sonoma is a good choice.

4. **Modifications to mitigate view corridor impact:** Either Option 1 or Option 2 or a variation
Appeal by Amy Di Costanzo of AUP granted to 1533 BEVERLY PLACE

RENA SPEECH*

Introduction: Amy has lived at 1710 Sonoma for over 40 years. She bought her one-story cottage because of the lovely kitchen dining view. She knows she cannot keep all of her view; she has worked hard and invested in a solution that would allow her to keep as much of that view as possible by hiring an expert to provide reasonable mitigations.

The Language of UP Findings contains instructive language to on how to determine if whether a proposal constitutes “detriment”. Those words are “under the circumstances of the case at the time the application is granted.” (32B.32.040.A) It’s a subjective standard. It’s a balancing of equities.

In this matter there three unique circumstances which, taken together or separately, require a Finding of [unreasonable] detriment unless the mitigations proposed are adopted by the ZAB as part of the approval.

1. There was materially false evidence cited in the AUP under appeal, which Staff used in its finding of “non-detriment”: AUP stated, that Amy would retain her views of the Golden Gate Bridge and Marin Headlands. Amy’s appeal showed that Amy had never had those views; despite that information, Staff should have but did not amend their determination.

This change of material facts should have shifted the balance to determine that Amy’s detriment was substantial.

2. Amy has a view from only one of the public rooms in her house: This is unlike other appeals where the impacted neighbors have beautiful view corridors from their living room, dining room and other main floor rooms.

Where, as here, the only main room with a view is negatively impacted, the balance must shift toward a finding of detriment.

3. There are reasonable and feasible measures that ZAB can require to reduce detriment.

- The topography and construction plan, in this case, converts proposed mitigations from what is often too expensive or feasible, into reasonable mitigation.

- Option 1, tab 7. Architect said it would open view: View corridor opens for Amy; Applicant does not lose view. Reduce height 18": Restores SF Bay for Amy; no impact on Applicant View

- Option 2, tab 8: reduce height 24": Cost arguments same as above; Removes need to take out part of 2nd floor den: Applicant keeps all requested square footage.

It is because Applicants refused to consider the impact on Amy during any of the design phases, and then refused to consider or discuss the mitigations that we are before you tonight for help.

Please grant this appeal.

*Provided to ZAB
CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

ITEM #: 4
ZAB DATE: 2/13/20

AGENDA TOPIC: 1523 BEVELY M.

NAME: [Redacted]
(Project Address)
(Please Print to be sure we spell your name correctly)

SUPPORT ___ OPPOSITION ___
(ORI)

RESIDENT X BUSINESS OWNER X

OTHER

SIGNATURE: __________________________

PHONE: [Redacted] DATE: 2/13/20
(In case we would like to contact you)
ROUGHLY EDITED COPY

BERKELEY ZAB MEETING
REMOTE BROADCAST CAPTIONING
THURSDAY, FEBRUARY 13, 2020

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* * * * *

This text is being provided in a rough draft format. Communication Access Realtime Translation (CART) is provided in order to facilitate communication accessibility and may not be totally verbatim record of the proceedings.

* * * * *
Hi, everyone, we're waiting on one more board member, hopefully she'll be here soon. We'll be starting in a few minutes. I want to make sure everybody knows if you wish to speak, you have to fill out one of the green speaker cards. You can decide later that you want to speak, by it's helpful for us to know who wants to speak on what item. If you're here to speak, please fill out a card and that will help us figure out our agenda. We will start in a few minutes. Thanks.

S. O'Keefe: Hello, everybody, we're waiting but 10 minutes is my threshold, I like to start on time. Welcome to the February 13th, meeting of the Zoning Adjustments Board. I'll be your chair. We'll start with roll call vote -- roll call and ex-parte disclosures.

Clerk: Board member Tregub.

I. Tregub: Present I had a discussion with [indiscernible] Rikals on the appeal under 1533 Beverly.

Board member Clark.

T. Clarke: Present and I did get a call the 8th from Rena Rikals but I did not listen to the message.

Clerk: Board member Sheahan.

Present no ex-parte.

Selawsky.

J. Selawsky: Present. Technically flow ex-parte. I did get a voice mail from Rena Rikals I didn't take the call so
THERE IS NO EX-PARTE.

>> BOARD MEMBER OLSON.

>> DID YOU SAY OLSON?

>> I DID.

>> C. OLSON: I DID -- WE RECEIVED AN E-MAIL TO VISIT 1710 SONOMA AND I DID GO AND VISIT IT SO I COULD SEE THE SITUATION FOR MYSELF.

>> DID YOU SPEAK WITH ANYBODY THERE? THE OWNER WAS THERE AND I WENT. AMY DI COSTANZO.

>> BOARD MEMBER KAHN.

>> NO EX-PARTE.

>> BOARD MEMBER AGUILAR.

>> PRESENT, NO EX-PARTE.

>> AND CHAIR O'KEEFE.

>> S. O'KEEFE: PRESENT AND NO EX-PARTE, NOBODY CALLED OR E-MAILED ME. I TRY NOT TO BE OFFENDED. I DON'T DO EX-PARTE ANYWAY.
>> S. O'KEEFE: THAT PASSES UNANIMOUSLY. YOU HAVE YOUR USE PERMIT APPEALABLE TO THE CITY COUNCIL. AND NOW WE'LL MOVE ON TO THE ORIGINAL ACTION CALENDAR. AND WE'LL HEAR 1533 BEVERLY PLACE. WHICH IS AN APPEAL FROM AN ADMINISTRATIVE USE PERMIT THAT WAS GRANTED. SO SHANNON WAS HELPFUL IN REMINDING ME HOW WE DEAL WITH THESE. WE TYPICALLY WHEN WE'RE HEARING AN APPEAL, WE HAVE THE APPELLANT PRESENT FIRST THEN HAVE THE APPLICANT RESPOND AND LET THE APPELLANT COME BACK. SO SORT OF THE OPPOSITE OF THE WAY WE USUALLY DO IT. THIS IS UNUSUAL EVEN MORE SO BECAUSE WE HAVE TWO SEPARATE A APPEALS. SHANNON SUGGESTED AND I BELIEVE THIS HAS BEEN ALREADY EXPLAINED TO EVERYONE THAT'S HERE TONIGHT TO SPEAK THAT WE'RE GOING TO HAVE THE FIRST APPELLANTS SPEAK FOR FIVE MINUTES. THEN THE SECOND APPELLANT SPEAK FOR FIVE MINUTES, THEN WE'LL LET THE ORIGINAL APPLICANTS COME AND SPEAK FOR A TOTAL OF 10 MINUTES. THEY CAN USING THEIR TIME HOWEVER THEY LIKE, BUT THEY HAVE THE SAME AMOUNT OF TOTAL TIME TO REBUT ANYTHING THAT WAS SAID AND THEN WE'LL BRING UP -- SHANNON REMIND ME OF HOW IT ENDED. IT WAS HER IDEA.

>> IT ENDS WITH A GROUP HUG. ONE APPELLANT FOLLOWED BY THE SECOND FOLLOWED BY THE APPLICANT AND THEN IT'S OPEN TO THE PUBLIC.

>> S. O'KEEFE: I HAVE THREE SPEAKER CARDS FROM THE PUBLIC. SO WE'LL DO THOSE.
THEN WE CLOSE IT UP AND THE ZAB DISCUSSES.

S. O'KEEFE: NO MORE APPELLANT COME BACK. IS THAT CLEAR TO THE BOARD? THE ORDER? AND WE'LL START WITH THE STAFF REPORT AND PROCEED AS JUST DESCRIBED.

IN THE SHADOW STUDY BECAUSE IT'S THEIR WAY TO CONFIRM THAT THE APPLICANTS OR ARCHITECT HAS REPAIRED THE SHADOW CORRECTLY BUT NOT USED TO MAKE A FINDING. PHOTOS OF EXISTING SHADOWS ON THE AFFECTED BUILDINGS ARE USEFUL BUT THE DRAWINGS OF THE PROPOSED SHADOWS ARE MORE IMPORTANT FOR PREPARING FINDINGS. SHADOW STUDIES SHOW INCREASED SHADING IN THE MORNING ON DECEMBER 21ST. PARTIALLY COVERING THE DINING ROOM WINDOWS AND IN THE MORNING ON JUNE 21ST WITH THE LIVING ROOM AND DINING ROOM WINDOWS FULLY COVERED BUT NOT THE KITCHEN WINDOWS. NOON AND AFTERNOON SHADOWS DO NOT TOUCH 1529 BEVERLY SO THE SHADING IS TYPICAL OF URBAN SHADING AND NO DETRIMENTAL SHADING WOULD OCCUR. STAFF RECOMMENDS ZAB DISMISS THIS APPEAL POINT.

>> S. O'KEEFE: THANK YOU. ARE THERE QUESTIONS FOR STAFF BEFORE WE BRING UP THE APPELLANTS? DIEGO.

>> IN MEDIATIONS WERE EASEMENTS DISCUSSED AT ALL?

>> I DON'T KNOW WHAT WAS DISCUSSED AT THE MEDIATION. STAFF DOESN'T REALLY PARTICIPATE. IT'S USUALLY THROUGH A LOCAL ORGANIZATION CALLED SEASON.

>> SO BETTER ASKED BY THE APPLICANT.

>> S. O'KEEFE: PATRICK.

>> P. SHEAHAN: THERE WAS ONE IMAGE. THE VIEW FROM THE KITCHEN THAT SHOWED THE PROPOSED STRUCTURE AND IT LOOKED LIKE STOREY POLES WERE IN THE BACKGROUND? YES.

>> THE STOREY POLES WERE PUT IN PLACE CLOSER TO WHEN THE
APPLICATION WAS SUBMITTED. THEN THEY WERE A RED LINE THIS IS WITH THE RENDERING THAT THE APPELLANTS PROVIDED THAT DOES MAKE IT EASIER. THAT SHOWS THE NEW HEIGHT BUT THERE IS IN YOUR PACKET IN THE PHOTOS IN THE APPELLANT'S LETTERS ARE MORE PHOTOS AND IN THE PACKET UNTIL THIS, WHICH WAS DROPPED AT YOUR SPOT TODAY, SO THOSE ALSO INCLUDE THE PHOTOS.


>> THE RED LINE IS DRAWN ON THE IMAGE. IT WASN'T INDICATED ON THE STOREY POLES.

>> AFTER THEY -- LAST MAY, A RED STRING OR ROPE WAS ADDED SO IT'S CLEAR WHEN YOU LOOK AT THE STOREY POLES, THE NEW HEIGHT IS THE RED LINE THAT IS LOWER.

>> SO WE SHOULD SAY ROPE OR STRING SO IT'S VISIBLE ACROSS THE STOREY POLES IN REAL LIFE. IT'S NOT A LINE DRAWN ON A PHOTO.

>> P. SHEAHAN: ARE THOSE PHOTOS IN THE PACKET FROM SITTING ON STANDING HEIGHT? OR DOES IT SAY?

>> SITTING, I BELIEVE.

>> SOME OF THEM ARE FROM SITTING AND SOME ARE FROM STANDING. THIS WAS PREPARED BY THE APPELLANTS AND THEY MAY BE DISCUSSING THAT TOO. AND THEN THE ONES IN THE PACKET LIKE ON
PAGE 7, THAT'S FROM SITTING AT THE KITCHEN TABLE. PAGE 7 OF 11.

OF LABEL ATTACHMENT THREE.

>> S. O'KEEFE: THAT WAS PROVIDED BY THE APPELLANT?

>> THAT WAS THE PHOTO PROVIDED BY THE APPELLANT, NOT BY
STAFF. STAFF WENT THERE AND VISITED WHEN THE STOREY POLES WERE
UP BEFORE, BUT NOT AFTER THE HEIGHT WAS REVISED AND THE RED LINE
WAS -- NO. ROPE OR WHATEVER WAS ADDED. THESE ARE PHOTOS FROM THE
APPELLANT.

>> S. O'KEEFE: STAFF DID NOT GO BACK AND LOOK AT IT AFTER
THE HEIGHT WAS REVISED?

>> NO, THE HEIGHT WAS DIFFERENT AND GOING OFF OF THE
PHOTOS.

>> S. O'KEEFE: THANK YOU FOR GIVING US THAT INFORMATION.
MORE QUESTIONS FOR STAFF. CARRIE HAS ONE.

>> C. OLSON: I CAN CLARIFY THIS IS WHAT I SAW YESTERDAY.
YOU KNOW, I DON'T KNOW WHETHER THE MARKS ARE CORRECT OR NOT. SO
I WANT TO ASK STAFF, HOW DO WE KNOW WHETHER OR NOT THE MARKS ON
THE POLES ARE ACTUALLY WHAT IS GOING TO GET BUILT?

>> SO WE GO OFF OF -- WE'RE STILL GOING OFF WHAT THE
ELEVATION SHOWS. THEY SHOW THAT HEIGHT OF 23 FEET. BUT THAT IS A
QUESTION THAT WAS BROUGHT UP. THAT IS SOMETHING, THERE IS A
SIMILAR CONDITION WE APPLY FOR NEW CONSTRUCTION WHICH COULD BE
APPLIED HERE BECAUSE THERE WAS A QUESTION OF HOW -- WHEN THE
POLES -- WHEN THE SURVEY WAS DONE AND THESE STOREY POLES WERE
INSTALLED AND HOW IT MAY HAVE BEEN OFF BY A FEW INCHES. AND SO THE HEIGHT CAN BE VERIFIED IF THERE IS A QUESTION ON WHERE THE HEIGHT MIGHT BE A LICENSED SURVEYOR. LIKE ANY PROJECT, WE GO OFF THE HEIGHT THAT IS DIMENSIONED ON THE ELEVATION.

>> C. OLSON: YOU MENTIONED THE WORD "HILLSIDE" WE IN BERKELEY HAVE A HILLSIDE ZONE. IT'S ABOVE SHATTUCK UP THE HILL.

>> S. O'KEEFE: IT'S A ZONING OVERLAY.

>> C. OLSON: EXACTLY AND THAT'S WHAT YOU MEAN BY HILLSIDE?

>> YES THERE A STANDARD CONDITION WE USE ON VERIFYING HEIGHT. WHEN YOU HAVE A SURVEYOR GO OUT AND VERIFY THE LOCATION. AT THE FRAMING STAGE FOR THE ADDITION, YOU COULD HAVE A LICENSE SURVEYOR GO OUT TO VERIFY THE HEIGHTS IF THERE IS A QUESTION ABOUT WHAT THE HEIGHTS ARE. OTHERWISE WE GO OFF WHAT IS AN ELEVATION.

>> I WANT TO CLARIFY, IT'S THE STANDARD CONDITION OF APPROVAL. FOR NEW CONSTRUCTION IN THE HILLS, THE STANDARD CONDITION IS A LICENSED SURVEYOR VERIFIES CONSTRUCTION AT A COUPLE OF DIFFERENT POINTS IN TIME. SO THAT WHEN THE BUILDING ISN'T ALL DONE, SOMEBODY LOOKS AT IT AND IT'S THREE OR FOUR INCHES TALLER THAN APPROVED. THAT'S A STANDARD CONDITION FOR A NEW RESIDENCE, BUT THE ZONING ADJUSTMENTS BOARD COULD ADD THAT CONDITION OF APPROVAL FOR THIS NEW -- FOR THIS ADDITION.

>> OKAY IF I FOLLOW UP?

