

AT LEAST THE REPORT FROM THE PROFESSIONAL HYDROLOGIST WHICH WAS SUBMITTED TO YOU SHOWS IT'S NOT A SIGNIFICANT IMPACT ON THE COMMUNITY.

>> Staff: THAT IS CORRECT.

AND SOME OF THE NEIGHBORS MET WITH A MEMBER OF OUR PUBLIC WORKS WHO WORKS WITH STREAMS WHO ALSO DID NOT, WHO ALSO COMMENTED THAT IT WASN'T AN ISSUE RAISING TO THE CEQA LEVEL.

SO AGAIN, THAT OBVIOUSLY IS AN ISSUE OF CONTENTION.

>> C. Kahn: I'M SURE WE WILL HEAR PLENTY ABOUT THIS FROM THE COMMUNITY.

AND THERE MAY BE MORE QUESTIONS FROM US AFTER WE DO.

BUT IT'S JUST GOOD TO BE KIND OF PREPPED FOR WHERE WE ARE HEADED HERE.

SO THANK YOU.

>> S. O'Keefe: OTHER QUESTIONS FOR STAFF?

>> C. Olson: THIS IS A NEW ONE FOR ME.

THAT THIS IS GOING TO BE REMODELED OVER TIME.

AND ADDED TO OVER TIME.

I DON'T SEE ANYWAY TO EASILY TELL WHICH UNITS WILL HAVE TENANTS IN THEM WHILE CHANGES HAPPEN AROUND IT.

DO YOU KNOW?

>> Staff: NO.

I THINK THE EXISTING TENANTS AND THE APPLICANT WOULD BE THE BEST ABLE TO ANSWER THAT.

I WOULD ASSUME THEY WOULD MOVE FORWARD WITH THE WORK ON NEW CONSTRUCTION, FIRST.

HOWEVER, I WOULD THINK THEY WOULD TAKE THE OPPORTUNITY, IF THERE WERE A VACANT EXISTING UNIT TO RENOVATE THAT, BUT AGAIN, I THINK THAT WOULD BE BEST ANSWERED BY THE APPLICANT TEAM.

>> C. Olson: OKAY, JUST SO THE APPLICANT TEAM KNOWS THAT'S SOMETHING I WILL BE LOOKING FOR.

>> S. O'Keefe: LEAH?

>> I HAD A QUESTION AROUND THE CONDO CONVERSION PIECE. IS THAT SOMETHING THAT WILL HAPPEN IN THE FUTURE OR IS THAT PROCESS HAPPENING SIMULTANEOUSLY?

>> Staff: AGAIN, THAT'S A QUESTION BEST ANSWERED TO THE APPLICANT.

MY POINT OF CLARIFICATION IS THAT THE CONDO CONVERSION PROCESS DOES NOT CHANGE THE TENANT PROTECTIONS.

IT DOES NOT, BY SAYING WE ARE MAKING THESE CONDOS, THAT DOES NOT RELATE TO, YOU ARE GETTING KICKED OUT BECAUSE YOU ARE SELLING THEM.

THEY MAY NOT BE KICKED OUT, UNLESS IT'S THE SAME PROTECTIONS OF ANY RENT-CONTROLLED UNIT THEY MAY HAVE AS WELL AS ABILITY TO BE FIRST RIGHT OF REFUSAL AND THE REST.

>> RIGHT.

I GUESS I WAS JUST TRYING TO UNDERSTAND, SOMETIMES WHEN PEOPLE DO CONSTRUCTION, THEY WILL CONVERT THEM TO CONDOS WITH NO IMMEDIATE PLAN TO ACT ON IT, IT'S JUST SO IT IS THERE.

AND THEN OTHER FOLKS.

>> Staff: YES.

THE TIMING WOULD BE BEST, BUT I WILL MAKE ONE OTHER CLARIFICATION THAT CONSTRUCTION OF NEW BUILDINGS CAN AUTOMATICALLY BE, A MAP COULD BE FILED ON THEM AND THEY COULD BE CONSTRUCTED AS CONDOMINIUMS.

THAT'S NOT A DISCRETIONARY PROCESS.

THAT'S A DECISION.

THE EXISTING UNITS ARE THE ONES THAT WOULD GO UNDER THE CONDOMINIUM CONVERSION PROCESS, WHICH INCLUDES, AMONG OTHER THINGS, YOU KNOW, VERIFICATION AND TENANT PROTECTIONS AS WELL AS AN AFFORDABLE HOUSING MITIGATION FEE THAT IS PAID TO THE HOUSING FUND.

>> S. O'Keefe: MARIA AND THEN JACKIE.

>> FOUR BEDROOMS AND FOUR BATHROOMS SOUNDS LIKE A SET UP FOR A SHORT-TERM RENTAL.

I WONDER IF YOU COULD CLARIFY THE DIFFERENCE BETWEEN A SHORT-TERM RENTAL AND MINI DORM.

>> Staff: YES.

SO THE MINI DORM IS A HOUSE HOLD.

AND JUST TO BE CLEAR, SINCE WE DO HAVE A LOT OF PEOPLE WHO ARE RATHER NEW, I WILL JUST DO A LITTLE 101.

THE CITY OF BERKELEY HAS SPECIFIC DEFINITIONS OF WHAT A HOUSE HOLD IS, OR G.L.A. OR GROUP LIVING ACCOMMODATION, WE WOULD NORMALLY THINK OF A DORM OR SORORITY OR FRATERNITY.

A G.L.A. IS WHERE PEOPLE LIVE TOGETHER WHERE PEOPLE GET A LEASE BY THE BED, OR MAYBE THE BEDROOM.

BUT THERE'S NOT ONE LEASE.

SO A HOUSE HOLD ON THE OTHER HAND IS WHEN THERE'S ONE LEASE FOR THE WHOLE DWELLING UNIT.

MAYBE A GROUP OF FRIENDS COME TOGETHER AND THEY ALL PAY \$500 FOR RENT OR WHAT HAVE YOU AND SOMEONE COLLECTS IT AND SUBMITS IT.

A HOUSE HOLD IS PEOPLE LIVING TOGETHER, COOKING TOGETHER AND THE LEASE IS FOR THE UNIT.

SO A SHORT-TERM RENTAL, ON THE OTHER HAND, IS WHAT YOU WOULD TYPICALLY FIND ON A SITE LIKE AirBnB WHERE A UNIT IS RENTED OUT.

OR COULD BE A ROOM AS WELL.

IT COULD BE A SHARED ROOM, WE FOUND OUT.

AND YOU RENT OUT A ROOM FOR 14 DAYS OR LESS AT A SPECIFIC PRICE.

SO THAT IS THE SHORT-TERM RENTAL.

>> THANK YOU.

>> S. O'Keefe: JACKIE?

>> I HAD A QUESTION ON NUMBER 12 WHERE IT SAYS THAT PRIOR TO THE BUILDING PERMITS BEING ISSUED THE PROPERTY OWNER

SHALL PROVIDE PROOF ALL TENANTS HAVE VOLUNTARILY VACATED OR A RELOCATION PLAN.

WHAT COUNTS AS VOLUNTARILY VACATING THE UNITS?

>> Staff: WE WOULD CONSIDER THAT, FIRST OF ALL I WANT YOU TO KNOW IS CONFER WITH THE RENT BOARD BUT GENERALLY IT INCLUDES SOMEONE CHOOSING TO MOVE OUT BECAUSE OF CHANGES OF LIFE, CHANGES OF WHAT HAVE YOU, I WANT TO MOVE TO FLORIDA.

IT ALSO INCLUDES ACCEPTING PAYMENT TO MOVE OUT.

AS YOU PROBABLY HEARD ALL THROUGH THE BAY AREA, IF NOT OTHER PLACES, OH WE WOULD LIKE YOU TO MOVE OUT.

THE ULTIMATE THING IT HAS TO BE UP TO THE TENANT TO AGREE TO WHATEVER IT IS.

BE IT, SURE I'LL TAKE \$50,000.

I WAS GOING TO GO TO FLORIDA ANYWAY.

IF THAT'S OFFERED.

OTHERWISE IT WOULD BE THE WILLINGNESS TO MOVE PERMANENTLY AND/OR AN AGREEMENT TO TEMPORARILY MOVE AND BE ALLOWED TO MOVE BACK.

>> CAN I JUST CLARIFY.

WHAT SITUATIONS WOULD MEAN THE TENANT WASN'T VOLUNTARILY VACATING?

>> Staff: THEY WOULD BE KICKED OUT ON THE STREET.

THEY WOULD BE GIVEN NOTICES YOU HAVE TO LEAVE, WE WILL BE RENOVATING THIS APARTMENT.

>> I DON'T KNOW IF THE RENT BOARD WANTS TO GIVE MORE CLARITY.

IN THE CONTEXT OF IF YOU HAVE THE CONSTRUCTION AND PEOPLE ARE HAVING TROUBLE STAYING.

IF WHEN THAT WOULD BECOME NON-VOLUNTARY OR IF THERE'S SUGGESTIONS ON CONDITIONS THAT COULD KIND OF ARTICULATE THAT YOU CAN'T DO THE CONSTRUCTION IN A WAY THAT PEOPLE END UP BEING FORCED TO MOVE AND THAT WOULDN'T BE CONSIDERED VOLUNTARILY.

>> ARE YOU FROM THE RENT BOARD?

>> YEAH.

>> IF YOU COULD SPEAK TO WHAT WE ARE SPEAKING ABOUT RIGHT NOW AND THEN YOU COULD FILL OUT A SPEAKER CARD IF YOU WANT TO SAY MORE.

>> MY NAME IS BRENNAN DARROW I'M A STAFF ATTORNEY AT THE RENT BOARD.

WITHOUT HAVING THE FACTS IT'S HARD TO DELINEATE WHAT THE DIFFERENCE BETWEEN VOLUNTARY AND INVOLUNTARY IS.

BUT BY WAY OF EXAMPLE, A FEW YEARS AGO THE RENT BOARD HAD A CASE WHERE AN OWNER OF THE PROPERTY CLAIMED THEY WERE GOING TO MOVE INTO THE PROPERTY, THEY TOLD THE TENANT I WILL MOVE INTO THE PROPERTY, STARTED AN EVICTION CASE AND THE TENANT SETTLED IT AND THE SETTLEMENT CLAIMED IT WAS VOLUNTARY.

BUT THAT CASE WAS NOT DETERMINED TO BE VOLUNTARY BY THE RENT BOARD.

SANCTIONS WERE IMPOSED AGAINST THE OWNER AND ULTIMATELY THOSE SANCTIONS WERE UPHELD IN THE COURT OF APPEALS BECAUSE THE OWNER USED PRESSURE AND COERCION TO CAUSE THE TENANT TO SIGN A DOCUMENT PORTRAYING THEIR DEPARTURE AS VOLUNTARILY.

ON THE OTHER HAND THERE ARE LIKELY TO BE CASES WHERE THEY WILL VOLUNTARILY LEAVE, SO IT WILL BE A VERY FACT-SPECIFIC INQUIRY.

I HOPE THAT'S HELPFUL.

>> C. Kahn: IS IT FAIR TO SAY, I HAVE HAD SOME DISCUSSIONS WITH MATTHEW ABOUT THESE KINDS OF THINGS, AS AN ATTORNEY FOR THE RENT BOARD, IS IT FAIR TO SAY THE CITY HAS SOME PRETTY POWERFUL TOOLS FOR SAYING THAT UNLAWFUL EVICTIONS ARE HARD TO EXECUTE AND WOULD BE HARD TO EXECUTE IN THIS CASE?

>> I THINK SO, YES.

THE GROUNDS FOR EVICTION THAT ARE SET FORTH IN THE RENT STABILIZATION ORDINANCE WOULD APPLY HERE, AND THEY DON'T INCLUDE, I FEEL LIKE RENOVATING YOUR UNIT.

FOR A TENANT TO BE DISPLACED AND APPARENTLY VOLUNTARILY AND FOR THERE TO BE A DISPUTE ABOUT THAT WOULD BE, YOU KNOW, PERHAPS A SITUATION WHERE REPRESENTATIONS WERE MADE TO THE TENANT ABOUT WHAT THEIR RIGHTS WERE, THEY WEREN'T ACCURATE OR SOMETHING.

>> C. Kahn: IS IT THE CASE, IN THE CASE OF A VOLUNTARY LEAVING OF AN APARTMENT, THERE ARE NEGOTIATIONS, THERE'S A

BUY-OUT PROVISION THAT TENANTS MAYBE CONSIDERING MOVING OUT ANYWAY AND THIS HELPS THEM RELOCATE.

DOES THE AGREEMENT GET FILED WITH THE RENT BOARD OR SUBMITTED TO THE RENT BOARD?

>> YES, BERKELEY HAS A TENANT BUY-OUT AGREEMENT ORDINANCE THAT REGULATES THOSE TYPES OF AGREEMENTS AND IT SAYS THE AGREEMENT MUST BE FILED WITH THE RENT BOARD AND HAS TO INCLUDE LANGUAGE TO THE EFFECT YOU HAVE THE RIGHT TO CONSULT WITH AN ATTORNEY, CONSULT WITH THE RENT BOARD ABOUT YOUR RIGHTS AND YOU HAVE THE RIGHT TO RESCIND YOUR AGREEMENT TO THIS WITHIN 30 DAYS IF YOU FIND OUT THAT YOU HAD THE RIGHT TO STAY AND YOU HAD ACCIDENTALLY WAIVED THAT RIGHT.

AND THAT HAS TO BE FILED WITH THE RENT BOARD AND IF THEY DON'T FILE IT, THEN IT COULD BE IT WOULD BE GOOD FOR ANY TENANT TO SEEK COUNSELING FROM THE RENT BOARD IF THEY HAVE QUESTIONS ABOUT THEIR RIGHTS.

>> C. Kahn: I TOTALLY AGREE WITH THAT.

THANK YOU.

>> S. O'Keefe: CARRIE?

>> C. Olson: I'M NOT SURE IF YOU ARE RIGHT PERSON TO ANSWER THIS, OR STAFF, BUT I JUST WANT TO SAY THANK YOU FOR COMING TONIGHT.

IT'S SO HELPFUL.

I'M WORRIED ABOUT THE TENANTS WHO STAY BEING CAUSED UNNECESSARY DISRUPTION OF THEIR LIVES, WHETHER IT BE NOISE OR MATERIALS BEING LEFT AROUND THE YARD OR WHATEVER IT MIGHT BE.

SO WHAT PROTECTIONS ARE THERE?

I REALIZE WE HAVE A CONSTRUCTION NOISE MANAGEMENT AND I REALIZE THAT THEY START AT 8:00 SO THE HOURS THEY COULD EXPECT.

WHAT OTHER THINGS, ONE OF THE OTHER THINGS I GUESS I WOULD SAY WE SHOULD MAKE SURE THAT THE TENANTS HAVE CONTACT INFORMATION FOR SOMEONE TO CALL.

>> Staff: HAVE CONTACT INFORMATION, THE PERSON RESPONSIBLE, THE PROJECT LIAISON.

THERE ARE, AS YOU SAID, NOISE MANAGEMENT.

AND NEW UNITS.

NOISE MANAGEMENT AND NOTIFICATION AS PREVIOUSLY MENTIONED.

NEW UNITS WILL PROBABLY HAVE HIGHER BUILDING REQUIREMENTS, WINDOWS.

SO NEW TENANTS IF PHASED INCLUDING NEW TENANTS WOULD BE PROBABLY BETTER OFF.

THERE'S NO QUESTION LIVING NEAR CONSTRUCTION IS DISRUPTIVE.

SO AGAIN STAFF IS DEFINITELY OPEN TO ANY SUGGESTIONS YOU MAY HAVE THAT YOU FEEL WOULD FURTHER PROTECT, NOT JUST THE TENANTS BUT NEARBY RESIDENTS AS WELL.

>> C. Olson: WE HAD A LANDMARK BUILDING UP ON BIENVENU WHERE THE OWNER CAME INTO THE UNIT WITHOUT KNOCKING ON THE DOOR. HE ACTUALLY WENT UP A LADDER AND CAME DOWN A SKY LIGHT.

WHAT ARE THE RULES ABOUT ANYONE BEING ABLE TO ENTER A UNIT.

>> C. Kahn: SOUNDS LIKE UNLAWFUL ENTRY TO ME.

>> C. Olson: I WANT TO MAKE SURE THOSE HERE TONIGHT HEAR THIS CONVERSATION.

>> Staff: I WANT TO TAKE A SECOND PIGGYBACK ON WHAT LESLIE IS SAYING, OUR CONDITION NUMBER 15, IF ZAB WANTS TO LOOK AT THAT CONDITION AND SEE IF THERE'S WAYS TO MODIFY OR ADD TO IT, BUT THEN ALSO MAKE SURE WE FOCUS, THAT WE CIRCLE BACK TO THE FINDINGS THE ZONING ADJUSTMENT BOARD NEEDS TO MAKE AS IT RELATES TO THE USE PERMITS IN FRONT OF US.

I AGREE IT'S IMPORTANT TO UNDERSTAND THE RIGHTS OF THE EXISTING TENANTS, GETTING BACK TO THE FINDINGS ABOUT THE STRUCTURES.

>> C. Olson: I'M THINKING OF A PARTICULAR PROJECT ON ADELINE.

>> WHAT ARE THE SPECIFIC RULES OF ENTRY TO TENANT-OCCUPIED ENTRY.

DURATION OF NOTICE, EXCEPT FOR EMERGENCIES THEY AREN'T ALLOWED TO COME IN WITHOUT REASONABLE NOTICE, IT'S GENERALLY 24 HOURS WRITTEN NOTICE THEY ARE GOING TO COME IN AND THE REASONS

THAT ARE SET FORTH ARE NECESSARY OR AGREED UPON REPAIRS TO SHOW THE PROPERTY TO POTENTIAL PURCHASERS.

THESE ARE THINGS THAT APPLY TO ALL LANDLORD-TENANT ARRANGEMENTS NOT JUST PROJECTS BEING DEVELOPED LIKE THIS ONE.

>> C. Olson: THANK YOU.

>> AND FOLKS WITH QUESTIONS ABOUT THAT CAN COME TO THE RENT BOARD.

>> S. O'Keefe: THANKS.

ANY OTHER QUESTIONS FOR STAFF?

YES, MARIA?

>> FORGIVE ME IF THIS HAS BEEN COVERED.

I SEE THAT THE RENT CONTROLLED UNITS WOULD BE PROTECTED AND THAT MAJOR IMPROVEMENTS WILL BE MADE ON THE OTHER UNITS AND THERE MAY BE EQUITY ISSUES.

ARE THERE ANY QUESTIONS ABOUT HABITABILITY.

>> Staff: ALL THE EXISTING UNITS ARE GOING TO BE REHABILITATED AS PART OF THIS PROJECT.

>> S. O'Keefe: LEAH?

>> I THOUGHT THE INTERIORS WEREN'T GOING TO BE REHABILITATED UNTIL THE TENANTS VACATED.

IF THEY STAY FOR ANOTHER 20 YEARS, THEN THEIR UNITS WON'T BE REHABILITATED.

ARE THOSE TENANTS THEN SITTING IN PARTICULARLY MEDIOCRE CONDITIONS?

>> Staff: HOUSING DEPARTMENT, HOUSING INSPECTION.

THE PROPERTY OWNERS WHO RENT THEIR PROPERTIES ARE SUBJECT TO THE CITY RULES AND REGULATIONS.

I WOULD HOPE THAT THE PROPERTY OWNER HERE WOULD NOT ALLOW THAT TO OCCUR LIKE A STATE OF DEGRADATION TO A LEVEL WHERE IT'S HAZARDOUS.

HOWEVER THAT DOES OCCUR THROUGHOUT THE CITY UNFORTUNATELY AND WE DO HAVE VENUES FOR THAT.

>> IF TENANTS ARE CHOOSING NOT TO LEAVE, THEY WANT TO STAY THERE, THAT THEY CAN DO SOME IMPROVEMENTS SO THAT THE QUALITY OF LIFE FOR THOSE TENANTS IS SIMILAR TO THE OTHER ONES BECAUSE IT SEEMS, YOU KNOW, SO THAT MAY BE SOMETHING TO EXPLORE.

>> ONE THING I HAVE NOTED ABOUT MAINTAINING THE CONSTRUCTION FROM 8:00 A.M. WITH THE IDEA THAT EVERYBODY WORKS DURING THE DAY AND WORKS AWAY FROM HOME.

THAT OFTEN WE KNOW FOLKS MAY WORK FROM HOME OR THEY HAVE NIGHT JOBS.

IF SOMEONE IS A NURSE OR SOMETHING.

THE TENANTS AND APPLICANTS IF THERE ARE A SIGNIFICANT NUMBER, I MEAN ARE PEOPLE HOME DURING THE WEEK.

THAT MAY BE ANOTHER CONDITION IN TERMS OF MAKING SPACE AVAILABLE OR REMEDIATION SO FOLKS CAN CONTINUE THEIR JOBS IF THEY ARE OUT OF THE HOME OR IF THEY WORK AT NIGHT.

SO HAVING CONSTRUCTION ALL DAY LONG WILL HAVE HUGE IMPACTS.

>> S. O'Keefe: IS THAT A QUESTION?

WE ARE JUST IN QUESTIONS RIGHT NOW.

>> I WOULD LIKE TO KNOW MORE ABOUT THE FACTS WHEN THEY
COME.

>> S. O'Keefe: THAT'S GREAT.

ANY OTHER QUESTIONS?

>> C. Olson: ALONG THE SAME LINES, AS THE TENANTS
SPEAK, YOU CAN ADDRESS IF YOU CURRENTLY HAVE PARKING AND WHETHER
OR NOT YOU FORESEE THE LOSS OF PARKING DURING CONSTRUCTION.

>> S. O'Keefe: ARE WE READY TO HEAR THE APPLICANT'S
PRESENTATION?

YOU WILL HAVE FIVE MINUTES.

I HOPE YOU TOOK NOTES.

>> S. O'Keefe: I'M SORRY, MARK WE HAVE ANOTHER
QUESTION.

>> C. Olson: DOES THIS GO TO DESIGN REVIEW OR NOT?

>> Staff: IT DOES NOT.

>> C. Olson: THANK YOU.

>> OKAY, GOOD EVENING, ZONING ADJUSTMENTS BOARD.

CHAIR, THANK YOU.

THANK YOU FOR THE QUESTIONS.

I HOPE WE COULD ANSWER ALL OF THEM TONIGHT.

AND CERTAINLY AROUND REPRESENTATIONS TO OUR CURRENT
RESIDENTS AND HOW WE PLAN TO PROCEED WITH THE PROJECT MOVING
FORWARD.

QUICK HISTORY WHEN WE WERE HERE LAST YEAR IT WAS ON THE HEALS OF YOUR CITY ATTORNEY'S INTERPRETATION IF WE WENT FORWARD WITH A DENSITY BONUS PROJECT THAT ALL OF OUR CURRENT RESIDENTS WOULD HAVE TO VACATE THEIR UNITS BECAUSE THEY WOULD HAVE TO BECOME 50% A.M.I. AFFORDABLE UNITS AND IN ORDER FOR THEM TO MOVE BACK INTO THEIR UNIT THEY WOULD HAVE TO QUALIFY AND THEY WOULD HAVE TO GET INTO THE CITY'S LOTTERY.

WITHIN A WEEK AND A HALF OF THAT MEETING, WE SENT LETTERS TO OUR RESIDENTS AND WE SAT DOWN WITH THEM.

WE COPIED YOU ON THE LETTERS.

THAT LETTER IS IN THE PACKET IN FRONT OF YOU TONIGHT.

LET ME START BY SAYING WHAT WE REPRESENTED TO OUR RESIDENTS WHAT IS REFLECTED IN THE CONDITIONS OF APPROVAL WITH THE EXCEPTION OF ONE, I THINK IT SHOULD PROBABLY BE ADDED, IS THAT UNDER THIS USE PERMIT, SHOULD IT BE APPROVED WE WOULD NOT DO CONSTRUCTION AND, WE WOULDN'T DO ADDITIONS TO THOSE EXISTING RENT CONTROLLED UNITS UNTIL THEY WERE EMPTY.

THAT MIGHT BE 20 YEARS FROM NOW.

IT MIGHT BE 5.

IT MIGHT BE LONGER, WE DON'T KNOW.

WE DON'T WANT TO FORCE THEM INTO A SITUATION THEY HAVE TO MOVE OUT ETC.

CONDITIONS WILL BE DIFFICULT FOR US TO ACHIEVE BUT I THINK IT'S INTEREST THE CURRENT RESIDENTS AND PEOPLE WHO LIVE AROUND THE PROJECT AND WILL ABIDE BY THEM.

SO WHAT WE TOLD OUR RESIDENTS WAS WE WILL NOT SEEK TO
HAVE YOU MOVE.

WE WILL STAND BY THAT, AND THAT IS HOW WE INTEND TO
PROCEED FORWARD.

I JUST WANTED THAT TO BE CLEAR, WE WANT THEM TO STAY.

WE HAVE A SENSITIVE POPULATION.

PEOPLE DOING REALLY INTERESTING THINGS.

AND THEY MAKE THIS NEIGHBORHOOD AND THIS PROPERTY A
BETTER PLACE.

WITH THAT, THE PROPERTY HAS UNDERGONE SIGNIFICANT
CHANGES, WE WILL TRY TO GO OVER THAT AND GET TO THE CEQA ISSUE A
COUPLE ZAB MEMBERS HAVE DISCUSSED.

WE MEET THE ZONING REQUIREMENTS AND THINGS OF THAT
NATURE FOR DENSITY.

THESE ARE THE EXISTING BUILDINGS ON THE PROPERTY.

A QUICK SNAPSHOT BUILT IN THE 1920'S, THE FRONT
DUPLEXES, MAYBE 1930'S.

THEY HAVE GONE A LONG TIME WITHOUT SUBSTANTIAL WORK.

OUR WORK WOULD BE EXTERIOR IN NATURE SO AS NOT TO
DISRUPT THEM TOO MUCH BUT MAKE THEM LOOK BETTER AND SORT OF
BECOME A PART OF THE OVERALL GARDEN PROJECT.

THAT WE ENVISION.

THERE ARE NO THREE-STORY ELEMENTS PROPOSED AT THIS
TIME.

WE HAVE TAKEN THEM ALL OUT.

THE NEIGHBORS DIDN'T WANT IT.

CURRENT RESIDENTS THOUGHT IT WAS TOO MUCH.

THERE'S NOTHING HERE BEYOND TWO STORIES.

IN FACT, THE TWO DUPLEX UNITS HERE WE DROPPED THEM DOWN TO ABOUT A FOOT TO TWO FEET IN HEIGHT IN ORDER TO PROVIDE A LITTLE MORE RELIEF TO CURTIS STREET NEIGHBORS TO THE EAST.

THE OTHER BIG STROKE HERE WAS MOVING THIS BUILDING WHO WAS IN THE MIDDLE, WE WERE TRYING TO PUT THE PARKING, WE MOVED IT TO THE OUTSIDE EDGE.

NOW WE CONTAINED THE PARKING AREA IN THE MIDDLE.

WE DON'T HAVE A BUILDING DISRUPTING THE CENTER.

WE HAVE OUR PEDESTRIAN PATHWAY THROUGH HERE AND WE ARE ABLE TO KEEP THE OPENNESS, SIGNIFICANT AMOUNTS OF OPENNESS BETWEEN SOME OF THE OTHER BUILDINGS IN THE BACKYARD ETC..

WE GET A LITTLE CLOSE BACK HERE TO THOSE EXISTING CONDOMINIUMS BUT WE MEET THE ZONING ORDINANCE STANDARD FOR SEPARATION FOR A TWO-STORY BUILDING.

IN ADDITION AND I THINK THIS SHOULD BE, THIS WASN'T IN THE CONDITIONS.

IT SHOULD BE.

SHOOT, I'M RUNNING OUT OF TIME.

>> S. O'Keefe: ACTUALLY, YOU ALREADY RAN OUT OF TIME.

>> CAN ZAB PROVIDE ME ANOTHER MINUTE OR TWO TO RUN THROUGH THIS.

>> S. O'Keefe: ONE MORE MINUTE BECAUSE WE ASKED SO MANY QUESTIONS UP FRONT.

JUST ONE.

>> THIS IS THE SITE, WE ARE ON A STREET, THERE'S ONLY ONE BUILDING ON THE STREET THAT ISN'T MULTIFAMILY.

SO WE ARE SORT OF CONSISTENT WITH THE ZONING, CONSISTENT WITH THE TRANSITION DOWN TOWARDS SAN PABLO AVENUE, UNIVERSITY BUT STILL TRYING TO BE SENSITIVE TO THE STREET.

YOU COULD SEE THE OPENNESS HERE THAT EXISTS TO TRY TO CREATE THAT SENSE OF SPACE, THE CEQA ISSUE, THE REASON THERE'S A DRAINAGE PROBLEM AND POND HERE AND BACK AGAINST CURTIS STREET RESIDENT PROPERTIES IS THAT CONTOUR RIGHT THERE IS THE LOW POINT ON ALL THESE PROPERTIES.

DRAINAGE HAS NEVER BEEN PUT IN AND THE TRIANGLE IS THE ABSOLUTE LOW POINT OF THE PROPERTIES.

WHAT WE DESIGNED IS DRAINAGE CONVEYANCE THAT TAKES IT OFF THE PROPERTY.

WE THINK THAT WILL HAVE A SUBSTANTIAL BENEFIT TO THE FOLKS ON THE CURTIS STREET SIDE IN PARTICULAR BECAUSE ALL THAT WATER SHOULD GET PULLED OUT AND IN DOING SOME OF THE INITIAL FOUNDATION STUDY FOR OUR FOUNDATION DESIGNS WE NOW KNOW THE SOIL DOWN THERE IS ALLUVIAL CLAY SOIL LIKE EVERYTHING ELSE.

>> S. O'Keefe: MARK, I'M GOING TO CUT YOU OFF.

I WOULD LIKE TO HEAR MORE BUT YOU WILL HAVE A CHANCE TO COME BACK UP AT THE END AND ADDRESS CONCERNS RAISED BY THE PUBLIC.

ARE THERE ANY QUESTIONS FOR THE APPLICANT?

>> C. Kahn: I HAVE ONE.

I APPRECIATE THE CHANGE OF POLICY FROM THE LAST TIME YOU CAME.

THAT THEY HAVE THE RIGHT TO STAY THERE THE REST OF THEIR LIVES IF THEY CHOOSE PER BERKELEY RENT CONTROL STANDARDS AND ONLY CIRCUMSTANCES THEY WOULD LEAVE IS IF IT'S VOLUNTARY ON THEIR PART PER THE BERKELEY STATUTES.

THAT SAID, IF THE EXISTING TENANT WAS AGREEABLE TO IT AND IT DIDN'T INVOLVE THEIR DISPLACEMENT.

>> THANK YOU.

>> C. Kahn: I MEAN NOT AS A CONDITION BUT THEY WOULD BE OPEN TO HAVING THAT DISCUSSION.

IF TENANTS SAID I WOULD LOVE TO GET A NEW DISHWASHER.

I WOULD LOVE TO HAVE SOME OF THE THINGS KREKED IN MY APARTMENT AND I'M WILLING TO PUT UP WITH THE INCONVENIENCE THAT CAUSES VOLUNTARILY.

>> WE HAVE A PROPERTY MANAGER THERE.

WE HAD A TOUGH ISSUE WITH WATER IN THE BACK HOUSE AND THAT TOOK A WHILE TO ADDRESS.

YEAH, WE TRY TO BE RESPONSIVE.

WE WOULD BE HAPPY TO TALK WITH FOLKS ON AN INDIVIDUAL BASIS IF THEY WANTED TO DO A LITTLE BIT MORE THAN JUST HAVE THE OUTSIDES SPRUCED UP A LITTLE BIT.

HAVE NO INTENTION OF ILLEGALLY ENTERING ANYBODY ELSE'S APARTMENT.

>> C. Kahn: OKAY, THANKS.

>> S. O'Keefe: OTHER QUESTIONS FOR THE APPLICANT?

LEAH?

>> JUST TO FOLLOW-UP, I'M JUST CONCERNED YOU ARE MAKING THEM CHOOSE BETWEEN HAVING HOUSING AND NOT KIND OF DOING, YOU KNOW, MOST APARTMENTS WITH PEOPLE WHO LIVE THERE A LONG TIME, EVEN THREE YEARS MOVE OUT, THE FLOORS AND KITCHEN AND BATHROOMS ARE REDONE.

I GUESS KIND OF ASKING THE SAME QUESTION, I'M NOT TALKING IS IT UNINHABITABLE BUT MORE THESE UPGRADES THAT GENERALLY PEOPLE DO AND OFTEN LANDLORDS DON'T DO IF THEY LIKE THEIR TENANTS TO MOVE OUT BECAUSE THEY WANT TO BE ABLE TO TAKE ADVANTAGE OF THE VACANCY CONTROL.

NOT MALICIOUSLY BUT THAT'S HOW IT WORKS.

I GUESS THE QUESTION IS, WHERE YOU ARE GOING TO BE DOING UPGRADES IN GENERAL, THEY DON'T HAVE TO MOVE OUT TO ENJOY THEM.

IS THE APPLICANT WILLING TO DO THAT?

>> WE WOULD BE WILLING TO HAVE THAT CONVERSATION WITH OUR INDIVIDUAL RESIDENTS ABOUT THEIR THOUGHTS ABOUT IT.

I WILL TELL YOU THAT, YOU CAN LOOK AT THE RENT ROLL
ONLINE TO SEE WHAT IT IS.

OUR RENTS ARE PRETTY LOW.

SO IT'S DIFFICULT TO DO THAT.

>> THESE AREN'T THINGS HOW TO
MAINTAIN -- IMPROVEMENTS, THEY ARE HOW YOU MAINTAIN.

WE MIGHT INCLUDE THAT AS A CONDITION.

>> S. O'Keefe: DOHI?

>> I HAD A QUESTION ABOUT THE DRAINAGE ISSUE.
YOU WOULD HAVE TO MOVE THE PIPES AN THINGS LIKE THAT.
WOULD THE CONSTRUCTION OF THOSE PIPES DISRUPT THE
TENANTS IN ANY WAY TO THEIR ACCESS TO WATER OR A BRIEF PERIOD OF
TIME?

>> THERE ARE NO PIPES THERE AND THAT'S THE PROBLEM.
ALL THE WATER SITS.

IN FACT LAST APRIL WE WERE THERE, THE SIGNIFICANT
RAINS, IT WAS A LAKE BACK THERE, THERE'S NOWHERE FOR THE WATER
TO GO EXCEPT THE CURTIS STREET NEIGHBORS PROPERTY.

SO BY BUILDING THAT DRAIN THROUGH THERE IT WILL TAKE
THAT WATER OUT OF THERE.

HOPEFULLY EVEN MOST OF THE WATER.

I KNOW ONE OF OUR NEIGHBORS INSTALLED HER OWN SUMP
PUMP IN THE BACK TO TRY TO PULL WATER OUT OF THERE.

MAYBE THE NEED FOR THAT GOES AWAY WITH THIS DRAINAGE,
I DON'T KNOW.

BUT THIS WOULD HANDLE ALL OF THE WATER THAT PONDS BACK THERE DURING THESE SIGNIFICANT STORM EVENTS.

THEY WILL HAVE NO IMPACT ON ANY OF OUR RESIDENTS WATER OR ANYTHING ELSE.

>> C. Kahn: IS THAT THE DRAINAGE SYSTEM THAT'S BEING PROPOSED TO ADDRESS THE PONDING?

>> YES.

>> C. Kahn: DOES IT REQUIRE SUMP PUMPS?

>> NO, JUST A SUB-SURFACE DRAIN THAT WILL BE SEVERAL INCHES BELOW.

THERE'S LOWER POINTS THAN THIS.

LIKE RIGHT ALONG THIS FENCE LINE.

THAT'S PART OF THE PROBLEM FOR OUR NEIGHBORS.

SO BY PUTTING THAT DRAIN IN AND PULLING IT OUT THAT WATER HAS SOMEWHERE TO GO.

>> C. Kahn: GREAT, THANKS.

>> S. O'Keefe: DO YOU HAVE QUESTIONS?

>> L. Simon-Weisberg: WE HAD QUESTIONS EARLIER TO STAFF ABOUT CONDO CONVERSIONS AND WHAT THE PLAN IS AND IF YOU COULD SPEAK TO THAT.

>> SURE.

THE PLAN RIGHT NOW IS THE NEW DUPLEX UNITS HERE, HERE AND HERE WILL BE SOLD AS HOMEOWNERSHIP OPPORTUNITIES RIGHT AWAY.

THEY WILL BE CONDOMINIUMIZED.

THE SINGLE-FAMILY PIECE WILL ALSO BE SOLD AS A CONDO UNIT.

THE DUPLEX HERE, HERE AND HERE WILL REMAIN UNDER A COMMON LOT WE WILL RETAIN OWNERSHIP OF UNTIL, IF PEOPLE VOLUNTARILY VACATE OR NOT, THEY WILL BE UNDER A COMMON LOT, THEY WON'T BE CONVERTED AT THIS POINT IN TIME.

THAT'S OUR REPRESENTATION TO THE RESIDENTS.

>> L. Simon-Weisberg: IS THE DEVELOPER OR APPLICANT GOING TO MAINTAIN, SO YOU ARE GOING TO SELL THEM SO YOU AREN'T GOING TO OWN THOSE BUT YOU WILL KEEP OWNERSHIP OF THE RENTALS.

>> WE WILL KEEP OWNERSHIP OF THE EXISTING DUPLEXES AND PARTICIPATE IN THE HOMEOWNERS ASSOCIATION THAT WILL HAVE TO BE SET UP FOR THE NEW RESIDENCES.

>> L. Simon-Weisberg: THERE WERE QUESTIONS WE HAD AROUND THE CONFIGURATIONS OF BATHROOMS.

PARTICULARLY IF YOU ARE SELLING THEM IT SEEMS UNUSUAL TO HAVE EACH BEDROOM HAVE ONE.

IS THERE A VISION ABOUT, I MEAN IS THE IDEA PEOPLE WILL BUY THEM TO RENT THEM OUT?

WHEN YOU WERE DESIGNING THAT, WHAT WAS THE VISION?

>> YOU KNOW THERE'S A DEARTH OF HOMES IN THIS AREA AND MUCH OF THE FLAT LANDS WHERE YOU HAVE LARGE FAMILY-SIGHED UNITS.

3-4 BEDROOM UNITS AREN'T THAT EASY TO FIND.

IF YOU HAVE A FULL FAMILY AND GUEST ROOM OR LIBRARY OR ANYTHING ELSE.

WE AREN'T ENVISIONING SOMEONE WILL BUY THIS AND START RENTING OUT BEDROOMS THAT WOULD BE ILLEGAL, THAT WILL RUN A FOUL OF THE HOME OWNER ASSOCIATION RULES AND REGULATIONS, PROBABLY.

NONE OF THAT IS THE INTENT.

>> S. O'Keefe: I'M SORRY, CAN I ASK FOR A LITTLE MORE RESPECT FROM THE AUDIENCE.

MANY OF YOU, I'M SURE, TURNED IN GREEN SPEAKER CARDS.

PLEASE AFFORD THE CURRENT SPEAKER YOU WOULD LIKE WHILE YOU ARE SPEAKING.

THANK YOU.

>> WE ARE TRYING TO PROVIDE A RANGE OF HOUSING OPPORTUNITY HERE.

WE HAVE 2, 3, 4 BEDROOM UNITS.

PRIMARILY 2 AND A COUPLE 4 BEDROOM UNITS.

THEY AREN'T 6-BEDROOM UNITS, THEY AREN'T MINI DORMS.

I KNOW THERE WILL BE FOLKS WHO WILL DISAGREE BUT THAT'S JUST THE FACT.

>> L. Simon-Weisberg: I THINK FOR ME WHAT CAUGHT MY EYE IS LESS HOW MANY BEDROOMS BUT HOW MANY BATHROOMS.

>> I MEAN, IF THE ISSUE SEEMS THAT SIGNIFICANT, YOU KNOW, WE COULD CONSIDER REMOVING A BATHROOM OR TAKING A TUB SHOWER OUT, I DON'T KNOW.

I DON'T KNOW, YEAH THIS BEFUDDLES ME THIS WHOLE ISSUE.

THEY ARE JUST LARGE FAMILY UNITS.

>> L. Simon-Weisberg: BUT YOU USUALLY DON'T HAVE THE SAME AMOUNT OF BATHROOMS AS BEDROOMS.

I HAVE NEVER BEEN IN A NORMAL MIDDLE-CLASS SIZED HOUSE THAT HAS A BATHROOM PER BEDROOM.

>> THEY AREN'T ALL SPREAD OUT, I LIVE IN A HOUSE THAT HAS THE SAME NUMBER OF BATHROOMS AS BEDROOMS AND IT'S A SINGLE-FAMILY HOME IN BERKELEY.

>> S. O'Keefe: CARRIE?

>> AND IT'S NOT A MINI DORM.

>> S. O'Keefe: MR. RHOADES?

I HAVE CALLED ON CARRIE.

>> C. Olson: SO I HAVE LIVED ALL MY LIFE IN A TWO BEDROOM HOUSE WITH ONE BATH.

AND I RAISED MY CHILDREN AND THERE WERE SIX OF US AS I GREW UP.

WE HAD TWO BEDROOMS.

SO THIS DOESN'T LOOK NORMAL, IT'S ANYTHING BUT.

YOU DON'T CONVINC ME IT'S A SINGLE-FAMILY HOUSE, FRANKLY I COULDN'T RUN MY HOUSE LIKE THAT, I COULDN'T PUT MY FOOD AWAY, LET ALONE POTS AND PANS.

RIGHT NOW I'M LOOKING AT THIS AS NOT A SINGLE-FAMILY HOME.

IF YOU WANT TO CONVINC ME, IT WILL HAVE TO CHANGE.

AND I WOULD LIKE TO ASK YOU CONSIDER MAKING THIS TRULY HANDICAPPED WORTHY AND HAVE ANY BATHROOMS ON THE GROUND FLOOR TO HAVE SHOWERS THAT CAN HANDLE A WHEELCHAIR.

>> S. O'Keefe: CARRIE, I WOULD JUST LIKE TO REMIND YOU, THIS IS QUESTIONS.

>> C. Olson: I UNDERSTAND.

I'M JUST SAYING IT AHEAD OF TIME.

BUT I WAS JUST STRUCK BY, SORRY, BY THE SINGLE FAMILY --

>> IT'S INTERESTING IF YOU LOOK AT THAT, IF YOU LOOK AT THE CURRENT FLOOR PLANS, THAT BACK HOUSE THERE'S TWO LIVING ROOMS BACK THERE NOW AND WE DIDN'T BUILD IT THAT WAY.

IF YOU LOOK AT THAT NOW, TWO DIFFERENT PEOPLE COULD LIVE IN HERE.

>> C. Olson: I'M GOING TO SET SOME MINDS OF PEOPLE COMING UP TO SPEAK ABOUT WHAT THEY WILL SEE.

I DON'T WANT TO CALL OUT ANY TENANT IN PARTICULAR BECAUSE THAT WOULDN'T BE FAIR.

BUT YOU TALKED ABOUT SOME BUILDINGS WILL BECOME CONDOS AND SOME WON'T.

WHAT IF THERE'S A RENT-CONTROLLED TENANT IN A UNIT YOU WANT TO TURN INTO A SELLABLE UNIT.

>> LET ME BE CLEAR, THE EXISTING DUPLEXES WON'T BE CONVERTED TO CONDOMINIUMS WHILE THEY ARE LIVING THERE.

THE NEW UNITS WILL BE CONDOMINIUMS ONLY.

>> C. Olson: I UNDERSTAND.

I SAY IF YOU HAVE A TENANT IN SOMETHING YOU INTEND TO
BE A CONDO.

I UNDERSTAND YOU SAID THAT.

>> I'M TRYING TO FOLLOW YOU.

>> C. Olson: IF YOU HAVE A TENANT IN ONE OF THE
BUILDINGS YOU INTEND TO TURN INTO A CONDO AND PLAN TO SELL RIGHT
AWAY.

>> IT WILL BE SOLD AS A NEW UNIT.

GO AHEAD, CARRIE.

SHE IS TALKING ABOUT THE RENT-CONTROLLED UNITS.

WE AREN'T SELLING THE RENT-CONTROLLED UNITS.

>> C. Olson: SO THERE'S NO RENT-CONTROLLED UNIT IN
ANYTHING YOU TURN INTO A CONDO?

>> NO, SORRY IF WE WERE UNCLEAR.

>> M. Poblet: CAN I ASK A CLARIFYING QUESTION, THERE
WOULD BE A HOMEOWNER ASSOCIATION MAKING DECISIONS ABOUT THINGS
THAT HOMEOWNER ASSOCIATIONS DECIDE BUT YOU WOULD BE THE
REPRESENTATIVE OF ALL THE TENANTS IN THAT ASSOCIATION?

WHO WOULD REPRESENT THE TENANTS LIVING SIDE-BY-SIDE ON
AN ISSUE LIKE MOVING A FENCE OR SOMETHING THAT THEY HAVE AS MUCH
STAKE IN AS SOMEBODY ELSE?

>> I'M NOT SURE, THAT'S A GOOD QUESTION.

>> M. Poblet: WOULD YOU BE OPEN TO TENANTS HAVING
EQUAL REPRESENTATION PER UNIT?

>> NOT RELATIVE TO THE CONDO CONVERSION BUT THAT'S SOMETHING WE COULD HAVE, SOME INSTRUMENT OR SOME ABILITY TO PARTICIPATE IN THE DECISION MAKING, YEAH.

>> S. O'Keefe: CAN I JUST ASK STAFF IF YOU HAVE ANY INPUT ON THAT, ANYWAY TO FORMALIZE THAT.

>> Staff: HOME OWNERS ASSOCIATION IS FOR HOMEOWNERS, AS REQUIRED BY STATE.

I WOULD REFER TO AN ATTORNEY AND DON'T FEEL COMFORTABLE SAYING OH YEAH LET THE EXISTING TENANTS.

BUT I THINK THE EXISTING TENANTS ON RULES OR CONCERNS ABOUT THINGS LIKE FENCES WOULD DEPEND ON IF THERE'S CONDOMINIUMS OR NOT.

I THINK THAT COMES WITH A COMMITMENT FROM THE PROPERTY OWNER, IF THAT MAKES SENSE.

NOT RELATED BUT I WANTED TO CLARIFY A STATEMENT MARK MADE, HE SAID THERE ARE NO THREE-STORY ELEMENTS.

THERE ARE NO THREE-STORY BUILDINGS BUT GERANIUM DOES HAVE A THREE-STORY ELEMENT, THE ENTRANCE TO THE ROOF DECK ON THE THIRD FLOOR.

ASIDE FROM BEING BROUGHT UP IN ONE OF THE LETTERS FROM THE NEIGHBORS, THE ADJACENT NEIGHBOR, I JUST WANTED TO MAKE THAT POINT OF CLARIFICATION.

>> S. O'Keefe: FACT CHECKING IS VERY IMPORTANT.
THANK YOU.

>> C. Kahn: I HAVE A THOUGHT ABOUT THE REPRESENTATION,
MARIA.

I UNDERSTAND THE STATE LAW AROUND HOMEOWNERS
ASSOCIATIONS, THERE ARE DUES AND FEES PAID BY THE HOME OWNERS
AND HOW THEY MANAGE THOSE DUES AND FEES IS THEIR DECISION.

BUT THERE ARE ISSUES, CERTAINLY THE TENANTS NEED TO
WEIGH IN ON.

AND IT SEEMS TO ME YOU COULD HAVE AN AUXILIARY
ORGANIZATION, WHICH WOULD BE THE TENANTS ORGANIZATION.

AND THOSE TENANTS WOULD INCLUDE BOTH RENTAL TENANTS
AND OWNERSHIP TENANTS AND THERE MIGHT BE AN ANNUAL OR
SEMI-ANNUAL MEETING TO DISCUSS COMMON ISSUES.

SO I THINK THAT KIND OF PROVISION WOULD BE SMART FOR
THE OWNERSHIP TO ENGAGE IN.

AND WE MAY CONSIDER CRAFTING SOME LANGUAGE FOR
SOMETHING LIKE THAT, AS A CONDITION OF APPROVAL.

>> S. O'Keefe: LET ME JUST FOLLOW-UP ON THIS AND THEN
JACKIE.

YOU KNOW, I'M CURIOUS, THIS IS AN INTERESTING
CONVERSATION, AND I DON'T KNOW VERY MUCH ABOUT H.O.A. LAW.

I WONDER IF WE ARE STEPPING OUTSIDE OF OUR SCOPE RIGHT
NOW.

IS IT PROPER FOR US TO PUT LANGUAGE AND FINDING
CONDITIONS THAT DICTATE HOW THE H.O.A.'S --

>> C. Kahn: THIS WOULD BE AUXILIARY TO THE H.O.A.

IT WOULD BE SEPARATE.

YOU HAVE TWO DIFFERENT GROUPS INVESTED IN THIS, YOU HAVE OWNERS AND TENANTS AND THEY NEED TO GET ALONG.

>> S. O'Keefe: IT MAKES SENSE.

YOUR REASONING IS SOUND.

I JUST DON'T WANT TO SPEND TOO MUCH TIME ON SOMETHING OUTSIDE OUR PURVIEW.

>> C. Kahn: WE COULD DO IT WITHOUT REFERENCING THE H.O.A.

>> Staff: I WOULD FEEL MORE COMFORTABLE CONSULTING WITH AN ATTORNEY BUT IT DOESN'T MAKE ME FEEL COMFORTABLE PUTTING CONDITIONS.

>> S. O'Keefe: I'M SORRY, JACKIE.

GO AHEAD.

>> I HAVE A QUESTION.

SO FOR THE CONDO UNITS PRESUMABLY YOU HAD AN IDEA WHO WAS GOING TO BUY THOSE AND I BELIEVE YOU TALKED A LITTLE ABOUT THAT ALREADY.

BUT DO YOU ANTICIPATE THOSE UNITS WILL BE RENTED OUT TO STUDENTS.

I WILL BE TOTALLY HONEST, I SEE ADS FROM STUDENTS ALL THE TIME.

THAT'S WHAT IT SOUNDS LIKE WHEN YOU ARE TALKING ABOUT HAVING FOUR BATHROOMS FOR FOUR BEDROOMS.

ARE YOU ANTICIPATING THESE UNITS MIGHT BE RENTED OUT
TO STUDENTS?

>> I DON'T KNOW WHO THEY ARE GOING TO GET RENTED TO.
I DON'T EVEN KNOW WHO THEY WILL SELL TO AT THIS POINT
IN TIME.

OUR HOUSING CRISIS IS SO DEEP, CRISIS OF AFFORDABILITY
AND AVAILABILITY AS WE ALL KNOW.

I DON'T KNOW.

THERE MAY BE H.O.A. CONDITIONS THAT WILL SAY SOMETHING
ABOUT HOW MANY PEOPLE CAN BE SOMEWHERE OR IN ONE OF THESE UNITS
BECAUSE THERE ARE OTHER PEOPLE THERE LIVING AND RENTING AND
LIVING AND OWNING THAT MAY HAVE SOMETHING TO SAY ABOUT THAT, BUT
WE AREN'T ALLOWED TO SAY, WE AREN'T ALLOWED TO DISCRIMINATE
AGAINST WHO BUYS OR RENTS IN OUR UNITS.

>> PRESUMABLY WHEN YOU MARKETED THESE YOU HAD SOMEONE
IN MIND.

>> A LARGE FAMILY.

DAMNED IF WE DO, DAMNED IF WE DON'T.

IF WE DO SMALL UNITS YOU SAY YOU ARE TRYING TO SHOE
HORN PEOPLE IN, IF WE DO FOR LARGE FAMILIES --

>> S. O'Keefe: QUESTIONS FOR THE APPLICANT.

WE HAVE A LOT OF SPEAKER CARDS, JUST TO REMIND YOU
GUYS AND WE CAN ASK QUESTIONS AFTERWARDS.

WE DON'T HAVE TO GET IT ALL OUT NOW.

CARRIE?

>> C. Olson: I DON'T NEED YOU TO ANSWER ME, MARK, I JUST WANT TO SEE A NOD OR SHAKE, WILL YOUR ARCHITECT ADDRESS US SO WE COULD ASK QUESTIONS ABOUT THE PLANS?

>> OF COURSE.

>> C. Olson: NOT NECESSARILY NOW.

WE HAVE MEMBERS OF PUBLIC WHOSE CARDS ARE ALREADY IN THERE.

>> S. O'Keefe: YOU ARE WITH THE APPLICANT TEAM, WE WILL GIVE YOU A CHANCE TO COME UP AFTER THE PUBLIC COMMENT AND WE WOULD LOVE TO HEAR WHAT YOU HAVE TO SAY AT THAT TIME, YOU DON'T HAVE TO FILL OUT A CARD.

ARE WE GOOD?

I WILL CALL THESE CARDS.

DUE TO THE LARGE NUMBER, I'M GOING TO LIMIT EACH PERSON TO TWO MINUTES.

WE DON'T CEDE TIME, SOMETIMES PEOPLE THINK WE DO THAT BECAUSE THEY DO IT AT CITY COUNCIL MEETINGS BUT WE DON'T DO THAT HERE.

EACH PERSON WHO FILLED OUT A CARD WILL GET TWO MINUTES.

THAT PERSON MUST USE THEIR TWO MINUTES OR NOT.

I WILL READ THREE AT A TIME SO PEOPLE KNOW WHAT'S COMING.

FIRST WE HAVE STEPHEN PACK FOLLOWED BY AARON WATSON FOLLOWED BY PAM ORMSBY.

COME ON UP, STEPHEN, PLEASE.

FOR TWO MINUTES.

>> HELLO, THANKS FOR THE OPPORTUNITY TO SPEAK.

I'M NEXT DOOR.

I'M THE ONE THAT'S MOST AFFECTED BY THE GERANIUM
MOVING TO THE BOUNDARY.

SO I NOW SORT OF HAVE A WHOLE WALL OPPOSITE ME.

THE THING THAT STOOD OUT ON THE PLAN IT WAS DESCRIBED
AS TWO STORY BUT THERE'S A CLEAR THREE-STORY ELEMENT NOW RIGHT
AT THE BOUNDARY LOOKING DOWN INTO MY BEDROOM AND PATIO.

FROM WHAT I CAN SEE IT DOESN'T SEEM TO ADD ANYTHING TO
THE STOCK IN TERMS OF BEDROOM.

IT'S A NICE FEATURE BUT IT HAS A VERY BIG IMPACT ON MY
PROPERTY.

SO IF I HAD MY WAY, THAT WOULD BE REMOVED.

THAT'S A REQUEST I WOULD LIKE TO PUT IN TODAY THAT
THIRD STORY ELEMENT IS REMOVED.

PARTICULARLY BECAUSE THERE'S A LOT IN THE PLANS THAT
TALK ABOUT IT BEING A TWO-STORY DEVELOPMENT IN LINE WITH OTHER
PROPERTY STOCK IN THE AREA.

SO I THINK THAT'S NOT APPROPRIATE TO HAVE THAT THIRD
STORY ELEMENT.

I DID ALSO HAVE A QUESTION.

IT MIGHT BE DIFFICULT TO ANSWER NOW.

I COULDN'T TELL FROM THE PLANS WHETHER THE SHADOWING DIAGRAMS WERE UPDATED ONCE GERANIUM WAS MOVED TO THE BOUNDARY.

I SAW AN EARLY VERSION AND WHEN I LOOKED IN THE LATER VERSION IT DIDN'T SEEM OBVIOUS THAT IT DID.

SO I'M A BIT WORRIED THE SHADOWING SHOWN ISN'T ACTUALLY ACCURATE AND SINCE IT'S BEEN MOVED IT NEEDS TO BE UPDATED.

I COULD BE WRONG BUT I WOULD DEFINITELY APPRECIATE CLARIFICATION THERE.

THE ONLY OTHER THING I WOULD SAY, I DO SUPPORT GENERALLY THAT BEING A DEVELOPMENT IN THAT LOT, I ONLY JUST BOUGHT IN THIS AREA SIX MONTHS AGO AND ITS EXTREMELY DIFFICULT TO FIND ANYWHERE, I DON'T DISAGREE IT BEING UPDATED JUST APPRECIATE IT BEING INLINE.

THAT'S THE BIT THERE, THE TOP OF GERANIUM THAT IS NOT IN LINE WITH THE TWO-STORY DESCRIPTION AND HAS THE BIGGEST IMPACT.

THANK YOU.

>> S. O'Keefe: THANKS.

ANY QUESTIONS?

>> C. Olson: I ASKED TO HEAR FROM THE ARCHITECT BECAUSE OF YOUR PROPERTY.

SO THANK YOU FOR COMING UP.

>> THANKS FOR THAT.

>> S. O'Keefe: NEXT ERIN WATSON, FOLLOWED BY PAM,
FOLLOWED BY HUSSEIN.

>> HI, MY NAME IS ERIN WATSON, I BOUGHT IT FROM A
FAMILY WHO LIVED THERE TWO GENERATIONS.

THERE WAS A CREEK BUT IT GOT FILLED IN WITH DIRT SO
THAT CREATED THE WET SPOT WE HAVE NOW.

THEY WARNED ME IT MIGHT NOT BE POSSIBLE TO BUILD BACK
THERE.

I LOOKED INTO IT ANYWAY I'M A LANDLORD AND INTERESTED
IN RENTING PROPERTY.

I HAVE TWO HOUSES ON THE LOT AND A BIG GARAGE.

I THOUGHT WHAT IF I TURN THE GARAGE INTO A LIVING
THING, BUT THE WAY MY PROPERTY IS ZONED I'M LIMITED TO ONLY TWO
FAMILIES.

SO I WOULDN'T BE ABLE TO CREATE ANOTHER DWELLING THAT
WOULD BE ON PAR WITH THIS PROPOSAL.

I WOULD ALSO BE LIMITED WITH THAT BUILDING THAT I
ADDED TO ONLY BE 19 FEET AND YET GERANIUM, THE TALLEST IS 28
FEET AND HAS A ROOF DECK ON THAT THAT WOULD LOOM OVER MY
PROPERTY, MEANWHILE I'M LIMITED BY FEWER FEET.

I'M ALSO OPPOSED TO THE ROOF DECK AND SCALE, IT'S NOT
KEEPING IN THE NEIGHBORHOOD.

WE AREN'T ON SAN PABLO, HE WAS KIND OF SAYING IT'S
MULTIFAMILIES.

BUT IT'S JUST ONE OR TWO FAMILIES.

IT IS KIND OF STILL A NEIGHBORHOODY FEELING THERE AND
IT'S NOT REALLY LIKE A MIXED-USE COMMERCIAL AREA.

IT'S VERY FAMILY.

SO WHAT I WOULD LIKE TO SEE IS TENANTS WHO MOVE IN WHO
ARE STABLE TENANTS WHO ARE GOING TO STAY FOR A WHILE, PREFERABLY
FAMILIES AND NOT STUDENT HOUSING.

THANK YOU.

>> S. O'Keefe: THANK YOU.

NEXT WE HAVE PAM, FOLLOWED BY HUSSEIN, FOLLOWED BY
DINO.

>> GOOD EVENING, MY NAME IS PAM ORMSBY AND I HAVE
LIVED AT 1148 DELAWARE FOR 50 YEARS.

I WAS A BERKELEY TEACHER FOR ALMOST 50 YEARS, SO I
FEEL I'M WELL PLACED TO TALK ABOUT THE COMMUNITY AND WHO LIVES
IN THAT AREA.

IN TERMS OF THE CREEK AND THE HYDROLOGY, I HAVE THE
OAKLAND CREEK MAP AND WE CAN SEE WHERE THE CREEK SPRINGS OUT.

IT'S A FORK, A STRAWBERRY FORK.

AND TRADITIONALLY IN THE WINTER WE HAD A LAKE THAT
WOULD COME UP TO LIKE THIS MUCH.

OVER QUITE AN AREA.

AND THE SOIL BACK THERE TOO NEXT TO THE FENCE, I'M
JUST TO THE NORTH OF THE PROPERTY BEING DISCUSSED IS VERY
SPONGY, SO I HAVE QUESTIONS ABOUT THE STABILITY OF THE SOIL AND

HAS THE FILLED-IN CREEK, HAVE THE DEBRIS BEEN SHIFTED WITH POSSIBLE SINKHOLE QUALITIES THERE.

AND WHAT IS IN THE CREEK, WHAT DID THEY FILL THE CREEK IN WITH?

I THINK A CEQA REQUEST IS VERY APPROPRIATE FOR THE NORTH END OF THAT PROPERTY.

NOT UP FRONT.

BUT THE NORTH END.

THE NORTH END IS WHERE THE FOUR BED FOUR BATH IS BEING PROPOSED.

WHICH WE DIDN'T KNOW ABOUT.

IT WAS ADDED AND CHANGED POST ANY KIND OF NEIGHBORHOOD MEETING.

AND WE WERE NOT IN ACCORDANCE WITH WHAT WAS BEING PROPOSED ANYWAY.

WE WERE HEARING FROM RENT CONTROLLED NEIGHBORS WHO HAD BEEN OUR NEIGHBORS FOR DECADES AND WHOM WE SUPPORT AND WHOM WE WANT TO HAVE STAY.

THEY WITH BE MOVED.

IT FELT LIKE THERE WAS SOME LITTLE MONOPOLY GAME WHERE PEOPLE WOULD BE MOVED AS WORK WAS DONE ON ONE BUILDING OR THE OTHER.

SO I HOPE YOU WILL DENY THIS.

AND IT CAN GO BACK TO DESIGN AND WE CAN ALL WORK TOGETHER AND THE DEVELOPER CAN BE ASKED TO WORK WITH THE NEIGHBORS AND MEET WITH US.

THANK YOU VERY MUCH.

>> S. O'Keefe: THANKS, PAM.

PAM, I'VE BEEN A BERKELEY TEACHER FOR EXACTLY ONE DAY, SO I SALUTE YOU.

WE WILL TALK AT THE BREAK.

NEXT WE HAVE HUSSEIN, FOLLOWED BY DINO, FOLLOWED BY YASHU.

>> GOOD EVENING, MEMBERS OF THE BOARD AND STAFF, MY NAME IS HUSSEIN, I REPRESENT 1842 CURTIS ADJACENT TO THE PROJECT.

I WOULD LIKE TO ADDRESS THE CEQA ISSUE.

I'VE WRITTEN A LETTER ALREADY TO STAFF AND CITY COUNCIL THAT SHOULD BE IN THE FILE ABOUT THIS.

FIRST, I THINK IT'S ENTIRELY DEBATABLE WHETHER THIS PROJECT QUALIFIES AS CATEGORICAL EXEMPTION AT ALL AND THAT'S BECAUSE THERE'S SIGNIFICANT EVIDENCE THE EXISTING UTILITY INFRASTRUCTURE, THE STORM DRAINS IN PARTICULAR ARE NOT ADEQUATE TO SUPPORT IT.

AND THE ADDITIONAL HARD SCAPE THAT WILL BE PART OF IT.

THE STORM DRAINS ARE ALREADY INADEQUATE AS IT IS.

YOU WILL HEAR EVIDENCE OF CONTINUOUS FLOODING ALONG CURTIS EVERY WINTER WHEN THERE IS RAIN.

IF IT IS CATEGORICALLY EXEMPT, I'M PLEASSED TO HEAR STAFF ARE IN AGREEMENT, THEY ARE IN AGREEMENT WITH ME THAT THERE IS A UNIQUE FEATURE HERE THAT WOULD QUALIFY IT FOR THE UNUSUAL CIRCUMSTANCES EXCEPTION.

