

BERKELEY CITY COUNCIL PUBLIC HEARING

REGARDING APPEAL OF
ZONING ADJUSTMENTS BOARD DECISION
1155-11663 HEARST AVENUE

TO THE CITY COUNCIL

Ladies and Gentlemen:

My name is John Snavelly. I have resided at 1163 Hearst Avenue since July 1, 2001.

There are so many reasons for the Council to reject this appeal that it would take me forty pages to list all of them.

First, nearly all the neighbors are against this project because it is in fact far too large for the land available and would require a number of variances that truly would, if granted, be an extraordinary gift to the owners of this property to the great detriment of the people who actually live and own property in this block, which is already very densely populated with people and automobiles.

Second, Mrs. Landis, Ms. Amiri and Ms. Hart have given false and misleading financial information to the council, claiming that they are not making money, which is a ridiculous assertion for income property still taxed at pre-proposition 13 levels, because it was purchased approximately thirty years ago.

In other words, the taxes are very low and the original loan has certainly been paid off. Further, the owners are able to charge current market rents on three of the six units. Two of the six units are vacant at this time; one of them has been vacant for one year. The other has been vacant since September, 2002, when a paint job that is still not finished was begun.

Since I work at home, I can also state that there has been only one open house in the past year, shortly after an advertisement was placed on **Craig's List**. [copy included] I know of no other attempts to rent the unit; I can easily hear movement in this apartment because it adjoins mine and because there is virtually no insulation of any kind in this building, except for a wrap around the water heaters. I can also affirm that Mrs. Landis would rather have her teeth pulled then spend money on repairs and

maintenance. The buildings are virtually falling down. A side door to one of the garages fell down when the hinges rotted out earlier this year, revealing a garage interior with a large hole in the roof and full of flammable materials, including a can of charcoal starter!!!! These fire hazards were present at a time when the city had sent out a warning [copy included] that there was an arsonist in the neighborhood who was going onto properties to set fires.

Moreover, despite these hazards the front doors to this garage were unlocked, as were the doors to a number of the other garages, because Mrs. Landis is so pathologically greedy that she refuses to spend even a few dollars to buy padlocks for them.

This is not an exaggeration. For example, in my unit the City of Berkeley Housing Services had to order her to replace a switch plate and to caulk the kitchen sink, [copy included] which has been rotting out for years and over the past six months has become a tremendous health and safety hazard to me, as one can see from the accompanying pictures. Despite the order, Ms. Landis still has not repaired the sink!! [I could not find my copy of the notice from the city requiring the repair of the sink.]

Another example of the lack of fire safety is the fact that there is a substantial and dangerous accumulation of debris around the water heaters. While I have photographed this, I have not had a chance to order the twenty copies required for submission with this letter.

Another example of Ms. Landis's pathological greed is the fact that my rental receipts were scribbled on yellow legal pads by Ms. Amiri; in other words, she had no rental receipt book. [copy included] I provided a receipt book of my own, because I wanted a proper receipt. On December 2, 2002, I called the Berkeley Police to come out and observe my rental payment, because I had been withholding rent and thought I need witnesses to the rent payment. The police came out; Ms. Amiri took the money, signed the receipt book than refused to return it to me. After several requests by the police officers were ignored, they had to force their way into Ms. Amiri's apartment to retrieve the book!!!!

The bizarre incident should convince this council that any submission of financial documents by Mrs. Landis should be carefully scrutinized. After all, the IRS requires that adequate financial records be maintained; scribbling a receipt on yellow legal paper does not qualify as adequate record keeping.

It should be mentioned that Mrs. Amiri no longer lives on site, but when she did live on site and was purportedly the manager, she did virtually nothing, unless I forced her to by filing complaints with the city housing services, with the fire department and with the police. I believe Mrs. Amiri was given the "job" as manager so that her rent could be expensed on tax returns, since there is no legal or practical requirement for an on-site manager on a six-unit property.

Here is another priceless example of the complete disregard of Ms. Landis's pathological greed. Despite the fact that my bathroom walls and floors were rotten and visibly collapsing, I include a copy of a letter sent to me by Mrs. Amiri on October 31, 2001, informing me that a "tile repairman" would be coming over to put tile on the collapsing walls!!!! I contacted Carlos Romo, who forced Mrs. Landis to obtain a proper permit and completely tear out the walls and flooring of the bathrooms.

I had been withholding rent, because my furnace had been turned off by PG&E, my bathroom walls and flooring were rotten and collapsing, etc. I enclose a copy of the housing inspection report.