>> YES.
TO CLARIFY, IT DOESN'T REALLY HAVE ANYTHING TO DO WITH WHETHER OR NOT IT'S IN THE OVERLAY ZONE. BECAUSE I REALIZE THERE IS A LANGUAGE IN THE ZONING CODE WHICH I CAN'T BEGIN TO THREE OF WHERE IT IS ABOUT WHEN STOREY POLES ARE REQUIRED. THIS ISN'T SO MUCH ABOUT STOREY POLES BUT ABOUT MAKING SURE THAT THE BUILDING IS ACTUALLY BUILT TO THE HEIGHT WHICH IS APPROVED.

WAY TO VERIFY BUILDING HEIGHT. BUT STOREY POLES --

STOREY POLES IS IN THE SUBMITTED REQUIREMENTS AND THAT CAN BE WAIVED BY STAFF IF YOU'RE BUILDING IT TOP OF THE PEAK AND NOT IMPACTING VIEWS OR SOMETHING LIKE THAT. IT'S AN APPLICATION ELEMENT.

S. O'KEEFE: PATRICK.

P. SHEAHAN: SO IF I UNDERSTAND CORRECTLY, THEN IT IS NOT -- THERE IS NO CONDITION THAT ELEVATIONS BE VERIFIED BY A SURVEYOR.

NO. BUT THAT IS A CONDITION --

THAT WOULD BE SOMETHING.

ADDED. ONE OF THE APPELLANTS BROUGHT UP ABOUT THE ISSUE OF HEIGHT AND VERIFYING HEIGHT. AND YOU KNOW, IT WAS A PROJECT IN THE HILLSIDE OVERLAY THAT IS A CONDITION. THIS IS NOT IN THE OVERLAY SO THAT HASN'T YET BEEN INCLUDED.

BUT IT COULD BE AT THE REQUEST OF THE BOARD.

MORE QUESTIONS FOR STAFF. OR SHALL WE HEAR FROM THE APPELLANTS? OKAY. SO FIRST WE'RE GOING TO HAVE THE TEAM FROM
1710 Sonoma come up. Is that your understanding? You guys have five minutes. Split it however you like.

>> Does everybody have their booklet?

>> S. O'Keeffe: the clock will start once you start.

>> I was born and raised in Berkeley, I live in District Five. I've been a single mother for 15 years. I raised four children at my house. All of the available rooms are rented and I have a rooming house in Berkeley in good standing with the Rent Board with students and older people living together and paying affordable rent. I'm not against building. For 11 years I have operated a small subcontracting business in the trades. I am against projects that take something important from me when they are alternatives. 40 years ago we bought 1710 Sonoma Avenue. We paid --

>> S. O'Keeffe: stop the clock for a second. Your presentation is five minutes long.

>> 40 years ago we bought and paid more because of the view from the back. The back of the kitchen is the only public room in the house with a view. A corridor starting with the Berkeley flat leading to the Bay, the Bay Bridge and San Francisco skyline. The horizontal red tape stands for the top of the roof in the current design. This is a photo of a view from the kitchen table. The tenants and I spend most of our time seated at the table or on the deck chairs. This is a view from the deck.
CHAIR. HERE I LOSE THE BAY AND SOME OF THE BRIDGE AND SKYLINE. SEE TABS 2 AND 3 FOR FURTHER INFORMATION. NEXT PHOTO. TAB 3 IS THE ADDITION THE APPLICANTS ARE SEEKING TO BUILD. AS YOU CAN SEE, WHEN SITTING, THE BAY WOULD BE COMPLETELY ELIMINATED. THE BAY BRIDGE AND SKYLINE WOULD APPEAR TO BE ON TOP OF A FLAT ROOF INSTEAD OF ABOVE THE BAY AS THEY SHOULD BE REMOVING ALL CONTEXT FROM OUR VIEW. ELIMINATING THE BAY AND WALKING MY VIEW CORRIDOR IS UNREASONABLE. THE EARLIER PICTURE THEY SHOWED WAS FROM STANDING. MOST DETRIMENT IS WHEN SIGNATURE.

>> I'M A ARCHITECT AND BUILDING. THE GOOD NEWS IS THAT THERE ARE ALTERNATIVES THAT WE WOULD LIKE THE APPLICANT TO CONSIDER ONE OF WHICH IS -- THEY'RE LOWERING THE BUILDING PHYSICALLY AND REPLACING THE WHOLE FOUNDATION. WE'RE ASKING THEM TO LOWER IT MORE IN ONE OPTION. CAN YOU GO TO THE SLIDES THAT SHOW THE OPTIONS. ONE IS LOWERING IT AN ADDITIONAL 18-INCHES AND CUTTING OFF A SMALL CORNER OF FRONT BUILDING. THE OTHER IS LOWERING IT JUST 24 INCHES MORE AND KEEPING THE SAME DESIGN. THERE IS ANOTHER ONE WITH THE SHADING. BROWN SHADING. SO THIS WOULD RESULT IN A REAR OF THEIR BUILDING BEING TWO FEET BELOW GRADE OF THE PATIO IN THE BACK WHICH IS SOMETHING VERY COMMON IN PROJECTS WE WORK WITH. YOU'D HAVE TO STEP OUT TO IT LOWERED PATIO AND UP 18 OR 24 INCHES DEPENDING ON THE DESIGN SOLUTION. THESE ARE BOTH VIABLE OPTIONS WE'D LIKE THEM TO CONSIDER AND THAT WOULD BE A GREAT IMPROVEMENT ON AMY'S VIEW.
GOOD EVENING. I'M HERE TO DISCUSS THE FINDINGS. THE USE PERMIT FINDINGS I FIND TO BE PERSONAL AND VERY SUBJECTIVE. BECAUSE THEY INSTRUCT THIS BOARD TO CONSIDER THE CIRCUMSTANCES OF THE CASE AT THE TIME THAT YOU'RE MAKING THE DECISION. SO WE HAVE SCALE AND AS YOU GET DIFFERENT FACTS, THE SCALE SHOULD TIP ONE WAY OR THE OTHER. THERE ARE THREE UNIQUE FACTS TO VOTE IN FAVOR OF THE MITIGATIONS AND STILL APPROVE THE PROJECT. NUMBER ONE IS THE ORIGINAL, AMY STILL HAD THE GOLDEN GATE BRIDGE AND ENTIRE VIEW OF MARIN HEADLINES. AFTER THE DECISION CAME UP AND SHE EXPLAINED I DON'T HAVE THOSE THINGS. THERE WAS NEW FACTS BUT NO NEW DECISION. THE SECOND IS THAT THE ONLY PUBLIC VIEW AMY HAS IS FROM THIS ONE ROOM. IT'S THE ONLY PUBLIC ROOM VIEW. THE REST OF THE HOUSE IS DARK AND DOESN'T LET ANY LIGHT. SO SHE'S LOSING WHAT SHE HAS FROM THE MAIN ROOM THAT SHE HAS. THE THIRD IS THAT THERE ARE REASONABLE ALTERNATIVES. ALTERNATIVES THAT MAY NOT BE REASONABLE IN ANOTHER CASE, BUT ARE BECAUSE OF THE FACT OF THIS CASE. THEY'RE ALREADY TEARING UP THE FOUNDATION, THEY'RE ALREADY EXCAVATING. WE'RE TALKING ABOUT AN INCREMENT OF GOING DEEPER TO SAVE SOME OF HER VIEW. AMY IS NOT TRYING TO SAVE EVERYTHING. SHE UNDERSTANDS DEVELOPMENT BUT WANTS TO SAY SOME OF HER VIEW. THE SECOND IS TAKING A NOTCH OFF ONE SIDE WHICH THE ARCHITECT SUGGESTED SO SHE IS PEA NOT LOOKING AT A WALL BUT HAVE SOME VIEW CORRIDOR. AND THEN SOME MORE CUTTING INTO THE GROUND ONLY INCREMENTAL TO WHAT THEY'RE ALREADY PLANNING TO DO. WE THINK
BOTH THOSE ALTERNATIVES ARE REASONABLE AND ENOUGH REASON TO CONSIDER OUR POSITION. THANK YOU.

>> S. O'KEEFE: GREAT. THANK YOU. ARE THERE QUESTIONS FOR THIS APPELLANT TEAM? DIEGO.

>> DURING MEDIATION, WAS THE POSSIBILITY OF BUYING AN EASEMENT DISCUSSED AT ALL?

>> AN EASEMENT OF -- I NEED TO START WAY MORE GENERAL RESPONSE. I WOULD LOVE TO TELL YOU WHAT HAPPENED.

>> WE READ THE DESCRIPTION OF THE NEGOTIATIONS. WHAT I'M ASKING IS WAS ANY MONETARY INCENTIVE OFFERED TO THE APPLICANT TO PRESERVE THE APPELLANT'S VIEW?

>> I CAN TELL YOU WHAT DID HAPPEN.

>> IF THE ANSWER IS NO, SAY NO.

>> NO.

>> S. O'KEEFE: THANK YOU. ANY OWE QUESTIONS FOR THE APPELLANT? THIS APPELLANT TEAM? PATRICK.

>> P. SHEAHAN: JUST CLARIFICATION OF THE PROPOSED MAXIMUM HEIGHT RELATIVE TO THE RED LINE INDICATED ON THE PHOTOS. WHAT IS THAT LINE REFERENCING? IS THAT THE MAXIMUM TOTAL HEIGHT INCLUDING PITCH TO DRAIN AND ET CETERA?

>> AS I UNDERSTAND IT, THE ARCHITECT REPRESENTED THAT THE RED LINE WAS THE HIGHEST ANYTHING WOULD GO INCLUDING ROOF ACCESSORIES AND ADDITIONAL --

>> P. SHEAHAN: SO MAYBE THE ARCHITECT CAN CLARIFY THAT.
>> S. O'KEEFE: WE CAN ASK THE APPLICANT. ANY OTHER QUESTIONS FOR THIS APPELLANT TEAM? SEEING NONE, THANK YOU SO MUCH. HAVE A SEAT. NOW AS PROMISED, WE'LL BRING UP THE ROBERT RAMSEY FREEDOM 1529 BEVERLY PLACE AND YOU HAVE FIVE MINUTES. WE WON'T BEGIN UNTIL YOU'RE READY.

>> THANK YOU. GOOD EVENING. I'M GOING TO FOCUS TONIGHT ON THE CORE OF OUR PRESENTATION AND THAT IS THE GRASS IN SECTION 7. I AM A DATA ANALYST AND I WORKED HARD TO MAKE THESE GRAPHS CLEAR THAT ON PAGE 8 THROUGH 10, BUT I KNOW YOU'LL CAN ME IF YOU HAVE ANY QUESTIONS. UNDER THE CURRENT DESIGN, WE WOULD LOSE NEARLY TWO HOURS OF DIRECT SUNLIGHT EVERY DAY, HUNDREDS OF HOURS A YEAR. THE TOP GRASS HERE SHOWS APPROXIMATELY HOW MANY HOURS WE RECEIVE ON THE 21ST OF EACH MONTH. THE WINTER MONTHS ARE IN THE MIDDLE AND IT DIPS IN THE MIDDLE. THE LOWER GRASS SHOWS THAT UNIFORMLY WE'D BE LOSING ABOUT NEARLY TWO HOURS, 1.8 HOURS EVERY DAY. THESE HOURS WOULD BE LOST -- THEY WOULD BE THE FIRST HOURS OF THE DAY. WHEN WE'RE HOME AND USING THE EAST-FACING ROOMS, OUR KITCHEN AND DINING ROOM PRIMARILY. FOR MULTIPLE REASONS, WE DISAGREE WITH THE CITY'S CONCLUSION THAT OUR LOSS WOULD NOT BE SIGNIFICANT. THIS PHOTO HERE SHOWS LIGHT THAT WE RECEIVE OVER THE APPLICANT'S HOUSE IN THE EARLY MORNING BEFORE THE SUN HAS EVEN CLEARED THEIR ROOF. AND SO WE'RE RECEIVING ILLUMINATION BEFORE WE'RE EVEN RECEIVING SUNLIGHT. INSTEAD OF RECEIVING THIS LIGHT, WE'D BE FACING A DARK-SHAPED TWO-STOREY HOUSE.
THE -- THIS PAGE HERE IS REALLY THE CORE OF OUR ANALYSIS. IT SHOWS THE HOURS IN OUR DINING ROOM AND OUR KITCHEN THAT WE RECEIVED BEFORE 9:00 A.M. WHICH IS GENERALLY WHEN WE'RE THERE. WHEN WE'RE HOME. AND WE WOULD LOSE APPROXIMATELY THREE QUARTERS OF THESE HOURS. THE LOWER CHART -- THE LOWER GRAPH IN GRAY SHOWS HOW MUCH WE'D LOSE. THE RED LANE THAT GAS CROSS THE TOP OF THE LOWER GRAPH SHOWS FOR EACH MONTH WHAT THE PERCENTAGE OF LOSS WOULD BE AND FOR SIX MONTHS IN A ROW, WE WOULD HAVE 100 PERCENT LOSS DURING THE COLDEST AND DARKEST MONTHS OF THE YEAR. WE HAVE DOCUMENTED THE HARMFUL SHADING IMPACTS THAT WOULD OCCUR IN SECTION TWO AND THIS INCLUDES FOR SENIORS VISION CHANGING WITH AGE AND IT'S WELL-KNOWN AND RECOGNIZED THAT SENIORS NEED MORE LIGHT IN ORDER TO BE ABLE TO SEE WELL AND BE SAFE. THE SHADING WOULD MAKE OUR HOUSE HARDER AND MAKING US LESS SAFE. REPLACING THE LIGHT WE CURRENTLY RECEIVE WITH ELECTRIC LIGHTING WOULD HAVE A FINANCIAL IMPACT AND WE'RE OPPOSED TO THAT. WE ALSO DISAGREE THAT THE APPLICANTS HAVE ADDRESSED OUR CONCERNS. THEY'VE NEVER SPOKEN TO ANY OF THOSE PARTICULAR ISSUES. ALL THEY'VE SAID IS THAT THE SHADOWS ARE NOT A PROBLEM BECAUSE EVENTUALLY THEY MOVE OFF THE WINDOWS. THIS IS TRUE, BUT NOT A RESPONSE TO OUR OBJECTIONS BECAUSE OF COURSE THE SHADOWS EVENTUALLY MOVE OFF THE WINDOWS. THAT'S WHAT SHADOWS DO, THEY MOVE. OUR OBJECTION IS TO WHAT HAPPENS WHILE THEY'RE IN PLACE. WE SPEND A LOT OF TIME THINKING ABOUT THE PROS AND CONS AND WHO STANDS TO GAIN FROM
THIS PROJECT AND WHO STANDS TO LOSE. THE COST BENEFITS ARE LOPSIDED. THIS PROJECT WOULD RESULT IN ONE FAMILY GAINING SIGNIFICANT BENEFITS AND WOULD RESULT IN MULTIPLE FAMILIES ENDURING SIGNIFICANT LOSSES. WE COULD GAIN NO CORRESPONDING BENEFITS THAT OFFSET THE LOSSES. ONE FAMILY WOULD END UP BETTER OFF AND MULTIPLE FAMILIES WOULD END UP WORSE OFF. THIS SEEMS TO US LIKE A SITUATION IN WHICH IT'S INCUMBENT ON THE FAMILY ENDING UP BETTER OFF TO DO EVERYTHING FEASIBLE TO MITIGATE THE LOSSES IMPOSED ON THEIR NEIGHBORS. THE FUNDAMENTAL PREMISE OF OUR APPEAL IS THAT MITIGATION IS BOTH POSSIBLE AND FEASIBLE. THERE IS AN IMPORTANT DIFFERENCE BETWEEN THE APPLICANTS AND THE SURROUNDING NEIGHBORS. THEY OPTED INTO THIS PROJECT, THEY CHOSE TO DEVELOP A DESIGN AND SUBMIT AN APPLICATION SEEKING SIGNIFICANT BENEFIT. WE DID NOT HAVE THE CHOICE TO OPT IN. OUR ONLY CHOICE WAS EITHER TO ACQUIESCE TO A PROJECT THAT WOULD CAUSE US SUBSTANTIAL LOSS OR TO OPPOSE IT. WE DO NOT STAND TO END UP BETTER OFF IN ANY WAY FROM THIS. ALL WE CAN DO IS INFLUENCE HOW MUCH WE LOSE. WE BELIEVE AND AMY HAS WORKED HARD TO DOCUMENT THERE ARE FEASIBLE ALTERNATIVES THAT WOULD CAUSE LESS HARM. SIX OF THE APPLICANTS NEIGHBORS ARE CONCERNED ABOUT THE IMPACTS THIS PROJECT WOULD HAVE AND WE UNANIMOUSLY SUPPORT THE DEVELOPMENT OF A LESS DETRIMENTAL DESIGN. AND SO, IN CONCLUSION, WE RESPECTFULLY REQUEST THAT YOU EVALUATE WHETHER OUR LOSS, 74% OVER THE COURSE OF A YEAR IN THE HOURS THAT WE USE
THOSE ROOMS THE MOST WOULD BE SIGNIFICANT AND SUBSTANTIAL. AND THAT YOU RECOGNIZE THAT OUR OBJECTIONS TO THE IMPACTS SUCH AS SAFETY, HEALTH AND FINANCIAL HAVE NEVER BEEN ADDRESSED.

