

Natasha Shawver
211 Santa Clara Ave. #1
Oakland, Ca. 94610

NOTICE OF APPEAL

June 29, 2005

To: Honorable Mayor and
Members of the City Council,

From: Natasha Shawver

Dear City Council,

As a former, long term tenant of 2750 Adeline St. I would like to appeal the decision dated: June 9, 2005 made by the Zoning Adjustments Board. Please look at these facts and help us find some resolve, so that not only will the tenants be compensated but this situation will not happen again.

Critical points in issue:

- 1.) The uprooted displacement of long term tenants who were proven to be providing a valuable resource to the community.
- 2.) The loss of affordable housing.
- 3.) The inconsistency with city staff over legal requirements given to property owners and how those requirements were implemented and enforced.

Sincerely,



Natasha Shawver

05 JUL -5 PM 1:00
CITY OF BERKELEY
CITY CLERK DEPT

1. 1973 – After obtaining a live/work permit the owner engages in various reports with the city to structurally legalize the top two floors for multi live/work usage. In conclusion construction finalization was ignored.
2. 1974 – Without any registration penalties with the Rent Stabilization Board or final approval from the Planning Department, the owner solicits and collects rent for live/work units.
3. 1974-2001 – The City communicates with owner on what actions are necessary to convert live/work units into legal residential units through various inspections and reports. These reports refer to the inhabitants as tenants.
4. 2001 – After buying the building a new owner registers the 5 units with the Rent Board and gets a \$3,000 fine. Planning tells him no demolition permits are required because none of the units legally exist.
5. 2001 – Planning department sends owner a letter, May 16, 2001, stating, “No additional off-street parking would be required nor would any Use Permit for the removal of dwelling units (because none lawfully exist) would be required.”
6. 2001 – Owner evicts tenants through the Ellis Act.
7. 2002 – Planning Department writes a letter to the owner of an error from the previous May 16, 2001 letter from staff. This new letter states, “The error is located in the second clause of the very last sentence. The clause reads, ‘...nor would any use permit for the removal of dwelling units (because none lawfully exist) be required.’ In fact, a use permit is required.” This letter states that live/work units may only be changed to exclusive commercial uses subject to the Zoning Ordinance, which requires that a use permit subject to a public hearing be approved by the ZAB subject to the standard non-detriment finding, and would not result in the reduction of housing supply essential to the well-being or housing needs of the city or of persons residing in the neighborhood in the vicinity of the building involved.
8. 2005 – The owner ignores the cities requirements and demolishes 5 units without permits or hearing. Owner then goes before the Zoning Board not for demolition permits because of the change of use, but for a modification use permit, which suggests that one of the five units was acknowledged as having legal status and will be modified to take up the remaining “storage” space or previous living units to be solely occupied by owner.

In conclusion:

There was an inability of the previous owner and the city to finalize a legal status for the building, and as a result penalized the tenants by reducing affordable housing supply and uprooting invested community tenants.

After the City had inspected and sent communications of needed permits, building plans, and change of occupancy for live/work units, there was no enforcement or penalties from 1974 until 2001 (new owner received a \$3,000 fine from the Rent Board).

Because of a history of contradicting legal inconsistencies told to the owner by the city, it gave a "green light" to the owner to ignore any laws protecting tenants, established by both the Zoning Ordinance, Rent Board and various city documents, such as Planning letters and Codes and Inspection Reports, that refer to the occupants of the live/work units as tenants. The owner collected rent for many years from these tenants, and the tenants were Ellised under the Ellis Act. Tenants must have protection under the Berkeley Rent Ordinance and the Zoning Ordinance, especially for due process.

Critical affordable live/work housing has been lost, and long-term tenants have been displaced. Many of these tenants wanted to continue services and businesses for the local community as a positive influence in the neighborhood.

We do not wish to encourage illegal, inhabitable dwelling units throughout the City of Berkeley. However, there must be some consideration given to long-term paying tenants who are caught in the middle of losing their home and livelihood, and forced out of their neighborhood because owners do not need to relocate, compensate or insure that the tenants can find equitable housing and protection due to a situation that the owners and City has created. It appears that long-term tenants living in these situations have no rights or protections, and instead are made to feel that they are to blame for wanting to stay and have the same rights and protections that every other renter has in Berkeley. Even at the least the City Council needs to address policy needs in order to protect long-term tenants who face similar circumstances.

2750 Adeline

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CITY OF BERKELEY

USE PERMIT

APPLICATION NUMBER 7055

NAME **TIM BAKER**
LOCATION **2750 ADELIN STREET**

USE PERMITTED **TO CONVERT THE EXISTING WAREHOUSE BUILDING INTO A CRAFTS CENTER, CRAFTS OUTLET STORE AND LIVING QUARTERS**

GENERAL CONDITIONS

1. THAT ALL NECESSARY PERMITS AND CLEARANCES SHALL BE OBTAINED FROM ALL CONCERNED AGENCIES AND DEPARTMENTS OF THE CITY, COUNTY, AND/OR STATE;
2. THAT THE PLANS SUBMITTED WITH THE APPLICATION SHALL BE FOLLOWED AND THAT ALL OF THE ASSURANCES AND COMMITMENTS CONTAINED IN THE ORIGINAL APPLICATION SHALL BE MET EXCEPT AS THEY MAY BE MODIFIED BY THE SPECIAL CONDITIONS LISTED BELOW;
3. THAT THE RIGHTS GRANTED UNDER THIS USE PERMIT SHALL BE EXERCISED NOT LATER THAN **NOVEMBER 17, 1973**