Ms. Landis has refused to supply the location of the bank where my rental deposit is being held. When I talked to her about this, she simply said that she was paying about what the Bank of America was paying without saying where the money is.

I have literally hundreds of pictures of the deteriorated and dilapidated state of these premises, which I would be happy to show, but cannot afford to make twenty copies of each for submission with this letter.

Moreover, at the ZAB hearing, Mrs. Hart, another of Mrs. Landis's daughters mentioned a small fire on the premises. What she didn't mention was that the fire was in her sister Dorothy Amiri's unit and that this fire occurred shortly after the arrest of Arjan Amiri, Mrs. Landis's grandson, who was dealing drugs in the neighborhood!!!!

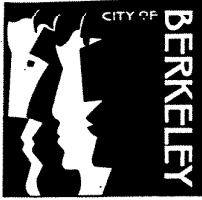
Arjan Amiri has on a number of occasions followed me around the premises threatening, insulting and harassing me, not to mention the visits and parties at four in the morning. Other tenants have also complained about the antics of this drug-dealing thug, including his walking around the premises shouting, "I hate cats!" Finally, in September of this year, she made him move out.

To sum up, Mrs. Landis and her family are not the solution -
they are the problem.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Snavelly".

John Snavelly



Housing Department
Code Enforcement

NOVEMBER 15, 2001

NOTICE OF INVESTIGATION
APN 057- -2086-014-00
Case #01-8699

ALICE PRUETT
C/O ALICE LANDIS
166 HILLTOP CRESCENT
WALNUT CREEK, CA 94596

Subject: NOTICE OF INVESTIGATION PURSUANT TO THE BERKELEY HOUSING
CODE, Chapter 19.40; BUILDING AT --
1163 HEARST AVE

Dear Owner(s):

Please be advised that the City of Berkeley has determined that the building/unit at the address stated above is in violation of the Uniform Housing Code as adopted by the City of Berkeley (BMC Chapter 19.40).

The subject building/unit was inspected on 11/06/01 and determined to be in violation due to the following defects:

1. BATHROOM, TUB/SHOWER FAUCETS
Tub/shower faucets leak or are inoperable.
BMC 19.40, CHAPT.5, SEC.505.4 AND SEC.505.7
Repair or replace.
Tub's faucets drips/leaks
2. BATHROOM, WALL/CEILING DAMAGE
Walls and/or ceiling are deteriorated or damaged.
BMC 19.40, CHAPTER 6, SEC. 601.1
Repair or replace.
Wall around tub wet/dry rot

NOTE:

PRIOR TO INITIATING REPAIRS THE OWNER MUST SECURE A BUILDING PERMIT FROM THE PERMIT SERVICE CENTER.

THE PERMIT SERVICE CENTER REQUESTS, AS PART OF THE APPLICATION PROCESS, TWO COPIES OF THIS REPORT BE SUBMITTED ALONG WITH THE PERMIT APPLICATION. FAILURE TO DO SO WILL DELAY THE PROCESS OF SECURING THE REQUIRED PERMIT(S).

AFTER THE REQUIRED PERMIT HAS BEEN SECURED AND THE REPAIRS COMPLETED, IT IS THE OWNERS RESPONSIBILITY TO CONTACT THE BUILDING AND SAFETY DIVISION TO SCHEDULE AND OBTAIN A FINAL APPROVAL ON THE REPAIR MADE.

2180 Milvia Street 2nd Floor Berkeley, California 94704 • Tel: 510-981-5444
Fax: 510-981-5450 • TDD: 510-981-6903 • e-mail: housing@ci.berkeley.ca.us