I DO BELIEVE, HOWEVER, AND YOU WILL HEAR IT FROM OTHERS WHO ARE FAMILIAR WITH IT AS WELL AS AN ENVIRONMENTAL ENGINEER TONIGHT.

THERE IS SUBSTANTIAL EVIDENCE THERE'S A REASONABLE POSSIBILITY OF A SIGNIFICANT IMPACT ON THE ENVIRONMENT AS A RESULT OF THIS PROJECT.

BECAUSE OF THE UNIQUE HYDROLOGY PROBLEMS AND THE ADDITIONAL ONES IT WILL CREATE AS CURRENTLY DESIGNED.

I THINK THAT IT'S INCUMBENT ON STAFF TO REQUIRE APPROPRIATE STUDIES.

OTHERS WILL SPEAK TO THOSE MORE PARTICULARLY AS WELL TO ADDRESS AND DETERMINE WHAT IS APPROPRIATE TO FIND THAT THE PROJECT IS, TO REQUIRE MITIGATED NEGATIVE DECLARATION UNDER CEQA AND REQUIRE THE STUDIES THAT ARE NEEDED AND THE ENGINEERING THAT WILL BE CALLED FOR AS A RESULT OF THOSE.

BUT YOU WILL HEAR SIGNIFICANT EVIDENCE, SUBSTANTIAL EVIDENCE THERE WILL BE SIGNIFICANT IMPACTS.

>> S. O'Keefe: THANK YOU.

OKAY, NEXT UP WE HAVE DINO, FOLLOWED BY YASHU, FOLLOWED BY JOSEPH.

>> GOOD EVENING, DINO GENOPOLIS, I LIVE RIGHT OVER THE WALL FROM THIS DEVELOPMENT.

I HAVE LIVED IN THIS TOWN HOUSE FOR 11 YEARS.

I BOUGHT IT 11 YEARS AGO.

I'M A MUSICIAN.

I BOUGHT THIS PLACE BECAUSE IT WAS QUIET.

I'M A CLASSICAL PIANIST AND I PREPARE MY WORK IN MY RESIDENCE.

SOMETHING LIKE A ROOF DECK GOING UP, AND THIS MULTIPLE DWELLING THERE WILL BE NO MORE PEACE, SO THAT I CAN DO MY WORK WHERE I AM.

AND I THINK THIS SORT OF DEVELOPMENT REALLY BELONGS ON SAN PABLO AVENUE.

NOT ON THE PART OF HEARST AVENUE WHERE I LIVE AND WHERE THIS DEVELOPMENT PLANS TO GO.

THANK YOU VERY MUCH.

>> S. O'Keefe: THANK YOU.

NEXT IS YASHU.

JOSEPH, WAYNE.

>> HI, ZAB.

MY NAME IS YASHU CHANG I'VE BEEN A RESIDENT AT 1136 HEARST AVENUE THE LAST THREE YEARS.

I'M A SOCIAL WORKER IN THE PUBLIC HEALTH SYSTEM I SEE THE IMPACT OF GENTRIFICATION AND DISPLACEMENT DAILY.

THIS DEVELOPMENT IS NOT THE SOLUTION TO OUR AFFORDABLE HOUSING CRISIS FOR THIS COMMUNITY.

THE DEVELOPERS ARE COMING INTO A QUIET RESIDENTIAL AREA AND THEY ARE BUILDING THESE MONSTROSITIES THAT ARE NOT APPROPRIATE TO OUR COMMUNITY.

THEY ARE PROPOSING TO BUILD CONDOS THAT WILL BE SOLD AND PROBABLY RENTED AT MARKET RATE.

THESE AREN'T HOMES ME OR MY COLLEAGUES CAN AFFORD.

WE RELY ON OUR RENT-CONTROLLED UNITS TO SURVIVE IN THE BAY AREA.

SURE MR. RHOADES IS NOW TELLING US, OH WE CAN STAY BUT THIS IS LITTLE REASSURANCE COMING FROM SOMEBODY WHO HAS REPEATEDLY DEMONSTRATED A LACK OF INTEGRITY AND GAMING THE SYSTEM.

HE HAS DISMISSED THE NEIGHBORS CONCERNS ABOUT THIS PROJECT'S IMPACT ON OUR HEALTH AND SAFETY AND EXPECTS US TO REMAIN IN A CONSTRUCTION ZONE FOR POSSIBLY YEARS WITH NO PARKING.

SO WE ARE ENTITLED TO PARKING AND HE TOLD US WE COULD PARK IN THE LOT OF THE 99 CENT STORE.

WHEN I ASKED HIM IF I COULD GET RENT REDUCTION, HE JUST BLEW ME OFF.

SO THAT'S WHAT HAPPENED.

OR HE TOLD US HE CAN GIVE US MONEY TO LEAVE.

BUT WE'RE NOT GOING TO LEAVE.

THERE'S NOWHERE TO GO!

AND BECAUSE ULTIMATELY THIS PLAN DOES NOT ENVISION ME OR MY
NEIGHBORS STAYING ON THE STREET WHERE WE HAVE LIVED FOR YEARS.

WE AREN'T IN HIS PLANS FOR THE FUTURE OF THIS
NEIGHBORHOOD.

SO PLEASE DENY THIS PROJECT.

IT'S HARMFUL AND NEGLECTS THE HEALTH AND SAFETY OF
LONG TERM RESIDENTS.

IT'S NOT WHAT THE COMMUNITY WANTS AND IT'S FOR PROFIT,
NOT FOR THE COMMUNITY.

THANK YOU.

>> S. O'Keefe: THANK YOU.

NEXT UP, JOSEPH, FOLLOWED BY WAYNE, FOLLOWED BY TEAL,
MAJOR.

>> WE BRING UP SO MANY ISSUES.

ONE OF THE TENANTS THE BICYCLE GOT STOLEN.

CHANGING THE SECURITY FOR THE FRONT DOOR.

WE DO TALK.

WE SENT AN EMAIL, NO RESPONSE.

IF THIS PROJECT GOES THROUGH, I'M NOT SURE EVERYBODY
BE AWARE FOR THOSE TWO PARCELS, THE ONLY WAY COMING IS A
DRIVEWAY.

WE ARE BRIEFLY HAPPENING WHAT WILL BE HAPPENING.

THERE ARE SO MANY UNSURE OR FROM THE PRESENTATION WHAT
I HEARD FROM NOW SOUNDS LIKE HE JUST WANTS TO SELL THE PROPERTY.

HE DOESN'T REALLY KNOW WHAT'S GOING TO BE HAPPENING.

I THINK THAT'S REALLY IRRESPONSIBLE, IT'S NOT FOR ANY GOOD, SO I WISH THE BOARD CAN TURN DOWN THIS PROJECT BECAUSE AS A TENANT WE DO NOT FEEL WE WOULD BE INCLUDED IN THIS PROCESS AT ALL.

>> S. O'Keefe: THANK YOU.

NEXT UP, WAYNE.

FOLLOWED BY TIEL.

AND MASANORI.

>> I'M WAYNE CORY, I LIVE AT ONE OF THE BACK UNITS.

PART OF THE PROBLEM WITH FLOODING BACK THERE IS NOT EVEN CONSIDERED BECAUSE OUR WHOLE BACKYARD WAS FLOODED AND NEVER SHOWN ON THAT MAP, THERE'S CERTAIN TIMES WE THOUGHT WE WOULD HAVE TO LEAVE THE HOUSE BECAUSE IT WAS SO BAD.

BUT TALKING ABOUT DISPLACEMENT.

AND AFFORDABILITY.

HOME OWNERS, IT'S AFFORDABLE TO ANYBODY.

IF YOU ARE A RENTER OR NOT.

IF WE GET RID OF OUR WORKFORCE WE WILL HAVE A HARDER PROBLEM WITH DOING WHAT WE NEED TO DO AROUND HERE.

ONE OTHER THING IS THAT IT'S JUST TOUGH.

YOU CAN'T, IT'S HARD FOR PEOPLE TO ACTUALLY BUY SOMETHING IN BERKELEY.

AND MOST PEOPLE THAT LIVE THERE, THEY CAN'T AFFORD TO.

SO IF THEY HAVE TO MOVE, THEY WON'T BE STAYING IN THE CITY.

AND THEY WON'T BE WORKING IN THE CITY.

BECAUSE THEY WILL MOVE FAR AWAY.

SO I WANT YOU TO KEEP THAT IN MIND.

THE CONSTRUCTION, HAS SOMEBODY ASKED ON THE BOARD, IF IT'S A CONDO OR NOT A CONDO.

AS FAR AS I UNDERSTAND, YOU WILL HAVE TO MAKE EVERY SINGLE UNIT REGARDLESS IF SOMEBODY IS LIVING THERE OR NOT A CONDO TO MAKE THIS WORK.

ONE OWNER MIGHT OWN MOST OF THOSE CONDOS BUT IT WILL STILL BE A CONDO.

AS SOON AS SOMEONE MOVES OUT, THEY WILL TURN IT AND SELL IT, FIX IT UP AND DO WHAT THEY NEED TO DO.

I THINK THAT WILL ANSWER THAT QUESTION.

I WOULD SAY JUST VOTE THIS PROJECT DOWN.

BECAUSE AS SOON AS THEY START THIS CONSTRUCTION, THERE WILL BE NO ROOM FOR PEOPLE TO STAY THERE.

THERE WILL BE NO PARKING.

THE BUILDING ON ONE SIDE WILL TAKE UP A PARKING SPOT.

THE OTHER PARKING SPOTS WON'T BE AVAILABLE BECAUSE THAT WILL NOW BE THE THROUGH SPOT TO BUILD THE REST OF EVERYTHING.

THE ONLY WAY TO ACCESS THE BACK LOT IS TO GO THROUGH THE OTHER LOT.

YOU CAN'T ACCESS THE ONE LOT BY ITSELF.

SO IT'S SHARED IN THAT WAY.

>> S. O'Keefe: THANKS.

NEXT IS TIEL.

DID I GET THAT RIGHT?

>> HI, I'M THIEL.

I LIVE ON CURTIS STREET ADJACENT FROM THIS PROPERTY.

WHAT EVERYBODY IS SAYING ABOUT THE DRAINAGE IS TRUE,
AND IT'S POSSIBLE WHAT HE IS PROPOSING WILL HELP US.

I DON'T KNOW.

IT COULD MAKE IT WORSE, IT COULD HELP US.

BUT THIS IS A MESS.

I THINK HAVING, PROPOSING A BUILDING PROJECT WHERE
THERE'S \$800,000-\$1 MILLION HOMES SHARING SPACE WITH
RENT-CONTROLLED UNITS WON'T WORK.

WE KNOW HUMAN NATURE.

THE HAVE'S ARE GOING TO WANT THEIR HALF AND THE RENT
CONTROLLED UNITS ARE GOING TO BE REPRESENTED BY MARK RHOADES WHO
WANTS THEM OUT.

SO I DON'T SEE HOW THIS IS GOING TO HELP THEM STAY IN
THEIR HOMES.

WE'RE NOT AGAINST BUILDING.

I HAVE FOUND ON THE BERKELEY BUILDING WEBSITE THAT
THERE'S BEEN 848 UNITS BUILT WITHIN ONE MILE OF THIS PROPERTY,
THAT'S 1-4 BEDROOMS.

THAT'S 3400 RESIDENTS WE HAVE WELCOMED TO THE
COMMUNITY.

AND WE KNOW BUILDING IS GOING TO HAPPEN HERE.

BUT THIS ISN'T THE PLACE FOR 31 BEDROOMS AND 28
BATHROOMS.

WHOEVER BUYS THESE PROPERTIES IS GOING TO HAVE TO MAKE
THEIR MONEY BACK BY RENTING THEM.

THANK YOU.

>> S. O'Keefe: THANKS.

NEXT MASONORI.

>> I LIVE 1159 HEARST, ONE OF THE PROPERTY IN THE
RENT-CONTROLLED UNITS.

I'M AGAINST IT BECAUSE THE GUARANTY OF THE UNIT STAY
IS KIND OF BEING SHAKY, THE STORY HAS BEEN CHANGED, KEPT
CHANGING.

AND ALSO IF CONSTRUCTION STARTS, I DON'T THINK WE HAVE
ENOUGH PARKING SPACE.

AND I'M CONCERNED IF ONE UNIT IS VACANT AND IF THEY
START CONSTRUCTING, FOR INSTANCE, I'M LIVING IN A DUPLEX, IF THE
NEIGHBOR MOVED OUT, IF THEY START CONSTRUCTING THE DOWNSTAIRS,
I'M LIVING UPSTAIRS.

IT WILL BE THE SAME AS LIVING IN ALL THE NOISES AND
DUST AND STUFF.

SO THAT'S MY CONCERN TOO.

THOSE TWO THINGS I HAVE A CONCERN.

IF I HAVE TO MOVE OUT, I DON'T THINK I CAN LIVE IN THE BAY AREA, WHICH I HAVE LIVED THE PAST 30 YEARS AND RAISED MY KIDS HERE.

I WANT TO STAY IN BERKELEY.

THANK YOU.

>> S. O'Keefe: THANK YOU.

NEXT, STACY, FOLLOWED BY ALAN, FOLLOWED BY LUCAS.

>> GOOD EVENING, MY NAME IS STACY SCHULMAN.

I LIVED AT 1818 CURTIS STREET SINCE 1988.

MY PROPERTY IS ADJACENT TO THE EAST SIDE OF THE PROPOSED DEVELOPMENT.

I WAS GOING TO TALK A LOT ABOUT DRAINAGE.

IT'S CLEAR WE HAVE HUGE DRAINAGE PROBLEMS, EVERYBODY SORT OF AGREES TO THAT.

I WILL JUST SAY IN THE 30 YEARS I'VE BEEN THERE, THERE HAVE BEEN YEARS WHEN IN THE BACK PARTS OF OUR YARDS THE WATER HAS BEEN 12-14 INCHES DEEP AN WE HAD TO CALL THE CITY TO COME PUMP US OUT.

SO PUTTING IN A DRAINAGE SYSTEM THERE AS MARK RHOADES SUGGESTED, GREAT.

HOPE IT HELPS.

WE DON'T KNOW IF IT WILL.

MY CONCERN, IN ADDITION TO THAT, IS THAT THE MAT, THE SIZE AND SCOPE OF THE PROJECT IS TOO DENSE.

THERE ARE NOW FIVE UNITS ON A VERY NARROW LOT THAT WAS PREVIOUSLY A SINGLE-FAMILY HOME.

NOW WE ARE LOOKING AT FIVE UNITS.

THE TWO DUPLEXES, AND THE OTHER ONE.

IF THAT WAS STILL ONE LOT, THAT'S TOO MUCH MASS FOR THAT ONE SITE.

BUT BECAUSE THEY ARE SORT OF COMBINING IT WITH THE OTHER LOT AND PUTTING THE PARKING ON THE OTHER SIDE, THERE'S HIGHER PERCENTAGE OF COVERAGE OF THE GROUND THERE THAT'S GOING TO SQUEEZE THAT SPONGE AND SQUEEZE THAT WATER OUT TO THE SIDES.

AT LEAST THAT'S MY CONCERN.

I DO DEFINITELY SUPPORT THE REQUIREMENT FOR A CEQA STUDY BECAUSE I THINK IT IS A VERY UNUSUAL CIRCUMSTANCE.

ALL THE OTHER CONCERNS PEOPLE ARE BRINGING UP DEFINITELY WILL AFFECT OUR WELL-BEING, BERKELEY 'CO IMPLIES THE RIGHT OF RESIDENTS ADJACENT TO NEW DEVELOPMENTS IT ASSURES OF PEACE, SAFETY, COMFORT OF OUR GENERAL WELFARE AND I FEEL THESE THINGS ARE THREATENED.

I DIDN'T SAY ANYTHING ABOUT ARCHITECTURAL DESIGN WHICH IS OUT OF SCOPE FOR OUR NEIGHBORHOOD, CRAFTSMAN AND BUNGALOWS BUILT FOR THE DOCK WORKERS 1910-1925 APPROXIMATELY.

MANY, MANY ISSUES I THINK REALLY IMPACT THE WELFARE OF THE CURRENT RESIDENTS.

THANK YOU.

>> L. Simon-Weisberg: I HAVE A QUESTION.

>> S. O'Keefe: MA'AM, COULD YOU COME BACK UP?

>> L. Simon-Weisberg: HAS ANYONE TRIED TO PUT IN
PUMPS?

HAS ANYONE TRIED ANYTHING?

>> WE STILL HAVE THE FLOODS, IN THE HEAVY RAINS.

WE STILL HAVE THESE FLOODING ISSUES.

>> L. Simon-Weisberg: ANY DRAINAGE SIMILAR TO WHAT IS
BEING PROPOSED?

>> YEAH PEOPLE CAN SPEAK TO THEIR DRAINAGE SYSTEMS.

PEOPLE ON THE BLOCK HAVE DIFFERENT DRAINAGE SYSTEMS.

PUMPING THE WATER TO HEARST, THE WATER ON THE STREET
ALREADY COMES UP TO THE SIDEWALK.

WE HAVE SENIORS IN OUR COMMUNITY, PEOPLE WITH MOBILITY
PROBLEMS IN WHEELCHAIRS WHO HAVE PROBLEMS, THEY ARE HOME BOUND.

I DON'T KNOW PUMPING THAT WATER OUT TO THE STREET IS
AGAIN ANOTHER HUGE IMPACT I DON'T THINK HAS BEEN PROPERLY
ACCOUNTED FOR.

>> S. O'Keefe: THANK YOU.

NEXT WE HAVE ALAN, FOLLOWED BY LUCAS, FOLLOWED BY
RAIN.

>> HI, I DON'T HAVE A WHOLE LOT TO SAY, BUT MY NAME IS
ALAN SPECTER, I LIVE AT 1818 CURTIS, WHICH ABUTS THE PROPERTY.

I AM A LANDLORD.

I OWN SOME PROPERTY IN OAKLAND AND I RENT TO PEOPLE.

GENERALLY, I'M NOT OPPOSED TO SOMEBODY MAKING INVESTMENT AND TRYING TO MAKE SOME RETURN ON THE INVESTMENT.

BUT I FOUND THAT BOTH TIMES IN THE TWO MEETINGS WE HAVE HAD HERE, THE PROPOSAL HAD BEEN SOME WAY TO JUST MAXIMIZE THE NUMBER OF PEOPLE, OF RESIDENTS THAT WOULD BE LIVING THERE.

AND I DON'T SEE ANY NEED FOR THAT.

SOMETHING APPROPRIATE, THAT WOULD BLEND IN WITH THE NEIGHBORHOOD.

THAT WOULD HAVE, THAT WOULD ATTRACT FAMILIES AND STUFF LIKE THAT.

THOSE WOULD BE FINE AS RENTALS.

BUT WHAT'S BEING PROPOSED, MINI DORMS AND CONDOS AND ALL THAT STUFF.

I DON'T UNDERSTAND WHY THAT IS NECESSARY.

YOU COULD MAKE A PROFIT AND ALSO HAVE SOMETHING APPROPRIATE TO THE NEIGHBORHOOD.

THANK YOU.

>> S. O'Keefe: THANKS.

NEXT WE HAVE LUCAS, FOLLOWED BY RAIN, FOLLOWED BY DALE.

>> GOOD EVENING, BOARD MEMBERS.

I'M HERE AS A PROFESSIONAL HYDROLOGIST.

I'VE WORKED AS A HYDROLOGIST FOR 25 YEARS.

I'VE BEEN REVIEWING THE SITE AND PROPOSED DEVELOPMENT FOR A NEIGHBOR.

WHAT I HAVE SEEN IS A NEED FOR ADDITIONAL STUDY.

THERE IS A PROPOSAL THAT IS A REASONABLE PROPOSAL FOR ADDRESSING SURFACE DRAINAGE THAT THE PROPONENT HAS PUT TOGETHER.

BUT IT DOESN'T ADEQUATELY EVALUATE SUB SURFACE CONDITIONS AT THE SITE.

THEY ARE UNIQUE IN THAT WE HAVE A SITUATION WHERE A FORMER CREEK CHANNEL WAS FILLED WITH UNENGINEERED SOIL AND DEBRIS IN THE PAST AND HAS LEAD TO THE CONDITIONS WE SEE TODAY AND WE HEAR ALL THE FLOODING CONCERNS AND THERE'S CERTAINLY A LOT OF EVIDENCE THERE'S A SIGNIFICANT FLOODING RISK AT THE SITE AND WILL BE EXACERBATED BY THE PROJECT WITHOUT ADDITIONAL ENGINEERING REVIEW AND DESIGN TO ADDRESS THE SUB SURFACE DRAINAGE CONCERNS.

QUICKLY, I WILL EXPLAIN THOSE.

I CAN PROVIDE ADDITIONAL INFORMATION IF YOU ASK QUESTIONS.

BUT WHAT WE HAVE IS A SITUATION WHERE THE FORMER CREEK CHANNEL WAS FILLED WITH MATERIAL THAT THEN SERVES AS PREFERENTIAL FLOW PATH.

WHEN THE GROUND WATER RISES DURING THE WINTER AND HEAVY RAINS, WATER FLOWS THROUGH THAT PREFERENTIAL FLOW PATH AND THE CONSTRUCTION OF THE PROJECT COULD IMPEDE THAT AND CREATE A DAM WHICH WOULD THEN HOLD WATER BACK AND ACTUALLY EXACERBATE FLOODING CONDITIONS.

THE SURFACE HYDROLOGY STUDY THAT'S BEEN DONE DOESN'T ADDRESS THAT ISSUE.

THAT'S WHY I BELIEVE A DETAILED FOCUSED GEOTECHNICAL STUDY IS NECESSARY TO ASCERTAIN AND IDENTIFY THE FORMER CREEK CHANNEL AND DESIGN APPROPRIATE MITIGATION FOR THE PROJECT IF IT MOVES FORWARD SO THE DESIGN ADEQUATELY ADDRESSES THE DPROUND WATER AND SUB SURFACE CONDITIONS ON THE SITE AND I WOULD BE HAPPY TO ANSWER QUESTIONS ABOUT THAT.

>> S. O'Keefe: LEAH AND THEN CARRIE.

>> L. Simon-Weisberg: TWO QUESTIONS.

THE FIRST IS, WHAT IS THE APPROPRIATE MECHANISM TO ADDRESS THE DRAINAGE ISSUE?

BECAUSE PEOPLE ARE SAYING THEY HAVE TRIED DIFFERENT THINGS AND THEY DON'T WORK.

IS THERE SOMETHING, WHAT IS THE NORM?

THE OTHER QUESTION THE FOLKS WHO HAVE DONE THE INITIAL STUDY.

ARE YOU FAMILIAR WITH THEM AND WHY DO YOU THINK YOU ARE COMING UP WITH SUCH DIFFERENT RESULTS?

>> SURE.

WHAT I BELIEVE IS NECESSARY, WHAT I WOULD CALL A FOCUSED GEOTECHNICAL INVESTIGATION THAT WOULD INVOLVE BORING BASICALLY WITHIN A ZONE OF THE MAPPED FORMER CREEK ALIGNMENT.

SO YOU WOULD ESTABLISH A SERIES OF BORE HOLES AND MONITORING WELLS TO UNDERSTAND THE GROUND WATER LEVELS IN THAT

AREA AND UNDERSTAND THE SUB SURFACE CONDITIONS USE THAT INFORMATION TO SITE THE PROPOSED DEVELOPMENT AND TO DETERMINE WHETHER ADDITIONAL SOIL STRENGTHENING OR STABILITY FEATURES NEEDED TO BE ADDED TO SUPPORT THE FOUNDATION OF THESE STRUCTURES, AS WELL AS TO ADDRESS DRAINAGE AND TO UNDERSTAND THAT THE DRAINAGE ON THE SITE IS NOT JUST SURFACE DRAINAGE BUT SUB SURFACE DRAINAGE.

WHAT'S BEEN DONE TO DATE ONLY FOCUSES ON SURFACE DRAINAGE.

SO IT'S A PARTIAL EVALUATION THAT OFFERS A PARTIAL SOLUTION TO THE PROBLEM BUT IS NOT A COMPLETE EVALUATION.

SO WHAT I WOULD RECOMMEND IS THAT ACTUAL CEQA EVALUATION BE DONE BECAUSE OF THE UNIQUE AND SPECIAL CONDITIONS ON THE SITE AND THE HISTORY OF FLOODING ON THE SITE.

WHICH REALLY NECESSITATES ADDITIONAL EVALUATION TO DETERMINE WHAT EXACTLY SHOULD BE DONE, BASED ON A PROFESSIONAL OPINION AND DETAILED STUDIES.

I THINK I CAN ADD TO THAT BY SAYING THAT THERE IS A HISTORY OF OPINIONS ABOUT THIS SITE THAT HAVE BEEN ESTABLISHED OVER THE YEARS THAT RECOGNIZE THIS ISSUE.

SO IGNORING THE FACT THAT YOU HAVE A PHARMER CREEK CHANNEL UNDER THE PROPOSED DEVELOPMENT IS NOT APPROPRIATE.

THAT'S ALL.

>> C. Kahn: QUESTION.

>> S. O'Keefe: ACTUALLY CARRIE WAS FIRST.

>> C. Olson: SORRY.

ACTUALLY, WHAT YOU ARE SAYING, JUST SO WE ARE ALL
CLEAR, THERE'S STILL A CREEK THERE.

IT'S JUST FILL WITH MATERIAL?

>> RIGHT.

>> C. Olson: SO THE WATER IS STILL FLOWING IN THAT
CREEK.

THERE'S NO CULVERT.

THERE WITH A NO ATTEMPT TO TRY TO PUT THE WATER
SOMEWHERE ELSE.

IT JUST STILL KEEPS COMING.

BUT IT'S SUBSURFACE SO IT ONLY COMES UP, IS ONLY
VISIBLE WHEN THERE IS SO MUCH WATER THAT IT ACTUALLY, BUT IT'S
ALWAYS FLOWING?

>> ALL WE HAVE ARE THE HISTORIC MAPS THAT SHOW THE
CREEK IS ALIGNED UNDER THAT PROPER, WE KNOW IT WAS FILLED WITH
UNCONTROLLED DEBRIS AND NON-ENGINEERED FILL.

BECAUSE OF THAT WE DON'T KNOW WHETHER IT'S STABLE.

THE URBAN CREEKS COUNCIL HAS ACTUALLY PREVIOUSLY
STATED THAT AREA IS SUBJECT TO POTENTIAL LIQUIFACTION BECAUSE OF
THIS.

SO IT IS A CONCERN.

>> C. Kahn: I APPRECIATE YOU BEING HERE AND TALKING
ABOUT THE SUBSURFACE ISSUES.

WHAT YOU SAID IN YOUR INITIAL RESPONSE AND REMARKS TO THE QUESTIONS HERE YOU BELIEVE A FOCUSED GEOTECHNICAL INVESTIGATION WITH BORINGS, MONITORING WOULD BE THE APPROPRIATE WAY TO ASSESS, WHETHER IN FACT THERE'S A CREEK RUNNING UNDER THE PROPERTY OR NOT, IT'S SOMEWHAT SPECULATIVE WITHOUT THAT INVESTIGATION.

IS THAT CORRECT?

>> THAT IS CORRECT.

>> C. Kahn: WHY DOES THAT REQUIRE A CEQA REPORT, COULDN'T WE REQUIRE THE INVESTIGATION WITHOUT INVOKING CEQA?

>> SURE, YOU COULD MAKE IT A CONDITION OF APPROVAL.

HOWEVER, THE CEQA EVALUATION OF THAT WOULD ACTUALLY KIND OF FORCE THE ISSUE.

IN OTHER WORDS.

>> C. Kahn: I THINK WE CAN FORCE THE ISSUE.

AND I THINK THE NEIGHBORS DESERVE IT.

>> S. O'Keefe: BEFORE, I GUESS DO WE SWEAR YOU IN.

WE HAVE A NEW ZAB MEMBER WHO WANTS TO SPEAK.

>> T. Clarke: PRESENT TERESA CLARKE.

>> S. O'Keefe: DO YOU HAVE ANY EX PARTE?

>> T. Clarke: NOPE.

>> S. O'Keefe: NOW YOU CAN SPEAK.

>> T. Clarke: YOUR CONCERN IS FOR THE CREEK OR THE BUILDINGS?

>> BOTH.

>> T. Clarke: OKAY.

>> S. O'Keefe: ANY OTHER QUESTIONS?

COME ON UP RAIN.

>> Staff: STAFF WOULD LIKE TO COMMENT GEOTECHNICAL STUDIES ARE OFTEN REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.

AND AGAIN, IS A LITTLE UNRELATED TO WHETHER ONE, HOW ONE PROCESSES CEQA.

>> L. Simon-Weisberg: COULD YOU FINISH?

DOES THAT MEAN IT'S GOING TO HAPPEN ANYWAY IN THE NORMAL PROCESS?

>> Staff: I THINK THERE'S A DISCUSSION IN THE STAFF REPORT.

IT AUTOMATICALLY HAPPENS IF IT WAS LISTED IN ONE OF OUR SEISMIC HAZARD ZONES WHICH IS LIQUEFACTION.

I'M BLANKING ON THEM, THE ALQUIS PELO.

WHICH THIS IS NOT ON BUT THERE'S ANOTHER SECTION IN THE BUILDING CODE AS TO QUESTIONABLE SOILS WHICH THIS WOULD FALL UNDER WITH THE KNOWLEDGE WE HAVE BEFORE US.

>> L. Simon-Weisberg: SO DOES THAT MEAN IT WOULD BE APPROPRIATE FOR US TO INCLUDE AS A CONDITION OR WOULD HAPPEN WITHOUT IT?

>> Staff: I THINK IT'S IMPORTANT.

IT WOULD BE REDUNDANT BUT A REMINDER TO ALL TO HAVE IT DONE AHEAD OF TIME.

>> S. O'Keefe: THANKS FOR THAT.

RAIN, DALE AND THEN DEAN.

>> SO MY NAME IS RAIN SUSSMAN.

I LIVE AT 1824 CURTIS STREET, I'M DIRECTLY ADJACENT TO THE PROPOSED DEVELOPMENT TO THE EAST.

AND I'M ALSO A SOCIAL WORKER HAVE LIVED IN MY HOME FOR FIVE YEARS AND EAST BAY FOR 15 YEARS.

I HAVE A LOT TO SAY.

I CAN SPEAK SPECIFICALLY TO THE DRAINAGE SYSTEM I INSTALLED BECAUSE THAT WAS A QUESTION ZAB RAISED.

I ALSO WANT TO SPEAK TO SOME OF THE POINTS THAT LESLIE MADE IN HER OPENING REMARKS THAT ARE INCORRECT REGARDING THE CREEK AND THE HYDROLOGY PEER REVIEW THAT WAS DONE AND THAT IS PART OF THE MATERIAL THAT I HAVE PUT IN FRONT OF YOU RIGHT NOW.

SO I HOPE I DON'T RUN OUT OF TIME.

I WILL JUST START WITH THE MATERIAL I PUT IN FRONT OF YOU.

BASICALLY THIS SPEAKS TO THE QUESTION THAT LEAH RAISE, I BELIEVE WHY IS THERE A DISCREPANCY BETWEEN WHAT DR. HAAZ HAS CONCLUESED AND WHAT THE OTHER HYDROLOGY REPORTS HAVE CONCLUDED.

IN FACT THERE'S NO DISCREPANCY.

WHAT I REPRINTED FOR YOU IS THE BALANCED HYDROLOGICS PEER REVIEW, THIS IS AN INDEPENDENT PEER REVIEW DONE OF THE DEVELOPERS HYDROLOGY DRAINAGE PROPOSAL.

AS YOU CAN SEE, THE FIRST ONE IS FROM MARCH 2017.

IT NOTES SAMPLES HAVE NOT BEEN COLLECTED.

THAT'S JUST THIS PART I HIGHLIGHTED HERE.

AND THEN AFTER DR. COZ SUBMITTED HIS EVALUATION TO CLEAR WATER, THEY DID A REVISED PEER REVIEW, A FOLLOW-UP PEER REVIEW IN AUGUST OF 2017 AND REALIZED YES, AGAIN THEY NOTED [BUZZER] OH GOD [READING.]

THEY SAID THIS IS UNFORTUNATE BECAUSE IT IMPACTS SEVERAL ASPECTS OF THE DRAINAGE DESIGN, ETC.

>> S. O'Keefe: CAN I CUT YOU OFF THERE, IT'S OKAY TO FINISH A THOUGHT BUT YOU ARE OUT OF TIME.

>> VINCENT CHEN OF PUBLIC WORKS --

>> S. O'Keefe: SORRY, I'M CUTTING YOU OFF.

BUT THANK YOU FOR THIS INFORMATION.

WE ARE GOING TO TAKE A BREAK IN ABOUT EIGHT MINUTES SO THAT WILL GIVE EVERYONE A CHANCE TO LOOK AT IT, IF THEY WISH.

THANKS.

NEXT WE HAVE DALE, FOLLOWED BY DEAN, FOLLOWED BY TRACY.

>> HELLO.

I LIVE ON CURTIS STREET AND I'VE LIVED THERE FOR 23 YEARS.

AND I REALLY, REALLY WANT TO SAVE RENT CONTROL IN BERKELEY.

SO THESE PEOPLE, PERHAPS, ARE PROTECTED BUT WHEN THEY LEAVE, WE ARE GOING TO LOSE THOSE RENT CONTROLLED UNITS.

THEY WILL BE CONVERTED TO CONDOMINIUMS AND THEY WILL
BE SOLD.

SO, TO ME, LIKE WE HAVE A TERRIBLE HOUSING CRISIS IN
BERKELEY.

BUT SOON ALL THE POOR PEOPLE ARE GOING TO BE KICKED
OUT.

AND AGAIN, THIS SPEAKS TO ONE OF THE PREVIOUS SPEAKERS
MENTIONED.

LIKE WHO ARE THE WORKERS GOING TO BE?

WHO ARE THE TEACHERS GOING TO BE?

IN THAT GROUP OF HOUSES WHERE PEOPLE LIVE, WE HAVE A
SOCIAL WORKER AND TEACHER.

WE ARE GOING TO LOSE ALL THE PEOPLE WHO REALLY MAKE
THE FABRIC OF BERKELEY WHAT IT IS AND WHAT WE ALL LOVE.

I HAVE WORKED MY ENTIRE CAREER IN NON-PROFITS.

I WAS INCREDIBLY LUCKY TO BE ABLE TO BUY A HOUSE 23
YEARS AGO.

I CAN'T EVEN RENT MY HOUSE TODAY.

I DON'T THINK THIS PROJECT IS THE ANSWER TO THE
HOUSING CRISIS IN BERKELEY.

THANK YOU.

>> S. O'Keefe: THANKS.

NEXT, DEAN METZGER?

FOLLOWED BY TRACY, FOLLOWED BY BILL.

>> I'M DEAN METZGER.

I'M HERE TONIGHT REPRESENTING THE BERKELEY
NEIGHBORHOOD COUNCIL AND CLAREMONT ELM WOOD NEIGHBORHOOD
ASSOCIATION WHICH I'M THE PRESIDENT.

YOUR JOB AND STAFF'S JOB IS TO LOOK AT THE SAFETY OF
THE RESIDENTS OF BERKELEY.

THIS PROJECT, WHERE IT'S AT IS PRONE TO LIQUEFACTION
IN AN EARTHQUAKE.

THE NEIGHBORS WILL BE IN A LOT OF TROUBLE.

SO TO PUT MORE PEOPLE IN DANGER IS SOMETHING YOU
SHOULD NOT BE DOING.

STAFF SHOULD NOT BE DOING IT AND YOU SHOULD NOT BE
DOING IT.

YOU NEED TO SEND THIS BACK TO THE DEVELOPER AND SAY
THIS IS A SINGLE-FAMILY RESIDENTS AREA AND THESE TWO LOTS SHOULD
BE MADE THAT WAY, TO REDUCE THE CHANCES OF KILLING PEOPLE IN AN
EARTHQUAKE THERE.

THE SECOND PART OF WHAT I WANT TO SAY, IS TO TRY TO
MANAGE A PROPERTY WHERE YOU HAVE PART CONDOMINIUM OWNERS, VERSUS
RENTERS IS UNMANAGEABLE.

IT DOESN'T MATTER WHAT KIND OF SYSTEM YOU PUT
TOGETHER, YOU WILL NEVER GET A MANAGEABLE SITUATION.

SO YOU CANNOT ALLOW THAT TO HAPPEN.

IF YOU DO, AGAIN, I THINK YOU WILL BE DOING A
NON-FAVOR TO THE CITY OF BERKELEY TO EVEN ALLOW THIS TO BE
CONSIDERED AS A START.

SO MAKE SURE THERE IS SOME KIND OF AGREEMENT OR ARRANGEMENT WHERE EVERY PERSON WHO LIVES ON THAT PROPERTY HAS A SAY ON WHAT HAPPENS TO THE PROPERTY.

NOT JUST THE CONDOMINIUM OWNERS BUT ALSO THE RENTERS.

>> I HAVE A QUESTION.

YOU SAID YOU WERE HERE REPRESENTING THE NEIGHBORHOOD COUNCIL?

>> UH-HUH.

>> I'M A MEMBER, BOARD MEMBER OF THE BATEMAN NEIGHBORHOOD ASSOCIATION.

THERE HASN'T BEEN A VOTE OF ALL THE NEIGHBORHOOD COUNCILS, I JUST WANT TO POINT THAT OUT.

IN WHAT CAPACITY ARE YOU REPRESENTING THE NEIGHBORHOOD COUNCILS?

>> I'M THE CHAIR OF THAT GROUP.

>> WAS THERE A VOTE AMONGST NEIGHBORHOOD COUNCILS.

>> STEVE FROM YOUR NEIGHBORHOOD BOARD IS ALSO COMING EVERY MONTH TO OUR MEETINGS.

>> Staff: IT HASN'T COME BEFORE US ON THE AGENDA AND WE HAVEN'T OPPOSED THIS PROJECT.

THANK YOU.

>> THANK YOU.

>> S. O'Keefe: THANKS.

NEXT WE HAVE TRACY FOLLOWED BY BILL AND THAT'S IT, UNLESS ANYONE WOULD LIKE TO SPEAK AFTER BILL.

>> MY NAME IS TRACY EMMERSON AND I HAVE LIVED AT 11:57 HEARST AVENUE FOR NINE AND A HALF YEARS.

AGAIN AS A PUBLIC-SCHOOL TEACHER I RELY ON MY CURRENT RENT CONTROL SITUATION.

THE LAST NINE YEARS I HAVE LIVED IN BERKELEY AND SERVED THE EAST OAKLAND COMMUNITY.

IF THIS IS APPROVED THE LOSS OF NON-RENEWABLE RESOURCE OF RENT CONTROLLED PROPERTY WILL GREATLY AFFECT MY LIFE AND CAREER.

THE DEVELOPER ASTOUNDED THE ZAB BOARD AND CURRENT TENANTS WHEN HE ANNOUNCED THE TRUE INTENTIONS TO DISPLACE THE TENANTS TO MAKE MORE MONEY, THIS TIME IS NO DIFFERENT.

THERE APPEARS TO BE NO SAFETY PROVISIONS IN THE VAGUE WORD SMITHING OF YET ANOTHER INCOMPREHENSIBLE PROPOSAL.

THE DEVELOPER HAS BEEN ASKED NUMEROUS TIMES BY THE TENANTS TO ADDRESS THE QUALITY OF LIFE OF TENANTS DURING AND AFTER THE PROJECT.

HE HAS BEEN EVASIVE AND CONDESCENDING, FAILING TO PROVIDE A COMPASSIONATE OR RATIONAL PLAN.

TELLING YASHU, WE COULD PARK AT THE 99 CENT STORE OR MAYBE WE COULD GET A REDUCTION.

IN ADDITION THE PARKING PLAN DOESN'T INCLUDE THE GUARANTEED SPACES FOR THE CURRENT RENT CONTROLLED TENANTS.

THERE WILL BE ABOUT THREE SPACES ALLOTTED TO THE PEOPLE OCCUPYING THE 31 BEDROOMS.

IT IS CLEAR TO OUR COMMUNITY THE REAL PLAN REMAINS THE SAME.

DISPLACE ALL CURRENT TENANTS UNDER THE FALSEHOOD OF REHABBING THE SIX UNITS WITH EIGHT TENANTS TO CREATE A MINI DORM COMPLEX, EVEN THOUGH THE ZONE IS BLOCKED FOR A SINGLE OR MULTIPLE FAMILY UNIT.

MR. MARK RHOADES HAS CREATED A NEGATIVE ATMOSPHERE OF DECEIT WITH THIS PROJECT.

HIS INABILITY TO CAUSE HONEST HAS CAUSED UNNECESSARY STRENGTH AND ANGER IN OUR COMMUNITY.

HE CLAIMS TO ADDRESS THE CONCERNS OF THE COMMUNITY, HOWEVER WHEN PLANS HAVE CHANGED THE COMMUNITY HASN'T BEEN INCLUDED SO WE ARE DISSATISFIED WITH HIS REVISIONS AND COMPLETE DISREGARD FOR THE TENANTS AND PEACE COMFORT AND WELFARE SHOULD BE APPARENT TO EVERYONE AWARE OF THIS PROJECT'S HISTORY, REGARDLESS WHICH VERSION OF THE PLAN IS PRESENTED.

THE INTENTION IS TO MAKE MONEY OFF THE MOST PEOPLE REGARDLESS OF THE IMPACT --

>> S. O'Keefe: MA'AM, PLEASE WRAP IT UP.

YOU ARE OUT OF TIME.

>> I WOULD DESPERATELY BEG THE ZAB BOARD TO NOT APPROVE THIS PROJECT.

>> S. O'Keefe: THANK YOU.

YOU ARE LAST UP, BILL?

>> MY NAME IS BILL.

I LIVE AT 1141, I HAVE BEEN THERE 27 YEARS.

WHY IS IT NOT GOING TO A DESIGN REVIEW.

MR. RHOADES IS A SNAKE.

AND I JUST WANT TO SAY ALL THE UNITS THEY ARE PUTTING
IN, THERE'S ALREADY NO PARKING ON THE STREET.

YOU CAN'T FIND PARKING HARDLY EVER.

YOU ARE GOING TO PUT IN 31 ROOMS?

THAT'S RIDICULOUS.

THE OTHER THING I WANTED TO ASK, THEY SAID THEY CAN
STAY IN RENT CONTROLLED APARTMENTS, BUT DOES THAT MEAN THEY WILL
AMORTIZE THE COST AND IT WILL BE A RAISED RENT BUT STILL RENT
CONTROLLED?

THAT WAS ONE OF MY CONCERNS.

AND YEAH.

AND IT IS LIKE A RIVER GOING DOWN WHEN IT RAINS AND
JUST ABOUT EVERYBODY HAS SUMP PUMPS TO PUMP THE WATER OUT UNDER
THEIR HOUSE AND IT STILL FLOODS IN FRONT OF OUR HOUSE.

AND YEAH.

THE QUESTION WAS ABOUT THE RENT CONTROL.

IS HE GOING TO AMORTIZE THE COST OF HIS EXPENSES ONTO
THE PEOPLE THAT LIVE THERE NOW?

SO IT WILL STILL BE RENT CONTROLLED JUST AT A GREATER
RENT?

>> S. O'Keefe: THE APPLICANT WILL COME UP AND SPEAK
AFTER YOU, UNLESS SOMEONE ELSE WANTS TO SPEAK.

>> L. Simon-Weisberg: I WOULD SAY UNDER BERKELEY RENT CONTROL, THEY CAN'T DO THAT, THEY CAN'T BUILD CONSTRUCTION AND PUT IT ON BUT REALLY ENCOURAGE ANYONE WHO HASN'T ALREADY TO GO TO THE RENT BOARD AND ASK ANY QUESTIONS.

>> I HEARD YOU CAN DO WORK ON YOUR HOUSE, RESTORATION AND WHATEVER AND THEN RAISE THE RENT ON THE RENT CONTROLLED.

SO IF HE HAD ONE OF THOSE UNITS NOT RENT CONTROLLED AND DECIDED TO DO WORK ON ALL OF THEM AND AMORTIZE THE RENT, PASS THE COST ON THE RENTS.

>> IT WOULD BE THE CAPITAL IMPROVEMENTS ON THAT UNIT. NOT ON THE WHOLE.

>> L. Simon-Weisberg: YOU CAN'T DO IT ON ONE SIDE.

>> I HEARD THEY WOULD MOVE OUT AND MOVE BACK IN AND IT WOULD BE RENT CONTROLLED JUST A GREATER RENT.

>> C. Kahn: THAT'S CORRECT, IF YOU AGREE TO HIM DOING WORK ON YOUR UNIT IT MIGHT BE PASSED ONTO YOU BUT YOU DON'T HAVE TO AGREE UNDER THE CURRENT TERMS AND CONDITIONS.

>> L. Simon-Weisberg: YOU SHOULD SEEK THE RENT BOARD IF YOU HAVE ANY QUESTIONS AT ALL.

>> C. Kahn: THE RENT BOARD IS BETTER TO ANSWER THAN WE ARE.

>> S. O'Keefe: THANKS, LEAH.

IT'S GREAT TO HAVE YOU HERE.

THAT'S THE LAST OF THE SPEAKER CARDS.

DOES ANYONE ELSE WISH TO SPEAK ABOUT THIS PROJECT
BEFORE WE LET THE APPLICANT SPEAK?

COME ON UP.

YOU COULD FILL OUT A CARD AFTER.

DID YOU ALREADY SPEAK?

SORRY, YOU CAN ONLY COME UP ONCE.

ANYONE NEW WISH TO SPEAK?

I SHOULD HAVE CLARIFIED.

APPLICANT TEAM CAN COME UP.

YOU COULD HAVE THREE MINUTES TO RESPOND OR MAKE
FURTHER STATEMENTS.

>> DO YOU WANT TO TAKE YOUR CAPTIONER BREAK FIRST.

>> I WAS THINKING I WOULD LET YOU HAVE YOUR THREE
MINUTES AND THEN TAKE THE CAPTIONER BREAK.

>> A FEW THINGS.

FIRST OF ALL, WE AREN'T TRYING TO PUSH OUR TENANTS
OUT, WE WOULDN'T HAVE SENT THE LETTER LAST OCTOBER, THE LETTER
IN FRONT OF YOU NOW.

WE HAVE NO INTEREST IN THAT, IF WE WERE TO HEDGE OUR
BETS THAT LETTER WOULD HAVE NEVER LEFT THE OFFICE.

WE ARE THE ONES WHO REACHED OUT TO THE RENT
STABILITYIZATION BOARD FIRST, WE KNEW THIS COULD BECOME
DIFFICULT AND WE WANTED TO MAKE SURE THIS WAS ALL ABOVEBOARD.

THE FORMER CREEK TRIBUTARY, ALL THIS WATER COMING OUT
OF THE GROUND WAS PART OF CLEAR WATER HYDROLOGY STUDY.

THE HISTORIC MAP OF THE CREEK TRIBUTARY IS INCLUDED IN THAT STUDY.

THAT REPORT WAS REVISED, THE CITY'S ENGINEER DISAGREES WITH THIS HYDROLOGIST AND PERSPECTIVE RELEVANT TO THIS PROJECT.

WE ARE HAPPY TO DO GEO TECH AND ADDITIONAL STUDIES, WE HAVE ALREADY DONE SOME BORINGS, WE KNOW THE STUDIES ARE ALLUVIAL CLAY LIKE EVERYWHERE ELSE.

THE SOFTER SOILS AREN'T IN THE BACK SUMP AREA, THEY ARE SOUTH OF THE PARKING AREA, ACTUALLY.

SO OUR FOUNDATIONS WILL BE ENGINEERED AS MAT SLAB FOUNDATIONS, PRIMARILY ABOVE THE SOIL SO THEY AREN'T GOING TO CREATE ANY DAMING EFFECTS OR ANYTHING LIKE THAT.

WE ARE ABOUT A BLOCK OUTSIDE OF THE LIQUEFACTION ZONE.

>> I JUST WANT TO TALK ABOUT THE UNIT SIZE A LITTLE BIT.

I THINK THERE WERE FOCUS ON THE FOUR BEDROOM UNITS.

>> L. Simon-Weisberg: I THINK THE BATHROOM.

TELL US WHY YOU HAVE THE SAME RATIO OF BATHROOMS.

JUST TO BE CLEAR, I DON'T THINK ANY OF US ARE OPPOSING FOUR BEDROOMS.

>> IT'S THE BATHROOMS.

TWO BATHROOMS ARE NOT IN THE BEDROOMS, THEY ARE IN THE COMMON AREA.

IF THAT'S AN OBJECTION, I'M SURE THAT WOULD BE SOMETHING -- WE ARE HAPPY TO REMOVE A BATHROOM.

>> S. O'Keefe: WE WILL HAVE QUESTIONS AFTER THE BREAK.

I WANT TO MAKE SURE MOST ARE AWARE UNITS ARE SMALL TWO
BEDROOM, ONE AND A HALF BATH OR TWO BATH.

THERE ARE THREE UNITS THAT ARE LARGER.

THE SINGLE-FAMILY HOME THAT IS STAYING AS-IS, A THREE
BEDROOM TWO BATH AND THEN TWO FOUR BEDROOM UNITS THAT ARE ABOUT
1800 SQUARE FEET.

WHICH, IF YOU OBJECT TO A BATHROOM, WE ARE HAPPY TO
TAKE ONE OUT, IF THAT'S THE PART THAT IS UPSETTING.

BUT I JUST WANT TO BE CLEAR, WE HAVE MOSTLY TWO
BEDROOM, TWO BATHROOM.

>> WE WORKED VERY CAREFULLY, ONE OF OUR INVESTORS IS A
LOCAL BERKELEY REALTOR.

SHE HAS A FAMILY, IS RAISING HER KIDS HERE AND WE
WORKED VERY CAREFULLY WITH HER ON ALL THESE UNIT DESIGNS SO THEY
WOULD BE ORIENTED AND LIVABLE FOR FAMILIES.

IF WE NEED TO PUT MORE KITCHEN CABINETS IN, WE ARE
HAPPY TO DO THAT.

>> S. O'Keefe: OKAY.

TIME'S UP.

SO FOR THOSE OF YOU WHO HAVEN'T BEEN TO ZONING BOARD
BEFORE, WE HAVE TO TAKE A BREAK FOR THE CAPTIONER.

THERE IS SOMETHING TYPING EVERYTHING THAT HAPPENS AND
IT GETS VERY TIRESOME AND WE APPRECIATE THAT PERSON VERY MUCH
AND WE WILL LET THEM HAVE A 10-MINUTE BREAK.

SO WE WILL COME BACK AT 9:15.

[BREAK].

>> S. O'Keefe: ATTENTION, ZONING BOARD.

ATTENTION, ZONING BOARD.

BREAK IS COMING TO AN END.

PLEASE RETURN TO YOUR SEATS.

IF YOU CAN HEAR ME, CLAP ONCE.

IF YOU CAN HEAR ME, CHARLES, CLAP TWICE.

ALL RIGHT.

BREAK'S OVER.

CAPTIONER, HOPE YOU'RE READY TO GO.

SO WE LEFT OFF WITH THE APPLICANT HAD JUST MADE THEIR CONCLUDING STATEMENT AND WE CAN OPEN IT UP FOR QUESTIONS FOR THE APPLICANT AND ALSO MORE FOR STAFF, THAT'S ALSO FINE IF PEOPLE ON THE BOARD HAVE QUESTIONS.

AND THEN WE'LL DO COMMENTS.

SO TRY TO DO QUESTIONS FIRST AND THEN WE'LL CLOSE THE PUBLIC HEARING AND HAVE BOARD COMMENTS.

QUESTIONS.

GO AHEAD, LEAH.

>> I HAD QUESTIONS ON WHETHER YOU WILL BE ACCEPTING FHA LOANS WHEN YOU SELL THE CONDOS?

>> I DON'T KNOW.

WE HAVEN'T GOT THAN FAR YET.

NATHAN, ARE WE GOING TO TAKE FHA LOANS?

>> I DON'T SEE WHY NOT.

>> I WAS CURIOUS ABOUT -- IF YOU COULD TALK A LITTLE
BIT ABOUT THE DESIGN CHOICE.

I MEAN, I ACTUALLY LIKE MODERN ARCHITECTURE.
THEY DON'T LOOK LIKE CRAFTSMEN OR INSPIRED BY
CRAFTSMEN.

I WAS CURIOUS ABOUT THE...

>> THE ARCHITECTURE AND MAYBE DEBBIE WOULD LIKE TO
SPEAK TO THAT.

WE WANTED A MORE CONTEMPORARY LOOK.

THERE'S CERTAINLY SOME CONTEMPORARY STRUCTURES IN THE
NEIGHBORHOOD.

WE'RE NOT TRYING TO MIMIC A CRAFTSMAN STYLE OR
ANYTHING ELSE.

WE THINK IT'S A BEAUTIFUL PROJECT.

AND THAT'S DEBBIE'S STYLE.

>> THE TWO BUILDINGS NOW ARE VERY SIMPLE, THE TWO MAY
BE A SPANISH HINT TO THEM RIGHT NOW.

THERE WASN'T A LOT THERE ARCHITECTURALLY NOW.

THIS IS MY DESIGN STYLE.

>> THE CONDOMINIUMS TO THE RIGHT ARE A MORE
CONTEMPORARY STYLE.

>> THE BUILDING IN THE BACK DOESN'T HAVE MUCH
CHARACTER.

>> DOESN'T HAVE MUCH STYLE YET.

>> THE EXISTING ONE.

>> S. O'Keefe: QUESTIONS?

CARRIE.

>> C. Olson: CAN YOU WALK ME THROUGH SHADE STUDIES,
PLEASE.

>> DEBBIE?

>> DO WE HAVE THEM?

>> C. Olson: I'M NOT FINDING THEM.

>> WE WERE ASKED BY LESLIE TO TAKE THEM OUT.

>> THEY'RE ONLINE.

>> C. Olson: BUT WE'RE NOT ONLINE.

>> S. O'Keefe: MAYBE WE COULD SEE THEM.

>> STAFF ASKED TO US TAKE THEM OUT OF THE PLAN SET.

>> WHY?

>> THAT IS STAFF'S.

THEY SHOULD BE INCLUDED BUT NOT IN THE PLANS THAT WE
REGULARLY INCLUDE THEM IN THE PLAN SET BUT TRUTHFULLY STAFF AND
THE ZAB SHOULD NOT BE APPROVING SHADE STUDIES.

THAT'S NOT A PART OF THE DEVELOPMENT PROJECT.

THEY SHOULD BE INCLUDED AS ATTACHMENT 3 NOT IN THE
PLAN SET.

THE PLAN SET THAT WAS ORIGINALLY SUBMITTED WAS ALSO
SOMETHING LIKE 60 PAGES SO THERE'S ALSO SOME RENDITIONS I HAD

TAKEN OUT AS WELL JUST TO HAVE IT BE A LITTLE BIT MORE
MANAGEABLE.

THE SHADE STUDY WAS ONE OF YOUR ATTACHMENTS AND IT IS
UP ON THE SCREEN.

>> YES, THEY WERE UPDATED.

>> I WANT TO KNOW WHY THERE'S A ROOF DECK ON ONE OF
THE BUILDINGS.

>> TO HELP US MEET OUR OPEN-SPACE REQUIREMENT AND THAT
UNIT IS VERY CLOSE TO ANOTHER BUILDING SO WE WANTED TO GIVE
THOSE RESIDENTS A LITTLE BIT OF RELIEF THAT IS SORT OF THEIR OWN
RELIEF AND NOT MOST OF THE OTHER UNITS YOU CAN WALK OUTSIDE OF
THE UNIT AND HAVE A LITTLE SPACE.

THAT ONE WAS A LITTLE BIT MORE DIFFICULT.

>> C. Olson: SO WHAT'S MISSING FOR ME IN THIS PACKET
IS THAT I HAVE NO IDEA WHAT THE IMPACTS ARE GOING TO BE TO THE
PEOPLE WHO LIVE AROUND YOU.

I DON'T KNOW EXCEPT THAT I'VE HEARD FROM THE NEIGHBOR
WHO IS NEXT DOOR AND THEY'RE GOING TO SEE THE STAIR TOWER BUT I
DON'T KNOW WHAT THE ROOF DECK IS ACTUALLY GOING TO -- HOW IT'S
GOING TO IMPACT THEM.

WHETHER OR NOT THERE'S FENESTRATION NEAR YOU ON ANY OF
THE SIDES BECAUSE IT'S NOT HERE IN THE PLAN.

>> THAT ROOF DECK IS SHOWN IN THE ROOF PLAN.

>> THE ROOF DECK IS SHOWN IN THE ROOF PLAN BUT THE ROOF DECK FRANKLY IT LOOKS LIKE IT IS MORE INTRUSIVE THAN I THINK IT REALLY IS GOING TO BE.

>> WELL, YOU KNOW, THAT STAIR TOWER IS MORE INTRUSIVE THAN IT NEEDS TO BE.

WE CAN ANGLE THAT AND REALLY MINIMIZE ITS EXPOSURE TO IT IS NOT THAT BIG BLOCK UP ON TOP.

IT PROBABLY DOESN'T NEED TO HAVE A WINDOW, IT JUST NEEDS TO HAVE A DOOR.

>> C. Olson: EXACTLY.

>> ABSOLUTELY WE CAN MINIMIZE THAT.

IN FACT, WHAT WE CAN TRY TO DO AND WITHOUT DEBBIE KICKING ME OR THROWING SOMETHING AT ME IS EVEN FLIP IT SO THAT THE ANGLE IS GOING TOWARDS THE WEST.

SO THAT ANY -- I MEAN, IT'S A MINIMAL SHADOW PIECE FROM THAT ANYWAYS BUT IN CASE THERE MIGHT BE ANY, WE CAN MINIMIZE IT BY THROWING THAT ANGLE TOWARDS THE...

>> C. Olson: SO NONE OF THE OPEN SPACE IS SHARED OPEN SPACE.

YOU'RE ONLY GIVING --

>> THE ONLY UNIT THAT HAS ITS OWN OPEN SPACE IS THAT ONE.

ALL THE REST ARE SHARED AND IT'S BECAUSE THAT UNIT IS KIND OF HEMMED IN BY OTHER STRUCTURES.

ON SITE.

>> C. Olson: OKAY.

I GUESS THAT'S ALL I HAVE TO ASK.

>> S. O'Keefe: TERESA.

>> T. Clarke: YOU HAVE DONE TWO STORIES.

>> WE HAD THAT OUT OF THE PROPOSAL.

SEVERAL OF THE STRUCTURES WERE THREE-STOREY BUILDINGS.

WE ALSO TOOK FIVE UNITS FROM BEFORE.

WE WERE 18-UNIT PROPOSAL WITH SEVERAL THREE-STOREY
STRUCTURES AND NOW WE ARE 13-UNIT PROJECT TOTAL ON HALF AN ACRE
SO LET'S TALK ABOUT SAN PABLO AVENUE WHERE YOU ARE A HUNDRED
UNIT TO THE ACRE.

WE ARE NOT SAN PABLO AVENUE OR ANYTHING EVEN CLOSE.

BUT YES, WE ELIMINATE ALL THE THIRD-STOREY ELEMENTS.

>> T. Clarke: AND YOU REDUCED THE NUMBER OF UNITS.

>> WE TOOK OUT FIVE UNITS INCLUDING...

>> T. Clarke: DID I ASK FOR YOUR COMMENT?

>> S. O'Keefe: ONLY THE SPEAKER IS ALLOWED TO SPEAK
RIGHT NOW.

>> THE REASON THAT --

>> T. Clarke: YOU DECIDED NOT TO GO WITH THE
DENSITY --

>> THE REASON WE TOOK AWAY THE DENSITY BONUS PROPOSAL
IS WE DID NOT WANT TO EVICT TENANTS AS WOULD HAVE BEEN REQUIRED
BY THE CITY ATTORNEY --

>> T. Clarke: THAT WAS THAT WEIRD SITUATION WE WERE
IN.

NOW I'M RECALLING IT.

OKAY.

ALL RIGHT.

THANK YOU.

>> I HAVE A FOLLOW-UP ON THAT, MARK.

YOU SAID IT WENT FROM 18 UNITS TO 13 UNITS.

>> CORRECT.

>> HOW MANY BEDROOMS WERE THERE, DO YOU RECALL?

>> I DON'T REMEMBER?

>> STAFF RECALL?

>> WE DID ELIMINATE A LEVEL -- WE DIDN'T KEEP THE
DENSITY.

>> SHE WAS ASKING NUMBER OF BEDROOMS.

>> S. O'Keefe: I'M CURIOUS HOW MANY BEDROOMS WERE
ELIMINATED.

>> A LOT OF THE UNITS HAD A THIRD BEDROOM SO THOSE ALL
GOT ELIMINATED.

>> S. O'Keefe: IF WE DON'T KNOW, IT'S OKAY.

I WAS JUST CURIOUS.

OTHER QUESTIONS.

I WANT TO REMIND THE AUDIENCE THAT WE ONLY HAVE ONE
SPEAKER AT A TIME HERE.

I KNOW THIS IS NOT AN AGE OF CIVILITY BUT WE'RE GOING TO HOLD ON TO IT HERE FOR JUST A FEW MORE DAYS MAYBE.

>> QUESTION FOR THE ARCHITECT.

>> S. O'Keefe: YOU CAN BE NEXT, CHARLES.

>> I NOTICE THAT A LOT OF THE TENANTS WERE MENTIONING THAT DIFFERENT AREAS WERE FLOODING NEAR THEIR HOMES AND THEY RAISED A LOT OF SAFETY CONCERNS.

SO I WAS WONDERING IF YOU COULD TRY TO EXPLAIN THAT DISCREPANCY THAT SEEMS WIDESPREAD BETWEEN THE TENANTS AND WHETHER THIS HYDROLOGY DESIGN COULD SUFFICIENTLY ADDRESS THE FLOODING PROBLEMS AND THE CREEK PROBLEM.

>> ACCORDING TO THE CITY'S ENGINEER -- WELL, LET'S BACK UP.

YES, THERE'S FLOODING PROBLEMS THERE RIGHT NOW.

IT'S A MESS.

IT'S A FOOT, FOOT AND A HALF-DEEP MESS SOMETIMES IF THE STORM EVENT IS BIG ENOUGH.

COULD WE GO BACK TO OUR SLIDE SHOW, OUR SLIDE SET SO WE CAN SEE THE SUMP CONDITION IN THAT REAR YARD?

IT'S REALLY IMPORTANT BECAUSE WHAT WE DISCOVERED IN LOOKING AT THE TOPOGRAPHIC SPOTS -- CAN THESE COME OUT ANY MORE?

THIS WILL WORK.

WHERE THE BLUE CURVE IS ON THE LOWER PART OF THE SLIDE, IT IS A DAM THAT'S HOLDING BACK THE WATER FROM MOVING TO HEARST.

IT IS HOLDING ALL THE WATER BACK IN ALL OF THOSE GUYS' BACKYARDS AND IN THE BACKYARD OF THIS PROPERTY.

THERE ARE LOWER POINTS ON SOME OF THE ADJACENT PROPERTIES I THINK, BUT THIS DRAINAGE CONVEYANCE THAT WE'VE DESIGNED THAT THE HYDROLOGIST DESIGNED AND THE CITY ENGINEER SAID IS MORE THAN ADEQUATE IS GOING TO ALLEVIATE THAT PROBLEM BECAUSE RIGHT NOW THE WATER DOESN'T HAVE ANYWHERE TO GO.

IT PONDS THERE UNTIL IT EITHER EVAPORATES OR GOES BACK DOWN INTO THE GROUND.