>> S. O'KEEFE: THANK YOU. ARE THERE QUESTIONS FOR THIS APPLICANT? I'M SORRY, APPELLANT. DIEGO.

>> YOU MENTIONED SAFETY AND HEALTH. AND I APPRECIATE YOU DOING ALL THIS EFFORT TO QUANTIFY WHAT YOU LOSE IN SO FAR AS SUNLIGHT, BUT HAVE YOU QUANTIFIED HOW THE ACTUALLY AFFECTS SAFETY AND HEALTH?

>> YES THERE ARE SOME CITATIONS ON PAGE 3.

>> WHAT PAGE?

>> PAGE 3.

>> AND YOU MENTIONED BENEFIT FOR THE APPLICANT. IN YOUR NEGOTIATIONS, DID YOU ASK THE APPLICANT WHAT BENEFIT THE FIFTH BEDROOM MIGHT BE CONFERRING ON THEM? OR ARE YOU ASSUMING A STANDARD ARBITRARY BENEFIT THAT A BEDROOM HAS IN GENERAL IN.

>> ACTUALLY, I'M CONFUSED ABOUT THAT POINT FOR THIS REASON. AND JUST THEIR HOUSE AND OUR HOUSE ARE CLOSE TO MIRROR IMAGES. THERE ARE CURRENTLY THREE BEDROOMS. MY UNDERSTANDING IS THAT THEY WOULD BE GIVING UP ONE EXISTING BEDROOM FOR A STAIRWAY AND ENLARGING MAIN BATHROOM AND BUILDING TWO BEDROOMS ON THE SECOND FLOOR AND THEY ARE NOT COUNTING THEIR GARAGE, I BELIEVE, ANY MORE AS A FIFTH BEDROOM SO I'M NOT CLEAR ON WHETHER IT IS A FIVE BEDROOM PROJECT AT THIS POINT.
>> S. O'KEEFE: WE CAN GET CLARIFICATION WHEN THEY SPEAK.

>> MY QUESTION IS, YOU'VE QUANTIFIED THE LOSSES FOR YOURSELF QUITE A BIT. I GUESS THIS IS A BETTER QUESTION FOR APPLICANT, WHAT QUANTIFICATION IS THE BENEFIT THAT YOU PERCEIVE APPLICANT HAVING IF WE'RE GOING TO WEIGH THESE?

>> THEY ARE GAIN BEING NEARLY -- THEY'RE NEARLY DOUBLING THEIR SQUARE FOOTAGE AND GAINING AN UPPER STOREY DECK AND GAINING LARGER BROOMS AND ENLARGED KITCHEN. THEY'RE GETTING A MORE DRAMATIC VIEW FROM THEIR UPPER FLOOR.

>> I'LL ASK THEM MORE BUT THANK YOU.

>> S. O'KEEFE: IGOR.

>> I. TREGUB: THANK YOU. HAVE YOU HAD -- I KNOW THE PREVIOUS APPELLANT THAT SPOKE HAD A DESIGN ALTERNATIVE. HAVE YOU HAD AN OPPORTUNITY TO DISCUSS THAT ALTERNATIVE WITH THE OTHER APPELLANT. IF SO, CAN YOU COMMENT ON WHETHER THAT ALTERNATIVE WOULD BE BENEFICIAL OR LESS DETRIMENTAL TO YOU?

>> YES. I WOULD ALSO LIKE TO CALL YOUR ATTENTION TO PAGE FOUR IN OUR BOOKLET WHICH THE LOWER HALF OF PAGE -- MOST OF PAGE FOUR IS POINTING OUT THAT THERE ARE NUMEROUS HOUSES IN OUR SURROUNDING NEIGHBORHOOD THAT HAVE ADDED SUBSTANTIAL SQUARE FOOTAGE BELOW AN EXISTING ONE-STOREY HOUSE WITHOUT RAISING THE EXISTING HOUSE AT ALL. THIS INCLUDES A HOUSE AT 1220 MONTEREY. AT 1102 CALOOSA AND 1220 CALOOSA. IS 1220 CALOOSA HAS NEARLY 800 SQUARE FEET BELOW THE EXISTING LEVEL AND PAGE 4 CALLS OUT HOW
THAT PROJECT WAS APPROVED BECAUSE IT WOULD NOT ENLARGE THE EXISTING SHELL AND NOT IMPACT THE NEIGHBORS LIGHT REVIEWS AT ALL. I DESCRIBED THIS PROJECT AND SHOWED SOME PHOTOS OF THIS PROJECT TO THE ARCHITECT AT THE MEETING AT THE APPLICANT'S HOUSE LAST MAY. BECAUSE WHAT WE REALIZED WAS THEIR REVISED DESIGN LOWERS THE HOUSE -- THE EDGE OF THE ROOF BY ABOUT TWO FEET. IT RETAINS ABOUT 80%, I BELIEVE, OF THE HEIGHT OF THE EARLIER DESIGN AND THAT'S FOR OUR -- IMPACT ON US, THAT'S A RELATIVELY SMALL REDUCTION OF THE DETRIMENTAL IMPACT. AND SO I DESCRIBED THIS PROJECT THAT ADDED SUBSTANTIAL SQUARE FOOTAGE AND IT'S GOT A LOVELY PAIR OF FULL HEIGHT FRENCH DOORS THAT OPEN OUT ON TO A TERRACE IN THE FRONT. I BELIEVE THAT 1220 CALOOSA IS 14 -- THE FRONT DOOR IS 14 STEPS ABOVE SIDEWALK LEVEL AND OUR HOUSE IS 16 AND I THINK 1533 IS RIGHT IN THAT RANGE. SO THE ELEVATION IS ALREADY THERE. AND SO WE RECOGNIZE THAT THE ONLY WAY WE WOULDN'T BE IMPACTED AT ALL IS A HOUSE THAT DID NOT CHANGE THE EXISTING SHELL. BUT ANYTHING THAT IS A REDUCTION FROM THE CURRENT VERSION WOULD IMPROVE IMPACT ON US.

>> S. O'KEEFE: THAT'S WHAT WE'RE LOOKING FOR. THANK YOU. OKAY. ANY OTHER QUESTIONS FOR THE APPLICANT? APPELLANT. SORRY. OKAY, THANK YOU, HAVE A SEAT. NOW WE'LL BRING UP THE APPLICANTS WHO ARE -- IT'S YOU GUYS. COME ON UP. THEY'LL GET 10 MINUTES. THEY'RE GOING TO GET 10 MINUTES TO RESPOND TO EVERYTHING THAT WAS SAID. AND WE'LL HAVE OUR THREE SPEAKERS EACH SPEAKER WILL
GET TWO MINUTES FROM THE PUBLIC. YOU GUYS CAN START. ARE THERE QUESTIONS FOR STAFF? WE CAN SEE IT HERE. IS THAT SOMETHING YOU GUYS CONTROL? I DO LIKE IT WHEN IT'S HERE THEN WE CAN LOOK AT THE SPEAKER AND SEE THE SLIDES.

>> I CAN CLARIFY WE DID HAVE A SURVEYOR COME OUT AND CONFIRM THE HEIGHT OF THE STOREY POLES. THAT DID HAPPEN. THERE WAS A SURVEYOR WHO CONFIRMED. WHEN WE LOWERED THE PROPOSED ROOFLINE --

>> I. TREGUB: POINT OF ORDER. I THINK IT'S IMPROPER TO START.

>> S. O'KEEFE: I THINK IT'S A QUESTION CARRIE WAS GOING TO ASK. LET'S SAVE THAT TO BE PROPER. WHAT IS THE STATUS? THEY'RE TRYING TO FIX THE TVS? WE'LL PAUSE AND COLLECT OUR THOUGHTS. SHANNON, WE COULD TAKE A CAPTIONER BREAK. COULD WE GET THIS DONE IN FIVE MINUTES?

>> I'M NOT CONFIDENT THAT WE CAN SOLVE THIS. BUT WE CAN TAKE A CAPTIONER BREAK.

>> S. O'KEEFE: I'D RATHER DIGEST ALL THIS INFORMATION. LET'S DO THAT AND THEN TAKE I CAPTIONER'S BREAK, THEN WE'LL DO COMMENT FROM THE PUBLICS AND THEN A CAPTIONER BREAK. THANK YOU FOR YOUR PATIENCE.

>> I'M STACY EISENMANN, THE ARCHITECT. I'M ALSO THE NEIGHBOR. I LIVE SIX DOORS DOWN ON BEVERLY PLACE. I HAPPEN TO BE -- THE LINE BETWEEN OUR HOUSES SO I SERVE ON THE CITY OF
ALBANY PLANNING COMMISSION FOR FOUR YEARS. YOU CAN IMAGINE AS A NEIGHBOR AND AS A FORMER COMMISSIONER THAT I TAKE THE PLANNING CODES SERIOUSLY AND WE APPROACHED THE DESIGN WITH AN ADDED LEVEL OF CARE. I WOULD LIKE TO ADD THAT JOHN, BRYNE AND I HAVE A GREAT RESPECT FOR OUR NEIGHBORS AND WE'RE SORRY THAT WE'RE IN THIS SITUATION RIGHT NOW. YOU'VE TAKEN A LOOK AT THE FLOOR PLAN. WE DID APPLY FOR A FIFTH BEDROOM, NOT BECAUSE WE WERE GOING TO USE FIVE BEDROOMS, BUT BECAUSE WE'VE CREATED A FAMILY ROOM, STUDY SPACE THAT HAS A DOOR TO IT. IF THE FIFTH BEDROOM IS A CONCERN, WE CAN REMOVE THE DOOR AND IT'S ALL OF A SUDDEN A FAMILY ROOM SPACE. WHAT I WOULD LIKE TO SAY IS BRYNE AND JOHN, THEY PURCHASED THEIR HOUSE IN 1995 AND LIVED AND RAISED THEIR KIDS THERE. THEY LATER MOVED TO CONNECTICUT SO BRYNE COULD BE NEAR HER FATHER AFTER THEY PASSED AWAY AND RENTED THE HOUSE WITH THE HOPE TO MOVE BACK AND RETIRE IN BERKELEY. THE GOALS FOR THIS HOUSE IS TO CREATE FLEXIBLE SPACES THAT MEET THEIR VERY NEEDS. BOTH BRYNE AND JOHN WORK FROM HOME AS A WRITER AND AS AN ARTIST AND GRAPHIC DESIGNER. THEY EACH NEED A WORK ROOM. THEY ALSO HOST INTERNATIONAL INTERNS AND CURRENTLY THEY HAVE ONE DOING A PROGRAM IN RACIAL JUSTICE. THEY HAVE ADULT CHILDREN, ELDERLY PARENTS AND EXTENDED FAMILY WHO WILL BE VISITING FOR PERIODS OF TIME. IN LAYING OUT THE HOUSE, THEY WERE WILLING TO FORGO -- WE COULD HAVE DONE A HUGE KITCHEN IN THE BACK OF THE HOUSE, BUT THEIR PRIORITIES WERE TO SPACE PLAN SO THEY COULD HOST THEIR
OF YOU IN THE CONSTRUCTION INDUSTRY GETTING RID OF DIRT IS EXPENSIVE. I WOULD LIKE TO TAKE YOU ON A TOUR OF BEVERLY PLACE. TO SHOW YOU THAT THE PROPOSED PROJECT IS ACTUALLY IN SCALE AND CONTEXT OF THE NEIGHBORHOOD. THE HOUSE ON LEFT MY HOUSE. THESE THREE HOUSES ARE IN ALBANY AND WE'RE GOING TO MOVE TO THE RIGHT. THIS HOUSE IN THE MIDDLE WITH THE TREE IN FRONT OF IT IS THE DIVIDING LINE BETWEEN BERKELEY AND ALBANY. THE RED ARROW IS POINTING TO OUR PROPOSED PROJECT. THE HOUSE TO THE LEFT ARE THE APPELLANTS AT 1529 BEVERLY PLACE. WHEN YOU SEE OUR HOUSE WITH THE STOREY POLES AND YOU HAVE TO LOOK FOR RED LINE. I REALIZE IN THIS LIGHT IT'S NOT SHOWING WELL. YOU SEE THE HOUSES TO THE RIGHT ARE OF A LARGER SCALE. THE POLES STICK UP PAST THE HEIGHT OF THE PROPOSED BUILDING WHICH IS DECEPTIVE. WE'RE PROPOSING THE OUTLINE IS THE RED TAPE IS THE HEIGHT.

>> IS THERE A LASER POINTER OR ANYTHING?

