



Housing Advisory Commission

Regular Meeting Thursday, February 6, 2024 7:00 pm	South Berkeley Senior Center 2939 Ellis Street Anna Cash, Secretary HAC@berkeleyca.gov
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Written communications submitted by mail or e-mail to the Housing Advisory Commission by 5:00 p.m. the day before the meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

All agenda items are for discussion and possible action.

Public comment policy: Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

1. **Roll Call**
2. **Land Acknowledgement** (Attachment 1)
3. **Agenda Approval**
4. **Public Comment**
5. **Approval of January 9, 2025 Meeting Minutes** (Attachment 2)
6. **Public Hearing on Appeal of Administrative Citation: 65 Arden Road – Staff/All** (Attachment 3)
7. **Public Hearing on the Draft 2025-2029 Consolidated Plan, including the first year Annual Action Plan, and Draft Regional Analysis of Impediments – Staff/All** (Attachment 4)
8. **Discussion and Possible Action on Ordinance Amending the Municipal Code to Implement AB 812 (Chapter 747) Authorizing a Certain Percentage of Affordable Units be Reserved for Artists – Joint Subcommittee of the Civic Arts Commission and Housing Advisory Commission on Affordable Housing for Lower Income Artists** (Attachment 5)
9. **Officer Elections – All/Staff** (Attachment 6)
10. **Update on Council Items (Future Dates Subject to Change)**
 - a. Housing Trust Fund Recommendations for the Martin Luther King Jr. House Predevelopment Funds and Haste Street Rehabilitation Funds (1/21/2025)
11. **Announcements/Information Items**

12. Future Items

13. Adjourn

Attachments

1. Land Acknowledgment
2. Draft January 9, 2025 Meeting Minutes
3. Jeff Jensen & Darrell Chappell, Planning and Development Department, 65 Arden Road
Appeal Hearing Materials
4. Kat Larowe, HHCS, Public Hearing on the Draft 2025-2029 Consolidated Plan,
including the first year Annual Action Plan, and Draft Regional Analysis of Impediments
5. Joint Subcommittee of the Civic Arts Commission and Housing Advisory Commission
on Affordable Housing for Lower Income Artists, Ordinance Amending the Municipal
Code to Implement AB 812 (Chapter 747) Authorizing a Certain Percentage of
Affordable Units be Reserved for Artists up to 10% of those Required Affordable
Housing Units Consistent with the City of Berkeley's Affordable Housing Preference
Policy
6. Anna Cash, HHCS, Officer Elections

Correspondence

7. Laura K Fujii, Save the Historic Art Deco Berkeley United Artists Theater!

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Secretary of the commission. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary for further information.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

COMMUNICATION ACCESS INFORMATION:



To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

ATTACHMENT 1

Land Acknowledgement Statement

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.



Housing Advisory Commission

HOUSING ADVISORY COMMISSION DRAFT MINUTES

Regular Meeting Thursday, January 9, 2025 7:33 pm	South Berkeley Senior Center 2939 Ellis Street Anna Cash, Secretary HAC@berkeleyca.gov
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1. Roll Call

Present: Sarah Bell, Kera Binns, Karen Haycox, Mari Mendonca, Debbie Potter, David Shere, Leah Simon-Weisberg, and Alfred Twu.

Absent: Keyanna Ortiz-Cedeño (unexcused).

Staff Present: Barb Amaro, Jiro Arase, Rhianna Babka, Anna Cash, Lourdes Chang, Kat Larowe, and Jenny Wyant.

Commissioners in attendance: 8 of 9

Members of the public: 12

Public Speakers: 9

2. Land Acknowledgement

3. Agenda Approval

Action: M/S/C (Twu/Simon-Weisberg) to approve the agenda, removing item 6 and moving item 11a to follow item 7.

Vote: Ayes: Bell, Binns, Haycox, Mendonca, Potter, Shere, Simon-Weisberg, and Twu.
Noes: None. Abstain: None. Absent: Ortiz- Cedeño (unexcused).

4. Public Comment

There were two speakers during public comment.

5. Approval of December 2, 2024 Meeting Minutes

Action: M/S/C (Haycox/Bell) to approve the December 2, 2024 Special Meeting minutes.

Vote: Ayes: Bell, Binns, Haycox, Mendonca, Potter, Shere, Simon-Weisberg, and Twu.
Noes: None. Abstain: None. Absent: Ortiz-Cedeño (unexcused).

6. Discussion and Possible Action: Single Family Home Rehabilitation (SFR) Loan Program for Fiscal Year (FY) 2026-2028

Public Speakers: 2

Action: M/S/C (Simon-Weisberg/Haycox) to:

- 1) Support staff's recommendation to continue to fund the Single-Family Rehabilitation (SFR) Programming including the City's Senior & Disabled Rehabilitation Loan Program (SDRLP) at current levels as approved in the FY25-FY28 Request for Proposal as it supports a balanced Single-Family Rehabilitation program, and approve a SDRLP pilot program aimed at creating streamlined implementation from FY26 to FY28, with the primary goals of using Community Development Block Grant (CDBG) and CalHome funding more effectively, increasing the number of low-income homeowners served annually, and maintaining essential CDBG Program Income that could be reinvested in the City's public facility projects; and
- 2) Recommend to HHCS staff to consult with the Office of Energy and Sustainable Development (OESD) of the Planning & Development Department in order to identify complementary funding sources, particularly for solar panels.

Vote: Ayes: Bell, Binns, Haycox, Mendonca, Potter, Shere, Simon-Weisberg, and Twu.
Noes: None. Abstain: None. Absent: Ortiz-Cedeño (unexcused).

7. Public Hearing on the City of Berkeley's Draft Program Year 2025-2029 Consolidated Plan

Public Speakers: 2

8. Discussion and Possible Action: 2024 Statewide Housing Legislation Update

Public Speakers: 3

9. Update on Council Items (Future Dates Subject to Change)

10. Announcements/Information Items

11. Future Items

12. Adjourn

Action: M/S/C (Shere/Simon-Weisberg) to adjourn at 9:55 pm.

Vote: Ayes: Bell, Binns, Haycox, Mendonca, Potter, Shere, Simon-Weisberg, and Twu.
Noes: None. Abstain: None. Absent: Ortiz-Cedeño (unexcused).



Building and Safety Division
Planning and Development Department

To: Housing Advisory Commission

From: Building & Safety Division, Planning & Development Department

Submitted by: Jeff Jensen, Assistant Building & Safety Manager
Darrell Chappell, Supervising Building Inspector

Subject: Appeal to Administrative Citation # 10574 for Building Code Violations
at 65 Arden Road Berkeley, CA 94704

RECOMMENDATION

Conduct an appeal hearing and upon conclusion, make a determination as to the legitimacy of the citation. Reject the property owners' appeal to the administrative fines issued to them, for their failure to comply with the City's Building Code, and allow the administrative citation against 65 Arden Road to be upheld as written.

SUMMARY

The property owners at 65 Arden Road have initiated and/or completed several construction projects without permits, despite the City issuing multiple Notices of Violations, Stop Work Orders and Notices and Orders to Correct.

The citation, subject to this appeal, was issued after two Notices of Violations were posted at the property and corresponding Notices and Orders to Correct were mailed. Subsequently, after confirming retaining wall construction continued, an Administrative Citation Warning Letter was certified mailed, and the property Red Tagged for creating dangerous conditions. All mailings were sent to the property owners of record.

PROPERTY/PARCEL INFORMATION

- Address: 65 Arden Road Berkeley, CA 94704
- Parcel numbers: 055 186203600, 055 186203500, and 055 186204902
- Located within Fire Zone 3 as determined by the California State Fire Marshal
- Located within the Alquist-Priolo Earthquake Fault Rupture Zone as determined by the California Geological Survey (CGS)
- Located within a landslide zone as determined by the Seismic Hazards Mapping Act

BACKGROUND

For more than two years, Ying (Doris) Tsao and Grigory Tikhomirov, the owners of record of 65 Arden Road, initiated four construction projects without permits. Three of these projects have been completed (a bathroom addition, a patio and a greenhouse), all bypassing proper Zoning and Building and Safety procedures as outlined in the City

of Berkeley Municipal Code and without review for compliance with California Building Code and Fire Code standards.

This appeal to citation #10574 concerns the fourth (unfinished) project, which includes unpermitted concrete retaining walls spanning across three parcels owned by same owners, redesign of the slope including drainage, movement of soil and other structural activities that are regulated under local and California State Building Codes.

This property is located within State designated landslide and earthquake fault rupture zones. Construction within these zones is required to comply with strict Fire/Life Safety and other building regulations at the State and local jurisdictional levels, to ensure buildings and structures are permitted and inspected by certified professionals to meet all applicable code requirements. Additionally, the property is located within the highly regulated Fire Zone 3, classified as such due to surrounding topography and accessibility challenges for First Responders because of limited ingress/egress.

The property owners did not apply for permits or get inspections for several concrete retaining walls. The retaining wall projects were issued multiple Stop Work Orders prior to project completion by the Building and Safety Division. These orders were ignored, violating several long-standing Berkeley Municipal Codes, Health and Safety Codes, and California Building Code regulations. These actions have not only endangered the occupants of the home, but also of the surrounding community.

The retaining walls (currently unfinished and the subject of the citation being appealed) pose a significant threat to the surrounding community should they fail and slide down the hill along with the immense amount of soil they are holding up. These types of projects require precise engineering and close scrutiny by City of Berkeley Building and Safety staff to ensure compliance with strict standards and regulations before any work may commence. Since this work was not permitted, plans and calculations were not reviewed. Once the City learned of the construction, Stop Work Orders were clearly posted at the property and accompanying Notices and Orders to Correct were mailed to the homeowners. All notices were ignored and work continued. Once the City issued the citation, the property owners reached out to the City. They claimed they had not seen the Stop Work Orders posted at their home. Despite the owners claim that they had not received the mailed Notices and Orders to Correct we received proof of delivery from USPS. All mailings were sent to the same address.

TIMELINE OF EVENTS AND ITS EFFECTS

On May 15, 2024, building inspector Daniel Lawrence, observed retaining wall work in progress while performing an inspection at a neighboring property. He became suspicious when he noticed the retaining walls were extending across property lines and, as the assigned area inspector, was not aware of any issued building permits for the retaining walls. Once the inspector confirmed that a permit had not been issued for the retaining walls he posted a Notice of Violation and Stop Work Order (see Attachment 3). At the time of the posting, concrete forms were clearly visible with rebar added in preparation for concrete being poured. Further investigation revealed that the property was located in a landslide zone and there were no measures being taken to address the potential for shifting soils or to manage water runoff.

On June 20, 2024, building inspector Daniel Lawrence posted a second Notice of Violation and Stop Work Order due to the homeowners' lack of compliance to the first order (see Attachment 4). At this time the concrete for the retaining walls had been already poured, the walls completed and the concrete forms were removed despite not having obtained a building permit or inspections, and in defiance of the Stop Work Order that was issued on May 15, 2024. Unsafe conditions that were identified on May 15, 2024 had been made worse and the drainage pattern of the hillside located in a landslide zone has been permanently altered without approval and without permits. This work was performed without consulting a qualified geotechnical engineer who could best advise on how to mitigate any landslide risk posed by these modifications to the hillside. Furthermore, the modifications to the hillside and drainage have potentially increased the landslide risk to the homes located below on both Mosswood Road and Panoramic Way. The full extent of this risk cannot be ascertained without a thorough examination and report by a licensed geotechnical engineer familiar with Berkeley's landslide zones. Because of the homeowners' continued indifference toward the City's orders to immediately stop all work and apply for a permit, the Administrative Citation process was initiated.

On July 5, 2024 an Administrative Citation Warning Letter was generated by Supervising Building Inspector Darrell Chappell and sent to the homeowners, giving them one final opportunity to obtain the proper permit(s) before fines are assessed (see Attachment 5).

On July 7, 2024, upon receiving a tip from a neighbor of further retaining wall work underway, Supervising Building Inspector Darrell Chappell immediately went to the property and discovered a crew of workers digging trenches into the hillside in preparation for more concrete forms. When Mr. Chappell asked the workers what they were doing they responded that they were placing forms for new retaining walls. He had no other choice but to "Red Tag" the property for dangerous conditions, and he remained on site until the workers had all vacated the property (see Attachment 6). He talked to Mr. Tikhomirov who was home that day and explained the situation that the construction area was deemed to be unsafe, and that no one was to enter the area of work. The Inspector stressed again to the owner the requirement to get building permits, and that failure to do so would result in the assessment of monetary citations. Mr. Tikhomirov told Mr. Chappell that he would immediately start the process to obtain all permits required by the City to complete the work.

However, as before, our efforts to assist the homeowners in reaching compliance were ignored and we were compelled to issue citation #10574 for \$6,075 on August 27, 2024 (see Attachment 1). This amount was determined, based upon the following three code violations: Construction Work Without a Permit, disobeying posted Stop Work Orders, and Work Concealed Without Inspection. Each violation carried a fine of \$75/violation per calendar day covering the timeframe from July 5, 2024 (the date of the Administrative Citation Warning Letter) to July 31, 2024.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

At this time, it is undetermined what impacts the retaining walls will have due to altered drainage patterns and disturbing the in-situ soils. A soils report from a licensed

geotechnical engineer would be required to determine possible impacts of the retaining walls on the surrounding hillside.

RATIONALE FOR RECOMMENDATION

The Building and Safety Division, in the course of this enforcement action, has provided the property owners ample opportunities to come into compliance. Since there have been multiple compliance dates that have passed with no permits being issued and unpermitted construction continuing, the recommendation is to deny the homeowners' appeal for citation leniency. Granting the homeowners' appeal will only serve to reinforce the misguided concept that building permits are not required and that there are no consequences for continuing to build without proper oversight, permits and inspections. Further defiance by the homeowners will only result in additional fines being levied at an increased rate consistent with the Berkeley Municipal Code. This is the only means for the City of Berkeley to compel the homeowners into compliance and relieve the unsafe conditions that now exist.

ALTERNATIVE ACTIONS CONSIDERED

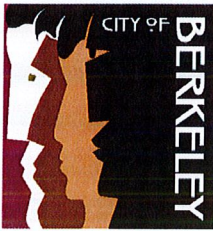
The City offered the owner to suspend further citations and enforcement of the Notices of Violation provided they diligently pursued obtaining Building Permits and halted any additional work at the site. The City also considered summary abatement by obtaining an abatement warrant allowing City personnel to remove the unpermitted hazards and mitigate the increased slide hazard.

CONTACT PERSON

Jeff Jensen, Assistant Building & Safety Manager, 510-981-7427
Darrell Chappell, Supervising Building Inspector, 510-981-7455

Attachments:

1. Citation #10574 (August 27, 2024)
2. Appeal Letter
3. Notice of Violation and Stop Work Order (May 15, 2024)
4. Second Notice of Violation and Stop Work Order (June 20, 2024)
5. Citation Warning Letter (July 5, 2024)
6. Red Tag notice (July 7, 2024)



Planning & Development Department
Building & Safety Division

NOTICE OF ADMINISTRATIVE CITATION

August 27, 2024

Tsao Ying and Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Tsao Ying and Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

PLEASE BE ADVISED:

The Building and Safety Division has confirmed that as of August 27, 2024 you have failed to comply with the Warning of Administrative Citation issued on July 5, 2024 which required you to stop all construction activities and obtain required building Permit(s) for unpermitted work.

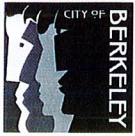
Since you have failed to comply with the requirements of the July 5, 2024 Warning of Administrative Citation, **I have issued the enclosed Administrative Citation for \$6,075 for violation of the Berkeley Municipal Code Section 19.28.20.**

If you fail to pay the citation penalties, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

If you have questions regarding this notice you may contact me at 510-981-7440, option 0 or buildingandsafety@berkeleyca.gov

Sincerely,

Darrell Chappell
Supervising Building Inspector
Building and Safety Division



CITY OF BERKELEY
ADMINISTRATIVE CITATION
Citation No. 10574

CITATION ISSUED:

Name Tsao Ying & Tikhomirov Grigory

Address 314 S Hill Avenue City Pasadena State CA Zip Code 91106
C.C. 65 Arden Road City Berkeley State CA Zip Code 94704

VIOLATION

Location of violation: 65 Arden Road Berkeley, CA 94704

July 5, 2024 – July 31, 2024
Date(s) of Violation(s)

Time

S M T W T F S
Days of Week

BMC Section	Description of Violation	Penalty	Correction Required	Time to Correct
19.28.20	Construction work performed without permit	\$75	Yes	30 days
19.28.20	Violated Stop Work order	\$75	Yes	Now
19.28.20	Work concealed without inspection	\$75	Yes	30 days
Total Penalty	27 calendar days @ \$225/day for three violations		\$6,075.00	

PLEASE TAKE NOTICE: You are hereby ordered to cease the violations set forth above and to prevent their repeated occurrence. You are further hereby ordered to correct any violations identified as "correctable."

PAYMENT: Please see reverse for payment options.

APPEAL: You may appeal the determination that you have violated a City ordinance, the penalty imposed, or both. See reverse for instructions on how to appeal.

DRIVERS LICENSE and EMPLOYER INFORMATION (if applicable)

ID no. _____ State _____ Birth Date _____
Sex _____ Eyes _____ Height _____ Weight _____
Employer _____ Phone _____
Address _____ City _____ State _____ Zip Code _____

Citing Officer Name Darrell Chappell **Department** Planning & Development

Citing Officer Signature

Date August 27, 2024

CITY OF BERKELEY ADMINISTRATIVE CITATION

PAYMENT OPTIONS

You must pay the fines imposed by this citation within 30 days of the date of this citation.

Mail: Finance will send you an invoice for this citation and you may pay by check once you receive it. Please list the building address associated with the citation on the memo of the check and make check payable to the City of Berkeley.

In Person: City of Berkeley, **Finance Customer Service Center, 1947 Center Street, 1st Floor, Berkeley, CA 94704**, Mon-Thu 8:30am-2pm; Closed on Fridays. Please bring your citation with you.

FILING AN APPEAL

If you intend to appeal this citation, you must complete a request for hearing form and return it to the City at the address shown on the form. The request for hearing form must be received or postmarked no later than **21 days** from the date of this citation. The request for hearing form **must be accompanied by** either (1) an advance deposit of the fine(s) imposed by this citation, or (2) notice that a request for an advance deposit hardship waiver form has been filed. You may obtain the request for hearing form and, if applicable, the request for an advance deposit hardship waiver from: <https://berkeleyca.gov/city-services/report-pay/administrative-citation-appeals> or by contacting the City Manager's Office, 2180 Milvia Street, 5th Floor, Berkeley, California 94704, (510) 981-7000.

