

Office of the City Manager

INFORMATION CALENDAR

October 12, 2004

To: Honorable Mayor and
Members of the City Council
From: *PK* Phil Kamlarz, City Manager
Subject: Landmarks Preservation Commission Notice of Decision for:
147 Tunnel Road- Approval of Structural Alteration Permit

INTRODUCTION

The attached Notices of Decision are submitted to the Mayor and City Council pursuant to Berkeley Municipal Code (BMC) Section 3.24.160, which states that "A copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting. (Ord. 4694-NS § 4.1, 1974.)".

CURRENT SITUATION AND ITS EFFECTS

None.

BACKGROUND

BMC Section 3.24.300 allows the Council to review any action of the Landmarks Preservation Commission in granting or denying a structural alteration permit. In order for the Council to review the decision on its merits, the Council must appeal a Notice of Decision. To do so, a Councilmember must move this Information Item to Action and then move to "certify" the decision it questions. Such action must be taken within 15 days from the mailing of the Notice of Decision or by October 12, 2004. Such certification to the Council shall stay all proceedings in the same manner as the filing of a notice of appeal.

If the Council chooses to appeal the action of the Landmarks Preservation Commission, a public hearing will be set within 25 days pursuant to BMC Section 3.24.300. The Council must then rule on the application within 30 days from the date that the public hearing is opened or the decision of the Landmarks Preservation Commission is automatically deemed affirmed.

Unless the Council wishes to review the determinations of the Landmarks Preservation Commission and make its own decision, the attached Notice of Decision is deemed received and filed.

POSSIBLE FUTURE ACTION

The Council could choose to appeal (certify) a decision by the LPC, setting a public hearing at a later date.

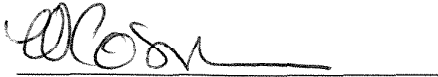
FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Additional staff time would be required to prepare the necessary Council reports and resolution.

CONTACT PERSON

Mark Rhoades, Land Use Planning Manager, 981-7410

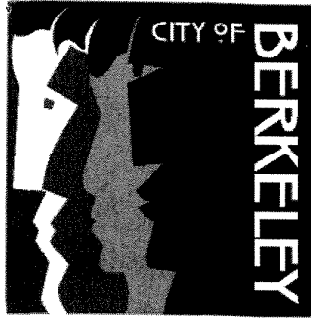
Approved:



Dan Marks
Director
Planning and Development Department

ATTACHMENT:

Landmarks Preservation Commission Notice of Decision for:
147 Tunnel Road- Approval of Structural Alteration Permit



L A N D M A R K S
P R E S E R V A T I O N
C O M M I S S I O N

N o t i c e o f D e c i s i o n
MEETING OF: September 13, 2004

Property Address: **147 Tunnel Road**
Also Known As: **Farley House**
Action: **Structure Alteration Permit Approval – renovation of retaining wall**
Application Number: **04-40000031**
Applicant: **Ali Eslami**

WHEREAS, the Farley House at 147 Tunnel Rd. was designated as a City of Berkeley Structure of Merit on July 9, 2001; and

WHEREAS, on August 4, 2003, the owner of 147 Tunnel Road requested comments regarding a proposed accessory dwelling unit addition. The Commission moved to delay any comments until the notified public hearing; and

WHEREAS, on December 10, 2003, the applicant submitted an alteration permit for the construction of a two-story 621 square foot addition (accessory dwelling unit) to the rear of the existing landmark structure. On January 12, 2004, the LPC opened the public hearing, reviewed the proposal, and voted to deny the application as submitted, mainly due to perceived problems with massing; and

WHEREAS, on August 23, 2004 the applicant submitted an application to do the following work at 147 Tunnel Rd.:

1. Landscaping upgrades, which include planting new vegetation similar to that existing on neighboring lots and orchard plantings, which would be reestablished in front of the proposed accessory unit. Additionally, natural stone will also be used at the Tunnel Road frontage, in front of the house and leading down to the sidewalk, removal of dead and/or dying vegetation and a new fence. In conjunction with the proposed fence, the applicant is also proposing new wrought iron gates and stucco columns.
2. Improvement to existing retaining wall
3. New accessory dwelling unit above the existing garage.
4. Improve drainage.
5. New separate stone patios for both the main unit and the accessory unit; and