SPECIAL CONDITIONS

1. THAT THIS USE PERMIT SHALL BE NON-TRANSFERABLE UNLESS APPROVED BY THE BOARD OF ADJUSTMENTS.
2. THAT THIS PERMIT SHALL BE SUBJECT TO REVIEW AFTER TWELVE MONTHS TO DETERMINE WHETHER ADDITIONAL CONDITIONS SHALL BE ATTACHED.
3. THAT THE AREA IMMEDIATELY SURROUNDING THE RESIDENTIAL DWELLING SHALL BE MAINTAINED NEATLY WITH NO CRAFT MATERIALS STORED OUTSIDE THE BUILDING.

THE USE PERMIT DESCRIBED HEREINABOVE HAS BEEN DULY GRANTED BY THE BOARD OF ADJUSTMENTS ON **NOVEMBER 8, 1972** PURSUANT TO THE AUTHORITY CONTAINED IN CHAPTER 20, ORDINANCE 3018 N.S., THE ZONING ORDINANCE OF THE CITY OF BERKELEY, CALIFORNIA, AND ALL OF THE FINDINGS REQUIRED BY THE SAID ORDINANCE HAVE BEEN MADE.

DATE **NOVEMBER 22, 1972**

ROBERT B. HUMPHREY
ZONING OFFICER, CITY OF BERKELEY
SECRETARY, BOARD OF ADJUSTMENTS

11-22-72

December 10, 1973

Mr. Jim Baker
2750 Adeline Street
Berkeley, California

Ref: 2750 Adeline Street
Berkeley, California

Dear Mr. Baker:

On July 26, 1973, an application was received by this office requesting a "Change of Occupancy" inspection on the structure located at the above referenced address. The inspection was made on July 27, 1973.

At that time, you were requested to provide this Department with floor plans showing the proposed use of each floor. To date this plan has not been received.

On November 28, 1973, information was received the structure was occupied and the upper floors were being used for dwelling area. The initial check of the building indicated no available windows for light and ventilation. Please be advised that light and ventilation is required for every area of the building, a minimum of two (2) complete changes of air per hour. In the commercial area, this may be provided artificially and mechanically, In the residential area, however, it is required to be of a natural source.

Also approved exiting is required from all areas of the building and the structure is required to be not less than one (1) hour fire resistant throughout.

We are therefore requiring the living area to be vacated until it conforms to the requirements of the Housing Code (Ordinance No. 4646-N.S.) and the Building Code (Ordinance No. 4583-N.S.), City of Berkeley. This is to be done at once.

Should further information be required, please call 644-6530 between the hours of 8:00 to 9:00 A.M. or 4:30 to 5:00 P.M., Monday through Friday.

Very truly yours,

JOHN S. ATKINS, DIRECTOR
INSPECTION SERVICES DEPARTMENT

HOWARD J. MARDIS, BUILDING INSPECTOR
INSPECTION SERVICES DEPARTMENT

JSA:HJM:cl

DECEMBER 14, 1973
2750 ADELIN STREET
BERKELEY, CALIFORNIA

CHANGE OF OCCUPANCY REPORT

1. Obtain a Use Permit. This shall be completed before any corrective measures are undertaken.
2. Provide floor plans showing the proposed use of all areas of the building.
3. Obtain clearance from the Model Cities Redevelopment Agency.
4. Provide two (2) approved means of egress from all areas of the building.
5. All required exits shall be not less than thirty-six (36) inches wide.
6. All required exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.
7. All required exit doors shall swing out or in the direction of exit travel.
8. All required exits shall have direct access to a public way.
9. Provide approved exit signs at all required exits or wherever otherwise required to clearly indicate a direct means of egress.
10. If corridors are used as a part of the exiting system these corridors shall be not less than forty-four (44) inches wide.
11. All exits shall be illuminated.
12. All stairways forming a part of the exiting system shall conform to the following minimum requirements:
 - A. They shall be not less than thirty-six (36) inches wide.
 - B. They shall have a rise of not more than 7½".
 - C. They shall have a run of not less than ten (10) inches.
13. All stairways shall be provided with approved handrails.
14. The maximum permitted height of any one flight of stairs is twelve (12) feet measured vertically. Any stairs exceeding twelve (12) feet must be provided with an approved landing.
15. All doors exiting into the stair enclosure shall be not less than a one (1) hour fire rated door. This door shall be provided with approved self-closing and latching devices.
16. The walls and ceilings throughout the building shall be made not less than one (1) hour fire resistant construction.
17. All floors shall meet the requirements for one (1) hour fire protection.
18. No openings will be permitted in the walls of the building on the north and west sides.