NOTICE OF INVESTIGATION

NOVEMBER 15, 2001

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3. EXTERIOR, CRAWL SPACE ACCESS
Crawl space access door is blocked or damaged or missing.
BMC 19.40, CHAPT.6, SEC.601.1
Unblock or install or repair.
Access door missing north at porch/rear at 1611
4. EXT. WATER HEATER/ ENCLOSURE
Condition of the cabinet enclosure is dilapidated and does not afford the gas appliance proper protection or clearance and/or the water heaters are improperly installed or are non-functional requiring service.
BMC 19.40, CHAPT.7, SEC.701.3
Repair or replace.
Water heater lacks overflow line
5. KITCHEN, SINK/FAUCETS/TRAP
Sink, trap and/or faucets are damaged, inoperable, leaking or missing.
BMC 19.40, CHAPTER 5, SEC. 504.4 and 505.7
Repair/Replace or install.
leak between double sinks/caulking deteriorated
6. KITCHEN, ELECT. COVER PLATES
Cover plates are missing over outlets and/or switches.
BMC 19.40, CHAPTER 7, SEC. 701.2
Install cover plates.
Cover plate missing north
7. MISC VIOLATION
Violation described below
.....
Illegal deadbolt & deadlocking latch east-rear
8. COB ORD, HEATER OPERATION
Habitable area lacks the required 70 F degrees measured 3 ft from the floor in habitable rooms only, due to a non-functional heating appliance.
NOTE: Only Dining rooms, Kitchens, Living rooms, and Sleeping rooms are defined as habitable rooms.
BMC 19.40, CHAPT.7, SEC.701.1 and State Title 25, Article 5, SEC.34
Repair or Replace the permanent heating equipment.
Where the heating system is under the control of the owner and NOT of the occupant, the heating system must remain on 24 Hrs. per day.
NOTE: Only permanently installed gas heating systems are allowed, the EXCEPTION to this requirement is for those pre-existing permanent electrical heat systems installed under permit, may continue in use and be replaced under permit should their failure occur.
P.G.& E disconnect notice attached/Mechanical permit will be required if heater is placed
NOTE:
PRIOR TO INITIATING REPAIRS THE OWNER MUST SECURE A MECHANICAL PERMIT FROM THE PERMIT SERVICE CENTER.

NOTICE OF INVESTIGATION
NOVEMBER 15, 2001
Page 3

THE PERMIT SERVICE CENTER REQUESTS, AS PART OF THE APPLICATION PROCESS, TWO COPIES OF THIS REPORT BE SUBMITTED ALONG WITH THE PERMIT APPLICATION. FAILURE TO DO SO WILL DELAY THE PROCESS OF SECURING THE REQUIRED PERMIT(S). AFTER THE REQUIRED PERMIT HAS BEEN SECURED AND THE REPAIR COMPLETED, IT IS THE OWNERS RESPONSIBILITY TO CONTACT THE BUILDING AND SAFETY DIVISION TO SCHEDULE AND OBTAIN A FINAL APPROVAL ON THE REPAIR MADE.

Since one or more violations was found during the initial investigation inspection, you will be billed for that service in accordance with the enclosed fee schedule.

Moreover, to determine compliance with this Notice of Investigation, a reinspection has been scheduled for 01/08/02 AM. At that time we expect to have access into the building/unit in order to determine whether or not repairs have been made. If all defects have not been corrected by the time of the reinspection, the City of Berkeley Housing Code allows for subsequent reinspections until all repairs have been corrected and verified.

If it is determined at the time of the scheduled reinspection that all cited code violations have not been corrected, you will be charged in accordance with the enclosed fee schedule. Therefore, it is in your best interest to obtain any necessary permits and complete all repairs as expediently as possible. Permits can be obtained at:

Permit Service Center
2120 Milvia Street
Berkeley, CA 94704
Phone: (510) 883-6555

Please be further advised that the Rent Stabilization Board has requested copies of all future notices sent by our office. Berkeley tenants who are covered by the Rent Stabilization Ordinance may petition the Rent Stabilization Board for rent reductions if the property owner(s) fail to correct violations. The Rent Stabilization Board will be similarly notified with a copy of the Notice of Compliance as soon as all repairs are made and verified.

NOTICE OF INVESTIGATION
NOVEMBER 15, 2001
Page 4

If you have any questions concerning this Notice of Investigation, please contact SANDRA BAILES Housing Inspector, at (510) 981-5444, between 8:00 am - 9:00 am and 4:30 pm - 5:00 pm.

Sincerely,



SANDRA BAILES
Housing Inspector

Enclosure(s)

CC: Tenant
Building & Safety

OV: INVEST03

craigslist.org > east bay area > apartments > Duplex Cottage, \$850/ Month + Security

last modified: Wed Sep 11 23:45:22 2002

email this posting to a friend

Duplex Cottage, \$850/ Month + Security

Reply to: see below

Date: Wed Sep 11 23:45:22 2002

Flag for review by craigslist staff:

Charming one bedroom spanish style duplex. Walk to busses, BART and 4th Street shops. Hardwood floors. 1.3 miles from UC. Includes one off street parking space. Tenant pays utilities except garbage. Avail immed. Call 510 435 3836

reason for review:

submit for review

Map: [Hearst Ave. and Curtis St.](#)

it's NOT ok to contact this poster with services or other commercial interests

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John Snavelly
P.O. Box 1708
El Cerrito, CA 94530

January 17, 2002

Bruce Reeves, Esq.
Alice R. Landis
Dorothy Amiri

Fax 981-5450
Sandra Bailes

Re 1163 Hearst Avenue 01-8699

Dear Mesdames and Mr. Reeves:

The warranty of habitability requires that the furnace or heating system in a unit be capable of producing certain minimum temperatures in the rental unit, particularly the living and bedrooms.