WHEREAS, on September 13, 2004, the Landmarks Preservation Commission opened the Public Hearing, took public testimony and closed the Public Hearing. The Landmarks Preservation Commission moved to allow the applicant to pour the concrete for the retaining walls and footing for future fence only. It was made clear to the applicant that the approval of the concrete pour did not imply an approval of any fences or structures associated with the concrete pour. The Landmarks Preservation Commission did not review the design of the fence or retaining walls- final design review can be applied at a later date.

WHEREAS, on September 13, 2004, the Landmarks Preservation Commission continued the public hearing to further discuss the other proposed alterations; and

NOW, THEREFORE, BE IT RESOLVED that the aforementioned portion of Structural Alteration Permit, as modified above, (#04-4000031), is hereby approved subject to the above conditions.

VOTE: 6-0-3-0
Aye: Dacey, Emmington, Johnson, Weiss, Winkel and Chair Korte.
Nay: None
Abstain: None
Absent: Kaufer, Olson and Packard.

ATTEST: Gisèle M. Sorensen
Gisèle M. Sorensen
Secretary, Landmarks Preservation Commission DH.

DATE NOTICE MAILED: September 28, 2004
THE APPEAL PERIOD EXPIRES (15 DAYS) AT 5 PM: October 12, 2004
Appeal must be filed with City Clerk by this date.

TO APPEAL THIS MATTER:

Pursuant to Section 3.24.300 of the Landmarks Preservation Ordinance: "An appeal may be taken to the City Council by the City Council on its own motion, by motion of the Planning Commission, by motion of the Civic Art Commission, by the verified application of the owners of the property or their authorized agents, or by the verified application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of this chapter". Any appeal submitted by the public must be in writing, specifying the reasons for the appeal. The appeal fee is \$64.00. The City Clerk's Department is located on the first floor at 2180 Milvia Street, Berkeley, CA 94704; Phone (510) 981-6900.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to a decision by the Landmarks Preservation Commission to approve or deny a Structural Alteration Permit, the following requirements and restrictions apply:

1. You must appeal to the City Council within 15 days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to inquire with the Current Planning Division (981-7410) to determine when a Notice of Decision is mailed.
2. No lawsuit challenging a City decision to deny (Code Civ. Proc. Section 1094.6(b) or approve (Gov. Code Section 65009(c)(5)) a Structural Alteration Permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
3. In any lawsuit that may be filed against a City Council decision to approve or deny a Structural Alteration Permit, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.
4. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - a. That this belief is a basis of your appeal.
 - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - c. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

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

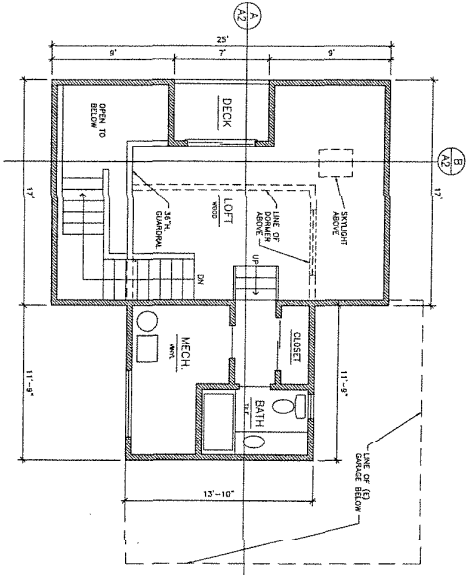
Attachment:

Plan Set Dated July 23, 2004.

cc:

City Clerk's Office
2180 Milvia Street
Berkeley, CA 94704

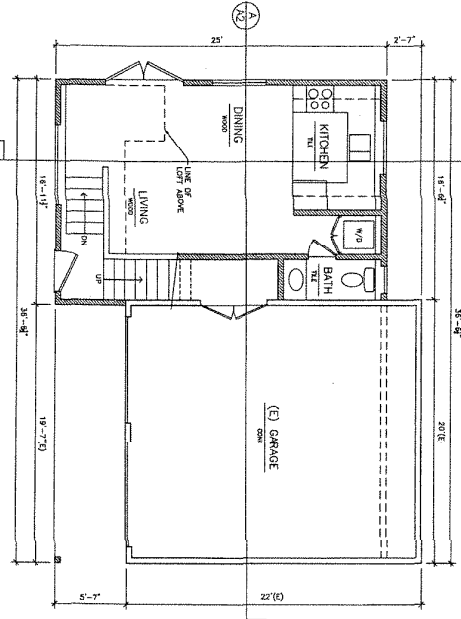
Ali Eslami
PO Box 4623
Berkeley, CA 94704



LOFT FLOOR PLAN
PROPOSED ACCESSORY DWELLING UNIT

247 SF

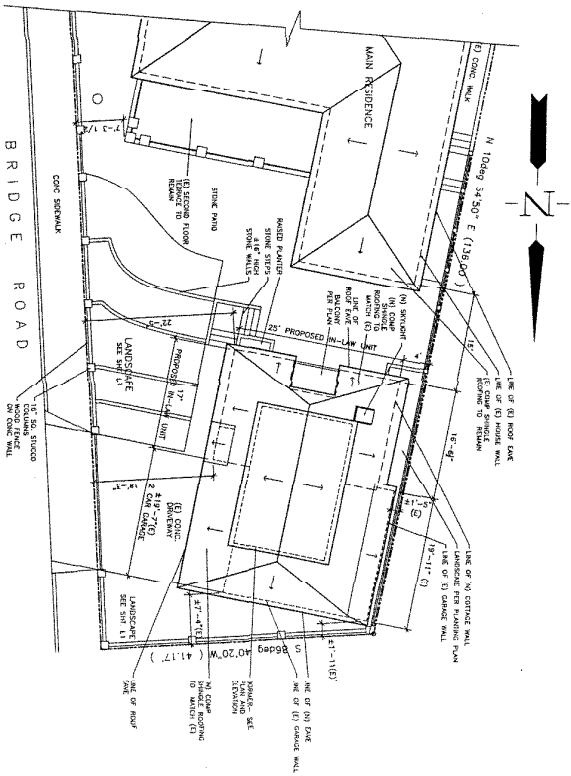
SCALE: 1/4" = 1'-0"



LOWER FLOOR PLAN
PROPOSED ACCESSORY DWELLING UNIT

388 SF

SCALE: 1/4" = 1'-0"



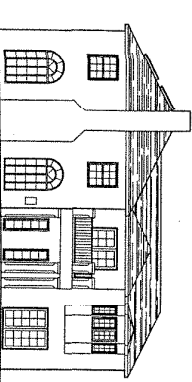
PARTIAL SITE-ROOF PLAN
SEE AT 108 COMPLETE SITE PLAN

SCALE: 1/8" = 1'-0"

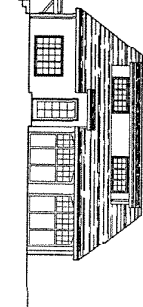
PROJECT DATA

COORDINATED PROJECT	18-1	18-1
TITLE OF SUBMITTAL	1/4	1/4
DESCRIPTION OF USE	17'-0"	17'-0"
AS SHOWN HEREON	17'-0"	17'-0"
(FIELD AND SPACE TO BE MARK)		
PROPOSED ACCESSORY DWELLING UNIT	410 SF	410 SF
PROPOSED MAIN RESIDENCE UNIT	1520 SF	1520 SF
PROPOSED GARAGE	1880 SF	1880 SF
PROPOSED TOTAL	3880 SF	3880 SF
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EXISTING RESIDENCE



PROPOSED ACCESSORY DWELLING UNIT

EAST ELEVATION

SCALE: 1/4" = 1'-0"