19. The elevator shaft shall be made not less than one (1) hour fire resistant construction. This includes the shaft itself and all doors from the shaft.
20. Provide two (2) sprinkler heads for the elevator shaft; one (1) at the top and one (1) at the bottom.
21. Provide two (2) 5# A.B.C. fire extinguishers for each floor. These units shall be wall mounted not more than five (5) feet above the floor in a readily accessible location.
22. Provide approved heating for the third floor area. Facilities provided shall be capable of producing and maintaining a room temperature at not less than 70 degrees Fahrenheit at a point three (3) feet above the floor in all habitable rooms.
23. If central heating units are installed, these shall be within a one (1) hour fire resistant enclosure. This enclosure shall be provided with a one (1) hour fire rated door. The door shall be provided with approved self-closing and latching devices.
24. If central heating is installed, approved fire dampers shall be installed in all warm air ducts where they pass through the fire wall.
25. All electrical systems and installations shall conform to the requirements of the Electrical Code, City of Berkeley.
26. Provide approved sanitary facilities for all areas of the building.
27. All plumbing installations and systems shall conform to the requirements of the Uniform Plumbing Code, City of Berkeley.
28. Provide an approved outside gas shut off valve, conspicuously marked.
29. All heating equipment shall conform to the requirements of the Uniform Mechanical Code, City of Berkeley.
30. Provide approved light and ventilation throughout the building. A minimum of two (2) complete changes of air per hour will be required from all areas. In the dwelling areas all light and ventilation shall be provided by natural means.
31. NOTE: All signs require a special building permit. This includes any copy or change of copy visible from the street. All existing signs shall be made to conform to the Sign Ordinance, City of Berkeley or shall be removed.
32. Obtain all related building permits.
33. NOTE: The maximum of five (5) non-related persons will be permitted to occupy the building as a single family residence. More than five (5) would place the building in a multiple dwelling category. As such, the building must be licensed and a yearly fee paid for inspection. The residential portion of the building must meet all other requirements as set forth in the Housing Code, City of Berkeley.

JOHN S. ATKINS, DIRECTOR
INSPECTION SERVICES DEPARTMENT

HOWARD J. MARDIS, BUILDING INSPECTOR
INSPECTION SERVICES DEPARTMENT

February 26, 1976

Mr. Tim Baker
2750 Adeline Street
Berkeley, CA 94703

Re: Corrections required
2750 Adeline Street

Dear Mr. Baker:

On July 26, 1973, a "Change of Occupancy" inspection was made of the above referenced address to permit it to be used as small craft shops and a single family dwelling.

At this time a report was compiled, listing thirty-three violations to be corrected, a copy of which was sent to you. Since the list was completed, several inspections have been made of the building, the latest being on or about February 15, 1976. We find only a portion of the work having been done.

We feel that ample time has been permitted for the completion of these required corrections.

Please be advised that work shall begin within thirty (30) days of the date of this notice and shall be completed within ninety (90) days. Failure to comply will be just cause for this department to take further action.

Enclosed is a revised list of the violations to be corrected.

September 29, 1978

Mr. Tim Baker
2750 Madeline Street
Berkeley, CA 94703

Re: Corrections Required
2750 Madeline Street

Dear Mr. Baker:

I attempted, but was unsuccessful in contacting you by telephone regarding the above referenced property following a routine inspection on September 25. At the time of inspection I noted one incomplete code item which requires your attention. That is, the one-hour occupancy separation between the second floor storage area and the third floor dwelling has not been completed. Five-eighths inch (5/8") gypsum wallboard, applied to the underside of the third floor floor joists, nailed and properly taped, is required to achieve this rating and should be completed as soon as possible under building permit.

I have referred this problem to my supervisor, John Owsley, for follow-up, as I am leaving employment with the City of Berkeley. He will be in touch with you regarding the completion of this item and finishing up on other minor requirements which may be outstanding so that we may close our files on this property.

Should you have any questions, he may be reached at 644-6850. I have also briefed him on the situation.

Thank you for your anticipated cooperation.

Very truly yours,

GEORGE O. POPE
Chief

KAREN EVAM
Housing Inspector

EE:eb

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800
10/2

Mr. Tim Baker
February 26, 1976
Page 2

Your letter of February 25, 1976 has been received and noted. We will be checking with you soon.

Should further information be required, please contact the undersigned at 644-6560 between the hours of 8:00 to 9:00 A.M. and 4:30 to 5:00 P.M., Monday through Friday.

Very truly yours,

GEORGE O. POPE
Chief

Howard J. Davis
HOWARD J. DAVIS
Building Inspector

Neil F. ...
NEIL F. ...
Fire Inspector

GOP:HL:AL:lp
cc: Fire Department

City of Berkeley



HOUSING AND DEVELOPMENT DEPARTMENT
CODES AND INSPECTION DIVISION
CIVIC CENTER BUILDING
2180 MILVIA STREET
BERKELEY, CALIFORNIA 94704

(415) 644-6730

The following requirements are mandated by State Law. Senate Bill 821 was approved by the Governor on September 22, 1979, and became effective January 1, 1980. This act adds Article 2 (commencing with Section 19830) to Chapter 9 Part 1 of Division 13 of the Health and Safety Code, relating to local building permits. The new State provisions require the City to mail you the following "Owner-Builder Information" notice and "Owner-Builder Verification" form. The return of the "Owner-Builder Verification" is a pre-condition to issuance of the building permit.

OWNER-BUILDER INFORMATION

Dear Property Owner:

An application for a building permit has been submitted in your name listing yourself as the builder of the property improvements specified.