>> WE CAN GET CLOSER. SO THIS PHOTO FROM THE CENTER OF THE STREET. YOU SEE THE HOUSE TO THE LEFT WHICH IS OUR NEIGHBOR'S HOUSE. AND YOU'LL SEE THE RED TAPE HERE. AND SO THIS IS THE HEIGHT OF THE PROPOSED ADDITION RELATIVE TO THIS HOUSE. FROM THE CENTER OF THE STREET. WHEN YOU LOOK AT THE HOUSES TO THE RITE, THEY ARE LARGER -- HOUSES TO THE RIGHT, THEY ARE LARGER IN SCALE. I'LL THIS IS THE BERKELEY SIDE. AND THEN I WANTED TO SHOW YOU THE HOUSES BEHIND US. THESE ARE THE HOUSES DIRECTLY BEHIND THE PROPERTY. THIS IS THE APPELLANT'S HOUSE. THEN I WANTED TO
SHOW YOU SOME CONTEXT IN THE NEIGHBORHOOD. THIS IS OUR HOUSE. THIS IS THE FIRST APPELLANT, THIS IS THE SECOND APPELLANT. I WANT TO SHOW YOU THE VIEWS ARE DIAGONALLY IN THIS DIRECTION. I DO WANT TO MAKE THE ARGUMENT THAT BERKELEY DID PERMIT THE APPELLANT TO BUILD A VERY, VERY LARGE HOUSE THAT BLOCKED VIEWS OF THEIR OWN NEIGHBOR IN RELATION. SO YOU CAN SEE HERE. SO IT'S A THREE-STOREY HOUSE. THERE A GARAGE. WHAT WE'RE PROPOSING IS THAT OUR HOUSE IS AT THE SAME HEIGHT OF THEIR OWN GARAGE WHICH YOU CAN -- YOU'LL SEE IN THE NEXT PHOTO. YOU CAN SEE FROM THE STREET THE VOLUME OF THE HOUSES IN BERKELEY ON THE STREET. HERE WE ARE. SO THIS IS -- I TOOK THIS AT MY HEIGHT, I'M 5'4". THIS IS STANDING AT THE DOORWAY OF AMY'S KITCHEN. THIS IS THE DOOR PANEL ON THE LEFT. IT'S HARD TO SEE IN THIS LIGHT, BUT WHAT YOU DO SEE IS THAT THE RED IS WITHIN THE TREE LINE. SO THE WATER AND THE VIEW OF SAN FRANCISCO IS PRESERVED FROM THE KITCHEN. AND THEN THIS IS ONE STEP DOWN ON THE PATIO SPACE. AND THE IF THE LIGHT WAS BETTER, YOU COULD SEE THAT THE LIGHT -- THE LINE IS RIGHT WITHIN THE TREE LINE. THIS IS OWN GARAGE. AND THERE IS THE GOLDEN GATE BRIDGE SO THERE IS A VIEW OF THE GOLDEN GATE BRIDGE FROM HER PATIO. THE GOLDEN GATE BRIDGE YOU CAN SEE THROUGH THIS PANEL HERE AS WELL. AND IT SEEMS FAIR TO US THAT IF HER OWN GARAGE IS AT A CERTAIN LEVEL, IT HASN'T OFFENDED HER ENOUGH TO TURN IT INTO A FLAT-ROOF GARAGE, IT SEEMS FAIR THAT OUR HOUSE IS AT A SIMILAR LEVEL. THESE ARE SHADOW STUDIES FOR THE ADJACENT
PROPERTY. THIS IS JUNE 21ST, THIS IS TWO HOURS AFTER SUNRISE AND
YOU CAN SEE -- THE REASON WHY YOU DON'T DO IT AT SUNRISE IS IT'S
ALL SHADOW. THERE IS A DELAY WHEN THEY RECORD IT. AND I'M GOING
to ask for additional time because we were working --

>> CAN HE WE'LL GIVE YOU ONE MINUTE. IF YOU NEED TO FINISH,
EXACTLY ONE MINUTE.

>> SO HERE WE HAVE THE -- WAS THAT A FIVE-MINUTE TIMER?
>> THAT WAS 10 MINUTES.

>> THE KITCHEN WINDOW HERE IS NOT IN THE SHADE, HOWEVER,
THERE IS A LITTLE BIT OF SHADE CROSSING THE LIVING AND DINING
ROOM. 25 MINUTES LATER WE ARE CLEAR OF THE WINDOWS. THIS IS AT
JUNE 21ST. DECEMBER 21ST WE HAVE A LITTLE BIT OF THE OPPOSITE
CONDITION WHERE THE WINDOWS AT THE FRONT OF THE HOUSE HAVE MORE
LIGHT BUT THE WINDOW IN THE KITCHEN IS IN THE SHADE. IT TAKES AN
HOUR AND 16 MINUTES FOR IT TO COME OUT INTO THE SUNLIGHT. IN
CLOSING, I'D LIKE TO REMIND THE COMMISSION THAT THE PROJECT
PROPOSED IS RECOMMENDED FOR APPROVAL BY THE PLANNING DEPARTMENT.
IN THE RECOMMENDATION, THE CITY RECOGNIZES THAT WE HAVE
DEVELOPED A REASONABLE AND FAIR DESIGN.

>> S. O'KEEFE: I HAVE TO CUT YOU OFF. THAT WAS OUR GENEROUS
EXTRA. WE PROBABLY HAVE QUESTIONS FOR YOU. SOUNDS LIKE WE HAVE
ONE FROM TERESA.

>> T. CLARKE: DO YOU HAVE SHADOW STUDY OF THE EXISTING
BUILDING?
I DON'T BELIEVE THAT IS ASKED FOR, IS IT?

T. CLARKE: THE DIFFERENCE BETWEEN NOW LIKE THERE IS A SHADOW ON THE BUILDING ALREADY.

WE USUALLY SEE THAT.

YOU OFTEN SEE THAT WITH THE BIGGER PROJECTS. DO WE HAVE ANY INFORMATION ABOUT THAT? WHILE WE'RE WAITING FOR THAT, ANY OTHER QUESTIONS FOR THE APPLICANTS? CARRIE.

C. OLSON: CAN YOU EXPLAIN WHY THE FIRST IMAGES WE SAW FROM THE APPELLANT OF THE SHADOW STUDIES ARE DIFFERENT THAN THE ONES YOU'VE SHOWN?

I'D HAVE TO LOOK AT THE TITLE. WE DID A NUMBER OF SHADOW STUDIES.

C. OLSON: THEY WERE THE SAME DATE.

THEY MIGHT HAVE BEEN SHOWING THE HEIGHT BEFORE WE BROUGHT THE ROOF DOWN, NO?

C. OLSON: TAKE A LOOK.

WHICH APPELLANT'S SHADOW STUDY ARE WE REFERRING TO?

THIS IS SPOT ON THAT I SHOWED.

THERE IS OUR DIAGRAM AND THEY HAVE AN ALTERED DIAGRAM. THE ONE WE SUBMITTED IS CORRECT WITH WHAT WE'RE SHOWING.

S. O'KEEFE: IT'S THE APPLICANT'S TURN TO SPEAK. CAN YOU ADJUST THE CHAIR OR THE BOARD. I APPRECIATE YOU SHOULD WORK IT OUT BUT RIGHT KNEW THE CONVERSATION IS HERE.

I DON'T KNOW WHAT IMAGE WAS SHOWN TO YOU EARLIER, BUT
WHAT I SHOWED YOU AT THE DECEMBER 21ST, TWO HOURS AFTER SUNRISE IS THIS IMAGE.

>> WHAT YOU SHOWED US IN JUNE IS NOT THE SAME. IT MATTERS TO ME THAT I UNDERSTAND WHETHER OR NOT THE COMPLETE WINDOW IS IN SHADOW OR NOT. IN THEIR PACKET THEY PRESENTED IT SHOWS IT IN FULL SHADOW. IN YOURS, IT MAKES IT SEEM THAT IT'S NOT.

>> S. O'KEEFE: I WANT TO REMIND EVERYONE THAT WE HAVE TO TAKE A CAPTIONER'S BREAK BEFORE PUBLIC COMMENT. PERHAPS THESE KINDS OF QUESTION WHERE PEOPLE NEED TO HOLD UP A DIFFERENT DOCUMENTS CAN BE FIGURED OUT DURING THAT TIME.

>> I'M HAPPY TO BRING THEM BACK.

>> S. O'KEEFE: LET'S MOVE ON FROM THIS QUESTION AND RETURN TO IT LATER. PATRICK WAS NEXT AND THEN IGOR.

>> P. SHEAHAN: JUST IF YOU CAN CLARIFY, BECAUSE IT LOOKS LIKE TWO DIFFERENT ELEVATIONS REPRESENTED FOR TOP OF ROOF. ONE SEEM TO BE MAXIMUM HEIGHT OF THE PITCHED PORTION. WHICH IS RELATED TO THE HORIZONTAL RED LINE?

>> IT MIGHT BE BETTER IF WE ADDRESS IT WITH AN IMAGE, THE FLOOR ELEVATIONS.

>> S. O'KEEFE: CAN WE SWITCH THE SCREEN BACK TO THE IMAGES?

>> P. SHEAHAN: MAYBE WE SHOULD COME BACK TO THAT AFTER BREAK.

>> IF YOU GO TO A OPINION 3.2. IN DRAWING ONE, CAN YOU DESCRIBE --
P. SHEAHAN: THERE ARE TWO SETS OF RED LINES. ONE IS HORIZONTAL FROM TOP OF FASCIA AND THE OTHER IS PEAK. WHICH IS THE RED LINE THAT IS INDICATED IN THE PHOTOGRAPHS OF THE STOREY POLES?

>> THE STOREY POLES IS THE FASCIA AND THEN ACTUALLY -- I'M SORRY, IT'S NOT BECAUSE WE ENDED UP PUTTING -- WE HAD A SURVEYOR GO OUT AND CONFIRM THE HEIGHT OF THE STOREY POLES AND WHEN WE MADE THE PROPOSAL TO BRING THE ROOF DOWN, WE ASKED TO -- IF IT WOULD BE POSSIBLE TO INSTEAD PUT UP YARDSTICKS. WE PURCHASED SOME YARD STICKS AND THE CONTRACTOR INSTALL THEM FROM THE TOP DOWN AND THEY MOVED THE LINE AND WE DID IT AT THE HIGHEST POINT.

>> YOU MEAN THE PEAK.

>> THE PEAK.

>> THE MAXIMUM INCLUDING MATERIALS AND PIMPED TO DRAIN. SO THAT PEAK IS THE MAXIMUM LINE OF BUILT STRUCTURE?

>> YES.

>> P. SHEAHAN: THANK YOU.

>> S. O'KEEFE: IGOR.

>> I. TREGUB: THANK YOU. I'M NOT SURE IF YOU'VE HAD A CHANCE TO REVIEW THIS, BUT I'M JUST GOING TO REFERENCE IT ON TAB 8. THERE IS A --

>> S. O'KEEFE: DO YOU HAVE A COPY RIGHT NOW?

>> NO.

>> I. TREGUB: I'M GOING TO READ OFF OF THIS. THIS IS WHERE
IT DISCUSSES ALTERNATIVE ONE, REMOVE A CORNER OF THE STUDY'S LOWER HOUSE BY 18 INCHES. THIS ALTERNATIVE SUGGESTED ORIGINALLY BY THE ARCHITECT IN THE APPELLANT IN HER HOME DECEMBER 19TH, 2019. CAN YOU SPEAK TO NOT SO MUCH OF DO YOU RECALL MAKING THAT SUGGESTION, BUT HOW DO YOU FEEL ABOUT IT?

>> WELL, I THINK IF WE GO BACK TO THE PHOTO OF 1701 FROM OUR SLIDE SHOW, THE PHOTO FROM THE BACK PORCH. MAYBE THE ONE FROM THE KITCHEN.

>> S. O'KEEFE: IS IT POSSIBLE TO ZOOM IN?

>> YES.

>> S. O'KEEFE: AND MAYBE PAN TO THE LEFT.

>> THE VIEW CORRIDOR THAT WE'RE DESCRIBE BE IS SOMEWHAT BETWEEN THE LEFT STOREY POLE AND THE STOREY POLE TO THE RIGHT. THEY'RE ON THE FORE-GROUND OF THE ROOF. I WOULD MAKE THE ARGUMENT, I'M WONDERING WHAT VIEW OF CORRIDOR WE'RE GIVING UP HERE.

>> I. TREGUB: MAYBE THAT WILL BE A QUESTION FOR THE APPELLANT WHEN THE TIME COMES.

>> WE'RE NOT PLANNING TO BRING THEM UP BUT I SUPPOSE WE CAN IF DEEM NECESSARY.

>> ON THAT POINT BEFORE YOU GO, DO YOU HAVE ANY PHOTOS SINCE I WAS THERE YESTERDAY AND I DID SIT. DO YOU HAVE ANY PHOTOS THAT SHOW THE VIEW FROM BEING SEATED?

>> NO.
>> S. O'KEEFE: DO YOU HAVE AGREE THAT PICTURES THAT WERE SHOWN BY THE APPELLANT WERE FAIR -- A FAIR REPRESENTATION?

>> IT'S HARD TO SAY. I'M GOING TO GIVE HER THE BENEFIT OF THE DOUBT AND SAY THAT THEY'RE PROBABLY SOMEWHAT FAIR. I GUESS WHAT I WOULD WONDER IS IF -- WHY NOT BE LAYING ON THE FLOOR? WHERE IS THE HEIGHT OF THE VIEW PROTECTED WITH THE CITY OF BERKELEY IN THIS IS THE BIGGEST HOUSE ON THE BLOCK.

>> S. O'KEEFE: YOU'VE ANSWERED MY QUESTION. THANK YOU VERY MUCH. IT WAS A LITTLE UNFAIR SO I APOLOGIZE BUT I DID WANT TO HEAR YOUR THOUGHTS. JOHN.

>> J. SELAWSKY: MY QUESTION WAS SIMILAR TO IGOR'S QUESTION SO I THINK WE'LL COME BACK TO THAT AT SOME POINT.

>> S. O'KEEFE: DIEGO.

>> SO THE APPELLANTS HIRED AN ATTORNEY AND ARCHITECT TO SORT OF MAKE THEIR CASE FOR THEIR ALTERNATIVE. IS THERE ANY PRICE THEY COULD HAVE OFFERED TO YOU TO ACCEPT -- SORRY. THEY PAID FOR AN ATTORNEY AND ARCHITECT TO MAKE THEIR CASE FOR THEIR PROPOSED ALTERNATIVE WAS BETTER AND FAIRER. IS THERE ANY PRICE TO OFFER YOU TO MAKE YOU ACCEPT THAT?

>> I'M SORRY. I ACTUALLY COULD NOT HEAR THE QUESTION EXACTLY. IT SOUNDED LIKE YOU SAID CAN WE NAME OUR PRICE? IS THAT WHAT YOU ASKED?

>> THE ATTORNEY DID. SO --

>> THEY DO NOT OFFER ANYTHING OTHER THAN RESISTANCE TO OUR
PROPOSAL. I WAS NOT OFFERED ANY FINANCIAL ASSISTANCE.

>> THAT'S THE SATISFY ANSWER.

>> S. O'KEEFE: OKAY. ANY OTHER QUESTIONS FOR THE APPLICANT?

WE NEED TO TAKE A CAPTIONER BREAK ALTHOUGH WE STARTED LATE SO I THINK WE HAVE SOME LEEWAY. I THINK IT WOULD BE GOOD TO TAKE A CAPTIONER BREAK. PUBLIC, YOU HAVE TO WAIT 10 MINUTES BUT WE WANT TO HEAR FROM YOU. WE APPRECIATE EVERYONE COMING OUT. A 10 MINUTE BREAK SO THE PERSON WHO IS MAKING THE CAPTIONS FOR THE MEETING CAN REST THEIR FINGERS.

>> SO JOHN, YOU'RE THE FARTHEST AWAY FROM YOUR SEAT SO I'M CALLING YOU OUT. OH, I'M WRONG. WE'VE GOT MORE. SO CHARLES IS BACK AND EVERYBODY IS BACK. WE FINISHED -- THERE WERE NO QUESTIONS FOR APPLICANT. WE'RE DONE WITH THAT? SO LET'S DO PUBLIC COMMENT NOW. SO IN NO PARTICULAR ORDER I HAVE CECIL LEE, JOAN, AND KELLY KINZIE IN THAT ORDER. EACH PERSON WILL HAVE TWO MINUTES TO SPEAK. CECIL?