SEE SHEET C2 FOR FORWARD ELEVATIONS

SCALE: 1/4" = 1'-0"

NAZARI RESIDENCE
147 TUNNEL ROAD, BERKELEY, CA

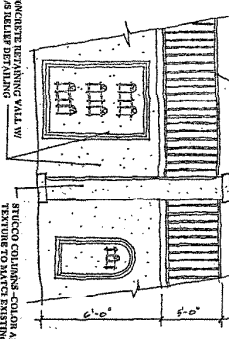
ISSUING BY: JT
DATE: 06/28/04
FILE NO: 47
SHEET: C1

AUG 23 2004
CURRENT PERMITS

REVISIONS

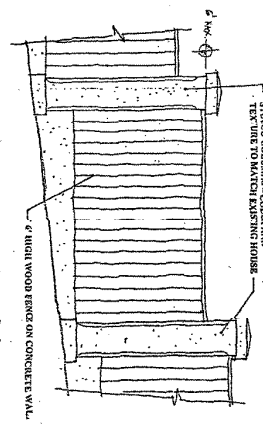
DATE: 8-23-14
REVISIONS:

WOODEN BRIDGEHEAD TO MATCH EXISTING WOODRICH IRON GATEHEAD AT THIS CORNER

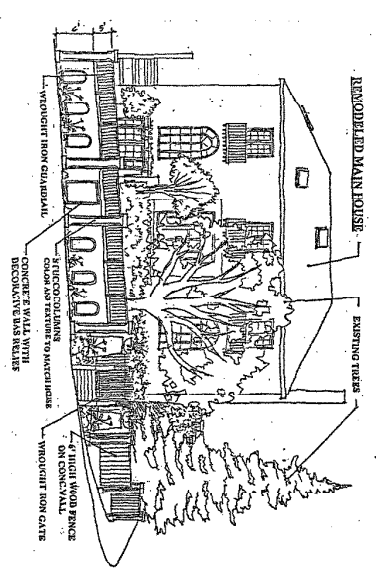


WALL DETAIL @ TUNNEL ROAD

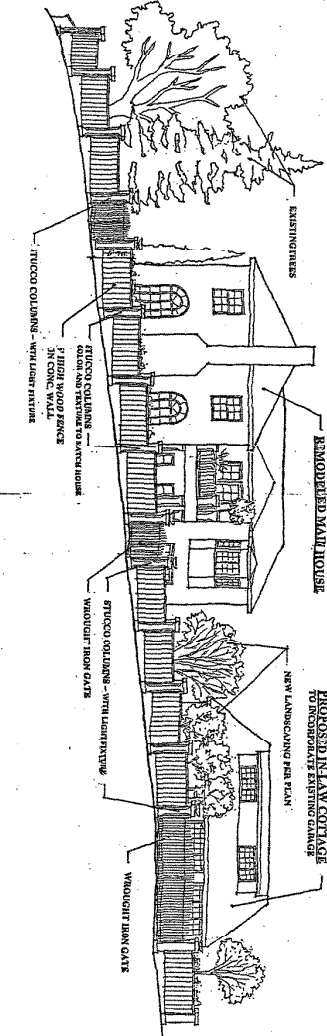
WALL DETAIL @ BRIDGE ROAD



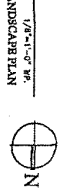
SOUTH SITE ELEVATION (FROM TUNNEL ROAD)



EAST SITE ELEVATION (FROM BRIDGE ROAD)