AND THAT CAN BE WEEKS, THAT SOIL BACK THERE IF YOU WALK BACK THERE RIGHT NOW, WE'RE IN THE MIDDLE OF SUMMER, IT'S PROBABLY SPONGY BECAUSE THAT WATER SITS THERE FOR A LONG TIME AND IT HAS FOR DECADES AND SO THE CIRCUMSTANCE AT THE TOP OF THE SLIDE WHERE THAT BLUE LINE IS, CAN WE SCROLL THAT UP JUST A LITTLE BIT.

OKAY.

I JUST NEED TO SEE THE TOP PART OF THE SLIDE.

THAT BLUE LINE GOES TO THE RED LINE AND TAKES WATER OUT TO THE STREET.

I MIGHT ALSO ADD EVEN WITHOUT AN EASEMENT OR ANYTHING ELSE, WE'VE ALLOWED A NEIGHBOR WHO FRONTS ON DELAWARE, HE LIVES RIGHT HERE, HIS PROPERTY IS RIGHT HERE, THESE ARE REALLY DEEP PROPERTIES.

THESE PROPERTIES ARE 150 FEET DEEP.

AND WE HAVE ALLOWED HIM TO RUN A DRAINAGE LINE DOWN THAT PROPERTY LINE TO HELP ALLEVIATE SOME OF THE FLOODING IN HIS OWN BACKYARD.

SO YEAH, IT'S AN ISSUE BUT IT IS NOT A HEALTH AND SAFETY ISSUE.

WE'VE GOT A CONDITION HERE THAT ALLEVIATES THE PROBLEM.

WE'LL DO THE GEOTECHNICAL REPORTS SO WE KNOW THAT WE'RE DESIGNING OUR FOUNDATIONS APPROPRIATELY.

THEY'RE SEPARATE ISSUES.

IT REALLY JUST ISN'T MUCH OF AN ISSUE FOR US.

>> FOR THE HYDROLOGY, IT IS ALSO IN OUR BEST INTERESTS TO TAKE CARE OF IT.

WE DON'T WANT FLOODED UNITS IN THE BACK OF OUR PROPERTY NO ONE IS GOING TO BUY.

THE INTENT IS TO MAKE THIS CONDITION BETTER.

IF WE LEAVE IT AS IS, IT IS GOING TO CONTINUE FLOODING.

>> WE SURE DON'T WANT A CIRCUMSTANCE WHERE WE'RE PUSHING WATER ON TO OUR NEIGHBORS.

THEY GET TO SUE US FOR THAT.

AND WE GET TO LOSE IF THAT'S THE CASE.

SO WE WANT TO MAKE SURE THAT THIS DRAINAGE CONVEYANCE IS AS ROBUST AS POSSIBLE.

>> ARE YOU USING A PUMP?

>> NO, IT'S NOT CALLED FOR.

IT IS DEEP ENOUGH THAT IT IS GOING TO PULL ALL THAT
WATER IN AND PUSH IT OUT.

>> CHARLES.

>> I HAVE A QUESTION FOR THE ARCHITECT.

SO THE NEIGHBOR TO YOUR WEST HAD SOME CONCERNS ABOUT
PRIVACY RELATIVE TO THE DECK AND THERE HAVE BEEN SOME QUESTIONS
FROM MY COLLEAGUES ABOUT THAT.

I NOTICE IN YOUR PLAN THAT YOUR -- I GUESS THE REASON
THAT THE DECK IS ON THE SIDE IT IS IS BECAUSE OF HOW THE STAIRS
ARE LOCATED WHICH IS HARD TO LOCATE TO THE EAST SIDE.

BUT THE DECK ITSELF COULD BE LOCATED TO THE EAST SIDE.

AM I RIGHT?

>> TRUE.

>> IT'S A SHORTER SLOPE BUT IT COULD BE.

>> IS THAT SOMETHING YOU WOULD BE WILLING TO CONSIDER
AS A CONDITIONAL OF APPROVAL?

>> SURE.

WHAT WOULD WE DO, REORIENT THE ROOF RIDGE?

>> I THINK THE DOOR WOULD LEAD OUT AND IT WOULD BE ON
THIS SIDE.

>> YOU WOULD HAVE TO ADJUST YOUR ROOF RIDGE TO MAKE
THAT WORK.

>> YEAH.

>> OKAY.

I THINK THAT A COMPARABLE SIZE DECK BUT ONE THAT'S ON THE EAST SIDE IS SOMETHING THAT WE MAY CONSIDER AS A CONDITION ALONG WITH REDUCTION OF A MASS OF THAT PENTHOUSE.

JUST TO TRY TO TAKE CARE OF THAT CONCERN.

>> YEAH.

AND THAT COULD BE MOVED FAR ENOUGH EAST SO THAT YOU WON'T SEE BACKYARDS FOR A HUNDRED FEET OR MORE.

>> RIGHT.

YEAH, I THINK OF IT AS THE SAME-SIZED DECK BUT ON THE EAST SIDE IT WOULD PROVIDE VERY GOOD PRIVACY BECAUSE OF THAT, THE ANGLE.

>> WE CAN PUT A PRIVACY SCREEN THERE TOO.

I MEAN, IF YOU THINK IT'S NECESSARY, WE'RE HAPPY --

>> I DON'T THINK IT'S NECESSARY.

SOME OF MY COLLEAGUES MIGHT ASK THAT.

>> S. O'Keefe: LEAH.

>> I WAS WONDERING WHO IS MANAGING THE RENTAL PROPERTIES RIGHT NOW.

IS THERE A MANAGEMENT COMPANY.

>> LOCAL BERKELEY MANAGEMENT COMPANY.

>> DO THEY HAVE A NAME?

>> IT'S SHAMSAE REAL ESTATE GROUP.

I'M TEXTING HIM.

HE CAN PRODUCE ALL THE SERVICE REQUESTS AND ALL THE RESPONSE TIMES AND HOW EVERYTHING HAS BEEN TAKEN CARE OF BY ALL THE TENANTS SO WE CAN SUBMIT THAT FOR THE RECORD.

>> CAN YOU SAY THE NAME AGAIN.

>> SHAMSAE GROUP.

>> S-H-A-M-S-A-E.

HE LIVES ON DELAWARE.

HIS WIFE OPENED A CAFÉ.

>> THE ISSUES AROUND FOLKS HAVE HAD THEIR PARKING TAKEN AWAY.

THAT'S A REDUCTION.

>> SO RIGHT NOW NO PARKING HAS BEEN TAKEN AWAY.

>> THE OFFER I MADE ABOUT THE 99¢ STORE WASN'T OH, JUST GO DO IT, IF IT BECOMES AN ISSUE WE CAN TALK TO 99¢ STORE AND SECURE PARKING SPACES FOR THE LEASE TO PARK IN TEMPORARILY WHILE CONSTRUCTION IS GOING ON.

ONE OF OUR RESIDENTS HAS FOUR PARKING SPACES AND WE'LL HAVE TO HONOR THAT.

WE WON'T BE ABLE TO HONOR ALL OF THOSE SPACES DURING CONSTRUCTION BUT I THINK WE CAN STAGE OUR CONSTRUCTION TO KEEP AT LEAST FOUR OR FIVE PARKING SPACES ON THE SITE.

THEY'LL BE DIFFICULT MORE DIFFICULT TO ACCESS THAN THEY ARE RIGHT NOW OF COURSE BUT BETWEEN TRYING TO FIND A COUPLE OF SPACES AT 99¢ OR SOMEWHERE ELSE NEARBY, AND TRYING TO

MAINTAIN SOME SPACES ON SIDE, WE SHOULD BE ABLE TO KEEP FOLKS
PRETTY CLOSE FOR THE YEAR OR SO OF CONSTRUCTION.

IT IS NOT A REALLY INTENSE PROJECT.

>> L. Simon-Weisberg: I GUESS IT'S CURIOUS THAT YOU'RE
HAVING THOSE CONVERSATIONS WITH THEM.

WHO WILL BE THE CONTACT PERSON DURING THE
CONSTRUCTION?

WILL YOU BE THAT PERSON?

>> NATHAN OR I WILL BE THAT PERSON OR THE CONTRACTOR
ON SITE BUT WE WILL -- I MEAN, I LIVE SIX BLOCKS NORTH OF THIS
PROPERTY.

SO I'M IN THE NEIGHBORHOOD ALL OF THE TIME.

I'M ACCESSIBLE.

I'VE HAD EMAIL INTERACTIONS WITH MANY OF OUR TENANTS
RIGHT NOW.

SO THAT'S NOT AN ISSUE.

WE'LL POST THE SITE WITH THE CONTACT NAME AND PHONE
NUMBER AND THAT'S A CONDITION OF APPROVAL IN THE STAFF'S REPORT.

>> S. O'Keefe: CARRIE.

>> C. Olson: I HAVE A FEW ISSUES.

ONE, WHAT HAPPENS IF YOU DECIDE TO SELL IT AFTER YOU
GET COUNCIL APPROVAL?

>> SELL WHAT?

>> C. Olson: THE PROJECT.

>> IT IS NOT OUR INTENT.

WE'RE GOING TO KEEP THIS.

WE HAVE THESE RENT CONTROLLED UNITS.

SO IT MAKES SELLING IT DIFFICULT ANYWAYS.

BUT THERE ARE CONDITIONS OF APPROVAL HERE THAT ANYBODY HAS TO ABIDE BY, NOT JUST ME.

AND THAT IS WHY THE STATE LAW SAYS THAT CITIES CAN'T DISCRIMINATE ON THE WHO, THEY GET TO DISCRIMINATE ON THE WHAT AND PUT THOSE APPROPRIATE CONDITIONS IN PLACE.

>> C. Olson: THAT'S WHY I JUST WANT TO POINT IT OUT AS MUCH AS WE COULD TAKE YOUR WORD FOR THINGS, WE WANT TO HAVE IT IN --

>> NO, DON'T.

>> C. Olson: IN THE DOCUMENTATION.

>> THERE SHOULD BE CONDITIONS OF APPROVAL.

>> C. Olson: I'M GOING TO GET BACK TO MY ISSUE OF HOW CLOSE THE BUILDINGS ARE ADJACENT TO THIS AND WHAT THE FINSTATION IS AND MAYBE YOU KNOW THIS ALREADY BUT THERE'S A TWO-STOREY RESIDENTIAL THAT'S THE FOURTH ONE BACK FROM HEARST AVENUE.

IT APPEARS TO BE ABOUT EIGHT FEET AWAY.

THAT TENANT PROPERTY OWNER, WHATEVER, DIDN'T APPEAR TO COME TONIGHT.

SO I DON'T HAVE ANYONE TO ASK WHAT THE FINSTATION IS AND WHETHER OR NOT YOUR UNIT LOOKS INTO THEIRS OR VICE VERSA. IT IS IMPORTANT WE'RE NOT APPROVING INADVERTENTLY BY THAT

INFORMATION NOT BEING HERE THAT WE'RE NOT PROVING SOMETHING
THAT'S A PRIVACY ISSUE BECAUSE IT'S AWFUL DARN CLOSE.

WE'VE HAD SOMEONE COME AT THAT SECOND HOUSE BACK OR
THE THIRD HOUSE BACK AND THOSE APPEAR TO BE MAYBE 15 FEET AWAY.

IS THAT PERSON STILL HERE?

>> CARRIE, ARE YOU TALKING ABOUT OVER HERE?

>> C. Olson: THIS IS NEXT TO GERANIUM.

ON THE BACKSIDE NEXT TO GERANIUM.

>> THIS ONE, THERE'S A SITE PLAN THAT BETTER SHOWS
THOSE BUILDING FOOTPRINTS.

THAT'S KIND OF IT.

>> C. Olson: IT IS A1.4 AND I'M ON IT BUT IT DOES NOT
SHOW ME IF THAT'S 15 FEET, THEN MY ISSUE IS THE SAME.

>> THIS IS ABOUT 15.

THIS IS ABOUT EIGHT.

>> C. Olson: YES.

>> THIS IS THEIR DRIVEWAY RIGHT HERE.

>> C. Olson: WHETHER IT'S THEIR DRIVEWAY OR NOT
DOESN'T MATTER.

I STILL WANT TO MAKE SURE I'M TELLING YOU, I DON'T
WANT SOMETHING INADVERTENTLY APPROVED THAT WE COULD HAVE A
SMALLER WINDOW OR A WINDOW SET UP HIGH OR SOMETHING.

OBSCURED GLASS.

THAT WOULD NOT INTRUDE ON THEIR PRIVACY.

AND THE FELLOW WHO DID COME WHO IS CONCERNED ABOUT THE STAIR TOWER, I BELIEVE CHARLES' SUGGESTION WOULD SOLVE HIS ISSUE.

I'M SORRY, HE'S NOT HERE TO LET US KNOW WHETHER OR NOT IT WOULD.

>> ON THE GERANIUM BUILDING IT'S ALL BATHROOM WINDOWS.

>> C. Olson: AND THEY'LL BE OBSCURED.

>> AND THERE'S ONE BUILDING ON THE FREESIA BUILDING THAT FACES TO THE WEST.

>> C. Olson: IT'S NOT HIM.

IT WAS THE FIRST FELLOW WHO SPOKE.

>> STEVEN PACK, I THINK.

>> WE'RE HAPPY FOR THERE TO BE A CONDITION ON THOSE WINDOWS THAT THEY PERHAPS BE HIGHER BUT THEY HAVE TO BE EGRESS WINDOWS.

>> C. Olson: UNDERSTOOD.

>> I DON'T MIND THAT CONDITION BECAUSE THEY'RE NOT VIEW WINDOWS.

>> C. Olson: THEY'RE NOT VIEW WINDOWS, EXACTLY.

>> WE WANT LIGHT AND AIR TO COME IN BUT THAT COMES IN FROM HIGHER SO WE CAN PULL THE BOTTOM OF THE WINDOW UP.

>> C. Olson: EXACTLY.

THE INTENTION WOULDN'T BE THAT WE WOULD APPROVE SOMETHING THAT WOULD INTERFERE ON SOMEONE'S PRIVACY BECAUSE WE DON'T HAVE THE INFORMATION.

>> SURE.

WE COULD BUY THEM CURTAINS.

I'M KIDDING.

DON'T.

I'M KIDDING.

>> C. Olson: THEY GET WESTERN LIGHT.

THEY SHOULDN'T HAVE TO HAVE CURTAINS.

>> S. O'Keefe: DON'T BE A COMEDIAN, MARK.

KEEP YOUR JOB.

ANY OTHER QUESTIONS?

OKAY.

WE CAN CLOSE THE PUBLIC HEARING, THEN.

THANK YOU VERY MUCH.

>> THANKS.

>> S. O'Keefe: I'LL OPEN IT UP FOR BOARD COMMENTS AND
MAYBE ONE-DAY MOTIONS.

BEFORE WE START, THIS MIGHT BE A GOOD TIME, LESLIE.

DID YOU WANT TO SAY SOMETHING?

>> I DID, THANK YOU.

THERE WAS A CONDITIONAL OF APPROVAL I HAD MEANT TO ADD
TO THE DRAFT FINDINGS AND CONDITIONS IN FRONT OF YOU.

AND THAT IS THAT PRIOR TO THE ISSUANCE OF A BUILDING
PERMIT ON THE EXISTING UNITS, THE EXISTING BUILDINGS THAT THE
APPLICANT OR THE -- A DEMOLITION SCHEMATIC OF THE EXTERIOR WALLS
AND ROOF TO ENSURE THAT WHAT IS BEING -- WELL, THIS WOULDN'T BE

PART OF THE CONDITION, TO SUBMIT A DEMOLITION SCHEMATIC TO ENSURE IT IS NOT A DEM LICENSE.

SINCE THEY WOULD GO UNDER SUBSTANTIAL RENOVATION AND CONSTRUCTION, THEY ARE OLDER UNITS, EVEN IF THE INITIAL INTENT ISN'T TO BE A DEMOLITION, WE HAVE SEEN INADVERTENT DEMOLITIONS COME BEFORE THE BOARD.

THAT WOULD BE TO PREVENT THAT.

>> S. O'Keefe: THANKS.

>> THERE WAS A -- THERE'S ANOTHER CONDITION OF APPROVAL I WANT TO CALL YOUR ATTENTION TO.

THERE'S A MISTAKE.

IT IS CORRECT IN THE FINDINGS AND IN THE PROJECT DESCRIPTION BUT CONDITION 42(B), INSTEAD OF PROVIDING THE 2.2 INCLUSIONARY, I.E. OWNERSHIP UNITS IT IS IT'S 1.2.

WE'RE ONLY PROPOSING SIX NEW UNITS AND A 0.2 IN LIEU FRACTIONAL FEE.

>> S. O'Keefe: IS THAT CORRECT, STAFF?

I THOUGHT IT WAS 2.2.

>> Staff: I WILL DO THE MATH AGAIN WHEN I GET HERE.

I DON'T FEEL COMFORTABLE DOING IT UNDER PRESSURE.

AND I WILL CORRECT IT IF NECESSARY.

>> S. O'Keefe: I NEVER MAKE MY STUDENTS DO MATH UNDER PRESSURE.

THANK YOU.

PLEASE CHECK INTO THAT.

WHATEVER IS RIGHT, WE'LL MAKE SURE IT'S CORRECT IN THE FINDINGS.

OKAY.

>> THANK YOU.

>> S. O'Keefe: COMMENTS.

WE'VE GOT A COUPLE ISSUES.

WE'VE GOT THE FLOOR PLAN AND THE DENSITY.

WE'VE GOT GEOLOGICAL, GEOTECHNICAL ISSUES.

WE'VE GOT PARKING.

WE'VE TALKED A LITTLE BIT ABOUT PRIVACY FOR THE NEIGHBORS.

MIGHT BE OTHERS BUT LET'S TRY TO KEEP IT TOPIC BY TOPIC.

LET'S TALK ABOUT FLOOR PLANS.

FIRST.

CARRIE, YOU CAN START US OFF.

>> C. Olson: SOME OF THE FLOOR PLANS TO ME LOOK REASONABLE.

TWO BEDROOMS, TWO BATHROOMS, I THINK THAT'S REASONABLE.

I FIND FOUR BEDROOMS, FOUR BATHROOMS AS OVER THE TOP.

IF IT WERE NEXT TO CAMPUS OR NEAR CAMPUS AND WE KNEW THEY WERE TRYING TO GET STUDENTS, IT WOULD SEEM LOGICAL BUT THIS IS A NEIGHBORHOOD OF FAMILIES AND AS THE FOLKS IN THE NEIGHBORHOOD HAVE TOLD US, THEY WANT TO HAVE AFFORDABLE HOUSING

AVAILABLE IN THEIR NEIGHBORHOOD AND THAT WOULD BE AFFORDABLE FOR FAMILIES AND NOT STUDENTS SO IT IS A DIFFERENT DYNAMIC.

THOUGH I WOULD THINK THAT WE WOULD BE LOOKING AT FOUR BEDROOMS, TWO BATHS, AND THE ADDITIONAL SPACE COULD GO TO HAVING LARGER AREA.

>> I THINK ONE OF THE THINGS THAT THEY OFFERED WAS THE WILLINGNESS TO REDUCE TO THE THREE BATHROOMS AND I WOULDN'T BE OPPOSED TO MAKING THAT A CONDITION.

IF THEY'RE WILLING TO PASS THE SAVINGS ON WHICH REMAINS TO BE SEEN, IT WOULD HELP WITH AFFORDABILITY TOO.

THAT SOUNDS FINE TO ME.

>> S. O'Keefe: I RECALL THE APPLICANT EXPRESSED WILLINGNESS TO DO THAT.

THAT SEEMS LIKE UNLESS THERE'S AN OBJECTION, THAT MIGHT BE SOMETHING THAT SHOULD GO INTO A MOTION THAT MIGHT BE MADE AT SOME POINT.

>> I KIND OF THINK THAT'S A LITTLE BIT OF MICROMANAGING.

I THINK THEY DID SAY A REAL ESTATE AGENT WAS INVOLVED BUT I WOULDN'T OBJECT TO IT IF EVERYBODY ELSE WANTS IT.

I DO THINK THAT'S A LITTLE -- I DON'T THINK IT NEEDS OUR ADJUSTMENT.

IF THE REASON WE'RE DOING IT, I'M JUST NOT SURE, BECAUSE I THINK NOWADAYS MORE AND MORE PEOPLE ARE GETTING MARRIED LATE, THEY'RE SHARING HOUSING, THEY WANT THEIR OWN

BATHROOM AND A LOT OF SINGLE PEOPLE ARE LIVING TOGETHER AS GROUPS.

MORE AND MORE.

AND I THINK THEY OFTEN DO WANT THEIR OWN BATHROOM, ESPECIALLY IF YOU HAVE A PARENT, ONE OF THEM HAS SOME KIDS.

SO ANYWAY, I DON'T KNOW IF IT'S TOTALLY NECESSARY.

WHAT ARE WE GETTING FOR IT, CARRIE?

WHAT DO YOU FEEL WE'RE GETTING FOR THAT SUGGESTION?

ARE YOU TRYING TO REDUCE THE BULK?

>> C. Olson: I'M NOT TRYING TO REDUCE THE BULK AT ALL.

WE HAD -- YOU WEREN'T HERE AT THE BEGINNING OF THE CONVERSATION AND WE HAD --

>> T. Clarke: YOU WERE WORRIED ABOUT THE MINI DORM?

>> C. Olson: THE NEIGHBORHOOD IS CONCERNED THAT THIS IS A DIFFERENT KIND OF USE FOR THEM.

THE APPLICANT HAS SAID THIS IS MEANT TO BE HOUSING THAT ENCOURAGES FAMILIES TO MOVE IN.

IT EXPRESSLY SAID THAT IT WASN'T MINI DORM.

SO IF WE'RE ENCOURAGING FAMILIES TO COME IN THAT ARE HAVING TWO OR AS CHARLES MENTIONED THREE BATHROOMS INSTEAD OF FOUR, IMPLIES THAT YOU'RE NOT --

>> T. Clarke: THAT'S WHAT YOUR CONCERN IS.

>> C. Olson: YEAH.

>> T. Clarke: I'M FEELING THE FAMILY UNIT IS CHANGING AND BATHROOMS IS A LITTLE MUCH.

I DON'T NECESSARILY WANT TO MICROMANAGE THAT.

I DO FEEL THAT'S THEIR CHOICE AS THE BUILDER AND THE DESIGNER.

AND THE MARKETER.

BUT AGAIN, IF WE'RE CONCERNED THAT IT'S GOING TO BE -- I MEAN, IF THESE ARE GOING TO BE CONDOMINIUMS, YOU KNOW, THEY'RE NOT GOING TO BE RENTALS.

IN FACT, I THINK IF THEY STAY AS RENTALS, IT WOULD BE GOOD TO HAVE IT THAT WAY.

BECAUSE IT WOULD ENCOURAGE MORE HOUSING FOR SINGLES THAT WE HAVE AND THE 20-SOMETHINGS AND THE 30-SOMETHINGS WHO AREN'T GETTING MARRIED.

SO I KIND OF FEEL IT'S LIKE A MORE FLEXIBLE MODEL.

BUT WE DON'T KNOW WHO IS GOING TO LIVE THERE.

SO ANYWAY, I FEEL LIKE THAT'S WHY I DON'T WANT TO NECESSARILY MOVE THERE INTO THAT.

TO ME, I DON'T KNOW HOW IT RELATES TO OUR ZONING EXACTLY.

>> S. O'Keefe: TERESA, CAN I RESPOND.

I'M OFTEN ON YOUR SIDE.

I ALSO HIGHLY RESIST MICROMANAGING.

I FEEL LIKE IN THIS CASE IT'S A GOOD IDEA BECAUSE THE GOAL EXPRESSED BY MOST OF THE MEMBERS OF THE BOARD HAVE EXPRESSED SUPPORT FOR THIS IS TO MAKE THIS UNIT, WE CAN'T CONTROL WHO WILL LIVE THERE OF COURSE BUT MAKE IT MORE APPEALING

TO A FAMILY AND LESS APPEALING TO A BUNCH OF PEOPLE AND I THINK THERE IS VERY LEGITIMATE NEIGHBORHOOD CONCERN THAT THIS IS A VERY HEAVY USE IN A RESIDENTIAL NEIGHBORHOOD.

IF IT WAS RENTED OUT BY A BUNCH OF STRANGERS, IT COULD HAVE UP TO NINE PEOPLE, TWO PER BEDROOM PLUS ONE IS THE MAXIMUM.

I THINK THAT THAT'S LEGAL.

AND SO IF THAT TYPE OF -- IF IT WAS USED IN THAT WAY AND THEN I THINK IT WOULD BE PROBABLY TOO HEAVY A USE FOR THE NEIGHBORHOOD.

IT WOULD BE TOO MUCH OF A DENSITY.

BUT IF IT WAS A FAMILY, IT WOULD PROBABLY NOT HAVE NINE PEOPLE.

I THINK WHAT WE'RE TRYING TO DO IS JUST MAKE IT JUST EDGE IT A LITTLE BIT TO THE FAMILY AND LESS TO THE STUDENTS LIVING TOGETHER AND WE CAN'T CONTROL THAT.

>> T. Clarke: WE CAN'T CONTROL IT AND IT IS DISCRIMINATORY.

>> S. O'Keefe: NOR SHOULD WE.

GIVEN THE APPLICANT'S WILLINGNESS TO DO AND THE LOGIC AND ALLEVIATES THE CONCERN OF THE NEIGHBORHOOD I SUPPORT IT EVEN THOUGH I DON'T USUALLY SUPPORT THAT TYPE OF THING.

>> I HATE TO JUMP IN AND BELABOR THIS POINT BECAUSE IT'S LATE AND WE HAVE ANOTHER PROJECT GET TO BUT I DO WITH TERESA'S INCLINATION THAT IT'S MICROMANAGING.

FAMILIES LOOK DIFFERENT THESE DAYS.

A FAMILY AS THE NEIGHBORHOOD ENVISIONS IN THE DEVELOPMENT ENVISIONS, FAMILIES ARE INTERGENERATIONAL, FAMILIES MAY HAVE A KID THAT MOVES BACK IN AND MOVES HOME AND I WOULDN'T WANT TO SET A PRECEDENT THAT THE ZAB IS MANDATING MORE BATHROOMS OR FEWER BATHROOMS.

IF THIS IS A PRODUCT THE DEVELOPER IS TAKING A RISK ON AND THINKS IT IS MARKETABLE, GOOD.

LET HIM TAKE THE NOSEDIVE.

IF IT IS NOT MARKETABLE AS THE PRODUCT THEY'RE BUILDING.

EXCUSE US.

GO AHEAD.

>> S. O'Keefe: LEAH.

>> L. Simon-Weisberg: I THINK WHAT WHEN WE SAY FAMILIES, AT LEAST I THINK WHAT I'M TALKING ABOUT IS FOLKS WHO THERE ARE CHILDREN INVOLVED AND THEY ARE INTERGENERATIONAL AND I THINK IT IS VERY DIFFICULT TO FIND HOUSING.

IT IS ACTUALLY MUCH HARDER THAN IT IS TO FIND HOUSING FOR SINGLE FOLKS AND I THINK THAT IT IS IMPORTANT FOR US TO BE ENCOURAGING THAT.

I MEAN, I THINK THAT IT IS FAMILIES MOSTLY MOVING OUT OF BERKELEY.

IT IS NOT SINGLE FOLKS.

SINGLE FOLKS ARE COMING IN.

THAT'S BECAUSE SO MUCH OF OUR NEW CONSTRUCTION WAS BUILT WITH THE IDEA THAT THEY CAN MAINTAIN HIGH RENTS BY HAVING LOTS OF WORKING INDIVIDUALS BUT NOT THAT WORKING INDIVIDUALS NECESSARILY THRIVE IN THOSE KIND OF ENVIRONMENTS.

SO I DO THINK IT IS IMPORTANT AND ONE OF THE THINGS I LOOKED AT WAS WHERE THE KIDS ARE SUPPOSED TO PLAY.

I SPENT QUITE A BIT OF TIME THIS SUMMER IN SEVERAL EUROPEAN COUNTRIES AND IT WAS EVERYONE IS LIVING IN APARTMENTS BUT THERE'S STILL SPACES FOR CHILDREN TO PLAY IN THOSE HIGHLY DENSE AREAS.

SO I DON'T THINK THAT -- SO I THINK THAT WE REALLY DO HAVE TO BE THINKING ABOUT HOW DO WE CREATE HOUSING FOR CHILDREN TO GROW UP AND BECAUSE THEY'RE NOT GOING TO GROW UP IN SINGLE-FAMILY HOMES ANYMORE.

AND SO YOU KNOW, I THINK THAT YOU CAN MARK IT ANYTHING -- YOU CAN MARKET ANYTHING AND YOU WILL FIND HOUSING.

I HAD PEOPLE WHERE LIVING IN STORAGE SPACES IN A LARGE COMMERCIAL SPACE THAT WERE REALLY INTENDED TO STORE FOOD.

I THINK RIGHT NOW TO SAY BUILD IT AND PEOPLE LIVE IN IT.

I THINK THE QUESTION IS ENCOURAGING PLACES WHERE PEOPLE WILL THRIVE.

SO I WOULD SUPPORT IT, I WOULD ONLY WANT TO SUPPORT THIS PROJECT IF IT INCLUDED ENCOURAGING THAT THESE WOULD BE SPACES THAT WOULD HAVE MORE COMMUNAL SPACE WITH THE IDEA THEY

WOULD BE INTERGENERATIONAL MEANING PARENTS AND KIDS AND I THINK THAT FOLKS THAT ARE -- WHETHER YOU ARE -- WHATEVER THE RELATIONSHIP IS, THERE'S A DIFFERENCE BETWEEN WHEN COMMUNITIES THAT ARE ABLE TO SHARE A BATHROOM AND NOT, REGARDLESS OF WHETHER THEY'RE A FAMILY OR SINGLE FAMILY OR PARTNERS OR WHATEVER.

>> S. O'Keefe: LEAH.

JACKIE IS NEXT.

BUT LEAH, JUST TO CLARIFY, WE ALL WANT TO RESPOND IF THAT'S OKAY.

IF YOU COULD TAKE THAT IDEA AND PUT IT INTO A MORE CONCRETE SUGGESTION.

ELIMINATING A BATHROOM IS ONE THING THAT GOES TOWARDS WHAT YOU ARE SAYING BUT IF YOU HAVE ONE THING YOU WANT TO SUGGEST.

>> I HAVE NO IDEA WHETHER SHE'S AGREEING TO ELIMINATING A BATHROOM OR NOT.

>> S. O'Keefe: LET'S LET JACKIE SPEAK.

>> PART OF WHAT'S HARD IS WE'RE GOING TOPIC BY TOPIC.

I CAN MAKE A MOTION AFTER WE ALL TALK THROUGH.

>> S. O'Keefe: JUST THINK ABOUT THAT.

I WOULD LOVE TO HEAR WHAT YOUR IDEAS ARE.

JACKIE.

>> I THINK THE ISSUE WITH FOUR BATHROOMS, WHETHER OR NOT FOLKS WHO LIVE THERE REGARDLESS OF THEIR FAMILY STATUS, FOUR BATHROOMS FOR FOUR BEDROOMS ENCOURAGES REALLY PACKING FOLKS INTO

THE UNIT, TEN, ELEVEN, TWELVE IN A WAY THAT FOUR BEDROOMS
DOESN'T ORIGINALLY SUGGEST.

I THINK THAT'S REALLY WHAT THE ISSUE IS AND WHY FOUR
BATHROOMS, AGAIN, WHETHER IT'S FAMILIES, WHETHER IT'S NOT,
APPEARS TO BE A PROBLEM.

>> S. O'Keefe: SALVAN.

>> HAS EVERYONE COMMENTED ON THIS ISSUE?

>> S. Hauser: IT SOUNDS LIKE MOST PEOPLE ARE -- I
ASKED THE QUESTION WHAT ARE WE TRYING TO ACCOMPLISH HERE.

WE'RE TRYING TO ACCOMPLISH LIKE A CALM, SAFE LIVING
SITUATION.

I THINK THAT IS REGULATED IN OTHER WAYS.

NOISE ORDINANCES AND THINGS LIKE THAT AND ALL WE'RE
DOING IS CREATING ADDITIONAL LINES FOR THE BATHROOM, WAITING IN
LINE FOR THE BATHROOM IF GRANDMA IS USING THE BATHROOM TOO LONG.

I THINK WE SHOULD NOT SET A PRECEDENT OF MICROMANAGING
THESE THINGS AND MOVE ON.

BUT I KNOW I'M THE MINORITY HERE.

>> S. O'Keefe: THAT'S OKAY.

MAYBE IF MARIA WANTS TO RESPOND.

I WOULD LIKE TO REQUEST WE MOVE ON FROM THIS ISSUE.

I THINK MOST PEOPLE HAD A CHANCE TO COMMENT.

WE CAN VOTE ON IT ONE WAY OR ANOTHER BUT PLEASE SPEAK.

>> MY CONCERN IS MORE THAT'S AN EXCELLENT SET-UP FOR
SHORT-TERM RENTALS THAT SOMEBODY WOULD BUY THAT AND THEN CONVERT

THE USE INTO SHORT-TERM RENTALS AND THAT REALLY DESTABILIZES COMMUNITIES AND DRIVES UP RENTS FOR ALL THE PEOPLE WHO ARE ADJACENT AND FOR THE WHOLE CITY AND THAT'S A REALLY NEGATIVE IMPACT.

THAT'S NOT WHAT THE DEVELOPER SAID THEY HAVE IN MIND.

THEY HAVEN'T SAID WHAT THEY HAVE IN MIND BUT THIS IS A GOOD SET-UP FOR THAT.

IF I WAS AN INVESTOR WHO WANTED TO DO SOMETHING LIKE THAT AND THAT EXISTS ALL OVER NEW YORK AND OTHER PLACES, PROPERTIES THAT ARE EMPTY THAT BASICALLY HAVE SOMEBODY WHO IS A HOST, SOMEBODY WHO HAS PAID WHO DOESN'T EVEN LIVE THERE, IT SEEMS REALLY WELL SET UP FOR THAT.

THAT HAS NOT BEEN STATED AS THE INTENTION BUT I COULD SEE THAT BECOMING THE OUTCOME AND HAVING REALLY NEGATIVE IMPACTS ON THE COMMUNITY.

I LIVE A FEW BLOCKS FROM THERE.

AIRBNBS, THEY'RE NOT PEOPLE WHO ARE INVESTED IN OUR COMMUNITY.

THEY DRIVE UP THE RENTS.

THEY DON'T KNOW PEOPLE.

I'M CONCERNED ABOUT THAT.

AND THAT'S TRULY NOT WHAT IS BEING PROPOSED BUT I'M AFRAID THAT THAT'S GOING TO BE THE IMPACT.

>> S. O'Keefe: ONE THING TO KEEP IN MIND IS THAT IT DOESN'T MATTER -- I TAKE THE APPLICANT AT THEIR WORD THAT THAT'S NOT THEIR INTENTION.

HOWEVER, THEY COULD SELL IT TO SOMEBODY.

WE ALWAYS NEED TO REMEMBER ESPECIALLY FOR THOSE OF YOU WHO ARE NEW TO REALLY LOOK AT THE BONES OF THE PROJECT AND WHAT'S ALLOWED AND WHAT'S IN THE FINANCE AND CONDITIONS.

THAT'S WHAT WE NEED TO BE DECIDING ON.

NOT THE INTENTION OF THE APPLICANT.

BECAUSE THEY COULD SELL IT TO SOMEONE ELSE WITH DIFFERENT INTENTIONS.

WE NEED TO MAKE SURE OUR HOPES ARE PRESENTED IN WHAT WITH PASS ON PAPER.

ANY OTHER COMMENTS ABOUT FLOOR PLANS?

GREAT.

SHOULD WE DO -- I JUST HAVE NEXT ON MY RANDOM LIST THE GEOTECHNICAL DRAINAGE ISSUES.

ANYONE WANT TO SPEAK ABOUT THAT?

CHARLES.

>> C. Kahn: COULD I SPEAK TO THAT.

SO IT IS LIKELY AS STAFF HAS POINTED OUT THAT ALMOST CERTAIN THAT THE BUILDING DEPARTMENT WOULD REQUIRE A GEOTECHNICAL INVESTIGATION AS PART OF THIS PROJECT.

IT CERTAINLY WOULD BE WELL-ADVISED FOR THE OWNER AND THE ARCHITECT TO DO THAT BECAUSE THEY DON'T WANT FLOODING.

IN THEIR OWN UNITS.

BUT WE ARE EMPOWERED TO MAKE IT A CONDITION PER THE STAFF'S TESTIMONY OF THIS.

IF WE MAKE A MOTION FOR APPROVAL.

AND I WOULD WANT TO DO THAT.

I THINK IT ASSURES -- IT ANSWERS A BIG CONCERN THAT THE COMMUNITY HAS BROUGHT TO BEAR ON WHAT THEY CONSIDER A SAFETY ISSUE, WHETHER OTHER PEOPLE MAY OR MAY NOT AGREE WITH THEM ON THAT.

AND THE GEOTECHNICAL REPORT IS THE ONLY WAY TO ADDRESS THE SUBSURFACE GROUNDWATER ISSUE AS POINTED OUT BY THEIR GEOTECHNICAL -- I MEAN BY THEIR HYDROLOGY EXPERT.

SO IT IS IN EVERYBODY'S INTERESTS TO DO IT.

I THINK WE SHOULD MAKE IT A CONDITION OF WHATEVER WE PROPOSE TONIGHT.

I WANT TO MENTION FOR EVERYBODY'S BENEFIT THE MET FOUNDATION THAT WAS REFERENCED HERE BECAUSE THERE'S CONCERN, PRESSED BY THE COMMUNITY OF LIQUEFACTION AND SOME OTHER TERMS WE'VE HEARD, THE EARTHQUAKE AND SO FORTH.

THE MET FOUNDATION, I'VE ONLY DONE IT ONE TIME IN MY 30 YEARS AS AN ARCHITECT AND WE DID IT WHEN WE WERE CONCERNED ABOUT THE SOIL QUALITY WITH CLAY SOILS LIKE THEY DESCRIBED, IT IS VERY EXPENSIVE TO DO.

IT IS A TWO-FOOT-THICK TYPICALLY SLAB OF CONCRETE.

THAT'S A LOT OF CONCRETE.

QUITE EXPENSIVE BUT YOU DON'T DO PIERS.

YOU'RE ESSENTIALLY CREATING A BOAT.

THE WHOLE THING IS LIKE THIS BOAT THAT'S FLOATING ON
THE EARTH.

AND IT'S THE SAFEST BUT ALSO THE MOST EXPENSIVE
FOUNDATION I'M AWARE OF.

SO THAT'S WHAT DEBBIE WANTS TO DO.

IT'S PROBABLY SMART FOR HER TO DO IT BECAUSE SHE'S THE
ONE GETTING SUED IF IT DOESN'T WORK.

BUT THE GEOTECHNICAL REPORT WOULD PROBABLY DICTATE
THAT ANYWAY IF THE SITUATION IS AS DIRE AS THE COMMUNITY HAS
INDICATED.

>> S. O'Keefe: LEAH AND THEN TERESA.

>> L. Simon-Weisberg: COULD I ASK QUESTIONS
ABOUT -- IF THEY WERE REQUIRED TO DO THAT REPORT AND THEN IT
CAME BACK SAYING IT CAN'T TAKE THAT WHOLE BUILDING.

>> C. Kahn: YOU CAN'T DO IT?

>> L. Simon-Weisberg: I DON'T KNOW IF THIS IS A
QUESTION TO STAFF BUT HOW PROCEDURALLY WOULD THAT -- WHO WOULD
SAY NOW YOU CAN'T DO IT?

>> IF IT DOESN'T GET APPROVED BY THE BUILDING AND
SAFETY DIVISION, THE BUILDING PERMIT BASED ON WHAT THEY'RE
PROPOSING AND WHAT THE GEOTECHNICAL SAYS THE BUILDING PERMIT
WOULD NOT BE ISSUED AND IT WOULDN'T BE CONSTRUCTED.

THIS MAY BE A RELATED QUESTION.

IF THERE'S MAJOR MODIFICATIONS THAT ARE REQUIRED THAT WOULD CHANGE THE MASSING OR WHAT HAVE YOU OF THE BUILDINGS, THAT WOULD THEN COME BACK TO THE BOARD AS THE MODIFICATION IF IT WERE DO A TWO OR ONE-FOOT SLAB, NO, IF IT DIDN'T CHANGE IT.

BUT IF IT RAISED THE HEIGHT OR REQUIRED A DIFFERENT MASSING SET-UP, IT WOULD COME BACK TO YOU ALL.

>> C. Kahn: PRACTICALLY SPEAKING WHAT HAPPENS IS THE GEOTECHNICAL ENGINEER IS THE EXPERT ON THE QUALITY OF THE SOILS, THE MOISTURE CONTENT, ALL THOSE THINGS.

THEY DO THEIR ANALYSIS, THEY HIRE PEOPLE TO DO THE BORINGS, THE TESTING BUT IT IS ANALYZED BY THE GEOTECHNICAL ENGINEER.

THAT REPORT IS PROVIDED BY THE ARCHITECT TO THE BUILDING DEPARTMENT AT THE TIME OF APPLICATION.

AND THE STRUCTURAL ENGINEER FOR THE PROJECT AND THE ARCHITECT FOR THE PROJECT ARE OBLIGATED TO FOLLOW THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT.

OTHERWISE, THE BUILDING PERMIT ISN'T GRANTED.

AND THEY'RE SMART TO FOLLOW THEM TOO BECAUSE IF THEY DON'T, IF THEY WOULDN'T FOR ANY REASON, IT WOULD BE AT THEIR RISK.

IT IS A LEGAL REQUIREMENT.

SO IT IS FOUND BY THE GEOTECHNICAL REPORT THAT IT IS NOT SAFE TO BUILD IN THIS LOCATION, THEY WILL NOT BE ALLOWED TO BUILD THOSE UNITS THERE.

YOU HAVE TO FOLLOW THE GEOTECHNICAL REPORT.

>> Staff: I WOULD LIKE TO PIGGYBACK ON THAT.

AS WE CAN SEE, THAT AREA OF BERKELEY IS COVERED WITH SINGLE-FAMILY HOMES AND APARTMENTS SO THERE ARE A RANGE OF CONSTRUCTION -- I ASSUME THERE ARE A RANGE OF CONSTRUCTION TECHNIQUES FOR FOUNDATIONS THAT WOULD MEET THE BUILDING CODE.

AND GOING BACK TO LESLIE'S POINT OF WELL, IF THERE'S A DIFFERENT FOUNDATION AND CONSTRUCTION TECHNIQUES THAT'S NEEDED THAT RESULTS IN A DIFFERENT MASSING OR ADDITIONAL SQUARE FOOTAGE OF SOMETHING OF THAT NATURE THAT IMPACTS THE ENVELOPE BASICALLY THAT'S APPROVED THIS EVENING, THEN IT WOULD LIKELY NEED TO RETURN TO THE ZONING ADJUSTMENTS BOARD FOR A MODIFICATION OF THEIR USE PERMIT.

>> L. Simon-Weisberg: CAN I ASK A FOLLOW-UP QUESTION.

>> S. O'Keefe: GO AHEAD.

>> L. Simon-Weisberg: ONE OF THE FOLKS ARE ASKING THAT A CEQA REPORT BE DONE INSTEAD OF JUST THAT PIECE IS THAT SOMETHING DONE DURING CEQA.

IS THAT A PART OF THAT?

>> Staff: I WOULD LIKE TO ANSWER THAT ONE AS STAFF WITH CEQA EXPERIENCE.

I WOULD SAY UNDER THAT SECTION OF AN INITIAL STUDY CHECKLIST, THE ROUTINE ANSWER IS THIS DEVELOPMENT WOULD BE SUBJECT TO THE STATE BUILDING CODE AND ANY RAMIFICATION OR TO ACCOMMODATE THE SOIL SEASONS AND HYDROLOGY CONDITIONS, YOU WILL

DO IT AT THE BUILDING PERMIT STAGE AND THAT'S SO FROM A CEQA ANSWER, I'M NOT SURE.

I DON'T THINK YOU WOULD GET ANYTHING.

YOU WOULD GET MORE PUBLIC DISCLOSURE AND MORE CIRCULATION OF YOU WOULD CIRCULATE AN INITIAL STUDY, THERE WOULD BE OPPORTUNITIES FOR PEOPLE TO COMMENT ON IT AND THAT WOULD COME BACK TO THE ZAB.

THE END RESULT OF HAVING A GEOTECHNICAL REPORT AND HOW THE FOUNDATION WOULD BE CONSTRUCTED THAT WOULD BE THE SAME.

>> L. Simon-Weisberg: CAN I ASK ONE MORE QUESTION.

ONE OF THE THINGS GOING THROUGH MY HEAD IS THAT ONE OF THE EASIEST THINGS TO APPEAL IS THAT A CEQA WASN'T DONE WHEN IT SHOULD HAVE BEEN DONE AND IT SOUNDS LIKE THERE'S SPECIAL EXEMPTIONS.

I MEAN, DOES THE STAFF HAVE ANY CONCERNS ABOUT THAT?

BECAUSE YOU WERE SAYING THAT IT SEEMS TO ME IF THEY'RE SPECIAL, THEN THE STAFF FOUND THAT THERE WASN'T --

>> Staff: I THINK STAFF -- SO STAFF IS VERY COMFORTABLE WITH THE INFILL EXEMPTION THAT WE HAVE NOTED ON THE STAFF REPORT.

I DON'T WANT TO SAY IT'S NOT -- THERE IS CEQA REVIEW, WE'VE LOOKED AT THIS APPLICATION AND DETERMINED IT MEETS THE INFILL EXEMPTION.

>> S. O'Keefe: THAT WAS LEAH.

TERESA.

>> T. Clarke: I WAS GOING TO KIND OF TALK ABOUT HOW THIS IS STANDARD.

I MEAN, THIS IS A STANDARD OPERATING PROCEDURE.

YOU GET A GEOTECHNICAL REPORT, THE STRUCTURE ENGINEER USES THAT REPORT TO DESIGN THE FOUNDATION AND ANY GROUND IMPROVEMENTS THAT WOULD BE MADE.

SO IF THE PERSON, IF THE DEVELOPER DID HAVE A VERY BAD SOIL OR VERY SOIL THAT IS SUBJECT TO LIQUEFACTION, YOU CAN PUT IN DRILL DISPLACEMENT COLUMNS.

THOSE STIFFEN THE SOIL.

WE WERE DOING THAT FOR AN EIGHT-STOREY BUILDING.

IT IS REALLY COMMON.

BASICALLY WHAT THE GEOTECHNICAL ENGINEER WOULD DO IS TELL YOU WHAT YOU NEED TO DO TO BUILD YOUR BUILDING ON THE SOIL THAT YOU HAVE.

SO I THINK THAT'S NOT A CONCERN AND I THINK THE GROUNDWATER CAN BE DEALT WITH.

THAT'S GOING TO BE DEALT WITH BY THE WATERPROOFING CONSULTANT.

IF THERE'S GROUNDWATER PUSHING UP AGAINST THE BOTTOM OF THE MATS LAB, THAT WILL BE DEALT WITH THERE IF THE GROUNDWATER IS VERY HIGH.

IN TERMS OF THE CIVIL ENGINEERING, THEY WILL BE REQUIRED TO PROVIDE A WAY FOR STORMWATER, THAT'S THE NEW CODE ALSO, WHICH IS STORMWATER -- THEY HAVE TO DO IT DURING

CONSTRUCTION, POLLUTION PREVENTION PLAN AS WELL AS THE PROJECT WILL HAVE TO HAVE AN AREA FOR STORMWATER TO EITHER COLLECT OR BE RETAINED IN THE PLANTERS.

I MEAN, THEY MIGHT HAVE EXPLAINED A LOT OF THAT IN THEIR PRESENTATION.

SO IT IS REALLY STANDARD OPERATING PROCEDURE.

I WOULDN'T BE CONCERNED.

MAYBE WE CAN VERY WELL PUT THE GEOTECHNICAL IN AS A CONDITION, BUT THAT'S PRETTY MUCH REQUIRED.

>> C. Kahn: I WOULD LIKE TO ADD THAT THE CIVIL ENGINEER WILL BE REQUIRED ON THIS PROJECT BECAUSE OF THE GROUNDWATER DRAINAGE AND THE CIVIL ENGINEER, YOU HAVE ALL THESE ENGINEERS WITH THEIR SPECIFIC RESPONSIBILITIES.

THE GEOTECHNICAL IS ABOUT THE SOIL.

CIVIL ENGINEER IS REQUIRED AND IS BOUND TO DRAIN THE WATER OFF THE SITE.

IF IT FAILS TO DRAIN, IF IT DOES PUDDLE AND IF IT DOES GOES TO THE NEIGHBOR'S SITE, THEY'RE LIABLE.

YOU CAN BE SURE THEY'RE GOING A GOOD JOB ON THAT.

THEY'RE GOING TO HAVE TO A CIVIL ENGINEER BY THE BUILDING REQUIREMENT.

I WOULD BE COMFORTABLE WITH THAT.

I THINK WE NEED TO ADDRESS THE NEIGHBORHOOD CONCERNS ABOUT THESE THINGS.

THAT THERE ARE QUALIFIED, CAPABLE PEOPLE AND THEY'RE
GOOD.

YOU SHOULD READ SOME OF THE REPORTS SOMETIME.

THEY TAKE THEIR WORK VERY SERIOUSLY.

THEY'RE CONSCIENTIOUS PEOPLE.

THEY'RE ENGINEERS.

THAT'S WHAT THEY DO FOR A LIVING.

>> S. O'Keefe: CARRIE.

>> C. Olson: JUST TO FOLLOW UP, BECAUSE THERE ARE
FOLKS WHO LIVE HERE AND IT SEEMS PART OF THE CONCERN WE'VE HEARD
AND I KNOW BECAUSE THERE IS NOT THE FIRST TIME I'VE DEALT WITH A
PROJECT ON THIS SITE.

NICE TO SEE YOU ALL AGAIN.

IT'S LIKE A COMMUNITY CONCERN.

THIS HAS BEEN LIKE THE YELLOW TRIANGLE ISN'T JUST THE
YELLOW TRIANGLE IN THAT BACKYARD OF THAT HOUSE.

IT'S THE NEIGHBORS ALL DEAL WITH IT.

THE TRUTH IS, MOST OF BERKELEY HAS THIS BECAUSE WE'RE
ALL ON A SLOPE, RIGHT, SO ONE PERSON'S PROBLEM BECOMES THE NEXT
NEIGHBOR DOWN'S PROBLEM AND THAT'S THE WAY IT GOES.

BUT THE ASSURANCE THAT I THINK FOLKS WANT TO HEAR IS
THAT WHEN THIS CIVIL ENGINEER AND CITY PROCESS HAPPENS, IS IF
THERE'S SOMETHING THAT MIGHT AFFECT THE NEIGHBORS, THEY TAKE IT
SERIOUSLY, BECAUSE OTHERWISE, THERE WILL BE LAWSUITS.

IS THAT RIGHT?

SO THEIR JOB IS NOT JUST TO PROTECT THE PARCELS THAT THEY'RE DEALING WITH BUT ALSO ALL THE ADJACENT PARCELS AND I JUST WANT TO GIVE ASSURANCE THAT THAT'S WHAT WE'RE BEING TOLD.

OKAY.

>> S. O'Keefe: COMMENTS ON THIS ISSUE.

I'M FEELING PRETTY SATISFIED MYSELF.

THE NEXT ONE I LISTED IN RANDOM ORDER IS RENTERS PROTECTIONS.

AND THEN I ACTUALLY DON'T HAVE ANY MORE BUT THERE'S PROBABLY AT LEAST TWO MORE I FORGOT.

CAN WE DO RENTERS PROTECTIONS?

PEOPLE HAVE THINGS TO SAY ABOUT THAT.

CERTAINLY WAS A CONCERN EARLY ON.

>> T. Clarke: I THINK THE RENT A BOARD PROTECTIONS ARE PRETTY STRONG AND THEY NEED TO BE FOLLOWED.

I THINK THE RENTERS ARE AWARE OF THOSE.

THE ZONING BOARD I DON'T THINK CAN IMPOSE ADDITIONAL RENT BOARD MEASURES BUT I MEAN, WHAT WE'VE DONE IN THE PAST IS WE'VE JUST EMPHASIZED THAT IN OUR CONDITIONS THAT THEY'RE GIVEN NOTICE, PROPER NOTICE, ET CETERA, ET CETERA.

ON A LOT OF OUR PROJECTS, WE'VE JUST EMPHASIZED THAT IN OUR CONDITIONS OF APPROVAL.

I THINK THAT IS APPROPRIATE IF PEOPLE WANT TO DO THAT.

>> S. O'Keefe: CARRIE AND THEN LEAH.

>> C. Olson: THESE ARE THE THINGS I WROTE DOWN AS WE WERE GOING THROUGH THIS.

THAT THERE WILL BE A NAME AND CONTACT INFORMATION FOR REPRESENTATIVES OF THE PROJECT FOR THE RESIDENTS AND --

>> S. O'Keefe: DURING CONSTRUCTION.

WE CAN INCLUDE THAT.

>> C. Olson: DURING CONSTRUCTION.

AND THAT IF THEY CURRENTLY HAVE PARKING, THERE NEEDS TO BE -- THE EXPECTATION IS THAT PARKING WILL CONTINUE TO BE PROVIDED AND THAT WILL BE UP TO THE APPLICANT TO FIGURE OUT HOW.

THAT THERE BE -- RIGHT NOW NUMBER 15 AND 16 HAVE CONSTRUCTION NOISE MANAGEMENT AND CONSTRUCTION NOISE REDUCTION BUT WHAT WE'RE ACTUALLY LOOKING IS TO HAVE A STEP BEYOND THAT SO THE CONTRACTORS WHEN THEY COME IN KNOW THAT THERE ARE TENANTS ON SITE WHO ARE IN THEIR UNITS AND THEY NEED TO HAVE NOT JUST NOISE BUT ALSO DUST AND DEBRIS CONSIDERATION.

I DON'T KNOW WHAT CAN BE PUT IN THE FINDINGS TO MAKE THAT HAPPEN.

I DON'T KNOW WHAT ELSE WE COULD PROVIDE FOR TENANTS.

AS A ZONING BOARD.

>> S. O'Keefe: WE HAVE A NUMBER OF EXPERTS HERE.

I WOULD LOVE TO HEAR WHAT THEY THINK.

>> L. Simon-Weisberg: SO I THINK THE ONE THING THAT I WOULD BE INTERESTED IN -- NORMALLY IF YOU ARE GOING TO DO MAJOR

CONSTRUCTION ON A RENTAL UNIT, ONE OPTION IS TENANTS CAN MOVE BACK AT THE SAME RENT.

BECAUSE THEY'RE ALLOWED TO STAY AND I THINK OUR CONCERN IS THEY'RE GOING TO BE TORTURED WHETHER INTENTIONALLY OR JUST THE REALITY OF WHAT IT IS LIKE TO HAVE CONSTRUCTION IS THAT AS ONE OF THE CONDITIONS TENANTS WOULD HAVE THAT OPTION TO BE ABLE TO MOVE OUT TEMPORARILY IF THEY CHOSE AND THEY WOULD BE ABLE TO COME BACK AND THEY WOULDN'T BE ABLE TO RERENT THEIR UNIT AT THE TIME.

I THINK THAT THE -- BECAUSE THAT WOULD ENSURE THAT THE VALUE OF NOT HAVING IT BE A VERY DIFFICULT EXPERIENCE WHILE THEY'RE THERE I THINK WOULD BE AN IMPORTANT CONDITION.

I DO LIKE THAT THE ATTEMPT DO THE CONSTRUCTION AROUND SO THAT YOU'RE MAINTAINING THE UNITS THERE BUT I THINK IT IS ALSO CONCERNING ONCE THEY MOVE OUT WE LOSE THAT AFFORDABILITY SO I THINK WE HAVE TO DO EVERYTHING POSSIBLE TO ALLOW FOLKS TO SERIOUSLY BE ABLE TO STAY THERE.

I WOULD ALSO BE INTERESTED IN SOME CONDITIONS THAT TALKED ABOUT IF TENANTS CHOSE TO HAVE UPGRADES THAT THEY WOULD BE DONE.

I DON'T WANT TO HAVE A SITUATION WHERE YOU HAVE CONDOS THAT ARE BRAND NEW AND PURCHASED AND OWNERSHIP AND THEN NEXT TO THEM TENANTS IN VERY DRASTICALLY DIFFERENT CONDITIONS.

AND SO I WOULD LIKE US TO LOOK AT -- I KNOW THEY SAID THERE WOULD BE INDIVIDUAL CONVERSATIONS BUT I MEAN, I WOULD LIKE

THAT TO BE A CONDITION SO THAT WE'RE NOT CREATING TWO CLASSES OF EXISTENCE ON THE SAME PARCEL BUT THAT PEOPLE CAN BE TOGETHER AND I AM VERY CONCERNED THAT THERE'S ABSOLUTELY NO SUPPORT FOR THIS PROJECT IN THIS ROOM AND THAT -- I MEAN, MEANING -- NOT AT ALL SPEAKING ABOUT THE DIAS BUT THERE WASN'T A SINGLE PERSON HERE TO SPEAK SAYING THIS WAS A GOOD IDEA AND THAT I THINK THAT THAT TO ME REFLECTS -- THAT CONCERNS ME THAT THERE WASN'T ANY ATTEMPTS.

I'VE LISTENED TO PROJECTS WHERE THE FIRST TIME THEY CAME, PEOPLE CAME OUT AND WERE NOT HAPPY AND THEN THE NEXT TIME THEY CAME AND PEOPLE ARE SUPPORTIVE AND THEY HAD REALLY WORK IT OUT.

THERE WAS ANOTHER PROJECT, A VERY LARGE ONE THAT THE COMMUNITY DIDN'T SUPPORT AT ALL.

IT WAS REDONE AND NOW IT IS SENIOR AFFORDABLE HOUSING AND THE ENTIRE COMMUNITY CAME OUT TO SUPPORT AND IT I THINK THAT TO ME IS THE EXPECTATION AND I THINK THAT YOU SHOULD BE ABLE TO CREATE SOME COMMUNITY AND WHEN THE COMMUNITY COMES TOGETHER BECAUSE THEY'RE CONCERNED ABOUT THE PROJECT, YOU KNOW, THAT MAKES ME THINK WE HAVE TO BE VERY SPECIFIC ABOUT THE CONDITIONS FOR THE TENANTS LIVING THERE.

AND I MEAN, I FEEL THAT WE SHOULD DO WHAT WE DID IN THOSE OTHER PROJECTS WHERE WE SAID YOU NEED COME BACK ONCE YOU HAVE MET WITH THE COMMUNITY AND MET THE COMMUNITY'S CONCERNS.

THIS IS A HUGE AMOUNT OF TURNOUT FOR A PROJECT THAT'S NOT THAT BIG.

I THINK IT IS GREAT TO DO THE FILL-IN.

I THINK THAT I MEAN, THIS IS A KIND OF NEIGHBORHOOD I WOULD LIKE TO LIVE IN.

USUALLY A LOT OF THE PROJECTS I'VE SEEN ARE ONES I WOULDN'T WANT TO LIVE IN AND I TEND TO MAKE THAT PART OF THE THING.

I LIKE THE IDEA OF A FILL-IN.

I BELIEVE IN NEW CONSTRUCTION.

I THINK IT SHOULD BE IN THOSE NEIGHBORHOODS.

THAT'S ALL GOOD AND I JUST WANT TO BE CLEAR, IT IS NOT ABOUT NOT SUPPORTING THE BUILDING NEW CONSTRUCTION BUT I THINK IT IS NOT HARD TO HAVE COMMUNITY SUPPORT AND BE ABLE TO REACH OUT TO FOLKS AND I DON'T THINK THAT THAT HAS BEEN -- WELL, IT'S NOT BEEN DONE WELL APPARENTLY BECAUSE IT HASN'T HAPPENED.

I THINK FOLKS NEED TO TRY AGAIN.

>> S. O'Keefe: JACKIE WAS NEXT AND THEN CHARLES.

>> I THINK A PROVISION THAT WOULD REQUIRE THE APPLICANT TO ALLOW TENANTS TO MOVE OUT IF THEY NEEDED TO DURING THE CONSTRUCTION AND MOVE BACK IN AT THE SAME RENT MAKES SENSE.

I KNOW THERE WAS A COMMENT ABOUT THE EXISTING TENANT PROTECTIONS AND I WILL SAY AS A TENANT ATTORNEY AND NOT EVEN THE ONLY TENANT ATTORNEY UP HERE, I KNOW IT IS VERY DIFFICULT TO ENFORCE EXISTING LAWS ABOUT TENANT HARASSMENT AND A LOT OF THAT HARASSMENT ENDS UP BEING CONSTRUCTION-RELATED.

IT IS DIFFICULT TO PROVE.

IT IS DIFFICULT FOR TENANTS TO DO ANYTHING ABOUT IT.

IT IS DIFFICULT FOR THEM TO FIND PEOPLE TO TAKE THEIR CASES, TO BE HONEST.

SO I AM VERY CONCERNED AND TO BE HONEST, PART OF THE REASON WHY THAT'S CONCERNING IS BECAUSE IN EVERY INSTANCE, IT IS IN A PROPERTY OWNER'S INTERESTS TO FIND A WAY TO REMOVE TENANTS FROM THE UNIT.

THEY'RE GOING TO MAKE MORE MONEY IF THAT HAPPENS.

THAT'S JUST BASIC ECONOMICS.

JUST TO THE POINT ABOUT THERE BEING TENANT PROTECTIONS OR NOT TENANT PROTECTIONS AS A CONDITION, NUMBER 12 IS TENANT RELOCATION SO THERE IS SOME CONTEMPLATION OF WHAT MIGHT WORK FOR TENANTS AND I THINK THEREFORE IT WOULDN'T BE -- IT WOULD MAKE SENSE TO ADD A PROVISION LIKE THAT TO WHAT'S ALREADY THERE, YOU KNOW, TO MAKE SURE THAT THE TENANTS WHO ARE THERE ARE ABLE TO STAY THERE AND AREN'T PUSHED OUT BY A PROJECT LIKE THIS.

>> S. O'Keefe: CHARLES.

>> C. Kahn: I WAS THINKING ABOUT YOUR -- I THINK THAT'S A REALLY GOOD POINT THAT YOU MAKE.

AND I WAS ACTUALLY THINKING OF RESPONDING TO LEAH'S COMMENTS.

BUT I'LL PASS FOR NOW.

>> S. O'Keefe: MAYBE GET SOME LANGUAGE.

AS YOU GUYS WERE TALKING, THINK OF SOMETHING SPECIFIC TO PUT INTO THAT NUMBER.

I AGREE WITH THAT.

LET'S MOVE TOWARDS A THING TO DO.

MARIA, PLEASE.

>> THE STRONGEST RELOCATION SUPPORT WOULD BE IN ADDITION TO RENTS REMAINING THE SAME UPON RETURN THAT THERE IS COMPENSATION FOR THE DIFFERENTIAL AND RENT THAT PEOPLE WILL BE PAYING BECAUSE THEY'LL MOST LIKELY HAVE TO DO A SHORT-TERM RENTAL OF MARKET RATE.

>> IT'S IN THE CODE.

>> IT WOULDN'T COMPLY BECAUSE WE ARE NOT FORCING THEM TO MOVE.

IT'S IF THEY WERE VOLUNTARILY DOING IT.

THERE'S NO REQUIREMENT.

NOTHING WOULD APPLY.