>> I'M CECIL LEE. GOOD EVENING, I'LL KEEP THIS SORT. I'M AN ARCHITECT IN BERKELEY AND I'VE WORKED WITH AMY ON A COUPLE OF PAST PROJECTS. IN MY EXPERIENCE, AMY IS FOR DEVELOPMENT AND BUILDING IN THE COMMUNITY. I BELIEVE SHE'S MOTIVATED TO FIND A SOLUTION THAT WORKS FOR ALL PARTIES HERE. YOU'VE HEARD A COUPLE OF OPTIONS THAT WILL ALLOW THIS PROJECT TO CONTINUE AND FOR HER VIEW TO BE PRESERVED. I HOPE THAT THE BOARD WILL HELP GUIDE THIS PROJECT IN THAT DIRECTION. THANK YOU FOR YOUR TIME.
CONSIDERATION AND ACCEPTANCE AND I AM RESCINDING MY ACCEPTANCE OF THE PREVIOUS ROOFLINE.

>> S. O'KEEFE: THANK YOU VERY MUCH. NEXT WE HAVE KELLY KINZIE.

>> I'M HERE TO READ A LETTER IN THE ABSENCE OF ONE OF AMY'S NEIGHBORS. THEY LIVE DIRECTLY NEXT DOOR AND BEHIND 1533 BEVERLY PLACE. IT'S FROM DAN AND KAREN. WE LIVE DIRECTLY BEHIND THE HOUSE AT 1533 BEVERLY PLACE FOR WHICH A PROPOSED SECOND STOREY ADDITION IS NOW UNDER REVIEW BY THE BOARD. WE LAST WROTE ON THIS MATTER TO PLANNERS ALLISON RiemER AND GREG POWELL ON MAY 19TH, 2019. IN THE LETTER WE NOTED THAT THE REVISED PLAN PRESENTED BY STACY EISERMANN AND ASSOCIATES LESSENED THE IMPACT OF OUR VIEW AND PRIVACY. REWRote THAT WE ACCEPTED [INDISCERNIBLE] THAT THEY ADJUSTED THEIR PLAN IN GOOD FAITH. WE DO NOT THEN ENVISION HOW FURTHER CHANGES COULD DIMINISH THE IMPACTS OF OUR VIEW AND PRIVACY. WE LEARNED FROM AMY THAT REVISIONS FOR THE ARCHITECTURAL PLANS FOR 1533 BEVERLY PLACE COULD FURTHER LOWER THE HEIGHT OF THE SECOND STOREY AND AS SEEN FROM OUR BEDROOM KITCHEN AND ADJACENT DECK. THIS LOWERING OF THE ROOFLINE WOULD RESTORE A PORTION OF THE VIEW WE WOULD LOSE AS PRESENTED IN A 2019 REVISED DESIGN AND WOULD LIKELY RESTORE LOST SUNLIGHT AND HELP WITH OUR PRIVACY CONCERNS. WE'RE WRITING IN SUPPORT OF AMY DI COSTANZO'S REQUEST FOR AND ASK THAT HER PROPOSAL PLANS CAN BE CONSIDERED PROMPTLY AND SERIOUSLY ASSUMING THE NEW IDEAS MEET
LOCAL STANDARDS. WE SUPPORT ADOPTING A PLAN THAT LOWERS THE ROOFLINE FURTHER.

>> S. O'KEEFE: GOOD JOB WITH THE TWO MINUTES. I ACTUALLY REALLY APPRECIATE, TO HAVE A WRITTEN COPY IS HELPFUL. THAT'S THE END OF PUBLIC COMMENT. NOW WE'LL BRING IT BACK FOR BOARD COMMENTS. MAYBE WE COULD START WITH -- WE HAVE CLARIFICATION ABOUT THE SHADOW STUDIES? SHADOW STUDIES? MAYBE WE COULD START WITH THAT AND DO MORE COMMENTS.

>> THERE WAS A QUESTION -- SO THERE A DISCREPANCY AND STACY IS GOING IT LOOK AT WHAT SHE HAS IN HER COMPUTER. WHAT WE HAVE THAT WAS RECEIVED BY STAFF BACK LAST JULY AND WHAT WAS IN THE APPLICANT'S PRESENTATION IS DIFFERENT. AND SO WHAT WE GOT IN JULY IS PROBABLY WHAT WAS ALSO IN THE PRESENTATION FROM THE APPELLANT. ON SONOMA. THIS IS WHAT IS SHOWN RIGHT NOW IN THE APPLICANT'S SHADOW STUDY. AND THEN COMPARE THAT TO THE VERSION JUNE 21ST -- WE CAN ALSO SHOW YOU EXISTING AND PROPOSED SHADOWS. THAT WASN'T SHOWN BEFORE. BUT THIS IS THE VERSION -- FURTHER DOWN. HERE IS THE VERSION WHERE THE LIVING ROOM AND DINING ROOM ARE SHADED AND THIS IS -- LOOK AT THIS VERSION. THIS IS THE LAST VERSION BECAUSE IT'S UPDATED. SAME THING, LIVING ROOM AND DINING ROOM ARE FULLY COVERED. KITCHEN IS NOT COVERED. THIS IS JUNE 21ST, TWO HOURS AFTER SUB RISE. RIGHT NOW THE APPLICANT SHOWS THE SUNRISE. THERE IS VERY LITTLE SHADING ON THE LIVING ROOM AND JUST A LITTLE BIT ON THE DINING ROOM. SO IT'S NOT FULLY COVERED
IN THAT VERSION. THAT THE APPLICANT HAS IN HER PRESENTATION. BUT THE VERSION THAT STAFF HAD IS THIS VERSION.

>> S. O'KEEFE: YOU CAN HEAR US THINKING THE QUESTION. WHICH ONE IS RIGHT?

>> WELL, THE VERSION THAT STAFF LOOKED AT IS THIS VERSION. THIS IS WHAT WE BASED OUR APPROVAL ON.

>> S. O'KEEFE: BUT WE'RE GOING IT MAKE IT OUR DECISION AND I THINK IT WILL MAKE A DIFFERENCE. CARRIE, DO YOU WANT TO SAY ANYTHING?

>> C. OLSON: I WANT TO POINT OUT IT'S DIFFERENT. STAFF IS GIVING US SHOWING OTHER ROOMS IN SHADOW. AND THE APPLICANT IS SHOWING US THAT THEY STILL GET LIGHT. THINK WE'RE ALL AWARE THAT AT LEAST STAFF THINKS THAT THOSE ROOMS WON'T HAVE LIGHT. SO THAT'S -- I'M NOT MAKING A JUDGMENT, I'M SAYING IT IS WHAT IT IS.

>> S. O'KEEFE: STAFF HAS THIS.

>> THIS IS THE VERSION THAT STAFF HAS. SUBMITTED BY THE APPLICANT LAST JULY.

>> S. O'KEEFE: WE'RE MAKING OUR OWN DETERMINATION. I UNDERSTAND THAT'S THAT THIS IS ACCEPTABLE. IF I'M GOING TO DECIDE WHAT I THINK IS ACCEPTABLE, I NEED TO KNOW AND I'M CONFUSED ON THE NATURE OF THE DISCREPANCY.

>> THE DISCREPANCY IS NOT WHAT WAS PRESENTED IN THE PRESENTATION TONIGHT BY THE APPLICANT. THIS IS A VERSION THAT IS
IN THE FILE.

>> S. O'KEEFE: HAS IT BEEN VETTED?

>> THE USUAL SHADOW STUDY. WHEN YOU'RE LOOKING AT THE ELEVATION VIEW OF SHADOWS, YES. I MEAN I'M NOT SURE --

>> S. O'KEEFE: HOW ARE THESE GENERATED? IS THERE A COMPUTER PROGRAM THAT GENERATES THESE?

>> ALL SHADOW STUDIES ARE PREPARED BY APPLICANTS. AND OFTEN MANY PEOPLE USE A COMPUTER PROGRAM.

>> SHOSHANA, COULD I SAY SOMETHING.

>> YES.

>> IN THE APPELLANT'S -- SECOND APPELLANT'S SHADOW DRAWING, THERE WAS ISSUE TAKEN WITH HOW THE WINDOWS WERE REPRESENTED BUT IT CONFIRMS THAT THE APPELLANT'S ANALYSIS OF THE SHADOW AND THE SHADOWS PRESENTED TO STAFF BY THE APPLICANT WERE CONSISTENT. THAT'S PAGE 17 OF 18.

>> S. O'KEEFE: SO THE APPELLANT IT DOESN'T SURPRISE ME THAT THE APPELLANT SIGNS ON WITH THIS ONE.

>> THE APPELLANT CREATED THEIR OWN SHADOWS STUDY. THE SIZE, SHAPE AND POSITION OF THE SHADOWS ON OUR WALL AND ON OUR ROOF CORRESPOND TO THE APPLICANT'S SHADOWS. THEY TAKE ISSUE WITH THE WINDOW PLACEMENT HERE, BUT THEY CONFIRM THAT THE SHADOW STUDY AS LEAST AS ORIGINALLY SUBMITTED WAS CONTRACT.

>> S. O'KEEFE: ON PAGE 18, THAT'S WHAT WE'RE SEEING. WE'RE SEEING WHAT STAFF SHOWED US.
RIGHT.

AND WE SEE A DIFFERENT VERSION OF THE APPLICANT'S.

AGAIN, THE SHADOWS SUBMITTED WAS THE BASIS FOR THE FINDINGS BY THE CITY. THEY WERE CONSISTENT WITH WHAT THE APPELLANT CREATED. BUT NOT WHAT WE WERE SHOWN TONIGHT.

I GUESS I'M THINKING OUT LOUD HERE. I THINK I'LL BE INTERESTED IN KNOWING THE THOUGHTS OF THE BOARD. WE SHOULD GO WITH THE ONE FROM THE STAFF REPORT. THE APPELLANT SHOWED US THAT.

SHE SAID IT WAS A FEW DAYS LATER AND IT CAN MAKE A DIFFERENCE WHEN YOU'RE AT THE SOLSTICE. IT'S CHANGING -- YOU'RE SEEING IT AT A POINT IN TIME.

S. O'KEEFE: BUT IT WASN'T REPORTED TO BE THE SAME POINT IN TIME?

THE VERSION THAT THE APPLICANT SHOWS YOU RIGHT HERE, THAT'S THE SAME DATE THEY'RE BOTH JUNE 21ST.

S. O'KEEFE: THERE WAS ONE THAT SHE TOOK IN JULY.

7:47 A.M.? WHAT'S THE TIME ON THE OTHER ONE?

7:47.

S. O'KEEFE: I'M GOING TO USE THAT FOR MY DECISION. THAT'S CONFUSING.

C. OLSON: WE'VE HEARD QUITE A BIT ABOUT WHICH NEIGHBORS DON'T SUPPORT AND WE DON'T HAVE ANYTHING THAT SHOWS US WHICH NEIGHBORS DO SUPPORT. I ASSUME YOU HAVE THAT. WE JUST WEREN'T
GIVEN IT?

>> SO AFTER -- THE REDESIGN WAS PRESENTED IN MAY. AND SOME
NEIGHBORS SUBMITTED LETTERS SAYING THEY WERE OKAY WITH THE
REDESIGN. ONE OF THEM WAS JOAN KOVAC BUT SAID SHE WANTS TO
RESCIND THAT. THE OTHER NEIGHBOR ON BEVERLY 1535, THEY WERE ONES
WHO SAID THEY WERE IN SUPPORT OF IT. AND THEN SOME OF THE OTHER
NEIGHBORS, THE ONE 1708 SONOMA ONE THEIR FRIENDS READ THEIR
LETTER TODAY. THEY HAD SAID IN MAY THAT ACCEPTED THE CHANGES AND
TODAY THEY ARE SAYING THEY SUPPORT AMY'S TO CHANGE THE PROJECT.

>> SO WE HAVE ONE NEIGHBOR, NEXT DOOR ON BEVERLY PLACE TO
THE EAST.

>> YES, ONE NEXT DOOR.

>> C. OLSON: THANK YOU.

>> S. O'KEEFE: WE CAN DO MORE QUESTIONS OR BOARD COMMENTS.

TERESA.

>> T. CLARKE: SO I WANTED TO START WITH THE SHADOWS FIRST.
YOU KNOW, I MEAN, I SYMPATHIZE WITH THE FACT THAT THE KITCHEN IS
WHERE KITCHEN AND DINING ARE THERE IN THE MORNING. AND THE
APPELLANT IS -- IF YOU LOOK ON PAGE -- JUST DO REMIND YOU, IT'S
ONLY THE FIRST TWO HOURS OF THE MORNING THAT THEY'RE TALKING
ABOUT. UNfortunately, THEY GET SUN ALMOST EVERY OTHER TIME OF
THE DAY. THAT'S THIS ONE LITTLE PART WHEN THEY HAVE THEIR
BREAKFAST. I FEEL LIKE IT'S HARD TO KIND OF RESTRICT SOMEONE
ELSE'S PROPERTY RIGHTS FOR SOMEONE'S HAVING A LITTLE BIT OF
THEIR COFFEE IN THE SUN. I MOVE WITH THE SUN. IN MY YARD DEPENDING ON THE TIME OF YEAR. I THINK I'M UNCOMFORTABLE RESTRICTING SOMEONE'S PROPERTY RIGHTS THAT MUCH. IN THIS PARTICULAR ZONE, WE DO HAVE EVEN A HIGHER HEIGHT. THEY'VE COME DOWN QUITE A BIT. THEY'RE INCREASING THE HEIGHT BY FOUR FEET. I'M A LITTLE UNCOMFORTABLE ABOUT THAT ABOUT RESTRICTING IT EVEN FURTHER. I FEEL LIKE EVERYONE WHO LIVES IN THE CITY, IT WILL IS A LESS DENSE AREA, BUT I DO FEEL UNCOMFORTABLE WITH CHANGING OR RESTRICTING THE APPLICANT FURTHER ON THAT. I THINK SOME OF THE SUGGESTIONS BY AMY ARE GOOD. I THINK THE HEIGHT CERTIFICATION PERFECTLY REASONABLE. I THINK THERE WILL SHOULD BE A CONDITION ABOUT THE ROOF FEATURES THAT THEY WOULD NOT BE ALLOWED.

>> S. O'KEEFE: I THINK SOME ARE ALLOWED BY RIGHT LIKE SOLAR PANELS.

>> C. OLSON: YOU'D HAVE TO SAY NO BECAUSE IT WOULD BLOCK THE VIEW.

>> S. O'KEEFE: BUT THEY'RE BY RIGHT SO WE CAN'T DO THAT.

>> C. OLSON: BUT YOU CAN ALWAYS PUT SOLAR PANELS IN THE GARAGE OR FRONT YARD.

>> S. O'KEEFE: I DON'T THINK WE'RE ALLOWED TO RESTRICT THEM FROM PUTTING SOLAR PANELS ON THEIR ROOF. THEY HAVE THE RIGHT TO PUT THEM ON THE ROOF.