ADVANCE DEPOSIT WAIVERS

If you are financially unable to make the advance deposit of the fine, you may file a request for an advance deposit hardship waiver using the advance deposit hardship waiver form **within 10 days** of the date of the citation. If you do so, you do not need to pay the advance deposit of the fine unless or until the City denies your request for a waiver. The City must issue a written determination of its reasons for granting or denying your request for a waiver and serve it upon you by first class mail. The City may grant the waiver only if you submit a sworn declaration, together with any supporting documents or materials, which demonstrates your financial inability to deposit with the City the full amount of the fine in advance of the hearing. If the City denies your request for a waiver, you must remit the deposit to the City within 10 days of the date of that decision or 30 days from the date of the citation, whichever is later. **If you fail to do so, you will not be entitled to a hearing.**

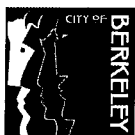
HEARING

If you timely appeal this citation, you will be notified of the time and place of your hearing at least 10 days prior to the date of the hearing. If the citing officer submits an additional written report concerning the citation to the hearing officer for consideration at the hearing, a copy of that report will be sent to you at least five days prior to the date of the hearing. The hearing will be held not less than 15 days and not more than 30 days from the date you file your request for a hearing and advance deposit or notice of request for a waiver. At the hearing, you may testify and present evidence concerning the citation. If you fail to appear at the hearing, you will forfeit the fine and be deemed to have consented to any order prohibiting further occurrence of the violation and/or to correct the violation.

MORE INFORMATION

This citation was issued under the authority of Berkeley Municipal Code (BMC) Chapter 1.28. You may review the BMC at the City Clerk's Office at 2180 Milvia Street, Berkeley, California 94704, at the Berkeley Public Library, or on the City's website at: <http://www.ci.berkeley.ca.us/bmc/>.

BMC Section Violated	Certificate of Correction (signature)	Date



CITY OF BERKELEY
ADMINISTRATIVE CITATION REMITTANCE SLIP
Citation No. 10574

Please send this copy with payment.

Name _____

Address _____ City _____ State _____ Zip Code _____

Property Address _____

Total Due: \$

Make check payable to City of Berkeley and mail to:

City of Berkeley
Finance-Treasury Division
PO Box 1910
Berkeley, CA 94701

PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 1947 Center Street, 3rd Floor, Berkeley, California 94704. On this date, I served City of Berkeley Administrative **ADMINISTRATIVE CITATION No. 10574** on:

Tsao Ying & Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Tsao Ying & Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

by the following means of service:

- ☐ By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

Description of location where posted

- ☐ By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.

- ☒ By Certified Mail, Return Receipt Requested - I mailed the notice by certified mail at the U.S. Post office, return receipt requested.

- ☐ By Hand Delivery - I personally handed the Notice of Violation to the person whose name appears above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 27, 2024** at Berkeley, California.



Christina F Franco
OS Supervisor

9589 0710 5270 2163 8296 93

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage \$	
Sent To Street and Apt. City, State, ZIP	Tsao Ying & Tikhomirov Grigory 314 S Hill Avenue Pasadena, CA 91106
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 2163 8297 09

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage \$	
Sent To Street and Apt. City, State, ZIP	Tsao Ying & Tikhomirov Grigory 65 Arden Road Berkeley, CA 94704
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 1947 Center Street, 3rd Floor, Berkeley, California 94704. On this date, I served City of Berkeley Administrative **ADMINISTRATIVE CITATION No. 10574** on:

Tsao Ying & Tikhomirov Grigory
314 S Hill Avenue
Pasadena, CA 91106

Tsao Ying & Tikhomirov Grigory
65 Arden Road
Berkeley, CA 94704

by the following means of service:

- ☐ By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

Description of location where posted

- ☒ By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.
- ☐ By Certified Mail, Return Receipt Requested - I mailed the notice by certified mail at the U.S. Post office, return receipt requested.
- ☐ By Hand Delivery - I personally handed the Notice of Violation to the person whose name appears above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 28, 2024** at Berkeley, California.



Christina F Franco
OS Supervisor

PROOF OF SERVICE

Case: **Notice of Hearing on Administrative Citation #10566/10574**

Date: November 7, 2024

I declare as follows:

I the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 2180 Milvia Street, Berkeley, California 94704. On this date, I served the following document:

Notice of Hearing on Administrative Citation #10566/10574

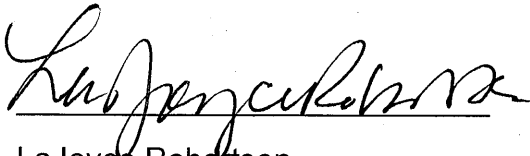
on

Tsao Ying & Grigory Tikhomirov
314 S Hill Ave
Pasadena, CA 91106

by first class mail.

I am readily familiar with the City's practice for collection and processing correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **November 7, 2024** at Berkeley, California.



LaJoyce Robertson

Administrative Assistant

RE: Citation #10574 - Message (HTML)

File Message Insert Options Format Text Review Help Acrobat Tell me what you want to do

Paste Calibri (Bo 11 A A Basic Text Address Check Attach Attach Signature Attach File Assign Follow Up High Importance Low Importance View Templates My Templates

Clipboard Basic Text Names Include Adobe Acrobat Tags

Valderas, Lester X: Automatic reply: " Thank you for your email. I will be out of the office starting October 24 and returning on November 12. If you need immediate assistanc...

To... dortsao@berkeley.edu

Cc...

Bcc... Valderas, Lester

Send

Subject RE: Citation #10574

From: Robertson, LaJoyce
Sent: Wednesday, October 16, 2024 2:52 PM
To: dortsao@berkeley.edu
Subject: Citation #10574

Hello,

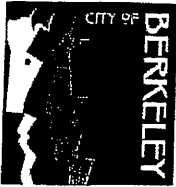
I am writing to you regarding your citation #10574 to let you aware that we are scheduling you for a hearing at our earliest convenience. We are scheduling you for Monday, November 18, 2024 from 12:00PM – 1:00PM. Please met us at 2180 Milvia St, Berkeley, CA 94704 at least 5 mins before your scheduled time. Once you arrive, please sign in and someone will greet you. You will also be receiving all paperwork regarding this citation. Since this is further out then our normal scheduling time, I wanted to provide enough time for you to plan accordingly. If you have any questions, please contact me here via email or call me at 510-981-7005. Thank you.

Kind Regards,

LaJoyce Robertson
Temp Admin for Deputy City Managers
LaTanya Bellow and Anne Cardwell

Statement in system showing payment of \$7,200.00 on 8/27/2024.

[illegible]



Office of the City Manager

CITY OF BERKELEY
REQUEST FOR HEARING ON ADMINISTRATIVE CITATION

Request must be received or postmarked no later than 21 days of the citation issue date. Send request to:

City of Berkeley
Finance Customer Service Center
1947 Center Street
Berkeley, CA 94704

Citation No.: 128675

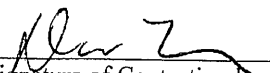
Citation Issue Date: 8/9/24

Name: Doris Tsao

Phone: 626 298 5448

I hereby request an administrative hearing to contest the administrative citation issued to me. I am
contesting this citation for the following reasons (attach separate sheet if necessary):
Please see attached

I have submitted the full amount of the citation as a required advance deposit in the amount of
\$ 7200


(Signature of Contesting Party)

Date: 8/22/2024

For City Manager's Department Use Only:

Received _____ Postmark Date _____

Appeal Approved: ☐ Hearing Scheduled
Appeal Denied: ☐ Not Timely (More than 14 days of the citation issue date)
☐ Insufficient Deposit

7/10/03

From: Doris Ying Tsao & Grigory Tikhomirov
65 Arden Road Berkeley CA
94704

To: City of Berkeley Finance Customer Service Center
1947 Center Street Berkeley CA
94704

August 21, 2024

To whom it may kindly concern:

I am writing to appeal the Berkeley Permit Citation (Invoice #12998, Customer # 128675) of \$7200 that was issued on August 8, 2024.

The citation states 24 working days @100/day/violation and cites 3 violations:

- Construction work performed without permit (30 days correction)
- Violated stop work order (immediate)
- Work concealed without inspection (30 days correction)

We had previously been issued a notice that we needed to file permits for our greenhouse, retaining wall, and bathroom additions that had been constructed without permit on July 5, 2024. That notice had given us 21 days (i.e., until July 26) to submit permits for these projects.

First, we wish to unequivocally state that **we are profoundly apologetic for constructing these structures without permit**. We sent a long and detailed email to David Lopez, Jeff Jensen, and Darell Chappell on July 9, 2024 explaining what happened and providing assurances that we would do everything to rectify the situation (enclosed). In a nutshell:

- Retaining wall: As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. We thereafter **took immediate steps to apply for the necessary permit and submitted it on Monday July 22, 2024, before the deadline imposed by the city of July 26.**
- Greenhouse: We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction. After the visit from the city on July 5, **we took**

immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to resubmit the plans and address the comments. The designer is planning to submit the files today (8.22.2024) and has been able to address most of the comments that had been previously raised.

- Bathroom: We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision. After the visit from the city on July 5, **we took immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to submit plans.** The designer informed us that the permitting process will be very complicated, as we will need to apply for a lot merger. We have commissioned the necessary land survey of our entire property (Steven Rohlf, Mountain Pacific Surveys) and the our designer believes he can submit the plans by Sept 15, 2024.

Given the above steps **which we took immediately following the visit from the city on July 5, 2024**, we were truly shocked to receive the fine of \$7200 on Aug 8:

- We note that we did immediately stop construction on July 5, and thus are confused why we were nevertheless levied \$100/day for 30 days for this.
- With respect to the other two fines (performing construction work without permit and concealing work without inspection), it seems exorbitant to fine us for both of these violations, given that the underlying cause is the first violation (construction without permit).
- Finally, since in the letter from July 5, 2024 we were given until July 26, 2024 to file the permits, the maximum fine should be \$100/day * 13 days = **\$1300**. And since we actually filed the permit for the retaining wall, we believe this should be further significantly reduced.

Most importantly, we would like to note that my husband and I **visited the permit office on Thursday July 11, 2024 and spoke to Jeff Jensen**, as we were desperate to comply with city regulations and avoid the fines threatened in the warning letter of July 5. Jeff gave valuable advice to us, encouraging us to hire a new designer right away. Thereafter, we immediately hired Sam Saleh of Altus Draft and Design. Sam got to work right away, and **reassured us that the city always grants extensions in situations like this**. The very next day after our visit with Jeff, Sam emailed David Lopez, Jeff Jensen, and Darrell Chapell, and **requested an extension (see email #1, enclosed)**. He also at the same time began a correspondence with Senior Building Plans Examiner Andrew Cockrell to seek clarification on items in our previous Greenhouse permit application (demonstrating that he was actively working on a permit application). Sam reiterated the request for an extension on July 16. **Assistant Building Official Jeff Jensen wrote back on July 16 asking "When do you expect to submit?" (see email #2, enclosed)**. Sam wrote back a detailed response explaining all the items that needed to be done (including a survey) and requesting a 60 day extension. Thereafter, he did not receive any response from Jeff. Sam sent another follow up reminder about the extension request of July 19 (see email #3, enclosed).

While it is true that we never received an explicit extension, our designer led us to believe that in such situations extensions are always granted, and **the record shows clearly that we have been doing everything possible to submit permits for the greenhouse and bathroom addition as expeditiously as possible, and we did submit the retaining wall permit within the original deadline stated in the letter on July 5.**

For all these reasons, we kindly ask the City to waive the fine. We do recognize that we made a major lapse of judgement in constructing these structures without permit, and we truly are eager to rectify the situation. We are extremely grateful to the staff in the City Permit office, including Jeff Jensen and Darrell Chappell, for their kind assistance in explaining the permitting process to us (as well as this appeals process).

We very much hope you may grant our appeal.

Sincerely yours,



Doris Tsao (626 298 5448)

Greg Tikhomirov (650-739-5189)

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road



Doris Tsao <dortsao@berkeley.edu>

65 Arden road

Doris Tsao <dortsao@berkeley.edu>

To: Dlopez@berkeley.ca.gov

Tue, Jul 9, 2024 at 5:00 PM

Cc: DChappell@berkeleyca.gov, Grigory Tikhomirov <gt3@berkeley.edu>

Dear David (cc Darrell Chappell),

We received a visit from Supervising Building Inspector Darrell Chapell of the Permit Office today (7/9/24) regarding lack of proper permits for work done on our house and yard at 65 Arden Road, Berkeley 94704. Following his recommendation, we are writing to (1) explain how we got into our current situation and (2) explain the steps we are taking to rectify the situation. In a nutshell, as new homeowners without any previous experience dealing with permitting and remodeling, we made some very stupid mistakes. We are now doing everything we can to get the proper permits in place in a timely manner. We beg for your kind understanding and hope we may receive an extension on the necessary permit applications. Supervisor Chappell told us that fines amounting to \$1000/day per violation may begin to accumulate starting next week. This would be ruinous for our family. Even though we are doing everything possible to get the permits (as detailed below), we fear it will be impossible to secure the completed drawings by next week.

How we got into current situation: We understand that we are being cited for construction of greenhouse, bathroom, retaining wall, and fences without permit.

- Retaining wall: As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. As detailed below, *we took immediate steps to apply for the necessary permit and expect to have it submitted in early August.*
- Greenhouse: We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction.
- Bathroom: We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision.
- Fence: We thought it was permissible to construct fences up to 6 feet without permit, and our fence is 6 feet measured from ground level. Inspector Chappell explained to us that the height is measured from a 3 ft radius, and because our backyard has a downward slope, the effective height is higher than 6 feet and requires a permit.

Steps moving forward: We are doing everything we can to rectify the situation:

- Retaining wall: After receiving the second visit from Inspector Lawrence on 6/19/24, we immediately contacted a structural engineer, Engin Yagmur (ECR Engineering, www.ecrengineering.com). We signed a contract with Yagmur to produce the plans for the retaining wall on 6/27/24. He promised that the whole process would take him 5 weeks, so we hope to submit the detailed plans for the retaining wall in early August. During Yagmur's initial site visit to our property, accompanied by his company's chief engineer, he commented that the retaining wall we have built is actually *significantly stronger than it needs to be* (e.g., it has two rows of rebars instead of the one row required for this height). We have been in contact with Yagmur regularly to get

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-a:r-2940964455658402776&simpl=msg-a:r-29409644556584...> 1/2

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road

updates on his progress. In his last email from this morning, he promised that he will provide an update at the end of next week. In parallel, we also have tried repeatedly to get in touch with Inspector Lawrence to update him on our progress and reassure him that we were taking all the necessary steps towards a permit application for the retaining wall (the record of our multiple phone calls to 510-981-7440 attests to this); however, he did not return any of our calls, and we learned from Supervisor Chappell today that Inspector Lawrence has been on vacation—a case of very unfortunate timing.

- Greenhouse, Bathroom, and Fence: Following today's visit from Supervisor Chappell, we asked Yagmur if his firm can also (1) draw up plans for our greenhouse and address the comments that were raised at the last round of review of our permit application so we can complete this process, and (2) draw and submit new plans for the bathroom and fence. He has kindly agreed to do so. However, since these are new projects for him, we anticipate that it may take longer to complete.

We are extremely apologetic for our stupid decisions, which result from new homeowner ignorance, and we want to do everything to rectify the situation and apply for all the needed permits. If it is possible, we would be very grateful for the opportunity to meet with you in person to explain our situation and get your advice on the best path forward. We cannot express how remorseful and embarrassed we feel and how much we want to make everything right. We hope you will take pity on us and grant us an extension so we can have the time necessary to clear up our mistakes without incurring \$1000+/day fines. We hope we have convinced you that we have a concrete plan to make all the necessary applications.