WE'RE SAYING EVEN IF THE TENANTS VOLUNTARILY DO IT THAT THESE THINGS WOULD BE TRIGGERED.

AND I THINK THAT IS NOT THE LAW RIGHT NOW.

>> S. O'Keefe: TERESA, CAN YOU SPEAK IN THE MIC.

>> T. Clarke: THE WAY I'M READING IT HERE, IT SAYS PROOF THAT ALL TENANTS HAVE VOLUNTARILY VACATED.

WHAT I'M SAYING IS WE'RE PUTTING IT IN THIS SECTION.

THERE'S LANGUAGE THAT WE HAVE ALREADY IN OUR CODE THAT WE CAN KIND OF TWEAK AND PUT IT IN THIS SECTION.

THAT'S THE POINT I'M GETTING AT.

>> I WOULD LIKE TO GET STAFF'S OPINION ON WHETHER THAT'S KOSHER.

>> WHETHER THAT'S CAPTURED?

>> KOSHER.

>> WE DID IT BEFORE IN THE OTHER DEMOLITION.

WE PUT IN LANGUAGE LIKE THIS.

>> T. Clarke: THE QUESTION IS CAN YOU REQUIRE PEOPLE TO -- REQUIRE THE CONTRACTOR OR THE DEVELOPER TO ALLOW THEM TO MOVE OUT WHETHER THEY AGREE OR NOT.

IN OTHER WORDS, THE CONTRACTOR NOT ASKING, THE TENANT ASKING.

THIS IS DISTURBING ME TOO MUCH.

I WANT TO MOVE OUT.

RIGHT?

THAT'S WHAT WE WANT TO DO.

>> COME BACK AT THE SAME RENT.

>> T. Clarke: JUST LIKE IF IT WAS A TEMPORARY RELOCATION DURING CONSTRUCTION.

WHAT WE'RE JUST SAYING IS WE WANT TO GIVE THE TENANT THE OPTION, NOT JUST THE DEVELOPER THE OPTION TO REQUEST THAT.

RIGHT?

I THINK THAT'S ALL WE'RE ASKING.

>> WHICH WILL ALSO BE A PROTECTION AGAINST HARASSMENT WHICH MAY OR MAY NOT BE INTENTIONAL.

>> LESLIE.

>> I THINK WE CAN DEFINITELY PUT IT IN.

>> S. O'Keefe: NOT THAT THIS MATTERS, BUT IS THERE A PRECEDENT FOR THAT?

I DON'T RECALL EVER DOING THAT BEFORE.

>> I DON'T RECALL WORKING ON A PROJECT BEFORE WITH EXISTING DEVELOPMENT THAT WASN'T BEING DEMOLISHED.

>> MAYBE IT IS A GOOD TIME TO SET A PRECEDENT.

>> WHEN I HAVE DONE IT IN REHABS.

>> T. Clarke: I DO A LOT OF REHABS WITH MOSTLY NON-PROFITS.

IF THERE'S DISTURBANCE THAT ONE TENANT REQUESTS IT, USUALLY WE ACCOMMODATE AS MUCH AS WE CAN.

A WEEK IN, IF THERE'S NOISY, DUSTY ACTIVITIES FOR THAT DURING, THEY DON'T HAVE TO BE OUT THE WHOLE YEAR.

THAT MIGHT BE UNREASONABLE TO REQUEST BUT DURING AN ACTIVITY THAT'S ESPECIALLY DISRUPTIVE, I THINK THAT'S WHERE WE WOULD PROBABLY WANT TO ASK THEM TO COME UP WITH A MANAGEMENT LIKE A PLAN OR WHATEVER.

CONSTRUCTION PLAN.

>> IN LOS ANGELES THE CITIES HAVE A HABITABILITY PLAN THEY HAVE TO PROVIDE WHEN THEY'RE REHABBING A PROPERTY AND THEY HAVE TO SAY WHAT THEY'RE GOING TO DO AND HAVE A PLAN IF THE TENANT CAN'T BE THERE DURING THAT PERIOD WHERE THEY CAN TENANTS CAN GO AND SAY THEY OBJECT.

I THINK IN LOS ANGELES THAT'S WHAT THEY'VE DONE WITH ALL THEIR SUB-REHAB PROJECTS IS YOU HAVE TO PRODUCE A PLAN.

>> S. O'Keefe: THAT'S AN IDEA.

YES, MARIA.

>> WE MENTIONED THIS CAME UP A LITTLE BIT EARLIER AND IT SEEMED UNCLEAR WHAT THE SPECIFIC FIX WOULD BE BUT IF THERE'S A HOMEOWNERS ASSOCIATION THAT IS GOVERNING WITHOUT INPUT FROM THE TENANTS OR WITH INPUT FROM THE TENANTS COMING VIA THEIR LANDLORD, THAT SEEMS LIKE IT WOULD CREATE SOME PROBLEMS.

SO IF THERE'S A WAY TO HAVE THE TENANTS HAVE DIRECT VOICE AND GOVERNANCE OF THE UNITS THEY LIVE IN, I THINK THAT WOULD STRENGTHEN IN AS WOULD MORE ROBUST CONSULTATION PROCESS NOW ABOUT THE ISSUES THAT CONCERN PEOPLE SO THAT THERE'S MORE AGREEMENT, MORE BUY-IN.

I AM CONCERNED THAT NOBODY HAS SPOKEN IN SUPPORT OF THIS PROJECT.

>> S. O'Keefe: I THINK, I WOULD LIKE TO HEAR STAFF'S COMMENTS.

I THINK WHEN YOU START TALKING ABOUT REPRESENTATION AND DECISION-MAKING THAT IS PRETTY FAR OUTSIDE OF ZAB'S PURVIEW.

I DON'T DISAGREE WITH THE SENTIMENT BUT I WANT US TO STICK WITH WHAT WE'RE PROVING.

>> ALSO A FUNCTION OF THIS UNIQUE PROJECT THAT HAS RENT CONTROLLED UNITS AND A HOMEOWNER ASSOCIATION.

I'VE NEVER SEEN THAT BEFORE.

>> S. O'Keefe: WE'VE HAD PROJECTS WHERE WE COULD HAVE GONE THERE BUT WE DON'T BECAUSE THAT'S NOT TYPICALLY PART OF WHAT WE DECIDE.

STAFF, YOU KNOW BETTER THAN THAT.

>> Staff: I WOULD CONCUR WITH THAT HAVING WORKED ON CONDOMINIUM CONVERSIONS FOR MANY YEARS.

WE FOLLOW WHAT IS REQUIRED BY STATE LAW AND OTHERWISE IT PRETTY MUCH IS A PRIVATE AGREEMENT THAT THE CITY INDEFINITELY, NOT THE PLANNING DEPARTMENT HAVE MUCH DISCRETION OVER.

>> S. O'Keefe: I THINK MAYBE TO GET ENOUGH VOTES WE MIGHT HAVE TO JUST BE CREATIVE.

>> IT ALSO SOUNDS LIKE THE DEVELOPER IS OPEN TO THAT CONVERSATION.

I WOULDN'T WANT TO CUT THAT OFF.

>> C. Kahn: I'M PREPARED TO BE CREATIVE BECAUSE I THINK WE CAN ATTACH IT TO DETRIMENT, MITIGATION OF DETRIMENT FINDING POSSIBLY.

WE HAVE AN UNUSUAL SITUATION THAT WE'VE RECOGNIZED HERE WHICH IS THAT WE HAVE HOMEOWNERS LIVING WITH RENTERS ON THE SAME PIECE OF LAND AND IT SEEMS REASONABLE AND APPROPRIATE THAT I'M NOT TALKING ABOUT AN HOA HERE BECAUSE THAT HAS GOT ITS OWN LEGAL REQUIREMENTS BUT JUST THAT WE WOULD ENCOURAGE THE DEVELOPER TO SET UP AN ASSOCIATION OF TENANTS, INDEPENDENT, IT DOESN'T HAVE TO BE ATTACHED TO THE HOA.

THAT THERE IS A TENANT ASSOCIATION THAT IS ALL THE TENANTS THAT INCLUDES BOTH THE RENTAL TENANTS AND THE OWNER TENANTS.

AND THAT THAT GROUP WOULD MEET ACCORDING TO A REGULAR SCHEDULE THAT THEY WOULD ESTABLISH, WE DON'T HAVE TO DETERMINE THE TERMS BUT AT LEAST ONCE A YEAR.

AND MORE IF THEY WANT.

AND IT GIVES -- I THINK THAT'S A VENUE FOR CREATING COMMUNITY WHERE IT OTHERWISE MIGHT NOT HAPPEN.

I DON'T SEE THAT AS A HARDSHIP THAT WE'RE PLACING ON THE PROJECT.

AND OPERATIONALLY, I THINK IT IS JUSTIFIED AS A MITIGATION OF POTENTIAL DETRIMENT.

>> BUT DON'T THE TENANTS HAVE TO DO THAT?

DON'T THE TENANTS HAVE TO ORGANIZE THAT?

>> THEY'RE ALL HERE.

THEY HAVE ORGANIZED.

>> S. O'Keefe: HELLO, HELLO.

CAN WE TALK ONE AT A TIME.

I'M GOING TO TAKE CHAIR'S PURVIEW AND JUST RESPOND QUICKLY.

IF WE ARE ENCOURAGING SOMETHING, THAT'S FINE.

I'LL VOTE FOR ENCOURAGING WHATEVER BECAUSE IT IS NOT LEGALLY BINDING BUT IF WE START TO PUT STUFF THAT'S LEGALLY

BINDING IN THERE ABOUT HOW THE DECISION-MAKING HAPPENS, I'M NOT COMFORTABLE WITH THAT.

AND I'M FIRM ON THAT.

THAT'S JUST MY OPINION.

>> Staff: IF I COULD ADD ONE FURTHER THING.

STAFF WILL NOT BE REVIEWING THE CCNRs FOR THIS TRACK MAP AND IF WE HAVE IT AS A CONDITION, I THINK IT WILL...

THAT'S NOT SOMETHING THE CITY GETS INVOLVED IN.

SO THAT IS PUTTING THE CITY INVOLVED IN SOMETHING THAT THE CITY DOESN'T REVIEW OR GET INVOLVED IN AND THAT IS MY CONCERN.

>> I WOULD PUT -- MAY I SPEAK?

>> S. O'Keefe: I THINK MARIA WAS WAITING.

>> THERE COULD BE, THOUGH, REQUIREMENT OF A DEEPER CONSULTATION ABOUT THIS AND SOME OF THE OTHER ISSUES RAISED.

IT DOES SOUND LIKE THAT'S PART OF THE PROBLEM IS THAT THERE HASN'T BEEN A DEPTH OF CONSULTATION OR A SENSE OF RESOLUTION OF PEOPLE'S CONCERNS.

AND THERE COULD BE -- THAT'S WITHIN OUR SCOPE, RIGHT?

FOR MORE CONSULTATION TO HAPPEN WITH THE PEOPLE WHO ARE IMPACTED BEFORE THE IMPLEMENTATION HAPPENS.

>> Staff: THAT'S HARD TO ENFORCE.

>> BUT IT COULD BE BEFORE BEFORE.

>> PEOPLE COULD SAY YES AND THEY COULD DO IT.

>> T. CLARKE: JUST SAY WHAT IT IS.

CONSTRUCTION NOISE MANAGEMENT, TENANT RELOCATION.

BE MORE SPECIFIC.

IT CAN'T JUST BE OPEN-ENDED.

INTO THE ZONING YOU WANT TO SAY OKAY, WHAT IS THE
IMPACT THAT WE'RE TRYING TO MITIGATE.

IT CAN'T BE -- IF WE'RE TRYING TO MITIGATE A
TENANT -- TRYING TO MITIGATE A CONSTRUCTION NOISE ISSUE, PUT IT
THERE.

I THINK WE HAVE TO BE MORE SPECIFIC.

WE CAN'T HAVE THE GENERAL CONCERNS.

IF IT IS A GEOTECHNICAL CONCERN, I THINK WE'VE
DISCUSSED THAT AND WE FEEL WE'RE GOING TO BE PUTTING CONDITIONS
IN ABOUT THAT.

I THINK THAT'S HOW WE HAVE TO ADDRESS THE
COMMUNICATION.

IS THEY'RE TECHNICAL ISSUES, REALLY, WE HAVE TO
ADDRESS, HEALTH AND SAFETY ISSUES, ZONING ISSUES.

>> I THINK IT WOULD FALL UNDER TENANT STABILIZATION.

>> T. Clarke: IS THAT A ZONING BOARD ISSUE?

IT IS NOT A ZONING ADJUSTMENTS BOARD PURVIEW BUT MAYBE
YOU COULD THINK OF A WAY IT COULD BE.

I'M NOT SURE EXACTLY HOW.

>> I THINK IT CAN BE --

>> S. O'Keefe: NO, IT'S ACTUALLY.

LEAH WAS WAITING SO PLEASE.

>> L. Simon-Weisberg: I'M JUST TRYING TO GET TO THE -- YOU WERE SAYING THAT THE CITY DOESN'T REVIEW THE CONDO CONVERSION PIECE, CORRECT?

>> Staff: THIS WOULD BE A CONDO MAP, NOT A CONDO CONVERSION.

>> L. Simon-Weisberg: WE WON'T DO A CONDO MAP.

ONE OF THE THINGS I WOULD PUT IN HERE, IS THAT IN THE EVENT THAT THE CITY DOES PASS ANY LEGISLATION THAT REGULATES THE CONDO CONVERSION PROCESS OR CONDO MAPS OR ANYTHING THAT WOULD IMPACT THIS PROPERTY GOING FORWARD THAT THIS WOULD STILL IMPACT IT AND I UNDERSTAND THAT THERE'S A SUPREME COURT CASE THAT WOULD ALLOW US TO DO THAT.

BECAUSE I THINK THAT WE ARE IN LIGHT OF THE HOUSING CRISIS THAT THE CITY IS LOOKING AT DIFFERENT PIECES AND SO I WOULD WANT TO MAKE SURE THAT IF WE DO DO ANY OF THOSE REGULATIONS THAT THAT THAT WOULD BE A CONDITION.

THAT MAY BE THE WAY TO ADDRESS THOSE THINGS.

IF WE SEE THAT THERE'S AN ONGOING PROBLEM.

THEN IT CAN BE ADDRESSED.

>> Staff: I HONESTLY DIDN'T REALLY UNDERSTAND WHAT THE CONDITION WOULD BE.

>> L. Simon-Weisberg: THE CONDITION WOULD BE THAT IF GOING FORWARD THE CITY PASSES A LAW THAT MAKES REQUIREMENTS ON PROJECTS THAT IT WOULD NOT BE CONSIDERED RETROACTIVE BECAUSE THE

PROJECT IS ON NOTICE THAT THEY TOO THAT THE CITY MIGHT BE
PASSING -- YOU CAN.

THE SUPREME COURT CASE IN SAN FRANCISCO.

I'M JUST CONCERNED THAT WE HAVE THIS THING OF WE CAN'T
DO THIS OR WE CAN'T DO THAT AND I THINK THAT WE CAN AND WE CAN
SAY IF THE CITY COUNCIL PASSES LAWS THAT IMPACT THE PROJECT
BECAUSE THERE'S AN ONGOING PROBLEM THAT THEY CAN'T SAY IT IS NOT
RETROACTIVE.

>> S. O'Keefe: TERESA.

>> T. Clarke: I WOULD LIKE TO MAKE A MOTION.

I THINK WE NEED TO ACTUALLY HAVE A MOTION ON THE
TABLE.

>> S. O'Keefe: THAT WOULD BE LOVELY.

>> T. Clarke: I WOULD LIKE TO MAKE A MOTION TO APPROVE
THE PROJECT WITH SOME CONDITIONS, AND I THINK I'M OKAY WITH A
CONDITION UNDER NUMBER 12 TO EXPAND THAT SLIGHTLY TO ALLOW
TENANTS TO HAVE A TEMPORARY RELOCATION DURING CONSTRUCTION IF
THERE IS A NEED BASED ON THEIR HEALTH AND SAFETY.

SO I THINK MAYBE JUST ONE MORE SENTENCE UNDER NUMBER
12.

THAT TENANTS WOULD HAVE THE RIGHT TO MOVE TEMPORARILY
DURING CONSTRUCTION.

IF THEY DEEM IT -- THEY NEED TO REQUEST THAT.

AND HAVE RE-ENTRY.

UNDER THE TEMPORARY RELOCATION GUIDELINES THAT WE
ALREADY HAVE UNDER THE RELOCATION ORDINANCE.

THERE'S A SECTION THERE.

>> Staff: SET-UP ON THAT BASED ON VOLUNTARY
RELOCATION.

>> T. Clarke: RIGHT.

THEY WOULD BE ABLE TO DO A TEMPORARY RELOCATION DURING
CONSTRUCTION.

IF THEY DESIRE.

>> SORRY, TERESA, WAS THAT WITH COMPENSATION?

>> T. Clarke: THE WAY IT WORKS UNDER THE RENT CONTROL
LAW IS THAT THEY'RE MOVED OUT TO AN APARTMENT AND THE DIFFERENCE
IN RENT IS REIMBURSED.

>> S. O'Keefe: I JUST WANTED TO MAKE SURE THAT WAS
CAPTURED IN YOUR STATEMENT.

>> T. Clarke: UNDER THE PROCEDURES.

>> L. Simon-Weisberg: CAN WE GET CONFIRMATION FROM THE
RENT BOARD ATTORNEY IF THAT'S HOW IT WORKS.

I DON'T KNOW IF THAT'S HOW IT WORKS.

>> T. Clarke: HOWEVER IT WORKS IN THE RENT BOARD
THAT'S WHAT WE SHOULD USE.

>> L. Simon-Weisberg: WE HAVE A STAFF ATTORNEY HERE.
COULD THEY ANSWER.

>> Staff: IT IS A SEPARATE ORDINANCE, THE RELOCATION
ORDINANCE IS PARALLEL TO.

IT IS IN THE SAME CHAPTER OF THE CODE OR THE SAME --

>> T. Clarke: IT SAYS THEY CAN MOVE OUT TEMPORARILY DURING CONSTRUCTION AND THEY'RE REIMBURSED FOR THE DIFFERENCE IN RENT.

>> Staff: YOU WOULD BE ALTERING IT SLIGHTLY BECAUSE THE WAY THE RELOCATION ORDINANCE IS FRAMED IS THAT THE OWNER SEES IT AS A NECESSITY TO RELOCATE THE TENANT IN ORDER TO DO THE WORK.

>> T. Clarke: WE'RE SAYING THAT THE TENANT --

>> Staff: THE TENANT COULD SEE IT AS A NECESSITY.

>> T. Clarke: THE TENANT WOULD GET TO REQUEST THAT.

>> Staff: IT WOULD BE IMPORTANT TO SPECIFY THAT AS THE DISTINCTION.

>> T. Clarke: WE WOULD USE THE SAME LANGUAGE IN TERMS OF HOW YOU REIMBURSE.

>> L. Simon-Weisberg: I THINK THE KEY DIFFERENCE IT IS NOT THAT SOMEONE HAS TO MAKE A JUDGMENT ON HEALTH AND SAFETY BUT IT IS A THE REQUEST OF THE TENANT.

>> THANK YOU.

>> S. O'Keefe: TERESA, IS THAT YOUR FULL MOTION OR DO YOU HAVE MORE?

>> T. Clarke: I DON'T CARE THAT MUCH ABOUT THE BATHROOMS.

I THINK IF YOU REALLY WANT TO GET RID OF THE BATHROOMS, FINE.

I DON'T THINK IT'S GOING TO MAKE A DIFFERENCE ONE WAY
OR THE OTHER IN TERMS OF WHO LIVES THERE.

>> HOW ABOUT PARKING?

WITH ALL THAT --

>> T. Clarke: EXCUSE ME.

IF SOMEONE WANTS TO MAKE A FRIENDLY AMENDMENT ON THAT
PARTICULAR ITEM, I'M FINE WITH THAT.

I DO AGAIN I THINK IT IS A MICROMANAGING.

BUT I DO NOT OBJECT THAT MUCH TO GETTING RID OF ONE
BATHROOM.

DOESN'T MATTER TO ME THAT MUCH.

I DON'T THINK IT IS THAT IMPORTANT.

I DO FEEL THAT IT IS NOT NECESSARY.

I THINK THERE'S SO MANY TYPES OF FAMILIES.

MY NEXT-DOOR NEIGHBOR IT IS FOUR CHILDREN AND FOUR
ADULTS IN A SEMI-SHARED, SEMI-SHARED CHILD CARE AND THEY WOULD
LOVE TO HAVE FOUR BATHROOMS.

THEY HAVE THREE BATHROOMS.

>> YOU'RE AGNOSTIC ON THE BATHROOMS.

>> T. Clarke: YEAH.

IT'S OKAY IF YOU REALLY WANT TO DO IT.

>> THEN DON'T PUT IT IN YOUR MOTION.

>> T. Clarke: I WOULD PROBABLY ACCEPT IT IF YOU CAN
CRAFT IT TIGHTLY.

>> S. O'Keefe: I THINK SOMEONE WILL DO THAT.

ANYTHING ELSE IN YOUR MOTION?

CAN I SUGGEST YOU INCLUDE -- LESLIE HAD A FEW EXTRA
CONDITIONS.

DO YOU WANT TO READ THOSE IN.

>> T. Clarke: THE ONES SHE NEEDED TO PUT IN FOR THE
RECORD AND THE CORRECTIONS.

>> C. Kahn: THE REQUIREMENT THAT A GEOTECHNICAL
ENGINEER AND CIVIL ENGINEER.

>> T. Clarke: THE GEOTECHNICAL REPORT AND THE CIVIL
ENGINEERING WOULD BE REQUIRED.

>> C. Kahn: ALSO THE WINDOW ISSUE THAT CARRIE RAISED
THAT THE WINDOWS WOULD BE AS HIGH AS CODE ALLOWS.

>> T. Clarke: ON WHICH ONE?

>> C. Kahn: FACING THAT PARTICULAR GERANIUM AND
FREESIA AT THE REAR.

>> T. Clarke: AND THEN THE OPEN SPACE WOULD BE SHIFTED
INTO THE INTERIOR.

>> INCLUDING THE STAIR TOWER.

THE STAIR TOWER WOULD BE REDUCED IN SIZE.

>> THAT'S REQUIRED ANY WAY, BUT WE CAN PUT THAT IN IF
YOU WANT IT, AS WELL.

>> WE SHOULD PUT IT IN.

AND IS THERE PREFERRED PARKING IN THIS NEIGHBORHOOD?

>> NO.

>> WHEN THE CITY -- I DON'T KNOW.

CAN WE DO THIS BEFORE THE CITY DOES IT?

WHEN THE CITY ADDS PREFERRED PARKING, THEY SHOULD NOT
BE ELIGIBLE FOR PREFERRED PARKING.

WAIT, WAIT, WAIT, WAIT, WAIT.

I JUST WANT TO ASK.

>> YEAH.

THIS IS A PUBLIC HEARING, BY THE WAY.

>> -- THAT HAVE PUBLIC PARKING.

I DON'T KNOW.

THAT SOUNDS -- MY -- MY GUT IS THAT THAT DOESN'T SOUND KOSHER,
BUT THAT ISN'T SOMETHING THAT WE'VE DONE.

THAT'S NOT SOMETHING THAT -- I DON'T KNOW.

>> NOBODY HAS ASKED FOR US TO DO THAT.

>> NO.

I -- BUT THEY'RE -- BUT THEY'RE CONCERNED ABOUT
PARKING AND CARS IN THE INFORMATION THAT THEY'VE WRITTEN TO US,
SO I'M JUST TRYING TO GIVE THEM THEIR OPTIONS.

IT'S NOT AN ISSUE BECAUSE THERE'S NOT CURRENTLY PARKING IN THE
NEIGHBORHOOD, SO WHEN THE CITY DECIDES TO PUT PREFERRED PARKING
IN YOUR NEIGHBORHOOD, WHICH THEY DO HAVE PLANS TO DO, THEN, THAT
WILL BE UP TO YOU TO TAKE IT TO THE COUNCIL AND ARGUE FOR IT.

>> OKAY.

ONE CONCERN I HAVE ABOUT THAT IS MORE LODGE STICK BECAUSE IT HAS MENTIONED THAT ONE OF THE UNITS HAS FOUR PARKING SPACES IN THEIR LEASE.

>> YEAH.

>> THE WAY THE PROJECT IS PROPOSED IS ONE SPACE PER UNIT.

>> I GET THAT.

>> IF ONE EXISTING UNIT HAS FOUR, THAT MEANS FOUR OTHER UNITS WON'T HAVE PARKING.

>> I GET THAT.

>> OKAY.

>> SO IT MAY BE IF THE TENANT STAYS WITH FOUR CARS, IT TAKES PARKING AWAY FROM THE NEW UNITS.

SO YOU MIGHT WANT TO ALLOW THOSE ADDITIONAL CARS TO BE BLENDED INTO YOUR NEIGHBORHOOD.

AND BELIEVE ME, I HAVE THE SAME PROBLEM IN MY NEIGHBORHOOD, SO I UNDERSTAND.

SO THOSE ARE ALL --

>> THAT OKAY WITH YOU, TERESA?

>> WHAT ARE YOU SAYING.

I THOUGHT YOU WEREN'T GOING TO DO IT.

>> NOTHING WITH PARKING --

>> BECAUSE THE EXISTING SPACE IS ALREADY PROTECTED.

>> OKAY.

SO THAT'S THE MOTION.

I HAVE SOME FRIENDLY AMENDMENTS.

>> I THOUGHT YOU HAD TO HAVE A SECOND BEFORE YOU DID FRIENDLY AMENDMENTS?

>> WE'RE NOT DOING FRIENDLY AMENDMENTS, WE'RE JUST CALLING ON JACKIE.

>> OKAY.

THAT'S ACTUALLY WHAT I WAS DOING, AND I THOUGHT --

>> YOU WANT TO DO A FRIENDLY AMENDMENT?

>> YES, I DO.

>> OKAY.

I GUESS THAT'S THE RULE.

DOES ANYONE WANT TO SECOND THE MOTION.

>> I DO.

>> OKAY.

SO JUST TO CLARIFY WHERE WE'RE AT ON PARKING, THE MOTION ON THE TABLE DOES NOT CHANGE IN ANY WAY OR ADD PROTECTIONS, RIGHT?

>> WELL, THE TENANTS WHO HAVE CURRENT AGREEMENTS THAT INCLUDE PARKING, THOSE WOULD STAY INTACT.

>> OKAY.

SO WE'RE GOING TO -- THE MOTION ON THE TABLE REQUIRES THE LANDLORD TO PROVIDE ALTERNATIVE PARKING DURING THE CONSTRUCTION IF THEIR SPACE IS OTHERWISE BLOCKED, IS THAT IT?

>> IF YOU'RE ON-SITE, YOU'RE -- YOU'RE REQUIRED, DURING CONSTRUCTION, TO --

>> WELL, I'M JUST SAYING, WE'RE PUTTING THAT IN THE
CONDITIONS?

>> YEAH.

>> CORRECT.

>> YEAH.

THAT WAS THE FIRST PART OF IT.

WE'RE NOT PUTTING ANYTHING IN ABOUT PREFERRED PARKING.

SORRY.

I'M GLAD YOU CLARIFIED THAT.

>> YEAH.

>> WE JUST DON'T WANT THE FUTURE PARKING THING GOING
ON.

>> ALL RIGHT.

SO IT'S NOT COMPENSATION FOR THEIR PARKING, IT'S
ACTUALLY PROVIDE OTHER PARKING.

>> YEAH, YOU WOULD JUST HAVE TO PROVIDE A PARKING SPOT
SOMEWHERE.

>> OKAY.

GREAT.

>> IF THEY NEEDED TO USE IT DURING CONSTRUCTION.

>> I WANTED TO SEE IF WE CAN ADD SOMETHING
AROUND -- BUT I WANTED -- I GUESS I HAVE A QUESTION FIRST
BECAUSE -- IF IT'S ALREADY IN HERE.

JUST IN TERMS OF WHAT INFORMATION THE TENANTS WILL BE GETTING, I FELT I TALKED -- THAT THERE WAS A CONDITION ALREADY ABOUT THE NOTIFICATION AND KIND OF THE PLANS, RIGHT.

WHAT SECTION -- IF YOU COULD SHOW ME WHAT SECTION.

>> THAT IS CONDITION OF APPROVAL NUMBER 15, AND I CAN READ IT FOR THE RECORD FOR THE CAPTIONER.

>> OKAY.

>> THAT AT LEAST 30 DAYS -- 30 CALENDAR DAYS PRIOR TO INITIATING ANY CONSTRUCTION ACTIVITIES AT THE SITE, THE APPLICANT SHALL PROVIDE NOTICE TO EXISTING RESIDENTS ON THE PROPERTY, INCLUDING, ONE, DESCRIPTION OF CONSTRUCTION ACTIVITIES; TWO, DAILY CONSTRUCTION SCHEDULE, EXAMPLE, TIME OF DAY, AND EXPECTED DURATION, NUMBER OF MONTHS.

THREE, THE NAME AND PHONE NUMBER OF THE NOISE MANAGEMENT INDIVIDUAL FOR THE PROJECT; AND FOUR, DESIGNATE A CONSTRUCTION LIAISON THAT WOULD BE RESPONSIBLE FOR RESPONDING TO ANY LOCAL COMPLAINTS ABOUT CONSTRUCTION NOISE.

THE LIAISON WOULD DETERMINE THE CAUSE OF THE NOISE COMPLAINTS, EXAMPLE STARTING TOO EARLY, BAD MUFFLER, FOR EXAMPLE, AND ATTEMPTING TO CORRECT THE PROBLEM.

A COPY SHALL BE PROVIDED TO THE CITY FOR ADVANCE REVIEW AND APPROVAL.

>> WHAT I WOULD ASK TO HAVE INCLUDED IN THIS WOULD BE NOTIFICATION THAT THEY HAVE THE RIGHT TO CHOOSE TO TEMPORARILY MOVE IF AFTER REVIEWING THOSE PLANS THEY FEEL THEY WON'T BE ABLE

TO DO IT SO THEY DON'T HAVE A SITUATION THAT THEY'RE IN THE
MIDDLE OF IT AND REALIZING THEY HAVE TO LEAVE.

AND THAT THAT NOTIFICATION WOULD BE INCLUDED IN WHAT'S
PROVIDED TO THE CITY AHEAD OF TIME.

AM I CORRECT --

>> THAT'S FINE.

>> YOU HAVE TO ASK THE SECONDER.

>> OH, THAT'S RIGHT.

THANK YOU.

IS THAT OKAY.

>> YES, SURE.

SECOND.

I MEAN, APPROVED.

>> YOU ACCEPT?

>> ACCEPT.

OKAY.

I ACCEPT.

>> THE OTHER IS THAT THERE ONLY BE AMOUNT TWO OR
THREE -- THAT NO MORE THAN THREE FULL BATHROOMS.

>> COULD I SUGGEST, LEAH, THAT THE BATHROOM ISSUE
SEEMS TO SOMEWHAT DIVIDED HERE.

WHAT I SUGGEST THAT WE DO, NOT TAKE IT OFF THE TABLE,
BUT THAT WE CAN TREAT IT AS A SEPARATE MOTION.

>> SURE.

YOU WANT TO DO EXACTLY THE SAME MOTION, BUT TO
SUBSTITUTE IT WITH THAT.

>> WHAT YOU DO IS YOU SUBSTITUTE A MOTION --

>> BUT THEN THAT GETS VOTED ON FIRST.

>> I MEAN, LEAH CAN DO WHAT SHE WANTS.

LET'S JUST PUT IT IN.

IF TERESA DIDN'T LIKE THE BATHROOM THING IN THE
BEGINNING, AND SHE SAID IT WAS FINE.

I DON'T KNOW HOW CONTROVERSIAL IT IS, ACTUALLY.

>> BIGGER LIVING ROOM.

>> BEFORE THE VOTE --

>> 86 THE BATHROOM.

>> BATHROOM IS ONLY IN THE FOUR-BEDROOM UNITS, RIGHT.

IN THE FOUR-BEDROOM UNITS, THERE WOULD ONLY BE THREE
BATHROOMS.

WE'RE NOT REDUCING IT ANYWHERE ELSE.

>> YES.

>> OKAY.

>> SO THAT'S OKAY.

>> I DON'T KNOW IF I NEED TO HAVE THIS IN THE MOTION
OR NOT, BUT WE HAVE THIS LITTLE THING CALLED HANK'S RULE.

IF YOU HAVE A GROUND-FLOOR BATHROOM, IT DOESN'T COST
ANY DIFFERENT TO HAVE IT BE A SHOWER THAT A WHEELCHAIR CAN GO
INTO.

>> WE CAN DO A ROLL-IN BATHROOM.

>> OKAY.

'CAUSE IT MAKES IT HANDICAPPED -- REALLY HANDICAPPED
ACCESSIBLE.

SO I DON'T THINK IT NEEDS TO BE IN THE MOTION 'CAUSE
HE SAID HE WOULD DO IT.

>> HE MENTIONED -- HE NEEDS TO PUT THOSE IN HER PLANS
FROM NOW ON WHEN SHE COMES HERE.

>> OKAY.

ANY OTHER FRIENDLY AMENDMENTS OR OTHER COMMENTS?

>> I JUST WANT TO MENTION, FOR THE RECORD, BECAUSE
IT'S BEEN NAGGING AT ME, THERE WERE LETTERS OF SUPPORT FOR THIS
PROJECT.

USUALLY, WHEN YOU'RE OKAY WITH SOMETHING OR YOU
SUPPORT SOMETHING, YOU DON'T COME OUT -- YOU'RE NOT MOTIVATED TO
COME OUT FOR IT.

IT'S A LATE NIGHT.

I JUST WANTED TO PUT THAT ON THE RECORD.

>> YEAH.

>> OKAY.

ANY OTHERS.

ARE WE READY TO VOTE ON THE MOTIONS?

>> OKAY.

I HAVE A QUESTION ON THE WINDOWS.

SO THE WINDOWS FACING THE PROPERTY TO THE WEST, ON THE SECOND FLOOR, ALL THE SECOND STORY WINDOWS SHOULD BE AS HIGH AS POSSIBLE --

>> AS THE CODE PERMITS.

>> AS THE CODE PERMITS.

>> WELL, I DON'T KNOW ABOUT THAT, BUT WE'RE TOLD THEY'RE ALL ONLY BATHROOM WINDOWS.

>> NO, THERE'S BEDROOM WINDOWS ON THAT.

>> OH, ON THE OTHER BUILDING.

[INAUDIBLE]

>> THE INTEND ON BOTH FLOORS, NOT JUST THE SECOND FLOOR, IS TO HAVE THEM BE NO VISIBILITY INTO THE ADJACENT UNIT.

>> I THINK THAT'S A BETTER WAY TO DEFINE IT, THAT THE WINDOWS BE DESIGNED IN SUCH A FASHION THAT PRIVACY OF THE NEIGHBORING UNIT --

>> YEAH, AND THAT CAN BE DONE BY STAFF.

>> DOES THAT SOUND BETTER.

>> YEAH.

>> WOULD THAT ALSO INCLUDE FROSTING.

>> YEAH.

>> AND HOWEVER YOU CHOOSE TO DO THAT.

>> OKAY.

AND YOU'LL REVIEW THAT.

>> OKAY.

THANK YOU.

>> THANK YOU.

>> ANYTHING ELSE.

OKAY.

LET'S CALL THE QUESTION.

>> I HAVE ONE MORE.

>> LET'S HEAR IT.

>> CAN WE ASK THAT THERE BE, LIKE, A SIX-MONTH, LIKE,
COMMUNITY MEETING TO GIVE UPDATES?

>> YES.

>> CAN WE DO THAT.

DO WE WANT --

>> HE SAID YES.

>> AN UPDATE, TOO --

>> TERESA, CAN YOU SPEAK INTO THE MICROPHONE.

>> NO, JUST FOR THE COMMUNITY, THAT THERE BE SCHEDULED
SIX MONTH -- EVERY SIX MONTHS DURING THE CONSTRUCTION PROJECT
UNTIL IT'S OVER.

>> OKAY.

>> SO THAT THE COMMUNITY CAN KNOW WHAT'S HAPPENING.

>> OKAY.

DURING CONSTRUCTION.

OKAY.

[INAUDIBLE.]

>> NO, THAT'S FINE.

IT'LL BE UNDER THE CONSTRUCTION MANAGEMENT PLAN.

>> OKAY.

GREAT.

>> ADD A MEETING EVERY SIX MONTHS DURING CONSTRUCTION
UNTIL CONSTRUCTION IS COMPLETE.

>> OKAY.

ISN'T CONSTRUCTION GOING TO TAKE, LIKE, DECADES.

'CAUSE THEY'RE ALL GOING TO MOVE?

[INAUDIBLE.]

>> OKAY.

YOU MEAN THE INITIAL CONSTRUCTION.

OKAY.

SO ARE WE READY TO VOTE.

OKAY.

ALL RIGHT.

LET'S DO IT.

[ROLL CALL.]

>> THE PROJECT IS APPROVED.

>> OKAY.

YOU'VE GOT YOUR --

>> DID YOU HAVE A -- DID YOU VOTE?

>> NO.

>> DID YOU WANT TO ABSTAIN.

>> YEAH, I'M GOING TO ABSTAIN.

>> I'M SORRY.

JUST TO CONFIRM, I THOUGHT I HEARD --

>> I SAID I PASSED.

>> YOU PASSED, AND WE NOW ARE COMING BACK, AND YOU NOW
HAVE ABSTAINED.

OKAY.

SO IT PASSES.

YOU'VE GOT YOUR USE PERMIT AND ALL THE OTHER THINGS,
AND IT'S APPEALABLE TO THE CITY COUNCIL, AS YOU ARE WELL AWARE.

YOU KNOW WHAT.

I'M GOING TO SUGGEST -- WE'RE 15 MINUTES FROM ANOTHER
CAPTIONER BREAK.

LET'S DO IT NOW AND THEN START AFRESH.

LET'S DO IT, SO WE NEED A BREAK.

Table of Contents

1. Zoning Project Application Form
2. Fees
3. Applicant Statement
4. Neighborhood Pre-Application Contact
5. Pre-Application Poster
6. Site Photographs
7. Plans
8. Hazardous Waste and Substances Statement
9. Tabulation Form
10. Site Survey
11. Hydrology Report
12. Affordable Housing Statement & Anti-Discriminatory Housing Policy
13. Traffic Impact Statement
14. Stormwater Requirements Checklist
15. Green Building Requirements
16. Bay Friendly Landscape Requirements
17. Density Bonus Calculations & Zoning Research Letter
18. Parcel Conditions

	<h2>PLANNING & DEVELOPMENT</h2>	DATE STAMP HERE
	Land Use Planning Division 2120 Milvia Street, 2 nd floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: Planning@ci.berkeley.ca.us Web: www.cityofberkeley.info/planning	

I.A ZONING PROJECT APPLICATION FORM

(This box for staff use only.) Intake Planner _____ (Complete Code Summary on pg. 4.)	ZP201 ___ - ___ : <input type="checkbox"/> Administrative Use Permit <input type="checkbox"/> AUP Modification <input type="checkbox"/> Use Permit / Variance <input type="checkbox"/> Use Permit / Variance Modification	PLN201 ___ - ___ : <input type="checkbox"/> Pre-Application <input type="checkbox"/> Zoning Research
<input type="checkbox"/> Expedite Request (for Use Permits/Variations only)		

• **Project Address:** 1155-1173 Hearst Avenue Berkeley Unit/Suite #: _____
 Project Description: Proposed residential development with 18 units including below market rate units,
community garden, play area, and vehicle and bicycle parking.

• **Property Owner Name:** Hearst Avenue Cottages, LLC, C/O Mark Rhoades
 Owner's Mailing Address: 1611 Telegraph Avenue, Suite 200, Oakland, CA 94612

Phone #: 510-545-4341 Home Mobile Business E-mail: mark@rhoadesplanninggroup.com

• **Applicant Name** (or write "same"): Hearst Avenue Cottages, LLC C/O Rhoades Planning Group
 Applicant's Mailing Address: 1611 Telegraph Avenue, Suite 200, Oakland, CA 94612

Phone #: 510-545-4341 Home Mobile Business E-mail: mark@rhoadesplanninggroup.com

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

Submittal Requirements Checklist – Instructions

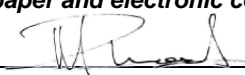
1. Complete the checklist below and **sign the bottom of page 3.** (*Owner must also sign, or provide a letter authorizing the applicant to sign on the owner's behalf.*) *Not required for Zoning Research letters.*
2. For each question for which you check "yes", provide the item from the Zoning Project Submittal Requirements indicated in the right-hand column. (*For pre-applications, complete entire checklist but provide only items I.A through I.D, I.G, and all items in Section II.*)
3. Label each item with the project address and the number in the right-hand column (e.g., III.A.2).
- 4. Submit a pdf copy of the entire application, along with the paper application to the Planner at the Permit Service Center, Zoning Counter.**


Does the project include:	No	Yes	Handout / Application Requirement
1. Any work requiring an Administrative Use Permit, Use Permit, Variance, or Modification of any these permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	I. Required For All Projects *PDF of entire application required
2. Any new structure(s), addition(s), demolition(s), exterior alteration(s), or change(s) of use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	II. Required For All Projects Involving Construction
3. A new main building, OR a new accessory building/structure or main building addition within 2 feet of a required setback?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.A.1 – Boundary/Topographic Survey
4. More than 50 cubic yards of grading?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.A.2 – Grading Plan
5. A request to waive or reduce required parking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.A.3 – Parking Survey
6. (1) a building over three stories in height, (2) a Density Bonus, (3) an FAR over 2.0, OR (4) over 10,000 sq. ft. of gross floor area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.A.4 – Photo Simulations
7. A new main building or an addition exceeding 14 feet in average height in the 'H' Overlay District?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.A.5 – Section Drawings III.A.6 – Story Poles
8. A new main building or an addition exceeding 14 feet in average height on a site adjacent to a residential use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.A.7 – Shadow Study
9. A new main building (except accessory buildings/structures)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.A.8 – Street Strip Elevation
10. Creation of (1) 5 or more dwelling or live/work units, or (2) additional condominium units resulting in 5 or more condominium units on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.B.1.a – Housing Affordability Statement III.B.1.b - Applicant Anti-Discriminatory Housing Policies
11. Under Government Code Section 65915: a. A request for a Density Bonus? b. A request for any concessions or incentives in addition to a Density Bonus?	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.B.2.a – Housing Affordability Statement III.B.2.b – Additional Incentives or Concessions Documents
12. Creation of (1) 10 or more dwelling units, (2) 5,000 sq. ft. of floor area, OR (3) 25 or more peak hour vehicle trips (based on ITE trip generation rates)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.4 – Traffic Impact Analysis
Continued on Page 3			

I.A. ZONING PROJECT APPLICATION FORM
 Effective January 2015

Does the project include:	No Yes	Handout / Application Requirement
13. Creation or replacement of 2,500 square feet or more of impervious surface area? (Includes additions and new buildings but not routine maintenance and re-surfacing).	<input type="checkbox"/> <input checked="" type="checkbox"/>	III.C.6 – Stormwater Requirements Checklist
14. Soil disturbance exceeding one acre?	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.C.7 – State General Construction Permit
15. Any new dwelling unit(s), or addition or renovation of 10,000 sq. ft. or more of non-residential space?	<input type="checkbox"/> <input checked="" type="checkbox"/>	III.D.1 – Green Building Checklist III.D.2 – Energy Efficiency Analysis (<i>non-residential mixed-use only</i>)
16. 2,500 sq. ft. or more of new or renovated irrigated area?	<input type="checkbox"/> <input checked="" type="checkbox"/>	III.D.3 – Berkeley Water Efficient and Bay Friendly Landscape Requirements
17. Removal of 25% or more of a main building's exterior walls and roof (including replacement of existing structural members)?	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.E.1 -- Structural and Pest Report.
18. Demolition or substantial change of a building ≥40 years old? (Speak with a planner if unsure whether project is a "substantial change".)	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.C.8 – Historic Resource Evaluation
19. Federal funding, either directly or through the City of Berkeley Housing Trust Fund?	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.F.1 – Area of Potential Effects (APE) Statement
20. A new business, or a new commercial space with tenant/operator already selected? (Does not include home occupations.)	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.F.2 – Zoning Use Questionnaire
You must disclose whether or not any of the following are true of the project:	No Yes	Handout / Application Requirement
21. Elimination of any dwelling units a. If known, are any of the dwelling units on the property controlled rental units?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	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.
22. Construction activity within the drip line of a Coast Live Oak tree with circumference over 18 in. at 4 ft. above ground (or 26 in. aggregate circumference for multi-trunked trees)?	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.C.1 – Arborist Report
23. A new building in a non-residential zoning district, on a site with a history of soil and/or groundwater contamination or within Toxic Division's Environmental Management Areas	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.C.2 – Phase I or II Assessment
24. A new building or addition in a liquefaction, landslide, or fault zone shown on the "Environmental Constraints Map"	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.C.3 – Seismic Hazard Investigation
25. Construction on a parcel that is within 40 feet of an open creek or 25 feet of a culverted creek. See BMC 17.08 for creek definitions.	<input checked="" type="checkbox"/> <input type="checkbox"/>	III.C.5 – Conformance with Creeks Ordinance, Creeks Submittal

Under penalties 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.

Applicant Signature:  Date: 1/28/2016

Owner's Signature*:  Date: 1/28/2016

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

I.A. ZONING PROJECT APPLICATION FORM
 Effective January 2015

LAND USE PLANNING – FOR INTERNAL USE ONLY

Zoning District(s):	
Zoning Section	Description
1. 23 <u>D</u> <u>32</u> <u>030</u>	UP/AUP to construct a residential development w/ 10 units, including BMR.
2. 23 <u>C</u> <u>12</u> <u> </u>	UP/AUP to increase ht to 35', allow 1 tandem parking, increase lot cv to 40%, reduce bldg separation
3. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to
4. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to
5. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to
6. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to
7. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to
8. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to
9. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to
10. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to
11. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to
12. 23 <u> </u> <u> </u> <u> </u>	UP/AUP to

02. Fees: the project fees due upon submittal will be paid in full.



CITY OF BERKELEY

Permit Service Center
 2120 Milvia St
 Berkeley, CA 94704

Date:

2/2/2016

Receipt Number:

430521

R E C E I P T
ZP2016-0028

Applicant Information

Mark Rhoades
 1611 TELEGRAPH AVE STE 200
 OAKLAND CA 94612-2152

Property Information

Parcel Number: 057 208601400

Project Information

Type: Planning
 Group: Zoning Permit
 Category: NA
 Sub-Category: NA
 Project: Residential development of 18 units
 Work Description: Residential development of 18 units (including BMR units), including community garden, play area, and vehicle and bicycle parking (1155-1173 Hearst Ave). Density Bonus requested for 5 units and one tandem parking.

Location

1155 HEARST Ave
 BERKELEY, CA 94702

Payor: Nathan George	Payment Status: Paid	
Cashier: RASMITH	Payment Method: Credit Card	Auth: 01991
Fees:		Amount
UPPH020 - UPPH: Base Tier 2 - Complex Projects (< 24 hrs staff time)		4320.00
RM - Records Management		50.00
CPF - Community Planning Fee		648.00
UPPH070 - UPPH: ZAB Public Hearing Fee		1025.00
	Total:	6043.00

1155-1173 Hearst Avenue
Applicant Statement
February 2, 2016

Overview and Project Information

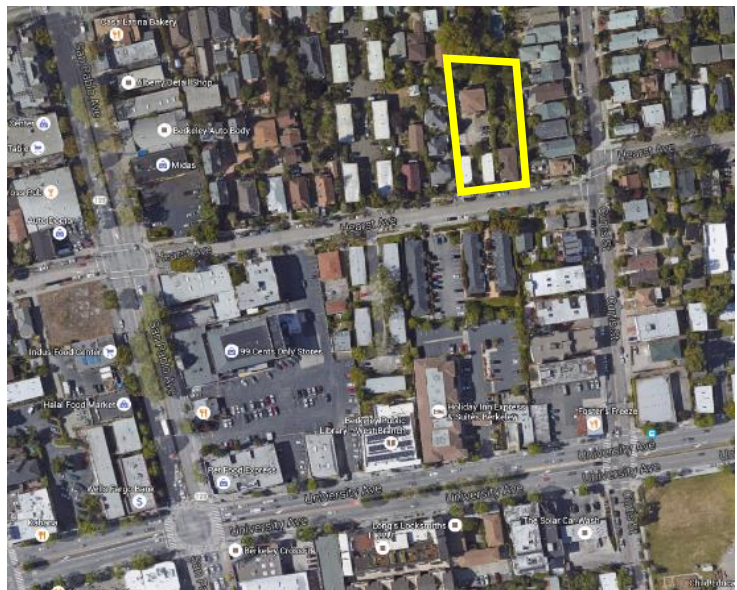
Rhoades Planning Group is pleased to present this proposal for a new residential condominium and transit/neighborhood-oriented development project located at 1155-1173 Hearst Avenue. The project site currently is two separate parcels that support six apartments on one and one single family residence on the other. The proposed project will include 11 new dwellings for a total of 18 on site condominium units. The project site is zoned Restricted Multiple Family Residential (R2-A), which allows one dwelling unit per each 1,650 square feet of lot area. The project furthers the goals of the district by providing medium density housing development in a transit-oriented location and improving the Hearst Avenue neighborhood and frontage.

The proposed project is located between an existing infill project to the west (condominiums) and homes/apartments south and single family homes to the north and east. This proposed project has been designed to work within the constraints imposed by surrounding homes while providing a high quality living environment along the San Pablo Avenue (one of Berkeley's most significant transit corridors) adjacent block of Hearst Avenue.

Project Description

The proposed project proposes to add 11 condominium dwelling units to seven existing units on two parcels that will be combined to create a 21,920 square foot single parcel that will be held by a Homeowners' Association. The project proposes to provide two affordable units and existing rent controlled units will be handled consistent with Subdivision Map Act requirements (see Housing Affordability Statement).

The site has been designed to allow the maximum open space and neighbor buffering possible. In addition, an onsite drainage system has been designed, and is included in the project's site plan



proposal, to address drainage and hydrology issues associated with the property and to protect adjacent properties where there is a history of flooding associated with area topography and historic stream drainages. No demolitions are proposed.

The two affordable units entitle the project to a 35% State Density Bonus and up to three concessions and incentives. At this point the project is not requesting concessions or incentives. The base project calculation is 13 units and the additional five units are the density bonus units.

The site will support 18 parking spaces (one tandem space). That equals one space assigned for each unit, including for the five density bonus units. In addition, the project proposes approximately 6,400 square feet of open space where 5,400 is required for all of the units, but only 3,900 square feet would be required to comply with the project's base unit count.

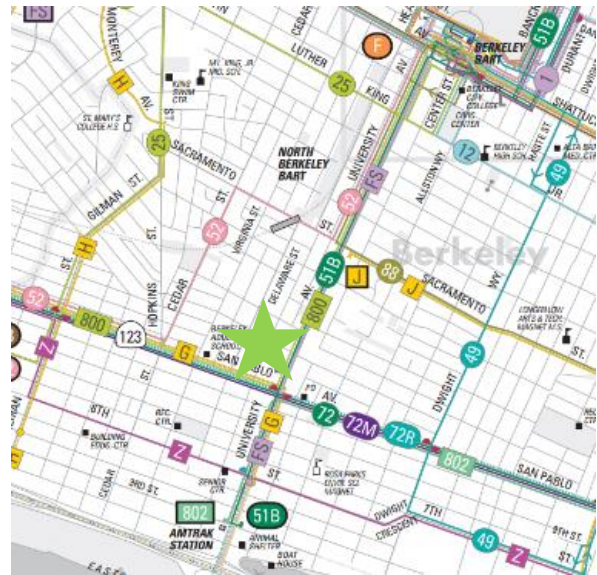
Transportation Demand Management and Sustainability Features

The project is located one block from one of Berkeley's best connected regional corridors and two blocks from one of Berkeley's best transit served east/west north/south crossroads (San Pablo/University). The site provides access and connectivity with West Berkeley, Oakland, San Francisco, Richmond, El Cerrito and Emeryville, and the Downtown Berkeley/Campus environs.

Bus Transit – The project site is within one quarter mile of the San Pablo/University intersection that is served by AC Transit's 72 Rapid bus line, 49, 51B, 52, FS, G, 72, 72M, and 800 and 802 lines, and transbay lines.

On Site Parking:

- The project will include 19 common area secure bicycle parking spaces on the ground level, for use by residents.
- The project provides 18 ground level parking spaces for residents



Project Sustainability Features and Benefits:

The project's primary sustainability features, consistent with the City of Berkeley Climate Action Plan, is that it is a transit-oriented development project. The project's TDM program, as described above, help the project best utilize the corridor's proximity to transit infrastructure. The project's green building features include:

- Drought tolerant and Bay-friendly landscaping and materials
- LED and low voltage lighting where possible
- Low/No VOC finishes and materials
- Exceed Title 24 Energy Standards

These elements, as well as the provision of transit-oriented housing, will help the City of Berkeley to meet Climate Action Plan goals.

Architectural Program

The project architecture will provide a contemporary infill “village” type construct. The buildings are designed specifically to address the adjacencies of the single family homes to the project’s east. The massing along those property lines is consistent with zoning standards and the massing is kept to no higher than two stories. One entire structure was removed from the rear corner of the site after a request by neighbors and those units moved to the Hearst Avenue frontage (see original density bonus site layout at the end of this statement), where the buildings hold a stronger urban form on Hearst where structures vary from one to four stories. The roof lines and materials proposed for the project are consistent with the vernacular of the neighborhood.



Use Permits Requested

23D.32.030 (UPPH)—Dwelling Units

Waivers and Modifications Requested to Accommodate Density Bonus

1. Height – increase to 35 feet and three stories to accommodate density bonus units where 3 stories and 28’ are allowed.
2. Parking – allow one tandem space to create a total of 18 parking spaces on site.
3. Lot Coverage – allow increased 5% increased lot coverage from the allowable 35% to 40% to accommodate residential units associated with the Density Bonus.
4. Building Separation – reduce building separations to allow for density bonus units and parking.

CEQA Determination

This project is expected to be exempt from CEQA pursuant to Section 15332: Class 32 Exemption for Infill Development Projects. Section 15332 is intended to promote infill development projects within appropriate urbanized areas when they are consistent with local general plan and zoning requirements. This project meets the eligibility requirements for Class 32 exemption as follows:

- a) The project is consistent with the City of Berkeley’s General Plan designation as Low/Medium Density residential, as a residential development project with transit-oriented housing. The project is also consistent with the zoning designation and regulations of the R-2A district. The Project is consistent with the general use designation, density, building intensity, streetscape

and applicable policies specified for the project area in the City's Zoning Ordinance, specifically with the R-2A zoning district.

- b) The proposed development occurs within the City of Berkeley's city limits. The project site is less than five acres and is completely surrounded by urbanized uses.
- c) As an urbanized site near two major transit corridors within the City of Berkeley, the project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project site is within one quarter mile of the San Pablo/University intersection that is served by AC Transit's 72 Rapid bus line, 49, 51B, 52, FS, G, 72, 72M, and 800 and 802 lines, and transbay lines. The site is also .75 miles (a 10 minute bike ride) from the North Berkeley BART Station.

A Phase I Environmental Site Assessment was NOT prepared for the site because there is no history of property use other than lower density residential. There is no indication that any of the structures on the site, or the site itself, has any history of use of toxics or pollutants. Potential lead paint or asbestos issues will be handled consistent with City of Berkeley and Uniform Building Code Requirements.

As a transit-oriented project in an urbanized area, the proposed project will not have any significant effects on air quality or noise. The project will improve infrastructure related to hydrology on the site and as proposed will include landscaping and permeability meeting C-3 and Bay Friendly Landscape standards. A Hydrological Study was prepared for the project by Clearwater Hydrology to address on site and neighbor adjacent water and drainage issues. Those recommendations have been designed into the project and are a part of the proposal so that no mitigations are necessary from a CEQA perspective. The study is attached to this application.

A traffic and parking letter was completed by Abrams and Associates, which found that the project will NOT have a significant effect on area parking or traffic. That study is attached.

- e) The site can be adequately served by all required utilities and public services.

Housing Affordability/Density Bonus Statement

Please refer also to the attached Housing Affordability and non-Discrimination Statement, as well as the City of Berkeley Density Bonus letter and response. All of these items are provided with this application. The proposed project is entitled to a density bonus pursuant to California Government Code Section 65915(b). The proposed project will provide 2 dwelling units on-site that are affordable to households earning not more than 50% Area Median Income, which entitles the project to a 35% housing density bonus. In providing these units on site at 50% AMI the project will also exceed the City of Berkeley Housing Mitigation Requirement that 10% of the project's base 13 units (or 1.3 units) be affordable at 50% AMI.

The project's base density calculation results in 13 base project units. As shown in the attached plan sheets A0.2, A0.3, A0.4, and A0.5, the base project units have all been designed consistent with all of the baseline zoning development standards. The five density bonus units are constructed as third story portions of the project.

Pursuant to the request of project neighbors the proposal includes second and third story elements setback only 7'-10' from Hearst Avenue. The third floor elements are density bonus units. The non-conforming front setback is being maintained and extended vertically in order to receive two units that had previously been in the northeast corner of the site. In addition, the continued non-conforming setback allows for an additional onsite parking space. The overall base project, minus this condition, easily fits within the zoning standards envelope for the property.

The project is requesting the waivers and modifications discussed above to accommodate the units and floor area for the density bonus portion of the project (continue non-conforming front setback, height, lot coverage, parking, building separation).

Zoning Standards

Standard (BMC Section 23E.64)		Existing	Proposed Total	Permitted/Required
Lot Area (sq. ft.) – Total		21,673	21,673	5,000
Commercial Floor Area (sq. ft.)		1,800	1,600	NA
Residential Gross Floor Area (sq. ft.)		7,228	15,178	NA
Gross Floor Area (sq. ft.) – Total		7,228	15,178	NA
Lot Coverage		22%	40%	35% = Density Bonus waiver/mod
Dwelling Units	Affordable	6 rent controlled	6	1.8 units (City Affordable Housing Mitigation)
	Total	0	18	13+5 DB
Building Height	Maximum (ft.)	23'	35'	35', Density Bonus waiver/mod
	Stories	2	3	3
Yards	Front	Approx 27'-10'	No change	15' = Density Bonus waiver/mod
	Side	4'	4'	4'
		4'	4'	4', 6' where three stories occur = Density Bonus waiver/mod
Rear	27'10"	27'10"	15'	
Usable Open Space – Total (sq. ft.)			6,458sf	300sf/unit = 5,400 sf

Parking	Residential	8	18 (one tandem)	18 (one tandem) = Density Bonus waiver/mod
	Commercial/Food Service	N/A	N/A	N/A
	Total		18	18 (one tandem) = Density Bonus waiver/mod
	Bicycle	0	19	0

Residential units represent a mix of one, two, and three-bedroom units.

Project Setting

The project site is located within a diverse residential setting n the edges of two major transit corridors.

The site currently supports four structures with residential units.

Unit Mix and Size		
Unit Type	Number	Average Square Footage
One-Bedroom	4	@530 s.f.
Two-Bedroom	11	@1,000 s.f.
Three-Bedroom	3	@1,450 s.f.
Total	18	@1,110 s.f.

Environmental Assessment

There is no indication that any of the structures on the site, or the site itself, has any history of use of toxics or pollutants. Potential lead paint or asbestos issues will be handled consistent with City of Berkeley and Uniform Building Code Requirements.

Surrounding Uses and Zoning		
Direction	Use	Zoning
North	Single Family Residential	R-2
East	Single Family Residential	R-2
South	Multifamily Residential	R-3
West	Multifamily Residential	R-2A

Green Building Requirements

Project components that will contribute to environmental sustainability include the provision of transit-oriented housing, interior and exterior finishes and materials, addressing site and area hydrological issues, and bicycle parking.

Required Use Permit Findings - *Findings to Authorize Approval of Use Permits – Section 23B.32.040*. This section authorizes the approval of Use Permits upon finding that the establishment, maintenance or operation of the use, or construction of a building, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood 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. Approval of a Use Permit also requires making the findings that the project is consistent with the purposes of the District.

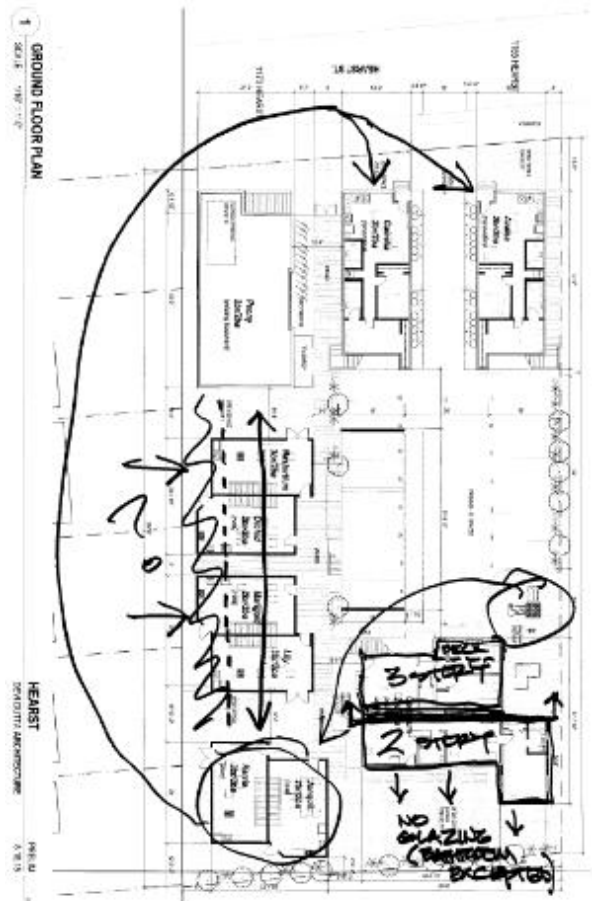
Response: The proposed project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of the neighborhood or the City as a whole. The proposed project replaces a low density dated property with a history of nuisance and security problems with a condominium project that adds vitality, housing opportunities, economic development, and pedestrian-oriented design to the neighborhood, and continues the vernacular design of the existing neighborhood.

Neighborhood Meeting & Community Outreach

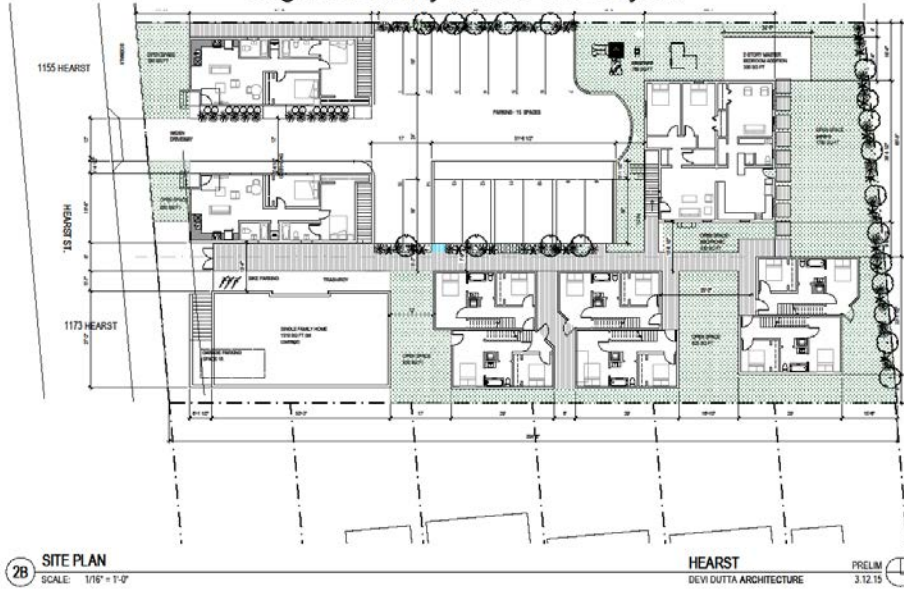
The project team has held numerous meetings with neighbors, including a large community meeting. A series of meetings has been held with individual neighbors to the north and the east of the project site to address issues of massing, parking, and hydrology. The proposed site plan responds to those meetings and issues.