>> C. OLSON: ROOF COLOR, I THAT I THAT'S OKAY ALSO. BUT I REALLY DON'T THINK -- I'M NOT SURE, I COULDN'T SEE THE
DIMENSIONS WELL BECAUSE OUR PLANS ARE SMALL. AND THAT WOULD BE
SOMETHING WE SHOULD LACK AT IS THE DIMENSIONS OF THE -- HOW FAR
THEY'RE GOING DOWN. I DON'T KNOW IF STAFF COULD SHOW THAT ONE
SECTION ON THE DIMENSIONS SHOWING THE SECTION I THINK IT'S
EXISTING SECTION OR A PROPOSED SECTION. SHEET A 3.2. I CAN'T SEE
THE NUMBERS. IT'S TOO SMALL. MAYBE YOU CAN READ THEM OUT,
PATRICK, BUT THE EXISTING ONES COMPARED TO THE NEW AND HOW MUCH
LOWER THEY'RE GOING BELOW THEIR CURRENT ELEVATION. CAN YOU SEE
IT? CAN YOU READ IT? IF YOU COULD READ IT OUT LOUD. WE CAN TELL
EVERYBODY -- THE ORIGINAL GROUND FLOOR LEVEL FINISH FLOOR IS
ZERO. AND THEN UP ABOVE, WHAT ARE THEY LOWERING IT TO? CAN YOU
LOWER THE SCREEN? GO TO THE PROPOSED SECTION. PROPOSED SECTION.
GROUND LEVEL FINISH FLOOR RIGHT THERE. SEE WHERE THE PROPOSED
SECTION. GROUND LEVEL FINISHED FLOOR. SO IT'S NOT SHOWING HOW
MUCH LOWER IT IS? I WAS TRYING TO GET THE ORIGINAL GROUND LEVEL
ELEVATION AND THE NEW ONE. CAN YOU TELL, CHARLES?

>> THE WAY YOU CAN TELL THIS IS 5 FEET AND THE EXISTING
BUILDING RIGHT NOW, THAT WAS PART OF THEIR NEGOTIATION WITH
STAFF. THEY LOWERED IT 2 FEET AND TOOK THE ROOF OFF. THEY
LOWERED THE WHOLE HOUSE.

>> THEY LOWERED THE WHOLE HOUSE THREE FEET. EXCUSE ME, TWO
FEET.

>> THE ROOF WAS TAKEN DOWN --

>> FROM 5 TO 3 FEET. AND THE ROOF WAS BROUGHT DOWN.
>> WHEN THEY TOOK IT DOWN, THEY TOOK IT DOWN THE MINIMUM LEGAL HEIGHT.

>> SO, ANYWAY, I WANTED TO UNDERSTAND THAT. IT SOUNDS LIKE THEY'VE COME DOWN AND THEY'RE SHOWING THE FULL TWO FEET. IT LOOKS LIKE THEY'RE KEEPING -- I WANTED TO KIND OF THINK OUT LOUD THE THINGS THAT I'M LOOKING AT. AND ON THE VIEW, THE SITTING DOWN VIEW, YOU CAN SEE THE WATER. THE STANDING UP VIEW, YOU CAN SEE THE WATER, AND WHEN YOU SIT DOWN YOU CAN'T SEE THE WATER. THAT'S THE DIFFERENCE KIND OF THE -- AND I WAS CONCERNED ABOUT ONE THING THAT I SAW IN HERE SAYING THAT 1710 SONOMA, THAT'S THE HOUSE THAT HAS APPEALED AND IT SAYS IT'S A ONE-STOREY COTTAGE. I THINK THAT MUST BE INCORRECT. BECAUSE RENA IN HER SPEECH --

>> WHERE DOES IT SAY THAT?

>> I WAS CONCERNED. THIS IS DEFINITELY NOT A ONE-STOREY COTTAGE ON THAT HILL.

>> S. O'KEEFE: WE ALL SAW IT. CHARLES.

>> C. KAHN: WHEN I FIRST HEARD THE APPELLANT, AMY TALK, IT SEEMED LIKE HER REQUEST WAS VERY REASONABLE. SHE WASN'T ASKING THAT WE ELIMINATE THE APPLICANT'S RIGHT TO A SECOND STOREY, SHE WAS JUST ASKING FOR A REDUCTION OF HEIGHT. I'M ALWAYS INTERESTED IN TRYING -- I POINTED OUT WHERE THE ZONING ADJUSTMENTS BOARD, I'M TRYING TO FIND ADJUSTMENTS. WHEN I SAW THAT HER HOUSE IS -- SHE'S ADDED A SECOND STOREY ON HER HOUSE WHICH CERTAINLY IMPACTED HER NEIGHBOR'S VIEWS SUBSTANTIALLY AND I KNOW YOU CUT
THE CORNER WHEN I RESPECT THAT, SHE HAS THE BIGGEST HOUSE ON THE LOT. MY SYMPATHY IS DIMINISHED. I'M INTERESTING IN HEARING WHAT OTHER PEOPLE HERE HAVE TO SAY ABOUT THAT. THE FACT IT IS THAT THE APPLICANT DID AGREE TO DROP THEIR FIRST FLOOR TWO FEET AND TO TAKE THE ROOF DOWN AND THAT THERE IS SUBSTANTIAL PRESERVATION OF VIEWS. I'M READY TO APPROVE IT TO DENY THE APPEAL AND TO MOVE FORWARD WITH APPROVING THE PROJECT TONIGHT. INTERESTED IN HEARING WHAT MY COLLEAGUES HAVE TO SAY.

>> S. O'KEEFE: MAY I RESPOND. I'M GOING TO JUMP IN. I ACTUALLY TO BE THAT REASONING. I DON'T THINK IT SAYS ANYWHERE IN THE FINDINGS THAT WE MAKE IT DOES NOT TAKE INTO ACCOUNT HOW BIG THE HOUSE IS RELATIVE TO OTHER HOUSES. I DON'T THINK WE'RE EMPOWERED TO HAVE THAT BE PART OF OUR DECISION. I THINK WE SHOULD STICK WITH THE FINDINGS.

>> I AGREE THAT WE SHOULD STICK WITH THE FINDINGS, HOWEVER, FAIRNESS BEFORE THE LAW AND APPLYING THE LAW EQUALLY IS THE OBLIGATION THAT WE HAVE. IF SOMEBODY HAS BEEN ENTITLED TO RAISE THEIR HOUSE AND WE DON'T ALLOW SOMEBODY ELSE TO DO IT IN A SIMILAR WAY, I THINK THAT IS UNFAIR.

>> S. O'KEEFE: MAKING AN ARGUMENT THAT THEY HAVE THE RIGHT DO IT BUT THAT ARGUMENT MAKES SENSE BUT I WANT TO BE CAREFUL, YOU'RE NOT APPLYING THE LAW EQUALLY IF YOU'RE NOT APPLYING THE STANDARDS WRITTEN TO THE DECISION.

>> C. KAHN: I THINK THEY HAVE THE SAME RIGHTS AS EVERYTHING
ELSE. THE RIGHT TO ADD A SECOND STOREY BUT THEIR NEIGHBOR HAS
THE SAME RIGHT ON THAT BASIS OF FAIRNESS THAT WE SHOULD ALLOW
IT.

>> S. O'KEEFE: THAT'S MY RESPONSE. CAN WE CLARIFY FOR
MAKING A MOTION?

>> MOTION TO APPROVE.

>> S. O'KEEFE: MOTION TO APPROVE.

>> SECOND.

>> S. O'KEEFE: AND I DID SEE JOHN FIRST.

>> I. TREGUB: I WANTED TO SEEK CLARIFICATION, WOULD THAT BE
SUGGESTED CONDITIONAL CONDITIONS ONE AND THREE?

>> ONE AND THREE WOULD BE PART OF THE PROPOSAL.

>> THERE IS A MOTION AND A SECOND. I'M GOING TO RECOGNIZE
JOHN.

>> IT MAY BE MOOT AT THIS POINT. BUT CONTEXT IS EVERYTHING.
AND I THINK WHAT CHARLES IS SUGGESTING THAT CONTEXT IS
IMPORTANT. I HAVE THE SAME REACTION THAT CHARLES HAD. MAYBE WE
WANT TO MARK THIS DATE ON THE CALENDAR BECAUSE YOU ALSO AGREE
WITH COMMISSIONER CLARK OVER HERE. I DIDN'T FIND THE VIEWS OR
THE SHADOWS THE IMPACTS COMPELLING ENOUGH I UNDERSTAND AND I'M
SYMPATHETIC TO THE LOSS OF ANY LIGHT BECAUSE LIGHT IS IMPORTANT
TO ALL OF US. I UNDERSTAND THAT. MY KITCHEN DOESN'T GET REAL
SUNLIGHT UNTIL 8:30 OR 9:00 IN THE MORNING. AS SUGGESTED, I FIND
ANOTHER SPOT TO HAVE MY COFFEE. I WAIT TO HAVE MY BREAKFAST. I
HAVE THAT LUXURY BECAUSE I'M SEMI-RETIRED AT THIS POINT. OTHER
PEOPLE MAY NOT. I UNDERSTAND THAT. BUT THERE IS A DEGREE OF
ADAPTABILITY THAT IS NECESSARY IN LIVING WITH NEIGHBORS 20 FEET
APART. I THINK WE ALL HAVE TO KIND OF MAKE LITTLE ADJUSTMENTS
HERE AND THERE. I DON'T -- AGAIN, I DON'T FIND THE SHADOW AND
THE VIEW IMPACTS REALLY COMPPELLING. COMPPELLING ENOUGH FOR ME TO
SAY NO, NO, WE HAVE TO DRAW THE LINE. I'M GOING TO SPORT MOTION.

>> S. O'KEEFE: OKAY. PATRICK IS NEXT AND CARRIE.

>> P. SHEAHAN: I'M NOT CLEAR ON WHERE THE MAIN
FLOOR -- PROPOSED MAIN FLOOR IS RELATIVE TO GRADE OR PROPOSED
FINISHED GRADE. THE ELEVATIONS DON'T SEEM TO AGREE WITH THE
SECTIONS. LOOKING AT BOAST SECTIONS ON A-3.2, PROPOSED SECTION
AND EXISTING SECTION, IT APPEARS THERE IS A GRAY LINE THAT MEETS
THE STEM WALL, THE FOUNDATION LOOKS ABOUT TWO FEET LOWER THAN
THE FLOOR ELEVATION. THAT'S WHAT IT APPEARS LIKE, BUT THEN ON
THE ELEVATION SHEET, A-3.1, GRADE IS SHOWN ON THE PROPOSED NORTH
ELEVATION AT THE FLOOR ELEVATION OR CLOSE TO IT. THERE APPEARS
TO BE A DISCREPANCY. I'M NOT CLEAR WHETHER THAT TWO FOOT
REDUCTION IS ACTUALLY WHAT IS PROPOSED OR IS THIS JUST SOMETHING
THAT'S SUGGESTED? WELL, STAFF, CAN YOU CLARIFY THAT? SO WE
DIDN'T GET A FULL-SIZED SET OF DRAWINGS. THIS IS DIFFICULT. WE
CAN'T READ ANY OF THESE DIMENSIONS. IT'S HARD TO SORT OUT. THIS
IS CRITICAL.

>> I'M SORRY, I THOUGHT I ASKED THE APPLICANT TO DROP OFF
FULL-SIZE. WE CAN PULL UP THE ELEVATIONS NOW OTHERWISE WE'LL GO OFF WHAT IS ON THE ELEVATION.

>> P. SHEAHAN: I'D LIKE TO ASK THE ARCHITECT, BUT I WANT TO ASK VERY SPECIFIC QUESTIONS AND JUST GET A DIMENSION, NOT ANYTHING MORE. IF THE APPLICANT CAN FURNISH CLARIFICATION OF DIMENSIONS.

>> S. O'KEEFE: DO YOU MIND COMING UP FOR THAT? WE WANT TO BE LIMITED. DO YOU UNDERSTAND THE QUESTION?


>> GROUND LEVEL ON THE RIGHT.

>> P. SHEAHAN: YOU'RE SAYING GROUND LEVEL EQUALS FINISHED FLOOR.

>> YES.

>> P. SHEAHAN: SO WALK OUT ON TO. SO --

>> S. O'KEEFE: CAN SHE SIT DOWN?

>> P. SHEAHAN: NO BECAUSE -- WHAT WILL IS THE ASSUMED GRADE ELEVATION INDICATING?

>> CAN YOU SCROLL DOWN TO THE LOWER DRAWING.

>> P. SHEAHAN: YES, SO ASSUMED GRADE IS ASSUMED FINISHED GRADE, I PRESUME. AND THAT IS -- IT DOESN'T HAVE AN ELEVATION ON IT. BUT IT IS -- LOOKS LIKE IT COULD BE 2 FEET LOWER. APPROXIMATELY.
PATRICK, I HAVE A SUGGESTION TO SOLVE THIS. C.0 IS THE SURVEY FROM THE SURVEYOR. IT IDENTIFIES THE ACTUAL ELEVATION OF THE EXISTING FLOOR. WE SHOULD MAKE IT A THAN THE FINISHED FLOOR OF THE REVISED DESIGN BE 2 FEET BELOW THAT POINT. AND SURVEYED AND CONFIRMED WITH THE SURVEY.

P. SHEAHAN: THAT'S WHAT I'M GETTING AT. BUT I'M TRYING TO RECONCILE THAT THE ELEVATIONS DON'T MATCH THE SECTIONS.

S. O'KEEFE: DOES THAT SATISFY YOU? IF WE PUT THAT IN THE MOTION.

IF WE MAKE THAT A CONDITION, THE FINISHED FLOOR SHALL BE 2 FEET LOWER --

RELATIVE TO THE SURVEY AND IT'S CONFIRMED BY THE SURVEYOR AS PART OF THE --

ALONG WITH THE MAXIMUM HEIGHT.

CORRECT. I'M READY TO ACCEPT THAT TYPE AS AN AMENDMENT.

S. O'KEEFE: SECONDER?

YES.

S. O'KEEFE: ARE YOU DONE? THANK YOU VERY MUCH.

TO CLARIFY THE CONDITION, IT'S 2 FEET LOWER THAN THE SURVEYED POINT FOR THE EXISTING HOUSE? BECAUSE IT'S KIND OF ON -- TWO FEET LOWER. SO THE FINISHED FLOOR SHOULD BE TWO FEET LOWER THAN THE SURVEYED POINT? BECAUSE THERE ARE DIFFERENT POINTS?

TWO FEET LOWER THAN THE EXISTING FLOOR AND SHALL BE
VERIFIED BY THE SURVEYOR. ALONG WITH MAXIMUM OVERALL HEIGHT WHICH WE SHOULD HAVE A DIMENSION BECAUSE IT'S HARD TO STRING TOGETHER. FLOOR ZERO AND MAXIMUM HEIGHT IS X.

>> I'M ACCEPTING. THIS IS AN AMENDMENT TO THE MOTION TO APPROVE. THE MOTION -- THE AMENDMENT HAS TWO PARTS. ONE IS THAT THERE IS CONFIRMATION THAT THE FINISHED FLOOR OF THE NEW DROPPED FIRST FLOOR IS 2 FEET BELOW THE SURVEYED EXISTING FIRST FLOOR. THAT HAS TO BE CONFIRMED BY A SURVEYOR. AND THAT THE FINISHED ROOFLINE TOP OF THE ROOF AS DESCRIBED BY THE ARCHITECT IS CONSISTENT WITH THE DRAWINGS. IN TERMS OF THE DIFFERENCE.

>> THE PROPOSED TOP OF THE ROOF --

>> THE HIGH POINT OF THE ROOF.

>> YES.

>> YOU NEED TO MAKE SURE THOSE UPPER ROOMS --

>> S. O'KEEFE: I'M WAITING FOR VERIFICATION FROM STAFF THAT THEY'RE GOOD WITH THAT. AND THEN WE CAN MOVE ON. DOES THAT WORK FOR YOU? CAN YOU PUT THAT INTO --

>> SO, WE'RE GOING OFF WHAT IS THE EXISTING SECTION. WHAT IS SHOWN AT THE TOP OF THE ROOF THERE SHOWN AS FEET 10.5 INCHES.

