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October 25, 2005

Mayor Tom Bates  
Berkeley City Council Members  
2180 Milvia Street  
Berkeley, CA 94704

Re: 1734 La Vereda Road; clarification

Dear Mayor Bates and Councilmembers:

This letter is to clarify one my representations in my letter today regarding the construction of the stairway from the right of way adjacent to 1734 La Vereda Road. Applicants Jane Metcalfe and Louis Rossetto have agreed to, and their plans on file confirm this, construct a stairway from the road to the bottom of the existing path, approximately 12 feet in height where it will connect to the existing dirt path which leads to the Lawrence Berkeley Laboratory gate. (See plans approved by the Zoning Adjustments Board and in the City Manager's Report of October 25, 2005).

Very truly yours,

  
RENA RICKLES

RECEIVED AT  
COUNCIL MEETING OF:

OCT 25 2005

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

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October 25, 2005

Honorable Tom Bates, Mayor  
Members of the City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

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Re: 1732-34 La Vereda, Affirm Unanimous Zoning Adjustments Board Decision  
("ZAB")

Dear Mayor Bates and Councilmembers:

On behalf of Jane Metcalfe and Louis Rossetto ("Jane and Louis") (and Staff and every other reasonable member of this community), I request that you affirm tonight <sup>1</sup> the 9-0 ZAB decision approving construction of a single-story garage on the vacant lot of 1734 La Vereda. This is a 27-month old application. It has been the subject of months of pre-application neighborhood discussion, several public hearings, and an extensive, intricately detailed Mitigated Negative Declaration <sup>2</sup> and equally detailed conditioned Use Permits.

Further debate and analysis would be a counter-productive abuse of Staff time and poor public policy because 1) there is no aspect of this project that has not been thoroughly analyzed, debated and thoroughly addressed; and, 2) the completion of this project will confer significant public benefit on the City of Berkeley without the expenditure of public funds. In fact, two of the original opponents, the most directly impacted at 1735 La Vereda, and the Parkers have withdrawn their opposition.

**Background and Project Description**

The project creates on-site parking for three cars which now park in the constricted turn around terminus of La Vereda. It also involves improvements to the right of way that adjoins the lots of applicants, supporters and opponents. It creates a one-story garage set into the hillside so that it will not impact views and minimizes the amount of cut and fill required.

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<sup>1</sup> Preferably by moving it to the Consent Calendar

<sup>2</sup> Including size of trucks, number of truck loads, type and size of construction equipment, geotechnical studies and peer review.

## **The City (and its citizens) will benefit from the right of way improvements**

### **Benefits to the City<sup>3</sup>**

- Presently, the top of La Vereda consists of a steeply sloped, narrow cul-de-sac that does not allow for a single car to turn around, let alone fire or emergency vehicles; it will be widened enough for both;
- Access to Lawrence Berkeley Lab ("LBL") now a steep dirt walkway; a permanent staircase will be constructed;
- Removal of a diseased, rapidly dying and dangerous pine tree (proximate to a utility pole) and right of way;

### **Benefits to La Vereda Neighbors<sup>4</sup>**

- Stabilize the hillside behind appellant Simon's (now unstable) house;
- Reduce the risk of landslides behind appellant Simon's house;
- Divert storm water flow away from appellant Simon's house and foundation to its proper destination (the storm drain)

## **The appellants' issues are without merit**

Appellants' issues range from opposition to additional construction on 'their' hill, to lack of supervision over the construction, to demanding a right to supervise the construction. None of these issues rise to the level of further debate, let alone a different conclusion. First, as the attached chart shows, contrary to the allegations, since 1994 when Jane and Louis bought 1732 La Vereda, construction time was 33 months out of 132 months. Three months was improvements to the City right of way. Second, the City has imposed an extensive 12-step Traffic Management Plan,<sup>5</sup> imposing the most finite, detailed restrictions including truck sizes, number of loads, parking for employees ever imposed upon a project of this size.

Appellants complain this is a 'taking' of public property. Just the opposite, Jane and Louis are investing thousands of dollars into City owned and controlled public improvements.

Appellants complain about the size and design of garage as out of character with the neighborhood. Again they are wrong. The design and location of the garage render it almost not visible from the public street. A solution without additional use permits, as appellants demand, would significantly increase the grading and visibility from the street and neighboring houses.

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<sup>3</sup> See Staff Report, p.5

<sup>4</sup> While protecting and enhancing appellants' property and safety was not the intention of this project, it is a definite positive consequence for them, one for which they aren't showing a lot of gratitude.