The large community meeting was held on November 30th, 2015. Prior to the meeting, notices were sent to all property owners and occupants within 300 feet of the site based on a list of addresses provided by the City of Berkeley. The meeting was held in the driveway at the project site. About 25 area residents stopped by the site during the meeting time. To each of these neighbors, the project applicant and the architect presented the project. Draft floor plans and renderings were posted for attendees to view and the project team answered questions and discussed the proposal with the attendees. The sign in sheet and flier that was mailed are included in this application. A couple of neighbors expressed enthusiasm about the redevelopment of this historically troublesome property. Other neighbors expressed concerns about massing and parking.

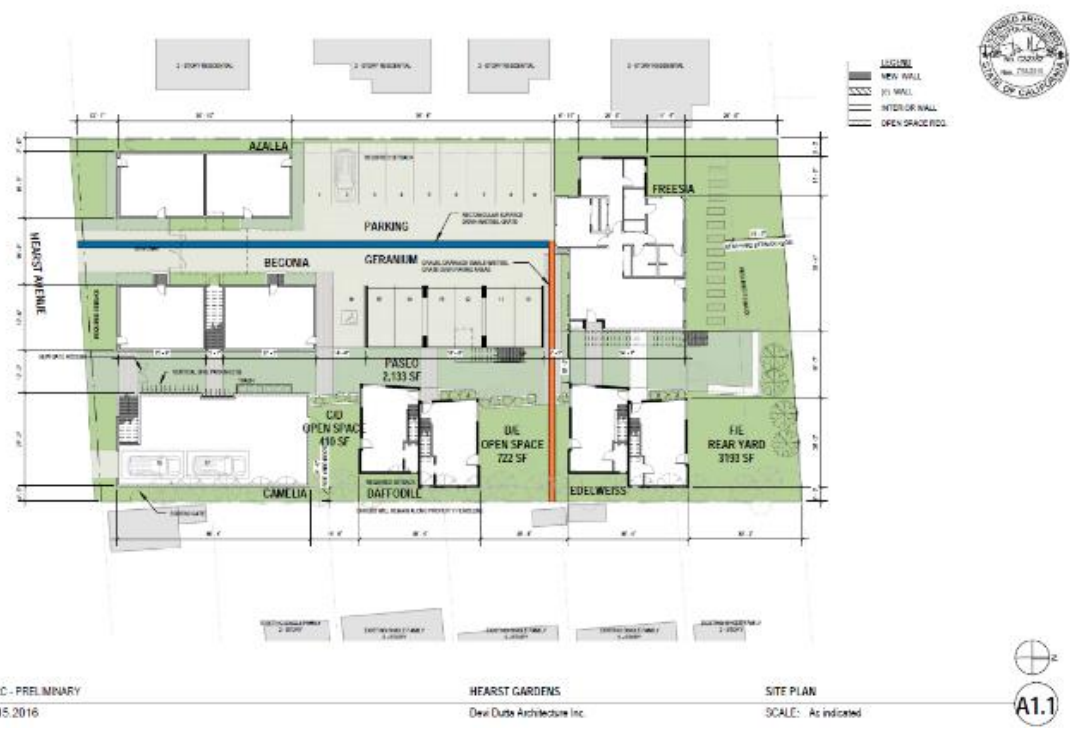
The project was modified significantly subsequent to the neighborhood meetings. The hand diagram at right shows the significant aspects of the project's changes to address concerns.



Original Density Bonus Site Layout



Current Site Design



PROPOSED PROJECT



PROJECT INFORMATION

1155-1173 Hearst Avenue:

Proposed residential development with 18 units including below market rate units, community garden, play area, and vehicle and bicycle parking.

APPLICANT INFORMATION:

Hearst Avenue Cottages, LLC
C/O Rhoades Planning Group
info@rhoadesplanninggroup.com

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

Public Notices:

--	--	--



1155 – 1173 Hearst Avenue

Project Neighborhood Meeting

Monday, November 30, 2015, 6:30 p.m. to 7:30 p.m.

1155 Hearst Avenue Parking Lot

You are invited to an open house to hear about a new project proposed at 1155 to 1173 Hearst Avenue. The project will provide housing opportunities within a sensitive neighborhood design. Features of the project will include:

- Full Parking with additional secure bicycle parking
- Common area in the center of the site
- Buildings pulled away from lot edges
- Building height transitions away from neighboring residences
- Hydrologist hired to assess and design lot drainage

We look forward to meeting you on November 30th. Light refreshments will be provided. If you have any questions about the project, please contact Rhoades Planning Group at info@rhoadesplanninggroup.com.

COMPANY: Rhoads Planning
 CONTACT: Katie G
 ADDRESS: _____
 CITY: _____ Telephone #: _____
 WORK #: _____
 OTHER: _____
 ACCOUNT #: 8
 JOB NAME: (1155 Hearst Neighborhood meeting)

KRISHNA
COPY CENTER
 2111 UNIVERSITY AVE., BERKELEY CA 94704
 TEL # (510)540-5959, FAX # (510)540-5095

-USPS
 DELIVERY CUSTOMER/PU
 DATE RECEIVED: 11/19/15 TIME RECEIVED: 4pm
 DATE DUE: 11/20/15 TIME DUE: noon

Instructions	# of Originals	Qty	Total	Sides	Size	Rate	Ext. Cost
3 2# b/w both sides	2	345		1	(2) let Leg Tab		
VDP address				1	2 let Leg Tab		
2nd side				1	2 let Leg Tab		
letter fold, Tab				1	2 let Leg Tab		
& adhesive stamp				1	2 let Leg Tab		
for mailing				1	2 let Leg Tab		
(1155 Hearst Neighborhood meeting)				1	2 let Leg Tab		
				1	2 let Leg Tab		
				1	2 let Leg Tab		

Stock: 20lbs. 24lbs. 60lbs. 67lbs. 70lbs. 32/80lbs.
 Color: White Other _____
 Collate: Y / N _____
 Staple: Punch Hole:
 Binding: Spiral Velo Wire **Tape**
 Binding Cover Front: Clear Vinyl Card Color: _____
 Binding Cover Back: Clear Vinyl Card Color: _____
 Folding: 1/2 Fold Z Fold Other: letter fold, Tab & adhesive stamp
 Cutting: 1/2 Cut 1/4 Cut Other: _____
 Special Instructions: _____

	1) 100x1 Setup
	2) 150x1 VDP Setup
	3) 345x151
	4) 345x84 VDP
	5) 120x1 Folding
	6) 345x64 Tab
	7) 345x6 Stamp App
	8) 100x Delivery charge
	9) 345x49 Stamp
	10) Rush Fees 675.00

Copy Sub-total 411.80

Price Estimated _____
 Taken by: _____ Done by: _____ Checked by: _____ Cashier: _____

Tax	23.06
Less Deposit Paid	
Amount Due	434.86

I have read and authorized this order Email order 11/19/15
 Customer Signature _____ Date _____
 I have received this order Delivery to Post office 11/20/15
 Customer Signature _____ Date _____

CASH
 CHECK
 ACCOUNT

Terms: Net 15 days from date of invoice. All accounts due at end of month.

1155 HEARST AVE.

NEIGHBOR TO West



NEIGHBOR TO WEST AND SITE



SITE



SITE AND NEIGHBOR TO EAST



NEIGHBOR ACROSS STREET LOOKING EAST



SITE AND NEIGHBOR TO EAST



NEIGHBOR ACROSS STREET LOOKING WEST





PLANNING & DEVELOPMENT

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

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: Hearst Avenue Cottages, LLC C/O Mark Rhoades

Street Address: 1611 Telegraph Avenue, Suite 200

City, State, Zip Code: Oakland, CA 94612

Phone Number: 510-545-4341

Project Information:

Address: 1155-1173 Hearst Avenue

City, State, Zip Code: Berkeley, CA 94702

Assessor's book, page, and parcel number: 57-208601400 & 57-208601300

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

None.

Regulatory identification number: _____

Date of list: _____

Applicant's verification:

Signature:  Date: 2/1/2016



PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704
 Tel: 510.981.7410 TDD: 510.981.9603 Fax: 510.981.7420 Email: Planning@ci.berkeley.ca.us

TABULATION FORM

Project Address: 1155-73 Hearst Ave Date: Feb 1, 2016

Applicant's Name: Rhoades Planning Group

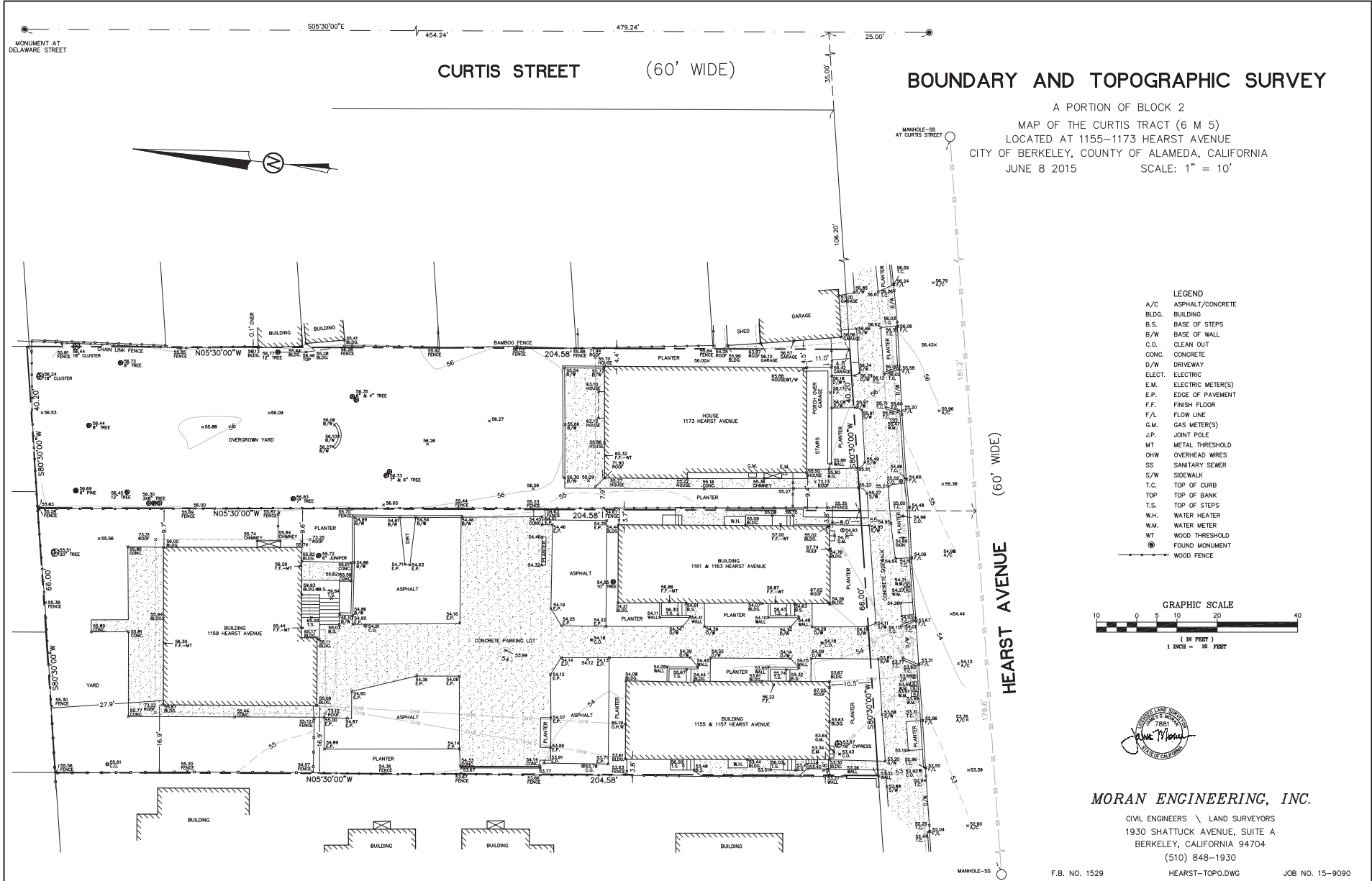
Zoning District R-2A

Please print in ink the following numerical information for Use Permit, Variance, and other Zoning Ordinance related permit applications:

		<i>Existing</i>	<i>Proposed</i>	<i>Permitted/ Required</i>
Units; Parking Spaces				
Number of Dwelling Units	(#)	7	18	N/A
Number of Parking Spaces	(#)	7	18	18
Yards and Height				
Front Yard Setback	(ft.)	7-10'	7-10'	15'
Side Yard Setbacks: (facing property)	Left: (ft.)	3-10'	3-10'	4' @ 1,2 stories, 6' @ 3rd
	Right: (ft.)	4-6'	4-6'	4' @ 1,2 stories, 6' @ 3rd
Rear Yard Setback	(ft.)	27'10"	27'10"	15'
Building Height*	(# Stories)	2	3	3 w/ AUP
Average*	(ft.)	23'	35'	28' avg, 35' w/ AUP
Maximum*	(ft.)	23'	35'	35' w/ AUP
Areas				
Lot Area	(SqFt.)	21673	21673	N/A
Gross Floor Area* Total Area Covered by All Floors	(SqFt.)	7,302	20,490	N/A
Building Footprint* Total of All Structures	(SqFt.)	4974	8670	N/A
Lot Coverage* (Footprint/Lot Area)	(%)	22%	40%	3 stories: 35% 2 stories: 40%
Useable Open Space*	(SqFt.)	N/A	6,458	5,400
Floor Area Ratio* Non-Residential Projects only (except ES-R)		N/A	N/A	N/A

*See Definitions – Zoning Ordinance Title 23F.

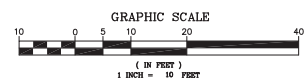
Revised: 09/02
 g:\forms\land use planning\tabulation_form.doc



BOUNDARY AND TOPOGRAPHIC SURVEY

A PORTION OF BLOCK 2
 MAP OF THE CURTIS TRACT (6 M 5)
 LOCATED AT 1155-1173 HEARST AVENUE
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
 JUNE 8 2015 SCALE: 1" = 10'

- LEGEND**
- A/C ASPHALT/CONCRETE
 - BLDG. BUILDING
 - B.S. BASE OF STEPS
 - B/W BASE OF WALL
 - C.O. CLEAN OUT
 - CONC. CONCRETE
 - D/W DRIVEWAY
 - ELECT. ELECTRIC
 - E.M. ELECTRIC METER(S)
 - E.P. EDGE OF PAVEMENT
 - F.F. FINISH FLOOR
 - F./L. FLOW LINE
 - G.M. GAS METER(S)
 - J.P. JOINT POLE
 - MT METAL THRESHOLD
 - OHW OVERHEAD WIRES
 - SS SANITARY SEWER
 - S/W SIDEWALK
 - T.C. TOP OF CURB
 - TOP TOP OF BANK
 - T.S. TOP OF STEPS
 - W.H. WATER HEATER
 - W.M. WATER METER
 - WT WOOD THRESHOLD
 - ⊙ FOUND MONUMENT
 - WOOD FENCE



MORAN ENGINEERING, INC.

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

**Housing Affordability /Anti-Discriminatory Housing Statements
Hearst Avenue Gardens
Application Submittal February 2, 2016**

Zoning Project Application Submittal Requirements – Items 1.a. and 1.b.

Item 1.a. – Housing Affordability Statement

Background and Proposed Density Bonus Project

The proposed Hearst Avenue Gardens is an affordable condominium housing project pursuant to Government Code Section 65915 (State Density Bonus Law) for two adjoining parcels at 1155 through 1173 Hearst Avenue. The site currently supports six apartments that are subject to the rent restrictions of the Berkeley Rent Control Ordinance (BRO) and a single family home at 1173 Hearst Avenue that is NOT subject to the rent restrictions of the City's BRO. The proposed project will be an 18-unit residential condominium housing development project on a combined 21,850 gross square foot lot. The lot is located in the R-2A zoning district, which allows 1 dwelling unit per each 1,650 square feet of lot area.

The project is also subject to the City of Berkeley Affordable Housing Mitigation Fee, which allows that an applicant may choose to provide the below market rate housing units on site. The City's AHMF requires a mitigation fee be paid for each unit of the project, including density bonus units, or that 10% of a project's units are provided on site at 50% AMI, which is considered. The project will provide the required affordable units on site.

By doing so, and agreeing to provide the affordability consistent with the City's requirements (lifetime of the project) the project is defined as an affordable housing project that is entitled to receive a density bonus pursuant to the state law. State law requires provision of the units for 55 years.

Government Code Section 65915 allows as follows (emphasis added for relevant section D):

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an

ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 4100 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

As shown above the project is subject to subsection (D) for the condominium alternative.

Base Project Calculation

The Government Code defines the calculation for density bonus as follows:

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

The otherwise allowable maximum residential density in the R-2A zone is one dwelling unit per each 1,650 square feet of lot area, or in the case of the proposed project:

21,850 gross square foot land area/1,650 per unit density standard = 13.24 dwelling units (13 units for rounding purposes)

Density Bonus Calculation

The calculation of the applicable density bonus relies on the type of project proposed, the percentage of affordable units provided on site for a term of 55 years or longer, and the level of affordability of those units.

For Sale Option

If we propose 13 units and 6 are @50% AMI (sales or rent) because they are currently under rent control and will be replaced in the project at the same affordability, that's +40% of the base project total units @ 50% AMI. That entitles the project to the full 35% density bonus because the AMI is lower than the required moderate income (80% - 120% AMI) affordability.

The section of density bonus that guides this calculation is as follows:

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in subparagraph (A) in a

development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

The two affordable units proposed include Azalea Unit A (ground floor, one bedroom) and Daffodil Unit A (two bedroom, second and third floors).

Item 1.b. – Anti-Discriminatory Housing Statement

1. No owner of the project engages in real estate development outside of California.



January 8, 2016

Mark Rhoades
 Rhoades Planning Group
 1611 Telegraph Avenue
 Suite 200
 Oakland, CA 94612

Re: Trip Generation and Parking Analysis for the Proposed Residential Project at 1153 and 1173 Hearst Avenue

This report presents the results of the traffic and parking analysis of the proposed mixed use project at 1153 and 1173 Hearst Avenue just east of San Pablo Avenue Avenue in the City of Berkeley. The proposed project involves constructing an 11 townhome condominium or apartment units that would be in addition to the seven existing residential units on the site (one single family home and three duplexes).

PROJECT DESCRIPTION

As mentioned above, the project consists of constructing 11 new townhome condominium or apartment units. The project is proposing to provide a total of 18 off-street parking spaces along with 26 secure bicycle parking spaces. Vehicular access to the new residential units will be at a single driveway on Hearst Avenue which already exists. The location of the project is shown in **Figure1**.

PROJECT TRIP GENERATION

The vehicle trip generation for the project is shown in **Table 1**. The trip generation rates are based on the ITE rates for Apartments (Land Use 220) taken from the 9th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The residential trip generation has also been adjusted to account for traffic conditions in this part of Downtown Berkeley, as described below.

Downtown Berkeley Residential Trip Generation - Since the project is an area with numerous bus connections, and within walking distance of the north Berkeley BART station (about six blocks), the vehicle trip rate per unit is less than would be generated by a typical apartment. Since the amount of parking planned for the project is lower than normal, this may further limit the number of vehicle trips generated. However, to be conservative, no reductions have been taken to account for these factors.

**Table 1
 Project Vehicle Trip Generation**

Land Use	ITE Code	Size	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
ITE Apartment Rates - Trips per Unit	220		6.65	0.10	0.41	0.51	0.40	0.22	0.62
Project Trip Generation		11 Units	73	1	5	6	5	2	7

PARKING

This section discusses the City of Berkeley’s zoning and estimated parking demand for the project. The project plans to provide 18 off-street parking spaces on site. This amount of parking meets requirements of the applicable zoning requirements of the district. As per the City’s Municipal Code the minimum off-street parking requirement for residential units in this area equates to one space per unit. For the proposed project this then equates to a minimum requirement of 18 spaces.

Residential Parking Demand in Downtown Berkeley - For this location not far from the central business district with excellent transit access the parking demand is much less than the typical ITE rate in the Parking Generation Manual. The availability of transit, the use of bicycles, and the attractiveness of walking in the mixed-use university/downtown environment clearly results in reduced vehicle trip generation and an associated reduction in the need for parking.

Since Berkeley has numerous opportunities for public transportation and the apartment residents are not all expected to have personal vehicles, it is anticipated that a substantial portion of all travel will occur by walking, bicycling, and through the use of public transit. There are existing bus stops one block from the site that provide access to five different AC Transit bus routes including a transbay route (Route FS). Please note that Local Bus Route 51B stops about a block from the site with approximately 10 minute headways. This route provides direct access to the Berkeley and Rockridge BART Stations as well as connections to additional transbay bus routes and express bus lines. Route 800 (an all-nighter) also operates about a block from the project (on University Avenue) and provides a connection to Amtrak at the Richmond BART station.

Residential Parking Demand Based on ITE Parking Generation Rates - To provide additional justification for the parking analysis, **Table 4** also provides a summary of the parking demand results using the average ITE parking generation rates for single family homes and apartments in an urban location taken from the 4th Edition of the *ITE Parking Generation Manual*. As shown in **Table 4**, the parking demand generated by the project is expected to be approximately 22 parking spaces for the residential component of the project based on the ITE data.

Table 4
Residential Off-Street Parking Calculations Using Parking Data from Other Downtown Projects and from the Institute of Transportation Engineers

No.	Component	Data Source	Land Use Category	Size		Parking Ratio	Required Spaces
1	Single Family Home	ITE Parking Demand Rates	Single Family	1	unit	1.83	2
2	Apartments/Condos	ITE Parking Demand Rates	Apartments	17	units	1.20	20

Summary of Findings on Parking - Based on these studies, it is our recommendation that the City consider making the findings that the proposed 18 space parking supply for the project meets City Code, and is reasonable and appropriate. The justification is as follows:

Page 3 of 3 – Hearst Avenue Residential Project Trip Generation and Parking Analysis

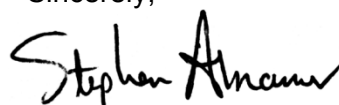
Abrams Associates
TRAFFIC ENGINEERING, INC.

- 1) The project is proposing to exceed the requirements for bicycle parking. The project is proposing to provide secure spaces for 26 bicycles for tenants of the project.
- 2) There are numerous existing car sharing locations in the area. Please note that within ½ mile of the project site there are 3 City CarShare locations and 4 Zipcar locations.
- 3) There are numerous shopping, employment, and education centers in the area.
- 4) There is extensive public transportation available in the project area including a BART station less than a ½ mile walk. There are also bus stops one block from the site that provide access to five different AC Transit bus routes including a transbay route (Route FS), an all-nighter (Route 800), as well as connections to intercity express routes.

It should be noted that the off-street parking provided would be consistent with many of the City policies for this area. These include policies related to the goals of increasing the use of public transit, limiting increases in vehicular traffic, improving air quality, limiting fuel consumption, and improving conditions for pedestrians in the area. Each of these factors, goals, and objectives is described in one form or another in the City's General Plan. These policies could provide additional support for making the findings to approve the parking for the project as proposed.

Please don't hesitate to contact me if you have any questions.

Sincerely,



Stephen C. Abrams
President, Abrams Associates
T.E. License No. 1852

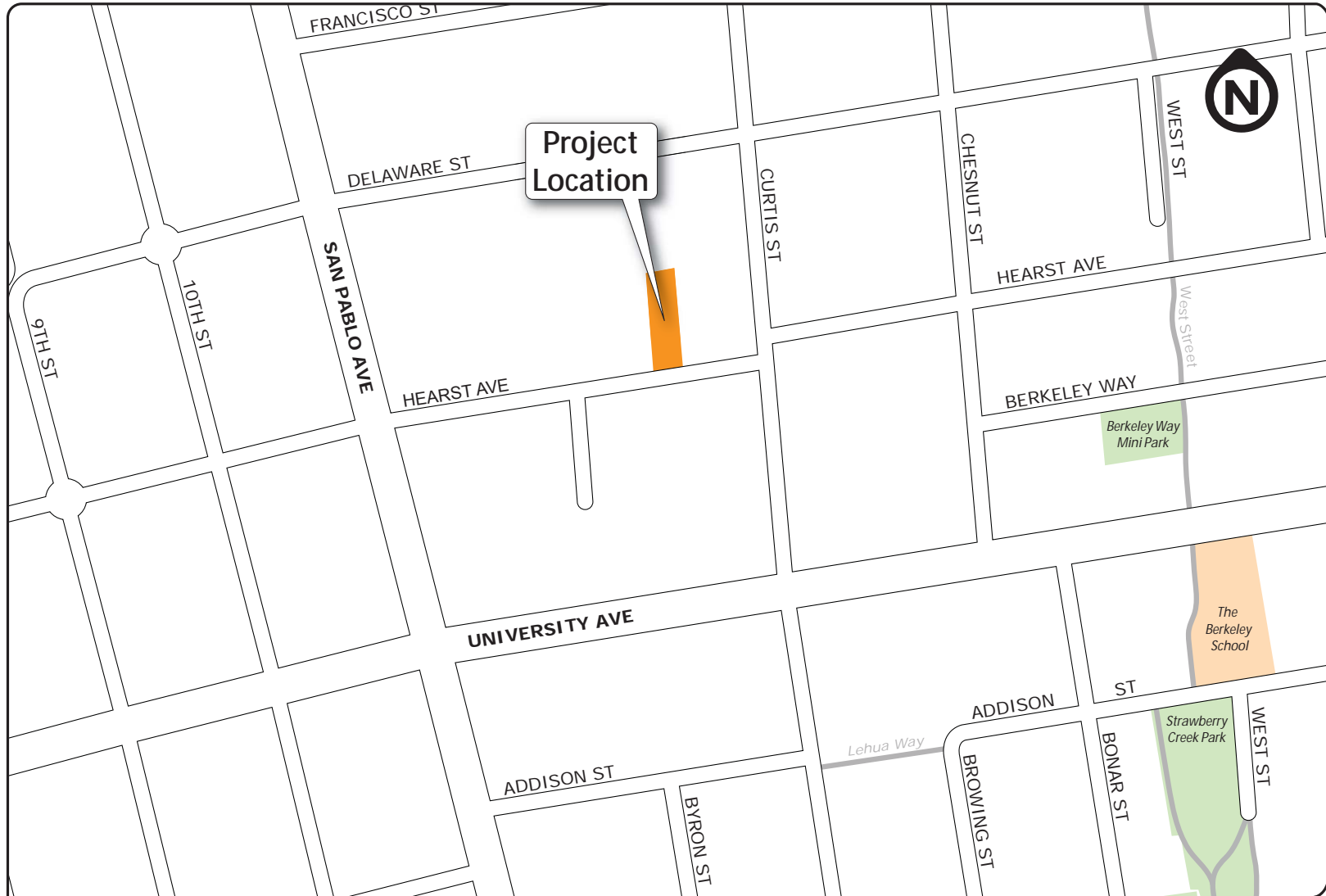


FIGURE 1 | PROJECT LOCATION
TRIP GENERATION AND PARKING ANALYSIS
Hearst Avenue Residential Project
City of Berkeley



C.3.i Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP)
Stormwater Controls for Development Projects

City of Berkeley
 Public Works Dept.
 Engineering Division



I. C.3.i Project Information

This form applies to development projects creating and/or replacing $\geq 2500 \text{ ft}^2$ to $< 10,000 \text{ ft}^2$ of impervious surface which are not Special Land Use Categories projects (auto service facilities, retail gasoline outlets, restaurants, and uncovered parking lots). This form also applies to detached single-family home projects, which create and /or replace $\geq 2500 \text{ ft}^2$ of impervious surface. Interior remodeling projects and routine maintenance or repair projects such as roof or exterior wall surface replacement and pavement resurfacing within the existing footprint are exempt from C.3.i stormwater requirement.

I.A. Enter Project Data

I.A.1 Project Name: HEARST

I.A.2 Project Address (include cross street): 115-1173 HEARST AVE @

I.A.3 Project APN: 057-208601300 &

I.A.4 Applicant Name: RHOADES PLANNING

I.A.5 Applicant Address: 1611 TELEGRAPH AVE,

I.A.6 Applicant Phone: 510/545- Applicant Email Address: mark@rhoadesplanninggroup

I.A.7 Development type: (check all that apply)
 Residential Commercial Industrial Mixed-Use
 'Redevelopment' as defined by MRP: creating, adding and/or replacing exterior existing impervious surface on a site where past development has occurred

I.A.8 Project Description: (Also note any past or future phases of the project.)
THIS PROJECT PROPOSES ADDING 11 SINGLE FAMILY
UNITS TO A DOIRI F LOT THAT CURRENTLY CONTAINS

I.A.9 Total Area of Site: 21,90 ft^2
 Total Area of land disturbed during construction (include clearing, grading, excavating and stockpile area: 14,51 ft^2

I.B. Enter the amount of impervious and pervious surface¹ created and/or replaced by the project.

Table of Impervious and Pervious Surfaces

Type of Impervious Surface	a	b	c	d
	Pre-Project Impervious Surface (sq.ft.)	Existing Impervious Surface to be Replaced ³ (sq.ft.)	New Impervious Surface to be Created ³ (sq.ft.)	Post-project landscaping (sq.ft.), if applicable
Roof area(s) – excluding any portion of the roof that is vegetated ("green roof")	453	453	884	N/A
Impervious ¹ sidewalks, patios, paths, driveways	52	0	0	
Impervious ¹ uncovered parking ²	461	0	0	
Totals:	10,41	453	330	645
Area of Existing Impervious Surface to remain in place	N/A			
Total New Impervious Surface (sum of totals for columns b and c):	784			

¹ Per the MRP, pavement that meets the following definition of pervious pavement is NOT an impervious surface. Pervious pavement is defined as pavement that stores and infiltrates rainfall at a rate equal to immediately surrounding unpaved, landscaped areas, or that stores and infiltrates the rainfall runoff volume described in Provision C.3.d.

² Uncovered parking includes top level of a parking structure.

³ "Replace" means to install new impervious surface where existing impervious surface is removed. "Create" means to install new impervious surface where there is currently no impervious surface.

C.3.i Stormwater Requirements Checklist

I.C. Identify C.6 Construction-Phase Stormwater Requirements

- | | | | |
|-------|--------------------------|-------------------------------------|--|
| | Yes | No | |
| I.C.1 | | | Is the site a "High Priority Site" that disturbs less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make this determination.) |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| | | | <ul style="list-style-type: none"> ▪ "High Priority Sites" are sites that require a grading permit, are adjacent to a creek, or are otherwise high priority for stormwater protection during construction (see MRP Provision C.6.e.ii(2)) |
| ➤ | | | NOTE TO APPLICANT: All projects require appropriate stormwater best management practices (BMPs) during construction. Refer to the Section II.C to identify appropriate construction BMPs. |
| ➤ | | | NOTE TO MUNICIPAL STAFF: If the answer is "Yes" to question I.C.1, refer this project to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30). |

II. Implementation of C.3.i Stormwater Requirements

II.A. Select Appropriate Site Design Measures

- Starting December 1, 2012, projects that create and/or replace 2,500 - 10,000 sq.ft. of impervious surface, and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface, **must include one or more of the following Site Design Measures a through f**, and are encouraged to implement the other Site Design Measures as practicable. See attached fact sheets for guidance on rain barrels / cisterns, vegetated areas and permeable surfaces, and attached sheets on recommended Source Control Measures and Construction BMPs.

II.A.1 Is the site design measure included in the project plans?

Yes	No	If Yes, show Plan Sheet No.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Direct roof runoff onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.
		OPTIONAL site design measures g through m: implement as practicable.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	g. Minimize land disturbance and impervious surface (especially parking lots).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	h. Maximize permeability by clustering development and preserving open space.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i. Use micro-detention, including distributed landscape-based detention.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	k. Self-treating area (see Section 4.1 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	l. Self-retaining area (see Section 4.2 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	m. Plant or preserve interceptor trees (Section 4.5, C.3 Technical Guidance)

II.B. C.3.i projects are encouraged to implement the following Source Control Measure as practicable.

Features that require source control measures	Source control measures (Refer to Local Source Control List for detailed requirements)
Storm Drain	Mark on-site inlets with the words “No Dumping! Flows to Bay” or equivalent.
Floor Drains	Plumb interior floor drains to sanitary sewer ¹ [or prohibit].
Parking garage	Plumb interior parking garage floor drains to sanitary sewer. ¹
Landscaping	<ul style="list-style-type: none"> ▪ Retain existing vegetation as practicable. ▪ Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. ▪ Minimize use of pesticides and quick-release fertilizers. ▪ Use efficient irrigation system; design to minimize runoff.
Pool/Spa/Fountain	Provide connection to the sanitary sewer to facilitate draining. ¹
Food Service Equipment (non-residential)	<p>Provide sink or other area for equipment cleaning, which is:</p> <ul style="list-style-type: none"> ▪ Connected to a grease interceptor prior to sanitary sewer discharge.¹ ▪ Large enough for the largest mat or piece of equipment to be cleaned. ▪ Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off, and signed to require equipment washing in this area.
Refuse Areas	<ul style="list-style-type: none"> ▪ Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. ▪ Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.¹
Outdoor Process Activities ²	Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer. ¹
Outdoor Equipment/ Materials Storage	<ul style="list-style-type: none"> ▪ Cover the area or design to avoid pollutant contact with stormwater runoff. ▪ Locate area only on paved and contained areas. ▪ Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer¹, and contain by berms or similar.
Vehicle/ Equipment Cleaning	<ul style="list-style-type: none"> ▪ Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer⁴, and sign as a designated wash area. ▪ Commercial car wash facilities shall discharge to the sanitary sewer.¹
Vehicle/ Equipment Repair and Maintenance	<ul style="list-style-type: none"> ▪ Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. ▪ No floor drains unless pretreated prior to discharge to the sanitary sewer.¹ ▪ Connect containers or sinks used for parts cleaning to the sanitary sewer.¹
Fuel Dispensing Areas	<ul style="list-style-type: none"> ▪ Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break. ▪ Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area.
Loading Docks	<ul style="list-style-type: none"> ▪ Cover and/or grade to minimize run-on to and runoff from the loading area. ▪ Position downspouts to direct stormwater away from the loading area. ▪ Drain water from loading dock areas to the sanitary sewer.¹ ▪ Install door skirts between the trailers and the building.
Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer. ¹
Miscellaneous Drain or Wash Water	<ul style="list-style-type: none"> ▪ Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.¹ ▪ Roof drains shall drain to unpaved area where practicable. ▪ Drain boiler drain lines, roof top equipment, all washwater to sanitary sewer.¹
Architectural Copper	Discharge rinse water to sanitary sewer ¹ , or collect and dispose properly offsite. See flyer “Requirements for Architectural Copper.”

¹ Any connection to the sanitary sewer system is subject to sanitary district approval.

² Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

II.C. Implement construction Best Management Practices (BMPs) where applicable.

Best Management Practice (BMP)
Attach the municipality's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
Temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established.
Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
Provide notes, specifications, or attachments describing the following: <ul style="list-style-type: none">▪ Construction, operation and maintenance of erosion and sediment controls, include inspection frequency;▪ Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material;▪ Specifications for vegetative cover & mulch, include methods and schedules for planting and fertilization;▪ Provisions for temporary and/or permanent irrigation.
Perform clearing and earth moving activities only during dry weather.
Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
Protect all storm drain inlets in vicinity of site using sediment controls such as berms, fiber rolls, or filters.
Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stock piles, etc.
Divert on-site runoff around exposed areas; divert off-site runoff around the site (e.g., swales and dikes).
Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
Limit construction access routes and stabilize designated access points.
No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated.
Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.
Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, washwater or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.



NEW HOME RATING SYSTEM, VERSION 6.0

MULTIFAMILY CHECKLIST

Total Points Targeted: 133

Certification Level: Gold

The GreenPoint Rated checklist tracks green features incorporated into the home. GreenPoint Rated is administered by Build It Green, a non-profit whose mission is to promote healthy, energy and resource efficient buildings in California. The minimum requirements of GreenPoint Rated are: verification of 50 or more points; Earn the following minimum points per category: Community (2) Energy (25), Indoor Air Quality/Health (6), Resources (6), and Water (8); and meet the prerequisites CALGreen Mandatory, E5.2, H6.1, J5.1, O1, O7.

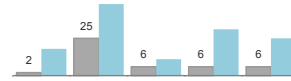
The criteria for the green building practices listed below are described in the GreenPoint Rated Single Family Rating Manual. For more information please visit www.builditgreen.org/greenpointrated
Build It Green is not a code enforcement agency.

A home is only GreenPoint Rated if all features are verified by a Certified GreenPoint Rater through Build It Green. This is the public version of the Checklist and cannot be used for certification.

New Home Multifamily Version 6.0.2

POINTS REQUIRED

■ Minimum Points
 ■ Targeted Points



HEARST GARDENS		Points Achieved	Possible Points					Notes
Measures			Community	Energy	IAQ/Health	Resources	Water	
CALGreen								
TBD	CALGreen Res (REQUIRED)		1	1	1	1		
A. SITE								
Yes	A1. Construction Footprint	1				1		
	A2. Job Site Construction Waste Diversion							
TBD	A2.1 65% C&D Waste Diversion (Including Alternative Daily Cover)					2		
TBD	A2.2 65% C&D Waste Diversion (Excluding Alternative Daily Cover)					2		
TBD	A2.3 Recycling Rates from Third-Party Verified Mixed-Use Waste Facility					1		
Yes	A3. Recycled Content Base Material	1				1		
Yes	A4. Heat Island Effect Reduction (Non-Roof)	1		1				
TBD	A5. Construction Environmental Quality Management Plan Including Flush-Out			1				
	A6. Stormwater Control: Prescriptive Path							
Yes	A6.1 Permeable Paving Material	1				1		
Yes	A6.2 Filtration and/or Bio-Retention Features	1				1		
No	A6.3 Non-Leaching Roofing Materials	0				1		
Yes	A6.4 Smart Stormwater Street Design	1	1					
TBD	A7. Stormwater Control: Performance Path					3		
B. FOUNDATION								
TBD	B1. Fly Ash and/or Slag in Concrete					1		
Yes	B2. Radon-Resistant Construction	2		2				
Yes	B3. Foundation Drainage System	2			2			
No	B4. Moisture Controlled Crawlspace	0		1				
	B5. Structural Pest Controls							
Yes	B5.1 Termite Shields and Separated Exterior Wood-to-Concrete Connections	1			1			
Yes	B5.2 Plant Trunks, Bases, or Stems at Least 36 Inches from the Foundation	1			1			
C. LANDSCAPE								
60.00%	Enter the landscape area percentage							
Yes	C1. Plants Grouped by Water Needs (Hydrozoning)	1				1		
Yes	C2. Three Inches of Mulch in Planting Beds	1				1		
	C3. Resource Efficient Landscapes							
Yes	C3.1 No Invasive Species Listed by Cal-IPC	1			1			
Yes	C3.2 Plants Chosen and Located to Grow to Natural Size	1			1			
Yes	C3.3 Drought Tolerant, California Native, Mediterranean Species, or Other Appropriate Species	3				3		
	C4. Minimal Turf in Landscape							
No	C4.1 No Turf on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less Than Eight Feet Wide	0				2		
No	C4.2 Turf on a Small Percentage of Landscaped Area	0				2		
Yes	C5. Trees to Moderate Building Temperature	3	1	1		1		
Yes	C6. High-Efficiency Irrigation System	2				2		
Yes	C7. One Inch of Compost in the Top Six to Twelve Inches of Soil	2				2		
No	C8. Rainwater Harvesting System	0				3		
No	C9. Recycled Wastewater Irrigation System	0				1		
Yes	C10. Submeter or Dedicated Meter for Landscape Irrigation	2				2		
TBD	C11. Landscape Meets Water Budget					2		
	C12. Environmentally Preferable Materials for Site							
Yes	C12.1 Environmentally Preferable Materials for 70% of Non-Plant Landscape Elements and Fencing	1			1			
No	C12.2 Play Structures and Surfaces Have an Average Recycled Content ≥20%	0			1			
Yes	C13. Reduced Light Pollution	1	1					
Yes	C14. Large Stature Tree(s)	1	1					
No	C15. Third Party Landscape Program Certification	0				1		
No	C16. Maintenance Contract with Certified Professional	0				1		
No	C17. Community Garden	0	2					
D. STRUCTURAL FRAME AND BUILDING ENVELOPE								
	D1. Optimal Value Engineering							
No	D1.1 Joists, Rafters, and Studs at 24 Inches on Center	0	1		2			
No	D1.2 Non-Load Bearing Door and Window Headers Sized for Load	0			1			
No	D1.3 Advanced Framing Measures	0			2			
TBD	D2. Construction Material Efficiencies				1			
	D3. Engineered Lumber							
No	D3.1 Engineered Beams and Headers	0			1			
No	D3.2 Wood I-Joists or Web Trusses for Floors	0			1			
Yes	D3.3 Engineered Lumber for Roof Rafters	1			1			
No	D3.4 Engineered or Finger-Jointed Studs for Vertical Applications	0			1			
TBD	D3.5 OSB for Subfloor					0.5		
TBD	D3.6 OSB for Wall and Roof Sheathing					0.5		
TBD	D4. Insulated Headers		1					
	D5. FSC-Certified Wood							
TBD	D5.1 Dimensional Lumber, Studs, and Timber					6		
TBD	D5.2 Panel Products					3		
	D6. Solid Wall Systems							
TBD	D6.1 At Least 90% of Floors					1		
TBD	D6.2 At Least 90% of Exterior Walls			1		1		
TBD	D6.3 At Least 90% of Roofs			1		1		
TBD	D7. Energy Heels on Roof Trusses			1				
24 inches	D8. Overhangs and Gutters	2			1			
	D9. Reduced Pollution Entering the Home from the Garage							
No	D9.1 Detached Garage	0			2			
Yes	D9.2 Mitigation Strategies for Attached Garage	1		1				

HEARST GARDENS		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
No	D10. Structural Pest and Rot Controls	0				1	
Yes	D10.1 All Wood Located At Least 12 Inches Above the Soil						
Yes	D10.2 Wood Framing Treating With Borates or Factory-Impregnated, or Wall Materials Other Than Wood	1				1	
Yes	D11. Moisture-Resistant Materials in Wet Areas (such as Kitchen, Bathrooms, Utility Rooms, and Basements)	2			1	1	
E. EXTERIOR							
Yes	E1. Environmentally Preferable Decking	1				1	
TBD	E2. Flashing Installation Third-Party Verified					2	
TBD	E3. Rain Screen Wall System					2	
Yes	E4. Durable and Non-Combustible Cladding Materials	1				1	
E5. Durable Roofing Materials							
Yes	E5.1 Durable and Fire Resistant Roofing Materials or Assembly	1				1	
TBD	E5.2 Roofing Warranty for Shingle Roofing						
No	E6. Vegetated Roof	0	R	R	R	R	R
		2	2	2			
F. INSULATION							
F1. Insulation with 30% Post-Consumer or 60% Post-Industrial Recycled Content							
TBD	F1.1 Walls and Floors					1	
TBD	F1.2 Ceilings					1	
F2. Insulation that Meets the CDPH Standard Method—Residential for Low Emissions							
TBD	F2.1 Walls and Floors				1		
TBD	F2.2 Ceilings				1		
F3. Insulation That Does Not Contain Fire Retardants							
TBD	F3.1 Cavity Walls and Floors				1		
TBD	F3.2 Ceilings				1		
TBD	F3.3 Interior and Exterior Insulation				1		
G. PLUMBING							
G1. Efficient Distribution of Domestic Hot Water							
Yes	G1.1 Insulated Hot Water Pipes	1		1			
Yes	G1.2 WaterSense Volume Limit for Hot Water Distribution	1				1	
Yes	G1.3 Increased Efficiency in Hot Water Distribution	2				2	
G2. Install Water-Efficient Fixtures							
Yes	G2.1 WaterSense Showerheads with Matching Compensation Valve	2				2	
Yes	G2.2 WaterSense Bathroom Faucets	1				1	
Yes	G2.3 WaterSense Toilets with a Maximum Performance (MaP) Threshold of No Less Than 500 Grams	1				1	
Yes	G2.4 Urinals with Flush Rate of ≤ 0.1 Gallons/Flush	1				1	
TBD	G3. Pre-Plumbing for Graywater System					1	
TBD	G4. Operational Graywater System					3	
Yes	G5. Submeter Water for Tenants	2				2	
H. HEATING, VENTILATION, AND AIR CONDITIONING							
H1. Sealed Combustion Units							
TBD	H1.1 Sealed Combustion Furnace				1		
TBD	H1.2 Sealed Combustion Water Heater				2		
Yes	H2. High Performing Zoned Hydronic Radiant Heating System	2		1	1		
H3. Effective Ductwork							
TBD	H3.1 Duct Mastic on Duct Joints and Seams				1		
TBD	H3.2 Pressure Balance the Ductwork System				1		
Yes	H4. ENERGY STAR® Bathroom Fans Per HVI Standards with Air Flow Verified	1			1		
H5. Advanced Practices for Cooling							
TBD	H5.1 ENERGY STAR Ceiling Fans in Living Areas and Bedrooms				1		
Yes	H5.2 Operable Windows and Skylights Located to Induce Cross Ventilation in At Least One Room in 80% of Units	1		1			
H6. Whole House Mechanical Ventilation Practices to Improve Indoor Air Quality							
TBD	H6.1 Meet ASHRAE Standard 62.2-2010 Ventilation Residential Standards		R	R	R	R	R
TBD	H6.2 Advanced Ventilation Standards				1		
Yes	H6.3 Outdoor Air Ducted to Bedroom and Living Areas	2			2		
H7. Effective Range Design and Installation							
Yes	H7.1 Effective Range Hood Ducting and Design	1			1		
TBD	H7.2 Automatic Range Hood Control				1		
I. RENEWABLE ENERGY							
No	I1. Pre-Plumbing for Solar Water Heating	0		1			
Yes	I2. Preparation for Future Photovoltaic Installation	1		1			
I3. Onsite Renewable Generation (Solar PV, Solar Thermal, and Wind)							
I4. Net Zero Energy Home							
TBD	I4.1 Near Zero Energy Home				2		
TBD	I4.2 Net Zero Electric				4		
No	I5. Solar Hot Water Systems to Preheat Domestic Hot Water	0			4		
No	I6. Photovoltaic System for Multifamily Projects	0			12		
J. BUILDING PERFORMANCE AND TESTING							
TBD	J1. Third-Party Verification of Quality of Insulation Installation				1		
TBD	J2. Supply and Return Air Flow Testing				1		
TBD	J3. Mechanical Ventilation Testing and Low Leakage				1		
TBD	J4. Combustion Appliance Safety Testing				1		
2013	J5. Building Performance Exceeds Title 24 Part 6						
10.0%	J5.1 Home Outperforms Title 24	25		30			
10.0%	J5.2 Non-Residential Spaces Outperform Title 24	10		15			
Yes	J6. Title 24 Prepared and Signed by a CABEC Certified Energy Analyst	1			1		
TBD	J7. Participation in Utility Program with Third-Party Plan Review				1		
TBD	J8. ENERGY STAR for Homes				1		
No	J9. EPA Indoor airPlus Certification					1	
K. FINISHES							
K1. Entryways Designed to Reduce Tracked-In Contaminants							
Yes	K1.1 Entryways to Individual Units	1			1		
Yes	K1.2 Entryways to Buildings	1			1		
TBD	K2. Zero-VOC Interior Wall and Ceiling Paints				2		
TBD	K3. Low-VOC Caulks and Adhesives				1		
K4. Environmentally Preferable Materials for Interior Finish							
TBD	K4.1 Cabinets					2	
TBD	K4.2 Interior Trim					2	
TBD	K4.3 Shelving					2	
TBD	K4.4 Doors					2	
Yes	K4.5 Countertops	1				1	
K5. Formaldehyde Emissions in Interior Finish Exceed CARB							
TBD	K5.1 Doors				1		
TBD	K5.2 Cabinets and Countertops				2		
TBD	K5.3 Interior Trim and Shelving				2		
TBD	K6. Products That Comply With the Health Product Declaration Open Standard				2		
TBD	K7. Indoor Air Formaldehyde Level Less Than 27 Parts Per Billion				2		
No	K8. Comprehensive Inclusion of Low Emitting Finishes				1		
TBD	K9. Durable Cabinets				2		
TBD	K10. At Least 25% of Interior Furniture Has Environmentally Preferable Attributes				1		

HEARST GARDENS		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
L. FLOORING							
≥25%	L1. Environmentally Preferable Flooring	1				3	
TBD	L2. Low-Emitting Flooring Meets CDPH 2010 Standard Method—Residential				3		
Yes	L3. Durable Flooring	1				1	
TBD	L4. Thermal Mass Flooring			1			
M. APPLIANCES AND LIGHTING							
Yes	M1. ENERGY STAR® Dishwasher	1					1
TBD	M2. CEE-Rated Clothes Washer			1			2
<25 cubic feet	M3. Size-Efficient ENERGY STAR Refrigerator	1		2			
M4. Permanent Centers for Waste Reduction Strategies							
No	M4.1 Built-In Recycling Center	0				1	
No	M4.2 Built-In Composting Center	0				1	
M5. Lighting Efficiency							
Yes	M5.1 High-Efficacy Lighting	2		2			
TBD	M5.2 Lighting System Designed to IESNA Footcandle Standards or Designed by Lighting Consultant			2			
No	M6. Central Laundry	0					1
TBD	M7. Gearless Elevator			1			
N. COMMUNITY							
N1. Smart Development							
Yes	N1.1 Infill Site	2	1			1	
No	N1.2 Designated Brownfield Site	0	1		1		
>35	N1.3 Conserve Resources by Increasing Density	4		2		2	
TBD	N1.4 Cluster Homes for Land Preservation		1			1	
	N1.5 Home Size Efficiency	9				9	
900	Enter the area of the home, in square feet						
2	Enter the number of bedrooms						
Yes	N2. Home(s)/Development Located Within 1/2 Mile of a Major Transit Stop	2	2				
N3. Pedestrian and Bicycle Access							
	N3.1 Pedestrian Access to Services Within 1/2 Mile of Community Services	2	2				
10	Enter the number of Tier 1 services						
10	Enter the number of Tier 2 services						
Yes	N3.2 Connection to Pedestrian Pathways	1	1				
TBD	N3.3 Traffic Calming Strategies		2				
TBD	N3.4 Sidewalks Buffered from Roadways and 5-8 Feet Wide		1				
Yes	N3.5 Bicycle Storage for Residents	1	1				
No	N3.6 Bicycle Storage for Non-Residents	0	1				
1 space per unit	N3.7 Reduced Parking Capacity	2	2				
N4. Outdoor Gathering Places							
Yes	N4.1 Public or Semi-Public Outdoor Gathering Places for Residents	1	1				
No	N4.2 Public Outdoor Gathering Places with Direct Access to Tier 1 Community Services	0	1				
N5. Social Interaction							
Yes	N5.1 Residence Entries with Views to Callers	1	1				
Yes	N5.2 Entrances Visible from Street and/or Other Front Doors	1	1				
Yes	N5.3 Porches Oriented to Street and Public Space	1	1				
Yes	N5.4 Social Gathering Space	1	1				
N6. Passive Solar Design							
TBD	N6.1 Heating Load			2			
TBD	N6.2 Cooling Load			2			
N7. Adaptable Building							
TBD	N7.1 Universal Design Principles in Units		1		1		
TBD	N7.2 Full-Function Independent Rental Unit		1				
N8. Affordability							
TBD	N8.1 Dedicated Units for Households Making 80% of AMI or Less		2				
TBD	N8.2 Units with Multiple Bedrooms for Households Making 80% of AMI or Less		1				
TBD	N8.3 At Least 20% of Units at 120% AMI or Less are For Sale		1				
N9. Mixed-Use Developments							
TBD	N9.1 Live/Work Units Include a Dedicated Commercial Entrance		1				
No	N9.2 At Least 2% of Development Floor Space Supports Mixed Use	0	1				
TBD	N9.3 Half of the Non-Residential Floor Space is Dedicated to Community Service		1				
O. OTHER							
Yes	O1. GreenPoint Rated Checklist in Blueprints	Y	R	R	R	R	R
TBD	O2. Pre-Construction Kickoff Meeting with Rater and Subcontractors			0.5		1	0.5
TBD	O3. Orientation and Training to Occupants—Conduct Educational Walkthroughs			0.5	0.5	0.5	0.5
TBD	O4. Builder's or Developer's Management Staff are Certified Green Building Professionals			0.5	0.5	0.5	0.5
TBD	O5. Home System Monitors			2			1
O6. Green Building Education							
TBD	O6.1 Marketing Green Building			2			
TBD	O6.2 Green Building Signage			0.5			0.5
TBD	O7. Green Appraisal Addendum		R	R	R	R	R
TBD	O8. Detailed Durability Plan and Third-Party Verification of Plan Implementation					1	
TBD	O9. Residents Are Offered Free or Discounted Transit Passes		2				
TBD	O10. Vandalism Deterrence Practices and Vandalism Management Plan					1	
P. DESIGN CONSIDERATIONS							
P1. Acoustics: Noise and Vibration Control							
	Enter the number of Tier 1 practices	1			1		
	Enter the number of Tier 2 practices						
P2. Mixed-Use Design Strategies							
No	P2.1 Tenant Improvement Requirements for Build-Outs	0					1
No	P2.2 Commercial Loading Area Separated for Residential Area	0			1		
No	P2.3 Separate Mechanical and Plumbing Systems	0			1		
P3. Commissioning							
TBD	P3.1 Design Phase			1	1		
TBD	P3.2 Construction Phase			1	1		
TBD	P3.3 Post-Construction Phase			1	1		
TBD	P4. Building Enclosure Testing			1	1	1	
Summary							
Total Available Points in Specific Categories		381	43	138	61	86	53
Minimum Points Required in Specific Categories		50	2	25	6	6	6
Total Points Achieved		133.0	18.0	48.0	11.0	31.0	25.0

Bay-Friendly Basics Landscape Checklist



This Bay-Friendly Basics Checklist is for all new construction and renovation of landscapes that are 2,500 square feet of irrigated area or greater and require a permit. The Bay-Friendly Basics represents the 9 required practices from the Bay-Friendly Landscape Scorecard. It is considered a minimum set of practices to improve the environmental performance of the landscape. Projects are recommended to meet all applicable measures on the checklist. For measures that are not applicable or are not in the project's scope of work, check "N/A" and make a note of why the measure does not apply to the project (attach additional sheets if necessary). For electronic copies of this checklist, and other Bay-Friendly Landscaping resources, visit: www.BayFriendly.org

Project: _____
 Address: _____ Date: _____

Earthwork & Soil Health

Yes No N/A	Measure & Requirement	Documentation	Notes
------------	-----------------------	---------------	-------

1.	<p>Mulch</p> <p>Requirement All soil on site is protected with a minimum of 3 inches of mulch after construction.</p> <p>Recommendation Use recycled or greenwaste mulch instead of landscape fabric. Trees identified for removal are chipped and used on site as mulch, on-site storage space permitting.</p> <p>Reference <i>Bay-Friendly Landscape Guidelines</i>, Practice 4.1; <i>Bay-Friendly Guide to Mulch</i>, available at www.BayFriendly.org. Provides sources of recycled mulch and proper application of mulch and information on sheet mulching.</p>	<ul style="list-style-type: none"> • Submit square footage of planting areas as well as cubic yards required to cover planting areas to a minimum three-inch (3") depth. • Submit a delivery ticket or receipt of purchased mulch and/or, • Submit receipts for sheet mulching materials and/or, • (Optional) Submit photos of trees being chipped for mulch (if applicable). 	
2.	<p>Amend the Soil with Compost Before Planting</p> <p>Requirement Compost is specified as the soil amendment, at the rates indicated by a soil analysis to bring the soil organic matter content to a minimum of 3.5% by dry weight or 1 inch of compost. If the imported or site soil meets the organic content of 3.5% or more, then the requirement is waived.</p> <p>Recommendation Purchase compost from a producer who participates in the U.S. Composting Council's Standard Testing Assurance(STA) program to ensure quality.</p> <p>Reference <i>Bay-Friendly Landscape Guidelines</i>, Practice 4.1; Model Bay-Friendly Soil specifications, at www.BayFriendly.org; U.S. Composting Council Standard Testing Assurance program explanation and list of participating producers can be found at: www.compostingcouncil.org</p>	<ul style="list-style-type: none"> • Submit the site soil or imported topsoil analysis. No soils analysis is required if 1" of compost is used. • Submit+H35 compost details from construction documents. • Submit the receipt or delivery ticket for the compost, indicating the amount of the compost delivered/purchased. <p><i>If a waiver is requested based on soil organic matter content or the needs of plant palette.</i></p> <ul style="list-style-type: none"> • Submit a completed plant palette with species that need little/no soil organic matter identified, and include the source of information on their soil needs OR • Submit a soils report that indicates the soil has an organic matter content of 3.5% or greater. 	

Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes			
Materials						
	<p>3. Reduce and Recycle Landscape Construction Waste</p> <table border="1"> <tr> <td data-bbox="347 474 797 1045"> <p>Requirement Divert 50% of landscape construction and demolition waste by weight. Verify the local jurisdiction's minimum requirement and reporting procedures for construction and demolition (C&D) recycling.</p> <p>Reference: StopWaste.Org, <i>Builders' Guide to Reuse & Recycling: A Directory for Construction and Demolition Materials</i> and sample Waste Management Plan for recycling C&D materials at www.BuildGreenNow.Org.</p> </td> <td data-bbox="797 474 1206 1045"> <ul style="list-style-type: none"> • State the percent diversion goal in the design documents. • List specific goals and recycling and reuse requirements in plans and specifications. • Require contractors to review the waste management plan with subcontractors and to include contract language requiring subcontractors comply with the plan. • Prior to construction, complete a construction waste management plan. The City should provide a sample template, or one can be downloaded at www.BuildGreenNow.org. • After construction, provide final waste management plan with backup documentation. If materials were sent to a C&D Recycling facility, apply a facility average diversion rate because not all materials can be recycled. Most large C&D facilities have a calculated diversion rate and can provide you with documentation stating the percentage of materials recycled at that facility (typically 50% to 90%). </td> <td data-bbox="1206 474 1404 1045"></td> </tr> </table>			<p>Requirement Divert 50% of landscape construction and demolition waste by weight. Verify the local jurisdiction's minimum requirement and reporting procedures for construction and demolition (C&D) recycling.</p> <p>Reference: StopWaste.Org, <i>Builders' Guide to Reuse & Recycling: A Directory for Construction and Demolition Materials</i> and sample Waste Management Plan for recycling C&D materials at www.BuildGreenNow.Org.</p>	<ul style="list-style-type: none"> • State the percent diversion goal in the design documents. • List specific goals and recycling and reuse requirements in plans and specifications. • Require contractors to review the waste management plan with subcontractors and to include contract language requiring subcontractors comply with the plan. • Prior to construction, complete a construction waste management plan. The City should provide a sample template, or one can be downloaded at www.BuildGreenNow.org. • After construction, provide final waste management plan with backup documentation. If materials were sent to a C&D Recycling facility, apply a facility average diversion rate because not all materials can be recycled. Most large C&D facilities have a calculated diversion rate and can provide you with documentation stating the percentage of materials recycled at that facility (typically 50% to 90%). 	
<p>Requirement Divert 50% of landscape construction and demolition waste by weight. Verify the local jurisdiction's minimum requirement and reporting procedures for construction and demolition (C&D) recycling.</p> <p>Reference: StopWaste.Org, <i>Builders' Guide to Reuse & Recycling: A Directory for Construction and Demolition Materials</i> and sample Waste Management Plan for recycling C&D materials at www.BuildGreenNow.Org.</p>	<ul style="list-style-type: none"> • State the percent diversion goal in the design documents. • List specific goals and recycling and reuse requirements in plans and specifications. • Require contractors to review the waste management plan with subcontractors and to include contract language requiring subcontractors comply with the plan. • Prior to construction, complete a construction waste management plan. The City should provide a sample template, or one can be downloaded at www.BuildGreenNow.org. • After construction, provide final waste management plan with backup documentation. If materials were sent to a C&D Recycling facility, apply a facility average diversion rate because not all materials can be recycled. Most large C&D facilities have a calculated diversion rate and can provide you with documentation stating the percentage of materials recycled at that facility (typically 50% to 90%). 					
Planting						
	<p>4. Choose & Locate Plants to Grow to Natural Size</p> <table border="1"> <tr> <td data-bbox="347 1152 797 1789"> <p>Requirement Species will be selected and plants spaced to allow them to grow to their natural size and shape . Pruning for structural integrity and health of plant is permitted. In addition, plants located in a row or adjacent to buildings, sidewalks or roads will be spaced between their minimum and maximum mature plant spread according to a published reference plant book and still fit into thier planting area without significant overhang. Trees must meet the spacing requirements only when adjacent to buildings, in a row or other adjacent to other vertical obstructions. Vines are not subject to spacing requirements.</p> <p>Reference <i>Bay-Friendly Landscape Guidelines</i>, Practices 2.1, Bay-Friendly Plant lists are available at www.BayFriendly.org; Bronsetin,Carol, David Fross and Bart O'Brien, <i>California Native Plants for the Garden</i>; East Bay Municipal Utility District, <i>Plants and Landscapes for Summer Dry Climates</i>; Sunset, <i>Western Garden Book</i>.</p> </td> <td data-bbox="797 1152 1206 1789"> <ul style="list-style-type: none"> • Submit plant legend indicating plant species, spacing and mature spread of plant. Indicate the source of information on spacing and spread. • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement. </td> <td data-bbox="1206 1152 1404 1789"></td> </tr> </table>			<p>Requirement Species will be selected and plants spaced to allow them to grow to their natural size and shape . Pruning for structural integrity and health of plant is permitted. In addition, plants located in a row or adjacent to buildings, sidewalks or roads will be spaced between their minimum and maximum mature plant spread according to a published reference plant book and still fit into thier planting area without significant overhang. Trees must meet the spacing requirements only when adjacent to buildings, in a row or other adjacent to other vertical obstructions. Vines are not subject to spacing requirements.</p> <p>Reference <i>Bay-Friendly Landscape Guidelines</i>, Practices 2.1, Bay-Friendly Plant lists are available at www.BayFriendly.org; Bronsetin,Carol, David Fross and Bart O'Brien, <i>California Native Plants for the Garden</i>; East Bay Municipal Utility District, <i>Plants and Landscapes for Summer Dry Climates</i>; Sunset, <i>Western Garden Book</i>.</p>	<ul style="list-style-type: none"> • Submit plant legend indicating plant species, spacing and mature spread of plant. Indicate the source of information on spacing and spread. • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement. 	
<p>Requirement Species will be selected and plants spaced to allow them to grow to their natural size and shape . Pruning for structural integrity and health of plant is permitted. In addition, plants located in a row or adjacent to buildings, sidewalks or roads will be spaced between their minimum and maximum mature plant spread according to a published reference plant book and still fit into thier planting area without significant overhang. Trees must meet the spacing requirements only when adjacent to buildings, in a row or other adjacent to other vertical obstructions. Vines are not subject to spacing requirements.</p> <p>Reference <i>Bay-Friendly Landscape Guidelines</i>, Practices 2.1, Bay-Friendly Plant lists are available at www.BayFriendly.org; Bronsetin,Carol, David Fross and Bart O'Brien, <i>California Native Plants for the Garden</i>; East Bay Municipal Utility District, <i>Plants and Landscapes for Summer Dry Climates</i>; Sunset, <i>Western Garden Book</i>.</p>	<ul style="list-style-type: none"> • Submit plant legend indicating plant species, spacing and mature spread of plant. Indicate the source of information on spacing and spread. • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement. 					

Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes
	<p>5. Do Not Plant Invasive Plant Species</p> <p>Requirement None of the plant species listed by CAL-IPC's Don't Plant a Pest as invasive in the San-Francisco, Bay Area are included in the planting plan.</p> <p>Definition An invasive speices is defined as a species that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likeley to cause economic or environmental harm or harm to human health. Federal Executive Order 13111.</p> <p>Reference Bay-Friendly Landscape Guielines, Practice 2.1d; Don't Plant A Pestbrochures for trees and plants available at www.cal-ipc.org; www.cal-ipc.org/ip/inventory/weedlist.php.</p>	<ul style="list-style-type: none"> • Compare the complete list of plants in the plant palette to the Cal-IPC list of plants that are invasive to the San Francisco Bay-Area. • Submit the complete plant palette. • Submit a statement signed by the Landscape Architect, Designer or Contractor confirming that no invasive species were substituted for specified species. 	
	<p>6. Grow drought tolerant CA native, Mediterranean or climate adapted plants</p> <p>Requirement A minimum of 75% of the total number of plants in non-turf areas must be species that require no or little summer watering once established. Species should be adapted to the climate in which they will be planted, as referenced by a published plant reference. If plants are given a range of water needs from "occasional to moderate" for example, the landscape designer must determine if the plant will require either occasional or moderate watering based on site, soil, and climate conditions and categorize the plant appropriately.</p> <p>Recommendation California native or Mediterranean species are strongly recommended.</p> <p>Reference <i>Bay-Friendly Landscape Guidelines</i> Practice 4.2; www.owue.water.ca.gov/docs/wucols00.pdf.</p>	<ul style="list-style-type: none"> • Submit a plant legend that identifies species, number of plants, irrigation requirements (and reference source of the water requirement), total number of drought tolerant plants and total number of non-turf plants. (download a Bay-Friendly plant legend template to facilitate this process at www.BayFriendly.org). • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement. 	

Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes
	7. Minimize the lawn		
	<p>Requirement A maximum of 25% of total irrigated area is specified as turf, with sports or multiple use fields exempted.</p> <p>Reference <i>Bay-Friendly Landscape Guidelines</i>, Practice 4.3; Bay-Friendly Lawn Alternatives plant list at www.BayFriendly.org; Brooklyn Botanic Garden Publications, <i>Easy Lawns, Low Maintenance Native Grasses for Gardeners Everywhere</i>.</p>	<ul style="list-style-type: none"> • Submit calculations of square feet of turf, excluding sports and multiple use fields, and square feet of total irrigated area. • Submit planting plans with sports and multiple use fields identified. Include a statement about the purpose of multiple use fields. • Submit as statement signed by the Landscape Architect, Designer or Contractor that installed turf meets the requirements for this credit. 	

Irrigation

	8. Specify Weather-Based Irrigation Controllers (automatic, self-adjusting) that Includes a Moisture &/or Rain Sensor Shutoff		
	<p>Requirement Weather-based irrigation controllers, soil moisture based controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems.</p> <p>Reference <i>Bay-Friendly Landscape Guidelines</i>, Practice 4.6; EBMUD website has a list of recommended self adjusting controllers at www.ebmud.com.</p>	<ul style="list-style-type: none"> • Submit the make and model and product sheet of the irrigation controller. • Provide a statement signed by the Landscape Architect, Designer or Contractor that the installed controller is a self-adjusting model and includes shut off capacity. 	
	9. Sprinkler & Spray Heads are Not Specified for Areas Less Than 8 Feet Wide		
	<p>Requirement Sprinkler and spray heads are not specified in areas less than or equal to 8 feet wide to prevent overspray and runoff. Acceptable alternatives include drip, subsurface drip, bubblers or no irrigation. Bubblers shall not exceed 1.5 gallons per minute per bubbler.</p>	<ul style="list-style-type: none"> • Submit statement signed by the Landscape Architect, Designer or Contractor verifying that irrigation as installed does not have sprinkler or spray heads in planted areas less than 8 feet wide. 	

Bay-Friendly Basics: Bay-Friendly Basics represents the 9 required practices in the Bay-Friendly Landscape Scorecard. Landscapes that achieve the Bay-Friendly Basics will achieve significant environmental benefits for the project and community as well as taking the first step toward becoming a Bay-Friendly Rated Landscape. If a project is interested in seeking to qualify as a Bay-Friendly Rated Landscape, it must also earn a minimum of 60 points on the Bay-Friendly Landscape Scorecard and be evaluated by a qualified Bay-Friendly Rater. Please visit www.BayFriendlyCoalition.org to learn more about taking this next step in sustainability. The Bay-Friendly Basics is not a substitute for exercising sound judgment in particular circumstances. Rather, the Bay-Friendly Basics is designed to help local governments raise the minimum environmental requirements for landscape projects that require a permit.

This checklist works well with the Small Commercial Green Building Checklist available at www.stopwaste.org/smallcommercial.

Density Bonus Calculations– Hearst Avenue Gardens
Scenarios for Rent and Sale Options
June 25, 2015

The following is a request for the Berkeley Planning and Development Department's opinion relevant to the application of State Density Bonus Law on a project located at 1155 and 1173 Hearst Avenue in the R-2A zoning district.

Background and Proposed Density Bonus Project

This letter is a request for the Planning Department's affirmation of the applicability of Government Code Section 65915 (State Density Bonus Law) to a proposed project located on two adjoining parcels at 1155 and 1173 Hearst Avenue. The proposed project will be a residential housing development project greater than five units on a 21,850 gross square foot lot. The lot is located in the R-2A zoning district, which allows 1 dwelling unit per each 1,650 square feet of lot area.

The project is subject to the City of Berkeley Affordable Housing Mitigation Fee, which allows that an applicant may choose to provide the below market rate housing units on site. The affordable housing requirement is for 10% of a project's units to be provided at 50% AMI, which is considered Very Low Income. By doing so, and agreeing to provide the affordability consistent with the City's requirements (lifetime of the project) the project is defined as an affordable housing project that is entitled to receive a density bonus pursuant to the state law. State law requires provision of the units for 55 years.

There are three scenarios contemplated for the project.

1. The first is as a condominium/for sale development where each unit would be sold to an individual and the common areas held under a Homeowners Association type of instrument.
2. The second is as a for rent project where the entire project would be held in ownership and the units individually rented.
3. The third option is as a hybrid of the first two where some units may be sold and some units may be rented.

Government Code Section 65915 allows as follows:

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this

section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 4100 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

As stated above, the project will be subject to the provisions of subsection (B) for the rental housing alternative because it provides units at the Very Low Income level. The project is subject to subsection (D) for the condominium alternative. The hybrid alternative must seek to combine the two scenarios and their individual requirements.

Base Project Calculation

The Government Code defines the calculation for density bonus as follows:

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

The otherwise allowable maximum residential density in the R-2A zone is one dwelling unit per each 1,650 square feet of lot area, or in the case of the proposed project:

21,850 gross square foot land area/1,650 per unit density standard = 13.24 dwelling units

State law also requires that all fractions be rounded up, "(b). All density calculations resulting in fractional units shall be rounded up to the next whole number." That results in a 14 unit base project calculation.

Unlike a project in a mixed use "C" based zoning district where there are no direct density standards the proposed project is located in the R-2A zoning district, which has a clearly stated "otherwise allowable maximum residential density." As a result, no other zoning development standards are allowed to be considered with respect to the base project calculation. Instead, in the event that a development standard may impede the provision of the base project or its density bonus units, the City is required to waive or modify those standards (Gov. Code Section 65915[e]).

Density Bonus Calculation

The calculation of the applicable density bonus relies on the type of project proposed, the percentage of affordable units provided on site for a term of 55 years or longer, and the level of affordability of those units.

Berkeley's Affordable Housing Mitigation Ordinance (AHMO) requires 10% of units in a project be affordable at 50% AMI. In this scenario that equates to 1.3 units BMR @ 50% AMI, which qualifies the project for a 32.5% density bonus, waivers and modifications and 3 concessions/incentives.

Currently there are six rent controlled units on the property.

For Sale Option

If we propose 13 units and 6 are @50% AMI (sales or rent) because they are currently under rent control and will be replaced in the project at the same affordability, that's +40% of the base project total units @ 50% AMI. That entitles the project to the full 35% density bonus because the AMI is lower than the required moderate income (80% - 120% AMI) affordability.

The section of density bonus that guides this calculation is as follows:

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

For Rent Option

Propose 13 units and the City's AHMO is 10% @ 50% AMI. That's 1.3 units, which entitles the project to a 32.5% density bonus. 13.24 units (14 by SDBL round up x 32.5% SDBL = Or 17.22 (18 per SDBL round up) units.

The operative section of density bonus law for this scenario is as follows:

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate- Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
-------------------------------------	--------------------------

5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(b). All density calculations resulting in fractional units shall be rounded up to the next whole number.

Blended Option (For Sale + For Rent)

We are unclear as to how the density bonus law would be applied to the project if some units were sold and some units continued to be rented. We seek your guidance in this regard. One interpretation is that the rental provisions would be in place until such time as a particular unit might be considered for sale at which time for sale provisions would be applied.

Thank you for your attention to this request – if you have any questions please do not hesitate to contact me at 510.545.4341, or by email at mark@rhoadesplanninggroup.com.

Best,

Mark Rhoades
RhoadesPlanningGroup



Planning and Development Department
Land Use Planning Division

Our ref.: PLN2015-033

September 24, 2015

Mark Rhoades
1611 Telegraph Avenue, Suite 200
Oakland, CA 94512

Dear Mr. Rhoades,

RE: Zoning Research Letter – 1155-1173 Hearst Avenue, Berkeley, (APNs 057 208601300 and 057 208601400)

This letter responds to your request for a Zoning Research Letter regarding density bonus scenarios for the above referenced properties. The following letter responds to the revised inquiry letter dated June 25, 2015, received September 1, 2015, as it relates to State law and City ordinances.

1) City's Affordable Housing Mitigation Fee (AHMF) for Rental Housing

The City's AHMF is separate from, and should not be conflated with Density Bonus Law. The AHMF (BMC §22.20.065) applies to all constructed units, including density bonus units. The total fee payable for density project is as follows:

$$[(A-B) \times \text{Fee}] - [(B/((A-B) \times 10\%)) \times ((A-B) \times \text{Fee})]$$

Where:

A = Total number of units in the project

B = Number of Very-Low Income (VLI) Units provided the project.

The AHMF goes down to zero if 10% of the *constructed* units are available to Very Low Income households. Please note that the AHMF does not require the developer to provide BMR units on site, as you stated on page 3 of your letter.

2) Base Project Calculation

California Government Code 65915(f)(5) states that, "All density calculations resulting in fractional units shall be rounded up to the next whole number."

Please be aware that this refers to the calculations determining the number of qualifying (BMR) units and the number of density bonus units; this does not apply

September 24, 2015
 Page 2 of 3

Zoning Research Letter: 1155-1173 Hearst Avenue
 APN 057-2086-014-00 & 057-2086-013-00

to the maximum residential density allowable by City Zoning Ordinance. To determine maximum residential density, the number of units is rounded down to the previous whole number. Rounding up would exceed the residential density of the District. As such, in the scenario presented in the June 25th letter, the base project—assuming the lots will be merged and have a combined lot size of 21,850 square feet—is 13 units, not 14.

3) Density Bonus – For Rent Option

As stated in (2) above, to calculate the maximum residential density, the unit count is rounded down. The base project, or maximum residential density for the proposed scenario is, therefore, 13 units, not 14. If 10% were included as available to VLI, this would be a total of two units (10% of 13 is 1.3, which rounds up to 2). Ten percent VLI qualifies a project for a 32.5% bonus, or 5 bonus units for the 13-unit base project (32.5% of 13 = 4.225, which rounds up to 5). The total number of project units would, therefore, be 18, not 19.

Any density bonus project is required to comply with Section 65915(c)(3) of Density Bonus law (AB 2222), which requires a housing development to replace dwelling units which, “have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households.” Therefore, in the above For Rent scenario, even if two units were offered at 50% AMI, the net remaining four rent controlled units would need to be replaced at a level of affordability as specified in Section 65915(c)(3)(B).

4) Concessions/Incentives – For Rent Option

The number of concessions or incentives to which a project is entitled is specifically prescribed in Government Code 65915(d)(2). A project would need to provide at least 15 percent of the units in the base project to VLI households to qualify for three incentives. As described under the Density Bonus Calculation on page 3 of your letter, in providing ten percent of the units at VLI, the project would qualify for two concession/incentives not three.

5) AHMF – For Rent Option

As discussed in (1) above, the For Rent Option would be subject to the Affordable Housing Mitigation Fee. If two of the 18 units were made available at rents affordable to VLI households, this represents more than 10% of the constructed units and no additional fee would be required.

6) Density Bonus & Concessions/Incentives – For Sale Option

In replacing the six rent controlled units at VLI, this would represent 46.2% of the base project. The project would, therefore, qualify for a 35% density bonus, or 5 density bonus units for a total of 18 for sale units (35% of 13 = 4.55, which rounds up to 5). This option would comply with Section 65915(c)(3) of Density Bonus law and would qualify for three incentives/concessions.

September 24, 2015
Page 3 of 3

Zoning Research Letter: 1155-1173 Hearst Avenue
APN 057-2086-014-00 & 057-2086-013-00

7) Inclusionary Housing Ordinance – For Sale Option

The For Sale Option would be subject to the City's Inclusionary Housing Ordinance for Ownership Projects (BMC §23C.12). Under this option, the project would exceed the provision of 20% BMR units at 80% of the area median income (AMI); no other provision or housing fee would be required.

8) Blended Option (For Sale + For Rent)

Density Bonus Law section 65915(b)(1)(D) only applies to common interest development projects in which all units in the development are offered to the public for purchase. As such, any Blended Option would be treated similar to the For Rent Option and would need to qualify for a density bonus as set forth under section 65915(b)(1)(A)-(C).

Keep in mind, however, that for a Blended Option, the ownership units would be subject to the provisions of the Inclusionary Ordinance and the rental units would be subject to the AHMF.

Although not part of your request, please be aware that staff does not believe the Findings can be made to eliminate (i.e. demolish) the controlled rental units at 1155-61 Hearst Avenue. Specifically, Finding E.1 states, "*The dwelling unit to be eliminated is neither occupied nor has a rent set at a level that is affordable by a person or a family of very low income, low income or moderate income, as defined by HUD Section 8 program guidelines.*".

Sincerely,



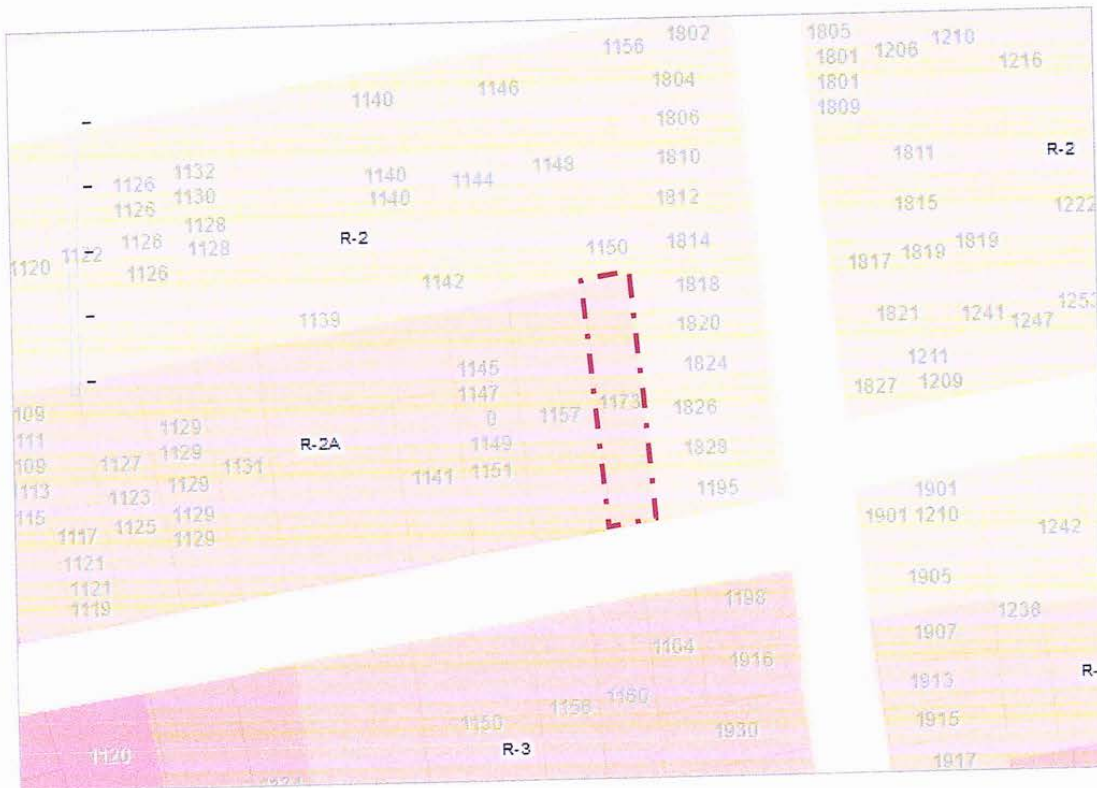
Leslie Mendez
Associate Planner

The determinations in this letter are based on a review of the facts available to me at this time, excepting additional information that may become available in the future. While this letter is true to the best of my knowledge, it shall not be considered legally binding in any way.

<u>Earthquake Fault Rupture(Alquist-Priolo) Zone</u>	No
<u>Landslide (Seismic Hazards Mapping Act)</u>	No
<u>Liquefaction (Seismic Hazards Mapping Act)</u>	No
<u>Un-reinforced Masonry Building Inventory</u>	No
Historic Preservation	
<u>Landmarks or Structure of Merit</u>	No
Environmental Safety	
<u>Creek Buffer</u>	No
<u>Environmental Management Area</u>	No
<u>Fire Zone</u>	1
<u>Flood Zone(100-year or 1%)</u>	No
Additional Parcel Info	
<u>Parcel Larger than or equal to 10,000 Square Feet</u>	Yes
<u>Parcel Larger than or equal to one acre(43,560 square feet)</u>	No
<u>Redevelopment Area</u>	No

Parcel Conditions and Permit History

Parcel Conditions: 1173 HEARST AVE
APN: 057 208601300



Zoning/General Plan

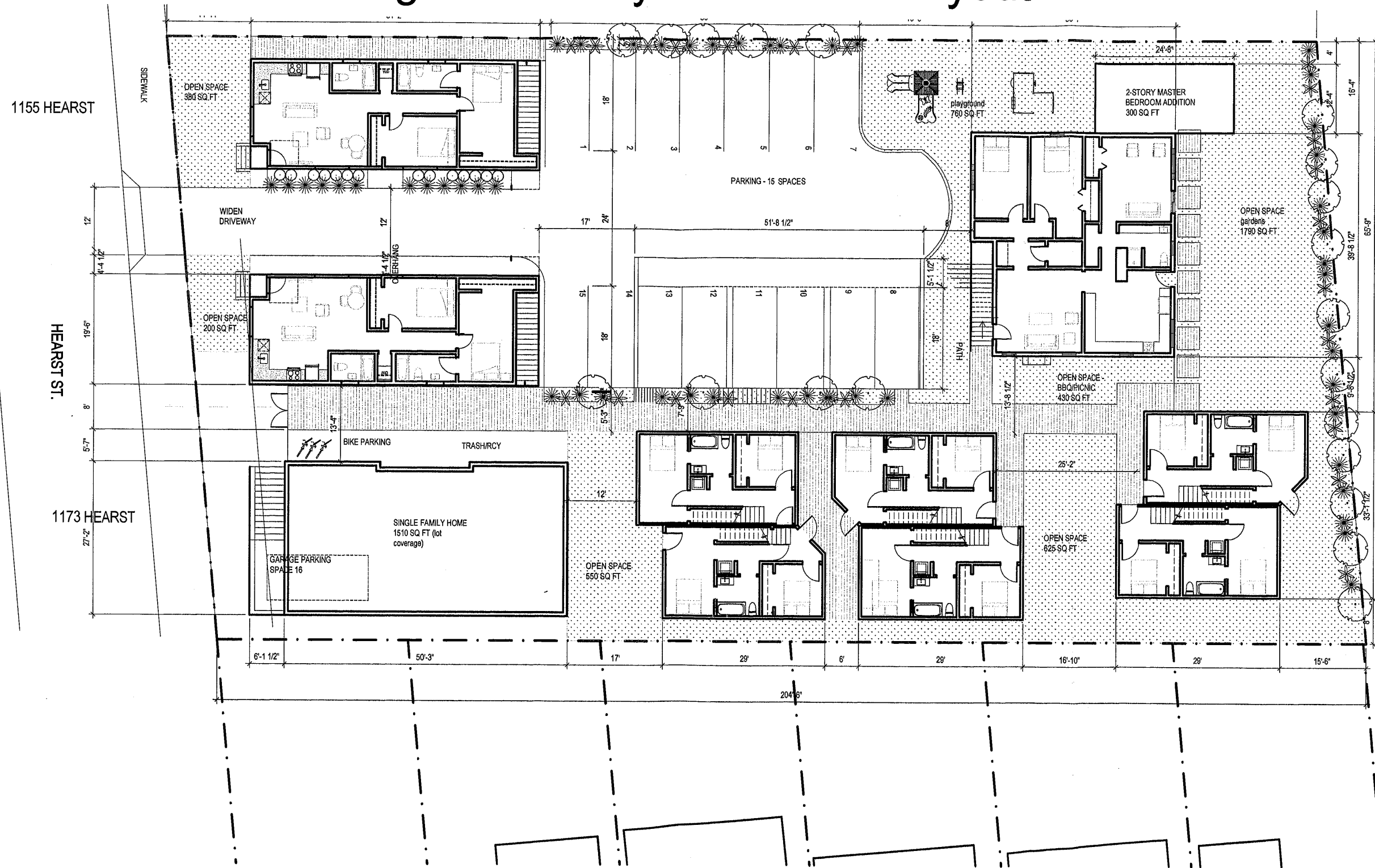
- [Arts District](#)
- [Commercial District with Use Quotas](#)
- [General Plan Area](#)
- [Zoning District](#)
- Seismic Safety**

Regulation Applies

- No
- No
- MDR
- R-2A

Earthquake Fault Rupture(Alquist-Priolo) Zone	No
Landslide (Seismic Hazards Mapping Act)	No
Liquefaction (Seismic Hazards Mapping Act)	No
Un-reinforced Masonry Building Inventory	No
Historic Preservation	
Landmarks or Structure of Merit	No
Environmental Safety	
Creek Buffer	No
Environmental Management Area	No
Fire Zone	1
Flood Zone(100-year or 1%)	No
Additional Parcel Info	
Parcel Larger than or equal to 10,000 Square Feet	No
Parcel Larger than or equal to one acre(43,560 square feet)	No
Redevelopment Area	No

Original Density Bonus Site Layout



2B SITE PLAN
SCALE: 1/16" = 1'-0"

HEARST
DEVI DUTTA ARCHITECTURE
PRELIM 3.12.15



APPLICANT:

RHOADES PLANNING GROUP
 1611 TELEGRAPH AVE. SUITE 200
 OAKLAND, CA 94612
 [510] 545-4341

ARCHITECT:

DEVI DUTTA-CHOUDHURY, AIA
 DEVI DUTTA ARCHITECTURE INC.
 1958A UNIVERSITY AVENUE
 BERKELEY, CA 94704
 [510] 705-1937
 hello@devidutta.com

OWNER:

HEARST AVE COTTAGES, LLC
 1958A UNIVERSITY AVENUE
 BERKELEY, CA 94704

PROJECT:

**HEARST GARDENS
 BERKELEY, CA 94702**

DESCRIPTION:

DEVELOPMENT OF TWO EXISTING LOTS AT HEARST STREET BETWEEN SAN PABLO & CURTIS STREET. THE EXISTING LOTS ARE OVER 21,000 SF, AND CURRENTLY HAVE 7 RESIDENCES ON SITE. THESE ARE TO BE MAINTAINED AND RENOVATED WHILE ALSO ADDING 11 ADDITIONAL HOMES TO THE SITE, 5 OF WHICH ARE DENSITY BONUS. UNITS ARE ARRANGED AROUND A CENTRAL PASEO THAT PROVIDES ACCESS TO ALL UNITS AND AMPLE OPEN SPACE.

SITE ADDRESS:

HEARST GARDENS
 BERKELEY, CA 94702

ASSESSOR'S PARCEL #:

LOT 1173: 057 208601300
 LOT 1157: 057 208601400

SHEET INDEX

COVER SHEET	A0.0
PROJECT INFORMATION	A0.1
BASELINE VS. DENSITY BONUS	A0.2
EXISTING PROJECT	A0.3
BASELINE PROJECT	A0.4
DENSITY BONUS TABLE	A0.5
DIAGRAM - NEIGHBORHOOD CONTEXT	A0.6
VICINITY MAP	A0.7
STREET STRIP - HEARST AVENUE	A0.8
NEIGHBORHOOD PHOTOS	A0.9
EXISTING SITE PLAN	A1.0
SITE PLAN	A1.1
GROUND FLOOR	A1.2
SECOND FLOOR	A1.3
THIRD FLOOR	A1.4
ROOF PLAN	A1.5
SOUTH ELEVATION	A2.0
NORTH ELEVATION	A2.1
EAST ELEVATION	A2.2
WEST ELEVATION	A2.3
SITE SECTIONS LOOKING WEST	A3.0
SITE SECTIONS LOOKING EAST	A3.1

SHEET INDEX

SITE SECTIONS LOOKING NORTH	A3.2
SITE SECTIONS LOOKING SOUTH	A3.3
BUILDING SECTIONS	A3.4
BUILDING SECTIONS	A3.5
EAST DUPLEXES	A4.0
NORTH BUILDING - FREESIA	A4.1
TOWNHOMES @ HEARST	A4.2
CAMELIA EXISTING BASEMENT & LEVEL 2	A4.3
RENDERING - HEARST LOOKING WEST	A5.0
RENDERING - PASEO NORTH @ BEGONIA BLDG.	A5.2
RENDERING - PASEO SOUTH @ DAFFODILE	A5.3
RENDERING - VIEW TO DAFFODILE & EDELWEISS	A5.4
RENDERING - PASEO LOOKING WEST @ GERANIUM	A5.5
RENDERING - VIEW TO SOUTH FROM BACK YARD	A5.6
RENDERING - VIEW WEST FROM ADJ. PROPERTY	A5.7
RENDERING - VIEW HEARST LOOKING EAST	A5.8
SHADOW STUDIES SUMMER SOLSTICE	A6.0
SHADOW STUDIES WINTER SOLSTICE	A6.1
SHADOW STUDIES OCTOBER 1ST	A6.2
SHADOW STUDIES JANUARY 15	A6.3
SHADOW STUDIES JANUARY 15 COMPARISON	A6.4





APPLICABLE CODES:

(INCLUDES LOCAL AMENDMENTS)
 2013 California Building Code (CBC)
 2013 California Residential Code (CRC)
 2013 California Energy Code
 2013 California Electrical Code (CEC)
 2013 California Plumbing Code (CPC)
 2013 California Mechanical Code (CMC)
 2013 California Fire Code (CFC)
 2013 CALGreen
 BERKELEY MUNICIPAL CODE

PROJECT:

**1155 HEARST AVE
 BERKELEY, CA 94705**

ASSESSOR'S PARCEL #:

LOT 1173: 057 208601300
 LOT 1157: 057 208601400



PROJECT DESCRIPTION:

THIS MULTIFAMILY PROJECT PROPOSES THREE NEW RESIDENTIAL STRUCTURES, AS WELL AS NEW SURFACE & COVERED PARKING, TWO STORY ADDITIONS TO THREE EXISTING SINGLE STORY RESIDENTIAL STRUCTURES, AND AN INTERIOR REMODEL TO AN EXISTING RESIDENTIAL STRUCTURE.

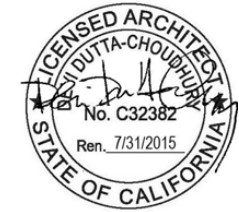
A LANDSCAPED "PASEO" ACTS AS THE PRIMARY PEDESTRIAN LINK FROM HEARST AVE, TO ACCESS RESIDENCE ENTRANCES, PARKING, AND COMMON AMENITY AREAS AND OPEN SPACE.

ZONING INFORMATION:

ADDRESS:	1155 HEARST AVE BERKELEY, CA 94702
USE DESCRIPTION	CURRENT RESIDENTIAL PROPERTY CONVERTED TO 5 OR MORE UNITS SINGLE FAMILY RESIDENTIAL, USED AS SUCH.
GENERAL PLAN:	MDR
ZONING DISTRICT:	R-2A
FLOOD ZONE:	NO
FIRE ZONE:	1
ENV. MGMT. AREA:	NO
LANDMARK STRUCTURES MERIT:	NO
LOT AREA 1173:	8,405 SF
LOT AREA: 1157	13,497 SF
TOTAL:	21,902 SF

HEIGHT & STORIES	ZONING:	EXISTING:	PROPOSED:
STORIES:	3 W/AUP	2	3
HEIGHT:	28' AVG 35' W/AUP	23'	35'
SETBACKS (Min. dimensions shown - see site plan)			
FRONT	15'	7'-10" EXISTING	7'-10" ADDITION
SIDE	4' @ 1ST STORY 4' @ 2ND STORY 6' @ 3RD STORY	3'-10" @ WEST 4'- 6" @ EAST	3' - 10" @ West (3 - STORY) 4' - 6" @ EAST (2 - STORY) 5' - 4" @ FREESIA ADDITION
BACK	15'	27'-10"	27'-10"
BUILDING SEPARATION	8' @ 1ST STORY 12' @ 2ND STORY 16' @ 3RD STORY	13'- 3"	9' - 2" - 25' - 6"
LOT AREA		21673 (Merge 2 lots)	21673
LOT COVERAGE	3 - STORY: 35% 2 - STORY: 40%	4974 SF : 22%	8670 SF: 40%
GROSS FLOOR AREA		7,302 SF	15,178 * 1.35 = 20,490 SF (Includes density bonus area, see A0.2)
PARKING: CARS			
RESIDENTIAL	1/UNIT 18 REQUIRED	7 (1 Covered @ Camelia; 6 @ Surface Lot)	18 Including 1 ADA/Van accessible (10 @ surface lot, 6 covered @ Geranium, 2 @ Camelia @ garage)
TOTAL			
PARKING: BIKE			
RESIDENTIAL		0	19

UNIT COUNT	ZONING:	EXISTING:	PROPOSED:
* Note: See Sheet A0.3 for unit mix and sizes			
	1 / 1650 SF LOT AREA 21673/1650 = 13 UNITS	7 UNITS	4.55 ADDITIONAL UNITS 13 X 35% = 18 TOTAL (PER DENSITY BONUS)
OPEN SPACE (See Site Plan for details)			
	300 SF / UNIT		18 UNITS = 6,458 SF REAR: 3,193 SF PASEO: 2,133 SF C/D: 410 SF D/E: 722 SF
BUILDING OCC.			
A, B, G & F: S-2 & R-2 @ GROUND FLOOR; R-2 @ LVLS. 2 & 3. EAST OF PASEO: R-3 @ C, D, E			
PROPOSED CONSTRUCTION TYPE			
NEW V-A STRUCTURES & REMODEL TO EXISTING DETACHED V-B RESIDENCE			
EXCAVATION			
APPROXIMATELY 55 CUBIC YARDS, FOR NEW FOUNDATIONS ONLY.			

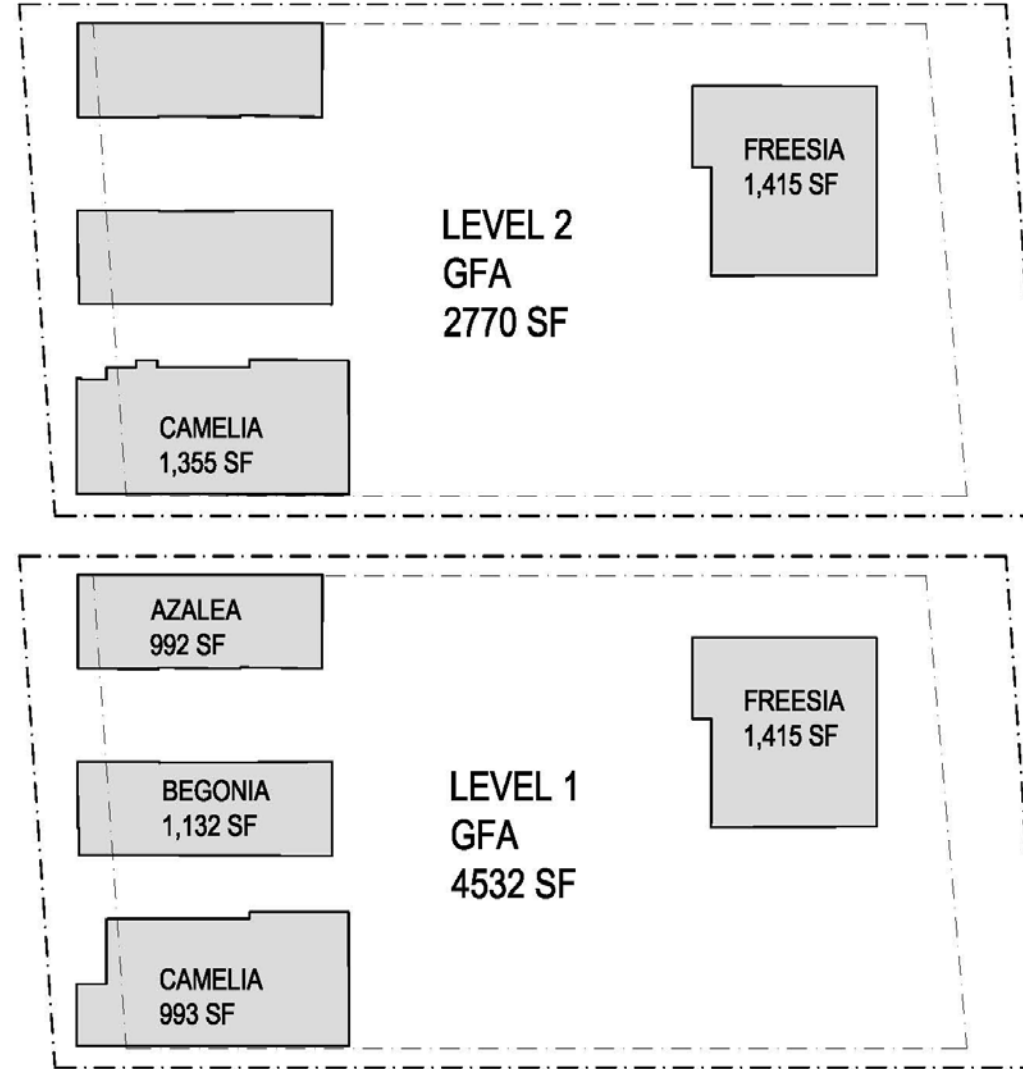


EXISTING CONDITIONS	
GROSS FLOOR AREA	7,226 GFA
AVERAGE UNIT SIZE	1,032 GFA
LOT AREA	21,673 SF (PER SURVEY)
LOT COVERAGE	4,847 SF
TOTAL ALLOWABLE AREA W/ DENSITY BONUS	N/A
PARKING	1 PER UNIT REQ'D. 7 PROVIDED.
OPEN SPACE	N/A
HEIGHT & STORIES	W/O USE PERMIT 2 STORIES PROVIDED ~23' EXISTING HEIGHT
SETBACKS	7'-10" EXISTING NON-CONFORMING 3.8' EXISTING NON-CONFORMING 28' PROVIDED
EXISTING DWELLING UNITS	7

BASELINE DEVELOPMENT STANDARDS	
GROSS FLOOR AREA	15,178 GFA
AVERAGE UNIT SIZE	1,168 GFA
LOT AREA	21,673 SF (PER SURVEY)
LOT COVERAGE	40% ALLOWED (8,670 SF) 40% PROVIDED (8,670 SF)
TOTAL ALLOWABLE AREA W/ DENSITY BONUS	N/A
PARKING	1 PER UNIT REQ'D. (13) 13 PROVIDED
OPEN SPACE	300 SQ FT/ UNIT = 3,900 REQUIRED 3,900 PROVIDED
HEIGHT & STORIES	2 STORIES PERMITTED 28' HEIGHT ALLOWED
SETBACKS	15' FRONT YARD REQ'D 4' SIDE YARD REQ'D 15' BACK YARD REQ'D
ALLOWED DWELLING UNITS	13

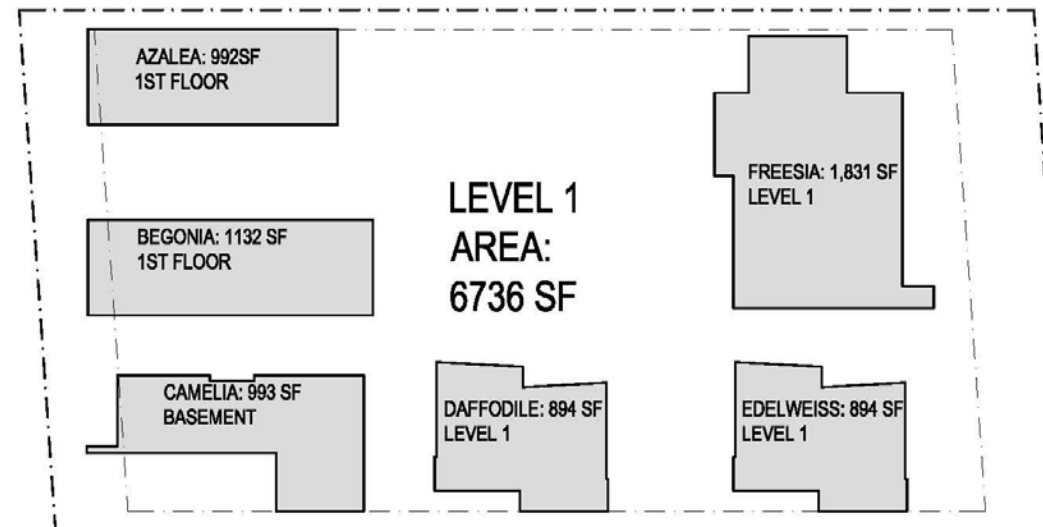
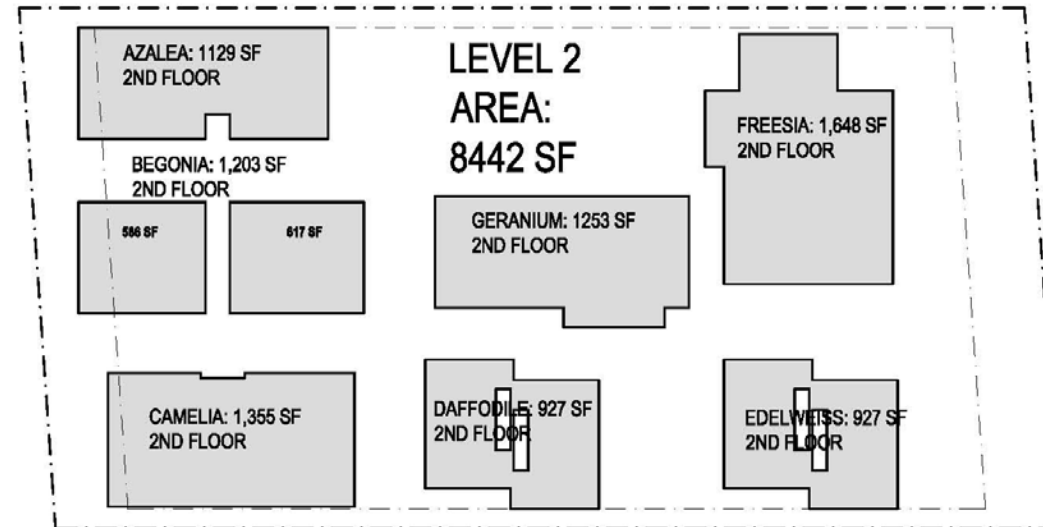
DENSITY BONUS DEVELOPMENT STANDARDS	
GROSS FLOOR AREA	20,040GFA (1% BELOW DENSITY BONUS ALLOWANCE OF 20,490 GFA)
AVERAGE UNIT SIZE	1,113 GFA
LOT AREA	21,673 SF (PER SURVEY)
LOT COVERAGE	35% ALLOWED W/3 STORY (7,586 SF) 40% PROVIDED (8,670 SF)
TOTAL ALLOWABLE AREA W/ DENSITY BONUS	15,178 GFA*1.35 = 20,490 GFA ALLOWED
CAR PARKING	(1) PER UNIT REQ'D. (18). 18 PROVIDED
OPEN SPACE	300 SQ FT/UNIT = 5,400 REQUIRED 6,458 SF PROVIDED
HEIGHT & STORIES	3 STORIES PERMITTED 35' HEIGHT ALLOWED 3 STORIES PROVIDED 35' HEIGHT SHOWN
SETBACKS	15' FRONT YARD REQ'D 7'-10" EXISTING NON-CONFORMING 4' SIDE YARD REQ'D LEVEL 1&2 3.8' EXISTING NON-CONFORMING 6' SIDE YARD REQ'D LEVEL 3 4' PROVIDED 15' BACK YARD REQ'D 28' PROVIDED
PROPOSED 35% DENSITY BONUS	18

EXISTING CONDITIONS, 7 UNITS				
BUILDING	UNIT #	UNIT TYPE	UNIT GROSS FLOOR AREA	EXISTING/NEW? BELOW MARKET RATE?
AZALEA	A101	1 BED, 1 BATH	496 GFA	(E), BMR
	A102	1 BED, 1 BATH	496 GFA	(E), BMR
BEGONIA	B101	1 BED, 1 BATH	566 GFA	(E), BMR
	B102	1 BED, 1 BATH	566 GFA	(E), BMR
CAMELIA	C101	2 BED, 1 BATH	1,355 LVL2 + 933 BASEMENT = 2,348 GFA (PARKING EXCLUDED FROM GFA)	(E)
FREESIA	F101	3 BED, 3 BATH	1,415 GFA	(E) BMR
	F201	3 BED, 3 BATH	1,415 GFA	(E) BMR
TOTALS	7 UNITS	N/A	7,302 GFA	N/A



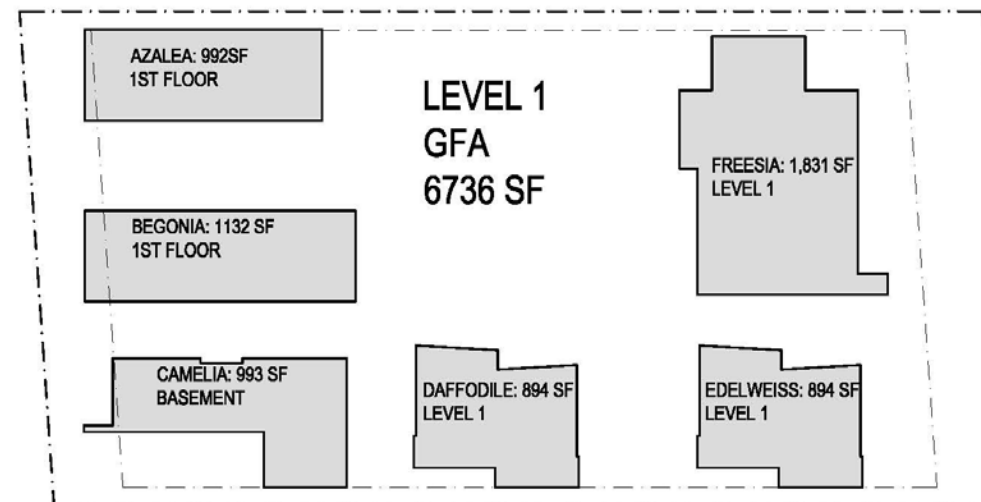
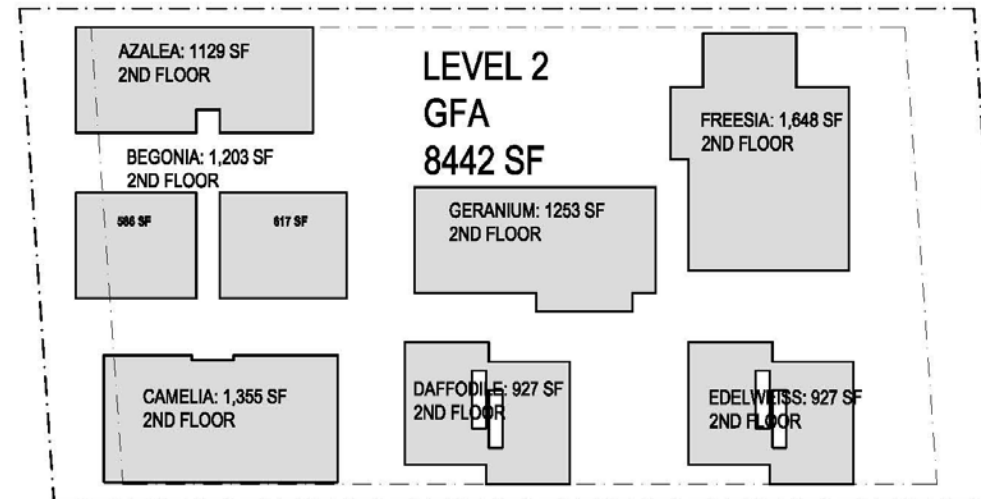
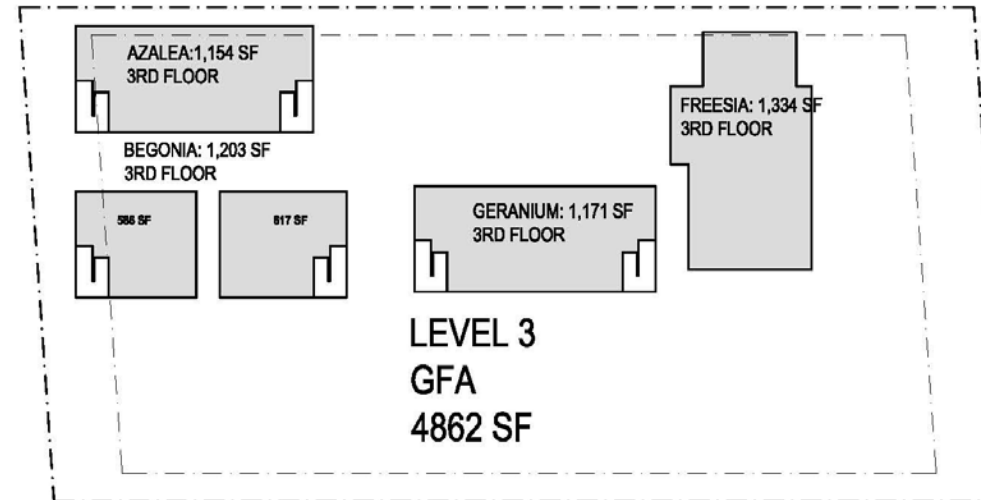


BASELINE PROJECT, 13 UNITS				
BUILDING	UNIT #	UNIT TYPE	UNIT GROSS FLOOR AREA	EXISTING/NEW? BELOW MARKET RATE?
AZALEA	A101	1 BED, 1 BATH	496 GFA	(E), BMR
AZALEA	A102	1 BED, 1 BATH	496 GFA	(E), BMR
AZALEA	A201	2 BED, 2.5 BATH	1129 GFA	NEW
BEGONIA	B101	1 BED, 1 BATH	566 GFA	(E), BMR
BEGONIA	B102	1 BED, 1 BATH	566 GFA	(E), BMR
BEGONIA	B201	2 BED, 2.5 BATH	1,203 GFA	NEW
CAMELIA	C101	2 BED, 1 BATH	1,355 LVL 2+ 993 LVL 1 = 2,348 GFA *	(E)
DAFFODIL	D101	2 BED, 2.5 BATH	894 GFA	NEW
DAFFODIL	D201	2 BED, 2.5 BATH	927 GFA	
EDELWEISS	E101	2 BED, 2.5 BATH	894 GFA	NEW
EDELWEISS	E201	2 BED, 2.5 BATH	927 GFA	NEW
FREESIA	F101	3 BED, 3 BATH	1,831 GFA	(E) + NEW, BMR
FREESIA	F201	3 BED, 3 BATH	1,648 GFA	(E) + NEW, BMR
GERANIUM	G201	2 BED, 2.5 BATH	1,253 GFA	NEW
TOTALS	13 UNITS	N/A	15,178 GFA	N/A

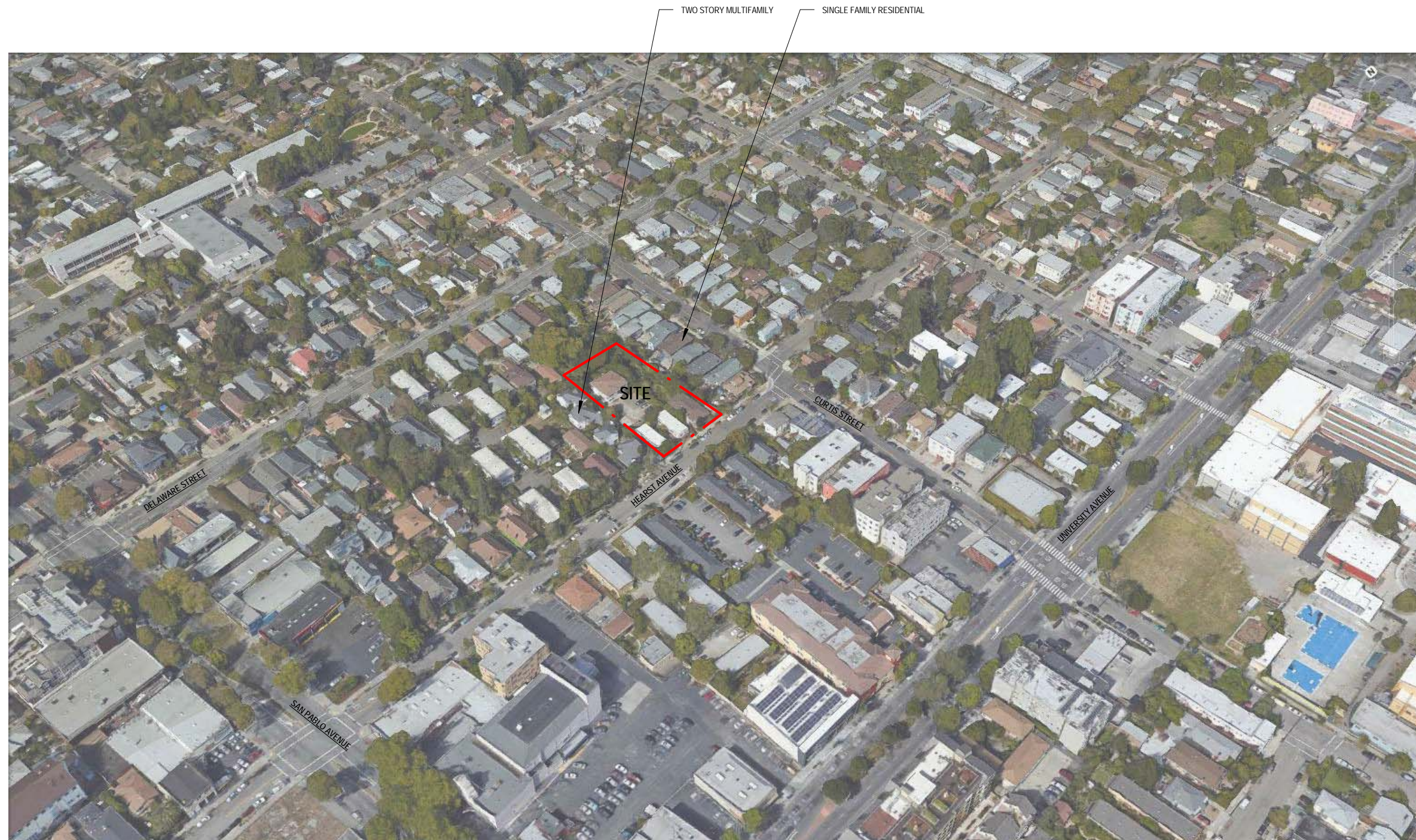
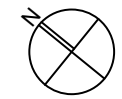


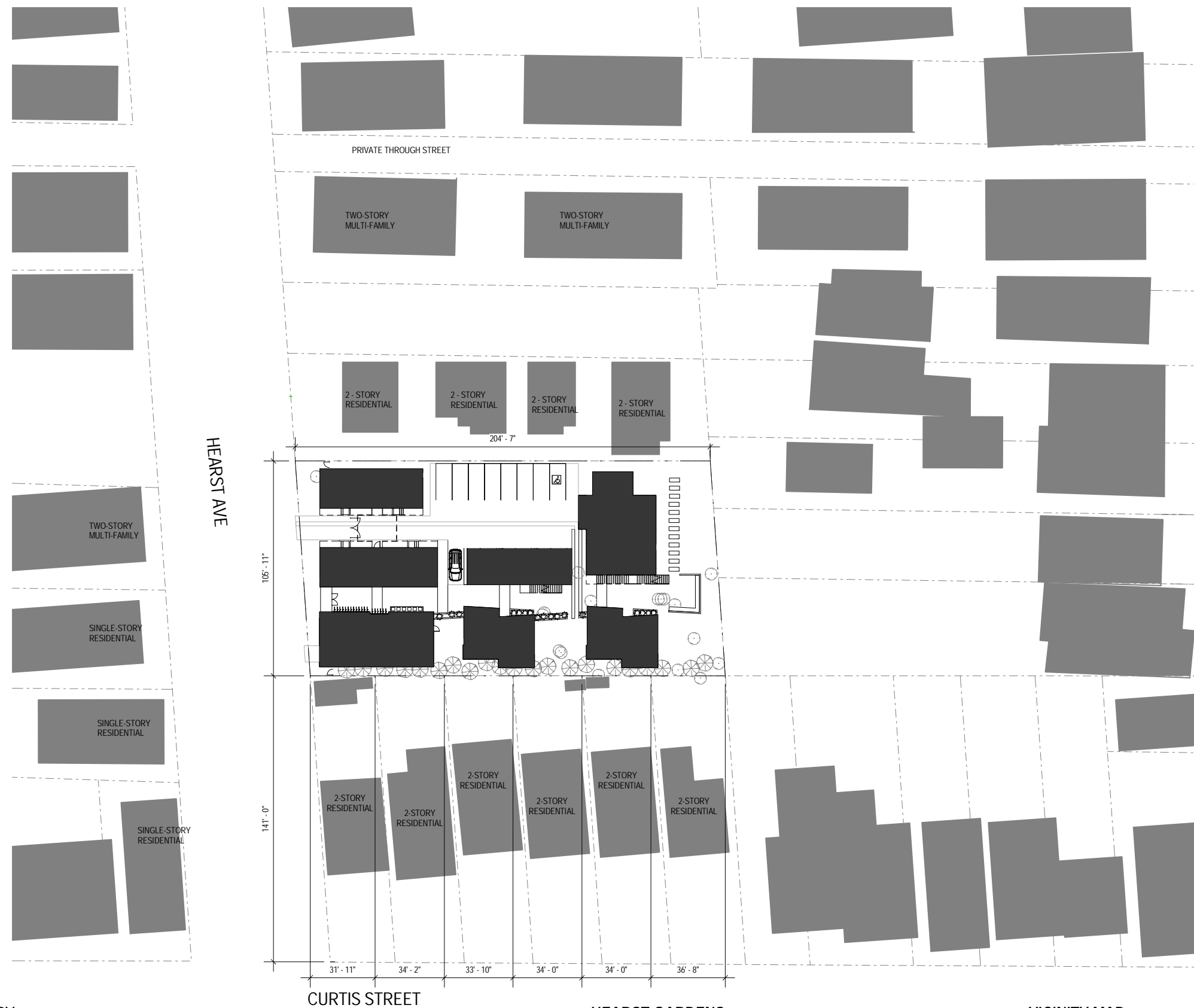


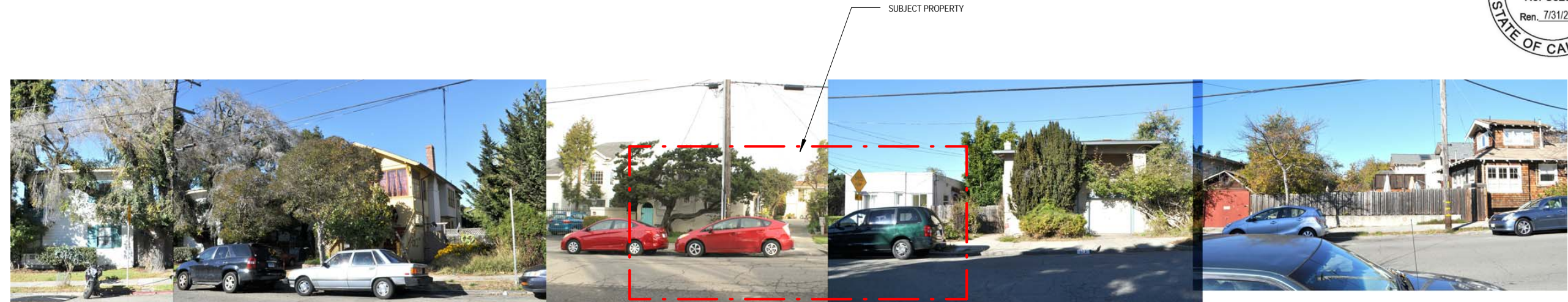
DENSITY BONUS PROJECT, 18 UNITS				
BUILDING	UNIT #	UNIT TYPE	UNIT GROSS FLOOR AREA	EXISTING/NEW? BELOW MARKET RATE?
AZALEA	A101	1 BED, 1 BATH	496 GFA	(E), BMR
AZALEA	A102	1 BED, 1 BATH	496 GFA	(E), BMR
AZALEA	A201	2 BED, 2.5 BATH	1129GFA	NEW
AZALEA	A202	2 BED, 2.5 BATH	1154 GFA	NEW
BEGONIA	B101	1 BED, 1 BATH	566GFA	(E), BMR
BEGONIA	B102	1 BED, 1 BATH	566 GFA	(E), BMR
BEGONIA	B201	2 BED, 2.5 BATH	1203 GFA	NEW
BEGONIA	B202	2 BED, 2.5 BATH	1203 GFA	NEW
CAMELIA	C101	2 BED, 1 BATH	1,355 LVL2 + 993 LVL1 = 2,348 GFA (PARKING EXCLUDED FROM GFA) **	(E)
DAFFODIL	D101	2 BED, 2.5 BATH	894 GFA	NEW
DAFFODIL	D102	2 BED, 2.5 BATH	927 GFA	NEW
EDELWEISS	E101	2 BED, 2.5 BATH	894 GFA	NEW
EDELWEISS	E102	2 BED, 2.5 BATH	927 GFA	NEW
FREESIA	F101	3 BED, 3 BATH	1,831 GFA	(E) + NEW, BMR
FREESIA	F201	3 BED, 3 BATH	1,648 GFA	(E) + NEW, BMR
FREESIA	F301	3 BED, 3 BATH	1,330 GFA	NEW
GERANIUM	G201	2 BED, 2.5 BATH	1,253 GFA	NEW
GERANIUM	G202	2 BED, 2.5 BATH	1,171 GFA	NEW
TOTALS	18 UNITS	N/A	20,040 GFA	N/A



BASE PROJECT AREA X 35%
 DENSITY BONUS AREA = 15178
 X 1.35 = 20,490 ALLOWABLE
 DENSITY BONUS AREA







Existing Hearst Ave Strip, North



Proposed Hearst Ave Strip



Existing Hearst Ave Strip, South

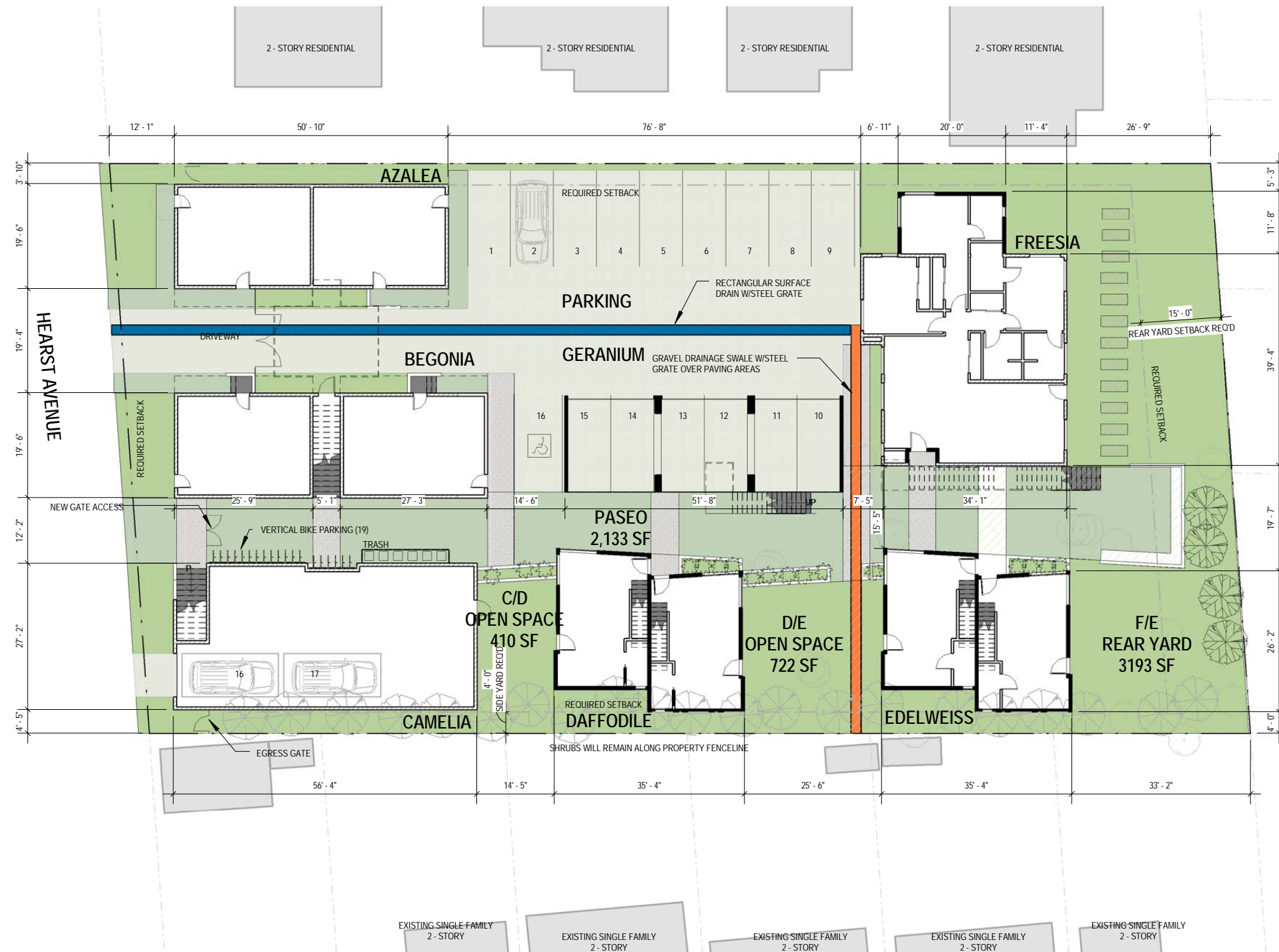


CURTIS STREET HOMES (2-STORY @ REAR)



DELAWARE STREET



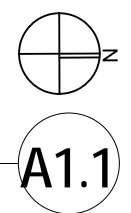


- LEGEND**
- NEW WALL
 - (e) WALL
 - INTERIOR WALL
 - OPEN SPACE REQ.