>> AND IT'S SHOWN IN THAT SECTION.

>> S. O'KEEFE: WE'RE GOOD. I DIDN'T FOLLOW THAT. BUT IF ARCHITECT AND STAFF ARE HAPPY, THEN I'M HAPPY. CARRIE. YOU WERE NEXT.

>> C. OLSON: THANK YOU FOR ALL THE CAREFUL CONSIDERATION. I
WILL NEVER APPROVE A PROJECT ON THIS BOARD THAT TAKES AWAY SOMEONE'S VIEW. SOMEONE'S ACCESS TO LIGHT. BECAUSE I FEEL WHEN YOU BUY A PROPERTY, YOU BUY THAT AND PAY MORE FOR AND IN BERKELEY YOU PAY A LOT MORE FOR IT. WE'RE MESSING WITH THAT ABILITY FOR SOMEONE TO SELL THEIR PROPERTY WITH THE SAME THAT THEY BOUGHT IT WITH. AND WE HAVE SEEN THAT HAPPEN OVER AND OVER AGAIN. AND I JUST WANT TO SAY FOR THE RECORD, I WAS PRESENT WORKING WITH THE PLANNING COMMISSION WHEN WE DID GENERAL PLAN IN THE EARLY 2000S AND THE LANGUAGE THAT PLANNING KEEPS FIGHTING, YOU NEED TO BE CAREFUL WITH. BECAUSE THE GOLDEN GATE BRIDGE AND THE BAY BRIDGE, THE TOWER Didn'T EVEN EXIST YET, SO IT WASN'T ANYTHING SPECIAL. THE SPECIFIC ADDED THE LANGUAGE ABOUT VIEWS. IT COULD BE ANYTHING TO PEOPLE -- THERE WAS A FELLOW WHO HAD A HOUSE ON FIFTH STREET WHO LOVED HIS VIEWS OF THE HILLS. THAT WAS IMPORTANT TO HIM. AND WE SAID OF COURSE. THESE THINGS MATTER. YOUR HOME, YOUR SURROUNDS ARE ALL SOMETHING THAT YOU BUY INTO WHEN YOU GO AND LOOK AT HOUSES AND CHOOSE WHICH ONE IS THE ONE YOU WANT. SURE, YOU KNOW THAT NEIGHBORS HAVE THE RIGHT TO BUILD UP, TO PUT ON A SECOND FLOOR AND YOU UNDERSTAND THAT THAT IS SOMETHING THAT COULD HAPPEN DOWN THE ROAD. BUT YOU ALSO KNOW THAT THE CITY VALUES ITS VIEWS. IT'S WHY PEOPLE LIVE IN BERKELEY AND WHY I DON'T LIVE IN THE HILLS AND WILL NEVER LIVE IN THE HILLS. I HATE LOOKING OUT AT THE BAY -- WE USED TO DUMP OUR GARBAGE IN THE BAY. AND I HATED IT. I DON'T THINK IT'S RIGHT FOR
THE STAFF TO MAKE AN ARBITRARY AND I DO CONSIDER AN ARBITRARY DECISION ON WHAT MAKES THAT VIEW IMPORTANT. IN THIS CASE, YOU'RE TAKING SAN FRANCISCO AND CUTTING IT OFF, NO MORE VIEW OF THE BAY. ESPECIALLY SINCE AND I WENT AND VISITED THIS HOUSE BECAUSE I WANTED TO SEE, THOSE OF US WHO GREW UP IN BERKELEY WE GO INTO THE HOUSES WITH AMAZING VIEWS FROM LOTS OF ROOMS ACROSS THE FRONT OF THEIR HOUSE. THIS ISN'T ONE OF THEM. THIS WOMAN RENTS OUT HER HOUSE, ALL THE BEDROOMS IN IT AND SHE DOESN'T HAVE ACCESS TO THOSE VIEWS. THERE IS ONE WINDOW THAT IS THE PUBLIC VIEW. AS LONG AS SHE OWNS THAT HOUSE, I DON'T SEE THAT CHANGING. I THINK THIS MATTERS TO US. IT MATTERS WHY WE MAKE OUT THE MORTGAGE PAYMENT EVERY MONTH. IT'S WHY WE JUSTIFY WHAT WE HAVE. AND I DON'T -- I HOPE THAT STAFF WILL NOT TAKE THE LANGUAGE SO LITERALLY TO SAY THIS IS OKAY, YOU CAN SNAP THIS PART OF THE VIEW OFF, WE HAD A PROJECT A COUPLE OF YEARS AGO WHERE HALF OF THE GOLDEN GATE BRIDGE DISAPPEARED -- HALF OF IT. STAFF SAID THAT WAS ADEQUATE. THEN THEY STILL HAD A VIEW. NO! THAT'S THE VIEW! AND IF YOU'RE LUCKY ENOUGH TO HAVE IT, YOU PAID A HECK OF A LOT MORE FOR IT AND WE DIDN'T APPROVE THAT PROJECT. I THINK THAT SHOULD REMAIN OUR STANDARD THAT WE LISTEN TO WHAT FOLKS CARE ABOUT. SO SPEAKING OF THE VIEW, THE ADDITIONAL ROOF FEATURES THAT WE HAVE NO CONTROL OVER, SO I JUST WANT TO BE CLEAR SO EVERYONE UNDERSTANDS, SOLAR PANELS ARE APPROVED, PERIOD, OVER THE COUNTER. NOTHING WE DO OR SAY WILL EVER CHANGE.
I'M NOT EVEN SURE THAT CABLE DISHES HAVE AN APPROVAL? DON'T HAVE TO COME IN FOR A PERMIT. SO CABLE DISHES CAN GO UP. WE CAN CONTROL VENTS, DUCTS AND CHIMNEYS SO WE CAN HAVE AN UNDERSTANDING OF WHAT VENTS, DUCTINGS AND CHIMNEYS. THERE WAS A HOUSE THAT ADDED ALL KINDS OF THINGS TO BLOCK THEIR NEIGHBOR'S VIEW. I THINK THESE NEIGHBORS WILL GET ALONG IF THIS IS BUILT AND NOT DO THAT. THAT WOULD BE SOME REALLY UNFORTUNATE NEIGHBORLY JU JU IF IT DID HAPPEN. I ASSUME THAT'S NOT THE PLAN. EVERYONE IS JUST TRYING TO ENJOY BEING IN THE SPACE THEY'RE IN AND EVERYONE -- I WISH THERE WAS MORE SUPPORT ON THIS BOARD TO SUPPORT THE IDEA OF FINDING A WAY TO LESSEN THIS.

>> I WANTED A CLARIFICATION.

>> S. O'KEEFE: GO AHEAD.

>> I JUST WANTED TO CLARIFY. YOU BROUGHT UP SOLAR PANELS.

AND THAT MY EARLIER QUESTIONS WERE CONFUSING BECAUSE I WAS TRYING TO REMAIN HYPOTHETICAL. IF YOU PUT A SOLAR PANEL ON YOUR HOUSE WITH THE UNDERSTANDING THAT YOUR NEIGHBOR HAS THE CAPACITY UNDER ZONING TO BUILD A SECOND STOREY TO BLOCK THE SOLAR PANEL. IN OTHER CITIES AROUND THE COUNTRY, PEOPLE PUT A MONETARY VALUE ON THAT AND BUY AN EASEMENT FROM THEIR NEIGHBOR. MY COMMENTS WERE TO SHOW THAT HYPOTHETICALLY THAT COULD BE DONE AND I'M DISAPPOINTED THAT THAT IS NOT ON THE TABLE TRADITIONALLY IN THESE SITUATIONS IN BERKELEY.

>> S. O'KEEFE: IT'S NOT SOMETHING THAT THE ZAB DISCUSSIONS.
>> My questions were purely hypothetical.

>> S. O'Keeffe: Igor, comments.

>> I. Tregub: I appreciate the care the Board has taken towards this issue. I think what the conditions that have been accepted, this makes for a better more verifiable project. And this is something that I don't say lightly, I don't like being in this position but I'm taking the open mind mandate of ZAB to the extreme right now. I still have not made a decision one way or another and perhaps it's because and I don't fault staff at all, but it is valid that there would be a greater level of detail on the dimensions if this was not an appeal, if it started out as a use permit. I still wonder if there might be a chance to meet this halfway. I appreciate what the applicants have done to lower the height in a significant way. But I do understand certainly the meaning that you have, I say that as someone who is a tenant and lives on the first floor of a two-storey building with no view and pretty much covered in shadow year around. My view is a sheer 6-foot tall wall that needed an AUP because it was 6 feet. I actually think the fact that view impacts are on the -- that we only have a mandate to look at them in the R-1(h) which this is not, that to me is a classist construct. And I appreciate that even though this is not an R-1(h) zone, it's in the foothills. It's R-1. I appreciate that we are taking the same level of care here. I
REALLY DO. AND I JUST WONDER IF THERE IS A WAY TO STILL SPLIT THE BABY SOMEHOW TO MEET THE TWO SIDES HALFWAY TO TAKE WHAT IS PROPOSED AS PART OF OPTION TWO AND LOWER IT JUST A LITTLE BIT BECAUSE IT'S COMING DOWN TO BASICALLY DO I BELIEVE -- I DID NOT HAVE THE OPPORTUNITY TO VISIT THE HOME WITH THE VIEW THAT IS AT ISSUE. AND IT IS -- IT MAY BE SPLITTING HAIRS, ARE YOU STANDING OR SITTING ON THE DECK AND WHAT DO YOU SEE WHEN THAT HAPPENS? I ALSO HAVE THE LUXURY OF BEING ABLE TO STAND AN AND MIRE A VIEW IF I HAD A VIEW. SOME PEOPLE DON'T HAVE THAT LUXURY.

>> ARE YOU PROPOSING A REDUCTION FOR AMENDMENT TO THE MOTION?

>> I. TREGUB: IF YOU THINK THAT'S A GOOD IDEA, I WOULD BE --

>> THEY REQUESTED 18-INCHES AND HE'S SAYING SPLIT THE BABY.

>> I. TREGUB: BUT I'M NOT AN ARCHITECT. SO YOUR VIEWPOINT IS COMPELLING TO ME AS WELL.

>> I THINK [INDISCERNIBLE] HAS SPOKEN PASSIONATELY ABOUT VIEWS. I'M READY TO CONSIDER THE AMENDMENT OUT OF RESPECT WITH YOU AND CARRIE. I THINK IT WOULD HAVE PASSED WITHOUT IT BUT I WOULD RATHER HAVE YOUR VOTES.

>> S. O'KEEFE: DIEGO, NINE INCH REDUCTION IN HEIGHT? DO YOU ACCEPT IT? YOU DON'T HAVE TO.

>> I'M JUST NOT SYMPATHETIC -- YOU MENTIONED LUXURY, THE VIEW ITSELF IS A LUXURY. IT'S THE VIEW OF THE WATER. I MEAN YOU
MENTIONED THE PROPERTY RIGHTS AND THE RIGHT TO ENJOY THE FULL
VALUE OF YOUR PROPERTY. NO ONE HERE IS PAYING PROPERTY TAXES ON
THE MARKET VALUE THAT THEY ENJOY AS PART OF THEIR NET WORTH. THE
CITY IS EFFECTIVELY SUBSIDIZING THE PROPERTY VALUES.

>> S. O'KEEFE: CAN HAVE YOU PAY IT BASED ON HOW MUCH YOU
PAID FOR THE PROPERTY.

>> ORIGINALLY BUT NOT WHAT IT'S WORTH NOW. CARRIE IS SAYING
THAT THEY SHOULD HAVE EVERY RIGHT TO PRESERVE THAT PROPERTY
VALUE AT SALE. I'M NOT SYMPATHETIC TO THAT. SO I WANT TO PUT
THAT ON THE RECORD. BUT THE PERSON MAKING THE MAIN MOTION
BELIEVES THIS IS FAIR. I HAVE TO RESPECT THAT AS THE SECONDER.

>> S. O'KEEFE: YOU DON'T HAVE TO.

>> I RESPECT HIM. I RESPECT THE PERSON WHO MADE THE MOTION
ENOUGH TO MAINTAIN MY SECOND.

>> S. O'KEEFE: OKAY. SO YOU SEPTEMBER MOTION.

>> YES.

>> GOT IT. TERESA.

>> T. CLARKE: THE ONLY THING, CHARLES, LET'S THINK
ABOUT -- BECAUSE THE BACKYARD THERE, THAT WILL BE BELOW WHAT
THEIR PRESUMED GRADE IS. IN OTHER WORDS, THE DOOR TO THE
BACKYARD WOULD BE BLOAT GRADE. COULD WE LOOK AT THAT BECAUSE I
KNOW SHE MENTIONED THAT IN HER PRESENTATION THAT'S WHY THEY CAME
DOWN TO THAT LEVEL. SO I THOUGHT THAT'S WHAT SHE HAD SAID IN THE
PRESENTATION. I COULD BE MISTAKEN.
>> I didn't realize that.

>> See those patio doors there into the back? On the elevation proposed. And so, lowering that means those floor levels would be below the grade. Excuse me, I'm just talking. That's why I want to check. But I wanted to point that out to everyone that that was something that the architect mentioned in her presentation. And that's why they didn't go farther down.

>> Igor, I'm sorry but that's unfair position on the design. It means that they're going to have water coming into their house if they're below grade.

>> I. Tregub: I didn't take that into consideration. It's a good comment.

>> S. O'Keefe: And we don't know -- is the backyard sloping up? It looks like the backyard is relatively flat from there on out. Perhaps we could bring them up to ask that question. Then they'd have to do kind of a retaining wall.

>> I'd like to let the original motion as originally modified stand.

>> Permission granted.

>> S. O'Keefe: Patrick.

>> P. Sheahan: Could we see the section drawing again? I'm still bothered that they don't seem to be reconciled. [off mic] Can we get the conversation captured in the microphone. The assumed rate. That's how I understood it.
ASSUMED GRADE WHETHER IT'S EXISTING OR PROPOSED DOES NOT MATCH -- THOSE SECTIONS ONE AND TWO INDICATE ASSUMED GRADE AT ABOUT TWO FEET BELOW ZERO WHICH IS THE FLOOR LEVEL. IS THAT CORRECT? IS THAT CORRECT?

>> S. O'KEEFE: CAN WE ASK STAFF? I'D PREFER TO TALK TO STAFF.

>> IF WE COULD LOOK AT THE SURVEY, I THINK IT WILL CLARIFY THAT.

>> S. O'KEEFE: YOU CAN POINT AND THEN COME TALK. YOU NEED TO PUT EVERYTHING IN THE MICROPHONE. [OFF MIC] CAN YOU SUMMARIZE WHAT YOU TALKED ABOUT FOR THE RECORD.

>> I DON'T KNOW -- UPPER RIGHT CORNER OF THE HOUSE, THE GRADE IS IDENTIFIED AS 266.48 ABOVE SEA LEVEL. THE FRONT ENTRY OF THE HOUSE IS 268.46. TWO FEET HIGHER. BY DROPPING IT 2 FEET IT'S DROPPED TO THE ACTUAL SURVEYED GRADE AT THAT CORNER. SO YOU ARE CORRECT, TERESA, BASED ON THE MARIN SURVEY HERE.

>> S. O'KEEFE: OKAY. PATRICK.

>> P. SHEAHAN: COULD YOU CLARIFY WHAT IS CORRECT?