Unfortunately, the furnace in my unit will not produce the required temperature in my bedroom, which means that you are still in violation of applicable laws and the implied warranty of habitability. I will be filing a complaint with the City of Berkeley over this issue today.

Part of the reason that this unit is so cold and damp is the complete absence of insulation; I suspect that insulating the floor area would possibly bring the unit in compliance, even with the current furnace; and failing to insulate the floors might mean that even a larger heater would still be inadequate. One of the advantages of insulating the floor would be that the vapor barrier would help prevent the mildew that is bedeviling me.

Further, while you are correct that you do not need to ground old electrical installations, the newer three-prong outlets that you installed, apparently about ten years ago, should have been properly grounded, but they are not.

The kitchen sink is rotting out and falling apart.

I demand that you correct these problems forthwith.

Then there is the door to a storage space in the garage that been open and unlocked since Kristin left. Apparently, you have not grasped the point that you must not leave areas open to animals or homeless people, even after the City forced you to put a barrier to the open space under my staircase.

Further, Mrs. Amiri handed me a check for \$4.50 as interest for my security deposit. When I spoke to Mrs. Landis about this, she mentioned that the Bank of America was paying .97

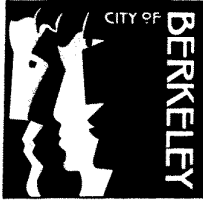
COPY

In re: 1163 Hearst Ave, Berkeley June 25, 01

I received \$1800 from John Snawely for
1st months rent plus security deposit.

Dorothy A. Amiri

(510) 704-8940



Housing Department

Code Enforcement
JANUARY 17, 2002

NOTICE OF VIOLATION
APN 057- -2086-014-00
Case #01-8699

ALICE PRUETT
C/O ALICE LANDIS
166 HILLTOP CRESCENT
WALNUT CREEK, CA 94596

Subject: 1163 HEARST AVE

Dear Owner:

You were informed in writing that the subject property was found to be in violation of the Berkeley Housing Code (BMC Sections 19.40 and 19.44). A reinspection conducted on **01/08/02** indicated that you have not corrected all the conditions required to clear your case. Therefore, another reinspection is scheduled for **02/15/02 AM between 9:30AM-12:00PM.**

Of the original 8 violations, 7 have been cleared. The remaining violations are:

1. MISC VIOLATION
Violation described below
.....
illegal deadbolt & deadlocking latch east-rear

It is the owner's responsibility to obtain the tenant's approval for entry on the scheduled date of the reinspection. You will be charged an inspection fee if the inspector cannot gain entry or if violations are not corrected at the time of the scheduled inspection.

NOTICE OF VIOLATION
JANUARY 17, 2002
Page 2

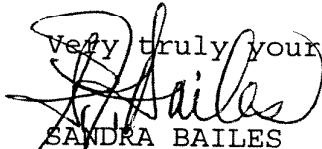
As the owner of the property, you are liable for all inspection fees charged. You will continue to incur additional reinspection fees until the final reinspection which closes this case. All fees charged while the building and/or unit(s) remain in noncompliance are the responsibility of the owner and remain as assessments until the fees have been paid. The City may use any and all actions at its disposal to collect these fees, which may include a civil suit, a Notice of Violation filed with the county, and as of May 28th, 1998, delinquent fees placed on your property tax bill.

If you do not correct the violation(s) within 30 days, you may be cited for violation(s) of the Berkeley Municipal Code. You may be cited for a separate violation for each day, beginning with the date of the initial investigation inspection.

The penalties for violation of the above section(s) of the Berkeley Municipal Code are \$100.00 for the first violation, \$200.00 for the second violation, and \$500.00 per day for the third and subsequent violation. Subsequent violations may also be prosecuted as misdemeanors which carry penalties of up to \$1000.00 per day and six months in jail. In addition, you may be ordered to correct the violation(s) at your own expense.

If you have any questions regarding this Notice Of Violation, please contact SANDRA BAILES at (510) 981-5444, between the hours of 8:00 AM - 9:00 AM or 4:30 PM - 5:00 PM.