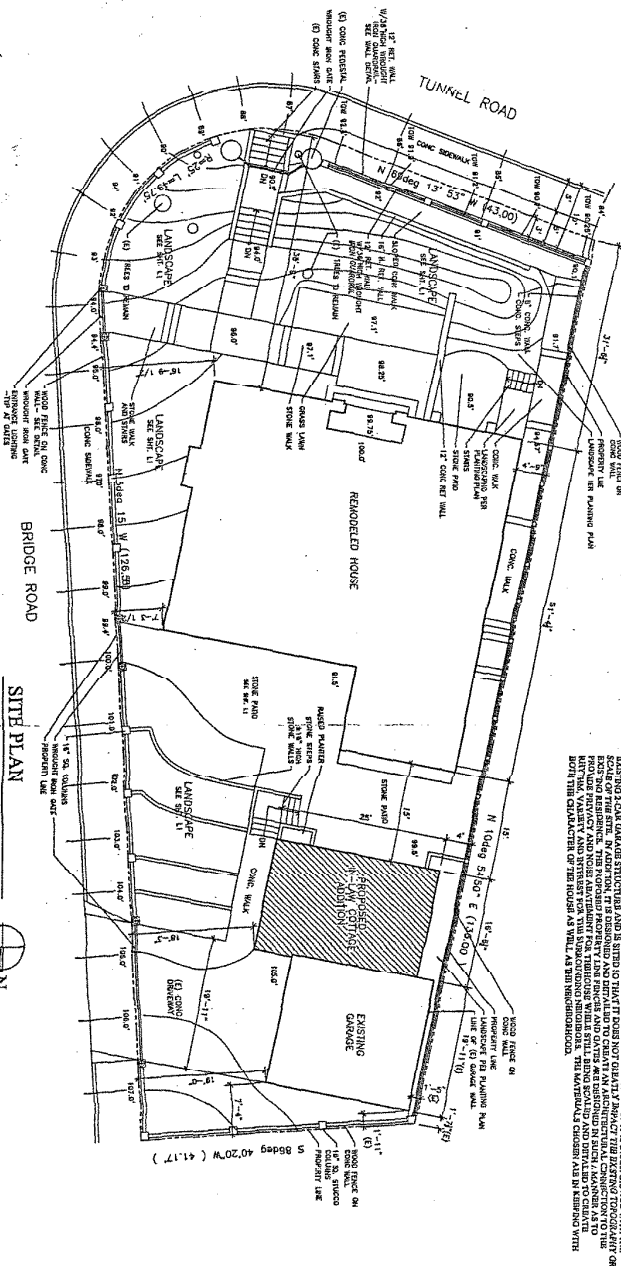


SITE PLAN



BRIDGE ROAD

TUNNEL ROAD



PROJECT DESCRIPTION

THIS PLAN FOR THE PROPOSED IN-LAW COTTAGE AND GARAGE IS A PRELIMINARY DESIGN. THE LOCATION OF ANY IN-LAW COTTAGE AND GARAGE WILL BE DETERMINED BY THE LOCAL JURISDICTION. THE LOCATION OF ANY IN-LAW COTTAGE AND GARAGE WILL BE DETERMINED BY THE LOCAL JURISDICTION. THE LOCATION OF ANY IN-LAW COTTAGE AND GARAGE WILL BE DETERMINED BY THE LOCAL JURISDICTION.

DATE: 6-21-04	SCALE: 1/8" = 1'-0" VA	NAZARI RESIDENCE 147 TUNNEL ROAD, BERKELEY, CA
DRAWN BY: AS SHOWN	SEE SHEET L1 FOR LANDSCAPE PLAN	
FEE No.: 147		
SHEET: A1		

REVISED FIELD

AUG 23 2004

TRIPPER PLANNING

RECEIVED

AUG 26 2004

APPLICANT'S STATEMENT
147 TUNNEL ROAD

CURRENT PLANNING

The rehabilitation of the existing single-family residence at 147 Tunnel Road is about to be completed. This next phase of the project involves designing and completing the site improvements. The site's landscaping needs to be designed, the property boundary needs delineated in the form of property line walls, and the existing, dilapidated two-car garage needs rehabilitation. Only after these aspects are complete will the project be considered finished.

The proposed landscape design will greatly enhance the property as well as the neighborhood as a whole. The design utilizes the existing trees and natural topography, adding soft, naturalistic plantings to create a dynamic, layered and visually interesting landscape. A combination of soft path and landscape lighting will provide subtle lighting of the landscaped areas without adversely affecting the neighbors. The design also proposes intimate patios, terraces and paths to create private, comfortable and useable outdoor spaces which are visually and acoustically shielded from the neighbors.