DRC - PRELIMINARY
 1.15.2016

HEARST GARDENS
 Devi Dutta Architecture Inc.

SITE PLAN
 SCALE: As indicated





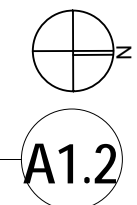
- LEGEND**
- NEW WALL
 - (e) WALL
 - INTERIOR WALL
 - OPEN SPACE REQ.



DRC - PRELIMINARY
 1.15.2016

HEARST GARDENS
 Devi Dutta Architecture Inc.

GROUND FLOOR
 SCALE: 1/16" = 1'-0"





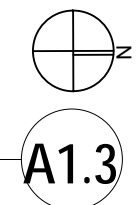
- LEGEND**
- NEW WALL
 - (e) WALL
 - INTERIOR WALL
 - OPEN SPACE REQ.



DRC - PRELIMINARY
 1.15.2016

HEARST GARDENS
 Devi Dutta Architecture Inc.

SECOND FLOOR
 SCALE: 1/16" = 1'-0"





- LEGEND**
- NEW WALL
 - (e) WALL
 - INTERIOR WALL
 - OPEN SPACE REQ.



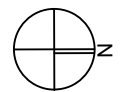
DRC - PRELIMINARY
 1.15.2016



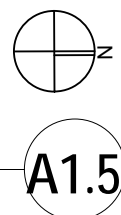
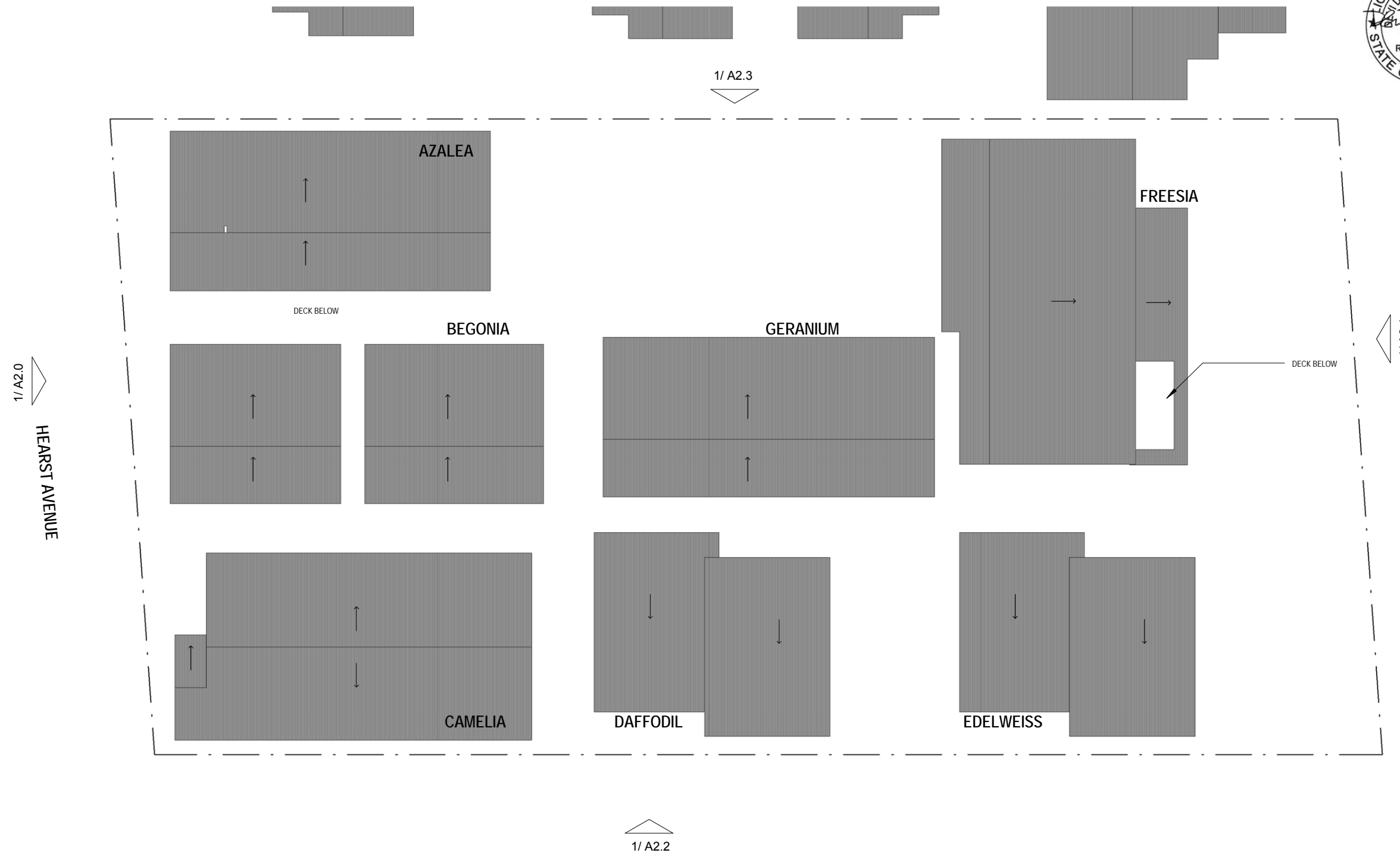
1/A2.2

HEARST GARDENS
 Devi Dutta Architecture Inc.

THIRD FLOOR
 SCALE: 1/16" = 1'-0"






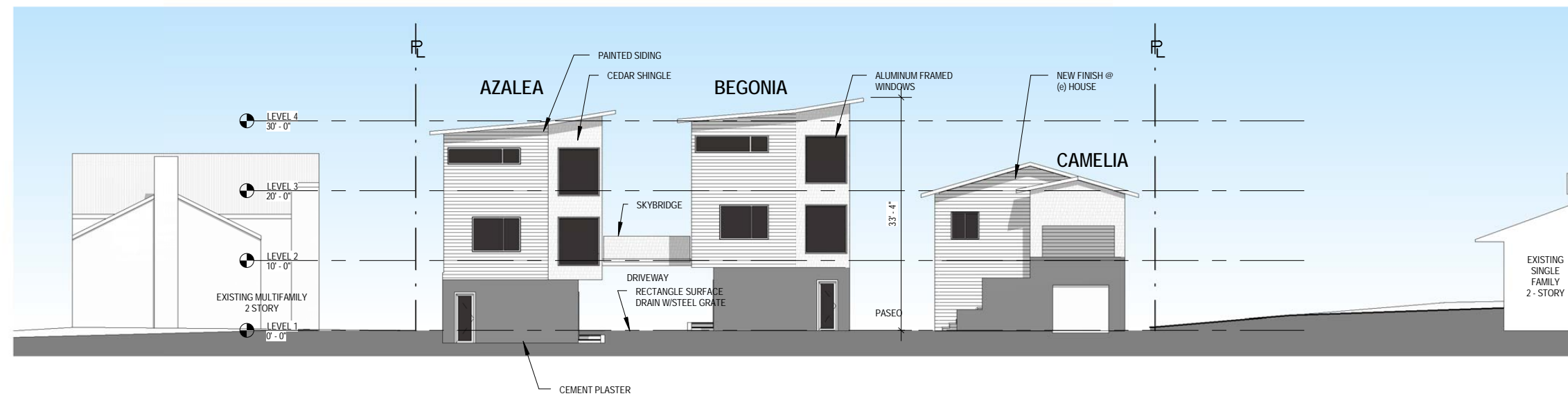
A1.4





MATERIAL LEGEND

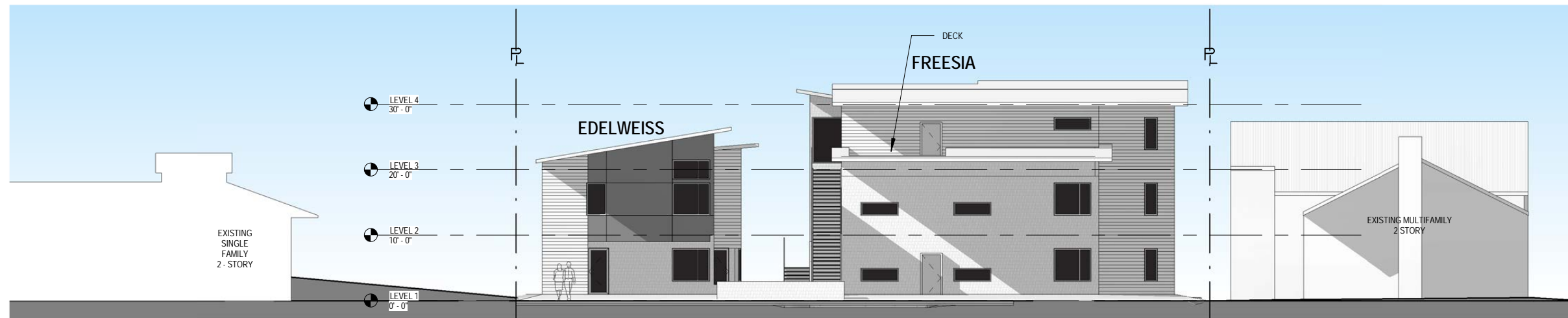
	PAINTED WOOD SIDING
	CEDAR SHINGLE SIDING
	CEMENT PLASTER





MATERIAL LEGEND

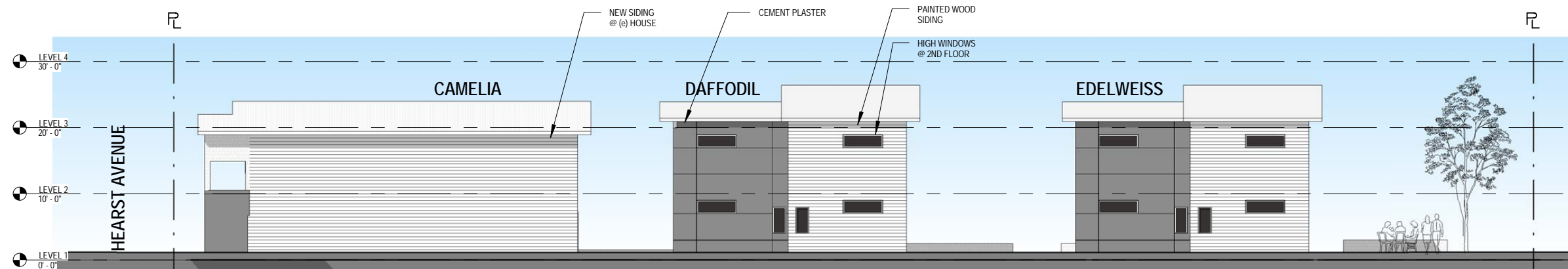
	PAINTED WOOD SIDING
	CEDAR SHINGLE SIDING
	CEMENT PLASTER








MATERIAL LEGEND

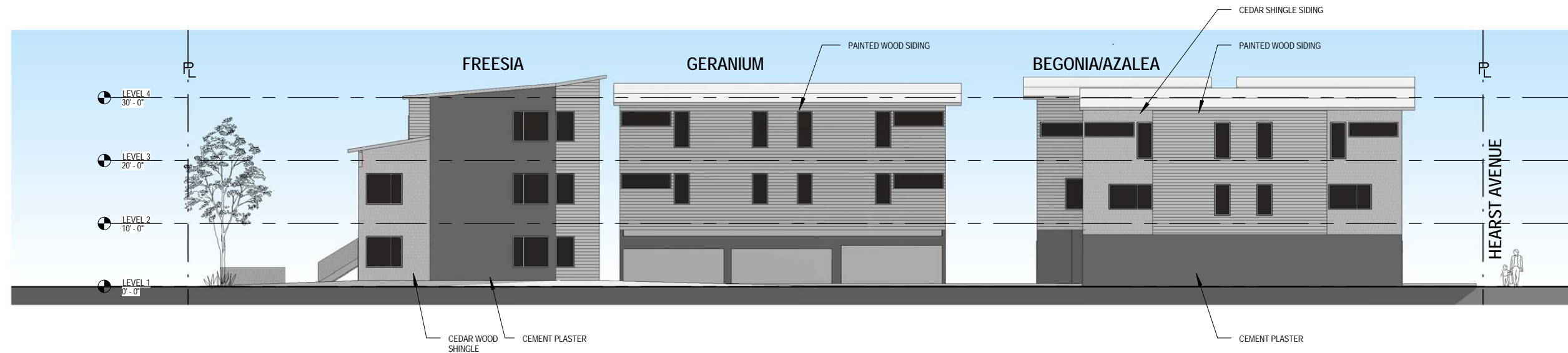
	PAINTED WOOD SIDING
	CEDAR SHINGLE SIDING
	CEMENT PLASTER

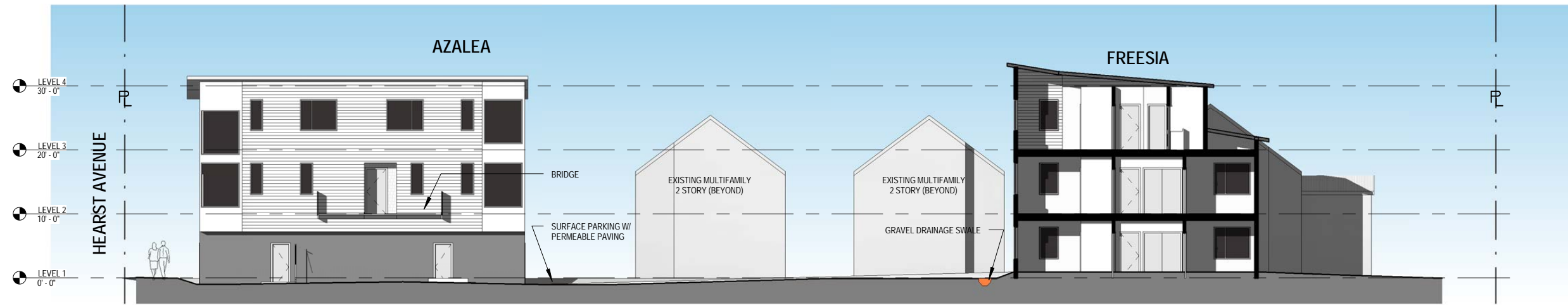




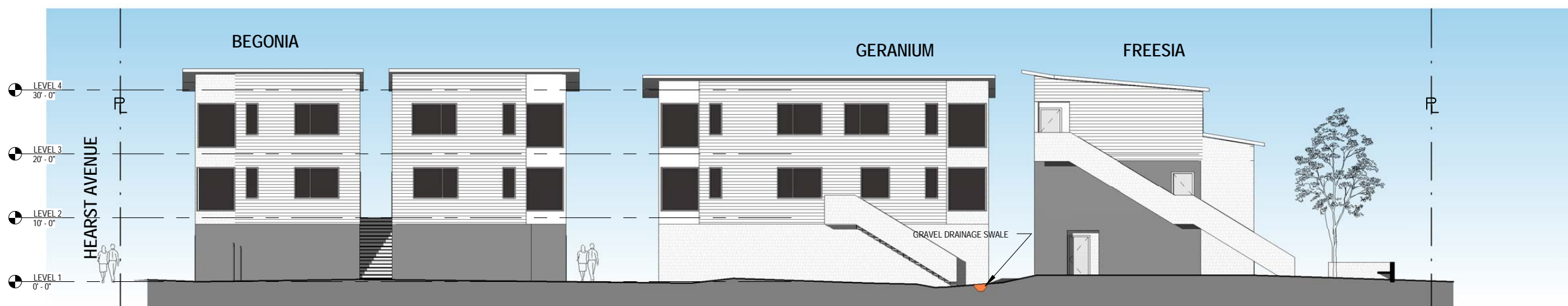
MATERIAL LEGEND

	PAINTED WOOD SIDING
	CEDAR SHINGLE SIDING
	CEMENT PLASTER

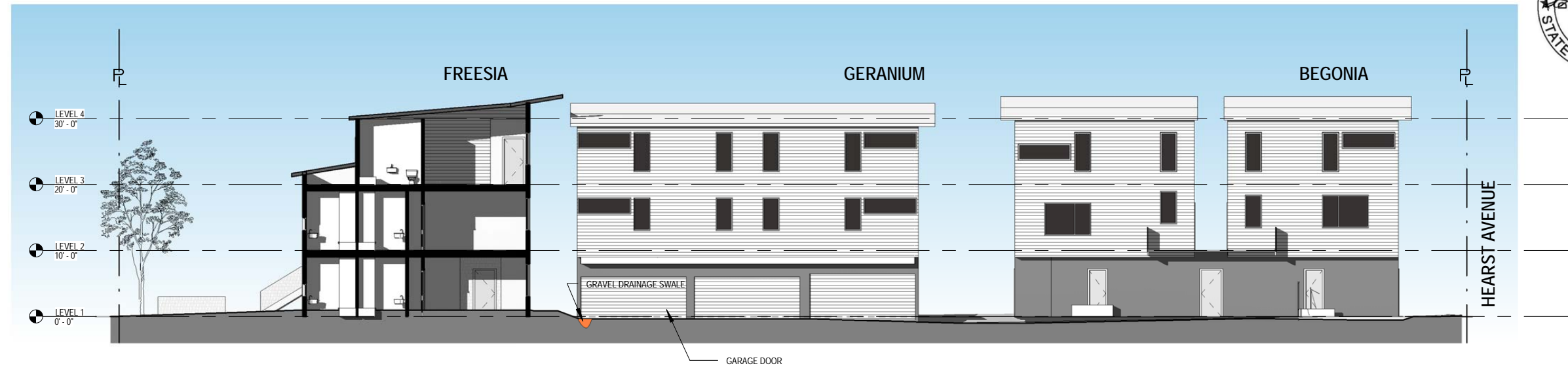




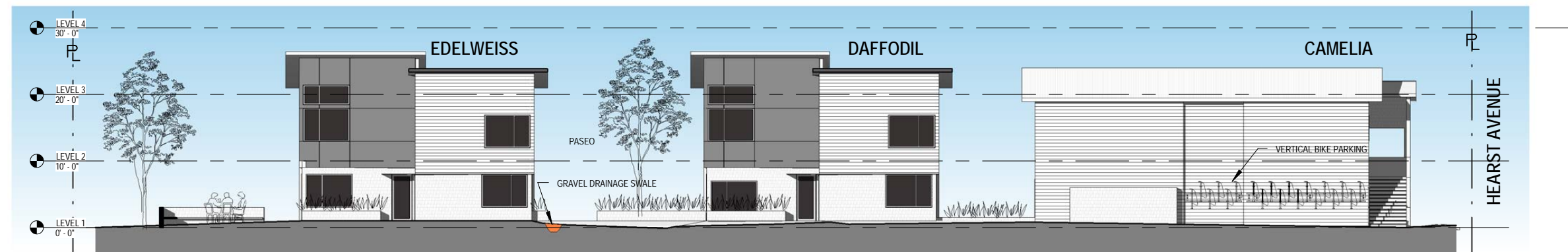
1 Site Section Looking West Through Driveway
 1/16" = 1'-0"



2 Site Section Looking West Through Paseo
 1/16" = 1'-0"



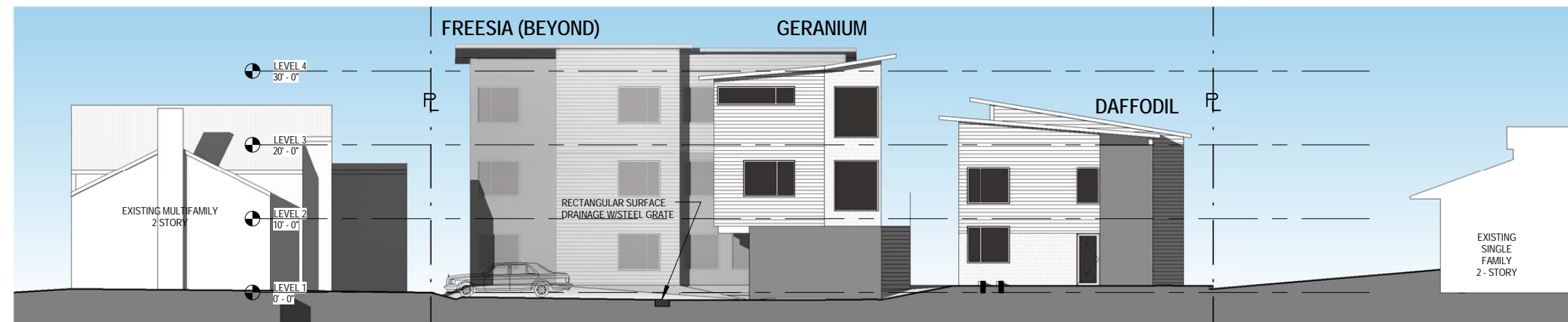
1 Site Section Looking East Through Driveway
 1/16" = 1'-0"



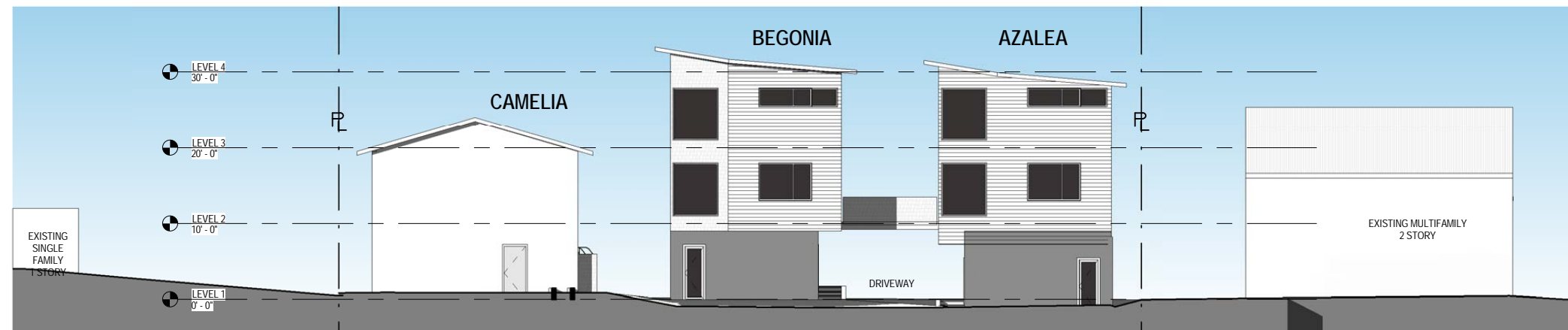
2 Site Section Looking East Through Paseo
 1/16" = 1'-0"



1 Site Section Looking North @ Freesia Building
 1/16" = 1'-0"

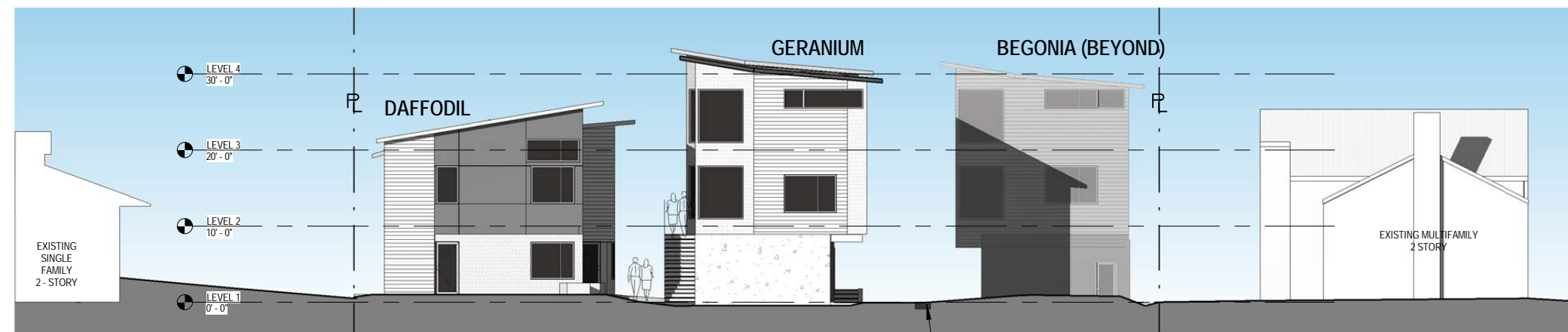


2 Site Section Looking North
 1/16" = 1'-0"



1 Site Section Looking South

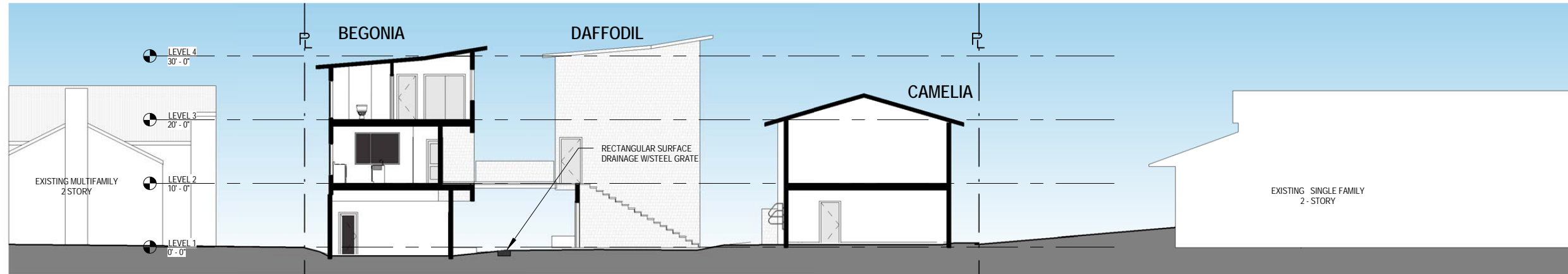
1/16" = 1'-0"



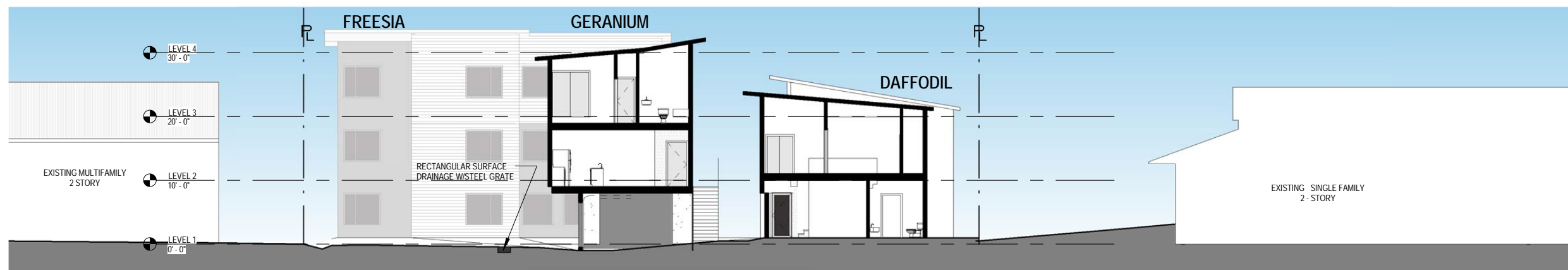
2 Site Section Looking South @ Parking Lot

1/16" = 1'-0"

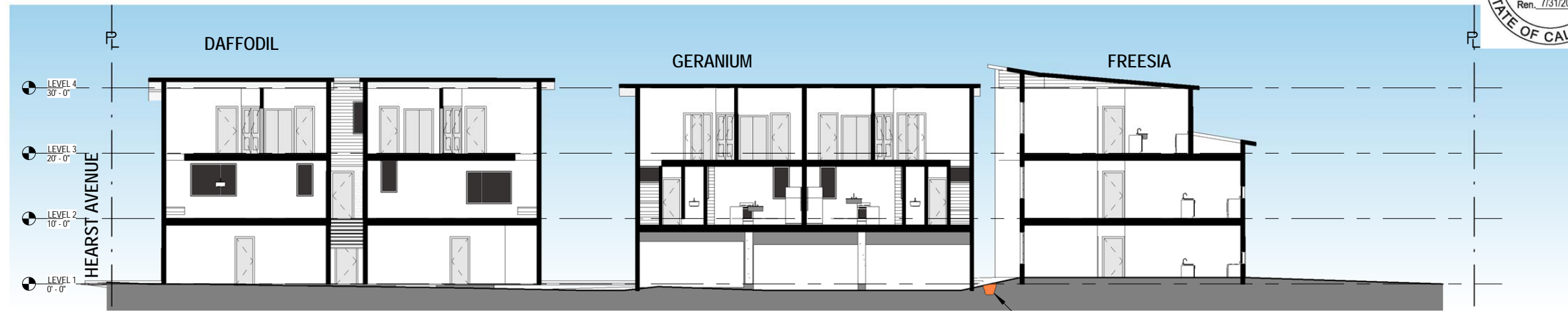
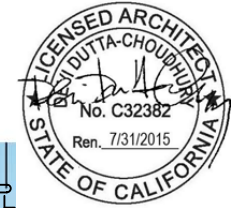
RECTANGULAR SURFACE
DRAIN W/ STEEL GRATE



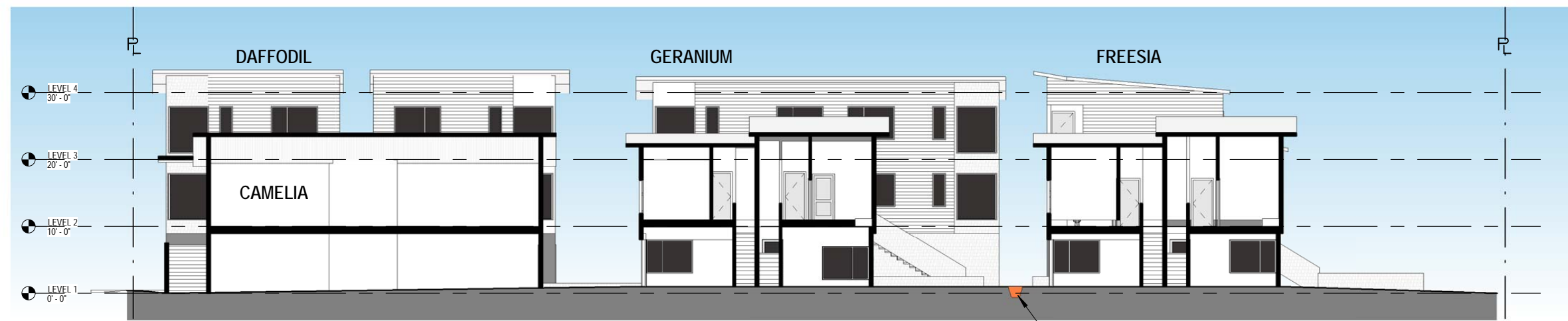
1 Building Section Looking North Through Stair
 1/16" = 1'-0"



2 Building Section Through Covered Parking Looking North
 1/16" = 1'-0"



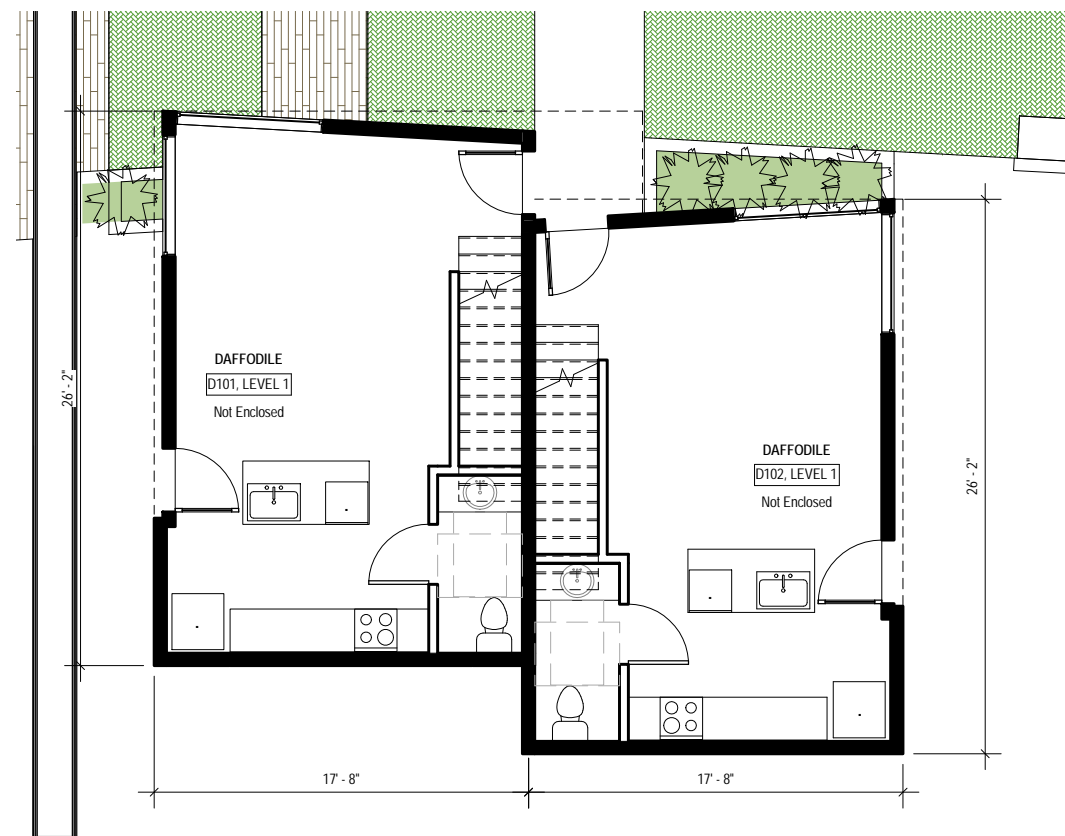
1 Building Section Looking West Through Parking
 1/16" = 1'-0"



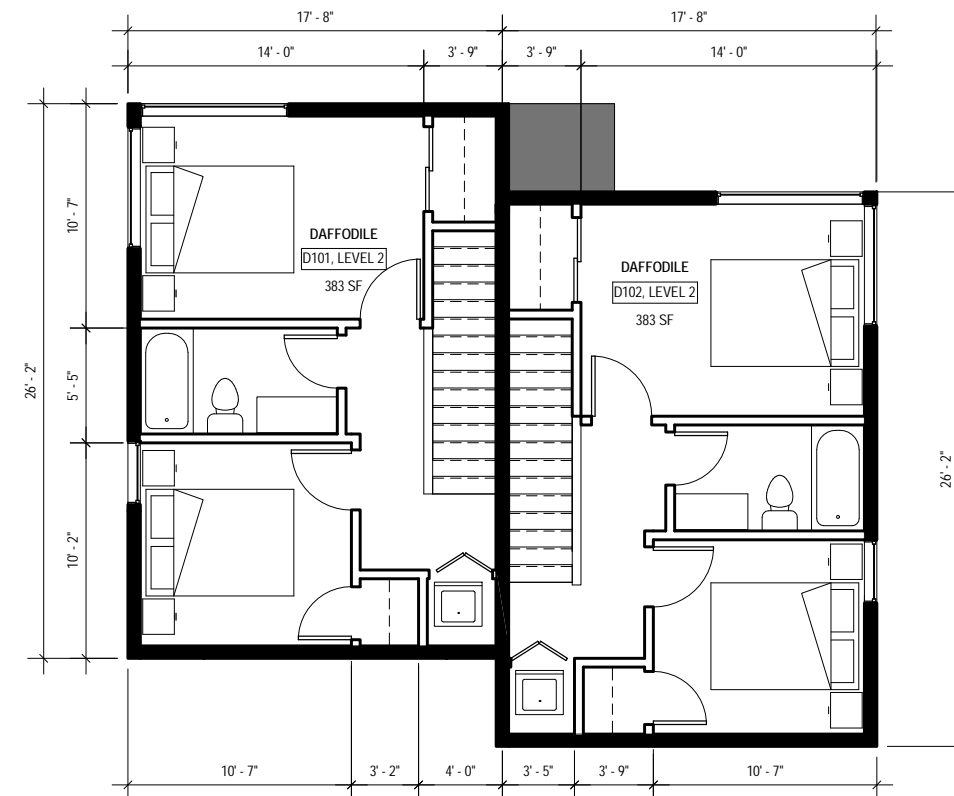
2 Building Section Looking West
 1/16" = 1'-0"



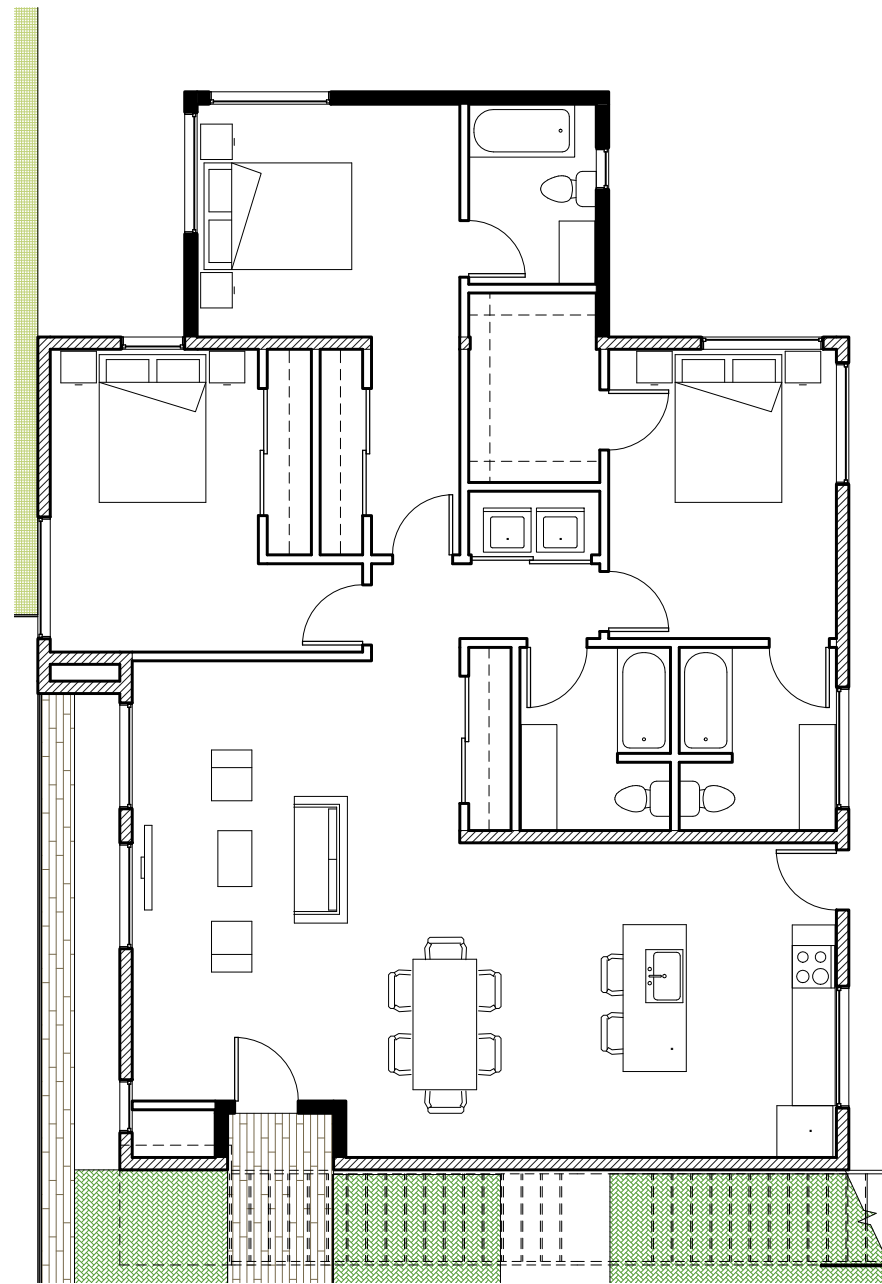
PASEO



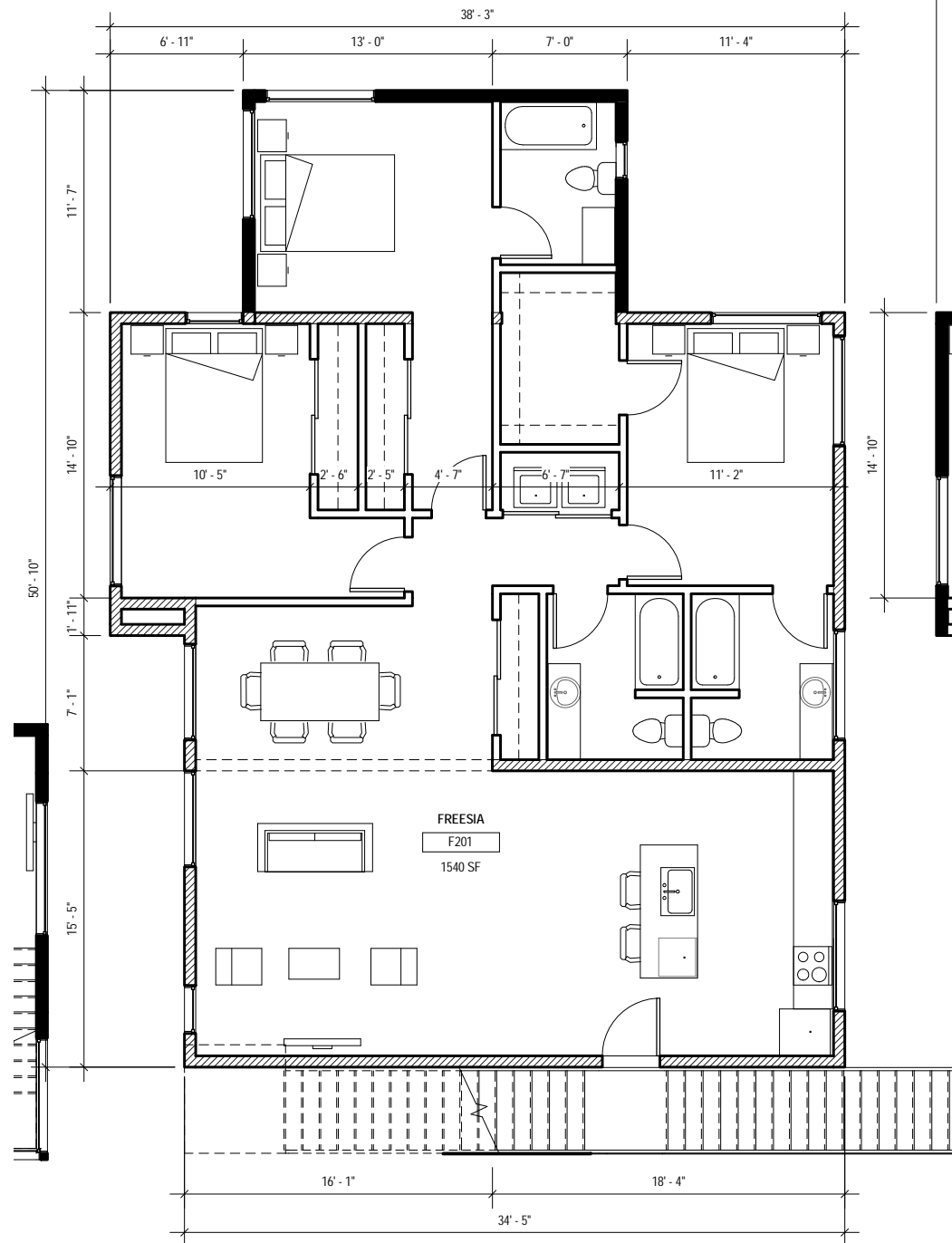
DAFFODILE & EDELWEISS
 LEVEL 1



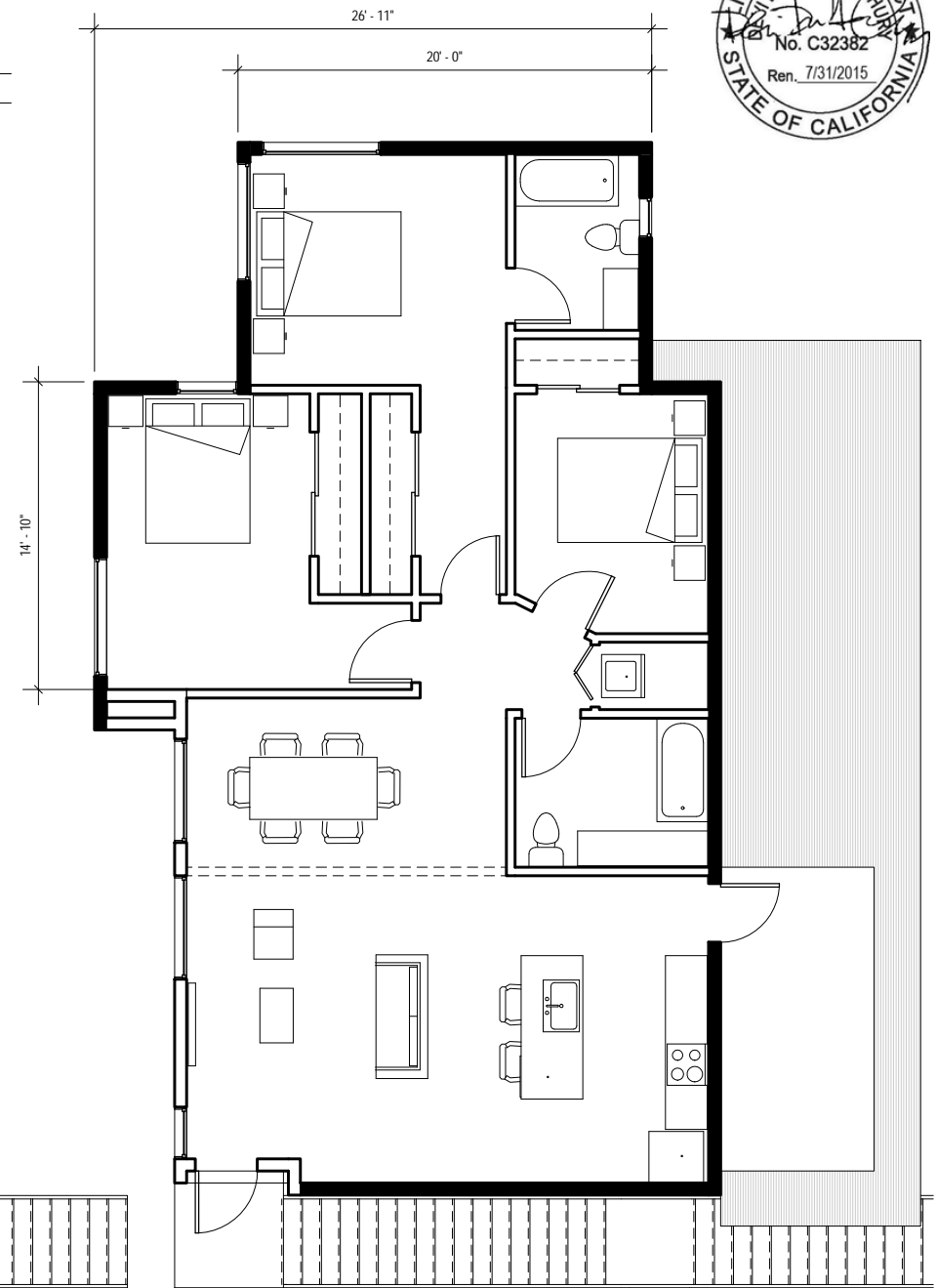
DAFFODILE & EDELWEISS
 LEVEL 2



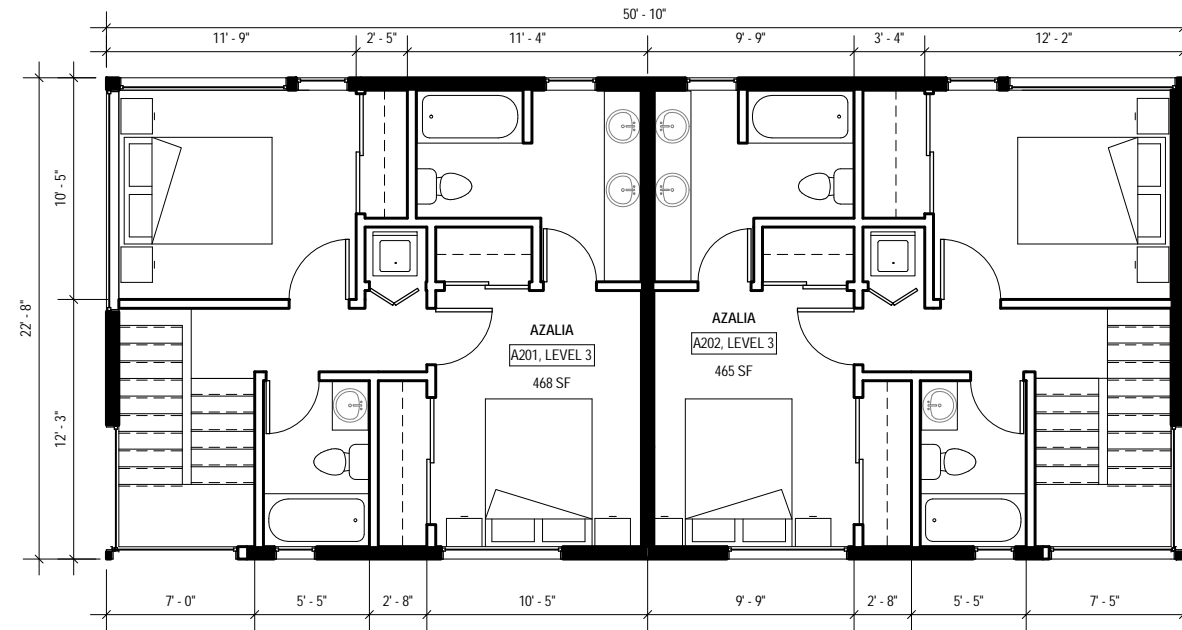
FRESIA
LEVEL 1



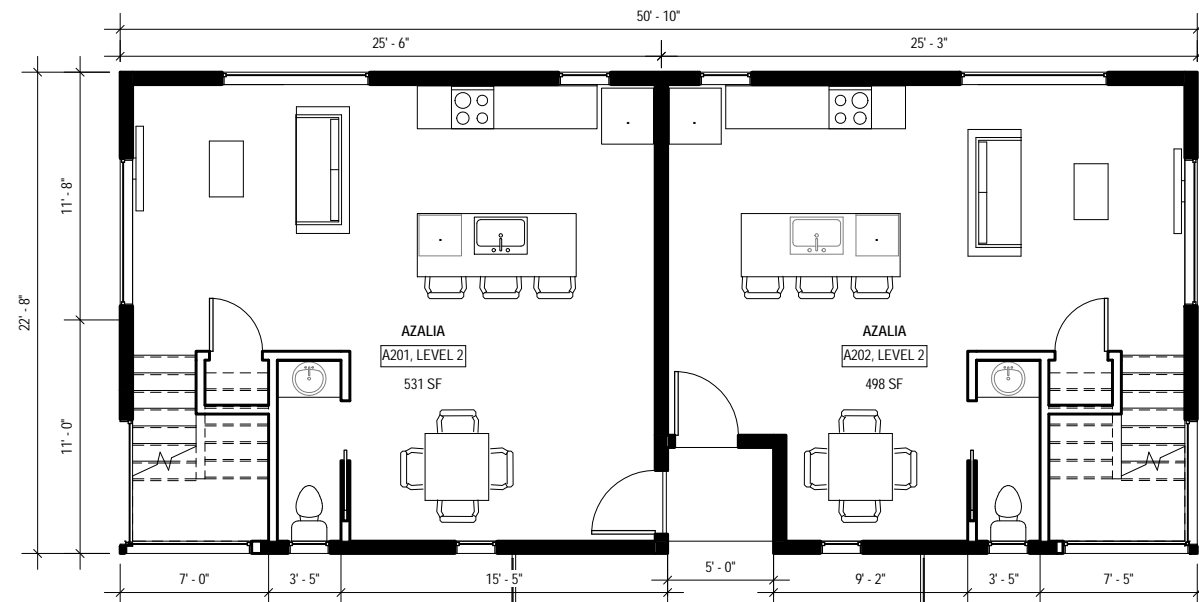
FRESIA
LEVEL 2



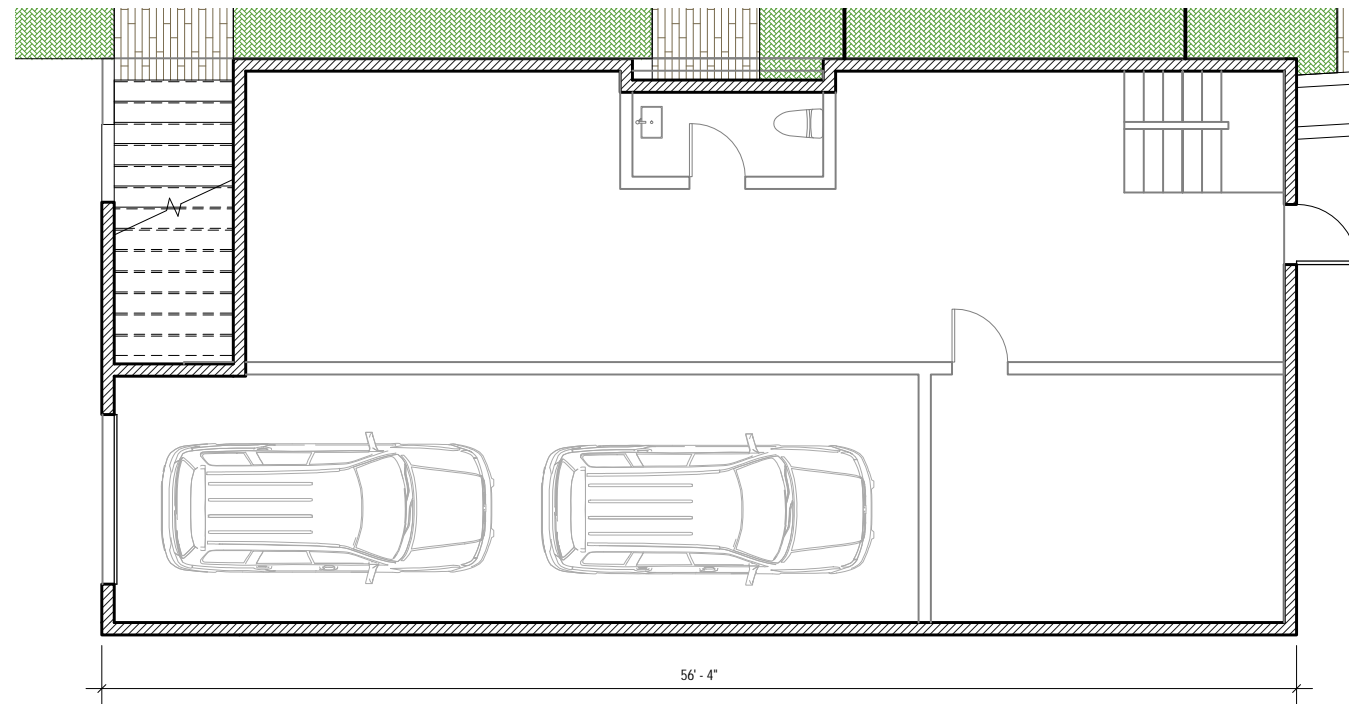
FRESIA
LEVEL 3



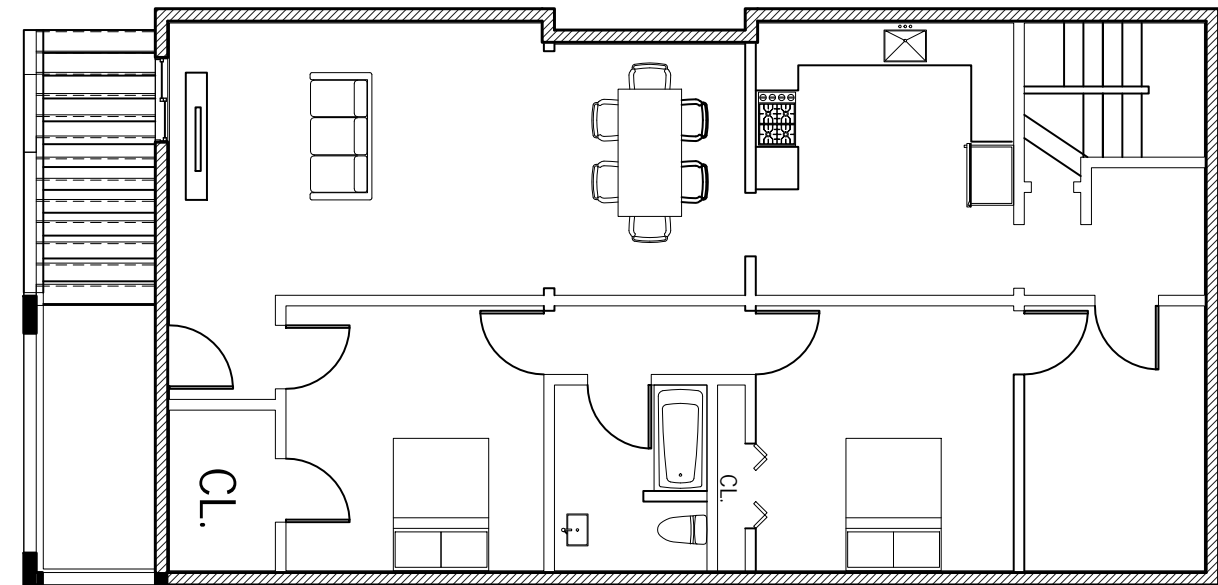
AZALIA, BEGONIA, GERANIUM TOWNHOMES
LEVEL 3



AZALIA, BEGONIA, GERANIUM TOWNHOMES
LEVEL 2



CAMELIA BASEMENT PLAN (e) TO REMAIN



CAMELIA LEVEL 2 (e) TO REMAIN







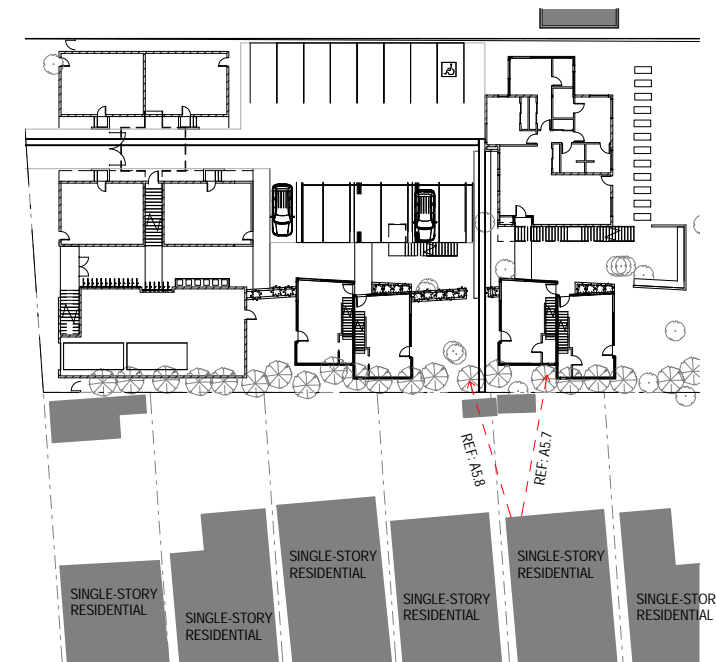


FOOTPRINT OF "GERANIUM" BUILDING IS SHOWN (WALLS & ROOF ARE HIDDEN)





FOOTPRINT OF "FREESIA" BUILDING IS SHOWN
(WALLS & ROOF ARE HIDDEN)