For your protection, you should be aware that as 'owner-builder' you are the responsible party of record on such a permit. Building permits are not required to be signed by property owners unless they are personally performing their own work. If your work is being performed by someone other than yourself, you may protect yourself from possible liability if that person applies for the proper permit in his or her name.

Contractors are required by law to be licensed and bonded by the State of California and to have a business license from the city or county. They are also required by law to put their license number on all permits for which they apply.

If you plan to do your own work, with the exception of various trades that you plan to subcontract, you should be aware of the following information for your benefit and protection:

If you employ or otherwise engage any persons other than your immediate family, and the work (including materials and other costs) is \$200 or more for the entire project, and such persons are not licensed as contractors or subcontractors, then you may be an employer.

If you are an employer, you must register with the state and federal government as an employer and you are subject to several obligations including state and federal income tax withholding, federal social security taxes, worker's compensation insurance, disability insurance costs, and unemployment compensation contributions.

There may be financial risks for you if you do not carry out these obligations, and these risks are especially serious with respect to worker's compensation insurance.

For more specific information about your obligations under federal law, contact the Internal Revenue Service (and, if you wish, the U.S. Small Business Administration). For more specific information about your obligations under state law, contact the Department of Benefit Payments and the Division of Industrial Accidents.

If the structure is intended for sale, property owners who are not licensed contractors are allowed to perform their work personally or through their own employees, without a licensed contractor or subcontractor, only under limited conditions.

A frequent practice of unlicensed persons professing to be contractors is to secure an 'owner-builder' building permit, erroneously implying that the property owner is providing his or her own labor and material personally. Building permits are not required to be signed by property owners unless they are performing their own work personally.

Information about licensed contractors may be obtained by contacting the Contractors' State License Board in your community or at 1020 K Street, Sacramento, California 95814.

Please complete and return the enclosed owner-builder verification form so that we can confirm that you are aware of these matters. The building permit will not be issued until the verification is returned.

Very truly yours,

Robert L. Shaffer
ROBERT L. SHAFFER
Chief, Codes and Inspection Division

CITY OF BERKELEY
CALIFORNIA

FIRE DEPARTMENT
Victor C. Porter, Chief

Phone: (415) 844-4100
or (415) 844-4300
Emergency: 911-3710

1555 Alameda Way - 947 03
City Hall Annex

December 18, 1975

Mr. Tim Baker
2750 Adeline Street
Berkeley, California

Dear Mr. Baker:

A fire and life safety survey was made of the subject premises on 12/16/75, and the following requirements should have your immediate attention to meet minimum safety requirements.

1. Remove all accumulated combustible trash and garbage located throughout the entire building and maintain good housekeeping by December 23, 1975.
2. Enclose elevator shaft and make such enclosure of one-hour fire resistive construction by January 12, 1976.
3. Enclose both stairway exits with a one-hour fire resistive construction throughout and at each floor level a one-hour rated fire door shall be installed with a self closing device, by January 12, 1975.
4. The woodshop on the first floor shall be cleaned and the entire room shall be made one-hour fire resistive construction including the exit door. A self-closing device shall be installed also, by January 12, 1975.
5. The electrical system shall be brought up to current City of Berkeley electrical code requirements. Many electrical violations presently exist on all three floors by February 19, 1976.
6. Provide ABC type fire extinguishers on each floor level. These fire extinguishers shall have a minimum U.L. rating of 2A-10 BC each. A minimum of two on each floor level shall be provided. All fire extinguishers shall be mounted on the wall with the top not higher than five feet off the floor.

The above code violations shall be corrected within the specified time period. The fire and life safety of the people living on the third floor depends on all these code violations being corrected as quickly as possible. If these corrections are not abated within the specified time period, the upper floors will be vacated until all work is completed.

*Vacated 7
11/27*

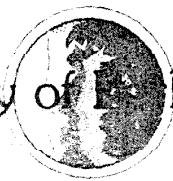
2750 ADELIN ST.

BUILDING PERMIT APPLICATION

B

HOUSING AND DEVELOPMENT DEPARTMENT
CODES AND INSPECTION DIVISION
2180 MILVIA STREET
BERKELEY, CA. 94704
PH: (415) 644-6550

City of Berkeley



PERMIT NUMBER

B 101121

Application Rec'd

DATE: 3/18/81

BY: [Signature]

PLANS SUBMITTED:
 YES NO

BUILDING INFORMATION

FIRE ZONE 1 2 3 ES. USE ZONE:

OCCUPANCY AS **SMOKE DETECTORS REQUIRED** 2 3 4 5
 TYPE OF **Smoke detector are required to be installed**
 CONSTRUCTION **in accordance with Ordinance 4923 N.S. for**
all additions or alterations exceeding \$1,000

NUMBER OF **value** STORIES HEIGHT LOT:

FLOOR AREA MAIN BUILDING [] SECOND FLOOR [] OTHER []

SUBJECT TO FIELD INSPECTION

[] SIGN PERMIT [] ROOFING PERMIT [] DEMOLITION PERMIT
 [] EXCAVATION and GRADING PERMIT

CONDITIONS OF APPROVAL:

RECEIVED
CODES AND INSPECTION DIVISION
APR 13 1981

SIGN PERMIT INFORMATION: TYPE OF SIGN(S) _____
 LENGTH _____ WIDTH _____ AREA _____
 BUILDING FRONTAGE _____
 SIGN AREA PERMITTED: _____

ROOFING PERMIT INFORMATION: [] COMMERCIAL [] RESIDENTIAL
 [] FIRE RETARDANT [] ORDINARY

I hereby certify and agree, if a permit is issued, that all the provisions of the Building Code, the Zoning Ordinance and the Fire Ordinance of the City of Berkeley will be complied with whether herein specified or not, and I hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgements, costs and expenses which may in any wise accrue against said City, in consequence of the granting of this permit, or from the use, or occupancy of any sidewalk, street or sub sidewalk placed by virtue thereof, and will in all things strictly comply with the conditions of this permit.

I hereby acknowledge that I have read this application, that the information given is correct, and that I am the owner, or the duly authorized agent of the owner. I agree to comply with City and State laws regulating construction, and in doing the work authorized thereby, no person will be employed in violation of the Labor Code of the State of California relating to Workmen's Compensation Insurance.

X [Signature] Signature of Owner, Contractor or Agent

AGENT FOR: _____

ADDRESS OF AGENT _____

CITY _____ ZIP _____ TELEPHONE NO. _____

APPLICATION APPROVAL:
THIS PERMIT DOES NOT BECOME VALID UNTIL SIGNED BY THE BUILDING OFFICIAL OR HIS DEPUTY, AND FEES ARE PAID AND RECEIPT IS ACKNOWLEDGED IN SPACE PROVIDED.

Signature of Deputy _____ Date _____

EXCLUSION FROM WORKER'S COMPENSATION
I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California.

X _____ SIGNATURE OF OWNER, CONTRACTOR OR AGENT

JOB ADDRESS
2750 Adelin St

CONDITION OF SOIL AT JOB SITE:
 ORIGINAL ENGINEERED FILL FILL
 HILLSIDE AREA SEISMIC ZONE AREA

NO. OF & EXISTING USE OF BUILDINGS ON LOT:
 NO. _____ USE: _____

OWNER/CONTRACTOR
 NAME _____
 ADDRESS _____
 CITY _____ ZIP _____ TELEPHONE _____
 STATE LICENSE NO. _____ CLASS NO. _____ CITY LICENSE NO. _____

DESIGNER
 NAME **Tim Baker**
 MAILING ADDRESS **6609 Whittier**
 CITY **CAJON CA** ZIP **91704** TELEPHONE **652-3000**

LENDER
 NAME _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____

PROPOSED WORK
 SIGN STRUCTURE NEW ALTER MOVE
 ROOFING ADD REPAIR DEMOLISH

DESCRIPTION OF WORK:
Shed 20' x 10' x 10'

[] COMMERCIAL [] RESIDENTIAL [] INDUSTRIAL
 [] ACCESSORY NUMBER OF DWELLING UNITS _____

VALUATION (including costs of all labor and material) = \$ **1500.00**

BUILDING PERMIT FEE	\$	20	50
ZONING PERMIT FEE	\$		
SIGN PERMIT FEE	\$		
ROOFING PERMIT FEE	\$		
PLAN CHECKING FEE	\$		
PENALTY FEE	\$		

TOTAL FEE \$ **20 50**

ZONING APPROVAL

[] USE PERMIT APPROVED
 [] VARIANCE GRANTED
 [] APPROVED OFF STREET PARKING
 [] LANDMARKS PRESERVATION
 [] CIVIC CENTER REVIEW
 VARIANCE NO. _____
 USE PERMIT NO. _____

THIS IS YOUR PERMIT WHEN MACHINE VALIDATED

B



City of Berkeley



Planning and Community Development Department
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, California 94704
Telecommunications Device for the Deaf (415) 644-6915

Codes and Inspection Division
(415) 644-6550

INSPECTION REPORT

INSPECTOR: David Smith
(Inspected with Insp. Inouye of Fire Department)

INSPECTION DATE: August 3, 1989

JOB ADDRESS: 2750 Adeline Street

REQUESTED BY: Fire Department

RECORDED OWNER: Walter T. Baker

ADDRESS: 2121 McKinley Avenue
Berkeley, CA 94704

MAILING ADDRESS: 6609 Whitney Street
Oakland, CA 94609

THE CONDITIONS LISTED BELOW ARE VIOLATIONS OF THE CITY OF BERKELEY CODES AND ORDINANCES FOUND TO EXIST IN THE SUBJECT BUILDING. ALSO LISTED ARE CONDITIONS OBSERVED TO BE POTENTIAL CODE VIOLATIONS OR MAINTENANCE ITEMS WHICH SHOULD BE GIVEN YOUR IMMEDIATE ATTENTION BEFORE THEY DEVELOP INTO MAJOR REPAIR ITEMS.

CODE SECTION	*CATEGORY	VIOLATION
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UBC 502
& UBC 503
(change of
use) &
UBC 301(d)

B

1. The third floor of this building has been converted to residential use without approved plans or building permits and without a change of occupancy inspection for residential use. At the time of inspection, there appeared to be at least three (3) residential units. To correct, VACATE ALL RESIDENTIAL USE OF THE THIRD FLOOR WITHIN SIXTY (60) DAYS OF THE MAILING DATE OF THIS REPORT.