Please let us know if we can provide more information. The contact for our structural engineer is:

Engin Yagmur / ECR Engineering
Principal
T: (415) 205-3804
www.ecrengineering.com

Yours sincerely,

Doris (626 298 5448) and Greg (650 739 5189)

~~~~~  
Doris Y. Tsao, PhD  
Professor of Neuroscience  
HHMI Investigator  
UC Berkeley  
tsaolab.berkeley.edu

Email #1

8/22/24, 1:46 PM

UC Berkeley Mail - Case#24-000218, 65 Arden Rd Berkeley CA

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Doris Tsao <dortsao@berkeley.edu>

---

**Case#24-000218, 65 Arden Rd Berkeley CA**

---

Sam Saleh <sam@altusdrafting.com>

Fri, Jul 12, 2024 at 5:07 PM

To: dchappell@berkeleyca.gov

Cc: dortsao@berkeley.edu, gt3@berkeley.edu, jjensen@cityofberkeley.info

Hello Mr's Chappell and Jensen. We will be assistant the homeowners at 65 Arden Rd with plans to address the Notice of Violation for the rear bathroom and deck addition as well as the front sunroom.

We are contacting you to request an extension. As it would be very difficult to meet your current deadline of July 21st.

Also, Can you tell us if a fire rated application can be applied over the rear deck and bathroom addition to comply with the fire codes for the area?

An extension and a response to the above question would be greatly appreciated.

Thank you,

Sam Saleh  
Altus Draft & Design  
1305 Franklin Street Ste 408  
Oakland CA 94612  
P 510 506 8056

Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

----- Forwarded message -----

From: Grigory Tikhomirov <gt3@berkeley.edu>

Date: Fri, Jul 12, 2024, 4:35 PM

Subject:

To: Doris Tsao <dortsao@berkeley.edu>

---

3 attachments

Email #12

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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Doris Tsao <dortsao@berkeley.edu>

---

**Re: Case#24-000218, 65 Arden Rd Berkeley CA**

---

Sam Saleh <sam@altusdrafting.com>

Tue, Jul 16, 2024 at 11:57 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Hello Jeff, I reached out to Andrew Cockrell in Building who is out of the office, Jesse Bright just reached out to me in his place and is waiting on me to send him a set of questions. Which I will do later today.

I also reached out to Desiree Dougherty in Planning and Steve Burkhardt in Fire

It will most likely be one submittal.

The last designer has been unresponsive and the homeowners are unsure of next steps.

Per the comments a boundary survey is required and quite a few other things need to be considered regarding the feasibility of the project.

This will all take awhile. If you could grant a 60 extension this would allow time to have a discussion with the different plan checkers regarding the comments, find a surveyor to perform the survey and address everything.

The homeowners really do want to resolve this and would be very appreciative if an extension can be granted.

Best,

Sam Saleh  
Altus Draft & Design  
1305 Franklin Street Ste 408  
Oakland CA 94612  
P 510 506 8056

Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

On Tue, Jul 16, 2024, 08:21 Jensen, Jeff <JJensen@berkeleyca.gov> wrote:

Hello Sam,

Who did you speak with in plan check?

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

When do you expect to submit?

Are you planning to submit separate projects or everything as one?

**Jeff Jensen**

Assistant Building Official

Building & Safety Division

1947 Center Street 3<sup>rd</sup> Floor, Berkeley, CA 94704

Desk: 510-981-7427

[jjensen@berkeleyca.gov](mailto:jjensen@berkeleyca.gov)

**From:** Sam Saleh <[sam@altusdrafting.com](mailto:sam@altusdrafting.com)>

**Sent:** Monday, July 15, 2024 8:44 PM

**To:** Chappell, Darrell <[DChappell@berkeleyca.gov](mailto:DChappell@berkeleyca.gov)>

**Cc:** [dortsao@berkeley.edu](mailto:dortsao@berkeley.edu); [gt3@berkeley.edu](mailto:gt3@berkeley.edu); Jensen, Jeff <[JJensen@berkeleyca.gov](mailto:JJensen@berkeleyca.gov)>

**Subject:** Re: Case#24-000218, 65 Arden Rd Berkeley CA

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Darrell and Jeff, we have reached out to the plan checkers requesting clarification on a few items and hope that you guys would grant an extension to address the comments.

The homeowners are sincere in wanting to resolve this and would very much appreciate an extension of the deadline.

Best,

Sam Saleh

ALTUS Draft & Design

1305 Franklin Street Ste 408

Oakland Ca 94612

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1804763146320037816&simpl=msg-f:18047631463200378...> 2/4

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

P 510 506 8056

ALTUS Draft & Design

4136 Del Rey Ave #613

Marina Del Rey CA 90292

P 310 800 3957

On Fri, Jul 12, 2024 at 5:07 PM Sam Saleh <sam@altusdrafting.com> wrote:

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<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1804763146320037816&simpl=msg-f:1804763146320037816> 3/4

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

P 510 506 8056

Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

----- Forwarded message -----

From: Grigory Tikhomirov <gt3@berkeley.edu>  
Date: Fri, Jul 12, 2024, 4:35 PM  
Subject:  
To: Doris Tsao <dortsao@berkeley.edu>

Ymail #3

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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Doris Tsao <dortsao@berkeley.edu>

---

**Re: Case#24-000218, 65 Arden Rd Berkeley CA**

---

Sam Saleh <sam@altusdrafting.com>

Fri, Jul 19, 2024 at 9:52 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Good morning Jeff, just following up on my prior email regarding an extension. The homeowners are concerned with the deadline approaching. They are not familiar with the process and all that is involved and were counting on the designer that they were working with.

An extension would be immensely appreciated.

Best,

Sam Saleh  
ALTUS Draft & Design  
1305 Franklin Street Ste 408  
Oakland Ca 94612  
P 510 506 8056

ALTUS Draft & Design  
4136 Del Rey Ave #613  
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8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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**Jeff Jensen**

Assistant Building Official

Building & Safety Division

1947 Center Street 3<sup>rd</sup> Floor, Berkeley, CA 94704

Desk: 510-981-7427

jjensen@berkeleyca.gov

**From:** Sam Saleh <sam@altusdrafting.com>

**Sent:** Monday, July 15, 2024 8:44 PM

**To:** Chappell, Darrell <DChappell@berkeleyca.gov>

**Cc:** dortsao@berkeley.edu; gt3@berkeley.edu; Jensen, Jeff <JJensen@berkeleyca.gov>

**Subject:** Re: Case#24-000218, 65 Arden Rd Berkeley CA

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<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1805027055846247155&simpl=msg-f:18050270558462471...> 2/4

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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1305 Franklin Street Ste 408

Oakland Ca 94612

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8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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Sam Saleh  
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1305 Franklin Street Ste 408  
Oakland CA 94612  
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Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

----- Forwarded message -----

From: Grigory Tikhomirov <gt3@berkeley.edu>

Date: Fri, Jul 12, 2024, 4:35 PM

Subject:

To: Doris Tsao <dortsao@berkeley.edu>

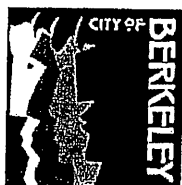
**Robertson, LaJoyce**

---

**From:** Chappell, Darrell  
**Sent:** Friday, August 30, 2024 2:23 PM  
**To:** Robertson, LaJoyce  
**Subject:** RE: Citation #10566 Tsao Ying & Tikhomirov Grigory 65 Arden Road Berkeley, CA

Internal

Yes, please rescind this citation. It was amended under citation #10574. Thank you. Have a great weekend.



*Darrell Chappell*

Supervising Building Inspector  
Building & Safety Division  
1947 Center Street 3<sup>rd</sup> Floor, Berkeley, CA 94704  
Desk: 510-981-7455  
[dchappell@berkeleyca.gov](mailto:dchappell@berkeleyca.gov)

**From:** Robertson, LaJoyce <LRobertson@berkeleyca.gov>  
**Sent:** Friday, August 30, 2024 1:54 PM  
**To:** Chappell, Darrell <DChappell@berkeleyca.gov>  
**Subject:** Citation #10566 Tsao Ying & Tikhomirov Grigory 65 Arden Road Berkeley, CA

Hello,

I just received the case for Citation #10566. Would you like to rescind this? If not, do you have all documents (evidence)? If so, please can you send them to me? Thank you in advance.

Kind Regards,

LaJoyce Robertson  
Temp Admin for Deputy City Managers  
LaTanya Bellow and Anne Cardwell

Internal



**CITY OF BERKELEY**  
**ADMINISTRATIVE CITATION**  
Citation No. 10566

**CITATION ISSUED:**

Name Tsao Ying & Tikhomirov Grigory

Address 65 Arden Road City Berkeley State CA Zip Code 94704

**VIOLATION**

Location of violation: 65 Arden Road Berkeley, CA 94704

August 8, 2024  
Date(s) of Violation(s)

11:30 a.m.  
Time

S M T W T F S  
Days of Week

| BMC Section          | Description of Violation                   | Penalty | Correction Required | Time to Correct |
|----------------------|--------------------------------------------|---------|---------------------|-----------------|
| 19.28.20             | Construction work performed without permit | \$100   | Y                   | 30 days         |
| 19.28.20             | Violated Stop Work order                   | \$100   | Y                   | immed.          |
| 19.28.20             | Work concealed without inspection          | \$100   | Y                   | 30 days         |
|                      |                                            |         |                     |                 |
| <b>Total Penalty</b> | 24 working days @ \$100/day per violation  | \$7200  |                     |                 |

**PLEASE TAKE NOTICE:** You are hereby ordered to cease the violations set forth above and to prevent their repeated occurrence. You are further hereby ordered to correct any violations identified as "correctable."

**PAYMENT:** Please see reverse for payment options.

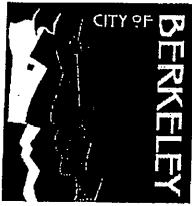
**APPEAL:** You may appeal the determination that you have violated a City ordinance, the penalty imposed, or both. See reverse for instructions on how to appeal.

**DRIVERS LICENSE and EMPLOYER INFORMATION (if applicable)**

ID no. \_\_\_\_\_ State \_\_\_\_\_ Birth Date \_\_\_\_\_  
Sex \_\_\_\_\_ Eyes \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_  
Employer \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Citing Officer Name Darrell Chappell Department Planning & Development

Citing Officer Signature *Darrell Chappell* Date 8/8/2024



Planning & Development Department  
Building & Safety Division

## **NOTICE OF ADMINISTRATIVE CITATION**

August 27, 2024

Tsao Ying and Tikhomirov Grigory  
314 S Hill Avenue  
Pasadena, CA 91106

Tsao Ying and Tikhomirov Grigory  
65 Arden Road  
Berkeley, CA 94704

### **PLEASE BE ADVISED:**

The Building and Safety Division has confirmed that as of August 27, 2024 you have failed to comply with the Warning of Administrative Citation issued on July 5, 2024 which required you to stop all construction activities and obtain required building Permit(s) for unpermitted work.

Since you have failed to comply with the requirements of the July 5, 2024 Warning of Administrative Citation, **I have issued the enclosed Administrative Citation for \$6,075 for violation of the Berkeley Municipal Code Section 19.28.20.**

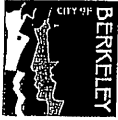
If you fail to pay the citation penalties, the total amount plus any administrative fees will be attached to your property tax as a special assessment lien.

If you have questions regarding this notice you may contact me at 510-981-7440, option 0 or [buildingandsafety@berkeleyca.gov](mailto:buildingandsafety@berkeleyca.gov)

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Chappell".

Darrell Chappell  
Supervising Building Inspector  
Building and Safety Division



**CITY OF BERKELEY**  
**ADMINISTRATIVE CITATION**  
Citation No. 10574

**CITATION ISSUED:**

Name Tsao Ying & Tikhomirov Grigory

Address 314 S Hill Avenue City Pasadena State CA Zip Code 91106  
C.C. 65 Arden Road City Berkeley State CA Zip Code 94704

**VIOLATION**

Location of violation: 65 Arden Road Berkeley, CA 94704

July 5, 2024 – July 31, 2024

Date(s) of Violation(s)

Time

S M T W T F S  
Days of Week

| BMC Section          | Description of Violation                          | Penalty | Correction Required | Time to Correct |
|----------------------|---------------------------------------------------|---------|---------------------|-----------------|
| 19.28.20             | Construction work performed without permit        | \$75    | Yes                 | 30 days         |
| 19.28.20             | Violated Stop Work order                          | \$75    | Yes                 | Now             |
| 19.28.20             | Work concealed without inspection                 | \$75    | Yes                 | 30 days         |
|                      |                                                   |         |                     |                 |
| <b>Total Penalty</b> | 27 calendar days @ \$225/day for three violations |         | \$6,075.00          |                 |

**PLEASE TAKE NOTICE:** You are hereby ordered to cease the violations set forth above and to prevent their repeated occurrence. You are further hereby ordered to correct any violations identified as "correctable."

**PAYMENT:** Please see reverse for payment options.

**APPEAL:** You may appeal the determination that you have violated a City ordinance, the penalty imposed, or both. See reverse for instructions on how to appeal.

**DRIVERS LICENSE and EMPLOYER INFORMATION (if applicable)**

ID no. \_\_\_\_\_ State \_\_\_\_\_ Birth Date \_\_\_\_\_

Sex \_\_\_\_\_ Eyes \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_

Employer \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Citing Officer Name Darrell Chappell Department Planning & Development

Citing Officer Signature

Date August 27, 2024

Planning/B & S

## CITY OF BERKELEY ADMINISTRATIVE CITATION

### PAYMENT OPTIONS

You must pay the fines imposed by this citation within 30 days of the date of this citation.

**Mail:** Finance will send you an invoice for this citation and you may pay by check once you receive it. Please list the building address associated with the citation on the memo of the check and make check payable to the City of Berkeley.

**In Person:** City of Berkeley, **Finance Customer Service Center, 1947 Center Street, 1<sup>st</sup> Floor, Berkeley, CA 94704**, Mon-Thu 8:30am-2pm; Closed on Fridays. Please bring your citation with you.

### FILING AN APPEAL

If you intend to appeal this citation, you must complete a request for hearing form and return it to the City at the address shown on the form. The request for hearing form must be received or postmarked no later than **21 days** from the date of this citation. The request for hearing form **must be accompanied by** either (1) an advance deposit of the fine(s) imposed by this citation, or (2) notice that a request for an advance deposit hardship waiver form has been filed. You may obtain the request for hearing form and, if applicable, the request for an advance deposit hardship waiver from: <https://berkeleyca.gov/city-services/report-pay/administrative-citation-appeals> or by contacting the City Manager's Office, 2180 Milvia Street, 5th Floor, Berkeley, California 94704, (510) 981-7000.

### ADVANCE DEPOSIT WAIVERS

If you are financially unable to make the advance deposit of the fine, you may file a request for an advance deposit hardship waiver using the advance deposit hardship waiver form **within 10 days** of the date of the citation. If you do so, you do not need to pay the advance deposit of the fine unless or until the City denies your request for a waiver. The City must issue a written determination of its reasons for granting or denying your request for a waiver and serve it upon you by first class mail. The City may grant the waiver only if you submit a sworn declaration, together with any supporting documents or materials, which demonstrates your financial inability to deposit with the City the full amount of the fine in advance of the hearing. If the City denies your request for a waiver, you must remit the deposit to the City within 10 days of the date of that decision or 30 days from the date of the citation, whichever is later. **If you fail to do so, you will not be entitled to a hearing.**

### HEARING

If you timely appeal this citation, you will be notified of the time and place of your hearing at least 10 days prior to the date of the hearing. If the citing officer submits an additional written report concerning the citation to the hearing officer for consideration at the hearing, a copy of that report will be sent to you at least five days prior to the date of the hearing. The hearing will be held not less than 15 days and not more than 30 days from the date you file your request for a hearing and advance deposit or notice of request for a waiver. At the hearing, you may testify and present evidence concerning the citation. If you fail to appear at the hearing, you will forfeit the fine and be deemed to have consented to any order prohibiting further occurrence of the violation and/or to correct the violation.

### MORE INFORMATION

This citation was issued under the authority of Berkeley Municipal Code (BMC) Chapter 1.28. You may review the BMC at the City Clerk's Office at 2180 Milvia Street, Berkeley, California 94704, at the Berkeley Public Library, or on the City's website at: <http://www.ci.berkeley.ca.us/bmc/>.

| BMC Section Violated | Certificate of Correction (signature) | Date |
|----------------------|---------------------------------------|------|
|                      |                                       |      |
|                      |                                       |      |
|                      |                                       |      |
|                      |                                       |      |
|                      |                                       |      |



**CITY OF BERKELEY**  
**ADMINISTRATIVE CITATION REMITTANCE SLIP**  
Citation No. 10574

Please, send this copy with payment.

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Property Address \_\_\_\_\_

Total Due: \$

Make check payable to City of Berkeley and mail to:

City of Berkeley  
Finance-Treasury Division  
PO Box 1910  
Berkeley, CA 94701

### PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 1947 Center Street, 3<sup>rd</sup> Floor, Berkeley, California 94704. On this date, I served City of Berkeley Administrative **ADMINISTRATIVE CITATION No. 10574** on:

**Tsao Ying & Tikhomirov Grigory**  
**314 S Hill Avenue**  
**Pasadena, CA 91106**

**Tsao Ying & Tikhomirov Grigory**  
**65 Arden Road**  
**Berkeley, CA 94704**

by the following means of service:

- ☐ By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

\_\_\_\_\_  
Description of location where posted

- ☐ By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.
- ☒ By Certified Mail, Return Receipt Requested - I mailed the notice by certified mail at the U.S. Post office, return receipt requested.
- ☐ By Hand Delivery - I personally handed the Notice of Violation to the person whose name appears above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 27, 2024** at Berkeley, California.

  
\_\_\_\_\_  
Christina F Franco  
OS Supervisor

9589 0710 5270 2163 8297 93

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|                                                              |    |
|--------------------------------------------------------------|----|
| Certified Mail Fee                                           |    |
| \$                                                           |    |
| Extra Services & Fees (check box, add fee as appropriate)    |    |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |
| <input type="checkbox"/> Adult Signature Required            | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postage  
\$

Total Postage  
\$

Sent To **Tsao Ying & Tikhomirov Grigory**  
314 S Hill Avenue  
Pasadena, CA 91106

Street and Apt.  
City, State, ZIP

Postmark Here

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 2163 8297 04

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|                                                              |    |
|--------------------------------------------------------------|----|
| Certified Mail Fee                                           |    |
| \$                                                           |    |
| Extra Services & Fees (check box, add fee as appropriate)    |    |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |
| <input type="checkbox"/> Adult Signature Required            | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postage  
\$

Total Postage  
\$

Sent To **Tsao Ying & Tikhomirov Grigory**  
65 Arden Road  
Berkeley, CA 94704

Street and Apt.  
City, State, ZIP

Postmark Here

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

### PROOF OF SERVICE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 1947 Center Street, 3<sup>rd</sup> Floor, Berkeley, California 94704. On this date, I served City of Berkeley Administrative **ADMINISTRATIVE CITATION No. 10574** on:

**Tsao Ying & Tikhomirov Grigory**  
**314 S Hill Avenue**  
**Pasadena, CA 91106**

**Tsao Ying & Tikhomirov Grigory**  
**65 Arden Road**  
**Berkeley, CA 94704**

by the following means of service:

- ☐ By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

\_\_\_\_\_  
Description of location where posted

- ☒ By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.
- ☐ By Certified Mail, Return Receipt Requested - I mailed the notice by certified mail at the U.S. Post office, return receipt requested.
- ☐ By Hand Delivery - I personally handed the Notice of Violation to the person whose name appears above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 28, 2024** at Berkeley, California.



\_\_\_\_\_  
Christina F Franco  
OS Supervisor

Internal



Building and Safety Division  
Planning and Development Department

July 5, 2024

Tsao Ying & Tikhomirov Grigory  
314 S Hill Ave  
Pasadena, CA 91106

Re: 65 ARDEN ROAD, BERKELEY, CA 94704

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

**WARNING OF ADMINISTRATIVE CITATION FOR FAILURE TO COMPLY WITH NOTICES OF  
VIOLATION AND ORDERS TO CORRECT DATED 5/16/24 and 6/20/24.**

Case #24-00000218

Dear Property Owner,

This letter is to reiterate that as of July 5, 2024, the property at 65 Arden Road, is in Violation of BMC 19.28.020 and California Building Code section 105.

On May 16, 2024 the City of Berkeley issued a Notice of Violation and Order to Correct for work without permit. This Notice was posted on your property and sent in the mail to your home address. You were ordered to stop all work immediately, file for and obtain a building permit within the time frames specified in the Notice of Violation. You have failed to respond in accordance with the timelines and procedures specified in the Notice of Violation.

On June 20, 2024 the City of Berkeley issued a Second Notice of Violation and Order to Correct, due to your failure to respond to the first Notice of Violation. To date you have failed to respond in accordance with the timelines and procedures specified in the first and second Notice of Violation.

The City is providing you this last opportunity to achieve compliance and avoid citations for failure to correct the violations noted in the previously issued Notices of Violation and Orders to Correct. To avoid penalties due to your non-compliance, you must do the following within the time frame established below.

