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To: Berkeley City Council
From: Robert Lauriston, neighbors' representative (contact: 510-548-4868)
Subject: 12/16/03 appeal re 3045 Shattuck: chronology of significant events
Date: December 16, 2003

August 1, 2000 through July 1, 2001: Sun leases the second floor residence to Jill Peterson. During this time, Sun also rents out the basement / first floor on another lease to a second party or parties, who use it as a music studio and residence.¹ One of the basement tenants may have been Gabriel Garcia, who as of June 22, 2003, was still a tenant of Ms. Sun, at her property on Carleton St.²

July 2001 through May 31, 2002: Sun begins operating the property as a group living accommodation. She advertises individual rooms for rent at 3045 Shattuck, finds four tenants, and executes a separate "Room Rental Agreement" with each.³ As tenants leave, she replaces them.⁴

second half of 2001: Sun starts work in basement without permits. Workers demolish a chimney that was supporting a wall, resulting in a hole in the side of the house. The City sends out an inspector, who tells Sun she can't build out the basement because the ceiling is below the required height.⁵

April 2002: Sun contacts Delta Construction & Remodeling about remodeling 3045 Shattuck, either as a two-story or three-story building. Delta gives her two contracts, one for remodeling the two-story building and a second for adding a third story.⁶

4/17/02: Sun executes the Delta Construction contract for the two-story plan.⁷

4/19/02: Sun submits a Zoning Permit Application for Building Permit Application for a two-story residential addition.⁸ Though at the time she was operating the property as a group living accommodation,⁹ she misrepresents the existing use as "single-family house."¹⁰

5/30/2002: City issues permits for two-story plan.¹¹

5/31/2002: Sun executes the Delta Construction contract for the three-story plan.¹²

¹ Miner Declaration, p. 6-6a [Administrative Record (hereafter "AR") 882-883, PDF Att. 10, pp. 65-66]; Peterson Declaration, pp. 3, 6 [AR 814, 819, PDF Att. 10, p. 46, 51]

² AR 576, PDF Att. 7, p. 85

³ AR 763-766, PDF Att. 9, pp. 35-38

⁴ Adkins questionnaire / declaration, pp. 2-3 [AR 786-787, PDF Att. 10, pp. 18-19]

⁵ Adkins questionnaire / declaration, pp. 5-6, 9 [AR 788-790, 793, PDF Att. 10, pp. 20-22, 25]

⁶ Complaint, Sun vs. Delta Construction, pp. 2-3 [AR 1238-1239, PDF Att. 13, pp. 2-3]

⁷ Complaint, Sun vs. Delta Construction, p. 3 [AR 1239, PDF Att. 13, p. 3]

⁸ "Application Miscellaneous Information Inquiry," July 8, 2003 [AR 780, PDF Att. 10, p. 12]

⁹ Appeal of Christina Sun to the (Revised/Corrected) Notice of Decision of the Berkeley Zoning Adjustment Board (hereafter "Sun Appeal Brief"), Att. C, Ex. 3

¹⁰ Sun Appeal Brief, Ex. 1, p. 2

¹¹ Sun Appeal Brief, Ex. 1, p. 2

- 6/3/2002 (approx.): Sun begins demolishing the first story / basement. Though her application specified that one of the two garages was to remain, she demolishes both. Sun performs none of the work she described in her 4/19/02 application.
- 6/13/2002 (approx.): Demolition of first story completed, leaving the second story on blocks.
- 6/14/2002: Sun submits revised floor plans for the three-story plan.¹³
- 6/19/02: Sun submits Revisions to Approved Plans for the three-story plan.¹⁴
- 2/10/03: Sun submits Zoning Project Application form for three-story mixed-use building.¹⁵
- 2/14/03: Staff issues Notice of Proposed Design Review Action - Staff Level.¹⁶ Either Carol Kajita failed to post this notice as required by BZC 23E.12.060.A (she was out sick and it was executed on her behalf by Anne Burns, who says she did not post it), or after being posted it was ripped down immediately by persons unknown.
- 3/4/03: City issues permits for three-story plan.¹⁷
- 3/17/03 (approx.): Sun raises building.
- 4/29/03: Sun applies to amend building permit.¹⁸
- 5/13/03: Plan review by David Snipper notes, "This proposed revision appears to be creating two independent living units."¹⁹
- 5/13/03: Memo from Steve Solomon regarding Sun's application notes that "The upper two floors have been split into two isolated floors" and calls for her to remove interior doors, replace two water heaters with one, and provide "proof of recording a deed restriction ... which states that the use of the upper two stories of this building is a one [sic] single-family dwelling and the use may not be changed without prior approval."²⁰
- 5/20/03: Sun records the requested deed restriction.²¹
- 6/1 - 6/18/03: Sun discusses renting what she describes as the "upper unit" (third floor) of 3045 Shattuck to Stacey and Erin Janoff and also to Wayne Rosc. Sun tells the Janoffs she will live in the second-floor flat.²²

¹² Complaint, Sun vs. Delta Construction, p. 3 [AR 1239, PDF Att. 13, p. 3]

¹³ date block in upper right corner of "Oversized Floor Plans" [AR 1, PDF Att. 1, p. 14]

¹⁴ City of Berkeley computer printout, "Application Miscellaneous Information Inquiry," July 8, 2003 [AR 780, PDF Att. 10, p. 12]

¹⁵ missing from AR

¹⁶ missing from AR

¹⁷ Zoning Adjustments Board Staff Report, 7/10/03, Att. 1 [AR 530, PDF Att. 7, p. 39]

¹⁸ Ibid.

¹⁹ AR 1220, PDF Att. 12, p. 80

²⁰ AR 1205, PDF Att. 12, p. 65

²¹ AR 130, PDD Att. 2, p. 30

²² Declaration of Stacey & Erin Janoff [AR 798-801, Att. 10, pp. 30-3]; Declaration of Wayne Rose [AR 803, PDF Att. 10, p. 35]; transcript of Zoning Adjustments Board meeting of 7/24/03, p. 18 [AR 1158, PDF Att. 12, p. 18]