The proposed property line fencing will work in combination with the landscape design to filter noise and create privacy between the house, street and neighbors. The design of the fences and gates is physically and visually compatible with the house and neighborhood. By utilizing similar architectural features and finishes, the fencing becomes an extension of the architectural language of the house, complimenting the existing historic structure. The design is delineated in such a manner as to provide variety, rhythm and interest to the neighborhood while still providing privacy. Wrought iron gates reflect the wrought iron balcony railings of the original house. The stucco columns of the fences are designed and scaled to relate to the ones in the house. And, the use of wood fencing ties the design to other, similar wood features in the neighborhood.

The proposed in-law cottage design is inspired by similar projects in the neighborhood. The cottage is incorporated with the existing garage structure and is sited to blend with the natural topography of the site. The design is influenced by the existing architecture and aspires to provide physical and visual continuity between it and the existing house. The architectural language between the two is similar and complimentary but not identical. The proportion and massing of the two structures are compatible and construction techniques are similar. Also, the features and finishes - such as stucco color and texture, roof material and window styles - are congruous throughout. The overall cottage-garage structure is scaled and detailed in such a manner as to compliment and enhance the existing house as well as the neighborhood. This, in combination with the proposed landscape design and property line fencing creates a dynamic, visually interesting and architecturally sensitive project that fits in and without a doubt enhances the neighborhood as a whole.

DATE PREPARED: 8/20/04		Existing	Approved Addition	Approved Total	Proposed In-Law Addition	Proposed Total
Units; Parking Spaces						
Number of Dwelling Units	(#)	1		1		1
Number of In-Law/Accessory Building	(#)				1	1
Number of Parking Spaces	(#)	2		2		2
YARDS & HEIGHT:						
Front Yard Setback						
	Main Building (ft.)	31'-10" to 38'-9"		Same		Same
	Main Building - Garage Separation (ft.)	31'-6"		Same	6'	
Side Yard Setbacks						
Main Building:						
	Left (facing property): (ft.)	5'		Same	5'	Same
	Right (facing property): (ft.)	7'-3" to 16'-9"		Same	26' to 30'-6"	Same
Garage/Accessory Building:						
	Left (facing property): (ft.)	1'-5"		Same		Same
	Right (facing property): (ft.)	19' to 23'-11"		Same		Same
Rear Yard Setback						
	Main Building (ft.)	54' to 76'		Same	29' to 33'	
	Garage/Accessory Building (ft.)	1'-11" to 7'-4"		Same		Same
Max. Building Height						
	Main Building (ft.)	26'-6"		Same		Same
	Garage/Accessory Building (ft.)	14'-10"		Same		Same
# Stories						
	Main Building (ft.)	2		Same		Same
	Garage/Accessory Building (ft.)	1		Same		Same
Areas						
Lot Area		8,519	8,519	8,519	8,519	8,519
GROSS FLOOR AREA:						
Total Main Building:	(ft.)	3,269	491	3,760		Same
	Basement: (ft.)	327	-	327		
	1st Floor: (ft.)	1,674	79	1,753		
	2nd Floor: (ft.)	1,268	412	1,680		
Total Accessory Building:	(ft.)	430		430		Same
	Garage (ft.)	430		430		
	In-Law Total: (ft.)	-		-	635	635
	In-Law 1st Floor: (ft.)				388	
	In-Law 2nd Floor: (ft.)				247	
BUILDING FOOTPRINT:						
	Main Building (ft.)	2,394	79	2,473	412	2,885
	Covered Porch	1,674		1,674		
		290	79	369		
	Garage/Accessory Building (ft.)	430	-	430		
	In-Law/Accessory Building (ft.)	-	-	-	412	
LOT COVERAGE:						
	(ft.)	28.1%	0.9%	29.0%		33.9%
USEABLE OPEN SPACE:						
	(ft.)	6,125		6,046		5,634