<sup>5</sup> Condition of Approval # 12, Staff Report July 14, 2004 pp.10-11, and Staff Report October 25, 2005, p. 7)

Appellants complain about lack of parking. Wrong again. This project increases on-street parking availability for cars, emergency vehicles and removes from the street three cars that currently park in the cul-de-sac.

Working in this area weakens the hillside, appellants claim. Again, just the opposite is true. Geotechnical, soils and civil engineering reports were submitted and independently peer-viewed (Cotton and Shires). The hillside and abutting properties will not be endangered, and in fact may improve hillside stability.

**Appellant Simon opposes the work because he will have to remove his garbage cans from the City Right of Way.**

As the attached photo shows, Mr. Simon's current storage of his garbage cans in the public right of way, violates BMC 12.32030E. His gargantuan expansion of his own home, taking far more months than this project, eliminated a reasonable, legal place for his garbage.

**Conclusion**

Because this project has been subjected to over two years of debate, multiple hearings, extensive and complex investigation and conditions, AND will significantly benefit the health and safety of the City and the neighborhood, we ask you to vote tonight to AFFIRM the ZAB and DISMISS the appeal.

Very truly yours,

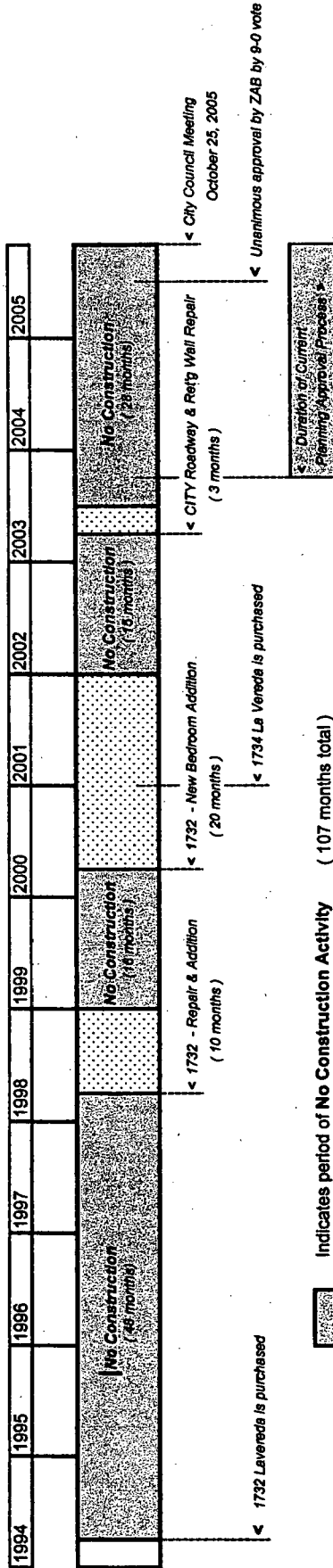
  
RENA RICKLES

Attachments: Construction Schedule  
Photograph outside 1730 La Vereda

October 14, 2005

City Council Meeting October 25, 2005 : Regarding Appeal of ZAB Approval

**1734 & 1732 La Vereda Construction and Non-construction Schedule**



Indicates period of No Construction Activity ( 107 months total )

Indicates period of Construction Activity ( 33 months total )

**Description of Prior Construction Projects:**

(as referenced above)