1. Apply for all required permits to correct the Building Violations identified in the Notice of Violation within 21 days of this Warning.

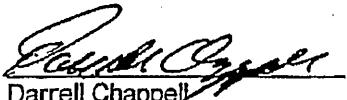
Internal

2. Fully respond to all plan review comments within 10 days of notification by the Permit Service Center.
3. Obtain all permits within 10 days of plan approval by the City.
4. Complete all work and obtain an approved final inspection within 180 days of issuance of the permit.

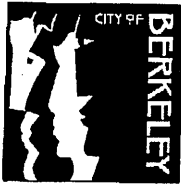
Failure to meet any of these deadlines will result in the issuance of daily administrative citations beginning at \$100 per day from the date of this letter and increasing in amount until such time that you address the violations in the Notice of Violation. Administrative penalties can be as much as \$5000 per violation, and up to \$10,000 per violation if any injury results. The City may impose a special assessment lien on your property for any unpaid citations which is collected at the same time and in the same manner as property taxes for any unpaid fines.

If you have any questions you may contact the undersigned at 510 981-7455 or by email at [dchappell@berkeleyca.gov](mailto:dchappell@berkeleyca.gov).

Sincerely,



Darrell Chappell  
Supervising Building Inspector



Planning & Development Department  
Building & Safety Division

June 20, 2024

**Second Notice and Order to Correct**

APN 055- -1862-036-00  
Case # 24-00000218

TSAO YING & TIKHOMIROV GRIGORY  
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**  
**Berkeley, California**

Dear Property Owner:

On May 15, 2024 an inspection occurred at **65 ARDEN RD**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

On May 16, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On June 20, 2024 Inspector DANNY LAWRENCE reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results**. Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

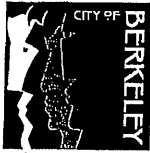
If you have any questions, please call (510) 981-7440 between 8:00AM - 4:00PM.

Sincerely,

Darrell Chappell  
Supervising Building Inspector

CC: Code Enforcement File  
Area Building Inspector

Attachment: Notice of Violation  
BSCE002.DOC



**NOTICE OF VIOLATION**  
Planning and Development Department  
Building and Safety Division

Case #: 24-218

- ☐ FIRST NOTICE  
☒ SECOND NOTICE  
☐ REVISED NOTICE  
☐ OTHER

Address 65 ARDEN RD Date 6/20/24  
Occupancy/Use R3  
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.  
Owner/Agent DORIS TSAO Phone # \_\_\_\_\_  
Mailing Address 65 ARDEN RD City BERKELEY ZIP 94704  
Person contacted at site \_\_\_\_\_ Phone # \_\_\_\_\_

**DESCRIPTION OF VIOLATION:**

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2) ☐ Expired permit (BMC 19.28.020/CBC 105.5)  
☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4) ☐ Unsafe building (BMC 19.28.020/CBC 116.1)  
☒ Work concealed without inspection (BMC 19.28.020/CBC 110.6) ☐ Other (see description below)

**VIOLATION :**

Code Section

|                                                                                        |     |               |
|----------------------------------------------------------------------------------------|-----|---------------|
| - STOP WORK ORDER VIOLATION -                                                          | BMC | 19.28.020     |
|                                                                                        | CBC | 105.1 & 105.2 |
| HOMEOwner WAS MADE AWARE OF VIOLATION ON 5/15/24 & IGNORED THE STOP WORK ORDER NOTICE. |     |               |
|                                                                                        | BMC | 19.28.020     |
| RETAINING WALL WAS COMPLETED WITHOUT A PERMIT.                                         | CBC | 110.6         |

**CORRECTIVE ACTION:** (You must comply with ALL checked boxes below)

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)  
☒ File for a Building Permit Application at Permit Service Center.  
    ☐ No plans are required, file within \_\_\_\_\_ working days.  
    ☐ Plans are required, file within 14 working days.  
    A copy of this Notice must accompany the permit application.  
☐ Respond to plan review correction letter(s) within \_\_\_\_\_ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3rd floor, Berkeley, CA 94704**  
☒ Obtain ☒ BUILDING ☐ ELECTRICAL ☐ MECHANICAL ☐ PLUMBING permit(s) within 10 days of approval notification.  
☒ Complete all work and obtain the final inspection and sign-off within 10 days of permit issuance.  
☐ Correct all violations within \_\_\_\_\_ days of this notice.  
☐ Land Use Planning approval is required. Call 510-981.7410.  
☒ You failed to comply with the notice(s) dated 5/15/2024. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.  
☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments:

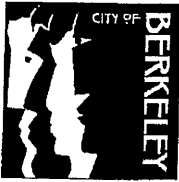
- STOP WORK ORDER VIOLATION -

Inspector Name (print) D. LAWRENCE Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature [Signature] Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD: 510.981.6903 FAX: 510.981.7450  
Email: [BuildingandSafety@CityofBerkeley.info](mailto:BuildingandSafety@CityofBerkeley.info)

Revised 3/12/19



Planning & Development Department  
Building & Safety Division

May 16, 2024

**First Notice and Order to Correct**

APN 055- -1862-036-00

Case # 24-00000218

TSAO YING & TIKHOMIROV GRIGORY  
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**  
**Berkeley, California**

Dear Property Owner:

On May 15, 2024 Inspector DANNY LAWRENCE inspected your property at **65 ARDEN RD**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on June 18, 2024.

If you do not correct the (these) violation(s) in accordance with the timelines and procedures specified in the attached notice, you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of this notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results.** Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call DANNY LAWRENCE at (510) 981-7440, between 8:00AM to 4:00PM.

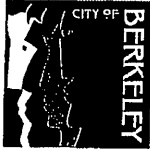
Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Chappell", written over a horizontal line.

Darrell Chappell  
Supervising Building Inspector

CC: Code Enforcement File  
Area Building Inspector

Attachment: Notice of Violation



**NOTICE OF VIOLATION**  
Planning and Development Department  
Building and Safety Division

Case #: 24-218

- ☒ FIRST NOTICE  
☐ SECOND NOTICE  
☐ REVISED NOTICE  
☐ OTHER

Address 105 ARDEN RD Date 5 / 15 / 24  
Occupancy/Use R3  
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.  
Owner/Agent DORIS TSAO Phone # \_\_\_\_\_  
Mailing Address 65 Arden Rd City Berkeley ZIP 94704  
Person contacted at site \_\_\_\_\_ Phone # \_\_\_\_\_

**DESCRIPTION OF VIOLATION:**

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)  
☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)  
☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)  
☐ Expired permit (BMC 19.28.020/CBC 105.5)  
☐ Unsafe building (BMC 19.28.020/CBC 116.1)  
☐ Other (see description below)

**VIOLATION :**

Code Section

|                           |     |               |
|---------------------------|-----|---------------|
|                           |     |               |
| WORK WITHOUT A PERMIT     | BMC | 19.28.020     |
|                           | CBC | 105.1 & 105.2 |
| STOP ALL WORK IMMEDIATELY |     |               |
|                           |     |               |
|                           |     |               |

**CORRECTIVE ACTION:**

(You must comply with ALL checked boxes below)

6/18/24

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)  
☐ File for a Building Permit Application at Permit Service Center.  
    ☐ No plans are required, file within \_\_\_\_\_ working days.  
    ☐ Plans are required, file within \_\_\_\_\_ working days.  
    A copy of this Notice must accompany the permit application.  
☐ Respond to plan review correction letter(s) within \_\_\_\_\_ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3<sup>rd</sup> floor, Berkeley, CA 94704**  
☐ Obtain \_\_\_\_\_ BUILDING \_\_\_\_\_ ELECTRICAL \_\_\_\_\_ MECHANICAL \_\_\_\_\_ PLUMBING permit(s) within \_\_\_\_\_ days of approval notification.  
☐ Complete all work and obtain the final inspection and sign-off within \_\_\_\_\_ days of permit issuance.  
☐ Correct all violations within \_\_\_\_\_ days of this notice.  
☐ Land Use Planning approval is required. **Call 510-981.7410**  
☐ You failed to comply with the notice(s) dated \_\_\_\_\_. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.  
☐ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments:

RETAINING WALL BUILT W/O A PERMIT

Inspector Name (print) D. LAWRENCE Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature [Signature] Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD: 510.981.6903 FAX: 510.981.7450  
Email: [BuildingandSafety@CityofBerkeley.info](mailto:BuildingandSafety@CityofBerkeley.info)

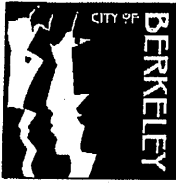
Revised 3/12/19

## Property Detail Report

For Property Located At :  
65 ARDEN RD, BERKELEY, CA 94704-1808



|                                     |                                             |                          |                                       |
|-------------------------------------|---------------------------------------------|--------------------------|---------------------------------------|
| <b>Owner Information</b>            |                                             |                          |                                       |
| Owner Name:                         | TSAO YING/TIKHOMIROV GRIGORY                |                          |                                       |
| Mailing Address:                    | 314 S HILL AVE, PASADENA CA 91106-3406 C077 |                          |                                       |
| Vesting Codes:                      | //                                          |                          |                                       |
| <b>Location Information</b>         |                                             |                          |                                       |
| Legal Description:                  | LOT 30                                      | APN:                     | 055-1862-036                          |
| County:                             | ALAMEDA, CA                                 | Alternate APN:           | 055186203600                          |
| Census Tract / Block:               | 4227.00 / 1                                 | Subdivision:             | UNIVERSITY HILL                       |
| Township-Range-Sect:                |                                             | Map Reference:           | 2-D7 /                                |
| Legal Book/Page:                    |                                             | Tract #:                 |                                       |
| Legal Lot:                          | 30                                          | School District:         | BERKELEY                              |
| Legal Block:                        |                                             | School District Name:    | BERKELEY                              |
| Market Area:                        |                                             | Munic/Township:          | BERKELEY INCORP                       |
| Neighbor Code:                      |                                             |                          |                                       |
| <b>Owner Transfer Information</b>   |                                             |                          |                                       |
| Recording/Sale Date:                | /                                           | Deed Type:               |                                       |
| Sale Price:                         |                                             | 1st Mtg Document #:      |                                       |
| Document #:                         |                                             |                          |                                       |
| <b>Last Market Sale Information</b> |                                             |                          |                                       |
| Recording/Sale Date:                | 08/06/2020 / 07/27/2020                     | 1st Mtg Amount/Type:     | \$1,540,000 / CONV                    |
| Sale Price:                         | \$2,200,000                                 | 1st Mtg Int. Rate/Type:  | 2.50 / ADJ                            |
| Sale Type:                          | FULL                                        | 1st Mtg Document #:      | 189655                                |
| Document #:                         | 189654                                      | 2nd Mtg Amount/Type:     | /                                     |
| Deed Type:                          | GRANT DEED                                  | 2nd Mtg Int. Rate/Type:  | /                                     |
| Transfer Document #:                |                                             | Price Per SqFt:          | \$896.13                              |
| New Construction:                   |                                             | Multi/Split Sale:        | MULTIPLE                              |
| Title Company:                      | CHICAGO TITLE CO                            |                          |                                       |
| Lender:                             | GUARANTEED RATE INC                         |                          |                                       |
| Seller Name:                        | FERGUSON CHARLES H                          |                          |                                       |
| <b>Prior Sale Information</b>       |                                             |                          |                                       |
| Prior Rec/Sale Date:                | 07/29/1994 /                                | Prior Lender:            | BARCLAYS AMERICAN MTG CORP            |
| Prior Sale Price:                   | \$495,000                                   | Prior 1st Mtg Amt/Type:  | \$396,000 / CONV                      |
| Prior Doc Number:                   | 265182                                      | Prior 1st Mtg Rate/Type: | / FIXED RATE LOAN                     |
| Prior Deed Type:                    | GRANT DEED                                  |                          |                                       |
| <b>Property Characteristics</b>     |                                             |                          |                                       |
| Gross Area:                         | 2,455                                       | Parking Type:            | GARAGE                                |
| Living Area:                        | 2,455                                       | Garage Area:             |                                       |
| Tot Adj Area:                       |                                             | Garage Capacity:         | 2                                     |
| Above Grade:                        |                                             | Parking Spaces:          |                                       |
| Total Rooms:                        | 13                                          | Basement Area:           | 380                                   |
| Bedrooms:                           | 5                                           | Finish Bsmnt Area:       |                                       |
| Bath(F/H):                          | 3 / 1                                       | Basement Type:           | BASEMENT                              |
| Year Built / Eff:                   | 1938 / 1946                                 | Roof Type:               |                                       |
| Fireplace:                          | Y / 3                                       | Foundation:              | RAISED                                |
| # of Stories:                       | 1.5                                         | Roof Material:           | WOOD SHAKE                            |
| Other Improvements:                 | LAUNDRY ROOM                                | Construction:            | WOOD                                  |
|                                     |                                             | Heat Type:               | FORCED AIR                            |
|                                     |                                             | Exterior wall:           | WOOD SHAKE/SHINGLE                    |
|                                     |                                             | Porch Type:              |                                       |
|                                     |                                             | Patio Type:              |                                       |
|                                     |                                             | Pool:                    |                                       |
|                                     |                                             | Air Cond:                |                                       |
|                                     |                                             | Style:                   | UNKNOWN                               |
|                                     |                                             | Quality:                 | AVERAGE                               |
|                                     |                                             | Condition:               |                                       |
| <b>Site Information</b>             |                                             |                          |                                       |
| Zoning:                             |                                             | Acres:                   | 0.17                                  |
|                                     |                                             | County Use:              | TWO, THREE OR FOUR SINGLE FAMI (2100) |
| Lot Area:                           | 7,519                                       | Lot Width/Depth:         | x                                     |
| Land Use:                           | SFR                                         | Res/Comm Units:          | 1 /                                   |
| Site Influence:                     |                                             | State Use:               |                                       |
|                                     |                                             | Water Type:              | PUBLIC                                |
|                                     |                                             | Sewer Type:              | PUBLIC SERVICE                        |
| <b>Tax Information</b>              |                                             |                          |                                       |
| Total Value:                        | \$1,664,640                                 | Assessed Year:           | 2023                                  |
| Land Value:                         | \$364,140                                   | Improved %:              | 78%                                   |
| Improvement Value:                  | \$1,300,500                                 | Tax Year:                | 2023                                  |
| Total Taxable Value:                | \$1,664,640                                 | Property Tax:            | \$26,493.40                           |
|                                     |                                             | Tax Area:                | 13000                                 |
|                                     |                                             | Tax Exemption:           |                                       |



Planning & Development Department  
Building & Safety Division

September 23, 2022

**First Notice and Order to Correct**

APN 055- -1862-036-00

Case # 22-00000621

TSAO YING & TIKHOMIROV GRIGORY  
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**  
**Berkeley, California**

Dear Property Owner:

On September 23, 2022 Inspector Jeff Jensen inspected your property at **65 ARDEN RD**.

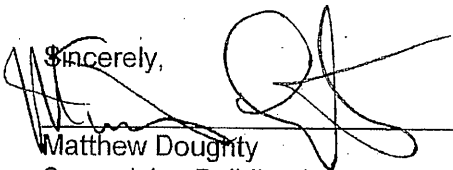
This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on October 20, 2022.

If you do not correct the (these) violation(s) in accordance with the timelines and procedures specified in the attached notice, you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of this notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results**. Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

If you have any questions, please call Jeff Jensen at (510) 981-7440, option 0 between 8:00AM to 3:30PM.

Sincerely,



Matthew Doughty

Supervising Building Inspector

CC: Code Enforcement File  
Area Building Inspector

Attachment: Notice of Violation



**NOTICE OF VIOLATION**  
Planning and Development Department  
Building and Safety Division

Case #: 22-621

- ☒ FIRST NOTICE  
☐ SECOND NOTICE  
☐ REVISED NOTICE  
☐ OTHER

Address 65 Arden Rd Date 9/23/22  
Occupancy/Use SFR  
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.  
Owner/Agent \_\_\_\_\_ Phone # \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ ZIP \_\_\_\_\_  
Person contacted at site \_\_\_\_\_ Phone # \_\_\_\_\_

**DESCRIPTION OF VIOLATION:**

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2) ☐ Expired permit (BMC 19.28.020/CBC 105.5)  
☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4) ☐ Unsafe building (BMC 19.28.020/CBC 116.1)  
☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6) ☐ Other (see description below)

**VIOLATION :**

Code Section

|                                                              |                  |
|--------------------------------------------------------------|------------------|
| <u>Building patio cover at front of house without permit</u> | <u>Bldg</u>      |
|                                                              | <u>19.28.020</u> |
|                                                              | <u>CBC 105.1</u> |
|                                                              | <u>CBC 105.2</u> |
|                                                              |                  |
|                                                              |                  |
|                                                              |                  |

**CORRECTIVE ACTION:** (You must comply with ALL checked boxes below)

10/20/2022

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)  
☒ File for a Building Permit Application at Permit Service Center.  
☐ No plans are required, file within \_\_\_\_\_ working days.  
☒ Plans are required, file within 21 working days.  
A copy of this Notice must accompany the permit application.  
☒ Respond to plan review correction letter(s) within 10 days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3<sup>rd</sup> floor, Berkeley, CA 94704**  
☒ Obtain ☒ BUILDING \_\_\_\_\_ ELECTRICAL \_\_\_\_\_ MECHANICAL \_\_\_\_\_ PLUMBING permit(s) within 10 days of approval notification.  
☐ Complete all work and obtain the final inspection and sign-off within \_\_\_\_\_ days of permit issuance.  
☐ Correct all violations within \_\_\_\_\_ days of this notice.  
☐ Land Use Planning approval is required. **Call 510-981.7410**  
☐ You failed to comply with the notice(s) dated \_\_\_\_\_. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.  
☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Inspector Name (print) Jeff Jensen Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature [Signature] Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD: 510.981.6903 FAX: 510.981.7450  
Email: [BuildingandSafety@CityofBerkeley.info](mailto:BuildingandSafety@CityofBerkeley.info)

Revised 3/12/19

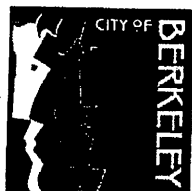
**Robertson, LaJoyce**

---

**From:** Chappell, Darrell  
**Sent:** Friday, August 30, 2024 2:23 PM  
**To:** Robertson, LaJoyce  
**Subject:** RE: Citation #10566 Tsao Ying & Tikhomirov Grigory 65 Arden Road Berkeley, CA

Internal

Yes, please rescind this citation. It was amended under citation #10574. Thank you. Have a great weekend.



*Darrell Chappell*

Supervising Building Inspector  
Building & Safety Division  
1947 Center Street 3<sup>rd</sup> Floor, Berkeley, CA 94704  
Desk: 510-981-7453  
[dchappell@berkeleyca.gov](mailto:dchappell@berkeleyca.gov)

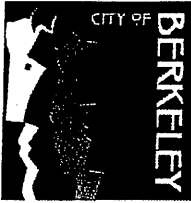
**From:** Robertson, LaJoyce <LRobertson@berkeleyca.gov>  
**Sent:** Friday, August 30, 2024 1:54 PM  
**To:** Chappell, Darrell <DChappell@berkeleyca.gov>  
**Subject:** Citation #10566 Tsao Ying & Tikhomirov Grigory 65 Arden Road Berkeley, CA

Hello,

I just received the case for Citation #10566. Would you like to rescind this? If not, do you have all documents (evidence)? If so, please can you send them to me? Thank you in advance.

Kind Regards,

LaJoyce Robertson  
Temp Admin for Deputy City Managers  
LaTanya Bellow and Anne Cardwell



Office of the City Manager

**CITY OF BERKELEY**  
**REQUEST FOR HEARING ON ADMINISTRATIVE CITATION**

Request must be received or postmarked no later than 21 days of the citation issue date. Send request to:

**City of Berkeley**  
**Finance Customer Service Center**  
**1947 Center Street**  
**Berkeley, CA 94704**

Citation No.: 10574

Citation Issue Date: 8/27/24

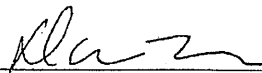
Name: Doris Tsao

Phone: 626-298-5448

I hereby request an administrative hearing to contest the administrative citation issued to me. I am contesting this citation for the following reasons (attach separate sheet if necessary):

Please see attached letter

I have submitted the full amount of the citation as a required advance deposit in the amount of \$                     N/A. We had mailed check for \$7200 for the same violation on 8/21/24 (see letter)

  
(Signature of Contesting Party)

Date: 9/20/24

**For City Manager's Department Use Only:**

Received                                      Postmark Date                                     

Appeal Approved: ☐ Hearing Scheduled  
Appeal Denied: ☐ Not Timely ( More than 14 days of the citation issue date)  
☐ Insufficient Deposit

7/10/03

From: Doris Ying Tsao & Grigory Tikhomirov  
65 Arden Road Berkeley CA  
94704

To: City of Berkeley Finance Customer Service Center  
1947 Center Street Berkeley CA  
94704

September 20, 2024

To whom it may kindly concern:

I am writing to appeal the Berkeley Permit Citation (Citation #10574) of \$6075 that was issued on August 27, 2024.

The citation states 27 working days @75/day/violation and cites 3 violations:

- Construction work performed without permit (30 days correction)
- Violated stop work order (immediate)
- Work concealed without inspection (30 days correction)

**This citation appears to be very similar to a previous citation we received, with a slightly lower fine:** On August 8, 2024, we had received a Berkeley Permit Citation (Invoice #12998, Customer # 128675) of \$7200

This citation stated 24 working days @100/day/violation and cited 3 violations:

- Construction work performed without permit (30 days correction)
- Violated stop work order (immediate)
- Work concealed without inspection (30 days correction)

**Thus we assume that the new citation (Citation #10574) is a correction of the old citation.** We had already mailed a check for the old citation with the higher fine (\$7200) on August 21, 2024 to the City of Berkeley Finance Customer Service Center. Therefore, we assume we do not have to mail a second check for \$6075, and **the City will refund us at minimum for the difference \$7200-\$6075 = \$1125.**

We also assume that our previous appeal letter (re Invoice #12998, Customer # 128675) can be transferred to the new citation (re Citation #10574).

In case our previous appeal cannot transfer, we include it again below with reference to the new citation:

#### Summary of Appeal

We had previously been issued a notice that we needed to file permits for our greenhouse, retaining wall, and bathroom additions that had been constructed without permit on July 5, 2024. That notice had given us 21 days (i.e., until July 26) to submit permits for these projects.

First, we wish to unequivocally state that **we are profoundly apologetic for constructing these structures without permit**. We sent a long and detailed email to David Lopez, Jeff Jensen, and Darell Chappell on July 9, 2024 explaining what happened and providing assurances that we would do everything to rectify the situation (enclosed). In a nutshell:

- Retaining wall: As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. We thereafter **took immediate steps to apply for the necessary permit and submitted it on Monday July 22, 2024, before the deadline imposed by the city of July 26**.
- Greenhouse: We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction. After the visit from the city on July 5, **we took immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to resubmit the plans and address the comments**. The designer submitted the files on 8.22.2024, addressing most of the comments that had been previously raised.
- Bathroom: We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision. After the visit from the city on July 5, **we took immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to submit plans**. The designer informed us that the permitting process will be very complicated, as we will need to apply for a lot merger. We have commissioned the necessary land survey of our entire property (Steven Rohlfs, Mountain Pacific Surveys) and our designer plans to submit the plans by Sept 27, 2024.

Given the above steps **which we took immediately following the visit from the city on July 5, 2024**, we were truly shocked to receive the fine of \$6075 on Aug 27:

- We note that **we did immediately stop construction on July 5**, and thus are confused why were we nevertheless levied \$75/day for 30 days for this.
- With respect to the other two fines (performing construction work without permit and concealing work without inspection), it seems exorbitant to fine us for both of these violations, given that the underlying cause is the first violation (construction without permit).

- Finally, since in the letter from July 5, 2024 **we were given until July 26, 2024 to file the permits**, the maximum fine should be \$75/day \* 13 days = **\$975**. And since we actually filed the permit for the retaining wall, we believe this should be further significantly reduced.

Most importantly, we would like to note that my husband and I **visited the permit office on Thursday July 11, 2024 and spoke to Jeff Jensen**, as we were desperate to comply with city regulations and avoid the fines threatened in the warning letter of July 5. Jeff gave valuable advice to us, encouraging us to hire a new designer right away. Thereafter, we immediately hired Sam Saleh of Altus Draft and Design. Sam got to work right away, and **reassured us that the city always grants extensions in situations like this**. The very next day after our visit with Jeff, Sam emailed David Lopez, Jeff Jensen, and Darrell Chapell, and **requested an extension (see email #1, enclosed)**. He also at the same time began a correspondence with Senior Building Plans Examiner Andrew Cockrell to seek clarification on items in our previous Greenhouse permit application (demonstrating that he was actively working on a permit application). Sam reiterated the request for an extension on July 16. **Assistant Building Official Jeff Jensen wrote back on July 16 asking "When do you expect to submit?" (see email #2, enclosed)**. Sam wrote back a detailed response explaining all the items that needed to be done (including a survey) and requesting a 60 day extension. Thereafter, he did not receive any response from Jeff. Sam sent another follow up reminder about the extension request of July 19 (see email #3, enclosed).

While it is true that we never received an explicit extension, our designer led us to believe that in such situations extensions are always granted, and **the record shows clearly that we have been doing everything possible to submit permits for the greenhouse and bathroom addition as expeditiously as possible, and we did submit the retaining wall permit before the original deadline stipulated by the City in the letter on July 5.**

For all these reasons, we kindly ask the City to waive the fine. We do recognize that we made a major lapse of judgement in constructing these structures without permit, and we truly are eager to rectify the situation. We are extremely grateful to the staff in the City Permit office, including Jeff Jensen and Darrell Chappell, for their kind assistance in explaining the permitting process to us (as well as this appeals process).

We very much hope you may grant our appeal.

Sincerely yours,

  
Doris Tsao (626 298 5448)  
Greg Tikhomirov (650-739-5189)

Email #1

8/22/24, 1:46 PM

UC Berkeley Mail - Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

---

**Case#24-000218, 65 Arden Rd Berkeley CA**

---

**Sam Saleh** <sam@altusdrafting.com>

To: dchappell@berkeleyca.gov

Fri, Jul 12, 2024 at 5:07 PM

Cc: dortsao@berkeley.edu, gt3@berkeley.edu, jjensen@cityofberkeley.info

Hello Mr's Chappell and Jensen. We will be assistant the homeowners at 65 Arden Rd with plans to address the Notice of Violation for the rear bathroom and deck addition as well as the front sunroom.

We are contacting you to request an extension. As it would be very difficult to meet your current deadline of July 21st.

Also, Can you tell us if a fire rated application can be applied over the rear deck and bathroom addition to comply with the fire codes for the area?

An extension and a response to the above question would be greatly appreciated.

Thank you,

Sam Saleh  
Altus Draft & Design  
1305 Franklin Street Ste 408  
Oakland CA 94612  
P 510 506 8056

Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

----- Forwarded message -----

From: **Grigory Tikhomirov** <gt3@berkeley.edu>

Date: Fri, Jul 12, 2024, 4:35 PM

Subject:

To: Doris Tsao <dortsao@berkeley.edu>

---

3 attachments

Email #2

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

---

**Re: Case#24-000218, 65 Arden Rd Berkeley CA**

---

Sam Saleh <sam@altusdrafting.com>

Tue, Jul 16, 2024 at 11:57 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Hello Jeff, I reached out to Andrew Cockreil in Building who is out of the office, Jesse Bright just reached out to me in his place and is waiting on me to send him a set of questions. Which I will do later today.

I also reached out to Desiree Dougherty in Planning and Steve Burkhardt in Fire

It will most likely be one submittal.

The last designer has been unresponsive and the homeowners are unsure of next steps.

Per the comments a boundary survey is required and quite a few other things need to be considered regarding the feasibility of the project.

This will all take awhile. If you could grant a 60 extension this would allow time to have a discussion with the different plan checkers regarding the comments, find a surveyor to perform the survey and address everything.

The homeowners really do want to resolve this and would be very appreciative if an extension can be granted.

Best,

Sam Saleh  
Altus Draft & Design  
1305 Franklin Street Ste 408  
Oakland CA 94612  
P 510 506 8056

Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

On Tue, Jul 16, 2024, 08:21 Jensen, Jeff <JJensen@berkeleyca.gov> wrote:

Hello Sam,

Who did you speak with in plan check?

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

When do you expect to submit?

Are you planning to submit separate projects or everything as one?

**Jeff Jensen**

Assistant Building Official

Building & Safety Division

1947 Center Street 3<sup>rd</sup> Floor, Berkeley, CA 94704

Desk: 510-981-7427

[jjensen@berkeleyca.gov](mailto:jjensen@berkeleyca.gov)

**From:** Sam Saleh <[sam@altusdrafting.com](mailto:sam@altusdrafting.com)>

**Sent:** Monday, July 15, 2024 8:44 PM

**To:** Chappell, Darrell <[DChappell@berkeleyca.gov](mailto:DChappell@berkeleyca.gov)>

**Cc:** dortsao@berkeley.edu; gt3@berkeley.edu; Jensen, Jeff <[JJensen@berkeleyca.gov](mailto:JJensen@berkeleyca.gov)>

**Subject:** Re: Case#24-000218, 65 Arden Rd Berkeley CA

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Darrell and Jeff, we have reached out to the plan checkers requesting clarification on a few items and hope that you guys would grant an extension to address the comments.

The homeowners are sincere in wanting to resolve this and would very much appreciate an extension of the deadline.

Best,

Sam Saleh

ALTUS Draft & Design

1305 Franklin Street Ste 408

Oakland Ca 94612

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1804763146320037816&simpl=msg-f:18047631463200378...> 2/4

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

P 510 506 8056

ALTUS Draft & Design

4136 Del Rey Ave #613

Marina Del Rey CA 90292

P 310 800 3957

On Fri, Jul 12, 2024 at 5:07 PM Sam Saleh <sam@altusdrafting.com> wrote:

Hello Mr's Chappell and Jensen. We will be assistant the homeowners at 65 Arden Rd with plans to address the Notice of Violation for the rear bathroom and deck addition as well as the front sunroom.

We are contacting you to request an extension. As it would be very difficult to meet your current deadline of July 21st.

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An extension and a response to the above question would be greatly appreciated.

Thank you,

Sam Saleh  
Altus Draft & Design  
1305 Franklin Street Ste 408  
Oakland CA 94612

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1804763146320037816&simpl=msg-f:18047631463200378...>

3/4

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

P 510 506 8056

Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

----- Forwarded message -----

From: Grigory Tikhomirov <gt3@berkeley.edu>

Date: Fri, Jul 12, 2024, 4:35 PM

Subject:

To: Doris Tsao <dortsao@berkeley.edu>

Email #3

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

---

**Re: Case#24-000218, 65 Arden Rd Berkeley CA**

---

Sam Saleh <sam@altusdrafting.com>

Fri, Jul 19, 2024 at 9:52 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Good morning Jeff, just following up on my prior email regarding an extension. The homeowners are concerned with the deadline approaching. They are not familiar with the process and all that is involved and were counting on the designer that they were working with.

An extension would be immensely appreciated.

Best,

Sam Saleh  
ALTUS Draft & Design  
1305 Franklin Street Ste 408  
Oakland Ca 94612  
P 510 506 8056

ALTUS Draft & Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

On Tue, Jul 16, 2024 at 11:57 AM Sam Saleh <sam@altusdrafting.com> wrote:

Hello Jeff, I reached out to Andrew Cockreil in Building who is out if the office, Jesse Bright just reached out to me in his place and is waiting on me to send him a set of questions. Which I will do later today.

I also reached out to Desiree Dougherty in Planning and Steve Burkhardt in Fire

It will most likely be one submittal.

The last designer has been unresponsive and the homeowners are unsure of next steps.

Per the comments a boundary survey is required and quite a few other things need to be considered regarding the feasibility of the project.

This will all take awhile. If you could grant a 60 extension this would allow time to have a discussion with the different plan checkers regarding the comments, find a surveyor to perform the survey and address everything.

The homeowners really do want to resolve this and would be very appreciative if an extension can be granted.

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

Best,

Sam Saleh  
Altus Draft & Design  
1305 Franklin Street Ste 408  
Oakland CA 94612  
P 510 506 8056

Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

On Tue, Jul 16, 2024, 08:21 Jensen, Jeff <JJensen@berkeleyca.gov> wrote:

Hello Sam,

Who did you speak with in plan check?

When do you expect to submit?

Are you planning to submit separate projects or everything as one?

**Jeff Jensen**

Assistant Building Official  
Building & Safety Division  
1947 Center Street 3<sup>rd</sup> Floor, Berkeley, CA 94704  
Desk: 510-981-7427  
jjensen@berkeleyca.gov

**From:** Sam Saleh <sam@altusdrafting.com>  
**Sent:** Monday, July 15, 2024 8:44 PM  
**To:** Chappell, Darrell <DChappell@berkeleyca.gov>  
**Cc:** dortsao@berkeley.edu; gt3@berkeley.edu; Jensen, Jeff <JJensen@berkeleyca.gov>  
**Subject:** Re: Case#24-000218, 65 Arden Rd Berkeley CA

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Darrell and Jeff, we have reached out to the plan checkers requesting clarification on a few items and hope that you guys would grant an extension to address the comments.

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1805027055846247155&simpl=msg-f:18050270558462471...>

2/4

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

The homeowners are sincere in wanting to resolve this and would very much appreciate an extension of the deadline.

Best,

Sam Saleh

ALTUS Draft & Design

1305 Franklin Street Ste 408

Oakland Ca 94612

P 510 506 8056

ALTUS Draft & Design

4136 Del Rey Ave #613

Marina Del Rey CA 90292

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On Fri, Jul 12, 2024 at 5:07 PM Sam Saleh <sam@altusdrafting.com> wrote:

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Also, Can you tell us if a fire rated application can be applied over the rear deck and bathroom addition to comply with the fire codes for the area?

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UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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1305 Franklin Street Ste 408  
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From: Grigory Tikhomirov <gt3@berkeley.edu>  
Date: Fri, Jul 12, 2024, 4:35 PM  
Subject:  
To: Doris Tsao <dortsao@berkeley.edu>

Email - July 9

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road



Doris Tsao <dortsao@berkeley.edu>

## 65 Arden road

Doris Tsao <dortsao@berkeley.edu>

Tue, Jul 9, 2024 at 5:00 PM

To: Dlopez@berkeley.ca.gov

Cc: DChappell@berkeleyca.gov, Grigory Tikhomirov <gt3@berkeley.edu>

Dear David (cc Darrell Chappell),

We received a visit from Supervising Building Inspector Darrell Chapell of the Permit Office today (7/9/24) regarding lack of proper permits for work done on our house and yard at 65 Arden Road, Berkeley 94704. Following his recommendation, we are writing to (1) explain how we got into our current situation and (2) explain the steps we are taking to rectify the situation. In a nutshell, as new homeowners without any previous experience dealing with permitting and remodeling, we made some very stupid mistakes. We are now doing everything we can to get the proper permits in place in a timely manner. We beg for your kind understanding and hope we may receive an extension on the necessary permit applications. Supervisor Chappell told us that fines amounting to \$1000/day per violation may begin to accumulate starting next week. This would be ruinous for our family. Even though we are doing everything possible to get the permits (as detailed below), we fear it will be impossible to secure the completed drawings by next week.

**How we got into current situation:** We understand that we are being cited for construction of greenhouse, bathroom, retaining wall, and fences without permit.

- Retaining wall: As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. As detailed below, *we took immediate steps to apply for the necessary permit and expect to have it submitted in early August.*
- Greenhouse: We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction.
- Bathroom: We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision.
- Fence: We thought it was permissible to construct fences up to 6 feet without permit, and our fence is 6 feet measured from ground level. Inspector Chappell explained to us that the height is measured from a 3 ft radius, and because our backyard has a downward slope, the effective height is higher than 6 feet and requires a permit.

**Steps moving forward:** We are doing everything we can to rectify the situation:

- Retaining wall: After receiving the second visit from Inspector Lawrence on 6/19/24, we immediately contacted a structural engineer, Engin Yagmur (ECR Engineering, [www.ecrengineering.com](http://www.ecrengineering.com)). We signed a contract with Yagmur to produce the plans for the retaining wall on 6/27/24. He promised that the whole process would take him 5 weeks, so we hope to submit the detailed plans for the retaining wall in early August. During Yagmur's initial site visit to our property, accompanied by his company's chief engineer, he commented that the retaining wall we have built is actually *significantly stronger than it needs to be* (e.g., it has two rows of rebars instead of the one row required for this height). We have been in contact with Yagmur regularly to get

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-a:r-2940964455658402776&simpl=msg-a:r-29409644556584...> 1/2

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road

updates on his progress. In his last email from this morning, he promised that he will provide an update at the end of next week. In parallel, we also have tried repeatedly to get in touch with Inspector Lawrence to update him on our progress and reassure him that we were taking all the necessary steps towards a permit application for the retaining wall (the record of our multiple phone calls to 510-981-7440 attests to this); however, he did not return any of our calls, and we learned from Supervisor Chappell today that Inspector Lawrence has been on vacation—a case of very unfortunate timing.

- Greenhouse, Bathroom, and Fence: Following today's visit from Supervisor Chappell, we asked Yagmur if his firm can also (1) draw up plans for our greenhouse and address the comments that were raised at the last round of review of our permit application so we can complete this process, and (2) draw and submit new plans for the bathroom and fence. He has kindly agreed to do so. However, since these are new projects for him, we anticipate that it may take longer to complete.

We are extremely apologetic for our stupid decisions, which result from new homeowner ignorance, and we want to do everything to rectify the situation and apply for all the needed permits. If it is possible, we would be very grateful for the opportunity to meet with you in person to explain our situation and get your advice on the best path forward. We cannot express how remorseful and embarrassed we feel and how much we want to make everything right. We hope you will take pity on us and grant us an extension so we can have the time necessary to clear up our mistakes without incurring \$1000+/day fines. We hope we have convinced you that we have a concrete plan to make all the necessary applications.

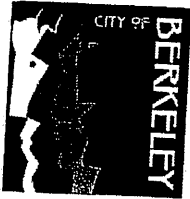
Please let us know if we can provide more information. The contact for our structural engineer is:

Engin Yagmur / ECR Engineering  
Principal  
T: (415) 205-3804  
[www.ecrengineering.com](http://www.ecrengineering.com)

Yours sincerely,

Doris (626 298 5448) and Greg (650 739 5189)