NOTE REGARDING TENANT RELOCATION:

City Ordinance No. 5756-N.S. requires that you make temporary relocation payments to the tenants. Please contact the undersigned inspector immediately for further information.

After submitting plans to obtain permits, if work is approved and finalled, an occupancy certificate for residential use may be issued, providing Zoning approval is granted.

[Please note that in a change-of-occupancy report sent to you on December 14, 1973 and in letters dated July 24, 1974 and September 29, 1978, from this office (copies attached), you were informed that the third floor of 2750 Adeline Street did not meet code requirements for residential occupancy.]

CODE SECTION	*CATEGORY	VIOLATION
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UBC 503(d) Table #5-B	B	(2. A mixed occupancy structure, ("B-2" retail on the ground floor and "R-1" residential on the third floor), has been created without the required one-hour occupancy separation between floors and at the stairways.
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To correct, submit building plans to correct the violations noted in this report within thirty (30) days of the date of this Notice. BRING THIS REPORT WITH YOU.

UBC 1202(b)	B	(3. City records indicate that the third floor of 2750 Adeline is 4,100 square feet in area. Section 1202(b) of the <u>Uniform Building Code</u> (1985 edition) provides that an R-1 occupancy of greater than 3,000 square feet, or above the second floor, must be of one-hour fire-resistive construction throughout (the entire building). Doors into such units shall be as specified in <u>UBC</u> , Section 3305(h).
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To correct, submit plans within thirty (30) days, as specified in Articles 1 and 2, above.

(Please note that Item 16 of your December 14, 1973, Change of Occupancy Report (copy attached) states:

"The walls and ceilings throughout the building shall be made not less than one (1) hour fire resistant construction."

UBC 3306(j)	B	(4. The main stairway to Adeline Street is wider than forty-four (44) inches, and lacks handrails on both sides as required by code. (see item 13 on your December 1973, Change of Occupancy Report).
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To correct, provide.

CofB Ord. 5596-N.S.	B	(5. The exit door from the main stairway (east side) lacks the required door hardware specified by City Ordinance No. 5596. To correct, provide.
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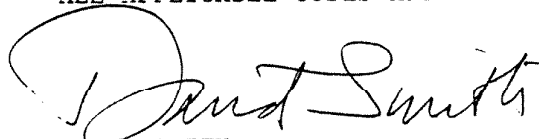
JBC Table #5-A	B	(6. Window openings have been cut into the north property-line wall in violation of Code requirements. To correct, apply for a building permit, and within thirty (30) days of the mailing date of this Notice, close the openings. When applying for this permit, a double fee will be charged for working without permits. <u>BRING THIS NOTICE WITH YOU.</u>
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(The December 1973 Change of Occupancy Report, sent to you, prohibited such openings--see item #18.)

CODE SECTION	*CATEGORY	VIOLATION
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Failure to comply with any part of this report within the required time deadlines may result in a citation being issued which may require your appearance in court and/or a fine of up to \$500.00.

"THIS REPORT DOES NOT ABROGATE THE RESPONSIBILITY TO COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES WHETHER CITED OR NOT."



DAVID SMITH
Code Compliance Officer

DS:js

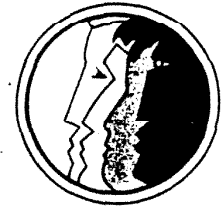
Attachments enclosed:

1. Door Hardware Literature (Ord. No. 5596-N.S.)
2. December 14, 1973 Change of Occupancy Report
3. July 24, 1974 letter to Tim Baker
4. September 1978 letter to Tim Baker

cc: Vivian Kahn, Current Planning
Inspector Wayne Inouye, Berkeley Fire Department
Troy Floyd, License & Collection
Carlos Rios, Rent Stabilization Board



City of Berkeley



Housing Advisory and Appeals Board
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, CA 94704.

(415) 644-6527
TTY (415) 644-6915

NOTICE OF INSPECTION RESULTS

1:30

September 29, 1989

Walter T. Baker
6609 Whitney Street
Oakland, CA 94609

Re: 2750 Adeline Street

Dear Owner(s):

On August 3, 1989, the above referenced property was inspected by the Housing Inspector whose name appears on the inspection report.

The attached report itemizes the conditions in violation of applicable building, housing or related code or regulation which must be corrected.

Each violation has been categorized based upon the urgency of the situation or danger to life safety that the condition presents. A reinspection to verify that the appropriate corrective action has been taken has been scheduled for:

Day/Date: October 30, 1989
Time: 9 a.m. to 12 p.m.
Area: #6

A minimum fee of \$30 will be assessed for each reinspection visit required to verify that all noted violations have been corrected.

If all the violations require permits and the permitted work has been passed by the Building Inspector, the owner may show the Building Inspector's approval to the Housing Inspector for verification prior to reinspection date to avoid reinspection fees.

If you have any questions, please feel free to contact this office. Inspectors are available to answer questions during weekdays, 8:00 - 9:00 a.m. or 4:30 - 5:00 p.m. at 644-6504.