Very truly yours,


SANDRA BAILES
Housing Inspector

CC: Tenant
City of Berkeley Rent Stabilization Board

OV:REINSP02

927-
934-
26 R

October 31, 2001

Dorothy Amiri
1157 Hearst Avenue
Berkeley, CA 94702

John Snavelly
1163 Hearst Avenue
Berkeley, CA 94702

Dear Mr. Snavelly:

Please be advised that a tile repairman will be at your apartment Thursday, 10 a.m. November 1, 2001. We also would like to reserve Friday November 2, 2001 for any additional repairmen that may need access to your unit. It is not necessary for you to be home as either Mrs. Landis or I will make ourselves available to escort repairmen.

Also, in response to your question about putting up shelving, please note that we do not allow any construction that needs to be drilled into the wall. We prefer that you buy a free standing shelving unit. We do accept on the walls pictures that can be hung with picture hangers. Holes that you make on the walls or ceilings will need to be filled by you before you vacate the property.

Sincerely,

D. Amiri

Dorothy A. Amiri
Manager

cc: Alice Landis

John Snavelly
1163 Hearst Avenue
Berkeley, CA 94702

October 30, 2001

Dorothy Amiri
FAX 510-704-8940

Dear Mrs. Amiri:

As of 1:30 p.m., I have a note that you put in my mailbox, stating that you intend to enter at 10:00 a.m. tomorrow. That is unacceptable. I have a legal right to a full twenty-four hours notice. Moreover, I have a right to know the purpose of each and every entrance. The Nolo Press publishes several books on tenants' rights and landlord's responsibilities. You are actually going to have to start obeying the laws of California and common decency. These books contain the proper format for a notice of entry.

I have been here all morning; you could and should have knocked on my door or posted it on my door, or called me. By the way, mail boxes are for the exclusive use of the postal service.

Further, the walls in my bathroom are obviously buckling; clearly putting new tiles over rotten walls won't solve the problem. While I cannot legally stop you from putting tiles up on a wet, sodden and rotting wall, such a cosmetic fix will not satisfy your obligations under the warranty of habitability or prevent me from withholding rent.

Further, do not under any circumstances other than a genuine emergency enter my dwelling.

Further, I expect each and every person or "repairman" who enters my unit to provide a picture identification and a contractor's license number under which he or she works.

The electrician who came by to correct the problem with the light fixture that caused me an electric shock said that the fixture was improperly wired. Obviously, it was put in by an incompetent repairman.

Be very clear, workers you hire off Hearst Street by Truitt and White will not be allowed entrance.

Further, while any repair person is in the unit he or she will be subject to being photographed, videotaped, audiotaped or otherwise recorded in his actions and activities.

Under my current lease, there is no prohibition against affixing shelving to the walls.

By the way, Carlos Romo from the city of BERKELEY, came over at 2:30, inspected the bathroom and said YOU NEED A PERMIT.

DATED: October 31, 2001

JOHN SNAVELY



BERKELEY POLICE DEPARTMENT

2100 Martin Luther King Jr. Way

Berkeley, CA 94704

D. E. Butler, Chief of Police

COMMUNITY ALERT



April 23, 2002

Safety Alert

Since the beginning of April there have been several small, suspicious fires in the neighborhood north of University Avenue, as far as Gilman Street, and east of San Pablo Avenue, as far as McGee Street. Some of these have been in apartment building laundry rooms and others have been set to vehicles or outside debris. No suspects have been seen.

In the same area, there have also been three incidents of prowling where a suspicious person was seen. His description is:

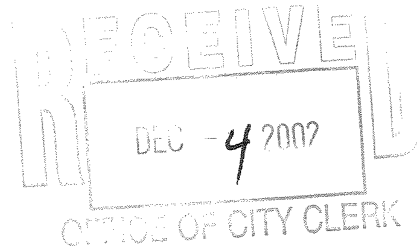
White or Hispanic male, 20-32 yrs old,
Dark hair, 6'0" to 6'4"
Medium or muscular build

The Berkeley Police Department is releasing this information to help our community better protect themselves. **We also need your help.** If you witness a crime in progress, or see a prowler, don't hesitate to call **911**. If you have seen other suspicious behavior or have an incident to report, please call our non-emergency number 981-5900.

Your personal security is important. Pay attention to your surroundings and lock your doors when you're home. Most burglaries in Berkeley occur via unlocked or even open doors. Close windows that are easily accessible from outside and trim vegetation.