~~~~~  
Doris Y. Tsao, PhD
Professor of Neuroscience
HHMI Investigator
UC Berkeley
tsaolab.berkeley.edu



Office of the City Manager

CITY OF BERKELEY
REQUEST FOR HEARING ON ADMINISTRATIVE CITATION

Request must be received or postmarked no later than 21 days of the citation issue date. Send request to:

City of Berkeley
Finance Customer Service Center
1947 Center Street
Berkeley, CA 94704

Citation No.: 128675

Name: Doris Tsao

Citation Issue Date: 8/9/24

Phone: 626 298 5448

I hereby request an administrative hearing to contest the administrative citation issued to me. I am
contesting this citation for the following reasons (attach separate sheet if necessary):
Please see attached

I have submitted the full amount of the citation as a required advance deposit in the amount of
\$ 7200

[Signature]
(Signature of Contesting Party)

Date: 8/22/2024

For City Manager's Department Use Only:

Received _____ Postmark Date _____

Appeal Approved: ☐ Hearing Scheduled
Appeal Denied: ☐ Not Timely (More than 14 days of the citation issue date)
☐ Insufficient Deposit

7/10/03

From: Doris Ying Tsao & Grigory Tikhomirov
65 Arden Road Berkeley CA
94704

To: City of Berkeley Finance Customer Service Center
1947 Center Street Berkeley CA
94704

August 21, 2024

To whom it may kindly concern:

I am writing to appeal the Berkeley Permit Citation (Invoice #12998, Customer # 128675) of \$7200 that was issued on August 8, 2024.

The citation states 24 working days @100/day/violation and cites 3 violations:

- Construction work performed without permit (30 days correction)
- Violated stop work order (immediate)
- Work concealed without inspection (30 days correction)

We had previously been issued a notice that we needed to file permits for our greenhouse, retaining wall, and bathroom additions that had been constructed without permit on July 5, 2024. That notice had given us 21 days (i.e., until July 26) to submit permits for these projects.

First, we wish to unequivocally state that **we are profoundly apologetic for constructing these structures without permit**. We sent a long and detailed email to David Lopez, Jeff Jensen, and Darell Chappell on July 9, 2024 explaining what happened and providing assurances that we would do everything to rectify the situation (enclosed). In a nutshell:

- Retaining wall: As our backyard is heavily sloped, we constructed a retaining wall so that we could create a flat space for our children to play in (they were almost hit by the driver of an Amazon truck when playing in the street). We were incorrectly informed by an engineer whom we contacted following an initial citation by Inspector Lawrence on 5/15/24 that we could get around the requirement for permit by simply constructing a second retaining wall in front of the main one, so that the height above ground would be four feet. We followed this advice, and only learned during a second visit by Inspector Lawrence on 6/19/24 that we were misinformed, and that the height that counts is the height above the footing. We thereafter **took immediate steps to apply for the necessary permit and submitted it on Monday July 22, 2024, before the deadline imposed by the city of July 26**.
- Greenhouse: We had actually submitted an application for a permit for a greenhouse (modification of a pre-existing patio), but our architect ghosted us after our permit application was declined following several rounds of revisions. We threatened to take them to small claims court but they still did not respond. At this point, we made the stupid decision to proceed with construction. After the visit from the city on July 5, we **took**

immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to resubmit the plans and address the comments. The designer is planning to submit the files today (8.22.2024) and has been able to address most of the comments that had been previously raised.

- Bathroom: We live with my 81-year old father who needs to use the bathroom many times each night due to medical issues (he has severe diabetes and achalasia). He had to use a tiny bathroom in the hallway next to his room, and he complained constantly that it was extremely inconvenient. In addition, his non-stop use of the bathroom was causing my husband and me problems with sleeping (our room was adjacent to the small bathroom). Under these very challenging family circumstances--and knowing how long it took us to try to get the greenhouse permit without success--we decided to simply proceed with building the additional bathroom for my father. In retrospect, we realize this was a stupid decision. After the visit from the city on July 5, **we took immediate steps to hire a new designer, Sam Saleh of Altus Draft and Design, to submit plans.** The designer informed us that the permitting process will be very complicated, as we will need to apply for a lot merger. We have commissioned the necessary land survey of our entire property (Steven Rohlf, Mountain Pacific Surveys) and the our designer believes he can submit the plans by Sept 15, 2024.

Given the above steps **which we took immediately following the visit from the city on July 5, 2024**, we were truly shocked to receive the fine of \$7200 on Aug 8:

- We note that we did immediately stop construction on July 5, and thus are confused why we were nevertheless levied \$100/day for 30 days for this.
- With respect to the other two fines (performing construction work without permit and concealing work without inspection), it seems exorbitant to fine us for both of these violations, given that the underlying cause is the first violation (construction without permit).
- Finally, since in the letter from July 5, 2024 we were given until July 26, 2024 to file the permits, the maximum fine should be \$100/day * 13 days = **\$1300**. And since we actually filed the permit for the retaining wall, we believe this should be further significantly reduced.

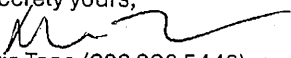
Most importantly, we would like to note that my husband and I **visited the permit office on Thursday July 11, 2024 and spoke to Jeff Jensen**, as we were desperate to comply with city regulations and avoid the fines threatened in the warning letter of July 5. Jeff gave valuable advice to us, encouraging us to hire a new designer right away. Thereafter, we immediately hired Sam Saleh of Altus Draft and Design. Sam got to work right away, and **reassured us that the city always grants extensions in situations like this**. The very next day after our visit with Jeff, Sam emailed David Lopez, Jeff Jensen, and Darrell Chapell, and **requested an extension (see email #1, enclosed)**. He also at the same time began a correspondence with Senior Building Plans Examiner Andrew Cockrell to seek clarification on items in our previous Greenhouse permit application (demonstrating that he was actively working on a permit application). Sam reiterated the request for an extension on July 16. **Assistant Building Official Jeff Jensen wrote back on July 16 asking "When do you expect to submit?" (see email #2, enclosed)**. Sam wrote back a detailed response explaining all the items that needed to be done (including a survey) and requesting a 60 day extension. Thereafter, he did not receive any response from Jeff. Sam sent another follow up reminder about the extension request of July 19 (see email #3, enclosed).

While it is true that we never received an explicit extension, our designer led us to believe that in such situations extensions are always granted, and **the record shows clearly that we have been doing everything possible to submit permits for the greenhouse and bathroom addition as expeditiously as possible, and we did submit the retaining wall permit within the original deadline stated in the letter on July 5.**

For all these reasons, we kindly ask the City to waive the fine. We do recognize that we made a major lapse of judgement in constructing these structures without permit, and we truly are eager to rectify the situation. We are extremely grateful to the staff in the City Permit office, including Jeff Jensen and Darrell Chappell, for their kind assistance in explaining the permitting process to us (as well as this appeals process).

We very much hope you may grant our appeal.

Sincerely yours,



Doris Tsao (626 298 5448)

Greg Tikhomirov (650-739-5189)

8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road



Doris Tsao <dortsao@berkeley.edu>

65 Arden road

Doris Tsao <dortsao@berkeley.edu>

Tue, Jul 9, 2024 at 5:00 PM

To: Dlopez@berkeley.ca.gov

Cc: DChappell@berkeleyca.gov, Grigory Tikhomirov <gt3@berkeley.edu>

Dear David (cc Darrell Chappell),

We received a visit from Supervising Building Inspector Darrell Chapell of the Permit Office today (7/9/24) regarding lack of proper permits for work done on our house and yard at 65 Arden Road, Berkeley 94704. Following his recommendation, we are writing to (1) explain how we got into our current situation and (2) explain the steps we are taking to rectify the situation. In a nutshell, as new homeowners without any previous experience dealing with permitting and remodeling, we made some very stupid mistakes. We are now doing everything we can to get the proper permits in place in a timely manner. We beg for your kind understanding and hope we may receive an extension on the necessary permit applications. Supervisor Chappell told us that fines amounting to \$1000/day per violation may begin to accumulate starting next week. This would be ruinous for our family. Even though we are doing everything possible to get the permits (as detailed below), we fear it will be impossible to secure the completed drawings by next week.

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8/22/24, 2:07 PM

UC Berkeley Mail - 65 Arden road

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Please let us know if we can provide more information. The contact for our structural engineer is:

Engin Yagmur / ECR Engineering
Principal
T: (415) 205-3804
www.ecrengineering.com

