

15. Appeal: 1825 Eighth Street

c. Communications

1. Yoshiko I. Wada, Shusuke Tsuchiya, Sonoko Tsuchiya and Hercules D. Morphopoulos
2. Rachel Robson
3. Brian Rawlinson

CITY OF BERKELEY
CITY CLERK DEPT

04 SEP 22 PM 4: 36

696 Hilldale Avenue
Berkeley, CA 94708
(phone 510-527-3432)

Honorable Members of the City Council
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

September 22, 2004

RE: Zoning Permit USE PERMIT #04-20000023

We are requesting that the Honorable City Council uphold the Notice of Decision reached 5/27/04 by the City of Berkeley Zoning Adjustments Board concerning our property at 1825 Eighth Street.

This residence will be the home for my parents, Shusuke and Sonoko Tsuchiya (aged 91 and 84). They sold their previous residence in the expectation of moving into this property after the modifications were made. Appropriate remodeling is required to accommodate these two senior citizens and their caretakers. The delay has been difficult, as they have had to move into temporary quarters while waiting.

In his initial appeal, Mr. Brian Rawlinson, in his letter of 2/26/04, stated that he had no objections to the 4' increased height of our structure. In fact, he said that he would hope to increase the height of his own structure by 2' as well. Mr. Rawlinson's structure is already approximately 3' higher than our building.

There was also a concern of one of his tenants, Rachel Robson, about the sunlight to her seasonal garden. We offered to pay to have removed a large blackberry bush in the sunniest spot in the garden on Mr. Rawlinson's property, so that the plot would actually receive more sunlight. Ms. Robson states that she wants to keep this bush for local birds.

We request that this appeal be settled and a permit issued as soon as possible so that modifications can be made to our property at 1825 Eighth Street so that my parents can live in their home! At their ages, every month seems like a decade.



Yoshiko I. Wada



Shusuke Tsuchiya



Hercules D. Morphopoulos



Sonoko Tsuchiya

To the City Council

09.24.04

Regarding 1825 8th St. - Appeal ZAB Decision Use Permit #04-20000023

Ms. Wada has expressed extreme discouragement and frustration over the delay caused by our appeals regarding her proposal to raise by 4' and extensively alter and remodel that home. I can understand her position, but, that understanding is NOT reciprocated. If this proposal is approved, I will not be able to see the sky from either my bathroom or south-facing kitchen window. There are two of only three windows I have which can be un-curtained on top for some light and views above rooftops. My two west facing windows receive too much light to be opened - not to mention the street-facing hedges and trees. To lose both indoor light and views of some sky - the moon, birds, heritage steeple, etc. would be devastating and permanent. Because of my disabilities, I am usually homebound. One of my greatest pleasures is looking out of this south-facing kitchen window where I "work". After more than two decades of back breaking labor, to lose everything - even inside-out light and sky is more than discouraging. It is heart breaking. I am NOT appealing this proposal for the sake of being difficult or contentious. I have ~~never~~ done anything like this before. But, Mr. Rawlinson and I stand to lose most of what makes this property enjoyable and valuable. This has been our home for 25 years. This place means a great deal to us. We must defend ourselves, especially since Ms. Wada is not open to compromise. We may not be rich in money, but our home and yard provide a quality of life that makes all the difference. This proposal is not just discouraging, it is devastating.

Even I underestimated the effect of the solid wood fence that was built about two months ago. A great deal of light - evidently - was refracted from the white wall of 1825 and the fence seems to trap that light behind it, even at night. It created a narrow, open-to-the-street alley where people sometimes hang out.

Just that 6' fence has plunged the yard into a tight darkness with little air, reeking of humidity. This very unattractive fence appears to be impregnated and coated with - I'm guessing - anti-rat substances -

much like what used to be in school yards before it became known as a health risk. One form appears to be soaked into the support boards. Near the bottom of all the boards is a green crystal-like substance which is flaking and chipping off. I have invested decades in making this area 100% organic and poison free. Such preservatives are known to lead into surrounding soil, water run off and to even contaminate by touch. I have children and grand children and grow food here. Mr. Rawlinson eschewed such preservatives when he built his exquisite, hand made fences, owing to our commitment to a Green Berkeley and poison free land and water run-off. My plants near the fence look sick and poisoned. However, they were also in the line of fire.

The guys who put up the fence, first weed-whacked the heck out of overgrown everything on that side - pellets like shrapnel pounding this house for hours. They refused to remove the wire and many of the boards belonging to 1825. This was in part owing to the privacy hedge Mrs. Huska asked me to plant which was entwined in the wire, and, partly, because the new survey placed the new fence 1-2 inches from the old and so they just pushed it all over this way saying it was too hard to cut out. But, in the spirit of co-operation, way ahead of time I cut the honeysuckle and let it dry out thoroughly. It took the mother of an infant 5 minutes to cut + lift out, Although there is still more. The difficulty was that by then, after the fact, we were boxed in with no exit. The weight of the pushed over fence and dead hedge had hung over our prized blueberries. The workers spent a great deal of time propping the lot precariously when I became alarmed - far more time than removing it would have taken. I was forced to hire two guys and a pick up truck and pay dump fees for property belonging to 1825 and I live on less than 800 dollars a month! Their workers did show some care for the plants, but the blackberries we were carrying died. When they removed Mr. Rawlinson's gate, they took out a support post for that fence, endangering that fence and leaving an awkward gap.