Sincerely,

HARRY ATTRI
Building Official

David Smith
Housing Inspector

BSM of City 644
644 6570
8729
644 6570
8729

Attachment: Inspection Report



Planning & Development Department
Current Planning Division

FILE

May 16, 2001

Steven Rood
1999 Harrison Street, #1620
Oakland, CA 94612

RE 2750 Adeline St.—Change of Use of Existing Building with Crafts Center with Live Work Quarters

Dear Mr. Rood:

In response to your inquiry regarding the approved uses for this address and the zoning reviews regarding changing the use of the second and third floors to offices, I will summarize the points I made to Dick Odenheimer and Sasha Shamszad in a phone conversation last week.

The area is zoned South Area Commercial or the C-SA District, and is subject to Chapter 23E.52 of the Zoning Ordinance. Based on the records of the Current Planning Division I have determined that the existing approved uses of the three-story building include:

- In 1972, the second and third floors are approved for a 'Craft Center', and a live work quarters, as per Use Permit #7055
- In 1985, the first floor is approved for retail sales use, dba Scooby's Toys as per Use Permit A692

In terms of your specific questions about changing the use of the building:

1. The proposed change of use of a portion of the second and third floors-craft-center/live work quarters to office use would require an Administrative Use Permit under Section 23E.52.030, if the floor area involved is between 3,000 and 5,000 square feet (a Use Permit subject to the discretion of the Zoning Adjustments Board if the floor area involved is over 5,000 square feet), and a modification of Use Permit #7055. No additional off-street parking would be required nor would any Use Permit for the removal of dwelling units (because none lawfully exist) would be required.
2. Establishing a different configuration of, and/or changing the number of live work units, would require the review of the Zoning Adjustments Board of a modification of Use Permit #7055.
3. Establishing new dwelling units would require a Use Permit subject to the discretion of the Zoning Adjustments Board, and additional parking unless a variance is granted.

**NOTICE TO CITY OF BERKELEY OF INTENT TO
WITHDRAW ACCOMMODATIONS FROM RENT OR LEASE**
(BMC section 13.77.050.A.2)

NOTICE IS HEREBY GIVEN to the City of Berkeley that the accommodations on the following property are to be withdrawn from the rental housing market:

Owner: Adeline Properties, LLC

Parcel No.: 054-1722-006

Street Address: 2750 Adeline Street

The number of accommodations on the property is: 5

The accommodations are being withdrawn from the rental housing market on Dec. 28, 2001.

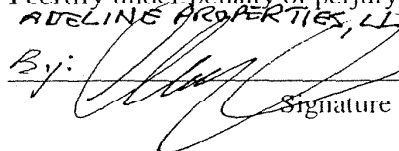
The following is a list of names of the tenants in each unit and the rent being paid for the unit:

RECEIVED
SEP 26 2001
Legal Department
Rent Stabilization Program

Unit Address	Names of Tenants in Unit on Filing Date	Rent Estimated
"Shawyer Unit"	Natasha Shawyer, Eric Shawyer and Invitees	\$880
"Donahue Unit"	Don Donahue and Invitees	\$300
"Holter Unit"	Chris Holter and Invitees	\$440
"Stockton Unit"	Biff Stockton and spouse and child and Invitees	\$440
"Sophiza Unit"	Dale Sophiza and spouse and Invitees	\$440

If necessary, use additional pages to provide complete tenant information

I certify under penalty of perjury that the foregoing, and any attachments, is true and correct.

By: 
Signature

8/31/01
Date

City of Berkeley Rent Stabilization Program
 2125 Milvia Street, Berkeley, CA 94704
 (510) 644-6128

UNIT STATUS FORM

PROPERTY: 2750 ADELINE ST

UNIT STATUS: 6 UNITS

BILLING ADDRESS:
 ADELINE STUDIOS
 5801 CHRISTIE AVE #675
 EMERYVILLE CA 94608

CHANGE OF ADDRESS:

OWNER: ADELINE STUDIOS
 5801 CHRISTIE AVE #675
 EMERYVILLE CA 94608

Unit Address		Current Status	As Of	Status Date Change
2750 ADELINE ST	1	Rented or Available	05/31/80	
2750 ADELINE ST	2	Rented or Available	05/31/80	
2750 ADELINE ST	3	Rented or Available	05/31/80	
2750 ADELINE ST	4	Rented or Available	05/31/80	
2750 ADELINE ST	5	Commercial	05/31/80	
2750 ADELINE ST	6	Rented or Available	05/31/80	

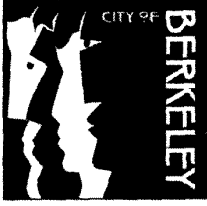
ELLIS ACT

The date under 'As Of' indicates when the status of the unit last changed, not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If there are no changes, please DO NOT return this form.

If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-644-6128 for calculation of the additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: *[Signature]* Date: 9/23/02



Planning and Development Department
Current Planning Division

January 17, 2003

Stephen Rood
1999 Harrison Street #1620
Oakland, CA 94612

RE: Letter Issued by City Relevant to 2750 Adeline Street

Dear Mr. Rood,

It has been brought to my attention that the letter issued to you on May 16, 2001 relevant to the property at 2750 Adeline Street contains an error. The error occurs in the section titled "In terms of your specific question about changing the use of the building." The first point under that heading is incorrect. The error is located in the second clause of the very last sentence. The clause reads, "...nor would any use permit for the removal of dwelling units (because none lawfully exist) be required." In fact, a use permit is required.