**1732 Lavereda - Repair & Addition:**

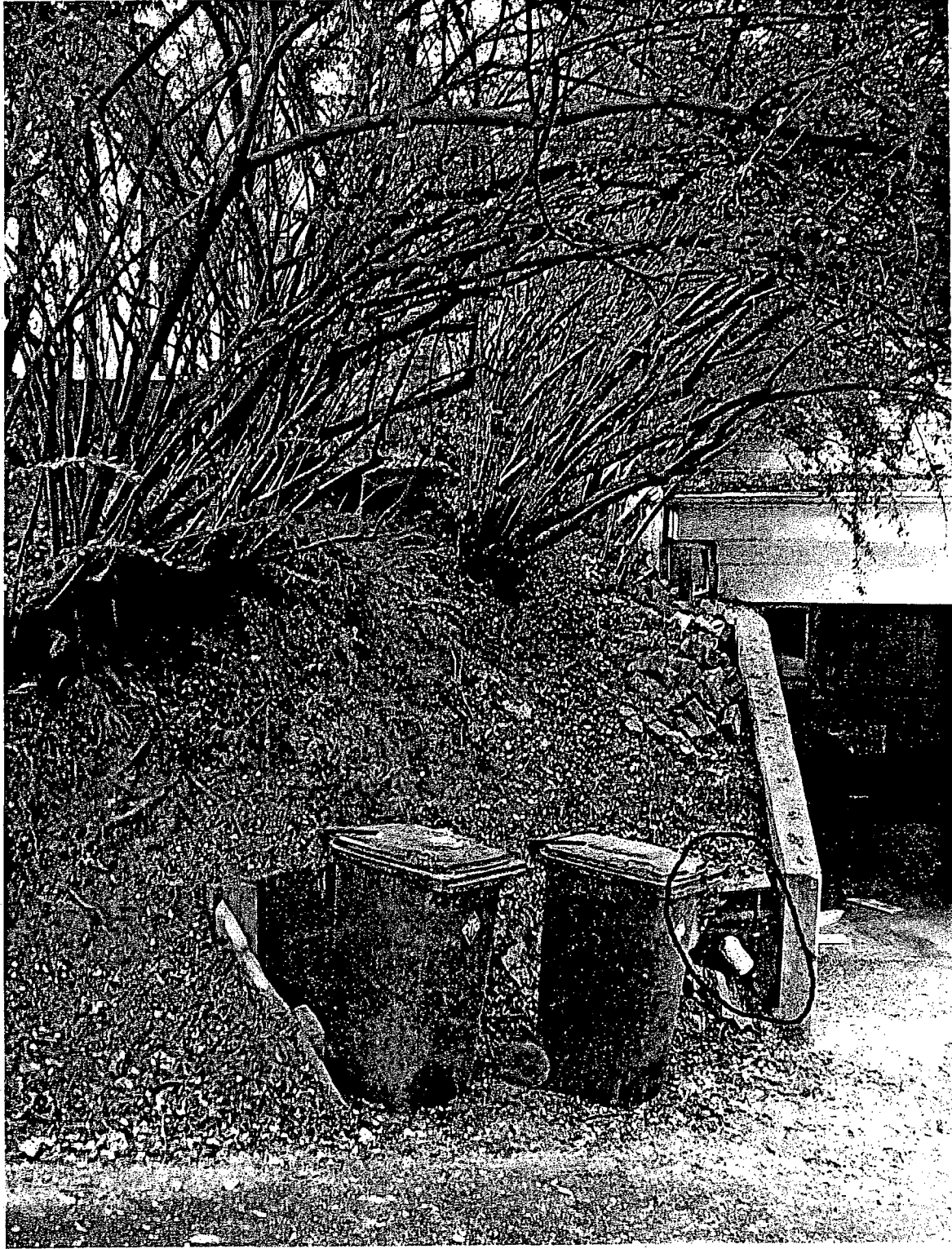
This project repaired the significant damage and deterioration to the existing interior and exterior of the residence due to years of deferred maintenance, weathering and general wear and tear. The project included the addition of one bedroom and bathroom.

**1732 Lavereda - New Bedroom Addition:**

This project included the addition of a new bedroom wing to the north of the existing residence; including the addition of two children's bedrooms, one bathroom, a laundry and storage space. New landscaping was also included in the scope of this work, in part to improve the site access along the 100+ foot path from the street to the residence.

**Roadway and Retaining Wall Repair:**

This project was located in the City Right-of-Way and was coordinated with the City of Berkeley's DPW. The scope of the work included the repair/replacement of a roadway retaining wall in the City right-of-way, the widening of the City street to add two desperately needed public parking spaces in the neighborhood, the resurfacing of the roadway and parking surfaces, and new landscaping on and below the repaired retaining wall.



Dan Miller  
1735 LaVereda Road  
Berkeley, California

City of Berkeley  
Zoning Adjustments Board  
2180 Milvia Street  
Berkeley, California

July 13, 2005

Board Members,

As a neighbor of Jane Metcalfe and Louis Rossetto, and the one whose access to his home will be the most compromised by the 1734 garage construction, I nonetheless fully support this project moving forward.

Ms. Metcalfe and Mr. Rossetto have made every effort to accommodate my comfort by considering my comfort, needs and schedule.

I also support the long-term benefits of increased emergency access to the hillside and a reduced parking load on the street. And I am satisfied that the applicants have fully addressed the sensitive geology and geotechnical issues particular to the area.

I understand and approve the project as proposed. Again, I support the start of construction of the 1734 garage as planned and greatly appreciate the continued communication my neighbors have generously supplied regarding the timing and my needs.

Regards,



Dan Miller

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