Yours sincerely,

Doris (626 298 5448) and Greg (650 739 5189)

~~~~~  
Doris Y. Tsao, PhD  
Professor of Neuroscience  
HHMI Investigator  
UC Berkeley  
tsaolab.berkeley.edu

Email #1

8/22/24, 1:46 PM

UC Berkeley Mail - Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

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**Case#24-000218, 65 Arden Rd Berkeley CA**

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**Sam Saleh** <sam@altusdrafting.com>

Fri, Jul 12, 2024 at 5:07 PM

To: dchappell@berkeleyca.gov

Cc: dortsao@berkeley.edu, gt3@berkeley.edu, jjensen@cityofberkeley.info

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Date: Fri, Jul 12, 2024, 4:35 PM

Subject:

To: Doris Tsao <dortsao@berkeley.edu>

---

3 attachments

Email #12

8/22/24, 1:53 PM

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Doris Tsao <dortsao@berkeley.edu>

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Sam Saleh <sam@altusdrafting.com>

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To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

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Altus Draft & Design  
1305 Franklin Street Ste 408  
Oakland CA 94612  
P 510 506 8056

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4136 Del Rey Ave #613  
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Hello Sam,

Who did you speak with in plan check?

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When do you expect to submit?

Are you planning to submit separate projects or everything as one?

**Jeff Jensen**

Assistant Building Official

Building & Safety Division

1947 Center Street 3<sup>rd</sup> Floor, Berkeley, CA 94704

Desk: 510-981-7427

[jjensen@berkeleyca.gov](mailto:jjensen@berkeleyca.gov)

**From:** Sam Saleh <[sam@altusdrafting.com](mailto:sam@altusdrafting.com)>

**Sent:** Monday, July 15, 2024 8:44 PM

**To:** Chappell, Darrell <[DChappell@berkeleyca.gov](mailto:DChappell@berkeleyca.gov)>

**Cc:** [dortsao@berkeley.edu](mailto:dortsao@berkeley.edu); [gt3@berkeley.edu](mailto:gt3@berkeley.edu); Jensen, Jeff <[JJensen@berkeleyca.gov](mailto:JJensen@berkeleyca.gov)>

**Subject:** Re: Case#24-000218, 65 Arden Rd Berkeley CA

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Darrell and Jeff, we have reached out to the plan checkers requesting clarification on a few items and hope that you guys would grant an extension to address the comments.

The homeowners are sincere in wanting to resolve this and would very much appreciate an extension of the deadline.

Best,

Sam Saleh

ALTUS Draft & Design

1305 Franklin Street Ste 408

Oakland Ca 94612

<https://mail.google.com/mail/u/0/?ik=3e8379976f&view=pt&search=all&permmsgid=msg-f:1804763146320037816&simpl=msg-f:18047631463200378...> 2/4

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

P 510 506 8056

ALTUS Draft & Design

4136 Del Rey Ave #613

Marina Del Rey CA 90292

P 310 800 3957

On Fri, Jul 12, 2024 at 5:07 PM Sam Saleh <sam@altusdrafting.com> wrote:

Hello Mr's Chappell and Jensen. We will be assistant the homeowners at 65 Arden Rd with plans to address the Notice of Violation for the rear bathroom and deck addition as well as the front sunroom.

We are contacting you to request an extension. As it would be very difficult to meet your current deadline of July 21st.

Also, Can you tell us if a fire rated application can be applied over the rear deck and bathroom addition to comply with the fire codes for the area?

An extension and a response to the above question would be greatly appreciated.

Thank you,

Sam Saleh  
Altus Draft & Design  
1305 Franklin Street Ste 408  
Oakland CA 94612

8/22/24, 1:53 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

P 510 506 8056

Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

----- Forwarded message -----

From: Grigory Tikhomirov <gt3@berkeley.edu>  
Date: Fri, Jul 12, 2024, 4:35 PM  
Subject:  
To: Doris Tsao <dortsao@berkeley.edu>

Email #3

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA



Doris Tsao <dortsao@berkeley.edu>

---

**Re: Case#24-000218, 65 Arden Rd Berkeley CA**

---

**Sam Saleh** <sam@altusdrafting.com>

Fri, Jul 19, 2024 at 9:52 AM

To: "Jensen, Jeff" <JJensen@berkeleyca.gov>

Cc: "Chappell, Darrell" <DChappell@berkeleyca.gov>, Doris Tsao <dortsao@berkeley.edu>, Grigory Tikhomirov <gt3@berkeley.edu>

Good morning Jeff, just following up on my prior email regarding an extension. The homeowners are concerned with the deadline approaching. They are not familiar with the process and all that is involved and were counting on the designer that they were working with.

An extension would be immensely appreciated.

Best,

Sam Saleh  
ALTUS Draft & Design  
1305 Franklin Street Ste 408  
Oakland Ca 94612  
P 510 506 8056

ALTUS Draft & Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

On Tue, Jul 16, 2024 at 11:57 AM Sam Saleh <sam@altusdrafting.com> wrote:

Hello Jeff, I reached out to Andrew Cockrell in Building who is out if the office, Jesse Bright just reached out to me in his place and is waiting on me to send him a set of questions. Which I will do later today.

I also reached out to Desiree Dougherty in Planning and Steve Burkhardt in Fire

It will most likely be one submittal.

The last designer has been unresponsive and the homeowners are unsure of next steps.

Per the comments a boundary survey is required and quite a few other things need to be considered regarding the feasibility of the project.

This will all take awhile. If you could grant a 60 extension this would allow time to have a discussion with the different plan checkers regarding the comments, find a surveyor to perform the survey and address everything.

The homeowners really do want to resolve this and would be very appreciative if an extension can be granted.

8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

Best,

Sam Saleh  
Altus Draft & Design  
1305 Franklin Street Ste 408  
Oakland CA 94612  
P 510 506 8056

Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

On Tue, Jul 16, 2024, 08:21 Jensen, Jeff <JJensen@berkeleyca.gov> wrote:

Hello Sam,

Who did you speak with in plan check?

When do you expect to submit?

Are you planning to submit separate projects or everything as one?

**Jeff Jensen**

Assistant Building Official  
Building & Safety Division  
1947 Center Street 3<sup>rd</sup> Floor, Berkeley, CA 94704

Desk: 510-981-7427

jjensen@berkeleyca.gov

**From:** Sam Saleh <sam@altusdrafting.com>  
**Sent:** Monday, July 15, 2024 8:44 PM  
**To:** Chappell, Darrell <DChappell@berkeleyca.gov>  
**Cc:** dortsao@berkeley.edu; gt3@berkeley.edu; Jensen, Jeff <JJensen@berkeleyca.gov>  
**Subject:** Re: Case#24-000218, 65 Arden Rd Berkeley CA

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8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

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Best,

Sam Saleh

ALTUS Draft & Design

1305 Franklin Street Ste 408

Oakland Ca 94612

P 510 506 8056

ALTUS Draft & Design

4136 Del Rey Ave #613

Marina Del Rey CA 90292

P 310 800 3957

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8/22/24, 1:49 PM

UC Berkeley Mail - Re: Case#24-000218, 65 Arden Rd Berkeley CA

An extension and a response to the above question would be greatly appreciated.

Thank you,

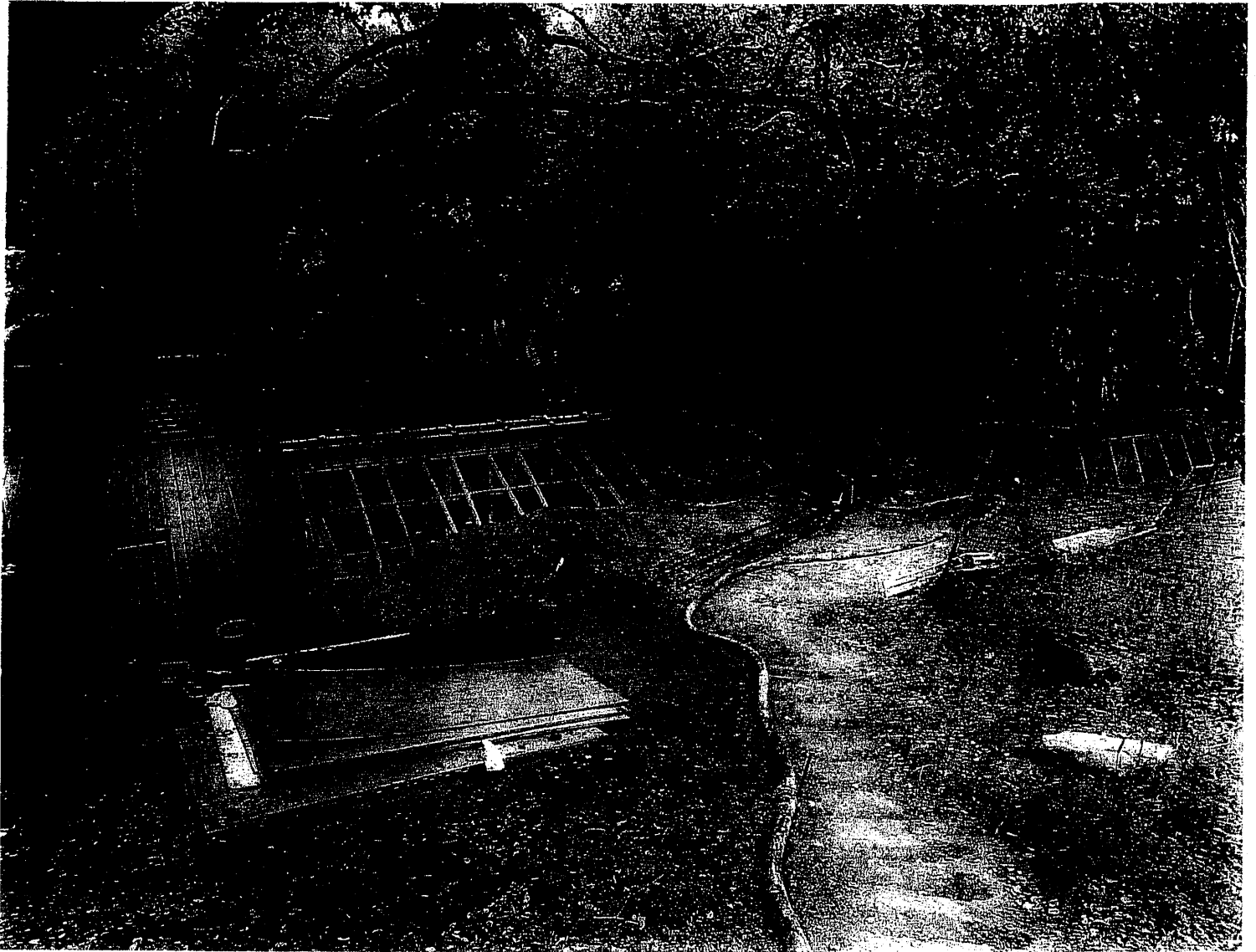
Sam Saleh  
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1305 Franklin Street Ste 408  
Oakland CA 94612  
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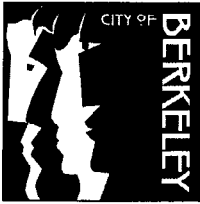
Altus Draft Design  
4136 Del Rey Ave #613  
Marina Del Rey CA 90292  
P 310 800 3957

----- Forwarded message -----

From: Grigory Tikhomirov <gt3@berkeley.edu>  
Date: Fri, Jul 12, 2024, 4:35 PM  
Subject:  
To: Doris Tsao <dortsao@berkeley.edu>







Planning & Development Department  
Building & Safety Division

May 16, 2024

**First Notice and Order to Correct**

APN 055- -1862-036-00

Case # 24-00000218

TSAO YING & TIKHOMIROV GRIGORY  
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**  
**Berkeley, California**

Dear Property Owner:

On May 15, 2024 Inspector DANNY LAWRENCE inspected your property at **65 ARDEN RD**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation. The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. A reinspection of the property, or review of the records to determine if a permit application has been submitted, will take place on June 18, 2024.

If you do not correct the (these) violation(s) in accordance with the timelines and procedures specified in the attached notice, you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of this notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results**. Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

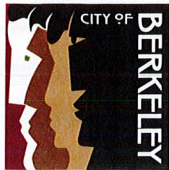
If you have any questions, please call DANNY LAWRENCE at (510) 981-7440, between 8:00AM to 4:00PM.

Sincerely,

Darrell Chappell  
Supervising Building Inspector

CC: Code Enforcement File  
Area Building Inspector

Attachment: Notice of Violation



**NOTICE OF VIOLATION**  
Planning and Development Department  
Building and Safety Division

- ☒ FIRST NOTICE  
☐ SECOND NOTICE  
☐ REVISED NOTICE  
☐ OTHER

Address 65 ARDEN RD Date 5 / 15 / 24  
Occupancy/Use R3  
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.  
Owner/Agent DORIS TSAO Phone # \_\_\_\_\_  
Mailing Address 65 Arden Rd City Berkeley ZIP 94704  
Person contacted at site \_\_\_\_\_ Phone # \_\_\_\_\_

**DESCRIPTION OF VIOLATION:**

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)  
☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)  
☐ Work concealed without inspection (BMC 19.28.020/CBC 110.6)  
☐ Expired permit (BMC 19.28.020/CBC 105.5)  
☐ Unsafe building (BMC 19.28.020/CBC 116.1)  
☐ Other (see description below)

**VIOLATION :**

**Code Section**

|                           |     |               |
|---------------------------|-----|---------------|
|                           |     |               |
| WORK WITHOUT A PERMIT     | BMC | 19.28.020     |
|                           | CBC | 105.1 & 105.2 |
| STOP ALL WORK IMMEDIATELY |     |               |
|                           |     |               |
|                           |     |               |

**CORRECTIVE ACTION:** (You must comply with ALL checked boxes below)

6/18/24

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)  
☐ File for a Building Permit Application at Permit Service Center.  
☐ No plans are required, file within \_\_\_\_\_ working days.  
☐ Plans are required, file within \_\_\_\_\_ working days.  
A copy of this Notice must accompany the permit application.  
☐ Respond to plan review correction letter(s) within \_\_\_\_\_ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3<sup>rd</sup> floor, Berkeley, CA 94704**  
☐ Obtain \_\_\_\_\_ BUILDING \_\_\_\_\_ ELECTRICAL \_\_\_\_\_ MECHANICAL \_\_\_\_\_ PLUMBING permit(s) within \_\_\_\_\_ days of approval notification.  
☐ Complete all work and obtain the final inspection and sign-off within \_\_\_\_\_ days of permit issuance.  
☐ Correct all violations within \_\_\_\_\_ days of this notice.  
☐ Land Use Planning approval is required. **Call 510-981.7410**  
☐ You failed to comply with the notice(s) dated \_\_\_\_\_. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.  
☐ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments:

RETAINING WALL BUILT W/O A PERMIT

Inspector Name (print) D. LAWRENCE Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature [Signature] Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD: 510.981.6903 FAX: 510.981.7450

Email: [BuildingandSafety@CityofBerkeley.info](mailto:BuildingandSafety@CityofBerkeley.info)

HAC PAGE 85

Revised 3/12/19

# Property Detail Report

For Property Located At :  
65 ARDEN RD, BERKELEY, CA 94704-1808



## Owner Information

Owner Name: TSAO YING/TIKHOMIROV GRIGORY  
Mailing Address: 314 S HILL AVE, PASADENA CA 91106-3406 C077  
Vesting Codes: //

## Location Information

|                       |             |                       |                 |
|-----------------------|-------------|-----------------------|-----------------|
| Legal Description:    | LOT 30      | APN:                  | 055-1862-036    |
| County:               | ALAMEDA, CA | Alternate APN:        | 055186203600    |
| Census Tract / Block: | 4227.00 / 1 | Subdivision:          | UNIVERSITY HILL |
| Township-Range-Sect:  |             | Map Reference:        | 2-D7 /          |
| Legal Book/Page:      |             | Tract #:              |                 |
| Legal Lot:            | 30          | School District:      | BERKELEY        |
| Legal Block:          |             | School District Name: | BERKELEY        |
| Market Area:          |             | Munic/Township:       | BERKELEY INCORP |
| Neighbor Code:        |             |                       |                 |

## Owner Transfer Information

|                      |   |                     |  |
|----------------------|---|---------------------|--|
| Recording/Sale Date: | / | Deed Type:          |  |
| Sale Price:          |   | 1st Mtg Document #: |  |
| Document #:          |   |                     |  |

## Last Market Sale Information

|                      |                         |                         |                    |
|----------------------|-------------------------|-------------------------|--------------------|
| Recording/Sale Date: | 08/06/2020 / 07/27/2020 | 1st Mtg Amount/Type:    | \$1,540,000 / CONV |
| Sale Price:          | \$2,200,000             | 1st Mtg Int. Rate/Type: | 2.50 / ADJ         |
| Sale Type:           | FULL                    | 1st Mtg Document #:     | 189655             |
| Document #:          | 189654                  | 2nd Mtg Amount/Type:    | /                  |
| Deed Type:           | GRANT DEED              | 2nd Mtg Int. Rate/Type: | /                  |
| Transfer Document #: |                         | Price Per SqFt:         | \$896.13           |
| New Construction:    |                         | Multi/Split Sale:       | MULTIPLE           |
| Title Company:       | CHICAGO TITLE CO        |                         |                    |
| Lender:              | GUARANTEED RATE INC     |                         |                    |
| Seller Name:         | FERGUSON CHARLES H      |                         |                    |

## Prior Sale Information

|                      |              |                          |                            |
|----------------------|--------------|--------------------------|----------------------------|
| Prior Rec/Sale Date: | 07/29/1994 / | Prior Lender:            | BARCLAYS AMERICAN MTG CORP |
| Prior Sale Price:    | \$495,000    | Prior 1st Mtg Amt/Type:  | \$396,000 / CONV           |
| Prior Doc Number:    | 265182       | Prior 1st Mtg Rate/Type: | / FIXED RATE LOAN          |
| Prior Deed Type:     | GRANT DEED   |                          |                            |

## Property Characteristics

|                     |              |                    |            |                |                    |
|---------------------|--------------|--------------------|------------|----------------|--------------------|
| Gross Area:         | 2,455        | Parking Type:      | GARAGE     | Construction:  | WOOD               |
| Living Area:        | 2,455        | Garage Area:       |            | Heat Type:     | FORCED AIR         |
| Tot Adj Area:       |              | Garage Capacity:   | 2          | Exterior wall: | WOOD SHAKE/SHINGLE |
| Above Grade:        |              | Parking Spaces:    |            | Porch Type:    |                    |
| Total Rooms:        | 13           | Basement Area:     | 380        | Patio Type:    |                    |
| Bedrooms:           | 5            | Finish Bsmnt Area: |            | Pool:          |                    |
| Bath(F/H):          | 3 / 1        | Basement Type:     | BASEMENT   | Air Cond:      |                    |
| Year Built / Eff:   | 1938 / 1946  | Roof Type:         |            | Style:         | UNKNOWN            |
| Fireplace:          | Y / 3        | Foundation:        | RAISED     | Quality:       | AVERAGE            |
| # of Stories:       | 1.5          | Roof Material:     | WOOD SHAKE | Condition:     |                    |
| Other Improvements: | LAUNDRY ROOM |                    |            |                |                    |

## Site Information

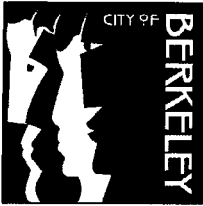
|                 |       |                  |      |             |                                       |
|-----------------|-------|------------------|------|-------------|---------------------------------------|
| Zoning:         |       | Acres:           | 0.17 | County Use: | TWO, THREE OR FOUR SINGLE FAMI (2100) |
| Lot Area:       | 7,519 | Lot Width/Depth: | x    | State Use:  |                                       |
| Land Use:       | SFR   | Res/Comm Units:  | 1 /  | Water Type: | PUBLIC                                |
| Site Influence: |       |                  |      | Sewer Type: | PUBLIC SERVICE                        |

## Tax Information

|                      |             |                |      |                |             |
|----------------------|-------------|----------------|------|----------------|-------------|
| Total Value:         | \$1,664,640 | Assessed Year: | 2023 | Property Tax:  | \$26,493.40 |
| Land Value:          | \$364,140   | Improved %:    | 78%  | Tax Area:      | 13000       |
| Improvement Value:   | \$1,300,500 | Tax Year:      | 2023 | Tax Exemption: |             |
| Total Taxable Value: | \$1,664,640 |                |      |                |             |







Planning & Development Department  
Building & Safety Division

June 20, 2024

**Second Notice and Order to Correct**

APN 055- -1862-036-00

Case # 24-00000218

TSAO YING & TIKHOMIROV GRIGORY  
314 S HILL AVE

PASADENA, CA 91106

Subject: **65 ARDEN RD**  
**Berkeley, California**

Dear Property Owner:

On May 15, 2024 an inspection occurred at **65 ARDEN RD**.

This property is in violation of Berkeley Municipal Code as indicated in the attached Notice of Violation.

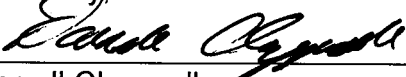
On May 16, 2024 you were sent a copy of the Notice of Violation with an order to correct the violation(s). On June 20, 2024 Inspector DANNY LAWRENCE reinspected your property. Upon reinspection, your property was still in violation of Berkeley Municipal Code as described in the attached Notice of Violation.

The violation(s) must be corrected in accordance with the timelines and procedures specified in the attached notice. If you do not correct the (these) violation(s), you may be cited for violation(s) of the Berkeley Municipal Code. **You may be cited for a separate violation for each day, beginning with the date of the notice.**

In accordance with §1.28 of the Berkeley Municipal Code, the administrative penalties for a violation can be as much as **\$5,000 per violation, and up to \$10,000 per violation if an injury results**. Penalties for second and subsequent violations may be increased. **In addition, you may be ordered to correct the violation(s) at your own expense.** Please take appropriate actions to correct the violation(s) or the City of Berkeley will have no choice but to issue you a citation for the penalties described above.

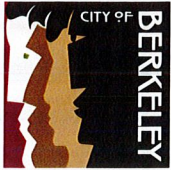
If you have any questions, please call (510) 981-7440 between 8:00AM - 4:00PM.

Sincerely,

  
\_\_\_\_\_  
Darrell Chappell  
Supervising Building Inspector

CC: Code Enforcement File  
Area Building Inspector

Attachment: Notice of Violation  
BSCE002.DOC



# NOTICE OF VIOLATION

Planning and Development Department  
Building and Safety Division

- ☐ FIRST NOTICE  
☒ SECOND NOTICE  
☐ REVISED NOTICE  
☐ OTHER

Address 65 ARDEN RD Date 6/20/24  
Occupancy/Use R3  
This information is based on site observation only. Further research may indicate that legal use is different, if so, a revised Notice of Violation will be issued.  
Owner/Agent DORIS TSAO Phone # \_\_\_\_\_  
Mailing Address 65 ARDEN RD City BERKELEY ZIP 94704  
Person contacted at site \_\_\_\_\_ Phone # \_\_\_\_\_

## DESCRIPTION OF VIOLATION:

- ☒ Work without permit (BMC 19.28.020/CBC 105.1, 105.2)  
☐ Work exceeds approved scope (BMC 19.28.020/CBC 105.4)  
☒ Work concealed without inspection (BMC 19.28.020/CBC 110.6)  
☐ Expired permit (BMC 19.28.020/CBC 105.5)  
☐ Unsafe building (BMC 19.28.020/CBC 116.1)  
☐ Other (see description below)

## VIOLATION :

## Code Section

|                                                                                        |     |               |
|----------------------------------------------------------------------------------------|-----|---------------|
| - STOP WORK ORDER VIOLATION -                                                          | BMC | 19.28.020     |
|                                                                                        | CBC | 105.1 & 105.2 |
| HOMEOWNER WAS MADE AWARE OF VIOLATION ON 5/15/24 & IGNORED THE STOP WORK ORDER NOTICE. |     |               |
|                                                                                        | BMC | 19.28.020     |
| RETAINING WALL WAS COMPLETED WITHOUT A PERMIT.                                         | CBC | 110.6         |

## CORRECTIVE ACTION: (You must comply with ALL checked boxes below)

- ☒ **STOP ALL WORK IMMEDIATELY** (When this box is checked) (BMC 19.28.020/CBC 115)  
☒ File for a Building Permit Application at Permit Service Center.  
☐ No plans are required, file within \_\_\_\_\_ working days.  
☐ Plans are required, file within 14 working days.  
A copy of this Notice must accompany the permit application.  
☐ Respond to plan review correction letter(s) within \_\_\_\_\_ days of date on correction letter(s). **Permit Service Center can be reached at: 510-981-7500 or Visit at: 1947 Center St. 3<sup>rd</sup> floor, Berkeley, CA 94704**  
☒ Obtain ☒ BUILDING ☐ ELECTRICAL ☐ MECHANICAL ☐ PLUMBING permit(s) within 10 days of approval notification.  
☒ Complete all work and obtain the final inspection and sign-off within 10 days of permit issuance.  
☐ Correct all violations within \_\_\_\_\_ days of this notice.  
☐ Land Use Planning approval is required. **Call 510-981-7410**  
☒ You failed to comply with the notice(s) dated 5/15/2024. Failure to comply immediately may subject you to citations, penalties, fines, liens and/or other legal action in accordance with State and local laws.  
☒ Investigation or other fees will apply. (BMC 19.28.020/CBC 109.4)

Additional comments: \_\_\_\_\_  
- STOP WORK ORDER VIOLATION -  
\_\_\_\_\_  
\_\_\_\_\_

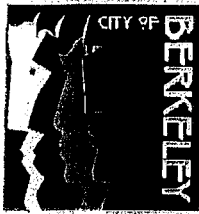
Inspector Name (print) D. LAWRENCE Office Hours: 8:00AM - 8:30AM / 3:30PM - 4:30PM

Inspector Signature \_\_\_\_\_ Phone: 510-981.7440

1947 Center St. Berkeley, Ca. 94704 Tel: 510.981.7440 TDD: 510.981.6903 FAX: 510.981.7450

Email: [BuildingandSafety@CityofBerkeley.info](mailto:BuildingandSafety@CityofBerkeley.info)

Internal



Building and Safety Division  
Planning and Development Department

July 5, 2024

Tsao Ying & Tikhomirov Grigory  
314 S Hill Ave  
Pasadena, CA 91106