If you would like more information about home security, or would like to make an appointment for a home security survey, please call our Community Services Bureau at (510) 981-5808.

Erika Oba
1159 Hearst Ave., #A
Berkeley, CA 94702



December 1, 2002

City Clerk
2180 Milvia Stret
Berkeley, CA 94704

RE: Zoning Adjustments Board Decision 1155-1163 Hearst Ave.

To whom it may concern:

My name is Erika Oba and I live on 1159 Hearst Ave. I'm currently enrolled in Berkeley High, and I've been in the Berkeley Unified School District all my life. The property I live may be demolished and if we were evacuated we would find great difficulty finding new residence in Berkeley. I would really like to finish my high school years at Berkeley High, and I would really appreciate it if the Zoning Adjustments Board would deny the Use Permit that our landlord is applying for.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Erika Oba".

Erika Oba

Date: 12/1/02

URBAN ECOLOGY



414 13th Street, Suite 500 Oakland CA 94612 t 510.251.6330 f 510.251.2117 www.urbanecology.org

December 5, 2002

Members of the City Council
City of Berkeley
c/o City Clerk
2180 Milvia Street
Berkeley, CA 94704

Dear Council Members:

On behalf of Urban Ecology, I am writing in support of the proposed apartment complex at 1155-63 Hearst Avenue. Urban Ecology is a nonprofit organization founded in Berkeley in 1975 with the mission of creating ecologically sustainable and socially just cities. We are advocates of improved land use planning throughout the Bay Area and support development projects that provide models of more sustainable development.

We encourage the development of new housing near transit hubs to reduce travel by car and minimize suburban sprawl. The proposed project is an opportunity to achieve this goal, and we believe it will be an asset to the City of Berkeley.

The project contains many commendable features, including:

- 14 residential units, of which 4 will be accessible and affordable to buyers with incomes at 50% of the Area Median Income.
- location within a short walk of the North Berkeley BART and 1 block from the San Pablo Avenue bus corridor, which is targeted for a major service upgrade.
- 4421 sq. ft. of open space and landscaping improvements that will create a more pedestrian friendly streetscape.

We believe the property owners have made a good faith attempt to address neighborhood concerns by proactively meeting with adjacent residents and redesigning the project to reduce height and bulk. The current design will fit in with existing buildings along Hearst Avenue.

The project's location is one of the few places in Berkeley that is appropriate for relatively higher densities. Urban Ecology fully endorses this residential project with affordable units, and we encourage you to grant it approval.

Sincerely,

Rachel Peterson
Executive Director

Kelly, Sherry

From: editeur@earthlink.net
Sent: Saturday, December 07, 2002 1:52 PM
To: Kelly, Sherry
Cc: Elaine.Eastman@kp.org; hcmuir@mindspring.com; alwaysforphoto@aol.com
Subject: 1155 Hearst Ave. - Agenda of Dec. 17, 2002

HEARST COMMONS

1146-1160 Hearst Ave., Berkeley, CA 94702

Mail to PO Box 2210, San Francisco, Ca 94126 Phone and Fax 510.666.1150

e-mail: editeur@earthlink.net

Dec. 7, 2002

To: The Mayor and City Council
Fax 510.981-6901 e-mail clerk@ci.berkeley.ca.us
RE: Appeal of Denial of Use Permit Application #01-0000087; 1155 Hearst Ave; Agenda of Dec. 17, 2002

Dear Mayor and Council Members,

After due consideration, I urge you to **uphold the denial** of the Use Permit. If approved, the project would decrease the desirability and amenities of the street and would be a burden on other property owners and tenants.

The applicant is trying to fit too many bedrooms on the site. This results in (i) a project that is out of scale with its neighbors and (ii) the use of street for permanent resident parking rather than for visitor parking.

I Scale

The multi-family developments on the street are currently one and two story with a feeling of spacious grounds, light, air and low scale. Since the applicant is trying to develop too many bedrooms on the site, she is creating a project that will tower over its neighbors. It will reduce the feeling of light and open space and will hulk over the site and the streetscape. The project would produce 26 bedrooms in 14 units. Due to the excessive number of bedrooms the applicant had to build three stories instead of two.

II Parking

The existing low scale multi-family developments on the street provide adequate parking for their tenants. The street is primarily used by visitors and there is a good equilibrium between spaces available and needs. The proposed development is providing less than half of the parking places that it will probably need for its own tenants. The units will most likely be rented to students, each with his or her own car, or to other adults who are sharing rentals. They will need between 20-30 parking places. This will use up the street parking and create a burden on the other property owners and tenants on the block.