Section 23E.20.070.C (Change of Use to or from Live/Work Units) requires that live/work units may only be changed to exclusively commercial uses subject to section 23C.08.030.A.3 of the Zoning Ordinance. That section of the Zoning Ordinance requires that a use permit (subject to a public hearing) be approved by the Zoning Adjustments Board subject to the standard non-detriment finding, and the following, "The proposed changes would not result in the reduction of housing supply essential to the well-being or housing needs of the city or of persons residing in the neighborhood in the vicinity of the building involved."

If you have any questions relevant to this error you may contact me at 510.981.7410.

Sincerely,

Mark A. Rhoades
Current Planning Manager/Zoning Officer

Enclosure: Letter dated May 16, 2001

Cc: file

From: Rhoades, Mark
Sent: Friday, December 20, 2002 6:22 PM
To: Nazario, Ruth; Smith, Brad
Cc: Diamond, Deborah
Subject: 2750 Adeline - Live/Work

Ruth,

This e-mail is relevant to the use permit that was issued at this address in 1972 for a live/work project. I have not had an opportunity to prepare a formal letter to Sasha Shamszad yet, however, this e-mail represents my determination relevant to the zoning in this matter. I have spoken with Matt Le Grant, the author of the original letter and he believes that he made an error.

The letter in question is dated May 16, 2001, and addressed to Steven Rood. The error occurs in the section titled "In terms of your specific question about changing the use of the building." The first point under that heading is incorrect. The error is located in the second clause of the very last sentence. The clause reads, "...nor would any use permit for the removal of dwelling units (because none lawfully exist) be required." In fact, a use permit is required.

Section 23E.20.070.C (Change of Use to or from Live/Work Units) requires that live/work units may only be changed to exclusively commercial uses subject to section 23C.08.030.A.3 of the Zoning Ordinance. That section of the Zoning Ordinance requires that a use permit (subject to a public hearing) be approved by the Zoning Adjustments Board subject to the standard non-detriment finding, and the following, "The proposed changes would not result in the reduction of housing supply essential to the well-being or housing needs of the city or of persons residing in the neighborhood in the vicinity of the building involved."

I will be out next week, but if you have any questions I will be happy to answer them upon my return. Please forward a copy of this e-mail to Natasha Shawver.

Mark A. Rhoades
Planning Manager
Berkeley Planning & Development Department
510.981.7410 tel
510.981.7420 fax

**SUMMARY
BERKELEY CITY COUNCIL
ADJOURNED REGULAR MEETING**

MONDAY, APRIL 29, 2002

14. **Save Our Starving Artists** (*Held over by Olds from 04/23/2002*)

From:
Councilmember Worthington

Recommendation: Refer to the City Manager what steps the City can take to assist these artists to continue to live in Berkeley including but not limited to: 1) provide staff advice to the artists to evaluate the feasibility of forming a co-op to purchase the building; 2) consider creating a policy and procedure for waiving requirements for seismic strengthening (if required), and 3) consider waiving requirements for timing of seismic retrofit if building purchased by resident tenants. Contact: Kriss Worthington, District 7, 981-7170

Action: Moved, seconded, carried (Worthington/Spring) to refer to the City Manager a recommendation as revised by Councilmembers Maio and Spring to: 1) provide staff advice to the artists to evaluate the feasibility of forming a co-op to purchase the building; 2) consider waiving any fees associated with the retrofit and directing the City Manager to assist the artists cooperative which formed to purchase this building to work out a strategy to finance the seismic strengthening of the building; 3) to encourage the owner to work cooperatively with the artists in achieving a sale; and 4) stating Council's desire to keep the artists co-op at this location because it has provided such a wonderful service and resource to the community.



PLANNING & DEVELOPMENT

RECEIVED

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 NOV 20 2003

CURRENT PLANNING

USE PERMIT MODIFICATION APPLICATION

Owner & Developer

Existing Permit # 7005 7055 Application # _____

SASHA SHAMSZAD
64 SHATTUCK SQ Berkeley 94704 376-7887

Applicants, please complete all of the following legibly and in ink:

Applicant Name(s): MARC PROVENZANO Phone # (415) 823-3381

Applicant's Address: 4254 PIEDMONT AVE
OAKLAND CA 94611

Name of Business: STEIN ARCHITECTS

I (we) request modification of Use Permit # 7005 at 2750 ADELINE
(address)

for operation of a LIVE/WORK
(type of business)

I have reviewed the existing Use Permit, including the plans and conditions. Initial
mp

Describe the existing use (or refer to an attached statement): SEE ATTACHED

Describe the **changes from** the existing use (or refer to an attached statement): SEE ATTACHED

Attachments: Statement Use Questionnaire _____ Floor Plan Site Plan
Other _____

NOTE: Food Uses Only: You must contact the Environmental Health Division.

Applicant's Signature [Signature] Date: 11 17 103

Property Owner's Signature [Signature] Date: 11 17 103

For staff use only below this line

Zoning District: _____ Reviewed By: [Signature] Fee \$ _____ Date: 1 1

Comments: _____