>> THAT THE HOUSE IN -- WHEN THE HOUSE -- FIRST FLOOR DROPPED TWO FEET, IT'S DROPPED TO THE GRADE THAT IS IDENTIFIED AT THE BACK. WHEN IT IS, WE'RE REQUIRING IT TO BE DROPPED TWO FEET.

>> OKAY.

>> HER THE -- PER THE PLANS.
S. O'KEEFE: OKAY. SO WE FIGURED THAT OUT. THE MOTION HAS BEEN ADJUSTED IN RESPONSE. ARE WE GOOD ON THIS? GOOD EYE, TERESA, THAT WAS HELPFUL. CAN WE RESTATE THE MOTION? ARE THERE FURTHER COMMENTS? STAFF.

IF YOU -- IF YOU COULD RESTATE THE MOTION. WERE YOU TAKING ONE AND THREE OF THE APPELLANT'S SUGGESTION? OKAY.

I. TREGUB: WASN'T THERE ANOTHER ONE? TWO FEET BELOW AND CONFIRMED BY SURVEYOR.

C. OLSON: WE COULD ADD THE VENTS, DUCTS AND CHIMNEYS BUT NOT THE SOLAR PANELS AND CABLE DISHES.

S. O'KEEFE: IS THAT?

YOU DIDN'T MAKE THE MOTION.

I'M SUGGESTING. I'M SUGGESTING TO THE MOTION MAKER THAT THEY COULD ADD THAT PART OF TWO.

THE LOCATION OF THE VENTS, DUCTS AND CHIMNEYS BE ON WEST SIDE? I CAN AGREE TO THAT.

MAY I SAY I WANT IT TO BE SUBJECT TO APPROVAL OF THE BUILDING PERMIT.

BEFORE AGREEING TO THAT, I WOULD LIKE TO CONFIRM THE CLAIM -- WE HAVEN'T HAD THIS CONFIRMED -- THAT THE ARCHITECT HAS SAID THIS WOULD BE POSSIBLE. THE ARCHITECT HAS TOLD APPELLANT AMY DI COSTANZO THAT IT WILL BE PLACED ON THE WEST SIDE. WHERE IS THE ARCHITECT? IS THAT THE CASE? THAT THEY CAN BE LOCATED ON WEST SIDE?
S. O'KEEFE: ANSWER JUST THAT QUESTION AT THE MICROPHONE.

Would you repeat the question.

There is a statement here that we received during the hearing which is a little irregular, but they seem like reasonable requests, that the location of the roof features and in particular we're saying the vents, ducts and chimneys -- there shouldn't be any chimneys because I don't see any, be located on the west side of the building and the rationale is that the architect, which is you, has told the appellant, Amy Di Costanzo that all roof will be placed on the west side. Did you say that? Or do you -- can you support that?

When we had the conversation, there a chimney, it's on the west side. So it's the largest feature.

And it will remain on the west side?

That's correct. There is a kitchen also on the west side.

And the vents would be there.

There are two bedrooms on the east side.

So there is one vent on the east side for the bathrooms. I think one vent is acceptable to me. Is that the only one on the east side?

Can you go back to the floor plan. We can route any hot water or furnace vents out the west side as well.

Then I will accept it as a friendly amendment a
RESTRICTION OF VENTS TO ONE VENT FOR THE BATHROOM ON THE EAST SIDE. ALL VENTS AND PROTUBERANCES SUCH AS CHIMNEYS, DUCTS OR VENTS WILL BE ON THE EAST SIDE. DOES MY SECOND ACCEPT THAT TYPE?

>> YES.

>> S. O'KEEFE: OKAY. GREAT. THANKS. THE MOTION HAS BEEN RESTATED TO EVERYONE'S SATISFACTION. SHALL WE DO A ROLL CAL.

>> CLERK: BOARD MEMBER KAHN.

>> YES.

>> BOARD MEMBER OLSON.

>> NO.

>> BOARD MEMBER SHEAHAN.

>> PASS.

>> BOARD MEMBER SELAWSKY.

>> YES.

>> BOARD MEMBER CLARKE.

>> YES.

>> BOARD MEMBER TREGUB.

>> YES.

>> BOARD MEMBER AGUILERA.

>> YES.

>> BOARD MEMBER SHEAHAN.

>> CAN HAVE HOW ARE YOU VOTING, PATRICK?

>> P. SHEAHAN: I CAN PASS.

>> S. O'KEEFE: OKAY, PASS. IT HAS FIVE VOTES. I WANTED TO
GO LAST BECAUSE I WANTED TO ABSTAIN AND SAY WHY. CHARLES, YOU
AND I HAVE STILL FRIENDS, I PROMISE, BUT I'M UNCOMFORTABLE WITH
SOME OF THE REASONING THAT YOU GAVE AND I DON'T FEEL COMFORTABLE
SIGNING ON TO IT. I'M GOING IT ABSTAIN AND I FEEL MIXED ABOUT
THIS ANYWAY. SO I'M ABSTAINING. PATRICK.

>> P. SHEAHAN: NO.

>> S. O'KEEFE: BUT IT DOES PASS. YOU HAVE YOUR PERMITS.
THEY'RE APPEALABLE TO CITY COUNCIL.

>> WE HAD FOUR VOTES IN FAIR.

>> S. O'KEEFE: WE HAD FIVE. TWO NOS, ONE AN STATION, FIVE
VOTES IN FAIR. THAT'S EIGHT. THAT'S IT. THANK YOU VERY MUCH
EVERYONE. THAT WAS A LONG ONE. WE WEATHERED IT.
I. ZONING PROJECT APPLICATION FORM

(This box for staff use only.)

Project Address: 1533 BEVERLY PLACE, BERKELEY CA 94706

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

Intake Planner: Sydney Stephenson

DATE STAMP HERE

AND USE PLANNING

- Project Address:
  1533 BEVERLY PLACE, BERKELEY CA 94706

- Project Description:
  Remodel of (e)1212 s.f. residence to include:
  Second story addition of approx 1016 s.f. to include stair, 2 bedrooms, 2 bathrooms, 2 walk-in-closets, 1 study and a terrace.
  Replacement of (e) entry steps, porch, and porch roof
  Removal of (e) hot water heater shed @ side of house.
  Kitchen remodel including (n) bump-out. Bathroom remodel.
  Removal of cover over (e) patio in Rear Yard. Miscellaneous patch & repair throughout the house.

- Property Owner Name: BRYN AND JOHN SMALLWOOD-GARCIA

Owner's Mailing Address: 26 WHITE PINE DRIVE, BROOKFIELD CT 06804

Phone #: 510.847.5414

- Applicant Name (or write "same"): STACY EISENMANN

Applicant's Mailing Address: 853 Ramona Ave Albany, CA 94706

Phone #: 510.556.8442

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

1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?

2. Demolition of, or exterior alterations to, a designated City of Berkeley Landmark, Structure of Merit, or structure in a City Historic District (or interior alterations to such buildings if publicly owned)?

3. Application to designate a City Landmark, Structure of Merit or Historic District?

4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District?

Continued on Page 2
# ZONING PROJECT APPLICATION FORM

## Submittal Requirements Checklist – Instructions

1. Complete the checklist below and sign the bottom of page 3. *(Owner must also sign, or provide a letter authorizing the applicant to sign on the owner’s behalf.)*

2. For each question for which you check “yes”, review the Zoning Project Submittal Requirements to learn more and to provide the item indicated in the right-hand column.

3. **Submit a pdf copy of the entire application, along with the paper application to the Planner at the Permit Service Center, Zoning Counter.**

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

You must disclose whether or not any of the following are true of the project:

- Over 7,500 square feet of office, retail, restaurant, hotel, lodging, manufacturing, light industrial, research and development, warehouse or storage?
  If so, Affordable Child Care and Affordable Housing Fees apply. Refer to Council Resolutions #66,618-N.S. & #66,617-N.S.

- Any new commercial or industrial building, more than five or more Dwelling Units; or an addition or more than 10,000 square feet.
  If so, Percent for Public Art on Private Projects Program applies, per BMC Chapter 23C.23.

- Project involves the elimination or rehabilitation of any dwelling units, and/or are any of the dwelling units on the property controlled rental units?
  If so, your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions.

- Construction activity within the drip line of a Coast Live Oak tree with circumference over 18" at 4'-6" above ground (or 26" aggregate circumference for multi-trunked trees)?
  If so, the Moratorium on the removal of Coast Live Oaks Ordinance applies, per BMC Chapter 6.52.

- Removal of 25% or more of a main building's exterior walls and roof (including replacement of existing structural members)?
  If so, the Demolition Ordinance may apply, per BMC Chapter 23C.08.

- Smoke Shops or Drug Paraphernalia?

- Cultivation, Distribution, Manufacture or Sale of Cannabis?

- Demolition or substantial change of a building >40 years old?
  If so, the Demolition Ordinance will apply, per BMC Chapter 23C.08, as well as Section 15300.2 of the CEQA Guidelines.

- Construction on a parcel that is within 40' of an open creek or 25' of a culverted creek?
  If so, the Preservation and Restoration of Natural Watercourses Ordinance applies, per BMC Chapter 17.08

Under penalty of perjury, I certify that:
(1) the above information is true and complete to the best of my knowledge, and
(2) the attached paper and electronic copies of this application are the same.

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

Applicant Signature: [Signature]

Owner's Signature: [Signature]

Printed: STACY EISENMANN

Printed: BRYN SMALLWOOD-GARCIA

Date: 6/13/18

Date: 6/13/18
<table>
<thead>
<tr>
<th>Zoning District(s):</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 23D.16.070</td>
<td>UP/AUP to addition over 14' in height</td>
</tr>
<tr>
<td>2. 23D.16.070</td>
<td>UP/AUP to addition over 600 sq ft.</td>
</tr>
<tr>
<td>3. 23D.16.050</td>
<td>UP/AUP to addition of 5th bedroom</td>
</tr>
<tr>
<td>4. 23________</td>
<td>UP/AUP to</td>
</tr>
<tr>
<td>5. 23________</td>
<td>UP/AUP to</td>
</tr>
<tr>
<td>6. 23________</td>
<td>UP/AUP to</td>
</tr>
<tr>
<td>7. 23________</td>
<td>UP/AUP to</td>
</tr>
<tr>
<td>8. 23________</td>
<td>UP/AUP to</td>
</tr>
<tr>
<td>9. 23________</td>
<td>UP/AUP to</td>
</tr>
</tbody>
</table>
### Applicant Information
Stacy Eisenmann  
853 RAMONA AVE  
ALBANY CA 94706-1819

### Property Information
Parcel Number: 061 262902400

### Project Information
**Type:** Planning  
**Group:** Zoning Permit  
**Category:** NA  
**Sub-Category:** NA  
**Project:** 1533 Beverly Place  
**Work Description:** Major residential addition over 14' in average height with the addition of a 5th bedroom

### Location
1533 BEVERLY PI  
BERKELEY, CA 94706

---

### Payment Information

<table>
<thead>
<tr>
<th>Payor</th>
<th>Payment Status</th>
<th>Date Printed</th>
<th>cashier</th>
<th>Payment Method</th>
<th>Auth</th>
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</thead>
<tbody>
<tr>
<td>Joanna Wieloch-Kim</td>
<td>Paid</td>
<td>7/20/2018</td>
<td>RASMITH</td>
<td>Credit Card</td>
<td>06728g</td>
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</table>

### Fees

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUP010 - AUP Base Tier 1 - Most Complex projects in or adjacent to Residential District</td>
<td>$2800.00</td>
</tr>
<tr>
<td>AUP080 - AUP: Additional Administrative Use Permits</td>
<td>$400.00</td>
</tr>
<tr>
<td>AUP110 - Records Management</td>
<td>$50.00</td>
</tr>
<tr>
<td>CPF1 - Community Planning Fee</td>
<td>$480.00</td>
</tr>
</tbody>
</table>

**Total:** $3730.00

---

Property Address:  
1533 BEVERLY PI  
BERKELEY, CA 94706
Date: 7/20/2018 10:10:09 AM

Bill to:
1533 Beverly Place
Stacy Eisenmann
853 RAMONA AVE
ALBANY CA 94706-1819

Invoice #: 377877
Record #: ZP2018-0153
Address: 1533 BEVERLY PL

RECEIVED
JUL 20 2018
LAND USE PLANNING

<table>
<thead>
<tr>
<th>Invoiced Fee Item</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Records Management</td>
<td>$50.00</td>
</tr>
<tr>
<td>AUP: Additional Administrative Use Permits</td>
<td>$400.00</td>
</tr>
<tr>
<td>Community Planning Fee</td>
<td>$480.00</td>
</tr>
<tr>
<td>AUP Base Tier 1 - Most Complex projects in or adjacent to Residential District</td>
<td>$2,800.00</td>
</tr>
</tbody>
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Total Fee: $3,730.00

Print Date: 7/20/2018
APPLICANT STATEMENT

SMALLWOOD-GARCIA RESIDENCE
1533 Beverly Place, Berkeley CA 94706
John and Brynn Smallwood-Garcia
DATE: July 16, 2018

DESCRIPTION:
Remodel of (e) 1212 s.f. residence to include:
  · Second story addition of 1016 s.f. to include stair, 2 bedrooms, 2 bathrooms, 2 walk-in-closets, 1 study and a terrace.
  · Replacement of (e) entry steps, porch, and porch roof.
  · Removal of (e) hot water heater shed @ side of house.
  · Kitchen remodel.
  · Bathroom remodel.
  · Removal of cover over (e) patio in Rear Yard.
  · Miscellaneous patch & repair throughout the house.

PURPOSE:
  · To provide additional bedrooms, bathrooms, office for a retiring couple planning to have extended visits from their children and grand children.
  · To improve functionality and quality of kitchen.
  · To improve the relationship between the kitchen and rear yard.

THE PROPOSED DESIGN SATISFIES THE FINDINGS BY THE ZONING ORDINANCE BY:
  · Second story addition shall not be located within the 4'-0" side yard setbacks and 20'-0" front/rear yard setbacks allowable in a R-1 district.
  · Second story addition to be located below the 28'-0" average height limit.
  · Maintaining (1) legal parking space, required.
SITE PHOTOGRAPHS

SMALLWOOD-GARCIA RESIDENCE
1533 Beverly Place, Berkeley CA 94706
John and Bryn Smallwood-Garcia
DATE: July 16, 2018

PHOTO 1 // PHOTOGRAPHED 06/08/2018 @ 10:02 AM
PHOTO 4 // SIDE YARD @ WEST SIDE OF BUILDING

PHOTO 5 // BACK OF BUILDING
PROPOSED DEVELOPMENT PROJECT SIGN DOCUMENTATION

SMALLWOOD-GARCIA RESIDENCE
1533 Beverly Place, Berkeley CA 94706
John and Bryn Smallwood-Garcia
DATE: July 16, 2018

SIGN PHOTOGRAPH 1

SUBJECT LOT
1533 Beverly Pl

Proposed Development Project sign
NEW SOUTH ELEVATION
SCALE: 3/16" = 1'-0"
II.E. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

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

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

Applicant's Information:
Name: John B Smallwood-Garcia
Street Address: 26 White Pine Drive
City, State, Zip Code: Brookfield, CT 06804
Phone Number: (510) 847-5414

Project Information:
Address: 1533 Beverly Pl
City, State, Zip Code: Berkeley, CA 94706
Assessor's book, page, and parcel number: 061 262982400
Specified area: 2111 13-000

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

Regulatory identification number: 
Date of list: 

Applicant's verification:
Signature: ___________________________ Date: 6/13/18