12/9/2002

The project should be bulked down so that it is in scale with its neighbors and does not rely on the street for tenant parking. The project should not exceed 2 stories in height and the number of bedrooms should be reduced to accomplish this. There has been a substantial increase in vacant residential rental units in Berkeley during the past two years and this trend is continuing. There is no reason to encourage more overbuilding; especially when it will reduce the quality of life on a street that now serves many residents.

Yours sincerely,
Alan Wofsy, MCP

Kelly, Sherry

From: Ruth Knapp [ruthek@earthlink.net]
Sent: Sunday, December 08, 2002 11:25 PM
To: Kelly, Sherry
Cc: ruth Knapp
Subject: Uphold ZAB decision re: 1155 Hearst Ave.

12 / 7 / 02

City Clerk
Mayor & City Council Members
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704
via e-mail: clerk@ci.berkeley.ca.us

Re: 1155-63 Hearst Avenue Developer's ZAB Appeal

I strongly urge that the Council votes to uphold the Zoning Adjustments Board in their decision to deny the proposed development at 1155-1163 Hearst.

Even if the Council disregards that the city would be losing 6 moderately priced apartments in exchange for 4 cramped low cost apartments plus 10 cramped high cost apartments...

Even if the Council disregards that the planning process has been full of irregularities (we *still* don't know which plans the ZAB voted on, as the developer submitted 3 different sets of plans to the planning department at the time of the vote)...

Even if the Council disregards the fact that Hearst Avenue is not part of a transit corridor node, is a narrow street, and has a one way turn signal at San Pablo...

Even if the Council disregards the misleading financial "proof" for the need to overbuild this lot (it appears the developer is adding the price of the land to the cost of her debt service)...

and Even if the Council disregards the arguments about the findings with respect to the state law (which, according to the City Manager's letter to the California Department of Housing and Community Development is moot!)...

The remaining arguments against the project are overwhelming:

- The proposed development is too tall and will cast devastating shadows on neighboring properties.
- The proposed development exceeds front, back and both side yard setbacks.
- The plans are still incomplete, despite the Planning department's hurried approval.
- The proposed development does not provide enough parking for the market rate units which will require two wage earners to afford. (\$1750 per month!)
- The proposed development does not provide the driveway screening required by the zoning regulations.

12/9/2002

- The proposed development does not acknowledge traditional building patterns in the neighborhood which avoid the seasonal high water areas (the buried creek).

In short, the proposed project is not the right one for this property. I would personally welcome a project of 8-10 sensitively designed small units for low to moderate income tenants with adequate parking, setbacks, attention to the creek and an appropriate scale for this neighborhood.

Thank you for your attention,

Ruth Knapp
1139 Hearst Avenue #C
Berkeley, CA 94702

cc: Hearst-Curtis-Delaware Neighborhood Association

Lynn Smith
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Berkeley, CA 94702
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December 3, 2002

City Clerk
2180 Milvia Street
Berkeley, CA 94704

Re: **APPEAL OF ZONING ADJUSTMENTS BOARD DECISION
1155-1163 HEARST AVENUE/DECEMBER 17, 2002**

To Whom It May Concern:

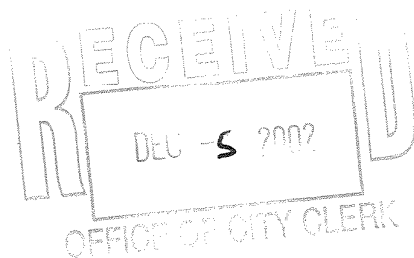
The intersection of Hearst and Curtis Streets is already over-burdened by traffic travelling north/south on Curtis Street, and east/west on Hearst.

This is a working class neighborhood of mostly small homeowners trying desperately to enjoy what is left of their beleaguered neighborhood.

In addition, the constant flow of traffic has resulted in poor air quality from toxic exhaust fumes. The stress of loud car stereos and mufflers are a never-ending source of stress.

Please do not add more noise and traffic to our poor [literally] struggling neighborhood in order to appease another greedy landlord. This neighborhood has been totally ignored in terms of quality of life issues.

I am not a homeowner. I am a tenant. Thank you for reading this.



Very truly yours,

A handwritten signature in cursive script, appearing to read "Lynn Smith".