**Re: 65 ARDEN ROAD, BERKELEY, CA 94704**

**VIA CERTIFIED MAIL AND FIRST CLASS MAIL**

**WARNING OF ADMINISTRATIVE CITATION FOR FAILURE TO COMPLY WITH NOTICES OF VIOLATION AND ORDERS TO CORRECT DATED 5/16/24 and 6/20/24.**

**Case #24-00000218**

Dear Property Owner,

This letter is to reiterate that as of July 5, 2024, the property at 65 Arden Road, is in Violation of BMC 19.28.020 and California Building Code section 105.

On May 16, 2024 the City of Berkeley issued a Notice of Violation and Order to Correct for work without permit. This Notice was posted on your property and sent in the mail to your home address. You were ordered to stop all work immediately, file for and obtain a building permit within the time frames specified in the Notice of Violation. You have failed to respond in accordance with the timelines and procedures specified in the Notice of Violation.

On June 20, 2024 the City of Berkeley issued a Second Notice of Violation and Order to Correct, due to your failure to respond to the first Notice of Violation. To date you have failed to respond in accordance with the timelines and procedures specified in the first and second Notice of Violation.

The City is providing you this last opportunity to achieve compliance and avoid citations for failure to correct the violations noted in the previously issued Notices of Violation and Orders to Correct. To avoid penalties due to your non-compliance, you must do the following within the time frame established below.

1. Apply for all required permits to correct the Building Violations identified in the Notice of Violation within 21 days of this Warning.

Internal

2. Fully respond to all plan review comments within 10 days of notification by the Permit Service Center.
3. Obtain all permits within 10 days of plan approval by the City.
4. Complete all work and obtain an approved final inspection within 180 days of issuance of the permit.

Failure to meet any of these deadlines will result in the issuance of daily administrative citations beginning at \$100 per day from the date of this letter and increasing in amount until such time that you address the violations in the Notice of Violation. Administrative penalties can be as much as \$5000 per violation, and up to \$10,000 per violation if any injury results. The City may impose a special assessment lien on your property for any unpaid citations which is collected at the same time and in the same manner as property taxes for any unpaid fines.

If you have any questions you may contact the undersigned at 510 981-7455 or by email at [dchappell@berkeleyca.gov](mailto:dchappell@berkeleyca.gov).

Sincerely,

  
Darrell Chappell  
Supervising Building Inspector



# UNSAFE

HAC 02/06/2025

Attachment 3

## DO NOT ENTER OR OCCUPY (THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Date JULY 9, 2024

Time 11:40 AM

STRUCTURAL RETAINING  
WALLS, RESIDENTIAL ADDITION  
AND GREENHOUSE ALL  
BUILT WITHOUT PERMITS

DEFIED STOP WORK ORDERS

This facility was inspected under emergency conditions for the City of Berkeley

ASTAL LIVE OAK CUT DOWN ILLEGALLY

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Inspector ID/Agency

D. CHAPPELL

Facility Name and Address

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BUILDING & SAFETY

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BERKELEY 94704

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HAC PAGE 93



Health Housing and  
Community Services Department  
Housing & Community Services Division

## MEMORANDUM

**To:** Housing Advisory Commission

**From:** Kat Larrowe, Community Services Specialist III

**Date:** February 6, 2025

**Subject:** **Public Hearing on the Draft 2025-2029 Consolidated Plan, including the first year Annual Action Plan, and Draft Regional Analysis of Impediments**

At the HAC's January 2025 meeting staff issued a memo and presented an overview that introduced the Consolidated Plan for your initial review. Additionally, the draft Regional Analysis of Impediments to Fair Housing and county public comment and hearing process were provided. At that meeting, you were informed that we would return in February to request your consideration and recommendation to Council on the 2025-2029 Consolidated Plan, including the FY 2026 Annual Action Plan.

Below is a recap of the Consolidated Plan, Analysis of Impediments and the HAC's role:

The City of Berkeley is an entitlement jurisdiction which receives federal Housing and Urban Development (HUD) funds. This means that Berkeley receives an annual allocation of Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME) and Emergency Solutions Grant (ESG) funds. As an entitlement jurisdiction, the City is required to prepare a Five-Year Consolidated Plan outlining how the City will spend all HUD funds.

The Consolidated Plan examines housing needs and establishes funding priorities in the areas of affordable housing and services for a wide range of low-income populations. In May 2025, Berkeley will submit the 2025-2029 Consolidated Plan to HUD. This Consolidated Plan includes the first year Annual Action Plan, detailing how the City plans to spend HUD funds in FY 2026.

Additionally, under the National Affordable Housing Act, localities which are eligible to receive federal funding from HUD are required to prepare an Analysis of Impediments to Fair Housing Choice (AI) concurrently with the Consolidated Plan for the period covered under the Consolidated Plan. Berkeley has partnered with Alameda County and a number of cities and Housing Authorities to conduct

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Draft 2025-2029 Consolidated Plan and Regional Analysis of Impediments  
February 6, 2025  
Page 2 of 2

a Regional AI. The regional working group hired TDA Consulting to complete the Regional AI.

At the February 6 meeting the HAC will consider, discuss and make a final recommendation to Council on the 2025-2029 Consolidated Plan, including the FY 2026 Annual Action Plan, and provide any comments on the Regional AI that they wish staff submit to the County.

Both the draft Consolidated Plan, including the FY 2026 Annual Action Plan, and the draft Regional AI are available for your review on the City's webpage.

Draft Consolidated Plan and Analysis of Impediments:  
<https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>

Written comments on the draft Consolidated Plan and AI may be submitted via email to Kat Larrowe [klarowe@berkeleyca.gov](mailto:klarowe@berkeleyca.gov) or in person at 2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley, CA 94704.

Housing Advisory Commission

January 29, 2025

To: Housing Advisory Commission

Submitted by: Joint Subcommittee of the Civic Arts Commission and Housing Advisory Commission on Affordable Housing for Lower Income Artists

Subject: Ordinance Amending the Municipal Code to Implement AB 812 (Chapter 747) Authorizing a Certain Percentage of Affordable Units be Reserved for Artists up to 10% of those Required Affordable Housing Units Consistent with the City of Berkeley's Affordable Housing Preference Policy

### RECOMMENDATION

At its January 22, 2025 meeting, the Civic Arts Commission unanimously approved the following recommendation:

Refer to the Planning Commission for its consideration and action a draft ordinance amending the Municipal Code to implement AB 812 (Chapter 747) authorizing a certain percentage of affordable units be reserved for lower income artists of those required affordable housing units consistent with the City of Berkeley's Affordable Housing Preference Policy.

It is recommended that the Housing Advisory Commission (HAC) approve the same recommendation to refer to the Planning Commission for its consideration and action a draft ordinance amending the Municipal Code to implement AB 812 (Chapter 747) authorizing a certain percentage of affordable units be reserved for lower income artists of those required affordable housing units consistent with the City of Berkeley's Affordable Housing Preference Policy.

The draft ordinance is provided as Attachment 1.

### FISCAL IMPACTS OF RECOMMENDATION

The ordinance implements a state law that allows local jurisdictions with inclusionary zoning to reserve for artists up to 10% of those required affordable housing units. The units reserved must be located within or within one-half mile of a state-designated cultural district or within a locally designated cultural district. The city's inclusionary zoning policy requires market-rate developers to build 20% of their units as affordable to lower-income households (Below Market Rate (BMR) units) or pay an in-lieu fee.

The fiscal impact of the recommended ordinance consists of staff time dedicated to the following activities:

- Promulgation of rules related to the requirement
- Ongoing administration of the promulgated rules

Outside of this staff time, there are no additional fiscal impacts to the City of Berkeley from adopting this ordinance.

### CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley, along with the entire Bay Area, has a severe affordable housing crisis. The impacts of this crisis are many-fold, and a key impact is the loss of a dynamic and diverse workforce, especially for those who work in the culture and arts arena. Cultural workers and artists are an important part of any community, providing entertainment, thought-provoking commentary, avenues of expression, and hubs for people to gather around to listen to music, see live theater, attend an art exhibit, or participate in a poetry slam. In cities like Berkeley, artists are important contributors to the city's economic base, generating visitors who shop, eat at local restaurants and bars, and stay at hotels. Without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

The City's Housing Element recognizes the importance of maintaining and expanding the city's artist community with Policy H- 8 (Workforce Housing): Develop Workforce Housing for low- and moderate-income households, including teachers, *artists*, and other residents who work in the City of Berkeley. In addition, the state recognized the issue as one of statewide importance with adoption of AB 812 (Chapter 747) which provides that cities with inclusionary zoning programs can set aside up to 10% of BMR units created for lower-income artists within locally designated cultural arts districts.

On December 3, 2024, the City Council considered a recommendation, reviewed by the Land Use, Housing & Economic Development Committee, from Councilmember Taplin, co-sponsored by Councilmembers Hahn and Tregub, regarding implementation of AB 812. The Council voted to defer preparing an ordinance to implement AB 812 until later in the process of developing common standards for locally designated culture districts. While the Civic Arts Commission will be working on these common standards, it is important to note that this effort can be undertaken simultaneously to consideration of an ordinance implementing AB 812. In addition, the state is not accepting applications for statewide arts district designation at this time, so the city is unable to apply until the process is opened at an undetermined time in the future.

The city has two existing locally designated cultural arts districts: The Black Arts and Culture District and the Arts District Overlay in downtown Berkeley. Community members and stakeholders are exploring a possible third local arts district in West Berkeley. Adopting an implementing ordinance sooner, rather than later, would allow lower-income artists to be eligible for BMR units built within the existing arts districts in a timely manner. Therefore, the joint subcommittee is recommending that the Civic Arts Commission and the HAC recommend that the draft ordinance be referred to the Planning Commission for its consideration.

## BACKGROUND

Members of the Civic Arts Commission made a presentation to the HAC at its July 2023 meeting regarding its desire to work with the HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. HAC and the Civic Arts Commission then formed a joint subcommittee to explore strategies and policy initiatives. The joint subcommittee anticipates completing its work by June 2025, with a series of recommendations for the Civic Arts Commission's and HAC's consideration. Preparing and recommending approval of an ordinance to implement AB 812 is the first of several recommendations to be put forth by the joint subcommittee to its respective commissions.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

## RATIONALE FOR RECOMMENDATION

When Civic Arts Commissioners presented to the HAC, their key concern was that the affordable housing crisis was adversely impacting the artist community in Berkeley by pricing practicing artists out of the city and negatively impacting the local economy and community vibrancy and creativity. According to a 2022 survey produced for the Civic Arts Commission by Creative Equity Research Partners, the 163 local artists surveyed represent a cross-section of Berkeley's most vulnerable populations, and high housing costs are placing the community's thriving cultural sector at increasing risk of displacement. Artistic professions are highly valued but poorly compensated. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual household income of \$69,000 or below, which qualified as Low Income in Alameda County. 45% were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian.

Given the unique role that artists can play in a community's character and prosperity, Berkeley, along with the State of California, recognizes that policy initiatives should be undertaken to retain and grow the artist community. Making up to 10% of BMR units within locally designated cultural districts available to lower-income artists is one way of achieving that goal.

## ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered

Attachment:

1: Draft Ordinance

ORDINANCE NO. \_\_\_\_\_

Implementation of AB 812 (Chapter 747) Authorizing a Certain Percentage of Affordable Units be Reserved for Artists up to 10% of those Required Affordable Housing Units Consistent with the City of Berkeley's Affordable Housing Preference Policy

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 23.328 is amended to read as follows:

Section 23.328.010 **Findings and Purpose.**

Section 23.328.010 is amended to add the following:

H. AB 812 (Chapter 747) authorizes a city or county that requires, as a condition of approval, that a certain percentage of units of a residential development be affordable housing, as specified, to reserve for artists up to 10% of those required affordable housing units, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district, as specified.

I. The City of Berkeley has two locally designated cultural districts. The Black Arts and Culture District was designated by the City Council on February 13, 2024 by Resolution No. 71,212–N.S. 2. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012 as part of the Downtown Area Plan.

J. According to a 2022 survey produced for Berkeley's Civic Arts Commission by Creative Equity Research Partners, the 163 local artists surveyed represent a cross-section of Berkeley's most vulnerable populations, and high housing costs are placing the community's thriving cultural sector at increasing risk of displacement. Artistic professions are highly valued but poorly compensated. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual household income of \$69,000 or below, which qualified as Low Income in Alameda County. 45% were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian.

K. In 2023, the City Council approved the City of Berkeley's 2023-2031 Housing Element Update, which included several programs to produce and preserve affordable housing for a broad population including Policy H- 8 (Workforce Housing): Develop Workforce Housing for low- and moderate-income households, including teachers, artists, and other residents who work in the City of Berkeley.

L. In 2023, the City Council approved an Affordable Housing Preference Policy for individuals who have previously been displaced from Berkeley and desire to return. Implementation of the AB 812 affordable housing set-aside for low-income artists shall be consistent with the Affordable Housing Preference Policy as it may be amended from time to time.

Section 23.328.020 **Definitions**

Section 23.328.020 is amended to add the following:

“Affordable housing” for the purposes of implementing AB 812 (Chapter 747) means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.

“Artist” for the purposes of this Chapter means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.

#### Section 23.328.030 **Affordable Housing Regulations**

Section 23.328.030 Affordable Housing Regulations is amended to add the following:

##### *A. Requirement to Construct Affordable Units.*

A. 10. Pursuant to AB 812 (Chapter 747), up to 10% of the required Affordable Units shall be reserved for Artists, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district. The percentage of Affordable Units set aside for Artists and consistency with the City’s Affordable Housing Preference Policy shall be determined by the City Manager or their designee who may promulgate additional rules and regulations consistent with the requirements of AB 812 (Chapter 747).

Section 2. The City Council intends that this Ordinance be construed as an amendment to the City’s existing affordability requirements, and that the repeal and re-enactment of any requirement shall not be construed to relieve a party of any outstanding obligation to comply with the requirements applicable to any previously approved Housing Development Project.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on \_\_\_\_\_, 20\_\_\_\_\_, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes:

Noes:

Absent:



Health, Housing & Community Services Department  
Housing & Community Services Division

## MEMORANDUM

**To:** Housing Advisory Commission

**From:** Anna Cash, Community Development Project Coordinator

**Date:** February 6, 2025

**Subject:** February Officer Elections

Housing Advisory Commission (HAC) officer elections are held each year in February. The offices established in the Commissioner Manual are Chair and Vice Chair. The term for each office is one year. An individual may serve a maximum of two consecutive terms as Chair and there are no term limits for the Vice Chair.

The Chair presides over meetings of the HAC and has additional responsibilities outside the meeting. These include:

- Drafting all Commission-approved reports and correspondence for City Council per the requirements and in a timely way, or coordinating with other Commissioners to do so;
- Approving the final version of each Commission-approved report and correspondence, signing them and submitting them to staff;
- Representing HAC at Council meetings for HAC adopted items sent to Council;
- Completing officer training;
- Meeting with staff to discuss and set the agenda each month and approving the final agenda for each meeting; and
- Receiving media requests on behalf of the HAC, subject to the restrictions explained in the Commissioner Manual.

The Chair is also responsible for managing public comment and commissioner discussion, including decorum when appropriate. The Vice Chair participates in agenda setting as well, and fills in for the Chair when the Chair is not available.

Please consult the Commissioners Manual for more information:  
<https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf>.

I am also available to answer additional questions.

Commissioners are allowed to nominate themselves or a fellow appointed commissioner. A vote will not be taken until all candidates are nominated.

**From:** [Laura K Fujii](#)  
**To:** [Berkeley Mayor's Office](#); [All Council](#); [Kesarwani, Rashi](#); [Planning Dept. Mailbox](#); [Housing Advisory Commission](#); [Katz, Mary-Claire](#); [Klein, Jordan](#); [Landmarks Preservation Commission](#)  
**Subject:** Save the Historic Art Deco Berkeley United Artists Theater!  
**Date:** Monday, January 27, 2025 7:43:04 PM

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**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Mayor, Berkeley City Council, and City Commissioners:

I am a native of Berkeley. Born and raised in the City of Berkeley. I treasure the beautiful, architecturally significant, and historical buildings found throughout Berkeley which are part of the City's heritage and unique character.

I strongly PROTEST the deliberate destruction of many of the irreplaceable iconic structures in Berkeley in the *mistaken belief* that high rise apartment buildings will solve the lack of affordable housing and reduce the increasing number of homeless on our streets.

It appears that Development Interests are dominating, and perhaps controlling, the City of Berkeley's planning process, programming, and projects. While I applaud appropriate infill and higher density housing, it is tragic that these sound urban planning principals are being used to destroy our iconic and architecturally significant historical buildings.

The Berkeley United Artist Theater is a paragon of Art Deco architecture that, if destroyed, can never be replaced. It was found eligible for the National Register of Historic Places and it is on the California Register of Historical Resources. The City of Berkeley recognizes it as an "architecturally significant" building and a "structure of merit." Its loss could be deemed a "substantial adverse change" *requiring extensive CEQA review under the law*.

The City informed the developer in January 2024 that the project should undergo CEQA review. Furthermore, the City's Downtown Area Plan, which is still in effect, calls for the "retention" and "support" of downtown cinemas. Instead, the City has allowed the beloved Shattuck Cinemas to be demolished, and the art deco California Theater now has final approval to be razed. The Berkeley United Artist Theater is the last of the downtown theaters that could be saved. It is the most historically and architecturally valuable of the three—its art should be preserved!

To grant the developer an exemption to CEQA now, raises significant questions regarding the integrity, honesty, and ethics of our Planning Department and City Government. As stated above, it appears that development interests are controlling our City planning process, programming, and projects, at the negative expense of Berkeley Citizens and the community.

The public deserves transparency. An exemption to CEQA would deny the public a chance to learn about the historic and cultural resources that stand to be lost if the Berkeley United Artist Theater is demolished. This theater and the citizens and community deserve a public CEQA report and further expert evaluation of the development proposal.

I urge you to SAVE the historic art deco of the Berkeley United Artists Theater. I urge you to seriously consider ways to retrofit the existing theater building in such a way as to save and incorporate the beautiful existing Art Deco exteriors and interiors while also providing for

new residential apartments. I am sure the apartment residents would appreciate being surrounded by the beautiful historical art deco designs.

Sincerely,

Laura Fujii  
Albina Avenue  
Berkeley, CA. 94706

Cc: City of Berkeley Design Review Committee, Housing Advisory Commission, Planning Commission