It took 3 weeks to get the fence supported enough to cut for and put in the gate, and, since I am crippled, I was not able to care for my plants or birds. I now have severe damage from this fence to plants - long time established plants, the soil and a chicken, plus, I am out-of-pocket for debris removal. The proposal clearly states that work to be done will not damage neighboring property or cause safety issues but this did both and more. Given this start, I fear the consequences of the extensive work yet to come.

I was told by the City (Debbie?) that stone poles are not required in this area (!), but, if put up, must, legally, reflect the wording of the proposal. Mr. Remple insisted on putting up 3' tall poles against everyone's wishes and stringing them with yellow "caution" tape. Two tapes broke early from winds and have flapped madly all these many months since. The flapping scared away our beautiful revengeance of wild birds this year for whom our yard is a dedicated habitat. These tapes are ugly and annoying. One is wrapped around a wire to 1825 and anchored in our redwood tree - the in-between part still flapping. The other found a tall plum tree on the east side which the workers took down (the tree) in entirety (making it clear that, but for attitude, they could have removed the old fence belonging to 1825) - leaving about 6' of caution tape on the east to blow like a wind sock - which it did during the recent wedding yard party east of 1825!

Sometimes cars related to 1825 park in the "driveway" which is basically the sidewalk and street space, despite available parking. This forces our heavy foot traffic - children, old ladies pushing shopping carts, moms pushing babies - into the street. This may reflect a simple lack of awareness. But, again, Mr. Rawlins and I feel that given the intended population at 1825, arrangements for off the street parking are necessary and not provided in the proposal. Because the fence is solid (as opposed to a "good Neighbor" fence) we ^{now} already get so little light and air in the yard that any

rise of the house is frightening. Our fears are easily visible now. The planned bathroom addition will further decrease light and air from the south. This is a nightmare for us.

We are depending upon the City Council to make a fair decision. We further expect that fair includes the law, rather than money and connections, and takes into consideration that this is Mr. Rawlinson's home of 25 years and for life - a tax paying citizen of Berkeley. These laws were enacted for the very reasons upon which our appeals are based and should not be reserved only for the wealthy who live where stray poles are required and such advantage would not be allowed. Our views, light and quality of life may be humble, but much cherished.

So, I too, respectfully ask the Council to overturn this approval.

Most Sincerely,

Fachel Robson

1821 8th St. Apt. A
Berkeley, Ca. 94710

P.S. Thank you for accepting and hopefully reading this hand-written letter. It takes me a great deal of effort given my disabilities which now make typing impossible. I sincerely hope all this effort is not in vain.

ANGELL & RAWLINSON / ARCHITECTS

2161 SHATTUCK AVENUE BERKELEY CALIFORNIA 94704

FAX 510/665-1800 TEL 510/665-1500

Date: September 22, 2004

To: City Clerk, City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

From: Brian Rawlinson
1821 1/2 8th Street
Berkeley, CA 94710

Re: Zoning Permit Application AUP #04-20000023
Applicant Timothy Rempel Architect, for Yoshiko Wada/Hercules Morphopoulos
1825 8th Street, Berkeley 94710

TO: CITY CLERK / HONORABLE MEMBERS OF THE CITY COUNCIL

This letter is a follow-up on my appeal dated 6/21/04, submitted for your review prior to the Council meeting that is scheduled for October 5, 2004. My reason for writing is that I will be unable to attend that hearing, because I will be traveling out-of-state at that time. Your notice does not state whether appellants are given an opportunity to speak, but does solicit any additional written comments. My absence from the hearing should not be taken as an indication of lack of interest. My co-appellant and tenant Rachel Robson (tel. 841-9524), whose has limited mobility due to illness, may or may not be able to attend.

I regret that the start of construction has been delayed, as I am aware of the difficulty of doing foundation work or opening up exterior walls during the rainy season; the intent of my appeal is not delay, but that you resolve this issue with due recognition of my concerns. I expect to accept whatever decision has been made by the Council during my absence, and will rely upon it as precedent for such projects as I may pursue in future, since the existing two structures on my lot, like all of the structures on this block, are to some extent non-conforming as regards setbacks.

I have written previously, providing dimensions and shadow documentation prepared by me; I ask that the Council members review those documents and my expressed concerns. What I ask in this letter, is that you stand in my front yard and consider if it is appropriate to raise the house at 1825 8th Street up 4' more, when it is only 4' from its rear property line instead of 20', and is 5'-6" from the 8th Street sidewalk property line instead of 7'-6" (half the distance of my existing 15' front setback, per Zoning Code Section 23D.20.070.D3a). You might notice that my yard is already boxed in. I ask that you then go through the gate and stand in Rachel Robson's side garden, and decide if you would want 4' more shadow if you cultivated that garden. In light of my expressed objection and of the obvious harm that will result, and considering how far 1825 8th is from compliance with the setback, is it really good public policy and the City's intent to waive setback regulations? I had an expectation when I purchased my house that the City's codes were enacted to protect me from future encroachments and to assure a standard of open space.

I tried to demonstrate to Ms. Wada that the proposed height increase, while beneficial for use of her property, is damaging to my interests; and I showed two means by which her design could be modified that would be acceptable to me without abandoning any of her major objectives of increased floor area and light. Ms. Wada and her architect were unwilling to compromise their desires. Please overturn the approval.

Sincerely,


Brian Rawlinson

cc: Rachel Robson