Lynn Smith

Kelly, Sherry

From: Lynda Winslow [lyndaw@mediaweavers.com]
Sent: Monday, December 09, 2002 5:24 PM
To: Mayor Dean and Berkeley City Council
Cc: Kelly, Sherry
Subject: the proposed zoning variance at 1155-1163 Hearst

To the Council and the Mayor,

I support the denial of the zoning variance (per the ZAB decision made earlier this year) at 1155-1163 Hearst. I urge that this appeal be denied.

There has been a lot of information presented, both to the council and to the Zoning Board. I want to highlight the following points:

*** The developers/owner say that they have made an effort to collaborate with the neighbors.** This may be true, **but all the major concerns of the neighbors have been effectively ignored,** including:

Environmental impact

Privacy violations

Parking issues

Safety issues

Traffic congestion issues

Community inclusion issues

The bottom line is: the further away you live from this neighborhood and the more money you have in the bank, the better and more reasonable this development looks to you. If it doesn't affect you (or seem to) on a daily, personal level, then you don't care.

*** Affordable housing where there is a landlord, no rent control, modern multi-family units, and no subsidized housing or cohousing planned ... is an oxymoron.** Landlords are in the business to make a profit. This housing will not be affordable for the type of people who already live in our neighborhood. Most of the people who will live in these units will not only not be disabled, elderly, or low income, they will not be minorities, they will not be able to participate in our community because they will be working so hard to make their rent.

What this means is: if you approve this housing you will most certainly be creating another upper class

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privileged enclave. Even if it doesn't have a cast iron gate around it (as the three newest developments on this block do), it will effectively be another gated community. You will not be adding to our community you will be taking away from it.

*** Despite environmental studies to the contrary, there is a creek here, and several neighbors yards privacy and sanctuary are endangered by the size and scale of this development.**

* Parking facts: There is an ongoing parking problem and we live in a world where people who have fancy housing (as this is) usually have one or more cars, even when they can walk to BART. People who don't have cars can't usually afford them, and they won't be able to afford this housing either.

On my block (section) of Curtis street between Hearst and University alone:

1916, 1918, 1920 Curtis: 3 units, a driveway that suits 2 cars, and more than 2 cars at this site

1930 Curtis: 12 units, no off-street parking spaces, 1 driveway for loading, at least 80% of the tenants have cars

1944 Curtis: 16 units, 5 parking spaces, and over 12 cars. We have 4 disabled tenants. None of them can even park in our garage (it costs extra, and you have to be on the waiting list).

1970 Curtis 19 units, no garage, one driveway for loading, estimating 80% car owners

1980 Curtis, 12 units, no garage, one driveway for loading, estimating 80% car owners

On the other side of the street from me:

1901 Curtis, house on corner, driveway on Hearst, holds one car

1903 Curtis, 3 units, 1 driveway, full

1907 Curtis, house, 1 driveway, full

1913 Curtis, house, has a driveway, full

1915 Curtis, house, no parking

1917 Curtis, 2 units, one driveway which is always full

1919 Curtis, 10 units, 4 parking spots in entry driveways. Garages full and not used by cars.

1923, 1925, 1927, and 1929, apartments, 4 units, 4 spots off street

If you imagine that the people in this proposed new development won't have cars, you are kidding yourself.

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Conclusions:

We need housing that supports the community. This development will not do that. It will introduce a group of people to our neighborhood who can afford new-housing-scale rent. It will invade our privacies, uglify our skyline, and jeopardize our creek. It will increase our parking problems. This won't help us, it is not what we need. Do you imagine that the new neighbors will mingle with us? Think about that a little more clearly. Will they encourage their kids to ride bikes on the streets? Will they be taking their laundry to the corner near Foster's Freeze or walking over to La Tienda on San Pablo? Will they be walking over to James Kenny to enjoy the sunshine or to play basketball? I suspect not too often. They will be glued to a desk in a cubicle somewhere else, working 60 hour weeks just to pay their rent. They will get up when it is dark, come home when it is dark. They will drive, most of them, even to the nearby BART station if they can get away with it. They will be in a hurry all the time, running in front of an avalanche to survive financially. I know, I have been one of those people.

We need elders, we need low income people, we need kids, and we need non traditional families in our neighborhood. Those are the people who currently live in our neighborhood, providing our diversity. We have teachers, single mothers, tradespeople, students, people receiving section 8, disabled people, people for whom English is a second language. We need all these people, and more like them. What we don't need is more harshness, more noise, more cars, more alienation. That is what we think this proposed development will bring.

Respectfully,

Lynda Winslow

1944 Curtis, #11

Berkeley, CA 94702

510.649.9116 = telephone