LEGEND

- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



07:47 AM - JUNE 21 - EXISTING



NOON - JUNE 21 - EXISTING



06:35 PM - JUNE 21 - EXISTING



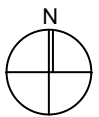
08:03 AM - JUNE 21 - PROPOSED



NOON - JUNE 21 - PROPOSED



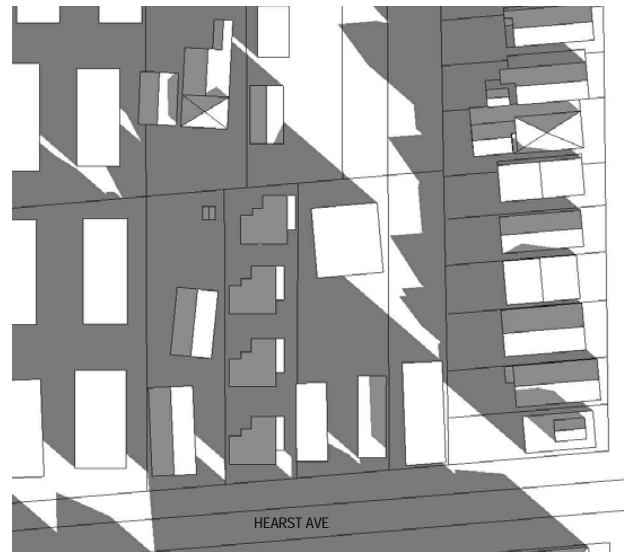
06:25 PM - JUNE 21 - PROPOSED





LEGEND

- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



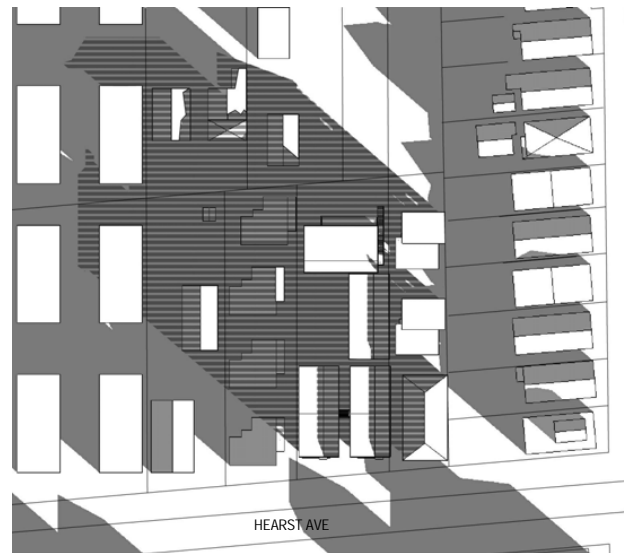
09:21 AM - DECEMBER 21 - EXISTING



NOON - DECEMBER 21 - EXISTING



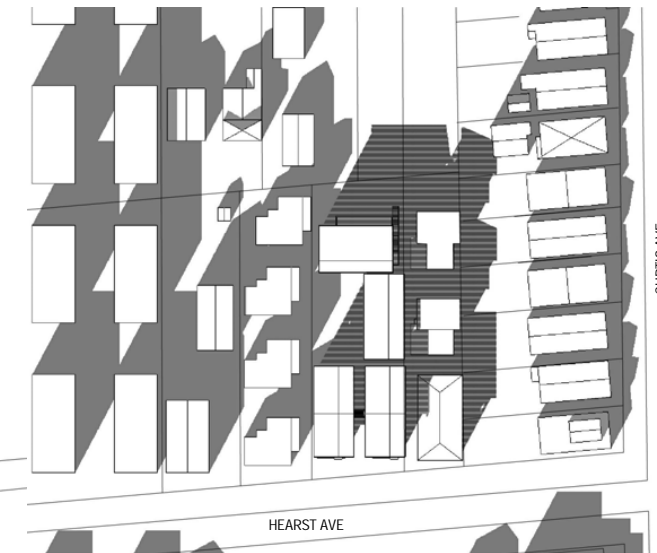
2:53 PM - DECEMBER 21 - EXISTING



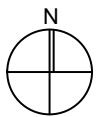
09:21 AM - DECEMBER 21 - PROPOSED



NOON - DECEMBER 21 - PROPOSED



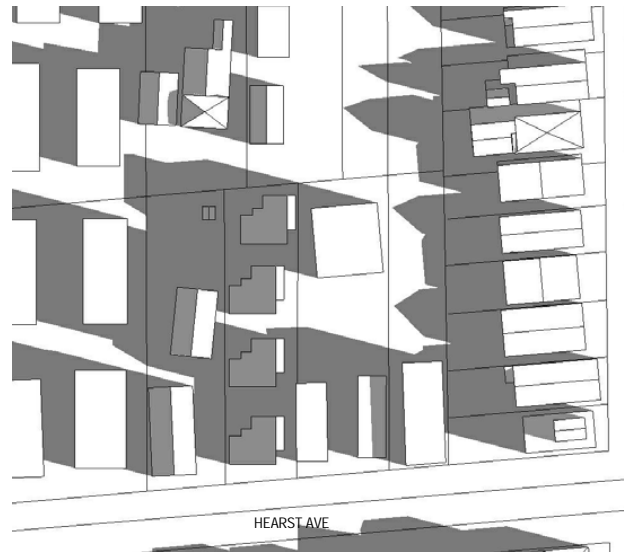
2:53 PM - DECEMBER 21 - PROPOSED





LEGEND

- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



08:03 AM - OCTOBER 1 - EXISTING



NOON - OCTOBER 1 - EXISTING



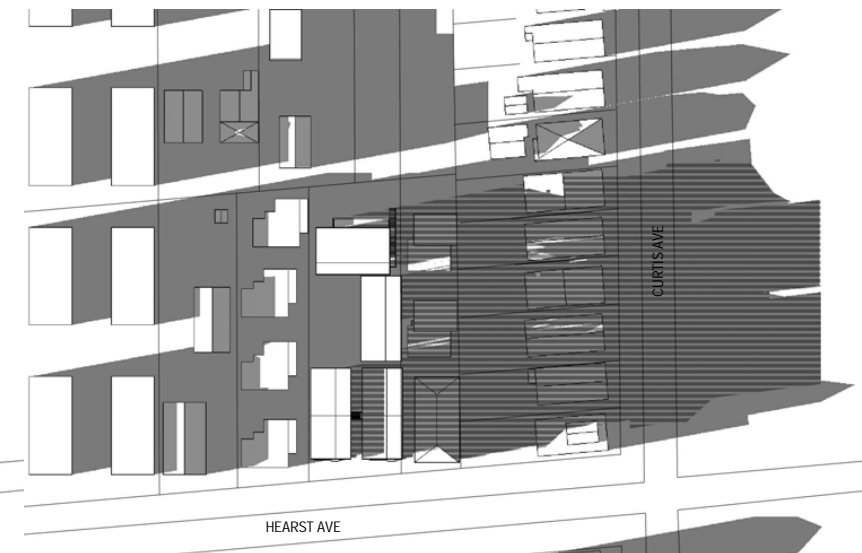
6:03 PM - OCTOBER 1 - EXISTING



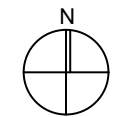
08:03 AM - OCTOBER 1 - PROPOSED



NOON - OCTOBER 1 - PROPOSED



6:03 PM - OCTOBER 1 - PROPOSED

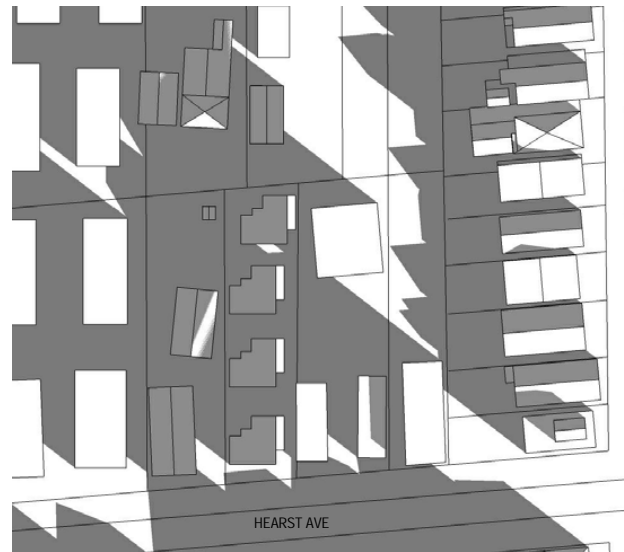


A6.2



LEGEND

- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



9:23 AM - JANUARY 15 - EXISTING



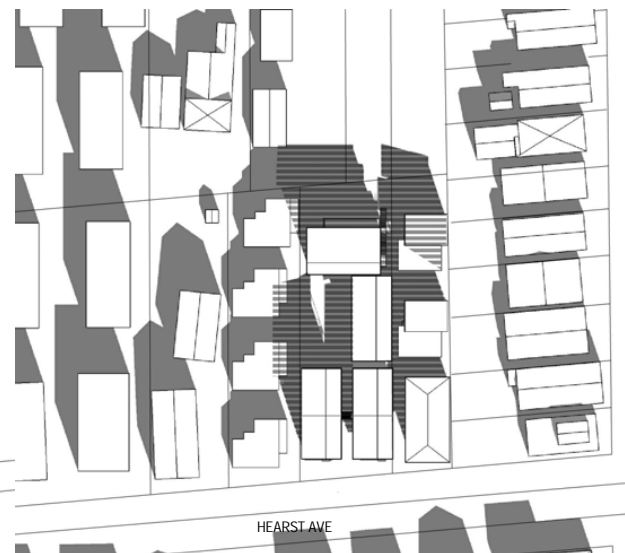
NOON - JANUARY 15 - EXISTING



3:14 PM - JANUARY 15 - EXISTING



9:23 AM - JANUARY 15 - PROPOSED



NOON - JANUARY 15 - PROPOSED

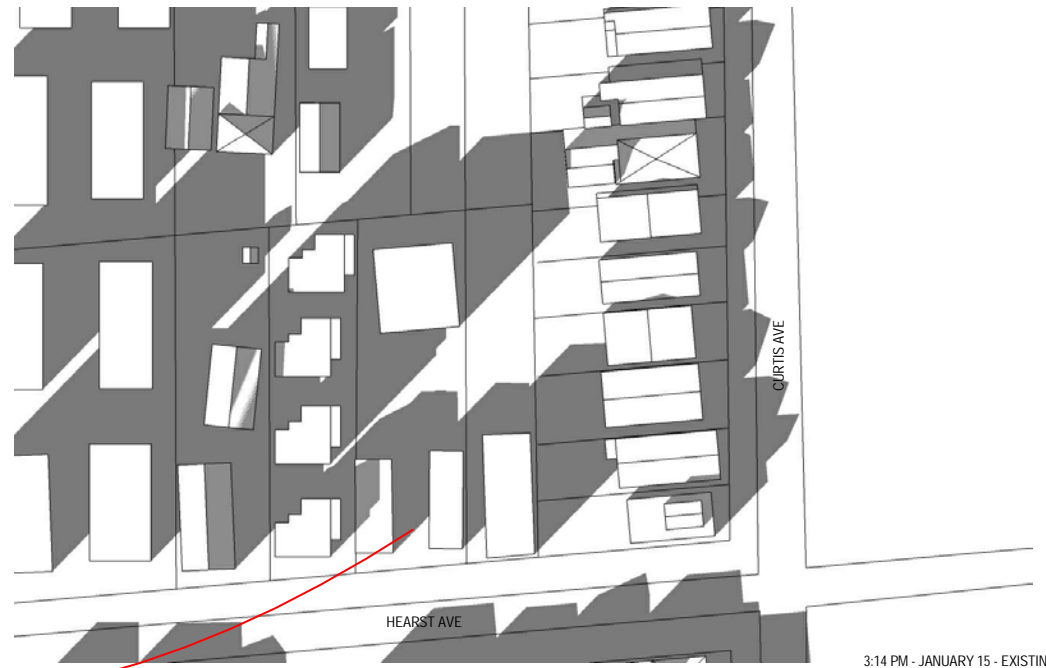


3:14 PM - JANUARY 15 - PROPOSED



LEGEND

- SHADOWS CAST FROM DENSITY BONUS PROJECT
- SHADOWS CAST FROM EXISTING PROJECT



3:14 PM - JANUARY 15 - EXISTING



3:14 PM - JANUARY 15 - PROPOSED



CLEARWATER HYDROLOGY

Consultants in Hydrology
and Water Resources

Watershed Management

Stream and Wetland
Restoration

Wetland Delineation
and Permit Acquisition

Stormwater Drainage
and Flooding

STORMWATER AND FLOODING ASSESSMENT AND MITIGATION DESIGN FOR THE HEARST AVENUE PROJECT 1161-1173 HEARST AVE. BERKELEY, CA

Prepared by:
William Vandivere, M.S., P.E., Principal
Shreya Hegde, M.S., Water Res. Engr.
Clearwater Hydrology
Berkeley, CA

Prepared for:
Hearst Avenue Cottages, LLC
Oakland, CA

January 7, 2016

2974 Adeline St.
Berkeley, CA 94703
Tel: 510 841 1836
Fax: 510 841 1610

TABLE OF CONTENTS

	<u>Page #</u>
EXECUTIVE SUMMARY	1
1.0 INTRODUCTION	2
2.0 EXISTING CONDITIONS- HYDROLOGIC SETTING.....	2
2.1 Hearst Avenue Watershed.....	3
2.2 Project Site Drainage.....	4
2.3 Site Soils and Local Groundwater Levels	4
2.4 Flooding Characteristics along Northside Hearst Avenue.....	4
2.4.1 Overview of HEC-RAS Hydraulic Model Development.....	4
2.4.2 Peak Flow Rates for Model Input.....	5
2.4.3 HEC-RAS Flood Modeling: Results.....	6
3.0 PROJECT DRAINAGE AND FLOODING MITIGATION.....	7
4.0 PROJECT PEAK FLOW RATES.....	9
5.0 PROJECT CLEAN WATER C3 PROGRAM REQUIREMENTS.....	9
6.0 REFERENCES.....	11

FIGURES

TECHNICAL APPENDIX

- Existing Site Conditions Plan and Topography
- Project Conditions Plan and Topography
- Mean Precipitation Figure- Alameda County C3 Program
- Peak Flow Computations: Hearst Ave. System
- HEC-RAS Hydraulic Model- Tabular Output Data
- Pipe Discharge Computations
- FlowMaster Hydraulic Data
- Peak Flow Computations: Pre- vs. Post-Project
- Project Stormwater Storage Requirement

EXECUTIVE SUMMARY

Clearwater Hydrology (CH) conducted hydrologic and hydraulic assessments of existing stormwater drainage and flooding conditions through the lower, northside Hearst Avenue corridor. The objective of the assessments was the development of a storm drainage system design for the proposed Hearst Avenue Project at 1155-1173 Hearst Avenue in west Berkeley. The hydrologic/hydraulic assessments confirmed anecdotal evidence gleaned from the developer and one local resident (along Curtis Street) that stormwater runoff backs-up along Curtis, north of the Hearst Ave. intersection, and discharges over residential driveways into a topographic depression west of Curtis St. This depression and its uneven bottom topography create ponding of stormwaters of up to 1.0 ft in the back yards of the west side Curtis St. properties prior to discharging west-southwest through the Project area to Hearst Avenue. Minor nuisance ponding of accumulated stormwater occurs on the Project site while it is discharged through driveways and side yard corridors to the Hearst Ave. gutter between 1153-1155 Hearst and a north-south driveway through an apartment complex at 1139 Hearst.

Based on the findings of the technical assessment, including development of a HEC-RAS hydraulic model for the lower northside Hearst Ave. corridor, piped and open channel drainage scenarios for the Project were tested for their ability to provide proper drainage without on-site flooding during the 10-yr. design rainstorm. A secondary requirement of the drainage design was the imperative to improve, even marginally, the flooding conditions that occur along the neighboring Curtis St. properties for rainstorms exceeding roughly the 5-yr. recurrence interval. The selected drainage design is depicted in plan, profile and cross-section in Figures 8-10, respectively, and includes the following components:

- A 0.4 ft.-deep rectangular channel with a slope of 0.8% inset within the Project main driveway, extending north to the northern edge of the new parking lot; and
- A trapezoidal gravel-lined swale with slope of 1.0% and a minimum depth of 0.3 ft. extending eastward from the parking lot to the eastern Project boundary.

To protect the rectangular channel from degradation by vehicular traffic, the channel would be covered by a metal grate with solid metal sidewalls. At its mild slope of 0.8%, its capacity would be 4 cfs, which is roughly equivalent to the combined 25-yr. peak discharge from the lands normally draining to the depression (Sub-Watershed A in Figure 2) and the entire diverted peak discharge for the westside Curtis St. sub-watershed (Sub-Watershed B in Figure 2). The Sub-Watershed B discharge forms the gutter discharge along the west side of Curtis St. between Delaware and Hearst for lesser storm events (\leq 5-yr. storm), and does not divert to the topographic depression during these events. Since some discharge from the depression will also occur through driveways and side yards west of 1155 Hearst, the capacity of the system would likely be greater than that of a 25-yr. storm. The proposed design would also reduce the severity of flooding on the neighboring properties to the east along Curtis Street.

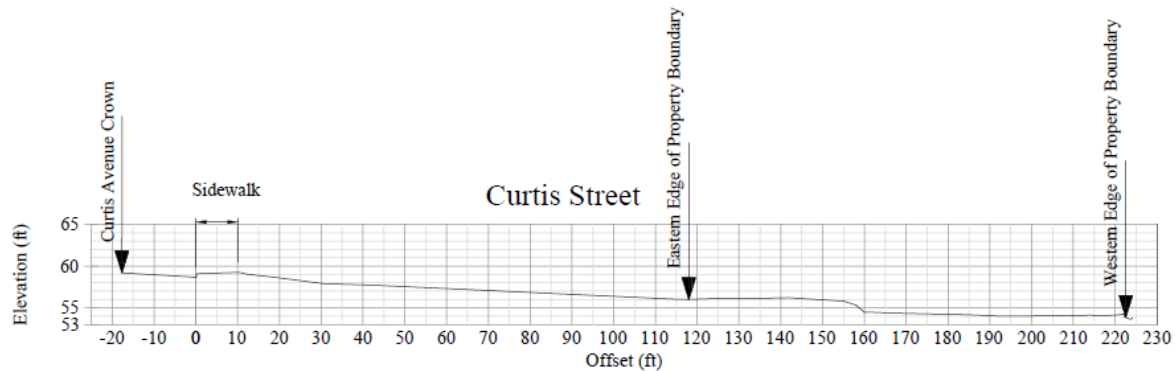
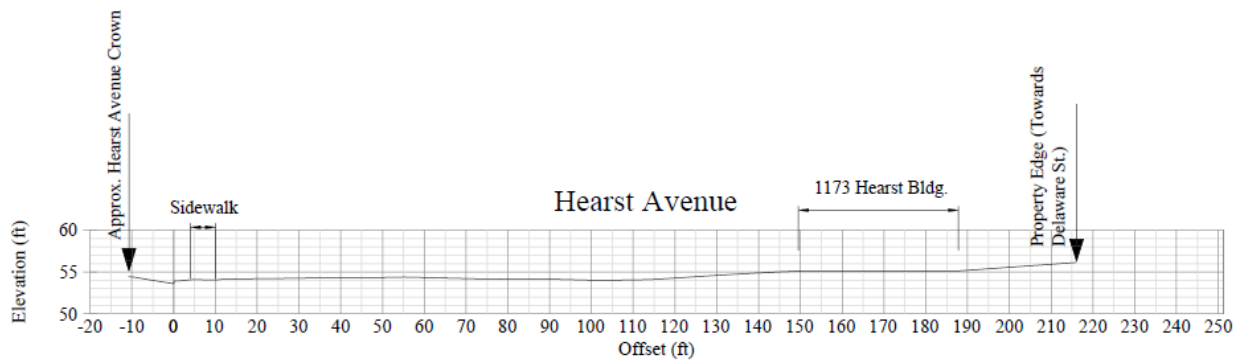
1.0 INTRODUCTION

The 0.5-acre Hearst Avenue project (Project) will replace four existing residential buildings (one single family residence at 1173 Hearst and three apartment buildings at 1155, 1157, 1159, 1161, and 1163 Hearst) situated on two adjoining parcels with seven residential buildings on a combined single parcel. The new building array will also include both single family and apartment structures. Plan views of the existing and project building configurations (Devi-Dutta Architects 2015) are attached in the Technical Appendix. In both the existing and project configurations, all but one of the buildings (single family residence at 1173 Hearst) are serviced by a driveway and interior parking lot, set back from Hearst Avenue. As noted on the architectural plans, the project impervious surface area of 10,892 sq. ft. (sf) would increase the existing impervious surface area at the site (10,495 sf) by 1.8 percent. Also, all of the proposed project hardscape features (driveway, parking lot and walkway areas) would consist of either pervious paving or pervious brick pavers. Therefore, the project impervious surface total excludes those areas of the site.

Rhoades Planning Group (RPG) retained Clearwater Hydrology (CH) to assess stormwater drainage and flooding issues affecting the existing properties, and peripherally the adjoining properties along the west sides of Curtis Street, between Hearst Avenue and Delaware Street, and to develop solutions to alleviate the inefficient drainage conditions at the project site.

2.0 EXISTING CONDITIONS- HYDROLOGIC SETTING

The project site is located in a topographic depression roughly bounded to the south by Hearst Avenue, to the north by Delaware Street, to the east by Curtis Ave. and to the west by a residential driveway that traverses a cluster of apartment buildings 100-200 ft. west of the site. As shown in Figure 1, the site lies within the Strawberry Creek Watershed and appears to occupy a portion of a former surface tributary of the historical Strawberry Creek channel. It is possible that the depression is a remnant feature of that drainage, since subsidence could not have lowered the land surface relative to the streetside topography to such an extent. Based on integrated topographic mapping prepared for the site and the west side of Curtis Ave. by Moran Engineering and CH (Curtis St. portion), CH prepared the East-West and South-North cross-sections below that help visualize the depression's extents. All surveyed elevations reference the City of Berkeley Datum, which correspond that used for the referenced street monuments.



2.1 Hearst Avenue Watershed

CH obtained all available information on the storm drain system tributary to the site drainage outlet at Hearst from the City of Berkeley Department of Public Works (DPW). We also conducted a walking survey of Hearst Avenue east of the Project site to confirm drainage directions, storm drain inlet locations and characteristics, and to assist us in delineating sub-watershed boundaries for areas tributary to the local Hearst St. drainage network.

Based on our review of the City-supplied documentation and on discussions with City staff, we determined that there are no storm drains underlying Hearst Avenue between the west side of Sacramento Avenue and San Pablo Avenue. Following our walking inspection, which was conducted during an early December rainstorm, and our supplemental topographic survey of Curtis Street between Delaware St. and Hearst, we delineated sub-watersheds tributary to the north side of Hearst Ave. These northside Hearst Ave. sub-watersheds are shown in Figure 2.

The north side of Hearst Ave. extending west from southbound Sacramento Avenue and portions of the east and west side properties along the intervening cross-streets (e.g. Short, Acton, Franklin, West, Chestnut and Curtis) drain to the intersection of Hearst and Curtis. Here gutter flow is directed across Curtis in a shallow concrete swale to the lower end of the Curtis Street gutter, then turns south at 90 degrees for a distance of approximately 40 ft. where the gutter again turns 90 degrees to the north side of Hearst.

The supplemental CH topographic survey included Curtis Street between Delaware and Hearst and some of the west side properties whose rear yards adjoin the project site. The objective of that survey was to enable hydraulic modeling of flows converging at the corner of Hearst and Curtis and west to the project site. Anecdotal evidence and an informal discussion with one of the Curtis St. residents indicated that intense rainstorms trigger roadway backwater conditions and the diversion of ponded floodwater into the Curtis St. rear yards via their steeply sloping driveways. These diverted flows join with runoff from within the boundaries of the topographic depression to create nuisance flooding of both the Curtis St. properties and portions of the Project site.

2.2 Project Site Drainage

Surface drainage on the site is generally toward the west-southwest. Local differential settlement of the parking lot appears to have created some local lowering of the grade. However, only minor ponding may occur before accumulating stormwater breaches the parking lot at its southwestern corner (elev. 53.91 ft.) and flows along the side yard to the Hearst Ave. sidewalk. This side yard discharge occurs prior to runoff overtopping the intervening high point along the driveway edge. Once flow reaches the Hearst Ave. gutter, it joins upgradient Hearst Ave. gutter flow and proceeds west to San Pablo Avenue.

As shown in the east-west (Curtis) cross-section above, there is an abrupt 1.0- 2.0 drop in elevation at the fenceline between the back yard at 1173 Hearst and the eastern edge of the adjoining Project parcel (1155-1163 Hearst) and its parking lot. Based on the limited survey data taken at the western edge of the Curtis St. properties, at the corners of two shed buildings, the lowest elevation just east of that fenceline is about 55.28 feet. Land elevations along the bulk of the back yard area at 1173 Hearst average around 56.5 ft., with the lowest breakover point at 56.3 feet. Thus, for the existing site conditions, ponding of up to 1.0 foot may occur during intense storms when Curtis Street stormwater breaches the west side driveways.

2.3 Site Soils and Local Groundwater Levels

A geotechnical assessment has not yet been performed for the property, so the exact nature of the soils underlying the Project site has not been determined. However, the surface soils likely consist of loamy fill imported for residential building pad construction. Given the site's position within the topographic depression and possibly a relic Strawberry Creek tributary alignment, it is possible that the seasonal groundwater table underlying the site could affect local infiltration rates, at least in wet years.

2.4 Flooding Characteristics along Northside Hearst Avenue

2.4.1 Overview of HEC-RAS Hydraulic Model Development

No modeling of floodflow behavior was previously done for the local northside Hearst Avenue surface drainage system. In order to determine the constraints on site stormwater design, CH developed a hydraulic model of that system using the US Army Corps of Engineers' (USACE) HEC-RAS (River Analysis System, Vers. 4.1) computer program. The HEC-RAS model is

capable of computing flood water surface profiles for open channel, culverts, bridge crossings and other hydraulic structures. The program requires input data on design peak flows, channel reach and junction configurations, hydraulic roughness values and channel geometries. A schematic representation of the Hearst Ave. hydraulic model is shown in Figure 3. It consists of two Hearst Ave. gutter reaches and one west side Curtis St. gutter reach with a hydraulic junction at the western end of the concrete cross-swale that delivers Hearst gutter flow to the west Curtis St. gutter.

Roughness values for gutter flow were set at 0.013 (Chow 1959) and modeled flow obstructions were limited to assumed tire blockage within the gutter and road edges. Channel cross-sections delineated along the Curtis St. and Hearst Ave. gutter/roadway reaches were extracted from the integrated DTM developed in AutoCAD Civil 3D 2014, which was based on the Moran and CH topographic surveys conducted in 2015. Along the modeled Curtis St. reach, three mid-reach channel cross-sections were incorporated to simulate the potential driveway diversion of stormwater westward to the topographic depression in the Project area. The reach length between these channel cross-sections was set at 60 feet, which was the cumulative width of all driveways determined to drain downgradient to the depression. The middle cross-section (Station 1+85) was configured to incorporate a driveway sloping downward (westward) from the sidewalk to the rear yard level. The entire driveway extents were not surveyed, so the extent of fall is only suggested by the downward sloping portion of the cross-section in the right overbank. The “ineffective flow option” in HEC-RAS was used to negate any floodwater conveyance in the portions of these cross-sections that were at lower elevations than the street level until breakover points along the sidewalk (per the survey data) were reached.

2.4.2 Peak Flow Rates for Model Input

CH used the USGS version of the Rational Method (Rantz 1971) developed for SF Bay Region to compute the peak discharges for the upstream sub-watersheds (B-J in Figure 2) draining to the intersection of Hearst Ave. and Curtis Street in accordance with Figure 2. To match the HEC-RAS reach configuration noted in Figure 3, Sub-Watersheds F-J were combined into a single watershed to compute the discharge at the head of Hearst Ave. Reach 1 (at the Chestnut/Hearst intersection). The peak discharges computed for Sub-Watersheds D and E were then added to obtain the combined peak discharge at the eastern edge of the Curtis/Hearst intersection. These discharges were maintained across the concrete swale on Curtis St. and then augmented by the Sub-Watershed B discharges at the western end of the swale. These discharges were maintained until the lower end of the modeled Hearst Ave. Reach 2, where the discharge generated along lower Hearst Ave. (Sub-Watershed C) was added.

Similarly, peak discharges were computed for Sub-Watershed A, which comprises the rear yard areas fronting on Delaware St., the Curtis St. rear-yards, the interior of the existing Project site and some additional rear yard area to the west of the Project site. Sub-watershed A drainage likely departs via several side yards strips along Hearst Avenue. However, a full topographic model for the entire block was not within the scope of this assessment. So the peak discharges computed for this sub-watershed were viewed in conjunction with Curtis St. flow diversions as potential flows to evacuate from the Project area without surface flooding, at least for the 10-yr. design storm.

The peak flow computations for all of these sub-watersheds are attached in the Technical Appendix. Land use within these sub-watersheds for purposes of runoff coefficient ‘C’ value determination was defined as medium density residential (7-10 units per acre). Design rainfall intensities at the computed runoff concentration times were determined through use of precipitation depth-duration-frequency data in Table 4 of Rantz for the mean annual rainfall of 22 inches (ACFCWCD 2003, in Clean Water Program 2015).

Design peak discharges were computed for four rainstorms with recurrence intervals of 2, 10, 25 and 100 years, as summarized below in Table 1:

Table 1: Peak Discharge Rates for Modeled Hearst Ave. Storm Flows

Sub-Watershed	Area, ac.	Recurrence Int.	Peak Discharges, cfs			
			2	10	25	100
A	2.35					
B	0.60		0.26	0.49	1.07	1.53
C	0.25		0.07	0.22	0.35	0.50
D	1.16		0.50	0.94	1.50	2.10
E	1.10		0.50	0.94	1.50	2.13
F-J	12.70		4.47	8.65	13.50	19.04

2.4.3 HEC-RAS Flood Modeling: Results

HEC-RAS model output for the 2-yr. to 100-yr. recurrence interval storm flows is detailed in the Technical Appendix and summarized in Figures 4- 7. The salient points drawn from the modeling were:

- Hydraulic backwater conditions occur in the vicinity of the junction of the west side Curtis St. gutter and the concrete swale that crosses Curtis St., where the two channels meet at 90 degrees, which is an ineffective junction angle resulting in locally high energy losses. In addition, the on-contour Curtis St. gutter maintains a gentler slope than the Hearst Ave. gutter segments, which outside of the intersection, roughly follow the general terrain slope.
- The severity of the backwater influence on flow depths along the Curtis St. west side gutter increases with increasing storm recurrence interval. At roughly mid-block (Station 1+85), ponded stormwater for storms greater than approximately the 5-yr. storm, breach the sidewalk elevation and divert down driveways of those residences to the topographic depression and the Project site (see Figure 7). Even at the 2-yr. peak discharge, the floodwater depth increases from 0.24 ft. at Station 1+85 to 1.54 ft. at Station 0+12 (12 ft. upstream/north of the concrete swale and the junction with the Hearst Ave. gutter flow). This suggests that even at the 2-yr. peak discharge, the flood water surface will exceed the sidewalk level along the lower (southern) segment of Curtis and divert stormwater toward the depression. The volume of diverted flow reaching the topographic depression continues to increase for higher recurrence interval storm events. Note that the HEC-RAS model extends the ends of the channel cross-sections vertically where their extent is

not sufficient to contain those flows. Thus, the depths of weir-type flow over the sidewalk may be less than indicated in the model. However, the overflow simulated in the model would occur regardless of the lateral cross-section extents.

- While stormwater storage levels and volumes were not computed for the Curtis St. back yards and the rest of the topographic depression extending through the Project site, the local topography surveyed along the Project's eastern boundary indicates that portions of the west side Curtis Street properties flood to depths of up to 1.0 foot during most intense rainstorms. Above this depth, surface drainage occurs westward onto the Project site and then toward Hearst Avenue.
- Downstream of the Curtis St. intersection, flows are contained within the roadway gutter and portions of the driveway outlets (below the sidewalk level) even during the 100-yr. storm. For the 10-yr. storm, the depth of flow in the vicinity of the main Project driveway outlet (Sta. 0+48.26) was computed at roughly 0.46 ft., which is slightly above the top of curb. This is largely due to the substantial gutter slope along this lower portion of the modeled reach, which generates critical to supercritical flow conditions and lower flow depths.

3.0 PROJECT DRAINAGE AND FLOODING MITIGATION

As outlined above, for even moderately severe rainstorms, the Project site drains via overland flow by both the westerly side yard area and eventually via the main driveway. The absence of a gravity storm drain under Hearst Ave. to accept piped flow from the Project area complicates the stormwater design for the proposed Project. In addition, raising the site grade could potentially exacerbate flooding along the west side Curtis Street properties that form the eastern portion of the topographic depression.

CH investigated two options for mitigating the undesirable storm drainage and flooding conditions within the Project site and its area of influence. Accordingly, the main objective was to devise passive measures that would drain the site efficiently during the 10-yr. design storm, while also improving the flooding conditions on the west side Curtis St. properties, or at a minimum, not worsen the existing conditions. The two options analyzed were:

- 1) Install small diameter sub-drains that would drain the Project site and discharge evacuated stormwater to the Hearst Ave. north gutter;
- 2) Install a surface channel, embedded in the driveway, or possibly the westernmost side yard, that would discharge evacuated stormwater to the Hearst gutter.

A third possible option, installation of subgrade detention facilities (e.g. pipe array) was not investigated in depth due to its active management requirement. Any such facility would require pumping to evacuate accumulated stormwater. Furthermore, due to the tendency of electrical service to be disrupted during severe storm events, a backup emergency generator would also be required. Thus, this option would represent a fall-back scenario if neither of the first two options were determined to be feasible.

As cited in Table 1 above, the combined 10-yr. peak flow for Sub-Watersheds A (topographic depression) and B (west side Curtis St.) is 2.37 cfs. This assumes that the bulk of the flow from the west-side Curtis St. sub-watershed (B) is diverted from Curtis St. to the depression during backwater flood conditions. Similarly, the combined 25-yr. peak flow for Sub-Watersheds A and B totals 4.04 cfs.

CH computed the pipe discharge capacity for a set of two 4-inch and 6-inch diameter sub-drains, given the available subgrade slopes between the eastern Project boundary and the Hearst Ave. gutter, given the 10-yr. hydraulic grade line (HGL) modeled by HEC-RAS.

Two issues were apparent for either of the pipe scenarios:

- a) at best, twin 6-inch, smooth walled pipes would discharge 1.18 cfs at the available gradient of 0.8%, and,
- b) there would be insufficient clearance for these pipes between the 10-yr. HGL and the sidewalk elevations along Hearst.

The 4-inch pipes could physically fit under the sidewalk, but they only delivered 0.4 cfs, so they were insufficient to mitigate the site flooding conditions.

The channel option was analyzed for various configurations, including that of a swale in gravel or brick pavers. Any swale configuration was deemed problematic due to the spatial requirements forced by transition side slopes at 2:1 or milder. If such a channel were embedded in the entrance driveway, errant tires would eventually breakdown its structure and that of the driveway pavement treads. So the configuration that provided sufficient stormwater conveyance capacity and was technically feasible to construct was a 2 ft.-wide rectangular channel with a gravel or paver-style bottom and an inverted steel channel 0.4 ft. in height fit over the channel bottom. The sides of the steel channel could be solid, while the top would comprise the grate. The steel would be sufficiently thick to withstand the required vehicular loading for the Project. The capacity of the rectangular channel at a minimum slope of 0.8 percent would provide a maximum discharge of 4.0 cfs. This would be sufficient to evacuate in excess of the 10-yr. peak discharge entering the depression.

A plan view of the proposed rectangular channel alignment is shown in Figure 8. Also noted on that figure is a connecting gravel swale that would extend eastward from the northern edge of the new parking lot to the eastern property line. This swale would have a minimum depth of 0.3 ft., which at that point along the property line would give it an invert elevation of approximately 55.8 feet. According to the Moran project topo data, the lowest surveyed rear yard elevation at the property line was 55.28 feet. As noted previously, the lowest breakover point in the back yard of 1173 Hearst is about 56.3 feet. Thus, the proposed gravel swale depicted on Figure 8 would allow some drainage of floodwater to occur 0.5 ft. lower than it does under the current conditions. This should reduce the severity of flooding along the west side Curtis St. properties, although it will not alleviate the condition entirely. Figures 9 and 10 depict the longitudinal profile and typical cross-sections for the design solution shown in Figure 8.

An alternative alignment would likely be feasible for the passive drainage system depicted in Figures 8-10. The east-west gravel swale could be extended to a point just inside the western Project site boundary. The rectangular channel could then be constructed along the western property line, where the available clearance is about 3.5 feet. Choice of this alternative alignment would negate the need for the grated channel to traverse the driveway and parking lot. It could also improve the outlet conditions, since the north Hearst Ave. gutter elevation decreases quickly relative to the adjoining property elevations with distance downstream of the driveway.

For either the investigated option in Figure 8 or the alternative alignment, the channel outlet under the Hearst Ave. sidewalk would require some additional engineering to ensure the design is compatible with the sidewalk crossing. The sidewalk grade may need to be raised by 0.2-0.3 ft. to facilitate the channel installation that also clears the 10-yr. HGL in the gutter.

4.0 PROJECT PEAK FLOW RATES

Aside from the stormwater evacuation measures, all development projects in the City of Berkeley are required to mitigate for any increases in peak flow rates due to increases in impervious surface coverage. For the current design, the increase in impervious surface coverage would be 1.8%. CH used the USGS Rational Method to compute pre- and post-project peak flow rates for the Project site watershed (i.e. the site area only) generated during the 10-yr. and 100-yr. design rainstorms. While the nature of the residential development would remain unchanged (medium density residential) and thus the runoff coefficient, 'C' value, would remain essentially the same, CH did compute pre- and post-project peak discharges for the two storm events. The 100-yr. peak discharges remained unchanged at 0.80 cfs, while the 10-yr. peak discharge increased from 0.41 to 0.43 cfs for the 10-yr. storm event. Applying these peak discharges to a triangular synthetic hydrograph geometry formulated by the Soil Conservation Service (now NRCS), the volumetric storage computed to mitigate for the slight increase in peak flow rates for the 10-yr. event was 1.9 cubic feet. This amount of storage can easily be provided using a single rain cistern attached to the apartment building roof gutter. Another alternative would be to reduce the Project's impervious area to match that of the existing site condition. This would negate the detention storage requirement.

5.0 PROJECT CLEAN WATER C3 PROGRAM REQUIREMENTS

According to the Alameda County C3 Guidelines for stormwater treatment, all development projects that create and/or replace 10,000 square ft. or more of impervious surface must comply with Provision C.3 of the Municipal Regional Stormwater Permit (MRP) adopted by the RWQCB in 2009 (Clean Water Program 2015). In conjunction with that provision, the guidelines require that development projects provide some combination of stormwater controls including:

- Site design measures
- Source control measures, and
- Low impact development (LID) treatment measures, e.g. evapotranspiration, infiltration and/or rainwater harvesting and reuse.

For the Project site, it is unclear whether the seasonal groundwater table is low enough to support infiltration measures such as rain gardens, or “self-retaining” (i.e. ponding) areas. So, biotreatment systems are likely the best fit to the site conditions. Flow-through bioretention planters (see Technical Appendix for typical planter schematic) can be located adjacent to buildings such that they capture and filter roof runoff before being discharged to the site drainageways. As a conservative estimate, the surface area of these planter facilities can be set at 4 percent of the total impervious footprint, or 436 sf. For a final design, the surface area can be reduced somewhat when the volumetric storage within each bioretention planter is considered. For the preliminary 436 sf requirement, 218 lineal ft. of 2 ft.-wide planters would be required.

6.0 REFERENCES

- Bentley Haestad Methods, FlowMaster, Service Pack 3 (Hydraulic Analysis) [computer program]. Bentley Systems, Inc. Ver. 6.1, Nov 11, 2005.
- Chow, V.T. 1959. Open Channel Hydraulics. McGraw Hill, Inc.
- Clean Water Program 2015. *C.3 Stormwater Technical Guidance, A handbook for developers, builders and project applicants*. Ver. 4.1.
- Rantz, S.E. 1971. "Suggested Criteria for Hydrologic Design of Storm-Drainage Facilities in the San Francisco Bay Region, California, S.E. Rantz, U.S. Geological Survey Open-File Report, 1971.
- USACE 2010. "HEC-RAS River Analysis System: Hydraulic Reference Manual", Version 4.1, CPD-69, US Army Corps of Engineers Hydrologic Engineering Center, Davis, CA. Jan. 2010.

Cristi Delgado
Information Technology Department
January 22, 2009

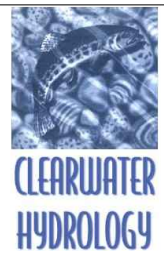
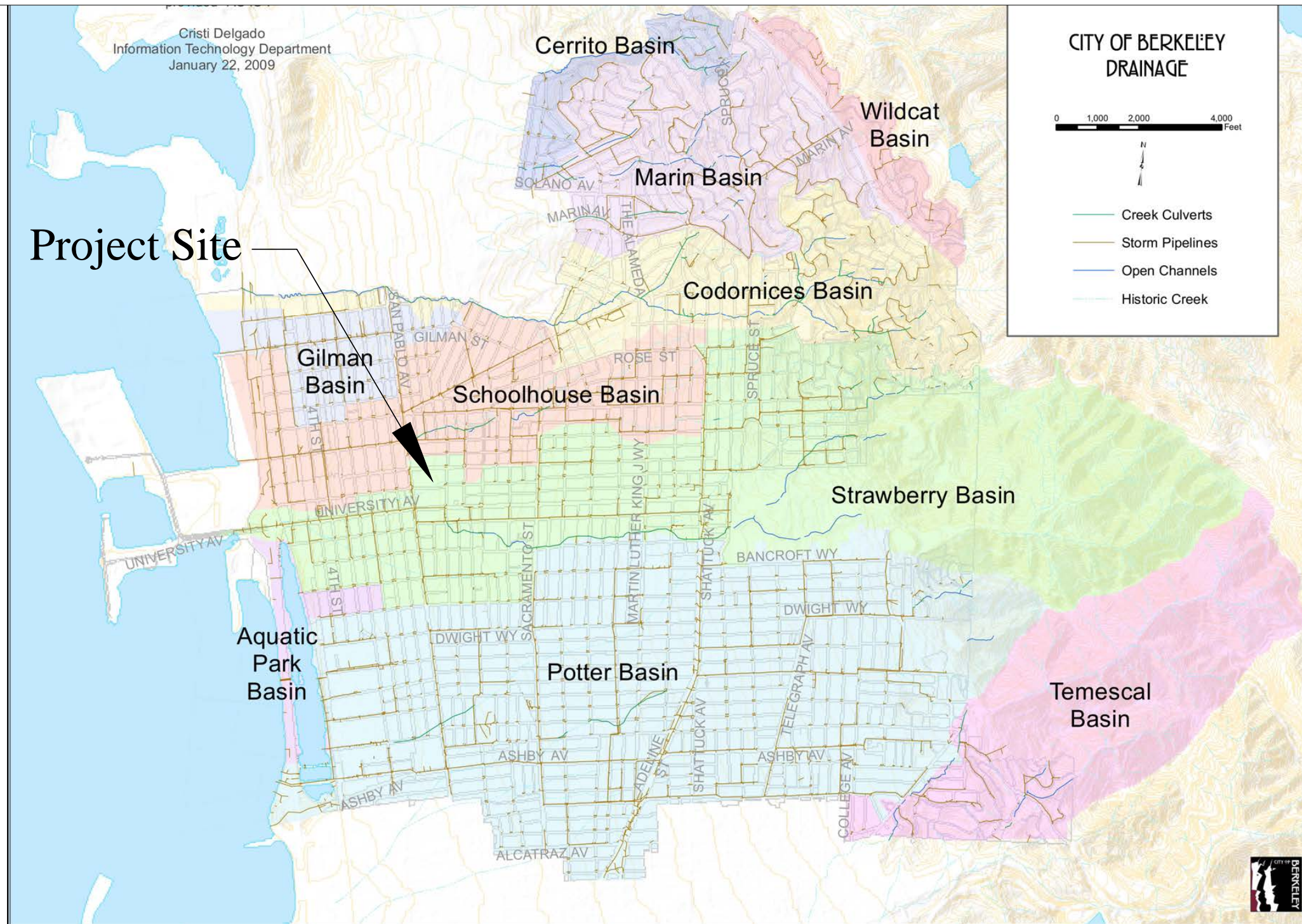


Figure 1 : Strawberry Creek Watershed

Project: 1155-1173 Hearst Avenue Project
Date: 12/30/2015

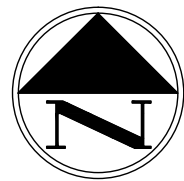
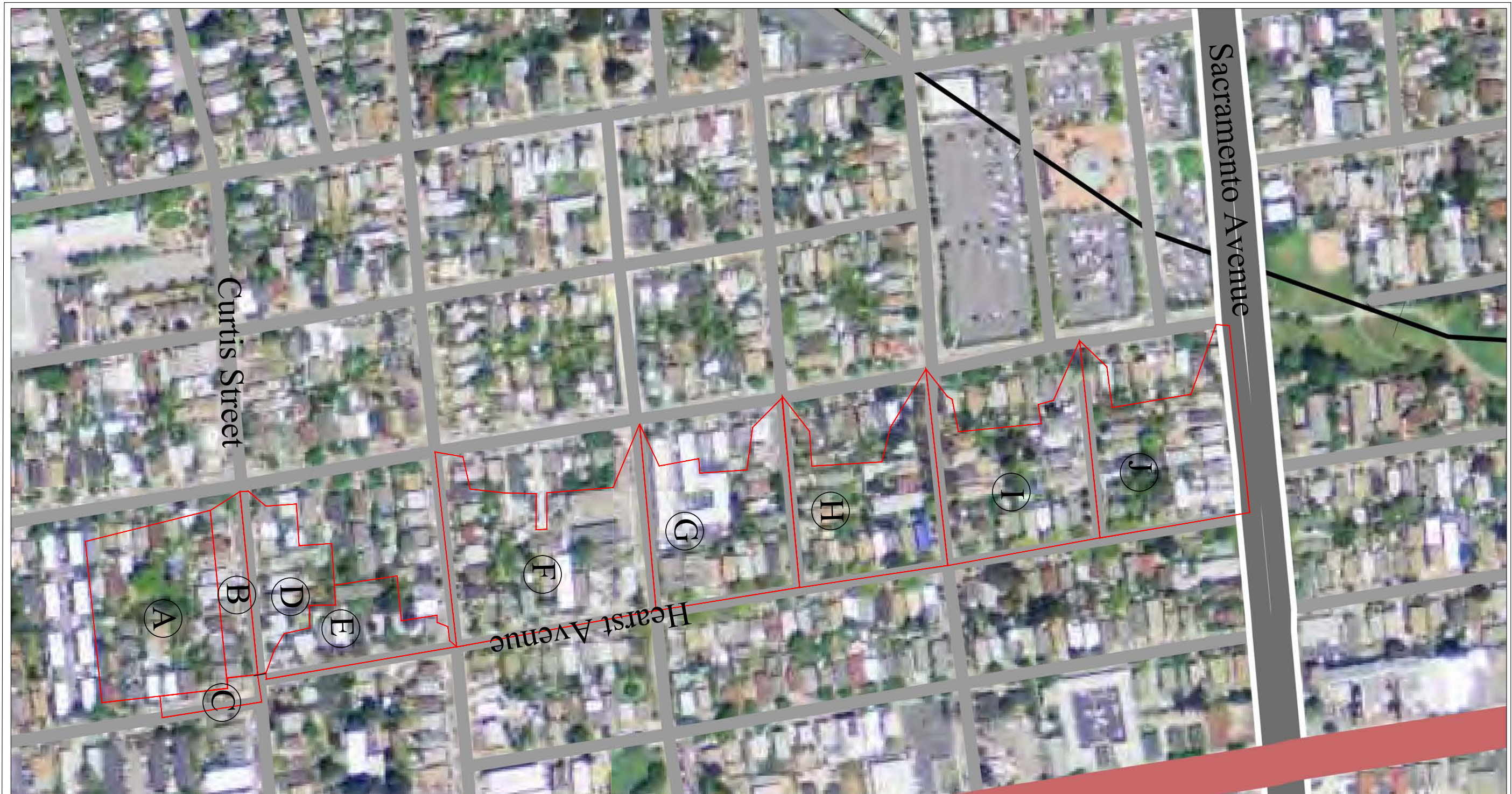


Figure 2 : Northside Hearst Avenue Sub Watersheds

Project: 1155-1173 Hearst Avenue Project
Date: 12/30/2015

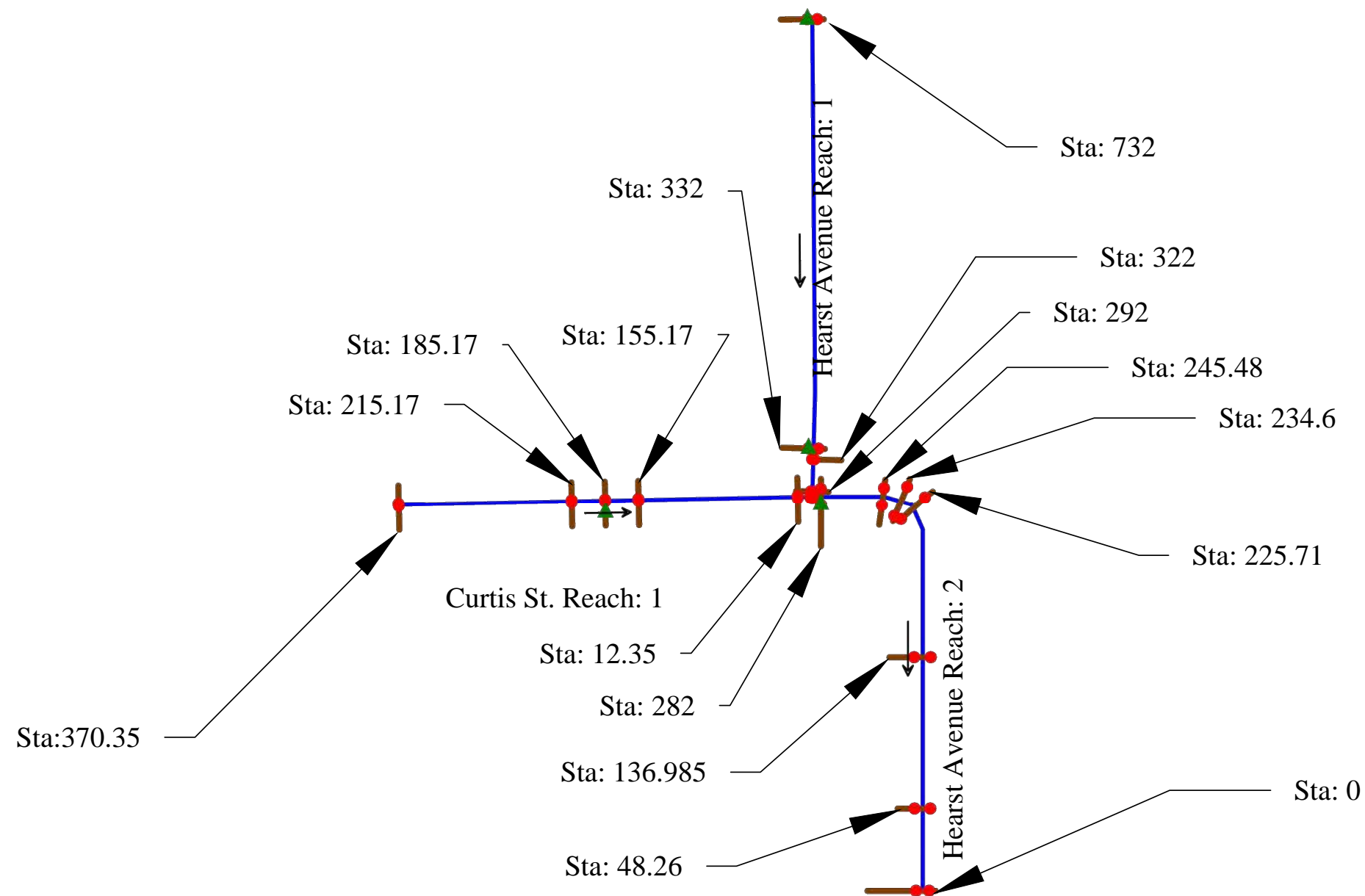
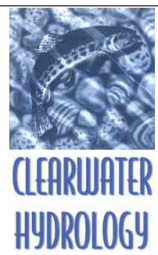


Figure 3 : HEC RAS Schematic Diagram

Project: 1155-1173 Hearst Avenue Project
Date: 12/30/2015



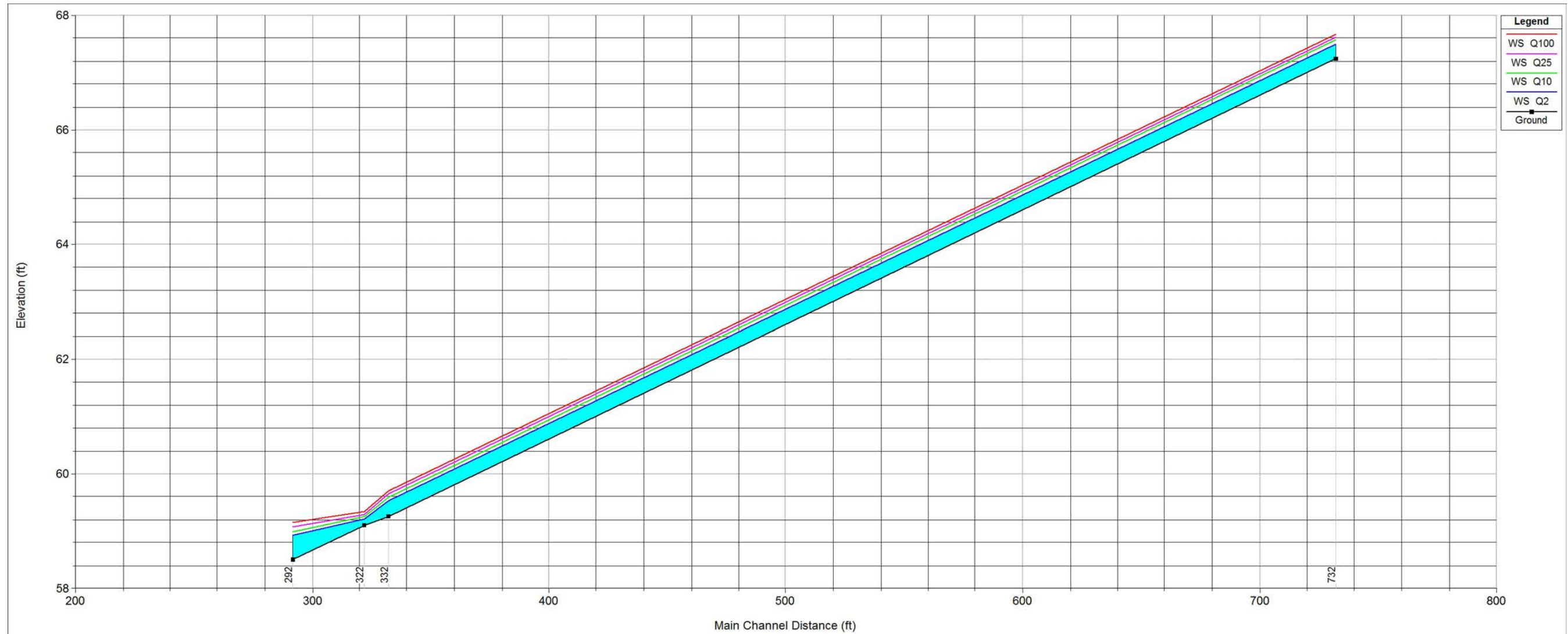


Figure 4 : HEC RAS WS Profiles (Hearst Avenue Reach 1)

Project: 1155-1173 Hearst Avenue Project
Date: 12/30/2015

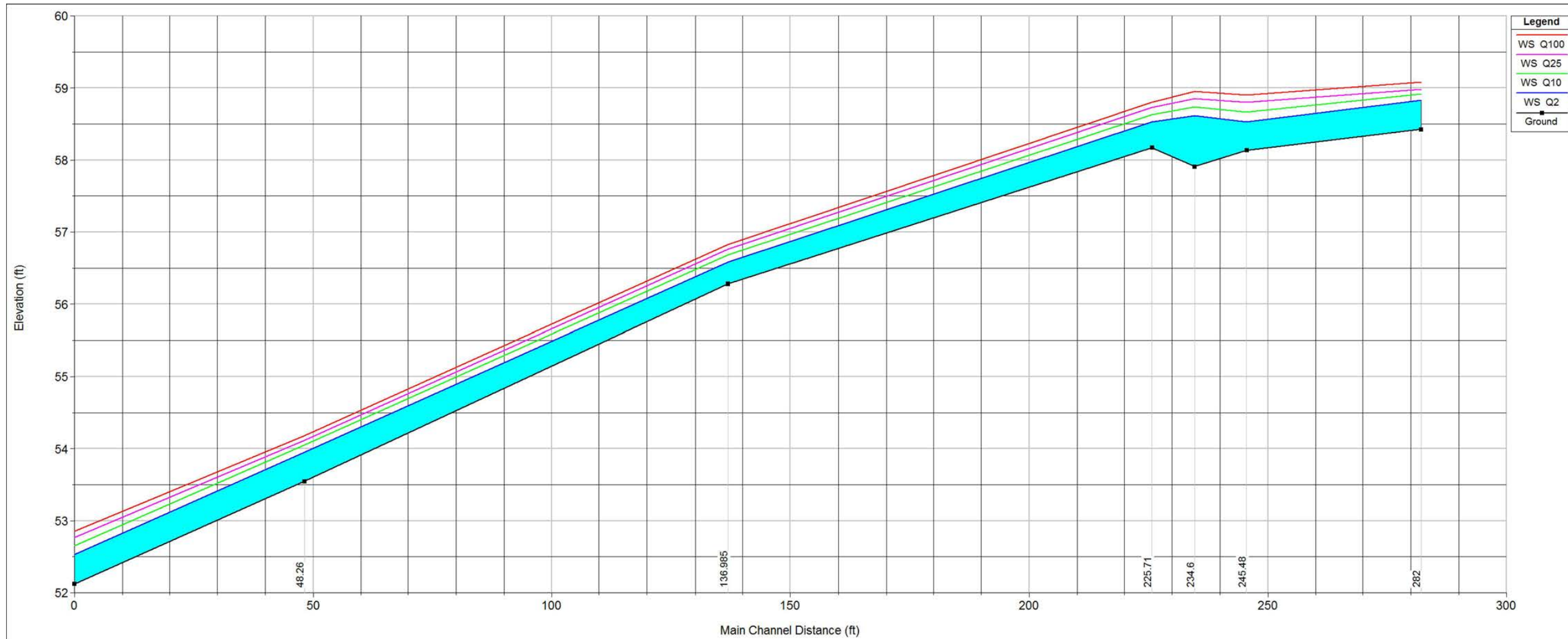


Figure 5 : HEC RAS WS Profiles (Hearst Avenue Reach 2)

Project: 1155-1173 Hearst Avenue Project
Date: 12/30/2015

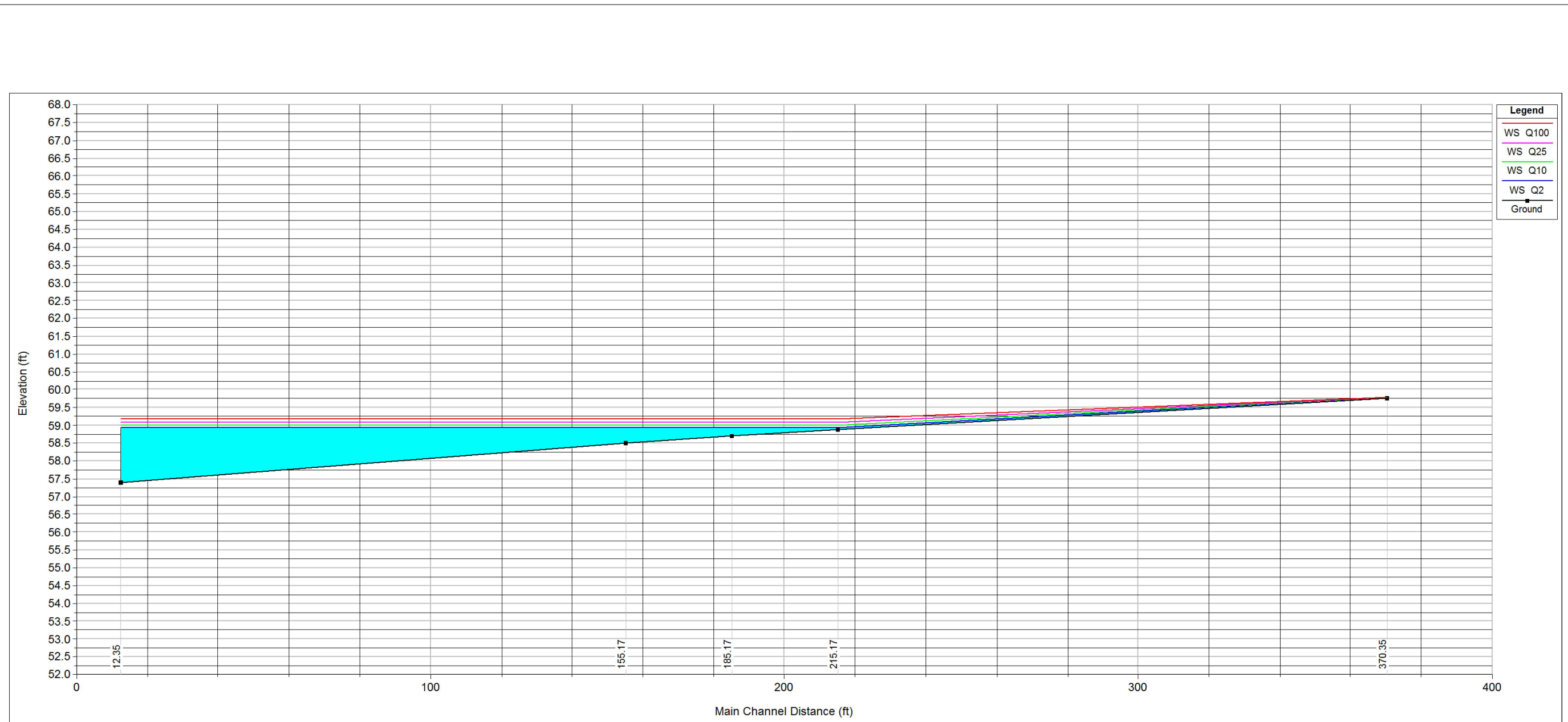


Figure 6 : HEC RAS WS Profiles (Curtis Street Reach 1)

Project: 1155-1173 Hearst Avenue Project
 Date: 12/30/2015



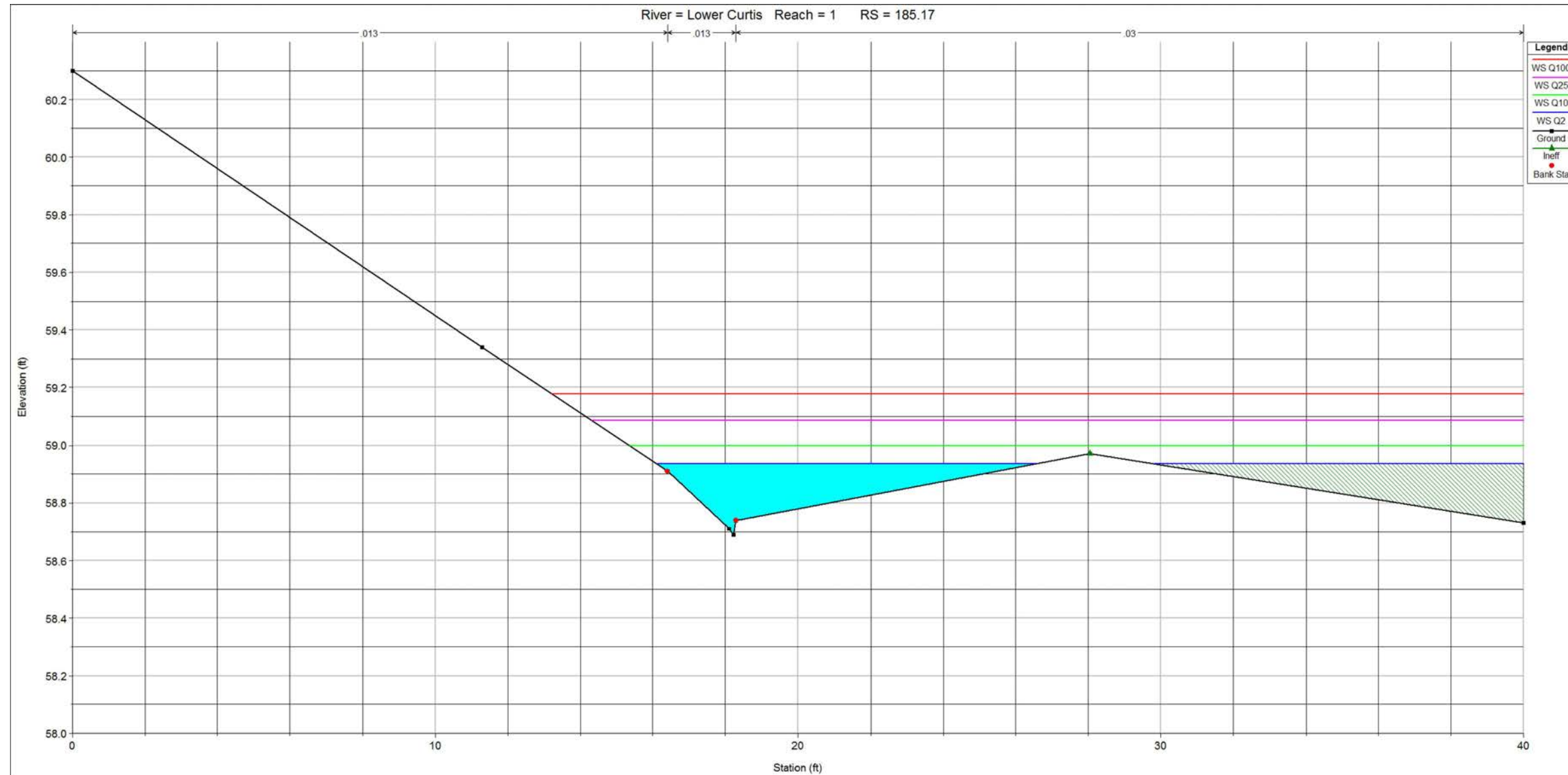


Figure 7 : HEC RAS Curtis Street Driveway XS w/ WS Elevations

Project: 1155-1173 Hearst Avenue Project
 Date: 12/30/2015

